

August 3, 2023

Address & Legal Description:

1225 Debeck Road

Lot 3 District Lot 2710 Similkameen Division Yale
District Plan 23468

Subject & Proposal

Development Variance Permit PL2023-9595

The applicant is proposing to construct a two car garage with a secondary suite above at the back of their home. In order to facilitate the proposed addition, the applicant has applied to vary the following section of Zoning Bylaw 2023-08:

- Section 10.2.2.8.a: To reduce the minimum rear yard from 6.0 m to 3.0 m

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, August 15, 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 PL2023-9595 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, August 15, 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: 1225 Debeck Rd.

No letter, report or representation from the public will be received by Council after the conclusion of the August 15, 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: August 15, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 1225 Debeck Road
Subject: Development Variance Permit PL2023-9595

File No: RMS/1225 Debeck Rd

Staff Recommendation

THAT Council approve "Development Variance Permit PL2023-9595" for Lot 3 District Lot 2710 Similkameen Division Yale District Plan 23468, located at 1225 Debeck Road, a permit to vary Section 10.2.2.8.a of Zoning Bylaw 2023-08 to reduce the minimum rear yard from 6.0 m to 3.0 m, in order to facilitate the construction of an attached garage and secondary suite above to the single family dwelling;

AND THAT Council direct staff to issue "Development Variance Permit PL2023-9595".

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 construct an addition at the rear of their existing single detached dwelling. The addition would include a two car garage below a secondary suite. The existing house on the property has lane access on the south side of the property, where the applicant is proposing the new addition. The Zoning Bylaw requires a minimum of 6.0 m setback from the rear property line for a principal building. As such, the applicant has requested a variance to reduce the minimum rear yard setback from 6.0 m to 3.0 m.



Figure 1 – Property Location Map

Background

The subject property is located on the west side of Debeck Rd, in a primarily residential neighbourhood (Figure 1). The property currently contains a single detached dwelling which was built in 1973. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'R2 (Small Lot Residential)' in the Zoning Bylaw.

Technical Review

This application was reviewed by the Technical Planning Committee (TPC). The TPC raised comments related to parking off of the lane. Staff requested that plans be updated to ensure parking is not in front of the proposed garage, as vehicles may protrude into the lane. The applicant submitted plans showing the requested change. 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:

	R2 Zone Requirement	Provided on Plans
Minimum Lot Width*:	13 m	20.4 m
Minimum Lot Area*:	390 m ²	647.5 m ²
Maximum Lot Coverage:	40%	31.5%
Vehicle Parking:	3 spaces required (2 required for the single family dwelling and 1 for the carriage house)	3 spaces provided
Required Setbacks		
Front Yard (Debeck Rd):	4.5 m	>10.0 m (to proposed addition)
Side Yard (north):	1.5 m	1.72 m
Side Yard (south):	1.5 m	5.0 m
Rear Yard (west):	6.0 m	3.0 m – variance requested
Other Information:	*Lot width and lot area are 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 reduce the minimum rear yard from 6.0 m to 3.0 m and are recommending support for the following reasons:

1. *Location of proposed addition*

The proposed addition is located adjacent to the lane on the south side of the property, which provides a buffer to the neighbours across the lane.

The neighbouring property to the north and west of the subject property that would be the most affected, 1190 Penticton Ave (Figure 2), is approximately 6.5 m to the north of the proposed addition. The 6.5 m is greater than the setbacks required in this zone, helps provide separation, and addresses privacy concerns. 1190 Penticton Ave also has a unique shape as a property. The property area closest to the proposed addition is approximately 6.2 m wide by 20.3 m long. The narrowest part of 1190 Penticton Ave would be almost impossible to build on once setbacks are in place as per the Zoning Bylaw. This also addresses privacy and overlook concerns from the proposed addition.

