



Committee Report

Date of Report: October 5, 2021
Date & Type of Meeting: October 19, 2021, Rural Affairs Committee
Author: Stephanie Johnson, Planner
Subject: TEMPORARY USE PERMIT
File: T22031-01619.243-STOOCHNOFF-TU000009
Electoral Area/Municipality |

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board’s consideration of an application for a Temporary Use Permit (TUP) at 981 McHardy Road, Shoreacres BC, Electoral Area ‘I’.

Arising out of a complaint received and bylaw enforcement action, this Temporary Use Permit (TUP) application seeks to allow for the use of an existing manufactured home on site for accommodation by a non-family member on a temporary basis until this accommodation is required for use by an immediate family member. No new development is proposed as part of this application.

Planning Services recommends that the Board direct staff to refer this TUP to a public hearing.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION	
Property Owners:	Amber and Barry Stoochnoff
Property Location:	981 McHardy Road, Shoresacres BC, Electoral Area ‘I’
Legal Description:	LOT 1 PLAN NEP84639 DISTRICT LOT 303 KOOTENAY LAND DISTRICT (PID: 027-189-937)
Property Size:	1.0 hectares (ha)
OCP Designation:	Country Residential Two (CR2)
Zoning:	Country Residential I (R2I)

ORIENTATION	ZONING	LAND USE
North	Country Residential I (R2I)	Residential and McHardy Road
East	Country Residential I (R2I)	Residential
South	Country Residential I (R2I)	Residential
West	Country Residential I (R2I)	Residential and Sawmill Road, and CP right of way

Site Context

This corner lot is surrounded by Country Residential land uses, and McHardy Road to the north and Swanhill Road to the west with the subject parcel being located in the community of Shoreacres. The principal residence (also a manufactured home), the accessory manufactured home and a workshop building currently exist on the subject property. At the building permit stage for placement of a manufactured home (i.e. foundation) the RDCK required registration of a restrictive covenant limiting the occupancy of the accessory dwelling unit to an immediate family member.



Figure 1: Site Visit Photo – Principal Residence

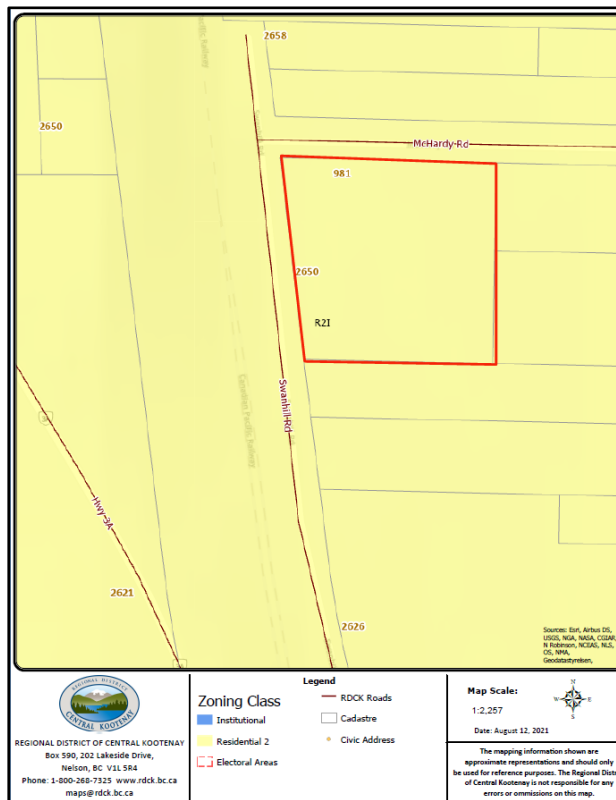


Figure 2: Zoning Overview Map

Development Proposal

Arising out of a complaint received and bylaw enforcement action this TUP application seeks to allow for the use of an existing manufactured home on site for accommodation by a non-family member on a temporary basis until this accommodation is required for use by an immediate family member. No new development is proposed as part of this application.

