

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** December 15, 2022  
**RE:** Development Variance Permit Application — Electoral Area “I” (I2022.051-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. I2022.051-DVP, to allow for the construction of a duplex with secondary suites at 134/136 Clearview Crescent and 135 Clearview Road at Apex, be denied.**

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Legal: Lot 12, District Lot 395S, SDYD, Plan KAP65691 Folio: I-02798.055

OCP: Low Density Residential (LR) Zone: Residential Apex Duplex Site Specific (RD2s)

Variances: reduced minimum front, rear and interior side parcel lines and increased maximum parcel coverage.

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## Proposed Development:

This application is seeking a variance to the front, rear, and interior side parcel line setbacks and parcel coverage that apply to the subject property in order to undertake the development of an oversized duplex dwelling with secondary suites.

The application addresses the following variances for a principal building:

- reduce the minimum front parcel line setback from 7.5 metres to 3.83 metres;
- reduce the minimum rear parcel line setback from 7.5 metres to 3.79 metres;
- reduce the minimum interior side parcel line setback from 3.0 metres to 2.07 metres;
- increase the maximum parcel coverage from 45% to 49.88%

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

- *Our variance application pertaining to the setbacks is based on the shape of our lot as it is not square, and therefore is difficult to maintain setback requirements and still maintain equally spaced units, all while providing adequate space for snow removal and parking for all four units;*
- *The setback variance will not affect neighbouring properties, nor will it create distress along Clearview Crescent for street side parking or roadway snow removal;*

## Site Context:

The subject property is approximately 681 m<sup>2</sup> in area and is situated between Clearview Road to the west and Clearview Crescent to the east, approximately 21 km from the boundary of the Village of Keremeos. The property is understood to be vacant.

The surrounding pattern of development is generally characterised by similarly sized parcels zoned RD2 and Medium Density Residential Apex (RM2) and containing multi-family residential development.

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**Background:**

The property was created on November 22, 1999, while available Regional District records indicate that a building permit has not previously been issued for this property. Apex is currently designated as a Rural Growth Area and contains lands zoned for multi-family developments to allow for a limited amount of future growth in the area.

The property is designated Low Density Residential (LR) and zoned Low Density Residential Apex Duplex Site Specific (RD2s). This zoning was applied to the property on June 2, 2022, following the adoption of Amendment Bylaw No. 2800.10, 2022, which allowed for the development of duplexes with suites on the site (e.g. four units).

The Zoning Bylaw defines “parcel coverage” to mean “the total horizontal area of structures measured to the outside of the exterior walls of the buildings and structures on a lot *including the horizontal areas of attached decks* [emphasis added] ...”. Two (2) off-street parking spaces are required per dwelling as well as one (1) parking space per secondary suite. As such, the property owner must provide six (6) off-street parking spaces on the subject property for the proposed development. 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 December 1, 2022. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

The property was originally laid out to accommodate a maximum of two (2) units — single detached dwelling/suite or duplex — as the zoning in place at the time of subdivision required a minimum parcel area of 1,010 m<sup>2</sup> to develop three (3) or more units (e.g. a townhouse).

While a doubling of density from 2 units to 4 units on the subject property is not insurmountable, it does present certain design challenges, particularly in relation to the provision of adequate vehicle parking spaces, snow storage and amenity areas.

In this instance, the number of variances the applicant is seeking is seen to be reflective of an over-development of the property and a built form for the units that poorly responds to the design challenges of the site (e.g. heavy snowfall in winter) as well as the applicable zoning regulations.

While the use and establishment of minimum parcel line setbacks is varied, in this instance pertinent considerations include physical separation between parcels in order to allow for snow shedding from buildings and snow storage, and traffic-related considerations such as vehicle access to a site and parking.

Parcel line setbacks were only recently increased at Apex (2020) in order to address long-standing community concerns regarding snow storage and a reduction to these in conjunction with an increase in maximum parcel coverage would seem to undermine the intent of these changes.

While the applicants’ parking layout meets the requirements of the Zoning Bylaw, it appears that the proposed siting of the parking spaces for the secondary suites is occurring to the detriment of

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possible snow removal options. Moreover, other options are seen to be available to the applicant, including a redesign of the proposed units in order to reduce the footprint of the building, or an overall reduction in site density.

Adjoining parcels fronting Clearview Crescent and Road are zoned RM2, which allows for a maximum height of 15.0 metres. There *may* be merit in a redesign that complies with setbacks and parcel coverage but seeks a height variance (subject to Board approval).

Conversely, higher density forms of development are to be encouraged at the resort, subject to the provision of community water and sewer infrastructure. The OCP Bylaw also speaks to encouraging infill development in Rural Growth Areas and Apex has become a year-round housing option for residents due to current housing availability issues in more urban centres such as Penticton, Summerland and Okanagan Falls. Water and sewer systems at Apex are at or near capacity and the proposed units may not be able to be constructed and connected to the systems until this is resolved).

**Alternatives:**

1. That the Board approve Development Variance Permit No. I2022.051-DVP.

**Respectfully submitted**



Shannon Duong, Planner II

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview - 2012)

No. 2 – Site Photo (2022)

Attachment No. 1 – Site Photo (Google Streetview - 2012)



Attachment No. 2 – Site Photo (2022)

