



**Electronic Public Hearing**  
**to be held electronically**  
**171 Main Street, Penticton, B.C.**  
**To view the Public Hearing, visit [www.penticton.ca](http://www.penticton.ca)**

**Tuesday, February 1, 2022**  
**at 6:00 p.m.**

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2022-03”** 1-24

CO Reads Opening Statement and Introduction of Bylaw

“Zoning Amendment Bylaw No. 2022-03”

Purpose: To amend Zoning Bylaw No. 2021-01 as follows:

Rezone the north 10.67 m portion of Lot 3 Block 124 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 169 Maple Street, from ‘R2 Small Lot Residential’ zone to ‘RD3 Residential Infill’ zone, to facilitate a two-lot subdivision and future development of one duplex building

The applicant intends to subdivide the subject property into two lots and construct a one two-storey duplex on the vacant lot with a detached two-car garage.

Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Tuesday, January 25, 2022 and Wednesday, January 26, 2022 (pursuant to the *Local Government Act*).

CO One (1) correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, January 26, 2022).

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. 2022-03” is terminated and no new information can be received on this matter.

**Electronic Regular Council Meeting**  
**held via Zoom at City of Penticton**  
**171 Main Street, Penticton, B.C.**

**Tuesday, January 18, 2022**  
**at 1:00 p.m.**

## **Resolutions**

---

10.5 Zoning Amendment Bylaw No. 2022-03  
Re: 169 Maple Street

08/2022

**It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-03", a bylaw to rezone the north 10.67 m portion of Lot 3 Block 124 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 169 Maple Street, from 'R2 Small Lot Residential' zone to 'RD3 Residential Infill' zone, to facilitate a two-lot subdivision and future development of one duplex building;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-03" to the February 1, 2022 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** January 18, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner II  
**Address:** 169 Maple Street

File No: RMS/169 Maple St

**Subject: Zoning Amendment Bylaw No. 2022-03**

## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-03", a bylaw to rezone the north 10.67 m portion of Lot 3 Block 124 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 169 Maple Street, from 'R2 Small Lot Residential' zone to 'RD3 Residential Infill' zone, to facilitate a two-lot subdivision and future development of one duplex building;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-03" to the February 1, 2022 Public Hearing.

## 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 subdivide the subject property into two lots and build one two-storey duplex on the vacant lot, with a detached 2-car garage (Figure 1). In order to facilitate the proposed subdivision and duplex development, a rezoning application has been received to change the zoning on the northern 10.67m portion of the property to be subdivided from 'R2 Small Lot Residential' zone to 'RD3 Residential Infill' zone. Should the rezoning be adopted by Council, a subdivision application is required to



Figure 1 - Rendering of proposed duplex

legally divide the subject property into two parcels. After the proposed lot is registered, a staff-issuable development permit is required for approval of the form and character of the proposed duplex.

**Background**

The subject property is located on the west side of Maple Street, north of Westminster Avenue West (Figure 2). The property contains a single detached dwelling and a detached garage. The surrounding neighbourhood is residential in nature, consisting of a mix of single detached dwellings, duplexes, cluster housing, and small-scale apartments.

The subject property is currently zoned 'R2 Small Lot Residential' in the Zoning Bylaw and is designated 'Infill Residential' by the Official Community Plan (OCP).

The current application before Council is to rezone a portion of the subject property, and should the rezoning be adopted the applicant is planning to subdivide the property into two lots (Attachment 'E'). Subdivisions involve many technical requirements which will require time for the applicants to complete. As a result of the required subdivision, the new lot may not be registered for some time. As a result of this, the development permit application for the proposed duplex will be submitted at a later date. In the meantime, the applicant has submitted a draft version of the plans for Council's consideration (Attachment 'F').



Figure 2 - Property location map

**Financial Implication**

The applicant is responsible for all associated development costs, including any service upgrades, frontage upgrades and development cost charges. The applicant will be required to provide new service connections to the proposed lot.

**Technical Review**

This application was reviewed by the Technical Planning Committee, a group of internal staff from various City departments who review planning applications. The committee required additional details on the preliminary plans to ensure Zoning Bylaw compliance, and minor revisions to the building to meet the BC Building Code requirements for spatial separation from side property lines. Future servicing upgrades and required works at the subdivision stage were provided to the applicant. The committee will perform a detailed review of the development permit plans after registration of the subdivision, should the rezoning be adopted.

**Development Statistics**

The following table outlines how the proposed development meets the applicable zoning regulations:

	RD3 Zone Requirement	Provided on Plans
<b>Minimum Lot Width:</b>	9.1 m	10.67 m
<b>Minimum Lot Area:</b>	275 m <sup>2</sup>	415 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	55%	Zoning compliance will be confirmed once development permit application has been submitted. The applicant has demonstrated a proposed duplex can be accommodated on the proposed lot. If a variance is requested in the future, it will be decided on by Council.
<b>Maximum Density:</b>	1.0 Floor Area Ratio (FAR)	
<b>Vehicle Parking:</b>	1 parking space per dwelling unit	
<b>Required Setbacks</b>		
Front Yard (Maple St):	4.5 m	
Side Yard (north):	1.2 m	
Side Yard (south):	1.2 m	
Rear Yard (lane):	6.0 m	
<b>Maximum Building Height</b>	10.5 m	

**Analysis**

The OCP designation for the property is ‘Infill Residential’. This land use designation supports lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing up to four units per lot. Typical building types in the Infill Residential designation include duplexes with or without suites, triplexes, and lower density rowhouses. The proposed rezoning to facilitate the construction of one duplex on the proposed lot results in a housing form consistent with the uses envisioned in the Infill Residential land use designation, and the uses already present in the surrounding neighbourhood.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Infill Residential 	Transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.	<ul style="list-style-type: none"> <li>• Single detached houses with or without secondary suites and/or carriage houses</li> <li>• Duplexes with or without suites</li> <li>• Triplexes</li> <li>• Lower-density rowhouses</li> <li>• Small-scale neighbourhood commercial building (e.g., corner store, coffee shop).</li> </ul>	<ul style="list-style-type: none"> <li>• Residential</li> <li>• Limited retail/ service</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 4 units per single lot</li> <li>• Consolidation of lots possible for lower scale multifamily developments</li> <li>• Generally up to 2 ½ storeys</li> </ul>	<ul style="list-style-type: none"> <li>• R1</li> <li>• R2</li> <li>• R3</li> <li>• RD1</li> <li>• RD2</li> <li>• RD3</li> <li>• C2</li> </ul>

Figure 3 - Excerpt from the Official Community Plan, Land Use designations table

Staff consider that the proposed rezoning and development conforms to the following OCP Policies:

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- The property is located in an existing developed residential neighbourhood with municipal services.

- Policy 4.1.1.4 Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
- The owner will pay Development Cost Charges (DCC's) for each new unit at the building permit stage. DCC's assist with offsetting the additional demands on municipal services from new development. The developer is responsible to cover development costs, including any infrastructure upgrades.
- 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.
- The surrounding neighbourhood features a mix of single detached dwellings, duplexes, and cluster housing developments. Immediately south of the subject property is a fourplex, while north along this block are other single detached homes. The proposed duplex is in keeping with the density transition from higher density near Westminster Ave W to lower density towards Alexander Ave. The OCP requires that a Development Permit be issued prior to any intensive residential development, which includes duplexes. This ensures the Development Permit Area Guidelines are met.
- Policy 4.1.3.4 Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or larger, to accommodate families.
- The proposed duplex will provide additional residential units to accommodate a range of potential occupants. Preliminary plans show 3-bedrooms in each duplex unit (Attachment 'F').
- 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.
- The subject property is located in a high amenity area close to the downtown, schools, parks, shopping, services, public transit and active transportation routes.
- Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- Staff will continue to work with the developer to ensure the final duplex design meets the applicable Development Permit Area guidelines, should the rezoning be adopted and the subdivision completed.
- Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).

- This neighbourhood has several duplexes and small-scale multifamily developments. The proposed lot is currently vacant land beside an existing single detached home. Subdivision and development on this portion of the lot adds to the vibrancy of the street.

Staff consider that the application proposes an appropriately scaled duplex development in an area of the community that has been identified for infill development by the OCP. The applicant has demonstrated that the development can be accommodated on the proposed lot without the need for any variances to the applicable Zoning Bylaw regulations.

Given that there is adequate policy through the OCP to support the rezoning and future development, staff recommend Council give first reading to “Zoning Amendment Bylaw No. 2022-03” and forward it to the February 1, 2022 Public Hearing.

**Alternate Recommendations**

Council may consider the proposed rezoning to facilitate future subdivision and duplex development is not appropriate on the subject property. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw. Staff are recommending against this option, as the proposed rezoning is consistent with the OCP.

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2022-03”.

**Attachments**

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Subdivision Sketch
- Attachment F – Draft Duplex Plans
- Attachment G – Zoning Amendment Bylaw No. 2022-03

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner II

Concurrence

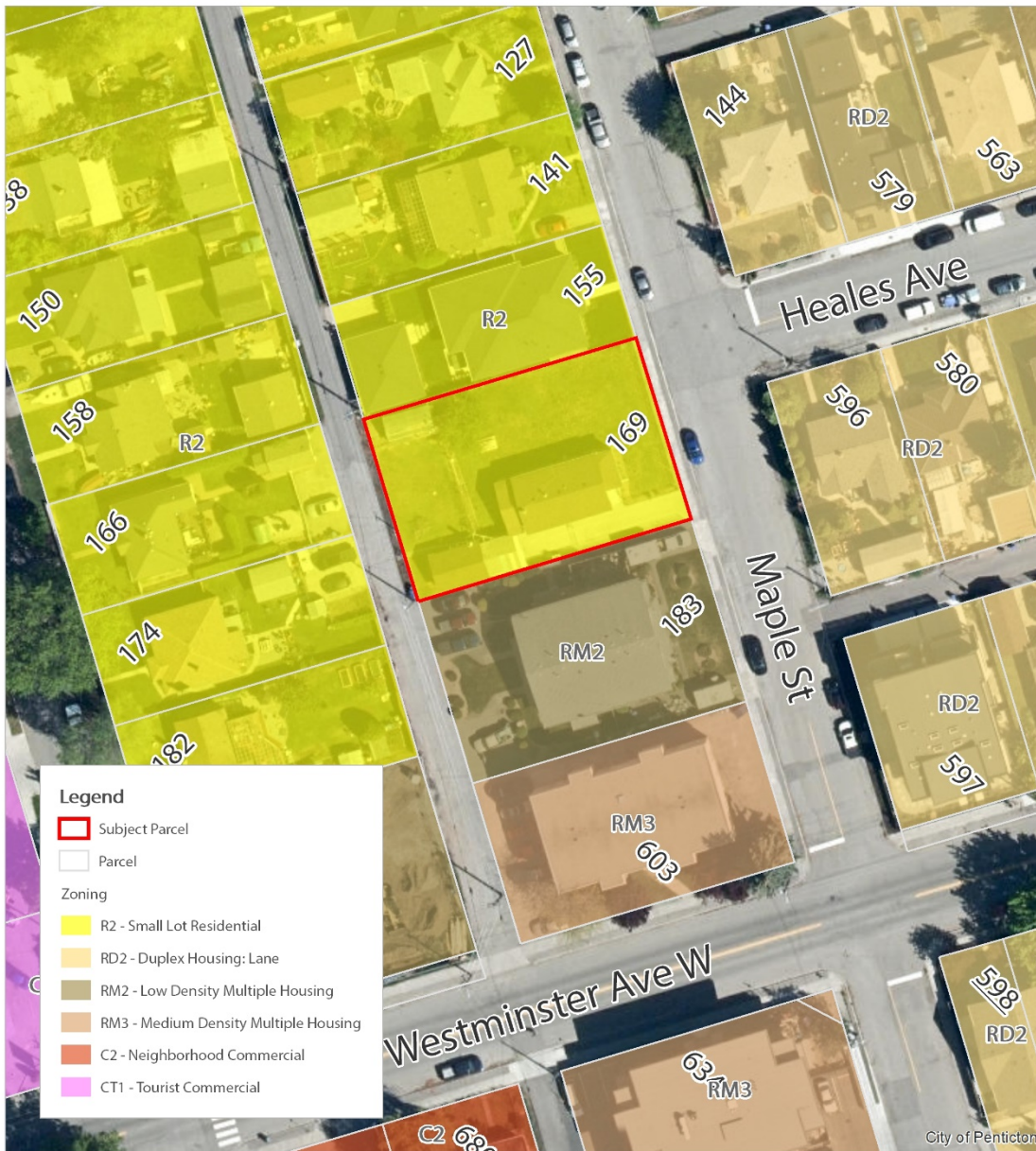
Director of Development Services  <i>BL</i>	Chief Administrative Officer  <b>DyD</b>
--	---

Attachment A – Zoning Map



# 169 Maple St

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.



November 9, 2021  
4:12:54 PM

penticton.ca

Attachment B – Official Community Plan Map



# 169 Maple St

Official Community Plan Map



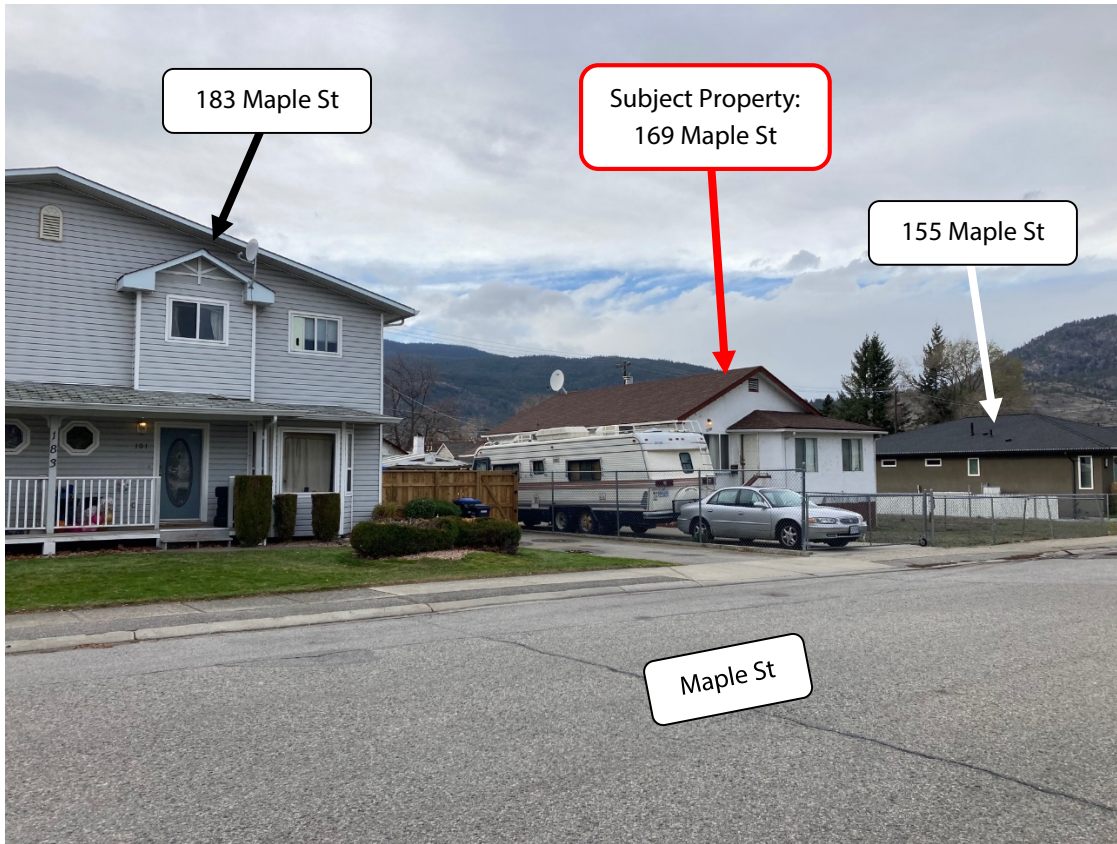
Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user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

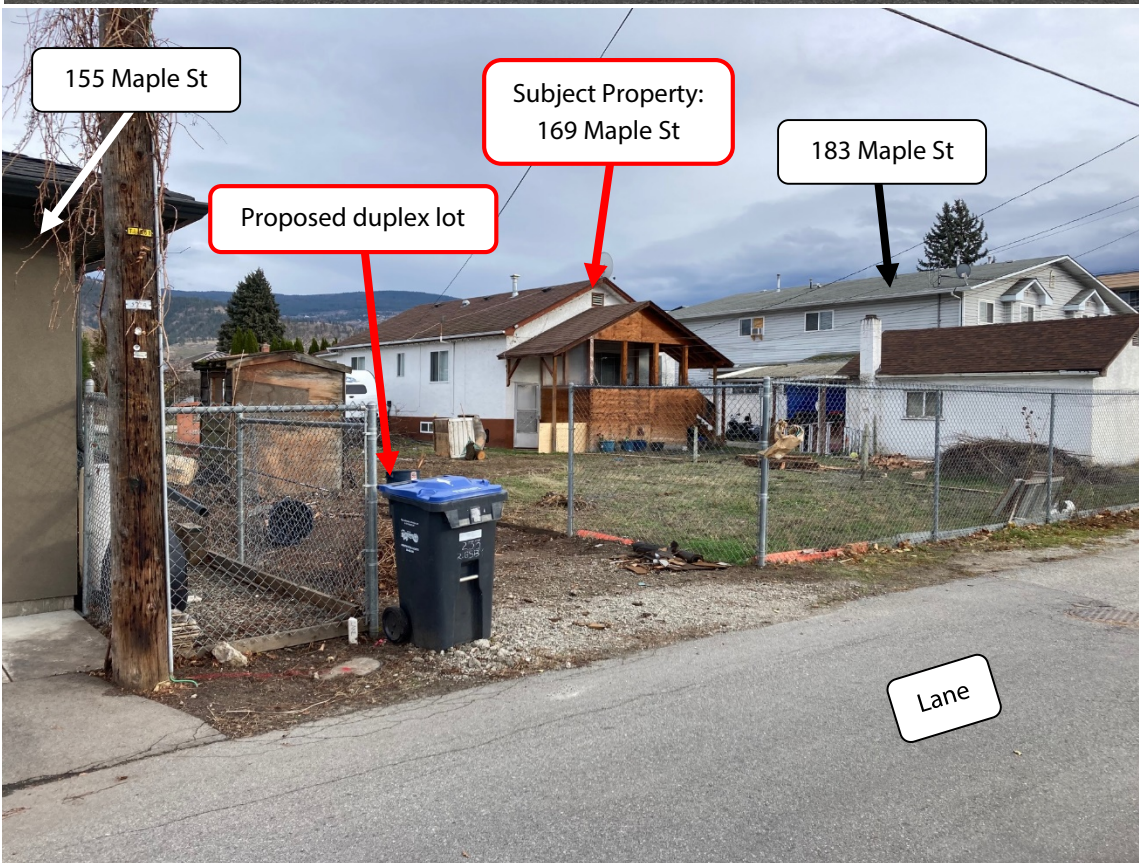
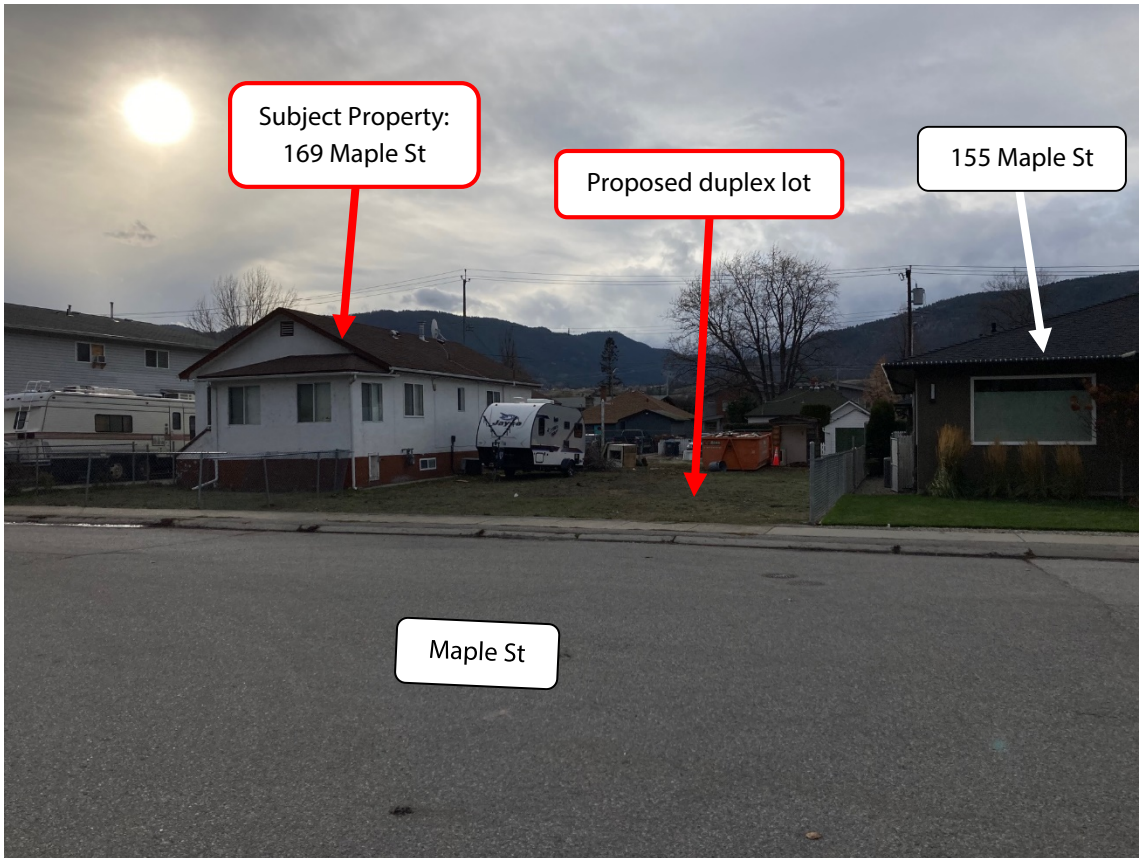


November 9, 2021  
4:13:35 PM

penticton.ca

Attachment C – Photos of Property





Attachment D – Letter of Intent

**SCHOENNEHOMES**

210 Hastings ave, Penticton BC V2A 2V6  
www.schoennehomes.com



Tel: 250-462-1250

Dear Mayor and Council,

Re: Proposed Subdivision/Rezoning of 169 Maple Street

This letter is in respect to the application for subdivision and rezoning at 169 Maple street. We purchased the property in September of 2021 with plans to redevelop the site into multifamily housing. The lot is approximately 85 feet wide and 130 feet deep with the main structure being on the south most side of the property.

We are proposing to subdivide off a 35-foot-wide portion on the north side of the property to accommodate the construction of a single front to back duplex with a detached garage off the laneway. At the same time, we are also requesting to rezone the new portion of the lot from its current "Small lot residential" to "RD3 Residential infill".

The lot is currently designated infill residential in the official community plan and we feel that our proposal will fit in well with the existing neighborhood.

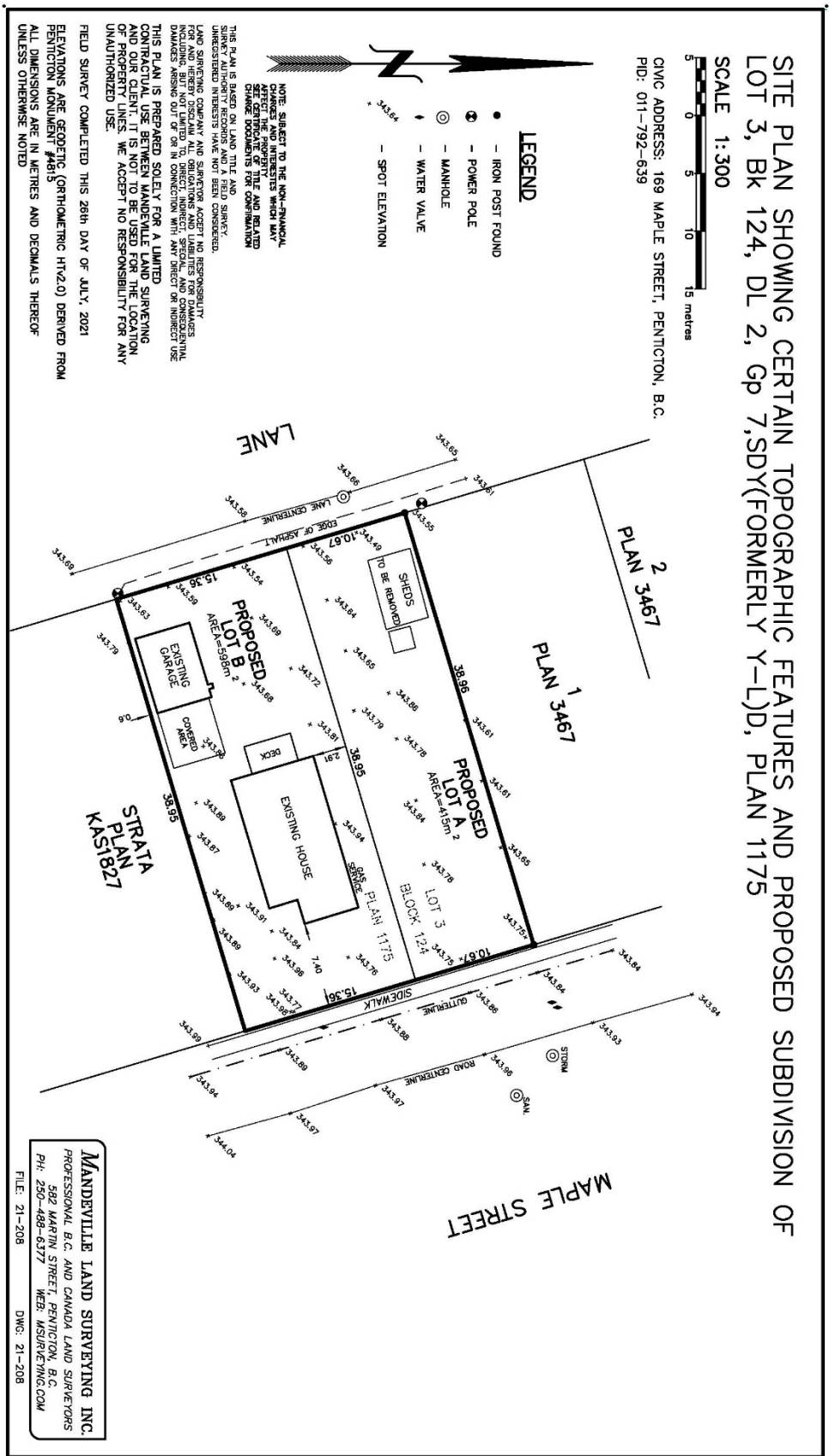
As the main house is currently being used by our company for employee housing, we will be looking to redevelop that portion at a later date.

Respectfully submitted

Chris Schoenne

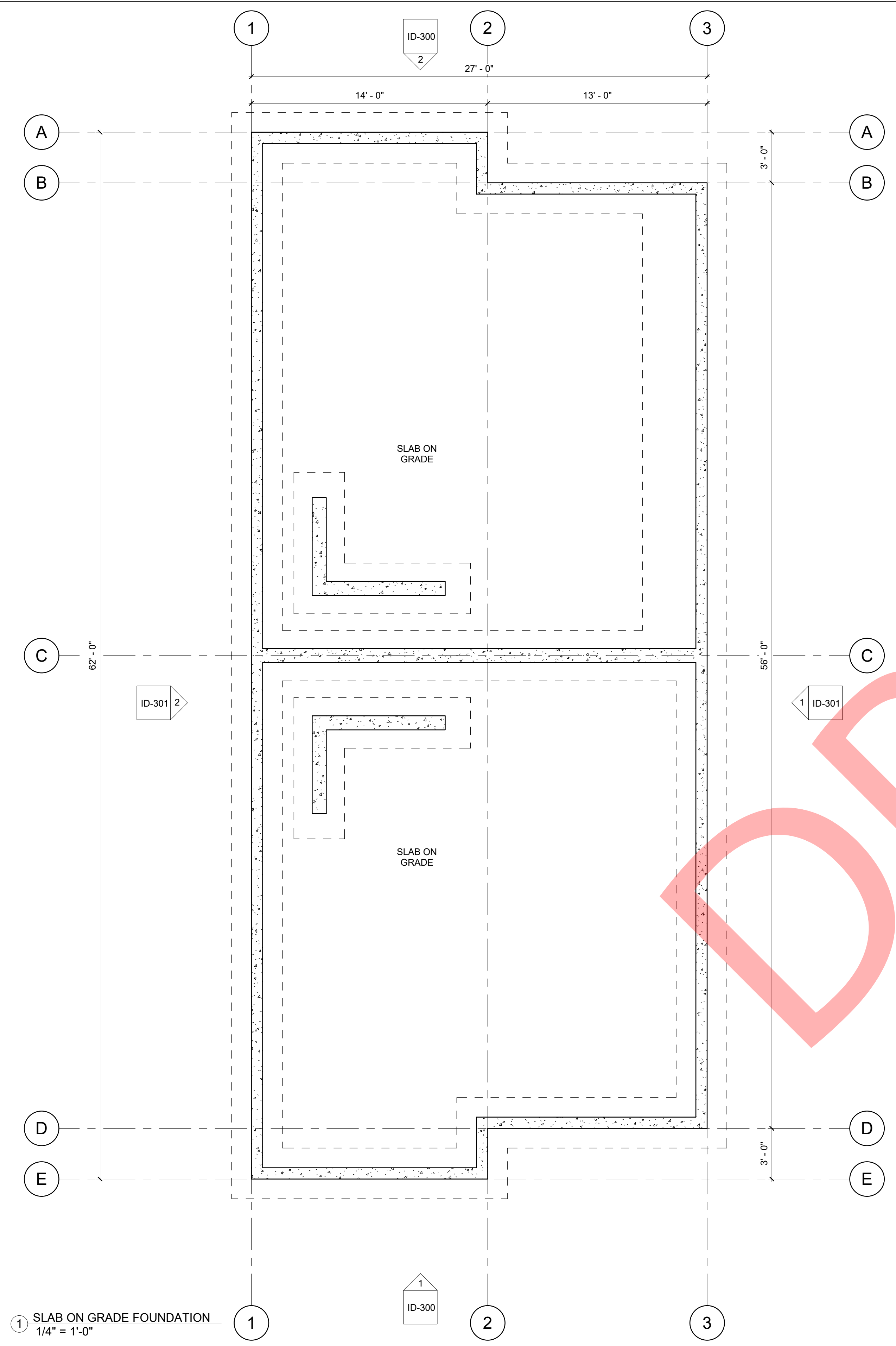
Schoenne Homes/ 1198750 BC LTD

Attachment E – Subdivision Sketch

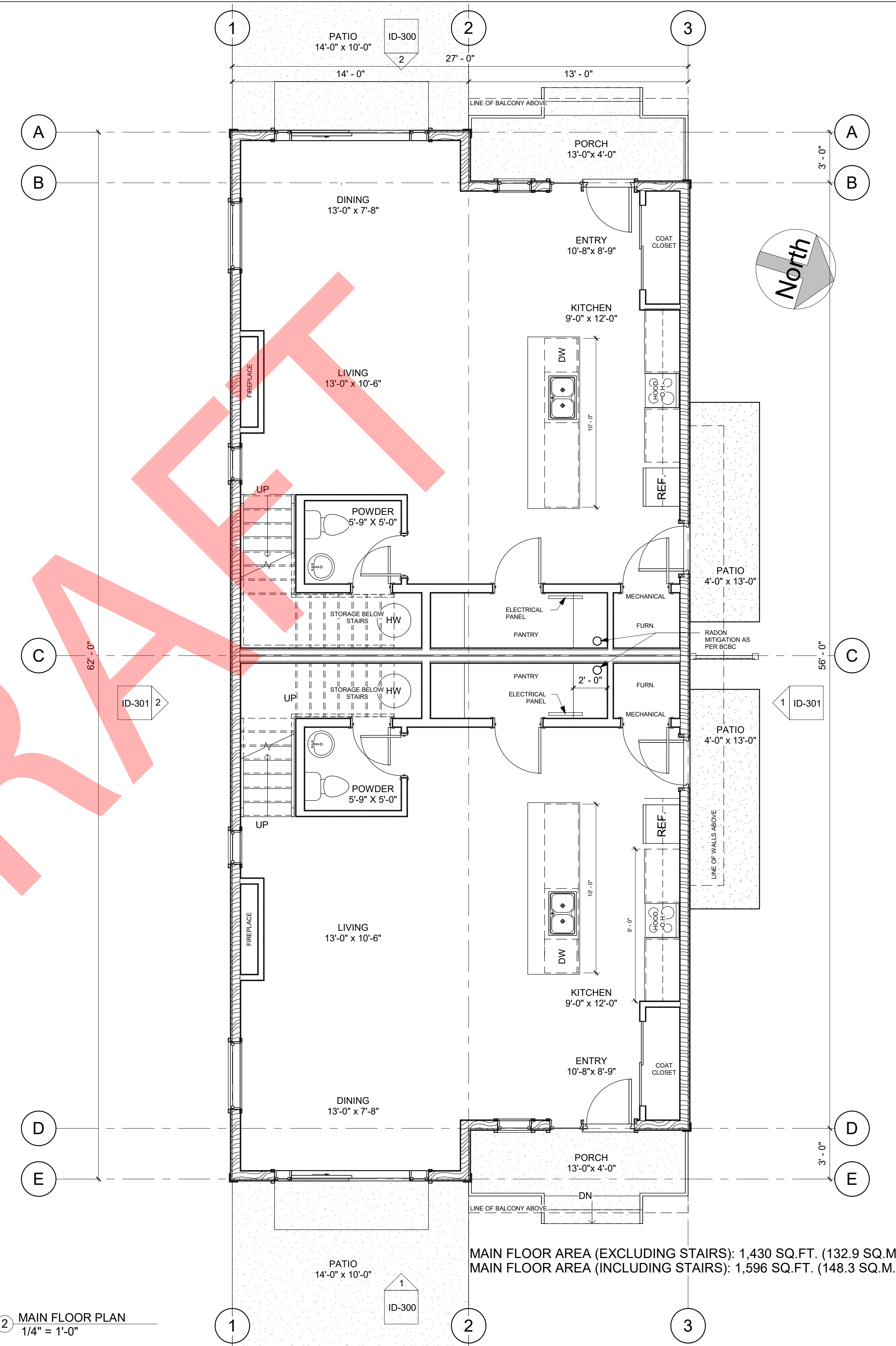








1 SLAB ON GRADE FOUNDATION  
1/4" = 1'-0"



2 MAIN FLOOR PLAN  
1/4" = 1'-0"



People plus Space: Planning and Design  
PO BOX 1105  
Summerland BC V0H 1Z0  
250-468-1481  
heather@pspace.ca

TOTAL FLOOR AREA  
EXCLUDING STAIRS: 3,031 SQ.FT.  
MAIN FLOOR: 1,430 SQ.FT.  
SECOND FLOOR: 1,601 SQ.FT.

TOTAL FLOOR AREA  
INCLUDING STAIRS: 3,390 SQ.FT.  
MAIN FLOOR: 1,596 SQ.FT.  
SECOND FLOOR: 1,794 SQ.FT.

No.	Description	Date
1	ISSUED FOR CLIENT REVIEW	2021-10-22
2	ISSUED FOR CLIENT REVIEW	2021-10-29
3	ISSUED FOR CLIENT REVIEW	2021-11-02
4	ISSUED FOR DP	2021-11-22

**169 MAPLE STREET  
DUPLEX**  
169 MAPLE STREET, PENTICTON BC  
**FLOOR PLANS**

Project number 21-008  
Date 2021-10-29  
Drawn by J.P.F.

**ID-200**

Scale 1/4" = 1'-0"

MAIN FLOOR AREA (EXCLUDING STAIRS): 1,430 SQ.FT. (132.9 SQ.M.)  
MAIN FLOOR AREA (INCLUDING STAIRS): 1,596 SQ.FT. (148.3 SQ.M.)









1 RIGHT (EAST) ELEVATION  
1/4" = 1'-0"

APPROX. 24.9% BUILDING FACE PROJECTION  
BUILDING FACE: 100.6 SQ.M.  
PROJECTION FACE: 25 SQ.M.

**UNPROTECTED OPENING CALCS**  
BUILDING FACE: 100.6 SQ.M.  
UNPROTECTED OPENINGS: 6.6 SQ.M.  
LIMITING DISTANCE: 1.2 M  
MAXIMUM PERCENTAGE: 7 %  
ACTUAL PERCENTAGE: 6.6 %



2 LEFT (WEST) ELEVATION  
1/4" = 1'-0"

**UNPROTECTED OPENING CALCS**  
BUILDING FACE: 112 SQ.M.  
UNPROTECTED OPENINGS: 6.7 SQ.M.  
LIMITING DISTANCE: 1.2 M  
MAXIMUM PERCENTAGE: 7 %  
ACTUAL PERCENTAGE: 6 %

No.	Description	Date
1	ISSUED FOR CLIENT REVIEW	2021-10-22
2	ISSUED FOR CLIENT REVIEW	2021-10-29
3	ISSUED FOR CLIENT REVIEW	2021-11-02
4	ISSUED FOR DP	2021-11-22

**169 MAPLE STREET  
DUPLEX**  
169 MAPLE STREET, PENTICTON BC  
**EXTERIOR BUILDING  
ELEVATIONS**

Project number	21-008
Date	2021-10-29
Drawn by	J.P.F.

**ID-301**

Scale 1/4" = 1'-0"





The Corporation of the City of Penticton

Bylaw No. 2022-03

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. 2022-03".

2. Amendment:

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

Rezone the north 10.67 m portion of Lot 3 Block 124 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, located at 169 Maple Street, as shown on Schedule 'A', from R2 (Small Lot Residential) to RD3 (Residential Infill).

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

READ A FIRST time this 18 day of January, 2022
A PUBLIC HEARING was held this 1 day of February, 2022
READ A SECOND time this day of , 2022
READ A THIRD time this day of , 2022
RECEIVED the approval of the day of , 2022
Ministry of Transportation on the
ADOPTED this day of , 2022

Notice of intention to proceed with this bylaw was published on the 25 day of January, 2022 and the 26 day of January, 2022 in the Penticton newspaper, pursuant to Section 94 of the Community Charter.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Approved pursuant to section 52(3)(a) of the Transportation Act
this \_\_\_\_ day of \_\_\_\_\_, 2022
for Minister of Transportation & Infrastructure

Rezone  
169 Maple Street

From R2 (Small Lot Residential)  
To RD3 (Residential Infill)



**City of Penticton – Schedule 'A'**

**Zoning Amendment Bylaw No. 2022-03**

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

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

**From:** [Brent Harvey](#)  
**To:** [Public Hearings](#)  
**Subject:** 169 Maple Rezoning  
**Date:** Wednesday, January 26, 2022 11:06:03 AM

---

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Dear Sir/Madamme:

I live around the corner and saw the public notice for 169 Maple Street. I wanted to send a quick note to say that I support this development and the rezoning application.

And in general, I am very pleased with the city on the level of development and change that is happening in the neighborhood on all fronts. This is a positive direction for the community and this development is a welcomed addition.

Thank you for posting the notice and the opportunity to comment.

Respectfully,

-Brent

Brent Harvey  
Unit 101 - 589 Churchill Ave