



January 24, 2024

## SPROAT LAKE ADVISORY PLANNING COMMISSION

A meeting has been scheduled for **Monday, January 29, 2024 at 7:00 pm.**

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

- SD21017 – Lot 21 Bloedel Drive (1311144 BC Ltd/Mike Cronquist)
- DVD23009 – 9010 Lord Road (Hall)

Your recommendations will be provided to the Board of Directors at the February 14, 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](mailto:planning@acrd.bc.ca)



**To:** ACRD Board of Directors

**From:** Charity Hallberg Dodds, Planning Technician

**Meeting Date:** February 14, 2024

**Subject:** Subdivision Referral SD21017 (1311144 BC Ltd/Mike Cronquist) – Park Land Dedication

**Recommendation:**

THAT the Board of Directors accept the park land dedication as presented on the proposed subdivision plan to meet the requirements of Section 510 of the *Local Government Act*.

**Desired Outcome:**

That the Board accepts the proposed 0.1024 ha portion of the subject property as park land dedication as per Section 510 of the *Local Government Act (LGA)* and required as a condition of subdivision approval.

**Summary:**

Section 510 of the *LGA* requires that an owner of land being subdivided provide park land dedication or cash in lieu where the subdivision will create at least 3 additional lots and where the smallest lot is less than 2 ha (5 ac) in size. Where an Official Community Plan (OCP) contains policies respecting location and type of future parks, the local government may determine whether the owner must provide park land or cash in lieu. As the Sproat Lake OCP contains policies regarding parks and future parks, the ACRD has the option to determine which is provided.

Section 510 (5) of the *LGA* stipulates the amount of land that may be required by the ACRD must not exceed 5% of the land being proposed for subdivision. In this case, the subject property is 1.75 ha and the applicants have proposed a 0.1024 ha portion of park land which is equivalent to 5.85% of the subject property. This exceeds the 5% requirement of 0.0875 ha.

**Background:**

The property owner has applied to subdivide the subject property into 7 bare-land strata parcels. They are proposing to dedicate a 0.1024 ha portion of the subject property as park land owned by the ACRD. Planning staff is supportive of this park land area as it is currently zoned Park and Public Use (P2) District

and is separated from the remainder of the parcel by Sander Drive, adjacent to the existing Sander Park. The addition of this portion will increase the overall size of Sander Park to 0.47 ha (1.16 ac).

A previous development proposal resulted in the dissected southern portion of the subject property being zoned P2 and designated as Parks and Recreation Use by the Sproat Lake OCP. The previous applicants intended on utilizing that portion of land for infrastructure related to a water supply system to service the proposal at that time. Staff feel this revised development proposal including dedication of the northwest portion of land presents a better opportunity for park land as it provides expansion of the existing Sander Park.

**Time Requirements – Staff & Elected Officials:**

None anticipated at this time. Sander Park is a locally used forested park area. The applicants report there is an existing walking trail system in place that expands into the proposed area.

**Financial:**

There are no Financial Plan implications at this time.

**Strategic Plan Implications:**

This proposal aligns with the ACRD's 2024-2027 Strategic Plan, Section 1. Planning for a Resilient and Liveable Region, Strategy 1.1 Enhance indoor/outdoor recreation facilities and services, by providing and expanding an existing park land area.

**Policy or Legislation:**

Section 510 of the LGA details the requirements for the provision of park land or payment for park land purposes. The subdivision proposal complies with the ACRD Zoning Bylaw and the Sproat Lake Official Community Plan.

**Options Considered:**

THAT the Board of Directors require cash-in-lieu of park land equivalent up to 5% of the appraised market value of the property being subdivided.

Reviewed by: Alex Dyer  
Alex Dyer, MCIP, RPP, Planning Manager

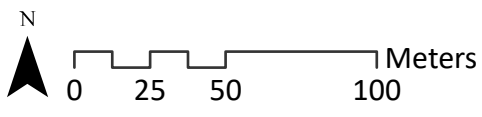
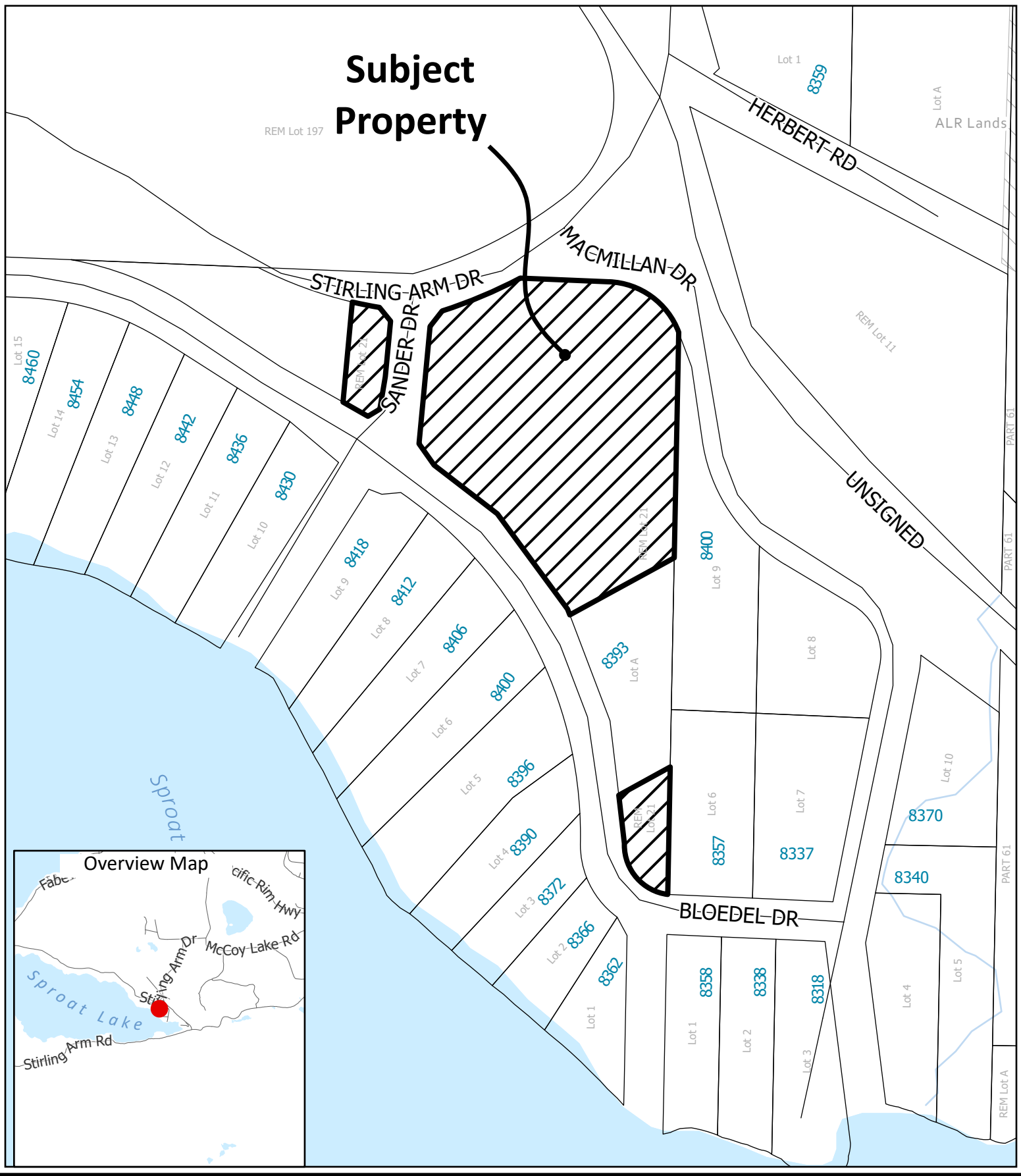
Reviewed by: \_\_\_\_\_  
Cynthia Dick, General Manager of Administrative Services


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



# Subject Property

REM Lot 197



 Legal description: LOT 21, DISTRICT LOT 197, ALBERNI DISTRICT, PLAN VIP51499 EXCEPT THAT PART IN PLAN VIP85433



**To:** ACRD Board of Directors

**Meeting Date:** February 14, 2024

**From:** Brooke Eschuk, Jr. Planner

**File #:** PL20230069 / DVD23009

**Application Type:** Development Variance Permit

**Voting Structure:** EA Directors Only

**Electoral Area:** "D" Sproat Lake

**Subject:** 9010 Lord Road (Hall)

**Recommendation:**

*THAT the Board of Directors consider issuing Development Variance Permit DVD23009, subject to neighbouring properties being notified as per Local Government Act s. 499.*

**Development Proposal:** The property owners are applying for a development variance permit to reduce the rear yard setback in the Single Family Residential (R1) District from 30 feet (9.1 m) to 17 feet (5.1 m) to bring a recently constructed deck into compliance. The attached deck was built without a building permit. The homeowners have since applied for a building permit and development variance permit as requested by staff.

**Advisory Planning Commission Recommendation:** The Sproat Lake APC will review this application at their January 29<sup>th</sup>, 2024 meeting.

**Property Owner/Applicant:** Nu Body Equipment Sales Ltd (Amanda Hall)

**Property Information:**

Civic Address	9010 Lord Road						
Legal Description	STRATA LOT 1, DISTRICT LOT 41, ALBERNI DISTRICT, STRATA PLAN 942, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1						
PID	000-843-644	Folio	000785.005	ALR? (Y/N)	N	Lot Size (ha)	0.06 ha (0.15 ac)
Current Zoning	Single Family Residential (R1)			Proposed Zoning	n/a		
Current OCP	Residential Use			Proposed OCP	n/a		
Development Permit Area(s)	n/a						
Current Use & Description	The property is part of a bare land strata including four individual lots with existing homes and common property between the units.						

Surrounding Zoning and Land Use			
North	Waterfront (WF1) District – Sproat Lake	South	Acreage Residential (RA1) District / Residential
East	Acreage Residential (RA1) District / Residential	West	Acreage Residential (RA1) District / Residential

PL20230069 / DVD23009

**Services:**

- a) **Sewage Disposal:** Communal (strata) sewage disposal.
- b) **Water Supply:** Onsite water system.
- c) **Fire Protection:** Sproat Lake Fire Protection Area.
- d) **Access:** Lord Road.

**Planning Policy Discussion:**

- a) **Official Community Plan:** The Sproat Lake Official Community Plan designates this property Residential Use. There are no development permit areas that impact this strata lot. ***This proposal complies with the Sproat Lake OCP.***
- b) **Zoning:** The ACRD Zoning Bylaw zones this property Single Family Residential (R1) District.

	Current:	Proposed:
Minimum Lot Area (ha)	0.06	-
Minimum Lot Width (m)	18.2	-
Principal & Accessory Front Yard Setback (m)	7.6	-
Principal Side Yard Setback (m)	1.5	-
<b>Principal Rear Yard Setback (m)</b>	<b>9.1</b>	<b>5.1</b>
Accessory Side Yard Setback (m)	0.9	-
Accessory Rear Yard Setback (m)	0.9	-
Watercourse Setback (m)	30	-

***This proposal is not in compliance with the ACRD Zoning Bylaw. A development variance permit to reduce the rear yard setback from 9.14 m (30 ft) to 5.1 m (17 ft) is required.***

**Comments:** The property owners built a new deck, attached to the existing home, without first obtaining a building permit. ACRD staff observed the unauthorized construction and contacted the homeowners. They immediately made steps to rectify the situation by applying for a building permit and a development variance permit. As part of the building permit application, the property owners engaged a Professional Engineer to provide professional assurance for the deck structure.

The deck is in line with the existing home and does not appear to impact any neighbouring views. ACRD staff feel the variance is reasonable, and support moving forward with neighbourhood notification.

Reviewed 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

**GENERAL LOCATION MAPS** – The subject property is highlighted in yellow.



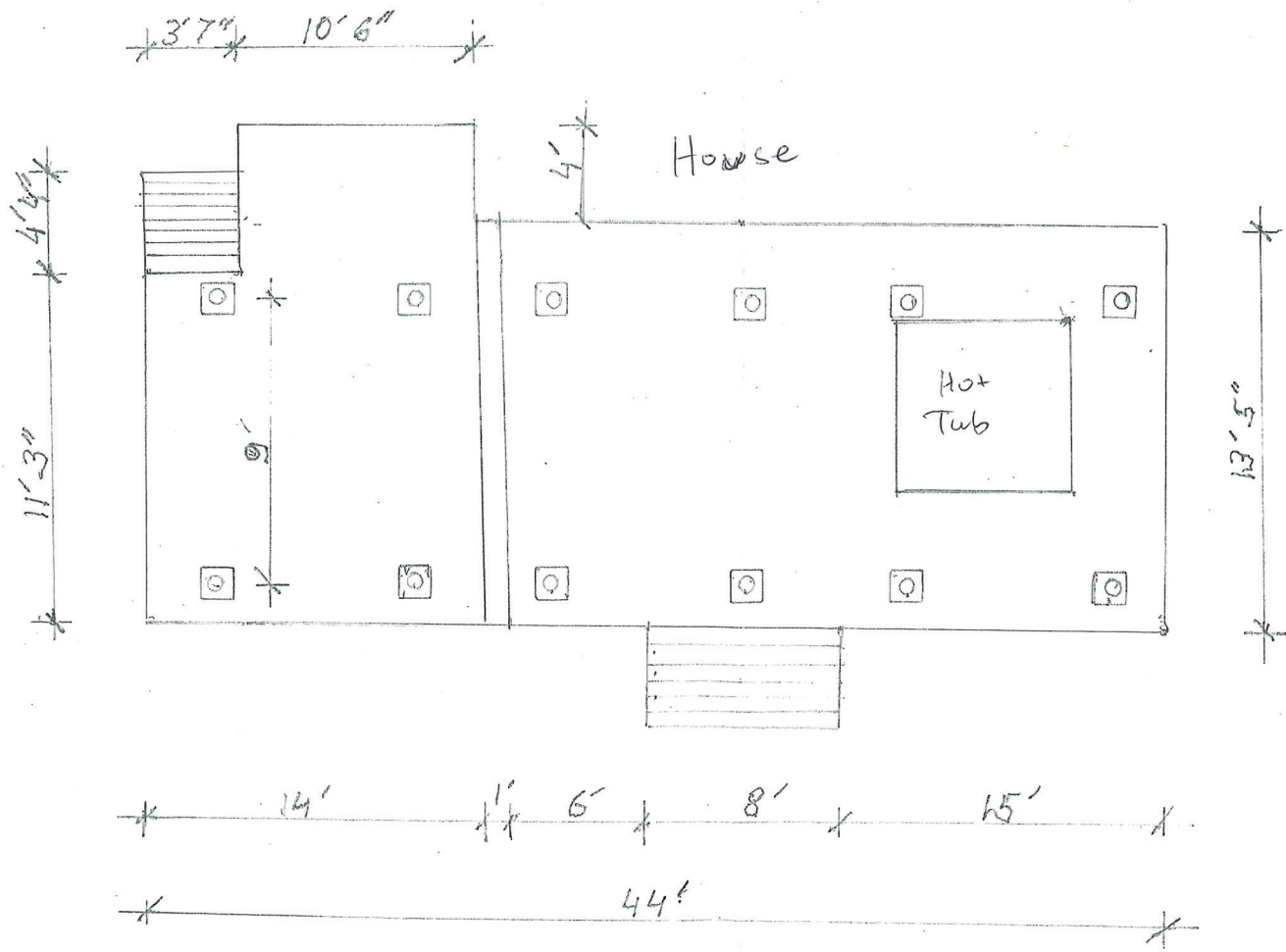
**DVD23009 – Nu Body Equipment Sales Ltd (Hall), 9010 Lord Road  
Site Photos taken January 24, 2024**

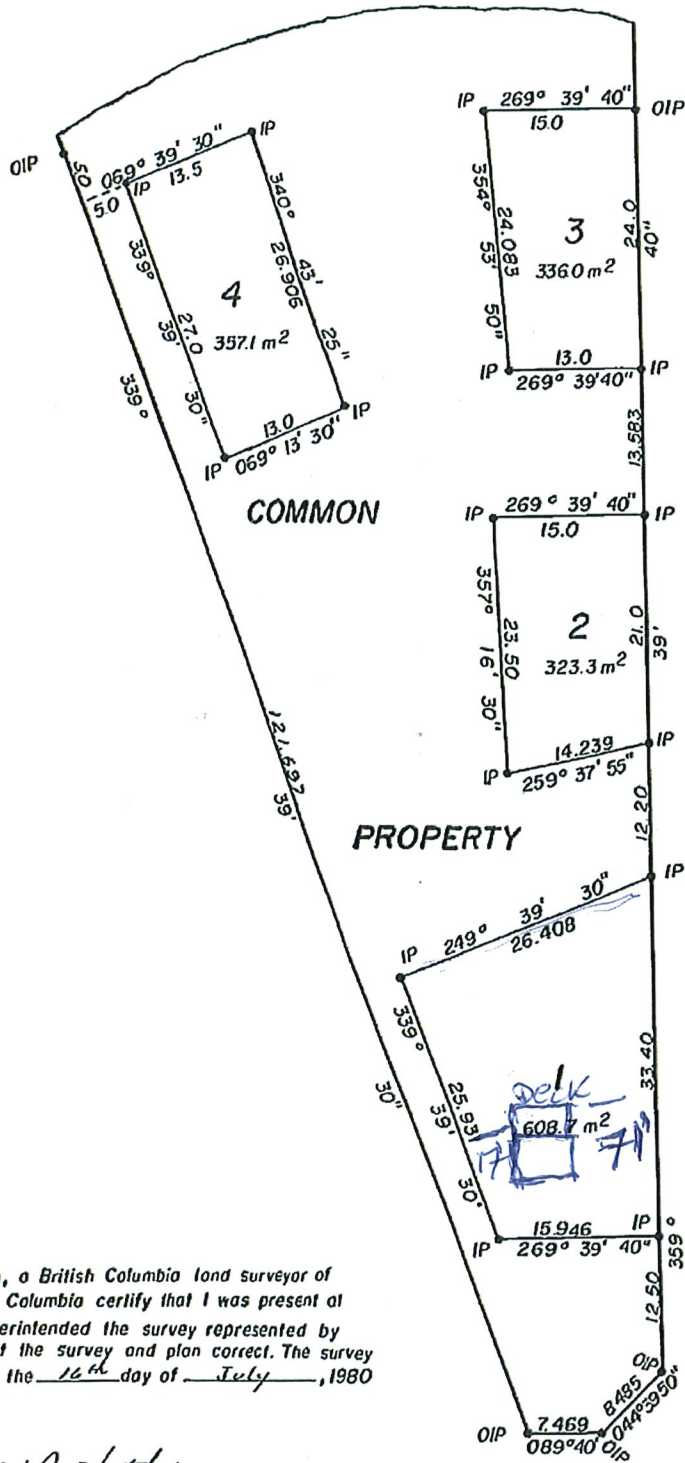


Looking southwest from near the front yard (Lord Road) property line.



Looking south east from near the rear yard property line.





I, W.R. Hutchinson, a British Columbia land surveyor of Nanaimo in British Columbia certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan correct. The survey was completed on the 16<sup>th</sup> day of July, 1980

W.R. Hutchinson  
 L.S.

on Ltd.



**DVD23009**

Whereas, pursuant to Section 498 of the *Local Government Act*, a local government may by resolution, on application of a property owner, vary the provisions of a bylaw under Division 5 of Part 14 of the *Local Government Act*;

A Development Variance Permit is hereby issued to:

**Name:** Nu Body Equipment Sales Ltd (Amanda Hall)  
**Address:** 9010 Lord Road, Port Alberni

With respect to:

**Legal Description:** STRATA LOT 1, DISTRICT LOT 41, ALBERNI DISTRICT, STRATA PLAN 942, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

**PID:** 000-843-644

The provisions of the Regional District of Alberni-Clayoquot Bylaw No. 15 are hereby varied as follows:

- Development variance of the ACRD Zoning Bylaw, Schedule No. II – Bulk and Site Regulations to reduce the required rear yard setback in the Single Family Residential (R1) District from 9.14 m (30 ft) to 5.1 m (17 ft) for the recently constructed deck attached to the single family dwelling.

In accordance with the provision of Section 498 of the *Local Government Act*, approval of this permit was given by resolution of the Board of the Regional District of Alberni-Clayoquot on \_\_\_\_\_.

This permit was issued this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Daniel Sailland, MBA  
Chief Administrative Officer

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Chair of the Board of Directors