



## NOTICE OF DEVELOPMENT VARIANCE PERMIT

The Alberni-Clayoquot Regional District's Board of Directors will consider issuing a Development Variance Permit at their next meeting.

### MEETING DETAILS

**When:** Wednesday, June 26, 2024 at 1:30 pm

**Where:** Electronic or in-person attendance at the Alberni-Clayoquot Regional District (ACRD) office located at 3008 Fifth Avenue, Port Alberni, BC

If you would like to attend the Board of Directors Meeting, you can do so in person at the ACRD office, or electronically on our website at <https://www.acrd.bc.ca/events/26-6-2024/>.

### WHAT'S THIS ABOUT?

**File #:** DVD22003

**Property Owner/Applicant:** Peter and Susan Hetherington

**The subject property** is located at 8542 Stirling Arm Drive and is legally described as LOT 4, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN 42043

**The property owners intend to build a covered entryway with stairs and a retaining wall, and replace an existing deck and carport with a new deck and expanded garage within a similar footprint. They have applied for a development variance permit for the following setback reductions for the principal residence:**

- from 7.6 m to 5.2 m from the natural boundary of Sproat Lake;
- from 12.2 m to 8 m from the front yard (lake side);
- from 4.6 m to 1.5 m from the western side yard; and
- from 4.6 m to 0.9 m from the eastern side yard.

### HOW CAN I LEARN MORE?

All related information is available at the ACRD office and on the ACRD website at <https://www.acrd.bc.ca/events/26-6-2024/>

### PROVIDE INPUT!

Providing an opportunity for public input is a top priority for the ACRD. Written correspondence can be submitted by:

- Hard copy delivered to the ACRD office in person or by mail
- Email sent to [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)

Email submissions will only be considered received if receipt confirmation is provided by ACRD staff. Written submissions must be received by **4:30 pm on Tuesday, June 25, 2024.**

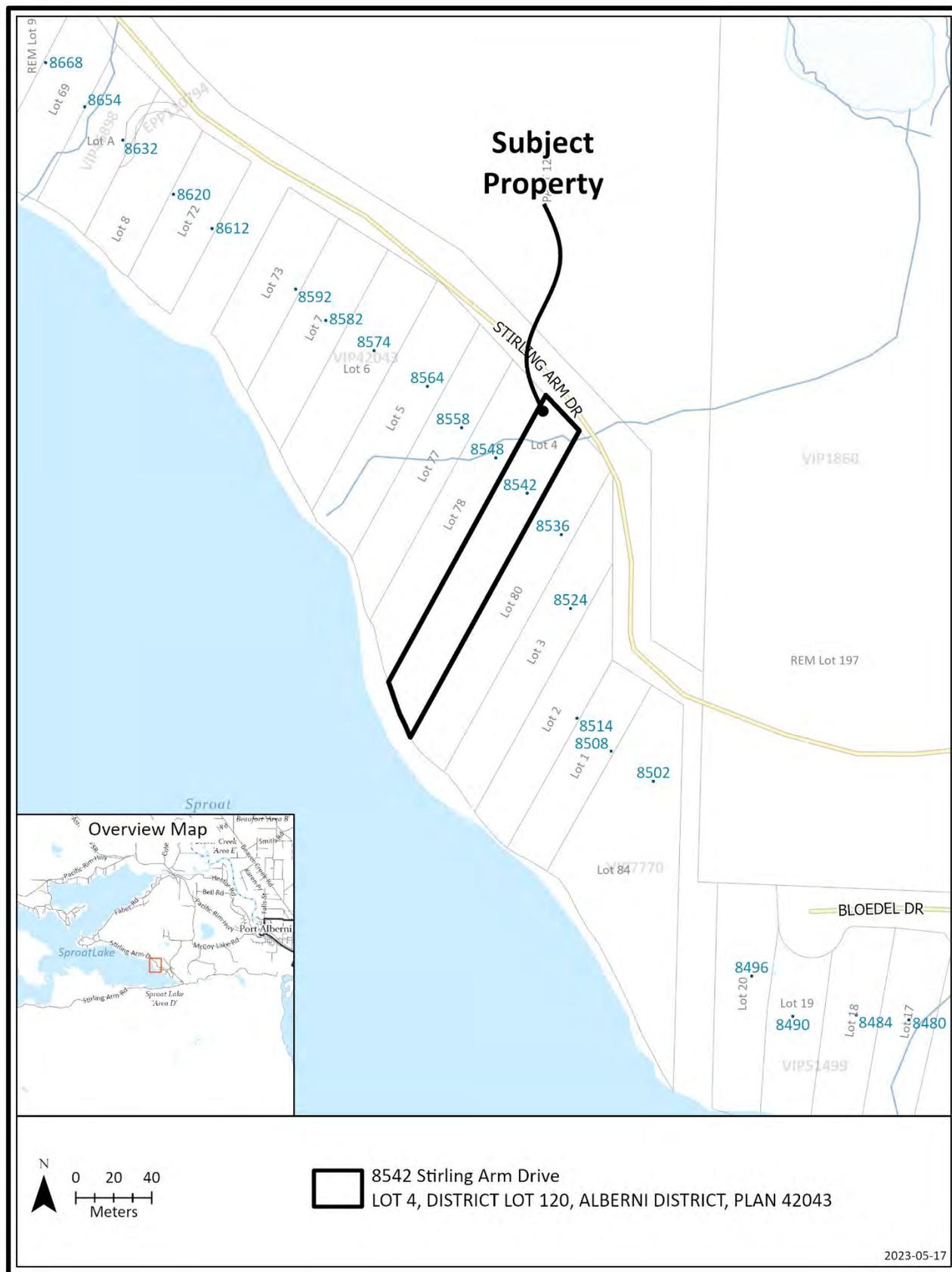
If you wish to appear as a delegation to present your views to the Board in person, please fill out the Delegation Request Form on the ACRD website at [www.acrd.bc.ca/delegation](http://www.acrd.bc.ca/delegation) and submit the completed form by **12:00 pm on Thursday, June 20, 2024.** For further information or assistance with the Delegation Request Form contact us at 250-720-2700.

### ASK US!

If you have questions, need more information or experience technical difficulties with website access, Planning staff are available to provide assistance during regular office hours 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays. We can be reached at:

**Alberni-Clayoquot Regional District**  
Planning Department  
3008 Fifth Ave, Port Alberni, BC V9Y 2E3  
Phone: 250-720-2700  
Email: [planning@acrd.bc.ca](mailto:planning@acrd.bc.ca)

# SUBJECT PROPERTY MAP





**To:** ACRD Board of Directors

**Meeting Date:** June 12, 2024

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

**File #:** PL20220075/DVD22003

**Application Type:** Development Variance Permit

**Voting Structure:** Electoral Area Directors

**Electoral Area:** D – Sproat Lake

**Subject:** Development Variance DVD22003 – 8542 Stirling Arm Drive (Hetherington)

**Recommendation:**

*THAT the Board of Directors consider issuing Development Variance Permit DVD22003, subject to neighbouring properties being notified as per Local Government Act s. 499.*

Development Variance DVD22003:

i. Development variance of the ACRD Zoning Bylaw:

- Section 6.2 (4) (a) to reduce the required setback to the natural boundary of Sproat Lake from 7.6 m (25 ft) to 5.2 m (17 ft) for construction of a new deck on the existing principal residence; and
- Schedule No. II - Bulk and Site Regulations to reduce the required front yard setback in RA1 District from 12.2 m (40 ft) to 8 m (26 ft) for construction of a new deck on the existing principal residence; and
- Schedule No. II - Bulk and Site Regulations to reduce the required side yard setback in RA1 District from 4.6 m (15 ft) to 1.5 m (5 ft), on the western property boundary, for construction of a new deck and covered entryway with stairs and retaining wall on the existing principal residence; and
- Schedule No. II - Bulk and Site Regulations to reduce the required side yard setback in RA1 District from 4.6 m (15 ft) to 0.9 m (3 ft), on the eastern property boundary, for construction of a new garage addition on the existing principal residence.

**Development Proposal:** The property owners intend to build a covered entryway with stairs and a retaining wall, and replace an existing deck and carport with a new deck and expanded garage within a similar footprint. The existing principal residence appears to have been built prior to zoning and is non-conforming with current setback requirements.

**Advisory Planning Commission (APC) Recommendation:** The Sproat Lake APC reviewed this proposal at their May 27<sup>th</sup> meeting and passed a motion to support the application as presented.

