



Committee Report

Date of Report: 08, 02, 2022
Date & Type of Meeting: 08, 17, 2022,
Author: Eileen Senyk, Planner
Subject: TEMPORARY USE PERMIT AND DEVELOPMENT VARIANCE PERMIT
File: T2203K and V2207K
Electoral Area/Municipality K

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Board and Rural Affairs Committee to consider two concurrent applications; one for a Temporary Use Permit, and an associated Development Variance Permit in Electoral Area 'K'. The purpose of the Temporary Use Permit is to build an accessory structure prior to a house, and the purpose of the Development Variance Permit is to seek relief from the maximum Gross Floor Area (GFA) identified in the Suburban Residential K (R1K) zone. The proposed accessory structure exceeds the maximum GFA by ten (10) square meters.

Staff recommend that the Board direct staff to provide notification of the Board's intention to consider Temporary Use Permit T2203K at the September 22, 2022 meeting and also recommend that the Board approve Development Variance Permit (V2207K) subject to approval of the Temporary Use Permit (T2203K) at the September 22, 2022 Regular Open Board meeting.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Grant Doyle & Cheryl White
Property Location: 228 Clark Road, Burton, Electoral Area 'K'
Legal Description: Lot 29 District Lot 770 Kootenay District Plan 10749 (PID 012-820-733)
Property Size: 0.2 hectares (0.51 acres)
Current Zoning: RDCK Zoning Bylaw No. 1675, 2004 - Suburban Residential K (R1K)
Current Official Community Plan Designation: The Arrow Lakes Official Community Plan Bylaw 2022, 2009 - Country Residential (R2)

SURROUNDING LAND USES

North: Suburban Residential (R1K)
East: Agriculture (within Agricultural Land Reserve)
South: Suburban Residential (R1K)
West: Suburban Residential (R1K)

Background Information and Subject Property

The subject property is located in the unincorporated community of Burton, about 36 km south of the Village of Nakusp near the Arrow Reservoir. The property is 0.2 hectares in size and is zoned Suburban Residential K (R1K). The Official Community Plan designation is Country Residential (R2). There is an inconsistency between the Official Community Plan designation and the zoning class.

The property is not connected to the Burton water system. It is currently vacant and servicing is proposed to be ground water well and an on-site septic system.

The owners of the property would like to build an accessory structure (a 'Future Steel' building) to store furniture, yard equipment, tractor mower, boat, vehicles and personal belongings. The owners plan on placing a modular home on the property in the future.

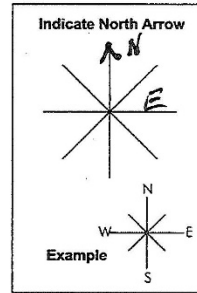


Figure 1: Overview Map

SITE PLAN

Owner's Name: Grant Doyle & Cheryl White
 Legal Description: PID: 012-820-733, Lot 29 District
Lot 7703, Kootenay District Plan
 Civic Address: 228 Clark Rd. Barbou BC V0G 1E0

