



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

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

August 3, 2022

BEAUFORT ADVISORY PLANNING COMMISSION

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

- DV22004 – 9175 Bayne Road (Kuzma & Wells)

Please review this application so that your Director can submit your recommendations to the Board of Directors on **August 24th, 2022**.

Your next meeting is scheduled for **Thursday, August 11th at 7:00 pm** through Zoom Video Conferencing. Please refer to the email for details and Zoom invitation.

Thank you,

K. McArthur

Kathy McArthur
Planning Assistant

Enclosures

Cc Applicants



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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DEVELOPMENT VARIANCE APPLICATION

MEETING DATE: August 24, 2022

ACRD FILE NO.: DVB22004

APPLICANTS: Chris Wells & Kim Kuzma

LEGAL

DESCRIPTION: LOT 1, DISTRICT LOT 102, ALBERNI DISTRICT, PLAN 12885

LOCATION: 9175 BAYNE RD

ELECTORAL AREA: "B" (Beaufort)

APPLICANT'S INTENTION: The applicant has applied for a development variance permit to reduce the required watercourse setback from 100 feet to 50 feet to allow for greater flexibility when siting a proposed 2,300 square foot farm equipment storage building.

Recommendation:

THAT the Board of Directors consider issuing development variance permit DVB22004.

Development Variance DVB22004:

- i. Development variance of Section 6.2(4)(a) of the ACRD Zoning Bylaw to reduce the required watercourse setback from 100 feet (30.48m) to 50 feet (15.24m) for the construction of a farm building in the Rural (A2) District.

Procedure: Prior to the issuance of a development variance permit, the Board must first pass a resolution to consider issuing the permit. Staff then notifies 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 subject property is +/- 2 ha (+/- 5 acres) and currently contains a house and several accessory buildings. Bear Creek dissects the central area of the lot, with much of the lot area included within the riparian area. The property is fairly level aside from the proposed build site being slightly elevated compared to surrounding area of the subject property. The property is bordered on all sides by similar rural agricultural properties.

DVB22004

ii. **Services**

- a. **Sewage Disposal:** On-site septic system.
- b. **Water Supply:** On-site water.
- c. **Fire Protection:** None.
- d. **Access:** Access to the property is off Bayne Road. The property is bordered by Bryson Road to the north but there is no access developed into the property.

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

- a. **Agricultural Land Reserve:** The entire property is in the ALR.
- b. **Official Community Plan:** The Beaufort Official Community Plan (OCP) designates this property "Agricultural Use". The objectives of the Agricultural Use designation are to support farmers and encourage agricultural activities in the Valley.

The OCP designates a Development Permit Area (DPA) that impacts development on this property: "Development Permit Area I – Riparian Areas Protection". This designation requires any development within 15m of the natural boundaries of the watercourse to obtain a development permit. The issuance of this variance permit would not interfere with the DPA regulations.

The proposal complies with the policies and objectives of the Beaufort Official Community Plan.

- c. **Zoning:** The property is zoned Rural (A2) District which permits single family dwellings, accessory uses, and numerous other uses considered appropriate for rural properties.

	A2 requirements:	Proposed:
Minimum Lot Area:	5 acres	N/A
Minimum Lot Width:	330 feet	N/A
Lot Coverage:	-	N/A
Minimum Setbacks (single family dwelling)		
Front:	25 feet	N/A
Rear:	30 feet	N/A
Side:	5 feet	N/A
Watercourse setback:	100 feet	50 feet

The property owner is applying to reduce the watercourse setback specified in s. 6.2(4)(a) of the ACRD Zoning Bylaw to allow for greater flexibility when siting a proposed residence and accessory building. This regulation requires that no building shall be constructed within 100 feet (30.48m) of the natural boundary of any watercourse other than a lake, which is fairly restrictive to the development of the central area of the lot considering the portion of Bear Creek that loops through the property. The property owner proposes to reduce the

DVB22004

required setback to 50 feet.

The property owner has applied to vary the watercourse setback from 100 feet (30.48 metres) to 50 feet (15.24 metres) to allow for the proposed construction of a storage building.

Comments:

The subject property has watercourses occupying much of the center of the lot, making structure siting restrictive under requirements of the ACRD Zoning Bylaw. The applicants are applying for a development variance permit to allow them to develop the property in a more flexible and reasonable manner and to site a proposed 48 foot by 48 foot farm building to be used for farm equipment, tool, feed and hay storage.

The applicant advises that this area has been used for the storage of items in a temporary structure. The use of this part of the property will not change, but a permanent structure will be constructed between 50 feet and 100 feet of the water course. The variance would allow the applicants to preserve large mature trees within the area that would otherwise need to be removed if they had to build within the current setbacks. Staff also note that the proposed updated zoning bylaw would only require a 15 meter (50 feet) setback from minor watercourses as identified in the Official Community Plans, and this structure would be compliant with the proposed updated zoning bylaw without the need for a development variance.

Planning staff recommends that the Board proceed with the neighbour notification process for this variance application and consider any neighbour input in the decision-making process.

Submitted by: *S Foulkes*
Sarah Foulkes, Junior Planner

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

Approved by: _____
Daniel Sailland, MBA, Chief Administrative Officer

DVB22004



BRYSON RD

 Agricultural Land Reserve

BAYNE RD

003-326-314

004-673-174

008-634-971

006-112-544

008-635-609

9175

This map should not be used for navigation or legal purposes. This product was prepared by the Alberni-Clayoquot Regional District (ACRD) Planning Department and is intended for general reference use only. The ACRD makes no guarantees, expressed or implied, as to the use of the information obtained here and is not responsible for any damages or incidents resulting from any omissions, deletions or errors of data shown here within.

