

May 9, 2019

Subject Property:

3935 Lakeside Road

Lot 1, District Lot 190 and 310S, Similkameen Division
Yale District, Plan 27215

Application:

Development Variance Permit PL2019-8483

The intent of the property owner is to convert the existing, one storey, 720 ft² accessory building into a dwelling unit (carriage house). The proposed siting of the building (as a carriage house) does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested the following variance to Zoning Bylaw No. 2017-08:

- 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 PL2019-8483 will be available for public inspection from **Friday, May 10, 2019 to Tuesday, May 21, 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 21, 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 21, 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 21, 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: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 3935 Lakeside Road
Subject: Development Variance Permit PL2019-8483

File No: PRJ2019-043

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8483" for Lot 1 District Lot 190 and 3105 Similkameen Division Yale District Plan 27215, located at 3935 Lakeside Road, a permit to vary section 8.2.3.5 of Zoning Bylaw 2017-08 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 PL2019-8483".

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 an accessory building. The intent of the property owner is to convert the existing, one storey, 720 sqft, accessory building into a dwelling unit (carriage house). All of the works proposed are outside of any riparian and easement/right-of-way areas on the property. The accessory building, however, is located closer than the main house to Lakeside Road. This is in conflict with the zoning bylaw regulations for carriage houses, which requires the principal dwelling to be located closer to the road.

Proposal

The proposed siting of the building (as a carriage house) does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested the following variance to Zoning Bylaw No. 2017-08:

- 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. Once operating as a carriage house, the owner will be required to pay a yearly license fee to the City.

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 R1 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	850 m ²
Maximum Lot Coverage:	40%	20% (no change, as structure is existing)
Vehicle Parking:	3 (2 – Single Family Dwelling; 1 – Carriage House)	3+ There is ample parking on site
Maximum Building Footprint	90m ²	67.7 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	10.58 m 2.14 m ~17m ~50 m
Maximum Building Height	5.0 m and one floor	3.7 m and one floors
Comments	- The applicant is requesting a variance to allow the carriage house to be located closer to the front lot line than the principal building. - The accessory building is 2.14 m from property line, and does not require windows on the north elevation to be opaque.	

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 8.2.3.5: 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 applicant is to convert an existing accessory building to a carriage house. The accessory building was originally constructed in 1954 (with permits). The conversion of the building does not include any expansion of the building footprint, nor an increase in height. Rather, the inside of the building will be converted to a dwelling unit, with some patio space included outside to provide amenity space for the dwelling unit. The subject property has adequate parking, which exceeds the required 3 parking spaces (2 required for single family dwelling; 1 additional required for carriage house).

The following analysis reviews the request to have a carriage house in front of the principal residence on a lakefront property:

- 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.
- 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.
- The carriage house is located outside of the required 6.0m front yard setback for the R1 zoning.
- The proposal is to convert an existing accessory building to a carriage house. There will be no additional building footprint expansion as part of the application.

Given the above, staff consider this request reasonable and do not anticipate any negative impacts on neighbouring properties. As such staff are recommending that Council support the variances and direct staff to issue the permit.

Deny Development Variance Permit

Council may consider that the proposed variance could negatively affect the neighbourhood, in particular, the adjacent neighbours. If this is the case, Council should deny the height variance.

Alternate Recommendations

1. THAT Council approve the "Development Variance Permit PL2019-8483" with conditions
2. THAT "Development Permit PL2019-8483" 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:	Proposed Building Elevations
Attachment H:	Draft Development Variance Permit (DVP)

Respectfully submitted,

Nicole Capewell
Planner 1

Approvals

Director Development Services	Chief Administrative Officer
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Attachment A – Subject Property Location Map



Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

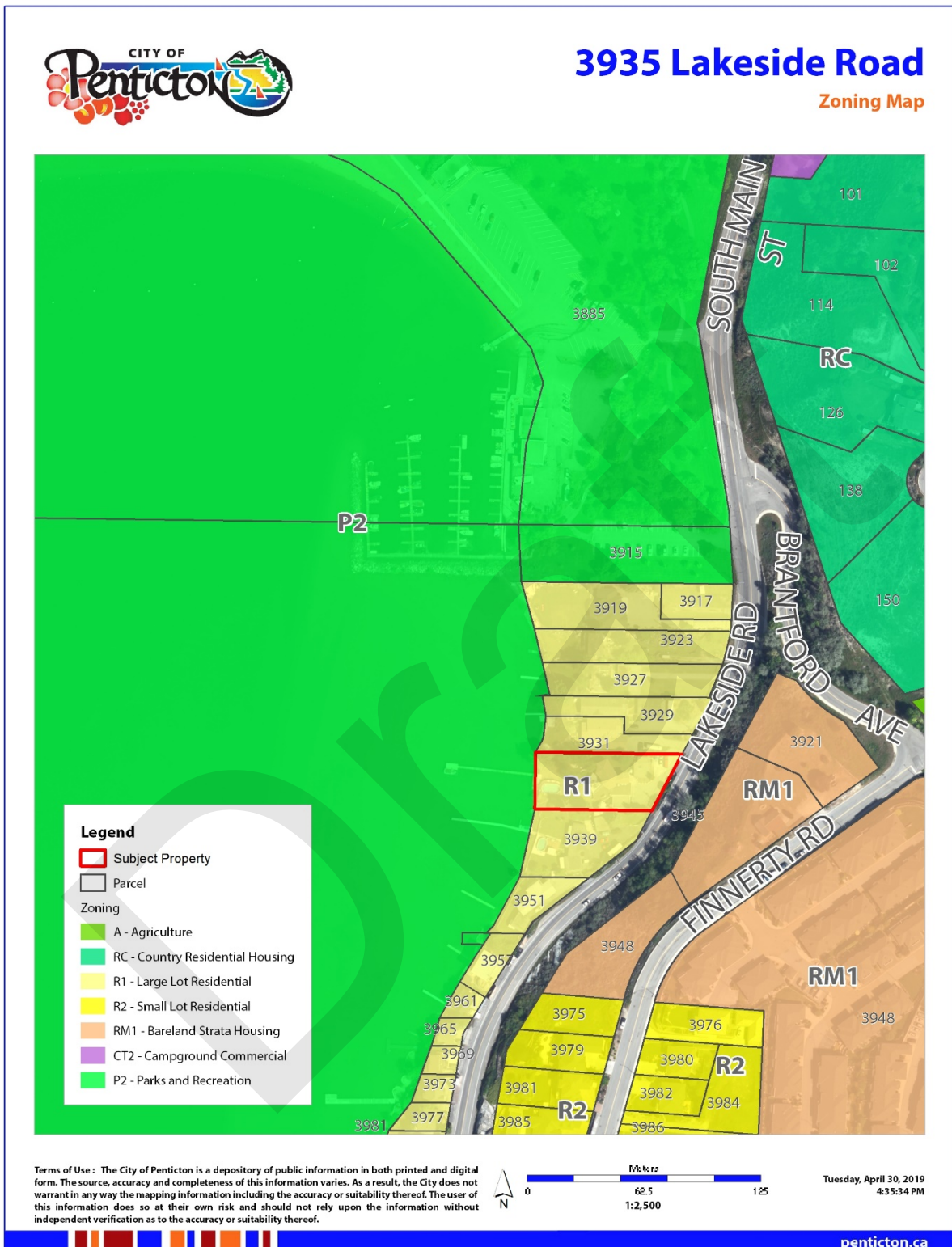


Figure 2 – Subject Property Currently Zoned R1 (Large Lot Residential)



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

Attachment D – Images of Subject Property

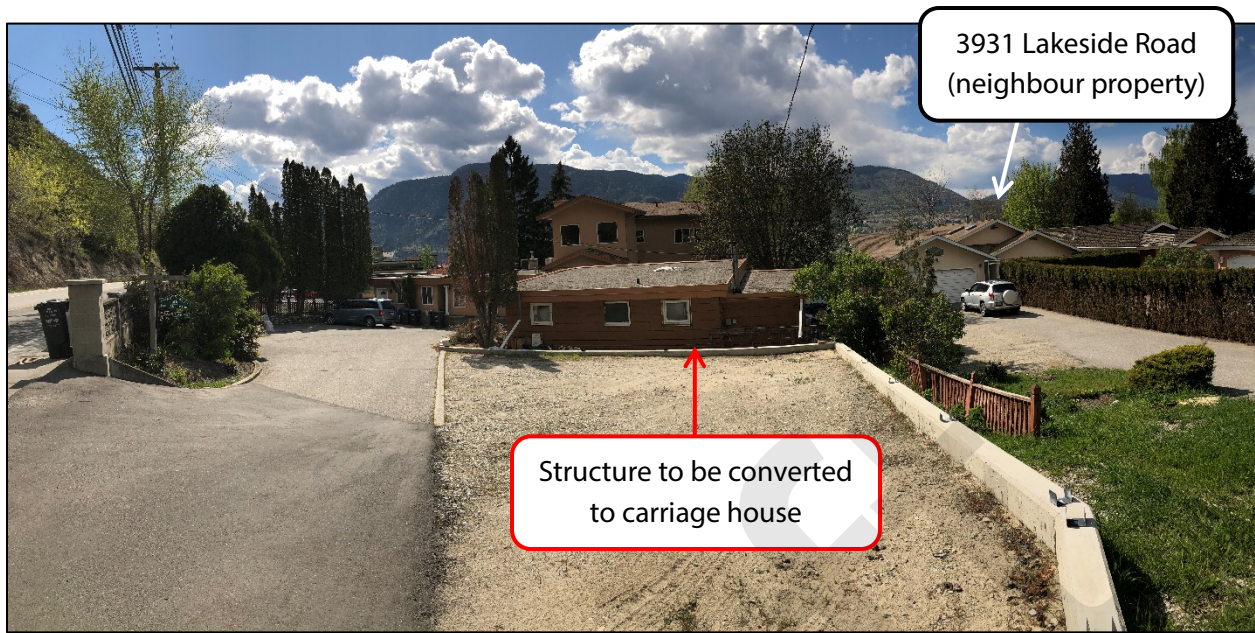


Figure 4 – Looking west toward subject property from Lakeside Road



Figure 5 – Looking north at accessory building to be converted to carriage house



Figure 6 – Looking south at available parking area on property



Figure 7 – Looking west toward subject property along northern property line



February 26, 2019

Ecora File No.: CP-19-028-VAS

City of Penticton – Planning Department
171 Main Street
Penticton, BC V2A 5A9

Attention: Development Services

Reference: 3935 Lakeside Road – Garage to Carriage House Conversion

Ecora Engineering and Resource Group Ltd. (Ecora) has been requested to undertake the design of the renovation of an accessory existing building with the intent of transforming the building to a Vacation rental.

The existing building, located on 3935 Lakeside Road, it is an accessory building to the main residence. The building sits on the front of the property, between the main residence and the street (Lakeside Road). Both buildings sit within the building setback lines.

Based on discussions with the City, apparently the accessory building in question was originally the main residence for this lot. When the new residence was constructed, this building was to be converted into a garage for the new residence and was not to be used as living space.

The purpose of this Development Variance Permit is to allow for this accessory building to be converted into a carriage house. We are proposing to make significant interior renovations to bring the building up to current codes as well as create a 2 bedroom vacation rental suite. Renovations will be confined to the interior, aside from alterations to window configurations. There is also an existing shed to the west of the accessory building. This will be removed and a slab-on-grade patio with planters will be added. Upgrades to the exterior have not been proposed at this time.

Currently, the main residence does not have a garage. However, there are 2 separate parking areas located on the site. The paved driveway slopes down into the site from Lakeside Road. As you first enter the site, there is a gravel parking area to the north of the driveway and east of the accessory building. This location has approximately 2-3 gravel parking spots which will be used for the proposed carriage house. As the driveway meets the house, to the south there are 3 parking spots allocated for the main residence. This will all be staying as is and should provide adequate parking for the carriage house needs.

We believe there is also precedence for what we are proposing in this particular area. Along this stretch of road, home owners are unable to build in the rear of their lot due to restrictions from the riparian area created by Skaha Lake. Because of this, other owners have constructed carriage houses on the front of their property (between the front lot line and principle dwelling).

Ecora Engineering & Resource Group Ltd.
Select office location from dropdown
www.ecora.ca



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

We anticipate minimal impact to the neighbouring properties. The building is existing currently and work will be mostly confined to the interior of the building.

The intent of this building is to create a new vacation rental suite. We feel these types of projects are a benefit to our community and helps encourage tourism to the Southern half of the City.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Resource Group Ltd.



Kyle Doiron, ASCT
Sr. Civil Engineering Technologist
Direct Line: 250.492.2227 x1027
kyle.doiron@ecora.ca

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

Attachment F – Proposed Floor Plans

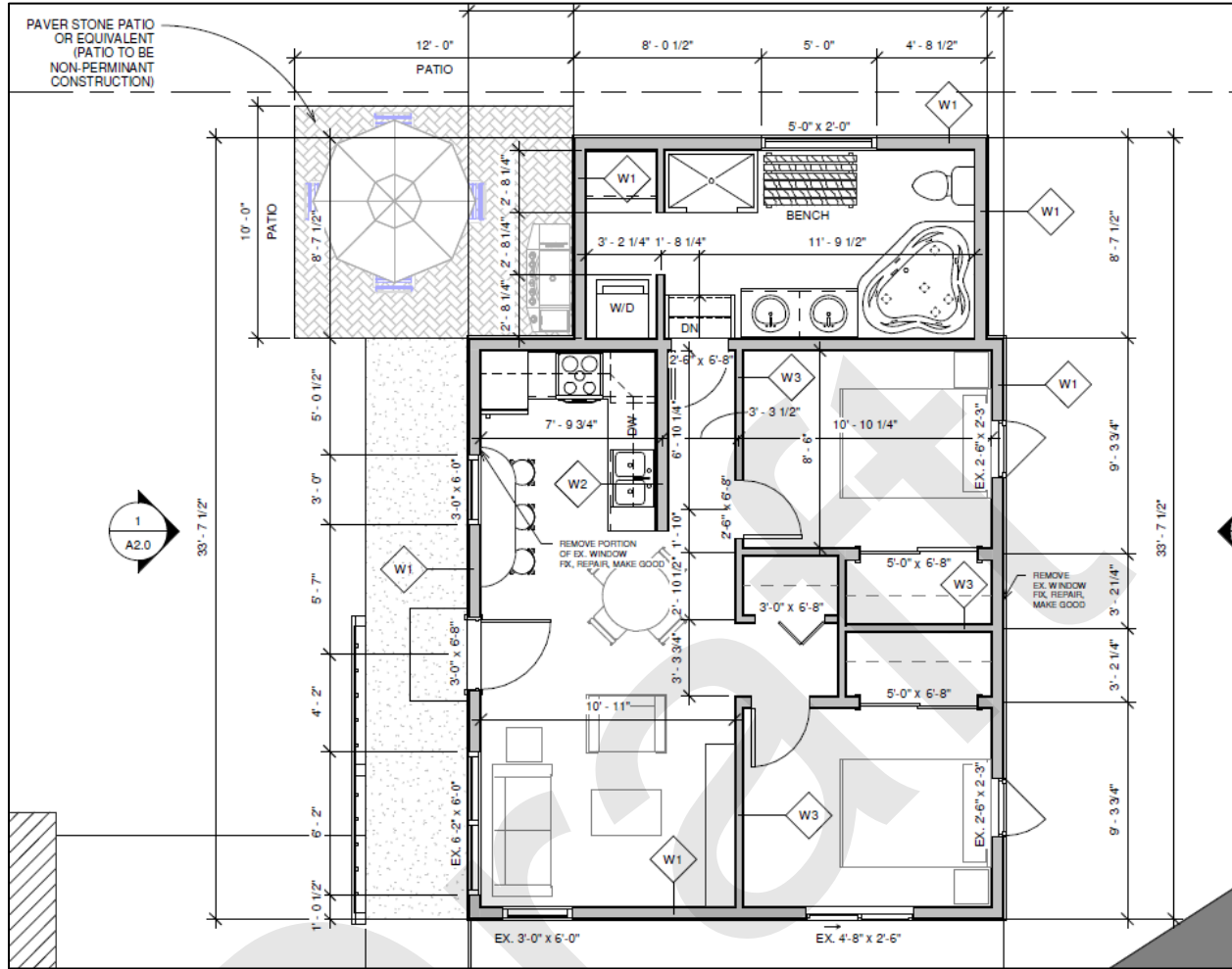


Figure 10 – Proposed Floor Plan

Attachment G – Proposed Building Elevations

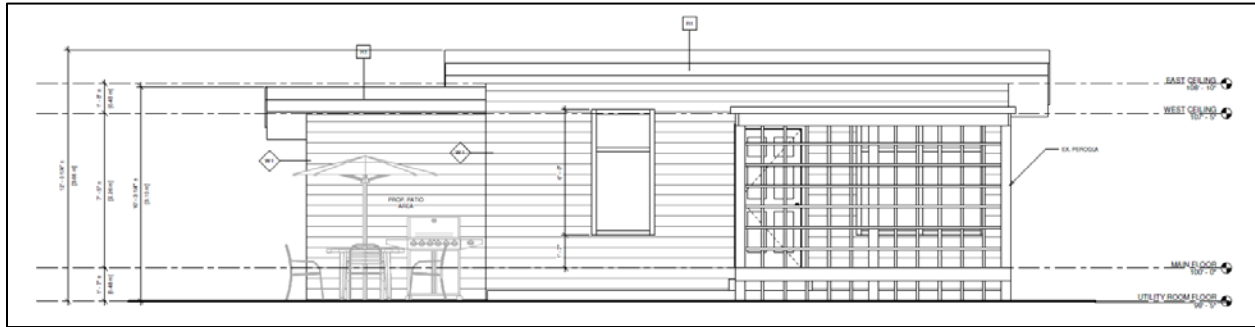


Figure 11 – West Elevation



Figure 12 – North Elevation

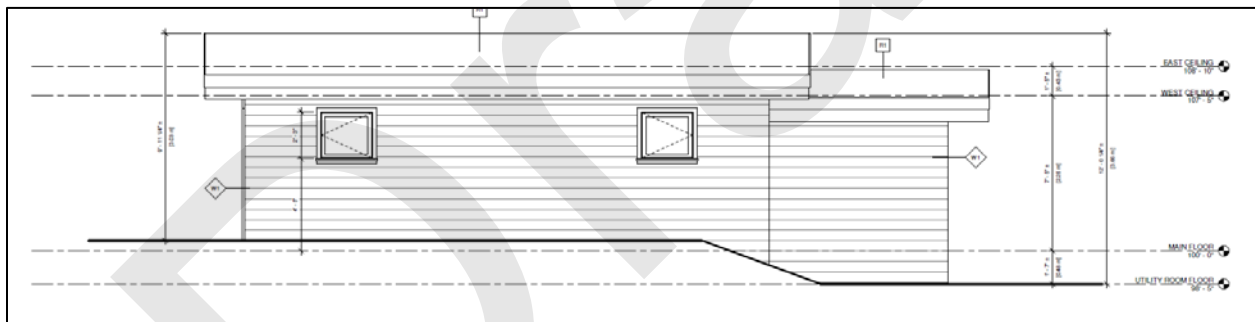


Figure 13 – East Elevation

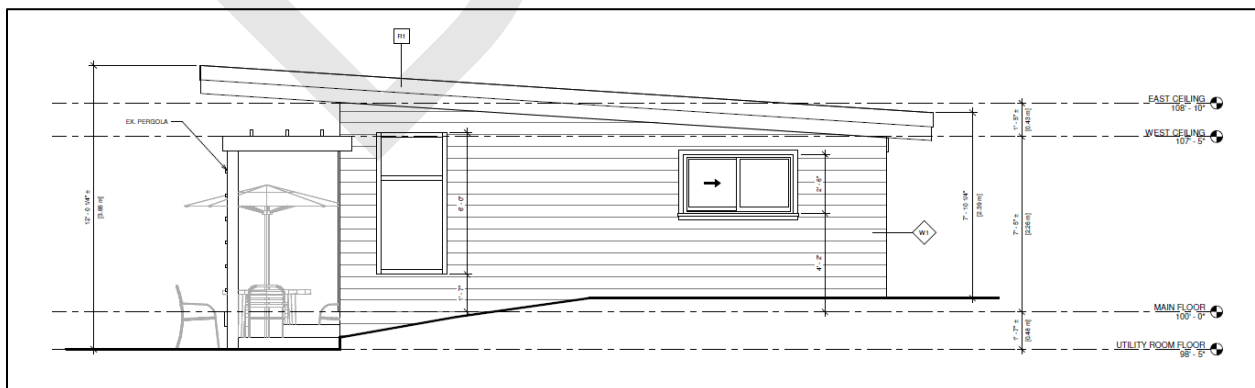


Figure 14 – South Elevation



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

Development Variance Permit

Permit Number: DVP PL2019-8483

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 1 District Lot 190 and 310S Similkameen Division Yale District Plan 27215
Civic: 3935 Lakeside Road
PID: 004-854-055
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 8.2.3.5: 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

