

March 22, 2018

Subject Properties:

130 Wyles Crescent

Lot 3, District Lot 115, Similkameen Division Yale District Plan 4461 Except Plans 34401, 34743, KAP44192 and KAP 46609

120 Wyles Crescent

Lot C, District Lot 115, Similkameen Division Yale District, Plan KAP46609

Application:

Development Variance Permit PL2018-8162

The owner of 130 and 120 Wyles Crescent wishes to increase the height of the fencing along the perimeter of the properties and has requested the following variances to Zoning Bylaw 2017-08:

- Section 5.6.1.2 to increase the maximum height of a fence in the front yard from 1.2m to 1.8m
- Section 5.6.1.1 to increase the maximum height of a fence from 1.8 to 2.4m

Information:

The staff report to Council and Development Variance Permit PL2018-8162 will be available for public inspection from **Friday, March 23, 2018 to Tuesday, April 3, 2018** at the following locations during hours of operation:

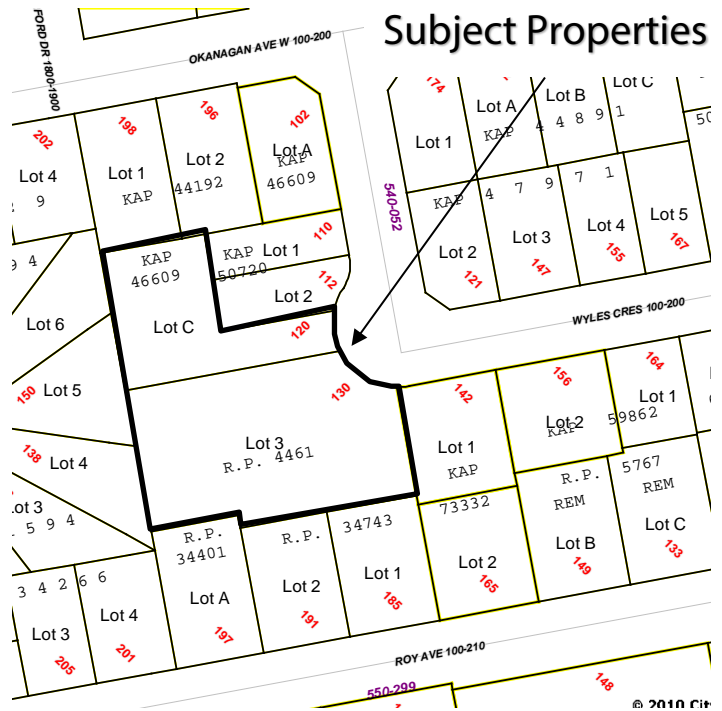
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, April 3, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.



Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, April 3, 2018** to:

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

No letter, report or representation from the public will be received by Council after the conclusion of the April 3, 2018 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.

Blake Laven, RPP, MCIP
Manager of Planning



Council Report

penticton.ca

Date: April 3, 2018
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Property: 120 & 130 Wyles Crescent
Subject: Development Variance Permit 2018-8162

File No: PRJ2018-022

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8162", a permit to increase the permitted height of a fence from a maximum height of 1.2m in a front yard and 1.8m elsewhere to a maximum height of 1.8m in a front yard and 2.4m elsewhere for Lot3, District Lot 115, Similkameen Division Yale District, Plan 4461, Except Plans 34401, 34743, KAP44192 and KAP46609 (130 Wyles Crescent) and Lot C, District Lot 115, Similkameen Division Yale District, Plan KAP46609 (120 Wyles Crescent);

AND THAT staff are directed to issue "Development Variance Permit PL2018-8162".

Background

The subject properties are two large single family lots located on Wyles Crescent, a short road connecting Atkinson Street with Okanagan Avenue. The two lots are located right at the *elbow* of the street, where the street bends towards Okanagan Avenue. Both of the houses on the lots are set far back on their respective properties, with 120 Wyles being a larger lot in comparison to others in the area and 130 Wyles being a panhandle lot.

The owner of the two lots has experienced occasions of theft from the properties and wishes to increase the height of the fencing along the perimeter of the property. The maximum height a fence is allowed in the R1 zone is 1.2m (4 feet) in a front yard and 1.8m (6 feet) elsewhere on the lot. The owner is requesting a variance to the bylaw to increase the permitted maximum height.

Proposal

The applicant is proposing the following variances to Zoning Bylaw 2017-08:

Section 5.6.1.2 to increase the maximum height of a fence in the front yard from 1.2m to 1.8m

Section 5.6.1.1 to increase the maximum height of a fence from 1.8 to 2.4m

Financial implication

N/A

Technical Review

The application was referred to the City's Technical Planning Committee. No issues were identified. Permits are not required for fences.

Analysis

Approve

When considering a variance to a City bylaw, staff encourages Council to consider whether there is a significant site constraint that exists on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties, or if the variance request is reasonable.

As stated above, the maximum height for a fence in a front yard is 1.2m and 1.8m for everywhere else on a lot. The reasons for these maximum heights are so that residential properties are not *cut-off* from each other. In the front yard, a lower fence is favoured, as a front yard is intended to contribute to the public realm. The lower fence allows for clear lines of sight to a front door and creates a welcoming neighbourhood. Higher fences and hedges close properties off from each other and the public realm and communicates a less welcoming and safe neighbourhood.

With a typical lot, the front yard is generally not very deep and taller fencing for the rest of the yard can be installed for security of the backyard area. A maximum height of 1.8m for all other areas on a lot in a residential area is established as the fence is then tall enough to provide privacy and security, but low enough as to not create concerns over safety and too much shading. In the agricultural and industrial zones, taller fences are allowed for deer control and increased security as the neighbourhood *feel* is not as important.

With the case of these two lots, the position of the house being set all the way back on the lot does not give the opportunity for a secure back yard, like on a typical lot. Also with the relatively short frontage, with the lots being located on the *elbow* of the street and with 120 Wyles being a panhandle, the impact of a taller fence, is not as noticeable. Staff do wish to ensure that if a larger fence is to be installed, that the fence is of a high quality and permeable so as natural surveillance into the lot is achievable meeting the objective of a lower fence, but providing the increased security desired by the property owner.

Given the above, staff recommend that the variance be supported with the condition that any fencing higher than 1.2m along the driveway be of a visually transparent material.

Deny or Refer

Council may feel that the variance is not justified and that the fence should be built in accordance with the zoning bylaw requirement. Alternatively, Council may wish to approve the heights but have more conditions around the fencing material.

Alternate recommendations

THAT Council deny “DVP PL2018-8162”.

THAT “DVP PL 2018-8162” be referred back to staff.

Attachments

Attachment A – Subject property location map

Attachment B – Images of subject property

Attachment C – Letter of intent from applicant

Attachment D – Draft DVP

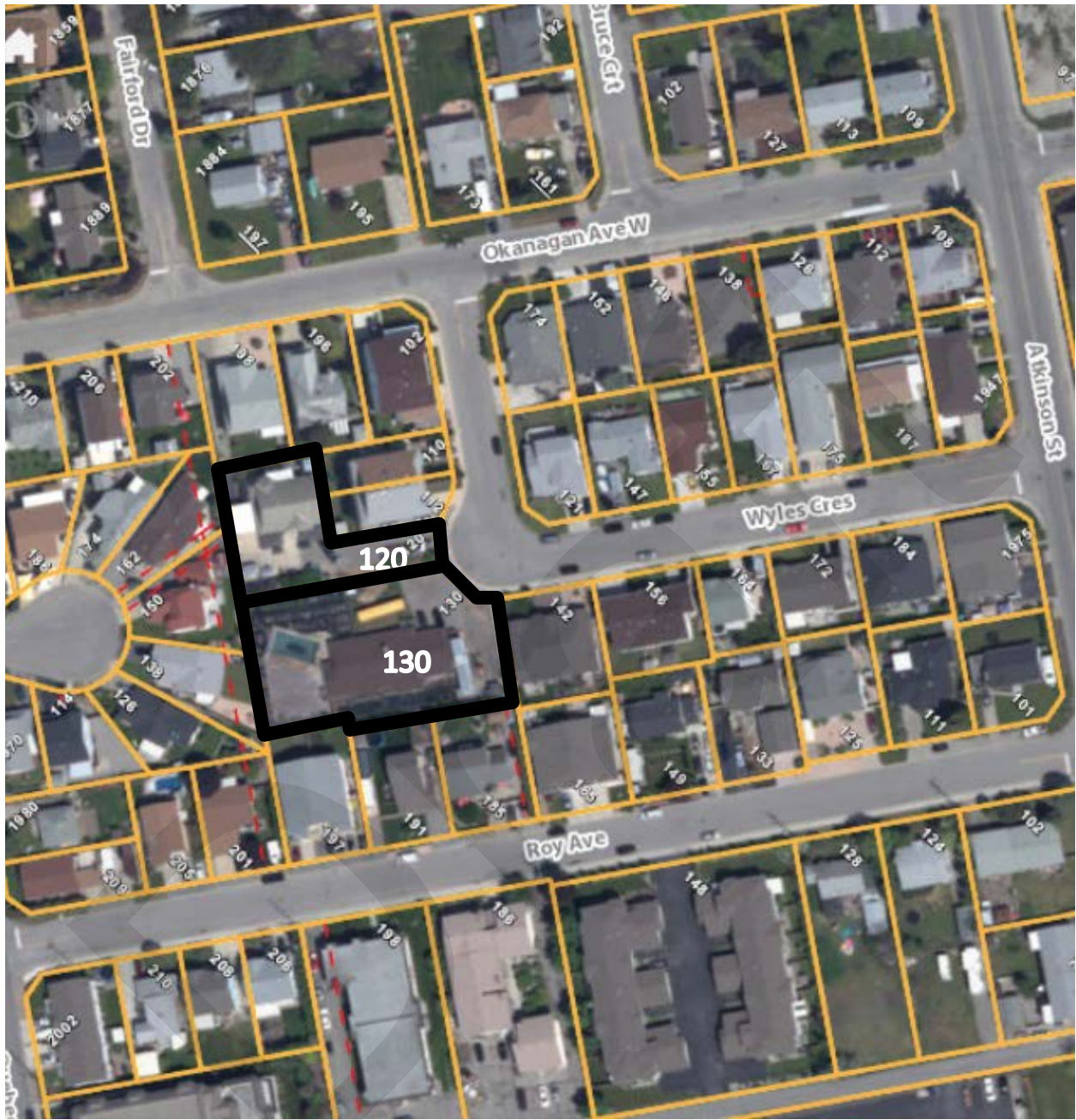
Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

