

May 26, 2022

Address & Legal Description:

152 Westminster Place

Lot 5, District Lot 202, Similkameen Division Yale District,
Plan 13681

Subject & Proposal

Development Variance Permit PL2022-9252

The applicant is proposing to construct a two-storey carriage house on the subject property. As there is no lane to the property, the Zoning Bylaw limits the carriage house height to 5.0m and one floor.



In order to facilitate the construction of the proposed carriage house, the applicant has applied to vary the following section of Zoning Bylaw 2021-01:

- Section 8.2.3.5.i - To increase the maximum carriage house building height in the R1 zone, where no lane exists from 5.0m and one floor to 6.5m and two floors.

Information:

You can find the staff report to Council and Development Variance Permit PL2022-9252 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:

As per the May 3, 2022 Council Outcome (Figure 1), Council will be reconsidering Development Variance Permit PL2022-9252 at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, June 7, 2022** in Council Chambers at Penticton City Hall, 171 Main St.

157/2022

It was **MOVED** and **SECONDED**

THAT Council direct staff to re-advertise the notice for Development Variance Permit PL2022-9252;

AND THAT Council consider Development Variance Permit PL2022-9252 at a future Regular Council Meeting.

CARRIED
Councillor Watt, Opposed

Figure 1: May 3, 2022 Council Outcome

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, June 7, 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 PL2022-9252; 152 Westminster Place

No letter, report or representation from the public will be received by Council after the conclusion of the June 7, 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: June 7, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 152 Westminster Place
Subject: Development Variance Permit PL2022-9252

File No: RMS/152 Westminster PI

Staff Recommendation

THAT Council approve "Development Variance Permit PL2022-9252" for Lot 11 District Lot 3821S Similkameen Division Yale District Plan 37490, located at 152 Westminster Place, a permit to vary Section 8.2.3.5.i of Zoning Bylaw 2021-01 to increase the maximum carriage house building height in the R1 zone, where no lane exist from 5.0m and one floor, to 6.5m and two floors.

Background

The subject property is located on the south side of Westminster Place, in a primarily residential neighbourhood. The property currently contains a single detached dwelling, which is planned to be demolished and rebuilt. The applicants intend to build the carriage house first and live in it while they rebuild the principal dwelling.

Notification for the meeting went out to all properties within a 100m radius of the subject property. 45 letters were mailed and notice was posted on the City's website. 12 letters were received, with a petition against approval with approximately 30 signatures. The concerns raised by the petition and the letters against, included protecting the character and feel of the neighbourhood, concerns about precedent, concerns about the architectural style of the proposed house, concerns about views being blocked and not feeling that enough notice was given to adequately respond to the development notice.

Council considered the application at the May 3rd, 2022 Council meeting. After some discussion, Council failed to pass a motion to deny the application. Council invited the applicants, who were in the audience, to speak regarding the property and answer questions on their intentions for the carriage house and property in general. The applicants explained that they have lived on the property for 12 years and are long term Penticton residents. They have always intended to upgrade the house and include an accessory building for their business and accessory suite. They outlined that through the design process, neighbouring views were taking into consideration and they want to fit in with the neighbourhood. The variance, according to them, was required to create a plan the protected views as opposed to building one large building, which is what they would be required to do if the variance fails. They also outlined that they spoke with and received letters of support from many of the neighbours.

Based on the answers to the questions from the applicants. Council made a motion to re-advertise the notice for DVP PL2022-9252 and that the permit be considered again at a future meeting.

Staff are still supportive of the variance request for the reasons listed in the May 3rd Report to Council (attached herein) and recommend Council, approve the permit.

Attachments

Attachment A – May 3rd Council Report

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

Director of Development Services <i>BL</i>	Chief Administrative Officer
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Date: May 3, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 152 Westminster Place

Subject: Development Variance Permit PL2022-9252

File No: RMS/152 Westminster PI

Staff Recommendation

THAT Council approve "Development Variance Permit PL2022-9252" for Lot 11 District Lot 3821S Similkameen Division Yale District Plan 37490, located at 152 Westminster Place, a permit to vary Section 8.2.3.5.i of Zoning Bylaw 2021-01 to increase the maximum carriage house building height in the R1 zone, where no lane exist from 5.0m and one floor, to 6.5m and two floors.

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9252".

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 (Figure 1) on the subject property. As there is no lane to the property, the Zoning Bylaw limits the carriage house height to 5.0 m and one floor. The preliminary plans submitted shows a building height of 6.43 m and two floors. As such, the applicant has requested a variance to allow the carriage house as proposed.

Carriage houses are considered within the Intensive Residential Development Permit Area, and a development permit will be required for approval of the form and character of the proposed carriage house. The Development Permit will be processed and issued by Staff should Council approve the requested variance.



Figure 1 – Proposed Carriage House

Background

The subject property is located on the south side of Westminster Place, in a primarily residential neighbourhood (Figure 2). The property currently contains a single detached dwelling, which is planned to be demolished and rebuilt. The applicants intend to build the carriage house first and live in it while they rebuild the principal dwelling. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'R1 (Large Lot Residential)' in the Zoning Bylaw.

Carriage houses are considered within the Intensive Residential Development Permit Area in the OCP. The applicant has applied 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, 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. Staff also noted the grade and slope issues, which will be addressed through the Building Permit review process should Council approve the variance.

Development Statistics

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

	Carriage House Requirement (Section 8.2)	Provided on Plans
Minimum Lot Area:	370 m ²	1,254.52 m ²
Maximum Building Footprint	90 m ²	57 m ²
Maximum Lot Coverage of carriage house:	15%	4.3%
Siting	No closer to the street than the principal dwelling	Located behind the principal dwelling
Required Setbacks		
Front Yard (north):	6.0 m	18.7 m
Side Yard (east):	1.5 m	12.1 m
Side Yard (west):	1.5 m	21.4 m
Rear Yard:	1.5 m	1.7 m

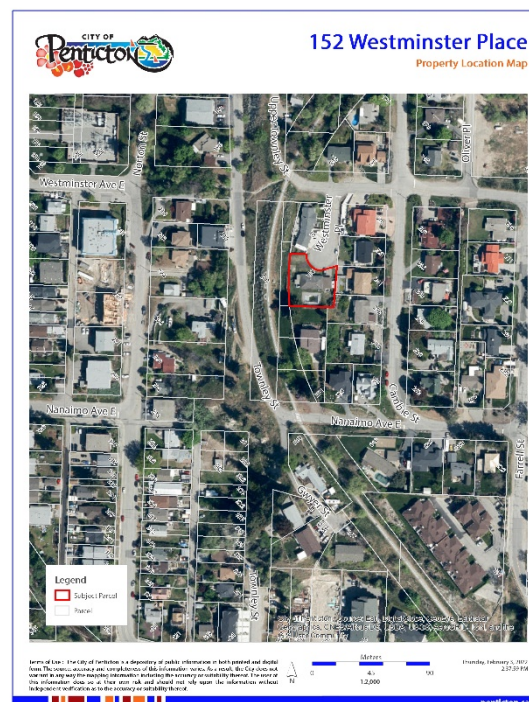


Figure 2 – Property Location Map

Maximum Building Height	5.0 m and one floor	6.43 m and two floors – Variance Requested
Parking:	Total Spaces Required - 3 2 – single family dwelling 1 – carriage house	Total Spaces Provided - 3 2 - single detached dwelling 1 - carriage house

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 to increase the height of the carriage house to 6.5m and two floors and are recommending support for the following reasons:

1. Property location.

The proposed two-storey carriage house is located next to the KVR Trail and on a bank below Cambie Street. The elevation difference between Cambie St and Westminster Pl is significant enough that the neighbouring properties on Cambie St would be looking down at the proposed carriage house (Figure 3). The intent of the Zoning Bylaw is to limit the height of carriage houses on properties without lanes so that the carriage house does not create a situation of 'overlook' into rear yard and side yards of properties that share a property line.

2. The design of the carriage house meets all other carriage house regulations of the Zoning Bylaw.

The proposed carriage house meets all other carriage house Zoning Bylaw regulations including setbacks, building footprint, and lot coverage regulations.



Figure 3 – Subject property and 1 m contour lines

3. Support from neighbours.

The applicant has provided letters of support from immediate neighbours for the proposed carriage house, including those properties on Cambie St, and Nanaimo Ave E (Figure 4). Neighbours signed letters of support, which were submitted by the applicant with their variance application. The letters of support submitted are included in Attachment 'E'.

Given the reasons above, staff consider the variance requests are reasonable in this instance. As such, staff are recommending that Council approve the variance and direct staff to issue the permit.

Should Council approve the variance, staff would proceed with processing the required Development Permit prior to construction occurring.

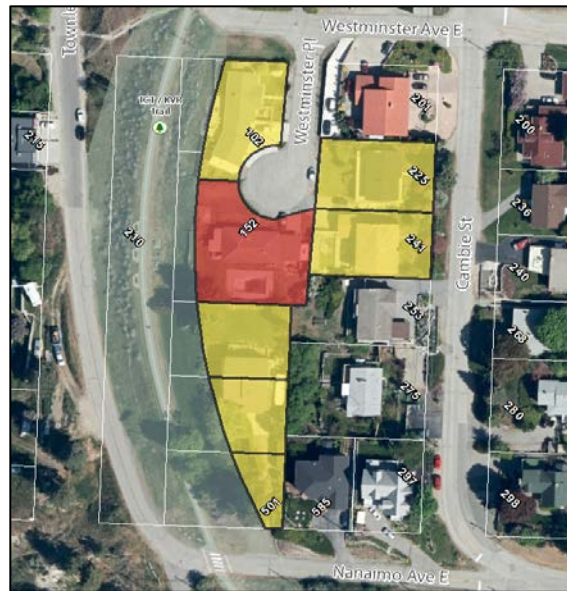


Figure 4 – Letters of support submitted by owners of four properties (yellow).

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 PL2022-9252”. If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw carriage house regulations, which would result in the removal of the basement. 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 PL2022-9252”.

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 PL2022-9252

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

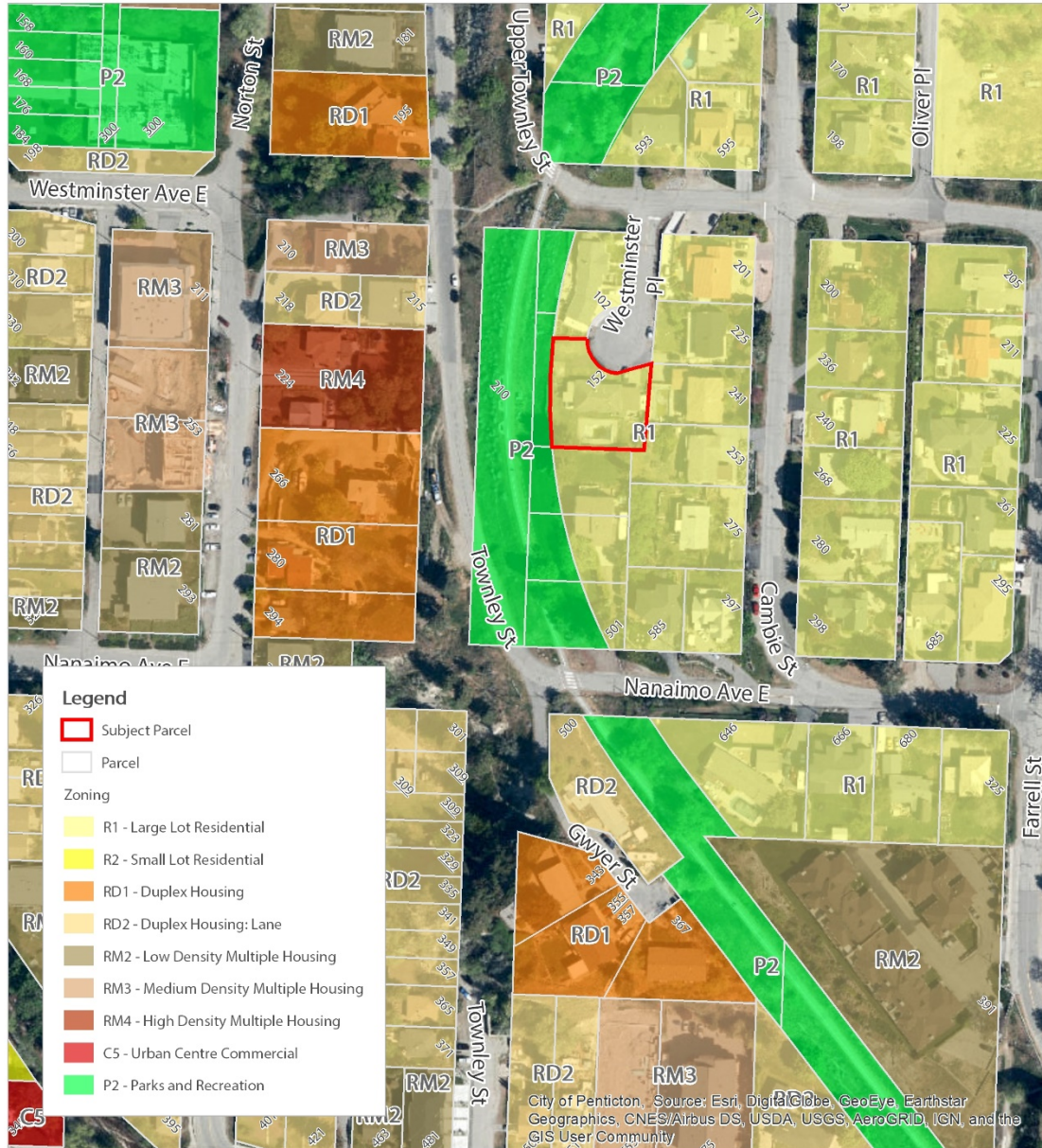
Director of Development Services	Acting Chief Administrative Officer
<i>BL</i>	KD

Attachment A – Zoning Map

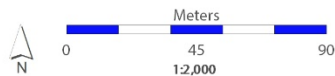


152 Westminster Place

Zoning Map



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



Thursday, February 3, 2022
2:39:53 PM

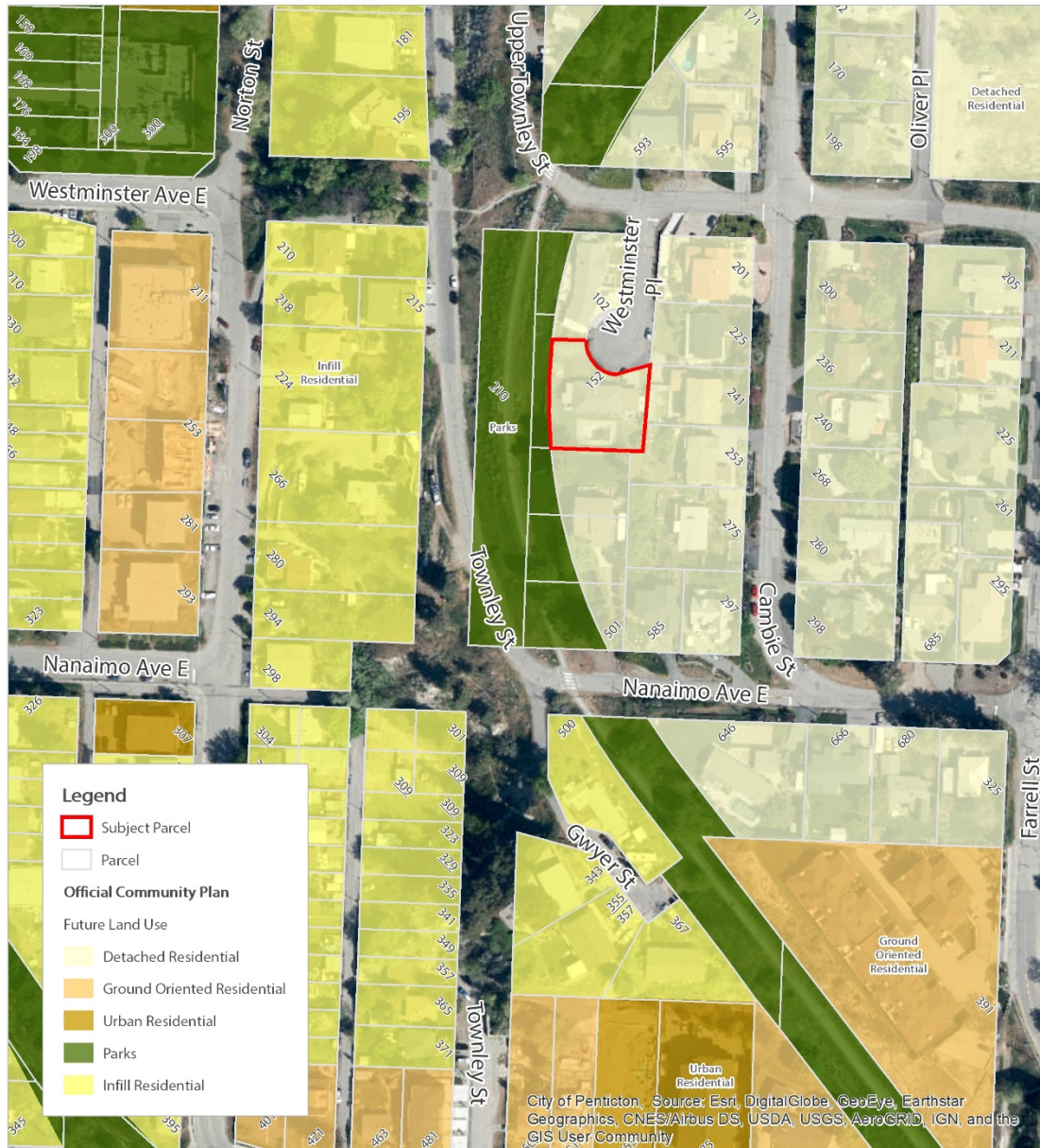
penticton.ca

Attachment B – Official Community Plan Map

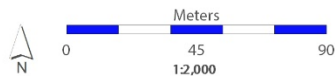


152 Westminster Place

Official Community Plan Map



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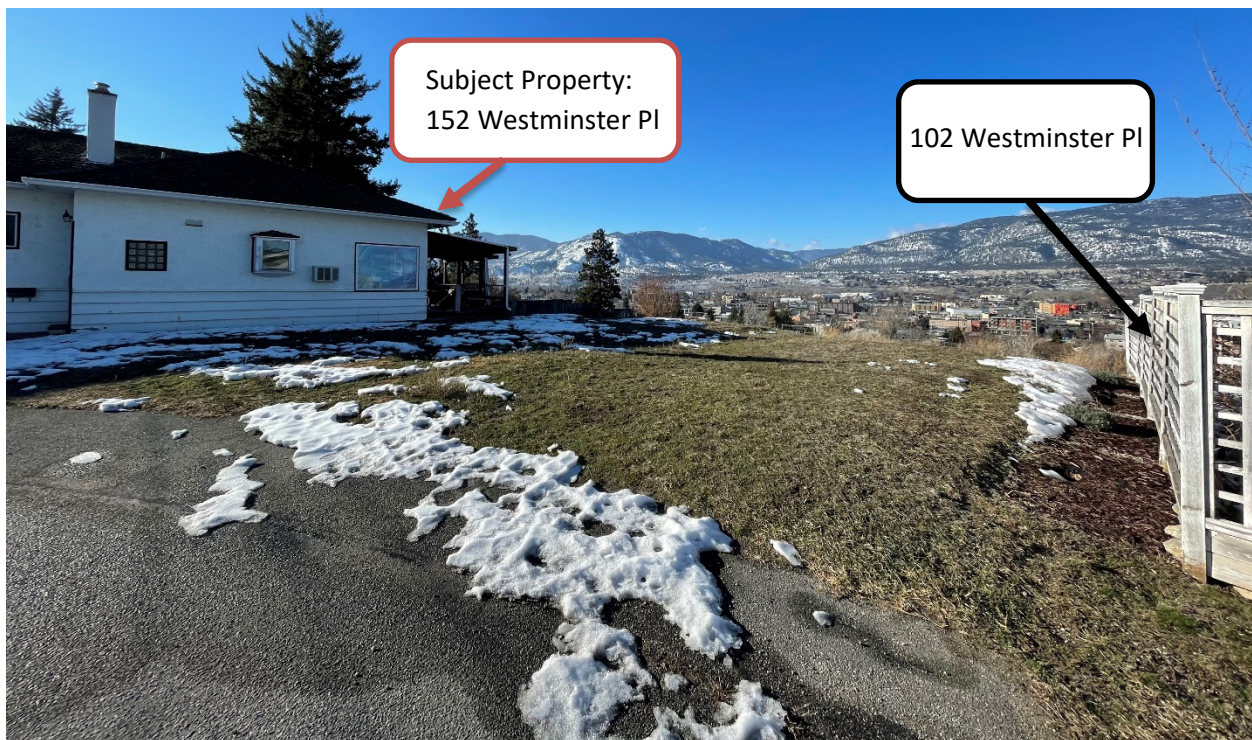
Thursday, February 3, 2022
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penticton.ca

Attachment C – Photos of Property



Looking south at the subject property from Westminster Place.



Looking southwest at the subject property from Westminster Place.



Looking south at the subject property where the proposed carriage house will be built.

Letter of Intent
In Support of Request for Variance
152 Westminster Place, Penticton, BC V2A 4H1

This Letter of Intent is in support of our request for a variance to the City of Penticton Zoning Bylaw No. 2021-01, section 8.2.3.5. Our intention is to construct a two-story 2-car garage with a 587 square foot upper suite. The current zoning bylaw 2021-01 allows for a maximum height of 5.0 meters, or one story, unless such structure is built off an official city lane, or a dual frontage lot. We are requesting a variance to permit the construction of a two-story garage and suite combination on our lot with a City Statutory Right which acts very similarly to a city lane.

Our lot has a City Statutory Right of Way for the sewer main in our area that runs through the east side, and continues north through neighboring lots. Because of this, we are unable to build on the Right of Way itself, or the ten feet east of the Right of Way to the lot line, creating an unofficial lane that would be 30' wide. Due to this, we keep in line with the City's Official Community Plan creating a degree of separation between the structure and neighboring properties, maintaining emergency access to the suite, and ample parking that will not impact neighbors.

The design of the Carriage House was done specifically keeping our neighbors' privacy at the forefront. The structure was designed without south facing windows, and any east facing windows will either be frosted or high enough as to not allow view access to neighboring lots, or into our suite.

We have spoken to most of our immediate neighbors who have all expressed approval of the project and are willing to write to the City in support of our project.

Upon completion of this project, ideally, we would move into the suite while we tear down the existing house on the lot and rebuild. Once construction is complete on the main house, we would place the carriage house on the long-term rental market, all the while not taking from the current inventory during construction of the main structure. Further, the loss of the garage space, in the event we are not successful in our variance request, will have a detrimental impact on a local business that has been operating in the City of Penticton for 60 plus years as that business currently has part of its operations in our existing garage.

We thank you for your time and consideration.

Respectfully submitted,



Jaclyn Cunsolo



Aaron Cunsolo

February 13, 2022

City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Attn: Development and Planning

**Re: Variance Application and Development Permit
for 152 Westminster Place Penticton, BC**

As owner of the property adjacent to 152 Westminster Place, I am writing to express my support for the development and variance application proposed at 152 Westminster Place. I have viewed their plans and feel that this redevelopment would be an asset to our neighborhood.

Sincerely yours,



Ronald little
501 Nanaimo Ave East
Penticton BC. V2A 1M8



225 Cambie Street
Penticton, BC
V2A 4G9

February 12, 2022

Re: Variance Application and Development Permit for 152 Westminster Place Penticton, BC

City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Attn: Development and Planning

We live at 225 Cambie Street, Penticton, BC. As property owners in the neighborhood, we are writing to inform the City of Penticton that we have no concerns regarding the proposed development and variance application for 152 Westminster Place. The owners of the property, Jaclyn and Aaron Cunsolo, have provided us with plans for the project. We fully support the city approving the development and variance application. Feel free to contact us if needed [REDACTED].

Sincerely,



Hilary March



Alexis Porte

February 14, 2022

From:
Francesco Cunsolo
241 Cambie Street
Penticton, BC V2A 4G9

To:
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Attn: Development and Planning

**Re: Variance Application and Development Permit for 152 Westminster Place
Penticton, BC**

As a property owner in the neighborhood, I am writing to express my support for the development and variance application proposed at 152 Westminster Place. In reviewing the proposal in great detail with the owners, Jaclyn and Aaron, it is clear that care has been taken to limit any obstruction of view from immediate neighbors. In addition, the design was strategic in addressing and limiting privacy concerns.

The development is a much welcomed addition to the neighborhood, and I look forward to seeing the completed project.

Sincerely,



Frank Cunsolo

From:
Stephen & Celeste Palmer
102 Westminster Place
Penticton, BC V2A 4H1

February 14, 2022

To:
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Attn: Development and Planning

**Re: Variance Application and Development Permit for 152 Westminster Place
Penticton, BC**

We are writing to express to you our support and approval for the above described variance and development application. We are owners of the adjacent property to the north and look forward to the completion of the project.

Sincerely,



Stephen Palmer



Celeste Palmer

Development Variance Permit

Permit Number: DVP PL2022-9252

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 5 District Lot 202 Similkameen Division Yale District Plan 13681
 - Civic: 152 Westminster Place
 - PID: 009-177-469
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 increase the maximum carriage house building height in the R1 zone, where no lane exist from 5.0m and one floor to 6.5m and two floors.

General Conditions

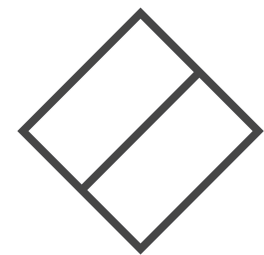
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence 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 3rd day of May, 2022.

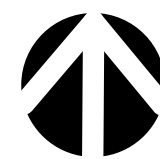
Issued this ____ day of May, 2022.

