



Public Notice

penticton.ca

January 11, 2018

Subject Property:

1198 Government Street

Lot 1, District Lot 250, Similkameen Division
Yale District, Plan 39066

Application:

Development Variance Permit PL2017-8118

The applicant is proposing to demolish the existing structure and build a new gas station. In order to do so, the following variances to Zoning Bylaw 2017-08 are being considered:

- Section 11.8.2.6.i: to reduce the minimum interior side yard from 4.5m to 0m.
- Section 11.8.2.7.i: to reduce the minimum rear yard when abutting a lane that abuts a residential zone from 6.0m to 3.0m.

Information:

The staff report to Council and Development Variance Permit PL2017-8118 will be available for public inspection from **Friday, January 12, 2018 to Tuesday, January 23, 2018** at the following locations during hours of operation:

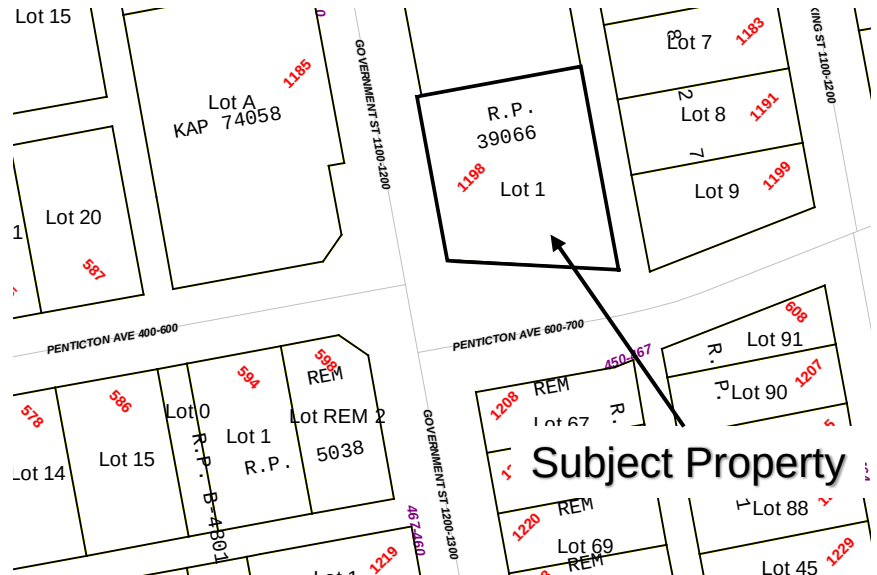
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 p.m., Tuesday, January 23, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.



Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 a.m., Tuesday, January 23, 2018** to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the January 23, 2018 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.

Blake Laven, RPP, MCIP
Manager of Planning

Date: January 23, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner 1
Address: 1198 Government Street
Subject: Development Variance Permit PL2017-8118

File No: DVP PL2017-8118

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-8118" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 39066, located at 1198 Government Street, a permit to reduce the minimum interior yard from 4.5m to 0m and to reduce the minimum rear yard when abutting a lane that abuts a residential zone from 6.0m to 3.0m.

AND THAT staff be directed to issue "Development Variance Permit PL2017-8118."

Background

The subject property (Attachment A) is designated by the Official Community Plan (OCP) as GC (General Commercial) and is currently zoned C8 (Vehicle Service Station). The subject site is 1245.3m² (13404 ft²) and features a gas station. Photos of the site are included as Attachment D. The adjacent properties to the east are zoned Small Lot Residential (R2), with the remainder of surrounding properties zoned General Commercial (C4).

Council supported a Development Variance Permit for a gas station addition on the subject property in early 2017 which reduced the minimum interior yard setback from 4.5m to 0.0m and the minimum rear yard setback from 6.0m to 3.0m. A Development Permit was approved shortly after. After a cost analysis, the applicants determined that it would be more cost effective to demolish the existing structure and build a new gas station.

Proposal

The new gas station will be within the footprint of the existing gas station and previously approved addition. Since the plans have changed, a new development variance and development permit are required. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 11.8.2.6.i: to reduce the minimum interior side yard from 4.5m to 0m.
- Section 11.8.2.7.i: to reduce the minimum rear yard when abutting a lane that abuts a residential zone from 6.0m to 3.0m.

Financial implication

N/A

Technical Review

This application was reviewed by the City's Technical Planning Committee. Concerns pertaining to storm drainage and geotechnical requirements were raised, but will be addressed at the building permit stage. If the request for the variances is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement C8 zone	Proposed
Maximum Lot Coverage:	35%	30%
Vehicle Parking:	1 space per 50m ² net floor area (146m ² floor area → 3 required)	6 spaces
Required Setbacks Front yard (west, Government Street): Rear yard (east, lane): Interior yard (north): Exterior yard (south):	4.5m 6.0m 4.5m 4.5m	22.2m 3.0m (variance required) 0.08m (variance required) 20.56m
Maximum Building Height:	10.5m	4.88m
Other Information:	- The subject property is located within the Tourist Commercial Development Permit Area, thus a development permit is required. This will follow the variance application and be staff-issuable.	

Analysis

Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any hardship on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighboring properties and if the variance request is reasonable.

Section 11.8.2.6.i: to reduce the minimum interior side yard from 4.5m to 0m.

- The proposed new gas station will be 0.08m from the north property line. The adjacent building, IGA, sits right on the property line and covers the entire north boundary. The height of the proposed gas station is 4.88m which is less than the height of the IGA building. A small shed already exists in this current location which will be replaced by the new gas station. The proposal falls within the

footprint of the existing gas station and previously approved addition. Given the above, staff considers that it is sensible to support the variance.

Section 11.8.2.7.i: To decrease the minimum rear yard when abutting a lane that abuts a residential zone from 6.0m to 3.0m.

- The existing building and shed currently sit 3.0m from the rear property line, thus it is unlikely that the proposed new gas station will create any added negative impacts on the neighbouring properties. The height of the proposed new gas station (16 feet) is similar in height to the existing gas station at its highest peak. The lane acts as a buffer from the residences to the east. Council recently supported the same variance for the previous addition. Given the above, staff consider that it is reasonable to reduce the minimum rear yard to 3.0m.

Given the above, staff feel that the variances requested will not have an unreasonable impact on the adjacent properties and recommend that Council support the application.

Deny/Refer Variance

Council may consider that the variances are not justified and will negatively affect the neighbourhood. If this is the case, Council should deny the variances.

Alternate Recommendations

1. THAT Council support "DVP PL2017-8118" with conditions.
2. THAT "DVP PL2017-8118" be referred back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Elevations
Attachment G:	Floor Plan
Attachment H:	Letter of Intent
Attachment I:	Previously Approved Elevations
Attachment J:	DVP PL2017-8118

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
<i>AH</i>	

Draft



Figure 1: Subject Property

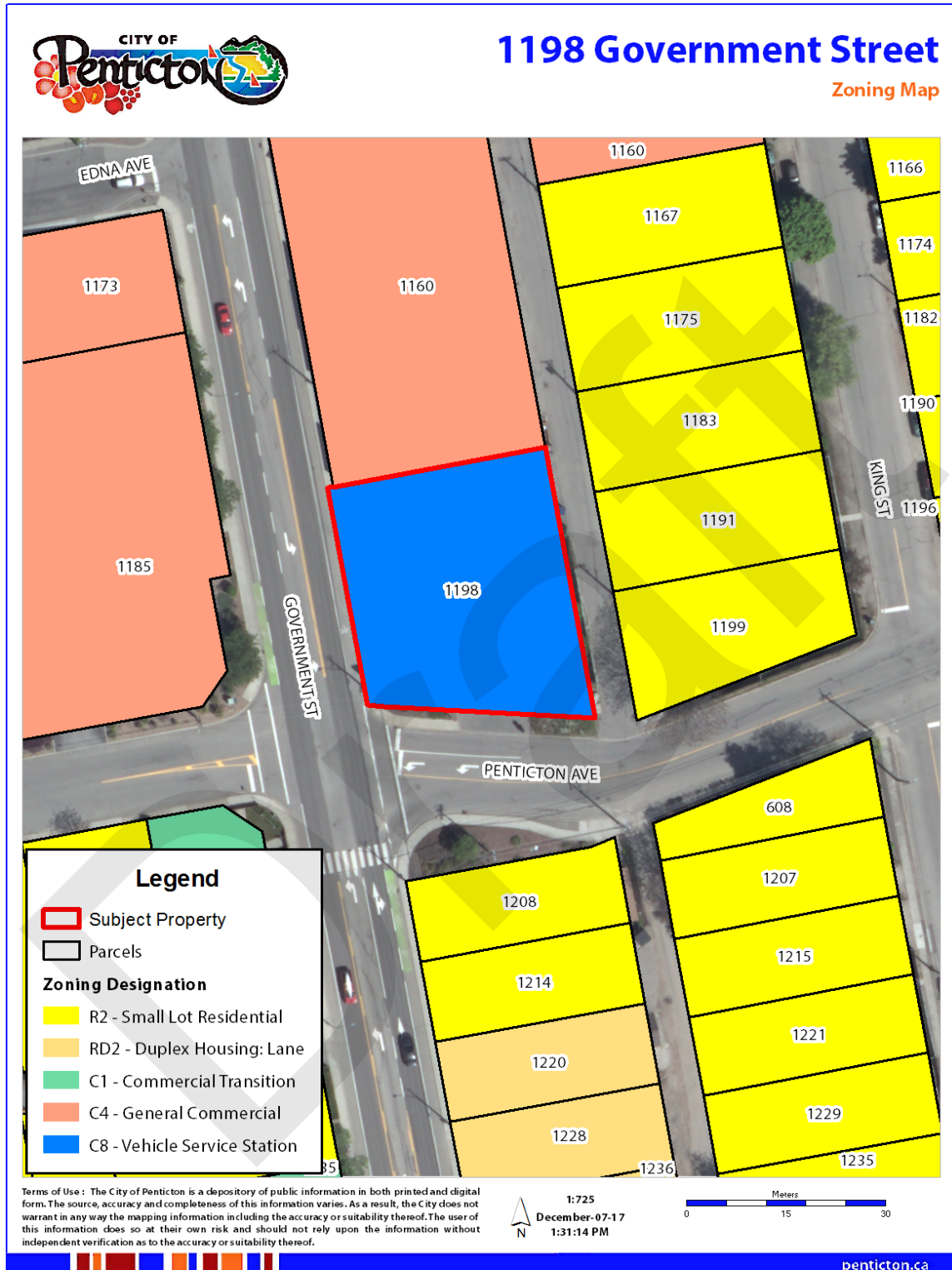


Figure 2: Zoning Map

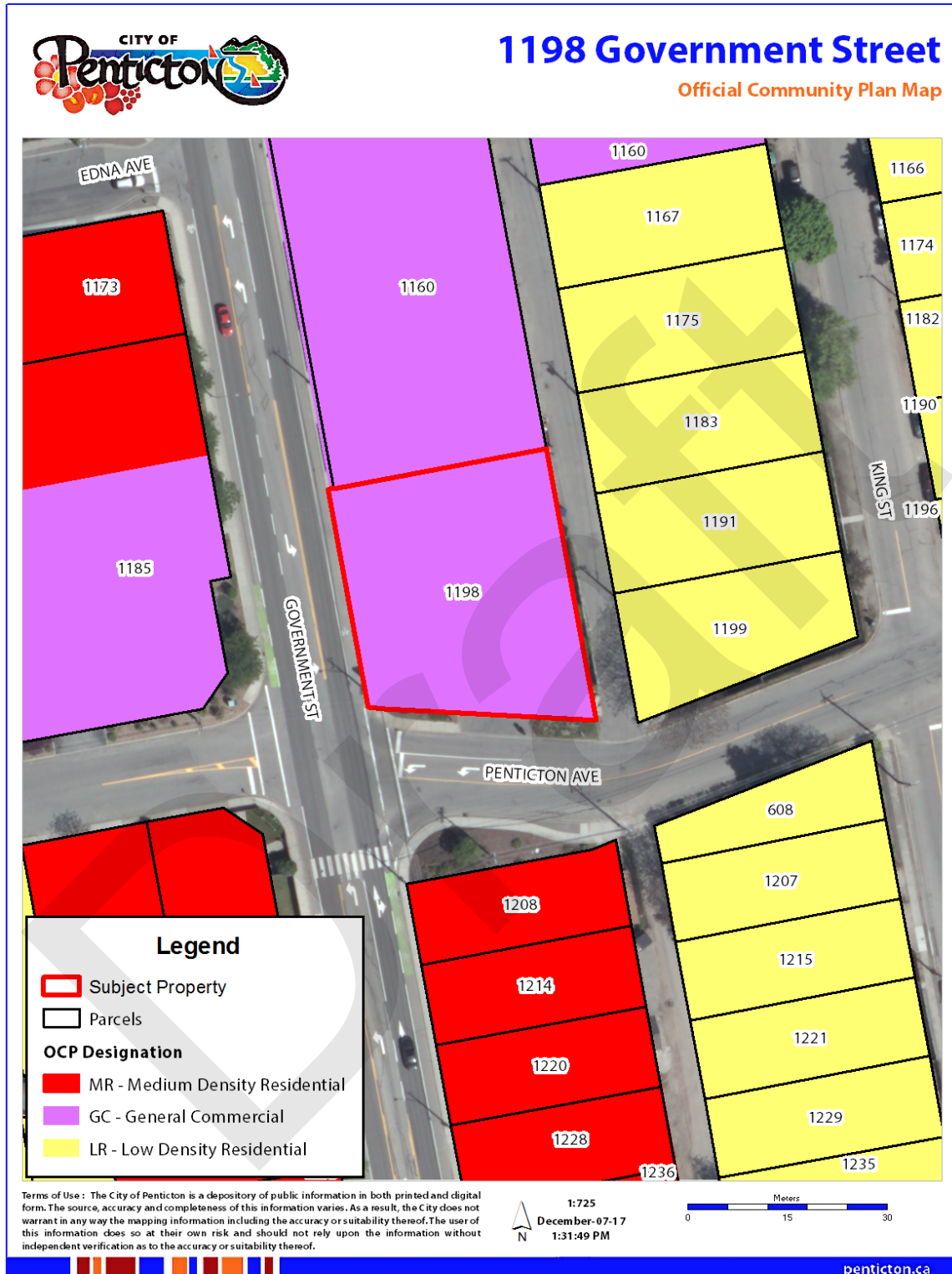


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: West Elevation of existing gas station