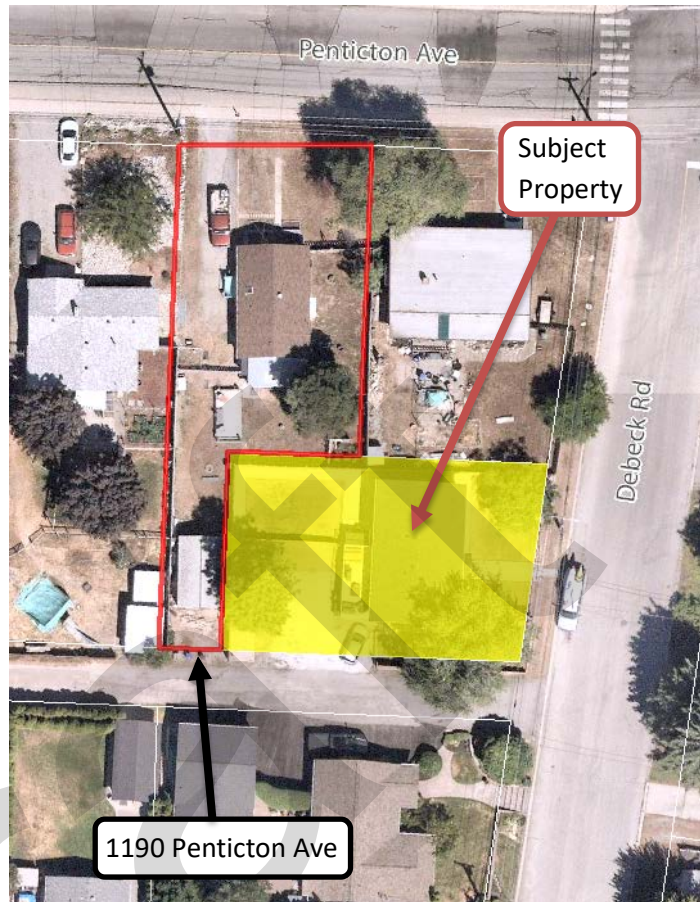


Figure 2 – Neighbouring Properties

2. *Minimal setback reduction*

The setback reduction from 6.0 m is considered minimal in nature. If the applicant were to construct a carriage house, the minimum setback allowed as per the Zoning Bylaw would be 1.5 m from the west property line. The proposed 3.0 m setback still provides separation between the proposed addition and the neighbouring property to the west.

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 PL2023-9595". 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. Staff are recommending against this option, as the requested variance is considered reasonable in this instance.

1. THAT Council deny “Development Variance Permit PL2023-9595”.

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 PL2023-9595

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

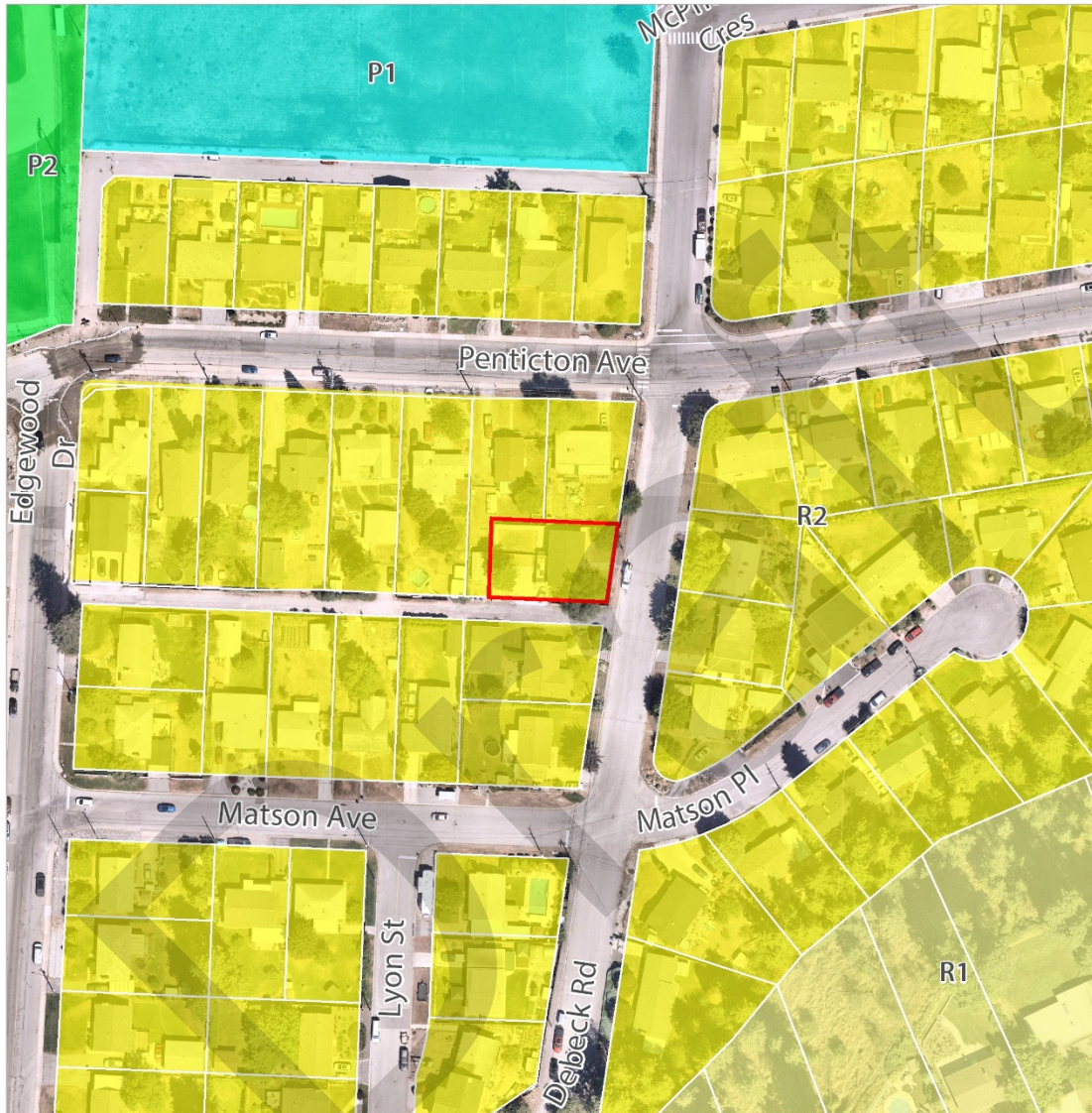
Director of Development Services	GM of Infrastructure	Chief Administrative Officer
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Attachment A – Zoning Map



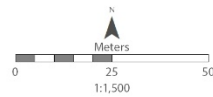
1225 Debeck Rd

Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- P1 - Public Assembly
- P2 - Parks and Recreation



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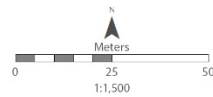
1225 Debeck Rd

OCP Map



Legend

- Subject Parcel
- Future Land Use
- Detached Residential
- Institutional and Civic
- Parks



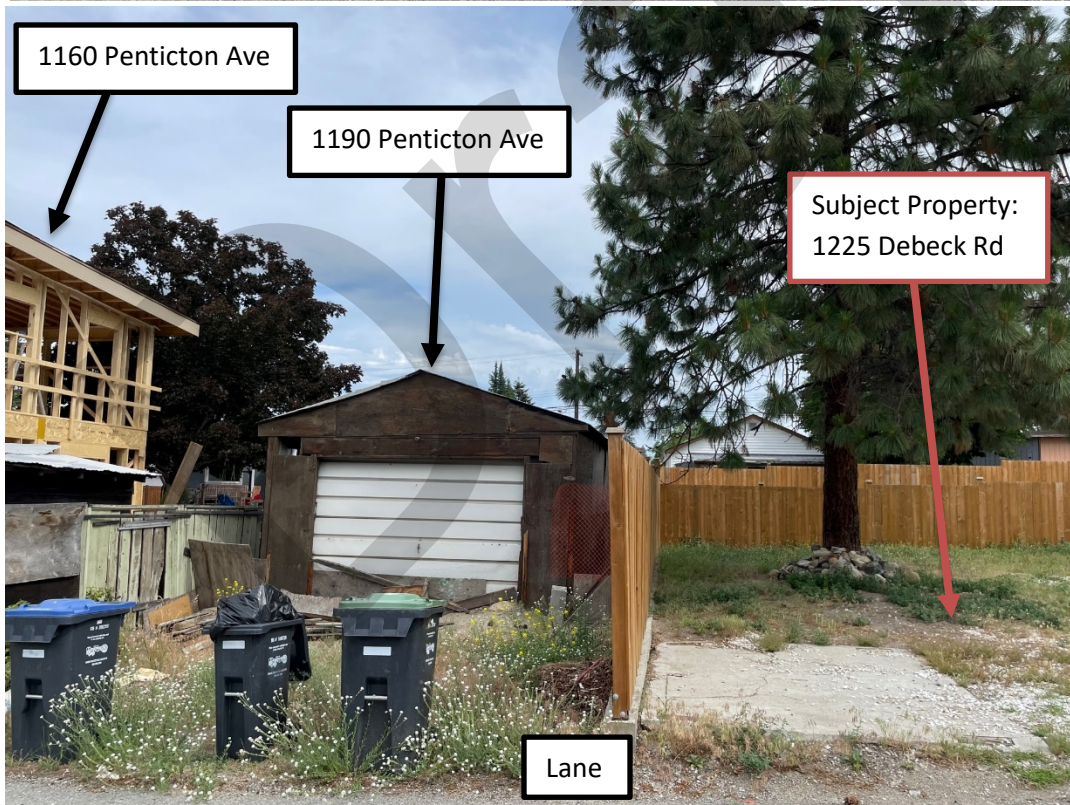
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Tuesday, June 13, 2023 12:30:42 PM

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Attachment C – Photos of Property





Attachment D – Letter of Intent

Letter of Intent for 1225 Debeck Rd

City of Penticton Staff:

I am writing in regards to my variance application for my project. My home is located on the corner of Debeck and a lane way, and I would like to build a 2 story addition for a legal 2 bedroom suite with garage below. The setback rule for the back yard is 6 meters, but the way my house is located on my lot, there is a great opportunity to build an addition and still retain a lot of yard space for both units, as well as parking for the units, with more than 6 meters to the nearest back yards of the neighbours. I would like to get a variance to go from 6m setback to 3m setback, so I can get a big enough addition to get 2 bedrooms. As for the impacts of the neighbourhood, most of my neighbours already have buildings in their back yards, either carriage house or garages. So as far as the impact on the neighbourhood, it won't affect anyone as they already have additional buildings on their lots as well. As for a positive contribution to the community, well everyone is complaining about housing shortage, and I would be adding housing to the community so I'm sure they would be happy about it.

Development Variance Permit

Permit Number: DVP PL2023-9595

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 3 District Lot 2710 Similkameen Division Yale District Plan 23468
 - Civic: 1225 Debeck Road
 - PID: 006-416-268
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 an addition, as shown in the plans attached in Schedule 'A':
 - a. Section 10.2.2.5.a: to reduce the rear yard setback from 6.0 m 3.0 m.

General Conditions

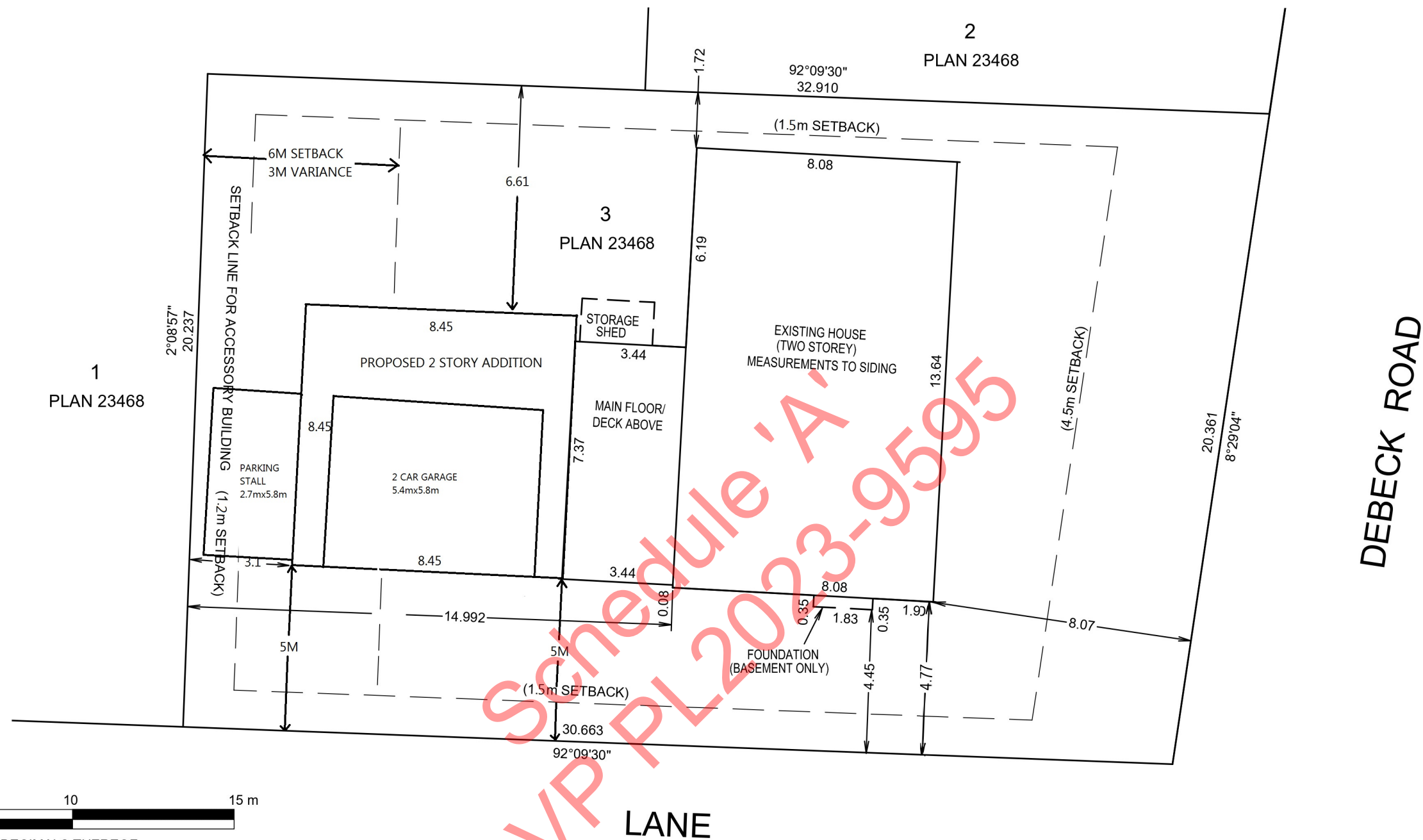
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence 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 15th day of August, 2023.


Issued this ____ day of August, 2023.

Angela Collison
Corporate Officer

DRAFT



BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON
LOT 3 DISTRICT LOT 2710 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 23468

THIS LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL AND IS CERTIFIED CORRECT THIS 17th DAY OF JUNE, 2022	PID NO. 006-416-268 DATE OF FIELD SURVEY: JUNE 3rd, 2022 PARCEL DIMENSIONS ARE FROM FIELD SURVEY.	PREPARED FOR: TOMASIU FLOIRE PHOEBUS CIVIC ADDRESS: 1225 DEBECK ROAD, PENTICTON, BC	 McELHANNEY ASSOCIATES LAND SURVEYING LTD. 290 Nanaimo Ave. W Penticton BC Canada V2A 1N5 Tel 250 492 7399
	THIS DOCUMENT WAS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN McELHANNEY ASSOCIATES LAND SURVEYING LTD. AND OUR CLIENT. THIS DOCUMENT IS BASED ON LAND TITLE & SURVEY AUTHORITY RECORDS AND FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR CONSIDERED. THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.		
David Sereda 17LG5E <div><div></div><div>Digitally signed by David Sereda 17LG5E Date: 2022.06.17 11:38:57 -07'00'</div></div> B.C.L.S.	© 2022 McELHANNEY ASSOCIATES LAND SURVEYING LTD. ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF THE SIGNATORY. THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.		FILE NO. 2422-03984-00 DRAWING NO. 3984-00-V-CERT.DWG
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