



# Development Variance Permit Application

Referral Form – RDCK File V2305B

Date: October 24, 2023

You are requested to comment on the attached DEVELOPMENT VARIANCE PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO November 24 2023). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**LEGAL DESCRIPTION & GENERAL LOCATION:**

3200 PHILLIPS ROAD, LISTER (ELECTORAL AREA 'B')  
LOT 4 DISTRICT LOT 12716 KOOTENAY DISTRICT PLAN 12570 (PID: 011-933-097)

**PRESENT USE AND PURPOSE OF PERMIT REQUESTED:**

The property is bounded by country residential uses to the north and east; and agricultural uses to the south and west. Presently the front of the property is being used for agricultural purposes and there is an agricultural building located towards the rear of the property. The applicants wish to build a dwelling with a Secondary Suite on the upper bench at the rear of the property in the same area as the existing agricultural building.

This Development Variance Permit (DVP) seeks to vary Sections 24.4, 24.5 and 24.6 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 as follows:

**Section 24.4:** To permit a Farm Residential Footprint of 4000 m<sup>2</sup> whereas the bylaw permits a Farm Residential Footprint of 2500 m<sup>2</sup> for a Single Family Dwelling with a Secondary Suite.

**Section 24.5:** To allow a Farm Residential Footprint with a maximum depth of 398 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

**Section 24.6:** To permit a dwelling with a maximum Gross Floor Area (GFA) of 349 m<sup>2</sup> whereas the bylaw permits a maximum GFA of 300 m<sup>2</sup>.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
4 hectares	Property is partially within the ALR	Agriculture 2 (AG2)	Agriculture (AG)

**APPLICANT:**

Cheryl Jonk and Henry Jonk

**OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:**

If your Advisory Planning Commission plans to hold a meeting to discuss this Development Variance Permit application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows:

*"If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."*

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

ZACHARI GIACOMAZZO, PLANNER  
REGIONAL DISTRICT OF CENTRAL KOOTENAY

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

REGIONAL DISTRICT OF CENTRAL KOOTENAY  
DIRECTORS FOR:

<input type="checkbox"/> HABITAT BRANCH (Environment) <input type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input checked="" type="checkbox"/> AGRICULTURAL LAND COMMISSION <input checked="" type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM <input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS) <input type="checkbox"/> SCHOOL DISTRICT NO. <input type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, COLUMBIA POWER)	<input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA 'B' <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input type="checkbox"/> RDCK UTILITY SERVICES <input type="checkbox"/> RDCK RESOURCE RECOVERY <input type="checkbox"/> RDCK REGIONAL PARKS <input checked="" type="checkbox"/> CRESTON VALLEY AGRICULTURAL ADVISORY COMMISSION  INSERT COMMENTS ON REVERSE . . .
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The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), [info@rdck.bc.ca](mailto:info@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

## RESPONSE SUMMARY

**FILE: V2305B APPLICANT: CHERYL JONK AND HENRY JONK**

**Name:**

**Date:**

**Agency:**

**Title:**





RETURN TO: ZACHARI GIACOMAZZO, PLANNER  
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES  
REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BOX 590, 202 LAKESIDE DRIVE  
NELSON, BC V1L 5R4  
Ph. 250-352-8190  
Email: [plandept@rdck.bc.ca](mailto:plandept@rdck.bc.ca)





V2305B - Jonk

**Legend**

-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points



**Map Scale:**

1:3,000



Date:

October 24, 2023









REGIONAL DISTRICT  
 OF CENTRAL KOOTENAY  
 Box 590, 202 Lakeside Drive,  
 Nelson, BC V1L 5R4  
 Phone: 1-800-268-7325  
[www.rdck.bc.ca](http://www.rdck.bc.ca)  
[maps@rdck.bc.ca](mailto:maps@rdck.bc.ca)

**The mapping information shown are approximate representations and should be used for reference purposes only.**  
 The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.





