



October 24, 2019

Subject Property:

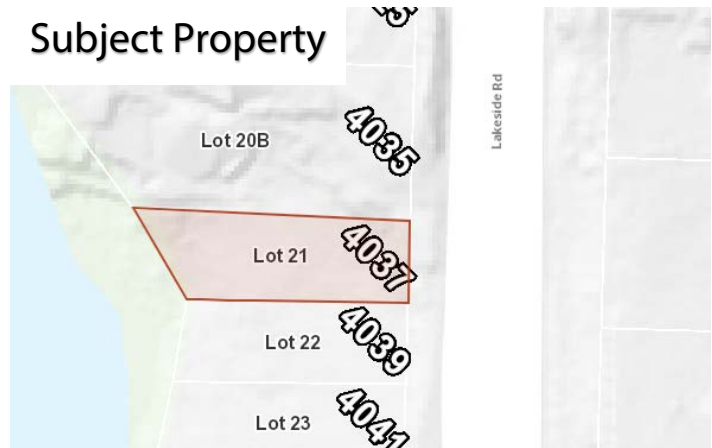
4037 Lakeside Rd

Lot 21, Block 209, District Lot 190, Similkameen
Division Yale District, Plan 466

Application:

Development Variance Permit PL2019-8594

The applicants are building a 3 ½ storey single-family house on the subject property.



To accommodate the construction of the proposed dwelling, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.1.2.5: decrease the minimum front yard from 6.0m to 3.0m.
- Section 10.1.2.6.i: decrease the minimum interior yard (north) from 1.5m to 0.9m.
- Section 5.6.2.1: increase the permitted height of a retaining wall from 1.2m to 4.3m.

The plans also require a variance to the City's Subdivision and Development Bylaw 2004-81:

- Section 12.8: reduce the setback for a driveway from a property line from 0.5m to 0.0m.

Information:

The staff report to Council and Development Variance Permit PL2019-8594 will be available for public inspection from **Friday, October 25, 2019 to Tuesday, November 5, 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, November 5, 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, November 5, 2019** to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the November 5, 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: November 5, 2019
To: Donny van Dyk Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 4037 Lakeside Road
Subject: Development Variance Permit PL2018-8594

File No: RMS/Address

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8164" for Lot 21, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466, located at 4037 Lakeside Road, a permit to reduce the minimum front yard from 6.0m to 3.0m, reduce the north interior side yard of a principal building from 1.5m to 0.9m, increase the height of a retaining wall from 1.2m to 4.3m and reduce the driveway setback from 0.5m to 0.0m;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8594."

Background

The subject property is included in a grouping of challenging building lots along the west side of Lakeside Road backing onto Skaha Lake (see Attachment A). The lots, originally created in the early 1900s, are all very steep and narrow and are subject to the lake setback and riparian area regulations. As such, each of the lots that have been built upon to date have received several variances – usually for front and side yard reductions and increases in retaining wall heights.

Address	Approved variances
4039 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yard (south): decrease from 1.5m to 0.9m Maximum height of a retaining wall: increase from 1.2m to 2.0m *Maximum building height: increase from 10.5m to 11.2m *Maximum rooftop appurtenance: increase from 10% to 12.5% *Maximum height of front yard fence: increase from 1.2m to 2.4m
4041 Lakeside Road	Minimum interior yard: decrease from 1.5m to 1.0m
4043 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yards: decrease from 1.5m to 1.0m
4045 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yards: decrease from 1.5m to 1.2m
4047 Lakeside Road	Minimum front yard: decrease from 6.0m to 3.0m Minimum interior side yard (north): decrease from 1.5m to 0.9m Maximum retaining wall height: increase from 1.2m to 3.0m Interior side yard: open stairways permitted to project to the property line
*Variance application pending	

Owners of the subject property have submitted plans for a three and a half storey, 3,200 sf single-family house on the lands on a 100m² (1080 sf) building footprint. To accommodate the house, plans show reductions in the front yard and side yard and an increase in retaining wall height to support the parking area.

Proposal



To accommodate the construction of the proposed dwelling, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.1.2.5: decrease the minimum front yard from 6.0m to 3.0m.
- Section 10.1.2.6.i: decrease the minimum interior yard (north) from 1.5m to 0.9m.
- Section 5.6.2.1: increase the permitted height of a retaining wall from 1.2m to 4.3m.

The plans also require a variance to the City's Subdivision and Development Bylaw 2004-81:

- Section 12.8: reduce the setback for a driveway from a property line from 0.5m to 0.0m.

Financial implication

Approval of the subject variances are not anticipated to affect City finances. All costs of the development including off-site works and servicing are the responsibility of the property owner.

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing requirements, storm water management and building code requirements have been identified and will be addressed as part of the building permit process. If the requests for the variances are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement R1 zone	Proposed
Maximum Lot Coverage:	40%	38%
Minimum Lot Width:	16.0m	9.134m*
Minimum Lot Area:	560m ²	261.5m ² *
Vehicle Parking:	2 spaces per dwelling unit	2 spaces
Required Setbacks		
Front yard (east, Lakeside Road):	6.0m	3.0m (variance required)
Rear yard (west):	6.0m	6.0m
Interior yard (north):	1.5m	0.9m (variance required)
Interior yard (south):	1.5m	1.5m
Maximum Height	10.5m	10.5m
Other Information:	- The subject property is located within the Riparian Assessment Area Development Permit Area, a development permit will be required prior to issuance of a building permit. - *The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through development of an existing parcel.	

Analysis

Given their unique size and topographical constraints, all of the lots along this stretch of Lakeside Road require some variance to the bylaw to build adequate housing without extreme engineering interventions. In this case, there are four variances being proposed, which will result in a relatively modest building footprint (100m²) and a house that will fit in with other recent construction in the area. Staff's comments on each of the variances follows:

Zoning Bylaw Section 10.1.2.5: decrease the minimum front yard from 6.0m to 3.0m.

- Given the slope of the lot and how quickly it drops away from Lakeside Road, without a reduction to the building setback, access to the any building would be extremely challenging and require retaining and spanning structures. In addition, given the riparian setback, without a variance, the building envelope would not provide for an adequate sized house in keeping with other housing on the street.
- Making the reduction in front yard less severe is the fact that the lot is located almost 4.5m from the edge of asphalt on Lakeside Road, giving a total setback of 7.5m from the road to the garage door. In addition to the garage and driveway parking, there is also an additional on-site parking space where the building is recessed. Additionally, Councils have supported similar reductions of front yards for every other project along this section of Lakeside Road.

Zoning Bylaw Section 10.1.2.6.i: to decrease the minimum interior yard (north) from 1.5m to 0.9m.

- The request to reduce the side yard is due to both the narrowness of the lot and the limited permitted building footprint given the topographical challenges and riparian setback. The buildings elevations will have limited openings due to the proximity to the property line and the requirement to address spatial separation concerns. This will help to reduce privacy concerns for the neighbouring properties. Council has approved similar interior yard variances from 1.5m to 0.9m on two of the neighbouring lots (4047 and 4039 Lakeside Road).

Zoning Bylaw Section 5.6.2.1: increase the permitted height of a retaining wall in a setback area to 4.5m

- Retaining walls are permitted to be 4.5m in height outside of setback areas. Within setback areas those heights are reduced to multiple walls of 1.2m in height. This is to try to reduce negative visual impact of the wall on neighbouring properties or from the public realm. In this case, the walls are required to support the parking area of the lot and are required to be the full 4.5m height. The walls will not be visible from the street. While variances to retaining wall heights have been supported on other lots in the immediate area, this wall will be slightly higher given that this lot is the steepest lot in the row of lots.

Subdivision and Development Bylaw Section 12.8: Reduce driveway setback from 0.5m to 0.0m

- The Subdivision and Development Bylaw, in the construction of new housing, requires a half meter setback of a driveway from a neighbouring property line. In this case, all of the lots on this area of Lakeside Road are built in a very tight manner with shared stairways, fire accesses and waterfront docks. The requested reduction in driveway setback is seen as a reasonable request given the context.

In summary, given the fact that all the lots along this section of Lakeside Road have been granted similar variances to the ones proposed herein and the fact that each of the variances is justified as outlined above, staff are recommending that Council support issuance of the permit.

Alternate Recommendations

1. THAT DVP PL2018-8594 be denied
2. THAT DVP PL2019-8594 be referred back to staff

Attachments

Attachment A: Subject Property Location Map
 Attachment B: Photos of Subject Property
 Attachment C: Letter of intent and supporting plans
 Attachment D: Development Variance Permit PL2018-8165

Respectfully submitted,

Approvals

Blake Laven, MCIP, RPP
 Planning Manager

Acting-Director Development Services	Chief Administrative Officer
	

Attachment A – Subject Property Location Map



Attachment B – Photos of subject and adjacent properties



Figure 1: Image of subject Lot from Lakeside Road looking west towards Skaha Lake



Figure 2: Image of other lots under various levels of completion along Lakeside Road

Letter of Intent - 4037 Lakeside Road

Sept. 11, 2019

Project Outline

The project is for a new single family dwelling on the lower side of Lakeside Road, fronting Skaha Lake. This will be a classic "beach house" – small in footprint, on a narrow lot, perched over the water. Because the lot drops so steeply from Lakeside Road, only a single entry storey will be visible from the road. The small buildable area is further constrained by a riparian setback, established at 10.0 m from the high water mark. The requested variances will mitigate the hardships of the site, permit the house to safely meet the zoning requirements for parking, and preserve the riparian habitat.

Impacts on the Neighbourhood

The intent of the proposed variances is to minimize the impact on the surrounding neighbourhood. The variance of setbacks on the north and east sides of the lot will allow the house to be constructed without pursuing a height variance. Therefore, views will be preserved from the homes across the road. The house to the north is located quite far from the lot boundary, looks west, and is shielded by a rock bluff, so the variance of the north setback will not impact them. The proposed house to the south is requesting the same 3.0 m front and 0.9 m side variances, so the form and character will be consistent.

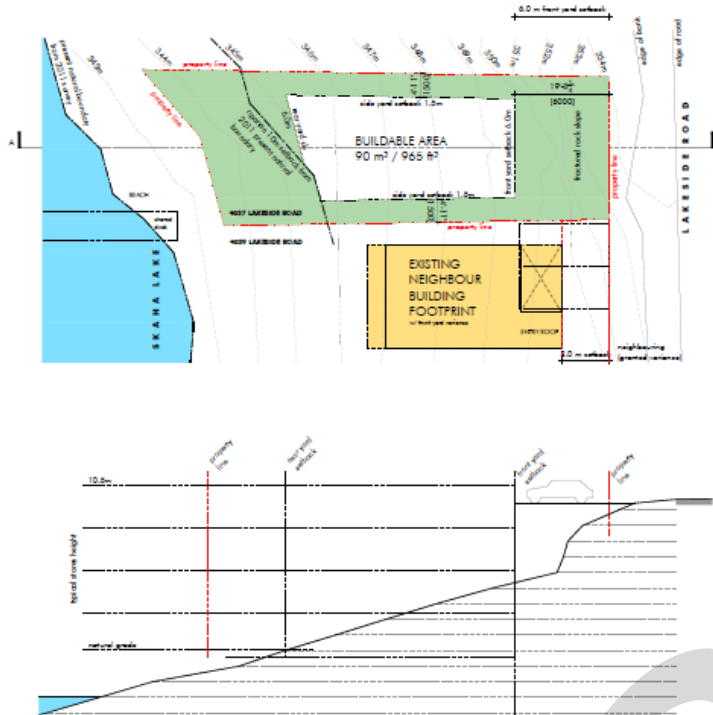
How will the Variance Minimize these Impacts?

The steep topography on this lot means that the maximum height is calculated from an elevation far below Lakeside Road. A front and side yard variance allows the building area to be increased while not pushing the height of the building taller. Additionally, most of the added area would be below grade, and therefore not visible from surrounding properties. The riparian setback presents a hardship, as it restricts the buildable area of the lot. A front and side yard variance allows the building to be pulled further towards the street while preserving the riparian area.

Positive Contribution

The proposed variance respects and reinforces the form and character of the neighbourhood. Many of the neighbouring houses have varied the front yard setback to respond to the large road right of way. The variances proposed for this property are the same as those granted for the lot directly to the south, and will complement its site placement. In the end, it will allow for an attractive beach house to be constructed on the property, with minimal impact to the neighbours.

1. PROJECT CONTEXT



Background

The property is a narrow, extremely steep site, bordered by existing houses in the North-South direction, and Lakeside Road + Skaha Lake on the East and West respectively. Additionally, the lot is affected by a riparian setback on the lake side of the property that further restricts the buildable area.

Because the site is so steep and has a vertical drop of effectively 5.0m from the road to the front setback, access to the buildable area is unusually difficult and poses a degree of hardship. Other lots to the south of this property have had their front yard setback decreased to lessen the difficulty of site access.

Additionally, the lot flares from the east to west side which further complicates and restricts the buildable area.

Many of the properties in this stretch of newly parcelled lots have successfully applied for variances to setbacks, heights, retaining wall heights, etc. It is in a similar vein of design, similar streetscape, and easing of hardship, that this variance application is being brought forward.

ZONING INFORMATION: CITY OF PENTICTON			
LEGAL DESCRIPTION:	LOT 31 BLOCK 200 DISTRICT LOT 180 SIMULAMEN DIVISION THE DISTRICT PLAN 686		
CIVIC ADDRESS:	4037 LAKESIDE ROAD PENTICTON, BC		
ZONING CATEGORY:	R1	R1	
MAX PARCEL COVERAGE:	40 %	7 %	
SETBACKS:	FRONT: 6.0 m SIDE INTERIOR (SOUTH): 1.5 m SIDE INTERIOR (NORTH): 1.5 m REAR: 6.0 m	FRONT: 3.0 m SIDE INTERIOR (SOUTH): 1.5 m SIDE INTERIOR (NORTH): 0.9 m REAR: 6.0 m	
MAXIMUM HEIGHT:	PRINCIPAL BUILDING: 10.0 m AUXILIARY BUILDING: 8.5 m	10.0 m N/A	

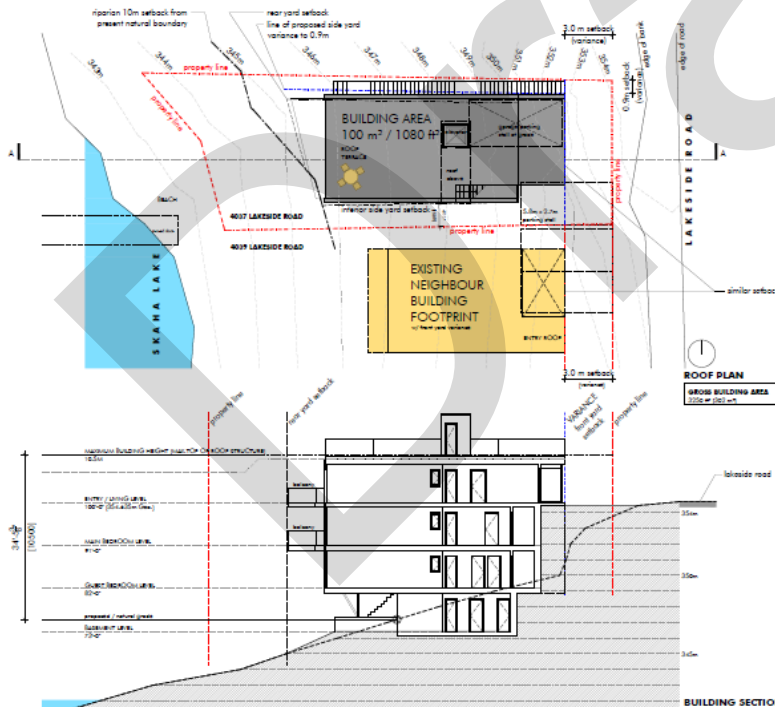


FLOOR PLANS
1:192
Dec. 12, 2019

Gambik Residence
4037 Lakeside Road
Penticton, BC

Landform Architecture Ltd.
305-307 Main Street
Penticton, BC V0A 5S7
250-276-4106
info@landformab.com
www.landformab.com

2. PROPOSED BUILDING



Proposed Variance - Vary Zoning Bylaw No. 2017-08

Section 10.1.2.5 - reduce minimum front yard from 6.0m to 3.0m

A reduced front yard setback allows the building to be placed closer to the road and access point of the property. The proposed location of the street oriented facade continues the established streetscape of the neighbours to the south. Locating the building closer to the road also allows for stabilization of an existing portion of fractured rock on the site through building foundations. A small porch, primary entry, and one car garage, will be held tight to the proposed front yard setback. The garage and parking location allow for ample space before reaching Lakeside Road.

Section 10.1.2.6.1 - reduce minimum north interior side yard of a principle building from 1.5m to 0.9m

The variance to the north interior side yard setback mirrors that of the neighbour to the south. This allows for better and safer parking maneuvering for both residences.

Section 5.6.2.1 - increase the height of retaining wall within any required yards from 1.2m to 4.3m

With the extreme slope of the site (this being the worst lot of the newer 7 parcels), retaining walls are required in order to meet the building and parking requirements established in the zoning bylaw. The retaining wall locations will be similar to the south neighbour and will not be visible from the Lakeside Road side of the property.

Vary Subdivision and Development Bylaw No. 2004-81

Section 12.8 - driveways must be a minimum of 0.5m from a property line
Tight access to the site and difficulties in transitioning the grade elevations from Lakeside Road to the property could be lessened by allowing a driveway to begin closer to the property line.

SITE+SECTION
1:192
Dec. 12, 2019

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3. BENEFITS

IMPROVED VIEWS FROM LAKESIDE ROAD AND NEIGHBORS UPHILL

The variance of setbacks on the north and east sides of the lot will allow the house to be constructed without pursuing a height variance. Therefore, views will be preserved from the homes across the road.

MAXIMIZE LEVEL BUILDING AREA

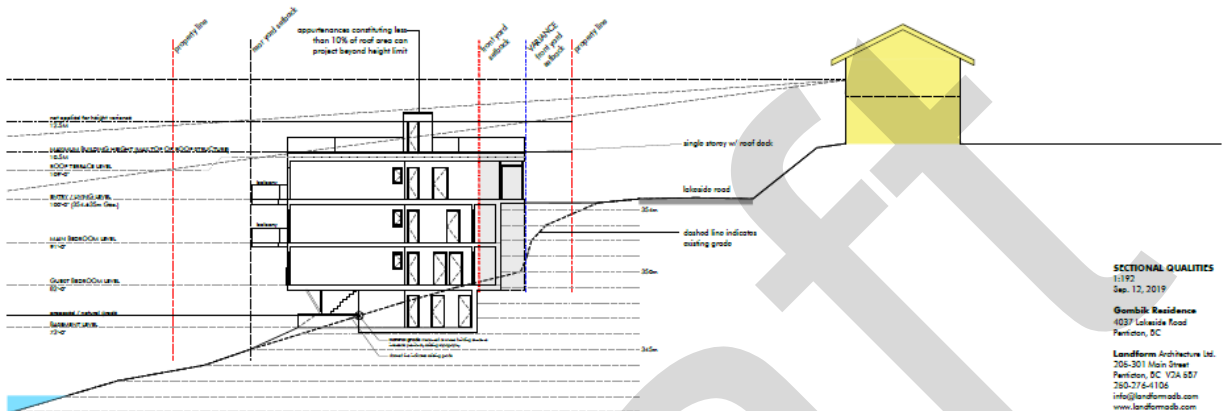
The steep topography on this lot means that the maximum height is calculated from an elevation far below Lakeside Road. A front and side yard variance allows the building area to be increased while not pushing the height of the building taller. Additionally, most of the added area would be below grade, and therefore not visible from surrounding properties.

PRESERVE LAKESIDE AREA

The riparian setback presents a hardship, as it restricts the buildable area of the lot. A front and side yard variance allows the building to be pulled further towards the street while preserving the riparian area.

STRENGTHEN THE STREETScape

The proposed variance respects and reinforces the form and character of the neighbourhood. Many of the neighbouring houses have varied the front yard setback to respond to the large road right of way. The variances proposed for this property are the same as those granted for the lot directly to the south, and will complement its site placement.



4. EXTERIOR VISUALS



SOUTH WEST PERSPECTIVE
majority of spaces opening towards the lake



NORTH ELEVATION
north elevation minimal openings, keeps privacy for neighbours



LAKE FACING PATIOS
majority of spaces opening towards the lake



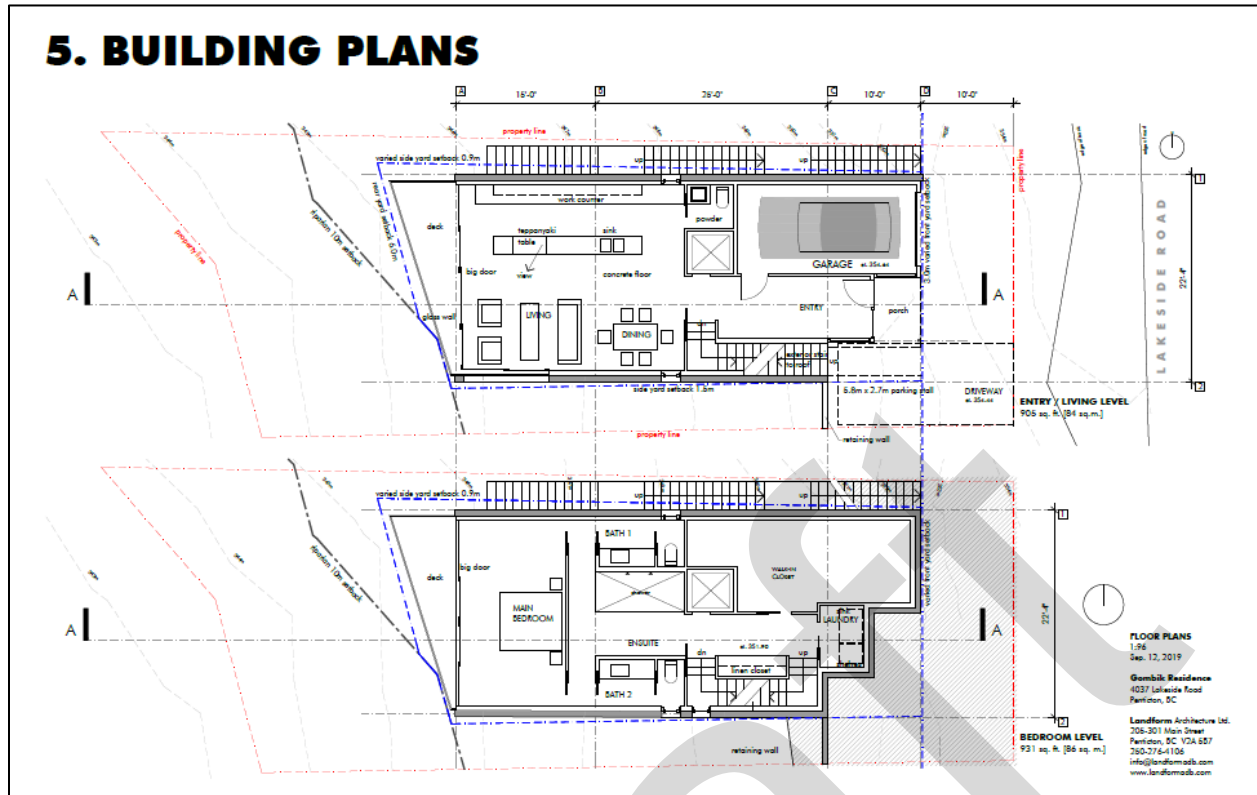
SOUTH EAST ROOF PERSPECTIVE
flat roof deck minimizes view obstructions for eastern neighbours



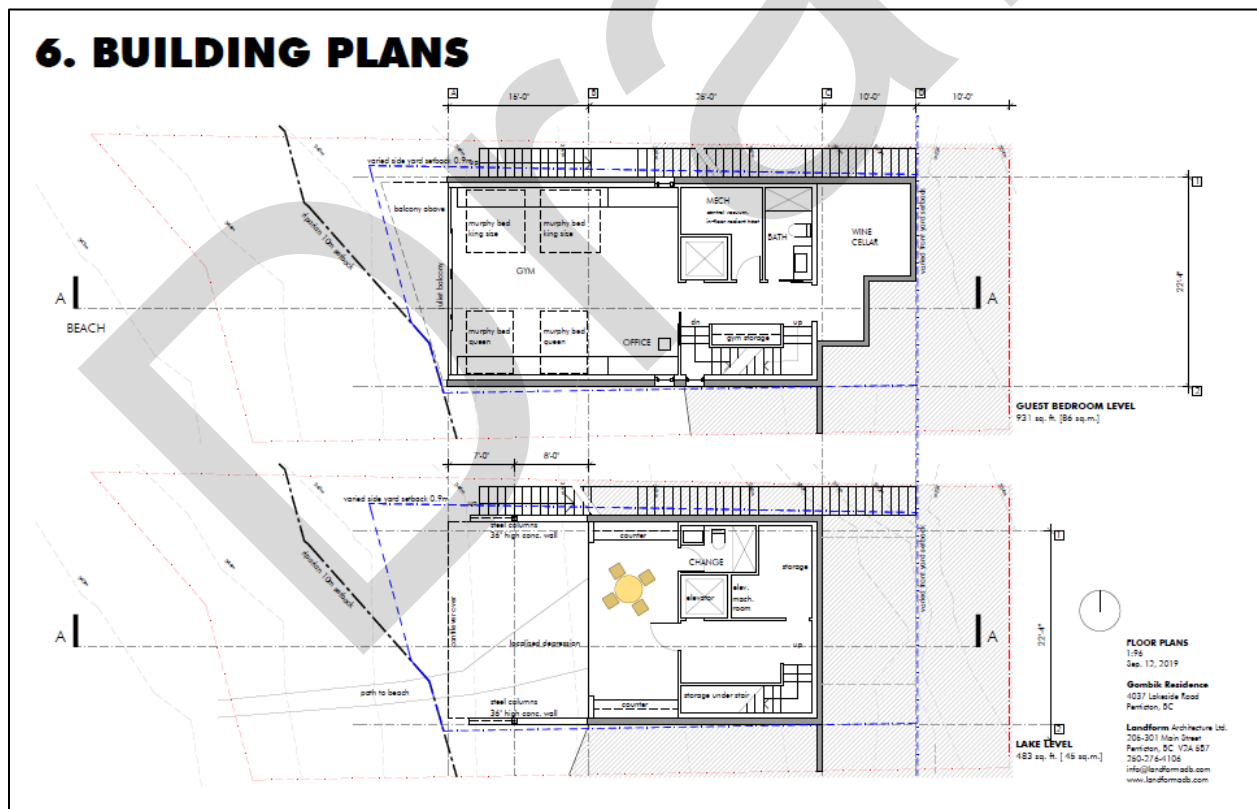
EAST ELEVATION
single storey elevation towards lakeside road, with roof deck accessed beside main entry

PERSPECTIVE VIEWS
1:192
Dec. 12, 2019
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Parramatta, NSW
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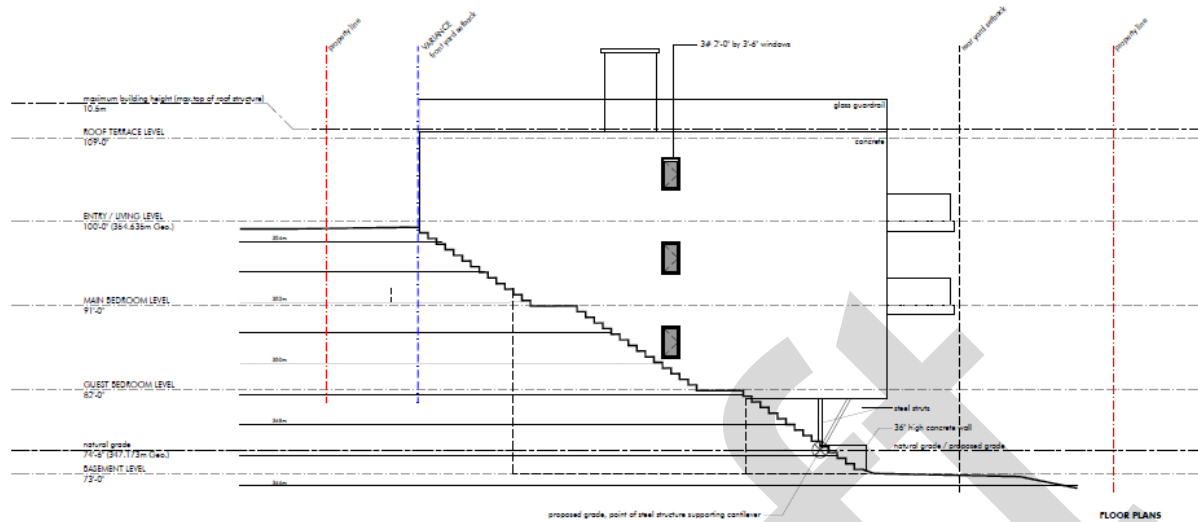
5. BUILDING PLANS



6. BUILDING PLANS



7. BUILDING ELEVATIONS

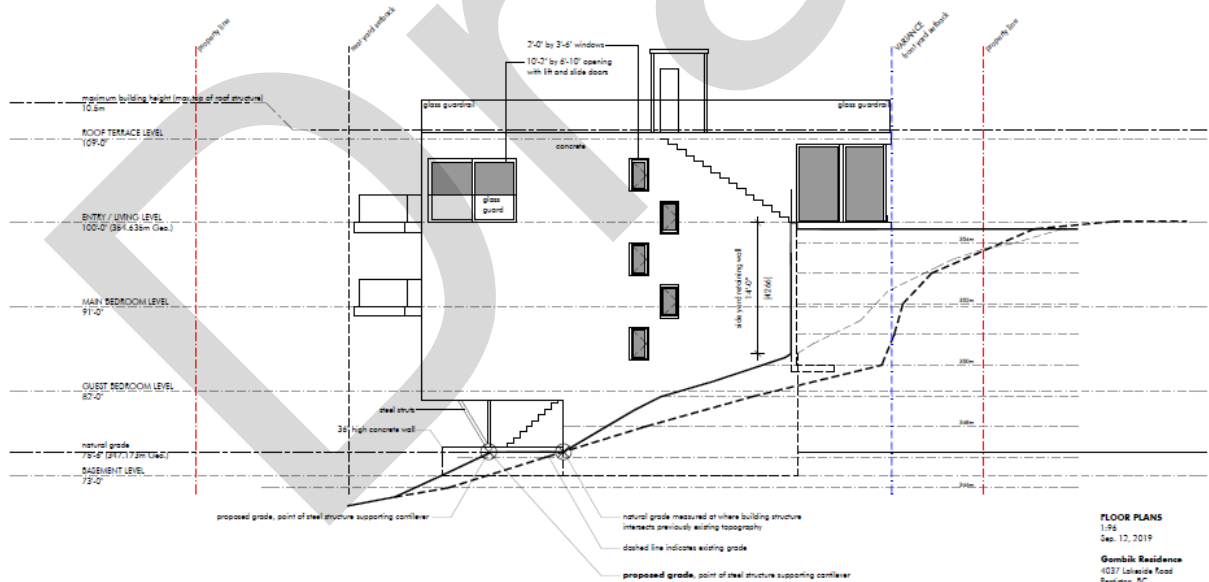


FLOOR PLANS
1-18
Sep. 12, 2019

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Pawtucket, SC

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8. BUILDING ELEVATIONS

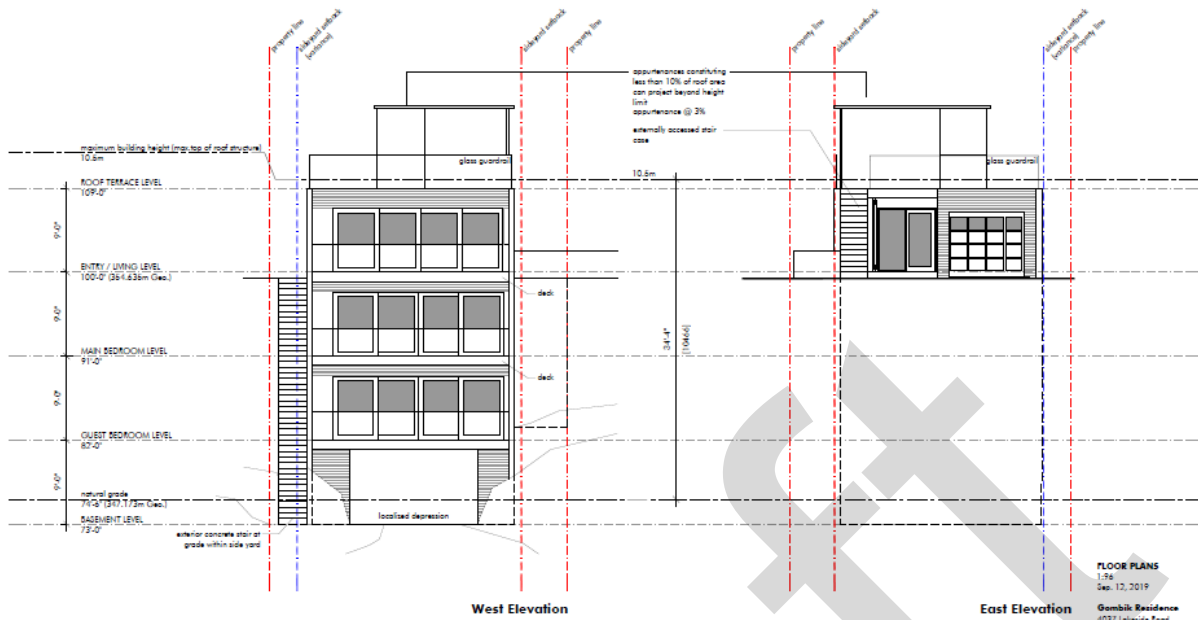


FLOOR PLANS
1-18
Sep. 12, 2019

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9. BUILDING ELEVATIONS





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

Development Variance Permit

Permit Number:

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, Block 209, District Lot 190, Similkameen Division Yale District, Plan 466
Civic: 4037 Lakeside Road
PID: 012-323-161

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following regulations

Zoning Bylaw 2017-08

- Section 10.1.2.5: decrease the minimum front yard from 6.0m to 3.0m.
- Section 10.1.2.6.i: decrease the minimum interior yard (north) from 1.5m to 0.9m.
- Section 5.6.2.1: increase the permitted height of a retaining wall from 1.2m to 4.3m.

Subdivision and Development Bylaw 2004-81

- Section 12.8: reduce the setback for a driveway from 0.5m to a property line to 0.0m.

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

Development Variance Permit PL2019-8594

Issued this _____ day of _____, 2019

Angela Collison,
Corporate Officer