

January 24, 2019

**Subject Property:**

3919 Lakeside Rd

Amended Lot 1 (DD244320F), District Lot 190,  
Similkameen Division Yale District, Plan 4335, Except  
Plans KAP49938 and KAP72460

**Application:**

**Development Variance Permit PL2018-8425**

The applicant is proposing to construct a carriage house at the front of their property. In order to facilitate the proposal, the following variances to Zoning Bylaw 2017-08 are being considered:

- Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and
- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

**Information:**

The staff report to Council and Development Variance Permit PL2018-8425 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

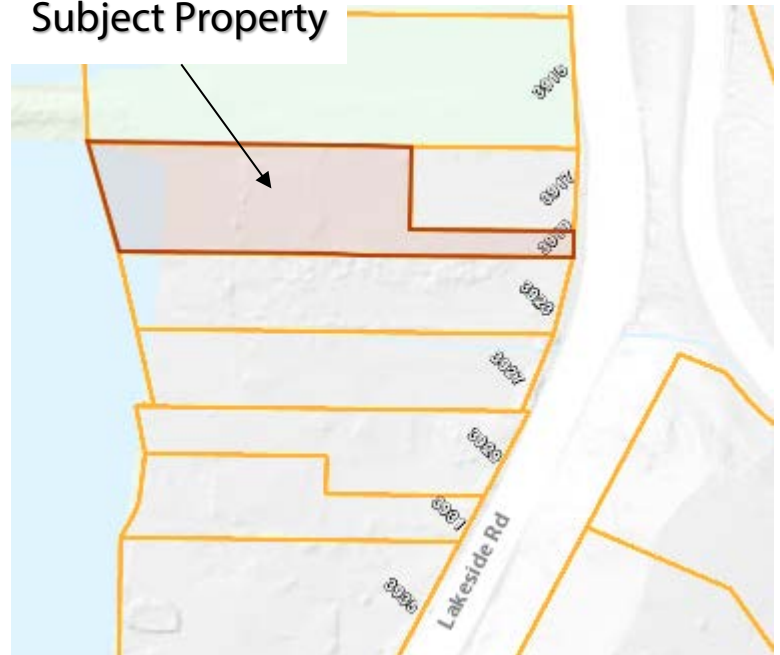
You can also find this information on the City's website at [www.penticton.ca/publicnotice](http://www.penticton.ca/publicnotice).

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, February 5, 2019** in Council Chambers at Penticton City Hall, 171 Main Street.

**Subject Property**



**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](mailto: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 1  
**Address:** 3919 Lakeside Road  
**Subject:** Development Variance Permit PL2018-8425

File No: PRJ2018-252

## Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8425" for Amended Lot 1 (DD 244320F), District Lot 190, Similkameen Division Yale District, Plan 4335, Except Plans KAP49938 and KAP72460, located at 3919 Lakeside Road, a permit to vary the following sections of Zoning Bylaw 2017-08:

- Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and
- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

AND THAT staff be directed to issue "DVP PL2018-8425".

## Background

The subject property (Attachment 'A') is a large, panhandle lot located on Skaha Lake at the southern end of Penticton. It is currently zoned R1 (Large Lot Residential) and is designated for low density residential (LR) by the City's Official Community Plan (OCP). The site is approximately 0.5 acres and previously had a large single family dwelling. The surrounding neighbourhood consists of R1 (Large Lot Residential) zoned properties (Attachment 'B'), and is also designated for low density residential (LR) by the City's OCP (Attachment 'C'). Directly to the north of the subject property is Skaha Park, zoned P2 (Parks and Recreation).

In October 2017, a fire on a neighbouring lot (3923 Lakeside road) ended up destroying the house on the subject property. The owner(s) are working to rebuild the home and add a carriage house. The property owner(s) have attained a Riparian Area Regulation Development Permit (October 2018), and a Building Permit has been issued (January 2019) to begin the construction of the principal building. The proposed carriage house, however, requires two variances before a Building Permit application can be made. The carriage house will require a variance for the height, and to allow the structure to be located closer to the front lot line than the principal dwelling.

## Proposal

The applicant is proposing to construct a carriage house at 3919 Lakeside Road. The proposed design does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested a variance to the following sections of Zoning Bylaw No. 2017-08:

- Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and

- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

### Financial Implication

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

### Technical Review

This application was forwarded to the City's Technical Planning Committee and was reviewed by the Engineering and Public Works Departments. Servicing and building code requirements have been identified and will be addressed as part of the building permit process. It is the property owner's responsibility to provide services and/or upgrade existing services as required for the carriage house.

### Development Statistics

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

|                                                                                                                           | Requirement Carriage House<br>R1 Zone                                                                                                           | Provided on Plans                                 |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>Minimum Lot Area for Carriage House:</b>                                                                               | 370 m <sup>2</sup>                                                                                                                              | 2,015 m <sup>2</sup>                              |
| <b>Maximum Lot Coverage:</b>                                                                                              | 40%                                                                                                                                             | 29%                                               |
| <b>Vehicle Parking:</b>                                                                                                   | 3<br>(2 – Single Family Dwelling;<br>1 – Carriage House)                                                                                        | 3+<br>There is ample parking on site              |
| <b>Maximum Building Footprint</b>                                                                                         | 90m <sup>2</sup>                                                                                                                                | 86 m <sup>2</sup>                                 |
| <b>Required Setbacks</b><br>Front Yard (east):<br>Interior Side Yard (north):<br>Interior Side Yard (east):<br>Rear Yard: | 6.0 m<br>1.5 m<br>1.5 m<br>1.5 m                                                                                                                | ~40 m<br>1.5 m<br>1.5 m<br>~65 m                  |
| <b>Maximum Building Height</b>                                                                                            | 5.0 m and one floor                                                                                                                             | 7.0 m and two floors<br><b>Variance Requested</b> |
| <b>Comments</b>                                                                                                           | The applicant is also requesting a variance to allow the carriage house to be located closer to the front lot line than the principal building. |                                                   |

### Analysis

When considering a variance to a City bylaw, staff consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. To construct the

proposed carriage house, the applicant is requesting a variance to the following sections of Zoning Bylaw No. 2017-08:

- Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and
- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

*Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists, from 5.0m and one floor to 7.0m and two floors.*

- The applicant is requesting a variance to allow the carriage house to be one floor higher than the Zoning Bylaw currently permits.
- In November 2018, the Zoning Bylaw was amended to limit the height of carriage houses on properties without lanes to 5.0m and one floor. This amendment was brought forward due to an increased concern of maintaining the privacy of neighbours on either side of carriage houses. It was determined that if a lane does not exist behind a property, the carriage house should be restricted to only a single floor and only 5.0m. In the case where a lane exists, buffering a lot from neighbours, the regulations allow for a 7.0m height and two storeys, which is what the applicants are proposing.
- In this case, the proposed location of the carriage house does not negatively impact the privacy of directly adjacent neighbours as it will back onto the parking lot at Skaha Lake Park.
- The only property that could be deemed to be negatively impacted, is currently vacant and also owned by the same owner.
- As shown on the proposed elevations of the carriage house (Attachment 'G'), there will be minimal windows on the north and west elevations. The carriage house fronts towards the east, which will face the house at 3919 Lakeside Road.
- The carriage house is under the maximum height allowed if a lane was present.

Given that the intention of the Zoning Bylaw changes were to protect the privacy of directly adjacent neighbours, Staff find that the proposal will have minimal impact in this regard, and find this requested variance reasonable.

*Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.*

- The intent of the rule not permitting a carriage house to be located closer to the street than the principal dwelling has to do with good urban design principles, which encourage main houses to front the street and provide a 'friendly face' to the street. In this case, however, the lot is a panhandle lot and neither the carriage house nor principal house are able to front the street in this way.
- Also, due to the waterfront nature of this lot, the carriage house is being proposed to be located closer to the front lot line than the principal dwelling. Technically, the rear lot line of this lot would be located against Skaha Lake, but the principal dwelling is sited so as to make the most of views and is thus, sited on the beachfront.
- As a result, the carriage house is located to the 'rear' of the house (as the house faces towards the lake), but it is located closer to the front lot line (which is along the street) than the principal house.

- Furthermore, the riparian area regulations require a certain setback from the lake, making it impossible to locate the carriage house on the other side of the main house.
- In the past, planning staff have considered this to be a reasonable request for lakeside properties which desire to have a carriage house, and have supported such variances.
- Planning is, therefore, in support of the request to site the carriage house closer to the front lot line than the principal dwelling.

Given the above, staff request that Council support the variances and direct staff to issue the permit.

#### *Deny Zoning Amendment Bylaw*

Council may consider that the proposed variance could negatively affect the neighbourhood, in particular, the adjacent neighbours. If Council decides that the proposed variances will negatively impact the neighbourhood, and that the design should be changed to meet the existing regulations for building footprint and height as set out in the City's Zoning Bylaw, Council should deny the variance.

#### **Alternate Recommendations**

1. THAT Council support "Development Variance Permit PL2018-8425" with conditions.
2. THAT "Development Permit PL2018-8425" 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 Floor Plans                            |
| Attachment G: | Draft Development Variance Permit (DVP)         |

Respectfully submitted,

Nicole Capewell  
Planner 1

#### **Approvals**

|                                     |                                 |
|-------------------------------------|---------------------------------|
| Director<br>Development<br>Services | Chief Administrative<br>Officer |
|-------------------------------------|---------------------------------|



# Attachment A – Subject Property Location Map



Figure 1 – Subject Property Highlighted in Red

# Attachment B – Zoning Map of Subject Property

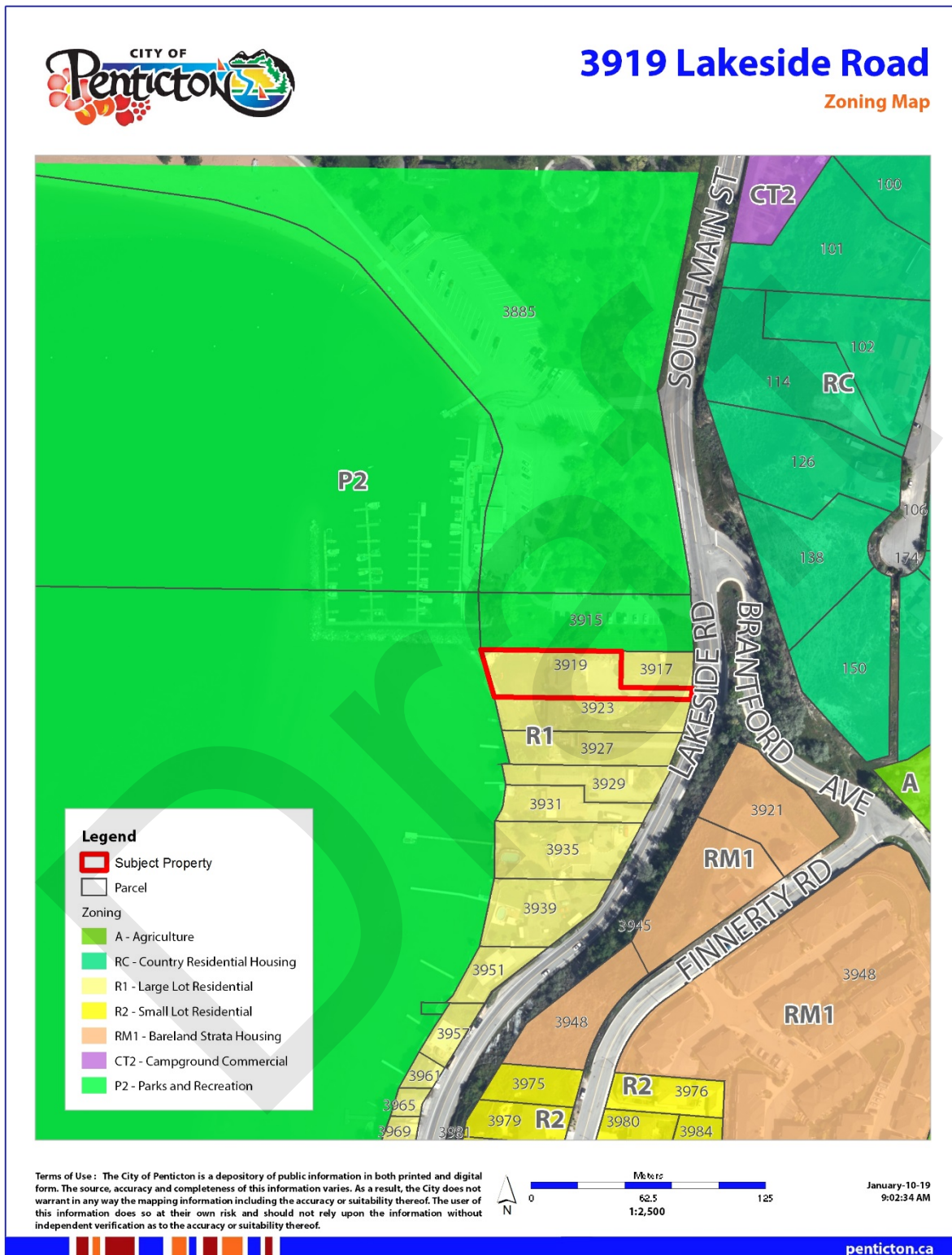


Figure 2 – Subject Property Currently Zoned R1 (Large Lot Residential)





Figure 3 – Subject Property Currently Designated as LR (Low Density Residential) within Official Community Plan

Attachment D – Images of Subject Property

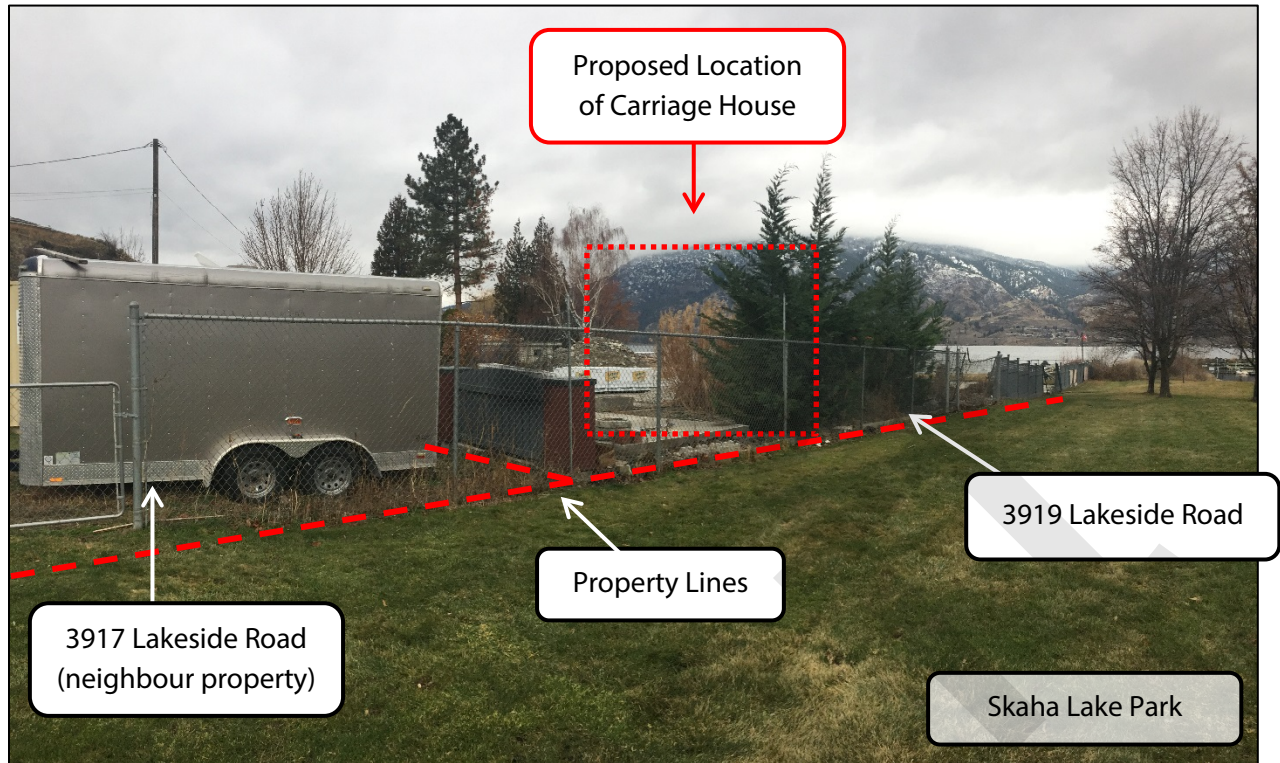


Figure 4 – Looking south toward proposed siting of carriage house in in 3919 Lakeside Road

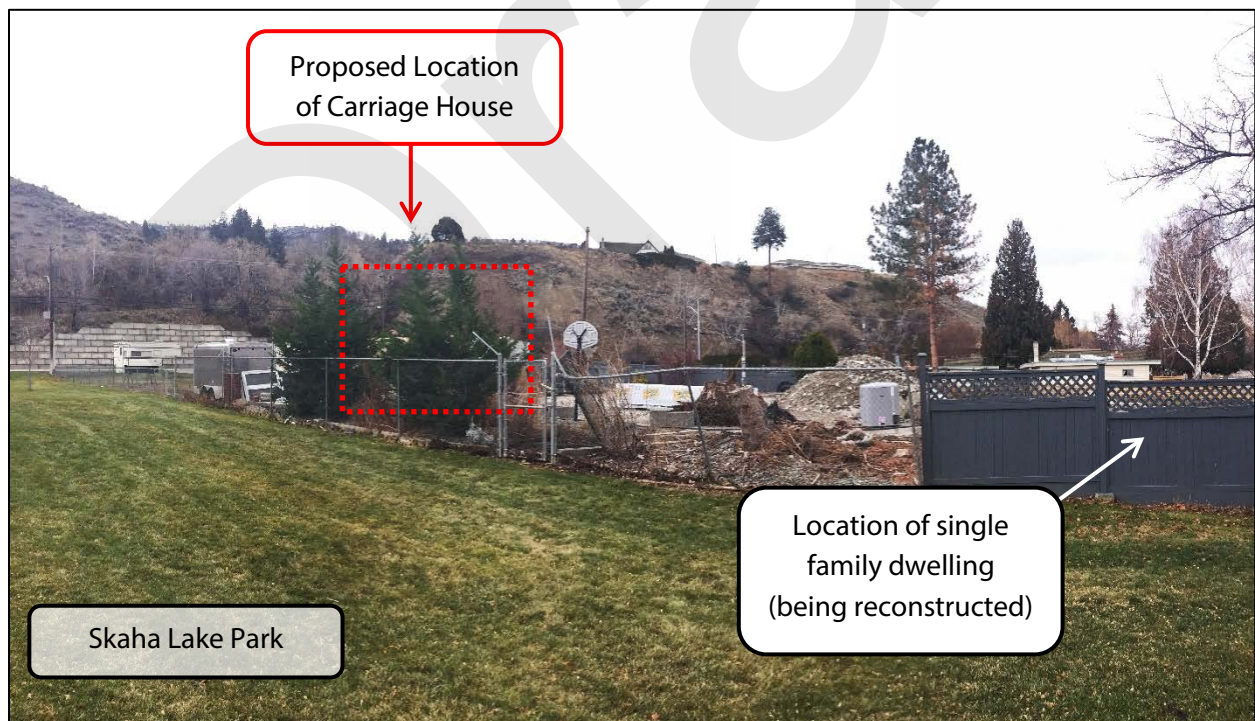


Figure 5 – Looking east at subject property



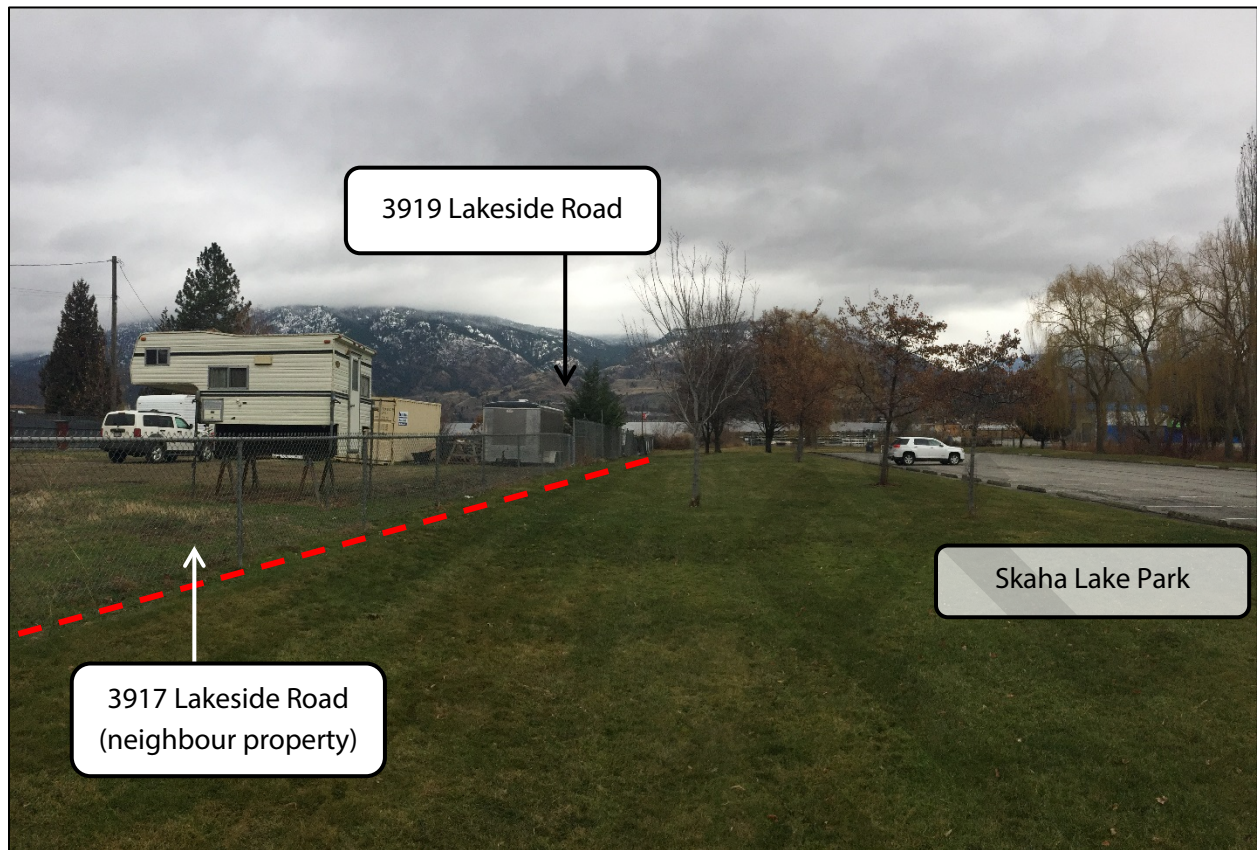


Figure 6 – Looking west toward 3919 Lakeside Road from Lakeside Road

**Subject: 3919 lakeside road. Variance Mansfield Carraige House Letter of Intent**

Hello Nicole

For your files

**Letter of Intent**

To accompany the application for Variance regarding additional height to accommodate a carriage house above garage.

- 1) When there are lakefront properties involved, the guest house is usually placed at the frontage of the property.
- 2) there is a guest house three properties away, with a guest house at the front of the property
- 3) The proposed guest house would have two parking spaces below. This will prevent guests from parking on the street. The street is narrow and has been the scene of numerous accidents. The speed limit is 30 km per hour, however, it is usually exceeded. This would also prevent guests from using the Park parking lot, which was made for park visitors.
- 4) The overall height of the guest house would not block anyone's view. The park is on the north side. From the property at 3917 the view would have no effect due to the main residence located directly behind it. From the property to the south, the view would not be impeded due to the height being lower than the main residence. The view from the roadway would have no effect, seeing that the height of the guest house would be lower than the main residence.
- 5) The adjacent property between main road and subject property is owned by same owner.
- 6) Minimizing the height impact has been incorporated in design by upgrading the exterior look of the proposed carriage house to match the main house. The intent has always been to achieve a look from the east that would make one believe the carriage house is connected to the main house.
- 7) Landscaping features such as greenery, trees, bushes and ground cover in areas that are adjacent to side and eastern faces will add to softening the look.

Thank you

John Walker

Agent and on behalf of Owner,

Al Mansfield

Figure 7 – Letter of Intent

## Attachment F – Proposed Floor Plans

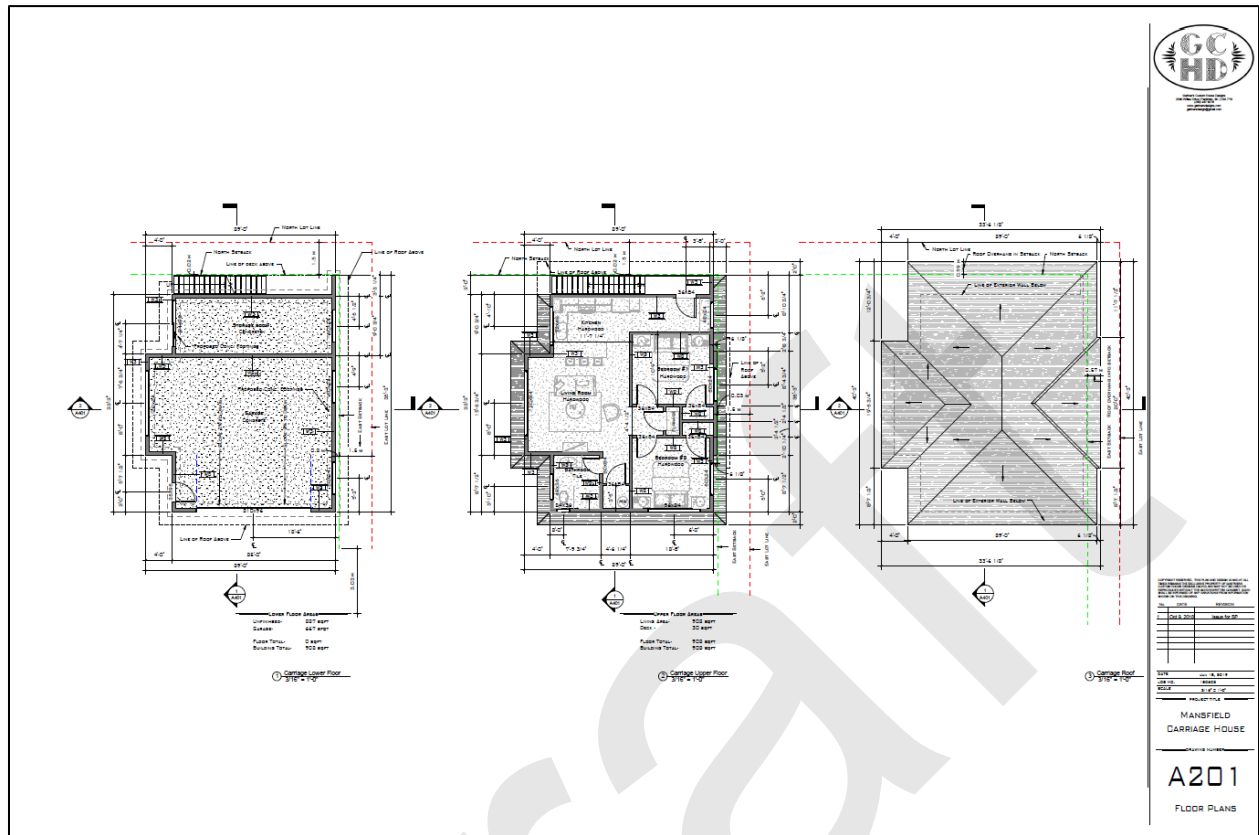


Figure 8 – Letter of Intent





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

## Development Variance Permit

**Permit Number: DVP PL2018-8425**

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: Amended Lot 1 (DD 244320F) District Lot 190 Similkameen Division Yale District Plan  
4335 Except Plans KAP 49938 and KAP72460  
Civic: 3919 Lakeside Road  
PID: 005-320-968
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 two rows of six-unit townhouses:
  - a. Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and
  - b. Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

### 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.

DVP PL2018-8425

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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Angela Collison,  
Corporate Officer

