



Development Variance Permit Application

Referral Form – RDCK File V2414K

Date: November 13, 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 DECEMBER 13, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

4260 Highway 6, RDCK Region, Electoral Area 'K'

LOT 186 DISTRICT LOT 4269 KOOTENAY DISTRICT PLAN 827 EXCEPT THAT PART IN PLAN 8622

PID: 016-046-536

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

This subject property is located approximately 25km south of Nakusp in the community of Makinson. It is 2.89 hectares, zoned Agriculture 1 (AG1) and is entirely within the ALR. The property has been partially cleared and improved with a road, accessory buildings, and septic system. The owners are proposing to build a dwelling unit on the property and are requesting two variances to do so.

This Development Variance Permit (DVP) seeks to vary Zoning Bylaw No. 1675 as follows:

Section 2701.3: To allow a Farm Residential Footprint of 4200m² whereas the bylaw requires that the Farm Residential Footprint shall be a maximum of 2500m².

Section 2701.4: To allow a Farm Residential Footprint with a maximum depth of 145 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.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
2.89 ha	Yes	Agriculture 1 (AG1) in Zoning Bylaw No. 1675, 2004	Agriculture (AG) in Area K Official Community Plan Bylaw No. 2022, 2009

APPLICANT: Paul Serghe and Christine Pearce

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Development 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**

- MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
- HABITAT BRANCH (Environment)
- FRONTCOUNTER BC (MFLNRORD)
- AGRICULTURAL LAND COMMISSION
- REGIONAL AGROLOGIST
- ENERGY & MINES
- MUNICIPAL AFFAIRS & HOUSING
- INTERIOR HEALTH, HBE TEAM
- KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS)
- SCHOOL DISTRICT NO.
- WATER SYSTEM OR IRRIGATION DISTRICT
- UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)

REGIONAL DISTRICT OF CENTRAL KOOTENAY

DIRECTORS FOR:

- A B C D E F G H I J K

ALTERNATIVE DIRECTORS FOR:

- A B C D E F G H I J K

- APHC AREA
- RDCK FIRE SERVICES
- 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: V2414K APPLICANT: PAUL SERGHE AND CHRISTINE PEARCE

Name:

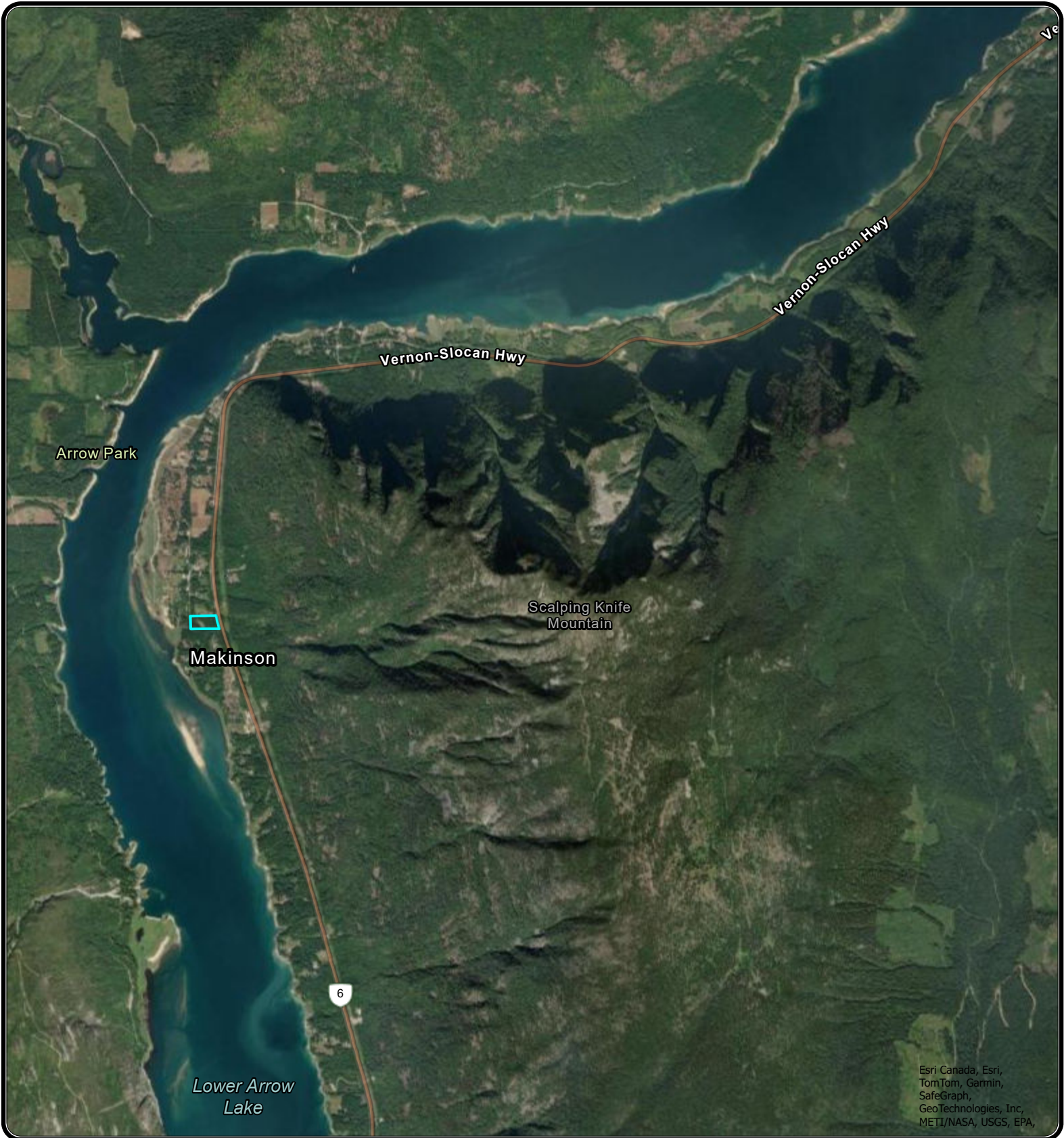
Date:

