

February 22, 2018

Subject Property:

4721 Lakeside Road

Lot 1, District Lot 196, Similkameen Division Yale District,
Plan KAP86273

Application:

The applicant is proposing to demolish the existing garage located on the east lot and construct a new one in the same location with a side entry design and slightly larger. In order to do so, they are requesting a variance to the following sections of Zoning Bylaw 2017-08:

- Section 10.1.2.4.ii: to increase the maximum height of an accessory building from 4.5m to 4.7m.
- Section 10.1.2.5: to decrease the minimum front yard from 6.0m to 1.1m.
- Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 87m².

Information:

The staff report to Council and Development Variance Permit PL2018-8146 will be available for public inspection from **Friday, February 23, 2018 to Tuesday, March 6, 2018** at the following locations during hours of operation:

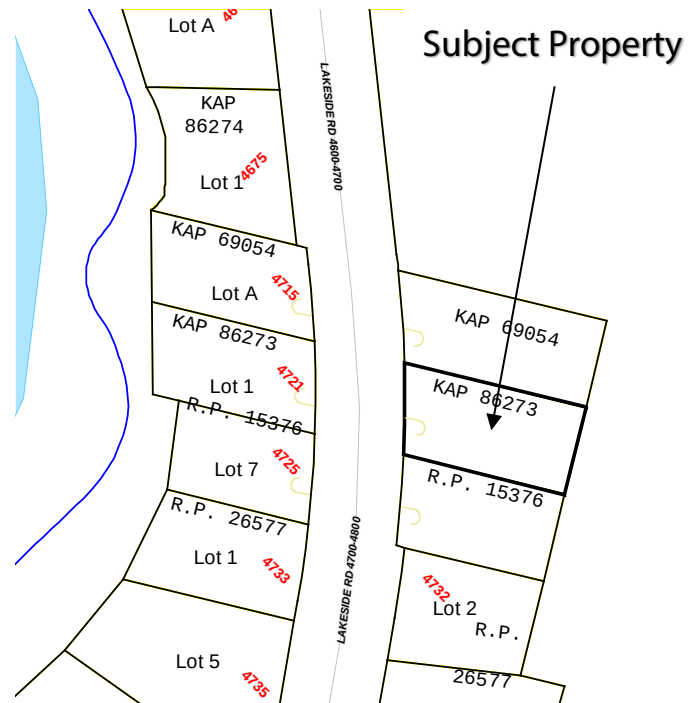
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

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

Date: March 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 4721 Lakeside Road
Subject: Development Variance Permit PL2018-8146

File No: DVP PL2018-8146

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8146" for Lot 1 District Lot 196 Similkameen Division Yale District Plan KAP86273, located at 4721 Lakeside Road, a permit to increase the maximum height of an accessory building from 4.5m to 4.7m, to decrease the minimum front yard from 6.0m to 1.1m and to increase the maximum floor area of all accessory buildings from 75m² to 87m².

AND THAT staff be directed to issue "Development Variance Permit PL2018-8146."

Background

The subject property (Attachment A) 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, bisected by Lakeside Road, with a single family dwelling constructed on the west portion of the lot and an existing garage on the east lot. The surrounding properties are primarily zoned R1 (Large Lot Residential).

Proposal

The applicant is proposing to demolish the existing garage located on the east lot and construct a new one in the same location with a side entry design and slightly larger. The garage is intended to accommodate recreational as well as traditional vehicles. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.1.2.4.ii: to increase the maximum height of an accessory building from 4.5m to 4.7m.
- Section 10.1.2.5: to decrease the minimum front yard from 6.0m to 1.1m.
- Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 87m².

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. 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	Proposed
Vehicle Parking:	2 per dwelling unit	3+
Max Floor Area of all accessory buildings	75m ³	87m ² (variance required)
Maximum height:	4.5m	4.62m (variance required)
Required Setbacks		
Front yard (west):	6.0m	1.19m (variance required)
Rear yard (east)	1.5m	20.0m+
Interior yard (north):	1.2m	6.0m+
Interior yard (south):	1.2m	1.5m

Analysis

Development Variance Permit

Support Variance

When considering a variance to a City bylaw, staff encourages 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 10.1.2.4.ii: to increase the maximum height of an accessory building from 4.5m to 4.7m.

