



PUBLIC HEARING
Tuesday, July 10, 2018 @ 7:00 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

	Page
1. CALL TO ORDER	
2. EXPLANATION OF PUBLIC HEARING PROCESS	
2.1. Rules Governing Public Hearing	
1. As provided for in the Local Government Act, the Council is required to hold a Public Hearing before adopting an Official Community Plan Bylaw, Zoning Bylaw or amendments thereto.	
2. At a Public Hearing all persons who deem their interest in property affected by the proposed bylaws shall be afforded an opportunity to be heard on matters contained in the bylaw.	
3. The Council may give such effect, as it deems fit, to representations made at a Public Hearing, in the bylaws as adopted.	
4. At a Public Hearing the Council is under no obligation to enter into a debate on any issue. The purpose of a hearing is to hear representations, which will later be considered by the Council in their regular meeting.	
5. Following the Public Hearing, Council will not accept further communications or presentations from the public or the applicant respecting this bylaw.	
3. NOTICE OF PUBLIC HEARING	
3.1. Notice	3
RZ18-02 Notification - Ucluelet Zoning Bylaw No. 1233, 2018	
4. PUBLIC HEARING - UCLUELET ZONING AMENDMENT BYLAW NO. 1233, 2018	
4.1. Presentation of Bylaw No.1233, 2018	5 - 6
Bylaw 1233 - Zoning Amendment 1068 Helen Road	
4.2. Reports and Materials for Bylaw No. 1233, 2018	7 - 21
Report - June 12, 2018 Regular Council	
4.3. Excerpts from Previous Council Meetings	23
Excerpt - June 12, 2018 Regular Minutes	
4.4. Public Representations for Bylaw No. 1233, 2018	
5. ADJOURNMENT	



NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on **July 10th, 2018** commencing at **7:00 p.m.**, with regards to the following proposed Bylaw to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “Zoning Bylaw”) pursuant to Sections 464 and 466 of the Local Government Act.

Ucluelet Zoning Amendment Bylaw No. 1233, 2018

In general terms the purpose of the proposed bylaw is to amend the R-1 Single Family Residential Zone as it applies to the subject lot property as follows:

“R-1.7 Other Regulations:

R-1.7.1 Notwithstanding other regulations in this bylaw, on the lands legally described as Lot 1, District Lot 543 Native Island, Clayoquot District, Plan VIP86443, P.I.D. 027-856-194 (1068 Helen Road), the following regulations apply:

(1) Maximum Floor Area Ratio: 0.43

(2) A secondary suite is a permitted use in a single-family dwelling which also contains a Bed and Breakfast use.”



Anyone who believes the proposed bylaw will affect their interests will be given an opportunity to be heard at the public hearing. Inquiries, comments and concerns may also be directed to District of Ucluelet’s Planning Department by telephone at (250)-726-4770 or email: jtowgood@ucluelet.ca. Written submissions may also be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0, or faxed to (250)-726-7335 but must be received before the commencement of the Public Hearing. Written submissions must include your name and street address and will be considered public information pursuant to the Freedom of Information and Protection of Privacy Act. A copy of the proposed bylaw and other relevant information may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing between the hours of 8:30 a.m. to 4:00 p.m. weekdays except statutory holidays.

This notice is dated June 20th, 2018

DISTRICT OF UCLUELET

Bylaw No. 1233, 2018

A bylaw to amend the District of Ucluelet Zoning Bylaw (1068 Helen Road).

WHEREAS the District of Ucluelet Council by Bylaw No. 1160 adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

Schedule B of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding a new subsection R-1.7 to the R-1 Single Family Residential zone as follows:

“R-1.7 Other Regulations:

R-1.7.1 Notwithstanding other regulations in this bylaw, on the lands legally described as Lot 1, District Lot 543 Native Island, Clayoquot District, Plan VIP86443, P.I.D. 027-856-194 (1068 Helen Road), the following regulations apply:

- (1) Maximum Floor Area Ratio: 0.43
- (2) A *secondary suite* is a permitted use in a *single family dwelling* which also contains a Bed and Breakfast use.”

2. Citation:

This bylaw may be cited for all purposes as the “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1233, 2018”.

READ A FIRST TIME this 12th day of **June, 2018**.

READ A SECOND TIME this 12th day of **June, 2018**.

