



March 5, 2025

## SPROAT LAKE ADVISORY PLANNING COMMISSION

A meeting has been scheduled for **Monday, March 10, 2025 at 5:30 pm** in a hybrid format in the ACRD Upstairs Boardroom, with the option to join electronically via Zoom.

The following items will be presented and discussed from 5:30 pm to 7:00 pm:

- **Sproat Lake and Area Official Community Plan Update Project**
  - Background Research Report
  
- **Applications for your review and consideration at 7:00 pm:**
  - DVD25002 – 18440 Pacific Rim Highway (Ballard)

Your recommendations will be provided to the Board of Directors at the March 26, 2025 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](mailto:planning@acrd.bc.ca)



**To:** ACRD Board of Directors

**Meeting Date:** March 26, 2025

**From:** Brooke Eschuk, Planner I

**File #:** PL20250008/DVD25002

**Electoral Area:** D - Sproat Lake

**Subject:** Development Variance Permit DVD25002 – 18440 Pacific Rim Highway (Ballard)

**Recommendation:**

***THAT the Alberni-Clayoquot Regional District Board of Directors consider issuing Development Variance permit DVD25002 subject to neighbour notification as per Local Government Act s. 499.***

Development Variance DVD25002:

- i. Development variance of the ACRD Zoning Bylaw, Schedule II Bulk and Site Regulations to reduce the required minimum lot width in the Residential Vacation Home (RVH) District from 30.48 m to an average width of 28.5 m for Proposed Lot 1 and an average width of 21.5 m for Proposed Lot 2.
- ii. Development Variance of the ACRD Zoning Bylaw s. 6.2(4)(a) to reduce the required watercourse setback from 30.48 m to 15 m for the watercourse that dissects the west side of the property.

**Development Proposal:** The property owners are applying for variances as a requirement of a proposed two lot strata subdivision. The property owners are requesting to vary the parcel width of proposed Lot 1 from 30.48 m to 28.5 m; the parcel width of proposed Lot 2 from 30.48 m to 21.8 m; and a reduction of the watercourse setback from 30 m to 15 m to align with the Sproat Lake Official Community Plan for a minor watercourse that dissects the west side of the property. Lot 1 will also require a parcel frontage waiver as it will not meet the minimum 10% required by the *Local Government Act*.

**Advisory Planning Commission Recommendation:** The Sproat Lake Advisory Planning Commission will review the application at their March 10<sup>th</sup> meeting and forward their recommendations to the ACRD Board of Directors.

**Property Owner(s):** Steven and Elizabeth Ballard

**Agent/Primary Contact:** Rachel Hamling, Prism Land Surveying

**Property Information:**

Civic Address:	18440 Pacific Rim Highway				
Legal Description:	LOT 1 SECTION 507 CLAYOQUOT DISTRICT PLAN VIP66421				
PID: 024-019-861	Folio: 770-03485.005	ALR? (Y/N)	N	Lot Size (ha): 0.45	(1.34 ac)
Current Zoning	RVH - Vacation-Home District	Proposed Zoning	n/a		
	Sproat Lake, Recreational				
Current OCP	Residential Use	Proposed OCP	n/a		
Development Permit Area(s)	DPA I – Foreshore and Riparian Areas Protection (30 m) (15 m)				

Current Use & Description	The parcel contains a single family dwelling and several accessory buildings such as storage and woodsheds, a detached garage at the north end of the parcel and a greenhouse. The parcel also contains a small guest cabin with an attached deck. The common wastewater disposal system would be in the northeast portion of the parcel to the rear of the garage. There is an existing rock wall built on the present natural boundary of Sproat Lake and a dock at the foreshore. A creek dissects the west side of the property and drains into Sproat Lake.		
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#### Surrounding Zoning and Land Use

North	Forest Reserve (A4) District	South	Waterfront (WF1) District
East	Vacation Home (RVH) District	West	Vacation Home (RVH) District

#### Services:

- a) **Sewage Disposal:** An on-site wastewater disposal system would be shared between SL 1 and SL 2 on common property. The applicant has submitted a report from a Registered On-site Wastewater Practitioner confirming that the shared sewage disposal system can support the proposed development.
- b) **Water Supply:** On-site water. The property draws water from Sproat Lake.
- c) **Fire Protection:** The property is protected by the Sproat Lake Volunteer Fire Department.
- d) **Access:** Access to the property is from the Pacific Rim Highway via a private road that multiple property owners utilize to access lakefront parcels. An existing gravel driveway would be designated as common property between the two strata lots. Lot 1 would have approximately 6% of its perimeter fronting onto the highway, which does not meet the minimum 10% required by the *Local Government Act (LGA)*. A parcel frontage waiver would be required in conjunction with the issuance of the development variances. Lot 2 will not front directly onto the public road as it would be accessed by the private strata road; no frontage waiver would be required in that case.

