

August 20, 2020

Subject Properties:

1106-1130 Syer Road

Lots 126, 127, 128, 129 and 130, District Lot 2710, Similkameen Division Yale District, Plan KAP92932

Application:

Development Variance Permit PL2020-8766

The applicant is proposing to construct a single detached dwelling on each of the five (5) subject properties.

Due to the topography of the lots and the proposed building designs, the applicant has requested a variance to Section 10.2.2.7.i of Zoning Bylaw 2017-08 to reduce the rear yard setback on each property from 6.0m to 0.6m



Information:

You can find the staff report to Council and Development Variance Permit PL2020-8766 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, September 1, 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, September 1, 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 September 1, 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: September 1, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner 1
Address: 1106, 1112, 1118, 1124 and 1130 Syer Road
Subject: Development Variance Permit PL2020-8766

File No: RMS/1130 Syer Road

Staff Recommendation

THAT Council approve "Development Variance Permit PL2020-8766" for Lots 126, 127, 128, 129 and 130, District Lot 2710, Similkameen Division Yale District, Plan KAP92932, located at 1106, 1112, 1118, 1124 and 1130 Syer Road, a permit to vary Section 10.2.2.7.i of Zoning Bylaw 2017-08 to reduce the rear yard setback from 6.0m to 0.6m to allow the construction of a single detached dwelling on each property.

AND THAT Council direct staff to issue "Development Variance Permit PL2020-8766".

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to construct a single detached dwelling on each of the five (5) subject properties. The applicant has submitted a development variance permit application to request a reduction to the required rear yard setback from 6.0m to 0.6m as a result of the topography of the lots and the proposed building design.

Background

The subject properties are located on the east side of Syer Road near Carmi Avenue in the Sendero Canyon neighbourhood (Figure 1). The lots are accessed from a rear lane. The grade changes substantially on the subject properties, resulting in the lane being approximately 13 metres (42 feet) higher than Syer



Figure 1 - Location Map

Road. The subject properties are zoned R2 (Small Lot Residential) and are designated 'Detached Residential' by the Official Community Plan (OCP).

Surrounding land uses are residential in nature, consisting of single detached dwellings (some with secondary suites) and a townhouse development to the west on Holden Road. The subject properties are on the eastern edge of the Sendero Canyon neighbourhood.

The applicant previously submitted an application to rezone the subject properties to RD1 (Duplex Housing) with variance requests for rear yard setbacks and building height. The applicant hosted a public open house on January 28, 2020 for area residents to provide feedback on the previous proposal. At the open house attendees noted concerns including increased traffic, the change in vision for the neighbourhood by allowing duplexes, and that the proposed parking for the duplexes was inadequate. Some residents stated they were in favour of the proposal, while others were strongly opposed. Council voted to close and abandon the zoning amendment bylaw (and associated development variance permit) on April 21, 2020.

Since Council's previous decision the applicant has considered the neighbourhood concerns and changed plans from duplexes to construct single detached dwellings on the subject properties. Single detached dwellings are permitted under the current R2 (Small Lot Residential) zoning. The building design has changed and the applicant is no longer requesting relief for increased building height. This current application is to allow for a reduced rear yard setback on each of the five subject properties to allow single detached dwellings to be built.

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC). The original variance application had additional requests, but staff were able to work with the applicant to bring forward an application to request only one variance. Future building permit requirements have been sent to the applicant with the intent of expediting the building permit process when the applicant is ready to proceed with construction.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	R2 Zone Requirement	Provided on Plans (per lot)
Minimum Lot Width:	13 m	16 m to 18 m
Minimum Lot Area:	390 m ²	527 m ² to 674 m ²
Maximum Lot Coverage:	40%	30% to 38%
Vehicle Parking:	2 parking spaces for single detached dwelling	2 parking spaces provided
Required Setbacks		
Front Yard (Syer Road):	4.5 m	> 6.0m
Side Yard (north):	1.5 m	1.5 m
Side Yard (south):	1.5 m	1.5 m
Rear Yard (lane):	6.0 m	0.6 m – Variance Requested

Other Information:	In the R2 zone where a rear lane is provided, vehicular access must be from the rear lane.
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Analysis

When considering a variance to a City bylaw, staff encourages Council to consider if approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed development is consistent with the following OCP policy:

OCP Policy	Work with the development community – architects, designers and builders – to create
4.1.4.1	new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.

