

FROM: JOHN TOWGOOD, MUNICIPAL PLANNER **FILE NO:** 3360-20-RZ21-05

SUBJECT: **ZONING AMENDMENT - 312 PASS OF MELFORT PLACE** **REPORT NO:** 21-154

ATTACHMENT(S): APPENDIX A - BYLAW NO. 1299, 2021
APPENDIX B – APPLICATION

A. Recommendation:

1. **THAT** Council give first and second reading to District of Ucluelet Zoning Amendment Bylaw No. 1299, 2021, and refer the bylaw to a public hearing.

B. Purpose:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, to allow for a site-specific increase in Floor Area Ratio (**FAR**) for: 312 Pass of Melfort, Lot 3, Clayoquot District, Plan VIS5896 (the “**Subject Property**”).



Figure 1 – Subject Property

C. Background:

The subject property is a vacant 0.12-acre residential corner lot in the Pass of Melfort Place subdivision (the “**Subdivision**”). There are residential properties to the sides and rear of the subject property. The subdivision is zoned R-4, which was designed as a zone for small homes

(90m²/900ft² average) on small Lots (450m² / 4500ft² average of the lots created). To regulate the home size the zone has the smallest FAR in our zoning bylaw at 0.2. The FAR regulation is the ratio of a building's total gross floor area to the size of the piece of land upon which it is built. In 2013, a zoning amendment bylaw was adopted to allow the following site-specific FAR increases to the Pass of Melfort Properties:

- 0.35 - Lots 2-9, 13-15, 18, 20, 22, 24 and 25
- 0.50 - Lot 21
- 0.66 - Lot 17
- 0.67 - Lot 16
- 0.39 - Lot 1

This change was made to recognize homes built to a gross floor area that did not meet the allowable 0.2 FAR and to give the vacant landowners an allowable gross floor area comparable to those existing homes.

In 2017, the applicant has stated that they had completed a home design for a Single-Family Dwelling for the subject property. This design utilized a zoning bylaw exemption that excluded areas for indoor parking and the storage of cars from the gross floor area.

In April of 2020, Council adopted a bylaw that, in part, refined the definition of Gross Floor Area and specific to this application it removed the exclusion of indoor parking and the storage of cars from the gross floor area.

On March 16, 2021, the applicant submitted the 2017 home design drawings for a building permit. Upon review, the proposed building did not meet the maximum gross floor area regulation because of the zoning bylaw change. The applicant revised the drawings by removing the wall of the garage space so that that space would be considered a carport and therefore reducing the gross floor area of the building so that the proposed building would comply.

On July 12, 2021, the building permit for this proposed building was issued.

On May 31, 2021, the applicant submitted this rezoning application to allow for a site-specific increase in FAR.

D. Discussion:

The applicant is requesting to increase the allowable gross floor area by 0.025. This increase in gross building area will allow the applicant to close in the carport area (**Figure 2**):



Figure 2 – Building Rendering

Considering the modest nature of the increase request and that there is a high level of variability in the building sizes already allowed in the neighborhood, this application is supportable.

E. Financial Implications:

There are no direct financial implications to the District of Ucluelet.

F. Options:

Staff support the zoning amendment. Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to staff.

Respectfully submitted: John Towgood, Municipal Planner
Bruce Greig, Director of Planning
Duane Lawrence, Chief Administrative Officer

Appendix A

DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1299, 2021

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

(312 Pass of Melfort)

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, 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 the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by:

A. Removing Lot 3 from section R-4.3.2 (1) so that this section reads as follows:

"(1) 0.35 for lands legally described as Strata Lots 2, 4-9, 13-15, 18, 20, 22, 24 and 25, all of Section 1, Barclay District, Strata Plan VIS5896; "

B. adding the following subsection (6) to section R-4.3.2 in alphanumerical order, as follows:

"(6) 0.375 for lands legally described as Strata Lot 3, Section 1, Barclay District, Strata Plan VIS5896."

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1299, 2021".

READ A FIRST TIME this of , 2021.

READ A SECOND TIME this of , 2021.

PUBLIC HEARING this of , 2021.

READ A THIRD TIME this of , 2021.

ADOPTED this of , 2021.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1299, 2021.”

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

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

Joseph Rotenberg
Corporate Officer

Appendix B

Bruce Greig, Manager of Community Planning
District Of Ucluelet
PO BOX 999
Ucluelet, BC
V0R 3A0

Dear Mr. Greig

Re: Site specific zoning amendment request: 312 Pass of Melfort Place (R4)

The purpose of this site-specific application is to increase the allowable Floor Area Ratio (FAR) for this property from 0.35 to 0.375 (an increase of 0.025) to allow for a small one car garage.

Background

It has been our daughter Jess' dream to live and work in Ucluelet, to become part of the community and partake in the natural amenities they have come to love. To this end we bought the above lot with Jess (Aug. 2017) and began the long 3 year process of planning the home with completed structural and engineered plans (2018) followed by searching, unsuccessfully, for a contractor, which is very difficult. This all finally started to come together in January, 2021 when we were able to hire Bran Kirkwood, BKC Contracting and submit for a Building Permit (BP).

At the time the plans were completed the zoning bylaw had an exemption for garage space on the overall FAR for all single family residences including R1 and R4. The drawings prepared at the time conformed to the bylaw and was actually 0.31 FAR, which was less than the 0.35 FAR allowed. The plans passed the strata "Building Scheme" and matched the other homes on the street. The plans also passed the structural part of the building permit but did not receive planning approval due to the new FAR restrictions as of 2020.

Zoning changes

In 2020, Council passed a zoning amendment removing the garage floor area exemption from all Residential zoning. This zoning was subsequently amended to allow an exemption of up to 600 sq.ft. of garage space for R1 zones only. Unfortunately this was not extended to R4 zones which are also single family lots but of a smaller size.

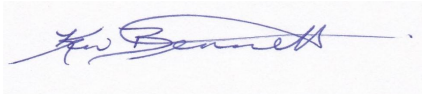
An exemption to the FAR as requested would allow for a small one car garage as originally designed and would have essentially no effect on the existing character or density of the subdivision.

We ask that you consider these impacts to Jess' unique situation and expedite this amendment to increase the FAR for this lot that would allow us to build the garage as originally designed. This would be a reasonable solution in keeping with the form of the neighbourhood and would have negligible impact to the density.

Community Support

Pass of Melfort Place is under the Wild Pacific Cove Strata Corp. for the common property. The lots and homes are individually owned but are subject to building guidelines. We have the support of the Strata for this modest amendment and we will solicit support from the immediate neighbours as well. These letters of support will be forthcoming.

Sincerely yours

A handwritten signature in blue ink that reads "Ken Bennett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Ken Bennett