#### Planning Policy Discussion:

- a) **Official Community Plan:** The parcel is designated "Recreational Residential Use". This designation enables residents to maintain a seasonal or recreational property. These properties are not intended to be adequately serviced or accessible for full-time residency. If owners of property within this land-use designation wish to reside on the property year-round, they would need to apply for an OCP amendment and rezoning.

The Sproat Lake OCP supports a minimum lot size of 0.24 ha in the Residential Use designation where communal water or sewer services are provided. SL 1 would be 0.258 ha, SL 2 would be 0.187 ha, and the common property area for sewage disposal would be 0.048 ha. The applicants intend to utilize Lot Averaging in accordance with the Bare Land Strata Regulation (s. 2) of the *Strata Property Act* to support an average lot size of 0.246 ha, which would comply with the minimum lot size supported in the Sproat Lake OCP.

There are two Development Permit Areas (DPAs) that impact development on this property. DPA I – Foreshore and Riparian Areas Protection which designates a 30 metre riparian area from the natural boundary of the lake and a 15 metre riparian area from the watercourse that dissects the west side of the property. A report from Toth and Associates indicates the strata subdivision will not impact the riparian area (DPA I) on the property.

DPA II – Natural Hazard Areas Protection which identifies slope hazard risk areas for development on any slope

with an incline of 30 percent or more. Reports from a Qualified Environmental Professional and a Professional Engineer may be required to satisfy the DPA guidelines.

***This proposal is not in compliance with the Sproat Lake Official Community Plan. As a condition of the subdivision application, the property owners are required to apply for a development permit to satisfy the requirements of DPA II.***

- b) Zoning:** The parcel is zoned Vacation Home (RVH) District which is intended to accommodate seasonal and vacation residences for property owners maintaining a permanent residence elsewhere.

	Current:	Proposed:
Minimum Lot Area (ha)	0.18	
<b>Minimum Lot Width (m)</b>	<b>30.4</b>	<b>Lot 1 - 28.5 Lot 2 - 21.8</b>
Principal & Accessory Front Yard Setback (m)	10.6	
Principal Side Yard Setback (m)	4.5	
Principal Rear Yard Setback (m)	10.6	
Accessory Side Yard Setback (m)	0.9	
Accessory Rear Yard Setback (m)	0.9	
<b>Watercourse Setback (m)</b>	<b>30.48</b>	<b>15</b>

The two lots would have an average lot size of 0.246 ha in accordance with the Bare Land Strata Regulation of the *Strata Property Act*. The individual strata lots would meet the minimum lot area (0.18 ha) but would not meet the minimum lot width requirements in the RVH District. A BC Land Surveyor has provided a site plan for the subdivision that includes a calculated average lot width of 28.5 metres for Lot 1 and 21.8 metres for Lot 2.

The variance to reduce the watercourse setback from 30.5 m to 15 m for the minor watercourse that dissects the west side of the property would align with the development permit guidelines in the OCP and allow for a suitable building envelope on Lot 1.

***This proposal is not in compliance with the ACRD Zoning Bylaw. Issuance of a Development Variance Permit to address for minimum lot width of both proposed Lots 1 and 2, and watercourse setback are required prior to subdivision approval.***

**Comments:** The property contains several accessory buildings including sheds greenhouses and a garage. The property owners are proposing a strata subdivision using lot averaging to comply with the required minimum lot size for the RVH Zone.

The property owners have submitted a report from a Qualified Environmental Professional indicating the subdivision will not negatively impact the riparian areas on the parcel. However, the parcel is also impacted by DPA II – Natural Hazard Areas protection. The applicants may be required to submit a QEP report to address DPA II as a condition of subdivision approval.

In addition to the development variances required for lot width, a parcel frontage waiver will be required for Lot 1 as a condition of subdivision approval. The frontage waiver would be considered by the Board in conjunction with the final consideration of the development variances following the neighbour notification process as per Section 499 of the *LGA*.

**Site Photos**



Looking west, between the single family dwelling and watercourse (DPA I – 15m).

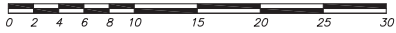
Submitted by: *Alex Dyer*  
Alex Dyer, MCIP, RPP, Planning Manager

Reviewed by: \_\_\_\_\_  
Cynthia Dick, General Manager of Administrative Services

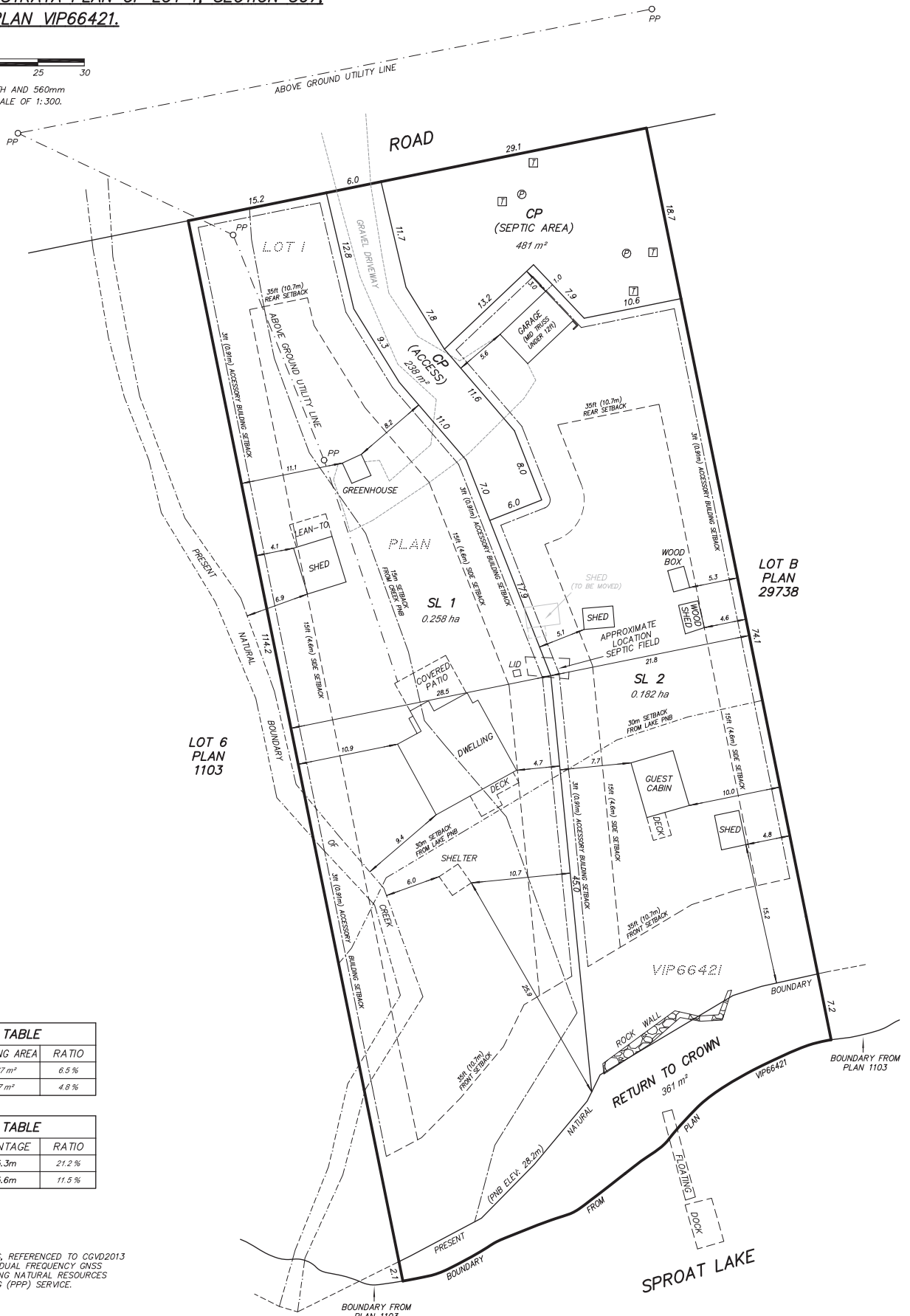
Approved by: \_\_\_\_\_  
Daniel Sailland, MBA, Chief Administrative Officer

**PROPOSED BARE LAND STRATA PLAN OF LOT 1, SECTION 507,  
CLAYOQUOT DISTRICT, PLAN VIP66421.**

SCALE 1:300



THE INTENDED PLOT SIZE IS 432mm IN WIDTH AND 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:300.



PARCEL COVERAGE TABLE			
PARCEL	PARCEL AREA	BUILDING AREA	RATIO
SL 1	2580 m <sup>2</sup>	167 m <sup>2</sup>	6.5 %
SL 2	1820 m <sup>2</sup>	87 m <sup>2</sup>	4.8 %

PARCEL FRONTAGE TABLE			
PARCEL	PERIMETER	FRONTAGE	RATIO
SL 1	260.5m	55.3m	21.2 %
SL 2	222.4m	25.6m	11.5 %

**NOTE:**  
ELEVATIONS ARE GEODETIC IN METRES, REFERENCED TO CGVD2013 DATUM, DERIVED FROM DIFFERENTIAL DUAL FREQUENCY GNSS OBSERVATIONS POST-PROCESSED USING NATURAL RESOURCES CANADA'S PRECISE POINT POSITIONING (PPP) SERVICE.

**NOTES:**  
THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH PROPERTY BOUNDARIES. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE INDICATED AND ARE DERIVED FROM FIELD OBSERVATIONS AND LTO RECORDS.  
JURISDICTION: ALBERNI-CLAYOQUOT REGIONAL DISTRICT  
PARCEL ZONING: VACATION HOME DISTRICT (RVH)  
PID NO: 024-019-861  
THIS LOT IS NOT SUBJECT TO ANY LTO CHARGE NUMBERS:  
CIVIC ADDRESS: 18440 PACIFIC RIM HIGHWAY, PORT ALBERNI, BC

LEGEND	
SL	DENOTES STRATA LOT
CP	DENOTES COMMON PROPERTY
ha	DENOTES HECTARES
PNB	DENOTES PRESENT NATURAL BOUNDARY
PP	DENOTES POWER POLE
⊠	DENOTES TEST PIT
⊙	DENOTES PERC HOLE
---	DENOTES ZONING SETBACK LINE
- - -	DENOTES ACCESSORY BUILDING SETBACK

No.	DATE	REVISION
1	2024/06/07	SITE PLAN FOR DISCUSSION
2	2024/08/22	STRATA CONFIGURATION FOR CLIENT REVIEW
3	2024/09/12	ADD LOT DIMENSIONS
4	2024/12/05	MODIFY LAYOUT, CALCULATE FRONTAGE & COVERAGE, ADD SETBACKS

**PRISM**  
LAND SURVEYING LTD.  
223 FERN ROAD W.  
QUALICUM BEACH, B.C. V9K 1S4  
PHONE: 250-752-9121  
FAX: 250-752-9241  
FILE NUMBER: 24-094-S  
DRAWING NUMBER: 24-094-P4.DWG  
DATE: 2024/12/05



Our File: 24-094-S  
ACRD Subdivision File: SD24009

2025-01-20

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

Attention: Alex Dyer

Dear Alex:

**RE: Variances Requested for Lot 1, Section 507, Clayoquot District, Plan VIP66421  
18440 Pacific Rim Highway, Port Alberni**

On behalf of our clients, Elizabeth, Robert and Steven Ballard, we are applying for a parcel width variance for Proposed Strata Lots 1 and 2. In addition, we request a variance for the setback from the watercourse on Proposed Strata Lot 1. The parcel width variances are required to facilitate the 2-lot Bare Land Strata Subdivision.

## **BACKGROUND**

This property is 0.54ha (1.3ac) and is zoned Residential Vacation Home (RVH). The Sproat Lake Official Community Plan supports a minimum parcel size of 0.24ha in the Residential Use designation where communal water or sewer services are provided. Through lot averaging, under the Bare Land Strata Regulations, the proposed parcels would average 0.244ha, thereby complying with the minimum parcel size requirements.