**Legend**

-  Agriculture Land Reserve
- Zoning Class**
-  Agriculture
-  Residential 2
- Water Systems**
-  RDCK OWNED
-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points

**Map Scale:**  
1:5,000



Date:  
October 24, 2023

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## Proposal Summary - Prepared by Applicant

Henry and Cheryl Jonk

October 24, 2023

Variance Application: V2305B

To Whom It May Concern:

This letter is to support our application for the three variances that are required to build a house on our property.

MAXIMUM DEPTH OF RESIDENTIAL FOOTPRINT FROM 60 M TO 398 M.

The reason that we are requesting this variance is to locate our home at a point on the property that is not on the farmable land close to the front of the property but on the non-farmable, waste land, at the rear of the property. We would also locate the Farm Residence closer to the already existing farm building and groundwater well on the property.

DWELLING WITH MAXIMUM GROSS FLOOR AREA FROM 300 M2 TO 371 M2

This variance is requested to accommodate the home we have designed to support our desired lifestyle. It is a walkout basement with a loft which decreased the footprint with the increased square footage so a more efficient use of the land. **\*Note: Upon staff reviewing the detailed construction plans for the proposed dwelling, the GFA was determined to be 349 square metres.**

FARM RESIDENTIAL FOOTPRINT FROM 2000 M2 TO 4000 M2

The main reason for this increase is due to the driveway coming from the front of the property at Phillips Road that is included in the calculation, and it is our intent to gain farm status and cluster all farm and residential uses at the rear of the property in which case the driveway would be for both farm use and residential access. The second reason for the increase is the requirement that the septic field be 100 feet from the existing water well which must also be included in our farm residential footprint. The third reason is due to the slope of the property and the landscaping required to accommodate that.

Thank you for your time in this matter,

Henry and Cheryl Jonk

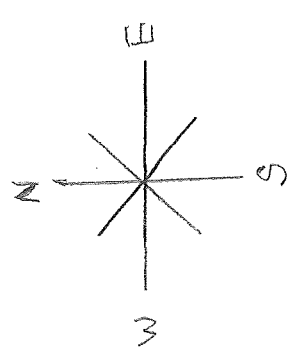
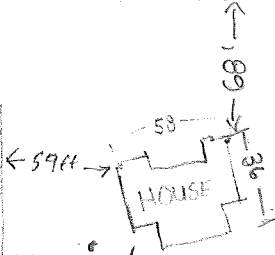
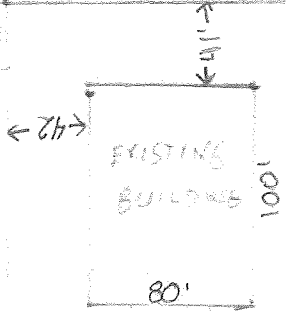
Site Plan prepared by applicant

P/L 1308 feet (398.6m)

1063 feet (324 m)

STEEP SLOPE

P/L 330 feet (100.6m)



Legal Land Description:  
Lot 4, Plan NEP 12570  
District Lot 12716  
Kootenay Land District  
Roll Number: 06459.040  
SCALE 1 cm = 37 feet





Esri Community Maps Contributors, District of East Kootenay, Esri Canada, Esri, HERE, Garmin, SafeGraph,



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**Legend**

- Building Footprints
- Zoning Class**
- Agriculture
- Quarry
- Residential 2
- Agriculture Land Reserve
- 20 Meter Contours**
- 20 meter
- 100 meter
- Streams and Shorelines
- Water Systems**
- RDCK OWNED
- Electoral Areas
- RDCK Streets

**Map Scale:**

1:5,000

Date: August 22, 2023



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# RDCK Public Web Map

**Farm Residential Footprint detail prepared by applicant**

Search

Address Points

PID

PHILLIPS RD

Plan Number

No results  
There were no results found for "phillips road".

PLAN NEP12570

DISTRICT LOT 12716

KOOTENAY LAND

DISTRICT

ES



- RESIDENTIAL FOOTPRINT
- FUTURE GARAGE
- HOUSE
- SEWAGE FIELD AND TANK
- TERRACED WALL
- WELL

Legend

Map Info

# V2305B: Proposed Farm Residential Footprint



## Legend

- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:  
1:3,000

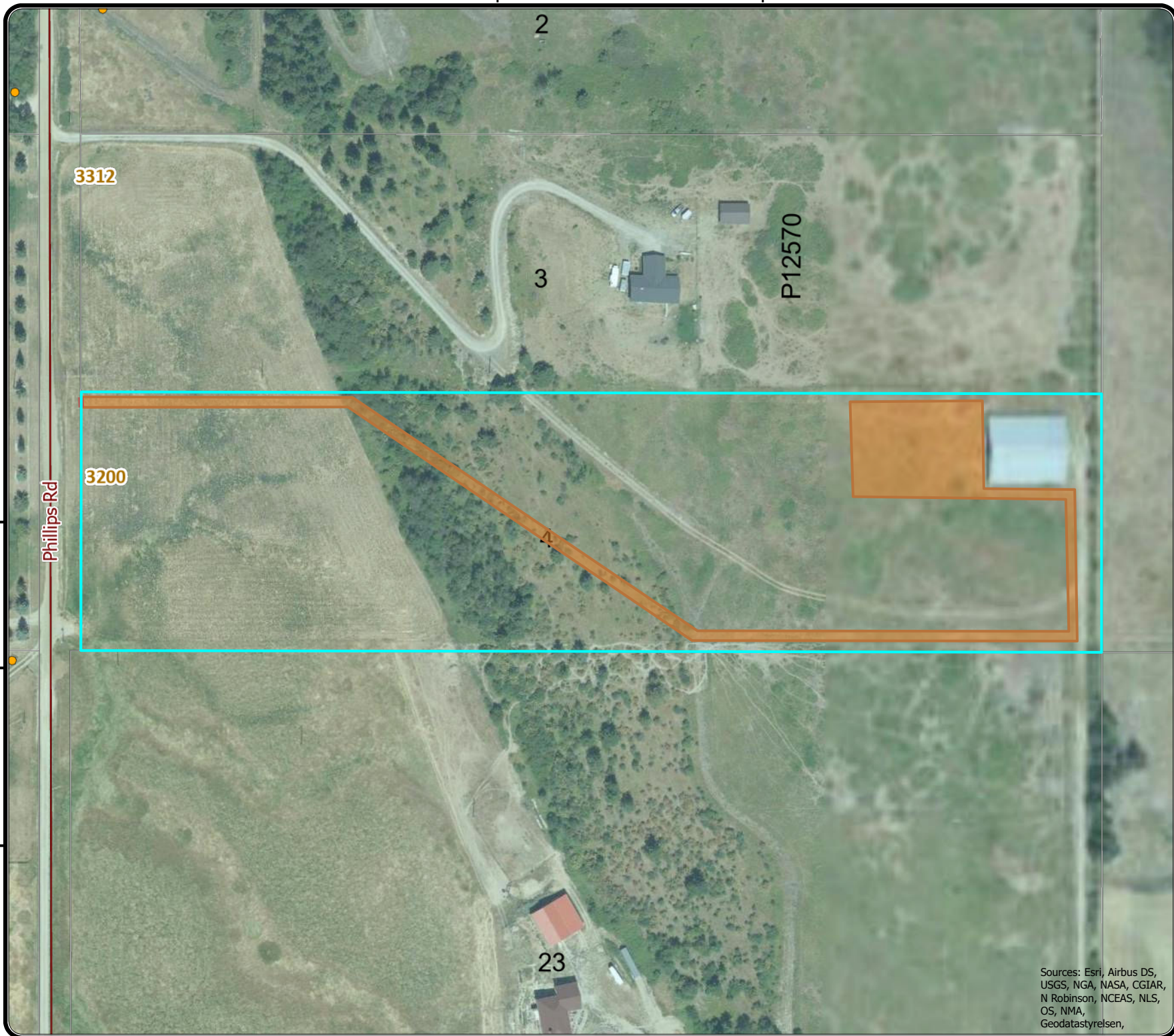