Angela Collison
Corporate Officer

DRAFT



PARALLEL 50
CONSTRUCTION



Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

OWNER:
Aaron and Jaclyn Cunsolo
152 Westminster Pl
Penticton, BC

152 Westminster Place, Penticton BC

DOCUMENT DATE:
March 10, 2022

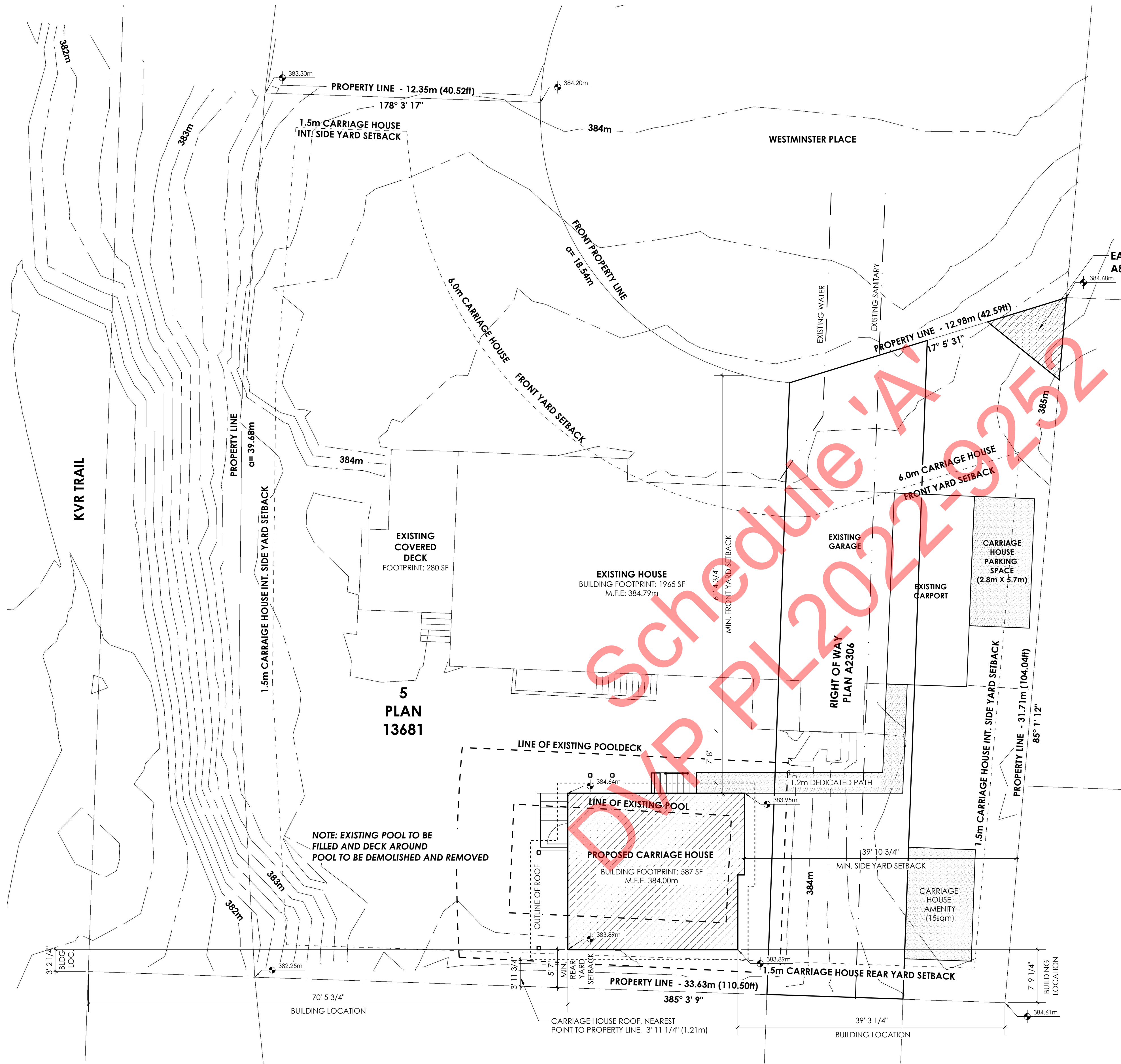
SCALE:
AS NOTED

152 Westminster Pl. - Carriage House

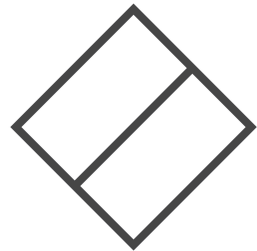
NO. DATE: ISSUE:
01 21.07.01 DESIGN FOR BP
02 21.08.20 PERMIT SET
03 22.03.10 REISSUE FOR PERMIT

A2

SITE PLAN



ZONING LARGE LOT RESIDENTIAL R1 (ACCESSORY BUILDING/CARRIAGE HOUSE)		
	REQUIRED	PROVIDED ON PLANS
MINIMUM LOT WIDTH	16.0m (52.5ft)	33.63m (110.50ft)
MINIMUM LOT AREA	370 sqm (3982.65sqft)	1182.5sqm (12728.32sqft)
MAXIMUM LOT COVERAGE	40%	22.2%
MAXIMUM BUILDING FOOTPRINT	90 sqm (968 sqft)	54.5 sqm (587sqft)
MAXIMUM HEIGHT	5.0m (16.4ft)	6.58m (21.58ft)
MINIMUM AMENITY SPACE	15 sqm (161.5 sqft)	> 15 sqm (161.5 sqft)
MAXIMUM FLOOR AREA	135 sqm (1453 sqft)	109.1 sqm (1174 sqft)
SETBACKS:		
MINIMUM FRONT YARD	6.0m (19.7ft)	18.71m (61.40ft)
MINIMUM INTERIOR SIDE YARD	1.5m (4.92ft)	12.16m (39.90ft)
MINIMUM EXTERIOR SIDE YARD	1.5m (4.92ft)	N/A
MINIMUM REAR YARD	1.5m (4.92ft)	1.70m (5.58ft)



PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

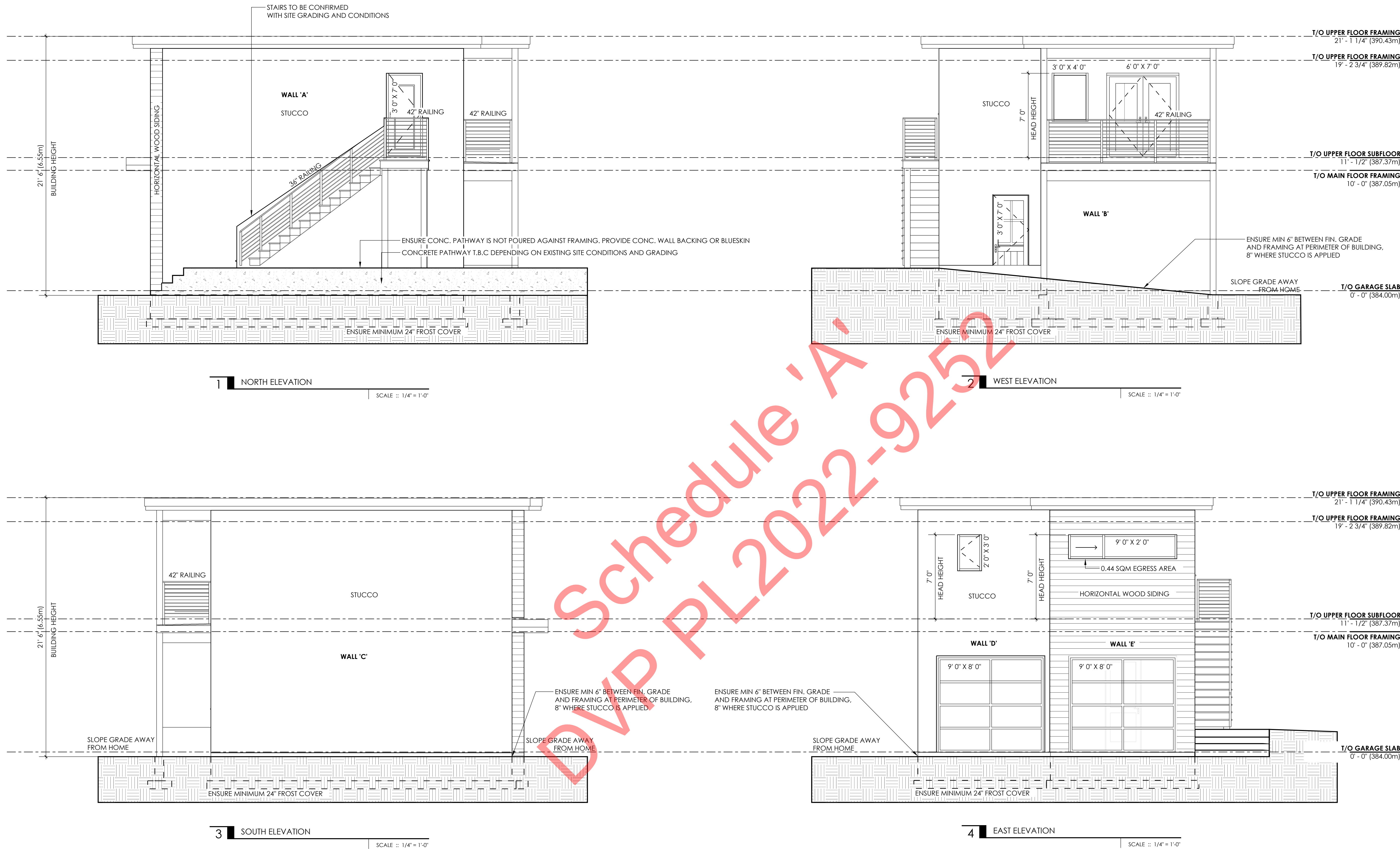
OWNER:
Aaron and Jacyn Cunsolo
152 Westminister Pl
Penticton, BC

152 Westminister Place, Penticton BC

DOCUMENT DATE:
March 10, 2022
SCALE:
AS NOTED

152 Westminister Pl. - Carriage House

NO. DATE: ISSUE:
01 21.07.01 DESIGN FOR BP
02 21.08.20 PERMIT SET
03 22.03.10 REISSUE FOR PERMIT



ELEVATION MAX AREA UNPROTECTED OPENINGS 2018 BCBC TABLE 9.10.14.4.A

	AREA	LD
WALL 'A' AREA/LIMITING DISTANCE	41.3 sqm	1.21m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	41.3 sqm x 7% =	2.8 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	1.9 sqm	
	AREA	LD
WALL 'B' AREA/LIMITING DISTANCE	40.8 sqm	14.1m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	40.8 sqm x 100% =	40.8 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	7.2 sqm	

	AREA	LD
WALL 'C' AREA/LIMITING DISTANCE	44.3 sqm	1.7m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	44.3 sqm x 8% =	3.5 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	0.0 sqm	
	AREA	LD
WALL 'D' AREA/LIMITING DISTANCE	19.5 sqm	12.17m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	19.5 sqm x 100% =	19.5 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	7.2 sqm	

	AREA	LD
WALL 'E' AREA/LIMITING DISTANCE	21.3 sqm	12.16m
ALLOWABLE AREA OF UNPROTECTED OPENINGS	21.3 sqm x 100% =	21.3 sqm
PROPOSED AREA OF UNPROTECTED OPENINGS	8.3 sqm	

NOTE: LIMITING DISTANCE FOR WALL 'A' (NORTH ELEVATION) HAS BEEN CALCULATED BASED ON A HALFWAY POINT BETWEEN THE CARRIAGE HOUSE AND THE PROPOSED PRINCIPAL DWELLINGHOUSE NOT SHOWN ON PLANS. DISTANCE BETWEEN CARRIAGE HOUSE AND PROPOSED PRINCIPAL DWELLING IS 8'1" (2.46M) THEREFORE LIMITING DISTANCE HAS BEEN TAKEN AS 1.22M (4'1")

A4

ELEVATIONS