

May 23, 2019

Subject Property:

340 Sudbury Avenue

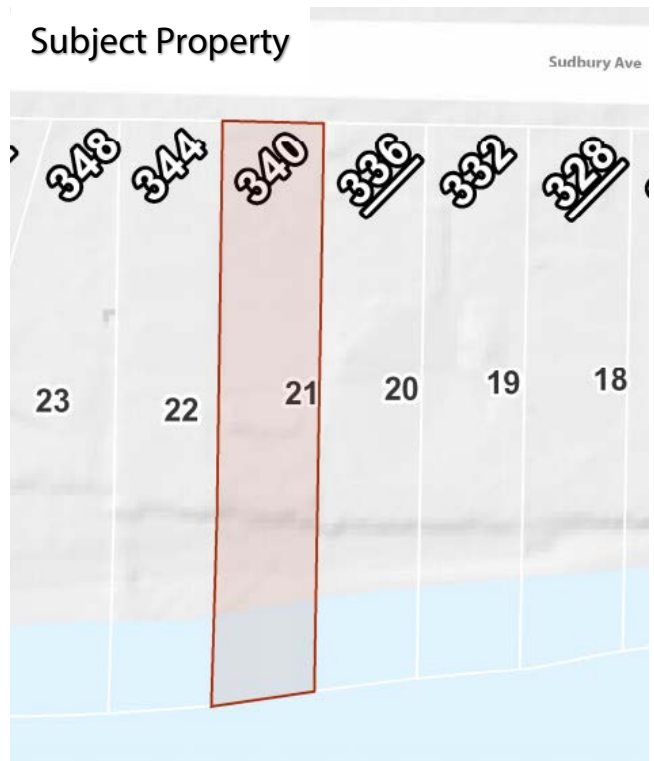
Lot 21, District Lot 189, Similkameen Division Yale District, Plan 996

Application:

Development Variance Permit PL2019-8499

The applicant is proposing to construct a two storey (total 770 sq. ft.) addition to the single family dwelling and is requesting the following variances to Zoning Bylaw No. 2017-08:

- Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and
- Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.



Information:

The staff report to Council and Development Variance Permit PL2019-8499 will be available for public inspection from **Friday, May 24, 2019 to Tuesday, June 4, 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, June 4, 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, June 4, 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 June 4, 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: June 4, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 340 Sudbury Avenue

Subject: Development Variance Permit PL2019-8499

File No: 2019 PRJ-057

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8499" for Lot 21, District Lot 189, Similkameen Division Yale District, Plan 996, located at 340 Sudbury Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and
2. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

AND THAT approval of "Development Variance Permit PL2019-8499" be conditional of the frontage of the property being landscaped and screened as per Attachment 'F' (Proposed Site Plan) of this report at the cost of the applicant.

Background

The subject property (Attachment 'B') is zoned R1 (Large Lot Residential) and is designated in the City's Official Community Plan as LR (Low Density Residential). Photos of the site are included as Attachment 'D'. The subject property is approximately 470m² (0.11 acres) in area. The property currently contains a single family dwelling and a detached accessory building. The intention of the applicant is to remove the detached accessory building and construct an addition to the single family dwelling. To facilitate the development, the applicant is requesting two variances to the front and side yard setbacks to allow for a two-storey addition, which would allow for an increase to the floor area of the existing single family dwelling.

Proposal

The applicant is proposing to construct a two storey (total 770 sq. ft.) addition to the single family dwelling. The addition is proposed at the north of the property. The applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and
2. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

Financial implication

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

Technical Review

This application was reviewed by the City's Technical Planning Committee. During the technical review it was noted that, a third party utility pole is located on the western property line, which was identified as a concern. The utility pole does not contain any City utilities and the property owners were advised to contact the third party utility provider. 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 as required.

Development Statistics

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

| | Requirement R1 Zone | Provided on Plans |
|--------------------------------|-------------------------------|--|
| Maximum Lot Coverage: | 40% | 29.2% |
| Vehicle Parking: | 1 (1 spot currently existing) | 1 (maintain what is currently on property) |
| Required Setbacks | | |
| Front Yard (Sudbury Ave): | 6.0 m | 3.0 m – Variance Requested |
| Interior Side Yard (west): | 1.5 m | 1.5 m |
| Interior Side Yard (east): | 1.5m | 1.22 m – Variance Requested |
| Rear Yard (south): | 1.5 m | 3.35 m |
| Maximum Building Height | 10.5 m | 6.56 m |

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 analysis on each are as follows:

1. *Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m*

The applicant is proposing to construct an addition to the single family dwelling which has a building footprint of 382 sq. ft. The addition would add an extra 770 sq. ft. of floor space to the single family dwelling between the two floors.

To facilitate this construction, the applicant will be removing the accessory building that is currently on the property. The existing accessory building is located directly adjacent to the front property line

(0.3m setback) and does not meet the required front or side yard setbacks. As such, staff see the proposed addition, being at 3.0m from the front yard setback, as an improvement to the existing situation on the property.

Further, staff have worked with the applicant to include a landscaped area, and fencing to be installed within the 3.0m proposed front yard setback (Attachment 'F'). The fencing would be installed along the front property line, and the 3.0m setback would incorporate landscaping to assist in reducing the impact of a lessened setback. The fencing and landscaping have been included as a condition of the Development Variance Permit to provide assurance that they will be constructed.

The subject property has lake frontage onto Skaha Lake at the southern side of the property. Due to the waterfront nature of this lot, the building envelope available on the property is restricted. There is a large riparian assessment area covering the area south of the principal dwelling, which requires an environmental assessment to be completed prior to any works occurring within the area. The riparian regulations make it difficult to extend the house to the south towards the lake. Further, the lot is very narrow, not allowing much room on either of the sides for expansion to the living space.

There are a number of accessory structures that have been constructed very close to the front yard setback along Sudbury Avenue (See Figure 1). This can be attributed to the limited building envelope available as a result of the riparian setbacks.



Figure 1 - There are several accessory building along Sudbury Avenue that are constructed very close to the front property line

Given that the proposed variance is creating a more ideal situation than the existing setback from the front property line on the property, staff consider the front yard setback variance is reasonable and recommend that Council support the variance.

2. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

The applicant is also requesting a variance to the interior side yard setback. The existing house and accessory building currently sit at 0.8m from the property line. The proposed addition will be

setback further from the property line than the existing portion of the house, proposed at 1.2m (Attachment 'F'). This requested variance will be an improvement to where the detached accessory building currently sits on the property, which is also 0.8m from the western property line.

Staff also note that the proposed addition has been designed at a modest height of 6.56m. The R1 (Large Lot Residential) zoning on the property allows for a principal building height of 10.5m, making the proposed addition well under this height. Further, the west elevation of the addition, which faces directly to the western neighbour, has been designed to limit windows facing the neighbour on the second storey (Attachment 'G').

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 to the west of the subject property (344 Sudbury Avenue), who would be most impacted by the side yard variance. The owners of 344 Sudbury Avenue have signed a letter which indicates they have reviewed both of the requested variances and are in support (Attachment 'I').

Although the applicant is requesting variances for both the front and side yard setbacks, the outcome would result in a building that is further setback from the property lines than what is currently on the property. With significant improvements to the frontage of the property through screening and landscaping, and with support from the adjacent neighbour, staff consider the requested variances reasonable. Staff recommend that Council support the variance application and direct staff to issue the Development Variance Permit.

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 be required to meet the setback requirements as set out in Zoning Bylaw 2017-08. If this is the case, Council should deny the variance.

Alternate recommendations

1. THAT Council support "Development Variance Permit PL2019-8499" with conditions.
2. THAT "Development Variance Permit PL2019-8499" 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: | Neighbour Letter of Support |
| Attachment J: | Draft Development Variance Permit (DVP) |

Respectfully submitted,

Nicole Capewell
Planner 1

Concurrence

| | |
|-------------------------------------|---------------------------------|
| Director Development Services | Chief Administrative Officer |
|-------------------------------------|---------------------------------|

Draft

Attachment A – Subject Property Location Map

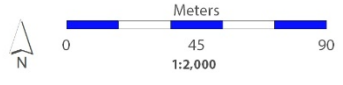


340 Sudbury Avenue

Property Location Map



Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



Wednesday, May 15, 2019
3:39:40 PM



Attachment B – Zoning Map of Subject Property



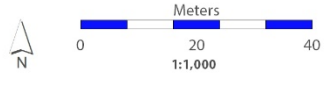


340 Sudbury Avenue

Official Community Plan Map



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Tuesday, May 14, 2019
3:15:05 PM

Attachment D – Images of Subject Property



Figure 2 – Looking at 340 Sudbury Avenue from Sudbury Avenue



Figure 3 – Looking down western property line between 344 Sudbury Ave and 340 Sudbury Ave



Figure 4 – Looking north along western property line from the rear of property



Figure 5 – Properties on Sudbury Avenue with accessory buildings close to the front property line

Attachment E – Letter of Intent

March 11, 2019

To Whom It May Concern:

The owners of 340 Sudbury Ave. property are proposing to construct a 382 square foot addition to add extra bedrooms for their growing family. The existing home on the property currently sits at 0.81 meter set back on the West property line. We are asking for a 1.22 meter setback along the west side on the new addition to allow for a proper parking space width. We are also asking for a front yard setback reduction from 6 meters to 3 meters.

The lot is narrow at 9.144 meters. The existing garage that will be torn down currently sits at 0.81 meters on the west property line and the front of the garage pretty much sits on the property line. Please take into consideration the addition and the work that will take place on the existing home will be considerable upgrade to the property and the street. As well as the new addition will sit further off of the set backs as the building being demolished.

We have been in touch with the neighbor who shares the west property line and he is supportive and approves the addition.

Thank you

Sean Kelly
Excursion Homes
250-490-1603
excursionhomes@gmail.com

Attachment H – Proposed Building Elevations

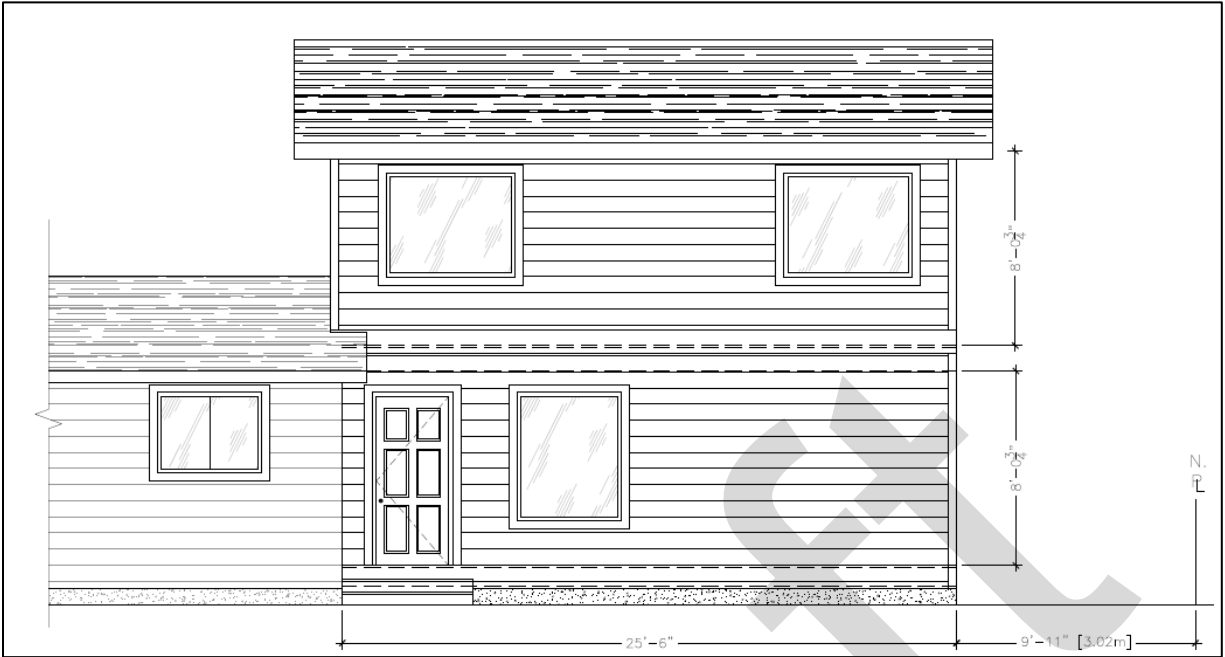


Figure 9 – East Elevation

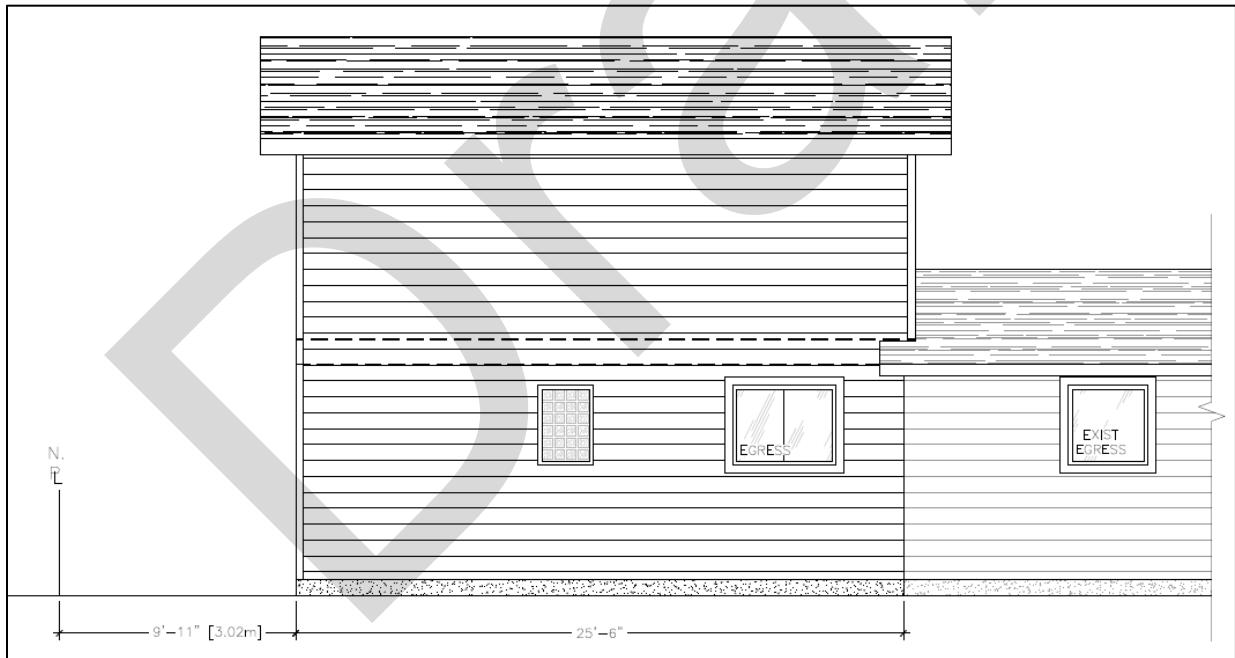


Figure 10 – West Elevation

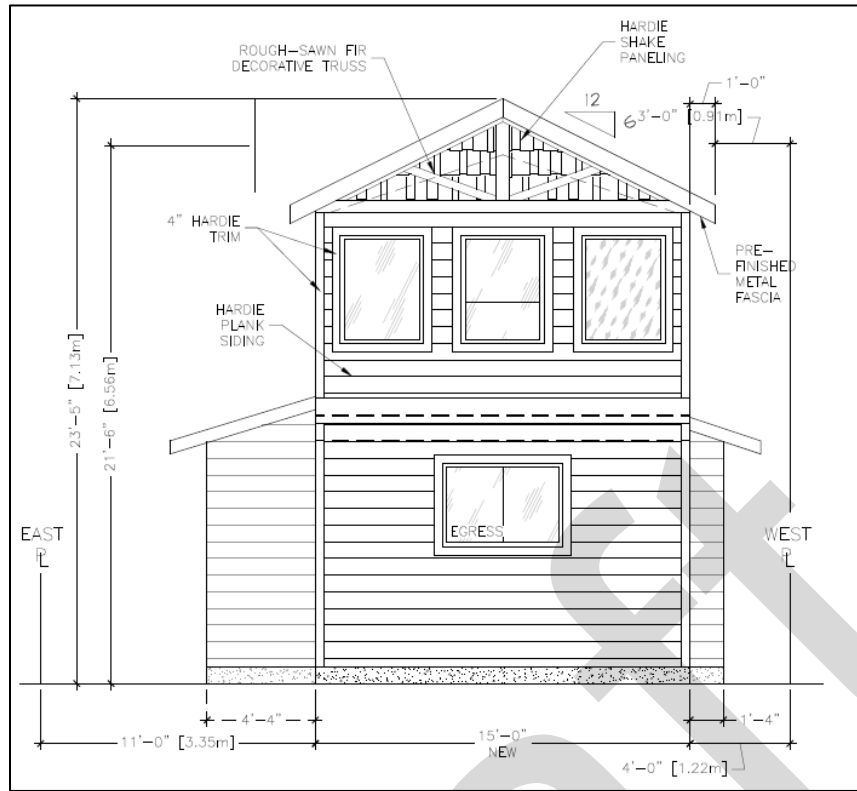


Figure 11 – North Elevation

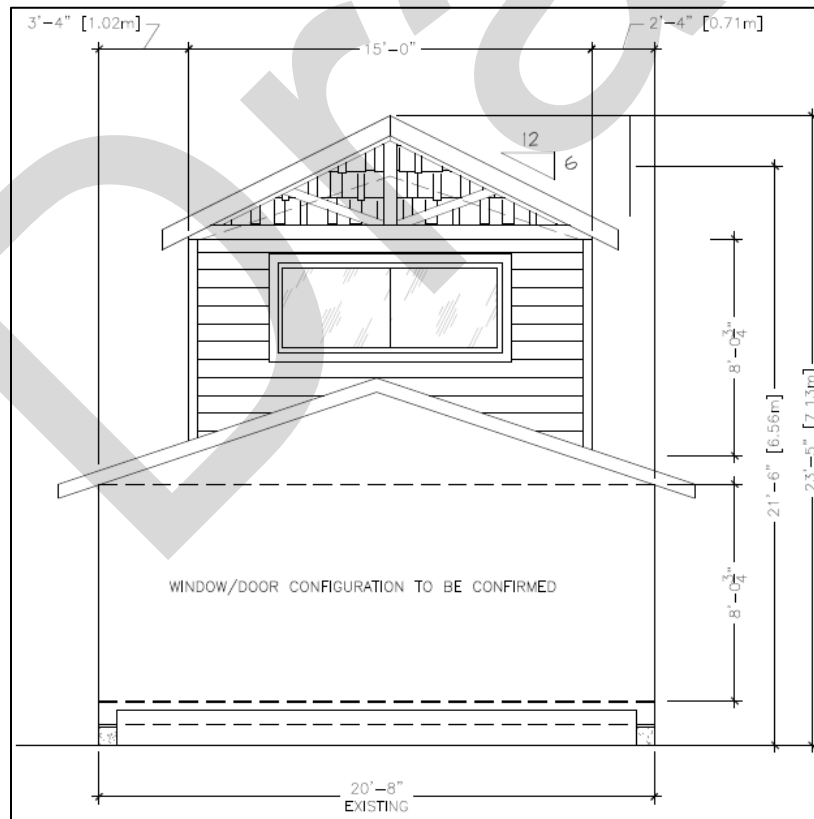


Figure 12 – South Elevation

February 12, 2019

Re : 340 Sudbury Ave, Penticton

To Whom It May Concern,

Please be advised that we are the owners of 344 Sudbury Avenue, Penticton. Our home is located on the west side of 340 Sudbury Ave which is owned by Beverley Kort. We know Beverley and her family and socialize with them every summer.

Beverley discussed her plans for the extension to the house with us and has shared her plans for the extension to accommodate her children and grandchildren. We are very happy with the plans and believe the extension will improve the neighborhood generally. Beverley has pointed out that the west side yard set-back for the extension is 1.2 meters and she needs a variance for this. We have no problem with the side-yard set-back of 1.2 meters – it is actually wider than the existing set-back of the garage which will be torn down to allow for the extension. We would appreciate your approving Beverley's plans as submitted.

If you have any questions or concerns, please contact me personally at [REDACTED].

Kind Regards,



Greg Schmidt



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

Development Variance Permit

Permit Number: DVP PL2019-8499

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 21 District Lot 189 Similkameen Division Yale District Plan 996
Civic: 340 Sudbury Avenue
PID: 011-888-717
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 an addition to the principal building:
 - a. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and
 - b. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

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. This permit is subject to the frontage of the subject property being landscaped and screened as per Schedule 'A', at the cost of the applicant.
6. 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.
7. **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.**
8. 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.
9. 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