

February 22, 2018

Subject Property:

4715 Lakeside Road

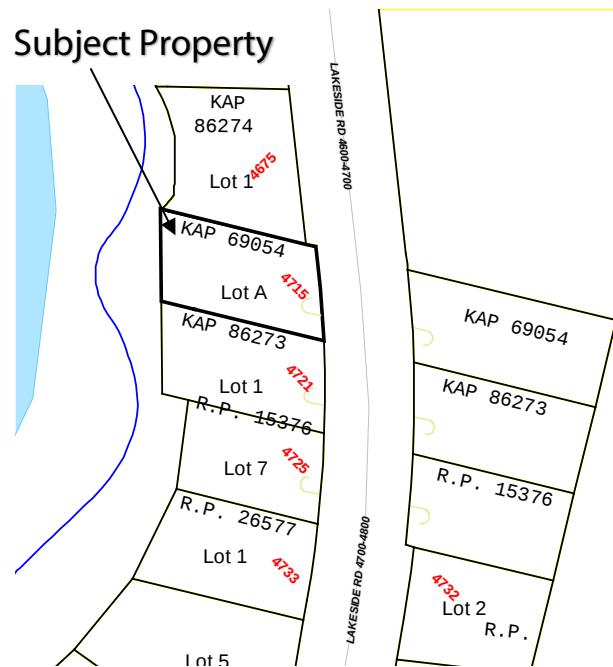
Lot A, District Lot 4090S, Similkameen Division Yale
District, Plan KAP69054

Application:

The applicant is proposing to construct a modest summer home on the property with a 5.0m X 10.0m (16x32ft) pool. The pool, however, is being proposed in the front yard, between the house and Lakeside Road. To facilitate the construction, they are requesting a variance to the following sections of Zoning Bylaw 2017-08:

- Section 4.7.1: To allow a swimming pool to be located in a required front yard.
- Section 4.7.3: To decrease the minimum setback for a pool from a street from 3.0m to 1.96m.

Subject Property



Information:

The staff report to Council and Development Variance Permit PL2018-8145 will be available for public inspection from **Friday, February 23, 2018 to Tuesday, March 6, 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, March 6, 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, March 6, 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 March 6, 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



Council Report

penticton.ca

Date: March 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 4715 Lakeside Road
Subject: Development Variance Permit PL2018-8145

File No: DVP PL2018-8145

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8145" for Lot A District Lot 4090S Similkameen Division Yale District Plan KAP69054, located at 4715 Lakeside Road, a permit to allow a swimming pool to be located in a required front yard and to decrease the minimum setback for a pool from a street from 3.0m to 1.96m.

AND THAT staff be directed to issue "Development Variance Permit PL2018-8145."

Background

The subject property (Attachment A) is currently a vacant lot, which is zoned R1 (Large Lot Residential) and designated by the City's Official Community Plan as LR (Low Density Residential). Photos of the site are included as Attachment D. The property is a hooked lot, meaning that the legal property is bisected by Lakeside Road with the larger portion of the property on the west side of the road and the remainder on the east side. The west half is fairly flat until it runs to the lake, and then gets steep. The east half is a steep bank from the road to the back of the property line. The surrounding properties are primarily zoned R1 (Large Lot Residential) and feature hooked lots as well. Many of the properties use the hooked portions of the lots (East side) as parking.

Proposal

The applicant is proposing to construct a modest summer home on the property with a 5.0m X 10.0m (16x32ft) pool. The pool, however, is being proposed in the front yard, between the house and Lakeside Road. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 4.7.1: to allow a swimming pool to be located in a required front yard.
- Section 4.7.3: to decrease the minimum setback for a pool from a street from 3.0m to 1.9m.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing and technical requirements have been identified and will be addressed as part of the building permit process. If the request for the variance is supported, BC Building Code and City bylaw provisions will apply.

Development Statistics

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

Item	Requirement R1 zone (pool)	Proposed
Required Setbacks		
Front yard (east):	3.0m	1.9m (variance required)
Rear yard (west)	1.0m	15.0m+
Interior yard (north):	1.0m	2.3m
Interior yard (south):	1.0m	5.0m+

Analysis

Development Variance Permit

Support Variance

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

Section 4.7.1: to allow a swimming pool to be located in a required front yard.

- The 10.0m riparian setback limits the potential of constructing a pool in the rear yard of the subject property. The east half of the property has a steep slope with an environmentally sensitive area meaning a pool cannot be constructed on it. Although the proposed pool is in the front yard, the existing landscaping and fencing along the street frontage provides screening and added privacy. The proposed pool will not be in view from the street. For these reasons, it is reasonable to support the variance.

Section 4.7.3: to decrease the minimum setback for a pool from a street from 3.0m to 1.9m.

