

PROPERTY DESCRIPTION:

Civic address: 1005 Moorpark Dr, Penticton, B.C. V2A 8X5

Legal Description

Lot: Plan: Block: District Lot: Section: Township:

Current Zoning: SH6 OCP designation:

Current land use:
ResidentialSurrounding land uses:
ResidentialCurrent method of sewerage disposal: Community Sewer Septic Tank OtherCurrent method of water supply: Community Water Well OtherAny restrictive covenants registered on the subject property: Yes (if yes, provide details) NoAny registered easements or rights-of-ways over the subject property: Yes (if yes, provide details) NoDoes the subject property possess a legal road access: Yes No (if no, provide details)Agricultural Land Reserve: Yes NoRiparian Area: Yes NoEnvironmentally Sensitive: Yes NoMoT Approval: Yes No
(required for setbacks within 4.5 metres of a road reserve)**DEVELOPMENT INFORMATION:**

Provide a description of the proposed development (please attach as a separate sheet, as required):

Current detached garage is Legal Non-conforming. Garage is currently 5.22m from the front property line and 4.29m from the side property line. Propose to attach the garage to the house and add a second floor to the garage that extends onto the north end of the house. Additionally add a covered parking area (car port) on the south side of the garage. There would be no increase in the garage footprint keeping the current setbacks the same. Covered parking would be 2.16m from the front side setback. The addition required to connect the house to the garage would all conform to the setback rules.

REQUESTED VARIANCE(S):

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

1. Bylaw (Include No.): 2461 Section: 10.9.6

Proposed variance: Allow the addition of a 2nd floor and connection to the main house of a Legal non-conforming building. Currently sits 5.22m from the front property line and 4.29 m from the north side property line.

2. Bylaw (Include No.): 2461 Section: 10.9.6

Proposed variance: Allow the addition of a carport to the south of the current garage over current driveway/parking. This will bring the south west corner of the carport 2.16 m from the front property setback.

SUPPORTING RATIONALE:

All new development should meet the Regional District's applicable bylaw standards. A variance is considered only as a last resort. An application for a development variance permit should meet most, if not all, of the following criteria, in order to be considered for approval (please attach as a separate sheet, as required).

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria:

The variance is requested to add a second floor onto a structure that already exists and has been deemed Legal non-conforming. We have a very difficult lot shape (triangle) that leaves us very little option relative the the original siting of the house/detached garage. In the proposal it is only the south west corner of the carport that would come closer to the front property line setback. The current structures are significantly lower than the road grade allowing the carport be unobtrusive when viewed from the road. Further, there is a plan for a cedar hedge along the front property line that will further disguise the carport.

2. The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

There would be no impact on adjacent properties. The current structures are significantly below the grade of the road and the height of the proposed 2nd story is well under the allowed structure height. The proposed covered parking is over the current driveway/parking space, is below the road grade and will be diquised by a cedar hedge along the front property line.

3. The variance should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

1005 Moorpark Drive has a very difficult lot shape (triangle) limiting most options for siting while maintaining the required setbacks. The current structures are sited paralll to the north property line and are virtually at the allowed side setback distance. The front property line is at an acute angle heading towards the south. Because the current structures are on the north side property setback, the only expansion can be to the south or up. Any expansion to the south brings the building closer to the front property line setback because of the acute angle of front property line relative to the north property line. The proposal to connect the garage to the house and then add a second story to the garage that extends over the north end of the house allows expansion but keeps the current siting of the building the same as today. Although the addition of a low roof open covered parking extending to the south from the current garage brings the structure closer to the front property line setback, it is covering the existing driveway/parking, is low relative to the road (current garage is significantly lower than the road grade)and would have no impact to other properties. A cedar hedge is planned along the front property line further hiding the proposed carport from view from the road. This solution allows the expansion of the house with minimal impact on the property setback

4. The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

Because of the triangle shape of the property and the front property being at an acute angle relative to the current structures/north property line, the solution proposed is the only option available. All other ways to expand the property encroach further on setbacks.

5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

The proposed additions have no impact to the natural site characteristics or environmental qualities of the property. Connection of the house to the garage and adding the second floor does not change the footprint of the house relative to the setbacks. The area where the house will be connected to the garage is currently a cement pad/walkway. Adding the covered carport to the south of the garage is over the current driveway/parking and will be barely visible to the road once the planned cedar hedge grows in height.
