

February 17, 2022

Address & Legal Description:

296 Windsor Avenue

Lot 24 District Lot 1 Group 7 Similkameen
Division Yale (Formerly Yale-Lytton) District
Plan 3284

Subject & Proposal

Development Variance Permit PL2021-9200

The applicant is proposing to construct an addition to their existing house. The existing house on the property is located at 1.146m from the rear property and the addition proposes to be placed at the same setback. In order to facilitate the construction of the addition, the applicant has applied to vary the following section of Zoning Bylaw 2021-01:

- Section 10.1.2.8.a: To reduce the minimum rear yard from 6.0m to 1.146m.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9200 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, March 1, 2022** in Council Chambers, Penticton City Hall, 171 Main St.

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, March 1, 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 PL2021-9200; 296 Windsor Ave.

No letter, report or representation from the public will be received by Council after the conclusion of the March 1, 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: March 1, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 296 Windsor Avenue

Subject: Development Variance Permit PL2021-9200

File No: RMS/296 Windsor Ave

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9200" for Lot 24 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3284, located at 296 Windsor Avenue, a permit to vary Section 10.1.2.8.a of Zoning Bylaw 2021-01, to reduce the minimum rear yard from 6.0 m to 1.146 m, in order to facilitate the construction of an addition to the single family dwelling.

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9200".

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 an addition to their existing house to allow for an ensuite (Figure 1). The existing house on the property is located at 1.146m from the rear property and the addition proposes to be placed at the same setback. As such, the applicant has requested a variance to reduce the minimum rear yard setback from 6.0 m to 1.146 m to allow for an addition to the existing house. The preliminary plans submitted show the south wall is to be extended to the west of the existing building.



Figure 1 – Proposed addition

Background

The subject property is located on the south side of Windsor Ave, at the corner of Argyle St in a primarily residential neighbourhood (Figure 2). The property contains a single detached dwelling, which was constructed in 1951. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned R1 (Large Lot Residential) in the Zoning Bylaw.

The applicant will be required to apply for a building permit for the proposed ensuite addition prior to construction, 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 roof eaves into each setback. 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 plans submitted with the development application:

	R1 – Large Lot Residential Requirement	Provided on Plans
Minimum Lot Width (corner lot)*:	18 m	38.1 m
Minimum Lot Area*:	560 m ²	671.7 m ²
Maximum Lot Coverage:	40%	21.2%
Required Setbacks		
Front Yard (Windsor Ave):	6.0 m	5.4 m (existing structure)
Interior Side Yard (east):	1.5 m	17.3 m
Exterior Side Yard (Argyle St):	3.0 m	3.59 m
Rear Yard (south):	6.0 m	1.146 m – variance requested
Maximum Building Height	10.5 m	5.6 m
Comments	*Minimum lot width and area are only applicable for subdivision applications.	

Analysis

Development Variance Permit



Figure 2 – Property Location Map

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 addition will be in line with the existing south wall of the house, and is adjacent to the neighbour's driveway.

The proposed addition is extending the wall at the same setback as where the house currently sits on the lot. Rather than jogging or offsetting the southern wall of the home, which isn't always a desirable look.

2. The proposed addition is located adjacent to the neighbour's driveway.

The proposed addition is located 1.146 m from the southern property line, which is where the neighbouring properties driveway is located (Figure 3). It is anticipated that the impacts are lessened, as the driveway provides a buffer to the neighbouring property from the addition.

3. Corner lots have larger setbacks than mid-block lots, as they are subject to front, rear and exterior yard setbacks.

Given the orientation of the home on the lot, and that the property is a corner lot, the setbacks on the property are more limiting than a standard mid-block lot. The Zoning Bylaw considers the front yard to be where the primary façade of the building faces, which in this case is Windsor Ave, and is subject to a 6.0m front yard setback. The rear of the lot (south property line) is also subject to a 6.0m setback. Given that the depth of the lot is 16.37m, achieving both of these setbacks becomes incredibly difficult.

4. The proposed addition is a single storey in height and does not contain any window openings.

The existing house on the property is a single storey structure, and the addition proposed is also a single storey. In limiting to a single storey, impacts to the neighbours' privacy are anticipated to be lessened than a multi-storey addition would be. Further, the addition does not contain any window openings, which may be less desirable from the neighbours to the south.

Given that the above reasons, staff consider the variance request reasonable in this instance and recommend that Council direct staff to issue the permit.

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-



Figure 3 – Photo of Proposed Location of Addition and Neighbour's Driveway

9200". If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw regulations. Staff are recommending against this option, as the requested variance is considered reasonable in this instance and the letter of intent indicates that there will be minimal impacts on surrounding properties.

1. THAT Council deny "Development Variance Permit PL2021-9200".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Draft Development Variance Permit PL2021-9200

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

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

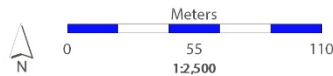


296 Windsor Avenue

Zoning Map



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



Friday, November 26, 2021
10:09:51 AM

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Attachment B – Official Community Plan Map

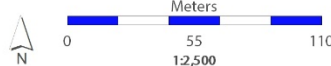


296 Windsor Avenue

OCP Map



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



Friday, November 26, 2021
10:10:39 AM

pentticton.ca

Attachment C – Photos of Property







November 05, 2021

City of Penticton
Attn: Planning Department
171 Main Street
Penticton, BC

Re: Letter of Intent in Support of Request for Rear Setback Variance

Current Zoning: R1 – Large Lot Residential

Civic: 296 Windsor Ave, Penticton, BC

Legal: LOT 24 DISTRICT LOT 1 GROUP 7 SIMILKAMEEN DIVISION YALE (FORMERLY YALE- LYTTON)
DISTRICT PLAN KAP3284 - Folio: 00902-000, PID: 010-919-015

It is the pleasure of the current owners (Hanna and Maxwell Murray) of the property located at 296 Windsor Avenue, Penticton, BC to submit this Letter of Intent to pursue related approvals to proceed with a Rear Setback Variance Permit in advance of subsequent building permit(s) as required by the City of Penticton. Specifically, the owners are requesting a Rear Setback Variance from 6.0 meters to 1.146 meters to allow for the new construction of a bathroom addition to tie into the rear of their house off the master bedroom. Please see submitted Site Plan on sheet - A1.1.

In addition to this Letter of Intent, Hanna and Maxwell have had a conversation with their neighbour to the south to discuss the impact that the variance may have on their property. They express no concern and will support this variance.

As illustrated in the supporting drawings, the owners intend to build a small bathroom addition to their current principal dwelling. This new addition is outside of the current setbacks for the zoning on the property. Please refer to the Site Plan drawing on sheet A1.1 and take note of the existing setbacks indicated by a shaded area "BUILDABLE AREA WITHIN THE CURRENT SETBACKS" and you will notice that the existing principal dwelling is a non-conforming permitted building. The owners are requesting to build their new bathroom addition along the rear wall of the existing house which is currently located 1.146m off the Rear Property Line.

The proposed one-story bathroom addition has limited impact on the neighbouring properties. In particular, the lot is a corner lot with only one neighbour to the south. The proposed addition runs along their driveway and does not impede on any site lines or cause any negative impact. Currently, the area is

nicely landscaped and features a rock retaining wall. This rock retaining wall will remain and the landscaping features will be replaced with the same intent.

In Closing, Hanna, Maxwell and I, look forward to working with the City of Penticton and its representatives throughout the variance approval process.

Sincerely,

A handwritten signature in black ink, appearing to read 'DA Haywood', with a large circular flourish at the end.

David A. Haywood, B.Arch
Haywood Design



Development Variance Permit

Permit Number: DVP PL2021-9200

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 24 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton)
District Plan 3284
 - Civic: 296 Windsor Avenue
 - PID: 010-919-015
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 an addition, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.8.a of Zoning Bylaw 2021-01 to reduce the minimum rear yard from 6.0 m to 1.146 m.

General Conditions

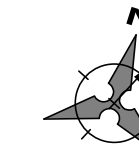
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence 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 1st day of March, 2022.

Issued this ____ day of March, 2022.

