

April 8, 2021

Subject Properties:

1082 Syer Road

(Lot 122, District Lot 2710, Similkameen Division Yale District, Plan KAP92932)

1088 Syer Road

(Lot 123, District Lot 2710, Similkameen Division Yale District, Plan KAP92932)

Application:

Development Variance Permit PL2021-8955

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

Due to the steep topography of the lots, and to better utilize the developable area of the properties, the applicant is requesting to reduce the required rear yard setback from 6.0m to 0.6m (Section 10.2.2.7.i of Zoning Bylaw 2017-08).

Information:

You can find the staff report to Council and Development Variance Permit PL2021-8955 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, April 20, 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 Properties



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, April 20, 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 April 20, 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: April 20, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 1082 and 1088 Syer Road
Subject: Development Variance Permit PL2021-8955

File No: RMS/1082 Syer Rd

Staff Recommendation

THAT Council approve “Development Variance Permit PL2021-8955”, for Lots 122 and 123 District Lot 2710 Similkameen Division Yale District Plan KAP92932, located at 1082 Syer Road and 1088 Syer Road, a permit to vary Section 10.2.2.7.i of Zoning Bylaw 2017-08 to reduce the minimum rear yard 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 PL2021-8955”.

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 subject properties, located at 1082 and 1088 Syer Road. The applicant is requesting to reduce the required rear yard setback from 6.0m to 0.6m as a result of the steep topography of the lots and to better utilize the developable area of the properties.

Background

The subject properties are located on the east side of Syer Road near Holden Road, in the Sendero Canyon neighbourhood (Figure 1). A rear lane runs behind the properties to provide vehicle access. There is a substantial grade change on the subject properties, resulting in the lane being approximately 12 metres (39 feet) higher than Syer Road. The subject properties are designated Detached Residential by the Official Community Plan (OCP) and are zoned R2 (Small Lot



Figure 1 - Property Location Map

Residential) in the Zoning Bylaw. 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.

On September 1, 2021, Council approved "Development Variance Permit PL2020-8766" for 1106, 1112, 1118, 1124 and 1130 Syer Rd; 5 lots to the south of the subject properties. The variance approved for those properties is the same as this current request; to reduce the rear yard setback from 6.0m to 0.6m. Similar justification for the variance request has been provided by the applicant, as outlined in the Letter of Intent (Attachment 'D').

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 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 that have lane access must 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 12 metres higher than the street and the flatter, more developable area of these lots is located closer to the rear lane than the street (Attachment 'C'). 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.

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 similar to the minimum required rear yard 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 accessory structures (i.e., garages) is 1.5m (5ft) from the rear lot line. The proposed rear yard setback is similar to the required setback for detached structures.

4. The proposed 0.6m rear yard setback is the same as what Council approved in 2020 for 1106-1130 Syer Rd.

The applicant previously requested a 0.6m rear yard setback for other lots on Syer Rd, which Council approved. This current request is for the same variance, and is intended to reduce the amount of regrading required when the lots are developed in the future. Given that a similar building envelope was approved on lots to the south, this current request is considered in line with the building form of the surrounding area.

In addition to the justification noted above, staff consider the requested variance 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.

Given the reasons above, staff are recommending that Council approve “Development Variance Permit PL2021-8955”, 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 PL2021-8955”.

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Properties
Attachment D – Letter of Intent
Attachment E – Draft Development Variance Permit PL2021-8955

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

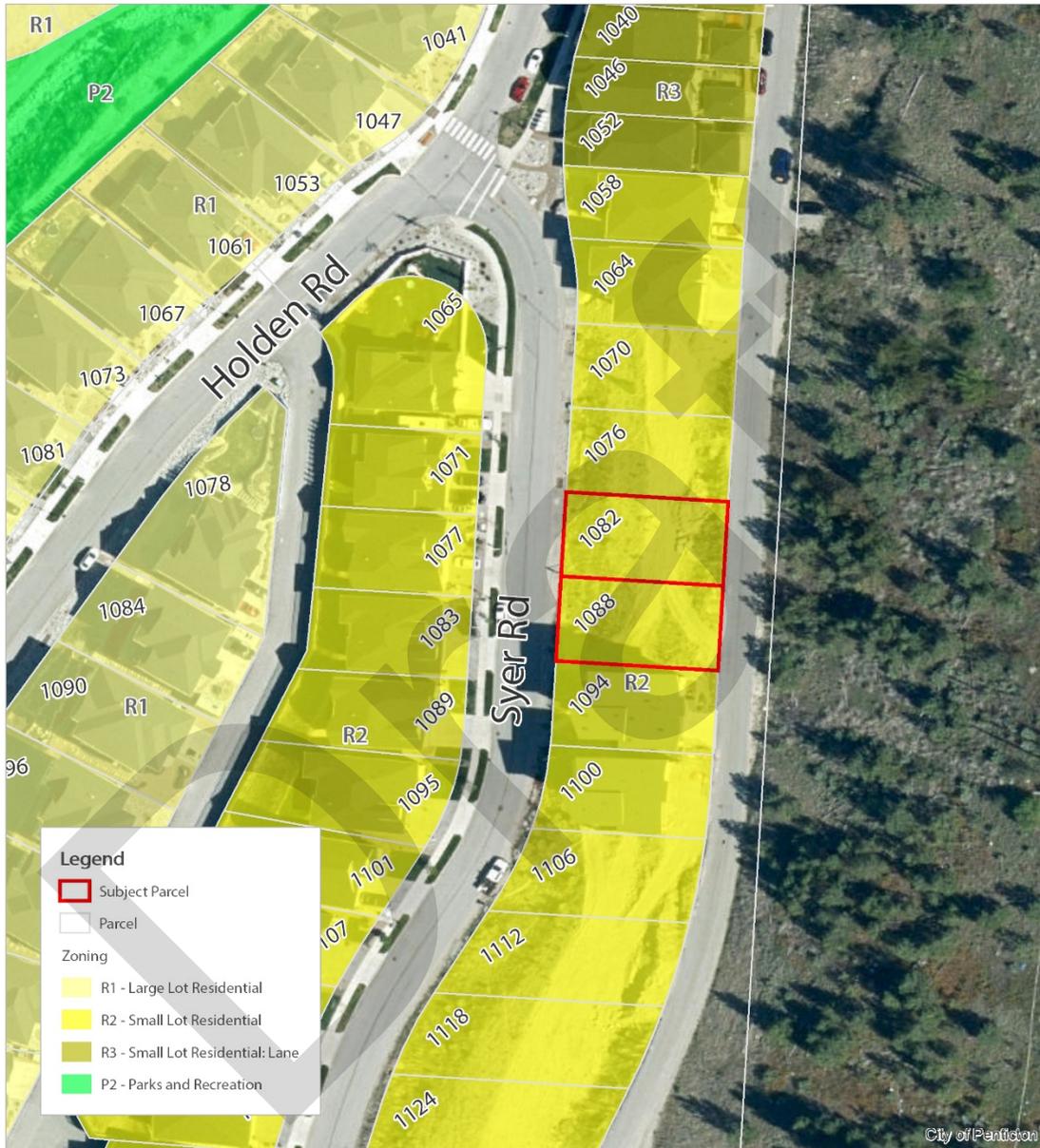
Director of Development Services	Chief Administrative Officer
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Draft



1082 and 1088 Syer Road

Zoning Map



Legend

- Subject Parcel
- Parcel

Zoning

- R1 - Large Lot Residential
- R2 - Small Lot Residential
- R3 - Small Lot Residential: Lane
- P2 - Parks and Recreation

