

July 26, 2018

Subject Property:

142 Kendall Crescent

Lot A, District Lot 2710, Similkameen Division Yale
District, Plan 22535

Application:

Development Variance Permit PL2018-8249

The applicant is proposing to construct a carriage house at the rear of their property at 142 Kendall Crescent. The proposed design does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested a variance to the following sections of Zoning Bylaw No. 2017-08:

- Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and
- Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

Information:

The staff report to Council and Development Variance Permit PL2018-8249 will be available for public inspection from **Friday, July 27, 2018 to Tuesday, August 7, 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

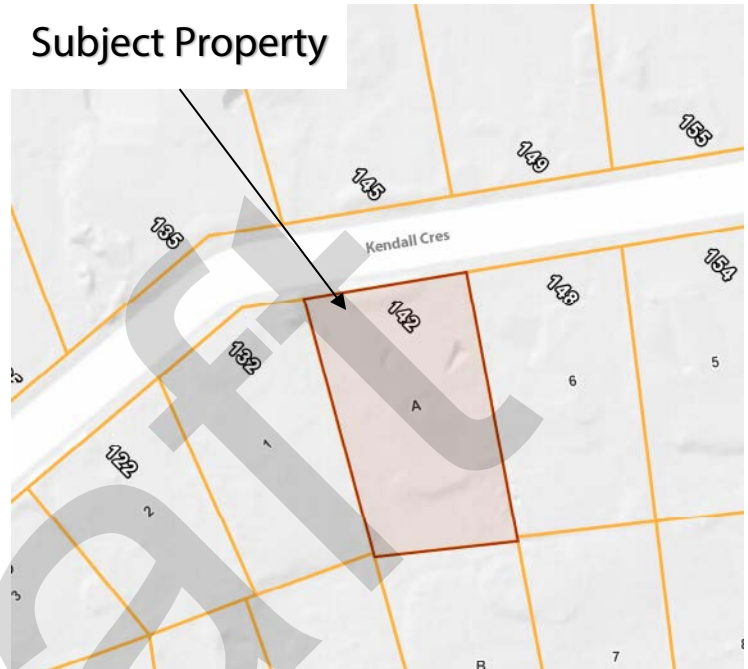
You can also find this information on the City's website at www.penticton.ca/publicnotice.

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, August 7, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Subject Property



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, August 7, 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 August 7, 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: August 7, 2018
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 142 Kendall Crescent
Subject: Development Variance Permit PL2018-8249

File No: PRJ2018-120

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2018-8249" for Lot A, District Lot 2710 Similkameen Division Yale District Plan 22535, located at 142 Kendall Crescent, a permit to vary the following sections of Zoning Bylaw 2017-08:

- Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and
- Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

AND THAT staff be directed to issue "DVP PL2018-8249" subject to all outstanding bylaw enforcement issues being brought into compliance.

Background

The subject property (Attachment 'A') is a large lot located just off of Ridgedale Avenue on Kendall Crescent. It is currently zoned R1 (Large Lot Residential) and is designated for low density residential (LR) by the City's Official Community Plan (OCP). The site is approximately 0.41 acres and currently has a single family house which was constructed in 1965. The property owner is intending to construct a carriage house. Carriage houses are a permitted use in the R1 zone, but a variance is being applied for to allow for a building that is taller and slightly larger than what is permitted by the Zoning Bylaw.

The surrounding neighbourhood consists of R1 (Large Lot Residential) zoned properties (Attachment 'B'), and is also designated for low density residential (LR) by the City's OCP (Attachment 'C'). The Kendall Crescent neighbourhood features significantly larger lots than the surrounding area. The average lot size of properties on this street is 0.63 ac. The lots located on the northern side of Kendall Crescent

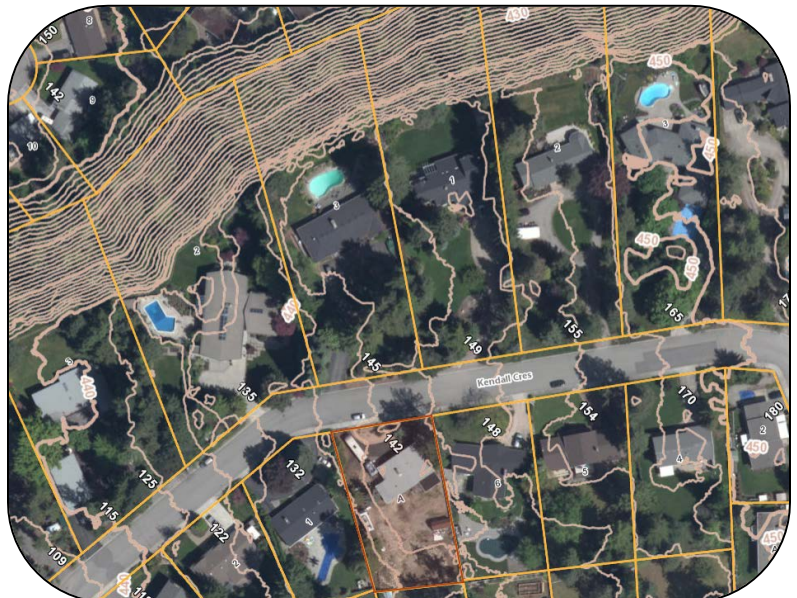


Figure 1 - Contours (1m intervals) on Kendall Crescent

extend up to 100m in depth, and are significantly sloped at the northern property line (See Figure 1 – Contours on Kendall Crescent).

In July 2017, a bylaw complaint was received regarding the subject property. The two bylaw issues that were brought forward included:

1. Storage of mobile vending units (mobile food trucks); and
2. Secondary suite within single family dwelling (without existing Building Permit).

The City's Property Use and License Inspector has been corresponding with the property owner in an attempt to address these bylaw concerns. The property owner has been instructed to remove all mobile vending units from the property, and to apply for a Building Permit to decommission the previously existing secondary suite. As of the writing of this report, the property owners are continuing to work with staff to address the outstanding bylaw infractions.

Proposal

The applicant is proposing to construct a carriage house at the rear of their property at 142 Kendall Crescent. The proposed design does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested a variance to the following sections of Zoning Bylaw No. 2017-08:

- Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and
- Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

Financial Implication

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

Technical Review

This application was forwarded to the City's Technical Planning Committee and was reviewed by the Engineering and Public Works Departments. 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 R1 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	1,659 m ²
Maximum Lot Coverage:	40%	18.6%
Vehicle Parking:	4 (2 – Single Family Dwelling; 1 – Home Based Business; 1 – Carriage House)	4+
Maximum Building Footprint	90m ²	107.7m ² - Variance Requested
Required Setbacks Front Yard (north): Interior Side Yard (east): Interior Side Yard (west): Rear Yard:	6.0 m 1.5 m 1.5 m 1.5 m	~40 m 2.79 m ~16 m 2.42 m
Maximum Building Height	7.0 m	7.33 m – Variance Requested

Analysis

When considering a variance to a City bylaw, staff consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. To construct the proposed carriage house, the applicant is requesting a variance to the following sections of Zoning Bylaw No. 2017-08:

1. Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²
2. Section 8.2.3.3: to increase the maximum height from 7.0m to 7.33m.

As indicated in the proposed plans (Attachment 'G'), the carriage house will have a basement, main floor and a loft. The proposed building will feature 5 bedrooms and 3 bathrooms. The building is designed so that the top floor (loft) is slightly smaller than the main floor, creating a visually appealing design. The total floor space of the proposed carriage house will be 256 m² (2,755.84 sq. ft.) (See Figure 2 – Carriage House Area Calculations). *[This calculation does not include the sunken patio or mechanical room, both located on the basement level.]*

<u>Carriage House Area Calculations:</u>	
<u>Basement</u>	
-Mech. Room-	21.5sq.ft.
-Patio-	196sq.ft.
-Stairs-	35.5sq.ft.
-Living Area-	905.67sq.ft.
-Total Footprint-	1,158.67sq.ft.
<u>Main Floor</u>	
-Stairs-	41sq.ft.
-Sun Deck-	196sq.ft.
-Living Area-	921.67sq.ft.
-Total Footprint-	1,158.67sq.ft.
<u>Loft Floor</u>	
-Stairs-	30sq.ft.
-Sun Deck-	106sq.ft.
-Living Area-	513.87sq.ft.
-Total Footprint-	656sq.ft.
<u>Total Living Area- 2341.21sq.ft.</u>	
MAX Footprint-	968ft.sq. - (90m ²)
Proposed Footprint-	1,158.67ft.sq. - (107.6m ²)

Figure 2 - Carriage House Area Calculations

Some features of the carriage house that should be noted are the available sun deck and patio areas. There is outdoor space located on each level of the building. An 18m² (196 sq. ft.) sunken patio is located on the basement level, which is located underneath the sun deck of the main floor (Attachment 'G'). The sun deck located on the main floor is also 18m² (196 sq. ft.) and faces towards the western property line. On the upper loft level there is sun deck on the north side of the building which is 9.8m² (106 sq. ft.)

The request for the increase in building footprint can be partly attributed to the large sundeck located on the main floor. This is the approximate floor area that the carriage house is over in building footprint (17m² over the maximum building footprint permitted). The request for the increase in building height is caused by the decrease in grade along the western side of the building (Figure 3 – Rendering of Proposed Carriage House). At this side of the building, the grade will be decreased to accommodate the stairway access into the basement of the carriage house. To achieve this, the applicant is proposing to regrade the proposed location of the carriage house, and a large portion of the backyard. Images of the backyard currently are attached as Attachment 'D'.



Figure 3 - Rendering of Proposed Carriage House

Intent of Carriage House

The City's Zoning Bylaw currently permits carriage houses as accessory suites in most residential zones, provided that they meet the carriage house regulations. The carriage house regulations were put in place to minimize the negative impact that these houses may have on the neighbourhoods in which they are constructed. The City's Zoning Bylaw 2017-08 currently defines that a "*Carriage House means a second dwelling unit located on a residential lot with an existing single detached dwelling. A carriage house may be a purpose-built structure, or a renovated garage or accessory building*". The intent of this definition is that the carriage house should be subordinate to the principal residence.

The existing single family dwelling has a building footprint of approximately 148m² (1,599 sq. ft.), which includes the carport and a small addition that is currently being completed on the south side of the house. The proposed plans (Attachment 'G') for the carriage house indicate that the total building footprint would be 107.7m² (1,157 sq. ft.). It is also noted that the single family dwelling is a single storey bungalow (with a basement) and the proposed carriage house will be 2 storeys above grade, with a basement located below grade.

Neighbourhood Context

As previously mentioned, the Kendall Crescent neighbourhood features large lots. Aside from the steep slope displayed in Figure 1 (Contours on Kendall Crescent), there are minimal constraints that would impact building in this area. The subject property is relatively flat and is not considered hillside development.

In 2011, a Development Variance Permit was issued at 125 Kendall Crescent to allow a carriage house to be constructed. Aside from this permit, there have not been any other variances associated with carriage houses issued in this neighbourhood. The carriage house at 125 Kendall Crescent is also the only carriage house that the City has record of in this neighbourhood.

Within the report to Council for these variances at 125 Kendall Crescent, Staff discussed that the subject property was almost an acre in size, which is larger than most urban lots in the City. The large size of the property thus provided adequate space for a larger carriage house without negatively impacting the neighbourhood. The variance also permitted an increased building height (for the carriage house) of 7.5m, although the carriage house was only constructed to 6.7m high. It is important to note that this variance application was supported by a list of signatures from the surrounding neighbourhood.

Impacts of Requested Variance

In staff's consideration, the impact of the two requested variances are minor. The height variance will allow the property owner to increase the building height from 7.0m to 7.33m, which is not a significant increase. This minor height increase will allow for higher ceilings, and maintaining the current design of the building. As previously mentioned, the height variance can also be attributed to the grade change along the western side of the building to accommodate the stairway access. However, the additional 0.33m of height is not significantly greater than the currently permitted 7.0m height, and does not, in staff's consideration, pose any significant impacts to the neighbourhood.

The requested building footprint increase from 90m² to 107m² is also a minor variance, and is primarily to allow for the sun deck located on the main floor. The sun deck (on the main floor) is approximately (18m²), and will increase the livability of the carriage house for the future occupants, allowing them a large amenity space outdoors.

The proposed design of the carriage house includes a tiered loft floor, which is significantly smaller than the main floor. This design assists in mitigating the impact to the neighbours directly adjacent. It also assists in reducing the appearance of a large building mass.

Once making submission of the variance application, the applicant's contacted their neighbours to inform them of the requested variances. The City's Carriage House Bulletin recommends that property owners wishing to construct a carriage house speak with their neighbours to take into consideration any concerns that they may have. The applicant's received several signatures of support from neighbours in the area. This information can be made available by the applicant upon request.

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. In this case, staff considers that the requested variances are minimal in nature and will not directly have a negative impact on the neighbourhood.

OCP Policy

Carriage houses are an appropriate form of infill development within existing neighbourhoods. Increasing housing costs and the limited availability of land have created a demand for this type of housing. Carriage

houses are a permitted use in the R1 – Large Lot Residential Zone. There are many benefits associated with carriage houses including:

- Supporting aging in place;
- Providing a mortgage helper to property owners;
- Increasing density on existing infrastructure; and
- Increasing property value.

In general, the City supports carriage houses within existing neighbourhoods. The proposed development is supported by the following objectives of the City's Official Community Plan:

- Facilitate the provision of a variety of housing types, tenures and densities that will continue to respond to the diverse needs, including income levels, of individuals and families in Penticton at varying stages of their life.
- Maintain the character of existing single family neighbourhoods in Penticton.

Summary

In conclusion, the applicant is requesting a variance to increase both the building footprint and the height of a proposed carriage house at 142 Kendall Crescent. Staff consider that the proposed variances are minimal in nature, and do not negatively impact the neighbourhood. It is also noted that a property within this neighbourhood was previously (2011) granted a variance permit to increase the size and height of a carriage house. In reviewing variances, Council should consider the impact on the neighbourhood, and whether there is rationale and/or mitigation efforts to reduce the potential impacts of the variances being requested.

Given the above, there is policy to support the proposed variances and support is recommended for issuance of "Development Variance Permit PL2018-8249". Staff are recommending that issuance of the permit be subject to compliance with bylaw enforcement order decommissioning the secondary suite and removing all of the mobile vending carts from the property.

Deny Zoning Amendment Bylaw

Council may consider that the proposed variance could negatively affect the neighbourhood, in particular, the adjacent neighbours. The variances (building footprint and building height) could potentially not be required if the carriage house design was changed to remove the basement access. This would eliminate the stairway into the basement and allow the grade to be brought back up to the same grade as the rest of the carriage house (See Figure 3 – Rendering of Proposed Carriage House). In removing this stairway, and removing the sunken patio on the basement level, the sun deck on the main floor would then be located at grade. The Zoning Bylaw does not include decks that are less than 0.6m above grade in the calculation of building footprint. This design change could eliminate the requirement for both variances.

If Council decides that the proposed variances will negatively impact the neighbourhood, and that the design should be changed to meet the existing regulations for building footprint and height as set out in the City's Zoning Bylaw, Council should deny the variance.

Alternate Recommendations

1. THAT Council support "Development Variance Permit PL2018-8249" with conditions.
2. THAT "Development Permit PL2018-8249" 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 Building Elevations
Attachment I:	Proposed Renderings
Attachment J:	Draft Development Variance Permit (DVP)

Respectfully submitted,

Nicole Capewell
Planner 1

Approvals

Director Development Services 	Chief Administrative Officer
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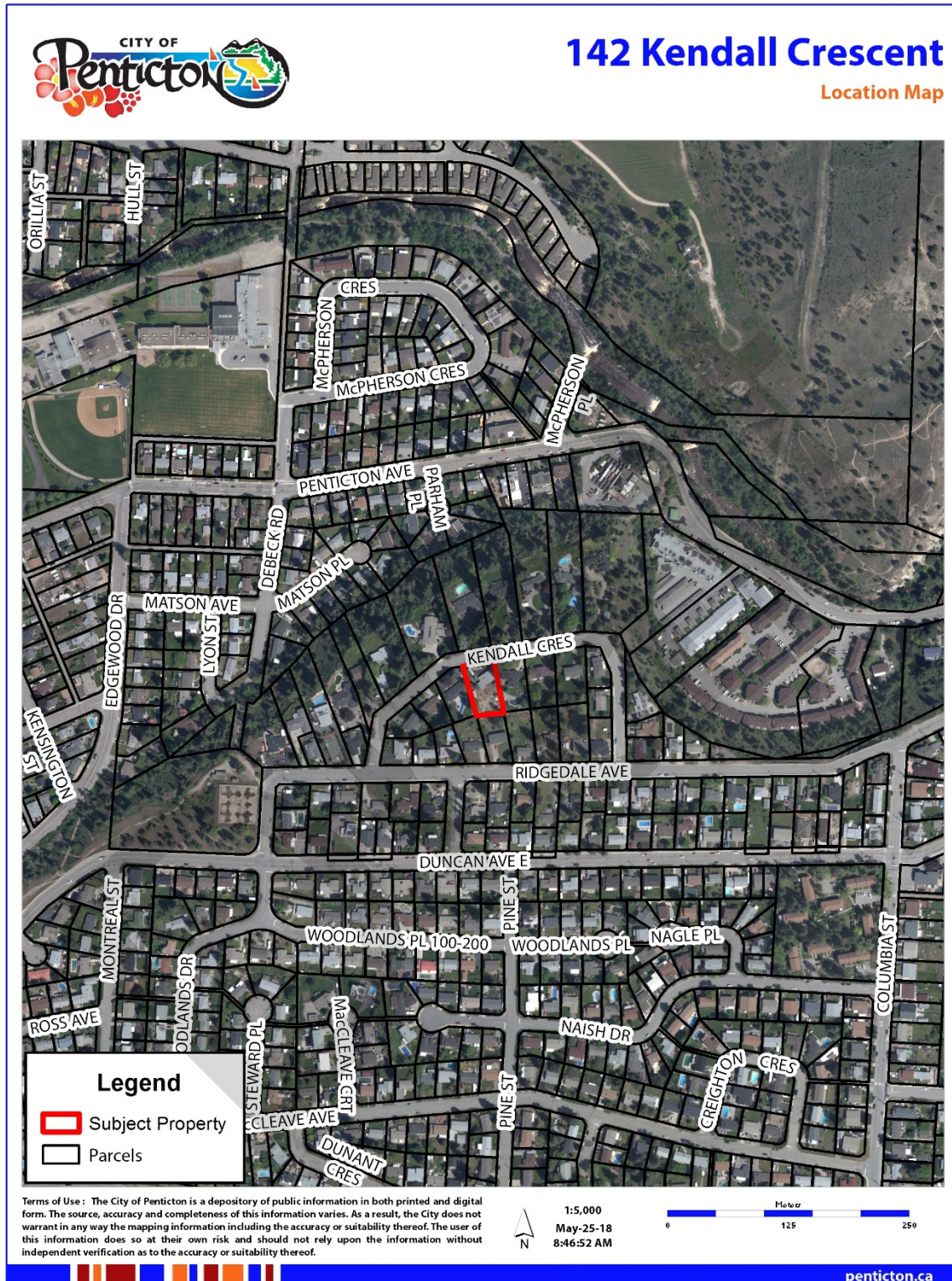


Figure 4 – Subject Property Highlighted in Red



Attachment B – Zoning Map of Subject Property

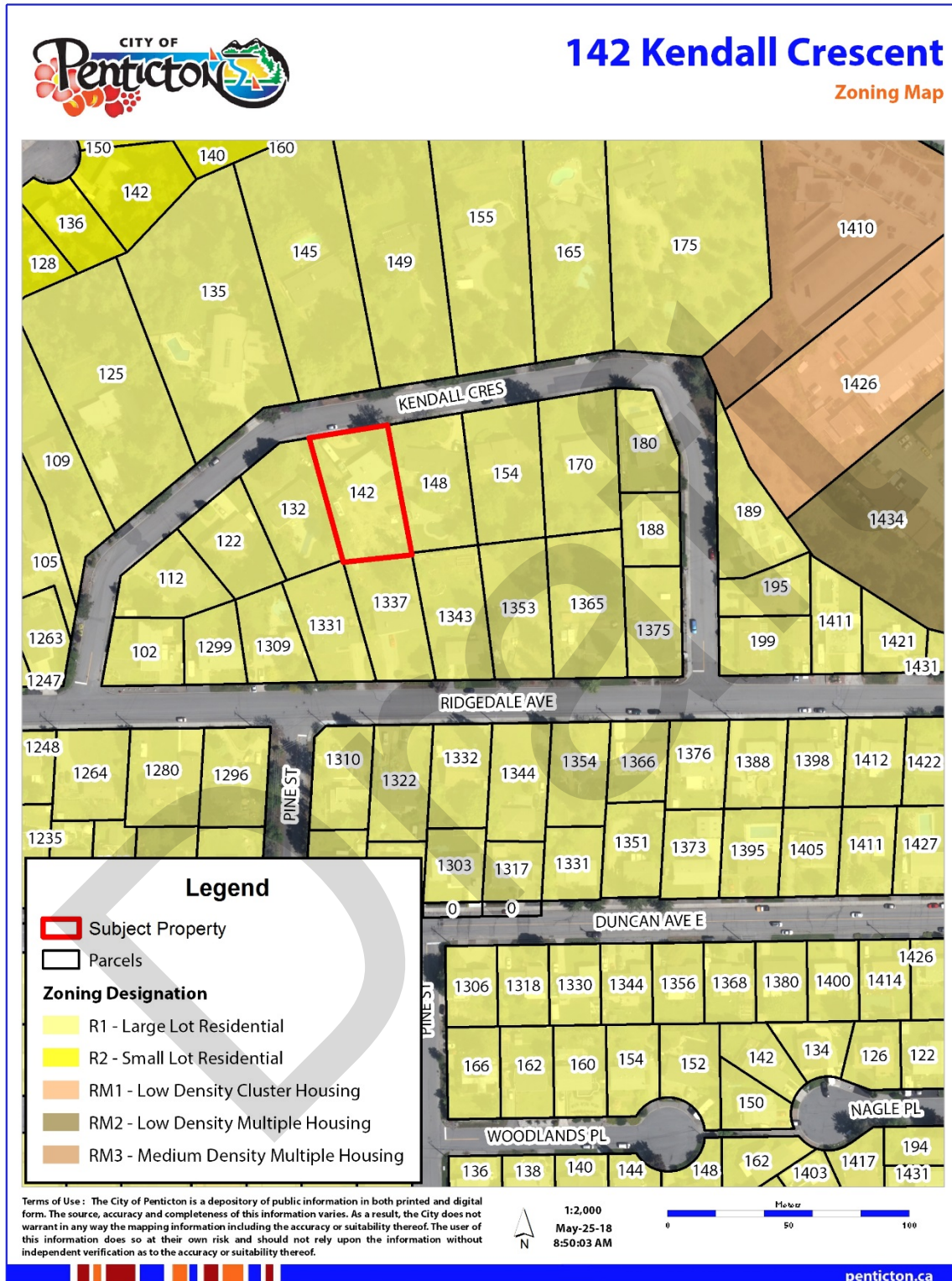


Figure 6 – Subject Property Currently Zoned R1 (Large Lot Residential)

Official Community Plan Future Land Use Map



Attachment D – Images of Subject Property



Figure 8 – Looking toward proposed siting of carriage house in backyard of 142 Kendall Crescent



Figure 9 – Backyard to be re-graded to maintain same grade across the backyard



Figure 10 – Looking toward proposed siting of carriage house in backyard of 142 Kendall Crescent



Figure 11 – Looking toward west elevation of proposed carriage house in backyard of 142 Kendall Crescent

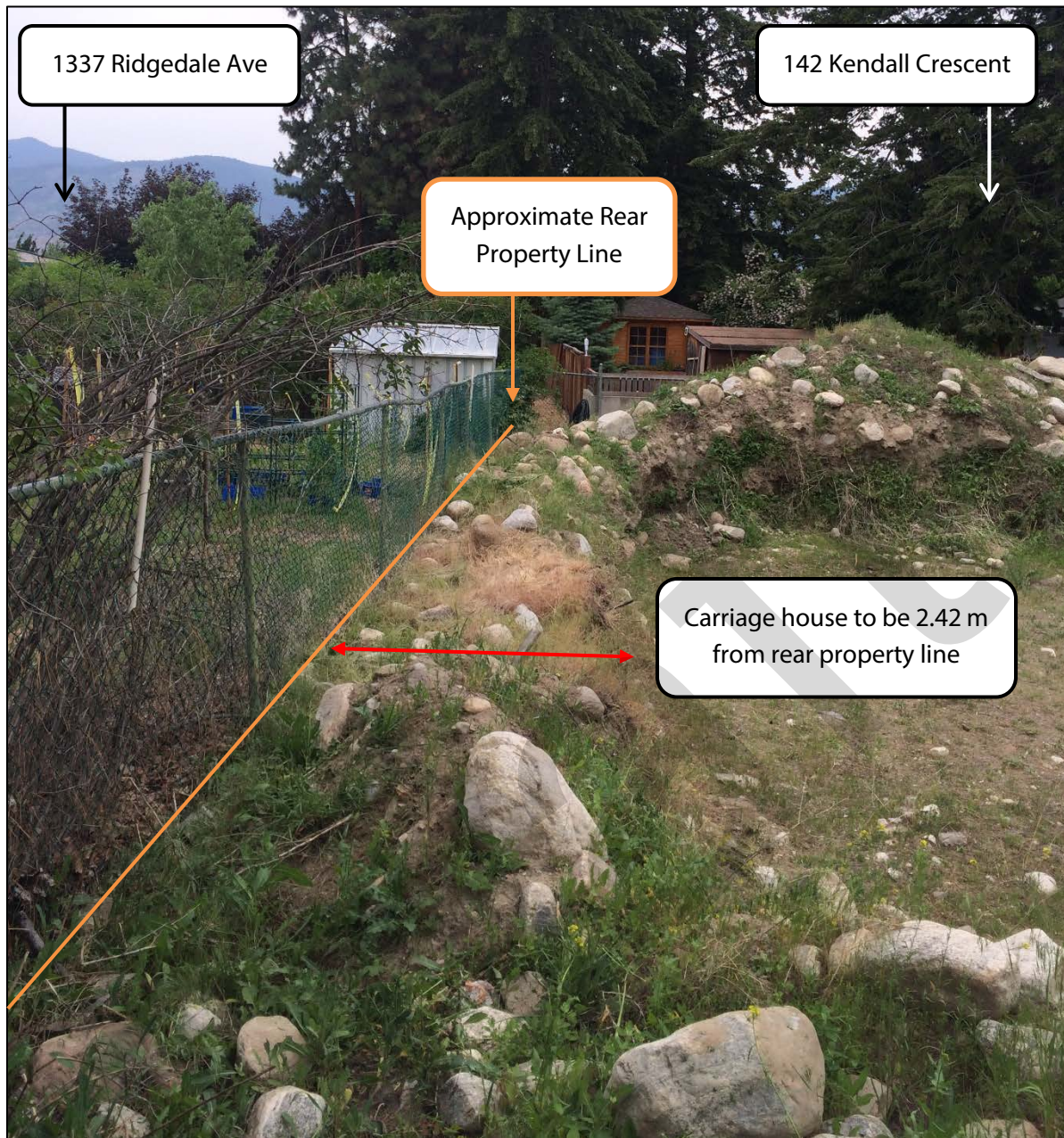


Figure 12 – Looking down southern property line (bordering 1337 Ridgedale Avenue) – Carriage house proposed at 2.42m from rear (south) property line

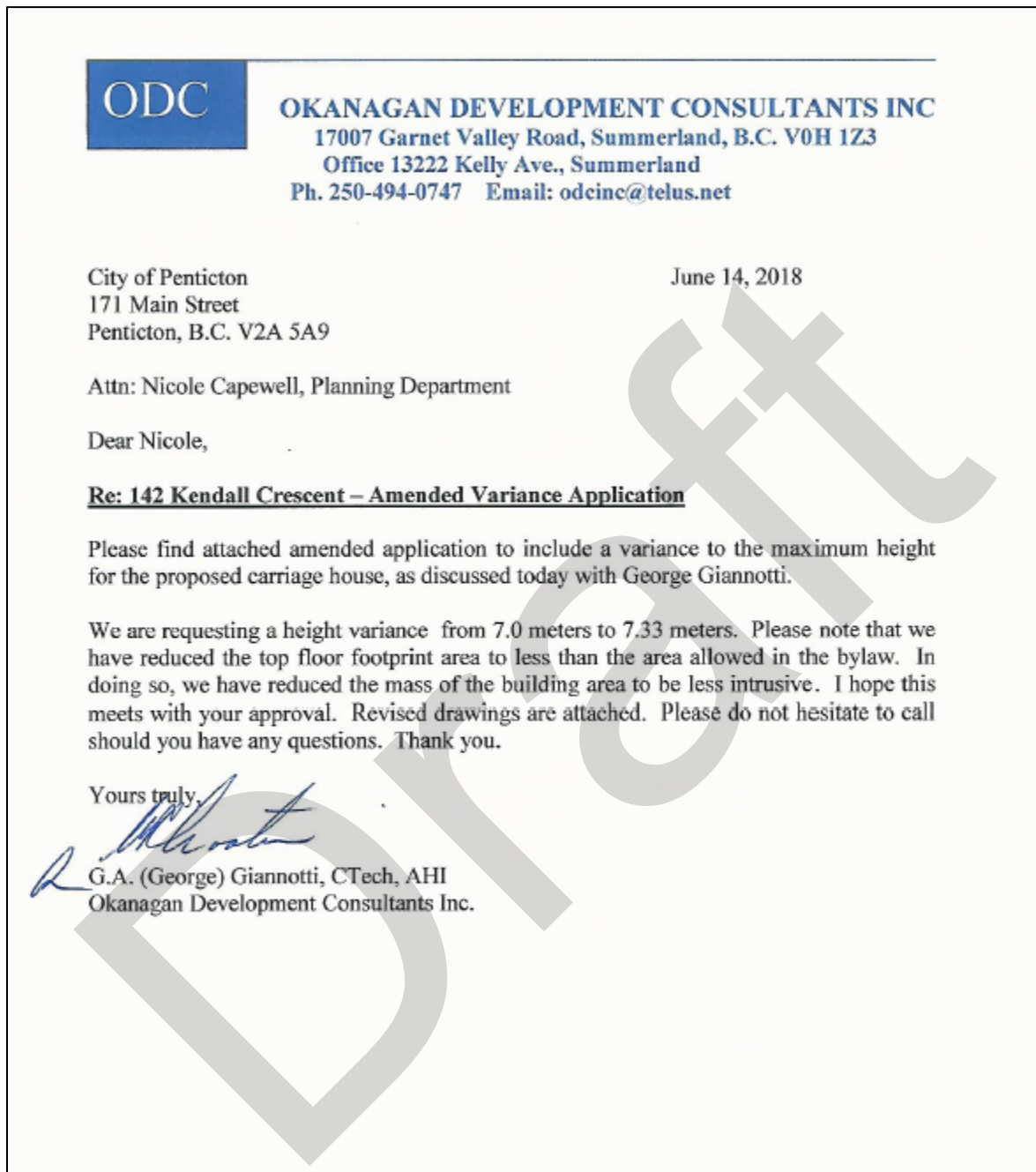


Figure 13 – Letter of Intent

Attachment F – Proposed Site Plan

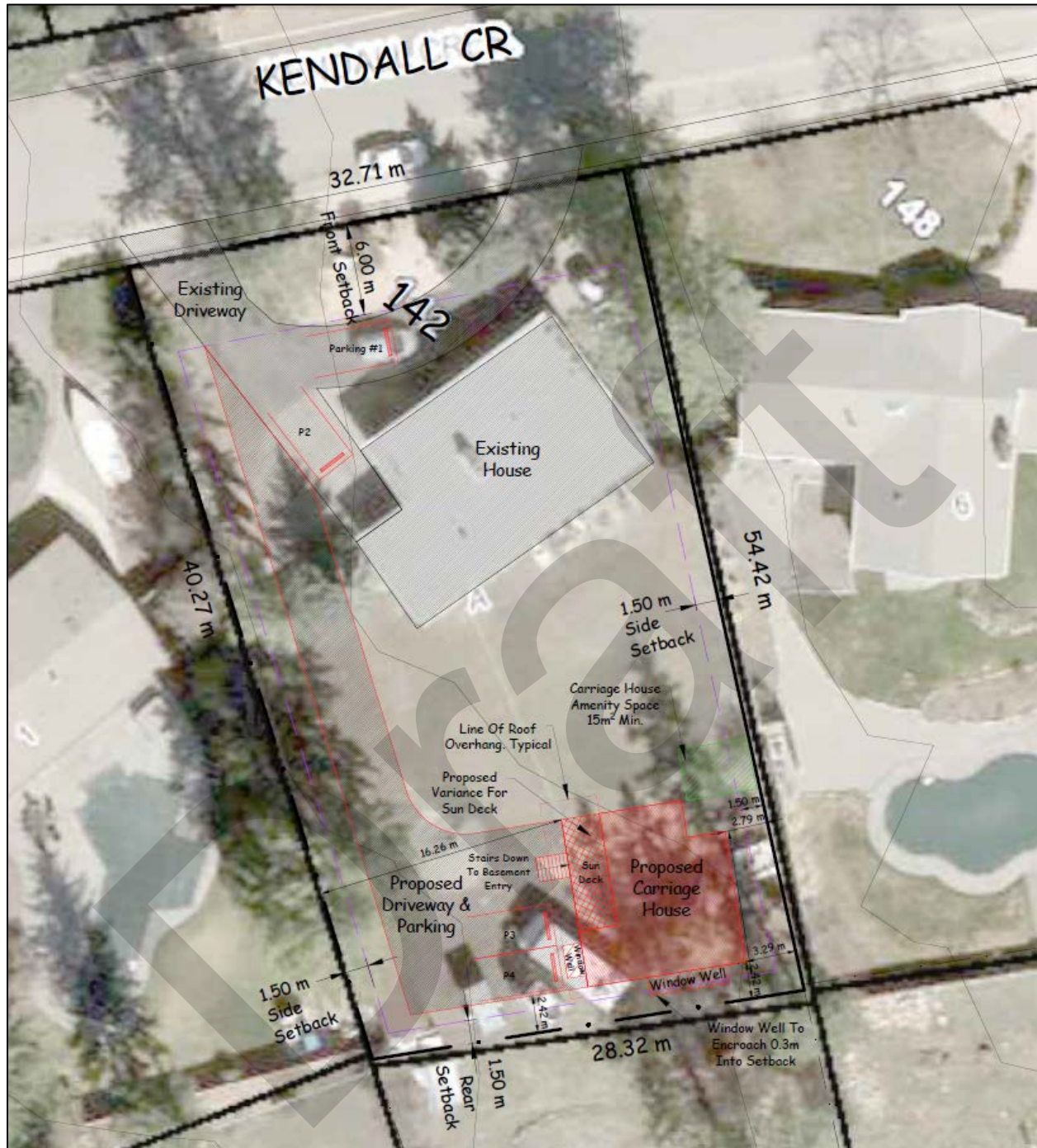


Figure 14 – Proposed Site Plan

Attachment G – Proposed Floor Plans

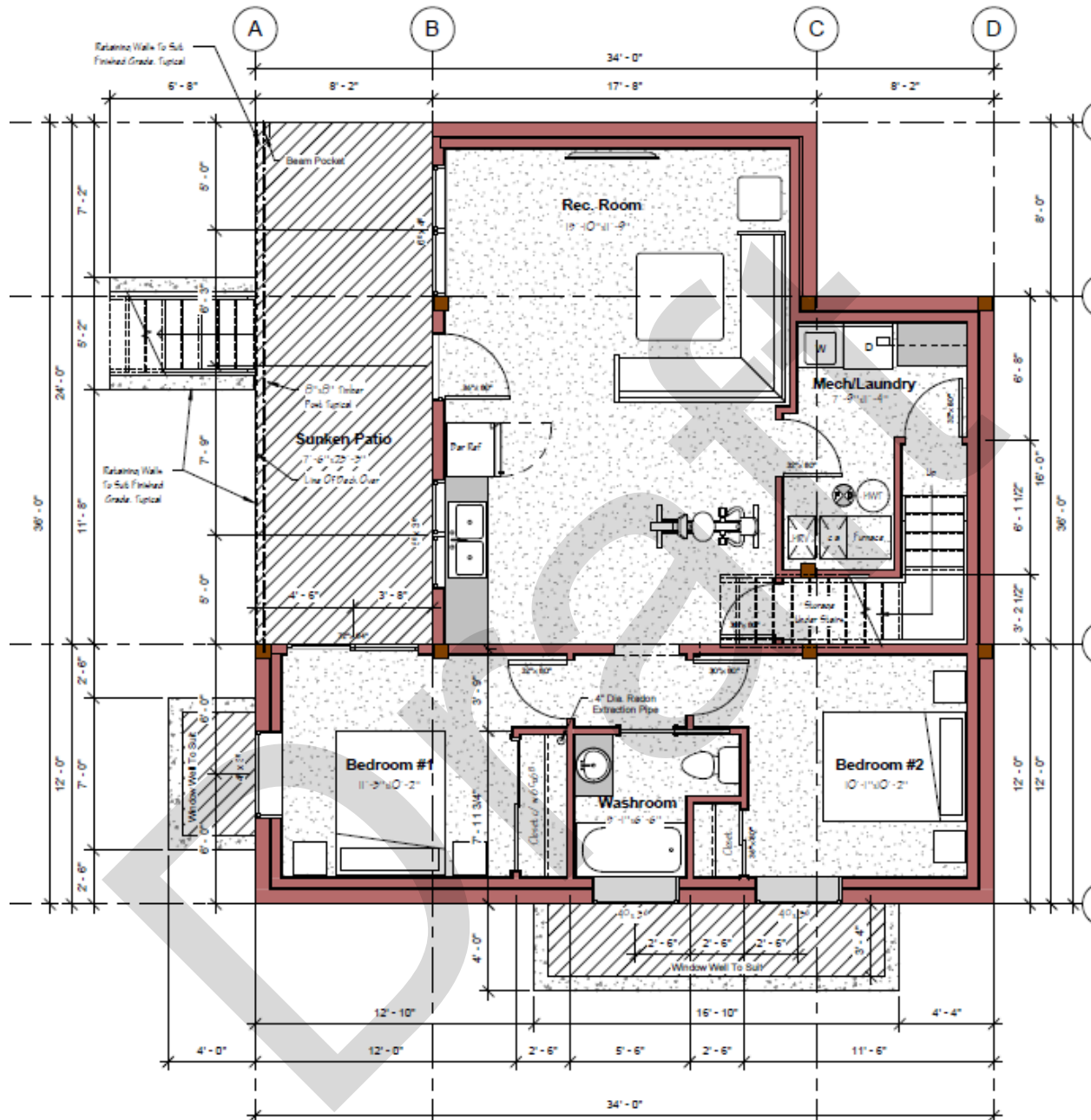


Figure 15 – Proposed Basement Floor Plan

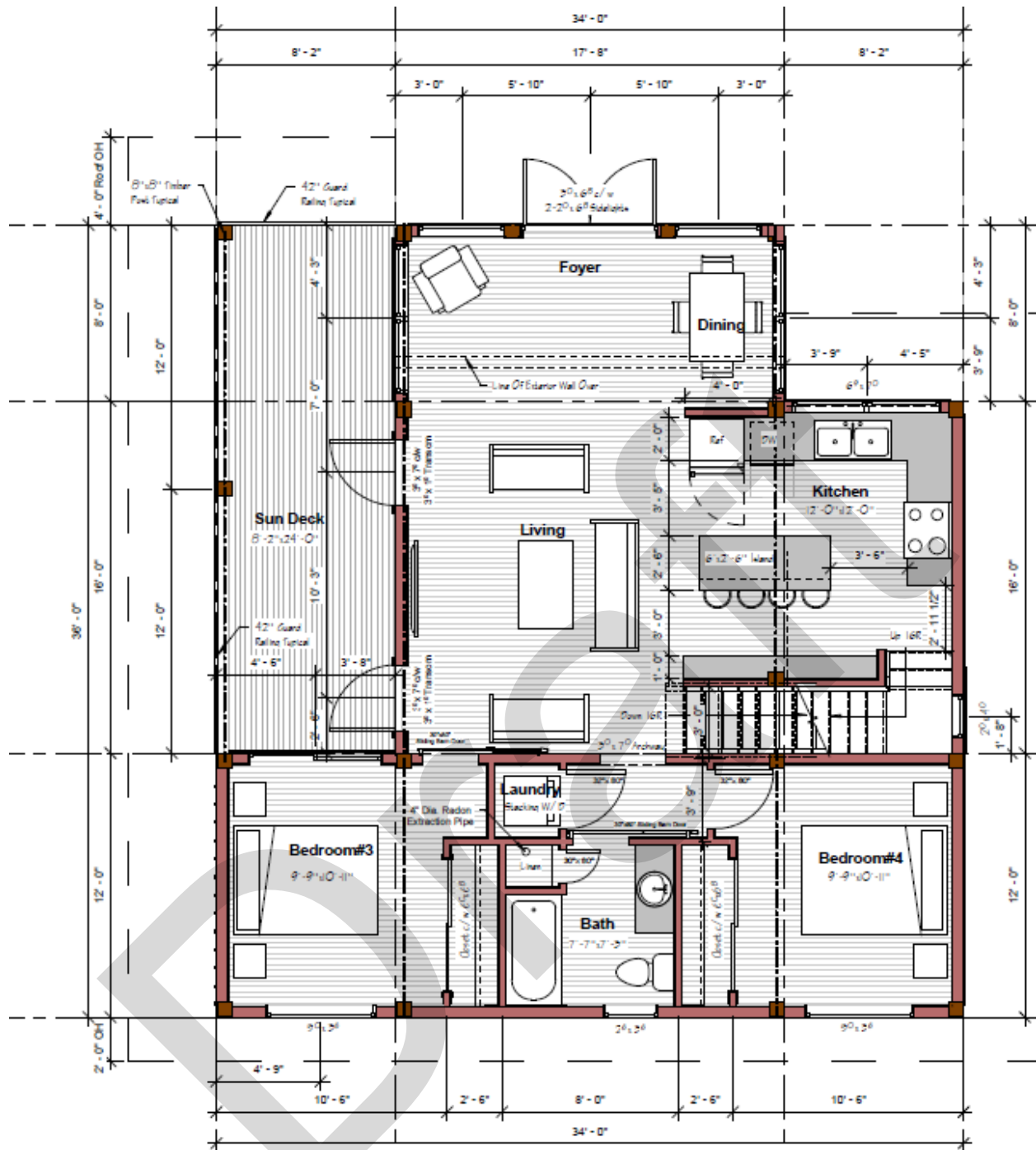


Figure 16 – Proposed Main Level Floor Plan

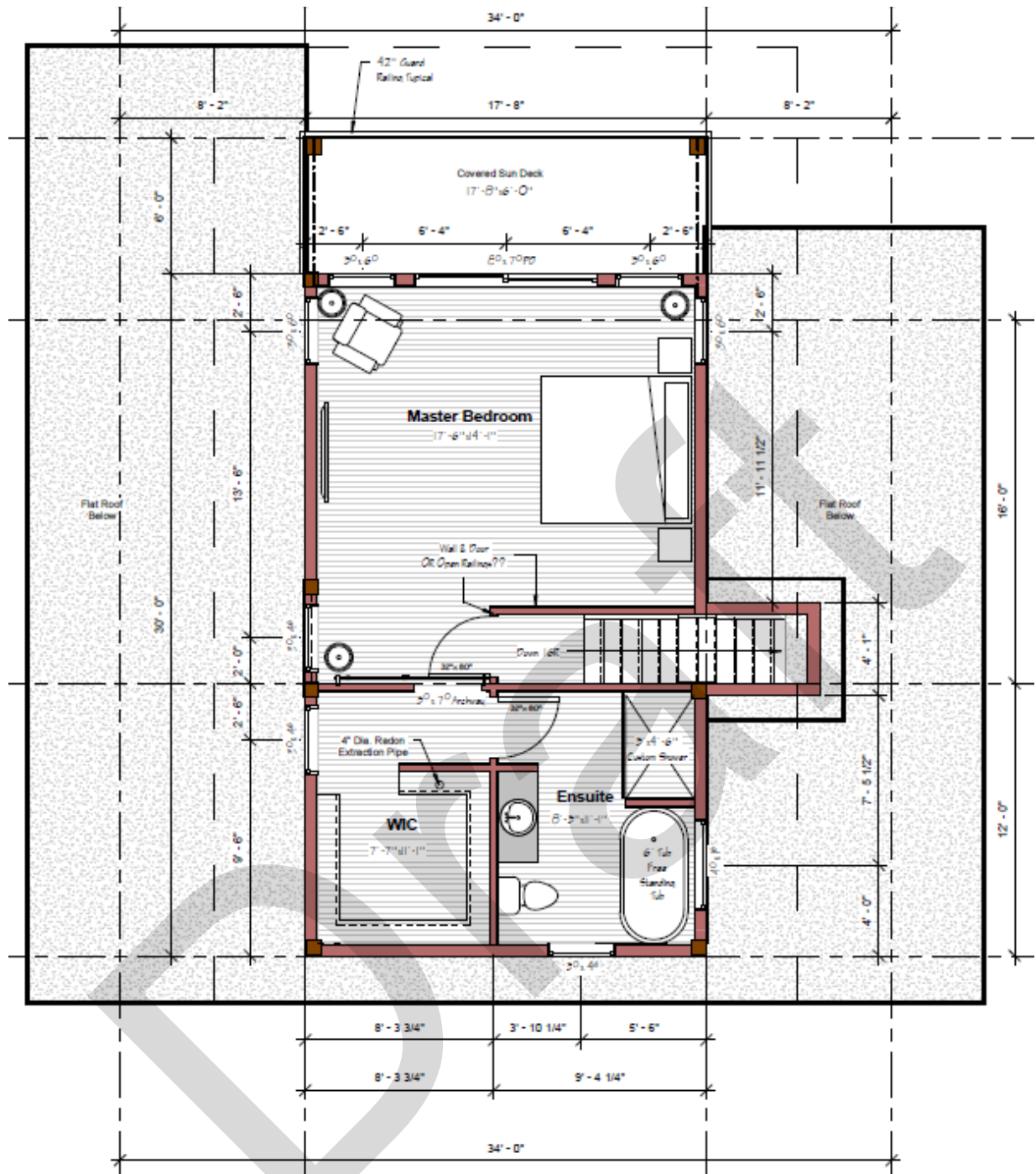


Figure 17 – Proposed Loft Floor Plan

Attachment H – Proposed Building Elevations

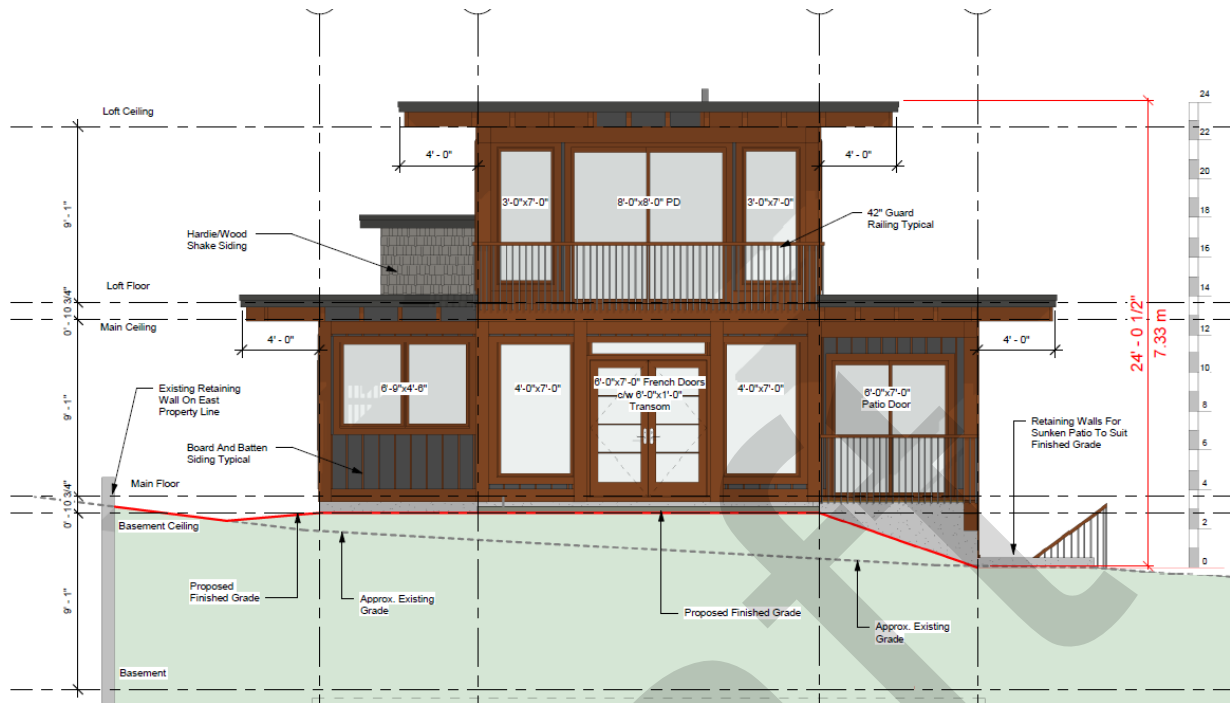


Figure 18 – Proposed North Elevation

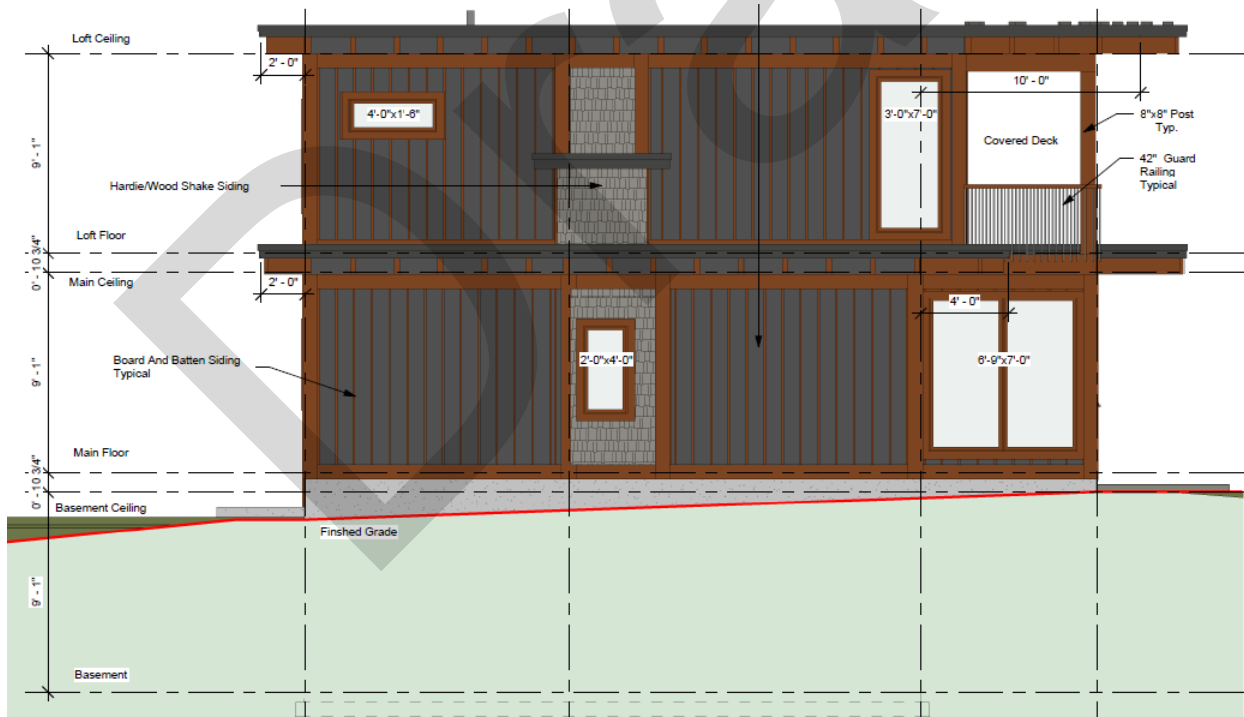
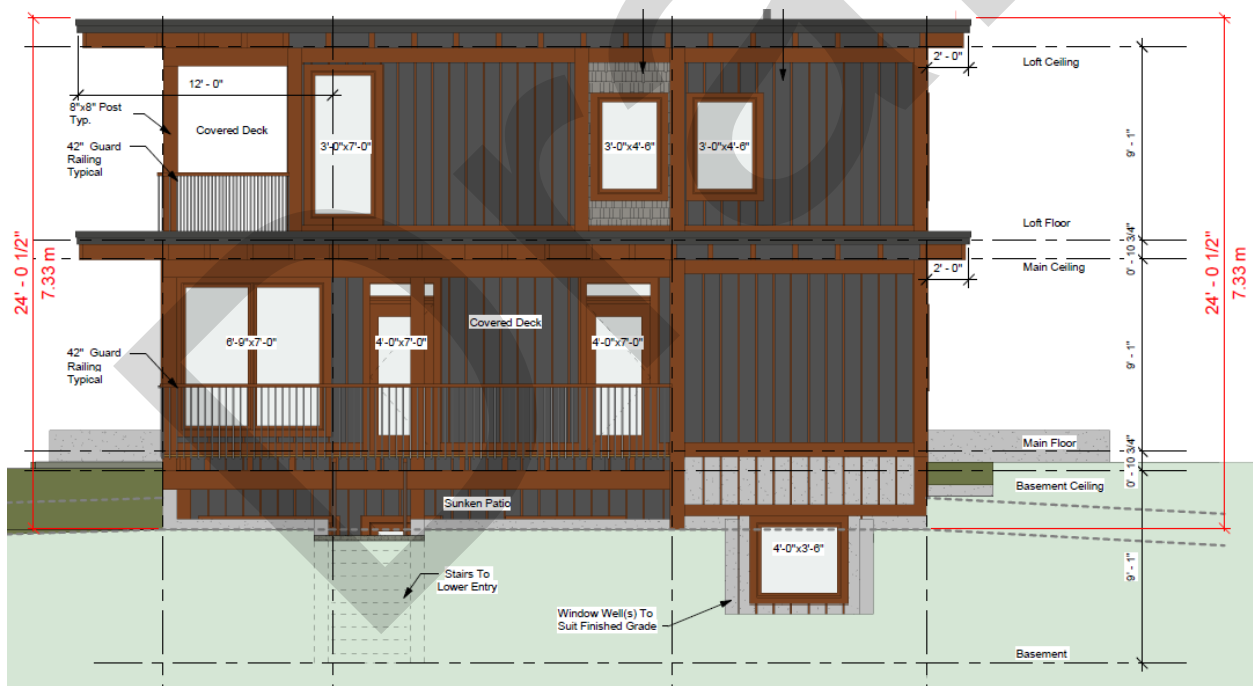
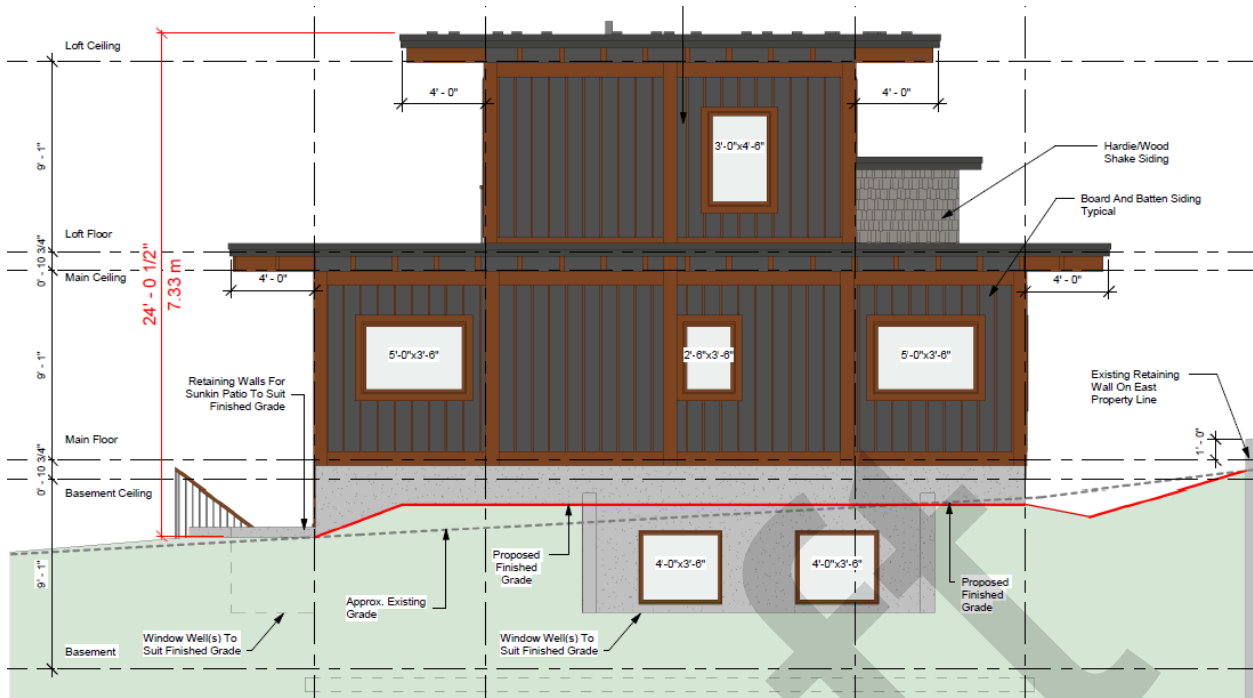


Figure 19 – Proposed East Elevation



Attachment I –Proposed Renderings



Figure 22 – North Elevation Rendering (1/2)



Figure 23 – North Elevation Rendering (2/2)



Figure 24 – West Elevation Rendering

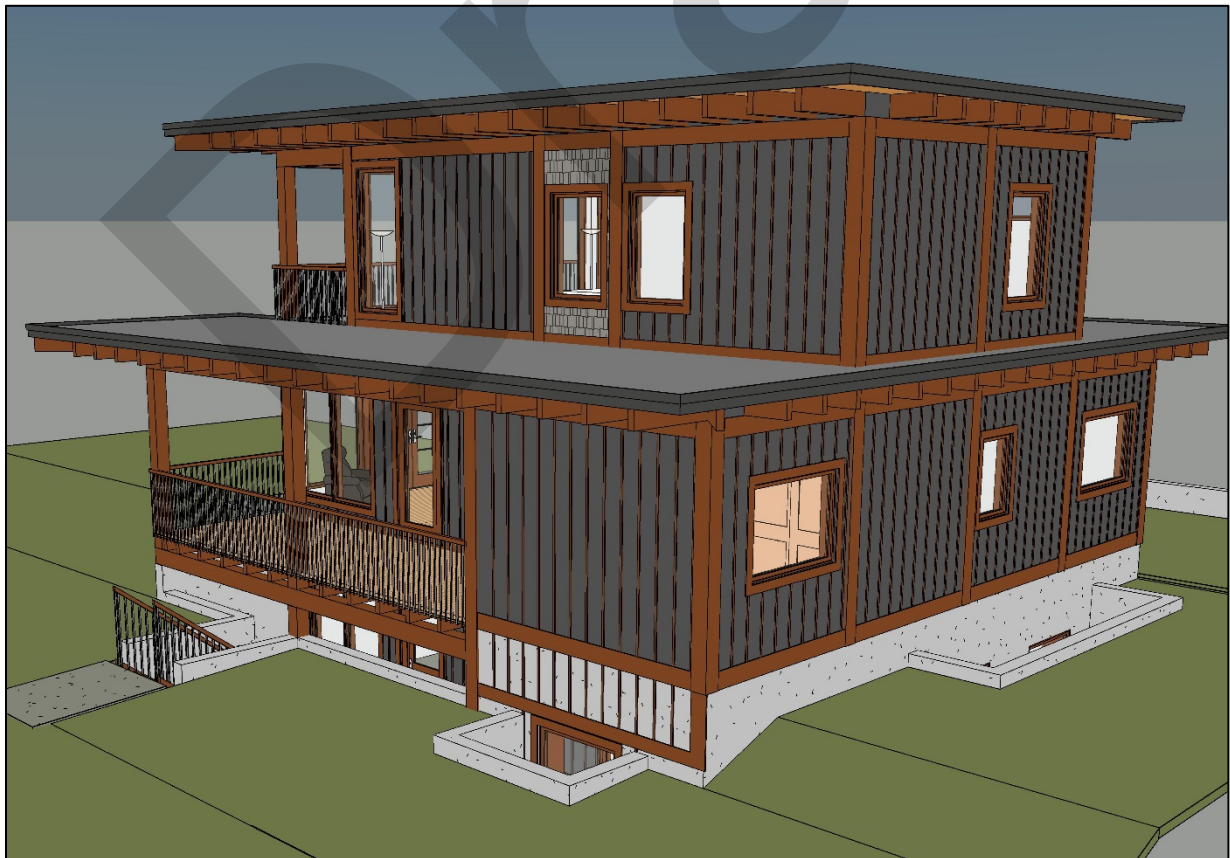


Figure 25 – Southwest Elevation Rendering



Figure 26 – Northeast Elevation Rendering



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

Development Variance Permit

Permit Number: DVP PL2018-8249

Owner Name
Owner 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 A District Lot 2710 Similkameen Division Yale District Plan 22535
Civic: 142 Kendall Crescent
PID: 006-812-201
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 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and
 - b. Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

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