The applicant has submitted a variance request to reduce the rear yard setback from 6.0m to 0.6m. Staff have reviewed the variance request and are recommending approval based on the following reasons:

1. Vehicle access to the subject properties must be from the rear lane, which is substantially higher than the fronting street.

Section 10.2.3.1 of the Zoning Bylaw requires that properties in the R2 zone adjacent to a lane provide vehicle access to the property from the lane rather than from the street. The intent of this requirement is to make the most use of the lane for private vehicle traffic, to maintain on-street parking and to provide uninterrupted boulevard landscaping to contribute to an attractive streetscape. The proposed single detached dwellings are designed to provide garages off the lane, however on these lots the lane is approximately 13 metres higher than the street. In order to provide level vehicle access into the garages, and avoid substantial retaining structures and regrading, the applicant has proposed to set the houses closer to the lane than normally permitted in the R2 zone to make the most use of the level building area on the lots (Attachment 'D').

2. No development on the opposite side of the lane is anticipated in the near future.

A consideration when reviewing a request to vary the rear yard setback is the potential impacts on surrounding property owners. In this case, the lands on the opposite side of the lane are outside the City boundary and are not designated for future development at this time. As such, there are no impacts on existing neighbours across the lane from constructing these single detached dwellings closer to the lane than normally permitted.

3. The proposed 0.6m setback is only for a corner of each single detached dwelling.

As shown on the submitted plans, the proposed single detached dwellings are designed on an angle compared to the lane. This means only a corner of each attached garage is as close as 0.6m from the rear lot line. The other corner of the attached garage, the next closest point of each structure to the lane is up to 3.8m from the rear lot line. The angle of the lane compared to the rear face of the

proposed buildings reduces the impact of a reduced setback compared to a flat wall parallel with the rear lot line.

4. The proposed 0.6m setback is similar to the minimum required rear setback of a detached garage.

Further north along this lane a number of properties have detached garages accessed from the lane. The required setback for detached structures is 1.5 metres (5 feet) from the rear lot line. The proposed rear yard setback is similar to the required setback for detached structures. The single detached dwellings are designed so that the garage is closest to the lane and the living space in each house remains approximately 6.0m from the rear lot line, as shown on the submitted plans.

Given the reasons above, staff are recommending that Council approve "Development Variance Permit PL2020-8766", and that Council direct staff to issue the permit.

Alternate Recommendations

Council may consider the requested rear yard setback is not appropriate for the subject properties and that future development on these lots must meet the Zoning Bylaw regulations. If this is the case, Council should deny the development variance permit application. If Council makes this decision, the applicant will be required to amend their building plans to meet the required 6.0m rear yard setback. Staff are recommending against this option as in staff's opinion, the requested variance is reasonable and appropriate in this instance.

1. THAT Council deny "Development Variance Permit PL2020-8766".

Attachments

Attachment A – Zoning Map of Subject Property
Attachment B – Official Community Plan Map of Subject Property
Attachment C – Images of Subject Property
Attachment D – Letter of Intent
Attachment E – Draft Development Variance Permit PL2020-8766

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner 1

Concurrence

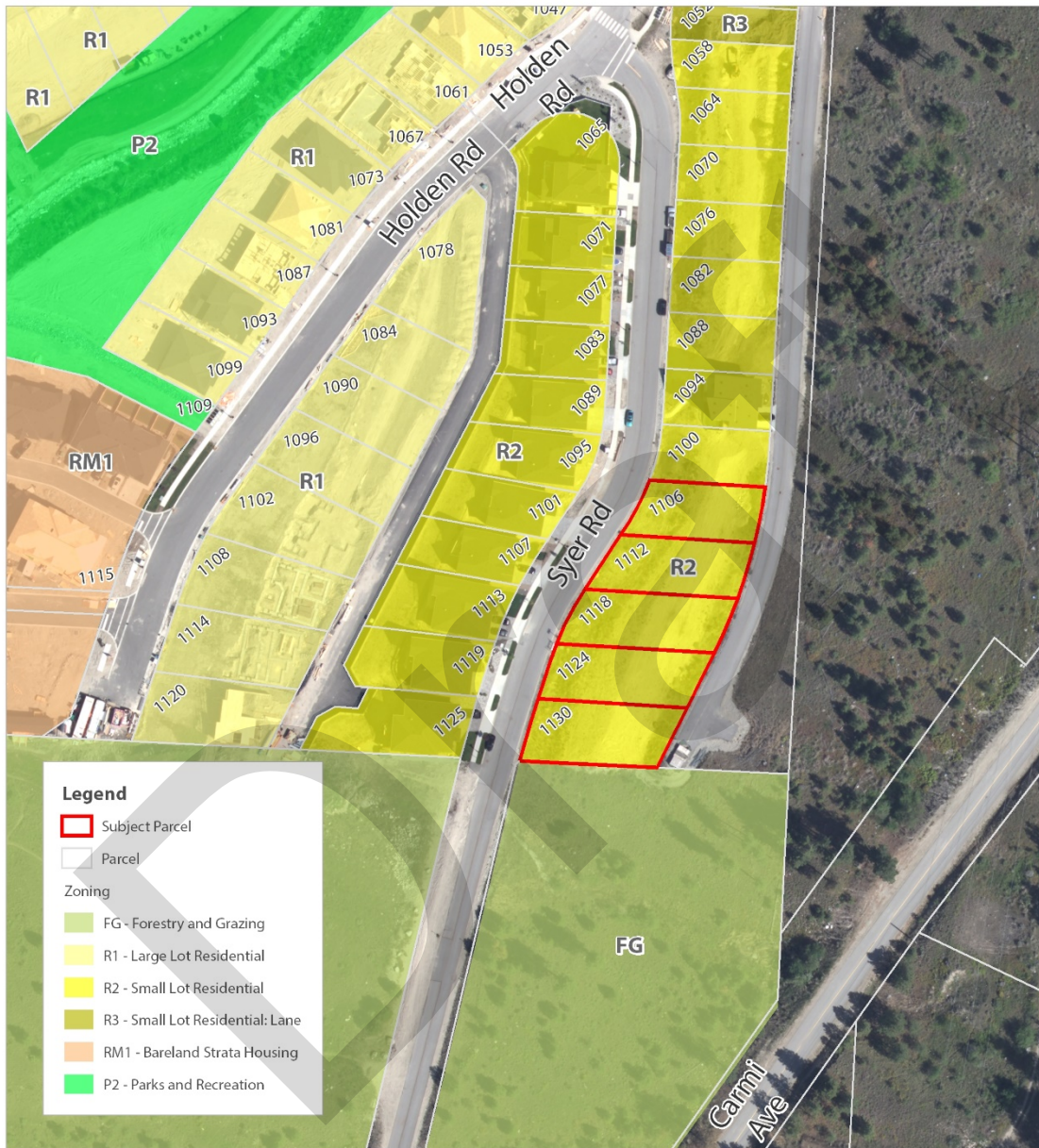
Director	Chief Administrative Officer

Attachment A – Zoning Map of Subject Property



1106 - 1130 Syer Road

Zoning Map



Legend

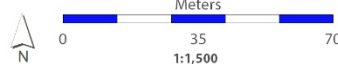
Subject Parcel

Parcel

Zoning

- FG - Forestry and Grazing
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- R3 - Small Lot Residential: Lane
- RM1 - Bareland Strata Housing
- P2 - Parks and Recreation

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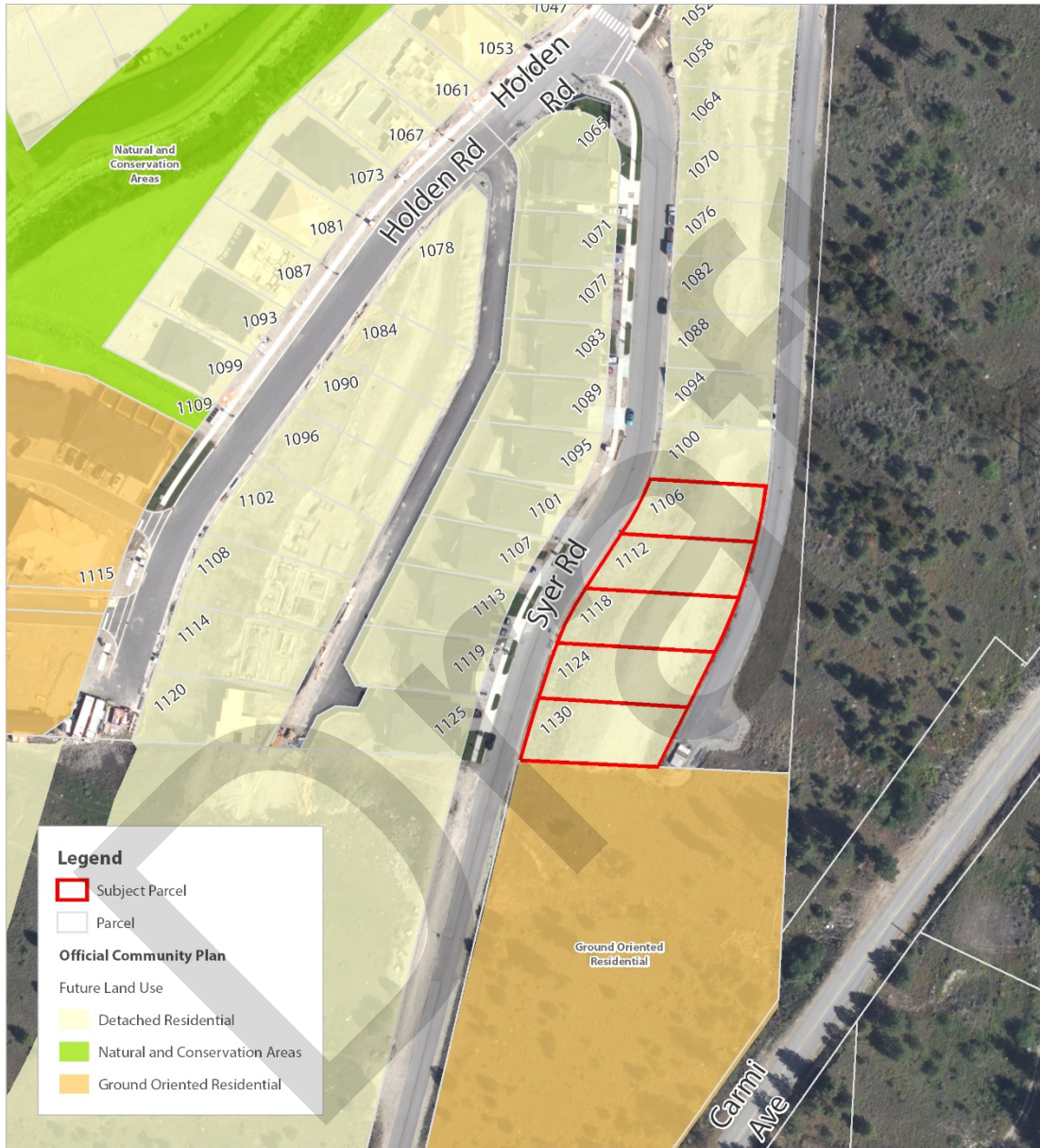
penticton.ca

Attachment B – Official Community Plan Map of Subject Property



1106 - 1130 Syer Road

Official Community Plan Map



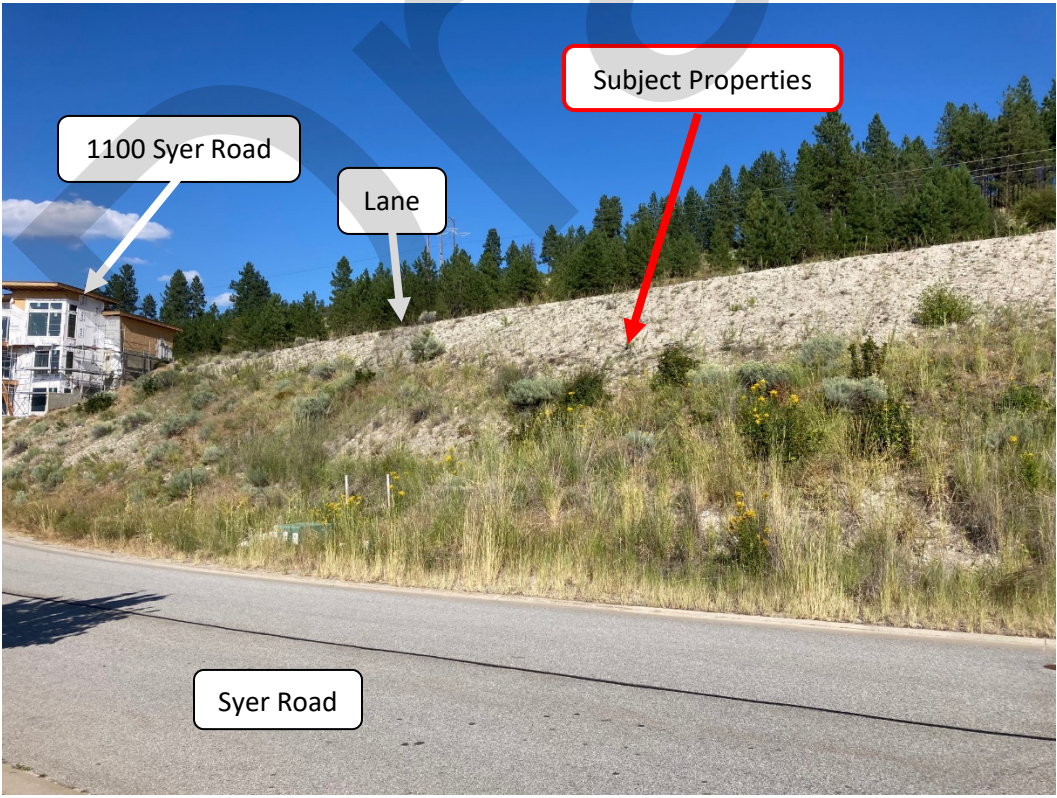
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Attachment C – Images of Subject Property





Attachment D – Letter of Intent

 IRONWOOD RESIDENTIAL DESIGN PO BOX 22024 Penticton, B.C. V2A 8L1 250-276-6440 GST # 85363 8997 RT0001	Variance Rationale		
Rationale for Development Variance Application Lot 126 to 130 Syer Road, Penticton, B.C.	Physical Address: 203-69 Nanaimo Ave E., Penticton	Project # Date	020-12 July 30 / 2020
Letter of Intent for Development Variance Permit			
My client is proposing to construct one single family home on each of the lots 126 to 130 Syer Road. These homes are accessed from a rear lane high above street level where a 20ft (6.0m) setback from lane edge is required. Because the lot immediately drops off at the lane, has a small flat area for the home & again drops off to Syer Rd, it is not possible to construct a conventional footprint home at this setback without having it fly off the edge of the slope. As the home runs down the slope, it quickly begins exceed the allowable height (requiring variance) and requires a much deeper & complex foundation structure. (to build on the down slope, footings must be deeply excavated on the hillside to ensure they do not create a slip hazard). Because these lots are complex from the start, we are attempting to (required to) create a cost effective, efficiently designed home to ensure a selling price within the realm of reality. To achieve this, we are proposing a rear setback reduction to allow the home to be pulled back off the slope. Variance request: <u>10.5.2.7 6.0m rear yard setback (reduce to 0.6m)</u> We propose to reduce the rear setback at lane to 0.6m (24"). This allows the front of the building to be pulled back as much as possible from the steep bank, drastically reducing building height. The photograph below shows the lots viewed from Syer Rd. The lots drop 38 feet (11.5m) from front to rear setback at an approx 36% grade which is particularly challenging.			
			
PG 1 OF 3			

Image below is site viewed from north end of lane looking to south at flat lot areas



The current 6.0m required setback is shown in red and proposed 0.6m (24") rear setback is shown in yellow. (images below)
Building at required setback pushes building past edge of slope (green area is flat) while the reduced setback greatly reduces construction on the sloped area towards the road (see separate full size lot plans included with application)

REQUIRED 6.0m REAR SETBACK (RED)



PROPOSED 0.6m REAR SETBACK (YELLOW)



Note that the building will not be parallel to the setback line but allows us to pull the building back much closer to the lane.

The setback being close to the lane edge is not uncommon on this road. The image on left is aerial view of lots at the north end of the same lane. Image on right looks north down the lane where garage entrances are located. These are smaller R3 lots with single garages at 1.5m from lane edge. While the majority of our proposed building will be set back a similar amount, the angled property line swings close to one building edge at left of garage. (see previous page)



Allowing the reduced setback will enable us to construct a simpler, cost effective structure which stays back from the steep slope and stay close to lane edge. If the variance were not approved, it is not feasible to construct a single family home here within a reasonable budget which does not require a height variance. The setback reduction would free us to complete our design goal for these final 5 remaining lots in Sendero Canyon; maintaining consistency with the existing homes while not deviating greatly from the intent of the bylaw.

Your consideration of the above is greatly appreciated and any questions are most welcome.

Sincerely,
Dave Sutton
Building Designer
Ironwood Residential Design
Penticton.

(continued next page)

Project #

020-12

PG 3 OF 3

Development Variance Permit

Permit Number: DVP PL2020-8766

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	Civic	PID
Lot 126 District Lot 2710 Similkameen Division Yale District Plan KAP92932	1106 Syer Road	029-045-151
Lot 127 District Lot 2710 Similkameen Division Yale District Plan KAP92932	1112 Syer Road	029-045-169
Lot 128 District Lot 2710 Similkameen Division Yale District Plan KAP92932	1118 Syer Road	029-045-177
Lot 129 District Lot 2710 Similkameen Division Yale District Plan KAP92932	1124 Syer Road	029-045-185
Lot 130 District Lot 2710 Similkameen Division Yale District Plan KAP92932	1130 Syer Road	029-045-193

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 single detached dwellings, as shown in the plans attached in Schedule 'A':
 - a. Section 10.2.2.7.i: to reduce the required rear yard setback for the principal building from 6.0m to 0.6m.

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.

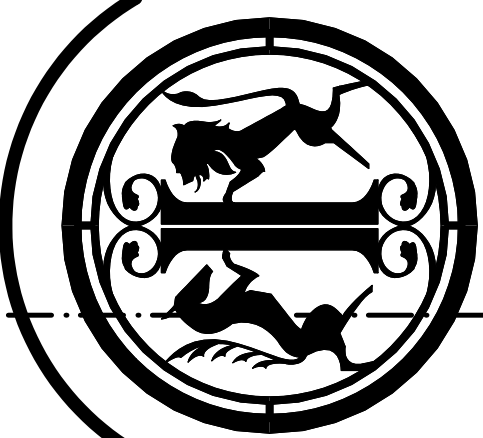
Angela Collison
Corporate Officer

DRAFT

Site Plan Showing generic 1500 sf plan at proposed 0.6m setback

DATE	DESCRIPTION
JULY 01 2020	CONCEPT FOR DISCUSSION
JULY 30 2020	SITE FOR VARIANCE

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

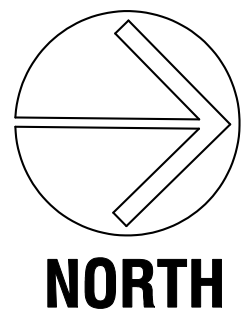


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PROFESSIONAL

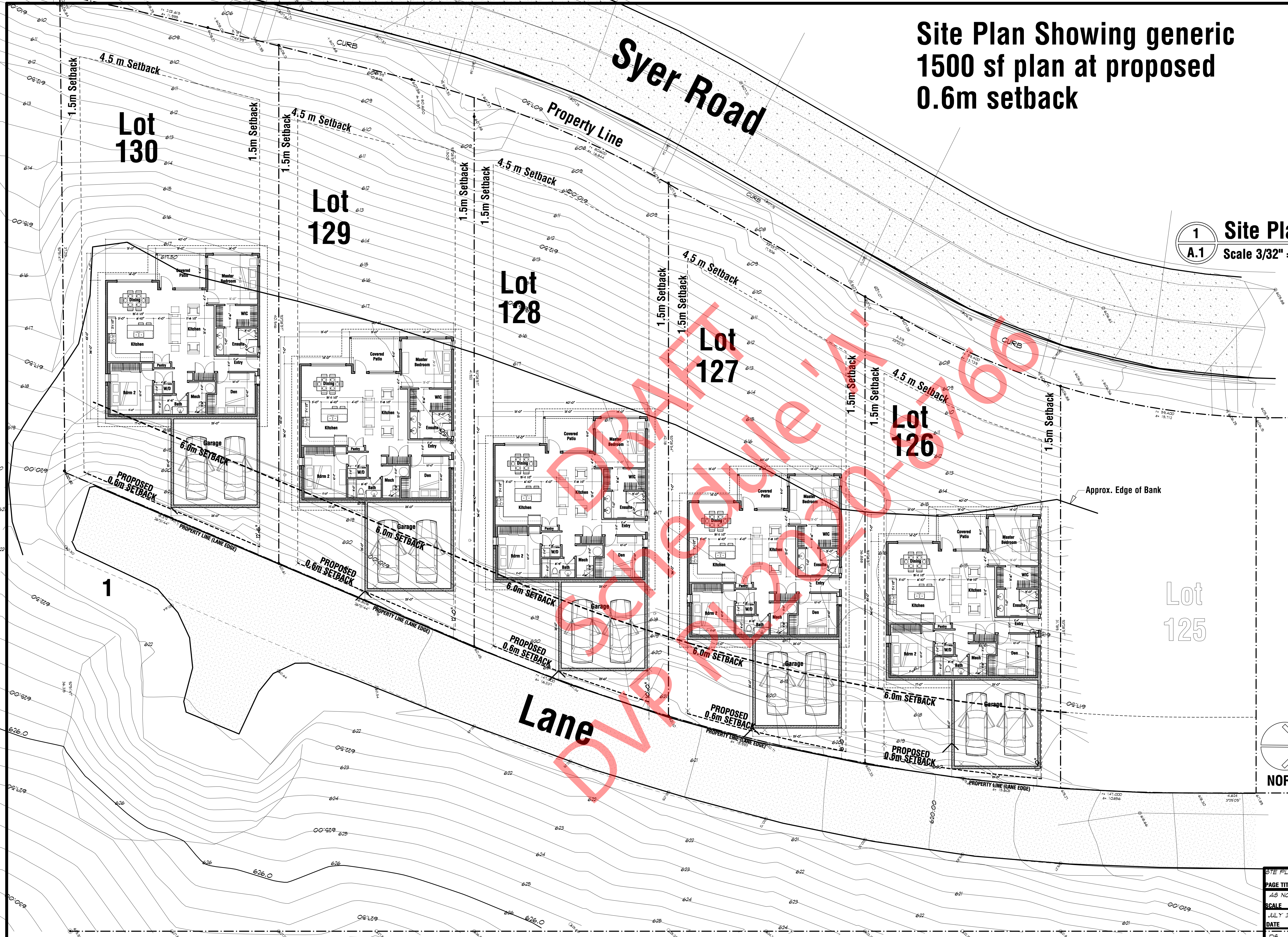
Example Site Plans Lot 126 to 130 Syer Road
for rear setback variance
Sendero Canyon, Penticton
Contact: Martin Lemoine (604)-866-6680

A.1

1
A.1 **Site Plan**
Scale 3/32" = 1'-0"



SITE PLAN	
PAGE TITLE	
AS NOTED	
SCALE	
JULY 30, 2020	
DATE	
D8 DRAWN	D8 CHECKED





FLAT AREA **SLOPE AREA**

6.0m Setback (required)

0.6m Setback (proposed)

**Lots 126 to 130
Syer Road
July 30, 2020
Site with buildings at
proposed 0.6m setback**