

March 7, 2019

Subject Property:

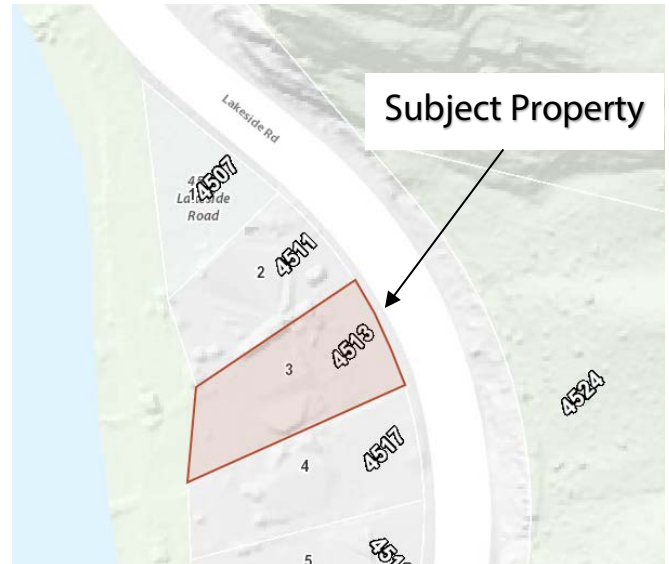
4513 Lakeside Road

Lot 3, District Lot 190, Similkameen Division Yale District, Plan 8200

Application:

Development Variance Permit PL2019-8442

The applicant is proposing to construct a carriage house at 4513 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 for a carriage house in the R1 zone, where no lane exists from 5.0m and one floor to 6.4m 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 PL2019-8442 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

Date: March 19, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 4513 Lakeside Road
Subject: Development Variance Permit PL2019-8442

File No: PRJ2019-001

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8442" for Lot 3 District Lot 190 Similkameen Division Yale District Plan 8200, located at 4513 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 for a carriage house in the R1 zone, where no lane exists from 5.0m and one floor to 6.4m 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 PL2019-8442".

Background

The subject property (Attachment 'A') is currently zoned R1 (Large Lot Residential), and is designated within the City's Official Community Plan (OCP) as LR (Low Density Residential). The property fronts onto Lakeside Road and has lake frontage onto Skaha Lake. The property currently has a single family dwelling and a garage/carport structure. The intent of the property owner is to demolish all structures currently existing on the property and reconstruct a new single family dwelling. The property owner also intends to construct a carriage house, which as proposed, requires approval from Council for two variances for the location and height of the proposed carriage house. The applicant has received a Riparian Development Permit for the new single family dwelling works to be completed (March 2019). The carriage house footprint falls outside of the Riparian Area.

Proposal

The applicant is proposing to construct a carriage house at 4513 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 6.4m 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.

The Engineering Department have reviewed the proposed site plan to ensure safer vehicle access than what currently exists on the site. Currently, the entire frontage is paved to the street and vehicles can enter and exit at any point of the frontage. The proposed site plan will limit this to a smaller entry/exit point in the center of the property's frontage (Figure 1 – Vehicle Access). The proposed carriage house has a garage, which doors face to the north (into the lot), rather than facing out towards the street. This design will ensure that vehicles do back out of a garage, directly onto the street.

Development Statistics

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

	Requirement Carriage House R1 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	728 m ²
Maximum Lot Coverage:	40%	34%
Vehicle Parking:	3 (2 – Single Family Dwelling; 1 – Carriage House)	3+ There is ample parking on site
Maximum Building Footprint	90m ²	58.25 m ²
Required Setbacks Front Yard (east): Interior Side Yard (north): Interior Side Yard (east): Rear Yard:	6.0 m 1.5 m 1.5 m 1.5 m	~40 m 1.5 m 1.5 m ~65 m
Maximum Building Height	5.0 m and one floor	6.4 m and two floors Variance Requested
Comments	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.

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 6.4m 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 backyard 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 this case, the proposed location of the carriage house does not negatively impact the backyard privacy of directly adjacent neighbours as it will back onto the parking area of the property to the south.
- As shown on the proposed elevations of the carriage house (Attachment 'G'), there will be minimal windows on the south elevation, which faces the neighbouring property. The windows facing to the south have been noted as privacy glass, which is a requirement of the Zoning Bylaw for windows on a carriage house within 1.5m of a side yard.
- The carriage house is within the maximum height allowed if a lane was present.
- If the applicant were to connect the proposed carriage house to the single family dwelling, it would be considered a 'secondary suite'. In this example, the suite becomes part of the principal building, and meets the required 6.0m front yard setback. The Zoning Bylaw allows for the principal building to be 10.5m, at only a 1.5m setback from the side property line.
- Many properties located along Lakeside Road have a restricted building envelope available, due to the riparian area which runs along the lake's high water mark. This results in many of the lots having structures built closer to the side property lines, to increase their building size.

Given that the intention of the Zoning Bylaw changes were to protect the backyard privacy of directly adjacent neighbours, Staff find that the proposed carriage house has been designed to limit the impact onto the neighbouring property and 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.

- 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 west 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.
- The proposed location of the carriage house has been placed so that the building meets the required 6.0m front yard setback for the R1 zoning.
- The applicant would be permitted to construct a detached garage (accessory building) in this proposed location, as it meets the required 6.0m front yard setback.

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

Deny Development Variance Permit

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

Should Council approve the siting variance, but not the height variance, the applicant would be required to redesign the carriage house. The applicant could connect the carriage house to the single family dwelling proposed, and maintain the same building design as presented. Once attached, the 'suite' becomes part of the single family dwelling and may be built to the principal building regulations (up to 10.5m in height, and 1.5m from the side property line).

Alternate Recommendations

1. THAT Council approve the "Development Variance Permit PL2019-8442" with conditions:
 - a. Approve variance to Section 8.2.3.5: to allow the siting of the carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling; and
 - b. Deny variance to Section 8.2.3.3: to increase the maximum height of a carriage house in the R1 zone, where no lane exists, from 5.0m and one floor to 6.4m and two floors.
2. THAT Council support "Development Variance Permit PL2019-8442" with conditions.
3. THAT "Development Permit PL2019-8442" 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 Development Services <i>AA</i>	Acting Chief Administrative Officer
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Draft

Attachment A – Subject Property Location Map



Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

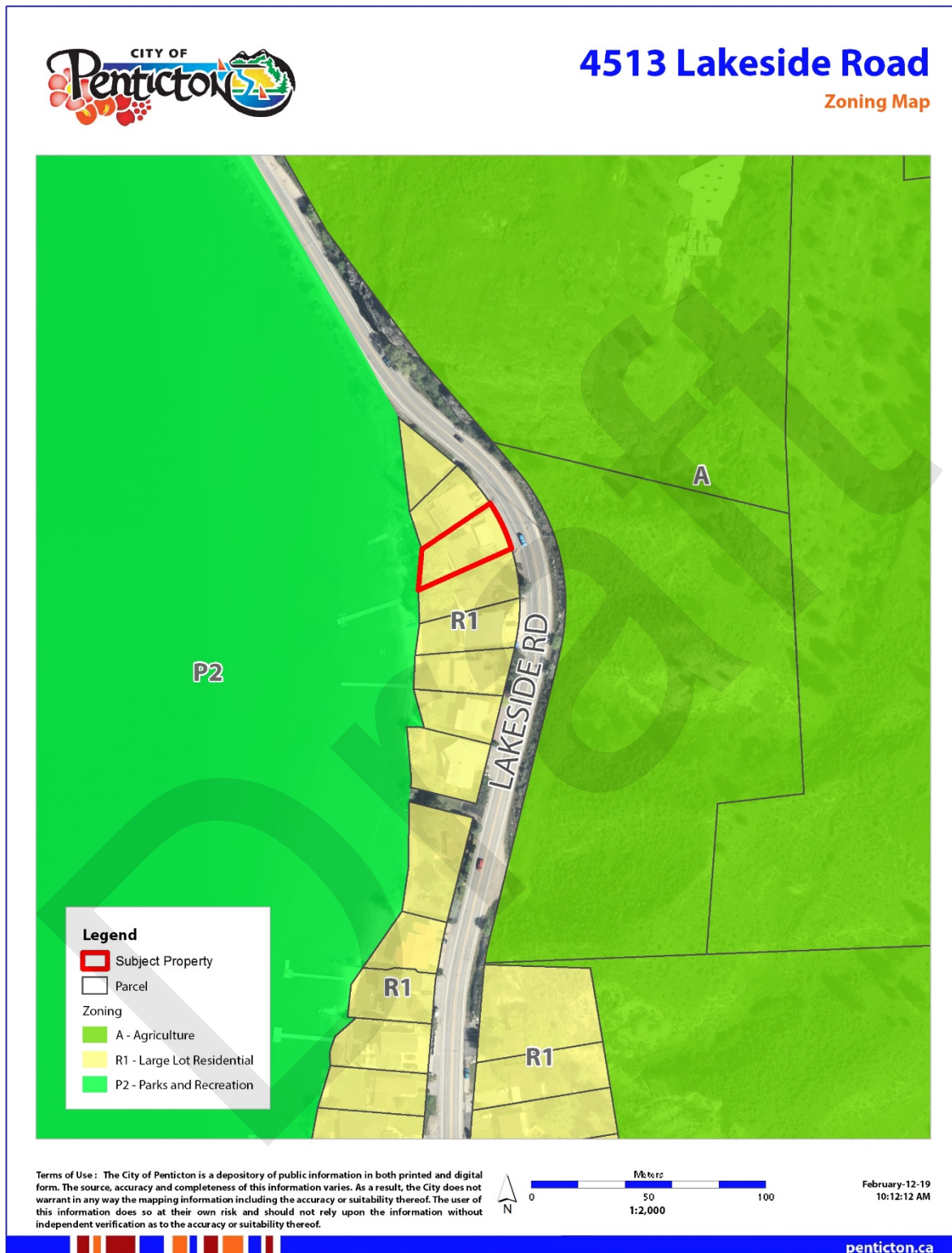


Figure 2 – Subject Property Currently Zoned R1 (Large Lot Residential)

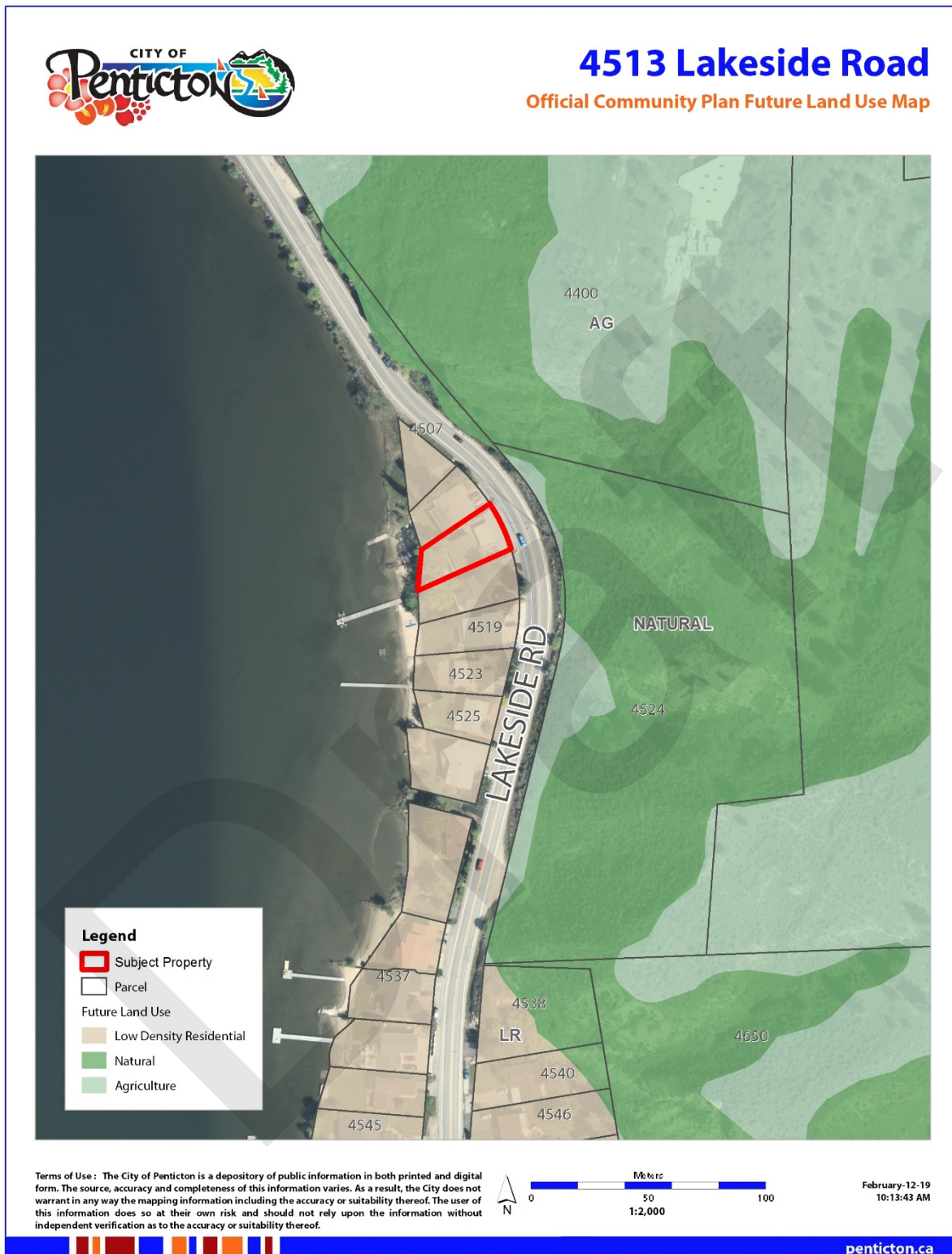


Figure 3 – Subject Property Currently Designated as LR (Low Density Residential) within Official Community Plan

Attachment D – Images of Subject Property

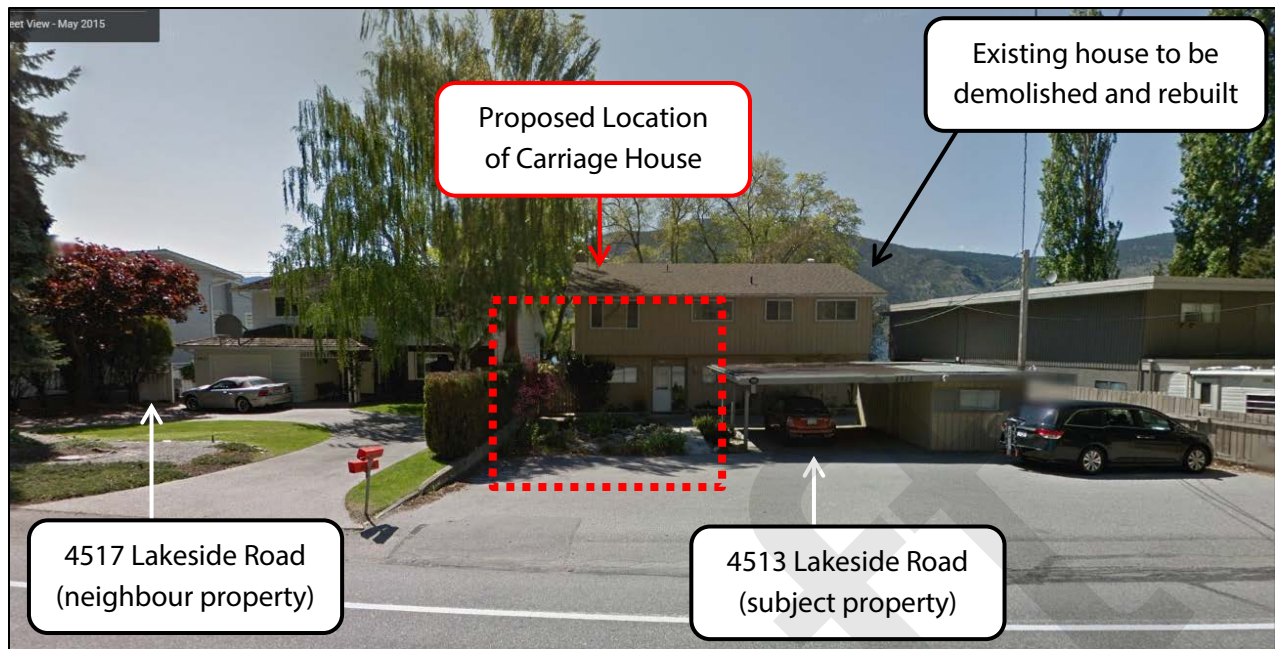


Figure 4 – Looking west toward subject property (Image from Google Maps – 2015)

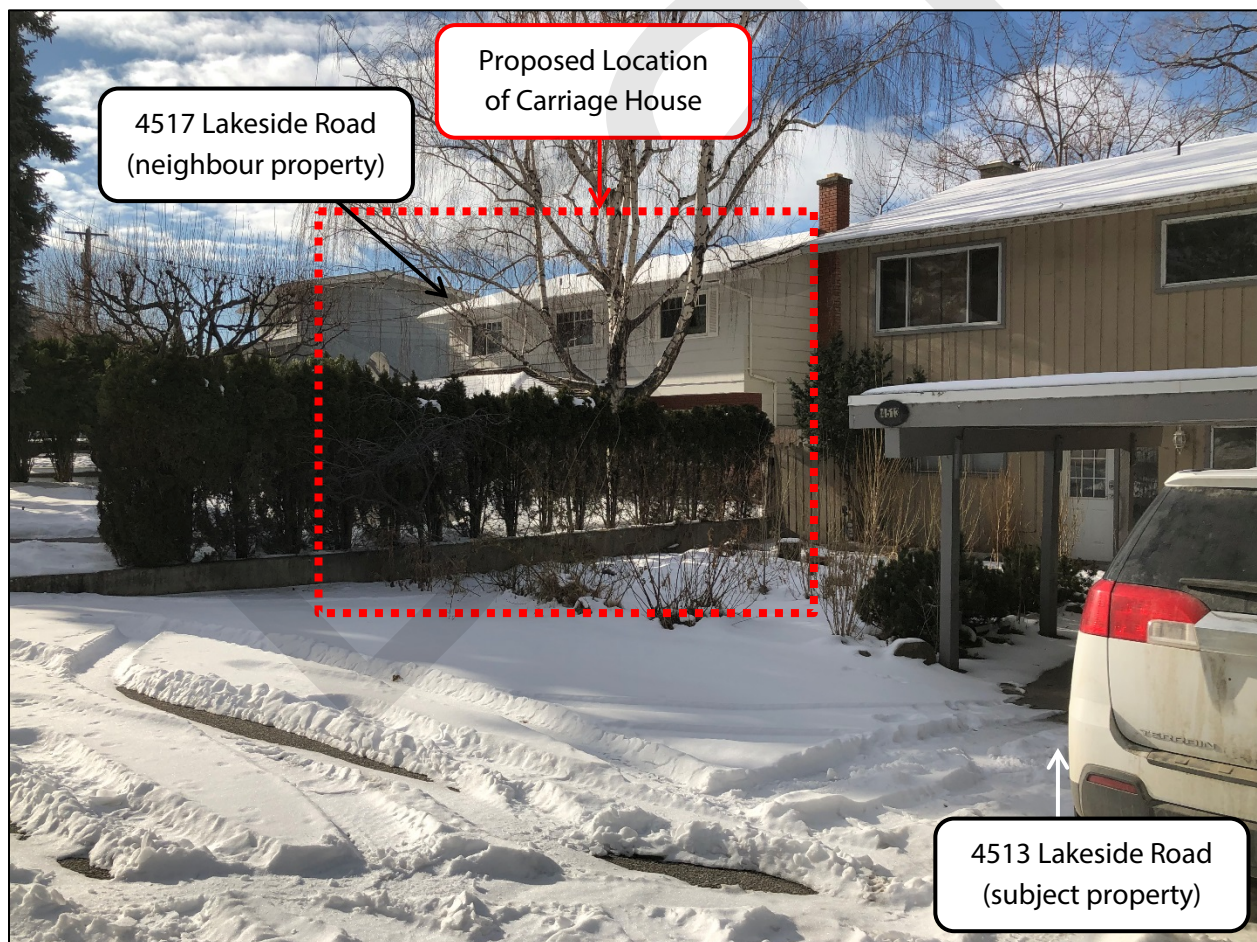


Figure 5 – Looking south toward location of proposed carriage house

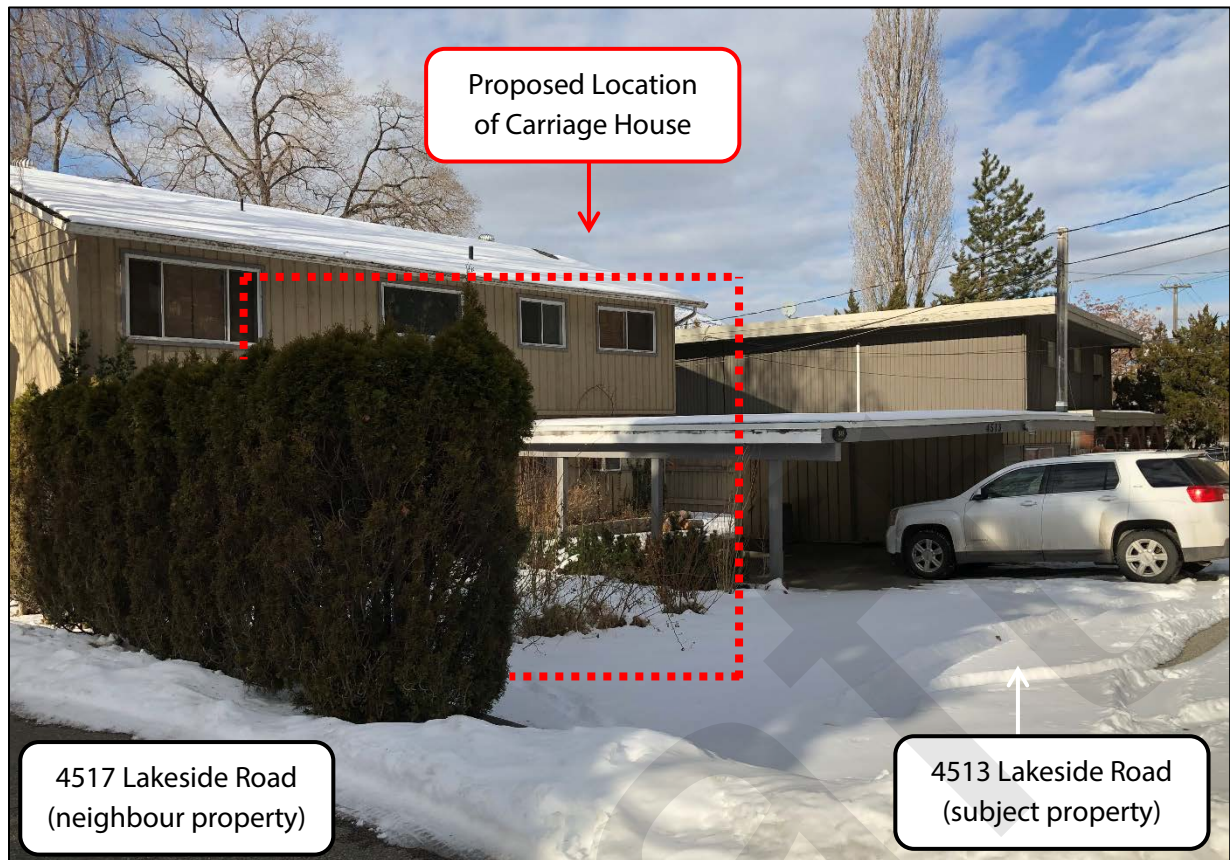


Figure 6 – Looking north toward subject property

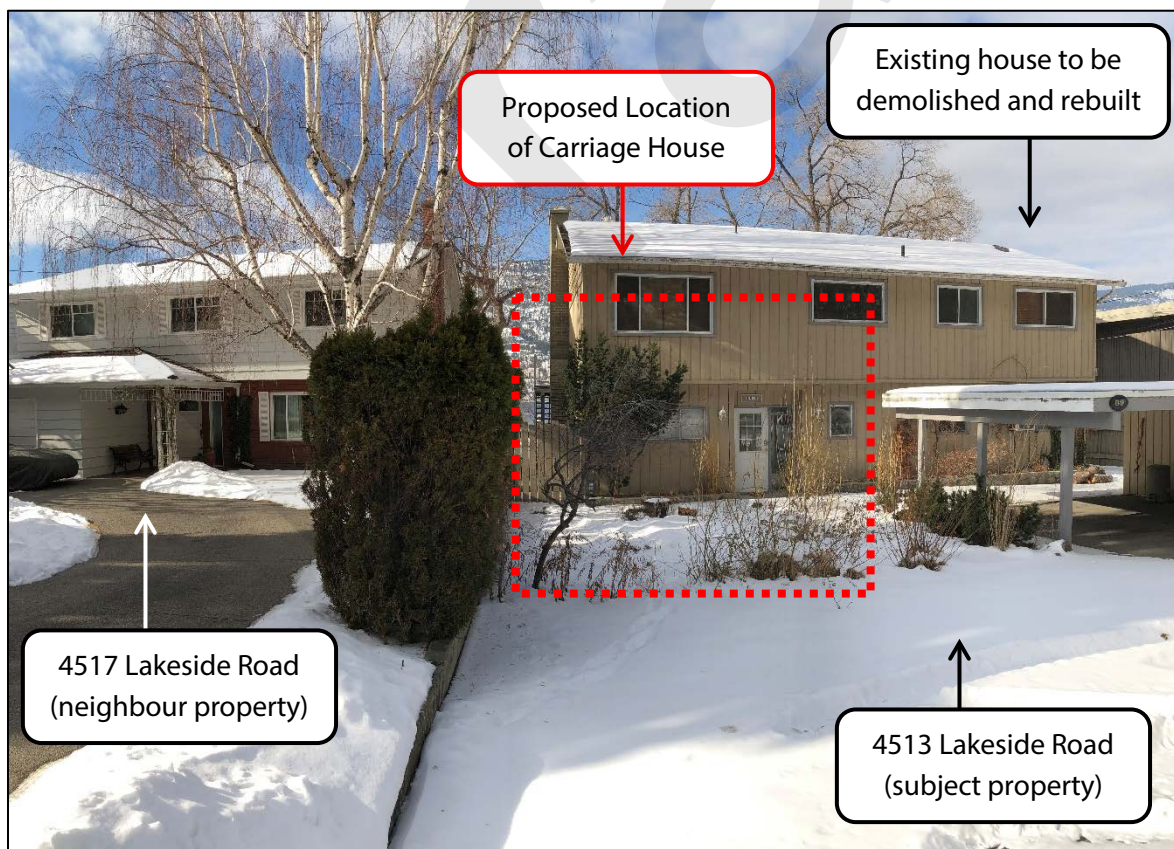


Figure 7 – Looking west toward subject property



C.I. Design + Graphix Services, 28-1020 Mainland, Vancouver, B.C., V6B 2T4, 778 998 0738, www.idesignandgraphix.com, mail@idesignandgraphix.com

December 18, 2018

City of Penticton
Development Permit Variance
171 Main St.
Penticton, BC V2A 5A9

RE: 4513 Lakeside Drive, Penticton, BC

Design Rationale

This proposed development is for a new two storey, single family home facing Skaha lake with a carriage house and a garage. The main house has a single sloped roof, pitched upwards towards the lake. The two storey Carriage house has a complementary single slope roof, pitched upwards towards Lakeside drive. An attached single car garage is on the ground floor of the Carriage house.

This variance application is for the new carriage home with an attached garage. During the design phase, the Penticton zoning bylaw was amended. The amendment affected the proposed carriage house maximum allowable height and number of storeys. This variance application is also seeking relaxation of placement of the carriage house 'in front' of the principle residence.

Height:

On October 30th, the zoning bylaw amendment was adopted. The revision was a response to an outcry against massive structures too close to the rear lot line. The revised maximum height was reduced from an overall 7.0m max. height, to 5.0m and 1 storey, for properties without lane access. This reduction was intended for properties in urban settings where there is no access lane. In contrast, this proposal will not have the negative impact of a 7.0m tall structure on the neighbouring property to the rear. Moreover, the proposed carriage house will have a mean height of less than 6.0m. A variance is requested for the retention of a maximum height of 7.0m and two-storeys.

Siting:

Orientation of the house is in an east-west direction. Access into the property is from Lakeside Drive to the east. Skaha lake is to the west of the property. The bylaw's definition of 'front' defines the east side, fronting Lakeside drive, as the 'front' of the house. Arguably, the water front is the 'front' whereas the access road is the 'back'. For this water front house proposal, the main house is situated fronting the lake, with the carriage house appropriately sited behind the main house. A variance is requested for the allowance to place the carriage house 'in front' of the principle dwelling on this site.

In support of this application, we ask the City of Penticton to consider the following points:

1. The carriage house size is less than the maximum allowable size and height according to the preceding zoning bylaw.

DP.Penticton Design Rationale

page 1

Figure 8 – Letter of Intent (Page 1/2)

2. The contemporary design of the proposed house and carriage house will add to the overall property values of the area.
3. The proposed location of the carriage house, although technically in front of the principle dwelling, is located appropriately behind it.
4. The carriage house is easily accessed from the road and does not negatively impact on mass and scale.
5. This development will be a win-win situation for the City of Penticton by providing more quality dwellings in Penticton.
6. Overall 'footprint' of the proposed development is less than the allowable 40%, at 36.1%.
7. The carriage house will add additional needed rental housing to the area.

Sincerely,



Peter Dartana

C.I.Design and Graphix Services

#28, 1020 Mainland St, Vancouver, BC, V6B 2T4, 778.998.0738

Figure 9 – Letter of Intent (Page 2/2)



December 19, 2018

City of Penticton
Development Permit Variance Application
171 Main St.
Penticton, BC V2A 5A9

Re: 4513 Lakeside Road, Penticton, BC

Letter of Intent

Recently, Lakestream Environmental Services, acting as agent for Steve McIntyre, owner of the property at 4513 Lakeside Road, submitted a Riparian Development Permit application to the City of Penticton for redevelopment purposes. The owner has proposed the removal of the existing single family residence and garage on the property with a new residence and carriage house. We had earlier submitted a Riparian Area Regulation Report to the province for development within the Skaha Lake riparian zone and had been advised by reviewers that our proposal met the standards of the riparian area regulations. Following receipt of approvals from the province we then prepared a City of Penticton Riparian Development Permit Application which included the proposed development plans as prepared by Peter Dartana of C.I. Design and Graphix Services showing the removal of existing structures and featuring a new two storey, single family home, which faced Skaha lake, and a carriage house and garage facing Lakeshore Drive.

Randy Houle, City of Penticton Planner, reviewed our application and provided comments back indicating that our riparian development permit application met their criteria of development outside of the SPEA, however, the development plans did not meet their bylaw regulations.

Upon receiving this information Peter Dartana contacted Randy Houle for clarification of his comments and it was explained that the City Bylaws were in process of being changed, unknowingly to Peter, while the plans were being prepared. C.I. Design and Graphix have decided that the reasonable course of action going forward is to apply for a Development Permit Variance Application. They have accordingly provided design rationale and update of drawings in the following information package and have requested that Lakestream prepare the framework of the Variance Application.

The following information package provides the details and rationale for a Development Permit Variance Application.

Figure 10 – Letter of Intent (Page 1/2)

Respectfully submitted,

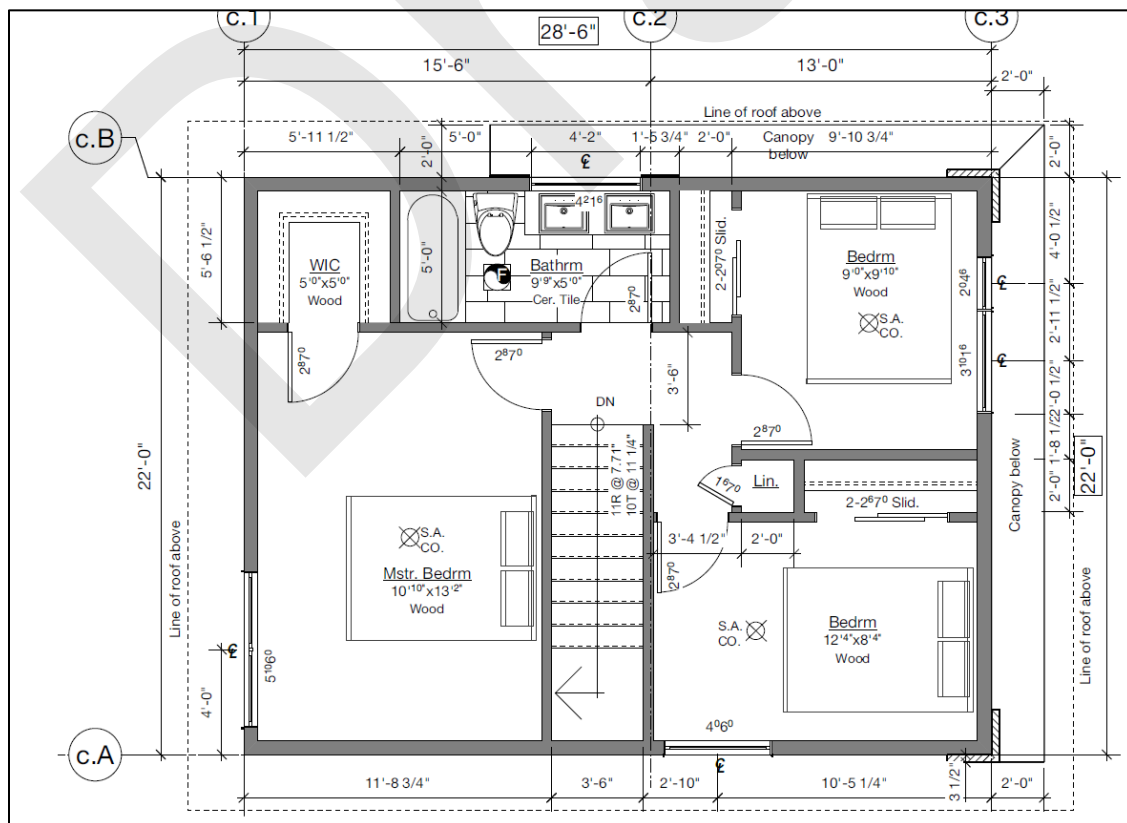
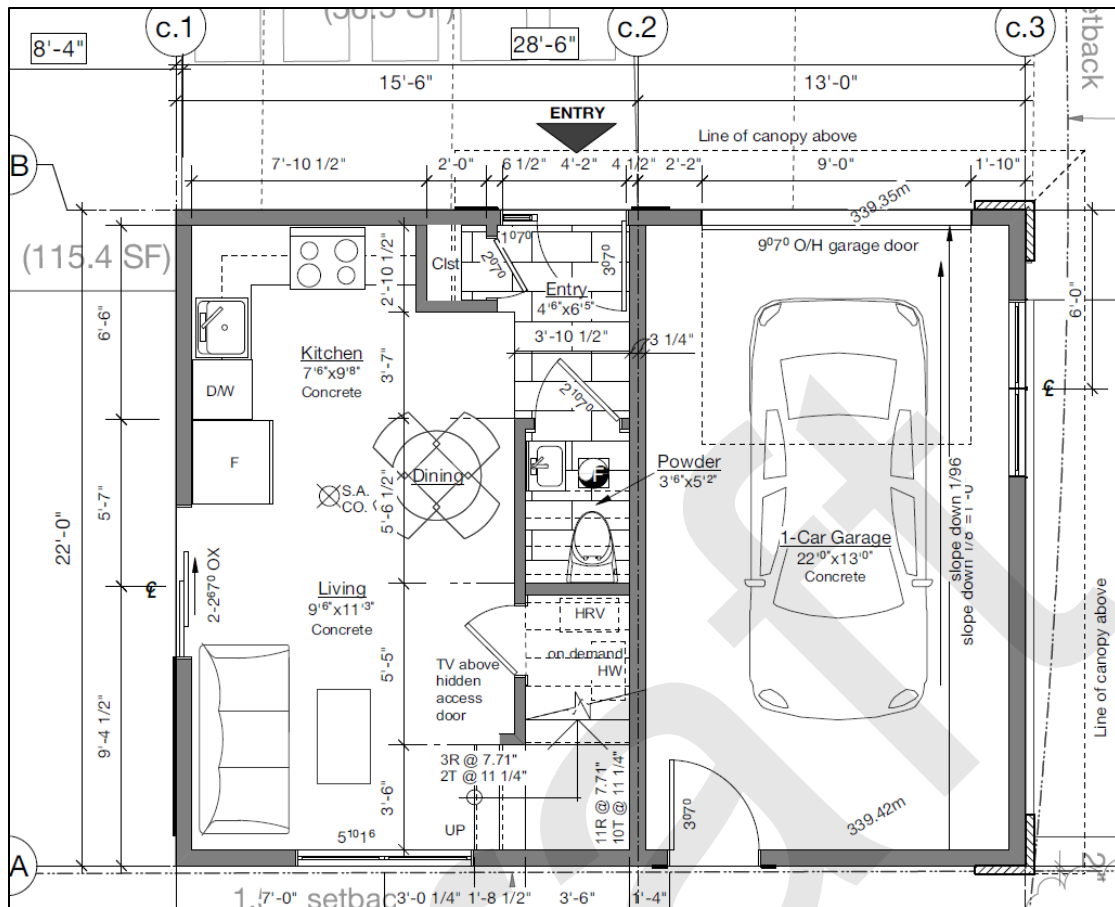


Brian Jantz, R.P.Bio
Lakestream Environmental Services
P.O. Box 1788, Summerland, B.C. V0H 1Z0
Phone 250-494-1765 Cell 250-488-9560
bajantz@shaw.ca



Figure 11 – Letter of Intent (Page 2/2)

Attachment F – Proposed Floor Plans





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

Development Variance Permit

Permit Number: DVP PL2019-8442

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 3 District Lot 190 Similkameen Division Yale District Plan 8200
Civic: 4513 Lakeside Road
PID: 009-854-398
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 6.4m 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.
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 _____, 2019

Issued this _____ day of _____, 2019

Angela Collison,
Corporate Officer

DRAFT
DVP PL2019-8442

