

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA 

File No.: 0036-21-DVP-END

June 29, 2021

APPLICANT/OWNER: Ram Gopal, 1203167 B.C. LTD.

LEGAL DESCRIPTION: LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS B5872 AND B6868 (327 Brickyard Road, Enderby)

PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 (321 Brickyard Road, Enderby)

P.I.D #: 011-519-878 (327 Brickyard Road, Enderby)

011-519-827 (321 Brickyard Road, Enderby)

CIVIC ADDRESS: 327 and 321 Brickyard Road, Enderby BC

PROPERTY SIZE: 0.37 hectares (0.91 acres) – 327 Brickyard Road

0.67 hectares (1.66 acres) – 321 Brickyard Road

ZONING: General Industrial (I.2)

O.C.P DESIGNATION: Residential Medium Density

PROPOSAL: Construct a 37,000 square foot industrial building for the purposes of modular home manufacturing

PROPOSED VARIANCE: Waive requirement to provide screening for outdoor storage of completed manufactured homes, permit a fence within the required front yard setback area, reduce the minimum width of a landscape buffer area adjacent to a highway, permit alternative landscaping standards, waive requirement for maneuvering aisles and portions of off-street parking areas to be surfaced with asphaltic concrete or cement pavement, waive requirement for parking area to be provided with curbing, waive requirement for loading area to be provided with curbing, waive requirement for off-street loading space to be surfaced with asphalt, concrete or similar pavement

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE

9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS B5872 AND B6868 and located at 327 Brickyard Road, Enderby, and ii) PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 and located at 321 Brickyard Road, Enderby, to permit variances to the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 309.1.a.i by waiving the requirement to provide screening for the outdoor storage of completed manufactured homes, as shown on the attached Schedule 'A';
- Section 309.1.f.iii by permitting a fence greater than 1.2 m (3.937 feet) in height within the required front yard setback area, as shown on the attached Schedule 'A';
- Section 309.2.a.iii by reducing the minimum width of a landscaped buffer area adjacent to a highway from 6 m (19.68 feet) to 3.04 m (10 feet), as shown on the attached Schedule 'A';
- Section 309.2.b by permitting alternative landscaping standards, as shown on the attached Schedule 'B';
- Section 901.2.e.iii by waiving the requirement for maneuvering aisles and off-street parking areas to be surfaced with asphaltic concrete or cement pavement, as shown on the attached Schedule 'A';
- Section 901.2.f by waiving the requirement for a parking area to be provided with curbing, as shown on the attached Schedule 'A';
- Section 1001.6.c by waiving the requirement for a loading area to be provided with curbing, as shown on the attached Schedule 'A'; and
- Section 1001.6.d by waiving the requirement for an off-street loading space to be surfaced with asphalt, concrete, or similar pavement, as shown on the attached Schedule 'A',

subject to the following conditions:

- i. The property owner shall pave and curb the off-street parking areas, maneuvering aisles, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved; and
- ii. The property owner shall register a covenant on the title of the property which shall confirm that the property owner is required to pave and curb the off-street parking areas, maneuvering aisles, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved.

BACKGROUND:

This report relates to a Development Variance Permit application for the properties located at 327 and 321 Brickyard Road. The applicant is in the process of constructing a 37,000 square foot industrial building for the purposes of modular home manufacturing. As part of the proposed development, the applicant is requesting variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 309.1.a.i by waiving the requirement to provide screening for the outdoor storage of completed manufactured homes, as shown on the attached Schedule 'A';

- Section 309.1.f.iii by permitting a fence greater than 1.2 m (3.937 feet) in height within the required front yard setback area, as shown on the attached Schedule 'A';
- Section 309.2.a.iii by reducing the minimum width of a landscaped buffer area adjacent to a highway from 6 m (19.68 feet) to 3.04 m (10 feet), as shown on the attached Schedule 'A';
- Section 309.2.b by permitting alternative landscaping standards, as shown on the attached Schedule 'B';
- Section 901.2.e.iii by waiving the requirement for maneuvering aisles and off-street parking areas to be surfaced with asphaltic concrete or cement pavement, as shown on the attached Schedule 'A';
- Section 901.2.f by waiving the requirement for a parking area to be provided with curbing, as shown on the attached Schedule 'A';
- Section 1001.6.c by waiving the requirement for a loading area to be provided with curbing, as shown on the attached Schedule 'A'; and
- Section 1001.6.d by waiving the requirement for an off-street loading space to be surfaced with asphalt, concrete, or similar pavement, as shown on the attached Schedule 'A'.

Site Context/History:

The subject properties are 0.37 hectares/0.91 acres (327 Brickyard) and 0.67 hectares/1.66 acres (321 Brickyard Road) in size. The parcels are located adjacent to one another on the east side of Brickyard Road. To the west of the subject properties is the former Canadian Pacific Railway corridor and to the east is the Shuswap River. The eastern portion of the properties are within the Riparian Assessment Area.

A Section 219 No Transfer Covenant is registered on the title of both parcels, which restricts the transfer of either parcel unless the parcels are transferred concurrently to the same purchaser, which in effect has consolidated the parcels.

In 2020, Council authorized the issuance of a Development Variance Permit to not require a connection to a community water system or community sanitary sewage system, and to permit an on-site sewage disposal system on a lot less than 2 hectares in size. In addition, in 2020 Council authorized the closure of an ~12 m wide unnamed and unconstructed road dedication directly south of the subject property for the purposes of consolidating it with the subject property; this road closure and transfer was subject to the following

- i. The property owner dedicating an equal portion of land as 'Road' on the property they owned at 275 Brickyard Road;
- ii. The property owner registering an 18.0 metre wide statutory right-of-way through the subject property to encompass works associated with the City's existing and future infrastructure; and
- iii. The property owner of 275 Brickyard Road entering into an indemnification agreement with the City of Enderby for cost recovery obligations under the Environmental Management Act, if any.

The process of satisfying the above conditions is on-going, and once complete City Staff will work with the property owner to complete the road closure and dedication processes.

The following orthophoto of the subject and surrounding properties was taken in 2011:



****NOTE:** The property lines shown above are not an accurate representation of their true locations and are intended for display purposes only.

The Proposal

As shown on the attached Schedule 'A', the key elements of the proposed development are as follows:

- The applicant is constructing a 37,000 square foot industrial building in the northwest corner of the lot, for the purposes of modular home manufacturing;
- Primary access to the properties is to be gained off of Brickyard Road via a private access driveway.
- A chain link perimeter fence will be provided at a height of no more than 10 feet;
- A 3.04 m (10 feet) landscape buffer area is to be provided adjacent to Brickyard Road, with the standards of the proposed landscaping to be generally consistent with the photos shown on the attached Schedule 'B';

- 14 parking stalls are to be provided along the western portion of the building, and 50 parking stalls are to be provided in the fenced area to the south; the applicant is proposing for the parking areas to remain unpaved and uncurbed until a later date;
- 9.75 m (30 feet) wide loading areas are to be provided along the southern and eastern portions of the lot, with the applicant proposing for the loading areas to remain unpaved and uncurbed until a later date;
- Outdoor storage of completed manufactured homes is proposed in the central and western portions of the lot, with the applicant proposing for this outdoor storage area to remain unscreened for marketing purposes.

ZONING BYLAW:

The subject properties and the properties to the north and south are zoned General Industrial (I.2) and are designated in the Official Community Plan (OCP) as Residential Medium Density. The properties to the east and west are located within Area 'F' of the Regional District of North Okanagan.

