



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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

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

August 9, 2022

SPROAT LAKE ADVISORY PLANNING COMMISSION

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

- DV22005 – 9958 Sunset Road (Aasen)

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

Your next meeting is scheduled for **Monday, August 15th at 7:00 pm** through Zoom Webinar Conferencing. Please refer to the email for details and Zoom invitation.

Thanks in advance!

Sincerely,

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.: DVD22005

APPLICANTS: Krista and Aaron Aasen

LEGAL

DESCRIPTION: LOT 25, SECTION 88, CLAYOQUOT DISTRICT, PLAN 13650

LOCATION: Lot 25, Sunset Road

ELECTORAL AREA: "D" Sproat Lake

APPLICANT'S INTENTION: The applicants have applied for a development variance permit to reduce the required side yard setback on the south lot line from 4.6 meters (15 ft) to 2.1 meters (7 ft) in the Acreage Residential (RA1) District to facilitate construction of a small dwelling with attached garage on the 0.25 hectare (0.6 acre) mostly undeveloped property.

Recommendation:

THAT the Board of Directors consider issuing development variance permit DVD22005, subject to neighbouring properties being notified as per Local Government Act s.499.

Development Variance DVD22005:

- i. Development variance of the ACRD Zoning Bylaw, Schedule No. II: Bulk and Site Regulations, to reduce the required south side setback from 4.6 meters (15 ft) to 2.1 meters (7 ft) in the Acreage Residential (RA1) District to facilitate construction of a new garage with attached dwelling unit in the south east corner of the property.

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.

Sproat Lake Advisory Planning Commission (APC) Recommendation: The Sproat Lake APC will review this application at their August 15th meeting. The resolution will be added following the meeting.

Observations:

- i. **Status of Property:** The subject property is 0.25 ha (0.6 ac) in size. The property has one small

DVD22005

existing building which is close to northern property boundary and falls slightly within the 15 meter riparian area from the present natural boundary of Sproat Lake. The property is partially cleared with a lightly decreasing slope from the road. The property is surrounded by similar rural residential properties in the area.

ii. **Services:**

- a. **Sewage Disposal:** Onsite sewage disposal.
- b. **Water Supply:** Water intake from the lake.
- c. **Fire Protection:** Sproat Lake Volunteer Fire Department.
- d. **Access:** The property is accessed from Sunset Road which is a small road connected to the west end of Stirling Arm Crescent.

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

- a. **Agricultural Land Reserve:** Not within the Agricultural Land Reserve.
- b. **Official Community Plan:** The Sproat Lake Official Community Plan (OCP) designates the property as “Residential Use”. The objective of this designation is to allow for a range of housing options within the OCP area.

The subject property is affected by Development Permit Area I – Riparian Areas Protection (DPA I), which extends 15 m (49.2 ft) from the natural boundary of Sproat Lake. As the proposed development is taking place outside of the 15 m riparian area surrounding the present natural boundary, a development permit is not required for the proposed building. The Regional District issued development permit DPD22006 in May 2022 to allow for the removal of 9 trees within the riparian area on the property.

The proposal complies with the policies and objectives of the Residential land use designation in the Sproat Lake Official Community Plan. A development permit application may be required for any future development within the 15 meter DPA I.

- c. **Zoning:** The property is zoned Acreage Residential (RA1) District.

Building Setbacks		
RA1	Required	Proposed
Front lot line setback:	12.2 m (40 ft)	-
Rear yard setback:	9.144 m (30 ft)	-
North side yard setback:	4.572 m (15 ft)	-
South side yard setback:	4.572 m (15 ft)	2.1 m (7 feet)

The applicant is applying for a Development Variance Permit in order to reduce the required south side setback 4.6 meters (15 ft) to 2.1 meters (7 ft) in the Acreage Residential (RA1) District to facilitate construction of a new garage and attached dwelling unit in the south east corner of the property.

DVD22005

Comments:

The construction of a garage and dwelling unit is the first phase of the development on this property. After using this structure as a residence for 4-6 years, the owners intend to build a primary residence on the subject property closer to the Sproat Lake foreshore and convert the initial dwelling unit into an office or studio space.

The siting of the structure complies with the front, rear, and north side yard setbacks of the RA1 District. At present, the proposed height is in compliance with the maximum height of a principle dwelling unit within the RA1 District. However, if the building is converted to an accessory building in the future, the proposed 14 ft 11 in tall structure would exceed the 14 ft maximum accessory building height required at the proposed 7 ft setback. The maximum height of an accessory building is 12 ft in a Residential District, plus a graduated height allowance of 1 ft in vertical height for every 2 ft horizontal distance the building is located in excess of a minimum side yard setback. The proposed 7 ft side yard setback would allow for a building height of 14 ft. In order to achieve the desired building height of 14 ft 11 in, the side yard setback would need to be increased to 9 ft. Alternatively, the property owners could apply for another development variance for accessory building height in the future when they build their primary house and convert this structure to an accessory building.

The proposed septic system will be between the initial garage and dwelling unit and the future primary residence and located outside of the DPA I riparian area.

The majority of the subject property falls within the 200-year designated floodplain area identified within the Somass Watershed Flood Management Plan. Any future building that lies within the designated flood area will likely require a geotechnical assessment to determine a safe flood construction level (FCL) for this property.

Based on the current lot size and zoning, an accessory dwelling unit is not permitted. When the owner applies to build a new house, the dwelling attached to the garage would need to be decommissioned and made uninhabitable.

Planning staff feel the proposed variance is appropriate recognizing that the variance would result in a relatively minor decrease in the side yard setback for a residence from 15 ft to 7 ft and that the future intended use of the structure is as an accessory building which only requires a 3 ft side yard setback. Staff recommend that the Board of Directors consider issuing development variance permit DVD22005, subject to neighbour notification.

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

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

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

DVD22005

**DPD22006 – Aasen, 9958 Sunset Road
Site Photos taken April 28, 2022**



Looking east from dock towards beach, boathouse and trees to be removed.



Looking west toward beach, boathouse and trees to be removed.



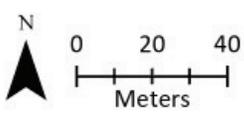
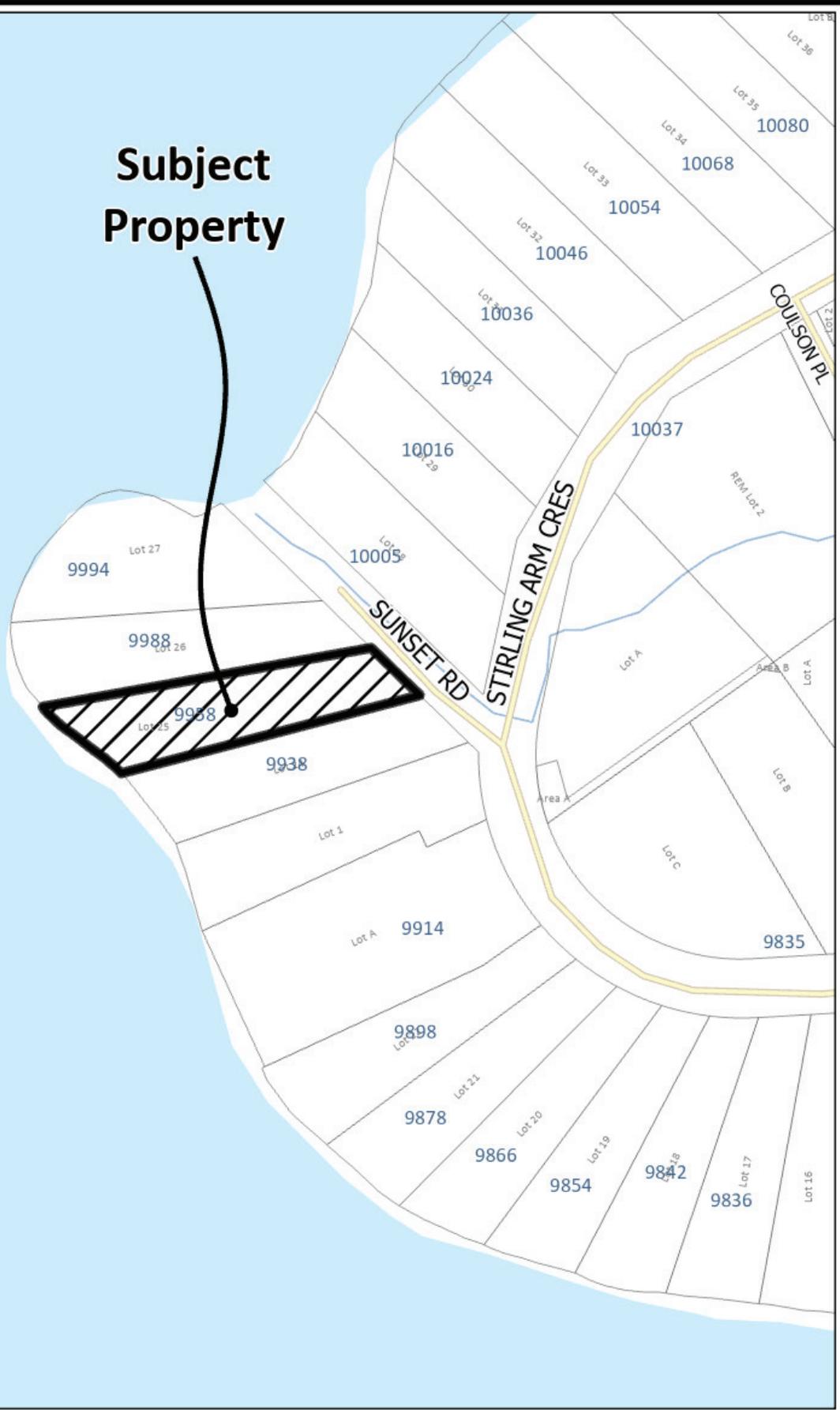
Southwest corner of property.



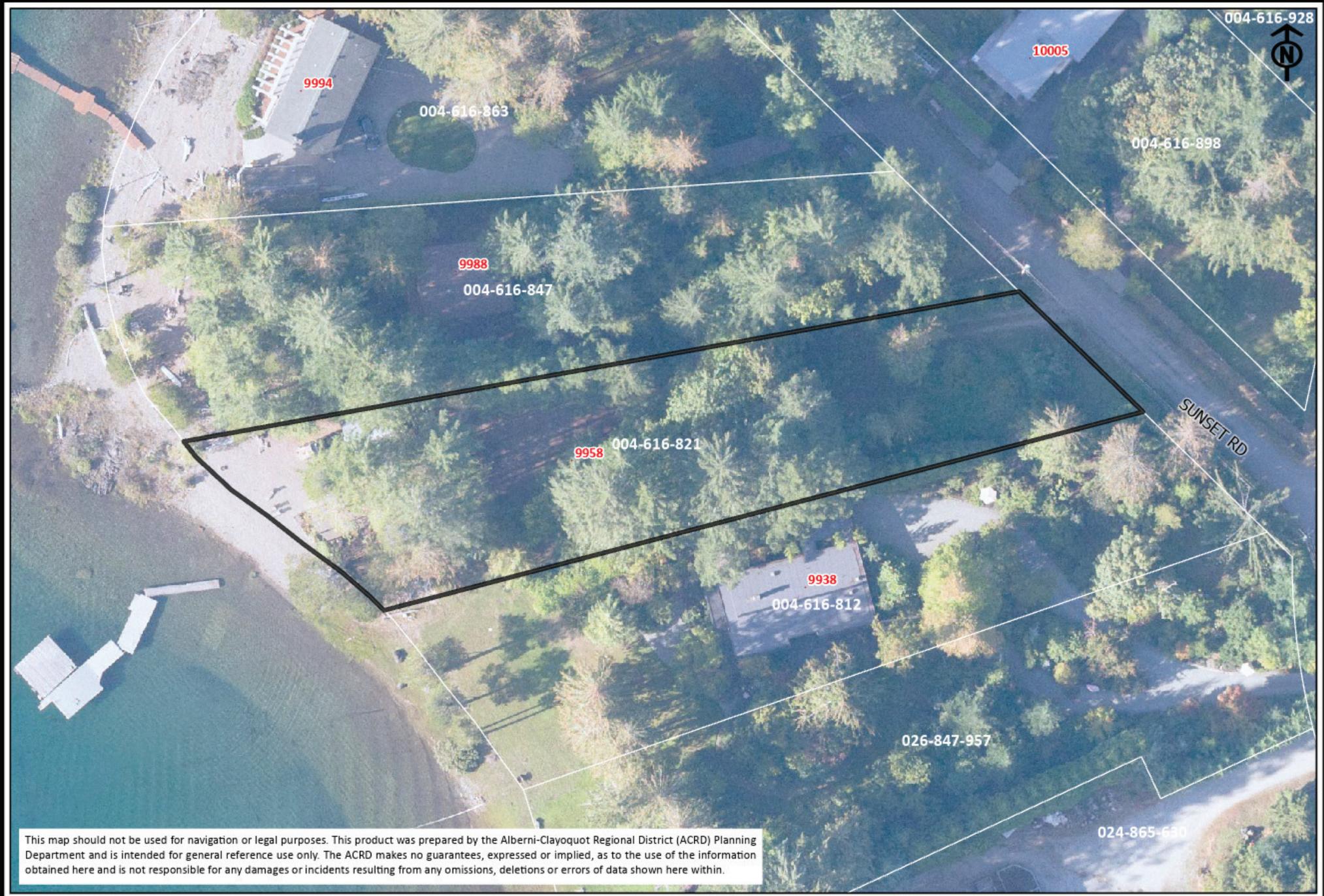
Looking toward northwest corner of property.

Subject Property

Sproat Lake



 Legal description: LOT 25, SECTION 88, CLAYOQUOT DISTRICT, PLAN 13650

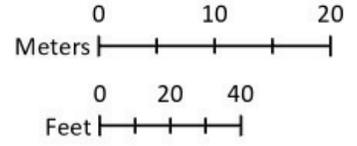


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9958 Sunset Road
 LOT 25, SECTION 88, CLAYOQUOT DISTRICT, PLAN 13650



Prepared 02 August 2022, ACRD
 Imagery: 2018



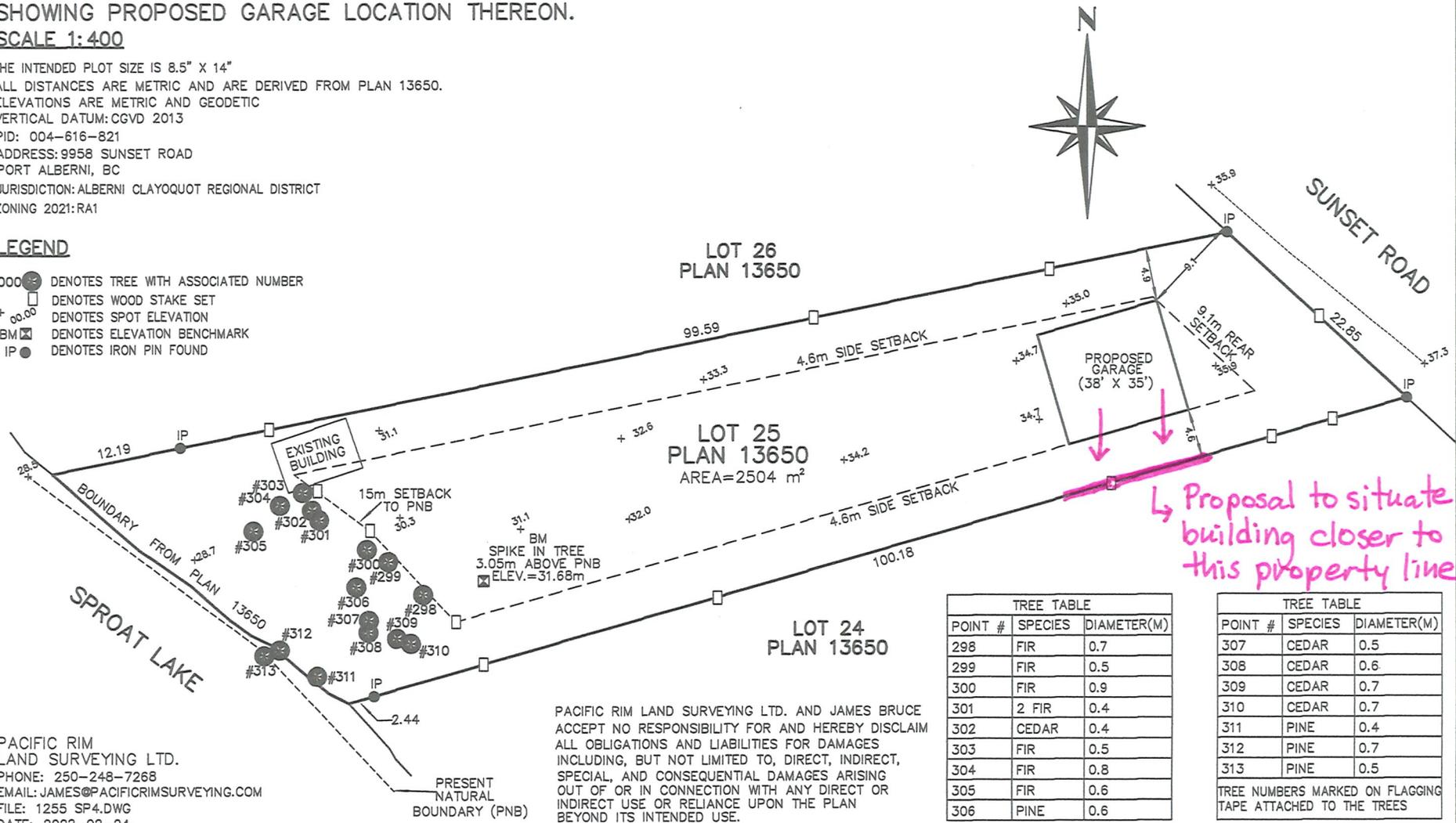
**SITE PLAN OF LOT 25, SECTION 88, CLAYOQUOT DISTRICT, PLAN 13650.
SHOWING PROPOSED GARAGE LOCATION THEREON.**

SCALE 1:400

THE INTENDED PLOT SIZE IS 8.5" X 14"
ALL DISTANCES ARE METRIC AND ARE DERIVED FROM PLAN 13650.
ELEVATIONS ARE METRIC AND GEODETIC
VERTICAL DATUM: CGVD 2013
PID: 004-616-821
ADDRESS: 9958 SUNSET ROAD
PORT ALBERNI, BC
JURISDICTION: ALBERNI CLAYOQUOT REGIONAL DISTRICT
ZONING 2021: RA1

LEGEND

- #000 ● DENOTES TREE WITH ASSOCIATED NUMBER
- DENOTES WOOD STAKE SET
- + 00.00 DENOTES SPOT ELEVATION
- BM □ DENOTES ELEVATION BENCHMARK
- IP ● DENOTES IRON PIN FOUND



↳ Proposal to situate building closer to this property line.

TREE TABLE		
POINT #	SPECIES	DIAMETER(M)
298	FIR	0.7
299	FIR	0.5
300	FIR	0.9
301	2 FIR	0.4
302	CEDAR	0.4
303	FIR	0.5
304	FIR	0.8
305	FIR	0.6
306	PINE	0.6

TREE TABLE		
POINT #	SPECIES	DIAMETER(M)
307	CEDAR	0.5
308	CEDAR	0.6
309	CEDAR	0.7
310	CEDAR	0.7
311	PINE	0.4
312	PINE	0.7
313	PINE	0.5

TREE NUMBERS MARKED ON FLAGGING TAPE ATTACHED TO THE TREES

PACIFIC RIM
LAND SURVEYING LTD.
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EMAIL: JAMES@PACIFICRIMSURVEYING.COM
FILE: 1255 SP4.DWG
DATE: 2022-02-24

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