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March 5, 2021
4:30:23 PM

City of Penticton

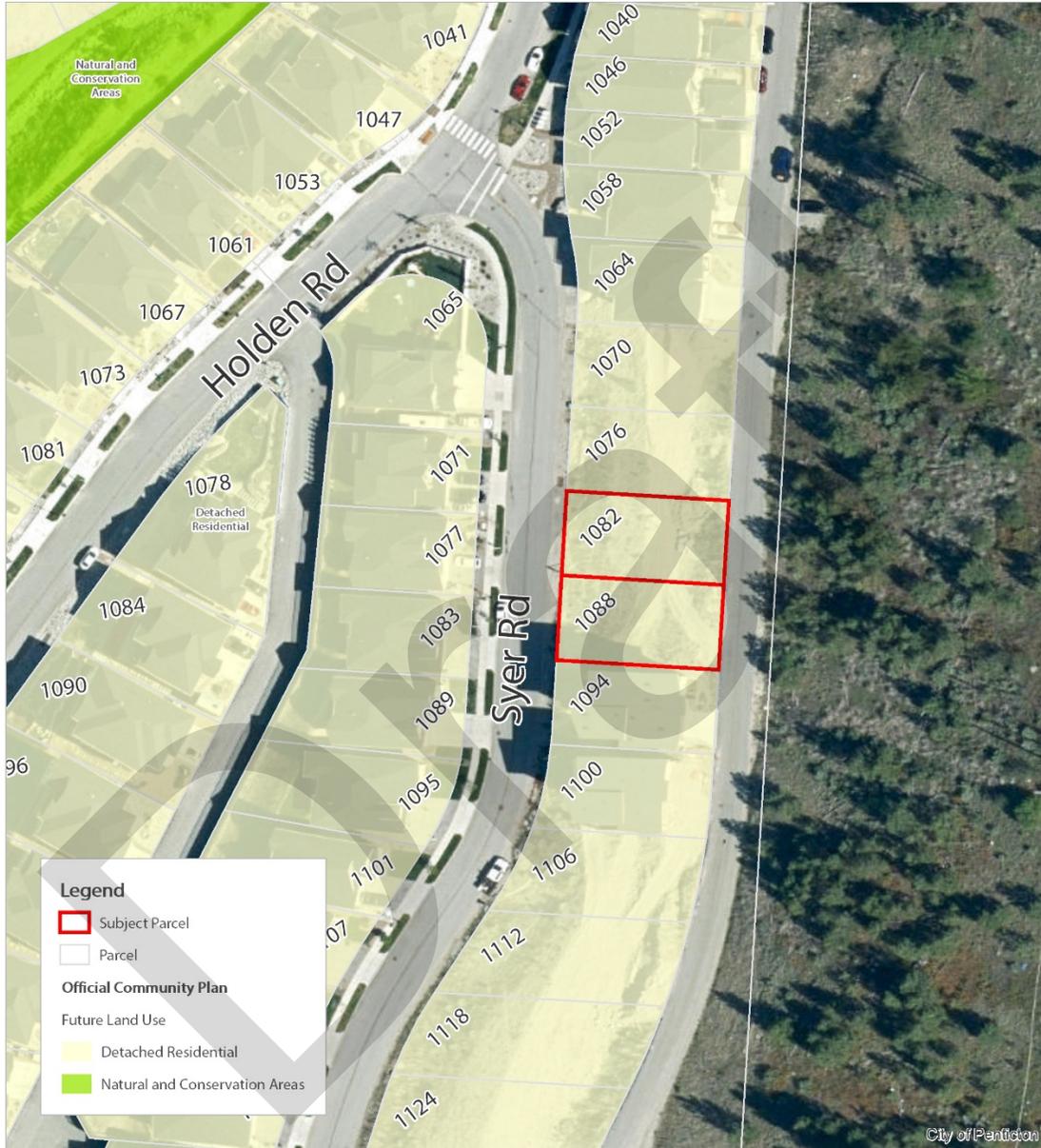


penticton.ca



1082 and 1088 Syer Road