Angela Collison
Corporate Officer

DRAFT



129 Naniamo Ave. West
Penticton, BC
250.328.4740

PREPARED FOR:

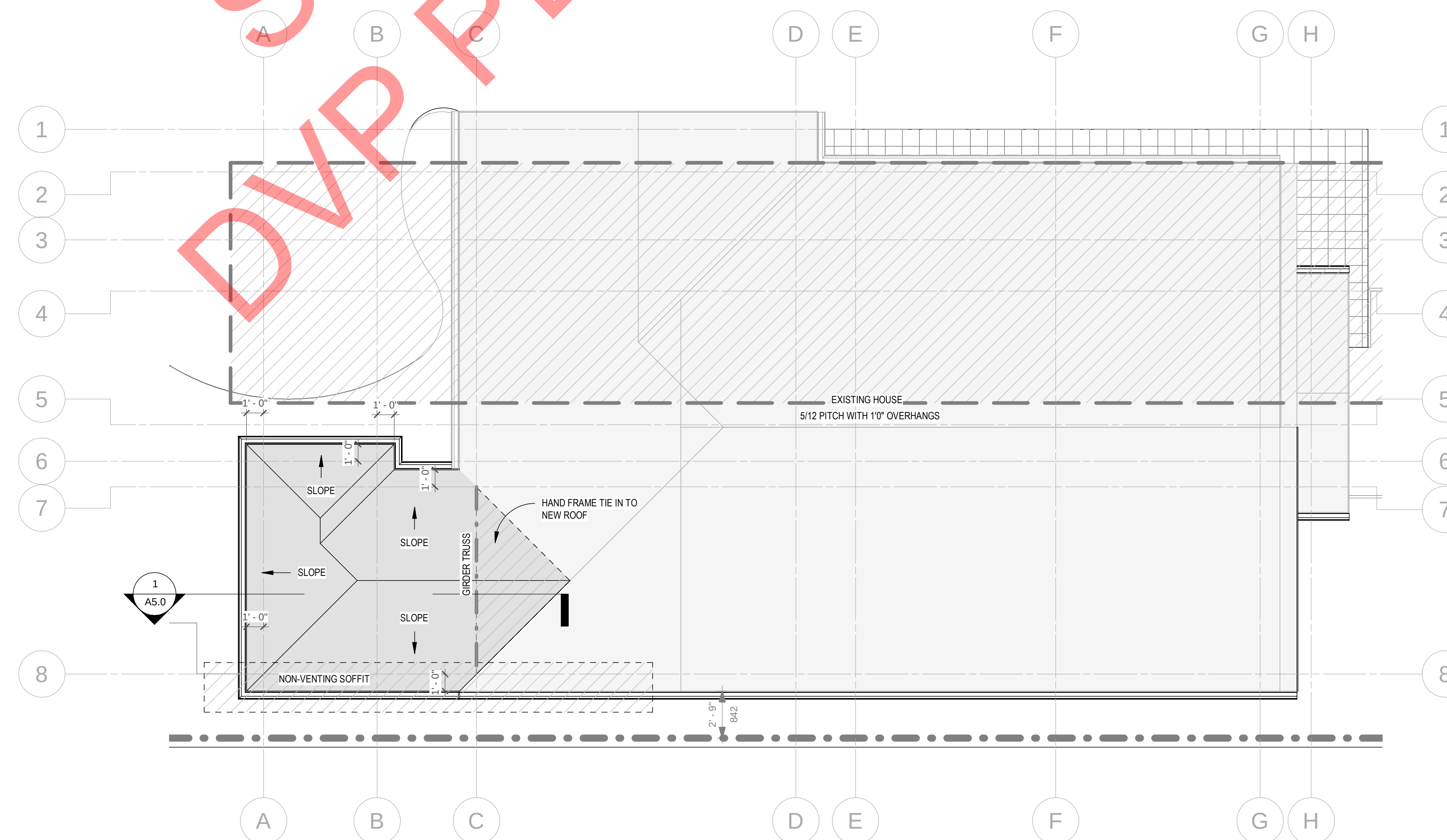
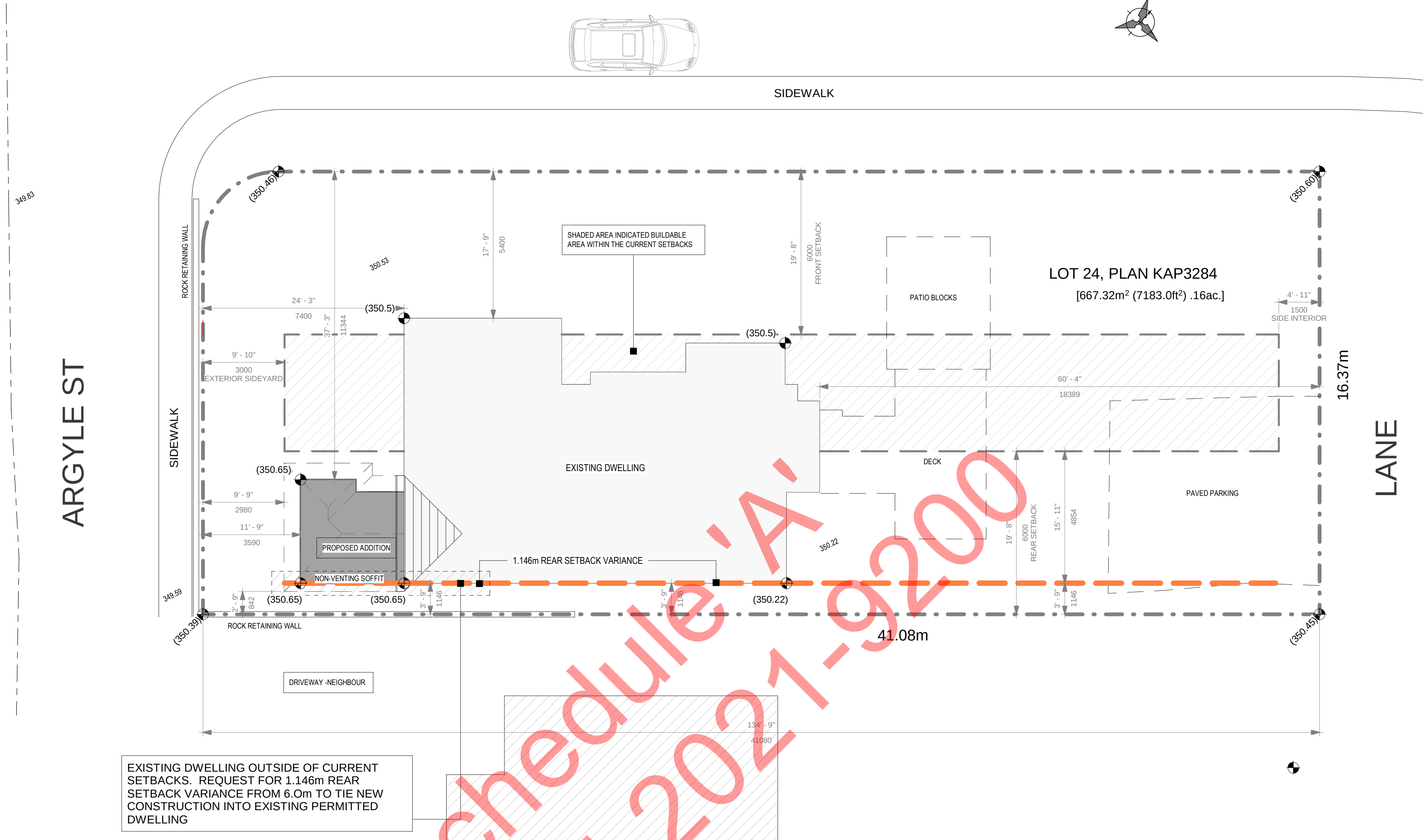
[illegible]

SITE PLAN, ZONING & ROOF PLAN

Checked By	DH
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Scale	As indicated
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Page 3 of 4





129 Naniamo Ave. West
Penticton, BC
250.328.4740

david@haywooddesignbuild.com
www.haywooddesignbuild.com

PREPARED FOR:

No.	Description	Date
1	ISSUE FOR VARIANCE PERMIT -POST TPC	JAN. 18, 2022

296 WINDSOR AVENUE -
RENO + ADDITION

ELEVATIONS

Project Number	2020-38
Date	2022-01-18
Drawn By	DH
Checked By	DH

A4.0

Scale	As indicated
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EXTERIOR FINISH KEYNOTE LEGEND

1. ROOF FASCIA - FASCIA PAINTED - WHITE TO MATCH (OR AS PER OWNER)
2. FIBRE CEMENT SIDING - HARDIE OR SIMILAR - COLOUR TO MATCH (OR AS PER OWNER)
3. ASPHALT SHINGLE - BROWN TO MATCH (OR AS PER OWNER)

EXTERIOR NOTES

ALL WINDOWS & DOORS SHALL CONFORM TO SECTION 9.7 2018 CBC.

DOORS: U=1.8 MIN.
WINDOWS: U=1.8, SHGC=0.25

RESISTANCE TO FORCED ENTRY REQUIRED FOR WINDOWS WITHIN 2m OF FINISHED GRADE (9.7.5.3)

FLASHING REQUIRED ABOVE & BELOW ALL UNPROTECTED OPENINGS & HORIZONTAL TRANSITIONS

CLEARANCE BETWEEN STRUCTURAL WOOD ELEMENTS AND FINISHED GRADE SHALL NOT BE LESS THAN 1'-6" (450mm) UNLESS PRESSURE-PRESERVATIVE TREATED

CONCRETE SHALL NOT BE POURED AGAINST FRAMING

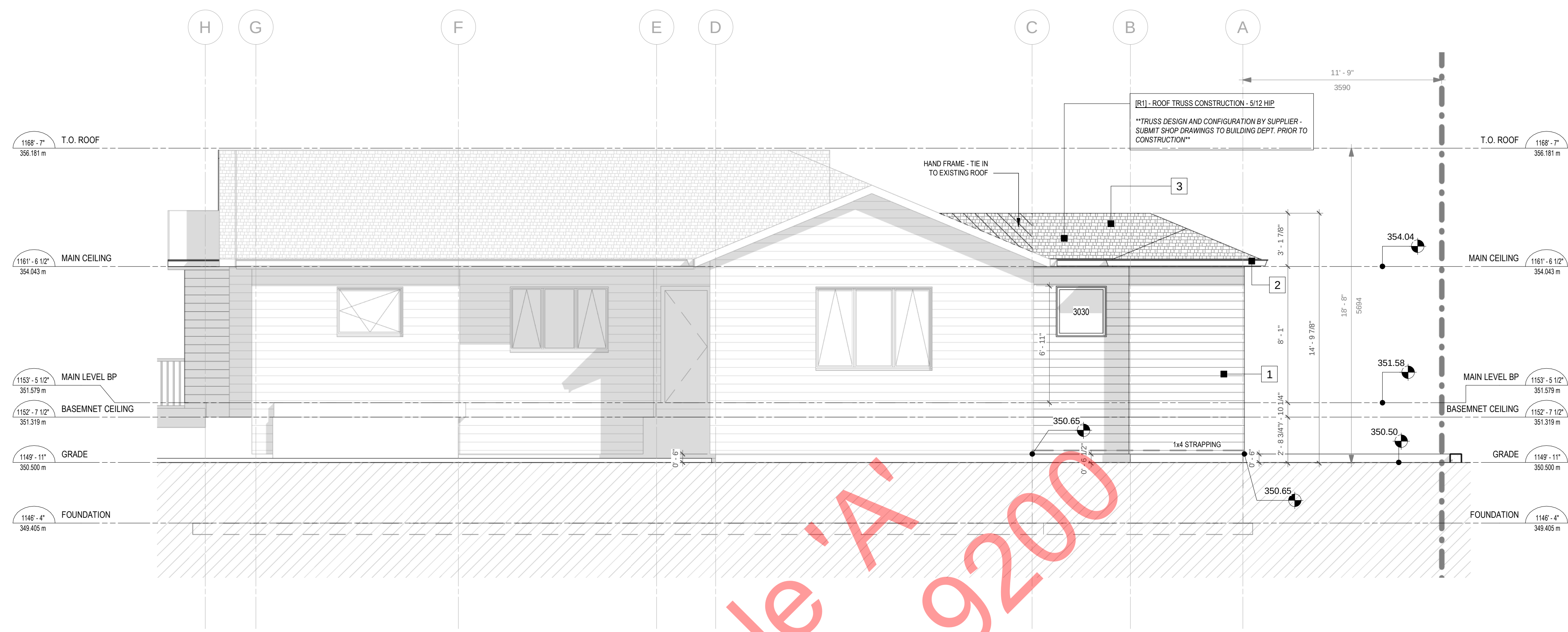
NO SOFFIT VENTING IN ANY OVERHANG THAT IS WITHIN 1.2m

SIDE SETBACK
ROOF VENTING 1/150 OR 1/300

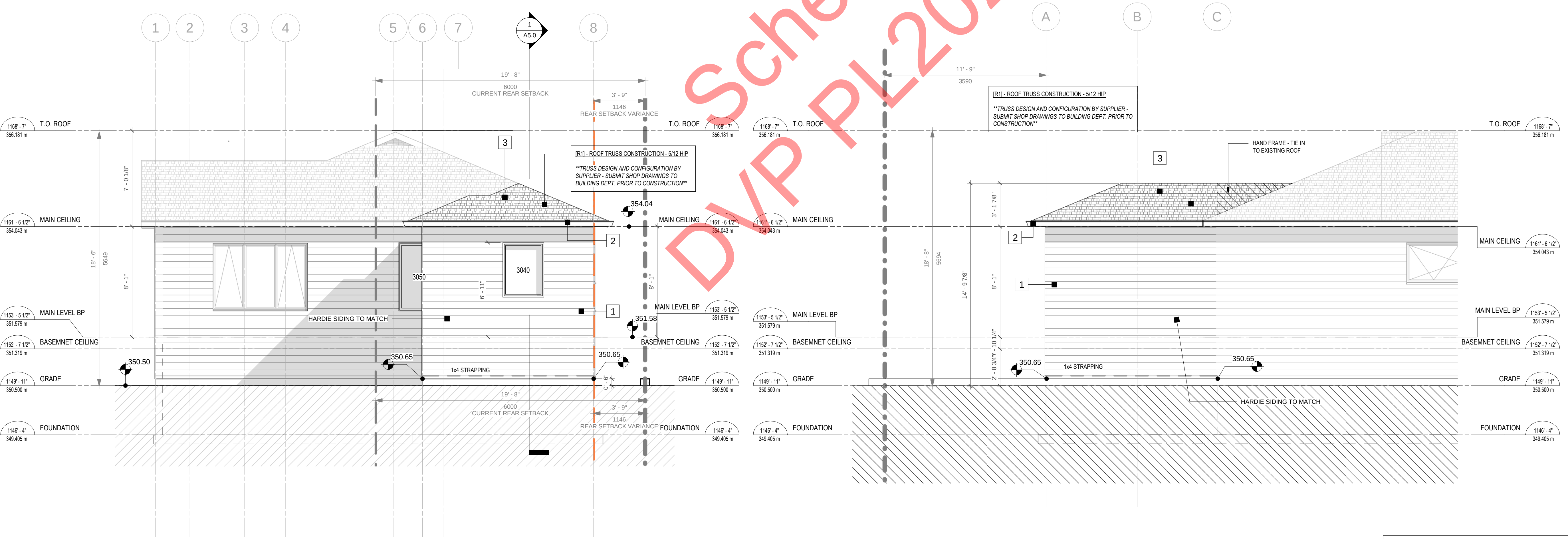
63mm AIR GAP BETWEEN UNDERSIDE OF SHEATHING AND TOP OF INSULATION

ALL OTHER GRADES SHOWN ARE EXISTING

ALL GRADES TO SLOPE AWAY FROM BUILDING



3 NORTH (FRONT)
1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"

2 SOUTH ELEVATION
1/4" = 1'-0"

THIS DRAWING MUST NOT BE SCALED. VERIFY ALL DIMENSIONS AND DATUMS PRIOR TO COMMENCEMENT OF WORK. REPORT ALL ERRORS AND OMISSIONS TO THE DESIGNER. VARIATIONS AND MODIFICATIONS ARE NOT ALLOWED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DESIGNER.