



PUBLIC HEARING
Tuesday, January 14, 2020 @ 5:30 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

Page

1. CALL TO ORDER

2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY

Council would like to acknowledge the Yuułu?iŋ?ath First Nations on whose traditional territories the District of Ucluelet operates.

3. NOTICE OF VIDEO RECORDING

Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube.

4. LATE ITEMS

5. EXPLANATION OF PUBLIC HEARING PROCESS

5.1. 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, or to present written submissions, 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.

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 public input, which will later be considered by the Council in their regular meeting.

4. Following the Public Hearing, Council will not accept further communications or presentations from the public or the applicant respecting this bylaw.

6. NOTICE OF PUBLIC HEARING

6.1. Notice

[RZ19-01 DVP19-06 Notification](#)

3

7.	PUBLIC HEARING - DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1259, 2019 & DEVELOPMENT VARIANCE PERMIT NO. 3090-20-DVP19-06	
7.1.	Presentation of Bylaw No. 1259, 2019 & Development Variance Permit No. 3090-20-DVP-19-06 Bylaw 1259 - 1178 Coral Way DVP19-06 Permit Unsigned	5 - 9
7.2.	Reports and Materials for Bylaw No. 1259, 2019 & Development Variance Permit No. 3090-20-DVP19-06 R-1 December 10, 2019 Regular Meeting Report	11 - 29
7.3.	Excerpts from Previous Council Meetings E 1 2019 12 10 Regular Meeting Draft Minutes	31 - 32
7.4.	Written Submissions for Bylaw No. 1259, 2019 & Development Variance Permit No. 3090-20-DVP-19-06 Letter from Residents of Coral Way	33 - 34
7.5.	Public Representations for Bylaw No. 1259, 2019 and Development Variance Permit No. 3090-20-DVP19-06	
8.	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 **Tuesday, January 14th** commencing at **5:30 p.m.** on the following proposed Bylaws and Development Variance Permit pursuant to Sections 464, 466 and 499 of the *Local Government Act*.

Ucluelet Zoning Amendment Bylaw No. 1259, 2019

In general terms the purpose of this proposed bylaw is to amend section R-1.1.1 within Schedule B of the Ucluelet Zoning Bylaw No. 1160, 2013, to allow for a detached accessory residential dwelling unit instead of an attached secondary suite on the property at 1178 Coral Way (Lot 13, Section 21, Clayoquot District, Plan VIP64737). The general location of the subject property is shown on the map below.

Development Variance Permit No. 3090-20-DVP19-06

In addition to the above bylaw, the owners of the property at 1178 Coral Way have requested a Development Variance Permit to vary the following regulations within the Zoning Bylaw No.1160, 2013 for the proposed construction of a detached accessory building containing a garage and accessory residential dwelling unit on the property as follows:

1. *Increase the permitted size of an accessory building under section R-1.4.2 from a maximum combined total of 60m² (645ft²) to a maximum of 122m² (1,310ft²).*



Anyone who believes the proposed bylaws or Development Variance Permit 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 the District of Ucluelet's Planning Department by telephone at 250-726-7744 or email: jtowgood@ucluelet.ca. Written submissions may be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., VOR 3A0 but must be received before the commencement of the Public Hearing. Submissions received after the Public Hearing can not be accepted. Written submissions must include your name and street address and will be considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*. A copy of the proposed bylaws, Development Variance Permit 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.

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1259, 2019

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(1178 Coral Way)

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 as follows:

- a. by adding the following subsection (3) to section R-1.1.1 in alphanumerical order, as follows:

“(3) On the following properties *Accessory Residential Dwelling Unit* is also permitted as a secondary use to the principal *Single Family Dwelling*, located within a detached accessory building on the same property, provided that the *Single Family Dwelling* does not contain a *Secondary Suite* or *Bed and Breakfast*:

(a) Lot 13, Section 21, Clayoquot District, Plan VIP64737 (1178 Coral Way).”

- b. by replacing subsection 401.3 with the following text:

“401.3 No *accessory building* or *accessory* structure may contain a *dwelling unit* or be used for the purposes of habitation, except for a *guest cottage* or *accessory residential dwelling unit* in a *Zone* that lists such as a permitted use.”

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1259, 2019".

READ A FIRST TIME this 10th day of December, 2019.

READ A SECOND TIME this 10th day of December, 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1259, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer



DEVELOPMENT VARIANCE PERMIT DVP19-06

Pursuant to section 498 of the Local Government Act, 2015:

1. This Development Variance Permit is issued to:

Jean Francois Pelchat, Kristy Michelle La Mantia
9217 Pinetree Lane Whistler, BC, V0N 1B9

2. This Development Variance Permit applies to, and only to, those lands within the District of Ucluelet described below, and the buildings, structures, and other development thereon:

Lot 13, Section 21, Clayoquot District, Plan VIP64737 (1178 Coral Way)

3. This Development Variance Permit is issued subject to compliance with all the bylaws of the District of Ucluelet, except as specifically varied or supplemented by this Permit.

4. This Permit authorizes the following variance to the District of Ucluelet Zoning Bylaw No. 1160, 2013 for the detached garage and accessory residential dwelling unit and shown on the plans attached as Schedule A:

- **Increase the permitted size of accessory buildings under section R-1.4.2 from a maximum combined total of 60m² (645ft²) to a maximum of 122m² (1,310ft²);**

5. The work authorized by this Permit may only be carried out:

- a. in compliance with the requirements of the District of Ucluelet Zoning Bylaw No. 1160, 2013, except where specifically varied or supplemented by this development variance permit.
- b. in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

6. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

7. This Permit is NOT a Building Permit.



AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2020.

THE DISTRICT OF UCLUELET
by its authorized signatories:

ISSUED the day of , 2020.

Bruce Greig - Manager of Community Planning

SCHEDULE A

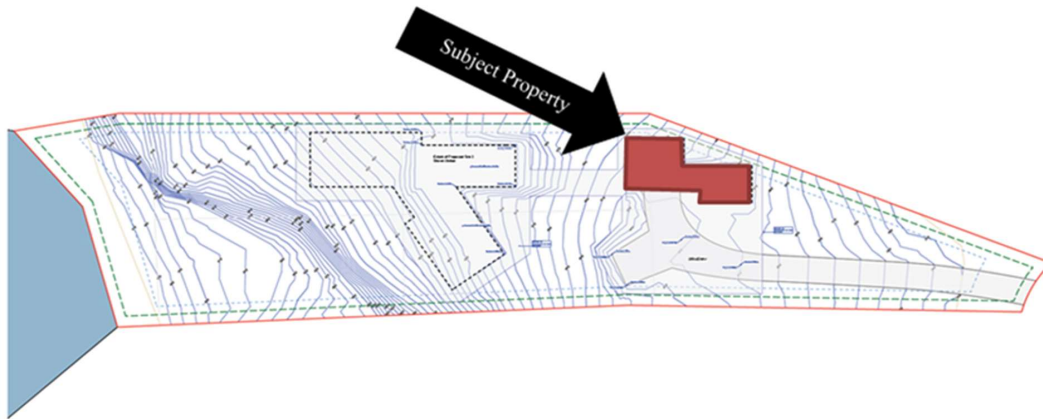
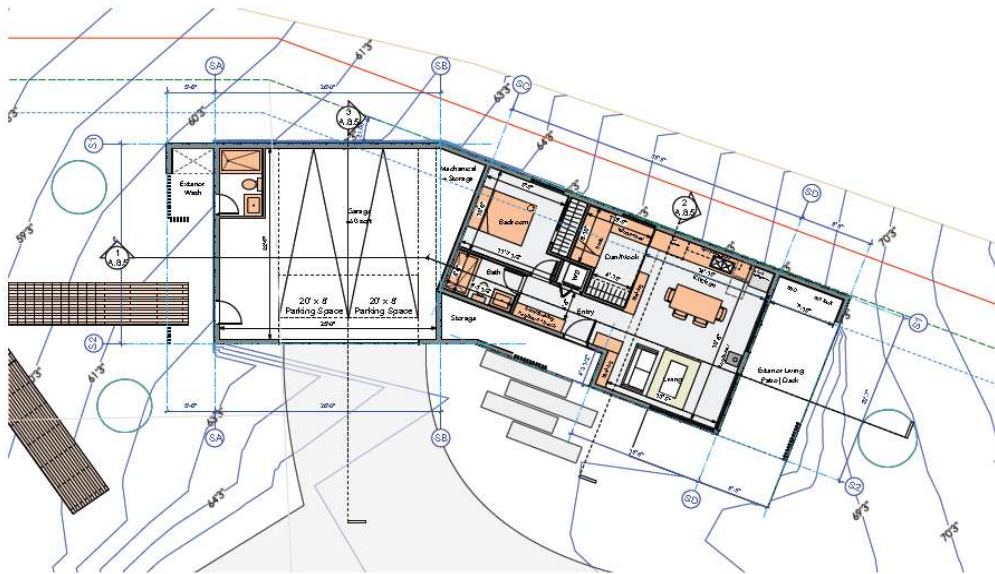


