

SUBMISSIONS

Development Permit with Variances
(File No. DP 22-26 3401 Sundance Dr)

NO.	Date RECEIVED	TIME RECEIVED	RECEIVED FROM
Submissions included with Report to Council			
1.	September 21, 2023	3:35 PM	Koral, Joanne
Submissions included with late agenda items to Council			
2.	September 23, 2023	9:20 PM	Larratt, Ian and Carolyn
3.	September 24, 2023	11:23 AM	Clarence, Zena
4.	September 25, 2023	10:10 AM	Jones, Rob and Sharon
5.	September 25, 2023	10:23 AM	Tyabji, Alexander
6.	September 25, 2023	1:34 PM	Savan, Andreea
7.	September 25, 2023	2:03 PM	Getty, Richard and Sinclair, Tracy
8.	September 25, 2023	3:32 PM	Kaspick, Madeline
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11.			
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14.			
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16.			

From: [REDACTED]
To: [City of West Kelowna Submissions](#)
Subject: DP 22-26
Date: September 21, 2023 3:34:36 PM

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Todd/Jo-Anne Ruscheinsky
2111 Ensign Quay Lane

Dear Council;

I'm writing a second letter or better plea that you will truly understand and maybe come see our little skinny lane to know that adding all those new townhouses to a already compromised and poorly constructed road is going to be a disaster for our little neighborhood! Ensign Quay that leads up to our road is used frequently for parking although bylaw says it shouldn't! With a air bnb on the right side and a tall home on the left which has been turned into 3 apartments you obviously know there isn't enough parking! This in turn makes it a hazard for us turning up into Ensign Quay Lane and emergency vehicles. We have huge parking problems already without adding more homes! Next huge problem is snow removal! These developers do not realize how much we get! We do not have the luxury or a snow removal truck or sand truck when it's slippery..this is up to only the owners! With all these new townhouses, where do we put it? Not to mention a abundance of garbage/ recycling/ yard waste bins..where will these go? I truly do not believe these developers care about this or even slightly addressed it! Sundance has ample room for these townhouses, Ensign Quay Lane doesn't..please do not allow this to go ahead!

Please visit our little lane for yourself..you will understand then!

Thank you!

From: [REDACTED]
To: [City of West Kelowna Submissions](#)
Cc: [MayorAndCouncil](#)
Subject: Attn: Corporate Officer (Regarding DP 22-26 from Ian & Carolyn Larratt of 3025 Ensign Lane)
Date: September 23, 2023 9:19:59 PM
Attachments: [Submission Regarding DP 22-26.pdf](#)

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Please find attached our submission regarding DP 22-26. We are the owners of 3025 Ensign Lane.

Thank you,

Ian and Carolyn Larratt

Ian & Carolyn Larratt
57 Eugene Ave
Whitehorse, YT Y1A 0S9

September 23, 2023

City of West Kelowna
2760 Cameron Rd
West Kelowna, BC V1Z 2T6

Attn: Corporate Officer

Dear Mayor and Council,

My wife and I are the owners of 3025 Ensign Lane, West Kelowna. We are again writing to express our concerns regarding the proposed development at 3401 Sundance Drive (DP 22-26).

We are disappointed to see that the developer has made minimal changes to their original plan and has failed to adequately address Council's concerns.

We would like to note that the Planning Department's recommendations to council this time around are far more comprehensive, and these efforts are appreciated. A few outstanding issues still remain, and will be addressed herein.

Flawed from the beginning.

On the original application, all parties involved failed to recognize that some of the units did not have the required legal access across our land (3025 Ensign Lane). This oversight is bizarre. It took us less than two minutes to identify using the City's online mapping software.

Whenever a development relies on easements for access, the first thing to check is the location of the easement boundaries in relation to the subject property. This was never done. The second thing to check, is the wording of the easement agreement to determine if the 'bundle of rights' given to the developer allows them build what they've planned. This was also not done. If these two simple things had been done correctly, much of the following unpleasantness could have likely been avoided.

After we alerted the planning department to the legal access issue, they made it a requirement of the developer to, "Obtain legal access" to the affected units. The developer later offered us a small sum for the triangular easement based on current price per acre. Our team (legal, engineering, real estate, and a property development consultancy) believe that the proposed development will substantially decrease

our property value and place it at, "Extremely high" risk of damage from blasting, so naturally, we declined.

The developer's tactics and ethics.

The developer then sent surveyors onto our land without permission or prior notification (a nuisance to our tenants). They discovered, allegedly, that our retaining walls encroach into the existing easement by approximately 1ft. These encroachments do not meaningfully impact any of the parties that benefit from the easement and have existing for well over a decade. For context, it appears that many of the properties on Ensign Lane have similar encroachments, and are likely the result of improper staking when the original subdivision was done.

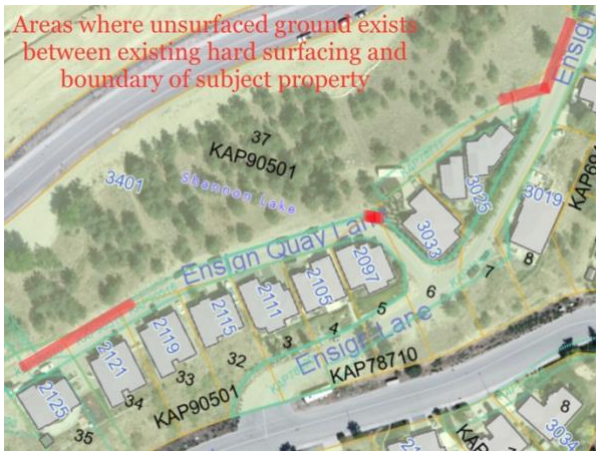
After the survey, the developer sent us an email communicating that they would require us to remove our encroachments if we did not give them the easement at the valuation or terms they proposed. They made it clear that removing our encroachments would require engineered retaining walls and would be costly. We believe this reveals much about the tactics and ethics this developer is willing to employ and we encourage Council to draw their own conclusions in this regard. We are happy to supply the City with copies of the developer's emails upon request (they came from the development manager and were Cc to the president).

Our lawyer has recommended that we go to the Supreme Court of BC and request that the easement boundaries be moved so that the retaining walls are no longer encroaching. There are provisions under Section 36 of the BC Property Law Act for addressing such situations, and we would strongly encourage other neighbours with similar encroachments to familiarize themselves with these laws.

The City's responsibilities.

The City should not be placing requirements on the developer to obtain legal access from a property owner without first confirming with the owner that it will be an option.

We brought it to the City's attention that the language of the easement agreement does not give the developer the right to make modifications or improvements to easement areas that are on other owner's lands (red areas below). This includes adding paved driveways, retaining walls, regrading etc. The planning department has told us, "It is also our understanding that improvements within the easement boundary would require approval from affected property owner(s), but this is not something the city would be coordinating as it's a private agreement." The City should be very careful in placing requirements on the developer to secure these agreements, given the tactics they attempted to use on us. The City should ask the affected owners if they would be willing to enter into such an agreement. If they decline, then it should be considered a non-starter for the developer.



The Planning Department’s failure to appropriately define our driveway.

There has been much confusion surrounding what to call the shared driveway that serves our house (3025 Ensign Lane) and 3033 Ensign Lane. On the developer’s plan the driveway is labeled ‘Ensign Lane’, during the May 16th council meeting it was referred to as an ‘extension of Ensign Lane’, etc. The representative from the Planning Department mentioned to council a few times that it was a lane, “Built to the standard of the day.” It is important to note that it is a driveway, nothing more. It was built to the standard of the day for a driveway, not a laneway. As such, it is not appropriate for use as primary access/frontage for 15+ units, nor was it ever intended to be. It was added as an afterthought when it became apparent that the hill was too steep off Ensign Quay Lane for 3033 Ensign Lane to use the south side of their property as a driveway (that’s what was told to my grandmother by the Ensigns when she bought the lot from them). The original intent of the driveway is relevant a) for context, and b) in deciding whether the proposed development would constitute a radical change in use or burden of the existing easement and its established/intended uses.

We recognize that it was the RDCO who was involved in the original subdivision prior to the City’s inception. We believe that if the RDCO had intended for the driveway to service a larger number of units, they would have widened it similar to Ensign Quay Lane and included the ‘triangle’ in the easement. Furthermore, the 6m width of the easement effectively makes it impossible for it to ever become a lane. Works and Services Bylaw 0249 Section 8.2.3 Private Hillside Lanes requires a minimum 6m wide roadway (the BC building code also requires 6m of drivable surface). It is impossible to build a 6m wide roadway on a hillside easement that is only 6m wide due to the necessity of including cut/fill and/or retaining walls within the easement area. Also 6m is the minimum, and greater width would be expected given the slope.

To summarize, we believe it is a driveway, constructed to the standard of the day for a driveway. We do not believe it to be a lane for the following reasons:

- The cross section does not meet the technical requirements for a laneway
- There is no curb or gutter
- The grade is too steep
- The width is inadequate
- There is no statutory right of way
- There is no name or signage (unlike Ensign Quay Lane or Ensign Lane)
- There is inadequate width at the intersection with Ensign Lane to support the turning movements necessary for a lane. The Easement for Ensign Quay Lane, by contrast, widens at its intersection with Ensign Lane to support turning.

- There is a clear hierarchy of easements within the development. Ensign Lane easement is 9m, Ensign Quay Lane easement is 7m, and our unnamed driveway easement is 6m.

We believe that it would be necessary to institute a change in use from 'driveway' to 'laneway' in order to accommodate the developer's intentions (for both their original plan, and their current iteration). In order to accommodate this change, the developer would need to obtain legal access to the 'triangle' or provide alternative access. If this change in use were to happen, we think it would be reasonable and necessary for the City to require a setback for the new laneway from our house (the setback for the driveway is currently 0m).

Again, we believe that the developer's 'bundle of rights' granted by the easement does not include the right to make improvements or modifications to lands that they don't own. We will not allow them to extend hard surfacing, add retaining walls, or regrade any portion of our land without our consent. Even if they did extend the hard surfacing of the shared driveway, it would still have insufficient width for two way traffic. Currently, when two cars are travelling in opposite directions, one must back up to let the other pass. This is tolerable at the moment because the driveway only serves two houses. If the developer wishes to have this driveway serve as the sole access for their proposed number of units, they should show that it can accommodate a width appropriate for 2 way traffic and pedestrian traffic. This width must consider the grade (especially in winter), the proximity to our house (the setback is close to zero), turning movements at the bottom, and the blind corner at the bottom (when going down the driveway, you can't see traffic approaching from the right).

A goofy workaround.

With regards to the developer's plan to circumnavigate the triangle of our land not covered by the easement; the proposed new upper lane will not alleviate the traffic flow issues. Even if the upper lane is built wide enough for two way traffic, there will be no way to control which access the new residents will use. The current residents will continue to use the existing driveway as we would not have any legal right to use the upper lane, so creating complementary one-way lanes will not be an option. There will also be challenges with visibility and grading where the new lane and driveway intersect. Structurally speaking, there will almost certainly be slope stability issues give the proposed lane's proximity to the cut area of the existing laneway below. We will not allow retaining walls to be built on our property in support of the upper lane.

The only viable solution would be to widen and regrade the existing driveway with an appropriate setback from our house. This widened lane could then safely be used for frontage of the proposed townhouses. This would require developer to obtain an easement for the triangle, and is an option that has been presented to them at prices recommended by our team. We presented this option to the developer with the intent of being solution oriented, but also recommended that they decline and instead do a complete redesign that utilizes appropriate access from Sundance Dr. We will not support a goofy workaround solution that would have likely never been considered in the first place if the easement issues had been identified at the appropriate time. We also acknowledge that even if they did secure an easement, it would not address the numerous issues that still exist on Ensign Quay Lane.

The Planning Department's failure to apply the appropriate bylaws.

The Planning Department communicated in an email that, "The works and services bylaw does not apply to private hillside lanes." This is simply not true.

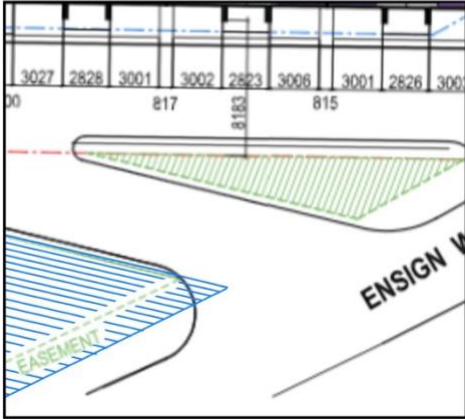
In reference to Works and Services Bylaw 0249, here are some standards that should be applied:

1. Section 2.2.5 Lanes (paragraph 2) states that, "Private lanes that provide primary access to parcels shall be designed to good engineering standards..." The proposed lane design does not meet this criteria as following points will show.
2. Table A - 1 - Geometric Design Parameters states maximum grade must not exceed 12% for a lane. My driveway exceeds 14%, so if it is to have its use changed from driveway to laneway, it would have to be regraded.
3. Section 2.11 Driveways and Entrances states that, "The maximum gradient for a multi-residential site development entrance shall be 12%." My driveway exceeds 14%.
4. Section 2.11 Driveways and Entrances states that, "Grade changes in driveways shall be designed with adequate vertical curves so as to prevent vehicle bottom contact". Long vehicles such as moving trucks, fire trucks, RVs, etc can only approach from the north, and even then they must take a very precise line to avoid contact. Low vehicles (cars) approaching from the south must swing wide to avoid contact as there is a steep, convex vertical curve on the bottom south end of my driveway. This curve meets a sharp, concave vertical curve where the driveway meets Ensign Lane.
5. Section 8.2.3 Private Hillside Lanes requires a 6m wide roadway. My driveway is well under 6m. This section also requires turnarounds at, "90m increments". Ensign Lane and Ensign Quay Lane are well over these distances, and if my driveway were extended beyond 90m it would also be required. This section also requires a turnaround at the terminus of a lane.

Failure of the developer and the Planning Department to ensure that easement boundaries are actually depicted.

When the developer first sent us their proposed design to work around our 'triangle', we noticed that they had failed to accurately place the easement boundaries on the south side of my driveway (see below images). This gives the appearance of a wider driveway at the bottom. We notified the Planning Department and the developer of this error. The Planning Department promised, "I assure you that we will confirm that the easement and property boundaries are accurate before bringing it back to Council for consideration". This was obviously not done as the same error is still present on the current drawings. It may seem like a petty detail, but omitting it gives the wrongful appearance of a wider space for turning movements at the bottom of our driveway. We will not allow the developer to utilize this space in their designs, and we reserve the right to place a permanent post in the ground. Furthermore, the easement boundaries for our driveway are completely absent from the developer's drawings on the uphill side.

It is also worth noting that when low vehicles drive over the noted portion of our property (orange triangle in below image), the bumper strikes the pavement when intersecting with Ensign Lane.



REFERENCE PLAN OF EASEMENT OVER PART OF LOT 4, PLAN 38319, D.L. 2044, O.D.Y.D., EXCEPT PLANS 41418, 42221, 43565, KAP49046, KAP63937, KAP69440, KAP73933 AND KAP 7 8 7 1 0; AND OVER PART OF LOTS 3, 4, 5, 6, 7, 8, 9 & 10, PLAN KAP 7 8 7 1 0, D.L. 2044, O.D.Y.D.

PLAN KAP 78711

Deposited in the Land Title Office of Kelowna, B.C., this 5 day of August, 2005.

S. Riechle
Registrar

KX.106874-5.G

B.C.G.S. No. B2 E 083 PURSUANT TO SEC. 99(1)(e) LAND TITLE ACT FOR ACCESS PURPOSES.

SCALE 1:750 (All distances are in metres)

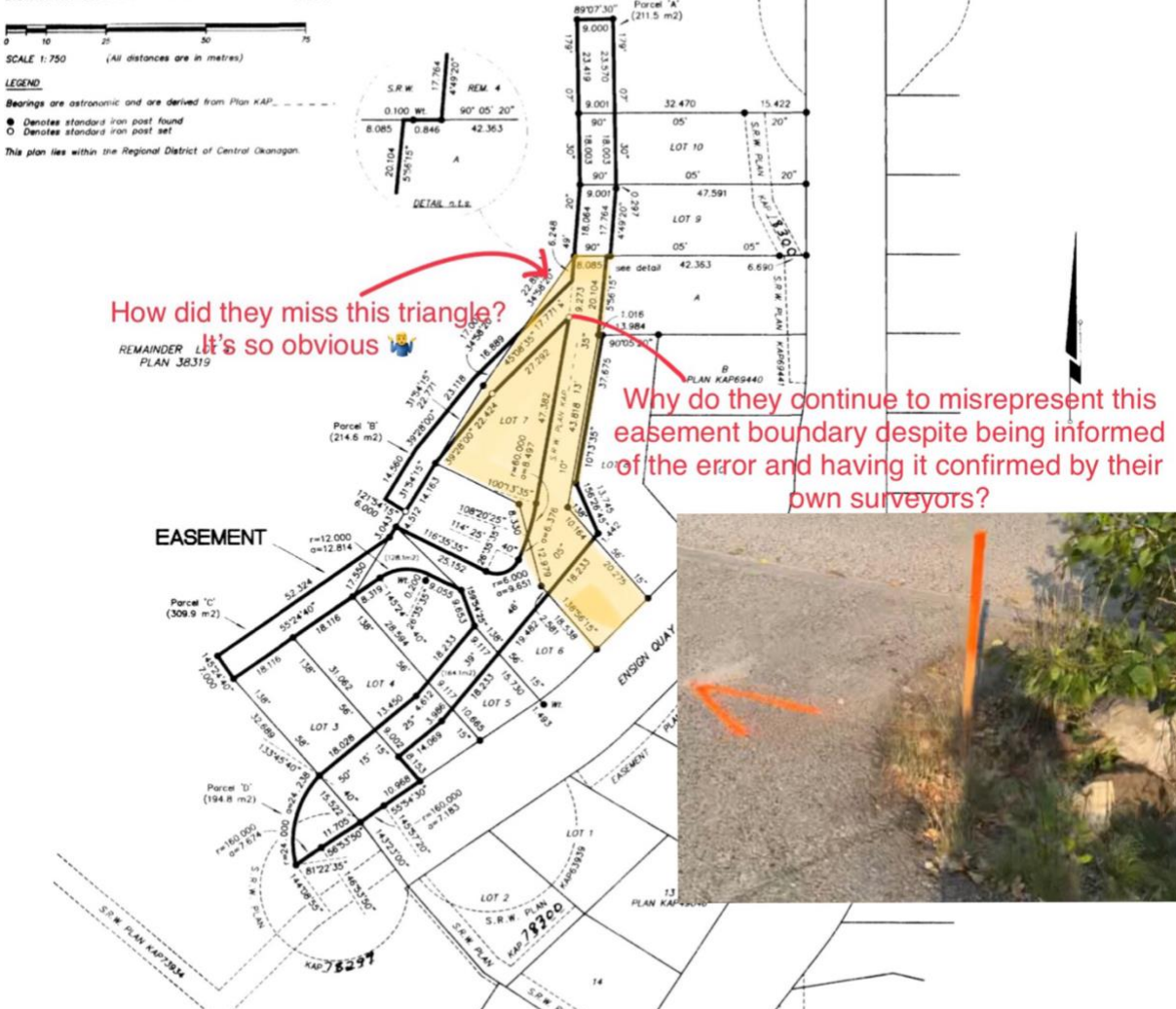
LEGEND

Bearings are astronomic and are derived from Plan KAP 78711

● Denotes standard iron post found

○ Denotes standard iron post set

This plan lies within the Regional District of Central Okanagan.



How did they miss this triangle?
It's so obvious

Why do they continue to misrepresent this easement boundary despite being informed of the error and having it confirmed by their own surveyors?

BOOK OF REFERENCE	
LEGAL DESCRIPTION	AREA
REM 4, PLAN 38319, D.L. 2044, O.D.Y.D. EXCEPT PLANS 41418, 42221, 43565, KAP49046, KAP63937, KAP69440, KAP73933 AND KAP 7 8 7 1 0	Parcel 'A' 211.5 m ²
	Parcel 'B' 214.6 m ²
	Parcel 'C' 309.9 m ²
	Parcel 'D' 194.8 m ²
	TOTAL 930.8 m ²
LOT 3, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	293.5 m ²
LOT 4, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	162.5 m ²
LOT 5, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	126.1 m ² + 164.1 m ² = 290.2 m ²
LOT 6, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	385.6 m ²
LOT 7, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	921.8 m ²
LOT 8, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	77.9 m ²
LOT 9, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	162.6 m ²
LOT 10, PLAN KAP 78710, D.L. 2044, O.D.Y.D.	162.0 m ²

FORM 9 - LAND TITLE ACT (section 67(1))
STATEMENT BY SURVEYOR

I, Neil R. Denby, a British Columbia Land Surveyor, of Kelowna, in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 4th day of May, 2005. The plan was completed and checked, and the checklist filed under #30971, on the 6th day of May, 2005.

Neil R. Denby B.C.L.S.

RUNNALLS DENBY
british columbia land surveyors
#2 - 1470 Water Street Kelowna, B.C. V1Y 1J5
Phone (250) 763-7322 Fax (250) 763-4415 email denby@telus.net

DWG. No. 11272EASEMENT.DWG FILE: 11272

Further commentary from our team.

- A development of this density with such limited access/egress should be built with non-combustible construction.
- Given the extremely high risk of damage from blasting, a bond should be required from the developer to cover likely damages.

Additionally, all of our original concerns from our first letter are still current and have not been satisfactorily addressed. A copy is included as an appendix for your convenience.

Thank you for your considerations in this matter.

Sincerely,

Ian and Carolyn Larratt

Appendix 1.

Ian & Carolyn Larratt
57 Eugene Ave
Whitehorse, YT Y1A 4A3

May 14, 2023

City of West Kelowna
2760 Cameron Rd
West Kelowna, BC V1Z 2T6

Attn: City Clerk (DP 22-26)

Dear Sir/Madam,

My wife and I are the owners of 3025 Ensign Lane, West Kelowna. We are writing to express our concerns regarding the proposed variances for DP 22-26 at 3401 Sundance Dr, West Kelowna.

The current iteration of the site plan contains a number of oversites, design flaws, and liabilities that we are confident all concerned parties would like to resolve. They are as follows:

- 1) **Winter safety.** The easement from Ensign Lane that would grant access to proposed units 39-54 goes up a very steep, narrow laneway that is impassable when covered with snow. The current residents clear the snow before attempting to drive on it. Failing to do so results in packed tire prints that make the laneway hazardous even for foot traffic. Hiring a snow removal company would not sufficiently mitigate this issue as there will still be periods of time where the driveway is impassible due to snow accumulation that has yet to be cleared. There is also no space to dump cleared snow. Hauling away the snow would require equipment that would be unreasonably disruptive to the neighborhood.
- 2) **Garbage disposal.** There is not enough physical room on Ensign Lane for the required number of garbage bins. Between the current parking and garbage bin requirements, space is already very cramped. It should also be noted that our lot spans Ensign Lane, and we **do not** give our consent for any residents of the proposed development to leave their garbage or yard waste bins anywhere on our property. Leaving bins on our land, even briefly, is not a right granted by the easement. Private garbage collection will have to be organized as part of the strata arrangement.
- 3) **Parking.** Space is very limited, and there have already been parking disputes among the current neighbors. There is insufficient parking for all of the lower units (21-58) as parking is not a privilege granted by easement access. When calculating off-street parking requirements, it is important to consider that there is no on-street parking for any of these units. Vehicles parked on laneways would be subject to towing at the discretion of the respective landowners on whose land the vehicle is parked. Access to proposed units 54-56 requires crossing a portion of

our land that is used for guest parking and also for winter parking when the laneway is impassible (see red area in Appendix 1). Additionally, we believe that the turning radius for entry into units 49-52 is insufficient given the steep grade of the laneway. We strongly recommend that a traffic engineer assess the proposed site plan for flow, parking, and safety.

- 4) **Access over land not covered by easement.** Access to proposed units 52-56 would require crossing a portion of our property not covered by an easement (see blue area in Appendix 1). We **do not** give our consent to this access. On May 11, 2023, we notified the City of West Kelowna and the developer's agent of this planning oversight. Neither party was aware. This failure to identify such an obvious constraint during the discovery phase of the project is deeply concerning. It casts serious doubt on the competency of the City of West Kelowna, the developer, and the developer's agents.
- 5) **Emergency access.** My wife and I both used to work as paramedics in the Okanagan, and it is our opinion that the proposed units 21-52 are not safely serviceable by first responders. There is insufficient room to maneuver emergency vehicles on the narrow laneways. Furthermore, units 39-52 would require a response on foot when snowy – this would be especially hazardous with stretchers and gear.
- 6) **Unreasonable disturbance to neighbors during construction.** Many of the proposed units would require extensive removal of bedrock. This process is long, loud, dusty, and is in very close proximity to existing homes. The bedrock removal for the recent development on the uphill side of Sundance Dr was much farther away, yet still created noise and vibrations sufficient to rattle our windows.
- 7) **Damage to existing property.** The aforementioned bedrock removal is likely to cause vibratory damages to nearby structures. Appropriate assessment and prescription of work should be completed by qualified engineers prior to development permit approval. Any development permit should also stipulate measures to prevent damage from rockfall.
- 8) **Unnamed laneway.** The laneway that would provide access to units 39-54 is not engineered to handle the required level of traffic. It is paved with thin asphalt that already shows signs of wear from the two residences currently using it. It would have to be widened and regraded. This would also mitigate some of the concerns regarding winter conditions, however we **do not** give our consent to these measures at this time.

From an urban planning perspective, the level of proposed housing density for the lower portion of the project (units 21-58) is not appropriate for such a steep slope with such limited access/egress. The density for this area should be evaluated separately, and not as a fraction of the whole property. The overall design appears to have the singular goal of maximizing the developer's profits.

We strongly urge Council to conduct a site visit.

We are also concerned that neighbors have not been adequately notified. There is only one development proposal sign on the lower portion of the property. It has been placed on Ensign Quay Lane. There is no signage on Ensign Lane, or on the unnamed laneway that accesses proposed units 39-54. One of our tenants texted us saying, "I found the development sign hiding down the street beside us. Sneaky buggers." In lieu of any evidence to the contrary, we are inclined to agree with his assessment.

As for the variances requested, we formally oppose them all. Granting them would make way, either directly or indirectly, for the preceding concerns to become a reality. We have full confidence that the

City of West Kelowna will refrain from granting any variances or development permits that would adversely affect the property value, quality of life, and safety of its citizens.

Should the proposed development go ahead, we will hold all involved parties liable for any and all damages that arise.

The following are a few additional recommendations:

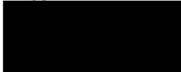
1. Hire an unbiased engineer to conduct pre- and post-construction structural assessments of those properties most likely to sustain vibratory damages during construction. The City should oversee this process at the expense of the developer.
2. Hire an unbiased property appraiser to assess the impact of the proposed development on surrounding property values. If said appraiser deems the resale value of the surrounding properties to be negatively impacted by the development, the City should refrain from granting the variances that would allow for the proposed development to be built OR compensation should be paid to affected home owners in the amount of the lost value. The site constraints on this project are such that withholding the requested variances would likely necessitate a complete redesign and would most likely rule out the possibility of building two parallel rows of townhomes (upper and lower). This is one of the reasons why we believe that the City of West Kelowna would incur substantial liability by granting the requested variances and development permit.
3. Require a deposit from the developer to be used as a means to pay for temporary accommodations and/or compensation for lost rental income for homes that may become uninhabitable during construction due to noise, vibration, etc.
4. Require that the entire project be redesigned such that all vehicular access is via Sundance Dr.

We are available for consultation and would welcome the chance to help this development become viable.

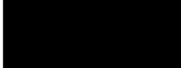
Thank you for your time and consideration,

Sincerely,

Ian Larratt



Carolyn Larratt



Appendix 1.



From: [REDACTED]
To: [City of West Kelowna Submissions](#)
Subject: Corporate Officer Referenced DP 22-26
Date: September 24, 2023 11:23:01 AM

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With regards to DP 22-26

I am a resident at 2121 Ensign Quay Lane.

We had an evacuation a few weeks back and it was horrendous getting out of our lane. We are only 7 houses but every house has two and more cars.

Having an extra 18 units on our lane is going to cause a problem with safety and parking.

I do not give permission for a retaining wall.

I sincerely hope you'll deny this project.

Zena Clarence

From: 
To: [City of West Kelowna Submissions](#)
Subject: Submission Permit with Variance (DP22-26)
Date: September 25, 2023 10:10:54 AM
Attachments: [DP22-26; DEVELOPMENT SUBMISSION copy.rtf](#)

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Attn: Corporate Officer

TO: submissions@westkelownacity.ca

SUBJECT: INFORMATION DP 22-26; DEVELOPMENT PERMIT WITH VARIANCES
3401 SUNDANCE DRIVE

Attn: Corporate Officer DP 22-26

LOT 4 PLAN KAP78710
DISTRICT LOT 2044, OSOYOOS DIV. OF YALE LAND
DISTRICT PID: 026-380-749

The community's primary concern is SAFETY. In the cities own development regulations, (2.2.6) it states that "lanes are intended to provide SECONDARY access to subdivision or development", NOT PRIMARY. If you approve this you will have over 68 dwellings having to use a narrow lane as the primary access, that only has one way in or out. Site circulation is not adequate and will hinder not only residence and guests but also emergency response.

This variance application for a reduction in parcel setback will create serious parking problems with as many of the driveways are not long enough to park on. There is no parking on the lanes as there is a statutory right of way covenant that stipulates "the parties hereto mutually covenant each with the other that the easement shall at all times be kept free of standing vehicles and impediments of every kind".

The size of the townhomes along with only 3 narrow foot paths between them, the short and/or non existant driveways and steep sloped grade of the hillside/terrain, will create a serious problem with general maintenance work and repair.

The mass bulk and height of these townhomes will be destructive and in reality is overbuilding. This development will drastically reduce the openness of Ensign Quay Lane. The design is insensitive, visually incongruous and is detrimental to the streetscape. This would put townhomes directly across the lane of single family detached homes. These townhomes would be overbearing as they would be 3 stories high (including garage level) over 45 feet in height with roof pitch. Thus blocking light and views of the single story homes across the lane. I have not found townhomes within such a close proximity of single family homes anywhere else in the city. The main reason many purchase in this neighbourhood was the degree of spaciousness, sunlight, views and privacy.

Garbage/Recycling/Yard Waste Collection, in the city review units 21-58 are not serviceable by the city, though the applicant has stated that a private collection is possible. Of course its possible however if the city does not put something in

place to ensure this happens, the 38 units will take their bins (38 units, 3 bins each, = 114 bins) along Ensign Lane blocking it even more. In the developments plan, there should be a large bin area designated on the property of the new development, accessed from Sundance. The units should have to place garbage and recycling in these large bins, that are similar to a condo unit or mall and NOT be issued the 3 city garbage/recycle/yard waste bins.

Why would the development have access for the least amount of units(20) from a proper sized road Sundance, and have the majority of traffic (38) units feed from a small narrow lane to another small narrow lane with dead ends no parking and blind corners. It seems the community is not being set up for success.

The artist renditions seem inaccurate, as they picture the three story units with longer driveways, a wider road and across from an open grassy field, a more realistic and true to life rendition would depict the new development as too close and too overbearing for all properties within a 100 feet. The routes in Figures 1, 3, 4, 7, 9, 11 of the DP 22-26 have been incorrectly labelled. Where it is labelled Ensign Way it is actually Ensign Lane a more narrow roadway.

There is no proper designated area to store snow (a loading zone should not be an option) on Ensign Lane nor Ensign Quay Lane. There is no area for the townhomes to shovel off their driveways. If they do shovel their driveway where would they put it? There are too many townhomes in a row with no space beside, there is physically and literally, nowhere to put snow unless they pile it at their front door entrance or on the laneway. The applicant still maintains that the private snow clearing company would not need a storage area. If that is the case the residence would most likely be place into UNDUE HARDSHIP as snow clearing, removal and hauling is a very expensive endeavour and would need to be done during and after each and every snowfall.

If a safety barrier is authorized and approved by land owners it should not be a jersey barrier. A jersey barrier is what is used down the centre of the highway and would not fit in with the design nor streetscape of this residential neighbourhood. A pillar rail would be better suited for this area.

A recommendation or solution to this would be to just develop along the top side of the lot along Sundance Drive (a proper sized city maintained road) and NOT allow development further down the hill at bottom along Ensign Lane and Ensign Quay Lane. The developer would still be able to achieve a similar amount of units by building several three or four story units, only along Sundance Drive. This option is win for the city and developer, as it would most likely cost less to develop and it would be SAFER for the community.

Please deny this application, please DO NOT postpone consideration as no further notifications will be mailed to residents effectively taking away our voice to raise concerns. Thank you for your consideration

Rob and Sharon Jones

From: [REDACTED]
To: [City of West Kelowna Submissions](#)
Subject: Re: Attn: Corporate Officer DP 22-26
Date: September 25, 2023 11:22:23 AM

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Alexander Tyabji
2125 Ensign Quay Lane

Tyvm

On Mon, Sep 25, 2023, 11:16 AM City of West Kelowna Submissions
<Submissions@westkelownacity.ca> wrote:

Good morning,

Could you please provide your name and address to complete this submission?

Sincerely,



NATASHA PATRICELLI | LEGISLATIVE SERVICES ASSISTANT | CITY HALL

2760 Cameron Road, West Kelowna, BC V1Z 2T6

778.797.2212 | www.westkelownacity.ca

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From: Alex Tyabji <[REDACTED]>
Sent: Monday, September 25, 2023 10:23 AM

To: City of West Kelowna Submissions <Submissions@westkelownacity.ca>
Subject: Attn: Corporate Officer DP 22-26

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Regarding DP 22-26:

As a local resident, we are already plagued with safety issues in our area. The recent evacuation that we had in our area only proved how hazardous this area is. During the evacuation order we had people parking in the fire lane blocking any fire truck from getting onto the laneway. There is no strata here and parking on the laneway has already caused heated exchanges between neighbors. I believe that adding an additional 18 units onto Ensign Quay Lane will cause a huge issue with fire safety. We should not be providing variances which would exacerbate the current safety issues.

As noted on page 9 of the development services council report:

"Loading space No. 1 will require approval of the adjacent property owner due to the installation of a retaining wall within the easement area."

I do not give my permission for retaining walls, or any development whatsoever. The serious safety concerns would have to be addressed before I would even be remotely interested in granting such a request.

There are many additional issues, but based on this alone. Please vote to deny..

From: [REDACTED]
To: [City of West Kelowna Submissions](#)
Subject: DP 22-26 submission for permit with variance
Date: September 25, 2023 1:33:52 PM

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Attn: Corporate Officer

My name is Andreea Savan and I am the owner of the property at 2115 Ensign Quay Lane. I want to start off by saying that I am not against this development at all, I think it's beautiful, I think it would add a beautiful little play area for the children of our community and it will also add more homes which is clearly a current need in our community.