9175 Bayne Road
LOT 1, DISTRICT LOT 102, ALBERNI DISTRICT, PLAN 12885

0 10 20
Meters

0 20 40
Feet

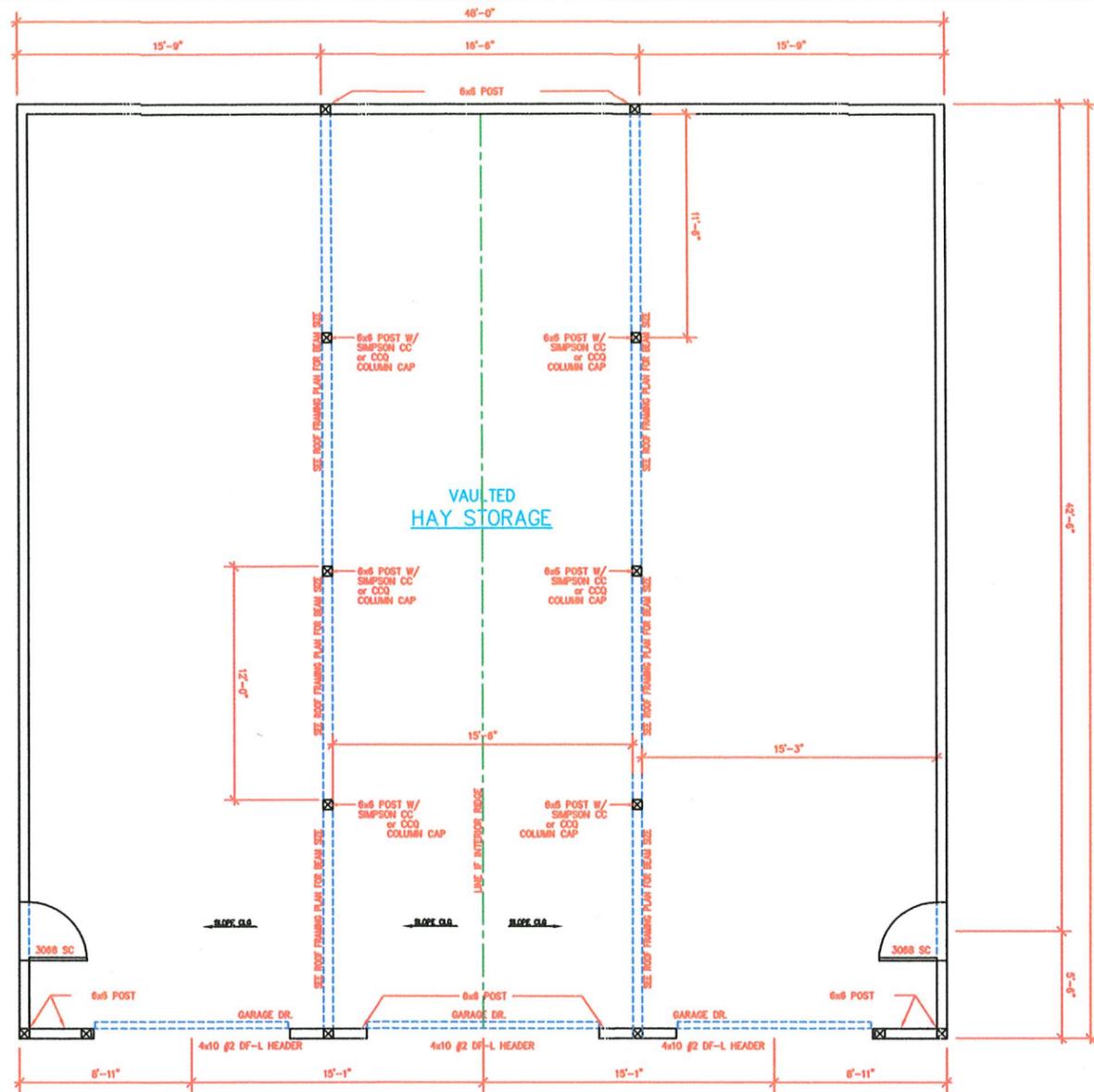
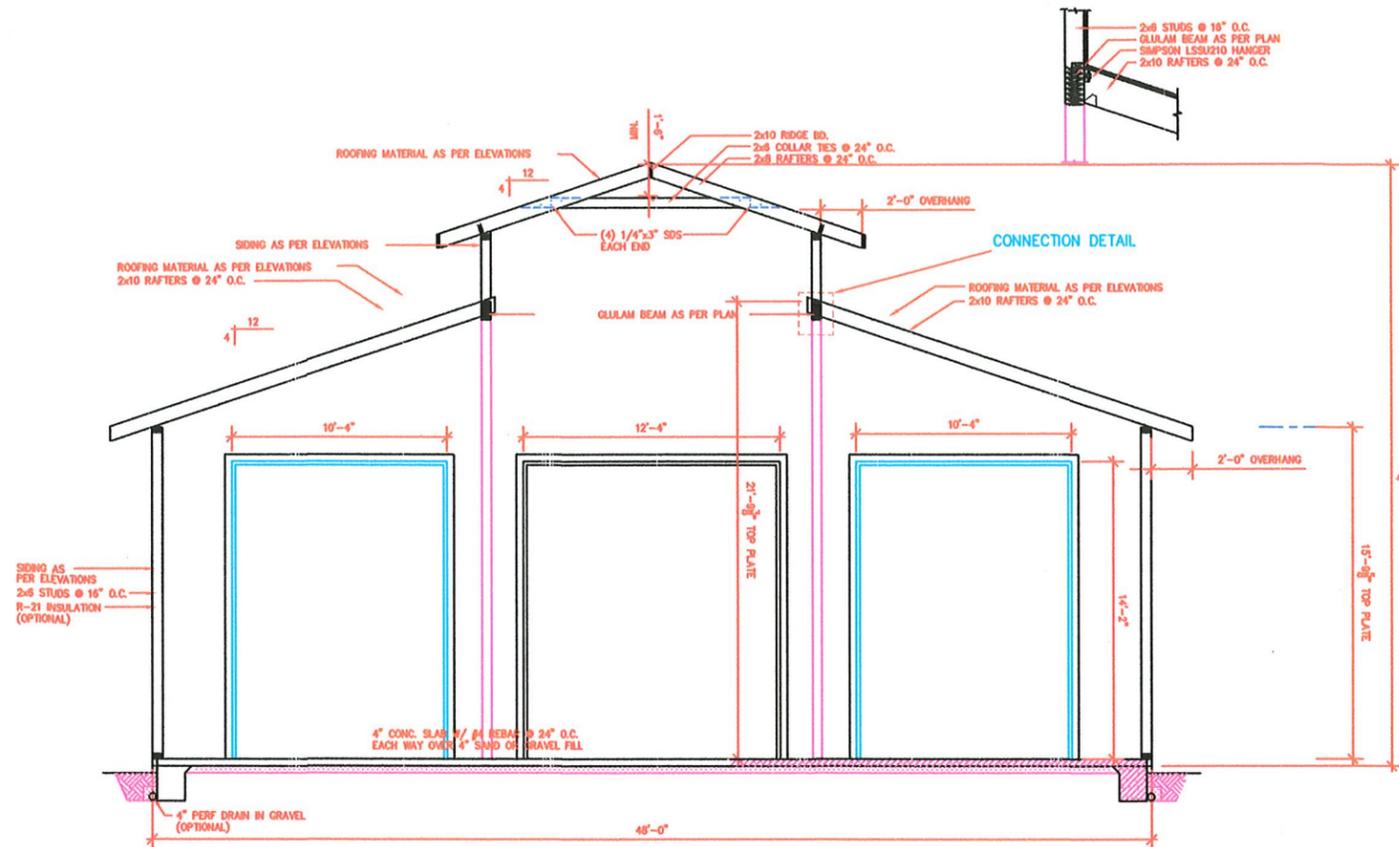


Prepared 02 August 2022, ACRD
Imagery: © OpenStreetMap (and) contributors, CC-BY-SA









FLOOR PLAN

SCALE: 1/4"=1'-0"

LEGEND:

READING DOOR & WINDOW SIZES:
SIZES ARE LISTED AS FEET/INCHES/FEET/INCHES.
I.E.: 3088 DOOR IS 3'-0" WIDE x 6'-0" TALL
5040 WINDOW IS 5'-0" WIDE x 4'-0" TALL

STANDARD ABBREVIATIONS:

DOORS	
SC	SOLID CORE
FR. DR.	FRENCH DOOR
PKT. DR.	POCKET DOOR
PR.	PAIR
BF	BI-FOLD
BP	BI-PASS
WINDOWS	
FX	FIXED
CSMT	CASEMENT
SH	SINGLE HUNG
DH	DOUBLE HUNG
XO	HORIZONTAL SLIDER (TWO PANEL)
XXX	HORIZONTAL SLIDER (THREE PANEL)
FLOOR PLAN	
A.F.F.	ABOVE FINISHED FLOOR
C.O.	CASED OPENING
DBL	DOUBLE
DN	DOWN
DW	DISHWASHER
F.A.U.	FORCED AIR UNIT
GD	GARBAGE DISPOSAL
H.B.	HOSE BIB
REF	REFRIGERATOR
MW	MICROWAVE
S & P	SHELF & POLE
V.T.O.	VENT TO OUTSIDE
W.H.	WATER HEATER

SQUARE FOOTAGE:
SHOP 2300 SQ.FT.

REVIEWED RM DIMS/SQ.FT.: CHECK:

NOTES:

- EXTERIOR WALL HEADERS TO BE 4x8 #2 DF-L W/ 2" RIGID INSULATION, UNLESS NOTED OTHERWISE.
- INTERIOR BEARING WALL HEADERS TO BE 4x8, UNLESS NOTED OTHERWISE.
- SOLID BLOCKING OF POSTS AT BEAM, HEADER AND POINT LOADS TO BE 2x STUDS NAILED TOGETHER TO MATCH THE WIDTH OF THE SUPPORTING MEMBER ABOVE (EX: (2) 2x STUDS @ 4x BEAM, (3) 2x STUDS @ 6x BEAM, ETC.) UNLESS NOTED OTHERWISE.
- CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- ALL NAILING TO BE IN COMPLIANCE W/ IRC TABLE R602.3(1) OR IBC TABLE 2304.9.1.
- LOCAL PROFESSIONAL TO VERIFY STRUCTURAL MEMBERS CAPACITY TO SUPPORT LOADS AS REQUIRED BY SITE CONDITIONS AND LOCATION PRIOR TO CONSTRUCTION.

THE

TITLE: FLOOR PLAN & SECTION A-A
DATE: SCALE: NOTED
DRAWN BY: CHECK BY:

Associated DESIGNS

ASSOCIATED DESIGNS, INC.
www.AssociatedDesigns.com
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97402-1983
(541) 461-2082
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REVISIONS:
REVISION OF: 957-002

PROJECT: 20-274

SHEET 2 OF 3

THESE DRAWINGS, FOR THE DESIGN, HAVE BEEN DEVELOPED AND ISSUED WITHOUT REFERENCE AND / OR ON SITE SUPERVISION OF A SPECIFIC CONTRACTOR LOCATING IN GRANTING REPRODUCTION RIGHTS TO THE PURCHASER AND THEIR REFERENCED USE OF THIS DESIGN WORKING DRAWINGS FOR THE CONSTRUCTION OF THE PROJECT. THE ORIGINATING DESIGN RESERVE AND REPRODUCTION PUBLISHING RIGHTS IN THESE DRAWINGS. THESE DRAWINGS ARE THE PROPERTY OF ASSOCIATED DESIGNS, INC. AND ARE TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREIN. ANY REPRODUCTION OR USE OF THESE DRAWINGS FOR ANY OTHER PROJECT OR LOCATION WITHOUT THE WRITTEN PERMISSION OF ASSOCIATED DESIGNS, INC. IS STRICTLY PROHIBITED. WELL AS COMPLIANCE IN FULL WITH ALL GOVERNING CODE REQUIREMENTS FOR THE GEOGRAPHIC AREA IN WHICH THIS RESPONSIBILITY IS TO BE HELD. LOCAL PROFESSIONAL TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

PLAN
PART OF
OF SUBDIVISION OF EAST HALF OF
LOT 102, ALBERNI DISTRICT BC

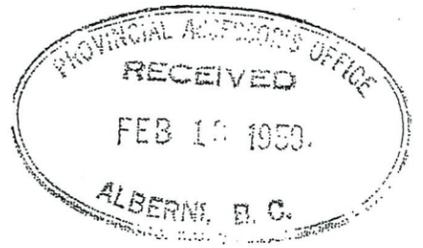
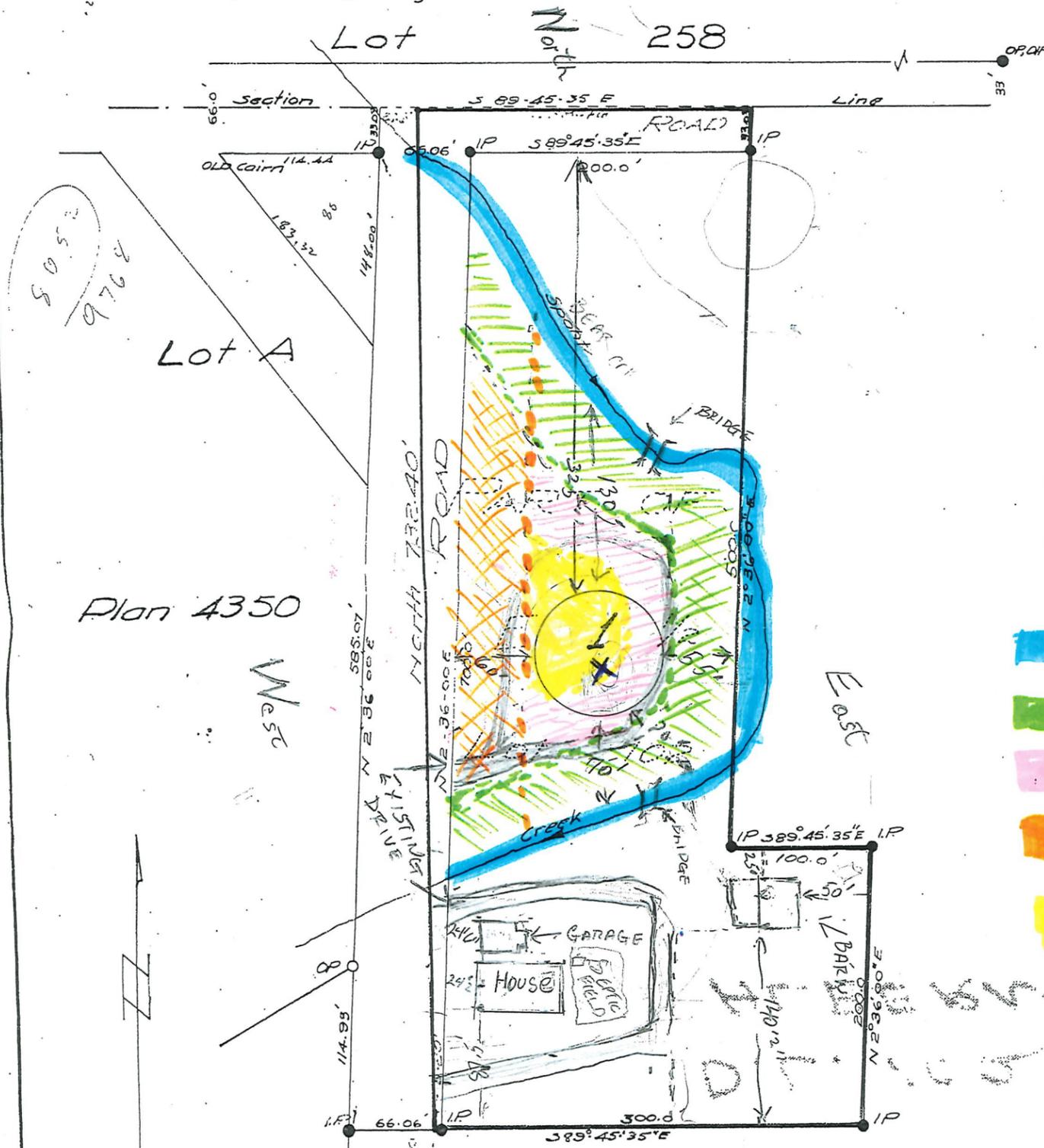
74599N
Deposited in Land Registry
Office at Victoria BC. this
12th day of February, 1959

[Signature]
Deputy Registrar

Scale 100"=1"

- OP Denotes old wood post found
- OIP Denotes old iron post found
- LIP Denotes 1/2" square galvanized iron post set

Bearings derived from Plan 4350



Plan 12885
District Lot 102
Alberni District.

- BEAR CRK.
- 50' RIPARIAN
- 100' WATERCOURSE SET BACK
- 50' ROAD FRONTAGE SET BACK
- QUALIFYING BUILD AREA WITHOUT VARIANCES
- REQUESTED BUILD SITE WITHIN 100' SET BACK AREA.
- PROPOSED BUILD LOCATION

Inspected this 17th day of September, 1958.

[Signature] B.C.L.S.

Approved under the Land Registry Act this 20 day of JAN. 1958

[Signature]
Approving Officer, Department of Highways, British Columbia

Walter Kyle
Owner

[Signature]
Witness

I, Maurice Heathwood Collins of the City of Victoria, British Columbia Land Surveyor, do hereby depose and say that I was present at and did personally superintend the survey represented by this plan and that the survey and plan are correct and true in accordance with the said survey was completed on the 17th day of February 1958

Sworn before me this 12th day of March, 1958

[Signature]
A Commissioner for taking affidavits within the Province of British Columbia

R.N. ACRES, B.C.L.S.
RESIDENCE: 724-3754

SITE CERTIFICATE

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

D.M. POLLOCK, B.A., B.C.L.S.
RESIDENCE: 723-7760

723-5412

Acres & Pollock

BRITISH COLUMBIA LAND SURVEYORS

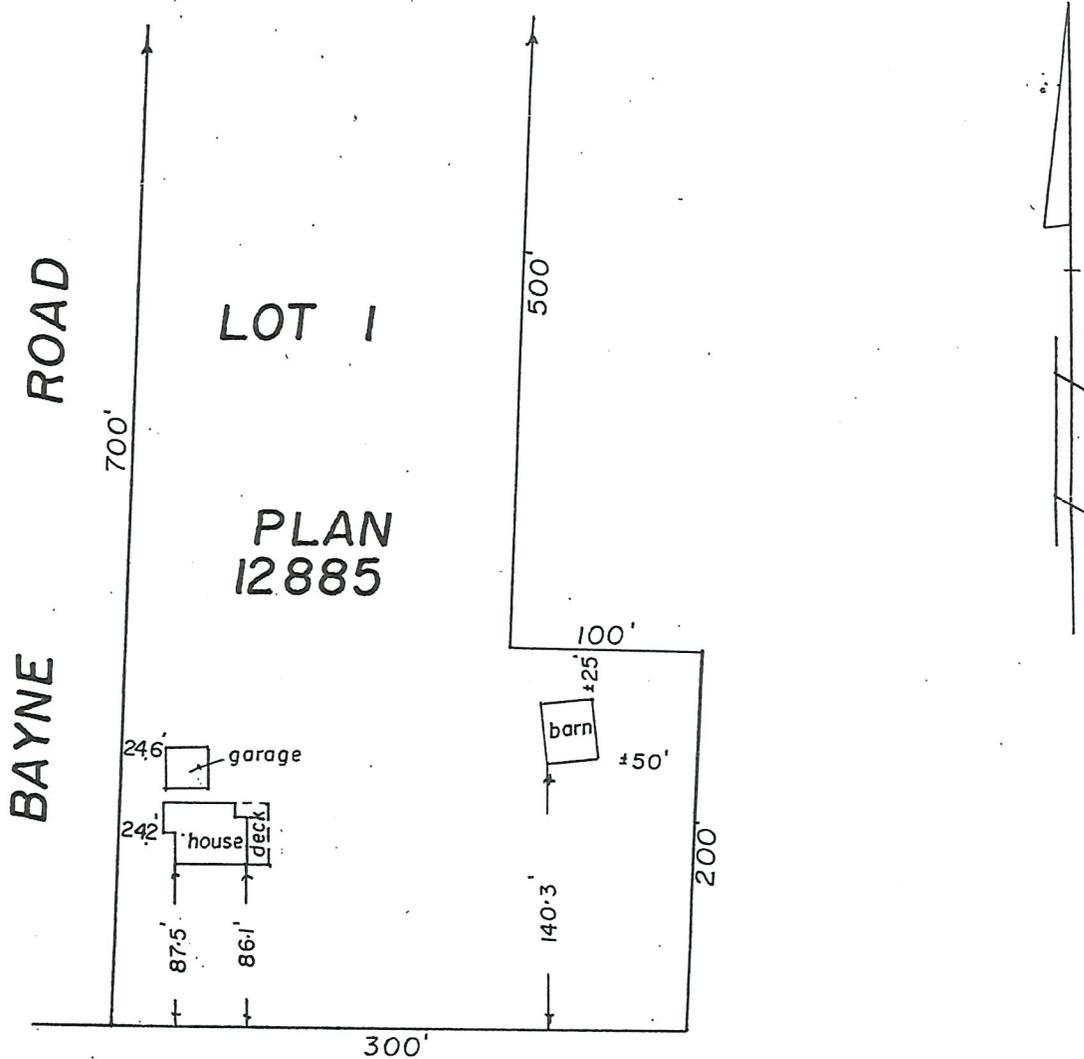
LEGAL, TOPOGRAPHICAL, RIGHT OF WAY AND FORESHORE SURVEYS
SUB-DIVISION DESIGN

Stofer, Smith & Co.,
Barristers & Solicitors,
5169 Argyle Street,
Port Alberni, B.C.

RE: Buildings constructed on Lot 1, D.L. 102, Alberni District,
Plan 12885.
(Wells) 9178 Bayne Road.

SCALE:- 1" = 100'

OUR FILE :- # 11,098.



©1992 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

CERTIFIED CORRECT THIS 16th DAY OF June 1992.


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.

 Agricultural Land Reserve

Lot 1

REM Lot 2

Lot A

Lot 3

8791

8721

8711

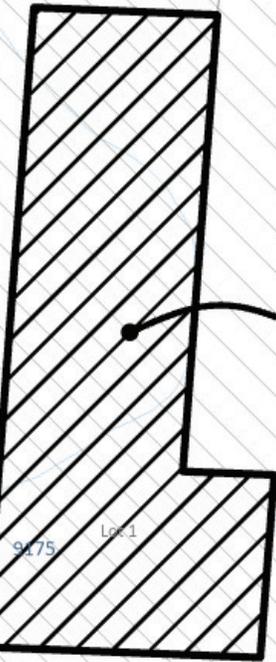
BRYSON RD

9186
Lot 1

**Subject
Property**

REM Lot A

BAYNE RD



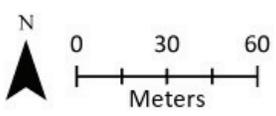
Bear Creek

9175

Lot 1

PART E2

Overview Map



Legal description: LOT 1, DISTRICT LOT 102, ALBERNI DISTRICT,
PLAN 12885