

## **Public Notice**

penticton.ca



### **Subject Property:**

1753 Fairford Drive

Lot 5, District Lot 115, Similkameen Division Yale District, Plan KAP48734

#### Application:

**Development Variance Permit PL2021-9041** 



The applicants are proposing to construct a secondary suite within the existing single family dwelling and legalize a previously constructed deck on the rear of the single family dwelling.

In order to do so, the applicants require the following variances to Zoning Bylaw No. 2021-01:

- 1. Table 4.1: to increase the maximum projection of a deck into a rear yard from 3.0m to 4.12m, and
- 2. Section 8.1.4.1, to increase the maximum gross floor area of a secondary suite from 40% of the habitable floor area of the building to 49% of the habitable floor area of the building.

#### Information:

You can find the staff report to Council and Development Variance Permit PL2021-9041 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, 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: <a href="www.penticton.ca/city-hall/city-council/council-meetings">www.penticton.ca/city-hall/city-council/council-meetings</a>. 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



# **Council Report**

penticton.ca

Date: August 17, 2021 File No: RMS/1753 Fairford Dr

To: Donny van Dyk, Chief Administrative Officer

From: Nicole Capewell, Planner II

Address: 1753 Fairford Drive

Subject: Development Variance Permit PL2021-9041

#### **Staff Recommendation**

THAT Council approve "Development Variance Permit PL2021-9041", for Lot 5 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1753 Fairford Drive, a permit to vary the following sections of Zoning Bylaw 2021-01

- 1. Table 4.1: to increase the maximum projection of a deck into a rear yard from 3.0m to 4.12m; and
- 2. Section 8.1.4.1: to increase the maximum gross floor area of a secondary suite from 40% of the habitable floor area of the building to 49% of the habitable floor area of the building;

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9041".

## **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 applicants are proposing to construct a secondary suite within the existing single family dwelling located at 1753 Fairford Drive. The applicants also wish to legalize a previously constructed deck on the rear of the single family dwelling. In order to proceed with the proposed works, the applicants require the following variances to Zoning Bylaw No. 2021-01:

1. Table 4.1: to increase the maximum projection of a deck into a rear yard from 3.0m to 4.12m, and

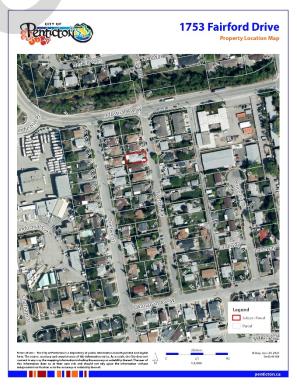


Figure 1 - Property Location

2. Section 8.1.4.1, to increase the maximum gross floor area of a secondary suite from 40% of the habitable floor area of the building to 49% of the habitable floor area of the building.

#### **Background**

The subject property is approximately 420 m<sup>2</sup> in size and is located at 1753 Fairford Drive, just south of Industrial Avenue West (Figure 1). The property is currently zoned R2 (Small Lot Residential) and is designated as 'Detached Residential' by the Official Community Plan. The property currently contains a single family dwelling that was constructed in 1994. The single family dwelling appears from the street as a one storey home, as the lower level is completed enclosed as a basement located below grade. The applicants have a desire to construct a secondary suite in the basement and due to the layout of the building, have requested a variance to the size of the secondary suite in order to proceed.

The applicants have recently purchased the property and have learned that an existing deck located off the rear of the house was constructed without the benefit of permits. The new owners wish to bring the property into conformance, therefore they are requesting a variance in order to legalize the deck.

The surrounding neighbourhood is primarily single family residential, with a few multi-family properties along the Industrial Avenue West corridor. While the property is located within a residential area, there are amenities and services within close proximity, including Home Hardware, the Fairview strip-mall property at 1652 Fairview Road, the Safeway Plaza and Cherry Lane Shopping Centre.

#### **Technical Review**

This 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 owner's responsibility to provide services and/or upgrade existing services as required.

