



Development Variance Permit Application

Referral Form – RDCK File V2402A

Date: February 27, 2024

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 March 29, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

4481 HIGHWAY 3A, WYNNDEL, ELECTORAL AREA 'A'

LOT 2 DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN 9520, EXCEPT PART INCLUDED IN PLAN 10068 (PID: 007-640-510)

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The property is presently being used for residential purposes and has been improved with a one-family dwelling. The original detached garage was constructed approximately 1.6 metres from the southern lot line and 0.5 metres from the eastern lot line and was destroyed by a fire. The applicant is proposing to build a new garage on the concrete slab that remains from the original structure.

This Development Variance Permit seeks to vary Section 18.17 of Comprehensive Land Use Bylaw No. 2315, 2013 which requires all buildings to be setback a minimum of 2.5 metres from interior lot lines. This application would authorize the new detached garage to be constructed 1.5 metres from the southern lot line and 0.4 metres from the eastern lot line.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
0.76 hectares (1.87 acres)	N/A	Country Residential (R2)	Suburban Residential (RS)

APPLICANT: Jeff Shatzko

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**

<input checked="" type="checkbox"/> MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE <input type="checkbox"/> HABITAT BRANCH (Environment) <input type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION <input type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM	REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input checked="" type="checkbox"/> A <input 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 checked="" type="checkbox"/> A <input 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 A <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES
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- KOOTENAY LAKES PARTNERSHIP
(FORESHORE DEVELOPMENT PERMITS)
- SCHOOL DISTRICT NO.
- OOTISHCENIA IMPROVEMENT DISTRICT
- UTILITIES (FORTIS, BC HYDRO, COLUMBIA
POWER)

- RDCK UTILITY SERVICES
- RDCK RESOURCE RECOVERY
- RDCK REGIONAL PARKS

INSERT COMMENTS ON REVERSE . . .

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, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
FILE: V2402A APPLICANT: JEFF SHATZKO

Name:

Date:

Agency:

Title:

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

V2402A - Zoning Map



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

Zoning Class

- Agriculture
- Forest Resource/ Reserve
- Railway
- Residential 1

Legend

- Residential 2
- Residential 3
- Electoral Areas
- RDCK Streets
- Cadastre

Map Scale:

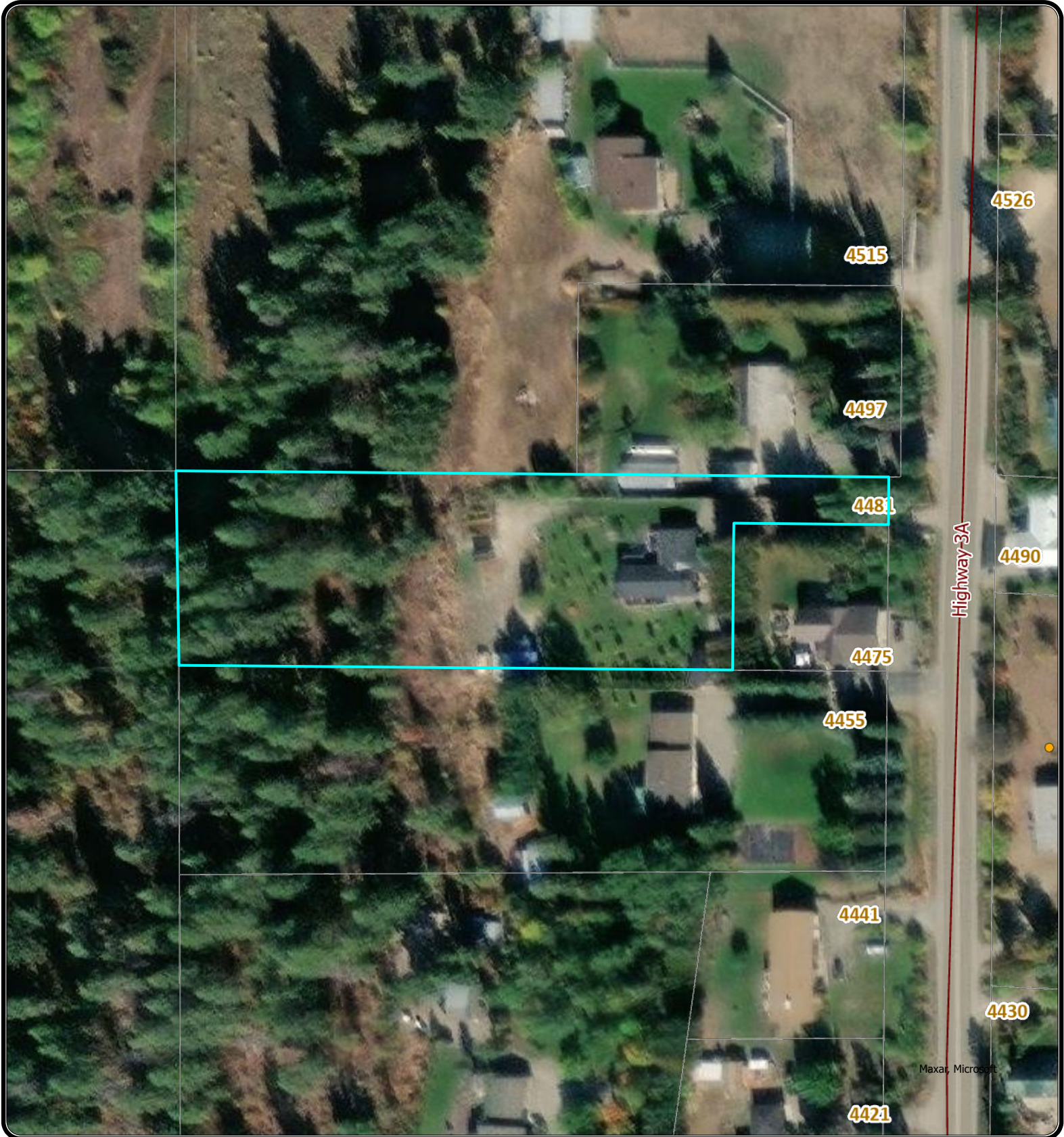
1:10,000

Date: February 27, 2024







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

V2402A - Location Map



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

Legend

-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points

Map Scale:

1:2,000

Date: February 27, 2024



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

To whom it may concern:

January 16/2024

I, Jeffrey Shatzko of Z-ko Construction Ltd. Am writing regarding a shop rebuild at 4475 Hwy 3A Wynndel BC. Our company was awarded the bid of reconstruction for this shop, which was lost due to a fire. The concrete monolithic slab on grade is still in place, so the rebuild will incur on the existing concrete. I believe the building was built in the 80's or early 90's and is too close to the property boundaries for allowable setbacks.

Both neighbours (East and South side) are aware of the shop rebuild and that it was an existing structure, as well as its location relative to the property boundaries. These neighbours have both written letters acknowledging this.

We are waiting for the surveyor to mark the property boundaries relative to the existing slab on grade foundation that is in place. The weather has delayed this process, but we should have the site survey in the coming weeks.

Jeff Shatzko

Owner

Z-KO Construction Ltd.

(250)254-1646

info.zkoconstruction@gmail.com

Site Plan of Part of Lot 2, District Lot 4595, Kootenay District, Plan 9520.

Scale 1:300

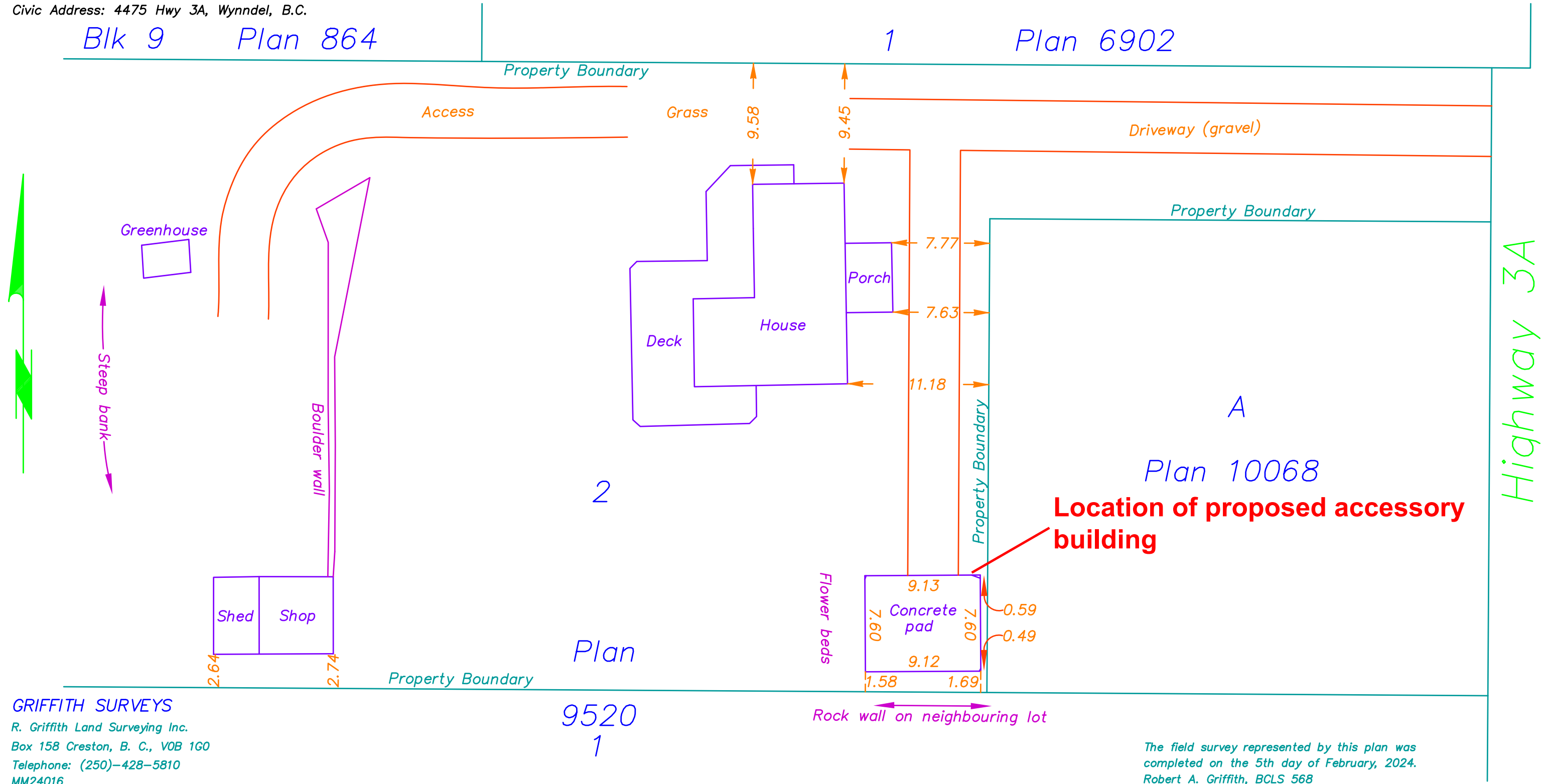


All distances are in metres unless otherwise noted.

Civic Address: 4475 Hwy 3A, Wynndel, B.C.

Blk 9 Plan 864

1 Plan 6902



GRIFFITH SURVEYS

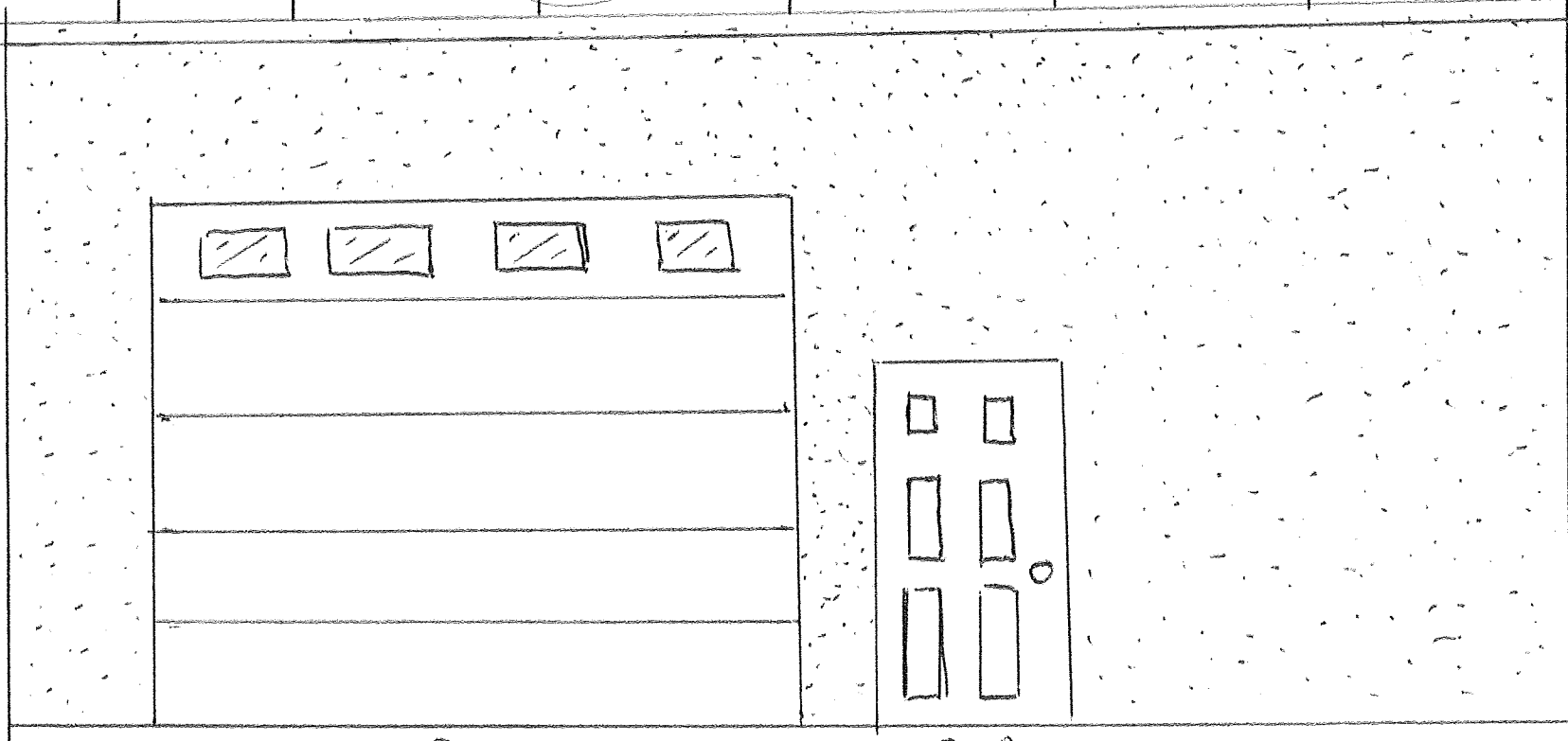
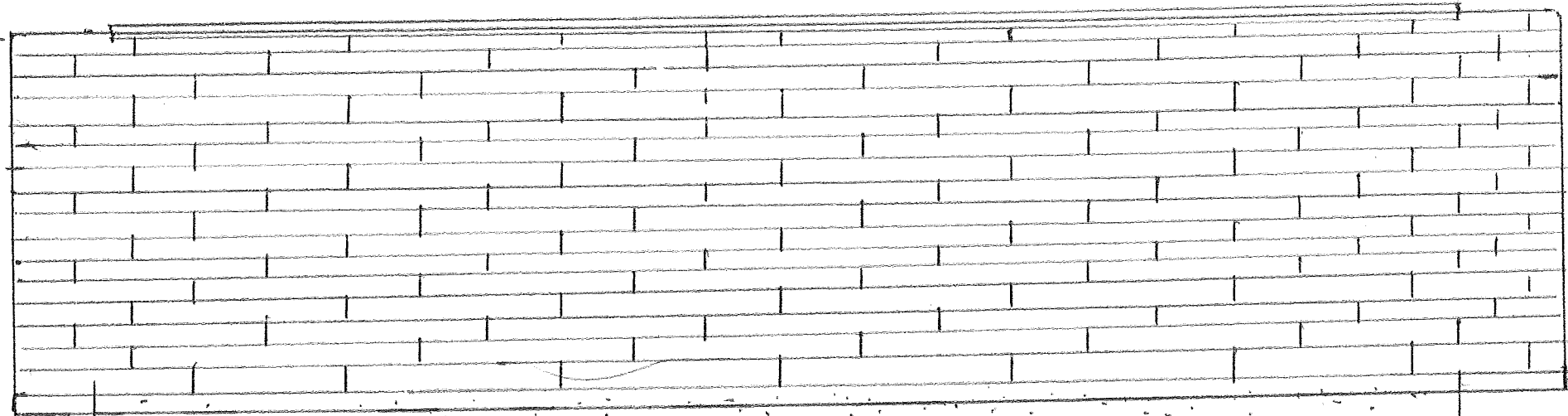
R. Griffith Land Surveying Inc.
 Box 158 Creston, B. C., V0B 1G0
 Telephone: (250)-428-5810
 MM24016