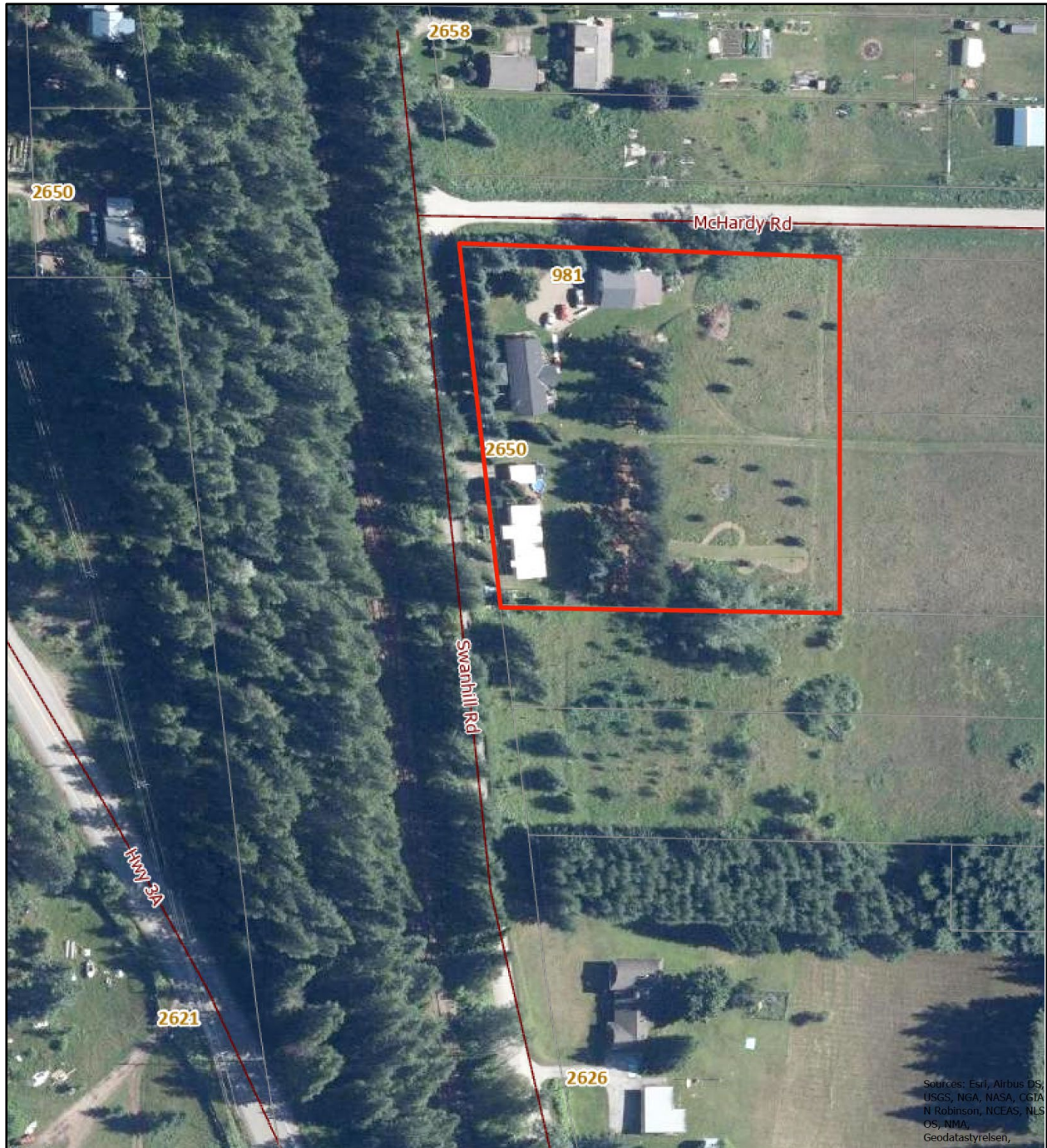


Figure 3: Site Plan

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 General Residential Policies:

The Regional Board:

Relevant Country Residential Policies:

- 3.2.4.1 The principal use shall be residential and/or agriculture.
- 3.2.4.2 One single detached dwelling or duplex shall be permitted per lot. In addition, if a lot is developed with a single detached dwelling, a manufactured home may be placed on the lot to provide temporary accommodation for a relative of the occupant of the principal dwelling. Lands within the Agricultural Land Reserve shall comply with the Agricultural Land Commission Act, Regulations and Orders.

Relevant Community Specific Policies:

3.10.5 Playmor Junction/Shoreacres

3.10.5.1 In order to lessen urban sprawl throughout the Plan Area, the Board, through a Plan amendment, may identify a residential growth Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 Page 26 node(s) in the Playmor Junction/Shoreacres area. Determination of a growth area is subject to the provision of adequate servicing and facilities, proof of sustainability, community support and noninterference with ALR lands. Proof of sustainability shall require a feasibility study(ies) prepared by a Professional Engineer. The study will accurately assess the potential impacts on, and relationships between, water supply and sewage disposal as well as other services. The study must confirm that the proposal is sustainable and environmentally healthy.

Planning Procedures and Fees Bylaw No. 2457, 2015

Schedule 'G' under the *Planning Procedures and Fees Bylaw No. 2457, 2015* outlines in that "staff may require the applicant to host a public information meeting based upon the proximity of the proposal to adjacent residential properties and based on receipt of public comments".

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 \$1000 fee for a Temporary Use Permit and has been paid pursuant to the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015*.

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

Under Section 493 of the *Local Government Act (LGA)*, the Board has the authority to issue a TUP by resolution

to designated land within Official Community Plans where temporary uses are allowed.

Under Section 494 of the *LGA*, if a local government proposes to pass a resolution under section 493 (1)...

(a) it must give notice, and the notice must state:

- “(a) in general terms, the purpose of the proposed permit,*
 - (b) the land or lands that are the subject of the proposed permit,*
 - (c) the place where and the times and dates when copies of the proposed permit may be inspected, and*
 - (d) the place where and the time and date when the resolution will be considered.*
- (3) *the notice must be published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit.”*

Under Section 498 of the *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 TUP would allow for an additional rental housing unit to remain occupied, and assist with meeting the priorities outlined under the RDCK’s *‘Housing Needs Assessment’*. The community input received to date, however, outlines concern with permitting “rentals” for non-immediate family members. To explore this proposal and the community concerns received, staff recommend the scheduling of a public hearing.

3.5 Economic Considerations:

The allowance for a non-family member to reside in the existing manufactured home would assist with providing supplemental income to the property owners.

3.6 Communication Considerations:

In accordance with the *LGA* and the RDCK’s *Planning Procedures and Fees Bylaw No. 2457, 2015* a sign describing the proposal was posted on the subject property shortly after the TUP application was submitted, and notices were mailed to surrounding neighbours within a 100 metre radius of the subject site on August 13, 2021.

To date, the Planning Department has received various general and ongoing inquiries about this TUP application. Planning staff have received two written submissions with no objections to this TUP, nine in opposition and five verbal phone calls of non-support. Generally speaking, the vast majority of concerns relate to: upholding and enforcement of existing land use regulations; densification and quality of life; potential aquifer vulnerability; considering this TUP in advance of the upcoming OCP review process; and, setting a precedent. Please find the following breakdown of submissions (Attachment ‘B’) received:

Submission Type	Support	Oppose
Written	2	9
Verbal	0	5
TOTALS	2	14

Planning staff referred the application to all relevant government agencies, local First Nations, internal RDCK

departments and the Director for Electoral Area 'I' for review. The following comments were received:

Advisory Planning Commission (APC)

The APC reviewed the application and recommended that the *"application T21031 be forwarded to a public hearing"*.

The Ministry of Transportation and Infrastructure (MOTI)

The *"MOTI does not have any concerns as proposed"*.

Ministry of Forests, Lands, Natural Resource Operations & Rural Development (MFLNRORD)

"The MFLNRORD's Terrestrial Resource Management Division reviewed this TUP request on August 16, 2021 and has determined that this project should not impact the Resource Management Division's legislated responsibilities".

FortisBC Inc.

"There are FortisBC Inc. (Electric) ("FBC(E)") primary distribution facilities along McHardy Road and Swanhill Road. All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.

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".

Building Department

The following comments were received from the RDCK's building staff:

- *"A building permit is required to place the manufactured home should planning approval be received.*
- *Confirmation of septic registration from Interior Health is required as part of the Building Permit application.*
- *Proposed location appears to not have been provided in the planning application. BC Building code requires the home to be a minimum of 2.4m from the property line, and to be separated from other buildings on the property as required by BCBC section 9.10.15"*.

