



June 8, 2023

BEAVER CREEK ADVISORY PLANNING COMMISSION

A meeting has been scheduled for **Monday, June 12th, 2023 at 7:00 pm.**

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

- DVE23003 – 5432 Bigwood Road (Redmark Ventures Ltd.)
- RE22015 – 6399 Walker Road (Gilmour)

Your recommendations will be provided to the Board of Directors at the June 28th, 2023 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: June 28, 2023

From: Amy Needham, Junior Planner

File #: DVE23003/PL20230023

Application Type: Development Variance

Electoral Area: "E" Beaver Creek

Subject: Development Variance application – 5432 Bigwood Road (Redmark Ventures)

Recommendation:

THAT the Board of Directors consider issuing development variance permit DVE23003, subject to neighbouring properties being notified as per Local Government Act section 499.

Development Variance DVE23003:

- i. Development variance of the ACRD Zoning Bylaw, Section 6.5(2)(c)(ii), to reduce required side and rear yard setbacks from 4.57 metres (15 feet) to 0.91 metres (3 feet) to allow for the accessory building on the lot.

Development Proposal: The owners are applying for a development variance to reduce their accessory building side and rear yard setback from 4.57m (15 ft) to 0.91m (3 ft) for a 280 square foot garage. Due to the previous subdivision of these lots into much smaller acreages than the A2 zone requires, the building setbacks present a hardship and the owners are asking for a variance to allow them to continue constructing their garage in keeping with the spirit of the neighbourhood.

Advisory Planning Commission Recommendation: This application will be considered by the Beaver Creek Advisory Planning Commission (APC) at their June 12, 2023 meeting. The APC recommendation will be included in this report following the meeting.

Property Owner(s)/Applicant(s): Redmark Ventures Ltd. Inc. No. BC0681816

Property Information:

Civic Address	5432 Bigwood Road						
Legal Description	LOT A BLOCK 10 DISTRICT LOT 100 ALBERNI DISTRICT PLAN EPP99974						
PID	031-126-049	Folio	1205.026	ALR? (Y/N)	No	Lot Size	0.06 ha (0.14 ac)
Current Zoning	A2			Proposed Zoning	N/A		
Current OCP	Residential Use			Proposed OCP	N/A		
Development Permit Area(s)	No						
Current Use & Description	The property is cleared of trees and level and contains one single family dwelling constructed in 2020 and a partially constructed garage. The rear of the property is graveled for parking and the septic field is within the front/side yard.						

DVE23003 / PL20230023

Surrounding Zoning and Land Use			
North	Rural (A2) District	South	Rural (A2) District
East	Rural (A2) District	West	Two Family Residential (R2) District

Services:

- a) **Sewage Disposal:** Onsite sewage disposal
- b) **Water Supply:** Beaver Creek Water System
- c) **Fire Protection:** Beaver Creek Fire Protection Service Area
- d) **Access:** From Bigwood Road.

Planning Policy Discussion:

- a) **Official Community Plan:** The Beaver Creek OCP designates this property as ‘Residential Use.’ The objective of the Residential Use designation is to allow a range of housing options within the Plan area. There are no Development Permit Areas that impact development on this property.

This proposal generally meets the policies of the Residential Use designation in the Beaver Creek OCP.

- b) **Zoning:** This property is zoned Rural (A2) District. The A2 District requires a 2 ha (5 ac) minimum lot size for new development and intends to provide for the retention of agricultural and non-urban lands by the holding of land in larger parcels. The subject property is a 0.06 ha (0.14 ac) non-conforming parcel that was created by subdivision in 1911 prior to any Regional District zoning or land use regulations. There are many uses permitted in the A2 zone, including a single family dwelling and accessory buildings.

