

June 23, 2022

Address & Legal Description:

109 Lee Avenue

Lot 2 District Lot 189 Similkameen Division Yale
District Plan 5411

Subject & Proposal

Development Variance Permit PL2022-9326

The applicants are proposing to construct a carriage house on the subject property. The proposed carriage house design exceeds the maximum 90m² building footprint permitted by Zoning Bylaw regulations.



As such, the applicants have applied to vary the following section of Zoning Bylaw 2021-01 in order to construct a carriage house:

- Section 8.2.3.3: to increase the maximum building footprint for a carriage house in the R1 (Large Lot Residential) zone from 90m² to 109m²;

The applicants have revised the carriage house plans after Council denied the previous variance request in February 2022. That proposal was for a 130m² carriage house building footprint.

Information:

You can find the staff report to Council and Development Variance Permit PL2022-9326 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, July 5, 2022** in Council Chambers at 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, July 5, 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 PL2022-9326; 109 Lee Ave

No letter, report or representation from the public will be received by Council after the conclusion of the July 5, 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: July 5, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 109 Lee Avenue

Subject: Development Variance Permit PL2022-9326

File No: RMS/109 Lee Ave

Staff Recommendation

THAT Council approve "Development Variance Permit PL2022-9326" for Lot 2 District Lot 189 Similkameen Division Yale District Lot 5411, located at 109 Lee Avenue, a permit to vary the following section of Zoning Bylaw 2021-01 in order to construct a carriage house:

1. Section 8.2.3.3: to increase the maximum building footprint for a carriage house in the R1 (Large Lot Residential) zone from 90m² to 109m²;

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9326".

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 construct a carriage house on the subject property (Figure 1). The proposed carriage house design exceeds the maximum 90m² building footprint permitted by the Zoning Bylaw regulations. As such, the applicants have requested a variance to increase the maximum building footprint from 90m² to 109m². The building footprint has been reduced from the previous request for 130m², which Council denied in February 2021. The applicant provides justification in their letter of intent (Attachment 'D') for this new application.



Figure 1 - Rendering of proposed carriage house

Carriage houses are included within the Intensive Residential Development Permit Area, and a development permit application has also been submitted for approval of the form and character of the proposed carriage

house. Should the requested building footprint variance be approved, staff have the delegated authority to process the related form and character development permit.

Background

The subject property is located on the north side of Lee Avenue, near Cypress Street, in a primarily residential neighbourhood (Figure 2). The property contains a single detached dwelling constructed in 1966. A lane runs along the rear of the property to provide vehicle access, in addition to an existing front driveway onto Lee Avenue. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'R1 (Large Lot Residential)' in the Zoning Bylaw.

Previous Application

In 2021, the applicants submitted a Development Variance Permit application to request a carriage house building footprint of 130m². The carriage house plans submitted with the application included a second floor wraparound deck on three sides, as well as a small rooftop patio on the roof level. The applicant had submitted three letters of support from neighbours with their original application package, however other letters were submitted from neighbours with concerns about the proposed 130m² building footprint. At the February 1, 2022 Council meeting, Council ultimately voted to deny that variance request.



Figure 2 - Property location map

Changes in Current Application

Since that denial decision, the applicants have revised their carriage house plans and have made three key changes from their previous submission to address scale and privacy concerns:

1. Removal of second level deck on west and north sides (east facing deck remaining).
 - Reduced building footprint from 130m² to 109m².
2. Removal of roof access stairs and rooftop deck.
 - This was raised by Council as a concern with the previous design.
3. Relocated access stairs from west side to east side of the carriage house.
 - This was the result of concerns from the neighbour to the west. The neighbours to the east were supportive of the original variance.

The applicants have also applied for a development permit for approval of the form and character of the proposed carriage house, considered within the Intensive Residential Development Permit Area outlined in the OCP. Staff have delegated authority to process the development permit, should Council approve the requested variance.

Climate Impact

The Community Climate Action Plan (CCAP) was adopted by Council in 2021 and outlines various areas of focus to make progress towards the City's climate change mitigation and adaptation goals. The carriage house plans submitted show future solar panels on the roof, which will help contribute towards renewable energy production and reduce the dependency on fossil fuels in the new building. The new building will be required to meet Step 3 of the Energy Step Code. The building permit plans will be reviewed once that application is made to ensure the new building complies with Step 3 requirements.