**Property Owners/Applicants:** Peter and Susan Hetherington

**Property Information:**

Civic Address	8542 Stirling Arm Drive						
Legal Description	LOT 4, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN 42043						
PID	001-104-489	Folio	01570.000	ALR? (Y/N)	N	Lot Size	0.44 ha (1.08 ac)

**PL20220075/DVD22003**

**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?ił'ath, Uchucklesaht Tribe Government, and Toquaht Nation, and Six Electoral Areas: "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek).*

Current Zoning	Acreage Residential (RA1) District	Proposed Zoning	n/a
Current OCP	Residential Use	Proposed OCP	n/a
Development Permit Area(s)	Development Permit Area I (DPA I) – Foreshore and Riparian Areas Protection		
Current Use & Description	Residential. The property is mostly developed and landscaped. Improvements include the principal residence near the waterfront, an accessory dwelling, and a detached garage. The property slopes from Stirling Arm Drive down to the lake.		

Surrounding Zoning and Land Use			
North	Forest Reserve (A4) District – Forest Land	South	Waterfront (WF1) District – Sproat Lake
East	Acreage Residential (RA1) District	West	Acreage Residential (RA1) District

#### Services:

- a) **Sewage Disposal:** Onsite sewage disposal.
- b) **Water Supply:** Onsite water supply.
- c) **Fire Protection:** Sproat Lake Fire Protection Area.
- d) **Access:** Stirling Arm Drive.

#### Planning Policy Discussion:

- a) **Official Community Plan:** The Sproat Lake Official Community Plan (OCP) designates the subject property Residential Use. The property is affected by DPA I – Foreshore and Riparian Areas Protection. DPA I includes all development within 30 m inward and outward of the natural boundary of Sproat Lake. Issuance of a development permit is required prior to issuance of a building permit for the project. The property owners have submitted an application including the required assessment completed by a Qualified Environmental Professional (QEP). The QEP recommendation supports the plan to replace the existing deck with a new deck in a similar footprint provided the environmental mitigation and protection plans outlined in the report are followed.

***This proposal complies with the Sproat Lake OCP. Issuance of a development permit is required.***

- b) **Zoning:** Acreage Residential (RA1) District. The existing principal residence and proposed improvements fall within the required setbacks in the RA1 District zoning. Any new construction must comply with the required setbacks and the property owners have applied for a development variance permit to reduce the setback requirements to facilitate construction.

	Current:	Proposed:
Minimum Lot Area (ha)	0.17 (0.4 ac)	-
Minimum Lot Width (m)	27.4 m (90 ft)	-
Principal & Accessory Front Yard Setback (m)	<b>12.2 m (40 ft)</b>	<b>8 m (26 ft)</b>
Principal Side Yard Setback (m)	<b>4.6 m (15 ft)</b>	<b>1.5 m (5 ft) – West side 0.9 m (3 ft) – East side</b>
Principal Rear Yard Setback (m)	9.1 m (30 ft)	-
Accessory Side Yard Setback (m)	0.91 m (3 ft)	-
Accessory Rear Yard Setback (m)	0.91 m (3 ft)	-
Watercourse Setback (m)	30.5 m (100 ft)	-
Natural Boundary Setback (m)	<b>7.6 m (25 ft)</b>	<b>5.2 m (17 ft)</b>

***This proposal complies with the permitted uses of the RA1 District zoning. A development variance permit is necessary to reduce the required setbacks to facilitate construction of the new deck and garage addition.***

**Comments:** The existing principal residence on the property appears to have been built prior to zoning and does not conform with current setback requirements. The property owners want to replace the existing deck and carport with new improvements within a similar footprint.

The site plan submitted by the property owners shows the new covered entryway (canopy) with stairs and a retaining wall, existing and new deck, and new garage additions. The garage addition closest to the home is considered an attached garage and a part of the principal residence. Since the second garage is attached by less than 66% of the joining wall, it is considered a detached garage and meets all setback requirements for an accessory building. The existing garage to be removed is 46.8 m<sup>2</sup> (503.7 ft<sup>2</sup>) and the new garage addition and accessory building combined are 87.2 m<sup>2</sup> (938.6 ft<sup>2</sup>).

Issuance of a development permit is required for the project and the property owners have submitted an application including an assessment completed by a Qualified Environmental Professional. Planning staff feels the variance is reasonable and recommends consideration beginning with neighbour notification as required by section 499 of the *Local Government Act*.

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

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

Approved by: *Daniel Sailland*  
Daniel Sailland, MBA, Chief Administrative Officer

**DVD22003 – Hetherington, 8542 Stirling Arm Drive  
Site Photos taken May 22, 2024**



Looking south at existing home. Photo shows carport to be demolished.



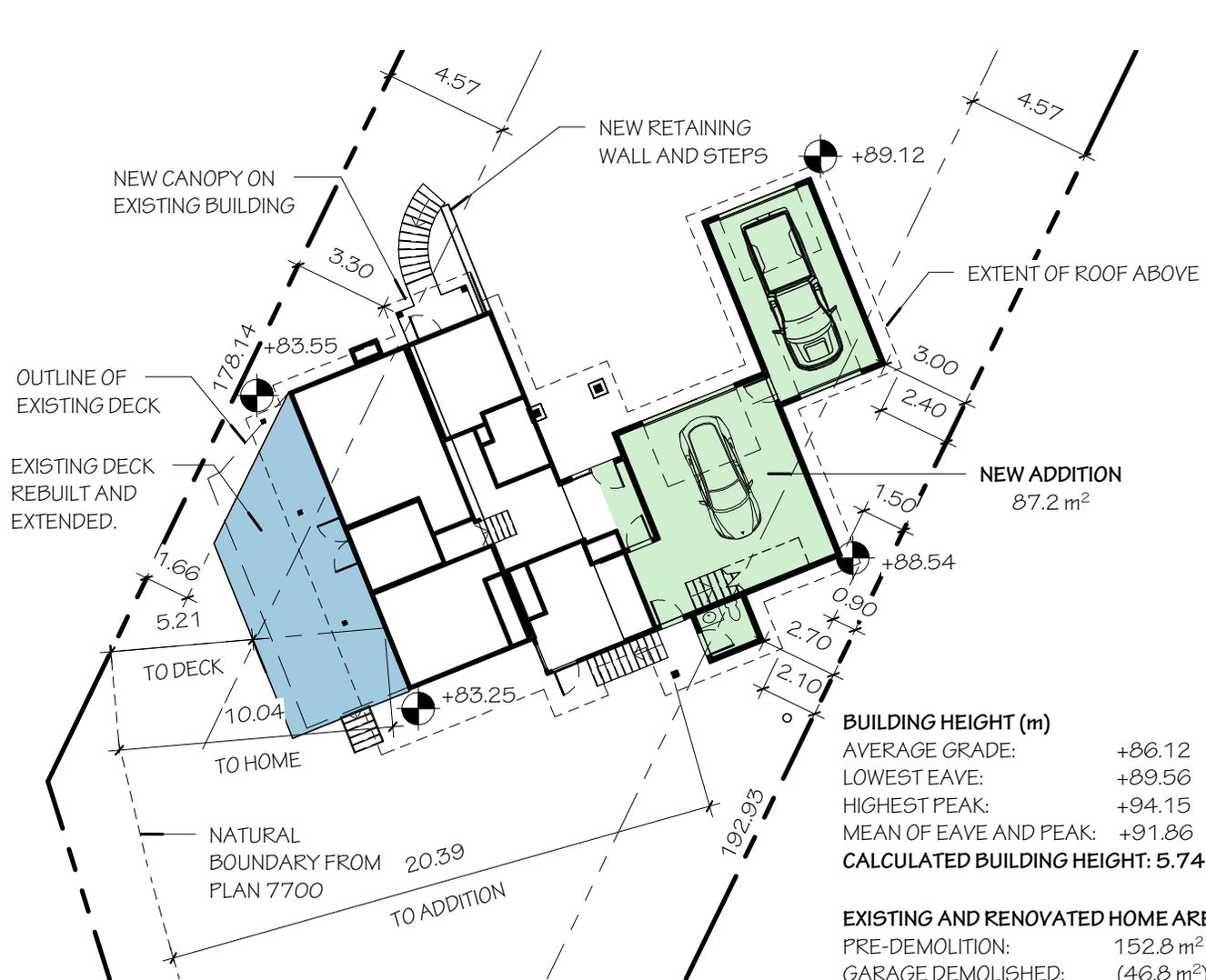
Looking at area for new entryway (to the left of the brick chimney) and space between existing deck (white railing) and fence.



Looking west at existing and proposed deck location.



Looking west toward existing home, back of carport to be removed, and area for new garage addition and accessory garage building.



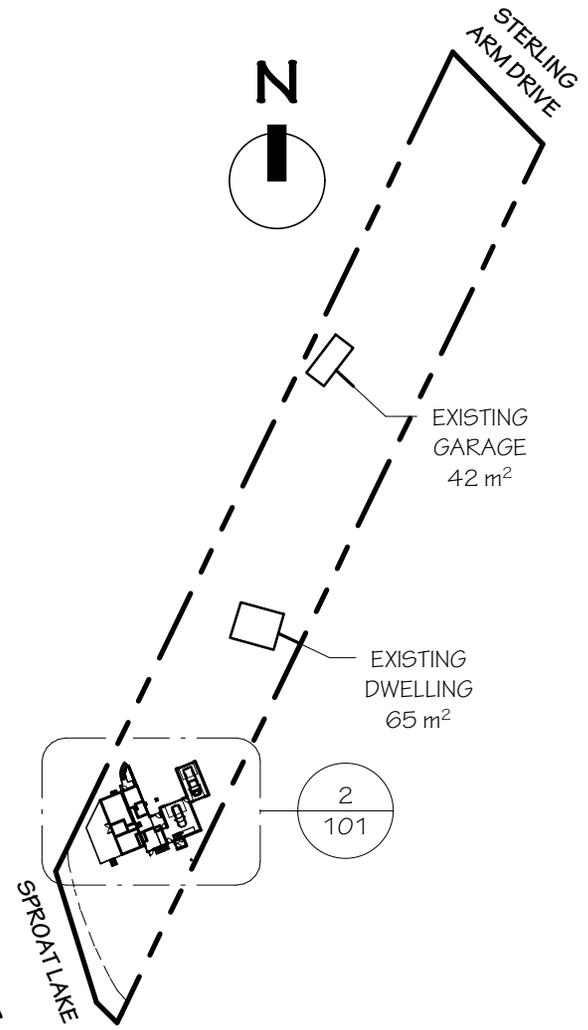
**2 SITE PLAN**  
1 : 250

**BUILDING HEIGHT (m)**

AVERAGE GRADE:	+86.12
LOWEST EAVE:	+89.56
HIGHEST PEAK:	+94.15
MEAN OF EAVE AND PEAK:	+91.86
<b>CALCULATED BUILDING HEIGHT:</b>	<b>5.74</b>

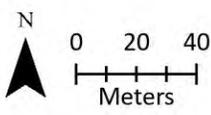
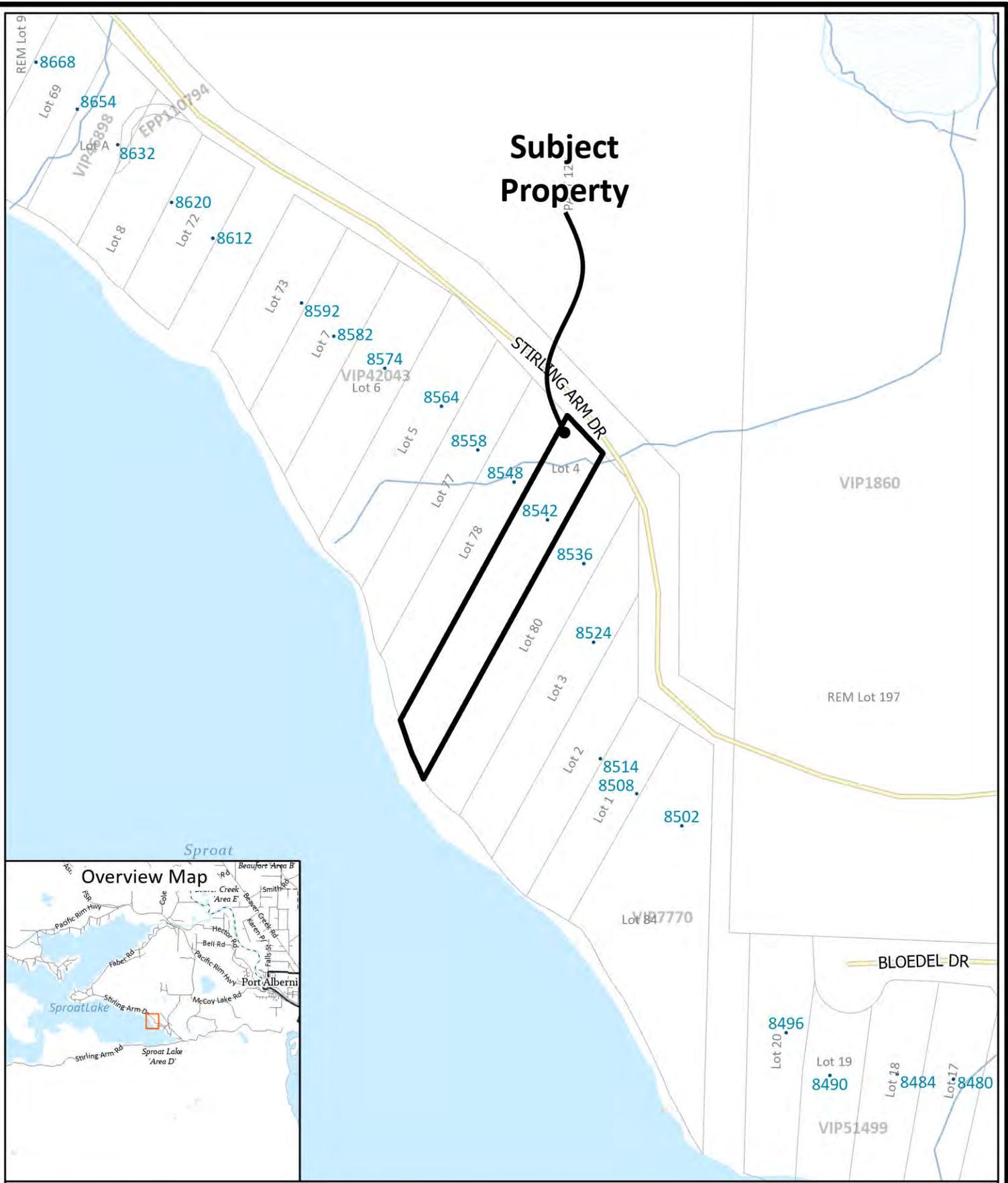
**EXISTING AND RENOVATED HOME AREA**

PRE-DEMOLITION:	152.8 m <sup>2</sup>
GARAGE DEMOLISHED:	(46.8 m <sup>2</sup> )
NEW ADDITION:	87.2 m <sup>2</sup>
<b>COMPLETED AREA:</b>	<b>193.2 m<sup>2</sup></b>

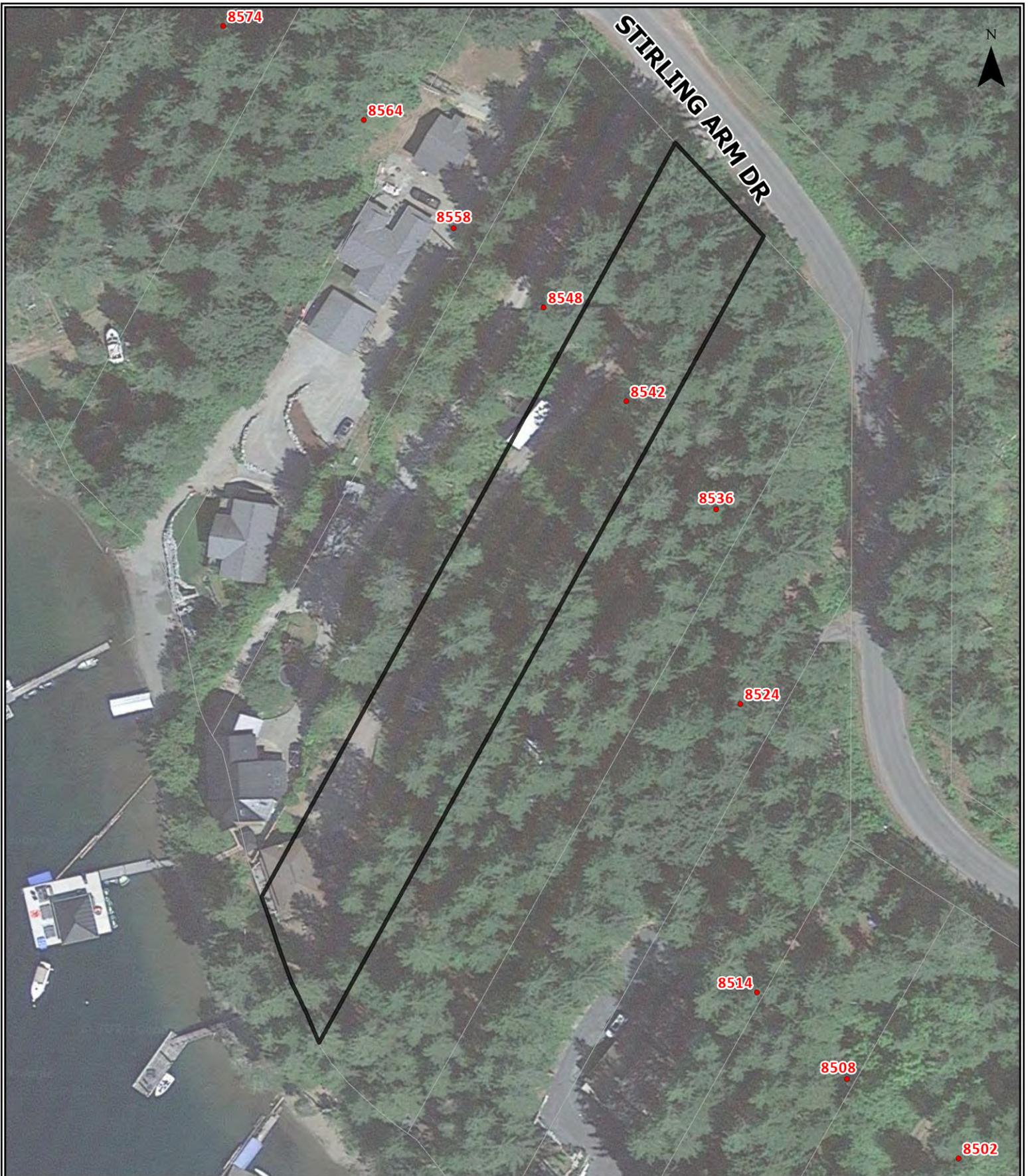


**1 KEY PLAN**  
1 : 1500

# Subject Property

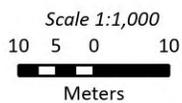


 8542 Stirling Arm Drive  
LOT 4, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN 42043



8542 Stirling Arm Drive  
LOT 4, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN 42043

 Subject Property



Prepared 2023-05-17  
Sources: © OpenStreetMap  
(and) contributors, CC-BY-SA;  
ParcelMapBC; GeoBC

*This product is intended for general reference use only and should not be used for navigation or legal purposes.*



**DVD22003**

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:** Peter and Susan Hetherington  
**Address:** 8542 Stirling Arm Drive, Port Alberni

With respect to:

**Legal Description:** LOT 4, DISTRICT LOT 120, ALBERNI DISTRICT, PLAN 42043  
**PID:** 001-104-489

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

- Development variance of the ACRD Zoning Bylaw:
  - Section 6.2 (4) (a) to reduce the required setback to the natural boundary of Sproat Lake from 7.6 m (25 ft) to 5.2 m (17 ft) for construction of a new deck on the existing principal residence; and
  - Schedule No. II - Bulk and Site Regulations to reduce the required front yard setback in RA1 District from 12.2 m (40 ft) to 8 m (26 ft) for construction of a new deck on the existing principal residence; and
  - Schedule No. II - Bulk and Site Regulations to reduce the required side yard setback in RA1 District from 4.6 m (15 ft) to 1.5 m (5 ft), on the western property boundary, for construction of a new deck and covered entryway with stairs and retaining wall on the existing principal residence; and
  - Schedule No. II - Bulk and Site Regulations to reduce the required side yard setback in RA1 District from 4.6 m (15 ft) to 0.9 m (3 ft), on the eastern property boundary, for construction of a new garage addition on the existing principal residence.

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 \_\_\_\_\_, 2024.

This permit was issued this \_\_\_ of \_\_\_\_\_, 2024.

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Daniel Sailland, MBA  
Chief Administrative Officer

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Chair of the Board of Directors