
Under the Electoral Area “1” 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 (2007) 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 “1” OCP Bylaw review, both the OCP and Zoning Bylaw were amended to update a number of residential zones at the Apex Mountain which resulted in creation of RD2 zone, an 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).

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.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

Options:

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

Respectfully submitted:

R. Gadoya

Rushi Gadoya, Planning Technician

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 3 – Applicant’s Floor Plans

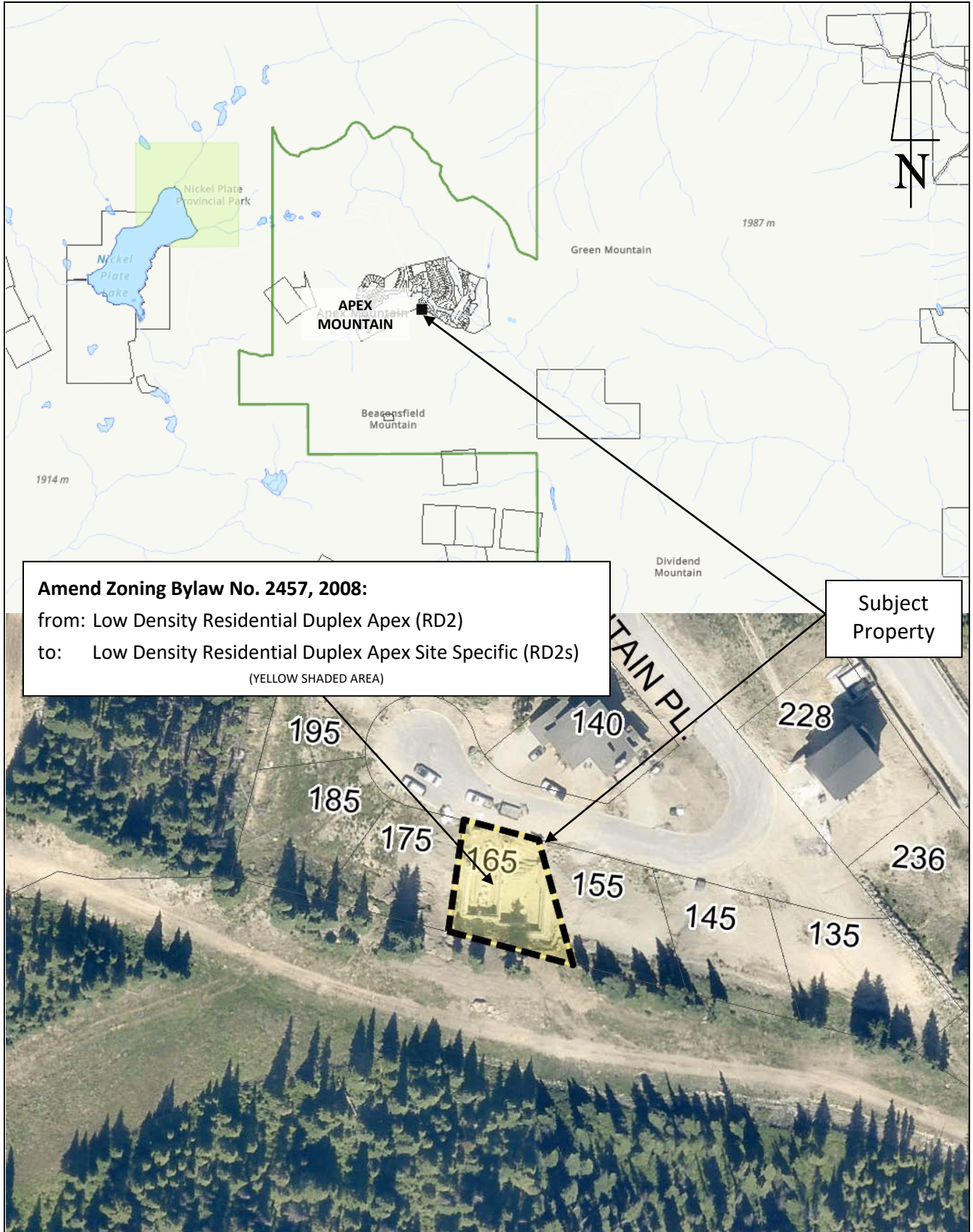
No. 5 – Site Photo

No. 2 – Applicant’s Site Plan

No. 4 – Applicant’s Floor Plans

No. 6 – Site Photo

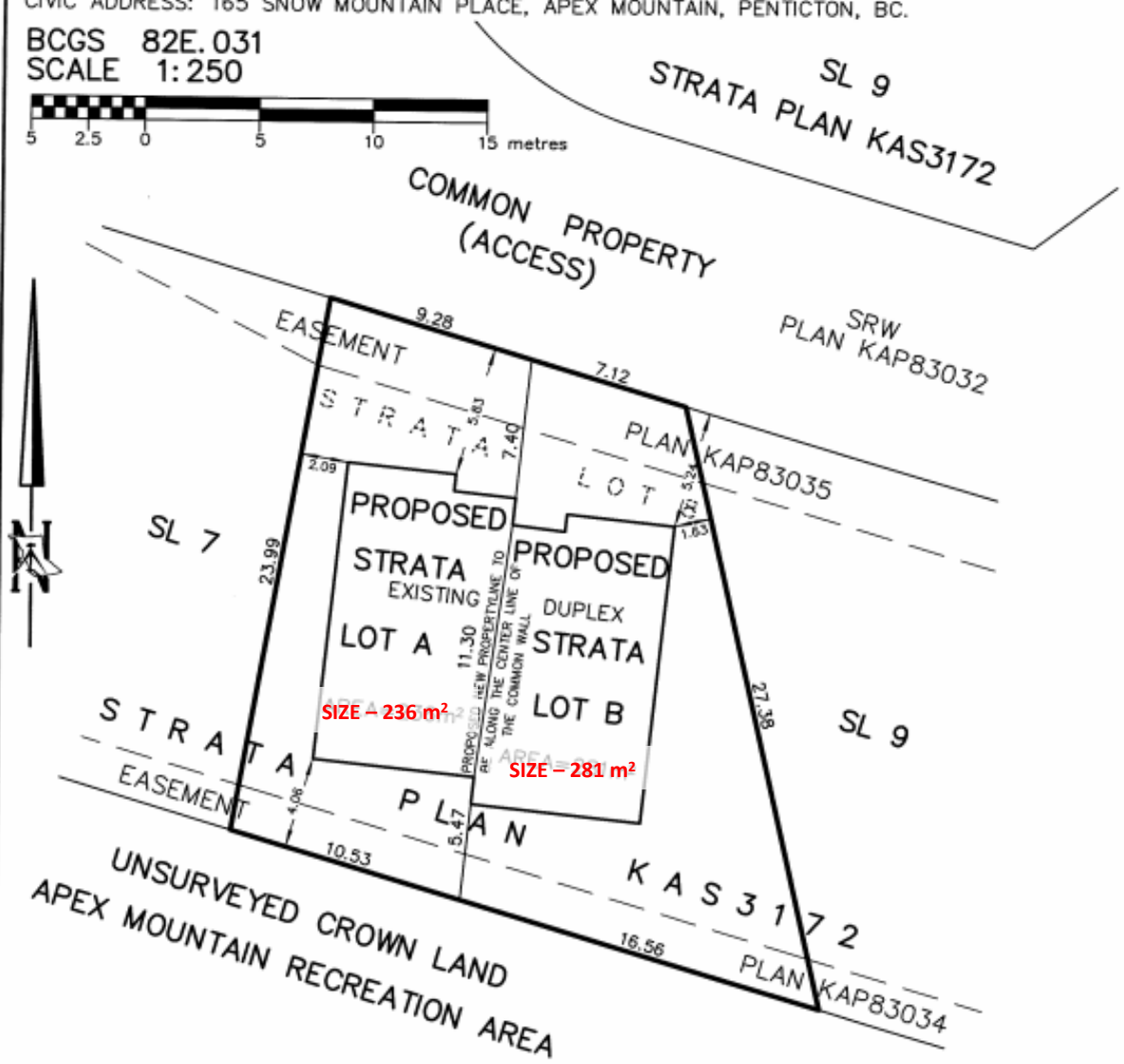
Attachment No. 1 – Context Maps



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.