Technical Review

This application was reviewed by the Technical Planning Committee, a group of internal staff from various departments who review development applications. The plans address all the technical requirements needed at the development variance permit and development permit stage. Future requirements related to the building permit application have been provided to the applicant, to help expedite the future building permit process should Council ultimately approve the requested variance.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	Carriage House Requirement (Section 8.2)	Provided on Plans
Minimum Lot Area:	370 m ²	948 m ²
Maximum Building Footprint	90 m ² or 15% of the lot area	109 m ² - Variance Requested 11.5% of the lot area
Maximum Lot Coverage:	40% (all structures on the lot)	27.6%
Maximum Building Height	7 m	6.9 m
Siting	No closer to the street than the main building	Located in rear yard
Minimum Amenity Space	15 m ²	71 m ²
Maximum Carriage House Floor Area	135 m ²	89.2 m ²
Privacy Windows	Within 1.5 m of property line	N/A – not within 1.5m of property line
Required Setbacks		
Front Yard (Lee Ave):	No closer than main building	35 m
Side Yard (west):	1.5 m	1.5 m
Side Yard (east):	1.5 m	3.9 m
Rear Yard (lane):	1.5 m	6 m
Parking	2 parking spaces for principal residence 1 additional parking space for carriage house Total required: 3	2 parking spaces in garage 1 parking space beside carriage house 1 parking space in front driveway Total provided: 4+

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourages 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 this new variance request to increase the carriage house building footprint from 90m² to 109m² and are recommending support for the following reasons:

1. The subject property is large and the proposed design keeps the carriage house footprint under 15% of the lot area.

The Zoning Bylaw states that a carriage house's building footprint may be 90m² or 15% of the lot area, whichever is less. The intent of this requirement is to keep carriage houses smaller in scale in general, and to ensure those on smaller lots are kept within an appropriate scale for the property. In this instance, the subject property is 948m² and 15% of that area equals 142.2m². This is substantially more than the 90m² building footprint limit embedded in the Zoning Bylaw. The design proposes a building footprint of 109m² of 11.5% of the lot area. The request for increased building footprint in this instance is still well under 15% of the lot area. Overall, the proposed lot coverage including the existing home and proposed carriage house is about 28%, well under the maximum 40% allowed by the Zoning Bylaw.

2. The proposed carriage house design meets the applicable OCP design guidelines and revisions have been made to address previous concerns.

The carriage house design meets the guidelines of the Intensive Residential Development Permit Area through several design elements. First, the second floor deck is located 4.9m from the east side property line, providing a buffer from the neighbour and reducing visual overlook. The west setback to the carriage house meets the minimum 1.5m setback with no outdoor amenity space or access stairs on that side of the building. Second, the second floor deck is screened by 1.8m (6ft) high privacy glass and solid walls are provided along the stairs to provide further privacy between the neighbours and residents of the carriage house. Third, the internal floor area of the carriage house unit (2nd floor) is 90m², and the additional 19m² (204.5ft²) building footprint is a result of the main floor garage space and second floor deck above. The applicants have designed the carriage house to suit their needs while making some adjustments based on the feedback received during their previous variance application:

- Removal of second level deck on west and north sides,
- Removal of roof access stairs and rooftop deck, and
- Relocated access stairs from west side to east side of the carriage house.

In addition to the above reasons, the OCP also has policy that supports carriage houses as an alternative means of housing in the city:

Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.

- Policy 4.1.3.2 Increase housing options in low-density single family areas through development of secondary suites and carriage houses, and ensure carriage houses are sensitively integrated and designed according to the Intensive Residential Development Permit Area Guidelines.
- Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- 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 scale and design, and are appropriately located (e.g. greater density closer to collector roads, services and amenities).

Given the reasons above, staff support the application to increase the building footprint from 90m² to 109m² for the proposed carriage house in this instance. The changes made on the revised carriage house plans address some of the concerns which were previously raised by Council and the neighbours. 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 associated development permit for the form and character of the proposed carriage house.

Alternate Recommendations

Council may consider that the requested variance is unnecessary and that the applicants should build within the Zoning Bylaw regulations. If this is the case, Council should deny “Development Variance Permit PL2022-9326”. If this decision is made, the applicants would need to revise their plans to meet the Zoning Bylaw 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, and that application can remain open. Staff are recommending against this option, as the requested variance is considered reasonable in this instance and the design changes address the concerns raised with the previous application.

1. THAT Council deny “Development Variance Permit PL2022-9326”.

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent
Attachment E – Proposed Carriage House Plans
Attachment F – Draft Development Variance Permit PL2022-9326

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

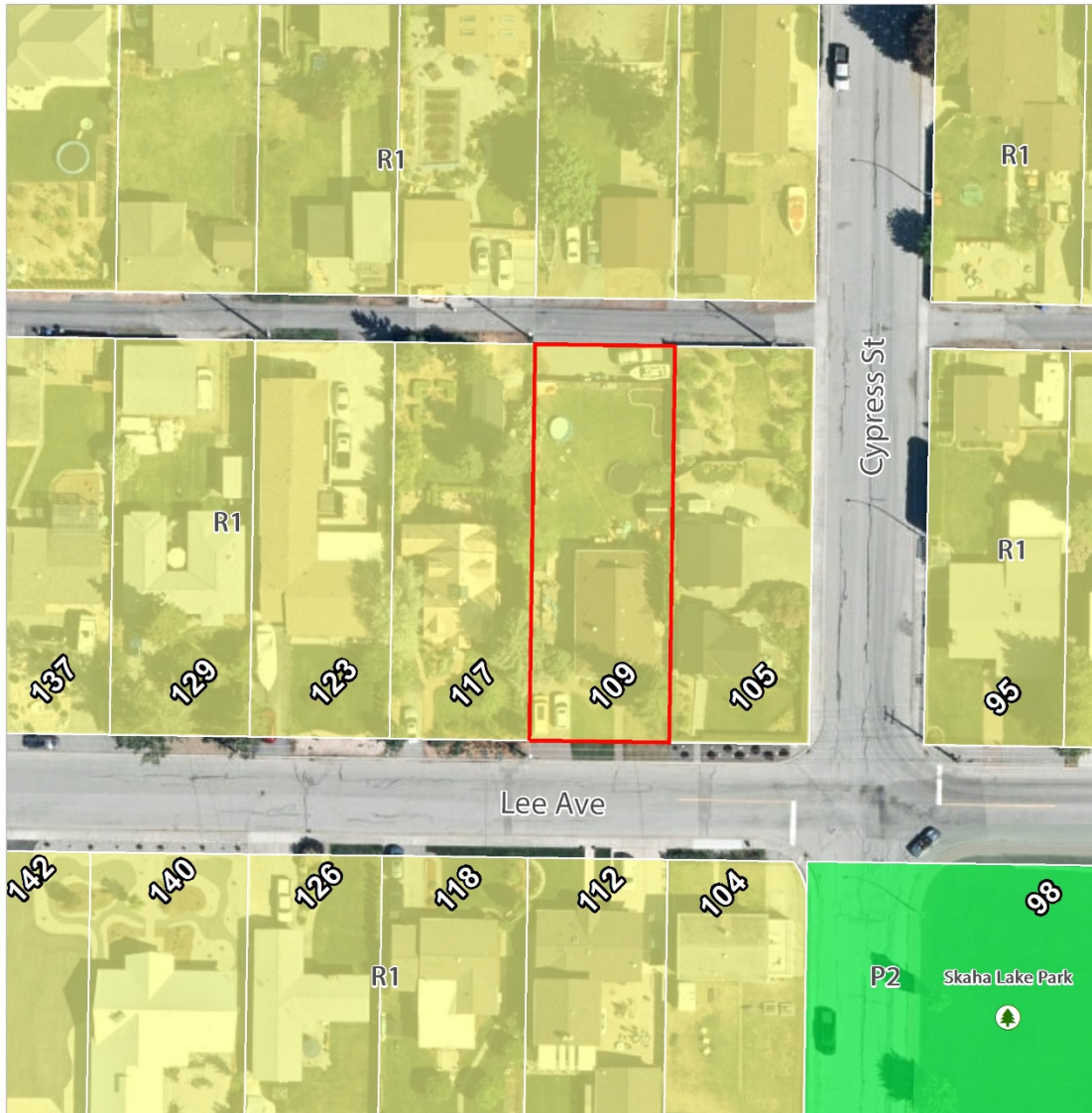
Director of Development Services	Chief Administrative Officer
-------------------------------------	---------------------------------

Draft



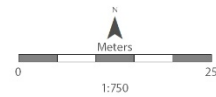
109 Lee Avenue

Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- P2 - Parks and Recreation



Terms of Use: The City of Penticton is a repository of public information in both printed and digital form. This means, 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.

May 30, 2022 11:58:27 AM

penticton.ca



Attachment C – Photos of Property



Attachment D - Letter of Intent



April 04, 2022

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

Re: Letter of Intent in Support of Request for Development Variance Permit [Carriage House]

Current Zoning: R1 – Large Lot Residential

Civic: 109 Lee Avenue, Penticton, BC

Legal: LOT 2 DISTRICT LOT 189 SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP5411, PID: 004-187-253

It is the pleasure of the current owners (Daryl and Barb Royer) of the property located at 109 Lee Avenue, Penticton, BC to submit this Letter of Intent to pursue related approvals to proceed with a Development Variance Permit in advance of subsequent building permit(s) as required by the City of Penticton for the construction of a Carriage House.

As part of the Carriage House application my clients are applying for a development variance permit with a variance proposed for the Building Footprint. Specifically:

a.) Building Footprint:

Allowed: 90m² (968 sq. ft) or 15% of lot area, whichever is less

Proposed: 108.7m² (1170 sq ft) which equals 11.48% of lot area

[Proposed carriage house floor (living – upper level) area = 89m²]

[Proposed garage floor (lower level) area = 108.7m²]

[Proposed Deck Space above 0.6m (upper level) area = 19.5m²]

With respect to the overall design considerations, the client's desire is to introduce a more contemporary theme to the property with the carriage house. This contemporary theme is in step with the current trend of the transitioning neighbourhood.

With respect to feedback/concerns from council and neighbours regarding the initial DVP application (denied February 1, 2022), the design footprint has been reduced to 108.7 m².

This reduction includes:

- Removal of upper deck space on west and north sides (size/privacy concerns)
- Removal of roof access stairs and roof deck/railing (privacy concerns)
- Relocated egress stairs to east side (privacy concerns)

The addition of 18.7 m² (202 sq ft) footprint provides a work area/mechanical room within the garage level, as well, it provides the foundation for modest upper-level deck space on the east side. This equates to 2.04 m (6.7 ft) of additional wall line (39 ft vs 32.3 ft) along north/south footprint dimensions. The east wall/footprint is 4.9 m (16 ft) from the east property line.

The scale of the Carriage House will complement and not overshadow the existing home. The Carriage House will serve as primary residence for the property owners while the existing dwelling continues to be rented full-time by a young family/roommate. The garage will not be used for any commercial or business use. Amenity Space is included in the plans both at grade and above grade to enhance the private spaces of the property and will be used to promote outdoor social activities while maintaining that sense of privacy.

The Carriage House will be built to comply with all zoning bylaws and guidelines outlined in the OCP, beside the variance indicated above. In particular, close attention has been made to prevent/limit overlooks onto neighbouring properties, a clear and unobstructed access path will be provided from the front of the property to the Carriage House for visitors and first responders, one (1) standard size – 2.7m X 5.8m parking space will be provided onsite with access via the existing Laneway and all fencing requirements will be met to ensure the privacy of the amenity spaces and neighbouring properties.

Landscaping will include grassed amenity areas, and hardscapes will consist of paving stones, natural concrete and/or decorative gravel to maximize permeability and eliminate surface runoff.

As illustrated in the supporting drawings and renderings, we are striving to maintain the scale of the existing principle building while providing ample private space for each dwelling and respecting the privacy of their neighbours. (In particular, six-foot-tall translucent panels will be installed to prevent overlook at the northeast corner of the upper deck.) The improvements to the property with the addition of the new Carriage house will not only be an improvement to the property but will grow into the transitioning neighborhood and support the community by aiding in the shortage of available rental opportunities in Penticton. Haywood Design ensures that life safety concerns have been carefully considered for all residents, visitors and first responders.