Date:  
October 20, 2023

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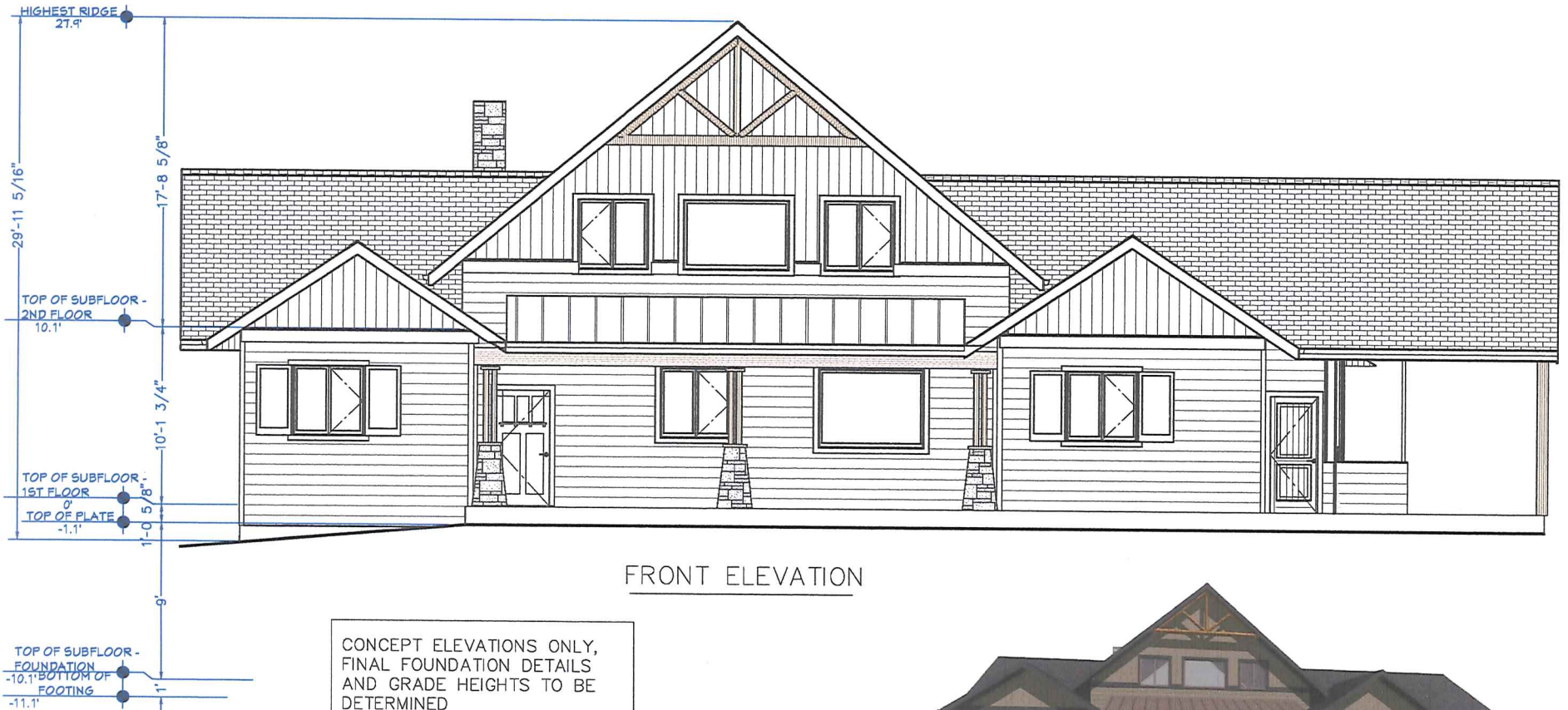
The Regional District of  
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Sources: Esri, Airbus DS,  
USGS, NGA, NASA, CGIAR,  
N Robinson, NCEAS, NLS,  
OS, NMA,  
Geodatastyrelsen,



