

April 8, 2021

Subject Property:
1356 Manitoba Street

Lot 8, District Lot 250, Similkameen Division Yale
District, Plan 6622

Application:
Development Variance Permit PL2021-8927

The applicant is proposing to construct a carriage house above an existing detached garage. The existing garage is located closer to the property lines than is normally permitted under the Zoning Bylaw carriage house regulations. In order to allow the addition of a second storey on the garage at the same setbacks as the current structure, the applicant has applied to vary the following sections of Zoning Bylaw 2017-08:

1. Section 8.2.3.4: To reduce the interior side yard setback from 1.5m to 1.0m.
2. Section 8.2.3.4: To reduce the rear yard setback from 1.5m to 1.0m.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-8927 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.



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: 1356 Manitoba Street
Subject: Development Variance Permit PL2021-8927

File No: RMS/1356 Manitoba St

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-8927" for Lot 8 District Lot 250 Similkameen Division Yale District Plan 6622, located at 1356 Manitoba Street, a permit to vary the following sections of Zoning Bylaw 2017-08 in order to construct a carriage house:

1. Section 8.2.3.4: To reduce the interior side yard setback from 1.5m to 1.0m.
2. Section 8.2.3.4: To reduce the rear yard setback from 1.5m to 1.0m.

AND THAT Council direct to issue "Development Variance Permit PL2021-8927".

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 carriage house above an existing detached garage. The existing garage is located closer to the property lines than is normally permitted under the Zoning Bylaw carriage house regulations. As such, the applicant has requested to reduce both the interior side yard (north) and rear yard setbacks to 1.0m, in order to allow the addition of a second storey on the garage at the same setbacks as the current structure. Carriage houses are considered within the Intensive Residential Development Permit Area, and a development permit application has been applied for as well for approval of the form and character of the proposed carriage house.

Background

The subject property is located on the east side of Manitoba St, north of Duncan Ave E in a primarily residential neighbourhood (Figure 1). The property contains a single detached dwelling and a detached

garage, which was constructed with a permit in 1957. A lane runs along the rear of the property to provide vehicle access. The property is designated 'Infill Residential' by the Official Community Plan (OCP) and is zoned 'R1 (Large Lot Residential)' in the Zoning Bylaw.

The applicant has also applied for a development permit for approval of the form and character of the proposed carriage house, considered within the Intensive Residential Development Permit Area in the OCP. Staff have delegated authority to process the development permit, should Council approve the requested variances.

Technical Review

This application was reviewed by the Technical Planning Committee, a group of City staff from various departments who review development applications. Staff requested additional details regarding the access path from the street to the carriage house, the lower floor plan, amenity areas, and parking space dimensions. This information was submitted by the applicant. Building permit requirements were sent to the applicant in order to expedite the future building permit process.

Development Statistics

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

	Carriage House Requirement (Section 8.2)	Provided on Plans
Minimum Lot Area:	370 m ²	635 m ²
Maximum Building Footprint	90 m ²	82 m ²
Maximum Lot Coverage:	15%	9.4%
Maximum Building Height	7 m	6.1 m
Siting	No closer to the street than the main building	Rear yard
Minimum Amenity Space	15 m ²	22 m ²
Maximum Carriage House Floor Area	135 m ²	60 m ²
Privacy Windows	Within 1.5 m of property line	Privacy windows on north façade (1.15m)
Required Setbacks		
Front Yard (Manitoba St):	No closer than main building	Located in rear yard
Side Yard (north):	1.5 m	1.15 m – Variance Requested
Side Yard (south):	1.5 m	6.58 m