BC Hydro

"Please note that [BC Hydro has] no concerns with this referral".

Tarrys Volunteer Fire Department

"From a Fire Department perspective I have no objection to this Temporary Use Permit being approved".

3.7 Staffing/Departmental Workplace Considerations:

Should the Board ultimately support the requested TUP, staff would issue the Permits and register Notice of Permits on the property's Title.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Staff have reviewed this TUP application, and conducted a site visit.

The Planning Department supports this TUP being referred to a public hearing since:

- In 2013, an application to amend the OCP and rezone (RDCK File No. Z1306I) to permit an accessory dwelling unit for an unrelated caretaker to assist the property owner/applicant to “*age in place*” was not approved by the Regional Board.
- Additional sewerage information would be provided at the public hearing, including confirmation on whether or not the on site septic system can adequately meet the needs of both existing dwellings.
- The public correspondence received outlined a variety of land use planning concerns from the residents of Shoreacres.
- After the APC meeting the applicants have stated they would be “*satisfied*” with a one year TUP term to assist with satisfying community concerns.
- Staff acknowledge that the definition of family continues to evolve, and whether the occupant of the existing manufactured home is an immediate family member or is unrelated, the impact from a land use planning perspective is considered the same.
- The provision of rental housing would be considered a priority under the RDCK’s ‘*Housing Needs Assessment*’ and implementation action plan.
- Similar to the Agricultural Land Commission, other municipalities in the Province are in the process of updating their bylaws in order to modernize their land use regulations, which includes shifting away from “*zoning for people*”.

It is for the above reasons that staff recommend that the Board proceed with directing staff to undertake the statutory notification requirements to advance this TUP application to the public hearing stage.

OPTIONS

Option 1: That Temporary Use Permit T2103I-01619.243 application by Amber and Barry Stoochnoff for the property located at 981 McHardy Road, and legally described as LOT 1 PLAN NEP84639 DISTRICT LOT 303 KOOTENAY LAND DISTRICT (PID: 027-189-937) be referred to a public hearing.

And further that in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area ‘I’ Director Andy Davidoff is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Option 2: That the Board direct staff to provide notification of the Boards intention to consider Temporary Use Permit T2103I-01619.243 application by Amber and Barry Stoochnoff for the property located at 981 McHardy Road, and legally described as LOT 1 PLAN NEP84639 DISTRICT LOT 303 KOOTENAY LAND DISTRICT (PID: 027-189-937) at the next available opportunity.

Option 3: That NO FURTHER ACTION be taken regarding the issuance of Temporary Use Permit T2103I-01619.243 application by Amber and Barry Stoochnoff for the property located at 981 McHardy Road, and legally described as LOT 1 PLAN NEP84639 DISTRICT LOT 303 KOOTENAY LAND DISTRICT (PID: 027-189-937).

SECTION 5: RECOMMENDATION

1. That Temporary Use Permit T2103I-01619.243 application by Amber and Barry Stoochnoff for the property located at 981 McHardy Road, and legally described as LOT 1 PLAN NEP84639 DISTRICT LOT 303 KOOTENAY LAND DISTRICT (PID: 027-189-937) be referred to a public hearing.
2. That in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area 'I' Director Andy Davidoff is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,
Stephanie Johnson

CONCURRENCE

Planning Manager – Nelson Wight	Approved	
General Manager of Development and Community Sustainability – Sangita Sudan		Approved
Stuart Horn – Chief Administrative Officer	Approved	

ATTACHMENTS:

Attachment A – Zoning Bylaw Excerpt

Attachment B – Community Correspondence

DIVISION 12**COUNTRY RESIDENTIAL I (R2I)****Permitted Uses**

1200 Land, buildings and structures in the Country Residential I (R2I) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Horticulture

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Keeping of Farm Animals

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

Development Regulations

1201

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 Not more than one (1) one-family dwelling or one (1) two-family dwelling shall be located on a lot, except where the lot has a one-family dwelling; a manufactured home may be placed on the lot to provide temporary accommodation for immediate family of the occupant of the principal dwelling.
- 3 The minimum parcel size for a parcel subdivided for a relative under Section 514 of the *Local Government Act* with the approval of the Interior Health Authority shall be 0.8 hectare.
- 4 The maximum site coverage permitted shall be 50 percent of the lot area.
- 5 The keeping of farm animals shall comply with the requirements of section 613.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 A garage may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.
- 8 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 9 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

From: [Paul Evdokimoff](#)
To: [Stephanie Johnson](#)
Subject: RDCK Re: Application T2103I
Date: Wednesday, September 15, 2021 9:02:41 PM

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

Attn. Stephanie Johnson
Planner
(250) 352-8175

SJohnson@rdck.bc.ca

Re: Application for a
Temporary Use Permit T2103I
Applicants Amber and Barry
Stochnoff

I, Paul Evdokimoff, of 2658
Swan Hill Road, Shore Acres,
Castlegar, BC, am the closest
neighbor to Amber and Barry
Stochnoff, at 981 McHardy
Road, and have no concerns
whatsoever or objections to the
application for Permit T2103I.

The occupation of that property
has made little difference to
traffic or noise in this
neighbourhood.

I am more concerned about the
influx of properties towing in
old vehicles, etc. which largely
runs down the esthetics of the
whole community of Shore
Acres.

Paul Evdokimoff

Email: [REDACTED]

From: info@rdck.bc.ca
To: [Stephanie Johnson](#)
Subject: Staff Contact: Permit application #T2103 Barry and Amber Stoochnoff
Date: Wednesday, September 29, 2021 3:48:17 PM

Topic:
Permit application #T2103 Barry and Amber Stoochnoff

Name:
LK Hadikin and Steve Hadikin

Email:

[REDACTED]

Phone:

[REDACTED]

Message:

We oppose this application as the bylaw has been tested in the past and failed.
It would set a precedence for the area, which there would be no turning back.
We expect the RDCK to enforce the rules in place . Disrespect of the existing bylaw causes hard feelings toward our neighbours who feel exempt from the rules.
LK Hadikin

From: [REDACTED]
To: [Stephanie Johnson](#)
Subject: Planning File T2103I
Date: Wednesday, September 29, 2021 7:23:18 PM

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Stephanie,

Please accept these comments regarding Planning File T2103I, 981 McHardy Road.

In the last few years in Shoreacres, there have been a number of homeowners seeking decisions that either directly or indirectly have potential to impact density and land use dynamics. In all cases, the response from residents, who in many cases are concerned about water issues and quality of life, has been significant. These are very important issues to residents – and the bylaw in question is central to that discussion.

The (recently postponed) Official Community Plan(OCP) process is long overdue in Shoreacres.

While I absolutely empathize with the applicant's willingness to be 'above board' with this process, I feel this issue should be duly addressed in the OCP process, not in an ad hoc fashion. It is incumbent upon the RDCK to move forward with the OCP process ASAP, and ensure that any board decision based on this request does not function to bias that process by establishing inertia.

Bruce Edson
2667 Shoreacres Road
Castlegar BC
[REDACTED]

To: RDCK Rural Affairs Committee
RDCK Board of Directors
Attn: Stephanie Johnson

I wish to make note that I am strongly in opposition to the idea of granting a temporary use permit to the applicants for the property at 981 McHardy Road in Shoreacres.(File # T21031)

My reasons for opposing this application are:

1. If this application is approved it will encourage others to apply for the same exemption to existing bylaws. How could the board approve this application and deny others the same exemption?
2. The existing bylaw, which protects all residents equally and fairly and which protects our valuable aquifer would be broken. There would cease to be a bylaw at all.
3. Our aquifer in Shoreacres is a valuable and fragile resource. It is being stressed by extremely dry summers and the fact that many residents are already illegally renting second homes in contravention of our bylaws. Granting this exemption to the applicants would result in further and extensive damage to this aquifer. Quite possibly a level of damage that the aquifer could not sustain.
4. The board might recall that an almost identical application was made by Martin Springford in 2013. Martin Springford, who also lives on McHardy Road, applied for a land use bylaw exemption that would have allowed him to rent an older home on his property to someone who was not a member of his family. On January 16, 2014 the RDCK Board of Directors, in their wisdom, voted unanimously to reject the application. This was a wise and measured decision of the board. A decision that reflected the equitability and fairness of the existing bylaw.
5. The applicants are asking for permission to rent a mobile home on their property to non family members. However, they are presently renting to non family members and have done so for a number of years in contraventions of the bylaw. I feel that it would be bad practice to reward someone with a legal permission to subvert the bylaw when they have already rented this trailer illegally.
6. I believe that it is the responsibility of board of directors to provide good governance to its citizens in a fair and equitable manner and with the health of our environment and our aquifer foremost in their decision. These responsibilities cannot be furthered by granting a one off exception to an individual applicant.
7. It is the job of RDCK staff, particularly the Planning and Bylaws staff, to administer and enforce the existing residential bylaw. This bylaw may not be perfect but it does protect our community in a fair and equitable fashion.

It is not the job of RDCK staff to assist individual applicants in their attempts to circumvent existing bylaws.

Respectfully submitted,
Al Lewis Resident of Shoreacres

Regional District of Central Kootenay
Planning Department
Box 590, 202 Lakeside Drive
Nelson BC V1L 5R4

RDCK Planning File: T2103I

September 29, 2021

To Whom It May Concern:

We are writing today to state our concerns in regards to the Temporary Use Permit T2103I. We fully support the current bylaw that is in place and are not in favor of the Temporary Use Permit to rent out a manufactured home to a non-immediate family member for many reasons. To start, we do not believe that this will be a temporary matter due to the fact that the property owner has a well-established manufactured home and has been renting it out for many years already to a non-immediate family member. Unfortunately, enforcing the bylaw, apparently requires community members to make an official complaint, which in turn, can create hard feelings among neighbors. By staying silent and not making an official complaint by no means indicates that we support what they are doing and have done in the past. If Barry and Amber's elderly family member or one of their sons move back to the area, it's wonderful that they can provide a place for them to stay, but in the meantime the bylaw should be followed. Other neighbors, including ourselves, have had to follow the bylaws and we don't feel they should be an exception.

Another concern is that, what is this saying to other property owners who are currently renting to non-immediate family members? If this Temporary Permit is approved then they feel that they can continue to rent out their secondary dwelling to a non-immediate family member with no repercussions. And it may encourage other property owners to put up a manufactured home to rent out. We are not in favor of setting that precedent. We understand that there is a rental shortage but we strongly feel that it is not the responsibility of the Shoreacres Community to take that on. Let's not ruin it for those property owners who are abiding by the bylaw.

There are approximately 10 properties that are undeveloped in Lower Shoreacres. If you factor in those properties and the extra dwellings that are currently being rented out, are we jeopardizing our water system?

Our family moved to this area because we value the county lifestyle and rural aspect of living, we need to protect what we have. This letter is intended to state our concerns in regards to the Temporary Use Permit and in conclusion hope that we did not offend fellow neighbors in doing so.

Thank you for your time and consideration,

The Morris Family (Barry & Kim) 2657 Shoreacres Rd.

From: [Michael Pereversoff](#)
To: [Stephanie Johnson](#)
Subject: RE: RDCK Planning File No. T2103I
Date: Thursday, September 30, 2021 1:12:56 PM

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

Stephanie, My name is Michael Pereversoff, my family and I have had property in Shoreacres for over 50+ years. I would like to take the time to show my support for Barry and Amber Stoochnoff in their request. I believe if denied then the home will go unused until a family member needs the home. Having a building with no one living in it would most surely have rodents and mold grow in it. The fact is that the building is there, septic is there, water is there, use it, don't let it go to waste. The bylaws for immediate family only have never made sense to me. In a time when there are almost no rentals around and the Stoochnoffs have one, why would we say no? Again I would like to express my support for approval on Barry and Amber Stoochnoffs request.

--

Michael Pereversoff

Stephanie; Thank you for accepting and considering my submission, as follows;

RE: File No. T2013I

To whom it may concern;

Firstly, we resent and am frustrated by being forced to defend an existing bylaw, one that was put in place decades ago, and for very good reason. This is not the first time.

Secondly, It should be noted that many of our neighbours support this submission but are afraid of retribution so will not be heard on the record.

We understand our good neighbours desire to have someone else care for their secondary building while at the same time prospering financially from such an arrangement.

We are just as keenly intent on having the bylaw upheld by the RDCK so that our family, and the rest of the community of Shoreacres, can benefit financially by *protecting our common water supply from the certain contamination increased density would create* (see the 1984 study that informed the passing of the bylaw). This has happened to other communities close by. Installing and maintaining a community water system as a result of well contamination into the *water supply would cost tens of thousands dollars for each homeowner.*

The bylaw states "a mobile home may be placed on the lot to provide temporary accommodation for immediate family". This is a compassionate and functional addition to the bylaw to aid residents mainly in having the option to take care of their elderly parents, as the applicant has stated.

It is a **BIG LEAP** to renting the structure if or until that happens, technically, creating a permanent multi-family arrangement until which time a family member *could* take up residence.

In Shoreacres, most of the new homes that have been built in the last decade have maintained the 'old home' as a rental instead of decommissioning it, which is the requirement (which is another important problem to be addressed). This is an open violation of the bylaw, and we all know who they are.

However, the way the bylaw is set up, it pits neighbour against neighbour. In order that it be upheld complaints and oppositions, such as this, are a matter of public record creating the 'whistleblower effect' and possible retribution, as we risk now in speaking out.

The applicant is bringing all these issues to light!

If they are successful, every secondary structure in Shoreacres would be eligible for permanent rental ('temporary' was not defined, therefore a proxy for an unending term).

And, thus brings us back to the increased density causing contamination of the community water....

It should be noted that a large community meeting was held to address this issue and an ongoing water and well study is underway. We request a follow-up public meeting as soon as possible.

So, to summarize we support that the current bylaw be upheld, and the applicant denied.

Thank you,
Stephanie Lorencz

p.s. I would also ask that our elected representatives address the underlying issues outlined; starting with I have to 'tell on' my neighbour in order for a bylaw to be upheld. Particularly the building development protocol needs review of enforcement process!

From: [Tyler Nitsch](#)
To: [GRP_PlanDept](#)
Subject: RDCK Planning File No. T2103I
Date: Wednesday, September 29, 2021 12:15:07 PM

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

Good Afternoon,

This temporary use application has come to my attention, mostly through speaking with neighbours within my community. Unfortunately it appears to be the result of some heated arguments between neighbours. The end result is someone being reported to be infringing current bylaws.

First I believe it should not be up to community residents to enforce the bylaws put in place by the RDCK. This is flawed on so many levels. Why is RDCK not enforcing their own bylaws? End result is a negative impact on the community pitting neighbors against neighbours.

Second. If passed this provides a documented example that one can work around the current bylaw. End result will be an increase in the number of "secondary residences" in Shoreacres. A lot of the houses in Shoreacres are quite old. It seems way to convenient to help finance building a new house by renting out your old one. Housing prices also will drive new home buyers to build "secondary residences" to help pay mortgage bills.

Third. There is no date set for how long this temporary permit will be in effect. It baffles me that an application would even be considered by RDCK without this piece of information. No date implies that it is not temporary.

Fourth. Environmental. Has RDCK ensured there are no negative impacts to our water in Shoreacres caused by 2 active septic systems within lots smaller than 3 acres? I believe there was a study done that shows the contrary.

I realize that with the number of infringing properties it becomes almost impossible for RDCK to do something that will make all community members happy. Also it is completely unfair for the applicant to have to go through this when there are other houses in the area flying under the radar. My thoughts would be first to make sure existing infringements are not negatively affecting our water. Get some data to show this! If there are none, then issue temporary permits to the landowners for a year or two while they sort out moving a family member into this structure. If there are potential issues with our water caused by these secondary residences they should be decommissioned properly. This is just my opinion.

Tyler Hans Nitsch

From: [AlVal Dingwall](#)
To: [GRP_PlanDept](#)
Subject: Temporary Permit Application T2103 - Stoochnoff
Date: Wednesday, September 29, 2021 2:47:54 PM

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Attn: Stephanie

This is our submission concerning the Temporary Permit Application #T2103 - Barry and Amber Stoochnoff - Shoreacres BC

This permit application is in DIRECT VIOLATION of the existing Area I Zoning Bylaw 1675, concerning a temporary manufactured home on a property.

We have been thru this procedure in the past where a home owner has tried to justify having an illegal rental. (Ref: **Z1306I: Bylaw Amendment Application (921/923 McHardy Road)** AND here we are again!

