



January 6, 2022

Subject Property:

241 Nelson Avenue

Lot 2, District Lot 250, Similkameen

Division Yale District, Plan 4654

Application:

Rezone PL2021-9207

The applicant intends to subdivide the subject property into two lots and construct a duplex with accessory suites on each lot (total 4 dwelling units per lot). In order to facilitate the proposal, the applicant has applied to amend the site specific zoning to remove the limitation of two dwelling units:



- **From:** "In the case of Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street."
- **To:** "In the case of Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, vehicular access is allowed from the street."

Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2021-46 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:

A Public Hearing has been scheduled for **6:00 p.m., Tuesday, January 18, 2022** at Penticton City Hall, Council Chambers, 171 Main 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 bylaw:

1. May participate at the Public Hearing via Zoom. Please visit www.penticton.ca/publichearings for details and the Zoom link.
2. May participate at the Public Hearing via telephone. Please visit www.penticton.ca/publichearings for details and the telephone number.
3. Submit written comments by mail or email no later than 9:30 a.m., Tuesday, January 18, 2022, to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: publichearings@penticton.ca

4. May appear in person. (Adapted to comply with Provincial/Interior Health Orders.)

No letter, report or representation from the public will be received by Council after the conclusion of the January 18, 2022 Public Hearing.

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: December 7, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 241 Nelson Avenue

File No: RMS/241 Nelson Ave

Subject: Zoning Amendment Bylaw No. 2021-46
Development Permit PL2021-9142 (241 Nelson Ave)
Development Permit PL2021-9143 (221 Nelson Ave)

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-46", a bylaw to amend the site-specific zoning for Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, to remove the limitation of two dwelling units:

- From: "In the case of Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street."
- To: "In the case of Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, vehicular access is allowed from the street."

AND THAT Council forward "Zoning Amendment Bylaw No. 2021-46" to the January 18, 2022 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment No. 2021-46" and final subdivision registration of the two lots, approve "Development Permit PL2021-9142" and "Development Permit PL2021-9143" for the newly created lots at Lot 2 District Lot 250 Similkameen Division Yale District, located at 241 Nelson Avenue, a permit that allows for construction of a duplex with suites on both of the newly formed lots.

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 amend the site-specific zoning that exists on the subject property, to allow for a duplex with suites to be constructed. The applicant intends to subdivide the subject property into two lots

and construct a duplex with accessory suites on each lot (total 4 dwelling units per lot). As the current site-specific zoning on the property limits any development to two dwelling units on each lot, a zoning amendment is required to remove the limitation on number of units, and maintain allowing vehicular access from the street.

The applicant has also submitted Development Permit applications for each of the proposed duplexes, for approval of the development's form and character, which are included for Council's consideration.

Background

The subject property is 1,360.2m² (0.33 acres) in size and is located on the north side of Nelson Avenue between Main Street and Manitoba Street, in a residential neighbourhood (Figure 1). The property is currently vacant after the previous single family home was demolished in 2018. The property is currently zoned RD2 (Duplex Housing: Lane) with a site-specific provision that limits the property to two dwelling units per lot, and allows for driveway access from the street.

The site-specific provision was applied to the property in 2018, when a previous owner proceeded through a zoning amendment with the intent of developing the lots. At the time, the 2002 Official Community Plan (OCP) didn't have specific language to indicate supporting more than a duplex on the lot (or each lot created by subdivision), and staff determined a site-specific provision to limit the number of dwellings was suitable.

The property is newly designated by the (2019) OCP as 'Infill Residential' (Figure 2), which is described as transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale, but providing more units per lot. Building types that are supported by this OCP designation include single detached houses with or without secondary suites and/or carriage houses, duplexes with or without suites, triplexes, lower-density row houses, and small-scale neighbourhood commercial building. The proposed development consists of duplexes with suites, which is a compatible building form with the Infill Residential designation.



Figure 1 - Property Location Map

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Infill Residential 	Transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.	• Single detached houses with or without secondary suites and/or carriage houses • Duplexes with or without suites • Triplexes • Lower-density rowhouses • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop).	• Residential • Limited retail/service	• 1 to 4 units per single lot • Consolidation of lots possible for lower scale multifamily developments • Generally up to 2 ½ storeys	• R1 • R2 • R3 • RD1 • RD2 • RD3 • C2

Figure 2 - Infill Residential Designation

The subject property is located within an established area of the City, with excellent access to sidewalks, the KVR Trail, Kiwanis Park, Penticton Secondary School, the future Edmonton Ave Daycare, the Library and Museum, and is within walking distances to many necessary services including the Safeway Plaza, and the Government Street corridor. The existing zoning in the surrounding neighbourhood is diverse, with multifamily developments located to the rear of the subject property along Edmonton Avenue, commercial properties along Main Street, and single family residential, with some duplexes throughout the area.

The applicant has applied for the zoning amendment, subdivision and development permits required to proceed with the proposed development. The zoning amendment and development permits have been included for Council and the public's consideration. The subdivision will be completed by staff should the zoning amendment be successful, and the applicant will be required to meet all requirements in order to proceed with the proposed works.

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 subdivision and building permit processes. 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 development application:

	RD2 Zone Requirement	Provided on Plans – Proposed Lot A	Provided on Plans – Proposed Lot B
Minimum Lot Width:	9.1 m	12.17 m	12.17 m
Minimum Lot Area:	275 m ²	680.1 m ²	680.1 m ²
Maximum Lot Coverage:	40%	39%	39%
Maximum Density:	0.95 Floor Area Ratio (FAR)	0.68 Floor Area Ratio (FAR) **	0.68 Floor Area Ratio (FAR) **
Vehicle Parking:	1 space per dwelling unit = 4 required per lot	5 spaces provided	5 spaces provided
Required Setbacks			
Front Yard (Nelson Ave):	4.5 m	10.36 m	10.36 m
Side Yard (east):	1.5 m	1.8 m	1.53 m
Side Yard (west):	1.5 m	1.52 m	1.8 m
Rear Yard (lane):	6.0 m	12.99 m	12.99 m
Maximum Building Height	10.5 m	6.11 m	6.11 m
Other Information:	**The subject properties are currently limited by a site-specific zoning to a maximum of two dwelling units per lot.		

Analysis

Support Zoning Amendment Bylaw

The Official Community Plan (OCP) designation for the subject property is 'Infill Residential', which supports single detached houses with or without secondary suites and/or carriage houses, duplexes with or without suites, triplexes, lower-density row houses, and small-scale neighbourhood commercial building (Figure 2). The applicant is proposing to subdivide a large property into two parcels, which will allow for a duplex with suites to be constructed on each lot. The proposed development is a consistent building form with the 'Infill Residential' OCP designation.

Staff consider that the proposed zoning amendment will allow for development that is supported through the following OCP goals and policies:

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- OCP Goal 4.1.2 Housing Affordability
Increase the availability of affordable housing across the housing spectrum, from subsidized social housing to home-ownership options.
- OCP Goal 4.1.3 Housing Diversity
Ensure a range of housing types, sizes, tenures and forms exist throughout the city to provide housing options for all ages, household types, and incomes.

- OCP Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- OCP Policy 4.1.3.3 Foster diversity and create relative affordability while maintaining neighbourhood character in single-family areas by encouraging the creation of smaller-frontage lots in new neighbourhoods and subdivisions, and permitting the subdivision of larger lots in established neighbourhoods where access and servicing are adequate.
- OCP 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 larger, to accommodate families.
- OCP Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- OCP Goal 4.1.5 Housing and Neighbourhood Character
Ensure that as neighbourhoods grow and change, a sense of place and character is maintained.
- OCP Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
- OCP Goal 4.1.6 Complete and Healthy Neighbourhoods
Provide opportunities to live, work and play in all of Penticton’s neighbourhoods.
- OCP Policy 4.1.6.1 Ensure all residential neighbourhoods in Penticton provide a range of appropriately-scaled housing types and tenures, employment opportunities such as home-based businesses, transportation options like walking and cycling, social supports such as childcare facilities, and access to green space and parks.
- OCP Policy 4.2.5.2 Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Previous Applications

In 2018, a previous owner of the property proceeded through a zoning amendment that changed the zoning from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), with a site specific provision that if the lot is subdivided, there would be a limit of 2 dwelling units per lot, with vehicular access allowed from the street. The current application is looking to remove the limitation of 2 dwelling units per lot, to allow for their proposed development of duplexes with suites (4 dwelling units per lot). There are several important

differences between the 2018 application (which was proposed by a different applicant) and the development currently being proposed including:

1. In 2018, the 2002 Official Community Plan was in place, which provided different land use designations for staff to review when considering zoning amendments. The designation of the subject property in 2018 was LR (Low Density Residential). The LR designation reflected the growth strategy of the 2002 OCP, which attempted to accommodate the anticipated growth through hillside and urban village (commercial nodes and higher towers) developments. The LR designation supported duplex developments if the area already had duplexes and multifamily. However, there was not language that discussed supporting duplexes with or without suites. As such, when the proposal came forward in 2018 to rezone the lots to RD2 (Duplex Housing: Lane), to ensure alignment with the 2002 OCP, Council approved a site specific provision to not allow more than 2 dwelling units on the lot.
2. The 2018 application did not include a development permit (or plans) for consideration. As the original application did not include detailed plans, it was not clear how the development would be designed to fit within the existing neighbourhood. The purpose of a development permit is to 'lock-in' form and character of the development and give assurance of what will be built. This was not provided at the time of the 2018 zoning amendment, which left questions from the public on how many units could be built, how high the structures would be, where parking would be accommodated, among other concerns.

In reviewing the current application, staff note the following changes that have occurred to support the application to remove the site-specific limitation of 2 dwelling units per lot:

1. The 2019 Official Community Plan designates the subject property as 'Infill Residential', which supports 1 to 4 units per lot, and distinctly supports duplexes with or without suites (Figure 2). In comparison to the 2002 OCP, the 2019 OCP has shifted how growth in the City is anticipated to be accommodated, from hillsides and urban villages, to hillsides (when necessary) and infill development (i.e. through duplexes, fourplexes, etc.) that gently add density throughout established areas of the City. With the new OCP growth plan, the site-specific zoning that limits the unit counts on each lot does not help to achieve the vision of the OCP. Staff consider that the development presented to Council meets the intent of the OCP, while being considerate of the existing neighbourhood by proposing 1.5 storey buildings with adequate parking on each property.
2. The current application package includes development permits for Council's consideration. This helps to demonstrate to the public what will be built on the property. The applicant of the current proposal has designed a modest development that will fit the surrounding neighbourhood. Each property will include a duplex, with each duplex unit containing a duplex suite for a total of 4 units per lot. As shown in the development statistics table above, the proposal is not maximizing the density, or heights that are permitted through the RD2 zoning. The proposed development would provide 3-bedroom units that are approximately 1,200 sq. ft. in total size. Staff consider this to be a modest scale of housing that will likely provide the opportunity for more affordable options to potential home buyers, and also provide a rental income (with the suites).

Subdivision

Development Permit

[illegible]

Figure 3 - Proposed Subdivision Sketch

Staff have completed a development permit analysis (Attachment 'D') that shows how the development conforms to the applicable design guidelines. The applicant has also provided an analysis (Attachment 'F') with their submission, which outlines the project and its conformance to the OCP design guidelines. As such, staff recommend that Council consider approving the Development Permits after adoption of the Zoning Amendment Bylaw, and direct staff to issue the permits after completion of the subdivision of the property.

Alternate Recommendations

Council may consider that the proposed removal of the site-specific provision is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Staff are not recommending this option, as the proposal is well aligned with the OCP designation for the property, considerate of the surrounding neighbourhood, and gently increases density in a well serviced area of the City.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2021-46".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)
Attachment E – Letter of Intent
Attachment F – Development Permit Analysis (applicant)
Attachment G – Draft Development Permit PL2021-9142 (241 Nelson Avenue)
Attachment H – Draft Development Permit PL2021-9143 (221 Nelson Avenue)
Attachment I – Zoning Amendment Bylaw No. 2021-46

Respectfully submitted,

Nicole Capewell, RPP, MCIP
Planner II

Concurrence

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

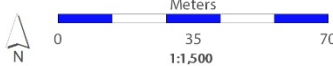


241 Nelson Avenue

Zoning Map



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Tuesday, November 23, 2021
8:18:33 AM



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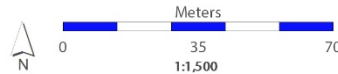


241 Nelson Avenue

Official Community Plan Map



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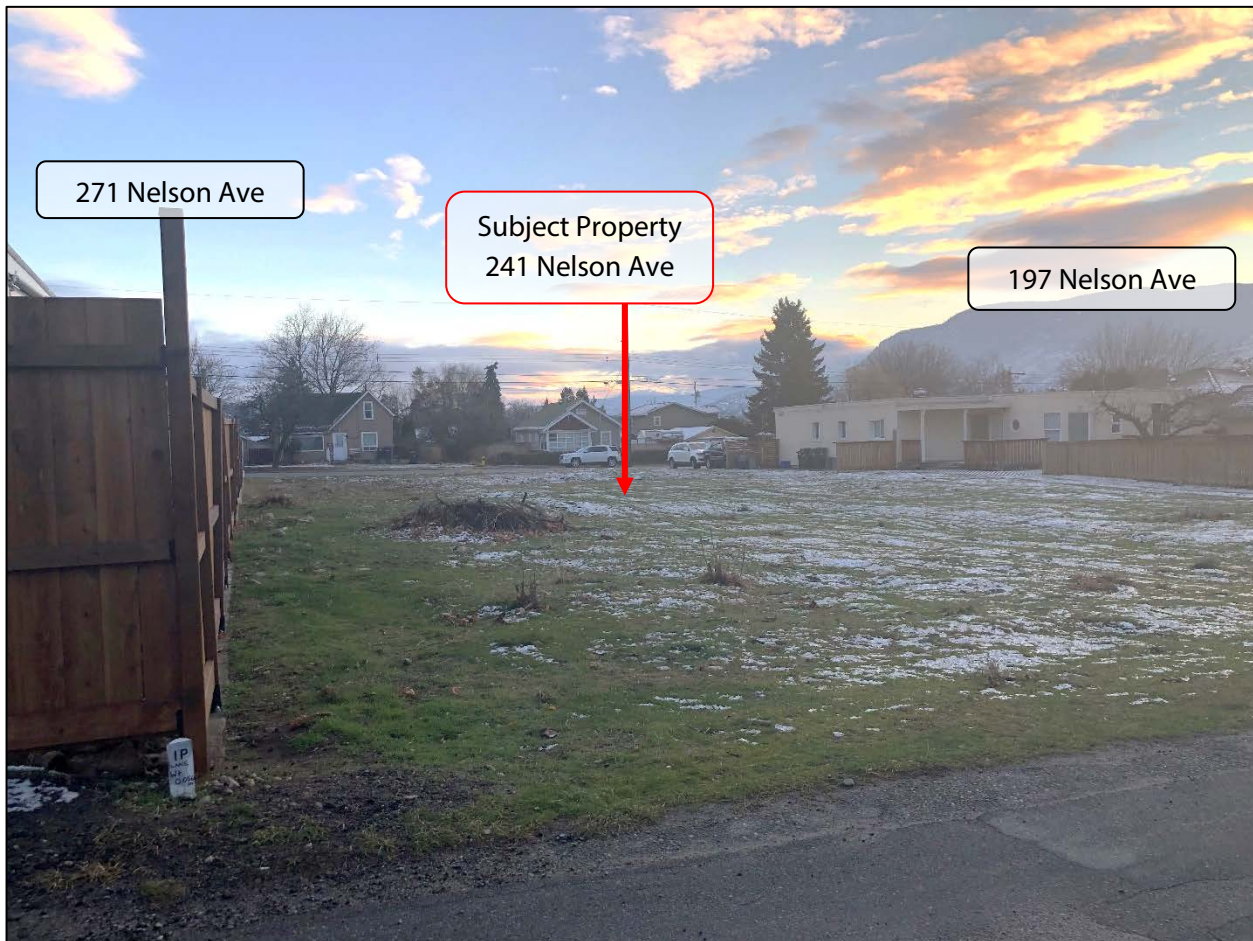


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Attachment C – Photos of Property



Looking toward subject property from Nelson Avenue



Looking toward subject property from rear laneway

Development Permit Analysis

The proposed development is located within the Intensive Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with the applicable design guidelines.

- Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.*
- The proposal is for a development that is sensitive to and integrated into its context and surrounding uses and neighbours.
 - The development is limited in height and density to be able to fit within the single family neighbourhood, while gently increasing density as directed by the OCP.
- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The proposed front yard setback is similar to other homes on the street. While the RD2 zone has a 4.5m front yard setback, the applicant has a proposed setback of 10.36m to the building and 7.32m to the front porch features, which are similar to the front yard setbacks of existing single family homes in the area.
- Guideline G7 All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*
- The proposal includes a front to back duplex on each proposed lot. Each lot will have a dwelling unit that fronts the laneway at the rear of the properties. Having dwelling units that face towards the laneway helps to increase natural security of these often less travelled areas. This occurs with 'eyes on the street' from the dwelling units overlooking the laneway.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- Both proposed buildings have a front door onto the street. On each property there is one front door facing the street and a pathway that provides access to the rear facing unit.
- Guideline G16 Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...*
- The proposal has the majority of parking provided from the laneway. Each property also has a driveway from the street, which is in character with the surrounding properties. Properties on the south side of Nelson Ave do not have laneway access, and driveways from the street are common in this block. The existing site-specific provision allows front driveway access, which will remain should the site-specific provision be amended, as proposed.
- Guideline G21 Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*

- The proposed development has 2 dwelling units facing the street, with an additional porch feature on the front of the buildings. There are also larger windows facing the street from the living rooms of the front facing units.

Guideline G23 Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilever upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.

- The proposed development is modest in scale, at only 1.5 storeys in height, the need to break up massing is not as necessary in this instance. However, the applicant has proposed a unique design that has front porches on the street facing side of the development, to create a visual front door area.

Guideline G28 Entries should be visible and clearly identifiable from the fronting public street.

- As previously noted, the proposed development has the front doors of 2 of the 4 dwelling units facing towards the street. There will also be a prominent access path down the middle of the properties to access the rear units. The applicant will be required to have directional signage for addressing of rear units.

Guideline G29 Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.

- Each building has windows overlooking the street and the laneway. This includes windows from the living room on the upper floor.

Guideline G33 Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching

- The proposed development includes a landscaping plan that provides adequate and appropriate designs.
- The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering and utilizes a drip system.

Guideline G35 Tree planting...

- The landscaping plan proposes several trees in accordance with Zoning Bylaw No. 2021-01 requirements for duplex developments.
- Trees and shrubs have been provided throughout the property, which ensures shade and protection from weather elements throughout the site.

Guideline IR1 Building Siting

- The proposed front yard setback is similar to other homes on the street. While the RD2 zone has a 4.5m front yard setback, the applicant has a proposed setback of 10.36m to the building and 7.32m to the front porch features, which are similar to the existing single family homes in the area that have slightly larger front yard setbacks.

Guideline IR1 Intensive residential (infill) development should offer a diversity of housing to support objectives related to affordability and ageing in place.

- The proposed developments would provide 3 bedroom, 2 bathroom units in each duplex unit and suite on both proposed lots. This bedroom count can accommodate many future occupants including young professionals or families trying to find housing either for purchase or rent (suite) in the City.

BURGART PROJECTS Inc.

SUITE 389

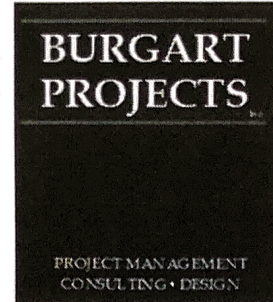
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V2A 5L1

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221 & 241 Nelson Avenue

Zoning Amendment Application

Letter of Intent

November 23, 2021

Attention: City of Penticton – Planning Department

The intent is to develop a high-quality duplex project consisting of 2 new duplexes mid-block at 241 Nelson Avenue. The current large lot will be subdivided into two identical lots. Each duplex unit will have a main floor / above-grade unit and a secondary suite below it resulting in four dwelling units per lot. The front and rear of each duplex will be a separate strata unit. The purpose of the zoning amendment is to correct a site-specific zoning clause that restricts each lot to two dwelling units. The property is currently zoned RD-2 and that will remain the same. The proposed zoning amendment will remove the above restriction and allow for four dwelling units per property consistent with the Official Community Plan. No variances to the current RD-2 zoning are required.

The design calls for the ground level suites to be large, high-quality residences and not the typical 'basement suite'. The suite floor level is set to minimize the number of steps down to the patio entrance and allow for large windows with no window wells.

The center walk (shared by both properties) and the center courtyard are the focus of the project. Based on feedback from residents from our 254/260 Orchard Avenue project, this concept has proved to very successful in creating a sense of community with the residents. The entrances to the suites come off this center courtyard allowing for a sense of security and the landscaping and privacy screens between the ground level patios provide privacy for each unit.

All units will be three-bedroom units with private amenity space (porches and patios) and private, secure exterior storage space (bikes). All the units are intended to be long-term rental residences.

The buildings will be 1 ½ storeys tall with main floor residence entrances facing Nelson Avenue, the two rear main floor residence entrances facing the lane and the four suite entrances off the central courtyard. There will be parking for 8 vehicles off the lane and two vehicles off Nelson. At over 10m long, the parking spaces off Nelson Ave could be used as tandem parking for two smaller cars. The architecture of the building will be a traditional style with pitched roofs and siding with shingle and board and batten accents. 241 Nelson will be a primarily soft grey with white trim. 221 Nelson will be white with white trim. The proposed front yard setbacks are in keeping with the neighbouring existing homes.

The project will feature extensive irrigated 'xeriscape' landscaping (no lawn). Plant species will be chosen to be colourful and the least attractive to deer. The rear main floor residences will have an enclosed/fenced yard.

Although the economics of the proposed project is constrained by the typical factors – location, size and form, as the property owner, designer and builder our intention is to build a high-quality project. We believe the scale and architectural quality of the project are complimentary to the existing neighbourhood and works well as the neighbourhood transitions from older single-family homes to a higher density community consistent with the long-term vision of the Official Community Plan (OCP).

We are excited by the long-term prospects for the city of Penticton and for the potential re-development of existing inner-city properties. We look forward to proceeding with this project and the completion of many more in the future.

Regards,

A handwritten signature in black ink, appearing to read 'B. Burgart', with a stylized, cursive script.

Brendan Burgart

Burgart Projects Inc.

President

221 & 241 Nelson Avenue

September 21, 2021

DEVELOPMENT PERMIT ANALYSIS

Framing Space

G1. Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.)

Relatively flat site with good drainage.

G2. Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

- All site / landscape plans should incorporate the boulevard.

Existing narrow boulevard is paved with broken asphalt. This asphalt will be removed and landscaped and incorporated into the landscaped front yard.

G3. Private and semi-private open spaces should be designed to optimize solar access (see Figure G3).

Large courtyard with low walls to the east and west will provide a sunny space.

G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

Potential mountain views from the central courtyard and the raised covered porches on the front at the front and rear of the buildings.

G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.

Proposed front yard setbacks are similar to adjacent existing homes.

G6. Building placement and orientation should respect significant public water, mountain and ridgeline views.

Potential mountain views from the central courtyard and the raised covered porches on the front at the front and rear of the buildings.

G7. All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.

'Eyes on the street' provided by the front and rear porches.

Central sidewalk to central courtyard for suite access. Good visibility from residences.

Prioritizing Pedestrians

A high-quality pedestrian environment is a central quality of any welcoming neighbourhood. Penticton is fortunate to have an extensive neighbourhood street network that links distinct areas in a reasonable walking distance. The following guidelines aim to optimize the quality and connectivity of pedestrian infrastructure and reduce conflict between pedestrians and vehicles.

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).

In order to provide bigger windows with no window wells (more natural daylight) for the ground level suites, the front porches will be higher than 1.8m above the public sidewalk.

G14. The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a “front stair” pedestrian connection shall be provided (see Figure 5-2).

A front stair pedestrian connection is provided to the outdoor residential space. In order to provide bigger windows with no window wells (more natural daylight) for the ground level suites, the front porches will be higher than 1.2m above the public sidewalk.

G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.

There will be no fencing facing the front public space. A 1.2m chain link fence facing the rear lane will separate the parking area from the rear yard.

Cars and Parking

The following guidelines are intended to reduce the impacts of automobile infrastructure – including access and parking – and to further support a high-quality pedestrian realm.

G16. Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space:

- Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4).
- Where possible, shared automobile accesses should be considered to optimize land use, and to reduce impermeable surface coverage and sidewalk crossings.

The property is very deep (55.86m), to provide practical on-site parking for the front street facing units, one parking stall is provided in the front yard. Stall width is 3.7m. Parking for the other units is off the rear lane.

G17. On-site parking location and design should minimize visual impact and provide safe connections for pedestrians:

- Outdoor surface parking areas should incorporate pathways that provide safe, accessible and comfortable pedestrian connections to entries/destinations.

All parking stalls have close, convenient pedestrian connections and good visibility from the residential units.

G19. All multifamily developments should accommodate sustainable modes of transportation through:

- Provision of bike parking and/or safe storage of alternative transportation/ mobility equipment (bikes, mobility scooters, etc.).

All residential units have separate, private, secure storage rooms for bikes.

Architecture

Friendly Faces, Friendly Neighbours (Orientation & Massing)

Massing (the three-dimensional form) and articulation (how the parts fit together) of architecture are tools that can reduce the apparent size of large buildings and help ensure the sensitive transition to adjacent buildings and open spaces. It can also provide visual interest for pedestrians. New development should consider the scale of its neighbours and avoid abrupt transitions in height and massing between adjacent buildings.

Eyes on the Street

Create active and safe shared spaces through orientation of primary building entrances, windows, porches/ balconies to the public realm, sidewalks and other shared open spaces.

G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas (see Figure 5-7).

Entry porches overlook the public sidewalk and rear parking area.

Center entry walk makes for 'courtyard' feeling where residents can keep an eye on their neighbour's entries.

G35. Tree planting

- Where space permits, landscaped areas, boulevards and setback areas adjacent to streets should be planted with trees with appropriate soil volumes to ensure longevity.
- All areas with planted trees must be irrigated
- All development fronting a public street shall plant a landscaped area fronting the public road with regularly spaced street trees no further than 10 metres apart, and at least 2.5 meters tall at the time of planting.
- The planting of additional trees is strongly encouraged, particularly if existing trees cannot be preserved, in order to maintain and expand the urban forest canopy.

The landscaping plan indicates irrigated street trees at the prescribed spacing.

Landscape Architecture

Design with Nature

Landscape design must reflect Penticton's natural environment. Further, local climate and landscape requires that designs are considerate of extreme temperatures, low annual rainfall and erodible soils.

Functional Use of Landscapes

Designs should be prepared by a professional with experience in the planning, design and implementation of high-quality landscapes designs.

G39. Defining the Public- and Private Realms

- Clearly signaled transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkways, ramp, stair), semi-private (e.g., stoop, balcony) and private (e.g., entry) realms shall be clearly defined to enhance both the privacy of residences and the pedestrian experience, and may include:
 - » Landscape terracing (e.g., grading, retaining);

The front yard climbs up gently approx. 0.60m to provide a sense of separation from the public walk and the private yard.

- » Planting (e.g., low hedges) and/or

A variety of textures, heights and colours provide layering and interest. All species indicated have been used in past projects (254/260 Orchard Ave, 295 Abbott Street, 241 Wade Ave East) and have done well.

- » Changes in surfacing materials.

Larger 3"-6" cobbles make up most of the surfacing but smaller ¾" clear crush is used in some areas. Large boulders will be used as features.

- » Planting around utility kiosks, containers and/or dumpsters.

Tall Karl Forster grass screen the garbage and recycling container areas.

Materials Selection – Softscapes & Hardscapes

The material and quality of landscapes – in public and private spaces - play an important role in defining the character of Penticton. Material selection (plants and construction materials), high quality landscape design and materials will enhance landscape performance, visual character and aesthetic quality while reinforcing a positive, green image of Penticton.

- Invasive species are prohibited.

No invasive species are proposed.

- Synthetic turf is prohibited.

No synthetic turf is proposed.

Lighting

Lighting is essential to wayfinding and safety at night. Equally important is the scale, intensity, quality, location and direction of lighting.

G48. Lighting shall be provided for all building entrances, walkways, driveways, parking areas and loading areas and should be sufficient to provide clear orientation, personal safety and site security, including allowing for overlook from adjacent buildings.

Motion security lights are located for the front driveways, front entrances, center access walk, ground floor entrances, rear unit entries, rear unit yards.

Waste Management

Notwithstanding the screening regulations in the Zoning Bylaw, management of garbage and recycling must be integrated in the overall design to mitigate impacts to form and character.

G58. Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic,

G59. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.

G60. Clear access to refuse/recycling areas must be provided.

Garbage and recycling bin storage locations and collection locations are shown on the landscape plan.

Fences

Notwithstanding the fencing regulations in the Zoning Bylaw, fencing design should provide a level of privacy to the development but not present an unfriendly solid wall to the public street.

G61. Fencing located along a street edge should be low and/or not create a solid barrier (i.e. it should be visually transparent).

G62. Fencing along the street edge should be supplemented with low profile landscape plantings.

G63. All plans should show intended fencing.

No fence in the front yard. Other fences shown on the landscaping plan.



Development Permit

Permit Number: DP PL2021-9142

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: Proposed Lot B (Legal to be updated after subdivision)
 - Civic: Proposed Lot B (Civic to be updated after subdivision)
 - PID: Proposed Lot B (PID to be updated after subdivision)
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex with suites (4 dwelling units) as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

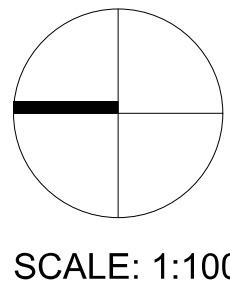
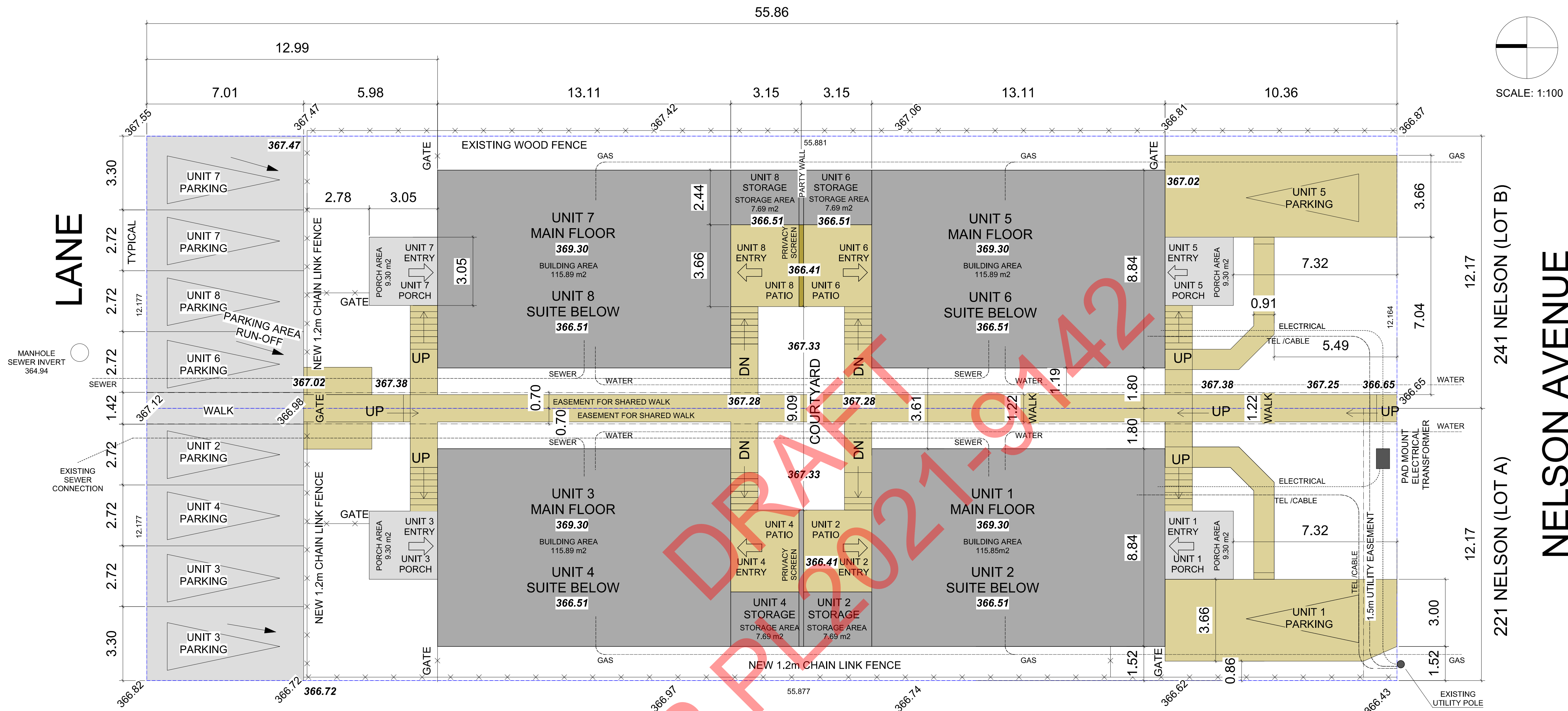
General Conditions

7. In accordance with Section 501(2) 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'.
8. 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.
9. **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.**
10. 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.
11. 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 Authority, the ____ day of _____.

Issued this ____ day of _____.

Angela Collison
Corporate Officer



SITE PLAN

LOT COVERAGE CACULATIONS - ALL IN m^2

MAIN BUILDING	13.11 X 8.84 =	115.89
FRONT PORCH	3.05 X 3.05 =	9.30
LOWER STORAGE	3.15 X 2.44 =	7.69
PER 1/2 DUPLEX	SUBTOTAL	132.88
X BOTH HALVES	TOTAL AREA	265.76
LOT AREA		680.10
LOT COVERAGE		39.08%

PROPOSED DUPLEX WITH SUITES - SAME BUILDING FOR BOTH LOT A & B

REGULATION	ALLOWED	PROPOSED
MIN LOT WIDTH	9.1m	12.2m
MIN LOT AREA	279m2	680m2
MAX LOT COVERAGE	40%	39%
MAX DENSITY	0.95	0.68
MAX HEIGHT	10.5m	5.5m (MID-ROOF)
MIN FRONT YARD	4.5m	7.3m TO PORCH 10.36m TO BUILDING
MIN INT. SIDEYARD	1.5m	1.52m
MIN REAR YARD	6.0m	9.9m TO PORCH 12.99m TO BUILDING

DEVELOPMENT PERMIT APPLICATION

221 & 241 NELSON AVENUE

EXISTING ZONING: RD2
PROPOSED ZONING: RD2

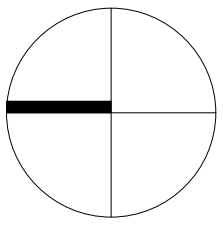
SUMMARY
BUILD ONE FRONT/BACK DUPLEX ON EACH LOT
EACH DUPLEX HALF WILL HAVE 1 BASEMENT SUITE
4 DWELLING UNITS ON EACH LOT

DESIGN & DRAWINGS
BY
BURGART PROJECTS INC.

SUITE 389
113 - 437 MARTIN STREET
PENTICTON, BC
V2A 5L1

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infor@burgartprojects.com





SCALE: 1:100



- 1

MUNSTEAD LAVENDER
- 2

KARL FOERSTER GRASS
- 3

CALGARY CARPET JUNIPER
- 4

BLUE ARROW JUNIPER
- 5

ROYAL BURGUNDY BARBERRY
- 6

JAPANESE TREE LILAC
- BOULDER
- MOTION ACTIVATED SECURITY LIGHTS
- TREES SPECIFIED AS PER CoP ZONING BYLAW SECTION 5.3
- ALL LANDSCAPING SERVICE BY AUTOMATIC UNDERGROUND IRRIGATION
- Transformer to be covered with a decorative wrap

LANDSCAPING PLAN

221 & 241 NELSON AVENUE

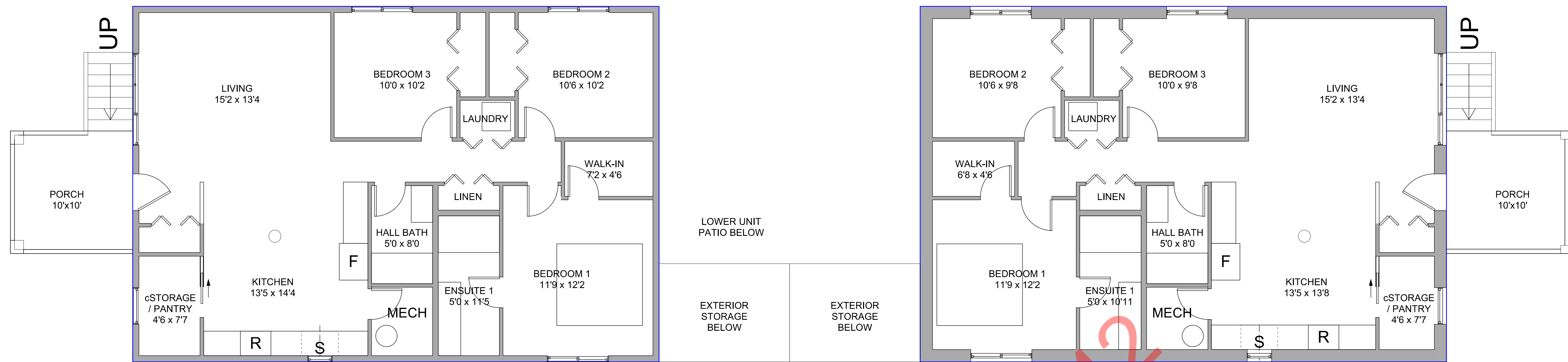


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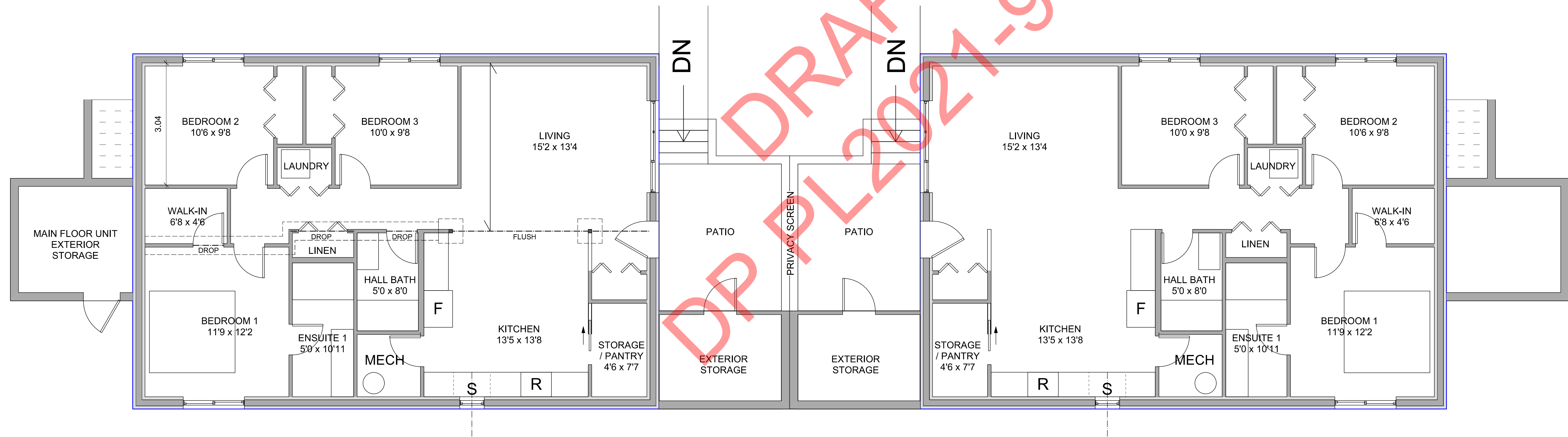
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241 NELSON - UPPER FLOOR



241 NELSON - LOWER FLOOR

SCALE 1:50

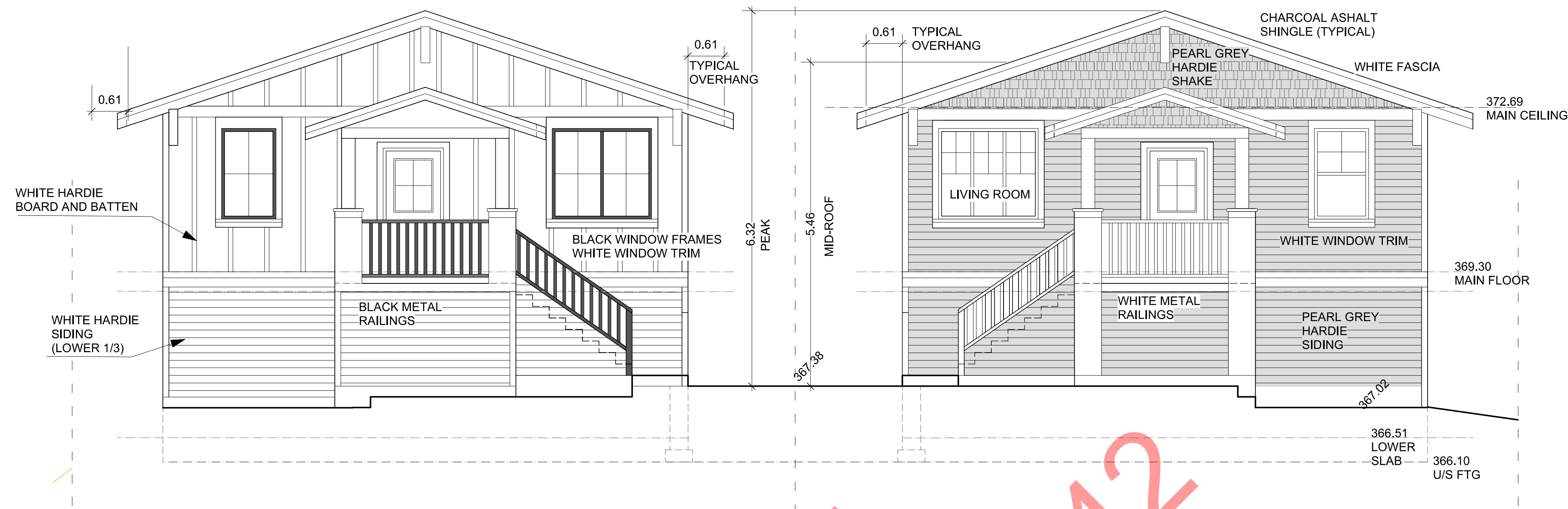
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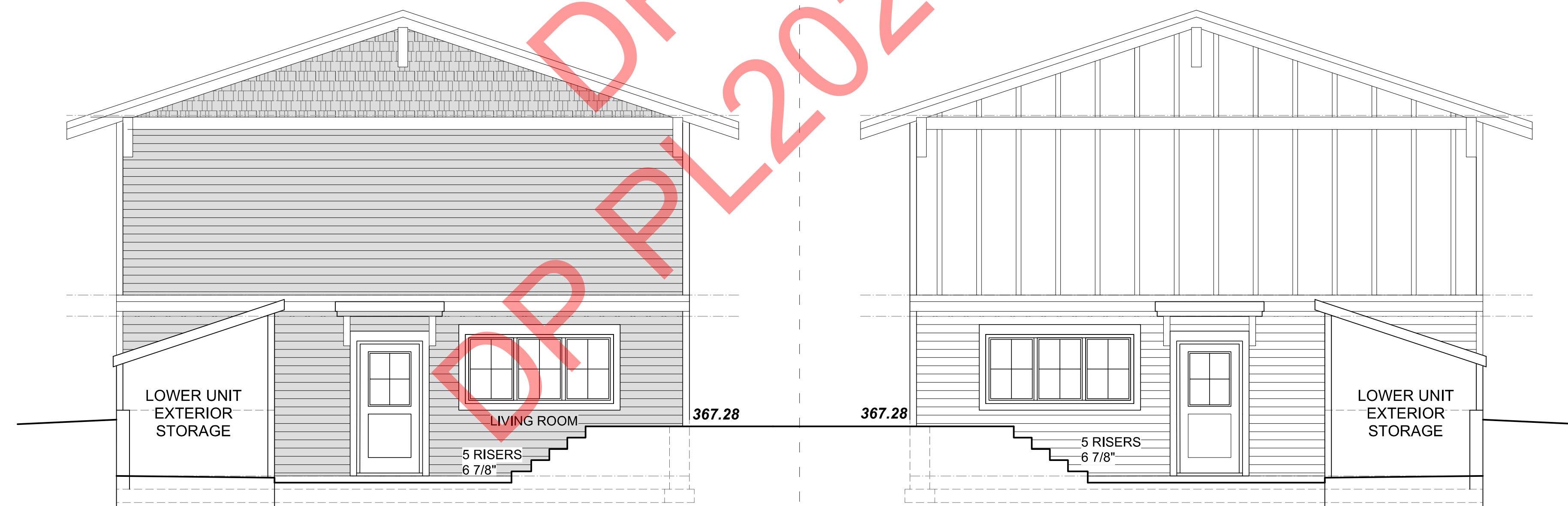
PROJECT MANAGEMENT
CONSULTING DESIGN



221 NELSON

241 NELSON

SOUTH (FRONT) ELEVATION



4.96m² - WINDOWS AND DOORS
62.15 m² - WALL AREA
4.97m² MAX. UNPROTECTED AREA
8.0 % UNPROTECTED OPENINGS
LIMITING DISTANCE: 1.80m

COURTYARD NORTH ELEVATION

SCALE 1:50

241 NELSON

221 NELSON



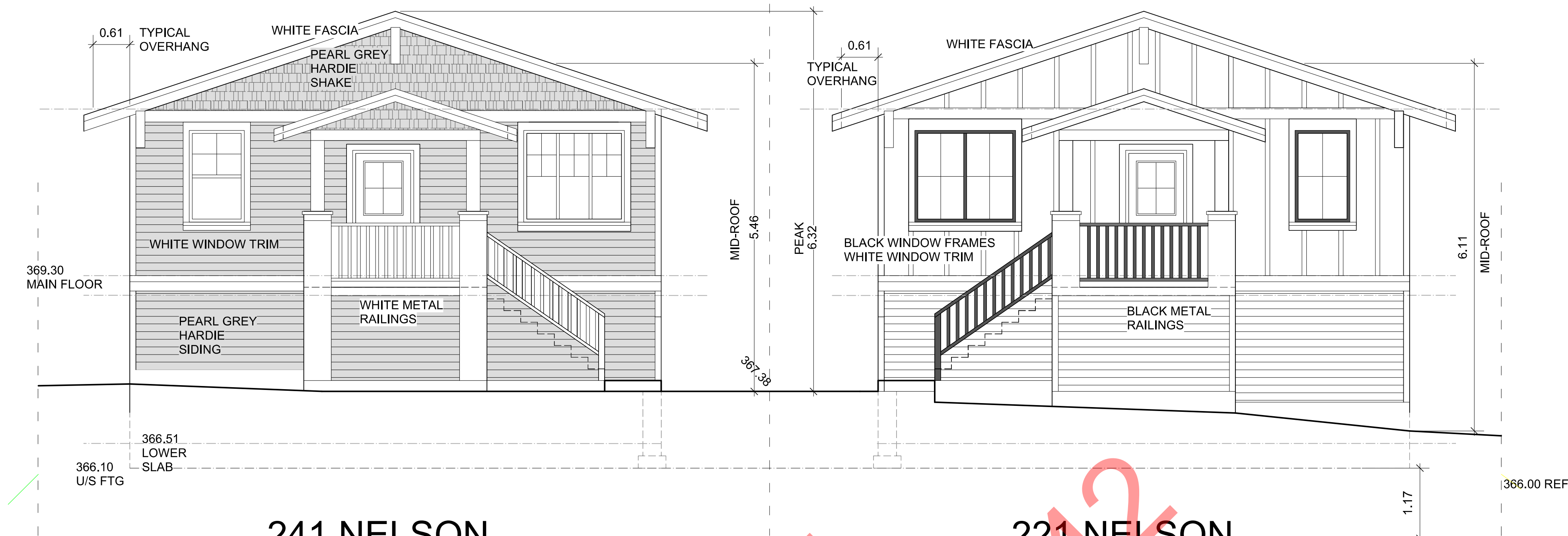
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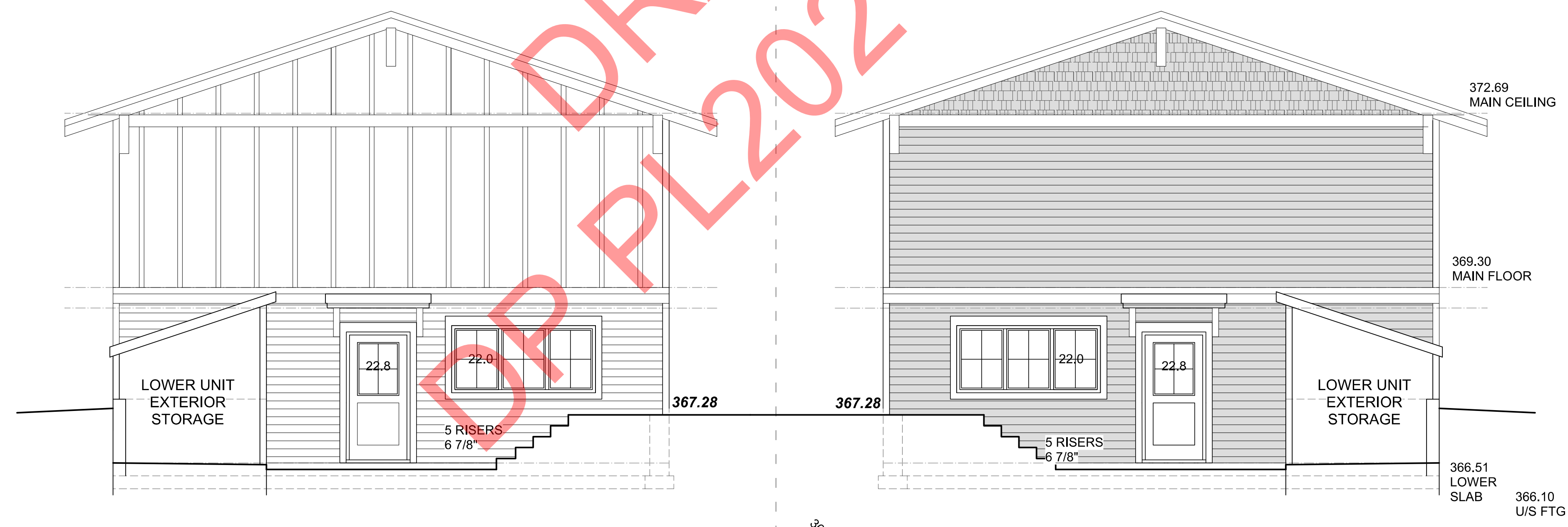
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241 NELSON

221 NELSON

NORTH (REAR) ELEVATION



221 NELSON

241 NELSON

COURTYARD SOUTH ELEVATION

SCALE 1:50

4.96m² - WINDOWS AND DOORS
62.15 m² - WALL AREA
4.97m² MAX. UNPROTECTED AREA
8.0 % UNPROTECTED OPENINGS
LIMITING DISTANCE: 1.80m



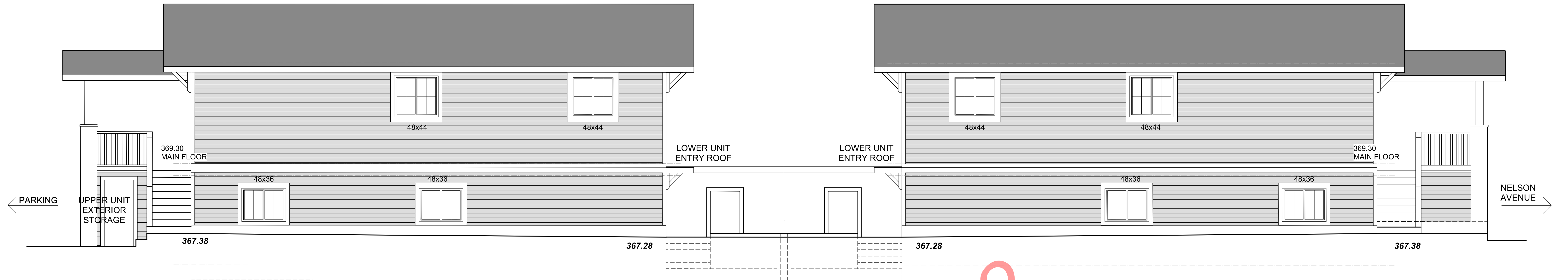
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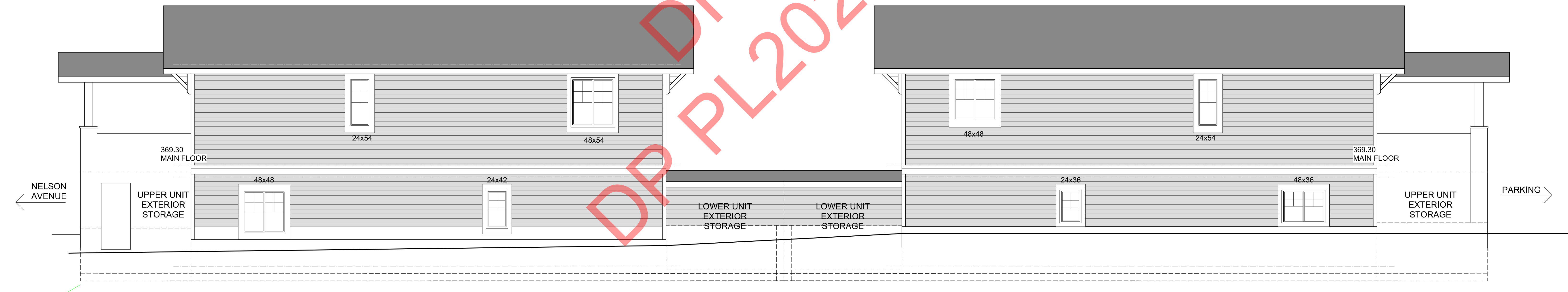
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 4.97m² MAX. UNPROTECTED AREA
 8.0 % UNPROTECTED OPENINGS
 LIMITING DISTANCE: 1.80m

241 NELSON - WEST (COURTYARD) ELEVATION

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 62.15 m² - WALL AREA
 4.97m² MAX. UNPROTECTED AREA
 8.0 % UNPROTECTED OPENINGS
 LIMITING DISTANCE: 1.80m



241 NELSON - EAST ELEVATION

SCALE 1:50



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Development Permit

Permit Number: DP PL2021-9143

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: Proposed Lot A (Legal to be updated after subdivision)
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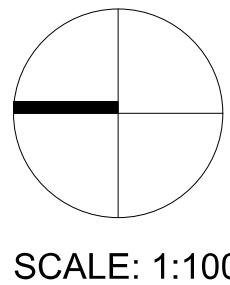
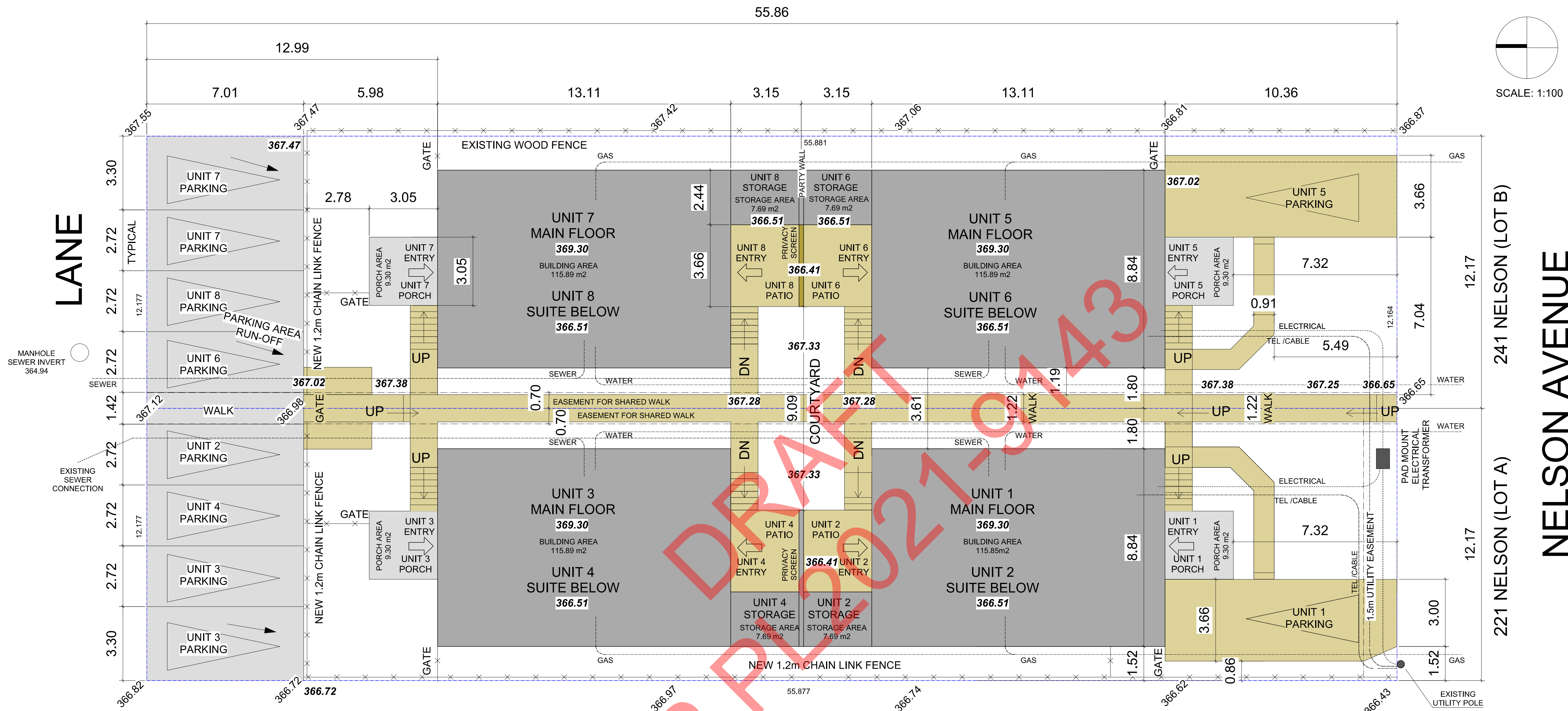
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Authorized by Authority, the ____ day of _____.

Issued this ____ day of _____.

Angela Collison
Corporate Officer



SITE PLAN

LOT COVERAGE CACULATIONS - ALL IN m^2

MAIN BUILDING	13.11 X 8.84 =	115.89
FRONT PORCH	3.05 X 3.05 =	9.30
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DEVELOPMENT PERMIT APPLICATION

221 & 241 NELSON AVENUE

EXISTING ZONING: RD2
PROPOSED ZONING: RD2

SUMMARY
BUILD ONE FRONT/BACK DUPLEX ON EACH LOT
EACH DUPLEX HALF WILL HAVE 1 BASEMENT SUITE
4 DWELLING UNITS ON EACH LOT

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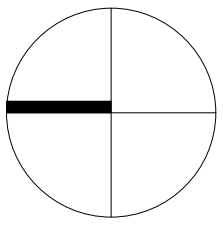
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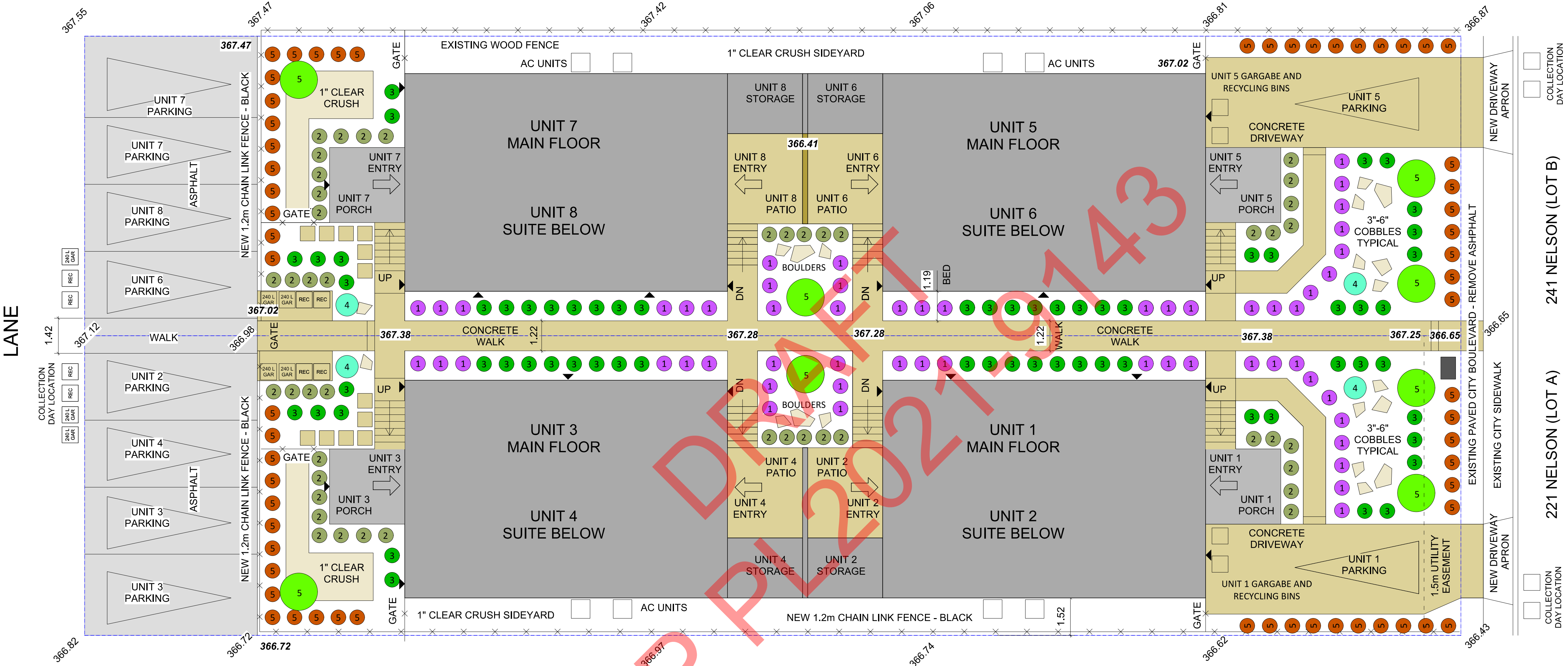
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SCALE: 1:100



- 1

MUNSTEAD LAVENDER
- 2

KARL FOERSTER GRASS
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CALGARY CARPET JUNIPER
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- BOULDER
- MOTION ACTIVATED SECURITY LIGHTS
- ALL LANDSCAPING SERVICE BY AUTOMATIC UNDERGROUND IRRIGATION
- Transformer to be covered with a decorative wrap

LANDSCAPING PLAN

221 & 241 NELSON AVENUE



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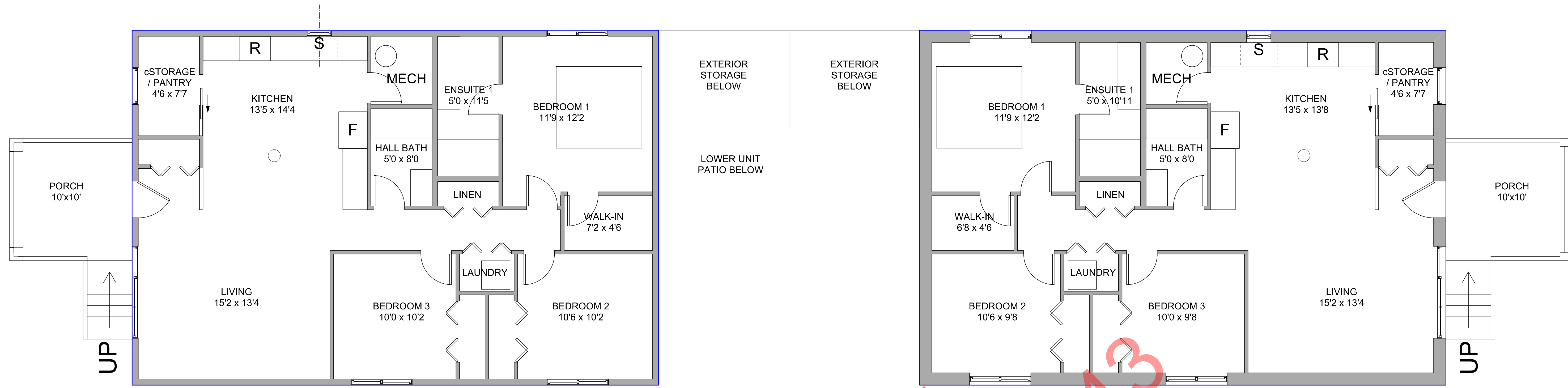
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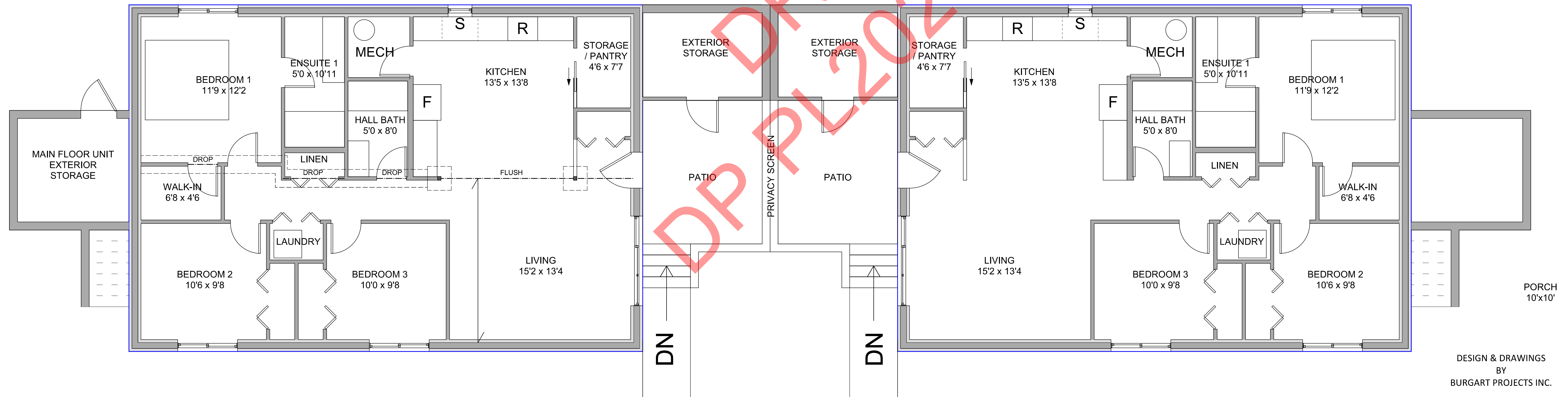


PROJECT MANAGEMENT
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221 NELSON - UPPER FLOOR



221 NELSON - LOWER FLOOR

SCALE 1:50

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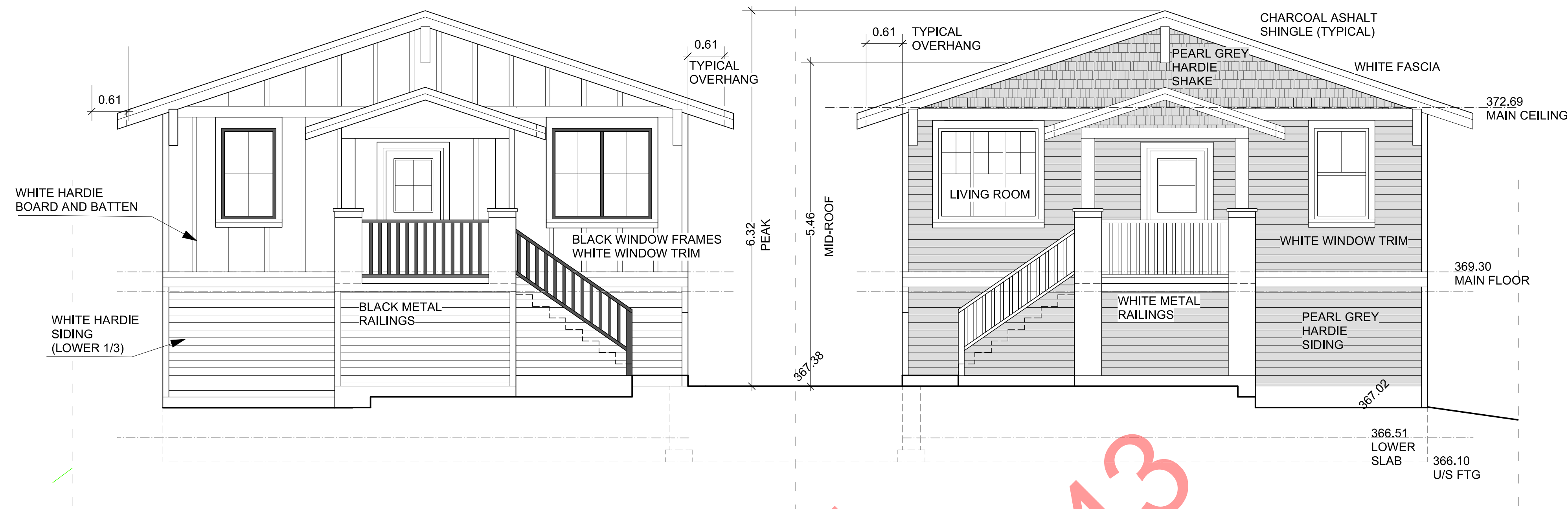
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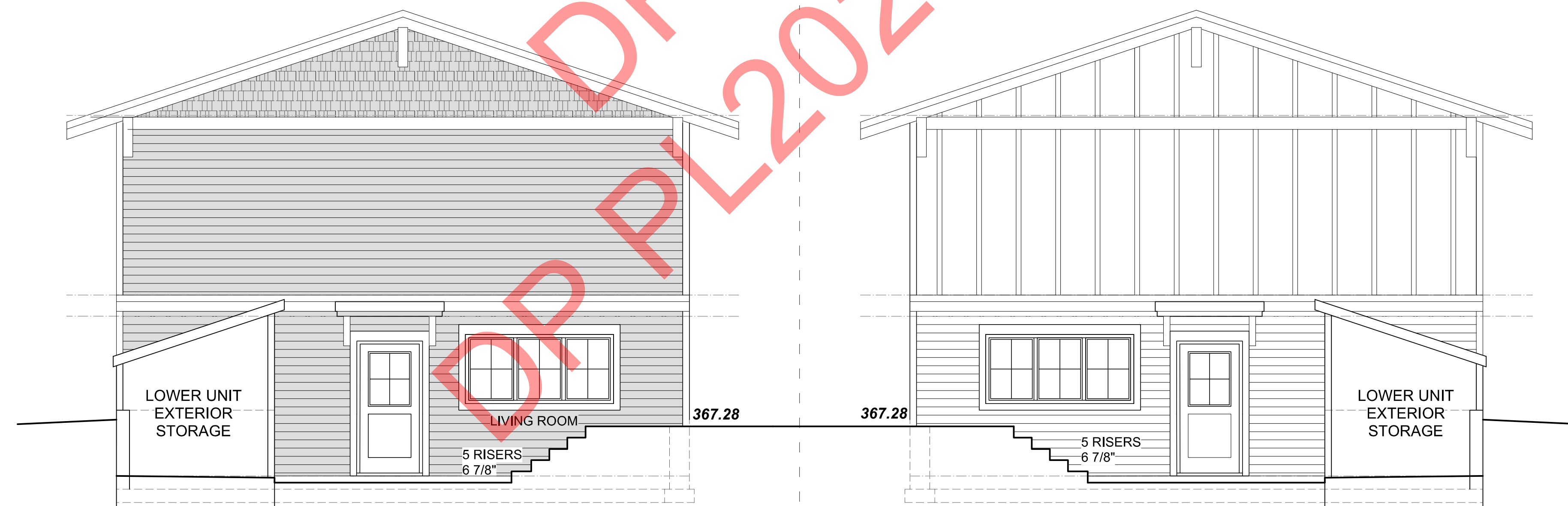
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221 NELSON

241 NELSON

SOUTH (FRONT) ELEVATION



4.96m² - WINDOWS AND DOORS
62.15 m² - WALL AREA
4.97m² MAX. UNPROTECTED AREA
8.0 % UNPROTECTED OPENINGS

LIMITING DISTANCE: 1.80m

COURTYARD NORTH ELEVATION

SCALE 1:50

241 NELSON

221 NELSON

DESIGN & DRAWINGS
BY
BURGART PROJECTS INC.

SUITE 389
113 - 437 MARTIN STREET
PENTICTON, BC
V2A 5L1

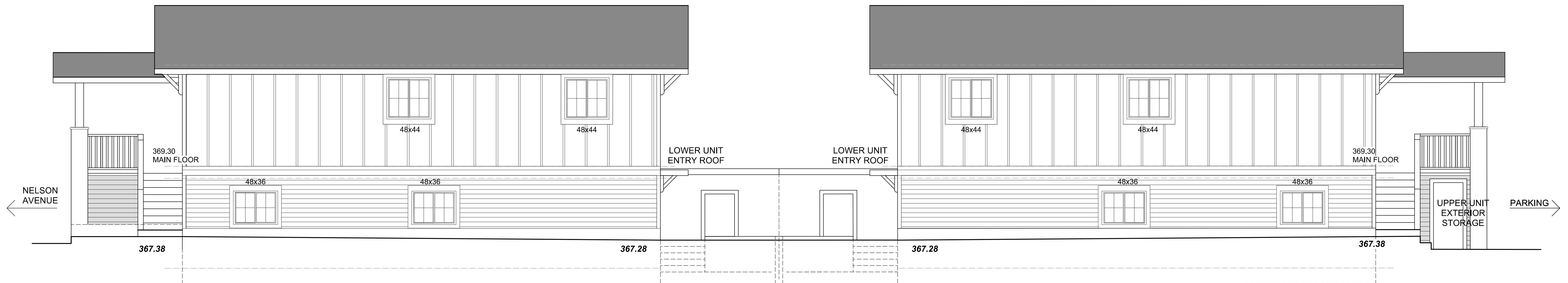
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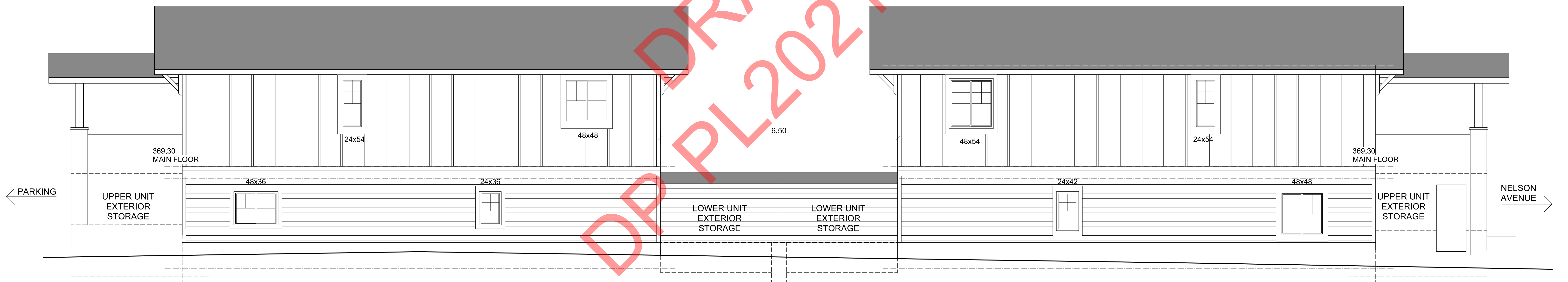




4.96m² - WINDOWS AND DOORS
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 4.97m² MAX. UNPROTECTED AREA
 8.0 % UNPROTECTED OPENINGS
 LIMITING DISTANCE: 1.80m

221 NELSON - EAST (COURTYARD) ELEVATION

4.96m² - WINDOWS AND DOORS
 62.15 m² - WALL AREA
 4.97m² MAX. UNPROTECTED AREA
 8.0 % UNPROTECTED OPENINGS
 LIMITING DISTANCE: 1.80m



221 NELSON - WEST ELEVATION

SCALE 1:50



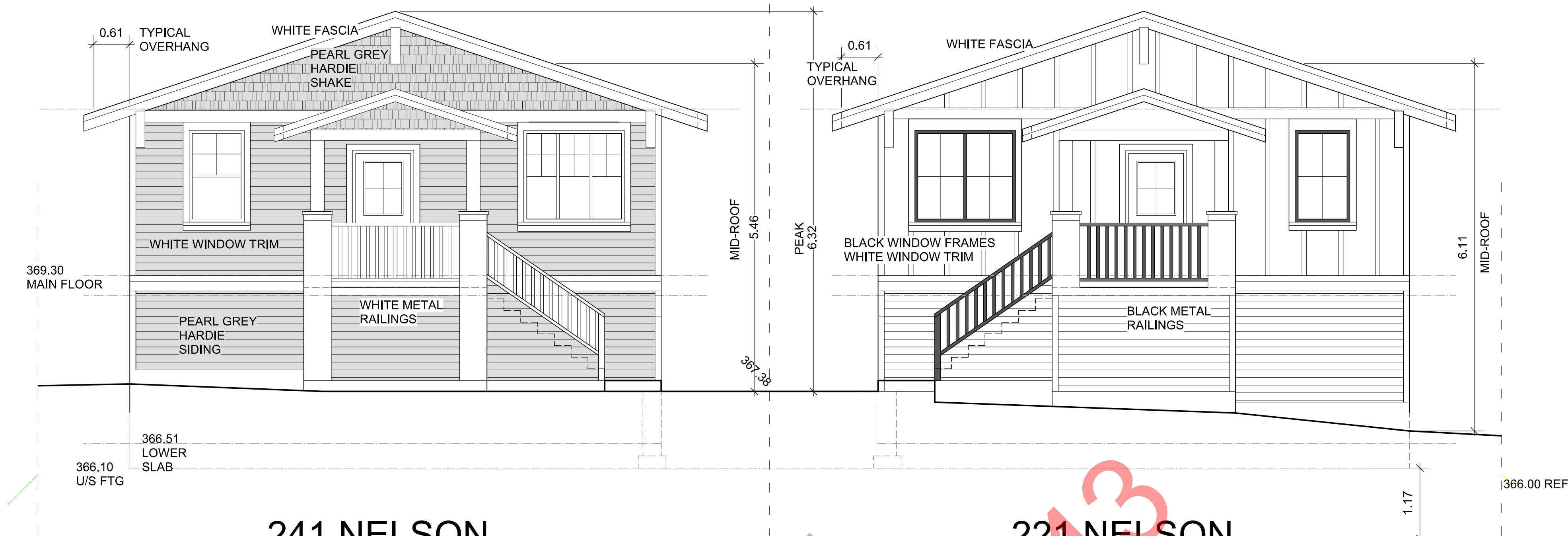
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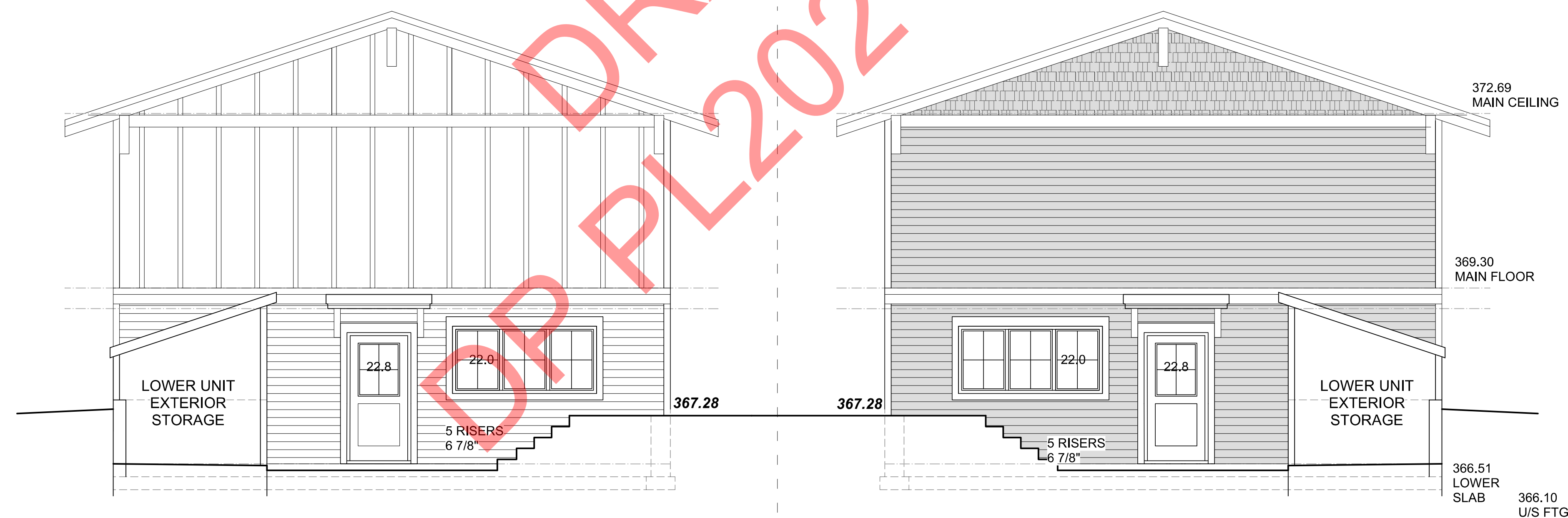
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241 NELSON

221 NELSON

NORTH (REAR) ELEVATION



221 NELSON

241 NELSON

COURTYARD SOUTH ELEVATION

SCALE 1:50

4.96m² - WINDOWS AND DOORS
62.15 m² - WALL AREA
4.97m² MAX. UNPROTECTED AREA
8.0 % UNPROTECTED OPENINGS
LIMITING DISTANCE: 1.80m



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The Corporation of the City of Penticton

Bylaw No. 2021-46

A Bylaw to Amend Zoning Bylaw 2021-01

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2021-01;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2021-46".

2. **Amendment:**

2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Delete and replace 10.5.4. SITE SPECIFIC PROVISIONS with the following:

.7 In the case of Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, vehicular access is allowed from the street.

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	7	day of	December, 2021
A PUBLIC HEARING was held this		day of	, 2022
READ A SECOND time this		day of	, 2022
READ A THIRD time this		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2021 and the ___ day of ___, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

241 Nelson Ave.

To amend the site specific zoning:

From: "In the case of Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street."

To: "In the case of Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue, vehicular access is allowed from the street."



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-46

Date: _____

Corporate Officer: _____