

April 9, 2020

Subject Property:

159 Grandview Street

Lot 3, District Lot 188, Similkameen Division Yale
District, Plan 9426

Application:

Development Variance Permit PL2020-8723

The applicant is proposing to construct a secondary suite, larger than what is permitted, within the existing single family dwelling. They have applied to vary the following section of Zoning Bylaw 2017-08:



Section 8.1.4.2: To increase the maximum gross floor area of a secondary suite **from 90m²**, or 40% of the habitable floor area of the building, whichever is less, **to 110m²**, or 40% of the habitable floor area of the building, whichever is less.

Information:

You can find the staff report to Council and Development Variance Permit PL2020-8723 on the City's website at www.penticton.ca/latestannouncements. Select the Public Notice category.

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

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, April 21, 2020** at Penticton City Hall, 171 Main Street.

As per Provincial Public Safety Order M083, in response to the COVID-19 pandemic, council meetings will remain closed to the public. All meetings will be live streamed via the City's website: www.penticton.ca.

Public Comments:

We welcome your feedback. Please submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, April 21, 2020** to:

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

No letter, report or representation from the public will be received by Council after the conclusion of the April 21, 2020 Council Meeting.

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

Audrey Tanguay
Planning Manager



Council Report

penticton.ca

Date: April 21, 2020 **File No:** RMS/159 Grandview St
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner I
Address: 159 Grandview St
Subject: Development Variance Permit PL2020-8723 (159 Grandview St)

Staff Recommendation

THAT Council approve "Development Variance Permit PL2020-8723", for Lot 3 District Lot 188 Similkameen Division Yale District Plan 9426, located at 159 Grandview St, a permit to vary Section 8.1.4.2 of Zoning Bylaw No. 2017-08 to increase the maximum gross floor area of a secondary suite from 90m², or 40% of the habitable floor area of the building, whichever is less, to 110m², or 40% of the habitable floor area of the building, whichever is less.

AND THAT staff be directed to issue "Development Variance Permit PL2020-8723".

Strategic priority objective

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Proposal

The applicant is proposing to construct a secondary suite within the existing single family dwelling located at 159 Grandview Street. The applicant has requested a variance to increase the maximum allowable size from 90m² to 110m².

Background

The subject property is a 0.29-acre corner lot, located at 159 Grandview Street. The property is currently zoned R1 (Large Lot Residential) and designated as 'Detached Residential' by the Official Community Plan. The property currently contains a single family dwelling constructed in 2004. When the single family dwelling was constructed, the owners had wanted to create a secondary suite, but the BC Building Code restriction on the size had deterred them from building it at that time. Due to the recent change to the BC Building Code, the property owners are now intending to add the desired secondary suite.

In December 2019, the BC Building Code was amended to remove the maximum size restrictions in place for secondary suites. However, the City's Zoning Bylaw has not been amended to remove the maximum size

restrictions. The intent of limiting the size of secondary suites through the Zoning Bylaw is to ensure that they remain secondary in scale to the principal residence and to maintain the single family character of the building.

Financial implication

This application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Servicing and building code requirements have been identified to the applicant and will be addressed as part of the building permit process. It is the property owner(s) responsibility to provide services and/or upgrade existing services as required.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the variance application:

	Requirement R1 Zone	Provided on Plans
Limitation of Suites:	No more than one secondary suite shall be permitted in a single family dwelling, and not in conjunction with a carriage house.	There are no accessory suites currently on the subject property.
Sewer Service	No secondary suite will be allowed without connection to a community sewer system...	The subject property is connected to City sewer services.
Development Regulations	Minimum gross floor area: 32 m ²	Suite is proposed at 110 m ²
	Maximum gross floor area: 90 m ² or 40% of the habitable floor area of the building, whichever is less.	110 m ² , or 40% of the habitable floor area of the building, whichever is less – Variance requested
	Minimum amenity space: 15 m ² of amenity space shall be provided individually for each of the principal residence and the secondary suite	50.7 m ² for principal residence 57.6m ² for secondary suite
Parking and Access	2 parking spaces for principal dwelling 1 parking space for secondary suite	4 spaces provided for principal dwelling 2 spaces provided for secondary suite

Analysis

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance and staff's analysis are as follows:

1. Section 8.2.3.4: to increase the maximum gross floor area of a secondary suite from 90m², or 40% of the habitable floor area of the building, whichever is less, to 110m², or 40% of the habitable floor area of the building, whichever is less.
 - The applicant is requesting a variance to increase the maximum gross floor area of a secondary suite by 20m² (215 sq. ft.).
 - The requested 110m² size will be approximately 37% of the total habitable floor area of the building. This allows the suite to remain as a 'secondary' suite by staying under 40% of the total size of the entire building.
 - The layout of the lower level of the home would be difficult to design to stay under the maximum 90m² without having 'dead' space that couldn't be accessed from the principal dwelling unit, or be allocated towards the suite.
 - The proposed floor plans indicate a 2-bedroom suite will be created. This is consistent with the bedroom count of most secondary suites, which often have 1- to 2-bedrooms.
 - The subject property is a suitable location for a secondary suite. The plans provide for ample amenity space for the secondary suite, as well as sufficient room for parking. The proposal will maintain separate accesses to the primary dwelling and secondary suite, with separate driveways. The property is also large enough to provide significant amenity space for both the principal dwelling and the secondary suite.

