

May 4, 2023

Address & Legal Description:

419 Westminster Ave. W.

Lot 5, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 849 and The Westerly 17 Feet of Lot 4 Measured Along Westminster Avenue By The Full Depth of Said Lot; District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 849



Subject & Proposal

Development Variance Permit PL2023-9573

The applicants applied for, and received a building permit in order to build an addition at the rear of their existing single family dwelling. As part of the building permit process, a survey of the poured concrete forms was required. It was determined that the addition was built 5.1 m from the rear property line, where the minimum distance as per the Zoning Bylaw is 6.0 m.

As such, the applicants have applied to vary the following section of Zoning Bylaw 2023-08:

- Section 10.5.2.9.a: To reduce the minimum rear yard from 6.0 m to 5.1 m

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, May 16, 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 PL2023-9573 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, May 16, 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: 419 Westminster Ave. W.

No letter, report or representation from the public will be received by Council after the conclusion of the May 16, 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: May 16, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 419 Westminster Avenue West
Subject: Development Variance Permit PL2023-9573

File No: RMS/419 Westminster Ave W

Staff Recommendation

THAT Council approve “Development Variance Permit PL2023-9573” for Lot 5 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849 and The Westerly 17 Feet of Lot 4 Measured Along Westminster Avenue By The Full Depth of Said Lot; District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849, located at 419 Westminster Ave W, a permit to vary Section 10.5.2.9.a of Zoning Bylaw 2023-08, to reduce the minimum rear yard from 6.0 m to 5.1 m, in order to facilitate the construction of an addition to a single family dwelling;

AND THAT Council direct staff to issue the “Development Variance Permit PL2023-9573”.

Strategic Priority Objective

Vibrant and Connected: Support vibrant and diverse activities creating opportunities for connection in community.

Proposal

The applicants applied for, and received a building permit in order to build an addition at the rear of their existing single family dwelling. As part of the building permit process, a survey of the poured concrete forms was required. It was determined that the addition was built 5.1 m from the rear property line, where the minimum distance as per the Zoning Bylaw is 6.0 m. As such, the applicants have requested a variance to reduce the minimum rear yard setback from 6.0 m to 5.1 m for the addition to their existing single family dwelling.

Background

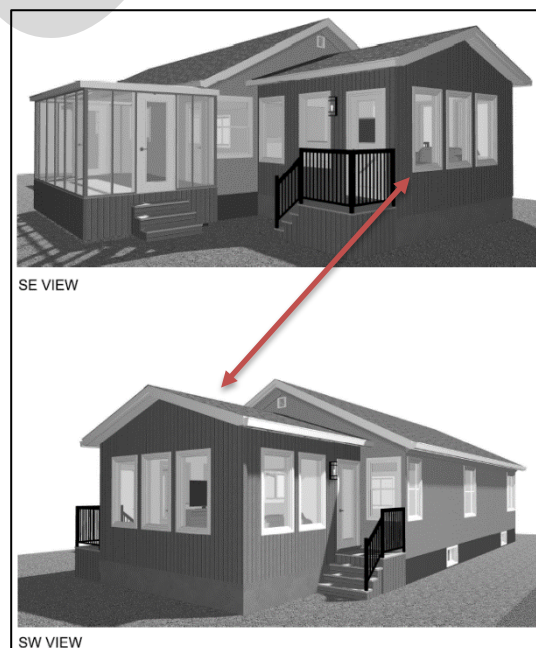


Figure 1 – Proposed Addition

The subject property is located on the north side of Westminster Ave W, in a primarily residential neighbourhood (Figure 2). The property contains a single detached dwelling, which was constructed in 1948. The property is zoned RD2 (Duplex Housing: Lane), and is designated 'Ground Oriented Residential' by the Official Community Plan (OCP).

Development Statistics

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



Figure 2 – Property Location Map

	RD2 – Duplex Housing: Lane Zone Requirement	Provided on Plans
Required Setbacks		
Front Yard (south):	4.5 m	> 5.0 m
Side Yard (east):	1.5 m	1.63 m
Side Yard (west):	1.5 m	3.72 m
Rear Yard (lane):	6.0 m	5.1 m – variance requested
Maximum Building Height	10.5 m	3.12 m (for the addition)

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 rear yard setback from 6.0 m to 5.1 m and are recommending support for the following reasons:

1. Support from neighbours

The applicant has provided letters of support from immediate neighbours for the proposed addition, including 413 and 431 Westminister Ave W, the properties 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 to reduce the rear yard from 6.0 m to 5.1 m is minimal and will not have a negative impact on neighbours.

2. Minimal setback reduction

The proposed setback reduction from 6.0 m to 5.1 is minimal in distance. The setback requirements for accessory buildings or structures in the RD2 zone is 1.5 m, this proposed addition is further away from the rear property line than what would be required for an accessory building. The proposed addition will be meeting all of the BC Building Code requirements.



Jordan Hallam
Planner I

Concurrence

Director of Development Services	Chief Administrative Officer
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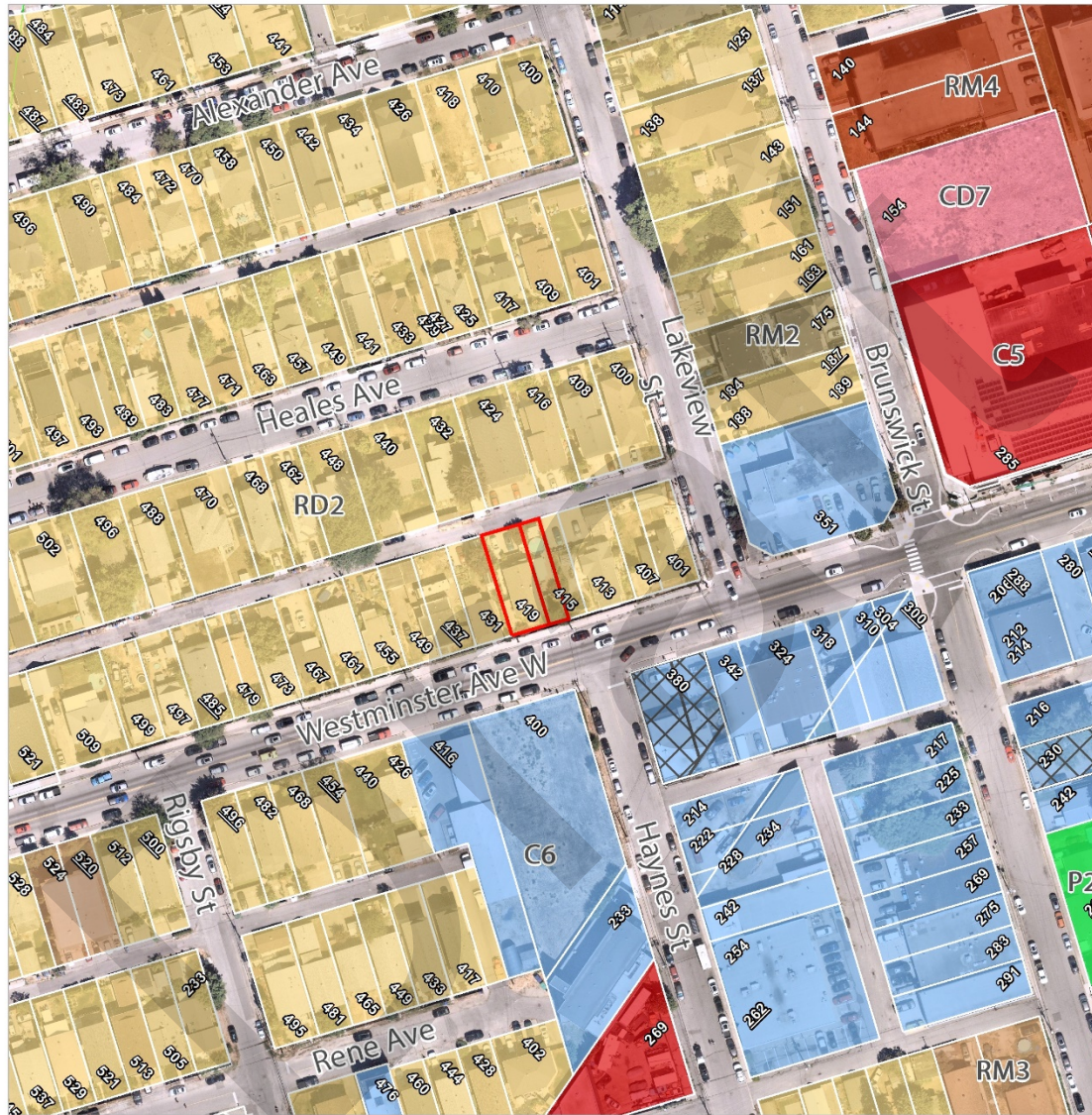
Draft

Attachment A – Zoning Map



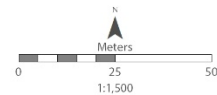
419 Westminster Ave W

Zoning Map



Legend

- Subject Parcel
- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- C5 - Urban Centre Commercial
- C6 - Urban Peripheral Commercial
- CD7 - Comprehensive Development (154)
- P2 - Parks and Recreation
- Site Specific Zoning
- RM3 - Medium Density Multiple Housing
- RM4 - High Density Multiple Housing



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Friday, April 21, 2023 9:17:32 AM

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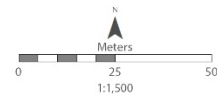
419 Westminster Ave W

OCP Map



Legend

- | | |
|--|---|
| Subject Parcel | Future Land Use |
| Site Specific Zoning | Ground Oriented Residential |
| | Urban Residential |
| | Downtown Mixed Use |
| | Parks |
| | Infill Residential |



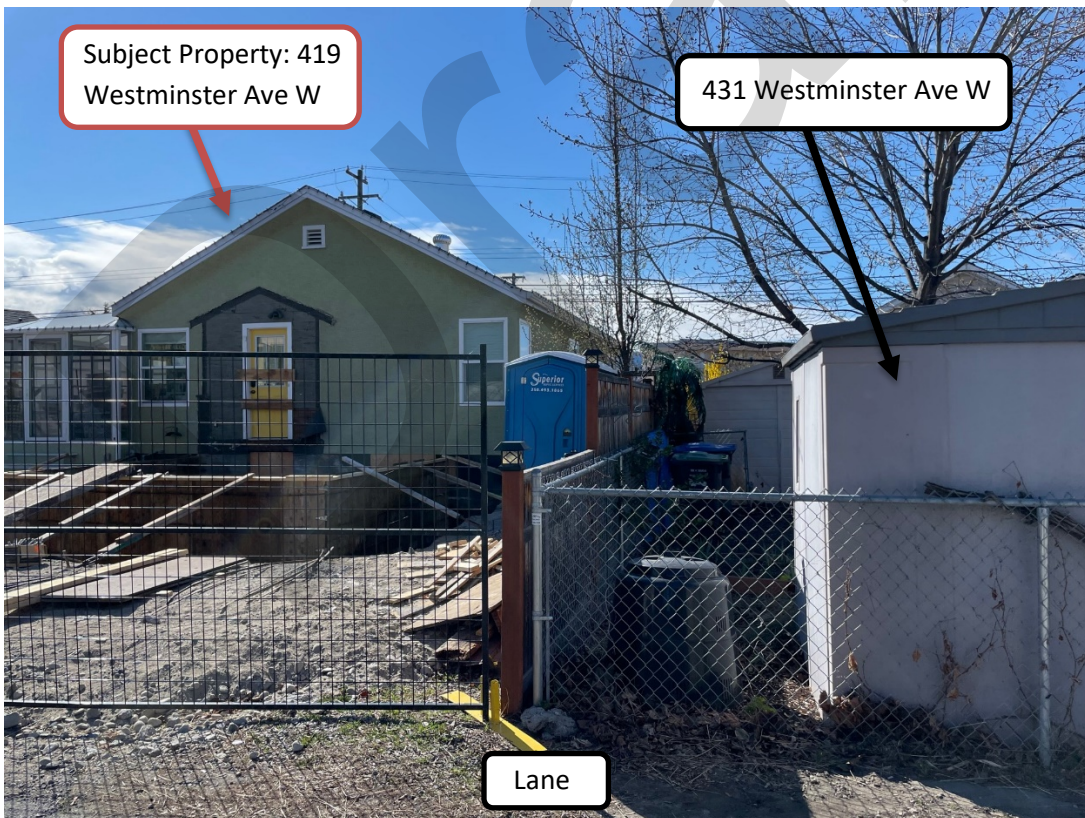
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Friday, April 21, 2023 9:22:16 AM

penticton.ca

Attachment C – Photos of Property







1236 Duncan Avenue East Penticton, BC V2A 2X2
Phone: (250) 770-0050 Email: designbyllewelyn@gmail.com

Letter of Intent

Project: Proposed Addition at 419 Westminster Avenue West, Penticton, BC

April 20, 2023

To the City of Penticton Staff and Council,

We are looking for support when reviewing our request for a variance for the property at 419 Westminster Avenue West. The proposed addition is a single storey with a crawlspace, which has been designed to blend into the historical architecture of the existing home and neighbourhood.

A variance is being requested to reduce the rear yard setback to 5.10m from 6.0m, because an error was made in the design of the addition which caused the encroachment into the rear yard setback. The footings are already cast-in-place, and the concrete formwork has been installed.

The proposed single storey design will have a minimal impact on the privacy of the adjacent dwellings, minimizing views from the proposed addition toward neighbouring properties. The addition does not require the removal of any existing trees and vegetation.

As a responsible designer, I hope that this variance will be granted, as not to cause any further distress nor delay in the construction of this much anticipated home addition.

Sincerely,

A handwritten signature in black ink, appearing to read "Llewelyn Lloyd", is written over a large, light grey, stylized watermark of the letter "D".

Llewelyn Lloyd

Attachment E - Letters of Support

April 22, 2023

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

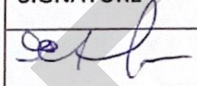
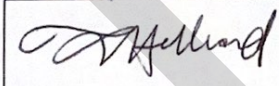
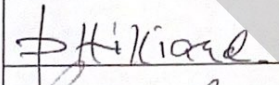
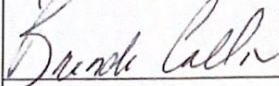
To Whom it May Concern:

We are neighbors of Deb and Jim Antonick at 419 Westminster Avenue.

We understand the addition to their house will extend approximately three feet beyond the original plan and therefore be that much closer to the back alley. We have no concerns with this obstructing our views, causing issues with parking, or resulting in any other problem.

We are informing the City of Penticton that we support a variance for their property.

Sincerely,

SIGNATURE	NAME	STREET ADDRESS
 Crawford	Greg Crawford Leslie Crawford	#102, 408 HEALES AVE PENTICTON, BC V2A 1G4
	Frank Hilliard	102-416 Heales Ave. Penticton, BC, V2A 1G4
	Pam Hilliard	#102-416 Heales Ave. Penticton BC V2A 1G4
	BRENDA COLLIER	413 WESTMINSTER AVE W. PENTICTON BC V2A 1K4

Date 04/22/23

Penticton City Hall

171 Main Street

Penticton, BC

V2A 5A9

Re: The property construction being completed by 419 Westminister Avenue West

To Whom it may concern,

It is our understanding that the construction currently underway on the property of 419 Westminister Avenue West will be in violation of the city code that states there must be six feet between the alley and any property fixated on the lot. This letter is to inform you that, as direct neighbours, located at 431 Westminister Avenue West, we pose no objections to this property enhancement. We understand that this would lessen the space between alley and property to five feet and we have no issue with this.

Sincerely,

The residents of 431 Westminister Avenue West,

Dorothy Landry

Dorothy Landry

Amber Landry

Amber Landry



Development Variance Permit

Permit Number: DVP PL2023-9573

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 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849 and The Westerly 17 Feet of Lot 4 Measured Along Westminster Avenue By The Full Depth of Said Lot; District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849
 - Civic: 419 Westminster Ave West
 - PID: 012-003-085
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2023-08 to allow for the construction of and addition, as shown in the plans attached in Schedule 'A':
 - a. Section 10.5.2.9.a: to reduce the minimum rear yard setback from 6.0 m to 5.1 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 16th day of May, 2023.

Issued this ____ day of May, 2023.

Angela Collison
Corporate Officer

DRAFT

