

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: January 7, 2021
RE: Zoning Bylaw Amendment – Electoral Area “1”

Administrative Recommendation:

THAT Bylaw No. 2457.35, 2020, Electoral Area “1” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of February 4, 2021;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Purpose: To subdivide an existing duplex in order to create two bare land strata lots.

Owners: Carlos & Rafael Sola Agent: Sharon Sola Folio: I-02807.864

Legal: Strata Lot 8, Plan KAS3172, DL 395S, SDYD Civic: 165 Snow Mountain Place, Apex

OCP: Low Density Residential (LR) Proposed OCP: Low Density Residential (LR)

Zone: Low Density Residential Duplex Apex (RD2) Proposed Zoning: Site Specific Low Density Residential Duplex Apex (RD2s)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to subdivide existing duplex to create two bare land strata lots.

In order to accomplish this, the applicant is proposing to amend the zoning of the property under Electoral Area “1” Zoning Bylaw No. 2457, 2020, from Low Density Residential Duplex Apex (RD2) to Site Specific Low Density Residential Duplex Apex (RD2s). The site specific regulation will allow for the creation of two strata lots of sizes 236 m² and 281 m², whereas the minimum parcel size under existing RD2 zone requires 300 m².

In support of the rezoning, the applicant has stated “We are looking to create separate title for each duplex unit for mortgage purposes. We have paid snow removal including the driveways of each unit”

Site Context:

The subject property is approximately 518 m² in area and is situated on the south side of Snow Mountain Place. It is understood that the parcel is comprised of a recently built (2017) duplex dwelling.

The surrounding pattern of development is generally characterised by similarly sized low-density residential parcels that are currently vacant and area allowed duplex dwellings.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 29, 2007, while available Regional District records indicate that a building permit for a duplex dwelling (2017).

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016 the subject property is currently designated Low Density (LR).

Under the Electoral Area “I” Zoning Bylaw No. 2457, 2008, the property is currently zoned Low Density Residential Duplex Apex (RD2) which allows for duplex dwellings and minimum parcel size of 300 m², for the purpose of subdivision of duplexes into their individual units.

The subject parcel was created from a subdivision and zoning at the time (RMU) allowed for parcel size of 505 m² for single detached and duplex dwellings. Subsequently, in 2015 the RMU zone was amended to reflect RM3 zone (Bylaw 2457.14, 2015) which allowed duplex dwellings with a minimum parcel size of 1,000 m².

In 2016, during Electoral Area “I” OCP Bylaw review, both the OCP and Zoning Bylaw were amended to update a number of residential zones at the Apex Mountain and resulted in creation of RD2 zone, which was improvement over the previous (RMU and RM3) zones, both of which required a significant land area for strata subdivision of a duplex compared to existing RD2 zone.

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

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 67 have been made aware of the proposed amendment bylaw.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Public Process:

On December 16, 2020, a Public Information Meeting (PIM) was held electronically and was attended by no members of the public.

At its meeting of December 16th, 2020, the Electoral Area “I” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In considering this proposal, Administration notes that both the duplexes already exist, are serviced by community water and sewer system, and are within Apex Rural Growth Area – making it the type of location that the Regional District is seeking to encourage appropriate infill types of development.

The low-density residential designation includes number of land uses compatible with the low-density character of a neighbourhood and includes duplexes – making the subject proposal consistent with the OCP Bylaw.

Administration also notes that the subject proposal to create a bare land strata within a bare land strata is consistent with the policies contained in OCP Plan (Section 11.3.1) that directs development of new housing to previously approved residential subdivisions within identified Growth Area, and to consider residential infill development to maximize the land use and servicing efficiencies

While reviewing a zoning amendment, Administration will consider the proposed “use” and “density” and its impact on the neighbourhood. In this instance, the use (duplex) remains the same however, the proposal does not meet the minimum parcel size requirement (density provision) associated with RD2 and requires zoning amendment, to facilitate the subdivision.

Further, Administration does not anticipate that the existing duplexes upon subdivision will, in any way, generate non-conformity with other provisions of the zoning bylaw (i.e. parking provisions and parcel coverage).

Of note, there is a concern regarding the visual separation (setbacks) between individual duplexes. Currently, both duplexes share a common party wall. However, Administration acknowledges that the setback provisions of the Zoning Bylaw apply only to the parcel lines on the perimeter of the parcel and not to internal parcel lines for strata lots under a registered plan pursuant to Provincial regulations.

