

April 9, 2020

Subject Property:

760 Duncan Avenue East

Lot 11, District Lot 250, Similkameen Division Yale District
Plan 7517

Application:

Development Variance Permit PL2019-8609

The applicant is proposing to add a second floor above an existing accessory building (garage), converting the building into a carriage house. The existing garage was constructed with a lesser setback than a carriage house currently requires, therefore, the applicant has applied to vary the following section of Zoning Bylaw 2017-08:



Section 8.2.3.4: To reduce the minimum interior side yard setback for a carriage house in the R1 zone from 1.5m to 1.24m on the eastern property line.

Information:

You can find the staff report to Council and Development Variance Permit PL2019-8609 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/760 Duncan Ave E
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner I
Address: 760 Duncan Ave E
Subject: Development Variance Permit PL2019-8609 (760 Duncan Ave E)

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8609", for Lot 11 District Lot 250 Similkameen Division Yale District Plan 7517, located at 760 Duncan Ave E, a permit to vary Section 8.2.3.4 of Zoning Bylaw No. 2017-08 to reduce the minimum interior side yard setback for a carriage house in the R1 zone from 1.5m to 1.24m on the eastern property line;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8609".

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 suite above an existing accessory building (garage), converting the building into a carriage house. The existing garage was constructed with a lesser setback than a carriage house currently requires. As the applicant is proposing to add a second floor to the building, they have applied for a variance to allow the carriage house second floor to be at the lesser setback. The applicant has requested to reduce the interior side yard setback on the eastern property line from 1.5m to 1.24m.

Background

The subject property is located at 760 Duncan Ave E. The subject 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 and a newly constructed accessory building (garage). The garage was constructed in 2010 and attained the appropriate permits. The garage was constructed at an interior side yard setback distance of 1.24m, which meets the required 1.2m for accessory buildings.

The applicant has a desire to construct a carriage house by adding a second floor to the existing garage building. The interior side yard setback for a carriage house is 1.5m, which requires that the property owner

either step the building back on the second floor to meet 1.5m, or apply for and obtain a variance to reduce this setback. As such, the property owner has applied for a variance.

Carriage houses require Development Permit approval. The applicant will be required to obtain a Development Permit prior to construction, however this permit will be issued by staff at a later date.

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
Minimum Lot Area:	370 m ²	647 m ²
Maximum Building Footprint:	90 m ² (968 sq. ft.)	75 m ² (816 sq. ft)
Maximum Lot Coverage:	40% or 258 m ²	34% or 220 m ² (house, existing deck, proposed carriage house)
Maximum Height:	7.0m and two floors where a lane exists	6.95m and two floors where a lane exists
Required Setbacks Front Yard (Duncan Ave E): Side Yard (east): Side Yard (west): Rear Yard (lane):	Behind principal dwelling 1.5 m 1.5 m 1.5 m	Behind principal dwelling 1.24m – Variance requested 9.59 1.65 m
Minimum amenity space	15 m ² each for the principal dwelling and the carriage house	22 m ² deck for carriage house 37 m ² deck for principal dwelling
Carriage House Floor Area	135 m ² (1,453 sq. ft.)	53.5 m ² (576 sq. ft)
Parking and Access	2 parking spaces for principal dwelling 1 parking space for carriage house	2 spaces provided for principal dwelling 2 spaces provided for carriage house

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 reduce the interior side yard setback for a carriage house within the R1 zone from 1.5m to 1.24m on the eastern property line.
 - The applicant is requesting a variance to reduce the interior side yard setback for a carriage house to accommodate a second floor being added to an existing garage.
 - The Zoning Bylaw allows for the conversion of pre-existing, legally constructed accessory buildings being converted to carriage houses. However, this doesn't account for additions of second floors, as this worsens the non-conformity. In these cases, we require the second floor addition to be setback slightly to meet the 1.5m setback or request a variance.
 - The applicant constructed a new garage structure in 2010 on their property. Given that the structure is relatively new and in very good condition, the applicant wishes to utilize the existing building and add a second floor to accommodate a second dwelling unit on the property.
 - The proposed building has been designed with the deck facing towards the subject property, and does not look directly into the eastern property (most impacted by the variance).
 - The building does not include any windows on the eastern elevation, to help maintain privacy and limit overlook to the neighbouring property.
 - The applicant intends to complete improvements to the property in the form of landscaping, once the carriage house is completed.

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. |

Staff consider the request to reduce the interior side yard setback from 1.5m to 1.24m is reasonable. The result of the variance being approved would have a minimal impact on the neighbouring area. As such, staff recommend that Council should 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 PL2019-8609”.

Attachments

Attachment A – Letter of Intent

Attachment B – Photos of Subject Property

Attachment C – Draft “Development Variance Permit PL2019-8609”

Respectfully submitted,

Nicole Capewell
Planner I

Concurrence

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

Attachment A – Letter of Intent

Letter of intent

September 19, 2019

Proposed development is at 760 Duncan Ave East at the rear of the property

Addition of second floor and deck above existing 24 x 24 foot garage built in 2010 to accommodate single residence

Variance requested for east property line setback currently at 1.24 metres on garage and needs to be 1.5 meters to meet new setback . A variance of .26 metre

Impact is low on neighbours across lane due to elevation of hill and trees and only slight on adjacent properties

Both neighbours have been consulted regarding this proposal and are endorsing the construction

A visual break will be added in siding on east side of building to eliminate the tall wall look

Stairs are set back on west side towards house to minimize visual impact

Above ground Gardens and trees will be added on west side to emulate existing landscape on both adjacent properties

This will be a positive contribution to the community for future rental accommodation and proximity to the hospital

Attachment B - Photos of Subject Property



View of existing garage from the lane



View of existing garage from subject property



Looking south down eastern property line



View of existing garage from (east) neighbouring property



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

Development Variance Permit

Permit Number: DVP PL2019-8609

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 11 District Lot 250 Similkameen Division Yale District Plan 7517
 - Civic: 760 Duncan Avenue East
 - PID: 009-976-825
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 carriage house, as shown in the plans attached in Schedule 'A':
 - a. Section 8.2.3.4: to reduce the interior side yard setback for a carriage house in the R1 zone from 1.5m to 1.24m on the eastern property line.

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.

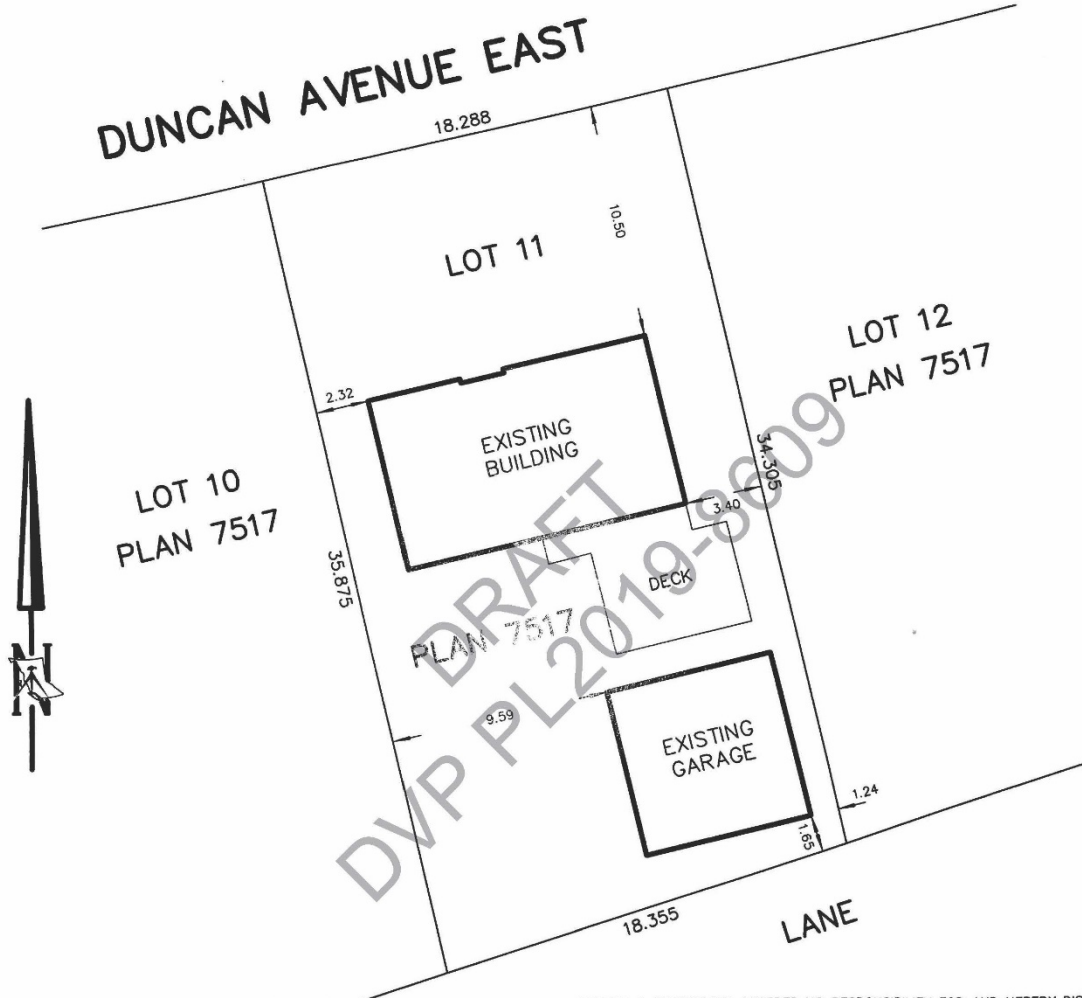
Issued this ____ day of _____, 2020.

