

January 21, 2021

Subject Property:

1101 Johnson Road

That Part of Lot 39, Shown on Plan B5243, District Lot 188, Similkameen Division Yale District, Plan 306, Except Plan 38767

Application:

Development Variance Permit PL2020-8905

The applicants are proposing to demolish an existing accessory building on the property and rebuild a new accessory building with a larger footprint that exceeds the maximum floor area permitted by Zoning Bylaw 2017-08.

The applicants have applied to vary Section 10.1.2.8 of Zoning Bylaw No. 2017-08 to increase the maximum floor area of all accessory buildings from 75m² to 147m².

Information:

You can find the staff report to Council and Development Variance Permit PL2020-8905 on the City's website at www.penticton.ca/publicnotice.

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, February 2, 2021** at Penticton City Hall, 171 Main St.

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.

Subject Property



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, February 2, 2021** 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 February 2, 2021 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: February 2, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 1101 Johnson Road
Subject: Development Variance Permit PL2020-8905

File No: RMS/1101 Johnson Rd

Staff Recommendation

THAT Council approve "Development Variance Permit PL2020-8905" for that part of Lot 39 shown on Plan B5243 District Lot 188 Similkameen Division Yale District Plan 306 Except Plan 38767, located at 1101 Johnson Road, a permit to vary Section 10.1.2.8 of Zoning Bylaw No. 2017-08, to increase the maximum floor area of all accessory buildings on the property from 75m² to 147m².

AND THAT staff be directed to issue "Development Variance Permit PL2020-8905".

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 applicants are proposing to demolish an existing accessory building on the property located at 1101 Johnson Road. The applicants are intending to rebuild a new accessory building with a larger footprint that exceeds the maximum floor area permitted by the Zoning Bylaw. As such, the applicants require a variance to Section 10.1.2.8 of Zoning Bylaw No. 2017-08 to increase the maximum floor area of all accessory buildings from 75m² to 147m².

Background

The subject property is a large, corner lot, located at the intersection of Middle Bench Road and Johnson Road (Figure 1). The property is currently zoned R1 (Large Lot Residential) and designated as 'detached residential' in the Official Community Plan (OCP) Future Land Use map. The property is just over 0.5 acres in size and currently contains a single family home (originally constructed in 1901) and a 44m² accessory building (480 sq. ft.).



Figure 1 - Property Location Map

The surrounding area is primarily made up of residential lots (R1), with agricultural areas to the east and further north along Upper Bench Road and Middle Bench Road.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Servicing and technical requirements have been identified and will be addressed at the building permit stage. If the variance request is supported, the applicants will require a building permit for the proposed construction and the BC Building Code regulations will apply.

Analysis

Support Variance

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 applicant is requesting one variance related to the size of the proposed accessory building. Staff have reviewed the application and are recommending approval for the variance based on the following:

1. Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 147m².

- The applicants are proposing to replace an existing structure that has become dilapidated, which currently provides a single car garage, greenhouse/workshop and mechanical room for the pool and equipment.
- The proposed accessory building will meet all other provisions of the Zoning Bylaw (setbacks, height, lot coverage).
- Given the larger size of the property (0.5 acres), the proposed accessory building would still remain as an ancillary use on the property, making up 7% of the total area of the lot.
- As shown on the plans, the accessory building will have an enclosed size of 108m² (1,166 sq. ft.), plus an unenclosed covered area (lean-to) of 39m² (420 sq. ft.).
- Staff provided an alternate option of attaching the garage to the principal dwelling, which could eliminate the requirement for a variance. The applicants have considered this option and determined that this would negatively impact the appearance and character of the home, which was originally constructed in 1901.
- The applicants have discussed the proposal with their neighbours to the north, who could be most impacted by the variance, as the structure is closest to their property line. These neighbours have provided a letter of support for the proposed application (Attachment 'E').

Given the above items, staff conclude that the variance request is appropriate and does not unreasonably impact the adjacent area. As such, staff are recommending that Council support the application and direct staff to issue the permit.

Alternate Recommendations

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance. Staff are not recommending this option.

1. THAT Council deny “Development Variance Permit PL2020-8905”.

Attachments

Attachment A – Zoning Bylaw Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Neighbour Letter of Support

Attachment F – Draft Development Variance Permit PL2020-8905

Respectfully submitted,

Nicole Capewell
Planner II

Concurrence

Director	Chief Administrative Officer
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Attachment A – Zoning Bylaw Map



1101 Johnson Road

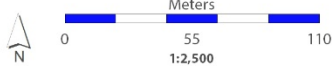
Zoning Map



Legend

- Subject Parcel
- Parcel
- Zoning
- A - Agriculture
- R1 - Large Lot Residential

Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



Friday, January 15, 2021
12:00:48 PM

penticton.ca

Attachment B – Official Community Plan Map

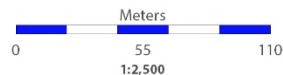


1101 Johnson Road

Official Community Plan Map



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Friday, January 15, 2021
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Attachment C – Photos of Property



Looking along northern property line



Image of existing accessory structure with northern property



Looking along northern property line towards Middle Bench Road

From: Robert Palmer [REDACTED]
Subject: Letter of intent
Date: Nov 9, 2020 at 3:39:31 PM
To: [REDACTED]

Letter of intent for Variance at 1101 Johnson Rd. Penticton

We ask the City Development department and Penticton City Council to kindly consider the following application for Variance of our property at 1101 Johnson Rd. Penticton

The proposed building site is on the backyard portion of the lot and currently has a dilapidated old structure with single car garage, greenhouse/workshop, and mechanical room for pool and equipment.

The lot size of the subject property is .54 of an acre or 2185.2 square metres. The principal building (the home) represents 335 square metres of lot coverage, or 14%.

Chapter 10–Urban Residential Zones states in 10.1.2 #3 —Maximum lot coverage 40%.

Conversely #⁵ states 75 square metres for all accessory building or structure. As this is an oversized lot with very little existing lot coverage we are applying for Variance of regulation #⁵, to accommodate a new structure with a double garage, workshop/storage and pool equipment room.

The total square footage of this proposed building is approximately 97.5 square metres or 22.5 metres larger.

All other development regulations will be followed accordingly.

The impact in the neighbourhood should be positive as it is an improvement over the dilapidated existing building. Also included in this submission is a letter from the back yard neighbouring property.

Yours truly
Evelyn and Bob Palmer



Attachment E – Neighbour Letter of Support

From: [REDACTED]
Subject: Variance letter
Date: Nov 9, 2020 at 2:57:35 PM
To: [REDACTED]

Variance letter from Neighbour,

November 11TH 2020

Subject property 1101 Johnson Rd. Penticton B. C.

We hereby acknowledge that we are the property owners bordering the subject property on our back yard portion and have been made aware by the current owners Bob and Evelyn Palmer, they intend to replace the current dilapidated buildings on their back yard with a larger square footage structure that needs a Development Variance Permit for this new structure.

We support this variance

Signed  Alan Mehr

Address 102 Andrew Place, Penticton BC

Development Variance Permit

Permit Number: DVP PL2020-8905

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: That Part of Lot 39 Shown on Plan B5243 District Lot 188 Similkameen Division Yale District Plan 306 Except Plan 38767
 - Civic: 1101 Johnson Road
 - PID: 008-627-380
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 accessory building, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 74m² to 147m².

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 February, 2020.

Issued this ____ day of _____, 2020.

Angela Collison
Corporate Officer

DRAFT



Deuschle Construct/Design

2780 Cedar Rd
Penticton, BC

Designer:
Riley Deuschle
2780 Cedar rd
Penticton BC
p. 1.250.486.1626
ryadeu@gmail.com

Owner:
Garage
1101 Johnson Rd
Penticton, BC
p. 1.250.486.1626
bobpalmermexico@gmail.com

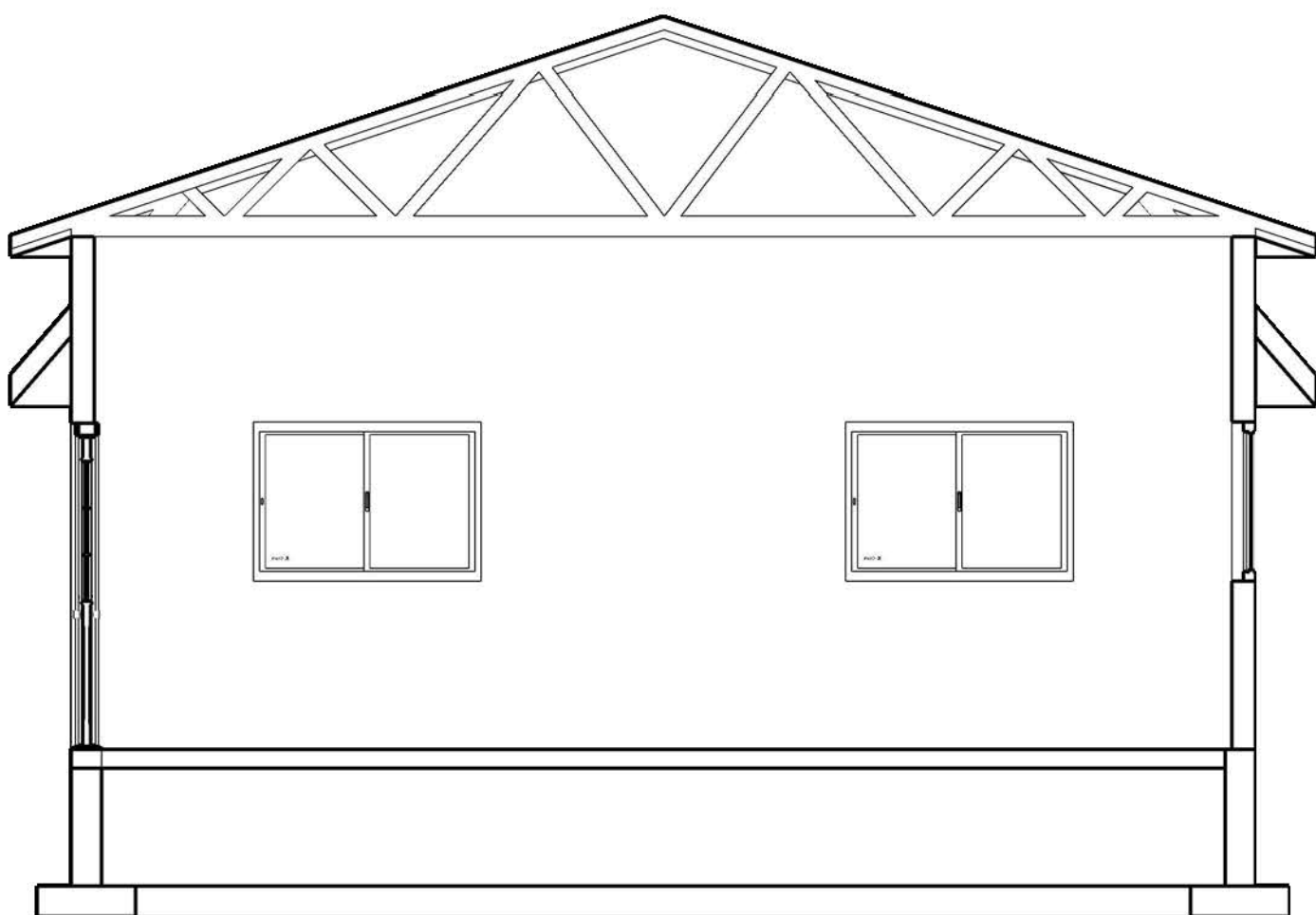
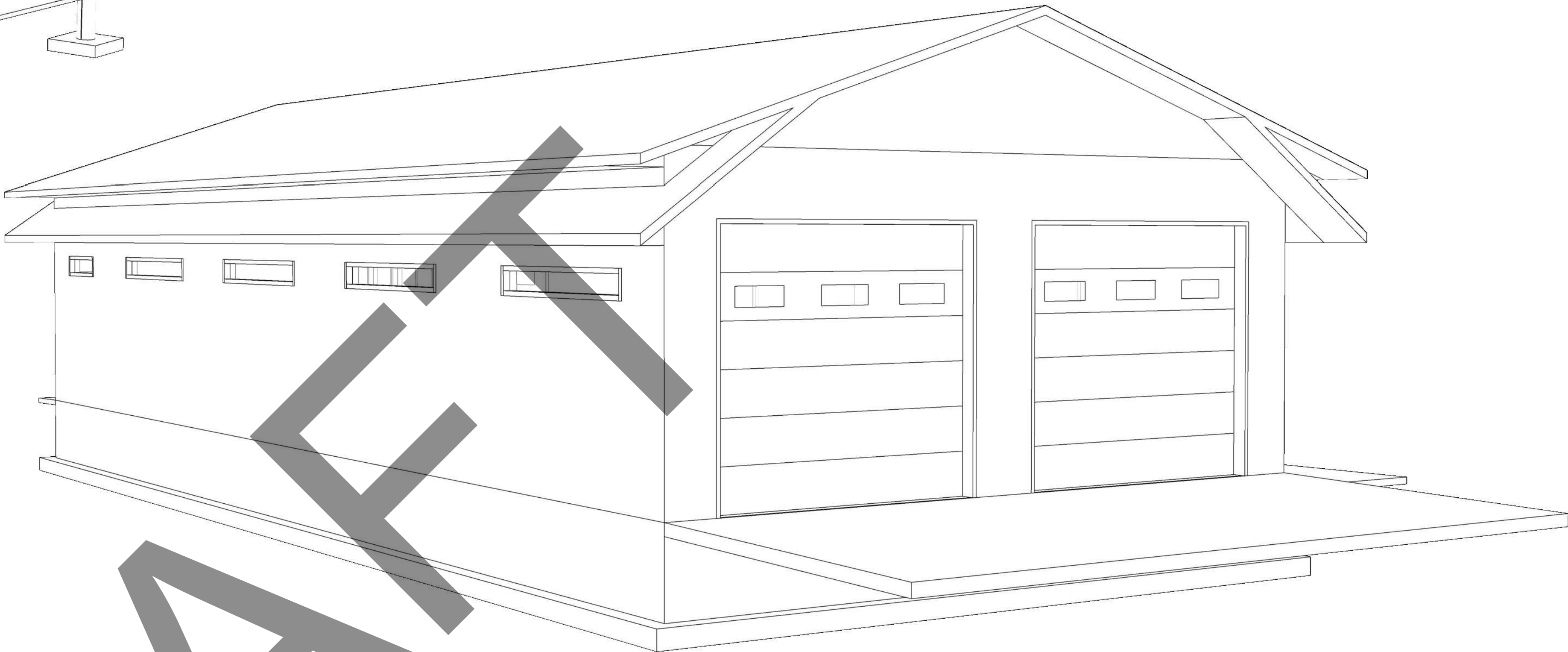
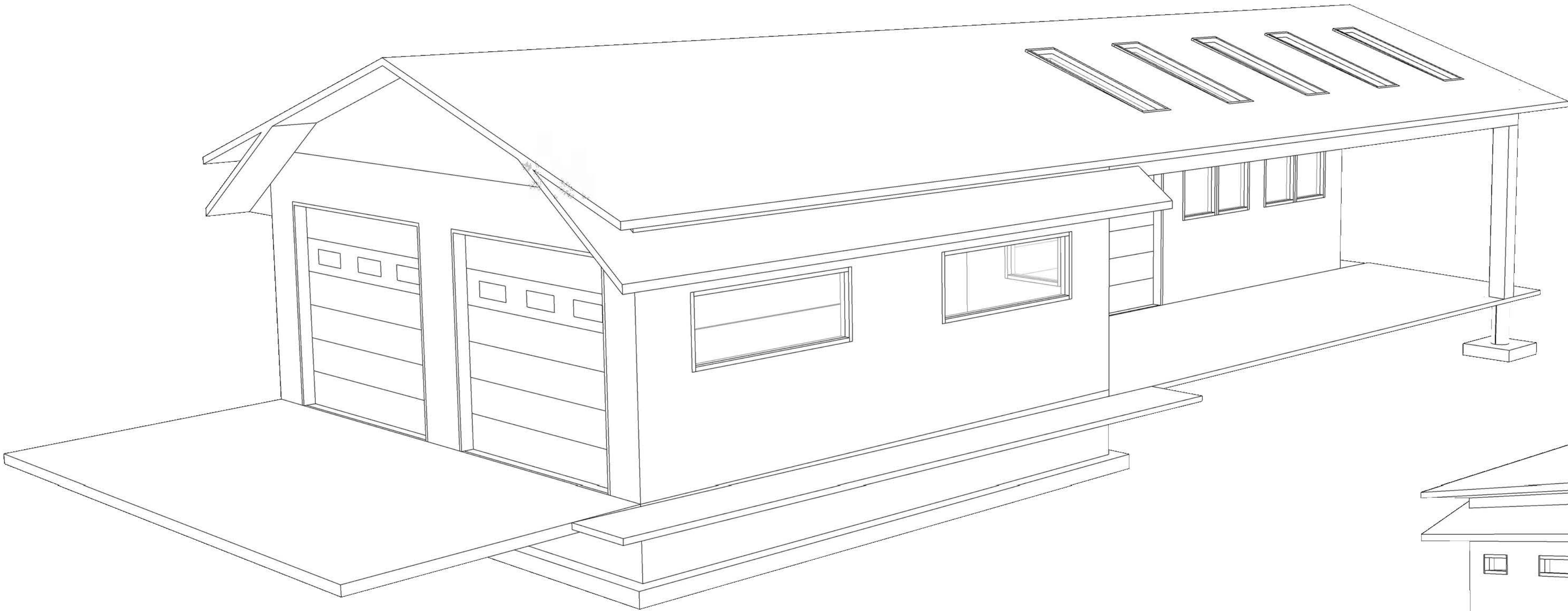
PALMER GARAGE

1101 Johnson Rd.

DRAWN BY: RD
CHECKED BY: DB
DOCUMENT DATE: December 2, 2020
SCALE: 1/4"=1'-0"

TWO: 01 DATE: 26.11.20 ISSUE: Design for Bob Palmer

A1
DESIGN



DRAFT

CEILING AND ROOF
ENGINEERED TRUSSES @ 24" o/c
ASPHALT SHINGLES
APPR'D MEMBRANE
7/16 OSB SHEATHING C/W H-CLIPS
R-60 GLASS FIBER INSO.
6 MIL POLY V.B.
1/2" GYPSUM BOARD
RIDGE VENTING

2X6 SILL PLATE C/W
APPR'D FOAM GASKET
1/2"X6" ANCHOR BOLTS
@ 48" O/C (TYP)

GARAGE FLOOR
STRUCTURAL FILL
4" 25 MPA SLAB REINFD W/
10MM REBAR 24" O/C GRID
6" CRUSHER CHIPS THICKED
SLOPE 1/8" IN 12" TOWARD DOOR OPENING
AND OR APPR'D FLOOR DRAIN

GABLE ROOF SLOPE 4/12
GABLE ROOF SLOPE 12/12
PRE-FINISHED FASCIA & VENTED SOFFIT

EXTERIOR/INTERIOR WALL
STUCCO OR INSIDE SIDING
COUNTINOUS BUILDING WRAP
3/8" OSB SHEATHING
R-24 INSULATION
6 MIL POLY V.B.
1/2" GYPSUM BOARD

FOUNDATION WALL AND FOOTING
DAMP PROOF EXT BELOW GRADE
8" 20 MPA CONC. WALL REINFD
W/ HORIZ 15M BAR @ 16" O/C
18"X6" 25 MPA CONC. CONC. FTG.
REINFD W/ 2-ROWS 15M BAR
STEP-AS SITE BEDS
PROVIDE MIN 24" FROST COVER
ON FULL PERIMETER



Deuschle Construct/Design

2780 Cedar Rd
Penticton, BC

Designer:
Riley Deuschel
2780 Cedar Rd
Penticton BC
p. 1.250.486.1626
ryseu@gmail.com

Owner:
Garage
1101 Johnson Rd
Penticton, BC
p. 1.250.486.1626
bobbpalmertxco@gmail.com

PALMER GARAGE

1101 Johnson Rd.

DRAWN BY: RD
CHECKED BY: DB
DOCUMENT DATE: December 2, 2020
SCALE: 1/4"=1'-0"

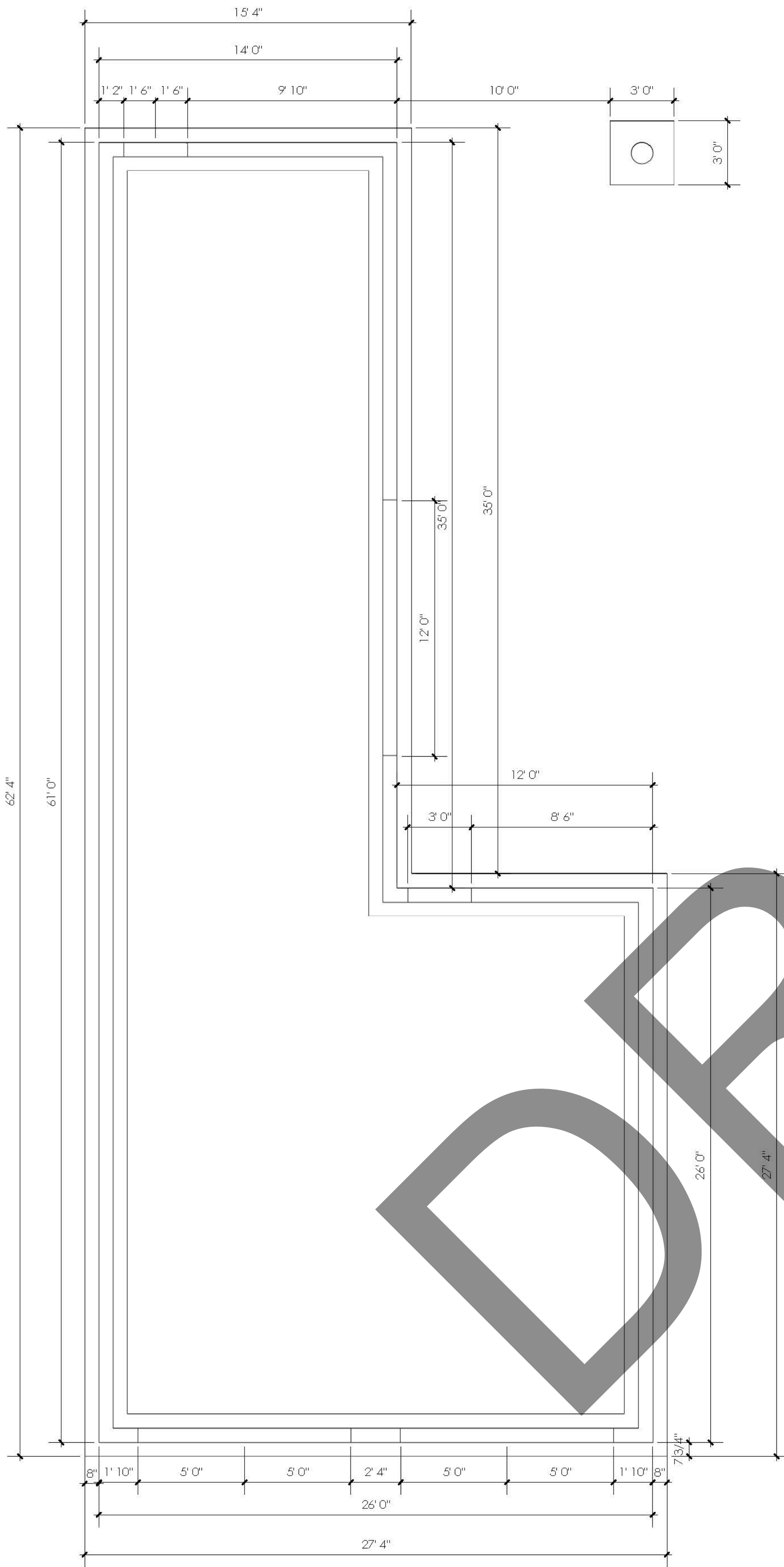
NO. DATE ISSUE
01 26.11.20 Design for Bob Palmer

A2

FOUNDATION/FLOOR PLAN

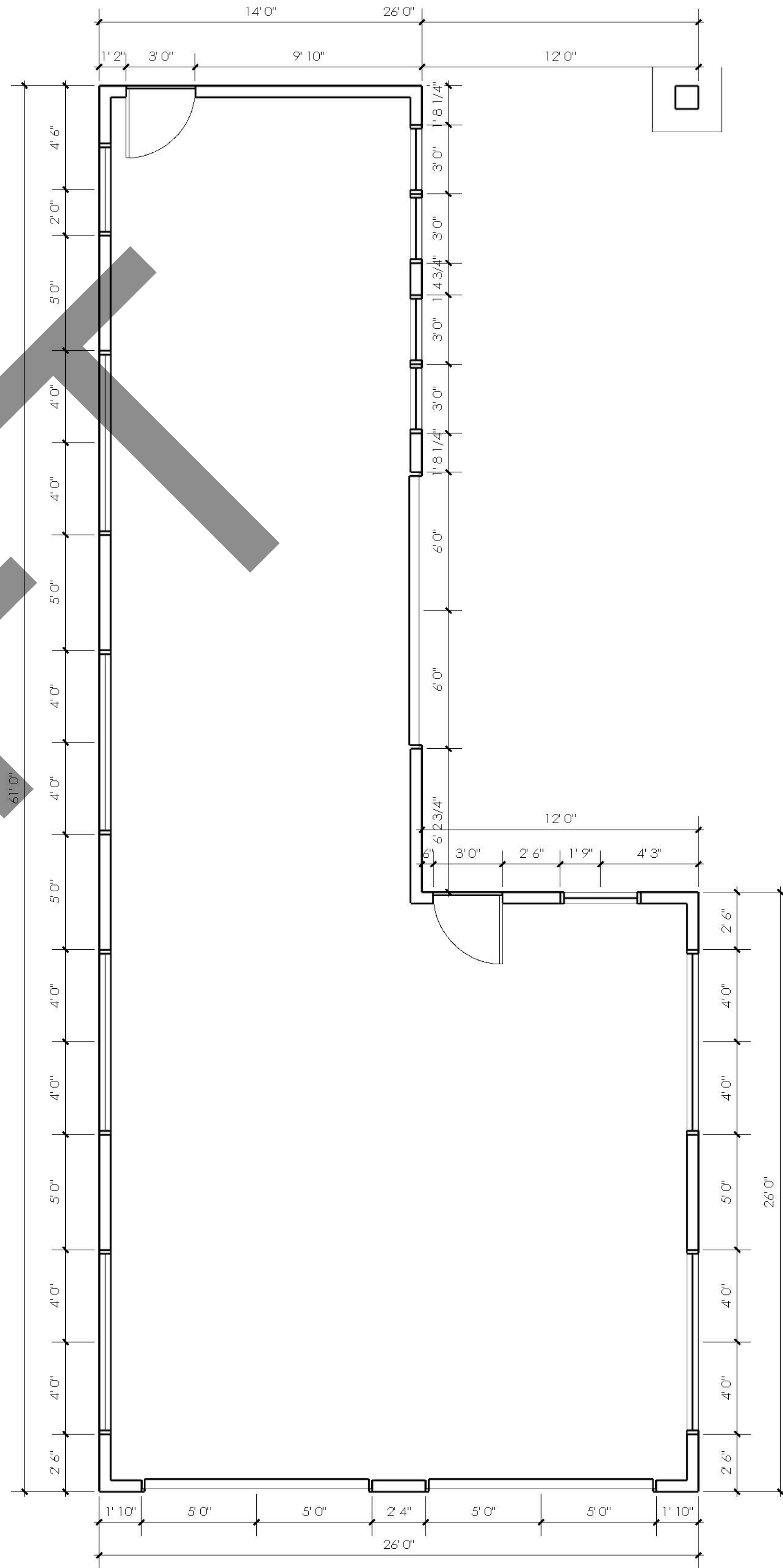
FLOOR PLAN NOTES

1. EXTERIOR WALLS 24" O.C. UNLESS OTHERWISE NOTED.
2. ALL ENGINEERED WOOD BEAMS TO BE SIZED BY SUPPLIER OR P.ENG
3. ALL MAIN FLOOR WINDOW HEAD HEIGHTS TO BE CONFIRMED W/ WINDOW MANUFACTURER FOR ~8'-0" SLIDERS, UNLESS OTHERWISE NOTED.
4. ALL UPPER FLOOR WINDOW HEAD HEIGHTS 7'-0" UNLESS OTHERWISE NOTED.
5. ANY T/J JOISTS/TRUSSES SHOWN ARE TO BE CONFIRMED WITH JOIST/TRUSS SUPPLIER.
6. HEATING AND VENTILATION SYSTEMS TO BE DESIGNED, INSTALLED AND OPERATED IN ACCORDANCE TO SECTIONS 9.32 & 9.33 OF THE BCBC.
7. CONSULT PLUMBING AND MECHANICAL CONTRACTORS PRIOR TO FRAMING FOR PLUMBING WALL LOCATIONS.
8. ALL INTERIOR CLOSET DEPTHS 2'-0" UNLESS OTHERWISE NOTED.
9. FRAMING IS PROPOSED, PLANS FROM JOIST/TRUSS DESIGNER TO GOVERN.
10. DIMENSIONS TO EXTERIOR WALLS ARE TO OUTSIDE OF SHEATHING.
11. DIMENSIONS TO INTERIOR WALLS ARE TO CENTRE OF STUD.



1 FOUNDATION PLAN

SCALE = 1/4" = 1'-0"



2 FLOOR PLAN

SCALE = 1/4" = 1'-0"



Deuschle Construct/Design

2780 Cedar Rd
Penticton, BC

Designer:
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ryadeu@gmail.com

Owner:
Garage
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p. 1.250.486.1626
bobbalmertecoo@gmail.com

PALMER GARAGE

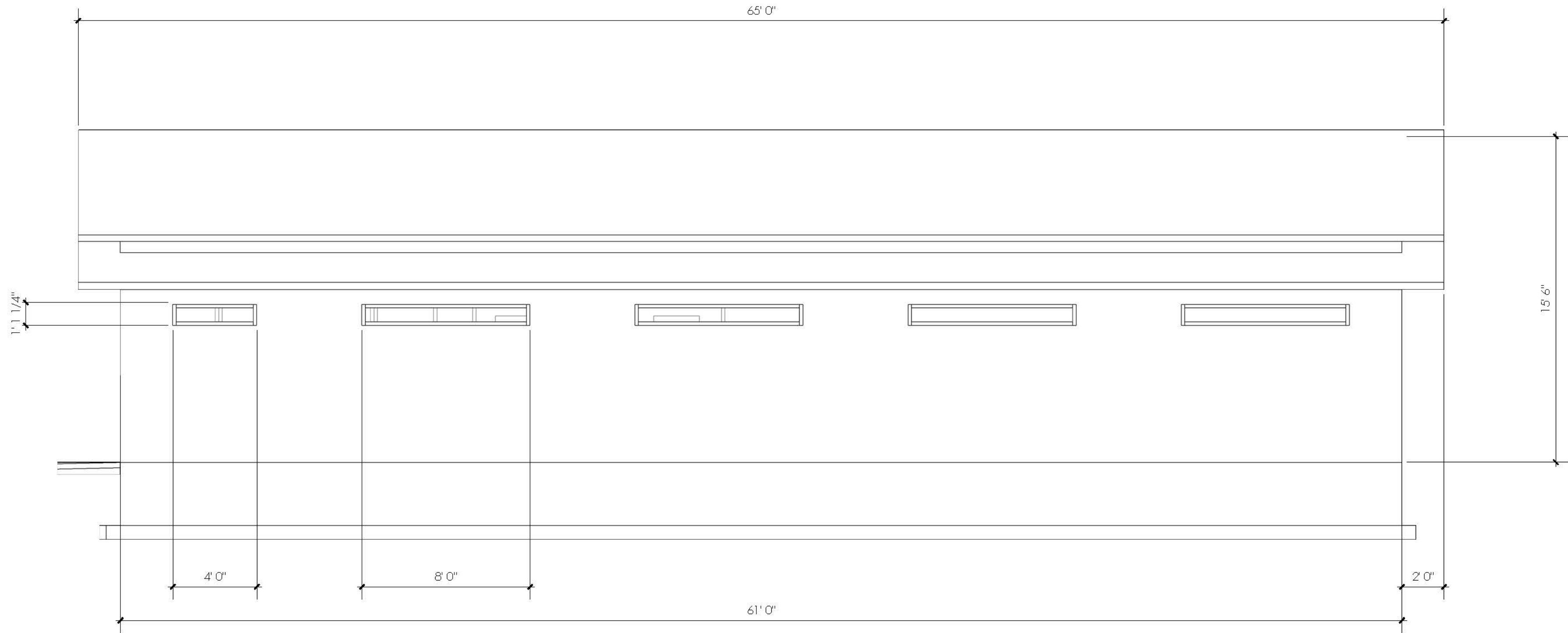
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CHECKED BY: DB
DOCUMENT DATE: December 2, 2020
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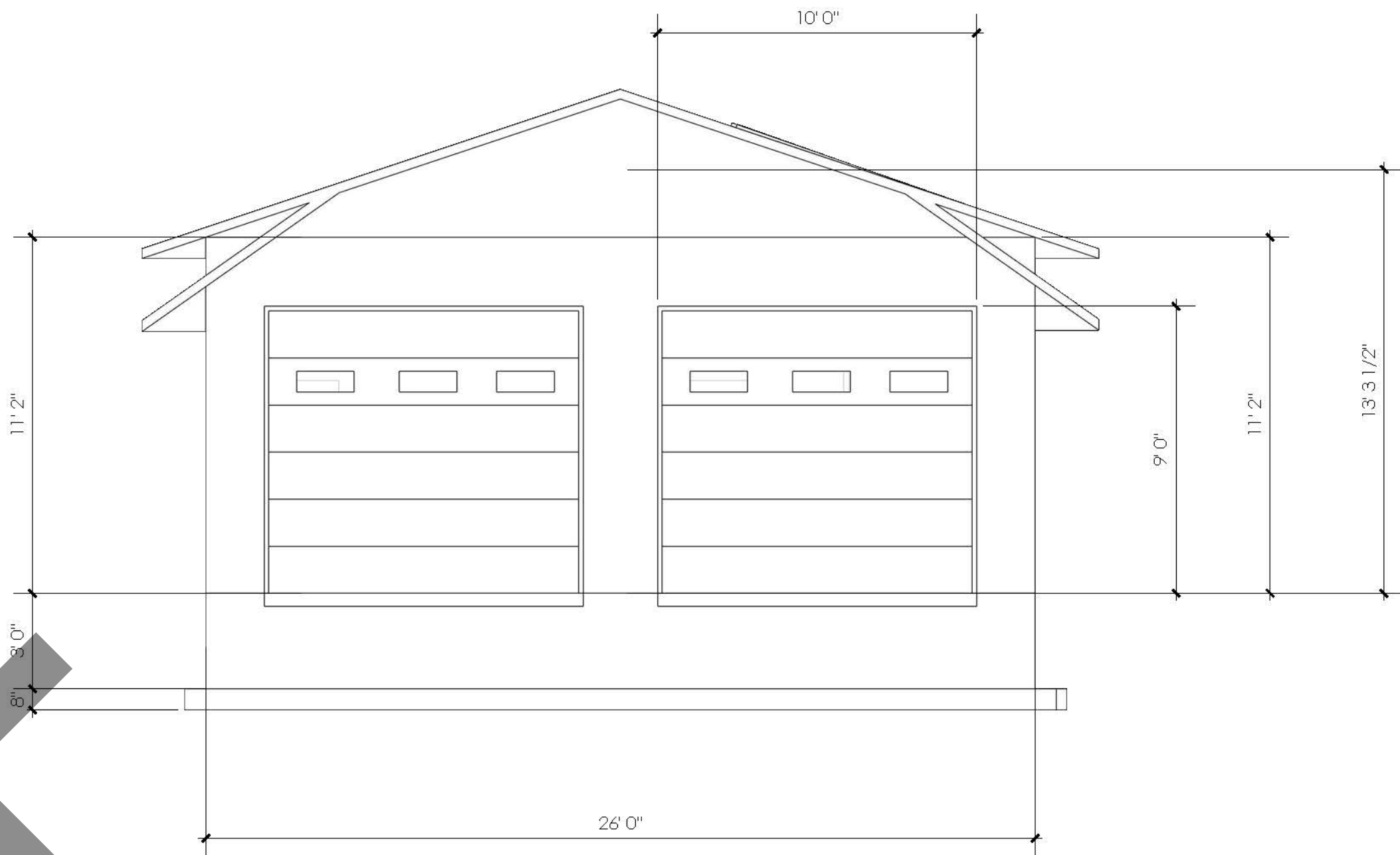
NO. 01 DATE: 26.11.20 ISSUE: Design for Bob Palmer

A3

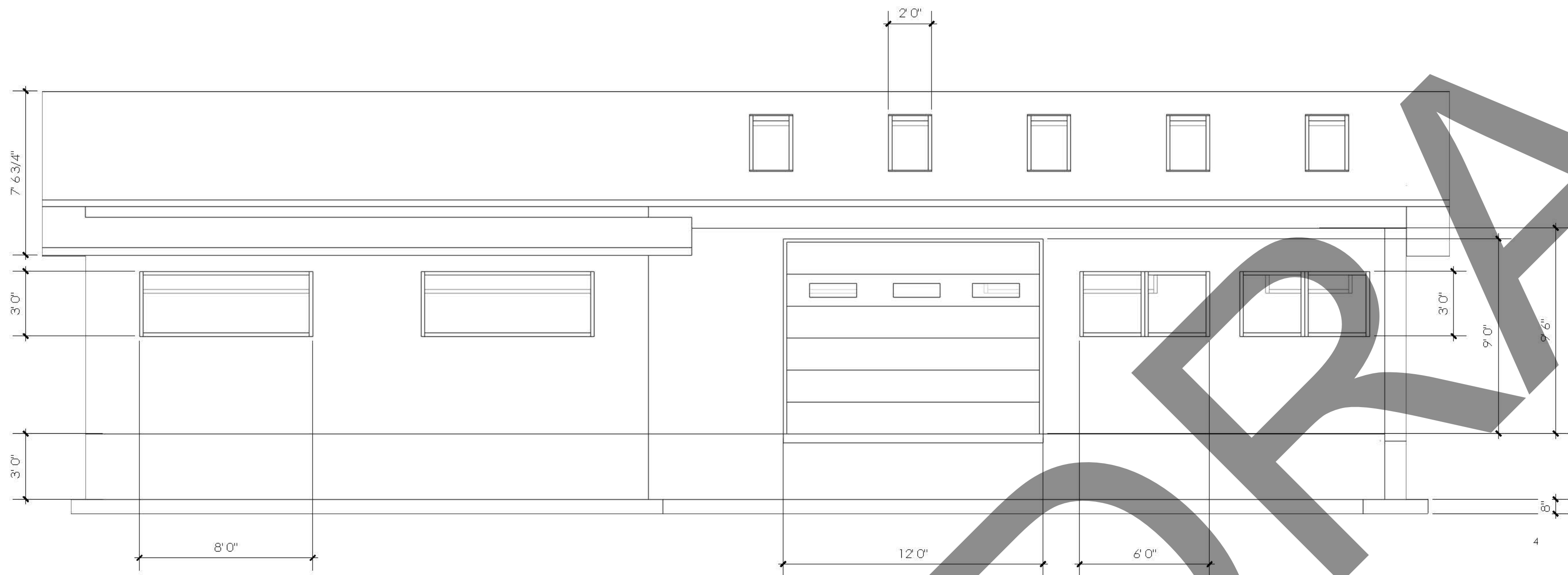
ELEVATIONS



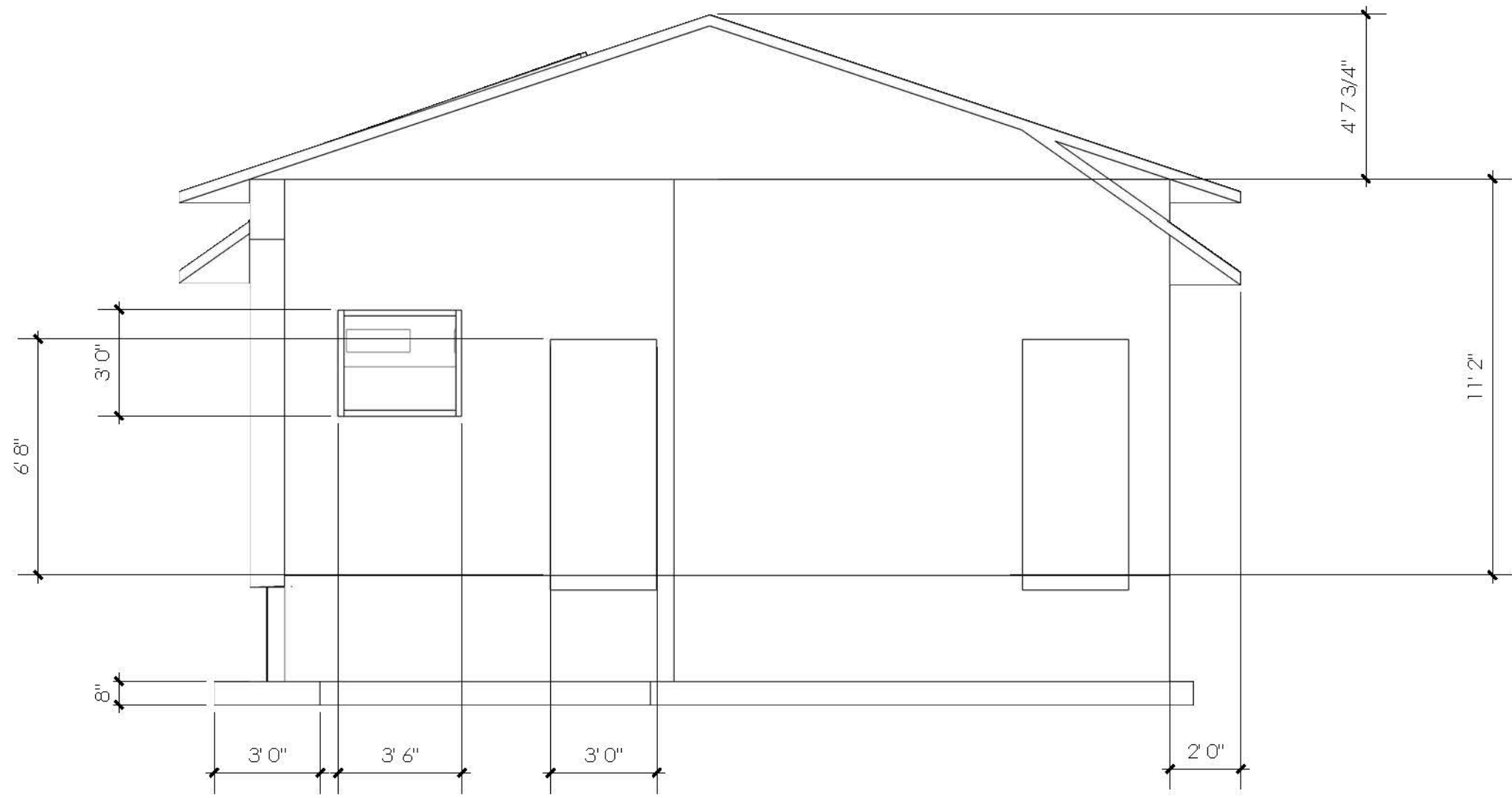
1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



4 EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTES:

Contractor to verify all measurements prior to construction. Any discrepancies must be reported to owner for clarification prior to commencement of construction.

Contractor to confirm window style x-lite locations with owner prior to construction. Ensure x-lites for egress are provided as required by the current B.C.B.C.

All bearing wall opening supported with 2-ply 2x10 spf #2 on double cripple unless otherwise noted.

All exterior wall and rood assemblies to conform to RSI values as per current B.C.B.C. Confirm all assemblies with Certified Energy Advisor.

Flash all exterior wall penetrations as per B.C.B.C.

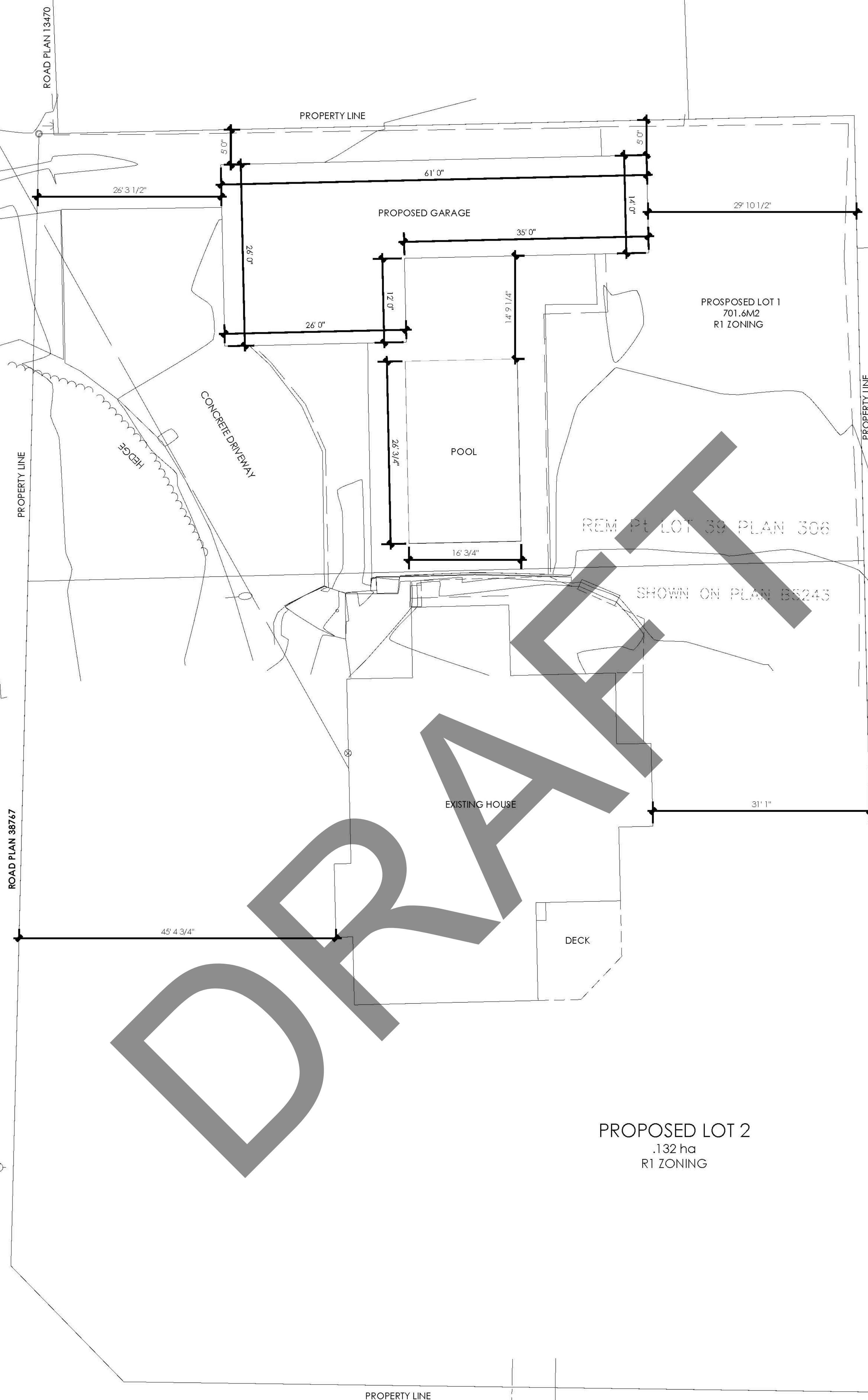
Provide positive drainage away from foundation at building perimeter

Contractor to ensure all construction and installation meets the requirements set forth in the current B.C.B.C.

These plans do not show all the details of the requirements of the B.C.B.C. and have not been reviewed for full compliance. It is the responsibility of owner/contractor to ensure compliance with the code and all local municipal bylaws

MIDDLE BENCH ROAD

JOHNSON ROAD



PALMER GARAGE

Owner:
Garage
1101 Johnson Rd
Penticton, BC
p. 1.250.486.1626
bobbpalmermexico@gmail.com

Designer:
Riley Deuschel
2780 Cedar rd
Penticton BC
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Drawn By:
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Document Date:
December 2, 2020

Scale:
1/4"=10'

2780 Cedar Rd
Penticton, BC

TWO: 01 DATE: 26.11.20 ISSUE: Design for Bob Palmer