Figure 1 - Site Plan



Suite GFA: 645 **sqft**
Garage: 660 **sqft**



0 5 10 15 20 FT

Garage + Suite Plan
1178 Coral Way, Ucluelet, BC

6: 28 Sep 19 Suite/Person
5: 14 Sep 19 Suite/Person
4: 12 Aug 19 Subcontracting

A.8
Luke Tyson | Design
TERRACON CONSULTING INC. 1178 Coral Way, Ucluelet, BC

Figure 2 - Floor Plan



STAFF REPORT TO COUNCIL

Council Meeting: December 10, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ19-01

SUBJECT: ZONING BYLAW AMENDMENT FOR 1178 CORAL WAY

REPORT NO: 19- 152

ATTACHMENT(S): APPENDIX A – APPLICATION
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1259, 2019
APPENDIX C – DVP 19-06

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1259, 2019, be given first and second reading and advanced to a public hearing; and,
2. **THAT** Council give notice of its intent to consider issuing a Development Variance Permit to vary the following regulations within the Zoning Bylaw No. 1160, 2013, for the proposed construction of a detached accessory building containing a garage and *accessory residential dwelling unit* on the property at 1178 Coral Way as follows:
 - a. increase the permitted size of accessory buildings under section R-1.4.2 from a maximum combined total of 60m² (645ft²) to a maximum of 122m² (1,310ft²).

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, for Lot 13, Section 21, Clayoquot District, Plan VIP64737, (1178 Coral Way - the "**Subject Property**") to allow for a detached cottage instead of an attached secondary suite on the property.

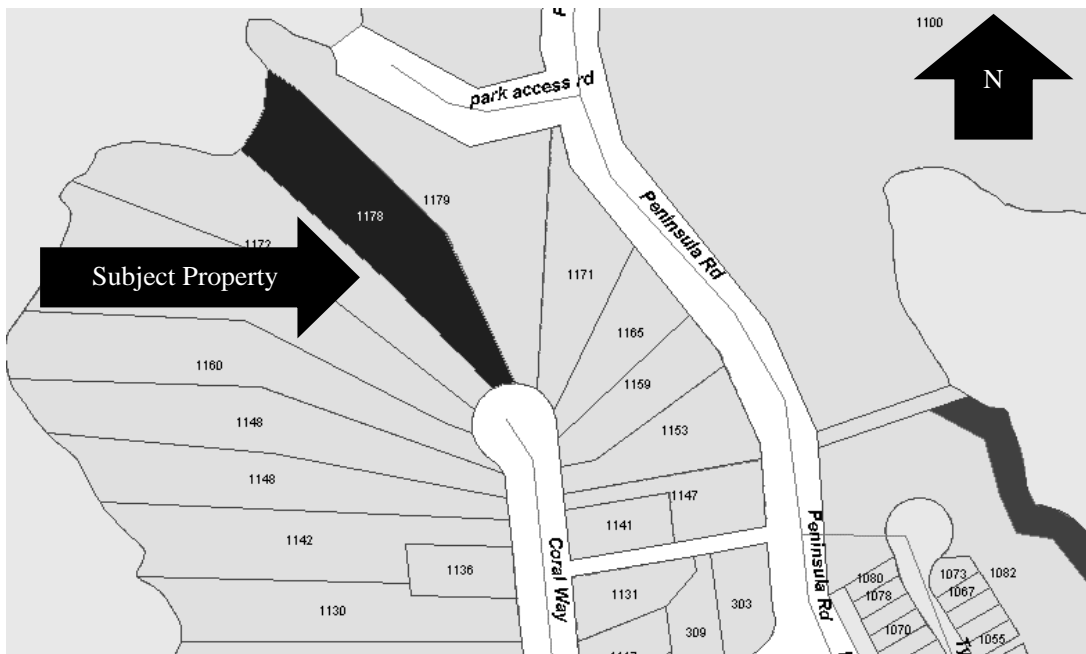


Figure 1 – Subject Property

BACKGROUND:

This application was submitted by Jean-Francois Pelchat on April 3, 2019. The applicant requests a zoning amendment to allow a detached cottage, or *accessory residential dwelling unit (ARDU)*, instead of a secondary suite (*SS*) in the Single Family Dwelling (*SFD*) as indicated in Figure 2 below.

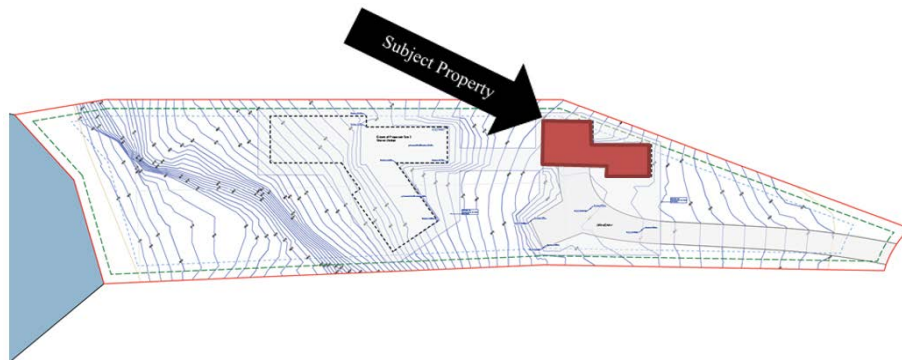


Figure 2 – Site Plan

Currently suites are only permitted as a secondary use within a single-family home per s. 403.1 (1) (c) of the District of Ucluelet Zoning Bylaw No.1160, 2013 (the “**Zoning Bylaw**”).

The Subject Property is a vacant lot in a fee-simple subdivision that was created in February of 2000. The Subject Property has a vacant residential property to the southwest, a residential

property with a SFD to the northeast, it is fronting Coral Way to the southeast, and the Pacific Ocean is at the rear of the property (**Figure 3**).



Figure 3 – Neighbourhood Context

DISCUSSION:

The Subject Property is currently zoned “R-1 Single Family Residential” (**R-1**) and has the following permitted uses:

R-1.1 Permitted Uses

R-1.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

- (1) Principal:
 - (a) *Single Family Dwelling*
- (2) Secondary:
 - (a) *Bed and Breakfast*
 - (b) *Home Occupation*
 - (c) *Secondary Suite*

Secondary suites are allowed only as a secondary use of a SFD and they must be physically within the home. The requirement for the suite to be attached within a SFD generally ensures that the secondary dwelling is in close proximity to the SFD. This proximity may reduce the impact of the additional residents on a property resulting from a suite (such as noise), especially on smaller properties.

Over the last few years staff have seen a reduction of SS units being built and the conversion of secondary suite residential units to Bed and Breakfast units. Anecdotal evidence suggests that this trend is associated with the requirement for suites to be within SFDs as well as the increased success and ease of online short-term rental bookings.

This trend is detrimental to the community's rental housing stock and represents a loss of dozens of existing and potential affordable rental dwellings. To address this trend and encourage the creation of smaller residential units, Staff support housing options such as the detached accessory residential dwelling unit being proposed in this application.

