



Our File: 24-024-S

2025-07-28

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

Attention: Alex Dyer

Dear Alex:

**RE: Amendment of Covenants FB194074 and FB194076
Lot A, District Lot 204, Alberni District, Plan VIP85387
10412 Lakeshore Road, Port Alberni (Sproat Lake Marina)**

On behalf of our clients, Kris McNichol and Sean Lingl, dba 1257819 B.C. Ltd., we are applying to amend Covenants FB194074 and FB194076 to permit a maximum of 11 dwelling units north of Lakeshore Road on the subject property. We are also requesting a revision to the Covenant boundary shown on Plan VIP85389 to align with the existing zoning boundary.

BACKGROUND

The owners purchased this 0.85ha (2.1 acre) parcel in 2023. The property, located on Lakeshore Road in Electoral Area 'D' - Sproat Lake, is bisected by Lakeshore Road with approximately 0.68ha (1.69acres) on the north side, and 0.17ha (0.43acres) on the south side.

The **northern portion** is cleared and vacant, sloping up from south to north from Sproat Lake. There is also a gravel parking lot adjacent to Lakeshore Road.

The **southern portion** is a gravel parking lot that serves the marina.

The property is split zoned Tourist Commercial (C6) District and Marina Two (MAR2) District. The C6 portion covers most of the property, while the MAR2 zone applies to the southeast corner of the northern portion and a strip along the east boundary, including the location of a fuel tank on the southern portion.

The marina on the lakefront includes four tiers of boat slips, a raised ramp connecting to upland parking, a seasonal floating office/store, and a gas pump shelter connected to an upland fuel tank.

In 2012, the lands to the north were subdivided into 10 bare land strata lots. A water system on the subject property is shared by these 10 bare land strata lots. The water system was designed for 21 units of water. Ten units are used by the bare land strata development, and 11 units remain available.

Covenant FB194076, registered in 2008, limits the density within the Covenant area of Plan VIP85389 to a maximum of 10 sleeping or dwelling units, each with a maximum floor area of 1,200 square feet, excluding garages or carports. The Covenant also requires that the property not be subdivided into more than 10 lots and that any building must be located a minimum of 40 feet from Sproat Lake.

There currently is a discrepancy in the Covenant boundary shown on Plan VIP85389 and the ACRD zoning boundary.

PROPOSAL

The owners propose an 11-unit residential development comprising of **4 duplexes and 3 single family dwellings** on the northern portion. The development would be stratified by way of a Building Strata Plan, allowing each unit to be individually owned.

Site planning and design materials have been prepared by:

- **Lindberg CAD Services** (building plans)
- **Immersive Design** (conceptual drawings)
- **Prism Land Surveying Ltd.** (site layout)

The paired home/duplex concept clusters two units within a single building footprint. As such, the site plan can accommodate greater spacing between buildings, which creates enhanced view corridors toward Sproat Lake. This arrangement also provides landscaped buffers between units, supporting privacy, softening building edges, and creating a more park-like residential environment.

From a massing perspective, the buildings incorporate a low 4:12 butterfly roofline, which visually reduces their profile when viewed from the street and neighbouring properties. The roof orientation also supports sustainable practices such as improved drainage and potential solar integration. Exterior lighting has been carefully considered to avoid light pollution, with downward-facing fixtures designed to contribute to a dark sky aesthetic, in keeping with the quiet rural-lakefront character of Sproat Lake.

The architectural expression of the proposed homes draws from a West Coast contemporary aesthetic, blending modern simplicity with natural textures and tones that reflect the coastal lakefront setting. The primary exterior colour will be a warm, neutral cream tone, chosen for its ability to integrate seamlessly with the natural surroundings and seasonal light conditions. This

will be offset by black-framed windows and doors, providing a crisp, modern contrast that enhances definition and adds sophistication to the building facades.

Architectural detailing includes board and batten Hardie board, locally-sourced timber posts at entryways and stone accents flanking garage doors, which add a sense of durability, authenticity, and warmth to the buildings. These elements offer visual articulation while reinforcing the natural material palette typical of West Coast design.

Generous sliding black glass wall panels are also proposed for each unit, enabling a strong indoor-outdoor connection that takes advantage of the site's lake views and natural light. These panels allow the main living spaces to open directly onto decks, creating an expansive, open-air living experience that is especially well-suited to the recreational and relaxed character of the Sproat Lake community.

Each unit will have a single-car enclosed garage and another parking area on the driveway.

