

July 6, 2023

**Address & Legal Description:**

84 Roy Avenue

Lot 11, District Lot 115, Similkameen Division  
Yale District Plan 9176

**Subject & Proposal**

Development Variance Permit PL2023-9580

The applicant is proposing to convert an accessory building (garage) into a carriage house at the rear of their property. The preliminary plans submitted show the existing garage and the proposed new carriage house to have a building footprint of 100.0 m<sup>2</sup>. The Zoning Bylaw requires a carriage house to have a maximum building footprint of 90.0 m<sup>2</sup>. As such, the applicant has requested the following variance to Zoning Bylaw 2023-08:

- Section 8.2.3.3: To increase the maximum building footprint of a carriage house from 90 m<sup>2</sup> to 100.0 m<sup>2</sup>

**Council Consideration:**

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, July 18, 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](http://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 PL2023-9580 on the City's website at [www.penticton.ca/publicnotice](http://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](mailto: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, July 18, 2023, to:**

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: [corpadmin@penticton.ca](mailto:corpadmin@penticton.ca)

Please ensure the following is included in your correspondence:

**Subject: 84 Roy Ave.**

No letter, report or representation from the public will be received by Council after the conclusion of the July 18, 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:** July 18, 2023  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Jordan Hallam, Planner I  
**Address:** 84 Roy Avenue  
**Subject:** Development Variance Permit PL2023-9580

File No: RMS/84 Roy Ave

## Staff Recommendation

THAT Council approve "Development Variance Permit PL2023-9580" for Lot 11 District Lot 115 Similkameen Division Yale District Plan 9176, located at 84 Roy Ave, a permit to vary Section 8.2.3.3 of Zoning Bylaw 2023-08 to increase the maximum building footprint of a carriage house from 90 m<sup>2</sup> to 100.0 m<sup>2</sup>;

AND THAT Council direct staff to issue "Development Variance Permit PL2023-9580".

## 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 accessory building (garage) into a carriage house at the rear of their property (Figure 1). The preliminary plans submitted show the existing garage and the proposed new carriage house to have a building footprint of 100.0 m<sup>2</sup>. The Zoning Bylaw requires a carriage house to have a maximum building footprint of 90.0 m<sup>2</sup>. As such, the applicant has requested a variance to allow the carriage house as proposed.

Carriage houses are considered within the Intensive Residential Development Permit Area,

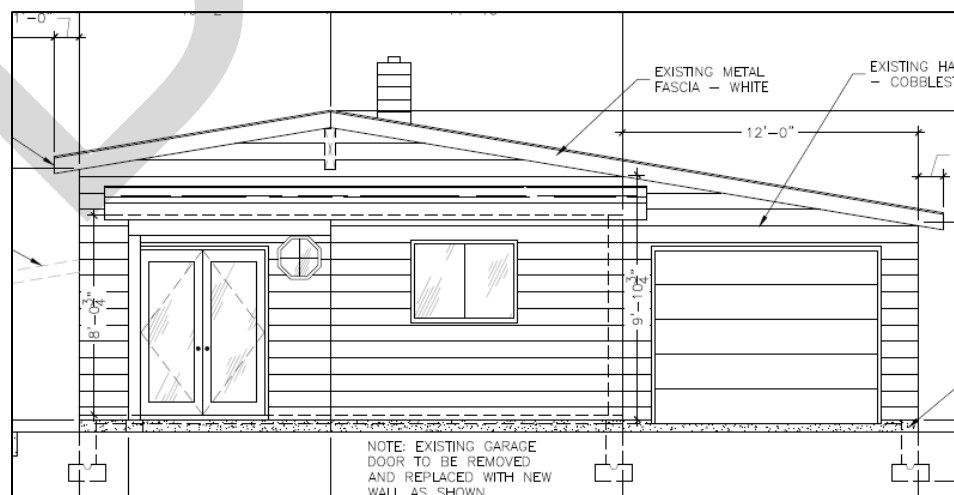


Figure 1 – Proposed Carriage House

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 south side of Roy Avenue, in a primarily residential neighbourhood (Figure 2). The property currently contains a single detached dwelling which was built in 1963. The existing detached garage was built in 1973. The property is designated 'Ground Oriented Residential' by the Official Community Plan (OCP) and is zoned 'R1 (Large Lot Residential)' in the Zoning Bylaw.

## 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 identified an addition to the garage that was done without permits, and has a 0.0 m setback. Staff worked with the applicant and identified to have this removed at the Building Permit stage. 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:



Figure 2 – Property Location Map

|                                    | Carriage House Requirement<br>(Section 8.2)                                                | Provided on Plans                                       |
|------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>Minimum Lot Area*:</b>          | 370 m <sup>2</sup>                                                                         | 1092.7 m <sup>2</sup>                                   |
| <b>Maximum Lot Coverage:</b>       | 40%                                                                                        | 23.4 %                                                  |
| <b>Maximum Building Footprint:</b> | 90 m <sup>2</sup> or 15% of the lot, whichever is less                                     | 100.0 m <sup>2</sup> (6.9%) – <b>variance requested</b> |
| <b>Vehicle Parking:</b>            | 3 spaces required (2 required for the single family dwelling and 1 for the carriage house) | 3 spaces provided                                       |
| <b>Required Setbacks</b>           |                                                                                            |                                                         |
| Front Yard (Roy Ave):              | 6.0 m                                                                                      | Front yard: 42.12 m                                     |
| Side Yard (east):                  | 1.5 m                                                                                      | Side yard (east): 7.6 m                                 |
| Side Yard (west):                  | 1.5 m                                                                                      | Side yard (west): 0.9 m                                 |
| Rear Yard (lane):                  | 1.5 m                                                                                      | Rear yard (lane): 6.8 m                                 |
| <b>Maximum Building Height</b>     | 7.0 m and 2 storeys                                                                        | 3.59 m and 1 storey                                     |
| <b>Other Information:</b>          | *Lot area is only applicable at the time of subdivision.                                   |                                                         |

## 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 increase the maximum building footprint of a carriage house from 90 m<sup>2</sup> to 100.0 m<sup>2</sup> and are recommending support for the following reasons:

#### 1. *Hardship of the construction of the existing building*

The proposed carriage house meets all other carriage house Zoning Bylaw regulations including parking requirements, height, and lot coverage regulations. The only reason that the variance is being requested in this case is in order to keep the existing footprint of the building when it was constructed in 1973, 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. *Minimal size increase*

The increase in size of the building footprint of the proposed carriage house is 10.0 m<sup>2</sup> (107.6 ft<sup>2</sup>). Staff consider this increase in size minimal and is comparable to the size of a small accessory building. Accessory buildings with a building footprint of 10.0 m<sup>2</sup> (107.6 ft<sup>2</sup>) or less within the City of Penticton do not require a building permit, and are subject to relaxed setback requirements. The increase in size of the carriage house building footprint is minimal even with the proposed 100 m<sup>2</sup> footprint, as the site coverage is only 23%, where the maximum permitted is 40%.