Official Community Plan Map



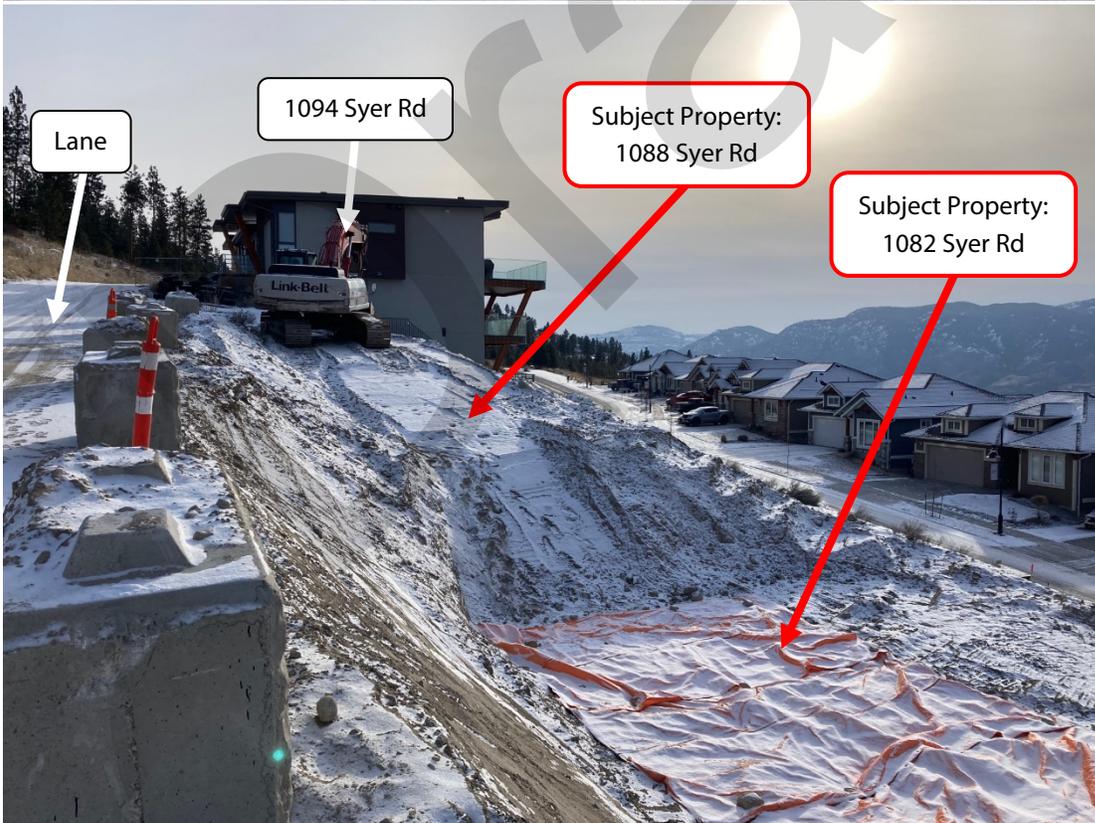
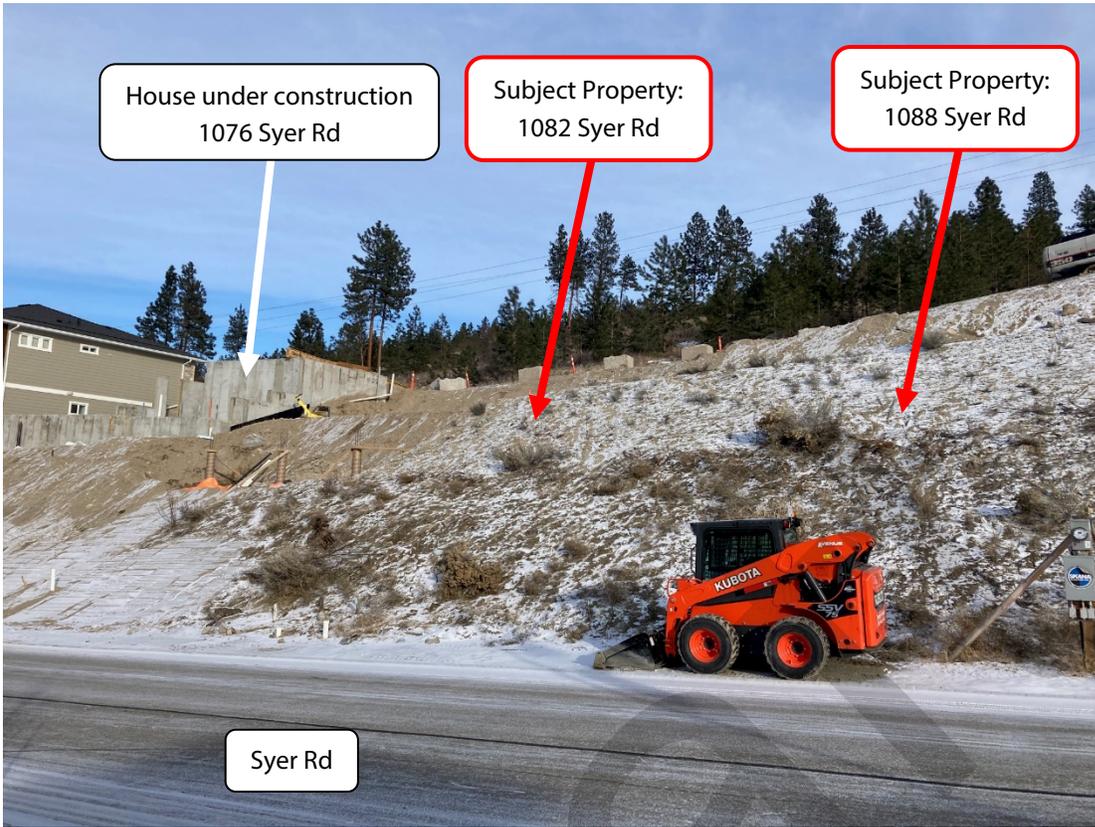
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March 5, 2021
4:30:57 PM

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Attachment C – Photos of Properties



Attachment D – Letter of Intent

From: [Ewen Stewart](#)
To: [Steven Collyer](#)
Subject: FW: Sendero Lot 122/123 Variance Lane Setback
Date: February 11, 2021 11:10:28 AM
Attachments: image001.jpg
Development Application for Lot 122 & 123.pdf
Site Profile Waiver for Lot 122 & 123.pdf
Lot 123 Title Search.pdf
Agency Agreement for Lot 122 & 123.pdf
Lot 122 Title Search.pdf
Lot 122 0.6M Setback Feb.08.21.pdf
Lot 123 0.6M Setback Feb.08.21.pdf

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Subject: Sendero Lot 122/123 Variance Lane Setback

Hi Steven

Please find attached our application to vary the rear yard set back from 6m to 0.6 m. We previously obtained a variance to vary the rear yard set back to 0.6 on lots 126-130. We thought we could finish lots 122/123 without a variance but we have lot 120 currently under construction with no variance and lot 122 in for a permit with no variance. I have attached a lot plan showing proposed set backs. The cost of constructing the foundation on lot 120 has exceeded 35,000 for excavation and backfill work to get the foundation built. We anticipate a similar problem on lot 121.

When we build lots 122/123 we will have to construct both at the same time to be able to excavate and backfill.

The ability to pull our building envelope closer to the lane will allow these two homes to stay in the existing shelf instead of cantilevering over the lower slope.

It will not impact the existing neighbour on lot 124 other than enhance their view corridor.

The homes we are building on lots 121 and 120 will also not be negatively impacted by this variance.

We have not sold either lots 120 or 121 and obviously would not do anything on lots 122/123 that would negatively impact lots 120/121 .

I can have Martin Lemoine drop a cheque off as soon as you confirm amount.

Let me know if you require any additional information.

Ewen Stewart

Azura Management Corp.

125B – 19055 34A Avenue

Surrey, BC V3Z 0P6

Tel: 604.536.7333 ext 201

Cell: [REDACTED]

Logo art work out.jpg



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We cannot guarantee the absolute security of personal information during e-mail transmission. Information could be accidentally disclosed or deliberately intercepted. By continuing to use e-mail you acknowledge and accept these risks.

Development Variance Permit

Permit Number: DVP PL2021-8955

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: Lots 122 and 123 District Lot 2710 Similkameen Division Yale District Plan KAP92932
 - Civic: 1082 and 1088 Syer Road
 - PID: 029-045-118 and 029-045-126
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 one single detached dwelling on each property, as shown in the plans attached in Schedule 'A':
 - a. Section 10.2.2.7.i to reduce the minimum rear yard setback for a principal building from 6.0m to 0.6m.

General Conditions

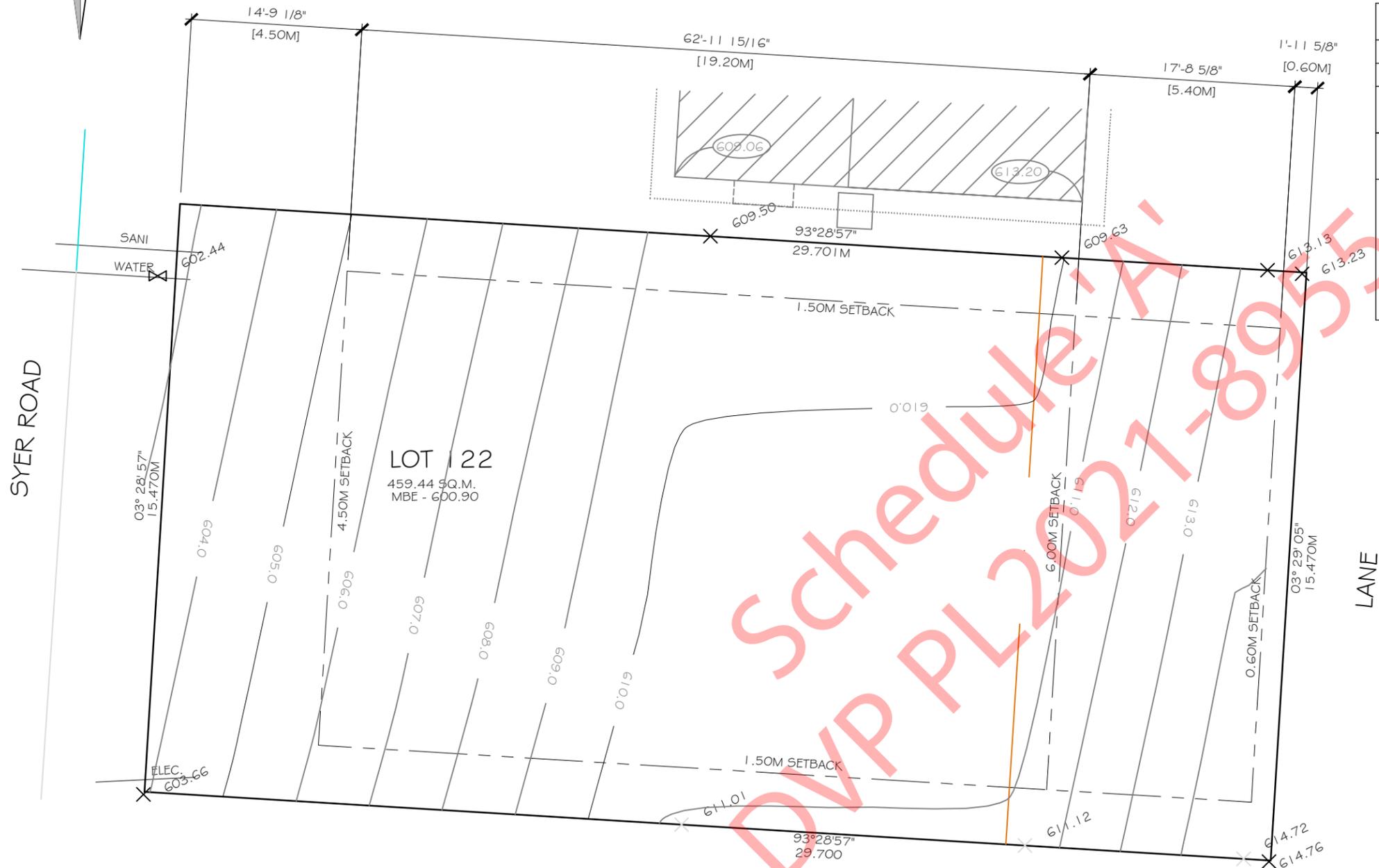
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence 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 _____, 2021.

