



**REGULAR MEETING OF COUNCIL  
Tuesday, July 18, 2023 @ 4:00 PM  
Ucluelet Community Centre,  
500 Matterson Drive, Ucluelet**

**LATE AGENDA - 3**

	Page
1. LATE ITEMS	
1.1. Late Agenda 3 - Further Public Input on Development Variance Permit 23-06 <a href="#">2023-07-18 J. Herbert</a> <a href="#">2023-07-18 E. and P. Spindler</a> <a href="#">2023-07-18 S. Benassini</a>	3 - 9



**Joseph Rotenberg**

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**From:** James Herbert [REDACTED]  
**Sent:** July 18, 2023 1:45 PM  
**To:** Community Input Mailbox  
**Subject:** Variance permit DVP23-06

**[External]**

To the attention of the Ucluelet City Council regarding Variance permit DVP23-06,

We are the owners of 732 Rainforest Dr. an adjacent property of lot 13 (1701 Rainforest lane) which is the subject of this variance request.

We are writing to share our concerns with the request for the variance, and to support our neighbours, which we understand have voiced specific concerns with the proposal.

We share the Side Yard Setback A with Lot 13, and are sympathetic with the reduced privacy with the west side of the property. However we share similar concerns as our neighbours in that the granting of the requested variances may similarly encroach on the privacy and general setting of the neighborhood.

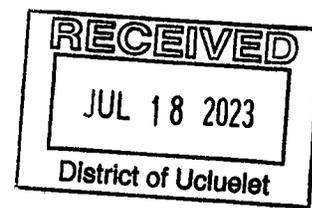
We also share additional concerns with our neighbours about the increased footprint of the ADU. While we understand, and generally support, the use of ADUs for long term housing, the variance request seems to go above and beyond the intent of the recent change to allow ADUs.

We encourage council to consider the idea that variances should be associated with undue hardship, which this variance request would not appear to meet.

Further certainty about the preservation of the natural environment, including wildlife corridors and privacy setbacks would help bring clarity to the application, but without those we would encourage council to reflect upon the intention of the Rainforest development and the new zoning bylaws that allow for ADUs when making their decision.

Thank you for your time,  
James Herbert and Jacinthe Amyot.  
732 Rainforest Dr.





*2:22pm  
K.W.*

Regarding: Development Variance Permit DVP23-06

Dear Mayor, Council and Public,

We are writing as we have many concerns regarding the variance application for Lot #13, 1701 Rainforest Lane.

The setbacks in the Rainforest neighbourhood were initially put in place during the development process of the Rainforest subdivision. The developer presented two drainage options to council at the time. First was the usual standard where the developer would supply proper drainage to the subdivision using covered and uncovered ditches and culverts, and possible lift stations, to allow the efficient drainage of the properties. Here in Ucluelet there can be a lot of rain at times. The second, more affordable option, was that the properties should be able to self drain effectively if large setbacks were mandated to ensure that the roofs, gutters and drain tile had ample room to disperse the rainwater into the property and the retained greenspaces. Let nature do the work as intended. If the natural space was kept in the mandated areas the rainwater would dissipate as expected. However, due to new development mentality of clearcutting the entire lot, including into the greenspace setbacks, there have been drainage issues occurring on Rainforest Lane. The properties at the bottom of Rainforest Lane are experiencing flooding issues, especially during our heavy rainfall season. The Public Works department has also had to deal with erosion issues caused by poor drainage in this area. The bottom line is that these setbacks were put into place for a reason and should not be interfered with as there is ample evidence that the lower design standards are not quite adequate and should be further improved instead of being degraded.

The lot in question is approximately 24,430 sq. ft. It is our opinion that there should be enough space on this lot to build and situate a single-family dwelling and an ADU with out intruding into the setbacks. The main house could be moved west 1.1 meters; the lot is certainly large enough to allow this and this move would also preserve the setbacks. If the second building was an actual ADU instead of a coach house, as referred to by the proponent themselves in the application, it could be rotated clockwise and moved closer to the west as well. These adjustments would reduce the footprint of the entire build, as desired by the proponent, and preserve setbacks as intended which would also eliminate the need for the stairs to be built in the setback.

Regarding the privacy issue we find this is not a hardship and feel that there are other viable alternatives available other than moving both structures into the setbacks that everyone else in the community has respected. Some good options would be to plant fast growing trees or install a fence. This entire variance application seems to be based on a dispute with the direct neighbour. We have all dealt with our own privacy issues in this subdivision, ie. new "medical" building and Lot #13, but have come up with great options. We have just purchased 8 ft tall Excelsa Western Red Cedars at Canadian Tire for \$50 a piece. These grow very quickly and in a couple of years will be well over 12 ft tall offering a brilliant, natural privacy fence. Being a very affordable option, planting as many of these as preferred would entirely solve the privacy issue for both neighbours.

Looking at the plans submitted by the proponent, we noticed that the distance between the two houses is approximately 70 ft. Privacy between the neighbours could be easily and substantially increased by moving the buildings closer together. This would allow for the existing trees on the property to provide the desired privacy as well, Including suitable space for the 4 required parking spots. This would also

result in a smaller footprint which is what the proponent wants. The idea that two wrongs make a right never works and ends up not being beneficial to anyone. Just because one neighbour feels he does not need to provide privacy for another, should not be the justification to allow the bylaws and setback rules to be completely disregarded.