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 PL2023-9580". 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 PL2023-9580".

### **Attachments**

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Draft Development Variance Permit PL2023-9580

Respectfully submitted,

Jordan Hallam  
Planner I

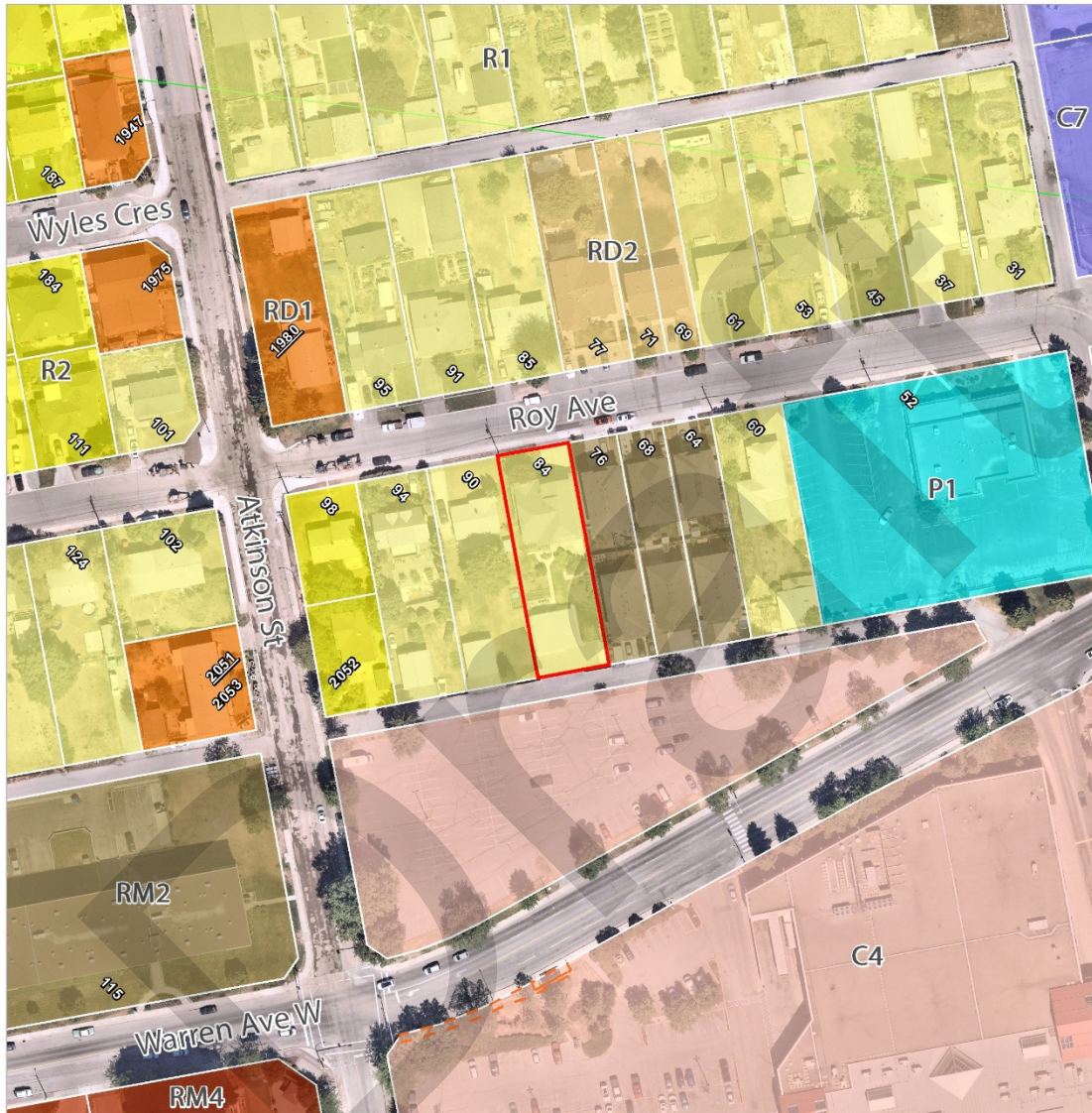
Concurrence

|                                     |                      |                                 |
|-------------------------------------|----------------------|---------------------------------|
| Director of<br>Development Services | GM of Infrastructure | Chief Administrative<br>Officer |
|-------------------------------------|----------------------|---------------------------------|

# Attachment A – Zoning Map

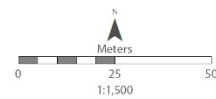


## 84 Roy Ave Zoning Map



### Legend

- |                                                                                                                    |                                                                                                                                |                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <span style="border: 2px solid red; padding: 2px;"> </span> Subject Parcel                                         | <span style="background-color: yellow; border: 1px solid black; padding: 2px;"> </span> R1 - Large Lot Residential             | <span style="background-color: brown; border: 1px solid black; padding: 2px;"> </span> RM4 - High Density Multiple Housing |
| <span style="background-color: yellow; border: 1px solid black; padding: 2px;"> </span> R2 - Small Lot Residential | <span style="background-color: orange; border: 1px solid black; padding: 2px;"> </span> RD1 - Duplex Housing                   | <span style="background-color: lightblue; border: 1px solid black; padding: 2px;"> </span> C4 - General Commercial         |
| <span style="background-color: orange; border: 1px solid black; padding: 2px;"> </span> RD2 - Duplex Housing: Lane | <span style="background-color: lightgreen; border: 1px solid black; padding: 2px;"> </span> RM2 - Low Density Multiple Housing | <span style="background-color: blue; border: 1px solid black; padding: 2px;"> </span> C7 - Service Commercial              |
|                                                                                                                    | <span style="background-color: cyan; border: 1px solid black; padding: 2px;"> </span> P1 - Public Assembly                     |                                                                                                                            |