WE EXPECT THE RDCK TO UPHOLD THE EXISTING BYLAW which was put in place to protect the existing aquifer. Should this permit be granted, it will be setting a precedence for other Shoreacres residents to do the same...and will nullify the existing bylaw.

WE BOTH ARE AGAINST THE GRANTING OF THIS TEMPORARY PERMIT APPLICATION.

Regards

Al Dingwall Val Dingwall
2709 Davidson Road 2709 Davidson Road
Shoreacres Shoreacres

From: [Teresa Crowell](#)
To: [GRP_PlanDept](#)
Subject: RESPONSE SUMMARY PLANNING FILE NO.: T2102B APPLICANT: KELLY FYF
Date: Thursday, September 16, 2021 12:44:01 PM

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

This request for waiving bylaws in Shoreacres for the benefit of a single family just came to my notice. Unfortunately due to COVID and restrictions, I am housebound.

I respectfully oppose the exception being considered based on the bylaws that exist. They must be upheld and apply to all residents in Shoreacres without exception. Exempting based on specific cases will lead to abusive practices and inequitable and non-impartial applications. There are cases in Shoreacres whereby some individuals have been required to remove secondary trailers. Laws are made for everyone to adhere to equally.

In this particular case, we have no assurance that the home will be used in the future for family. Should there be no legal requirement for removal of the trailer, it should be held vacant if the applicants feel it will be needed for this in the future.

As the bylaw states, "a temporary living arrangement for a family member". This is clearly not the case.

If there is a pressing need for more land development and homes, a suggestion would be to solicit the Provincial and/or Federal Government to release crown land into general use for these purposes. There are substantial amounts of land being owned by the Government. Society would benefit from it being used in this capacity in select locations.

Yours sincerely,

Teresa Crowell and Peter Chernenkoff
2712 Shoreacres Road



From: [Dave Malouin](#)
To: [Stephanie Johnson](#)
Subject: rdck planning file # T21031 B & A Stoochnoff, 981 Mchardy rd
Date: Thursday, September 30, 2021 12:58:09 PM

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

My name is David Malouin, I live at 938 McHardy rd adjacent to the property in question, I reported the illegal rental there and started this ball rolling.

I strongly object to an exception/exemption being made for this couple or any other owner of a potential rental home governed by the rules put in place I am told, by the residents of Shoreacres themselves

Even though the exemption this couple asks for is "temporary" in nature this temporary situation may in fact stretch to years before one of their offspring expresses an interest in returning home to live let alone doing so.

This could mean years of pure profit from a rental situation that others have recently been denied.

My 89 yr old neighbour on the S side of McHardy rd just E of Shoreacres rd, Martin (surname?) was forced 4 yrs ago to evict his tenant from a small detached home on his land due to a complaint from a neighbour Art Lewis.

WHY? I ask You should this profit seeking couple at 981 be allowed to do what Martin could not.

I have also been and continue to be dismayed at the apparent deceit of the Stoochnoffs, I refer of course to their history of illegal rental and the coaching of their previous tenant Ben who for several years would tell any and all in a rather joking manner that he had been asked by Barry Stoochnoff to refer to himself as a "Blood relative" of the Stoochnoffs for rental purposes and to deceive "The District"

Also of great concern to me is the quality of the well water here in SA and a family of four who are unrelated to their host filling a septic tank/field and renting this home contrary to the standing rules (future changes to (if any) notwithstanding) is at best unwelcome!

Now is now and rules are rules! I feel strongly that You the keepers, interpreters and enforcers of these rules should abide by them as they ARE written.

Unless the rules have been changed without the residents knowledge? and a decision already made contrary to the standing rules?

I say this with history all too well in mind, many times in the past have various authorities made such decisions and then for window dressing purposes sought public input.

In this case it seems only input from residents within 100 meters? despite it being an issue affecting all residents of SA, this restriction of public input, albeit assuredly in accordance with the rules of the RDCK (written by the RDCK?), is seen by many here on the ground as Dirty Pool.

In which case I have wasted 10 minutes typing and am about to lose all faith in local government upholding the standing laws, bylaws and rules.
Dave Malouin, still hoping and believing in Santa Claus.

PS I do hope that somewhere at RDCK offices there is an old-fashioned balance-beam scale, perhaps with a statue of a blindfolded lady holding it up? to give inspiration to those making this decision.
Justice anyone?