

March 8, 2018

Subject Property:
245 Edmonton Avenue

Lot 1, District Lot 250, Similkameen Division Yale
District Plan KAP92469

Application:
Development Variance Permit PL2018-8171

The applicant is proposing to construct a 17-unit multi-family residential development. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.9.2.7.i: to decrease the minimum interior yard from 4.5m to 2.1m.

Information:

The staff report to Council and Development Variance Permit PL2018-8171 will be available for public inspection from **Friday, March 9, 2018 to Tuesday, March 20, 2018** at the following locations during hours of operation:

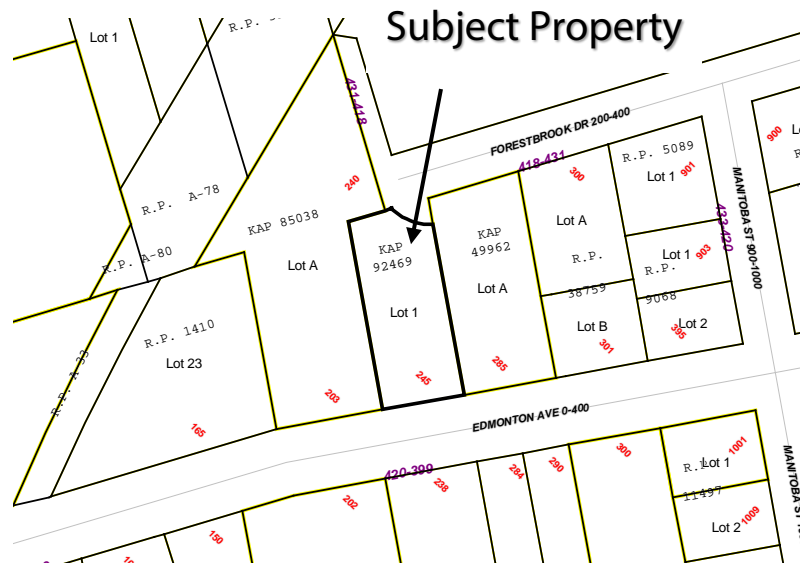
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

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 pm, Tuesday, March 20, 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 am, Tuesday, March 20, 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 20, 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 20, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 245 Edmonton Avenue
Subject: Development Variance Permit PL2018-8171
Development Permit PL2018-8195

File No: 2018 PRJ-027

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2018-8171" for Lot 1 District Lot 250 Similkameen Division Yale District Plan KAP92469, located at 245 Edmonton Avenue, a permit to decrease the minimum interior yard from 4.5m to 2.1m to allow for the construction of a 17-unit multi-family residential development;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8171."

Development Permit

THAT Council approve "Development Permit PL2018-8195", for Lot 1 District Lot 250 Similkameen Division Yale District Plan KAP92469, located at 245 Edmonton Avenue, a permit that allows for the construction of a 17-unit multi-family residential development;

AND THAT staff be directed to issue "Development Permit PL2018-8195."

Background

The subject property (Attachment A) is zoned RM3 (Medium Density Multiple Housing) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment D. The subject property is approximately 1,347m² (14,500ft²).

On November 3, 2014 Council approved a Development Variance Permit for the subject property which increased the maximum permitted lot coverage from 50% to 62%, decreased the minimum interior side yards from 4.5m to 2.4m and decreased the required parking spaces from 21 to 19. Council also approved a Development Permit which permitted a three-storey, 17-unit multi-family residential development. In 2016, the developer applied for the required building permits and was issued a foundation permit. A location certificate conducted by a surveyor in May of 2017 revealed that the foundations were poured 2.1m from the west property line instead of the approved 2.4m. The applicant is now requesting an interior yard variance to correct the situation.

The previously approved building was designed based on a 2.4m side yard setback. The distance to the property line determined the number of windows and openings permitted on that wall face. Since the building now sits 2.1m from the west property line, the architect had to redo the spatial calculations and remove some of the windows. The smaller setback also modified the landscape plan. The change in elevation and landscaping means that a development permit amendment is required. This permit has been included in this report for Council approval to streamline the process.

Proposal

The applicant is proposing to construct a 17-unit multi-family residential development. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.9.2.7.i: to decrease the minimum west interior yard from 4.5m to 2.1m.

Lastly, the property is located within the General Multiple Family Development Permit area and requires approval for the form and character of the building and to address landscaping requirements.

Financial implication

The City will receive development cost charges at a rate of \$5,548 per unit x 17 for a total of \$94,316.00

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 at the building permit stage. Due to the placement error, the building now sits 0.3m closer to the west property line than originally proposed. This has required a change in the elevation to reduce the number of openings to address spatial separation issues. If the request for the variance and development permit 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 RM3 zone	Proposed
Maximum Lot Coverage:	50%	62% (previously approved variance)
Maximum Density:	1.6 FAR	1.07 FAR
Minimum Lot Width:	25.0m	24.403m*
Minimum Lot Area:	1400.0m ²	1347.0m ² *
Vehicle Parking:	1 per unit (17) + 0.25 visitor per unit (4) = 21 required	19 (previously approved variance)

Required Setbacks		
Front yard (south, Edmonton Avenue):	3.0m	3.0m
Rear yard (north, Forestbrook Drive):	6.0m	6.0m
Interior yard (west):	4.5m	2.11m (variance required)
Interior yard (east):	4.5m	2.75m (variance required)
Maximum Building Height:	24.0m	12.7m
Other Information:	<p>- The subject property is located within the General Multiple Family Development Permit Area. Since the building elevations and landscaping have been modified from the previously approved Development Permit, an amendment is required.</p> <p>- <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i></p>	

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 10.9.2.7.i: to decrease the minimum interior yard from 4.5m to 2.1m.