In Closing, Daryl, Barb, and I, look forward to working with the City of Penticton and its representatives throughout the approval process to transform this property to suit the owners needs while being a cost-effective investment and proficient land use strategy.

Sincerely,

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

David A. Haywood, B.Arch
Haywood Design

Attachment E - Draft Carriage House Plans


109 LEE AVE - CARRIAGE HOUSE

PROJECT: PROPOSED CARRIAGE HOUSE - ISSUE FOR DEVELOPMENT VARIANCE PERMIT
LEGAL DESCRIPTION: LOT 2 DISTRICT LOT 189 SIMILKAMEEN DIVISION YALE DISTRICT
PLAN KAP5411, Folio:03833-000 Pid:004-187-253
CIVIC ADDRESS: 109 LEE AVENUE, PENTICTON, BC



PROJECT DATA	
GROUP C - RESIDENTIAL OCCUPANCY	
PROJECT ADDRESS: 109 LEE AVENUE, PENTICTON, BC	
109 LEE AVE: LOT: 2 PLAN: KAP5411 ROLL # 03833-000 PID: 004-187-253	
OWNER DARYL AND BARB ROYER	
DESIGNER DAVID HAYWOOD HAYWOOD DESIGN - 250.328.4740	
ZONING CURRENT ZONE: R1 - LARGE LOT RESIDENTIAL	

ARCHITECTURAL	
SHEET NUMBER	SHEET NAME
A0.0	COVER
A1.1	SITE PLAN + SURVEY
A2.1	LEVEL 01 (MAIN) - SCHEMATIC
A2.4	LEVEL 02 (UPPER) - SCHEMATIC + ROOF PLAN
A4.1	EXTERIOR ELEVATIONS
A4.2	EXTERIOR ELEVATIONS
A7.1	DP - RENDERINGS



129 Nanaimo Ave. W.
Penticton, BC
250.328.4740

david@haywooddesignbuild.com
www.haywooddesignbuild.com

PREPARED FOR:

No.	Description	Date
1	ISSUE FOR DVP	2022-05-17

109 LEE AVE - CARRIAGE HOUSE - DVP

COVER

Project Number	2124
Date	2022-05-17
Drawn By	DH
Checked By	DH

A0.0

Scale	1/2" = 1'-0"
-------	--------------

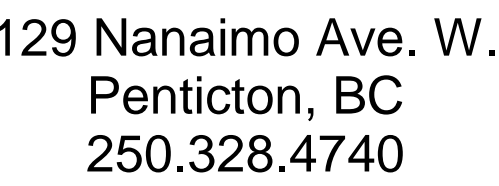
5/19/2022 10:09:09 AM

WASTE + RECYCLING

PROVIDED:
CARRIAGE -IN FRONT OF PARKING STALL
PRINCIPAL -IN GARAGE

SCALE: 1 : 125

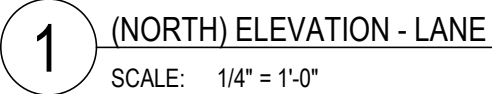
Scale	As indicated
-------	--------------



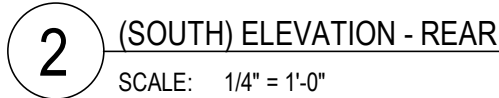
PREPARED FOR:

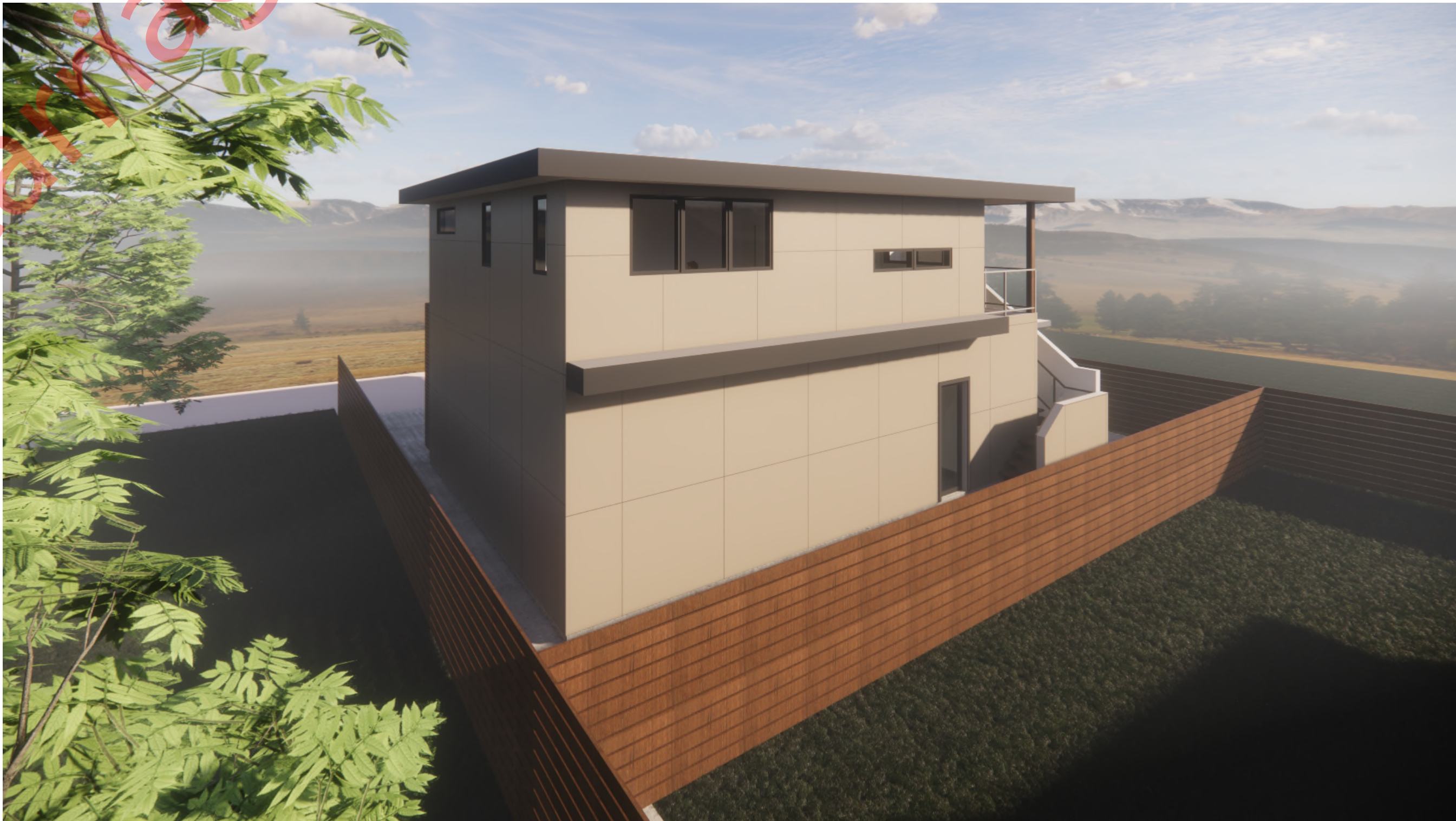
109 LEE AVE - CARRIAGE
HOUSE - DVP

Scale	As indicated
-------	--------------



ALL GRADES TO SLOPE AWAY FROM BUILDING





129 Nanaimo Ave. W.
Penticton, BC
250.328.4740

david@haywooddesignbuild.com
www.haywooddesignbuild.com

PREPARED FOR:

No.	Description	Date
1	ISSUE FOR DVP	2022-05-17

109 LEE AVE - CARRIAGE
HOUSE - DVP

DP - RENDERINGS

Project Number 2124

Date 2022-05-17

Drawn By DH

Checked By DH

A7.1

Scale

Development Variance Permit

Permit Number: DVP PL2022-9326

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 189 Similkameen Division Yale District Plan 5411
 - Civic: 109 Lee Avenue
 - PID: 004-187-253
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 8.2.3.3: to increase the maximum permitted carriage house building footprint from 90m² to 109m².

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