A detached dwelling also has the potential to provide a degree of privacy and independence for the residents which would be qualitatively different from a secondary suite. Support for the detached dwelling is contingent on the ARDU being located in an appropriate setting. In this case, given the location, size and depth of the lot, the ARDU appears to be situated where little impact would result. The approval process would enable an opportunity for neighbouring property owners to comment on the siting.

To facilitate the applicant's request to allow the secondary dwelling to be detached from the main house, Staff considered multiple approaches. We looked at options for creating a new zone, or modifying the existing R-1 zone more broadly. Both of those could trigger a wider community conversation. Considering the time that the applicant has been waiting for this rezoning, Staff consider it appropriate to limit this application to a site-specific rezoning at this time. Staff propose to modify the list of permitted accessory uses within the R-1 zone to include an ARDU on the subject property. Two sections of the Zoning Bylaw would need to be modified to allow for a detached ARDU on the Subject Property. They are as follows:

A. Section R-1.1 currently permits the following uses:

"R-1.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

- (1) Principal:
 - (a) *Single Family Dwelling*
- (2) Secondary:
 - (a) *Bed and Breakfast*
 - (b) *Home Occupation*
 - (c) *Secondary Suite*

To allow a detached accessory dwelling unit staff propose that the following be added:

"(3) On the following properties *Accessory Residential Dwelling Unit* is also permitted as a secondary use to the principal *Single Family Dwelling*, located within a detached accessory building on the same property, provided that the *Single Family Dwelling* does not contain a *Secondary Suite* or *Bed and Breakfast*:

- (a) Lot 13, Section 21, Clayoquot District, Plan VIP64737 (1178 Coral Way)."

B. Subsection 401.3 is currently written as follows:

"401.3 No *accessory building* or accessory structure may contain a *dwelling unit* or be used for the purposes of habitation, except for a *guest cottage* in a *Zone* that lists such as a permitted use."

Staff recommend that *accessory residential dwelling unit* be added after *guest cottage* as another exception to the general prohibition in s.401.3 against using accessory buildings as dwellings.

The R-1 zoning regulations also caps the size of accessory buildings at a maximum of 60m². The proposed ARDU is 60m² in size, but would also be combined with a two-car garage, storage and washroom attached to an outdoor shower. Because the building would exceed the 60m² total, staff are recommending that Council consider issuing a Development Variance Permit (**DVP**) to permit the proposed building. Notification for public comment on the variance would be completed in conjunction with the notification for a public hearing on the rezoning bylaw.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

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

FINANCIAL IMPACTS:

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

POLICY OR LEGISLATIVE IMPACTS:

As the requested change does not change the Residential – Single Family land use designation, Staff consider this application to be consistent with the *Official Community Plan*.

SUMMARY:

For some time planning staff have been reviewing the creation of a “*Surf Shack*” (or “*Coastal Cottage*”, or “*Rainforest Residence*”) zoning amendment as a more broadly-applied option for allowing detached accessory residential dwelling units on larger residential lots - as an alternative or perhaps as an addition to an attached internal secondary suite. Due to competing priorities and the complexity of amending zoning regulations as they apply to existing neighbourhoods, this amendment has not yet been brought forward. Staff expect to bring this forward for Council consideration in the near future. Staff are supportive of creating regulations to permit this use as it could supply an additional needed housing type. Community input will be necessary to ensure that any impacts on existing neighbourhoods are carefully considered.

While this current zoning amendment does not address the bigger picture to create a community-wide housing alternative, it is a step forward.

OPTIONS:

Staff support the zoning amendment and variance moving forward for the ARDU being proposed for 1178 Coral Way. Alternatively, Council could consider the following:

3. **THAT** Council provide alternative direction to Staff and/or the applicant; **or**,
4. **THAT** Council reject the application.

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

April 1, 2019

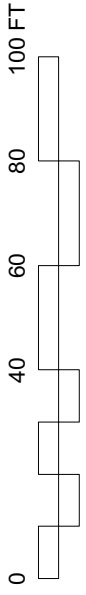
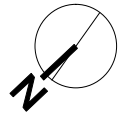
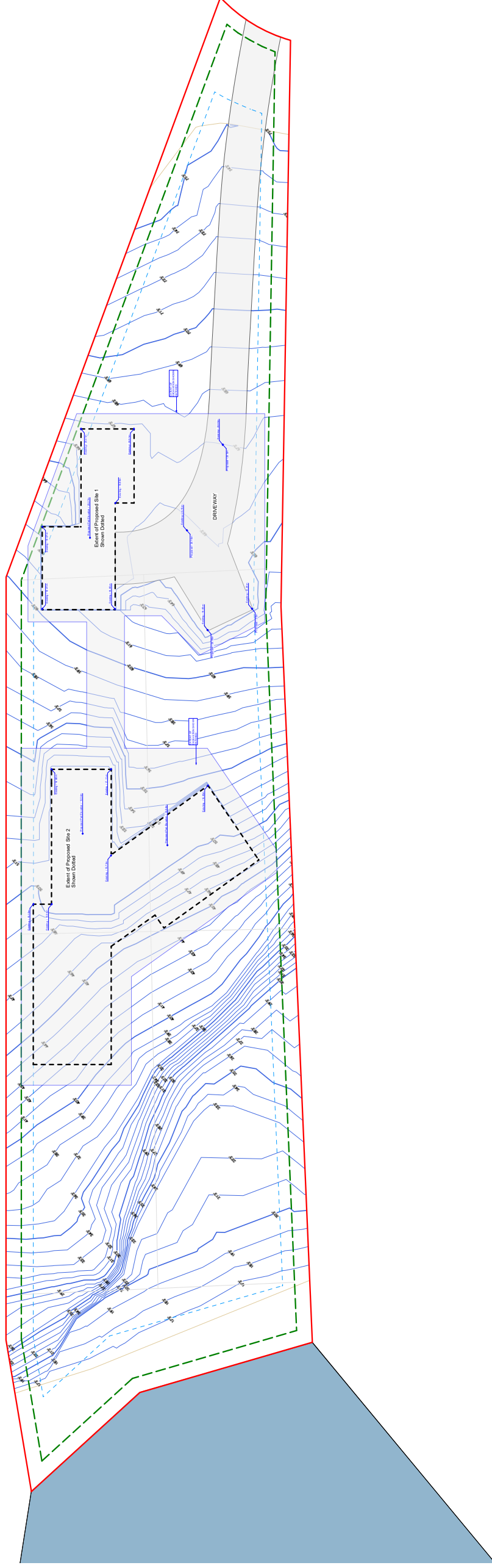
To whom it may concern:

This is an application request for the rezoning of 1178 Coral Way, Ucluelet. The request is to allow for a suite to be part of the auxiliary building. We, the owner, would like to have our land rezoned to allow for the suite to be a part of the garage and for long term rental only. The benefits of this rezoning are: minimize the impact on the land, keep all building heights to one story, avoid cutting down old growth trees and finally for the well-being and privacy of our future tenants as well as ourselves.

Sincerely,

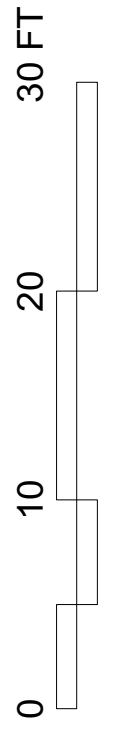
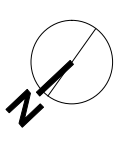
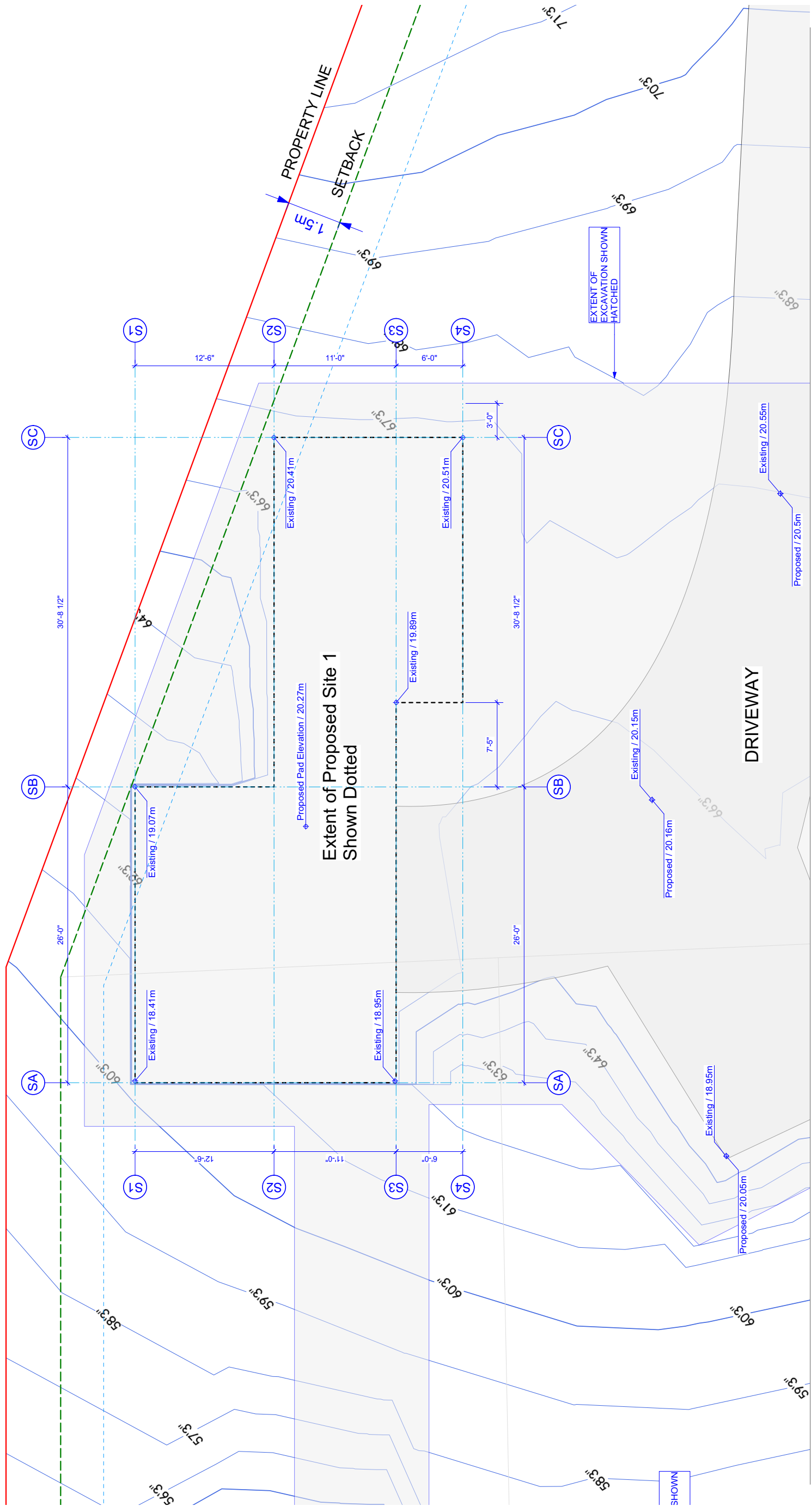


JF Pelchat & Kristy La Mantia



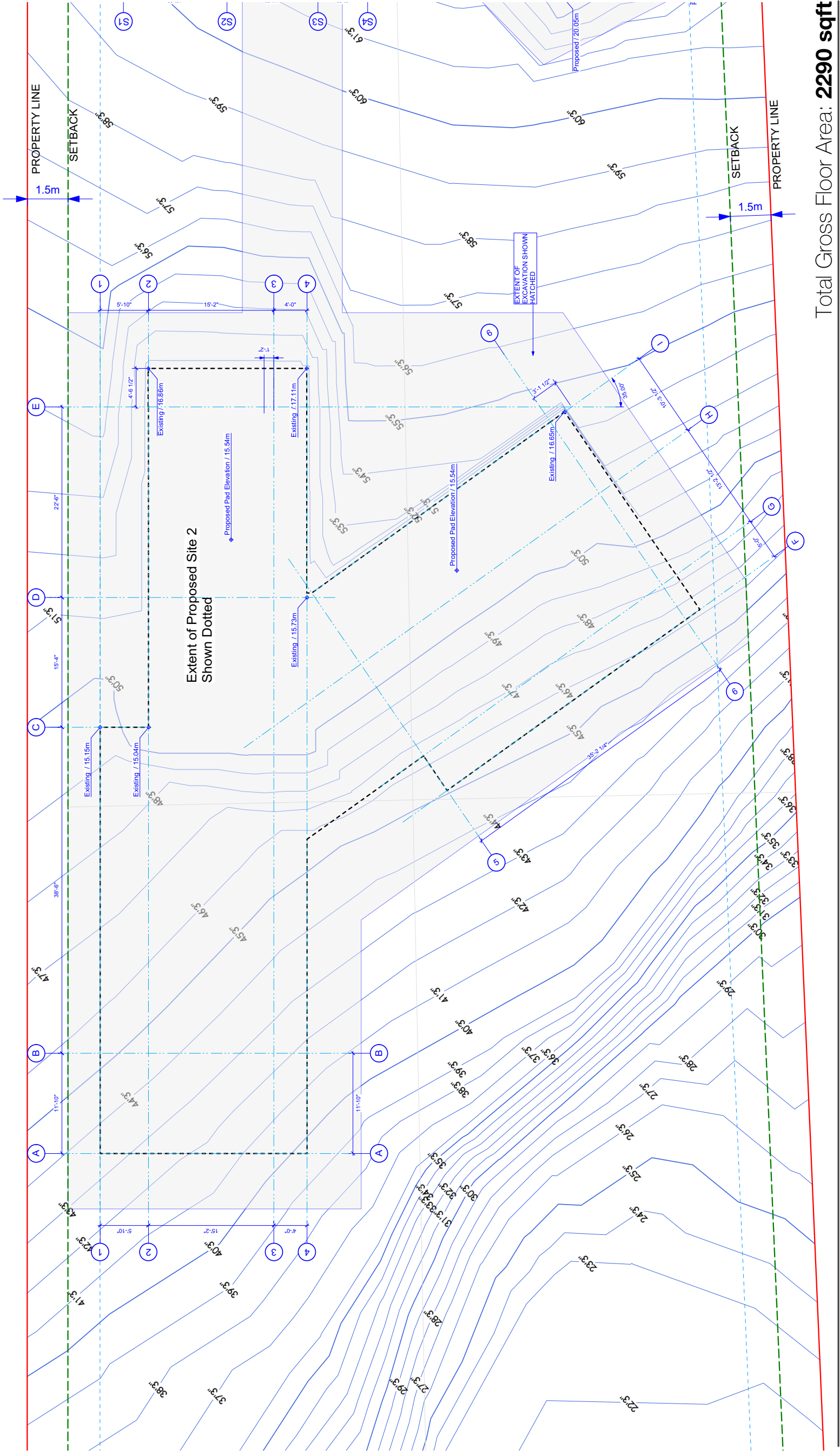
Site Plan - Excavation
 1178 Coral Way, Ucluelet, BC

- 3 06 Jun 19 Excavation Permit
- 2 26 Oct 18 Client Meeting
- 1 21 Sep 18 Client Meeting

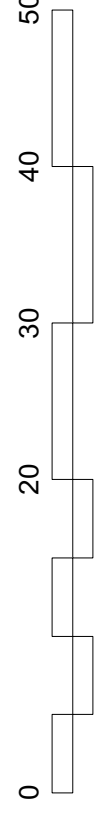
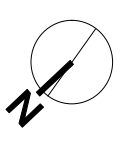


Site 1 Excavation
 1178 Coral Way, Ucluelet, BC

- 3 06 Jun 19 Excavation Permit
- 2 26 Oct 18 Client Meeting
- 1 21 Sep 18 Client Meeting