Angela Collison
Corporate Officer

DRAFT
DVP PL2019-8609

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT 11, DL 250, SDYD, PLAN 7517

CIVIC ADDRESS: 760 DUNCAN AVENUE EAST, PENTICTON, B.C.



THIS PROPERTY IS SUBJECT TO THE FOLLOWING
NON-FINANCIAL CHARGES AND INTERESTS
WHICH MAY AFFECT THE POSITIONING OF
STRUCTURES ON THE PROPERTY:

**LOCATIONS OF THE STRUCTURE CERTIFIED
CORRECT ACCORDING TO A FIELD SURVEY
COMPLETED THIS 14th DAY OF AUGUST, 2017**

[Signature]
BRITISH COLUMBIA LAND SURVEYOR
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY
SIGNED IN RED AND BEARING THE ORIGINAL SEAL

© 2017 STEVEN J. BUZIKIEVICH. ALL RIGHTS RESERVED.

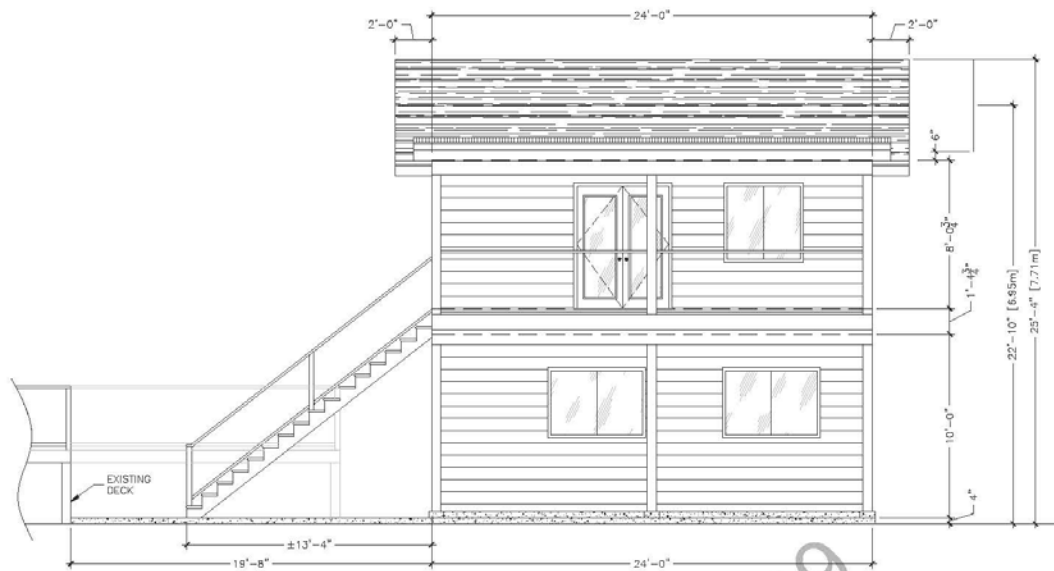
STEVEN J. BUZIKIEVICH ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM
ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES NOT LIMITED TO, DIRECT,
INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN
CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE
PLAN BEYOND ITS INTENDED USE.

OFFSET DIMENSIONS ARE TO THE EXTERIOR FINISHED WALLS OF
THE STRUCTURES SHOWN AS OF THIS DATE OF THIS CERTIFICATE.

THIS CERTIFICATE IS PREPARED FOR MORTGAGE AND BUILDING INSPECTION
PURPOSES AND SHOWS THE LOCATION OF THE SURVEYED STRUCTURES
AND FEATURES WITH RESPECT TO THE REGISTERED LAND TITLE OFFICE
RECORDS OF THAT LAND. UNREGISTERED INTERESTS ON THIS PROPERTY
HAVE NOT BEEN INCLUDED, CONSIDERED OR RESEARCHED. THIS DOCUMENT
IS NOT A BOUNDARY SURVEY AND MAY NOT BE USED TO DEFINE PROPERTY
CORNERS OR PROPERTY BOUNDARIES.

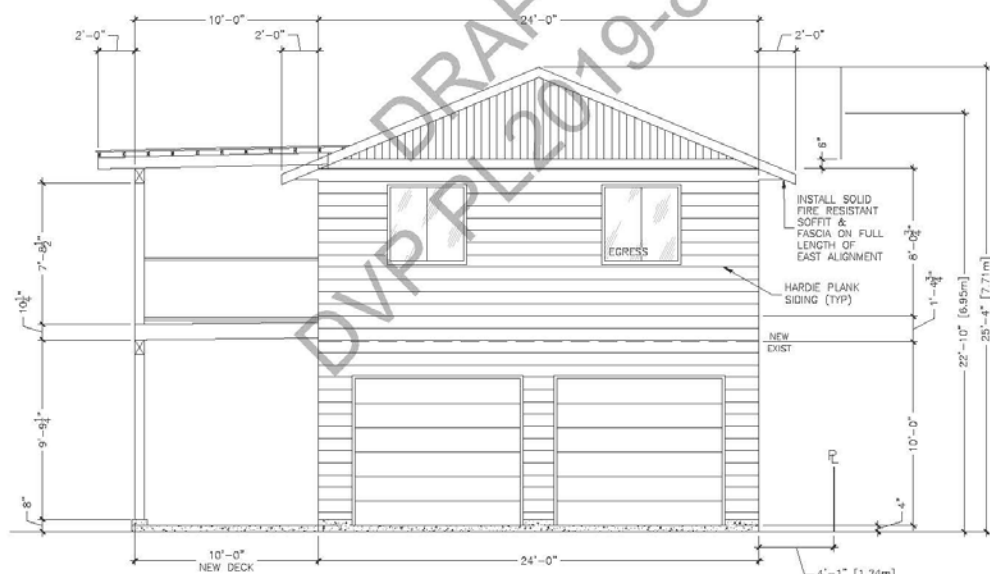
ALL DIMENSIONS ARE METRIC
SCALE 1 : 250
FILE: 17-109CE

STEVEN J. BUZIKIEVICH
PROFESSIONAL LAND SURVEYOR
54 NANAIMO AVE. E.
PENTICTON, B.C. V2A 1L9
Phone: (250)492-0559 Fax: (250)492-9851



WEST ELEVATION

SPATIAL SEPARATION
TOTAL BUILDING FACE = 455 sq. ft.
TOTAL UNPROTECTED OPENINGS = 84 sq. ft. (18.5%)
LIMITING DISTANCE = 6.53 m
ALLOWABLE OPENINGS = 73%



SOUTH ELEVATION

NOTES:

PRELIMINARY S&W ELEVATIONS PROPOSED CARRIAGE HOUSE

760 DUNCAN AVENUE
PENTICTON BC

AZTECH DRAFTING
SERVICES

496 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

DRAWN BY: MBW

DATE: SEPT 19/19

DESIGN BY:

PROJECT No.: 191876

CHK'D BY:

FILE No.:

SCALE: 1/8"=1'

SHEET No.: 3 OF 4

191876

