

November 8, 2018

**Subject Properties:**

**326 Nanaimo Ave E and 304 Abbott St**

Lot 1 and Lot 2, Block 30, District Lot 202, Similkameen Division Yale District, Plan 479

**Application:**

**Development Variance Permit PL2018-8379**

The applicant is proposing to construct a single family dwelling to the passive house standard of ultra-low energy usage. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 1.8m.

**Information:**

The staff report to Council and Development Variance Permit PL2018-8379 will be available for public inspection from **Friday, November 9, 2018 to Tuesday, November 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, November 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, November 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 November 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



# Council Report

penticton.ca

**Date:** November 20, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 304 Abbott Street, 326 Nanaimo Avenue East  
**Subject:** Development Variance Permit PL2018-8379

File No: 2018 PRJ-212

## Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8379" for Lots 1 and 2, Block 30, District Lot 202 Similkameen Division Yale District Plan 479, located at 326 Nanaimo Avenue East and 304 Abbott Street, a permit to decrease the minimum front yard from 4.5m to 1.8m;

AND THAT approval of "Development Variance Permit PL2018-8379" be conditional on the following:

- That the subject properties be consolidated; and
- That the City boulevard area fronting the subject property is landscaped as per 'Attachment E' of this report at the cost of the developer, which includes three new City trees.

AND THAT staff be directed to issue "Development Variance Permit PL2018-8379" after consolidation of the lots.

## Background

The subject properties (Attachment A) are zoned RD2 (Duplex Housing: Lane) and designated by the City's Official Community Plan as HR (High Density Residential). Photos of the sites are included as Attachment D. The subject properties are a combined 735.5m<sup>2</sup> (7,916ft<sup>2</sup>) in area, with an older single family dwelling to be demolished. The surrounding properties are zoned for single and multiple family. This property is located in an area slowly undergoing redevelopment and within walking distance of the downtown.

## Proposal

The applicant is proposing to construct a single family dwelling to the passive house standard of ultra-low energy usage. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 1.8m.

## Financial implication

All costs of construction, including the boulevard landscaping and installing three new City trees will be to the developer.

## Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing and technical requirements have been identified and will be addressed at the building permit stage. As the proposed building is intended to be built across the entire development site, consolidation of the two lots will be required prior to issuance of the development variance permit. If the request for the variance is supported, BC Building Code and City bylaw provisions will apply.

## New OCP

While the current OCP identifies this area as HR (High Density Residential), the draft OCP that is currently under development and anticipated to be adopted early in the new year, identifies this area for 'infill residential'. The infill residential designation is more reflective of the current development trends in the area, which is seeing development of small lot subdivision, duplex, four-plex and row house development. The current proposal is more in-line with the draft OCP than the current OCP.

## Development Statistics

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

Item	Requirement RD2 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	35.3%
<b>Vehicle Parking:</b>	2 per single family dwelling + 1 per secondary suite = 3 required	3
<b>Required Setbacks:</b>		
Front yard (north):	4.5m	1.8m (variance required)
Rear yard (south)	6.0m	6.0m
Exterior yard (west):	3.0m	5.4m
Interior yard (east):	1.5m	1.5m
<b>Maximum Building Height:</b>	10.5m	6.5m
<b>Other Information:</b>	The subject property is located within a Development Permit Area, however, a single family dwelling with secondary suite is exempt from obtaining a Development Permit.	

## Analysis

## *Development Variance Permit*

### *Support Variance*

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. Council should also put their mind to the benefit accrued with approval of the variances, such as improved livability for a property or community benefit (better designed building, high quality landscaping).

The variance below is required to construct a passive house building that is located as far from the property to the south as possible, which reduces the amount of potential shading from the neighbouring residence when it re-develops in some shape and form.

*Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 1.8m.*

The proposed dwelling will result in a 1.8m front yard facing Nanaimo Avenue East. Although this may seem like a significant reduction, there is rationale for supporting the variance request:

- The boulevard width fronting the subject property is 6.2m, meaning that the proposed dwelling will sit approximately 8.0m from the paved street which is in-line with other setbacks in the area.
- There are multiple low-value trees located along the north property line that will be removed prior to constructing the proposed dwelling. The developers are committing to pay the costs of planting 3 new boulevard trees, of City standard species and size, as well as professionally landscape the City boulevard. The new landscaping will provide screening, thus lessening the negative impacts that a front yard variance reduction could have on the overall streetscape.
- The majority of the building is setback 3.0m from the north property line, with the garage and suite setback 1.8m from the property line.

A three-storey building is permitted in the RD2 zone. The dwelling is one storey in height with the suite/garage being two storeys in height. This reduced height limits the negative impact that a closer than permitted building will have on the street.

As per Subdivision and Development Bylaw No. 2004-81, single family development is exempt from street frontage upgrades such as landscaping, boulevard trees and sidewalks. Staff felt that since the developer is removing existing trees to construct the dwelling in its proposed location, requiring them to landscape the boulevard and plant three new City trees would result in a positive outcome. If the variance is denied, then the landscaping will most likely not be completed to such a high standard. Constructing a house that meets the 4.5m front yard setback may look out of place in the area, given that it would then be approximately 11.0m (35ft) from the street.

Given the significant boulevard width in this area, the extensive landscape plan and the small scale design of the building, staff conclude that the variance request is reasonable and does not unreasonably impact the adjacent area. Approval of the variance also allows for the passive house standard to be built, which would

not be achieved otherwise. As such, staff are recommending that Council support the application, subject to the two conditions: additional landscaping and lot consolidation.

*Deny/Refer Variance*

Council may consider that the proposed variance will negatively affect the neighborhood and the streetscape. If this is the case, Council should deny the variance. If Council were to deny the variance, it would require a redesign of the lot and house. Likely, the desired passive house design would not be achieved. In addition, the enhanced boulevard landscaping and boulevard trees, which are seen as improvements to the public realm, would not be conditions of a building permit. For these reasons, staff do not recommend denial of the variance.

**Alternate Recommendations**

1. THAT Council support DVP PL2018-8379 with conditions that Council feels are appropriate.
2. THAT DVP PL2018-8379 be referred back to staff to revise the application as directed by Council.


**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site/Landscape Plan
- Attachment F: Building Elevations
- Attachment G: Letter of Intent
- Attachment H: Development Variance Permit PL2018-8379

Respectfully submitted,

Randy Houle  
Planner I

Approvals

DDS  	CAO
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Attachment A – Subject Property Location Map

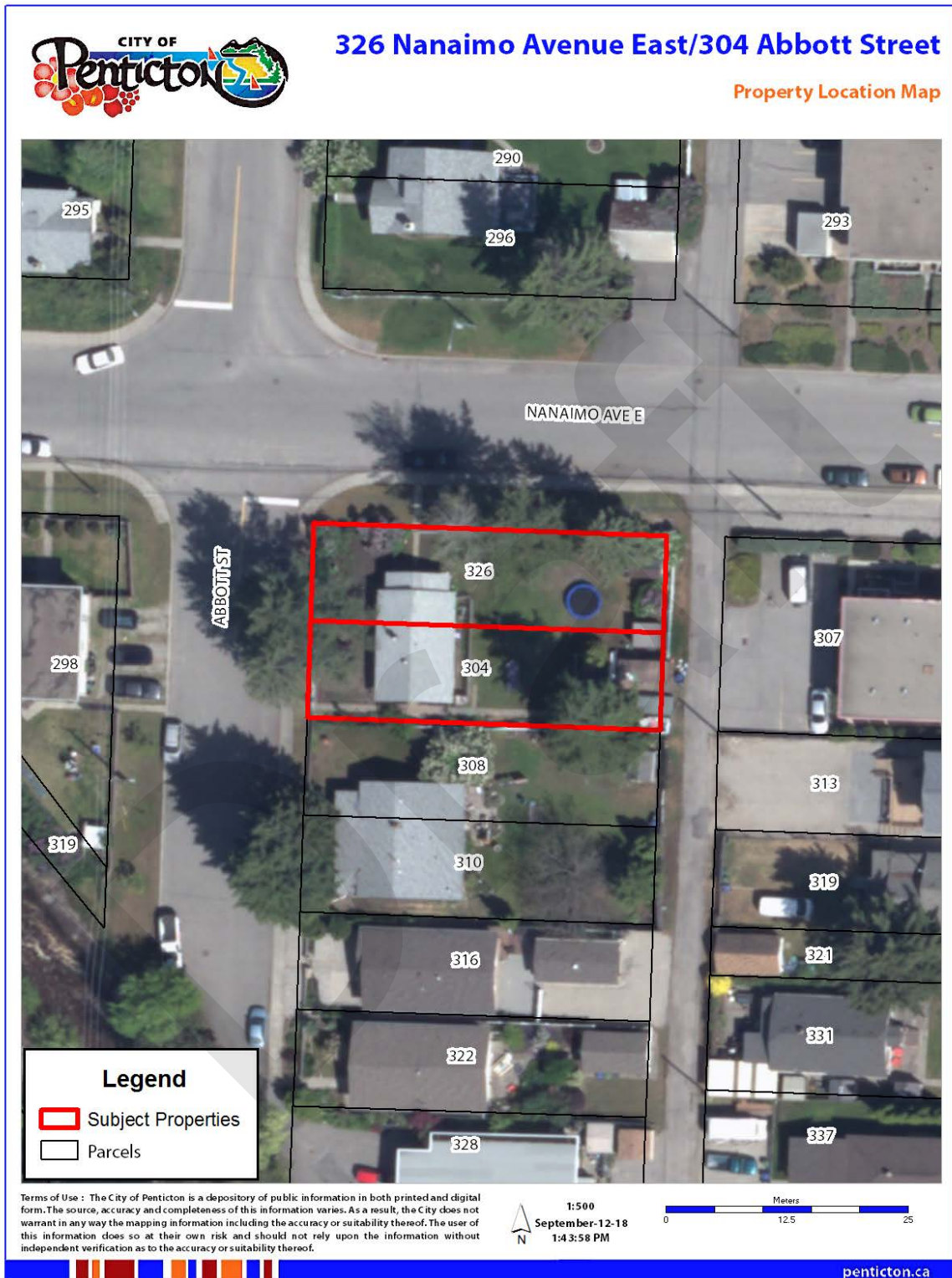


Figure 1: Subject Property Location Map

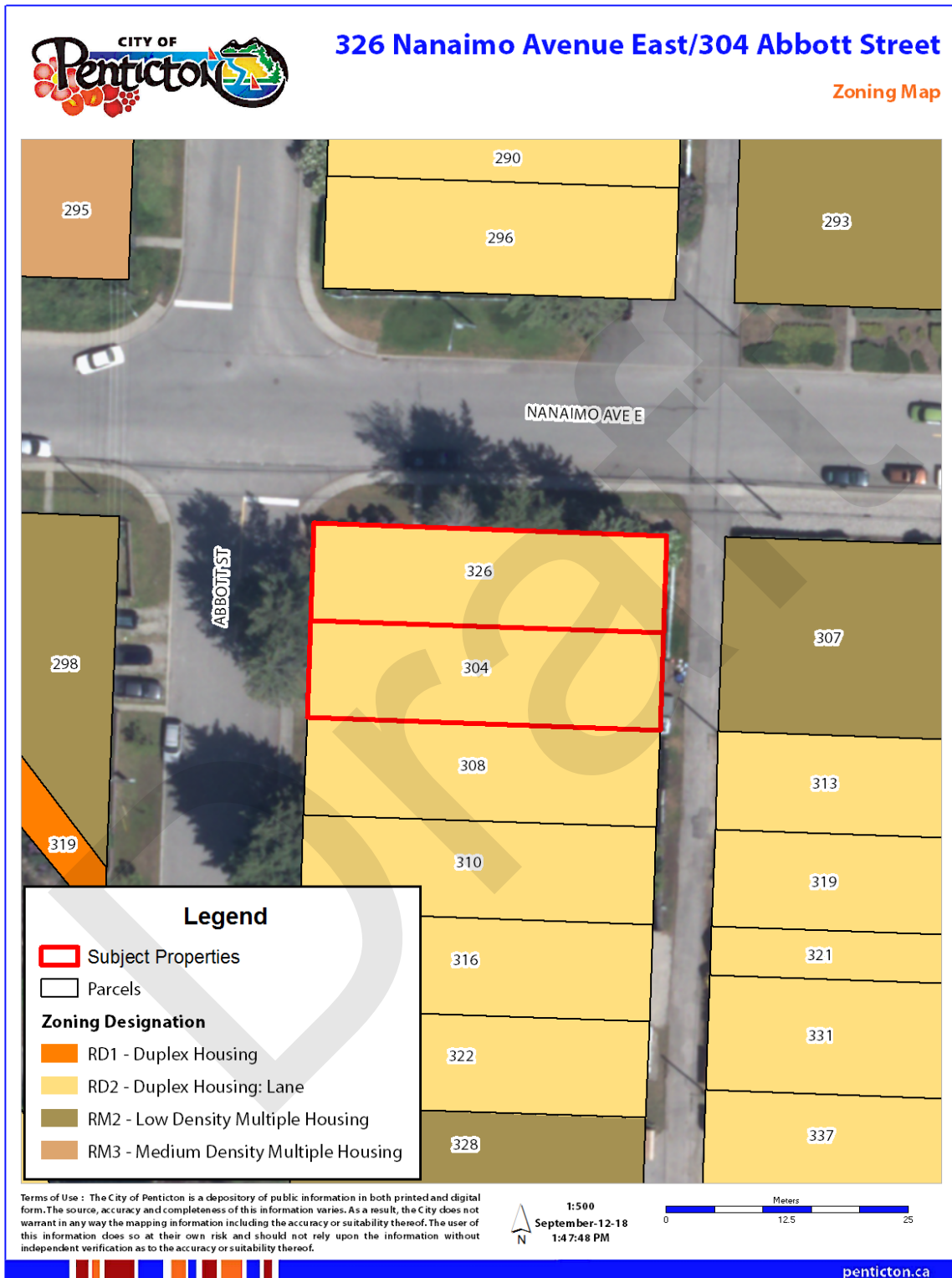


Figure 2: Zoning Map

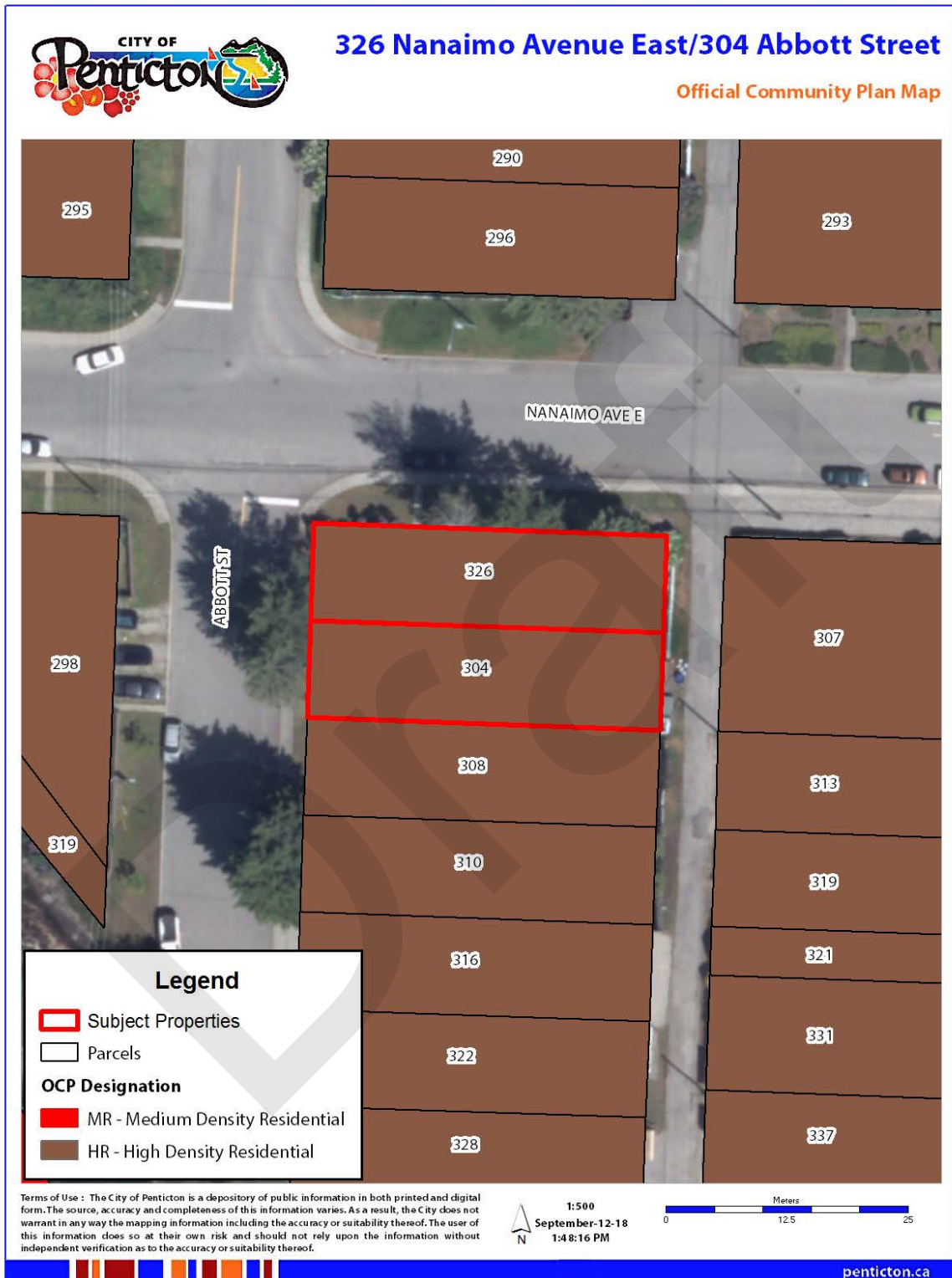


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: North View of Subject Property (from Nanaimo Avenue East)



Figure 5: West View of Subject Property (from Abbott Street)

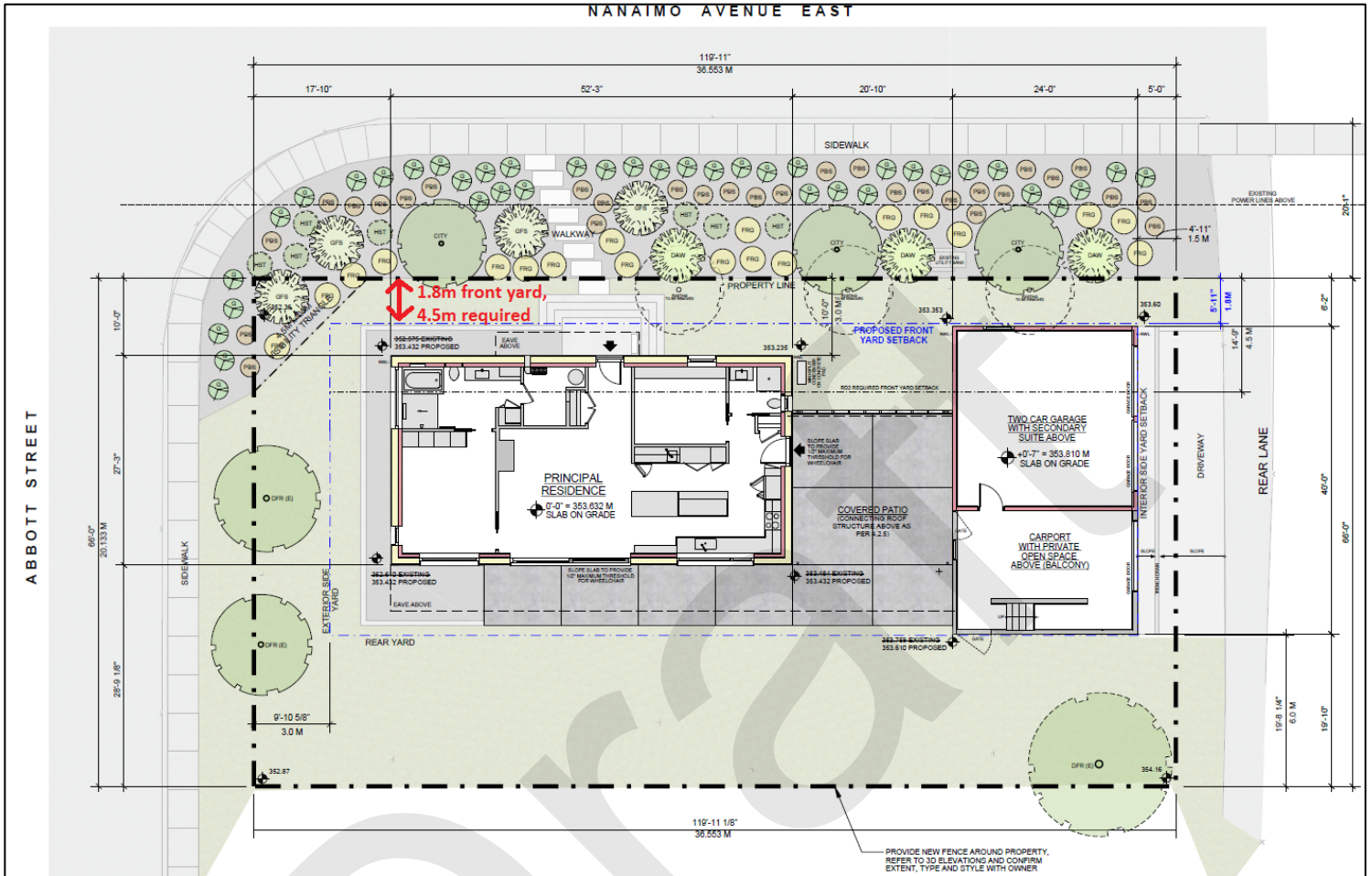


Figure 6: East View of Subject Property (from the lane)



Figure 7: West View of Subject Property (showing proximity to neighbour to the south)

# Attachment E- Site/Landscape Plan



PLANT LIST			
KEY	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>			
DFR (E)	PSEUDOTSUGA MENZIESII	DOUGLAS FIR (EXISTING TREE)	EXISTING
CITY	T.B.D.	CITY TREE	T.B.D.
<b>SHRUBS</b>			
DAW	SALIX PURPUREA 'NANA'	DWARF ARTIC WILLOW (GREY GREEN)	8'X8'
GFS	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	30"X8'
<b>PERENNIALS &amp; ORNAMENTAL GRASSES</b>			
FRG	CALAMAGROSTIC 'KARL FOERSTER'	FEATHER REED GRASS	5'X3'
G	ARRHENATHERUM BULBOSUM 'VARIEGATUM'	BULBOUS OAT GRASS	14"X18"
PDS	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	30"X30"
G	SESLERIA CAERULEA	BLUE MOOR GRASS	10"X12"
HST	HOSTA VARIETIES	HOSTA	36X36
<b>GROUNDCOVER</b>			
-	ORGANIC MULCH		
-	LARGE ROCKS AND RIVER STONE		

Figure 8: Site/Landscape Plan

Attachment F- Building Elevations



Figure 9: North Elevation (from Nanaimo Avenue East)

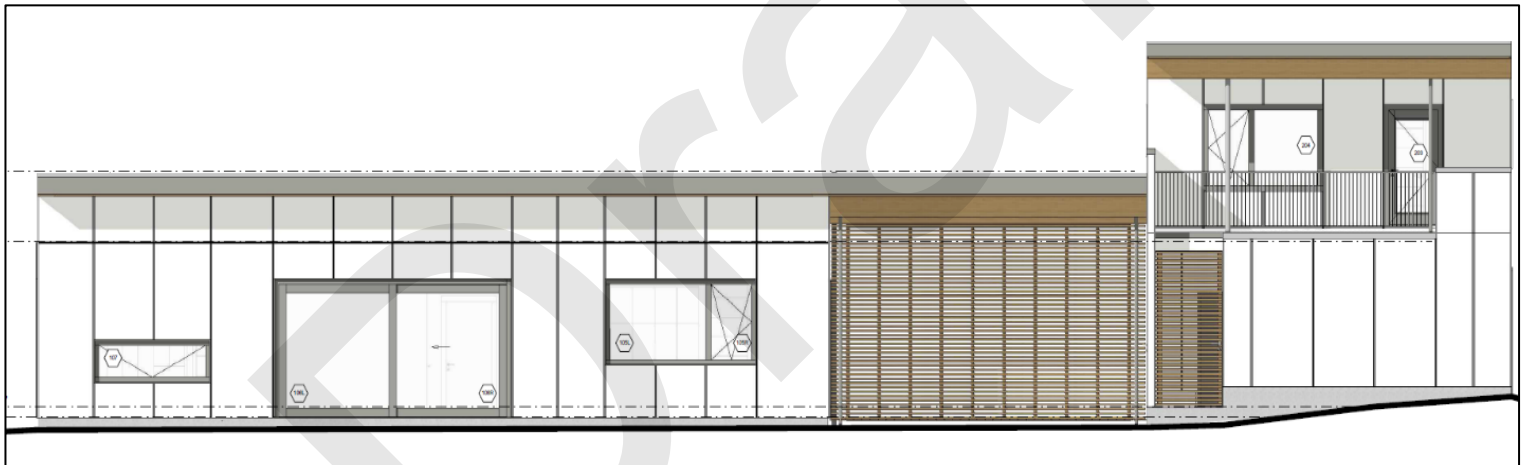


Figure 10: South Elevation (from neighbour to the South)

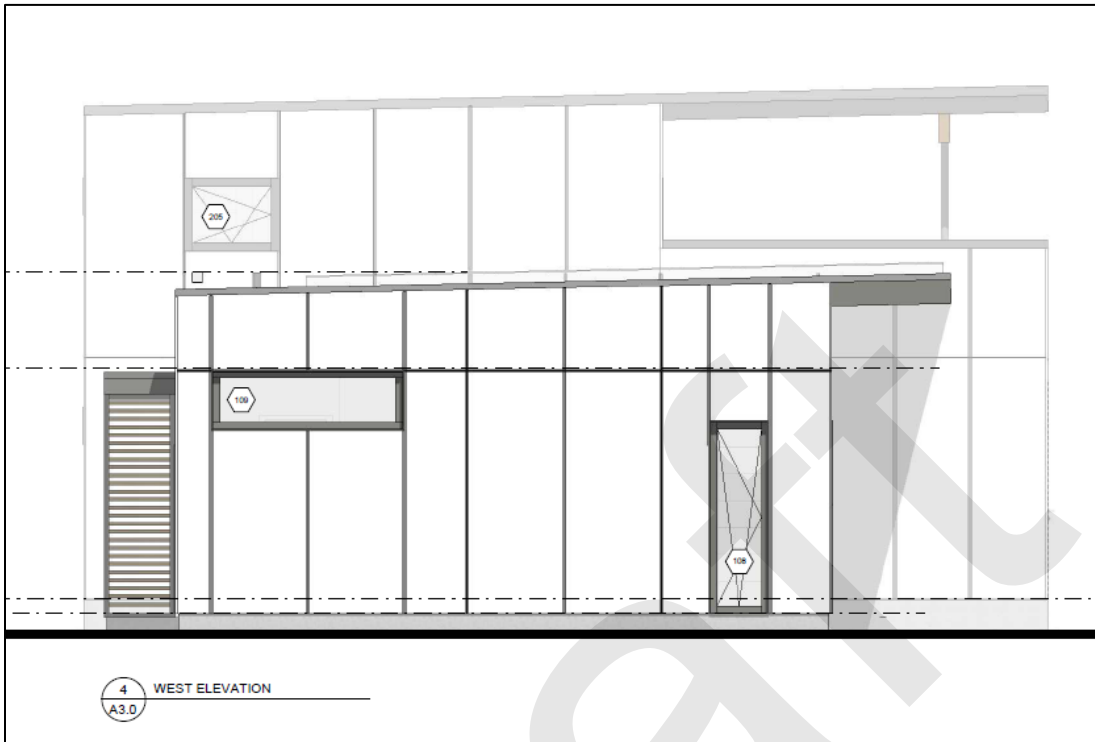


Figure 11: West Elevation (from Abbott Street)