Agency:

Title:

RETURN TO: SADIE CHEZENKO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-1585
Email: plandept@rdck.bc.ca

RDCK Map



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



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

Legend

 Electoral Areas

Map Scale:

1:72,224

Date: August 14, 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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Legend

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

Map Scale:

1:9,028

Date: August 14, 2024



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RDCK Map



Esri Community Maps
Contributors, Esri Canada,
Esri, TomTom, Garmin,
SafeGraph,
GeoTechnologies, Inc.



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Legend

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

Map Scale:

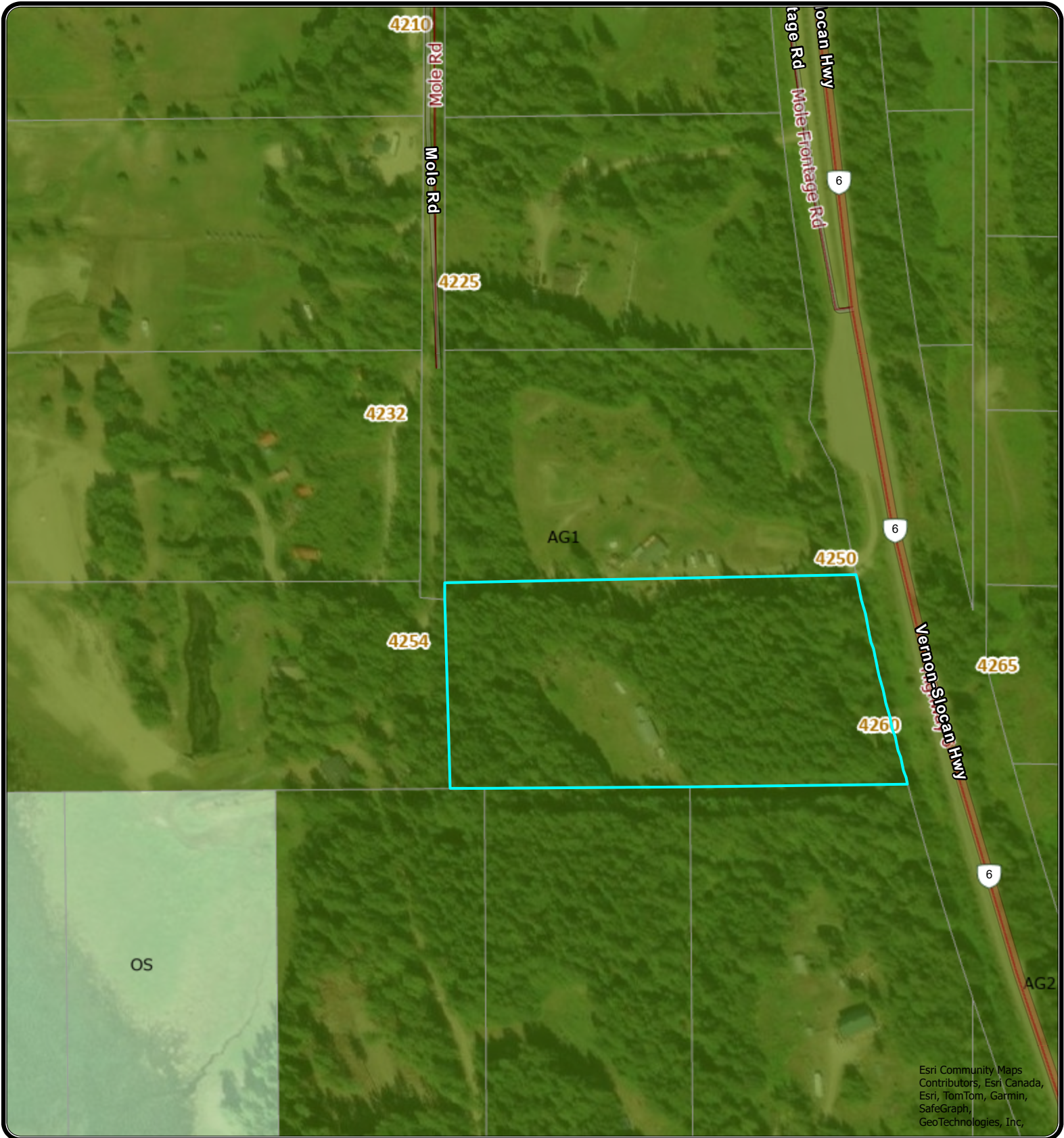
1:4,514

Date: August 14, 2024



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RDCK Map



Esri Community Maps
Contributors, Esri Canada,
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Legend

Zoning Class

- Agriculture
- Open Space
- Electoral Areas

- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

1:4,514

Date: August 14, 2024



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RDCK Map



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Official Community Plan

- Agriculture
- Open Space

Legend

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

Map Scale:

1:4,514

Date: August 14, 2024



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RDCK Map



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Legend

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

Map Scale:

1:4,514

Date: August 14, 2024



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RDCK Map



Esri Community Maps
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Legend

- Non Standard Flooding Erosion Area
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

1:4,514

Date: August 14, 2024



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RDCK Map








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Legend

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

Map Scale:

1:4,514

Date: August 14, 2024



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Legend

20 Meter Contours

- 20 meter
- Electoral Areas

- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

1:4,514

Date: August 14, 2024



