

**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** May 8, 2025

**RE:** Development Variance Permit Application — Electoral Area “I” (I2025.005-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. I2025.005-DVP, to allow for the construction of a principal use in the form of a duplex dwelling at 177 Clearview Crescent, be approved.**

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Legal: Lot 2, Plan KAP65691, District Lot 395S, SDYD Folio: I-02798.005

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

Variance to reduce the minimum front parcel line setback from 7.5 metres to 5.2 metres; and

Requests: to reduce the minimum rear parcel line setback from 7.5 metres to 1.2 metres.

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## Proposed Development:

This application is seeking a variance to the front and rear parcel line setbacks that applies to the subject property in order to undertake the construction of a duplex dwelling.

Specifically, it is being proposed to reduce the front parcel line setback from 7.5 metres to 5.2 metres and the rear parcel line setback from 7.5 metres to 1.2 metres.

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

*The structure as currently designed will be set back into a small hillside following the current natural slope of the property and will not interfere with or negatively impact the neighbouring properties. There is an access road directly behind our property that we believe would not be affected by a variance in the rear setback, and the front currently has an adequate amount of space to meet the general purpose and intent of the bylaw with a 6.0m instead of a 7.5 metre setback.*

## Site Context:

The subject property is approximately 530 m<sup>2</sup> in area and is situated on the north side of Clearview Crescent, within apex mountain resort, approximately 23 km southwest from the boundary with the City of Penticton. The property is understood to be a vacant lot.

The surrounding pattern of development is generally characterised by similar lower density residential, and some medium density residential developments.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 22, 1999.

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while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR), and is not the subject of any Development Permit Area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Apex Duplex (RD2) which allows for a duplex dwelling as a permitted 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).

**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 March 31, 2025. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In considering this proposal, Administration notes that the Zoning Bylaw’s use of setback regulations can be varied and may include considerations such as providing a physical separation between neighbouring properties or to preserve sight lines for vehicle traffic movements.

In this instance, the use of parcel lines setbacks in the zones that apply to properties at Apex Mountain Resort are also used to provide additional space on a property for snow shedding, storage and vehicle parking. Further, these setbacks were increased in 2020 in order to respond to resident concerns regarding available space for on-site vehicle parking and snow storage.

In response to these regulations, the applicant has indicated that provision for three (3) on-site vehicle parking spaces is being provided for each dwelling unit in the duplex (e.g. a total of 6 parking spaces when only 4 is required).

In addition, the applicant has also indicated an outdoor snow storage area comprising an area exceeding the 25% of outdoor parking area required by the bylaw.

Administration is further cognizant that, from a streetscape perspective, a reduced front and rear setback for the proposed duplex will be characteristic of similar developments fronting this section of Clearview Crescent.

The reduction to the rear setback provides more space for parking and snow storage at the front of the property, while the front parcel line setback reduction is related to the overhang of the roof, and is not related to the ground level of the development.

Administration is also aware of similar variance requests in this area not being recommended for approval, this was primarily in relation to an inability to meet parking and snow storage requirements. With regard to the subject property, however, the applicant is seen to have exceeded the zoning bylaw requirements in relation to both these regulations.

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### Alternative

Conversely, Administration recognises that the requested variances could be avoided by redesigning and reducing the size of the dwellings, or by constructing a smaller single detached dwelling on the property.

Recently, efforts have been made to address challenges related to parking and snow storage for properties at Apex. In 2020 the RD2 Zone was added in order to provide additional space for snow shedding, storage and vehicle parking, by increasing the setbacks for these properties.

### Summary:

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

### **Financial Implications:**

Financial implications have been considered and none were found.

### **Communication Strategy:**

The proposed variances have 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. I2025.005-DVP.

### **Respectfully submitted**

Colin Martin

Colin Martin  
Planner I

### **Endorsed by:**

  
C. Garrish

Senior Manager of Planning

### **Endorsed by:**

  
A. Fillion

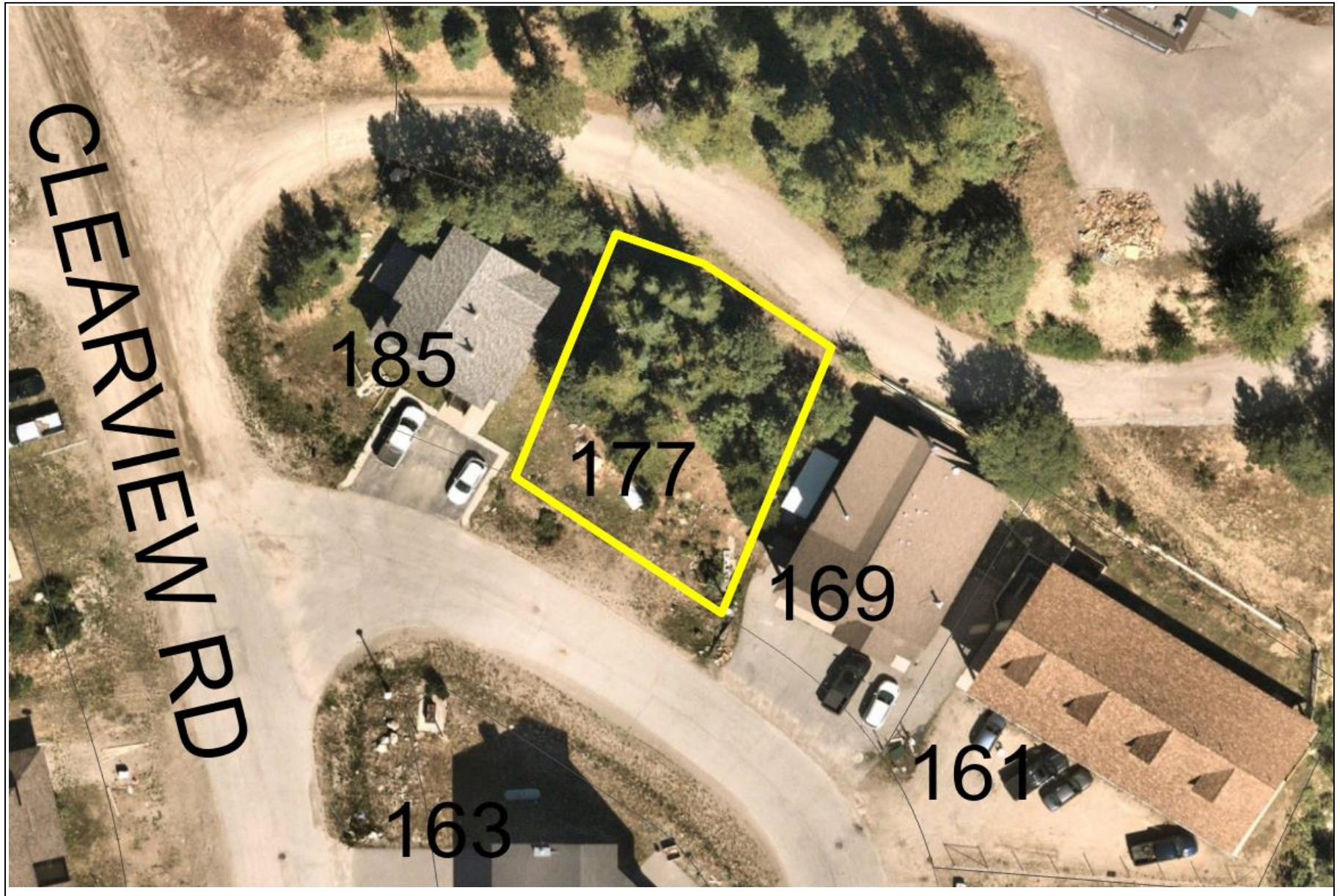
Managing Director, Dev. & Infrastructure

Will a PowerPoint presentation be presented at the meeting?      No

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo





Attachment No. 2 – Site Photo (Google Streetview)