- As previously mentioned, Council approved a Development Variance Permit in 2014 which reduced the minimum interior yards from 4.5m to 2.4m. The foundation was subsequently placed in the wrong location due to a surveying error. This resulted in a 2.1m west interior yard and a 2.75m east interior yard. The height of the proposed building is 0.6m (2ft) lower than the previously approved building, which reduces the impact on the neighbouring properties. The landscape plan (Attachment) shows that a 2.1m setback is enough space for plant species and other buffering measures. Staff feel that an additional 0.3m (1ft) variance is minor and unlikely to pose any added negative impacts on the neighbouring properties. Requiring the developer to dig up the existing foundation would be costly and time consuming.

For the reasons mentioned above, staff are recommending that Council support the variance permit to reduce the minimum interior yard.

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.

Development Permit

Support Development Permit

The subject property is located within the General Multiple Family Development Permit Area. Although Development Permit PL2014-072 was previously issued, the building elevation and landscaping has changed slightly which triggers a DP amendment. Although this permit can be staff-issued, it has been included in this report for Council’s decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. Staff feel that the elevation and landscaping changes proposed are minor and do not change the form and character of the previously approved building.

Staff consider that the plans submitted meet the intent of the DPA guidelines. As such, staff recommend that Council approve the Development Permit application.

Deny/Refer Development Permit

Council may consider that the changes proposed will have a negative impact on neighbouring properties or on the form and character of the building. If this is the case, Council should deny the permit.

Alternate Recommendations

1. THAT Council support “DVP PL2018-8171” & “DP PL2018-8195” with conditions.
2. THAT “DVP PL2018-8171” & “DP PL2018-8195” 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: Proposed Site/Landscape Plan
- Attachment F: Previously Approved Site/Landscape Plan (DP PL2014-072)
- Attachment G: Proposed Elevations
- Attachment H: Previously Approved Elevations (DP PL2014-072)
- Attachment I: Letter of Intent
- Attachment J: Development Variance Permit PL2018-8171
- Attachment K: Development Permit PL2018-8195

