

February 16, 2023

Address & Legal Description:

350 Middle Bench Rd. N.

Lot A, District Lot 188, Similkameen Division Yale District, Plan KAP73672

Subject & Proposal

Development Variance Permit PL2022-9483

The applicant is proposing to construct a two-storey modular carriage house in their rear yard (Figure 1) for orchard workers housing. The applicant wants the proposed carriage house closer to the property line in order to maximize the space on their property behind the existing principal dwelling. As such, the applicant has requested the following variance to Zoning Bylaw 2021-01:

- Section 8.2.3.6 to reduce the interior side yard setback (north) for a carriage house from 4.5 m to 1.5 m.



Figure 1 – Proposed Carriage House Location

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 PL2022-9483 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: 350 Middle Bench Rd N (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: 350 Middle Bench Road North

Subject: Development Variance Permit PL2022-9483

File No: RMS/350 Middle Bench Rd N

Staff Recommendation

THAT Council approve "Development Variance Permit PL2022-9483" for Lot A District Lot 188 Similkameen Division Yale District Plan KAP73672, located at 350 Middle Bench Road North, a permit to vary Section 8.2.3.6 of Zoning Bylaw 2021-01 to reduce the interior side yard setback (north) for a carriage house from 4.5 m to 1.5 m.

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9483".

Proposal

The applicant is proposing to construct a two-storey modular carriage house in their rear yard (Figure 1) for orchard worker housing. The applicant wants the proposed carriage house closer to the property line in order to maximize the space on their property behind the existing principal dwelling. As such, the applicant has requested a variance to reduce the interior side yard setback from 4.5 m to 1.5 m.

Background

The subject property is located on the east side of Middle Bench Road North, in a primarily country residential and agricultural area (Figure 2). The property currently contains a single detached dwelling, which was constructed in 1945. The property is zoned A (Agriculture) and is designated 'Agriculture' by the Official Community Plan (OCP). The property is also located within the ALR. Under the ALC rules, one additional residence on a property 40 ha or less, once constructed there will be with a maximum total floor area of 90 m².



Figure 1 – Proposed Carriage House Location

The applicant will be required to apply for a building permit for the proposed carriage house prior to construction, should Council approve the requested variance.

Technical Review

This application was reviewed by the Technical Planning Committee (TPC). The committee raised comments regarding latecomers fees if the applicant decides to connect to the City of Penticton sanitary system. The committee also raised comments about the existing and/or proposed septic system, and to ensure the location of the septic system will not interfere with the location of the proposed carriage house. The applicant submitted a site plan showing the existing septic system location is to the south east corner of the principal building, and will not affect the location of the proposed carriage house.

Development Statistics

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



Figure 2 – Property Location Map

	Carriage House Requirement (Section 8.2)	Provided on Plans
Minimum Lot Area*:	2.0 ha	0.48 ha
Maximum Lot coverage:		
Maximum Building Footprint:		
Vehicle Parking:		
Required Setbacks		
Front Yard (west):	9.0 m	> 10.0 m
Side Yard (north):	4.5 m	1.5 m – variance requested
Side Yard (south):	4.5 m	> 10.0 m
Rear Yard (east):	1.5 m	1.5 m
Maximum Building Height		
Amenity Space, outdoor		

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether meeting the bylaw difficult or impossible, 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 variance for the following reasons:

1. Support from neighbouring property

The applicant has provided a letter of support from a neighbour to the east for the proposed carriage house (Figure 3). The property directly affected to the north does not contain any residential buildings, and is used as a vineyard. The letter of support submitted is included in Attachment 'E'.

2. Rural location

The proposed carriage house is in a country residential area within the City of Penticton. There are no residential buildings on the neighbouring properties adjacent to the proposed location of the carriage house, as it is surrounded by vineyards. As such, there are no privacy concerns with the proposed carriage house. The location of the proposed carriage house is approximately 95 m from the nearest residential building located at 438 Middle Bench Road N, which is to the north of the subject property.

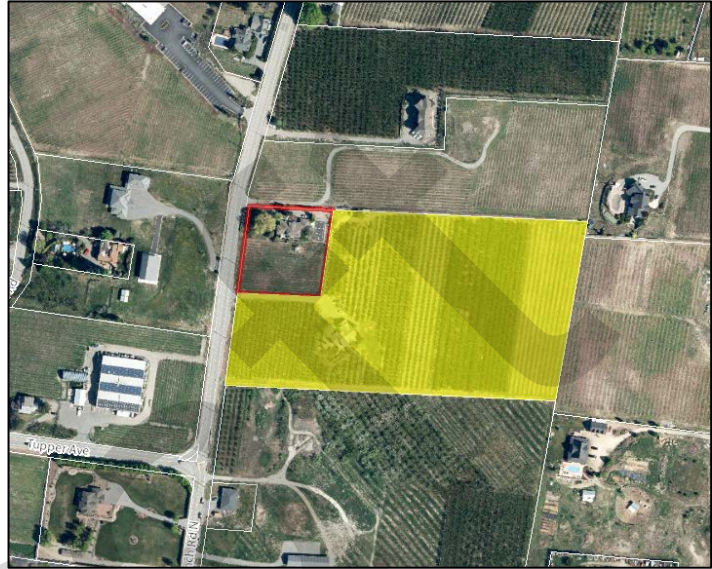


Figure 3 – Letters of support submitted by owners of one property (yellow).

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 Building Permit prior to construction occurring. Development permits are not required for carriage houses when they are located in the Agriculture zoning.

Alternate Recommendations

Council may consider the requested variance is undesirable and that the applicant should build within the Zoning Bylaw regulations. If this is the case, Council should deny "Development Variance Permit PL2022-9483". If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw regulations. It is recommended that Council allow the applicant to speak on behalf of the proposed variance if Council is considering denying the application. 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 PL2022-9483”.

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent (applicant)
Attachment E – Letter of Support (neighbour)
Attachment F – Draft Development Variance Permit PL2022-9483

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

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





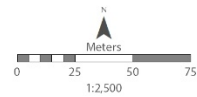
350 Middle Bench Road North

OCP Map



Legend

- | | |
|--|--|
| Subject Parcel | Future Land Use |
| ☒ Site Specific Zoning | Rural Residential |
| | Agriculture |
| | Parks |

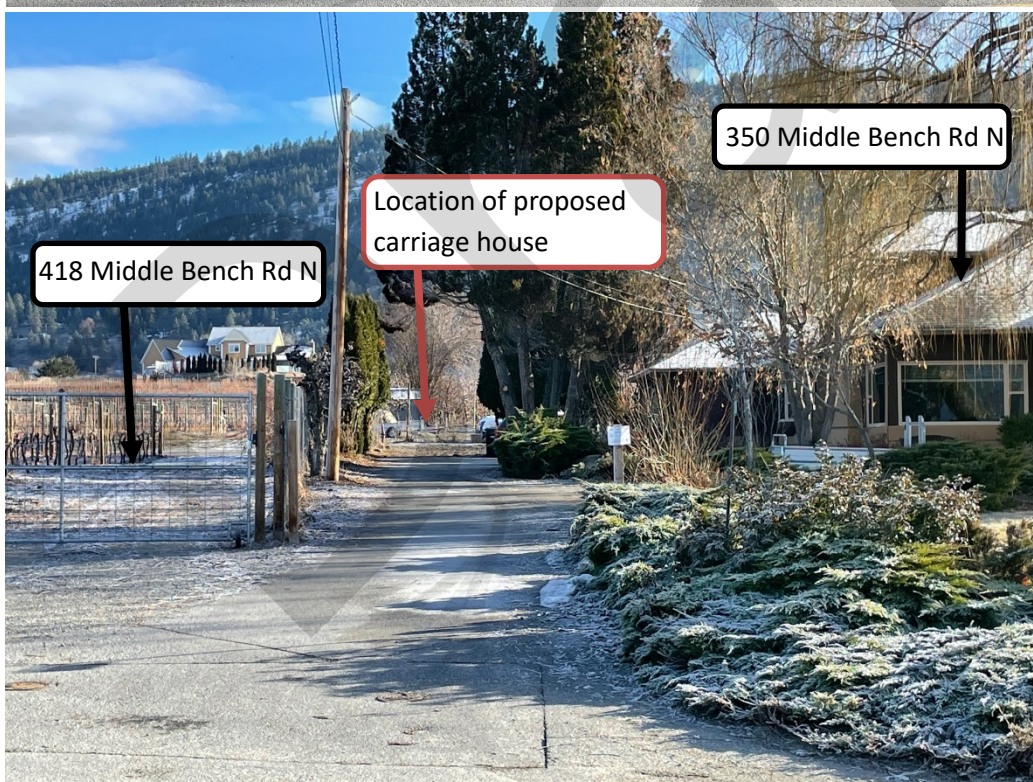


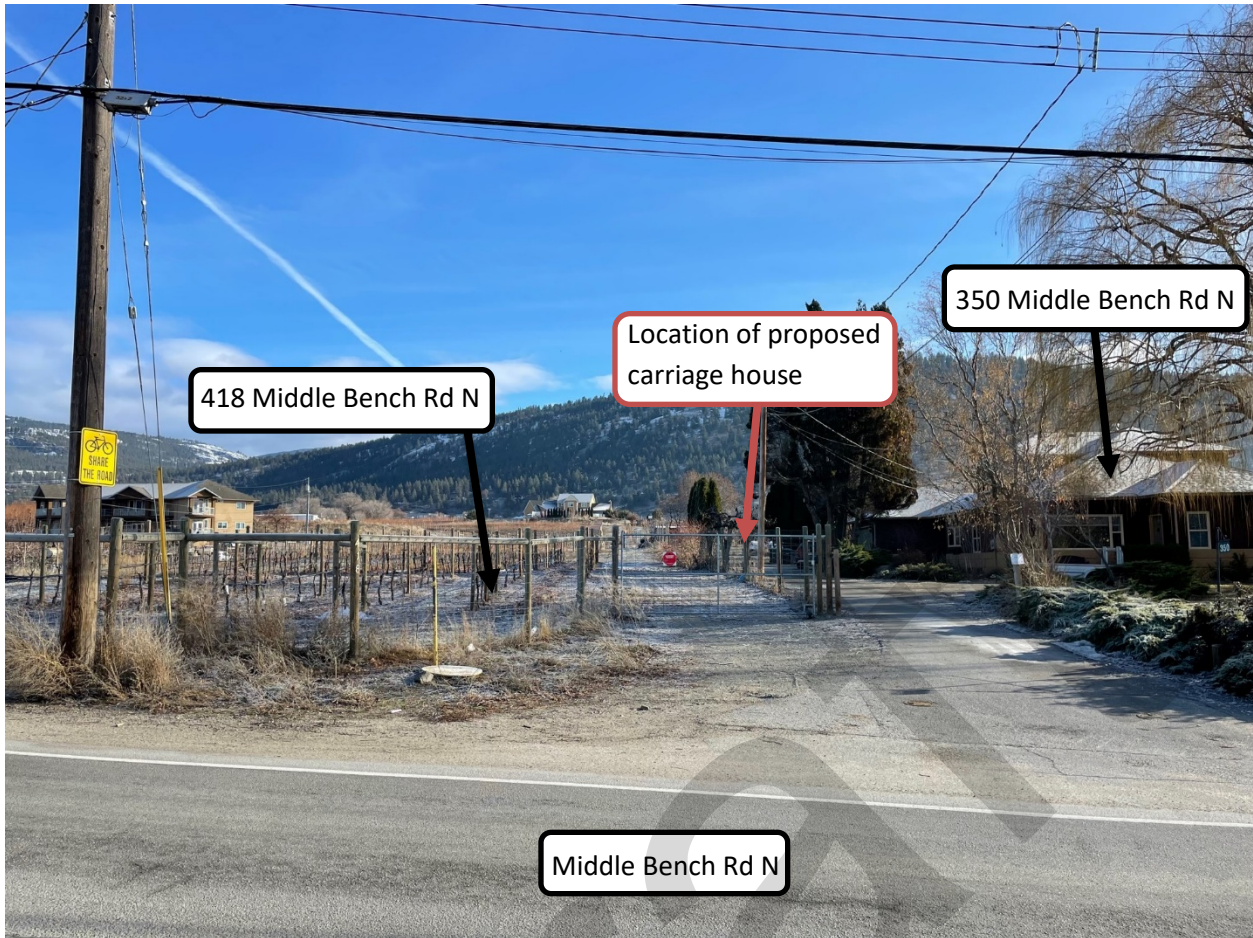
Terms of Use: The City of Penticton is a repository of public information in both printed and digital form. This means, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user 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.

Wednesday, December 14, 2022 10:25:30 AM

penticton.ca

Attachment C – Photos of Property





Letter of Intent

November 17, 2022

To: City of Penticton

Re: Development Variance Permit for 350 Middle Bench Dr N

To Whom It May Concern,

This letter of intent is for the development variance permit for 350 Middle Bench Dr N. We would like City of Penticton staff and Council to consider allowing a variance in setbacks for temporary (orchard) workers housing. **We kindly request that the standard interior and rear parcel setbacks vary from 4.5 meters to 1.5 meters.** This would allow for the ideal placement of the temporary workers housing on the property.

We do not anticipate any negative impacts on the neighbouring property as a result of this variance. The neighbouring property owner is also in support of this application. During construction we will ensure that we minimize the disturbance for the neighbouring property. That being said, her dwelling is not close to the proposed development site.

This development would allow us to provide an affordable housing option for temporary workers that contribute to our valuable agricultural industry. A letter of support from the only neighbouring property owner has been submitted in support of this application.

Thank you for your consideration and please do not hesitate to contact me for further information,

Kelly Lance Loudoun

CEO

Loudoun Development and Construction Corp

loudoundevelopment@gmail.com

Support Letter From Adjacent Neighbour

From: **Loudoun Development**
loudoundevelopment@gmail.com
Subject: **Fwd: Carriage House proposal at 350 Middle Bench
Rd Penticton**
Date: **Nov 9, 2022 at 8:18:52 PM**
To: **Sharon Elliott** [REDACTED]

Print

----- Forwarded message -----

From: **barbara andersen** [REDACTED]
Date: **Wed, Nov 9, 2022 at 8:10 PM**
Subject: **Carriage House proposal at 350 Middle Bench Rd
Penticton**
To: loudoundevelopment@gmail.com
<loudoundevelopment@gmail.com>

To Whom It May Concern:

Chris Huber has spoken to us about his intention to build a carriage house on his property adjacent to our property (342 Middle Bench Rd N). We have no objections to his desire to go ahead with this construction.

Should you wish to discuss this further, my contact information is below:

Barbara Andersen
[REDACTED]
[REDACTED]

Sincerely

Barbara Andersen

--

Sharon Elliott

Executive Assistant

Loudoun Development and Construction

loudoundevelopment@gmail.com



Draft

Development Variance Permit

Permit Number: DVP PL2022-9483

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 A District Lot 188 Similkameen Division Yale District Plan KAP73672
 - Civic: 350 Middle Bench Road North
 - PID: 025-683-268
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 8.2.3.6: to reduce interior side yard (north) from 4.5 m to 1.5 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 28th day of February, 2023.

Issued this ____ day of March, 2023.

Angela Collison
Corporate Officer

Draft



SITE PLAN

SCALE: 1:200