#### **Development Statistics**

The following table outlines the development statistics on the plans submitted with the development variance permit application:

	R1 Zone Requirement	Provided on Plans	
	No more than one secondary suite		
Limitation of Suites	shall be permitted in a single family	There are no accessory suites currently on	
Limitation of Suites	dwelling, and not in conjunction	the subject property.	
	with a carriage house.		
	Maximum gross floor area: 40% of	49% of the habitable floor area of the	
	the habitable floor area of the	building	
Development	building.	Variance requested	
Regulations of	Minimum amenity space: 15 m <sup>2</sup> of		
Suites	amenity space shall be provided	86 m² for principal residence	
	individually for each of the principal	26m² for secondary suite	
	residence and the secondary suite		

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Parking and Access	2 parking spaces for principal dwelling 1 parking space for secondary suite	2 spaces provided for principal dwelling 1 space provided for secondary suite		
Lot Coverage	40%	40%		
Required Setbacks				
Front Yard (Fairford	6.0 m	6.0 m		
Drive):				
Side Yard (north):	1.5 m	1.657 m		
Side Yard (south):	1.5 m	3.024 m		
Rear Yard (west):	6.0 m	6.032 m		
Maximum Deck Projection	Into Rear Yard = 3.0m	Into Rear Yard = 4.12m  Variance requested		

#### **Analysis**

When considering a variance to a City bylaw, staff encourages 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 variances and staff's analysis are as follows:

- 1. Table 4.1: to increase the maximum projection of a deck into a rear yard from 3.0m to 4.12m
  - The applicant is requesting a variance to allow a deck to project 4.12m into the rear yard, 1.12m (3' 8-1/2") further than the bylaw currently allows.
  - The existing deck is located off of the first floor of the house, and is approximately 1.143 m (3'9") above grade. A deck is considered a structure more than 0.6m (2 ft.) above grade. Decks often can extend out from a second storey of a house, however in this case, the deck is lower to the ground. This significantly limits overlook into neighbouring properties, assisting with privacy

between neighbours.

- To assist the application, the applicants have discussed their variance request with several neighbours, including those directly adjacent to the north, west and south (Figure 2).
   These neighbours have provided a letter of support for both variances being requested (Attachment 'E').
- 2. Section 8.2.3.4: to increase the maximum gross floor area of a secondary suite from 40% of the



Figure 2 - Letter of Support Received from Yellow Properties

habitable floor area of the building to 49% of the habitable floor area of the building.

• The applicant is requesting a variance to increase the maximum gross floor area of a secondary suite by 18.5m<sup>2</sup> (200 sq. ft.) to a total of 102m<sup>2</sup> (1,098 sq. ft.).

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- The layout of the basement would be incredibly difficult to design within the maximum 40% without having 'dead' space that couldn't be accessed from the principal dwelling unit, or be allocated towards the suite.
- The proposed floor plans indicate a 2-bedroom suite will be created. This is consistent with the bedroom count of most secondary suites, which often have 1- to 2-bedrooms.
- The subject property is a suitable location for a secondary suite. The plans provide for ample amenity space for the secondary suite, as well as sufficient room for parking. The proposal will maintain separate accesses to the primary dwelling and secondary suite.

In addition, staff consider that the proposed development is supported through the following OCP policies:

- Goal 4.1.2 Increase the availability of affordable housing across the housing spectrum, from subsidized social housing to home-ownership options.
- Policy 4.1.3.2 Increase housing options in low-density single family areas through development of secondary suites and carriage houses, and ensure carriage houses are sensitively integrated and designed according to the Intensive Residential Development Permit Area guidelines.
- Policy 4.1.3.4 Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or large, to accommodate families.

Further to staff's technical analysis of the proposal, the applicants have submitted a letter of intent (Attachment 'A'), which indicates further justification for their request.

Staff consider that both variance requests are reasonable in this instance. As displayed with the letters of support provided with the application, the result of the variances being approved would have a minimal impact on the neighbouring area. As such, staff recommend that Council support the variance.

#### Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Neighbour Letters of Support

Attachment F – Draft Development Variance Permit DVP PL2021-9041

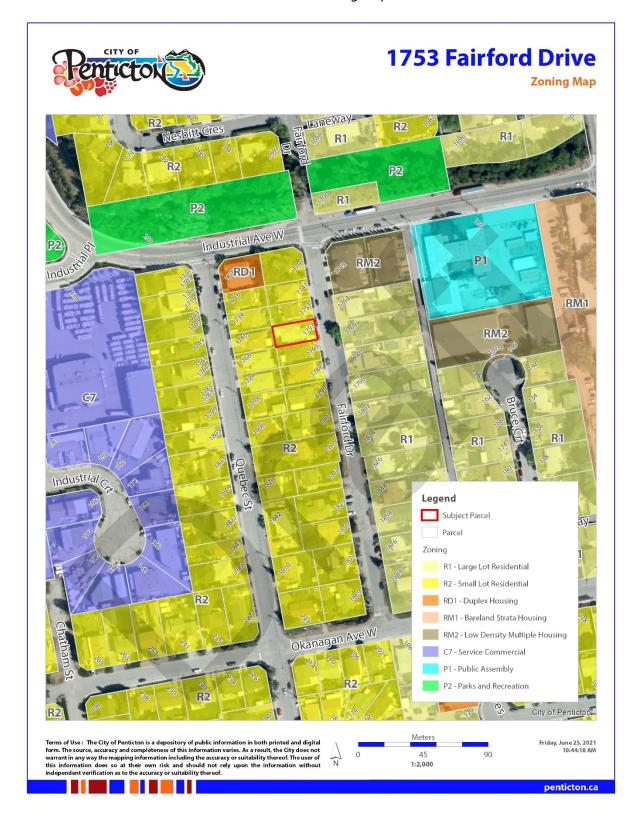
Respectfully submitted,

Nicole Capewell Planner II

#### Concurrence

Director of	Chief Administrative
<b>Development Services</b>	Officer
$\mathcal{BL}$	

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Attachment C – Photos of Property



Existing deck to be legalized



Dear Council,

We have recently purchased a property at 1753 Fairford Drive in Penticton and would like to apply for two separate variances to the Zoning Bylaw for your consideration.

#### Variance #1 - Section 8.1.4 Development Regulations

2) Maximum gross floor area: 90 m2, or 40% of the habitable floor area of the building, whichever is less.

Our plan is to convert the existing unfinished basement into a 2 bedroom secondary suite. Upon conversation with the Building & Planning Departments we learned the Zoning Bylaw limits the maximum size of a suite to 40% of the habitable floor area of the building. This house is a small 1 level rancher with a full height basement. The total square feet of habitable area is approx. 2500sf leaving us with a maximum of 900sf for the basement suite at 40% usage. The entire habitable area available in the basement is about 1100sf. We are requesting you approve a variance to allow us to utilize the remaining approximately 200sf and take full advantage of the space for the suite.

There should no impact on the neighbouring properties by allowing us to utilize the additional 200sf of interior space in the basement. The exterior of the building will not change at all except for a single entry door on the side of the house. This additional space will also allow us to provide a more livable spacious suite which at this time of very low vacancy rates in Penticton will be a benefit to the community.

#### Variance #2 - Section 4.9.1 Yards and Projections

#### Table 4.1

Feature	Maximum Projection in to Required Yards
Covered or uncovered balcony, porch, deck,	1.5 m front/exterior yard and/or 3.0 m rear yard
platform and veranda	

We would like to also request a relaxation of the setback requirement for an existing covered deck in the rear yard from 3m (approx. 10') to 1.85m (approx. 6').

The Building Department informed us that the existing covered deck projects into the Bylaw requirement of 3m (approx. 10'-0). This is an existing deck built by the previous owner and projects just under 4'-0". It is in excellent condition and of good, solid construction. We would like to keep this deck as is as it adds greatly to the enjoyment of the rear yard and would be quite expensive for us to modify.

We have included 4 letters of support from our neighbours on all sides of our property in favour of both variances. I spoke in length with the owners directly behind our property (1748 Quebec) regarding the deck as they would be the most affected by it. They were adamant that they have absolutely no issue with the deck and stated that it has been there for many years. Our neighbours to north (1751 Fairford) also have no issues or concerns at all with the existing deck.

We thank you for your consideration.

Sincerely, Mark Reed & Nicole Carleton

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## VARIANCE #2 - PHOTOS OF REAR DECK





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Deck construction – Heavy duty beam and footings. Built professionally.



Deck construction – footings at least 2'-0" deep per code.

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## Attachment E - Neighbour Letters of Support

Dear Council,

Please find this letter of support in favour of the 2 variances brought before you.

#### Variance #1 - BASEMENT SUITE (Maximum gross floor area)

Section 8.1.4 Development Regulations

2) Maximum gross floor area: 90 m2, or 40% of the habitable floor area of the building, whichever is less.

I support the variance to allow the entire basement area (approx. 1100SF) to be used for the secondary suite.

Signed: Walery Marefano.

#### Variance #2 - REAR DECK (Projection into the rear yard)

Section 4.9.1 Yards and Projections

Table 4.1

Feature	Maximum Projection in to Required Yards				
Covered or uncovered balcony, porch, deck,	1.5 m front/exterior yard and/or 3.0 m rear yard				
platform and veranda					

I support the variance to retain the existing rear deck depth as is.

Signed: Valery & Barejan o

Address: 1748 Quebec St.

Dear Council,

Please find this letter of support in favour of the 2 variances brought before you.

#### Variance #1 - BASEMENT SUITE (Maximum gross floor area)

Section 8.1.4 Development Regulations

2) Maximum gross floor area: 90 m2, or 40% of the habitable floor area of the building, whichever is less.

I support the variance to allow the entire basement area (approx. 1100SF) to be used for the secondary suite.

Signed:

#### Variance #2 - REAR DECK (Projection into the rear yard)

Section 4.9.1 Yards and Projections

Table 4.1

Feature	Maximum Projection in to Required Yards
Covered or uncovered balcony, porch, deck,	1.5 m front/exterior yard and/or 3.0 m rear yard
platform and veranda	

I support the variance to retain the existing rear deck depth as is.

Signed:

Address: 1751 FAIRFORD DR.

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Dear Council,

Please find this letter of support in favour of the 2 variances brought before you.

#### Variance #1 - BASEMENT SUITE (Maximum gross floor area)

Section 8.1.4 Development Regulations

2) Maximum gross floor area: 90 m2, or 40% of the habitable floor area of the building, whichever is less.

I support the variance to allow the entire basement area (approx. 1100SF) to be used for the secondary suite.

Signed: JACK MULENNA

#### Variance #2 - REAR DECK (Projection into the rear yard)

Section 4.9.1 Yards and Projections

Table 4.1

Feature	Maximum Projection in to Required Yards				
Covered or uncovered balcony, porch, deck,	1.5 m front/exterior yard and/or 3.0 m rear yard				
platform and veranda					

I support the variance to retain the existing rear deck depth as is.

Signed: SACK MCKENNA

Address: 1765 FAIR FORD DRIVE

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Dear Council

Please find this letter of support in favour of the 2 variances brought before you.

#### Variance #1 - BASEMENT SUITE (Maximum gross floor area)

Section 8.1.4 Development Regulations

2) Maximum gross floor area: 90 m2, or 40% of the habitable floor area of the building, whichever is less.

I support the variance to allow the entire basement area (approx. 1100SF) to be used for the secondary

Signed: Mchuncl

#### Variance #2 - REAR DECK (Projection into the rear yard)

Section 4.9.1 Yards and Projections

Table 4.1

Feature	Maximum Projection in to Required Yards
Covered or uncovered balcony, porch, deck,	1.5 m front/exterior yard and/or 3.0 m rear yard
platform and veranda	

I support the variance to retain the existing rear deck depth as is.

Address: 1764 Fourford drive Penticlon

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## **Development Variance Permit**

Permit Number: DVP PL2021-9041

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 5 District Lot 115 Similkameen Division Yale District Plan KAP48734

Civic: 1753 Fairford Drive

PID: 018-039-243

- 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 deck and a secondary suite, as shown in the plans attached in Schedule 'A':
  - a. Table 4.1: to increase the maximum projection of a deck into a rear yard from 3.0m to 4.12m; and
  - b. Section 8.1.4.1: to increase the maximum gross floor area of a secondary suite from 40% of the habitable floor area of the building, to 49% of the habitable floor area of the building.

## **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

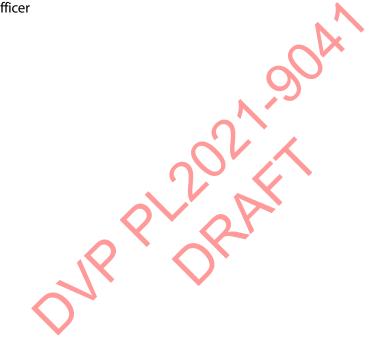
Engineering Department at (250) 490-2501	For more inform	nation on	electrical	servicing	costs
please contact the Electric Utility at (250) 490	2535.				

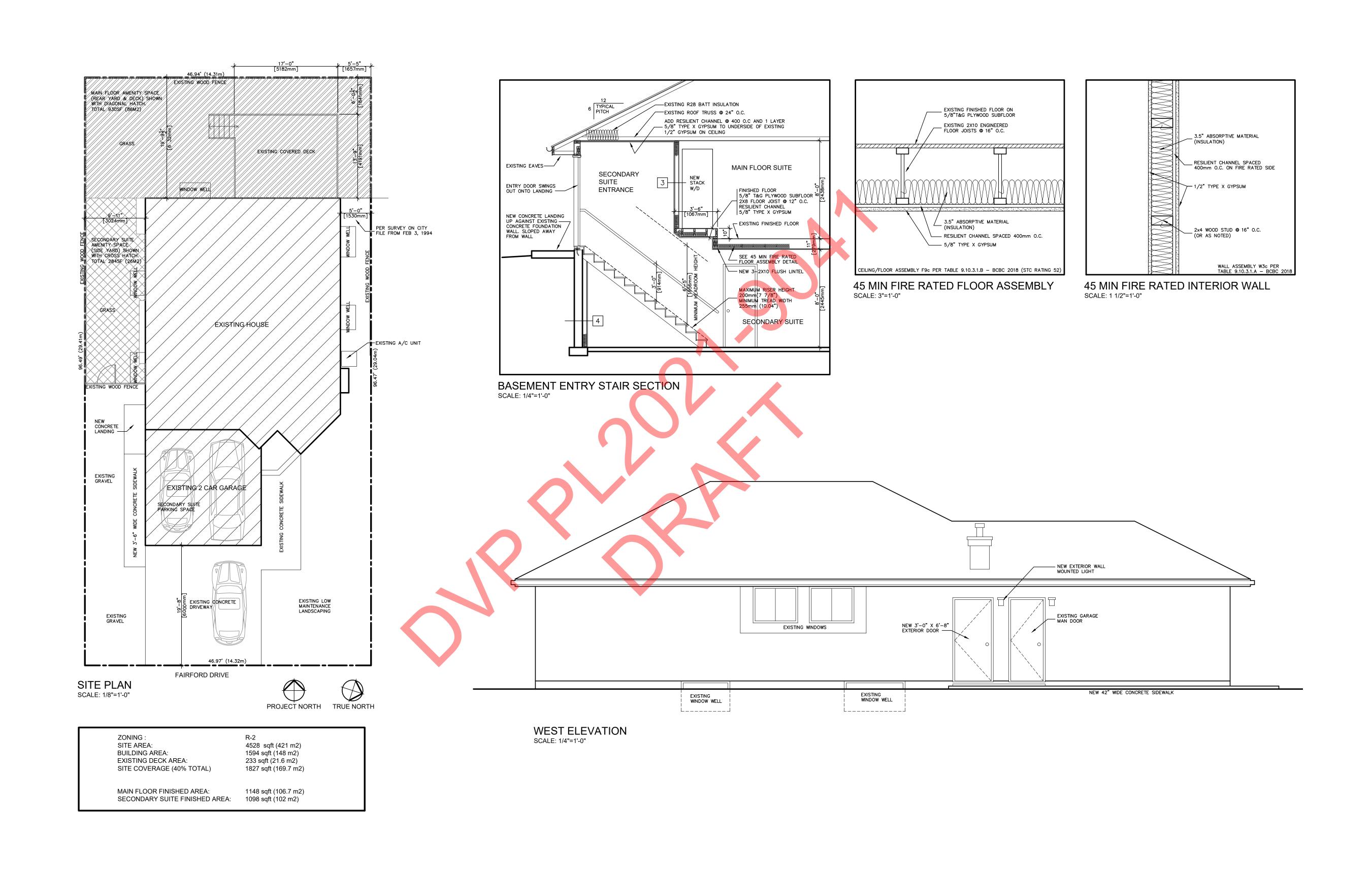
Authorized by City Council, the _	day of	, 2021.

