



Public Notice

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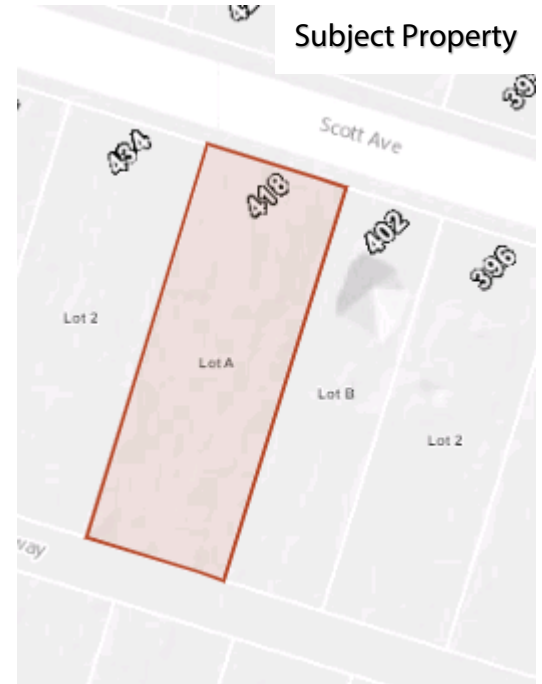
April 23, 2020

Subject Property:
418 Scott Avenue

Lot A, District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP78865

Application:
Rezone PL2020-8718

The applicant is proposing to build a new 3-bedroom single detached dwelling on the subject property, with a 2-bedroom secondary suite in the basement. There is an existing carriage house on the subject property. In order to allow both a secondary suite and a carriage house on the same property, the applicant has applied for a text amendment to the Zoning Bylaw to permit both uses. In addition, relief is being requested to allow for a larger secondary suite than permitted by the Zoning Bylaw.



Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2020-13 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 has waived the Public Hearing for Zoning Amendment Bylaw 2020-13 and will consider the bylaw at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, May 5, 2020**.

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 at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Audrey Tanguay
Planning Manager

Date: April 21, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner 1
Address: 418 Scott Avenue

File No: RMS/418 Scott Avenue

Subject: Zoning Amendment Bylaw No. 2020-13

Staff Recommendation

THAT “Zoning Amendment Bylaw No. 2020-13”, a bylaw to add a site specific text amendment to the R2 zone of Zoning Bylaw 2017-08, to permit a secondary suite up to 181.6m² or 44% of the habitable area of the building, in addition to a carriage house on Lot A, District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP78865, located at 418 Scott Avenue, be given first reading;

AND THAT Council, as per Section 464(2) of the *Local Government Act*, waive the Public Hearing for Zoning Amendment Bylaw No. 2020-13, as the bylaw is consistent with the Official Community Plan.

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 build a new 3-bedroom single detached dwelling on the subject property, with a 2-bedroom secondary suite in the basement. There is an existing carriage house on the subject property. In order to allow both a secondary suite and a carriage house on the same property, the applicant has applied for a text amendment to the Zoning Bylaw to permit both uses through a site-specific provision. In addition, relief is being requested to allow for a larger secondary suite than permitted by the Zoning Bylaw.

Background

The subject property is located on the south side of Scott Avenue, between Moosejaw and Argyle Streets (Figure 1). The



Figure 1 - Location Map

property is zoned R2 (Small Lot Residential) and is designated 'Detached Residential' by the Official Community Plan (OCP). The existing single detached dwelling was built in 1954 and is proposed to be demolished. The existing carriage house on the subject property was built in 2016. The surrounding residential neighbourhood primarily consists of single detached dwellings. Many properties in the area have carriage houses that are accessed from rear lanes.