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

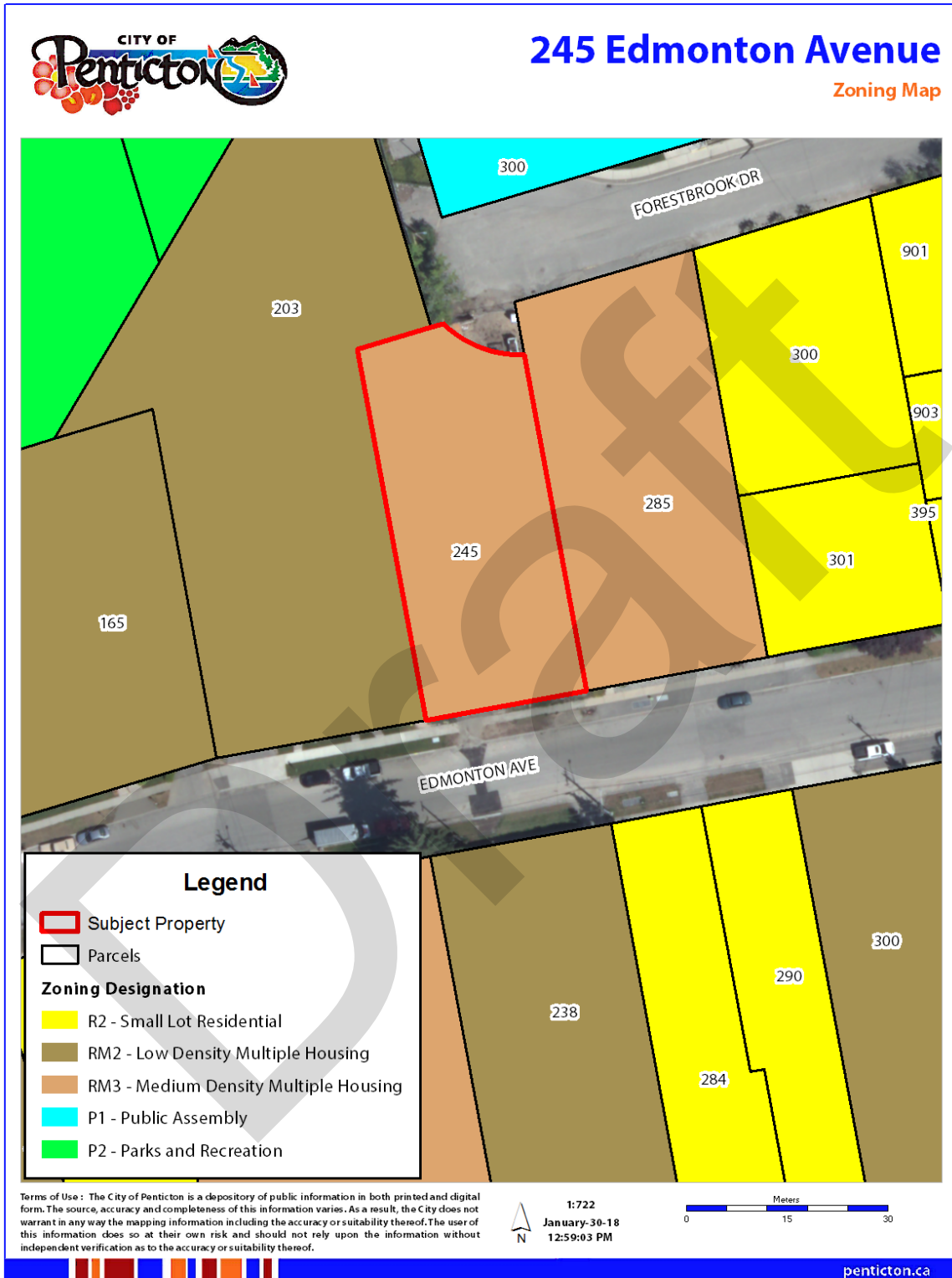


Figure 2: Zoning Map

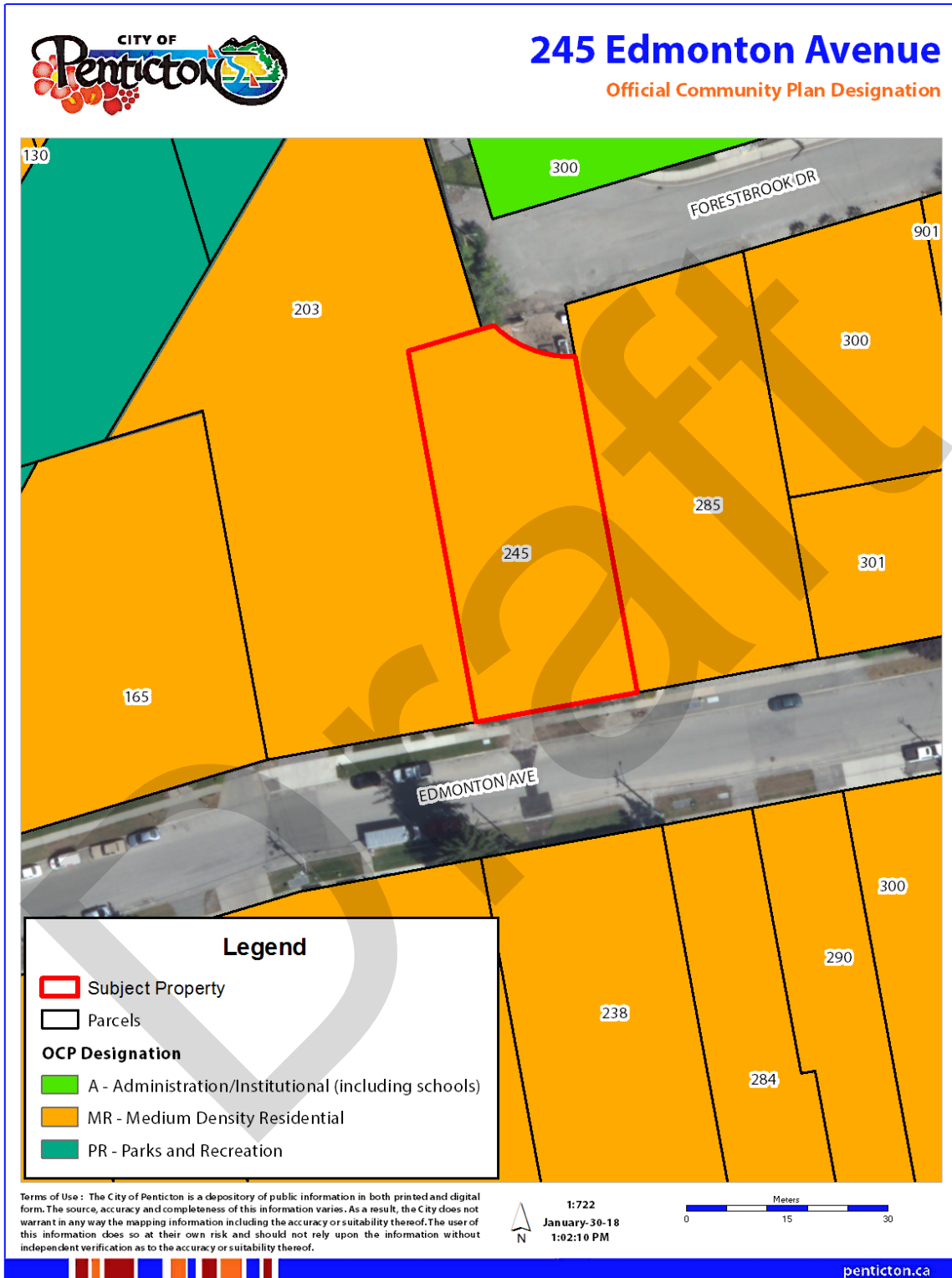


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View of Subject Property