PUBLIC HEARING held this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1233, 2018.”

Dianne St. Jacques
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District Of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer

FROM: JOHN TOWGOOD, PLANNER 1 **REF NO:** RZ18-02 **FOLIO NO:** 196.071 **FILE NO:** 3360-20
SUBJECT: APPLICATION TO AMEND ZONING BYLAW NO. 1160, 2013 (1068 HELEN ROAD) **REPORT NO:** 18-58
ATTACHMENT(S): APPENDIX A –APPLICATION
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1233

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1233, 2018 be given first and second reading and advanced to a public hearing.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No 1160, 2013 (the “Zoning Bylaw”), that proposes to increase the Floor Area Ratio from .35 to .43 and allow a Secondary Suite (SS) to operate concurrently with a Bed and Breakfast (B&B) use in a single family dwelling on 1068 Helen Road (Lot 1, D.L. 543 Native Island, Clayoquot District, Plan VIP86443, P.I.D. 027-856-194). See figure 1 below:



Figure 1 - Subject Lot.

BACKGROUND:

The Applicant, prior to this rezoning amendment request, applied for a variance through the Board of Variance (the “BOV”) on March 15th, 2018, to reduce the required front yard setback from 7.5m to 4.93m. The purpose of the requested variance was to allow for a 552sf building addition. Staff at that time did a zoning check of the information supplied, however the BOV application showed plans of the addition but did not include the entire existing building. The applicant was successful in the variance request and subsequently completed their drawings and applied for a building permit. As part of the planning check for the building permit, Staff reviewed the existing building floor area, combined with the final building permit submission for the addition. It was noted in this review that the addition would put the building over the allowable Floor Area Ratio (the “FAR”). As density is not something that can be varied, Staff had to relay to the applicant that a zoning amendment would be required.

DISCUSSION:

Staff have suggested that the applicant apply for a lot-specific zoning amendment. There was a choice for the application to either:

- request rezoning of the property to R2- Medium Density residential; or
- to request a lot-specific amendment.

The rezoning to R-2 would also be reasonable since the FAR would work for their proposal, plus the neighbourhood already has several intensified residential elements such as R-2 and Guest House (GH) zoning (**Figure 2**).

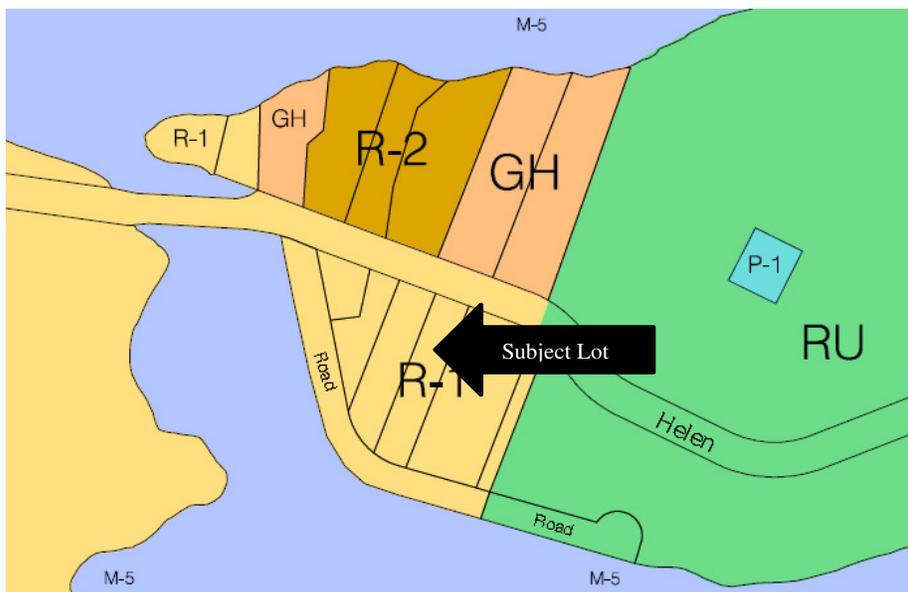


Figure 2 – Zoning map

The other option was to create a lot specific zoning amendment that is designed to fit their proposal. Staff consider this approach to spot zone this specific property a better approach. The following are requested amendments:

Floor Area Ration:

The applicant is requesting an increase in the maximum FAR from .35 to point .43 to allow for their proposed 552sf addition. The increase would be less than the maximum FAR for R-2 which is .50 and less than GH which does not have a FAR restriction.

