



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

Board of Variance Meeting

Tuesday, June 23, 2026

Zoom/Board Room (Hybrid) – 3008 Fifth Avenue, Port Alberni, BC

5:00 PM

Regular Agenda

Watch the meeting live at: <https://www.acrd.bc.ca/events/23-6-2026/>

Register to participate via Zoom Webinar at:

https://acrd-bc-ca.zoom.us/webinar/register/WN_KQ9ueX9ORNK1C1-9pMNG9Q#/registration

PAGE #

1. **CALL TO ORDER**

Recognition of Territories.

Notice to attendees and delegates that this meeting is being recorded and livestreamed to YouTube on the Regional District Website.

Introductions - Committee Members and Staff present.

2. **APPROVAL OF AGENDA**

3. **DECLARATIONS**

(conflict of interest)

4. **MINUTES**

5. **REPORTS**

a. **BOARD OF VARIANCE APPLICATION BVA25001 - 422 BURLO ISLAND (DOMBI-SAHI)**

3-19

A request for a minor variance has been submitted for the front yard setback (from Bamfield Inlet) and the western side yard setback to allow a partially constructed single-family dwelling to remain in its current location at 422 Burlo Island, which does not meet the zoning requirements of the Bamfield Cottage Residential (BRC) Zone.

The variance would reduce the front yard setback from 7.5 m (24.6 ft) to 6.4 m (21 ft) and the western side yard setback from 3.8 m (12.5 ft) to 3 m (9.8 ft).

6. **INFORMATION**

a. **Letters from Neighbour – 420 Burlo Island, Bamfield**

20-29

7. **LATE BUSINESS**

8. **ADJOURN**



To: Board of Variance

Meeting Date: June 23, 2026

From: Alex Dyer, GM of Planning & Development

Electoral Area: A - Bamfield

Subject: Board of Variance Application BVA25001 - 422 BURLO ISLAND (DOMBI-SAHI)

Applicant Request:

A request for a minor variance has been submitted for the front yard setback (from Bamfield Inlet) and the western side yard setback to allow a partially constructed single-family dwelling to remain in its current location at 422 Burlo Island, which does not meet the zoning requirements of the Bamfield Cottage Residential (BRC) Zone.

The variance would reduce the front yard setback from 7.5 m (24.6 ft) to 6.4 m (21 ft) and the western side yard setback from 3.8 m (12.5 ft) to 3 m (9.8 ft).

Background and Development Variance Permit History: The applicants previously received a Development Variance Permit to allow for the siting of a house on what was then a vacant waterfront parcel. Development Variance Permit DVA20006 was approved and issued by the ACRD Board and registered to the subject property in July 2022. DVA20006 varied the required setbacks of the Bamfield Cottage Residential (BRC) District by reducing the front yard setback (from Bamfield Inlet) from 12.2 m (40 ft) to 7.5 m (24.6 ft), and the western side yard setback from 4.6 m (15 ft) to 3.8 m (12.5 ft) to accommodate construction of a single family dwelling.

Building Permit BF23-02 was issued on December 1, 2023 to allow for the construction of a 900 square foot dwelling with a 358 square foot loft area. The one and half storey house has a 22.8 foot building height measured from the finished grade to the mid-point of the roof. Construction commenced and it was later discovered that the dwelling is sited incorrectly and that the partially-built structure encroaches into the varied front yard setback and side yard setback. In 2025, the property owners applied for another Development Variance Permit to further reduce the varied front yard setback from 7.5 m (24.6 ft) to 6.4 m (21 ft), and the varied western side yard setback from 3.8 m (12.5 ft) to 3 m (9.8 ft), to accommodate the location of the partially constructed single family dwelling which has been sited incorrectly. This is a difference of 1.1 m (3.6 ft) for the front yard, and 0.8 m (2.7 ft) for the western side yard.

The ACRD Board considered the second Development Variance Permit DVA25005 at four separate Board meetings starting with the first consideration on May 14, 2025 where the Board resolved to proceed with neighbour notification. Following engagement with the Bamfield Advisory Planning Commission and the public, on October 8, 2025, the Board of Directors passed a resolution to deny Development Variance Permit DVA25005.

PL20260002 / BVA25001

Alberni-Clayoquot Regional District | 3008 Fifth Avenue, Port Alberni, BC V9Y 2E3 | 250.720.2700 | www.acrd.bc.ca

Serving Port Alberni, Tofino, Ucluelet, Treaty First Nations: Huu-ay-aht, Yuułu?it̓'ath, Uchucklesaht Tribe Government, and Toquaht Nation, and Six Electoral Areas: "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sprout Lake), "E" (Beaver Creek) and "F" (Cherry Creek).

The partially-built structure remains on the property and the property owners applied to the Board of Variance in January 2026.

Property Owner(s): JULIU DOMBI-SAHI, ILDIKO DOMBI-SAHI **Applicant/Primary Contact:** ILDIKO DOMBI-SAHI

Property Information:

Civic Address: 422 BURLO ISLAND	
Legal Description: LOT 1 SECTION 19 TOWNSHIP 1 BARCLAY DISTRICT PLAN VIP68113	
PID: 024-330-485 Folio: 770-02781.000 ALR? (Y/N): No Lot Area (ha): 0.20 (0.50 ac)	
Current Zoning: BRC - Bamfield Cottage Residential District	Proposed Zoning: n/a
Current OCP: Bamfield, Residential Use	Proposed OCP: n/a
Development Permit Areas (DPA): DPA I – Riparian Areas Protection DPA II – Natural Hazard Areas Protection DPA IV – Coastal Protection	
Current Use & Description:	The subject property has an irregular shape and consists of varying steep topography and shoreline. The parcel is partially forested with the area of construction being cleared and somewhat level.
Surrounding Zoning and Land Use	
North: Bamfield Inlet	South: A2 – Rural District
East: Bamfield Inlet	West: RA2 – Acreage Residential District

Services:

- a) **Sewage Disposal:** Onsite sewage disposal.
- b) **Water Supply:** Bamfield Community Water System.
- c) **Fire Protection:** Bamfield Fire Protection Area.
- d) **Access:** Bamfield Inlet/water access only.

Planning Policy Discussion:

- a) **Official Community Plan (OCP):** The Bamfield OCP designates this property Residential Use. The property is affected by three development permit areas. Development Permit DPA20017 was issued on July 27, 2022 and, as required, was valid when construction of the single family dwelling began. The requested front yard setback variances fits within the 20% allowance for adjustments within the development permit, however the requested side yard setback variance exceeds 20%.

The applicants have provided an amended geotechnical review of the current siting which concludes that the reduced setback from 7.5 m to 6.4 m is acceptable and the building remains safe and suitable for the intended use. An updated assessment prepared by a qualified environmental professional (QEP) for DPA I and DPA IV would be required in order to renew the development permit to reflect the adjustment that exceed 20% and to continue with construction.