Figure 5: West Elevation of existing gas station and shed



Figure 6: East Elevation from the lane looking south



Figure 7: East Elevation

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Attachment F – Elevations



Figure 9: West Elevation

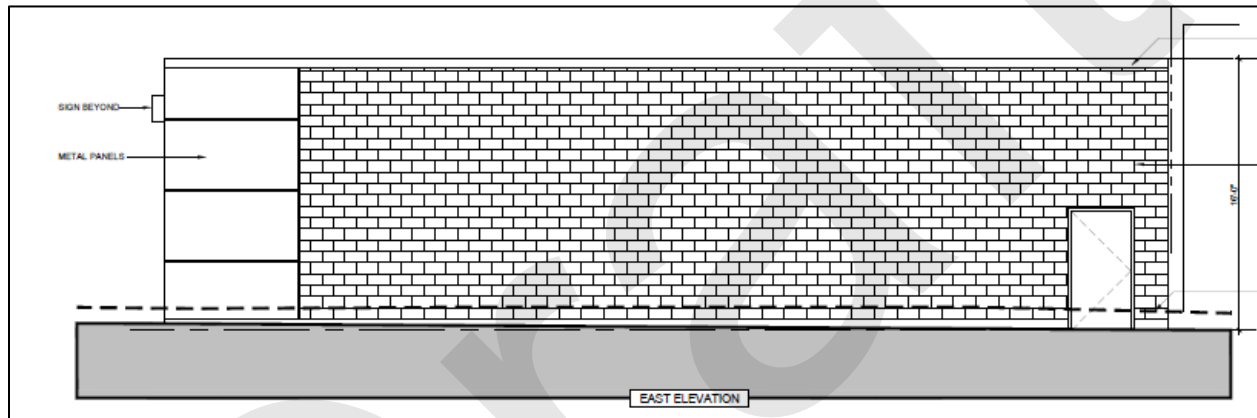


Figure 10: East Elevation

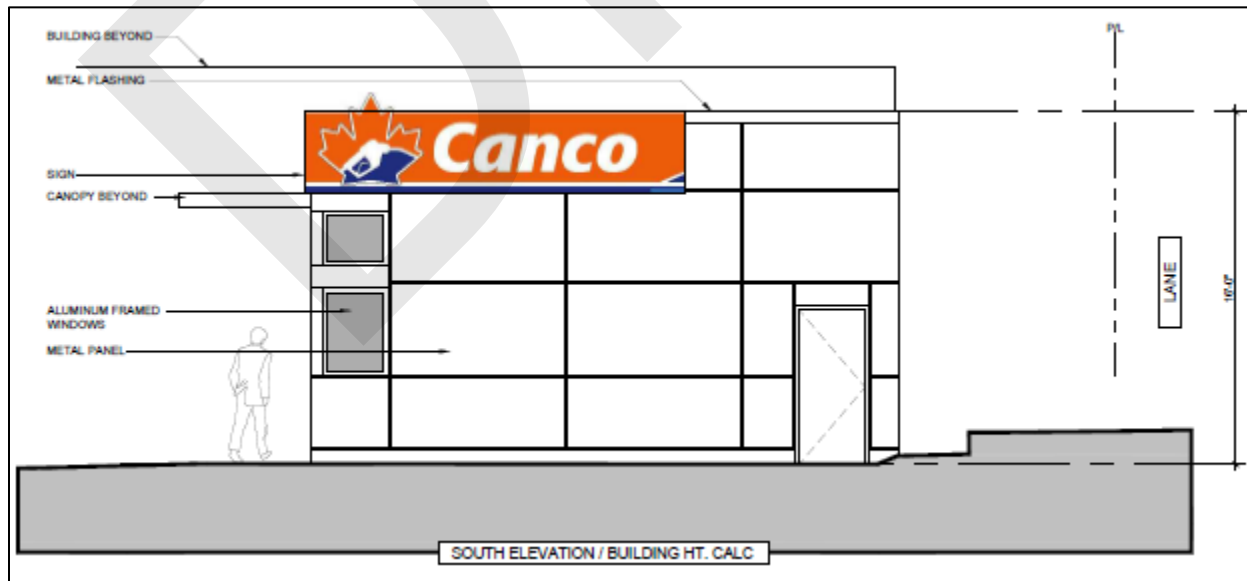


Figure 11: South Elevation

Attachment G – Floor Plan

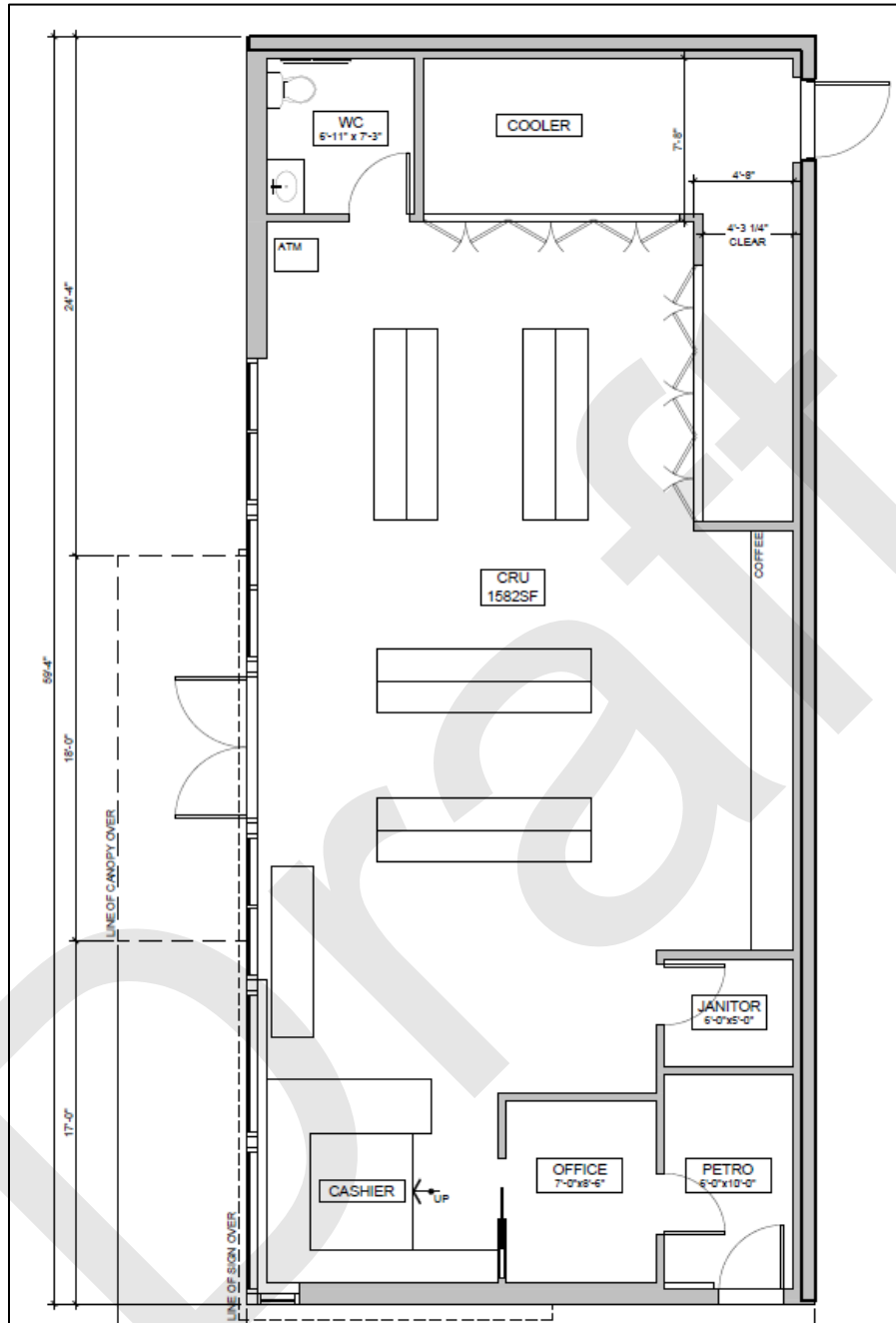


Figure 12: Floor Plan



RE: Letter of intent for 1198 Government St. Penticton B.C.

On behalf of the PR Petroleum group, Plan B is proposing to construct a new gas service station located at 1198 Government St. Penticton B.C. There is an old and out-dated structure existing on site. There was a previous DP and Variance already approved for the site for an addition. After cost analysis for that project it was determined that it would be more cost effective to reconstruct a new facility. Our intention for this project is stay within the already approved foot print. The new proposed facility will add curb appeal and a cosmetic uplift the community.

Justin Cromarty

Project Manager

Cell: 250.215.5542

Office: 250.717.8234

Email: justin@planbcontractors.com

www.planbcontractors.com

#4 – 715 Evans Court

Kelowna, BC V1X 6G4

Figure 13: Letter of Intent

Attachment I – Previously Approved Elevations

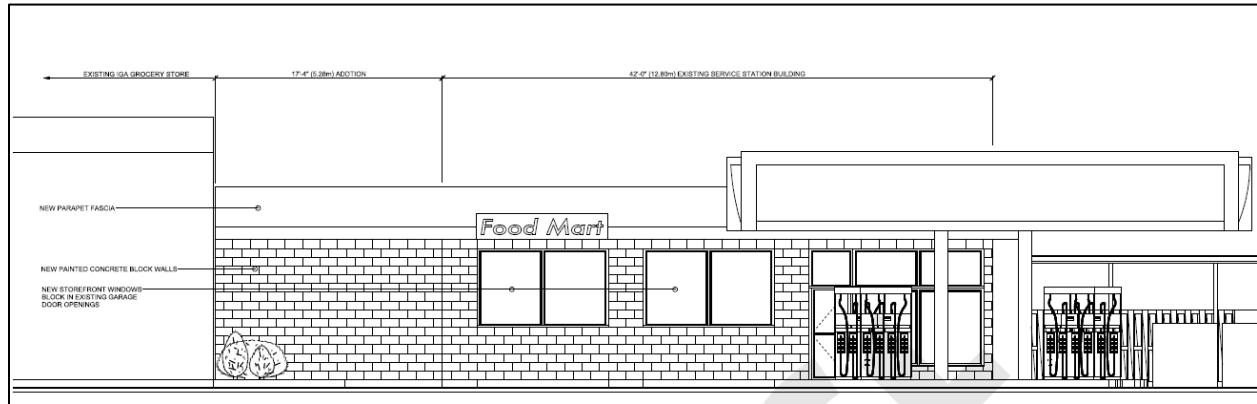


Figure 14: West Elevation

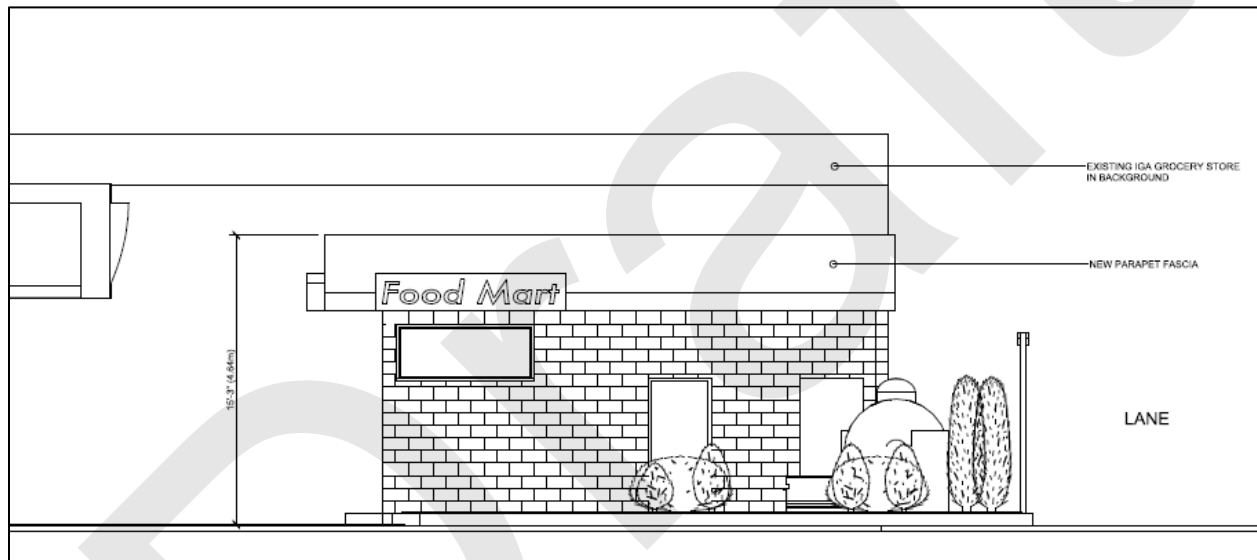


Figure 15: South Elevation



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2017-8118

1003795 BC LTD., INC. NO. BC1081214
1198 Government Street
Penticton BC, V2A 4V1

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 250 Similkameen | Division Yale District Plan 39066
Civic: 1198 Government Street
PID: 009-406-875
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a new gas station, as shown in the plans attached in Schedule A.
 - Section 11.8.2.6.i: to reduce the minimum interior side yard from 4.5m to 0m.
 - Section 11.8.2.7.i: to reduce the minimum rear yard when abutting a lane that abuts a residential zone from 6.0m to 3.0m.

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 23 day of January, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer