



# Development Variance Permit Application

Referral Form – RDCK File V2403J

Date: March 7, 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 APRIL 8, 2024). If no response is received within that time, it will be assumed that your agency’s interests are unaffected.**

**LEGAL DESCRIPTION & GENERAL LOCATION:**

699 WATERLOO ROAD, OOTISCHENIA, ELECTORAL AREA ‘J’  
 LOT 3 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN EPP16789 (PID: 030-905-702)

**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 applicant is proposing to construct an accessory building (garage) that is 2.4 metres from the front lot line.

This Development Variance Permit seeks to vary Section 605.1 of RDCK Zoning Bylaw No. 1675, 2004 which requires all buildings and structures to be setback a minimum of 7.5 metres from the front lot line.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
0.23 hectares (0.576 acres)	N/A	Ootischenia Suburban Residential (R1A)	Suburban Residential 1 (SR1)

**APPLICANT:** Tyler Gienger

**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 <input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS) <input type="checkbox"/> SCHOOL DISTRICT NO.	REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input 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 checked="" type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input 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 checked="" type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA ‘J’ <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
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<input checked="" type="checkbox"/> OOTISHCENIA IMPROVEMENT DISTRICT <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, COLUMBIA POWER)	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: V2403J APPLICANT: TYLER GIENGER**

**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](mailto:plandept@rdck.bc.ca)

# RDCK Map








Maxar, Microsoft



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)

## Legend

-  Flood Construction Levels - 1990
-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points

## Map Scale:

1:2,257

Date: January 18, 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.



# RDCK 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

- Industrial
- Open Space
- Residential 1

## Legend

- Zoned
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

## Map Scale:

1:2,257

Date: January 18, 2024



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## Tyler Gienger Variance

699 Waterloo Road, Castlegar, BC, V1N4K8

Hello, I am applying for a variance to build a 24.4' wide, 20' deep, (488sqft) garage closer to the front property line.

It is my understanding the current set back is 25 feet from front property line.

I would like to build the garage 2.4M from the front property line.

The garage will sit 24' feet from the south side property line, 25' feet from the north side property line.

There are no under ground services near where I am requesting to build.

There will be no living space in the garage.



**Detached Garage Plans**

 [iCreatables.com](https://www.iCreatables.com)



# COLUMBIA RIVER.

TYLER GEMNER

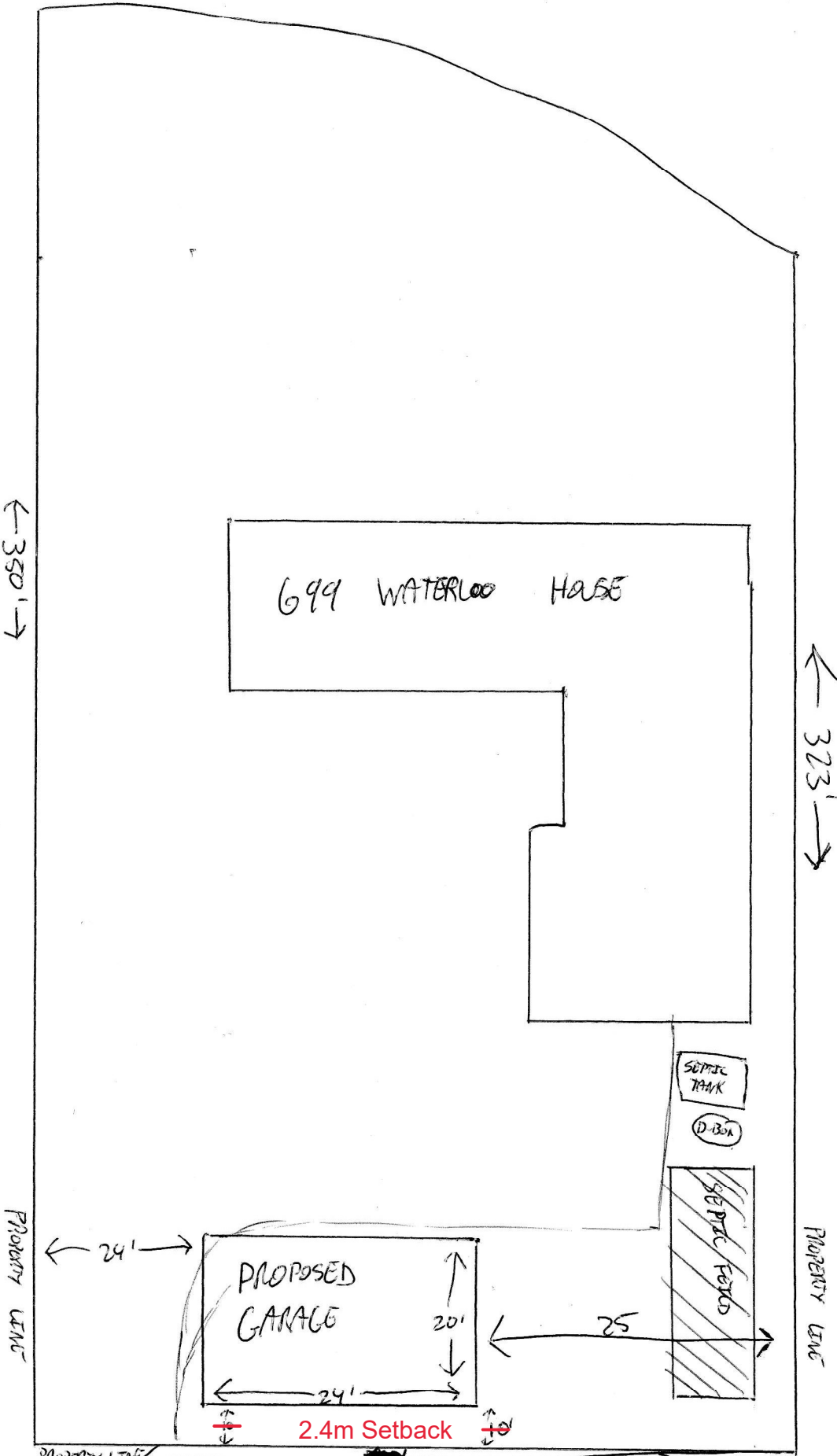
VARIANCE PERMIT MAP

699 WATERLOO RD

PID 030-905-702

LOCAL - LOT 3, RAN E P 16 T 84, DISTRICT LOT 4578, CUSTOMARY LAND DISTRICT

N



WATERLOO RD



- 4 Despite Section 603(3), where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in site area.
- 5 A reduction of the minimum lot size for a single lot for subdivision within any Agricultural zone shall be permitted subject to:
  - a. the lot being no smaller than 0.4 hectares in area;
  - b. where the lot is serviced by a community water system; and
  - c. where the remainder of the lot is consolidated with an adjacent property that has an agricultural tax assessment from the British Columbia Assessment Authority or is within the ALR or created under Section 514 of the *Local Government Act*.

### **Subdivision Servicing Requirements**

604

- 1 All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
- 2 All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
- 3 All subdivisions shall comply with the *Drinking Water Protection Act*, the *Public Health Act* and the *Environmental Management Act*.

### **Setback Requirements**

605

- 1 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.
- 2 Despite Section 605(1), buildings and structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve boundary.
- 3 Unless otherwise stated no portable sawmill may be located within 100 metres from a property line.
- 4 Despite Section 605(1), on all lots having a residential zone and are less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres.