

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** March 3, 2022  
**RE:** Development Variance Permit Application — Area “I” (I2022.003-DVP)

---

### Administrative Recommendation:

**THAT Development Variance Permit No. I2022.003-DVP, to allow for the construction of a three-storey duplex at 268 Creekview Road at Apex, be denied.**

---

Legal: Lot 4, District Lot 395S, SDYD, Plan KAP83847 Folio: I-02807.906

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

Variance Request: to reduce the minimum front parcel line setback from 7.5 metres to 3.84 metres to build a duplex

---

### Proposed Development:

In support of this request, the applicant has stated that:

- *Due to the skewed geometry of the site, a straight box is not an easy fit. We are proposing a building footprint with 6 outside corners to best use the site and best achieve an energy-efficient building shape*
- *Due to the steeper slope at the rear of the site, it is more practical to keep the building forward on the site, adhering to the rear and side set-backs and only altering the front setback*

### Site Context:

The subject property is 528 m<sup>2</sup> in area and is situated on the west side of Creekview Rd. The property is currently understood to be vacant.

The surrounding pattern of development is characterised by residential use. The surrounding parcels consist of other RD2 zoned properties with the exception of the parcel to the south which is zoned Parks and Recreation (PR).

### Background:

The boundaries of the subject property were created on May 17, 2007, while available Regional District records indicate that building permits have not previously been issued for this property.

A covenant is registered on the Certificate of Title of the property which establishes building scheme requirements (LB78060).

The Area “I” Official Community Plan has the property is designated Low Density Residential (LR).

---

File No: I2022.003-DVP

---

The Zoning Bylaw has it zoned Low Density Residential Duplex Apex, which permits “duplex” as a principal use.

At its meeting of July 2, 2020, the Board adopted amendment bylaws related to the Apex Zone Update, which amongst other things, increased maximum parcel line setbacks in order to provide additional space for snow shedding, storage and vehicle parking.

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

**Referrals:**

The application was referred to the Apex Volunteer Fire Rescue, which supported the proposal “on the condition that the intent of this setback reduction is to provide adequate onsite parking, and not to extend the building footprint closer towards the front”.

In this case, the proposed building would be constructed closer to the front parcel line of the subject property.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on February 24, 2022. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

A front setback influences the perception of a streetscape and establishes the character of the street by providing a consistent building line for adjacent buildings to align with. In residential neighbourhoods, a front parcel line setback can also help provide privacy for the front of a house (i.e. distance is created between the house and passersby on an adjacent sidewalk) as well as space for landscaping.

In the case of a ski resort location such as Apex Mountain Resort, a front setback can also provide additional space for snow shedding, snow storage and vehicle parking. In support of this, and recognizing that vehicle parking and snow storage have previously been issues at Apex, the front setback of the RD2 Zone was increased from 6.0 metres to 7.5 metres as part of the Apex Zone Update in 2020.

The proposed setback variance would seem to be contrary to good streetscape design as well as the new setback regulations introduced to improve snow removal, snow storage and vehicle parking issues at Apex.

Other parcels along Creekview Road do not contain residences which extend into the front parcel line setback. As such, the proposed development will be incongruous with these other developments.

This parcel is limited by the topography of the site.

**Alternatives:**

1. That Development Variance Permit No. I2022.003-DVP; be approved

---

**Respectfully submitted**



Shannon Duong, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview - 2012)

Attachment No. 1 – Aerial Photo





Attachment No. 2 – Site Photo (Google Streetview - 2012)

