



# Development Variance Permit Application

Referral Form – RDCK File V2418A

Date: October 7, 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 November 7, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.**

**LEGAL DESCRIPTION & GENERAL LOCATION:**

1180 Wigen Road, Wynndel, Electoral Area 'A'  
 LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489 (PID: 015-750-132)

**PRESENT USE AND PURPOSE OF PERMIT REQUESTED:**

The property is presently being used for residential purposes and was improved with a single detached dwelling, however the dwelling was destroyed by a fire in March 2024. The applicant is seeking a Development Variance Permit (DVP) application to authorize the reconstruction of a new single detached dwelling.

This DVP seeks to vary the following sections of Comprehensive Land Use Bylaw No. 2315, 2013:

**Section 25.4** – To permit a Farm Residential Footprint of 4012 m<sup>2</sup> whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m<sup>2</sup>.

**Section 25.6** – To increase the maximum permitted GFA for a Single Detached Dwelling from 185 m<sup>2</sup> to 300 m<sup>2</sup>

The above variances are being requested to authorize the construction of a dwelling that is a similar size to the original dwelling that was destroyed by a fire.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
2.4 hectares (6 acres)	N/A	Agriculture 1 (AG1)	Agriculture (AG)

**APPLICANT:** Forrest Demman

**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.**

**ZACHARI GIACOMAZZO, 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 checked="" type="checkbox"/> AGRICULTURAL LAND COMMISSION <input checked="" 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"/> CRESTON VALLEY AGRICULTURAL ADVISORY COMMISSION
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<input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING	<input checked="" type="checkbox"/> RDCK FIRE SERVICES
<input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM	<input type="checkbox"/> RDCK EMERGENCY SERVICES
<input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS)	<input checked="" type="checkbox"/> RDCK BUILDING SERVICES
<input type="checkbox"/> SCHOOL DISTRICT NO.	<input type="checkbox"/> RDCK UTILITY SERVICES
<input type="checkbox"/> OOTISHCENIA IMPROVEMENT DISTRICT	<input type="checkbox"/> RDCK RESOURCE RECOVERY
<input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, COLUMBIA POWER)	<input type="checkbox"/> RDCK REGIONAL PARKS
<input type="checkbox"/> ARCHAEOLOGY BRANCH	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](mailto:info@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