Conversely, Administration recognises that it is not generally considered good planning practice to allow “spot zoning”. “Spot zoning” is a non-comprehensive approach to zoning that introduces discrepancies between permitted uses within a specific area and extends a benefit to one parcel that is not available to other parcels in the same zone.

Further, during the Apex Zone Review, the size of duplex parcels at Apex were increased to ensure additional land area was being provided for snow storage. There is a concern to reducing the size of the parcel and limiting the land availability for snow storage. However, the requirement for on-site snow storage provision is triggered under current conditions (i.e. when a parcel contains four or more outdoor parking spaces) and this requirement would nullify upon subdivision (as each parcel will contain only two parking spaces).

Summary:

In summary, Administration generally supports the proposed Zoning Bylaw amendment.

Alternatives:

1. THAT Bylaw No. 2457.35, 2020, Electoral Area “I” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

2. THAT Bylaw No. 2457.35, 2020, Electoral Area "I" Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2457.35, 2020, Electoral Area "I" Zoning Amendment Bylaw be, be denied.

Respectfully submitted:

R. Gadoya

Rushi Gadoya, Planning Technician

Endorsed By:



C. Garrish, Planning Manager

- Attachments: No. 1 – Applicant’s Site Plan
No. 2 – Applicant’s Floor Plans
No. 3 – Applicant’s Floor Plans
No. 4 – Site Photo
No. 5 – Site Photo

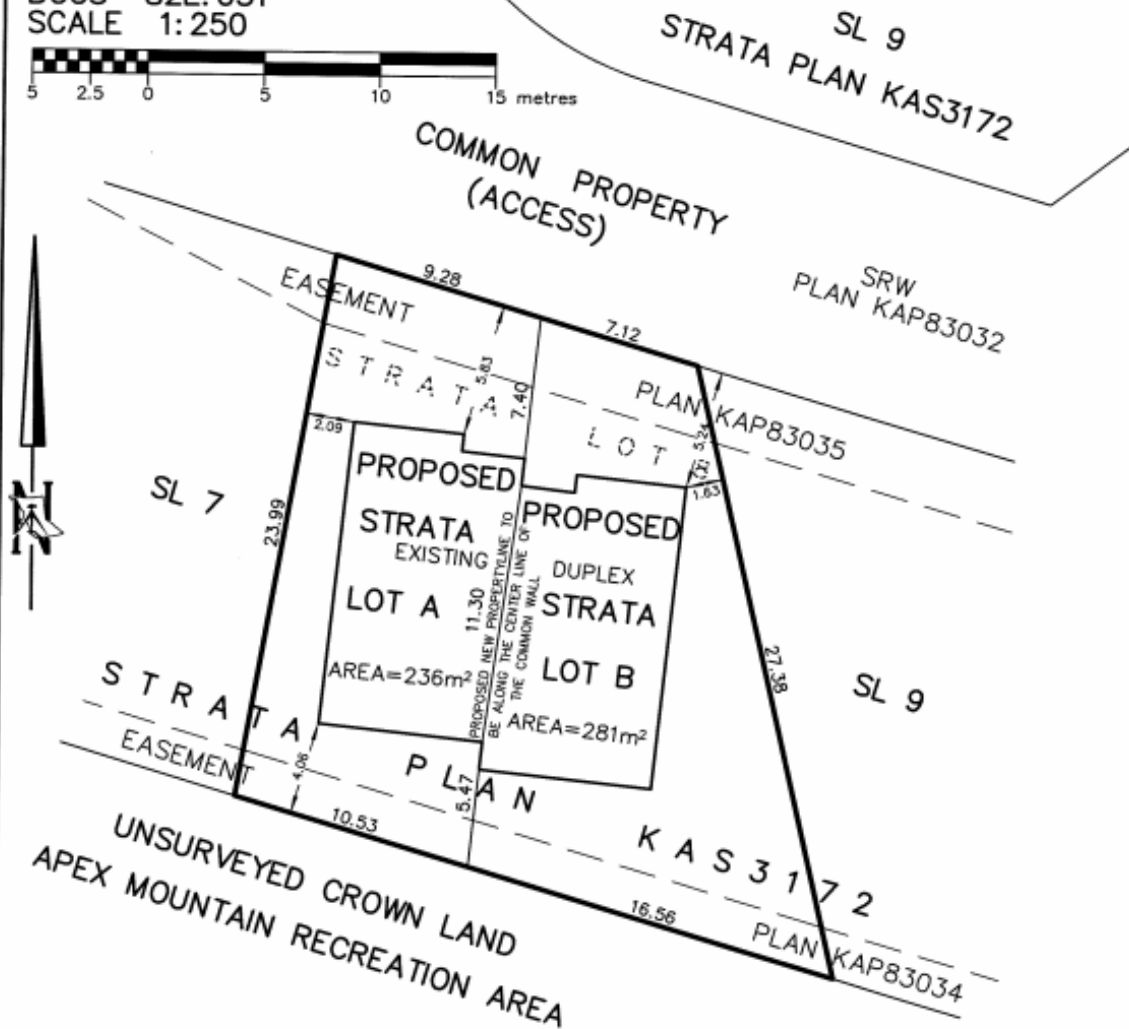
Attachment No. 1 – Applicant’s Site Plan

SKETCH PLAN TO ACCOMPANY A REZONING AND SUBDIVISION APPLICATION OF STRATA LOT 8, PLAN KAS3172, DL 395s, SDYD

CIVIC ADDRESS: 165 SNOW MOUNTAIN PLACE, APEX MOUNTAIN, PENTICTON, BC.

BCGS 82E.031

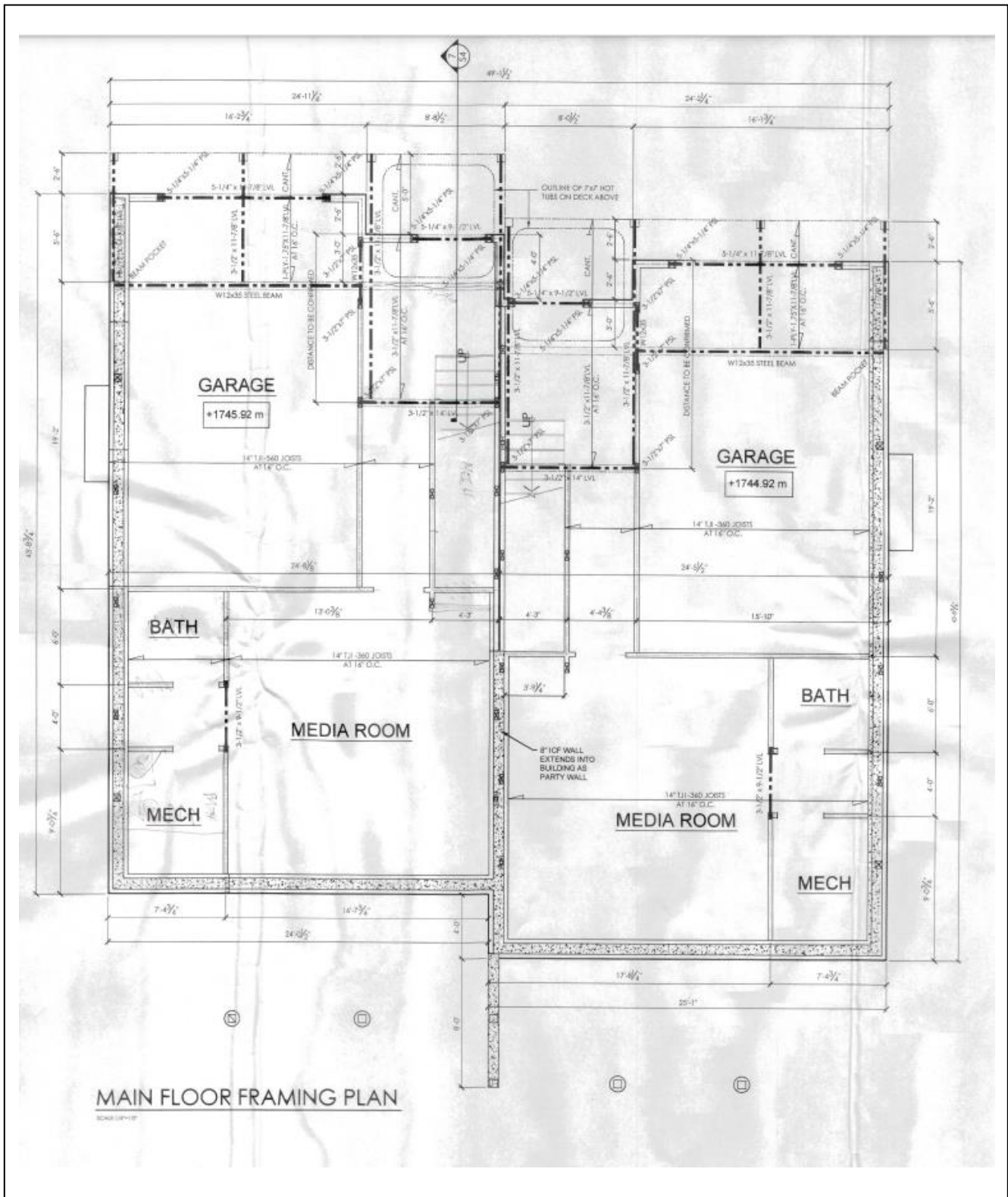
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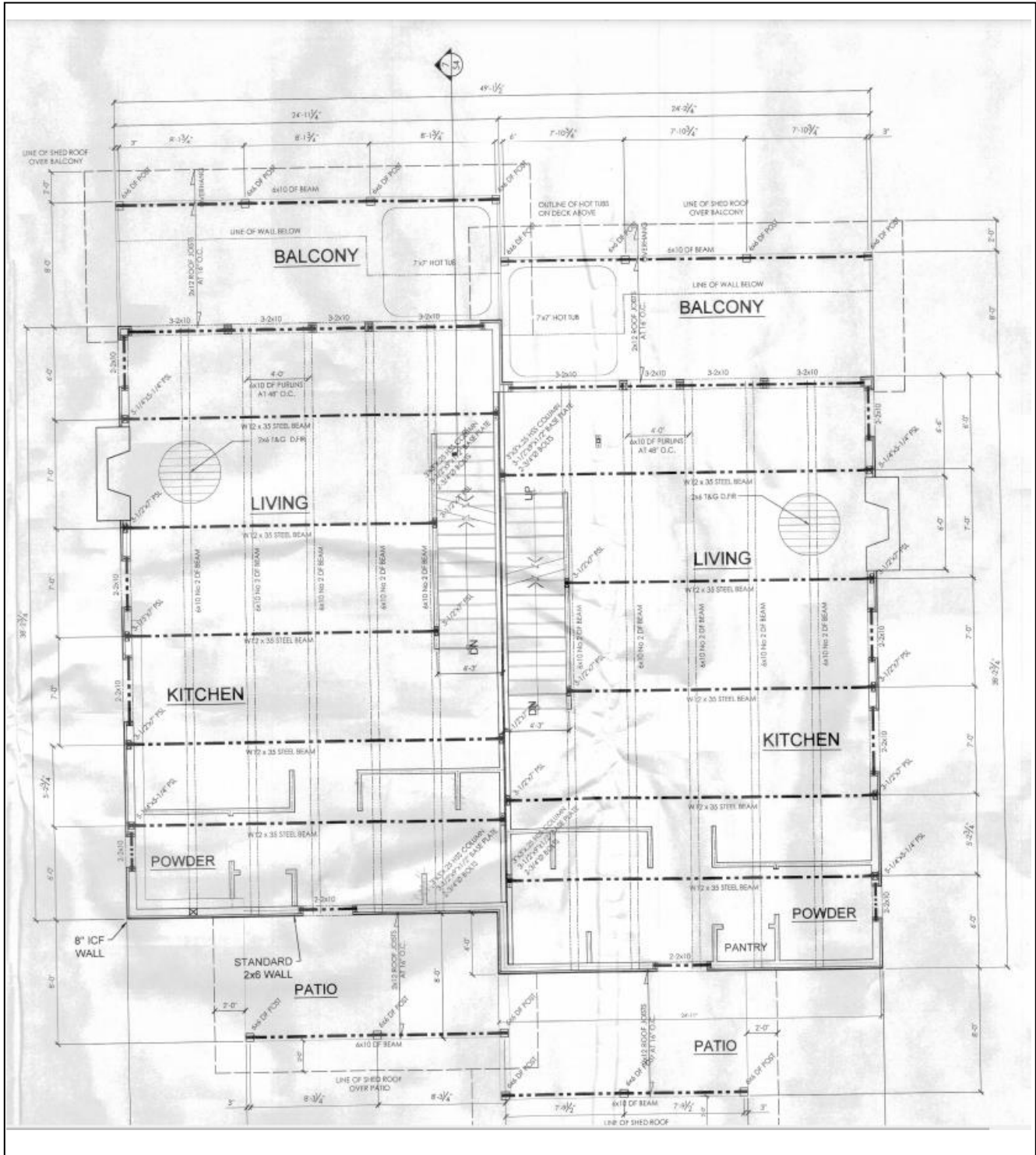
PREPARED THIS 19th DAY OF NOVEMBER, 2020.

STEVEN J. BUZIKIEVICH
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FILE 20-123
DWG. 20-123A

Attachment No. 2 – Applicant’s Floor Plans



Attachment No. 3 – Applicant’s Floor Plans



Attachment No. 4 – Site Photo



Attachment No. 5 – Site Photo