The Letter of Intent (Attachment 'C') states that the owner is not intending to rent the proposed secondary suite immediately. Rather, the suite is intended to be occupied by members of their family for the near future. The applicant is required to construct the secondary suite to the BC Building Code regulations

Financial implication

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

Development Statistics

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

Section 8.1 (Secondary Suite) Requirement		Provided on Plans
Limitation of Suites	No more than one (1) secondary suite shall be permitted in a single detached dwelling.	One (1) secondary suite is planned in the basement of the proposed single detached dwelling.
Sewer Service	No secondary suite will be allowed without connection to a community sewer system unless the lot is at least 830m ² and meets the requirements of the sewage system regulation under the <i>Public Health Act</i> .	The property is connected to a community sewer system.
Strata Titles	A secondary suite may not be sited or located on a separate titled parcel from the principal residence or be created as a strata lot within the single detached dwelling.	Neither the secondary suite nor the carriage house may be separately titled from the proposed single detached dwelling (principal residence).
Development Regulations	Minimum gross floor area: 32m ²	181.6m ² proposed gross floor area
	Maximum gross floor area: 90m ² , or 40% of the habitable floor area of the building, whichever is less.	181.6m ² proposed gross floor area, 44% of the habitable floor area of the building *SITE SPECIFIC ZONING REQUESTED*
	Minimum amenity space: 15m ² of amenity space shall be provided individually for each of the principal residence and the secondary suite.	45m ² secondary suite amenity space 83m ² carriage house amenity space 269m ² principal dwelling amenity space
Parking	Minimum 4 parking spaces: - 2 spaces per single detached dwelling - 1 space per carriage house - 1 space per secondary suite	6 parking spaces

Analysis

When considering a zoning amendment application, staff encourages Council to consider the OCP policies as well as potential impacts on neighbouring property owners. In this instance, the existing R2 (Small Lot Residential) zoning will remain, with the proposed site-specific provision below, which will only apply to the subject property:

In the case of Lot A District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP78865, located at 418 Scott Avenue, a secondary suite up to 181.6m² or 44% of the habitable area of the building is permitted in addition to a carriage house.

Staff consider that the proposed text amendment will allow for development that conforms to the following OCP Policies:

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by 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 larger, to accommodate families.
- Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).

The subject property is designated ‘Detached Residential’ by the OCP. The ‘Detached Residential’ designation envisions lower-density neighbourhoods consisting of single detached houses and/or duplexes (Figure 2).

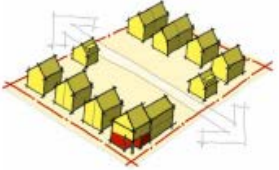
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Detached Residential 	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas	• Single detached houses with secondary suites or carriage houses • Duplexes • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop) • Manufactured homes	• Residential • Limited retail/service	• 1 or 2 units per lot • Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw	• R1 • R2 • R3 • RD1 • RSM • C2
Site-Specific Detached Residential Policy Statement: 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.					

Figure 2 - Excerpt from Official Community Plan

The R2 (Small Lot Residential) zone is one of the corresponding zones within the 'Detached Residential' designation. The provisions of the R2 (Small Lot Residential) zone for setbacks, height, and lot coverage will continue to apply to the subject property.

The 'Detached Residential' designation envisions 1 or 2 primary units per lot. The proposed development on the subject property will consist of one primary unit (the proposed single detached dwelling) and two accessory units (the existing carriage house and the proposed secondary suite).

The proposed development is considered consistent with the detached residential character of the surrounding neighbourhood. The new building will appear as a single detached dwelling with the primary front façade of the building facing the street (Attachment 'E'). The proposed site layout provides more than the minimum number of required parking spaces for the accessory units. By placing the required parking spaces for the two accessory suites at the rear of the property, the visibility of multiple parked vehicles from the public realm is reduced. Four parking spaces are provided off the lane for the carriage house and the secondary suite, which exceeds the minimum requirement of two parking spaces for both of the accessory units. Two parking spaces for the primary dwelling will be provided in the attached garage accessed from Scott Avenue. Currently there is driveway access onto Scott Avenue and the applicants would like to maintain this driveway access for the new dwelling.

The size of the proposed secondary suite exceeds the current Zoning Bylaw regulations and the applicants are requesting relief from the size provisions through the proposed text amendment. Section 8.1.4.2 of the Zoning Bylaw limits the size of secondary suites to 90m² or 40% of the habitable floor area of the building, whichever is less. In this case, the applicants are proposing a floor area of 181.6m² (1,955ft²) or 44% of the habitable floor area of the building. In December 2019, the BC Building Code was updated and Code restrictions on the size of secondary suites were removed. The intent of limiting the size of secondary suites through the Zoning Bylaw is to ensure that they remain secondary in scale to the primary residence and to maintain the single detached dwelling character of the building. In this instance, the proposed secondary suite remains subordinate in scale to the primary residence by occupying 44% of the habitable area of the building. The proposed building is designed to reflect a detached residential look and feel from the street. The entrance to the secondary suite is at the side of the proposed dwelling and is not visible from the street, while the existing carriage house is oriented towards the lane. As indicated in the Letter of Intent

(Attachment 'C'), the form and character of the proposed dwelling will not change whether or not a secondary suite is installed.

The design of the proposed building maintains the detached character of the surrounding neighbourhood. The proposal is aligned with the OCP policies encouraging appropriate infill development. While exceeding current Zoning Bylaw regulations, the suite remains secondary in scale to the proposed principal residence and the design meets the all other Zoning Bylaw requirements. Given these reasons, staff are recommending that Council give first reading to the Zoning Amendment Bylaw.

Staff are also recommending that due to the current emergency declarations in place as a result of the COVID-19 pandemic, that Council waive the public hearing as per section 464(2) of the *Local Government Act*. Using this provision still requires notification of the development to go out to residents within a specified distance from the subject property as well as the posting of a notice of development sign and newspaper advertisement.

Alternate recommendations

Council may consider the proposed development results in too high of a density for the detached residential area, or that the proposal is otherwise undesirable. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw. Alternatively, Council may want to hear from residents of the neighbourhood prior to giving further readings to the bylaw. If this is the case Council could give first reading to the bylaw and postpone additional readings until such time as a public hearing is possible.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2020-13".
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-13", and that further readings be postponed until such time as a public hearing is possible.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Letter of Intent

Attachment D – Proposed Site Plan

Attachment E – Proposed Building Plans

Attachment F – Zoning Amendment Bylaw No. 2020-13

Respectfully submitted,

Steven Collyer
Planner 1

Concurrence

Director Development Services <i>BL</i>	Chief Administrative Officer DyD
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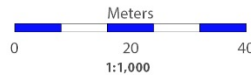


418 Scott Avenue

Zoning Map



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February-20-20
9:41:02 AM



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418 Scott Avenue

Official Community Plan Map



Legend

Subject Parcel

Parcel

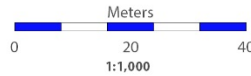
Official Community Plan

Future Land Use

Detached Residential

Parks

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February-20-20
9:42:32 AM



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Attachment C – Letter of Intent

 IRONWOOD RESIDENTIAL DESIGN PO BOX 22024 Penticton, B.C. V2A 8L1 250-276-6440 GST # 85363 8997 RT0001	Physical Address: 203-69 Nanaimo Ave E., Penticton Project # 019-04 Date Feb 17 2020	
Rationale for site specific zoning to allow secondary suite and carriage home on same property		
This outline provides the supporting rationale for the attached zoning application. I am requesting that a secondary suite (in soon to be constructed new home) and carriage home (existing) be allowed on the same property at 418 Scott Ave in Penticton		
<u>Design Background</u>		
As shown in the images below, the lot at 418 Scott Ave currently has a small single family home facing Scott and a two level carriage home in the rear (facing lane). A new home (below right) is proposed to be constructed late this spring.		
Existing home facing Scott Ave	Proposed home facing Scott Ave	
		
Aerial View - Site plan showing existing home in front and carriage home at rear		
		
Aerial View - Site plan showing proposed home in front and carriage home at rear (suite will be in basement of home)		
		
PG 1 OF 3		

My client has lived in the existing home since 2001 and has made improvements to it ever since. In 2013 he constructed a 960 sq.ft carriage home in the rear yard to accommodate his personal vehicles and provide rental income from the upper level suite.

Dec 2019 image of carriage home facing lane - ample space for both carriage home and suite parking



As the family has grown, (2 boys and 2 girls) the need for a larger home with separate spaces has become very apparent. He and I have worked over the past year to complete a new design which allows the younger ones on the main level and the older ones in the lower, each with a bedroom. Overall the new home is much larger and spacious than the existing; my clients do not plan a move and intend this to be their "forever" home.

In the coming years as kids move on, the basement will become vacant and would become an ideal candidate for a suite. (two bedrms, bath, large living / kitchen / dining and plenty of storage) The desire is not to immediately operate it as a suite, but to incorporate the required fire separations, dual furnaces and other code regulations for future.

As the property is currently not zoned for both secondary suite and carriage home, we cannot construct it (or submit for permit) as a suited home. While it could be built with required ceiling separations, we would not rough in (or provide rated venting / pre-wiring) in for kitchen and other amenities. In short, my client wants to build to code for a suite but not immediately operate as one. To do this, we require a site specific R2 zoning to allow for both the suite and carriage house; we can then submit construction drawings and build to current code fire & sound separation details. It can be inspected and approved as such to avoid issues in the future if this is done "piece meal".

As the densification trend continues in Penticton, secondary suites and duplexes are now allowed in conjunction with carriage homes on RD3 zoned lots, but not yet on R2 lots such as this. It only seems logical that suites will become allowed with carriage homes in more zones as we continue to grow. It should be noted that the minimum size for an RD3 lot is 30ft (9.1m) wide and 2960 sq.ft (275 sq.m) while this lot is 60ft (18.0m) wide and over 4-1/2 times as large at 13644 sq.ft. (1268 sq.m.) There are many recently constructed, similar sized carriage homes along this lane with a growing trend of densification.

The lot is a perfect candidate for a suited principal home and carriage home due to it's enormous size (60' x 198') and ample parking. The site plan on page one shows principal residence parking up to 4 vehicles (two inside and two outside) as well as double the required amount at rear (one req'd for each tenant of suite and carriage house). No parking is moved to the street and there is plenty of room for garbage pickup on both street and lane. The owner still maintains a large, private rear yard while tenants also have their own spacious, private (required) amenity spaces (45 sq.m suite and 83 sq.m. carriage house amenity). A required 1.2m wide access from front to rear has been provided. There have been no complaints to date regarding the existing carriage home (past 6 years) and my client will of course be even more particular about the tenants sharing their "forever home".

In the event the site specific zoning is not approved, the home will still be constructed to code as a suite minus coooking facilities and required venting in hopes that it may be approved in future. This application is made to "make everyone's life easier", not skirt the rules and ensure the home meets today's more stringent code standards.

Your consideration and support of this application is greatly appreciated.

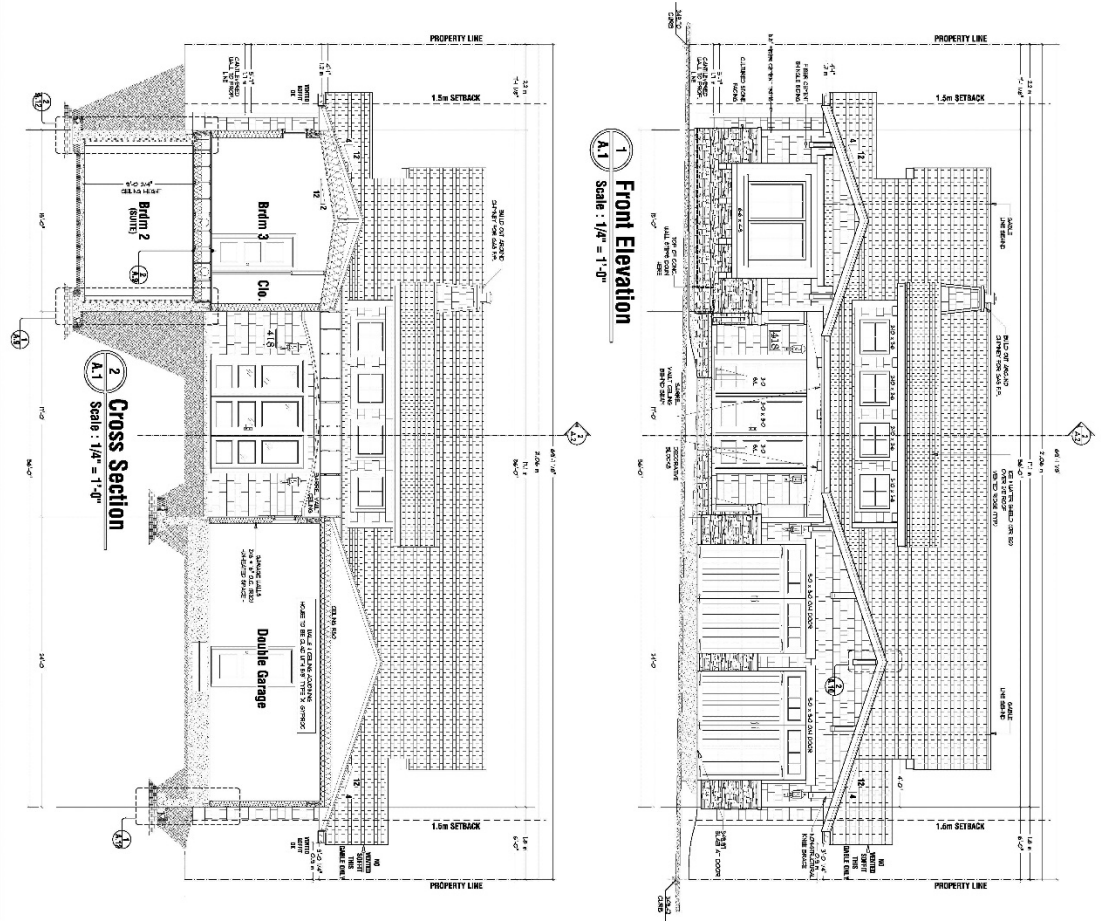
Sincerely,

Dave Sutton
Building Designer

Attachment D – Proposed Site Plan



Attachment E – Proposed Building Plans



DATE	DESCRIPTION
2018-07-20	ISSUED FOR PERMIT
2018-07-20	REVISED
2018-07-20	REVISED
2018-07-20	REVISED

A.1

Bellevue Residence
Plan KAP 6250, Lot 3, P.I.D 010-166-469
418 Scott Ave., Penticton B.C.
Owner Contact: Mike Bellevue

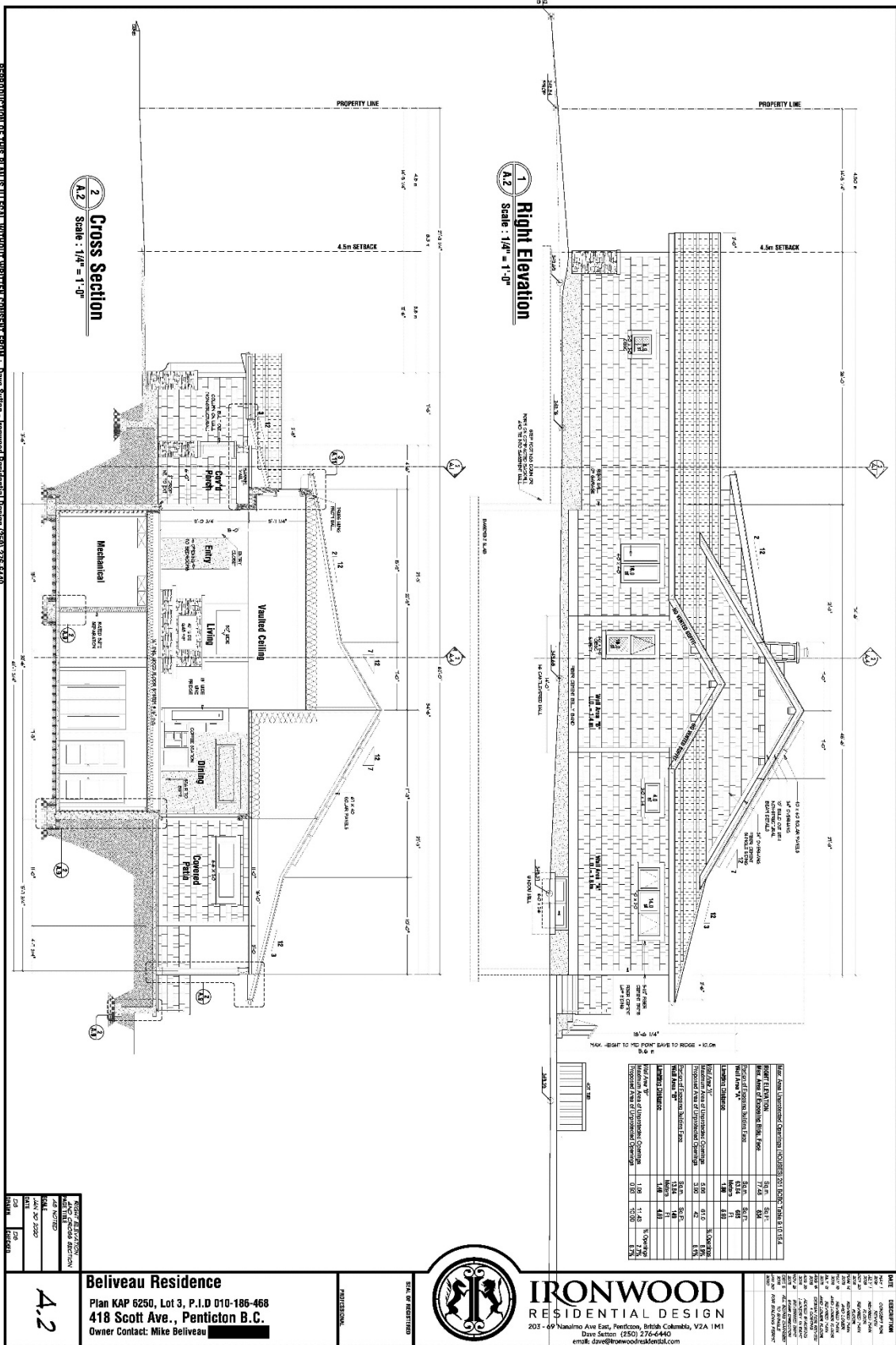
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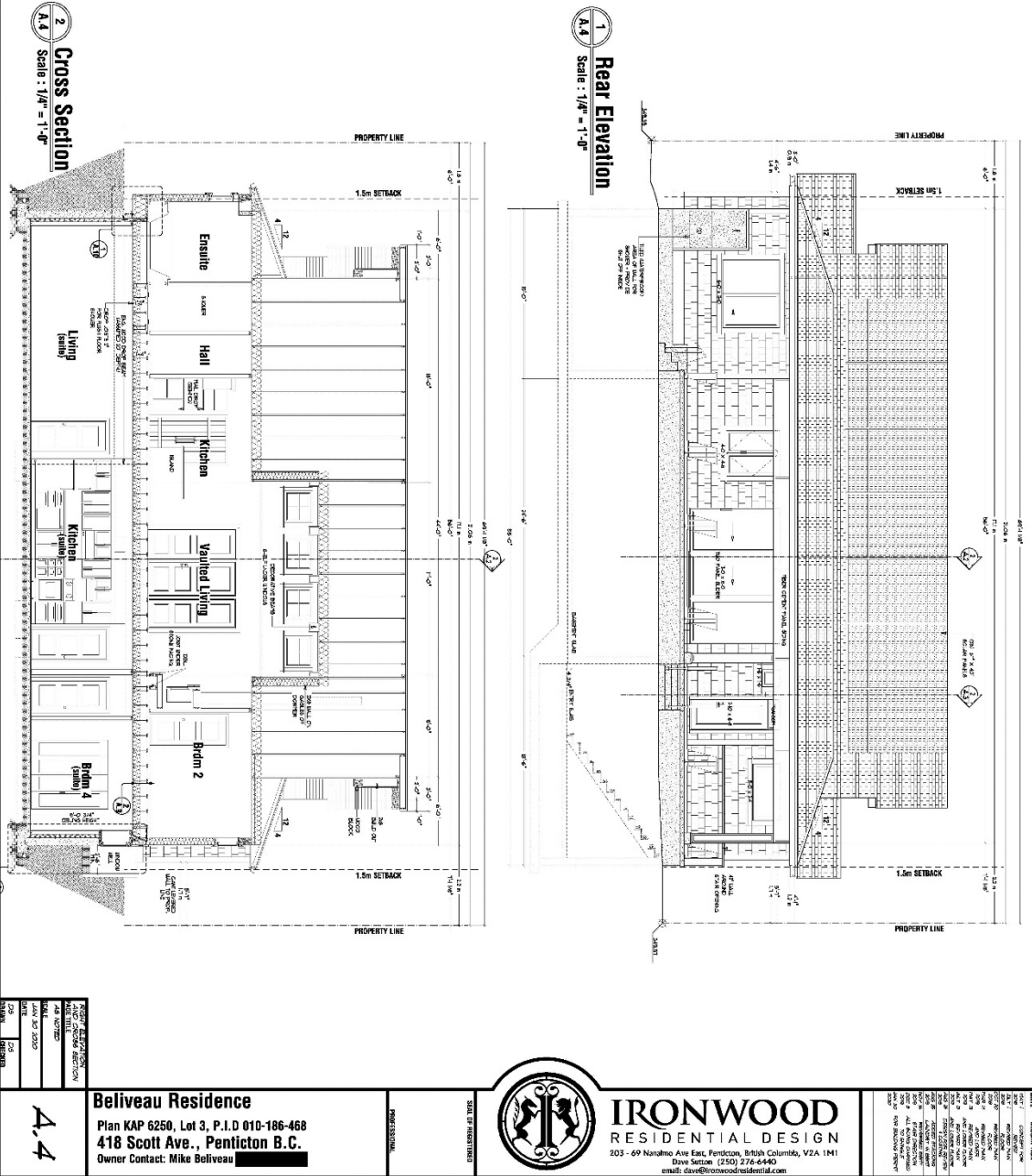
DATE OF PREPARATION