Secondary suite to operate in a single-family dwelling that is operated as Bed and Breakfast:

In the applicant's Building Permit application, the applicant indicated that the addition will not have a full-size fridge or a stove but would have no internal connection to the existing dwelling. The zoning bylaw does not speak to a requirement for all rooms to be accessed internally so the proposal would have been just considered an externally accessed room. Staff suggested that since they will need an amendment anyway that they should request that the addition be allowed to operate as a Secondary Suite (SS) concurrent with their existing B&B operation. Currently SS and B&B cannot be operated together in the same Single-Family Dwelling (SFD):

403.2 *For greater certainty, notwithstanding other provisions of this Bylaw, Secondary Suites: (2) must not be established or operate in a single-family dwelling that is used as a Bed & Breakfast or Guest House.*

404.2 *For greater certainty, notwithstanding other provisions of this Bylaw, Bed and Breakfasts: (c) must not be combined with or located, in whole or in part, in a duplex, multiple family residential building, mixed commercial/ residential, mixed industrial/residential, accessory residential dwelling unit, or in a secondary suite or a single-family dwelling that has a secondary suite.*

Planning Staff, while recognizing the intent of these clauses is to reduce the impact of secondary uses within residential neighborhoods, have also witnessed a steady conversion of SS to B&B as a result of the prevalence of online bookings for short term rentals. This conversion of existing SS stock is further challenging Ucluelet's housing shortfall. Planning Staff have been exploring regulatory changes aimed at protecting long-term rental suites from being converted to B&B use; allowing concurrent B&B and SS secondary uses could be one avenue. This policy change has not progressed to the point where it could be presented to Council and the community as a broader strategy, but the current application brings this issue to the forefront. In fact, the current application could serve as something of a pilot, and an opportunity to seek some public input on this regulatory change. Staff note that the applicant has already provided a number of letters of support from neighbours (see **Appendix A**).

Other Zoning Requirements:

The applicant has supplied a drawing indicating the location of the required parking for their existing SFD (2 spaces), their existing B&B (3 spaces) and the proposed SS (1 Space). It is important to note that this application only represents one additional parking space requirement. Note that spaces 4, 5, and 6 are accessed off an unused road right-of-way which is currently part of an informal coastal trail. Staff would like to note that the layout and access to these spaces might need to be adjusted as the formal plans for this ROW, trail, and possible public parking are developed.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to prepare and process this Zoning Bylaw Amendment including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

There would be no direct financial impact to District operations as a result of this zoning amendment.

POLICY OR LEGISLATIVE IMPACT:

The subject property is designated within the Official Community Plan proposed land use map as Residential Single Family which contemplates these residential uses and as such this application could be considered consistent with the OCP.

SUMMARY:

The proposed zoning amendment represents a subtle increase in FAR density, but this density would be less than the R2 and GH zoning components found within the area. The proposed concurrent operation of SS and B&B is something staff are contemplating in a district-wide context. The proposal adds back in a secondary housing element to the site and, subject to public comment, Staff support the concurrent use of SS and B&B on this property. Should Council have concerns with the concurrent use of a secondary suite and a B&B, the draft Bylaw No. 1233 could be amended to remove that provision and still move forward as a site-specific increase to the FAR only.

OPTIONS REVIEW:

1. That Zoning Amendment Bylaw No. 1233 be given first and second reading and advanced to a public hearing. **(Recommended)**; or,
2. That Council amend Bylaw No. 1233 by making a motion to remove section R-1.7(2) which would allow for concurrent Secondary Suite and Bed & Breakfast secondary uses, and then give first and second reading to the amended bylaw and advance to a public hearing; or,
3. That Council defer the current request to seek further information from the applicant; or,
4. That Council determine that Bylaw No.1233 should not proceed further.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

June 5, 2018

Appendix A - Application

District of Ucluelet Council Members
c/o District of Ucluelet – Planning Department
200 Main Street, PO 999 Ucluelet BC, V0R 3A0



Dear Council Members:

This letter is to request the Council to review and grant an amendment to the District of Ucluelet Zoning Bylaw No. 1160, 2013 to add a lot specific Floor Area Ratio for a residence at 1068 Helen Street in Ucluelet. The amendment requested is for an addition to be added to the current structure so that Stuart Timewell's elderly parents may reside there.

We the Applicants are specifically requesting the Bylaw R-1.7. Other Regulations, maximum floor ratio to .43 from .35 and a secondary suite may be established or operate in a single family dwelling that is used as a Bed and Breakfast.

The addition that is proposed will have a 325 square feet foot print, be two levels high, with a total of 668 square feet. The addition will be attached to the current structures foundation, the floor space of which is 3000 square feet and is completely finished. The proposed addition design and layout shall be constructed in a manner, we feel, achieves harmony with the neighborhood, fosters peaceful relations with neighbors, and blends in visually in a low-key, unobtrusive manner with the surroundings. As such, it is clearly in harmony with the overall intents and purposes of the lot. Please see addition plans.

The granting of such amendment, we feel, will not be detrimental to the public welfare as the proposed amendment does no harm to either public or private interests, and is not injurious to any neighbouring property or interest. In fact, granting the proposed amendment, we feel, will serve only to create more long term rental housing for the future; a more pleasing visual harmony by virtue of the careful architectural design to make the addition blend and visually disappear. At present there are no residences directly across from where the addition is to be sited and in future will not impact their view corridors, as they will more than likely build on the harbour side of their lots. The immediate neighbours to the south have large lots and the addition would not impede their views or obstruct their entry or exists to the highway. The property has enough parking spaces on the lot for 3 guest vehicles, 1 secondary suite vehicle and 2 main house vehicles. The immediate neighbours have signed letters of support for the addition site. Please see letters attached.

The addition is being built to accommodate Stuart Timewell's elderly Mother and Step-Father who are low income, in need of care and extra support to live out the rest of their lives with dignity, happiness and peace with family who care and support them.

If the amendment is not supported it will cause undue hardship to the Applicants as:

- a. Their parents will be forced to move into an assisted care home in another city in which they do not have family nearby. This I am sure will cause an early and untimely death.
- b. Placing their parents into a current B&B room would remove 33% of their income in which they need to pay mortgage and bills. This would cause further undue hardship for their family.
- c. Placing their parents into a current room inside the house will not provide them with enough personal space to live their own lives as they wish.

The request for the amendment to the bylaw is so the Applicants may build an addition to the current structure for their elderly parents and in future, the long term rental market. The addition will not encroach or infringe on any

neighbouring residential properties, nor would it impose any hardship on neighbours, nor would it create a situation where any neighbours quality of life, property value or peaceful co-existence would be negatively affected. The proposed amendment would allow for the elderly parents to live with dignity, be financially secure and have their own personal space.

Respectfully submitted,



Stuart Timewell & Roy Wilmin
PO Box 511, 1068 Helen Street
Ucluelet BC V0R 3A0

PH: (250)686-7029
E-Mail: stvicbc@gmail.com

AG SURVEYS

Site Plan of:

**Lot 1, District Lot 543, Native Island,
Clayoquot District, Plan VIP86443**

Parcel Identifier: 027-856-194

Civic address: 1068 Helen Street, Ucluelet BC

SCALE - 1 : 300



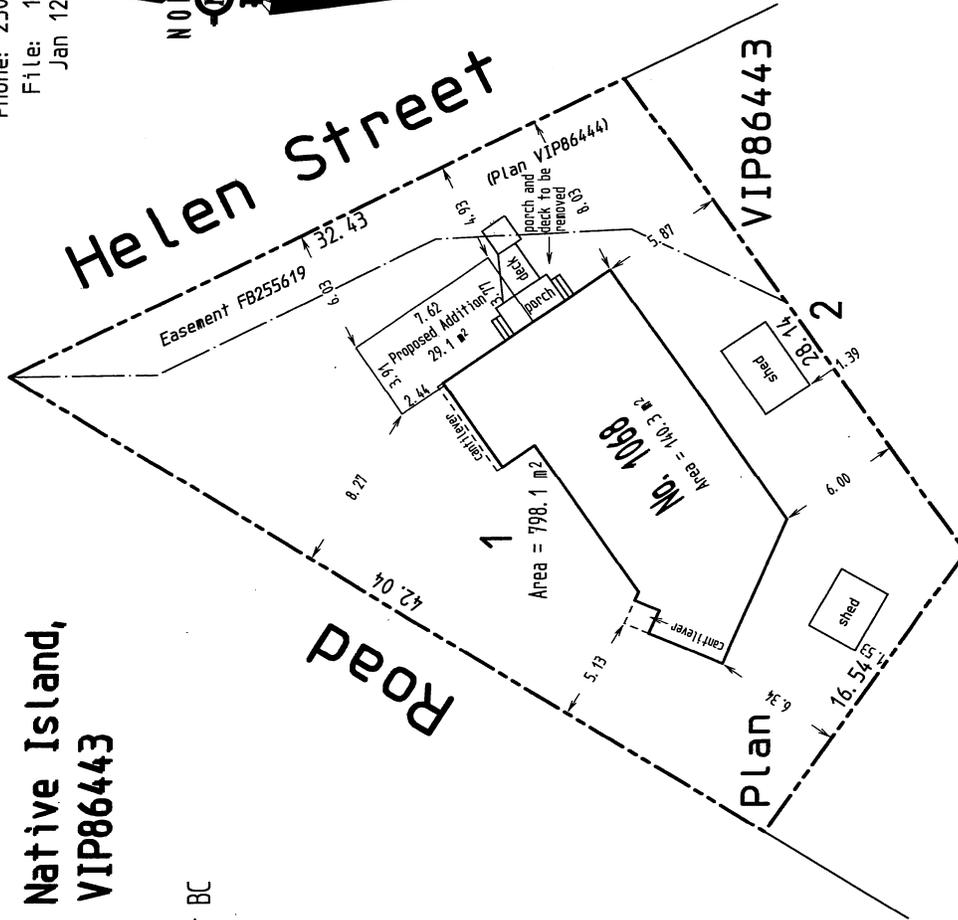
All distances are in metres and decimals thereof.

Percentage Lot Coverage of Existing
Building and Proposed Addition = 21.2%
(plot on 8.5" x 11" sheet)

110-545 MARINE DRIVE
UCLUELET, B. C.
VOR 3A0
Phone: 250-266-4536
File: 129-Helen
Jan 12/2018



.35



The following non-financial changes are shown on
the current title and may affect the property
EVI52826 - Statutory Building Scheme
FB255619 - Easement

Parcel dimensions shown hereon are
derived from Land Title Office records.



The Ucluelet Board of Variance Letter of Ruling

Stuart Timewell / Roy Wilmin
Box 511, Ucluelet BC,
VOR 3A0

March 16th, 2018

Re: Board of Variance Appeal: BOV18-01
Civic Address: 1068 HELEN ROAD
Legal Address: Lot: 1 Plan: VIP86443
Zoning: R-1 Single Family Residential

Dear Applicant,

Please be informed that at the 15th March 2018 meeting of the Ucluelet Board of Variance, the board unanimously approved your appeal to vary Zoning Bylaw 1160, 2013 as follows:

1. A Front Yard Setback of 4.93m (16.2ft) where section R-1.6.1 (1) (a) of the Zoning Bylaw states a required minimum of 7.5m (25ft)

Regards,

John Towgood, Planner 1

District of Ucluelet . *Life on the Edge*®

200 Main Street
VOR 3A0

+ 250.733.7777 Ucluelet.ca

100.0%

May 6, 2018

District of Ucluelet Council Members
c/o District of Ucluelet – Planning Department
200 Main Street, PO 999 Ucluelet BC, V0R 3A0

Dear Committee Members:

We are the neighbours to Stuart Timewell and Roy Wilmin of 1068 Helen Street. They have spoken to us about the proposed addition they would like to build for Stuart's elderly parents. We are aware of the Bylaw amendment proposed:

R-1.7 Other Regulations

R-1.7.1 Notwithstanding other regulations in this bylaw, the lands legally describes as Lot 1, D.L.543 Native Island, Clayoquot District, Plan VIP86443, P.I.D. 027-856-194 (1068 Helen Road), the following regulations apply:

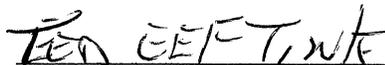
- (1) Maximum Floor Ratio: 0.43
- (2) A secondary suite may be established or operate in a single family dwelling that issued as a Bed and Breakfast.

We support (support/don't support) their requests to have their bylaw amendment as we believe there is no undue hardship caused by the proposed addition to us, nor do we see it impacting our property values.

Sincerely,



Sign Name



Print Name

1091 Helen Rd Box 978

Provide address and contact number

May 6, 2018

District of Ucluelet Council Members
c/o District of Ucluelet – Planning Department
200 Main Street, PO 999 Ucluelet BC, V0R 3A0

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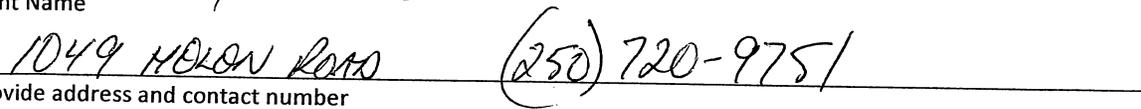
Sincerely,



Sign Name



Print Name



Provide address and contact number

May 6, 2018

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c/o District of Ucluelet – Planning Department
200 Main Street, PO 999 Ucluelet BC, V0R 3A0

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- (1) Maximum Floor Ratio: 0.43
- (2) A secondary suite may be established or operate in a single family dwelling that issued as a Bed and Breakfast.

We support (support/Non't support) their requests to have their bylaw amendment as we believe there is no undue hardship caused by the proposed addition to us, nor do we see it impacting our property values.

Sincerely,



Sign Name

Ian Jacobs

Print Name

1050 Helen Rd Ucluelet BC V0R3A0 250 266 1713

Provide address and contact number

May 6, 2018

District of Ucluelet Council Members
c/o District of Ucluelet – Planning Department
200 Main Street, PO 999 Ucluelet BC, V0R 3A0

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- (1) Maximum Floor Ratio: 0.43
- (2) A secondary suite may be established or operate in a single family dwelling that issued as a Bed and Breakfast.

We (support/don't support) their requests to have their bylaw amendment as we believe there is no undue hardship caused by the proposed addition to us, nor do we see it impacting our property values.

Sincerely,



Sign Name

Kevin Epy

Print Name

1062 Helen Rd

Provide address and contact number

May 6, 2018

District of Ucluelet Council Members
c/o District of Ucluelet – Planning Department
200 Main Street, PO 999 Ucluelet BC, V0R 3A0

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- (1) Maximum Floor Ratio: 0.43
- (2) A secondary suite may be established or operate in a single family dwelling that issued as a Bed and Breakfast.

We (**support/don't support**) their requests to have their bylaw amendment as we believe there is no undue hardship caused by the proposed addition to us, nor do we see it impacting our property values.

Sincerely,



Sign Name

Brock Johansen

Print Name

1073 Helen Rd - 250-266-0595

Provide address and contact number

May 6, 2018

District of Ucluelet Council Members
c/o District of Ucluelet – Planning Department
200 Main Street, PO 999 Ucluelet BC, V0R 3A0

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- (1) Maximum Floor Ratio: 0.43**
- (2) A secondary suite may be established or operate in a single family dwelling that issued as a Bed and Breakfast.**

We **(support/don't support)** their requests to have their bylaw amendment as we believe there is no undue hardship caused by the proposed addition to us, nor do we see it impacting our property values.

Sincerely,



Sign Name

Leanne Pelosi

In support

Print Name

1055 helen rd ucluelet Bc

Provide address and contact number



DISTRICT OF UCLUELET

Excerpts from the June 12, 2018 Regular Council Meeting

**13.4 REPORT - Application to Amend Zoning Bylaw No. 1160, 2013
(1068 Helen Road)
John Towgood, Planner 1**

2017-024 **It was moved by Councillor Mole and seconded by Councillor Oliwa**
*THAT Council approve recommendation 1 of legislation item, "Application to
Amend Zoning Bylaw No. 1160, 2013 (1068 Helen Road) which states:*
1. *THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1233,
2018 be given first and second reading and advance to a public hearing.*
CARRIED.

**13.5 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No.
1233, 2018**

2017-025 **It was moved by Councillor Noel and seconded by Councillor Mole**
*THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1233, 2018 be
given First reading.*
CARRIED.

2017-026 **It was moved by Councillor McEwen and seconded by Councillor Mole**
*THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1233, 2018 be
given Second reading.*
CARRIED.