The northern portion of the property is bisected by the Common Property area which will provide access to both proposed strata lots. The proposed Common Property for the septic is located to the northeast of the property. There is an existing dwelling, a greenhouse and a shed on Proposed Strata Lot 1 and a guest cabin, a garage and three sheds on Proposed Strata Lot 2.

The property will be serviced by onsite water and a communal septic system. Glenn Gibson of Gibson and Sons Consulting Ltd., Registered On-Site Wastewater Practitioner, has assessed the soils for onsite sewage disposal and confirmed there are suitable primary and reserve areas within a communal septic area that meet Island Health Standard Practice Manual V3.

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223 FERN ROAD WEST, QUALICUM BEACH, BC, V9K 1S4

Tel: (250) 752-9121 Fax: (250) 752-9241

Email: [rachel@prismlandsurveying.ca](mailto:rachel@prismlandsurveying.ca)/[kelly@prismlandsurveying.ca](mailto:kelly@prismlandsurveying.ca)

## **PARCEL WIDTH VARIANCE**

Proposed Strata Lots 1 and 2 do not meet the parcel width requirement outlined in the RVH zone.

**RVH Zone Parcel Width Requirement:** 30.48m

**Total Width of Property:** 50.3m

**Width of Proposed Strata Lot 1:** 28.5m

**Width of Proposed Strata Lot 2:** 21.8m

Approval of this development variance permit is required for the 2-lot Bare Land Strata Subdivision to proceed. Despite not meeting the exact width requirement, the proposed lot widths provide sufficient area for the permitted uses in the RVH zone, as well as safe access and egress.

Therefore, we request that the parcel width requirement be reduced as follows:

- Proposed Strata Lot 1: from 30.48m to 28.5m
- Proposed Strata Lot 2: from 30.48m to 21.8m

## **WATERCOURSE SETBACK VARIANCE**

Additionally, we are applying to vary Section 6.2(4)(a) of the ACRD Zoning Bylaw to reduce the required watercourse setback from 30m to 15m, in alignment with the Sproat Lake OCP.

A watercourse runs along the entire west side of the property, and the 30m zoning setback encompasses most of Proposed Strata Lot 1, limiting future development opportunities. A reduced setback would allow for greater flexibility for any future development.

In support of this variance, Toth and Associates Environmental Services has prepared an Environmental Assessment dated January 16, 2025. The report states: “as the 30.48m watercourse setback encompasses all of Strata Lot 1 it significantly impacts the potential for any future development of Strata Lot 1.

We would therefore be supportive of a variance to reduce the watercourse setback from 30.48 to 15.0m, which would match the 15m Riparian Protection DPA and the watercourse setbacks proposed under the new draft Zoning Bylaw No. P1333”.

Therefore, we kindly request the watercourse setback for Proposed Strata Lot 1 be reduced from 30m to 15m.

## **SUMMARY OF REQUESTED VARIANCES**

In summary, we kindly request the following variances:



- Reduce the parcel width requirement for Proposed Strata Lot 1 from 30.48m to 28.5m.
- Reduce the parcel width requirement for Proposed Strata Lot 2 from 30.48m to 21.8m.
- Reduce the watercourse setback on Proposed Strata Lot 1 30m to 15m to align with the Sproat Lake OCP.

## ENCLOSURES

In support of this application, enclosed are the following:

- ACRD Development Variance Permit form
- Title search
- Letter of authorization
- Proposed Bare Land Strata Plan prepared by Prism Land Surveying
- Toth and Associates Environmental Services Environmental Assessment dated January 16, 2025

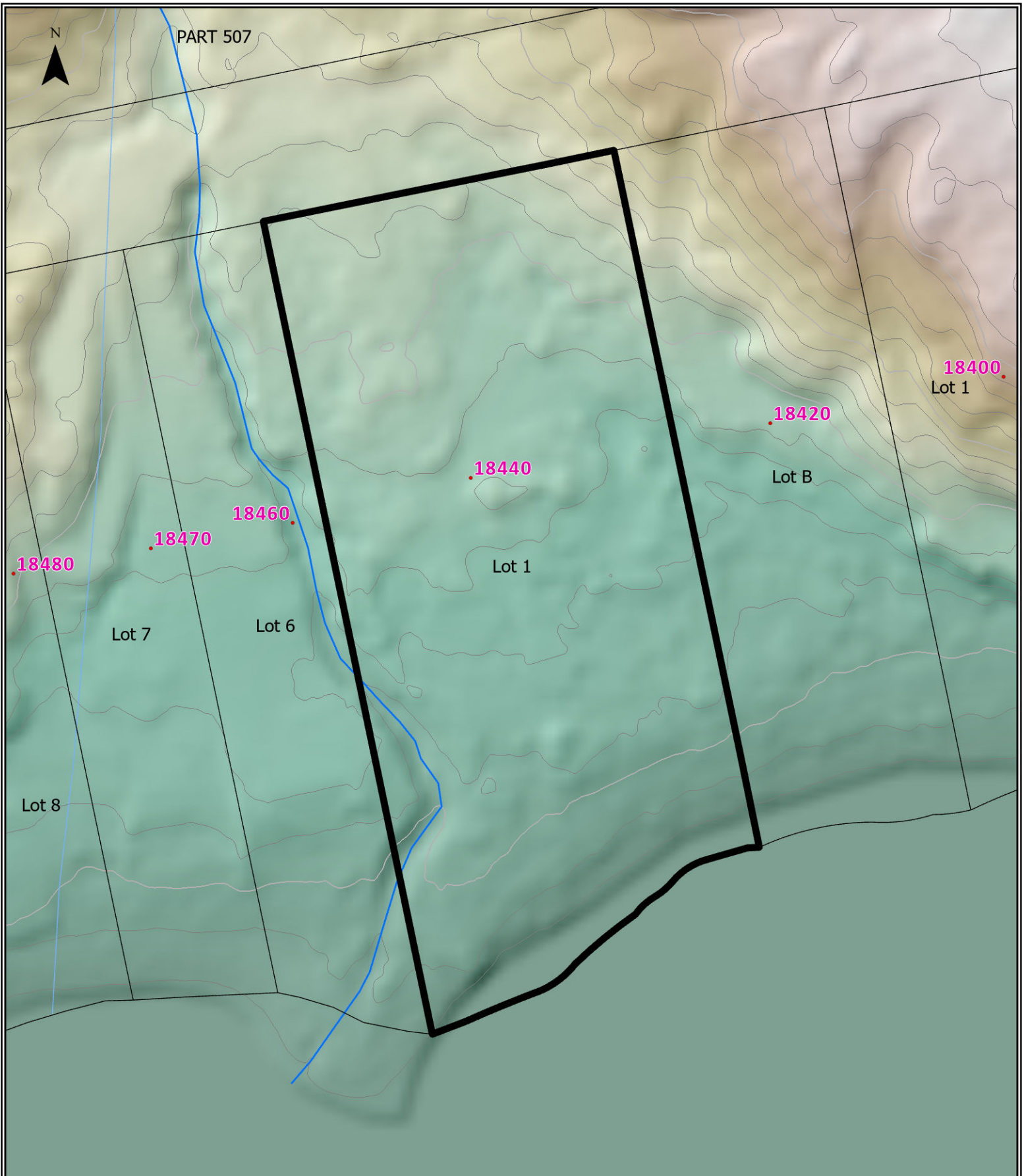
Application fees will be paid directly to ACRD upon notification.

We look forward to working with the ACRD on this application.

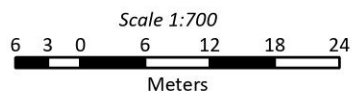
Sincerely,



Rachel Hamling  
Land Development Consultant  
RH:ka



18440 Pacific Rim Highway  
 LOT 1 SECTION 507 CLAYOQUOT DISTRICT PLAN VIP66421

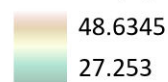


 Subject Property

 AV Stream Atlas

 Parcels

Elevation (m)

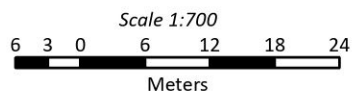





Prepared 2024-10-01  
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 (DEM, Hillshade) 2019,  
 ParcelMapBC; GeoBC; ACRD

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18440 Pacific Rim Highway  
 LOT 1 SECTION 507 CLAYOQUOT DISTRICT PLAN VIP66421