9520
1

The field survey represented by this plan was completed on the 5th day of February, 2024.
 Robert A. Griffith, BCLS 568

NORTH ELEVATION

Laminated Asphalt
Shingles
Continuous Ridge Vent



3/4" Acrylic Stucco

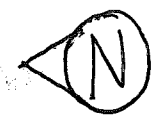
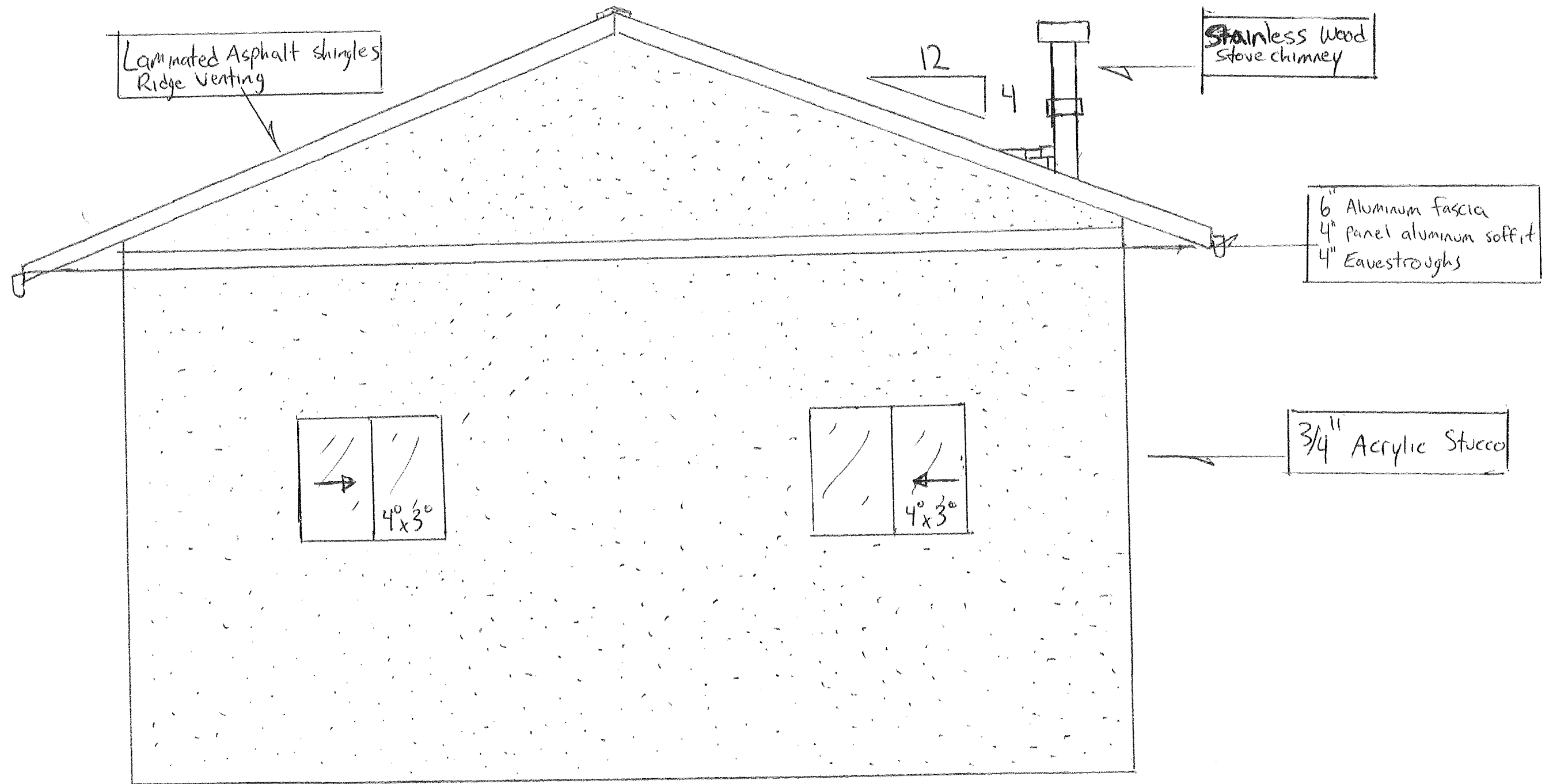
10x9 o/H

