

January 21, 2021

Subject Property:

425 Douglas Avenue

Lot 2, District Lot 1, Group 7, Similkameen Division Yale
(Formerly Yale-Lytton) District, Plan 6549

Application:

Development Variance Permit PL2020-8895

The applicant is proposing to subdivide the subject property to create two single detached building lots. Both proposed lots will remain zoned R2 (Small Lot Residential) and all other R2 zone provisions will continue to apply. The proposed lot widths do not meet the minimum required lot widths of the R2 zone.



To facilitate the subdivision, the applicant has applied to vary Section 10.2.2.1.i of Zoning Bylaw 2017-08 to reduce the minimum required lot width from 13m to 10.68m.

Information:

You can find the staff report to Council and Development Variance Permit PL2020-8895 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.

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: Steven Collyer, Planner II
Address: 425 Douglas Avenue
Subject: Development Variance Permit PL2020-8895

File No: RMS/425 Douglas Ave

Staff Recommendation

THAT Council approve "Development Variance Permit PL2020-8895" for Lot 2 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 6549, located at 425 Douglas Avenue, a permit to vary Section 10.2.2.1.i of Zoning Bylaw 2017-08 to reduce the minimum lot frontage in the R2 zone from 13m to 10.68m.

AND THAT staff be directed to issue the permit.

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 subdivide the subject property to create two lots. The proposed lot widths do not meet the minimum requirements of the R2 (Small Lot Residential) zone. The applicant is requesting to vary Section 10.2.2.1.i of Zoning Bylaw 2017-08 to reduce the minimum required lot width from 13m to 10.68m. Both proposed lots will remain zoned R2 (Small Lot Residential) and all other R2 zone provisions will continue to apply.

Background

The subject property is 890m² (0.22 ac) in size and is located on the north side of Douglas Avenue near Moosejaw Street, in a residential neighbourhood (Figure 1). The property contains a single detached dwelling and a detached garage. The property is zoned R2 (Small Lot Residential) and is designated 'Detached Residential' by the Official Community Plan (OCP).



Figure 1 - Property Location Map

The subject property is one of the larger lots on this block of Douglas Avenue. The property currently has a width of 21 m, while adjacent lots on either side have lot widths of 15 m. Across Douglas Avenue to the south, lot widths are approximately 24 m. The majority of properties on this block contain single detached dwellings, with four properties zoned RD2 (Duplex Housing: Lane) and containing duplexes (Attachment 'A').

The applicant previously applied to rezone the subject property from R2 (Small Lot Residential) zone to RD2 (Duplex Housing: Lane) zone. On September 1, 2020, Council voted to close and abandon the Zoning Amendment Bylaw, which would have allowed duplex development, after considering public input on the application. The applicant has since revised their development plans based on public feedback and Council's comments on the previous rezoning proposal. The applicant now proposes to keep the existing R2 zoning and subdivide the subject property to create two single detached dwelling lots, as outlined in the Letter of Intent (Attachment 'C').

Technical Review

This application was reviewed by the Technical Planning Committee (TPC). The comments were primarily related to subdivision requirements because building plans have not been submitted at this time. Preliminary subdivision comments outlined the applicant's responsibility to provide addition water and sewer connections to the new lot. Development Cost Charges will be paid by the owner at the subdivision stage to help offset the new demand on municipal services from the additional residential lot. A development permit is not required, as single detached dwellings on lots over 10m in width or lot areas over 390m² are exempted from requiring a development permit. A development permit will be required for any future carriage house or a house with a secondary suite, as per the Infill Residential Development Permit Area in the OCP.

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	10.68 m – Variance Requested
Minimum Lot Area:	390 m ²	445 m ²

Future development on each lot will be required to meet the Zoning Bylaw regulations for the R2 (Small Lot Residential) zone (i.e. setbacks, building height, lot coverage, etc.).

Analysis

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

The applicant is requesting the following variance from the Zoning Bylaw:

- Section 10.2.2.1.i: to reduce the minimum required lot width in the R2 zone from 13m to 10.68m.

Staff have reviewed the requested variance and are recommending support for the following reasons:

1. The proposed subdivision allows a moderate increase in density while maintaining the single-detached character of the street.

The surrounding neighbourhood features a mix of lot sizes. The subject property is currently one of the widest and largest lots on the street. The OCP encourages appropriately-scaled infill development which is respectful of its context. Subdividing a single-detached lot to create two single-detached lots is one of the least impactful methods of achieving slightly increased density while keeping the single-detached feel of a street. This form of development represents an efficient use of serviced land in existing neighbourhoods, close to amenities.

2. The proposed lot widths maintain an appropriate building envelope on each lot.

The width of each proposed lot is 10.68m (35 ft) and the area of each proposed lot is 445m² (4,790ft²). The depth of each lot allows the proposed lot areas to exceed the minimum requirement of the R2 zone, which is 360m². The required setback from each side property line is 1.5m in the R2 zone, which allows a maximum building width of 7.68m (25 feet) on each proposed lot. The R2 zone allows up to 40% of each lot to be covered by buildings or structures. This allows a building envelope of 178m² (1,916ft²) on each proposed lot. The available building envelope on each proposed lot allows flexibility for future building designs and will maintain private amenity space on each lot, given the depth of the subject property.

3. The existing zoning will remain, which addresses concerns raised by the neighbourhood during the previous rezoning application.

The applicant has revised their development plans since the previous rezoning proposal (Attachment 'C'). Two of the concerns raised at that public hearing were the anticipated change in neighbourhood character by adding more duplexes and a general loss of heritage feel. The applicant is now proposing to keep the existing R2 zoning, which does not allow duplexes, and subdivide the property to create two single detached building lots. Council heard from the public that many carriage homes have been constructed in this neighbourhood recently, and that generally the neighbourhood is not opposed to carriage house development. The current zoning will allow carriage houses, subject to the applicable Zoning Bylaw regulations and issuance of a development permit. Council heard some comments regarding heritage in the neighbourhood. Through the OCP engagement process the idea of establishing the 200-block of Windsor Avenue as a heritage district was discussed. It was ultimately decided through the OCP engagement process that heritage districts would not be designated by the OCP. The subject property is therefore not within a designated heritage area.

Given the reasons above, staff support the application to reduce the minimum lot width from 13m to 10.68m. Staff recommend that Council approve the development variance permit and direct staff to issue the permit.

Alternate Recommendations

Council may consider the proposed lot width variance to facilitate a two lot subdivision of the property is not appropriate in this instance. If this is the case, Council should deny the development variance permit application. Staff are recommending against this option, as the proposed variance maintains a consistent housing form as the surrounding area and represents an efficient use of serviced land.

1. THAT Council deny “Development Variance Permit PL2020-8895”.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Letter of Intent

Attachment D – Draft Development Variance Permit PL2020-8895

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

DS Director	Chief Administrative Officer
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Attachment A – Zoning Map

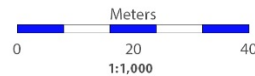


425 Douglas Avenue

Zoning Map



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penticton.ca



425 Douglas Avenue

Official Community Plan Map



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penticton.ca

Hello,

Please see attachments.

We are applying to subdivide in a redevelopment neighbourhood with large lots. We had earlier applied for upzoning to RD lots to build duplexes. Based on neighbourhood feedback, which indicated a preference for single family development, we are not applying to change the zoning.

We have a 70'x136' lot with lane. There is a 1954 one level house, approximately 1050 square feet. We were at one time licensed with the city as a vacation rental, safety-compliant and with permits, but the combination of small house on a large lot meant revenue didn't match cost of upkeep. It is currently a tired old rental. There will be hazardous materials on site. We have already removed an underground oil tank and remediated the site. The water line into the house has failed, and been repaired, three times over the last several years.

The plan is to create two lots. A clever designer will have no trouble working with two 35'x136' lots with lanes. New houses are built on 30'x100' lots all over town. Current zoning is R2. This allows for a house + suite, or a house + carriage house. This proposal matches what the neighbourhood supports, as per the city's polling of area residents, for densification.

Due to COVID, City Hall allows limited public access, so we don't have access to all the subdivisions already created, or proposed, in the area. We did meet face to face twice with the Planning Department. The professional planners support this subdivision. We also understand that the neighbourhood supports legal suites and carriage houses. They exist on every block throughout the area. We are a bit short on lot width, which is why we are applying to subdivide. We have approx 17% more lot size than the minimum needed for an outright-use subdivision.

We designed and built our current Penticton house 25 years ago. We will enjoy the chance to do it again, on this site, with a view to enhancing the neighbourhood.

On our block, between Argyle and Moosejaw, travelling east to west, here's a look at recent redevelopments:

- New subdivide at 340 Douglas. A recent subdivide to create a legal 28' lot with two brand new half duplexes. Please note a brand new duplex being built on a 28' lot.
- New carriage houses at 367 + 369 Douglas.
- New full duplexes at 379 + 385 Douglas.
- New carriage house at 443 Douglas.
- Full duplexes at 424 + 478 Douglas.

Thank you.

full duplex being built Dec
2020 on a 28' lot



SAMPLE RENDER OF FINISH HOME



4 units on Douglas after subdivide