Figure 5: South View of Subject Property showing west property line

Attachment E - Proposed Site/Landscape Plan

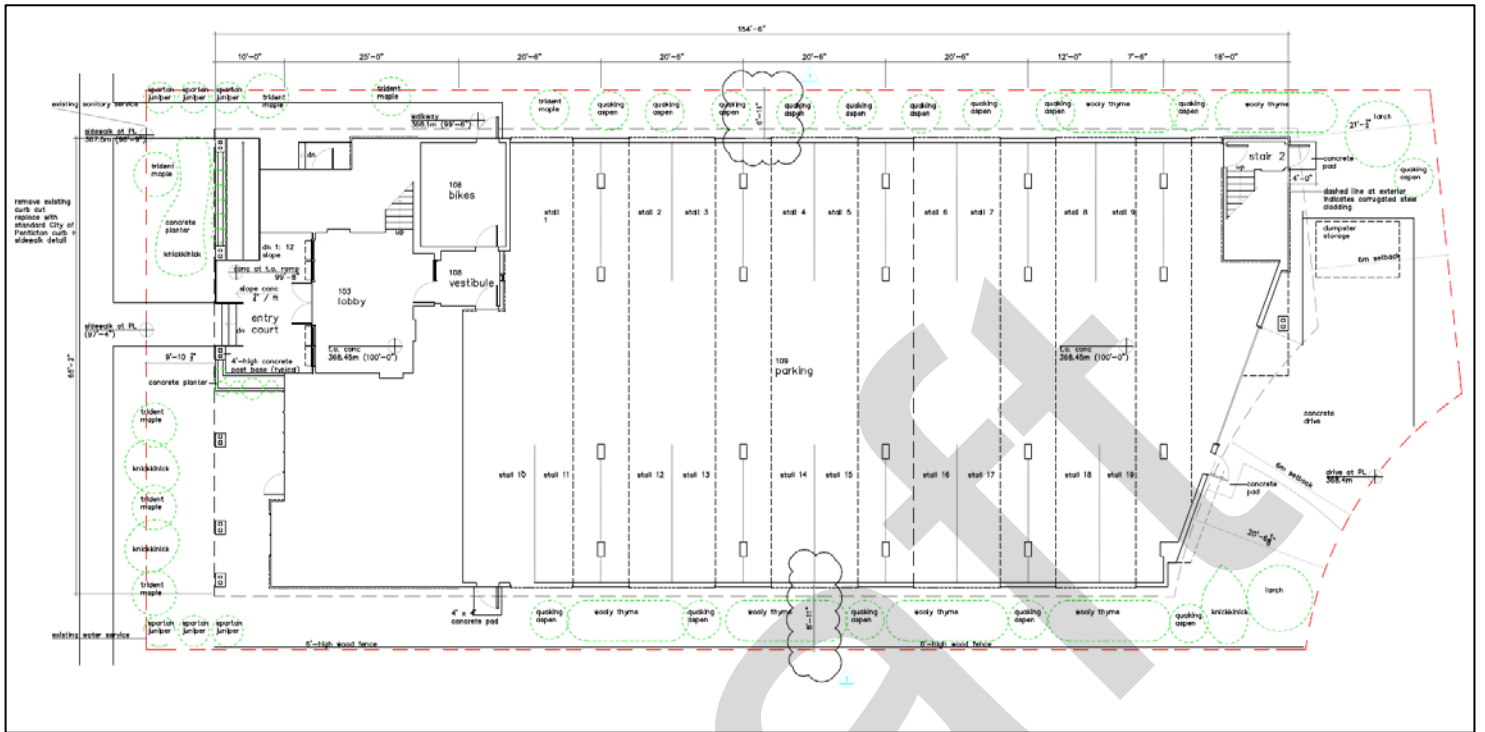


Figure 6: Site/Landscape Plan

Attachment F - Previously Approved Site/Landscape Plan (DP PL2014-072)