Acting Director <i>BJ</i>	Chief Administrative Officer
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Attachment 'A'
Subject Property Location Map



Attachment B
Images of Subject Property



Figure 1: Image of subject properties from Wyles Crescent looking south



Figure 2: Image from Wyles Crescent looking south west, chain link to be replaced with higher decorative fencing

Attachment 'C'
Letter of intent from applicant

Letter of Intent

Dear Mayor, Council, and Staff.

I like this city very much and love this land. The people here are kind and passionate. This serene city brings me joy and delight. This is a retirement city filled with good mountain good water and good people.

I lived here for 5 years, always feeling great. This year nightmare came. My home was continuously broken in by theft. They all jumped in from the neighbor's home because my land level is more than 4 feet lower than the neighbors. That is why the thief can easily break into my property. This situation makes me panic on a daily basis. They can intrude into my property at any time. One of these days, after shutting the front gate, the sky is already dark outside. A person still jumped from the neighbor's home to my yard and rang the doorbell. I feel terrified and unsafe. My neighbors are all elderly people around 70-90 years old.

I feel that the only way to protect myself is to raise the fence to not let the thief jump through too easily. I would like to raise the front fence to 6 feet (marked as orange on the map) and to build an 8-10 feet fence. (Marked as green on the map.) Not the whole yard just the part that can prevent the thief. Then it will be level with the neighbors. Thus the theft will not be able to jump in so easily and will act as a safety function.

I humbly beg the leaders of the city to help me and respond to my request. If you see anything you don't like in this plan we are willing to make adjustments. Thank you very much for your time.

Sincerely yours,

Yu Hong

130 Wyles Cres, Penticton, BC



Sample fence and Gate





City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8162

Name
Address
Contact

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: Lot C, District Lot 115, Similkameen Division Yale District, Plan KAP46609
Civic: 120 Wyles Crescent
PID: 017-658-934

Legal: Lot3, District Lot 115, Similkameen Division Yale District, Plan 4461, Except Plans 34401, 34743, KAP44192 and KAP46609
Civic: 130 Wyles Crescent
PID: 010-545-085

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08:

- i. Section 5.6.1.1 to increase the maximum height of a fence in a front yard from 1.2m to 1.8m
- ii. Section 5.6.2.2 to increase the maximum height of a fence from 1.8m to 2.4m

as shown in the plans attached in Schedule A.

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. Any fencing over 1.2m in the front yard must be of a transparent material.
6. 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.
7. 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.
8. 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.

9. 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 _____, 2018

Development Variance Permit PL2018-8162
Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Draft