Issued this \_\_\_\_\_ day of \_\_\_\_\_\_, 2021.

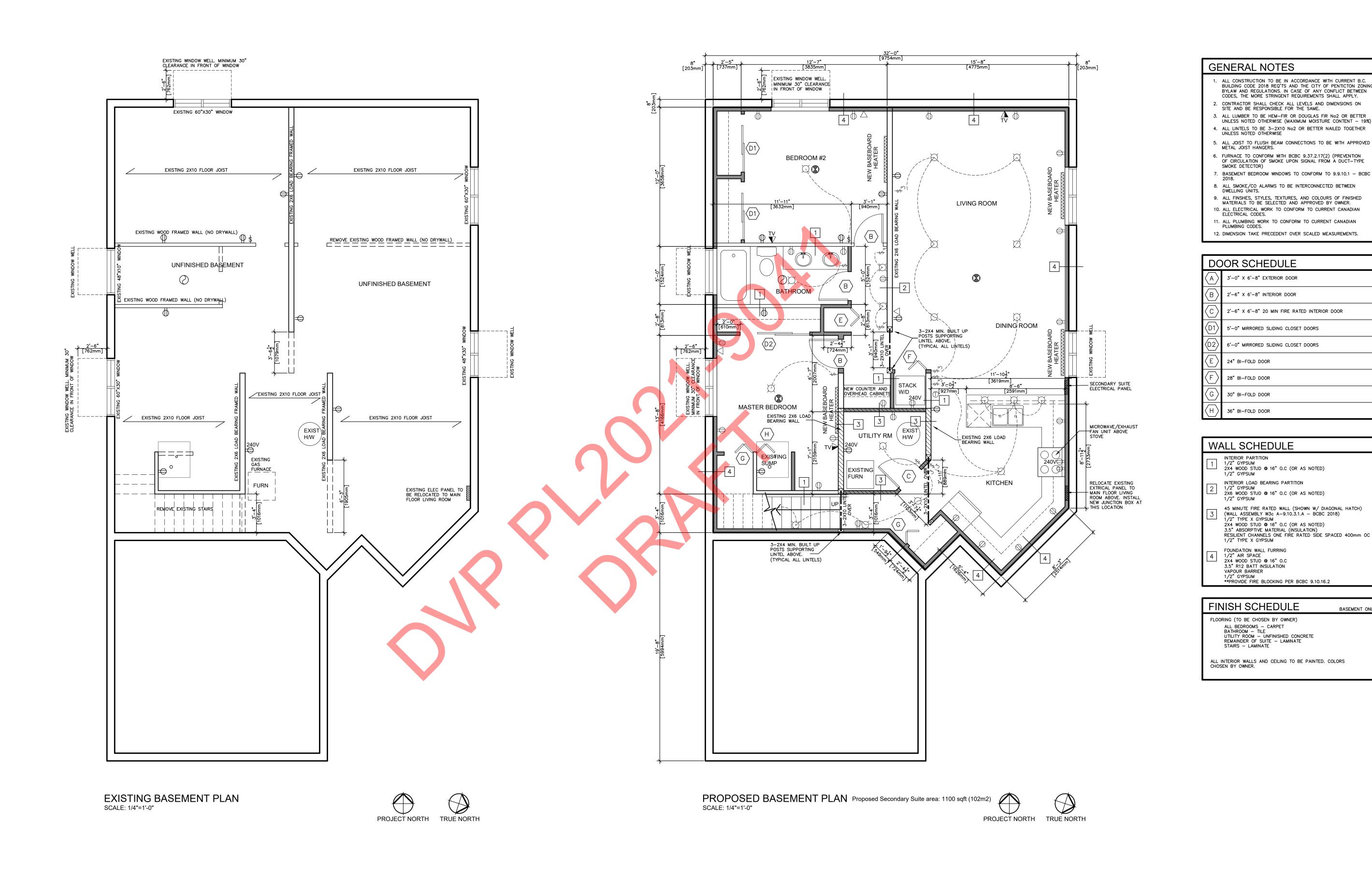
Angola Collison

Angela Collison Corporate Officer





LEGE	ND		SMOKE/CO2 ALARM. INTERCONNECTED BETWEEN UNITS		REV.	Y/M/D	DESCRIPTION	SEAL	DRAWING TITLE	
	EXISTING WALL	Û	THERMOMETER/SENSOR	LEGAL DESCRIPTION LOT 5 DISTRICT LOT 115 SDYD PLAN KAP48734		21/06/01	SUBMITTED FOR DP VARIANCE		SITE PLAN	
===	EXISTING WALL TO BE REMOVED	\$	SWITCH						WEST ELEVATION	SECONDARY SUITE ADDITION
	NEW WALL	\$ <sub>3</sub>	3 WAY SWITCH	CIVIC ADDRESS					SECTION DETAILS	1753 FAIRFORD DRIVE
<b>⇒</b>	DUPLEX PLUG	0	EXHAUST FAN	1753 FAIRFORD DRIVE PENTICTON, B.C.					DETAILS	PENTICTON, BC.  AS NOTED  DATE JULY 19/21
$\triangleleft$	TELEPHONE JACK	<b>◄</b> TV	CABLE TV OUTLET							JULY 19/21 1
	JOIST SPAN DIRECTION	¤	LIGHT BOX — CHOSEN BY OWNER							A I OF 3



LEGE	END		SMOKE/CO2 ALARM. INTERCONNECTED BETWEEN UNITS		REV.	Y/M/D	DESCRIPTION	DRAWING TITLE	
	EXISTING WALL	T)	THERMOMETER/SENSOR	LEGAL DESCRIPTION LOT 5 DISTRICT LOT 115 SDYD PLAN KAP48734		21/06/01	SUBMITTED FOR DP VARIANCE	EXISTING BASEMENT PLAN	SECONDA
===	EXISTING WALL TO BE REMOVED	\$	SWITCH					PROPOSED BASEMENT PLAN	SECONDA
_	NEW WALL	\$ <sub>3</sub>	3 WAY SWITCH	CIVIC ADDRESS					1753 FAIRFORD DRIVE
