



To: Port Alberni Advisory Planning Commission

Ken McRae (Chair)
John Douglas (Vice-Chair)
Amy Anaka
Jim Tatoosh (Hupacasath First Nation)
Stefanie Weber
Callan Noye
Ed Francoeur

Chief Councillor Cynthia Dick (Tseshaht First Nation)
Chris Washington - (SD #70)
Sgt. Clive Seabrook, (R.C.M.P. Liaison)
Rick Newberry (P.A.F.D. Liaison)
Rob Gaudreault (Parks Liaison)
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 Dionne – (Alternate – R.C.M.P. Liaison)
Steven Tatoosh (Alternate – Hupacasath First Nation)
Darren Mead-Miller (Alternate – Tseshaht First Nation)
City Clerk Dept.: Davina Hartwell; Twyla Slonski, Tanis Feltrin, Sara Darling
City Staff: Cara Foden, Brian McLoughlin, Tim Pley

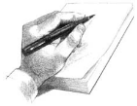
Date: June 10, 2020

Re: Advisory Planning Commission Meeting
Thursday, June 18, 2020 at 12:00 pm (via remote access)

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, June 18, 2020** at 12:00 pm via Zoom. Please see email notification for details regarding meeting access. If you have questions or are unable to attend please contact Katelyn McDougall (Tel: 250-720-2808 / email: Katelyn_McDougall@portalberni.ca) or Cara Foden (Tel: 250.720.2850 / email: cara_foden@portalberni.ca).

AGENDA

1. **Acknowledgements** - This APC meeting is being held within the un-ceded traditional territories of the Hupacasath and the Tseshaht (č iśaaʔath) First Nations
2. **Introductions** and welcome Brian McLoughlin the City's new Development Planner.
3. **Minutes** of the May 21, 2020 meeting of the Advisory Planning Commission.
4. **DEVELOPMENT APPLICATION:** Development Variance Permit
4191 Bute Street
4191 Bute - Lot 1, District Lot 1, Alberni District, Plan VIP81030 (PID: 026-679-043)
Applicants: Ragbir S. Dhaliwal and Balbir K. Dhaliwal
5. **Status Update** – Manager of Planning
6. **Other business**
7. **Adjournment** - The next APC meeting is scheduled for **July 16, 2020**.



Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on May 21, 2020)
Via remote access through Zoom, at 12:00 p.m.)

Commission Members Present

Ken McRae (Chair)
John Douglas (Vice-Chair)
Amy Anaka
Callan Noye
Jim Tatoosh, Hupačasath F.N.
Rick Newberry, P.A.F.D. Liaison
Rob Gaudreault, Parks Liaison
Councillor Deb Haggard (Council Liaison)

Guests

Members of the Public: None
Applicants: E. Cherneski

Staff

Katelyn McDougall, Manager of Planning
Cara Foden, Planning Technician

Regrets

Cynthia Dick, Tseshah (č išaa?ath) F.N.
Stefanie Weber
Ed Francoeur
Chris Washington, S.D.70 Liaison
Sgt. Clive Seabrook, R.C.M.P. Liaison

Alternates (not in attendance)

Larry Ransom (Alternate–SD70)
Councillor Helen Poon (Alternate–Council)
Peter Dione (Alternate–R.C.M.P.)
Darren Mead-Miller (Alternate – Tseshah F.N.)



1. **Acknowledgements and Introductions** – Acknowledgement, by the Chair, that this APC meeting is being held within the un-ceded, traditional territories of the Hupačasath and the Tseshah (č išaa?ath) First Nations.

2. **MINUTES - Adoption of May 8, 2020 Minutes**

MOTIONS:

That the City of Port Alberni Advisory Planning Commission adopt the minutes of the May 8, 2020 regular meeting.

(Noye / Douglas) CARRIED

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

5200 Gertrude Street

Lot A, District Lot 12, Alberni District, Plan 29046 (PID: 001-440-861)

Applicant: E. Cherneski as agent for Dr. Heather Cherneski INC.

- The Manager of Planning presented a summary of the report dated May 18, 2020.
- APC discussed the proposed amendments and report as follows:
 - Walking distance to amenities is minimal
 - Reasonable for the City to forego five parking stalls for the additional 8 rental units.
 - The applicant indicated that ~60% of the residents in the current buildings are considered low income and there are residents as well with disabilities. Many do not make use of a vehicle.

- APC members inquired about parking and storage for scooters and bicycles. The applicant indicated that the site plan includes provision for scooter and bike parking and that a bike lockup suggested by APC could be installed.

MOTIONS:

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:*
 - a. *Vary Section 7.9 Required Amount of Parking regulations from 33 parking spaces to 28 parking spaces, a variance of 5 parking spaces, for the property located at 5200 Gertrude Street and legally described as Lot A, District Lot 12, Alberni District, Plan 29046 (PID: 001-440-861).*

(Douglas / Noye) CARRIED

4. STATUS UPDATE:

- Development Planner starts May 26
- Development Variance Permit for 3033 6th Ave has been withdrawn
- Development Permit issued at 3550 Johnston Rd. (new BMO)
- Development Permits for Athol St. and Maitland St. pending
- Uptown District Revitalization Survey closes today
- Subdivision files – Rex Rd. and River Rd.

5. OTHER BUSINESS

- APC indicated they are generally happy with the regular meeting time.
- Katelyn clarified that direction has been given during COVID 19 that meetings will take place on the Zoom platform and attendance is limited to APC and applicants. Public is able to input to Council through an email address that has been set up.
- It was noted that perhaps if there are two larger applications on the Agenda the meeting could be scheduled for 1.5 hours rather than just an hour.

- 6. ADJOURNMENT** – The meeting adjourned at 12:30 pm. The next meeting is scheduled for 12:00 pm on **June 18, 2020**.

(Tatoosh / McRae) CARRIED



Ken McRae (Chair)



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Brian McLoughlin, Development Planner

DATE: June 10, 2020

SUBJECT: DEVELOPMENT APPLICATION - Development Variance Permit
4191 Bute Street - Lot 1, District Lot 1, Alberni District, Plan VIP81030 (PID:
026-679-043)
Applicants: Raghbir S. Dhaliwal and Balbir K. Dhaliwal

ISSUE

At issue is the consideration of an application for Development Variance Permit (DVP) No. 102 for 4191 Bute Street. The applicants are seeking relief from the regulations of the Zoning Bylaw as it relates to side yard setbacks.

BACKGROUND

The applicants are currently in the process of constructing a single-family dwelling on the subject property. Following the Building Inspector's examination of the concrete footings and perimeter drain the applicants were required to submit a Building Location Certificate (BLC) from a legal land surveyor to confirm the location and siting of the building. The BLC confirmed that the minimum side yard setback to the east property line was not met. The applicants were advised by the City's Building Inspector to halt construction; however, a stop-work order was not issued. The applicants proceeded to continue with construction. At this time there is an incomplete structure on the property. The applicants are now applying to vary the minimum side yard setback requirement of the *R3 – Small Lot Single Family Residential Zone*.

Property Zoning and Land Use Designations

The subject property (4191 Bute Street) is designated *Residential* in the Official Community Plan, and is not included in a Development Permit Area. The property is zoned *R3 – Small Lot Single Family Residential* in the Zoning Bylaw. The Zoning Bylaw describes the purpose of this zone as providing for "greater density in the areas of the city which are being redeveloped and where small lots already exist".

Subject Property Details

The lot is rectangular in shaped and measures 16.8 metres along both the front and rear property lines. The side lot lines are both 33.5 metres in length. The total lot area equals 562.5 m², or approximately 0.14 acres. A copy of the BLC is attached as *Attachment 2*, which shows

the exact dimensions and distances to setbacks. *Attachment 1* shows the location of the subject property.

DISCUSSION

The applicant is requesting a variance to bring the built structure into compliance with the Zoning Bylaw. When considering an application for a Development Variance Permit it is important to discuss both the specific variance and its potential impact on the surrounding neighborhood.

Proposed Variance and Required Setbacks

The applicant is seeking to reduce the side yard setback from the east property line. While the rest of the structure complies with the site development regulations, the garage protrudes an additional 0.7 metres into the side yard setback, essentially reducing the side yard setback from 1.5 metres to 0.8 metres.

Table 1 – Required Setbacks and Proposed Variance

Principal Building	Permitted or Required	Existing	Proposed	Variance
Side Yard (East Yard)	1.5 m	0.8 m	0.8 m	<i>0.7 m</i>
Side Yard Flanking Street on Corner Lot (West yard)	3.0 m	4.3 m	4.3 m	<i>None</i>
Rear Yard	5.5 m	10.3 m	10.3 m	<i>None</i>

Surrounding Neighbourhood

The surrounding neighbourhood contains a mix of properties zoned for commercial, institutional, and both single and multi-family residential uses. The property is located adjacent to one of the main commercial nodes within the city, and at a transition point between the residential houses to the east, and the commercial developments directly to the west. Adjacent properties to the north and south are zoned RM2. The commercial plaza to the west is zoned C2 – *General Commercial*, and is occupied by a number of businesses including the Shoppers Drug Mart. Directly to the south west of the subject property is the Port Alberni Fire Department.

