



# Committee Report

**Date of Report:** 06, 23, 2022  
**Date & Type of Meeting:** 07, 20, 2022, Rural Affairs Committee  
**Author:** Eileen Senyk, Planner  
**Subject:** DEVELOPMENT VARIANCE PERMIT  
**File:** V2206B  
**Electoral Area/Municipality** B

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit in Electoral Area 'B'. The variance would authorize the applicant to construct an accessory building in the Country Residential (R2) zone that exceeds the maximum allowable gross floor area (GFA) by 24 square metres. Staff recommend that the Board approve the Development Variance Permit. There is a concurrent application for a temporary use permit for this accessory building to be considered by the Board at its July meeting.

## SECTION 2: BACKGROUND/ANALYSIS

### GENERAL INFORMATION

**Property Owner:** Peter Kazda

**Property Location:** 1335 Airport Road, Electoral Area 'B'

**Legal Description:** LOT 2 PLAN EPP18797 TOWNSHIP 7 SECTION 12 KOOTENAY LAND DISTRICT (PID 028-937-601)

**Property Size:** 1 hectare (2.47 acres)

**Current Zoning:** Country Residential (R2)

**Current Official Community Plan Designation:** Country Residential (RC)

### SURROUNDING LAND USES

**North:** Country Residential (R2)

**East:** Agriculture (AG) – within the Agricultural Land Reserve

**South:** Country Residential (R2)

**West:** Country Residential (R2)

### Background Information and Subject Property

The subject property is located in Electoral Area 'B' south of the Town of Creston. The property is part of survey plan EPP18797, a six lot subdivision created in 2012. The property is surrounded by the Country Residential (R2) zone on three sides. To the east is Agricultural Land Reserve.

There is a water well and septic field already installed on the property, but the only structure currently on the property is a small pump house for the well.

The proposal is to construct an accessory building that has a Gross Floor Area of 224 square metres. The proposed building is 6.7 m in height. This GFA is larger than the 200 square metres GFA allowed in the R2 zone. There is no dwelling on the property and so the owners have applied for a concurrent Temporary Use Permit for the same building. The Temporary Use Permit will go before the Board for consideration on July 21, 2022.

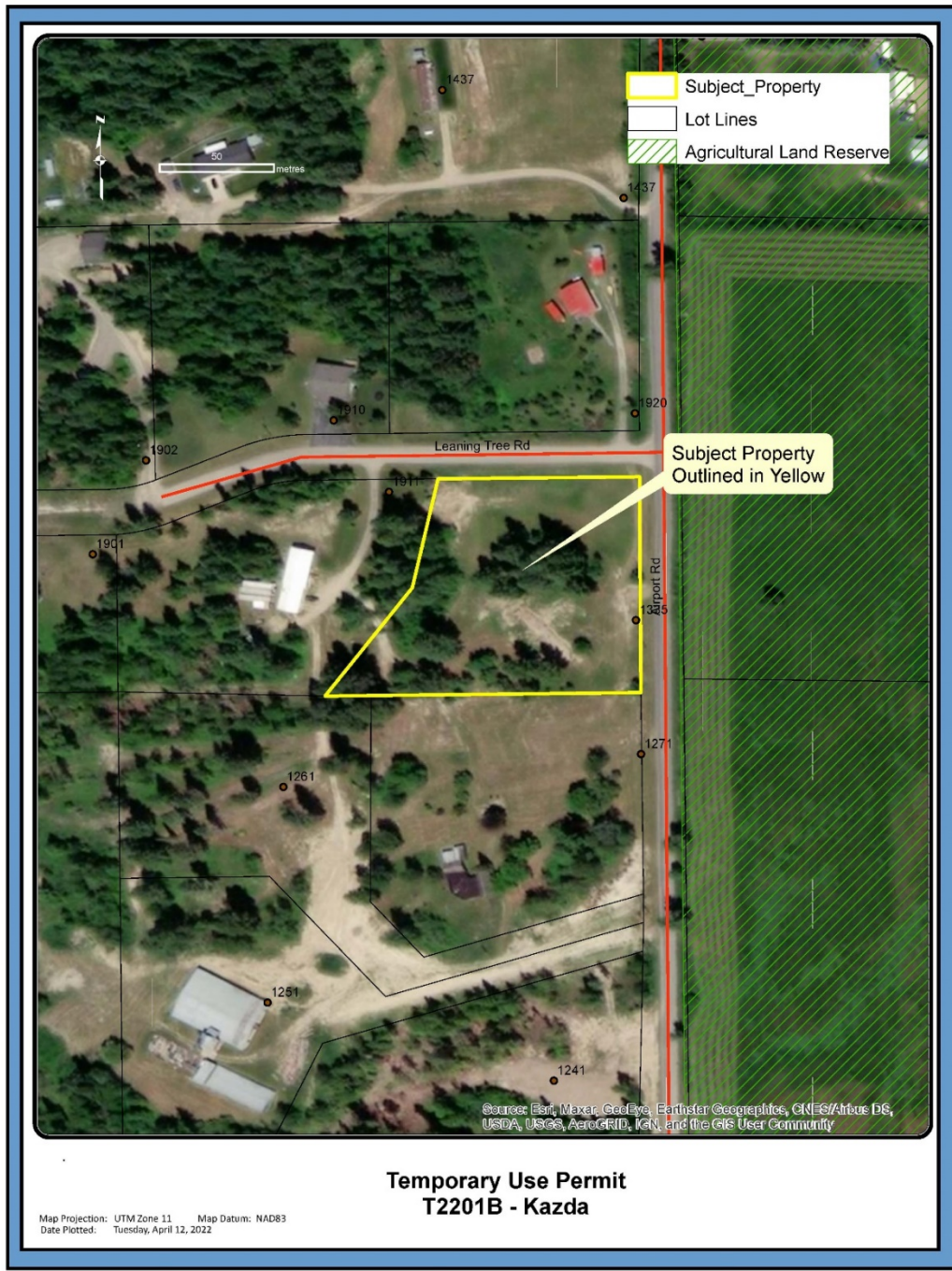


Figure 1: Overview Map

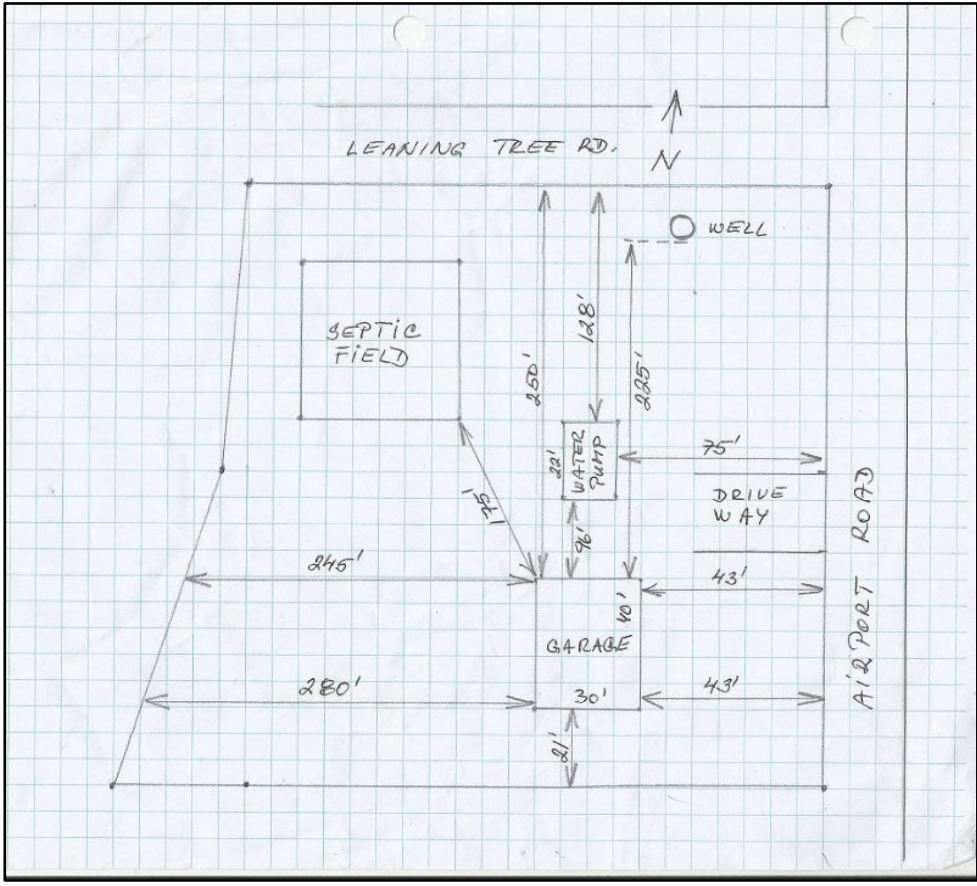
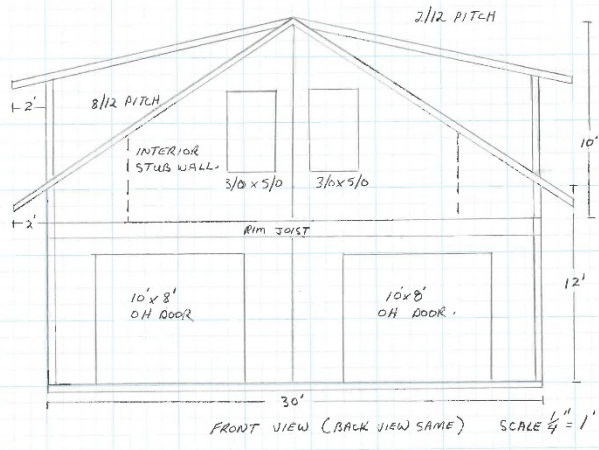


Figure 2: Site Plan

\* PETER KAZDA GARAGE  
 AIRPORT RD, LISTER B.C.



- FRAMING SPECIFICATIONS:
- 2x6 STADS 16" OC.
  - 1/2" PLYWOOD SHEETING.
  - SIDING: PAPER.
  - CEMENT B.D. SIDING.
  - METAL SOFFIT & FACIA
  - ROOFING: METAL
  - 1/2" PLYWOOD SHEETING.
  - METAL FLASHINGS INSTALLED.
  - ROOF VENTING INSTALLED.
  - WINDOWS PVC CSA APPROVED
  - ALL LUMBER GRADED.
  - RADON PIPE INSTALLED, IF REQUIRED (GARAGE)
  - SMOKE DETECTOR LINKED TO HOUSE.
  - ENGINEERED TRUSSES OR RAFTER FRAMED TO SPEC.

Figure 3: Building Plan Front View

RIGHT AND LEFT  
 SIDE VIEW

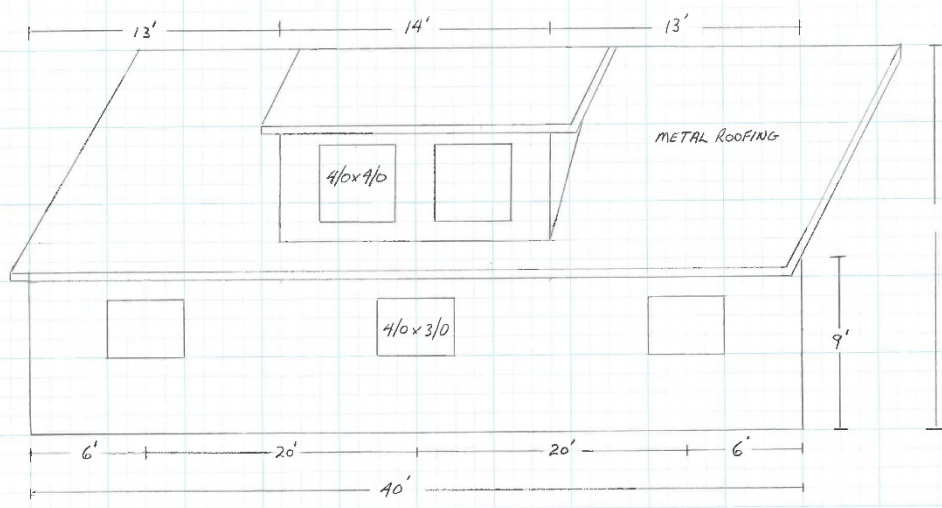


Figure 4: Building plan side view

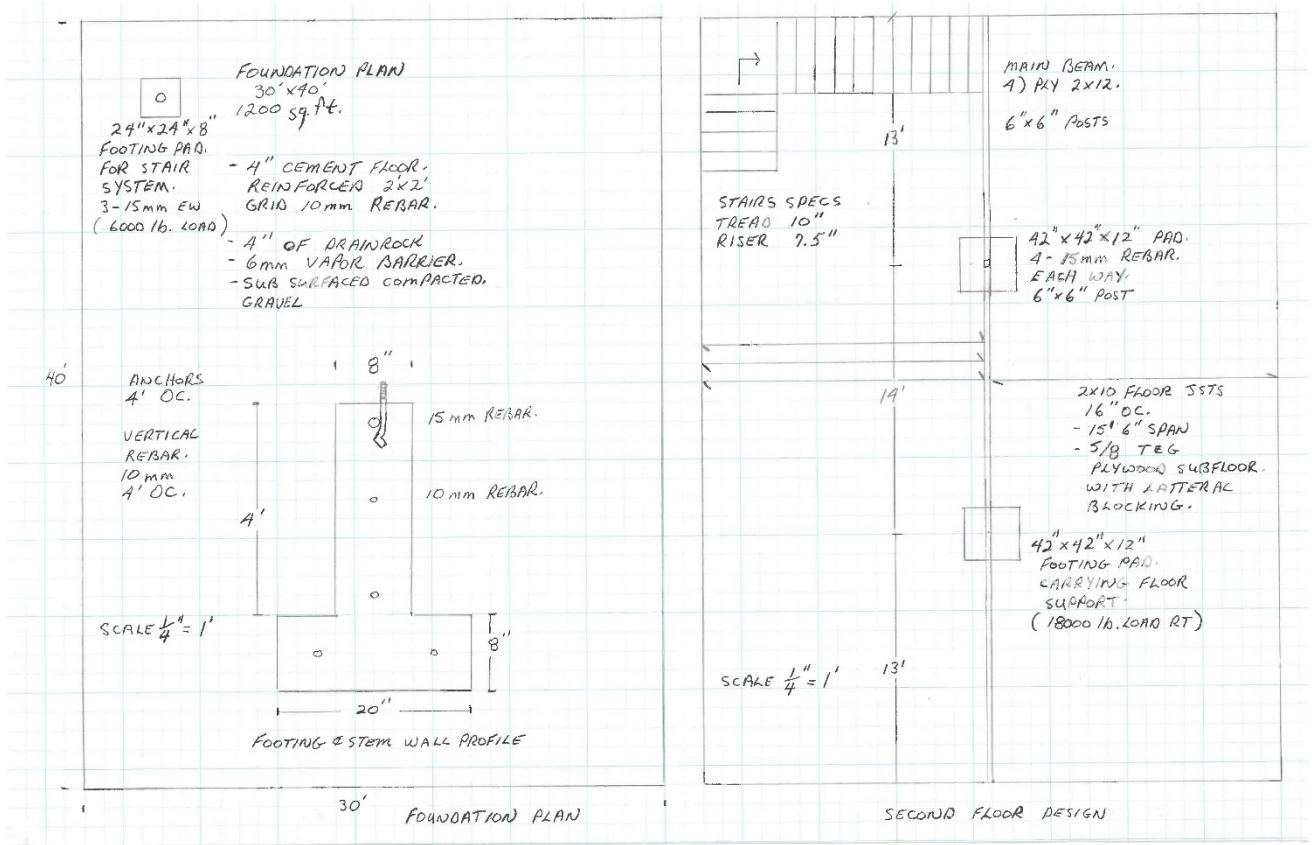


Figure 5: Building, floor plan



*Figure 6: Facing south toward building site*



*Figure 7: Facing North West and showing the well*



*Figure 8: Facing north over the septic field*

## **Planning Policy**

### **Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013**

#### Country Residential (RC) Policies

The Regional Board:

18. Directs that the principal use shall be single-family or two-family dwellings.
19. Supports low density residential development with lot sizes for subdivision purposes being determined by the requirements of on-site servicing, such as ground or surface water and Type 1 waste water disposal.
20. Provides for property owners or residents to diversify and enhance uses secondary to 'Country Residential' uses with home based business, agri-tourism, home occupations, or bed and breakfast opportunities, provided that they are compatible with the character of the surrounding area.

#### **Community Specific Policies**

##### **Lister, Rykert, Riverview and Huscroft**

16. Recognizes that the community is primarily characterized by larger residential parcels and large lot agricultural parcels, the majority of which are located within the Agricultural Land Reserve and will allow for a mix of parcel sizes dependent on type of land use and agricultural activity.

## 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 application fee has been paid in full pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

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

Section 498 of the Local Government Act gives authority to vary provisions of a zoning bylaw provided that they do not affect use and density.

### 3.3 Environmental Considerations

None anticipated.

### 3.4 Social Considerations:

There was no opposition to the application which indicates that surrounding land owners do not have concerns. Staff conducted a site visit on the property and noted that there are no houses bordering the property.

### 3.5 Economic Considerations:

None anticipated.

### 3.6 Communication Considerations:

The application was referred to internal departments, other government agencies and five surrounding property owners. No responses were received from property owners. The following responses were received from government agencies.

#### Interior Health Authority – Team Leader: Healthy Community Development

*The IH Healthy Community Development Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at Healthy Built Environment. An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.*

#### Ministry of Transportation and Infrastructure – Development Officer

*Thanks for the opportunity to review this proposal. MOTI has no concerns with the proposal.*

### 3.7 Staffing/Departmental Workplace Considerations:

Should the Regional Board resolve to provide the public with a 'Notice of Permit' staff will prepare the notification and publish it in the Salmo edition of the Pennywise, pursuant to Section 494 of the Local Government Act as cited in Section 3.2 of this report.

### 3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.



## SECTION 4: OPTIONS

### Planning Discussion

Planning staff support the issuance of this DVP since:

- No neighbourhood feedback in response to the development notice sign posted on the subject property and or notices mailed to adjacent property residents about the proposed variance was received. The variance requested is not anticipated to negatively impact the surrounding properties.
- Should the variances not be approved and the owners build within the zoning regulation for an accessory structure (200 m<sup>2</sup> versus 224 m<sup>2</sup>), the visual impact for the adjacent properties would be similar in nature.

### Option 1

That the Board APPROVE the issuance of Development Variance Permit V2206B to Peter and Lenka Kazda for the property located at 1335 Airport Road and legally described as LOT 2 PLAN EPP18797 TOWNSHIP 7 SECTION 12 KOOTENAY LAND DISTRICT (PID 028-937-601) to vary Section 18.9 of Rural Creston Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2022: FROM 200 square metres gross floor area TO 224 square metres gross floor area.

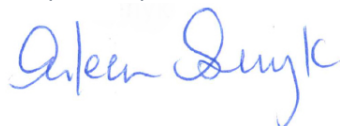
### Option 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2206B to Peter and Lenka Kazda for the property located at 1335 Airport Road and legally described as LOT 2 PLAN EPP18797 TOWNSHIP 7 SECTION 12 KOOTENAY LAND DISTRICT (PID 028-937-601) to vary Section 18.9 of Rural Creston Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2022: FROM 200 square metres gross floor area TO 224 square metres gross floor area.

## SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2206B to Peter and Lenka Kazda for the property located at 1335 Airport Road and legally described as LOT 2 PLAN EPP18797 TOWNSHIP 7 SECTION 12 KOOTENAY LAND DISTRICT (PID 028-937-601) to vary Section 18.9 of Rural Creston Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2022: FROM 200 square metres gross floor area TO 224 square metres gross floor area.

Respectfully submitted,



Eileen Senyk

## CONCURRENCE

Planning Manager – Nelson Wight

General Manager Development & Sustainability – Sangita Sudan

Chief Administrative Officer – Stuart Horn

### ATTACHMENTS:

**Attachment A – Development Variance Permit**



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

**DEVELOPMENT VARIANCE PERMIT**

**Planning File No. V2206B**

Date: July 21, 2022

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

TO: Peter and Lenka Kazda

**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' and '2':

Address: 1335 Airport Road

Legal: LOT 2 PLAN EPP18797 TOWNSHIP 7 SECTION 12 KOOTENAY LAND DISTRICT  
PID (028-937-601)

**CONDITIONS**

5. Development Variance

Rural Creston Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013, Section 18.9 is varied as follows:

From: The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.

To: The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres., as shown on Schedule '1' and '2'.

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.

7. Other

Authorized resolution [*enter resolution number*] 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:

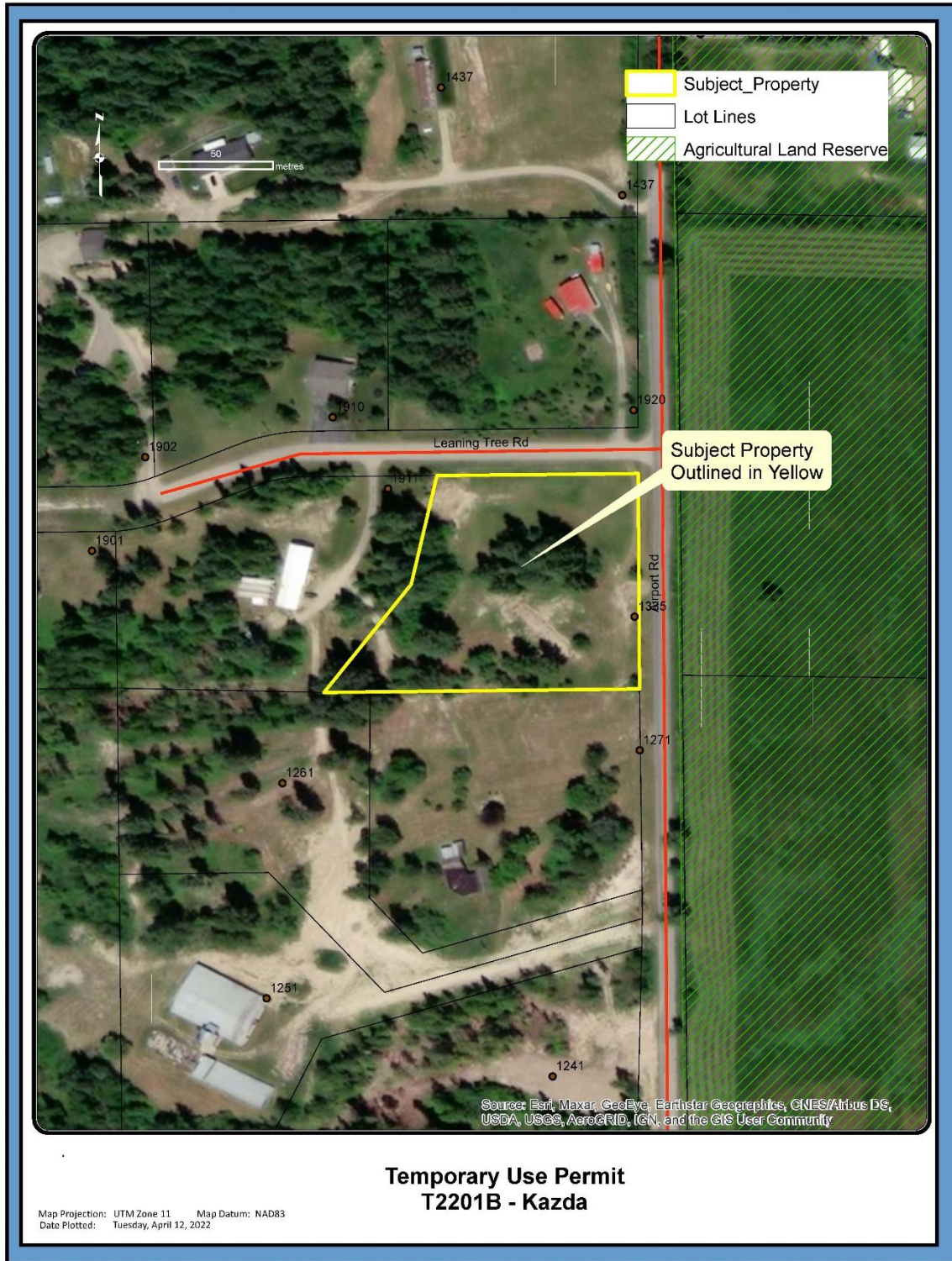
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Aimee Watson, Board Chair

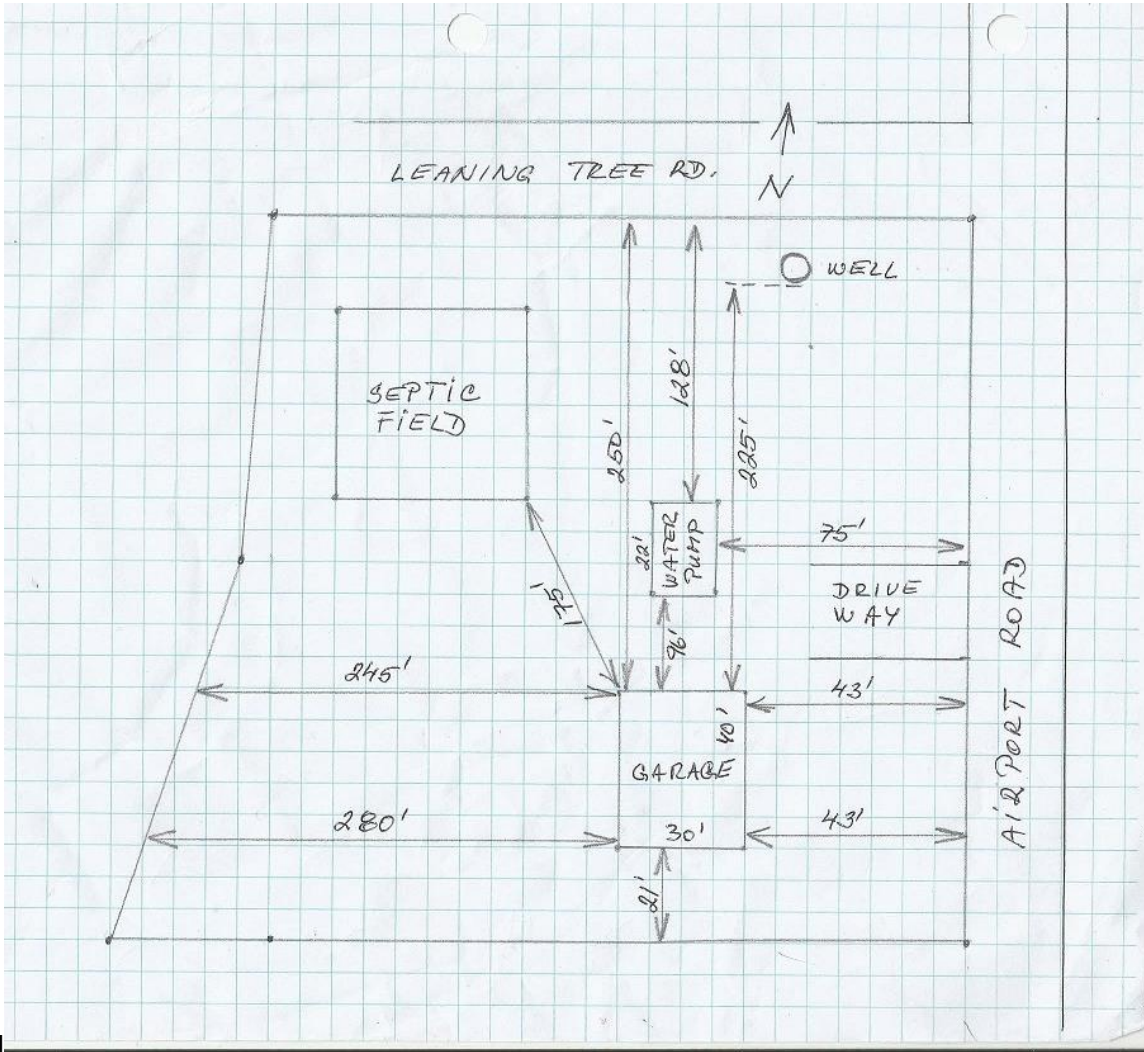
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Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan



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