3x6



James & Yvonne Campbell	PAGE
4475 Highway 3A Wyndel BC	3
Shop Rebuild	

WEST ELEVATION



James & Yvonne Campbell	PAGE
4475 Highway 3A Wyndel BC	4
Shop Rebuild	

20.0 COUNTRY RESIDENTIAL (R2)

Permitted Uses

1. Land, buildings and structures in the Country Residential (R2) zone shall be used for the following purposes only:
 - Dwellings:
 - One-family
 - Two-family
 - Horticulture
 - Accessory Uses:
 - Accessory Buildings or Structures
 - Accessory Tourist Accommodation
 - Day Care Facility
 - Home Based Business
 - Horticulture
 - Keeping of Farm Animals
 - Sale of Site Grown Horticultural Produce
 - Accessory Dwelling
 - Temporary Guest Accommodation
 - Portable Sawmills (for processing of materials harvested on-site only)

Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. The minimum parcel size for a parcel subdivided for a relative under Section 514 of the *Local Government Act*, with the approval of the Interior Health Authority, shall be 0.8 hectares.
4. The maximum site coverage permitted shall be 50 percent of the lot area.
5. The keeping of farm animals shall comply with the requirements of Section 18.0 (78).
6. Buildings and structures in the case of a lot that may be further sub-divided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
7. *Removed by Bylaw 2747*
8. The maximum height of any accessory building or structure shall not exceed 8 metres.
9. The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
10. The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

Accessory Dwelling

11. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) accessory dwelling per lot is permitted as an accessory use to a single family dwelling subject to the following:
 - a. the minimum site area for the accessory dwelling shall be the same as for a two-family dwelling, depending on level of servicing;
 - b. a maximum gross floor area of 90 square meters (m²);
 - c. the accessory dwelling shall not be a vehicle; and/or
 - d. the accessory dwelling shall have a separate entrance and separate living, sleeping, sanitary and kitchen facilities from the single detached dwelling.
12. The minimum separation distance between an accessory dwelling, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
13. One (1) additional off-street parking space shall be provided for an accessory dwelling.
14. Accessory dwellings shall not be used as tourist accommodation.

Temporary Guest Accommodation

15. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) cabin per lot for the temporary accommodation of guests is permitted as an accessory use to a single family or two-family dwelling subject to the following:
 - a. the minimum site area for a cabin shall be 1.4 hectares (ha); and
 - b. the maximum gross floor area for a cabin shall not exceed 100 square metres (m²).
16. Subject to subsection 15, a recreation vehicle may be used for temporary guest accommodation provided that no more than two (2) recreation vehicles shall be located on a lot at any one time. Recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle. A recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin and must conform with the density provisions under subsection 15.
17. The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.

18. Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.

allow property owners to legitimize the structure as long as no lot is reduced in site area.

Subdivision Servicing Requirements

14. All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
15. All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
16. All subdivisions shall comply with the *Drinking Water Protection Act*, the *Health Act* and the *Waste Management Act*.

Setback Requirements

17. Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line. Lands on the Kootenay Lake side of Highway 3A shall be permitted a 3.0 metre setback from front or exterior side lot line due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.
18. Despite sub-section 17, buildings or structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve.
19. Unless otherwise stated, no portable sawmill may be located within 100 metres from a property line.
20. Despite sub-section 17, on all lots less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres, with the exception of lots on the Kootenay Lake side of Highway 3A that shall be permitted a 3.0 meter setback from front or exterior side lot lines due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.

Setback Exceptions

21. Where the top surface of an underground structure projects no more than 0.6 metre above the average finished ground elevation, that structure may be sited in any portion of a lot.
22. Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, flagpoles, up to ten (10) metres in height may be sited on any portion of a lot.
23. Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features project beyond the face of the building, the minimum distance to an abutting lot line as permitted elsewhere in this bylaw may