In order to facilitate this development, we request the that ACRD Board consider:

1. Amendment of Restrictive Covenant FB194076

This Covenant, in favor of ACRD, was registered on the property in 2008 as a condition of a previous rezoning. The Covenant limits the density, within the Covenant area of Plan VIP85389, to a maximum of 10 sleeping or dwelling units, and restricts the maximum floor area to 1,200 square feet of living area, excluding garages or carports. The Covenant also requires that the property not be subdivided into more than 10 lots and that any building must be located a minimum of 40 feet from Sproat Lake.

There currently is a discrepancy in the boundary of the Covenant area shown on Plan VIP85389 and the existing ACRD zoning boundaries.

Requested amendments:

- a) Increase maximum number of dwelling units to **11**
- b) Increase allowable living area to **2,000 sq ft, excluding garages or carports**
- c) Permit subdivision into **11 strata lots**
- d) Adjust covenant boundary to align with current **C6 and MAR2** zoning boundaries

2. Amendment of Restrictive Covenant FB194074

This Covenant, in favor of ACRD, was also registered on the property in 2008 as a condition of a previous rezoning. The Covenant establishes a 3.0m **Vegetative Leave Strip** along the east boundary, as show on Reference Plan VIP85388.

Within the Vegetative Leave Strip, fencing or pathways are permitted. Utilities can also be installed, with relandscaping to conform with the intent of the Vegetative Leave Strip.

In addition, the Covenant permits parking and trailer storage for not greater than 8 spaces off Alden Road, north of Lakeshore.

There is an allowance for two accesses of Alden Road (one access north of Lakeshore Road and one access south of Lakeshore Road) that would not exceed 20m in width.

Requested amendment:

- Increase from **one to two 20 m accesses** north of Lakeshore Road through the Vegetative Leave Strip.

Ministry of Transportation and Transit (MOTT) was consulted with regard to allowing two accesses off Alden Road. MOTT has provided their support for the two accesses via an email to Watt Consulting Group dated July 24, 2024. An Access Permit from MOTT will be obtained.

Septic

B4 Engineering Inc. has confirmed that an 11-unit septic dispersal system can be designed to fit within the 15m x 15m area at the northwest corner of the property, as shown on the Site Plan. The design will comply with the BC Sewerage System Regulation and the Standard Practice Manual.

Geotechnical

Ryzuk Geotechnical (Ryzuk) completed a Flood Construction Level Assessment dated September 10, 2024. Ryzuk recommends the top of concrete slab or underside of a wooden floor system be constructed at or above a Flood Construction Level (FCL) of 35.13m geodetic for any habitable space within the proposed development.

All proposed dwellings are located above this elevation. Ryzuk concluded: “Based on our assessment, we consider that the land may be used safely for the use intended in accordance with Section 56 of the Community Charter. This statement is made considering the proposed level of habitable spaces (top of concrete slab or underside of wooden floor system) will be at or above the calculated FCL of 35.13m geodetic, and setback a minimum of 15m from the natural boundary of Sproat Lake”.

SUMMARY

The proposed amendments to Covenants FB194074 and FB194076 would allow for a total of 11 dwelling units north of Lakeshore Road, enabling more flexible residential development while remaining consistent with the existing **C6 zoning**. These covenants were registered as part of a previous rezoning process for a development that was ultimately not pursued.

The current proposal responds to local housing needs by offering a mix of duplex and single-family units within a building strata format. The development has been designed with

consideration for geotechnical requirements, septic feasibility, and access approvals, and utilizes available water servicing capacity.

Should the covenant amendments be approved, a Form and Character Development Permit application will be submitted to ACRD. Detailed civil engineering drawings for site grading, road design/access, and utilities would also be provided to ACRD and MOTT through the development process.

We understand a public meeting is required prior to the Board considering a resolution to amend the covenants.

ENCLOSURES

In support of this application, we enclose:

- Application for Development form
- Title search
- Company Search
- Letter of authorization
- Covenant FB194074
- Covenant FB194076
- Easement CA2585222
- Easement CA2585245
- Proposed Site Plan prepared by Prism
- Plan showing Proposed Covenant Modification prepared by Prism
- Lindberg design drawings
- Immersive Design conceptual development drawings
- Email from Watt Consulting Group dated July 24, 2024
- Ryzuk Assessment dated September 10, 2024

We will be paying the fees by credit card. Please advise when you are ready to accept payment by phone.

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

Sincerely,



Rachel Hamling
RH:ka
Enclosures