



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT
**NOTICE OF APPLICATION FOR
DEVELOPMENT VARIANCE PERMIT**
ELECTORAL AREA 'E' – BEAVER CREEK

DVE20004 – MAURICE & FAYE ZDEBIAK, PROPERTY OWNERS

On October 14, 2020, the Regional District of Alberni-Clayoquot (ACRD) will consider issuing the following development variance permit to vary the provisions of the ACRD Zoning Bylaw No. 15, pursuant to Section 498 of the *Local Government Act*:

Vary Section 6.5(2)(C)(ii) – Supplementary Regulations of the ACRD Zoning Bylaw No. 15 as follows:

Reduce the required rear lot line setback for an accessory building in the Small Holdings (A1) District from 15 feet (4.57 meters) to 6 feet (1.83 meters).

Subject Property: 6572 Hills Road, Port Alberni

Legal Description: LOT A DISTRICT LOT 40 ALBERNI DISTRICT PLAN EPP79583 PID: 030-558-123

A copy of the permit and supporting documents are available for public review on our website at <https://www.acrd.bc.ca/events/14-10-2020/>.

The Regional Board made a preliminary review of this proposal on September 9, 2020 and resolved to consider it further. It is anticipated that the Regional Board will make a final decision on the permit at the Board Meeting on October 14, 2020 beginning at 1:30 pm.

Prior to issuing such a permit, the Board is required to notify owners and occupants of properties within 100 metres of the subject property. **Please accept this correspondence as fulfilling this obligation.**

Providing an opportunity for public input is a top priority for the ACRD. Consider written submissions as an effective means to do so.

Correspondence must be received by the ACRD by **10:00 am on Wednesday, October 14, 2020** and can be submitted by one of the following methods:

- Hard copy to the ACRD office drop slot or by mail to the Planning Department at the address below.
- Email sent to planning@acrd.bc.ca. Email correspondence will only be considered received if receipt confirmation is provided by ACRD staff.
- Fax sent to 250-723-1327. Fax correspondence will only be considered received if receipt confirmation is provided by ACRD staff.

Alternatively, if you wish to present your views to the Board in person, please contact Wendy Thomson, General Manager of Administrative Services, before 4:30 pm on October 8, 2020 at wthomson@acrd.bc.ca or phone 250-720-2700.

Questions? Please contact the Planning Department during regular office hours: Monday to Friday, excluding statutory holidays, from 8:00 am until 4:30 pm.

PLANNING DEPARTMENT

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

Email: planning@acrd.bc.ca
Telephone: 250-720-2700
Fax: 250-723-1327

Date of Notice: September 28, 2020



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

Development Variance Application

MEETING DATE: September 9, 2020

ACRD FILE NO.: DVE20004

APPLICANT: Faye & Maurice Zdebiak

LEGAL

DESCRIPTION: LOT A DISTRICT LOT 40 ALBERNI DISTRICT PLAN EPP79583

LOCATION: 6572 Hills Road (PID 030-558-123)

ELECTORAL AREA: "E" Beaver Creek

APPLICANT'S INTENTION: The applicant has applied for a development variance permit to reduce the required rear lot line setback from 15 feet (4.57 meters) to 6 feet (1.83 meters) for a property zoned Small Holdings (A1) District in order to construct a +/- 840 square foot accessory building.

Recommendation:

THAT the Board of Directors consider issuing development variance permit DVE20004, subject to neighbouring properties being notified as per Local Government Act s.499.

Development Variance DVE20004:

- i. Development variance of Section 6.5(2)(C)(ii) – Supplementary Regulations of the ACRD Zoning Bylaw to reduce the required rear lot line setback for a property zoned Small Holdings (A1) District from 15 feet (4.57 meters) to 6 feet (1.83 meters).

Procedure: Prior to the issuance of a development variance permit, the Board must first pass a resolution to consider issuing the permit. Staff then notify neighbouring property owners and tenants to afford them the opportunity to make written or verbal submissions to the Board. At the subsequent meeting, the Board issues or denies the development variance permit.

Observations:

- i. **Status of Property:** The approximately 0.219 ha (0.541 ac) property is relatively level and has been cleared of trees. The lot includes a single family dwelling, woodshed, and storage shed. Similarly zoned properties bound the property to the south, east, west, and across Hills Road

DVE20004

to the north.

ii. **Services**

- a. **Sewage Disposal:** On-site septic system.
- b. **Water Supply:** Beaver Creek Water Service Area.
- c. **Fire Protection:** Beaver Creek Volunteer Fire Department.
- d. **Access:** Access to the property is from Hills Road.

iii. **Existing Planning Policies Affecting the Site**

- a. **Agricultural Land Reserve:** Not within the ALR.
- b. **Official Community Plan:** The Beaver Creek Official Community Plan (OCP) designates the property "Residential Use". This designation ensures that the principal use in this area is residential.

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

- c. **Zoning:** The property is zoned Small Holdings (A1) District which permits rural residential, agricultural, and accessory uses.

	Actual	Proposed
Minimum Setback for Accessory Buildings		
Front lot line	50 feet	-
Rear lot line	15 feet	6 feet
Side lot line	15 feet	-

The applicant is applying for a Development Variance Permit to reduce the required rear lot line setback from 15 feet (4.57 meters) to 6 feet (1.83 meters) to facilitate the construction of a 28 foot by 30 foot shop. The rear lot line is bounded by a mostly treed 0.809 ha (2 ha) similarly zoned parcel.

The proposal requires a Development Variance Permit to reduce the required rear lot line setback from 15 feet (4.57 meters) to 6 feet (1.83 meters).

Comments:

The applicant is proposing to construct a shop within the required rear yard setback. ACRD Zoning Bylaw Section 6.5(2)(C)(ii) – Supplementary Regulations required rear lot line setback is 15 feet (4.57 meters). It is unlikely that varying the rear yard setback from 15 feet (4.57 meters) to 6 feet (1.83 meters) would negatively impact the parcel abutting the rear lot line, either in its current configuration or by possible future subdivision.

The property owner completed a road closure application in 2018 to acquire the former Shaw Road

DVE20004

right-of-way on the east side of the property. Consolidating the former right-of-way with the property resulted in an increase in the lot size to 0.219 ha (0.541 acre). The increase in land area allows for the proposed shop to be constructed on the lot in compliance with the 5% lot area ratio of combined floor area for all accessory buildings required by the Zoning Bylaw. With the proposed 840 square foot shop, the combined total floor area of all accessory buildings would be 4.9% of the total lot area.

Staff recommend that the Board of Directors consider issuing development variance permit DVE20004, subject to neighbouring properties being notified as per Local Government Act s.499.

Submitted by: 

Sarah Holden
Junior Planner

Reviewed by: 

Alex Dyer, MCIP, RPP
Planner

Approved by: 

Wendy Thomson
General Manager of Administrative Services

DVE20004



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

APPLICATION FOR DEVELOPMENT

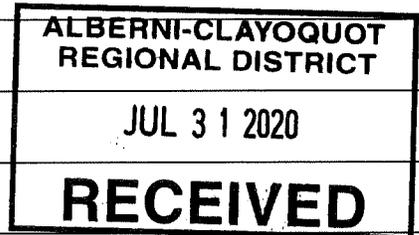
- | | |
|--|--|
| <input type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Minimum Parcel Frontage Waiver |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Board of Variance Application |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Temporary Commercial Use Permit |
| <input checked="" type="checkbox"/> Development Permit | <input type="checkbox"/> Temporary Industrial Use Permit |
| <input checked="" type="checkbox"/> Development Variance | <input type="checkbox"/> Other: _____ |

Applicant/Property Owner Information	Agent Information (if applicable)
Name: MAURICE & FAYE ZDEBIAK	Name: /
Mailing Address: 6572 HILLS RD. PORT ALBERNI, B.C. V9Y 8L5	Mailing Address: /
Telephone: 250-723-2746	Telephone: /
Fax: /	Fax: /
Cell: 250-731-7586	Cell: /
Email: Zdebiak@yahoo.com	Email: /

• Legal Description: LOT A DISTRICT LOT 40 ALBERNI DISTRICT PLAN
EPP 79583

• Particulars of Proposed Development:

- Existing OCP Designation: RESIDENTIAL
- Proposed OCP Designation: N/A
- Text Amendment: N/A
- Existing Zone: A1
- Proposed Zone: N/A



- Within the Agricultural Land Reserve (ALR)?: No Yes
- Within a Development Permit Area?: No Yes
- Method of Sewage Disposal: Community System Onsite Septic System Other
- Method of Water Supply: Community System Onsite Water System Other

• Other (explain): No water or sewer will be connected to the building.

