

March 7, 2019

Subject Property:

1302 Government Street

Lot 7, District Lot 250, Similkameen Division Yale
District, Plan 5498, Except Plan KAP57867

Application:

Development Variance Permit PL2019-8482

The applicant is proposing to construct a 480ft² garage at the rear of the property adjacent to the lane.

To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 11.1.2.7: to decrease the minimum rear yard from 6.0m to 1.5m.

Information:

The staff report to Council and Development Variance Permit PL2019-8482 will be available for public inspection from **Friday, March 8, 2019 to Tuesday, March 19, 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, March 19, 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, March 19, 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 March 19, 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: March 19, 2019
To: Donny Van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 1302 Government Street
Subject: Development Variance Permit PL2019-8482

File No: 2019 PRJ-042

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2019-8482", for Lot 7 District Lot 250 Similkameen Division Yale District Plan 5498 Except Plan KAP57867, located at 1302 Government Street, a permit to decrease the minimum rear yard from 6.0m to 1.5m, to allow for the construction of a garage;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8482."

Background

The subject property (Attachment A) is zoned C1 (Commercial Transition) and is designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 575.0m² (6,189ft²) with a single family dwelling on-site that was constructed in 1957. The surrounding properties are primarily zoned for single family, duplex and commercial transition. The property is located along Government Street, close to McLaren Park, the hospital, IGA and other services.

In 1993, Council rezoned the property from single family to commercial, which allowed for the conversion of the dwelling into a doctor's office. The property was used by several medical professionals until recently when it was purchased by a new owner and converted back to residential.

Proposal

The applicant is proposing to construct a 480ft² garage at the rear of the property adjacent to the lane. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 11.1.2.7: to decrease the minimum rear yard from 6.0m to 1.5m.

Financial implication

N/A

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. Building permit requirements have been identified and forwarded to the developer. If the requests for the variance is supported, BC Building Code and City bylaw provisions will apply.

New Official Community Plan (2019)

The draft OCP that is currently under development and anticipated to be adopted this spring, identifies this area for 'ground orientated residential'. This designation envisions lower density forms of multiple family housing, such as duplexes with suites, and townhouses up to 3 and a half storeys. That being said, a single family dwelling and accessory building is permitted under the current C1 (Commercial Transition) zone.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the Development Variance Permit applications:

Item	Requirement C1 zone	Proposed
Maximum Lot Coverage:	40%	34%
Maximum Density:	NA	NA
Vehicle Parking:	2 spaces per dwelling unit	3 spaces
Required Setbacks		
Front yard (west, Government Street):	3.0m	24.0m
Rear yard (east, lane):	6.0m	1.52m (variance required)
Exterior yard (north, Municipal Avenue):	4.5m	4.5m
Interior yard (south):	1.5m	6.5m
Maximum Building Height:	10.5m	4.47m

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 an unreasonable 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.

The variance below is required to construct an accessory building on a property that has historically been used for residential.

Section 11.1.2.7: to decrease the minimum rear yard from 6.0m to 1.5m.

- o In the C1 (Commercial Transition) zone, all buildings are to be constructed a minimum of 6.0m from the rear property line. This distance is required to provide adequate buffering of commercial uses from neighbouring residential properties while allowing enough space for vehicles to park. In the current proposal, the owner is requesting a variance to construct an accessory building (garage) a distance of 1.5m from the lane. Although this may appear to be a significant variance request, a garage can be constructed on any of the neighbouring residential lots at a setback of 1.5m from the rear lane, with an area of 807ft² and a height of 4.5m. The proposed garage is 480ft² in area and 4.47m in height.
- o The property is currently used for residential and not commercial, thus it is reasonable to apply development regulations of the single family residential zones which permit a 1.5m rear yard setback for accessory buildings. Staff felt it was too onerous for the applicant to rezone the property back to single family residential to allow for the proposal, given that a single family dwelling and accessory building is permitted under the current zone. The building will be comprised of composite horizontal siding and trim, with a window facing the street. This will improve the appearance of the garage from Municipal Avenue. The garage meets the minimum setbacks from the north side, and is constructed in a similar style as the existing dwelling.

Staff consider that given the small scale nature of the accessory building, the variance request is reasonable and does not unreasonably impact the adjacent area. Approval of the variance allow for the property owner to park vehicles in a secured place, out of view from the street.

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.

Alternate Recommendations

1. THAT Council deny "DVP PL2019-8482."
2. THAT Council support "DVP PL2019-8482" with conditions.
3. THAT Council refer "DVP PL2019-8482" 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:	Elevations
Attachment G:	Floor Plan
Attachment H:	Neighbouring Properties with Garages
Attachment I:	Letter of Intent
Attachment J:	Development Variance Permit PL2019-8482

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
<i>RH</i>	

Draft

Attachment A – Subject Property Location Map

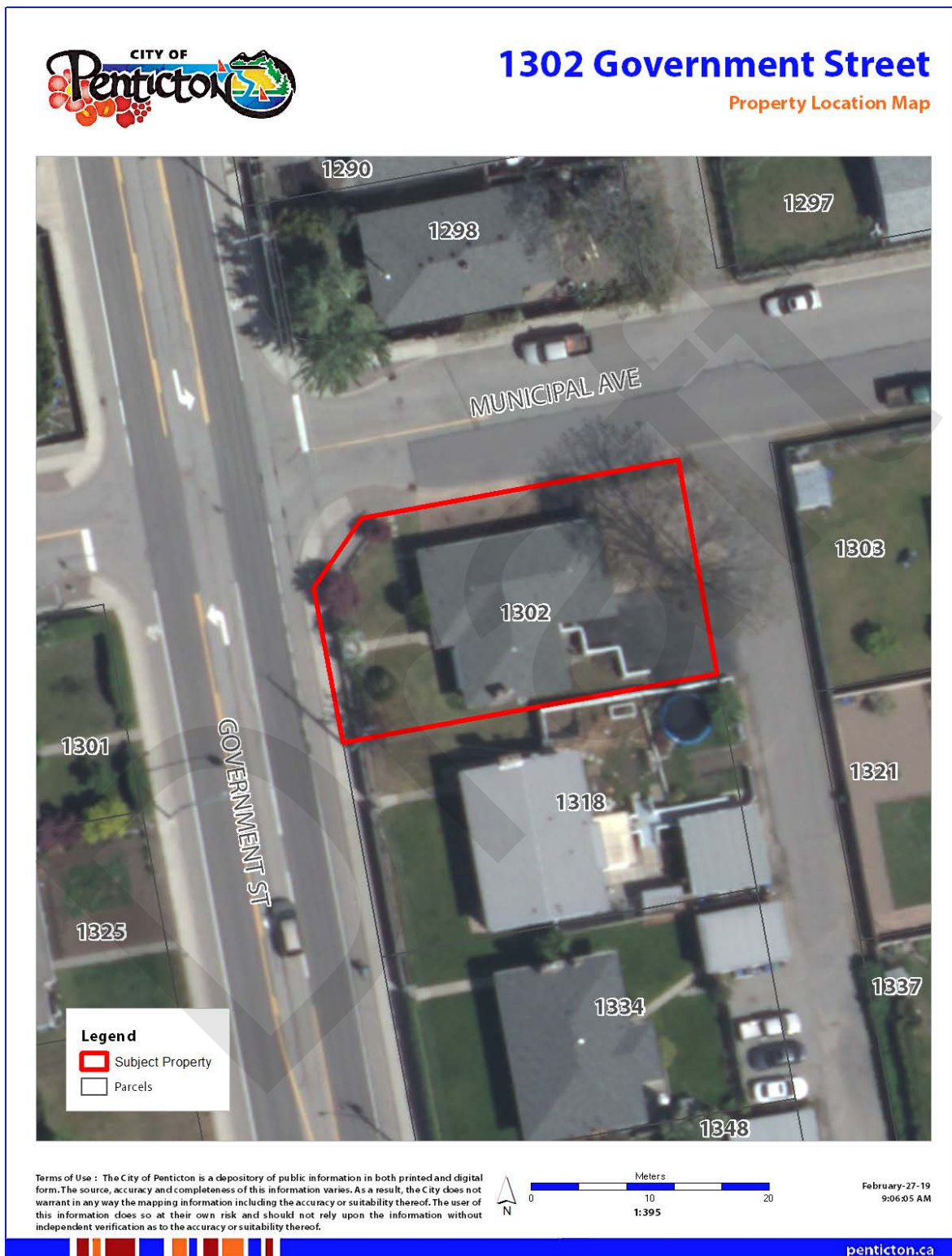


Figure 1: Subject Property Location Map

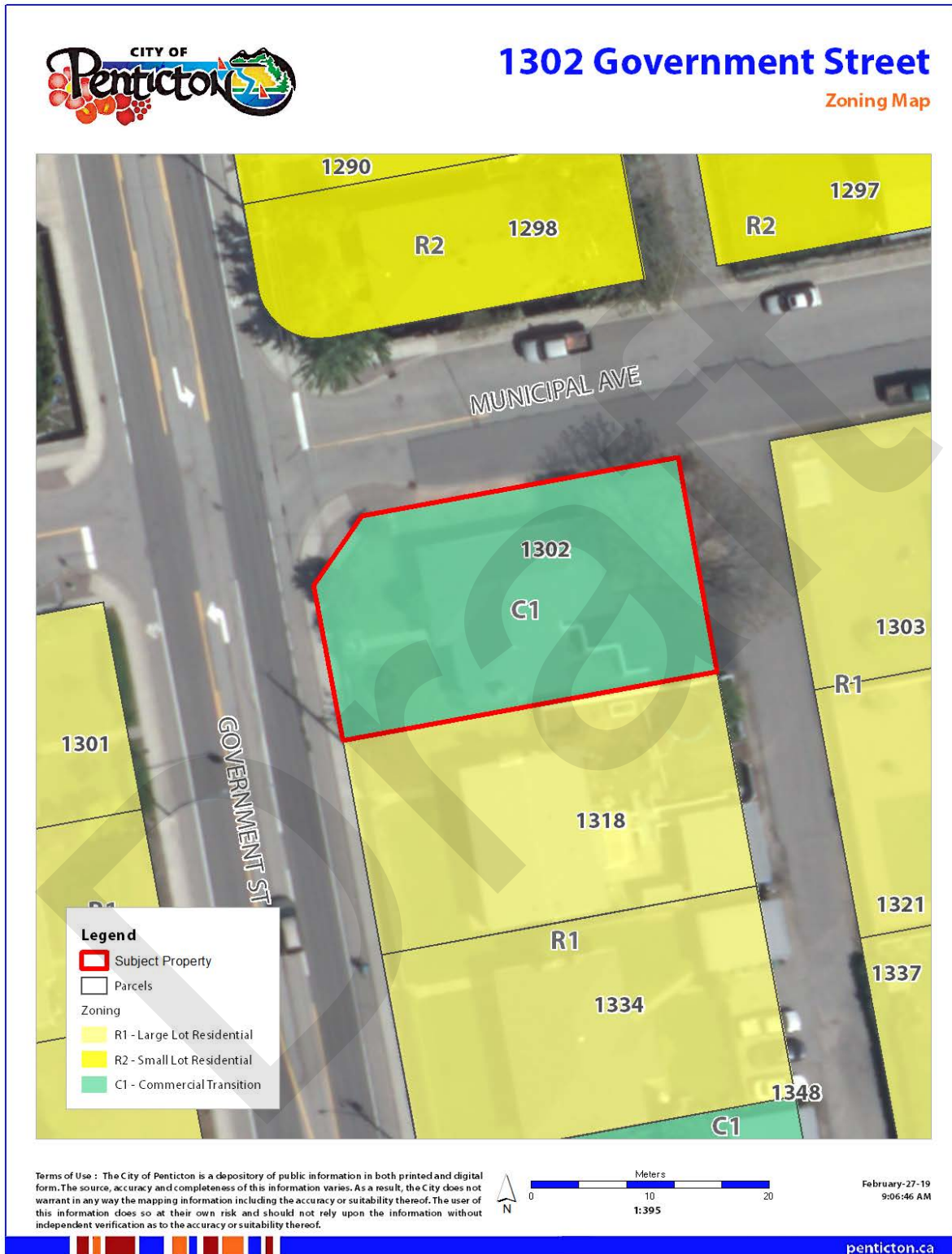


Figure 2: Zoning Map

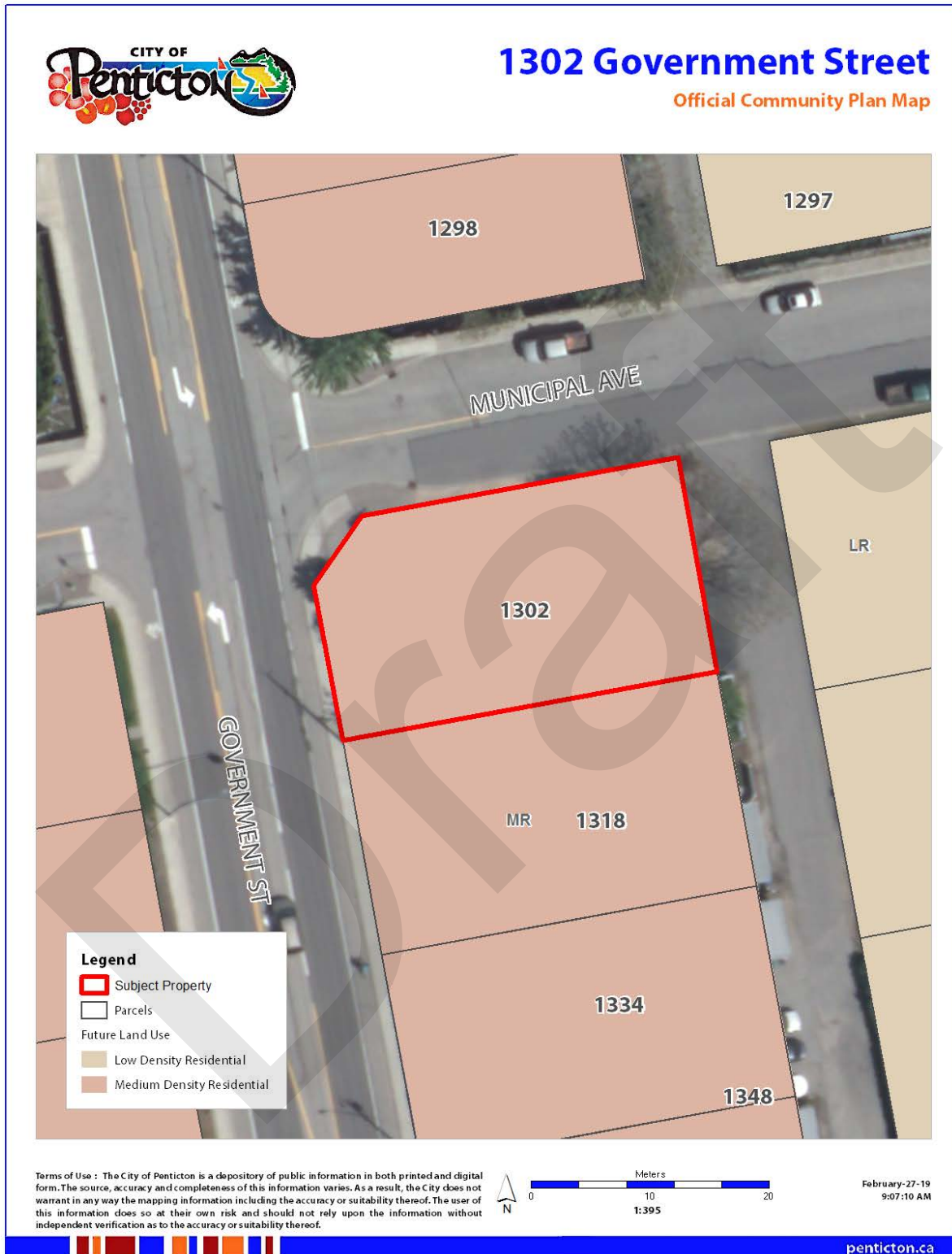


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: West Elevation of Existing Dwelling (from Government Street)



Figure 5: North Elevation (from Municipal Avenue)



Figure 6: East View (from the lane)



Figure 7: View from Government Street

Attachment E – Site Plan

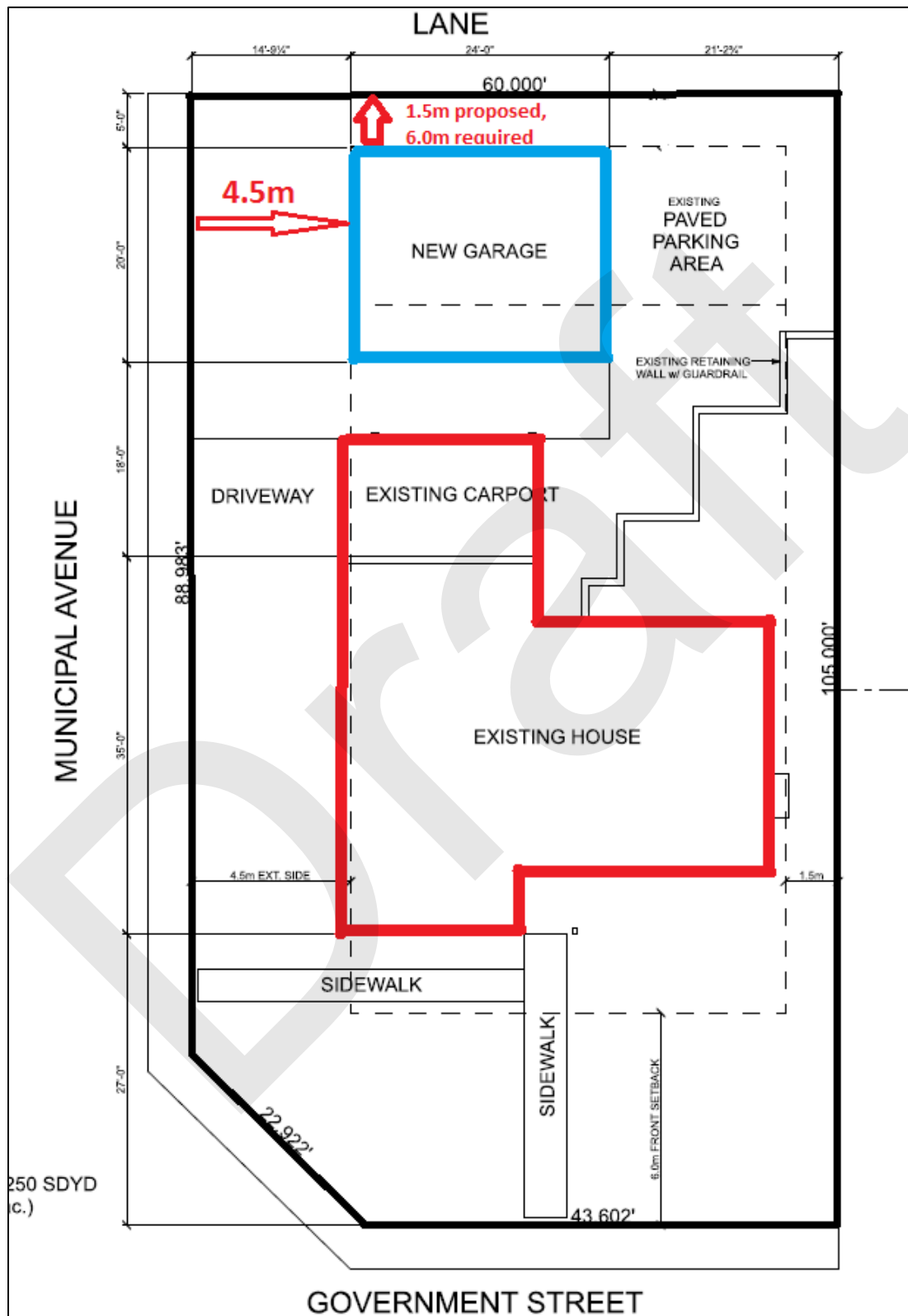


Figure 8: Site Plan

Attachment F – Elevations

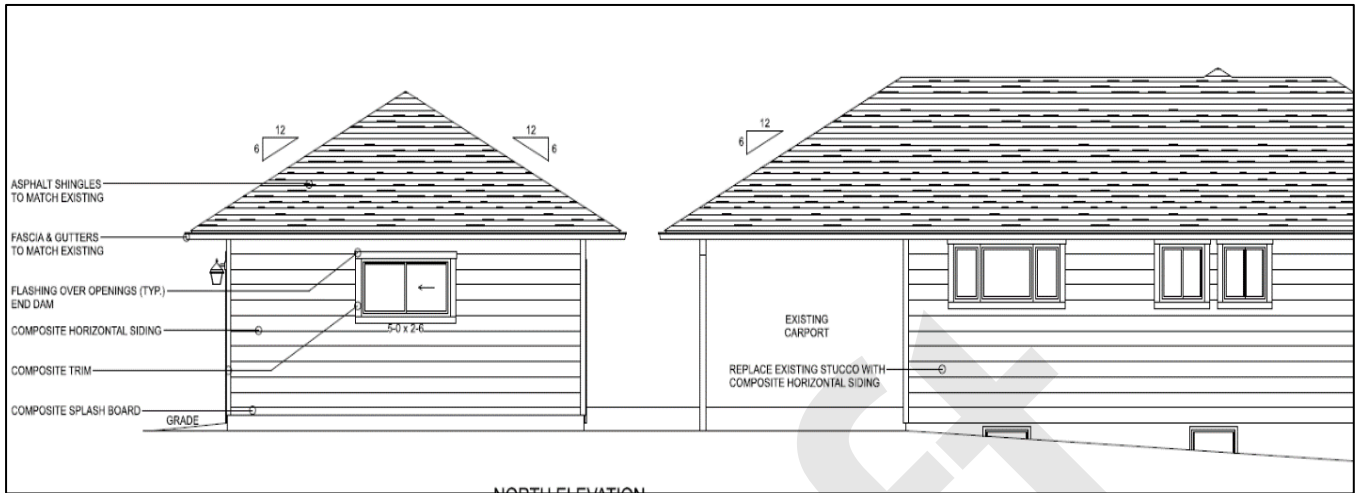


Figure 9: North Elevation (from Municipal Avenue)

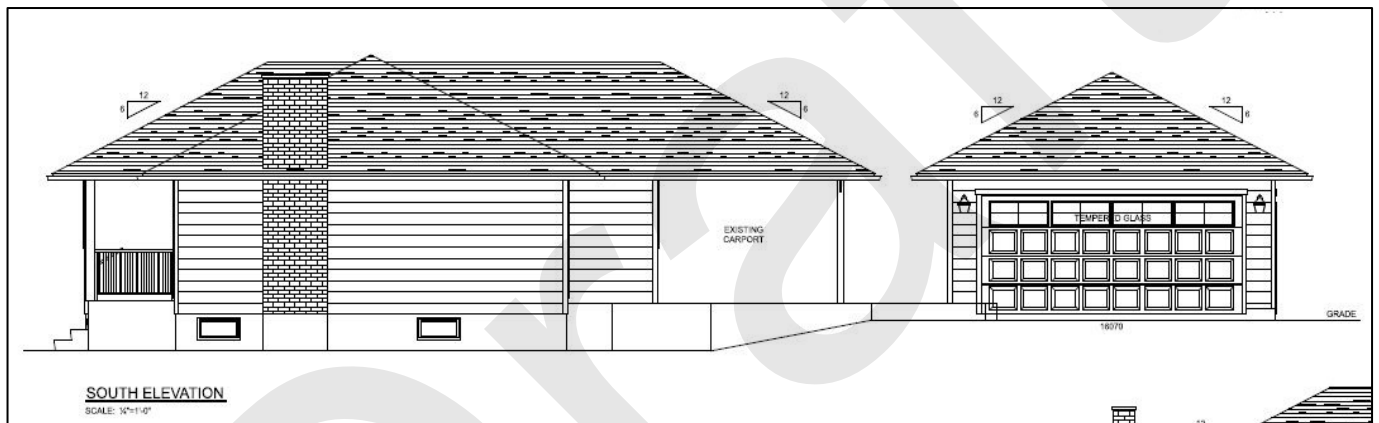


Figure 10: South Elevation

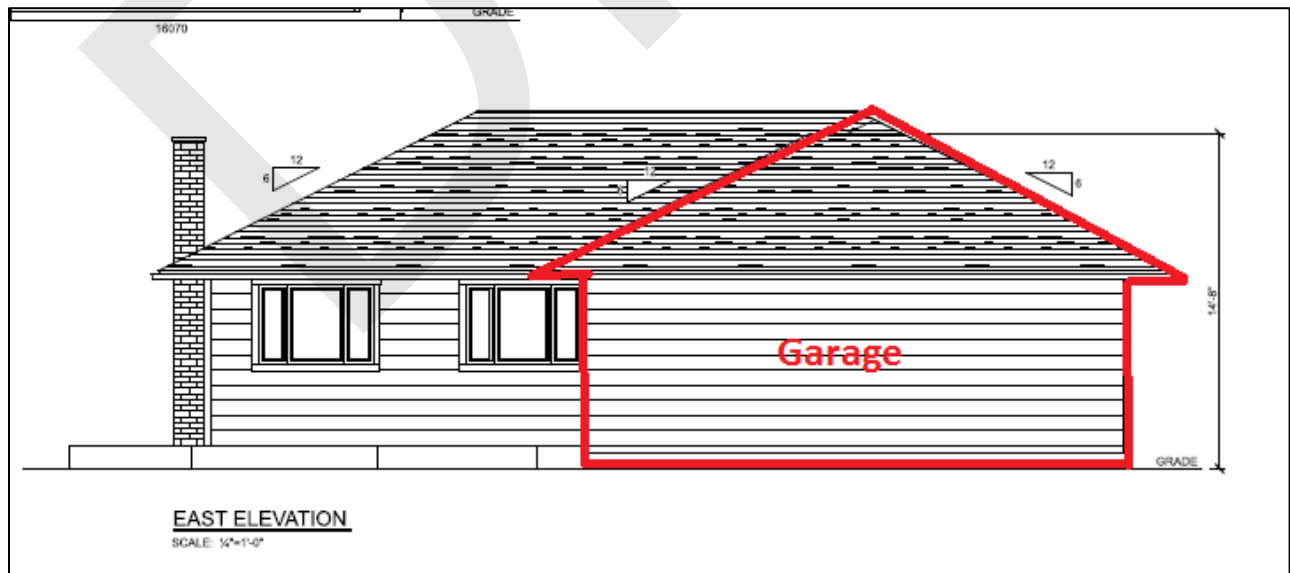


Figure 11: East Elevation (from the lane)

Attachment G – Floor Plan

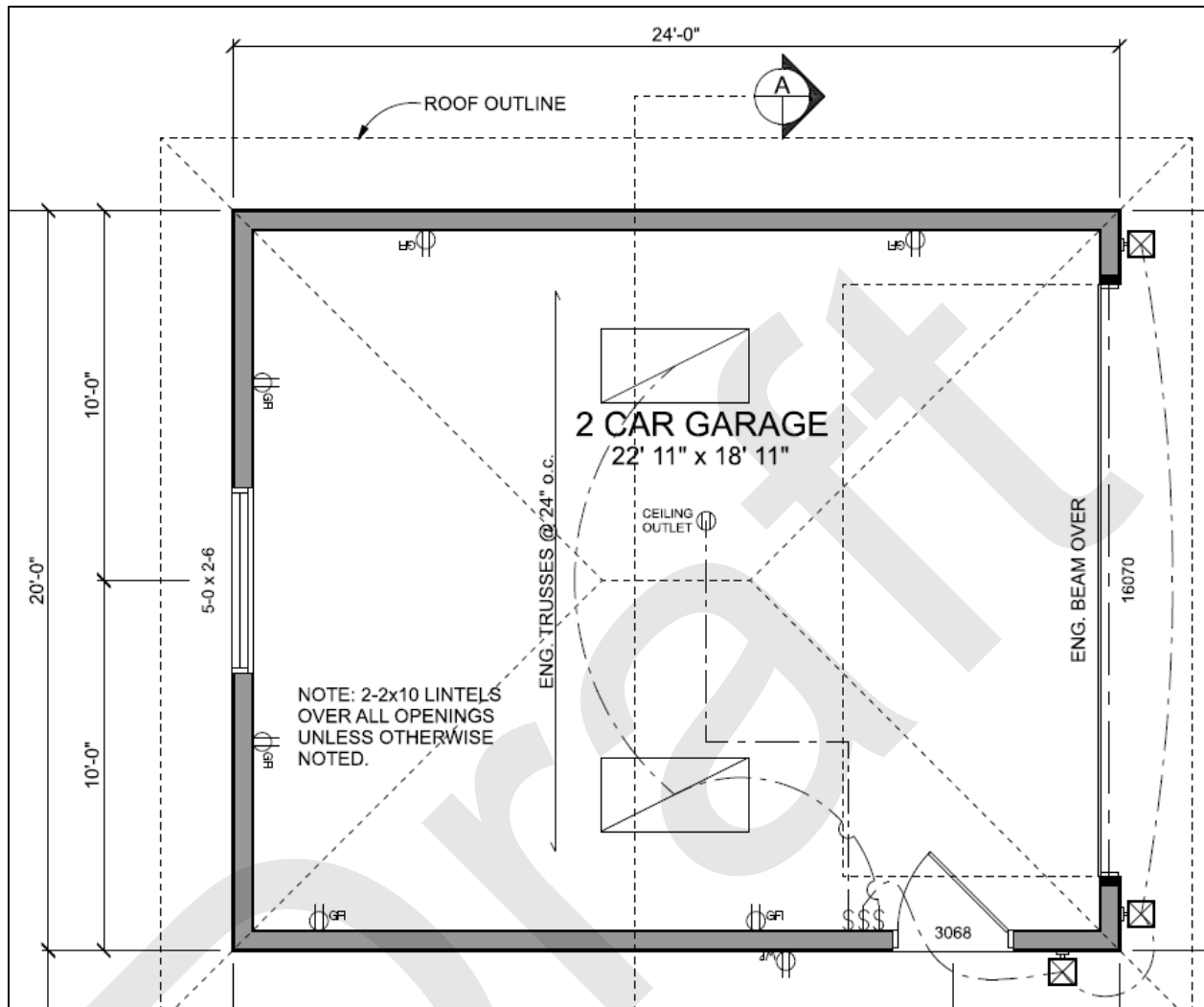


Figure 12: Floor Plan



Figure 13: Neighbouring Properties

Stan Brevich	Feb 21 / 2019
10 Freda Investments	
1725 Pacific Way	
Kamloops B.C.	
V2C-5K6	
cell 1-250-572-1683	
Dear Mayor and Council	
RE: 1302 Government Street	
request to construct a 2-car detached Garage.	
Thankyou for your consideration	
I would like to add a 2-car	
detached garage on the back ally side	
of my home located at 1302 Government St.	
The 2-car garage is designed locally	
and fits the character of the community	
and neighbourhood designs.	
I'm requesting development variance to	
accommodate the 2-car garage.	
We are below the maximum lot coverage	
of 40% as per the 11.1.2 subdivision and	
development regulations Zoning Bylaw No 2017-08.	
The Garage Footprint is 480sqft - Principle 1178 sqft	
we are requesty the variances to build	
the two car garage as attached drawings.	
Thankyou so much for your	
consideration	
Stan Brevich	
Stan Brevich	

Figure 14: 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 PL2019-8482

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 7 District Lot 250 Similkameen Division Yale District Plan 5498 Except Plan KAP57867
Civic: 1302 Government Street
PID: 010-360-255
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 garage.
 - Section 11.1.2.7: to decrease the minimum rear yard from 6.0m to 1.5m.

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 1st day of March, 2019.

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer