



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

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

March 25, 2021

BEAVER CREEK ADVISORY PLANNING COMMISSION

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

- DVE20010 – 7194 McKenzie Road (Jamieson)
- TUP20004 – 5458 Highland Drive (Dahling/Mohan)

Please review this application so that your Director can submit your recommendations to the Board of Directors on April 14th, 2021.

Your next meeting is scheduled for **Monday, March 29th at 7:00 pm** through Zoom Video Conferencing. Please refer to the email for details and Zoom invitation.

Thanks in advance!

Sincerely,

Alex Dyer, MCIP, RPP
Planner

Enclosures

Cc Applicants



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: April 14, 2020

ACRD FILE NO.: DVE20010

APPLICANT: Michele Jamieson

LEGAL

DESCRIPTION: LOT 3 DISTRICT LOT 166 ALBERNI DISTRICT PLAN 12220

LOCATION: 7194 McKenzie Road

ELECTORAL AREA: "E" Beaver Creek

APPLICANT'S INTENTION: The applicant has applied for a development variance permit to reduce the required front lot line setback from 50 feet (15 meters) to 25 feet (7.5 meters) for a property zoned Rural (A2) District in order to place a mobile home as a primary residence.

Recommendation: THAT the Board of Directors consider issuing development variance permit DVE20010, subject to neighbouring properties being notified as per Local Government Act s.499.

Development Variance DVE20010:

- i. Development variance of Section 200 – Schedule No. II – Bulk and Site Regulations of the ACRD Zoning Bylaw to reduce the required front lot line setback for a property zoned Rural (A2) District from 50 feet (15 meters) to 25 feet (7.5 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:** This 0.19 ha (0.46 ac) property is relatively level vacant lot that has been cleared of trees. There is a gully at the rear (south end) of the property. The applicant has indicated that there is fill on the rear portion of the property and that the most suitable building sit is within the front yard set-back.

DVE20010

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 McKenzie 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 "Rural Use".

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

- c. **Zoning:** The property is zoned Rural (A2) District which permits rural residential, agricultural, and accessory uses. The minimum lot area is 5 acres (2 ha) and this property is legal non-conforming.

Principal building setbacks within the Rural (A2) District

	Required	Proposed
Front lot line	50 feet	25 feet
Rear lot line	15 feet	-
Side lot line	15 feet	-

The applicant is applying for a Development Variance Permit in order to reduce the required front lot line setback from 50 feet (15 meters) to 25 feet (7.5 meters) to locate a mobile home on the vacant property.

Comments: The applicant is proposing to locate a mobile home on this 0.46 acre lot. Following a site visit, staff are supportive of the variance application. This is a small, non-conforming lot that was subdivided prior to the ACRD Zoning Bylaw adoption. If the variance is approved, there is still ample room between the proposed building site and the road. Staff note that there are A1 zoned properties, which have 25 foot front yard setbacks, within this neighbourhood. Given the existence of fill on the property. The proposed variance is considered appropriate.

Staff recommend that the Board of Directors consider issuing development variance permit DVE20010, subject to neighbouring properties being notified as per Local Government Act s.499.



Submitted by:

Mike Irg, MCIP, RPP, General Manager of Planning & Development

Approved by:

Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

DVE20010



For 7194 mckenzie Road. (C#584 \$300-)

ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

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

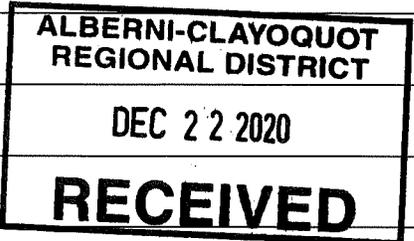
APPLICATION FOR DEVELOPMENT

- | | |
|--|--|
| <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 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: <u>Michele Jamieson</u>	Name:
Mailing Address: <u>7100 Beaver Ck. Rd.</u> <u>Port Alberni BC</u> <u>V9Y 8M3</u>	Mailing Address:
Telephone: <u>250 731-9989</u>	Telephone:
Fax:	Fax:
Cell:	Cell:
Email: <u>ernidog@hotmail.com</u>	Email:

- Legal Description: Lot 3 Plan VIP 12220 Dist Little Lake Land Dist 01 PID: 004-967-879
Area Jurisdiction Roll: 04-770-01936-007
- Particulars of Proposed Development:

- Existing OCP Designation: rural use
- Proposed OCP Designation: _____
- Text Amendment: _____
- Existing Zone: A2
- Proposed Zone: _____
- 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): _____

Describe the existing land use of the subject property: Vacant lot

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

North: 7100 Beaver Cr. Rd - manufactured home single wide

South: 7197 McKenzie Rd - manufactured home single wide

East: 7100 McKenzie Rd - 2 story standard house

West: 7220 McKenzie Rd - 1 story standard house

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

bring a manufactured home onto property

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

see attached pages

- 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: 

Applicant/Owner Signature: _____

Date: December 22 2020.

**Michele Jamieson
7100 Beaver Creek Road
Port Alberni, BC
V9Y 8M3
Phone - 250 731-9989
Email - ernidog@hotmail.com**

December 22 2020

To whom it may concern:

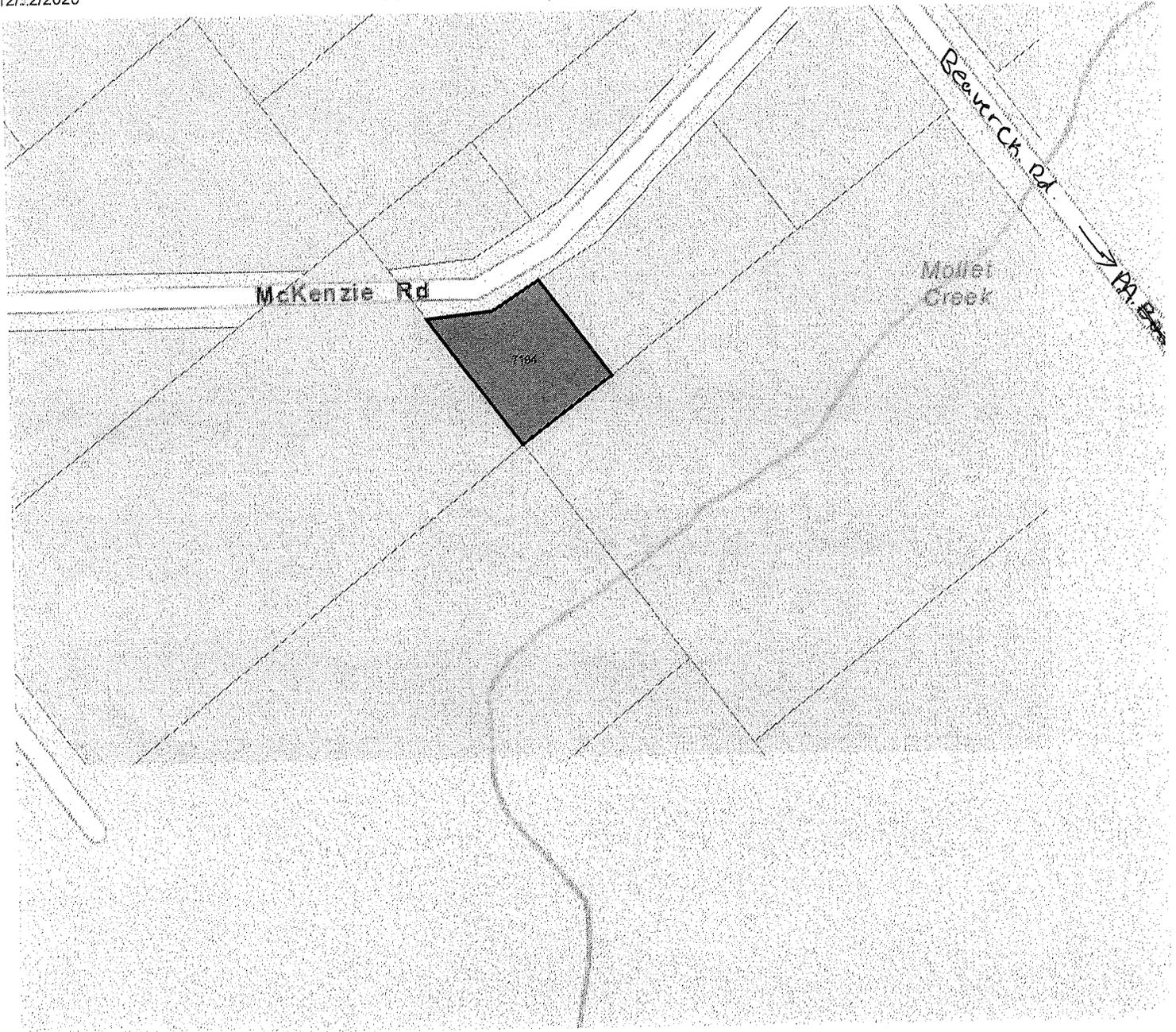
Re: building setback variance

Hi. I wish to apply for a variance to place an existing modular home onto, the vacant property that I own , 7194 McKenzie Road. I hope to place the home 25' from the front of the property line, rather than the 50' setback. The reason being is that there is fill on the land and the fill gets deeper and deeper as you go toward the back of the property. I have hired Geo-tech, Paul Fraser, to direct plans for the foundation of the home and also hired Craig Bowerman to construct the septic system.

I hope the information I am submitting is sufficient.

Thank you,

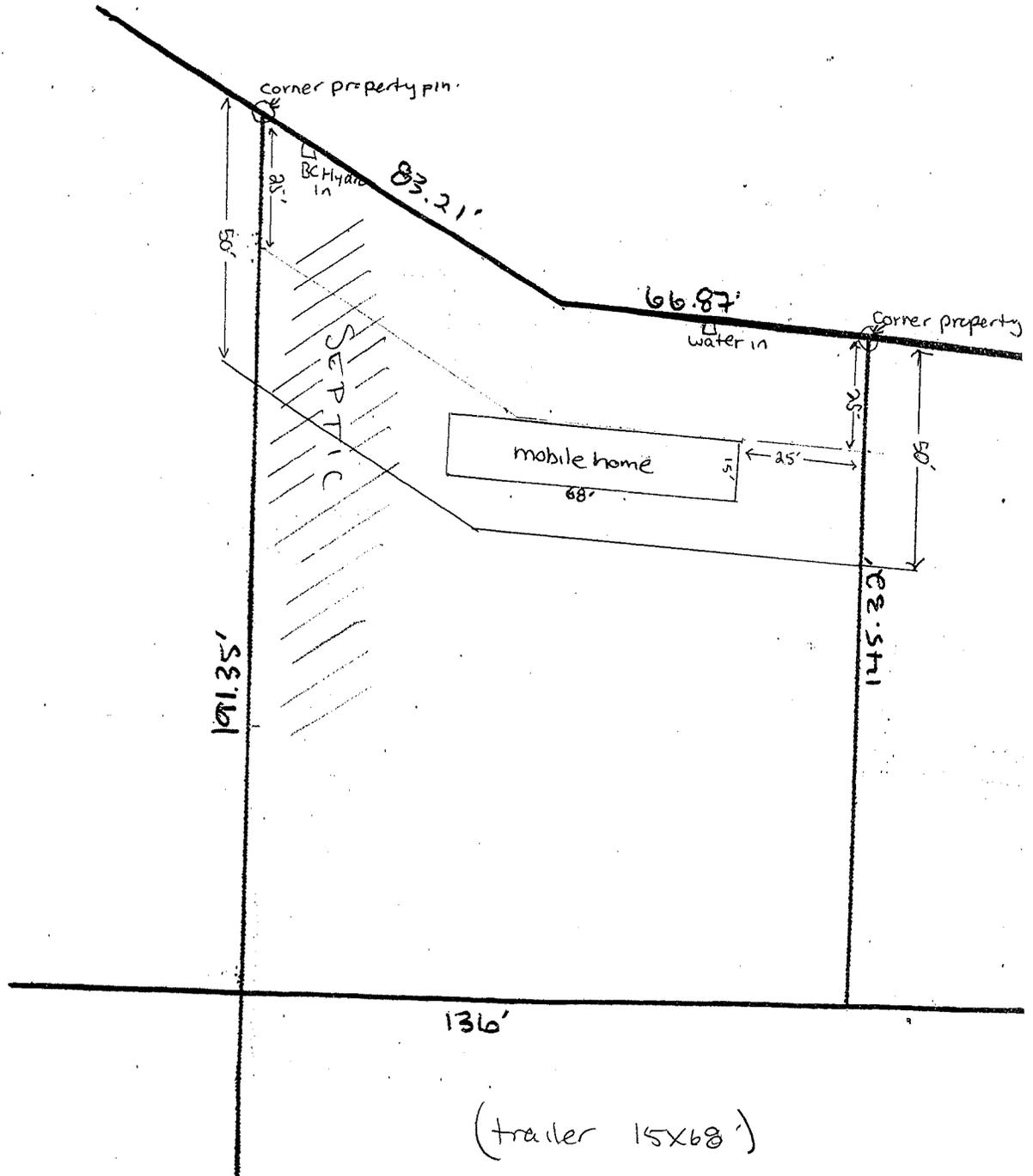
Michele Jamieson

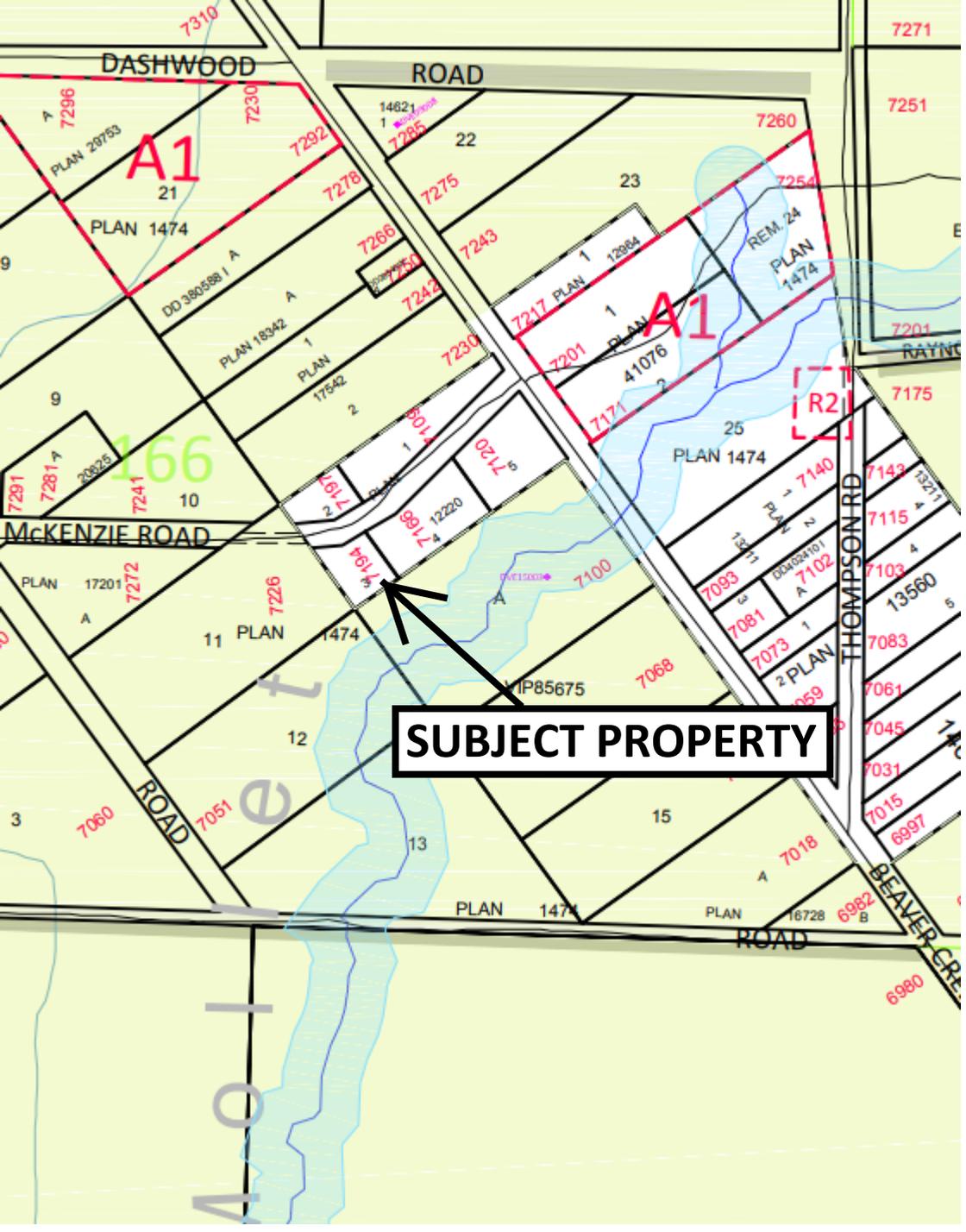


7194 mckenzie Road.

Proposal

7194 McKenzie Road
Port Alberni, B.C. V9Y 8M7
Lot 3 Plan V1P17220 District Lot 166
Land District 01 PID: 004-967-879





DASHWOOD ROAD

ROAD

A1

A1

R2

SUBJECT PROPERTY

MCKENZIE ROAD

THOMPSON RD

ROAD

ROAD

BEAVER CREEK ROAD



TEMPORARY USE PERMIT APPLICATION

TO: ACRD Board of Directors

MEETING DATE: April 14, 2021

TEMPORARY USE PERMIT

APPLICATION #: TUP20004

APPLICANT: Joshua Dahling & Heather Mohan

LEGAL

DESCRIPTION: LOT 17 DISTRICT LOT 23 ALBERNI DISTRICT PLAN VIP79780

LOCATION: 5458 Highland Drive, Port Alberni

ELECTORAL AREA: "E" Beaver Creek

Applicant's Intention: To allow for a two (2) bedroom Accessory Dwelling Unit located within the single family dwelling to be operated as a short term vacation rental on the 0.4 hectare (1 acre) subject property.

Recommendation: THAT the Board of Directors consider issuing Temporary Use Permit TUP20004, subject to neighbouring properties being notified as per Local Government Act s.494.

Procedure: Prior to the issuance of a Temporary Use Permit, the Board must first pass a resolution to consider issuing the permit. Staff then notify neighbouring property owners and tenants and publish a notice in the newspaper to afford the public an opportunity to make written or verbal submissions to the Board. At the subsequent meeting, the Board issues or denies the Temporary Use Permit.

Observations:

- 1. Property Description:** The parcel is 0.4 hectare (1 acre) in lot area. The property slopes gradually from north east to south west, and is mostly cleared, apart from a treed buffer along the southern property line and within the backyard. The five (5) bedroom single family dwelling was constructed in 2008 and included a two (2) bedroom suite located within the basement. A building permit was issued in January 2021 for alterations to the existing basement suite and to legalize the suite as an Accessory Dwelling Unit (ADU).

TUP20004

The property is adjacent to similar residential uses as well as a linear park to the south, and a railway right-of-way to the south west.

2. Services:

- a. **Sewage Disposal:** On-site septic system. A letter from a Registered On-Site Wastewater Practitioner, dated November 3, 2020, has been provided which confirms that the system has been appropriately constructed and installed given the size and projected demand from the house and that the system is functioning as expected. The septic system was installed when the house was constructed in 2008.
- b. **Water Supply:** Beaver Creek Water System.
- c. **Fire Protection:** Beaver Creek Volunteer Fire Department.
- d. **Access:** Access to the property is off Highland Drive. The ADU shares a driveway access and parking area with the single family dwelling. The ADU has secure, private access directly to the unit that is separate from the remainder of the house.

3. Existing Planning Documents Affecting the Site:

- A. **Agricultural Land Reserve:** Not within the ALR.
- B. **Official Community Plan:** The Beaver Creek Official Community Plan (OCP) designates this property as “Residential Use”. This designation supports a variety of compatible uses on residential lots, including the residential use of the property.

Section 3.2 of the OCP contains general planning policies that apply to all properties within the OCP area. Policy 3.2.10 allows for the consideration of temporary use permits in appropriate areas within all land use designations in accordance with s. 493 of the *Local Government Act*.

The proposal complies with the policies and objectives of the Beaver Creek OCP. A TUP may be issued to allow for the use requested on the subject property.

- C. **Zoning:** The property is zoned Acreage Residential (RA2) District. This zoning designation does not allow short term vacation rentals, but the proposed TUP would allow the STR use to occur on a temporary basis and under specific conditions.

