

August 6, 2020

Subject Property:

102 Andrew Place

Lot 13, District Lot 188, Similkameen Division Yale
District, Plan 24943

Application:

Development Variance Permit PL2020-8783

The applicant is proposing to construct an addition onto the front of the house, which would accommodate an enclosed garage space.

In order to construct the garage at the front of the house, the applicant has requested a variance to Zoning Bylaw Section 10.1.2.5, to reduce the minimum front yard setback from 6.0 m to 3.33 m



Information:

You can find the staff report to Council and Development Variance Permit PL2020-8783 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 the development variance permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, August 18, 2020.**

In response to COVID-19, Regular 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.

Public Comments:

Any person whose interest may be affected by the proposed development variance permit, may submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, August 18, 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 August 18, 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

Date: August 18, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 102 Andrew Place
Subject: Development Variance Permit PL2020-8783

File No: RMS/102 Andrew Place

Staff Recommendation

THAT Council approve "Development Variance Permit PL2020-8783" for Lot 13 District Lot 188 Similkameen Division Yale District Plan 24943, located at 102 Andrew Place, a permit to vary Zoning Bylaw Section 10.1.2.5, to reduce the minimum front yard setback from 6.0 m to 3.33 m;

AND THAT Council direct staff to issue "Development Variance Permit PL2020-8783".

Proposal

The applicant is requesting to reduce the minimum front yard setback from 6.0 m to 3.33 m to accommodate an addition to the existing single family dwelling. The addition will allow for the construction of a garage to the front of the home.

Background

The subject property is located at 102 Andrew Place, at the corner of Andrew Place and Middle Bench Road South. The property is zoned R1 (Large Lot Residential) and is designated in the Official Community Plan as 'Detached Residential'. The property contains a single family dwelling with a secondary suite. The applicant has a desire to construct an addition onto the front of their house, which would accommodate an enclosed garage space. In order to construct the garage in the desired location, at the front of the house, the applicants require a variance to reduce the front yard setback from 6.0 m to 3.33 m.

Technical Review

The 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.

Analysis

When considering a variance to a City bylaw, staff encourage 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 propose variance and staff's analysis are as follows:

1. Section 10.1.2.5 to reduce the minimum front yard setback from 6.0 m to 3.33 m.
 - The requested variance would reduce the minimum front yard setback on the property to 3.33 m. The location of the proposed addition is not directly next to any shared property lines, which will reduce the impact on adjacent properties.
 - The proposed garage would still allow for 6.36 m from the face of the building addition to the street curb, allowing for a vehicle to safely park in front of the garage.
 - If the owners adjusted the location of the garage to comply with the Zoning Bylaw, they would have likely needed to add a new driveway access off of Middle Bench Road South. Due to the high levels of traffic on Middle Bench Road South, this would not be a preferred option.
 - The property does not have a laneway at the rear, which limits safe points of access to a garage at the rear of the property, making the front of the property the preferred location for the garage addition.
 - The garage is not located in a way that would pose a visual hazard at the corner of Andrew Place and Middle Bench Road South.

Staff consider the request to reduce the minimum front yard setback from 6.0 m to 3.33 m is reasonable. As such, staff recommend that Council should support the variance and direct staff to issue the permit.

Alternate recommendations

Council may consider that 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 PL2020-8783".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Letter of Intent

Attachment D – Photos of Subject Property

Attachment E – Draft "Development Variance Permit PL2020-8783"

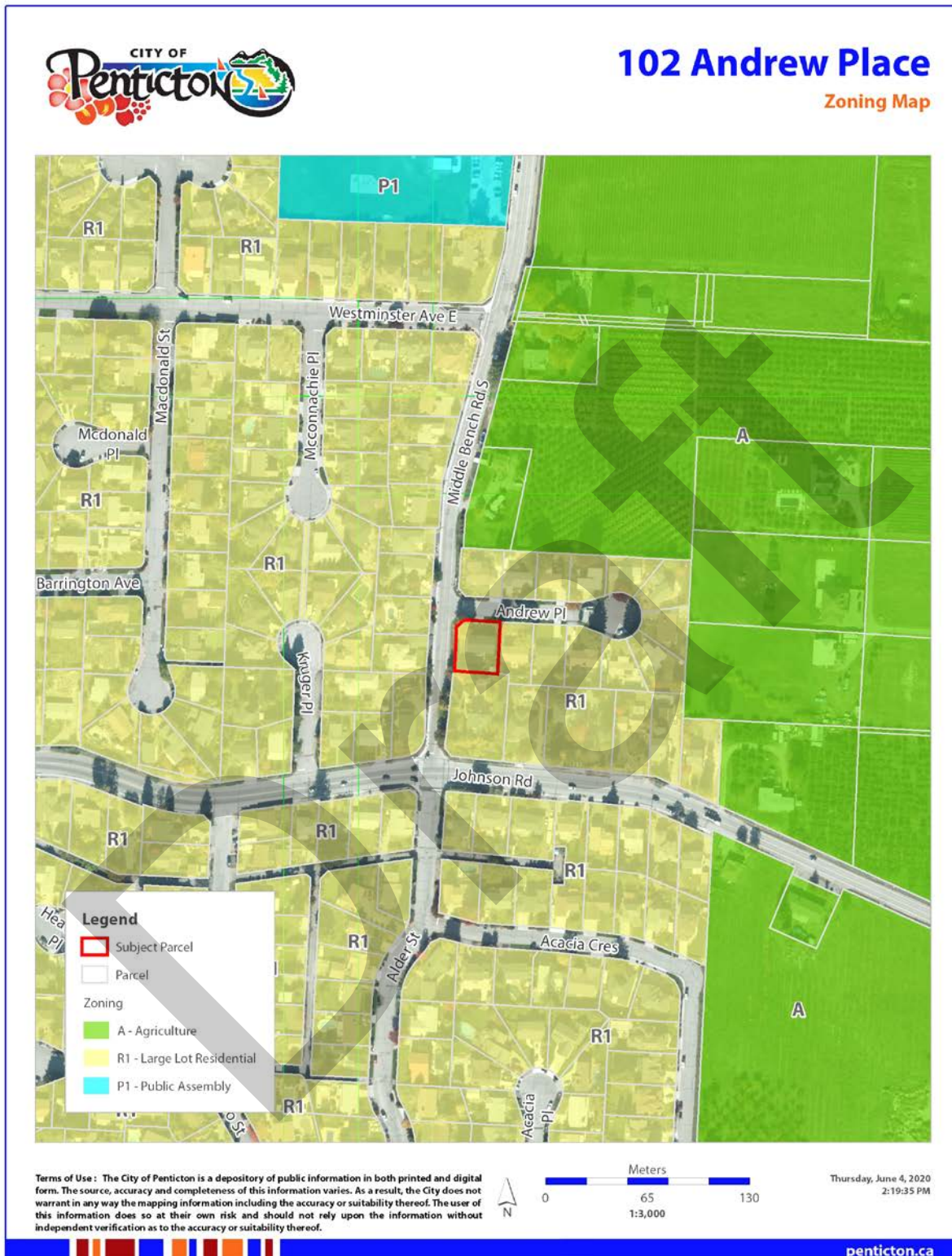
Respectfully submitted,

Concurrence

Deputy DS Director	Chief Administrative Officer
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Draft

Attachment A – Zoning Map





Attachment C – Letter of Intent

Letter of Intent

July 27, 2020

To Whom it may concern,

We would like to add a double garage to our home. This addition is out front of part of the existing home and extends out into the front uncovered parking spaces.

In order to build out towards the front we would ask for a variance on the front setback to be 3.33m rather than 6m from the property line. With this setback, the garage would still be 6m from the front curb. There is another property in our cul de sac that has the same type of variance with the garage set back less than 6m from the front property line.

There are no impacts on our neighboring properties as the addition is in front of our property where we currently park our vehicles extending a few feet to the left of our home with no direct neighbors. We have spoken with our neighbors and no one has had any issues with the plan.

This addition is a positive contribution to the community in that our vehicles will be enclosed so as not to be available for or draw in further break ins. It also enhances the look of our home allowing for cleaner looking frontage and matches the way garages look in our neighborhood.

Thank you for your consideration,

Cynthia and Alan Helm

Attachment D – Photos of Subject Property



Front of subject property (taken from Andrew Place)



West side of property



Development Variance Permit

Permit Number: DVP PL2020-8783

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 13 District Lot 188 Similkameen Division Yale District Plan 24943
 - Civic: 102 Andrew Place
 - PID: 004-789-245
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 an attached garage, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0 m to 3.33 m.

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

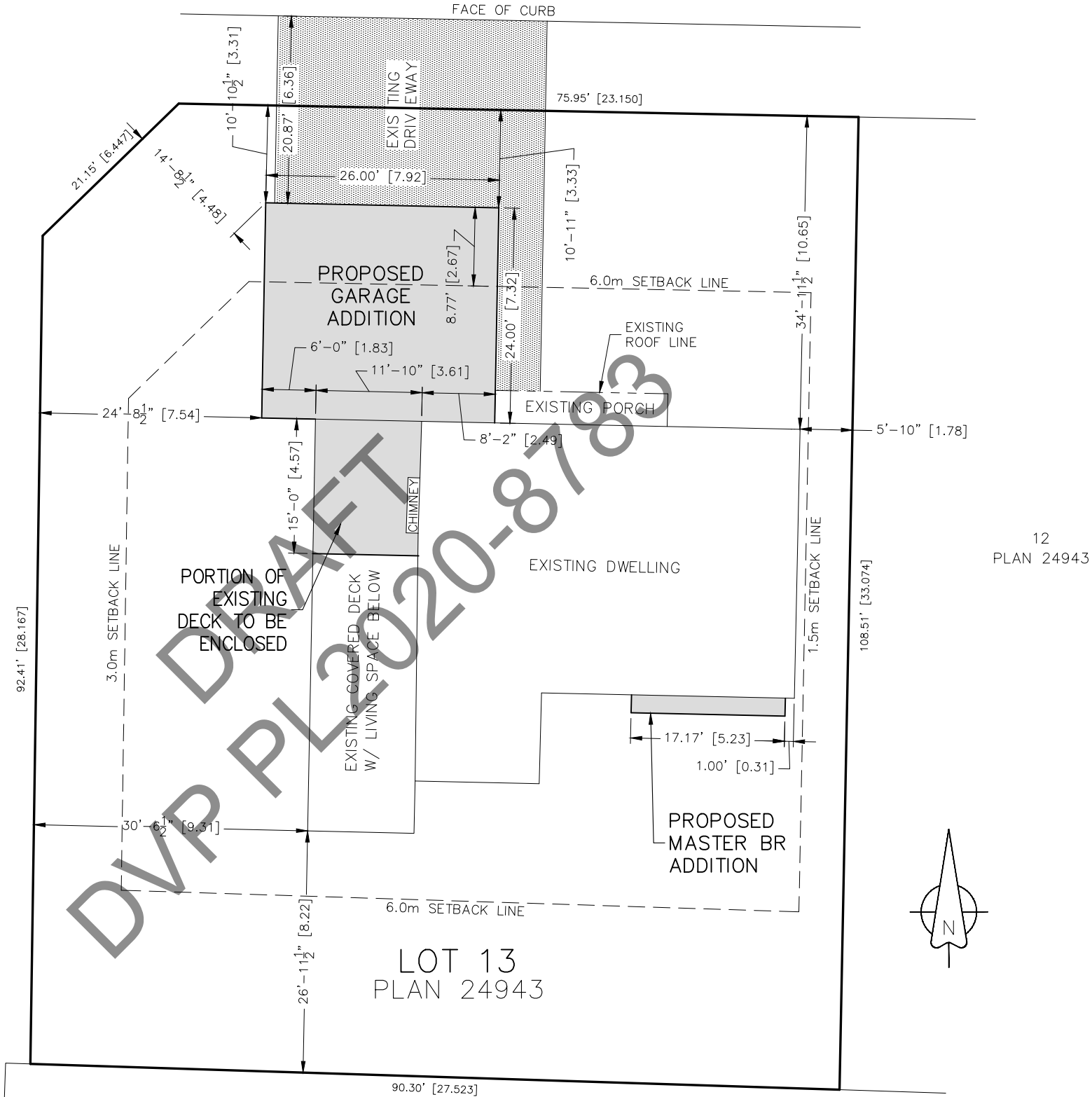
DRAFT
DVP PL2020-8783

CIVIC ADDRESS: 102 ANDREW PLACE
LOT 13, PLAN 24943, DL 188, S.D.Y.D.
Folio: 07009-160
Pid: 004-789-245
Zoning: R1

PARCEL AREA = 9663.4 SQ. FT.
EXISTING DWELLING FOOTPRINT = 1951 SQ. FT.
PROPOSED GARAGE ADDITION = 624 SQ. FT.
PROPOSED BEDROOM ADDITION = 34 SQ. FT.
PROPOSED BUILDING FOOTPRINT = 2609 SQ. FT.

