

**Public Hearing**  
**to be held electronically and at the Penticton Trade and Convention Centre**  
**273 Power Street, Penticton, B.C.**  
**To view the Public Hearing, visit [www.penticton.ca](http://www.penticton.ca)**

**Tuesday, November 16, 2021**  
**at 6:30 p.m.**

- |       |   |      |
|-------|---|------|
| 1.    | Mayor Calls Public Hearing to Order for <b>“Zoning Amendment Bylaw No. 2021-40”</b>   | 1-23 |
| CO    | Reads Opening Statement and Introduction of Bylaw<br><br>“Zoning Amendment Bylaw No. 2021-40”<br><br>Purpose: To amend Zoning Bylaw No. 2021-01 as follows:<br><br>Rezone Lot 8 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District and District Lot 250 Similkameen Division Yale District Plan 3223, located at 149 Cossar Avenue from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill).<br><br>The applicant is proposing to construct a carriage house on the subject property, which already contains a single family dwelling and secondary suite and has applied to amend the zoning to allow a total of 3 dwelling units on a single lot.<br><br>Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Tuesday, November 9, 2021 and Wednesday, November 10, 2021 (pursuant to the <i>Local Government Act</i> ). |      |
| CO    | No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, November 10, 2021).  |      |
| Mayor | Requests Development Services staff describe the proposed bylaw   |      |
| Mayor | Invitation to applicant for comment or elaboration on the application   |      |
| Mayor | Invitation to electronic and in person participants to present their views  |      |
| Mayor | Invites Council members to ask questions  |      |
| Mayor | Invites applicants to respond to questions and participants may provide new additional information  |      |

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2021-40” is terminated and no new information can be received on this matter.

-1-

**Regular Council Meeting**  
**held at the Penticton Trade and Convention Centre**  
**273 Power Street, Penticton, B.C.**

**Tuesday, November 2, 2021**  
**at 1:00 p.m.**

## **Resolutions**

---

- 15.2 Zoning Amendment Bylaw No. 2021-40  
Re: 149 Cossar Avenue

378/2021

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2021-40", a bylaw to rezone Lot 8 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District and District Lot 250 Similkameen Division Yale District Plan 3223, located at 149 Cossar Avenue, from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill), be given first reading and be forwarded to the November 16, 2021 Public Hearing;

AND THAT Council, prior to adoption of Zoning Amendment Bylaw No. 2021-40", require payment for the installation of sidewalk on Cossar Avenue along the frontage of 149 Cossar Avenue, in the amount of \$8,500.00.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** November 2, 2021  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Nicole Capewell, Planner II  
**Address:** 149 Cossar Avenue  
**File No:** RMS/149 Cossar Ave  
**Subject:** **Zoning Amendment Bylaw No. 2021-40**

## Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2021-40", a bylaw to rezone Lot 8 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District and District Lot 250 Similkameen Division Yale District Plan 3223, located at 149 Cossar Avenue, from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill), be given first reading and be forwarded to the November 16, 2021 Public Hearing;

AND THAT Council, prior to adoption of Zoning Amendment Bylaw No. 2021-40", require payment for the installation of sidewalk on Cossar Avenue along the frontage of 149 Cossar Avenue, in the amount of \$8,500.00.

## Strategic Priority Objective

**Community Vitality:** The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

## Proposal

The applicant is proposing to construct a carriage house on the subject property, which already contains a single family dwelling and secondary suite. To facilitate the development, the applicant is proposing to rezone the property from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill), to allow a total of 3 dwelling units on a single lot. The applicant has successfully met all applicable Zoning Bylaw regulations for the construction, and no variances to the RD3 zone regulations are required. Further, the applicant requires Development Permit approval for the construction of the carriage house. The Development Permit will be issued by staff, should the zoning amendment be approved by Council.

## Background

The subject property is located on the north side of Cossar Avenue (Figure 1), off of Fairview Road. The property is currently zoned RD2 (Duplex Housing: Lane) and currently contains a single family dwelling with a legal secondary suite. The single family home was constructed in approximately 1968, and a building

permit was completed in 2017 to allow for the construction of a secondary suite in the home. The OCP designates the property as 'Ground Oriented Residential', which envisions medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas.

As indicated in the Zoning Map (Attachment 'A'), the surrounding neighbourhood contains a mixture of zones including RD2 (Duplex Housing: Lane), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), and commercial zones along Fairview Road and the Penticton Plaza (Safeway, BC Liquor Store, Shoppers Drug Mart, etc.). The location of the subject property is within walking distance of many amenities including the Penticton Plaza, the KVR Trail and the Lake-to-Lake Bike Route.

This area is transitioning from a single family and duplex neighbourhood to an infill residential area. Several other properties along Cossar Avenue have been developed in the last several years to allow for cluster housing (2 duplexes on a single property). This has allowed the street to gradually transition to an increased density, within a desirable area of the City for gentle densification.

**Technical Review**

This application was reviewed by the City's Technical Planning Committee (TPC). Typical frontage upgrades and servicing requirements have been identified for the building permit stage of the project, if the rezoning application is supported by Council. This street is identified as needing sidewalk improvements, which are in the capital works plan. As such, staff are recommending that Council require the applicant to cover the cost of installing sidewalk in front of the subject property, which is \$8,500.00. This requirement is consistent with previous developments on Cossar Avenue that have been required to provide sidewalk as part of their development. These items have been communicated to the applicant.

**Development Statistics**

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

	<b>RD3 Zone Requirement</b>	<b>Provided on Plans</b>
<b>Minimum Lot Width*:</b>	9.1 m	14.4 m
<b>Minimum Lot Area*:</b>	275 m <sup>2</sup>	700.4 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	55%	39%
<b>Maximum Density:</b>	1.0 Floor Area Ratio (FAR)	0.34 FAR
<b>Vehicle Parking:</b>	2 – single family dwelling	4+ parking spaces provided



Figure 1 - Property Location Map

	1 – secondary suite 1 – carriage house Total Required = 4 parking spaces	
<b>Required Setbacks</b>	<u>Principal Building</u>	<u>Principal Building</u>
Front Yard (Cossar Ave):	4.5 m	7.6 m
Side Yard (east):	1.2 m	1.6 m
Side Yard (west):	1.5 m	1.6 m
Rear Yard (lane):	6.0 m	33.5 m
	<u>Carriage House</u>	<u>Carriage House</u>
Front Yard (Cossar Ave):	Behind principal building	Behind principal building
Side Yard (east):	1.2 m	1.5
Side Yard (west):	1.2 m	4.37
Rear Yard (lane):	1.5 m	6.0 m
<b>Maximum Building Height</b>	Principal Building – 10.5 m  Carriage House – 7.0m and two floors	Principal Building - ~5.0m (1.5 storeys)  Carriage House – 7.0m and two floors

## Analysis

### *Zoning Amendment Bylaw*

The City's Official Community Plan (OCP) designation for the property is 'Ground Oriented Residential', which supports duplexes (with or without suites), cluster housing, fourplexes, higher-density rowhouses, townhouses and stacked townhouses and bareland strata developments. The proposed development is consistent with this OCP designation.

Staff consider the proposed zoning amendment will allow for development that is supported through the following OCP Goals and Policies:

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- OCP Policy 4.1.3.1 Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- OCP Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- OCP Policy 4.2.5.2 Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Within the applicant's application package, they provided 2 letters of support from the neighbours on either side (east and west) of the subject property, which are attached for Council's consideration (Attachment 'G').

The proposed development demonstrates strong conformance with the City's OCP Policies. Staff consider that the application proposes an appropriately scaled development in a desired area of the community that has been identified for increased density by the City's OCP.

Should Council support the zoning amendment, staff will review the development permit application for the proposed carriage house to ensure alignment with the OCP design guidelines for intensive residential. The Development Permit will be issued by staff following the adoption of the zoning amendment.