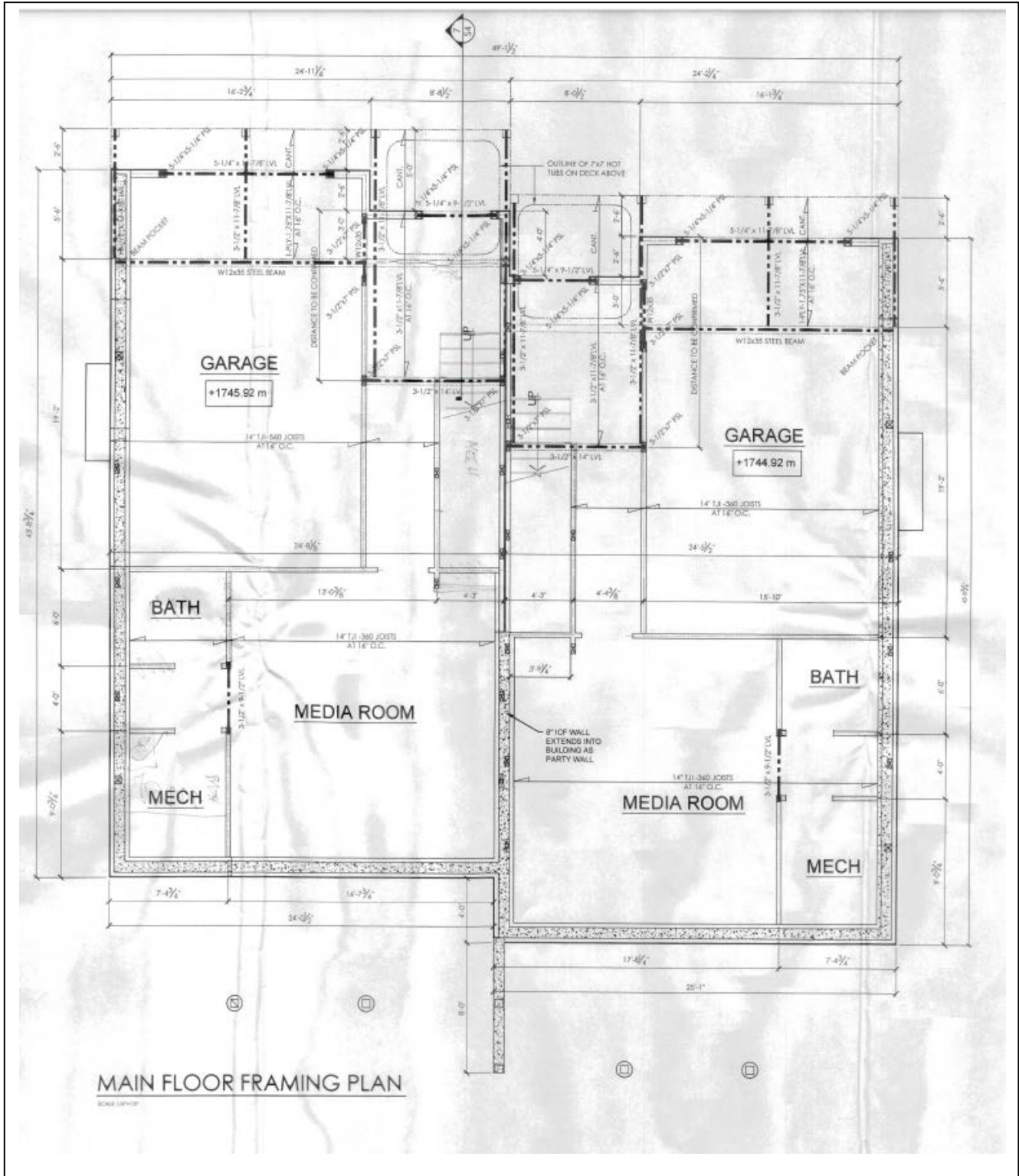
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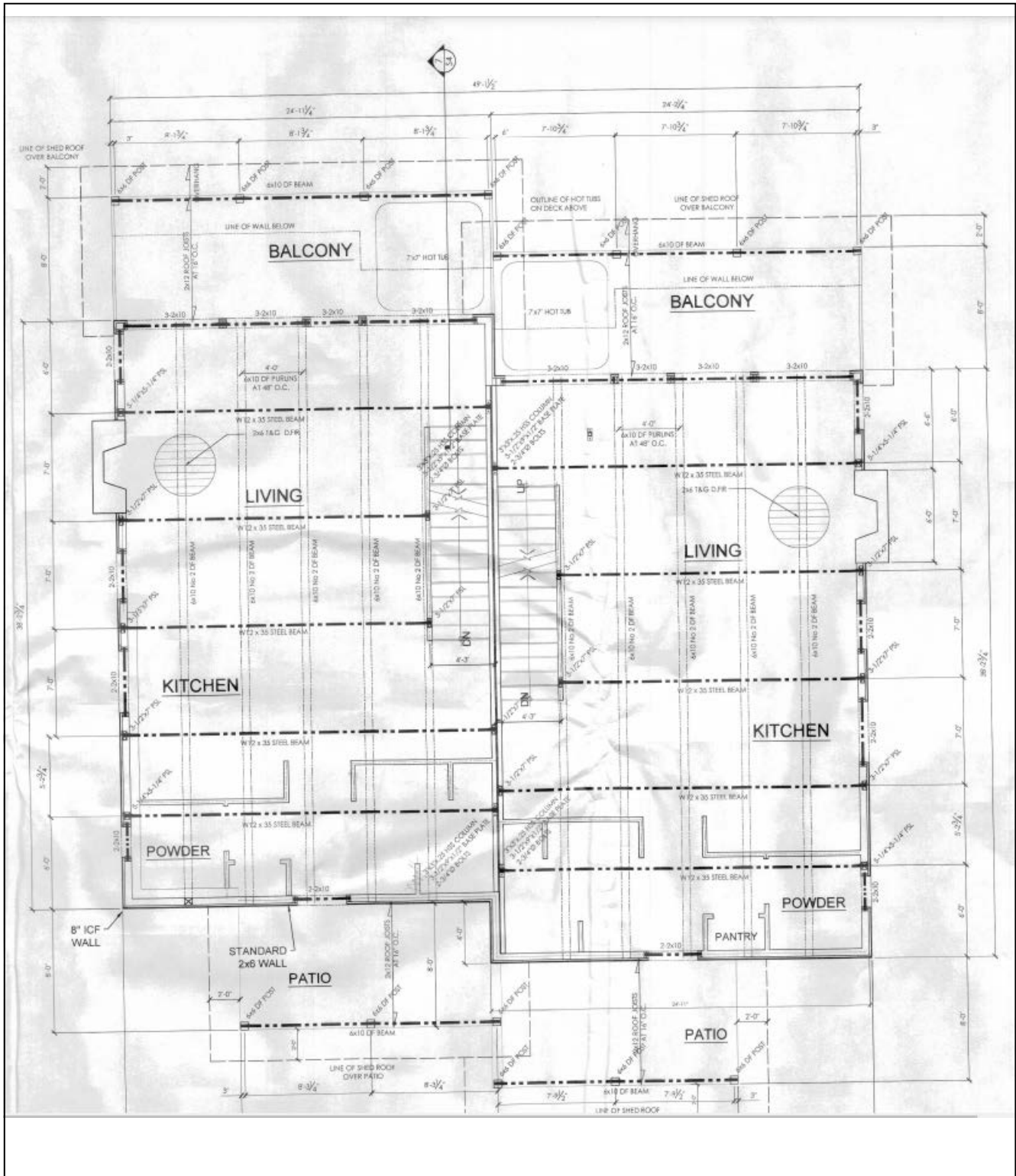
PREPARED THIS 19th DAY OF NOVEMBER, 2020.

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

Attachment No. 3 – Applicant’s Floor Plans



Attachment No. 4 – Applicant’s Floor Plans



Attachment No. 5 – Site Photo



Looking from Snow Mountain Place



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exes

Looking from Rear of the parcel

Attachment No. 6 – Site Photos

