

February 3, 2022

Address & Legal Description:

949 James Street

Lot 2, District Lot 249, Similkameen Division
Yale District, Plan 4977

Subject & Proposal

Development Variance Permit PL2021-9210

The applicant is proposing to construct a 2 storey carriage house on the property. The design meets the maximum 5.0m (16 feet 4 inches) height requirement of Zoning Bylaw 2021-01, however, a two storey carriage house is normally not permitted when there is no rear lane.

Property Location



In order facilitate the construction of the two-storey carriage house, the applicant has requested the following variance to Zoning Bylaw 2021-01:

- Section 8.2.3.5.ii - To allow a maximum carriage house height of 5.0m and two floors where no lane exists

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9210 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, Tuesday, 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 PL2021-9210; 949 James Street

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: Jordan Hallam, Planner I
Address: 949 James Street
Subject: Development Variance Permit PL2021-9210

File No: RMS/949 James St

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9210" for Lot 2 District Lot 249 Similkameen Division Yale District Plan 4977, located at 949 James Street, a permit to vary Section 8.2.3.5.ii of Zoning Bylaw 2021-01 to allow a maximum carriage house height of 5.0m and two floors where no lane exists, in order to facilitate the construction of a two-storey carriage house:

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9210".

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 construct a two-storey carriage house in their rear yard (Figure 1). As there is no rear lane to provide access, the Zoning Bylaw limits carriage house height to 5.0m and one storey. The preliminary plans submitted show one level is partially below grade and the design meets the 5.0 m height requirement. As such, the applicant has requested a variance to allow for a two-storey carriage house, while still meeting the carriage house height requirement. Carriage houses are considered within the Intensive Residential Development Permit Area, and a development permit application will be required for approval of the form and character of the proposed carriage house, should Council approve the requested variance.

Carriage House Elevations:

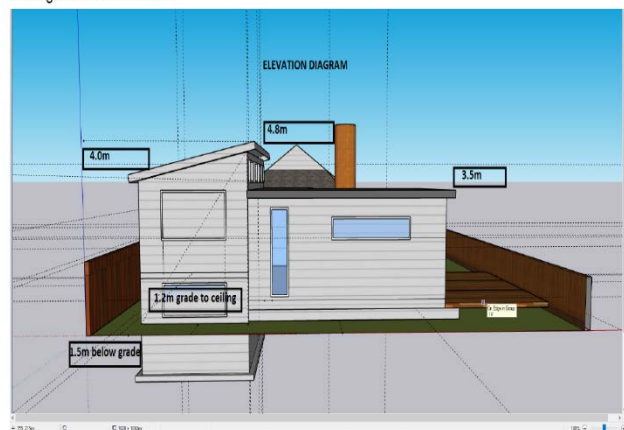


Figure 1 – Proposed carriage house

Background

The subject property is located on the west side of James St, south of Forestbrook Dr. in a primarily residential neighbourhood (Figure 2). The property contains a single detached dwelling, which was constructed in 1948. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'R2 (Small Lot Residential)' in the Zoning Bylaw.

Carriage houses are considered with the Intensive Residential Development Permit Area in the OCP. The applicant will be required to apply for a development permit for approval of the form and character of the proposed carriage house prior to construction. Staff have delegated authority to process the development permit, should Council approve the requested variance.

Technical Review

This application was reviewed by the Technical Planning Committee, a group of City staff from various departments who review development applications. Staff requested additional details regarding the parking space dimensions, height of decks, and updating labels on plans. This information was submitted by the applicant. Building permit requirements were sent to the applicant in order to expedite the future building permit process.

Development Statistics

The following table outlines the proposed development statistics on the preliminary plans submitted with the development application:

	Carriage House Requirement (Section 8.2)	Provided on Plans
Minimum Lot Area:	370 m ²	714.4 m ²
Maximum Building Footprint	90 m ²	87 m ²
Maximum Lot Coverage:	15%	11.9%
Siting	No closer to the street than the main building	Located in rear yard
Required Setbacks		
Front Yard (James St):	4.5 m	27.7 m
Side Yard (north):	1.5 m	1.5 m
Side Yard (south):	1.5 m	5.3 m
Rear Yard:	1.5 m	1.5 m
Maximum Building Height	5.0 m and one floor	4.8 m and two floors – Variance Requested

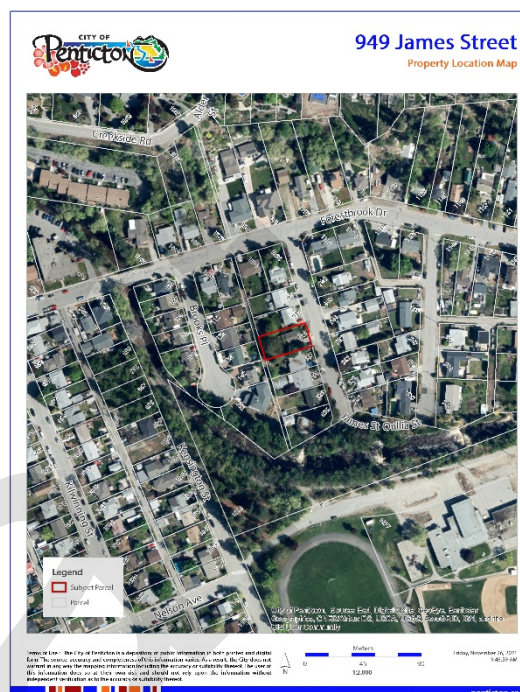


Figure 2 – Property Location Map

Parking:	One additional parking space for carriage house	Three total parking spaces (two for single detached dwelling, 1 for carriage house)
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Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. Staff have reviewed the requested variance and are recommending support for the following reasons:

1. The design of the carriage house still meets the allowable 5.0m height requirement for a carriage house without lane access.

The proposed two-storey carriage house design provides one floor partially below grade. The maximum allowable height requirement of 5.0m is still being met as the proposed carriage house height will be at 4.8 m above grade. This meets the Zoning Bylaw carriage house requirement, and limits the impacts on neighbours, while still allowing a two-storey design as shown in the preliminary plans (Figure 1). The intent of the Zoning Bylaw is to limit the height of carriage houses on properties without lanes so that the carriage house is still in accessory to the principal dwelling. In addition, neighbouring properties are less affected ensuring privacy for nearby residents. This proposal meets

this intent because it is under the maximum allowable height of 5.0 m and the requested variance would allow for a second floor below grade. The applicant has provided letters of support from immediate neighbours for the proposed carriage house. The applicant has reached out to neighbours immediately adjacent and within close proximity to the subject property. Many neighbours signed letters of support, which were submitted by the applicant with their variance application (Figure 3). The letters of support submitted are included in Attachment 'E'. When applicants propose a variance, staff recommend that the applicant contact their neighbours early in the process to obtain their feedback. The immediate neighbours would be most impacted from the proposed carriage house, and having their signatures of support indicates that negative impacts on neighbours is not anticipated.



Figure 3 – Letters of support submitted by owners of sixteen properties (yellow).

Given the reasons above, staff support the application to allow for a two-storey carriage house design within the 5.0m maximum height permitted for carriage houses without lane access. Staff recommend that Council approve the development variance permit, and direct staff to issue the permit. Should Council approve the development variance permit, staff have delegated authority to process the required development permit for the form and character of the proposed carriage house.

Alternate Recommendations

Council may consider the requested variance is undesirable and that the applicants should build within the Zoning Bylaw regulations. If this is the case, Council should deny "Development Variance Permit PL2021-9210". If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw carriage house regulations. If the applicant revises their plans to meet the Zoning Bylaw regulations, staff have delegated approval authority to process the Development Permit on its own. Staff are recommending against this option, as the requested variance is considered reasonable in this instance and the letters of support from neighbours indicate there will be minimal impacts on surrounding properties.

1. THAT Council deny "Development Variance Permit PL2021-9210".

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 PL2021-9210

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

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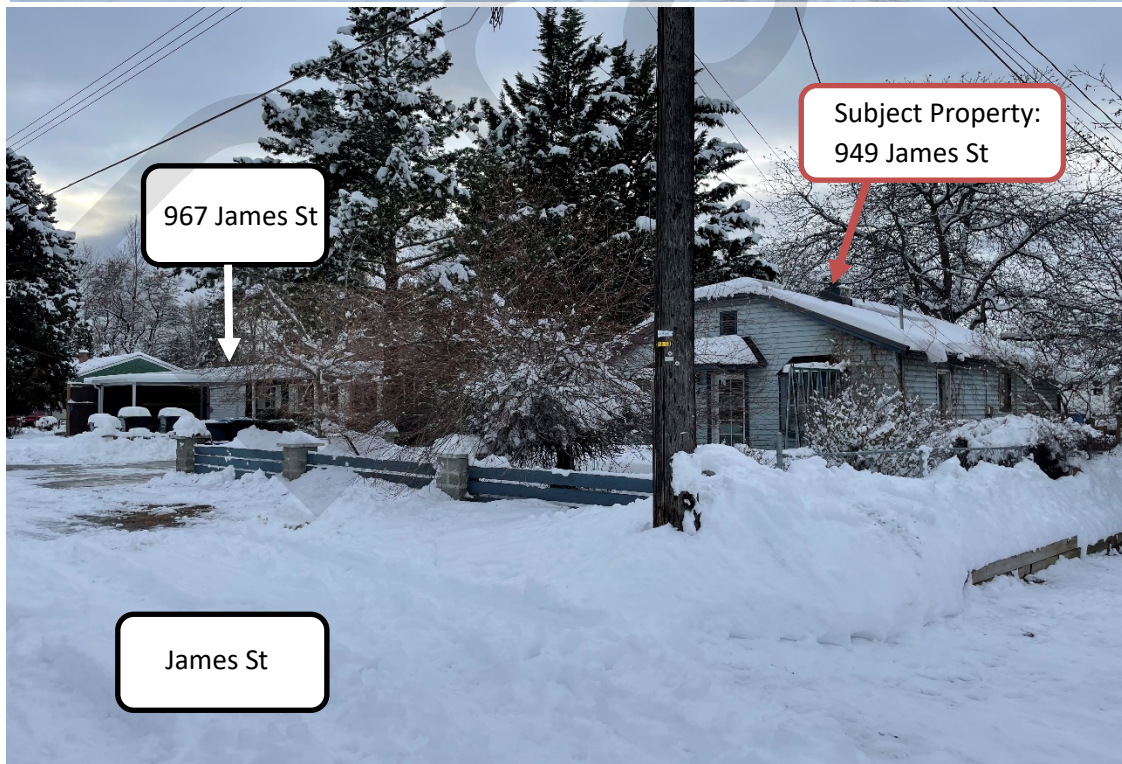
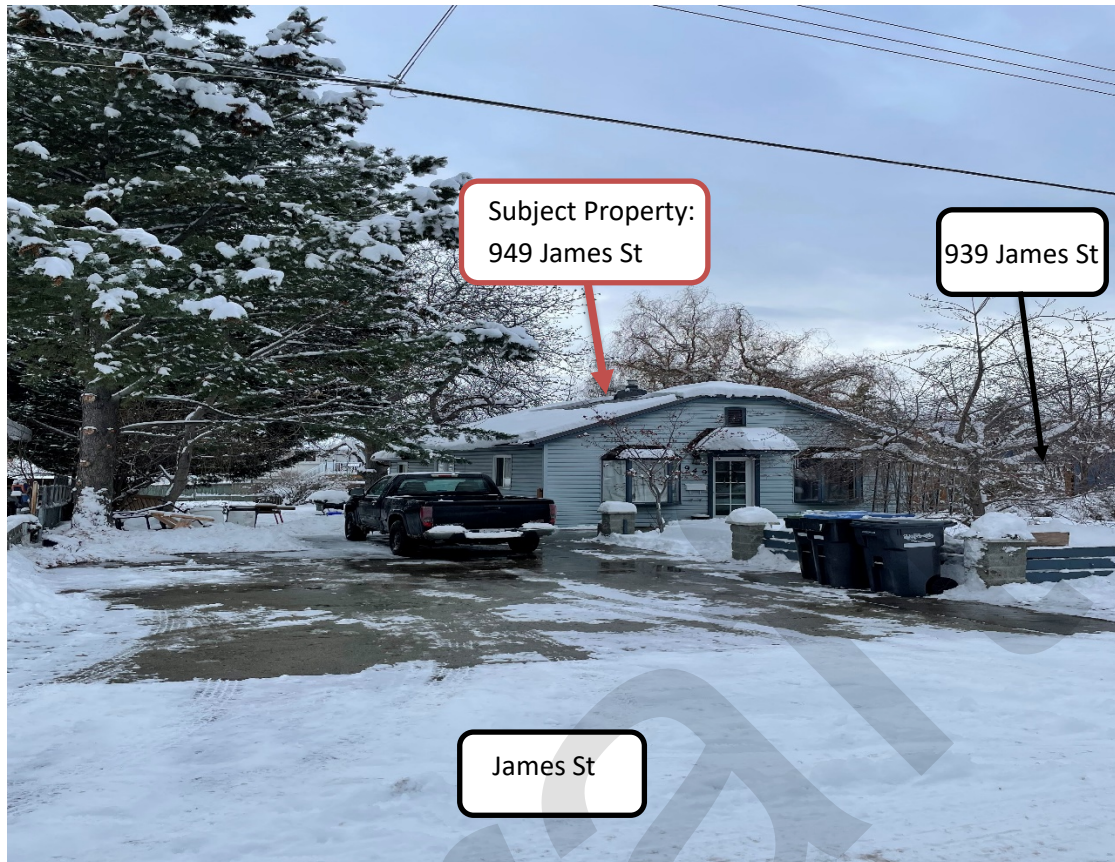
Attachment A – Zoning Map



Attachment B – Official Community Plan Map



Attachment C – Photos of Property





Subject Property:
949 James St

Proposed carriage
house location

Attachment D – Letter of Intent

To City of Penticton
Council, Planning Department

Subject: Application for Variance of Zoning Bylaw 8.2.3.5 for proposed Carriage Home at 949 James Street

Specifically:

This is a letter of intent for a variance application for a carriage house at 949 James Street. It is intended to provide reasonable grounds to waive the "one floor" requirement on a proposed carriage house for which there is no lane access. The additional floor requested will be a basement, and the elevation of the carriage house will adhere to height restrictions consistent with current one floor limitations (5.0 m). The design and construction of the proposed carriage house is intended to meet the objective of gentle densification consistent with neighbourhood values.

Included is a summary of the neighbourhood characteristics, to scale drawings of proposed carriage house, lot diagram with setbacks, parking, and coverage, letters of support from neighbours, and several additional drawings.

Applicant Property:

949 James Street

Lot Size: .18 acre or 714 sq meter

Year Built: 1948 build

Sq Ft: 1131 sq ft

Applicant property is slightly larger than average lot size for the area, and the 7th largest lot of the sample taken. The house has 1131 sq ft of livable space, compared to the 1830 sq ft average in the area. The house was built in 1948 and is the oldest in the area.

The large lot size, age of primary residence, and small footprint of primary residence all lend support to the development proposed here.

Lot area: 714 sq meter

Proposed Carriage House Footprint: 87 sq m

Lot Coverage - 12.9%

Proposed Carriage House Floor Area: 123 sq m

Maximum proposed height: 4.8m

Setbacks:

1.5m from rear laneway, 1.5m from north property line, 5.3m from south property line

Sitting: To the rear of primary residence

Parking

There are currently three off street parking spots located to the front of the lot. Two spots are available in tandem dedicated to the primary residence and a third spot for the carriage house.

Access

An unobstructed 1.2 metre path that connects the parking area with the proposed carriage house as indicated in property development map. Will be maintained and upgraded to suit the carriage house as build progresses.

Outdoor Amenity Space

Currently there is approximately 30 sq m patio area dedicated to the south of the proposed carriage house. Area is accessed via the patio door from the living area.

Subject bylaw for variance:

As set in Zoning Bylaw 8.2.3.5

.5	Maximum height for urban residential zones: .a R1 (Large Lot Residential) .b R2 (Small Lot Residential) .c R3 (Small Lot Residential: Lane) .d RD1 (Duplex Housing) .e RD2 (Duplex Housing: Lane) .f RD3 (Residential Infill)	.i Where a carriage house is accessed from a lane or is located on a double fronting lot, maximum height is 7.0 m and two floors. .ii Where no lane exists, the maximum height is 5.0 m and one floor.
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The proposed variance is in regards to "one floor" requirement where there is no laneway access. I am requesting for this to be waived for the inclusion of a basement area totalling approximately 36.4m (40.4%) of the 90m footprint. As noted in the the design submitted below, this variance will change neither building elevation nor footprint from what would be allowed under existing regulations.

As the design indicates, the north portion of the proposed carriage house is where the services (water/septic/sewer) enter the carriage house, running between the property line and the existing house. Existing services are all along this run. The north side of the carriage house two levels, with a bedroom and bathroom on each level. Upper level will be the master bed/bath, lower level will have laundry, 2nd bathroom, and a well sized second bedroom.

Primary Residence:
84 sq m
40+ sq m amenity space
HOUSE East/West Exterior Wall: 11.27m

Carriage House:
Footprint: 87 sq m
CHFA: 123 sq m

Parking:
Primary:
Tandem 1 3.81m X 5.8m
Tandem 2 3.81m X 5.8m
Carriage House Parking: 3.81m X 8.7m

Setbacks:
Rear yard: 1.5m
South side yard: 5.3m
North side yard: 1.5m

Lot Dimensions:
18.9 m X 37.79 m
Lot area: 714 sq m

Carriage house outdoor amenity area: 30.0m

1.2 m hard surface path

LOT: 18.9 m

LOT: 37.79m

8.7m
3.81m
1
CH
5.83m
5.83m
5.83m
2
86 sq m
Earth Level
51 sq m

10.5 m X 37.75 m
Lot area: 714 sq m

Carriage House:
Footprint: 87 sq m
CHFA: 123 sq m

86 sq m
Earth Level

31 sq m

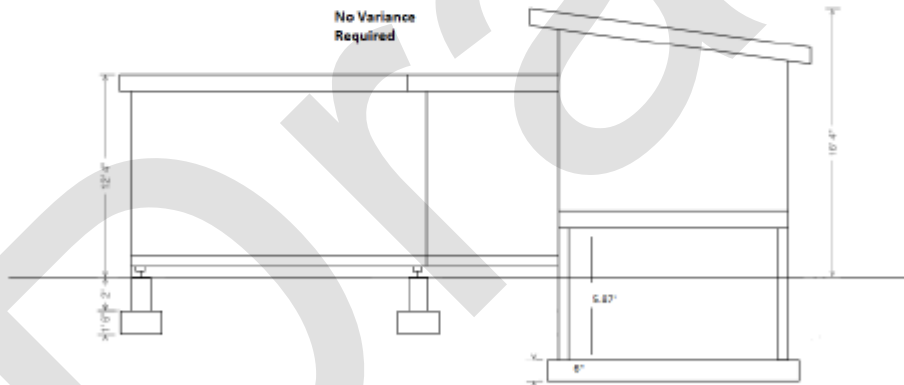
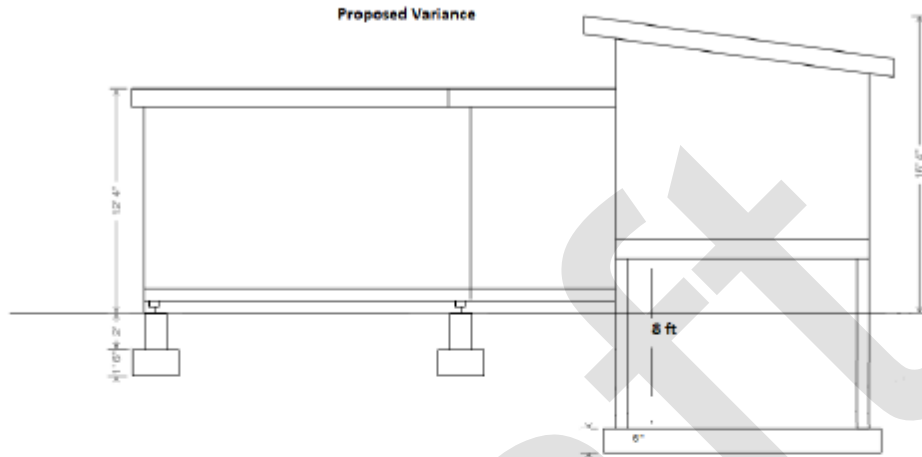
Carriage house outdoor amenity area: 30.0m

Setbacks:
Rear yard: 1.5m
South side yard: 5.3m
North side yard: 1.5m

0.15: 37.75m

Carriage house footprint is approximately 87 square meters. Carriage house floor area will be approximately 123.4 sq m.

Below please see elevation map in the next two figures for requested change:





Basement area proposed is to be the portion of the home sitting on the North side of the property.

The approval of this application will have no change to the following:

- Building Footprint
- Building elevation
- Number of bedrooms
- Number of bathrooms

It will allow for what is a proposed utility and storage area to become a full height basement providing additional living space. It will allow the proposed carriage house to more comfortably reflect lifestyles of a modern build, while adhering to all outward appearances/requirements.

Property Notes:

There is an unmaintained city laneway separating the homes on James Street from the homes on Brooks Place.

Proposed variance maintains a clear hierarchy of dwellings as the carriage house would remain to the rear of the property and of a footprint and height equal to that allowed without a variance.

There is a large walnut tree situated in the centre of the backyard of the property. The proposed variance and design is intended to maintain this tree and the natural cover and privacy it provides.

Please see drawings below for further clarification.

Attachment E – Letters of Support from Neighbours

Hello Neighbour,

I am Leon Farthing-Nichol. I have lived at 949 James Street since June of 2020 and I absolutely love it. Since moving in I have upgraded new roof/gutters, added parking, and a whole lot of patio space to the property. I really enjoy living in our neighbourhood and working on home projects.

I am writing to you today to ask for your support in a proposed variance I have submitted to city hall regarding a carriage house I intend to build in my backyard.

In Penticton carriage houses are permitted without a variance, provided they meet certain criteria. The basic criteria is laid out on the city website, with a Carriage House Bulletin available for reference there. The part of that building bylaw I am requesting a variance on is Section 8.2.3.5, the number of floors permitted where no lane way access exists.

5	Maximum height for urban residential zones: .a R1 (Large Lot Residential) .b R2 (Small Lot Residential) .c R3 (Small Lot Residential: Lane) .d RD1 (Duplex Housing) .e RD2 (Duplex Housing: Lane) .f RD3 (Residential Infill)	.i Where a carriage house is accessed from a lane or is located on a double fronting lot , maximum height is 7.0 m and two floors. .ii Where no lane exists, the maximum height is 5.0 m and one floor.
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Following the initial design process I had a meeting with city planners to clarify several details. For my address at 949 James Street there is technically no lane way access, as the laneway behind the house is unmaintained. That means the carriage house will need to be 5.0m in maximum elevation, 90 square meters in footprint (968 sq ft), and on one floor.

I am seeking a variance to allow for the inclusion of a livable basement space that would provide significant living space for the second bedroom and second bathroom. Currently existing regulations allow for a utility space of up to 1.79 centimetres in height. Without a variance this space would be maximized to provide room for utilities and storage. Essentially the variance would allow for an additional 20-30 centimeters of height in the basement/utility room, which would represent an "additional floor". The height of the building would remain at a maximum of 5.0 meters, consistent with what is currently allowed without a variance. My proposed variance is to the "one floor" requirement only.

Building height and footprint would NOT be affected.

Part of the variance process is neighbour consultation and a public hearing. As we all live in this neighbourhood it is important we protect its value and character. The design of this carriage house has been to prioritize a consistent fit within the area, high quality living space for occupants, excellent usage for both residences, and creation of higher value property.

I would like to reiterate the following:

The approval/denial of this application will have no change to the following:

- Building footprint
- Building elevation
- Number of bedrooms
- Number of bathrooms

For the purpose of the proposed variance I am asking you as a neighbour to support this change.

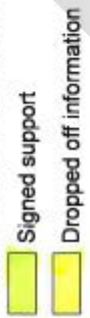
I have attached my contact information below, and would welcome an opportunity to speak further should you have any concerns.

