

Addresses & Legal Descriptions:

332 Sudbury Avenue

*Lot 19, District Lot 189 Similkameen Division
Yale District Plan 996*

336 Sudbury Avenue

*Lot 20 District Lot 189 Similkameen Division Yale
District Plan 996*

Subject & Proposal

Development Variance Permit PL2023-9556

The applicants are intending to renovate the existing family home and construct a new garage. In order to facilitate the renovation, they have applied to vary the following sections of Zoning Bylaw 2024-22:

- Section 10.1.2 .3: to increase the lot coverage from 40% to 52.5%
- Section 10.1.2 .6: to reduce the minimum front yard from 4.5m to 3m

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, July 16, 2024**, 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 PL2023-9556 on the City's website at www.penticton.ca/publicnotice or scan the QR code on the right.



Questions?

Please contact Audrey Tanguay at 250-490-2572 or audrey.tanguay@penticton.ca with any questions.



Written Submissions:

Any person whose interest may be affected by the proposed Development Variance Permit, may submit written comments by mail or email no later than **9:30 am, Tuesday, July 16, 2024**, 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: 332/336 Sudbury Ave.

No letter, report or representation from the public will be received by Council after the conclusion of the July 16, 2024, 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 16, 2024
To: Anthony Haddad, City Manager
From: Audrey Tanguay, Planning Manager
Address: 332 & 336 Sudbury Avenue
Subject: Development Variance Permit PL2024-9556

File No: RMS/332 & 336 Sudbury Ave.

Staff Recommendation

THAT Council approve "Development Variance Permit PL2024-9556 for Lot 19 and Lot 20, District Lot 189, Similkameen Division Yale District, Plan 996 located at 332 Sudbury Avenue and 336 Sudbury Avenue, a permit to vary the following sections of Zoning Bylaw 2024-22:

- Section 10.1.2 .3: to increase the lot coverage from 40% to 52.5%
- Section 10.1.2 .6: to reduce the minimum front yard from 4.5m to 3m

AND THAT Council direct staff to issue "Development Variance Permit PL2024-9556".

Strategic Priority Objective

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

Proposal

The subject properties are located on the south side of Sudbury Avenue, with frontage onto Skaha Lake. The applicants are intending to renovate the existing single-family dwelling. The existing house straddles both lots (Figure 1).

To accommodate the renovation, a variance has been requested to reduce the front yard setback from 4.5m to 3.0m to allow the addition of a garage.



Figure 1 – Property Location Map

In order for the renovation to occur, the two lots are required to be consolidated into one lot. As a result, a variance to site coverage from 40% to 52.5% has also been requested

Background

The subject properties are currently zoned R4L (Small-scale Multi Unit Residential: Large Lot) and are designated as 'Low Density Resident' (Attachment B) by the Official Community Plan (OCP). The properties currently contain a single-family dwelling constructed in 1959 and an accessory building. The surrounding area is primarily single family residential and is also near Skaha Park. Also, most of the property is located in the Riparian Development Permit Area, and a Riparian Development Permit will be required before construction can occur.

As part of the development approval, lot consolidation of the two lots will need to happen prior to building permit issuance. Additionally, as required by the Crown, once the lot consolidation plan is prepared, a portion of the property below the present natural boundary of Skaha Lake will need to be returned to the crown.

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. These items have been communicated to the applicant.

Development Statistics

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

	R4L Zone Requirement	Provided on Plans
Minimum Lot Width*:	16 m	18 m (Once consolidated)
Minimum Lot Area*:	560m ²	663.8 m ²
Maximum Lot Coverage:	40%	52.5% - variance requested
Maximum Height:	10.5 m	8.08m
Vehicle Parking:	Total Required: 1 per dwelling unit	Total Provided: 2 spaces
Required Setbacks Front Yard (Sudbury): Interior Side Yard (east): Interior Side Yard (west): Rear Yard :	4.5 m 1.5 m 1.5 m 6.0 m	3.0 m – variance requested 1.5 m 1.5 m 9.8 m
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 have a negative impact on neighbouring properties, and if the variance request is reasonable.