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Monday, May 6, 2023 11:11:41 AM

penticton.ca



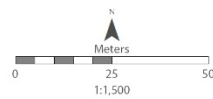
# 84 Roy Ave

## OCP Map



### Legend

- Subject Parcel
- Future Land Use
- Detached Residential
- Ground Oriented Residential
- Commercial
- Urban Residential
- Urban High Density Residential

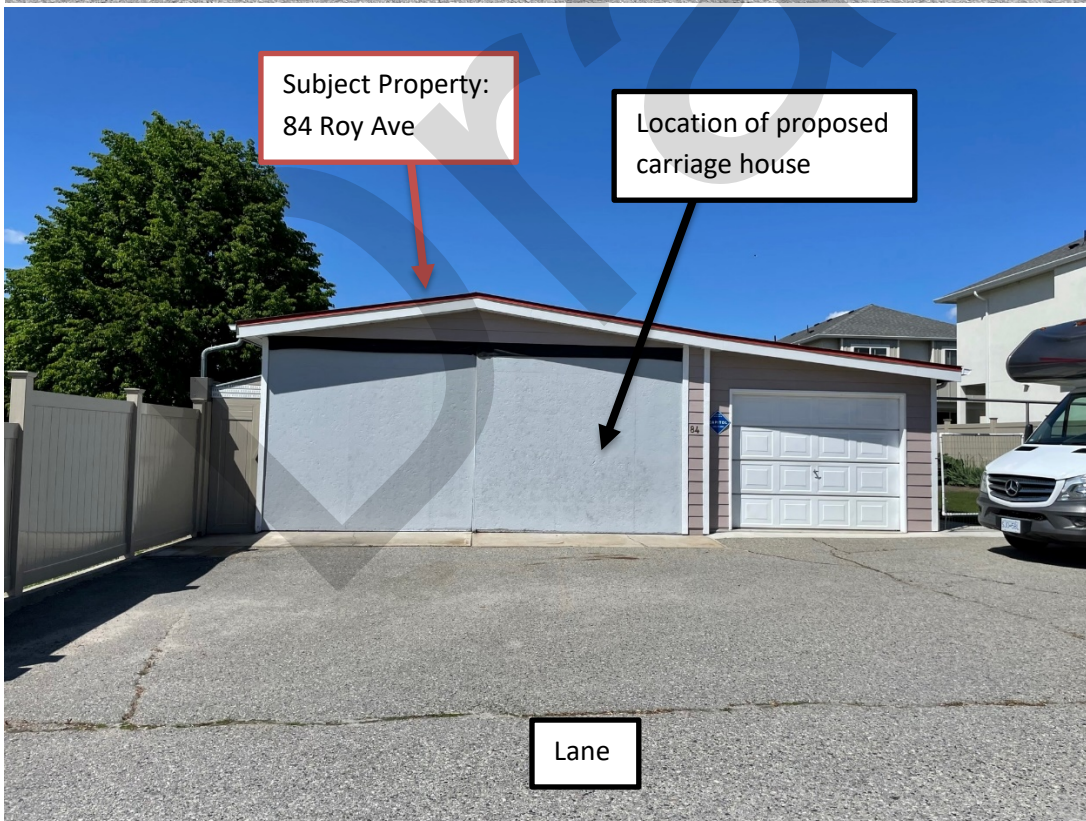


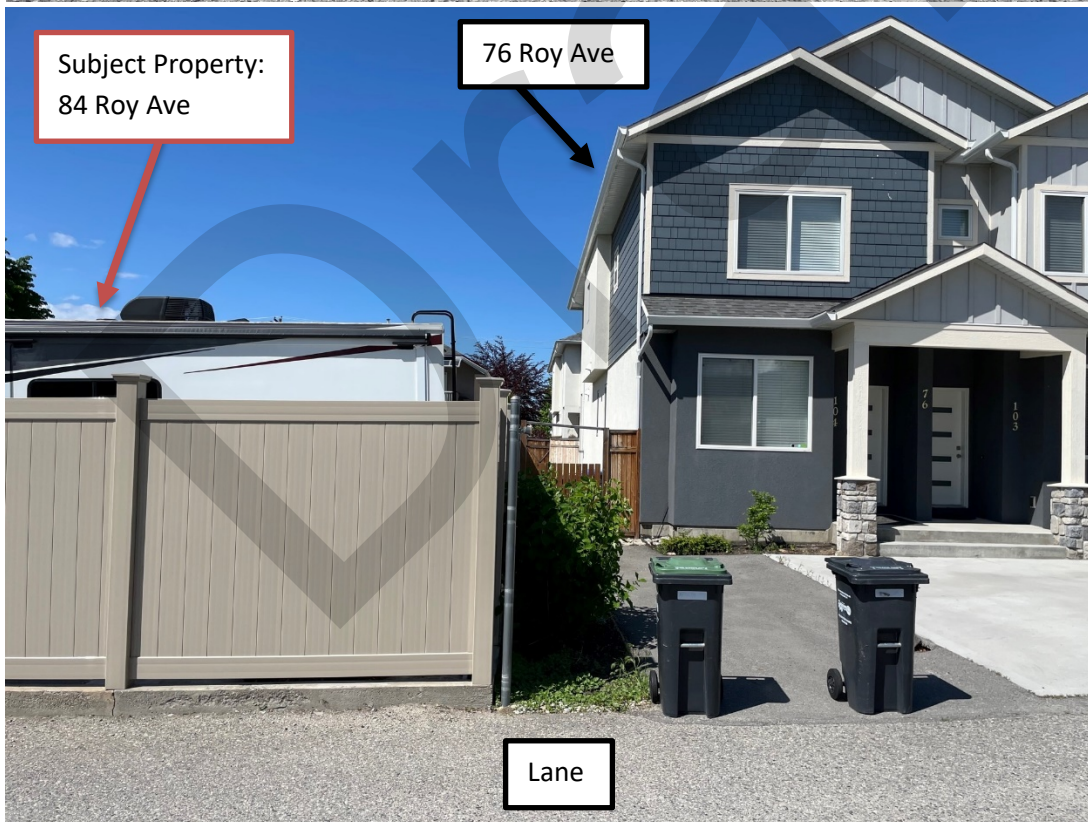
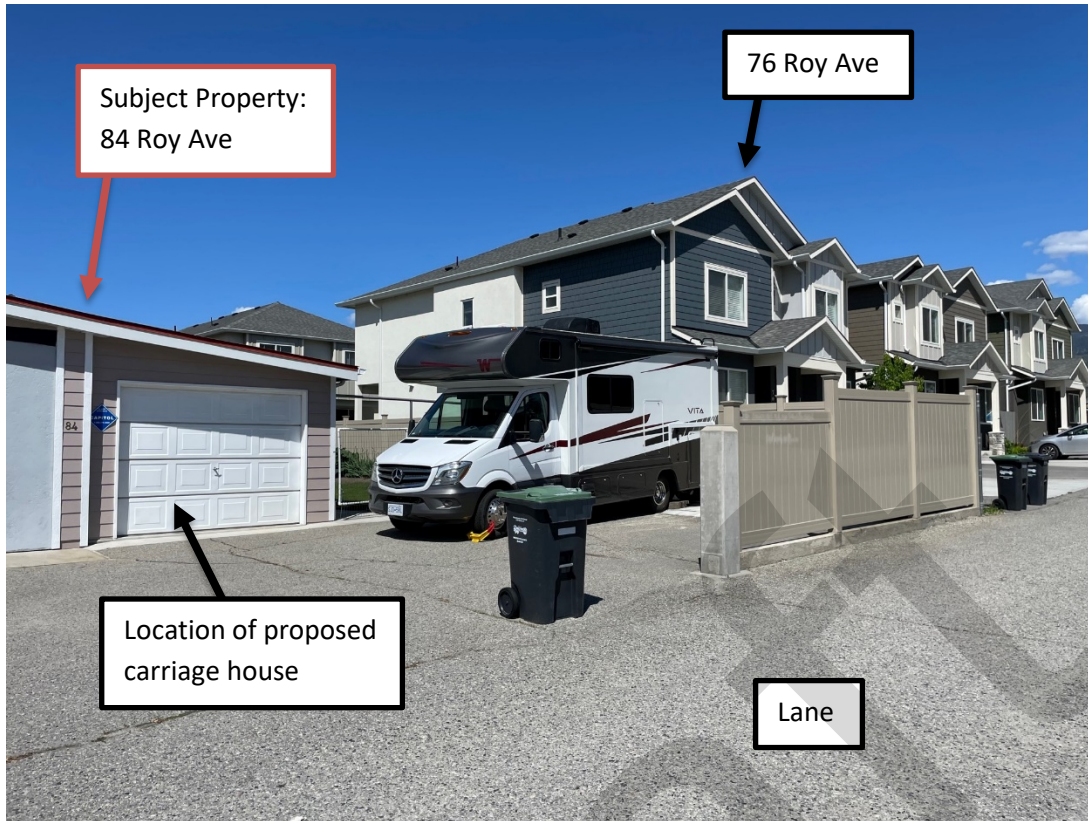
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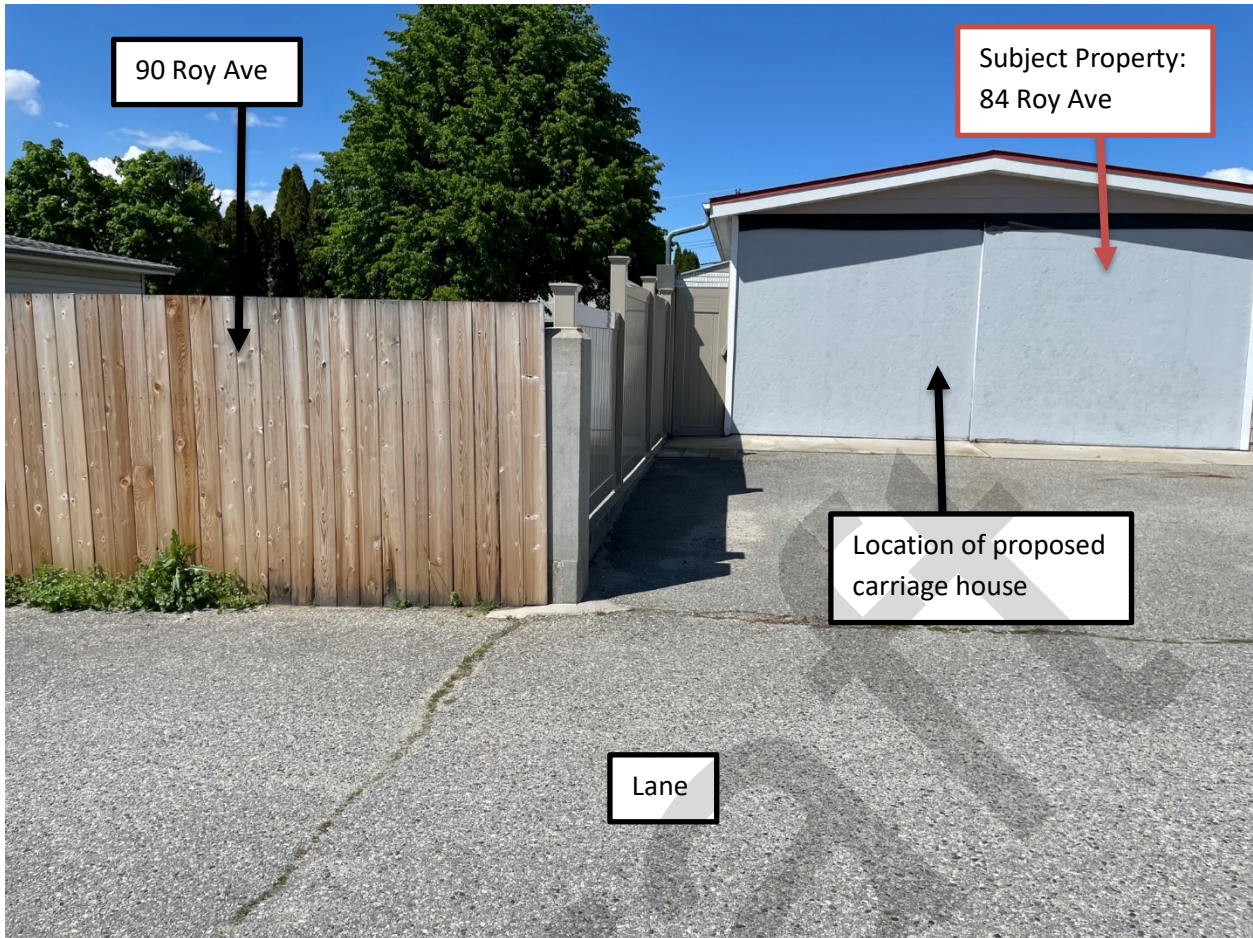
Monday, May 6, 2023 11:10:41 AM

penticton.ca

Attachment C – Photos of Property







## **LETTER OF INTENT**

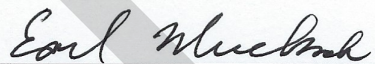
April 24, 2023

84 Roy Ave  
Penticton

I would like to convert my existing, detached garage into a carriage house for my daughter. My wife passed away, last year, and I realize, being 84 years old, that I need some help, at times.

Having a home for my daughter, on my property, allows her to have her own space and be close by when I need anything.

- The garage, already, matches the house in appearance and the conversion will not change the look of the yard, so there will be no impact on the neighbours' views.
- We will increase the width of the exterior walls to 8" thick, from the inside, for sound barrier and insulation value.
- There is ample parking at the rear of my property and we will be adding more fencing and a gate to provide privacy and security.
- This will not be a rental unit. It's simply a way of retaining the home that has been in my family for 60 years.



---

Earl Mueksch, Property Owner

## Development Variance Permit

Permit Number: DVP PL2023-9580

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 11 District Lot 115 Similkameen Division Yale District Plan 9176
  - Civic: 84 Roy Avenue
  - PID: 009-797-556
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 building footprint of a carriage house from 90 m<sup>2</sup> to 100.0 m<sup>2</sup>.

### 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.

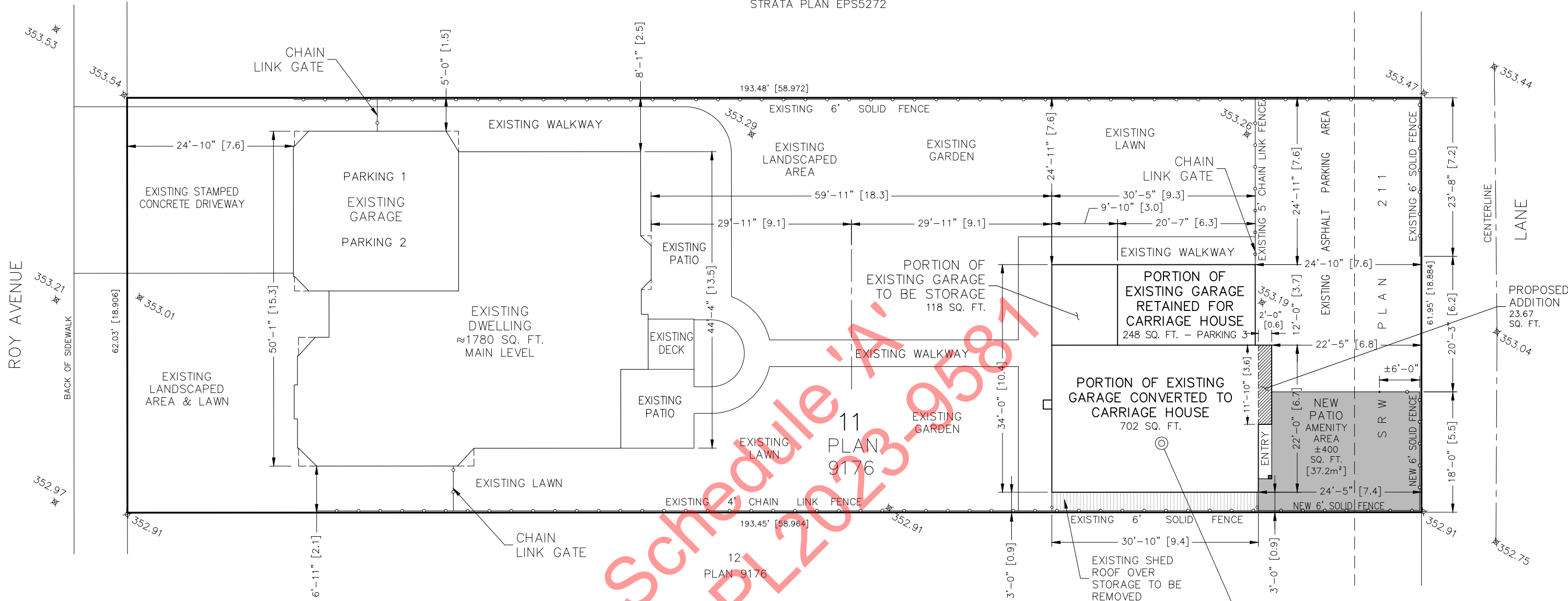
Authorized by City Council, the 18th day of July, 2023.

Issued this \_\_\_\_ day of July, 2023.

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Angela Collison  
Corporate Officer

DRAFT



CIVIC ADDRESS:  
84 ROY AVE, PENTICTON BC

LOT 11, PLAN 9176  
FOLIO: 02074-000  
PID: 009-797-556  
ZONING R1

PARCEL AREA = 12,095 SQ. FT.  
EXISTING DWELLING GROSS FOOTPRINT = 2,432 SQ. FT.  
(COMBINED MAIN FLOOR, ATTACHED GARAGE & DECK)  
EXISTING DETACHED GARAGE FOOTPRINT = 1,069 SQ. FT.  
(INCLUDING PROPOSED ADDITION)  
(PORTION CONVERTED TO CARRIAGE HOUSE = 950 SQ. FT.)

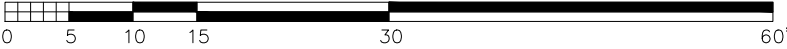
TOTAL PROPOSED BUILDING FOOTPRINT = 3,501 SQ. FT.  
PROPOSED NET PARCEL COVERAGE = 28.9%  
MAX PARCEL COVERED ALLOWED - 40%

EXISTING DETACHED GARAGE (CARRIAGE HOUSE) HEIGHT  $\approx 12'-11\frac{1}{4}"$  [3.94m]  
MAX HEIGHT ALLOWED = 7.0m

NOTE:  
- NO LANDSCAPE PLAN PROVIDED.  
- ALL EXISTING LANDSCAPING TO REMAIN UNCHANGED WITH THE EXCEPTION OF THE NEW PATIO AMENITY AREA. THE EXISTING ASPHALT IN THIS AREA IS TO BE REMOVED AND REPLACED WITH PAVING STONES AND/OR OTHER ON-GRADE SURFACE FINISH AS PER OWNER SPEC.  
- ALL LANDSCAPE REFERENCES SHOWN HEREON ARE APPROXIMATE AND ARE NOT INTENDED TO SHOW ACTUAL AS-BUILT LANDSCAPING.

NOTE:  
- NO SITE GRADING OR EXCAVATION TO TAKE PLACE. ALL EXISTING GROUND TO REMAIN UNDISTURBED.  
- RENOVATIONS WILL NOT EFFECT THE OVERALL BUILDING HEIGHT.

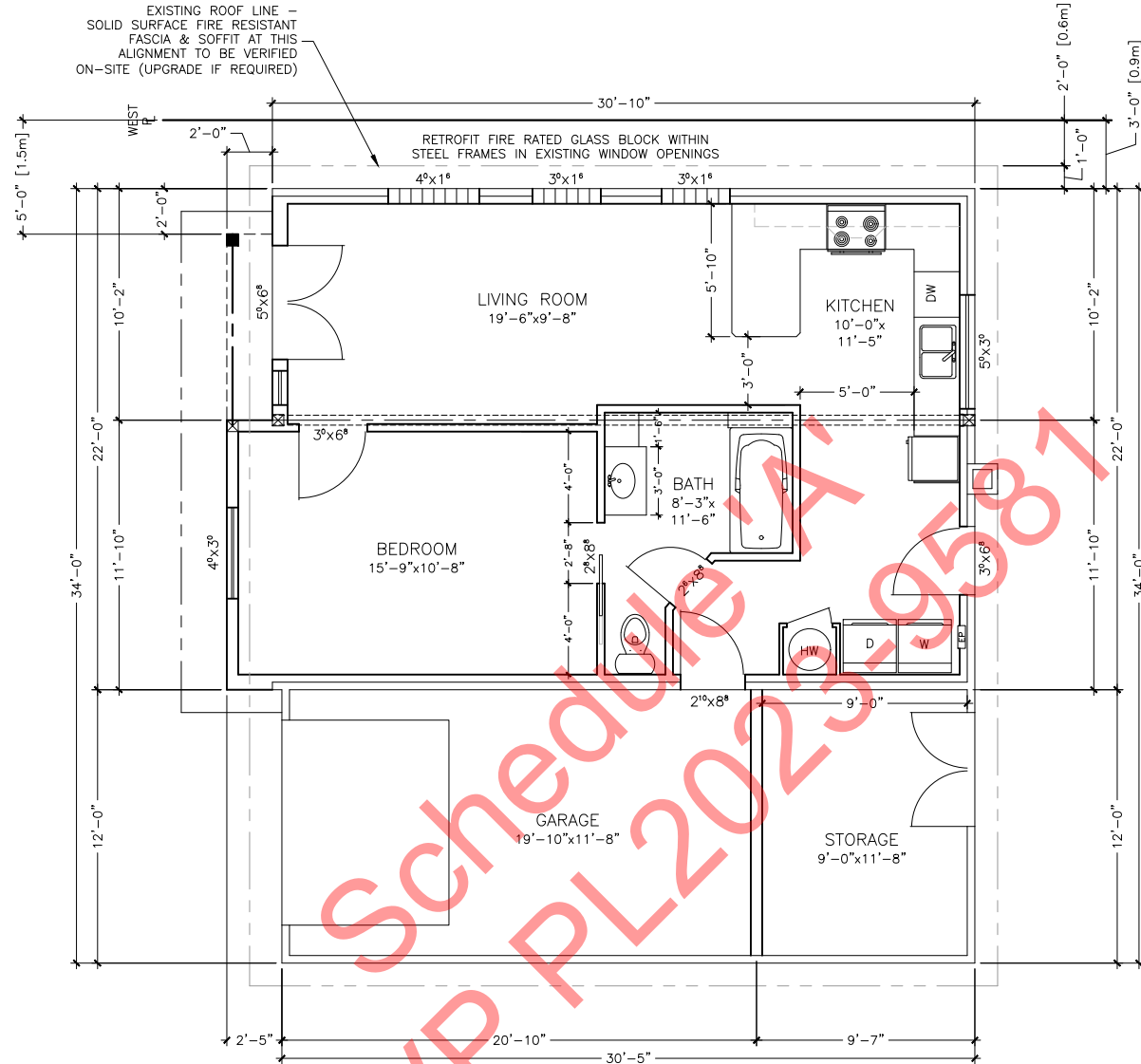
- T.O. EXISTING ROOF = 357.15m  
- MEAN POINT OF EXISTING ROOF = 356.89m  
- T.O. EXISTING FNDN = 353.42m



ISSUED FOR DEVELOPMENT PERMIT

| SITE PLAN                     |                     |
|-------------------------------|---------------------|
| PROPOSED CARRIAGE HOUSE       |                     |
| 84 ROY AVENUE<br>PENTICTON BC |                     |
| DRAWN BY: MBW                 | DATE: JUN 6/23      |
| DESIGN BY:                    | PROJECT No.: 232141 |
| CHK'D BY:                     | FILE No.:           |
| SCALE: 1"=15'                 | SHEET 3 OF 3        |

**AZTECH** DRAFTING SERVICES  
1288 Lyon Street, Penticton, B.C.  
Phone: 250-492-3344 e-mail: service@aztechdrafting.com



- T.O. EXISTING ROOF = 357.15m
- MEAN POINT OF EXISTING ROOF = 356.89m
- T.O. EXISTING FNDN = 353.42m

MAIN FLOOR PLAN  
678 SQ FT CONDITIONED SPACE

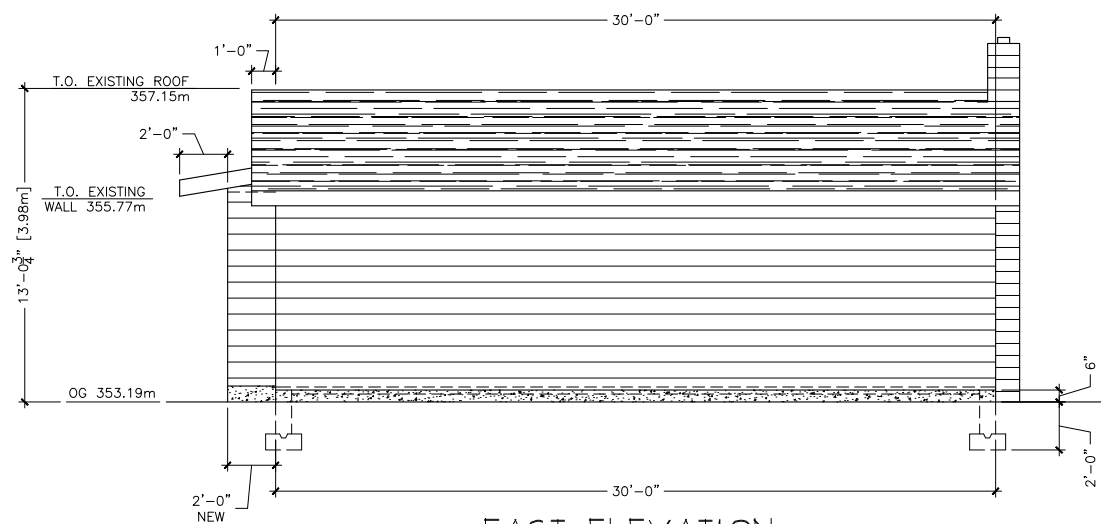
ISSUED FOR DEVELOPMENT PERMIT

PRELIMINARY FLOOR PLAN  
PROPOSED CARRIAGE HOUSE

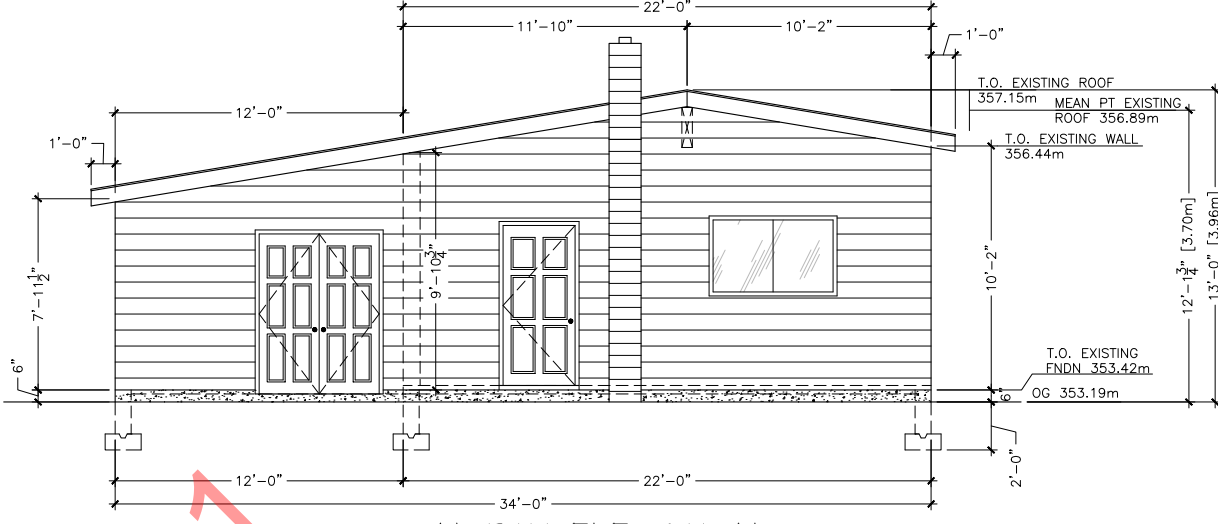
84 ROY AVENUE  
PENTICTON BC

|                |                     |
|----------------|---------------------|
| DRAWN BY: MBW  | DATE: JUN 6/23      |
| DESIGN BY:     | PROJECT No.: 232141 |
| CHK'D BY:      | FILE No.:           |
| SCALE: 1/8"=1' | SHEET 3             |

Page 4 of 5

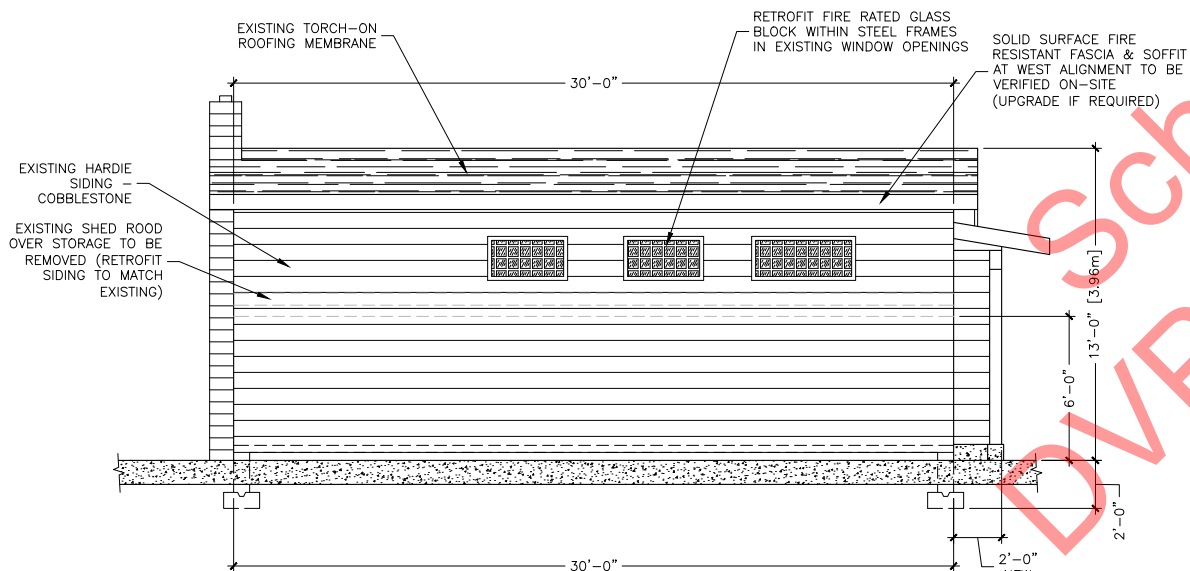


EAST ELEVATION



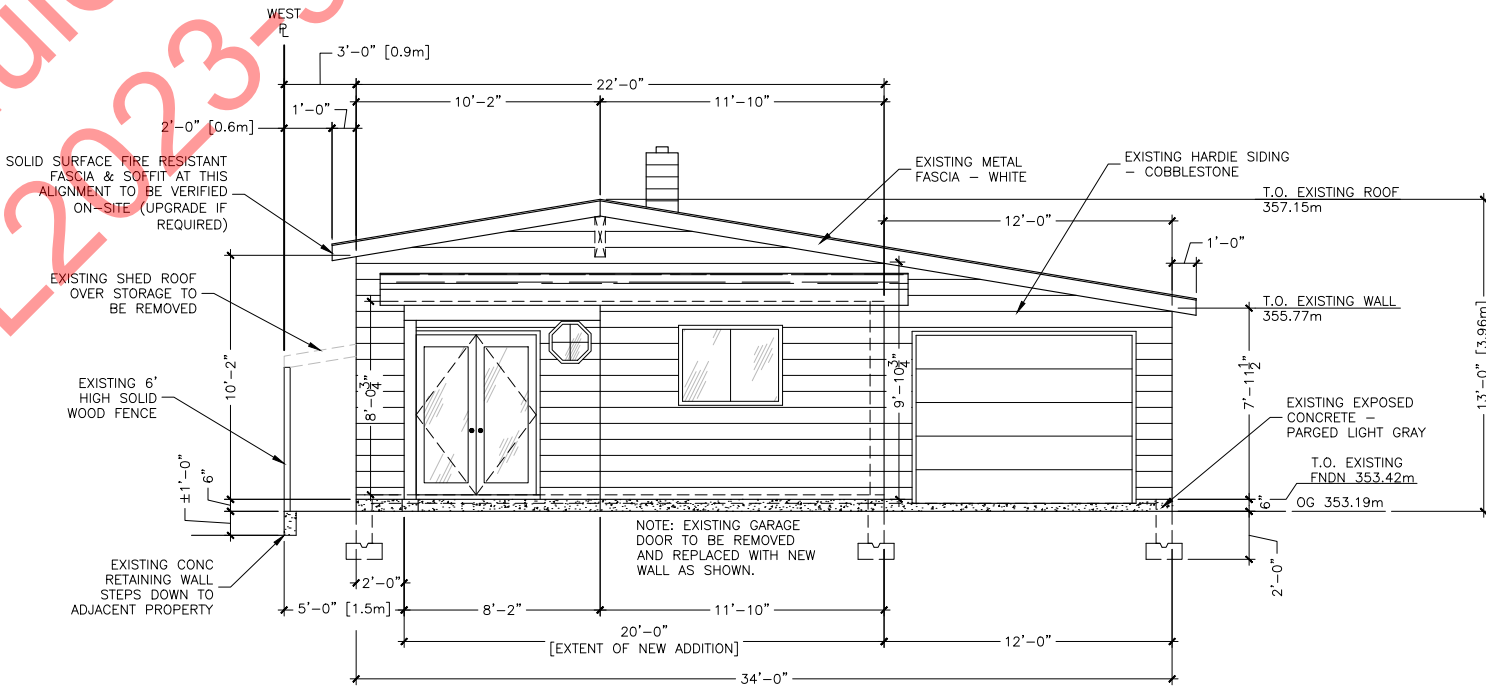
NORTH ELEVATION

SPATIAL SEPARATION  
TOTAL BUILDING FACE = 362 sq. ft.  
TOTAL UNPROTECTED OPENINGS = 55 sq. ft. (15.2%)  
LIMITING DISTANCE = 9.1m (1/2 DISTANCE TO FACE OF EXISTING DWELLING)  
ALLOWABLE OPENINGS = 100%



WEST ELEVATION

SPATIAL SEPARATION  
EAST WALL  
TOTAL BUILDING FACE = 314 sq. ft.  
TOTAL UNPROTECTED OPENINGS = 0 sq. ft. (0%)  
LIMITING DISTANCE = 1.0m  
ALLOWABLE OPENINGS = 0%



SOUTH ELEVATION

ISSUED FOR DEVELOPMENT PERMIT

PRELIMINARY ELEVATIONS  
PROPOSED CARRIAGE HOUSE

84 ROY AVENUE  
PENTICTON BC

**AZTECH** DRAFTING SERVICES

1288 Lyon Street, Penticton, B.C.  
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

|                |                     |
|----------------|---------------------|
| DRAWN BY: MBW  | DATE: JUN 6/23      |
| DESIGN BY:     | PROJECT No.: 232141 |
| CHK'D BY:      | FILE No.:           |
| SCALE: 1/8"=1' | SHEET 3 OF 3        |