

August 5, 2021

Subject Property:

152 Greenwood Drive

Lot 20, District Lot 251, Similkameen Division Yale District Plan 32668

Application:

Development Variance Permit PL2021-9050

The applicant is proposing to subdivide the subject property to create two single family building lots. The proposed lot widths do not meet the minimum required lot width of the R2 (Small Lot Residential) zone. The applicant is requesting to vary Section 10.2.2.1.i of Zoning Bylaw 2021-01 to reduce the minimum required lot width from 13m to 12.1m.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9050 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, August 17, 2021** at the Penticton Trade & Convention Centre, 273 Power Street, Penticton, B.C.

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, August 17, 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 August 17, 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: August 17, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 152 Greenwood Drive
Subject: Development Variance Permit PL2021-9050

File No: RMS/152 Greenwood Dr

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9050" for Lot 20 District Lot 251 Similkameen Division Yale District Plan 32668, located at 152 Greenwood Dr, a permit to vary Section 10.2.2.1.a of Zoning Bylaw 2021-01 to reduce the minimum lot width for a standard lot in the R2 zone from 13m to 12.1m;

AND THAT Council direct staff 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 single family building lots. The proposed lot widths do not meet the minimum required lot width of the R2 (Small Lot Residential) zone. The applicant is requesting to vary Section 10.2.2.1.a of Zoning Bylaw 2021-01 to reduce the minimum required lot width from 13m to 12.1m. 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 approximately 1,400m² (0.35 ac) in size and is located on the south side of Greenwood Drive in a residential neighbourhood (Figure 1). Green Avenue East runs behind the property to the south, located down a steep bank. The property is



Figure 1 - Property location map

currently vacant, is zoned R2 (Small Lot Residential) and is designated 'Detached Residential' by the Official Community Plan (OCP).

The subject property along with the adjacent property to the south (130 Greenwood Drive), were rezoned from R1 (Large Lot Residential) zone to R2 (Small Lot Residential) zone in April 2020. The intent of the rezoning was to facilitate a 4-lot subdivision from the two properties. The previous applicant did not complete that 4-lot subdivision, and the two properties have since been sold separately. The new applicant is now seeking to subdivide the subject property (152 Greenwood Dr) on its own, and is requesting a development variance permit to do so because the existing lot width is not sufficient to subdivide the property into two R2 compliant lots (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 service connections to each proposed lot. Development Cost Charges will be paid by the applicant at the subdivision stage to help offset the new demand on municipal services from the one additional residential lot.

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	12.1 m – Variance Requested
Minimum Lot Area:	390 m ²	670 m ² and 739 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 12.1m.

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, with 24.2m of frontage and an area of 1400m². The OCP

encourages appropriately-scaled infill development which is respectful of its context. Subdividing a single-detached building lot to create two single-detached lots is one of the least impactful methods of achieving increased density while keeping the single-detached feel of the neighbourhood. This form of development represents an efficient use of serviced land in existing neighbourhoods, close to amenities. The proposal is in keeping with the Detached Residential OCP designation on the property, which envisions single detached housing forms as permitted by the R2 zone, albeit with a lot width 0.9m (3 feet) less than normally required.

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

The width of each proposed lot is 12.1m (39.7 ft) and the area of each proposed lot is 670m² and 739 m². 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 9.1m (30 ft) 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 268m² and 296 m² 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, even when factoring in the 'no –build' slope and Environmental Protection Area at the rear of the property which cannot be developed (Attachment 'D').

Given the reasons above, staff support the application to reduce the minimum lot width from 13m to 12.1m. Staff recommend that Council approve the development variance permit and that Council 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 PL2021-9050".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Letter of Intent

