

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 5, 2022
RE: Zoning Bylaw Amendment – Electoral Area “I” (I2021.026-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.10, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw, be denied.

Purpose: to allow a duplex containing one secondary suite in each principal dwelling unit. Folio: I-02798.055

Civic: 134 & 135 Clearview Cres Legal: Lot 12, District Lot 395S, SDYD, Plan KAP65691

OCP: Low Density Residential (LR) Zone: Low Density Residential Duplex Apex (RD2)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to construct a duplex containing one secondary suite within each of the two principal dwelling units.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Low Density Residential Duplex Apex (RD2) to Low Density Residential Duplex Apex Site Specific (RD2s) with the site specific regulation to permit secondary suites as a secondary use within a duplex.

In support of the rezoning, the applicant has stated that:

We are two local families that are building a duplex for our growing families that love the outdoors all year round. Allowing a suite to the main level of our duplex will provide the privacy and comfort for our adult children. As well as accommodations for our out of town guests who love to visit and support the mountain.

This suite in the future may also be used to help support the extreme shortage for accommodations for the staff of the mountain. As you may be aware there is an ongoing shortage of long term and or seasonal rentals.

Site Context:

The subject property is approximately 681 m² in area and is situated on the west side of Clearview Crescent. The property is currently vacant.

The surrounding pattern of development is characterised by similarly sized residential parcels zoned RD2 and Medium Density Residential Apex Zone (RM2).

Background:

Site Development History

The current boundaries of the subject property were created by a Plan of Subdivision on November 22, 1999 while available Regional District records indicate that building permit(s) have not previously been issued for this property.

Land Use Designation and Classification

The property is currently designated Low Density Residential (LR) and zoned Low Density Residential Duplex Apex zone (RD2) which allows for “duplex” as a principal use, and “one (1) secondary suite in a single detached dwelling”. BC Assessment has classified the property as “Business and Other” (Class 06).

Future Variance Requirements

Based on the plans submitted with the application, the proposed development would require multiple variances to increase the front, rear, and interior side parcel line setbacks, as well as the parcel coverage if the rezoning is approved and the property owners choose to move forward.

The property owners would need to pursue these variances through a Development Variance Permit (DVP) application.

Public Process:

On March 15, 2022, a Public Information Meeting (PIM) was held electronically via Webex. No members of the public were present at the PIM.

At its meeting of March 16, 2022, the Electoral Area “1” 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:

When the subject parcel was created by subdivision in 1999, the zoning in place at that time stipulated that parcels less than 1,010 m² in area could *only* be developed to either a single detached dwelling or duplex.

This is generally in recognition of the larger land area requirements associated with medium density residential developments such as townhouses or apartment buildings, including the provision of vehicle parking spaces and amenity areas. (NOTE: the Medium Density Residential One (RM1) Zone requires a minimum parcel size for subdivision of 1,000 m² in order to accommodate the density being proposed by the applicant).

In addition, the Regional District completed an Apex Zone Update in 2020 which, amongst other things, increased the setbacks for principal buildings from 5.0 metres (front) and 3.0 metres (rear) to 7.5 m in order to provide additional space for snow shedding, storage and vehicle parking.

Currently, the Zoning Bylaw requires two (2) off-street parking spaces per dwelling whereas secondary suites require one (1) space per suite. In this regard, the proposal would increase the required number of parking spots from four (4) spaces (for the duplex, with no secondary suites) to six (6) spaces.

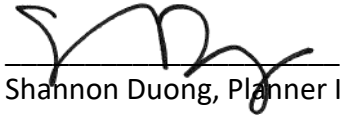
Public transit options to and from the Apex Mountain Resort are limited and residents and visitors are likely to be dependent on the use of private vehicles, which will require adequate parking spaces.

Given the relatively small lot size (681 m²) and the previous concerns regarding snow shedding, storage and vehicle parking in Apex, Administration finds that the proposed increase in density on the property through the introduction of secondary suites in each duplex unit would further exacerbate these issues and would not be in keeping with the intent of the previous setback increases.

Alternatives:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.10, 2022, 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 June 2, 2022; and
THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.10, 2022, be denied.

Respectfully submitted:



Shannon Duong, Planner I

Endorsed By:

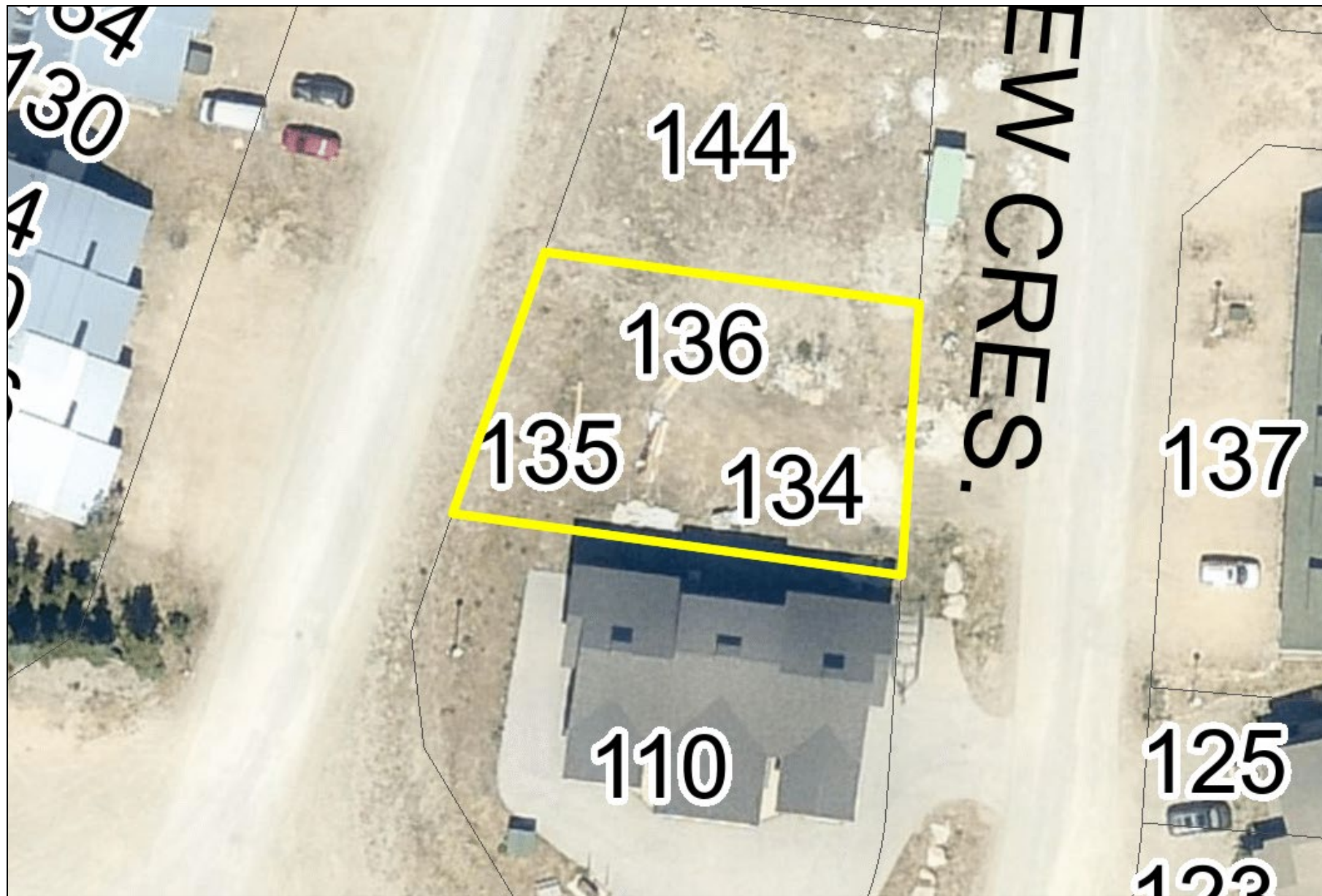


C. Garrish, Planning Manager

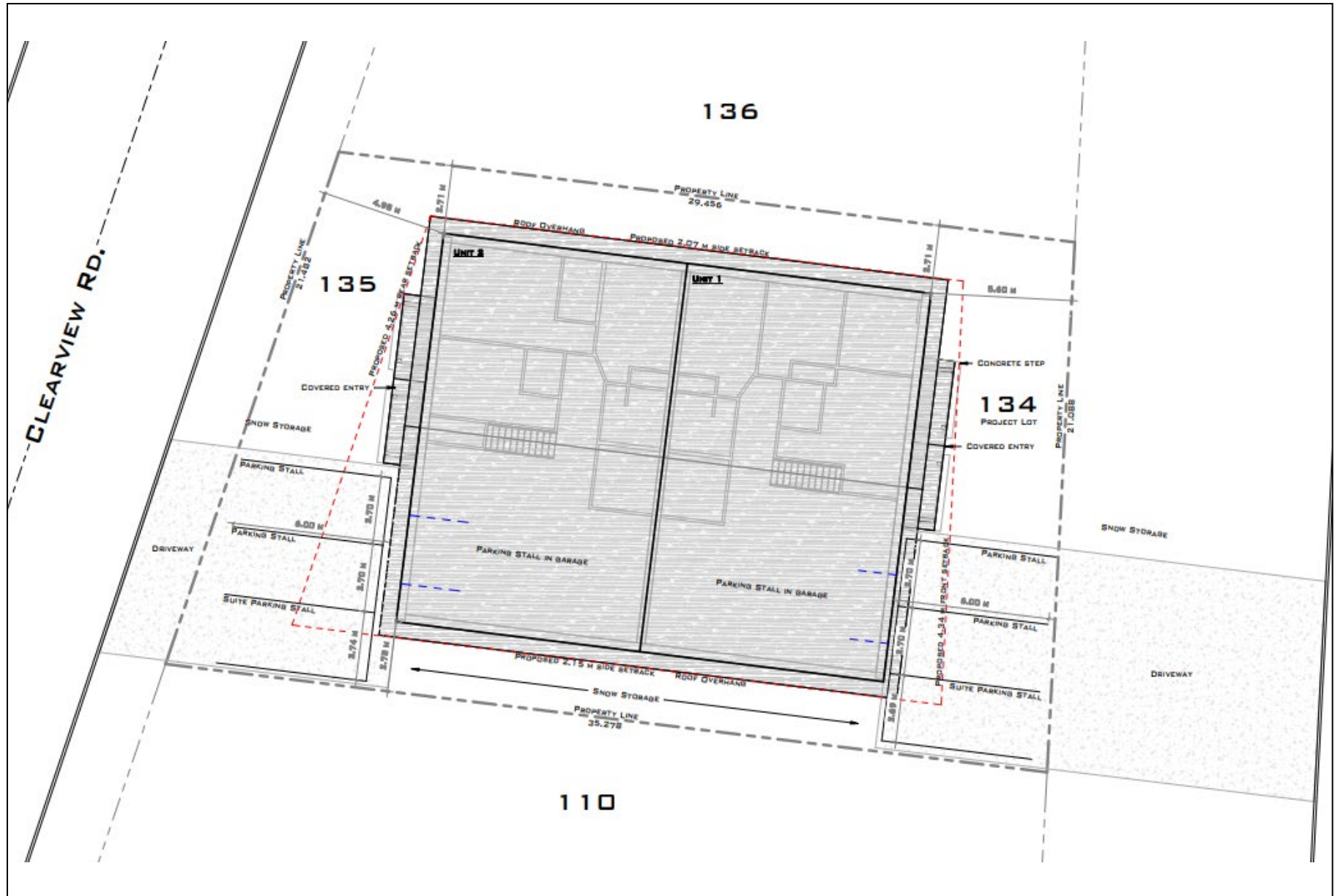
Attachments:

- No. 1 – Aerial Photo
- No. 2 – Applicant’s Site Plan
- No. 3 – Lower Floor Plan
- No. 4 – Upper Floor Plan
- No. 5 – Building Elevations (East & North)
- No. 6 – Building Elevations (West & South)
- No. 7 – Site Photo (Google Streetview – 2012)

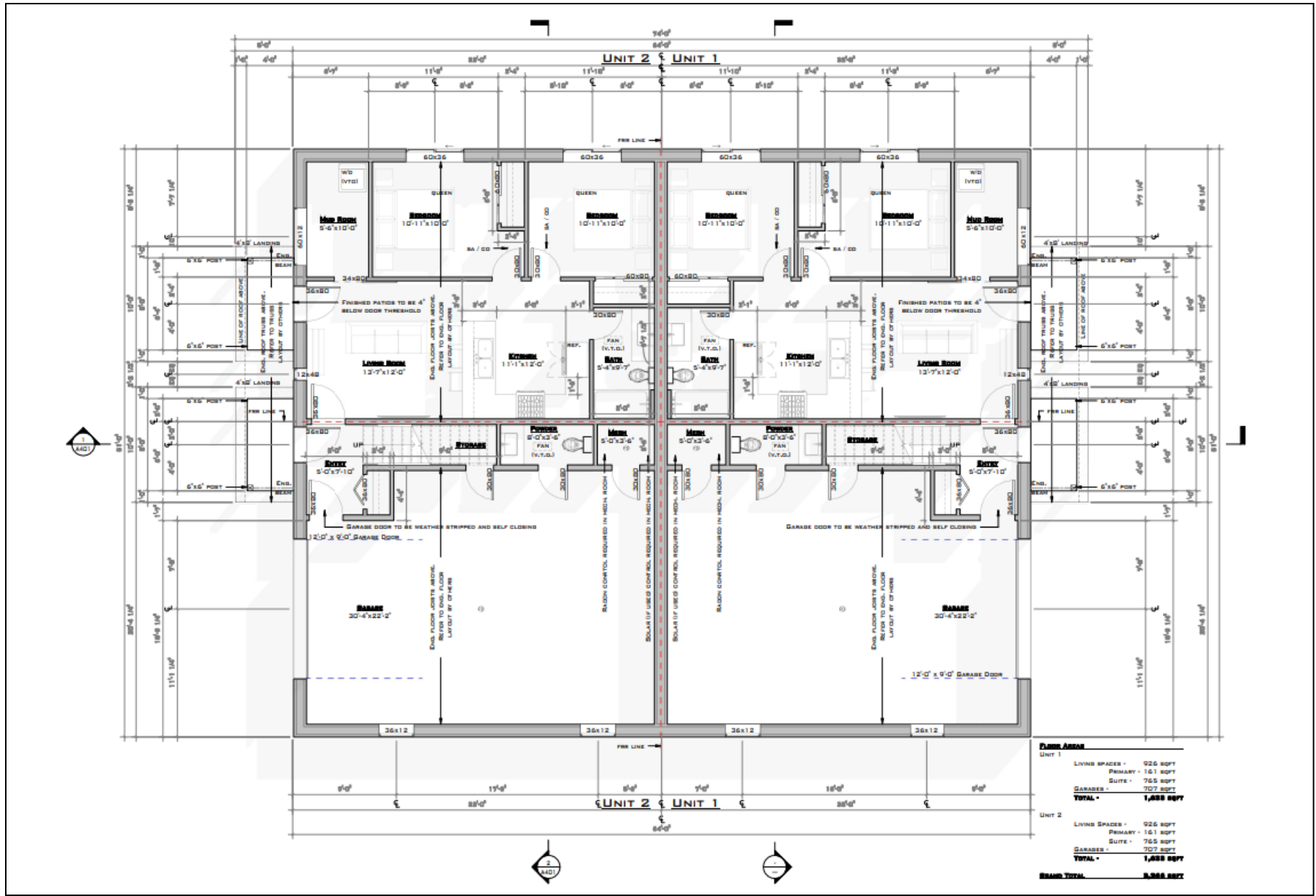
Attachment No. 1 – Aerial Photo



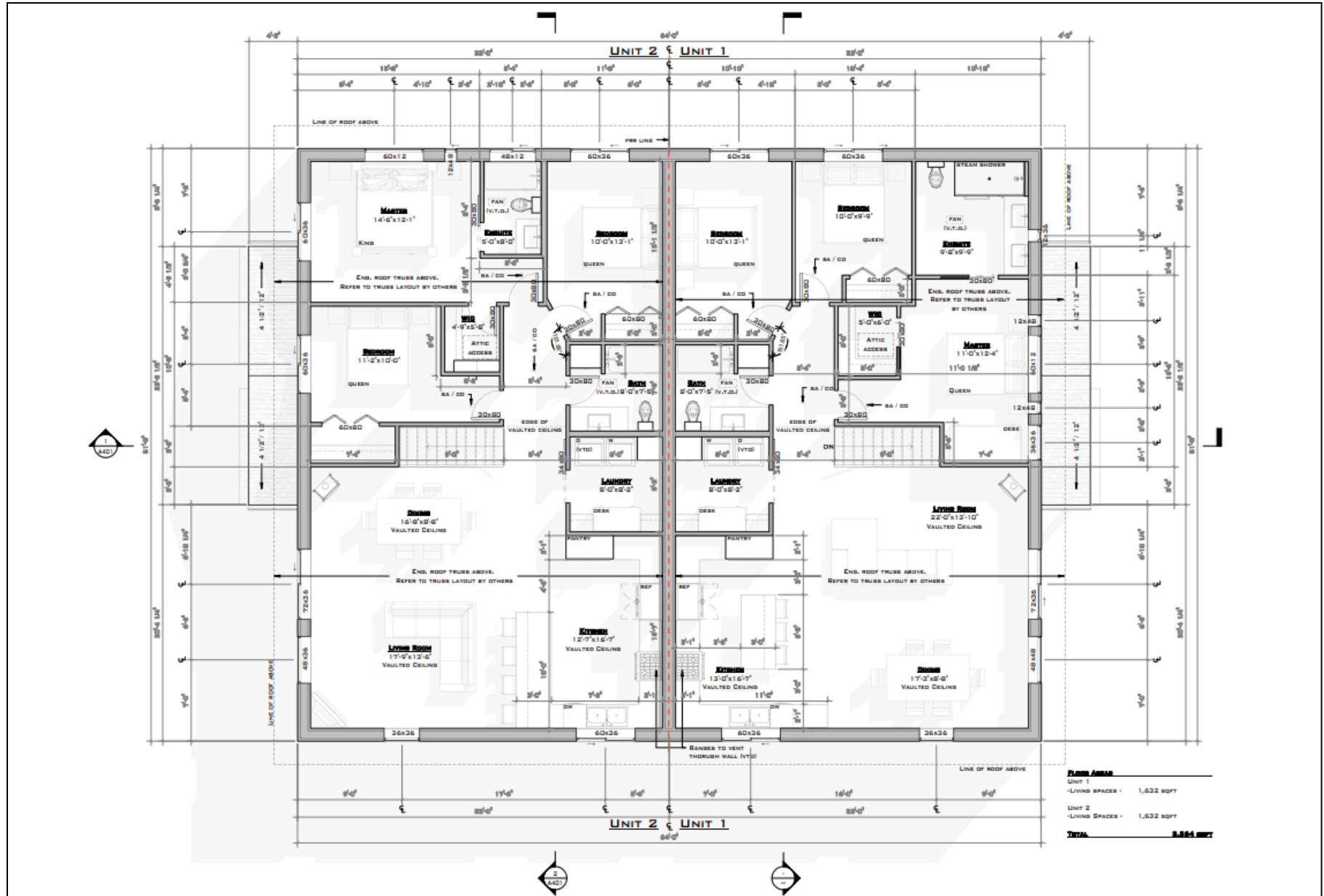
Attachment No. 2 – Applicant’s Site Plan



