

February 3, 2022

Address & Legal Description:

784 Ross Avenue

Lot 12, District Lot 250, Similkameen Division
Yale District, Plan 8343

Subject & Proposal

Development Variance Permit PL2021-9219

The applicants are proposing to renovate the interior of the existing accessory building to expand an existing home occupation (registered massage therapy) to operate within the full building. The proposed floor area expansion within the accessory building results in the home occupation having a floor area of 72m² which exceeds the 50m² maximum permitted floor area. The applicant has applied to vary the following section of Zoning Bylaw 2021-01:



- Section 7.4.2 - To increase the maximum permitted floor area of a major home occupation in an accessory building from 50m² to 72m².

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9219 on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, February 15, 2022** at Penticton City Hall, 171 Main St.

In response to COVID-19, the Regular Council meeting will be held electronically via zoom. The public may attend City Hall, 171 Main Street to watch and hear the proceedings that are open to the public. Residents are encouraged to continue taking advantage of the opportunity to observe and participate in Council meetings virtually.

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, February 15, 2022**, to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca

Please ensure the following is included in your correspondence:

Subject: DVP PL2021-9219; 784 Ross Ave.

No letter, report or representation from the public will be received by Council after the conclusion of the February 15, 2022 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: February 15, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 784 Ross Avenue
Subject: Development Variance Permit PL2021-9219

File No: RMS/784 Ross Ave

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9219", for Lot 12 District Lot 250 Similkameen Division Yale District Plan 8343, located at 784 Ross Avenue, a permit to vary Section 7.4.2 of Zoning Bylaw 2021-01 to increase the maximum permitted floor area of a major home occupation in an accessory building from 50m² to 72m².

AND THAT Council direct staff to issue the permit.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicants are proposing to renovate a portion of the existing accessory building to expand an existing home occupation (registered massage therapy). The proposed expansion results in the home occupation having a floor area of 72m² which exceeds the 50m² maximum permitted floor area in the Zoning Bylaw. As such, the applicants have requested a variance to allow the increased home occupation floor area within the existing building (Attachment 'D').

Background

The subject property is located on the south side of Ross Avenue in a primarily residential area (Figure 1). The property contains a single detached dwelling with an accessory building. The accessory building was constructed as a detached garage in

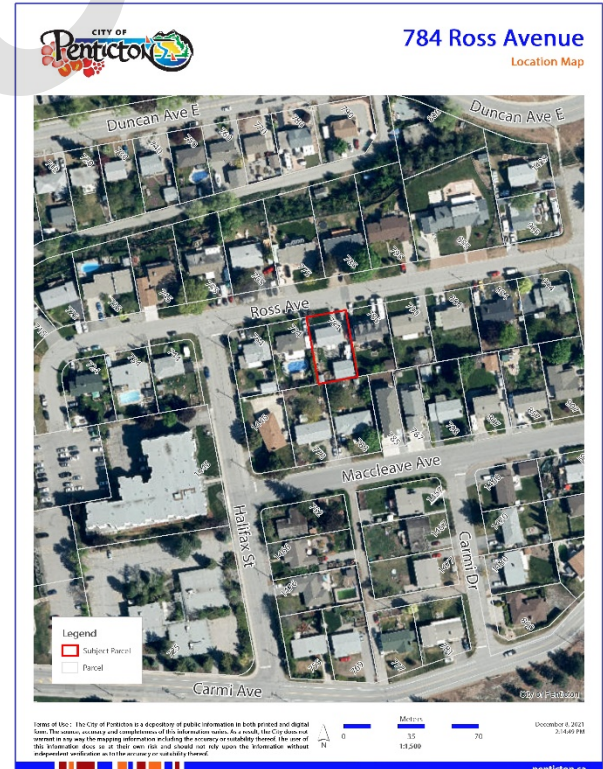


Figure 1 - Property location map

1999. Approximately half of the accessory building was renovated in 2017 to accommodate a registered massage therapy home occupation. The other half of the accessory building is used for personal storage by the property owner.

The home occupation on this property has existed since 2017. Along Ross Avenue, there are several other home occupations related to healthcare, as this neighbourhood is located close to Penticton Regional Hospital. The applicants have outlined their justification for the additional floor space (Attachment 'D'). The applicants have discussed the proposed expansion with surrounding neighbours, some of whom have submitted letters of support for the requested variance (Attachment 'E').

Technical Review

This application was reviewed by the Technical Planning Committee, a group of internal staff who review planning applications. The committee had no concerns related to the requested variance, as no changes are proposed to the exterior of the existing building and there will be no added demand on municipal services. Staff shared future building permit application requirements with the applicant, to assist with that future approvals process should Council ultimately approve the requested variance.

Analysis

When considering a variance to a City bylaw, staff encourages Council to consider if approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The applicant is requesting one variance to increase the maximum floor area for a home occupation in an accessory building from 50m² to 72m². Staff have reviewed the application and are recommending approval for the variance based on the following:

1. No change is proposed to the exterior of the accessory building.

The accessory building was constructed in 1999, and has contained a registered massage therapy office in a portion of the building since 2017. The proposed internal renovation to utilize the full floor area of the building for the home occupation will not result in any changes to the exterior size or look of the building (Attachment 'D'). Given that no change will be visible from the outside, staff consider that neighbourhood impact is minimal from the proposed renovation and the increased home occupation floor area within the existing accessory building.

2. The proposed expansion remains in compliance with other applicable home occupation regulations.

Home occupations are limited in size and scale through the Zoning Bylaw. The intent of these regulations is to allow for home occupations while ensuring that the scale and uses are compatible with surrounding residential neighbourhoods. While this proposal is for additional floor area for an existing home occupation, the other home occupation regulations (i.e. limit of customer visits, limit to staff, maintaining a residential character, etc.) are met through this proposal. The increased floor area would allow for an additional treatment room to be available. Currently, there is only one treatment room within the size limitation. Having two treatment rooms limits the number of clients at a time to a maximum of two, as required by the Zoning Bylaw and as understood by the applicant (Attachment 'D'). There is sufficient parking on-site for clients and the exterior of the building will continue to resemble a detached garage, which is in keeping with built forms typically found on

detached residential properties. Staff note that the applicants have been licensed for a home occupation since 2017 and are aware of the applicable regulations (Attachment 'D').

3. Immediate neighbours have submitted letters of support.

Staff encourage applicants to discuss their variance proposal with immediate neighbours to gather their feedback and potentially revise the proposal to meet mutual needs. This applicants have discussed their variance request and proposed floor area expansion with neighbours (Attachment 'D'), four of whom submitted letters of support which the applicant included with this development variance permit application (Figure 2). The letters of support are included as Attachment 'E'. The letters suggest that negative impacts to neighbours from the proposed variance and internal renovation are not anticipated.



Figure 2 - Letters of support received from properties in yellow.
Subject property outlined in red.

Given the reasons listed above, staff support the requested variance. No negative impacts on neighbours are anticipated because there is no addition proposed to the accessory building and the neighbours have submitted letters of support, indicating they are not concerned with the proposed additional home occupation floor area. The variance request is considered reasonable to utilize the full area of the existing accessory building while still keeping the use within a reasonable scale for the surrounding residential neighbourhood and meeting the other applicable home occupation regulations. Staff are recommending that Council approve "Development Variance Permit PL2021-9219" and direct staff to issue the permit.

Alternate Recommendations

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance. Staff are not recommending this option.

1. THAT Council deny "Development Variance Permit PL2021-9219".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Letters of Support from Neighbours

