

May 10, 2018

Subject Property:
920 Kilwinning Street

Lot 106, District Lot 249, Similkameen Division Yale
District Plan 1159

Application:

The applicant is proposing to rebuild a previously existing carriage house that was damaged by fire. To ensure conformance with Zoning Bylaw 2017-08, the applicant is requesting a variance to the following sections of the bylaw:

- Section 10.2.2.6.i: To reduce the minimum interior (north) side yard from 1.5m to 1.39m, and
- Section 10.2.2.7.i: To reduce the minimum rear yard from 1.5m to 1.16m

Information:

The staff report to Council and Development Variance Permit PL2018-8234 will be available for public inspection from **Friday, May 11, 2018 to Tuesday, May 22, 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.

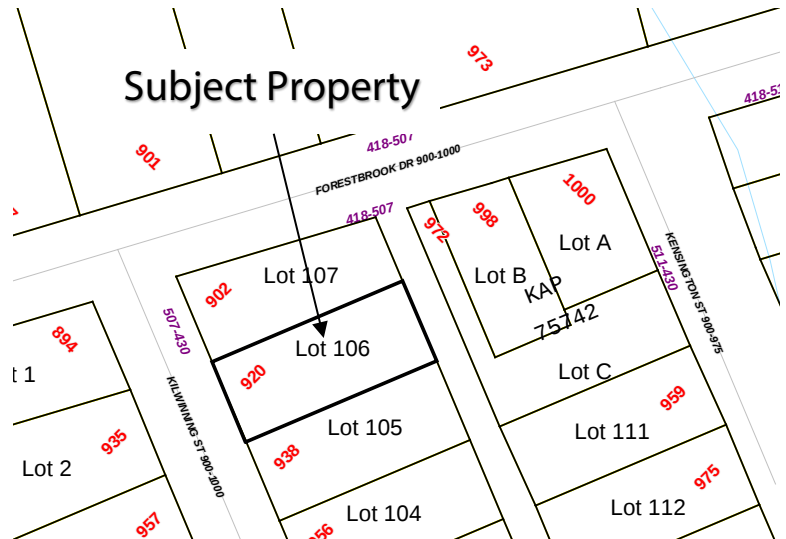
Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, May 22, 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 22, 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 22, 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: May 22, 2018
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 920 Kilwinning Street
Subject: DVP PL2018-8234

File No: PRJ2018-102

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8234" for Lot 106, District Lot 249 Similkameen Division Yale District Plan 1159, located at 920 Kilwinning Street, a permit to decrease the minimum interior (north) side yard from 1.5m to 1.39m, and the minimum rear yard from 1.5m to 1.16m to permit the reconstruction of a carriage house in its original location;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8234".

Strategic Objective

The subject application is aligned with the Council Priorities of Community Building and Economic Vitality. This proposal is a form of urban infill, which is aligned with the City's Official Community Plan.

Background

The subject property (Attachment 'B') is zoned R2 (Small Lot Residential) and is designated in the City's Official Community Plan as LR (Low Density Residential) and features a single detached dwelling and a carriage house. The carriage house was damaged by fire in early 2017. The property owner intends to rebuild the carriage house. Photos of the site are included as Attachment 'D'. The subject property is approximately 557 m² (6,000 sq. ft.) in area. The existing house on the property was constructed in approximately 1978.

The surrounding neighbourhood consists of R2 (Small Lot Residential) properties along Kilwinning Street, and a mix of low to medium density housing along Forestbrook Drive (Attachment 'B'). The Future Land Use designations in the area vary from LR (Low Density Residential) to MR (Medium Density Residential). A number of properties in this neighbourhood have accessory buildings (garages or carriage houses).

Proposal

The applicant is proposing to rebuild the previously existing, fire damaged, carriage house. The carriage house existed prior to the fire with legal non-conforming siting on the property – meaning that the siting of the building did not conform to the required setbacks of the zoning bylaw. To bring the newly constructed building into conformance with the Bylaw, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.2.2.6.i: to reduce the minimum interior (north) side yard from 1.5 m to 1.39 m; and
- Section 10.2.2.7.i: to reduce the minimum rear yard from 1.5 m to 1.16 m.

Financial Implication

This application does not pose any financial implications to the City. Development costs are the responsibility of the developer.

Technical Review

This application was reviewed by the Planning and Engineering Department and there were no servicing or technical issues identified. Servicing and building code requirements have been identified and will be addressed as part of the building permit process. It is the property owner's responsibility to provide services and/or upgrade existing services as required for the carriage house.

Development Statistics

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

	Requirement Carriage House R2 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	557 m ²
Maximum Size of Carriage House:	83.55 m ² (15% of lot coverage)	83.2 m ²
Vehicle Parking:	3	3
Required Setbacks		
Front Yard (Kilwinning St):	6.0 m	26.88 m
Side Yard (north):	1.5 m	1.39 m – Variance Requested
Side Yard (south):	1.5 m	5.32 m
Rear Yard:	1.5 m	1.16 m – Variance Requested
Maximum Building Height	7 m	6.55 m

Analysis

Development Variance Permit

Approve Development Variance Permit

The property at 920 Kilwinning Street had a pre-existing carriage house, which was damaged in a fire in early 2017. The structure is considered to have non-conforming siting, because it does not meet the current Zoning Bylaw No. 2017-08. The applicant is proposing to rebuild the structure slightly taller than it was previous to the fire, and the new design includes a covered deck, which was not previously there. Due to these reasons, which are considered to worsen the siting non-conformity, the applicant is required to apply for and attain a Development Variance Permit to allow the carriage house to remain at its current siting.

The proposed variances and staff's comments on each are as follows:

- *Section 10.2.2.6.i: to reduce the minimum interior (north) side yard from 1.5 m to 1.39 m; and*
- *Section 10.2.2.7.i: to reduce the minimum rear yard from 1.5 m to 1.16 m;*

The applicant has identified that the structure was previously a two storey building with a garage on the main floor, and a dwelling located on the second floor (carriage house). In early 2017, a fire destroyed the upper floor. The applicant has identified that the lower foundation and main floor wall structure were not significantly damaged by the fire (Attachment 'D'). The intent of the applicant is to keep the existing foundation and first floor, and rebuild the second storey.

Building from the existing foundation, and utilizing the main floor, which was not damaged, will significantly reduce the financial implications for the applicant to rebuild a structure that was already existing. Carriage houses are currently permitted within Zoning Bylaw No. 2017-08, and are supported through OCP Policy as a form of urban infill.

The applicant has identified that they have spoken with some of the neighbours directly adjacent to the property and that no outstanding concerns were brought forward at the time.

Given the above, staff find the variance request reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed variance will negatively affect the neighbourhood, in particular, the adjacent neighbours. Council may decide that the applicant should relocate the carriage house to meet the R2 (Small Lot Residential) zone setbacks. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support "Development Variance Permit PL2018-8234" with conditions.
2. THAT "Development Variance Permit PL2018-8234" be referred back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map of Subject Property
Attachment C:	Official Community Plan Map of Subject Property
Attachment D:	Images of Subject Property
Attachment E:	Letter of Intent
Attachment F:	Proposed Site Plan
Attachment G:	Proposed Floor Plans
Attachment H:	Proposed Elevations
Attachment I:	Draft Development Variance Permit (DVP)

Respectfully submitted

Nicole Capewell
Planner 1

Approvals

Director Development Services 	Chief Administrative Officer
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Attachment A – Subject Property Location Map

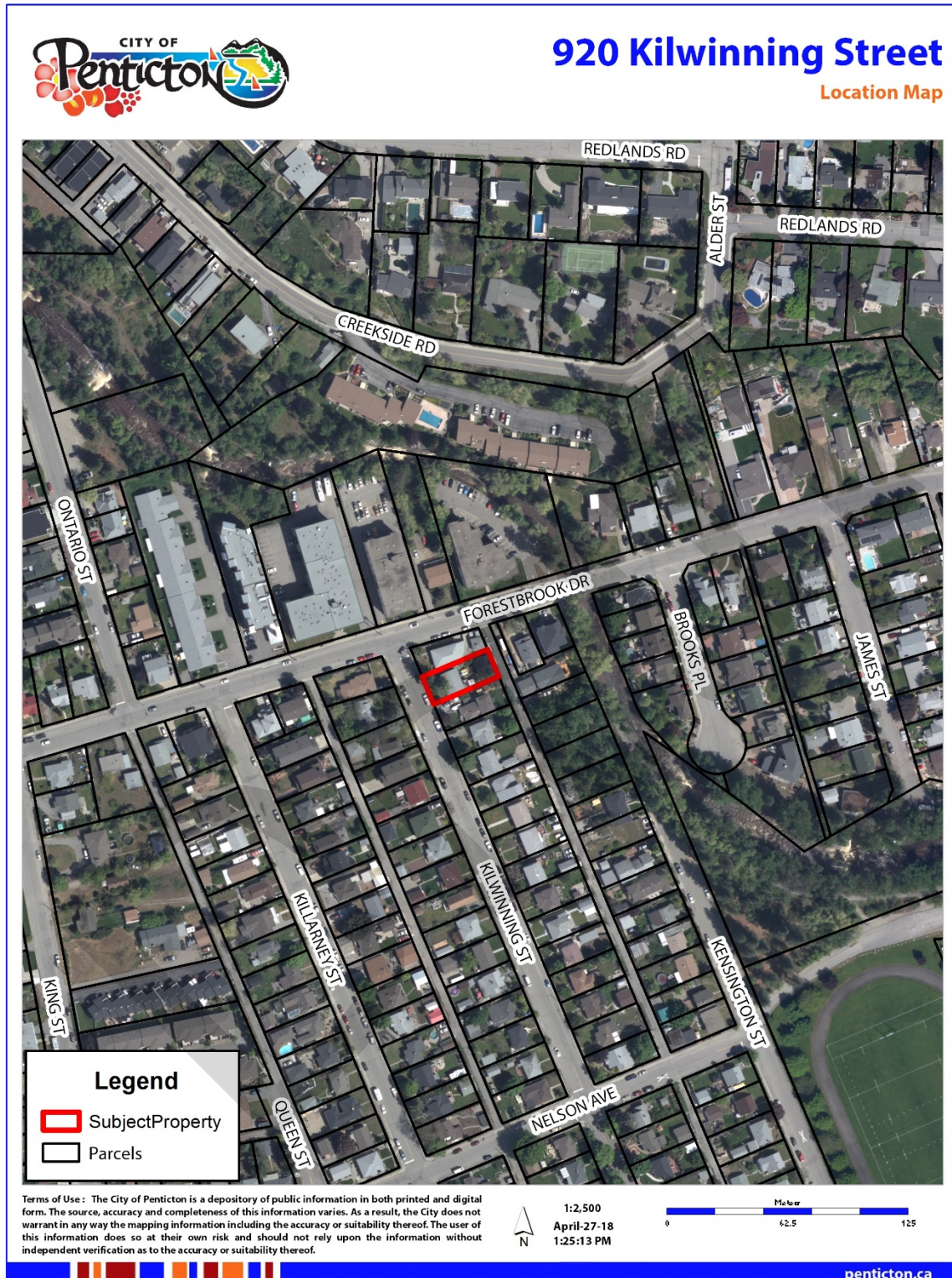


Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

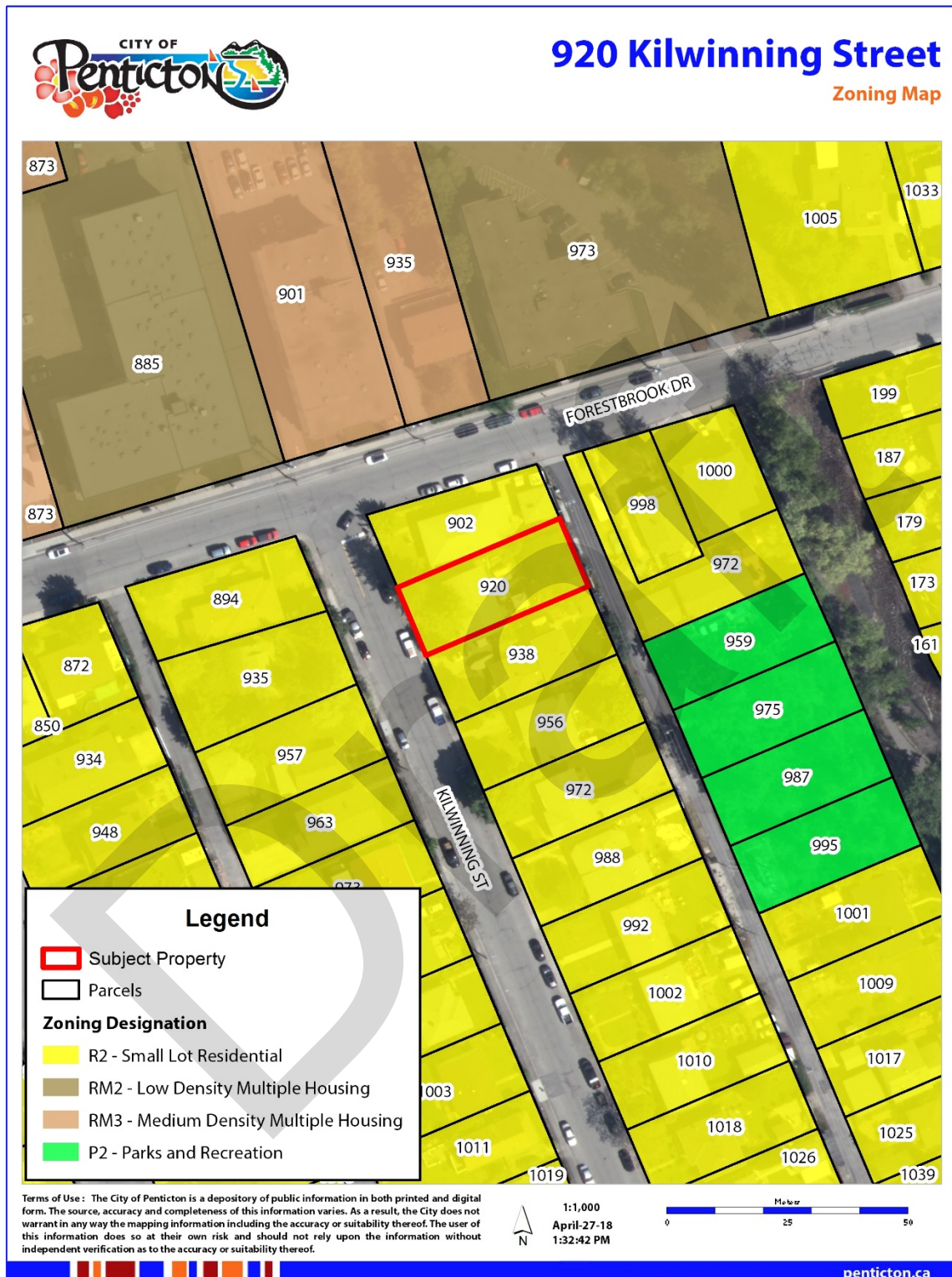


Figure 2 – Subject Property Currently Zoned R2 (Small Lot Residential)

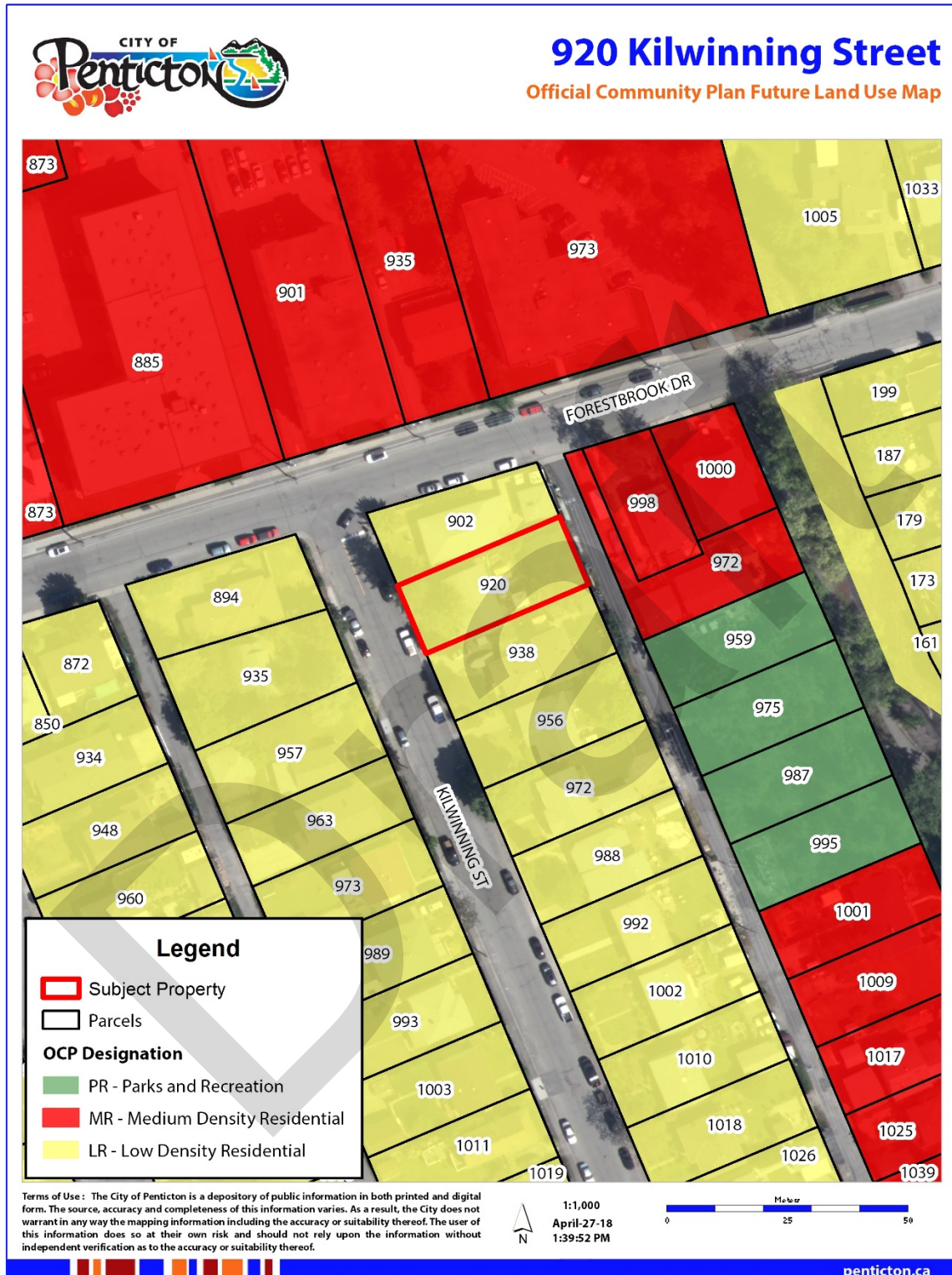


Figure 3 – Subject Property Currently Designated as LR (Low Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 4 – Looking toward front of 920 Kilwinning Street from Kilwinning Street (Principal Dwelling)



Figure 5 – Looking toward carriage house at 920 Kilwinning Street from lane



Figure 6 – Looking down northern property line of side yard at 920 Kilwinning Street (variance requested)



Figure 7 – Looking along rear property line of 920 Kilwinning Street (variance requested)



MACDONALD BUILDERS (CELTIC HOMES) LTD
Construction, Inspection & Development Services.
3009 West Bench Drive, Penticton, BC V2A 8Z8
778-476-4569

Attn: City Of Penticton Staff and Council.

Re: 920 Kilwinning St. Penticton.

Letter of Intent for Variance Application:

The property at 920 Kilwinning Street had a functioning carriage home until a fire destroyed the upper floor. The side yard and rear set backs were found not to confirm with City requirements for a carriage home and we are requesting a variance for these. The reasons are that the total lower foundation and lower floor wall structures were not damaged by the fire and are intent is to use this structure and keep its foot print.

Thank-you for your attention to this matter,

Grant MacDonald. (250-809-6820)

MacDonald Builders/Maccid Consulting.
3009 West Bench Drive
Penticton. BC. V2A 8Z8
Office: 778-476-4569
Fax: 778-476-4571
www.maccid.com

Figure 8 – Letter of Intent

Attachment F – Proposed Site Plan

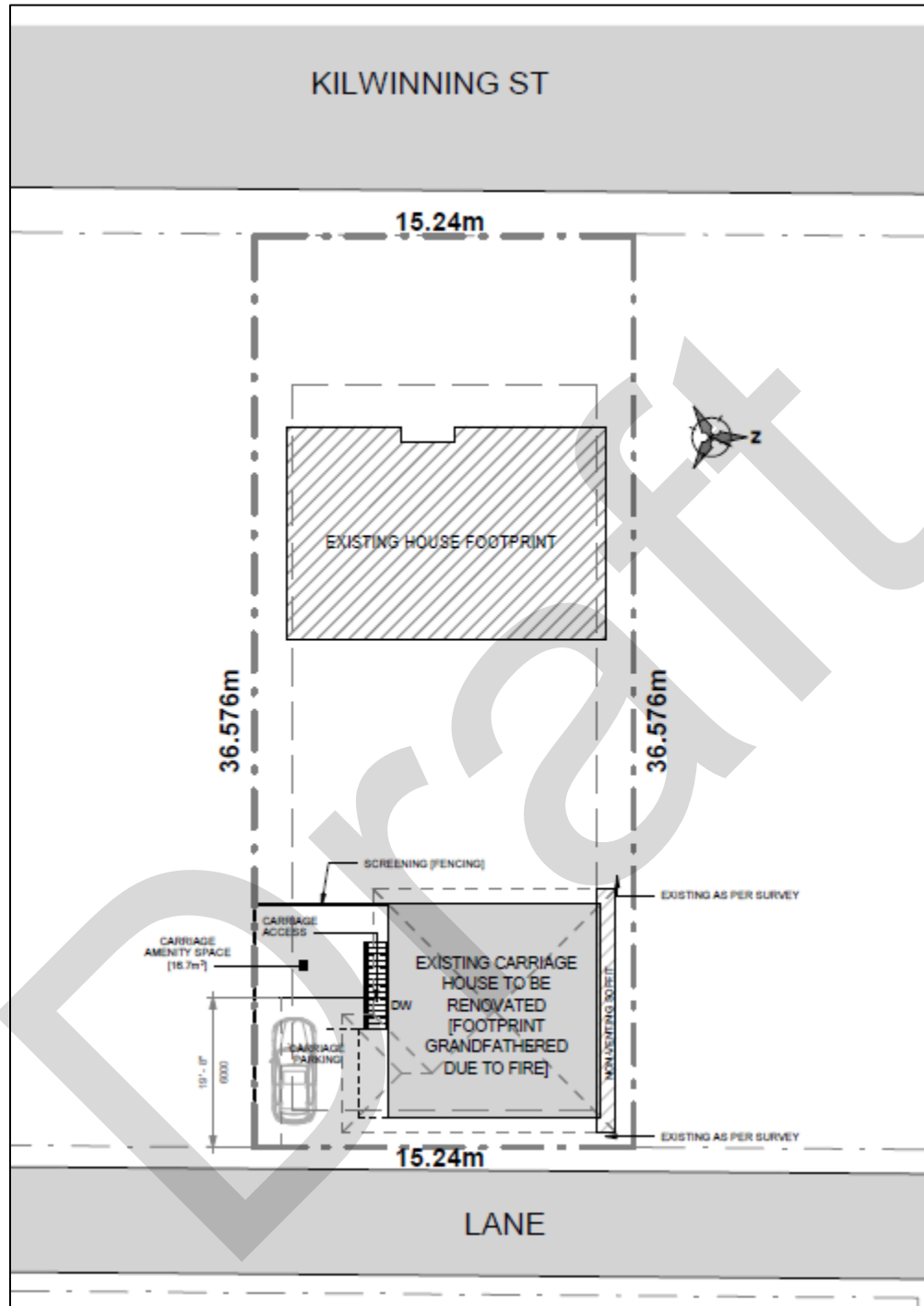


Figure 9 – Proposed Site Plan

Attachment G – Proposed Floor Plans

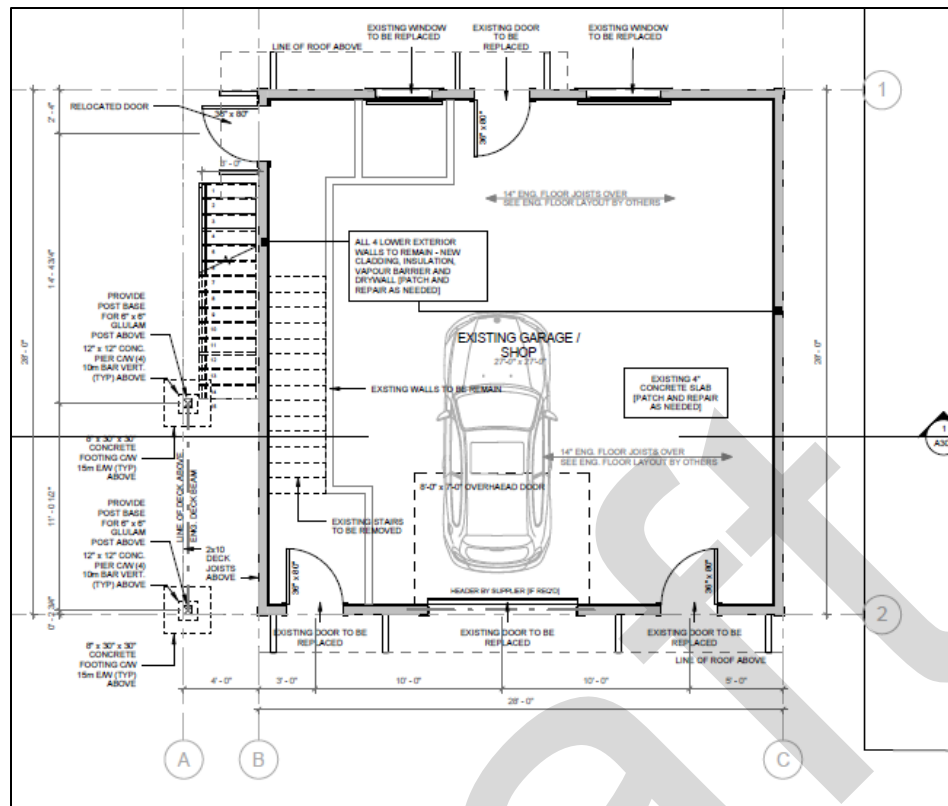


Figure 10 – Ground Floor Plan

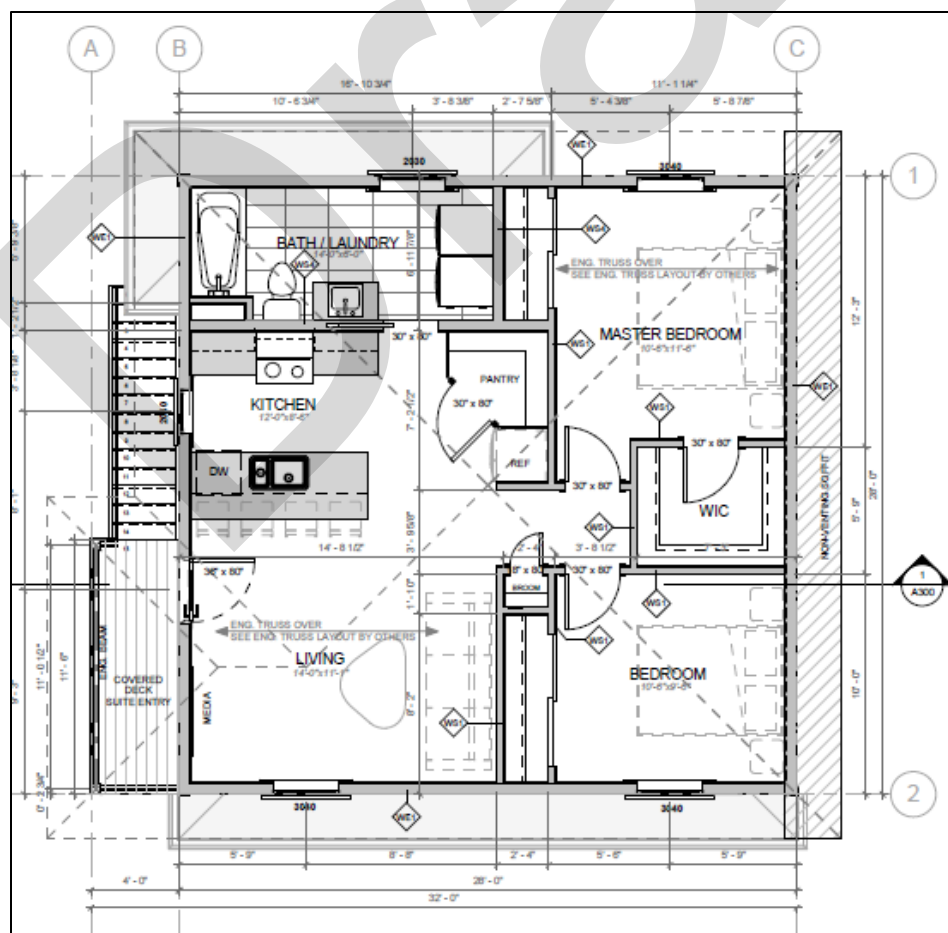


Figure 11 – Second Floor Plan

Attachment H – Proposed Elevations

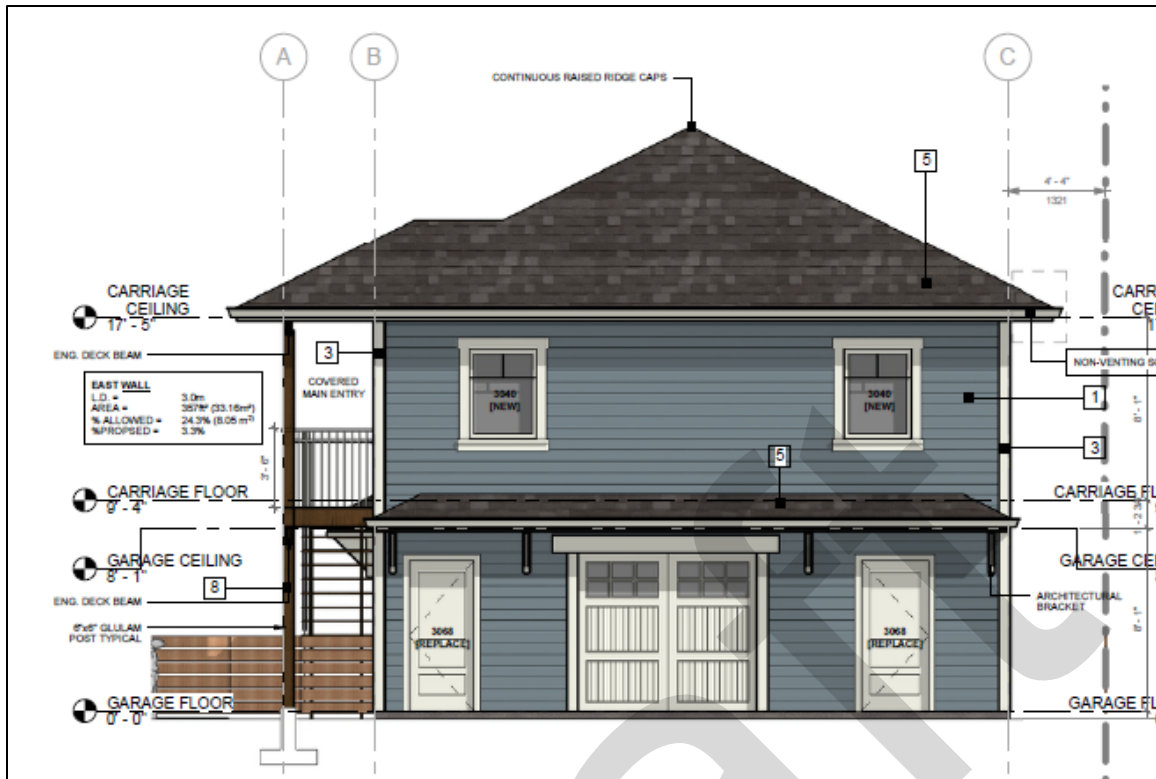


Figure 12 – East Elevation

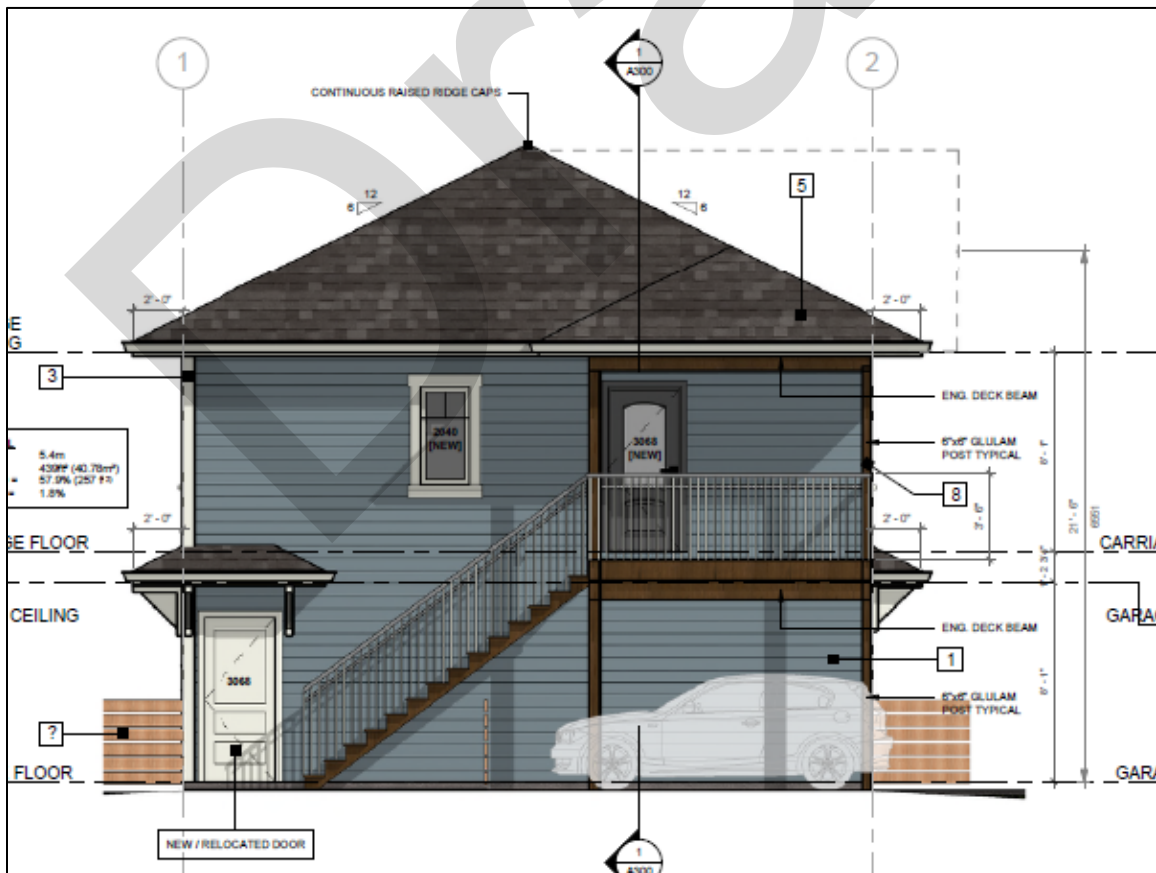


Figure 13 – South Elevation

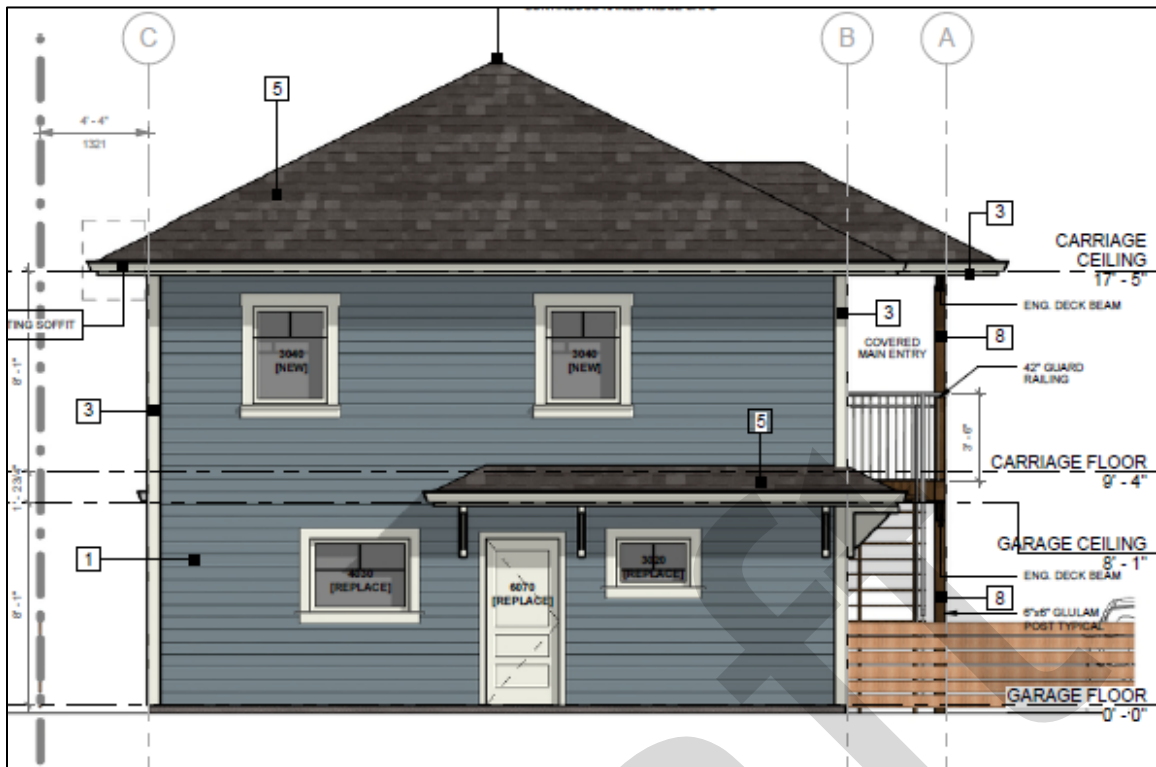


Figure 14 – West Elevation

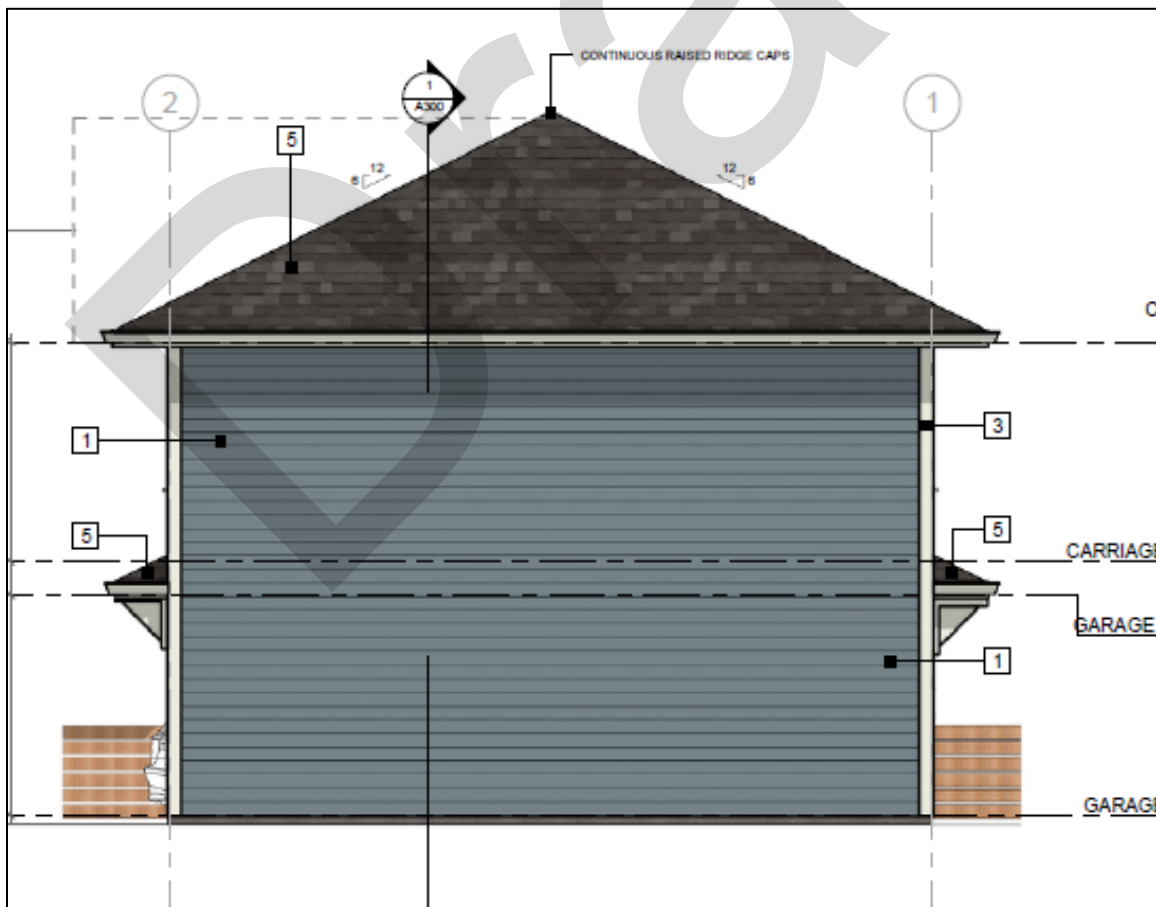


Figure 15 – North Elevation



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

Development Variance Permit

Permit Number: DVP PL2018-8234

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 106 District Lot 249 Similkameen Division Yale District Plan 1159
Civic: 920 Kilwinning Street
PID: 011-795-328
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a carriage house:
 - a. Section 10.2.2.6.i: to reduce the minimum interior (north) side yard from 1.5 m to 1.39 m; and
 - b. Section 10.2.2.7.i: to reduce the minimum rear yard from 1.5 m to 1.16 m.

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 ____ day of _____, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

DRAFT