



# Committee Report

**Date of Report:** 09, 28, 2022  
**Date & Type of Meeting:** 10, 12, 2022, Rural Affairs Committee  
**Author:** Eileen Senyk, Planner  
**Subject:** DEVELOPMENT VARIANCE PERMIT  
**File:** V2209C - Bohn  
**Electoral Area/Municipality** C

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee to consider an application for a Development Variance Permit in Electoral Area 'C'. Through this application, the proponent is seeking relief from the maximum allowable gross floor area (GFA) of an accessory building for recreational vehicle and boat storage on the subject property from 200 m<sup>2</sup> to 223m<sup>2</sup>. Staff recommend that the Board approve the Development Variance Permit.

## SECTION 2: BACKGROUND/ANALYSIS

### Background Information and Site Context

Table 1: General Information

GENERAL INFORMATION
<b>Property Owner:</b> Robert and Ana Bohn
<b>Property Location:</b> 1401 Evans Road
<b>Legal Description:</b> Lot 10 District Lot 1005 Kootenay District Plan 14651 (PID 010-386-360)
<b>Property Size:</b> 1.93 hectares
<b>Zoning:</b> Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 Country Residential (R2)
<b>OCP:</b> Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 Country Residential (CR)

Table 2: Surrounding Land Uses

SURROUNDING LAND USES
<b>North:</b> Country Residential (R2)
<b>South:</b> Country Residential (R2)
<b>East:</b> Country Residential (R2)
<b>West:</b> Country Residential (R2)

The subject property is located on Evans Road in Electoral Area 'C' in an area zoned Country Residential (R2). The property is located at the end of a cul-de-sac and is 1.93 hectares in size. The proposed building site is mostly hidden from view, and is only visible to one neighboring property. There is one dwelling on the property. The property is gently sloping and partially treed.

The applicants propose to build an accessory building 223 square metres in size in order to accommodate the full length of a truck and boat connected as one unit and to store other recreational vehicles. A site visit was conducted on September 23, 2022. The area where the building will be constructed has been cleared and leveled. A septic system has been designed and approved by the Interior Health Authority to service the accessory building. The septic system will not be connected to the system that serves the dwelling.

**Planning Policy**

**West Creston – Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013**

**Section 4 - General Residential Policies**

The Regional Board:

5. Will require that proposed residential development meet the following criteria, irrespective of land use designation:

- a. capability of accommodating on-site domestic water and waste water disposal;
- d. compatibility with adjacent land uses and designations, and how its form and character complements the surrounding rural area;
- f. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive area.

**Country Residential Development Regulations:**

<b>Development Regulation</b>	<b>Maximum Allowable in R2 Zone</b>	<b>Proposed</b>
Maximum height for accessory structure	8 m	6.85 m
Maximum gross floor area for any accessory building	200 m <sup>2</sup>	223 m <sup>2</sup>
Maximum cumulative gross floor area of all accessory buildings	400 m <sup>2</sup>	<300m <sup>2</sup>

Maximum site coverage	50%	25%
Maximum area that buildings and structures will cover	33%	11%
Setback from front or exterior side lot line	7.5m	>10m
Setback from interior lot line	2.5m	6 m



Figure 1: Overview Map

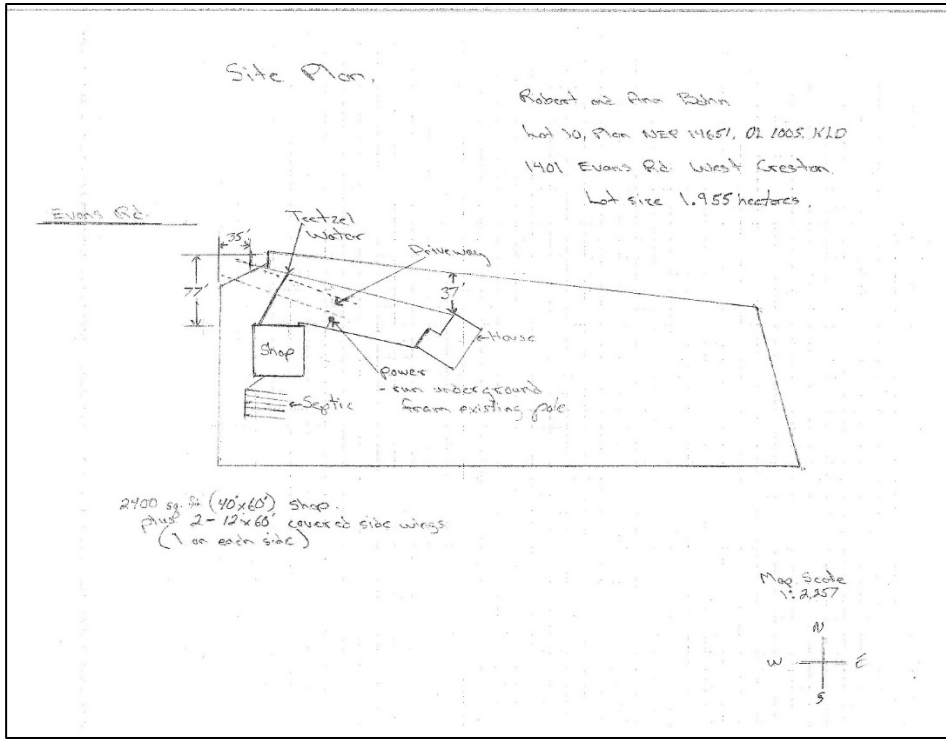


Figure 2: Site Plan

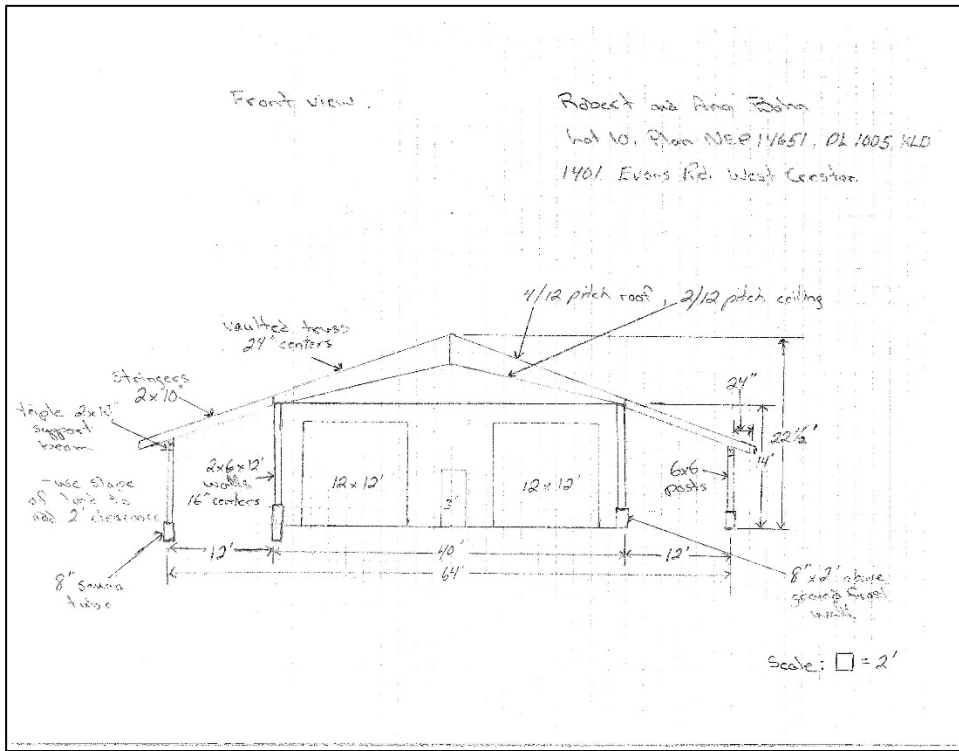


Figure 3: Building Plans





Figure 4: Location of proposed accessory building

## 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 fee for a Development Variance Permit was paid by the applicant 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 contains provisions for varying elements of a zoning bylaw that do not include use or density. Varying maximum gross floor area is allowable pursuant to the LGA.

### 3.3 Environmental Considerations

The area proposed for development has been cleared and leveled. A septic system has been designed to accommodate the bathroom proposed to be included in the accessory building.

### **3.4 Social Considerations:**

There is no public benefit associated with the proposal.

### **3.5 Economic Considerations:**

None anticipated.

### **3.6 Communication Considerations:**

The referral was sent to 19 neighboring property owners, internal RDCK departments and relevant government agencies. No responses were received from neighboring property owners.

#### **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.*

*I noted a bathroom (sink and toilet) in the plan for the shop. I recommend the applicant work with an Authorized Person under the Sewerage System Regulation to ensure they connect to an approved onsite sewerage system that is in good working order and can handle this additional connection. More information about onsite sewerage systems including finding an Authorized Person can be found on our [Sewerage, Subdivisions & Healthier Industries | IH \(interiorhealth.ca\)](#) webpage.*

#### **Electoral Area 'C' Advisory Planning and Heritage Commission**

*The Electoral Area 'C' APHC supports this application.*

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

Should the Board approve the Development Variance Permit, staff will register the permit on the property's title and the Building Department can proceed with issuance of a building permit.

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

Not applicable.

## **SECTION 4: OPTIONS**

### **Planning Discussion**

Prior to the adoption of Comprehensive Land Use Bylaw No. 2317, 2022 there were no maximum gross floor areas (GFA) or maximum building heights for accessory buildings in the Country Residential (R2) zones in Electoral Area 'C', where a principal residential use was established. This is the second application for a relaxation to the maximum GFA for an accessory building since 2013.

Visual and environmental impacts are considered to be minimal for this application. There are no steep slopes or watercourses located in the area proposed for development. The property is largely surrounded by trees. The impact of an additional 23 square metres of GFA for this particular accessory building on this property is considered by staff to be minimal. However, given the nature of the relatively small lot sizes along Evans Road, it is likely beneficial to the community to keep this provision for a maximum GFA and height for accessory buildings.

This ensures that the scale and intensity of accessory uses align with and are subordinate to the residential use, and therefore minimizes potential impacts, visual, environmental or use related, on surrounding properties.

**Option 1**

That the Board APPROVE the issuance of a Development Permit V2209C to Robert and Ana Bohn for the property located at 1401 Evans Road and legally described as Lot 10 District Lot 1005 Kootenay District Plan 14651 (PID 010-386-360) with the following Development Variance under Section 19.9 of West Creston, Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013: FROM 200 square metres maximum gross floor area TO 223 square metres maximum gross floor area.

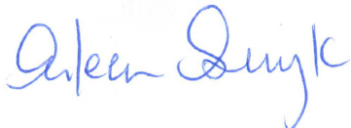
**Option 2**

That the Board NOT APPROVE the issuance of a Development Permit V2209C to Robert and Ana Bohn for the property located at 1401 Evans Road and legally described as Lot 10 District Lot 1005 Kootenay District Plan 14651 (PID 010-386-360) with the following Development Variance under Section 19.9 of West Creston, Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013: FROM 200 square metres maximum gross floor area TO 223 square metres maximum gross floor area.

**SECTION 5: RECOMMENDATIONS**

That the Board APPROVE the issuance of a Development Permit V2209C to Robert and Ana Bohn for the property located at 1401 Evans Road and legally described as Lot 10 District Lot 1005 Kootenay District Plan 14651 (PID 010-386-360) with the following Development Variance under Section 19.9 of West Creston, Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013: FROM 200 square metres maximum gross floor area TO 223 square metres maximum gross floor area.

Respectfully submitted,



Eileen Senyk

**CONCURRENCE**

Planning Manager – Nelson Wight

General Manager of Development and Community Sustainability – Sangita Sudan

Chief Administrative Officer – Stuart Horn

**ATTACHMENTS:**

**Attachment A – Draft Permit**



# Development Variance Permit

V2209C Bohn

Date: October 12, 2022

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

TO: Robert and Ana Bohn

## 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: 1402 Evans Road

Legal: Lot 10 District Lot 1005 Kootenay District Plan 14651 PID (010-386-360)

## CONDITIONS

5. Development Variance

West Creston, Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013, Section 19.9 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 223 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

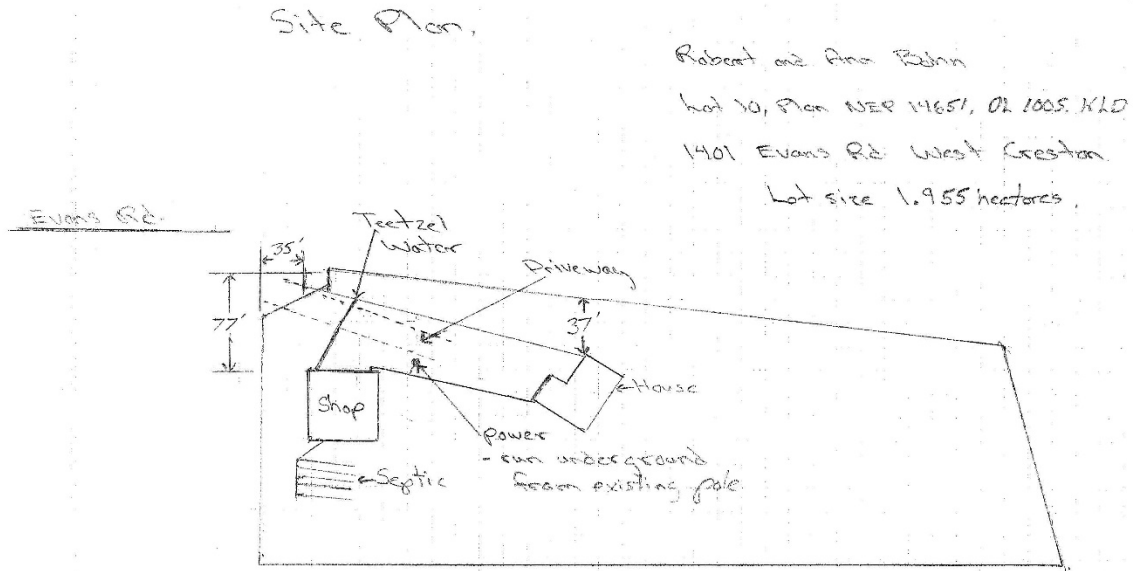
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Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan



2400 sq. ft (40x60) Shop  
plus 2 - 12x60' covered side wings  
(1 on each side)

Map Scale  
1:2,257