This proposal complies with the Bamfield OCP’s Residential Use designation. Renewal of DPA20017 to reflect the current siting, including updated QEP assessments for DPA I, DPA II and DPA IV would be required following approval by the Board of Variance and prior to continued construction.

b) Zoning: The ACRD Zoning Bylaw zones this property Bamfield Cottage Residential (BRC) District.

	BRC District Setbacks:	DVA20006 Setbacks:	Requested Setbacks:
Front Yard Setback (m)	12.2	7.5	6.4
Western Side Yard Setback (m)	4.6	3.81	3

Section 540 of the *Local Government Act* provides that a person may apply to a Board of Variance for an order under section 542 of the *Act* if the person alleges that compliance with a Zoning Bylaw respecting the siting, size or dimensions of a building or another structure would cause the person hardship.

This proposal does not comply with the ACRD Zoning Bylaw or Development Variance Permit DVA20006 which was issued on July 27, 2022. The property owners have applied for Board of Variance approval for the existing siting of the partially-built structure to allow for the building permit process to continue and for the dwelling to be completed.

Comments: On July 27, 2022, the property owners were issued Development Variance Permit DVA20006 and Development Permit DPA20017 to facilitate construction of a single family dwelling on the subject property. The waterfront property is an irregular shape with topographical challenges for development. Following approval of the Development Variance, Building Permit BF23-02 was issued December 1, 2023. Construction commenced and it was later discovered that the dwelling is sited incorrectly and the partially-built structure encroaches into the varied front yard setback and side yard setback. The property owners applied for a second Development Variance Permit to allow the structure to remain in place and to proceed with construction. Following a public notification process completed for the second variance application, the ACRD Board passed a resolution to deny Development Variance Permit DVA25005 at their October 8, 2025 meeting.

The current siting exceeds the permitted 20% adjustment allowance of DPA20017 and would require the Development Permit to be renewed to reflect the current siting if the Board of Variance application is approved. The applicants have provided an updated geotechnical assessment addressing the objectives for DPA II – Natural Hazard Areas Protection. An updated QEP assessment for DPA I – Riparian Areas Protection and DPA IV – Coastal Protection would be required for renewal of the Development Permit. The applicants also engaged a Structural Engineer to review the building structure for the potential relocation. The Engineering assessments are included in the Board of Variance review package.

Board of Variance Legislation: The *Local Government Act (LGA)* establishes the requirements for a Board of Variance, outlines the application and procedures for a Board of Variance, and establishes Board powers upon application.

Board powers on application – Section 542 of the LGA

“(1) On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531

(1) *[alteration or addition while non-conforming use continued]*, if the board of variance

(a) has heard the applicant and any person notified under section 541,

(b) finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and

(c) is of the opinion that the variance or exemption does not do any of the following:

(i) result in inappropriate development of the site;

(ii) adversely affect the natural environment;

(iii) substantially affect the use and enjoyment of adjacent land;



(iv) vary permitted uses and densities under the applicable bylaw;

(v) defeat the intent of the bylaw;

(vi) vary the application of an applicable bylaw in relation to residential rental tenure.”

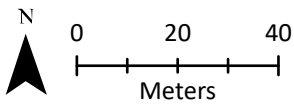
Submitted by: Maddie Graham
Maddie Graham, Recording Secretary to the Board of Variance

Submitted by: Alex Dyer
Alex Dyer, MCIP, RPP, General Manager of Planning & Development

 Subject Property
 Water Access Virtual Road



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT





Civic Address: 422 Burlo Island, Bamfield
 Legal Description: LOT 1 SECTION 19 TOWNSHIP 1 BARCLAY DISTRICT
 PLAN VIP68113



Bamfield Inlet

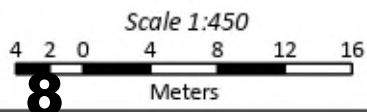


422 Burlo Island, Bamfield
LOT 1 SECTION 19 TOWNSHIP 1 BARCLAY
DISTRICT PLAN VIP68113

 Subject Property
 Parcels



Prepared 2025-04-08
Sources: LidarBC (DEM, Hillshade)
2019, ParcelMapBC; ACRD, City of
Port Alberni