Thank you,

Leon Farthing-Nichol
204-996-5366

☐ Signed support

☐ Dropped off information





Development Variance Permit

Permit Number: DVP PL2021-9210

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 2 District Lot 249 Similkameen Division Yale District Plan 4977
 - Civic: 949 James Street
 - PID: 009-108-378
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 carriage house, as shown in the plans attached in Schedule 'A':
 - a. Section 8.2.3.5.ii: to allow a maximum carriage house height of 5.0m and two floors where no lane exists.

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.

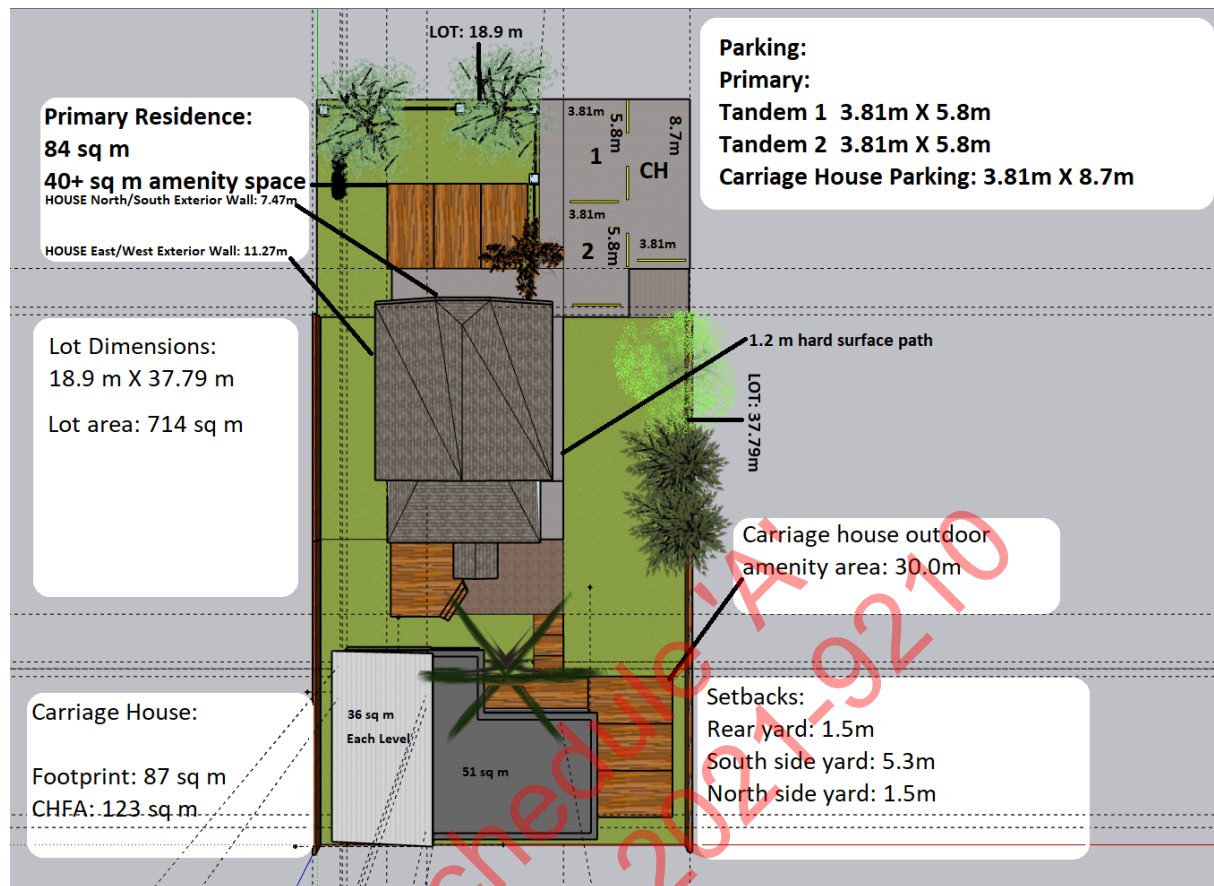
Authorized by City Council, the 15th day of February, 2022.

Issued this ____ day of February, 2022.

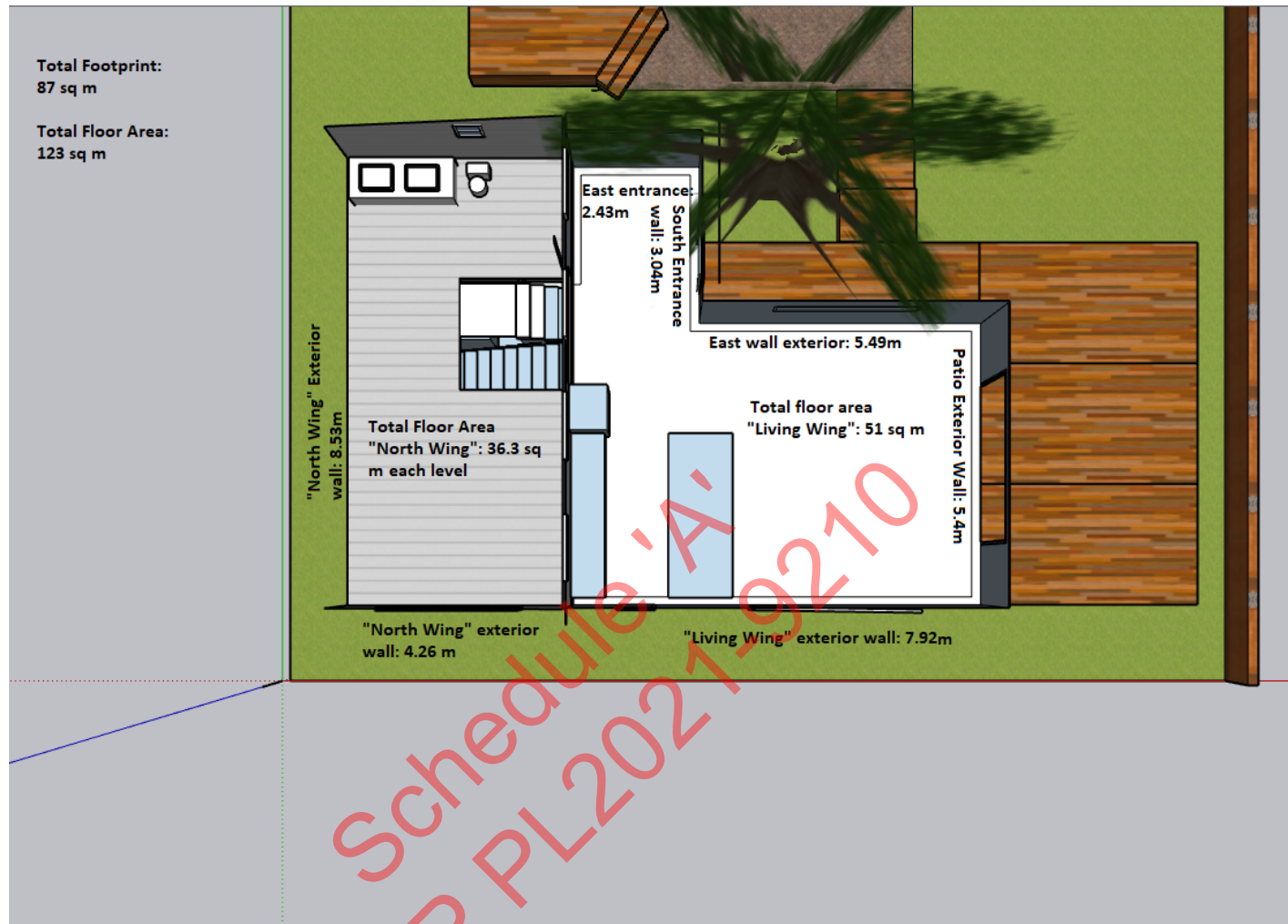
Angela Collison
Corporate Officer

DRAFT

Lot Layout, dimensions of lot, buildings, parking, amenity space.



Floor area + Wall Dimensions



Setbacks:



Carriage House Elevations:

