



# Committee Report

**Date of Report:** May 5, 2022  
**Date & Type of Meeting:** May 18, 2022, Rural Affairs Committee Meeting  
**Author:** Stephanie Johnson, Planner  
**Subject:** DEVELOPMENT VARIANCE PERMIT  
**File:** V2203I-01699.590-WHEATON-DVP000224  
**Electoral Area/Municipality:** Area 'I'

## SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of a Development Variance Permit (DVP) application to increase the maximum gross floor area for an accessory building from 100 m<sup>2</sup> to 186 m<sup>2</sup>, and an increase in height from 6.0 to 7.62 m.

The subject property is located at 2721 Jacks Crescent in the South Slokan's Voykin subdivision, Electoral Area 'I'. The purpose of the proposed accessory building is for storage and workshop uses on the ground floor, and personal office use on the second storey. An existing manufacture home currently occupies the subject site.

Staff recommend that the Board not approve the issuance of this DVP.

## SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION	
<b>Property Owners:</b>	Barbara and Greg Wheaton
<b>Property Location:</b>	2721 Jacks Crescent, South Slokan (Voykin subdivision)
<b>Legal Description:</b>	LOT B DISTRICT LOT 303 KOOTENAY DISTRICT PLAN EPP65772 (PID: 030-006-830)
<b>Property Size:</b>	0.59 hectares (ha)
<b>Zoning Designation:</b>	Suburban Residential (R1)
<b>OCP Designation:</b>	Country Residential Two (CR2)

ORIENTATION	ZONING	LAND USE
North	Suburban Residential (R1)	Single family residential uses and Voykin Irrigation District lands
East	Suburban Residential (R1)	Single family residential uses and Jacks Crescent
South	Suburban Residential (R1)	Single family residential uses
West	Suburban Residential (R1)	Single family residential uses

Site Context

An existing manufactured home currently occupies this relatively flat subject property. The site is located in South Slokan in an area surrounded by suburban residential parcels and land uses in the Voykin subdivision.

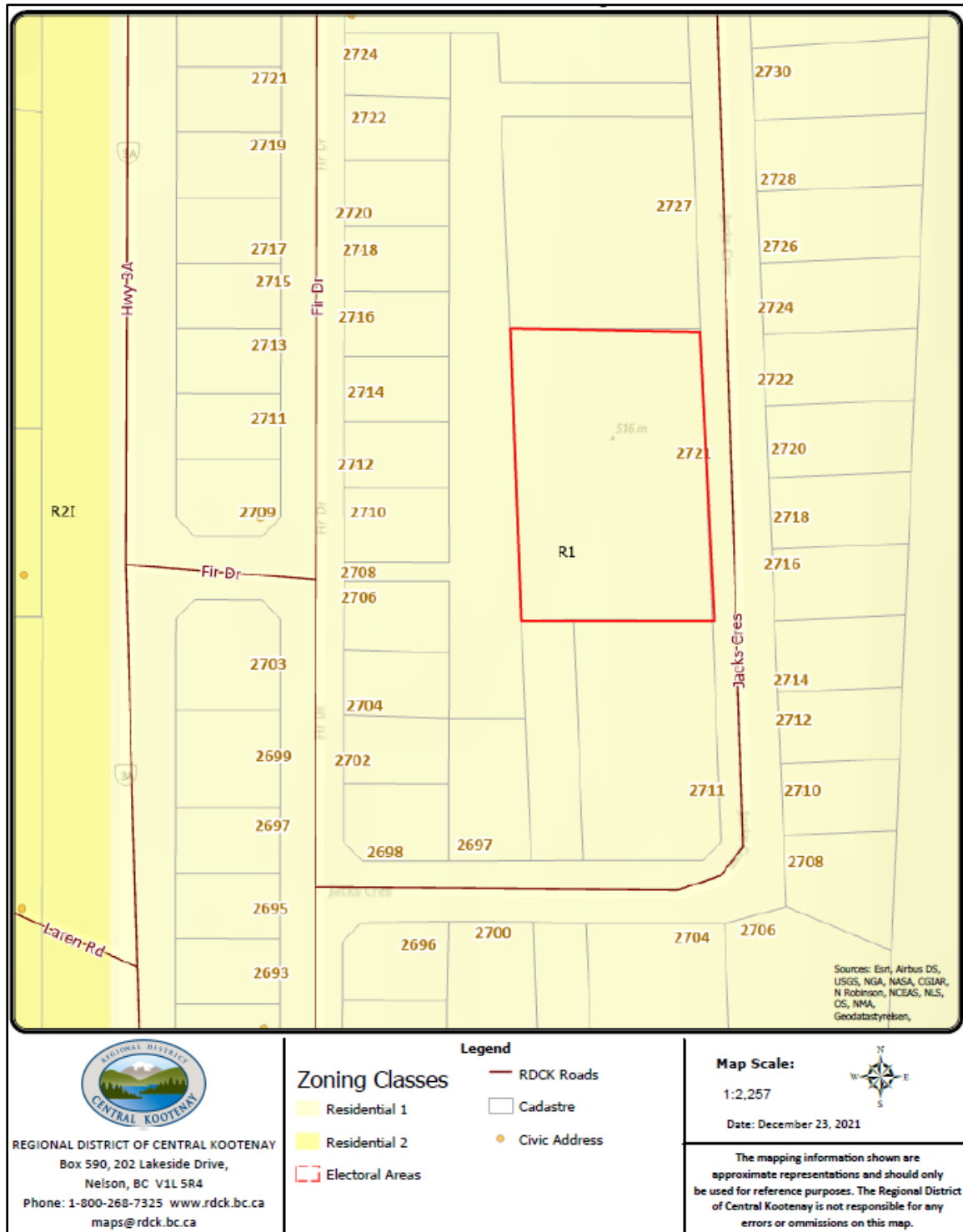



Figure 1: Zoning Overview Map


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 Roads
- Cadastre
- Civic Address

**Map Scale:**  
 1:2,257

Date: December 23, 2021



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.

Figure 2: Air Photo Subject Property Overview



Figure 3: Site Photo



Figure 4: Site Photo

### Development Proposal

This DVP application seeks to vary Sections 701.7 and 701.8 of RDCK *Zoning Bylaw No. 1675, 2004* to permit the construction of an accessory building for a workshop use 100 m<sup>2</sup> in area on the ground floor, and an 86 m<sup>2</sup> in size office space above for personal use. The applicant is requesting to:

- increase the maximum height of an accessory building from 6.0 metres to 7.62 metres; and,
- increase the maximum gross floor area (GFA) of an accessory building from 100 m<sup>2</sup> to 186 m<sup>2</sup>.

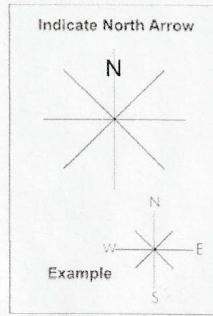
The design of the proposed accessory building also includes two unenclosed “wings”, each 37.3 m<sup>2</sup> in area (combined 75 m<sup>2</sup>) down the full length of both sides of the structure. The unenclosed “wings” are not considered under the GFA calculation, because they are not enclosed.

**Table 1: Relevant Development Regulations under the Suburban Residential (R1) Zone**

<b>Development Regulation</b>	<b>Maximum Allowable in R1 Zone</b>	<b>Proposed</b>
Maximum height	6.0 m	7.62 m
Maximum gross floor area for any accessory building	100 m <sup>2</sup>	186 m <sup>2</sup>
Maximum cumulative gross floor area (GFA) of all accessory buildings	200 m <sup>2</sup>	186 m <sup>2</sup>
Maximum site coverage	50%	<10%
Minimum setbacks:		
Front	4.5 m	>4.5 m
Rear	2.5 m	>2.5 m
Exterior Side	4.5 m	N/A
Interior Side	2.5 m	>2.5 m

# SITE PLAN

Owner's Name: Barbie and Greg Wheaton  
 Legal Description: Lot B District Lot 303 Kootenay District  
Plan EPP65772  
 Civic Address: 2721 Jacks Crescent South Slocan, BC