Given the above, staff are recommending that Council give first reading to "Zoning Amendment Bylaw No. 2021-40" and that the bylaw be forwarded to the November 16, 2021 Public Hearing for comment from the public.

**Alternate Recommendations**

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Staff are not recommending this option, as the proposal is well aligned with the OCP designation for the property, gently increasing density in a well serviced area of the City.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2021-40".

**Attachments**

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Proposed Plans
- Attachment E – Letter of Intent
- Attachment F – Development Permit Analysis (applicant)
- Attachment G – Letters of Support
- Attachment H – Zoning Amendment Bylaw No. 2021-40

Respectfully submitted,

Nicole Capewell  
Planner II

Concurrence

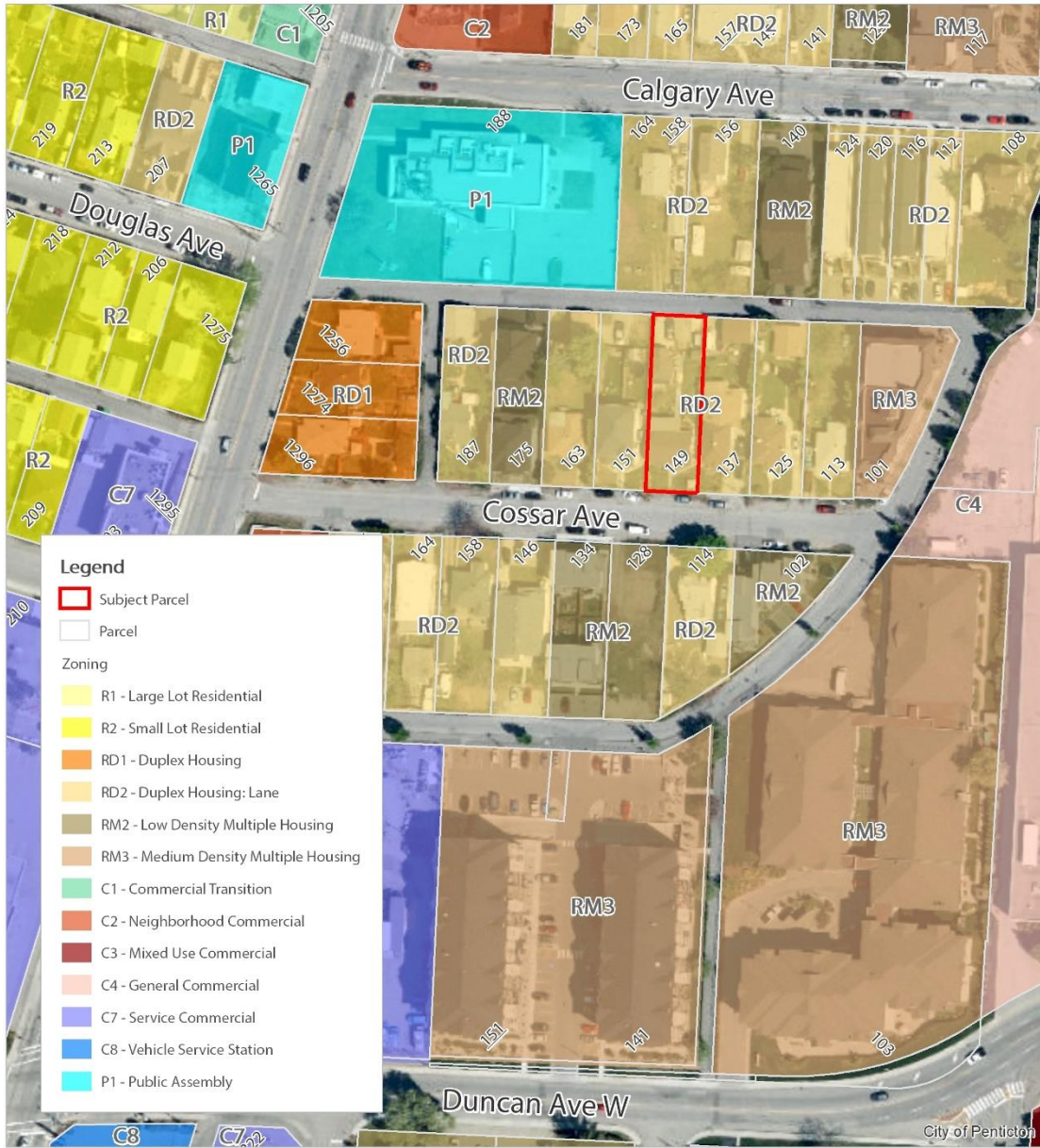
Director of Development Services  <i>BL</i>	A/Chief Administrative Officer  <i>JWB</i>
--	---

