

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: March 8, 2022
RE: Temporary Use Permit – Electoral Area “D”

Purpose: To allow for a vacation rental use and a covered porch on an accessory building **Folio:** D-06788.480

Civic: 2149 Carmi Road **Legal:** Lot 18, PlanKAP31786, District Lot 2710, SDYD

OCP: Large Holdings (LH) **Zone:** Site Specific Large Holdings One (LH1s)

Proposed Development:

The applicant is proposing to construct an accessory dwelling and an accessory structure (storage building) on the subject property and is seeking the following temporary approvals:

- to allow for the use of the accessory dwelling to be in the form of two (2) vacation rental units, each comprising a single bedroom, bathroom and limited kitchen space (fridge, sink, dishwasher, etc.); and
- to allow for the residential use of the accessory structure in order that a covered deck may be incorporated into the design.

In support of this proposal, the applicant has stated:

We will be on-site at all times during the rental period to supervise. We are aware of the May 1st to October 31st restriction on the timeline for rental, and that this permit will only be issued for one season, at the end of which we will need to apply for a renewal.... The south building is an Accessory Building consisting of two rooms, and one bathroom, no sleeping and no cooking facilities... The intent of this accessory building is to house all of the mechanical systems...electrical panels and washer and dryer units – so that they do not intrude on the space of the vacation rental units. The second room in the accessory building will remain empty and will be used as a yoga studio for our personal use.

Site Context:

The subject property is approximately 4.0 ha in area and is situated on the south side of Carmi Road approximately 795 metres from the boundary with the City of Penticton. It is understood that the parcel is comprised of a single detached dwelling, swimming pool, accessory structure and vacant land.

The surrounding pattern of development is generally characterised by similarly sized residential parcels.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on April 7, 1981, while available Regional District records indicate that a building permits for a single family dwelling (SFD) (1989), permit renewal to complete SFD (1997), workshed/garage (2002), home addition (2004), and a swimming pool (2007).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Large Holdings (LH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area and Hillside Development Permit (HDP) Area designation.

Section 23 of Electoral Area “D” OCP Bylaw contains criteria in evaluating a temporary use permit application. Section 23.2.5 and 23.2.6 specify conditions for temporary use permits and short-term vacation rentals respectively.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Site Specific Large Holdings One (LH1s) which permits one (1) accessory dwelling as a secondary use.

BC Assessment has classified the property as “Residential” (Class 01).

Analysis:

In considering this proposal, Administration is concerned that allowing buildings other than the main house to be used for guest accommodation breaks the nexus between a dwelling unit and the accommodation unit as well as the original intent of allowing “vacation rentals” to be considered in a residential neighbourhood.

Namely, that a “vacation rental” means “the use of a residential dwelling unit [emphasis added] for the temporary commercial accommodation of paying guests for a period of less than one month.”

By limiting “vacation rental” uses to the occasional use of a residential dwelling unit (i.e. the dwelling is still to be used for residential purposes for a majority – 50% + 1 day – of the year), the predominant character of a neighbourhood would remain residential.

By allowing tourist accommodation units to be created in the form proposed is seen to be akin to permitting a small-scale boutique motel to be established on the property.

Administration is further concerned that this proposal is not in the spirit of the current density regulations that apply in Upper Carmi; namely a maximum of one (1) accessory dwelling per parcel.

The introduction of two separate tourist accommodation units is also not consistent with the rural-residential character of the Upper Carmi area, while Administration has concerns regarding intended use of the storage building based on the request for a covered deck (addressed below)

Conversely, Administration is aware that the Board has previously supported innovative tourist accommodation proposals in the Upper Carmi area and that the current proposal will cater to those visitors to the area seeking a unique experience.

Covered Deck

Given the near identical floor plans for the proposed dwelling unit/tourist accommodation units and the proposed storage building, Administration is concerned that request for a covered deck to be constructed on this building is to facilitate its residential occupation.

This would not be a concern if the permitted density for the parcel was not already being maximized with the development of the “accessory dwelling” to house the 2 tourist accommodation units.

Restricting covered decks from being constructed on an accessory structure is to ensure that these buildings are not converted into separate residential units or guest suites.

To discourage the conversion of the storage building to a residential use, Administration does not support permitting a covered deck.

Summary:

In summary, given the overall objective for the Upper Carmi area is to maintain and enhance rural character, and that this is done by limiting residential densities and the range of commercial tourist uses that may occur, Administration does not support the requested TUP.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

Respectfully submitted:

Fiona Titley

Fiona Titley, Planner I

Endorsed By:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – Applicant’s Floor Plan

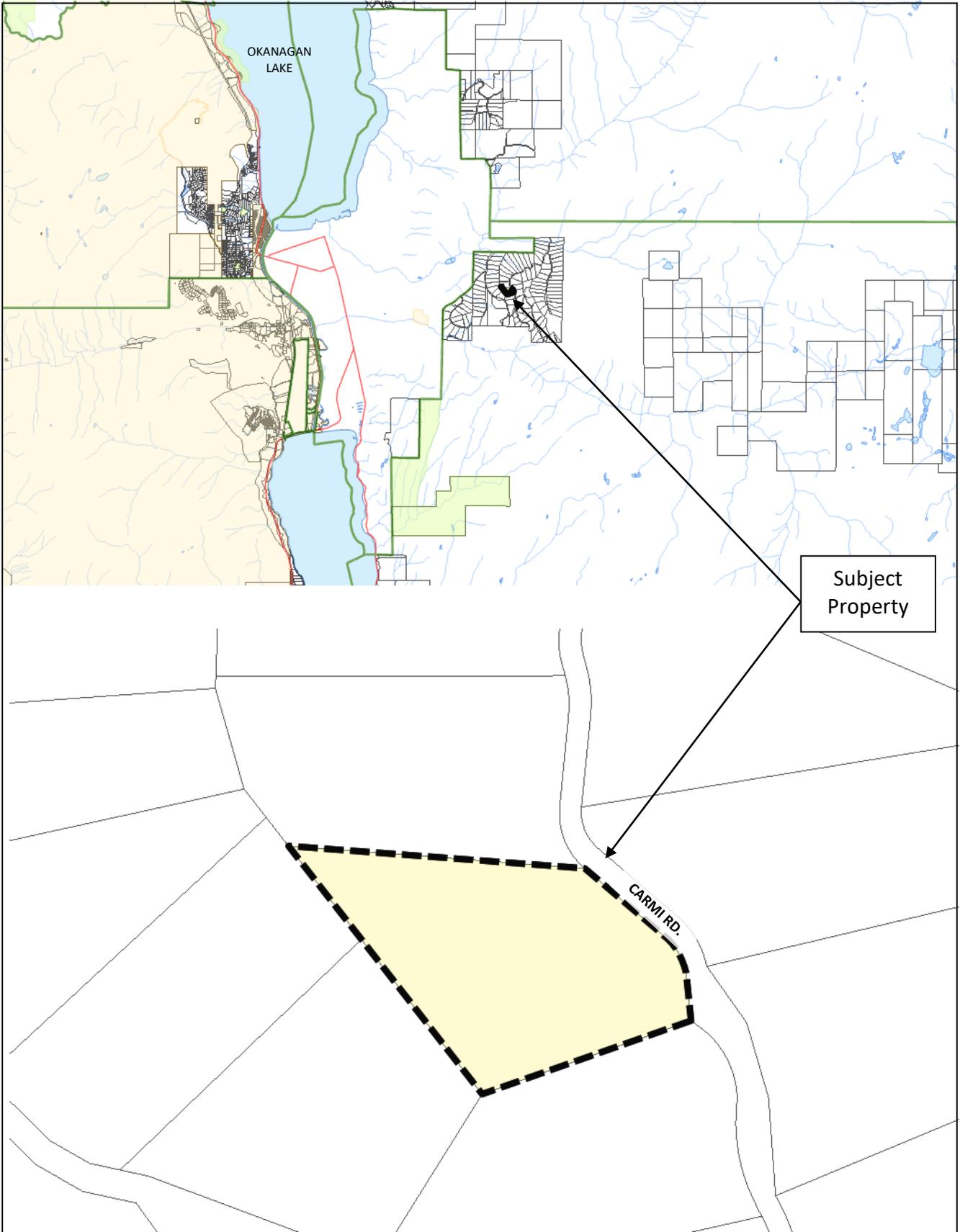
No. 4 – Applicant’s Foundation Plan

No. 5 – Applicant’s Building Elevations

No. 6 – Applicant’s Building Elevations Continued

No. 7 – Site Photo

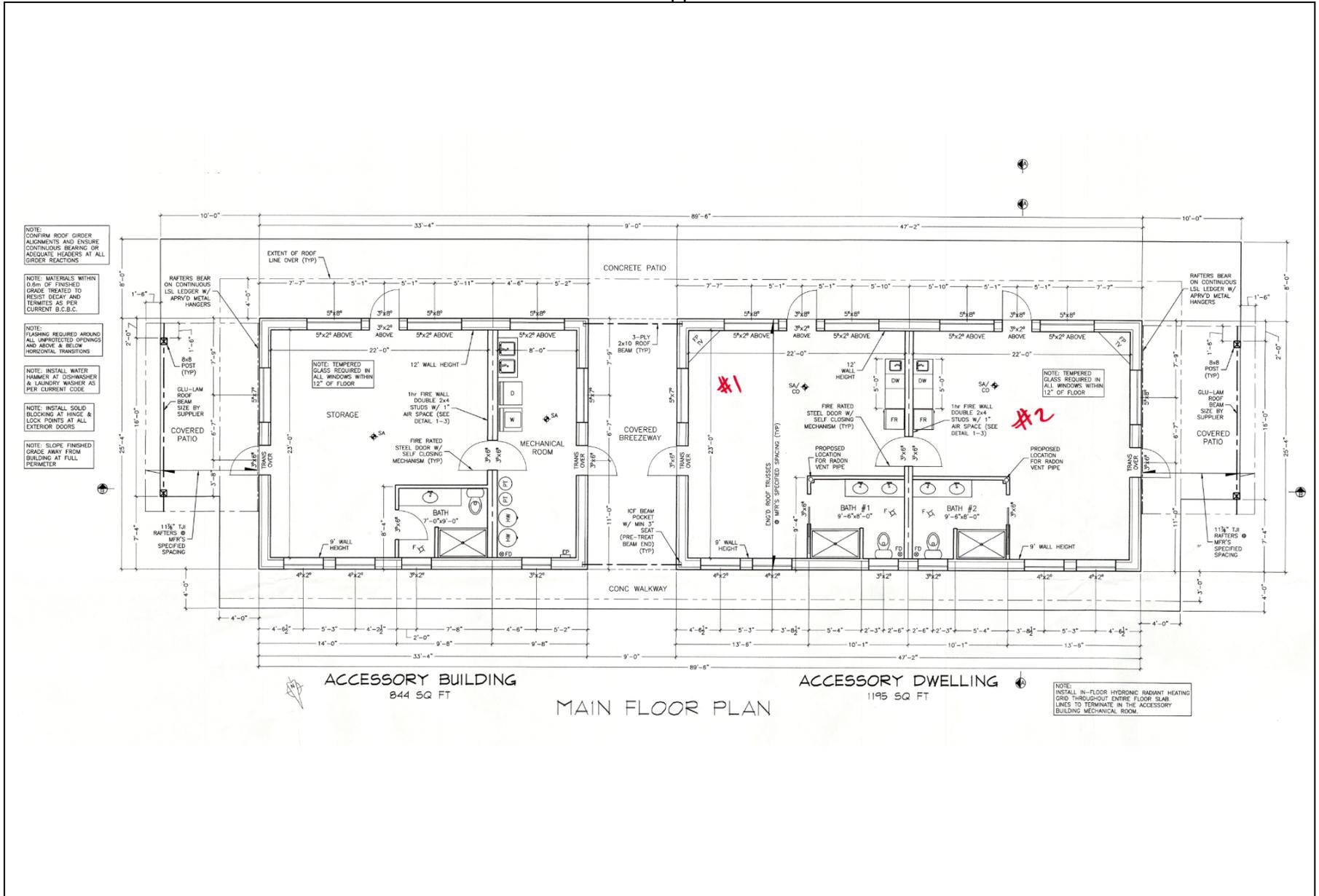
Attachment No. 1 – Context Maps



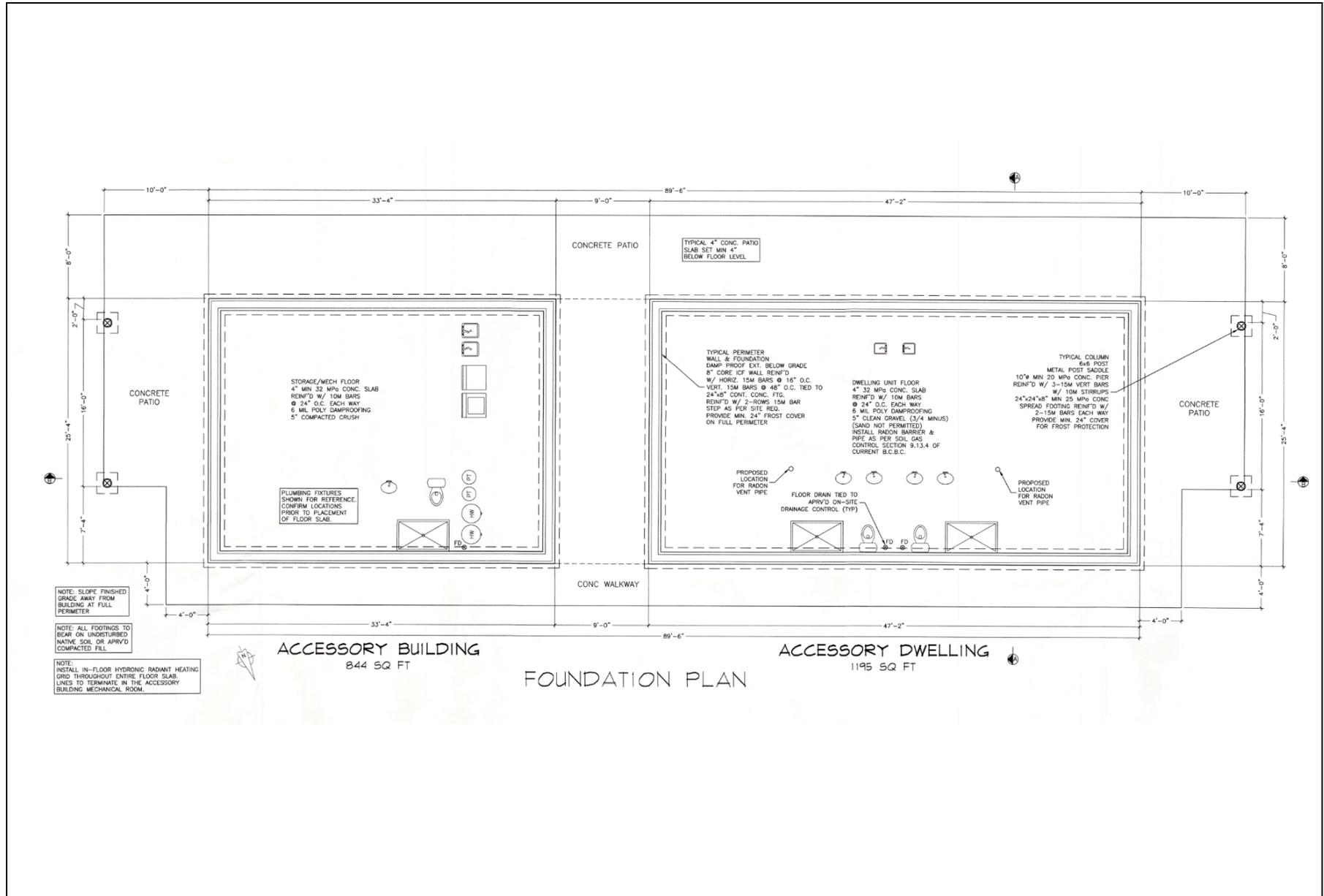
Attachment No. 2 – Applicant’s Site Plan



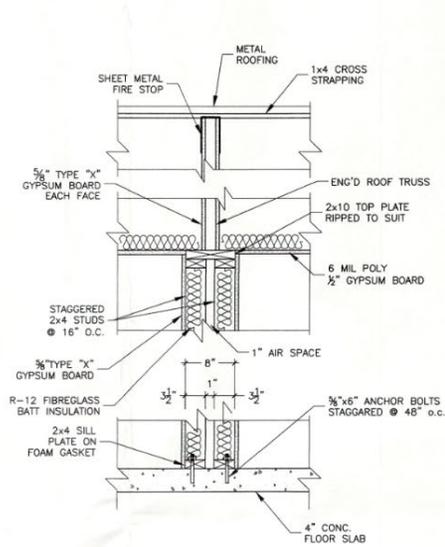
Attachment No. 3 – Applicant's Floor Plan



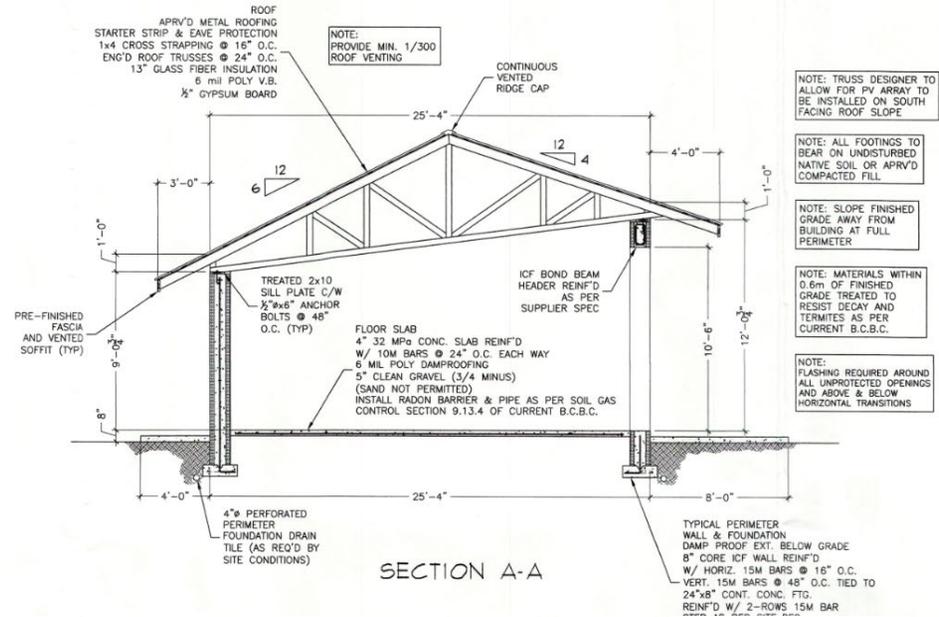
Attachment No. 4 – Applicant's Foundation Plan



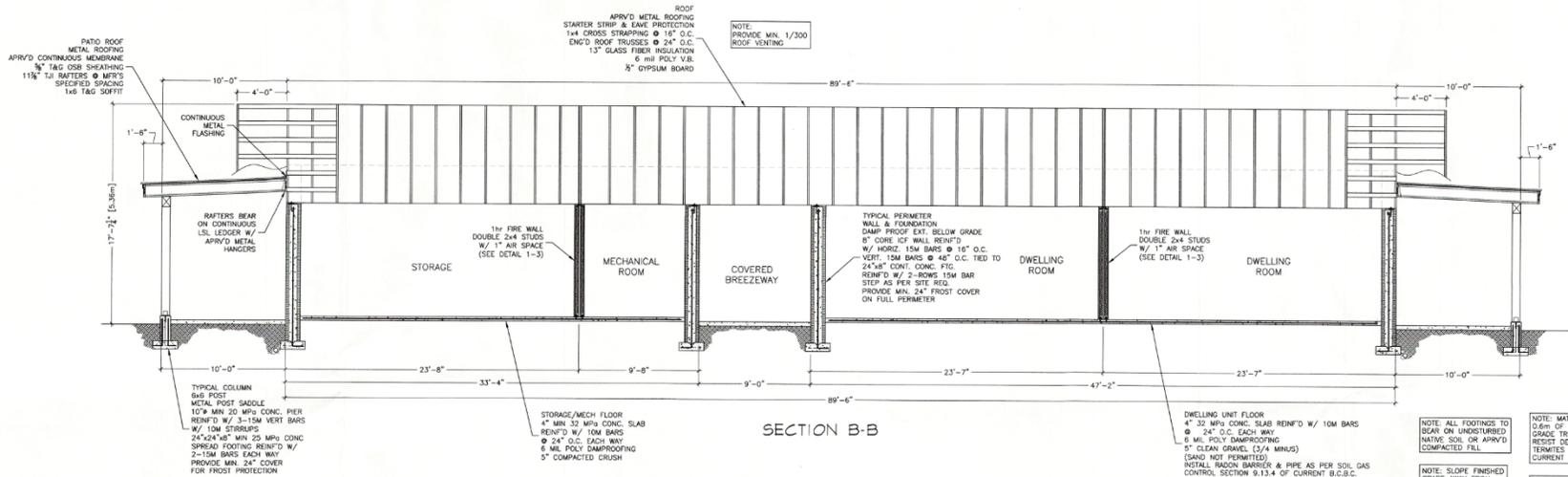
Attachment No. 5 – Applicant's Elevation Plans



DETAIL 1-3
SEPARATION WALL
SCALE 1/2" = 1'

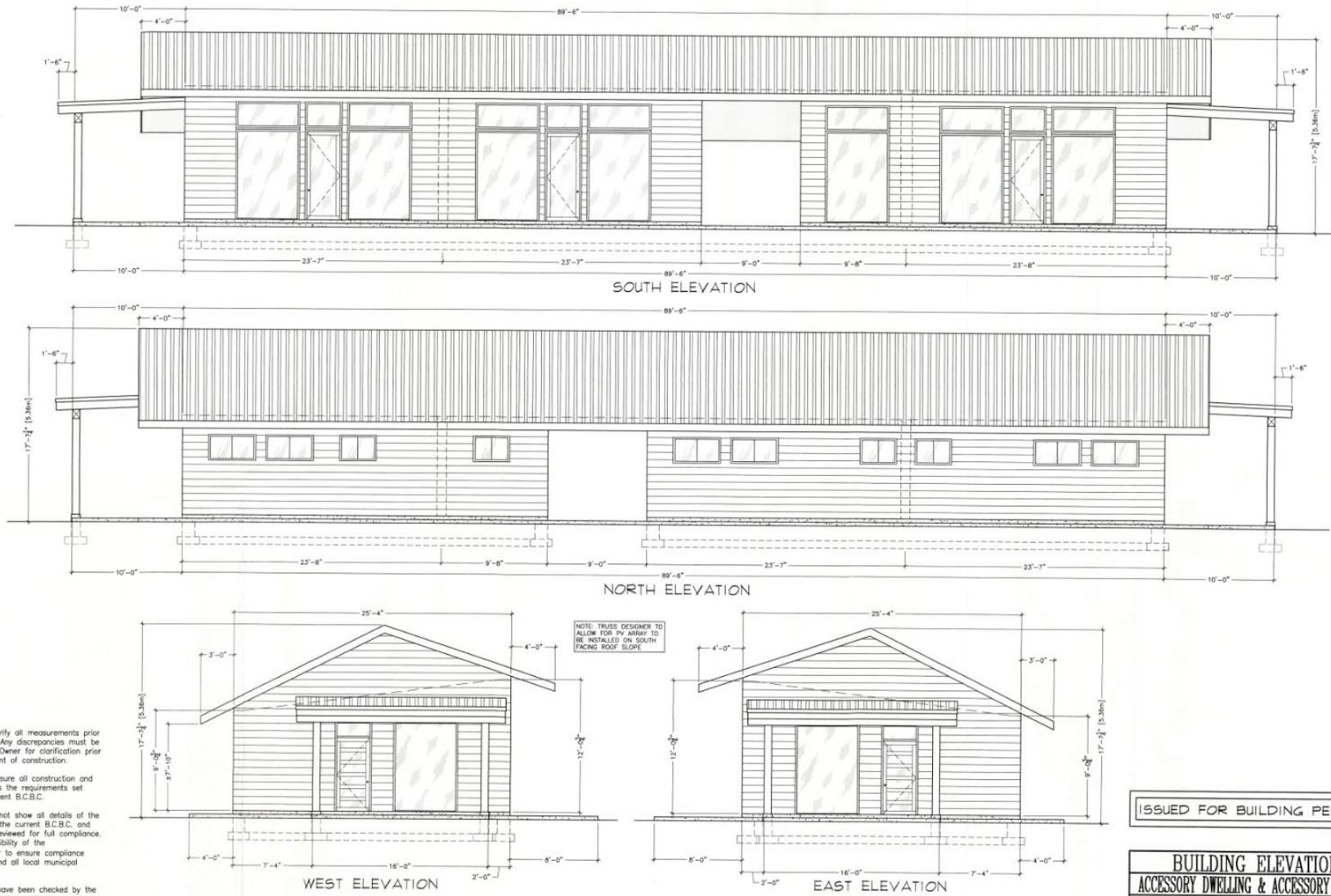


SECTION A-A



SECTION B-B

Attachment No. 6 – Applicant’s Elevation Plans Continued



NOTES
 Contractor to verify all measurements prior to construction. Any discrepancies must be reported to the Owner for clarification prior to commencement of construction.
 Contractor to ensure all construction and installation meets the requirements set forth in the current B.C.B.C.
 These plans do not show all details of the requirements of the current B.C.B.C. and have not been reviewed for full compliance. It is the responsibility of the Owner/Contractor to ensure compliance with the Code and all local municipal bylaws.
 These drawings have been checked by the Owner/Contractor. Aztech Drafting holds no responsibility for any errors or omissions related to design or otherwise.
 Refer to accompanying sheet for additional notes.

NOTE: TRUSS DESIGNER TO ALLOW FOR PV ARRAY TO BE INSTALLED ON SOUTH FACING ROOF SLOPE

ISSUED FOR BUILDING PERMIT

BUILDING ELEVATIONS
 ACCESSORY DWELLING & ACCESSORY BUILDING
 2149 CARMIL ROAD
 PENTICTON BC

AZTECH DRAFTING SERVICES
 496 Van Horne St. Penticton, B.C.
 Phone: 250-492-3344 e-mail: service@aztechdrafting.com

NO.	DATE	DRAWN	CHECKED	DESCRIPTION

DRAWN BY: MSW	DATE: JULY 27/21
DESIGN BY:	PROJECT No.: 211995
CHECKED BY:	FILE No.:
SCALE: 1/8"=1'	SHEET NO. 5 OF 8

Attachment No. 7 – Site Photo



Picture from Carmi Road Looking West at the garage on the property. The proposed dwellings will be located North West of the garage