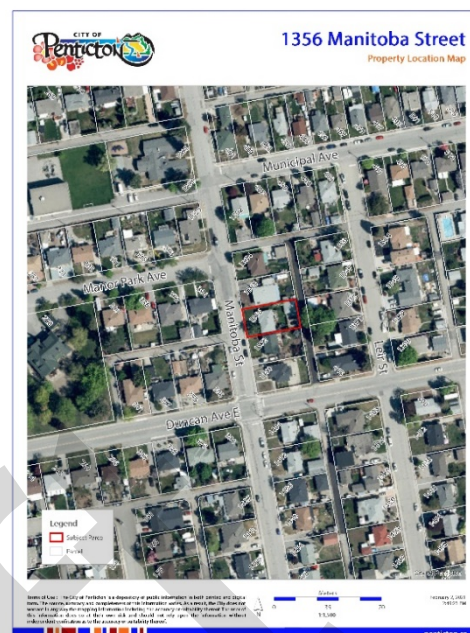


Figure 1 - Property Location Map

Rear Yard (lane):	1.5 m	1.01 m – Variance Requested
Parking	One additional parking space for carriage house	Three total parking spaces (two for single detached dwelling, 1 for carriage house)

Analysis

Development Variance Permit

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

1. The applicants have provided letters of support from immediate neighbours for the proposed carriage house.

The applicants have reached out to four neighbours immediately adjacent to the subject property (Figure 2). Each has submitted a letter in support of the requested variance and proposed carriage house (Attachment 'E'). When applicants propose a variance, staff recommend that the applicant contact their neighbours early in the process to obtain their feedback. The immediate neighbours would be most impacted from the proposed carriage house at reduced setbacks, and having their signatures of support indicates that negative impacts on neighbours, particularly the neighbour to the north, is not anticipated.

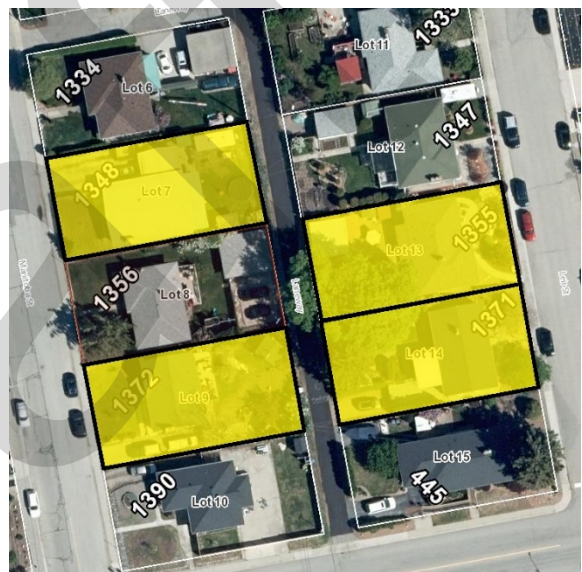


Figure 2 - Letters of support submitted by owners of four properties (yellow).

2. The design of the carriage house maintains a high degree of privacy for the most affected neighbour to the north.

The carriage house design maintains privacy along the two reduced setbacks. The cantilevered living space faces towards the house on the subject property, and the second level deck faces to the south where the building setback is much greater than on the north side. The design includes minimal windows on the north façade, with privacy windows on the new second level. Larger windows face the public lane and towards the principal dwelling. This design limits overlook onto the neighbours and provides outdoor amenity space near the middle of the lot rather than on one side.

3. The existing garage is located closer to property lines than the carriage house regulations require.

The existing garage was constructed in 1957 when the setback regulations were different than the regulations today. If the applicant were to meet the current Zoning Bylaw regulations, the design of

the second floor would need to be stepped back approximately 0.5m (1.5ft) which is a less desirable design than carrying on with the existing building walls.

Given the reasons above, staff support the application to reduce the interior side yard (north) and rear yard setbacks from 1.5m to 1.0m for the addition of a carriage house above the existing detached garage. Staff recommend that Council approve the development variance permit and direct staff to issue the permit. Should Council approve the development variance permit, staff have delegated authority to process the associated development permit for the form and character of the proposed carriage house.

Alternate Recommendations

Council may consider the requested variance is unnecessary and that the applicants should build within the Zoning Bylaw regulations. If this is the case, Council should deny "Development Variance Permit PL2021-8927". If this decision is made, the applicants would need to update their plans to meet the Zoning Bylaw regulations. If the applicant revises their plans to meet the Zoning Bylaw regulations, staff have delegated approval authority to process the Development Permit on its own and that application can remain open. Staff are recommending against this option, as the requested variances are considered reasonable in this instance and the letters of support from neighbours indicate there will be minimal impacts on surrounding properties.

1. THAT Council deny "Development Variance Permit PL2021-8927".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent
Attachment E – Letters of Support from Neighbours
Attachment F – Draft Development Variance Permit PL2021-8927

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

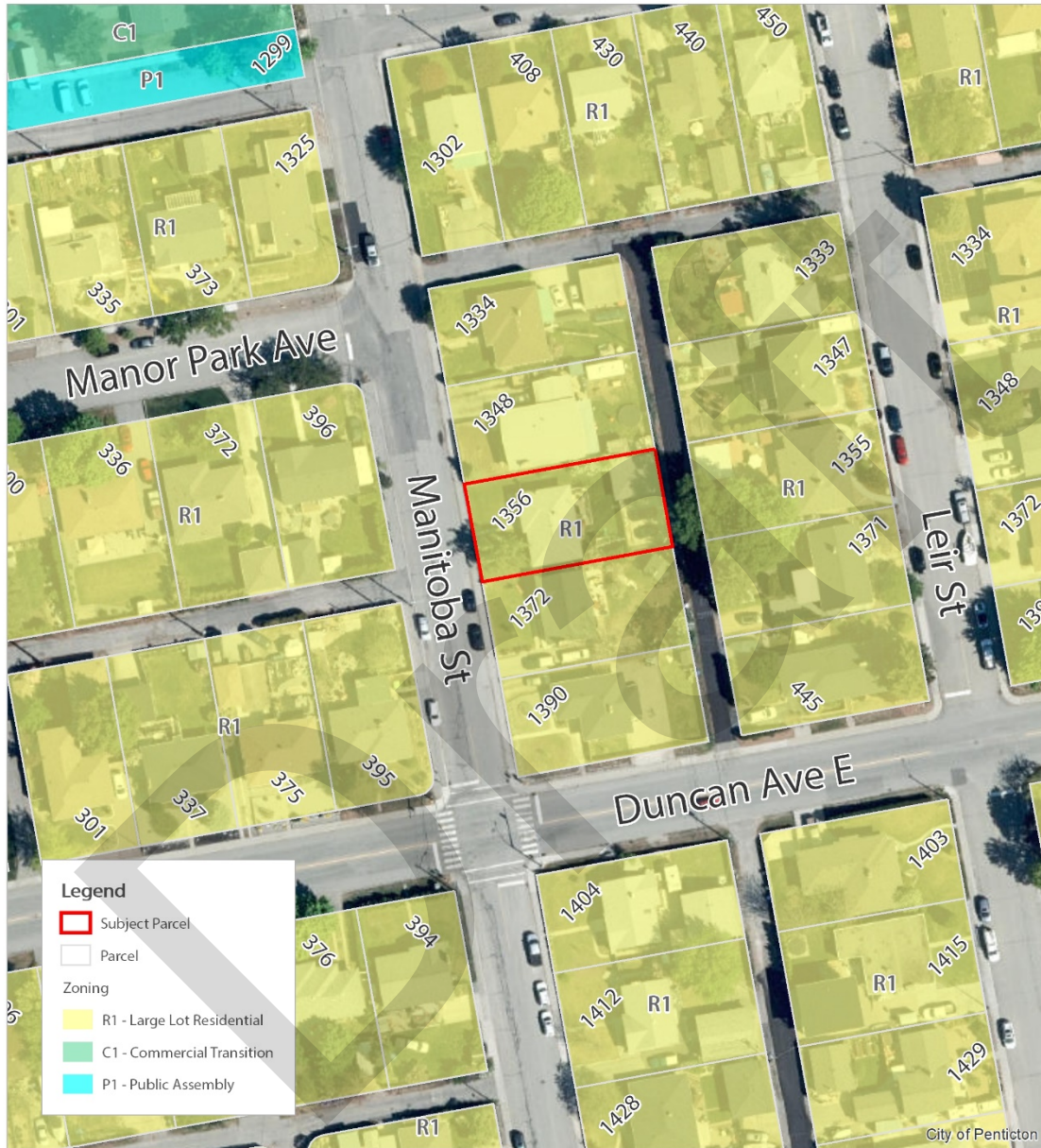
Concurrence

Director of Development Services	Chief Administrative Officer
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1356 Manitoba Street

Zoning Map



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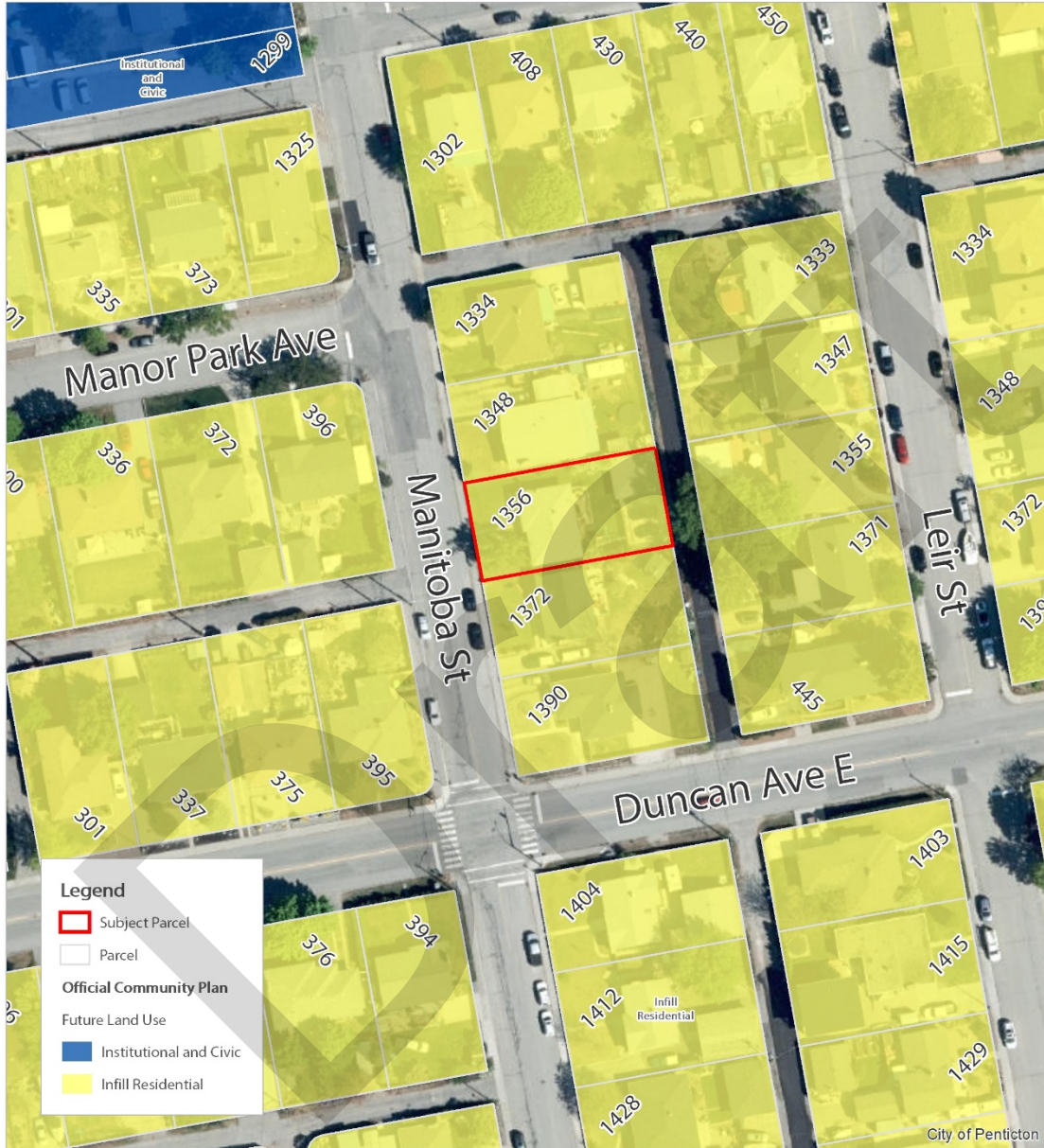
February 2, 2021
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penticton.ca

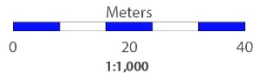


1356 Manitoba Street

Official Community Plan Map



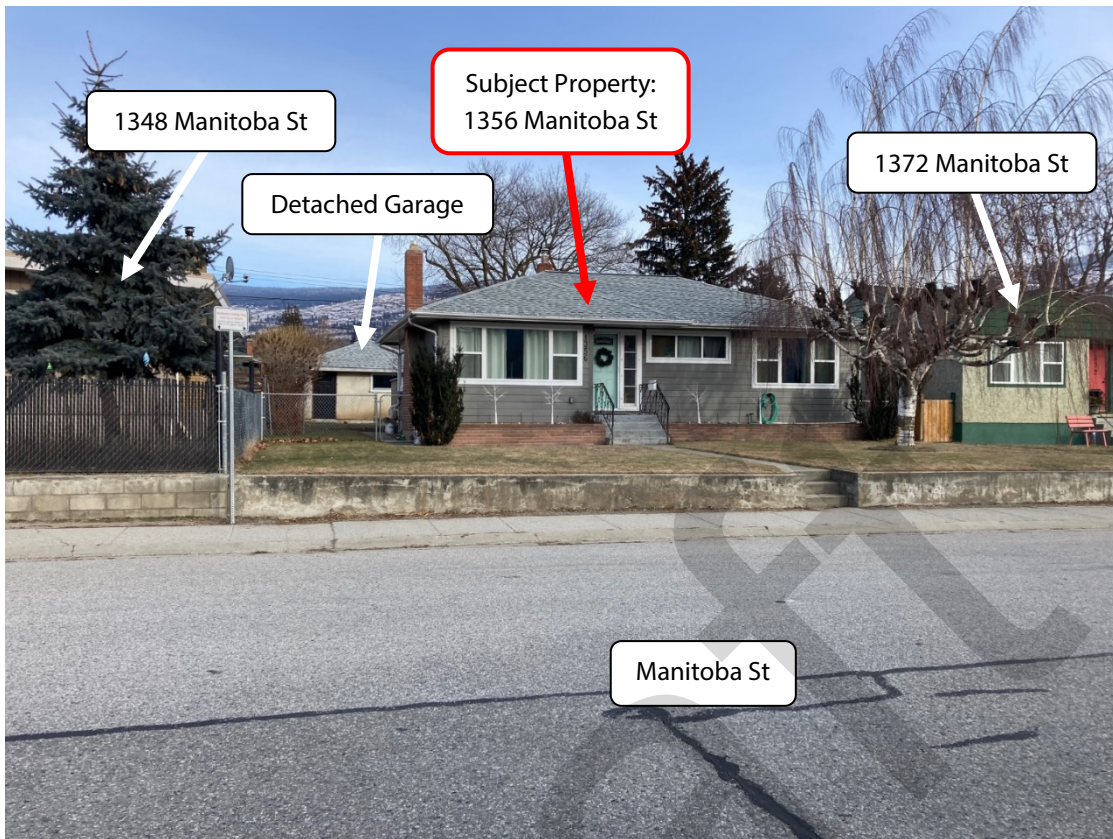
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Attachment C – Photos of Property





Greg & Whitney Hamm
1356 Manitoba St.
Penticton B.C.
V2A 5A1

Carriage House Development Proposal- Letter of Intent

My name is Greg Hamm, I am a Pentictonite through and through. My wife, Whitney, and I were both raised here, and remain planted in this community as we now raise our own children. We sincerely love Penticton and enjoy all that it has to offer. From owning paddle boards and camping locally in the summer, to snowboarding at Apex in the winter, and every festival and event in between. We are deeply invested in our community as well. My wife is a Teacher-On-Call for SD #67, being involved in education from both a parent and educator role. I work with the youth at our local church, and each year we serve our community in practical ways, such as helping our neighbours in Fall clean ups, or serving the less fortunate during the colder months. We, as a family, feel that Penticton truly is a place to stay forever. We intend to keep our roots deep in this remarkable community. I have been sure to share my voice during the recent "shape your city" surveys and questionnaires as I feel connected and invested in my city. We hope to contribute to Penticton's development agenda of higher density housing in the downtown area with the addition of a carriage house on our current residential property.

