



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

DVF21006 – RICHARD CHERNOMAZ & MAREN LOW-CHERNOMAZ, PROPERTY OWNERS

On January 12th, 2022, 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, Schedule No. II, pursuant to Section 498 of the *Local Government Act*:

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.

Subject Property: 6585 Cherry Creek Rd, Port Alberni

Legal Description: LOT 1 DISTRICT LOT 57 ALBERNI DISTRICT PLAN EPP63338 PID: 029-929-261

A copy of the permit and supporting documents are available for public review on our website at www.acrd.bc.ca/events/12-1-2022

The Regional Board made a preliminary review of this proposal on December 8, 2021 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 January 12, 2022 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, January 12, 2022** and can be submitted by one of the following methods:

- Hard copy delivered to the ACRD office in person, in the 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 January 5th, 2022 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. Please note the ACRD office will be closed from the end of the day Thursday, December 23, 2021 to Monday, January 3, 2022.

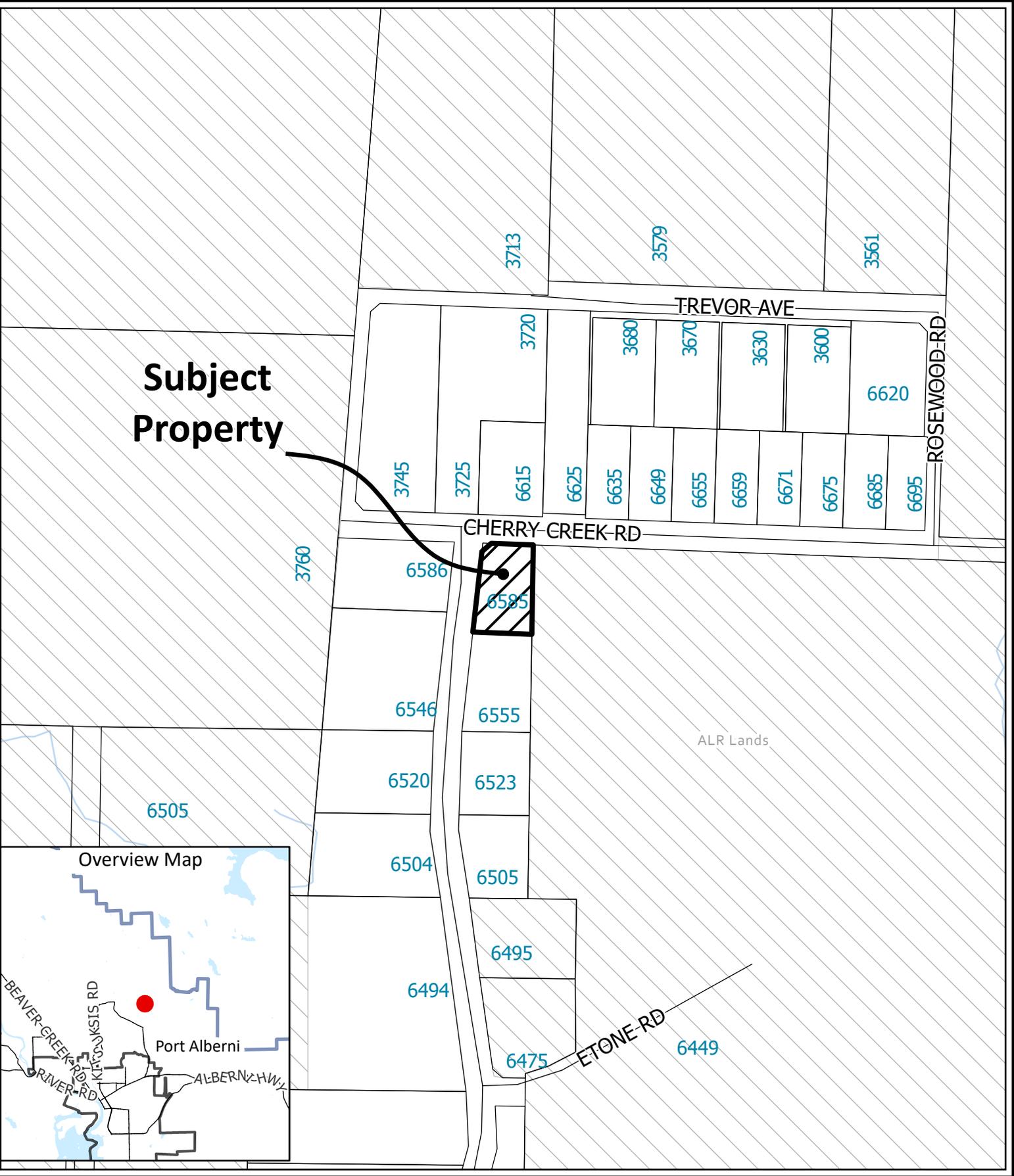
PLANNING DEPARTMENT

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

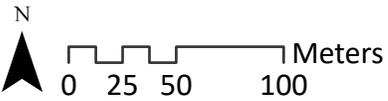
Email: planning@acrd.bc.ca Telephone: 250-720-2700 Fax: 250-723-1327

Date of Notice: December 20, 2021

**Subject
Property**



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





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: 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

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.

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: The Cherry Creek APC considered this application on November 22, 2021. Comments received from APC members in attendance and comments submitted separately were in support of the rezoning application.

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)	10 m (32.8 ft)
Rear yard setback:	10 m (32.8 ft)	4.5 m (14.76 ft)
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
Teri Fong, CPA, CGA, Acting Chief Administrative Officer

DVF21006





Rich and Maren