Total Gross Floor Area: 2290 sqft

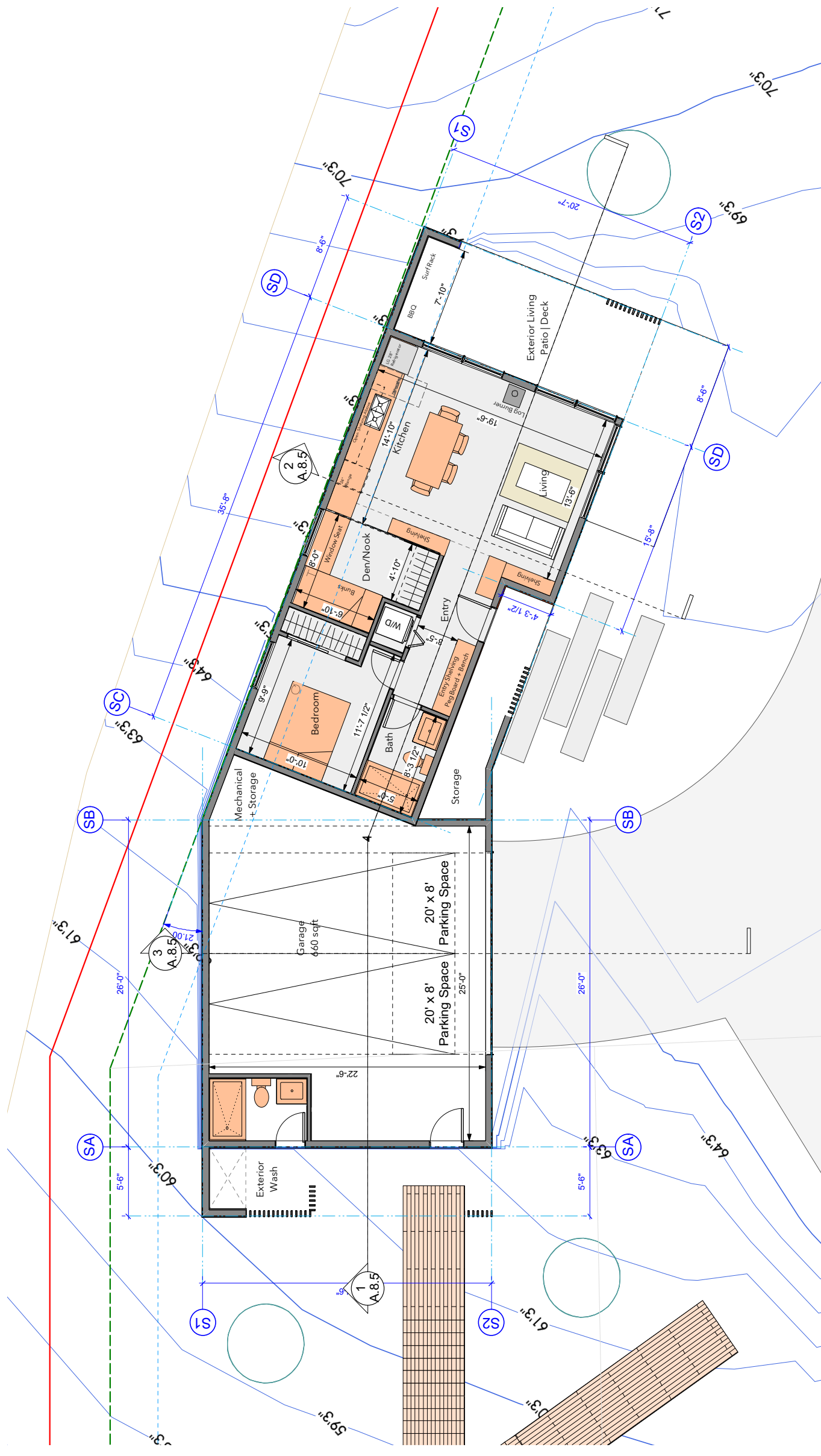


Site 2 Excavation
1178 Coral Way, Ucluelet, BC

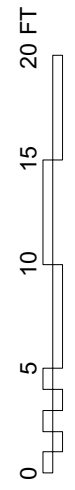
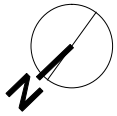
A.E.2

Luke Tyson || Design
190606_Pelchat Residence_Coral Way.vwx

3 | 06 Jun 19 | Excavation Permit



Suite GFA: 645 sqft
 Garage: 660 sqft



Garage + Suite Plan
 1178 Coral Way, Ucluelet, BC

A.8

- 6 26 Sep 19 Suite Revisions
- 5 14 Sep 19 Suite Revision
- 4 12 Aug 19 Suite Meeting

Luke Tyson || Design
 190924_Pelchat Residence_Coral Way.vwx



Garage Door

Entry

Outdoor Shower Access



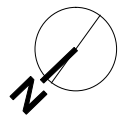
Covered Deck

BBQ + Storage



Living Area

Driveway



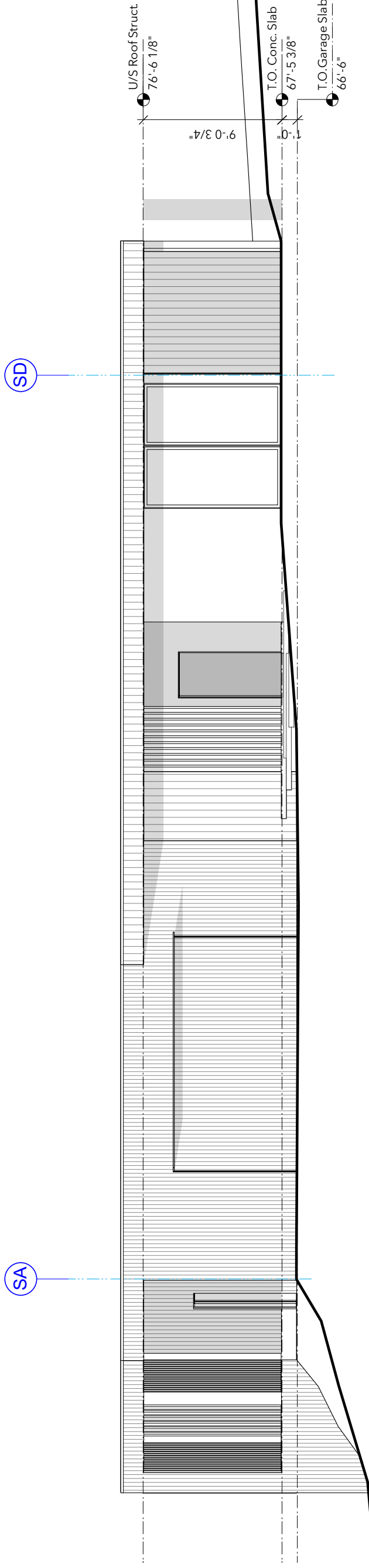
Garage + Suite Roof | Perspectives

1178 Coral Way, Ucluelet, BC

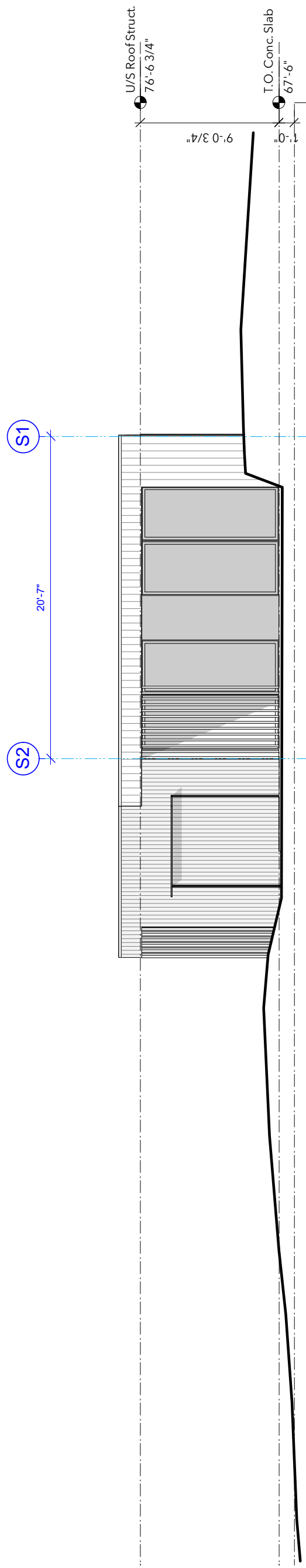
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Luke Tyson || Design
190904_Pelchat Residence_Coral Way.vwx