**AN INCOMPLETE SITE PLAN WILL DELAY YOUR PERMIT**

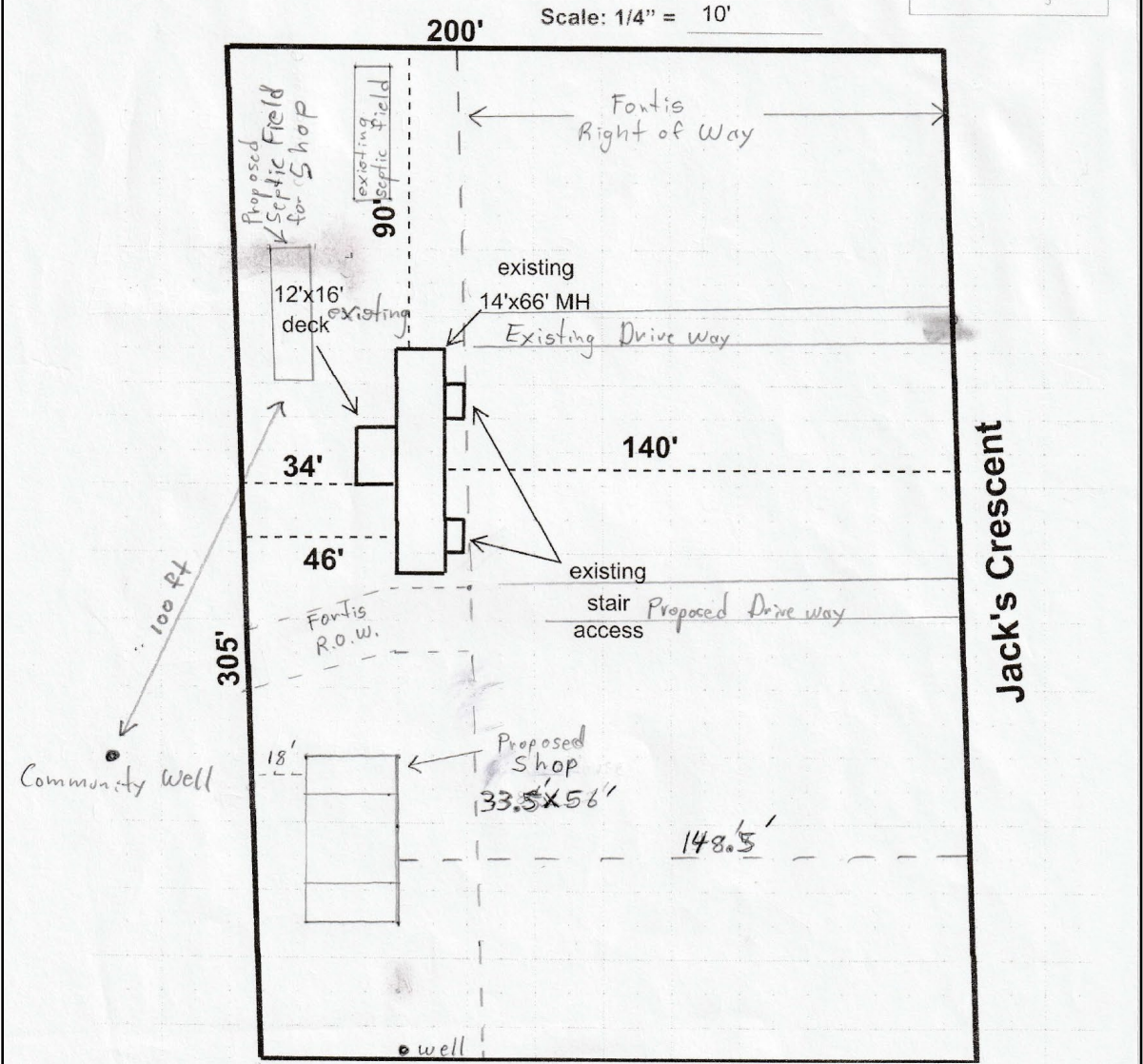


Figure 5: Site Plan

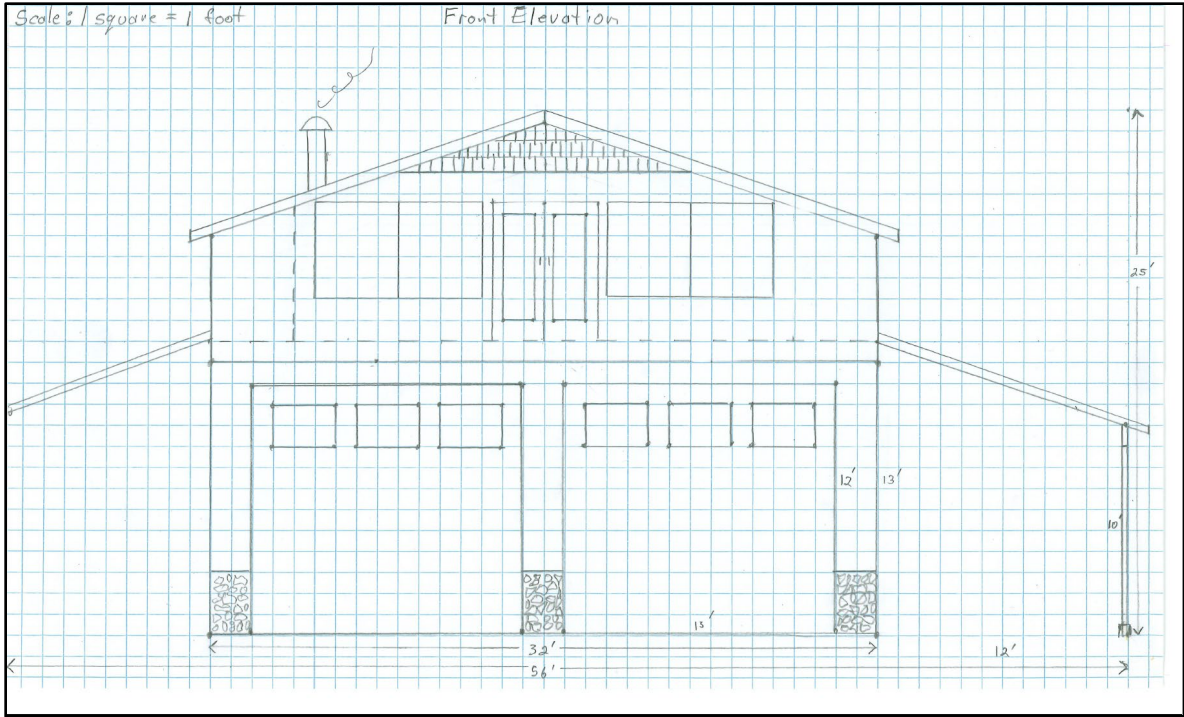


Figure 6: Proposed Building Elevation (East)

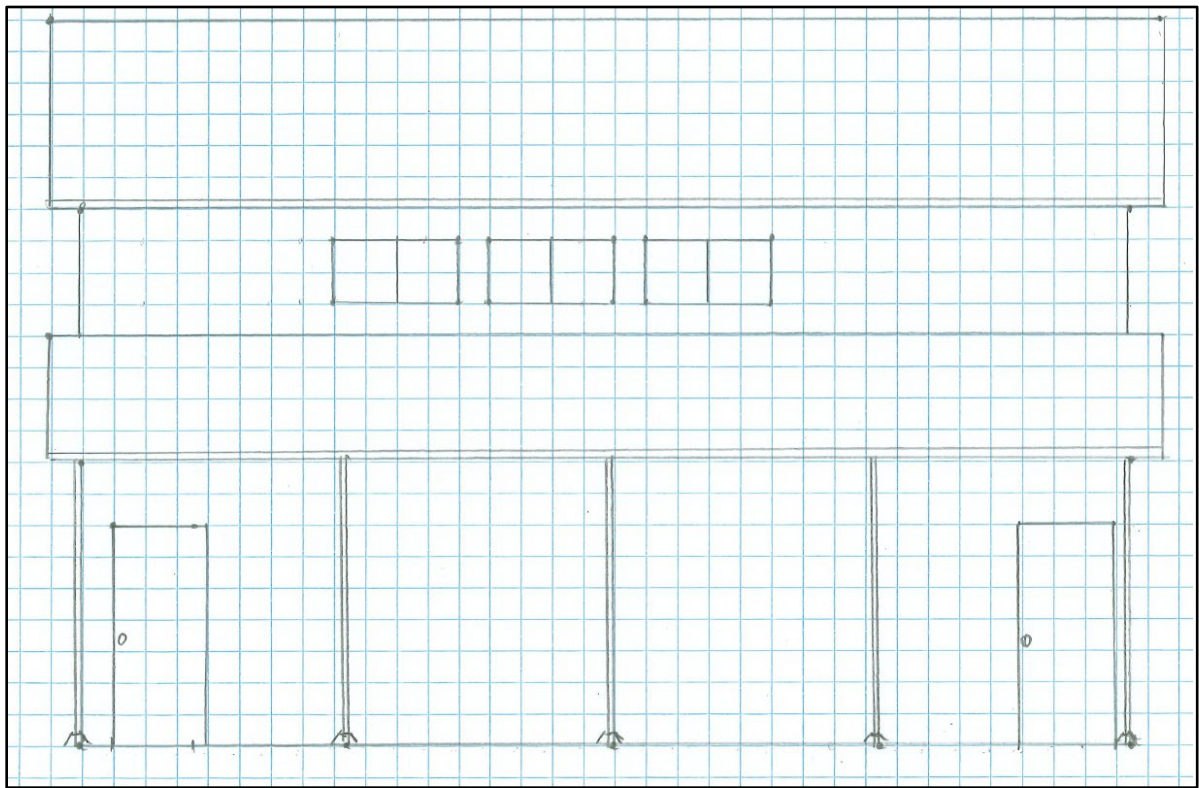


Figure 7: Proposed Building Elevation (North)

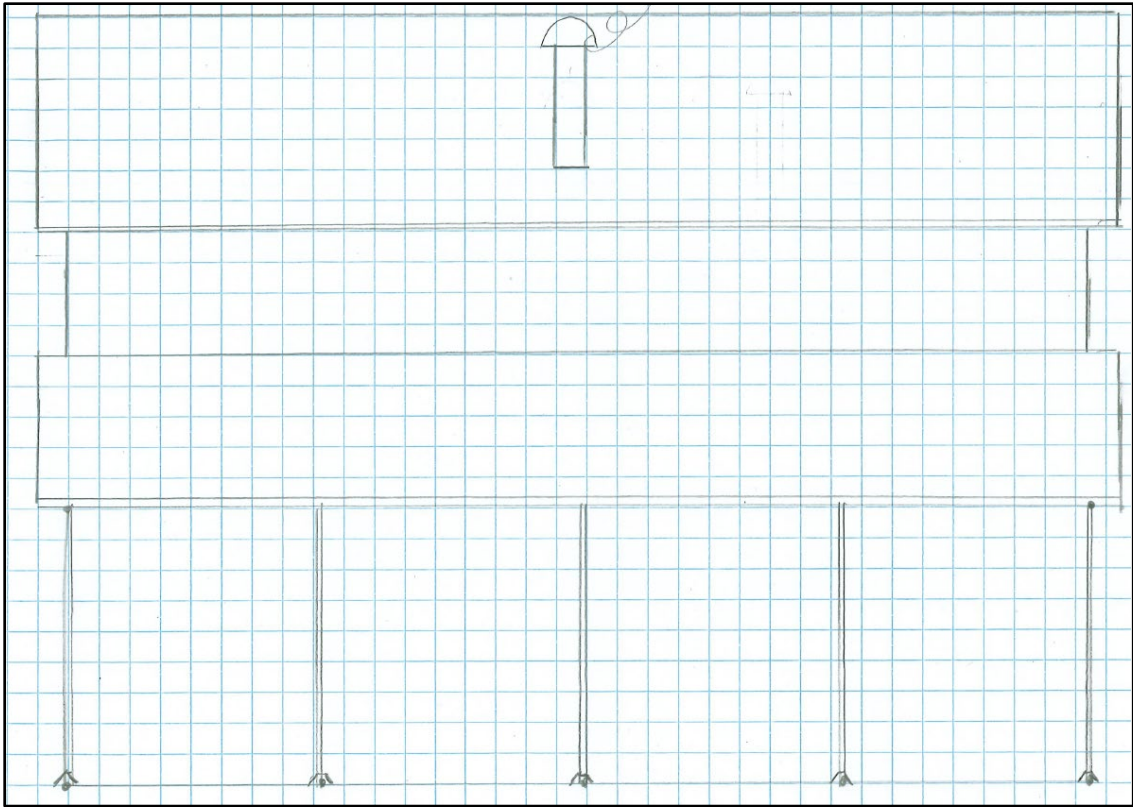


Figure 8: Proposed Building Elevation (South)

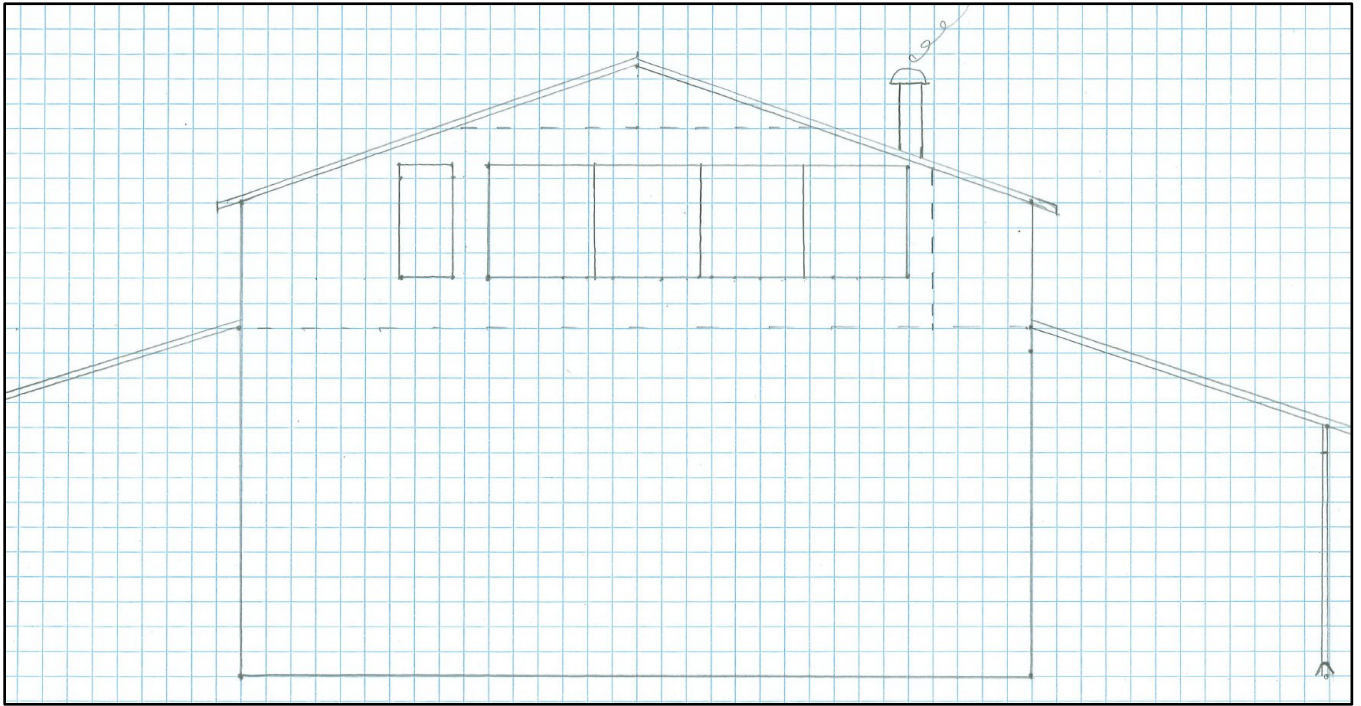


Figure 9: Proposed Building Elevation (West)



**Kootenay Columbia Rivers (Electoral Area 'I') Official Community Plan Bylaw No. 1157, 1996**

*Relevant Zoning Policies:*

3.1.3 Land use decisions for all zones shall be directed to the following criteria:

- 3.1.3.1 preservation of the rural nature of the area,
- 3.1.3.2 existing land use,
- 3.1.3.6 the desirability of securing reasonable privacy for residents,
- 3.1.3.8 the need to prevent pollution of the environment and to protect the quality of the visual landscape.

*Relevant Suburban Residential Policies:*

- 3.2.2.1 The principal use shall be residential.
- 3.2.2.2 The minimum lot size shall be 2000 square metres.
- 3.2.2.3 One dwelling unit shall be permitted per 2000 square metres of site area.
- 3.2.2.4 Shall be serviced by a community water system.
- 3.2.2.5 In areas where individual septic systems are adversely affecting the environment or the quality of water, a sewer system may be required where the minimum lot size for a single detached dwelling shall be 700 square metres.

**Drastic Based Vulnerability Study for Shoreacres** (June, 2019)

The RDCK initiated the above aquifer vulnerability assessment in response to concerns regarding water quality and quantity in the community of Shoreacres during the initial review of the Official Community Plan for the Area I. Communities included in the assessment are: Playmor Junction, the Voykin Subdivision, Shoreacres, portions of Crescent Valley and portions of South Slokan. The report is designed to be a 'screening tool' and was not intended to guide site specific land use decisions at the time. The subject property has been identified in this study as a "moderate vulnerability" area. The recommendation from the report for land in this category is as follows:

*"Development within the moderate vulnerability areas (DRASTIC rating of 100-160, mapped as yellow in Figure 15) may require additional assessment to determine the standards required for development. Additional assessments may include, but are not limited to; water well surveys, mapping local potential contaminant sources (such as septic fields), and assessing local groundwater flow direction to determine if there will be down-gradient receptors to a proposed development."*

**SECTION 3: DETAILED ANALYSIS**

**3.1 Financial Considerations – Cost and Resource Allocations:**

**Included in Financial Plan:**  Yes  No      **Financial Plan Amendment:**  Yes  No  
**Debt Bylaw Required:**  Yes  No      **Public/Gov't Approvals Required:**  Yes  No

The \$500 fee for a DVP was paid pursuant to *RDCK Planning Procedures and Fees Bylaw No. 2457, 2015*.

### 3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Under Section 498 of the *Local Government Act (LGA)*, the Board has the authority to vary provisions of a Zoning Bylaw (other than use or density) through a DVP.

### 3.3 Environmental Considerations

No additional environmental impacts are anticipated on this already developed site.

### 3.4 Social Considerations:

The scale, intensity and massing of this proposed accessory structure is not minor in nature, and would not fit with the existing character of this residential neighbourhood.

### 3.5 Economic Considerations:

No economic considerations are anticipated from this DVP application.

### 3.6 Communication Considerations:

In accordance with the *LGA* and the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015* a notice sign was posted on the subject property, and notices were mailed to surrounding neighbours within a 100 metre radius of the subject property on March 7, 2022.

To date, the Planning Department has received various general and ongoing inquiries about this DVP application. Planning staff have received five written submissions in support of this DVP, six in opposition and three verbal phone calls of non-support. Generally speaking, the vast majority of concerns relate to: the scale of the proposed building and requested variances; upholding of existing land use regulations; neighbourhood character; potential aquifer vulnerability; considering this land use application in advance of the upcoming Electoral Area 'I' OCP review process; and, setting a precedent. Please find the following breakdown of submissions (Attachment 'C') received:

Submission Type	Support	Oppose
Written	5	3
Verbal	0	3
<b>TOTALS</b>	<b>5</b>	<b>6</b>

Planning staff referred the application to all relevant government agencies, First Nations, internal RDCK departments and the Director for Electoral Area 'I' for review. The following comments were received:

#### The Ministry of Transportation and Infrastructure (MOTI)

The "MOTI has no concerns".

