ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: April 15, 2021

RE: Development Variance Permit Application — Electoral Area "D"

Administrative Recommendation:

THAT Development Variance Permit No. D2021.012-DVP be approved

Purpose: To allow for a conversion of bottom two commercial units into five residential units.

Owners: Ryan Kononoff Agent: Braiden Kononoff Folio: D-00999.800

<u>Civic</u>: Unit 102 & 103, 850 Railway Lane <u>Legal</u>: Strata Lots 1 & 2, Plan KAS2687, DL 2883S, SDYD

OCP: Town Centre (TC) Zone: Okanagan Falls Town Centre (OFTC)

Variance Request: to reduce the maximum amenity space area per dwelling unit from 10 m² to 8.2 m²

Proposed Development:

This application is seeking a variance to the amenity space area that applies to the subject property in order to undertake a conversion of commercial units into residential units.

Specifically, it is being proposed to reduce the maximum amenity space area per dwelling unit from 10 m² to 8.2 m²

In support of this request, the applicant has stated that "there is not enough space to provide each of the units with a balcony or patio. This variance would allow us to give one unit its own patio and the other 4 units would have a common patio. We would put a communal BBQ and picnic tables on the communal patio for the units to use as they please."

Site Context:

The subject property is approximately 3,343 m² in area and is situated on the north side of Highway 97 and surrounded by Skaha Lake to the west. It is understood that the parcel is comprised of a mixed uses (Commercial at the base and Residential above).

The surrounding pattern of development is generally characterised by similar sized parcel zoned OFTC to the north and General Commercial (C1) zoned parcel to the east followed with parkland (Skaha Lake) to the east and Residential zoned lots (across Hwy 97) to the south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 9, 2004, while available Regional District records indicate that building permit have not previously been issued for this property.

File No: D2021.012-DVP

The subject property is within the Okanagan Falls Fire District, is serviced by community sewer and water is provided by Okanagan Falls Irrigation District and has been classified as "Residential" (Class 01) by BC Assessment.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the subject parcel is within the Okanagan Falls Primary Growth Area.

Under the Electoral Area "D" Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Town Centre (TC), and is the subject of Okanagan Falls Town Centre Development Permit (OFTCDP) Area designation.

Under the Electoral Area "D" Zoning Bylaw No. 2455, 2008, the property is currently zoned Okanagan Falls Town Centre (OFTC) which permits, among other uses, apartment buildings. The maximum density permitted is 100 dwelling units per hectare (which equates to 3 dwelling units within subject strata lots).

The OFTC zone has zero lot line setbacks for all property lines except those fronting Highway 97 where a 4.5 metre setback is required (coinciding with Ministry of Transportation and Infrastructure setback permit requirements).

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Skaha Lake

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

Analysis:

In considering this proposal, Administration notes that the subject site is in close proximity with Lions Park (immediate North), Kettle Valley Rail Trail (immediate West) and Kenyon Park (northeast), thereby mitigating the impact of reduced amenity space.

The Zoning Bylaw's use of amenity space regulations is generally to provide efficient useable open space area, outside of setbacks and parking area, for recreational use of the residents of a dwelling unit.

In Town Centre area – provision of amenity space is more crucial as there is a need to ensure a sufficient amount of amenity space is provided to support recreational needs and access to outdoor space. In residential zones these types of uses are typically associated with a sufficient amount of outdoor amenity space (regulated by larger rear yard setbacks).

In this instance, Administration notes that the proposal to convert bottom commercial into residential units is consistent with the Electoral Area "D" OCP Bylaw, which promotes additional density in Okanagan Falls Town Centre.

While reviewing a variance, Administration will consider the proposed reduction (in amenity space in this instance) and its impact on the neighbourhood. In this instance, the reduction in amenity space itself is seen to be minimal (required 50 m^2 , provided 41 m^2) and the proximity of subject site to nearby parks and beach is seen to mitigate the reduced amenity space.

File No: D2021.012-DVP

Administration also notes that building was constructed in late 90's, during which the provisions for amenity space were lenient and not strictly followed. It is important to note that no new structures are proposed through converion of units, thereby limiting the applicant's ability to provide additional amenity space on an already developed lot. (for eg. providing deck space is not an option on ground floor units)

Converesly, Administration notes that there are options available to meet the bylaw provision for amenity space by converting parking spaces into outdoor recreation areas.

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

Alternatives:

- 1. That the Board deny Development Variance Permit No. D2021.012-DVP.
- 2. That the Board defer consideration of the application and it be referred to the Electoral Area "D" Advisory Planning Commission.

Respectfully submitted

Endorsed by:

<u>R. Gadoya</u>

Rushi Gadoya, Planning Technician

C. Garrish, Planning Manager

<u>Attachments</u>: No. 1 – Site Photo (Google Streetview)

File No: D2021.012-DVP

Attachment No. 1 – Site Photo (Google Streetview)

