

Letter of Rationale – Development Variance Permit Application Second-Level Deck (Accessory Residential Building) Residential Address: 276 Abbott Street, Penticton, BC

Bylaw Section Being Varied

This application requests a Development Variance Permit under the City of Penticton Zoning Bylaw No. 2023-08, as amended by Bylaw No. 2024-22, with respect to regulations governing second-storey deck projections into required yard setbacks for an accessory residential building.

Proposal and Context

The applicant proposes a modest second-level deck accessory to an accessory residential building, as shown on the submitted plans, located at 276 Abbott Street. The remainder of the development complies with applicable zoning regulations. The deck is intended to provide outdoor amenity space directly accessible from the primary living level of the dwelling unit.

Hardship

The accessory residential dwelling is configured with all living space located on the second storey above a ground-level garage. In the absence of the proposed deck, any outdoor amenity space would be located at grade and accessible only via an exterior staircase. This configuration is not practical for regular use and presents accessibility challenges, particularly for older occupants or individuals with mobility limitations. Strict application of the Zoning Bylaw would therefore result in a functional hardship by denying reasonable, direct-access outdoor amenity space for the dwelling. The hardship is site-specific, arises from the vertical configuration of the building, and is not self-created.

Privacy and Neighbouring Impacts

The proposed deck has been designed to minimize overlook and privacy impacts. As demonstrated in the attached photograph, the adjacent dwelling facing the proposed deck contains only small, high-level privacy windows rather than principal living-area windows. In addition, the relative building orientation and intervening yard depth prevent direct sightlines from the proposed deck into the neighbouring property's primary outdoor seating or living areas. Based on these existing conditions, no undue privacy impacts are anticipated.

Consistency with Bylaw Intent

The proposed variance is minor in nature and does not increase density, height, or massing beyond what is otherwise permitted. The deck is subordinate to the principal building and consistent with the scale and character of residential development in the area. The proposal maintains the intent of the Zoning Bylaw by balancing reasonable property use with protection of neighbour privacy.

Conclusion

The requested Development Variance Permit is considered minor in nature, addresses a legitimate hardship, and is not expected to result in adverse impacts to adjacent properties or the broader neighbourhood.



Photo 1 – Adjacent dwelling illustrating small, high-level privacy windows and absence of direct sightlines into principal living areas or outdoor seating spaces.