



**To:** Port Alberni Advisory Planning Commission

Ken McRae (Chair)	Chief Councillor Cynthia Dick (Tseshah First Nation)
John Douglas (Vice-Chair)	Chris Washington - (SD #70)
Amy Anaka	
Jim Tatoosh (Hupacasath First Nation)	Sgt. Clive Seabrook, (R.C.M.P. Liaison)
Stefanie Weber	Rick Newberry (P.A.F.D. Liaison)
Callan Noye	Rob Gaudreault (Parks Liaison)
Ed Francoeur	Councillor Deb Haggard (Council Liaison)

**From:** Katelyn McDougall, Manager of Planning

**Copy:** Councillor Helen Poon - (Alternate - Council Liaison)  
Larry Ransom - (Alternate - School District #70)  
Sgt. Peter Dione – (Alternate – R.C.M.P. Liaison)  
Steven Tatoosh (Alternate – Hupacasath First Nation)  
Darren Mead-Miller (Alternate – Tseshah First Nation)  
Cara Foden – Planning Technician  
Clerks: Davina Hartwell, City Clerk; Tanis Feltrin/Sara Darling

**Date:** January 9, 2020

**Re:** Advisory Planning Commission Meeting  
Thursday, January 16, 2020 at 12:00 pm in the Committee Room at City Hall

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A meeting of the Advisory Planning Commission has been scheduled for **Thursday, January 16, 2020** at 12:00 pm in the Committee Room at City Hall. If you have any questions or are unable to attend please contact Katelyn McDougall at 250-720-2808 or Cara Foden at 250.720.2850 (voice mail available).

#### **AGENDA**

- 1. Acknowledgements** - This APC meeting is being held within the un-ceded traditional territories of the Hupacasath and the Tseshah (č̓iṣaaʔath̓) First Nations
- 2. Election** of APC Chair and Vice-Chair for 2020 and welcome newly appointed members.
- 3. Minutes** of the December 19, 2019 meeting of the Advisory Planning Commission.
- 4. Orientation** Packages
- 5. DEVELOPMENT APPLICATION:** Development Variance Permit  
**5473 Greenard Street** - Parcel W, District Lot 112, Alberni District, Plan VIP43267 (Being a consolidation of Lots 112 and 113, See CA7741623) PID: 030-896-207  
**Applicant:** W. Gysi

6. **Update** – Manager of Planning - Status of current projects.
7. **Other** business.
8. **Adjournment.** The next regular meeting is scheduled for **February 20, 2020**.



**Summary Report / Minutes of the Advisory Planning Commission Meeting  
(Held on December 19, 2019  
in the Committee Room at City Hall, at 12:00 p.m.)**

**Advisory Planning Commission Present**

Ken McRae (Chair)  
Amy Anaka  
Sandy McRuer  
Chris Washington, S.D.70 Liaison  
Jeannette Nichols (via phone)  
Councillor Deb Haggard, Council Liaison  
Sgt. Clive Seabrook, R.C.M.P. Liaison  
Rick Newberry, P.A.F.D. Liaison  
Rob Gaudreault, Parks Liaison

**Guests**

Members of the Public: Callan Noye  
John Jessup, Applicant  
Daryoush Firouzli  
Derek Appleton  
Larry Ransom (Alternate S.D.70)

**Staff**

Katelyn McDougall, Manager of Planning  
Cara Foden, Planning Technician  
Kevin Peters, Building Inspector

**Regrets**

John Douglas (Vice-Chair)  
Cynthia Dick, Tseshaht (č išaaʔath) F.N.  
Jim Tatoosh, Hupačasath F.N.

**Alternates (not in attendance)**

Councillor Helen Poon (Alternate–Council)  
Peter Dione (Alternate–R.C.M.P.)  
Darren Mead-Miller (Alternate – Tseshaht F.N.)



**1. MINUTES - Adoption of November 21, 2019 Minutes**

- The Chair acknowledged that this meeting is taking place within the un-ceded traditional territories of the Hupačasath and the Tseshaht (č išaaʔath) First Nations. The applicants present were welcomed by the Chair.

**Motions:**

1. *That the City of Port Alberni Advisory Planning Commission adopt the minutes of the November 21, 2019 regular meeting together with the following amendment:*
  - a) *Under Item 4 UPDATE replace “Manager of Planning” with “CAO”.*

**( McRae / Anaka ) CARRIED**

**2. DEVELOPMENT APPLICATION: Development Variance Permit**

**6151 Russell Place** - Lot 1, Plan VIP15459, Section 9, Alberni Land District (PID: 001-868-128)

**Applicant:** Daryoush Firouzli, Architect as Agent for The Westcoast Native Health Care Society

- The Manager of Planning summarized her report to the APC dated December 11, 2019.
- Applicant invited comments or questions and indicated that the project is designed to support the option of “aging in place”. The Rainbow Gardens facilities on the site provide increasing

degrees of care. Neighbours will receive notice of the proposed Development Variance Permit and will have opportunity to provide comment.