**RESPONSE SUMMARY**  
**FILE: V2418A APPLICANT: FORREST DEMMAN**

**Name:**

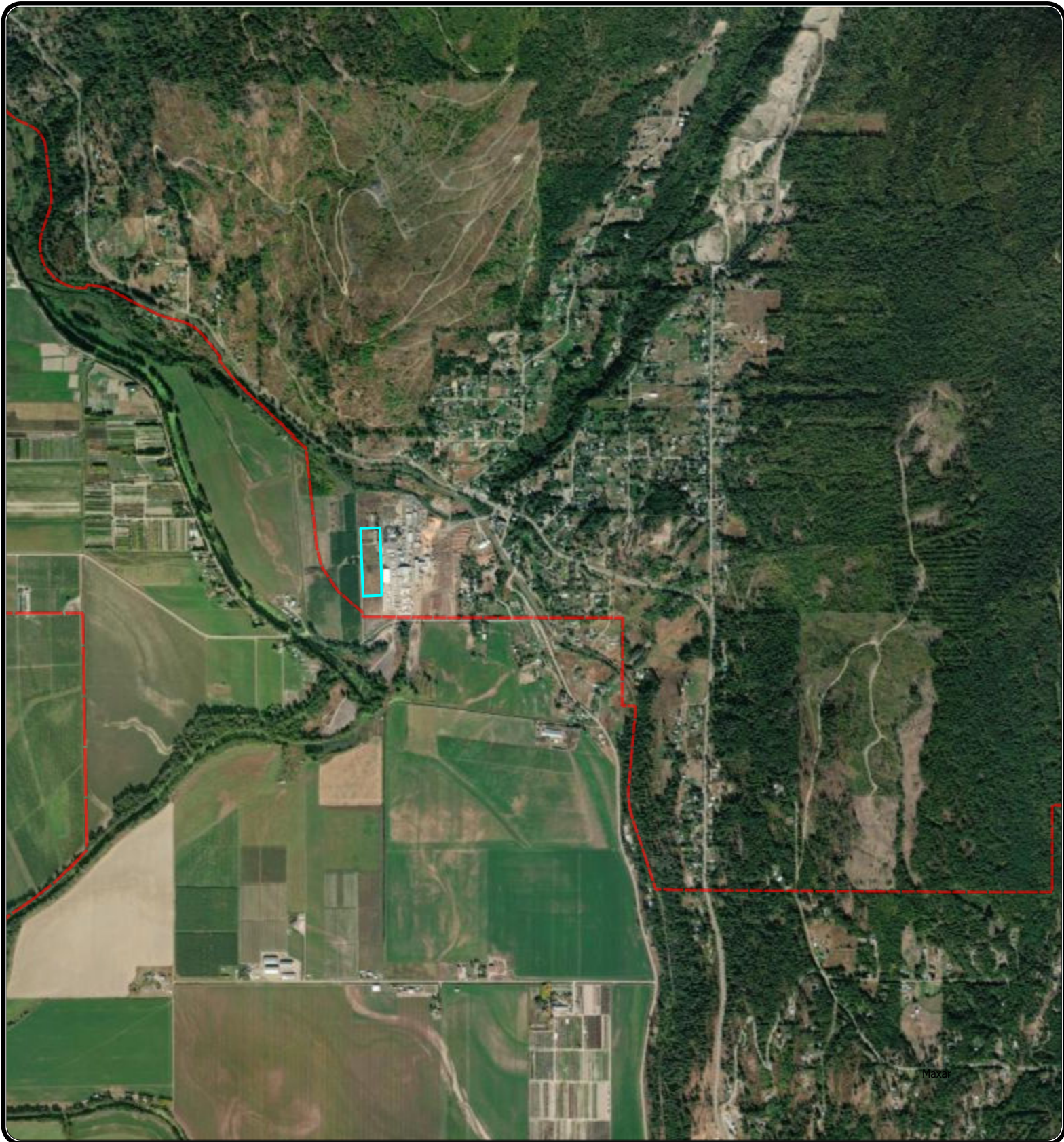
**Date:**

**Agency:**

**Title:**

RETURN TO: ZACHARI GIACOMAZZO, 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](mailto:plandept@rdck.bc.ca)

# RDCK Map



Maxi



REGIONAL DISTRICT OF CENTRAL KOOTENAY  
Box 590, 202 Lakeside Drive,  
Nelson, BC V1L 5R4  
Phone: 1-800-268-7325 [www.rdck.bc.ca](http://www.rdck.bc.ca)  
[maps@rdck.bc.ca](mailto:maps@rdck.bc.ca)

## Legend

 Electoral Areas

**Map Scale:**

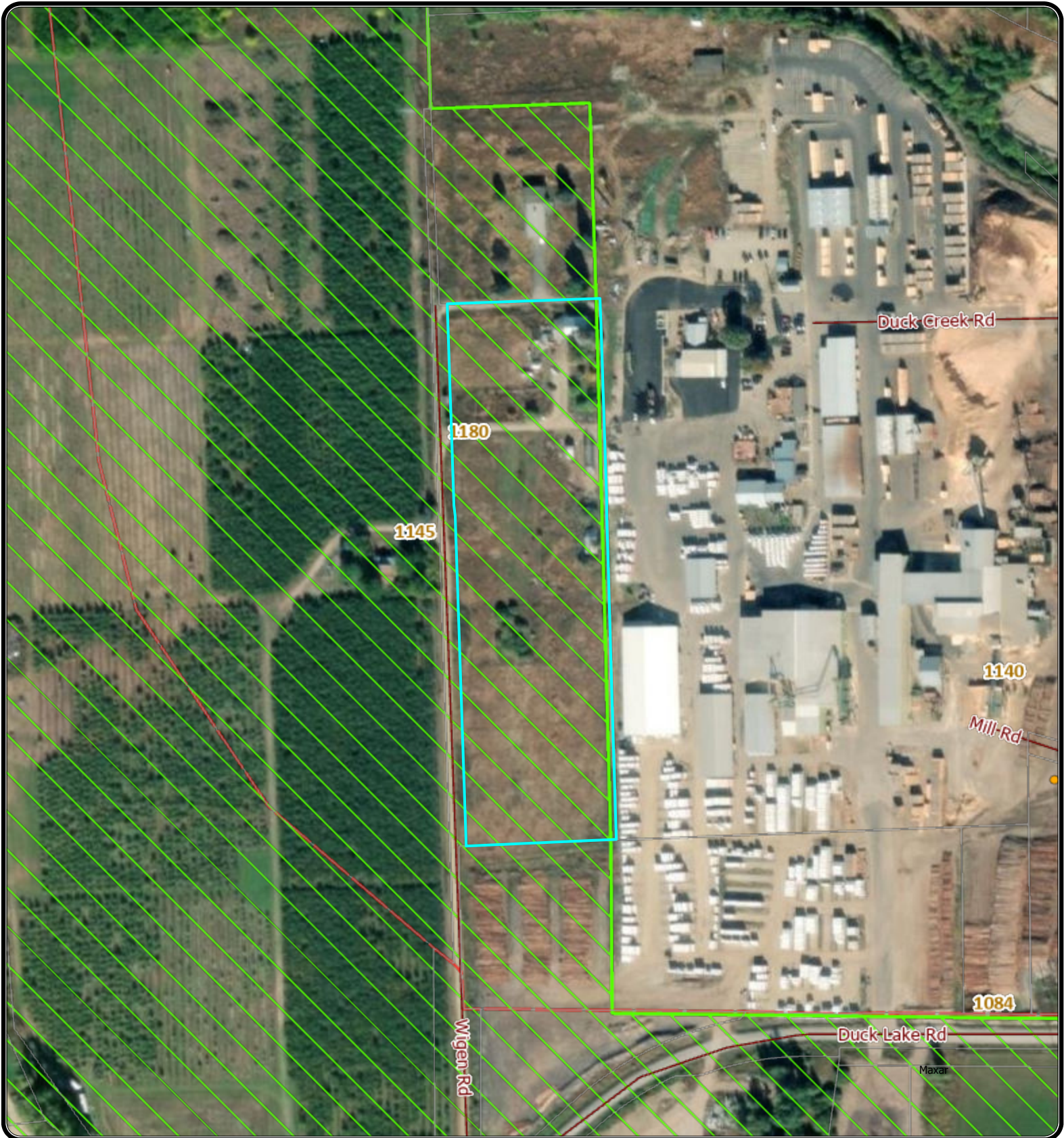
1:36,112

Date: September 17, 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



REGIONAL DISTRICT OF CENTRAL KOOTENAY  
Box 590, 202 Lakeside Drive,  
Nelson, BC V1L 5R4  
Phone: 1-800-268-7325 [www.rdck.bc.ca](http://www.rdck.bc.ca)  
[maps@rdck.bc.ca](mailto:maps@rdck.bc.ca)

## Legend

-  Agriculture Land Reserve
-  Electoral Areas
-  RDCK Streets
-  Cadastre - Property Lines
-  Address Points

## Map Scale:

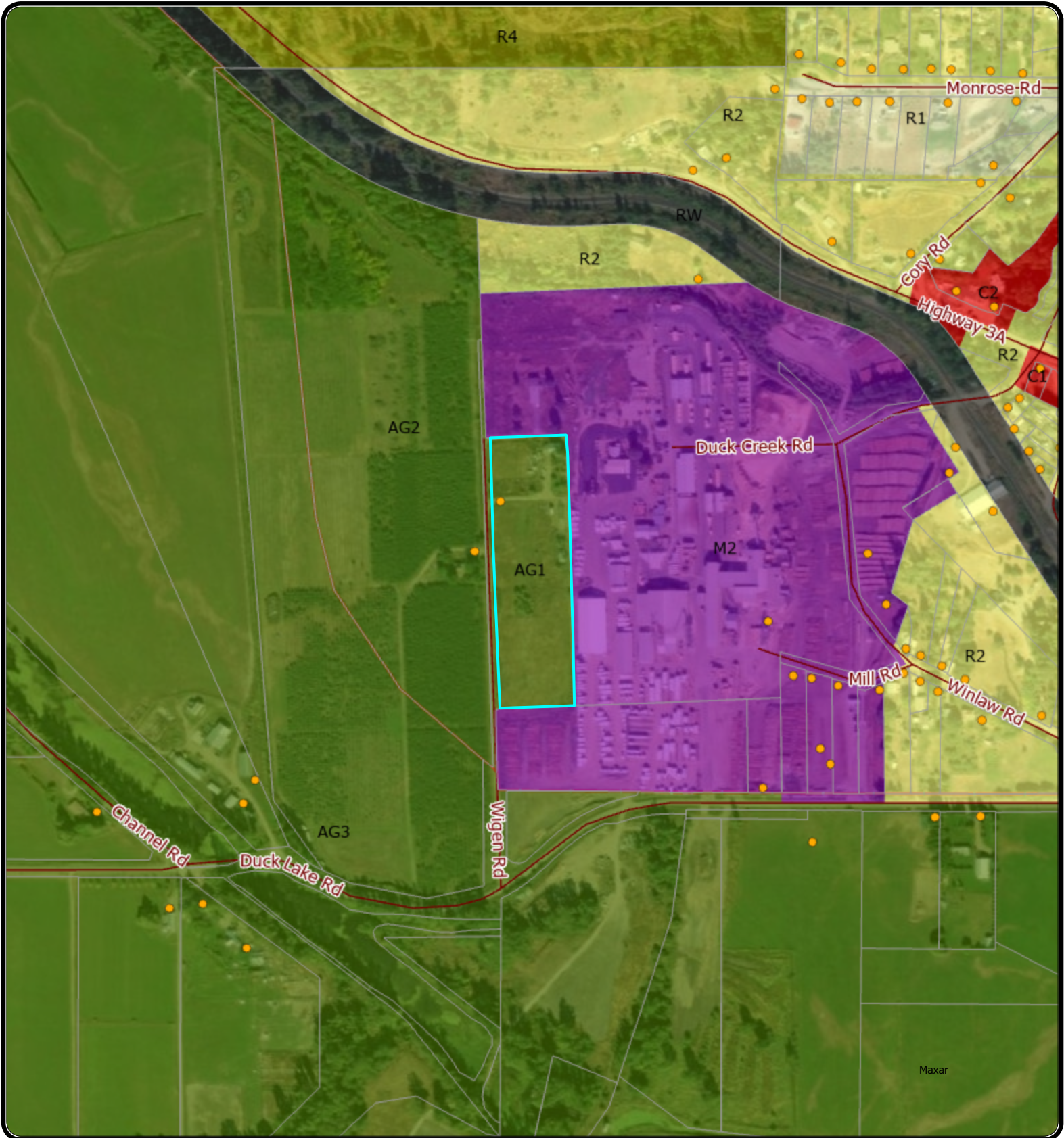
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Date: September 17, 2024



