

September 9, 2021

Subject Property:

190 Avery Place

Lot 1, District Lot 2710, Similkameen Division
Yale District, Plan EPP62484

Application:

Development Variance Permit PL2021-9076

The applicants are proposing to construct a new single family dwelling on the subject property at 190 Avery Place. Due to the configuration of the property, the applicants have identified a challenge with achieving the required setbacks on the property due to its shape and location along two street frontages. As such, in order to proceed with the proposed design, the applicants are requesting the following variance to Zoning Bylaw No. 2021-01:



1. Section 10.1.2.5: to reduce the minimum front yard from 6.0m to 4.5m.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9076 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 **6:00 pm, Tuesday, September 21, 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, September 21, 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 September 21, 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: September 21, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 190 Avery Place
Subject: Development Variance Permit PL2021-9076

File No: RMS/190 Avery Place

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9076", for Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP62484, located at 190 Avery Place, a permit to vary Section 10.1.2.5 of Zoning Bylaw No. 2021-01, to reduce the minimum front yard from 6.0m to 4.5m;

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9076".

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 new single family dwelling on the subject property at 190 Avery Place. Due to the configuration of the property, the applicants have identified a challenge with achieving the required setbacks on the property due to its shape and location along two street frontages. As such, in order to proceed with the proposed design, the applicants are requesting the following variance to Zoning Bylaw No. 2021-01:

1. Section 10.1.2.5: to reduce the minimum front yard from 6.0m to 4.5m.

Background

The subject property is approximately 560m² in size and is located at 190 Avery Place (Figure 1). The subject property is a triangle shaped lot located at the intersection of Cedar Road and Avery Place. The

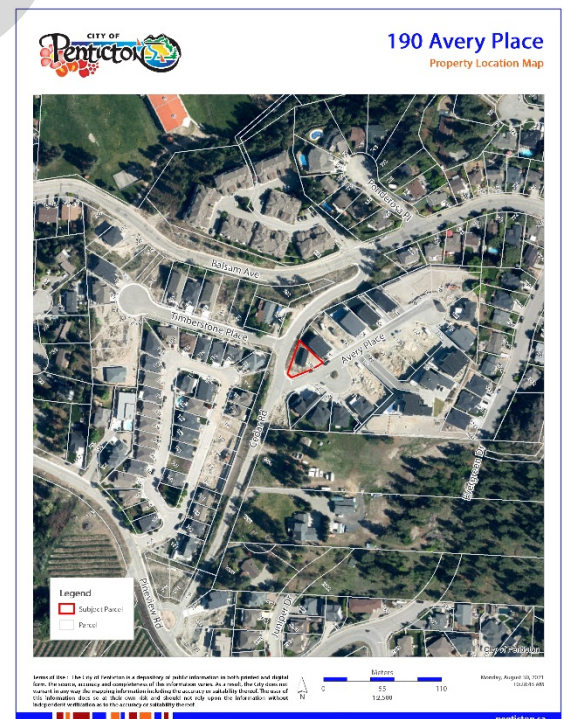


Figure 1 - Property location map

property is zoned R1 (Large Lot Residential) and is designated as 'Detached Residential' by the Official Community Plan (OCP). The property was created in 2016 as part of the Avery Heights subdivision, and has remained vacant since. Due to the lot shape and its required setbacks along streets, the lot has proved challenging to design a single family home for according to the applicants (Attachment 'D').

The surrounding area is primarily single detached residential, as shown in the Zoning Map (Attachment 'A'), composed of R1 (Large Lot Residential) and RM1 (Bareland Strata Housing). The area is also designated as 'detached residential' by the Official Community Plan (Attachment 'B'), which generally supports single detached houses with secondary suites or carriage houses, duplexes, small neighbourhood commercial uses and manufactured homes.

Technical Review

The 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 proposed development statistics on the plans submitted with the application:

	R1 Zone Requirement	Provided on Plans
Minimum Lot Width:	18 m (corner lot)	~32 m (Avery Pl)
Minimum Lot Area:	560 m ²	560 m ²
Maximum Lot Coverage:	40%	30%
Vehicle Parking:	2 spaces for single detached dwelling	2+ spaces provided
Required Setbacks		
Front Yard (Avery Place):	6.0 m	4.5 m – Variance Required
Interior Side Yard (northeast):	1.5 m	1.5 m
Exterior Side Yard (southwest):	3.0 m	~14.8 m
Rear Yard (Cedar Road):	6.0 m	6.0 m
Maximum Building Height	10.5 m	7.78 m

Analysis

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

1. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0 m to 4.5 m, along Avery Place.

- The subject property is a corner lot. Corner lots have increased setback requirements as they have both a front yard setback (6.0m) and an exterior side yard setback (3.0m), which results in a smaller building envelope than a mid-block property.
- The subject property is also a double fronting lot, with streets on both sides of the development, providing several opportunities for vehicle access to the property. Requiring a 6.0m front yard setback provides adequate spacing for vehicle parking from the street, however this proposed development is utilizing the second road (Cedar Road) for vehicle access, where the proposed setback is 6.0m.
- The proposed single family home for the subject property is meets all other Zoning Bylaw regulations. The structure is also well within the maximum 10.5m allowable height, proposed at 7.78m with only two storeys. Without the front yard setback reduction, the house would likely need to be reduced significantly in size.

Staff consider that the request to reduce the minimum front yard setback from 6.0m to 4.5m is reasonable in this instance and do not anticipate any negative impacts on any neighbouring properties. As such, staff recommend that Council should support the variance and direct staff to issue the permit.

Alternate Recommendations

Council may consider that the requested variance would pose a negative impact on the surrounding neighbourhood and is not reasonable. If this is the case, Council should deny the variance request.

1. THAT Council deny "Development Variance Permit PL2021-9076".

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 PL2021-9076"

Respectfully submitted,

Nicole Capewell

Planner II

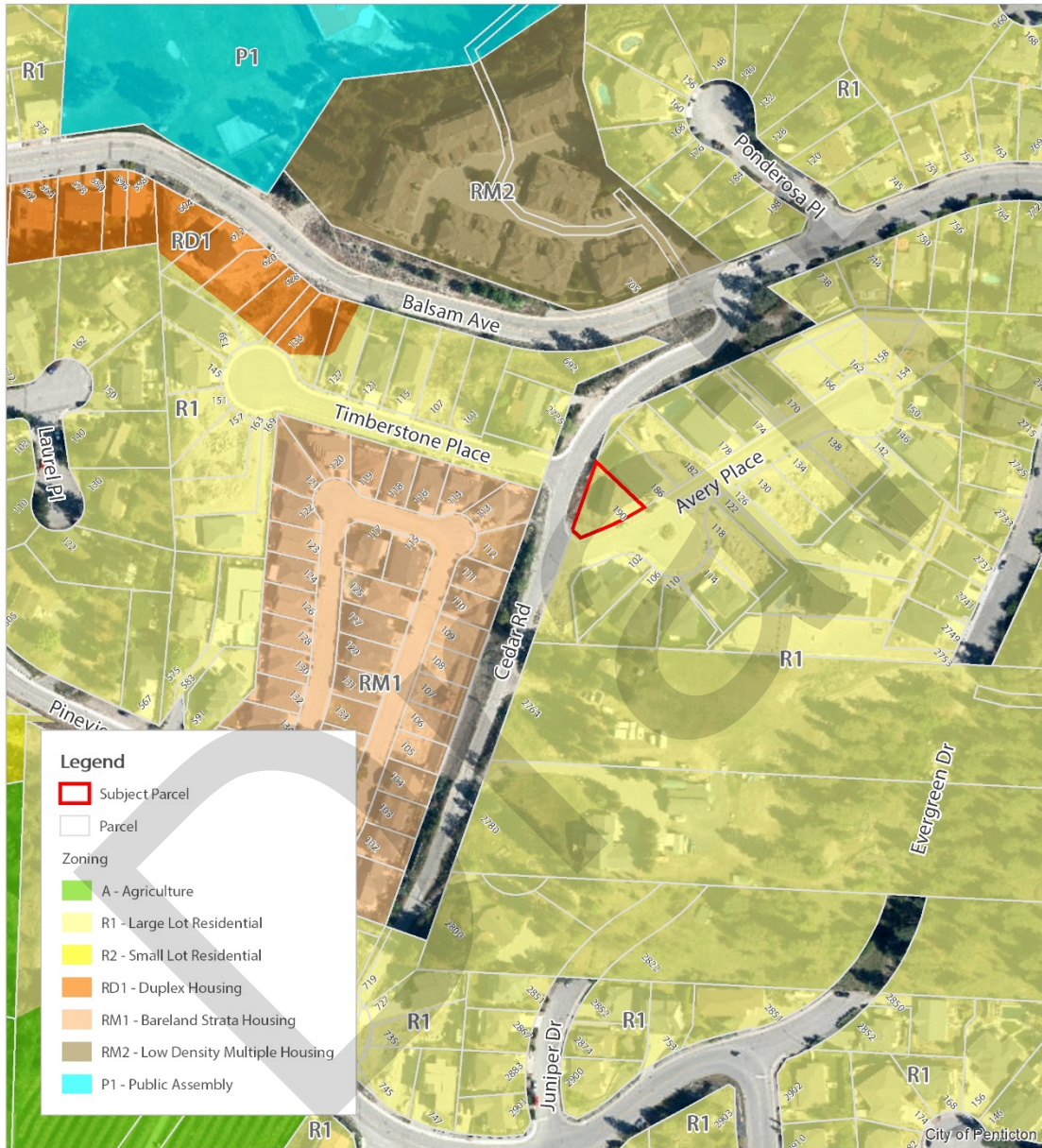
Concurrence

Director of Development Services	Chief Administrative Officer
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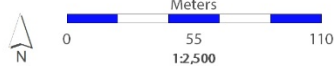
Attachment A – Zoning Map



190 Avery Place Zoning Map



Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



Monday, August 30, 2021
10:29:03 AM

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190 Avery Place

Official Community Plan Map



Legend

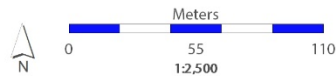
- Subject Parcel
- Parcel

Official Community Plan

Future Land Use

- Detached Residential
- Ground Oriented Residential
- Institutional and Civic
- Agriculture

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Monday, August 30, 2021
10:29:39 AM



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Attachment C – Photos of Property



Looking toward property from Avery Place



Looking toward property from Cedar Road



Brentview Developments

#232 113-437 Martin St.
Penticton, BC

Letter of Intent

190 Avery Place

Brentview Developments is proposing to build a single family home on the corner lot of Avery Heights.

Objective

Brentview intends to build a single family home that looks out over the city of Penticton. This home will reach Step 3 with the intent to reach Step 4 as a few of our other homes have. Due to the nature of this lot, the front yard setback (proposed to be facing Avery Place), the design has been incredibly difficult to design with all the requirements Step 3 has been making. We propose to alter the front yard setback to 4.5m, as it is integral to the design of the home.

Landscaping

Landscaping will be finished in typical Brentview fashion complete with a xeriscape front yard, with grasses and small plantings in the backyard.

Site Drainage

Our Geotechnical Engineer - Brad Vandelft from Valley Geotechnical - will be handing our site drainage designs, as per the Schedule B included in our permit application.

Architecture

This single family home looks over the city of Penticton and has views from Okanagan Lake through to Skaha Lake. The home will be finished in Pearl Gray lap siding and Arctic White trims.

Thank you for your consideration,

Daniella Iannone

On behalf of Rod Ferguson

Rod Ferguson
C: 250-490-1119
E: rod@brentview.ca

Daniella Iannone
C: 250-801-3667
E: admin@brentview.ca



Development Variance Permit

Permit Number: DVP PL2021-9076

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 1 District Lot 2710 Similkameen Division Yale District Plan EPP62484
 - Civic: 190 Avery Place
 - PID: 029-904-684
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 construction of a single family home, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.5: to reduce the minimum front yard from 6.0m to 4.5m.

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
DVP PL2021-9076

NOTE:
GRADE ELEVATIONS
PROVIDED BY CONTRACTOR,
NO ON-SITE VERIFICATION
DONE BY AZTECH DRAFTING

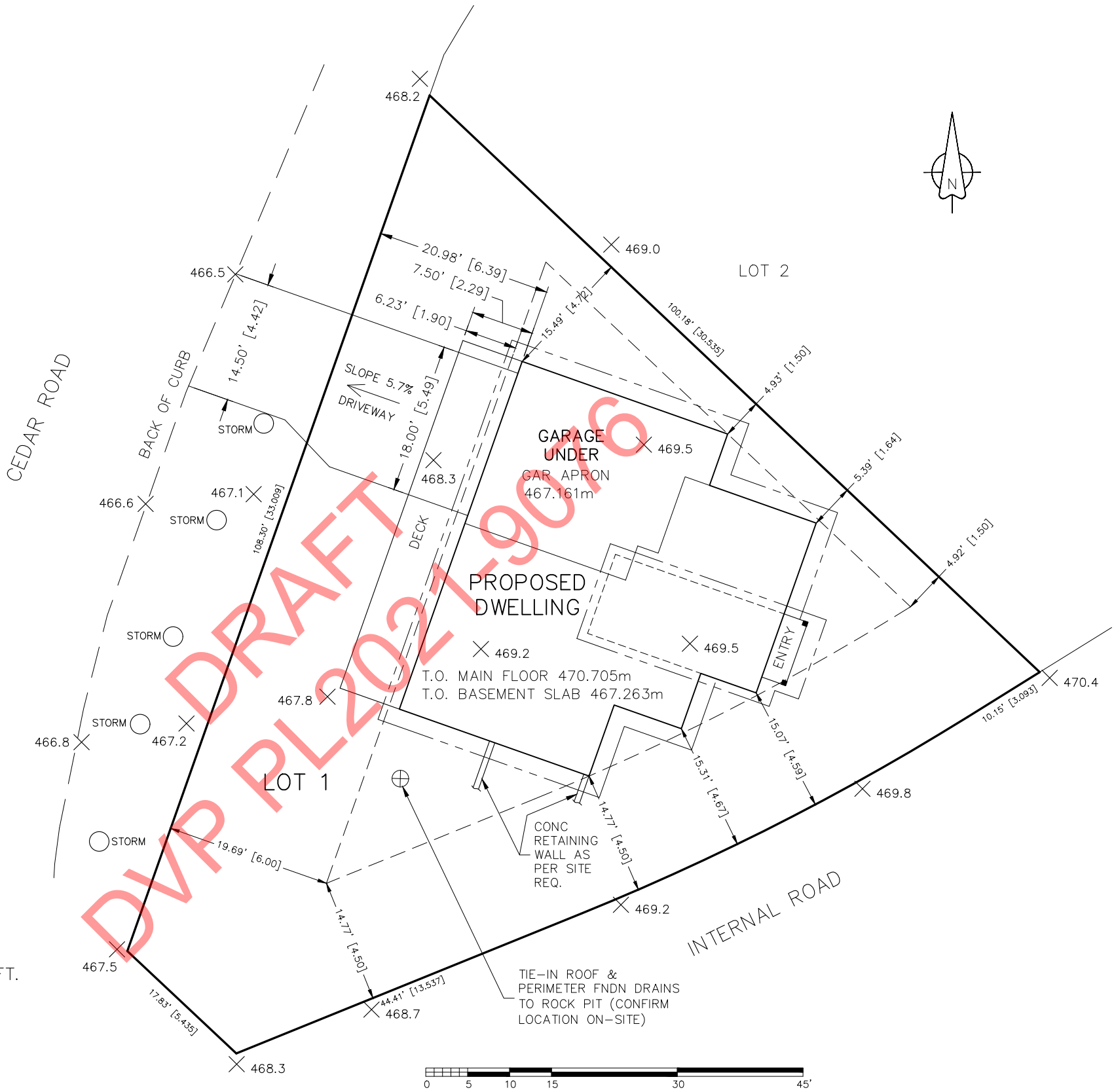
NOTE:
ALL PERIMETER FNDN
AND ROOF DRAINS TO BE
CONTROLLED ON-SITE
WITH APRV'D DRYWELL
OR ROCK PIT

NOTE:
CONTROL ALL RUN-OFF AND
SURFACE DRAINAGE ON-SITE
WITH APRV'D ABSORBENT
LANDSCAPING MATERIAL

ZONING R1

PARCEL AREA = 6035 SQ. FT.
PROPOSED GROSS BUILDING FOOTPRINT = 1791 SQ. FT.
(COMBINED DWELLING & DECK FOOTPRINTS)
PROPOSED NET PARCEL COVERAGE = 29.7%
MAX PARCEL COVERED ALLOWED = 40%

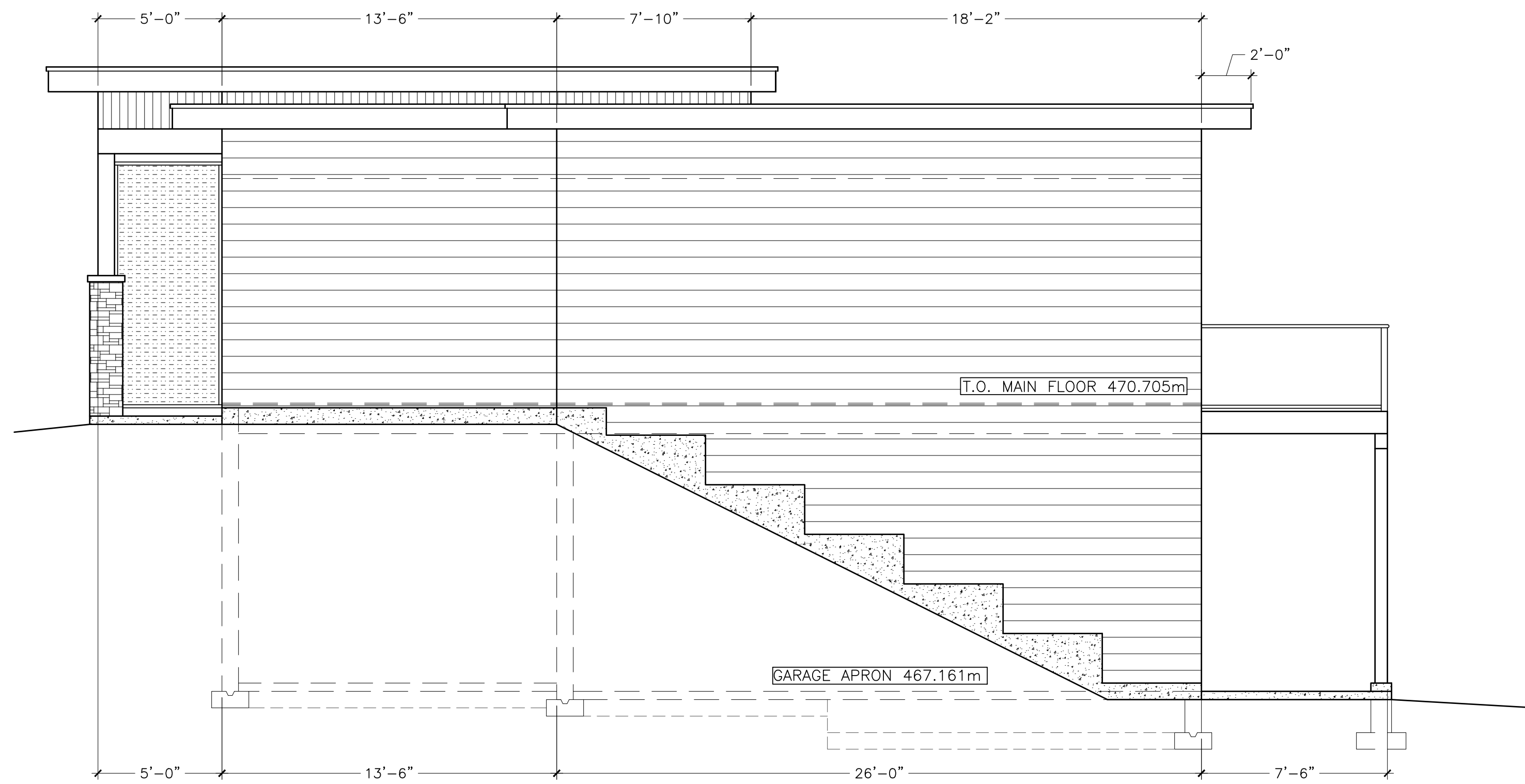
PROPOSED BUILDING HEIGHT = 7.78m
MAX HEIGHT ALLOWED = 10.5m



ISSUED FOR BUILDING PERMIT

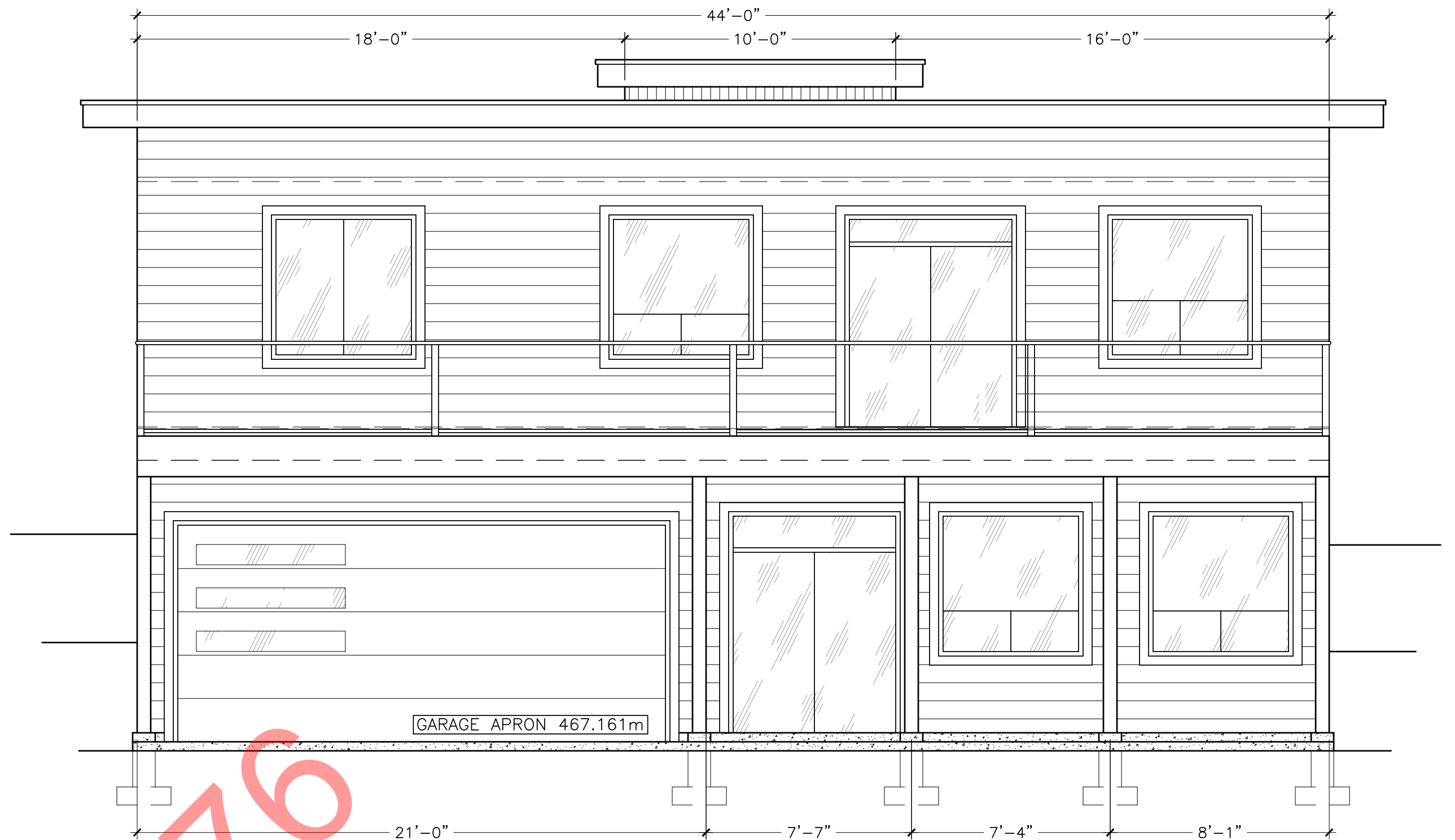
AZTECH DRAFTING SERVICES
496 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

SITE PLAN	
PROPOSED RESIDENCE	
190 AVERY PLACE PENTICTON BC	
DRAWN BY: MBW	DATE: AUG 23/21
DESIGN BY:	PROJECT No.: 201944
CHK'D BY:	FILE No.:
SCALE: 1"=15'	SHEET Page 3 of 4 1

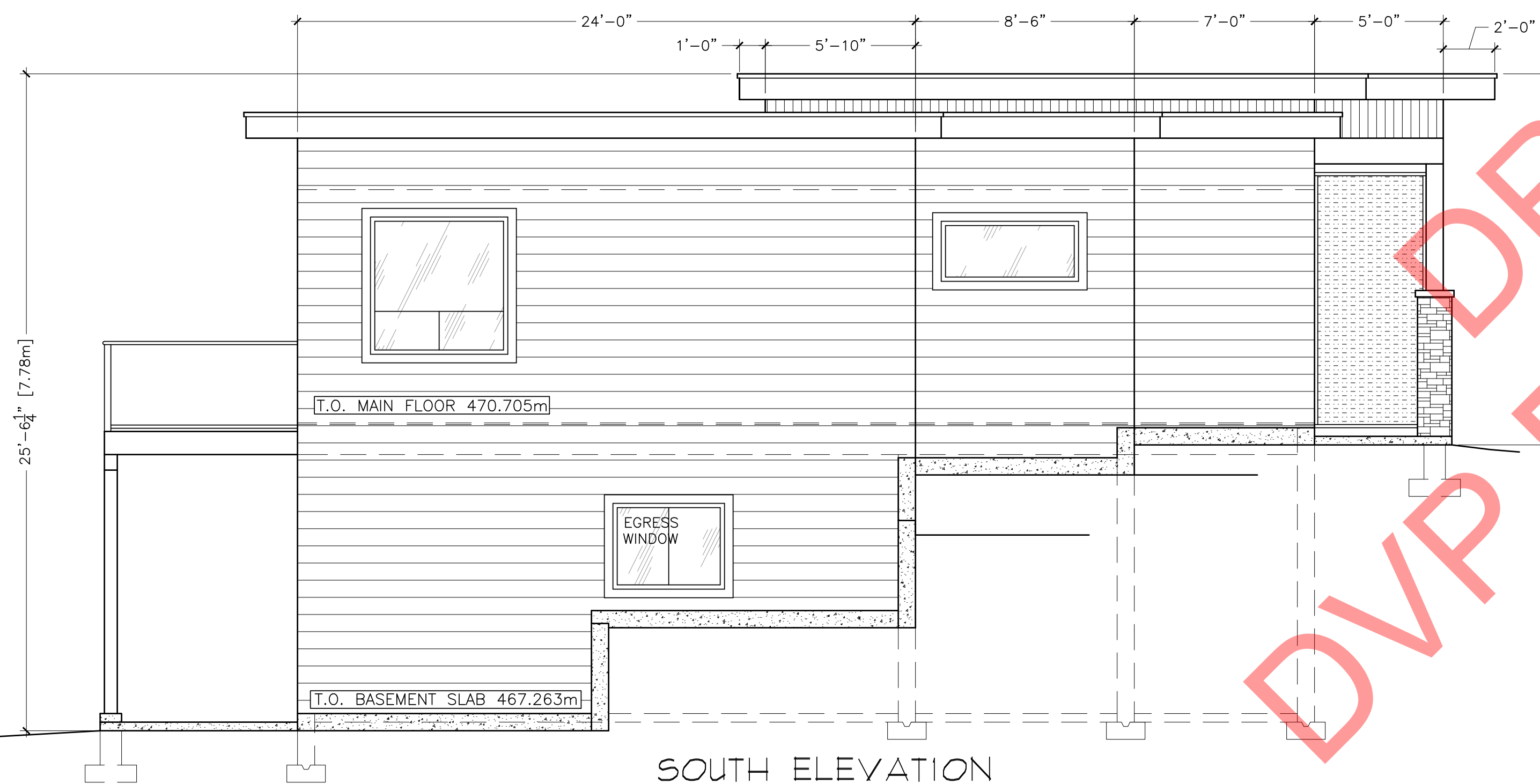


NORTH ELEVATION

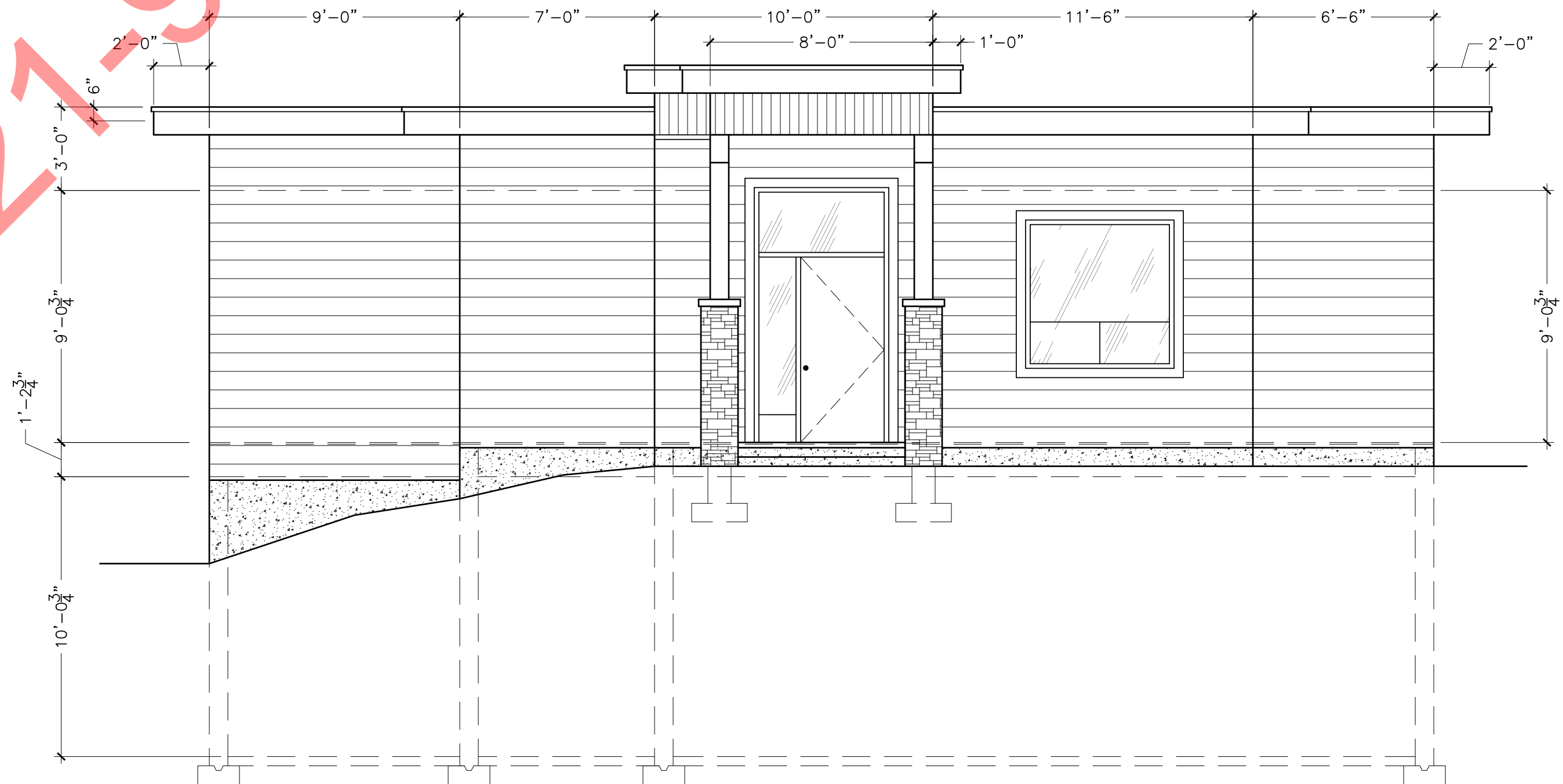
SPATIAL SEPARATION - NORTH WALL
TOTAL BUILDING FACE = 514 sq. ft.
TOTAL UNPROTECTED OPENINGS = 0 sq. ft. (0%)
LIMITING DISTANCE = 1.8m
ALLOWABLE OPENINGS = 8%



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

NOTES

Contractor to verify all measurements prior to construction. Any discrepancies must be reported to the Owner for clarification prior to commencement of construction.

Contractor to confirm window style and x-lite locations with Owner prior to construction. Ensure x-lites for egress are provided as required by the current B.C.B.C.

All bearing wall openings supported with 2-ply 2x10 spf#2 on double cripplies unless otherwise noted.

Install interconnected smoke alarms and carbon monoxide detectors located as per current B.C.B.C.

Install PV & SDHW conduits as per technical specifications set out in the NRCan Solar Readiness Guidelines.

All bathrooms equipped with min. 1.5 sonne exhaust fan, connected to timer as per current B.C.B.C.

All new exterior wall and roof assemblies to conform to RSI values as per current B.C.B.C.

Flash all exterior wall penetrations as per current B.C.B.C.

Contractor to ensure all construction and installation meets the requirements set forth in the current B.C.B.C.

These plans do not show all details of the requirements of the current B.C.B.C. and have not been reviewed for full compliance. It is the responsibility of the Owner/Contractor to ensure compliance with the Code and all local municipal bylaws.

These drawings have been checked by the Owner/Contractor. Aztech Drafting holds no responsibility for any errors or omissions related to design or otherwise.

ISSUED FOR BUILDING PERMIT

AZTECH DRAFTING SERVICES

496 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

REVISIONS				
No.	DATE	DRAWN	CHK'D	DESCRIPTION
1	08/23/21	MBW		MOVE GARAGE TO NORTH SIDE

ELEVATIONS PROPOSED RESIDENCE	
190 AVERY PLACE PENTICTON BC	
DRAWN BY: MBW	DATE: APR 15/21
DESIGN BY:	PROJECT No.: 201944
CHK'D BY:	FILE No.:
SCALE: 1/4"=1'	SHEET No.: 4 OF 4
	REV 1