



July 11, 2024

BEAVER CREEK ADVISORY PLANNING COMMISSION

A meeting has been scheduled for **Tuesday, July 16, 2024 at 7:00 pm**

Please find enclosed the following applications for your review and consideration:

- RE24001 – 6467 Walker Road (Tardif)
- DVE24006 – 5424 Gordon Ave (Elliott)

Your recommendations will be provided to the Board of Directors at the July 24, 2024 Board meeting.

If you have any questions or need additional information, please reach out to the ACRD Planning Department.

Phone: 250-720-2700

Email: planning@acrd.bc.ca



To: ACRD Board of Directors

Meeting Date: July 24, 2024

From: Brooke Eschuk, Jr. Planner

File #: PL2024006 / RE24001

Application Type: Rezoning Application

Voting Structure: Electoral Area Directors

Electoral Area: "E" Beaver Creek

Subject: Rezoning Application RE24001 – 6467 Walker Road (Tardif)

Recommendation:

THAT the Board of Directors consider first reading of Bylaw P1493, Regional District of Alberni – Clayoquot Zoning Amendment Bylaw at a future date, and that notice be given in accordance with section 467 of the Local Government Act.

THAT the Board of Directors confirm that adoption of Bylaw P1493 is subject to:

- a. Confirmation from a Registered On-Site Wastewater Practitioner (ROWP) that the portion of the property to be rezoned is capable of supporting on-site sewage disposal to a minimum 0.24 hectare density.*
- b. Meeting all technical referral agency requirements.*

Note: The *Housing Statutes (Residential Development) Amendment Act* (Bill 44) was enacted in November 2023 as part of several legislative changes relating to housing. The new legislation phased out one-off, site-by-site public hearings for housing projects that are consistent with area OCPs. As this rezoning is consistent with the Residential Use policies in the Beaver Creek Official Community Plan, a public hearing will not be held. The neighbour notification and public notice advertising provides the opportunity for public input on the application process.

Development Proposal: The applicants wish to rezone the 0.93 ha (2.3 ac) parcel from Small Holdings (A1) District to Acreage Residential District (RA3) as the first step in creating a three-lot bare-land strata subdivision. Proposed Strata Lot A (SL A) is 0.22 ha; SL B is 0.12 ha and SL C is 0.29 ha. SL B and C would each hold one single family dwelling and a series of accessory buildings used as sheds and for farm purposes. SL A is currently vacant. The applicants will utilize strata lot averaging of the common property to ensure the lots meet the required minimum lot size of 0.24 ha for the Acreage Residential (RA3) District zone. The bare land strata development would incorporate a communal wastewater disposal system.

Advisory Planning Commission Recommendation:

That the Beaver Creek Advisory Planning Commission review the application and forward their recommendations to the ACRD Board.

Property Owner(s)/Applicant(s): Melissa Tardif; Denis Tardif; Marlene Tardif

PL20240006 / RE24001

Property Information:

Civic Address	6467 Walker Road						
Legal Description	LOT 1, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614						
PID	004-523-245	Folio	659.000	ALR? (Y/N)	N	Lot Size (ha)	0.93
Current Zoning	Small Holdings (A1) District			Proposed Zoning	Acreage Residential (RA3) District		
Current OCP	Residential Use			Proposed OCP	N/A		
Development Permit Area(s)	N/A						
Current Use & Description	<p>The parcel contains two single family dwellings, both occupied by the applicant's family members on the west side of the parcel accessed by Walker Road. The parcel is level and has been mostly cleared of trees. There are no development permit areas (DPAs) located on the property, however there is a large parcel of ALR land located to the east of the property. A 10 metre road right-of-way separates the two parcels.</p> <p>In addition to containing two single family homes and a series of outbuildings, the parcel is used for agricultural purposes (livestock). The parcel contains a series of accessory buildings including barns and sheds to care for animals.</p>						

Surrounding Zoning and Land Use				
North	Small Holdings (A1) District		South	Small Holdings (A1) District
East	Rural (A2) District / ALR		West	Small Holdings (A1) District

Services:

- a) **Sewage Disposal:** On-site septic. The applicant has submitted a report from a Registered Onsite Wastewater Practitioner indicating the site meets the standards for sewerage system installation and Island Health's requirements for subdivision. The current system is 15 years old, meets all Island Health requirements and is performing as intended according to Island Health regulations.
- b) **Water Supply:** Beaver Creek Community Water System. Beaver Creek Community Water. If the property owner proceeds with subdivision, the applicant will need to apply for new Beaver Creek Water System (BCWS) services, satisfy the requirements of Development Cost Charge Bylaw F1133-1, and satisfy any BCWS water connection requirements identified by ACRD Community Services staff.
- c) **Fire Protection:** The parcel is within the Beaver Creek Fire Protection Area.
- d) **Access:** Access to the property is via Walker Road. The applicant must provide comment from Beaver Creek Volunteer Fire Department indicating access to each of the three proposed lots is sufficient at the subdivision stage.

Planning Policy Discussion:**a) Official Community Plan:**

The Beaver Creek OCP designates this parcel as 'Residential Use'. A minimum lot size of .24 hectares is permitted when subdividing a lot connected to community water services. The objective of the Residential Use designation is to provide a range of housing options within the plan area.

The parcel is not impacted by the Agricultural Land Reserve and is separated by a 10 metre wide road right of way. Conflicts with agricultural lands, operations, and uses may occur when development occurs adjacent to ALR land. Policy 3.2.3 of the Beaver Creek OCP supports the establishment of a vegetated

buffer between agricultural land and non-agricultural development to help mitigate these issues. Agricultural edge planning should be considered at subdivision for the new residential parcels that border the ALR land.

This proposal complies with the objectives and policies of the Beaver Creek Official Community Plan.

b) Zoning:

The parcel is designated Small Holdings (A1) District. The applicants are proposing to rezone the parcel to RA3 District as the first stage in a future subdivision. The applicants propose to utilize lot averaging of the common property as part of a bare land strata subdivision to ensure the lots meet the required minimum size of 0.24 ha for the Acreage Residential (RA3) District zone.

	Current: Small Holdings (A1) District	Proposed: Acreage Residential (RA3) District
Minimum Lot Area (ha)	0.8	0.24
Minimum Lot Width (m)	50.2	30
Principal & Accessory Front Yard Setback (m)	7.6	12.1
Principal Side Yard Setback (m)	1.5	4.5
Principal Rear Yard Setback (m)	9.1	9.1
Accessory Side Yard Setback (m)	4.5	0.9
Accessory Rear Yard Setback (m)	4.5	0.9
Watercourse Setback (m)	30	30

Proposed Lot A would be accessed by a 6m wide panhandle along the southern property line. The applicants intend to register an encroachment agreement on title to allow the building located on the property directly to the south to encroach on the panhandle by 0.1 m and overhang the panhandle by 0.5 m. An additional encroachment agreement must be registered to allow Lot B to have an overhang of the panhandle of 0.4 m.

The existing dwellings on proposed Lots B and C were built to the A1 setback requirements. The property owner will require a development variance to recognize the siting of the existing buildings from new lot lines according to the setbacks in the RA3 zone. A parcel frontage waiver will also be required to account for the limited direct access to proposed Lot A. The variances would be considered at the subdivision stage.

This proposal does not comply with the ACRD zoning bylaw. The property owners have applied to rezone to RA3 District in order to facilitate the proposed three-lot subdivision.

Comments:

The rezoning will facilitate a three-lot bare land strata subdivision for the applicant’s family members. The proposed lots are smaller than the required 0.24 ha minimum parcel size for the RA3 zone. The applicants are proposing to use lot averaging utilizing common property within the bare land strata

development to accommodate the lot sizes. The subdivision will allow the entire immediate family to occupy the property. Proposed Lot A is accessed by a 6.1 meter wide panhandle along the southern boundary of the property. An easement must be registered to allow the building located on the neighbouring property to the south to encroach the panhandle by .1m and overhang the panhandle by 0.5 m. An additional easement would be registered to allow Lot B to have an overhang of the panhandle by 0.4 m.

If the rezoning is successful, and the applicant applies to subdivide the parcel, development variances for the siting of existing buildings and a frontage waiver will be required..

Alex Dyer

Submitted by: Alex Dyer, MCIP. RPP, Manager of Planning

Reviewed by: Cynthia Dick, General Manager of Administrative Services

Approved by: Daniel Sailland, Chief Administrative Officer



Looking east at proposed SL B towards existing single family house (constructed in the 1950s).