In addition, staff consider that the proposed development is supported through the following OCP policies:

- | | |
|----------------|--|
| Goal 4.1.2 | Increase the availability of affordable housing across the housing spectrum, from subsidized social housing to home-ownership options. |
| Policy 4.1.3.2 | Increase housing options in low-density single family areas through development of secondary suites and carriage houses, and ensure carriage houses are sensitively integrated and designed according to the Intensive Residential Development Permit Area guidelines. |
| Policy 4.1.3.4 | Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or large, to accommodate families. |

Further to staff's technical analysis of the proposal, the applicants have submitted a letter of intent (Attachment 'A'), which indicates further justification for their request.

Staff consider that the request to increase the maximum size of the secondary suite is reasonable. The result of the variance being approved would have a minimal impact on the neighbouring area. As such, staff recommend that Council support the variance.

Alternate recommendations

Council may consider the requested variance would pose a negative impact on the surrounding neighbourhood and is not reasonable. If this is the case, Council should deny the variance request.

1. THAT Council deny "Development Variance Permit PL2020-8723".

Attachments

Attachment A – Letter of Intent

Attachment B – Images of Subject Property

Attachment C – Draft “Development Variance Permit PL2020-8723”

Respectfully submitted,

Nicole Capewell
Planner I

Concurrence

Director	Chief Administrative Officer
----------	---------------------------------

Attachment A – Letter of Intent

To Mayor and council,

RE: Variance application 159 Grandview Street, Penticton BC.

When Diane and Gordon first started looking into there possibility of creating a secondary suite in their family home that they had build themselves 15 years ago after fire destroyed their existing house. They came into the city and spoke one of the building officials. This is when they first learned of the recent changes to the BC building code that restricted the size of a secondary suites to 90sq/m. They were also informed that the city was in the early stages of reviewing the zoning bylaw that also restricted secondary suites to the same size.

After receiving this information, they reached out to me to help them through the design and permitting phase of their project. After reviewing the plans from when the house was originally built and running through many different options for floor plans it became increasingly clear that we were not going to be able to stay within the 90sq/m that the current zoning bylaw allows. This caused them some distress as their hope was to create a space that would allow them to stay in the home and neighbourhood they love as they move into their retirement.

It would have been relatively easy to come up with a design that would have worked if it were just them and only needed a one-bedroom suite, but they need a second bedroom for their foster son Mike. For many years Diane and Gord fostered several children in their home. Mike came to them at age of only 18ths and has special needs. He is now in his early twenties. Diane and Gord have made it a priority to include mikes bedroom into the suite so that he to can remain in the house and neighbourhood he has lived in for the majority of his life.

Diane and Gord's home is an ideal candidate for a secondary suite as it is located on a large corner lot with a walk out basement. There is already ample parking for the added tenant density. As mentioned above we are proposing a floor plan that is only two bedrooms and thus not looking to increase the occupant load beyond what a 90sq/m suite would allow. This along with the with the plan staying within the existing building structure will make the impact on the neighbours and neighbourhood very minimal if it has any effect at all.

Thank you for you time and consideration. Please do not hesitate to contact me with any questions or concerns.

Best regards,



Carey Brown

Campbell Mountain Contracting Ltd.

250.462.3301

carey@campbellmountaincontracting.ca

Attachment B – Images of Subject Property



Looking towards front of house from Grandview Street



Looking towards side of house from Appleton Ave



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

Development Variance Permit

Permit Number: DVP PL2020-8723

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 3 District Lot 188 Similkameen Division Yale District Plan 9426
 - Civic: 159 Grandview Street
 - PID: 009-692-215
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 to allow for the construction of a secondary suite, as shown in the plans attached in Schedule 'A':
 - a. Section 8.1.4.2: to increase the maximum gross floor area of a secondary suite from 90m², or 40% of the habitable floor area of the building, whichever is less, to, 110m², or 40% of the habitable floor area of the building, whichever is less.

General Conditions

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

Authorized by City Council, the ____ day of _____, 2020.

Issued this ____ day of _____, 2020.

Angela Collison
Corporate Officer

DRAFT
DVP PL2020-8723



