



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

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

November 18, 2021

## CHERRY CREEK ADVISORY PLANNING COMMISSION

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

- DVF21006 – 6585 Cherry Creek Road (Chernomaz)

Please review this application so that your Director can submit your recommendations to the Regional Board on Wednesday, November 24<sup>th</sup>, 2021.

Your next meeting is scheduled for **Monday, November 22<sup>th</sup> at 7:00 pm** through Zoom Video or Phone Conferencing. Refer to the email for details and Zoom invitation.

Sincerely,

Alex Dyer, MCIP, RPP  
Planning Manager

Enclosures

Cc Applicants



# ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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## Development Variance Application

**MEETING DATE:** December 8, 2021

**ACRD FILE NO.:** DVF21006

**APPLICANTS:** Richard and Maren Chernomaz

**LEGAL DESCRIPTION:** LOT 1 DISTRICT LOT 57 ALBERNI DISTRICT PLAN EPP63338

**LOCATION:** 6585 Cherry Creek Road, Port Alberni

**ELECTORAL AREA:** "F" Cherry Creek

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**APPLICANT'S INTENTION:** The applicants have applied for a development variance permit to reduce the required front and rear yard setbacks in the Acreage Residential (RA3) District to facilitate construction of a covered deck and addition to the existing single family dwelling.

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**Recommendation:** THAT the Board of Directors consider issuing development variance permit DVF21006, subject to neighbouring properties being notified as per Local Government Act s.499.

### Development Variance DVF21006:

- i. Development variance of the ACRD Zoning Bylaw, Schedule No. II: Bulk and Site Regulations, to reduce the required front yard setback from 15 m (49.21 ft) to 10 m (32.8 ft) and the required rear yard setback from 10 m (32.8 ft) to 4.5 m (14.76 ft), in the Acreage Residential (RA3) District, to facilitate siting and construction of a covered deck and addition to the existing single family dwelling.

**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 residents to afford them the opportunity to make written or verbal submissions to the Board. At a subsequent meeting, the Board issues or denies the development variance permit.

**Cherry Creek Advisory Planning Commission (APC) Recommendation:** This application will be reviewed at the November 22nd, Cherry Creek APC meeting. APC recommendations will be included here following the meeting.

### Observations:

- i. **Status of Property:**

## DVF21006

The subject property is 0.24 ha (0.6 ac) in size. Improvements on the property include a single family dwelling, a detached accessory building and a storage shed. The majority of the property is landscaped with a treed area remaining in the northern portion of the lot.

ii. **Services:**

- a. **Sewage Disposal:** Onsite sewage disposal.
- b. **Water Supply:** Cherry Creek Waterworks District community water system.
- c. **Fire Protection:** Cherry Creek Volunteer Fire Department.
- d. **Access:** Cherry Creek Road.

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

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- b. **Official Community Plan:** The Cherry Creek Official Community Plan (OCP) designates the property as "Residential Use".

**The current use of the property complies with the Cherry Creek Official Community Plan.**

- c. **Zoning:** The property is zoned Acreage Residential (RA3) District.

Building Setbacks		
RA3	Required	Proposed
Front lot line setback:	15 m (49.21 ft)	<b>10 m (32.8 ft)</b>
Rear yard setback:	10 m (32.8 ft)	<b>4.5 m (14.76 ft)</b>
Side yard setback:	5 m (16.4 ft)	-

**The applicant is applying for a Development Variance Permit in order to reduce the required front yard setback from 15 m (49.21 ft) to 10 m (32.8 ft) and the required rear yard setback from 10 m (32.8 ft) to 4.5 m (14.76 ft), in the Acreage Residential (RA3) District, to facilitate the siting and construction of a covered deck and addition to the single family dwelling.**

**Comments:**

The applicants are proposing construction of a covered deck and addition to their existing home. The property is a rectangular shape, with the longer property lines fronting Cherry Creek Road and bordering the Cherry Creek Golf Course at the rear. Therefore, the greater front and rear yard setbacks apply to a larger area of the property, than if the property orientation was opposite. With consideration to the current home location, and the orientation of the property, the proposed construction site is reasonable. Demolition and removal of the detached accessory building will be required.

Planning staff feel the proposed variance is appropriate, and recommend that the Board of Directors consider issuing development variance permit DVF21006 following notification to neighbours.

**DVF21006**

Submitted by: Charity Hallberg Dodds  
Charity Hallberg Dodds, Planning Technician

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

Reviewed by: \_\_\_\_\_  
Teri Fong, CPA, CGA, Acting Chief Administrative Officer

**DVF21006**





## APPLICATION FOR DEVELOPMENT

- |  |   |
|--|---|
| <input type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Minimum Parcel Frontage Waiver           |
| <input type="checkbox"/> Zoning Map Amendment              | <input checked="" 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: _____                             |

X

Applicant/Property Owner Information	Agent Information (if applicable)
Name: <u>Richard Chernomaz</u>	Name:
Mailing Address: <u>6585 Cherry Creek Rd. Port Alberni B.C.</u>	Mailing Address:
Telephone: <u>778-421-4292</u>	Telephone:
Fax:	Fax:
Cell: <u>250-918-4622</u>	Cell:
Email: <u>richchernomaz@hotmail.com</u>	Email:

\*

- Legal Description: Lot 1, Plan EPP63338, DL 57, Alberni Land District
- Particulars of Proposed Development:
  - Existing OCP Designation: \_\_\_\_\_
  - Proposed OCP Designation: \_\_\_\_\_
  - Text Amendment: \_\_\_\_\_
  - Existing Zone: RA3
  - 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: \_\_\_\_\_

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

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

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

A covered deck attached to back of existing house

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

\_\_\_\_\_

- 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: Aug. 18 / 2021

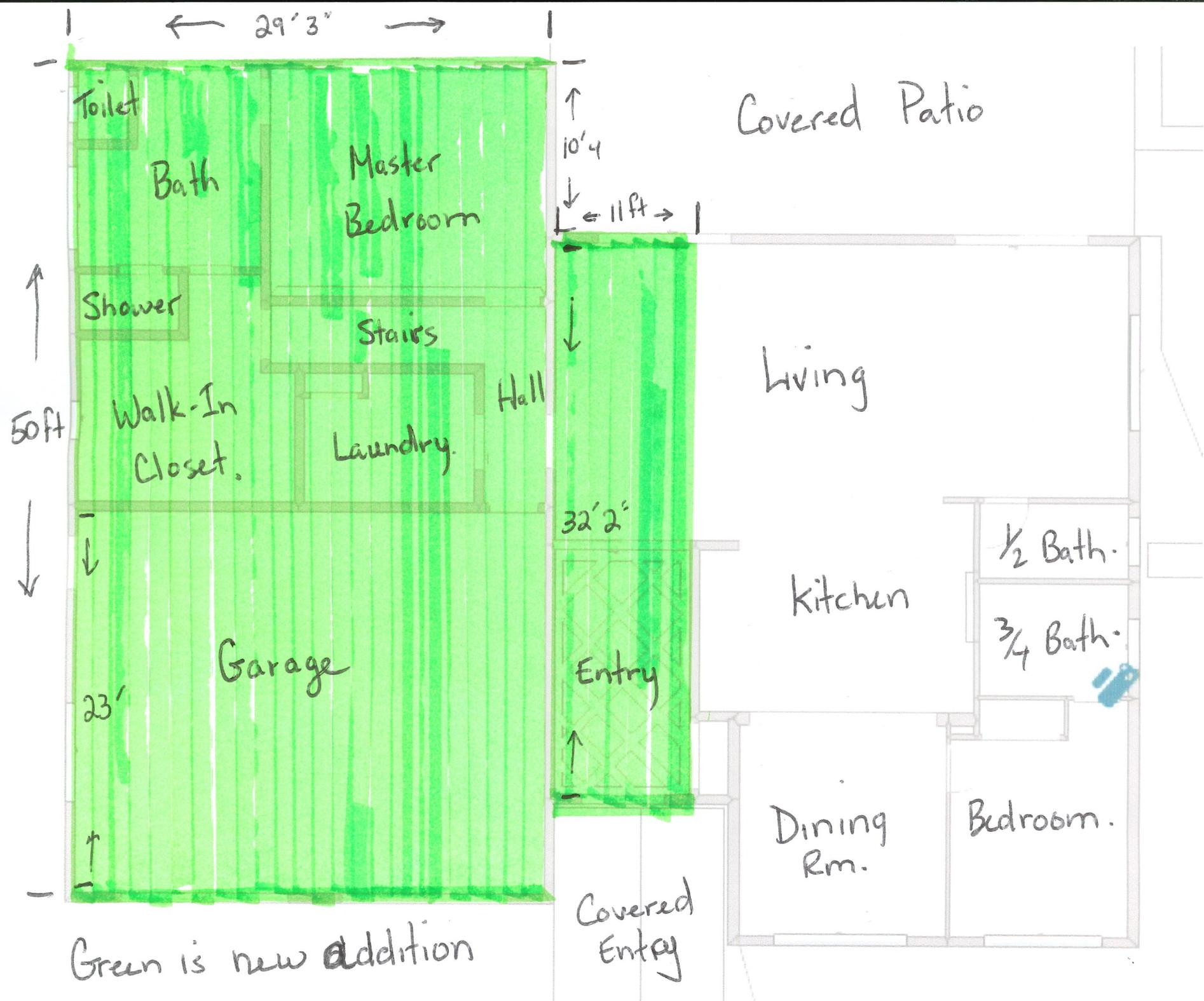




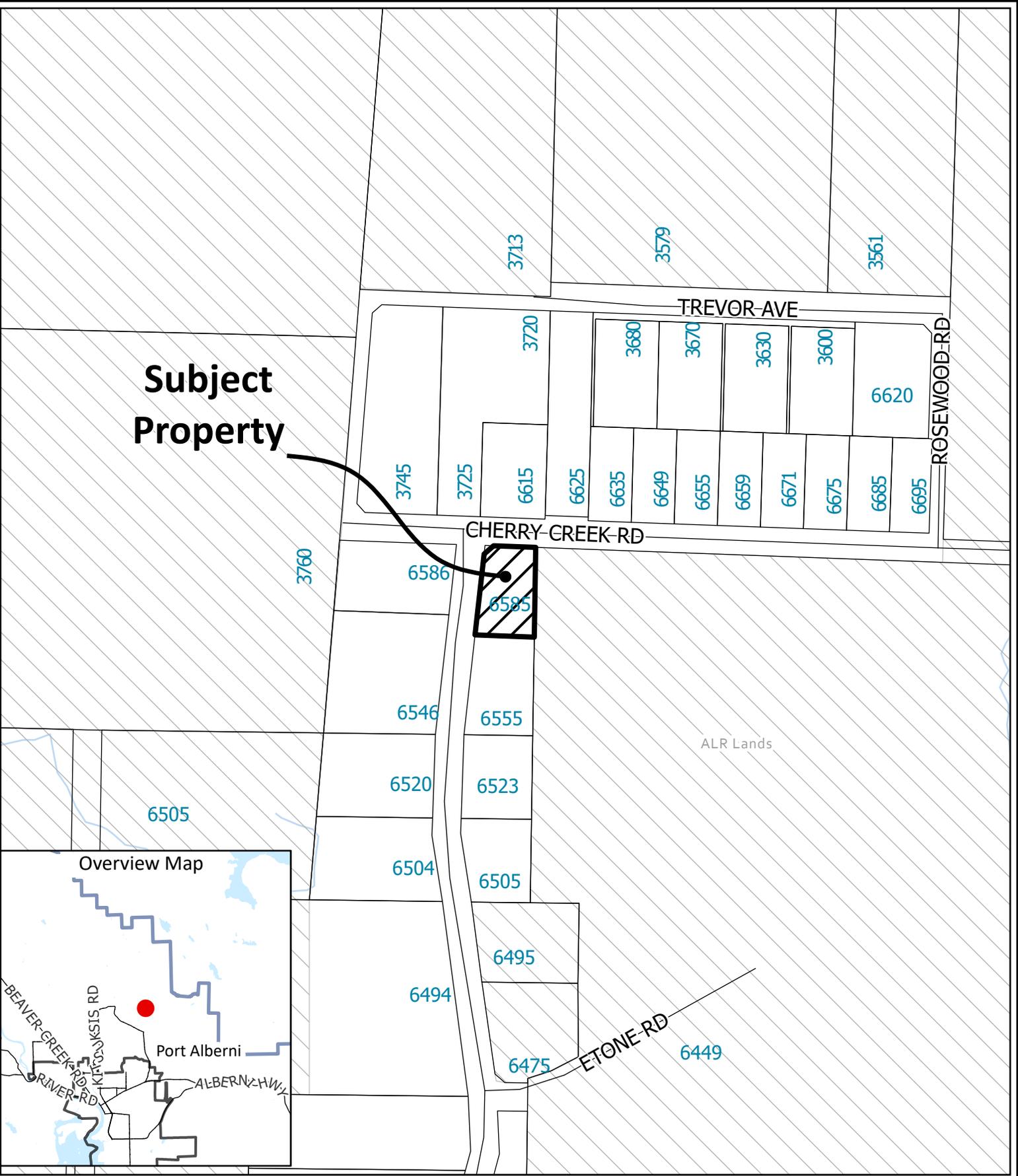
Rich and Maren







**Subject  
Property**



Legal Description: LOT 1 DISTRICT LOT 57 ALBERNI DISTRICT  
PLAN EPP63338