- The proposed pool will be setback approximately 3.7m from the east property line. Section 4.6.1 of the City's Zoning Bylaw states that where a highway is designated as a Collector or Arterial in the OCP, the setback shall be measured from where the boundary of the Collector or Arterial would meet the lot if that highway was constructed. In this case, Lakeside Road is considered a major collector, thus the front yard setback is to be measured from the proposed 1.8m widening. The

proposed pool is 1.96m from the widening, hence the requirement for a variance. Even if Lakeside Road is eventually widened (sidewalk or bike lanes), a 1.9m (6.5ft) setback is still adequate. Since the pool will not be in view from the road and will be screened by landscaping, it is reasonable to support the variance.

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support DVP PL2018-8145 with conditions.
2. THAT DVP PL2018-8145 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: Letter of Intent
Attachment G: Development Variance Permit PL2018-8145

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
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Attachment A – Subject Property Location Map

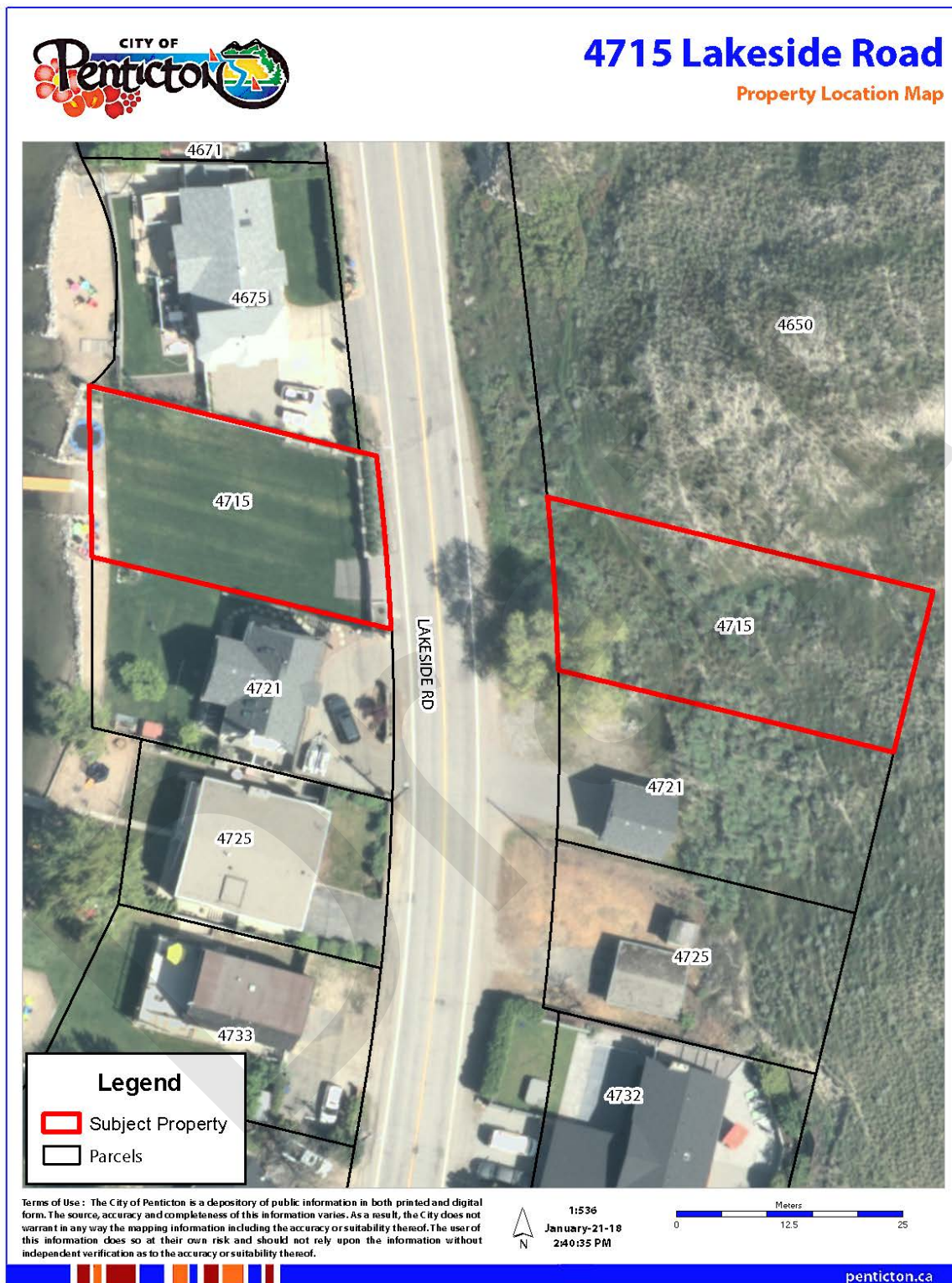


Figure 1: Subject Property Location Map



Figure 2: Zoning Map

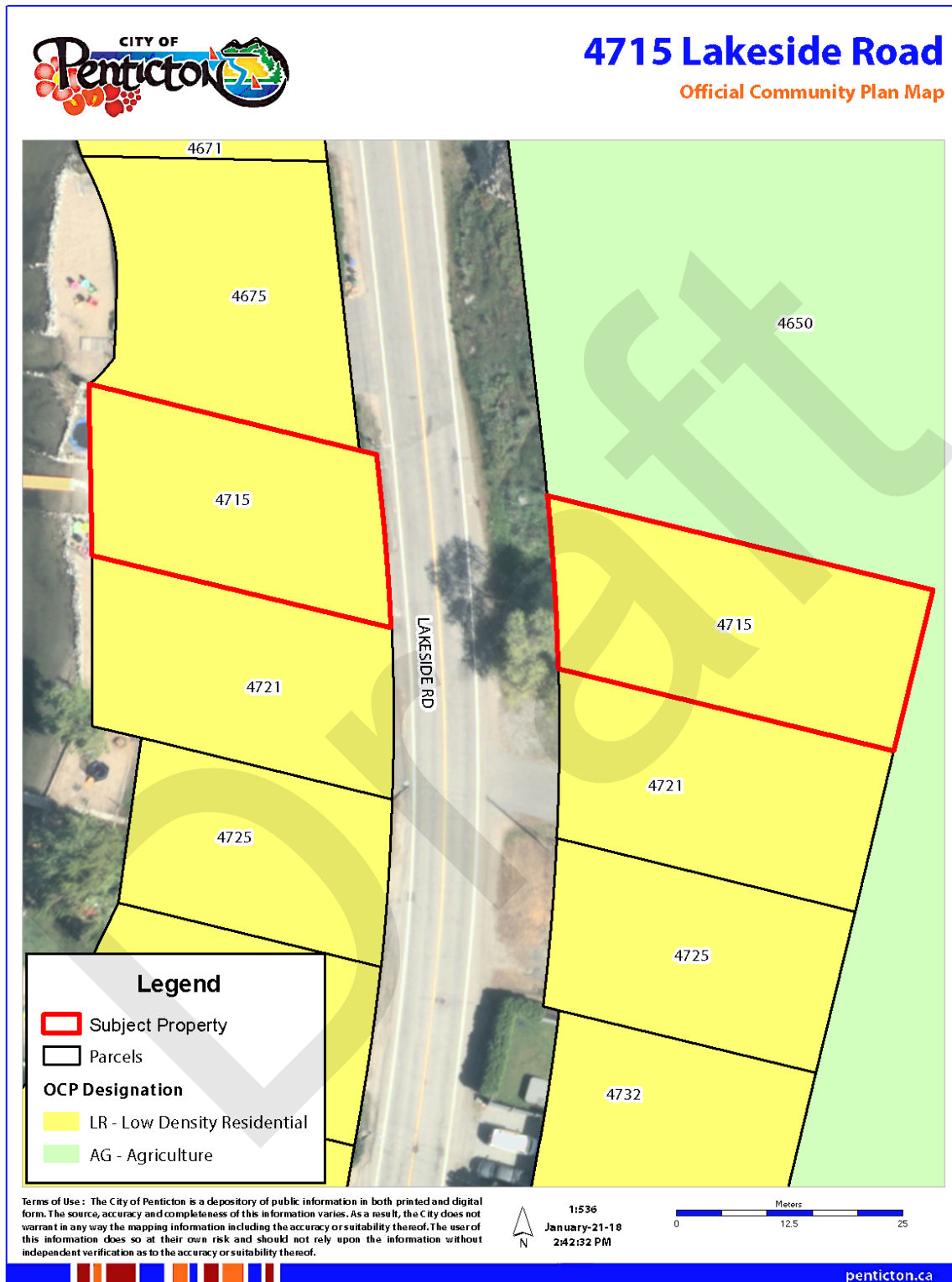


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: Street View of Subject Property



Figure 5: Southeast View of Subject Property



Figure 6: West View of Subject Property

Attachment E – Site Plan

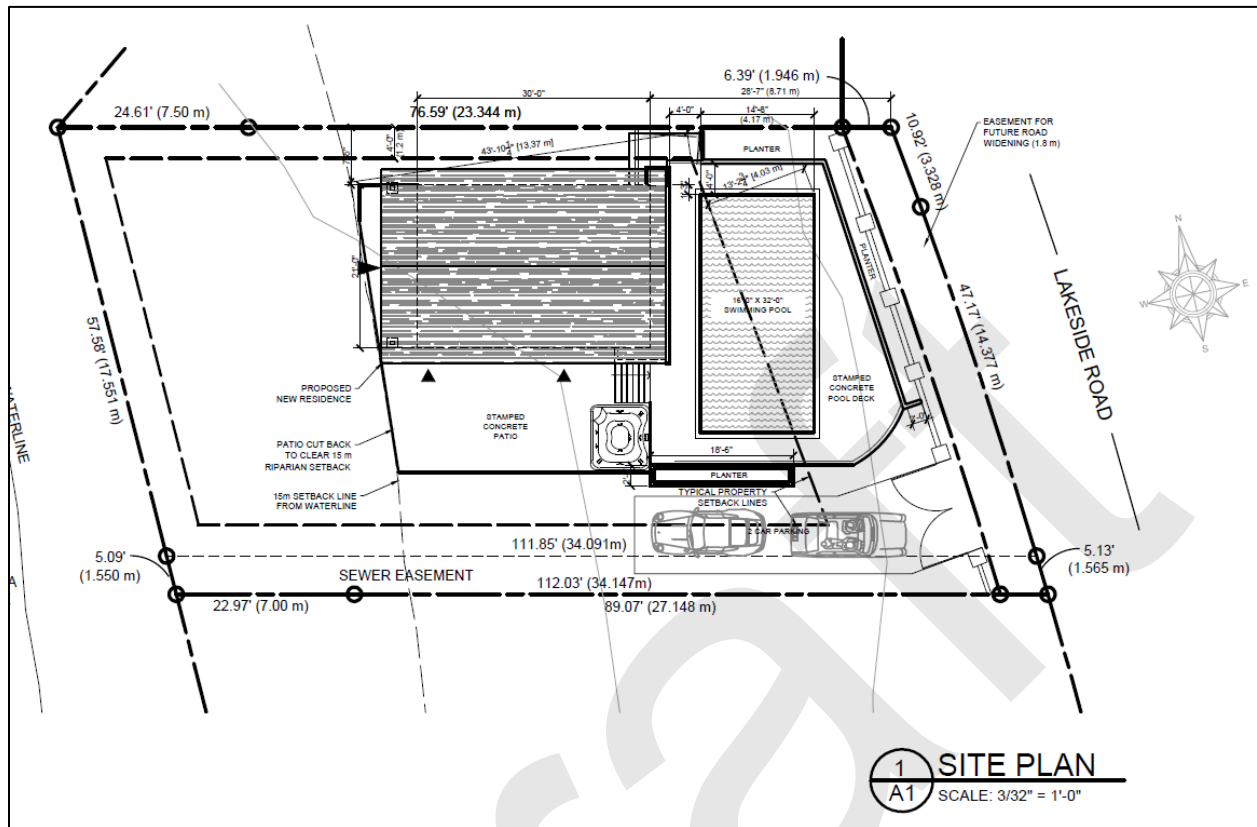


Figure 7: Site Plan

Attachment F- Letter of Intent

City of Penticton

171 Main Street

Penticton, BC V2A 5A9

RE: 4715 Lakeside Road.

To City of Penticton Mayor, Council and planning department,

This letter is regarding the variance permit application for 4715 Lakeside Road. We are proposing to vary the front yard setback to allow the proposed pool to encroach into the set back by 4.03m. There are three mitigating factors that make this variance necessary: 1) the property is bisected by Lakeside road and the proposed road widening further decreases the already small area that is developable. 2) The developable area is limited on the west (lake side) by the Riparian area. 3) The area on the east side of the Lakeside road is not developable due to the Environmental Development classification as well as the steep topography. These factors only leave a buildable section of land between the front yard setback and the riparian area of 43 feet (13.37m). The riparian area eliminates the possibility of the pool being in the back yard where the setback for a pool is only 1m. Due to all of these restrictions we feel that it is reasonable to ask for this variance as the pool will not cause any visual encroachment for the neighboring properties or users of Lakeside Road.

We are asking to vary Section 4.7.7 to allow a pool within the front yard setback as well as vary section 4.7.3 to allow a pool within the 3m setback from a street. The proposed set back from the future road widening line street is proposed to be 1.96m.

Thank you for your time and consideration. Please do not hesitate to contact me for any reason.

Best Regards.



Carey Brown, Project Manager

Blackhawk Contracting & Design Ltd.

118 Industrial Place | Penticton BC | V2A 7C8

Cell: 250.487.8579 | Ph: 250.492.6455 | Fx: 250.492.6488

SCANNED/SAVED

Figure 8: Letter of Intent



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

Development Variance Permit

Permit Number: DVP PL2018-8145

Name:

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 A District Lot 40905 Similkameen Division Yale District Plan KAP69054
Civic: 4715 Lakeside Road
PID: 025-045-342
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 to allow for the construction of a pool.
 - Section 4.7.1: to allow a swimming pool to be located in a required front yard.
 - Section 4.7.3: to decrease the minimum setback for a pool from a street from 3.0m to 1.96m.

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 6 day of March, 2018

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer