



Development Variance Permit Application

Referral Form – RDCK File V2501K

Date: April 29, 2025

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 MAY 29, 2025). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

4175 Highway 6, RDCK Region, Electoral Area 'K'
LOT 3 DISTRICT LOT 8025 KOOTENAY LAND DISTRICT PLAN NEP860
PID: 016-064-101

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

This subject property is located approximately 25km south of Nakusp in the community of Makinson. It is 3.95 hectares, zoned Agriculture 1 (AG1) and is partially within the ALR. The property has been partially cleared and is otherwise vacant. The owners are proposing to build a dwelling unit on the property and due to topographical constraints, 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 200 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
3.95 ha	Yes	Agriculture 1 (AG1) in Zoning Bylaw No. 1675, 2004	Agriculture (AG) in Area K Official Community Plan Bylaw No. 2022, 2009

APPLICANT: Myrna and Robert Gouin

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	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
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☐ MUNICIPAL AFFAIRS & HOUSING	☐ RDCK EMERGENCY SERVICES
☒ INTERIOR HEALTH, HBE TEAM	☒ RDCK BUILDING SERVICES
☐ KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS)	☐ RDCK UTILITY SERVICES
☐ SCHOOL DISTRICT NO.	☐ RDCK RESOURCE RECOVERY
☐ WATER SYSTEM OR IRRIGATION DISTRICT	☐ RDCK REGIONAL PARKS
☒ UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)	

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.

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



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



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Box 590, 202 Lakeside Drive,
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Phone: 1-800-268-7325 www.rdck.bc.ca
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Legend

Place Names

 Electoral Areas

Map Scale:

1:36,112

Date: April 8, 2025



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.



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Legend

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

Map Scale:

1:9,028

Date: April 8, 2025



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Legend

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

Map Scale:

1:4,514

Date: April 8, 2025



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Official Community Plan

- Agriculture
- Open Space
- Rural Residential

Legend

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

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1:4,514

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Zoning Class

- Agriculture
- Open Space
- Residential 3

Legend

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

Map Scale:

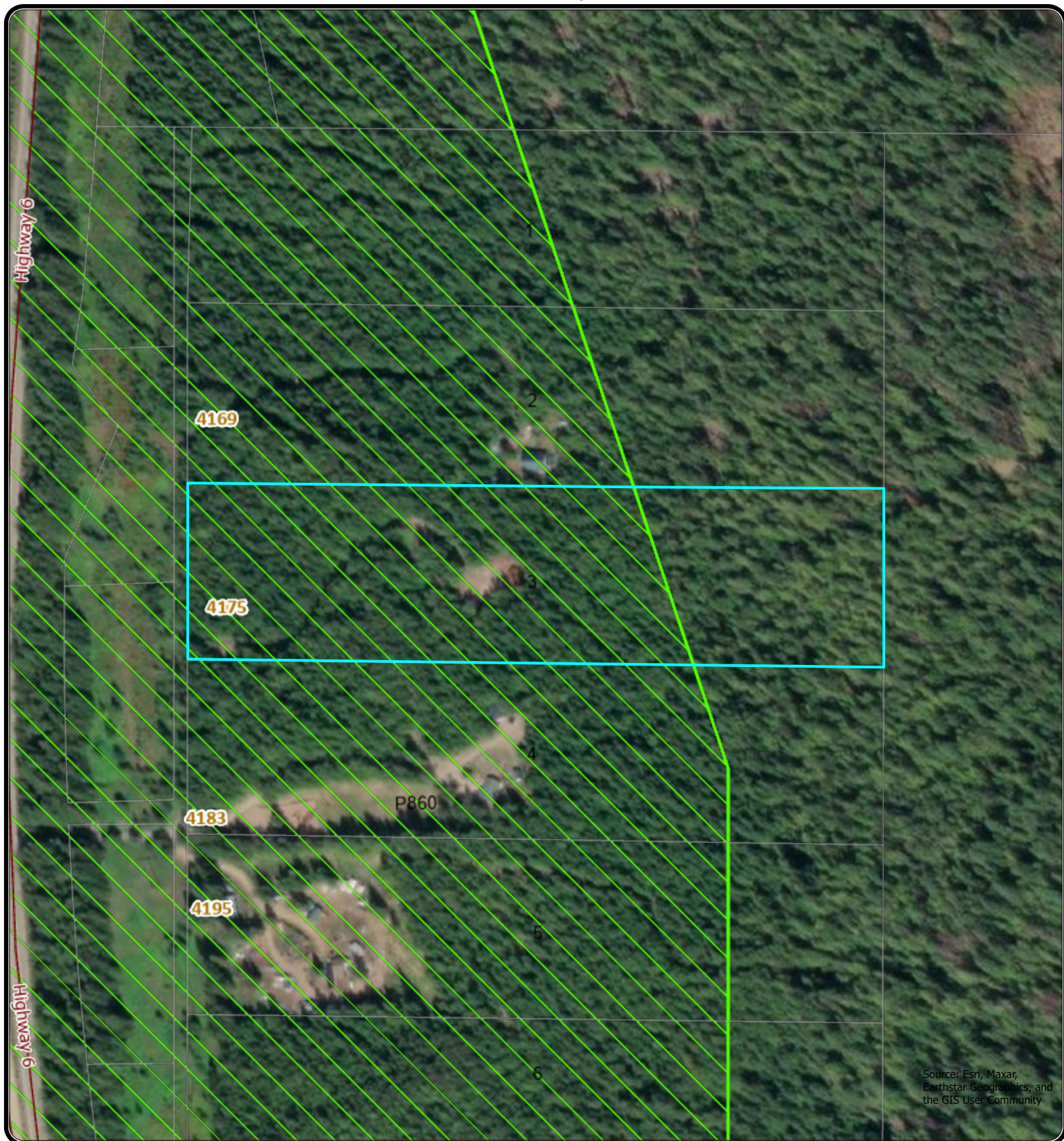
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Legend

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

Map Scale:

1:4,514

Date: April 8, 2025



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DIVISION 27 AGRICULTURE 1 (AG1)

Permitted Uses

2700 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

Single Detached Housing

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit
- Accessory Tourist Accommodation
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Home Based Business
- Portable Sawmills for processing of material harvested on site only
- Temporary Farm Worker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2701

1. The minimum lot size shall be 4.0 hectares in the Agricultural Land Reserve and 2.0 hectares outside the Agricultural Land Reserve.
- 1B. The maximum density is 2 Dwelling Units.
2. 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.

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

business or residence on another parcel.

11. The minimum setback for a kennel building shall be 7.5 metres from any lot line.

Cannabis Regulations

12. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
13. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
14. 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 metres.
15. 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 metres.
16. 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 metres.

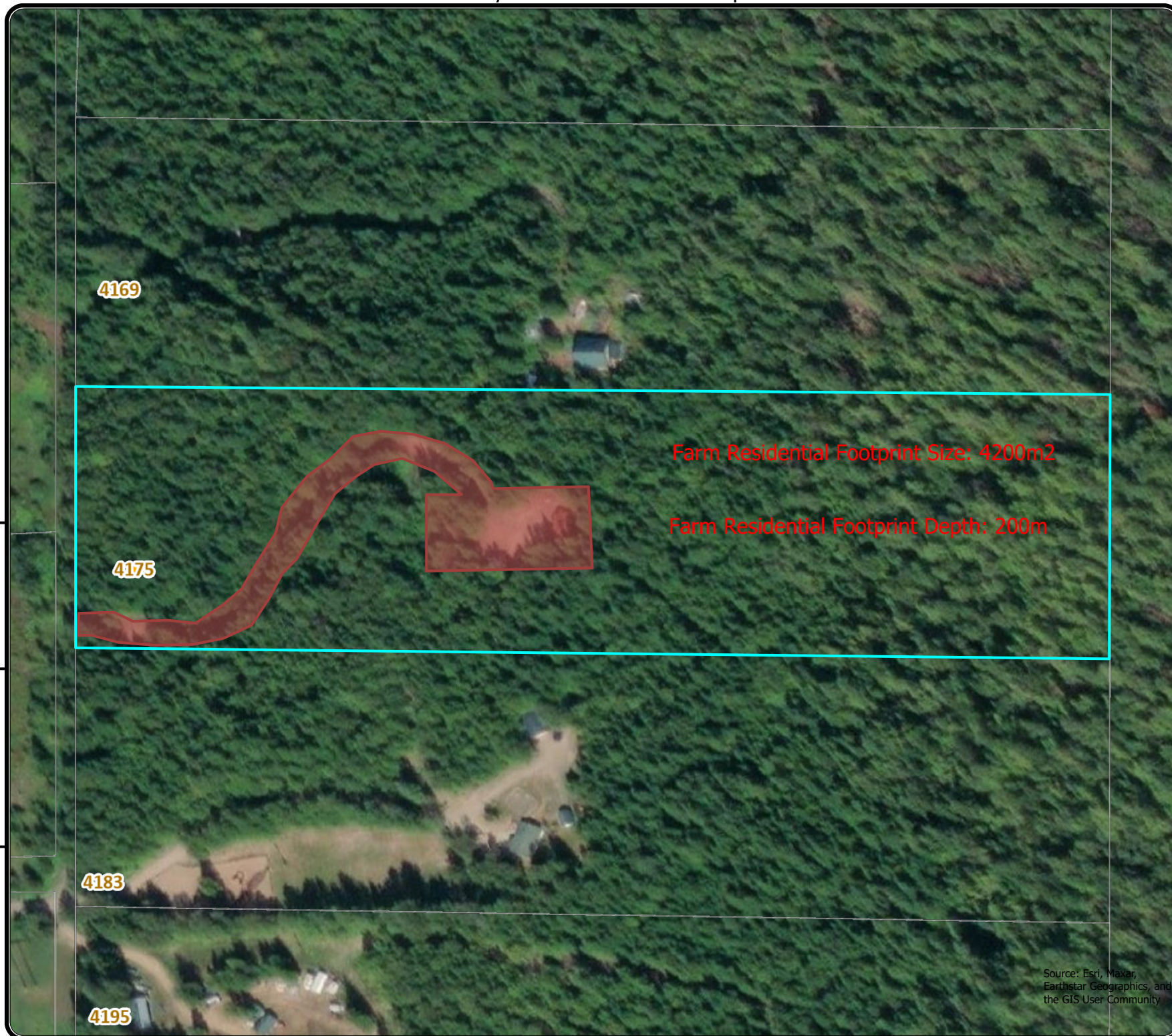
Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.



4175 Hwy 6 Farm Residential Footprint

Legend

-  Electoral Areas
-  Cadastre - Property Lines
-  Address Points



Map Scale:
1:3,000



Date:
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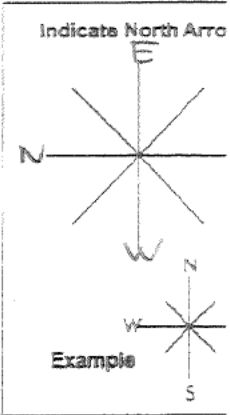
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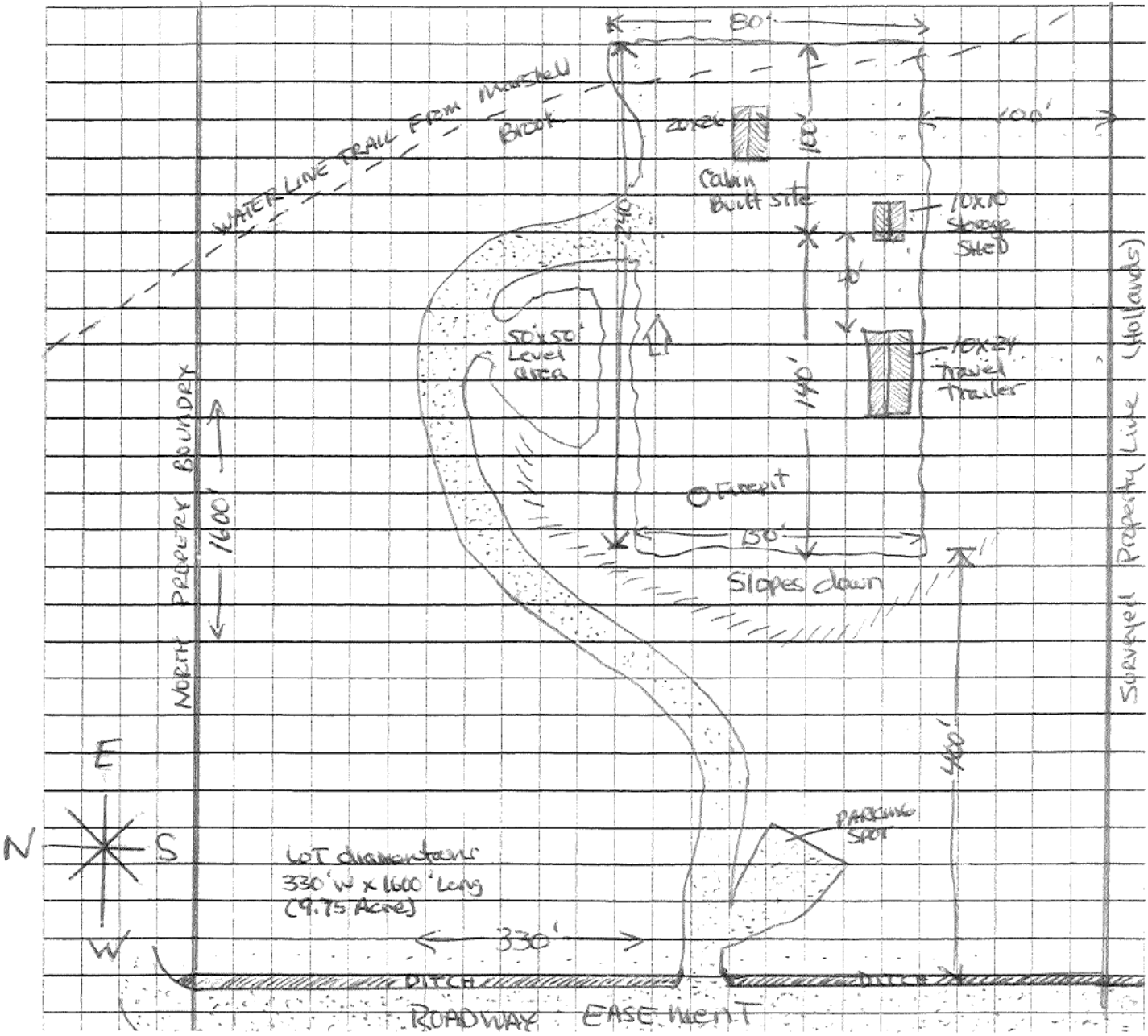
SITE PLAN

Owner's Name: ROBERT & Myrna Gouin
Legal Description: Lot 3 Plan 860 D/L 8025
Parcel ID: 016-064-101
Civic Address: [REDACTED] #4175 Highway 6



AN INCOMPLETE SITE PLAN WILL DELAY YOUR PERMIT APPROVAL

Scale: 1/4" = 20 FT (more less)



Applicant Proposal Summary

The proposed location for the build does not meet the criteria laid out in Bylaw 1675, specifically Section 2701-4.

The current application for building permit shows the proposed site as being greater than the 60 meters from the front property line. This is the only potential building site on this property due to the elevation of the property. There is a steep incline from the front of the property which climbs to a bench, which is the only level site we would be able to build on. There is no other option available to us.

The two properties adjacent to ours both have dwellings on them, also built at this same setback from the property frontage line. Our neighbours are aware of the proposed building on our property, and they have no concerns regarding our cabin build.