- The APC discussed the application as follows:
  - There was some discussion regarding the topography of the site. The applicant indicated that the treed area to be developed had been cleared as per recommendations from an Arborist. New landscaping and plantings are planned.
  - The location of the proposed retaining wall was discussed and the Architect indicated that the wall will not be located where the soil is unstable but it will serve to protect the area between the proposed building and the sloped land. The building cannot be pushed any further to the west due to soil conditions there. Geotechnical work will be focused on the actual building rather than the retaining wall. Drainage is naturally directed towards Russell Place.
  - It is unlikely that the site will be able to support any further development following the construction of the proposed building. No further building is planned.
  - There are currently 50 persons on the waitlist for the proposed 39 units. The building will be geared to seniors aged 55+.
  - It was noted that the area does not fall within a Development Permit Area in the Official Community Plan. Height and massing of the building with respect to neighbourhood impact was discussed along with potential shadowing of existing facilities.
  - The applicant reported that the topography is ~4.5m below grade so the building will appear to be more like three (3) storeys than the proposed five (5) storeys. The location of the building will provide minimal shadow on the existing facilities and none on neighbouring properties. It was noted that any shadowing that resulted would affect only the Rainbow Gardens site itself.

### **Motions:**

1. *That, respecting the property located at 6151 Russell Place - Lot 1, Plan VIP15459, Section 9, Alberni Land District (PID: 001-868-128), the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw 4832 as follows:*
  - a) *Vary Section 5.31.2 P1 – Institutional, Maximum Height, Principal Building, from 12.5 m to 17.71 m, a variance of 5.21 m.*
  - b) *Vary Section 5.31.2 P1 – Institutional, Maximum Number of Principal Building Storeys, from three (3) to five (5) storeys, a variance of two (2) storeys.*
2. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 98 for 6151 Russell Place.*

**( McRuer / Washington ) CARRIED**

### **3. DEVELOPMENT APPLICATION: Secondary Suites - Zoning Amendments** **City wide** **Applicant:** City of Port Alberni

- The Manager of Planning summarized her report to the APC dated December 11, 2019.



- The APC discussed the application as follows:
  - APC noted concern that the initial report to Council had not been referred to the Commission and they were very glad to see this current report coming before the APC.
  - APC noted that the provincial regulations allow for a municipality to regulate suites in a manner appropriate for the community's needs.
  - The Building Inspector provided information regarding new regulations from the Province that can be considered by municipalities when they are regulating suites. There will be a need to consider the more complex issues around suites in Duplex housing. The new regulations will allow for consideration of that option.
  - It was noted that staffing and resources are important to consider. It was asked if Port Alberni received many questions about removing the zoning requirement that suites be permitted only in owner occupied residences. There have been inquiries but they have not been tracked.
  - APC wondered if laneway and carriage homes will be considered in the future and the Manager of Planning responded that they would. Support for carriage housing was voiced by APC members.
  - It was noted that the A.C.R.D. does not have an "owner occupied" requirement but that the residential environment was generally different than within the urban/city setting. Port Alberni has many buildings and businesses that are challenged. The lowest common denominator is a great goal.
  - One member mentioned concern that removing the "owner occupied" clause would essentially mean that a single family dwelling becomes a "duplex".
  - Many communities have preserved the "owner occupied" clause. Communities without the clause were not specifically contacted.
  - The cost of permitting a suite depends on construction costs. The City could consider charging to permit suites.
  - Enforcement was discussed and it was noted that there was liability on the city's part if it chooses not to enforce bylaws. The Building Inspector informed APC that staff had been given direction not to enforce the bylaws while they are under review.
  - Concern was expressed that tenants would be evicted immediately upon enforcement however the R.C.M.P. indicated that 60 day notice is required under the Landlord Tenant Act.
  - The city does have information regarding secondary suites on it's website.

**Motions:**

1. *That the Advisory Planning Commission recommends that City Council endorse Option 2, and that staff be directed to review challenges and opportunities regarding the inclusion of Zoning Bylaw regulations regarding garden suites and carriage homes.*

**( Washington / Anaka ) CARRIED**

**4. UPDATE:**

The Manager of Planning gave a status update on current projects.

- Cannabis Cultivation/Processing recommendations received by Council– item is coming back for further discussion next Council meeting
- Departmental Budget Presentations – started in December
- 8th Ave Woodlands Village Rezoning – asking to remove lot consolidation requirement
- Development Permit Application being processed

- 6151 Russell Place – Development Permit being processed
- **Upcoming:**
  - Applications
  - Draft Cannabis Cultivation Bylaw
  - Roles and Responsibilities Refresher

## 5. OTHER BUSINESS

- The Manager of Planning thanked the outgoing APC members present for their voluntary service on the Commission.
- Amy Anaka addressed the Commission regarding the Age Friendly Plan and survey, a project undertaken by the A.C.R.D. A community workshop will be held on February 6, 2020 at the Gyro Centre.
- The Chair noted that it had been helpful to have the Building Inspector attend the APC meeting and that he was supportive of having the Building Inspector in attendance at all future meetings.

## 6. ADJOURNMENT – The meeting adjourned at 1:00 p.m. The next regular meeting is rescheduled for **Thursday, January 16, 2020.**

( McRae / McRuer ) CARRIED



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Davina Hartwell - City Clerk

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Ken McRae – Chair



— CITY OF —  
PORT ALBERNI

# **ORIENTATION PACKAGE**

ADVISORY PLANNING COMMISSION

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JANUARY 2020





# Planning the City of PORT ALBERNI

## INTRODUCTION

This document has been prepared to provide information to assist the City of Port Alberni's Advisory Planning Commission (APC). This information should be used in conjunction with the Advisory Planning Commission Bylaw, and as a companion document to City and Provincial land use legislation. The overarching goal of an APC member is to engage in dialogue and debate about the community and its issues, while advising Council on specific planning matters that will help shape the future of the city.

## PLANNING OVERVIEW

Planning is the scientific, aesthetic, and orderly disposition of land, resources, facilities and services. Planning aims to secure the physical, economic and social well-being of urban and rural communities primarily by regulating development and land use.

City Planners play a critical role in addressing municipal issues. Not only do planners deal with land use, but they also influence:

- social and community services
- local economic capacity
- transportation and infrastructure

Planning decisions effect the day to day lives of individuals and families. Development may result in positive or negative impacts to a community. For example, if development contributes to the degradation of air or water quality, the health and quality of life of a community may be impacted.

## PLANNING OVERVIEW CONTINUED

A City Planner's work is guided by Council approved policy. Well defined and thoughtful planning objectives and policies provide the public, business owners, and other stakeholders a high degree of certainty for the future. The Local Government Act has established legislation that provides for Official Community Plans (OCP) and zoning bylaws to be established to guide and regulate development.

The **Official Community Plan** is a legal document containing objectives and policies to guide decisions on planning and land use management. It establishes land use, environmental, social and economic policy directions to support the community's objectives. A **Zoning Bylaw** is used to implement the policies of an OCP by establishing and regulating specific uses of land. Where a zoning bylaw is in effect, its regulations apply to all lands, including the surface of water and to all uses, buildings and structures. Together, the OCP and Zoning Bylaw help coordinate land uses and prevent incompatible uses.

The OCP also outlines **Development Permit Areas** (DPA), which are specific areas that require for a Development Permit to be obtained in advance of a Building Permit being issued. While zoning bylaws deal primarily with issues of uses and siting, development permits can address more specifically a wider range of issues, such as form and character, landscaping, environmental protection and greenhouse gas emission reduction.

The OCP, Development Permit Areas, and Zoning Bylaw are developed in consultation with the community to ensure that these guiding policies reflect the public interest. These policies should be reviewed and updated by staff and Council every 5 to 10 years.

The APC plays an important role in the planning and land use management process by making recommendations to City Council, and by ensuring that land use changes are suitable for the community. In reviewing development applications, the commission has the responsibility of giving advice and acting as the citizens' voice in the process.

While the level of formal planning skills, and/or training of members of the Commission will vary, it is their individual skills and experiences relating to the community that make the Commission an effective conduit for public participation in the City's planning programs. The information and analysis that the APC generates are a special combination of subjective and objective observations that only community members could bring to the discussion.

# APC OVERVIEW

Consistent with the Local Government Act and the Community Charter, the Advisory Planning Commission receives its authorities, responsibilities and instructions from City Council. By way of Bylaw No. 4738 the Commission is empowered to advise Council on all matters respecting land use, community planning or proposed bylaws and permits.

The majority of items presented to the APC involve applications to amend bylaws such as the Official Community Plan Bylaw or Zoning Bylaw, or Development Variance Permits.

## FUNCTIONS

The core functions of the APC include:

- Respond to issues referred to them by Council and staff
- Listen to and report on the community's views and consider what is good for the public,
- Gather relevant facts, information and opinions
- Educate and raise awareness of Council and staff on specific issues
- Offer long term insight relating to the evolution of the community
- Provide advice and recommendations to Council and staff

The APC and its members have an important responsibility to the community. The matters for consideration have direct influence on the liveability of the community. The level of understanding and analysis is important as it will inform recommendations being made on these items. The quality of APC's advice improves when there has been reflection upon the goals of the community and established public policy, discipline in the processes of deliberation, and selection of a course of action that can be effectively and efficiently implemented.

## The Commission's POWERS

**The APC has no decision-making responsibility, and does not have any authority beyond what has been delegated by Council. The APC only provides recommendations to Council, it does not establish policy.**



## MEMBERSHIP

The APC provides a central and ongoing opportunity for citizens to become actively involved in their community and provide in-depth consideration of planning issues. While APC candidates self-nominate themselves for consideration by Council, as part of their consideration Council endeavours to include citizens that are broadly reflective of the different parts of the community. This helps ensure that the APC is as broadly representative of the community as possible. Specific appointments may reflect experience, knowledge and expertise to provide the APC with necessary skills. No one set of skills should be considered more valuable than another.

## COMPOSITION

There are 9 Voting Members on the Advisory Planning Commission:

- Six members at large appointed by City Council
- One representative of the School Board of School District No. 70.
- One representative of the Tseshaht First Nation
- One representative of the Hupacasath First Nation.

There are also 3 Non-Voting Liaisons that make up the APC:

- City Council Liaison
- RCMP Liaison
- Port Alberni Fire Department Liaison
- Parks Operations Liaison.

## ROLES AND RESPONSIBILITIES

### Chair and Vice-Chair

Each year a Chair, and a Vice-Chair to act in the absence of the Chair, are chosen and appointed by the APC. In addition to being a member of the APC, the Chair is tasked with conducting meetings in a fair and effective manner. As the Chair of a public group, ethical standards must be followed so that discrimination and harassment do not occur.

Additionally, an effective Chair typically would:

- Have interest in the City and understand planning and land use management processes
- Exhibit leadership and develop collaborations in an open and fair manner
- Ensures that discussions at meetings focus on the issue at hand and the facts
- Seek out members who do not actively participate in meetings and encourage their participation
- Facilitate meetings in such a way that balances the input of all members



Working  
TOGETHER

### Secretary

The secretary role is not elected, and is typically filled by a City staff person. The Secretary is responsible for recording the minutes at each commission meeting. Minutes of APC meetings are public and posted on the City's website after they have been approved by the APC at the subsequent meeting.

### Planning Staff

Planning staff bring forward summary reports to the APC discussing development applications or other land use policy issues. These reports provide an assessment and a recommendation. Planning recommendations are made after reviewing the intention of the proposal in relation to the existing zoning, the strategic direction for the community provided in the OCP, benefits to the community, impacts to the environment, best planning practices, and other issues that may affect the public interest.

## MEETINGS

The APC typically meets once a month for an hour. The meetings are scheduled for the 3rd Thursday of every month at 12:00 pm and are held in the City Hall Committee Room. An agenda will be emailed to each member approximately one week before the scheduled meeting, and are also made available on the City's website. If requested a printed copy of the agenda will be provided at the meeting.

A typical meeting includes: a call to order; a count of members present; approval of previous minutes; discussion of reports on the agenda including having a delegation present; recommended motions; updates on current projects, and adjournment. Meetings are run using 'Robert's Rules of Order' to facilitate discussion, as it allows everyone to be heard and to make decisions fairly without confusion.



## MEETINGS CONTINUED

### **Public Attendance**

APC meetings are open to the public and meeting agendas are posted on the website and on the Bulletin Board in the Lobby at City Hall. Any member of the public is allowed to attend. The Chair may or may not allow audience members to speak. The APC meeting not to be confused with a public hearing meeting, which is when members of public can provide comment directly to City Council regarding rezoning or OCP amendments.

### **Staff Attendance**

Planning staff generally attend the APC meeting. If it is felt that an agenda item is complex and requires other staff to provide further information and clarification, they will be in attendance. The Chair of an APC may request staff attend a meeting once they see the agenda, if they feel it is useful for the APC.

### **Voting and Quorum**

In order for APC to meet and make recommendations there must be a quorum of the voting members. 5 voting members are needed for quorum to be achieved. If there is not a quorum within 15 minutes after the fixed time of the meeting, that meeting shall be adjourned. It is important to attend meetings regularly or else quorum may be lost, resulting in projects being delayed.

All voting members of the APC must vote on all recommendations unless they have declared a conflict of interest and left the room. Any member who abstains from voting will be deemed to have voted in the affirmative and a tie on a vote shall be considered defeated.

## MAKING RECOMMENDATIONS

The APC is tasked with considering planning and land use matters and making recommendations to City Council on those matters. The commission is most effective when the recommendations made are clear and can be easily acted upon by Council.

Options and a suggested recommendation is provided by the Planner in their report, however these recommendations may be changed by the APC during a meeting. Options and recommendations provided by staff are often structured in the following way:

- 1.Recommend to approve an application;
- 2.Recommend to approve an application subject to various conditions, with stated reasons;
- 3.Recommend to not approve an application, with stated reasons.

The APC only makes recommendations on planning and land use matters referred to them. Other issues raised at meetings may be referred to Council for their consideration and action. Staff work is directed by both Council priorities and ongoing current projects and applications.

## TYPES OF PRESSURE AND INFLUENCE

Deciding on a recommendation can be a complex matter. APC members may face pressures to influence their decision. Such pressures may include the following:

### **Peer Pressure:**

Members frequently have social, professional or business contacts with people who have interest in applications pending before the commission. Such contacts may be the source of relevant information, but they should not be permitted to influence a member's decision-making before deliberations begin.

### **Developer Pressure:**

Developers often represent a particular view point. All statements made by developers must be carefully evaluated. The community does not have to accept development deemed to be inappropriate. The commission needs to review each proposal on its own merits.

### **Political Pressure:**

The APC should seek to have an effective and ongoing dialogue with Council, as this helps create a more cooperative and effective relationship through which the interests of the community can be incorporated into planning decisions. However, members of Council should not seek to influence members of the commission. The APC is intended to be an independent body and commission members should cast their votes in their own judgement to promote good planning. APC and Council members should not meet to discuss applications outside of formally scheduled meetings.

## REMAINING OBJECTIVE

Members should endeavor to carry out their work effectively, efficiently and creatively, while maintaining a separation from influences that could disrupt thoroughness, balance and objectivity in recommendations. It is expected that all members will conduct themselves appropriately and adhere to procedural rules.



Expected code of  
**CONDUCT**

**Members should be aware that the public deserves and expects their actions to be conducted with fairness, objectivity and the avoidance of conflicts of interest.**

## CONFLICT OF INTEREST

A conflict of interest exists if an APC member is an interested party to an application to which the APC will make a recommendation and/or the APC member has a direct or indirect pecuniary interest in the outcome of Commission's deliberations.

Conflicts often occur between the member's public duty and his or her personal, business or property interests. The courts treat personal, business or property interests of a spouse, child, parent, partner, client (or in some cases, a corporation) of the member the same way they treat the interests of the member. If the member is in any way involved in a matter before council that actually advances (or appears to advance) any of these interests, a conflict of interest may arise.

Common examples of conflict of interest include:

- **Business Interests:** A member has a conflict of interest if he or she votes on a matter that helps his or her own business, or hinders the competition.
- **Property Interests:** If a member votes on a land use bylaw that makes his or her own property sub-dividable, or more or less valuable in any way, a conflict arises.
- **Family Interests:** If a member votes on a matter that is to be the benefit or disadvantage of a spouse, child or parent, as in increasing salary or increasing or decreasing property values, a conflict arises.

Where a conflict of interest exists, the APC member must follow certain procedures:

1. Must declare to the APC that a conflict exists;
2. Must not participate in the discussion of the matter or to vote on a question in respect of the matter; and
3. Must absent themselves from the meeting during consideration of the issue to which the conflict relates, and not attempt to influence the vote (this is to be reflected in the meeting minutes).



Community Charter  
**SECTIONS**

**Procedures for conduct where a conflict of interest exists are prescribed in the Community Charter Sections 100 to 101.**

## CONCLUSION

The Advisory Planning Commission plays an important role in advising Council and helping develop the growth and betterment of the city. The APC brings valuable perspective in examining how the community as a whole is evolving in order to guide land use matters for the benefit of the community. While APC members are sought for the personal skills they bring to the Commission, they are expected to represent the collective desires of the community in their recommendations. APC members should feel empowered by Council to bring forward matters they believe require consideration.

## OTHER INFORMATION

The following information should be reviewed by new Advisory Planning Commission members become familiar with the planning tools and processes followed as they relate to the APC.

- **APC Bylaw No. 4738:**  
<https://www.portalberni.ca/advisory-planning-commission-bylaw>
- **More about Port Alberni's OCP:**  
<https://www.portalberni.ca/media/1723>
- **More about Port Alberni's Zoning Bylaw:**  
<https://www.portalberni.ca/media/1724>
- **More about Development Variances in Port Alberni:**  
<https://www.portalberni.ca/application-development-variance-permit>
- **More about Development Permit Areas in Port Alberni:**  
<https://www.portalberni.ca/media/1726>

## PLANNING DEPARTMENT CONTACTS

### **Katelyn McDougall – Manager of Planning**

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### **Cara Foden – Planning Technician**

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# ADVISORY PLANNING COMMISSION

## 2020 MEETING SCHEDULE

COMMITTEE ROOM OF CITY HALL  
4850 ARGYLE STREET, PORT ALBERNI BC

### DATE

### TIME

Thursday, January 16	12:00 PM
Thursday, February 20	12:00 PM
Thursday, March 19	12:00 PM
Thursday, April 16	12:00 PM
Thursday, May 21	12:00 PM
Thursday, June 18	12:00 PM
Thursday, July 16	12:00 PM
Thursday, August 20	12:00 PM
Thursday, September 17	12:00 PM
Thursday, October 15	12:00 PM
Thursday, November 19	12:00 PM
Thursday, December 17	12:00 PM

**THESE MEETINGS ARE OPEN TO THE PUBLIC**





# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

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TO: Advisory Planning Commission

FROM: Cara Foden, Planning Technician

DATE: January 9, 2020

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**SUBJECT: DEVELOPMENT APPLICATION - Development Variance Permit**  
**5473 Greenard Street - Parcel W, District Lot 112, Alberni District, Plan**  
**VIP43267 (PID: 030-896-207)**  
**Applicant: W. Gysi**

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### **ISSUE**

At issue is the consideration of an application for Development Variance Permit (DVP) No. 99 for 5473 Greenard Street. The applicant is seeking relief from the regulations of the Zoning Bylaw as it relates to rear yard building setbacks.

### **BACKGROUND**

The property owner has consolidated two residential parcels to create a single parcel that is occupied by an older model Mobile Home and two accessory buildings. The owner is no longer able to purchase insurance for the Mobile Home without replacing the roof. The existing Mobile Home cannot safely support a new roof and it is necessary to support the proposed roof structure with posts placed along the side of the existing home. Five of the proposed posts (See posts A1 – A5 on attached sketch) fall within the required Rear Yard setback. The owner of the land has applied to vary the Rear Yard setback from 9.0 m to 4.57 m in order to facilitate construction of a new roof to ensure that the Mobile Home can be insured and that a safe exit can be constructed at the rear of the Mobile Home.

### **DISCUSSION**

#### **The Property**

The property at 5473 Greenard Street is a large corner lot designated 'Residential' on the Official Community Plan and zoned as 'R2 – One and Two Family Residential'. The lot measures 19.92 m along Cedar Street and is 35.509 m deep along Greenard Street for a total area of 707.3 m<sup>2</sup>. There is a laneway allowance to the rear of the property which is screened by a hedge-like planting of cedar trees along the rear property line.

### Surrounding Area

The surrounding neighborhood is predominately residential to the north, east, south and west of the property. The zoning is primarily '*R1 Single Family Residential*' with a mix of '*R2 – One and Two Family Residential*' and '*R3 Small Lot Single Family Residential*' parcels interspersed throughout the neighbourhood. The larger single family parcels to the west back onto the Kitsuksis Creek system and ravine lands.

### Site Plan

The site plan (attached) submitted by the applicant shows the property to be currently occupied by structures as follows:

Mobile Home	18.90 m x 03.66 m (12' x 62' = 744 ft <sup>2</sup> )
Double Garage	07.21 m x 06.78 m (23'8" x 22'3" = 527 ft <sup>2</sup> )
Garden Shed	03.66 m x 03.00 m (12' x 10' = 120 ft <sup>2</sup> )

The existing garage appears to encroach on the side and rear yard setbacks. The garden shed encroaches on the rear yard setback. Both accessory buildings appear to have been constructed without building permits. The total area of all accessory buildings is 59.9 m<sup>2</sup> (647 ft<sup>2</sup>) which is within the 75 m<sup>2</sup> permitted. The accessory buildings are non-conforming and it is not in the public interest to vary setbacks to such an extent that the accessory buildings could be rebuilt where they currently exist if they were to be demolished or damaged by fire. The applicant is applying to vary the setback only to the extent that is needed to accommodate the construction of a new roof for the Mobile Home/principal residence.

Principal Residence	Permitted or Required	Existing	Proposed
Side Yard Flanking Street on Corner Lot (West yard)	3.5 m	11.51 m	No change
Side Yard	1.5 m	4.75 m	> 1.5 m
Max Area all Acc. Bldgs	75 m <sup>2</sup>	59.9 m <sup>2</sup>	No change
Rear Yard	9.0 m	4.72 m (the current encroachment = 4.28 m)	4.57 m (a Variance of 4.43 m)

The applicant is requesting a Variance to reduce the Rear Yard setback from 9.0 m to 4.57 m, a Variance of 4.43 m. A Site Survey and drawings in support of a building permit will be required prior to issuing a Building Permit.

### CONCLUSION

The intent of the '*R2 – One and Two Family Residential*' zoning designation is to establish or maintain quiet, low density neighborhoods featuring single family and two family dwellings. The Development Variance Permit requested will have no significant impact on the use of the property or the surrounding properties.

The requested variance of the Rear Yard setback will not result in any significant changes to the existing site layout on the property. It is not anticipated that there would be future negative impacts on the use of the property or on the surrounding properties should the Development Variance Permit be approved.

The Planning Department supports the issuing of a Development Variance Permit for 5473 Greenard Street.

### **RECOMMENDATIONS**

The Planning Department recommends:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw 4832 as follows:*

*Vary Section 5.12.2 R2 - One and Two Family Residential Minimum Setbacks, Rear Yard, from 9.0 m to 4.57 m, a variance of 4.43 m, for the property located at 5473 Greenard Street and legally described as Parcel W, District Lot 112, Alberni District, Plan VIP43267 (PID: 030-896-207).*

2. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 99 for 5473 Greenard Street.*

Respectfully submitted,



Cara Foden, Planning Technician

Reviewed by,



Katelyn McDougall, M.Urb  
Manager of Planning

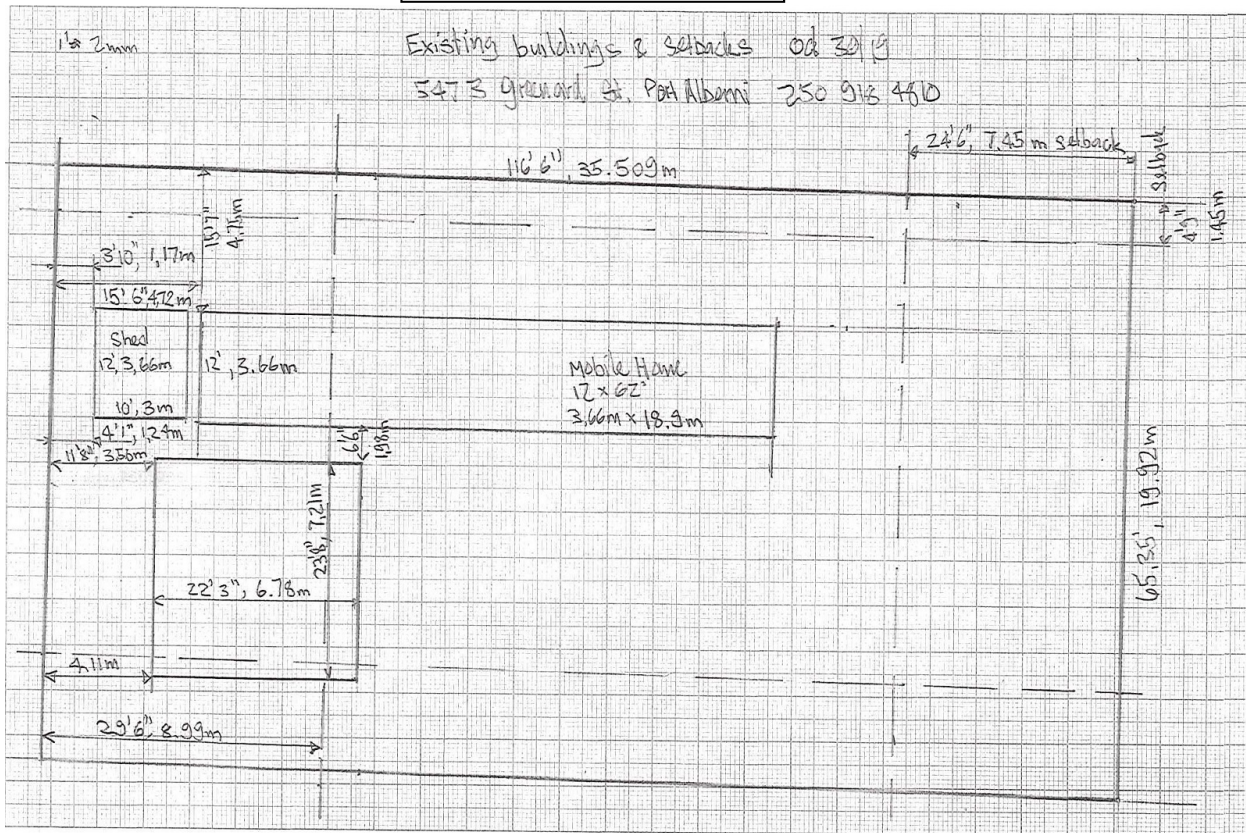


## SUBJECT PROPERTY

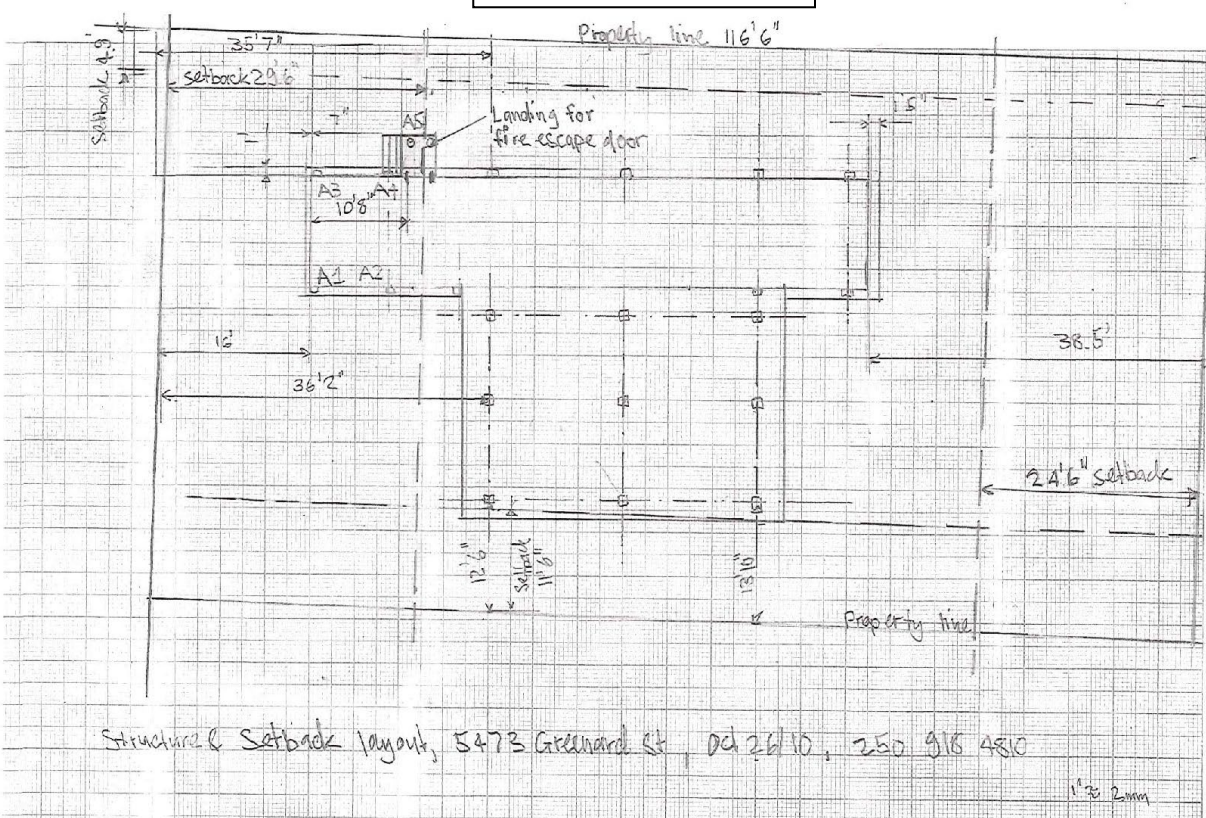




### EXISTING SITE LAYOUT



### PROPOSED LAYOUT







## ***R2 – ONE AND TWO FAMILY RESIDENTIAL***

5.12 The purpose of this *zone* is to establish and maintain quiet, low density neighbourhoods featuring single *family* and two *family* dwellings.

### 5.12.1 Permitted uses

#### Principal Uses

Single *family dwelling*

Two *family dwelling*

#### Accessory Uses

*Bed and breakfast*

*Home occupation*

*Secondary suite*

*Supportive housing*

### 5.12.2 Site Development Regulations

#### Minimum Lot Area

Single <i>family dwelling</i>	500 m <sup>2</sup>	(5,382 ft <sup>2</sup> )
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Single <i>family dwelling</i> with <i>secondary suite</i>	600 m <sup>2</sup>	(6,458 ft <sup>2</sup> )
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Two <i>family dwelling</i>	700 m <sup>2</sup>	(7,535 ft <sup>2</sup> )
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#### Minimum Frontage

Single <i>family dwelling</i>	15 m	(49.2 ft)