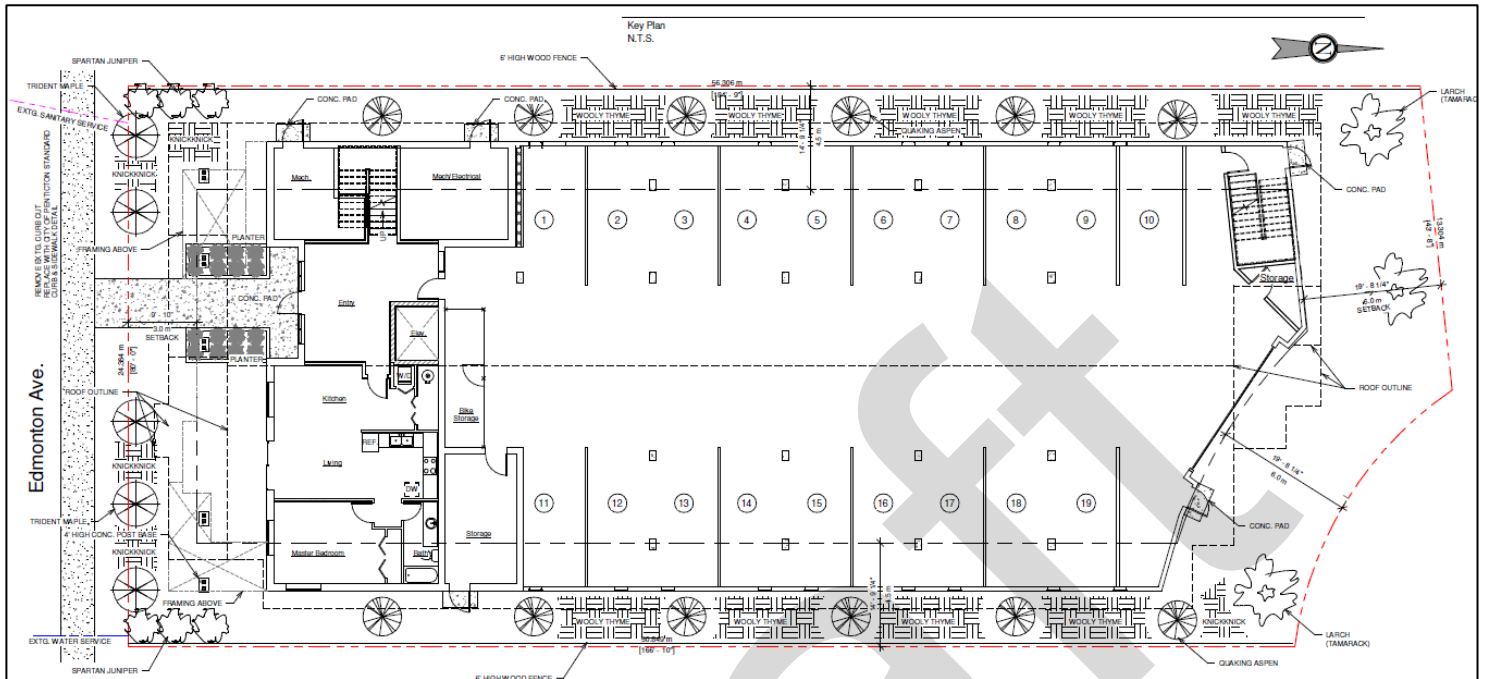


Figure 7: Previously Approved Site/Landscape Plan

Attachment G – Proposed Elevations

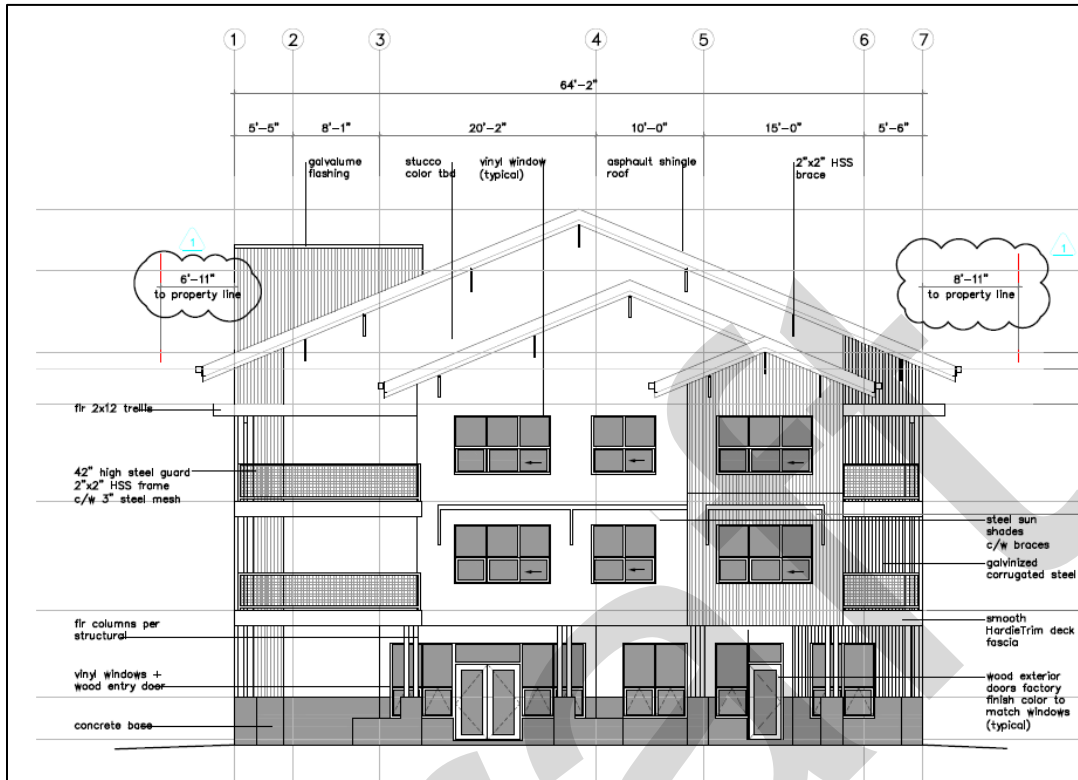


Figure 8: South Elevation

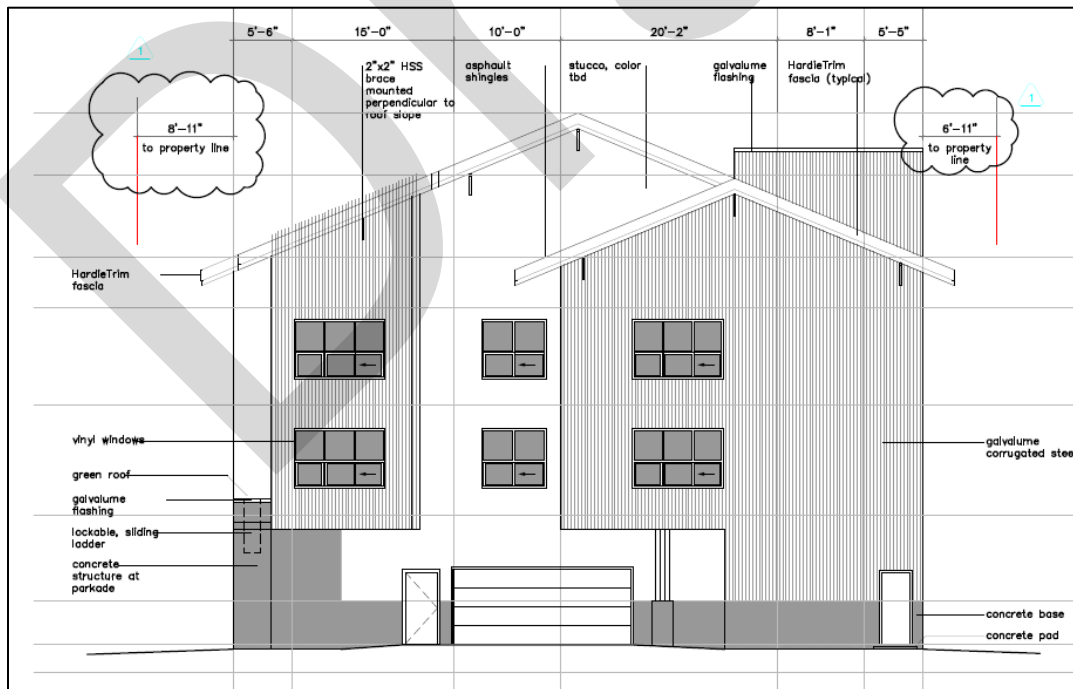


Figure 9: North Elevation

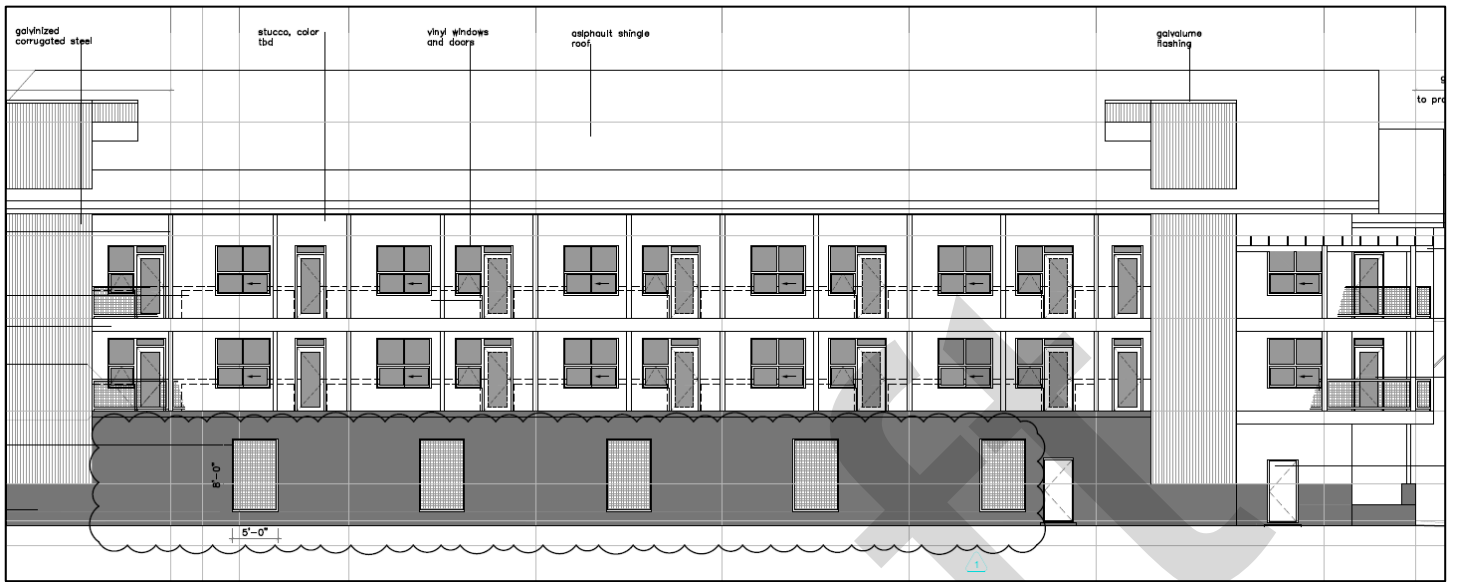


Figure 10: West Elevation

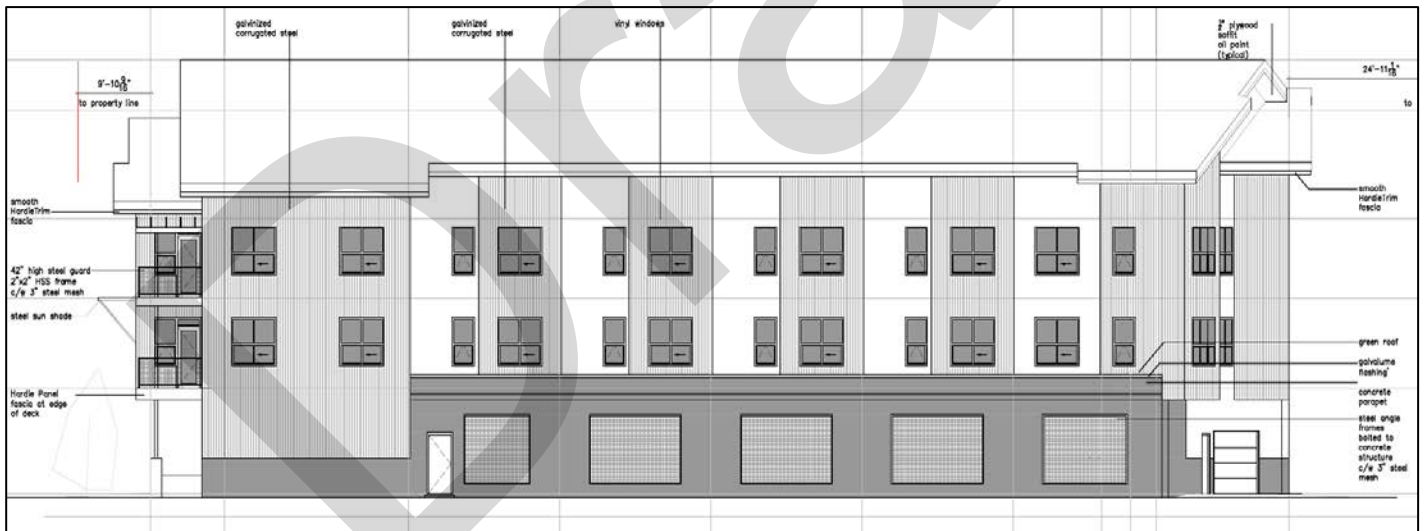


Figure 11: East Elevation

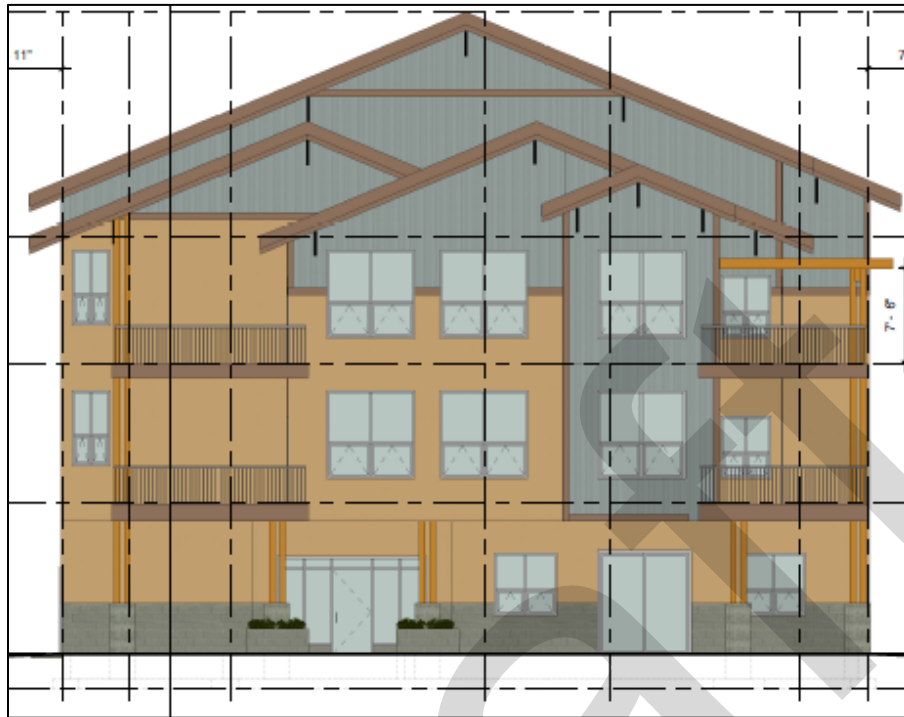


Figure 12: South Elevation

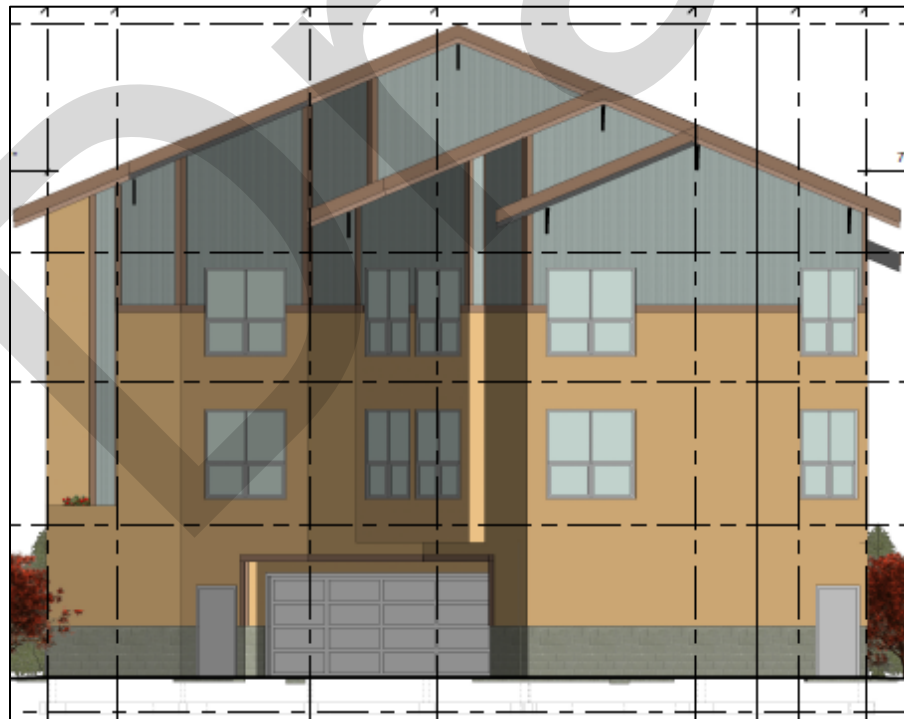


Figure 13: North Elevation



Figure 14: West Elevation

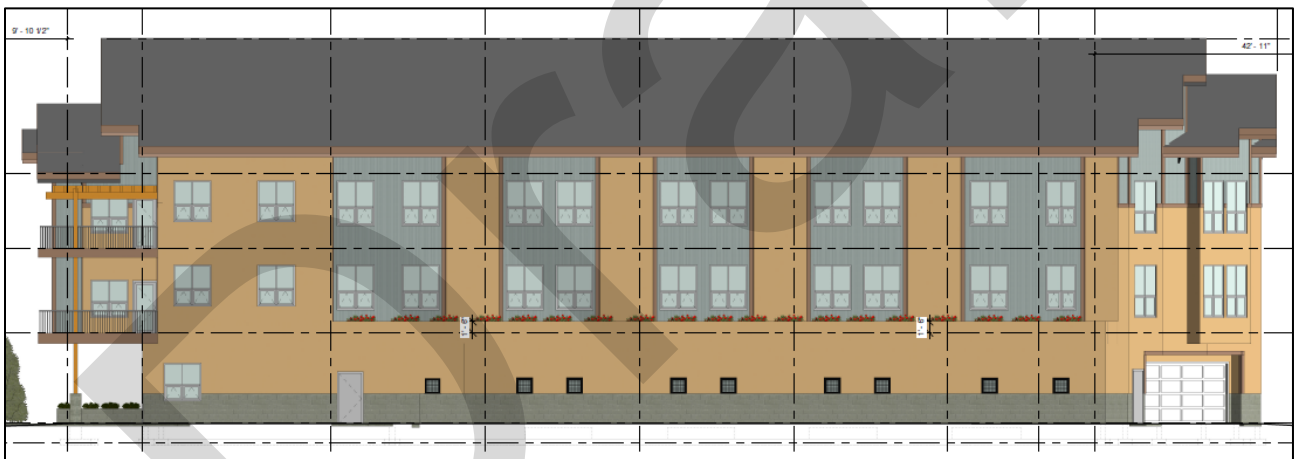


Figure 15: East Elevation



Steven J. Buzikievich
Land Surveying Inc.
BRITISH COLUMBIA LAND SURVEYOR
CANADA LANDS SURVEYOR
54 Nanaimo Avenue East
Penticton, B.C. V2A 1L9
Phone: (250) 492-0559 Fax: (250) 492-9851

DATE: January 23, 2018

FILE: 17-018

TO: City of Penticton

Dear Sirs:

SUBJECT: Sideyard Variance Application – 245 Edmonton Avenue

We would like to take this opportunity to request a Variance in the approved sideyard of 2.44 metres to 2.1 metres as shown on the attached drawing.

The reason for this request is that in error the building was placed in the field at 2.1 metres instead of the approved 2.44 metres, sideyard setback. The building is well under construction and there are only 2 options to legalize its position. 1) to remove the existing building which is currently under construction at great hardship, or 2) request this variance.

This is an honest error and the approval of this variance will not have any impact on adjoining properties for their use and enjoyment. The building under construction is the same size as the designed building and is not being made any larger. Approval of this application will not create any situation of this building encroaching onto the adjoining property. Approval of this application will only allow the building under construction to be 0.34 metres (one foot) closer to the existing westerly property line than planned and approved. The easterly side yard would then be increase from 2.44 to 2.75 metres.

Yours Truly,

A handwritten signature in blue ink, appearing to read 'S. Buzikievich', is written over a large, light grey watermark that says 'DRAFT' diagonally across the page.

Steven J. Buzikievich Land Surveying Inc.
Per: Steven J. Buzikievich B.C.L.S., C.L.S.

Figure 16: 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 PL2018-8171

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 250 Similkameen Division Yale District Plan KAP92469
Civic: 245 Edmonton Avenue
PID: 028-691-121
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 17-unit multi-family residential building.
 - Section 10.9.2.7.i: to decrease the minimum interior yard from 4.5m to 2.1m.

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 20 day of March, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

|
DVP PL2018-8171

Page 2 of 2



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

Development Permit

Permit Number: DP PL2018-8195 (to amend DP PL2014-072)

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 250 Similkameen Division Yale District Plan KAP92469
Civic: 245 Edmonton Avenue
PID: 028-691-121
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 17-unit multi-family residential building as shown in the plan attached in Schedule A.

General Conditions

4. In accordance with Section 501(2) 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.**
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Authorized by City Council, the 20 day of March, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer |

Draft