#### Interior Health (IH)

"It IH's understanding that this will be for personal use with additional no residential space. [IH's] interests are unaffected given the proposed location on the lot of the accessory building and the nature of its use".

#### Ministry of Forest Lands Natural Resource Operations & Rural Development (FLNROD)

"This project should not create significant adverse environmental impacts if the proponent follows Section 34 of the *Wildlife Act* regarding tree removal and implements measures to prevent introduction and/or reduce the spread or establishment of invasive plants on site as outlined below".

<b>Concern</b>	<b>Details</b>
<i>Invasive Species</i>	<p><i>Practices should prevent introduction and reduce spread/establishment of invasive plants on site. To control invasive plants:</i></p> <ul style="list-style-type: none"> <li>• <i>Treat invasive plants <b>prior</b> to any activities (preferably using a qualified professional).</i></li> <li>• <i>Ensure that equipment brought onto site is free of soil and plant material to reduce the possibility of invasive plant species spread/establishment.</i></li> </ul> <p><i>The proponent should maintain records of herbicide treatments, and should report invasive plants using the Report-A-Weed program (<a href="https://www.reportaweedbc.ca/">https://www.reportaweedbc.ca/</a>)</i></p> <p><i>The primary risk of concern from the proposed activities is introduction and spread of invasive plants. Invasive plants are typically introduced to British Columbia through human activities. These invasive plants lack natural predators and pathogens that would otherwise keep their populations in check. Invasive plants often establish themselves in soils disturbed from development of roads, utility lines, trails, commercial recreation sites, agriculture, etc. Once established, invasive plants have a tremendous capacity to invade adjacent, undisturbed natural plant communities displace wildlife and disrupt natural ecosystem functions.</i></p>
<i>Tree Removal</i>	<p><i>See Section 34 of the Wildlife Act regarding tree removal. Remove trees outside of the sensitive nesting period (generally April to August), and check for existing or active nests prior to tree removal. Avoid the removal of large diameter trees (dbh &gt; 30 cm: live and dead), especially deciduous, and that are actively used by wildlife (e.g. contains visible nests and tree cavities).</i></p>

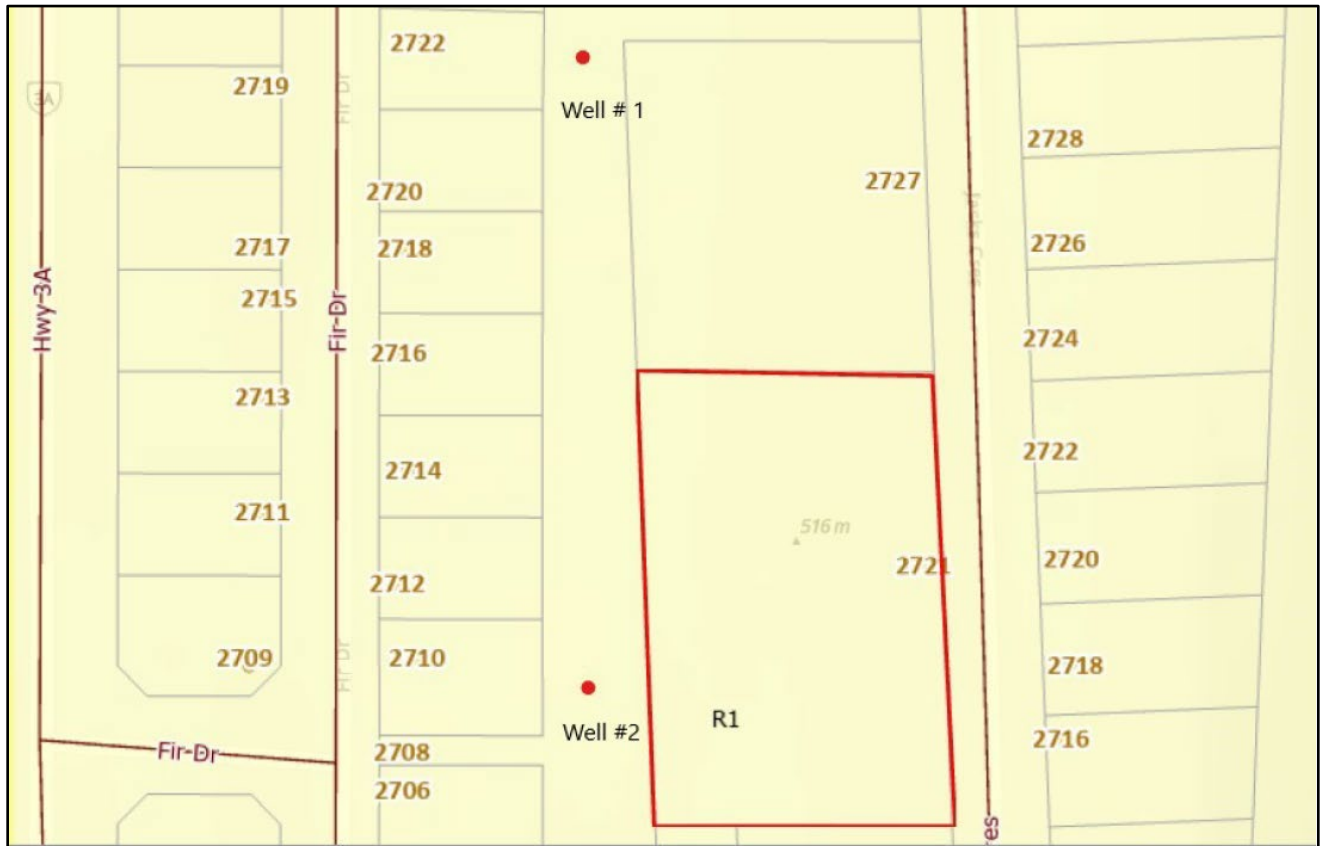
Voykin Irrigation District (VID) Trustee Members

*“Concerns...have been raised by some of our Voykin Improvement District community members in relation to an additional septic system being built on this property.*

*Although this property does not fall under the Voykin Improvement District as this is a recently acquired piece of land from the sale of the Fortis parcel, we would like to reiterate to the Regional District of Central Kootenay that the Voykin Improvement District [has] two well heads located on Lot 43 (see attached plan with rough positioning – Attachment [see below mapping inserted]).*

*From the rough plan that was submitted...it would appear that the existing site of their septic system is situated a minimum of 100 feet [30 metres] from our wellheads (a restriction distance as recorded in our By-Law #1). However, the size of their existing septic system had not been disclosed nor has that of their proposed additional system. This is the cause of concern as depending on the sizes of the septic system, this may cause an adverse effect on the aquifer and the quality of our water which we supply to 59 households within our Improvement District.*

*We trust that the RDCK will do its due diligence with regards to the application adhering to all current regulations and also to take into consideration any concerns or comments that are raised by all concerned parties when making your final decision”.*



Tarrys Volunteer Fire Department (FD)

*"From a [FD] perspective, [there are] no concerns with this Development Variance Permit" application.*

Building Services

*Upon review, "it appears there are no building issues. Given the lack of detail on the plans it is difficult [for staff] to discern if [any] engineering would be required for the structure, [however] if required, this would not present a significant obstacle.*

*Spatial separation looks okay, however, given the lack of detail on window sizes at this stage [staff cannot] confirm. In the event it fails, the window sizes could [always] be adjusted to meet [building] code if required".*

FortisBC Inc.

*"There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (FBC(E) services, if required.*

Operational & Design Comments:

- *There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Jack's Crescent and FBC(E) transmission facilities bisecting the subject property in a north south direction.*
- *Furthermore, proposals for any construction within the right of way, including, but not limited to, roads, water, sewer and other utilities must be reviewed and approved by FBC(E) prior to installation for safety and*

*operational purposes. No elevation changes are permitted within all right of way areas without review and approval by FBC(E). Typically, only crossings will be permitted subject to appropriate conditions. Parallel construction within the right of way will not likely be approved.*

- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.*
- *For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.*

*Otherwise, FBC(E) has no concerns with this circulation”.*

### **3.7 Staffing/Departmental Workplace Considerations:**

Should the Board support the requested variance, staff would issue the Permit and register a Notice of Permit on the property’s Title. A Building Permit would then be required for the construction of the building.

### **3.8 Board Strategic Plan/Priorities Considerations:**

This application falls under the operational role of Planning Services.

## **SECTION 4: OPTIONS & PROS / CONS**

### Planning Discussion

In response to the VID referral comments, staff outline that the applicant arranged a tour of the subject property with a trustee member of the VID, and provided additional site plan information (shown in Figure 5) to the Improvement District via the RDCK’s Planning Department. The revised site plan submitted shows that the proposed new septic field would be greater than 30 metres (100 feet) to the existing well on the adjacent “Lot 43”.

Planning staff do not support the issuance of this DVP based on the following rationale:

- While staff acknowledge that the proposed accessory building’s two unenclosed winged portions (37.5 m<sup>2</sup> in area on either side) of the structure are not included in the overall GFA calculation, they would contribute to the overall bulk and massing of the building having an even greater impact on the neighbourhood streetscape. The proposed height increase of more than 1.62 metres also requested would further impact the massing on the site.
- The variances requested are not minor in nature, and that the scale and intensity of the accessory structure is not in keeping with the character of the surrounding neighbourhood.
- This application for an accessory structure may be precedent setting.
- The scale of the proposed 186 m<sup>2</sup> in size accessory structure would not be considered subordinate (i.e. more than twice the size) and secondary to the existing 85.8 m<sup>2</sup> in size one-storey residential manufactured home on site.
- There has been mixed community feedback received on the variances requested.

It is for the above reasons that staff recommend that the Board does not proceed with the issuance of the DVP.

## Options

**Option 1:** That the Board NOT APPROVE the issuance of Development Variance Permit V2203I-01699.590 to Barbara and Greg Wheaton for the property located at 2721 Jacks Crescent and legally described as LOT B DISTRICT LOT 303 KOOTENAY DISTRICT PLAN EPP65772 (PID: 030-006-830) to vary Sections 701.7 and 701.8 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* as follows:

1. increase the maximum height of a proposed accessory building from 6.0 metres to 7.62 metres; and
2. increase the maximum gross floor area of an accessory building from 100 m<sup>2</sup> to 186 m<sup>2</sup>.

**Option 2:** That the Board APPROVE the issuance of Development Variance Permit V2203I-01699.590 to Barbara and Greg Wheaton for the property located at 2721 Jacks Crescent and legally described as LOT B DISTRICT LOT 303 KOOTENAY DISTRICT PLAN EPP65772 (PID: 030-006-830) to vary Sections 701.7 and 701.8 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* as follows:

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2. increase the maximum gross floor area of an accessory building from 100 m<sup>2</sup> to 186 m<sup>2</sup>.

## SECTION 5: RECOMMENDATION

That the Board NOT APPROVE the issuance of Development Variance Permit V2203I-01699.590 to Barbara and Greg Wheaton for the property located at 2721 Jacks Crescent and legally described as LOT B DISTRICT LOT 303 KOOTENAY DISTRICT PLAN EPP65772 (PID: 030-006-830) to vary Sections 701.7 and 701.8 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* as follows:

1. Increase the maximum height of a proposed accessory building from 6.0 metres to 7.62 metres; and
2. Increase the maximum gross floor area of an accessory building from 100 m<sup>2</sup> to 186 m<sup>2</sup>.

Respectfully submitted,  
Stephanie Johnson

## CONCURRENCE

Planning Manager – Nelson Wight

Approved

General Manager of Development and Community Sustainability – Sangita Sudan

Approved

Chief Administrative Officer – Stuart Horn

Approved

## ATTACHMENTS:

**Attachment A – Draft Development Variance Permit**

**Attachment B – Excerpt from *RDCK Zoning Bylaw No. 1675, 2004***

**Attachment C – Community Correspondence**



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# DEVELOPMENT VARIANCE PERMIT

Planning File No. V2203I

Date:

Issued pursuant to Section 498 of the *Local Government Act*

TO: Greg and Barbara Wheaton

### ADMINISTRATION

1. This Development Variance Permit (DVP) is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay (RDCK) applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this DVP, and any plans and specifications attached to this Permit that shall form a part thereof.
3. This DVP is not a Building Permit.

### APPLICABILITY

4. This DVP applies to and only to those lands within the RDCK described below, and any and all buildings, structures and other development thereon, substantially in accordance with Schedules '1', '2' and '3':

Address: 2721 Jacks Crescent, South Slokan

Legal: LOT B, DISTRICT LOT 303, KOOTENAY DISTRICT PLAN EPP65772

PID: 030-006-830

### CONDITIONS

5. Development Variance

Electoral Areas F, I, J, and K Zoning Bylaw No. 1675, 2004, Sections 701.7 and 701.8, are varied as follows for the accessory building shown in Schedules '2' and '3':

1. The maximum height of the proposed accessory building is increased from 6.0 metres to 7.62 metres; and
2. The maximum gross floor area for the proposed accessory building is increased from 100 m<sup>2</sup> to 186 m<sup>2</sup>.

6. Schedule

If the holder of the DVP does not substantially start any construction or does not register the subdivision with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

Authorized resolution \_\_\_\_\_ passed by the RDCK Board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

The Corporate Seal of  
THE REGIONAL DISTRICT OF CENTRAL KOOTENAY  
was hereunto affixed in the presence of:

\_\_\_\_\_  
Aimee Watson, Board Chair

\_\_\_\_\_  
Mike Morrison, Corporate Officer



Schedule 1: Subject Property



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 Roads
  - Cadastre
  - Civic Address

**Map Scale:**

1:2,257

Date: December 23, 2021



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Schedule 2: Site Plan

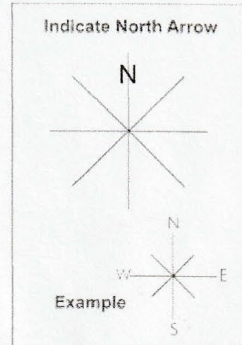
# SITE PLAN

Owner's Name: Barbie and Greg Wheaton

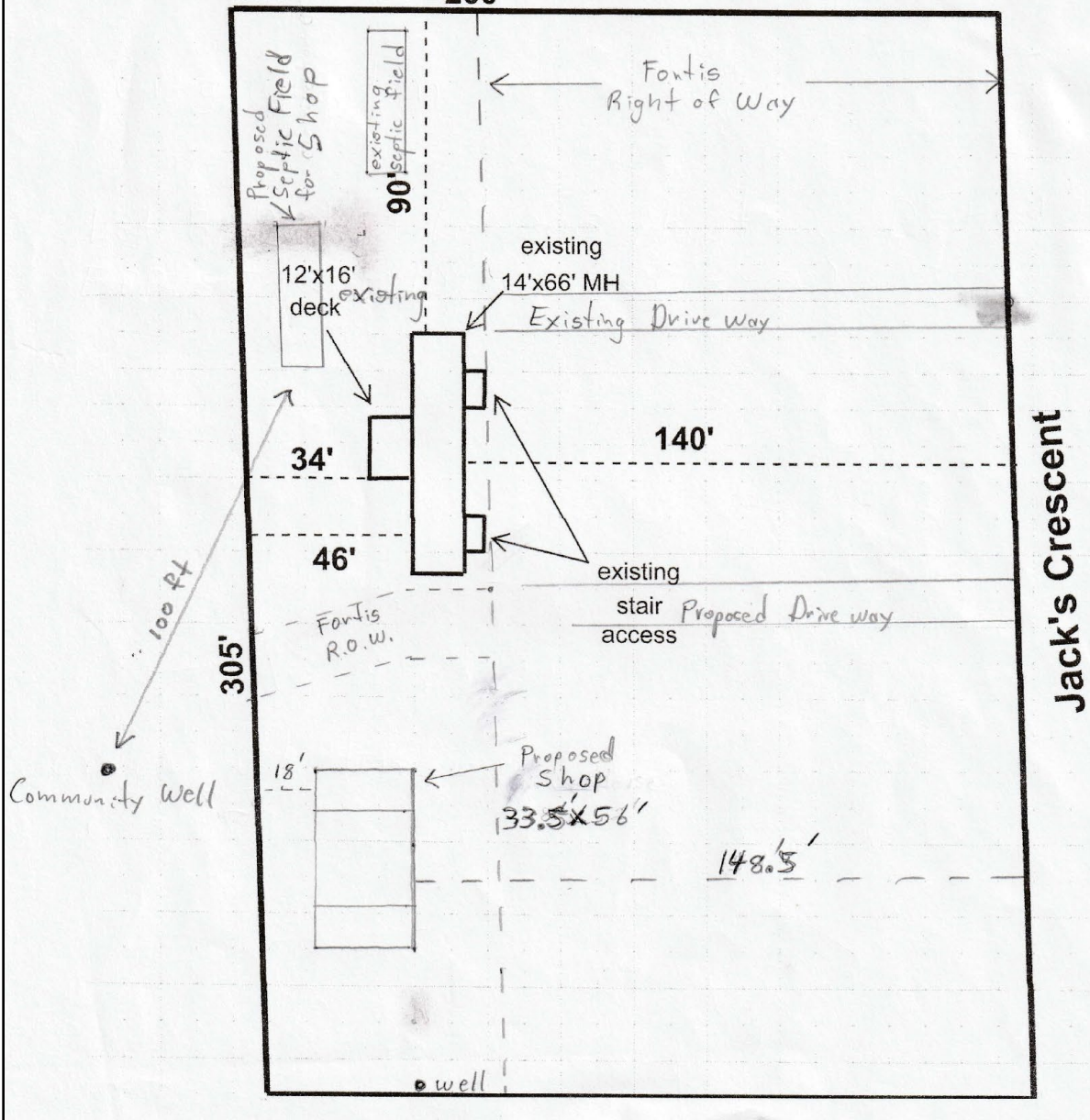
Legal Description: Lot B District Lot 303 Kootenay District  
Plan EPP65772

Civic Address: 2721 Jacks Crescent South Slokan, BC

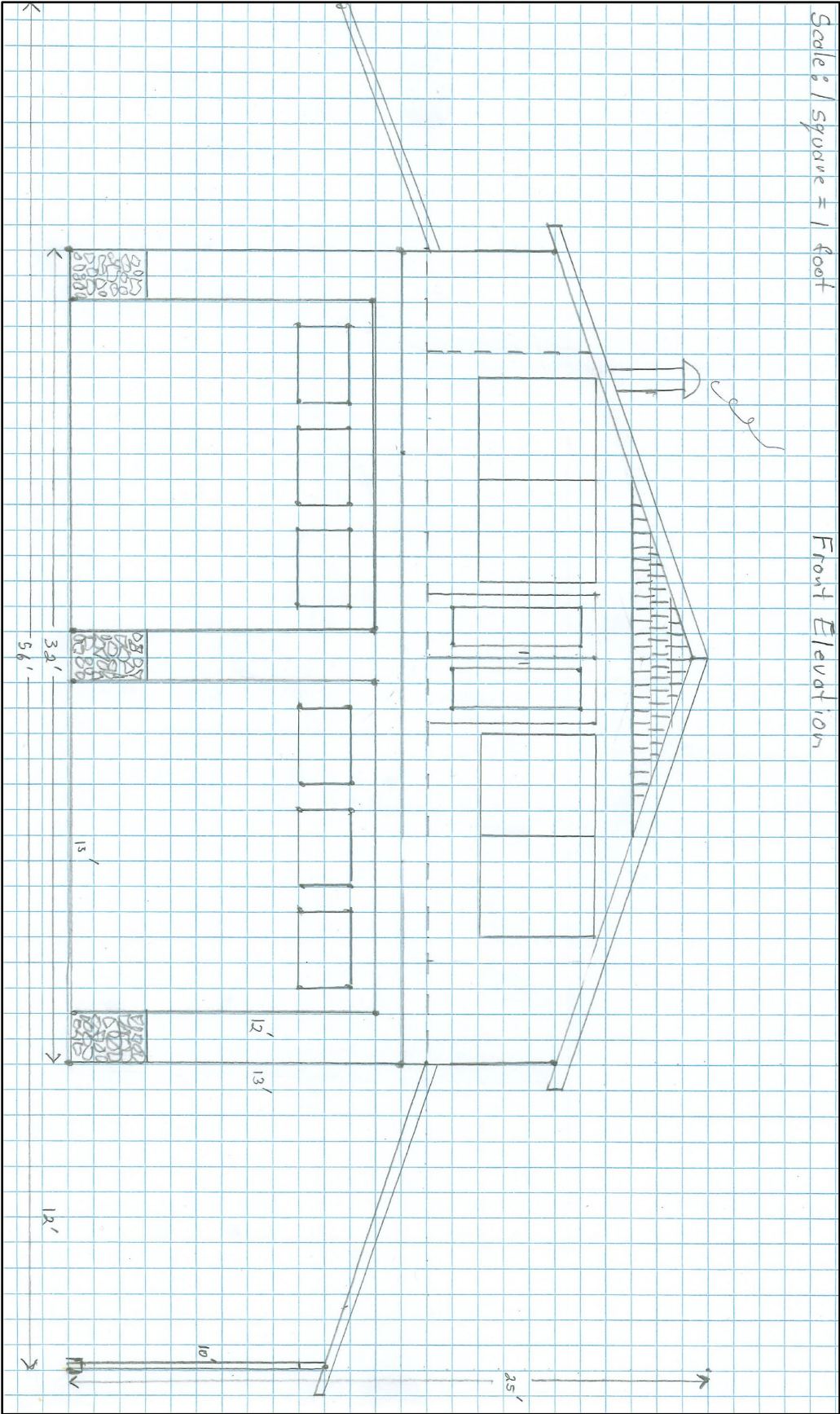
**AN INCOMPLETE SITE PLAN WILL DELAY YOUR PERMIT**



200' Scale: 1/4" = 10'

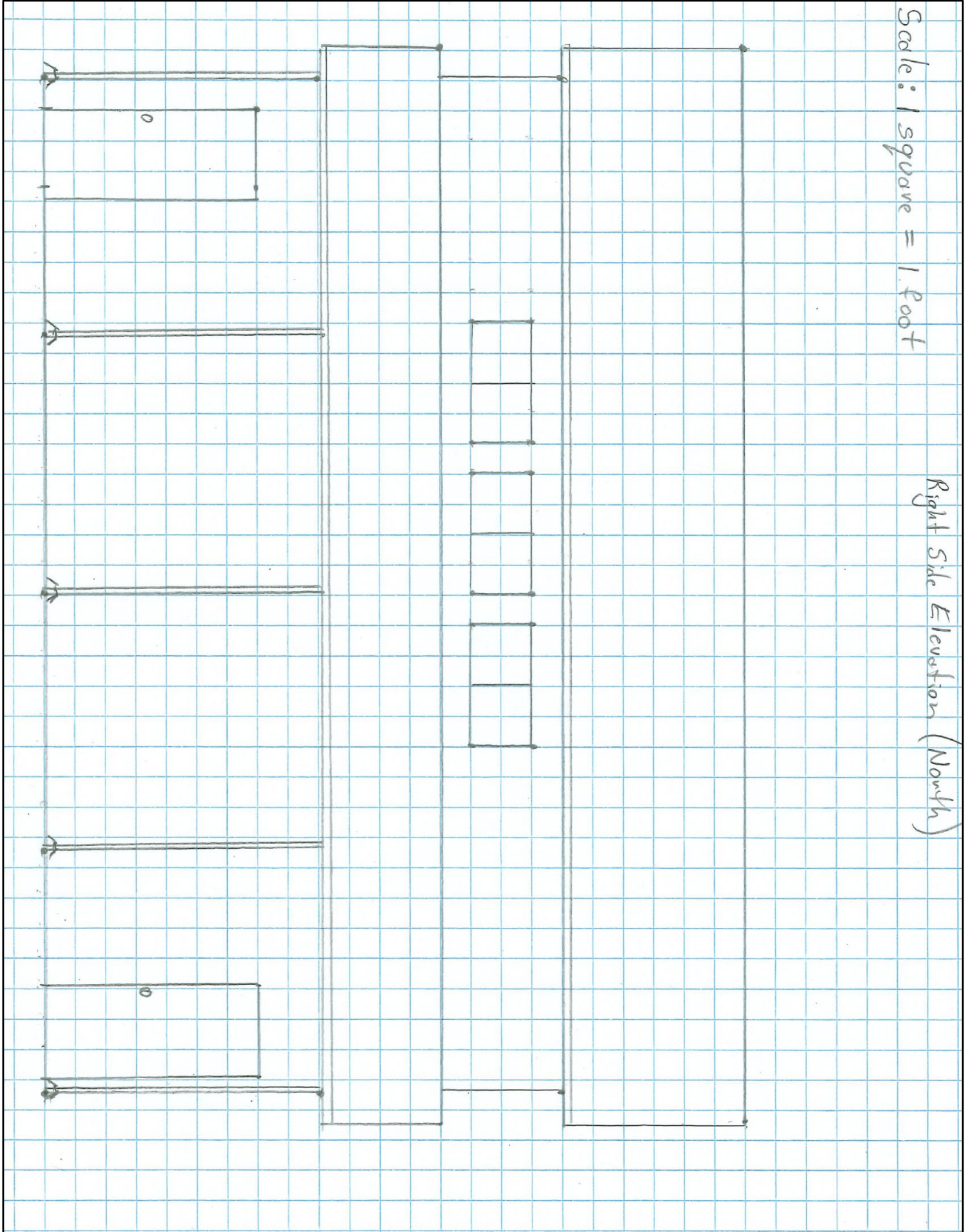


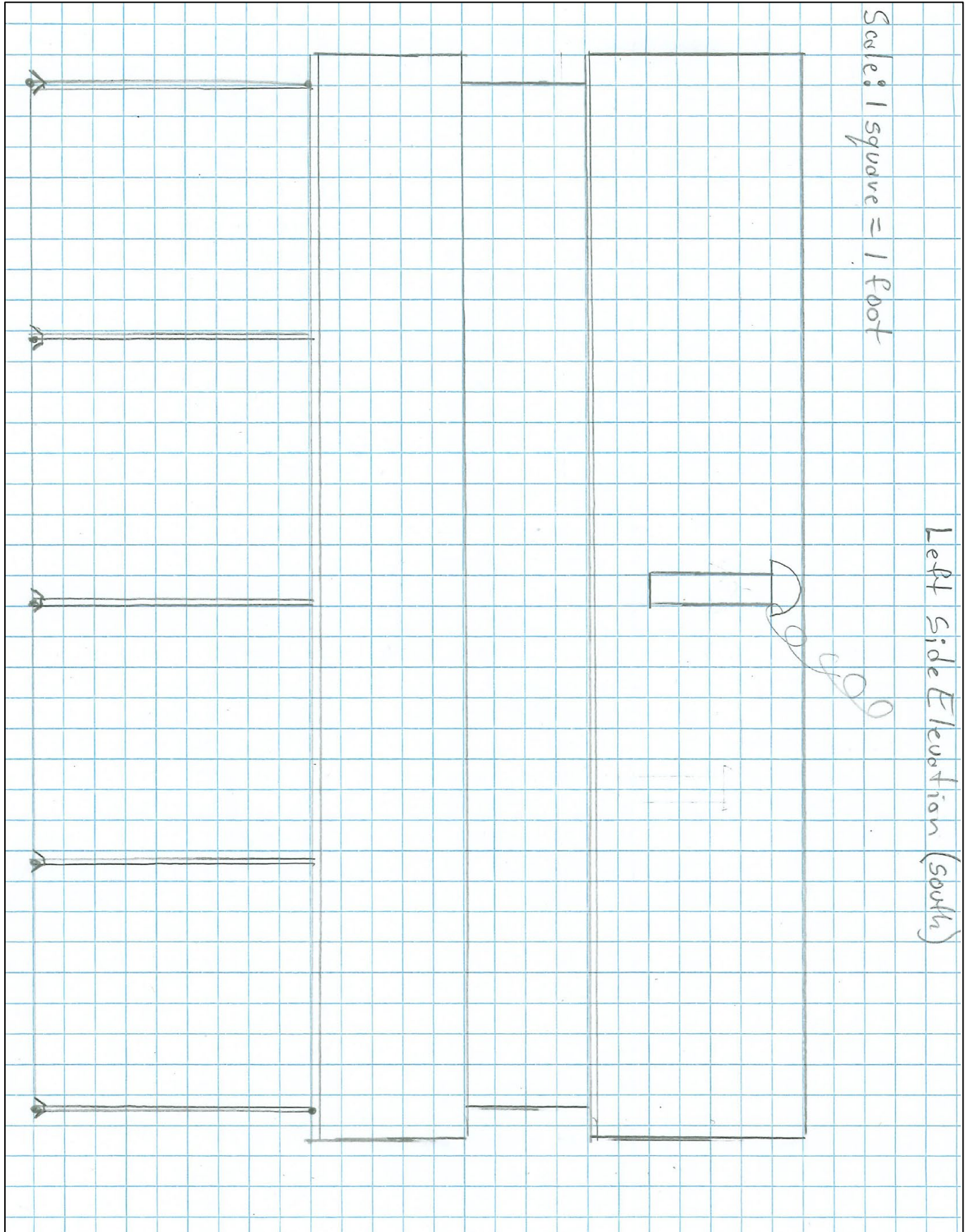
Schedule 3: Building Elevations

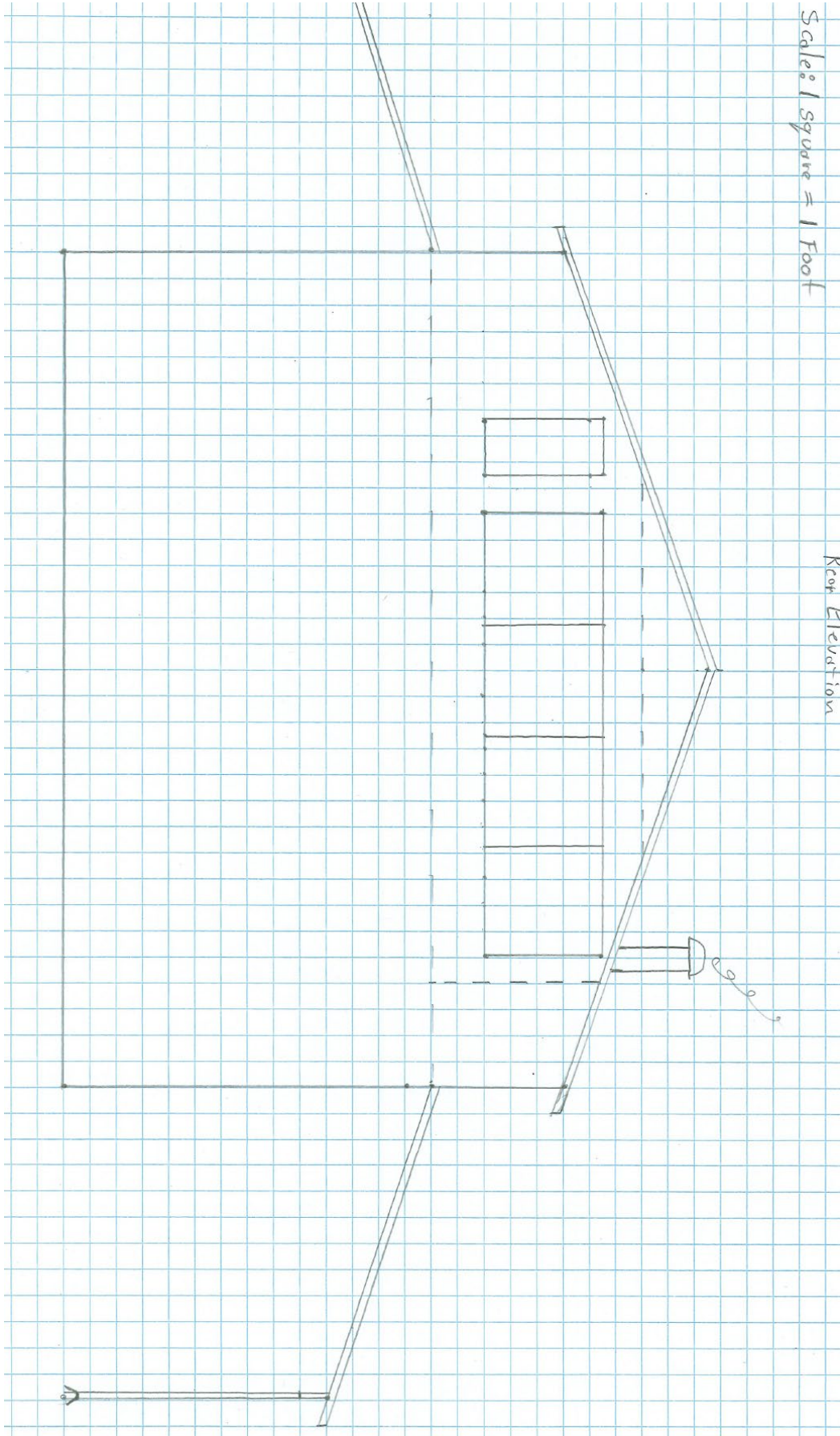


Scale: 1 square = 1 foot

Right Side Elevation (North)







**DIVISION 7          SUBURBAN RESIDENTIAL (R1)**

**Permitted Uses**

700 Land, buildings and structures in the Suburban Residential (R1) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Farm Products

**Development Regulations**

701

1 The minimum site area for the following uses shall be required as follows:

	Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
One-Family Dwelling	700 square metres	0.2 hectare	1.0 hectare
Two-Family Dwelling	1,000 square metres	0.4 hectare	1.0 hectare

- 2 The maximum site coverage is 50 percent of the site area.
- 3 Buildings and structures shall not cover more than 33 percent of the site area.
- 4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.
- 5 Farm animals and poultry shall be caged, fenced or housed at all times.
- 6 No principal building may exceed ten (10) metres in height.
- 7 The maximum height of any accessory building or structure shall not exceed 6 metres.
- 8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

- 9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.
- 10 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 11 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 12 Fences not exceeding a height of two (2) metres may be sited to the rear of the front lot line setback or exterior side setback on a lot.



**From:** [Lorraine Walton](#)  
**To:** [GRP\\_PlanDept](#)  
**Cc:** [Andy Davidoff](#)  
**Subject:** Wheaton property  
**Date:** Tuesday, March 29, 2022 6:48:11 PM

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\*\*\*CAUTION: This email originated from outside the organization. Please proceed only if you trust the sender.\*\*\*

Good day

Here we go once again filing in opposition to the new application put forth. When does it stop? As a neighbor, we should not be having to monitor and continually be on edge for the next letter. Thankfully this one had a date which was at least in the correct year. Yes, im frustrated and disappointed in the fact that if rdck says no ( apparently when they applied to put a steel garage it was rejected, than an application was put in for a carriage house and withdrawn, why? Were the applicants privy to information and told to change the wording as they knew there was opposition) they have family employed at RDCK. I already submitted and spoke to zach in regards to the other letters that we received. How do you expect the neighbors to know when the deadline was to oppose or support this change? I was told it does not matter in the letter i could look it up on the rdck website. (Btw its not on there) secondly its not my job.

This is now the third application? To build an office? No thanks, we already have a remax trailer on the property for advertising. Is this another loophole ? If approved a septic will go in, a business will run from this office ( than it should be zoned commercial) and 6 months later it can be changed to a suite. This is not their principle residence it is on a rental piece of property. How will this septic system affect the voykin improvement district water? What if the neighboring property applies to do the same? How many septic systems can these properties have? It will start leaching into the aquifer at some point. Why were all the community members not provided with letters or this information? We seem to forget that access to this property comes thru VID and affects everyone. All 59 resident homes.

Furthermore, neighbors to this property run a landscaping business and logging trucks are they zoned commercial?

So many questions with zero answers. Thank you for accepting this letter in opposition to the wheaton property.

Lorraine Walton



Sent from my iPhone

**From:** [Rick Belfry](#)  
**To:** [GRP\\_PlanDept](#)  
**Subject:** V22031  
**Date:** Thursday, March 17, 2022 12:05:59 PM

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\*\*\*CAUTION: This email originated from outside the organization. Please proceed only if you trust the sender.\*\*\*

We have viewed the plans for this application and would welcome the new addition to the Voykin subdivision. Having lived in this neighborhood for many years on 2710 jacks crescent and now 2720 Fir Drive we do not see any reason why this development should not proceed. The proponents of this structure are good neighbours and care about their community they live in and we believe that this has been carefully and thoughtfully considered beforehand! They are proud property owners and will create a very nicely finished project!  
Yours sincerely Rick and Wendy Belfry 2720 Fir Drive South Slocan Bc v0g2g1



**From:** [Shirley Hadkin](#)  
**To:** [Stephanie Johnson](#); [GRP\\_PlanDept](#)  
**Subject:** Re: Development Variance Permit, Agency Referral, RDCK File V2203I  
**Date:** Thursday, March 24, 2022 11:02:28 AM

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Hello Stephanie,

Thank you for the follow up email regarding my concerns. I don't really need to discuss my concerns about this application over the phone, but I am requesting that my concerns be filed regarding this application with the following:

The inclusion of a 2nd septic system/field as part of this application should have led the RDCK to canvas all 59 residents in this community. In my opinion the safety and protection of the VID water system would be the priority, thus canvassing all 59 residents for input should have been done regardless of what the by-law reads which is to only canvas residents who live 100 meters away.

I am not too keen on a huge building being constructed in our community above the maximum height of 6 meters or the maximum size of 100 square feet. My concern with their application is why do they require a second septic system? When there is already a septic system established for the existing mobile home on property? If their plans are to build an office only, would this not be feasible to connect into the mobile home septic?

I am aware that there is a by-law which allows a home based business in this area. Is a rental suite considered a home based business? I can only imagine that the request for a second septic system is for this reason - a rental suite on the 2nd floor of their accessory building as per Barbie Wheaton's communication with our community members when their first application was submitted with a plan for a rental suite/apartment.

The request of a second septic system & field, the location of it = the red flag. As per the plan most recently submitted, it does not appear they have plans for anyone to be living on this property or in this building. If there is reason to believe that they may develop this into a legal rental suite in the future, and would like to have the septic in place, then their septic system should be placed nearest Jacks Crescent Road, furthest away from Lot 43 and the 2 wells that feed 59 homes which belong to Voykin Improvement District, RDCK.

Does the RDCK not have concerns about another septic system & field being placed so close to Lot 43. Not concerned with the potential of harming existing wells and water aquifers for the other 59 homes? Placing another septic system nearest Lot 43 is one too many.

I request that the RDCK Planning office postpones this application until all residents in this community have been canvassed regarding an additional septic system and its location. If this plan was for a building only, then yes, canvas residents within 100 meters.

I trust that your planners will investigate this application more thoroughly and at the same time take into consideration the water table for the 59 homes in this community.

Thank you for your time.

Respectfully,

Shirley Hadikin  
2693 Fir Drive  
South Slocan, BC V0G2G1

**From:** [sheree schiavon](#)  
**To:** [Stephanie Johnson](#)  
**Cc:** [Andy Davidoff](#)  
**Subject:** RE: Land use application file # V22031 asking for Development Variance Permit to vary Sections 701.7 and 701.8 of RDCK Zoning Bylaw No. 1675, 2004  
**Date:** Friday, April 8, 2022 12:12:47 PM

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**IMPORTANT: PLEASE PROVIDE CONFIRMATION OF RECEIPT OF THIS EMAIL**

SHEREE SCHIAVON HOOVER and ED HOOVER  
2711 Jacks Crescent,  
South Slocan, BC  
V0G 2G1

ATTENTION: STEPHANIE JOHNSON PLANNER, RPP MCIP DEVELOPMENT SERVICES  
REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BOX 590, 202 Lakeside Drive, NELSON, BC V1L 5R4  
ph: 250-352-8165 fax:: 250-352-9300 email: [rdck@rdck.bc.ca](mailto:rdck@rdck.bc.ca)

Dear Stephanie Johnson,

We are writing to you regarding to make note that we are strongly in opposition to the land use application file # V22031 asking for Development Variance Permit to vary Sections 701.7 and 701.8 of RDCK Zoning Bylaw No. 1675, 2004. The applicant is requesting to:

increase the maximum height of an accessory building from 6.0 metres to 7.62 metres; and, increase the maximum gross floor area of an accessory building from 100 m<sup>2</sup> to 186 m<sup>2</sup> to permit the construction of an accessory building for a workshop use on the ground floor and office use above for personal use.

For the purpose of registering your objection to this application. We have provided an outline of our objections based on the grounds that the proposed development will:

- Not be in keeping with the context of scale of the area.
- Have a layout or density that is inappropriate for the area.
- The Official Community Plan(OCP) process is overdue. As homeowners we see this application as seeking a decision from the RDCK that will either directly or

indirectly have potential to impact the density and land use dynamics in our community. These are very important issues to residents. The bylaw in question is central to that discussion. We feel this issue should be duly addressed in the OCP process. We ask that this application be stayed until the RDCK can move forward with the OCP process.

- Be contrary to upholding and enforcement of existing land use regulations, and quality of life
- Potential aquifer contamination; adding another septic field to the lot for a total of two septic systems on a 1.75 acre lot; the potential for risk to 3 surrounding well's
- Be contrary to planning policy; the proposed septic field is not on same side of lot as building in application;
- Be built for storage as primary designation, not residential.
- Land is not applicants primary residence
- If building to be used as an office then,
  - A. Who is using the office?
  - B. The applicant's primary residence is across the street
  - C. The applicants wife has a commercial office in town
  - D. If the office is to be used by renters of existing mobile home on property in application, why is a letter from said renters not attached to application.
  - E. Why is a second story needed to provide an office?
- Applicant withdrew application for the same building in this application To amend the Official Community Plan (OCP) land use designation from Country Residential Two, and to rezone subject property from Suburban Residential (R1). Seeking the above bylaw amendments to permit the construction of an accessory dwelling unit (i.e. carriage house) 72.8 m2 in size above a garage on the subject property and be used for a rental.
  1. If no longer seeking to have a rental suite why is the second floor needed
  2. Once a building is approved the applicant can easily convert ( proposed office to a rental) and we as community members will be stuck with the building and an additional rental on the property.
- Be similar to applicants previous rejected developments application; which was denied summer 2021 ( As stated by applicant )
- Create a precedent making it difficult to object to similar proposals;

- Create visual clutter,
- Oversized building for a non primary residence that will be absurdly over-scaled in context of existing properties and accessory buildings in the community.
- Result in the loss of important public and private views
- Be for non residential purposes for applicant; remaining portion of building/garage, will be potentially more rental income; existing rental trailer on the lot identified in application; no other lots in subdivision with rental units;

We appreciate your time in reading this letter and we look forward to hearing from you.

Please feel free to contact myself or my husband Ed at [REDACTED].

**Sheree Schiavon**  
*Sheree Schiavon*

Regional District of Central Kootenay  
Box 590, 202 Lakeide Drive  
Nelson, B.C. V1L 5R4

RDCK PLANNING FILE: V22031

APRIL 10/22.

I like to add my support for Greg and Barbara Wheaton and their application of a garage and workshop on the ground floor with an office use above.

I have known the Wheatons for over fifteen years. They have been excellent neighbors, very considerate and helpful couldn't ask for better.

They acquired the land across from me for about 3 years now and they have been out there, clearing brush, picking rocks, cleaning making it into a park like area, very neat and well taking care of.

I have seen the blueprints, to me they would add to the enhancement of the property in the subdivision

HM Beauregard  
2720 Jacks Creek.  
South Stellan B.C.  
V0G 2G1



**From:** [Kathie Patterson](#)  
**To:** [Stephanie Johnson](#)  
**Subject:** Letter of Support for Greg and Barbie Wheaton for Development Variance Permit V22031  
**Date:** Sunday, April 10, 2022 4:16:06 PM

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Dear Stephanie,

I would like to support Greg and Barbie's Development Variance Permit. We have lived at 2716 Fir Drive since 1990 and have known Greg and Barbie for the past 16 years when they moved into the Voykin Sub-Division.

During this time I have always known Greg and Barbie to be great neighbors, positive contributors to our community, and respectful to their neighbors.

They both have very high standards which are reflected in their upkeep of their current home and yard.

It is for these reasons I have no doubts whatsoever that the current proposed structure will be very tastefully constructed to completion and will compliment our community surroundings.

Please accept this email as my letter of support for approval of this Development Variance Permit.

Should you have any questions, please do not hesitate to contact me.

Regards,

Greg Patterson  
2716 Fir Drive7  
South Slokan, BC



April 9, 2022

RE Greg Wheaton Application for a development variance permit V22031

Dear RDCK

I am writing in support of this development. I live directly across from the proposed site and know that because of the type of persons Greg and Barbie are that this structure will be not only be built with integrity of the site ( water, size of structure, etc) but will be esthetically compatible. We have been neighbours with the Wheatons for 16 years and Greg is extremely courteous and helpful with helping with projects for us as neighbours or the community. For example, he was very supportive in the neighborhood library project, and he planted a pumpkin patch with the idea to grow a pumpkin for the children in the subdivision for Halloween. We have been on the local water board together and continue to volunteer our time to help with any improvement projects. Greg offers the use of his tractor to assist with larger rock and dirt moving projects for the water improvement district as well.

I trust that the proposed development will be an asset to our neighbourhood.

Respectfully,

Paris Voykin



Lee Hollis  
2724, Jacks Crescent,  
South Slokan, BC.  
V0G2G1

April 10<sup>th</sup> 2022

File Ref # V22031

Dear Stephanie

I have known Greg Wheaton since 2010 and have been his neighbor since 2012. I have always found him to be respectful and helpful within the community. He served several years as the water maintenance representative for our Voykin subdivision, he helps clear snow from peoples driveways and keeps his property in meticulous condition. Since Greg's acquisition of the adjacent property he has made significant improvements that have had a positive impact on our community.

I have seen Greg's proposed development plans and I am fully in favor.

If you require further information please don't hesitate to contact me.

Kind Regards

Lee Hollis