



Development Variance Permit Application

Referral Form – RDCK File V2410B

Date: June 19, 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 July 19, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

4560 – 44th STREET, CANYON (ELECTORAL AREA 'B')
PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991)

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property is surrounded on all sides by parcels within the Agricultural Land Reserve (ALR), designated Agriculture and zoned Agriculture One (AG1) except for the lot immediately to the south which lies within the ALR, but is designated and zoned for General Commercial use. Camp Run Creek runs through the southern portion of the subject lot. Two accessory buildings (to be used for farm use) currently occupy the site. The applicants seek these variances to construct a residence on the subject property.

This Development Variance Permit (DVP) seeks to vary Sections 23.5 and 23.6 in the Agriculture One (AG1) Zone under the *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316*, as follows:

Section 23.5: To allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

Section 23.6: To permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m² whereas the bylaw permits a maximum GFA of 300 m².

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
3.5 hectares	Within the ALR	Agriculture One (AG1)	Agriculture (AG)

APPLICANT:

Greg and Janice McGinn

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.

STEPHANIE JOHNSON, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

REGIONAL DISTRICT OF CENTRAL KOOTENAY
DIRECTORS FOR:

<input checked="" type="checkbox"/> HABITAT BRANCH (Environment) <input type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input checked="" type="checkbox"/> AGRICULTURAL LAND COMMISSION <input checked="" type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM <input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS) <input type="checkbox"/> SCHOOL DISTRICT NO. <input type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, COLUMBIA POWER)	<input type="checkbox"/> A <input checked="" 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 type="checkbox"/> A <input checked="" 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 'B' <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input type="checkbox"/> RDCK UTILITY SERVICES <input type="checkbox"/> RDCK RESOURCE RECOVERY <input type="checkbox"/> RDCK REGIONAL PARKS <input checked="" type="checkbox"/> CRESTON VALLEY AGRICULTURAL ADVISORY COMMISSION INSERT COMMENTS ON REVERSE . . .
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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: V2410B APPLICANT: GREG MCGINN

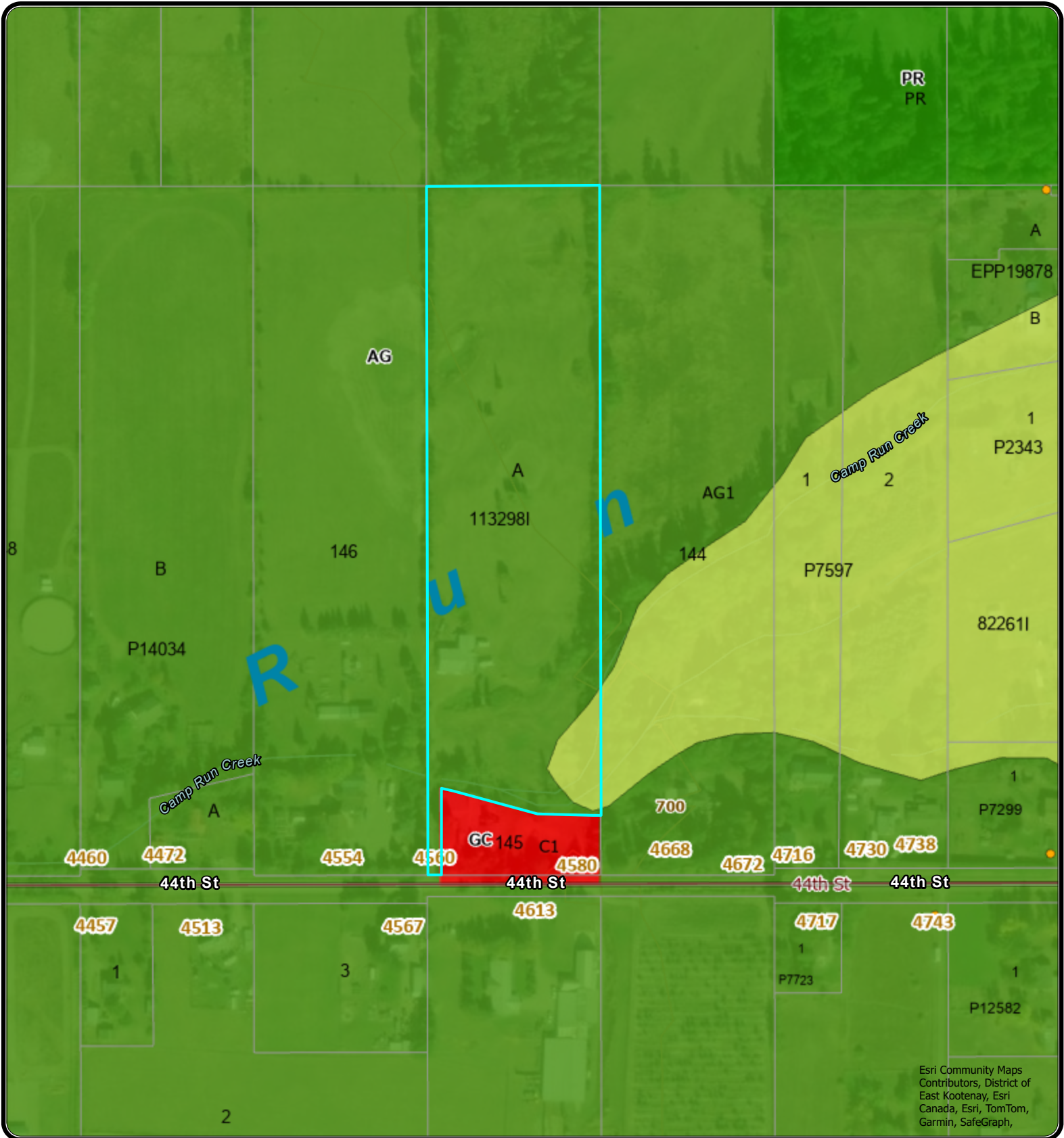
Name:

Date:

Agency:

Title:

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



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

Official Community Plan

- Agriculture
- Commercial
- Parks and Recreation
- Non Standard Flooding Erosion Area

Zoning Class

- Agriculture
- Commercial
- Parks and Recreation

20 Meter Contours

- 100 meter

Legend

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

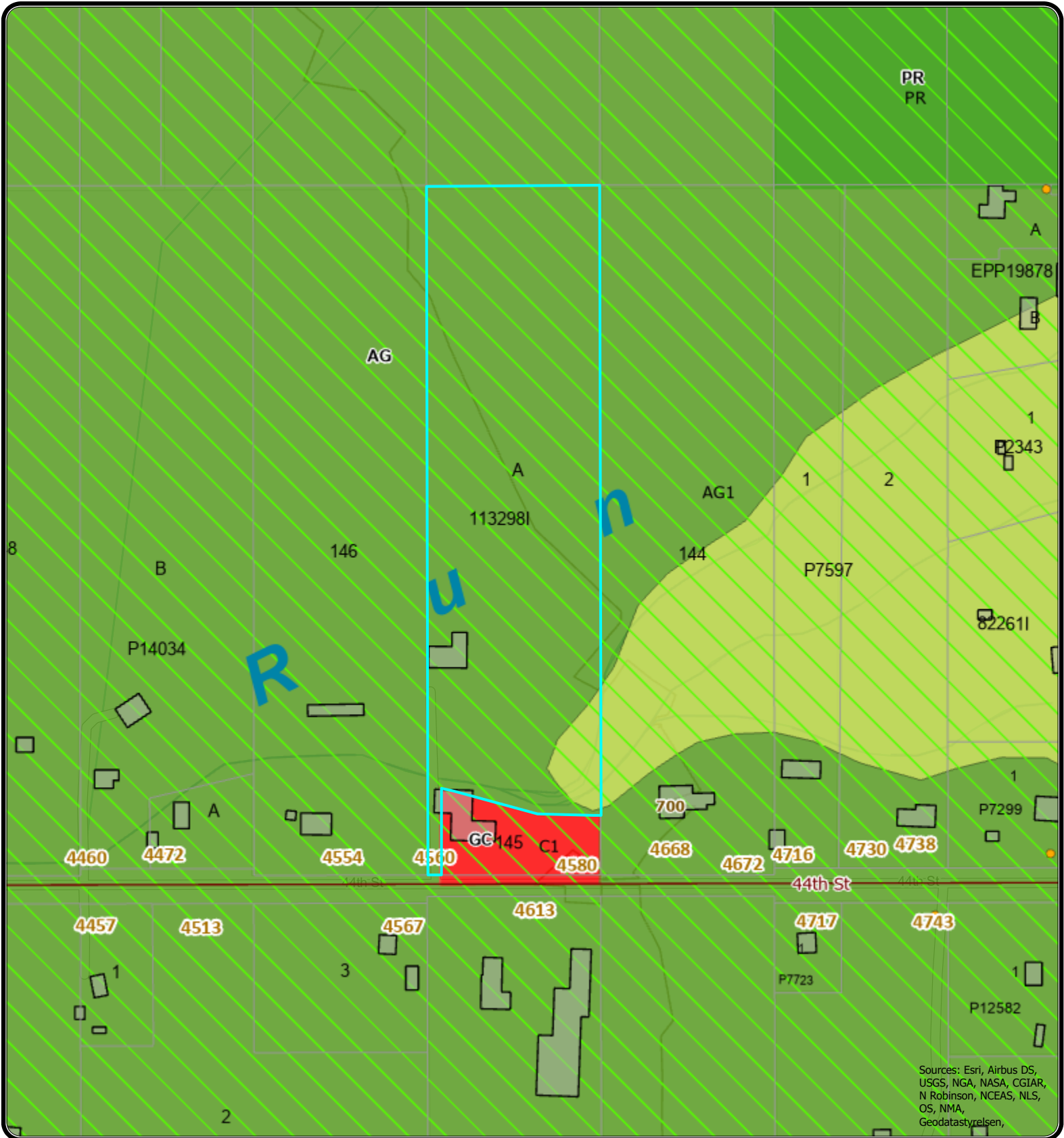
Map Scale:

1:4,514

Date: June 4, 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.



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



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Official Community Plan

- Agriculture
- Commercial
- Parks and Recreation
- Building Footprints

20 Meter Contours

- 100 meter
- Streams and Shorelines
- Non Standard Flooding Erosion Area

Zoning Class

- Agriculture

Legend

- Commercial
- Parks and Recreation
- Agriculture Land Reserve
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

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Legend

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

20 Meter Contours

Map Scale:

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Proposal Summary

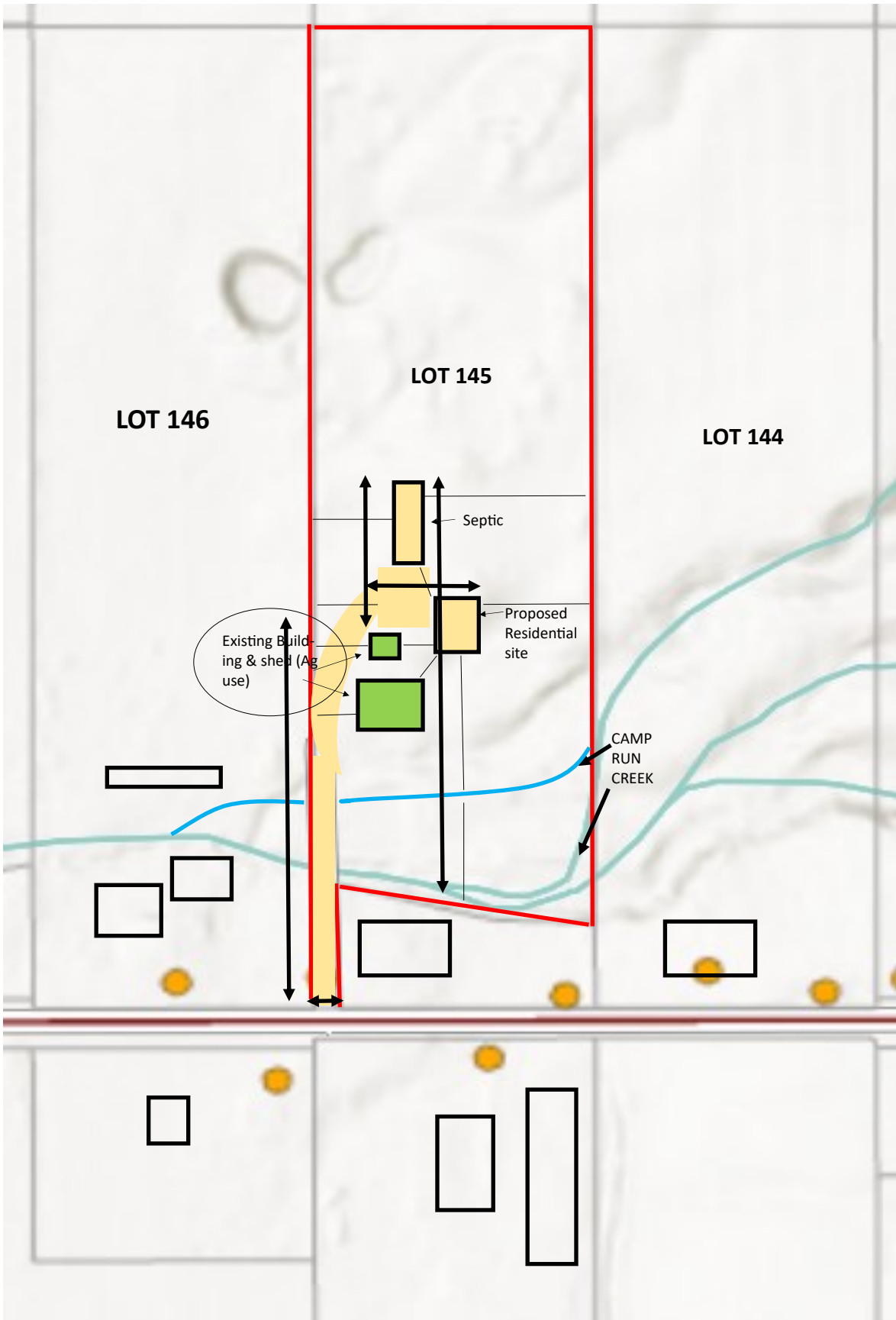
For Development Variance Permit at 4560 44 St located in Canyon, BC

We are applying for a Variance at our location so that we may build our residence. As the access point for our property is a 20-foot wide by 60 meter long panhandle driveway it is virtually impossible to build a house on our property according to the Farm Residential Footprint.

Near the far end of the driveway is the first of 2 creeks (Camp Run Creek), and the distance between the 2 creeks is 150 feet (45.72m). This area between the 2 creeks is the most arable land on the property and we have future plans to plant in this area.

The site we have chosen to place our residence is the most logical location on the property to have a residence, especially once one considers the contours and water (creek locations) of the land and the future use for our farm.

Our residence as designed is 1736 square feet per floor, it has a basement and a main floor making our maximum gross floor area 3472 square feet or 323 square meters for our multi-generational family of 5 people.



Residential Footprint (1683.4 sq. m.)

Agricultural Use

Subject Property: 4560 44 St
 Parcel A (Reference Plan 113289) Lot 145
 District Lot 812 Kootenay District Plan 730C
 PID: 012-254-991

Driveway: 523 feet (length) X 20 feet (width) = 10460 sq. ft.

Parking: 80 feet (length) X 30 feet (width) = 2400 sq. ft.

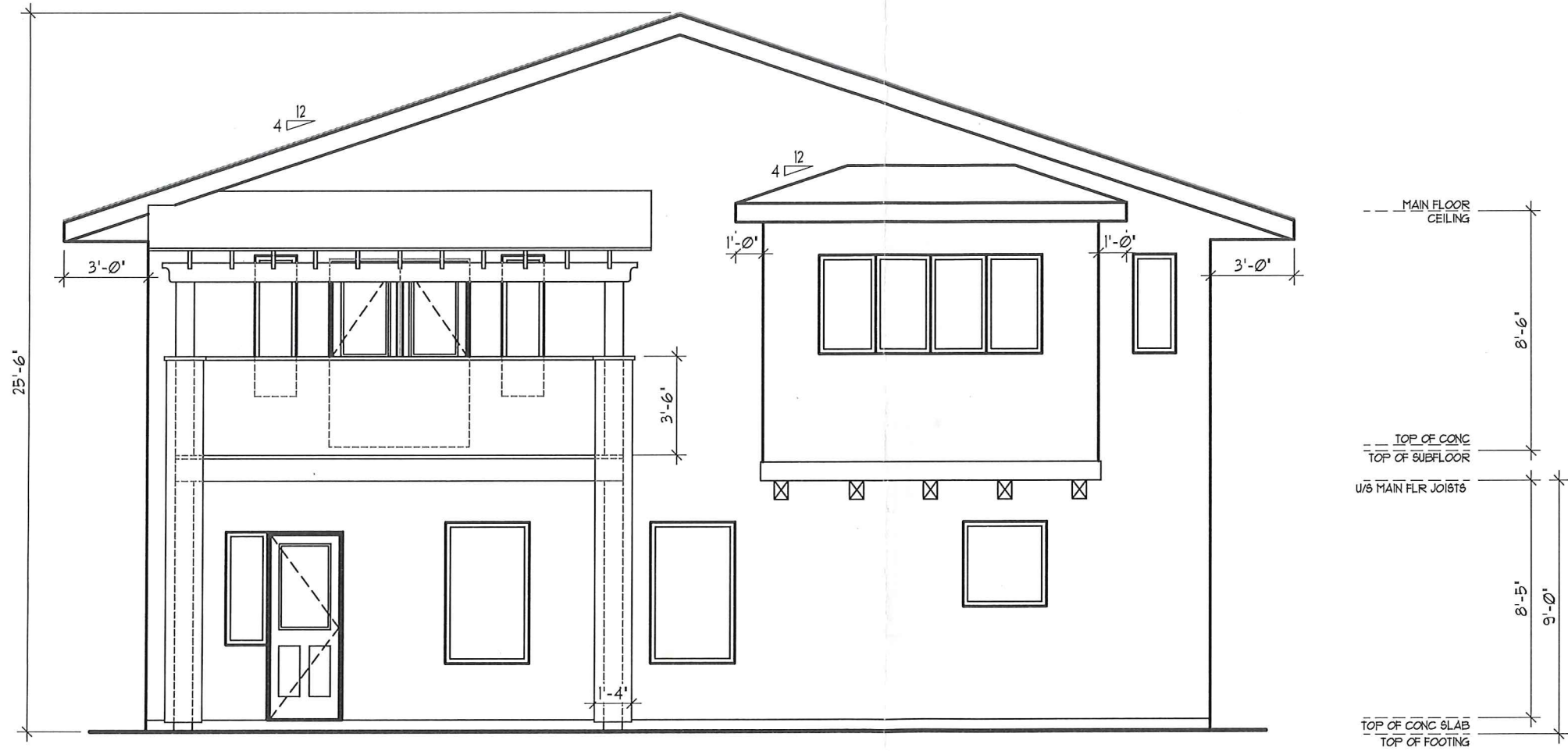
House: 59 feet (length) X 38 feet (width) = 2400 sq. ft.

Space between house & septic: 62 feet (length) X 30 feet (width) = 1860 sq. ft.

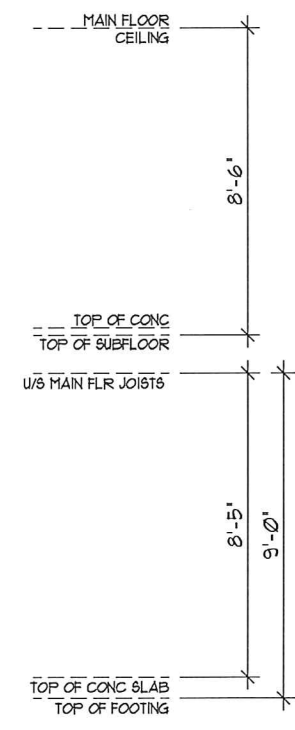
Septic field: 100 feet (length) X 10 feet (width) = 1000 sq. ft.

TOTAL: 18120 sq. ft. (1683.4 sq. m.)

TOTAL distance from first creek to back of septic field is: 493 feet



SOUTH ELEVATION
FRONT



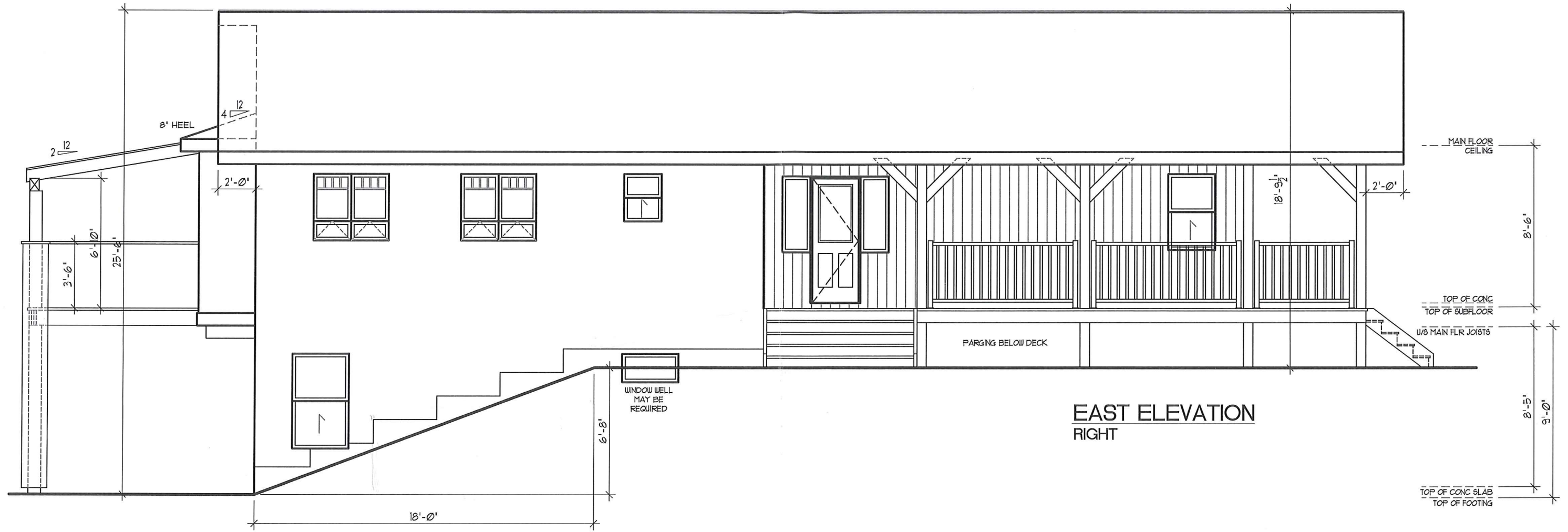
Dimensions are "framing" for plans and nominal for elevations and take precedence over scaled dimensions. Details are best representations and may be adjusted due to site or material limitations. Contractors to contact designers over discrepancies.

MCGINN RESIDENCE		TOTAL: 1736 SQ. FT.		1 of 10 Sheet #
		main: 1736 SQ. FT.	bsmt: 1178 SQ. FT.	
drawn by: TGB	date: NOV 22, 2023	PARCEL A REF. PLAN 113289		rear/side decks: 540 SQ. FT. front deck: 192 SQ. FT.
checked by: -	revised: -	LOT 145, DISTRICT LOT 730C		
scale: 3/16" = 1'-0"	address: 4560 44th STREET CANYON, BC	job #:		



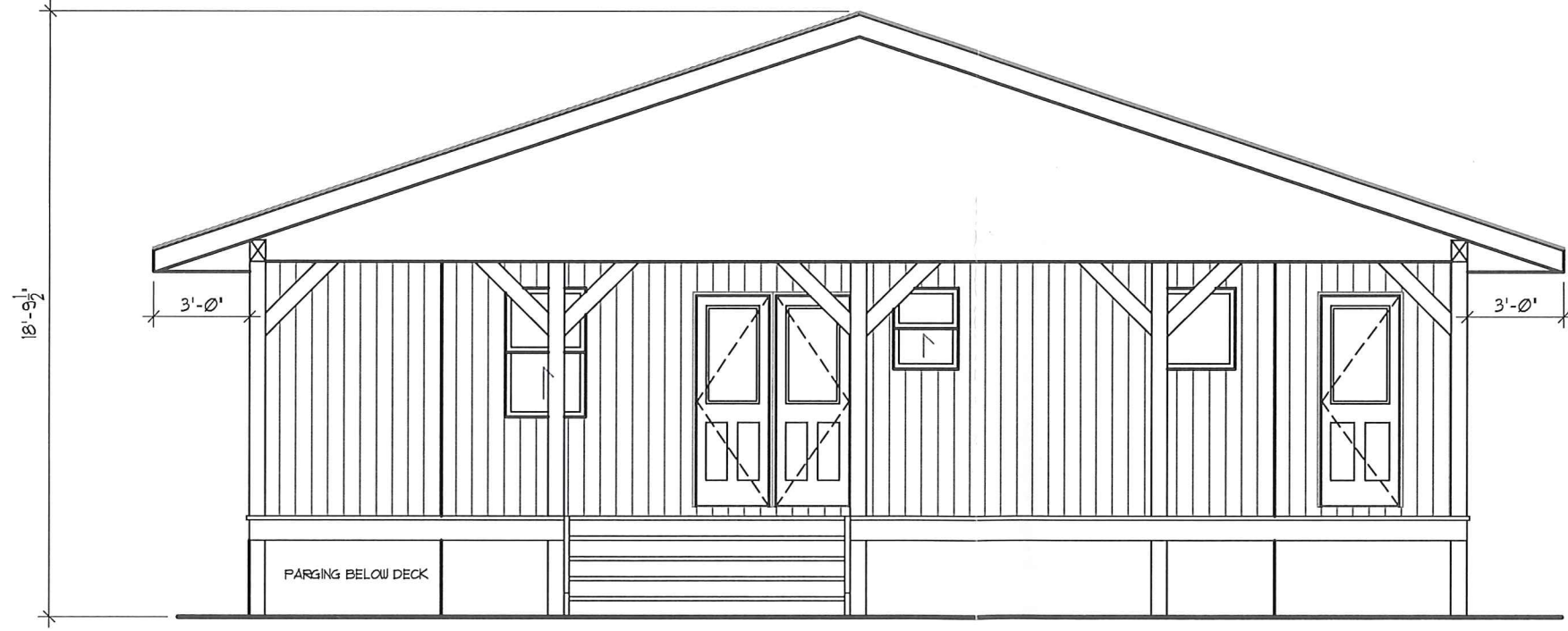
Dimensions are "framing" for plans and nominal for elevations and take precedence over scaled dimensions. Details are best representations and may be adjusted due to site or material limitations. Contractors to contact designers over discrepancies.

		MCGINN RESIDENCE				TOTAL:	1736 SQ FT	2 of 10 sheet #:
						main:	1736 SQ FT	
drawn by:	TGB	date:	NOV 22, 2023	PARCEL A REF. PLAN 113289		bsmt:	1178 SQ FT	
checked by:	-	revised:	-	LOT 145, DISTRICT LOT 730C		rear/side decks:	540 SQ FT	
scale:	3/16" = 1'-0"	address:	4560 44th STREET CANYON, BC	job #:		front deck:	192 SQ FT	

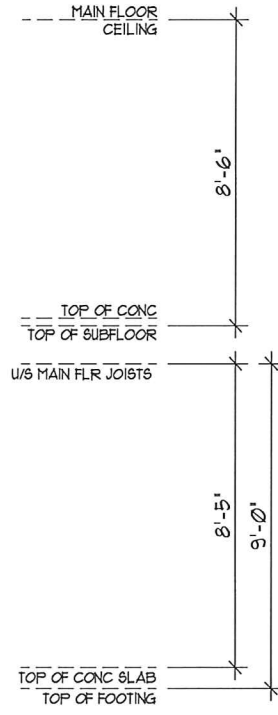


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		MCGINN RESIDENCE				TOTAL:	1736 SQ FT	3 of 10 sheet #:
						main:	1736 SQ FT	
drawn by:	TGB	date:	NOV 22, 2023	PARCEL A REF. PLAN 113289		bsmt:	1178 SQ FT	
checked by:	-	revised:	-	LOT 145, DISTRICT LOT 730C		rear/side decks:	540 SQ FT	
scale:	3/16" = 1'-0"			address:	4560 44th STREET CANYON, BC	front deck:	192 SQ FT	



NORTH ELEVATION
REAR



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drawn by: TGB		date: NOV 22, 2023	MCGINN RESIDENCE		TOTAL:		1736 SQ FT	4 of 10 Sheet #
checked by: -		revised: -			main:	1736 SQ FT		
scale: 3/16" = 1'-0"		address: LOT 145, DISTRICT LOT 730C 4560 44th STREET CANYON, BC	bsmt:	1178 SQ FT	rear/side decks:	540 SQ FT		
		job #:	front deck:	192 SQ FT				

23.0 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, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

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
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- 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 4 hectares.
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 metres measured from the Front Lot Line or Exterior Side Lot Line.
6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
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 metres;