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Single <i>family dwelling</i> with <i>secondary suite</i>	15 m	(49.2 ft)
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Two <i>family dwelling</i>	20 m	(65.6 ft)
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Maximum <i>Coverage</i>	40%
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#### Minimum Setbacks:

<i>Front yard</i>	7.5 m	(24.6 ft)
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<i>Rear yard</i>	9 m	(29.5 ft)
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<i>Side yard</i>	1.5 m	(4.9 ft)
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Maximum <i>Floor Area Ratio</i>	0.5
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Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)
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Maximum Number of Principal <i>Building Storeys</i>	2.5
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Maximum number of residential units per <i>lot</i>	2
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### 5.12.3 Conditions of Use

(a) Notwithstanding the provisions of 5.12.2:

(i) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.5 metres (11.5 ft) wide.

(ii) For single *family* dwellings having no carport or attached garage and with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard*.

(b) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).

(c) Only one of the three (3) following *accessory uses* is permitted on any *lot*: *bed and breakfast* OR *secondary suite* OR *supportive housing*.

(d) Notwithstanding any other provisions of this bylaw, *secondary suites* are not permitted in a duplex.

(e) Notwithstanding Section 5.12.1, on *lots* less than 500 m<sup>2</sup> in area that exist prior to the adoption of this Bylaw, single *family dwelling* is the only permitted *use*.