PROPOSED NET PARCEL COVERAGE = 27%

MIDDLE BENCH ROAD



PROPOSED SITE PLAN
HELM RESIDENCE

102 ANDREW PLACE
PENTICTON BC

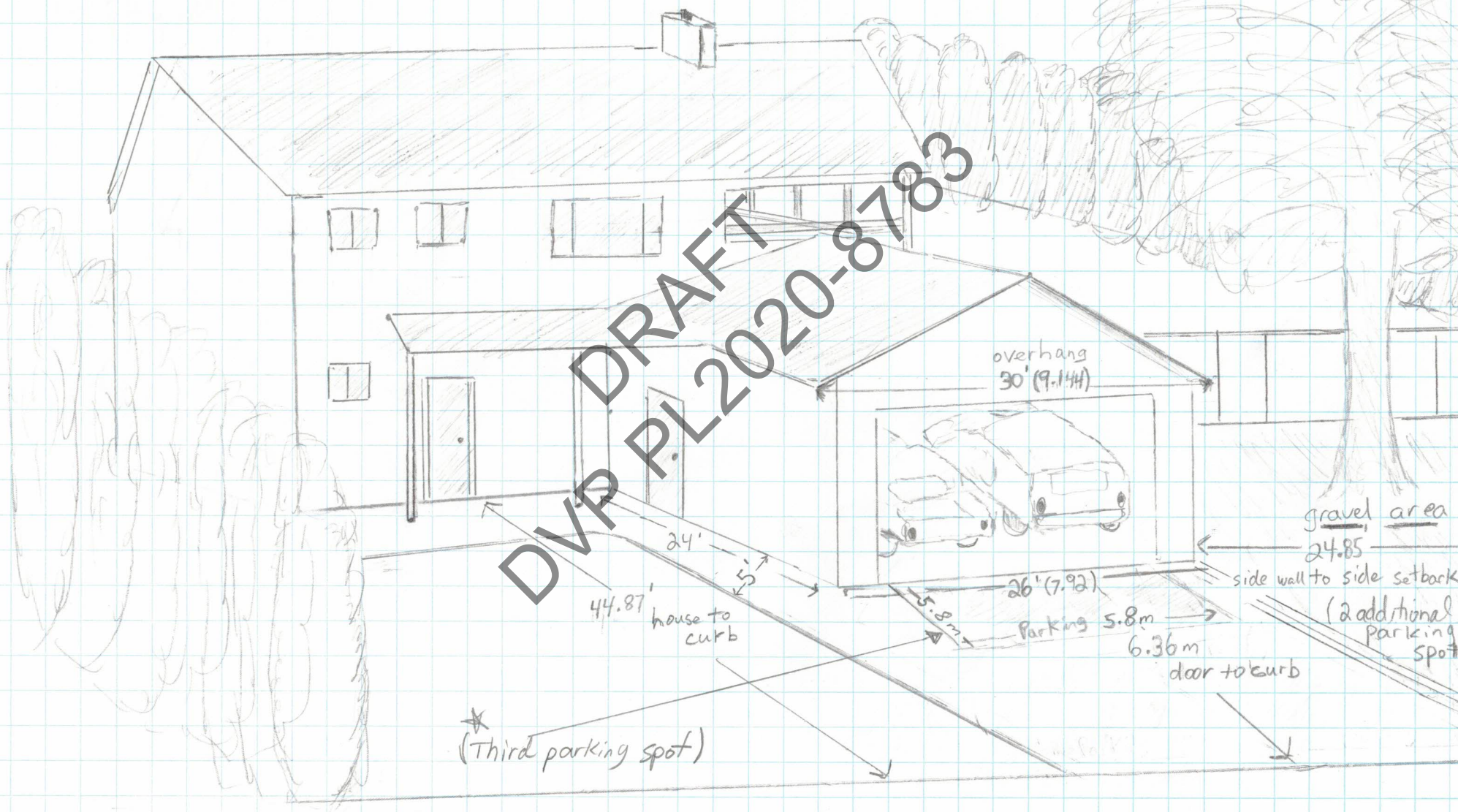
DRAWN BY: MBW	DATE: JUL 14/20
DESIGN BY:	PROJECT No.: 201922
CHK'D BY:	FILE No.:
SCALE: 1"=15'	SHEET No.: 1 OF 1

REV
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AZTECH DRAFTING
SERVICES

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



102 ANDREW PLACE