

Address & Legal Description:

2468 South Main Street

Lot 6 District Lot 251 Similkameen Division Yale District
Plan 13740

Subject & Proposal

Development Variance Permit PL20249815

The applicant has applied to vary the following sections of Zoning Bylaw 2024-22 in order to legalize an existing two storey accessory building on the subject property (Figure 1) currently used for household storage:

- Section 10.1.2.7: to reduce the minimum interior side yard setback for an accessory building from 1.2m to 0.8m.
- Section 10.1.2.9: to reduce the minimum rear yard setback for an accessory building from 1.5m to 0.7m.

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, August 6, 2024** in Council Chambers at Penticton City Hall, 171 Main St.

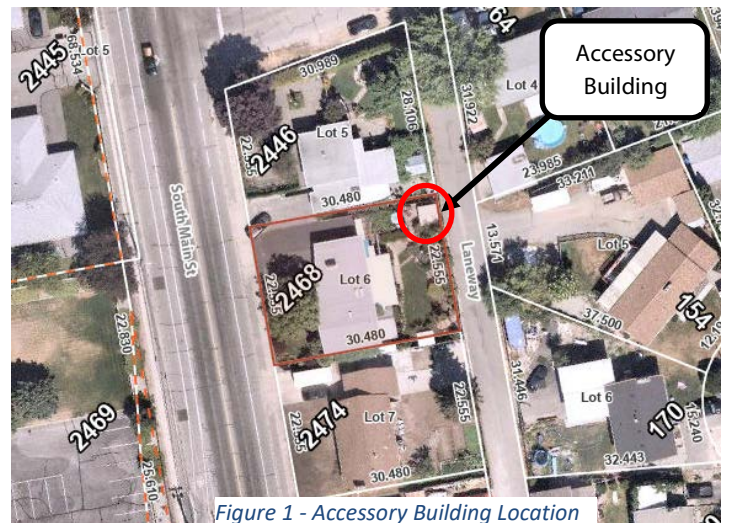
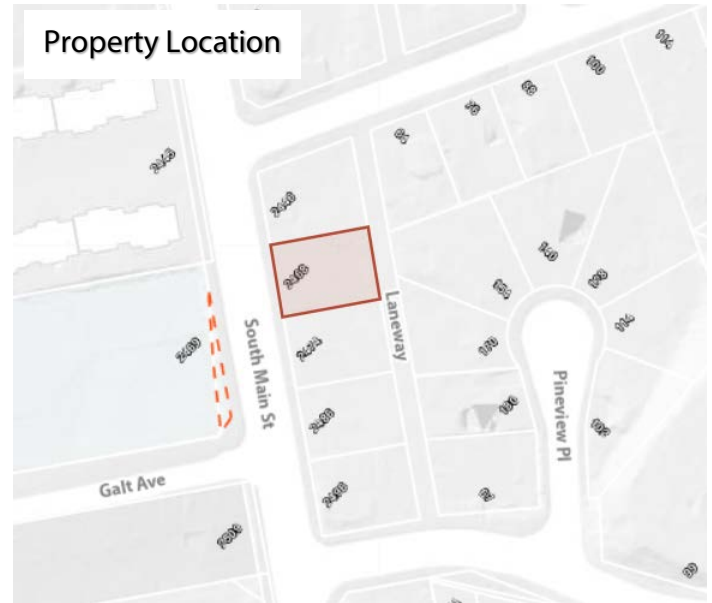


Figure 1 - Accessory Building Location

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 PL2024-9815 on the City's website at www.penticton.ca/publicnotice or scan the QR code on the right.



Questions?

Please contact **Gabe Tamminga** at 250-490-2517 or gabe.tamminga@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, August 6, 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: 2468 South Main St.

No letter, report or representation from the public will be received by Council after the conclusion of the August 6, 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: August 6, 2024
To: Anthony Haddad, City Manager
From: Gabe Tamminga, Planner I
Address: 2468 South Main Street

File No: RMS/2468 South Main St

Subject: Development Variance Permit PL2024-9815

Staff Recommendation

THAT Council approve "Development Variance Permit PL2024-9815" for Lot 6 District Lot 251 Similkameen Division Yale District Plan 13740, located at 2468 South Main Street, a permit to vary Section 10.1.2.7 and Section 10.1.2.9 of Zoning Bylaw 2024-22 to reduce the accessory building side yard setback from 1.2m to 0.8m and to reduce the accessory building rear yard setback from 1.5 to 0.7m;

AND THAT Council direct staff to issue "Development Variance Permit PL2024-9815".

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 has applied for a variance to permit the rear and interior setbacks of an existing accessory building on the subject property. The accessory building is currently an active enforcement file, and the applicant has been proactive in their application to ensure that they are able to legalize the building. It is currently used for household storage in the rear of the property and is two-stories high.

Background

The subject property is located along South Main Street with Secret Avenue to the north and Pineview Road to the south (Figure 1). The subject property is currently zoned R4-L (Small-Scale Multi-Unit Residential: Large Lot) and is designated by the Official Community Plan (OCP) as 'High Density Residential'. The property currently contains a single-family home with two accessory buildings in the rear



Figure 1 - Property Location Map

yard. The surrounding area features a mixture of uses, including single-family dwellings, multifamily developments and commercial properties to the west.

Technical Review

The application was reviewed by the City's Technical Planning Committee (TPC). Typical requirements have been identified for the Building Permit stage of this project and 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:

	R4-L Zone Requirement	Provided on Plans
Minimum Lot Width*:	16m	22.56m
Minimum Lot Area*:	560m ²	687.97m ²
Maximum Lot Coverage:	40%	27%
Required Setbacks (Accessory)		
Front Yard (West):	4.5m	26.1m
Side Yard (North):	1.2m	0.8m <i>*Variance Requested</i>
Side Yard (South):	1.2m	18.1m
Rear Yard (lane):	1.5m	0.7m <i>*Variance Requested</i>
Maximum Building Height (Accessory)	4.5m	4.32m
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 variances to reduce the side yard setback from 1.5m to 0.8m and to reduce the rear yard setback from 1.5m to 0.7m and are recommending support for the following reasons:

1. Location of Accessory Building

The existing accessory building is situated in the rear yard of the property and is abutting the laneway. This ensures there is not significant overlook into the neighbouring properties at the rear (Figure 2). The properties located to the north and south are not significantly affected either as the accessory building is situated along where the rear yards are located and not next to any residential dwellings.

2. The Use of the Building

The accessory building will not be permitted as a dwelling unit, which has been communicated to the applicant. Thus, the building will not be causing significant overlook into the neighbouring property to the north where a variance for a reduced setback has been requested due to this building being used only for storage purposes. If the variance is to be approved, the applicant will be also required to apply for a Building Permit to legalize the accessory building.

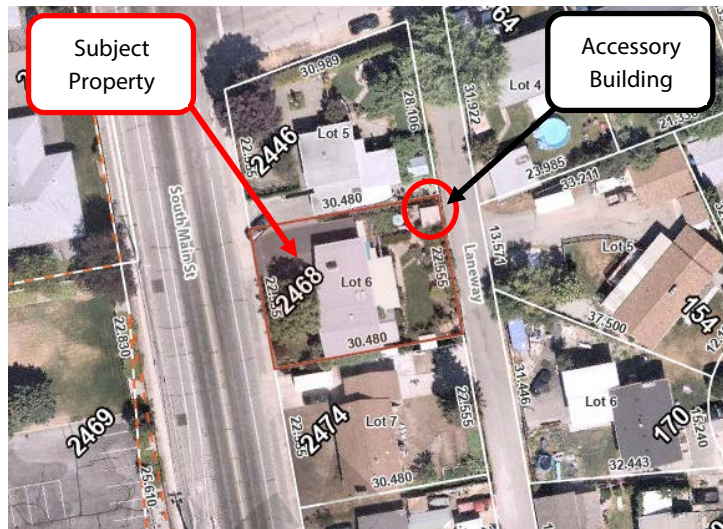


Figure 2 - Accessory Building Location

The requested variances for the rear and interior side yard setbacks do not pose significant impact on the neighbouring properties due to its location and what the intended use of it is. The laneway provides an adequate buffer between the properties to the east and only is 1.6% of the total lot coverage amount on the subject property.

Given the reasons above, staff consider this variance request acceptable 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, the applicant would be permitted to continue onto applying for a Building Permit which is required prior to construction of the addition.

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 PL2024-9815". If this decision is made, the applicant would need to update their plans to meet the current Zoning Bylaw. Staff are recommending against this option, as the requested variance is considered reasonable in this instance.

1. THAT Council deny "Development Variance Permit PL2024-9815".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent

Respectfully submitted,

Gabe Tamminga
Planner I

Concurrence

Acting Director of Development Services <i>AT</i>	City Manager
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2468 South Main Street

Zoning Bylaw Map



 Subject Parcel

 Site Specific Zoning

Zoning Bylaw No. 2024-22

 R4-S - Small-Scale Multi-Unit Residential - Small Lot

 R4-L - Small-Scale Multi-Unit Residential - Large Lot

 RM2 - Low Density Multiple Housing

 RM3 - Medium Density Multiple Housing

 C4 - General Commercial

 C7 - Service Commercial

 CT1 - Tourist Commercial

 P1 - Public Assembly



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Date: 7/22/2024

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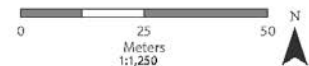


2468 South Main Street

Official Community Plan Map



- Subject Parcel Official Community Plan - Future Land Use
- High Density Residential
 - Low Density Residential
 - Mixed Use



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Date: 7/22/2024

Attachment C – Photos of the Property





Letter of Intent

Date: May 20, 2024

Planning and Licensing Department
City of Penticton.

RE: Proposal for existing accessory building at 2468 South Main St. Penticton

Dear Planning and Licensing Department,

Describe relevant aspects of project.

This project has .17 acres lot and total built up area is around 1,953 square feet (26.29%). There is existing accessory about 120 square feet floor area. I really need that existing accessory building for my household storage stuff.

I would like to make it legalize. This is my humble request to Planning and Licensing Department please issue me a permit to make it legalize. I can upgrades according to the BC building codes if I still needs to be upgrade anything regarding hazardous or safety.

[Redacted Signature]

Proposal:

The owner of the property asking permission to make a legalize existing accessory building (under the BC building code)

Kind Regards,
Pardeep Johal



Development Variance Permit

Permit Number: DVP PL2024-9815

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 6 District Lot 251 Similkameen Division Yale District Plan 13740
 - Civic: 2468 South Main Street
 - PID: 009-169-415
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 permit the accessory building, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.7: to reduce the minimum interior side yard setback for an accessory building from 1.2m to 0.8m.
 - b. Section 10.1.2.9: to reduce the minimum rear yard setback for an accessory building from 1.5m to 0.7m.

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 ____ day of August, 2024.

Issued this ____ day of August, 2024.

Angela Collison
Corporate Officer

DRAFT



129 Nanaimo Ave. W.
Penticton, BC
250.328.4740

david@haywooddesignbuild.com
www.haywooddesignbuild.com

PREPARED FOR:

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2468 SOUTH MAIN ST,
PENTICTON [DVP]

SITE PLAN - OVERALL

Project Number	2415
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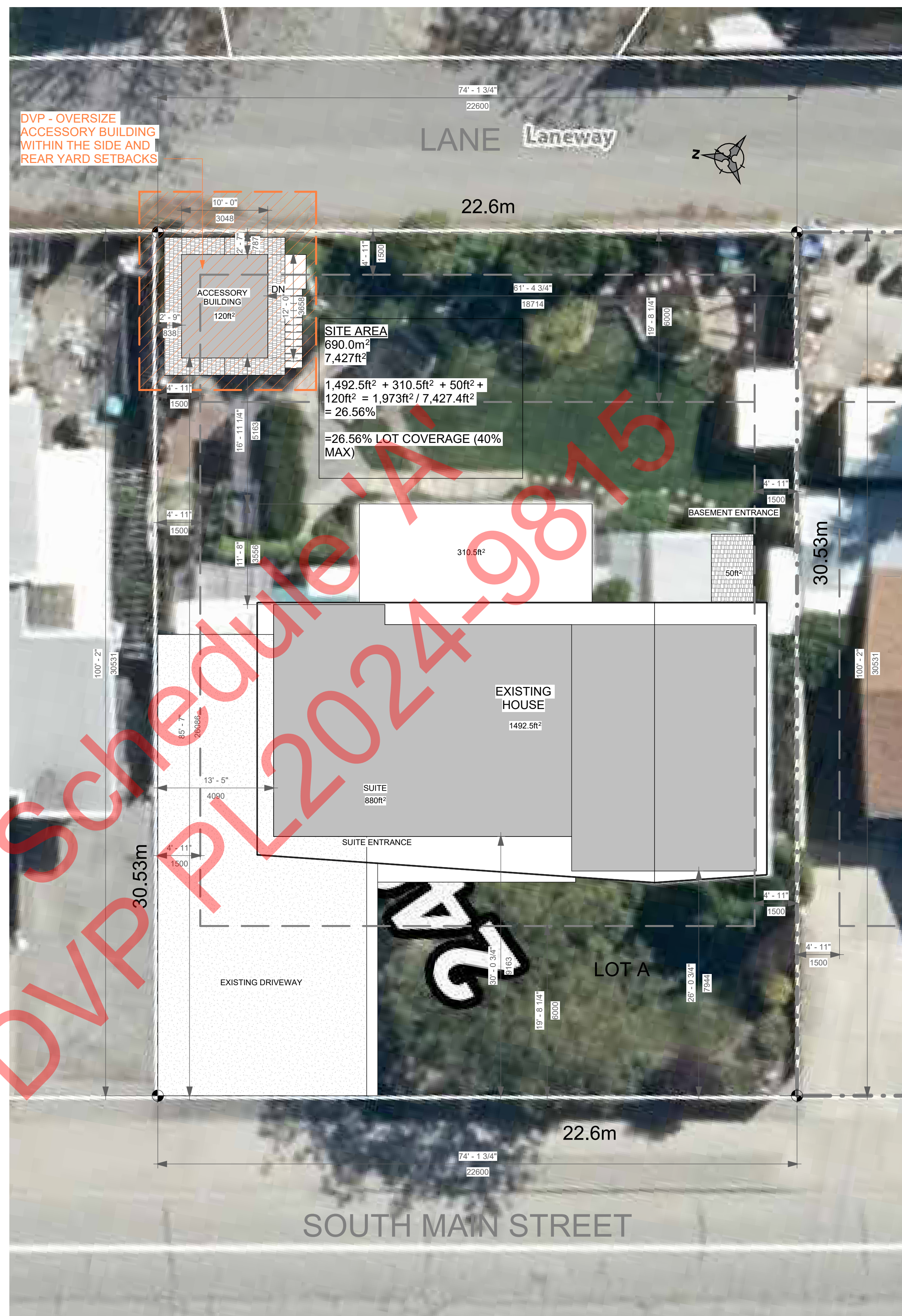
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Scale	As indicated
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ZONING ANALYSIS

SITE AREA:
[690m² (7,427ft²) .17ac.]

EXISTING

ZONING:

R1 - LARGE LOT RESIDENTIAL

R1 ZONING REQUIREMENTS:

ALLOWED		PROPOSED	
FAR			
N/A		N/A	
NET			
AREA: N/A		N/A	
BASED ON 0.95			
MAX SITE COVERAGE FOR			
PITCHINGS:		26.56%	
40%		1.492 581' + 310 581' + 5081' + 12081' = 1.97381 / 7.427 481' + 20.56%	
MAX SITE COVERAGE INCL HARD			
SURFACES:			
N/A		n/a%	
BUILDING			
HEIGHT:			
4.5m [ACCESSORY]		4.315m [TOP MID POINT OF ROOF PITCH]	
SETBACKS			
(PRINCIPAL)			
PERMITTED		EXISTING	
FRONT: 6.0m		26.0m	
SIDE (INT): 1.5m		18.7m	
SIDE (INT): 1.5m		0.838m - VARIANCE	
REAR: 1.5m		0.787m - VARIANCE	
AMENITY		PROVIDE	
SPACE:		D:	
N/A			
PARKING AND		PROVIDE	
LOADING:		D:	
2 FOR THE PRINCIPAL		2 STALLS	
GARBAGE		PROVIDE	
E		D:	
WASTE + RECYCLING		PRINCIPAL-IN GARAGE	

GENERAL SITE NOTES:

ROOF DRAINAGE SYSTEM SPLASH PADS
REQUIRED FOR ROOF RAIN WATER
LEADERS AS PER GEOTECH.

STORM WATER TO BE MAINTAINED ON-SITE
WATER METERS IN INDIVIDUAL DWELLING
UNITS

GARBAGE AND RECYCLING WILL BE
INSIDE GARAGE

PROTECT EXISTING TREES WITH .25m
SNOW FENCING BUFFER AROUND BASE

NO VENTED SOFFITING IN ANY
OVERHANG THAT IS WITHIN 1.2m OF
PROPERTY LINE

ALL DIMENSIONS ON PLAN ARE
PERPENDICULAR TO PROPERTY LINES

1 SITE
SCAL 1 : 100
F.

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FLOOR PLANS + ELEVATIONS

Project Number	2415
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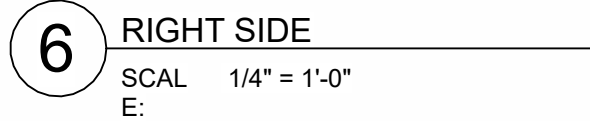
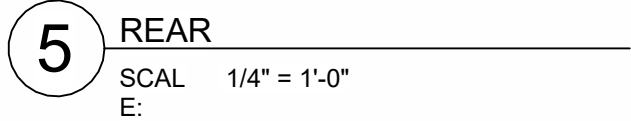
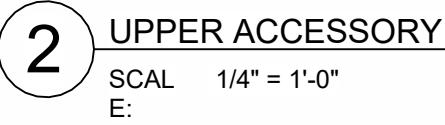
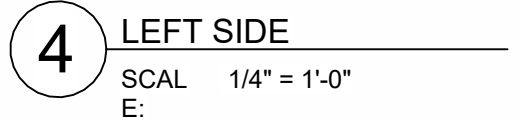
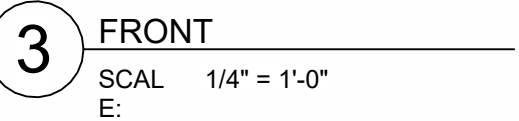
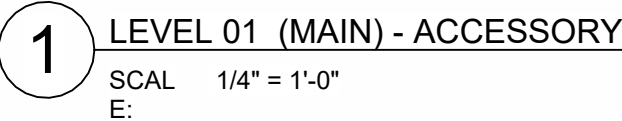
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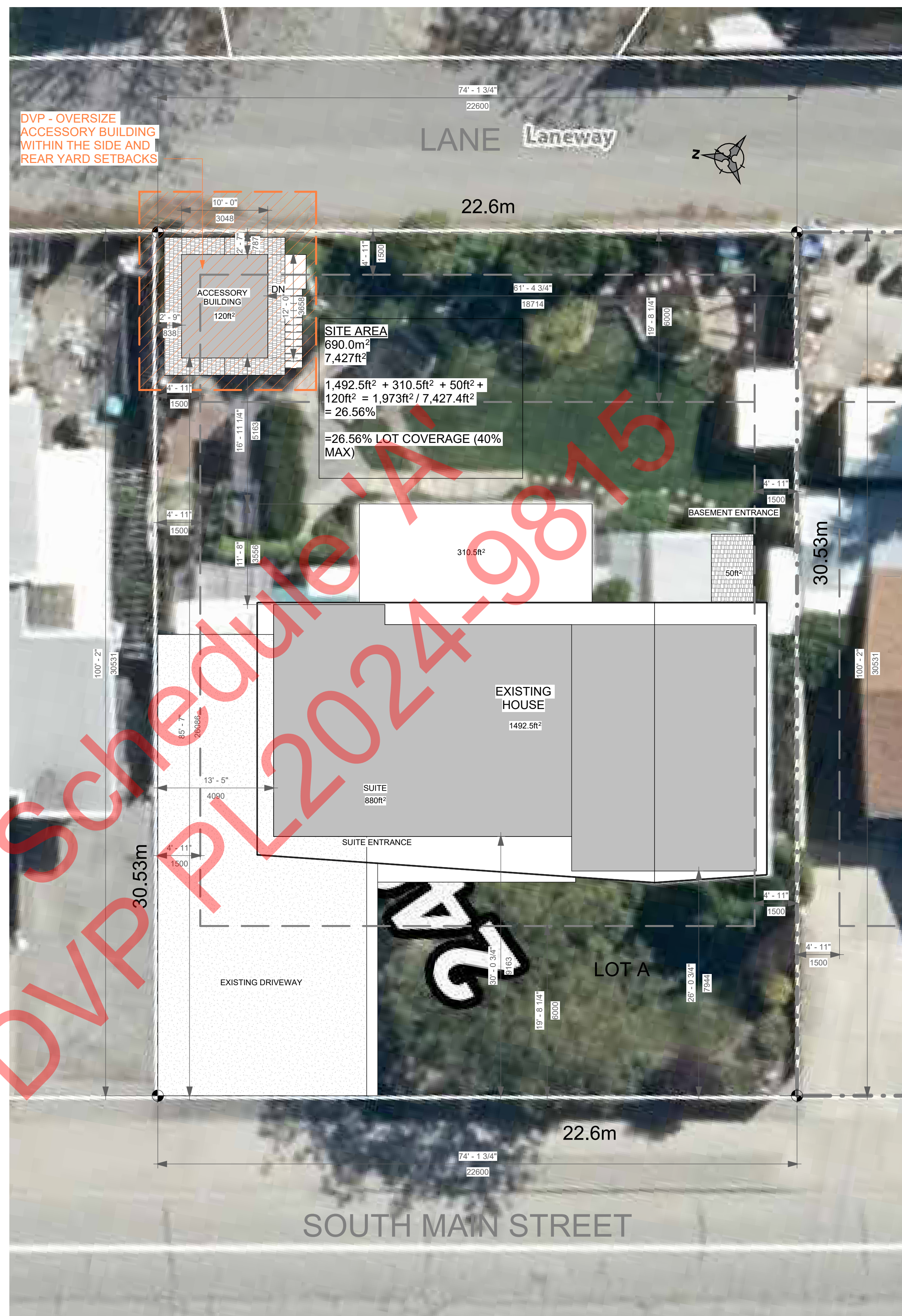
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SIDE (INT): 1.5m		0.838m - VARIANCE	
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AMENITY		PROVIDE	
SPACE:		0:	
N/A			
PARKING AND		PROVIDE	
LOADING		10	
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GARBAG		PROVIDE	
E:		0:	
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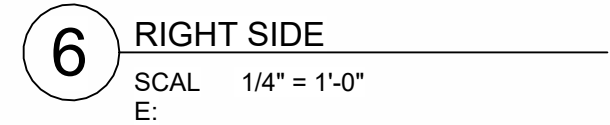
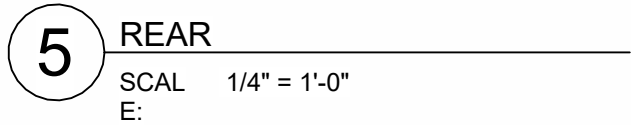
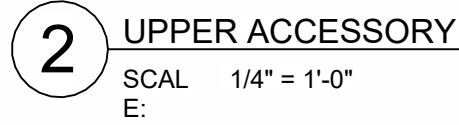
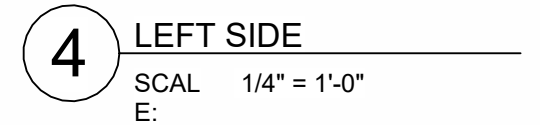
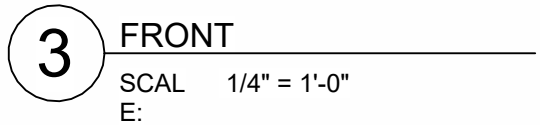
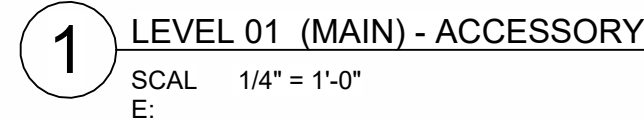
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