Attachment D – Draft Development Variance Permit PL2021-9050

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

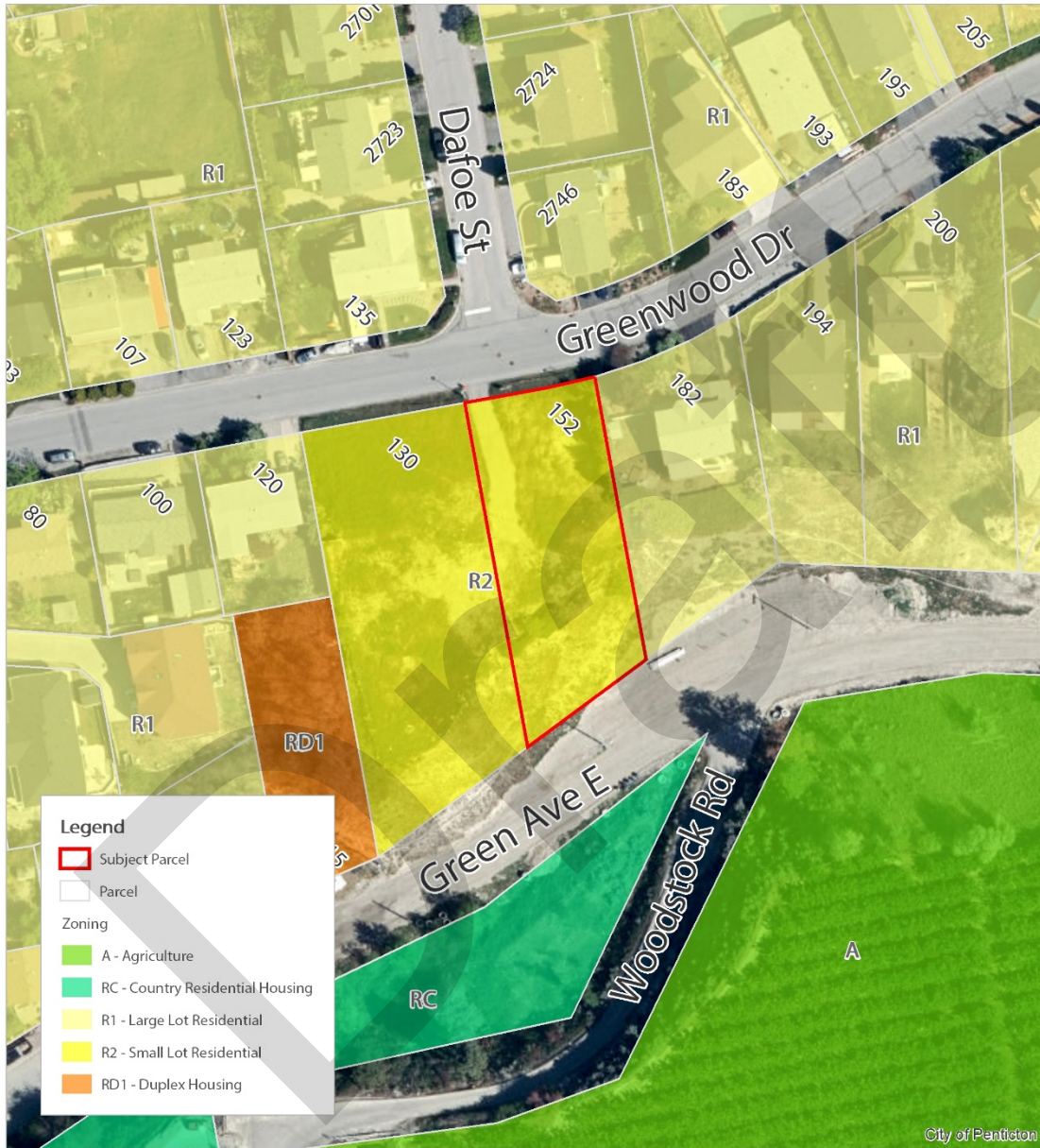
Director Development Services <i>BL</i>	Chief Administrative Officer
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Attachment A – Zoning Map

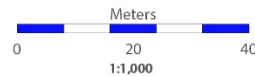


152 Greenwood Drive

Zoning Map



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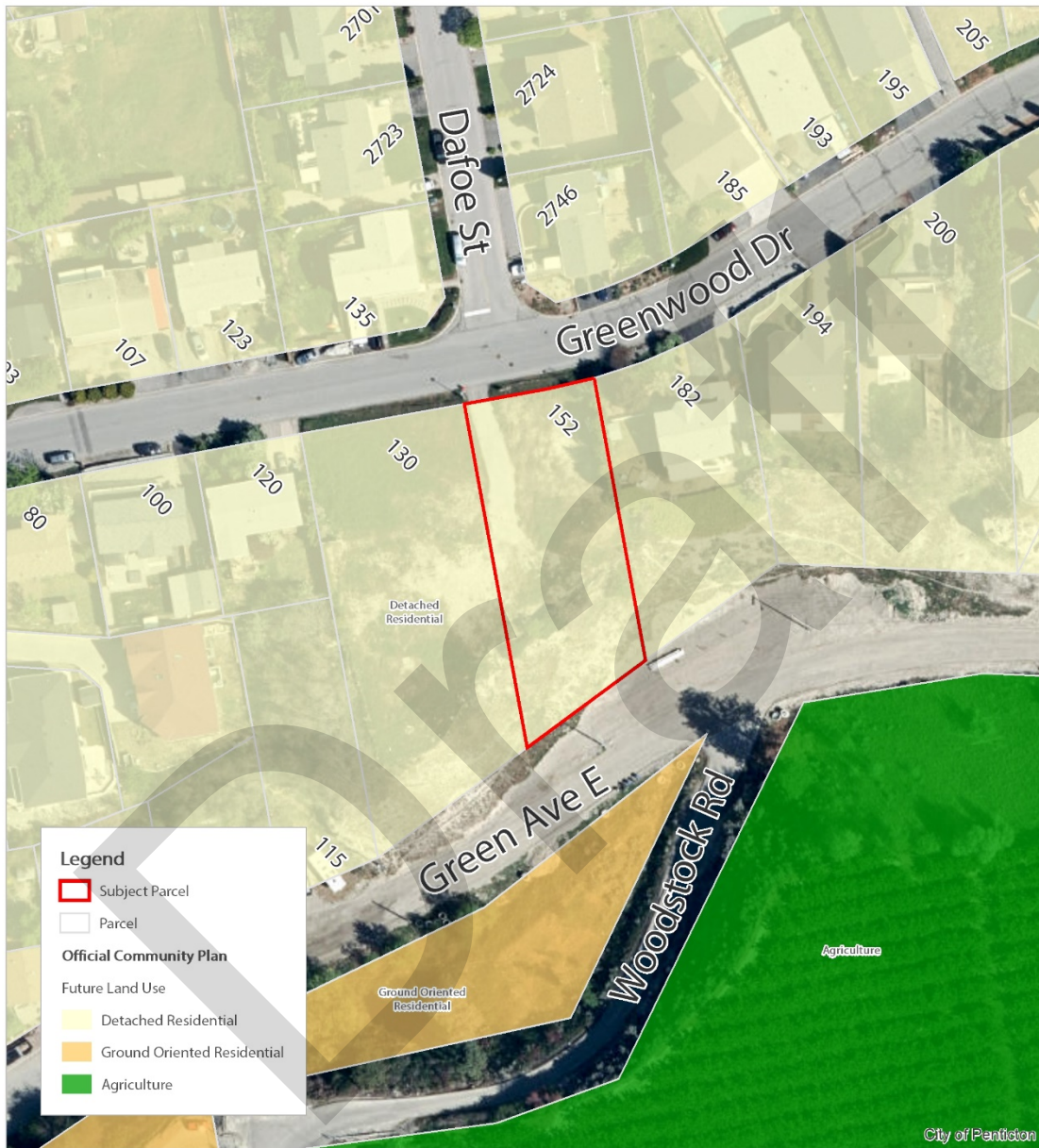
City of Penticton

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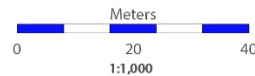


152 Greenwood Drive

Official Community Plan Map



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June 14, 2021
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City of Penticton

penticton.ca

Subject: 152 GREENWOOD DRIVE, PENTICTON

THE LETTER OF INTENT

TO : HIS WORSHIP THE MAYOR & THE COUNCILORS, CITY OF PENTICTON. BC

THE PLA WAS APPROVED FOR 4 LOTS ON 130 & 152 GREENWOOD DRIVE, PENTICTON. THE ZONING WAS CHANGED FROM RS1 TO RS2 TO CREATE 4 LOTS. THE ONLY THING THAT DID NOT HAPPEN WAS, THE LOT LINE AS INTENDED IN PLA APPROVAL, WAS NOT CHANGED TO GIVE ENOUGH FRONTAGE TO 152 GREENWOOD PROPERTY. WE WERE NOT MADE AWARE OF THIS. WE BOUGHT 152 GREENWOOD DRIVE AND 130 GREENWOOD DRIVE WAS SOLD TO DIFFERENT BUYER. THE BUYERS OF 130 GREENWOOD DID NOT GO AHEAD TO HAVE TWO LOTS. THE OWNERS OF THESE PROPERTIES DID NOT TELL US THAT WE WOULD NOT BE ABLE TO CREATE TWO LOTS. WE BOUGHT THIS PROPERTY TO HAVE TWO LOTS.

