

Date: November 5, 2024
To: Anthony Haddad, City Manager
From: Gabe Tamminga, Planner I
Address: 939 Dynes Avenue

File No: RMS/939 Dynes Ave

Subject: Development Variance Permit PL2024-9799

Staff Recommendation

THAT Council approve “Development Variance Permit PL2024-9799” for Lot 26 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 929, located at 939 Dynes Avenue, a permit to vary section 10.2.2.7 of the Zoning Bylaw to reduce the interior side yard setback from 1.5m to 0.6m on the east side and 1.1m on the west side, in order to facilitate the construction of an addition to the existing single-family dwelling;

AND THAT Council direct staff to issue “Development Variance Permit PL2024-9799”.

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 construct an 18m² addition to the existing single-family dwelling at the rear of the building to provide an additional bathroom, mudroom and expand the second bedroom. As such, the applicant has requested a variance to reduce the interior side yard setback from 1.5m to 0.6m and 1.1m as the addition will follow the setbacks of the existing building.

Background

The subject property is located on the north side of Dynes Avenue with Sydney Street to the west and Alberni Street and Lakawanna Park to the east (Figure 1). The subject property is currently zoned R4-S (Small-Scale Multi-Unit Residential: Small Lot) and is designated by the Official Community Plan (OCP) as ‘High Density Residential’.



Figure 1 - Property Location Map

The property currently contains a 73m² (785 ft²) single-family dwelling that was constructed in 1950's with an addition that was constructed in 1959. The area is a mix of uses, including single family homes, multifamily developments, parks and tourist commercial properties along the lakeshore to the north. There is also a small accessory building in the rear yard.

Technical Review

The application was reviewed by the City's Technical Planning Committee (TPC). Typical requirements have been identified for the Building Permit stage of this project. These items have been communicated to the applicant.

Development Statistics

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

	R4-S Zone Requirements	Provided on Plans
Minimum Lot Width*:	9.1 m	9.15 m
Minimum Lot Area*:	280m ²	364.22 m
Required Setbacks:		
Front Yard (south):	4.5 m	6.27 m
Side Yard (west):	1.5 m	1.12 m *Variance requested
Side Yard (east):	1.5 m	0.6 m *Variance requested
Rear Yard (north):	6.0 m	20.81 m
Maximum Building Height:	11.0 m (3 storeys)	3.53 m
Lot Coverage:	50%	30%
Other Information:	*Lot Width and Lot Area are only applicable at time of subdivision.	

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether approval of the variance would have a negative impact on neighbouring properties; if there is a hardship that makes the meeting the bylaw difficult or impossible; and, if the variance request is reasonable. Staff have reviewed the requested variance to reduce the minimum interior side yard setback for the principal building from 1.5 m to 0.6 m and 1.1m and are recommending support for the following reasons:



Figure 2 - Subject Property & Building

1. *No impact on neighbouring properties*

The proposed addition is located in the rear yard of the property and maintains a similar height and roofline of the existing one storey building (Figure 2). The applicant would like to keep the form and character of the home to be reflected with this addition. This means there is no significant overlook onto neighbouring properties, and while the addition is slightly closer than the bylaw allows, the section being added is only one storey in height and will not overwhelm the neighbouring lots.

2. *Existing setback of the single-family dwelling - hardship*

The existing family dwelling was constructed in the 1950's and the design of the building has put it closer to the interior property lines than what is permitted in the current Zoning Bylaw in the R4-S zone. The applicant is intending to maintain the existing setbacks of the building to maintain the form and character of the home. Requiring the addition to meet this setback would make this addition to the home undesirable for function and style and be difficult to 'jog-in' from a construction perspective. Given this consideration, it would be a hardship to require the addition to meet the setback, by adding significant cost and loss of functionality to the addition.

Due to the hardships of the property and existing buildings not aligning with the current Zoning Bylaw regulations, this variance request has been considered by staff to be reasonable in nature. If the applicant were to follow the current setbacks, the addition would not meet the intent or purpose that they are wanting to achieve for the single-family dwelling.

Given the reasons listed above, staff consider this variance request reasonable. As such, staff are recommending that Council approve the variance and direct staff to issue the permit.

Should Council approve the variance, the applicant would be allowed to continue to apply for a Building Permit which is required prior to construction of the addition.

Alternate recommendations

Council may consider the requested variance is undesirable and that applicants should build within the Zoning Bylaw regulation. If this is the case, Council should deny "Development Variance Permit PL2024-9799". If this decision is made, the applicant would need to update their plans to meet the current Zoning Bylaw. Staff are recommending against this option, as the requested variance is reasonable in this instance.

1. THAT Council deny "Development Variance Permit PL2024-9799".

Attachments

- Attachment A – Zoning Bylaw Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Draft Development Variance Permit PL2024-9799

Respectfully submitted,

Gabe Tamminga
Planner I

Concurrence

Director of Development Services BL	City Manager AH
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