IRONWOOD
RESIDENTIAL DESIGN
203 - 69 Nisqually Ave East, Penticton, British Columbia, V2A 1M1
Dave Sirtson (250) 276-6440
email: dave@ironwoodresidential.com

SHEET	DESCRIPTION
1	FRONT ELEVATION
2	CROSS SECTION
3	PLAN
4	SECTION
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The Corporation of the City of Penticton

Bylaw No. 2020-13

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2020-13".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended by adding the following site specific provisions to 10.2 R2 – Small Lot Residential, section 10.2.4:

.4: "In the case of Lot A District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP78865, located at 418 Scott Avenue, a secondary suite up to 181.6m² or 44% of the habitable area of the building is permitted in addition to a carriage house."

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	21	day of	April, 2020
READ A SECOND time this		day of	, 2020
READ A THIRD time this		day of	, 2020
RECEIVED the approval of the		day of	, 2020
Ministry of Transportation on the			
ADOPTED this		day of	, 2020

Council resolved to waive the public hearing on April 21, 2020 and notice of intention to waive public hearing for this bylaw was published on the __ day of ____, 2020 and the __ day of ____, 2020 in the Penticton Herald newspaper, pursuant to Section 467 of the *Local Government Act*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this ____ day of ____, 2020

for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer

418 Scott Avenue

To add a site specific text amendment to the R2 zone of Zoning Bylaw 2017-08, to permit a secondary suite up to 181.6m² or 44% of the habitable area of the building, in addition to a carriage house .



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2020-13

Date: _____

Corporate Officer: _____