

March 4, 2021

Subject Property:
102 Andrew Place

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

Application:
Development Variance Permit PL2021-8934

To accommodate a two storey addition onto the front of the existing single family dwelling to create a garage on the main level and added living space on the second floor, the applicants have applied to vary the following section of Zoning Bylaw 2017-08:

- 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 PL2021-8934 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, March 16, 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, March 16, 2021** to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca

Subject Property



No letter, report or representation from the public will be received by Council after the conclusion of the March 16, 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: March 16, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 102 Andrew Place
Subject: Development Variance Permit PL2021-8934

File No: RMS/102 Andrew Place

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-8934" for Lot 13 District Lot 188 Similkameen Division Yale District Plan 24943, located at 102 Andrew Place, a permit to vary Zoning Bylaw 2017-08 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 PL2021-8934".

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 two storey addition onto the front of the home, creating a garage on the main level and added living space to the existing principal dwelling on the second floor.

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 by the Official Community Plan as 'Detached Residential'. The property contains a single family dwelling with a secondary suite.

In August 2020, Council approved a variance (DVP PL2020-8783) to reduce the front yard setback from 6.0m to 3.33m, for a single storey addition on the front of the property, to allow a garage to be constructed. Since this approval date, the applicant has adjusted their construction plans, which are now to construct a two-storey addition to the front of



their home. This will allow the construction of additional living space for the principal dwelling unit on the second floor, and construct the previously planned garage on the main level. As this request is outside of the scope of the original Development Variance Permit PL2020-8783, the applicant has applied for a new variance for Council's consideration. This will also provide neighbours with notification of the changes, in the event that a second storey may have impacts that the previously approved single storey did not.

Technical Review

The amended 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 owners' 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 proposed 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.
 - Council approved the same setback reduction for a single storey addition in August 2020. The applicant has since revised the proposal to include a second storey.
 - To supplement their application, the applicant has submitted a letter with six signatures from neighbours who are in support of their amended application (Attachment 'D').
 - Given that the variance request remains similar to the previously approved variance, staff consider the following justification still applies:
 - o The location of the proposed addition is not directly next to any shared property lines, which will reduce the impact on adjacent properties.
 - o 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.
 - o 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.
 - o 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.
 - o 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.



Previously Approved Plans



New Proposed Plans

Staff considers the request to reduce the minimum front yard setback from 6.0 m to 3.33 m is still reasonable for the two-storey addition. As such, staff recommend that Council should support the variance and direct staff to issue the permit.

Alternate Recommendation

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. If this decision is made, the applicant will still be able to construct a one-storey addition under the previously approved variance.

1. THAT Council deny "Development Variance Permit PL2021-8934".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Letter of Intent
- Attachment D – Letter of Support – Neighbours
- Attachment E – Photos of Subject Property
- Attachment F – Draft "Development Variance Permit PL2021-8934"

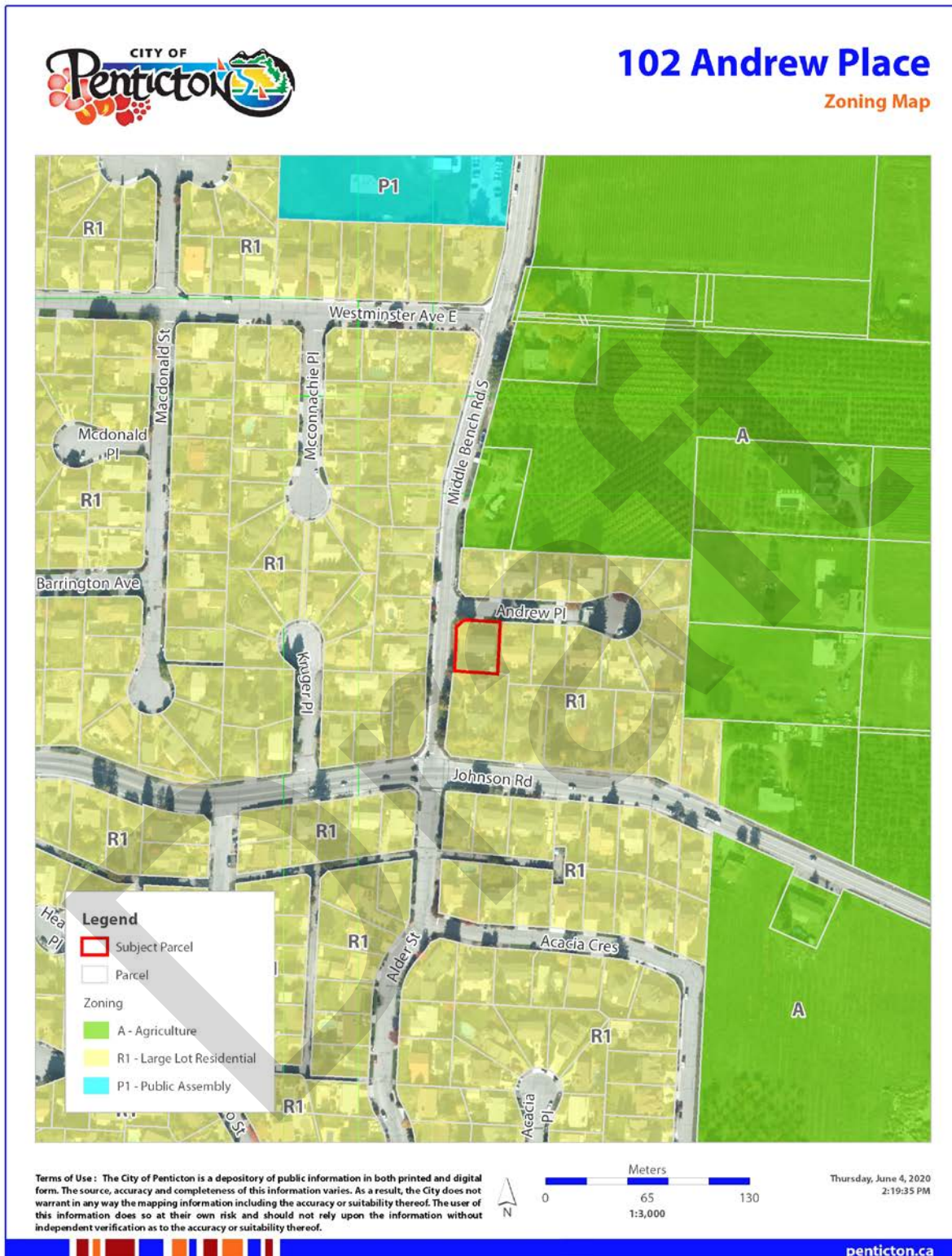
Respectfully submitted,

Nicole Capewell
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
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Attachment A – Zoning Map





Attachment C – Letter of Intent

January 13, 2021

To Whom it may concern,

We would like to add a double garage with bedroom and ensuite bathroom on top, to our home. This addition is out front of part of the existing home and extends out into the front uncovered parking spaces. It would tie into our deck with a portion of the deck being closed in.

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 more than 7m 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 the corner of the property where we already park 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 – Letter of Support – Neighbours

February 19, 2021

To the City of Penticton,

We, the neighboring homes to 102 Andrew Place, have been advised by the property owners (Cynthia and Alan Helm), that they wish to change their existing approved permit/variance plans on the proposed one story garage to a two story garage with living space above to match their two story home.

We have no objections to this proposal and are aware of the variance details.

Name:

Address:

Signature:

DON KLATT

335 MIDDLEBENCH S

Don Klatt

LISA Trickett

198 ANDREW Place

[Signature]

Tyler Murphy
+ Alexis

110 Andrew Place

[Signature]

WAYNE CARLSON

375 MIDDLE BENCH RD

Wayne Carlson

Dave Brown

365 Middle Bench

[Signature]

Robert Palmer
ROBERT PALMER

1101 JOHNSON RD.

[Signature]

This letter of support has been requested by Cynthia and Alan Helm to assist in the completion of their amended variance request.

Attachment E – Photos of Subject Property



Front of subject property (taken from Andrew Place)



West side of property



Development Variance Permit

Permit Number: DVP PL2021-8934

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 a two-storey addition, 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 _____, 2021.

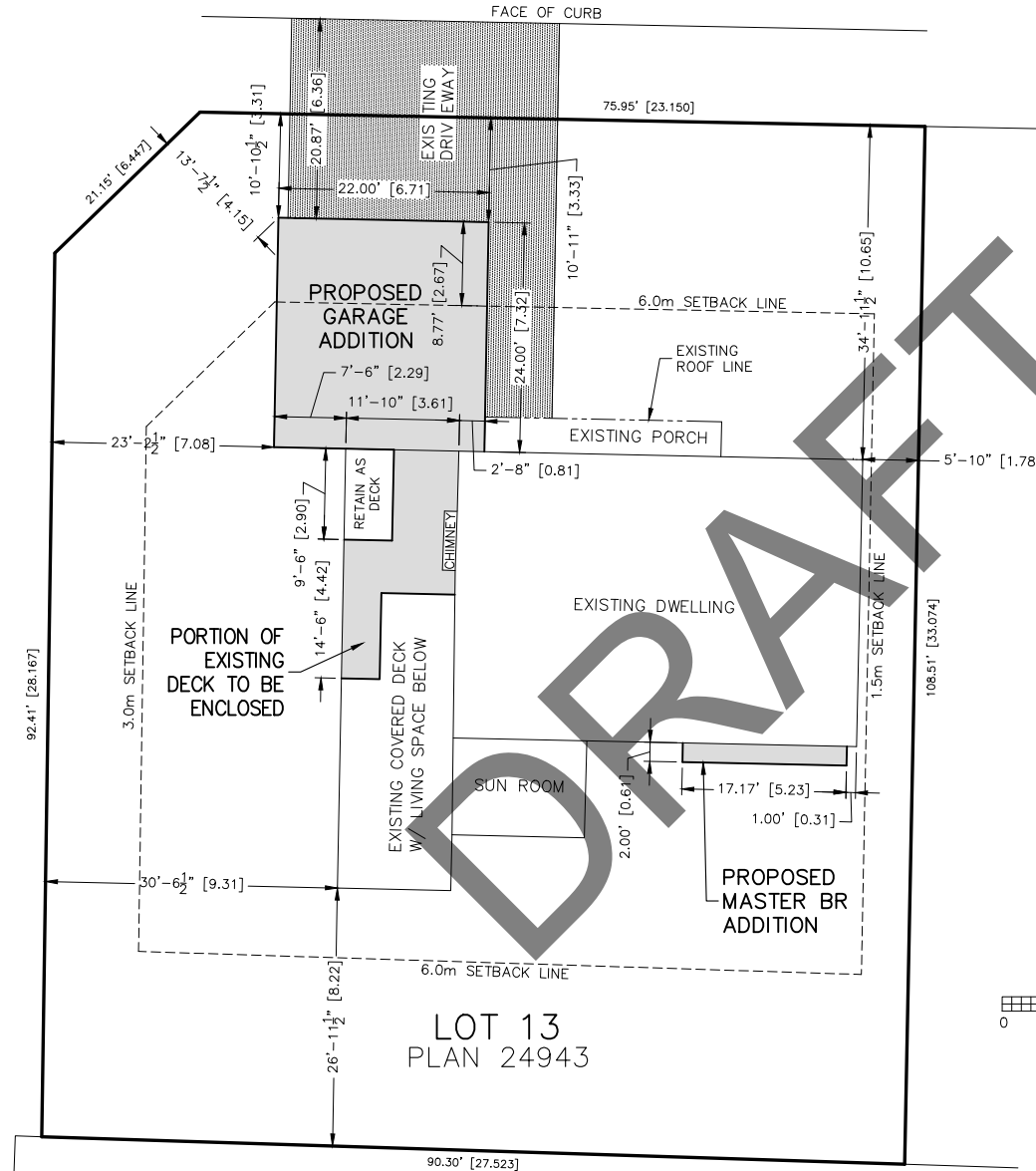
Issued this ____ day of _____, 2021.

Angela Collison
Corporate Officer

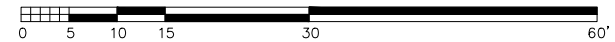
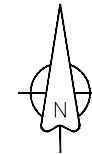
DRAFT

ANDREW PLACE

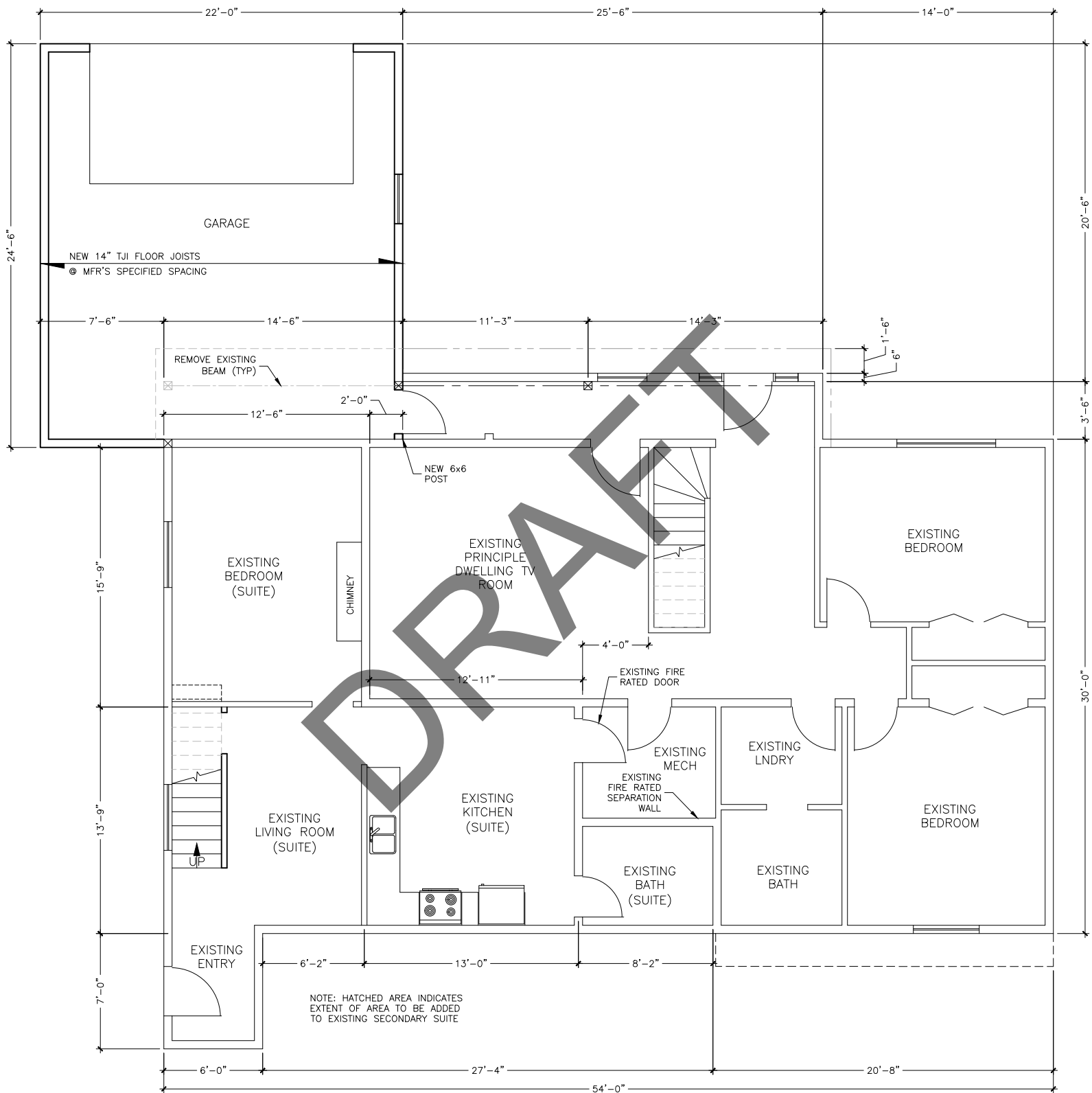
MIDDLE BENCH ROAD



12
PLAN 24943



REM PART LOT 39
PLAN B5243



LOWER FLOOR PLAN