A Short-term Vacation Rentals Temporary Use Permit Policy was adopted by the ACRD Board in January 2018 for the consideration of STR applications in the Regional District. This policy specifies regulatory areas, notification requirements, terms and renewals, criteria for evaluation, and provides

TUP20004

guidelines for the conditions that the permit may apply.

Under Section 493 of the *Local Government Act*, the Regional District may issue a Temporary Use Permit, by resolution, in areas designated in an Official Community Plan. A Temporary Use Permit may do one or more of the following:

- i. Allow a use not permitted under the Zoning Bylaw;
- ii. Specify conditions under which the temporary use may be carried out;
- iii. Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

Where a Temporary Use Permit is considered within an area designated in an OCP, the Regional District must give notice to the public in accordance with the requirements of the *Act* and the Development Procedures Bylaw, which includes notifying the neighbouring property owners and residents within 100 metres of the property, and publishing a notice in the newspaper.

Within the Beaver Creek OCP area, a TUP can be issued for up to 3 years and renewed upon application by the property owner. After the expiry of the TUP, the property owner must apply to rezone the property to allow for the continued STR use or discontinue the use.

Temporary Use Permit:

The Temporary Use Permit to operate the existing Accessory Dwelling Unit as a Short Term Rental may be subject to the following conditions and any other conditions that the ACRD Board of Directors deems appropriate at the time of issuance:

1. This permit is issued for the operation of a two (2) bedroom short term vacation rental (STR) unit located within the existing single family dwelling at the subject property.
2. The maximum occupancy shall be two (2) persons per bedroom when the dwelling unit is being occupied as an STR.
3. The rental unit is limited to the Accessory Dwelling Unit within the single family dwelling on the subject property.
4. The rental use of the property shall not change the residential appearance of the single family dwelling.
5. The owner, or a caretaker, must live on-site or be available within 20 minutes of the property.
6. Contact information for the owner, or caretaker, and a copy of the TUP must be visible in a public location.
7. This permit is valid for three (3) years from the date of execution.

TUP20004

8. The operation of the STR must be in compliance with any orders or directives issued by the Provincial Health Officer.
9. At the time of the expiry of this permit, the property owners may apply to the Regional District to have it re-issued for a period of up to three (3) years or return the property to the original use permitted under the current zoning.
10. If the conditions of this permit are not met, or if there is a change of ownership of the property, the Regional District may rescind or terminate the TUP.

Comments: The applicants purchased the property in 2018 and intend to operate a two (2) bedroom short term rental suite within the existing home. The applicant's intent is to limit guest stays to one week unless they are in the Alberni Valley for a short term work opportunity, in which case a guest could stay for up to three weeks.

The applicants have provided the following documents to support their application:

- A building permit, issued January 18, 2021, for alterations to the suite and for the legalization of the existing basement suite as an Accessory Dwelling Unit in compliance with the Zoning Bylaw and the Building Bylaw.
- Registered On-Site Wastewater Practitioner assessment, dated November 3, 2020, that confirms that the 2008 system is appropriate given the size and projected demand from the house and that the system is functioning as expected.
- Site plan for the single family dwelling indicating that the location of the house complies with the required setbacks in the RA2 District.
- Pictures of the Accessory Dwelling Unit demonstrating access/egress, bedrooms, kitchen and bathroom facilities.

The application generally complies with the guidelines set out in the STR TUP policy provided the proposed TUP conditions of use are followed. Staff recommend that the ACRD Board consider issuing Temporary Use Permit TUP20004, subject to neighbouring properties being notified as per *Local Government Act* s. 494.

Submitted by: 
 Alex Dyer, MCIP, RPP, Planner

Reviewed by: 
 Mike Irg, MCIP, RPP, General Manager of Planning & Development

Approved by: _____
 Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer

TUP20004

**ALBERNI-CLAYOQUOT REGIONAL DISTRICT**

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

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

Office use only

File No.:

Received:

Fee:

Receipt No.:

TEMPORARY USE PERMIT APPLICATION (SHORT TERM VACATION RENTAL)

Applicant/Property Owner Information	Agent Information (if applicable)
Name: Joshua Dahling & Heather Mohan	Name: Joshua Dahling & Heather Mohan
Mailing address: 5458 Highland Drive	Mailing address:
Phone:	Phone:
Cell: 604-341-9595	Cell:
Fax:	Fax:
Email: joshua@campkerry.org	Email: joshua@campkerry.org

Agent Authorization (if applicable)

If the registered owner(s) of the subject property elects to have someone act on their behalf in submission of this application this section must be completed.

As owner(s) of the land described in this application, I/we hereby authorize _____ to act as applicant in regard to this Temporary Use Permit application.

Signature of owner:

Date:

Signature of owner:

Date:

Property Description

Civic address: 5458 Highland Drive

Legal description:

Zoning:

RA2

OCP designation: Residential Use

Describe the existing land use of lands adjacent to the subject property: P2 (Park)

North: RA2 (Residential)

South:

East: RA2 (Residential)

West:

Highland Drive

Within the Agricultural Land Reserve (ALR): No YesWithin a Development Permit Area (DPA): No Yes(more information: www.acrd.bc.ca/development-permits)Method of sewage disposal: Community system On-site septic system OtherMethod of water supply: Community system On-site water system Other**Current Use (attach as a separate sheet, as required)**

Describe the current use of the land and building(s) on the subject property:

The three-level house is our primary residence. The lower level has a two bedroom suite that we presently use for our guests.

Proposed Temporary Use (attach as a separate sheet, as required)

Describe the proposed temporary use of the land and building(s). Describe the time period required for the temporary use. Describe the reason(s) for the proposed temporary use. Clearly describe any conditions that the proposed use will be limited to (ie. floor area, bedroom(s), affected land area, building(s) to be used, parking, hours of operation, sewage, water, caretaker, etc.):

We intend to list our suite on Airbnb and possibly other short-term rental sites so that we can generate some additional income and contribute to enhancing people's experience of the Alberni Valley.

Guests will only be permitted to stay for a maximum of seven days unless they are in the valley for work purposes. In that case, we are willing to accommodate such guests for a period of three weeks provided we don't have friends or family coming to visit.

In addition to private access to the entire two bedroom suite which includes; one bathroom, a kitchen (without oven), and laundry, guest will have access to the lower level deck and driveway.

Required Documentation

Site plan showing the following:

- Legal boundaries and dimensions of the subject property.
- Location of permanent building(s) and structure(s) on the subject property with distances to property lines.
- Location of any existing sewage disposal systems and/or property water source.
- Landscaping, access roads, driveways, vehicle parking spaces, pathways, screening/fencing, etc.
- Current floorplan showing the number of bedrooms that will be used for the short term vacation rental.

Health and safety inspection: Where applicable, confirmation from a Building Inspector, or other qualified individual that the proposed use of a building or structure meets minimum standards for health and safety.

Septic inspection: A copy of the most recent septic inspection/servicing showing to be in good working order and, if applicable, confirmation from a Registered On-site Wastewater Practitioner that the site is capable of accommodating on-site sewage disposal for the number of rooms/guests.

Additional or more detailed information may be requested by the Regional District following review of 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: _____

Date: August 22, 2020

Applicant/Owner Signature: _____

Date: Aug. 22/2020

R.N. ACRES LAND SURVEYING LTD.
R.N. ACRES, B.C.L.S.,
RES. PHONE - 250-752-5718
e-mail address - racres@alberni.net

D.M. POLLOCK LAND SURVEYING LTD.
D.M. POLLOCK, B.A., B.C.L.S.
RES. PHONE - 250-723-7760
e-mail address - tundro469@alberni.net

MR. RICHARD PREVOST,
1750 FAIRDOWNE ROAD,
ERRINGTON, B.C.
V0R 1V0

DEAR SIR:

RE: HOUSE UNDER CONSTRUCTION ON LOT 17, D.L. 23, ALBERNI DIST., PLAN VP-79780,
5458 HIGHLAND DRIVE.
(PREVOST).
OUR FILE NO. :- 15,184.

SITE CERTIFICATE

ACRES+POLLOCK

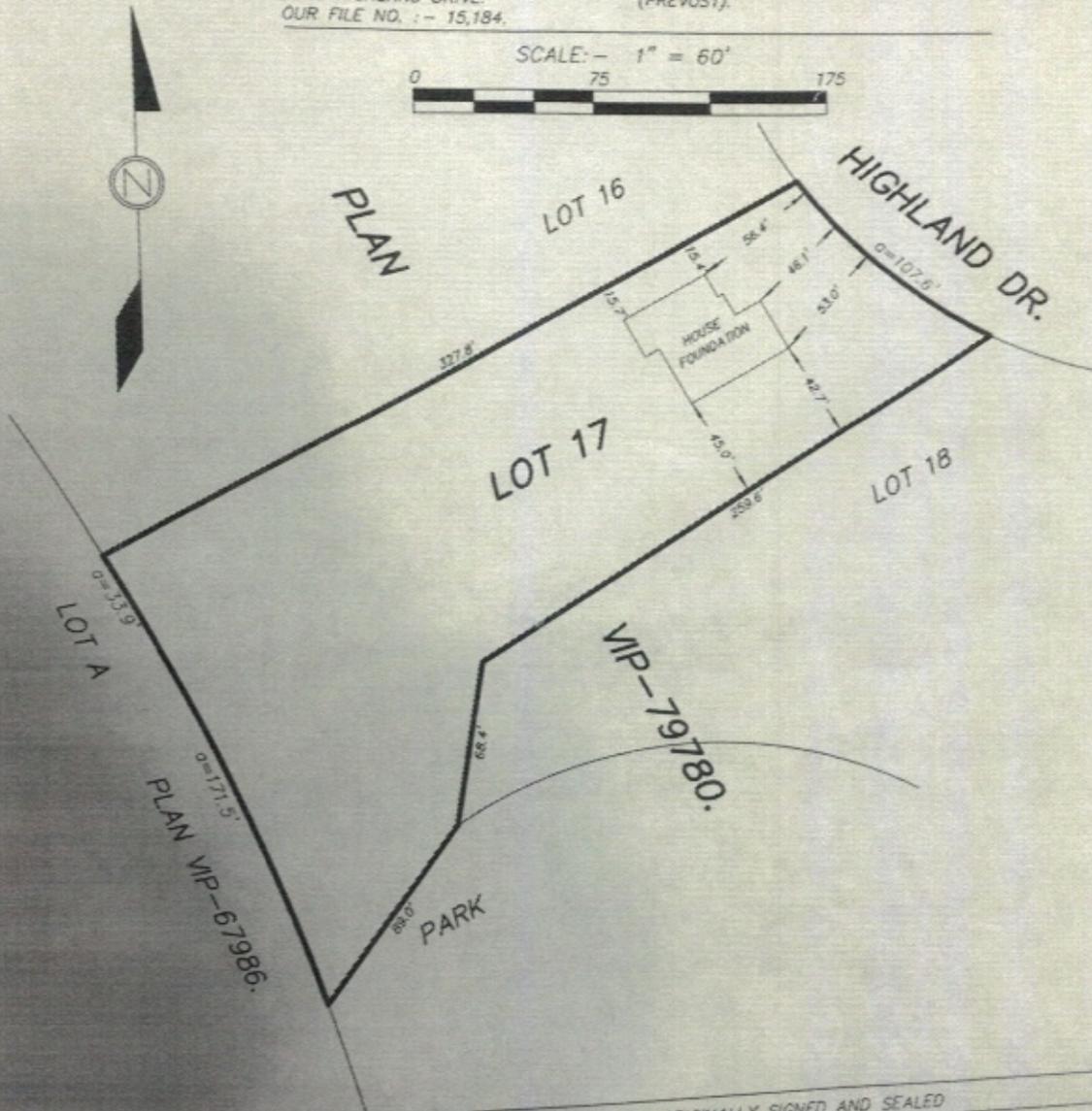
BRITISH COLUMBIA LAND SURVEYORS

SUB-DIVISION DESIGN

LEGAL, TOPOGRAPHICAL, RIGHT-OF-WAY AND FORESHORE SURVEYS

4710 ROGER STREET,
PORT ALBERNI, B.C.
V9Y 3Z2

250-723-5412 (phone)
250-723-1500 (fax)



© 2008 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

CERTIFIED CORRECT THIS 24TH DAY OF APRIL, 2008.

[Signature] B.C.L.S.

NOTE: - The measurements shown are the shortest distances between the FOUNDATION of the building and the adjacent boundaries of the parcel. This document is not intended for property line re-establishment and we accept no responsibility for unauthorized use.











