

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 4, 2021
RE: Zoning Bylaw Amendment – Electoral Area “1”

Administrative Recommendation:

THAT Bylaw No. 2457.35, 2020, Electoral Area “1” Zoning Amendment Bylaw be read a third time and adopted.

Purpose: To subdivide an existing duplex in order to create two bare land strata lots.

Owners: Carlos & Rafael Sola Agent: Sharon Sola Folio: I-02807.864

Legal: Strata Lot 8, Plan KAS3172, DL 395S, SDYD Civic: 165 Snow Mountain Place, Apex

Zone: Low Density Residential Duplex Apex (RD2) Proposed Zoning: Low Density Residential Duplex
Apex Site Specific (RD2s)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to subdivide existing duplex to create two bare land strata lots.

In order to accomplish this, the applicant is proposing to amend the zoning of the property under Electoral Area “1” Zoning Bylaw No. 2457, 2020, from Low Density Residential Duplex Apex (RD2) to Site Specific Low Density Residential Duplex Apex (RD2s). The site specific regulation will allow for the creation of two strata lots of sizes 236 m² and 281 m², whereas the minimum parcel size under existing RD2 zone requires 300 m².

In support of the rezoning, the applicant has stated “We are looking to create separate title for each duplex unit for mortgage purposes. We have paid snow removal including the driveways of each unit”

Site Context:

The subject property is approximately 518 m² in area and is situated on the south side of Snow Mountain Place. It is understood that the parcel is comprised of a recently built (2017) duplex dwelling.

The surrounding pattern of development is generally characterised by similarly sized low-density residential parcels that are currently vacant and area allowed duplex dwellings.

Background:

On December 16, 2020, a Public Information Meeting (PIM) was held electronically and was attended by approximately no members of the public.

At its meeting of December 16, 2020, the Electoral Area “I” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

On January 7, 2021, the Regional District Board give Bylaw No 2457.35, 2020, first and second reading and allowed subject application to proceed to public hearing.

Subsequently, on February 4, 2021, public hearing was held electronically and was attended by xx members of the public, regional district staff and the applicant.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

Analysis:

In considering this proposal, Administration notes that both the duplexes already exist, are serviced by community water and sewer system, and are within Apex Rural Growth Area – making it the type of location that the Regional District is seeking to encourage appropriate infill types of development.

The low-density residential designation includes number of land uses compatible with the low-density character of a neighbourhood and includes duplexes – making the subject proposal consistent with the OCP Bylaw.

Administration also notes that the subject proposal to create a bare land strata within a bare land strata is consistent with the policies contained in OCP Plan (Section 11.3.1) that directs development of new housing to previously approved residential subdivisions within identified Growth Area, and to consider residential infill development to maximize the land use and servicing efficiencies

While reviewing a zoning amendment, Administration will consider the proposed “use” and “density” and its impact on the neighbourhood. In this instance, the use (duplex) remains the same however, the proposal does not meet the minimum parcel size requirement (density provision) associated with RD2 and requires zoning amendment, to facilitate the subdivision.

Further, Administration does not anticipate that the existing duplexes upon subdivision will, in any way, generate non-conformity with other provisions of the zoning bylaw (i.e. parking provisions and parcel coverage).

Of note, there is a concern regarding the visual separation (setbacks) between individual duplexes. Currently, both duplexes share a common party wall. However, Administration acknowledges that the setback provisions of the Zoning Bylaw apply only to the parcel lines on the perimeter of the parcel and not to internal parcel lines for strata lots under a registered plan pursuant to Provincial regulations.

Conversely, Administration recognises that it is not generally considered good planning practice to allow “spot zoning”. “Spot zoning” is a non-comprehensive approach to zoning that introduces discrepancies between permitted uses within a specific area and extends a benefit to one parcel that is not available to other parcels in the same zone.

Further, during the Apex Zone Review, the size of duplex parcels at Apex were increased to ensure additional land area was being provided for snow storage. There is a concern to reducing the size of the parcel and limiting the land availability for snow storage. However, the requirement for on-site snow storage provision is triggered under current conditions (i.e. when a parcel contains four or more outdoor parking spaces) and this requirement would nullify upon subdivision (as each parcel will contain only two parking spaces).

Summary:

In summary, Administration generally supports the proposed Zoning Bylaw amendment.

Alternatives:

1. THAT Bylaw No. 2457.35, 2020, Electoral Area "I" Zoning Amendment Bylaw be read a third time and adopted; or
2. THAT Bylaw No. 2457.35, 2020, Electoral Area "I" Zoning Amendment Bylaw be, be denied.

Respectfully submitted:

R. Gadoya

Rushi Gadoya, Planning Technician

Endorsed By:



C. Garrish, Planning Manager

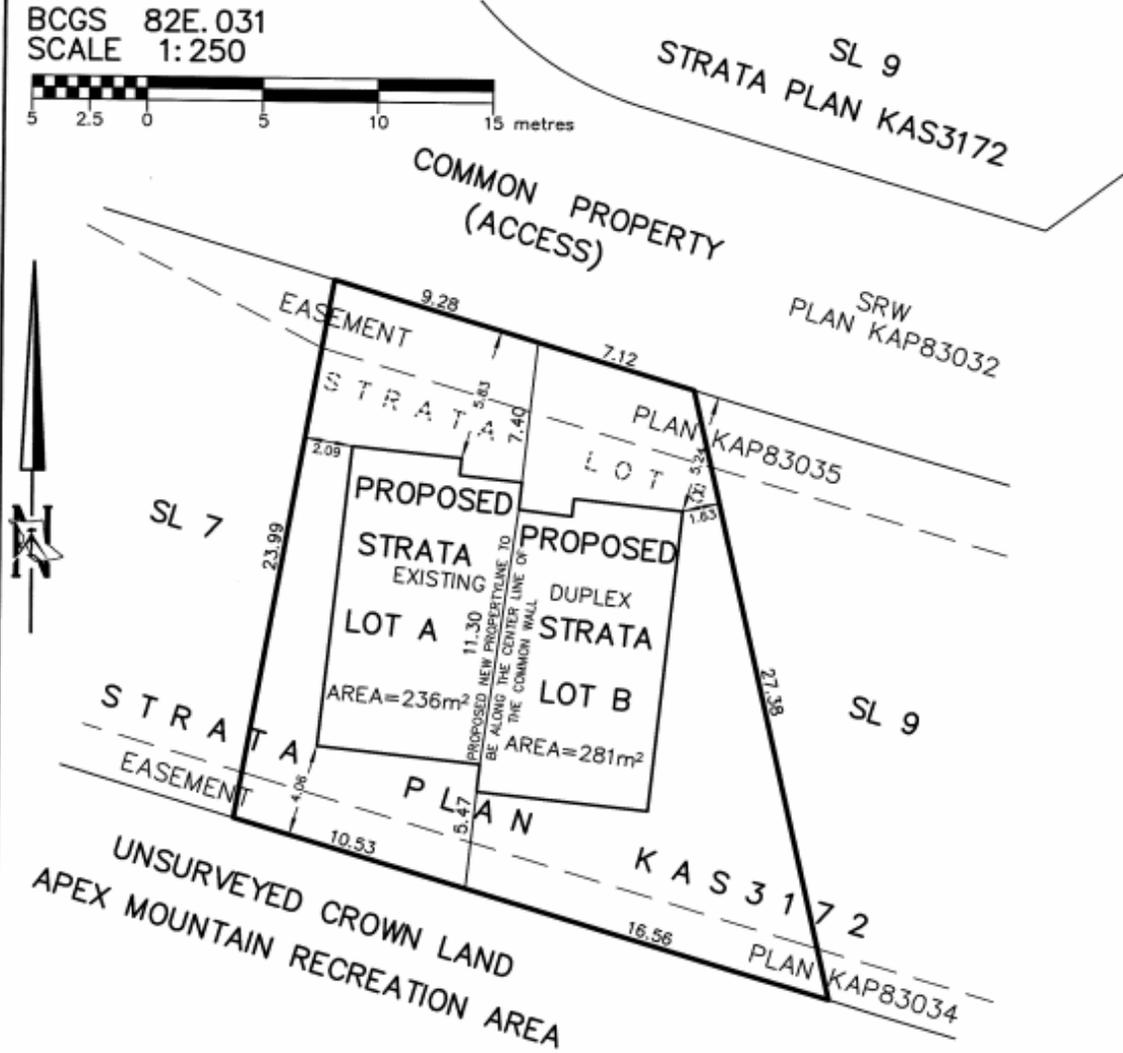
- Attachments:** No. 1 – Applicant’s Site Plan
No. 2 – Applicant’s Floor Plans
No. 3 – Applicant’s Floor Plans
No. 4 – Site Photo
No. 5 – Site Photo

SKETCH PLAN TO ACCOMPANY A REZONING AND SUBDIVISION APPLICATION OF STRATA LOT 8, PLAN KAS3172, DL 395s, SDYD

CIVIC ADDRESS: 165 SNOW MOUNTAIN PLACE, APEX MOUNTAIN, PENTICTON, BC.

BCGS 82E.031

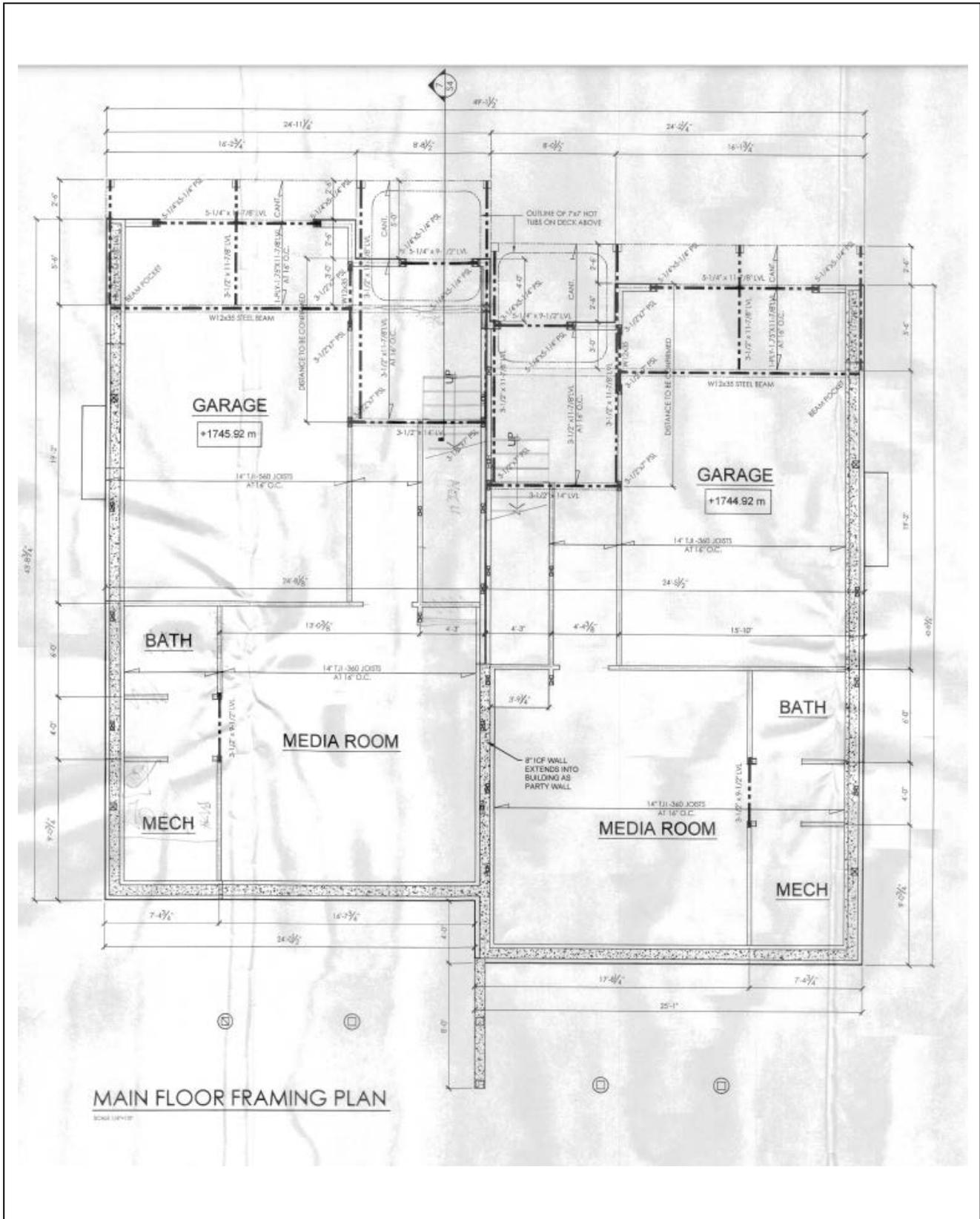
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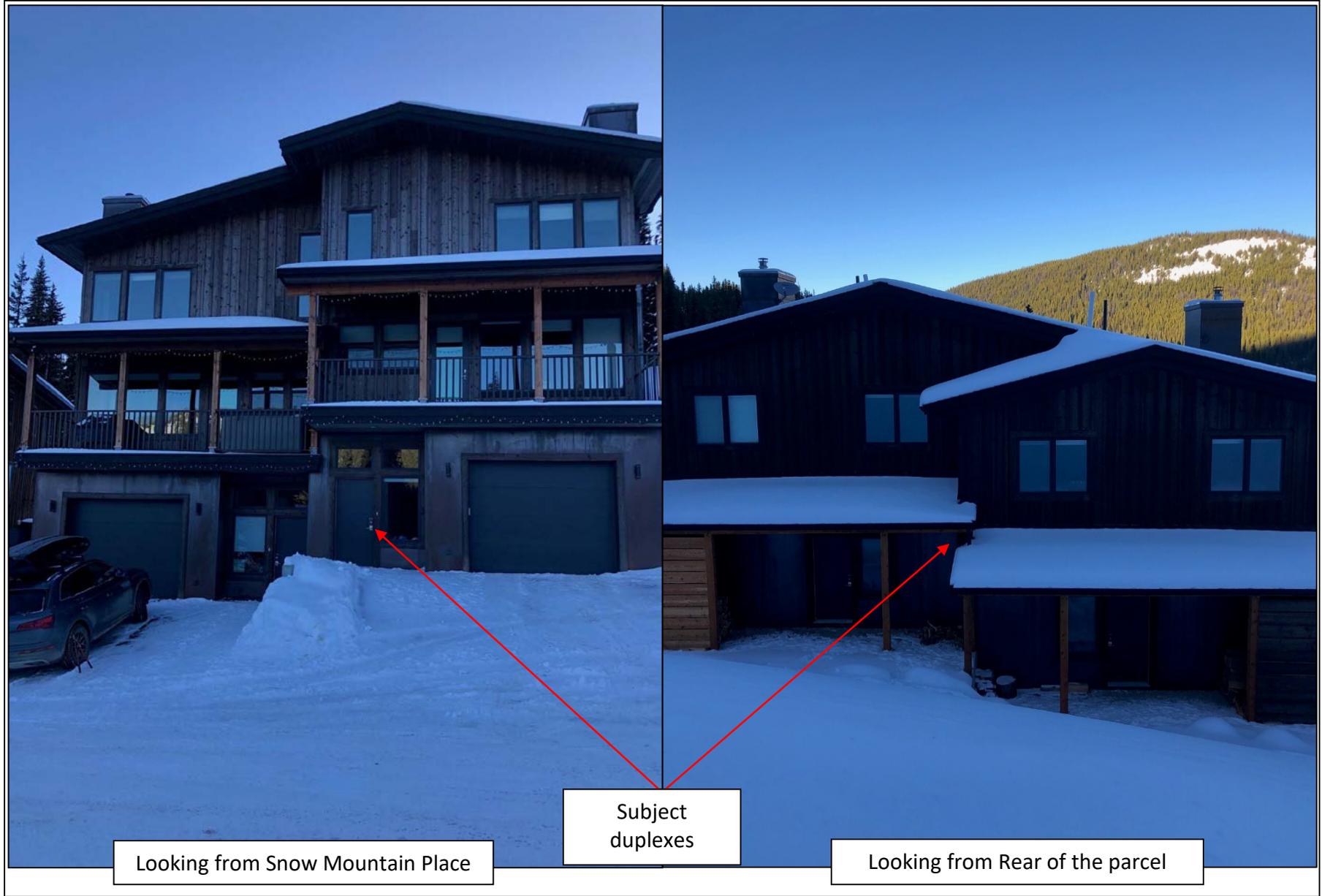
PREPARED THIS 19th DAY OF NOVEMBER, 2020.

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FILE 20-123
DWG. 20-123A

Attachment No. 2 – Applicant’s Floor Plans



Attachment No. 4 – Site Photo



Attachment No. 5 – Site Photo

