

February 16, 2023

Address & Legal Description:

271 Hastings Avenue

Lot 17, District Lot 1, Group 7, Similkameen Division
Yale (Formerly Yale-Lytton) District, Plan 1386

Subject & Proposal

Development Variance Permit PL2022-9495

The applicant is proposing to construct a carriage house on top of an existing detached garage. The preliminary plans submitted show the existing garage, and the proposed new construction is 1.3 m from the property line. The Zoning Bylaw requires new construction to be at minimum 1.5 m from property lines. As such, the applicant has requested the following variance to Zoning Bylaw 2021-01 to allow the carriage house as proposed:

- Section 8.2.3.6: To reduce the interior side yard setback (east) for a carriage house from 1.5 m to 1.3 m

Council Consideration:

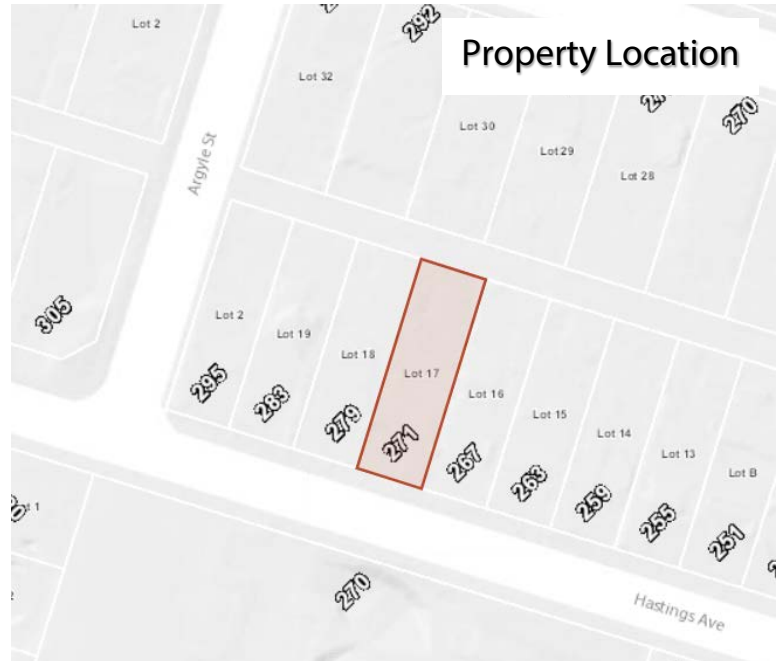
Council will consider the Development Variance Permit at a Special Council Meeting scheduled for **4:00 pm, Tuesday, February 28, 2023** in Council Chambers at Penticton City Hall, 171 Main St.

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.

Information:

You can find the staff report to Council and Development Variance Permit PL2022-9495 on the City's website at www.penticton.ca/publicnotice or scan the QR code on the right.

Please contact the file manager Jordan Hallam at 250-490-2429 or jordan.hallam@penticton.ca with any questions.



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 28, 2023**, 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: 271 Hastings Ave. (DVP)

No letter, report or representation from the public will be received by Council after the conclusion of the February 28, 2023 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 & Licencing Manager

Date: February 28, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 271 Hastings Avenue
Subject: Development Variance Permit PL2023-9495

File No: RMS/271 Hastings Ave

Staff Recommendation

THAT Council approve "Development Variance Permit PL2023-9495" for Lot 17 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1386, located at 271 Hastings Street, a permit to vary Section 8.2.3.6 of Zoning Bylaw 2021-01 to reduce the interior side yard setback (east) for a carriage house from 1.5 m to 1.3 m.

AND THAT Council direct staff to issue "Development Variance Permit PL2023-9495".

Proposal

The applicant is proposing to construct a carriage house on top of an existing detached garage (Figure 1). The preliminary plans submitted show the existing garage and the proposed new construction at 1.3 m from property line. The Zoning Bylaw requires new construction to be at minimum 1.5 m from property lines. As such, the applicant has requested a variance to allow the carriage house as proposed.



Figure 1 – Proposed Carriage House

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.

Background

The subject property is located on the north side of Hastings Avenue, in a primarily residential neighbourhood (Figure 2). The property currently contains a single detached dwelling which was built in 1986. The existing detached garage was built in 1987. 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 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.

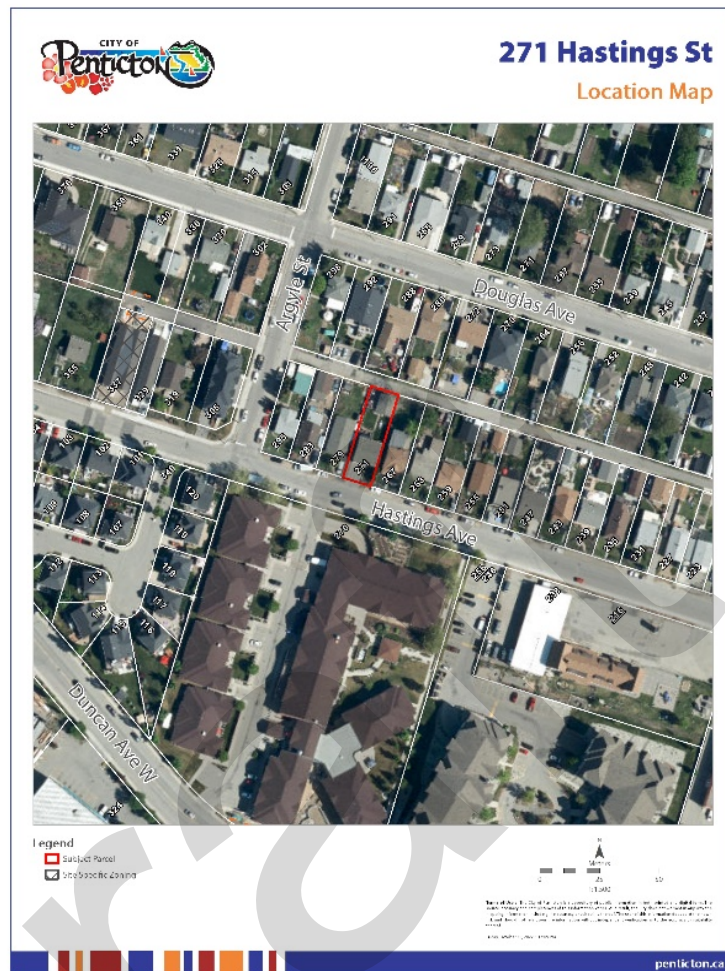


Figure 2 – Property Location Map

Climate Impact

The proposed carriage house will add a second dwelling on the property. This increases the density of the area, allowing more residents to live on an established property within the City of Penticton. In addition, approving the variance will allow for the utilization of the existing accessory building. Not supporting the variance would require the demolition of the building and rebuilding of the carriage house in the correct location, potentially filling the landfill with unnecessary construction waste.

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.

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	481.6 m ²
Maximum Lot Coverage:	40%	31.5%
Maximum Building Footprint:	90m2 or 15% of the lot, whichever is less	62m2, 13%
Vehicle Parking:	3 spaces required (2 required for the sfd and 1 for the carriage house)	3 spaces provided
Required Setbacks		
Front Yard (south):	4.5 m	29.75 m
Side Yard (east):	1.5 m	1.3 m – variance requested
Side Yard (west):	1.5 m	3.35 m
Rear Yard (lane):	1.5 m	2.35 m
Maximum Building Height	7.0 m and 2 storeys	6.82 m and 2 storeys
Amenity Space, Outdoor	15m2	15m2

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 reduce the interior side yard setback (east) from 1.5 m to 1.3 m and are recommending support for the following reasons:

1. *Hardship of the placement of the existing building*

The proposed carriage house meets all other carriage house Zoning Bylaw regulations including parking requirements, building footprint, and lot coverage regulations. The only reason that the variance is being requested in this case is because of the placement of the existing accessory building, which was built according to the siting regulations of the day. Utilizing the existing building is desirable from a number of perspectives, including cost and not wasting the already constructed materials.

2. *Support from neighbours*

The applicant has provided letters of support from immediate neighbours for the proposed carriage house, including 267 Hastings Ave, the property to the east that would be most impacted (Figure 3). 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'. In addition to the support, staff consider that the requested variance of 0.2m would not have a negative impact on the neighbours compared to building according to the bylaw.



Figure 3 – Letters of support submitted by owners of two

3. Minimal setback reduction

The proposed setback reduction from 1.5 m to 1.3 is minimal in distance. Carriage houses must meet the setback requirements of principal dwellings which is 1.5 m. The setback requirements for accessory buildings or structures in the R2 zone is 1.2 m, this proposed carriage is further away from the east property line than what would be required for an accessory building. Even though the request is to reduce the setback all proper building code minimums are being met, ensure that there are no safety impacts of reducing the setback.

Given the reasons above, staff consider the variance request is 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.

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 PL2023-9495". If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw. It is recommended that Council allow the applicant to speak on behalf of the proposed variance if Council is considering denying the application. If the applicant revises their plans to meet 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 variances are considered reasonable in this instance.

1. THAT Council deny "Development Variance Permit PL2023-9495".

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
Attachment F – Draft Development Variance Permit PL2023-9495

Respectfully submitted,

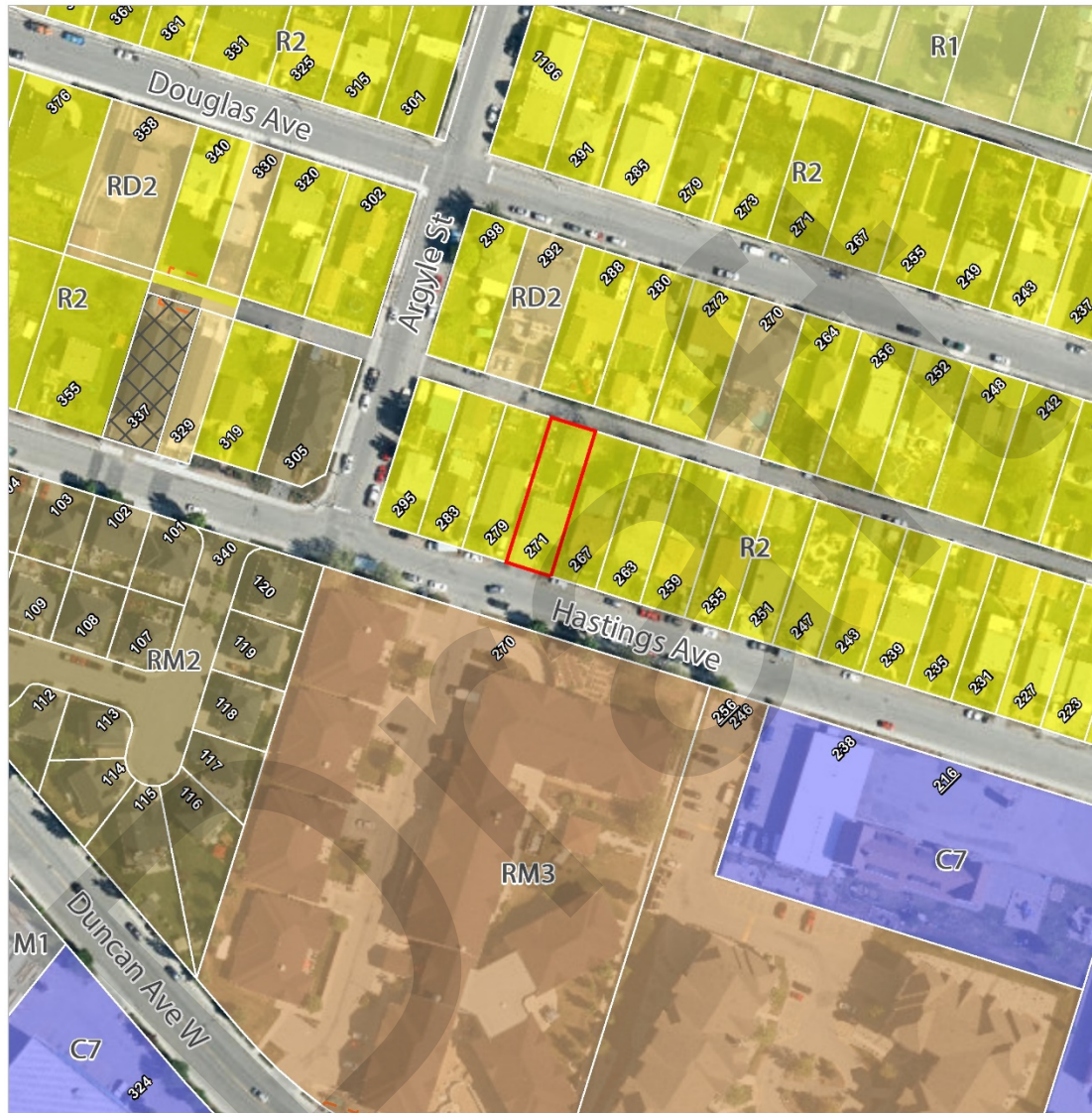
Concurrence

Jordan Hallam
Planner I

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

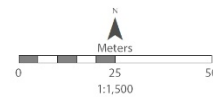


271 Hastings St Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- RM3 - Medium Density Multiple Housing
- Site Specific Zoning
- R2 - Small Lot Residential
- C7 - Service Commercial
- RD2 - Duplex Housing: Lane
- M1 - General Industrial
- RM2 - Low Density Multiple Housing



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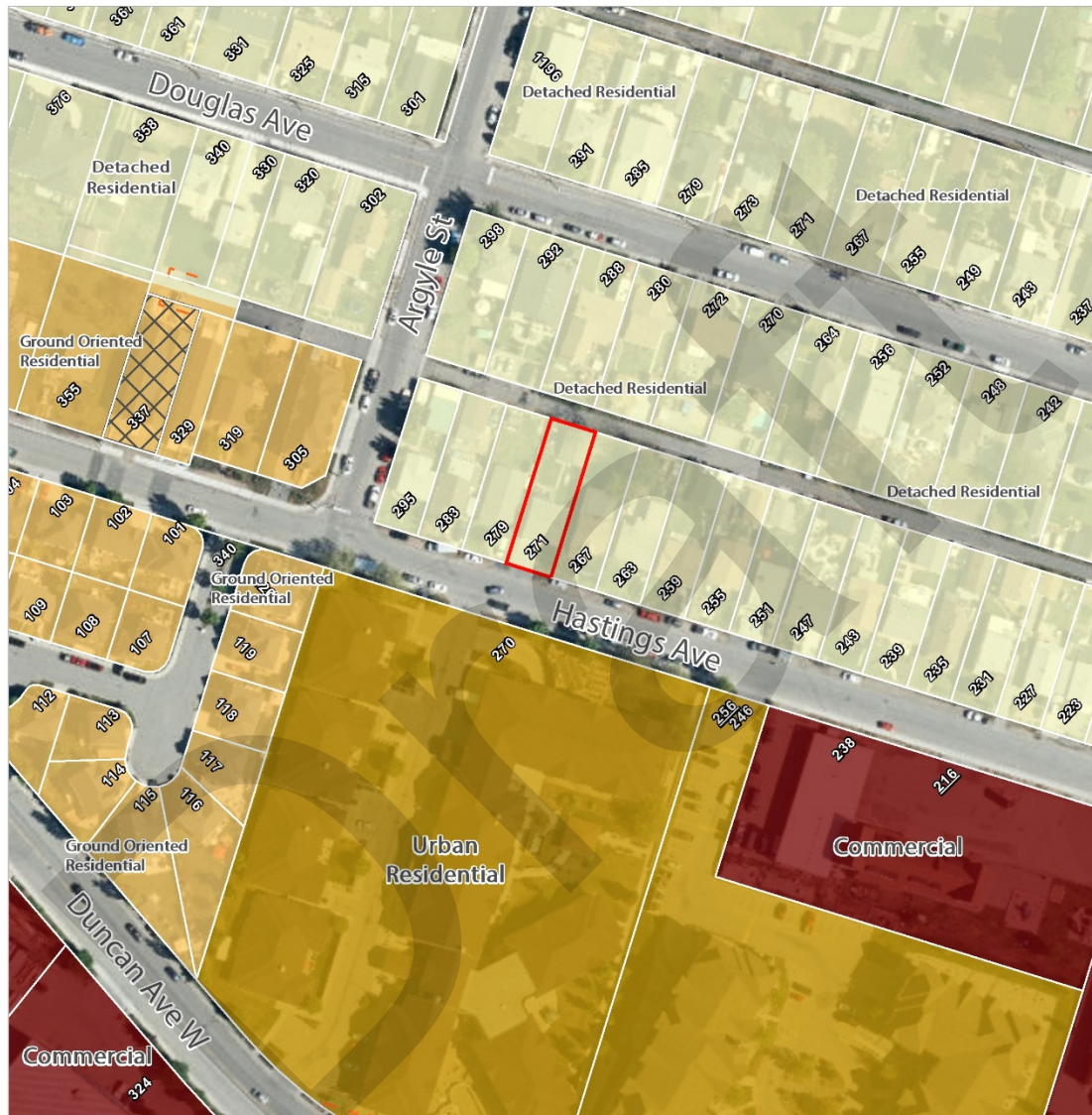
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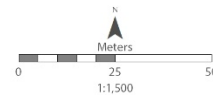
271 Hastings St

OCP Map



Legend

- | | |
|--|--|
| Subject Parcel | Future Land Use |
| Site Specific Zoning | Detached Residential |
| | Ground Oriented Residential |
| | Commercial |
| | Urban Residential |



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Attachment C – Photos of Property



John and Caroline Ryan
Letter of Intent for Variance

December 15, 2022

City of Penticton
Planning Department

Our daughter and her partner have moved back into our residence due to lack of appropriate / affordable rentals locally. We feel that the solution to this situation is to extend our existing lane way garage one more floor for a carriage house. The ground floor will still be used as a garage, and the upper floor will be the living space. Our plans have been submitted.

We have had both of our neighbours, to either side, view the plans and they have no concerns with the carriage house and feel it will not impact them at all.

The reason we are requesting this variance is due to the fact that the existing garage which we are building on, is currently 1.31m from the property line but new Zoning Bylaw (Small Lot Residential Zoning) is now 1.5m. We would like the carriage house to be the same size as the existing garage due to the aesthetic look of the overall building, and to make the carriage house that little bit bigger, due to the size of space we have available.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "John Ryan", followed by a stylized flourish.

Attachment E – Letters of Support

December 19 2022

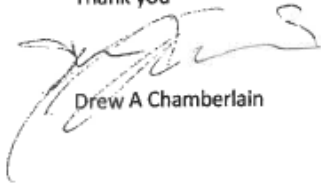
To whom it may concern,

We are the homeowners of 279 Hastings Avenue, Penticton B.C. V2A2V5

Being the neighbors of John and Caroline Ryan of 271 Hastings Ave. Penticton B.C. V2A2V5

We have reviewed and are accepting of their plans to construct a carriage home on their property. Please accept this letter on our behalf to grant them the needed variance to begin the process of planning and construction of said project.

Thank you



Drew A Chamberlain



Cheryl Chamberlain

January, 2023

Dear Sirs,

John Ryan has shared
with me the drawings for
the proposed development.
I have no objections.

Susan Reyes
267 Hastings Ave.
