



July 8, 2021

Subject Property:
2822 Juniper Drive

Lot B, District Lot 2710, Similkameen
District Yale District, Plan EPP98161

Application:

Development Variance Permit
PL2021-9011



The applicant is proposing to subdivide the subject property to create six (6) new residential building lots, accessed from an extension of Evergreen Drive (Figure 1). In order to proceed with the proposed subdivision, the applicant is requesting two variances for the minimum lot width and minimum collector road right-of-way width:

- 1) Zoning Bylaw 2021-01, Section 10.1.2.1.a : to reduce the minimum standard lot width from 16m to 15.1m.
- 2) Subdivision and Development Bylaw 2004-81, Schedule 'G', Section 00400, Table 2.2: to reduce the right-of-way width for a collector road (Evergreen Drive) from 20m to 18m.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9011 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, July 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, Tuesday, July 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 July 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

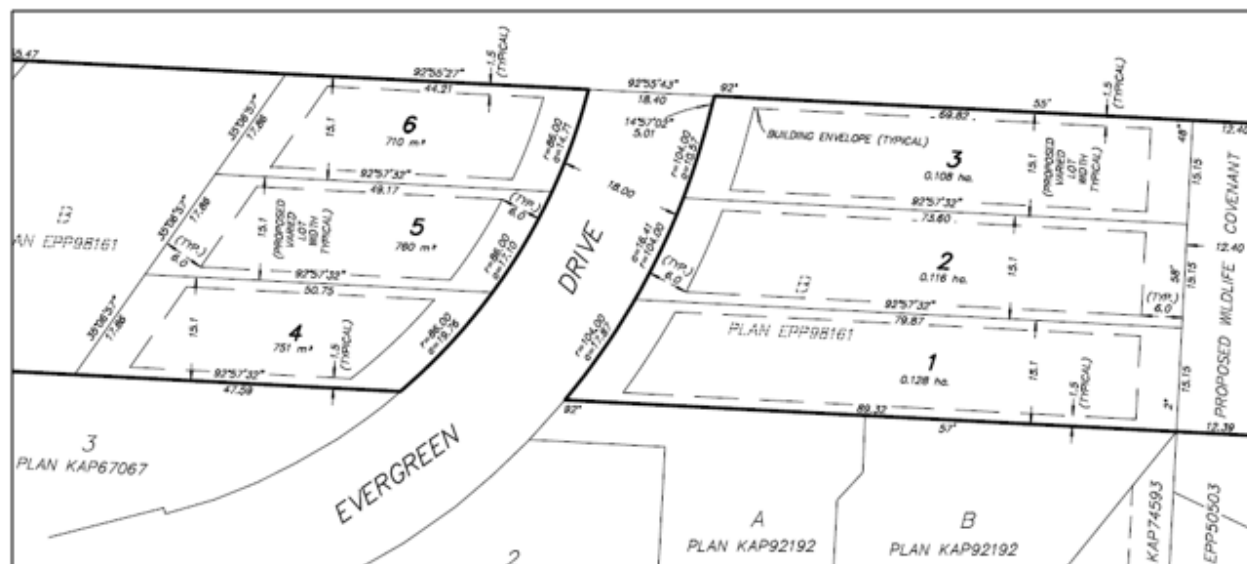


Figure 1 - Proposed subdivision sketch



Council Report

penticton.ca

Date: July 20, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 2822 Juniper Drive
Subject: Development Variance Permit PL2021-9011

File No: RMS/2822 Juniper Dr

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9011", for Lot B District Lot 2710 Similkameen Division Yale District Plan EPP98161, located at 2822 Juniper Drive, a permit to vary Section 10.1.2.1.a of Zoning Bylaw 2021-01, to reduce the minimum standard lot width from 16m to 15.1m, and to vary Schedule G, Section 00400, Table 2.2 of Subdivision and Development Bylaw No. 2004-81, to reduce the right-of-way width for a collector road (Evergreen Drive) from 20m to 18m, in order to facilitate the subdivision of six (6) residential lots.

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9011".

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 six (6) new residential building lots, accessed from an extension of Evergreen Drive (Figure 1). In order to proceed with the proposed subdivision, the applicant is requesting two variances for the minimum lot width and minimum collector road right-of-way width. The R1 (Large Lot Residential) zone requires 16m lot width, and the proposed lots are each 15.1m wide. The applicants are also requesting to reduce the required road right-of-way width for Evergreen Drive through the subject property from 20m to 18m in order to build the road extension within the road dedication taken in 1999.

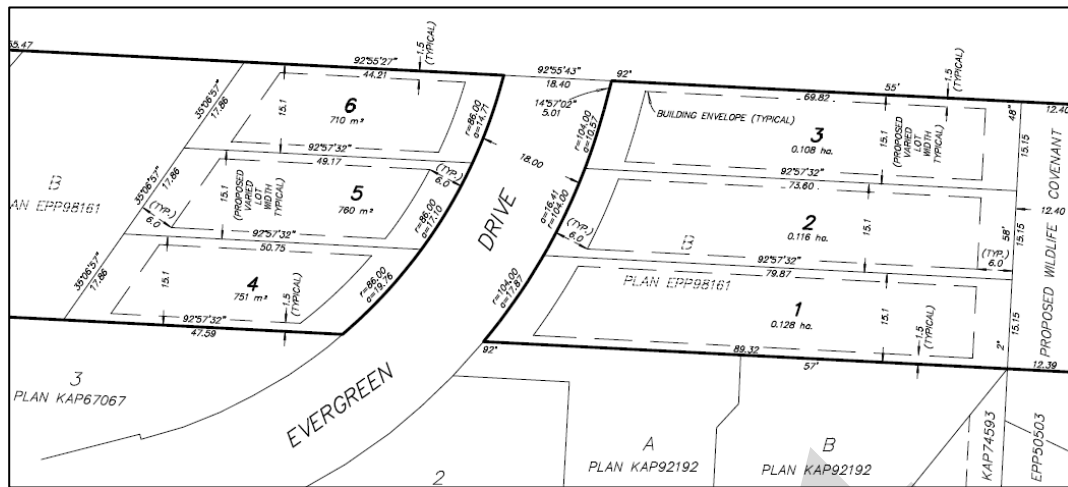


Figure 1 - Proposed subdivision sketch

Background

The subject property is adjacent to Juniper Drive and Evergreen Drive in a primarily residential neighbourhood (Figure 2). The property contains one storage building and is one of several undeveloped properties in this area, which are designated for future residential development. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned R1 (Large Lot Residential) by the City's Zoning Bylaw.

On September 3, 2019, Council adopted Zoning Amendment Bylaw No. 2019-33, which rezoned the subject property from A (Agriculture) zone to R1 (Large Lot Residential) zone with the intent of future residential development. In 2020, the subject property was subdivided from 2800 Cedar Road, the property immediately to the west. The subject property is split by two road dedications (Figure 3). The Evergreen Drive road dedication was completed in 1999, with the intent of connecting the two built sections of Evergreen Drive. The Juniper Drive road dedication was completed in 2020. These road right-of-ways are intended to provide connections through the future residential development on the subject property and adjacent lots to the north. These road dedications were informed by the Cedar Road Area Plan approved by Council in 1999, which envisioned approximately 60 lots in this area, some of which have already been built out.

A subdivision application has been received and is on-hold pending the outcome of this development variance permit application. Six new lots are proposed to be subdivided from 2822 Juniper Drive along the extension of Evergreen Drive (Figure 3). The remainder to the west will be consolidated with 2800 Cedar Road, the property to the west. This parcel is expected to be further developed in the future. The remainder to the east will be consolidated with 2823 Hawthorn Drive, a residential lot where one single detached



Figure 2 - Property location map

dwelling is expected to be constructed. The remainder to the east is separated from the Evergreen Drive lots by a wildlife corridor and environmentally sensitive area. Therefore, this land is to be consolidated with the existing residential lot rather than remain with the proposed Evergreen lots (Figure 3).