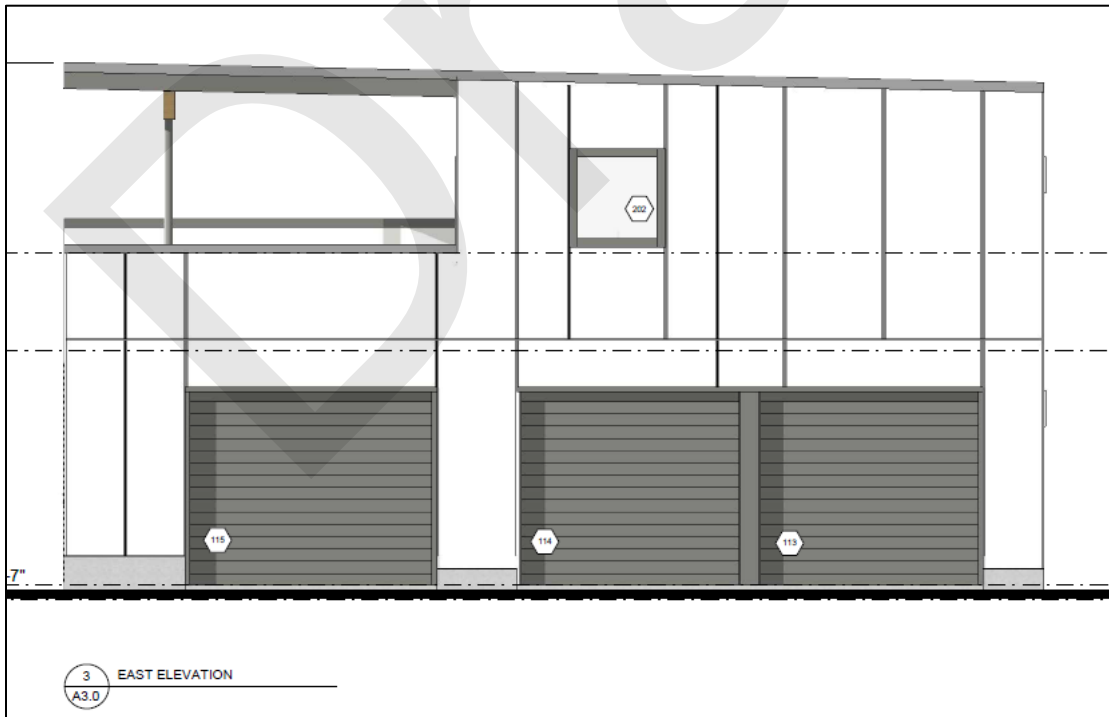


Figure 12: East Elevation (facing the lane)

# NIDO.

October 25, 2018

City of Penticton Planning Department

**RE: 326 Nanaimo Avenue East – Development Variance Permit Letter of Intent**

On behalf of our clients, Scott and Marilee Godin, we are requesting one variance within the RD2: Duplex zone:

1. Front Yard Setback – 4.5m required, 1.8m proposed

The requested variance pushes the house to the north towards Nanaimo Avenue East. In addition to the proposed 5'-11" (1.8m) front yard setback, there is an additional 20'-1" (6.15m) from the edge of the sidewalk to the property line which provides more than ample buffer space in between the dwelling and avenue.

The construction of the home will affect the roots of three existing Douglas Fir trees within the property line which will need to be removed therefore the Owner agrees to pay for the supply and install of three new trees within the boulevard. In addition to that, the Owner will provide and maintaining extensive ground cover and native drought-tolerant plants within the boulevard as indicated on the Site Plan drawing A1.1. It is the Owner's responsibility to maintain these plantings however the Owner will not install dedicated irrigation within the boulevard. Irrigation of all plants will be done by hose and sprinkler as required.

Lastly, it should be noted that the main house has been designed to the Passive House standard which includes superinsulation, airtight construction, high performance windows and doors, heat recovery ventilation and thermal bridge free construction detailing.

Regards,



Brett Sichel  
Principal

Registered Building Designer  
B. Arch. Science, LEED® AP  
Certified Passive House Designer

Figure 13: 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 PL2018-8379**

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 1 Block 30 District Lot 202 Similkameen Division Yale District Plan 479  
Civic: 326 Nanaimo Avenue East  
PID: 010-046-275  
  
Legal: Lot 2 Block 30 District Lot 202 Similkameen Division Yale District Plan 479  
Civic: 304 Abbott Street  
PID: 010-046-291
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 with secondary suite.
  - Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 1.8m.

### 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 November, 2018.

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

\_\_\_\_\_  
Angela Collison,  
Corporate Officer

DVP PL2018-8379

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