The proposal as compared to the Zoning Bylaw requirements for the I.2 zone is as follows (highlighted items require a variance):

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Building Height (max.)	< 18 m (59.05 feet)	18 m (59.05 feet)
Lot Area (min.)	12,100 m ² (130,244.4 ft ²)	650 m ² (6,997 ft ²)
Lot Coverage (max.)	< 60%	60%
Lot Frontage (min.)	~119 m (390 feet)	20 m (65.62 feet)
Off-Street Parking (min.)	64 spaces	Office = 12 spaces Manufacturing = 51 spaces TOTAL = 63 spaces
Off-Street Parking Dimensions (min.)	6 m (19.68 feet) in length, 2.8 m (9.186 feet) in width	6 m (19.68 feet) in length, 2.8 m (9.186 feet) in width
Development and Maintenance Standards for Off-Street Parking Areas	Gravel without curbing Maneuvering aisles = 8 m	Curbing and surfaced with asphaltic concrete or cement pavement Maneuvering for right-angle parking = 8 m
Off-Street Loading (min.)	3 spaces	3 spaces
Off-Street Loading Dimensions (min.)	> 9 m (29.53 feet) in length > 2.4 m (7.874 feet) in width	9 m (29.53 feet) in length, 2.4 m (7.874 feet) in width
Development and Maintenance Standards for Off-Street Loading Areas	Gravel without curbing	Curbing and surfaced with an asphalt, concrete, or similar pavement
Setbacks (min.)		
- Front Yard	> 6 m (19.68 feet)	6 m (19.68 feet)
- Interior Side Yard	> 6 m (19.68 feet)	6 m (19.68 feet)
- Rear Yard	> 3 m (9.842 feet)	3 m (9.842 feet)

Screening	No screening	2.5 m fence or wall on the south, east, west, and portion of the north boundaries of outdoor storage area Must conform with front yard setback requirement
Fencing	Chain link fence no greater than 10 feet in height; located <u>inside</u> the front yard setback area	Fences or walls not greater than 2.5 m (8.202 feet) in height to be located <u>outside</u> of the required front yard Chain link fencing may have a maximum height of 3.5 m (11.48 feet)
Landscaping	3.04 m (10 feet) landscape buffer area on western property line Landscape buffer area to consist of alternative landscaping standards in general accordance with Schedule 'B'	Landscaped buffer area shall be provided with a minimum width of 6 m (19.68 feet) on western property line (adjacent to road) Landscape buffer area to consist of: i. A grass to shrubbery ratio from 6:4 to 8:2. ii. A minimum of five percent (5%) of the landscaped area shall be planted in trees using the canopy area of the trees as a measure of the number and size of trees required. iii. A maximum of fifteen percent (15%) of the area shall be planted to annuals. Other accepted landscape materials may be utilized under the supervision of a competent landscape

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.
- Policy 8.3.l - Council will support alternative infrastructure standards and urban design principles which promote environmental, economic, and social sustainability.

REFERRAL COMMENTS:

The application was referred to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief.

The City's Public Works Manager provided the following comments:

“Brickyard Road will eventually be paved and serviced. It will be a high-profile industrial frontage road with clear views from Highway 97A. Given this, the proposed variances should be viewed in light of the future as well as the current state. If a variance is granted without anything to qualify it, we cannot roll it back in the future when the road standard comes into being. As was the case with a property to the north, I think that we can provide some flexibility on a phased basis that is consistent with the upgrade/servicing strategy for Brickyard Road that Council previously approved.

For the surfacing and maneuvering aisle requirements related to asphalt surfacing and curbing, my recommendation would be that Council grants a variance in conjunction with the registration of a covenant that effectively defers the requirements until a specified period of time after Brickyard Road is upgraded (for instance, 24 months after the upgrade).

Any screening within the front yard setback area needs to be sufficiently set back from the road that it will not be at risk of being significantly impacted by snow that is being flung back from the travelled portion of the road. If the landscaped buffer is being reduced, there still should be some landscaping fronting the screen.

With respect to not screening the storage area for the manufactured homes, I think that this variance is fine for a display or showcase as described by the applicant; however, it should be explicitly limited to the screening of completed manufactured homes and not incomplete manufactured homes and/or materials; the latter items should be screened.”

No other comments were received in response to the referral.

PLANNING ANALYSIS:

Fencing

The City of Enderby Planner raises no objections to the applicant's request to vary Section 309.1.f.iii of the Zoning Bylaw to permit a fence greater than 1.2 m (3.937 feet) in height within the required front yard setback area, as shown on the attached Schedule 'A', for the following reasons:

- The proposed location of the fence would be to the rear of the required landscape buffer area;
- The proposed location of the fence would not interfere with sight lines for vehicles on the subject or surrounding properties attempting to gain access on to Vernon Street;
- The proposed location of the fence is sufficiently setback from Brickyard Road such that it will not interfere with snow ploughing operations; and
- It is not anticipated that the proposed variance would negatively impact the use and enjoyment of the subject or surrounding properties.

Landscape Buffer Area

The City of Enderby Planner raises no objections to the applicant's request to vary Section 309.2.a.iii and 309.2.b of Zoning Bylaw No. 1550, 2014 by, i) reducing the minimum width of a landscaped buffer area adjacent to a highway from 6 m (19.68 feet) to 3.04 m (10 feet), and ii) permitting alternative landscaping standards, in general accordance with the attached Schedule 'B', for the following reasons:

- Given the significant amount of frontage that the property has, a reduced width for a landscape buffer area is an appropriate request;
- The proposed width and standards for the landscape buffer area is relatively consistent with the landscape buffer area on the property to the north, for which variances were issued to reduce the width and permit alternative standards; and
- It is not anticipated that the proposed variances would have a negative impact on the use and enjoyment of the subject or neighbouring properties.

Screening

The City of Enderby Planner raises no objections to the applicant's request to vary Section 309.1.a.i of Zoning Bylaw No. 1550, 2014 in order to not screen the outdoor storage of completed manufactured homes, as shown on the attached Schedule 'A', for the following reasons:

- The storage of completed manufactured homes is not a high intensity use and would not detract from aesthetics of the area;
- Allowing the outdoor storage for completed manufactured homes to remain unscreened would provide a marketing opportunity for the applicant and their business; and

- The proposed variance would only permit the outdoor storage of completed manufactured homes to remain unscreened, with the applicant still being required to screen the outdoor storage of any other items or materials (incomplete manufactured homes, building materials, etc.).

Development and Maintenance Standards for Off-Street Parking Areas and Loading Zones

The City of Enderby Planner has concerns with the applicant's request to vary Sections 901.2.e.iii, 901.2.f, 1001.6.c, and 1001.6.d of Zoning Bylaw No. 1550, 2014 in order to waive the requirement for maneuvering aisles, off-street parking areas, and off-street loading zones to be surfaced with asphaltic concrete or cement pavement, and to waive the requirement for parking areas and loading zones to be provided with curbing, as shown on the attached Schedule 'A'. As described by the Public Works Manager in his comments noted above, Brickyard Road is a high-profile frontage road and will eventually be constructed and serviced to a much higher standard than currently exists. There is a need to find a balance between ensuring that the subject property is maintained to a proper standard when those road upgrades occur, and not imposing higher standards on the subject property for the short-term that do not fit with the current context. Given this, Staff are recommending that the issuance of these variances be subject to the applicant registering a covenant on the title of the property which shall require the property owner to pave and curb the off-street maneuvering aisles, parking areas, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved. This approach will give the property owner sufficient time to plan for and install the necessary paving and curbing of the subject property once Brickyard Road is upgraded.

SUMMARY:

This is an application for a Development Variance Permit for the properties located at 327 and 321 Brickyard Road, Enderby BC. The applicant is in the process of constructing a 37,000 square foot industrial building for the purposes of modular home manufacturing. As part of the proposed development, the applicant is requesting a series of variances to the City of Enderby Zoning Bylaw No. 1550, 2014.

It is recommended that upon consideration of adjacent land owner's comments, Council issue a Development Variance Permit to authorize the proposed variances subject to the conditions described above.