# ELEVATIONS ARE CONCEPT ONLY AND MAY VARY PLANS FOR QUOTE ONLY



CLIENT: H&C JONK		ADDRESS: PHILLIPS ROAD		REVISIONS		PAGE # <b>1/11</b>
SCALE: 1/4" = 1'-0"		LOT: --		24/AUG/2023		
DRAWN: KFJ	PLAN: NEP1653	TOTAL: 3751 SQ.FT.	REAR DECK: 644 SQ.FT.			
PRINT: 24"x18" PAPER	LAND DISTRICT: KOOTENAY	MAIN: 1777 SQ.FT.	VERANDAH: 425 SQ.FT.			
	DISTRICT LOT: 12716	LOFT: 433 SQ.FT.	LOWER PATIO: 522 SQ.FT.			
		BSMT DEV: 1541 SQ.FT.	GAZEBO: 141 SQ.FT.			
			CARPORT: 487 SQ.FT.			

\* THIS DRAWING IS PROPERTY OF KT-J DESIGN. AND SHALL NOT BE REPRODUCED IN ANY FORM WITHOUT THE WRITTEN CONSENT OF THE DESIGNER \*





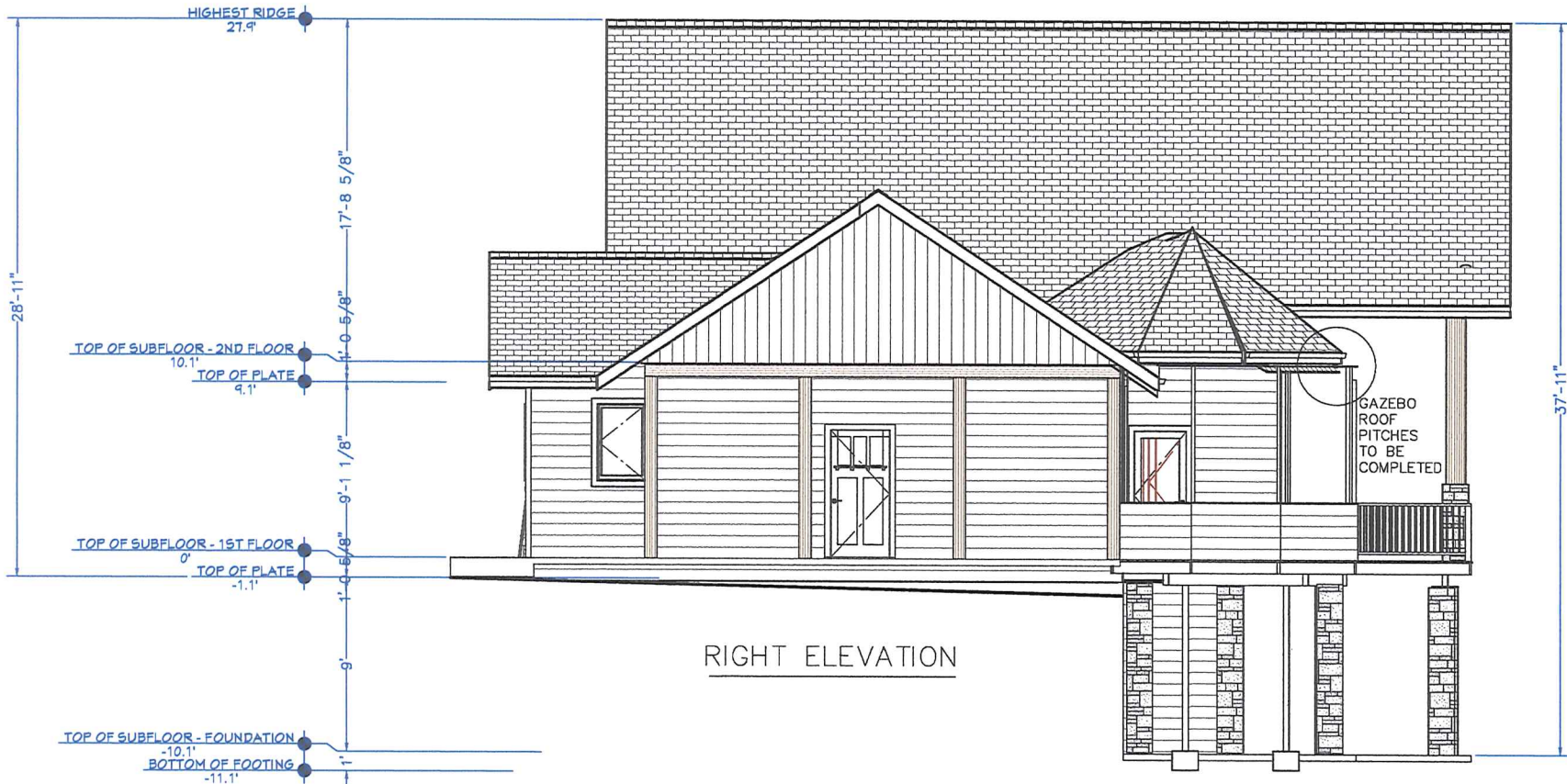
REAR ELEVATION

CONCEPT ELEVATIONS ONLY,  
FINAL FOUNDATION DETAILS  
AND GRADE HEIGHTS TO BE  
DETERMINED



CLIENT: H&C JONK	ADDRESS: PHILLIPS ROAD	TOTAL: 3751 SQ.FT.	REAR DECK: 644 SQ.FT.	REVISIONS 24/AUG/2023	PAGE #  2/11
SCALE: 1/4" = 1'-0"	LOT: --	VERANDAH: 425 SQ.FT.	LOWER PATIO: 522 SQ.FT.		
DRAWN: KFJ	PLAN: NEP1653	MAIN: 1777 SQ.FT.	GAZEBO: 141 SQ.FT.		
PRINT: 24"x18" PAPER	LAND DISTRICT: KOOTENAY DISTRICT LOT: 12716	LOFT: 433 SQ.FT.	CARPORY: 487 SQ.FT.		
		BSMT DEV: 1541 SQ.FT.			

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RIGHT ELEVATION

CONCEPT ELEVATIONS ONLY,  
FINAL FOUNDATION DETAILS  
AND GRADE HEIGHTS TO BE  
DETERMINED



CLIENT: H&C JONK ADDRESS: PHILLIPS ROAD

SCALE: 1/4" = 1'-0"  
DRAWN: KFJ  
PRINT: 24"x18" PAPER

LOT: --  
PLAN: NEP1653  
LAND DISTRICT: KOOTENAY  
DISTRICT LOT: 12716

TOTAL: 3751 SQ.FT.  
MAIN: 1777 SQ.FT.  
LOFT: 433 SQ.FT.  
BSMT DEV: 1541 SQ.FT.

