

August 5, 2021

Subject Property:

250 Marina Way

Common Property of Strata Plan KAS2971

Application:

Development Variance Permit PL2021-9030

The applicant is proposing to increase the height of an existing fence along Vancouver Avenue to provide additional security on the property. They are proposing to install an anti-climb top onto the existing fence. In order to do so, the following variance to Zoning Bylaw 2021-01 has been applied for:

- Section 5.4.1.1: To increase the maximum permitted fence height on a property from 1.8m (6ft.) to 2.5m (8ft.).

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9030 on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, August 17, 2021** at the Penticton Trade & Convention Centre, 273 Power Street, Penticton, B.C.

All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed Development Variance Permit, may submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, August 17, 2021** to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca



No letter, report or representation from the public will be received by Council after the conclusion of the August 17, 2021 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning Manager

Date: August 17, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 250 Marina Way
Subject: Development Variance Permit PL2021-9030

File No: RMS/250 Marina Way

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9030" for Common Property Strata Plan KAS2971, located at 250 Marina Way, a permit to vary Section 5.4.1.1 of Zoning Bylaw 2021-01, to increase the maximum permitted fence height on a property from 1.8m (6ft.) to 2.5m (8ft.);

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9030".

Strategic Priority Objective

Community Safety: The City of Penticton will support a safe, secure and healthy community.

Proposal

The applicant is proposing to increase the height of an existing fence along Vancouver Avenue. The subject property is located at 250 Marina Way and has a 1.8m (6 ft.) high fence existing. In order to provide additional security on the property, the applicants are proposing to install an anti-climb fence topper onto the existing fence. In order to do so, a variance to the maximum height of a fence is required.

Background

The subject property is located at 250 Marina Way, and has access onto Marina Way, Abbott Street and Vancouver Avenue (Figure 1). The development was constructed in 2005, providing a mixed-use development on the large 0.93-acre property. The property is currently zoned C9 (Marina Way Commercial) and is designated as Downtown Mixed-Use by the Official Community Plan (OCP).



Figure 1 - Subject Property Location

The surrounding neighbourhood is made up of a variety of zones, including mixed-use, single family residential, multi-family residential and commercial. The property is located in a high amenity area, with beachfront access directly north across Marina Way.

The applicant has described challenges with unwelcome visitors and theft occurring on the private common property, with trespassers accessing the site over the current fence along Vancouver Avenue (Attachment 'D'). The complex has already completed other security improvements recently including anti-tampering hardware on gates and doors.

Technical Review

The application was reviewed by the Technical Planning Committee (TPC). No concerns with the proposal were raised by the Committee.

Analysis

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 5.4 of Zoning Bylaw 2021-01 outlines the various permitted fence heights in Penticton:

Maximum Fence Height	Location on the Property
1.2m (4ft.)	Within the front yard setback
1.8m (6ft.)	Behind the front yard setback Within the side or rear yard setback
2.4m (8ft.)	If situated adjacent to a controlled access highway Within an agricultural or industrial zone

Staff have reviewed the application and are recommending support for the following reasons:

1. The purpose for the request is to provide increased security for the residents and their property.

The applicants are requesting the additional fence height primarily for the purposes of added security. As described within the letter of intent, the property has experienced an increase number of unwelcomed visitors entering the property by going over the current 6ft. high fence. In an effort to detract this from occurring, the applicant is proposing to add a fence topper that is designed for anti-climbing.

2. The proposed additional height to the fence will be transparent.

The applicants have provided an example of an anti-climb fence topper with their application (Figure 2). The topper would be transparent, which will maintain sightlines from public to private space. The purpose of the topper is to deter trespassing and make climbing over more difficult. This is anticipated to also reduce attempts of theft and property damage on the property, as well as the improve safety of the current residents and others attending the property.

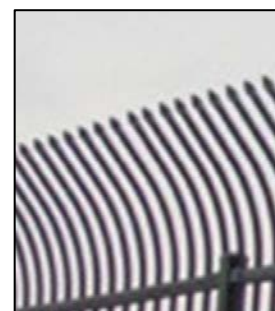


Figure 2 – Example of Anti-Climb Fence Topper

3. The proposed increase in fence height is considered minor in nature.

No negative impacts are anticipated from the proposed height increase on neighbouring properties in the area. The location of fencing where the toppers would be added fronts directly onto Vancouver Avenue, and is not directly adjacent to a neighbouring property.