Staff have reviewed the requested variance to reduce the front yard setback from 4.5m to 3.0m and the site coverage from 40% to 52.5% and are recommending support for the following reasons:

1. Location of the subject property

The requested variance is to reduce the front yard setback from 4.5m to 3.0m. The applicant has requested this variance to allow an addition to the front of the building. Most of the property is in the Riparian Development Permit Area which constrains redevelopment along Skaha Lake. By reducing the front yard setback to 3.0m, it will allow the addition of a garage to the existing dwelling unit. Staff do not anticipate negative impacts from the reduced setback.

2. Lot consolidation

As required by the Crown, a portion of the property will need to be return to the Crown and will substantially reduce the lot area of the property once the two properties are consolidated. If the properties did not have to be consolidated, the proposal would meet the required 40% site coverage as stated in the Zoning bylaw. Staff consider the lot consolidation an undue hardship and therefore support the variance request to allow an increase in the site coverage to 52.5%.

Alternate Recommendations

1. THAT Council deny Development Variance Permit PL2024-9556.

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent (applicant)
Attachment E – Draft Development Variance Permit PL2024-9752

Respectfully submitted,

Audrey Tanguay
Planning and Licensing Manager

Concurrence

Director of Development Services	GM of Infrastructure	City Manager
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Draft

Attachment A – Zoning Map



Zoning Bylaw Map 336 & 332 Sudbury Avenue



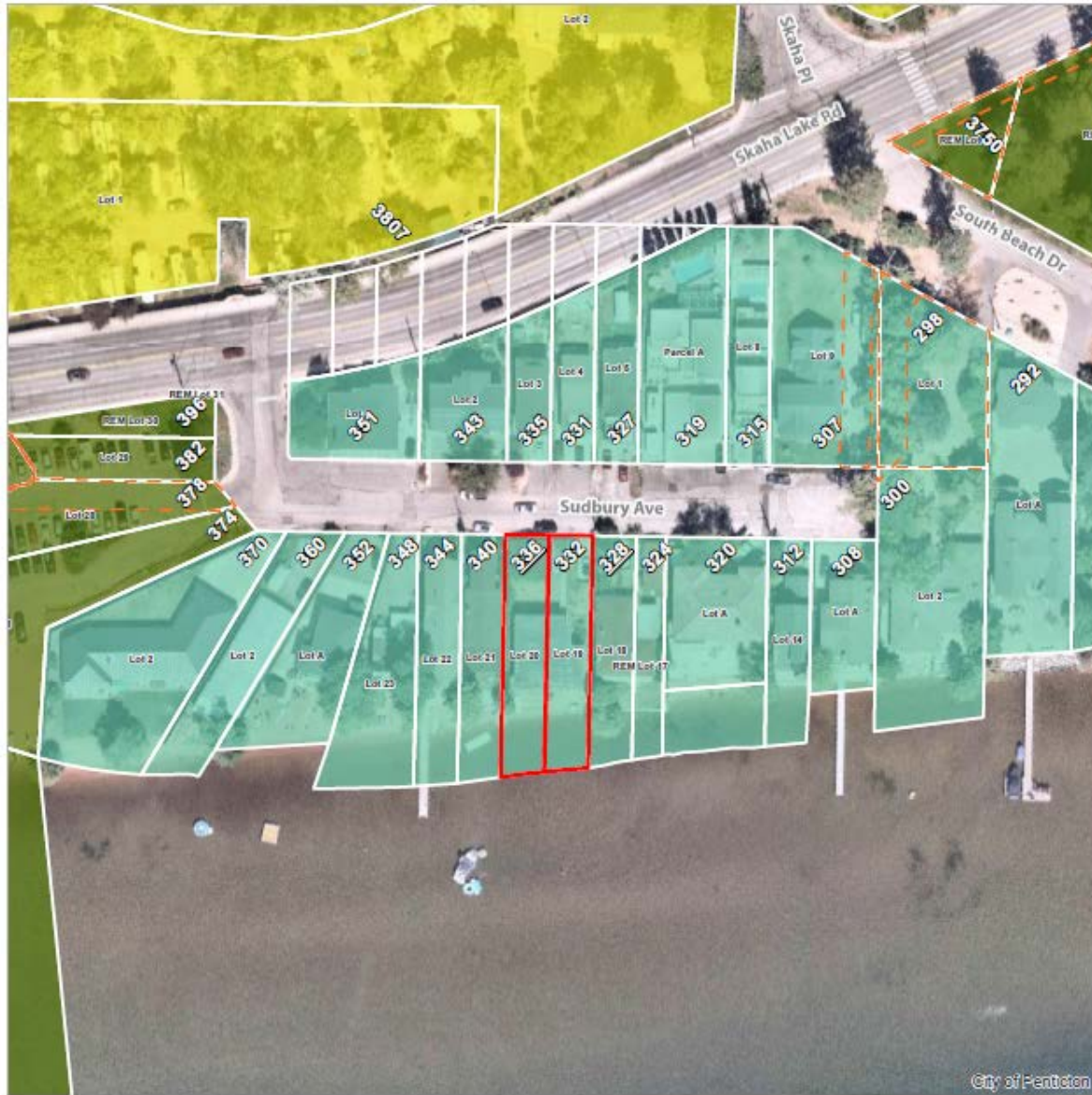
- Subject Parcel
- R4-L - Small-Scale Multi-Unit Residential - Large Lot
- Site Specific Zoning
- RM2 - Low Density Multiple Housing
- Zoning Bylaw No. 2024-22
- CT2 - Campground Commercial
- R4-S - Small-Scale Multi-Unit Residential - Small Lot
- P2 - Parks and Recreation