AN INCOMPLETE SITE PLAN WILL DELAY YOUR PERMIT



Scale: 1/4" = 86.4 FT

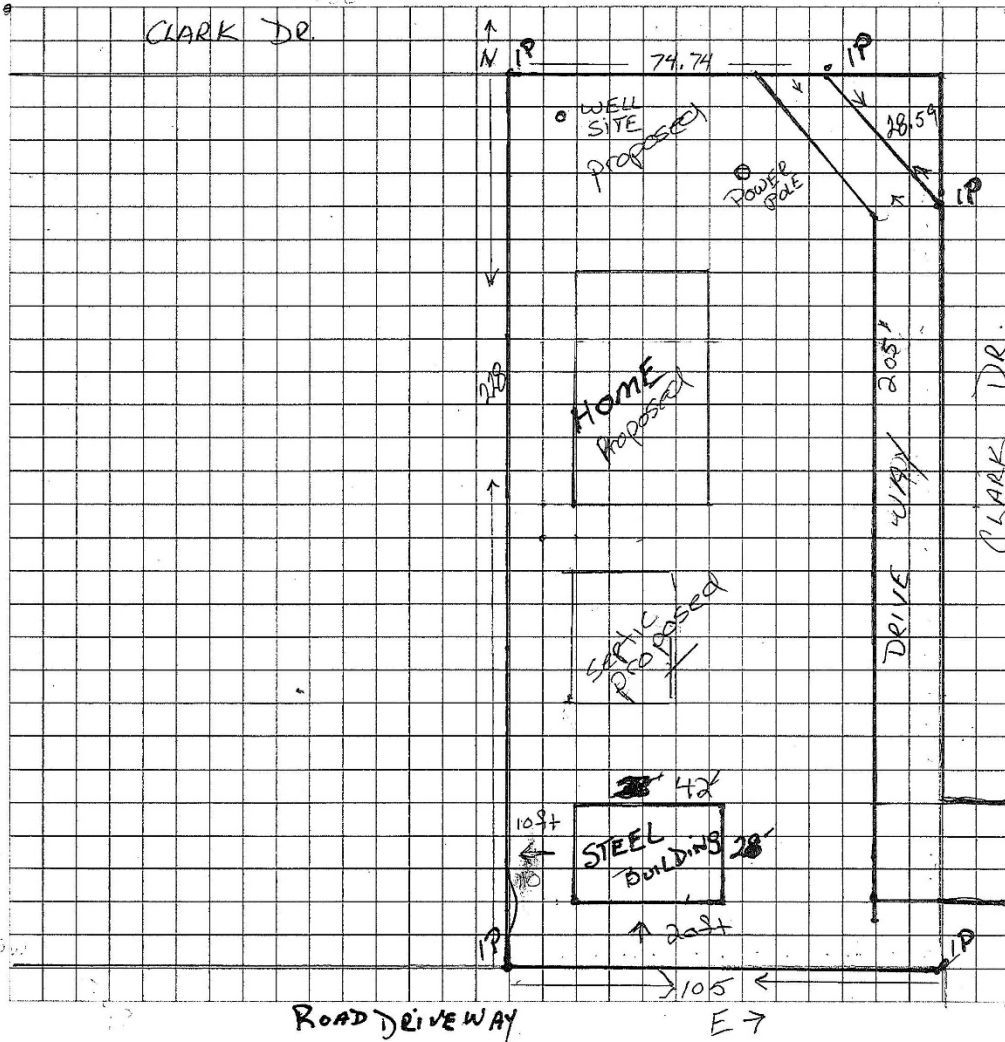


Figure 2: Site Plan



Figure 3: Area cleared and prepared for building



Figure 4: Proposed building location relative to Clark Road

Electoral Area 'K' - The Arrow Lakes Official Community Plan Bylaw 2022, 2009

Residential Policy Background:

Rural Residential (R3) and Country Residential (R2) development generally includes single detached housing, manufactured homes, duplexes, and accessory buildings and uses that fit with low-density development characteristics. This designation is generally associated with the rural areas outside of and non-adjacent to municipal boundaries.

Community Residential (R1) development generally includes higher density single and duplex dwellings, triplexes, fourplexes, townhouses, apartments and other uses that fit with the residential intent of the designation. This designation is limited to those areas adjacent to municipal boundaries or within existing communities where servicing and infrastructure costs are lower and where development is already of a higher density. The Plan recognizes that Community Residential development will be directed to existing settlement areas, which are better able to function as service centers. It may also include areas that are already supporting such densities elsewhere in the Plan area.

Country Residential (R2) Policies

The Regional Board:

1. Directs that the principal use shall be single detached or duplex dwellings.
2. Directs that the minimum lot size be 1.0 ha (2.47 acres).
3. Supports that existing lots smaller than the minimum lot size permitted may be used for the purposes permitted in the designation provided that all other regulations are met.
4. Supports that the clustering of strata lots and subdivision lots shall be encouraged subject to density not exceeding the requirements above and subject to the protection of green space or provision of public amenity.
5. Directs that accessory uses include provisions to allow for accessory tourist accommodation, secondary suites, home-based business, the keeping of farm animals subject to health and agricultural regulations, and the sale of site grown horticultural produce.

Suburban Residential K (R1K) Development Regulations

Development Regulation	Maximum Allowable in R1K Zone	Proposed
Maximum height for accessory structure	6 m	5m
Maximum gross floor area for any accessory building	100 m ²	110 m ²

Maximum cumulative gross floor area of all accessory buildings	200 m ²	110m ²
Maximum site coverage	50%	%
Maximum area that buildings and structures will cover	33%	%
Setback from front or exterior side lot line	7.5m	13m
Setback from interior lot line	2.5m	6m (south lot line) 3m (west lot line)

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

Land clearing for the proposed use has already occurred.

3.4 Social Considerations:

There has been no opposition to the application.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to 18 neighboring property owners as well as relevant government agencies. No responses were received from neighboring property owners. The following responses were received from government agencies:

Interior Health Authority – Specialist Environmental Health Officer

‘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 – District Technician

‘Thank you for the opportunity to respond to the dev’t variance permit, our agency has no concerns.’

RDCK Building Department – Building Official

‘Owner has located the property pins and setbacks of 10feet will be ok from building code perspective. Setback is at least 40-50 feet to Clark rd. No issues.’

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

The applicants have purchased the ‘Future Steel’ accessory building, which exceeds the maximum gross floor area permitted in the R1K zone by 10 square metres. The accessory building is proposed to be constructed prior to the dwelling thereby necessitating a Temporary Use Permit. Currently, there is a shipping container placed on the property which is in contravention with the Suburban Residential K zone.

There is an inconsistency between the Official Community Plan designation (Country Residential) and the zoning (Suburban Residential) in this part of Burton. While the history of this decision is unknown, it is likely that the zoning is based on the small lot sizes within the area, and that the OCP designation is derived from the fact that there is no option to connect to community services. The property is not connected to the Burton water system.

The proposed accessory building is only slightly larger (exceeds the limit by 10 square metres) than what is permitted in the R1K zone. The owners claim that there are no public storage facilities in the area to store their belongings once they move out of their current rental. The future proposed dwelling is a modular home, but it has not yet been purchased.

Despite the Suburban Residential zoning, the nature of the area around the subject property is very rural in nature. The proposed construction of an accessory building has not caused any concern in the community. The owners of the property will lose their currently rental housing in the near future. While they are able to find interim housing, they have not been able to find suitable storage for their belongings in the area. Further, the current lag in the supply chain has caused a delay on availability of modular homes, and so the owners need more

time before they can secure one that meets their needs. They would like to begin developing the subject property. For the above noted reasons, they would like to build the accessory building first.

Option 1

That the Board direct staff to provide notification of the Board’s intention to consider Temporary Use Permit T2203K application by Grant Doyle and Cheryl White for the property located at 228 Clark Road and legally described as Lot 29 District Lot 770 Kootenay District Plan 10749 (PID 012-820-733) at the next available opportunity.

That the Board APPROVE the issuance of Development Variance Permit V2207K to Grant Doyle and Cheryl White for the property located at 228 Clark Road and legally described as Lot 29 District Lot 770 Kootenay District Plan 10749 (PID 012-820-733) to vary Section 1001.8 of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004: FROM 100 square metres TO 110 square metres SUBJECT TO Approval of Temporary Use Permit No. T2203K.

Option 2

That the Board take no further action regarding Temporary Use Permit T2203K application by Grant Doyle and Cheryl White for the property located at 228 Clark Road and legally described as Lot 29 District Lot 770 Kootenay District Plan 10749 (PID 012-820-733).

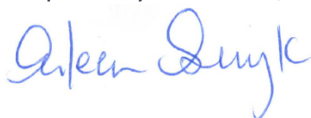
That the Board NOT APPROVE the issuance of Development Variance Permit V2207K to Grant Doyle and Cheryl White for the property located at 228 Clark Road and legally described as Lot 29 District Lot 770 Kootenay District Plan 10749 (PID 012-820-733) to vary Section 1001.8 of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004: FROM 100 square metres TO 110 square metres.

SECTION 5: RECOMMENDATIONS

That the Board direct staff to provide notification of the Board’s intention to consider Temporary Use Permit T2203K application by Grant Doyle and Cheryl White for the property located at 228 Clark Road and legally described as Lot 29 District Lot 770 Kootenay District Plan 10749 (PID 012-820-733) at the next available opportunity.

That the Board APPROVE the issuance of Development Variance Permit V2207K to Grant Doyle and Cheryl White for the property located at 228 Clark Road and legally described as Lot 29 District Lot 770 Kootenay District Plan 10749 (PID 012-820-733) to vary Section 1001.8 of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004: FROM 100 square metres TO 110 square metres SUBJECT TO Approval of Temporary Use Permit No. T2203K.

Respectfully submitted,



Eileen Senyk

CONCURRENCE

Nelson Wight – Planning Manager

Sangita Sudan – Manager Development Services and Community Sustainability

Stuart Horn – Chief Administrative Officer

ATTACHMENTS:

Attachment A – Draft Development Variance Permit

Attachment B – Draft Temporary Use Permit

Attachment C – Building Plans



REGIONAL DISTRICT OF CENTRAL KOOTENAY
TEMPORARY USE PERMIT
Planning File No. T2203K

Date: August 4, 2022

Issued pursuant to Section 492 of the *Local Government Act*

TO: Cheryl White and Grant Doyle

ADMINISTRATION

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

APPLICABILITY

4. This TUP is issued for the following purpose:
5. This TUP 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: 228 Clark Road
Legal: Lot 29 District Lot 770 Kootenay District Plan 10749
PID (012-820-733)

CONDITIONS

6. This TUP authorizes the following use of the above mentioned lands for a period not to exceed three (3) years from the date of issuance or at the date of expiry:
7. This TUP is issued subject to the following conditions:

- a. The temporary use shall be limited to one accessory structure on the subject parcel, prior to the construction and establishment of the principal residential use and building on the subject property.
- b. The accessory structures shall not contain a dwelling unit.
- c. The accessory structure shall not be used for commercial or industrial purposes.
- d. It is understood and agreed that the Regional District of Central Kootenay has made no representations, covenants, warranties, guarantees, promises, or agreements (verbal or otherwise) with the Permittee other than those contained in this Permit.
- e. Notice shall be filed in the Land Title Office that the land described herein is subject to this Permit.
- f. It is understood and agreed that this Permit does not imply approval for future rezoning of the subject property for the specified use.
- g. This Permit shall expire three (3) years from the date of issuance.

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:

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property

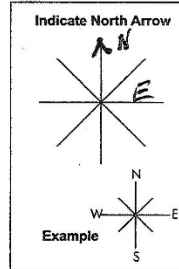


Schedule 2: Site Plan

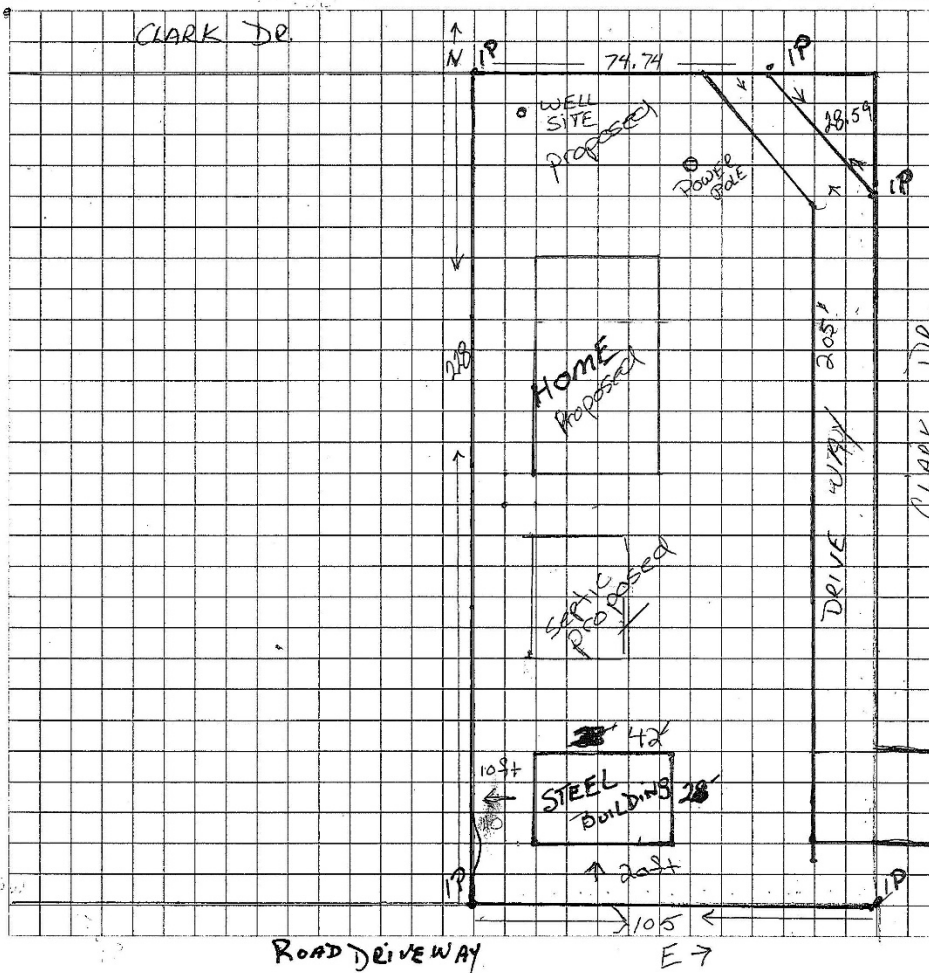
SITE PLAN

Owner's Name: Grant Doyle & Cheryl White
Legal Description: PID: 012-820-733, Lot 29 District
Lot 7700, Kootenay District Plan
Civic Address: 228 Clark Rd. Burton BC V0G 1E0

AN INCOMPLETE SITE PLAN WILL DELAY YOUR PERMIT

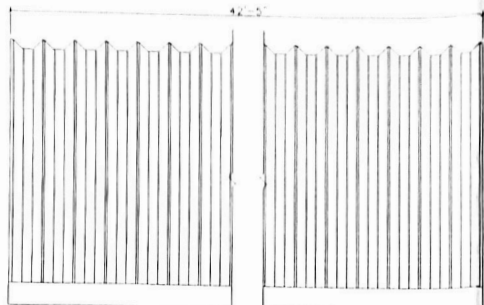


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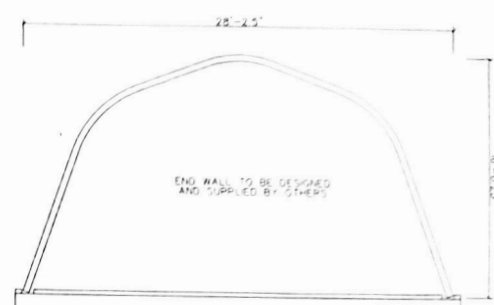




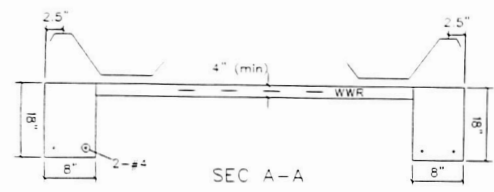
REAR ELEVATION



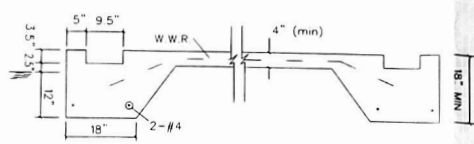
SIDE ELEVATION



FRONT ELEVATION



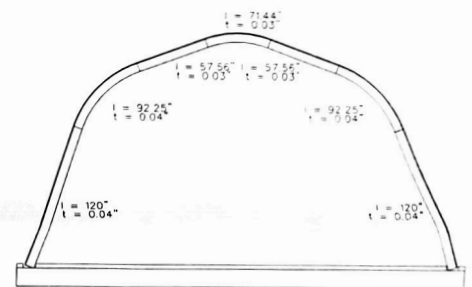
SEC A-A



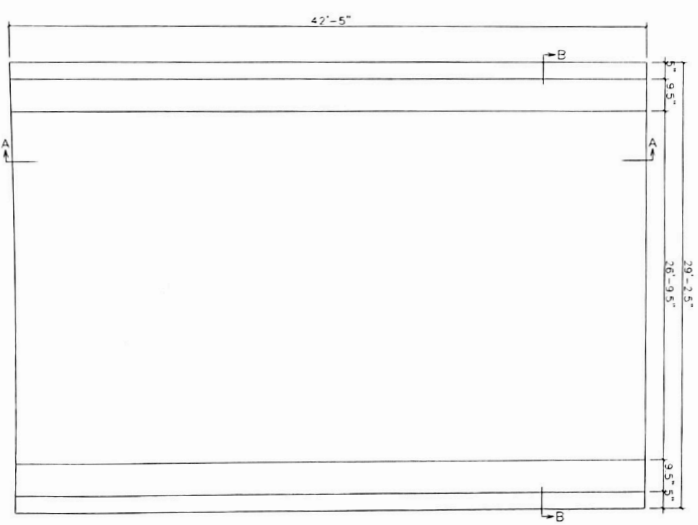
SEC B-B

WARNING: DO NOT REMOVE OR REDUCE THE CONCRETE FLOOR OR THE REINFORCING STEEL, AND/OR RAISE THE TOPS OF THE FOOTERS ABOVE THE FLOOR OR BUILDING FAILURE MAY RESULT

- Minimum Concrete Cover:
- (a) Concrete Cast against earth: 3"
 - (b) Concrete exposed to earth or weather:
 - No. 6 through No. 10 bars: 2"
 - No. 5 bar and smaller: 1.5"
 - (c) Concrete not exposed to earth or weather: 0.75"

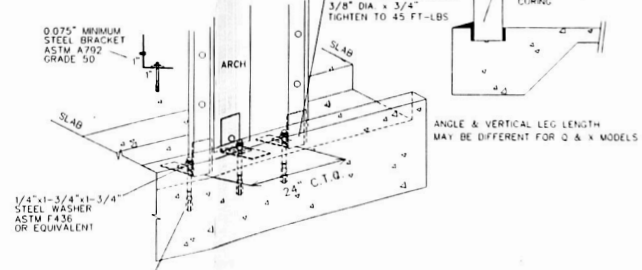


ARCH PROFILE



FOUNDATION PLAN

ARCH ANCHORAGE



HE11 K83 ANCHOR (QC-ESR-2302) OR EQUIVALENT
 1/2" DIA x 5 1/2" BOLTS WITH 4 1/4" EMBEDDED DEPTH FOR BUILDINGS LESS THAN 30'-0" WIDE
 5/8" DIA x 10" BOLTS WITH 8.75" EMBEDDED DEPTH FOR 30'-0" WIDE AND GREATER

FIRST ANCHOR BOLT LOCATION FROM END OF FOUNDATION
 • 2'-0" WITH NO WALL OR MANUFACTURER'S CLADDED ENDWALL
 • 2'-0" WITH MANUFACTURER'S CORRUGATED ENDWALL
 ARCHES AND MANUFACTURER'S ENDWALLS MUST BE GROUTED INTO FOUNDATION ON BOTH SIDES OF PANELS

1. ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST EDITIONS OF THE NATIONAL BUILDING CODE OF CANADA AND THE 2010 NORTH AMERICAN SPECIFICATION FOR DESIGN OF COILED FORMED STEEL STRUCTURAL MEMBERS (APPENDIX B)
2. NO LOADS OTHER THAN THOSE GIVEN UNDER DESIGN DATA BELOW SHALL BE APPLIED ON THE STRUCTURE
3. SPECIFIC NOTES AND DETAILS SHOWN ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THE BUILDING MANUAL SUPPLIED
4. THE BUILDING INCLUDING THE FOUNDATION MUST BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE DRAWING AND EXISTING INSTRUCTIONS AND ELEVATIONS UNLESS APPROVED BY THE ARCHITECT. SHALL TAKE THE SOLE RESPONSIBILITY OF THE ERECTOR
5. A PROFESSIONAL ENGINEER SHOULD BE RETAINED WHERE SITE INSTRUCTIONS ARE WARRANTED
6. NO ARCH PANEL MAY BE CUT OR MODIFIED UNLESS IT IS TO ACCOMMODATE AN ACCESSORY PROVIDED BY THE MANUFACTURER IN ACCORDANCE WITH ITS INSTRUCTIONS AND/OR THIS DRAWING
7. MINIMUM SEPARATION FROM THE BUILDING TO ANY TALLER BUILDING MUST BE THE SMALLER OF 20 FEET AND 4 TIMES THE HEIGHT DIFFERENCE

- FOUNDATION NOTES
1. THE FOUNDATION ON THE DRAWING SPECIFIES THE MINIMUM REQUIREMENTS. LOCAL BUILDING CODE AND SITE CONDITIONS MAY REQUIRE A DIFFERENT FOUNDATION WHICH MUST BE DESIGNED BY A LOCAL ENGINEER
 2. THE FOUNDATION SHALL BE FOUNDED ON NATURAL UNDESATURATED SOIL AVAILABLE TO SAFELY SUSTAINING 15 KIPS. THIS SHALL BE DESIGNED TO FULLY RESIST ALL SETTLEMENT AT THE BASE OF THE ARCH
 3. SLAB IN GRADE SHALL BE PLACED ON WELL COMPACTED SOIL CAPABLE OF SUSTAINING 15 KIPS WITHOUT APPRECIABLE SETTLEMENT

DESIGN DATA MATERIALS

1. CONCRETE: $f_c = 25 \text{ MPa}$ @ 28 DAYS (ISA 4233)
2. REINFORCING STEEL: GRADE 400, $f_y = 400 \text{ MPa}$, ASTM A615
3. WWR: $f_y = 450 \text{ MPa}$, ASTM A504
4. WWR: 1024mm x 10mm

ARCH DATA

-
- BOLTS: GRADE 8 OR 4.76" A307
 - ARCH STEEL THICKNESS - SEE ARCH PROFILE
 - SLAB: 1/2" SHEET PILING
 - STRUCTURAL QUALITY ASTM SPECIFICATION A792M
 - USE ALUMINUM TRO ALLOY COATED BY THE MFG. OR PROCESS
 - 145 MPa MINIMUM TENSILE
 - 450 MPa MINIMUM TENSILE
 - HSS SECTIONS SHALL CONFORM TO ASTM A500 GRADE C (fy = 345 MPa)
 - W SECTIONS SHALL CONFORM TO ASTM A36 GRADE 50 (fy = 345 MPa)
 - OTHER SECTIONS SHALL CONFORM TO ASTM A36 (fy = 250 MPa)

- ARCH DESIGN DATA IN ACCORDANCE WITH NBC 2015
- L. ROOF LIVE LOAD (kPa) = 1
 - S. WIND BRUSH WINDY = 4.20
 - CS. ROOF SNOW FACTOR = 0.80
 - CW. WIND EXPOSURE FACTOR = 10
 - CS. MAX. SLOPE FACTOR = 1.0
 - CS. WIND LOAD (kPa) = 0.80
 - IMPORTANCE FACTOR (IWS) = 0.8
 - D. WIND EXTERNAL PRESSURE (kPa) = 0.24
 - E. WIND VELOCITY PRESSURE (kPa) = 0.34
 - CS. EXPOSURE FACTOR = 0.9
 - CS. GUST EFFECT FACTOR = 2.0
 - S(0.2): SPECTRAL RESPONSE ACCELERATION = 0.27

LEGAL NOTE

This drawing is the property of Future Steel Buildings Int'l. Corp. Any disposition of this drawing in whole or in part is strictly forbidden. Anyone doing so will be prosecuted under the full extent of the law.

Future Steel Buildings Int'l. Corp.	
SCALE: NTS	DATE: 1/28/2022
APPROVED BY: [Signature]	DESIGNED BY: [Signature]
PROJECT: CHERYL WHITE & GRANT DOYLE	
LOCATION: BURTON, BC	
NO. 428-16	22-0001

PERMIT TO PRACTICE
 FUTURE STEEL BUILDINGS INT'L. CORP.
 Signature: [Signature]
 Date: FEB 02 2022
 PERMIT NUMBER: 1000580
 The Association of Professional Engineers and Geoscientists of the Province of British Columbia