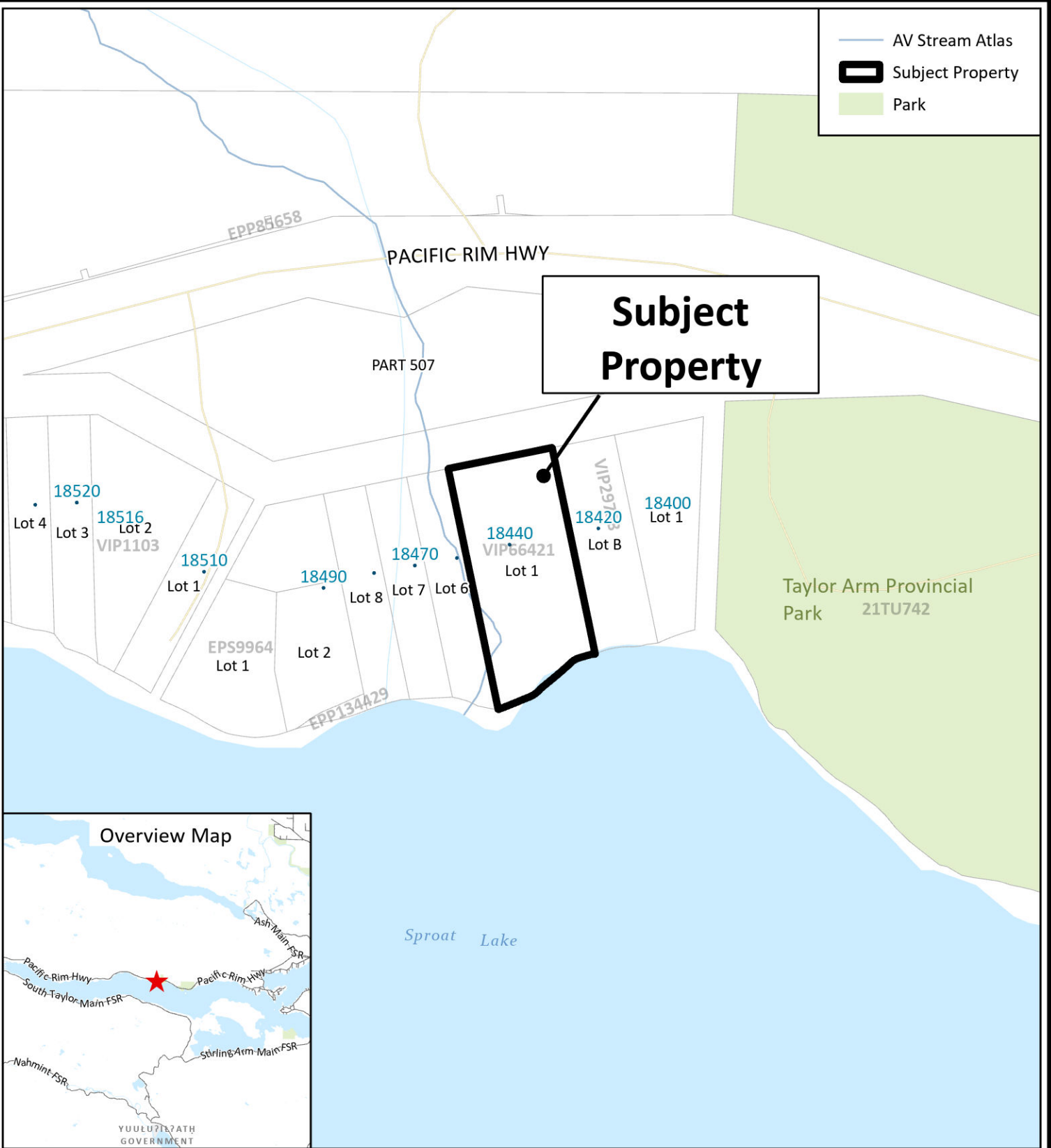
-  Subject Property
-  AV Stream Atlas
-  Parcels



Prepared 2024-10-01  
 Sources: © OpenStreetMap (and) contributors, CC-BY-SA, Airbus DC 2023, LidarBC (DEM, Hillshade) 2019, ParcelMapBC; GeoBC; ACRD

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-  AV Stream Atlas
-  Subject Property
-  Park



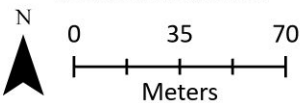
**Subject  
Property**



Sproat Lake



ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT



Civic Address: 18440 Pacific Rim Highway  
Legal Description: LOT 1 SECTION 507 CLAYOQUOT DISTRICT PLAN  
VIP66421