

January 24, 2019

Subject Property:

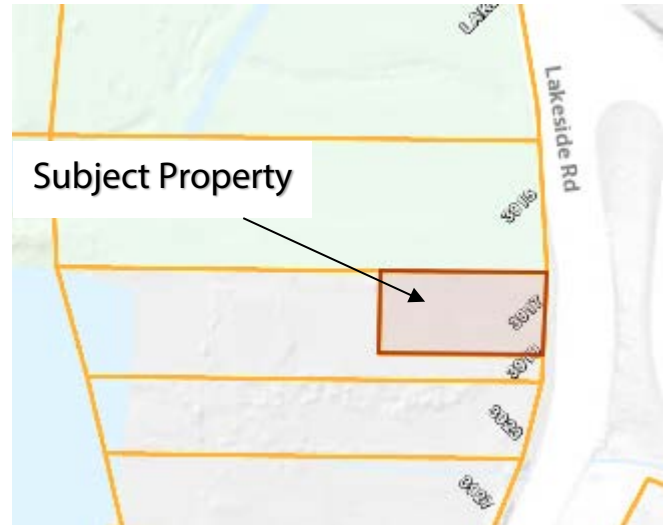
3917 Lakeside Rd

Lot A, District Lot 190, Similkameen Division Yale District,
Plan KAP72460

Application:

Temporary Use Permit PL2018-8413

The applicant is requesting a Temporary Use Permit (TUP) to permit the use of 'outdoor storage' at 3917 Lakeside Road for an eighteen-month period (expires August 5, 2020) to store items while they build a new single family dwelling at 3919 Lakeside Rd.



Information:

The staff report to Council and Temporary Use Permit PL2018-8413 will be available for public inspection from **Friday, January 25, 2019 to Tuesday, February 5, 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, February 5, 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, February 5, 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 February 5, 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

Date: February 5, 2019
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner I
Address: 3917 Lakeside Road
Subject: Temporary Use Permit PL 2018-8413

File No: PRJ2018-239

Staff Recommendation

THAT Council approve "Temporary Use Permit PL2018-8413", a permit to allow the use of 'outdoor storage' for Lot A, District Lot 190, Similkameen Division Yale District, Plan KAP 72460, located at 3917 Lakeside Road, for an eighteen-month period, ending August 5, 2020;

AND THAT staff are directed to issue the permit.

Background

This application is coming forward from an applicant who owns two adjacent / tandem properties on Lakeside Road. 3919 Lakeside Road directly fronts Skaha Lake and is accessed via a panhandle running along 3917 Lakeside Road, which fronts onto Lakeside Road and is the subject of this application. Both lots are directly adjacent to the Skaha Lake Park parking lot. Both properties are currently vacant.

In October 2017, a fire originating on a neighbouring property, 3923 Lakeside Road, spread to the house on 3919 Lakeside Road, destroying both homes.

The owner of 3917 and 3919 Lakeside Road is intending to construct a new single family house and carriage house on 3919 Lakeside Road. A building permit has been issued for the house. The carriage house is subject to a separate but concurrent application process, including a variance to the building size and location.

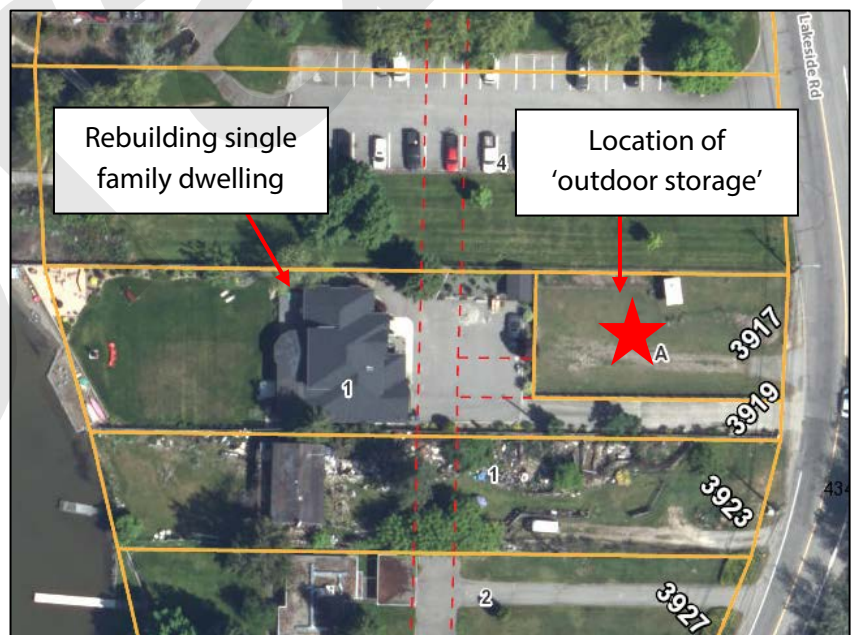


Figure 1 - Subject Property

The owner of the lands wishes to use 3917 Lakeside Road for outdoor storage, including the placement of three metal storage containers, during the construction period, anticipated to last for 18 months.

The subject property (Attachment 'A') is zoned R1 (Large Lot Residential) and is designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Outdoor storage is not a permitted use in the R1 zone. The applicant is requesting a Temporary Use Permit to allow for the use 'outdoor storage' on the subject property for a duration of eighteen-months. A Temporary Use Permit is a tool that the *Local Government Act* has given to local governments that allows for a use that is not permitted by zoning to occur for a temporary amount of time, as long as no permanent change to the lands result.

Proposal

The applicant is requesting that Council grant a Temporary Use Permit (TUP) to permit the use 'outdoor storage' at 3917 Lakeside Road for an eighteen-month period. The eighteen-month period will provide enough time for the property owner(s) to build the new single family dwelling, and move the items currently stored at 3917 Lakeside Road, back to their desired location at 3919 Lakeside Road.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee. As part of the review process, the Fire Department identified there can be safety concerns with the storage of hazardous materials inside metal shipping containers. This has been communicated to the applicant, who has confirmed that there are no hazardous materials stored inside the containers. This prohibition is listed as a condition of the Temporary Use Permit.

Analysis

Support Temporary Use Permit

When considering an application for a temporary use permit, the OCP has established a set of guidelines for Council and staff to follow. Part 7 Implementation (s 7.4) states that Temporary Use Permits may only be issued provided that the proposed use:

- is not noxious or undesirable;
- does not have a negative impact on adjacent lands;
- does not create a significant increase in demand for City services;
- complies with the DPA guidelines for the area;
- operates at hours that do not disturb the surrounding neighbourhood;
- will not permanently alter the site; and
- complies with council conditions and other provincial and federal enactments

Staff do not feel that the proposal is in conflict with any of the guidelines listed above. The proposed use for outdoor storage is temporary in nature, and does not require any permanent construction or alterations to be made to accommodate the structures. The proposed use will not permanently alter the site in any way.

The property at 3917 Lakeside Road is currently being used to store the following items:

- 3 metal storage containers;
- 2 vehicles;
- 2 recreational vehicles (RV); and
- 1 utility trailer.

The City's Zoning Bylaw No. 2017-08 defines outdoor storage as:

"the storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include but are not limited to vehicle or heavy equipment storage compounds."

Staff have noted that the property at 3917 Lakeside Road is not unsightly, as most of the items are located along the rear property line (western side) in a tidy fashion. Staff have the requirement to keep the property in a tidy state a condition of the requested Temporary Use Permit, to reduce the impacts of the outdoor storage use on neighbouring properties.

It should also be noted that the outdoor storage use and use of metal storage containers would be permitted on the property that the building permit has been issued to during construction. It is only that this is a separate property that the permit is required.

For the reasons listed above it is recommended that Council support the issuance of the Temporary Use Permit for an eighteen-month period.

Deny/Refer Temporary Use Permit

Council may feel that the use of outdoor storage is not a desirable use for this lot, even on a temporary basis. If that is the case, Council should deny the application. Alternatively, Council may wish to support the use on a temporary basis, but may prefer to see the number of items stored on the property reduced, or reduce the time period for the Temporary Use Permit (see alternative recommendations).

Alternate recommendations

1. THAT Council approve "Temporary Use Permit PL2018-8413", for a twelve-month period.
2. THAT Council approve "Temporary Use Permit PL2018-8413" with conditions that Council feels are applicable.
3. THAT Council deny "Temporary Use Permit PL2018-8413".

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Future Land Use Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Letter of Intent
Attachment G:	Temporary Use Permit PL2018-8413

Respectfully submitted,

Nicole Capewell

Planner I

Approvals

DDS	CAO

Draft

Attachment A- Subject Property Location Map



Figure 2: Subject Property Location Map

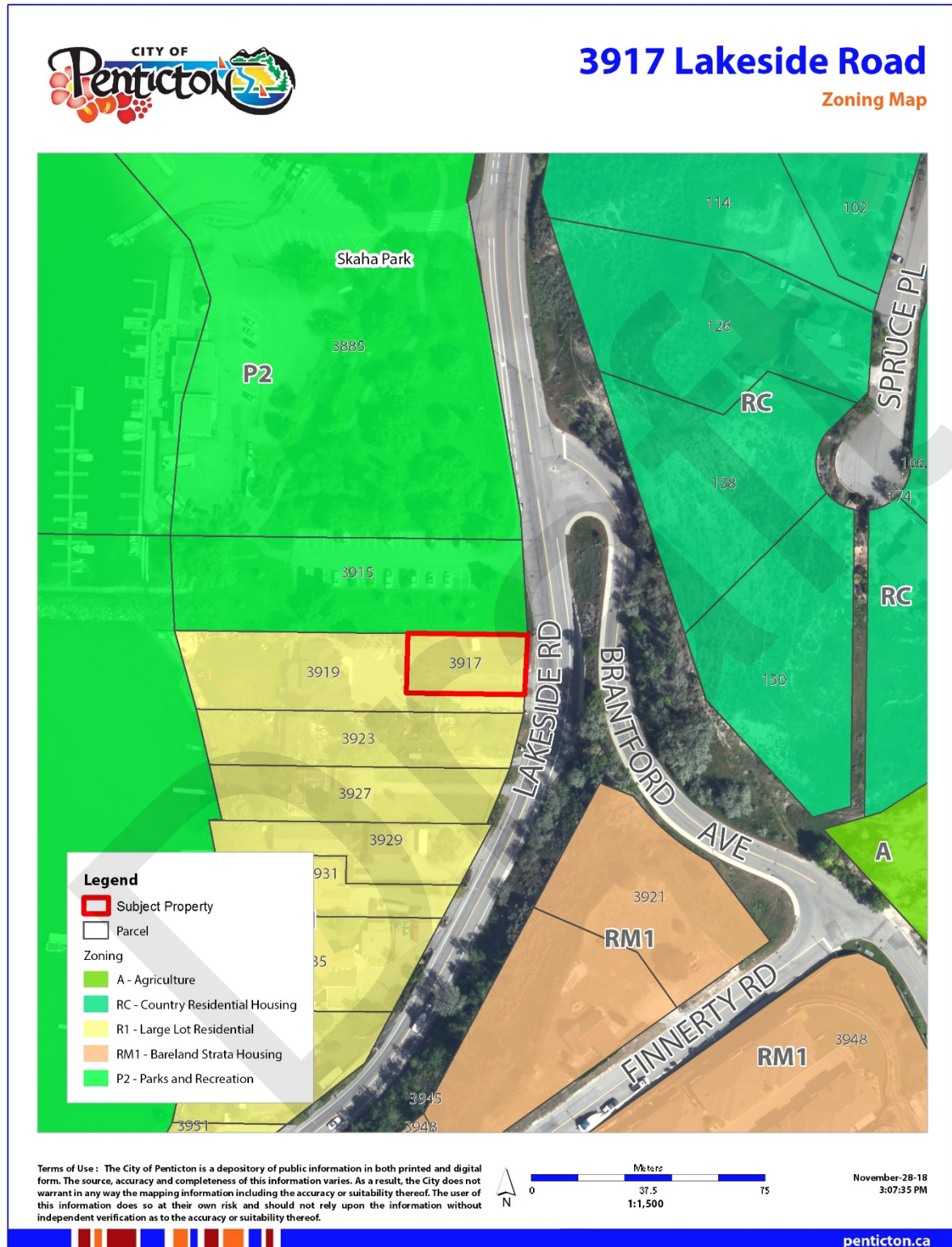


Figure 3: Zoning Map

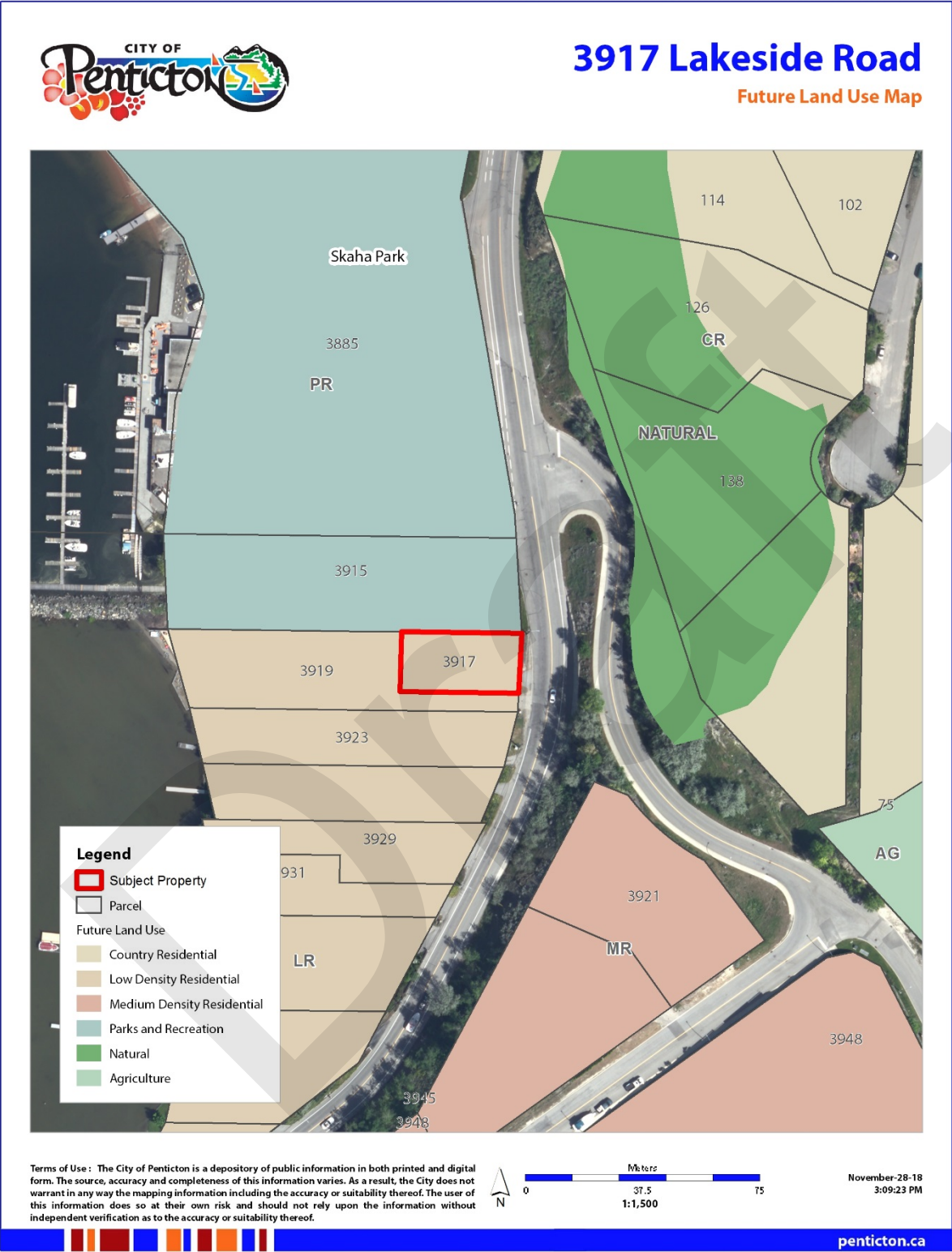


Figure 4: OCP Future Land Use Map

Attachment D – Photos of Subject Property



Figure 5: Looking at subject property from north east corner



Figure 6: Looking at subject property from east (Lakeside Road)



Figure 7: Looking at subject property from east (Lakeside Road)

Attachment E – Site Plan

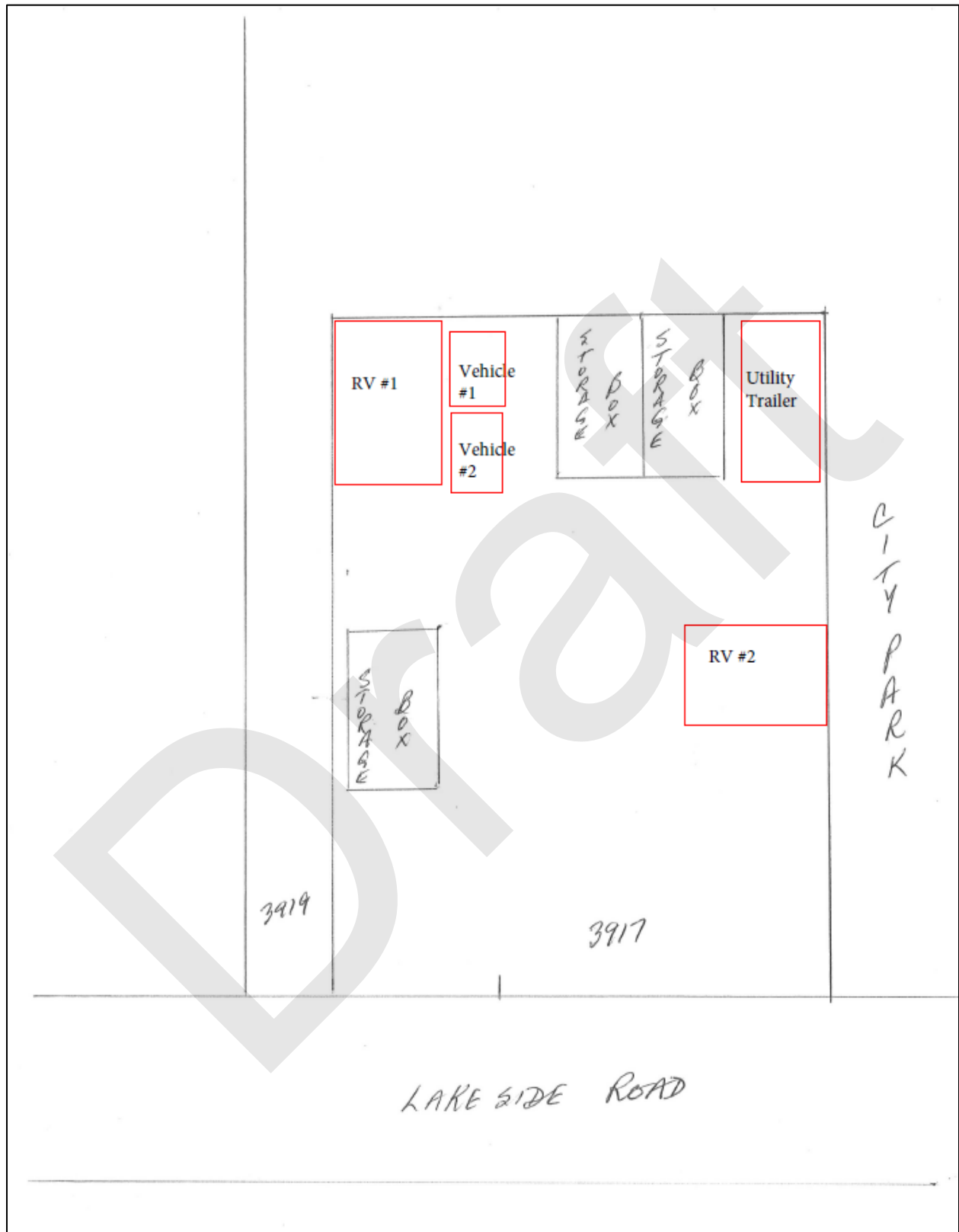


Figure 8: Proposed Site Plan

Attachment F – Letter of Intent

To: City Council for review

From: Al Mansfield (Owner of 3919 Lakeside Road, and 3917 Lakeside Road)

My family has been living in Penticton for the past 40 years, and we are planning to retire here. I am requesting a Temporary Use Permit for the use of "outdoor storage" at 3917 Lakeside Road. We do respect by-laws that are in place to ensure the neighborhoods are well maintained. We have taken pride in keeping our former homes tidy. Unfortunately for us, our neighbor's house at 3923, burned down and caused our house at 3919 Lakeside Road to be destroyed as well. There were numerous items that needed to be stored as well as items from the restoration company. I.e. canoes, outdoor chairs, bikes, umbrella furniture etc.etc. I went to the City and asked about storage containers. I was told that one was allowed during construction. I asked if 3-4 would be ok. The officer said that they only check when there is a complaint. So I went ahead and had 4 containers moved to the property at 3917 Lakeside Road. Sometime later there was a complaint. The by-law officer visited the property and called me. We agreed that I could keep two of the storage bins there until I completed the basement of the new house. About a month later, someone from the by-law department called me and said that they had to go. I contacted the by-law department about the confusing message to me, and they suggested that I try to obtain a Temporary Use permit for \$800.00. There are plans for the new home, proposed for 3919 Lakeside Road, at the City, and these are to be reviewed Jan 3, 2019 for a Building Permit. Based on the size and complexity of the planned new home, there would be little room to store containers, work trailer etc. on site.

The current outdoor storage items are mainly at the back of the property and away from the roadway, and the grass area was moved prior to winter. There are no flammable items being stored in the containers, which should comply with the fire department concerns. The cost for the containers is large, and it is in my best interest to get them removed as soon as possible. I am currently renting and am anxious to get my new home built as quickly as possible. I discussed a time frame with Nicole Capewell and felt the 1 1/2 years would be adequate time for the extra storage. It would be my intention to get rid of the containers sooner. The contents would be stored in the basement of the new home once the sub floor is completed. I am investing a large amount of money into the new home, which will be an upgrade to the neighborhood of older homes.

Figure 9: Letter of Intent (1/2)

I am hoping that this council will show some compassion for the following reasons:

- 1) The reason for the extra items on my property at 3917 Lakeside Road is only due to the fire. The fire was caused by a fire at 3923 Lakeside Road and remains under investigation. The neighbor and friend is still missing.
- 2) Due to the extent of the fire, and experiences such a loss, I developed Post Traumatic Stress Disorder and took 6 months to recover.
- 3) My wife was ill with "end stage" kidney failure and has since been recovering from a kidney transplant. We were active members in the community and raised over \$6500.00 for the Kidney Foundation this past year. This goes to help others in Penticton during kidney failures.

Thank you,
Al Mansfield

Al Mansfield | Owner/Operator
White Spot Restaurants
Penticton #608
Chilliwack #611
West Kelowna #637
al.mansfield@whitespot.ca
250-486-3764

Figure 10: Letter of Intent (2/2)



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

Temporary Use Permit

Permit Number: TUP PL2018-8413

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 190 Similkameen Division Yale District Plan KAP72460
Civic: 3917 Lakeside Road
PID: 025-558-692
3. This permit has been issued in accordance with Section 493 of the *Local Government Act*, to allow for "outdoor storage" as a temporary use.

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.
5. In accordance with Section 497 of the *Local Government Act*, this permit shall expire on **August 5, 2020**.
6. This permit is subject to there being no hazardous materials, including flammable liquids and gases, stored within any of the metal storage containers.
7. This permit is subject to the property being kept in a clean, tidy and well-kept condition.
8. 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.

Authorized by City Council, the _____ day of _____, 2018

Issued this _____ day of _____, 2018

Angela Collison,
Corporate Officer