

December 6, 2018

Subject Property:

4041 Lakeside Road

Lot 23, Block 209, District Lot 190,
Similkameen Division Yale District, Plan
466

Application:

Development Variance Permit

PL2018-8406



The applicant is proposing to construct a four storey single family dwelling with a secondary suite. To construct the dwelling and suite as proposed, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.1.2.6.i: to decrease the minimum interior yard of a principal building from 1.5m to 1.0m.

Information:

The staff report to Council and Development Variance Permit PL2018-8406 will be available for public inspection from **Friday, December 7, 2018 to Tuesday, December 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.

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, December 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, December 18, 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 December 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: December 18, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 4041 Lakeside Road
Subject: Development Variance Permit PL2018-8406

File No: 2018 PRJ-235

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8406" for Lot 23 Block 209 District Lot 190 Similkameen Division Yale District Plan 466, located at 4041 Lakeside Road, a permit to decrease the minimum interior yard of a principal building from 1.5m to 1.0m.

AND THAT staff be directed to issue "Development Variance Permit PL2018-8406."

Background

The subject property (Attachment A) is zoned R1 (Large Lot Residential) and designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Photos of the site are included as Attachment D. The subject property is approximately 245.0m² (2,637t²) in area. The subject property and surrounding lots were subdivided in the early 1900's and have been vacant since then, likely because of the topographical constraints of the lots. The lots drop sharply from Lakeside Road to Skaha Lake and are quite narrow at 9.1m in width. The lots are also affected by a City sewer easement that runs through the lower portion of the lots. The lots are also affected by the riparian assessment area – a setback area from Skaha Lake where no building is permitted.

Despite these constraints, proposals for development have been coming forward on these lots, given the current real estate market and desirability to live along the lakefront. Several neighbouring houses are currently under construction. Every house that is currently under construction has been granted a similar variance permit to the one being requested for the subject property. With the topographical challenges of these lots, it is anticipated that Council will continue to see variance requests for the remaining lots.

The subject property is located in a neighbourhood primarily zoned R1 (Large Lot Residential), R2 (Small Lot Residential) and designated by the OCP as LR (Low Density Residential). The draft Official Community Plan, currently under development and anticipated to be adopted early in the new year, similarly identifies this area for detached residential development.

Proposal

The applicant is proposing to construct a single family dwelling on the subject property. The proposed dwelling is 4 storeys in total height, with a two-bedroom, 1,386 ft² residence on the top two floors with outdoor amenity space. A two-bedroom, 850 ft² secondary suite is proposed on the bottom two floors. To construct the dwelling units as proposed, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.1.2.6.i: to decrease the minimum interior yard of a principal building from 1.5m to 1.0m.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing requirements, storm water management and building code requirements have been identified and will be addressed as part of the building permit process. If the requests for the variances are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement R1 zone	Proposed
Maximum Lot Coverage:	40%	28%
Minimum Lot Width:	16.0m	9.144m*
Minimum Lot Area:	560m ²	245.0m ² *
Vehicle Parking:	2 spaces per dwelling unit + 1 per secondary suite = 3 total	3 spaces
Required Setbacks		
Front yard (east, Lakeside Road):	6.0m	6.0m
Rear yard (west):	6.0m	10.51m
Interior yard (north):	1.5m	1.22m (variance required)
Interior yard (south):	1.5m	1.0m (variance required)
Maximum Height	10.5m	10.46m (see below)
Other Information:	- The subject property is located within the Riparian Assessment Area Development Permit Area, thus a development permit will be required prior to issuance of a building permit. - Although it may appear that the building is over height, the definition of <i>Grade, Approved</i> in the Zoning Bylaw states that for determination of building heights, approved grade shall mean the average level across the lowest side of the building, except that localized depressions such as for vehicle or pedestrian	

	entrances need not be considered in the determination of average levels of grade. In this case, there is a patio door on the lowest elevation that is not counted in building height (<i>Figure 9</i>). - <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through development of an existing parcel.</i>
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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 be mindful of what benefits accrue from approval of the variance, such as increased livability of the property.

The variance below is required to construct a building that is similar in appearance to the neighbouring properties. This will allow for uniform spacing between the five new homes, which lends to a similar look and feel from the lake and the street. As stated above, the variance request is similar to what has been supported by City Council on neighbouring lots.

Section 10.1.2.6.i: to decrease the minimum interior yards from 1.5m to 1.0m.

- The applicant is proposing a variance to both to the inter side yards from 1.5m to 1.0m. Due to the narrowness of the lot, an interior yard variance is required to construct an adequately sized house, in line with others in the area. The final elevations will have limited windows and openings due to the proximity to the property line and the requirement to address spatial separation concerns. This will help to reduce privacy concerns for the neighbouring properties.

Further to the above points, in the past two years, variances have been approved on four of the adjacent properties as shown on the following table. The parcels of land along this section of Lakeside Road are not the typical single family lots that existing in the majority of the R1 Zoning within the City. Challenges by their topography, and lakefront setting, development on these parcels into single family dwellings would be close to impossible to comply with the currently R1 Zoning.

Address	Council Date	Front yard variance approved:	Side Yard variance approved:
4047 Lakeside Road	March 21, 2017	3.0m	0.9m (north side)
4045 Lakeside Road	March 20, 2018	3.0m	1.2m
4043 Lakeside Road	November 20, 2018	3.0m	1.0m
4041 Lakeside Road	December 18, 2018	N/A	1.0m proposed
4039 Lakeside Road	December 19, 2017	3.0m	0.9m (south side)

For the reasons listed above, Staff feel that the variance request is reasonable, does not unreasonably impact the adjacent area and recommend that Council support the application.

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood and that a smaller dwelling should be proposed within the required setbacks. If this is the case, Council should deny the variance. Staff do not recommend denial of the variance as it would result in a total redesign of the building that would look out of place amongst the neighbouring buildings currently under construction. In staff's calculation given the constraints of the lot, when the required setbacks of the zoning bylaw are applied, a building footprint of only 75m2 (800 sq ft) could be constructed, not providing an adequate internal household area. Staff do not recommend denial of the variance.

Alternate Recommendations

- 1. THAT Council support DVP PL2018-8406 with conditions that Council finds appropriate.
- 2. THAT DVP PL2018-8406 be referred back to staff with direction for changes to the design.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Floor Plans
- Attachment H: Letter of Intent
- Attachment I: Development Variance Permit PL2018-8406

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO

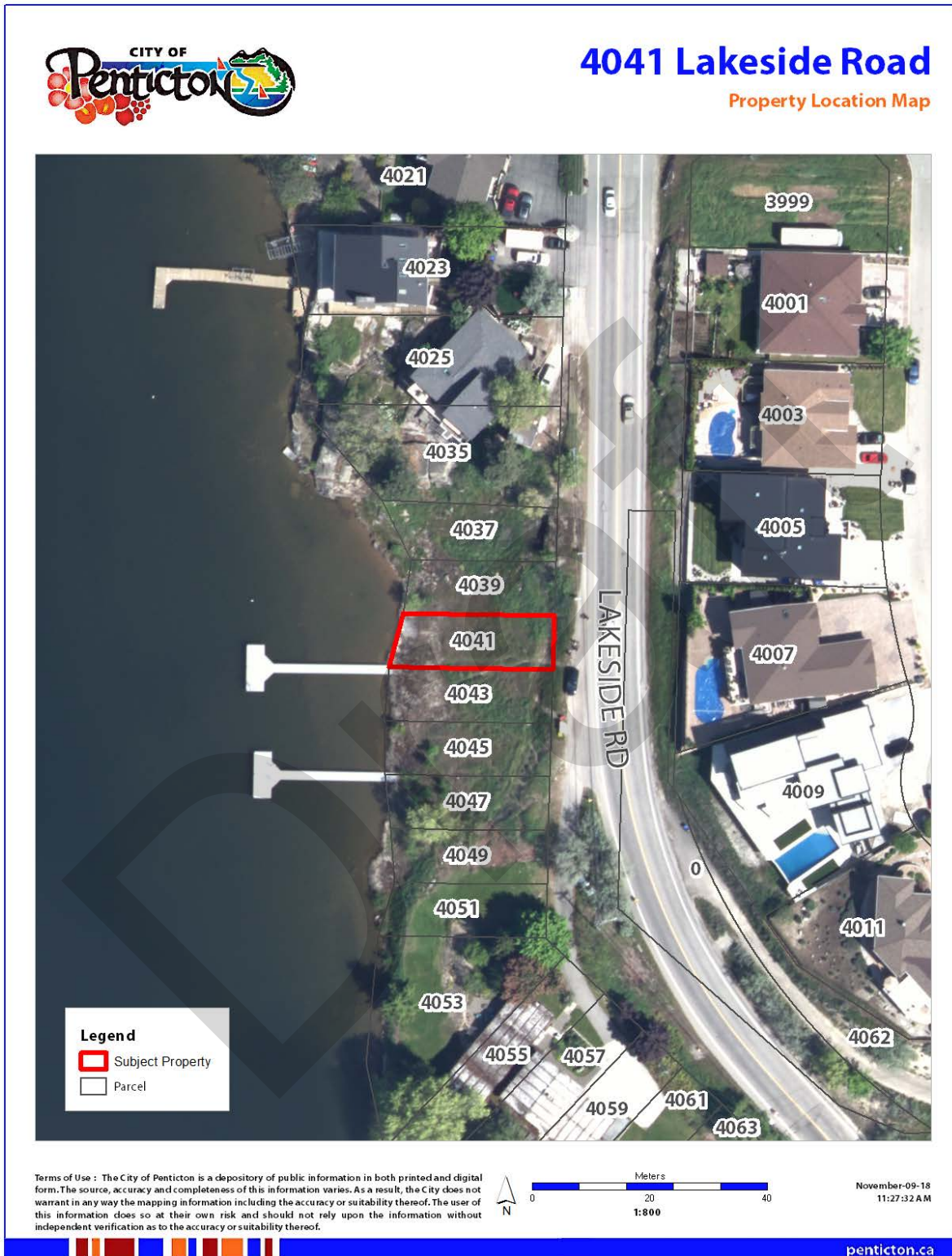


Figure 1: Subject Property Location Map

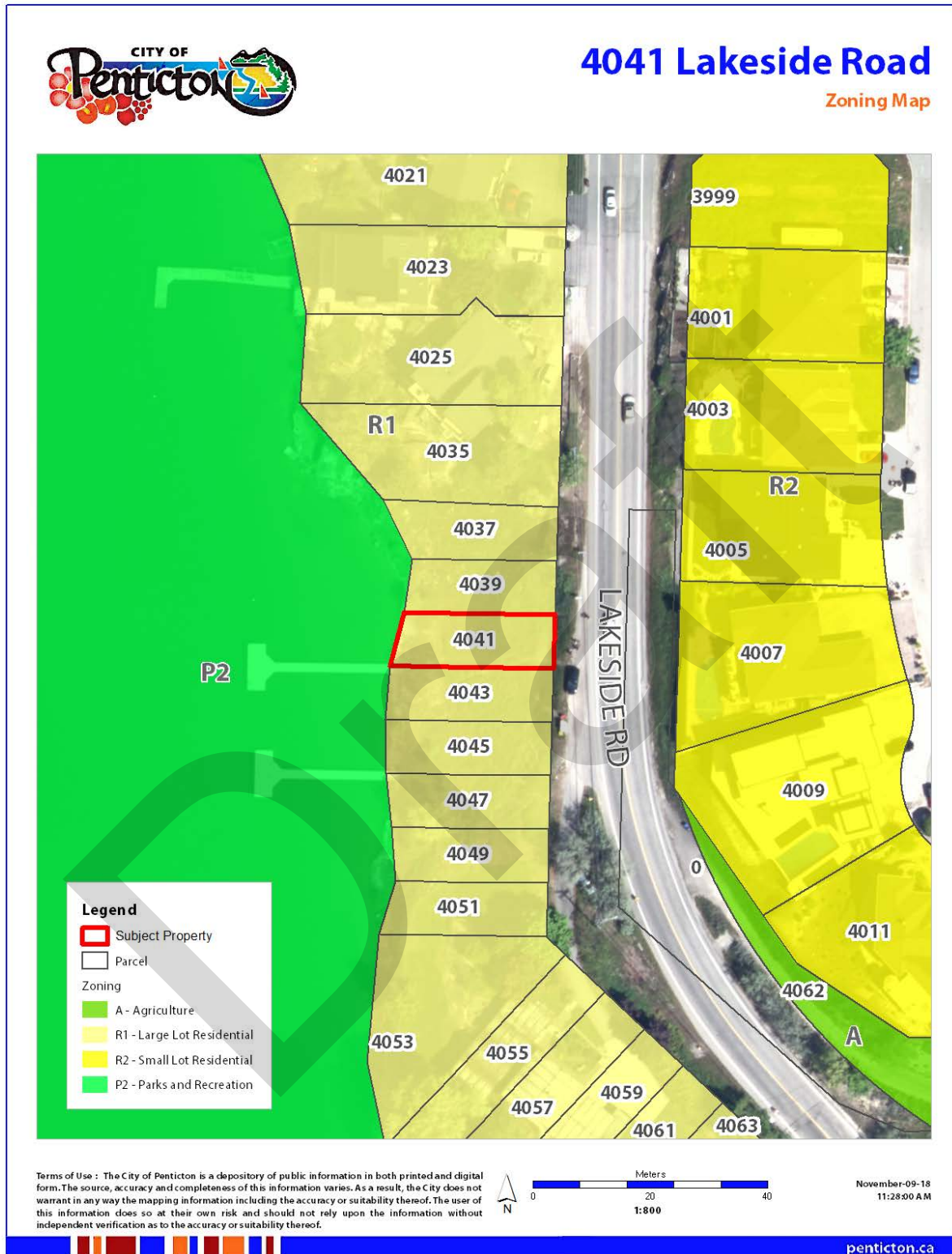


Figure 2: Zoning Map

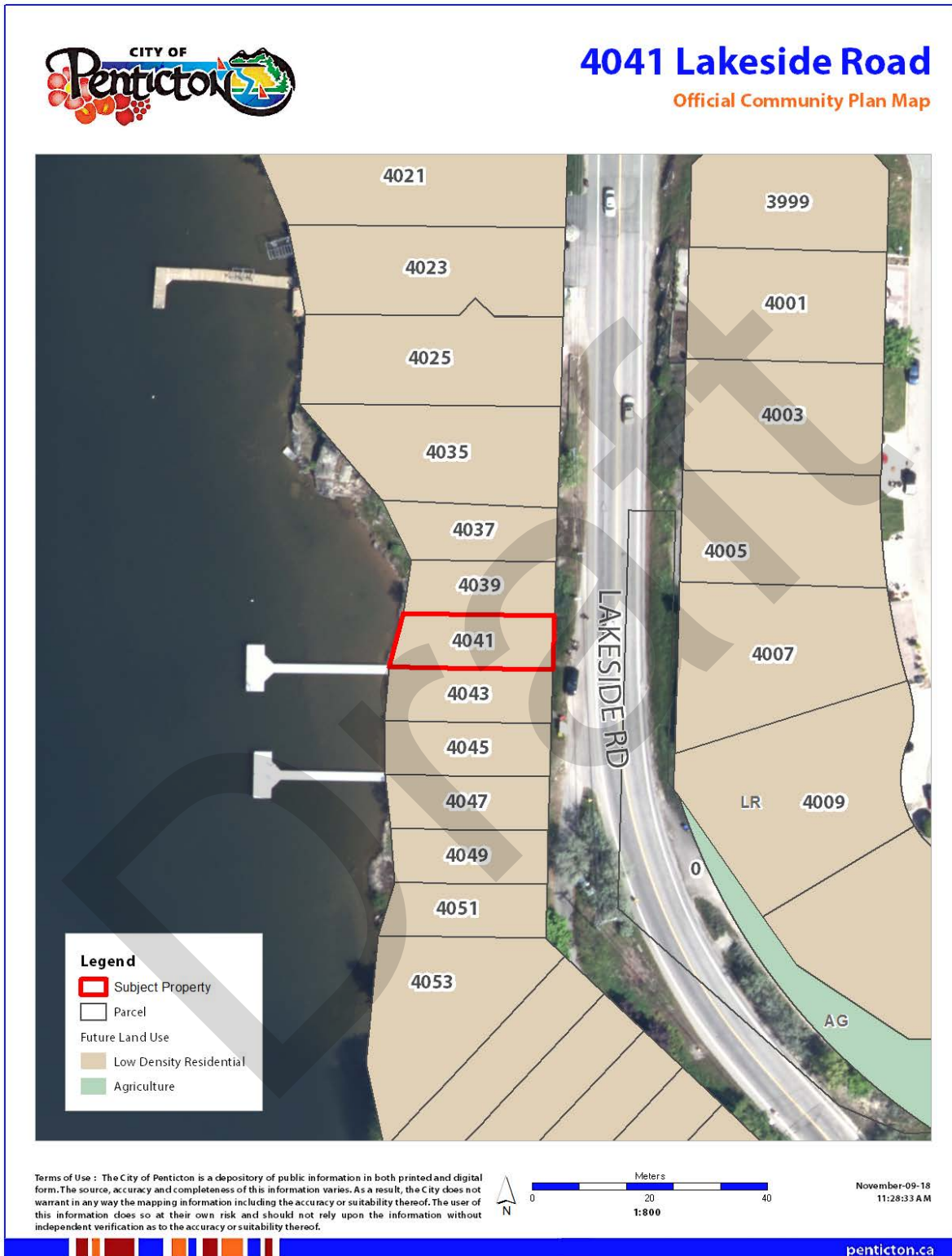


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View of Subject Property (from Lakeside Road)



Figure 5: North View of Subject Property

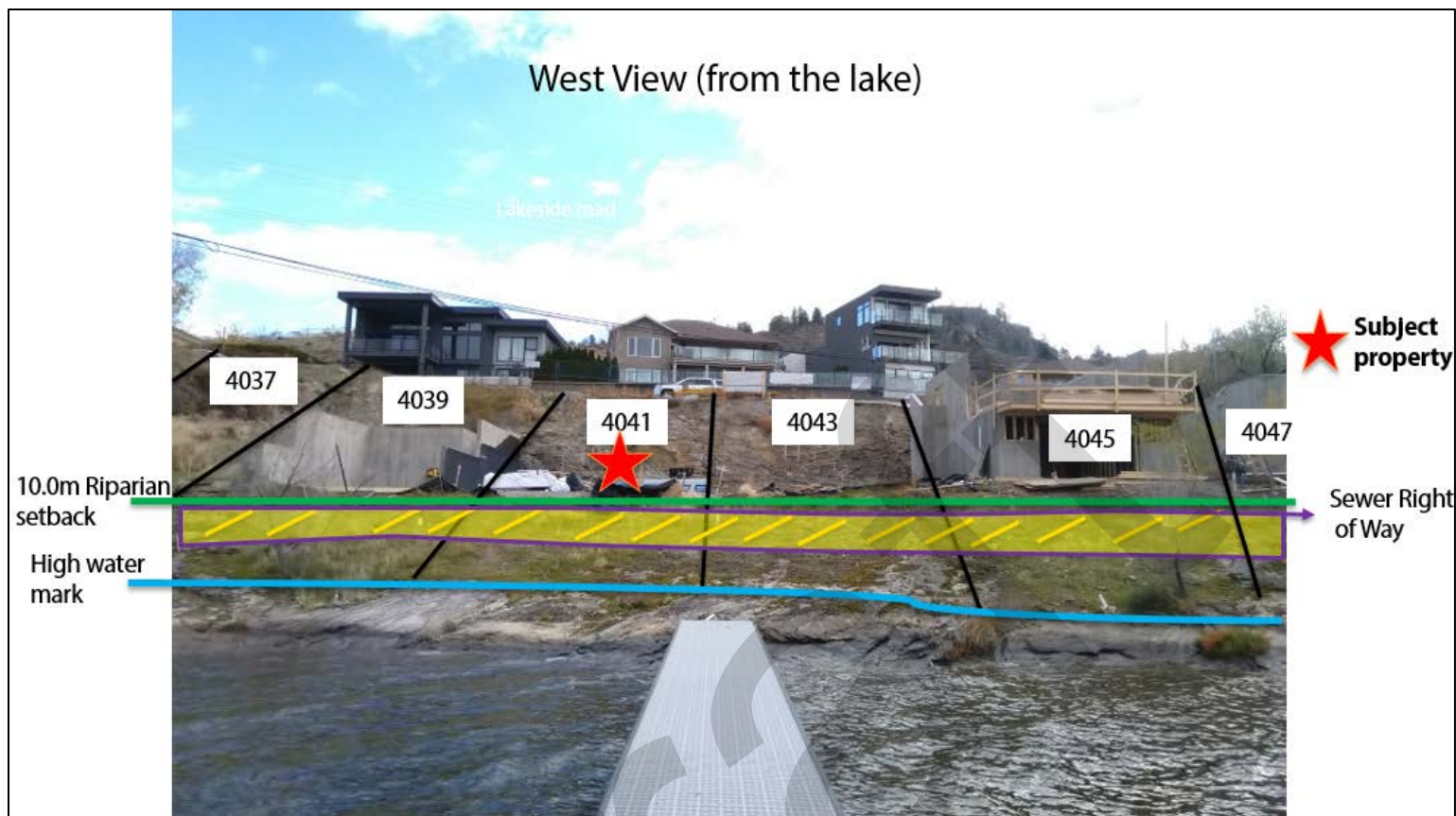


Figure 6: West View showing neighbouring properties

Attachment E – Site Plan

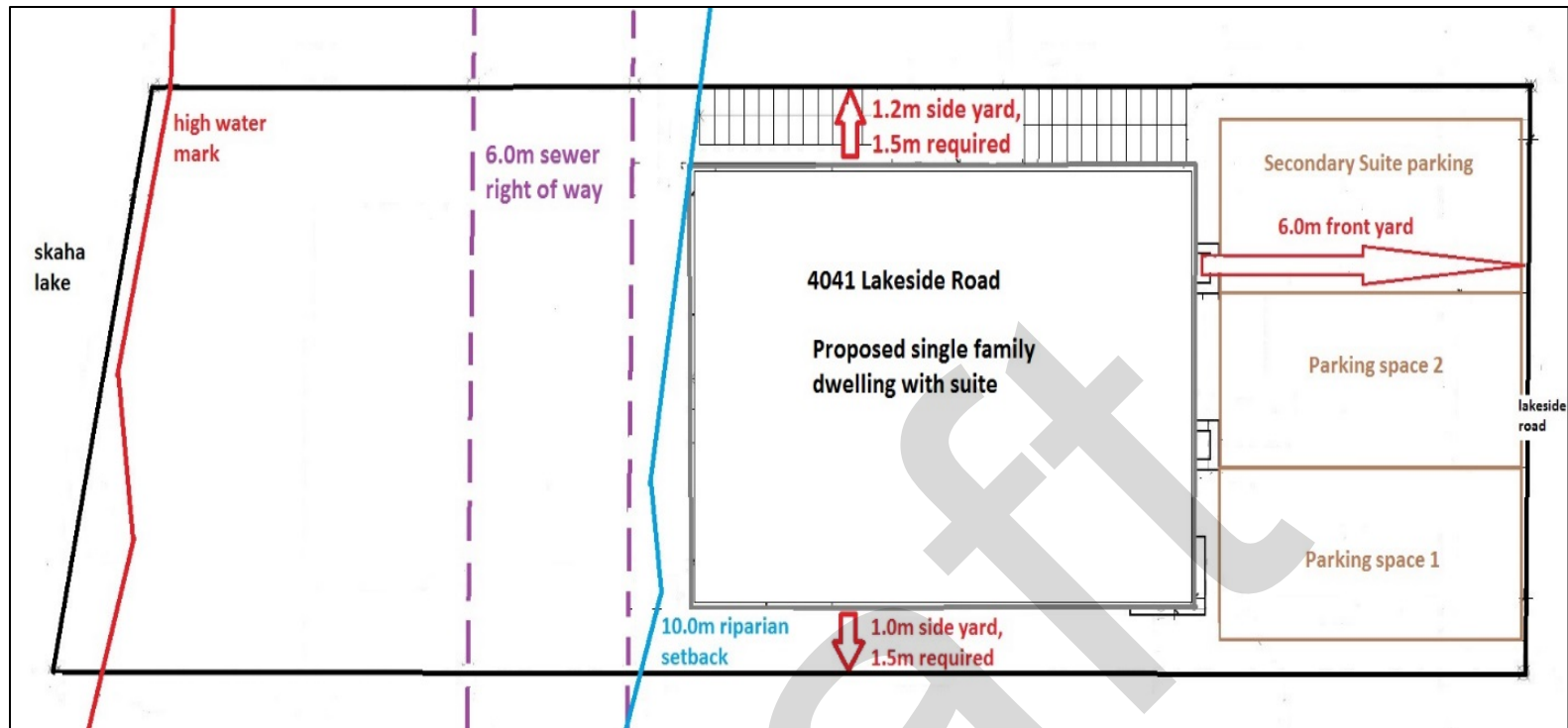


Figure 7: Site Plan

Attachment F – Elevations

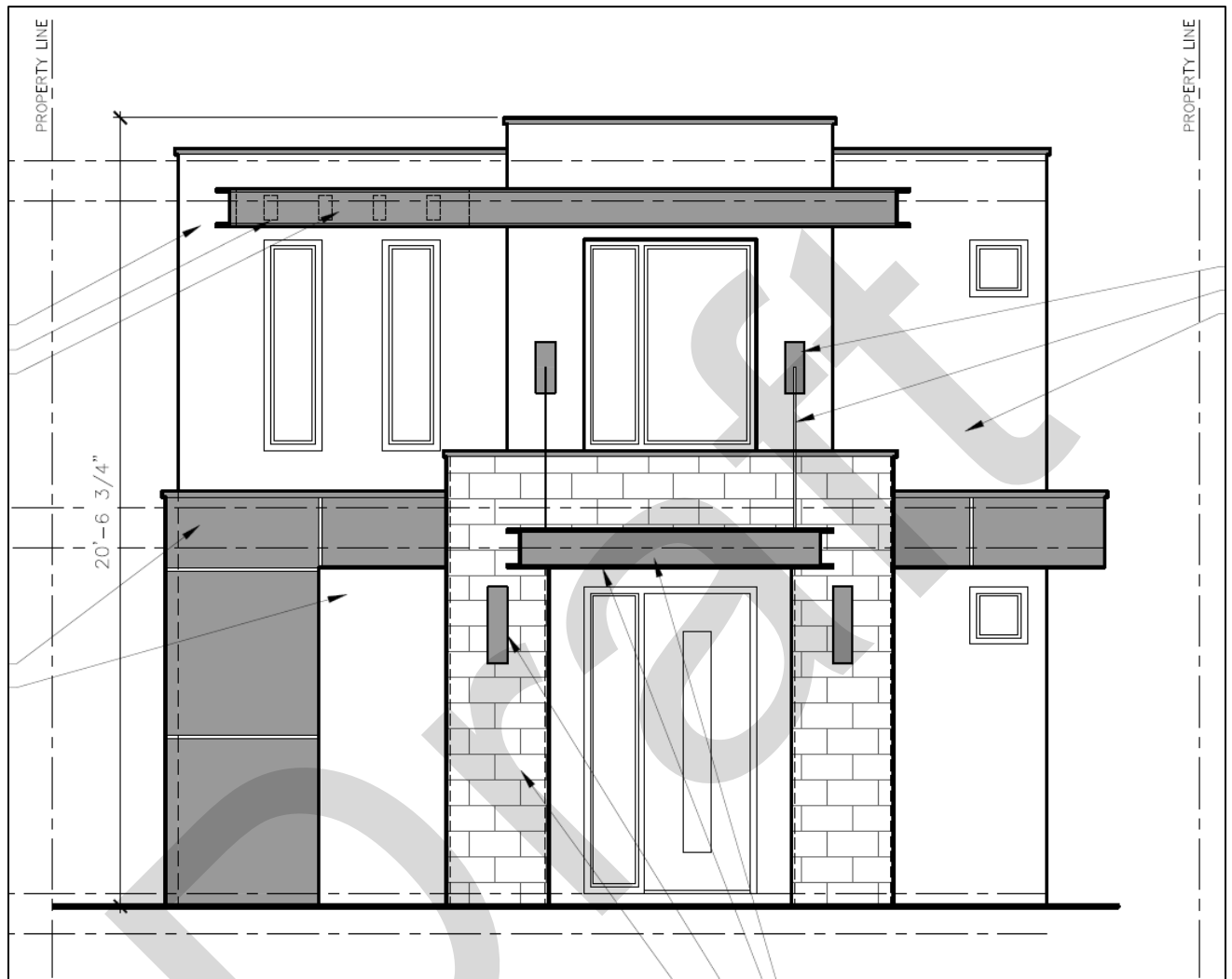


Figure 8: East Elevation (from Lakeside Road)



Figure 9: West Elevation (from the lake)

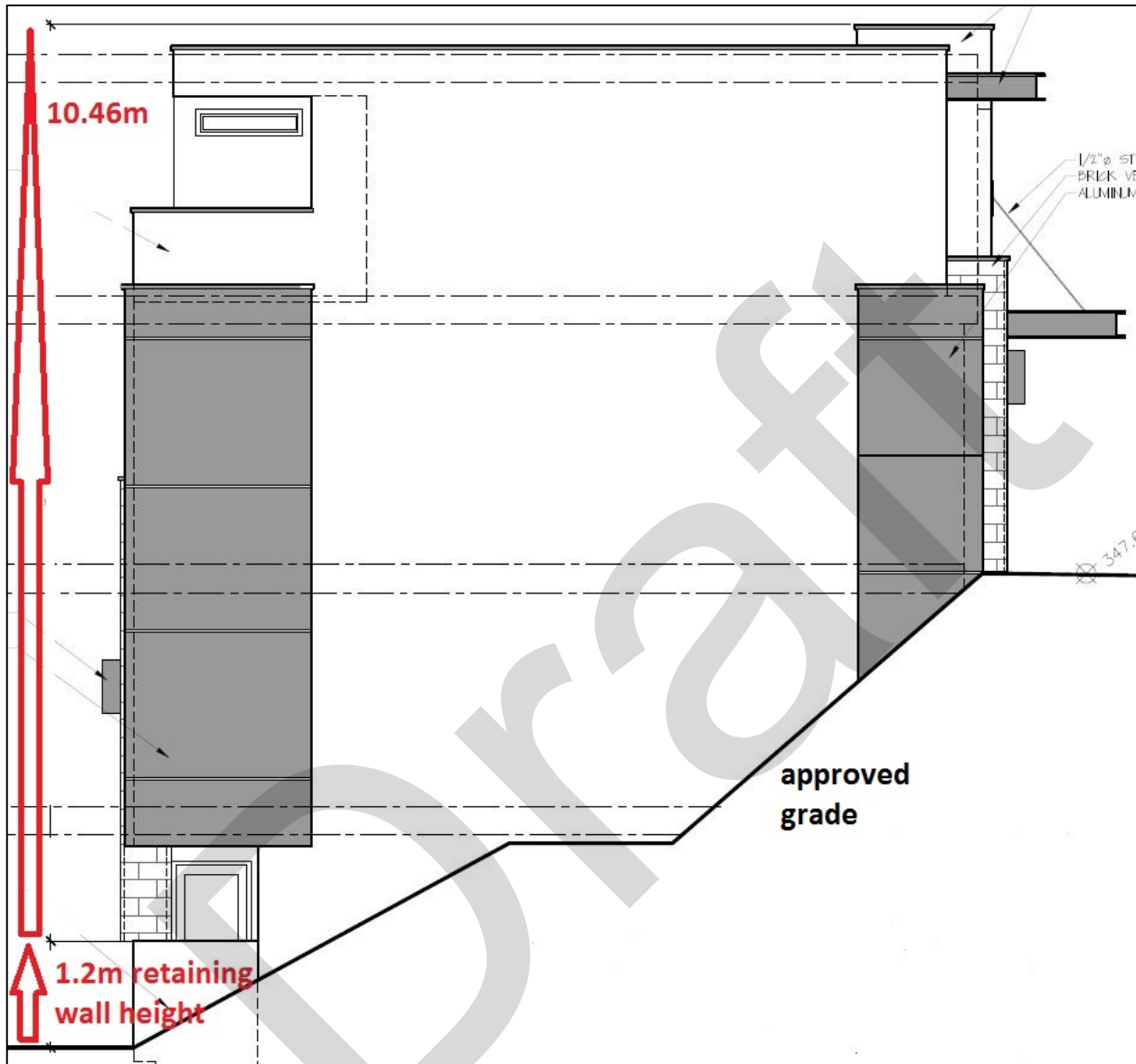


Figure 10: South Elevation

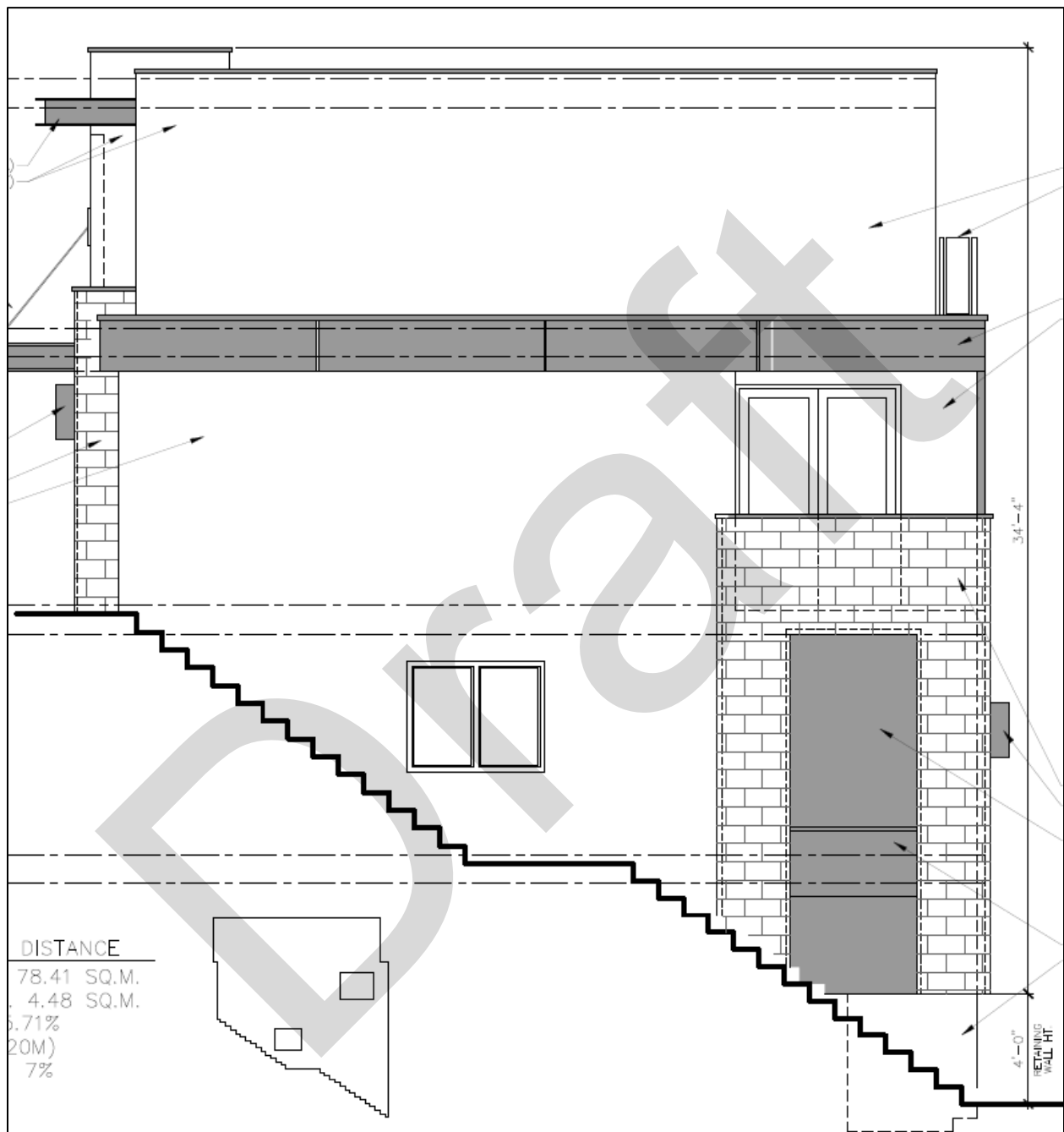


Figure 11: North Elevation

Attachment G - Floor Plans

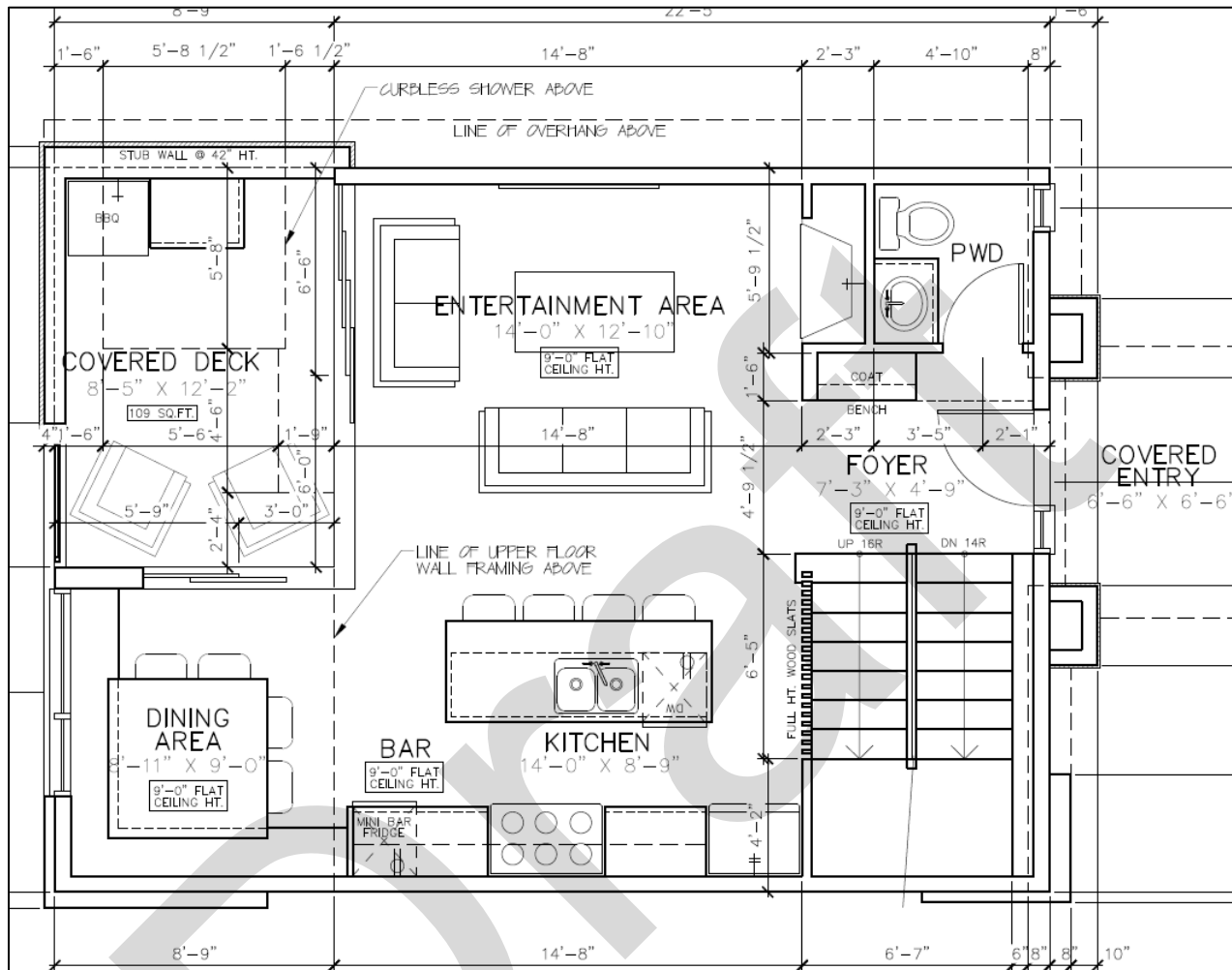


Figure 12: Main Floor Plan

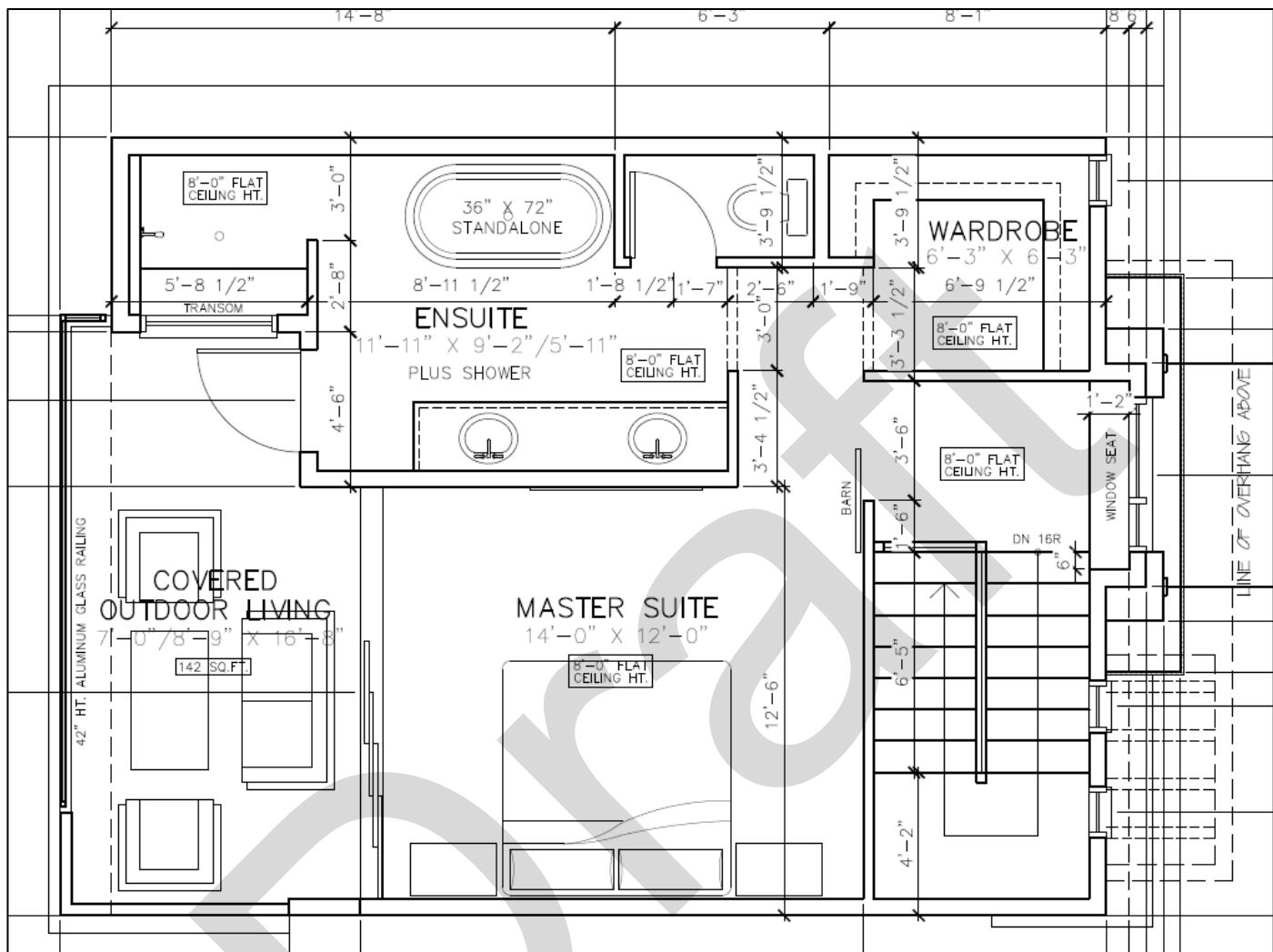


Figure 13: Second Floor Plan

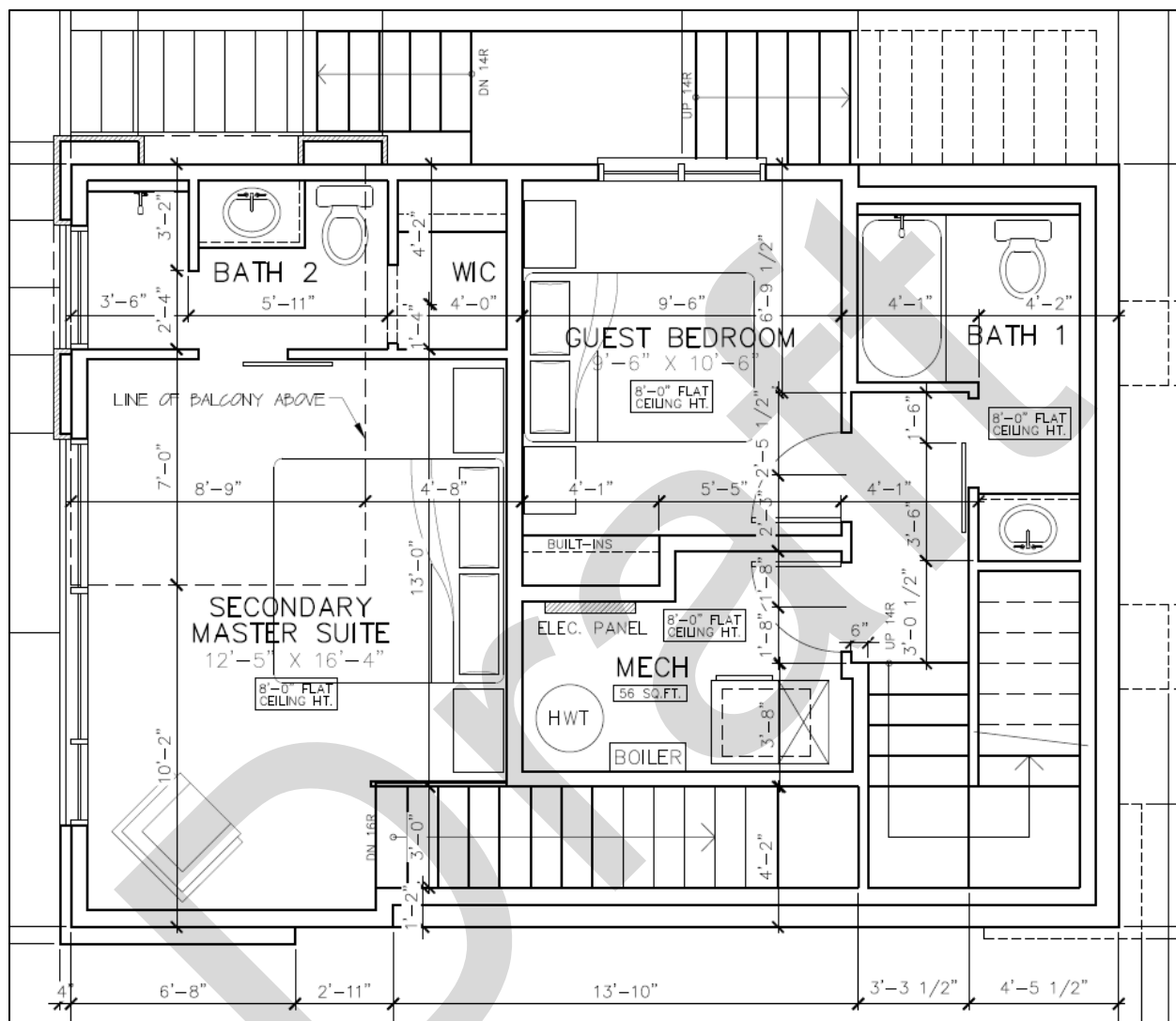


Figure 14: Basement Floor Plan

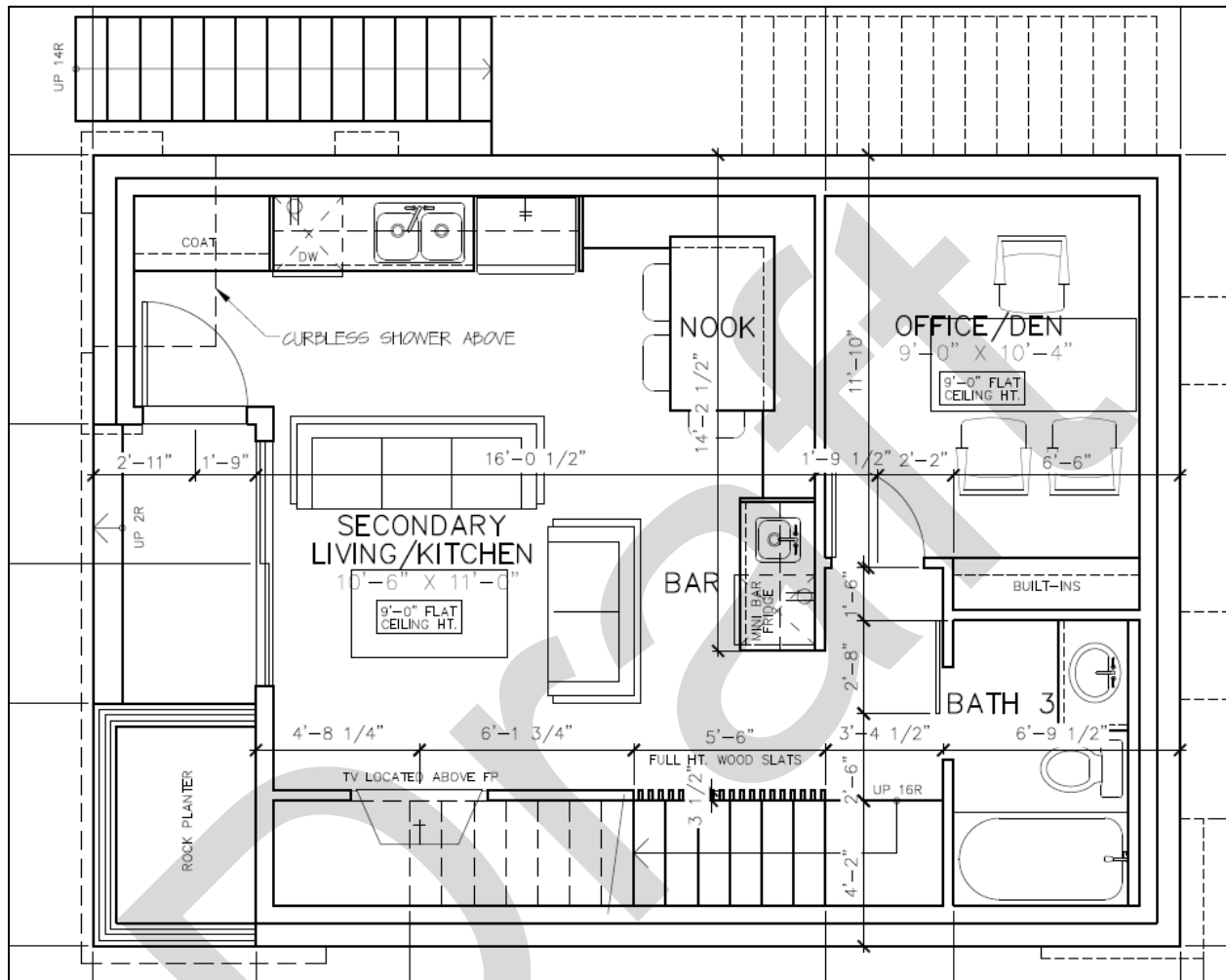
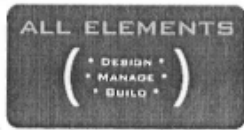


Figure 15: Bottom Floor Plan (Secondary Suite)

Attachment H - Letter of Intent



October 30, 2018

4041 Lakeside Road – Filkow Residence

Letter of Intent

Thank you for considering my submission for Development Variance Permit for my client's property at 4041 Lakeside Road.

There are 6 lots in this stretch of Lakeside Road, 3 of which have already been approved for setback variances due to the restrictive size of these lots. Two of the three homes that have been already approved, 4039 and 4047, which my company All Elements Design.Manage.Build is the general contractor for and are currently under construction. As you are aware the existing setback requirements for an R1 lot are 1.5m for side yards. I am requesting to reduce side yard setbacks to 1.0m and 1.22m to match the neighbouring properties already approved. Even with the reduction in setbacks the lot coverage remains below 40%.

Being an architect and luxury custom home builder, I assure you that this home will fit in well with the neighbouring properties and that allowing these setback reductions does not compromise the property or adjacent homes.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "KJL", is written over a large, light gray watermark that reads "DRAFT" diagonally across the page.

Kimberley J. Larson - Owner's Agent

Director

All Elements

Design . Manage . Build

303-1447 Ellis St.
Kelowna, B.C.
V1Y.2A3
250.486.7679 cell
kim@allelements.ca

Figure 16: Letter of Intent

Attachment I - Development Variance Permit PL2018-8406

Draft



Development Variance Permit

Permit Number: DVP PL2018-8406

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 23 Block 209 District Lot 190 Similkameen Division Yale District Plan 466
Civic: 4041 Lakeside Road
PID: 012-323-195
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.
 - Section 10.1.2.6.i: to decrease the minimum interior yards from 1.5m to 1.0m.

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 4 day of December, 2018

Issued this ____ day of _____, 2018

Angie Collison,
Corporate Officer

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DVP PL2018-8406

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