$\Rightarrow$	DUPLEX PLUG	0	EXHAUST FAN	1753 FAIRFORD DRIVE PENTICTON, B.C.					PENTICTON, BC.

TELEPHONE JACK

▼ TV CABLE TV OUTLET

LIGHT BOX - CHOSEN BY OWNER

DARY SUITE ADDITION

BUILDING CODE 2018 REQ'TS AND THE CITY OF PENTICTON ZONING BYLAW AND REGULATIONS. IN CASE OF ANY CONFLICT BETWEEN CODES, THE MORE STRINGENT REQUIREMENTS SHALL APPLY.

UNLESS NOTED OTHERWISE (MAXIMUM MOISTURE CONTENT - 19%)

7. BASEMENT BEDROOM WINDOWS TO CONFORM TO 9.9.10.1 - BCBC

3'-0" X 6'-8" EXTERIOR DOOR

2'-6" X 6'-8" INTERIOR DOOR

24" BI-FOLD DOOR

28" BI-FOLD DOOR

30" BI-FOLD DOOR

36" BI-FOLD DOOR

INTERIOR PARTITION

1/2" GYPSUM

1/2" GYPSUM

INTERIOR LOAD BEARING PARTITION

FOUNDATION WALL FURRING 1/2" AIR SPACE 2X4 WOOD STUD @ 16" O.C

2X4 WOOD STUD @ 16" O.C (OR AS NOTED)

3.5" R12 BATT INSULATION
VAPOUR BARRIER
1/2" GYPSUM
\*\*PROVIDE FIRE BLOCKING PER BCBC 9.10.16.2

45 MINUTE FIRE RATED WALL (SHOWN W/ DIAGONAL HATCH) (WALL ASSEMBLY W3c A-9.10.3.1.A - BCBC 2018) 1/2" TYPE X GYPSUM

3.5" ABSORPTIVE MATERIAL (INSULATION)
RESILIENT CHANNELS ONE FIRE RATED SIDE SPACED 400mm OC
1/2" TYPE X GYPSUM

BASEMENT ONLY

2'-6" X 6'-8" 20 MIN FIRE RATED INTERIOR DOOR

5'-0" MIRRORED SLIDING CLOSET DOORS

6'-0" MIRRORED SLIDING CLOSET DOORS