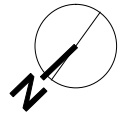
5	14 Sep 19	Suite Revision
4	12 Aug 19	Suite Meeting
3	06 Jun 19	Excavation Permit



1 Elevation SouthWest | Entry
Scale: 1:75



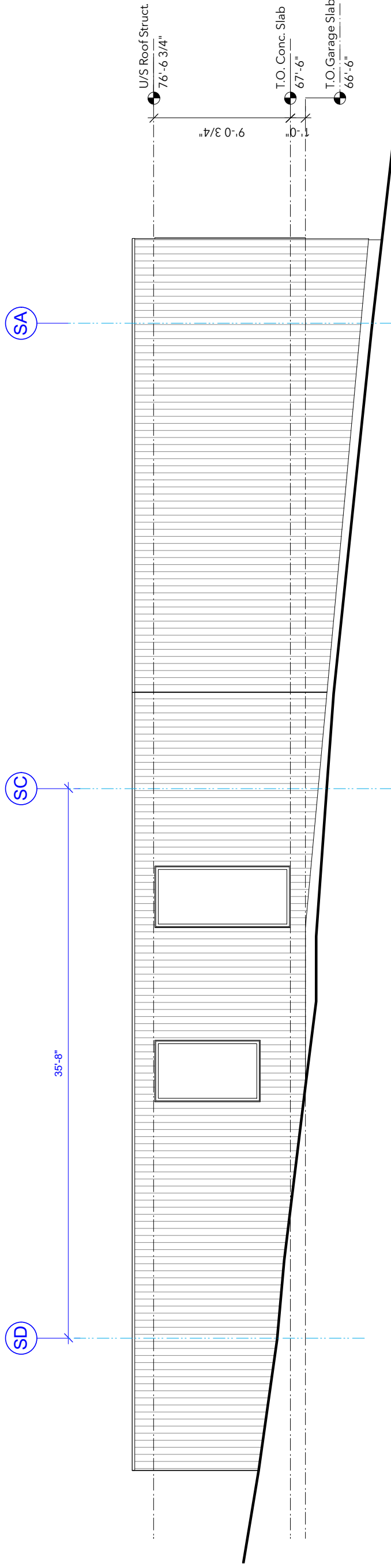
2 Elevation SouthEast | Living + Deck
Scale: 1:75



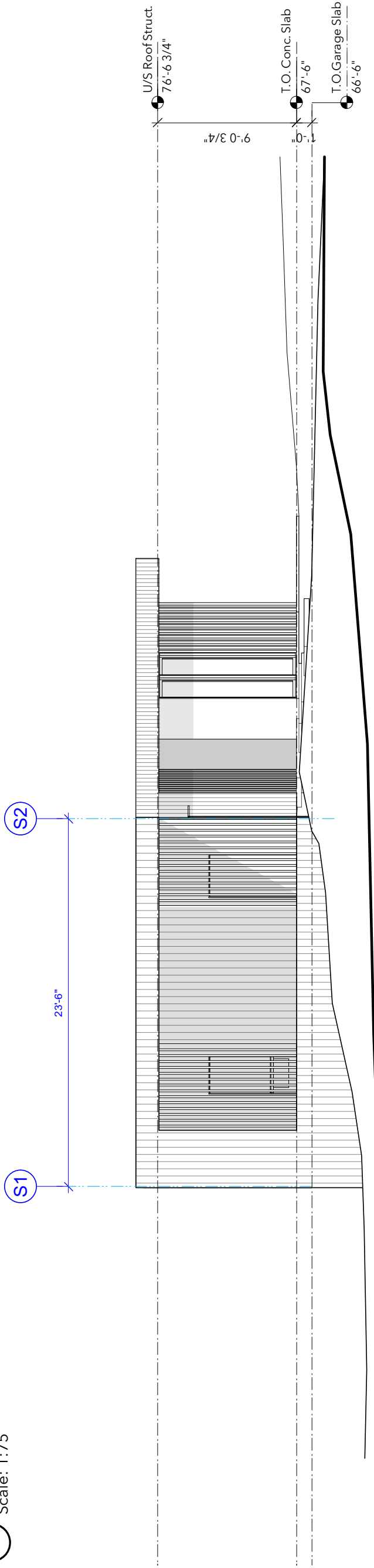
Garage + Suite Elevations
1178 Coral Way, Ucluelet, BC

Revision	Date	Description
6	26 Sep 19	Suite Revisions
5	14 Sep 19	Suite Revision
4	12 Aug 19	Suite Meeting

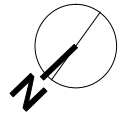
A.8.3
Luke Tyson || Design
190924_Pelchat Residence_Coral Way.vwx



