

April 20, 2023

Address & Legal Description

398 Upper Bench Rd. S.

Lot 6, District Lot 155, Similkameen
Division Yale District, Plan 306, Except
Plan 21731

Subject & Proposal

Zoning Amendment Bylaw 2023-15



The applicant is proposing to convert an existing accessory structure on the subject property to a carriage house. The subject property also contains a single-family dwelling, which is currently operating as a bed and breakfast home. Section 8.2.1.1 of the Zoning Bylaw does not permit a carriage house in conjunction with a bed and breakfast home, and therefore the applicants require a zoning amendment to proceed. The proposed zoning amendment is referred to as a 'site-specific' zoning, meaning that the property retains the A (Agriculture) zoning, and adds the proposed use (allowing a carriage in conjunction with a bed and breakfast home) as a permitted use, only for the subject property.

The applicants have applied for the following site-specific provision, within the A (Agriculture) zone: "Section 9.2.6.13, In the case of Lot 6 District Lot 155 Similkameen Division Yale District Plan 306 Except Plan 21731, located at 398 Upper Bench Road South, **a carriage house and a bed and breakfast home** shall be permitted.

Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, May 2, 2023** in Council Chambers, Penticton City Hall, 171 Main St.

All meetings and public hearings 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 Zoning Amendment Bylaw 2023-15 on the City's website at www.penticton.ca/publicnotice or scan the QR code to the right.

Please contact the file manager Nicole Capewell at 250-490-2517 or nicole.capewell@penticton.ca with any questions.



Public Comments:

Any person whose interest may be affected by the proposed bylaw:

1. May participate at the Public Hearing via Zoom or telephone. Please visit www.penticton.ca/publichearings for details and the Zoom link.
2. May appear in person.
3. Submit written comments by mail or email no later than 9:30 am, Tuesday, May 2, 2023, to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca

Please ensure the following is included in your correspondence:

Subject: 398 Upper Bench Rd. S.

No letter, report or representation from the public will be received by Council after the conclusion of the May 2, 2023 Public Hearing.

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



Council Report

penticton.ca

Date: April 18, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 398 Upper Bench Road South

File No: RMS/398 Upper Bench Rd S

Subject: Zoning Amendment Bylaw No. 2023-15

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-15", for Lot 6 District Lot 155 Similkameen Division Yale District Plan 306 Except Plan 21731, located at 398 Upper Bench Road South, a bylaw to add the site-specific provision, within the A (Agriculture) zone, as follows: "Section 9.2.6.13, In the case of Lot 6 District Lot 155 Similkameen Division Yale District Plan 306 Except Plan 21731, located at 398 Upper Bench Road South, a carriage house and a bed and breakfast home shall be permitted;

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-15", to the May 2, 2023 Public Hearing.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicant is proposing to convert an existing accessory structure on the subject property to a carriage house. The subject property also contains a single-family dwelling, which is currently operating as a bed and breakfast home. Section 8.2.1.1 of the Zoning Bylaw does not permit a carriage house in conjunction with a bed and breakfast home, and therefore the applicants require a zoning amendment to proceed. The proposed zoning amendment is referred to as a 'site-specific' zoning, meaning that the property retains the A (Agriculture) zoning, and adds the proposed use (allowing a carriage in conjunction with a bed and breakfast home) as a permitted use, only for the subject property.

Background

The subject property is located along the east side of Upper Bench Road South between Johnson Road and Hillside Avenue (Figure 1). The property is currently zoned A (Agriculture) and designated as Agriculture by the City's Official Community Plan (Attachments 'A' and 'B'). The surrounding area contains larger

agricultural properties that operate farms, and also contain residential uses and structures. To the east, properties are zoned FG (Forestry and Grazing), as the slope increases up towards Campbell Mountain. There are various utility right-of-ways on the subject property to the east of the carriage house location, for utility companies.

While the western portion of the property is located within the Agricultural Land Reserve, records do not indicate significant farming on the property in the past. The City has satellite imagery periodically, dating back to 1997, which shows a small area to the east of the existing single family dwelling with vines, however, this area is quite small (~10,000 sq. ft.) and is likely for hobby farming rather than commercial purposes. Additionally, over the years, it does not appear that the property has ever held farm status with the Assessment Act. The eastern portion of the property remains in a natural landscape, with several utility right of ways, and a gradual slope up to the east. With this information, the property has had limited agricultural activities over the years.



Figure 1 - Property Location Map

Climate Impact

The applicants will be required to comply with the BC Building Code and City Building Bylaw. This will require the structure to be brought to today's standard for conversion into a dwelling unit. Given that the structure was built many years ago (likely 1950/60s), this will likely improve the efficiency of the building, connecting to the improvement of existing buildings within the Community Climate Action Plan.

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC). Typical servicing requirements have been identified for the Building Permit stage of the project, if the zoning application is supported by Council. These items have been communicated to the applicant. The property is located outside of the City's sewer network, and the owner's will be responsible to ensure proper waste water disposal onsite. The owners will be required to show compliance with this requirement at the time of the Building Permit for the building conversion.

The western portion of the property is located within the Agricultural Land Reserve (ALR), as shown in Attachment 'C'. The requested use is permitted by the Agricultural Land Commission (ALC). The property is also located within the Environmental Assessment Area (as identified by the City's OCP), however the proposed works likely will not require an assessment, as the proposal is to convert an existing building with limited soil disturbance of natural areas. The owners will continue to work with staff to determine if any works will require an Environmental Development Permit.

Typically applications that have an agricultural component would be referred to the City's Agriculture Advisory Committee. However, at this time, the Committee is not yet operating. As such, staff have relied on

existing policies within the OCP, as well as considering the ALC regulations, which allow for the proposed use to occur.

Development Statistics

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

	Requirement Carriage House Agriculture Zone Requirement	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	8.14 acres or 32,941 m ²
Maximum Building Footprint:	150 m ²	72 m ²
Maximum Carriage House Floor Area (CHFA):	150 m ²	87.7 m ²
Maximum Lot Coverage:	10% for residential buildings	1%
Vehicle Parking:	Bed and Breakfast: 1 per bedroom to a maximum of 3, plus 1 for the required corresponding dwelling unit Carriage house: 1 additional space for the carriage house Total required = 5 spaces	3 spaces for bed and breakfast 1 space for corresponding dwelling unit 1 additional space for carriage house Total provided = 5+ spaces
Required Setbacks		
Front Yard (west):	9.0 m	19.5 m
Interior Side Yard (north):	4.5 m	94.0 m
Interior Side Yard (south):	4.5 m	47.0 m
Rear Yard (east):	9.0 m	200.0 m
Maximum Building Height	7.0 m and 2 storey(s)	3.8 m and 2 storey(s)

Analysis

The Zoning Bylaw provides separate regulations for bed and breakfast homes and carriage houses, as follows:

1. Bed and Breakfast Home *(means the use of a residence in which temporary overnight accommodation and breakfast is provided)*:
 - a. Only permitted in specific zones, including the A (Agriculture) zone.
 - b. Must be operated within a single detached dwelling, with a maximum 4 sleeping units (i.e. bedrooms), with accommodation for a maximum of 2 guests per sleeping unit.
 - c. Shall not change the residential character or external appearance of the dwelling.
 - d. The licensed operator must reside in the dwelling.
 - e. Vehicle parking must be provided.

2. Carriage house – *there are many regulations for carriage houses, including setbacks, size, height, etc. This list highlights those that are applicable to the proposed rezoning.*
 - a. Only 1 carriage house may be permitted per residential property, and shall not be allowed in conjunction with a secondary suite in a principal dwelling, duplex, apartment or bed and breakfast homes.

The applicant is proposing to convert an existing agricultural accessory structure to a carriage house. The property also contains a single-family dwelling that is operated as a bed and breakfast home, with three bedrooms available for rent. The carriage house regulations do not allow for a carriage house in conjunction with a bed and breakfast home, and therefore a zoning amendment is required to allow for both uses on the same property.

The Official Community Plan (OCP) designation for the subject property is 'Agriculture', which allows for growing, producing, harvesting, storage, processing and sale of agricultural produce (Figure 2). Agricultural buildings and detached houses are building types that are supported through this designation and both agricultural and residential uses are permitted, allowing 1-2 units per parcel. The existing buildings and uses are supported through the OCP designation, and the proposed building and use is supported by the OCP designation.

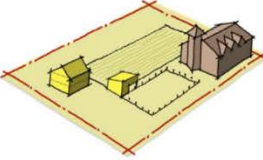
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Agriculture 	Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.	• Agricultural buildings • Detached houses	• Agricultural • Residential	• 1-2 units per parcel	• A

Figure 2 - Excerpt from OCP Future Land Use Designations

Staff do not expect any impacts to agriculture on the subject property as a result of the proposed development. As the applicants are proposing to convert an existing accessory structure that has been on the property for many years (likely dating back to the 1950/60s), there are no additional lands needed to accommodate the additional dwelling unit on the property. Further, the property owners have undertaken landscaping works (including planting of several fruit trees and shrubs) on the property to introduce natural plants and landscaping back to areas of the property that were previously disturbed (i.e. vineyard).

In addition to alignment with the future land use designation, staff consider that the proposed zoning amendment will also allow for a development that is supported through the following OCP Goals and Policies:

OCP Goal 4.1.3	Ensure a range of housing types, sizes, tenures and forms exist throughout the city to provide housing options for all ages, household types, and incomes.
OCP 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.
OCP Goal 4.5.1	Support, protect and enhance agriculture as a central component of Penticton's economy, character and identity.
OCP Policy 4.5.1.2	Work with the ALC to ensure that agricultural activities remain the primary use on lands within the ALR and encourage active farming use of those lands. Proposed compatible non-farm uses and non-soil-based agriculture should be comprehensively reviewed to ensure there are no negative impacts on agricultural viability and operations.

Staff consider that the application proposes to add an additional dwelling unit to an existing property within the City, and within an existing accessory structure. Further, the proposal is permitted through the Agricultural Land Commission (ALC) regulations and does not require any additional approvals from the ALC to proceed. Additionally, the property owner(s) have submitted a letter of support from one of the directly adjacent neighbours, which demonstrates their support for the existing bed and breakfast operation and the proposal to add a carriage house to the property (Attachment 'F').

As such, staff recommend that Council give first reading to "Zoning Amendment Bylaw No. 2023-15" and forward the Bylaw to the May 2, 2023 Public Hearing to gather comments and feedback from the public.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Agricultural Land Reserve (ALR) Map

Attachment D – Photos of Property

Attachment E – Letter of Intent

Attachment F – Letter of Support (Neighbour)

Attachment G – Proposed Plans

Attachment H – Zoning Amendment Bylaw No. 2023-15

Respectfully submitted,

Nicole Capewell, RPP, MCIP

Planner II

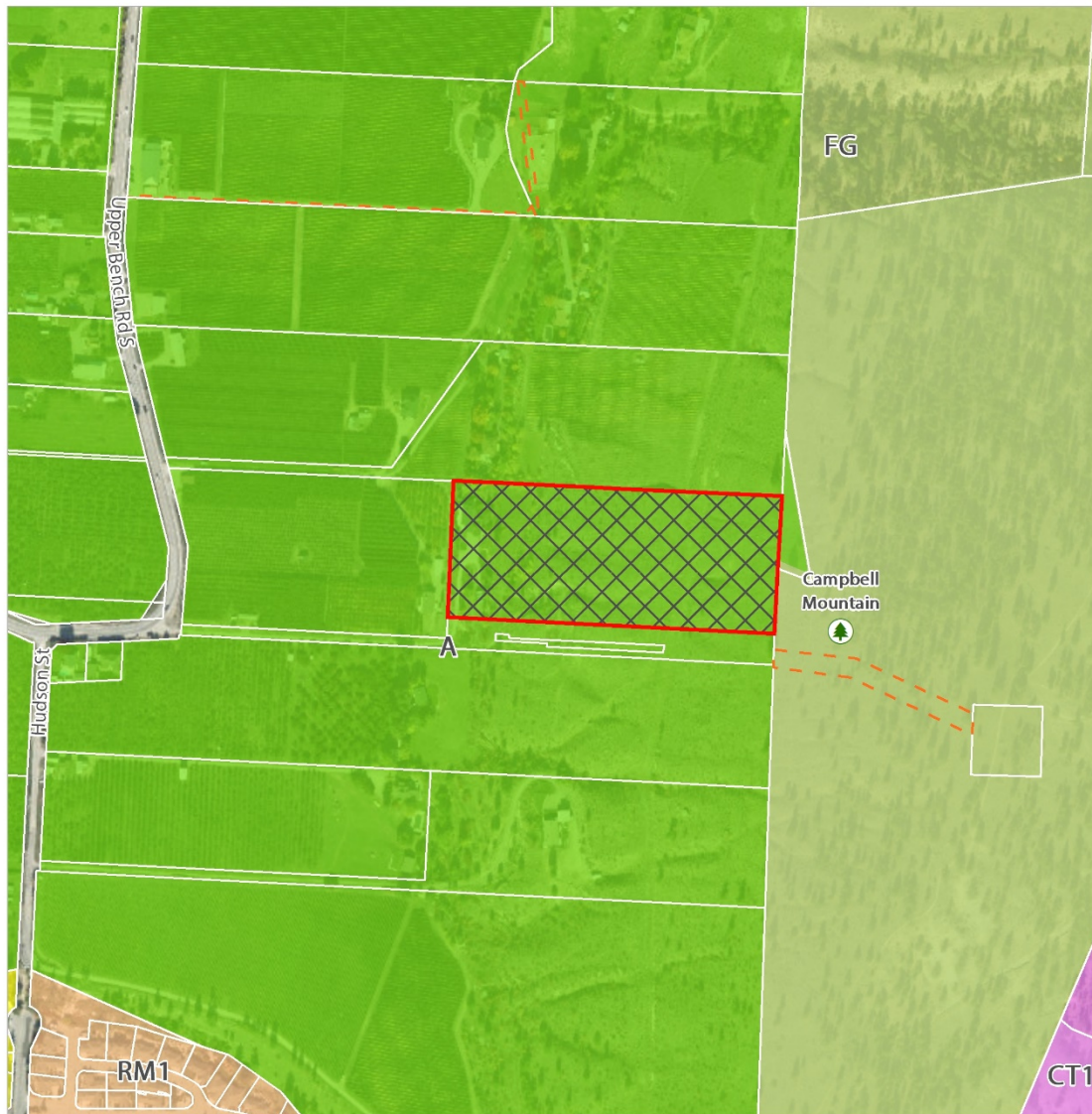
Concurrence

Director of Development Services <i>BL</i>	GM of Infrastructure <i>KD</i>	Chief Administrative Officer DyD
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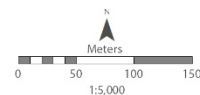
398 Upper Bench Road S

Zoning Bylaw



Legend

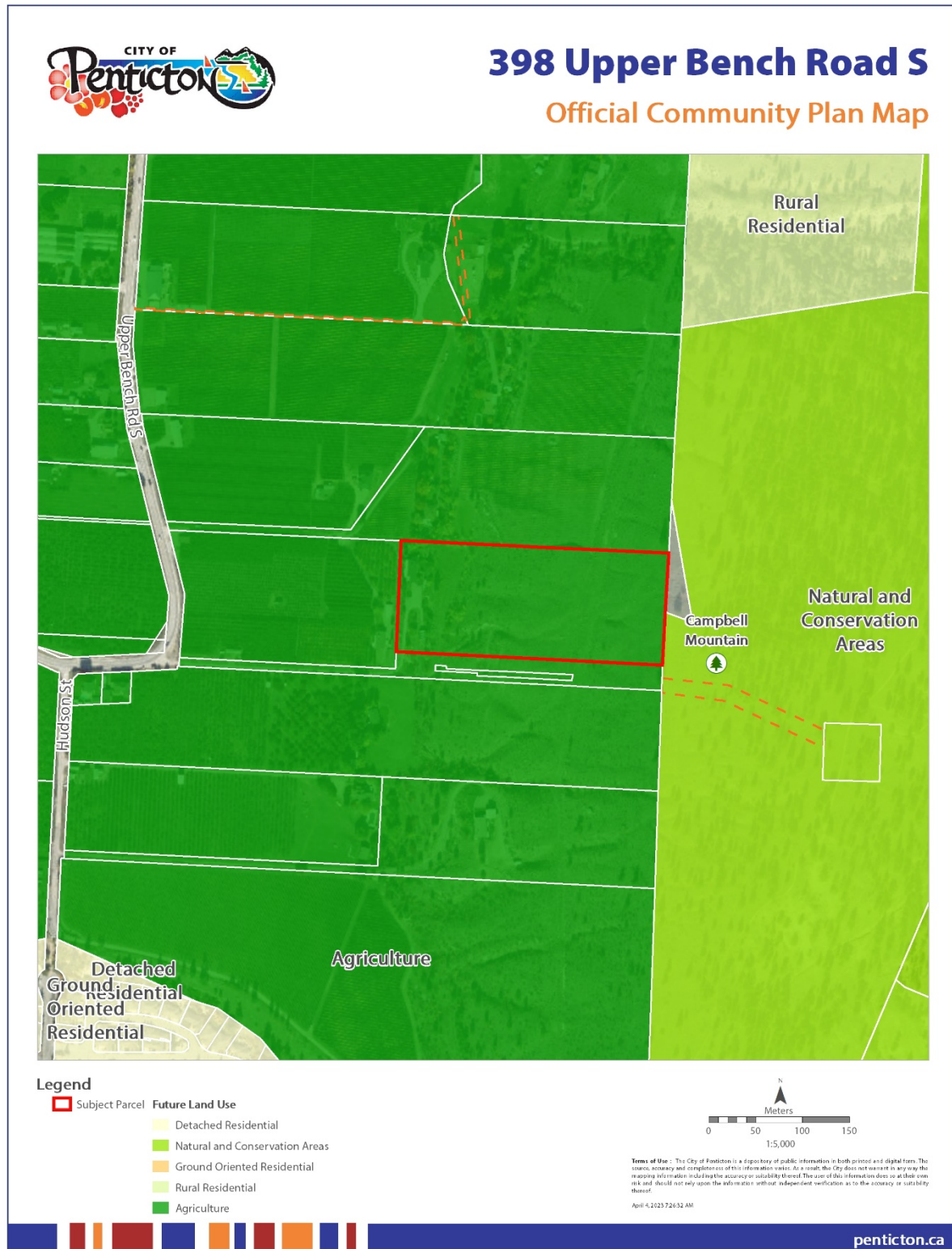
- Subject Parcel
- FG - Forestry and Grazing
- RM1 - Bareland Strata Housing
- Site Specific Zoning
- A - Agriculture
- CT1 - Tourist Commercial
- R2 - Small Lot Residential

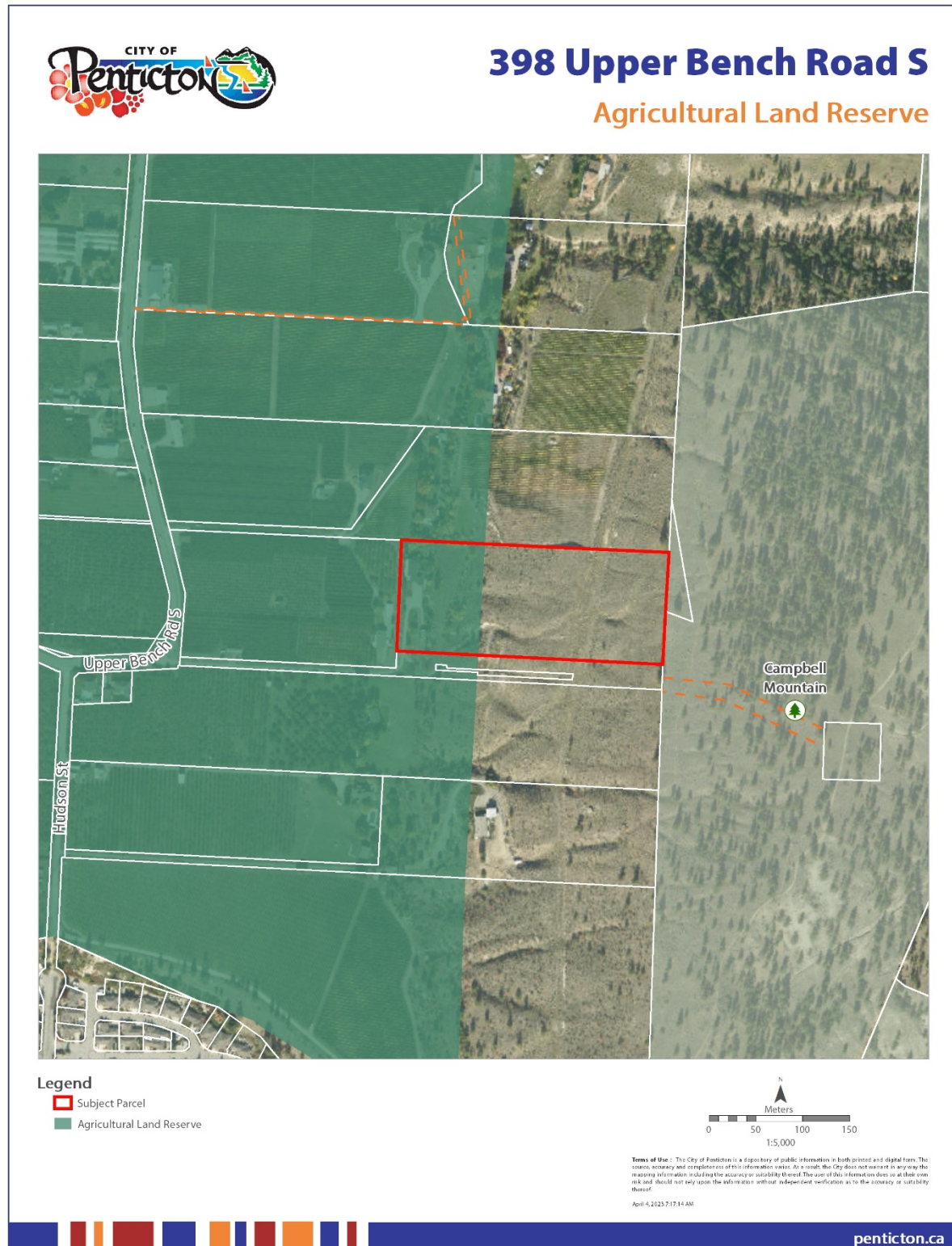


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April 4, 2023 7:27:55 AM

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Attachment D – Photos of Property



Existing accessory structure (Quonset hut) proposed to be converted to carriage house

Landform Architecture Ltd.

Chris Allen, Architect AIBC

102 Ellis Street
Penticton, BC V2A 4L5
CANADA
t: 250-276-4106

info@landformadb.com
www.landformadb.com

Letter of Intent

Feb. 9, 2023

**Re: 398 Upper Bench Road S
Zoning Bylaw Text Amendment**

The property in question is a large (8.14 acre) property on the eastern margin of Penticton, directly adjacent to Campbell Mountain. It is zoned A, Agriculture, and the lower portion of the property is in the Agricultural Land Reserve.

The owner has operated a bed and breakfast operation out of the existing single family dwelling for several years, as permitted by zoning, and with full support of the neighbours.

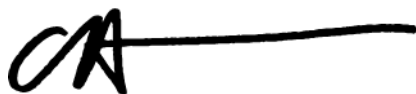
They are now proposing to internally renovate an existing accessory building south of the house to create a unique vacation rental option. The building is an arched roof metal building, popularly known as a "Quonset Hut". It is felt that conversion of this distinct but redundant heritage building would both preserve a building form common to the agricultural context, and create an intriguing small accommodation space overlooking the vineyards below.

However:

- Zoning Bylaw Section 8.2.1 states "carriage house shall not be allowed in conjunction with a... bed and breakfast home"
- Zoning bylaw Section 7.6.2.3 states that "In the case of a property containing a single detached dwelling and a carriage house, only one dwelling may be used for the purpose of a vacation rental"

Despite these restrictions in the bylaw, the proposed conversion would not change the use, form and character, or built footprint of the property. It would make use of an existing driveway and large parking area, with no impact on agricultural land. It would preserve a unique farm heritage building, while supporting the existing agricultural accommodation use. Finally, it is located on a large agricultural property on the wildland margin of Penticton, and would have no detrimental impacts on neighbouring properties.

Therefore, we are proposing a Zoning Bylaw Text Amendment to allow a carriage house to be created in conjunction with the existing bed and breakfast operation, and for this renovated structure to be permitted to be used as a vacation rental.



Chris Allen, Architect AIBC
Principal, Landform Architecture Ltd.

March 28, 2023

Dear Mayor and Council,

My name is David Paisley and I am the owner of 330 Upper Bench Road South; I have lived here with my family since 1997.

I am an immediate neighbour to Dara Parker and Nata Belcham who live at 398 Upper Bench Road South, and I am writing in support of their proposed rezoning application going before Council.

I am fully supportive of their intention to convert their quonset hut into a carriage home, to be operated as a short-term rental property. I believe this will be a complement to their existing Bed and Breakfast operation, which provides much needed accommodation in the neighbourhood. I appreciate their responsible and sustainable approach to running their small business.

Should you have any questions, please don't hesitate to get in contact.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Paisley', with a long horizontal flourish extending to the right.

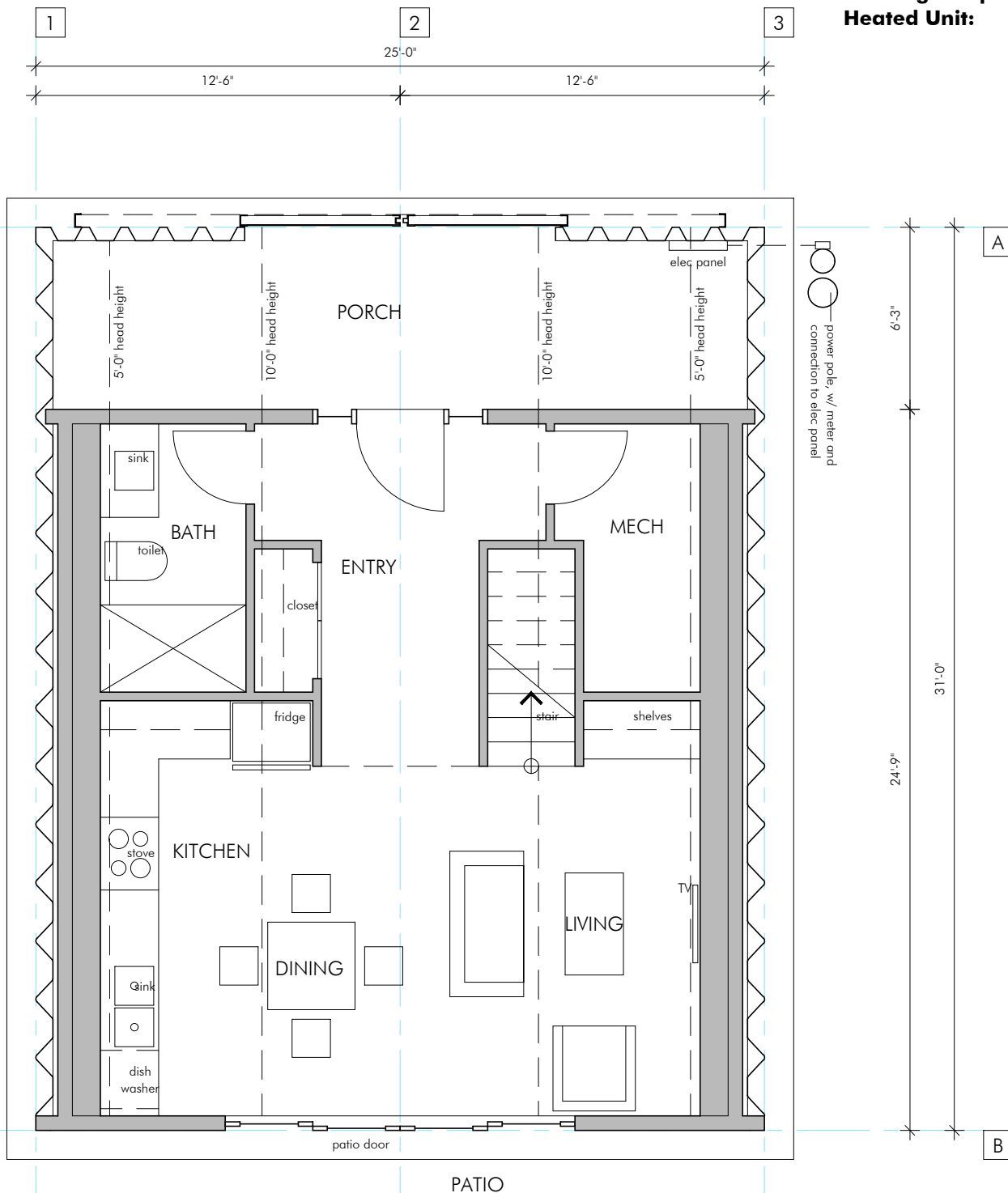
David Paisley
330 Upper Bench Road South
Penticton, BC

250.462.0939



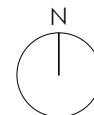
2. Floor Plan

Building Footprint: 775 ft²
Heated Unit: 580 ft²



Compliance Table

	Allowed	Proposed
Zoning	A, Agriculture	A, Agriculture
Accessory Dwellings (ALC)	90 m ²	72 m ²
Max Lot Coverage (residential)	10%	0.7%
Height	7.0 m	3.8m
Amenity Space	15 m ²	15 m ²
Front Setback	9.0m	19.5m
Side Interior (North)	4.5m	94.0m
Side Interior (South)	4.5m	47.0m
Rear Setback	4.5m	200.0m



Floor Plan

1:64
 Mar. 30, 2023

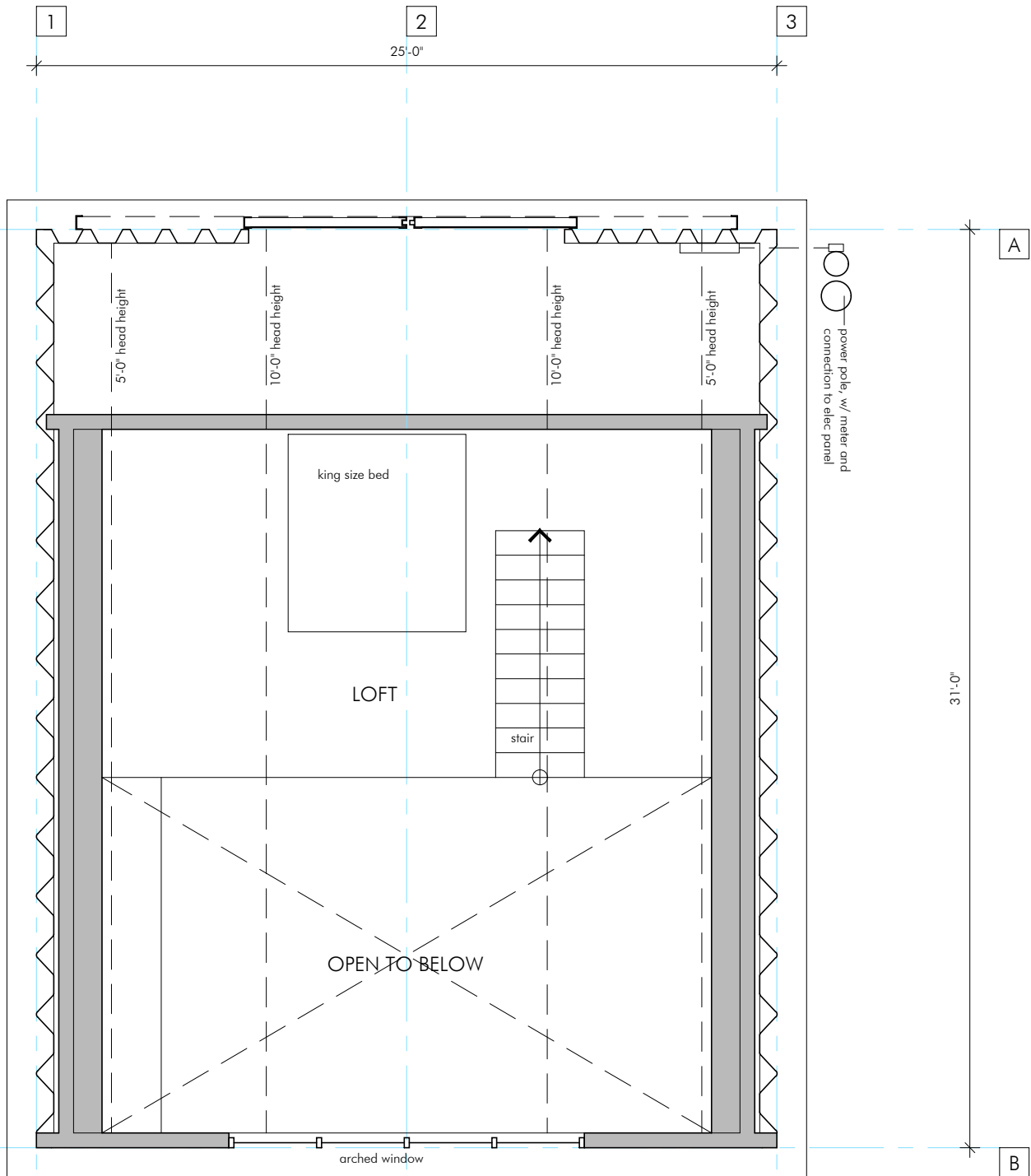
Quonset Hut

398 Upper Bench Road
 Penticton, BC

Landform Architecture Ltd.

102 Ellis Street
 Penticton, BC V2A 4L5
 250-276-4106
 info@landformadb.com
 www.landformadb.com

3. Loft Plan



Loft Plan

1:64

Mar. 30, 2023

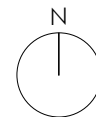
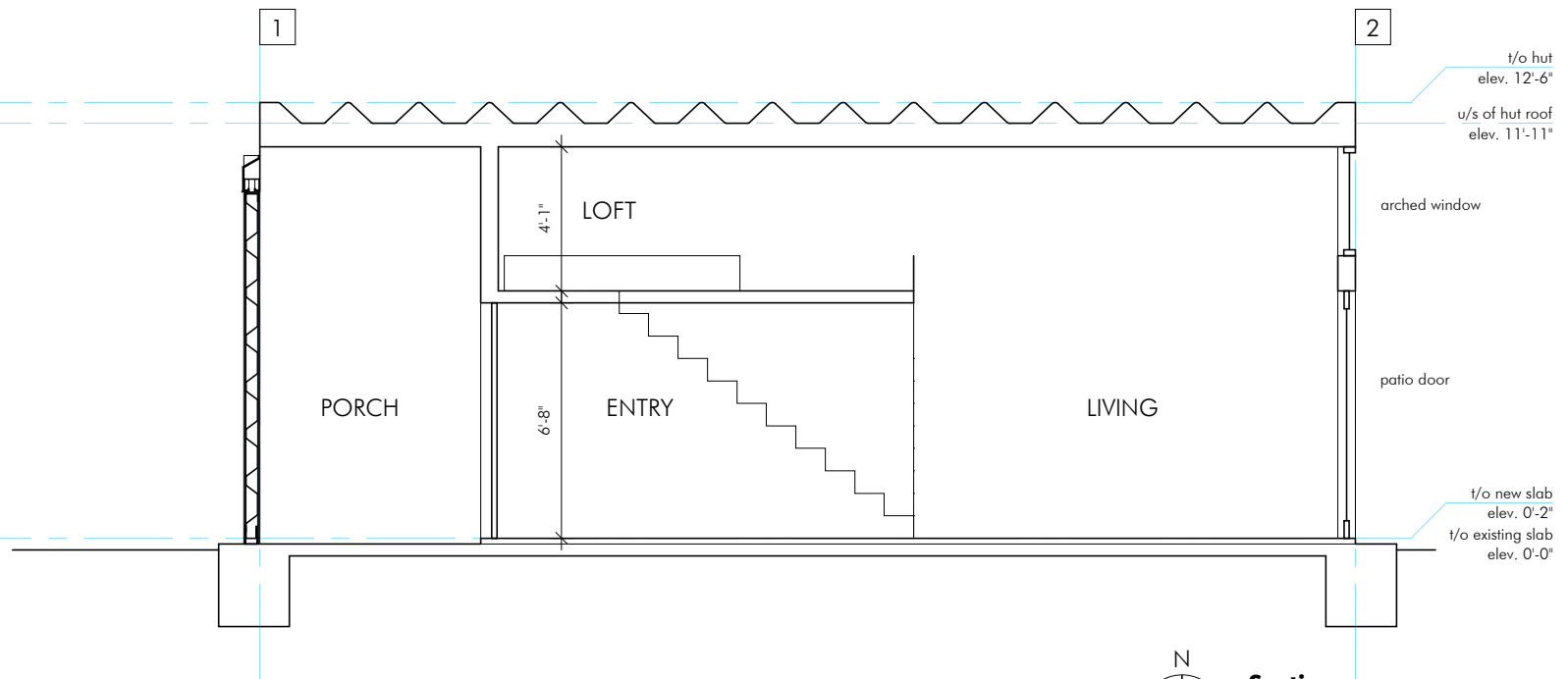
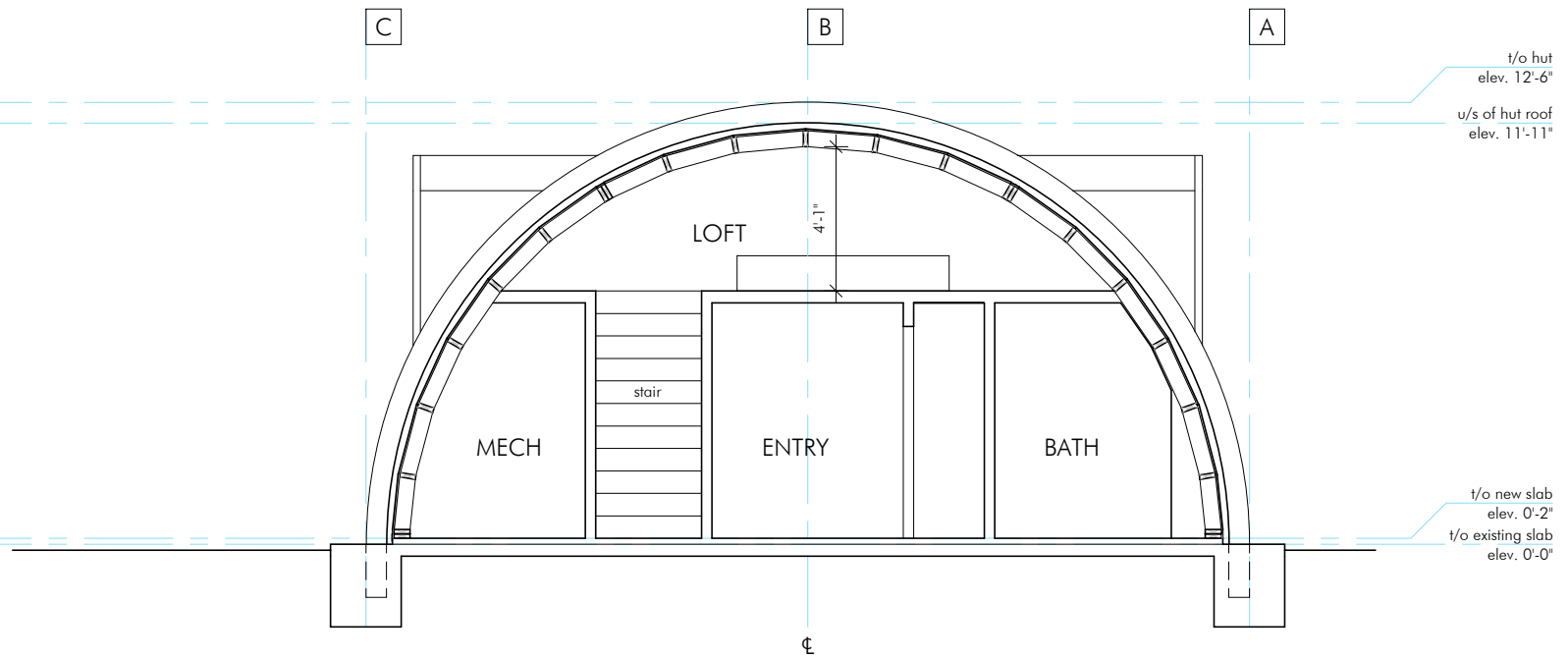
Quonset Hut

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4. Sections



Sections

1:64

Mar. 30, 2023

Quonset Hut

398 Upper Bench Road
Penticton, BC

Landform Architecture Ltd.

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Schedule A: Zoning Amendment Bylaw 2023-15

Date:

Corporate Officer:

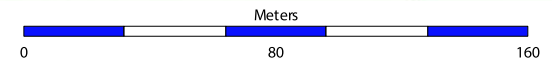


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April 12, 2023 8:56:57 AM



Coordinate System: NAD 1983 CSRSUTM Zone 11N

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