

Date: May 5, 2026
To: Anthony Haddad, City Manager
From: Yvonne Kent, Planner II
Address: Unit 101 & 102 – 602 Lakeshore Drive W

File No: RMS/602 Lakeshore Dr W

Subject: Development Variance Permit PL2026-10156

Staff Recommendation

THAT Council, approve “Development Variance Permit PL2026-10156”, for

- Strata Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Strata Plan EPS 11326 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 101-602 Lakeshore Drive W; and
- Strata Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Strata Plan EPS11326 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 102-602 Lakeshore Drive W

A permit to vary the following section of Zoning Bylaw No. 2024-22:

1. Section 4.7.1 to permit hot tubs to be located in a required front yard.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

The applicant is proposing to place a hot tub on the patios of unit 101 and unit 102 of the ‘Legacy on Lakeshore’ apartment building (602 Lakeshore Drive W). As per s.4.7.1 of Zoning Bylaw No. 2024-22 hot tubs are not permitted to be located within a required front yard. The required front yard on Lakeshore Drive W is 9.0 m, and the proposed hot tubs would be within this setback. As such, a

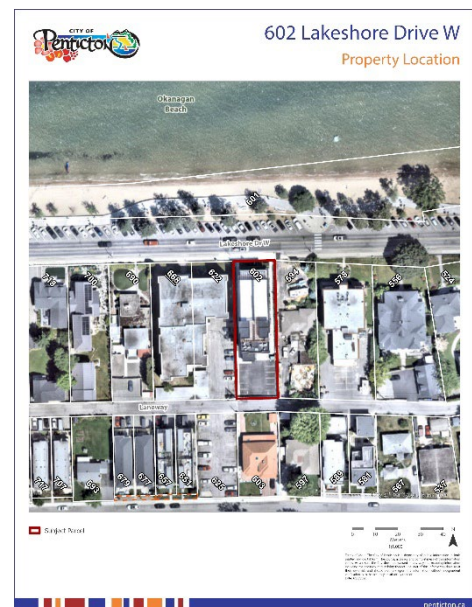


Figure 1 - Subject Property Location

Development Variance Permit application is required. The applicant has provided a Letter of Intent for the proposal and a letter of support from the Strata (Attachment D & E).

Background

The property is located on the south side of Lakeshore Drive W, is 0.28 acres (1133 m²) in size, and is occupied by a four-storey 8-unit apartment building. The property is zoned RM3 – Medium Density Multiple Housing in the Zoning Bylaw, and designated High Density Residential in the Official Community Plan (OCP). The surrounding area consists of another apartment building to the west, a single detached dwelling to the east, low density development to the south, and Okanagan Lake Park to the north.

Bylaw Enforcement

A hot tub is currently located on the patio of Unit 102. The property was subject to two bylaw noise complaints in February 2026, and two RCMP noise complaints in March 2026, due to people being in the hot tub. Through this enforcement action, it was determined the hot tub location did not meet s.4.7.1 of the Zoning Bylaw, and the owner was directed to apply for a variance to keep the hot tub in this location. The hot tub sits at approx. 4.0 m from the front property line and the required front yard setback, which a hot tub may not be in, is 9.0 m on Lakeshore Drive W.

Financial implication

The applicant is responsible for all development costs, including any service upgrades.

Analysis

Hots Tubs Prohibited in Required Front Yard

s.4.7.1 of the Zoning Bylaw prohibits swimming pools and hot tubs from being located within the required front yard. Above ground swimming pools and hot tubs are treated as accessory buildings and structures and are therefore subject to setback regulations. The setbacks are to ensure these structures are only placed in areas where impacts on the streetscape are minimized. This requirement is applicable to all properties in the City of Penticton.

Lakeshore Drive Front Yard Setback

As part of the adoption of Zoning Bylaw No. 2024-22 in June 2024, the front yard setback for the residential portion along Lakeshore Drive West increased to 9.0 meters. Typical front yard setbacks in the City are 3.0 m to 4.5 meters. This change was part of recommendations that came out of a Neighbourhood Charm Project in 2023 that looked at ways to preserve the character of the area.

Site-Specific Context

In 2022, a Development Permit for the apartment building at 602 Lakeshore Drive W was approved by Council. Construction of the apartment building also began in 2022. At the time, the required front yard setback was 3.0 m.

In 2024, Zoning Bylaw No. 2024-22 was adopted which increased the required front yard setback on Lakeshore Drive W to 9.0 m. The existing apartment building, given that it was lawfully under construction, could continue as a non-conforming building at the smaller setback.

In 2026, while the existing apartment building is non-conforming, any new additions to the lot must meet the new 9.0 m setback. A development variance permit is required for the proposed hot tubs.

Approve Development Variance Permit

Staff note that given the building was under construction before the zoning change and is non-conforming there is no ability for the hot tubs to meet the new 9.0 m setback requirement. The hot tubs would be setback 4.0 m from the property line and the setback consists of a landscaped lawn area and shrubs which help to limit the visual impact of the hot tubs on the streetscape.

Given these considerations, staff recommend Council approve the variance request.

Alternate recommendations

THAT Council, after hearing from the applicant, deny “Development Variance Permit PL2026-10156”, for

- Strata Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Strata Plan EPS11326 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 101-602 Lakeshore Drive W; and
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Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent (Applicant)
- Attachment E – Strata Letter of Support (Applicant)
- Attachment F – Draft Development Variance Permit PL2026-10156

Respectfully submitted,

Yvonne Kent
Planner II

Concurrence

General Manager of Development Services <i>BL</i>	City Manager <i>SH</i>
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