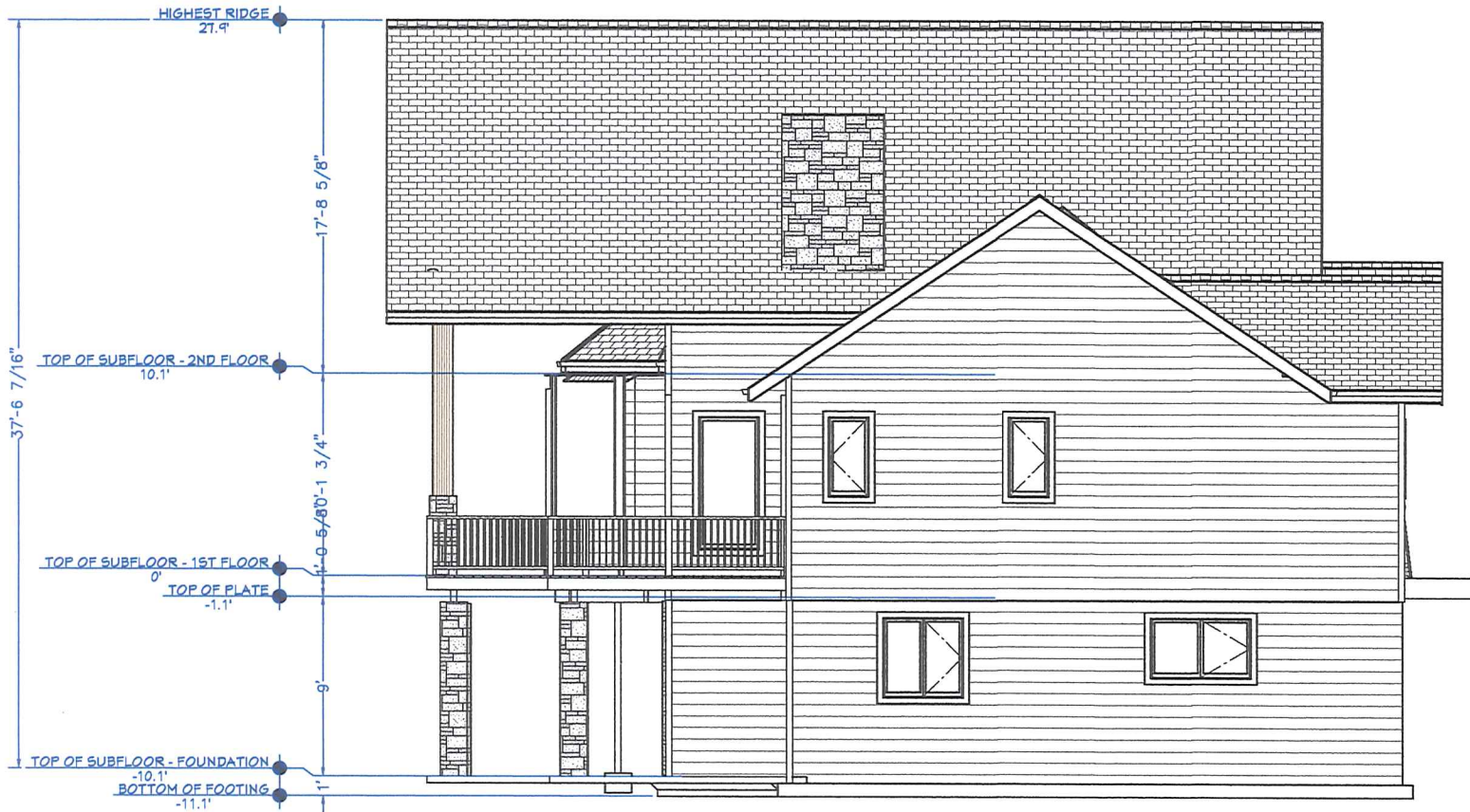
REAR DECK: 644 SQ.FT.  
VERANDAH: 425 SQ.FT.  
LOWER PATIO: 522 SQ.FT.  
GAZEBO: 141 SQ.FT.  
CARPORT: 487 SQ.FT.

REVISIONS  
24/AUG/2023

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LEFT ELEVATION

CONCEPT ELEVATIONS ONLY,  
FINAL FOUNDATION DETAILS  
AND GRADE HEIGHTS TO BE  
DETERMINED



CLIENT: H&C JONK

ADDRESS: PHILLIPS ROAD

SCALE: 1/4" = 1'-0"  
DRAWN: KFJ  
PRINT: 24"x18" PAPER

LOT: --  
PLAN: NEP1653  
LAND DISTRICT: KOOTENAY  
DISTRICT LOT: 12716

TOTAL: 3751 SQ.FT.  
MAIN: 1777 SQ.FT.  
LOFT: 433 SQ.FT.  
BSMT DEV: 1541 SQ.FT.

REAR DECK: 644 SQ.FT.  
VERANDAH: 425 SQ.FT.  
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REVISIONS  
24/AUG/2023

PAGE #

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## 24.0 AGRICULTURE 2 (AG2)

### Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 2 (AG2) zone shall be used for the following purposes only:

#### Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

#### Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

#### Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

### Development Regulations

2. The minimum lot area shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.
6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:



- a. The maximum Gross Floor Area is 90.0 square metres;
  - b. The lot is classified as a farm under the Assessment Act;
  - c. The lot is larger than 2 hectares; and
  - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
- a. The lot is classified as a farm under the Assessment Act;
  - b. The lot is larger than 1.2 hectares;
  - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
  - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
- a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
  - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

### **Cannabis Regulations**

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro

processing or cannabis nurseries shall not exceed 250 square metres.

17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

*Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.*