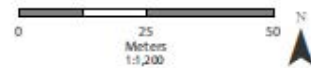
Official Community Plan Map

336 & 332 Sudbury Avenue



 Subject Parcel Official Community Plan - Future Land Use

- High Density Residential
- Low Density Residential
- Parks



Terms of Use - The City of Penticton is a depositary of public information in both printed and digital form. The source, 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 and suitability thereof.
Date: 7/2/2024

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Attachment C – Photos of Property



Figure 4: View of the house towards Skaha Lake



Figure 5: View of existing garage looking north

Attachment C – Letter of Intent



1109 OLYMPIC WAY SE | CALGARY, ALBERTA | T2G 1B9

403.719.6641

336 Sudbury Ave Design Rationale

Lots 19 & 20
District Lot 189
Plan 996
Lot 19 PID 011-888-695
Lot 20 PID 011-888-709

336 Sudbury Ave is in the R1 Large Lot Residential Zone and is subject to the Riparian Development Permit Area Environmental Assessment.

According to the Zoning Bylaw, the maximum allowable lot coverage is 40%. However, we are seeking relaxation on this regulation, proposing a maximum lot coverage of 52.30%.

Our request for relaxation stems from the lot consolidation process. As part of this process, we have committed to returning 240.5m² of lot area to crown land. Prior to consolidation, the lot coverage stands at 38.39%, fully compliant with zoning regulations. We kindly request that the authorities consider the lot coverage prior to consolidation in their evaluation.

It's important to note that while the consolidation has not yet been formally submitted, our client prefers to await the outcome of the variance request before proceeding. This matter has been discussed with Audrey Tanquay, and we understand that submission of the consolidation is necessary before a building permit can be issued.

This home designed for a family of 5 was designed as a two-storey development with the communal areas at grade level and private bedroom spaces on the second floor. The at grade level includes a rear covered outdoor living area of 40.65m² with a flat roof to minimize the massing in the rear. To further reduce the overall massing of the home the second storey has been setback from the rear envelope wall by 16'-0" (4.88m). So, after consolidation this home would exceed max lot coverage the overall massing has been reduced through design to fit within the context of the block and avoids large 2 storey masses.

Thank you for considering our request. We appreciate your attention to this matter.

-Chad Mizera
Code Compliance Coordinator
Dean Thomas Desing Group.



Development Variance Permit

Permit Number: DVP PL2023-9556

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 19 and Lot 20, District Lot 189, Similkameen Division Yale District, Plan 996
 - Civic: 332 and 336 Sudbury Avenue
 - PID: 011-888-695, 011-888-709
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2024-22 to allow for the renovation of a house :
 - Section 10.1.2 .3: to increase the lot coverage from 40% to 52.5%
 - Section 10.1.2 .6: to reduce the minimum front yard from 4.5m to 3m

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.
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 Day day of Month, Year.

Issued this Day day of Month, Year.

Angela Collison
Corporate Officer

DRAFT
DVP PL2023-9556