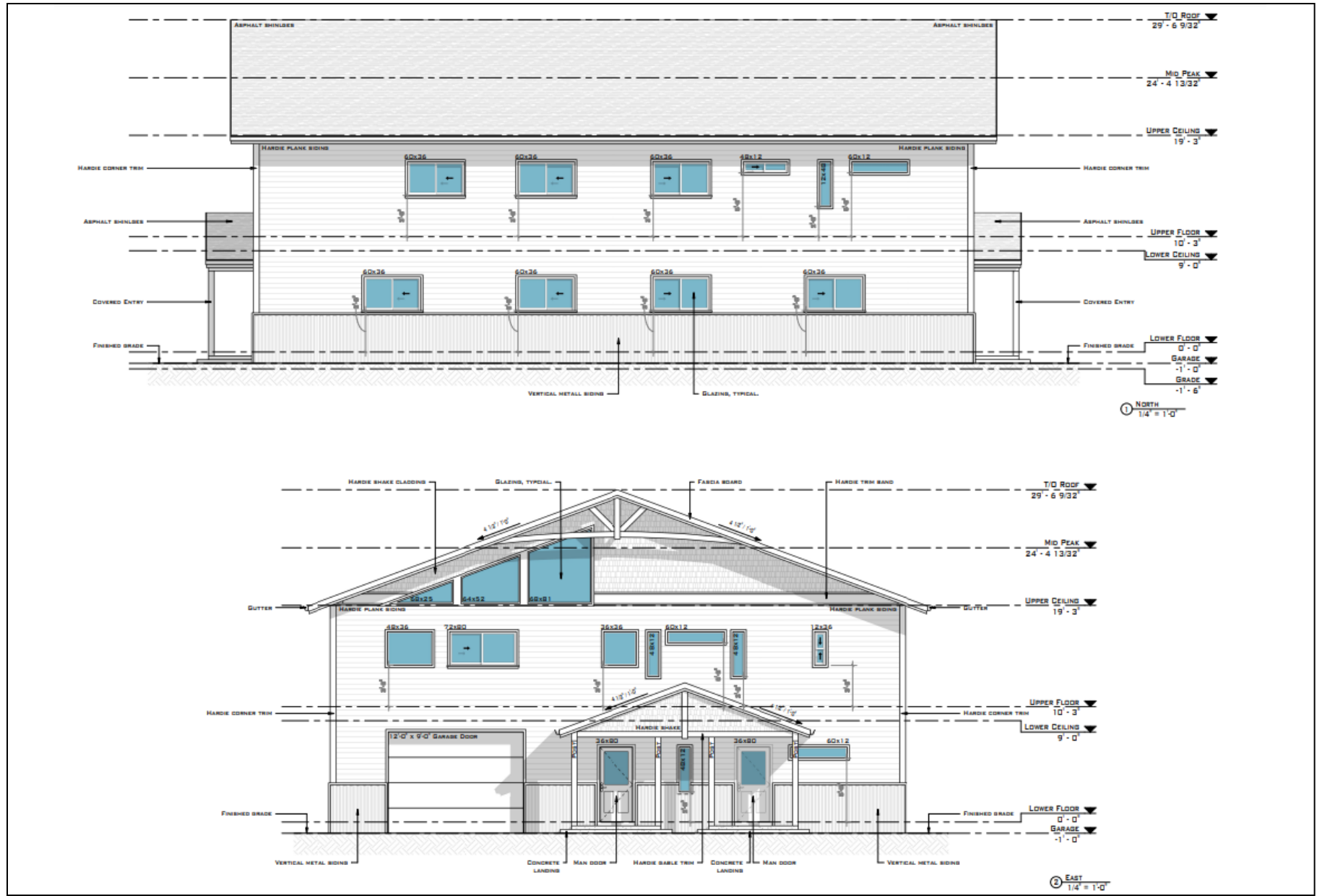
Attachment No. 3 – Lower Floor Plan



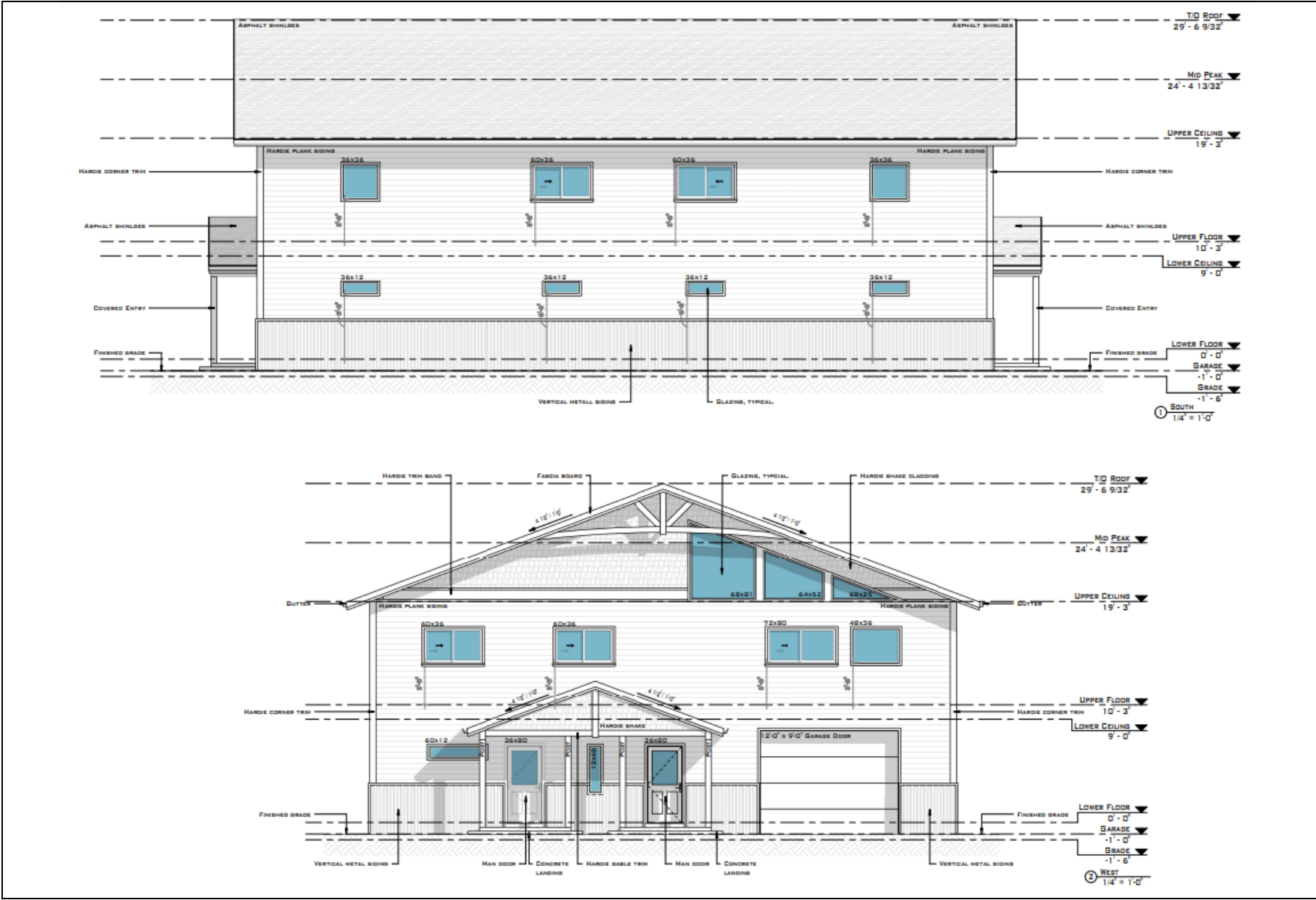
Attachment No. 4 – Upper Floor Plan



Attachment No. 5 – Applicant’s Building Elevations (East & North)



Attachment No. 6 – Applicant’s Building Elevations (South & West)



Attachment No. 7 – Site Photo (Google Streetview - 2012)

