ADMINISTRATIVE REPORT

TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: December 16, 2020

RE: Zoning Bylaw Amendment – Electoral Area "I"

<u>Purpose</u>: 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: Site Specific Low Density

Residential Duplex Apex (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 "I" 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 m^2 and 281 m^2 , whereas the minimum parcel size under existing RD2 zone requires 300 m^2 .

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:

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 a building permit for a duplex dwelling (2017).

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

The Electoral Area "I" OCP Bylaw contains policy statement that encourages new residential development to be located within existing serviced areas.

Under the Electoral Area "I" Zoning Bylaw No. 2457, 2008, the property is currently zoned Low Density Residential Duplex Apex (RD2) which allows for duplex dwellings and minimum parcel size of 300 m², for the purpose of subdivision of duplexes into their individual units.

The subject parcel was created from a subdivision (2007) and zoning at the time (RMU) allowed for parcel size of 505 m² for single detached and duplex dwellings. Subsequently, in 2015 the RMU zone was amended to reflect RM3 zone (Bylaw 2457.14, 2015) which allowed duplex dwellings with a minimum parcel size of 1,000 m².

In 2016, during Electoral Area "I" OCP Bylaw review, both the OCP and Zoning Bylaw were amended to update a number of residential zones at the Apex Mountain which resulted in creation of RD2 zone, an improvement over the previous (RMU and RM3) zones, both of which required a significant land area for strata subdivision of a duplex compared to existing RD2 zone.

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

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.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

Options:

- 1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
- 2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) TBD
- 3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:

Endorsed By:

Z. Sjawaga

Rushi Gadoya, Planning Technician

C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 3 – Applicant's Floor Plans

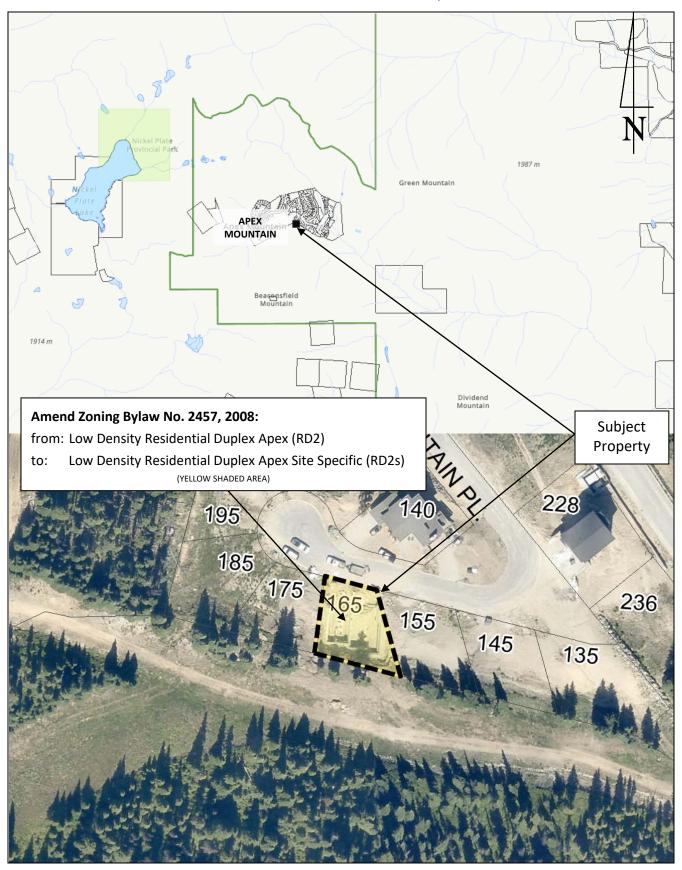
No. 5 – Site Photo

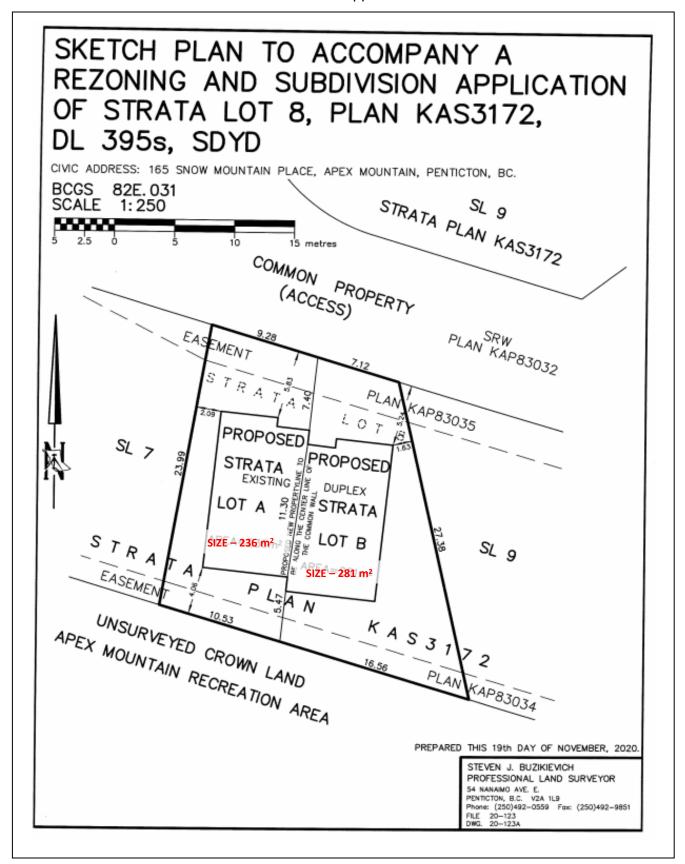
No. 2 – Applicant's Site Plan

No. 4 – Applicant's Floor Plans

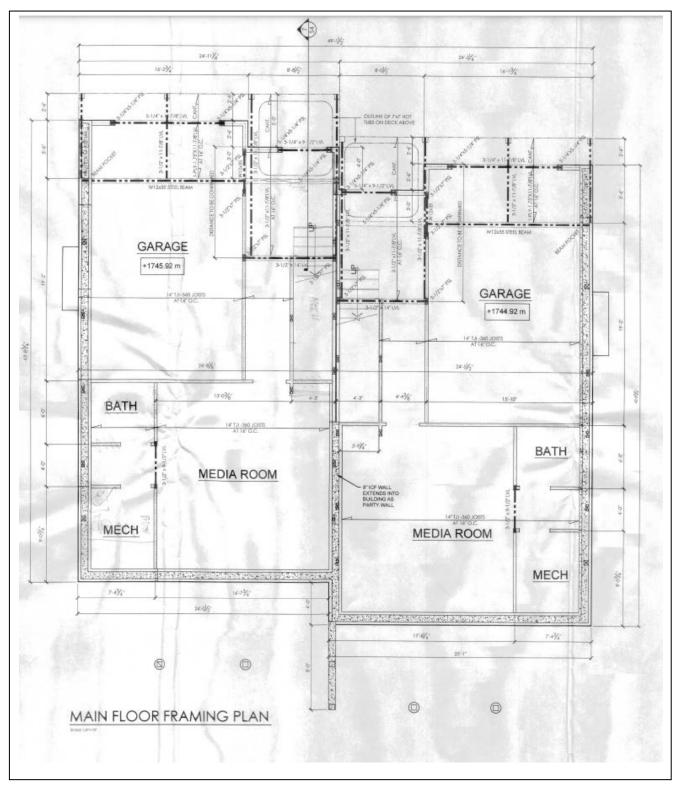
No. 6 – Site Photo

Attachment No. 1 – Context Maps

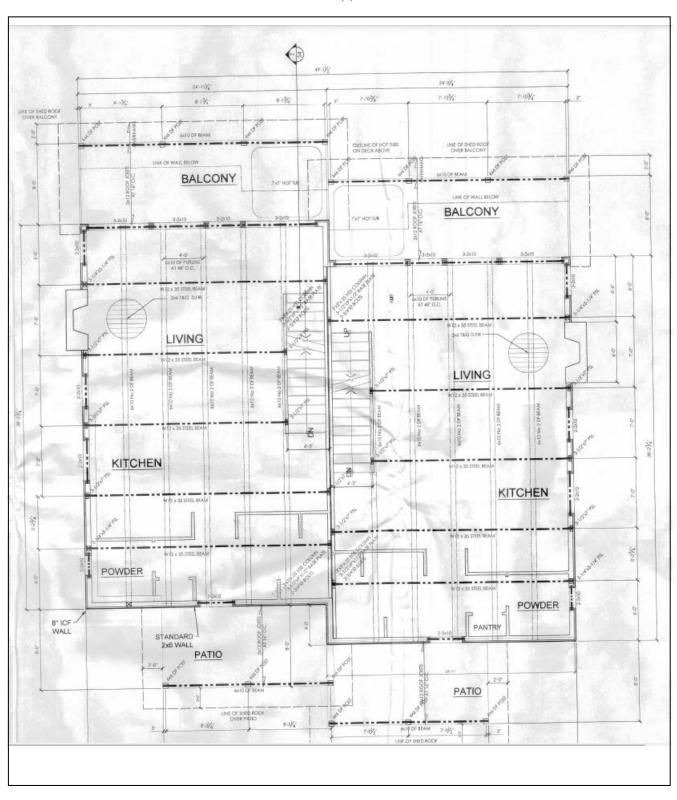




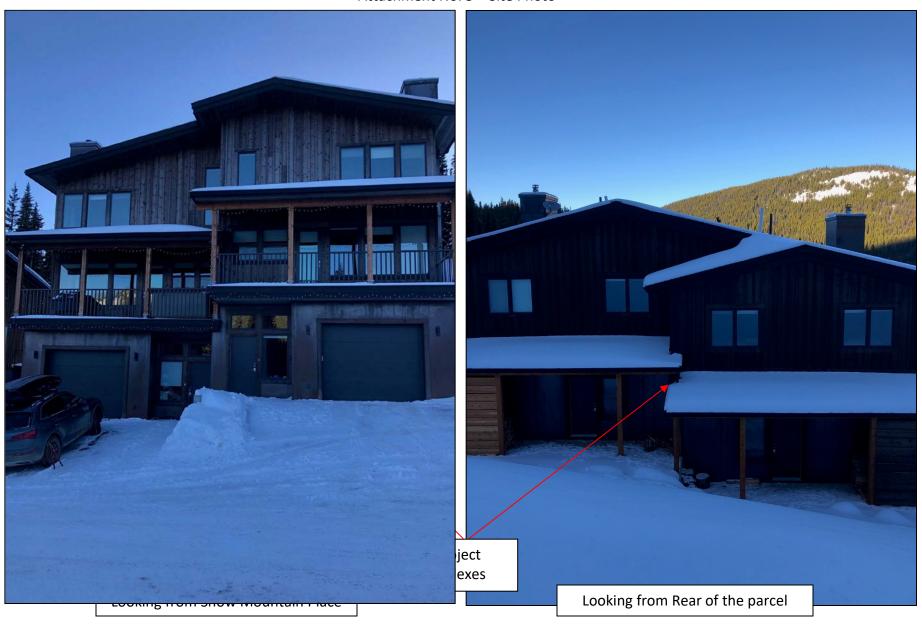
Attachment No. 3 – Applicant's Floor Plans



Attachment No. 4 – Applicant's Floor Plans



Attachment No. 5 – Site Photo



Attachment No. 6 – Site Photos

