

March 8, 2018

**Subject Property:**

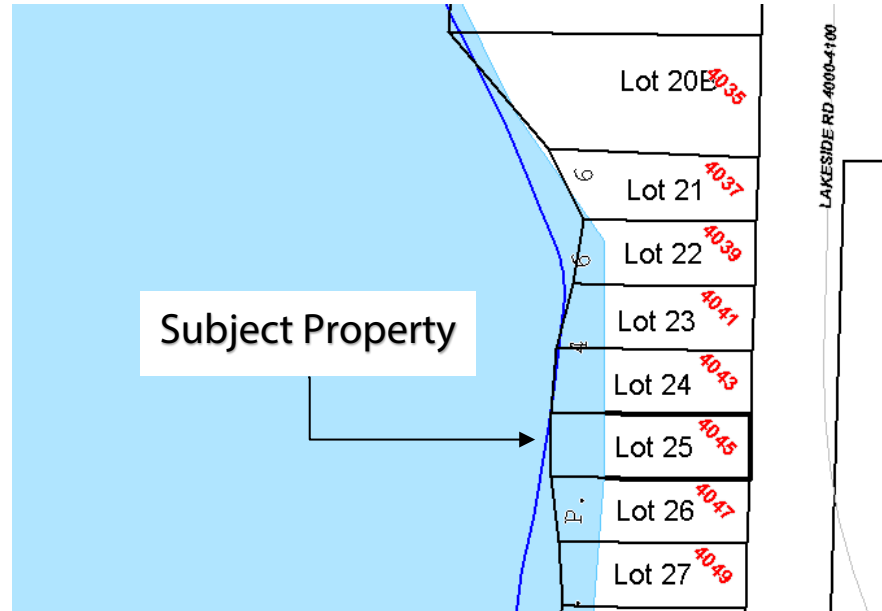
4045 Lakeside Road

Lot 25, Block 209, District Lot 190,  
Similkameen Division Yale District, Plan 466

**Application:**

Development Variance Permit PL2018-8165

The applicant is proposing to construct a 4 storey single family home on the property and has applied to vary the following sections of Zoning Bylaw 2017-08:



- Section 10.1.2.5: to decrease the minimum front yard from 6.0m to 3.0m.
- Section 10.1.2.6.i: to decrease the minimum interior yards from 1.5m to 1.2m.

**Information:**

The staff report to Council and Development Variance Permit PL2018-8165 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](http://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](mailto: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:** 4045 Lakeside Road  
**Subject:** Development Variance Permit PL2018-8165

File No: 2018 PRJ-025

## Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8165" for Lot 25 Block 209 District Lot 190 Similkameen Division Yale District Plan 466, located at 4045 Lakeside Road, a permit to decrease the minimum front yard from 6.0m to 3.0m and to decrease the minimum interior yards from 1.5m to 1.2m;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8165."

## 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 subject property is approximately 247.0m<sup>2</sup> (2,658ft<sup>2</sup>) in area. The subject property and surrounding lots were subdivided in the early 1900's and have sat vacant since then. Proposals for development are beginning to come forward because of the current real estate market and desire to live along the lakefront. With the topographical challenges of these lots such as steepness and narrowness, it is anticipated that Council will see many front yard, side yard and retaining wall height variance applications in the future. The subject property is located in a neighbourhood primarily zoned R1 (Large Lot Residential), R2 (Small Lot Residential) and designated by the OCP as LR (Low Density Residential).

## Proposal

The applicant is proposing to construct a single family dwelling on the subject property. The dwelling will be 4 storeys with a garage and den on the main level, living space on the second floor and bedrooms and rec room on the bottom two floors. The floor space will be approximately 2500ft<sup>2</sup>. To construct the dwelling as proposed, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.1.2.5: to decrease the minimum front yard from 6.0m to 3.0m.
- Section 10.1.2.6.i: to decrease the minimum interior yards from 1.5m to 1.2m.

## 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 requirements, storm water management and building code requirements have been identified and will be addressed as part of the building permit process. If the requests for the variances are 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 applications:

Item	Requirement R1 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	37.1%
<b>Minimum Lot Width:</b>	16.0m	9.134m*
<b>Minimum Lot Area:</b>	560m <sup>2</sup>	247.67m <sup>2</sup> *
<b>Vehicle Parking:</b>	2 spaces per dwelling unit	2 spaces
<b>Required Setbacks</b>		
Front yard (east, Lakeside Road):	6.0m	3.0m (variance required)
Rear yard (west):	6.0m	9.76m
Interior yard (north):	1.5m	1.2m (variance required)
Interior yard (south):	1.5m	1.2m (variance required)
<b>Maximum Height</b>	10.5m	10.449m (see below)
<b>Other Information:</b>	<p>- The subject property is located within the Riparian Assessment Area Development Permit Area, thus a development permit will be required prior to issuance of a building permit.</p> <p>- Although it may appear that the building is over height, the definition of <i>Grade, Approved</i> in the Zoning Bylaw states that for determination of building heights, approved grade shall mean the average level across the lowest side of the building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of grade. In this case, there is a patio door on the lowest elevation that is not counted in building height (Figure 10).</p> <p>- <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through development 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 10.1.2.5: to decrease the minimum front yard from 6.0m to 3.0m.*

- The minimum required setback from the east property line (Lakeside Road) is 6.0m. The applicant is proposing to reduce this to 3.0m. The garage and entry way sits at 4.5m from the property line, with the upper floor projecting an additional 1.5m towards the street. The boulevard width along this property is approximately 5.0m wide, meaning that the upper floor project will sit an adequate distance of 8.0m from the road. It is anticipated that as these properties continue to develop, a front yard variance request will become the norm. The riparian setback and sewer easement at the rear of the property limits the available development space on a lot which is reasoning for support of the variance.

*Section 10.1.2.6.i: to decrease the minimum interior yards from 1.5m to 1.2m.*

- The applicant is proposing a variance to both interior side yards from 1.5m to 1.2m. Due to the narrowness of the lot, an interior yard variance is required to construct a sizeable house. The final elevations will have limited openings due to the proximity to the property line and the requirement to address spatial separation concerns. This will help to reduce privacy concerns for the neighbouring properties. Council has approved interior yard variances from 1.5m to 0.9m on two of the neighbouring lots (4047 and 4039 Lakeside Road). For the reasons listed above, it is reasonable to support the variance.

#### Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood and that a smaller dwelling should be proposed within the required setbacks. If this is the case, Council should deny the variance.

### **Alternate Recommendations**

1. THAT Council support DVP PL2018-8165 with conditions.
2. THAT DVP PL2018-8165 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 Plans  
Attachment H: Letter of Intent  
Attachment I: Development Variance Permit PL2018-8165

Respectfully submitted,

Randy Houle  
Planner I

Approvals

DDS	CAO
<i>RH</i>	

Draft

Attachment A – Subject Property Location Map

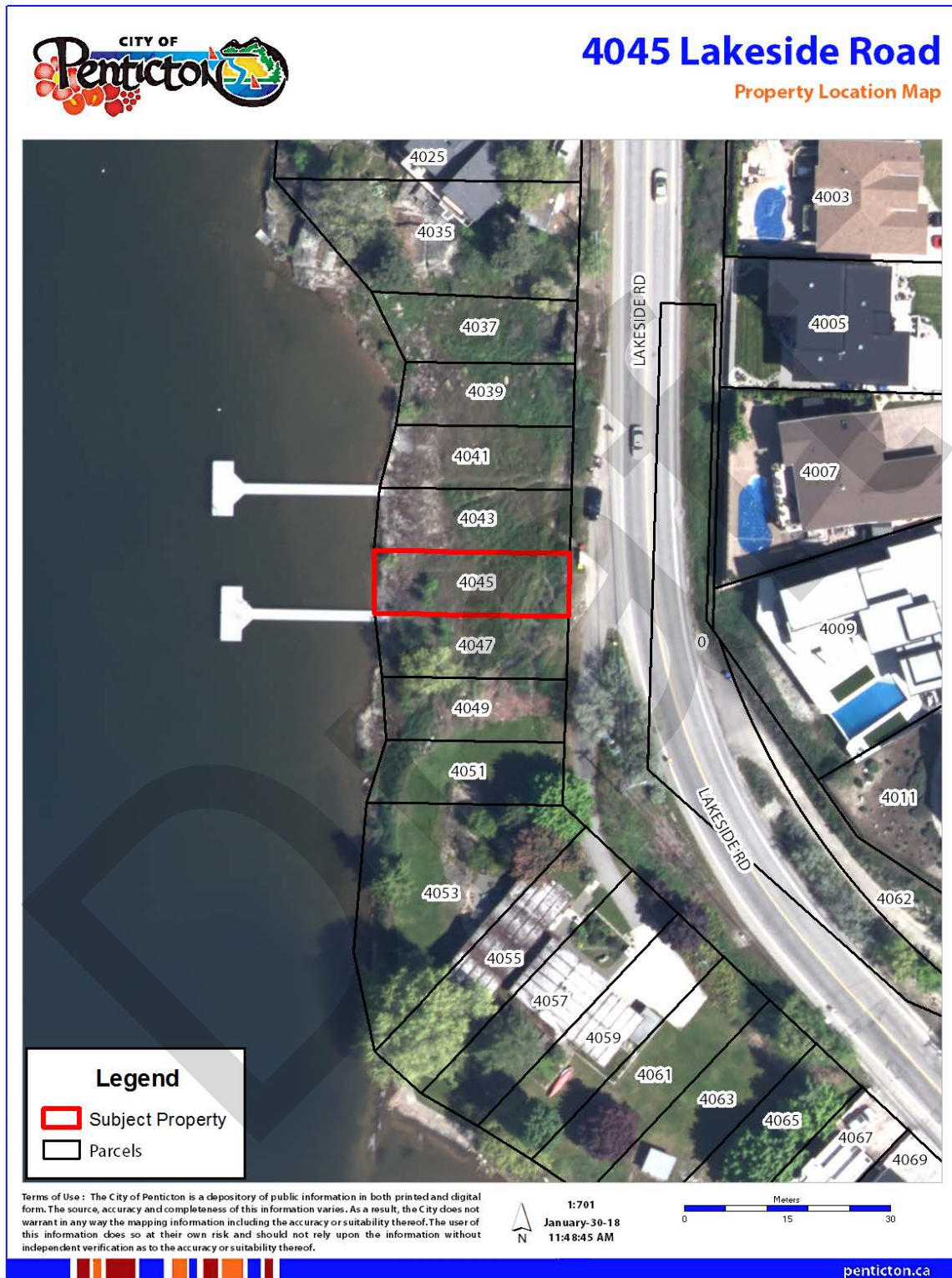


Figure 1: Subject Property Location Map

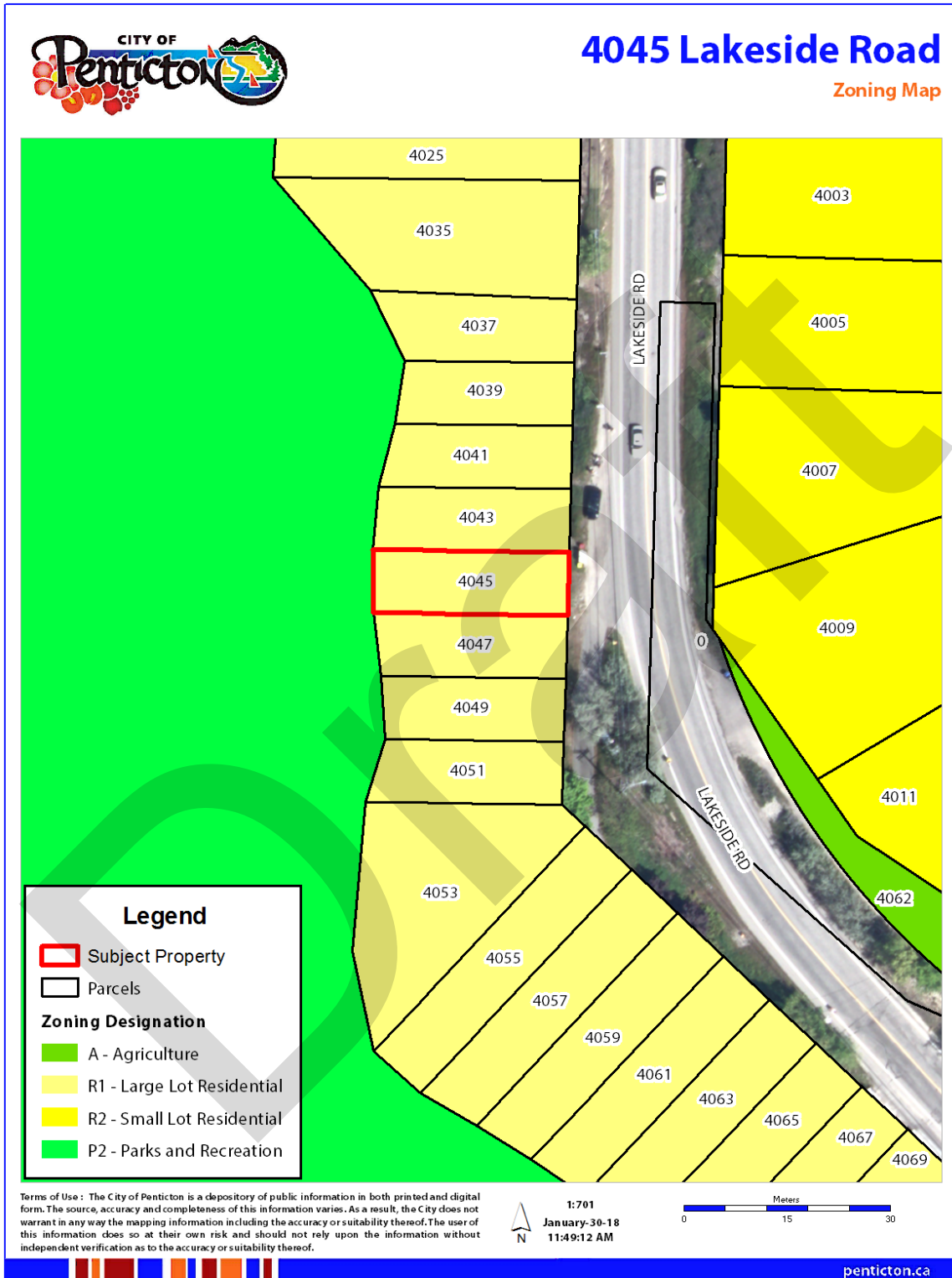


Figure 2: Zoning Map

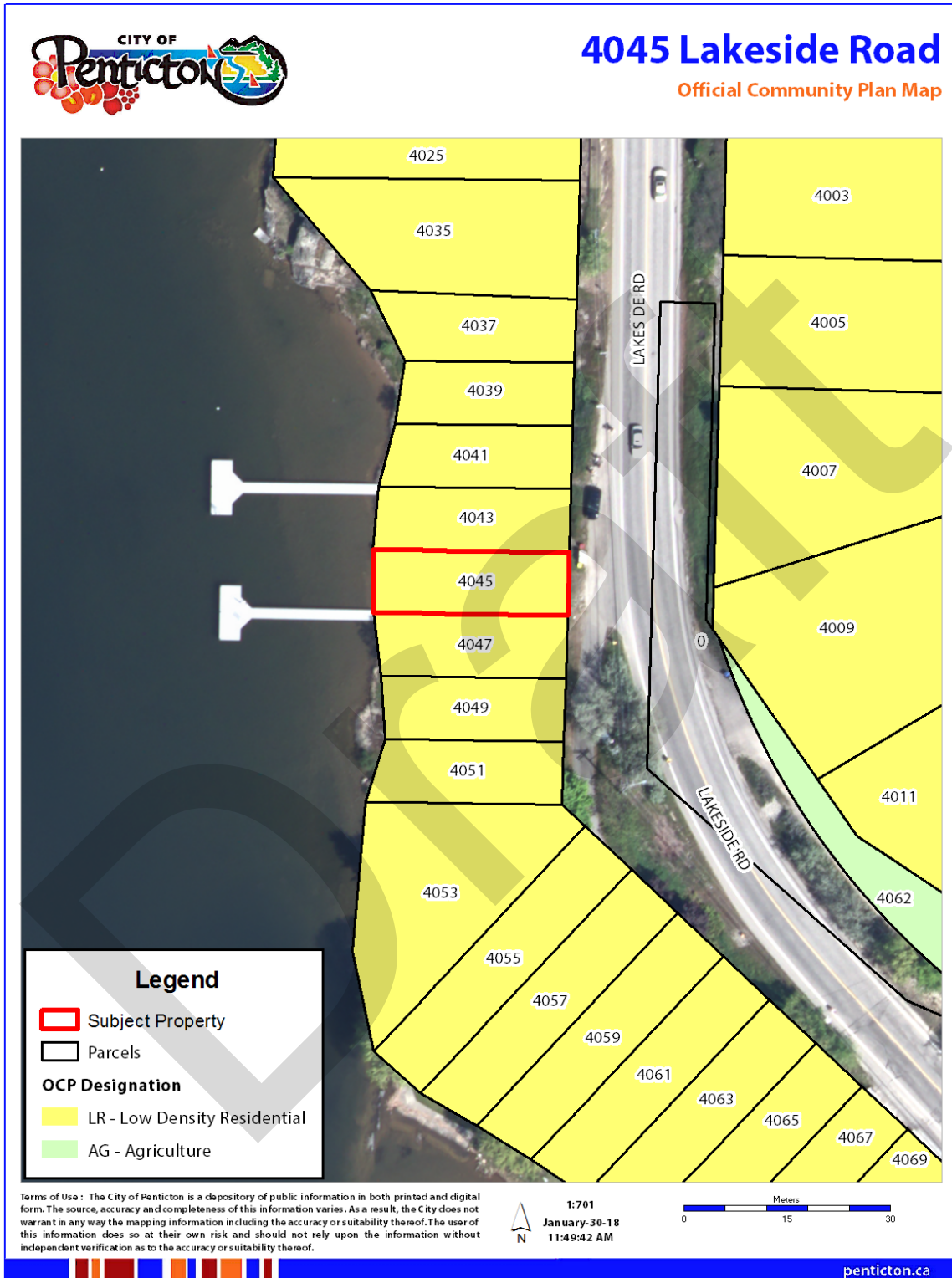


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View of Subject Property



Figure 5: West View of Subject Property



Figure 6: East View of Subject Property (from Lakeside Road)



Figure 7: Neighbouring Properties

Attachment E – Site Plan

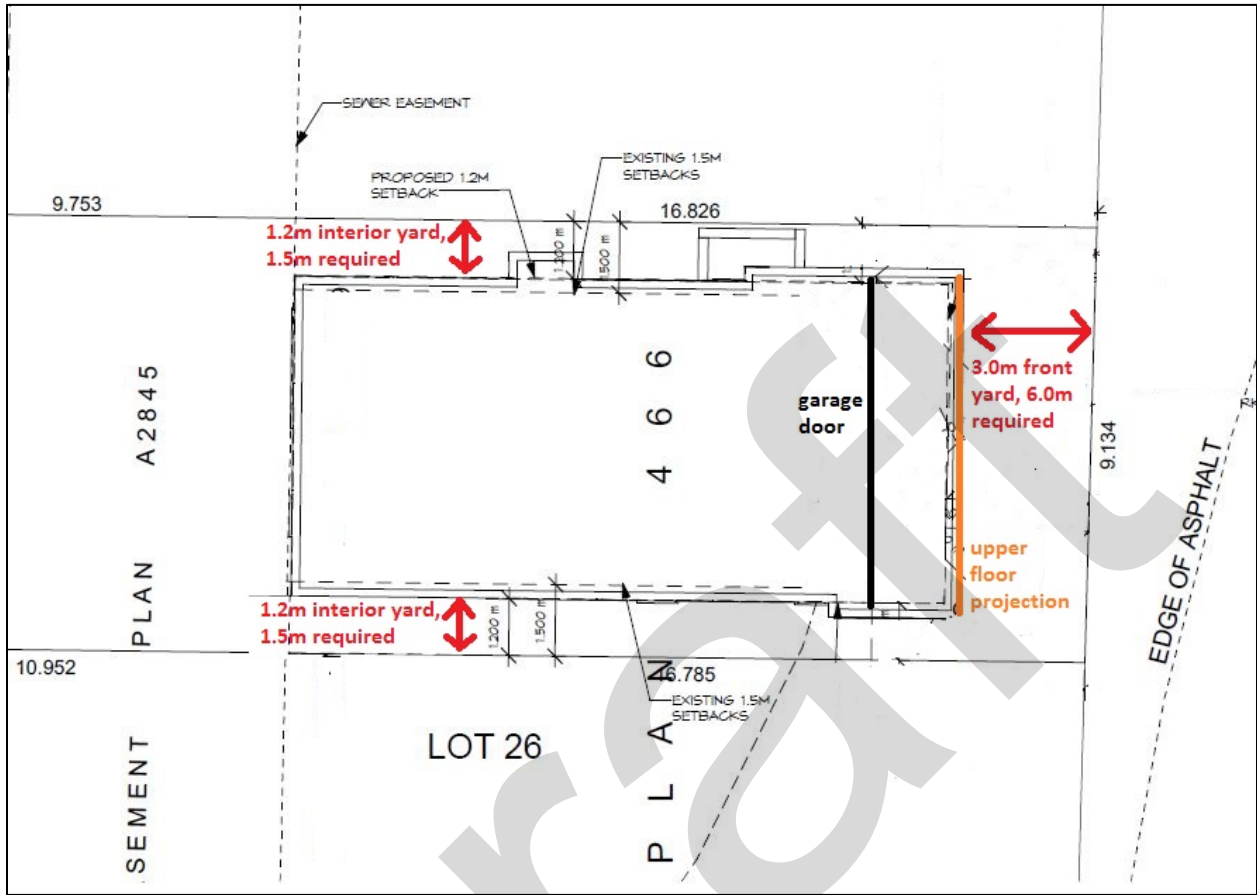


Figure 8: Site Plan

# Attachment F – Elevations



Figure 9: East Elevation (from Lakeside Road)

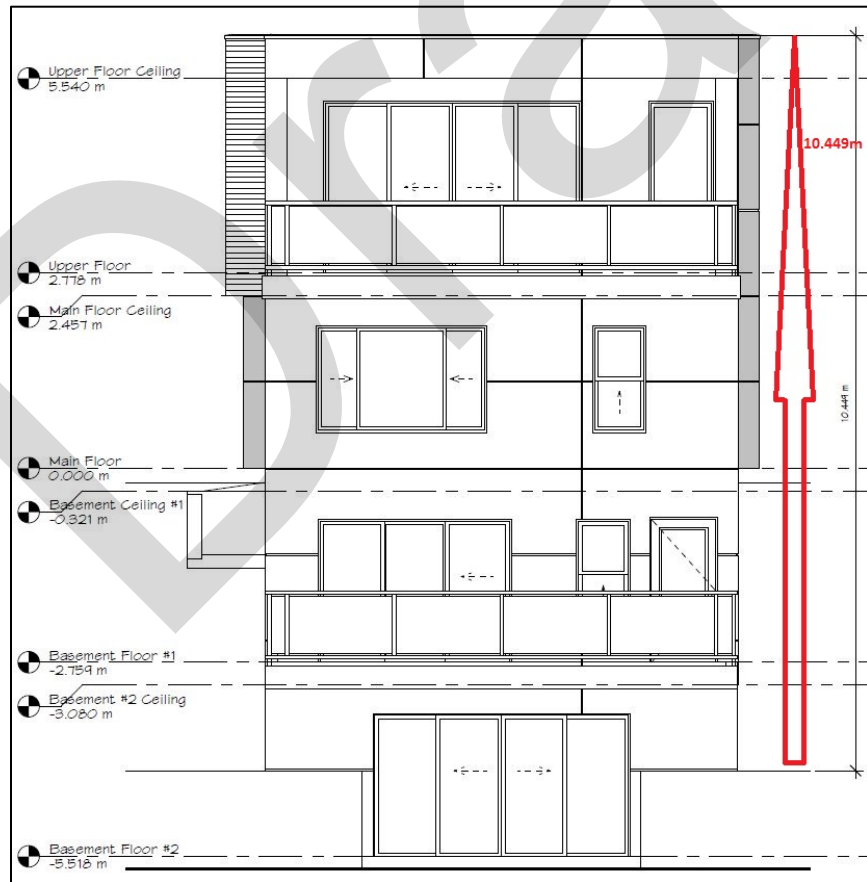


Figure 10: West Elevation (from the lake)

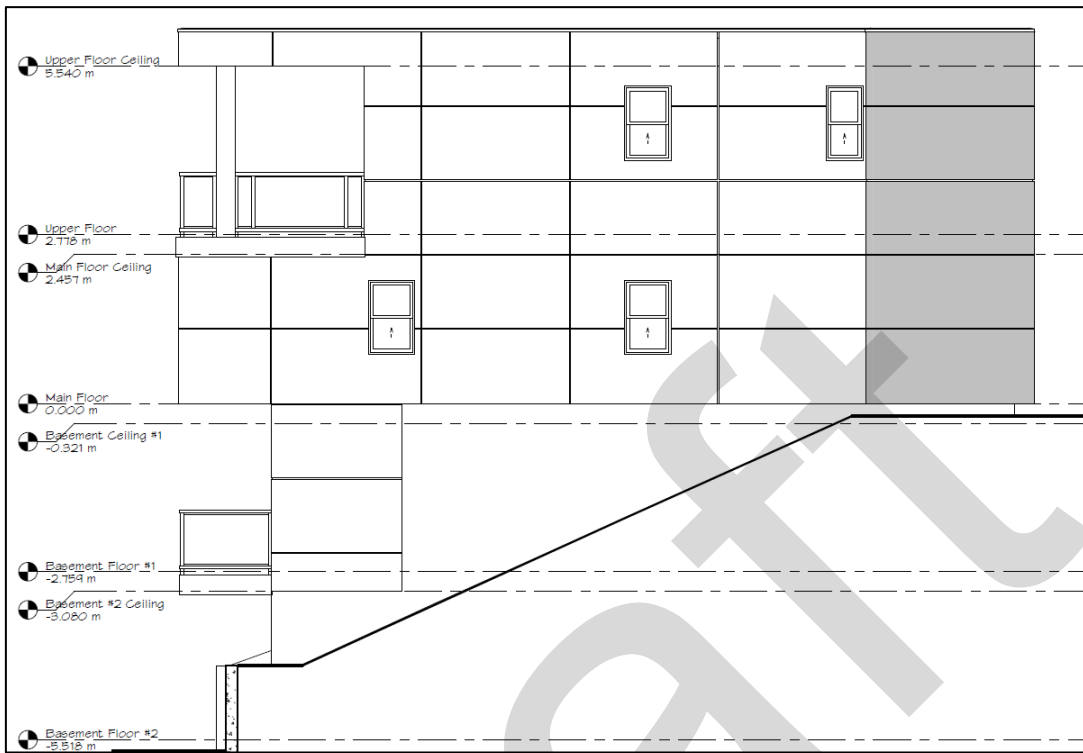


Figure 11: South Elevation

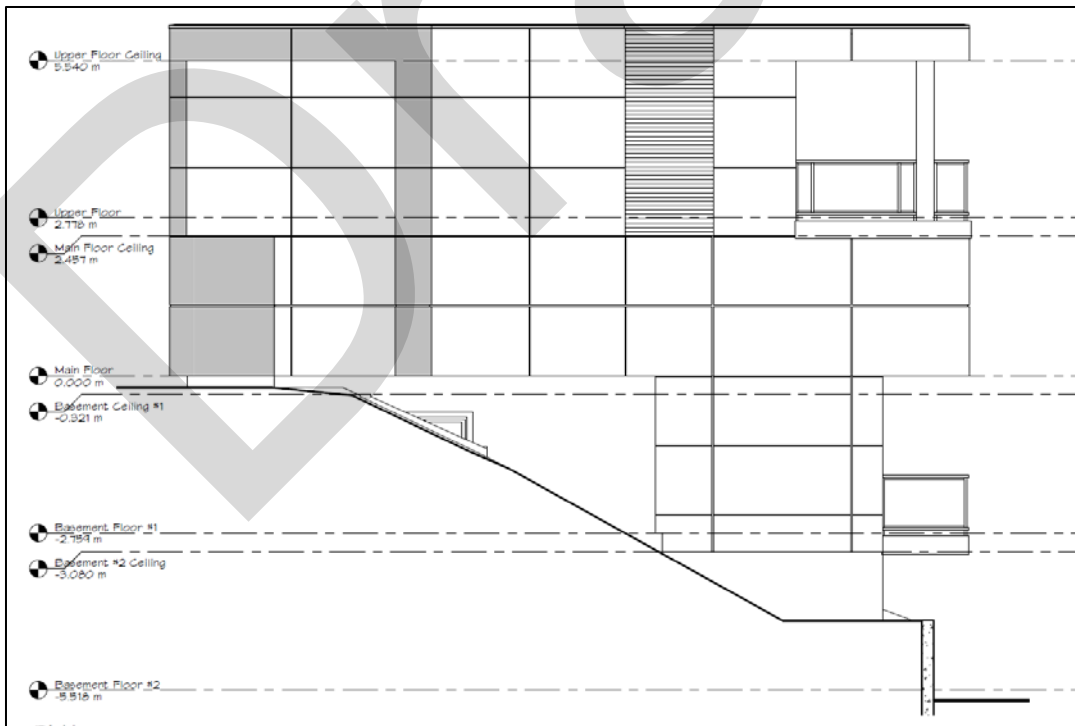


Figure 12: North Elevation

Attachment G - Floor Plans

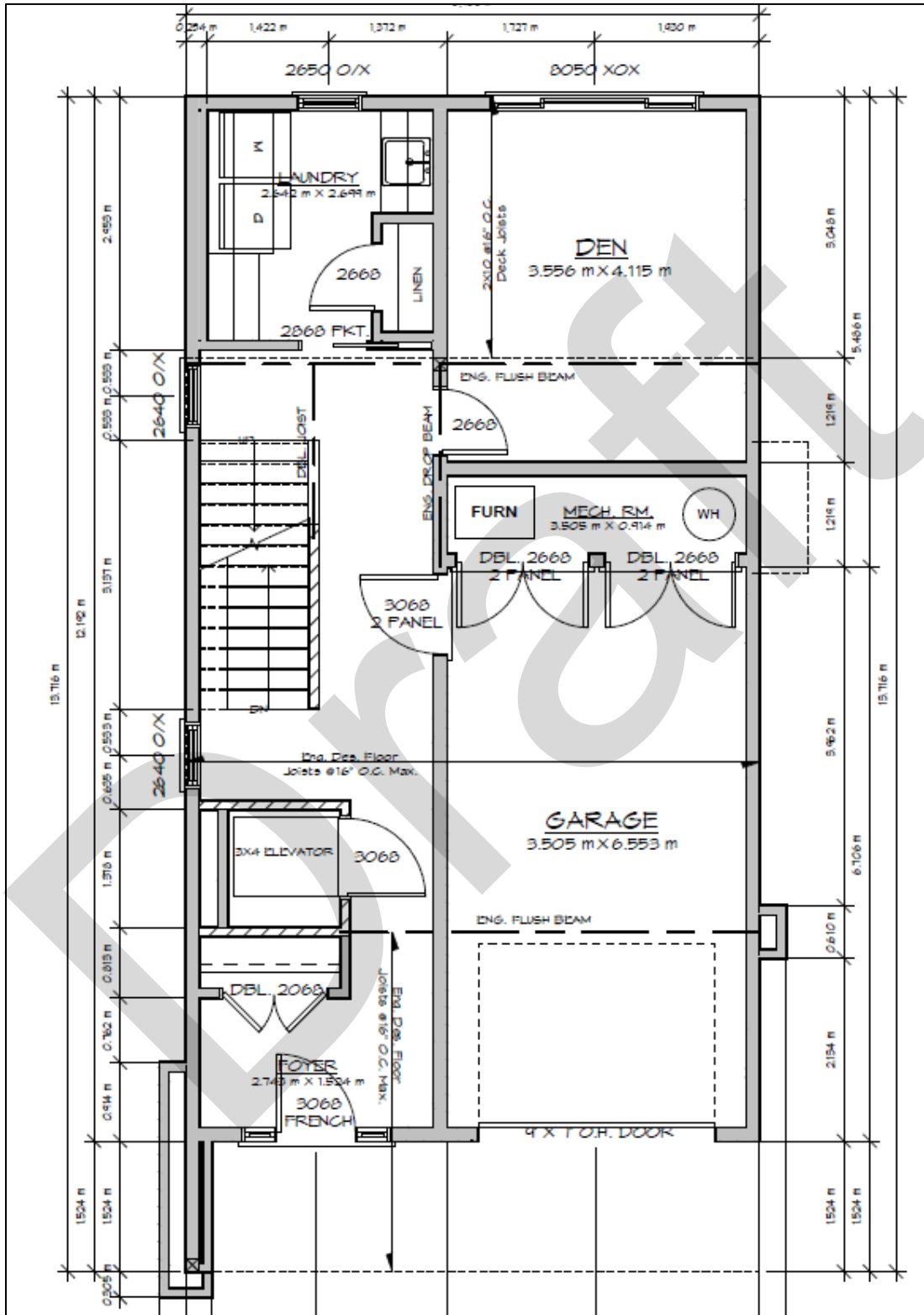


Figure 13: Main Floor Plan

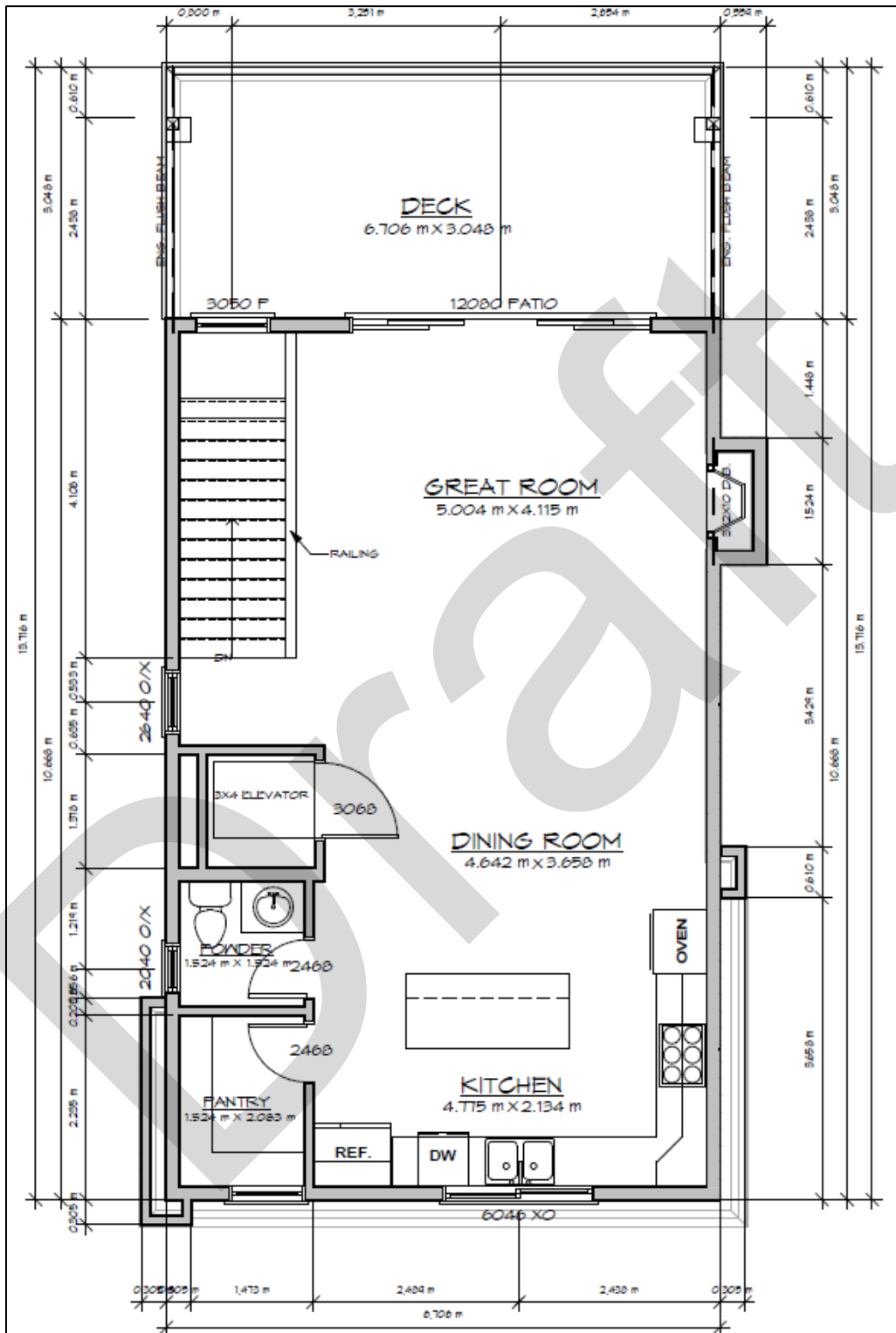


Figure 14: Second Floor Plan

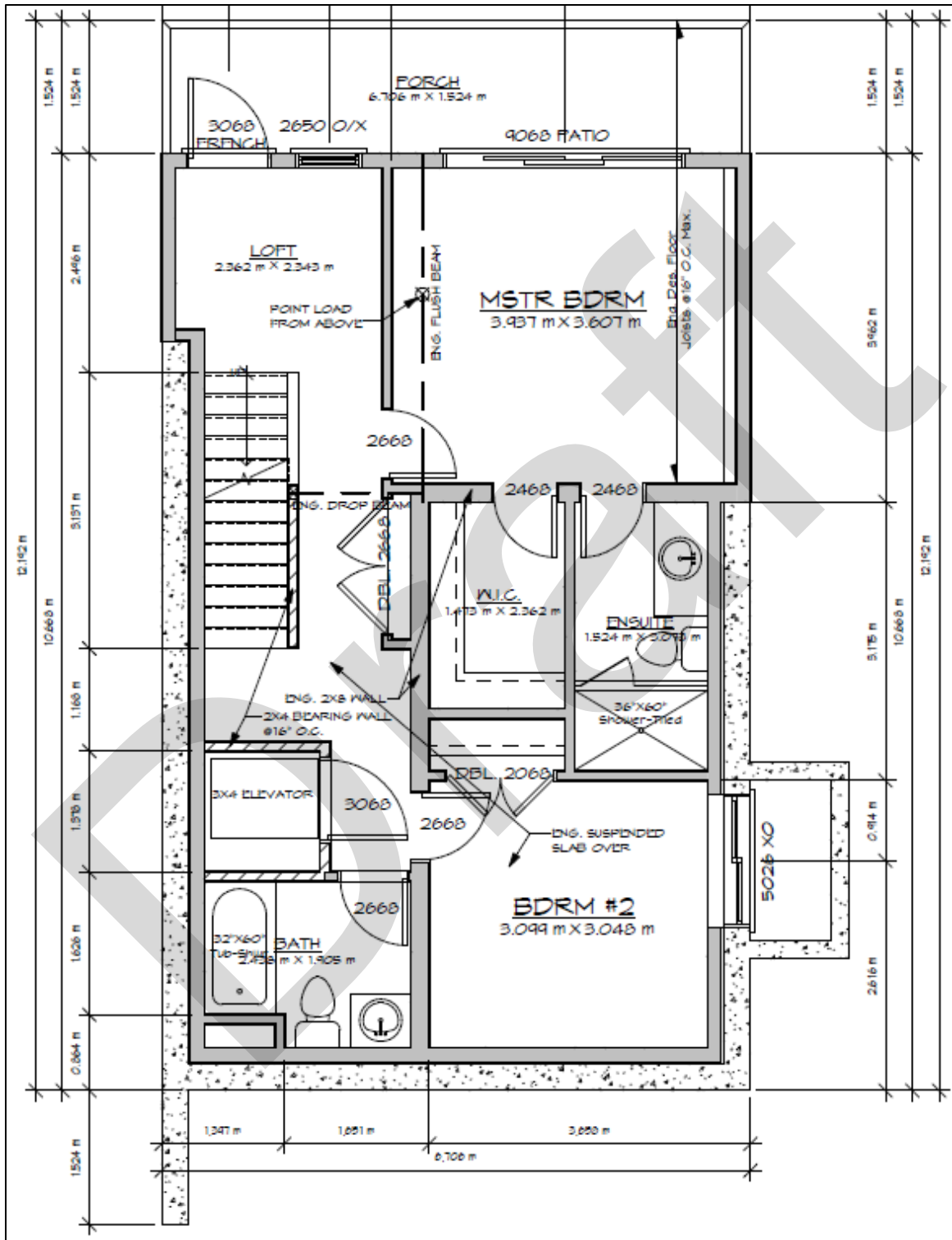


Figure 15: Basement Floor Plan

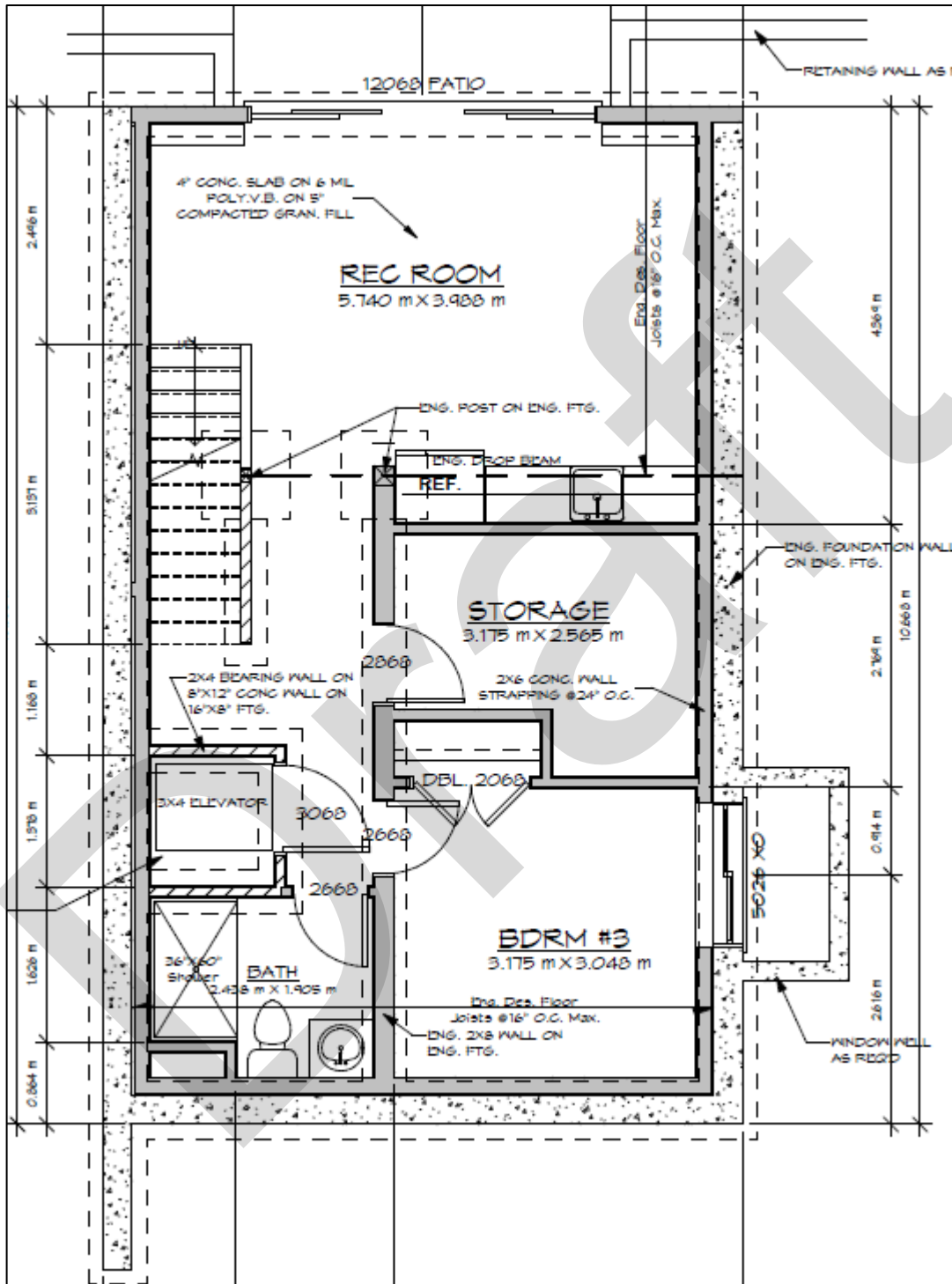



Figure 16: Bottom Floor Plan

Attachment H - Letter of Intent



**HARMONY HOMES**  
201-833 Finns Road  
Kelowna, B.C.  
V1X 5B8  
(250) 765-5191  
FAX (250) 765-6013

January 16, 2018

Dear Mr. Houle,

Please accept our application for a Development Variance Permit for the property located at 4045 Lakeside Road, Penticton BC.

The variances requested are;

- To change the left side yard setback from 1.5 meters to 1.2 meters
- To change the right side yard setback from 1.5 meters to 1.2 meters
- To change the front setback from 6 meters to 3 meters to the home and 4.5 meters to the garage


We are requesting the side yard setback variances due to the width of the lot being only 9.134m. With the existing setback requirements the allowable building envelope will be only 6.134m wide which makes it extremely difficult to build a home that would be suitable for a Lakefront property with such high visibility. Upon review of the plans for the proposed residence I hope you will see that we have worked diligently to design an upscale home that would be an attractive addition to the neighborhood. However the proposed home is 6.706m wide and we have simply been unable to reduce the overall width and maintain a practical design.

We are requesting the front yard setback variance due to the Sewer Right of Way (ROW) in the rear of the property. This ROW drastically reduces the allowable building envelope also making it impractical to design a suitable home.

Please Note: the home plans show the garage on the right side and there is a considerable distance between the front of the garage and the edge of the paved road of 7.467m, which means that this setback variance will not cause a parked vehicle to be close to the traffic flow.

The footprint of the proposed residence is only 71.545m. To build tiny, unattractive houses on such beautiful, lakefront properties would be a detriment to the entire neighborhood and property values. We believe that this home will be visually appealing and will enhance the community and the city.

Please advise if you require any additional information.

Yours truly,  
  
Roland Blaise

*Award Winning Builder*  
www.harmonyhomes.net • harmonyhomes@shaw.ca

Figure 17: 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 PL2018-8165**

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 25 Block 209 District Lot 190 Similkameen Division Yale District Plan 466  
Civic: 4045 Lakeside Road  
PID: 012-323-217
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 single family dwelling.
  - Section 10.1.2.5: to decrease the minimum front yard from 6.0m to 3.0m.
  - Section 10.1.2.6.i: to decrease the minimum interior yards from 1.5m to 1.2m.

### 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

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Dana Schmidt,  
Corporate Officer