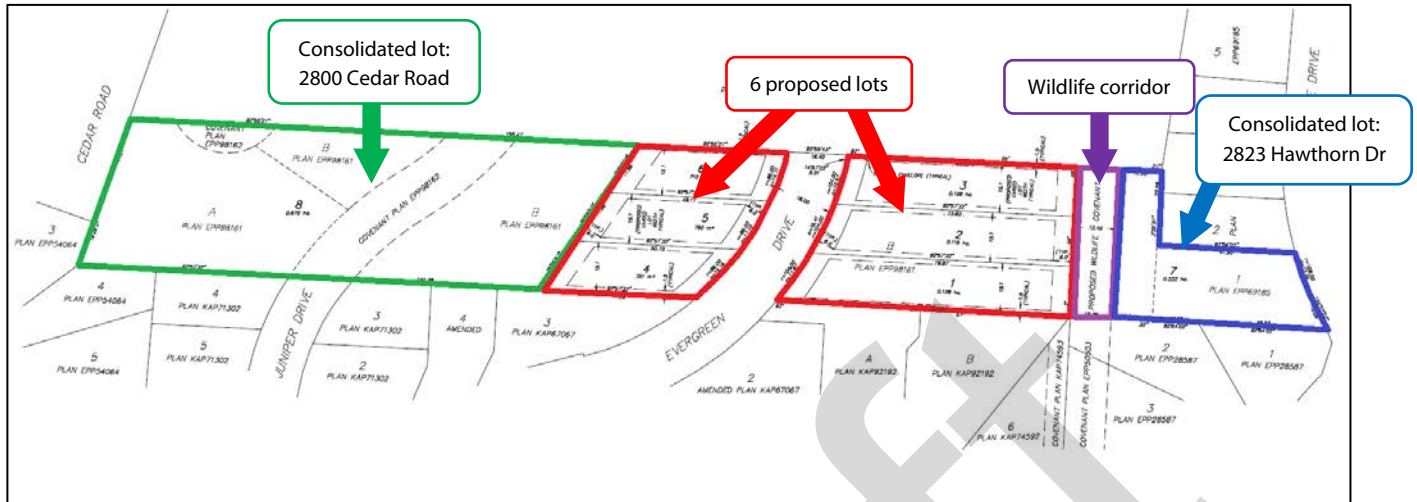


Figure 3 - Proposed outcome of related subdivision application

Financial Implication

The applicant is responsible for constructing the extension of Evergreen Drive and the installation of all municipal services within the road right-of-way, such as extension of the sanitary sewer main. The applicant is also responsible to pay Development Cost Charges for each new lot, to offset the added demand on municipal services. DCC rates are currently \$16,297.00 per lot, for a total of \$97,782.00.

When the City obtained the Evergreen Drive right-of-way in 1999, an agreement was made with the previous land owner that the City would cover the costs of installing five (5) sets of services for the anticipated number of lots at that time. This includes five water service connections, five sanitary sewer connections, and five electrical service connections. The agreement stipulates that the developer is responsible for installing the mains in the right-of-way. The estimated costs to the City as a result of installing these service connections is \$18,300 per lot for an estimated total of \$91,500 for 5 lots. The applicant will be responsible for providing service connections to the sixth lot (estimated at \$18,300), which was not envisioned at the time of the 1999 road dedication agreement.

Technical Review

This application was reviewed by the Technical Planning Committee (TPC), a group of internal staff who review planning applications. Staff discussed the reduced lot width request and did not have any comments for the applicant. In terms of the right-of-way variance request, staff note that the City obtained the Evergreen Drive road dedication through agreement with the previous land owner in 1999. While the Subdivision and Development Bylaw requires an increased right-of-way width, staff discussed the possibility with different departments of keeping the right-of-way width as-is. Staff had no concerns as the existing right-of-way width is sufficient to construct the road at the same width as existing sections of Evergreen Drive to the north and south of the subject property.

At the time of subdivision, the applicant will be required to obtain an Environmental Development Permit, submit a geotechnical review, and pay Development Cost Charges (DCC's), among other subdivision requirements, for each new lot created prior to final subdivision approval. Staff have received an Environmental Assessment Report, which identifies an environmental corridor to be protected through the subdivision stage. The report outlines requirements for the applicant to follow at the future subdivision stage, including on-site reviews through the development stage. All conditions of future subdivision have been provided to the applicant.

Development Statistics

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

	R1 Zone Requirement	Provided on Plans
Minimum Lot Width:	16 m	15.1 m – Variance Requested
Minimum Lot Area:	560 m ²	Ranging from 710 m ² to 1128 m ²
Other Information:	Future development on each lot will be required to meet all applicable Zoning Bylaw regulations; including setbacks, building height, and lot coverage regulations.	

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.

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

1. Lot width: to vary Section 10.1.2.1.a of Zoning Bylaw No. 2021-01 to reduce the minimum standard lot width from 16m to 15.1m.
 - a. The existing width of the property does not permit the subdivision of 3 width-compliant lots on either side of the road, without the use of panhandles.
 - i. The subject property is 45.4m wide. A variance is required to subdivide 3 lots along each side of the future Evergreen Drive extension due to the existing lot width not being sufficient to subdivide three Zoning Bylaw compliant lots.
 - ii. To subdivide lots which comply with the width regulation, only 2 lots could be created and each would be approximately 23m wide, which is not considered the most efficient use of this designation development land.
 - iii. The proposed lot layout avoids panhandle lots, which is considered a less desirable form of subdivision.
 - iv. The OCP encourages appropriately-scaled infill development which is respectful of its context. The proposed lots are intended for future single detached dwelling development. This form of development represents an efficient use of serviced land next to existing neighbourhoods, and close to amenities.
 - b. The proposed lot widths maintain an appropriate building envelope on each lot.
 - i. The width of each proposed lot is 15.1m (49 ft. 6 in) and the lot areas range between 710m² and 1128m².

- ii. The depths of each lot allows the proposed lot areas to exceed the minimum requirement of the R1 zone, which is 560m².
 - iii. The required setback from each side property line is 1.5m in the R1 zone, which allows a maximum building width of 12.1m (39 ft. 8 in) on each proposed lot.
 - iv. The R1 zone allows up to 40% of each lot to be covered by buildings or structures. This allows a building envelope of 284m² (3,057ft²) to 451m² (4,854 ft²) on each proposed lot.
 - v. 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 each proposed lot.
2. Road right-of-way width: to vary Schedule G, Section 00400, Table 2.2 of Subdivision and Development Bylaw No. 2004-81 to reduce the right-of-way width for a collector road (Evergreen Drive) from 20m to 18m.
- a. Existing right-of-way is 18m wide, taken in 1999
 - i. The City acquired the undeveloped Evergreen Drive road right-of-way in 1999 from the previous property owner.
 - ii. The requested variance would leave the right-of-way at its current 18m width, which is sufficient to construct a 12.5m wide road and associated sidewalk and infrastructure while not meeting the Subdivision and Development Bylaw standard.
 - iii. Public Works and Engineering staff have reviewed this request and support development proceeding with the current 18m right-of-way width.
 - b. Other sections of Evergreen Drive have an 18m right-of-way width
 - i. The built sections of Evergreen Drive north and south of the subject property are each 18m wide (Figure 4).
 - ii. Requiring a 20m wide right-of-way in front of these 6 lots would not be consistent with the adjacent sections of Evergreen Drive, and would reduce each proposed lot area.
 - iii. The City has limited tools available to widen the already built sections of Evergreen Drive from 18m to 20m, but can require an increased right-of-way width to meet Bylaw standards through subdivision. This is not recommended because this section of right-of-way would be abnormally wide compared to other areas along the same street.

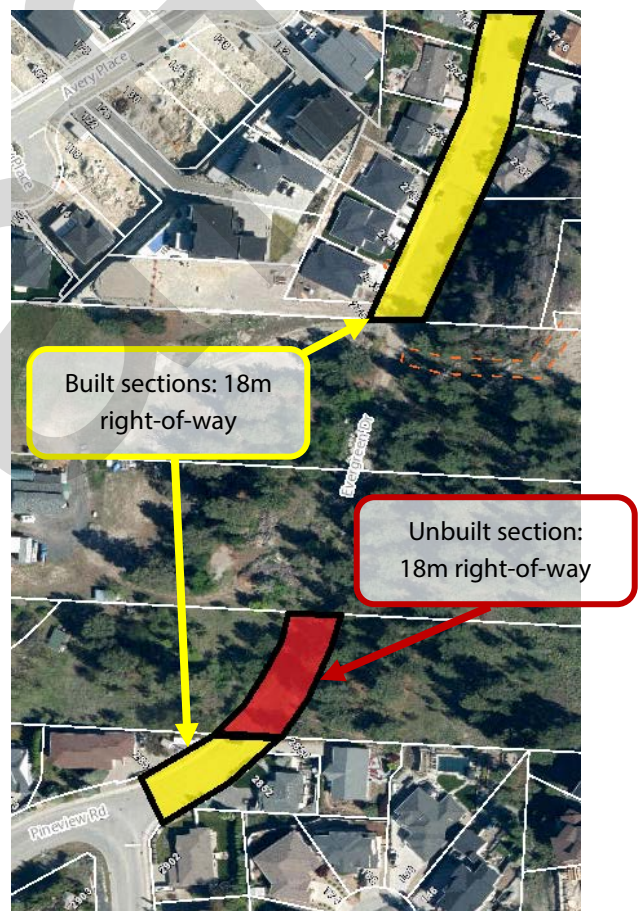


Figure 4 - Right-of-way widths along Evergreen Drive

Given the reasons above, staff support the variance application to reduce the minimum lot width from 16m to 15.1m and to reduce the Evergreen Drive right-of-way width from 20m to 18m. 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 six lot subdivision of the property is not appropriate in this instance, or that the road right-of-way should meet the Bylaw requirements. 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 land within the built-up area of the City, and the right-of-way is the same width as built sections of the road north and south of the subject property.

1. THAT Council deny "Development Variance Permit PL2021-9011".

Council may support one variance request, but not the other. If this is the case, Council should vote on each requested variance separately. If this is the case, staff will amend the draft development variance permit to reflect Council's decision. Staff are recommending against this option, because both variances are considered reasonable in this instance.

2. THAT Council consider each requested variance separately.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Draft Development Variance Permit PL2021-9011

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

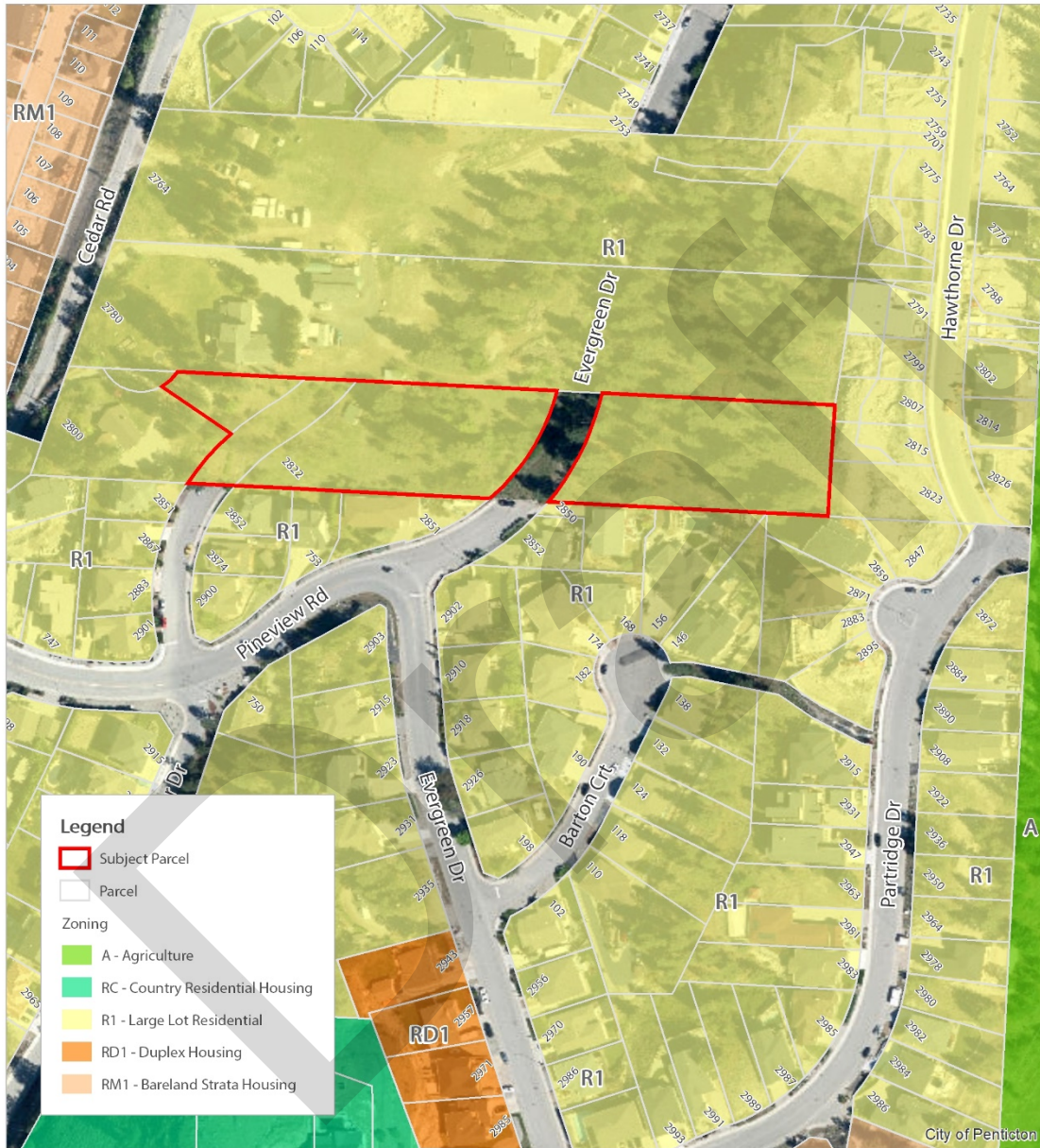
Concurrence

Director of Development Services <i>BL</i>	Chief Administrative Officer
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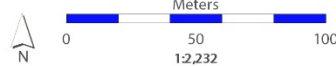
Attachment A – Zoning Map



2822 Juniper Drive Zoning Map



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May 11, 2021
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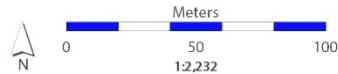


2822 Juniper Drive

Official Community Plan Map



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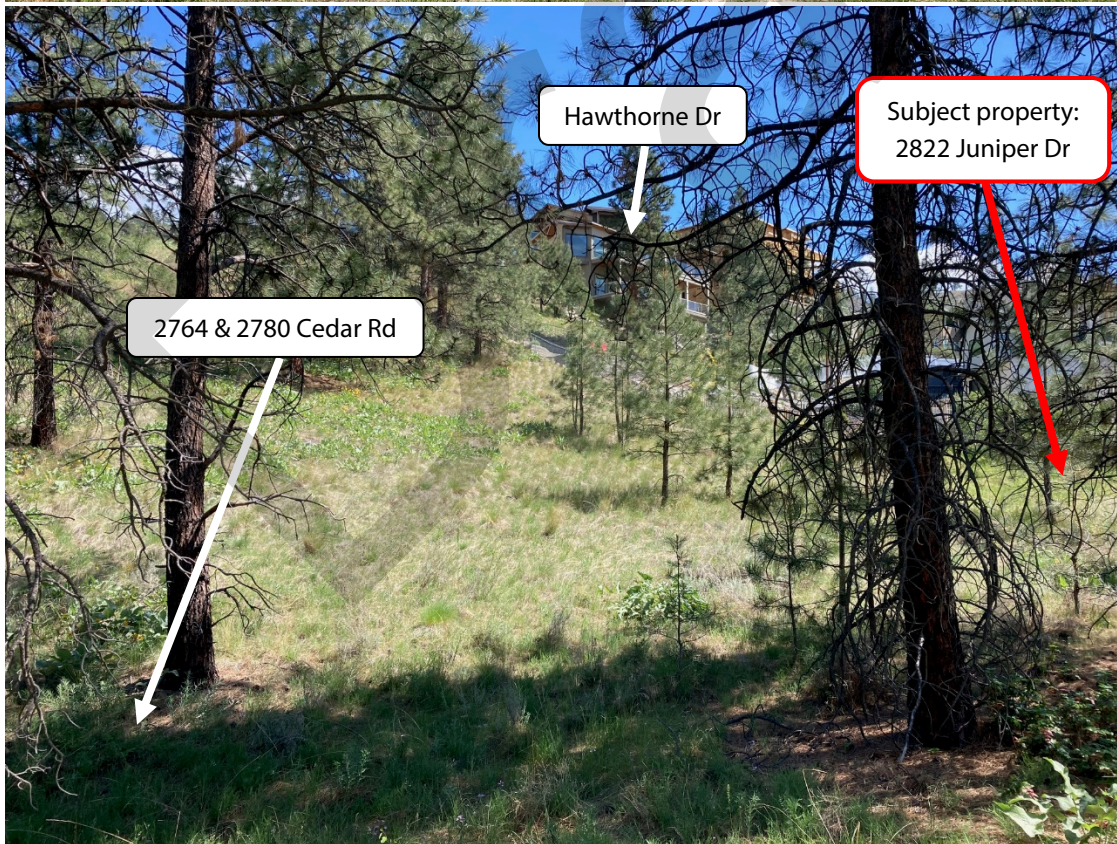
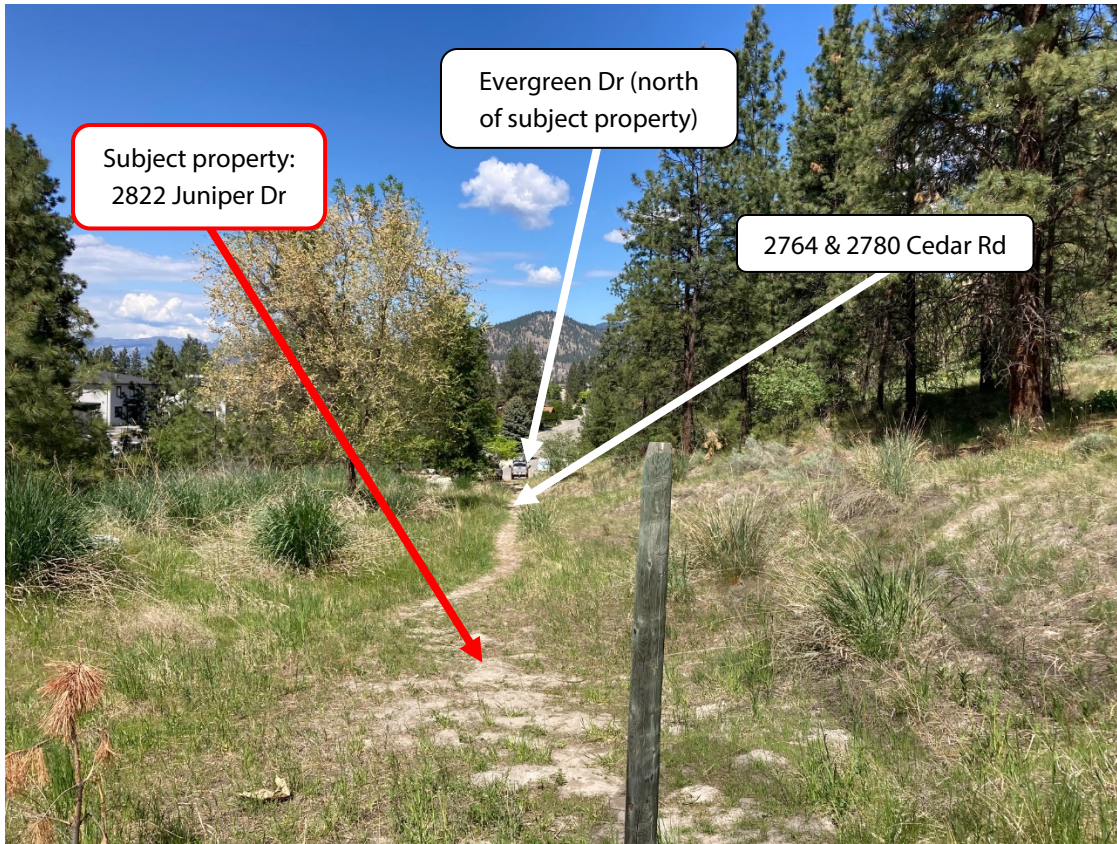


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Attachment C – Photos of Property







May 28, 2021

Ecora File No.: 201801

City of Penticton
171 Main Street
Penticton BC V2A 5J9

Attention: Planning Department

Reference: Development Variance Permit for Evergreen Drive right-of-way width and for minimum lot width at 2822 Juniper Drive

Ecora Engineering and Resource Group Ltd. (Ecora) was requested to submit a Development Variance Permit for the above property. This property is located at the northern end of Evergreen Drive (just north of Pineview Road) in a rural area undergoing urban residential development guided by the Cedar Road Area Plan.

The site is designated DR, Detached Residential in the Community Plan and zoned R1, Large Lot Residential. A portion of the eastern area of the lot is designated as an Environmentally Sensitive Development Permit Area – for a wildlife corridor.

The Owner's have submitted a subdivision application to construct Evergreen Drive through the property and to create 3 new lots on each side of the road – for a total of 6 new single family lots. This DVP application is for 2 variances as follows:

Subdivision and Development Bylaw No. 2004-81

Schedule "G", Roads, Table 3.0 establishes design criteria for roads, including minimum right-of-way (r/w) width. Evergreen Drive is designated as a Residential Collector, with a r/w width of 20m. This would require a road dedication of 20m for the Evergreen Drive extension through the subject property. However, the actual r/w of Evergreen Drive from Wiltse Boulevard in the north to the Pineview intersection in the south is 18m. There is only a small of Evergreen Drive yet to be constructed. A 20m road dedication through the subject property would be inconsistent with the established Evergreen Drive r/s width and would not add a benefit to this well-established corridor.

The variance requested is to reduce the Evergreen Drive r/w of way dedication through 2822 Juniper Drive from 20m to 18m.

Zoning Bylaw No. 2017-08

Under Section 10.1.2. the minimum lot width in the R1 zone is 16.0m and the minimum lot area is 560 m². This application is to reduce the minimum lot width of 15.1 m for the 6 proposed lots.

The requested variance is appropriate for the following reasons:

Ecora Engineering & Resource Group Ltd.
Select office location from dropdown
www.ecora.ca



- The variance is based on existing width of the subject property of 45.45 m² - that limits the width of the new lots to about 15.1 m.
- The slight variance in width (6% less) should not be noticeable or incompatible with the character of the area.
- The variance allows for the creation of 6 new conventional lots fronting on Evergreen. Without the variance there could be 5 lots, one of which could be panhandle lot.
- The proposed new lots on the east side of Evergreen Drive are between 1080 m² and 1280 m² in area and those on the west side are between 710 and 760 m² in area – much larger than the 560 m² minimum size in the R1 zone. These lots are larger in size than many of the existing parcels in the immediate area.
- The proposed subdivision is consistent with Community Plan goals to support infill development and increased density in existing residential areas

We trust this application meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Resource Group Ltd.

Donna Butler

Donna Butler, MCIP, RPP
Senior Planner
Direct Line: 250.492 2227 x 1070
Email: donna.butler@ecora.ca

Development Variance Permit

Permit Number: DVP PL2021-9011

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 B District Lot 2710 Similkameen Division Yale District Plan EPP98161
 - Civic: 2822 Juniper Drive
 - PID: 031-024-521
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 and Subdivision and Development Bylaw 2004-81 to allow for the subdivision of six (6) lots, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.1.a (Zoning Bylaw): to reduce the minimum standard lot width from 16m to 15.1m.
 - b. Schedule 'G', Section 00400, Table 2.2 (Subdivision and Development Bylaw): to reduce the right-of-way width for a collector road (Evergreen Drive) from 20m to 18m.

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.

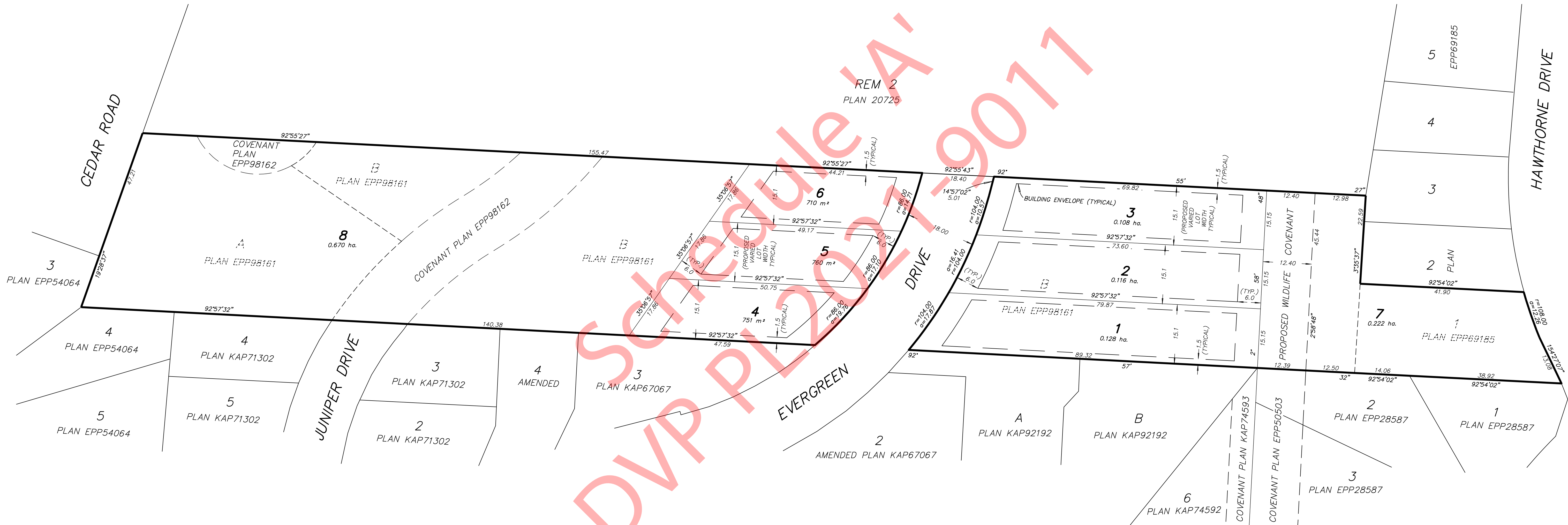
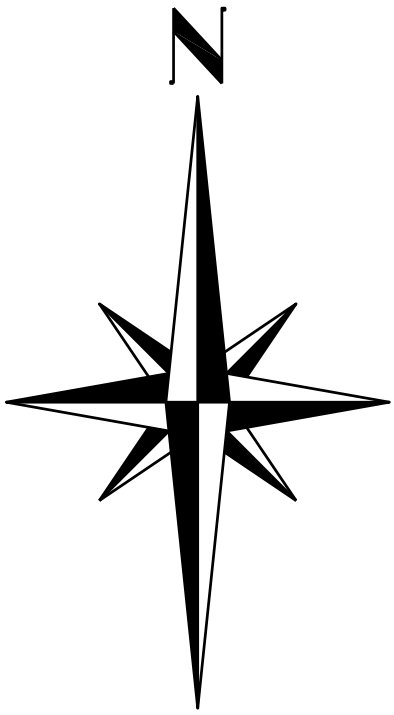
Angela Collison
Corporate Officer

DRAFT

PROPOSED SUBDIVISION PLAN OF:
1) LOTS A AND B, DL 2710, SDYD, PLAN EPP98161 AND
2) LOT 1, DL 2710, SDYD, PLAN EPP69185

SCALE : 1:500
0 10 20 30 40 m
(ALL DIMENSIONS ARE IN METRES)

BCGS 82E.043
THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 560mm IN HEIGHT, D SIZE, WHEN PLOTTED AT A SCALE OF 1:500



LEGEND
PLAN PREPARED APRIL 16, 2021.
EXTERIOR BOUNDARIES ARE DERIVED FROM LIMITED FIELD MEASUREMENTS AND LAND TITLE OFFICE RECORDS. FINAL LOT DIMENSIONS AND AREAS TO BE BASED ON FULL LEGAL SURVEY.
GRID BEARINGS ARE DERIVED FROM PLAN EPP98161.

ALLTERRA LAND SURVEYING LTD.
264 WESTMINSTER AVENUE W.,
PENTICTON, B.C. V2A 1J9
TEL: 250-492-5903
WWW.ALLTERRASURVEY.CA
OUR FILE NO. 200528-0
OUR DRAWING NO. 200528-0-PROP-SUB.DWG