

April 25, 2019

Subject Property:

596 Eckhardt Ave E

Lot A, District Lots 202 and 249, Similkameen Division Yale District,
Plan KAP64417

Application:

Development Variance Permit PL2018-8414

The applicant is proposing to construct a two storey carriage house that is 89.2m² (960 sq. ft) in floor area. The carriage house will be located at the south side of the property. The applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 8.2.3.3: to increase the maximum height of a carriage house in the RD1 zone where no lane exists from 5.0 m and one floor to 7.0 m and two floors; and
2. Section 10.5.2.6.i: to reduce the minimum exterior side yard from 3.0m to 2.2m.

Information:

The staff report to Council and Development Variance Permit PL2019-8414 will be available for public inspection from **Friday, April 26, 2019 to Tuesday, May 7, 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, May 7, 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, May 7, 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 May 7, 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: May 7, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 596 Eckhardt Ave E
Subject: **DVP PL2018-8414**

File No: PRJ2018-241

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8414" for Lot A, District Lots 202 and 249 Similkameen Division Yale District, Plan KAP64417, located at 596 Eckhardt Ave E, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 8.2.3.3: to increase the maximum height of a carriage house in the RD1 zone where no lane exists from 5.0 m and one floor to 7.0 m and two floors; and
2. Section 10.5.2.6.i: to reduce the minimum exterior side yard from 3.0m to 2.2m.

AND THAT staff be directed to issue "DVP PL2018-8414".

Strategic Objective

The subject application demonstrates that it is aligned with the Council Priorities of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place. This proposal is a form of urban infill, which is aligned with the City's Official Community Plan.

Background

The subject property (Attachment 'B') is zoned RD1 (Duplex Housing) and is designated in the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. The subject property is approximately 647 m² (6,969 sq. ft.) in area. The subject property is zoned duplex housing but contains a single family dwelling, which is a permitted use. The applicants are planning to construct a carriage house at the rear of their property, which is also permitted in the RD1 (Duplex Housing) zone.

The applicant is requesting two variances to allow for the construction of the carriage house. The property owner began planning and designing for a two-storey carriage house in early 2018, prior to a significant zoning amendments that restricted the height of carriage houses on properties without lanes. As such, the applicant is requesting a variance to the maximum allowable height, as well to reduce the minimum exterior side yard along Government Street as a result of a significant road widening identified.

Proposal

The applicant is proposing to construct a two storey carriage house that is 89.2m² (960 sq. ft) in floor area. The carriage house will be located at the south side of the property. The applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 8.2.3.3: to increase the maximum height of a carriage house in the RD1 zone where no lane exists from 5.0 m and one floor to 7.0 m and two floors; and
2. Section 10.5.2.6.i: to reduce the minimum exterior side yard from 3.0m to 2.2m.

Financial Implication

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

Technical Review

This application was reviewed by the City's Technical Planning Committee. The Committee identified that there was a significant road widening (2.5m) identified along the eastern property line, running along Government Street (See Figure 1). As a result of the Committee meeting, the applicant was required to re-design the carriage house to be located outside of the road widening area. Other 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 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 RD1 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	647 m ²
Maximum Building Footprint:	90 m ²	89.2 m ²
Vehicle Parking:	3	3
Required Setbacks		
Front Yard (Eckhardt Ave E):	6.0 m	32.0 m
Interior Side Yard (west):	1.5 m	1.5 m
Exterior Side Yard (west):	3.0m (+ 2.5 m road widening)	2.2 m – Variance Requested
Rear Yard (south):	1.5 m	12 m
Maximum Building Height	5.0 m and one floor	7.0 m and two floors – Variance Requested

Analysis

Development Variance Permit

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider if there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances and staff's comments on each are as follows:

1. *Section 8.2.3.3: to increase the maximum height of a carriage house, in the RD1 (Duplex Housing) zone, where no lane exists from 5.0m and one floor to 7.0 m and two floors.*

On October 30, 2018, Council adopted changes to the carriage house regulations in Zoning Bylaw No. 2017-08. One of these changes included restricting the height of carriage houses on properties without a lane to 5.0m and only a single storey (previous maximum height of 7.0m). The applicant had been preparing carriage house building plans before this Zoning Amendment occurred, and was planning on being able to have a two storey carriage house. The applicant learned of the changes to the carriage house regulations, at which time, planning staff advised that they would need to request a variance to construct a 7.0m, two-storey carriage house.

The applicant has adjusted the carriage house plans since this zoning amendment in an attempt to reduce the impact on the neighbours directly adjacent (relocation of windows, making windows facing the neighbours frosted, adjusting size and location of deck space), and also by creating a pedestrian connection to Government Street by adding an entranceway on the east elevation (Attachment 'H').

As shown on the site plan (Attachment 'F'), the proposed location of the carriage house is 12.0m from the rear property line. Although the property does not have a lane, an important consideration is that there is a registered Access Easement at the rear of the subject property (See Images of Subject Property). This Access Easement is registered on the title of the subject property and the neighbouring property, for the sole purpose of providing access to the property to the west (592 Eckhardt Ave E). The increased distance from the rear property line significantly reduces the impact of a taller carriage house on the neighbours to the south.

Given that this Access Easement is 6.0m wide and functions as a lane providing rear vehicle access to the two properties, staff consider the height variance is reasonable and keeping with the intent of the bylaw.

2. *Section 10.5.2.6.i: to reduce the minimum exterior side yard from 3.0 m to 2.2 m.*

As previously noted, when the application was reviewed by the City's Technical Planning Committee it was identified that there was a significant road widening along the eastern property line (along Government Street). The subject property is a corner property that fronts Eckhardt Ave E and Government Street. Given the high volume of traffic associated with this intersection and the desire to, in the future, attempt to increase sightlines and safety at this intersection, a 2.5 m road widening is identified along the eastern property line of the subject property. While ultimately, the City will seek this additional width, this will be sometime in the future

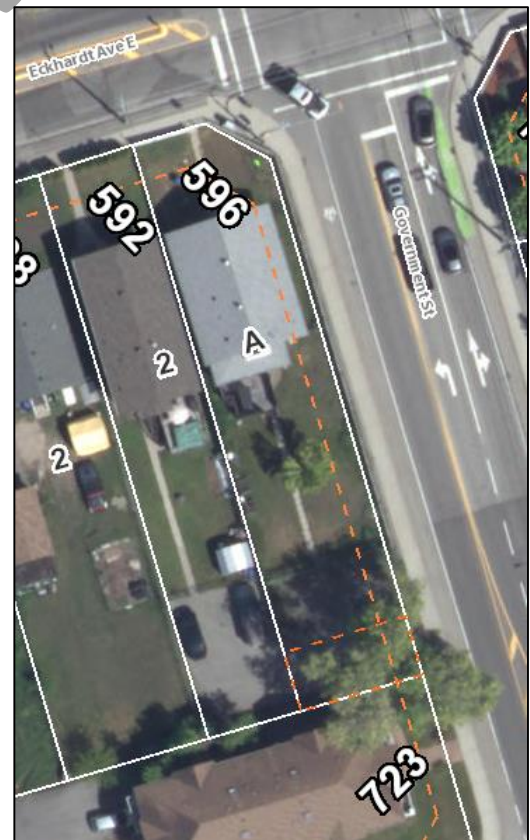


Figure 1 - Subject Property with Road Widening identified by dashed orange line

and dedication is not being sought at this time. Nevertheless, the following section within the Zoning Bylaw applies to the subject application:

Zoning Bylaw 2017-08, Section 4.6.1:

A setback from a highway shall be measured from the lot boundary abutting to that highway, provided that where a highway is designated as a Collector or Arterial in the Penticton Official Community Plan Bylaw as amended from time to time, the setback shall be measured from where the boundary of the Collector or Arterial would meet the lot if that highway was constructed.

Both Eckhardt Ave E and Government Street are identified as major collector streets within the City's OCP Schedule G – 'Transportation Network'. As such, the 3.0m exterior side yard setback is measured from where the lot would be if the road was widened. For the subject property, this results in a combined 5.5m setback from the eastern property line (Figure 2).

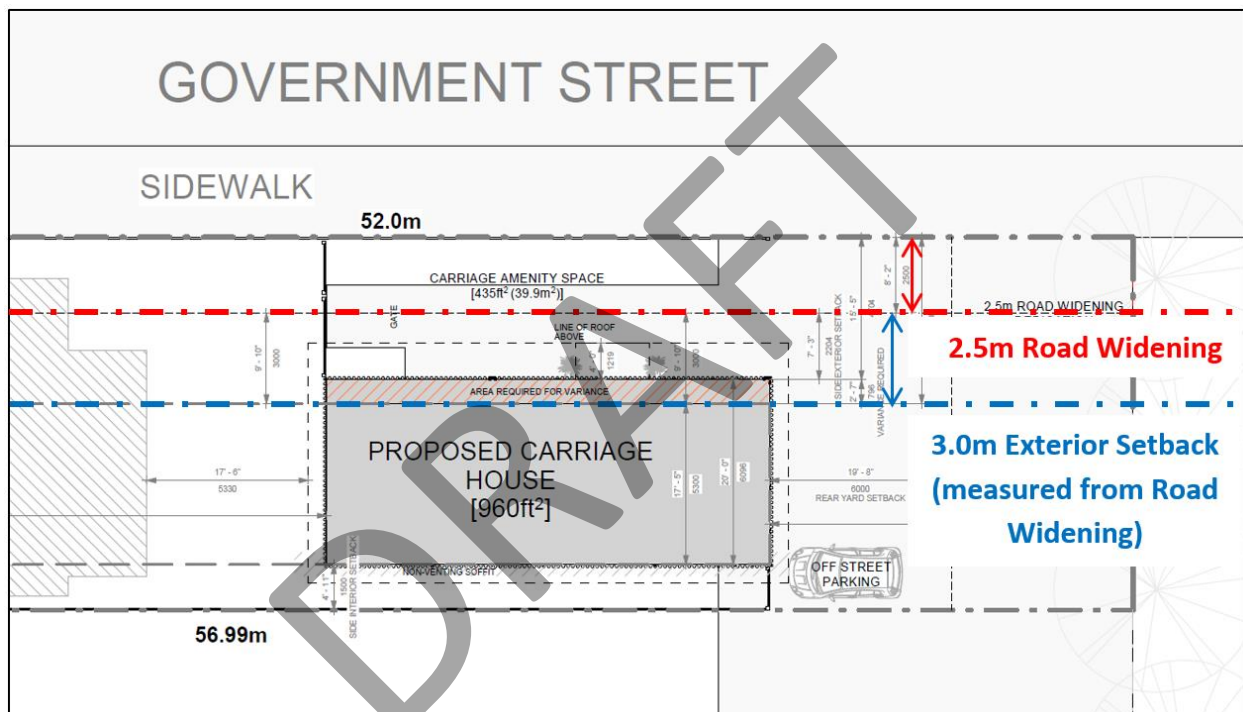


Figure 2 - Detail of Road Widening and Exterior Setback

The significant road widening was confirmed by the City's Technical Planning Committee, and thus resulted in yet another re-design of the plans to try to accommodate the larger setback. After working with staff, the applicant and agent have re-submitted plans that request a 0.796m variance to reduce the exterior side yard from 3.0m to 2.2m. This slight reduction will allow for a more livable dwelling unit, which includes a garage on the main floor and a 960 sq. ft. 3-bedroom suite above.

The subject property is long and narrow, and the identified road widening has significantly restricted the building envelope available on the property. Staff note that the proposed location of the carriage house will not impact the sightlines associated with the intersection at Eckhardt Ave E and Government Avenue. The occupants of 596 Eckhardt Ave E currently access their property from the Access Easement off of Government Street, and are able to provide adequate parking for the existing house, as well as the proposed carriage house.

The applicant has also included an appealing façade fronting onto Government Street, to enhance the pedestrian connection in an attempt to limit the impact of the proposed building. There are windows facing onto Government Street, which will increase the ‘eyes on the street’, thus increasing safety of the area.

Neighbourhood Support

In advance of the Council meeting, the applicants were able to provide staff with a signed letter of support from the neighbours directly adjacent to the subject property. The owners of 592 Eckhardt Ave E (directly west of subject property) have signed a letter which indicates they have reviewed both of the requested variances and are in support.

Given that the subject property has an Access Easement that serves a similar function as a lane, and the significant distance provided between the rear property line and the carriage house, Staff find the height request reasonable. Further, the applicant has made significant re-designs to the proposed building to minimize impacts on neighbouring properties, as well to ensure that the proposed carriage house has a positive impact on the surrounding streetscape, to mitigate the impacts of the exterior side yard variance. Staff recommend that Council support the variance application.

Deny Development Variance Permit

Council may consider that the proposed variances will negatively affect the neighbourhood, in particular, the adjacent neighbours. Council may decide that the applicant should reduce the height and adjust the location of the carriage house to meet the Zoning Bylaw. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support “Development Variance Permit 2018-8414” with conditions.
2. THAT “Development Variance Permit 2018-8414” 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 Site Plan
Attachment G:	Proposed Floor Plans
Attachment H:	Proposed Building Elevations
Attachment I:	Draft Development Variance Permit (DVP)

Respectfully submitted

Nicole Capewell
Planner 1
Approvals

Director Development Services <i>AH</i>	Chief Administrative Officer
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Attachment A – Subject Property Location Map



Figure 3 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

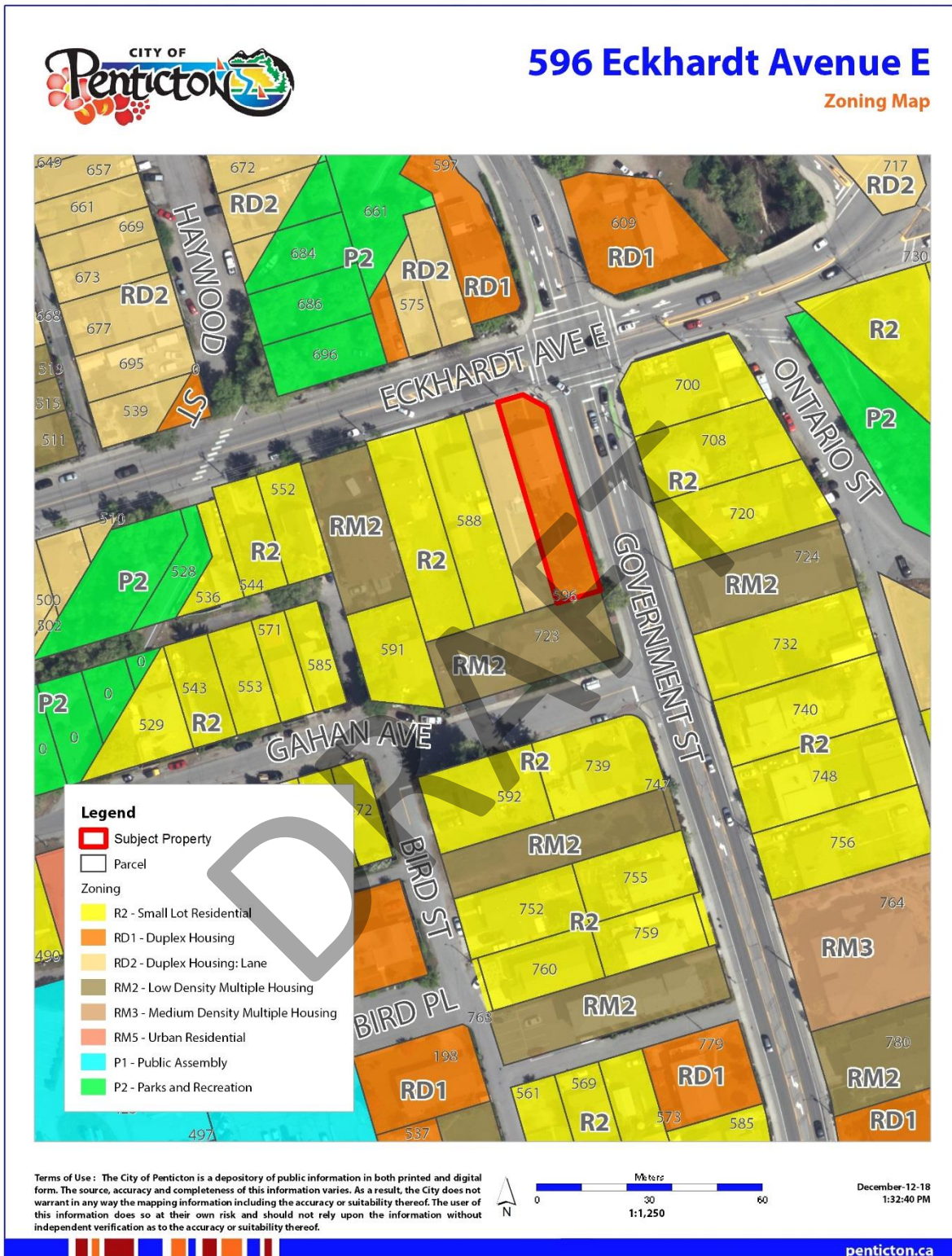


Figure 4 – Subject Property Currently Zoned RD1 (Duplex Housing)

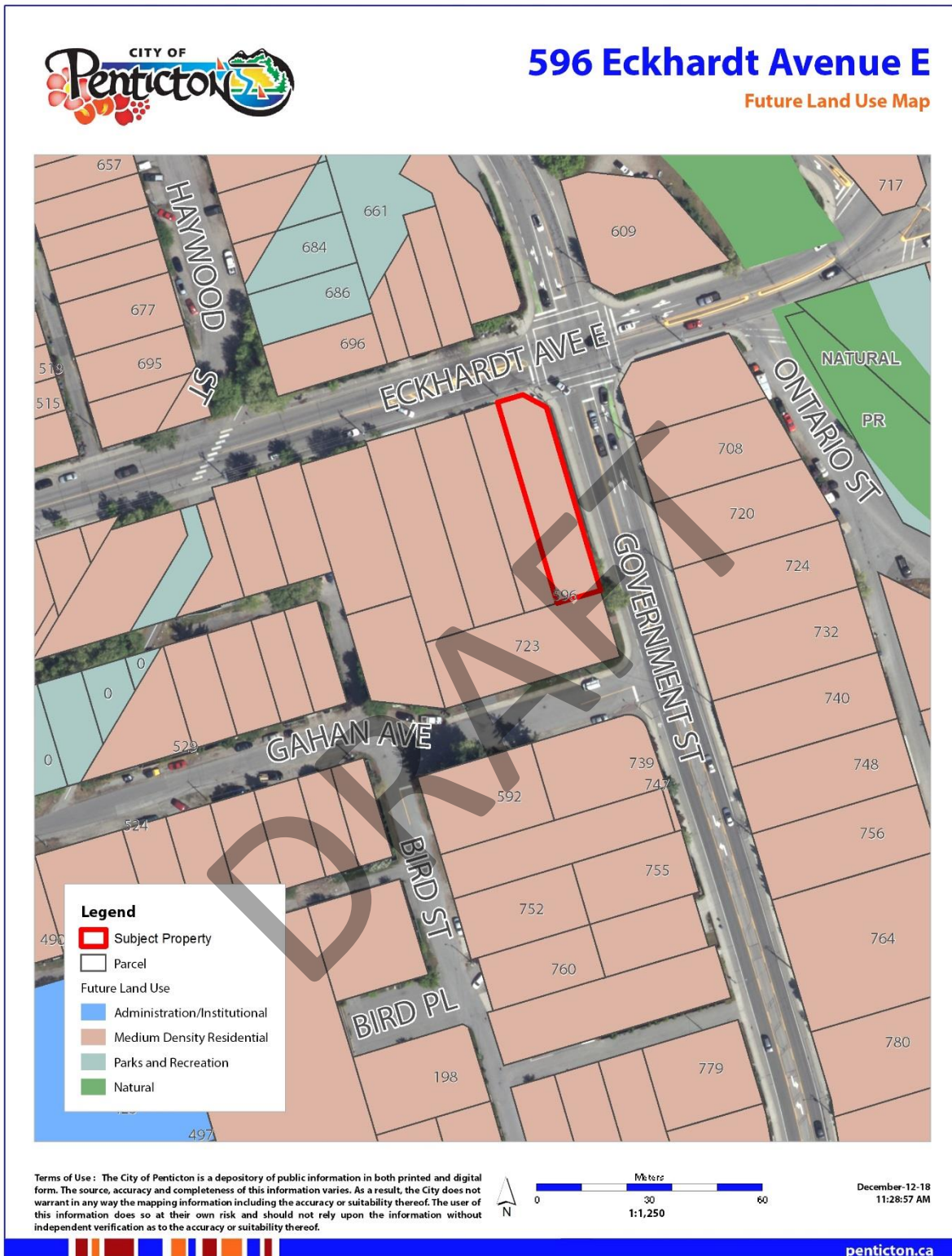


Figure 5 – Subject Property Currently Designated as MR (Medium Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 6 – Looking south east toward Eckhardt Ave E and Government St intersection



Figure 7 – Looking west toward Eckhardt Ave E and Government St intersection

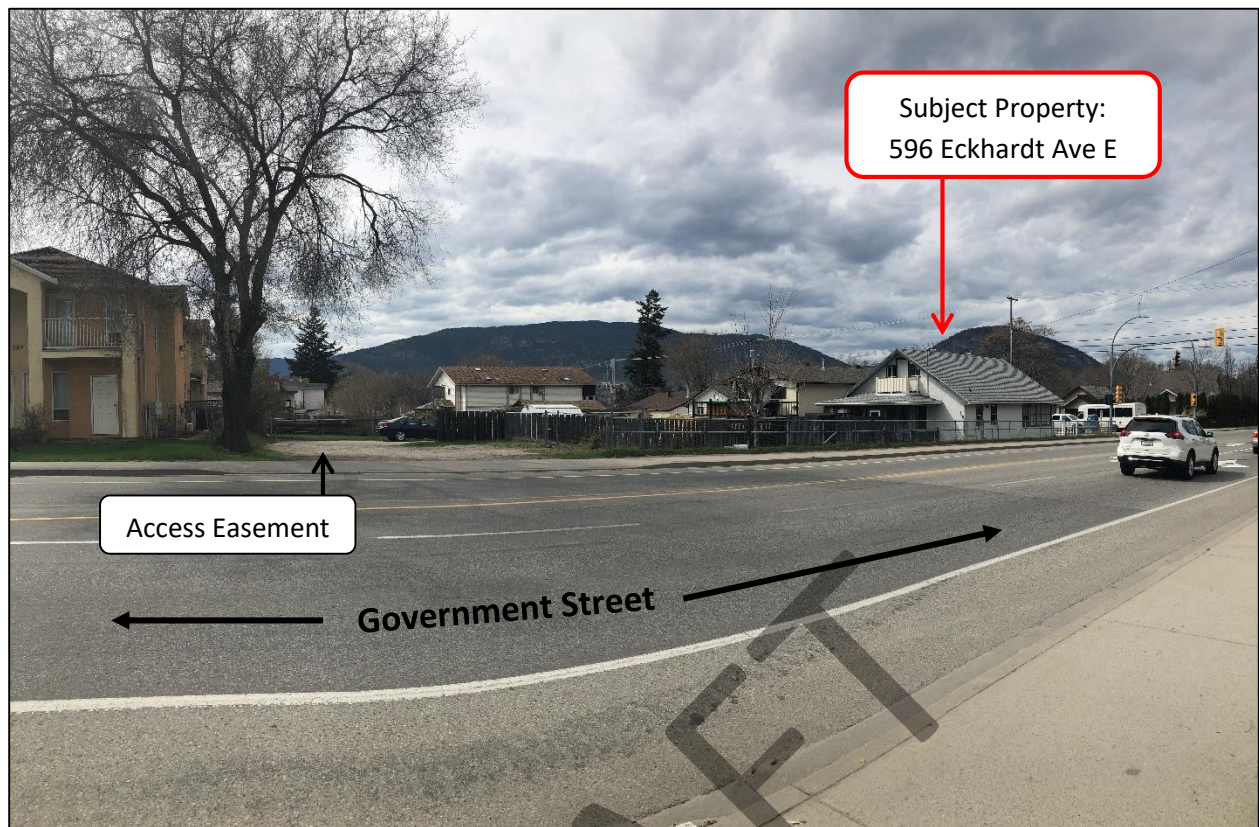


Figure 8 – Looking west toward subject property

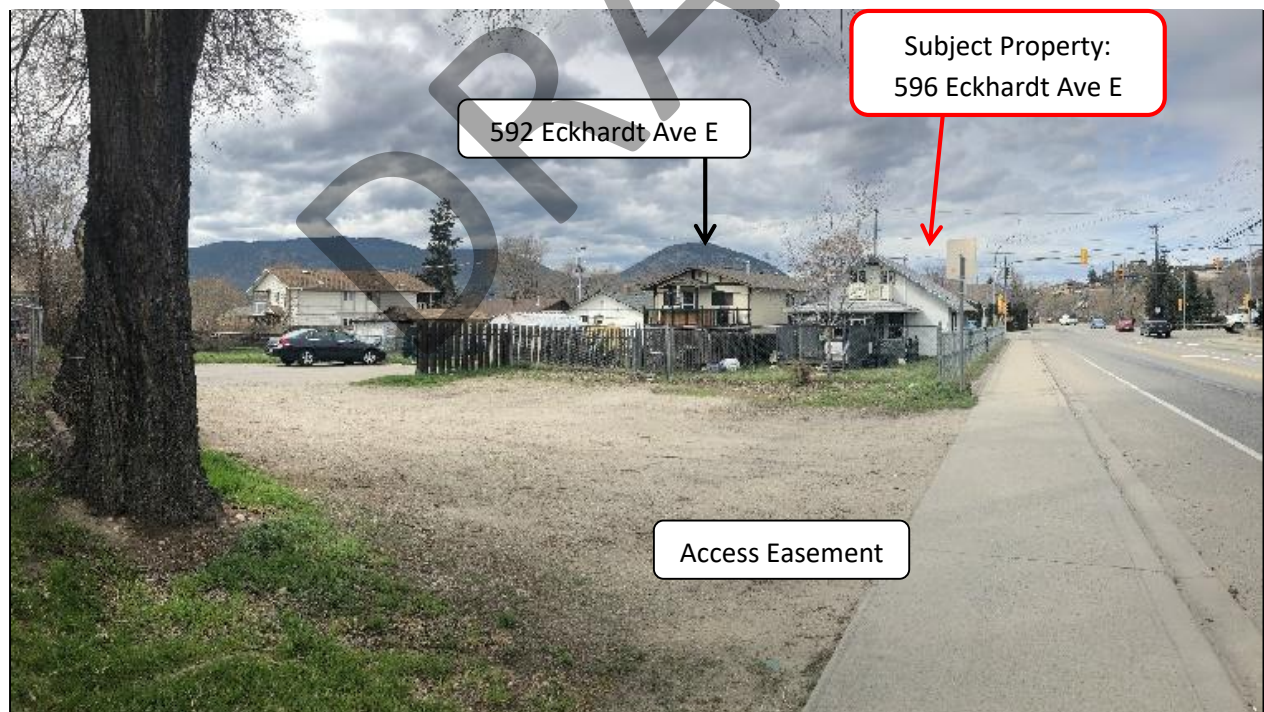


Figure 9 – Looking north toward subject property



Wednesday April 03, 2019

City of Penticton
Attn: Planning Department
171 Main Street
Penticton, BC

Re: Letter of Intent in Support of Request for Variance

Proposed Carriage House

Civic: 596 Eckhardt Ave, Penticton, BC

Legal: LOT A, PL KAP64417, SDYD Pid: 024-502-910

Zoning: RD1 – Duplex Housing

This Letter of Intent is in support of my client's request for a variance to the Maximum Building Height requirement for a lot with a 6.0m Easement access opposed to "Lane" access and a Setback Variance due to Road Widening Dedication.

Currently the definition for the Maximum Height Development Regulations state that a Carriage House in an Urban Zone without "Lane" access is restricted to a 5.0m Maximum Building Height and the variance in request is to support the site-specific conditions that the 6.0m Easement acts as a "Lane" and should support the 7.0m Maximum Height Allowance. Specifically, the 6.0m Easement serves as a "Lane" and the only access to the property and to the neighboring property. (See drawing A01.1 – Site Plan).

The intention is to build a 2 - Storey Carriage House on a currently zoned RD1 – Duplex Housing Lot. In plan, the proposed Carriage House is 20 feet wide by 48 feet deep with a total building footprint of 960m.

The proposed rear setback is also set at 6.0m off the easement opposed to 1.5m to provide additional off-street parking and maintain the current state of the easement. If this 6.0m setback opposes the justification for a garage we are willing to move the carriage house to the 1.5m setback off the easement which will not only provide more yard space on my client's property but further separate the distance from the neighboring principal dwelling for an increased sense of privacy.

www.haywooddesignbuild.com | 250-328-4740 | 190-1475 | Fairview Road, Penticton

Figure 10 – Letter of Intent (Page 1/3)

In elevation, the first level will be a 2 – car tandem garage and the second level will be the suite above. The maximum Height proposed is under the 7.0m guidelines at 6.747m. In addition, the windows which are set on the West side 1.5m Side Yard Setback are small Frosted Glass windows which total 6.3% of the allowable 8% BCBC 2018 Spatial Separation Limitations (guidelines) to ensure privacy between the neighboring property. In elevation the proposed carriage house considers that there is no neighbor to the East but Government Ave which is a major traffic artery in the City of Penticton and has considered the Aesthetics of this façade to act as the Front of the house pleasing to the passersby whether on foot or in vehicles.

The current home is built on a non-complying lot due to the fact that the 6.0m easement serves as the only vehicular access to the lot. There is no driveway access off Eckhardt avenue so according to 10.5.3 (Other Regulations) 2. *Where a rear lane is provided, vehicular access must be from the rear lane.* So, if this easement is the only means of vehicular access this lot would be non-conforming unless we interpret the easement as a "Lane" and follow the Development Regulations for properties with a designated Lane. By definition a *LANE means a highway under the Local Government Act more than 3.0 m but not greater than 8.0 m in width.*

Regarding the 3.0m Side Exterior Setback my client is requesting a .796m (2'-6") Variance leaving the Side Exterior Setback at 2.204m. To give a bit of history, this is now our third submission after our initial pre-application meeting (*all submissions prior to this Letter of Intent will be submitted as reference*). At our first pre-application meeting we were advised of the road widening and staff provided this dimension for us. Staff advised us that a 0.5m Road widening dedication was required. Re-designing was required. Before submitting these revised plans, we had another pre-application meeting and were advised of some façade revisions which would change the orientation of the Building to front onto Government Street. Recommendations were accepted and re-design was completed. After this submission we were then told that this road dedication provided to us was in correct and the correct Road Dedication was in fact 2.5m. A substantial increase with limitations to Building Footprint. Considering the 2.5m Road Dedication and 3.0m Side Exterior Setback the Building would have to be narrowed down from 24 feet down to 17'-6" or by 6'-6" on an already relatively narrow building.

We feel that the .796m (2'-6") Variance is a fair trade off for the for the once 0.5m Road Dedication being increased to 2.5m. This allows my clients Building Footprint to be an even 20'-0" by 48'-0" allowing for more practical Floor Plans. (See drawing A101 – Floor Plans)

What is perhaps most relevant here, and what I would ask the board to consider, is (1) the fact that the easement serves as the only vehicle access to the property as well as the neighboring property; (2) thus no undue burden on the neighboring residence in terms of access and privacy; (3) the proposed style and structure of the house is in step with the transitioning neighborhood, considering the East side facing Government to act as the Front elevation; (4) the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvement; and (5) The Variance requested for the Side Exterior Setback is a fair trade for the Road Widening Dedication.

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Figure 11 – Letter of Intent (Page 2/3)

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DAH', with a large circular flourish at the end.

David A. Haywood, B.Arch
Haywood Design + Build

DRAFT

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Figure 12 – Letter of Intent (Page 3/3)

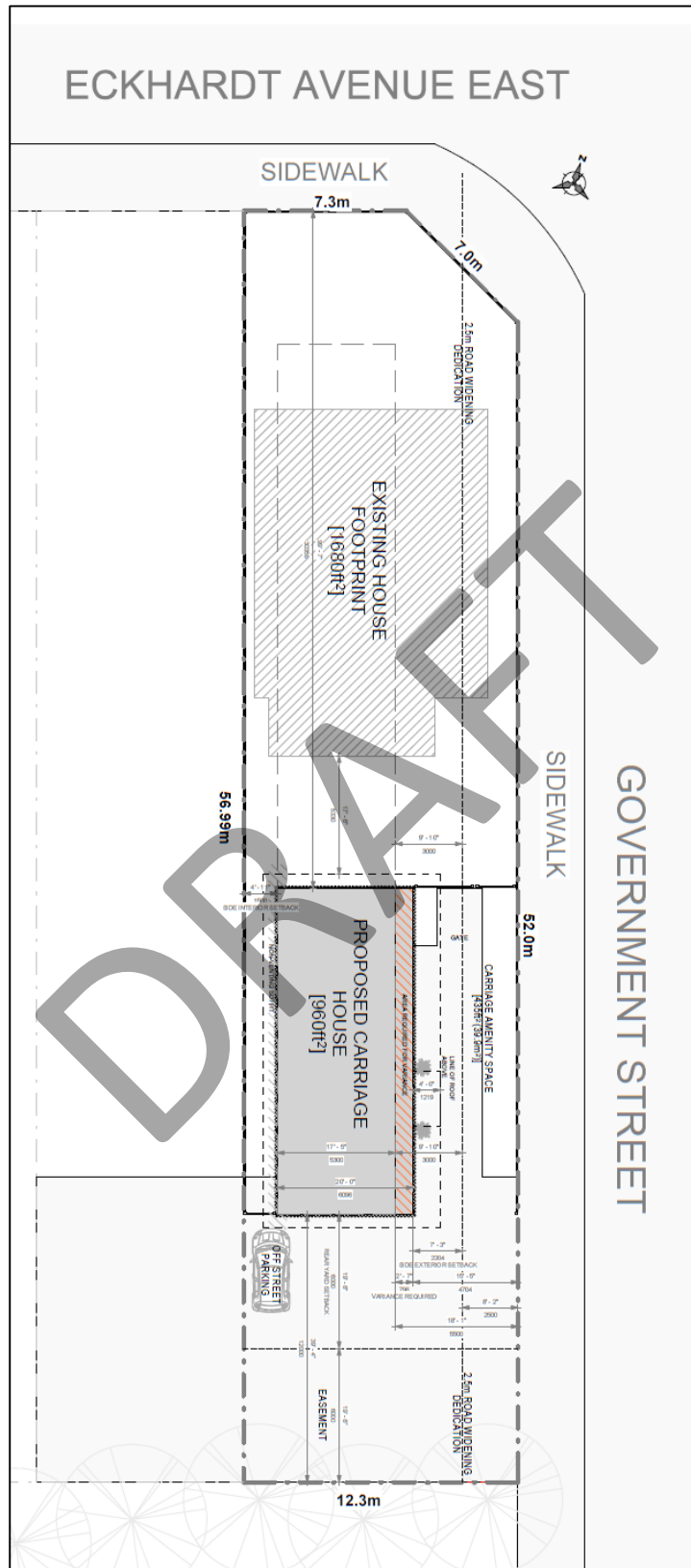


Figure 13 – South Elevation (Facing Access Easement)

Architectural floor plan of a building with the following details:

- Garage:** 14'-2" x 4'-0". Includes an overhead door and a car symbol.
- Powder Room:** 3'-0" x 8'-0". Includes a toilet and a sink.
- Foyer:** 3'-0" x 8'-0". Includes a coat closet and a shoe closet.
- Mechanical Room (MECH):** 3'-0" x 8'-0".
- Structural Notes:**
 - CONCRETE SLAB: 4" CONCRETE SLAB (30Mpa), 8" COMPACTED GRANULAR FILL, 1% MIN. SLOPE TO ENTRY.
 - 1/4" ENG. FLOOR JOISTS OVER (SEE ENG. FLOOR LAYOUT BY OTHERS).
 - 80" ENG. FLOOR JOISTS OVER (SEE ENG. FLOOR LAYOUT BY OTHERS).
- Dimensions:**
 - Overall width: 3'-7", 7'-9", 20'-0", 8'-0".
 - Overall depth: 10'-11", 15'-0", 48'-0", 32'-7", 14'-0 1/4", 8'-2 3/4", 10'-4 7/8", 13'-7 1/4", 20'-0".
 - Room dimensions: 36" x 80", 20'-0", 17'-9 7/8", 21'-1 1/8", 4'-0", 4'-0", 4'-0".
- Other Labels:** ENG. BEAM, ENG. LINTEL, AREA OF DECK ABOVE, BACKING FOR ANGLED POSTS, LINE OF ROOF ABOVE.

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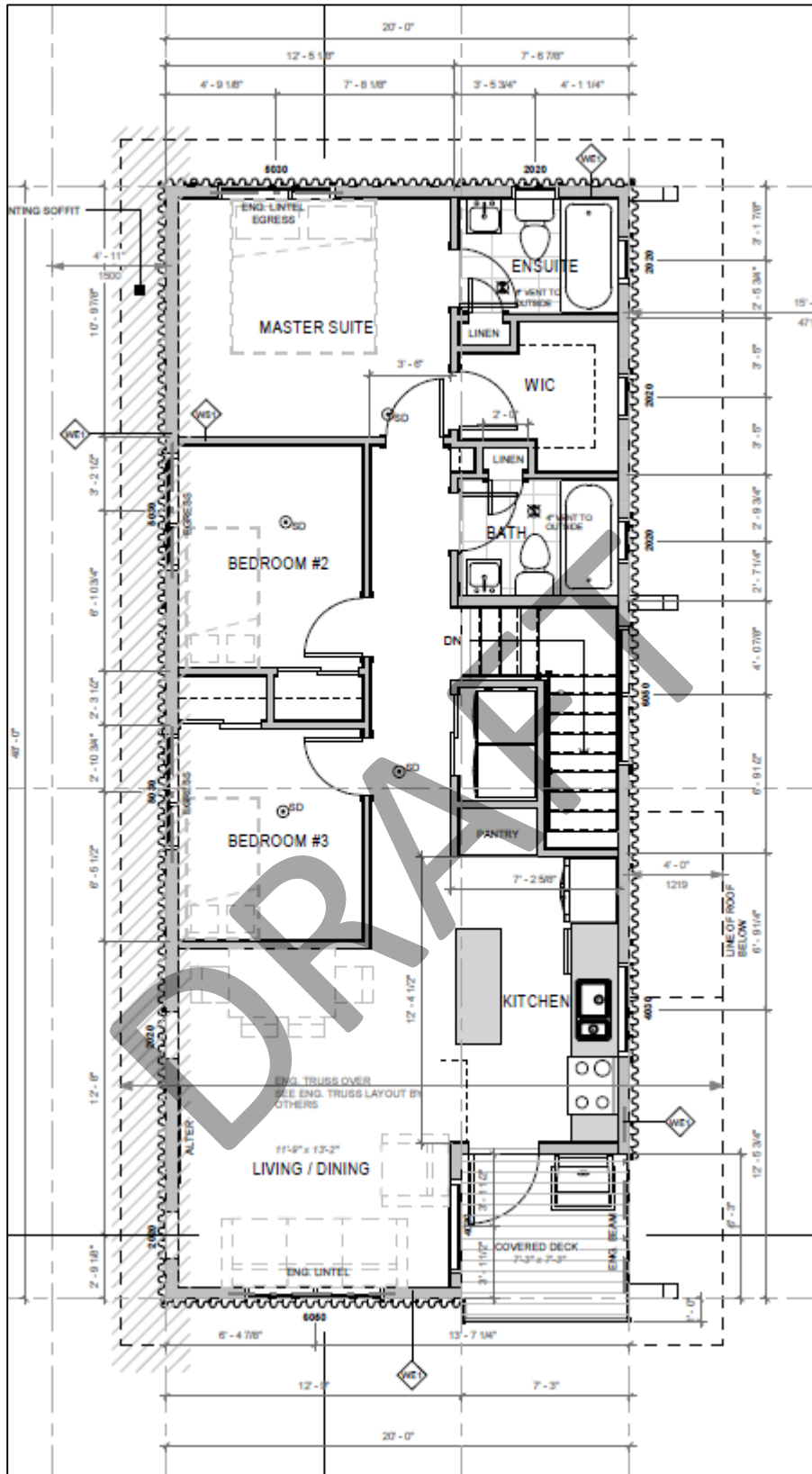


Figure 15 – Second Level Floor Plan

Attachment H – Proposed Building Elevations

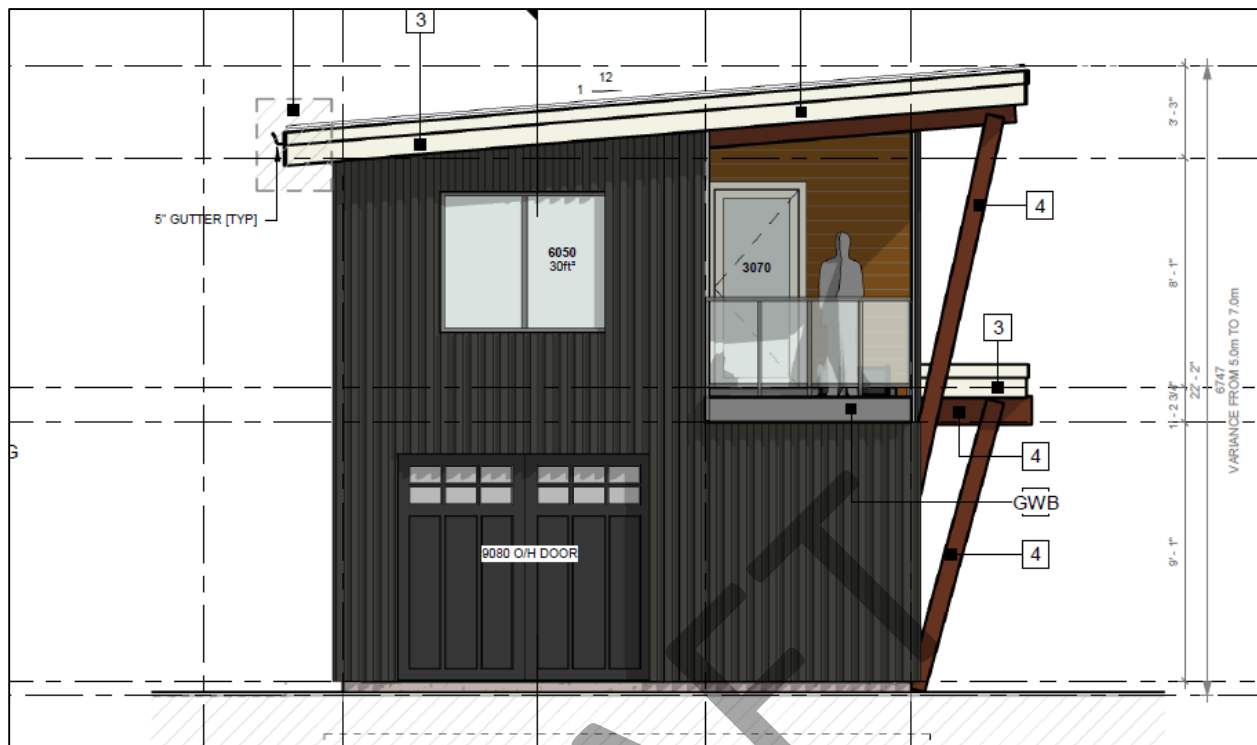


Figure 16 – South Elevation (Facing Access Easement)

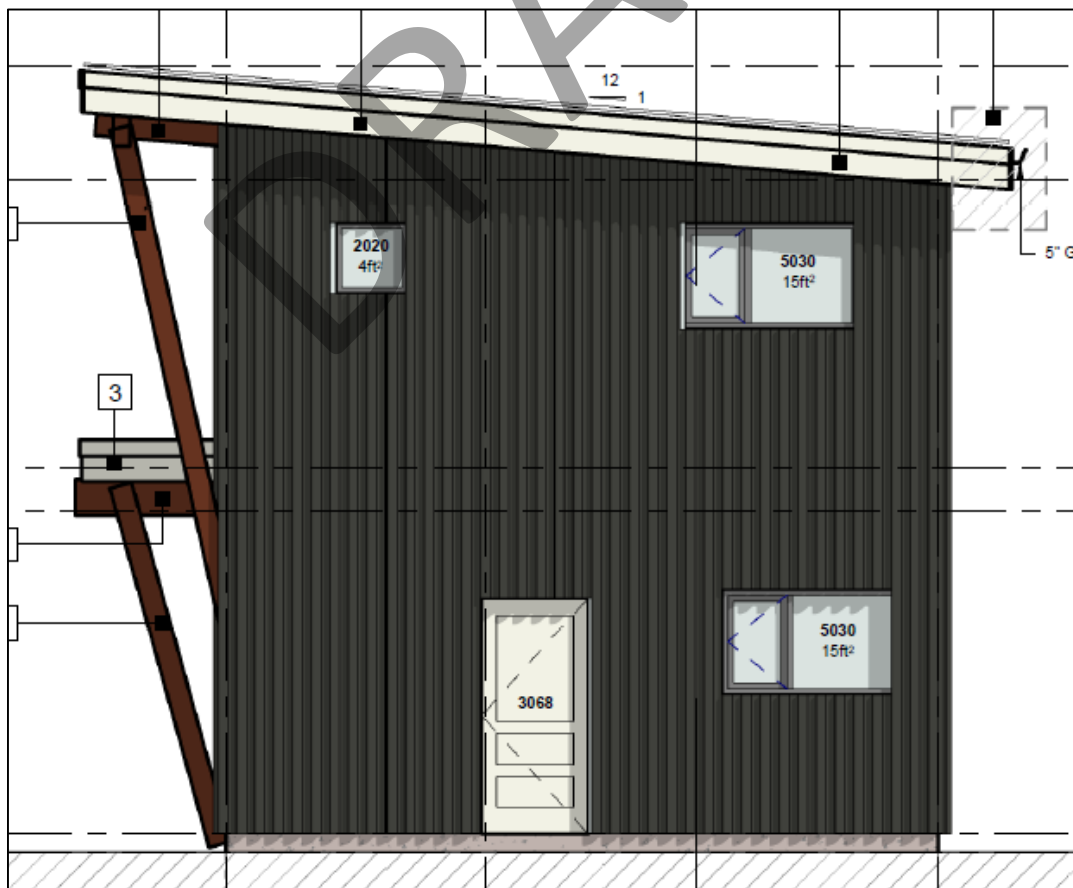


Figure 17 – North Elevation (Facing Existing House at 596 Eckhardt Ave)



Figure 18 – West Elevation (Facing Neighbour Property)

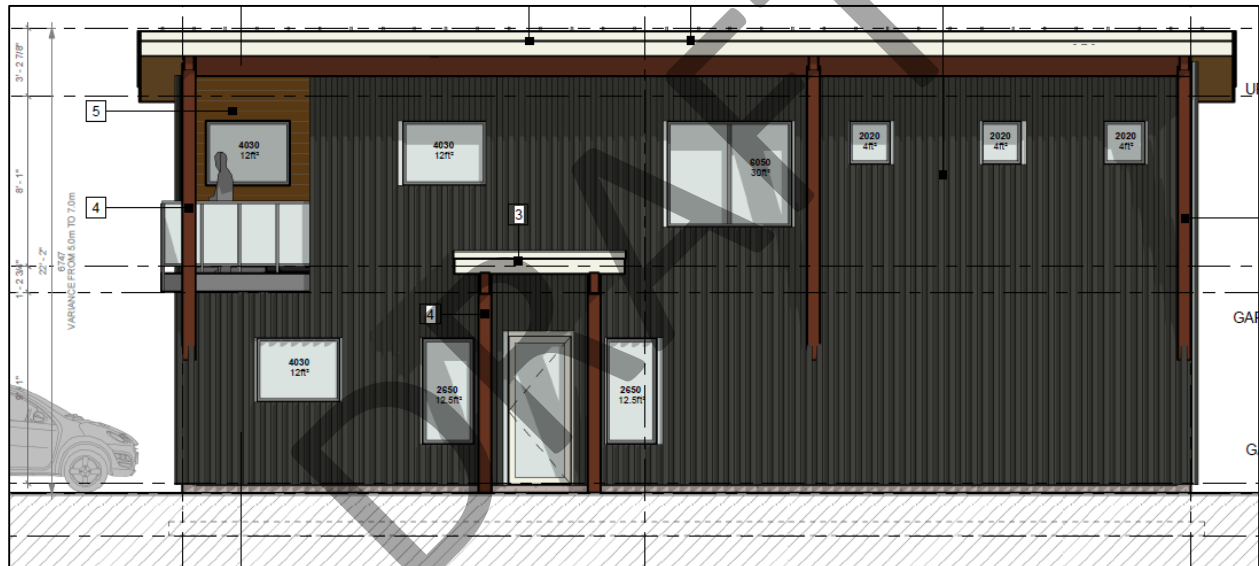


Figure 19 – East Elevation (Facing Government Street)



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

Development Variance Permit

Permit Number: DVP PL2018-8414

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 Lots 202 and 249 Similkameen Division Yale District Plan KAP64417
Civic: 596 Eckhardt Ave E
PID: 024-502-910
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 a carriage house:
 - a. Section 8.2.3.3: to increase the maximum height of a carriage house in the RD1 zone where no lane exists from 5.0m and one floor to 7.0m and two floors; and
 - b. Section 10.5.2.6.i: to reduce the minimum exterior side yard from 3.0m to 2.2m.

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 _____, 2018

Issued this _____ day of _____, 2018

Angela Collison,
Corporate Officer

DRAFT