Prepared By:



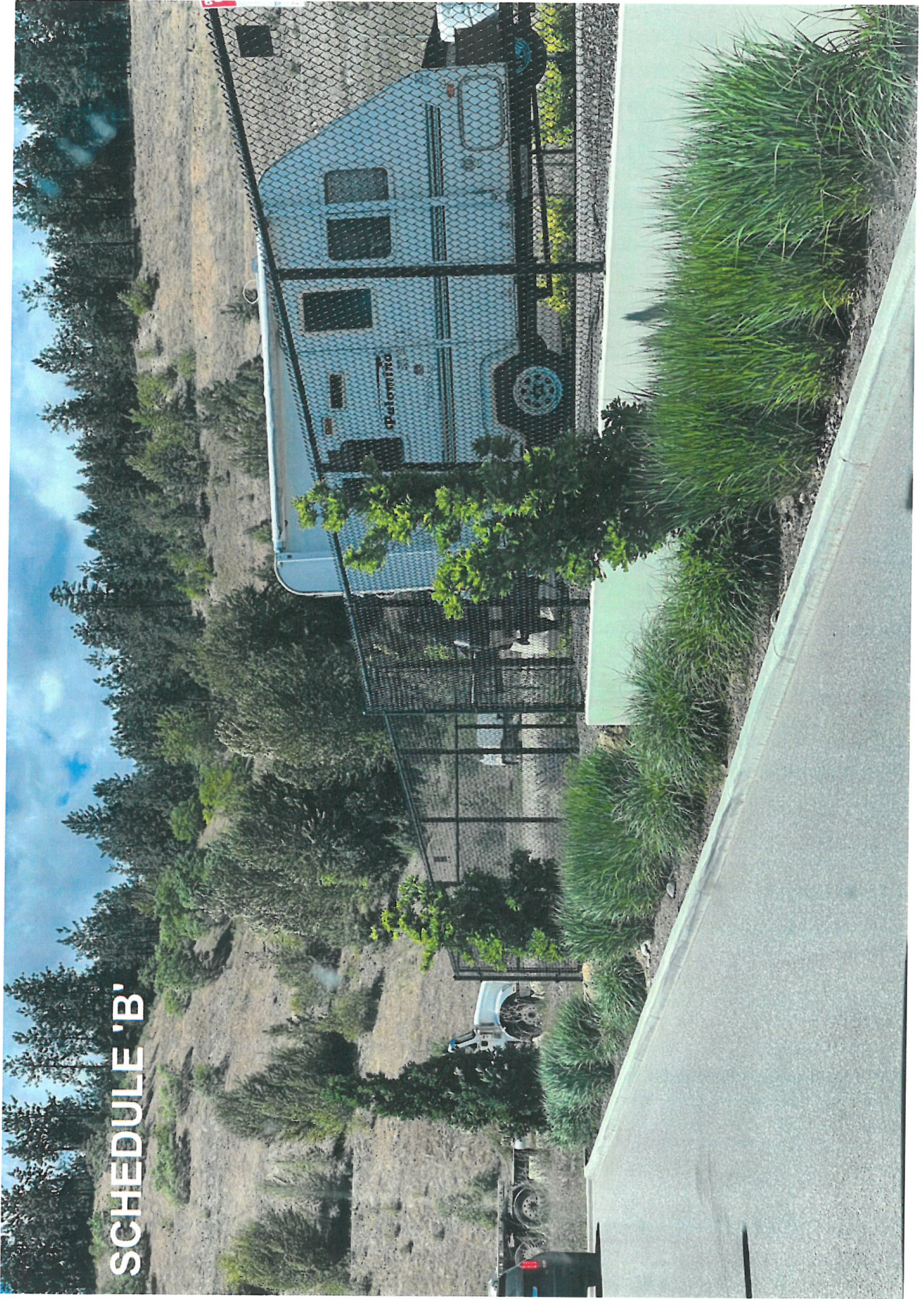
Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

Reviewed By:



Tate Bengtson
Chief Administrative Officer

SCHEDULE 'B'



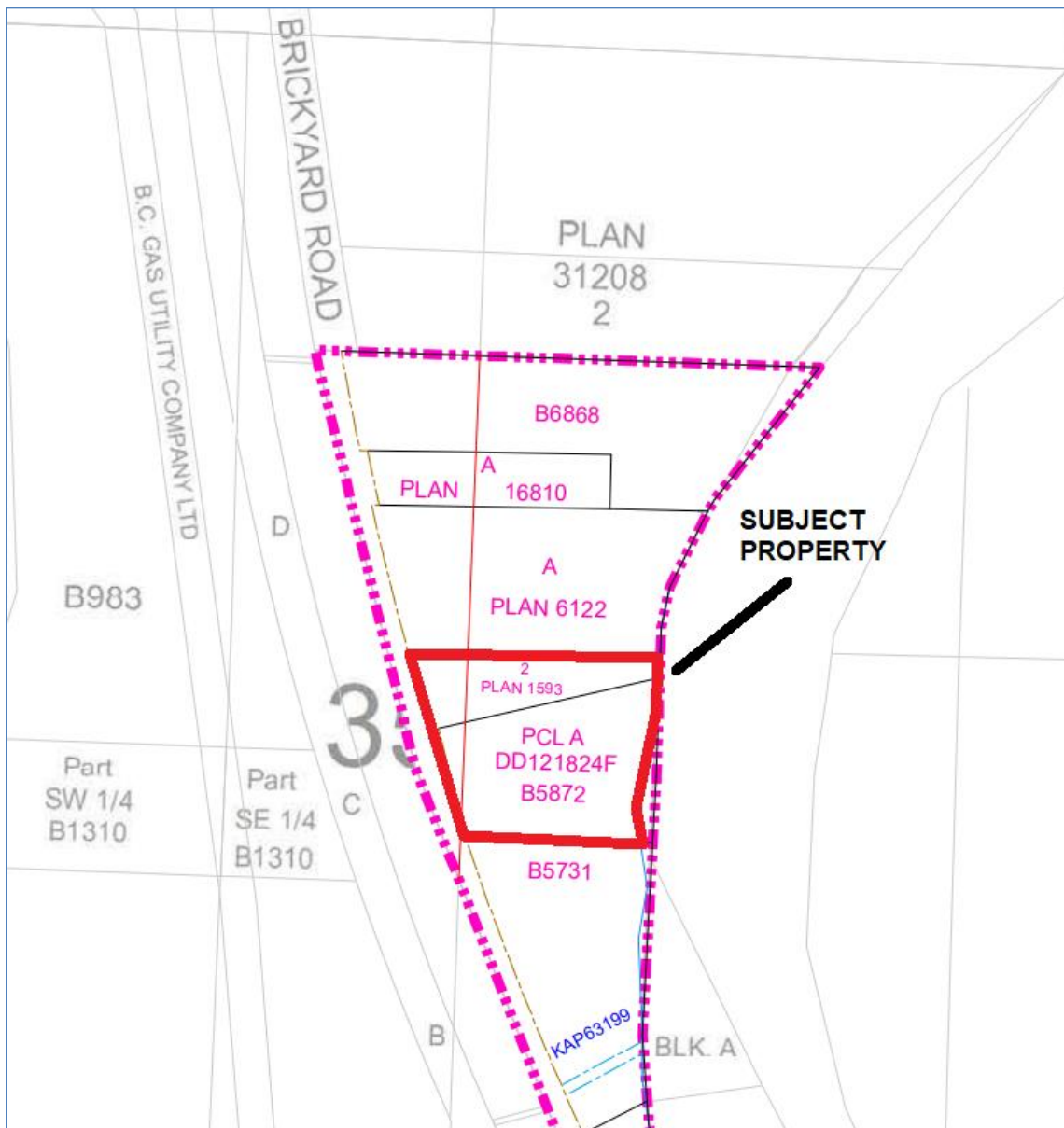
THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

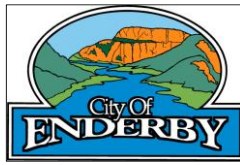
File: 0036-20-DVP-END

Applicant: Ram Gopal

Owner: 1203167 B.C. LTD.

Location: 321 and 327 Brickyard Road, Enderby BC





DEVELOPMENT VARIANCE PERMIT

Application / File No.: 0036-21-DVP-END

To: Ram Gopal, 1203167 B.C. LTD

Address: 321 Brickyard Road, Enderby, BC V0E 1V2; and
327 Brickyard Road, Enderby, BC V0E 1V2

1. This Development Variance Permit is issued in accordance with the provisions of Section 498 of the Local Government Act and subject to compliance with all of the Bylaws of the City of Enderby applicable thereto, except as specifically varied by this permit.
2. This Development Variance Permit applies to and only to those lands within the City of Enderby described below, and any and all buildings, structures, and other development thereon:
 - I. PARCEL A (DD 121824F AND PLAN B5872) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 (321 Brickyard Road, Enderby)
 - II. LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS B5872 AND B6868 (327 Brickyard Road, Enderby)
3. City of Enderby Zoning Bylaw No. 1550, 2014 is hereby supplemented or varied as follows:
 - Section 309.1.a.i by waiving the requirement to provide screening for the outdoor storage of completed manufactured homes, as shown on the attached Schedule 'A';
 - Section 309.1.f.iii by permitting a fence greater than 1.2 m (3.937 feet) in height within the required front yard setback area, as shown on the attached Schedule 'A';
 - Section 309.2.a.iii by reducing the minimum width of a landscaped buffer area adjacent to a highway from 6 m (19.68 feet) to 3.04 m (10 feet), as shown on the attached Schedule 'A';
 - Section 309.2.b by permitting alternative landscaping standards, as shown on the attached Schedule 'B';
 - Section 901.2.e.iii by waiving the requirement for maneuvering aisles and off-street parking areas to be surfaced with asphaltic concrete or cement pavement, as shown on the attached Schedule 'A';

- Section 901.2.f by waiving the requirement for a parking area to be provided with curbing, as shown on the attached Schedule 'A';
- Section 1001.6.c by waiving the requirement for a loading area to be provided with curbing, as shown on the attached Schedule 'A'; and
- Section 1001.6.d by waiving the requirement for an off-street loading space to be surfaced with asphalt, concrete, or similar pavement, as shown on the attached Schedule 'A',

subject to the following conditions:

- i. The property owner shall pave and curb the off-street parking areas, maneuvering aisles, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved; and
 - ii. The property owner shall register a covenant on the title of the property which shall confirm that the property owner is required to pave and curb the off-street parking areas, maneuvering aisles, and loading zones to the specifications of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time, within 24 months of the portion of Brickyard Road adjacent to the subject property being paved.
4. City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 is hereby supplemented or varied as follows: **N/A**
 5. Requirements, conditions or standards applicable to Section 491 of the Local Government Act: **N/A**
 6. As a condition of the issuance of this Permit, the Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City of Enderby may use the security to carry out the work by its servants, agents, or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:
 - a. a Bearer Bond in the amount of \$ **N/A**; or
 - b. a Performance Bond in a form acceptable to the City of Enderby in the amount of \$ **N/A**; or
 - c. an Irrevocable Letter of Credit in the amount of \$ **N/A**; or

- d. a certified cheque in the amount of \$ **N/A**.
- 7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
- 8. If the Permittee does not commence the development permitted by this Permit within two (2) years of the date of issuance of this Permit, this Permit shall lapse.
- 9. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL THE DAY OF , 2021.

ISSUED THIS DAY OF , 2021.

Corporate Officer

NOTICE OF PERMIT:

Issued	
Amended	
Cancelled	

Filed with the Land Title Office this day of , 2021.