Side Yard Setbacks of Adjacent Properties

In their application, the applicants included a note that the neighbouring properties also do not meet the minimum side yard setbacks required by the R3 – *Small Lot Single Family Residential* zone. Staff believe this to be correct for the properties addressed as 4177, 4163 and 4149 on the north side of Bute Street (see *Fig. 1*). These houses appear to encroach upon the side yard setbacks, and were never granted a variance as their illegal non-conforming status was not verified by former City staff at the time of construction.

The City of Port Alberni now requires a Building Location Certificate (BLC) as part of the building inspection process in order ensure that setbacks, and other requirements are being met by new construction. According to the City's Building Inspector this requirement was not in place when other houses on Bute Street and 12th Avenue were built. This meant the City had limited means of verifying the actual location of these buildings during construction. However, the requirement for a BLC was in-place during the inspection process for the subject property. The

Advisory Planning Commission should consider the impacts of the proposed variance not only in relation to the adjacent properties, but within its individual context.

Figure 1 – Side yard setbacks of adjacent properties



Fire Safety

The City's Building Inspector has confirmed that there is no perceived fire safety risk associated with the proposed side yard setback reduction. The houses at 4191 Bute Street and 4177 Bute Street share the east side yard property line, and the space between the two houses meets the fire separation requirements of the BC Building Code¹.

Potential Impact

The proposed variance has minimal impact on the use of the property and that of the surrounding properties. The potential impact of the proposed variance is limited to primarily the neighbouring property (4177 Bute Street) which shares the lot line with the subject property. The photos in *Attachment 3* show the house recently constructed at 4191 Bute Street, and its proximity to the neighbouring house. The east property line runs between the subject property and the neighbouring property. The variance to the side yard setback will increase the crowding of the buildings, but it should be noted that the house located at 4177 Bute Street also contributes to this by way of encroaching upon its west side yard setback.

As part of the Development Variance Permit application process the City must give public notice to all properties located within a 75 metre radius of the subject property. Public notice is sent by mail. The notice will advise residents of the proposed variance, and outline a method for how to provide input to Council on the matter.

CONCLUSION

The City has received an application to reduce the east side yard setback for the subject property from 1.5 metres to 0.8 metres. The applicants have requested the variance to rectify a construction error, as they have built a house with a garage that protrudes into the side yard setback.

¹ BC Building Code section 9.10.15 - *Spatial Separation Between Houses*

Staff have noticed that there have been other similar types of variances brought forward post-construction. To help mitigate these issues from occurring, staff have developed a solution which is to require that a Building Location Certificate be provided as part of the building permit inspection process once the foundation is in place. It is not preferred to grant variances after construction has begun, however the requested variance to the side yard is relatively minor and is consistent with the style of development along that block. No significant impacts to the use of the property or surrounding properties are anticipated.

The Planning Department supports the issuing of a Development Variance Permit for 4191 Bute Street. If the Advisory Planning Commission also supports the proposed variance then staff will proceed with giving public notice and bringing a summary report to Council for consideration.

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 5.13.2 R3 – Small Lot Single Family Residential Minimum Setbacks, Side Yard (East Side)', from 1.5 m to 0.8 m, a variance of 0.7 m for development on land legally described as Lot 1, District Lot 1, Alberni District, Plan VIP81030 (PID: 026-679-043) and located at 4191 Bute Street.

2. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 102 for 4191 Bute Street.*

Respectfully,

Prepared by:



Brian McLoughlin
Development Planner

Reviewed by:



Katelyn McDougall, M.Urb
Manager of Planning

ATTACHMENT 1 – Subject Property Map (4191 Bute Street)



DRAWING FILE: 19-010 BLC1.dwg

ATTACHMENT 3 – Site Photos (4191 Bute Street)



ATTACHMENT 4 – Property Zoning (4191 Bute Street)

R3 – SMALL LOT SINGLE FAMILY RESIDENTIAL

5.13 The purpose of this *zone* is to provide for greater density in areas of the city that are being redeveloped and where small *lots* already exist.

5.13.1 Permitted uses

Principal Uses

Single *family dwelling*

Accessory Uses

Home *occupation*

5.13.2 Site Development Regulations

Minimum <i>Lot Area</i>	350 m ²	(3767 ft ²)
Minimum <i>Frontage</i>	10 m	(32.8 ft)
Maximum <i>Coverage</i>	50%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	5 m	(16.4 ft)
<i>Rear yard</i>	5.5 m	(18.0 ft)
<i>Side yard</i>	1.5 m	(4.9 ft)
Maximum <i>Floor Area Ratio</i>	0.5	
Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)
Maximum Number of Principal <i>Building Storeys</i>	2.5	

5.13.3 Conditions of Use

Notwithstanding the provisions of 5.13.2,

- (a) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.0 metres (9.8 ft) wide.
- (b) 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*.
- (c) The minimum permitted *setback* from the vehicle entrance of a principal or *accessory building* to a highway other than a *lane* is 5.8 m (19 ft).