

**PROPERTY DESCRIPTION:**

Civic address: 134, 135, 136 Clearview Crescent

Legal Description (e.g. Lot, Plan No. and District Lot):

Lot 12, Plan KAP 65691, District Lot 3955 Similkameen Div. of Yale Land Dist.

Current land use:

Bare land

Surrounding land uses:

Low Density Residential

**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.

Zoning Bylaw: 16.7 Low Density Residential Apex Duplex (RD2) Zone

Section No.: 16.7.5 Minimum Set backs

Current regulation: Front Parcel line : 7.5 meters  
Rear Parcel line : 7.5 meters  
Interior Side Parcel line : 3.0 meters

Proposed variance: Front Parcel line : 3.83 meters  
Rear Parcel line : 3.79 meters

Section No.: Side Parcel line : 2.07 meters

Current regulation: Maximum Parcel Coverage : 45%

Proposed variance: Lot Coverage - 49.8%

**DEVELOPMENT INFORMATION:**

Please provide a general description of the proposed development:  
(e.g. "to allow for an addition over an existing garage")

Construct A duplex with suites and adequate parking.  
We would like to build decks for the duplex.

**SUPPORTING RATIONALE:**

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *is the proposed variance addressing a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

Our variance application pertaining to the setbacks is based on the shape of our lot as it is not square, and therefore is difficult to maintain setback requirements and still maintain equally spaced units, all while providing adequate space for snow removal and parking for all four units. We are two families that will be spending considerable time at Apex, maximizing our allowable parcel coverage is important, as well as providing suites with adequate living space for other guests visiting Apex Mountain Resort. As the lot is approved for Duplex with Suites, it is a requirement to provide the parking associated with the suites. The setback variance will not affect neighbouring properties, nor will it create distress along Clearview Crescent for street side parking or roadway snow removal. The setbacks, snow storage, and parking were all discussed at the RDOS meeting approving our application for the rezoning to Duplex with Suites. There is a large multi-unit building beside our lot already, and a duplex lot on the other side. We believe our variance request is consistent with the general use of this zoned property and will not unduly impact the character of the surrounding neighbourhood.

The proposed variance pertaining to the allowable parcel coverage is based on adding decks to the upper units that overhang over the parking areas. We had originally included decks when we first started to design the building in 2021 before decks were included as parcel coverage. Since the change in the bylaw, the decks pushed the coverage over the allowable limit. Since our families intend on utilizing our properties all 4 seasons, decks would be beneficial in allowing us to enjoy the outdoors in many ways. The decks overhang the parking areas below and would not negatively effect Clearview Crescent, nor would it unduly impact the character of the surrounding neighbourhood as most neighbouring properties have decks.