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Variance Permit Proposal Summary

Property Information:

- **Lot information:** 4260, Highway 6, East Arrow Park B.C, PID: 016-046-536
- **Lot Size:** 7.14 acres (~29,000 square meters)
- **Applicants:** Paul Serghe & Christine Pearce



Bylaw Sections and Provisions for Variance Request:

- **Bylaw:** RDCK Zoning Bylaw No. 1675, 2004
- **Sections & Provisions:**
 - ZONING BYLAW No. 1675, 2004, Page 98, Agriculture 1 (AG1) “4. 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.”
 - ZONING BYLAW No. 1675, 2004, Page 100, Agriculture 1 (AG1) “3. 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.

Variance Requirements:

Farm Residential Footprint Depth Increase:

Rationale: We believe that due to the existing site conditions, it is best to install the residence in the pre-existing cleared section of the lot. This allows for the least amount of site work and tree removal, as well as making use of the existing driveway and permitted septic system. The existing permitted septic bed is located on the Southwest side of the existing cleared area, approximately ~145 meters from the front property line. Because of necessary slope requirements for the septic line, the modular home can only be placed to the Northeast and uphill from the existing septic system without jeopardizing its usability. The existing community system fed water hydrant is also located in the cleared area, ~125 feet from the front property line, the electrical panel is located withing the existing large pole barn also, so placing the residence in proximity is ideal, and reduced requirements for additional siteworks.

Effects on Surrounding Properties: The increased depth does not negatively impact neighboring properties because the modular home will be positioned at a lower elevation and within the cleared area and on the current location of a small pole barn, that will be removed. This also minimizes land use impacts. The cleared area is located at a lower elevation than the neighbor and the behind tree cover on the north end of our lot, maximizing privacy.

Farm Residential Footprint Area Increase:

Rationale: The increased area is necessary to accommodate:

- The initial modular residence (to be built first and meets the requirements of a secondary residence in the ALR),
- The existing driveway, septic, water hydrant, and pole barn, plus
- A future primary residence, (to be located east and up hill of the large pole barn).

Of the ~4000 square meters we are requesting, we will only use ~35% (~1500 square meters) of it for the existing developments and the two residences to minimize agricultural use impacts. Our long-term plans for the property include development of a small agricultural operation (grapes, garlic, or chives) and plan on growing produce to sell at local farmers markets. When agricultural operations do commence, we plan on using the large pole barn for agricultural use only.

Our approach is to cluster the residential use, leverage the existing site works, and place the modular home in the location of an existing structure, to minimize the residential footprint. Selecting this area and site plan enables us to leverage the property's sloping and stepped characteristics while maximizing agricultural use opportunities.

Effects on Surrounding Properties: The area increase will not obstruct views or significantly alter the landscape character of the property. This footprint also ensures privacy and limits additional tree clearing. A large stand of trees on the north end of our property will be preserved and grown in to provide significant privacy between us and our neighbors to the North.

Conclusion

The proposed variances are essential to accommodate the unique site conditions and optimize the use of the existing infrastructure on the property at 4260, Highway 6, East Arrow Park, B.C.

Increasing the Farm Residential Footprint depth from 60 meters to ~145 meters will allow us to place the residence in a pre-cleared area, minimizing site work, and preserving the usability of the existing septic system, water hydrant, and power source. This placement also ensures privacy for both our property and neighboring residences by preserving natural tree cover and existing topography.

Similarly, increasing the Farm Residential Footprint area from 2500 square meters to ~4000 square meters is necessary to accommodate both the initial and future residences, along with existing site works. The requested variances do not negatively impact surrounding properties, they will enhance the property's characteristics, contributing positively local agricultural economy, and maintaining the rural character of our community of East Arrow Park.

We believe that our plans promote the best interest of the RDCK, the community of East Arrow Park, and the ALR, and we respectfully request the board's approval of our variance application.

Best regards,

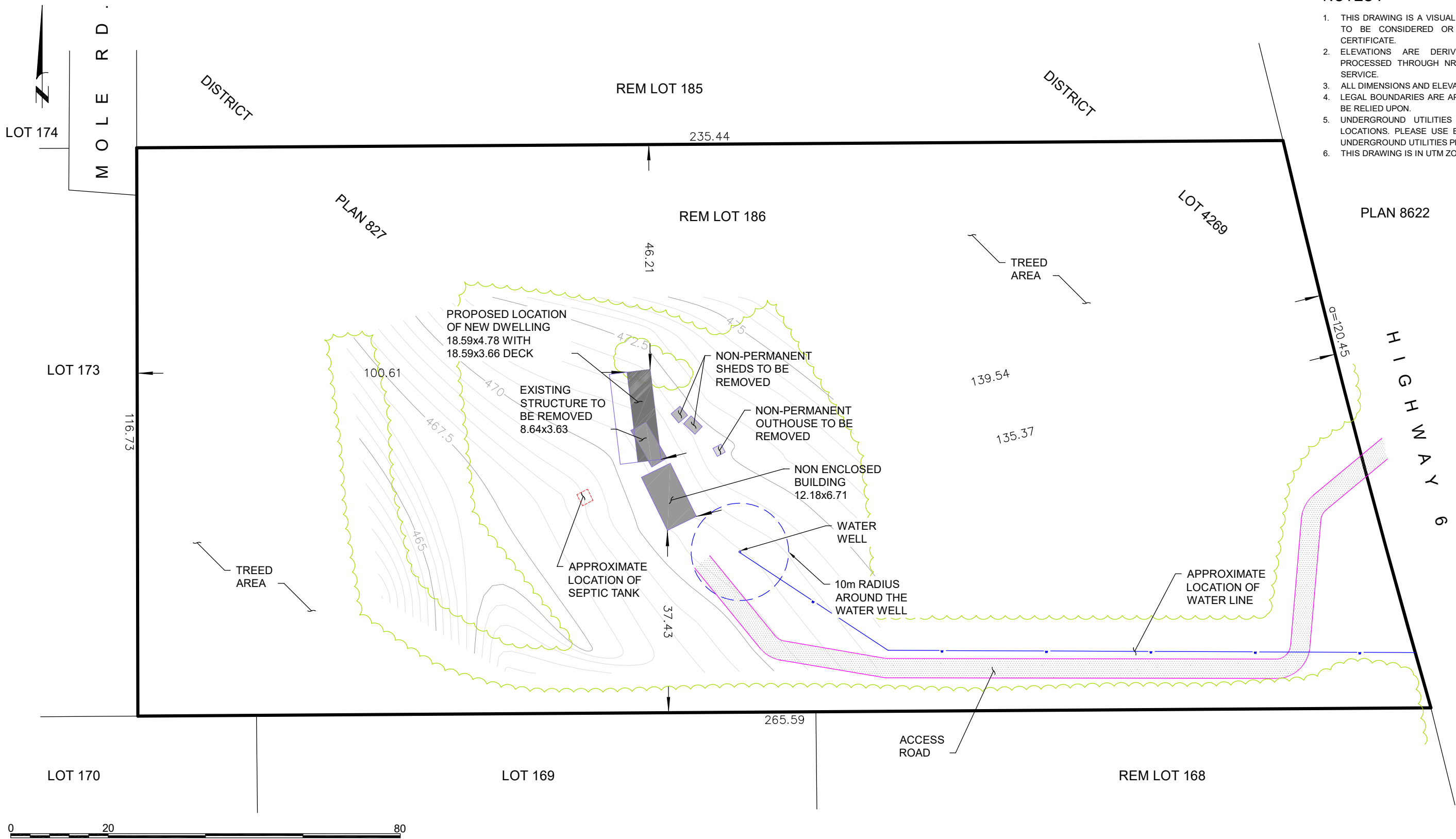
Paul Serghe.

250-801-2324

Residential Footprint

4260, Highway 6, East Arrow Park B.C, PID: 016-046-536





- NOTES :**
1. THIS DRAWING IS A VISUAL REPRESENTATION ONLY AND IS NOT TO BE CONSIDERED OR USED AS A BUILDING LOCATION CERTIFICATE.
 2. ELEVATIONS ARE DERIVED FROM GNSS OBSERVATIONS PROCESSED THROUGH NRCAN'S PRECISE POINT POSITIONING SERVICE.
 3. ALL DIMENSIONS AND ELEVATIONS ARE IN METERS.
 4. LEGAL BOUNDARIES ARE APPROXIMATE ONLY AND SHOULD NOT BE RELIED UPON.
 5. UNDERGROUND UTILITIES ARE DRAWN WITH APPROXIMATE LOCATIONS. PLEASE USE BC ONE CALL SERVICE AND LOCATE UNDERGROUND UTILITIES PRIOR TO DIGGING.
 6. THIS DRAWING IS IN UTM ZONE 11 (CGVD28).



SITE PLAN

PID : 016-046-536
 SCALE : 1:800 (11" x 17")
 ESE FILE No : 224006

LOT 186 DISTRICT LOT 4269 KOOTENAY DISTRICT PLAN 827 EXCEPT THAT PART IN PLAN 8622

CIVIC ADDRESS : 4260 Highway 6, East Arrow Park
 CLIENT : Paul Serghe

DRAFTED BY : Savannah Moody
 VERIFIED BY : Tracey Peet

SURVEY DATE : 2024-02-06
 ISSUED : 2024-10-03
 PAGE : 1 of 1

LEGEND

ROAD CENTERLINE	—	SANITARY SEWER MANHOLE	⊙
EDGE OF ASPHALT/CONCRETE	—	STORM SEWER MANHOLE	⊙
LEGAL BOUNDARY	—	CATCH BASIN	⊙
WATER LINE	—	WATER VALVE	⊙
SANITARY SEWER LINE	—	WATER SHUT OFF VALVE	⊙
STORM SEWER LINE	—	FIRE HYDRANT	⊙
COMMUNICATION & POWER LINE	—	POWER POLE	⊙
FENCE LINE	—	GAS VALVE	⊙
GAS LINE	—	TREE	⊙
BUILDING EAVES	—	LIGHT	⊙
TREELINE	—		
SWALE	—		
TOP OF BANK	—		
BOTTOM OF BANK	—		

unless an area not larger than 60 percent of the lot is covered with greenhouses.

3. 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.
4. 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.
5. The Maximum Gross Floor Area of Single Detached Housing is 300.0 square metres.
6. *Deleted by Bylaw 2958.*
7. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. the lot is classified as a farm under the Assessment Act;
 - b. the lot is larger than 1.2 hectares;
 - c. the minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. the minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres 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.
8. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
9. Section 2701(8) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
10. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve;
 - b. must be setback at least 7.5 metres from any lot line; and
 - c. must be located at least 30 metres from the nearest