1 Elevation NorthEast | Rear
Scale: 1:75



2 Elevation NorthWest | Garage
Scale: 1:75

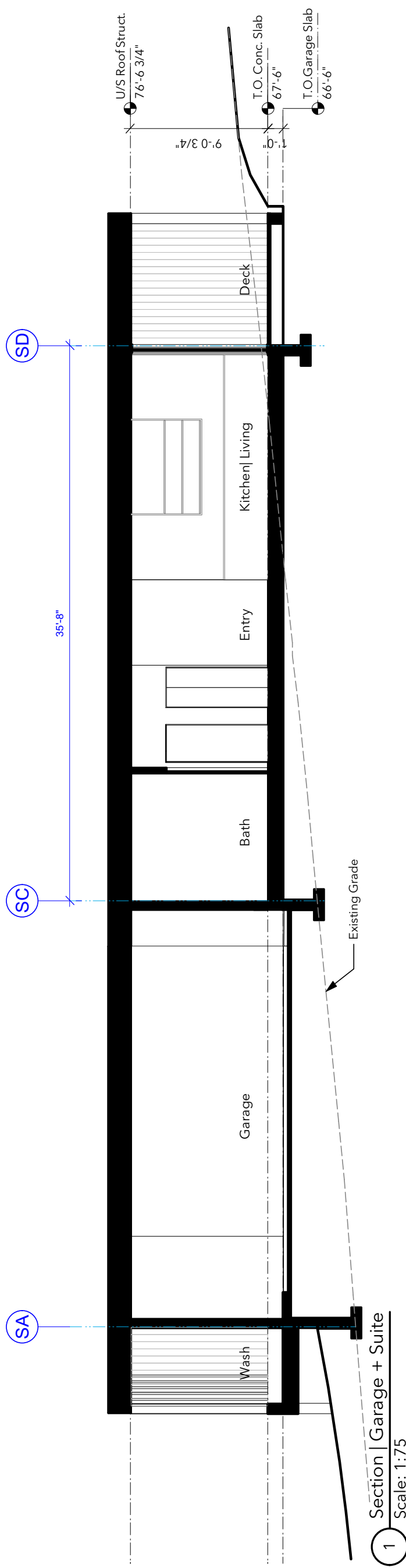


Garage + Suite Elevations
1178 Coral Way, Ucluelet, BC

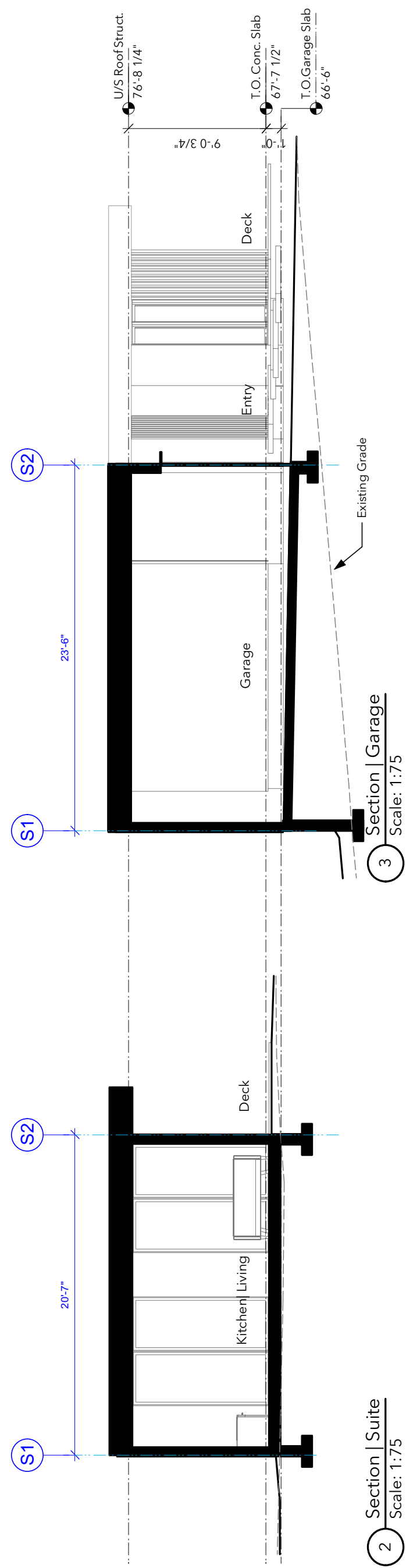
A.8.4

Revision	Date	Description
6	26 Sep 19	Suite Revisions
5	14 Sep 19	Suite Revision
4	12 Aug 19	Suite Meeting

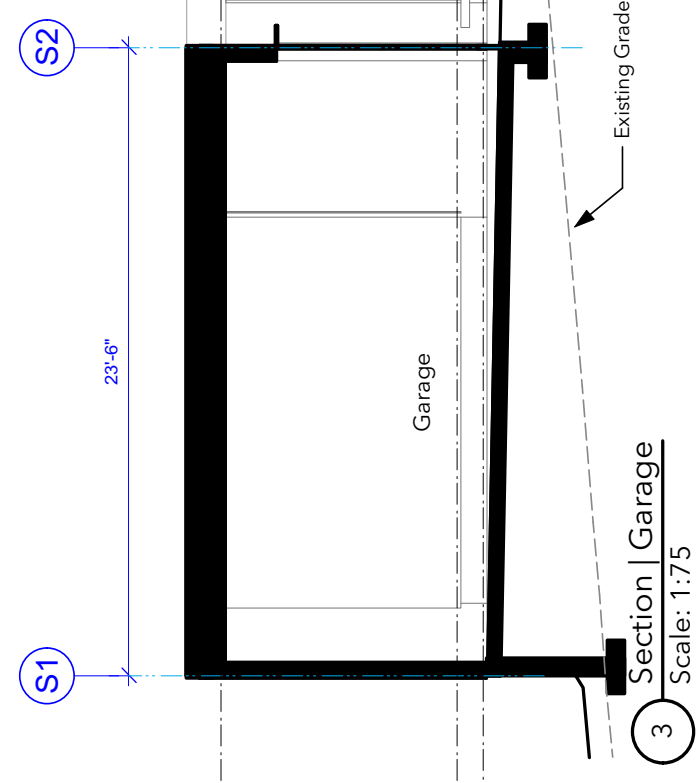
Luke Tyson || Design
190924_Pelchat Residence_Coral Way.vwx



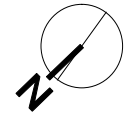
1 Section | Garage + Suite
Scale: 1:75



2 Section | Suite
Scale: 1:75



3 Section | Garage
Scale: 1:75



Garage + Suite Sections
1178 Coral Way, Ucluelet, BC

A.8.5

Luke Tyson || Design
190924_Pelchat Residence_Coral Way.vwx

Revision	Date	Description
6	26 Sep 19	Suite Revisions
5	14 Sep 19	Suite Revision
4	12 Aug 19	Suite Meeting

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1259, 2019

Appendix B

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".
(1178 Coral Way)

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 as follows:

- a. by adding the following subsection (3) to section R-1.1.1 in alphanumerical order, as follows:

“(3) On the following properties *Accessory Residential Dwelling Unit* is also permitted as a secondary use to the principal *Single Family Dwelling*, located within a detached accessory building on the same property, provided that the *Single Family Dwelling* does not contain a *Secondary Suite* or *Bed and Breakfast*:

(a) Lot 13, Section 21, Clayoquot District, Plan VIP64737 (1178 Coral Way).”

- b. by replacing subsection 401.3 with the following text:

“401.3 No *accessory building* or *accessory* structure may contain a *dwelling unit* or be used for the purposes of habitation, except for a *guest cottage* or *accessory residential dwelling unit* in a *Zone* that lists such as a permitted use.”

2. Citation:

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1259, 2019".

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1259, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

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

Mark Boysen
Corporate Officer

DEVELOPMENT VARIANCE PERMIT DVP19-06

Pursuant to section 498 of the Local Government Act, 2015:

1. This Development Variance Permit is issued to:

Jean Francois Pelchat, Kristy Michelle La Mantia
9217 Pinetree Lane Whistler, BC, V0N 1B9

2. This Development Variance Permit applies to, and only to, those lands within the District of Ucluelet described below, and the buildings, structures, and other development thereon:

Lot 13, Section 21, Clayoquot District, Plan VIP64737 (1178 Coral Way)

3. This Development Variance Permit is issued subject to compliance with all the bylaws of the District of Ucluelet, except as specifically varied or supplemented by this Permit.

4. This Permit authorizes the following variance to the District of Ucluelet Zoning Bylaw No. 1160, 2013 for the detached garage and accessory residential dwelling unit and shown on the plans attached as Schedule A:

- **Increase the permitted size of accessory buildings under section R-1.4.2 from a maximum combined total of 60m² (645ft²) to a maximum of 122m² (1,310ft²);**

5. The work authorized by this Permit may only be carried out:

- a. in compliance with the requirements of the District of Ucluelet Zoning Bylaw No. 1160, 2013, except where specifically varied or supplemented by this development variance permit.
- b. in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.

6. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

7. This Permit is NOT a Building Permit.



AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2020.

THE DISTRICT OF UCLUELET
by its authorized signatories:

ISSUED the day of , 2020.

Bruce Greig - Manager of Community Planning

SCHEDULE A

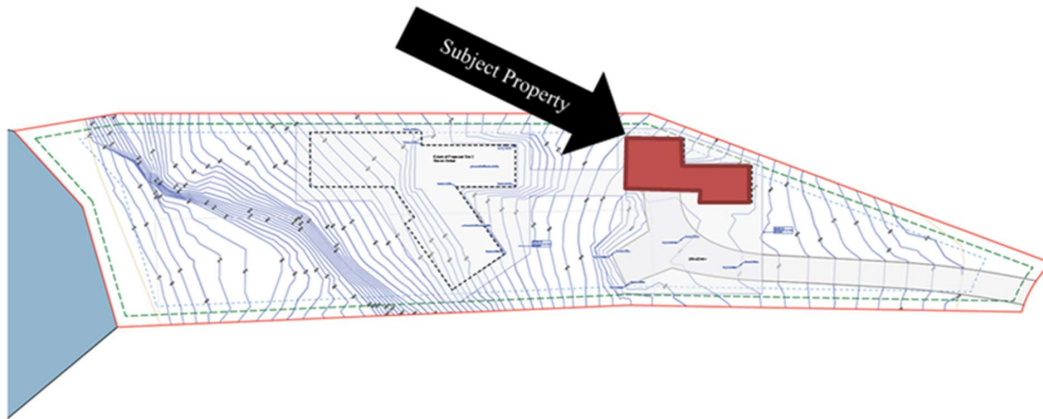
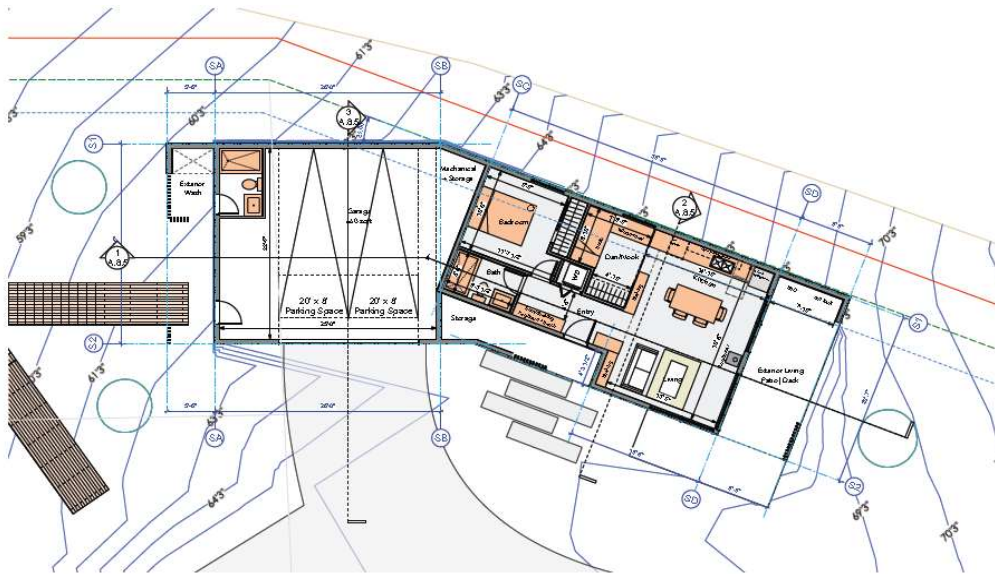


