



Development Variance Permit Application

Referral Form – RDCK File V2411A

Date: August 08, 2024

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 September 08, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

10377 Highway 3A, Sanca, Electoral Area 'A'
 LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647 (PID: 032-204-451)

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The property is presently being used for residential purposes and has been improved with a single detached dwelling.

This Development Variance Permit (DVP) seeks to vary Section 18.17 of Comprehensive Land Use Bylaw No. 2315, 2013 which requires all buildings to be setback a minimum of 2.5 metres from the rear lot line. This permit, if issued, would authorize the new boathouse to be constructed 0.2 metres from the rear lot line on the west side of the property along Kootenay Lake.

Following the issuance of this DVP, an Environmentally Sensitive Development Permit (EDSP) would need to be issued prior to the issuance of a Building Permit and construction. Boathouses are exempt from both the Floodplain Setbacks and the Flood Construction Levels specified in Floodplain Management Bylaw No. 2080, 2009 provided that they are not used for Habitable Area and the land owner has registered a covenant in favour of the Province and the Regional District of Central Kootenay which states that the deck or boathouse will not be used as a Habitable Area.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCF
1.24 hectares (3.06 acres)	N/A	Country Residential (R2)	Country Residential (RC)

APPLICANT: Bevan and Rhonda May

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.

**SADIE CHEZENKO, PLANNER
 REGIONAL DISTRICT OF CENTRAL KOOTENAY**

<input checked="" type="checkbox"/> MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE <input checked="" type="checkbox"/> HABITAT BRANCH (Environment) <input checked="" type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION <input type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES	REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input 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 checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA A <input checked="" type="checkbox"/> RDCK FIRE SERVICES
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- MUNICIPAL AFFAIRS & HOUSING
- INTERIOR HEALTH, HBE TEAM
- KOOTENAY LAKES PARTNERSHIP
(FORESHORE DEVELOPMENT PERMITS)
- SCHOOL DISTRICT NO.
- OOTISHCENIA IMPROVEMENT DISTRICT
- UTILITIES (FORTIS, BC HYDRO, COLUMBIA
POWER)
- ARCHAEOLOGY BRANCH

- RDCK EMERGENCY SERVICES
- RDCK BUILDING SERVICES
- RDCK UTILITY SERVICES
- RDCK RESOURCE RECOVERY
- RDCK REGIONAL PARKS

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: V2411A APPLICANT: BEVAN AND RHONDA MAY

Name:

Date:

Agency:

Title:

RETURN TO: SADIE CHEZENKO, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8190
Email: plandept@rdck.bc.ca

RDCK Map



Esri Canada, Esri,
TomTom, Garmin,
SafeGraph,
GeoTechnologies, Inc.,
METI/NASA, USGS, EPA



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Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

 Electoral Areas

Map Scale:

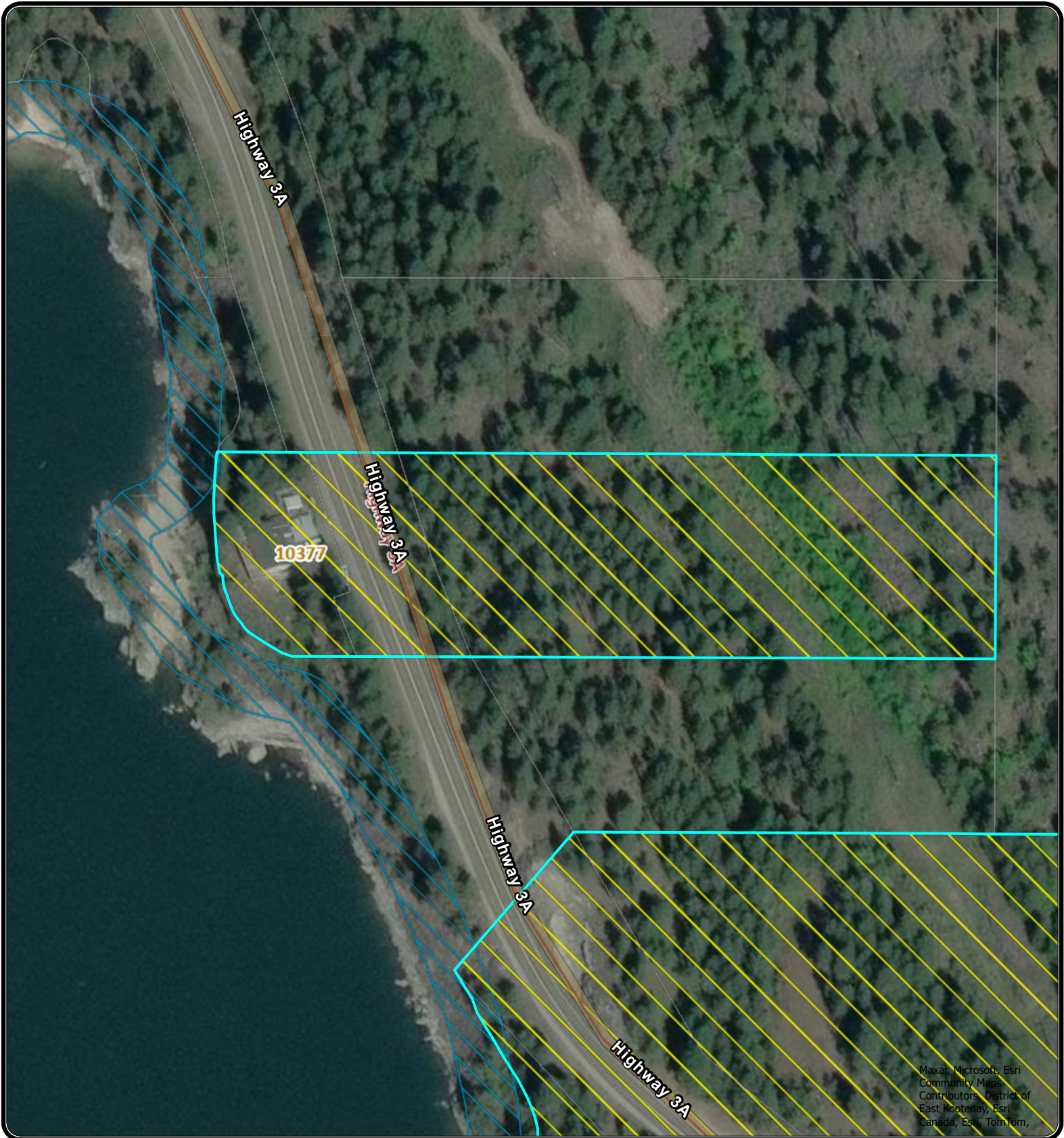
1:144,448

Date: April 29, 2024



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.

RDCK Map



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Development Permit Areas

- Environmentally Sensitive
- Residential Cluster

Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

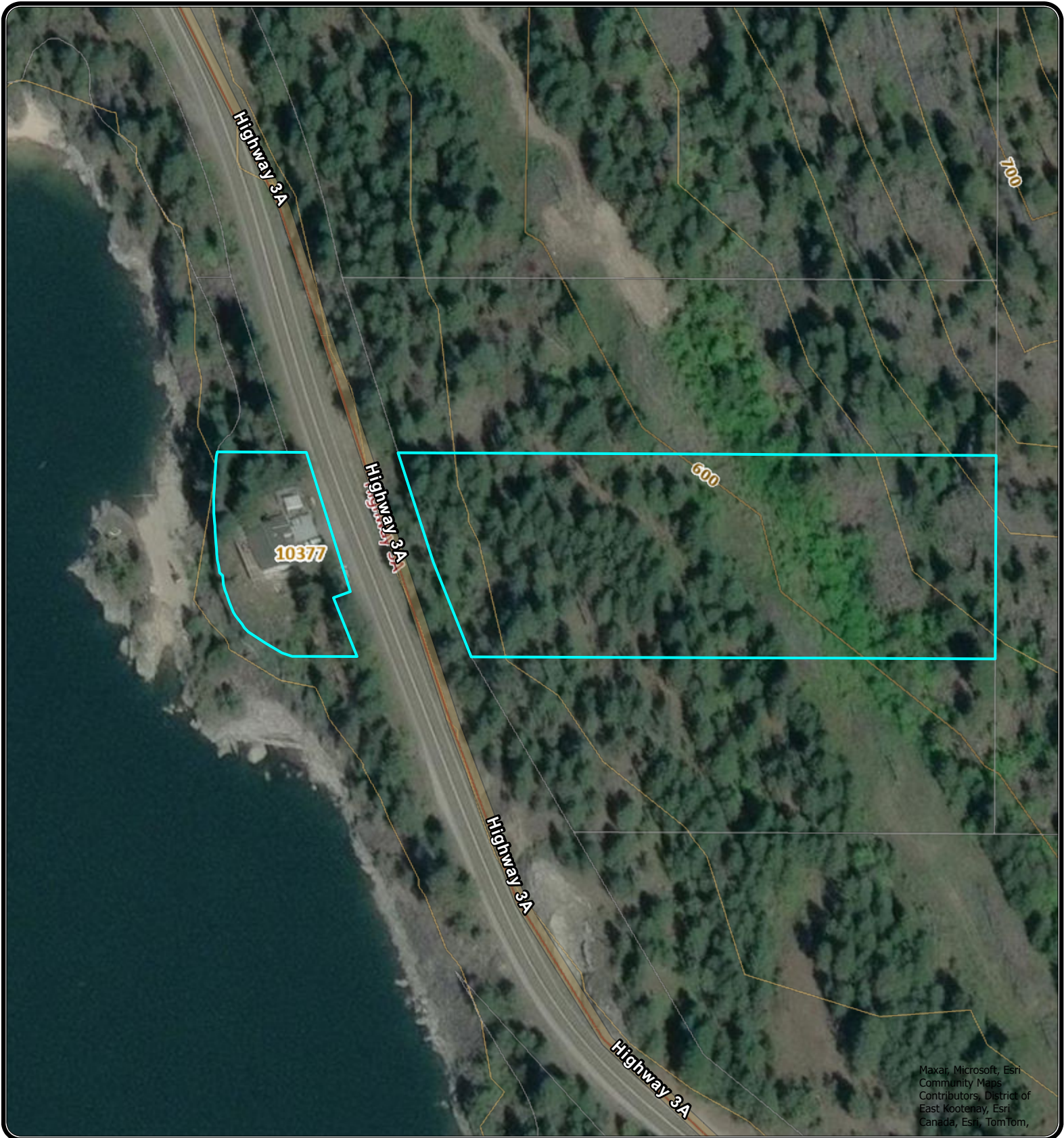
1:2,257

Date: April 29, 2024



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Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

20 Meter Contours

- 20 meter
- 100 meter

Map Scale:

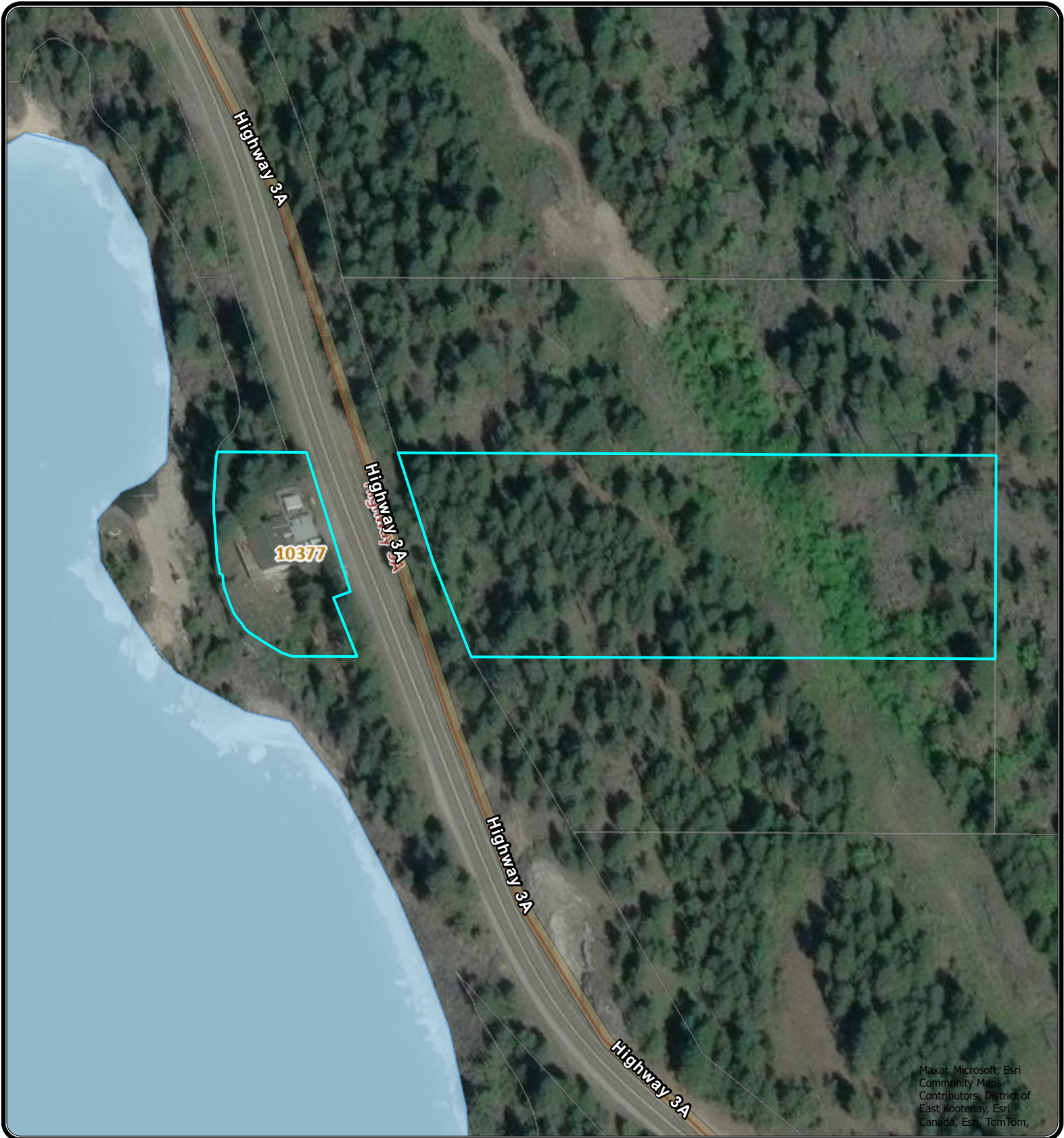
1:2,257

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RDCK Map



Maxar, Microsoft, Esri
Community Maps
Contributors, District of
East Kootenay, Esri
Canada, Esri, TomTom,



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Legend

- Streams and Shorelines
- RDCK Streets
- Lakes and Rivers
- Cadastre - Property Lines
- Electoral Areas
- Address Points

Map Scale:

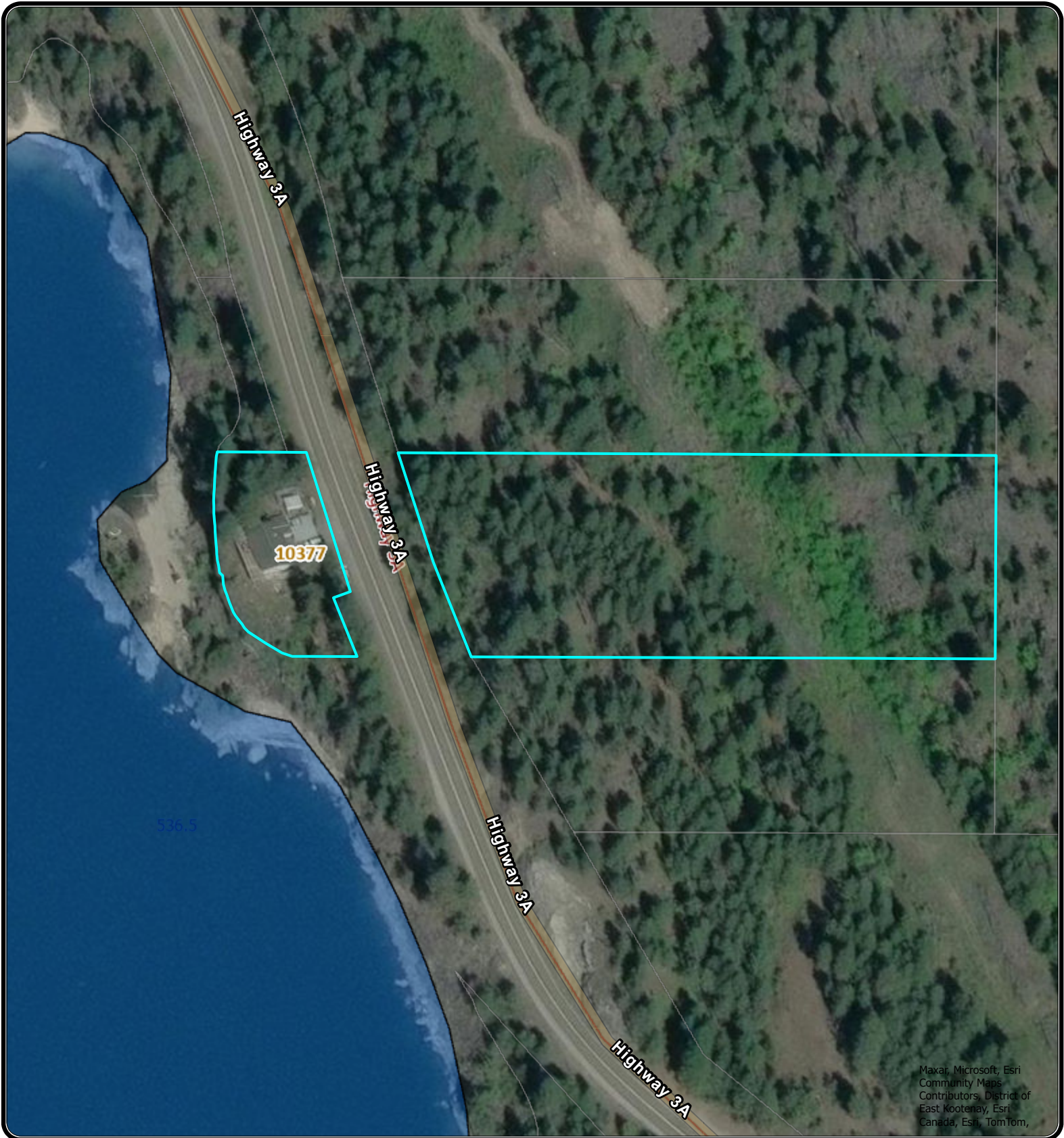
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Legend

-  Flood Construction Levels - 1990
-  Electoral Areas
-  RDCK Streets
-  Cadastre - Property Lines
-  Address Points

Map Scale:

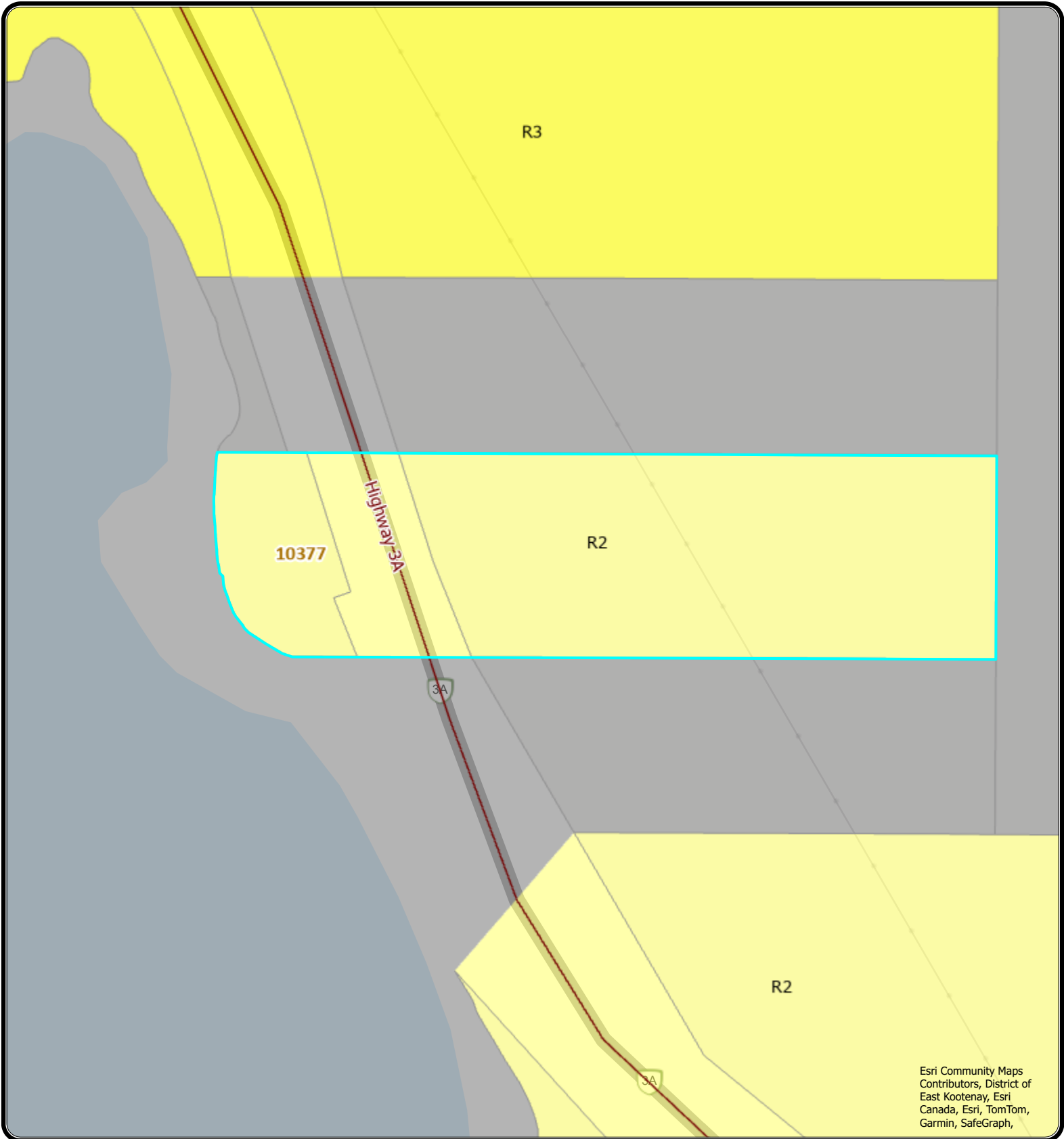
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RDCK Map



Esri Community Maps
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Garmin, SafeGraph,



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Legend

Zoning Class

- Residential 2
- Residential 3
- <all other values>

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

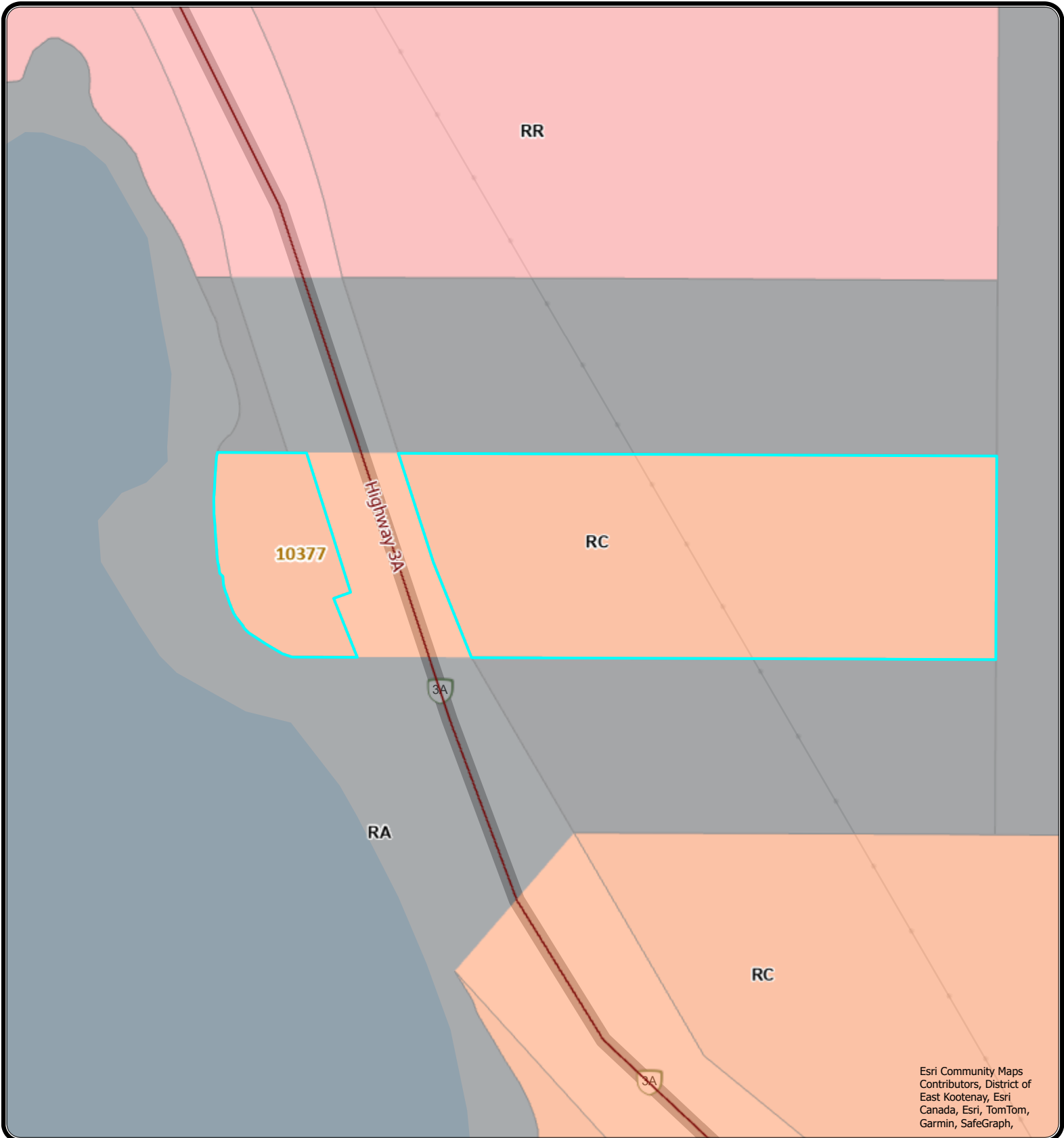
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RDCK Map



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Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points
- Country Residential
- Resource Area
- Rural Residential

Official Community Plan

Map Scale:

1:2,257

Date: April 29, 2024



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Applicant: Bevan and Rhonda May

Address: 10377 Hwy 3A, Sanca, BC, V0B 1A2

Legal Description –LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647

RDCK Development Variance Permit (DVP) Proposal Summary

The purpose of this Development Variance Permit (DVP) application is to request to vary Section 16.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to reduce the setback at the rear lot line from 2.5m to 0.2m. This variance is being requested to permit the construction of a 57m² boathouse.

The specific variance relates to the location of the boathouse relative to the west property boundary shown on the site plan in orange.

It is the owner's understanding a normal rear property line normally requires a 2.5m setback for any building placements. In this specific case however, the location of the Funicular combined with the presence of a rock cliff to the east means a placement would result in the far northwest corner of the boathouse being 0.2 m from the West property line. The southwest corner of the boathouse will be greater than the 2.5m setback since the boathouse placement is not parallel with, nor is the property line straight at this part of the property. The proposed location of the boathouse is driven by the location of the Funicular base/landing area which was driven by the rock formations at the base of the cliff area such that a boat passing down the marine rail system can clear beside the Funicular base.

If this DVP is issued, it will be followed by an Environmentally Sensitive Development Permit (ESDP) application as well as a Building Permit Application.

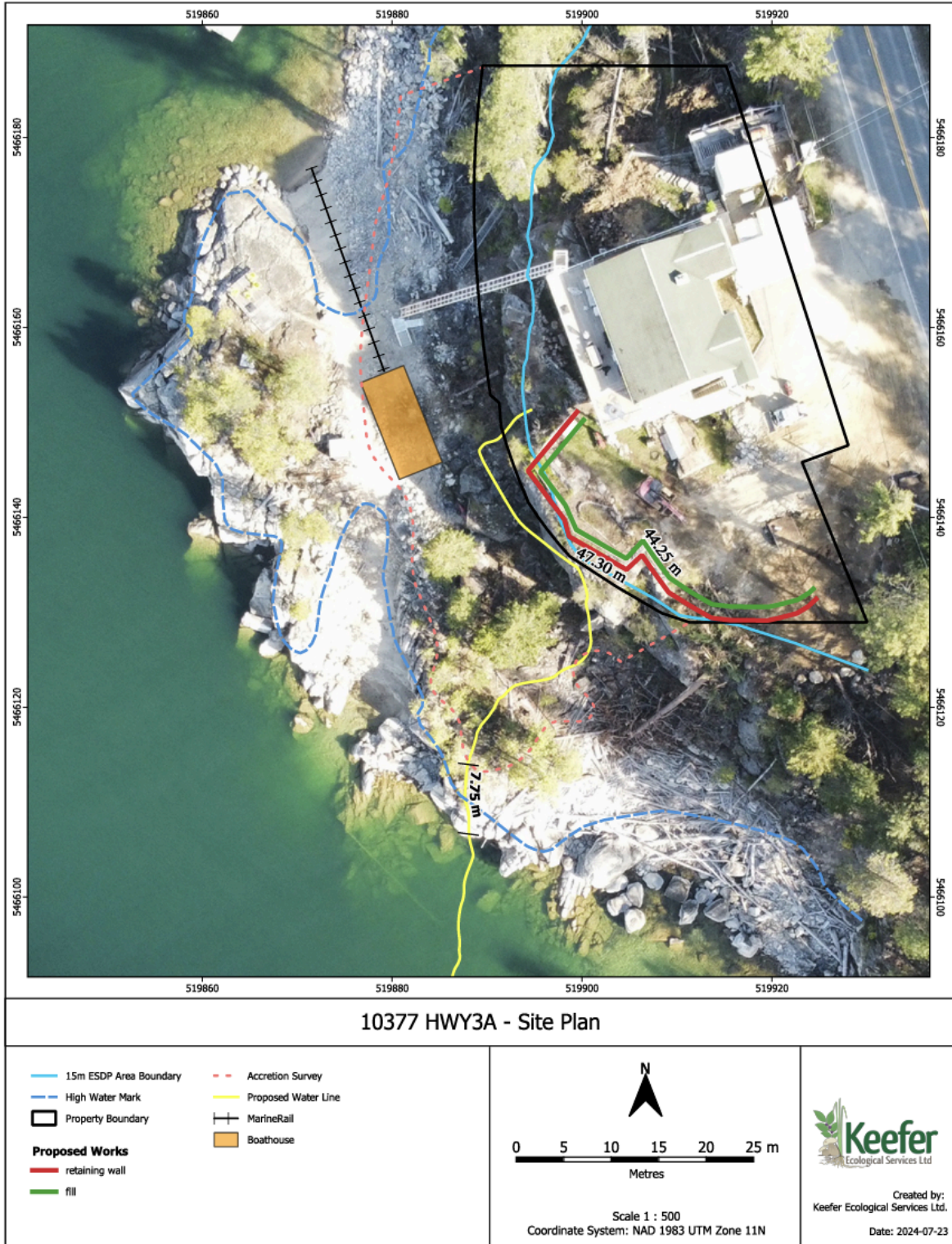
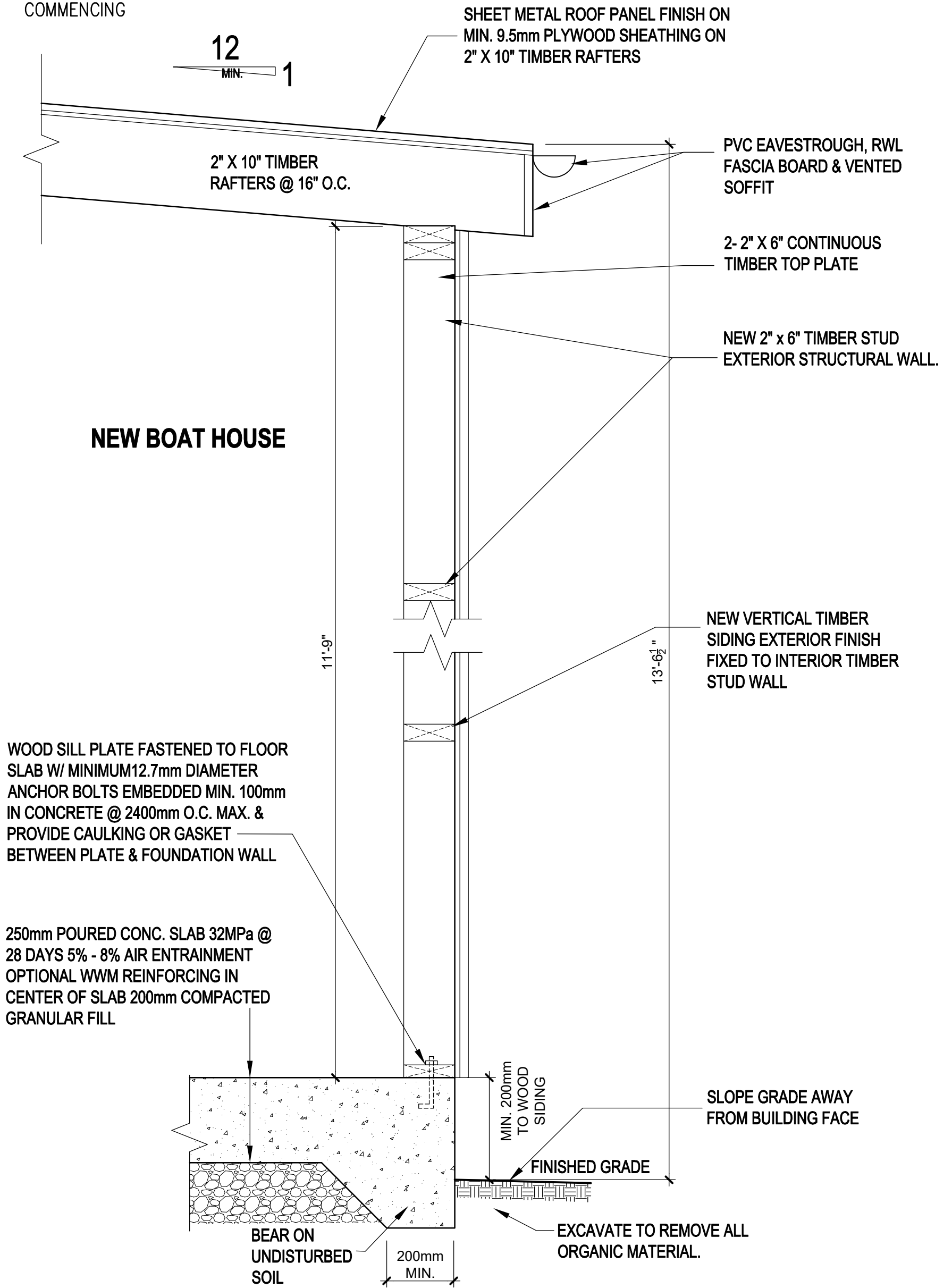


Figure 2. Site plan for proposed works.

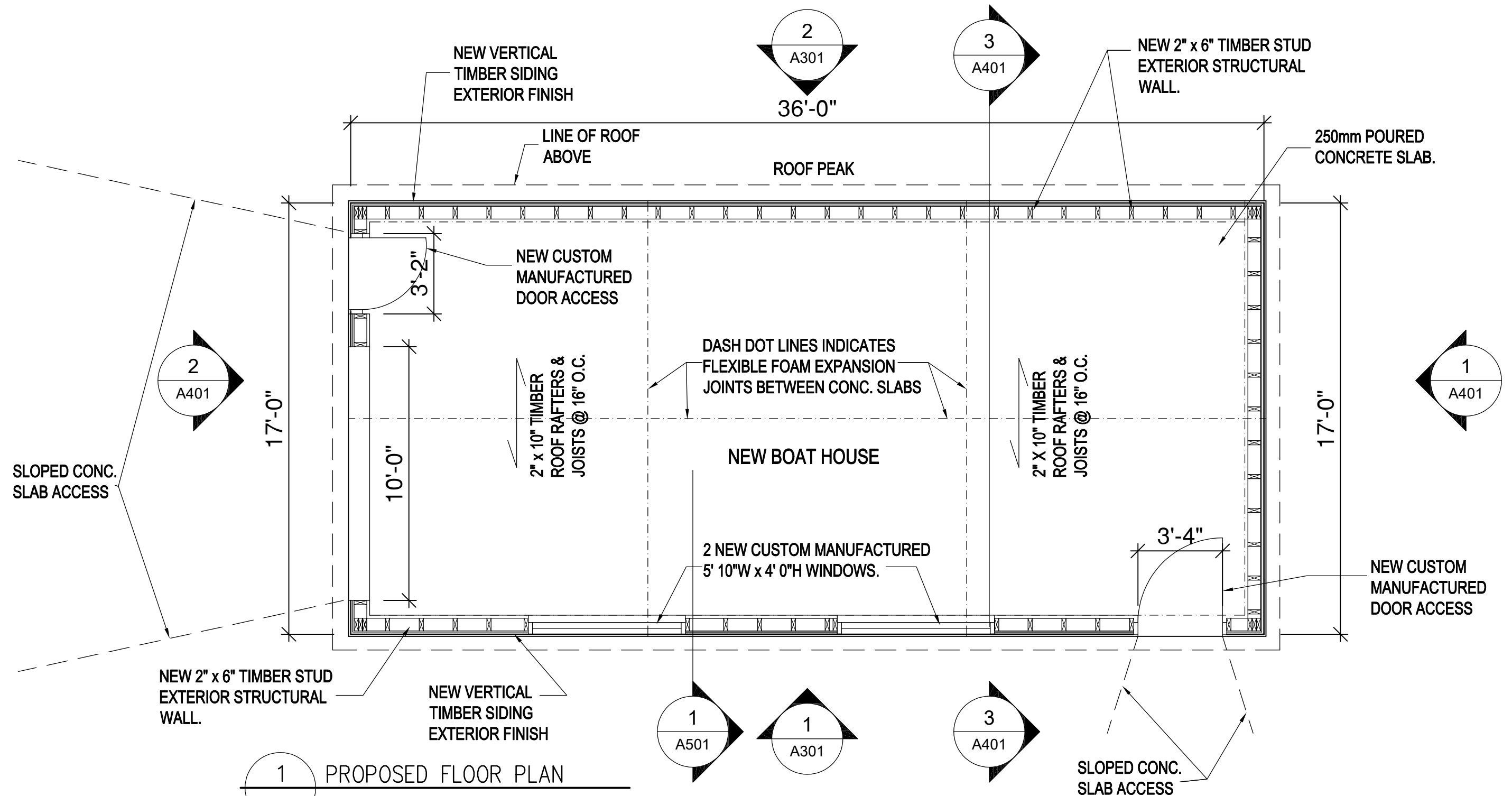


*** ALL MEASUREMENTS TO BE VERIFIED BY CONTRACTOR ON SITE PRIOR TO WORK COMMENCING



1 PROPOSED SECTION
A501 1" = 1'-0"

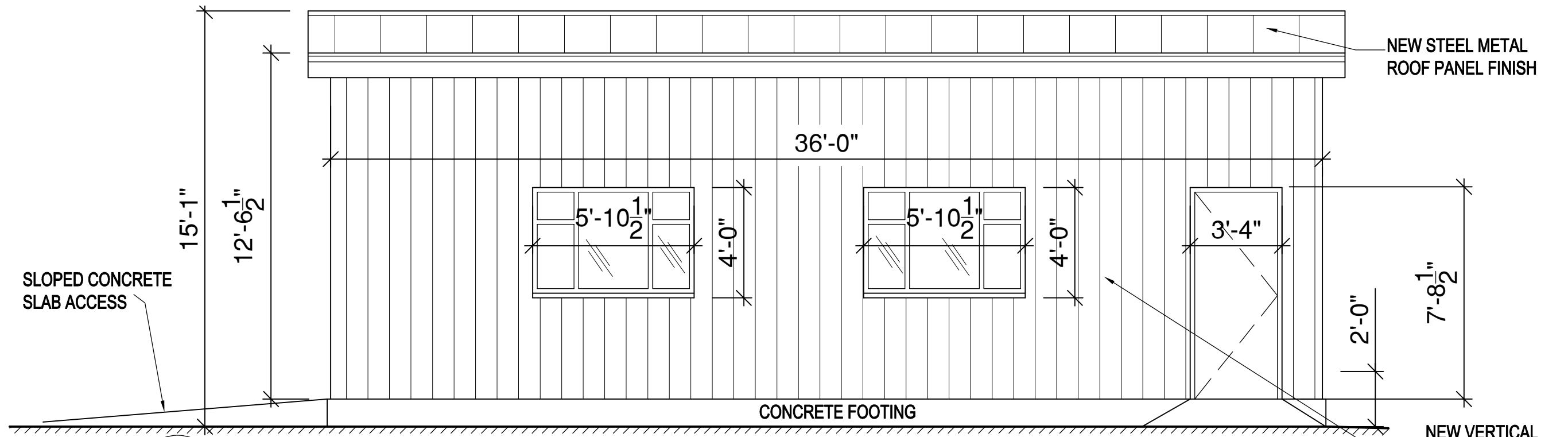
PROJECT ADDRESS: Kootenay Lake, British Columbia		DATE: May 10th 2024
DRAWING TITLE: Proposed Wall/Eave Detail	SHEET: A-501	SCALE: 1" = 1'-0"



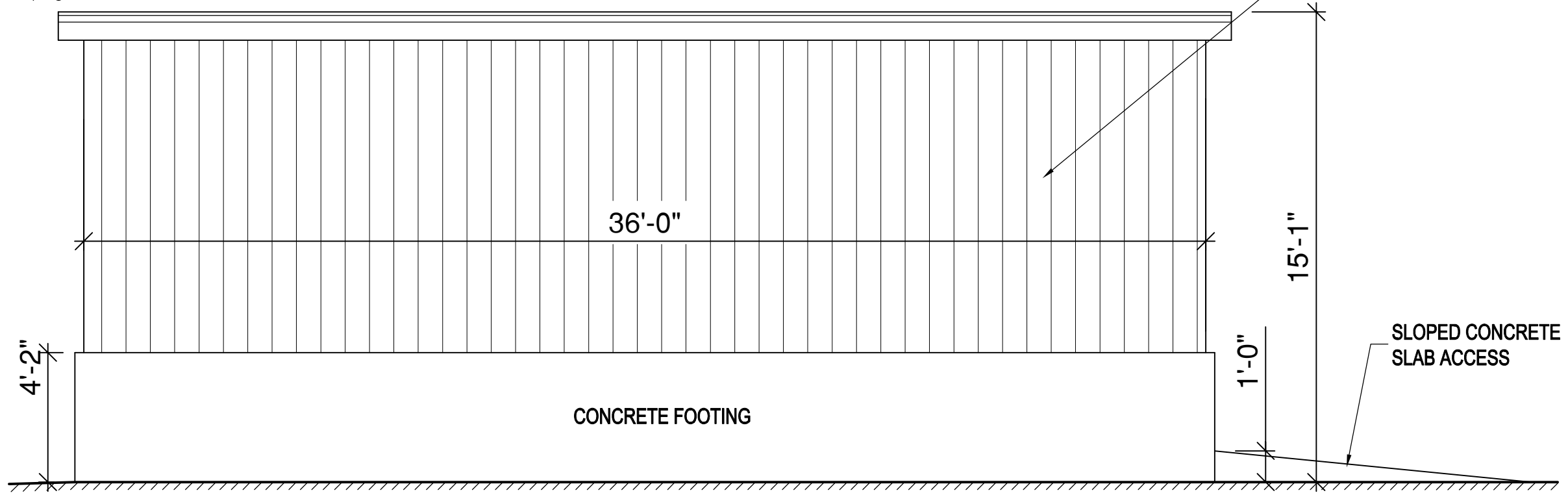
1 PROPOSED FLOOR PLAN
 A201 1/4" = 1'-0"

*** ALL MEASUREMENTS TO BE VERIFIED BY CONTRACTOR ON SITE PRIOR TO WORK COMMENCING

PROJECT ADDRESS: Kootenay Lake, British Columbia		DATE: May 10th 2024
DRAWING TITLE: New Boat House Floor plan	SHEET: A-201	SCALE: 1/4"=1'-0"



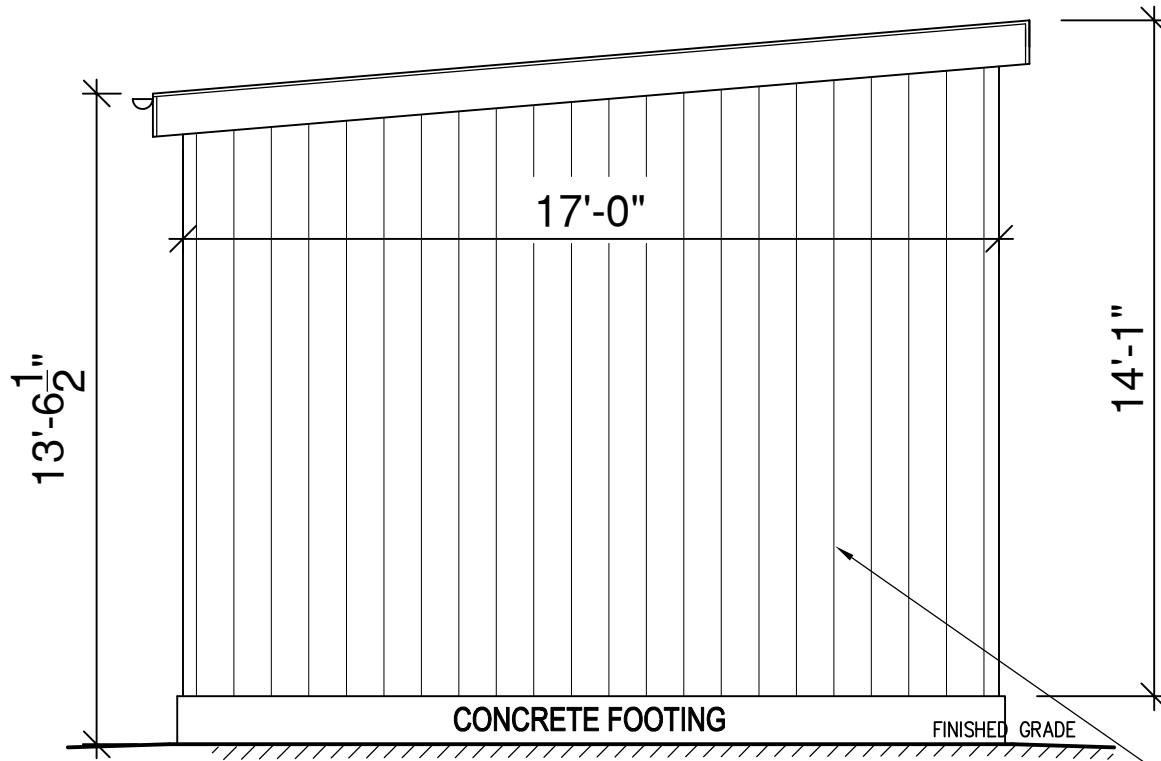
1 PROPOSED WEST SIDE ELEVATION
 A301 1/4" = 1'-0"



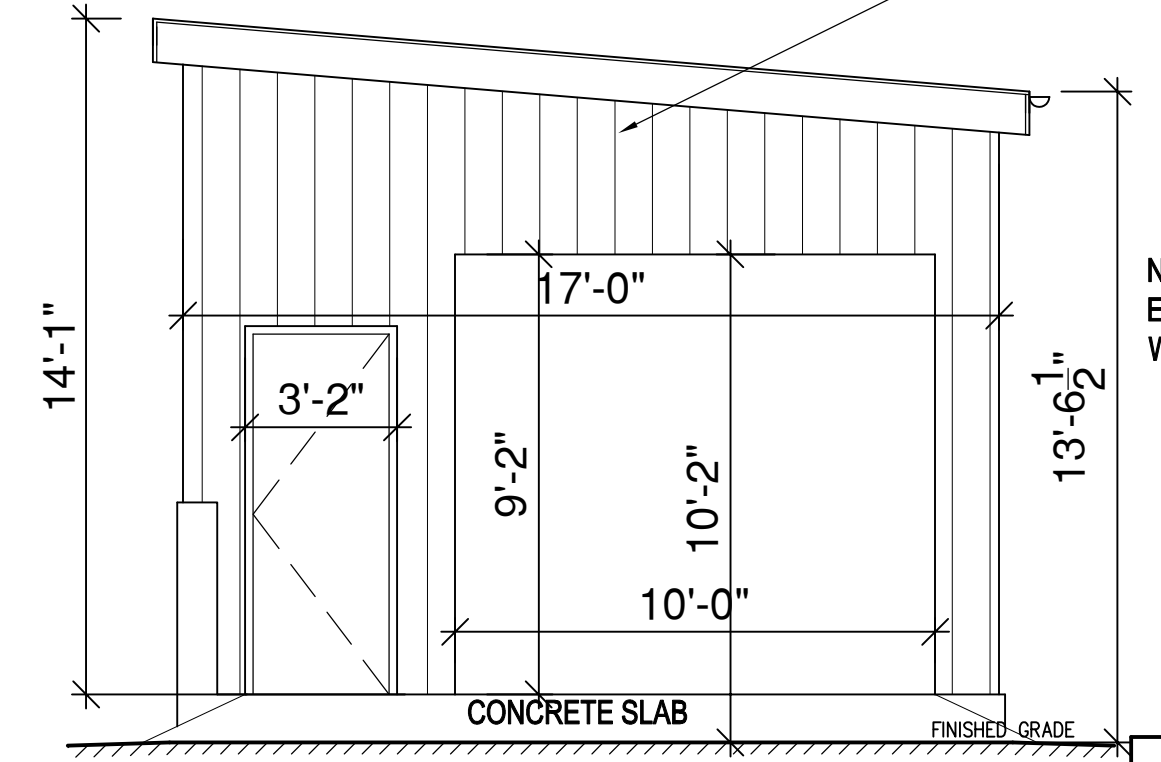
2 PROPOSED EAST SIDE ELEVATION
 A301 1/4" = 1'-0"

*** ALL MEASUREMENTS TO BE VERIFIED BY CONTRACTOR ON SITE PRIOR TO WORK COMMENCING

PROJECT ADDRESS: Kootenay Lake, British Columbia		DATE: May 10th 2024
DRAWING TITLE: New Boat House Elevations	SHEET: A-301	SCALE: 1/4"=1'-0"



1 PROPOSED SOUTH ELEVATION
A401 1/4" = 1'-0"



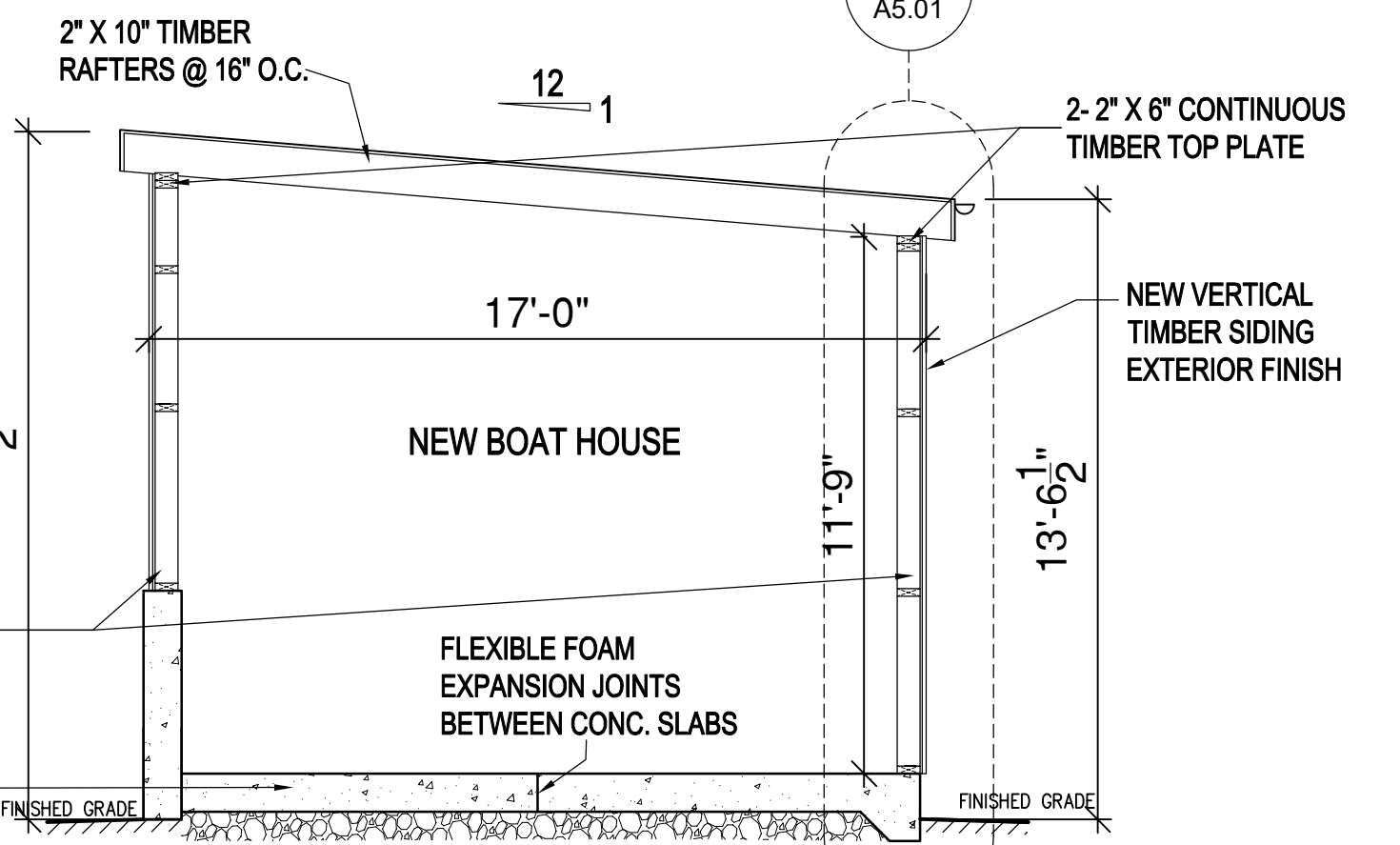
2 PROPOSED NORTH ELEVATION
A401 1/4" = 1'-0"

GENERAL CONSTRUCTION NOTES

- ALL LUMBER TO BE NO. 1&2 SPRUCE OR BETTER
- ALL PLYWOOD SHALL BE STAMPED EXTERIOR GRADE
- ALL FOOTINGS TO BEAR ON UNDISTURBED SOIL- GARAGE SLAB SHALL BE 32Mpa
- GARAGE SLAB SHALL BE 32Mpa CONCRETE W/5%-8% AIR ENTRAINMENT SLOPED TO DRAIN TO THE OUTSIDE
- ALL NEW EXPOSED LUMBER TO BE PRESSURE TREATED

*** ALL MEASUREMENTS TO BE VERIFIED BY CONTRACTOR ON SITE PRIOR TO WORK COMMENCING

NEW VERTICAL TIMBER SIDING EXTERIOR FINISH



3 PROPOSED SECTION
A401 1/4" = 1'-0"

PROJECT ADDRESS: Kootenay Lake, British Columbia		DATE: May 10th 2024
DRAWING TITLE: New Boat House Elevations & Section	SHEET: A-401	SCALE: 1/4"=1'-0"

allow property owners to legitimize the structure as long as no lot is reduced in site area.

Subdivision Servicing Requirements

14. All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
15. All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
16. All subdivisions shall comply with the *Drinking Water Protection Act*, the *Health Act* and the *Waste Management Act*.

Setback Requirements

17. 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. Lands on the Kootenay Lake side of Highway 3A shall be permitted a 3.0 metre setback from front or exterior side lot line due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.
18. Despite sub-section 17, buildings or structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve.
19. Unless otherwise stated, no portable sawmill may be located within 100 metres from a property line.
20. Despite sub-section 17, on all lots less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres, with the exception of lots on the Kootenay Lake side of Highway 3A that shall be permitted a 3.0 meter setback from front or exterior side lot lines due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.

Setback Exceptions

21. 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.
22. Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, flagpoles, up to ten (10) metres in height may be sited on any portion of a lot.
23. 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