

Lauri Feindell

Subject: FW: Development Variance Permit NO. 12022.051-DVP. 134,135,136. Clearview Cres.

----- Forwarded message -----

From: **Mark Franks** <
Date: Wed, Nov 30, 2022 at 1:52 PM
Subject: Development Variance Permit NO. 12022.051-DVP. 134,135,136. Clearview Cres.
To: Mark Franks <

November 30, 2022
Christopher Garrish
Planning Manager
Regional District of Okanagan- Similkameen

To Whom It May concern:
Re; Development Variance Permit NO. 12022.051-DVP. 134,135,136. Clearview Cres

We are corresponding with you today in response to the letter we received concerning the above DVP application.

We have previously addressed this variance set back on this property (12021-046-DVP), I see no changes in this new proposal that would see us support this new DVP.

I see the development has been rezone to allow suites, this in no way should allow for set back application. I live directly adjacent to to the applicant's property, we live in a well thought out neighborhood with plenty of room between buildings. This is extremely important up here as snow removal is never ending concern up here. There is simply not enough room now for snow storage now. By allowing front to back and side to side setback variances this will put more snow on the road, onto my property and neighbours property. This is not acceptable.

As mentioned we live in a three story **wood** building adjacent to the DVP applicant, our building requires constant maintenance using a man lift to access the top two stories of our building. By allowing a setback increase we would lose our access to the back of our building.

And now the issue of fire and fire prevention. Should a fire occur in my building, applicants building or neighbour building by increasing side to side setbacks access for fire fighters becomes impaired as snow will likely end up accumulating anywhere up to 3m+. Not to mention the closer proximity of a wood sided building with a raging fire. Not sure of what type of heat source will be used, most use wood, has there been any consideration for firewood storage. As we all experienced the Keremos Creek WildFire this summer putting wood next to your residence is a big no no. Just ask the Apex Fire Brigade.

The said proposal is now a four unit complex, with a garage, which 90% of the time is kept for snowmobiles, ATV"s, and any other recreational vehicle you can think of. Parking has been and will continue to be a huge issue up here. Snow removal and emergency vehicle access would be restricted due to parking congestion. This would be a major concern for the Apex Fire Brigade and snow removal crews.

This development is not designed for affordability rental for on hill staff. It has been designed for maximum tourist dollars and no consideration for parking and neighbours

I could probably point out a few more things, but I think you get the picture. We are not against development, although it doesn't really fall into current building skeam, (I believe Apex Mountain Resort has final say on that). Build responsibility to the current theme, don't try and pull the wool over our eyes, a lot of us have been up here a long time. We live here 6 months a year and really enjoy our easy quiet living.

We are against this DVP.

Thank you for the opportunity to voice our concerns.

Sincerely,

Mark Franks

Christine Franks

Lauri Feindell

Subject:

FW: DVP 12022.051

From: Mark Franks

Sent: December 1, 2022 9:55 AM

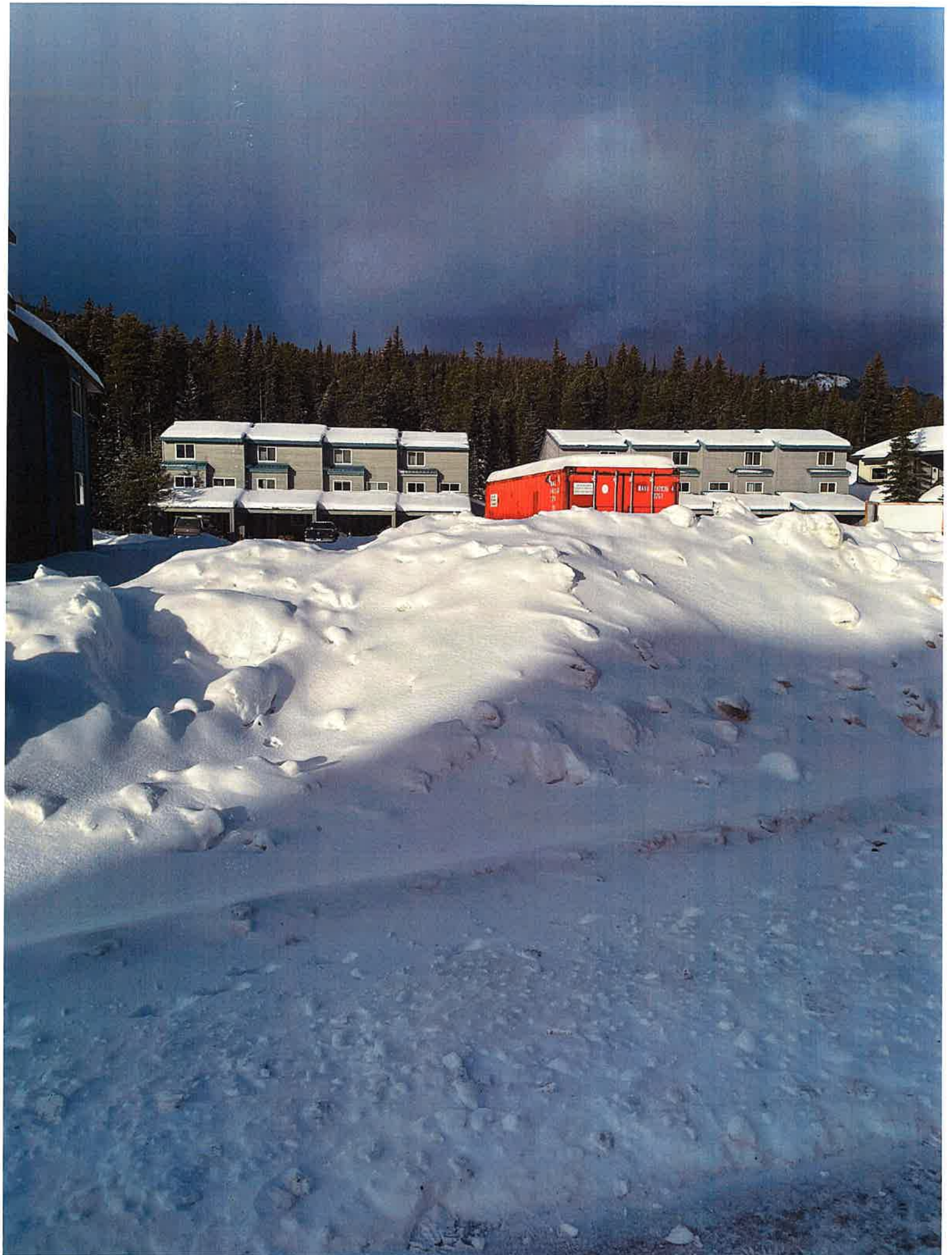
To: Planning <planning@rdos.bc.ca>

Subject: DVP 12022.051

Good morning, I have attached a few photos to show you what we are looking for snow. These photos were just taken. As you can see there is a significant amount already. These photos are taken directly in front of DVP applicants property and directly behind mine.







November 24, 2022
Christopher Garrish
Planning Manager
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton BC V2A 5J9

To whom it may concern:

**Re: Development Variance Permit (DVP) Application NO. 12022.051-DVP
134, 135 & 136 Clearview Crescent**

We are writing today in response to the information package provided regarding the DVP application referenced above and the opportunity to comment provided.

Firstly, we would like to comment that we have previously addressed setback variances to this property (12021-046-DVP) with a very similar proposal and do not see anything that is now being proposed that would change our opinion. Just because the property has been rezoned to allow suites does not change our original opposition to setback relaxation. Let us remind you of our previous concerns.

We are full-time residents at Apex and are located almost directly across the street from the referenced property. We built our new home in 2017 which is a unit in a triplex that does maximum footprint – without setback variances. We love Apex – this is our permanent home. We have no objection to development that is well planned and sensitive to the rural / mountain living experience we relocated here to enjoy.

Responsible development takes everything and everyone into consideration. I am now retired but have been a builder / designer, by profession, almost all my adult life. I know when a building designer has accounted for and considered how a building affects the surrounding neighborhood and in particular the potential impact to the adjoining properties.

As neighbors we previously stated that we do not object to a duplex on this property – however we feel that the lot is large enough to support a well-designed structure without relaxing any of the setbacks. We do note that this new proposal shows a minimal effort to improve aesthetics, however in our opinion the changes do not represent much of an improvement over the original “urban” proposal – but we do realize without a building scheme “aesthetics” is a very difficult concept to enforce (If I recall - Apex is required to approve though).

The following points represent what we have issue with:

1. *The reduction of setbacks is something to consider only when there is an apparent hardship to a proposed development. No apparent hardship is imposed by this regularly shaped, flat property. The property appears large enough to support a reasonably sized duplex without reducing any setbacks.*
 - a. *Setbacks are a part of the zoning regulations that planning authorities impose as a tool to produce an urban environment of stable, desirable character, which is harmonious with existing and future development.*
 - b. *Designated setbacks help ensure adequate light, air, privacy, and open space for each dwelling unit.*
 - c. *Designated setbacks help promote well designed neighborhoods which are safer and pleasant places to live.*
 - d. *Designated setbacks help protect residential properties from the hazard of the spread of fire.*

2. Reducing side yard setbacks from 3 to 2-meters does not allow sufficient space for access for proper snow removal (snow should not be allowed to accumulate adjacent to buildings as firefighters require access to all sides). The snow will likely end up 2 or 3 meters high and spill on to the neighboring properties. Snow removal is a major issue at Apex and, although there seems to be an attempt to allocate some space for snow storage at the front and rear of this proposed development, the room is likely grossly inadequate. (Consultation with local snow removal companies should be sought for accurate information and their input on actual space requirements for snow storage).
3. It is unclear if wood burning heating appliances (fireplaces) are being proposed – if they are then there is a definite concern around firewood storage. A great concern at Apex is the immediate risk from wildfires (as demonstrated by the recent Keremeos Creek Wildfire) and the storage of hazardous firewood. There will be no safe place on site to store firewood off season (as this should be located far from any building).
4. This proposal is now a duplex with "legal" suites on the lower floor and is classified as a 4-unit complex. Off-street parking is a huge concern, particularly in the winter months. Historically most (9 out of 10) garages are used as nothing but storage space for ATV's and / or snowmobiles - negating one or two of the so-called "designated" parking spaces.
5. This revised proposal attempts to maximize the building footprint with little consideration for the neighborhood and the people who work and live here. The number of parking spaces proposed in relation to the number of potential occupants is very concerning. We have nothing against rentals if managed responsibly, however this usually equates to vehicle congestion (a major concern for us and the Fire Department), particularly over the busy holiday seasons.

To summarize – we do not oppose a duplex with suites, but we do think this 4-unit proposal is unnecessarily oversized. It appears that this building has been designed to maximize rental income with no regard as to how it will affect the neighbors on either side or the congestion it will bring to the neighborhood. There is no apparent hardship to allow for any relaxation of setbacks. Reducing the front and rear yard setbacks from 7.5 meters to less than 4 meters is problematic to us unless parking and congestion are addressed. We may consider supporting a slight front and rear yard reduction to 6m with some changes and no encroachment for decks on the front and rear setbacks. We absolutely oppose any reduction in both side yard setbacks as it will negatively affect the neighborhood - particularly the neighboring property's sense of open space.

Thank you for the opportunity to voice our concerns.

Kind Regards,



Graeme Lindsay, AScT, RBD, GSC



Jill Lindsay

Residents and Homeowners at: 111 Clearview Crescent, Penticton, BC, V2A 0E2

cc Kelly Johnston, Fire Chief, Apex Volunteer Fire Rescue

November 29, 2022

Christopher Garrish
Planning Manager
RDOS
101 Martin Street
Penticton BC
V2A 5J9

To whom it may concern:

**RE: Development Variance Permit Application No. 12022.51-DVP
134.135.136 Clearview Crescent**

We are writing to voice our objection to the above mentioned variance permit application.

We have written previously to voice our objection to an earlier similar application (and to another around 2000 in regard to Sundance which would have had a severe impact on our building).

We are seasonal residents at 125 Clearview Crescent since 2000 directly across the street from the proposed development. We have no objection to development of the centre lots on Clearview Crescent, but the developer needs to take everyone and everything into consideration, not just maximising size and presumed profit. Variances for setbacks are given for difficulty to develop otherwise. There is no such hardship on the lots in question. Setbacks are zoning regulations designed to keep the local housing environment stable, harmonious and desirable for the present adjoining properties and for future like development. They are designed for landscaping and to give privacy, light and space. They are designed for fire mitigation, of particular concern to us all since the fire threat of this past summer. They are designed for parking space which is at a premium in the winter. They are designed for adequate snow removal which will be significantly handicapped. They are designed to give adequate space for the roadway to be maintained, plowed and safe, something which is severely lacking at present anyway but will be much worse with smaller setbacks.

This new application to vary the setbacks is totally unreasonable.

The 2.15 meter setback between the building and lot 110 states that that will be for snow storage. How do they propose to clear it? If left it will accumulate against both buildings and cause damage to siding with melt freeze cycles and possible

seepage problems with the spring thaw. The snow accumulation is already reaching the height it was at the end of last season and it is only November.

The plan for parking is very confusing. Are the garages for the use of the suite occupants as well as the upper floor residents? The plan on sheet A101 indicates 3 parking stalls outside the garage door with one of them blocking access to the side of the building. There are 2 stalls indicated inside the garage where they would be completely blocked in and in the event of any emergency, this is not acceptable. With this smokescreen plan, there will not be enough space for parking.

Originally there was and remains a building code to keep the buildings on Clearview Crescent of similar design to enhance the feel of a western mountain neighbourhood. There is no architectural nicety to this design and it appears simply to be a box to maximise the footprint for monetary gain. Asking for this unnecessary variance implies to us that the developer's main purpose is to maximise e beds and profit, not to blend in with the neighbourhood.

The reduction of setbacks is to be considered only when there is apparent hardship to a proposed development. This is a regularly shaped, flat property and it is large enough to support a reasonably sized duplex without reducing any setbacks for the reasons pointed out above.

The revised proposal has done nothing to address our concerns of November 2021.

Thank you for the opportunity to re-voice our concerns. We previously stated we would not be in support of a lesser variance granted as a compromise and this application is nothing more than a subterfuge. There is no building hardship on this lot and no variance should be granted. The developer, by this manoeuvre, has successfully irritated all the neighbours and his way forward will be opposed unless he abides by all the restrictions that the present residents have accepted.

Sincerely,

Michael Sloan

Sue Sloan

Shannon Duong

From: Michael Sloan
Sent: Tuesday, November 29, 2022 6:57 PM
To: Planning
Cc: smontieth@rdos.bc.ca
Subject: Re: Snow piles 134 Clearview Crescent

Re: DVP Application No. 12022.051-DVP

Further to our letter just sent please review these pictures of the snow removal issues from a couple of years ago. This year is shaping up to be similar and you can see what a big problem clearing snow is becoming. It's easy for planners and developers to make plans having never been up there in the winter and therefore any variance with setbacks will definitely make things even worse.

Sincerely

Sue and Mike Sloan
125 Clearview Crescent

> On Nov 29, 2022, at 6:27 PM, Sue Sloan wrote: >

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