

September 6, 2018

**Subject Property:**

441 Heales Avenue

Lot 23, District Lot 4, Group 7, Similkameen Division Yale  
(Formerly Yale Lytton) District, Plan 1138

**Application:**

**Development Variance Permit PL2018-8345**

The applicants are proposing to construct a “passive house” which is a building that is designed to consume less heating and cooling energy than conventional buildings. These types of homes have thicker walls and as a result less livable floor place. The applicants have requested a variance to the following sections of Zoning Bylaw 2017-08:

- Section 10.6.2.3: To increase the maximum lot coverage from 40% to 43%, and
- Section 10.6.2.7.i: To reduce the minimum interior side yard from 1.5m to 1.2m.

**Information:**

The staff report to Council and Development Variance Permit PL2018-8345 will be available for public inspection from **Friday, September 7, 2018 to Tuesday, September 18, 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, September 18, 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, September 18, 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 September 18, 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:** September 18, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Nicole Capewell, Planner 1  
**Address:** 441 Heales Avenue  
**Subject:** Development Variance Permit PL2018-8345

**File No:** PRJ2018-188

## Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8345" for Lot 23, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 1138, located at 441 Heales Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.6.2.3: to increase the maximum lot coverage from 40% to 43%; and
- Section 10.6.2.7.i: to reduce the minimum interior side yards from 1.5m to 1.2m.

AND THAT staff be directed to issue "DVP PL2018-8345".

## Strategic Objective

The subject application demonstrates that it is aligned with the Council Priorities of Community Building, Economic Vitality and Environmental Sustainability. The application represents smart growth by increasing density in areas where existing services are in place. This proposal is a form of urban infill, which is aligned with the City's Official Community Plan. The proposal is also a demonstration of creating more sustainable forms of development.

## Background

The applicants are proposing to construct a passive house at their property located at 441 Heales Avenue. A passive house is a building that is designed to consume less heating and cooling energy than conventional buildings. Due to the increased thickness of exterior walls required to build these homes more efficiently, there is often less livable floor space within the building. As such, the applicants have requested a variance to allow a slight increase in the maximum lot coverage, as well as lessened side yard setbacks.

The subject property (Attachment 'B') is zoned RD2 (Duplex Housing: Lane) and is designated in the City's Official Community Plan as MFLD (Multi-Family Low Density). Photos of the site are included as Attachment 'D'. The subject property is approximately 283 m<sup>2</sup> (3,050 sq. ft.) in area. The existing house was constructed in the early 1900s and is intended to be demolished prior to construction of the new house.

The property is located within a neighbourhood undergoing transition. Much of Heales Avenue contains single family dwellings, however the City's OCP designation envisions a slightly higher density. The neighbourhood is located within walking distance of the downtown core, Okanagan Lake, elementary schools, the community center and many other desired amenities. The proposed development will consist of a single family dwelling with a secondary suite.

## Proposal

The applicant is proposing to construct a single family dwelling with a building footprint of 125.8m<sup>2</sup> (1,354 sq. ft.). The proposed dwelling will be constructed as a Passive House. Due to the thicker walls required to construct a Passive House, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.6.2.3: to increase the maximum lot coverage from 40% to 43%; and
- Section 10.6.2.7.i: to reduce the minimum interior side yard from 1.5m to 1.2m.

## Financial Implication

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

## Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC). No significant issues arose in the process. Servicing and building code requirements have been identified and will be addressed as part of the building permit process. The property owner will be required to upgrade a portion of the lane located directly behind the property. It is the property owner's responsibility to provide services and/or upgrade existing services where required.

## Development Statistics

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

	Requirement Carriage House R1 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	40%	43% - <b>Variance Requested</b>
<b>Vehicle Parking:</b>	3	4
<b>Required Setbacks</b>		
Front Yard (Heales Avenue):	4.5 m	4.5 m
Interior Side Yards:	1.5 m	1.2 m - <b>Variance Requested</b>
Rear Yard:	6.0 m	6.0 m
<b>Maximum Building Height</b>	10.5 m	7.3 m
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>• The proposed single family dwelling will contain a secondary suite, which is permitted.</li> <li>• The property is located within the Downtown Multiple Family Development Permit Area, however a single family dwellings are not required to attain a development permit.</li> </ul>	

## Analysis

### Development Variance Permit

#### *Approve Development Variance Permit*

Both of the requested variances can be attributed to the applicant's desire to construct a passive house and relatively small size of the lot. Passive houses are designed to be low-energy buildings. One of the key components of constructing a passive house, is the requirement for thicker exterior walls, for better performing energy efficiency. The applicant has identified that they will be using exterior walls that are up to 14 inches in width. This is approximately twice the width of a standard exterior wall for a single family dwelling.

Utilizing thicker walls during construction can result in an overall loss to the available living space inside the home, especially given the size of the lot. As such, the applicant has requested a variance to reduce the side yard setbacks from 1.5m to 1.2m. This variance will allow for a slightly larger building envelope on the property. Additionally, the applicant has requested an increase to the maximum lot coverage from 40% to 43% to also accommodate the increased building envelope.

The total area of living space that will be created within the proposed passive house is 200m<sup>2</sup> (2,153 sq. ft.), not including the garage. This area includes a one-bedroom secondary suite (395 sq.ft.), located at the rear of the building. The building will also allow for a single car garage (300 sq.ft.). The remainder of the parking is surface parking. There are a total of 4 parking spots identified on the plans, with all of the parking coming from the lane.

The directly adjacent neighbours of the subject property would be those most impacted by the proposed development. Impacts associated with increasing the building envelope through reduced setbacks and increased lot coverage can include:

- Reduced privacy of directly adjacent neighbours; and
- Potential for a tall building wall very close to property line.

The design that has been proposed mitigates the impact on the adjacent neighbours by not being built to the full potential of the zone. The height of the proposed building will be 7.6m (25 ft.), which is well under the maximum 10.5m (34 ft.) height permitted in the RD2 (Duplex Housing: Lane) zone.

On the second floor of the building, there is one deck being proposed, which will be located at the rear of the building and face directly towards the lane (thus attempting to minimize overlook). This deck will be utilized by the occupant(s) of the secondary suite. The main dwelling also has a patio area on the ground floor located within the front yard setback of the property. This design of outdoor amenity space located on the ground level will limit the overlook into the neighbouring properties.

There is a mix of housing within the surrounding neighbourhood along Heales Avenue. There are single family homes, which were constructed in the earlier 1900's, as well as newer single and multi-family developments (Figure 2 – Subject Property). Much of the newer builds have been built to a higher lot coverage than the older single family homes. Newer homes utilize very close to the maximum 40% lot coverage permitted in the RD2 zone. While the older single family houses use lesser, around 15-20% of the lot area. As Heales Avenue develops, it is likely that properties will construct around the 40% permitted lot coverage, to best utilize the lot area.

In conclusion, the proposed variances are minimal in nature, and do not negatively impact the direct neighbours. Approval will create a more livable space for the ultimate residents of the house and create a house that is representative of energy efficient construction design.

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 reduce the size of the proposed building to meet the setbacks and lot coverage requirements. If this is the case, Council should deny the variance.

**Alternate Recommendations**

1. THAT Council support "Development Variance Permit 2018-8345" with conditions.
2. THAT "Development Variance Permit 2018-8345" 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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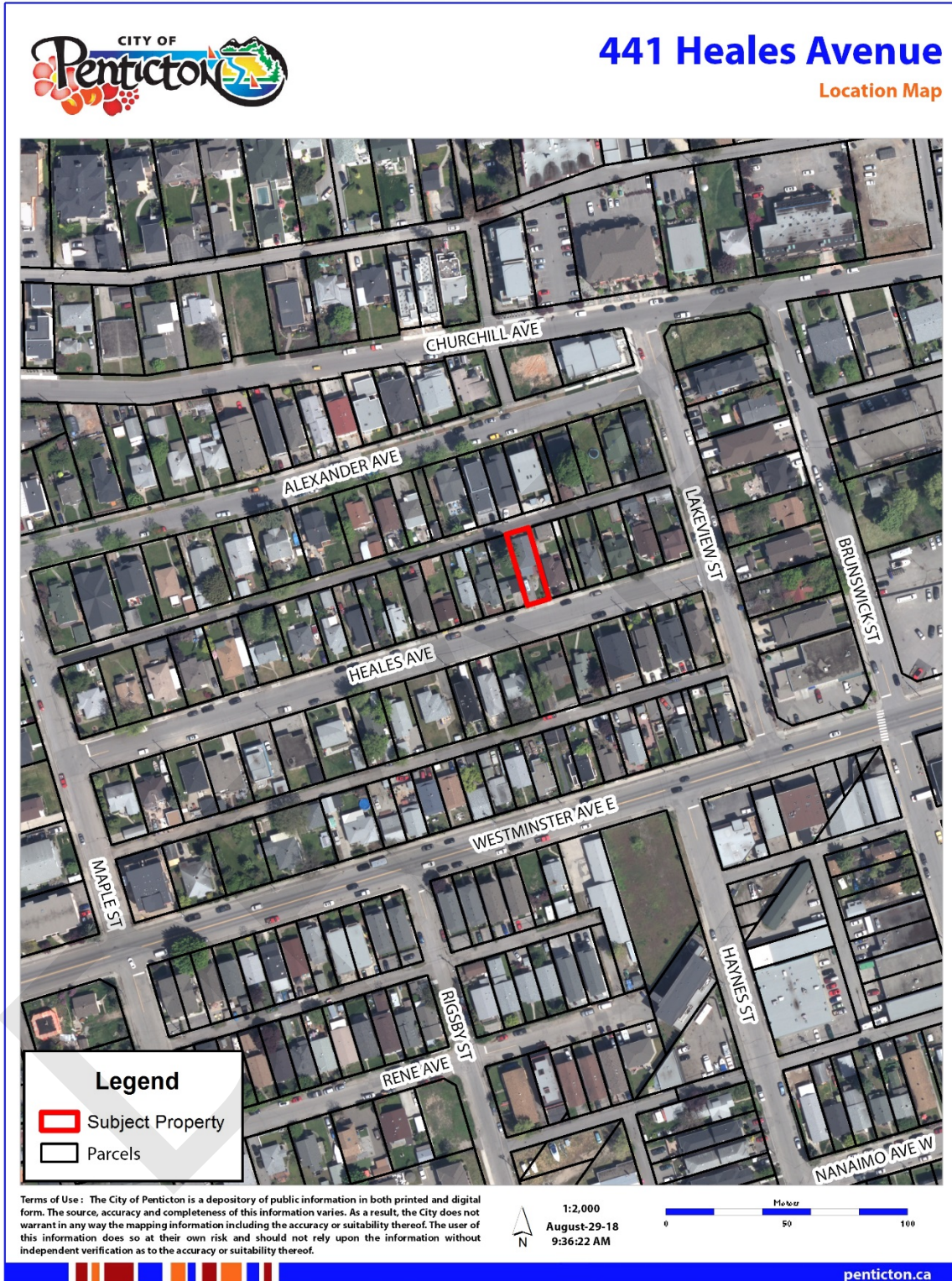
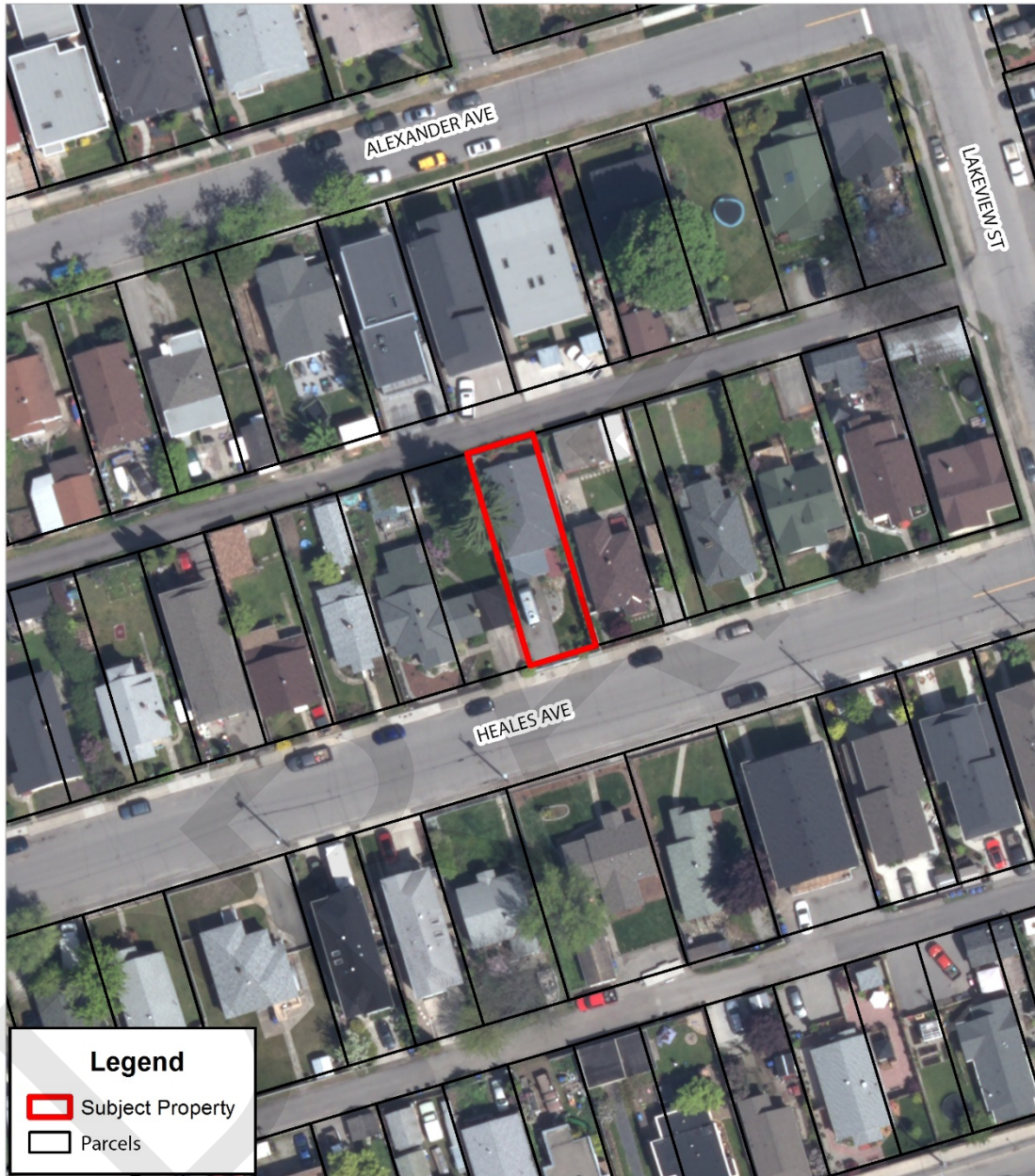


Figure 1 – Subject Property Highlighted in Red



**Legend**

- Subject Property
- Parcels

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 September-04-18  
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Figure 2 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

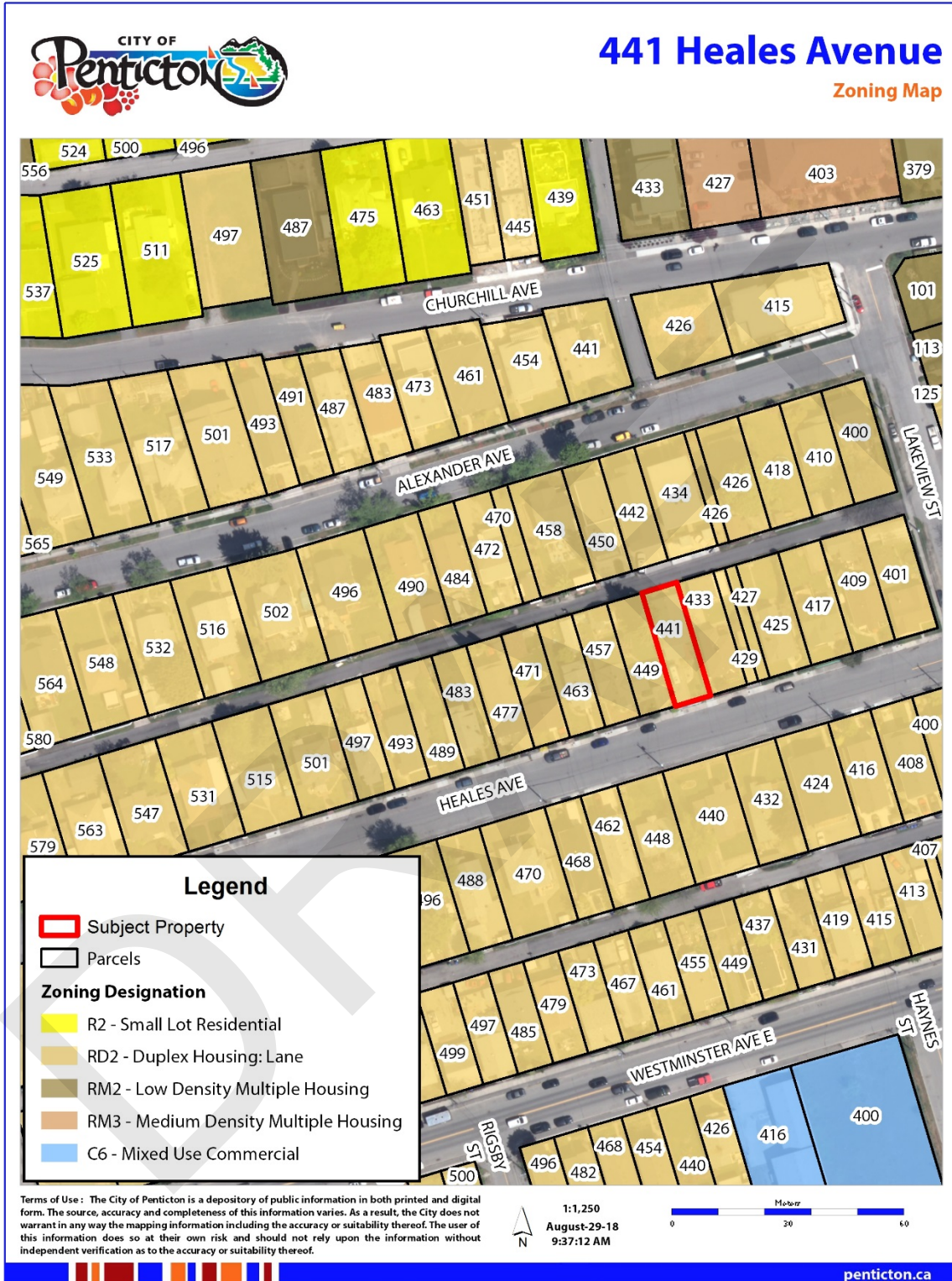


Figure 3 – Subject Property Currently Zoned RD2 (Duplex Housing: Lane)

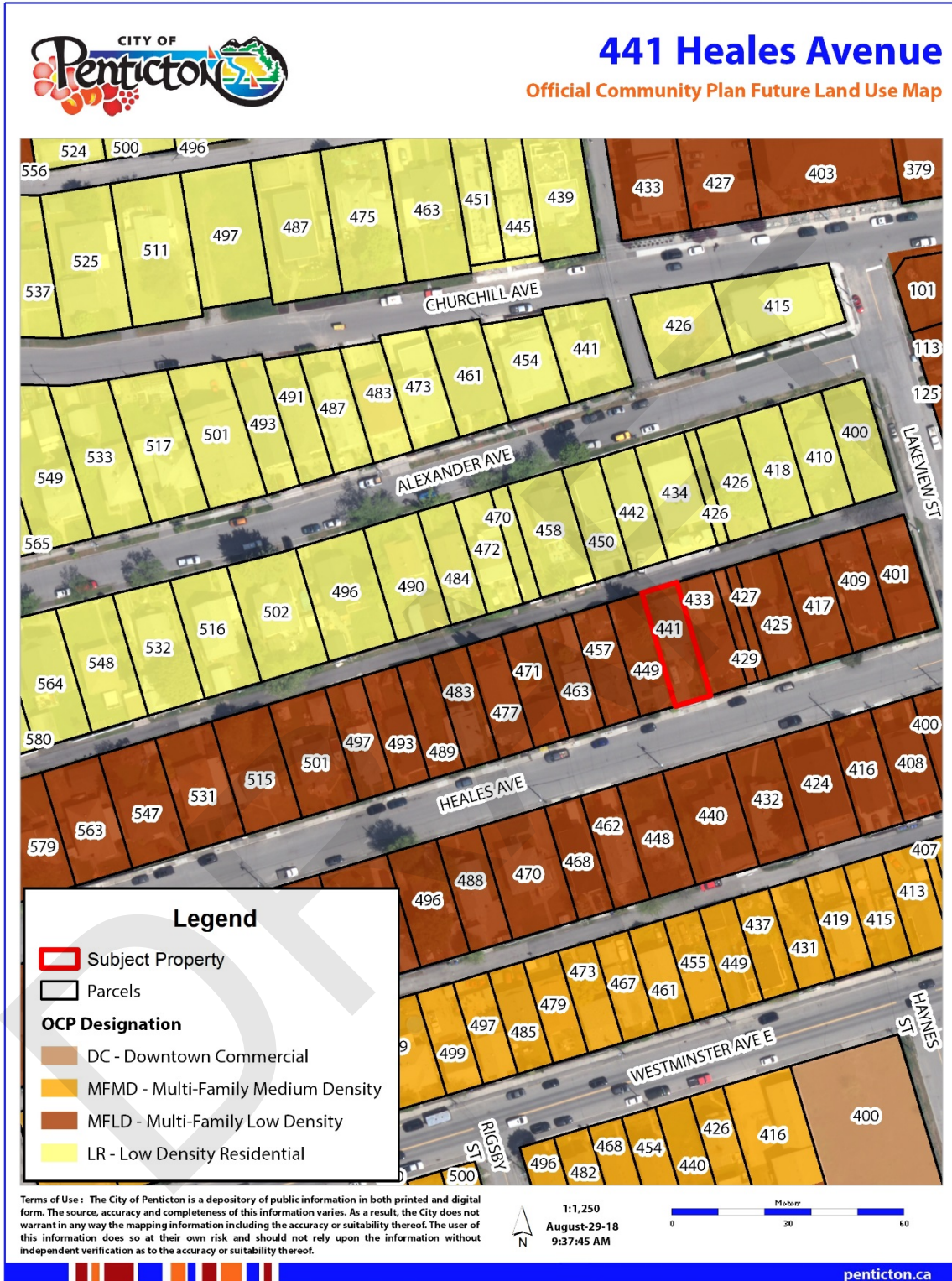


Figure 4 – Subject Property Currently Designated as MFLD (Multi-Family Low Density) within Official Community Plan

Attachment D – Images of Subject Property



Figure 5 – Looking toward front of 441 Heales Avenue from the street



Figure 6 – Looking down east property line of 441 Heales Avenue from the street



Figure 7 – Looking toward front of 441 Heales Avenue from the street

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Figure 8 – Looking down west property line of 441 Heales Avenue from the street



Figure 9 – Looking down east property line of 441 Heales Avenue from the lane

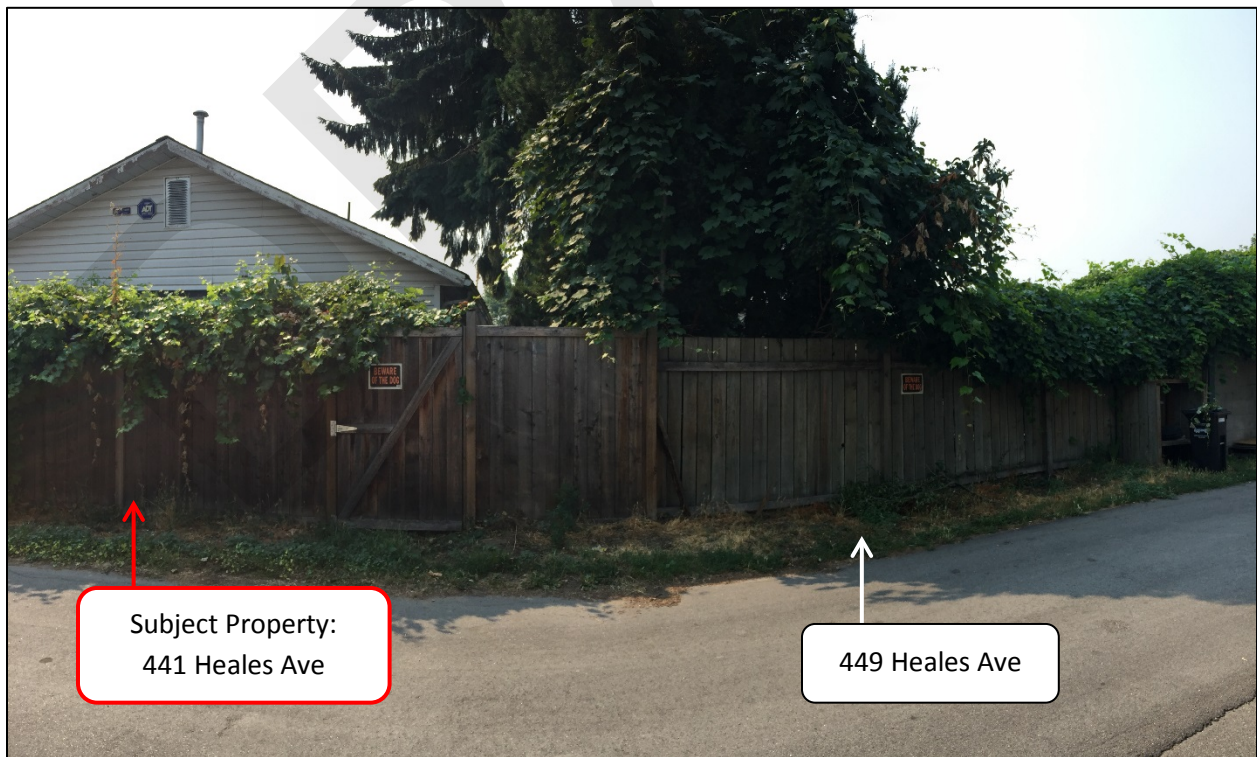


Figure 10 – Looking down west property line of 441 Heales Avenue from the lane

Attachment E – Letter of Intent

**Michaela and Stuart Wooldridge**

441 Heales Avenue, Penticton, BC, V2A 1G5  
stuart@orcastrategy.com 604-817-0534

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July 23, 2018

City of Penticton  
171 Main Street  
Penticton, BC V2A 5A9  
VIA EMAIL

RE: LETTER OF INTENT

Dear Council and Staff:

It is our intention to re-build a residence on our property at 441 Heales Avenue which currently holds a non-conforming old-timer bungalow on an RD2 zoned small lot.

Having worked for several months with NIDO Design, our plans involve building a 2-storey single family house with secondary suite over an attached garage. The house will be built as a high-performance home based on passive house design principles that include 14-inch exterior walls. We are seeking the following variances:

- 1.2 metre side-yard set-backs
- 43% lot coverage

These variances will allow the home to achieve appropriate net square footage without impacting front and rear set-backs.

Thank you for your consideration,

*“Stuart and Michaela Wooldridge”*

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Figure 11 – Letter of Intent

Attachment F – Proposed Site Plan

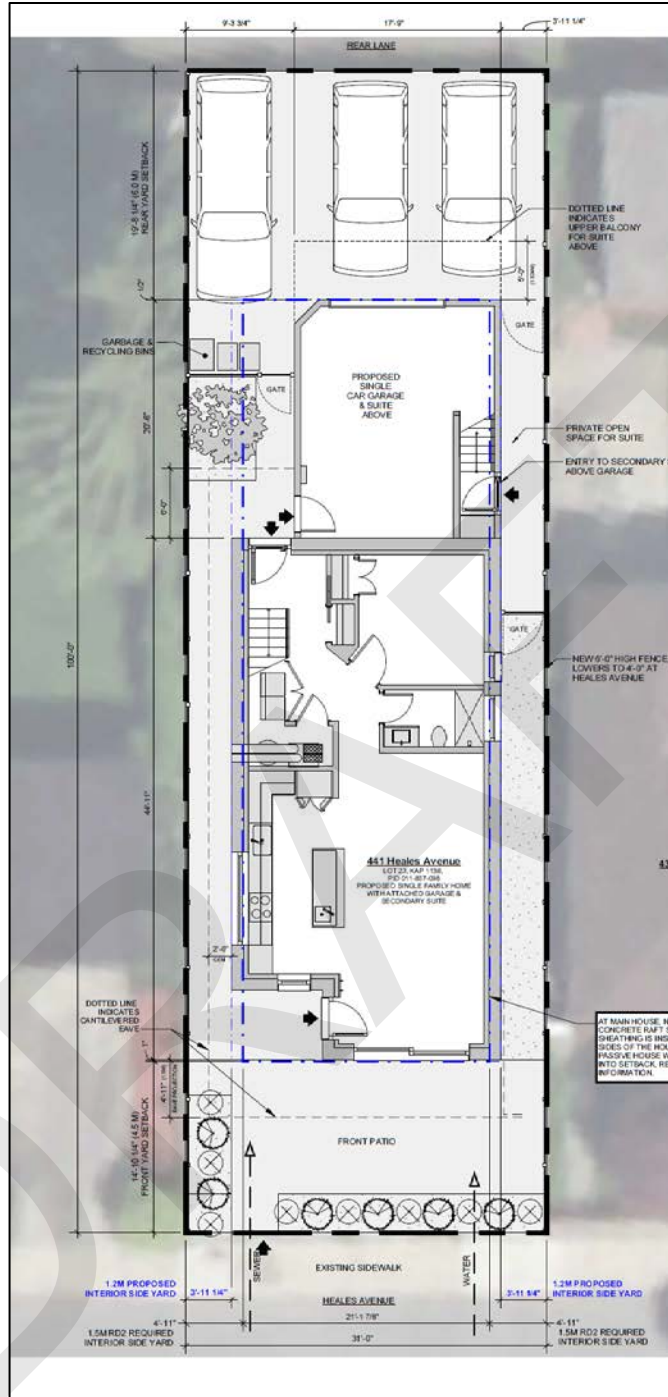


Figure 12 – Proposed Site Plan

# Attachment G – Proposed Floor Plans

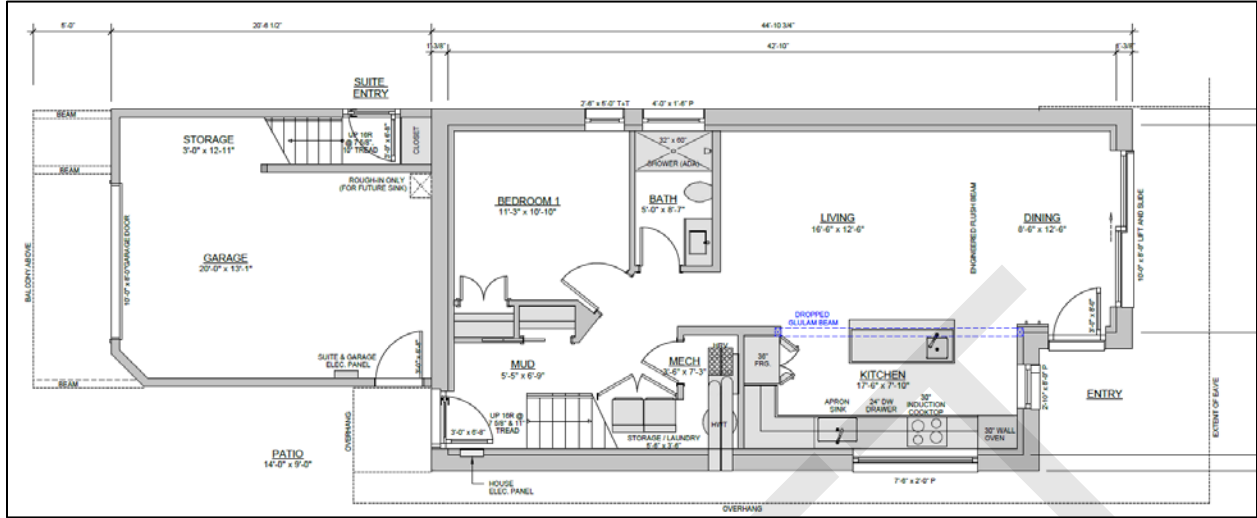


Figure 13 – Proposed Main Floor Plan

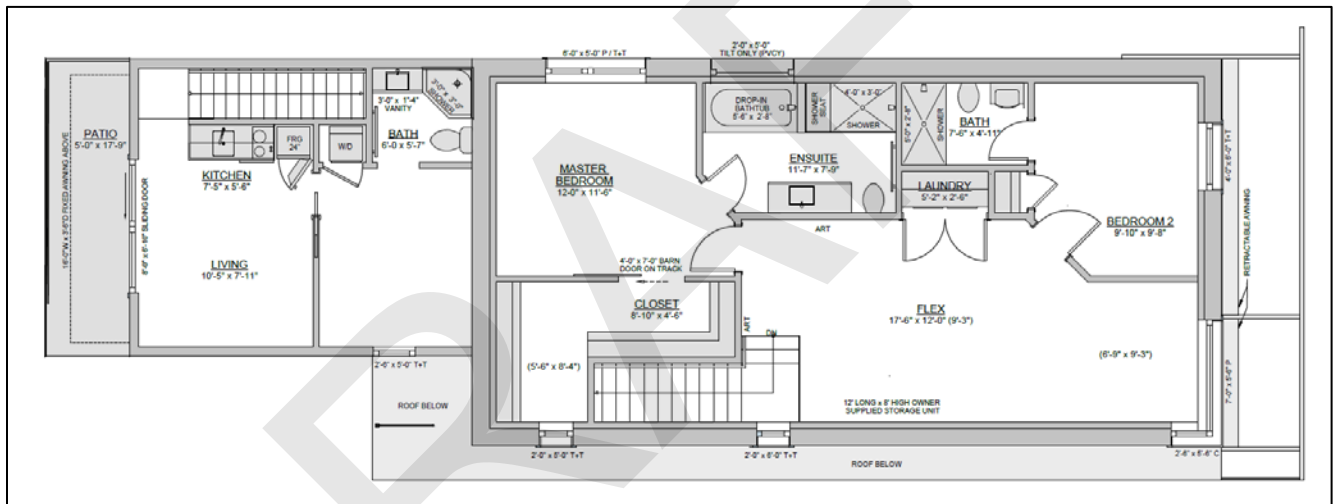


Figure 14 – Proposed Second Floor Plan

Attachment H – Proposed Building Elevations



Figure 15 – Proposed East Elevation



Figure 16 – Proposed North Elevation



Figure 17 – Proposed South Elevation



Figure 18 – Proposed West Elevation

Attachment I – Proposed Renderings





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

## Development Variance Permit

**Permit Number: DVP PL2018-8345**

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 23 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1138  
Civic: 441 Heales Avenue  
PID: 011-837-098
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 single family dwelling:
  - a. Section 10.6.2.3: to increase the maximum lot coverage from 40% to 43%; and
  - b. Section 10.6.2.7.i: to reduce the minimum interior side yard 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 \_\_\_\_ day of \_\_\_\_\_, 2018

Issued this \_\_\_\_ day of \_\_\_\_\_, 2018

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Dana Schmidt,  
Corporate Officer

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