

**Public Hearing  
to be held at  
City of Penticton Council Chambers  
171 Main Street, Penticton, B.C.**

**Tuesday, December 20, 2016  
at 6:00 p.m.**

1. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2016-69"** 1-17
- CO Reads Opening Statement and Introduction of Bylaws  
  
"Zoning Amendment Bylaw No. 2016-69" (1786 Fairford Drive)  
  
Purpose: To amend Zoning Bylaw No. 2011-23 as follows:  
  
Add the following site specific provision to Section 10.1.3.6: "In the case of Lot 2, District Lot 115, Similkameen Division Yale District, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling."  
  
The applicant is proposing to construct a carriage house on the property.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, December 9, 2016 and Wednesday, December 14, 2016 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, December 14, 2016)
- Mayor Requests the Director of Development Services describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2016-69" is terminated and no new information can be received on this matter.

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

**Tuesday, December 6, 2016**  
**at 1:00 p.m.**

## **Resolutions**

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- 14.5 Zoning Amendment Bylaw No. 2016-69 & DVP PL2016-7758  
Re: 1786 Fairford Drive

555/2016

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2016-69," being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.1.3.6: "In the case of Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling," be given first reading and forwarded to the December 20, 2016 Public Hearing;  
AND THAT delegations and submissions be heard at the December 20, 2016 Public Hearing for "Development Variance Permit PL2016-7758" for Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a permit to increase the maximum building footprint for a carriage house from 90m<sup>2</sup>, or 60% of the building footprint area of the principal residence, whichever is less to 120m<sup>2</sup> and to decrease the minimum north interior side yard from 1.5m to 0.92m;  
AND THAT "DVP PL2016-7758", be considered after adoption of "Zoning Amendment Bylaw No. 2016-69".

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** December 6, 2016  
**To:** Mitch Moroziuk, Acting Chief Administrative Officer  
**From:** Randy Houle, Planner 1  
**Address:** 1786 Fairford Drive

File No: RZ PL2016-7759  
& DVP PL2016-7758

**Subject:** Zoning Amendment Bylaw No. 2016-69  
Development Variance Permit PL2016-7758

## Staff Recommendation

### *Rezone*

THAT "Zoning Amendment Bylaw No. 2016-69," being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.1.3.6: "In the case of Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling," be given first reading and forwarded to the December 20, 2016 Public Hearing;

### *Development Variance Permit*

AND THAT delegations and submissions be heard at the December 20 Public Hearing for "Development Variance Permit PL2016-7758" for Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a permit to increase the maximum building footprint for a carriage house from 90m<sup>2</sup>, or 60% of the building footprint area of the principal residence, whichever is less to 120m<sup>2</sup> and to decrease the minimum north interior side yard from 1.5m to 0.92m;

AND THAT "DVP PL2016-7758", be considered after adoption of "Zoning Amendment Bylaw No. 2016-69".

## Strategic priority objective

N/A

## Background

The subject property (Attachment 'A') is zoned R1 (Large Lot Residential) and is designated by the City's Official Community Plan as LR (Low Density Residential). Photos of the site are included as Attachment 'D'. The site is 1034m<sup>2</sup> (0.25 acre) and includes a single family dwelling with a secondary suite as well as a garage and workshop. The surrounding properties are primarily zoned residential and designated by the OCP as Low Density Residential (LR).

In 2014, a single family dwelling with a secondary suite was constructed on the subject property. The applicant is proposing to construct a carriage house above an existing garage and workshop. The Zoning Bylaw states that a carriage house shall not be allowed in conjunction with a secondary suite in the principal dwelling. As such, a zoning amendment is required. The proposed carriage house will have vehicular access from a street. The Zoning Bylaw states that vehicular access to the carriage house shall be from a rear lane only, if the property has a rear lane. In this case, the zoning amendment will state that vehicular access will be from a street.

The proposed carriage house will result in a 0.92m north interior side yard. The Zoning Bylaw, however, requires a 1.5m minimum interior yard. As such, a variance to the bylaw is required prior to construction. The proposed carriage house will result in 120m<sup>2</sup> of building footprint. For a carriage house, the Zoning Bylaw requires a maximum building footprint of 90m<sup>2</sup> or 60% of the building footprint area of the principal residence, whichever is less. As such, a variance to that section of the bylaw is required prior to construction.

**Financial implication**

N/A

**Proposal**

The applicant is requesting a development variance permit to vary the following sections of Zoning Bylaw No. 2011-23:

- Section 8.8.4.3: To increase the maximum building footprint of a carriage house from 90m<sup>2</sup> to 120m<sup>2</sup>.
- Section 10.1.2.6.i: To decrease the minimum north interior side yard from 1.5m to 0.92m.

The applicant is requesting the following amendment to Zoning Bylaw 2011-23:

Add: Section 10.1.3.6: In the case of Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling.

**Development Statistics**

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

Item	Requirement R1 Zone	Provided on Plans
<b>Minimum Lot Width:</b>	16m	18.965m
<b>Minimum Lot Area:</b>	560m <sup>2</sup>	1034m
<b>Maximum Lot Coverage:</b>	40 %	24%
<b>Vehicle Parking:</b>	4 total (2 per dwelling, 1 per secondary suite, 1 per carriage house)	4+

<b>Required Setbacks</b>		
Front yard (Fairford Drive):	6m	32m
Side yard (North):	1.5m	0.92m
Side yard (South):	1.5m	9.44m
Rear yard (lane):	6.0m	13.4m
<b>Maximum Building Height:</b>	7m	5.4m
<b>Other Information:</b>		

**Technical Review**

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Storm water/drainage is to be maintained on site and no openings are permitted on the north side of the carriage house. These items have been communicated to the applicant. If the request for the zoning amendment and variances are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

**Analysis**

Support “Zoning Amendment Bylaw No. 2016-69”

The site is situated in an area experiencing some densification. The OCP designation for this site is Low Density Residential, which is conducive to a SFD with secondary suite and a carriage house. Staff considers that the zoning amendment to allow the carriage house in conjunction with a secondary suite in the principal dwelling represents best use of the land under current zoning for the following reasons:

- The property is large enough to accommodate a SFD and carriage house with ample amenity space on the property.
- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the mall, schools and nearby services encourages more walking and active forms of transportation.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support “Zoning Amendment Bylaw No. 2016-69” and forward the application to the December 20<sup>th</sup>, 2016 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

### Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any 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.

#### *Section 8.8.4.3: To increase the maximum building footprint of a carriage house from 90m<sup>2</sup> to 120m<sup>2</sup>*

The definition of building footprint includes the area under the horizontal projection of a deck. The building footprint of the proposed carriage house is only 73m<sup>2</sup>, with the deck being an additional 47m<sup>2</sup>. Letters of support have been received from the neighbours with no concerns about the size of the carriage house. Given the fact that the size of the habitable area of the carriage house is well under 90m<sup>2</sup>, it is reasonable to increase the maximum building footprint to 120m<sup>2</sup> to accommodate the deck.

#### *Section 10.1.2.6.i: To decrease the minimum north interior side yard from 1.5m to 0.92m*

The existing north interior yard setback of the garage and workshop is 0.92m. The proposed carriage house will add a 2<sup>nd</sup> floor to the garage and workshop, and will not reduce the interior side yard any further. Neighbours to the north of the subject property have submitted a letter of support to the proposal. The height of the building will be 5.4m, less than the 7m maximum permitted by the zoning bylaw. There are no openings proposed on the north side of the carriage house, thus having a minimal impact on privacy for the adjacent neighbours.

Given the above, staff feel that the variances requested are sensible and recommend that Council, after hearing from any other affected neighbours, support the application.

### Deny/Refer Variances

Council may consider that the variances are not justified and will negatively affect the neighborhood. If this is the case, Council should deny the variances.

### **Alternate Recommendations**

1. THAT Council denies first reading to "Zoning Amendment Bylaw No. 2016-69" and denies support to "Development Variance Permit PL2016-7658".
2. THAT Council refers the applications "RZ PL2016-7759" and "DVP PL2016-7658" back to staff with instructions that Council feels are warranted.

### **Attachments**

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Images of Subject Property

Attachment E: Site Plan and Elevations  
Attachment F: "Development Variance Permit PL2016-7758"  
Attachment G: "Zoning Amendment Bylaw No. 2016-69"

Respectfully submitted,

Randy Houle  
Planner 1

Approvals

Acting DDS  <i>BL</i>	Acting CAO  <i>MM</i>
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Attachment 'A' – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map

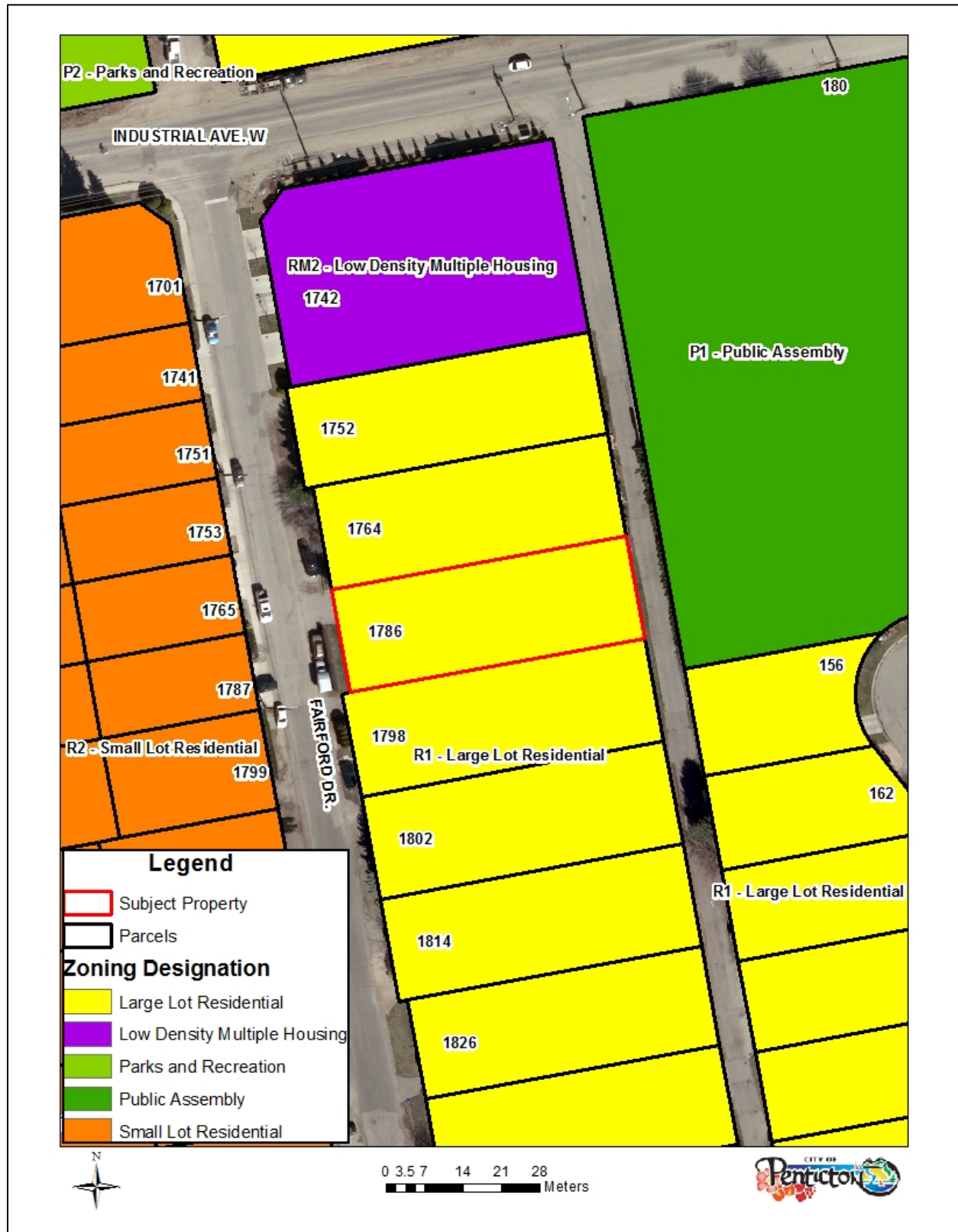


Figure 2: Zoning Map

Attachment 'C' - OCP Map

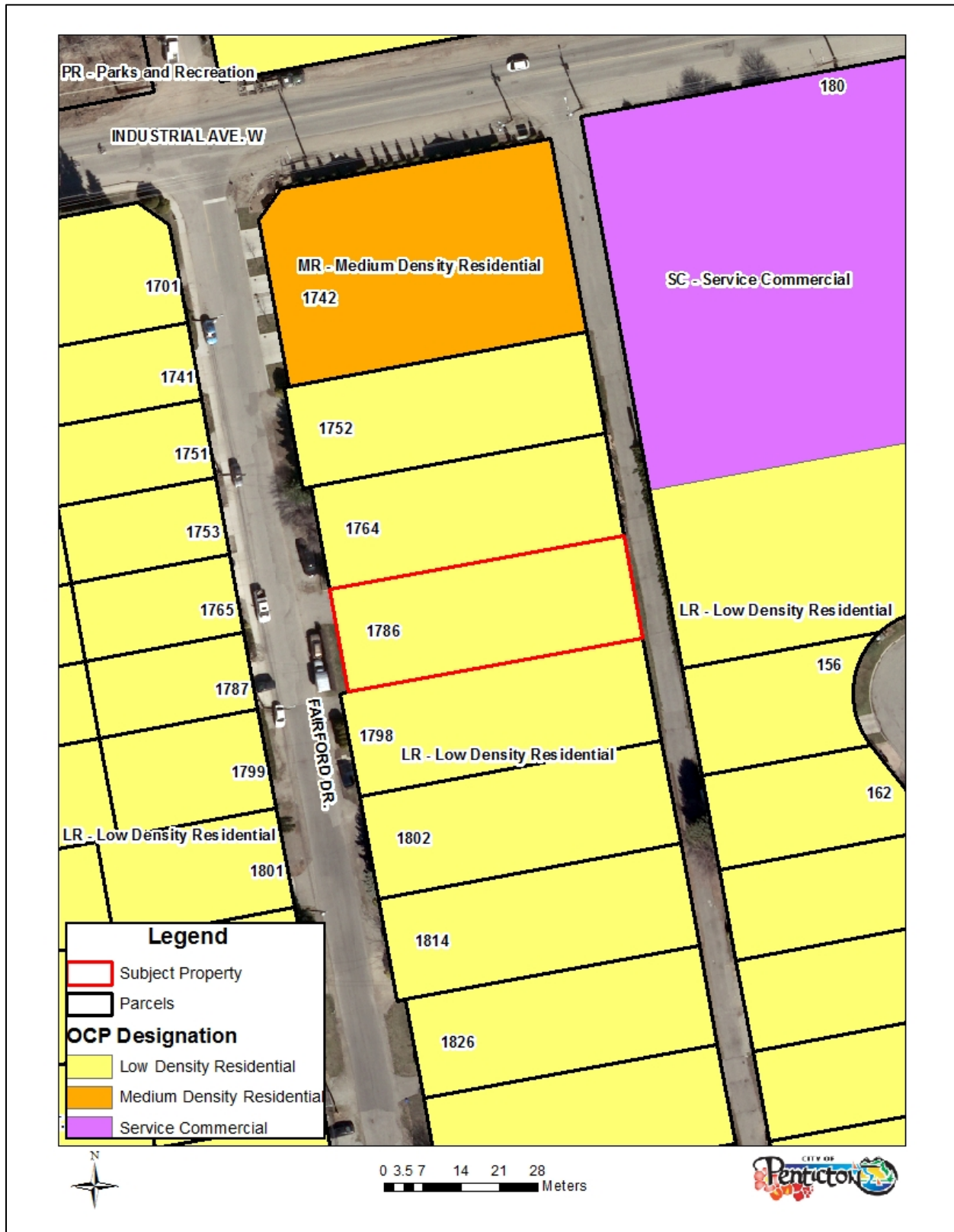


Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: Existing SFD with Secondary Suite and Carriage House in Background



Figure 5: Proposed Carriage House above Garage

Attachment 'E' - Site Plan and Elevations

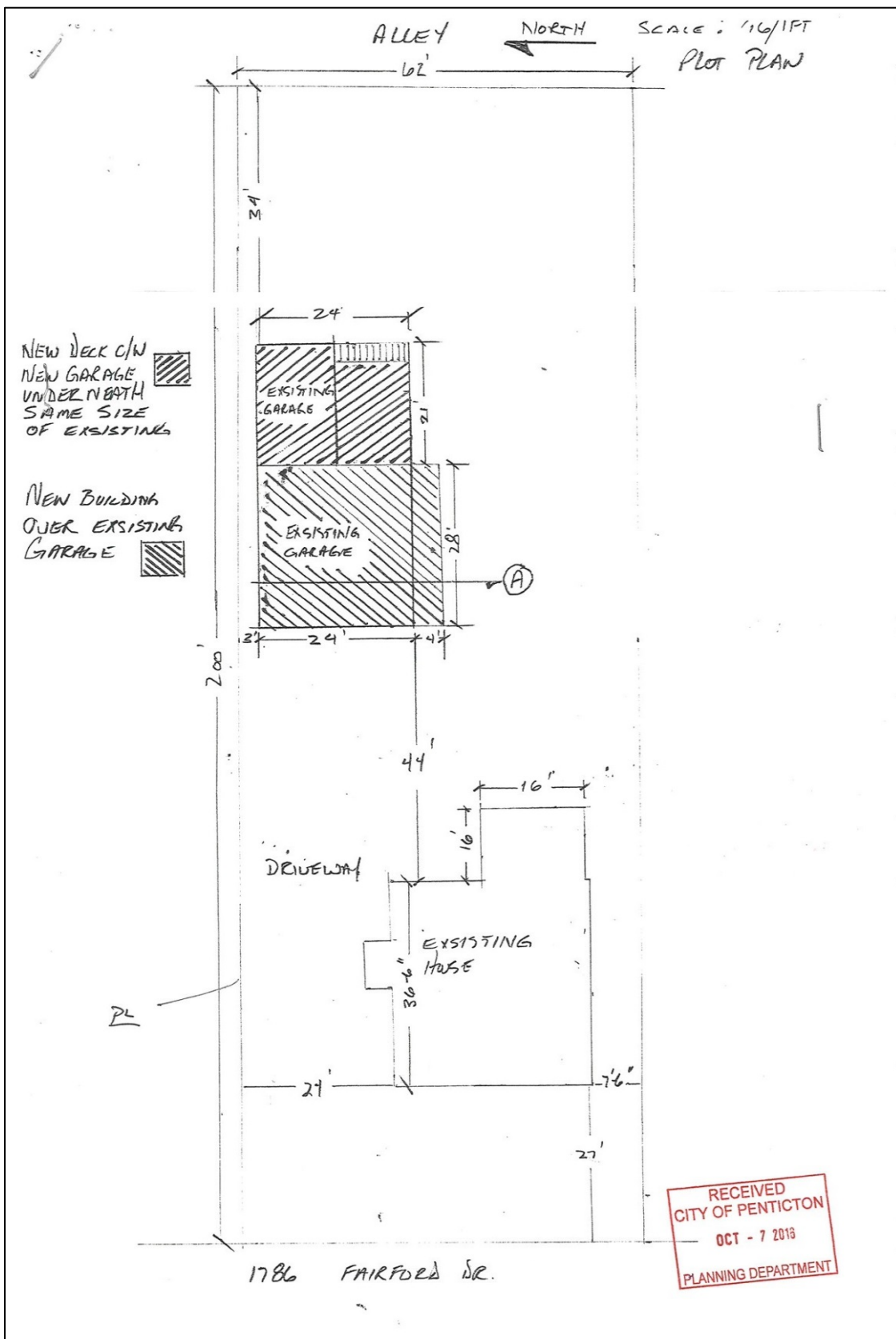


Figure 6: Site Plan

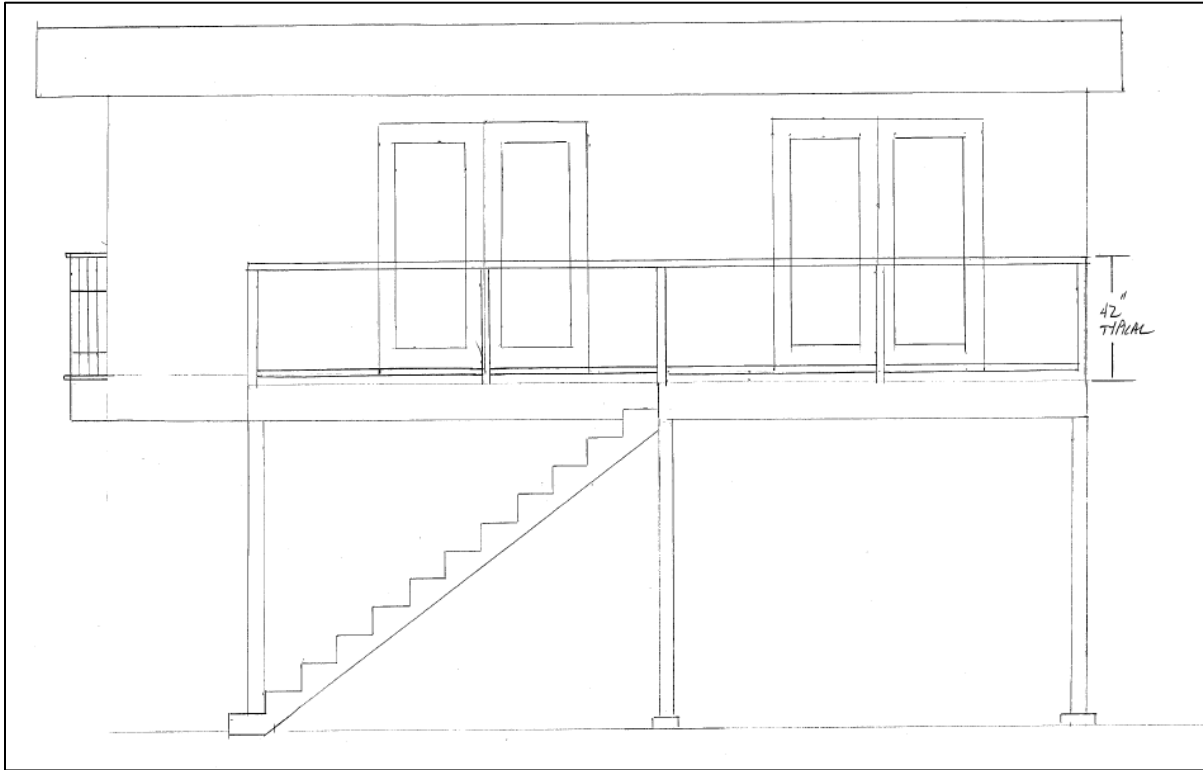


Figure 7: East Elevation (Facing Alley)

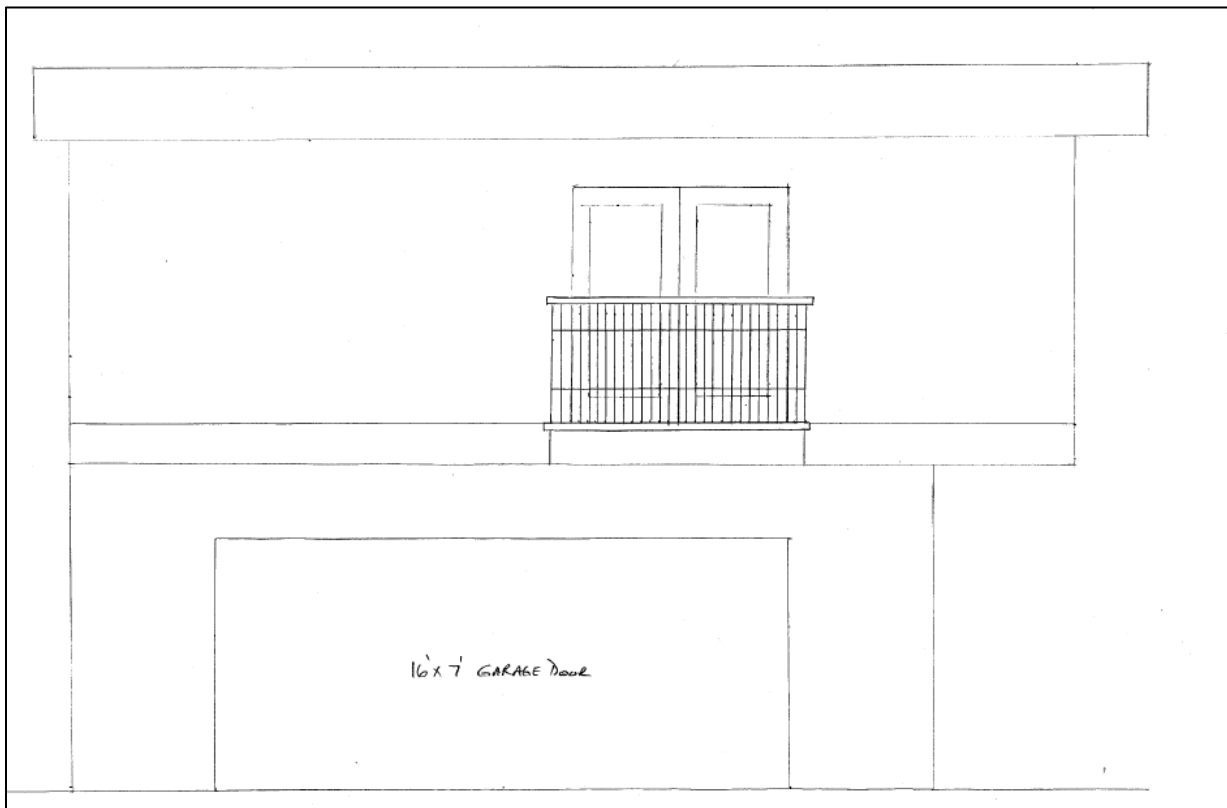


Figure 8: West Elevation (Facing the Street)

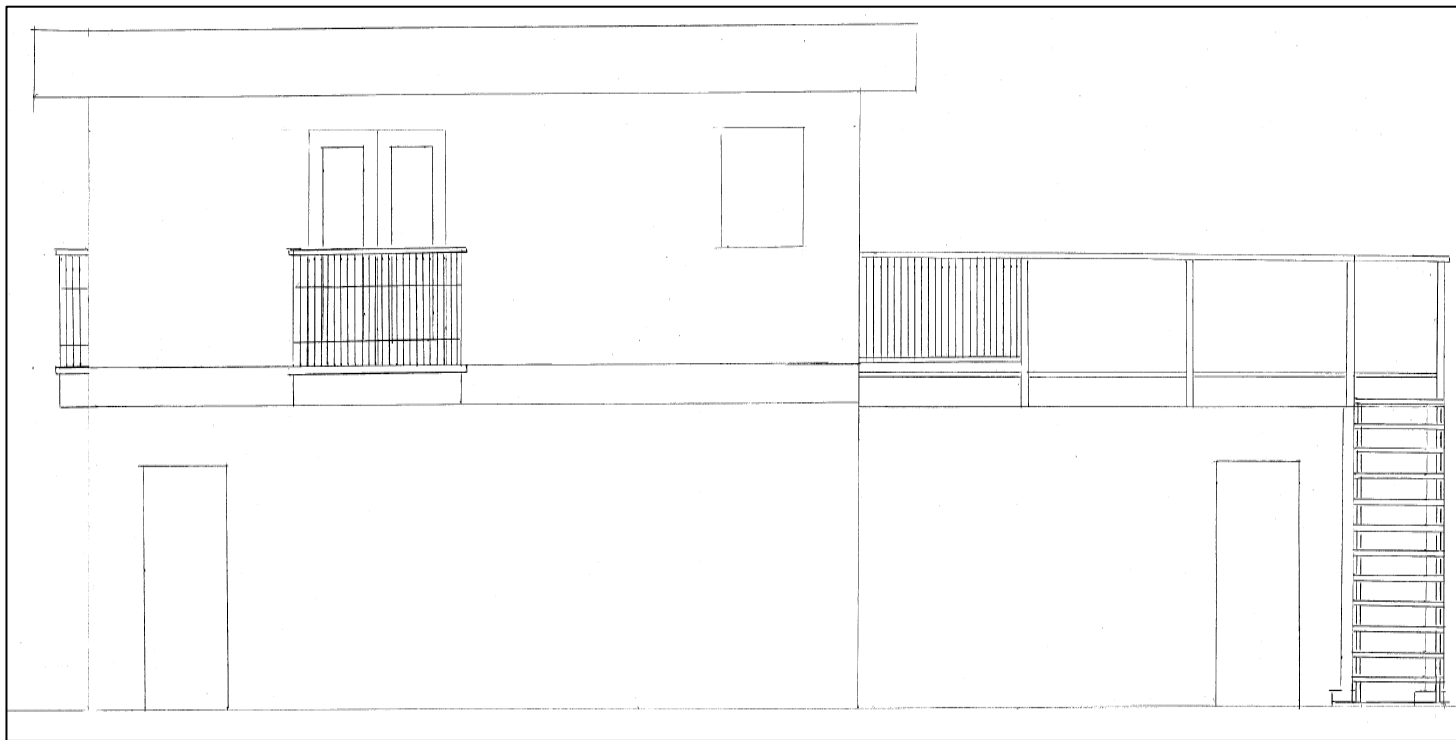


Figure 9: South Elevation

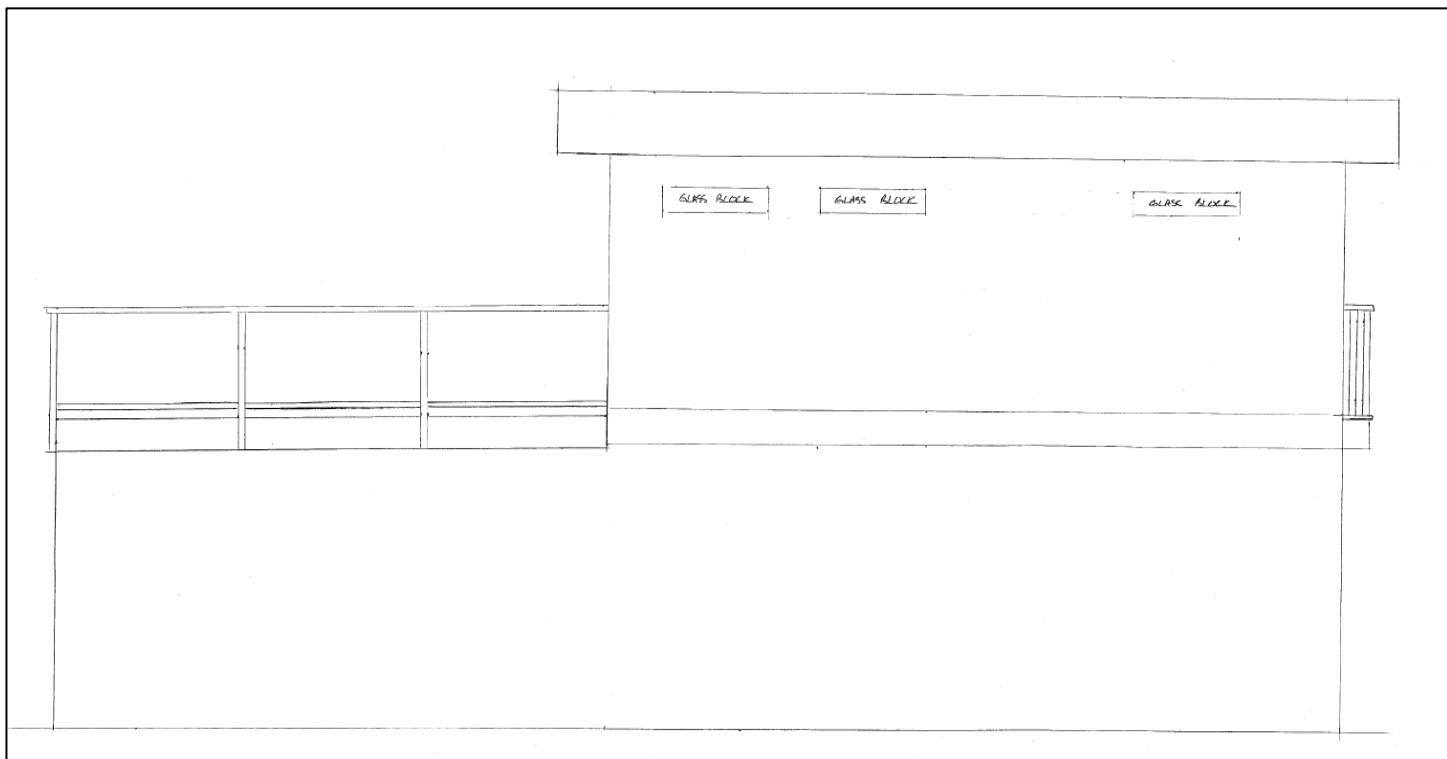


Figure 10: North Elevation

Attachment 'F' - "Development Variance Permit PL2016-7758"



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
[www.penticton.ca](http://www.penticton.ca) | [ask@penticton.ca](mailto:ask@penticton.ca)

## Development Variance Permit

**Permit Number: PL2016-7758**

Name:

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 2, District Lot 115, SDYD, Plan 14604  
Civic: 1786 Fairford Drive  
PID: 008-972-273
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2011-23 to allow for construction of a carriage house, as shown in the plans attached in Schedule 'A'.
  - Section 8.8.4.4: To increase the maximum building footprint of a carriage house from 90m<sup>2</sup> to 120m<sup>2</sup>.
  - Section 10.1.2.6.i: To decrease the north interior side yard from 1.5m to 0.92m.

### 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 \_\_\_\_\_, 2016

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016

-----  
Dana Schmidt,  
Corporate Officer

Bylaw No. 2016-69

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;

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. 2016-69".

2. Amendment:

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Add Section 10.1.3.6: "In the case of Lot 2, District Lot 115, SDYD, Plan 14604, located at 1786 Fairford Drive, a carriage house with vehicular access from a street is permitted in conjunction with a secondary suite in the principal dwelling."

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

READ A FIRST time this	6	day of	December, 2016
A PUBLIC HEARING was held this	20	day of	December, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the		day of	, 2016
Ministry of Transportation on the			
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 9 day of December, 2016 and the 14 day of December, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2016</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

Site Specific Zoning Amendment to permit a carriage house with vehicular access from a street in conjunction with a secondary suite in the principal dwelling.



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-69

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

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