

January 10, 2019

Subject Property:

603 Van Horne Street

Lot 20, Block 32, District Lot 202, Similkameen
Division Yale District, Plan 269

Application:

Development Variance Permit PL2018-8418

The applicant is proposing to construct a duplex with a suite in each unit for a total of four dwelling units.



To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following:

1. Section 10.6.2.6 of Zoning Bylaw No. 2017-08: To decrease the minimum front yard from 4.5m to 3.5m.
2. Section 12.8 of Subdivision & Development Bylaw 2004-81: To decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line.

Information:

The staff report to Council and Development Variance Permit PL2018-8418 will be available for public inspection from **Friday, January 11, 2019 to Tuesday, January 22, 2019** 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, January 22, 2019** 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, January 22, 2019** 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 January 22, 2019 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: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 603 Van Horne Street
Subject: Development Variance Permit PL2018-8418
Development Permit PL2018-8419

File No: 2018 PRJ-243

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2018-8418", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit to decrease the minimum front yard from 4.5m to 3.5m and to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line, to allow for the construction of a duplex with suites;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8418."

Development Permit

THAT Council approve "Development Permit PL2018-8419", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit that allows for the construction of a duplex with suites;

AND THAT staff be directed to issue "Development Permit PL2018-8419."

Strategic Objective

The subject application demonstrates alignment with the *Council Priority* of Community Building. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

Background

The subject property (Attachment A) is zoned RD2 (Duplex Housing: Lane) and is designated by the City's Official Community Plan as HR (High Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 427.4m² (4,600ft²) and is currently vacant, with a single family dwelling being demolished in the summer of 2018. The surrounding properties are primarily zoned for commercial and duplex/multiple family. The property is located in the downtown periphery, in an area undergoing redevelopment.

Three duplex buildings with suites are currently under construction at 611, 615 and 619 Van Horne which are located to the south of the subject property. A duplex with suites has recently been approved by Council at 595 Van Horne Street, which is of similar design to the proposed duplex. On all four of these lots, variances were approved for the front yard setbacks from 4.5m to 3.5m and the number of parking spaces from 4 to 3. In the case of the subject property, four parking spaces are able to be achieved. To achieve this, however, the 0.5m required setback for a parking space from the south property line cannot be accommodated.

Proposal

The applicant is proposing to construct a duplex with a suite in each unit for a total of four dwelling units. The principal residences will be two storeys, with a living area on the main floor and three bedrooms upstairs. The basement suites will be one bedroom units. 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 3.5m.

Secondly, the applicant is requesting to vary Section 12.8 of Subdivision and Development Bylaw No. 2004-81, which decreases the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line.

Lastly, the property is located within the High Density Development Permit area and requires approval for the form and character of the proposed development and to address landscaping requirements.

Financial implication

As part of the development, the City will gain an irrigated grass boulevard at the cost of the developer.

Technical Review

This application has been assessed by the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. As per the City's Subdivision and Development Bylaw No. 2004-81, Section 9.7, construction of a duplex results in the full width of the lane will need to be paved at the cost of the developer. Servicing upgrades will be required based on fixture counts. Building permit requirements have been identified and forwarded to the developer. If the requests for the variance and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

New Official Community Plan (2019)

While the City's current Official Community Plan (2002) identifies this area as HR (High Density Residential), the draft OCP that is currently under development and anticipated to be adopted this spring, 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 subdivisions, duplexes, four-plexes and town house developments – providing for a wider variety of housing types as opposed to apartment units. 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 Development Variance and Development Permit applications:

Item	Requirement RD2 zone	Proposed
Maximum Lot Coverage:	40%	33%
Maximum Density:	0.95 FAR	0.62 FAR
Vehicle Parking:	1 space per unit + 1 per suite= 4 total required	4 spaces
Required Setbacks		
Front yard (east, Van Horne Street):	4.5m	3.5m (variance required)
Rear yard (west, lane):	6.0m	8.4m
Exterior yard (north, White Avenue East):	3.0m	3.16m
Interior yard (south):	1.5m	2.0m
Maximum Building Height:	10.5m	8.23m
Other Information:	- The subject property is located within the High Density Development Permit Area, thus a development permit is required. It is staff-issuable, but has been included in this Council report to streamline the approval process.	

Analysis

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 variances below are required to construct a sizeable duplex with suites, thus creating four dwelling units in a location close to shops, schools and nearby services.

Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

- o The boulevard width fronting the subject property is 3.0m, meaning that the proposed duplex will sit approximately 6.5m from the street. This is an adequate distance and unlikely to cause a crowding effect on the street – in fact providing a closer orientation to the street provides for a more active frontage, more efficient use of the land and is consistent with providing a more urban form of development in this area. Variances have recently been approved in the area which reduced the front yard setbacks from 4.5m to 3.5m for the construction of duplexes with suites. (Attachment I). This proposal would provide for a consistent and uniform setback for the street.

Section 12.8: to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line.

- Section 12.8 of the Subdivision and Development Bylaw requires a driveway to be located 0.5m from a property line. This is to avoid trespassing into the neighbouring lot by either a vehicle or by persons exiting a vehicle. In the current proposal, there is a fence proposed along the south property line, which will prevent trespassing of vehicles and persons exiting a vehicle. Approval of the variance will provide enough width for four parking spaces on the lot which is a benefit to the neighbourhood. For this reason, it is reasonable to support the variance.

Given the design of the building, staff conclude that the variance requests are reasonable and do not unreasonably impact the adjacent area. Approval of the variances allow for four sizeable units to be built in the downtown area, close to schools and services. The front yard setback variance request is minimal and does not significantly impact the streetscape. The fence along the south property line eliminates the negative impacts of reducing the driveway buffer requirement. As such, staff are recommending that Council support the application.

Deny/Refer Variance

Council may consider that the proposed variances will negatively affect the neighborhood and the streetscape. If this is the case, Council should deny the variances. If Council were to deny the variances, it would require a redesign of the lot, resulting in a front setback that is not aligned with the neighbouring duplexes. Denial of the variance to the Subdivision and Development Bylaw for a driveway setback will result in three parking spaces proposed on the lot in which the applicant will most likely re-apply to vary that requirement which has been approved by Council in the past. The enhanced boulevard landscaping, which are seen as improvements to the public realm, would not be achieved without redevelopment of the lot. For these reasons, staff do not recommend denial of the variance permit.

Development Permit

Support Development Permit

The subject property is located within the High Density Development Permit Area. As a consequence, a Development Permit is required. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings and ensure landscaping requirements are met. Staff feel that the proposed development meets the intent of the Development Permit Guidelines as explained below:

- The entrances have street orientation on both Van Horne Street and White Avenue East. The sidewalk entries create an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants and trees as well as grass and landscape rock.
- The current weed filled boulevard will be replaced with irrigated grass. This area is not irrigated adequately in the summer months and results in dead grass. Underground irrigation and new turf or seeded grass will make a substantial positive impact on beautification of the streetscape.
- The building material type will be comprised of hardi-board, with picture windows and covered entries, thus adding visual interest to the building.

- The decks and grass areas will provide valuable amenity space to future residents of the development.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

Alternate Recommendations

1. THAT Council support "DVP PL2018-8418" but deny support for "DP PL2018-8419."
2. THAT Council support "DVP PL2018-8418" and "DP PL2018-8419" with conditions.
3. THAT Council refer "DVP PL2018-8418" back to staff.

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: Landscape Plan
 Attachment G: Elevations
 Attachment H: Floor Plans
 Attachment I: Nearby Variances
 Attachment J: Letter of Intent
 Attachment K: Development Variance Permit PL2018-8418
 Attachment L: Development Permit PL2018-8419

Respectfully submitted,

Randy Houle
 Planner I

Approvals

DDS	CAO
	

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: East View (from Van Horne Street)



Figure 5: North View (from White Avenue East)



Figure 6: West View (from the lane)



Figure 7: West View (showing proximity to new duplex to the south)



Figure 8: Boulevard along White Avenue East



Figure 9: Duplexes to the south (similar design)

Attachment E – Site Plan

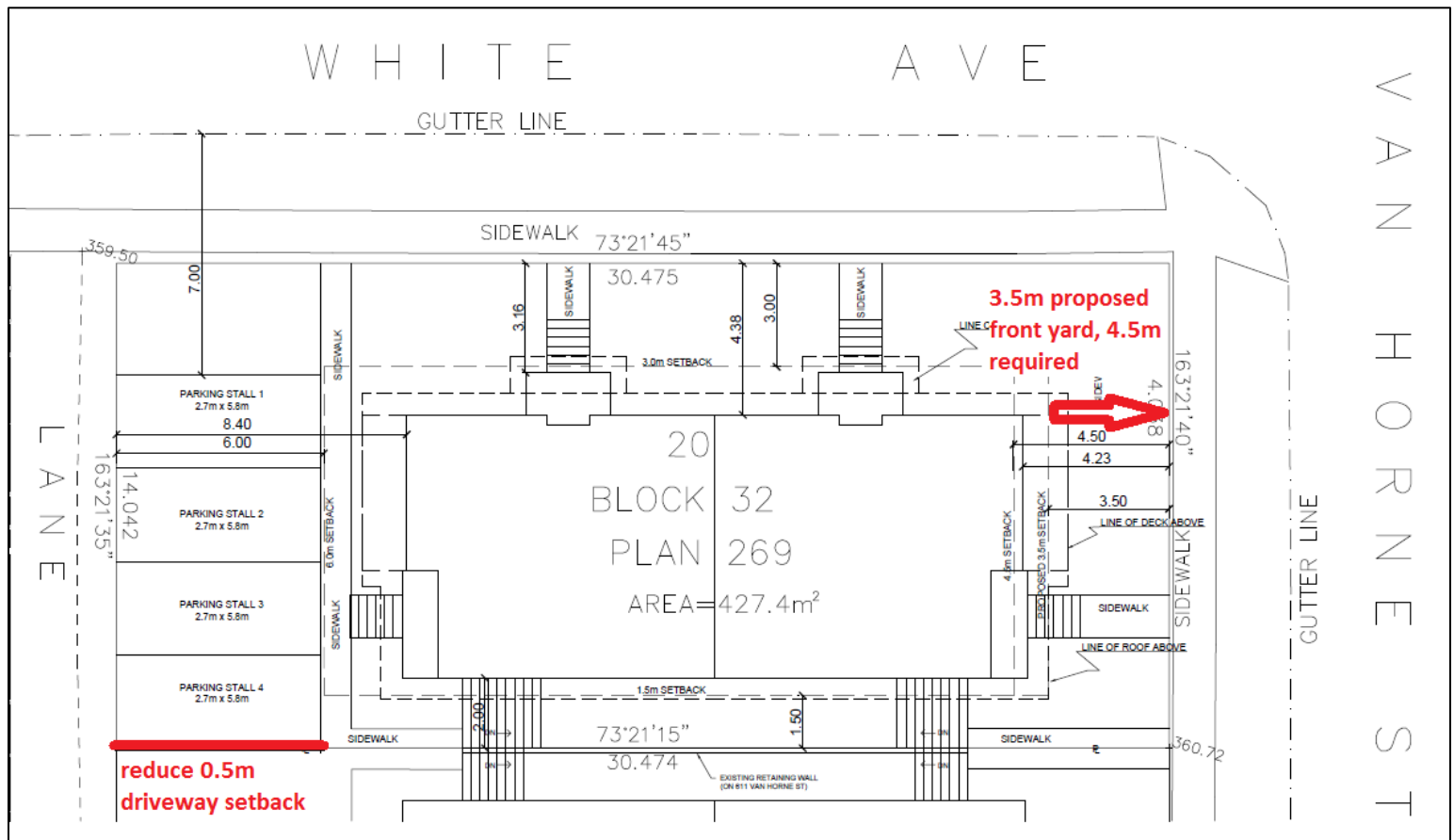


Figure 10: Site Plan

Attachment F – Landscape Plan

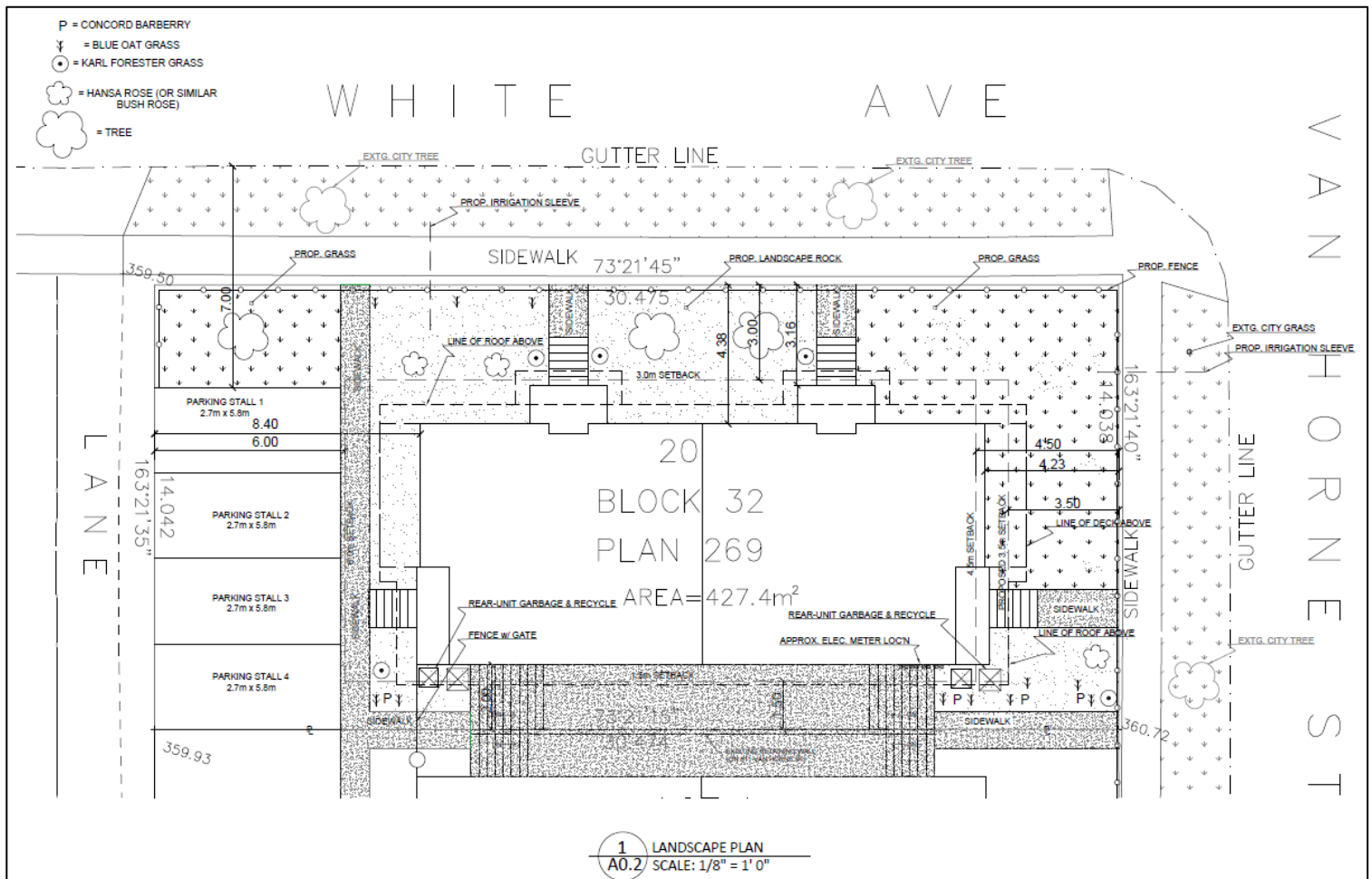


Figure 11: Landscape Plan

Attachment G – Elevations

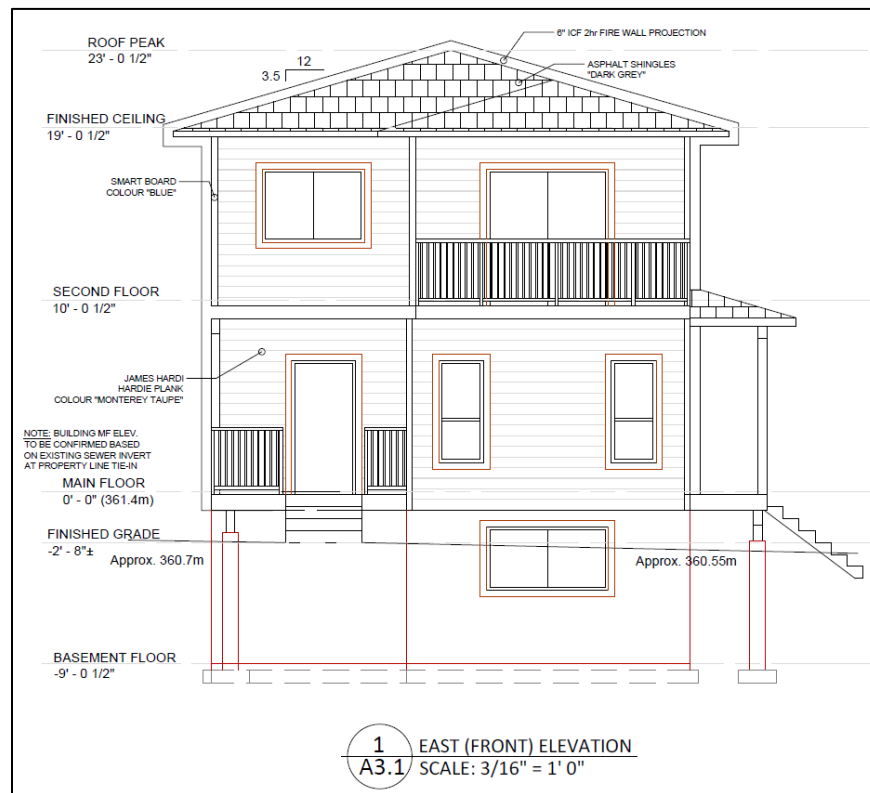


Figure 12: East Elevation (from Van Horne Street)

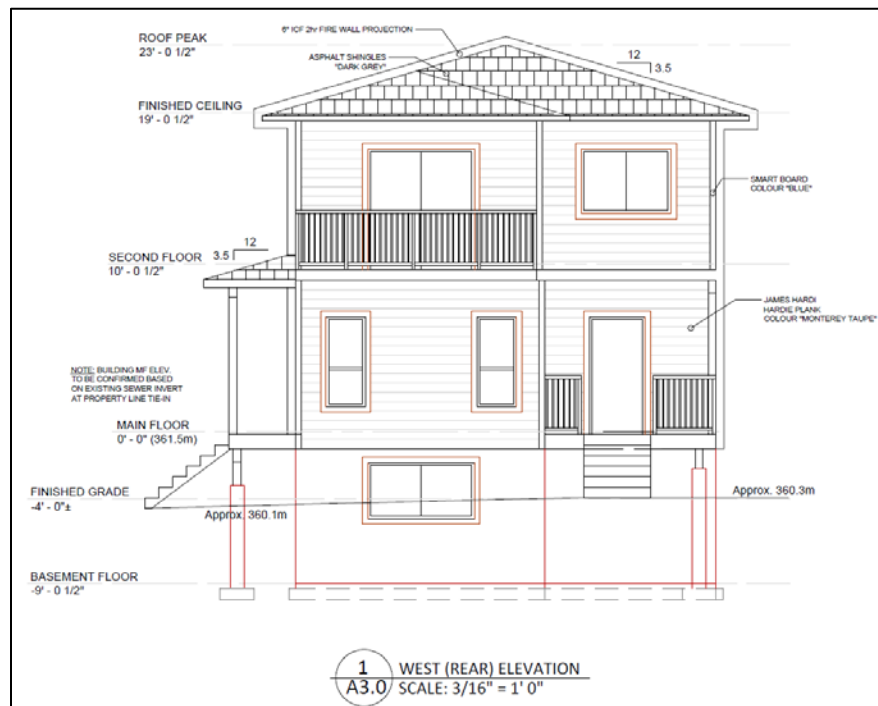


Figure 13: West Elevation (from the lane)



Figure 14: North Elevation (from White Avenue East)



Figure 15: South Elevation

Attachment H – Floor Plans

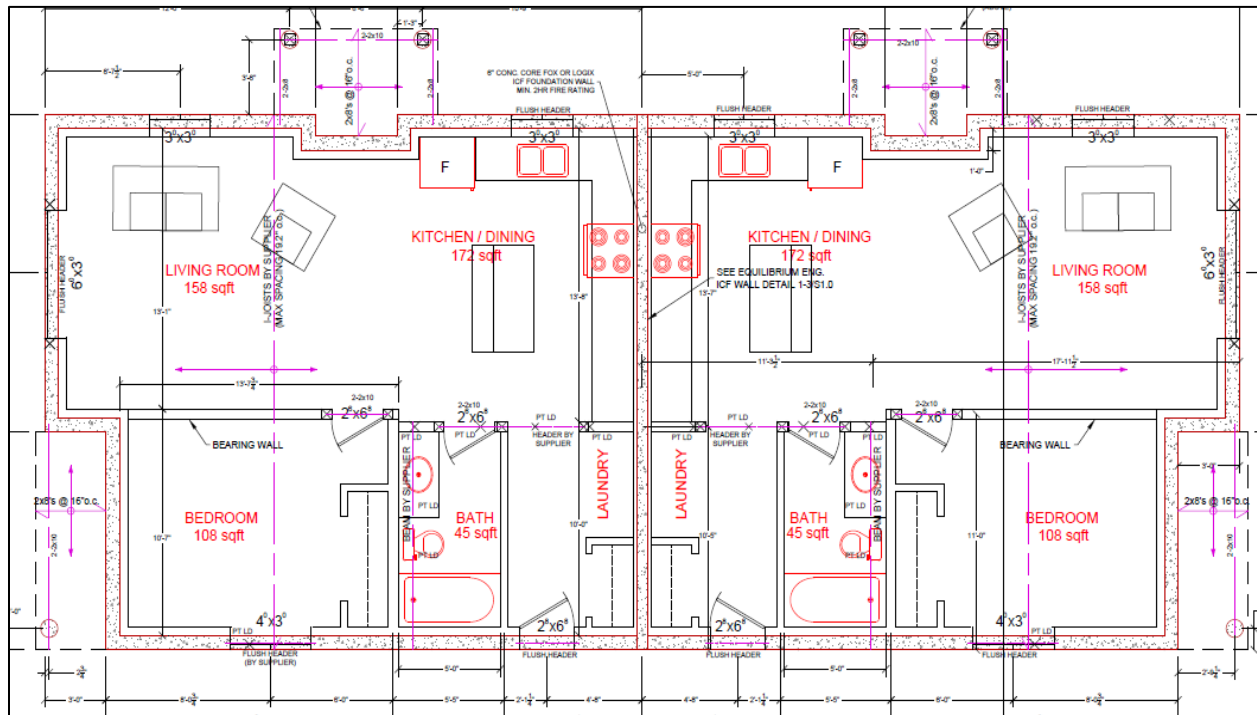


Figure 16: Basement Floor Plan (Duplex Suites)

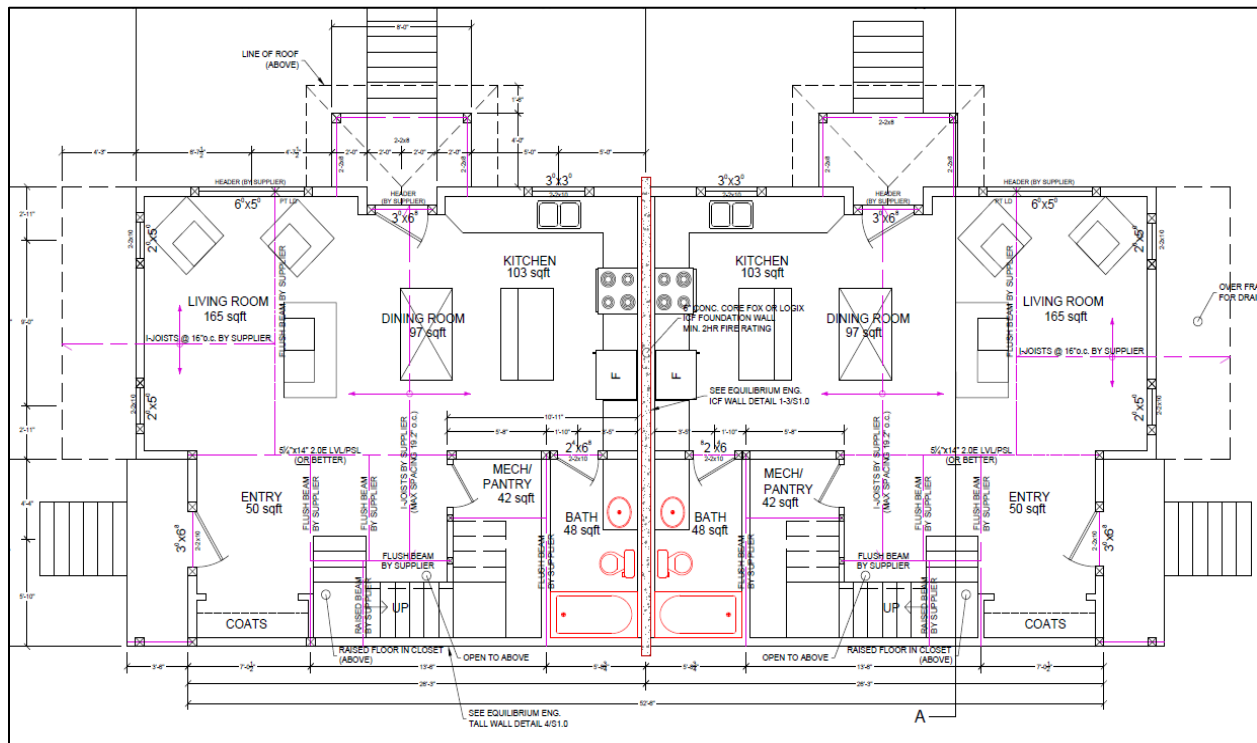


Figure 17: Main Floor Plan

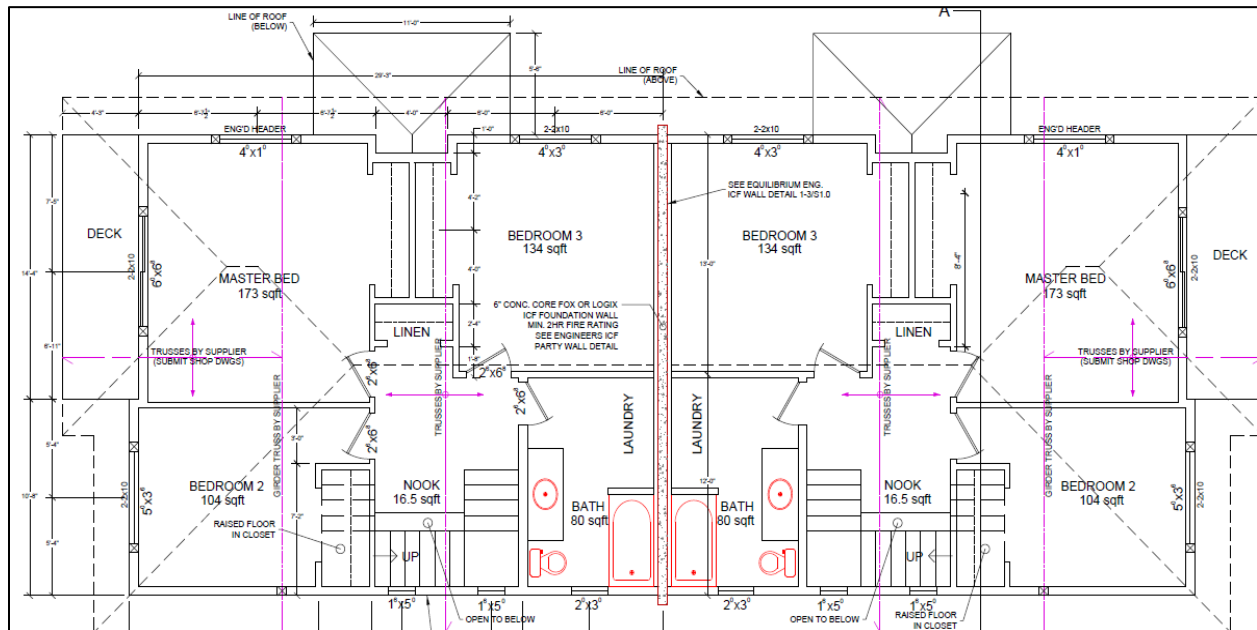


Figure 18: Second Floor Plan

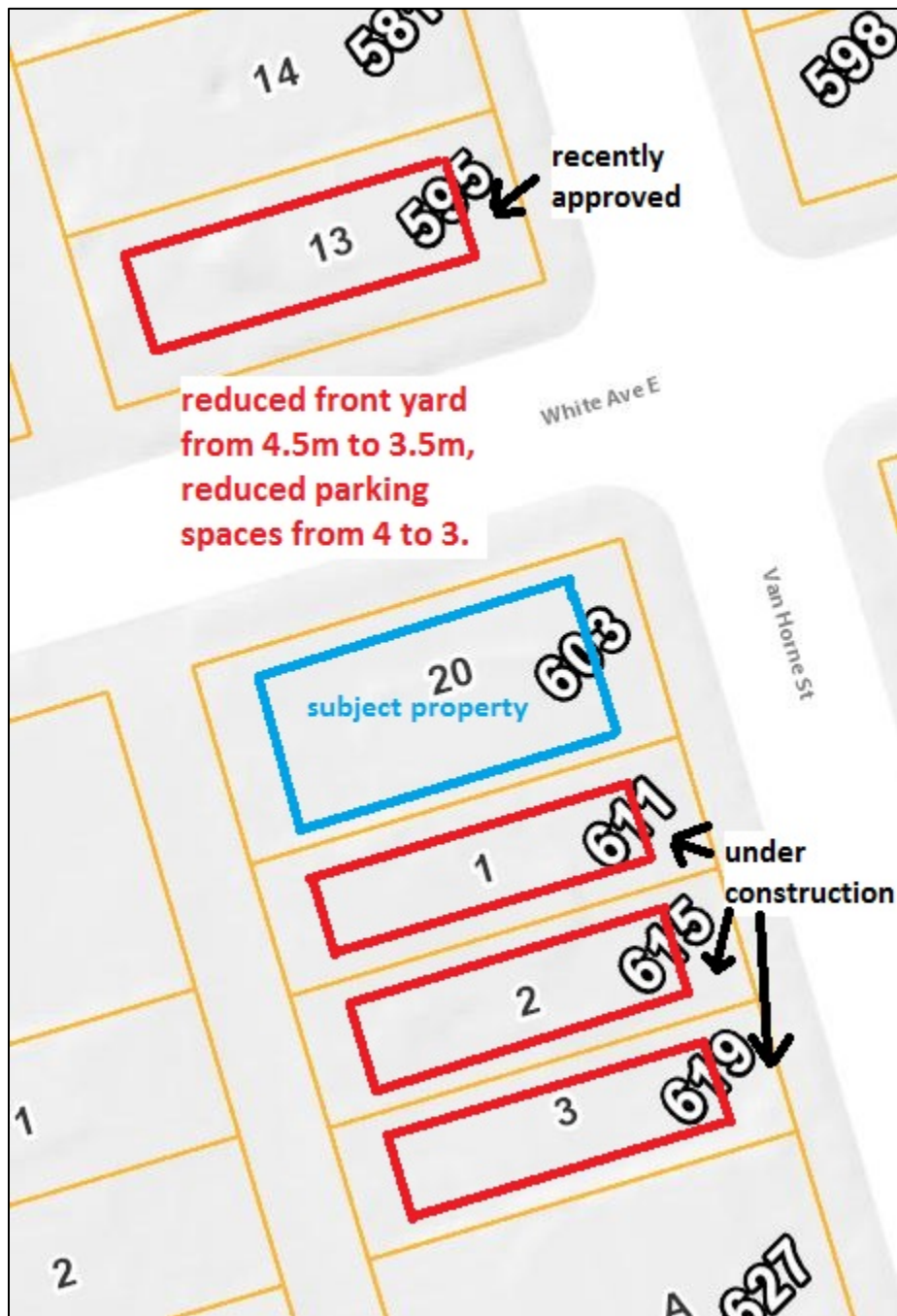


Figure 19: Nearby Variances

603 Van Horne Street Development Application

The intent of the development is to provide front to back duplex zoning consistent with many of the new developments in the area, and some of the older developments on the same block of Van Horne Street to create continuity within the neighbourhood.

The OCP bylaw encourages the increased densification of the area, which is our intent, while ensuring the finished product also has curb appeal, and is consistent with the developments in the neighbourhood. Consistent with the development to the south we would like to propose that the front set back be reduced to 3.5m from 4.5m this would bring the building in line with the buildings to the south. Also increasing the space in the alley. Zoning bylaw No 2017-08 10.6.2.6.

We also intend to provide basement suites in each of the front and back units of the duplex, with separate side entrances, and to provide a reasonable return on investment for those units which will be kept for rentals. Furthermore, the addition of basement suites provides affordable units in the downtown core which at this time is in extremely high demand (and has been in a critical shortage for sometime). Also, the addition of basement suites provides a finished product that is more in-line with the current OCP bylaw as this area is slated for 'High Density' - ignoring the potential for basement units would under utilize the space.

Access to the basements is to be located at the side of the units to reduce the overall building height, and to reach an aesthetically pleasing height to width ratio when viewed from street level. Further more locating the access to the basements at the side of the building allows for a larger green belt between the entrance of the units and the street / rear parking. Having the entrance at the sides also ensures the main units in both the front and back feel more like detached dwellings for the owners and/or tenants.

We would like to apply for a variance contrary to subdivision & development bylaw No 2004-81 section 12:8 moving the driveway form a minimum of .05m to .0m. facilitating an extra parking space to bring the total parking spaces to 4 from 3. We feel this is in line with the other development to the south which has full parking in the alley, and also be in line with a proposed development across White Ave. This would allow the required number of parking spaces for the units proposed.

Jack Reems

Figure 20: 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 PL2018-8418

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 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269

Civic: 603 Van Horne Street

PID: 012-463-060

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 and Subdivision and Development Bylaw No. 2004-81 to allow for the construction of a duplex with suites.

Zoning Bylaw No. 2017-08:

- Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

Subdivision and Development Bylaw No. 2004-81:

- Section 12.8: to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line.

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 22 day of January, 2019.

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer



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

Development Permit

Permit Number: DP PL2018-8419

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 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269

Civic: 603 Van Horne Street

PID: 012-463-060

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex with suites, as shown in the plans attached in Schedule A.

4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$5,521.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:

- a. correct an unsafe condition that has resulted from a contravention of this permit,
- b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
- c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:

- a. the permit has lapsed as described under Condition 8, or
- b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) 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.
8. 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.
9. **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.**
10. 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.
11. 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 22 day of January, 2019

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer

DP PL2018-8419

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