Issued this ____ day of _____, 2021.

Angela Collison
Corporate Officer

DRAFT



CIVIC ADDRESS :
1082 SYER ROAD, SENDERO CANYON, PENTICTON
LEGAL ADDRESS :
LOT 122, DISTRICT LOT 2710, SDYD, PLAN KAP92932 P.I.D:029-045-118

SITE RECONCILIATION :	
LOT SIZE	459.44 sq. m. OR 4,945.53 sq. ft.
ZONING:	R2
LOT COVERAGE :	MAX. : 40% OR 1,978.21 sq. ft. PROP. : X% OR x sq. ft.
BUILDING HEIGHT :	MAX. : 10.5m PROP. : X' OR Xm
BUILD. SETBACKS	FRONT (HOUSE) : MIN. - 4.50m PROP. - xm INTERIOR (RIGHT) : MIN. - 1.50m PROP. - xm REAR (PROPERTY) : MIN. - 6.00m PROP. - xm INTERIOR (LEFT) : MIN. - 1.50m PROP. - x



UNIT #202-34654 DELAIR RD.
ABBOTSFORD, B.C. V2S 2C9
TEL: (604) 217-9097
WWW.METHODDESIGNGROUP.COM

DATE	REVISION
FEB.03.21	PRELIMINARY

NOTES

ALL DIMENSIONS TO BE CHECKED BY CONTRACTOR BEFORE START OF CONSTRUCTION & ANY DISCREPANCIES REPORTED.

THESE DRAWINGS CONFORM TO THE LATEST EDITION OF THE 2018 BRITISH COLUMBIA BUILDING CODE

PROJECT NUMBER: MDG21-014	
DRAWN BY: M.B.	CHECKED BY: B.W.
DATE: FEB.2021	SCALE: N.T.S.

SHEET TITLE:
SITE PLAN

ADDRESS:
LOT 122
SENDERO CANYON
PENTICTON

DRAWING:



CIVIC ADDRESS :
1 088 SYER ROAD, SENDERO CANYON, PENTICTON
LEGAL ADDRESS :
LOT 123 DISTRICT LOT 2710, 5DYD, PLAN KAP92932 P.I.D:029-045-126



UNIT #202-34654 DELAIR RD.
 ABBOTSFORD, B.C. V2S 2C9
 TEL: (604) 217-9097
 WWW.METHODDESIGNGROUP.COM

SITE RECONCILIATION :	
LOT SIZE	459.41 sq. m. OR 4,945.21 sq. ft.
ZONING:	R2
LOT COVERAGE :	MAX. : 40% OR 1,978.08 sq. ft. PROP. : X% OR x sq. ft.
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DATE	REVISION
FEB.03.21	PRELIMINARY

NOTES

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THESE DRAWINGS CONFORM TO THE LATEST EDITION OF THE 2018 BRITISH COLUMBIA BUILDING CODE

PROJECT NUMBER:
 MDG21-014

DRAWN BY: M.B.	CHECKED BY: B.W.
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DATE: FEB.2021	SCALE: N.T.S.
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SHEET TITLE:
SITE PLAN

ADDRESS:
 LOT 123
 SENDERO CANYON
 PENTICTON

DRAWING:

