



Development Variance Permit Application

Referral Form – RDCK File V2306F

Date: September 14, 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 October 15, 2023). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

2898 LOWER SIX MILE ROAD, NORTH SHORE, ELECTORAL AREA 'F'
 LOT A DISTRICT LOTS 787 AND 788 KOOTENAY DISTRICT PLAN NEP70753 (PID: 025-329-243)

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property is located in the Six Mile residential area and adjacent to Kootenay Lake. There are currently two dwellings on the property and an addition is being proposed for the smaller dwelling that is located closer to the road.

The applicant is requesting a variance from the setback requirements in order to construct a 15 m² addition and a 12.5 m² attached deck. The existing dwelling is located approximately 1.5 metres from the interior lot line and the proposed addition and deck will also be 1.5 metres from the interior lot line.

This Development Variance Permit (DVP) seeks to vary Section 605.5 under the *RDCK Zoning Bylaw No. 1675, 2004* in order to permit a 1.5 metre setback from the northern interior side lot line whereas the bylaw requires a minimum setback of 2.5 metres to an interior lot line.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
0.5 hectares (1.2 acres)	N/A	Suburban Residential F (R1F)	Suburban Residential (SR)

APPLICANT:

Roland and Trudy Daniels

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	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 checked="" 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 type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input checked="" type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input type="checkbox"/> APHC AREA 'F' <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input type="checkbox"/> RDCK EMERGENCY SERVICES
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<input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM	<input checked="" type="checkbox"/> RDCK BUILDING SERVICES
<input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS)	<input checked="" type="checkbox"/> RDCK UTILITY SERVICES (DUHAMEL CREEK WATER SYSTEM)
<input type="checkbox"/> SCHOOL DISTRICT NO.	<input type="checkbox"/> RDCK RESOURCE RECOVERY
<input type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT	<input type="checkbox"/> RDCK REGIONAL PARKS
<input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)	<input type="checkbox"/> CRESTON VALLEY AGRICULTURAL ADVISORY COMMISSION
	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: V2306F

APPLICANT: ROLAND AND TRUDY DANIELS

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

V2306F: Development Variance Permit (Daniels)



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

- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:2,000

Date: September 14, 2023



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.

V2306F: Development Variance Permit (Daniels)



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Zoning Class

- Open Space
- Parks and Recreation
- Residential 1
- Residential 5

Legend

- Residential 6
- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:5,000

Date: September 14, 2023



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.

Zachari Giacomazzo

From: Roland and Trudy Daniels [REDACTED]
Sent: August 31, 2023 8:18 AM
To: Zachari Giacomazzo
Subject: Variance to building permit

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

Zachariah,

I am seeking a variance for my cabin addition. The cabin is currently set back from the property line by 1.5 metres and I propose to add a 3.5 metre addition a 2.5 metre deck in line with the current walls. This would require me to get a variance to the current 2.5 metre setback. I have applied for the variance of keeping it at the 1.5 metre setback as that would keep the symmetry of the addition more uniform with the current structure .

Thanks for your attention to this.

Roland Daniels

Sent from my iPad

HP w2408h Vivid Color Widescreen Flat-Panel Monitor with BrightView Panel. Extraordinary performance.

• 24" diagonal widescreen viewing area • 1920 x 1200 screen resolution • VGA and HDMI inputs support computing and gaming • High definition video support • Vivid Color Technology for vivid, real-life accuracy

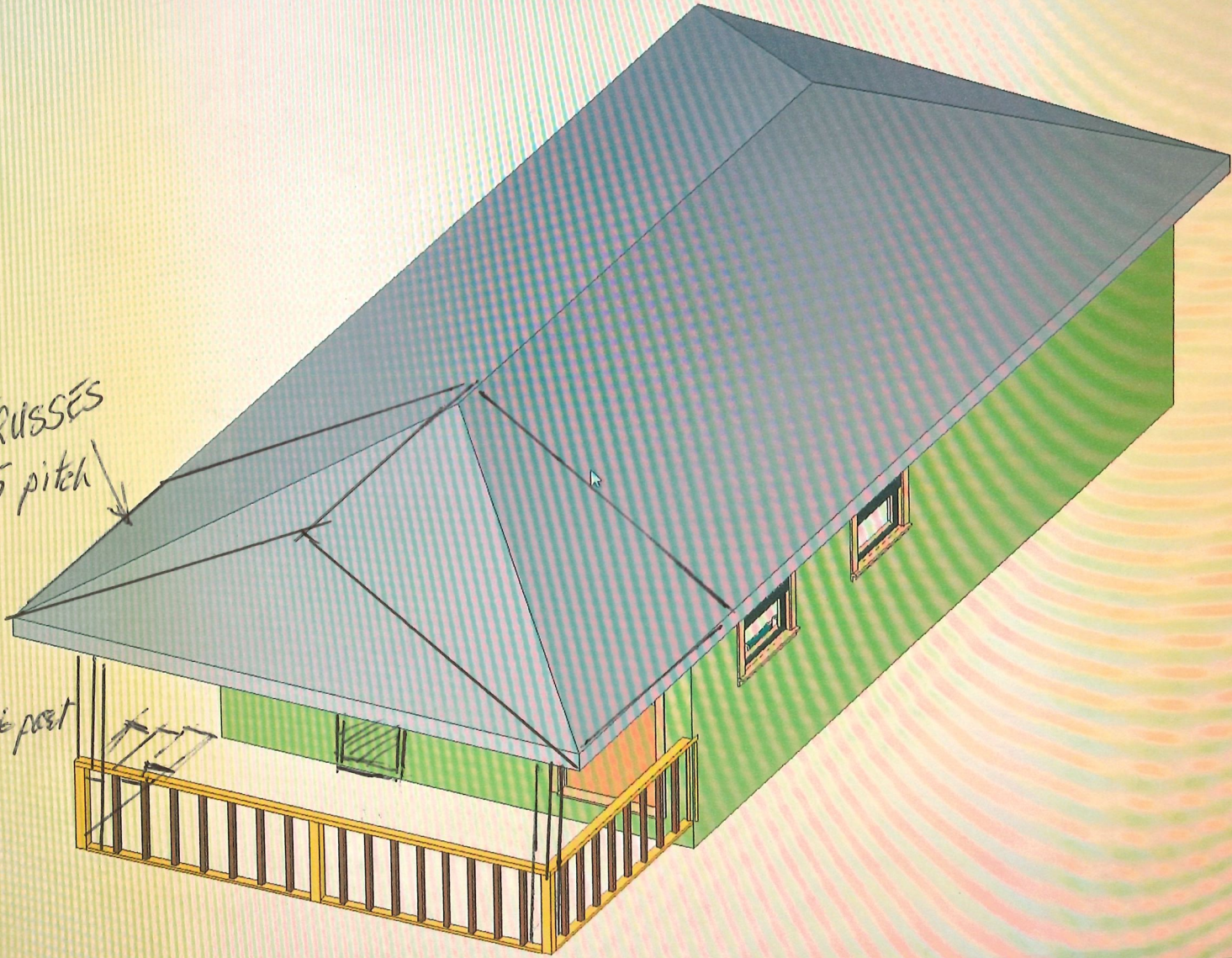
2023.PL1: Full Overview

Window Internet Help

Select Items

TRUSSES
12:5 pitch

6x6 post

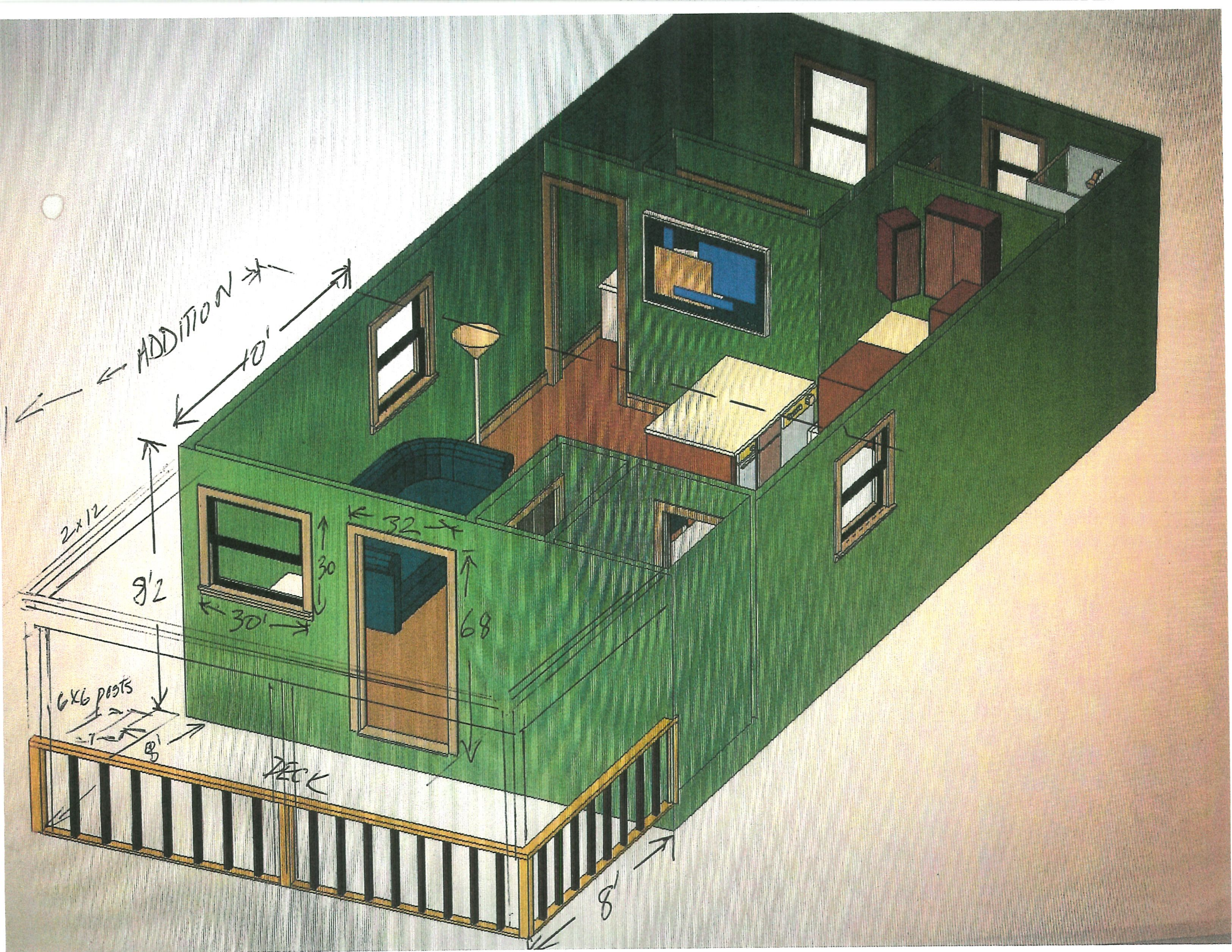


Windows Live Mess...

3D Home Architect ...



Hi Turn. From you
... a good ...
... and ...



ADDITION 10'

2x12

9/2

30' 30'

32'

68'

6x6 posts

8'

DECK

8'

- 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), on all lots adjacent to land zoned Agriculture, a minimum of a ten (10) metre setback shall be required from any portion of 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.

- 5 Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located within 4.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line.

Note: BC Building Code regulations may require greater setbacks than those identified in Section 605 and Section 606 of this bylaw.

Setback Exceptions

606

- 1 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.
- 2 Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, and flagpoles up to ten (10) metres in height may be sited on any portion of a lot.
- 3 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 be reduced by not more than 0.6 metre providing such reduction shall apply only to the projecting feature.
- 4 Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front lot line as permitted elsewhere in this bylaw may be reduced by not more than 1.2 metres and the minimum distance to an abutting site lot line or rear lot line as permitted elsewhere in this bylaw may be reduced by not more than 0.6 metre provided such reduction shall apply only to the projecting feature.

Home Based Businesses

607 A Home Based Business, where permitted, is subject to the requirements that:

- 1 The proprietor resides on the subject property;
- 2 The activity shall be conducted in a dwelling unit or accessory building;
- 3 The site area devoted to the Home Based Business, inclusive of external storage of materials, equipment or finished products, shall not exceed 100 square metres on any R1, R2, R3, R6, R7, MFR-F, HR-I, C5 and AG zoned lot;
- 4 The site area devoted to the Home Based Business, inclusive of external storage of materials, equipment or finished products, shall not exceed 200 square metres on any R4 zoned lot;