Attachment F – Draft Development Variance Permit PL2021-9219

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

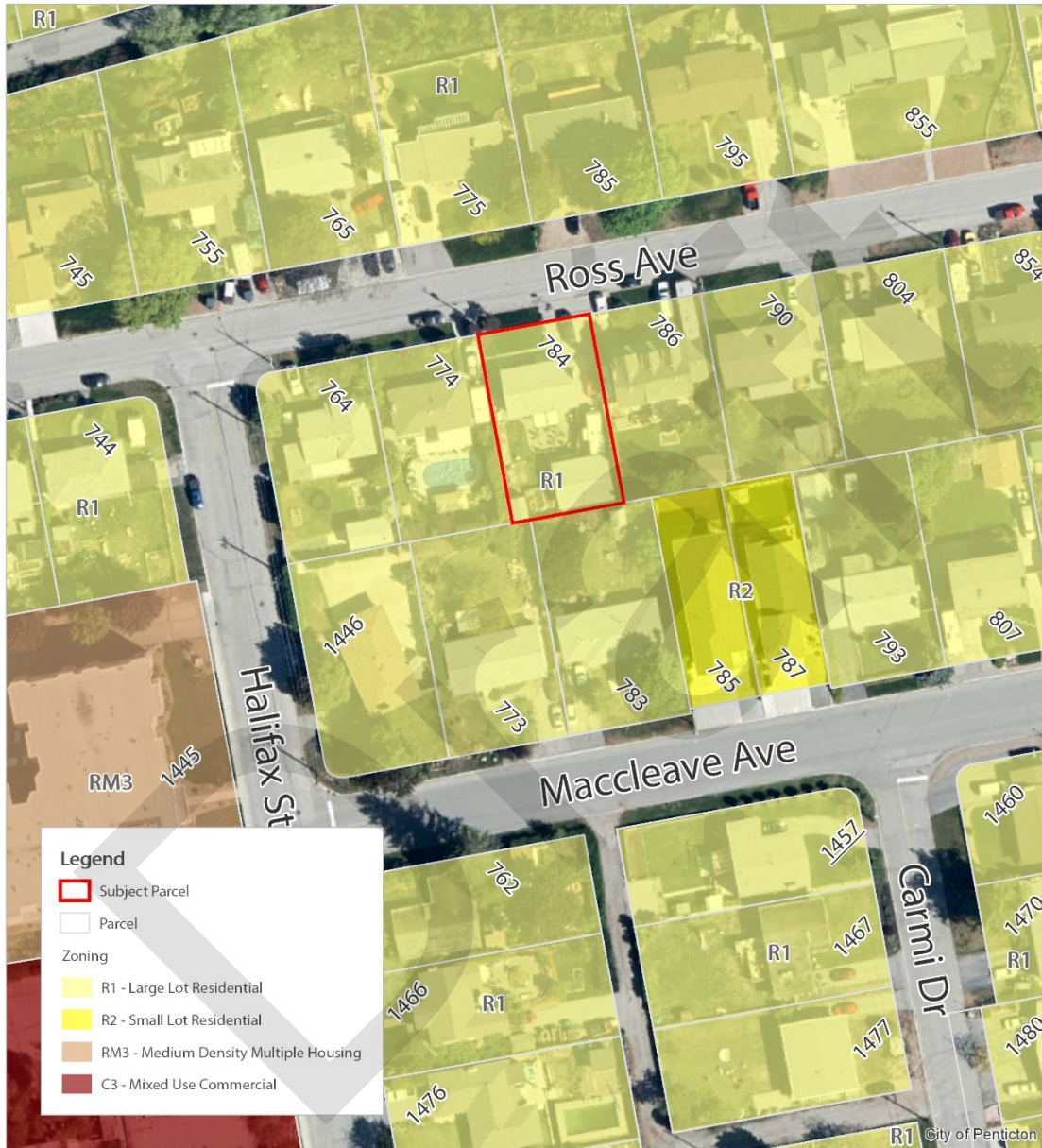
Director of Development Services	Chief Administrative Officer
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Attachment A – Zoning Map

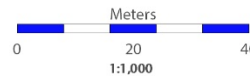


784 Ross Avenue

Zoning Map



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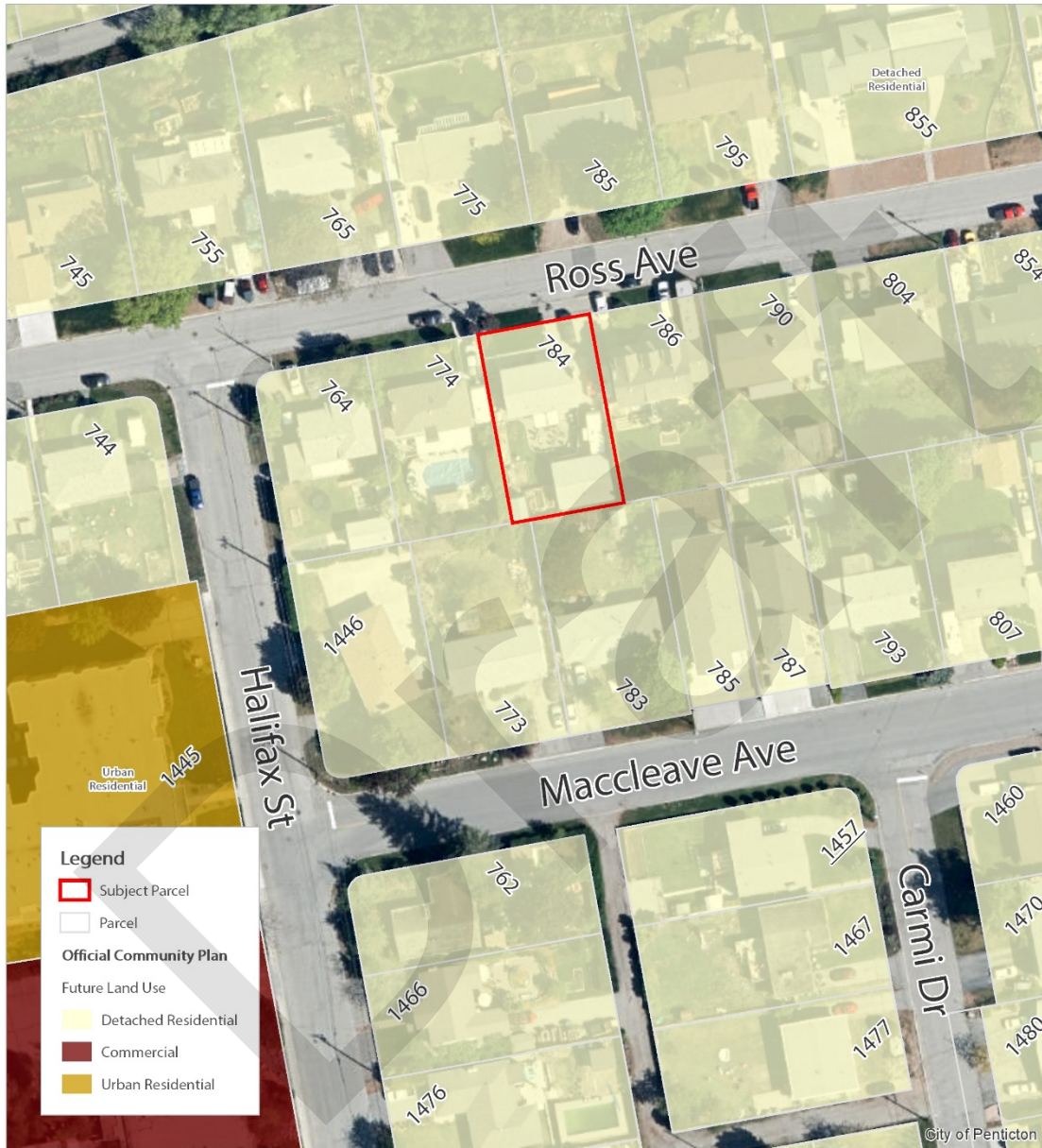
December 8, 2021
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penticton.ca

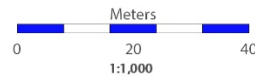


784 Ross Avenue

Official Community Plan Map



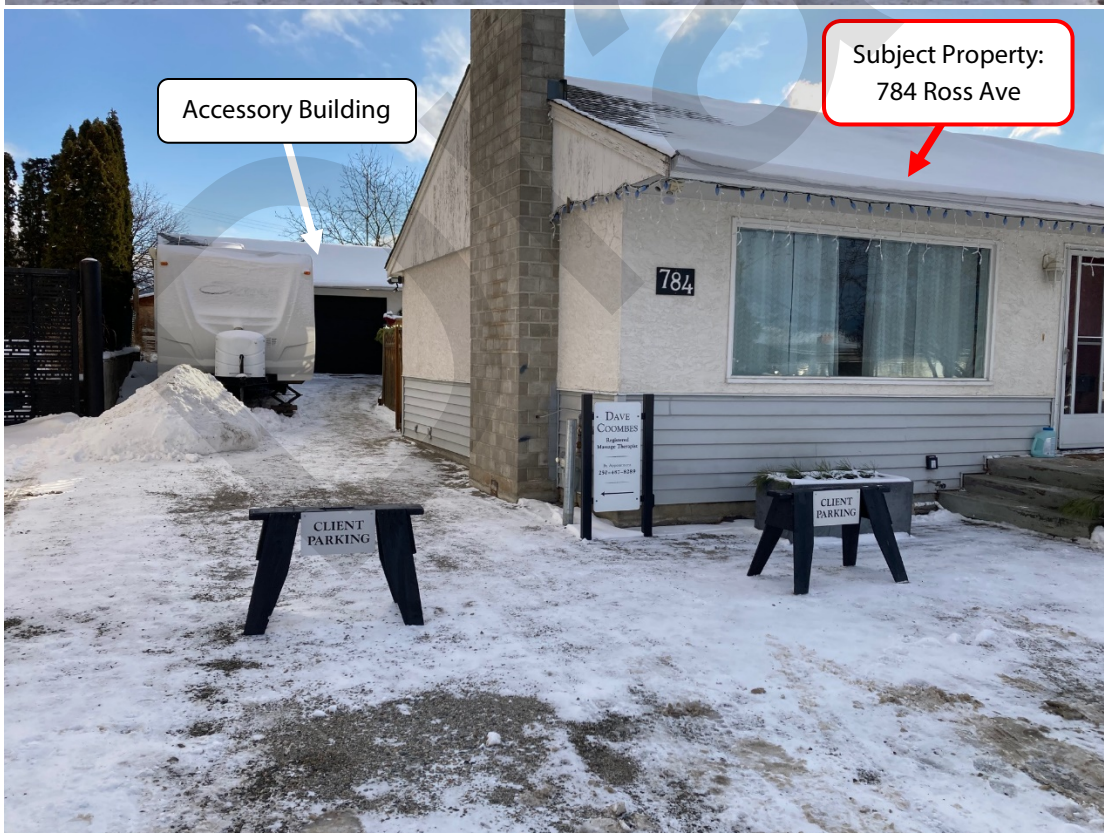
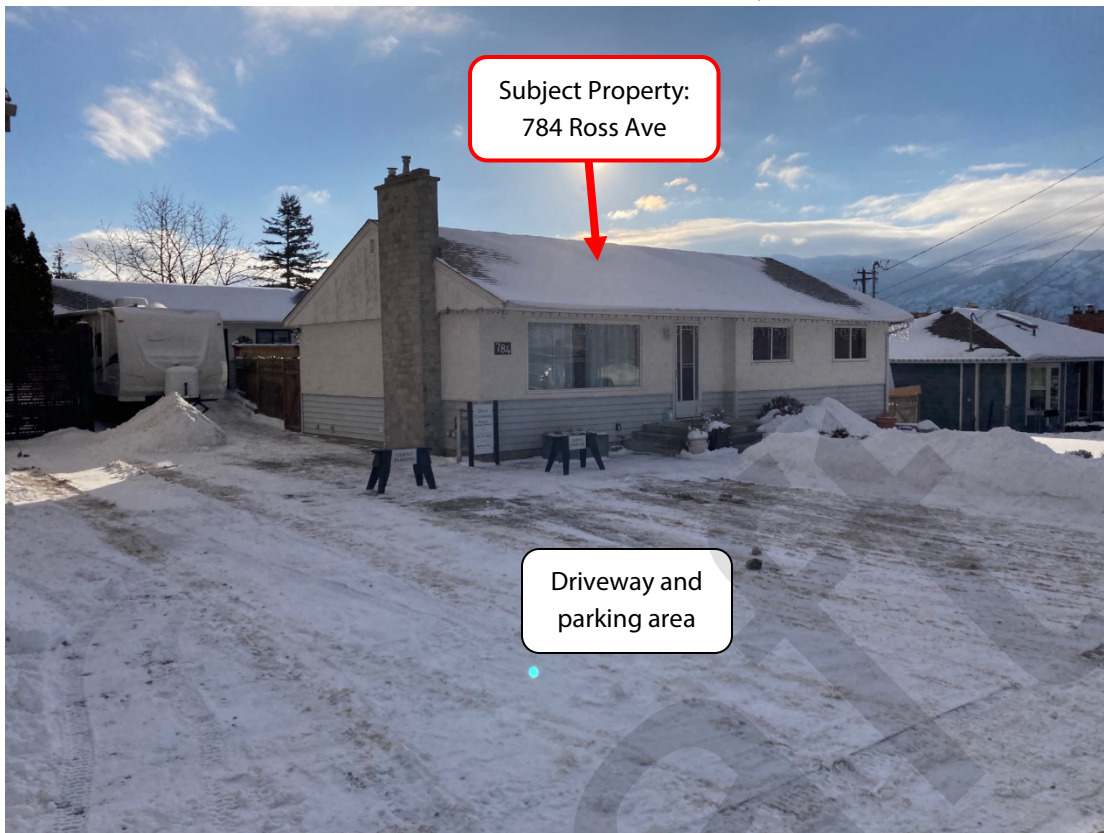
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Attachment C – Photos of Property





Attachment D – Letter of Intent

DAVE COOMBES REGISTERED MASSAGE THERAPIST INC.
784 ROSS AVE., PENTICTON, BC V2A 3A7
250-487-8289

November 8, 2021

Letter of Intent

To whom it may concern,

I am requesting a variance to increase the space used for my home-based business. I converted a portion of my detached garage in 2017 to create my massage therapy clinic. At the time I used approximately 30 square meters of the 67 square meter building. I wish to use the entire space to add a second treatment room and a stretch/therapeutic exercise area.

This expansion will have a positive impact on the community by bringing another registered massage therapist to Penticton. Currently demand for massage services is very high and it is very difficult to get into a therapist as most are not taking new clients. It will also allow myself and the second therapist to provide an enhanced therapeutic experience for the client by providing a space to demonstrate remedial exercises, work on core strength, have the client perform balance exercises, and perform stretches.

I could proceed with a permit application to just build a second treatment room which I could fit in and still be under 50 square meters, but I have the available space to create a clinic that offers more than most massage therapy clinics in town and give my clients the best opportunity for recovery from injuries and maintenance of physical health. The exercise area will not be used for any group training as this is not part of my scope of practice or allowed under the city bylaws for a home business.

The use of the additional space will not affect the number of people working in the clinic or number of clients in at any one time. It will still just be 2 therapists and 2 clients (which is allowable under the current city bylaws). The building has been here since 2000 and the exterior footprint of the building will not change with this business expansion.

There will not be any change to the use and parking that has already been going on for 4 years and will have no impact on neighboring properties. I currently have space for 6 vehicles to park in my driveway. My intent is to alter my schedule so that there will not be any more than 2 clients onsite at any time. Clients will be booked 90 minutes apart, enough time for the therapists to finish with one client before the next arrives. I have talked to my surrounding neighbors about the expansion, and they are all in favor of the change. (see attached letters signed by each neighbor).

Sincerely



Dave Coombes, RMT and Susan Coombes

Attachment E – Letters of Support from Neighbours

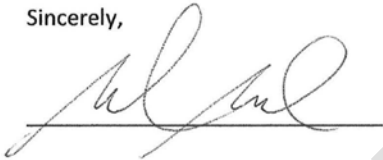
To whom it may concern,

I, Michel McSweeney, reside at 786 Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.

He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,



Date: Oct 30 / 2021

Phone: 250-490-7725

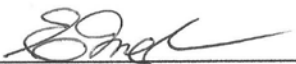
To whom it may concern,

I, ERIC INGUS, reside at 785 Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.

He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,



Date: OCT 31, 2021

Phone: 250-809-5076

To whom it may concern,

I, Alana Bruvold, reside at 774 Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.

He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,

Alana Bruvold

Date: Oct. 24/21

Phone: 250-492-8653

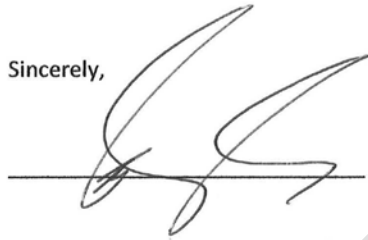
To whom it may concern,

I, AL BEYDAR, ⁷⁷⁵reside at _____ Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.

He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,



Date: Oct 24/2021

Phone: 250-493-5610

Development Variance Permit

Permit Number: DVP PL2021-9219

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 12 District Lot 250 Similkameen Division Yale District Plan 8343
 - Civic: 784 Ross Avenue
 - PID: 001-888-331
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 expansion of a home occupation within the existing detached garage, as shown in the plans attached in Schedule 'A':
 - a. Section 7.4.2: to increase the maximum floor area of a major home occupation within an accessory building from 50m² to 72m².