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# RDCK Map



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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

## Zoning Class

- Agriculture
- Commercial
- Industrial
- Railway
- Residential 1

## Legend

- Residential 2
- Residential 4
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

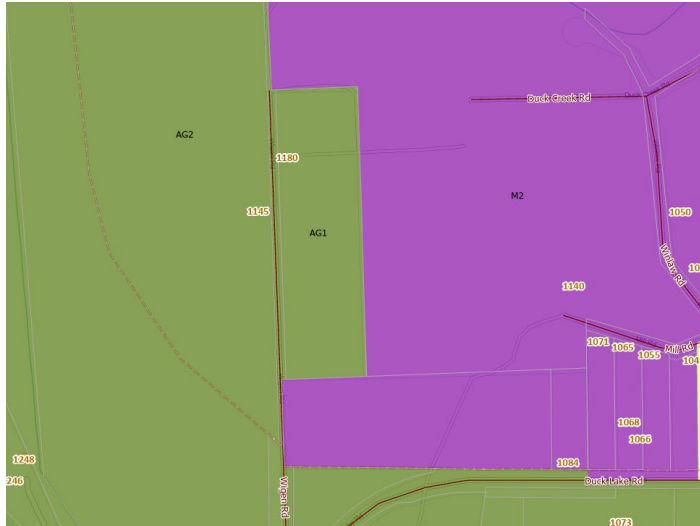
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1:9,028

Date: September 17, 2024



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## Demman Home Rebuild

1180 Wigen Rd, Wynndel

Forrest and Tashina Demman

AG1 Zoning in RDCK Area A

Development Variance Proposal

## Executive Summary

On March 31, 2024, the house at 1180 Wigen Rd was completely destroyed by a fire that originated from an unknown cause in the garage. As a result, the property is eligible for rebuilding through the insurance company, with the new structure expected to be of similar size to the original home. However, since the property is located in Area A of the RDCK and is zoned AG1, the maximum allowable living area for a new house is 185 square meters. The previous house had approximately 300 square meters of total living area. Additionally, the property formerly had a very large residential footprint at approximately 6000 square meters, we are proposing to move the home to the west so as to reduce the size of the current residential footprint to 4011 square meters, thus freeing up 2000 square meters for agricultural use. This proposed development variance is intended to permit the construction of a new home that matches the size of the original structure in the new location which is larger than the specified residential footprint.

## Background

The house that was destroyed in 2024 was originally built in the 1950s in the northeast corner of the property. It featured a 105 square meter main floor, a 105 square meter basement, a 75 square meter loft, and a 20 square meter entryway, along with an attached garage and shed. This brought the total land coverage to approximately 150 square meters. When our family purchased the property in the summer of 2021, a major factor in our decision was the size of the house, which was well-suited to our needs. With three

children, the house's four bedrooms and large family room in the basement provided ample space for our family. Additionally, we were attracted to the property's agricultural potential, with plans to develop the land for agricultural purposes.

## Proposal

Considering the factors mentioned above, we propose to build a new home of similar size to the one that was destroyed. Below is our rationale and the concessions we are making in support of this decision:

- We were not in control of the unfortunate event that led to the destruction of our home, which was the right size for our family. We should not be penalized by being unable to rebuild a home that allows us to remain on the property and continue developing the agricultural land.
- The original house was located more than 60 meters from the road. We propose moving the new house within 60 meters of the road to comply with the zoning bylaw, rather than keeping it in the same location. This will reduce the residential footprint from 6000 square meters to 4011 square meters. As we were not the original owners of the property, we did not build the road and other structures that have caused the residential footprint to be larger than the requirements. This adjustment will free up land outside of the residential area for livestock and trees.
- The majority of the agricultural land on the property consists of a hay field, which we had cut last year. This area will remain untouched by residential development.
- The boundary between Area A and Area C closely follows the railway line south from Duck Lake, deviating just before our property to include the Canfor Mill in Area A. This arbitrary placement has resulted in our property being included in Area A instead of Area C, like the rest of the agricultural land on the flats. If our property were zoned AG1 in Area C, the allowable living space would be expanded to 300 square meters. It is more reasonable to consider our property in line with Area C, as it shares more characteristics with Area C agricultural land than with Area A.
- The current rules specify a maximum living space of 185 square meters for our property, which could be built on a single level, covering 185 square meters of land. We propose building a house with a 150 square meter footprint that includes both a main floor and a basement. This approach aligns with the spirit of the rule by not occupying as much land as would be possible with a single-story home at the maximum footprint.

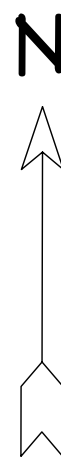


- We propose constructing the new home in a location that minimizes the impact on agricultural land, as there is already a driveway in place, reducing the need for additional hardscaping.
- We are building a Step 5 energy efficient home so as to reduce our energy footprint.

## Conclusion

In conclusion, we are requesting a development variance permit to build a home with a smaller footprint than what is permitted under the current zoning, while maintaining the same living space as the home we tragically lost in the fire. We are taking care to position the new home within 60 meters of the road to comply with the location requirements of agricultural zoning, and we are deliberately choosing not to use the full 185 square meters of land that we could occupy without this variance. By moving the home to a new location, we are reducing our residential footprint to the smallest size that we can considering prior use of the property by former owners, and so we are requesting a variance on the size of that residential footprint. We ask that you consider the arbitrary deviation of the Area A/Area C boundary from the railroad, which results in our property being the only agricultural land on the flats not included in Area C. Allowing us to build a home of equivalent size to the one we lost will enable us to remain on the property long-term and fully develop its agricultural potential, thereby honoring the spirit of the zoning and agricultural bylaws.

FULL SITE  
1:1000 SCALE



1180 WIGEN ROAD, WYNNDDEL  
LOT C  
AG1  
PLAN - NEP1489  
LAND DISTRICT - KOOTENAY  
DISTRICT LOT - 9551  
P.I.D. - 015-750-132  
LOT AREA: 6.78 ACRES OR 27437.69m<sup>2</sup>

148.18m<sup>2</sup> MAIN FLOOR HOME  
148.18m<sup>2</sup> BASEMENT  
TOTAL BUILDING - 296.36m<sup>2</sup>

NOTE:  
DIMENSIONS ARE APPROXIMATE  
BASED ON THE RDCK WEB MAP AND  
ARE TO BE CONFIRMED ON SITE.

PAGE #  
**PLOT**

REVISIONS	CUSTOMER APPROVAL
14AUG2024	X
	X

CLIENT: DEMMAN  
PRINT: 11"x17"  
SCALE: SEE PLANS  
DRAWN: KJ

ADDRESS: 1180 WIGEN ROAD, WYNNDDEL  
LOT: C  
DISTRICT LOT: 9551  
PLAN: NEP1489  
LAND DISTRICT: KOOTENAY

P.I.D.: 015-750-132

AND SHALL NOT BE REPRODUCED IN ANY FORM

WITHOUT THE WRITTEN CONSENT OF THE DESIGNER \*



# ELEVATIONS ARE CONCEPT ONLY AND MAY VARY

DEVELOPMENT PERMIT REVIEW ONLY - NOT FOR CONSTRUCTION



## FRONT/NORTH ELEVATION



CLIENT: DEMMAN  
 SCALE: 1/4" = 1'-0"  
 DRAWN: KFJ  
 PRINT: 24"x18"

ADDRESS: 1180 WIGEN RD, WYNNDDEL  
 LOT: C  
 PLAN: NEP1489  
 DISTRICT LOT: 9551  
 P.I.D.: 015-750-132  
 LAND DISTRICT: KOOTENAY

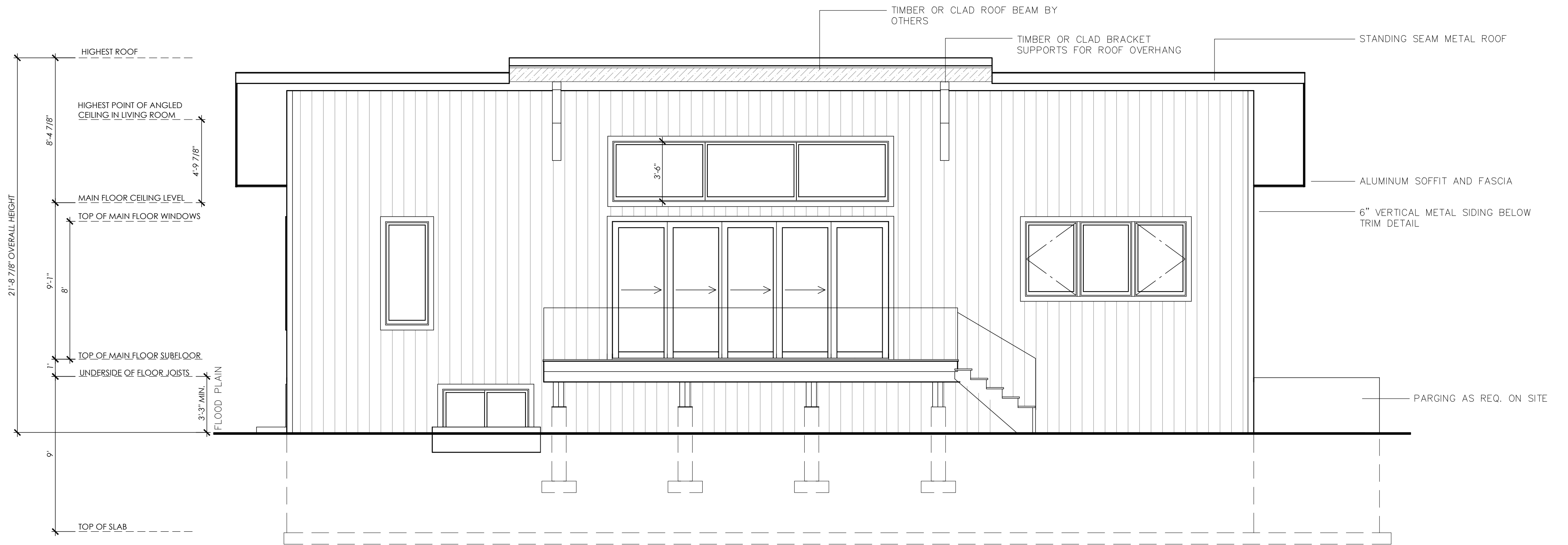
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 MAIN: 1680 SQ.FT.  
 BSMT SLAB: 1526 SQ.FT.

DECK: 384 SQ.FT.  
 VERANDAH: 57.5 SQ.FT.

REVISIONS  
 10/SEPT/2024

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 1/7

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REAR/SOUTH ELEVATION



CLIENT: DEMMAN  
 SCALE: 1/4" = 1'-0"  
 DRAWN: KFJ  
 PRINT: 24"x18"

ADDRESS: 1180 WIGEN RD, WYNNDEL  
 LOT: C  
 PLAN: NEP1489  
 DISTRICT LOT: 9551  
 P.I.D.: 015-750-132  
 LAND DISTRICT: KOOTENAY

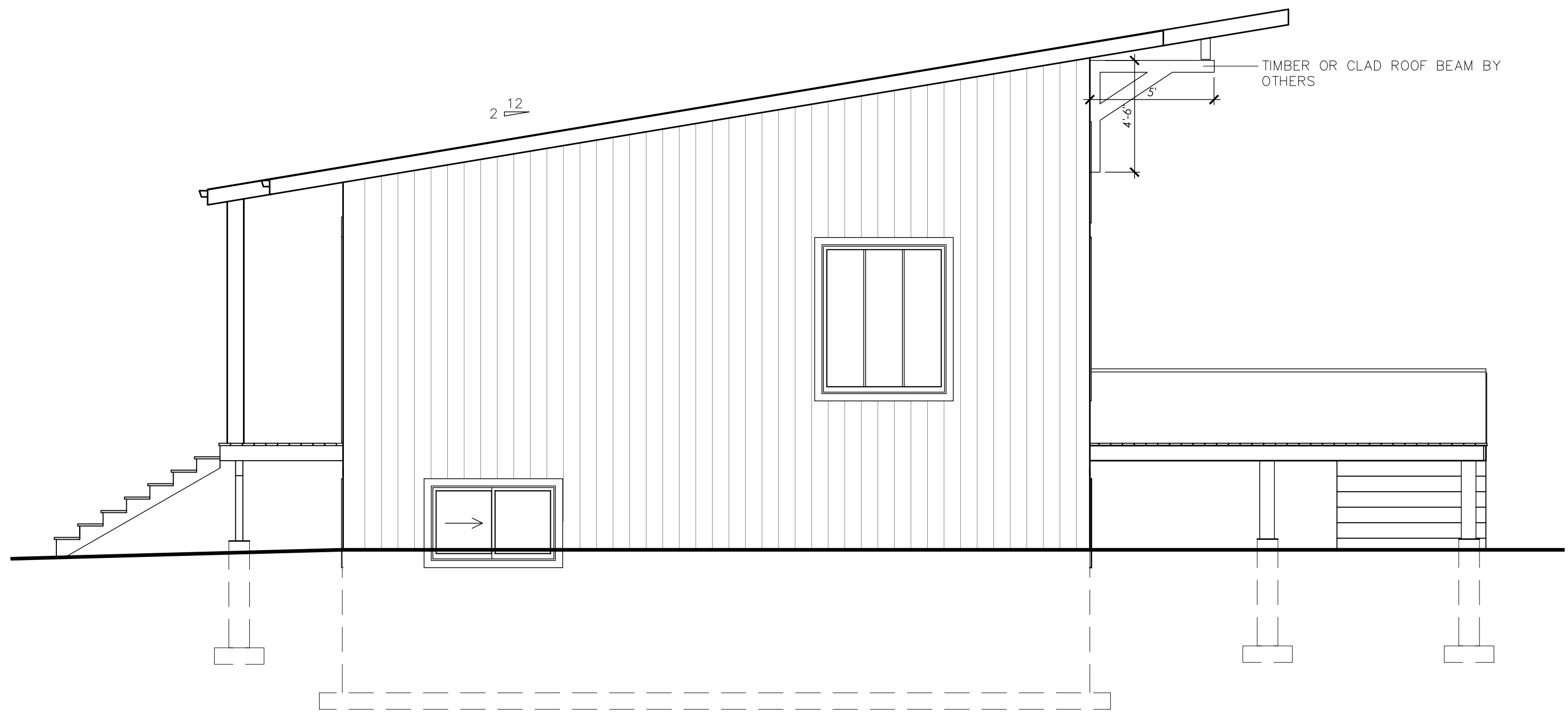
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REVISIONS  
 10/SEPT/2024

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 2/7

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LEFT/EAST ELEVATION



CLIENT: DEMMAN  
 SCALE: 1/4" = 1'-0"  
 DRAWN: KFJ  
 PRINT: 24"x18"

ADDRESS: 1180 WIGEN RD, WYNNDEL  
 LOT: C  
 PLAN: NEP1489  
 DISTRICT LOT: 9551  
 P.I.D.: 015-750-132  
 LAND DISTRICT: KOOTENAY

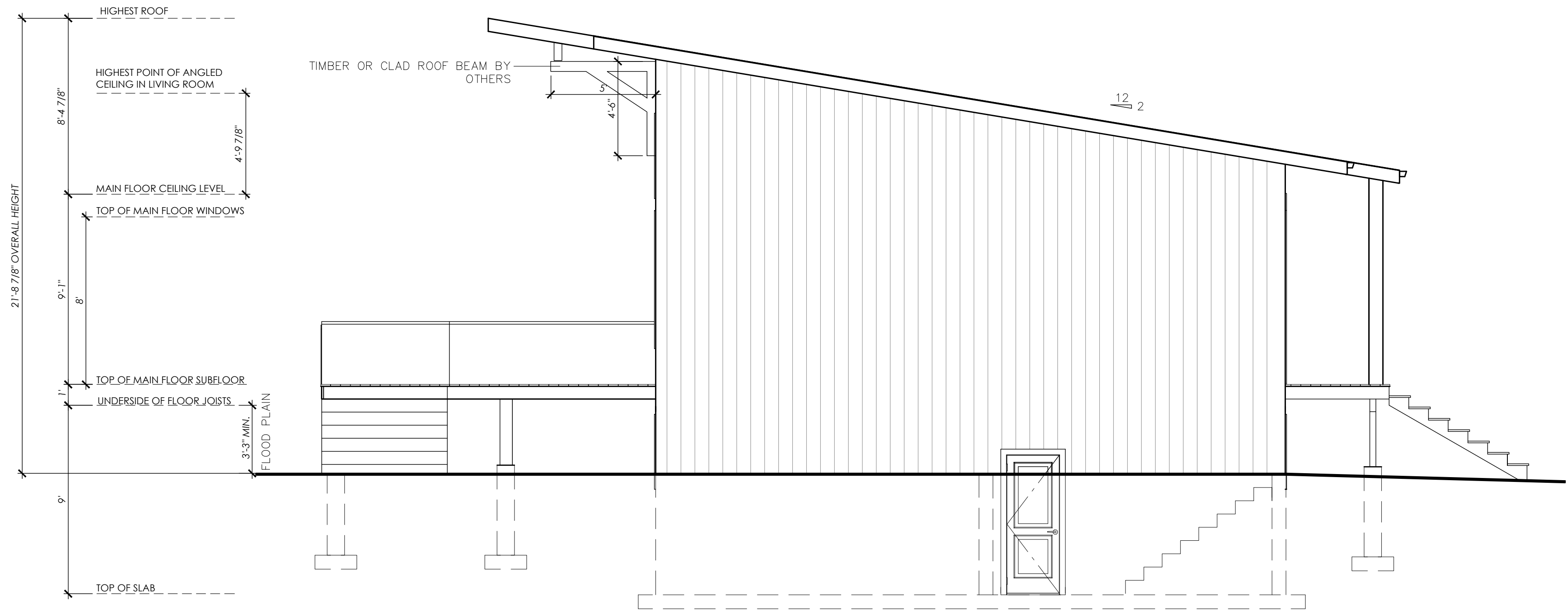
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 MAIN: 1680 SQ.FT.  
 BSMT SLAB: 1526 SQ.FT.

DECK: 384 SQ.FT.  
 VERANDAH: 57.5 SQ.FT.

REVISIONS  
 10/SEPT/2024

PAGE #  
 3/7

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RIGHT/WEST ELEVATION



CLIENT: DEMMAN  
 SCALE: 1/4" = 1'-0"  
 DRAWN: KFJ  
 PRINT: 24"x18"

ADDRESS: 1180 WIGEN RD, WYNNDEL  
 LOT: C  
 PLAN: NEP1489  
 DISTRICT LOT: 9551  
 P.I.D.: 015-750-132  
 LAND DISTRICT: KOOTENAY

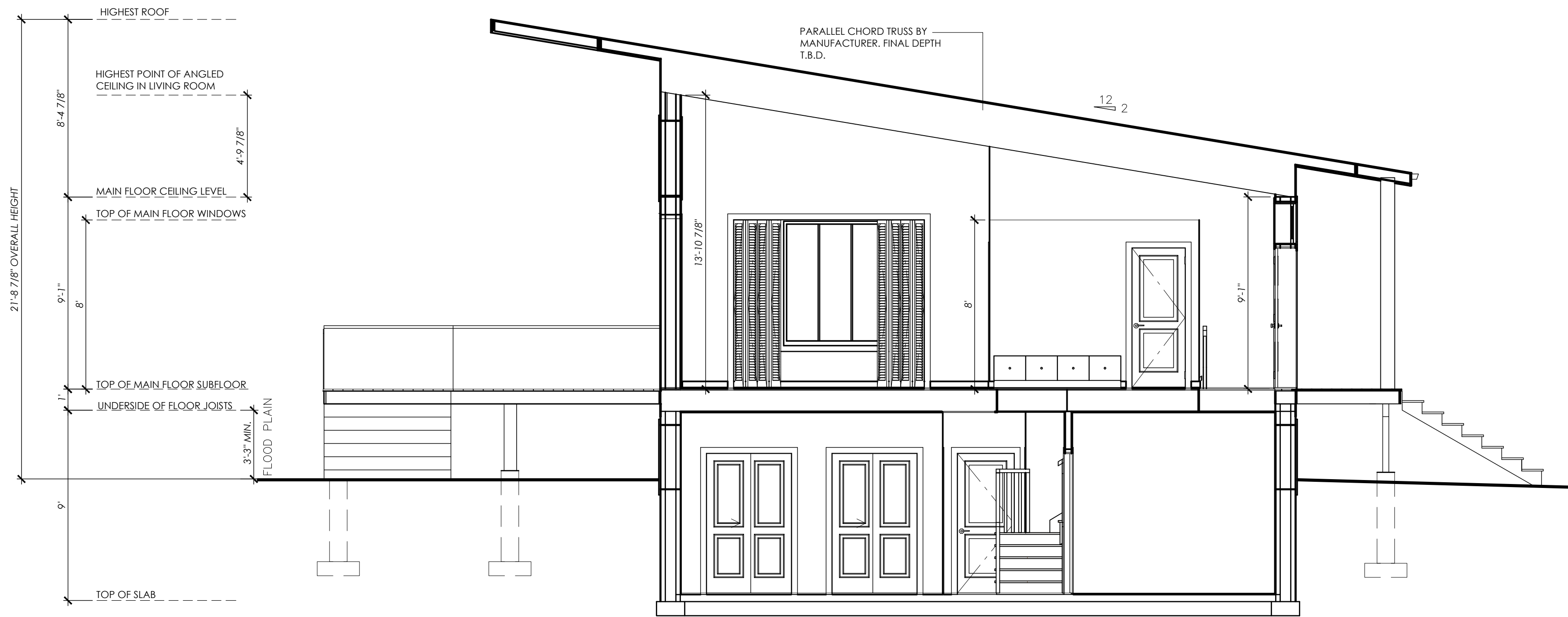
TOTAL: 3206 SQ.FT.  
 MAIN: 1680 SQ.FT.  
 BSMT SLAB: 1526 SQ.FT.

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REVISIONS  
 10/SEPT/2024

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PRELIM SECTION  
FOR DEVELOPMENT PERMIT REVIEW ONLY



CLIENT: DEMMAN	ADDRESS: 1180 WIGEN RD, WYNNDEL	REVISIONS	PAGE #
SCALE: 1/4" = 1'-0"	LOT: C	10/SEPT/2024	7/7
DRAWN: KFJ	PLAN: NEP1489	TOTAL: 3206 SQ.FT.	
PRINT: 24"x18"	DISTRICT LOT: 9551	DECK: 384 SQ.FT.	
	P.I.D.: 015-750-132	MAIN: 1680 SQ.FT.	
	LAND DISTRICT: KOOTENAY	BSMT SLAB: 1526 SQ.FT.	
		VERANDAH: 57.5 SQ.FT.	

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## 25.0 AGRICULTURE 1 (AG1)

### Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 1 (AG1) zone shall be used for the following purposes only:

#### Agriculture

All activities designated as “Farm Use” as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time.

Kennel

Micro Cultivation,

CannabisMicro

Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and

Florist

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

#### Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

### Development Regulations

2. The minimum lot area shall be 2.0 hectares.
- 2b. The maximum density is 2 Dwelling Units not including a Farmworker Dwelling Unit.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional



permitted dwelling unit.

5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 meters measured from the Front Lot Line or Exterior Side Lot Line.
6. The Maximum Gross Floor Area of the Single Detached Housing is 185.0 square meters.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
  - a. The maximum Gross Floor Area is 90.0 square meters;
  - b. The lot is classified as a farm under the *Assessment Act*;
  - c. The lot is 2 hectares or larger; and
  - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing shall be limited to 6 campsites, provided that:
  - a. The lot is classified as a farm under the *Assessment Act*;
  - b. The lot is 1.2 hectares or larger;
  - c. The minimum setback is 6.0 meters from the Front Lot Line and Exterior Lot Line and 15.0 meters from other lot lines; and
  - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 meters, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 meters in height and 1.5 meters in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 meters of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
  - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
  - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 meters from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

### **Cannabis Regulations**

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 meters from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 meters of a property line.
14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 meters from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 meters of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 meters.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square meters.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square meters.

*Information Note: Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.*