• Describe the existing land use of the subject property: Residential

- Describe the existing land use of lands adjacent to the subject property:

North: Residential
South: Residential
East: Residential
West: Residential

- Describe the proposed development of the subject property (attach additional pages if necessary):

Workshop & storage area. Reduce rear yard setback from 15' to 6'. Planning to be 8' away but wants a buffer.

- Reasons and comments in support of the application (attach additional pages if necessary):

Requires extra building.

- The following information is required. Failure to provide any of the following may delay the application.

A sketch/plan of the subject property showing:

- the legal boundaries and dimensions of the subject property;
- boundaries, dimensions, and area of any proposed lot (if subdivision is being proposed);
- the location of permanent building and structures on the subject property with distances to property lines;
- the location of any proposed building, structures, or additions hereto, with distances to property lines;
- the location of any existing sewage disposal systems and/or property water source; and
- topographic features (rock outcroppings, etc.).

- Additional or more detailed information may be requested by the Regional District following review or your application.

If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a registered BC Land Surveyor may be required.

I accept responsibility for delays in processing caused by incorrect or insufficient submission. Personal information contained on this form is collected under the *Local Government Act*. Contact the Planning Department if you have any further questions.

I hereby grant Regional District staff full right of access to the subject property, during the hours of 8:00 am until 4:30 pm, Monday to Friday, except statutory holidays, while this application is in effect; and

I/We hereby declare that the information provided in this application is, to the best of my/our knowledge, true and correct in all respects, and I/we enclose the required fee with this application.

NOTE: All items submitted as part of the application will not be returned to the applicant and are subject to the *Freedom of Information and Privacy Act*. All relevant correspondence will be provided to both the applicant and the agent when applicable.

Applicant/Owner Signature: M. Zdebial

Applicant/Owner Signature: Paula Zdebial

Date: July 31/2020

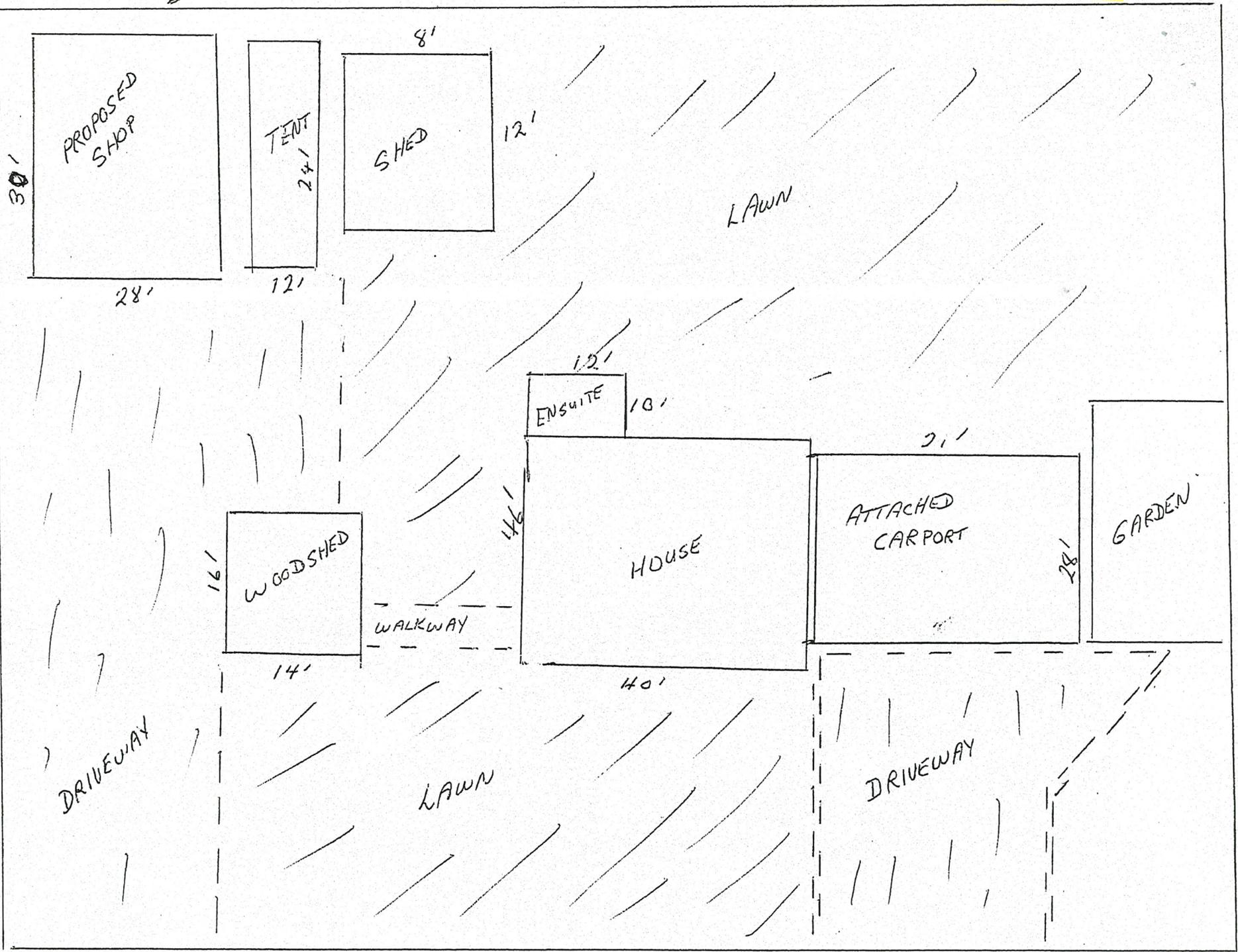
DISTANCE BETWEEN SHOP & LINE
APPROX. 8'

178.5'

WOULD LIKE TO BE WITHIN
6' OF PROPERTY LINE

APPROX.
15-16' FROM
PROPERTY LINE

131.96'



MILLS RD.
LITTLE DR.

REFERENCE PLAN OF LOT 2, PLAN 15434, TOGETHER WITH
THE CLOSED ROAD AS SHOWN ON PLAN EPP79582,
BOTH OF DISTRICT LOT 40, ALBERNI DISTRICT.

PLAN EPP79583

(PURSUANT TO SECTION 100(1)(b) OF THE LAND TITLE ACT).

BCGS 92F.026



THE INTENDED PLOT SIZE IS 432mm IN WIDTH AND 280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:500.

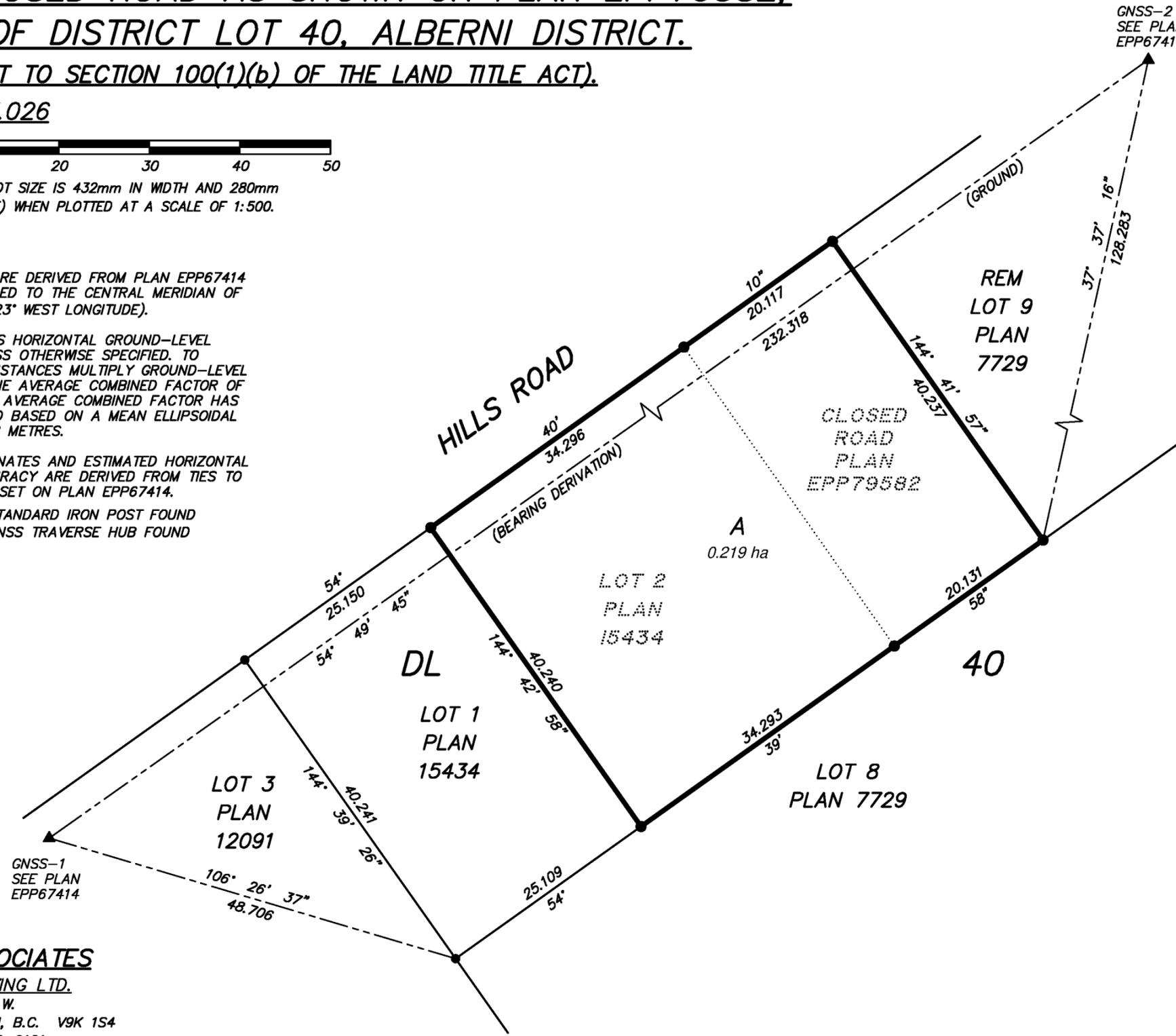
LEGEND

GRID BEARINGS ARE DERIVED FROM PLAN EPP67414 AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10 (123° WEST LONGITUDE).

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.99981957. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON A MEAN ELLIPSOIDAL ELEVATION OF 28 METRES.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ARE DERIVED FROM TIES TO TRAVERSE HUBS SET ON PLAN EPP67414.

- DENOTES STANDARD IRON POST FOUND
- ▲ DENOTES GNSS TRAVERSE HUB FOUND



DATUM: NAD83(CSR5)[1997.0], UTM ZONE 10	
GNSS POINT:	GNSS-1
UTM NORTHING:	5461728.25
UTM EASTING:	364835.93
POINT COMBINED FACTOR:	0.99982025
ESTIMATED HORIZONTAL POSITIONAL ACCURACY: 0.05 METRES	
GNSS POINT:	GNSS-2
UTM NORTHING:	5461862.05
UTM EASTING:	365025.80
POINT COMBINED FACTOR:	0.99981889
ESTIMATED HORIZONTAL POSITIONAL ACCURACY: 0.05 METRES	

SIMS ASSOCIATES
 LAND SURVEYING LTD.
 223 FERN ROAD W.
 QUALICUM BEACH, B.C. V9K 1S4
 PHONE: 250-752-9121
 FAX: 250-752-9241
 FILE NUMBER: 17-404-S
 DRAWING NUMBER: 17-404 REF-CONSOL.dwg

THIS PLAN LIES WITHIN THE ALBERNI-CLAYOQUOT REGIONAL DISTRICT.
 THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED THE 17TH DAY OF JANUARY, 2018.
 NEIL J. BAUDER BCLS #989



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

DEVELOPMENT VARIANCE PERMIT NO. DVE20004

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: Faye & Maurice Zdebiak

Address: 6572 Hills Road

With respect to:

Legal Description: LOT A DISTRICT LOT 40 ALBERNI DISTRICT PLAN EPP79583

PID: 030-558-123

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

- i. Development variance of Section 6.5(2)(C)(ii) – Supplementary Regulations of the ACRD Zoning Bylaw to reduce the required rear lot line setback for a property zoned Small Holdings (A1) District from 15 feet (4.57 meters) to 6 feet (1.83 meters).

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 _____, 2020.

This permit was issued under the seal of the Regional District of Alberni-Clayoquot on _____, 2020.

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

Chair of the Board of Directors

DVE20004

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)