The proposed development would be an investment and benefit to our community. The massive expansion of the hospital and development of many nearby homes into medical clinics has made housing within walking distance (1.5 blocks) to the hospital that much more essential. An aesthetically fitting, and modern carriage house that fits the neighbourhood, does not require street parking, and increases housing density near the hospital, is a worth while asset. Our carriage house comes on the heels of another such development within the neighbourhood and would not stand out as out of place or awkward.

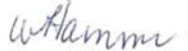
Our young family would also benefit in a great way. My wife has made a sacrifice in her teaching career to raise our three children, now working part-time on-call. I am a Youth Pastor at our church, and ministry also comes with its financial sacrifices, albeit joyfully. The income from this rental would benefit us greatly with our growing family and would eventually help with paying for post secondary education costs for our children.

Sincerely,



Greg Hamm

& Whitney Hamm



Re: Greg & Whitney Hamm

1356 Manitoba St.
Penticton BC
V2A5A1
[REDACTED]

Date: Nov 11/2020

Dear City Counsel,

Greg and Whitney Hamm of 1356 Manitoba St. have shown and discussed their plans to build a carriage house on top of their existing garage. Greg and Whitney have taken into account the proximity of the proposed carriage house and privacy and have discussed it with us. We have talked about the proposed building with Greg and Whitney and are in support of the attached proposal.

Name: Derek Schwager

Address: 1348 Manitoba St

Signature: [Signature]

Re: Greg & Whitney Hamm

1356 Manitoba St.
Penticton BC
V2A5A1
[REDACTED]

Date: Nov. 7, 2020

Dear City Counsel,

Greg and Whitney Hamm of 1356 Manitoba St. have shown and discussed their plans to build a carriage house on top of their existing garage. Greg and Whitney have taken into account the proximity of the proposed carriage house and privacy and have discussed it with us. We have talked about the proposed building with Greg and Whitney and are in support of the attached proposal.

Name: ~~Arlene~~ Arlene Hooper

Address: ~~1347~~ 1372 Manitoba Street.

Signature: Arlene Hooper

Re: Greg & Whitney Hamm

1356 Manitoba St.
Penticton BC
V2A5A1
[REDACTED]

Date: Nov. 2/2020

Dear City Counsel,

Greg and Whitney Hamm of 1356 Manitoba St. have shown and discussed their plans to build a carriage house on top of their existing garage. Greg and Whitney have taken into account the proximity of the proposed carriage house and privacy and have discussed it with us. We have talked about the proposed building with Greg and Whitney and are in support of the attached proposal.

Name: James Dewar + Louise Ehlers
Address: 1355 Leir St. Penticton, BC
Signature: [Signature]

Re: Greg & Whitney Hamm

1356 Manitoba St.
Penticton BC
V2A5A1
[REDACTED]

Date: Nov 9/20

Dear City Counsel,

Greg and Whitney Hamm of 1356 Manitoba St. have shown and discussed their plans to build a carriage house on top of their existing garage. Greg and Whitney have taken into account the proximity of the proposed carriage house and privacy and have discussed it with us. We have talked about the proposed building with Greg and Whitney and are in support of the attached proposal.

Name: Roy & Kim Ehlers

Address: 1371 Leir ST

Signature: Roy Ehlers

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Development Variance Permit

Permit Number: DVP PL2021-8969

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 3 District 2710 Simlkameen Division Yale District Plan 10614
 - Civic: 1444 Wellington Street
 - PID: 009-549-366
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 addition onto the existing single detached dwelling, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.7.i to reduce rear yard setback for a principal building from 6.0m to 3.0m.

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

addition:
18ft x 13ft
5.48m x 3.96m

street fence