General Conditions

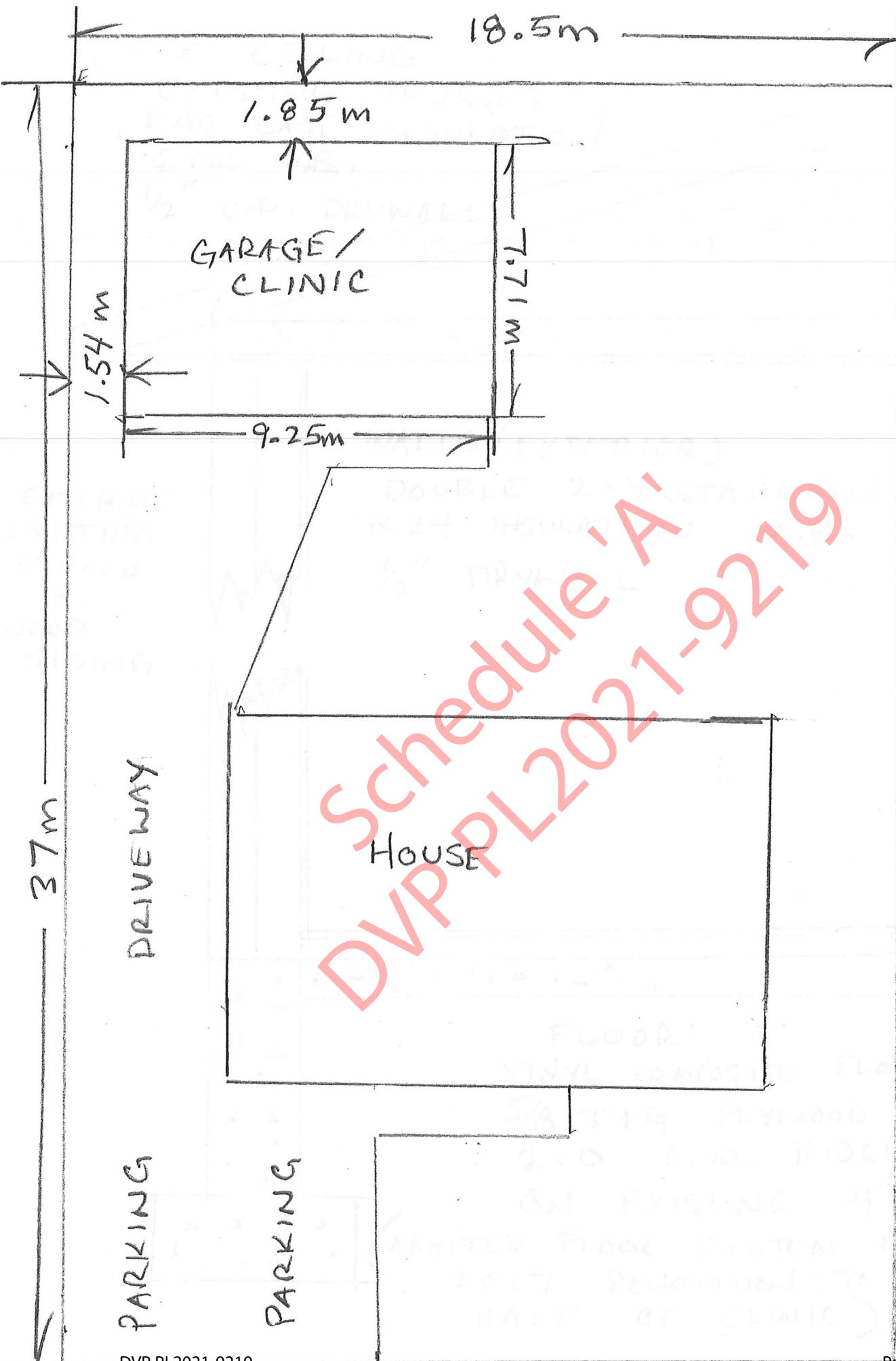
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence 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 _____, 2022.

Issued this ____ day of _____, 2022.

Angela Collison
Corporate Officer

DRAFT



251

CEILINGS:
R40 BATT INS
V.B. 1/2 CD
DRYWALL

DOUBLE 2X4 WALL
R24 BATT INS.
V.B. 1/2" DRYWALL
EXISTING STUCCO/
VINYL EXTERIOR

ALL FLOORS
INCL. EXISTING:
VINYL COMPOSITE -
ON 5/8 T+G
ON 2.0 SM FOAM
ON 4" CONCRETE
(CONTINUOUS
UNDER INT WALLS)