Staff consider the requested variance and proposed increased fence height is reasonable in this instance. As such, staff recommend that Council approve “Development Variance Permit PL2021-9030” and direct staff to issue the permit.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Draft Development Variance Permit PL2021-9030

Respectfully submitted,

Nicole Capewell
Planner II

Concurrence

Director of Development Services <i>BL</i>	Chief Administrative Officer
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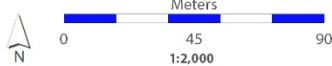
Attachment A – Zoning Map



250 Marina Way Zoning Map



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Friday, June 25, 2021
10:22:31 AM

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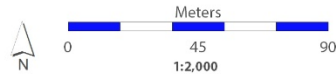


250 Marina Way

Official Community Plan Map



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Attachment C – Photos of Property

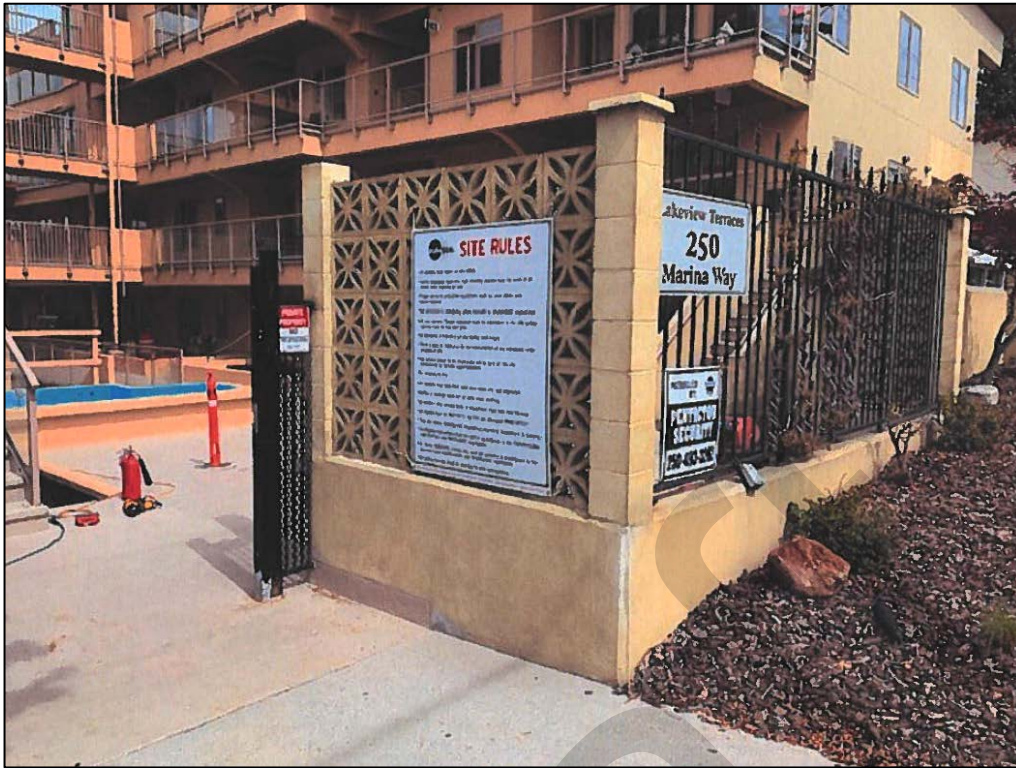


Photo of Location of Proposed Anti-Climb Toppers



Photo of Location of Proposed Anti-Climb Toppers

Attachment D – Letter of Intent



June 28, 2021

City of Penticton
171 Main Street, Penticton, BC

To City Council members,

Subject: Variance – Height of back fence Vancouver Avenue

At the request of Strata Plan KAS 2971, WSP is writing this letter of intent to explain why a variance is requested to install “anti-climb” rails on top of the block wall fence along Vancouver Avenue at the Lakeview Terraces complex located at 250 Marina Way in Penticton, BC.

The residential property has had numerous issues with unwelcomed visitors and thieves accessing their private common property. To increase security, the Strata would like to install anti-climb rails on top of the block wall facing Vancouver Avenue. The block wall currently varies in height, but is approximately 6 feet. The anti-climb rails would increase the height of the back wall by approximately 2 feet.

The complex has increased security by installing anti-tampering hardware on gates and doors, but additional measures are required as thieves have continued to access the private common strata property.

We have provided floor plans showing where the “anti-climb” rails would be installed and photos showing what these would look like as well as photos of what current conditions are.

I want to thank the city for their understanding and the time it spent reviewing this issue.

Should anyone have any technical questions, feel free to email me at Guillaume.Vadeboncoeur@wsp.com.

Yours sincerely,

Guillaume Vadeboncoeur, P.Eng LEED AP

Senior Manager, Building Science Division



Development Variance Permit

Permit Number: DVP PL2021-9030

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: KAS2971
 - Civic: 250 Marina Way
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of a fence, as shown in the plans attached in Schedule 'A':
 - a. Section 5.4.1.1: to increase the maximum permitted fence height on a property from 1.8m to 2.5m.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of _____, 2021.

Issued this ____ day of _____, 2021.

Angela Collison
Corporate Officer

DVP PL2021-9030
DRAFT



Vancouver Avenue

Marina Way

Location of anti-climb
rails to prevent theft
and improve security

Abbott Street

REPRODUCED FROM M.J. COADY ARCHITECT INC.
DRAWING NO. A4 - DATED JAN 14, 2005 BP ISSUE

PROJECT:
LAKEVIEW TERRACE
250 MARINA WAY, PENTICTON, BC
Strata Plan KAS2971 c/o Okanagan Strata Management Ltd.

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