However, I am 1000% against this development having vehicular access from Ensign Quay Lane. Let's begin by mentioning that Ensign Quay Lane is 17' wide, when it should be 22'. It appears there is a request for 6' driveways on this development. Now most cars these days are not 6', but in fact longer, so there is a very real possibility that vehicles will stick out past the length of the driveway and into the laneway.

In 2016 when the topic of a development on Sundance came up, no one was told the access to said development would be from Ensign Quay Lane, which is more than like why the community accepted such development.

There is no extra parking, on a laneway which is already too narrow and tight to maneuver through it.

Garbage being placed on Ensign Quay Lane should also not be allowed, even if you have a private contractor picking it up, as we know the city will not go there. Again the lane way is already narrow enough without garbage bins spread the whole length of it.

Let's not even talk about snow. Space is limited as it is, with snow currently being stored across from the currently existing homes, if that is to be driveways, there will be zero space left for snow removal.

This is a clear example of maximizing profits with the space available to work with, but we have to take into consideration the rest of the community. By eliminating a few units, all access to this development can be from Sundance, at which point we would not have this issue. All units as well as visitor parking CAN be accessed from Sundance, with a few changes of course.

With the latest events in our community, and the multiple evacuation orders, I would imagine many people within the community will be a little more conscious of such new developments and maybe have more concerns regarding space, and road access.

I was actually evacuated from 2115 Ensign Quay lane, and it can get quite busy and hectic with everyone trying to get out all at the same time. I can't imagine MORE vehicles on that same laneway trying to make their way out.

So, I am 100% against this development, as long as vehicular access is from Ensign Quay.
Thank you.

Andreea Savan

Submissions @ west kelowna city.ca

①

SUBJECT: Information DP 22-26; Development
Permit with variances 3401 Sundance Drive

Att: Corporate Officer DP 22-26

From: Richard Getty + Tracy Sinclair
2097 Ensign Quay Lane
West Kelowna



Issues:

- 1) Safety
- 2) Parking
- 3) Snow Removal, recycling, garbage etc

Firstly, you are allowing someone to build 38 townhomes off a lane, not a road. This is not a main road. If everyone has 2 vehicles there will be 76 cars more on an already busy narrow lane. There is only one way in + out. Also, what about access for emergency vehicles. If there's a fire the truck won't be able to access the lane never mind turn around.

(2)
What about parking? There's barely enough room for the vehicles now. How will they find space? There isn't any now, not to mention visitors. Aren't easements meant to be free of any vehicles?

As far as the snow removal goes we as a group pay a private company to clean our streets as the city can't get up there. What's going to happen with 38 townhouses. They will just shovel the snow on the road as there will be no room beside each other. This will be chaos. If it snows for a couple weeks straight the Strata Fees would be through the roof to have a private company not only plow it a few times a day but would need to remove it also as there will be no where to store it. That's the same with recycling, garbage + Yardwaste. Where are the 100+ Bins going to go? And the cost for the strata to have private services as no City truck can make it up the lane way + turn around.

I've included 2 maps of my property boundaries as you can see my property goes across the lane to the other side meeting up with the subject development.

③

I will not allow any put on my property. If it's part of the easement nothing permanent can go there without my permission.

This Development should only be considered if the whole access is off Sundance, a Primary road, not a Lane. Otherwise this DP 22-26 should be STOPPED! No MORE CONSIDERATION.

Thank you for your time. Please excuse the typos and messy writing.

Richard Getty [REDACTED]

[REDACTED]

[REDACTED]

West Kelowna

Legend

- Community Facility
- Amphitheatre
- Arena
- Boat Launch
- Cemetery
- City Hall
- Community Centre
- Disposal Centre
- Fire Hall/House
- Information Centre
- Municipal Office
- Museum
- Playground
- RCMP
- School
- Skatepark
- Ski Recreation Area
- Spray Park
- Waste Treatment Plant
- Basemap Parcel Type
- Ownership
- Lease
- Land Status
- Park
- Building Status
- Road Right-Of-Way
- Common Property
- Walkway
- Crown Land
- Common Access



Scale 1 : 300

Notes

MAP 1



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



0 8 15 Meters

Map Projection: NAD_1983_UTM_Zone_11N

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Map Produced on: 9/25/2023 12:52:53 PM

From: [REDACTED]
To: [City of West Kelowna Submissions](#)
Subject: Attn: Corporate Officer DP 22-26
Date: September 25, 2023 3:31:55 PM

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To whom this may concern,

My name is Madeline and I am writing you in regards to the file DP 22-26.

It is my strong belief that this development plan needs to be shut down. As of now, there is no room for emergency services to turn and parking for the current residence is extremely limited. I believe that this extension is dangerous as there is simply not enough room as is. I strongly encourage anyone involved in the decision making to come up and observe the situation for themselves. As you will see, this area simply should not be further developed.

Thank you for your time.

Madeline Kaspick
2103-3843 Brown Road
West Kelowna, BC
V4T 2J3