Figure 1 - Site Plan



Suite GFA: 645 **sqft**
Garage: 660 **sqft**



0 5 10 15 20 FT

Garage + Suite Plan
1178 Coral Way, Ucluelet, BC

6: 28 Sep 19 Suite/Person
5: 14 Sep 19 Suite/Person
4: 12 Aug 19 Subcontracting

A.8
Luke Tyson | Design
TERRACON CONSULTING INC. 1178 Coral Way, Ucluelet, BC

Figure 2 - Floor Plan



DISTRICT OF UCLUELET

Excerpts from the December 10, 2019 Regular Meeting
***NOTE these are excerpts are drawn from draft minutes

13 LEGISLATION

13.1 Zoning Bylaw Amendment for 1178 Coral Way

Bruce Greig, Manager of Community Planning

Bruce Greig, Manager of Community Planning, presented this report. He noted the following:

- That this matter is about detached cottages and a development variance permit.
- This is a relatively large property.
- Does not create a community wide amendment but could be seen as a pilot project.
- Council could consider what name they would like to apply to the particular type of accessory dwelling unit, i.e. coastal cabin, surf shack etc.
- That the applicant may not be present.

Council questions & comments:

- Noted that this is for long term rentals only and asked how this is policed? Mr. Greig answered that the short term rental is not allowed on properties with this type of zoning. He further noted that they actively monitor these types of rentals and the bylaw officer is responsible for this.
- Noted that the garage space is larger than the dwelling space and asked if there is a potential for the garage space to be split and become another dwelling? Mr. Greig answered that the bylaw would not permit a second dwelling unit and further noted that conversion of the garage would require a building permit.
- Noted that they want to see more of these secondary dwellings and it is a positive and necessary trend.

2019.007 It was moved by Councillor Hoar and seconded by Councillor Cole

THAT Council approve recommendation 1 of the report item, "Zoning Bylaw Amendment for 1178 Coral Way" which states:

1. THAT District of Ucluelet Zoning Amendment Bylaw No. 1259, 2019, be given first and second reading and advanced to a public hearing.

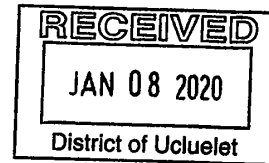
CARRIED.

2019.008 It was moved by Councillor Hoar and seconded by Councillor McEwen

THAT Council approve recommendation 2 of the report item, "Zoning Bylaw Amendment for 1178 Coral Way" which states:

2. THAT Council give notice of its intent to consider issuing a Development Variance Permit to vary the following regulations within the Zoning Bylaw No. 1160, 2013, for the proposed construction of a detached accessory building containing a garage and accessory residential dwelling unit on the property at 1178 Coral Way as follows:
 - a. increase the permitted size of accessory buildings under section R-1.4.2 from a maximum combined total of 60m² (645ft²) to a maximum of 122m² (1,310ft²).

CARRIED.



January 6, 2020

To: His Worship Mayor Maycor Noel and Council.

Re: Rezoning Application for 1178 Coral Way (Lot 13, Section 21, Clayoquot District, Plan VIP64737).

Dear Sir and Mesdames:

The property described in this application is covered by a Statutory Building Scheme containing Restrictive Covenants which are applicable to all properties in the Reef Point Subdivision ("Reef Point Beach Estates"). This Building Scheme is registered with the Land Title Office in Victoria as document EL10368 and is listed as a registered charge on the titles of all the lots in the Subdivision.

It was incumbent on the current owners of the subject property to make themselves aware of any charges against the title prior to their purchase of Lot 13. Their title includes "Statutory Building Scheme EL10368" among the other charges, liens, or mortgages registered against it.

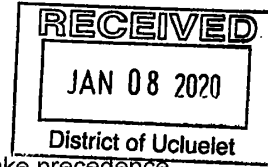
The Restrictive Covenants in the Statutory Building Scheme were agreed to by the District of Ucluelet when its officers approved and signed off on the documents associated with the Subdivision's development process. The Restrictive Covenants are specific to these parcels of land and are enforceable under the law. They "follow the land", remaining in place through changes of ownership until:

- a) Alteration, removal etc. is approved by ALL property holders affected.
- b) Alteration, removal etc. is approved by an applicable Court of Law.

In this case, the owners of the subject property have applied to the District of Ucluelet for a Zoning Bylaw Amendment and Development Variance Permit which would violate the Restrictive Covenants by allowing construction of a detached 122-square-metre outbuilding to be used as a second residential dwelling unit.

The following is a list of facts in this matter:

- 1) The total area of Lot 13 is 3,170 square metres.
- 2) Provisions of the Covenants state:
 - 4.a. "No building other than a single family dwelling shall be erected or placed on any lot."
 - 4.b. The dwelling on a lot exceeding 3,000 square metres in total area must not exceed 600 square metres of floorspace, with a foundation footprint not exceeding 525 square metres.
 - 4.d. On lots between 3,000 and 4,000 square metres one accessory building may be constructed, with a maximum floorspace of 32 square metres.
15. Subdivision of Lot 13 is not permitted.



- 3) In the event of conflict, the terms of the Restrictive Covenants take precedence over local government zoning bylaws.
- 4) The District of Ucluelet has no jurisdiction over alterations to the Restrictive Covenants. They are the prerogative of the current property owners and/or the applicable Court of Law. Examples in current and past case law show that Courts have consistently found in favour of maintaining the integrity of Restrictive Covenants.

Before allowing this application to proceed to public hearing the District of Ucluelet staff could have advised the applicants to check for any Restrictive Covenants related to their property as well as advising them on the zoning bylaws. The Statutory Building Scheme and its covenants are for the benefit of all property owners in the Subdivision. They were certainly promoted vigorously by the realtors when lots in the Subdivision were initially offered for sale, as providing enduring protection against future overdevelopment of our quiet residential neighbourhood and destruction of the natural beauty of the site. They were a significant factor in our decision to purchase properties here.

We request that the District of Ucluelet reject this application on the grounds noted above.

We hope, also, that we will not have to proceed with an injunction and/or court action to maintain the integrity and legality of the Statutory Building Scheme and its Restrictive Covenants governing the Reef Point Subdivision.

Thank you for your consideration.

Yours truly,

Janet Lee
[Redacted] Coral Way

Thomas Petrowitz
[Redacted] Coral Way

Ann Turner
[Redacted] Coral Way

David White
[Redacted] Coral Way

Elisa White
[Redacted] Coral Way

Krzysztof Wieteska
[Redacted] Coral Way