Once again, this seems to be a neighbour issue not a community issue. The offending lot has a single-story bungalow with large overhangs and has no sight lines looking down into the proponent's property. However, it does look like the second story of the coach house deck will allow the occupant(s) to have an unobstructed, downward view directly into the neighbour's lot, thus unduly infringing on the neighbour's privacy. By-law 1310, 2022 was put into place to prevent such things from happening. As regards to by-law 1310, 2022, our understanding of this by-law is that the further the ADU is from the edge of the property line the higher you can build the ADU within reason. The proponent is proposing to do the exact opposite while citing this by-law as justification to do so. This by-law was put into place to protect the privacy and well being of all the neighbours in the community.

In the variance application the proponent provided an Analysis of Options A/B/C, Pros and Cons, page 93 of 264 in the agenda. This is our Analysis of the proponent's analysis and thought process. First, pros and cons as submitted by the proponent Part A. Our analysis of what the proponent is thinking: the rules do not apply to me. I would like to build a 1344 sq. ft. building when the rules allow for 646 sq. ft. I would like to build a two-story house when the rules only allow for a second story if set back further away from property line. I would like to encroach my two houses into agreed upon setbacks. I feel I can build two houses on a lot which is only zoned for one. (The proposed ADU is really a small, second house which the proponent refers to as a coach house, the word house being in the description on a property that is zoned single family residential. This is not what the previous council or community had envisioned when the changes were made to the ADU bylaw). I will try and push my luck with council and see if I can get a variance instead of the rezoning I should apply for.

Our analysis of Part B and what the proponent is thinking: I must follow the rules just like everyone else. I will have to reduce the footprint of my build so it will fit in the allowable buildable area. I have already wasted everyone's time by filing a variance application that the council will more than likely reject because it violates by-laws that were put in place to protect the community. As this is really a neighbour issue, I should be neighbourly and discuss a resolution with my neighbour.

Our analysis of Part C and what we think the proponent is thinking: I will threaten not to build an ADU and remove more trees if my variance is not approved.

We as a community rely on council to set equitable rules and then rigorously enforce them. We feel this proposal pushes the envelope and the definition of what an ADU actually was intended to be, and as envisioned by the last council and the community as a whole. It is our opinion that it is very possible to build a 3,000 sq ft house, a 640 sq ft reasonably sized ADU, a driveway accommodating 4 parking spots on a lot over 24,000 sq. ft., all the while following and staying within the rules.

In summary, the minimum setbacks were established for engineering reasons and should be maintained. The lot is large enough to hold everything that it is zoned for, a single-family house and an ADU can be built following all the existing rules. ADU good, two houses on a single-family lot encroaching into setbacks not good. This secondary structure is 1344 sq. ft. of covered space which should be considered a second home and not an ADU as envisioned by the last council. Rezoning should be required to make

such a substantial change in size and height of and ADU. If the variance is passed as proposed we fear for the neighbours of the remaining, undeveloped properties in Ucluelet as this will undoubtedly set a new precedent and direction for what is allowable.

On a personal note, the final product should add to the beauty and character of a subdivision instead of detracting from it. Many of us specifically chose to live in the Rainforest subdivision because of its uniqueness and pleasing environment. It feels like entering a botanical garden. Because previous builders customarily respected the green space and setbacks, this little neighbourhood is unique in all the world. We realize beauty is in the eye of the beholder, but we definitely prefer retained green spaces over lots being cleared from property line to property line. Unfortunately, this is still allowed under current municipal rules, and we are afraid Ucluelet will lose its quaintness due to the unrestricted overdevelopment of lots.

One final note that I would like council to be aware of. We personally spoke with many of our neighbours about this variance and the universal response was that they were not in favour. It was also mentioned that the developer mentality seems to be taking over as an increasing amount of lots are being clear cut from property pin to property pin, with the goal to extract maximum personal profit. We then enquired if our neighbours were going to express their opinions to council for consideration. Their response was "no" because in the past they have presented in front of the council and found that council would push forward with its own agenda regardless of community input. In the end, council will not act on the concerns of Ucluelet's residents but will do what it wants. We hope this is not the mindset of the current mayor and council, but instead you will think long and hard about the consequences when approving development proposals. We appreciate your hard work, and we understand in the end whatever decision is reached not everyone will be happy.

Thank you,

Elke and Peter Spindler, 1708 Rainforest Lane



July 18, 2023

RE: District of Ucluelet Development Variance Permit 23-06

To whom it may concern,

I am a full time resident of Ucluelet, living in 719 Rainforest Drive and I strongly oppose this proposed development variance application for 1701 Rainforest Lane.

To request so many variances, it would seem to me that there would need to be considerable hardship. The fact that the neighbour has cut down trees to the edge of their property (which I understand they are allowed to do) I don't feel is a valid hardship, as there are options to remedy this such as planting trees.

It appears to me that Lot 13 is large enough that the proponents could easily fit their structures on their property without the requested 1) setback variances and 2) increase to the ADU height (especially with the proposed location of the ADU so close to the front of the property).

I believe that the current setbacks are intended to protect the character and beauty of this unique microclimate and need to be respected.

Thank you for allowing me the opportunity to express my concerns.

Sincerely  
Sandra Benassini

A handwritten signature in cursive script that reads "Sandra Benassini".