

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: November 7, 2024
RE: Development Variance Permit Application — Electoral Area “I” (I2024.013-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2024.013-DVP, to allow for the construction of a single detached dwelling with a secondary suite at 195 Snow Mountain Place, be approved.

Legal: Strata Lot 5, District Lot 395S, SDYD, Plan KAS3172 Folio: I-02807.858

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

Variance Request: to reduce the minimum interior side parcel line setback from 3.0 metres to 1.926 metres.

Proposed Development:

This application is seeking a variance to the interior side parcel line setback that applies to the subject property in order to undertake the development of a single detached dwelling with a secondary suite. Specifically, it is being proposed to vary the minimum interior side parcel line setback for a principal building from 3.0 metres to 1.926 metres.

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

With the majority of our strata’s lots being odd shaped, and having similar front to rear depths (approximately 20 metres), these new [setback] restrictions create an unnecessary hardship on any remaining owners wishing to develop. The restrictions do not allow for any new structure to have a footprint depth of much more than 6 meters (not even a car garage), and effectively sterilize our strata’s remaining, undeveloped lots, restricting the ability to build practical & functional homes. These setbacks would also create major inconsistencies in both the look, and structure of our neighbourhood overall, making any new builds stand out in a very odd way.

Site Context:

The subject property is approximately 565 m² in area and is situated on the western end of Snow Mountain Place at Apex. The property is understood to be vacant.

The surrounding pattern of development is generally characterised by low density residential development, comprising of single detached and 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 building permits have not previously been issued for this property.

Under the Electoral Area “1” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Apex Duplex (RD2) which permits “single detached dwelling” as a principal use, and “secondary suite, subject to Section 7.10” as an accessory use.

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

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on March 28, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

On September 13, 2024, the applicant submitted updated plans which resulted in a change to the variance request. Subsequently, adjacent residents and property owners were re-notified of the updated DVP application on September 18, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of October 10, 2024, being 15 working days from the date of re-notification, approximately two representations have been received electronically or by submission at the Regional District office.

Analysis:

The Zoning Bylaw’s use of setback regulations is generally to provide for physical separation and open space between neighbouring properties, ensure consistency in streetscapes and mitigate potential conflicts between neighbouring land uses. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

In considering this proposal, Administration notes that while the variance would allow the dwelling to be constructed closer to westerly parcel boundary, the westerly adjacent parcel is predominantly undeveloped Crown land which is held for future development of the Apex Mountain Ski Resort. The proposed setback variance would not result in the proposed building being sited closer to neighbouring properties to the north and south. In this regard, the proposed setback reduction is not seen to negatively impact nearby residential lots.

Additionally, despite being considered as the interior side parcel line setback under the Zoning Bylaw, the proposed setback to be varied is the de facto rear parcel line setback of the property. That is to say, should the parcel not be located within a strata, the parcel line setback in question would be considered to be a rear parcel line setback.

The placement of a dwelling unit within 1.926 metres of the de facto rear parcel line setback appears does not appear to be uncommon in the surrounding area, particularly in consideration of the existing development on the south side of Snow Mountain Place.

Alternative:

Conversely, Administration recognises that a 35.8% reduction in the minimum interior side parcel line setback is fairly substantial.

In particular, it is noted that, as a part of the Apex Zone Review in 2020, amendments were made to various zones at Apex to address long-standing concerns regarding snow storage. Specifically, parcel line setbacks were increased and new snow storage requirements were introduced which require, for parcels providing four or more outdoor parking spaces, the provision of snow storage areas proportional to the required parking area. A reduction to an interior side parcel line setback would typically run contrary to this direction and undermine the intent of the associated changes.

Despite this, it is noted that approximately 32.6 m² of snow storage areas have been identified in the applicant's site plan, and that the submitted floor plans delineate adequate indoor parking for the proposed development.

Furthermore, it is noted that the requested 1.926 metre interior side parcel line setback would accommodate a set of stairs located to the rear of the building, and that the outermost portion of the building (including a roof overhang and patio area) would be approximately 2.25 metres from the interior side parcel line (i.e., a 25% setback reduction).

Summary:

For these reasons, Administration supports the requested variance and is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternative:

1. That the Board deny Development Variance Permit No. I2024.013-DVP.

Respectfully submitted



Shannon Duong, Planner II

Endorsed by:



C. Garrish, Senior Manager of Planning

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

No. 2 – 3D Renderings (East)

No. 3 – 3D Renderings (Southeast)

No. 4 – 3D Renderings (Southwest)

No. 5 – 3D Renderings (West)

No. 6 – 3D Renderings (Northeast)

Attachment No. 1 – Aerial Imagery (2022)



Attachment No. 2 – 3D Renderings (East)



Attachment No. 3 – 3D Renderings (Southeast)



Attachment No. 4 – 3D Renderings (Southwest)



Attachment No. 5 – 3D Renderings (West)



Attachment No. 13 – 3D Renderings (Northeast)