	Current:	Proposed:
Minimum Lot Area (ha)	2.02	N/A
Minimum Lot Width (m)	100	N/A
Principal & Accessory Front Yard Setback (m)	7.6	N/A
Principal Side Yard Setback (m)	1.5	N/A
Principal Rear Yard Setback (m)	9.14	N/A
Accessory Side Yard Setback (m)	4.57	0.91
Accessory Rear Yard Setback (m)	4.57	0.91
Accessory Combined Floor Area	5%	4.5%

The ACRD Zoning Bylaw requires a 15 ft (4.57 m) rear and side yard setback for any accessory building located within an A District and a 3 ft (0.91 m) rear and side yard setback for any accessory building located within an R District. The subject property is a small residential-sized parcel at 0.06 ha (0.14 ac) in lot area but it is subject to the increased accessory building setbacks required in the A District. The applicants began construction on a 280 square foot garage believing a previous development variance applied to their dwelling also applied to the accessory building. Construction ceased when the oversight was discovered until a variance could be applied for. The shop is located 0.91 m (3 feet) from the north lot line.

The floor area of the accessory building amounts to 4.5% of the total lot area, which complies with the 5% combined maximum for all accessory structures on a lot.

This accessory building is a permitted use in the A2 District. However, a development variance is required to

DVE23003 / PL20230023

reduce the side and rear yard setback for an accessory building in an A District from 15 ft (4.57m) to 3 ft (0.91m) to allow for the continued construction of the garage.

Comments: This lot was created through subdivision in 2020, turning four small lots into two larger lots. The four original lots were created prior to the current zoning bylaw and were never rezoned from Rural (A2) District to reflect their small size. As a result, the property owner built a home on this subdivided Lot A utilizing a development variance from 2017 to reduce front and side setbacks to those of a residentially-zoned lot, and now is asking for the same variance to residential setbacks for the proposed accessory building.

The property owner applied for building permits to an accessory building (garage) at the rear of the property in 2023. During the building permit review, staff identified that the property was zoned A2 and highlighted the requirement for a variance to the property owners, as the previous variance applied only to the dwelling and not to the accessory building.

If the proposed garage was located in an R District, the siting would have complied with the Zoning Bylaw requirements. However, the siting of the building does not comply with the 15 foot (4.57 m) setback required in an A District. A similar variance for an accessory building located on a small lot in an A District under similar circumstances was issued by the Regional District earlier this year. The building envelope on the site is limited by the more restrictive A zone setbacks that are intended for regulating development of larger acreage parcels. The parcel is 15 m (50 ft) wide with 4.57 m (15 ft) side yard setbacks on both sides, leaving a building envelope of only 6 m (20 ft), centred in the middle of the lot.

The development of the lot generally fits with the residential character of the surrounding area and staff highlight that the location and height of the proposed accessory building does not appear to negatively impact any neighbouring views. Staff recommend that the Board proceed with the neighbour notification process to gather public input before making a decision on the variance application.

Amy Needham

Submitted by: Amy Needham, P. Ag., Junior Planner

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

Approved by: Daniel Sailland, MBA, Chief Administrative Officer

DVE23003 / PL20230023



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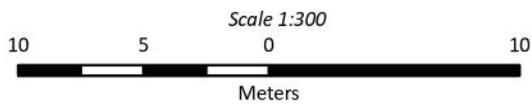
BIGWOOD RD

5432 Bigwood Road
LOT A BLOCK 10 DISTRICT LOT 100 ALBERNI DISTRICT
PLAN EPP99974

 Subject Property

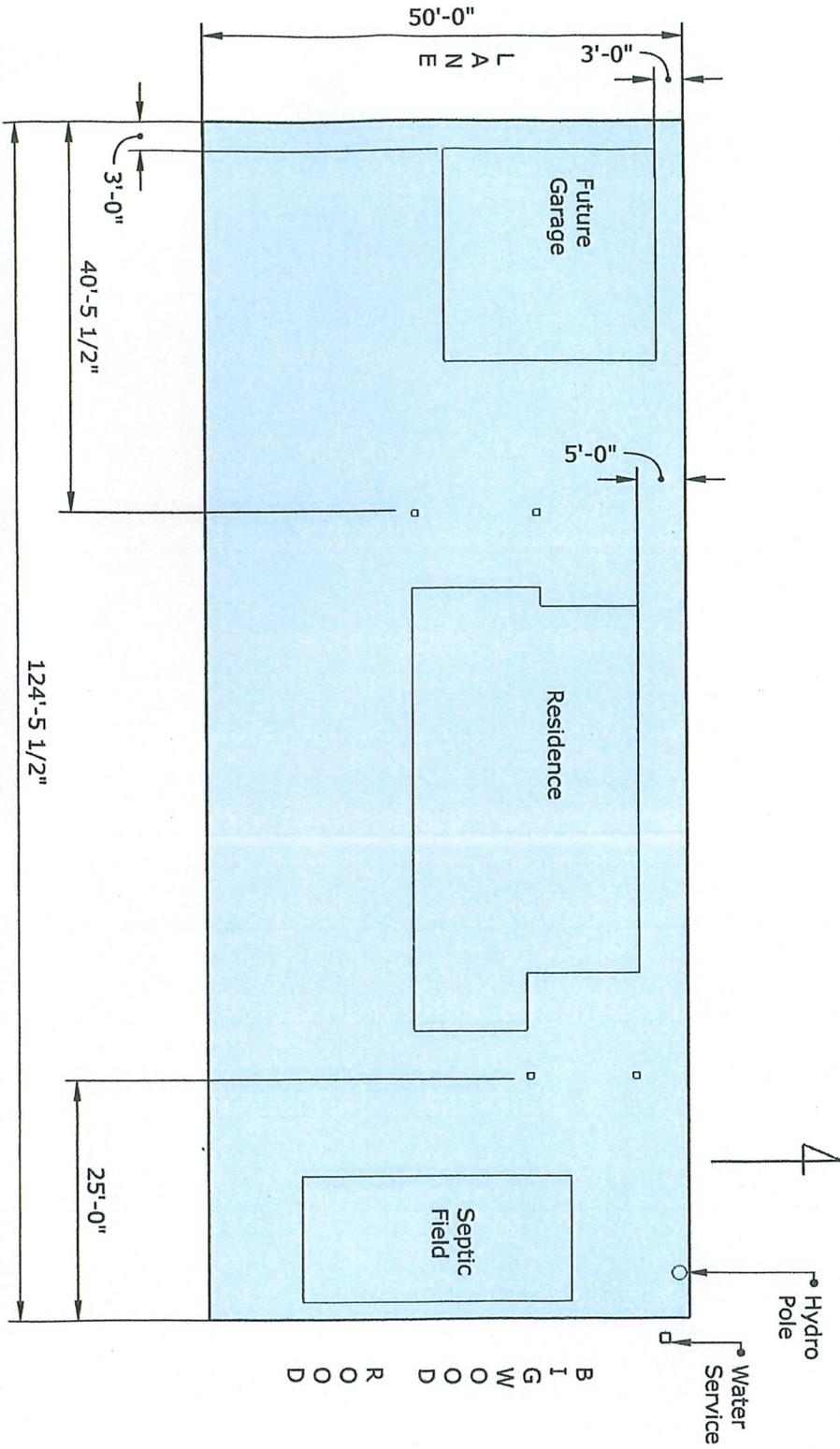


Prepared 2023-05-31
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BC23-03



Site Plan
Lot A Bigwood Road

Site Pictures – 5432 Bigwood Road



Width of lot = space between the two wooden posts



Accessory building side setback



Accessory building rear setback



To: ACRD Board of Directors

Meeting Date: June 28, 2023

From: Amy Needham, Junior Planner

File #: RE22015/PL20230011

Application Type: Rezoning

Electoral Area: "E" Beaver Creek

Subject: Rezoning application RE22015 – 6399 Walker Road (Gilmour)

Recommendation:

THAT the Board of Directors consider first reading of Bylaw P1474, Regional District of Alberni-Clayoquot Zoning Atlas 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 P1474 is subject to meeting technical referral agency requirements.

Note: If the Board wishes to proceed with the public hearing process, the appropriate motion would be:

THAT Bylaw P1474, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw be read a first time;

THAT the public hearing for Bylaw P1474 be delegated to the Director for Electoral Area 'E', the Alternate Director or the Chairperson of the Regional District;

THAT the Board of Directors confirm that adoption of Bylaw P1474 is subject to meeting technical referral agency requirements.

Development Proposal: The property owner is applying to rezone their 1.62 hectare (4 acre) parcel located at 6399 Walker Road from Small Holdings (A1) District to Acreage Residential (RA3) District in order to accommodate a three-lot subdivision – two lots (0.27 ha and 0.29 ha) each containing a single family dwelling and a remaining vacant 1.07 ha (1.3 ac) lot.

Advisory Planning Commission Recommendation: This application will be considered by the Beaver Creek Advisory Planning Commission (APC) at their June 12, 2023 meeting. The APC recommendation will be included in this report following the meeting.

Property Owner(s)/Applicant(s): John Gilmour

Agent: Prism Land Surveying

Property Information:

Civic Address	6399 Walker Road						
Legal Description	LOT 4, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614, EXCEPT PARCEL A (DD A90953) THEREOF						
PID	004-527-437	Folio	659.006	ALR? (Y/N)	No	Lot Size	1.62 ha (4 ac)

PL20230011/RE22015

Current Zoning	A1 – Small Holdings District	Proposed Zoning	RA3 – Acreage Residential District
Current OCP	Residential Use	Proposed OCP	N/A
Development Permit Area(s)	None		

Current Use & Description
 The 1.62 hectare (4 acre) property is level and mostly cleared of trees, with two single family dwellings on the west side adjacent to Walker Road. The property has a regular rectangular shape except for the southwest corner, with 71.6 meters (236 feet) of road frontage on Walker Road to the west, 181.1 meters (597 feet) along the north boundary, 120.1 meters (396 ft) along the south boundary and 99 meters (327 ft) along the east boundary.

The property is situated in an area mainly comprised of Small Holdings (A1) District lots, which are generally acreage residential parcels. There is a large parcel of ALR land located to the east of the subject property, which is under cultivation and there is a 33-foot wide undeveloped road right-of-way in between the two parcels.

Surrounding Zoning and Land Use

North	Small Holdings (A1) District	South	Small Holdings (A1) District
East	Rural (A2) District	West	Small Holdings (A1) District

Services:

- a) **Sewage Disposal:** Onsite sewage disposal. The applicant has submitted a report from a Registered On-site Wastewater Practitioner indicating that suitable onsite sewerage is possible on all proposed lots.
- b) **Water Supply:** Beaver Creek Community Water. If the rezoning is successful and 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 which includes paying all development cost charges, and satisfy any BCWS water connection requirements identified by ACRD Community Services staff.
- c) **Fire Protection:** Beaver Creek Fire Department Service Area
- d) **Access:** The two houses on the property are currently accessed from Walker Road. Future access to proposed Lot C will also be off Walker Road via a proposed panhandle driveway.
 - i. **Parcel Frontage Waiver:** Proposed Lot C is shown with panhandle frontage only and a parcel frontage waiver will be required at the subdivision stage.

Planning Policy Discussion:

- a) **Official Community Plan:** The Beaver Creek Official Community Plan designates the property as “Residential Use.” The objective of the Residential Use designation is to provide a range of housing options within the plan area. The designation supports a 0.24 hectare (0.6 acre) minimum lot size for lots serviced by community/communal water or sewer. All proposed lots would be connected to the Beaver Creek Water System. The property is not affected by any Development Permit Areas.

This proposal complies with the policies and objectives of the Beaver Creek OCP.

- b) **Zoning:** This parcel is currently zoned Small Holdings (A1) District, which has a minimum allowable lot size of 0.8 ha (2 acres). Rezoning to Acreage Residential (RA3) District will allow minimum lot sizes of 0.24 ha (0.6 acres),

PL20230011/RE22015

which all three proposed lots achieve.

- i. Parkland Dedication: This property is being rezoned in order to subdivide a total of three lots. Parkland dedication will not be required.

	Current: A1	Proposed: RA3
Minimum Lot Area (ha)	0.8	0.24
Minimum Lot Width (m)	50	30
Principal & Accessory Front Yard Setback (m)	7.6	15
Principal Side Yard Setback (m)	1.5	5
Principal Rear Yard Setback (m)	9	10
Accessory Side Yard Setback (m)	4.6	0.91
Accessory Rear Yard Setback (m)	4.6	0.91

This proposal requires a rezoning of the subject property from Small Holdings (A1) District to Acreage Residential (RA3) District to facilitate the proposed three lot subdivision.

Comments: The rezoning is the first step in the applicant’s proposal to subdivide the property into three lots. If the rezoning application proceeds, the following items would need to be addressed at the subdivision application process:

- A Parcel Frontage Waiver may be required to waive the 10% minimum road frontage required by the *Local Government Act* for proposed Lot C.
- Development Cost Charge payment to satisfy the requirements of ACRD Bylaw F1133, and meeting all requirements for connection to the Beaver Creek Water System.

The proposed development complies with the policies and objectives of the Residential Use designation in the Beaver Creek OCP. The rezoning provides an opportunity for serviced, in-fill development that is in keeping with the character of the surrounding area and staff recommend that the Board consider first reading of Bylaw P1474 at a future date, and that neighbourhood notification be provided.

Amy Needham

Submitted by: Amy Needham, P. Ag., Junior Planner

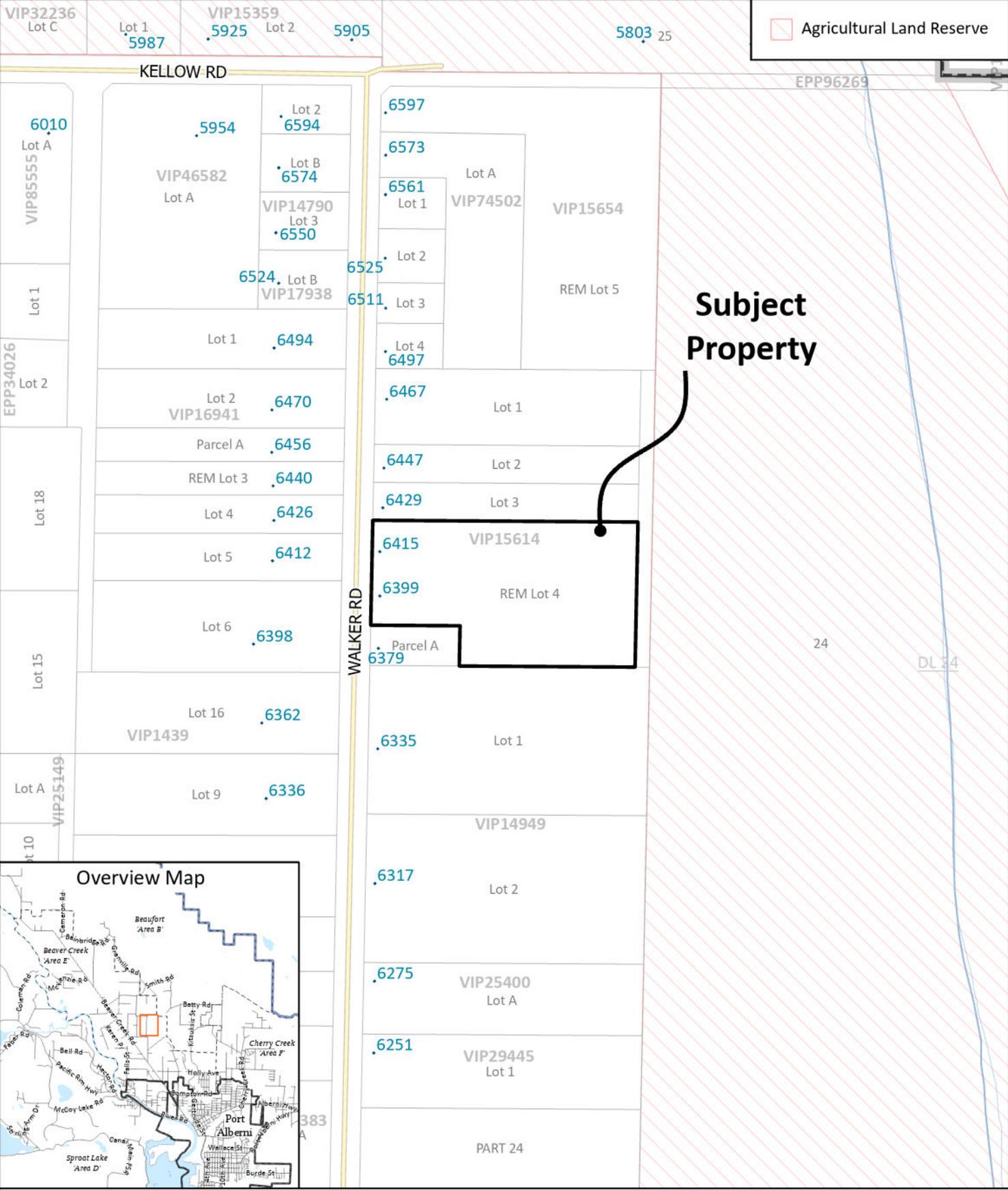
Reviewed by: Alex Dyer, MCIP, RPP, Planning Manager

PL20230011/RE22015

Approved by: Daniel Sailland, MBA, Chief Administrative Officer

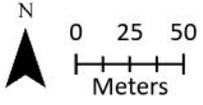
PL20230011/RE22015

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłʔatḥ Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)



Agricultural Land Reserve

Subject Property

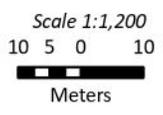


6399 Walker Rd
LOT 4, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614, EXCEPT
PARCEL A (DD A90953) THEREOF



WALKER RD

6399 Walker Road, Beaver Creek
LOT 4, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614,
EXCEPT PARCEL A (DD A90953) THEREOF



 Subject Property



Prepared 2023-06-01
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A BYLAW TO AMEND THE REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT ZONING BYLAW 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 Bylaw No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw P1474.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning: LOT 4, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614, EXCEPT PARCEL A (DD A90953) THEREOF 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 , 2023

Public hearing held this day of , 2023

Read a second time this day of , 2023

Read a third time this day of , 2023

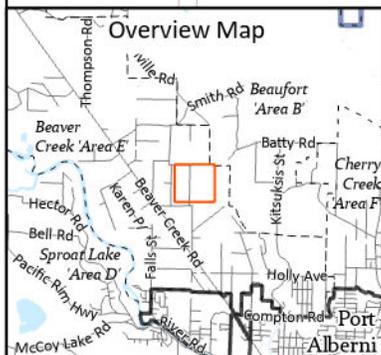
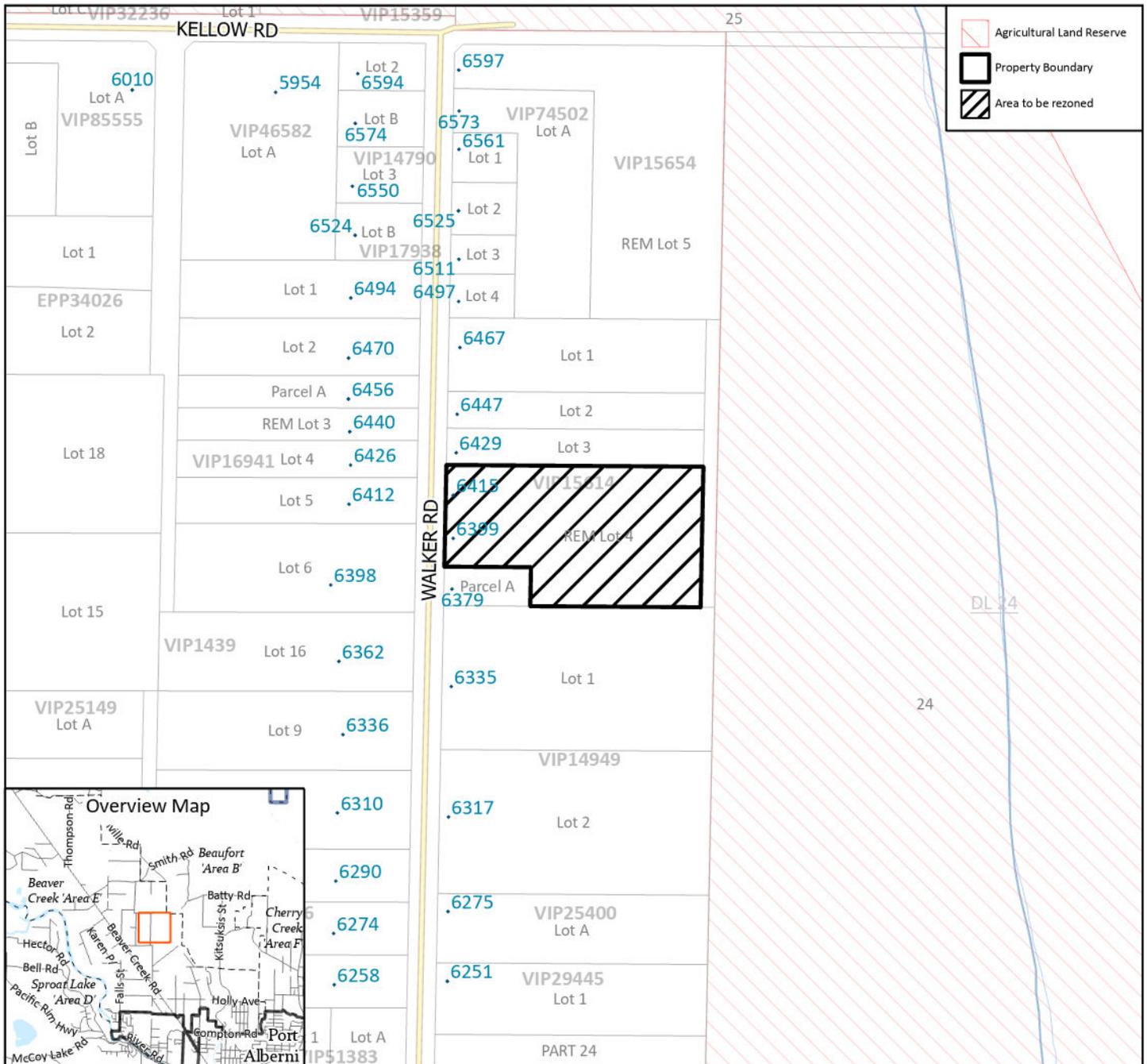
Adopted this day of , 2023

Corporate Officer

Chair of the Regional Board

Schedule 'A'

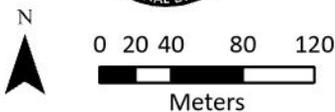
This schedule is attached to and forms part of Bylaw No. P1474, Zoning Atlas Amendment Bylaw, 2023



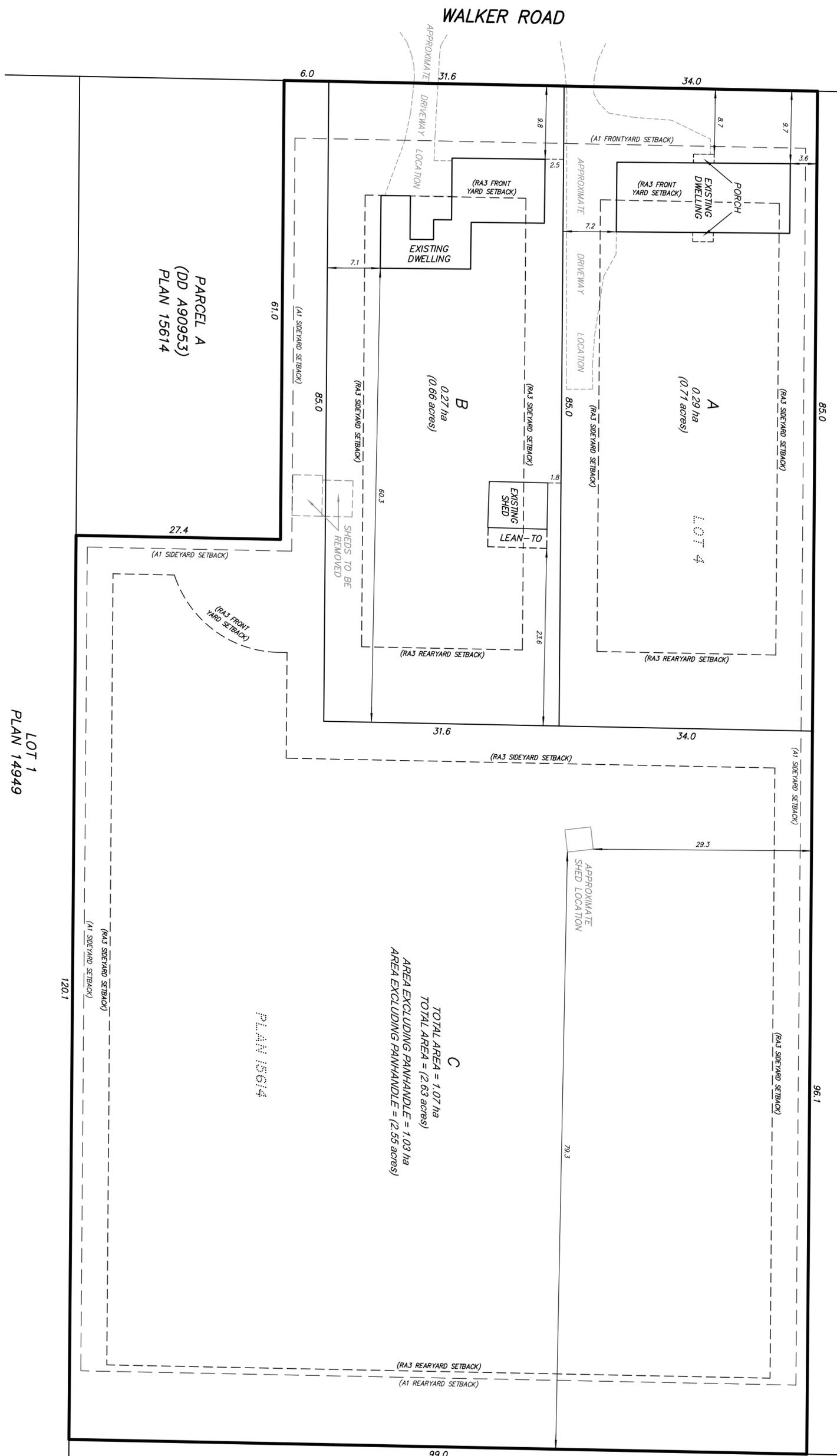
Legal description: LOT 4, DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614, EXCEPT PARCEL A (DD A90953) THEREOF



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



LOT 3
PLAN 15614



C
TOTAL AREA = 1.07 ha
TOTAL AREA = (2.63 acres)
AREA EXCLUDING PANHANDLE = 1.03 ha
AREA EXCLUDING PANHANDLE = (2.55 acres)

PLAN 15614

LOT 1
PLAN 14949

PARCEL A
(DD A90953)
PLAN 15614

WALKER ROAD

ROAD



**PROPOSED SUBDIVISION PLAN OF LOT 4,
DISTRICT LOT 24, ALBERNI DISTRICT, PLAN 15614,
EXCEPT PARCEL A (DD A90953) THEREOF.**

SCALE 1:400



LEGEND

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
ALL DISTANCES ALONG CURVES ARE ARC DISTANCES.
ALL DIMENSIONS AND AREA ARE SUBJECT TO FINAL SURVEY.
DL DENOTES DISTRICT LOT
REM DENOTES REMAINDER
ha DENOTES HECTARES

No.	DATE	REVISION
1	2022/10/25	INITIAL PROPOSAL TO RA3 ZONING

PRISM
LAND SURVEYING LTD.
223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 22-161-S
DRAWING NUMBER: 22-161 P1.DWG
DATE: 2022/10/25

Site Pictures – 6399 Walker Road



Dwelling #1 – north edge of property along Walker Road – Proposed Lot A



Dwelling #2 – south side of property along Walker Road – Proposed Lot B



South boundary of subject property – site of proposed panhandle driveway for future subdivision



Proposed Lot C – vacant land



Proposed Lot C – vacant land