THE AREA AND ALL OTHER REQUIREMENTS FOR 152 GREENWOOD DRIVE TO CREATE TWO RS2 LOTS ARE THERE; BUT THE FRONTAGE IS NOT THERE TO MEET THE RS2 REQUIREMENTS. WE ARE ASKING FOR VARIANCE AS PER DRAWINGS IN THIS APPLICATION TO HAVE 2 LOTS. IT WAS OUR INTENT ALL ALONG TO HAVE 2 LOTS AS IT WAS ADVERTIZED BY THE REAL ESTATE FIRM. THIS PROPERTY IS CLOSE TO MAIN SHOPPING CENTRES AND SCHOOLS. THE PLA INTENT WAS TO CREAT HIGH DENSITY IN THIS AREA. WE HOPE YOU WILL ALLOW THE VARIANCE TO CREATE TWO LOTS ON THIS PROPERTY.

YOUR' TRULY ,

437170 BC LTD

At Jones Singh

June 11, 2021



Development Variance Permit

Permit Number: DVP PL2021-9050

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 20 District Lot 251 Similkameen Division Yale District Plan 32668
 - Civic: 152 Greenwood Drive
 - PID: 003-340-201
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 to allow for the subdivision of two lots, as shown in the plans attached in Schedule 'A':
 - a. Section 10.2.2.1.a: to reduce the minimum lot width for a standard lot in the R2 zone from 13m to 12.1m.

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.

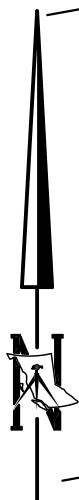
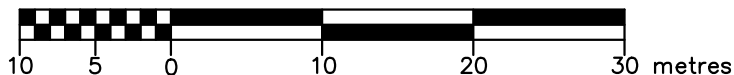
Angela Collison
Corporate Officer

DRAFT

SKETCH PLAN TO ACCOMPANY A VARIANCE APPLICATION FOR THE SUBDIVISION OF LOT 20, PLAN 32668, S.D.Y.D.

CIVIC ADDRESS: 152 GREENWOOD DRIVE, PENTICTON, B.C.

SCALE 1:500

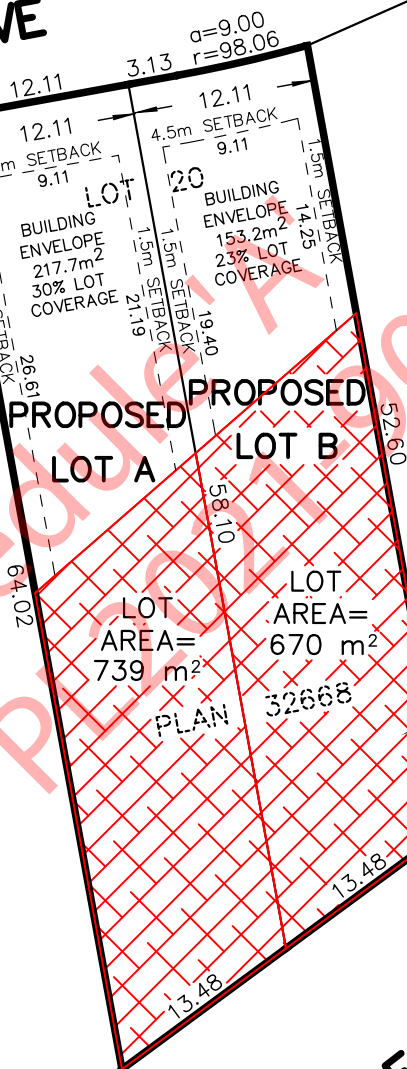


GREENWOOD DRIVE

19
PLAN 32668

1
PLAN 27075

GREEN AVENUE EAST



21
PLAN 32668

NO BUILD AREA
FROM ECORA REPORT
APRIL 2020

AMENDED 14 JULY 2021

STEVEN J. BUZIKIEVICH
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Phone: (250)492-0559 Fax: (250)492-9851
FILE 21-077
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