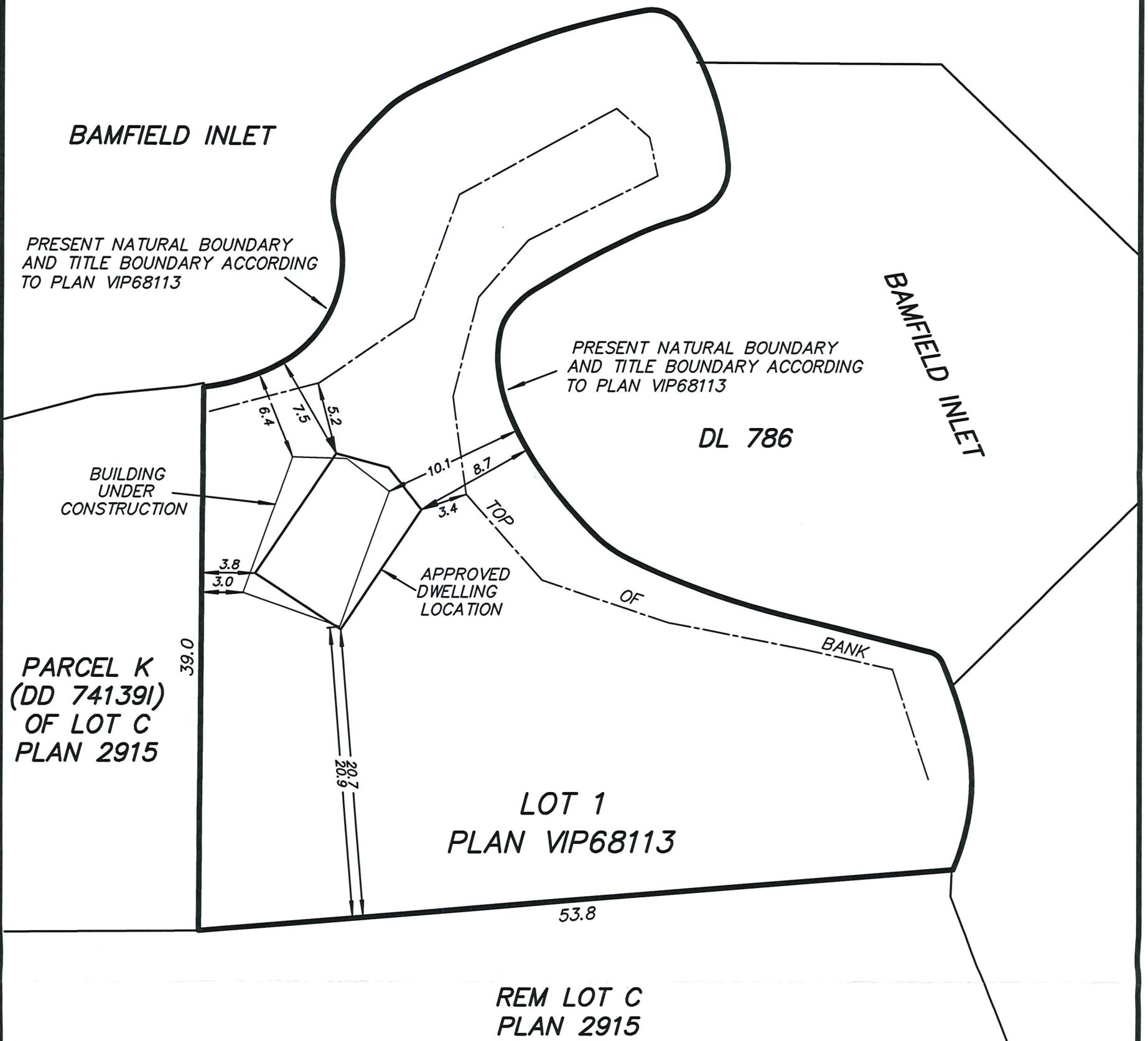


This product is intended for general reference use only and should not be used for navigation or legal purposes. Imagery offsets may exist.

PLAN OF LOT 1, SECTION 19, TOWNSHIP 1,
BARCLAY DISTRICT, PLAN VIP68113.
SHOWING BUILDING UNDER CONSTRUCTION AND
APPROVED BUILDING LOCATION THEREON
(FOR BOARD OF VARIANCE APPLICATION).

SCALE 1:400

ALL DISTANCES ARE IN METRES.
 FOR BUILDING INSPECTION ONLY.
 JURISDICTION: REGIONAL DISTRICT OF ALBERNI CLAYOQUOT
 PID NO: 024-330-485
 CIVIC ADDRESS: 422 BURLO ISLAND
 BAMFIELD, B.C



INSPECTED THIS 9TH DAY OF DECEMBER, 2025.

Neil Bauder
D3K5I3
 Digitally signed by
 Neil Bauder D3K5I3
 Date: 2025.12.09
 16:14:35 -08'00'



PRISM
 LAND SURVEYING LTD.

223 FERN ROAD W.
 QUALICUM BEACH, B.C. V9K 1S4
 PHONE: 250-752-9121
 EMAIL: info@prismlandsurveying.ca
 FILE NUMBER: 20-122-BL
 DRAWING FILE: 20-122 VAR1.dwg
 DATE: 2025-12-09



Our File: 20-122-BL

2025-12-09

Alberni-Clayoquot Regional District
3008 Fifth Avenue
Port Alberni, BC
V9Y 2E3

Attention: Board of Variance

Dear Board Members:

**RE: Lot 1, Section 19, Township 1, Barclay District, Plan VIP68113
422 Burlo Island
Owners: Ildiko and Juliu Dombi-Sahi**

On behalf of the owners, Juliu and Ildiko Dombi-Sahi, we are applying to the Board of Variance (BOV) for a relaxation of the **front yard setback (from Bamfield Inlet)** and the **western side yard setback** to allow the partially constructed single-family dwelling to remain in its current location.

PROPERTY DESCRIPTION

This 2040m² (0.5acre) property is located on the northern tip of Burlo Island in Bamfield Inlet, accessible only by water. The lot is irregularly shaped, with a lower-lying plateau on the northern half and steeply sloped terrain to the south, ranging from approximately 11.0m to 12.0m in elevation. The parcel is bordered by Bamfield Inlet to the north and east, an existing dwelling to the west, and undeveloped residential property to the south.

The property is located within the following Development Permit Areas (DPAs):

- **DPA I – Riparian Area Protection**
- **DPA II – Natural Hazard Areas Protection**
- **DPA IV – Coastal Protection**

The property is serviced by on-site sewage disposal and Bamfield water.

223 FERN ROAD WEST, QUALICUM BEACH, BC, V9K 1S4
Tel: (250) 752-9121 Fax: (250) 752-9241
Email: rachel@prismlandsurveying.ca/kelly@prismlandsurveying.ca

BACKGROUND

This property is uniquely constrained due to its irregular shape, steep topography, multiple DPA restrictions, limited building envelope, and proximity to Bamfield Inlet. These factors make compliant siting extremely challenging.

In July 2022, the ACRD Board approved Development Variance Permit **DVA20006** to reduce the required setbacks as follows:

- Front yard setback (from Bamfield Inlet): **12.2m to 7.5m**
- Western side yard setback: **4.6m to 3.8m**

Following approval of the variances, a Building Permit was issued in December, 2023, and construction commenced.

Torrance Gilmour of TWG Homes Ltd. was the contractor hired for the project.

Contractor's Account of Events

The owners retained **Torrance Gilmour of TWG Homes Ltd.** to construct the foundation and assemble the prefabricated home package. At the time of his engagement, the site had already been surveyed and corner pins were present. The surveyor that surveyed the property has since retired. Mr. Gilmour was provided with the approved variance permit and was repeatedly reminded of the setback requirements.

However, major site constraints made manual verification of setbacks extremely difficult. One of the key corner pins was no longer visible, the lot geometry is irregular, and the structure is not aligned square to any reference line. As a result, he relied on the corner pins installed by the original surveyor.

Mr. Gilmour offset the pins, performed the excavation, transferred the pin locations into the dig, and constructed the foundation using methods he had used successfully in the past. The excavation was exceptionally difficult: the plateau is small and bordered by steep embankments to the south and east, Bamfield Inlet to the north, and the neighbouring property to the west.

Contrary to expectations from the geotechnical report, over 5 feet of topsoil was encountered, creating significant difficulties disposing of material due to almost no available staging area. The foundation was backfilled immediately after the pour so the site could be made level for delivery of the house package.

A critical opportunity to re-survey the foundation before framing was missed. The original surveyor was retired and no longer in business, framing therefore proceeded.

By the time the first story, floor structure, and second story had been completed, the building inspector raised concerns about possible setback violations. With no reliable reference points on site, a survey was ordered. Prism Land Surveying Ltd. (Prism) inherited the files of the original surveyor and completed a site survey and reported discrepancies between the actual structure and the setbacks shown in the approved DVP.

After extensive review, it was discovered that the original field survey placed the house at a **3 m west setback** and a **6.7 m north setback**, and those were the pins physically installed on the property. However, between the fieldwork and the submission of DVA20006, the survey drawings were altered on paper—but the field pins were never updated to reflect those changes. Mr. Gilmour built the foundation based on the outdated field pins, believing them to reflect the approved variance.

At that point, only the roof remained unfinished. To protect the structure from the coastal climate during what would clearly be a lengthy delay, the contractor completed the roof frame and installed a waterproof membrane.

Mr. Gilmour has provided a written statement confirming these circumstances and clarifying that **the situation arose from compounded errors, site hardship, and outdated field information—not negligence or any intentional disregard for regulations.**

PROPOSAL

To reflect the actual as-built location of the dwelling, the following setback relaxations are requested:

	Bamfield Cottage Residential (BRC) District	DVA20006 Setbacks	Requested Setbacks
Front Yard Setback (m)	12.2	7.5	6.4
Western Side Yard Setback (m)	4.6	3.81	3

GEOTECHNICAL ASSESSMENT

The owners have engaged Lewkowich Engineering Associates Ltd. (LEA) to complete an amended geotechnical review based on the dwelling's current siting. Please find enclosed the LEA Geotechnical Field Review dated January 2, 2025.

The geotechnical assessment concludes that the reduced front setback from 7.5 m to 6.4 m remains acceptable and that the building remains safe and suitable for its intended residential use.

STRUCTURAL ENGINEERING

The owners have also engaged Walton Lu Structural Engineering Ltd. (Walton Lu) to assess the feasibility of relocating the partially constructed structure. The Walton Lu Memorandum dated July 20, 2025, concludes:

“Due to the nature of the structure, relocating the building to the proposed location will damage the structure. To maintain the structural capacity and integrity, the building can’t be moved or related”.

SUMMARY OF HARDSHIP

Relocating the dwelling to conform even to the previously varied setbacks would impose **significant undue hardship** on the owners, including:

1. Severe physical site limitations

Steep slopes, DPAs, and the restricted buildable area mean that moving the structure would require major excavation, additional geotechnical work, and likely greater environmental disturbance.

2. Increased environmental disturbance

Corrective excavation, demolition, and construction would significantly disrupt soil stability along riparian, coastal, and natural hazard area—far more so than retaining the structure in its current position.

3. Substantial financial burden

The estimated cost to demolish the existing foundation, re-excavate the site, and rebuild is **\$150,000 to \$200,000**—a disproportionate cost for a required shift of only:

- **0.8m (2.7 ft) to the east; and**
- **1.1m (3.6 ft) to the south**

4. Minimal planning benefit

The overall massing, shadowing, and site footprint of the structure would remain virtually unchanged if the dwelling were relocated. The encroachments are minor in scale, and there is no meaningful impact to the western neighbour, whose existing dwelling is already positioned at a comfortable distance, oriented away from the subject structure, and separated by natural vegetation and topography.

The requested variance does **not** negatively affect the neighbour’s privacy, light, views, safety, or use and enjoyment of their property. In fact, relocating the structure the additional 0.8 m would not produce any distinguishable improvement from the neighbour’s perspective.

Given the site’s unique constraints, the unintentional nature of the error, and the disproportionate consequences of attempting to relocate the dwelling, the requested variances represent the most reasonable, responsible, and practical solution.

Under Section 542 of the *Local Government Act*, this proposal does not result in inappropriate development, does not negatively affect the natural environment, and does not substantially impact adjacent properties.

ENCLOSURES

In support of this application, we enclose the following:

- Application for Development Form
- Title search
- Letter of Authorization
- Building Location Certificate prepared by Prism
- Plan showing building under construction and approved building location prepared by Prism
- Photographs of property, construction, and adjacent structures
- Email from Torrance Gilmour dated July 21, 2025
- LEA Geotechnical Field Review dated January 2, 2025
- Walton Lu Memorandum dated July 20, 2025

Application fees will be paid directly to ACRD upon receipt of your Request for Fees.

We look forward to discussing this application with the Board of Variance members at the next scheduled meeting.

Sincerely,



Rachel Hamling
Enclosures



GEOTECHNICAL FIELD REVIEW

13127 66A Ave
Surrey, BC, V3W 7S3
kodi_yak@hotmail.com

File: F8478.04
Revision: 00
Date: January 2, 2025

ATTENTION: Julian and Ildiko Dombi-Sahi
PROJECT: SINGLE FAMILY RESIDENCE
422 BURLO ISLAND, BAMFIELD, BC
PID: 006-099-131
SUBJECT: DP AMENDMENT LETTER – OCEAN SET BACK REVIEW, AS BUILT

1. As requested, Lewkowich Engineering Associates Ltd. (LEA) attended the above referenced development on April 15, 2024, and reviewed recent site conditions with respect to the set back requirement from the PNB which was determined to be safe at 7.5m per our report F8478.01r2, June 7th, 2021.
2. We understand this report was accepted after lengthy delays through the Gov. BC processes. The building was started, foundations laid and now is partially wood-framed. Upon review of a recent attached August 19, 2024 survey it was noted by the local jurisdiction that the building lies 6.4m from the PNB as documented by the most recent survey attached to this report. We understand that there was some confusion during the footing location determination as the original survey stakes were no longer in place since the original survey in September 2020. To add to the confusion at this particular site the distance from the building to the vegetated boundary is approximately 9m.
3. Normally the PNB is quite similar to the vegetated boundary. However, at this site the PNB was buried by gravel 25-30 years ago which has since vegetated. This shoreline condition has remained unchanged since that time and we do not anticipate any significant change in the future due to the protected waters of Bamfield Inlet. In addition, the portion of the encroachment is just at the corner of the building and the remainder of the shoreline is much further away and meets the original setback criteria (See attachment No.1) . See Figures 2.1 and 2.2 below for building location vs PNB and vegetated boundary.



Figure 2.1 Building 6.4m from PNB (middle stake) at 2.87m HighTide



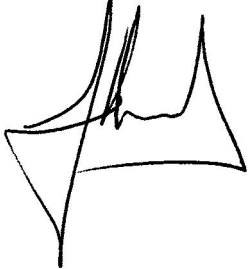
Figure 2.2 Shoreline at Nearest point at Low tide (Aug 31, 2024)

4. It is the opinion of LEA that the reduced set back to the small portion of the building from 7.5m to 6.4m (from the PNB) is acceptable and the building remains safe and suitable for the intended use.

5. LEA appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Yours,

Lewkowich Engineering Associates Ltd.

A handwritten signature in black ink, appearing to read 'John Hessels', is written over a faint, light-colored signature line.

John Hessels, AScT
Senior Technologist
Project Manager - Geotechnical

Chris Hudec M.A.Sc., P.Eng.
Senior Project Engineer

Attachment

1. Prism Survey, Drawing File: 20-122 BLC1.dwg, August 19, 2024

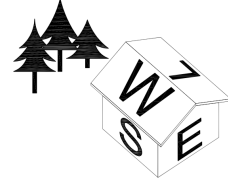
Walton Lu Structural Engineering Ltd.

Permit to Practice: 1000263

103-2155 West 38th Avenue, Vancouver, B.C. V6M 1R8

Email: wl.se@hotmail.com

Phone: (604) 649-7168



REVIEW MEMORANDUM

Project: Dombi Cabin

Address: 422 Burlo Island, Bamfield,

Issued Date: July 20, 2025

Project No.: 23-LW103-1394

Purpose: To review the building structure for the purpose of relocating the location.

The structure features a living area on the upper floor with a loft and is elevated to meet flood level requirements on the ground floor. The foundation consists of an 18-inch-wide strip footing along the perimeter, set on undisturbed soil approximately 4 feet deep below the frost depth line, and five interior pad footings supporting the upper floor structure. Foundation work was completed and reviewed on June 6, 2024.

The framing of the structure is substantially complete, except for a deck on the east side, and conforms to the design drawings. However, the structure has been rotated counterclockwise by 10-14 degrees about the south corner relative to the proposed orientation.

Due to the nature of the structure, relocating the building to the proposed location will damage the structure. To maintain the structural capacity and integrity, the building can't be moved or relocated.



2025-07-20

Walton Lu P.Eng.

B.C. LAND SURVEYORS BUILDING LOCATION CERTIFICATE

LOT 1, SECTION 19, TOWNSHIP 1, BARCLAY DISTRICT, PLAN VIP68113.

SCALE 1:400

THE INTENDED PLOT SIZE IS 280mm IN WIDTH AND 432mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:400.

NOTE:

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF AND ARE DERIVED FROM PLAN VIP68113.

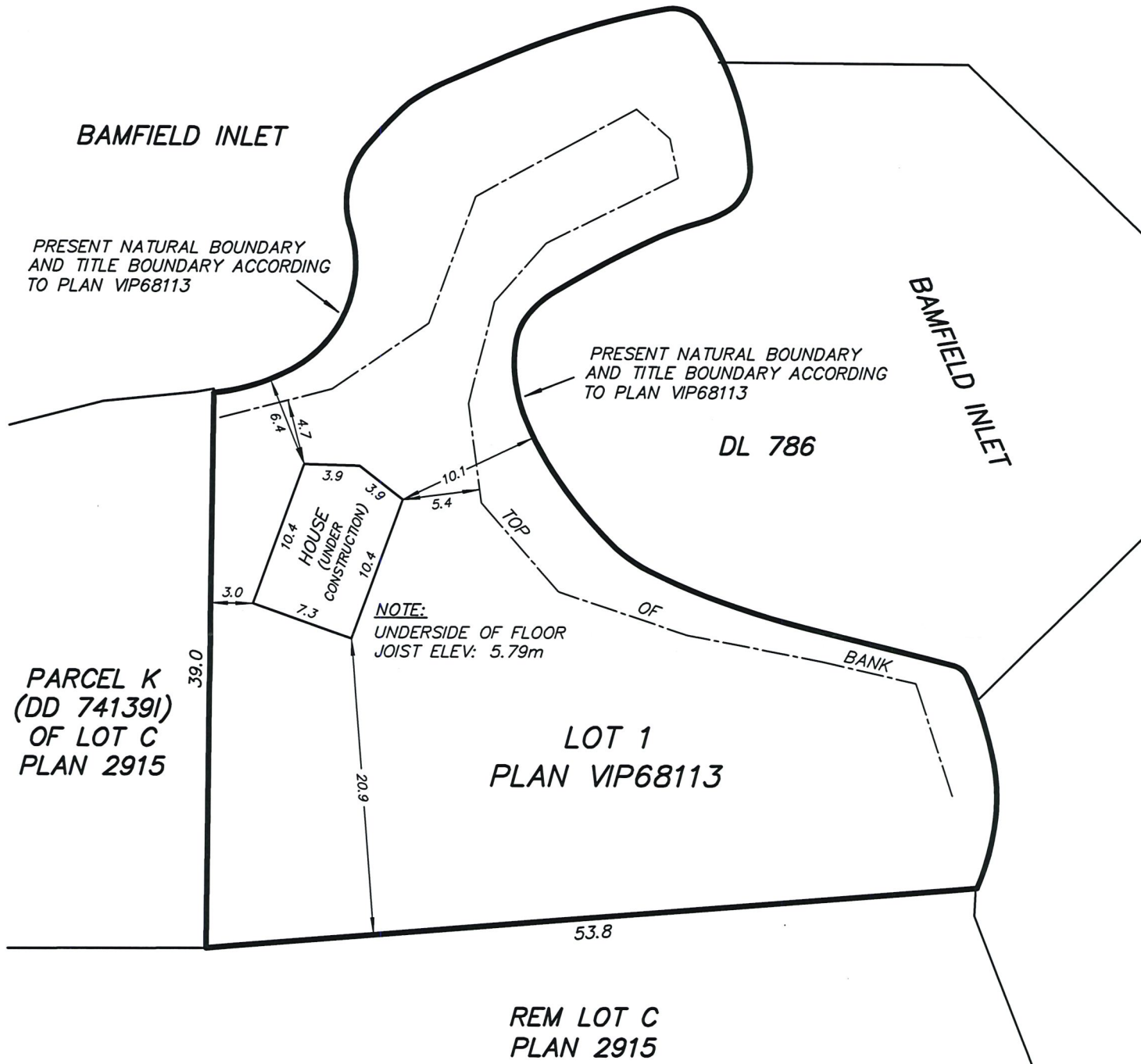
ELEVATIONS ARE GEODETIC IN METRES, REFERENCED TO CGVD28 DATUM, DERIVED FROM DIFFERENTIAL DUAL FREQUENCY GNSS OBSERVATIONS POST-PROCESSED USING NATURAL RESOURCES CANADA'S PRECISE POINT POSITIONING (PPP) SERVICE.

JURISDICTION: ALBERNI-CLAYOQUOT REGIONAL DISTRICT

PID NO: 024-330-485

THIS LOT IS SUBJECT TO LTO CHARGE NUMBER: ET78675.

CIVIC ADDRESS: 422 BURLO ISLAND,
BAMFIELD, BC



THIS SURVEY IS NOT VALID UNLESS DIGITALLY SIGNED. THIS SURVEY IS PROTECTED BY COPYRIGHT AND MAY NOT BE REPRODUCED.

CERTIFIED CORRECT THIS 19TH DAY OF AUGUST, 2024 ACCORDING TO LAND TITLE AND SURVEY AUTHORITY RECORDS AND FIELD SURVEYS. UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR CONSIDERED.

Neil Bauder
D3K5I3

Digitally signed by
Neil Bauder D3K5I3
Date: 2024.08.19
12:41:12 -07'00'

NOTE:

1. THIS SURVEY PURPORTS TO SHOW ONLY THE NEW CONSTRUCTION ON THE ABOVE DESCRIBED PARCEL(S) AND THEIR RELATIVE LOCATION THEREON.
2. THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO ANY OTHER BUILDING, PATIO, RETAINING WALL, PARKING FACILITY, FENCE, UNDERGROUND, ABOVEGROUND OR OVERHEAD UTILITY OR ANY OTHER IMPROVEMENTS AND THEIR RELATIVE LOCATION TO ANY INTERNAL OR EXTERNAL BOUNDARIES OF THE ABOVE DESCRIBED PARCEL(S) AND IS NOT TO BE USED TO RE-ESTABLISH PROPERTY LINES.
3. PRISM LAND SURVEYING LTD. AND NEIL BAUDER ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE.



223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
EMAIL: info@prismlandsurveying.ca
FILE NUMBER: 20-122-BL
DRAWING FILE: 20-122 BLC1.dwg
DATE: 2024-08-19

June 16, 2026

Board of Variance
Alberni-Clayoquot Regional District
c/o 3008 Fifth Avenue, Port Alberni, V9Y 2E3

Subject: BVA25001 – 422 Burlo Island, Bamfield: Appeal to Uphold ACRD Board Decision on DVA25005

Dear Board of Variance

I am the owner of 420 Burlo Island, Bamfield, the property immediately west of the subject property (422 Burlo Island).

I object to the additional reduction of the front and western side-yard setbacks as requested in DVA25005. DVA25005 is the second variance application regarding 422 Burlo Island. DVA25005 was submitted to address two property setback violations to DVA20006. DVA20006 was the original variance application approved by the ACRD Board on 27 July 2022 with the issuance of a Development Variance Permit.

The table below provides a summary of the approved and requested property setbacks for 422 Burlo Island.

ACRD Bylaw Setbacks	BRC Standard*	DVA2006 (approved)	DVA25005 (proposed)	If DVA25005 Approved	
				Total Reduction of Setbacks	Variance from Standard
Front Yard (metres)	12.2	7.5	6.4	5.8	47.5%
Western Side-Yard (metres)	4.6	3.81	3	1.6	34.8%

*BRC – Bamfield Cottage Residential zoning

As shown in the table above, the reductions in the front and western side-yard setbacks approved through DVA20006 were already very significant and negatively impacted the value of my property and my enjoyment of it. It should be noted that I did object to DVA20006 through a letter to the ACRD Board on 12 July 2022 citing the significant reductions in the front and side-yard setbacks and the likelihood of precedent being set for extreme variances to setbacks. Further reduction of the approved setbacks through approval of DVA25005 will result in additional adverse impacts on my property and increase the potential to establish precedent for similar variances being requested.

My primary concerns are:

1. The need for the second variance is the direct result of the building being incorrectly sited, rather than from any unique physical constraint of the subject property. **Failure to abide by ACRD's regulations, standards and processes, which would have prevented the incorrect siting of the building, does not warrant a variance request being approved.**
2. If the variance is approved, the reduced setbacks adversely affect my access to morning sunlight, privacy, enjoyment of my property and increases fire risk.
3. Approval of the additional variances would reward a construction error, whether intentional or unintentional, and could create an undesirable precedent for future development in the regional district.
4. Approval of BVA25001 will undermine the policies and regulations put in place to protect the interests of the property owners and the community.

5. The variance application was previously considered and denied by the ACRD Board following extensive public consultation. I am not aware of any material change in circumstances that would justify approval of the variance.
6. The ACRD Board of Directors, at their meeting on 27 August 2025, decided to “...defer a decision on Development Variance Permit DVA25005 to the October 8, 2025, Board of Directors meeting to allow the applicants to address concerns raised during the public notice period and to invite the applicants to present to the Board as a delegation.”

I have not been contacted by the owners of 422 Burlo Island following the meeting of the ACRD Board of Directors on 27 August 2025.

It is important to note that I indicated to the applicants in my emails to them dated 15 August 2025 and 22 August 2025 that I am willing and interested in seeking an acceptable resolution of my concerns regarding the two property setback violations pending guidance and decisions of the ACRD Board. These emails were copied to ACRD Planning Department and ACRD Regional Director Bob Beckett.

In summary, the application for further reduction in variances through DVA25005 arises from a preventable, self-created situation rather than an exceptional hardship due to the physical characteristics of the property. The application, if approved, would further reduce both the western side-yard and front-yard setbacks, resulting in additional adverse impacts on my property, including increased shading, reduced privacy, and increased fire risk.

Approval of the additional variance request would also undermine confidence in the zoning and development approval process by effectively rewarding non-compliant construction.

Why should I, as the affected neighbor, the community, the ACRD Board and staff, be burdened by what is claimed to be a construction error for something that the building contractor should be accountable for?

For the information of the Board of Variance, I have included four documents with this letter. One document provides additional information to support the Board in its deliberations – this is annexed to this letter. A second (separate) document is my presentation on 11 June 2025 to the ACRD Board in response to DVA25005. A third (separate) document is my letter to the ACRD Board dated 2 October 2025 about the failure of the owner of 422 Burlo Island to act on the ACRD Board of Directors’ recommendation of 27 August 2025 to take steps to address concerns raised during the public notice and review process. The fourth document is my letter of 12 July 2022 to the ACRD Board objecting to DVA20006.

For these reasons I respectfully request that the Board of Variance deny BVA25001/DVA25005 by upholding the ACRD Board of Directors decision made on October 8, 2025.

Sincerely,

Nelson Ireland

420 Burlo Island
Bamfield



ANNEX 1: Additional Information for the Board of Variance

1. Self-Created Hardship

The need for the second variance (DVA25005) arises because the dwelling was constructed in a location that does not comply with the setbacks previously approved by the ACRD through DVA20005. The second variance is to address a self-created hardship rather than a hardship resulting from the physical characteristics of the property.

The notice of the 23 June 2026 meeting of the Board of Variance, as well as previous documents published by the ACRD, states that the dwelling was "sited incorrectly" and is partially constructed.

Granting a variance to address construction errors could set an undesirable precedent for future development in the regional district.

2. Impacts on my property

As the western neighbour, I am directly affected by reduced front and side-yard setbacks.

Impacts include:

- Loss of morning sunlight/increased shading (front yard setback). The proposed reduction of the front-yard setback by 1.1 metres/3.6 feet (from 7.5 metres to 6.4 metres) a 14.7% reduction, places the dwelling closer to Bamfield Inlet than originally approved in the first variance - DVA20006). The resulting relocation and massing of the building increases shading impacts on my property, particularly during periods when sunlight is most valuable. This negatively affects my enjoyment and use of outdoor living areas and reduces access to natural light.
- Increased fire risk (western side-yard setback). The proposed reduction of the western side-yard setback by 0.8 metres/2.6 feet (from 3.8 meters to 3.0 meters) is significant at 21% reduction. owners of 422 Burlo Island have planted trees across the western side-yard also increasing the fire risk.
- Reduced privacy as the building has doors and windows on two levels that overlook my primary outdoor space, my living room windows, my dock and my balcony (western side-yard setback).
- Reduced visual separation between buildings increasing the perception of overcrowding.
- Restricts future development options on my property.
- Reduced value of my property.

3. Previous application already resulted in denial

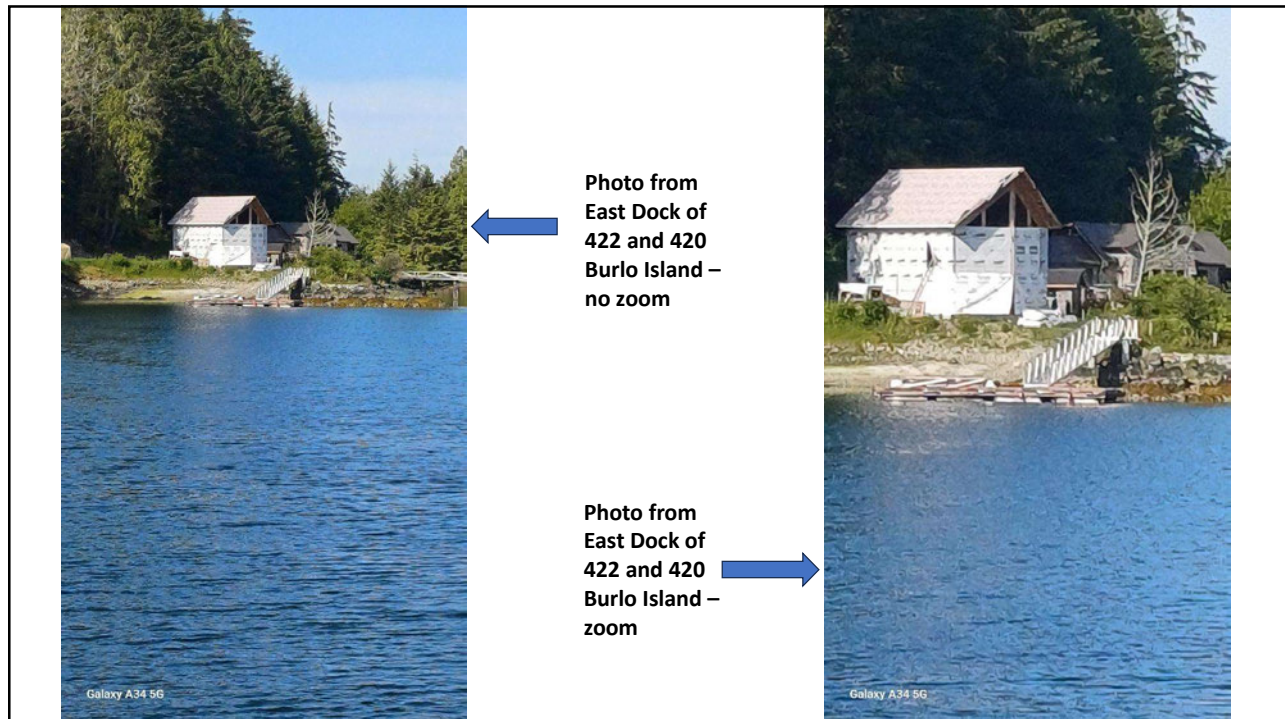
The ACRD Board considered and denied the second variance application (DVA25005) on October 8, 2025.

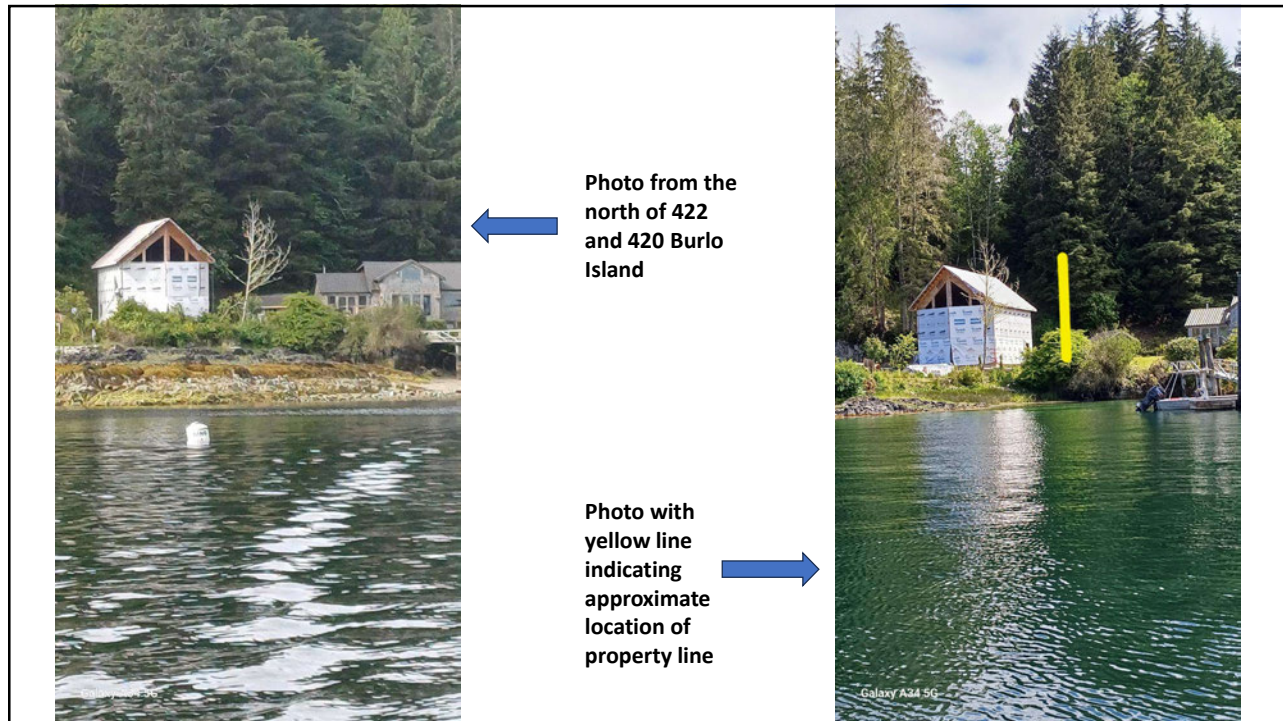
The application underwent a public review process and was denied by the ACRD Board. No new planning rationale appears to have been presented that would justify a different outcome.

DVA25005

Response from 420 Burlo Island
Owner: Nelson Ireland

Presentation to the ACRD Board
11 June 2025





The Situation

- 422 Burlo Island lot is zoned as Bamfield Cottage Residential – a zoning with a minimum building footprint of 900 sq ft.
- 422 Burlo Island lot is irregular - creating difficulties in meeting the 900 sq ft minimum.
- Among possible options, including; a) rezoning; b) a variance to minimum building size for BRC; or, c) a variance to property building setbacks, ACRD Board approved DVA20006 in July 2022 - reducing the western side yard and front yard setbacks.

Impact of 422 Burlo Island Building

- The building on 422 Burlo Island is 3 levels high – two stories and a loft (steep roof) and extends further north and west than was approved through DVA20006 by the ACRD Board.
- Significant effects on livability, use and enjoyment of 420 Burlo Island (to the west) include:
 - Reduction in fire protection distance between properties
 - Elimination of view to the east
 - Loss of Privacy (closeness, 2 doors/3 windows directly facing onto 420 Burlo Island)
 - Excessive shading (loss of sunlight) - inability to use area
 - Negative effect on property value



Reasons for DVA25005 Request Are Invalid

- Variances are intended to address 'external' factors which may cause 'hardship' such as natural conditions, terrain or events.
- Variances are not intended to rectify human actions which may cause 'hardship'. Incorrect building siting is a human created factor and is not a valid reason for issuing variances.
- Responsibility for intentional or non-intentional human actions which are presented as creating 'hardship' rest with the property owner(s) and their agents, surveyors, building contractors and others engaged with development of the property.

DVA 25005 Effect on Property Setbacks

The 2nd variance request (DVA25005), if approved, will:

- Result in excessive variation to bylaw standard setbacks:
 - ❑ **47.5%** for front yard [12.2 m (40 ft) to 6.4 m (21 ft)]
 - ❑ **34.8%** for western side yard [4.6 m (15 ft) to 3 m (9.8 ft)]
- Establish precedent for current and future property owners to seek significant variances to building setbacks.

Requested Action

Action A:

ACRD Board to Deny DVA25005

Should the ACRD Board decide not to deny DVA25005 at this time, the following action is sought.

Action B:

ACRD Board to Request the Bamfield Advisory Planning Committee to engage in additional review and consideration of DVA25005.

DVA25005

Response from 420 Burlo Island
Owner: Nelson Ireland

Presentation to the ACRD Board
11 June 2025

19 July 2022

Board of Directors
Alberni-Clayoquot Regional District
c/o Planning Department
Alberni-Clayoquot Regional District
3008 Fifth Avenue
Port Alberni, B.C.
V9Y 2E3

Re: Response to DVA20006 – Development Variance of Section 200 – Schedule No. 11 – Bulk and Site Regulations of the ACRD Zoning Bylaw to reduce the required front yard setback from 40 feet to 24.6 feet and the western side yard from 15 feet to 12.5 feet to accommodate the construction of a single-family dwelling. 422 Burlo Island, Bamfield, B.C., LOT1 SECTION 19 TOWNSHIP 1 BARCLAY DISTRICT PLAN VIP68113. PID: 024-330-485.

To the Members of the Board of Directors:

Please accept the following letter as a response to the application for a development variance permit (DVA20006) for the above-noted property.

Firstly, I would like to share my own understanding of some general issues concerning property setbacks as they may apply to the requested variances.

1. I have understood that property setbacks can serve different purposes, including protection of the environment, provision of safety and security for the inhabitants on the property and adjacent properties and to afford privacy, personal enjoyment and comfort for neighbouring property owners.
2. As a purchaser of several different properties in British Columbia and elsewhere, I continue to be aware of my obligation as a purchaser of property to exercise due diligence prior to completion of the purchase. This due diligence is required to reveal any condition or factors which will cause issues for the owner, including being aware of and considering the implications of applicable property setbacks. My obligation to exercise due diligence is often referred to as the principle of Buyer Beware (or caveat emptor). It has always been my understanding that a failure to exercise due diligence in the purchase of a property (or land) does not warrant a claim of hardship nor should the failure, on the part of a buyer, to exercise due diligence dictate that variance applications should be entertained. In relation to the exercise of due diligence for the subject property, it appears to me, based on discussion with community members, that it was known within the community of Bamfield that it would be very difficult to build a residence on the subject property, primarily due to applicable property setbacks that have been in place for a significant amount of time. The awareness of property setback issues related to the subject property may have been one reason that the property had not been sold previously, despite having been offered for sale for around 20 years.
3. The requested variances to the existing setbacks represent significant decreases in the current setbacks with the requested front setback of 40 feet to 24.6 feet representing just 61.5% of the required setback and the requested western side setback from 15 feet to 12.5 feet being 83.3% of the required setback.
4. I believe there is a very real concern of potentially setting precedent in relation to property setback variances in Bamfield and other communities within the regional district. Should the requested variances be approved, other property owners may apply for similar types of variances to property setbacks to avoid potential hardship related to renovating existing residences. Instead, existing and new owners could apply for and expect similar property setback variances to allow for new

construction. This might apply particularly to owners of existing older homes/buildings that do not conform to current property setbacks – a situation I, and others, may wish to take advantage of.

Secondly, I would like to offer comments and observations more specific to the application for the development variance permit for the subject property.

1. The current owner contracted for the movement of significant amounts of soil and rock, including from the foreshore on the eastern side of the subject property. This movement of soil and rock has resulted in the subject property having a higher ground level than my property. The movement of soil and rocks on the subject property resulted in the legal survey post at the north-west corner of the subject property being buried under 4-5 feet of overburden – a legal survey maker that demarks the northern most point of a shared property line with my property. In addition, the higher level of soil on the subject property poses soil and rock slippage onto my property – an event that has already happened at the north-eastern portion of my property. This slippage has not been contained by the loose rock retaining wall put in place by the owner of the subject property. As well, the soil at the north-western side of the subject property appears to be very close to the high tide level.
2. The survey undertaken to locate the proposed placement of the residence on the subject property did not locate the legal survey marker on the north-western point of the subject property. Those conducting the survey indicated to me that the placement of a wooden stake in the north-western corner was an approximation of where the legal survey ought to be, but they had not been contracted to remove 4-5 feet of overburden to locate the legal survey marker, providing a wooden stake with an orange ribbon instead. The owner of the subject property was observed to attempt to move that particular wooden stake that had been placed by the survey company. It now appears that the wooden stake has been replaced with a piece of metal rebar. As a result of the observed attempt to move the wooden stake, I do not have confidence in the determination of the legal boundary between my property and the subject property. By extension, I have little confidence in the placement of any survey stakes placed on the subject property – aside from the legal survey markers. This lack of confidence has caused me to question the accuracy of measurement of any of the property setback – if adjusted by an approved variance or not.
3. The requested setback variance on the western side of the subject property represents 83.3% of the required property setback. If the owner obtains the requested property setback, the personal enjoyment of my own property will be significantly impeded as the view to the east from my residence will be compromised – only to be made worse if the setback is reduced and a residential structure were to be built as proposed.
4. With respect to the possibility of a septic system being installed on the subject property, my concern is that the higher elevation of the subject property may present an issue of septic system drainage onto my property, particularly because much of the substrate of the subject property is made up of loose rock and bedrock. If the western setback is reduced from 15 feet to 12.5 feet, this reduction only increases the risk of septic system drainage onto my property.

Please be advised that I do not support approval of the current application of the development permit (DVA20006). Should you wish to contact me, I would be pleased to offer clarification of statements provided in my response to the application.

Sincerely

420 Burlo Island, Bamfield, B.C.

E-mail: [REDACTED]