Looking west at proposed SL C and panhandle common property access.



Looking east at proposed SL C and existing septic field. Common property access and proposed Lot A beyond accessory buildings.



Looking east at proposed SL A 33 m road right of way and ALR beyond tree line.



Looking north at proposed SL A.

5925 VIP15359

5905

DL 25

5803

 Agricultural Land Reserve

 Subject_Property

KELLOW RD

5954

6594 Lot 2

6574 Lot B

VIP46582 Lot A

VIP14790 Lot 3

6550

VIP17938 Lot B

6524

Subject Property

6561 Lot 1

VIP15654 REM Lot 5

6525 Lot 2

Lot A VIP14502

Lot 3 6511

Lot 4 6497

6467

Lot 1

DL 24

WALKER RD

Lot 1 6494

Lot 2 6470

DL 108E&N

Parcel A 6456

REM Lot 3 6440

VIP16941

Lot 4 6426

Lot 5 6412

Lot 6 6398

Lot 16 6362

VIP1439

Lot 9 6336

6447 Lot 2

6429 Lot 3

VIP15614

6415

6399 REM Lot 4

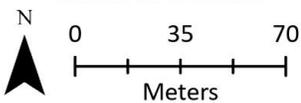
6379 Parcel A

6335

VIP14949 Lot 1



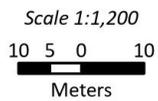
ALBERNI-CLAYOQUOT REGIONAL DISTRICT



Address: 6467 Walker Road
 Legal Description: LOT 1, DISTRICT LOT 24, ALBERNI DISTRICT,
 PLAN 15614



6467 Walker Road
 LOT 1, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN
 15614



- Subject Property
- Agricultural Land Reserve
- Parcels



Prepared 2024-04-02
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REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1493

OFFICIAL ZONING ATLAS AMENDMENT NO. 778

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 464, 465, 470 and 479 of the *Local Government Act*;

AND WHEREAS an application has been made to rezone a property;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the Official Zoning Atlas of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw No. P1493.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning: LOT 1, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614 from Small Holdings (A1) District to Acreage Residential (RA3) District as shown on Schedule ‘A’ which is attached to and forms part of this bylaw.

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this day of ,

Read a second time this day of ,

Read a third time this day of ,

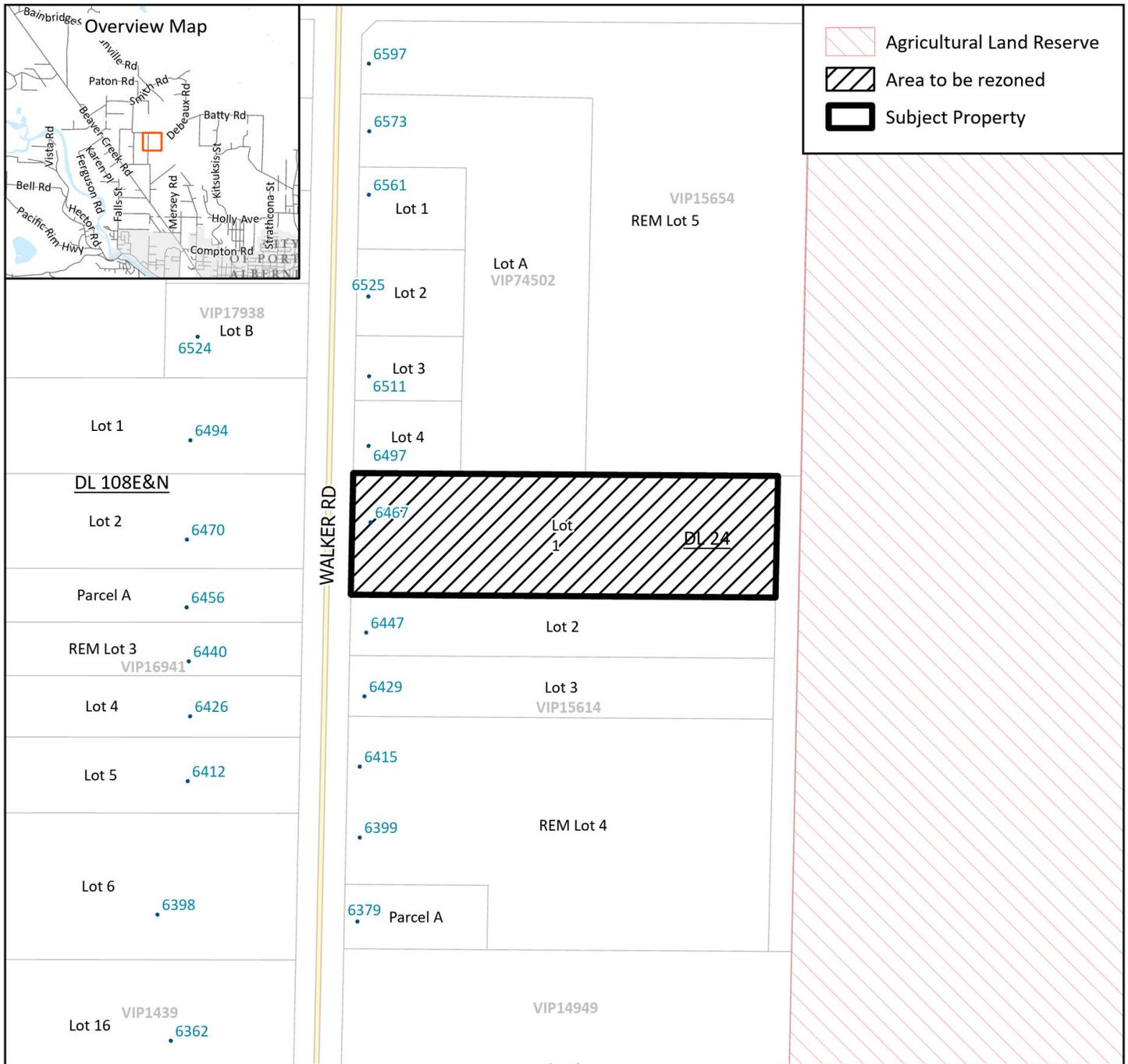
Adopted this day of ,

Corporate Officer

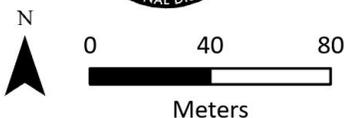
Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw P1493, 2024



Address: 6467 Walker Road
 Legal Description: LOT 1, DISTRICT LOT 24, ALBERNI DISTRICT,
 PLAN 15614



To be rezoned from Small Holdings (A1) District to Acreage Residential (RA3) District.



To: ACRD Board of Directors

Meeting Date: July 24, 2024

From: Brooke Eschuk, Planner I

File #: PL20240049 / DVE24006

Application Type: Development Variance Permit

Voting Structure: Electoral Area Directors

Electoral Area: 'E' Beaver Creek

Subject: Development Variance DVE24006 – 5424 Gordon Avenue (Elliott)

Recommendation:

THAT the Board of Directors consider issuing Development Variance Permit DVE24006 subject to neighbouring properties being notified as per Local Government Act s. 499.

Development Variance DVE24006:

- i. Development variance of the ACRD Zoning Bylaw, Section 6.5(4)(h), to increase the height of the accessory dwelling unit from 3.7 m (12.1 ft) to 5.7 m (19 ft) to match the height of the existing single family dwelling located on the property.

Development Proposal: The applicants intend to construct an accessory dwelling unit (ADU) on the parcel adjacent to the existing single family dwelling. In order to match the height and design of the existing home, they have applied to increase the permitted height for an ADU from 3.7 m to 5.7 m.

Advisory Planning Commission Recommendation: The Beaver Creek Advisory Planning Commission (APC) will review this application at their July 16th meeting and forward their recommendation to the ACRD Board.

Property Owner(s)/Applicant(s): Tammy and David Elliott

Property Information:

Civic Address	5424 Gordon Avenue						
Legal Description	LOT 2 DISTRICT LOT 20 ALBERNI DISTRICT PLAN EPP11956						
PID	028-605-918	Folio	00539.020	ALR? (Y/N)	N	Lot Size (ha)	0.6 (1.4 ac)
Current Zoning	Acreage Residential (RA3) District			Proposed Zoning	n/a		
Current OCP	Residential Use			Proposed OCP	n/a		
Development Permit Area(s)	n/a						
Current Use & Description	Located in Beaver Creek, the parcel is developed with a single family dwelling on a mostly level plot. The parcel is open with tree cover at the rear property line.						

PL20240049 / DVE24006

Surrounding Zoning and Land Use

North	Acreage Residential (RA3) District	South	Acreage Residential (RA1) District
East	Acreage Residential (RA2) District	West	Acreage Residential (RA3) District

Services:

- a) **Sewage Disposal:** Onsite sewage disposal.
- b) **Water Supply:** Beaver Creek Community Water System.
- c) **Fire Protection:** Beaver Creek Fire Protection Area.
- d) **Access:** Gordon Avenue.

Planning Policy Discussion:

- a) **Official Community Plan:** The Beaver Creek Official Community Plan (OCP) designates this property as 'Residential Use'. The objective of this designation is to allow a range of housing options within the Plan area. The property is not impacted by any development permit areas.

This proposal complies with the Beaver Creek OCP.

- b) **Zoning:** The parcel is zoned Acreage Residential (RA3) District. The zoning allows for the development of lands at a relatively high density while encouraging the retention of rural qualities. The subject property is larger than the minimum lot size at 0.6 ha and has a rural character.

	Current:	Proposed:
Minimum Lot Area (ha)	0.24	-
Minimum Lot Width (m)	29.9	-
Principal & Accessory Front Yard Setback (m)	14.9	-
Principal Side Yard Setback (m)	4.9	-
Principal Rear Yard Setback (m)	9.9	-
Accessory Side Yard Setback (m)	3	-
Accessory Rear Yard Setback (m)	3	-
Watercourse Setback (m)	30	-
ADU Height (m)	3.7	5.7

This proposal is not in compliance with the ACRD Zoning Bylaw. A development variance permit to increase the ADU height from 3.7 m (12.1 ft) to 5.7 m (19 ft) is required.

Comments: The applicants are preparing a building permit application and wish to receive a variance for building height prior to submitting the application. The current maximum building height requirements are somewhat restrictive for modern building design and would cause the new ADU to appear different from the existing home. The applicants intend to construct the ADU to match the aesthetics of the primary dwelling.

Staff feel the proposal is reasonable and recommend that the Board consider issuing the development variance permit following neighbourhood notification.

Reviewed by: Michael Irg
Mike Irg, MCIP, RPP, General Manager of Planning and Development

Reviewed by: _____
Cynthia Dick, General Manager of Administrative Services

Type text here

Reviewed by: _____
Daniel Sailland, MBA, Chief Administrative Officer

Site Photos

Taken May 10, 2024



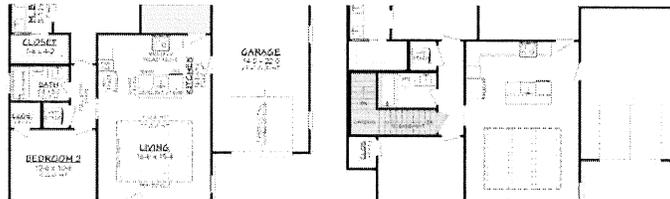
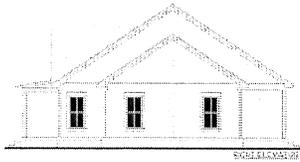
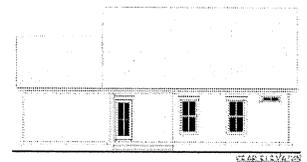
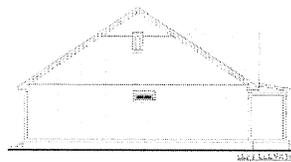
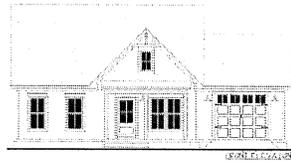
Looking South from Gordon Road.
Siting of the proposed ADU is directly
behind garden.



Looking Southeast. Stakes indicate
proposed location of ADU.



Looking North from rear of property. Stakes indicate proposed location of ADU.



2-Bed Country Craftsman Cottage House Plan Under 1000 Sq Ft

996
Heated S.F.

2
Beds

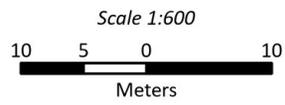
2
Baths

1
Floors

1
Car Garage



5424 Gordon Ave
 LOT 2 DISTRICT LOT 20 ALBERNI DISTRICT PLAN
 EPP11956

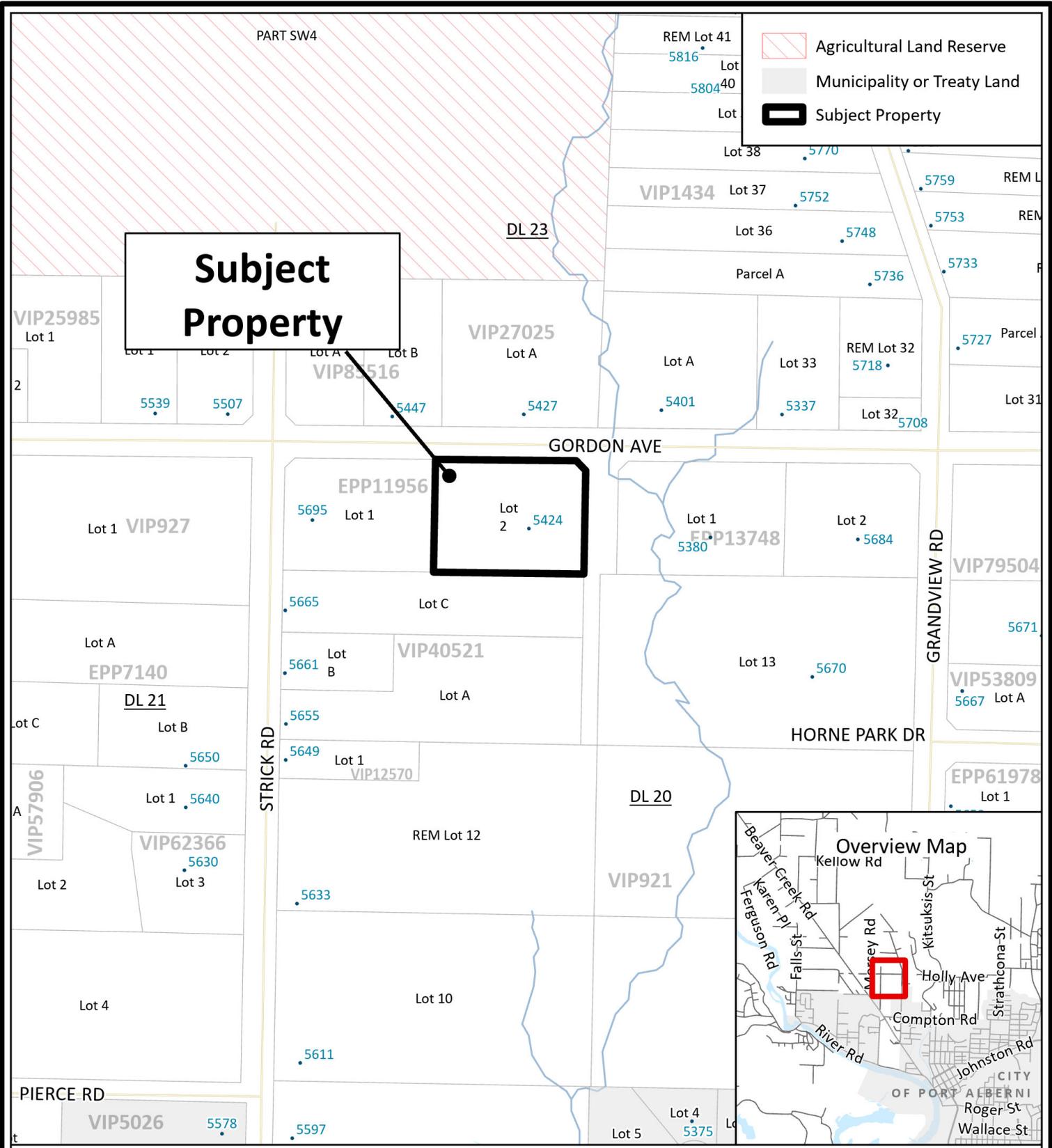


-  Subject Property
-  AV Stream Atlas
-  Parcels



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Subject Property

 Agricultural Land Reserve
 Municipality or Treaty Land
 Subject Property



 Civic Address: 5424 Gordon Ave
 Legal Description: LOT 2 DISTRICT LOT 20 ALBERNI DISTRICT PLAN EPP11956



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