- The proposed garage will have a height of 4.62m. This height is unlikely to have a negative impact on the surrounding neighbourhood as it is located against a slope. If the applicant decided to build a carriage house in this same location, it could be up to 7.0m in height. Staff feel that a .2m variance is very minimal and recommend support of the variance. The additional height is required to accommodate recreational vehicles.

Section 10.1.2.5: to decrease the minimum front yard from 6.0m to 1.1m.

- The proposed garage will be located 1.0m from the west property line. The width of the boulevard in this location is approximately 9.0m wide, meaning that the proposed garage will sit 10.0m from the asphalt on Lakeside Road. The garage door that faces Lakeside Road is setback a distance of 3.0m

from the property line. If the paved portion of Lakeside Road is ever widened in the future (bike lanes and sidewalks), then there will be enough room for a car to park in front of the doors without hanging out onto the sidewalk.

- The large steep bank limits the buildable area on the lot and a 6.0m front setback poses a hardship to the developer. The bank is part of the Environmentally Sensitive Development Permit Area, thus a Qualified Environmental Professional has been retained to ensure protective measures are put in place.

Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 87m².

- The proposed garage has a floor area of 87m². The 75m² maximum floor area is in place to limit the negative impacts that an overly large garage or accessory building would have on the surrounding neighbourhood. The proposed garage is set back a significant distance from the road and is tucked up against a large bank. The purpose of the garage is to store vehicles and recreational equipment, which is better suited to be stored indoors from an aesthetic point of view.

For the reasons listed above, staff are recommending that Council support the variances.

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 PL2018-8146 with conditions.
2. THAT DVP PL2018-8146 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:	Development Variance Permit PL2018-8146

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
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Draft

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

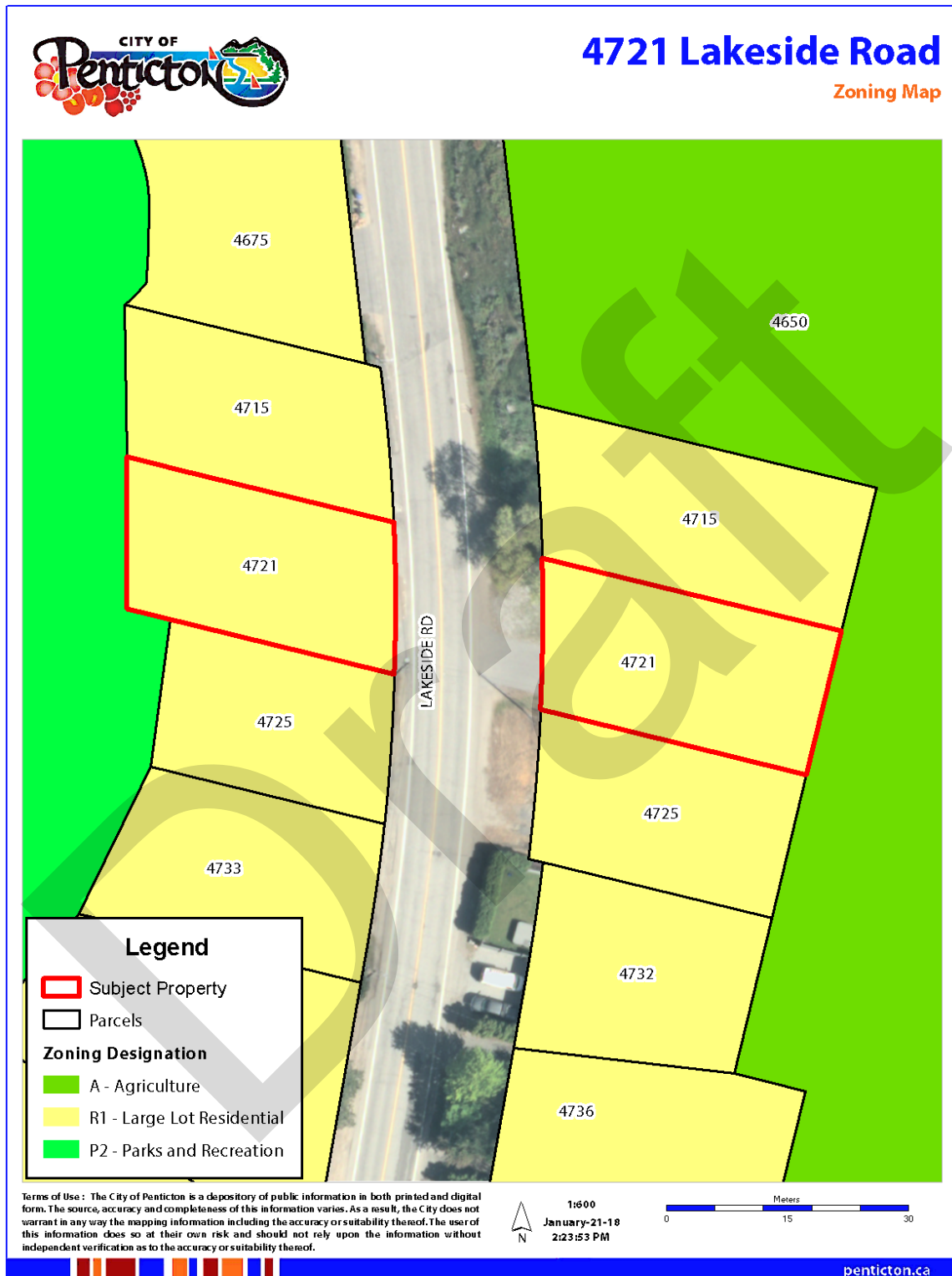


Figure 2: Zoning Map

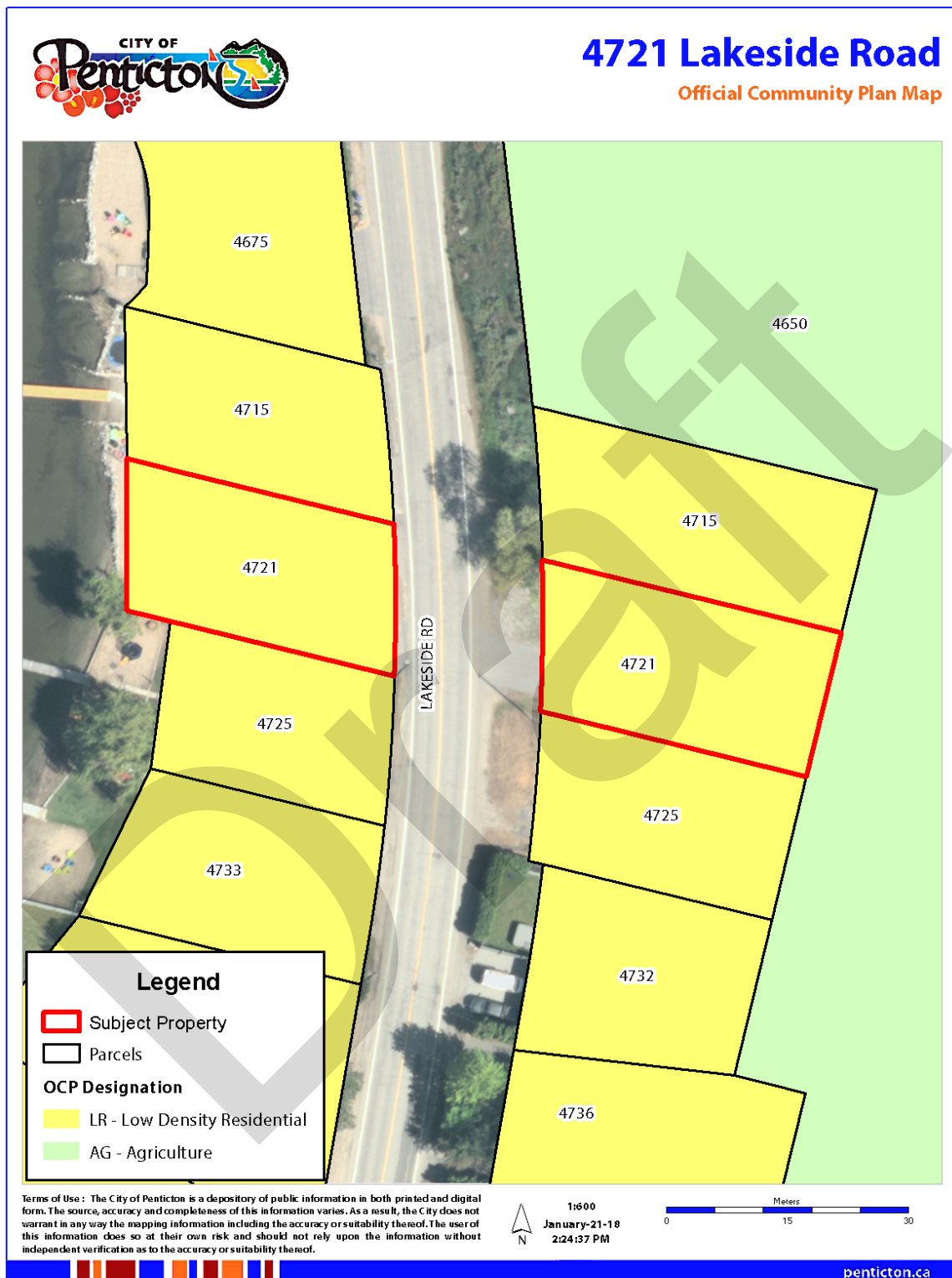


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: West View of Existing Garage (to be demolished)



Figure 5: North View of Existing Garage



Figure 6: South View of Existing Garage

Site plan of the proposed 10-unit townhome development. The plan shows a rectangular lot with dimensions 125.30' (38.190 m) by 60.03' (18.296 m). A dashed line indicates the boundary of the existing garage to be removed, measuring 111.80' (34.077 m). The proposed townhome units are shown as a shaded area with dimensions 13'-1 1/2" (6.0 m) and 9'-10" (3.00 m). A diagonal line indicates a 34.5 m distance. A large 'X' is drawn over the plan.

The site plan shows an irregularly shaped lot with the following dimensions and features:

- Left Boundary:** 61.83' (18.845 m)
- Top Boundary:** 34.45 m
- Bottom Boundary:** 111.80' (34.077 m)
- Right Boundary:** 34.45 m
- Internal Dimensions:**
 - Top-left section: 3'-10 1/2" (1.19 m)
 - Bottom-left section: 9'-10" (3.00 m)
- Feature:** EXISTING GARAGE TO BE REMOVED (indicated by a dashed line and an arrow pointing to a structure within the lot).

Attachment F – Elevations

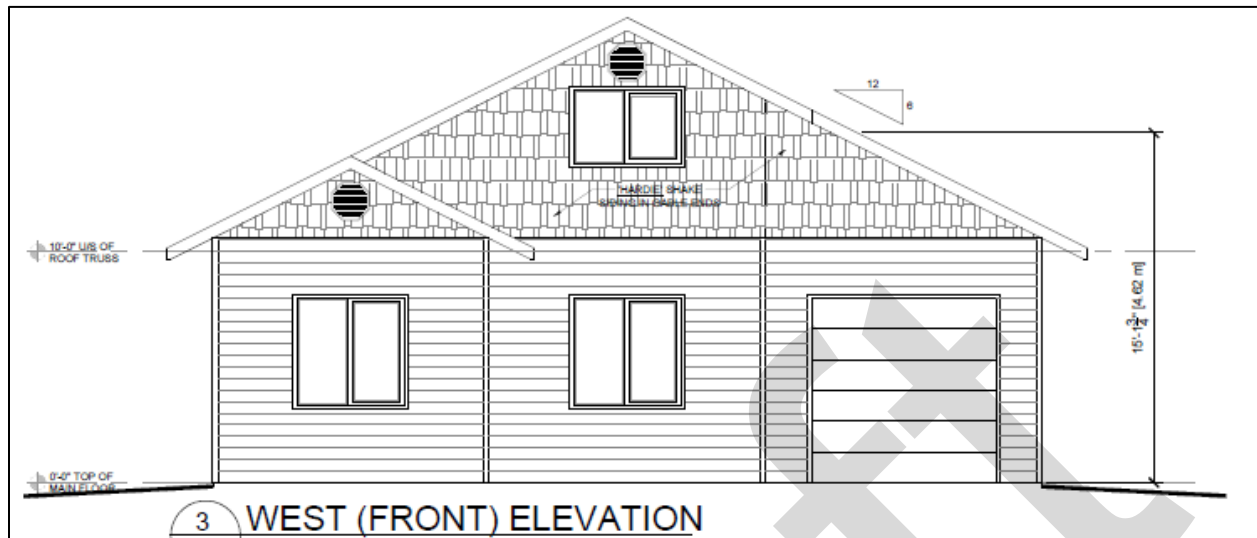


Figure 8: West Elevation of proposed garage

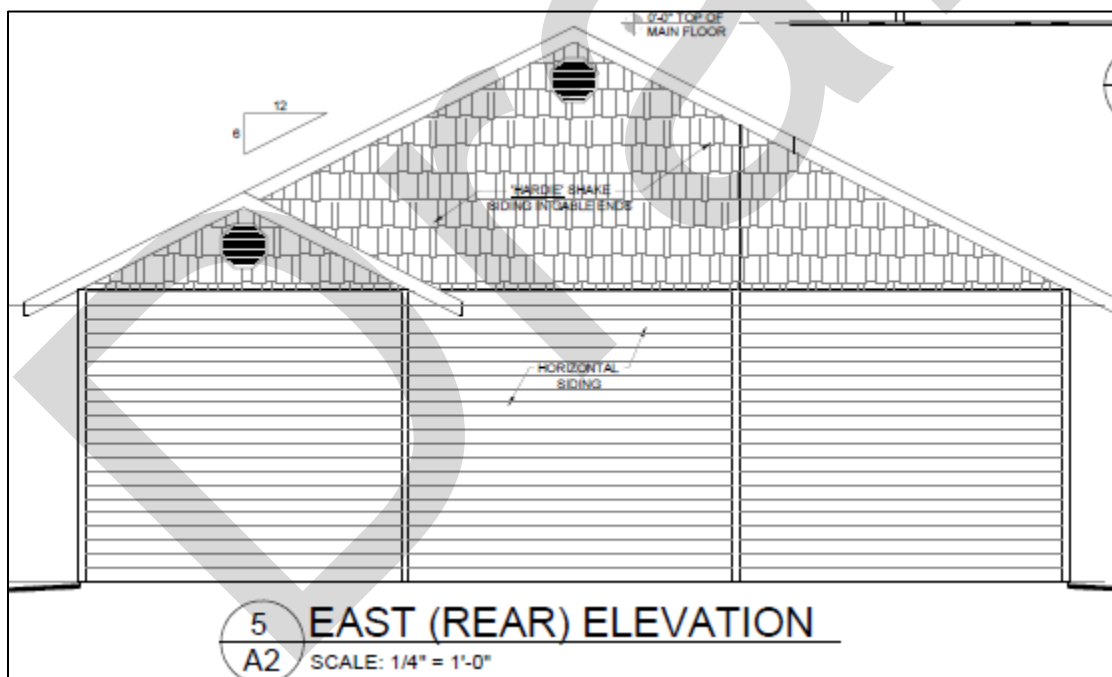


Figure 9: East Elevation of proposed garage

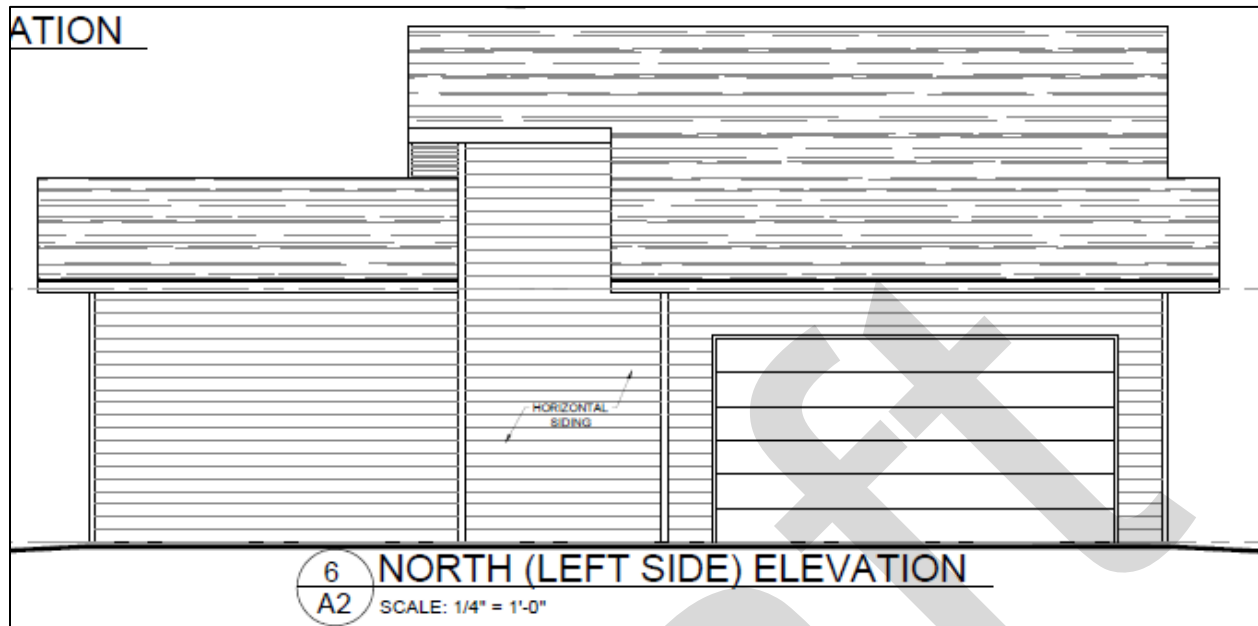


Figure 10: North Elevation of proposed garage

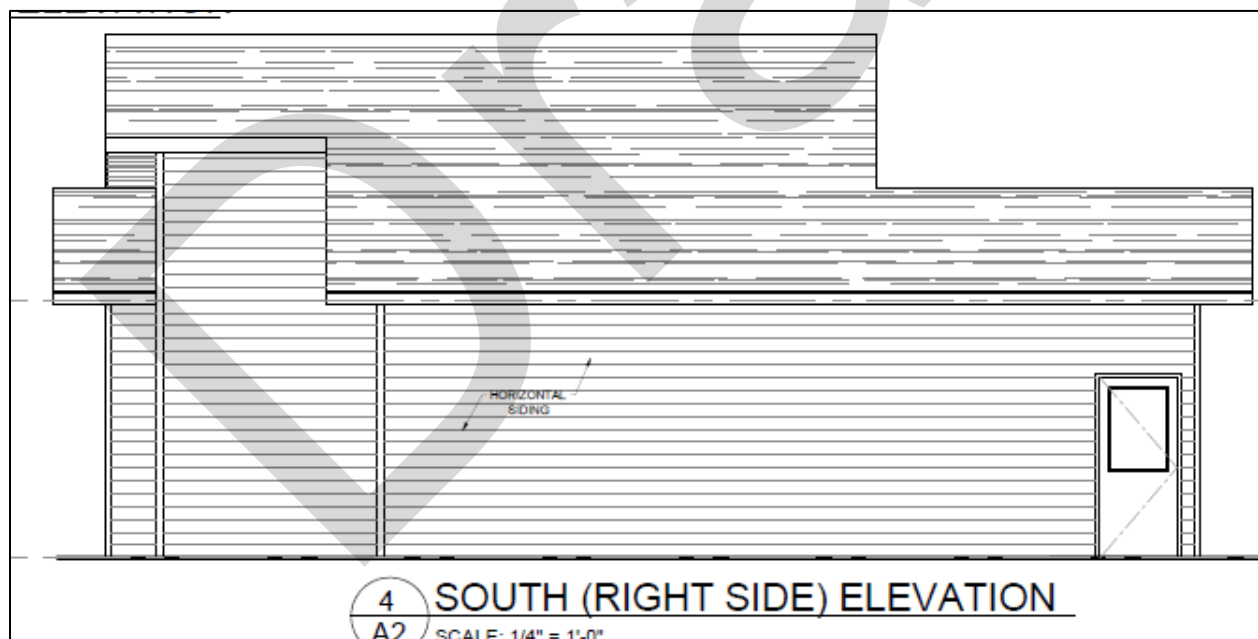


Figure 11: South Elevation of proposed garage

Attachment G – Floor Plan

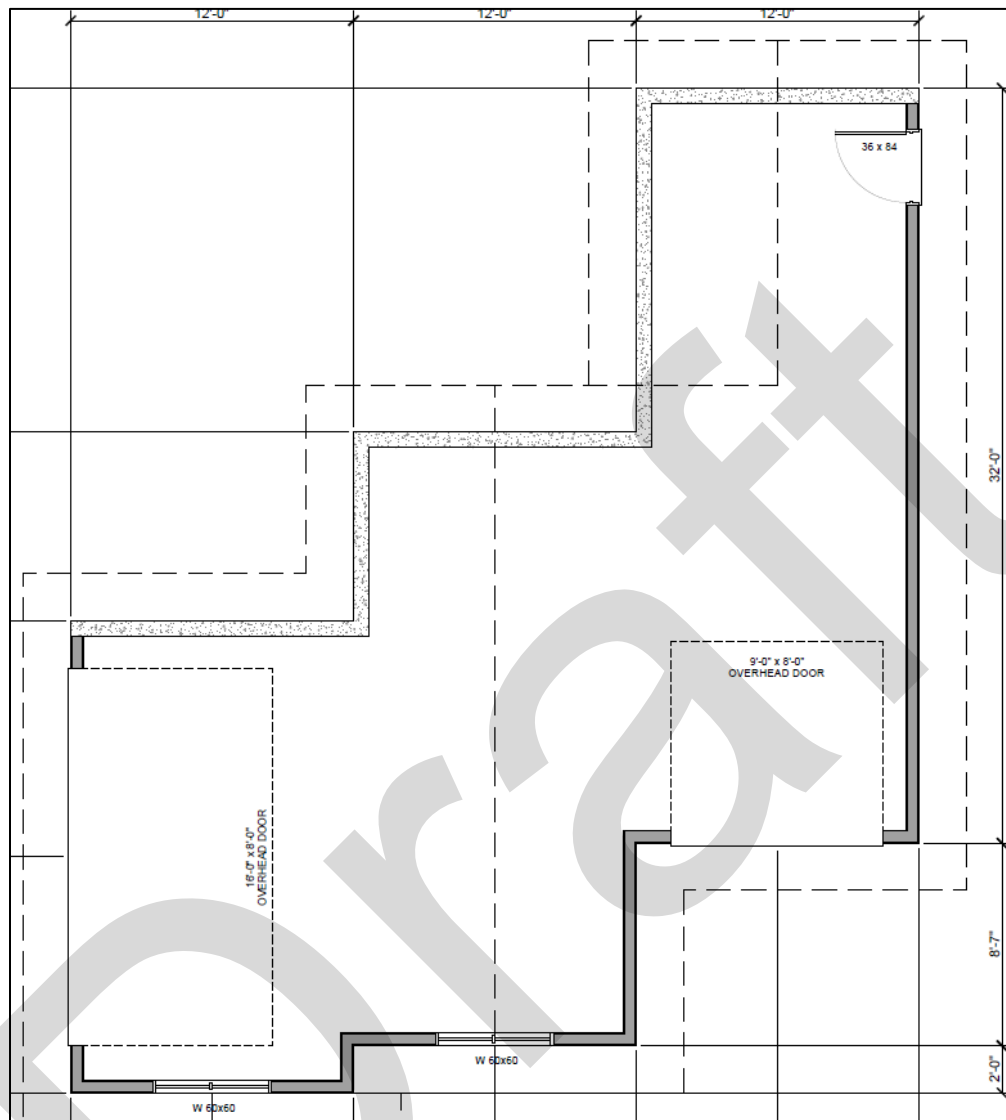


Figure 12: Floor Plan

Attachment H- Letter of Intent

City of Penticton

171 Main Street

Penticton, BC V2A 5A9

RE: 4721 Lakeside Road.

To City of Penticton Mayor, Council and Planning Department,

This letter is in regards to the variance permit application for 4721 Lakeside Road. We are proposing three variances: 1) reducing the front yard setback for accessory building to 1.18m. 2) Increasing the allowable square footage for an accessory building to 924sq/ft. 3) Increasing the allowable height of an accessory building to 15.14 feet.

All of these variances are to allow vehicle and boat storage for the home located on the west side of the Road as this parcel of land is bisected by Lakeside Road. There is no opportunity for an attached garage on the home due to set back restrictions and Riparian areas on the west side of the property. If the garage was able to be attached there would be no restriction on size or height. Unfortunately this is not possible. In regards to varying the front yard setback; this is necessary so that we do not encroach into environmental area and due to topographical restrictions of the property on the east side of Lakeside Road. We feel that due to the width of the boulevard on the east side of Lakeside Road this reduction will not negatively affect the neighborhood. Also, due to the steep slope behind the proposed accessory building we believe the increased height will not have a negatively impact on the neighboring properties or users of Lakeside Road.

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

Figure 13: 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 PL2018-8146

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 1 District Lot 196 Similkameen Division Yale District Plan KAP86273
Civic: 4721 Lakeside Road
PID: 027-451-640
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 an accessory building.
 - Section 10.1.2.4.ii: to increase the maximum height of an accessory building from 4.5m to 4.7m.
 - Section 10.1.2.5: to decrease the minimum front yard from 6.0m to 1.1m.
 - Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 87m².

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 _____, 2018

Dana Schmidt,
Corporate Officer