Attachment A – Zoning Map



# 149 Cossar Avenue

## Zoning 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, October 13, 2021  
9:15:45 AM

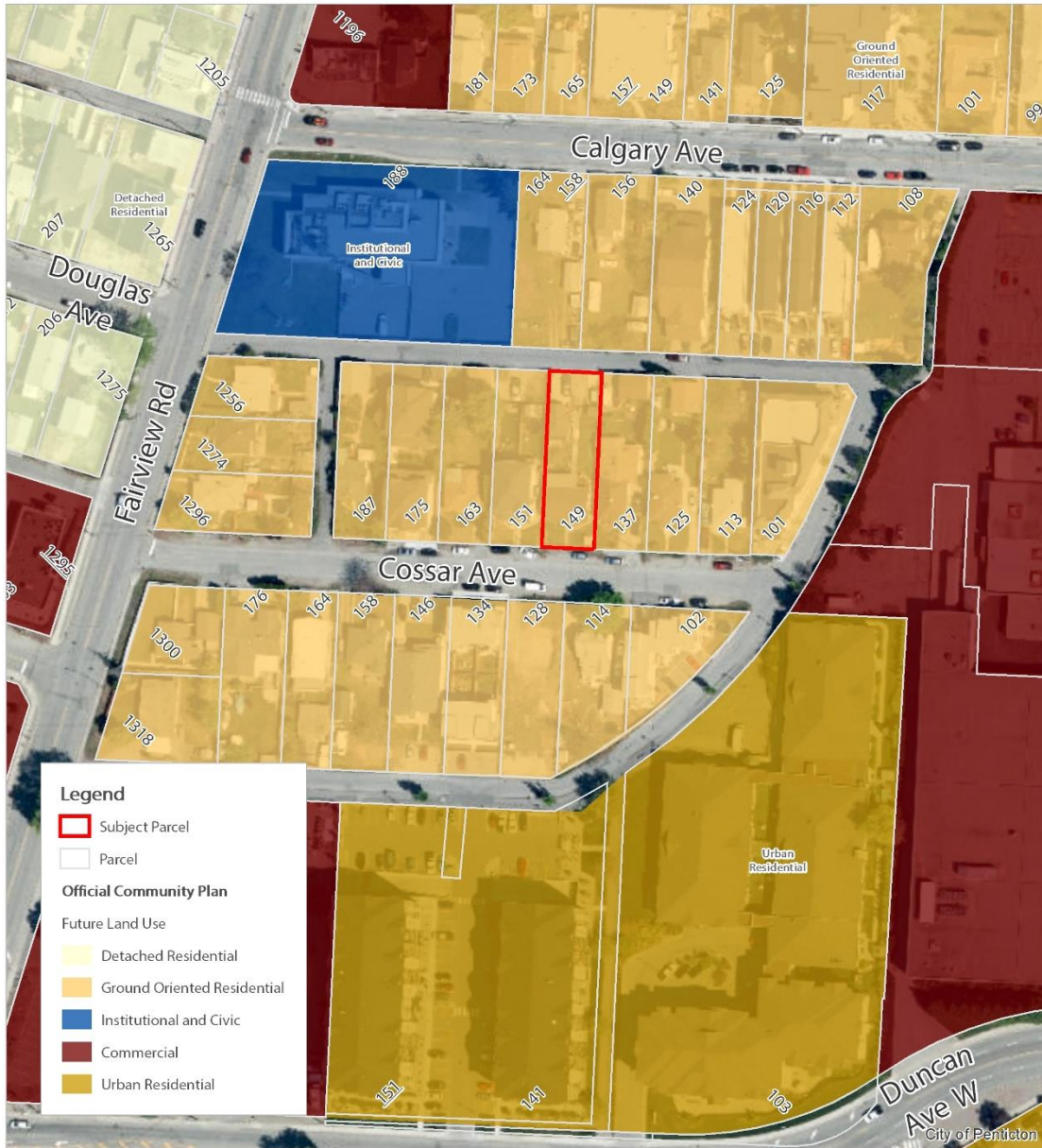
penticton.ca

Attachment B – Official Community Plan Map



# 149 Cossar Avenue

Official Community Plan Map



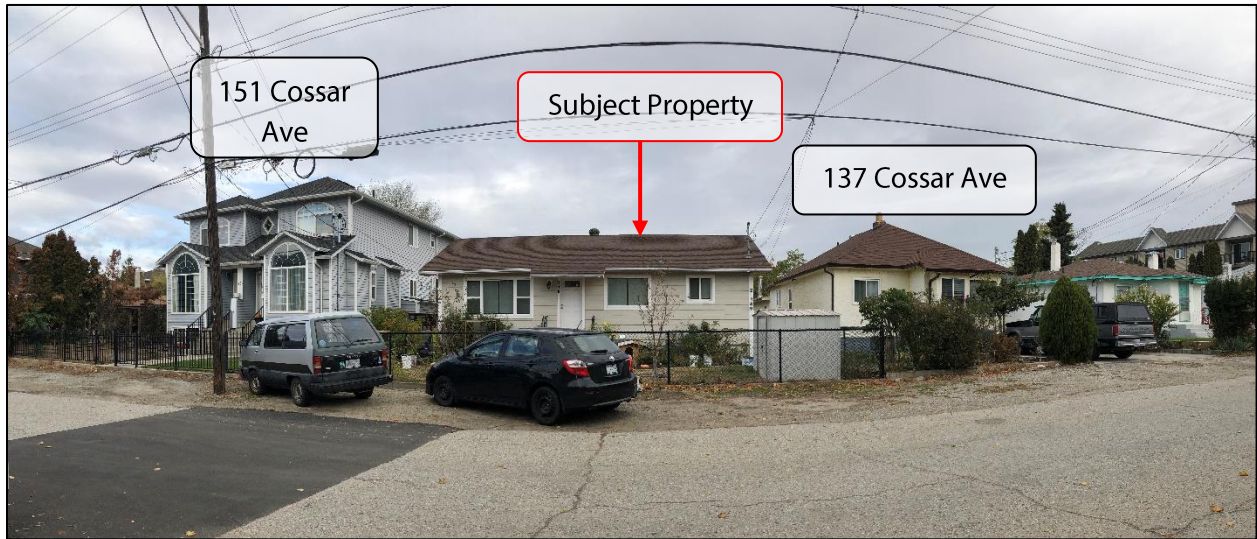
Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user 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, October 13, 2021  
9:14:44 AM

penticton.ca

Attachment C – Photos of Property



*Looking towards subject property from Cossar Avenue*



*Looking towards subject property from laneway*















July 15, 2021

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

**Re: Letter of Intent in Support of Request for Re-Zoning + Development Permit**

Proposed Carriage House Current Zoning: RD2 – Duplex Housing: Lane  
Proposed Zoning: RD3 – Residential Infill

Civic: 149 Cossar Ave, Penticton, BC

Legal: LOT 8, PL KAP3223, PID: 010-875-484, Folio: #01274-000

It is the pleasure of the current owner of the property (Scott Guerin) to submit this Letter of Intent to pursue related approvals to proceed with a rezoning application, development permit and building permit for a Carriage House located at 149 Cossar Ave, (LOT 8, PL KAP3223, PID: 010-875-484, Folio: #01274-000) as required to the city of Penticton.

As part of the Carriage House application my client is planning to apply for re-zoning from RD2 to RD3 as the property currently has a legal secondary suite. This is supported by the OCP.

With respect to the overall design considerations, the client's desire is to introduce a more contemporary theme to the property with the carriage house. This theme will carry through when it is time to upgrade the principle dwelling. Specifically, Scott plans to build a (2) storey contemporary style carriage house which is fitting to the transitioning neighbourhood from small single family bungalow housing to increased density housing such as front to back duplexes. The scale of the Carriage House will balance but not overshadow the existing home. The 840ft<sup>2</sup> (2) two bedroom carriage house will suit the needs of many tenants ranging from young professionals, or seniors to a small family with affordable accommodation.

The Carriage House will be built to comply with all zoning bylaws and guidelines outlined in the OCP. In particular; there are no overlooks onto neighbouring properties, a clear and unobstructed access path will be provided from the front of the property to the Carriage House for visitors and first responders, one (1) standard size – 2.7m X 5.8m parking space will be provided onsite with access via the existing Laneway and all fencing requirements will be met to ensure the privacy of the amenity spaces and neighbouring properties.

Landscaping will consider a variety of indigenous plantings and materials. Grasses, ground cover and shrubs will be selected to enhance the efficiency of irrigation and ensure aesthetic qualities and

suitability for the local climate. Hardscapes will consist of concrete, decorative gravel and mulches to maximize permeability and eliminate surface runoff.

As illustrated in the supporting drawings and renderings, we are striving to maintain the scale of the existing principle building while providing ample private space for each dwelling and respecting the privacy of their neighbours. The addition of the new Carriage house will not only be an improvement to the property but will grow into the transitioning neighborhood and support the community by aiding in the shortage of available rental opportunities in Penticton. Haywood Design ensures that life safety concerns have been carefully considered for all residents, visitors and first responders.

In Closing; Scott and I, look forward to working with the City of Penticton and its representatives throughout the approval process to transform this property to suit the owners needs while being a cost effective investment and proficient land use strategy.

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

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



July 15, 2021

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

**Re: Development Permit Application Analysis in Support of Request for Development Permit**

Proposed Carriage House Current Zoning: RD2 – Duplex Housing: Lane  
 Proposed Zoning: RD3 – Residential Infill

Civic: 149 Cossar Ave, Penticton, BC

Legal: LOT 8, PL KAP3223, PID: 010-875-484, Folio: #01274-000

**This Development Permit Analysis is a review of relevant development permit guidelines to indicate how the proposed development meets the intent of the OCP**

*IR1. Building siting • Front and rear yard setbacks should relate to those of existing neighbouring buildings. (see Figure 5-13). • The primary building's front setback should be no greater than 6.0m so that homes engage with the street.*

YES – The carriage house Rear Setback will be at 6.0m

*IR2. Intensive residential (infill) development should offer a diversity of housing to support objectives related to affordability and ageing in place.*

YES, this carriage house will support these objectives. In addition, we are applying for rezoning for this property from RD2 to RD3 which will further contribute to this objective, as the property currently has a legal suite secondary suite.

*IR3. General Guidelines apply to accessory dwellings and buildings.*

*IR4. Scale – accessory buildings (garages, storage sheds, covered patios/decks, greenhouses) and accessory dwelling units (carriage houses) shall be modest in scale:*

*• Floor area and Coverage – Accessory dwellings and buildings shall be no more than 60% of the floor area of the principal building and no more than 15% coverage of the lot:*

Yes – Conforming, the proposed carriage house will be **(78m<sup>2</sup>)** of the allowable 90m<sup>2</sup> (46.6% of the Principle) and 35% Lot Coverage of the allowable 40%

*• Height – detached covered accessory dwellings and structures must not exceed the height of the principle building:*

The carriage house's sloping shed roof will end up being slightly higher than the principle dwelling but under the allowable overall height of 7.0m. Considering that the street and the neighbouring properties are in transition from being small bungalows to front to back duplexes, this height will not be overshadowing.

• *Fit – accessory buildings and dwellings should follow considerations for site and neighbourhood character fit: Yes*

• *Frontages – buildings that face the lane or side street should address them in a positive way. This should include windows and doors facing the lane, planters, trellises and planted strips.*

Yes, the proposed carriage house will have an expressive sloping roof and patio doors leading to a covered deck facing the lane.

• *Style – exterior finish and trim should visually match the primary structure:*

The proposed carriage house is contemporary in form and character which fits into the transitioning neighbourhood. The aging finishes of the primary house will be upgraded in the future to play off the carriage house.

• *Roof pitch - should be the same as the predominant roof pitch of the primary structure:*

The shed roof of the proposed carriage house differs from the gable roof on the primary house but, both are simple in nature. The contemporary form and character of the carriage house fits into the transitioning neighbourhood.

*IR5. Designing in Context: Appropriate Locations • Carriage houses should only be built on sites serviced by lanes or on large lots where impact on neighbours is negligible. • Construction of carriage house or repurposing of existing buildings as carriage houses in SPEAs (Streamside Protection and Enhancement Areas) and environmental protection areas is prohibited.*

YES: - The proposed carriage house is on a large lot serviced by a lane. The carriage house will have very limited impact on the neighbours.

*IR7. Limiting Overlook • Upper floor balconies must overlook the lane (or street if on a corner lot). Ground floor outdoor spaces may open onto the site's shared yard space • Limit upper level sideyard and garden facing windows and/or design them to increase privacy and reduce overlook on neighbouring properties, particularly homes where windows into private uses such as bedrooms may exist. If the distance to a neighbouring dwelling is less than 1.5m, transparent windows are not permitted –*

YES: The windows facing the neighbouring properties have the sill heights set at 5' to increase privacy. In addition, the window in Bedroom #2 which is on the 1.5m setback line will be translucent.

*IR8. Parking • One additional off-street parking space shall be provided per carriage house. The parking space may be: » integrated in ground floor (and counted toward the carriage house's footprint / floor area) or » a carport so long as it is architecturally integrated with the carriage house or » off-street surface lot*

YES: the development will offer plenty of off-street parking including one dedicated parking spot for the carriage house.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DAHAYWOOD', written over a horizontal line.

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

Edna and Kris Regehr

151 Cossar Ave,

Penticton, BC

V2A 2V3

To whom it may concern:

We are aware and approve of the proposed carriage house at 149 Cossar Ave, Penticton

Kris Regehr



Edna Regehr



Date: July-19-2021

Date: July-19-2021

Robert and Gabriella Hermanson

137 Cossar Ave,

Penticton, BC

V2A 2V3

To whom it may concern:

We are aware and approve of the proposed carriage house at 149 Cossar Ave, Penticton

Robert Hermanson



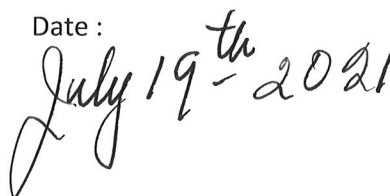
Gabriella Hermanson



Date :



Date :



**Bylaw No. 2021-40**

*A Bylaw to Amend Zoning Bylaw 2021-01*

---

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2021-01;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2021-40".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot 8 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District and District Lot 250 Similkameen Division Yale District Plan 3223, located at 149 Cossar Avenue from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill).

2.2 Schedule 'A' attached hereto form part of this bylaw.

READ A FIRST time this	2	day of	November, 2021
A PUBLIC HEARING was held this	16	day of	November, 2021
READ A SECOND time this		day of	, 2021
READ A THIRD time this		day of	, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 9 day of November, 2021 and the 10 day of November, 2021 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

---

John Vassilaki, Mayor

---

Angie Collison, Corporate Officer

Rezone 149 Cossar Ave.

From: RD2 (Duplex Housing: Lane)

To: RD3 (Residential Infill)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-40

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_