

April 26, 2018

Subject Property:

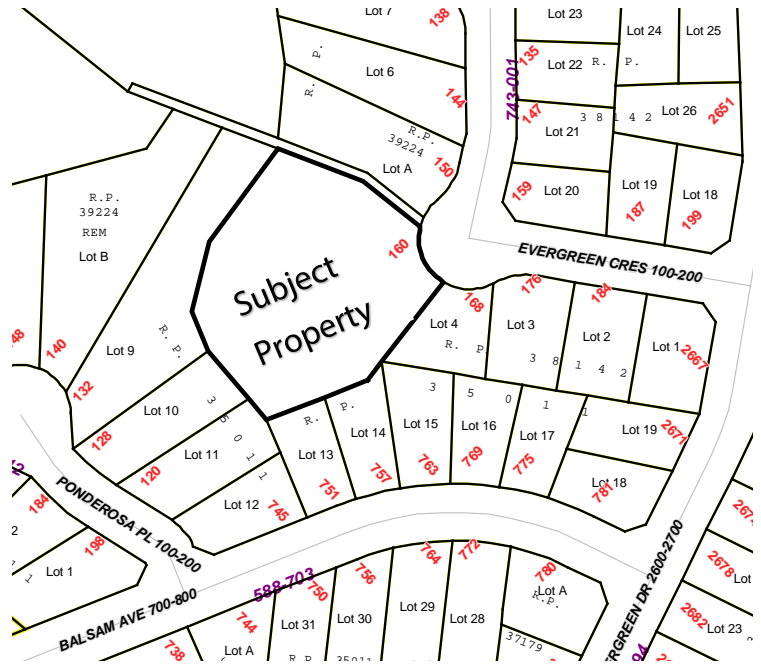
160 Evergreen Crescent

Lot A, District Lot 2710, Similkamen Division Yale District, Plan 34460

Application:

Temporary Use Permit PL2018-8229

As part of a two lot subdivision, the applicant has applied for a Temporary Use Permit to allow a swimming pool without a main or principal dwelling (on Proposed Lot A) for a period of 3 years.



Information:

The staff report to Council and Temporary Use Permit PL2018-8229 will be available for public inspection from **Friday, April 27, 2018 to Tuesday, May 8, 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, May 8, 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, May 8, 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 May 8, 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: May 8, 2018
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 160 Evergreen Crescent
Subject: Temporary Use Permit

File No: 2018 PRJ-098

Staff Recommendation

THAT Council approve "Temporary Use Permit PL2018-8229", a permit to allow the use of "a swimming pool" on Proposed Lot A, created by the subdivision of Lot A, District Lot 2710, Similkameen Division Yale District, Plan 34460, located at 160 Evergreen Crescent;

AND THAT TUP Permit PL2018-8229 be valid for a period of three years.

Background

The subject property (Attachment 'A') is a large lot, zoned R1 (Large Lot Residential) and is designated in the City's OCP as 'LR' (Low Density Residential). The property currently features a single detached dwelling and an in-ground swimming pool. The owners have applied to subdivide the property creating two R1 (Large Lot Residential) lots, with the house on one lot and the swimming pool on an otherwise vacant lot. The proposed lots will both meet the minimum lot size and width requirement of Zoning Bylaw 2017-28.

Nevertheless, in creating the additional lot, the existing pool will be situated on a different lot than the main house. A swimming pool is considered an accessory building by the Zoning Bylaw and an accessory building is defined as "ancillary to, incidental, subordinate to, dedicated exclusively to, and located on the same lot as the main building or structure". A swimming pool is not listed as a 'standalone' permitted use on the property and as such cannot be located on a lot without a *main or principal* building. As a condition of the subdivision, the swimming pool is required to be removed, prior to final subdivision approval. Rather than remove the pool, the owner of the property wishes to apply for a temporary use permit, which will allow the pool to remain on the vacant lot as a permitted use for a temporary period of time. As a result, a temporary use permit is required to allow the pool to remain, under the anticipation that once a new home is built on the new lot, the swimming pool will return to its "accessory" nature.

Proposal

The applicant is requesting that Council grant a temporary use permit (TUP) to permit the use of "swimming pool" for a three year period on Proposed Lot A, created by the subdivision of 160 Evergreen Crescent

Financial Implication

N/A

Technical Review

Comments from the Technical Planning Committee's review process centered on servicing for the new lot. No concerns have been raised regarding the temporary use permit. The swimming pool currently has an electrical and water service which will need to be altered to be separated from the remainder lot.

Analysis

Support

When considering an application for a temporary use permit, the OCP has established a set of guidelines for Council and staff to follow. The OCP states that temporary use permits may only be issued provided that the proposed use:

- is not noxious or undesirable;
- does not have a negative impact on adjacent lands;
- does not create a significant increase in demand for City services or infrastructures; and
- will not permanently alter the site

Staff do not feel that the proposal is in conflict with any of the guidelines listed above.

Further, staff consider the request reasonable and sensible, given that the new lot will likely reuse the swimming pool for the same purpose, thereby eliminating unnecessary waste.

For the reasons listed above it is recommended that Council support the issuance of a permit for a 3 year period. After the three years period, it is hoped that a new house will be constructed on the lot. In the case that it is not, the property owners will either have to remove the swimming pool or apply for an extension to the permit.

Deny

Council may disagree with the staff recommendation and feel that a swimming pool should only be located on the property at such a time when there is a main house.

Alternate Recommendation

THAT Council approve "Temporary Use Permit PL2018-8229" with conditions.

Attachments

Attachment A : Subject Property Location Map
Attachment B: Zoning Map
Attachment C: OCP Map
Attachment D: Site Plan
Attachment E- Proposed Subdivision

Respectfully submitted,

Audrey Tanguay
Senior Planner

Approvals

DDS	CAO

Draft

Attachment A – Subject Property Location Map

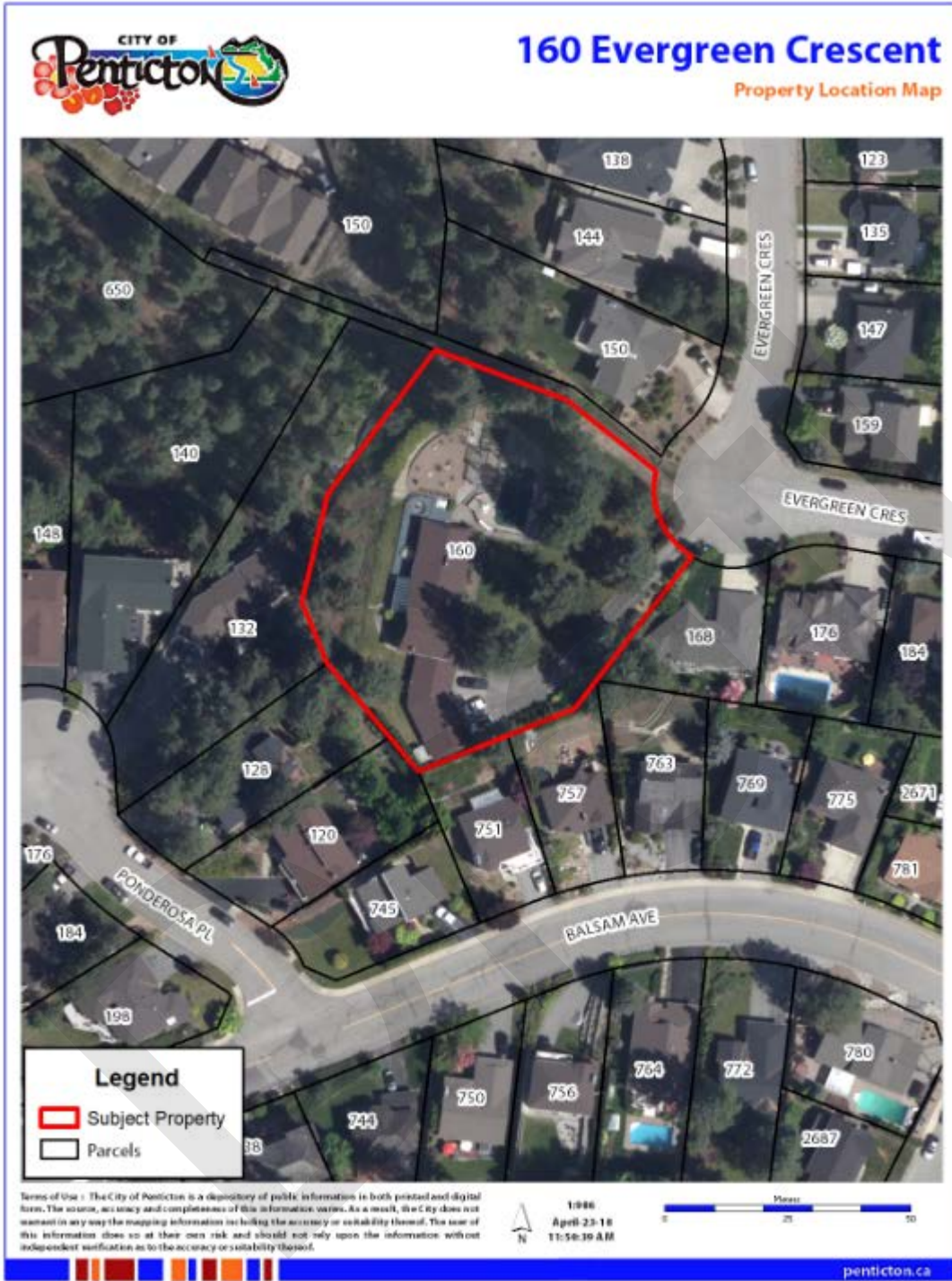


Figure 1: Subject Property Location Map

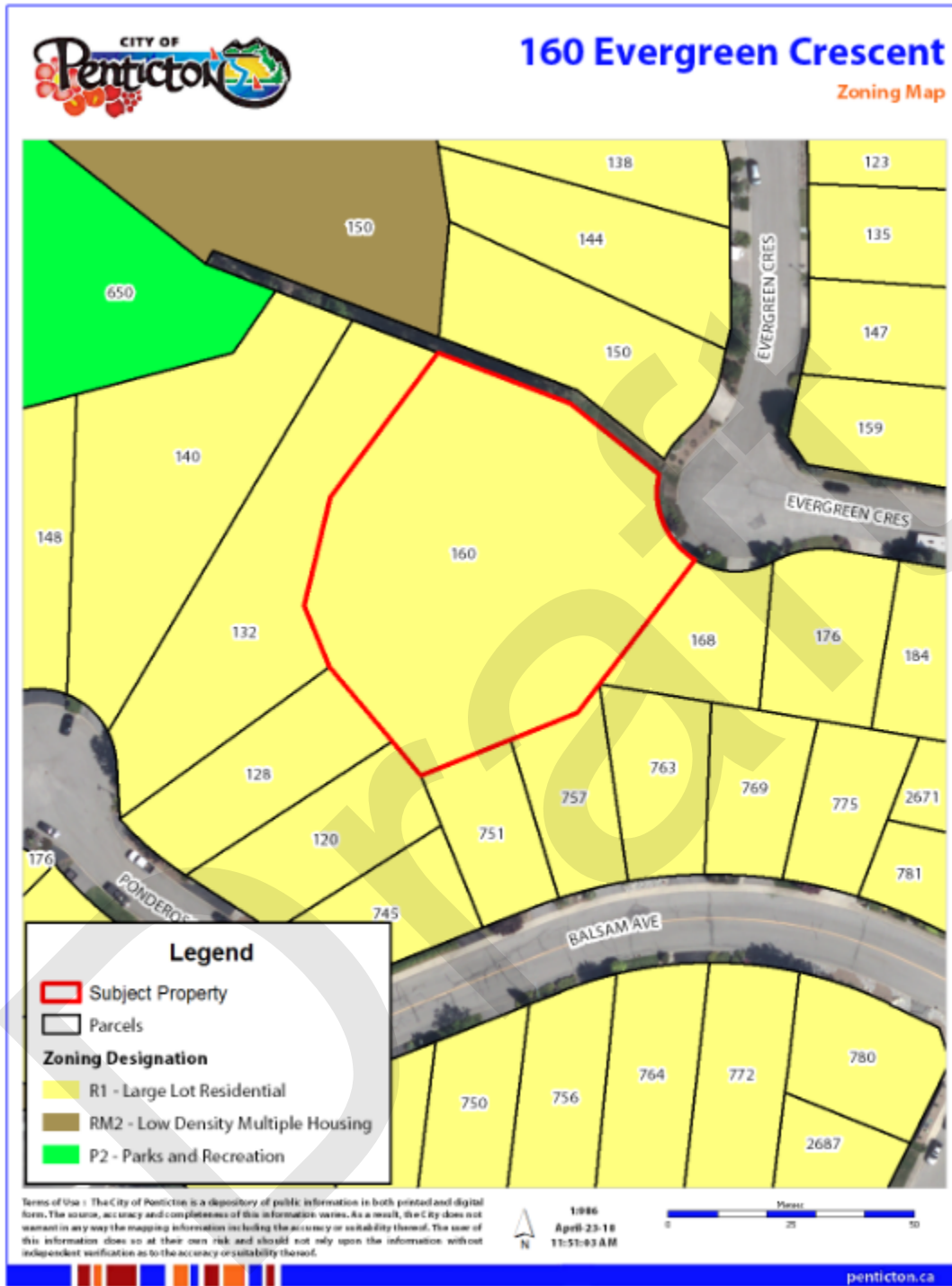


Figure 2: Zoning Map

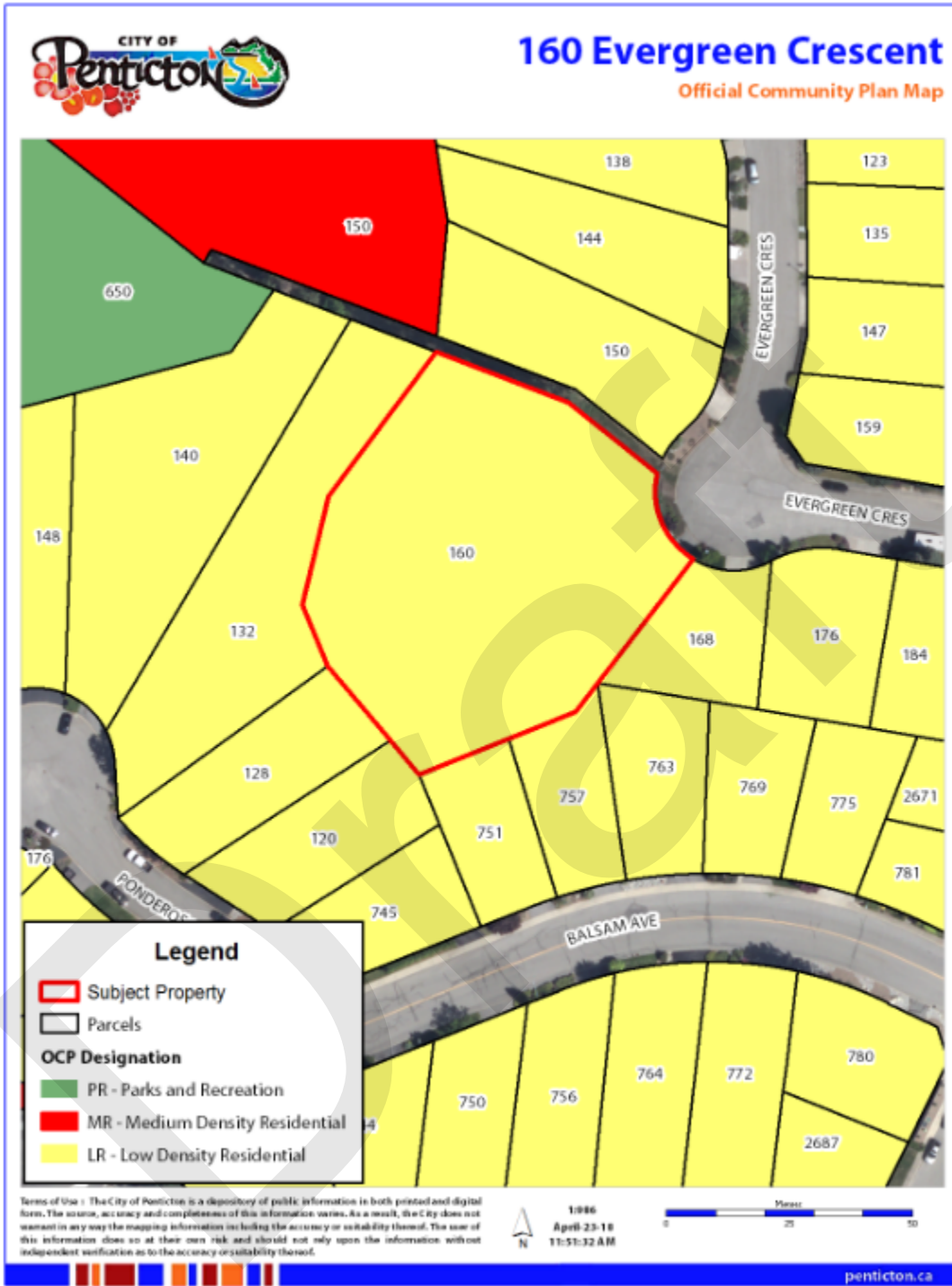


Figure 3: OCP Map

Attachment F- Temporary Use Permit



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

Temporary Use Permit

Permit Number: TUP PL2016-7707

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 2710, Similkameen Division Yale District, Plan EPP44759
Civic: 160 Evergreen Crescent
PID:
3. This permit has been issued in accordance with Section 493 of the *Local Government Act*, to allow for the temporary use of the above noted lands for an 'accessory use' (swimming pool), with no principal use on the property, as shown in the plans attached in Schedule A.

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 497 of the *Local Government Act*, this permit shall expire on **May 8, 2021**.
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 8th day of May, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

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