

Address & Legal Description:

894 Forestbrook Drive

Lot 1 District Lot 249 Similkameen Division
Yale District Plan 9522

Subject & Proposal

Development Variance Permit PL2024-9805

The applicant is proposing to construct an attached garage with a secondary suite above (61.22m² addition) on the west side of the existing single-family dwelling (Figure 1). In order to facilitate the addition, they have requested a variance to the following section of Zoning Bylaw 2024-22:

- Section 10.2.2.9: Reduce the rear yard setback for a principal building from 6.0m to 1.5m

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.

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 PL2024-9805 on the City's website at www.penticton.ca/publicnotice or scan the QR code on the right.



Figure 1

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: 894 Forestbrook Dr.

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: 894 Forestbrook Drive
Subject: Development Variance Permit PL2024-9805

File No: RMS/894 Forestbrook Dr

Staff Recommendation

THAT Council approve "Development Variance Permit PL2024-9805" for Lot 1 District Lot 249 Similkameen Division Tale District Plan 9522, located at 894 Forestbrook Drive, a permit to vary Section 10.2.2.9 of Zoning Bylaw 2024-22 to reduce the rear yard setback for a principal building from 6.0m to 1.5m, in order to facilitate the construction of an attached garage with secondary suite above to the single family dwelling;

AND THAT Council direct staff to issue "Development Variance Permit PL2024-9805".

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 attached 61.22m² addition to the existing single-family dwelling on the property on the western side of the building. As such, the applicant has requested a variance to reduce the rear yard setback from 6.0m to 1.5m to allow the construction as proposed of an addition of a garage and a secondary suite above to the single family dwelling.

Background

The subject property is located at the corner of Forestbrook Drive and Kilwinning Street (Figure 1). The subject property is currently zoned R4-S (Small-Scale Multi-Unit Residential: Small Lot) and is designated by the Official Community Plan (OCP) as 'Low Density Residential'.

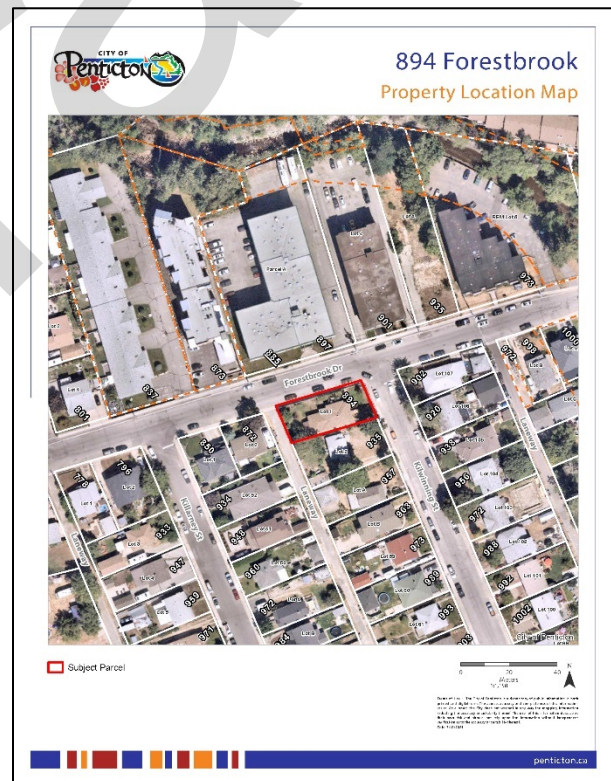


Figure 1 - Property Location Map

The property currently contains a single-family home that was constructed in 1959. The surrounding area features a mixture of uses, including single-family dwellings, multifamily developments and park land along Penticton Creek to the east.

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. 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-S Zone Requirement	Provided on Plans
Minimum Lot Width*:	10.5 m (corner lot)	36.8 m
Minimum Lot Area*:	280 m ²	607.0 m ²
Maximum Lot Coverage:	50%	28.7%
Vehicle Parking:	1 stall per dwelling unit 0 stalls per accessory suite/carriage house (1 vehicle parking stall required)	4 vehicle parking stalls (total)
Required Setbacks		
Front Yard (north):	4.5 m	7.6 m
Side Yard (exterior):	3.0 m	9.65 m
Side Yard (west):	1.5 m	1.5 m
Rear Yard (south):	6.0 m	1.5 m <i>*variance requested</i>
Maximum Building Height	11.0 m (3 storeys)	6.91 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 minimum rear yard for a principal building from 6.0m to 1.5m and are recommending support for the following reasons:

1. Location of proposed addition

The subject property is unique with it being a corner lot with lane access as well. The proposed addition is located adjacent to the laneway on the west side of the property, which provides a buffer to the neighbours across the lane.

The addition will be further setback from the street with access provided from the laneway to ensure there is minimal impact on pedestrian pathways and visibility from cars exiting the laneway onto Forestbrook Drive.

2. Existing setback of single-family dwelling

The existing single-family dwelling was constructed in 1959 and the design of the building is further into the setback than the rear yard setback requirement of 6.0m for principal buildings for the current Zoning Bylaw. The applicant is intending to keep the addition in line with the existing design and setbacks of the single-family dwelling. Meeting the rear setback requirement of the current Zoning Bylaw would require the addition to be situated several meters in front of where the house begins in the front yard. Requiring the design meet this setback would make the addition to the home undesirable for function and style.



Figure 2 - Subject Property

Given the reasons listed above, staff consider this variance request 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, the applicant would be allowed 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 PL2024-9805". 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 PL2024-9805".

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 PL2024-9805

Respectfully submitted,

Gabe Tamminga
Planner I

Concurrence

Acting Director of Development Services 	GM of Infrastructure	City Manager
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894 Forestbrook Zoning Bylaw Map



 Subject Parcel

 Site Specific Zoning

Zoning Bylaw No. 2024-22

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

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

 RM2 - Low Density Multiple Housing

 RM3 - Medium Density Multiple Housing

 P2 - Parks and Recreation

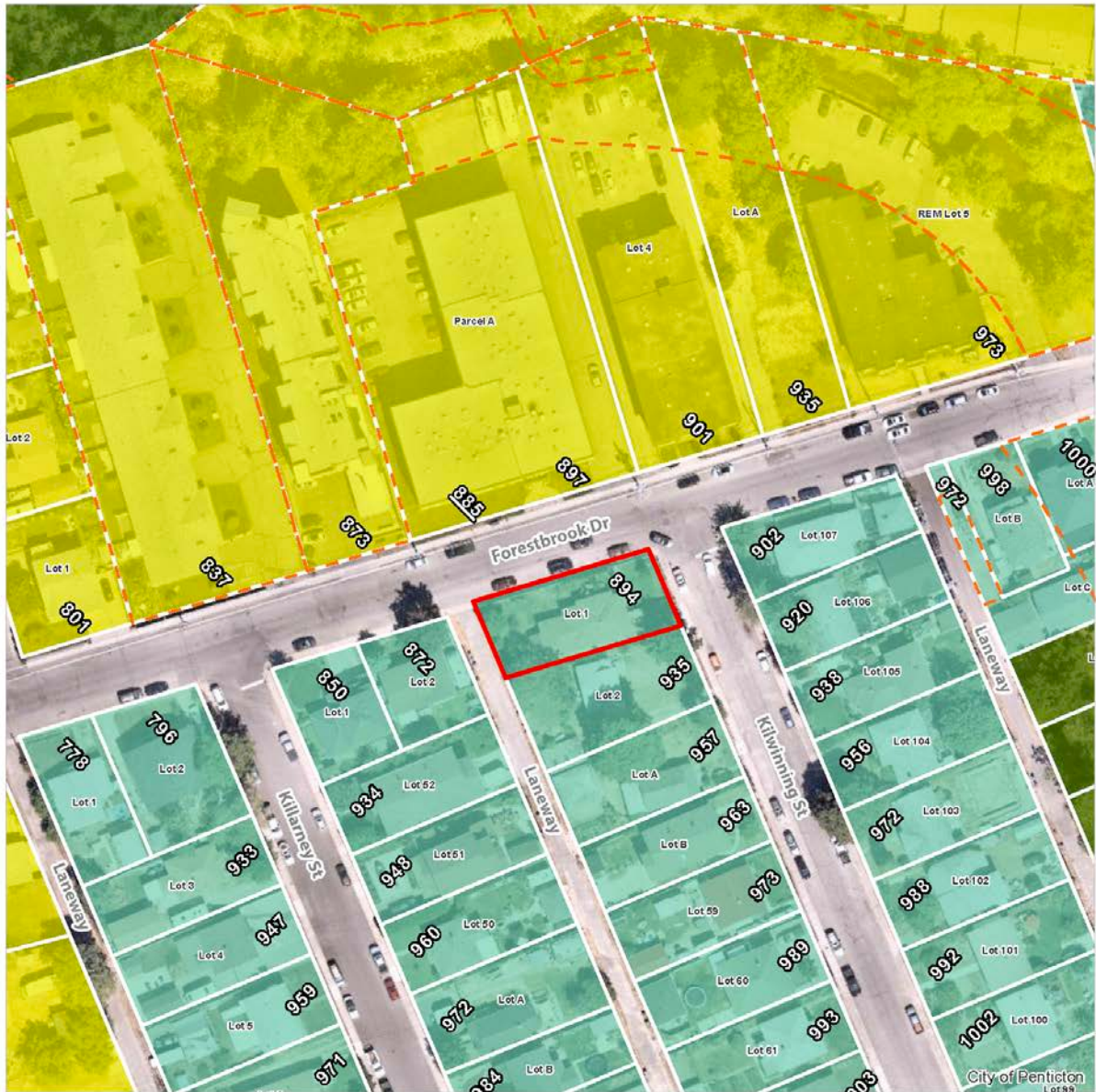


The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of the information shown on a map, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.
Date: 7/19/2024

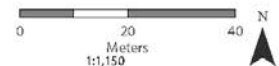


894 Forestbrook

OCP Map



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



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Date: 7/19/2024

Attachment C – Photos of Property





894 Forestbrook Drive Penticton - Variance Proposal

We are proposing to construct an addition to our current house that will consist of a new double car garage with a secondary suite on top. This structure will be contiguous to our existing garage that we will be turning into additional living space. This addition will allow us to grow as a family in our current location while providing low-income housing to our community.

No rezoning will be necessary to construct our proposed addition and secondary suite, but we will need a variance with regards to our current setbacks to make this project possible. We want to apply for a variance to change the setback that runs parallel to our laneway from 6m to 1.5m so there is enough room to construct our proposed addition. The current setbacks on our lot are antiquated and would not support any development on our property. This is why we feel that they need to be amended. We are hopeful to get approved for a 1.5m variance as this is the current allowable setbacks for a carriage house. Unfortunately, we tried to incorporate a carriage house on our property, but from a design perspective, a carriage house would not work with the space we have available to build.

By adding a secondary suite to our home, we will be supporting Penticton's OCP. We will not only be helping to revitalize our neighbourhood, develop an existing urban area, but we will be making the best use of an existing structure that already has amenities around and in place. We will be creating low-income housing, creating jobs and creating densification in our community. Our project supports the objectives of Penticton's current OCP and will only help to encourage the growth and strength of our economy.

We have put a lot of time and effort into planning our addition and have taken great consideration into the design with regards to our neighbours and local neighbourhood feel. By no means do we want to jeopardize the privacy of our neighbours thus we have kept the design at a low profile and have limited windows that face our neighbours' properties.

As an individual who was born and raised in Penticton, I know that the ability to construct our addition and secondary suite will allow me to share the beautiful area Penticton is with my growing family, extended family and visitors. It will ensure that my family stays in Penticton by providing us with an income to help offset costs of inflation and living, it will ensure that my partner and I continue to work within our local healthcare system and will help us to continue to enjoy what Penticton has to offer.



Development Variance Permit

Permit Number: DVP PL2024-9805

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 1 District Lot 249 Similkameen Division Yale District Plan 9522
 - Civic: 894 Forestbrook Dr
 - PID: 009-685-481
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 construction of an addition for a secondary suite as shown in the plans attached in Schedule 'A':
 - a. Section 10.2.2.9.a: to reduce the rear yard setback for the principal building from 6.0m to 1.5m.

General Conditions

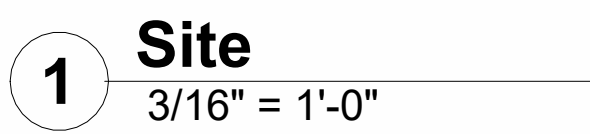
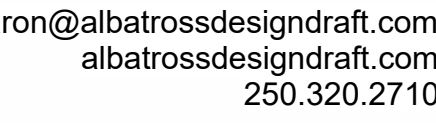
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence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

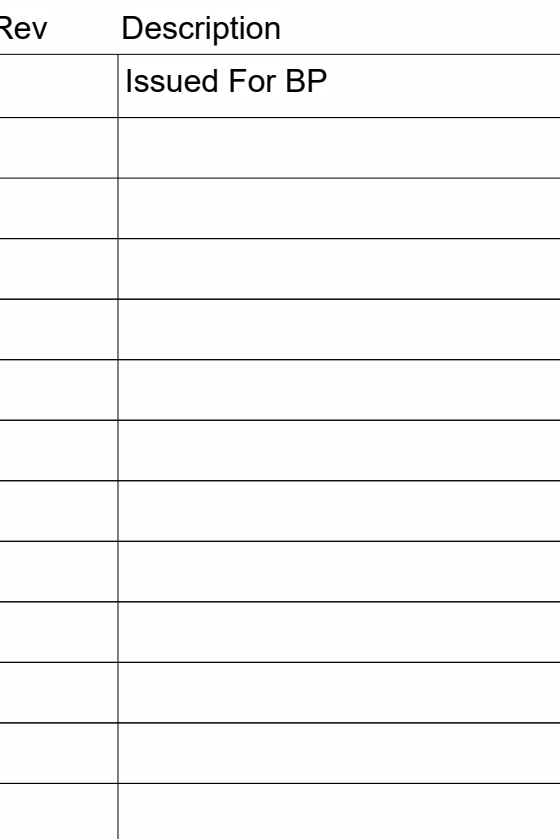
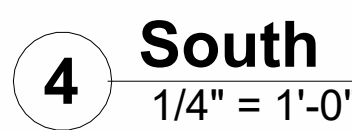
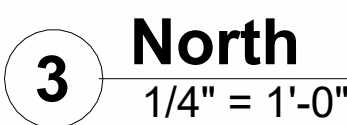
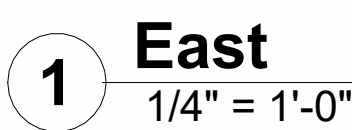
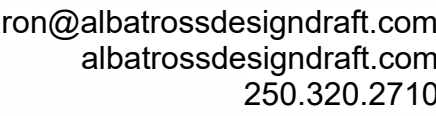


Rev	Description
	Issued For BP

A002

Site Plan

Project Name:	
Guimond Buzikievich CH	
Project Address:	
894 Forestbrook Dr, Penticton, BC	
Project Number:	1026
Date:	
Drawn by:	AS
Scale:	3/16" = 1'-0"



Window Schedule				
Number	Width	Height	Count	Comments
44	3' - 0"	3' - 0"	4	Garage Reno
45	2' - 6"	4' - 0"	1	Cmnt, Blk Out, Wh In, Fibre/Vinyl
50	4' - 4"	1' - 6"	6	Fixed, Blk out, wh in, Fibre/Vinyl, low SHGC
51	1' - 6"	5' - 0"	1	Fixed, Blk out, wh in, Fibre/Vinyl,
53	3' - 0"	2' - 0"	3	Fixed, Blk out, wh in, Fibre/Vinyl,
54	4' - 0"	1' - 6"	1	Fixed, Blk out, wh in, Fibre/Vinyl,
55	3' - 0"	4' - 0"	6	Blk Out, Wh In, Fibre/Vinyl

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55	3' - 0"	4' - 0"	6	Blk Out, Wh In, Fibre/Vinyl

A106

Elevations

Project Name: Guimond Buzikievich CH

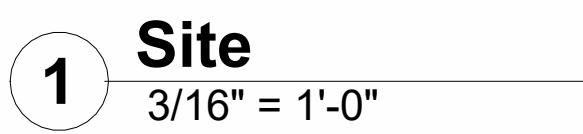
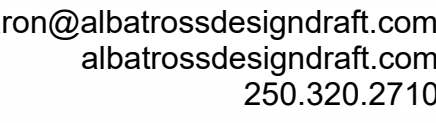
Project Address:
894 Forestbrook Dr, Penticton, BC

Project Number: 1026

Date: _____

Drawn by: AS

Scale: 1/4" = 1'-0"

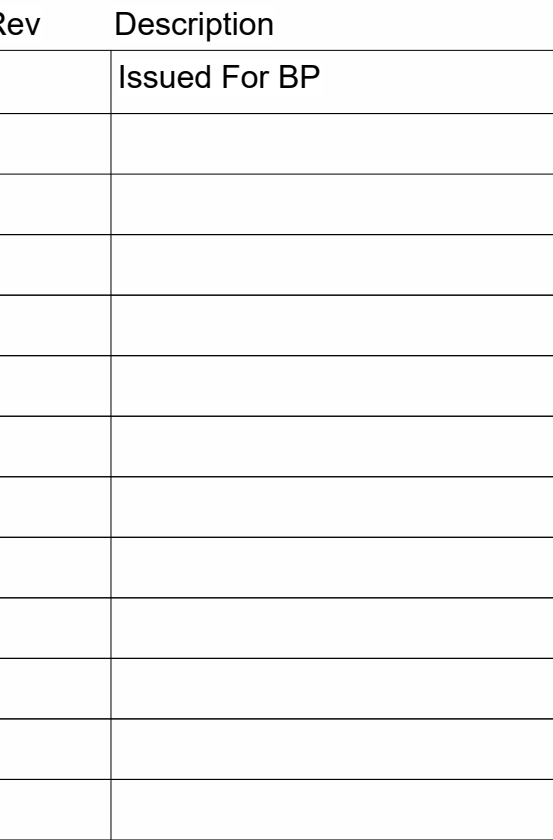
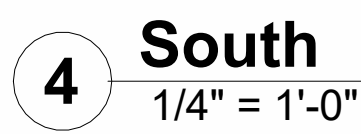
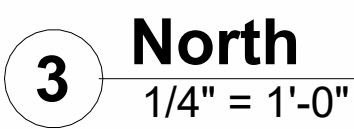
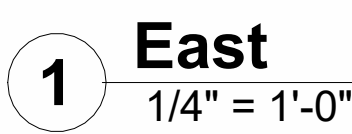
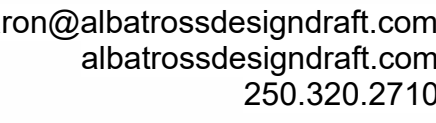


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