

Permittees: Loren Feyter Financial Ltd

1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

Lot 3 and an undivided 1/21 share in Lot 22, District Lot 10348, Kootenay District Plan EPP109367 (see plan as to legal access)
(PID 031-478-395)
3. Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009, Section 3.03 which permits a secondary suite with a total floor space of not more than 70 m² when located within a detached garage, is varied to permit the total floor space of a secondary suite within a detached garage of 88.9 m².
4. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the information submitted in the Development Variance Permit application received on March 10, 2022.
5. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
6. This Permit is not a building permit.
7. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
8. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
9. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
10. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Authorizing Resolution

Kootenay on the

day of

by the Board of the Regional District of East

, 2022.

Tina Hlushak
Corporate Officer

Location Map



Notes:

375 0 188 375 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 4-5-2022 4:14 PM

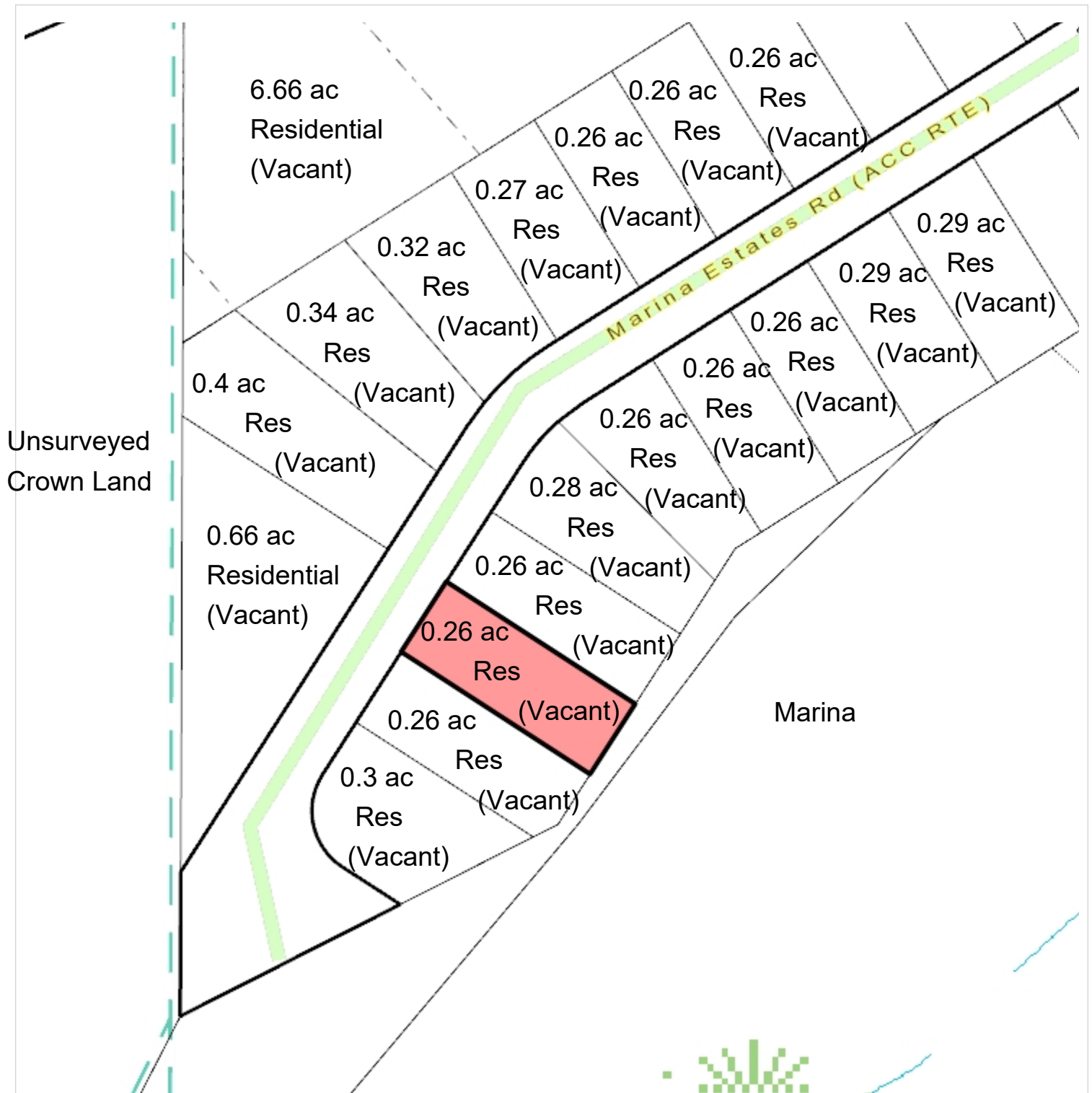
Scale = 1: 15,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Land Use Map



Notes:

50 0 25 50 Meters

Scale = 1:2,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

RECREATIONAL VEHICLE PARK is repealed by Bylaw 2411 adopted Feb 01/13.

RECREATIONAL VEHICLE SPACE is repealed by Bylaw 2411 adopted Feb 01/13.

RECREATIONAL WATER ACTIVITY means activities that are conducted on or beneath the surface of a water body and includes, but are not limited to, activities such as boating, swimming, fishing and wind surfing.

RECYCLING DEPOT means an establishment involved in the recycling of post consumer refuse such as glass, paper, cardboard and containers, with most activities carried out in a *building* but also including outdoor processing and storage. A *salvage yard* is not considered a *recycling depot*.

REGIONAL DISTRICT means the Regional District of East Kootenay.

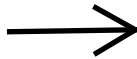
RELATIVE REQUIRING CARE means a father, mother, father-in-law, mother-in-law, son, daughter, sister, brother, grandchild, grandparent, and great grandparent *requiring care* and assistance. The relatives listed include those associations through a common-law or same-sex relationship.

SALVAGE YARD means an open area where waste or scrap material, primarily metals, are stored, processed, exchanged or sold.

SCHOOL means a place of instruction as defined by the *School Act*.

SCREEN means a fence, berm, hedge, vegetation, wall or combination thereof that obstructs certain views of the property which it encloses and is broken only by access drives, *lanes* and walkways.

Regulation
to be Varied



SECONDARY SUITE means an additional *dwelling unit* having a total floor space of not more than 90 m² nor 70 m² when located within a detached garage, and which is less than 40% of the habitable floor space of the *building* when contained within a *single family dwelling*. It may not be located in a *single family dwelling* that is:

- a *manufactured home*;
- an addition to a *manufactured home*;
- an *accessory dwelling unit* in the P-2 zone.

SETBACK means the horizontal distance measured from an exterior wall of the *building* or *structure* to a *parcel line* or *common lot* access.

SIGN means any *structure* or device which is used or intended to be used to identify or advertise any object, product, place, activity, person, institution, organization or business and which is placed so as to be seen by the public.

SINGLE FAMILY DWELLING means a *building* containing one *dwelling unit* and may contain one *secondary suite* where permitted.

SOLAR ENERGY COLLECTOR means a device or *structure*, part of a device or *structure*, or a combination of the foregoing that converts direct or indirect solar energy into thermal, chemical or electrical energy.

SOLID WASTE FACILITY means a site designed, constructed and operated for the collection, processing, transferring or disposal of the solid waste stream or components thereof, including, but not limited to transfer stations, material recycling facilities, composting facilities, landfills and disposal facilities; and which is approved by the Ministry of Environment.

STANDARD DYKE means a dyke built to a minimum crest elevation equal to the *flood construction level* and meeting standards of design and construction approved by the Ministry of Environment and maintained by an ongoing authority such as a local government body.

STOREY means that portion of a *building* which is between the top of any floor and the bottom of the floor above it, or if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STRUCTURE means anything built, placed or constructed that is fixed to, sunk into or supported by the soil or another *structure*, excluding *fences*, concrete footings, paved surfaces and retaining walls less than 1.5 m in height.

Variance Rationale – Feyter Secondary Suite

Project: BP122678/79 - Feyter Secondary Suite

March 9, 2022

Address: Marina Estates, Lake Koocanusa

Lot 3 District Lot 10348

Kootenay District Plan EPP109367

The following is a rationale of support the Development Variance Permit (DVP) application of a new secondary suite in Lake Koocanusa to vary the maximum secondary suite area from 70 sq. m. to 88.84 sq. m.

Background:

The client has currently applied for development and building permits for both the main residence and a detached garage containing a secondary suite above the garage bay. The client's intent is to build out the lot with 2 complimenting buildings of a distinct architectural character and style. Full colour renderings and a 3D modelled siteplan have been provided to demonstrate how these two buildings work together bring a high value, quality project to this development.

Sweetwater Zoning Bylaw Requirements:

SECONDARY SUITE means an additional *dwelling unit* having a total floor space of not more than 90 m² nor 70 m² when located within a detached garage, and which is less than 40% of the habitable floor space of the *building* when contained within a *single family dwelling*. It may not be located in a *single family dwelling* that is:

- a *manufactured home*;
- an addition to a *manufactured home*;
- an *accessory dwelling unit* in the P-2 zone.

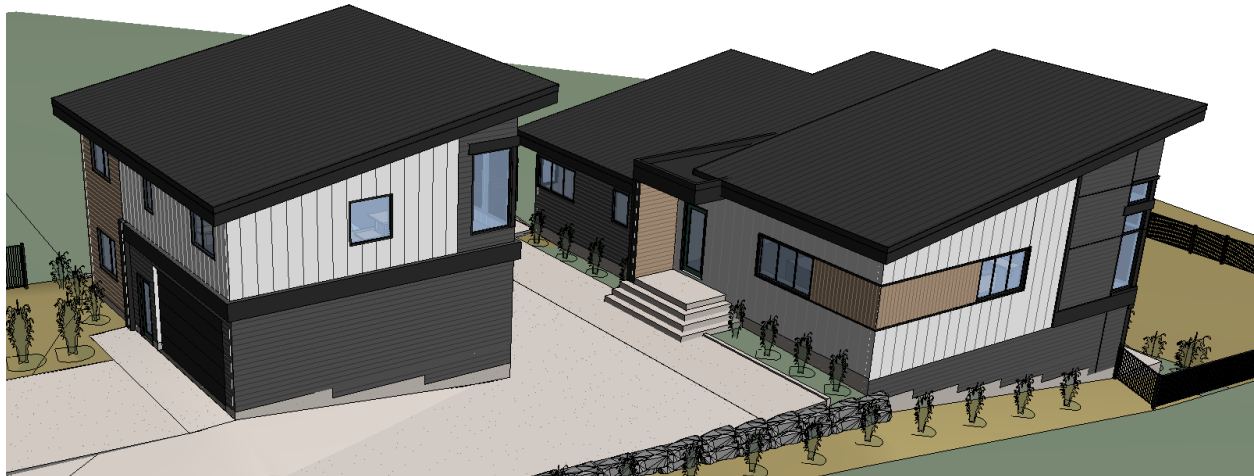
GROSS FLOOR AREA means the space on all *storeys* of a *building* between exterior walls and required firewalls, excluding *basement* floor areas used exclusively for storage, heating or laundry facilities, any portion used for parking, swimming pools, open *sundecks*, balconies, exits and vertical services space.

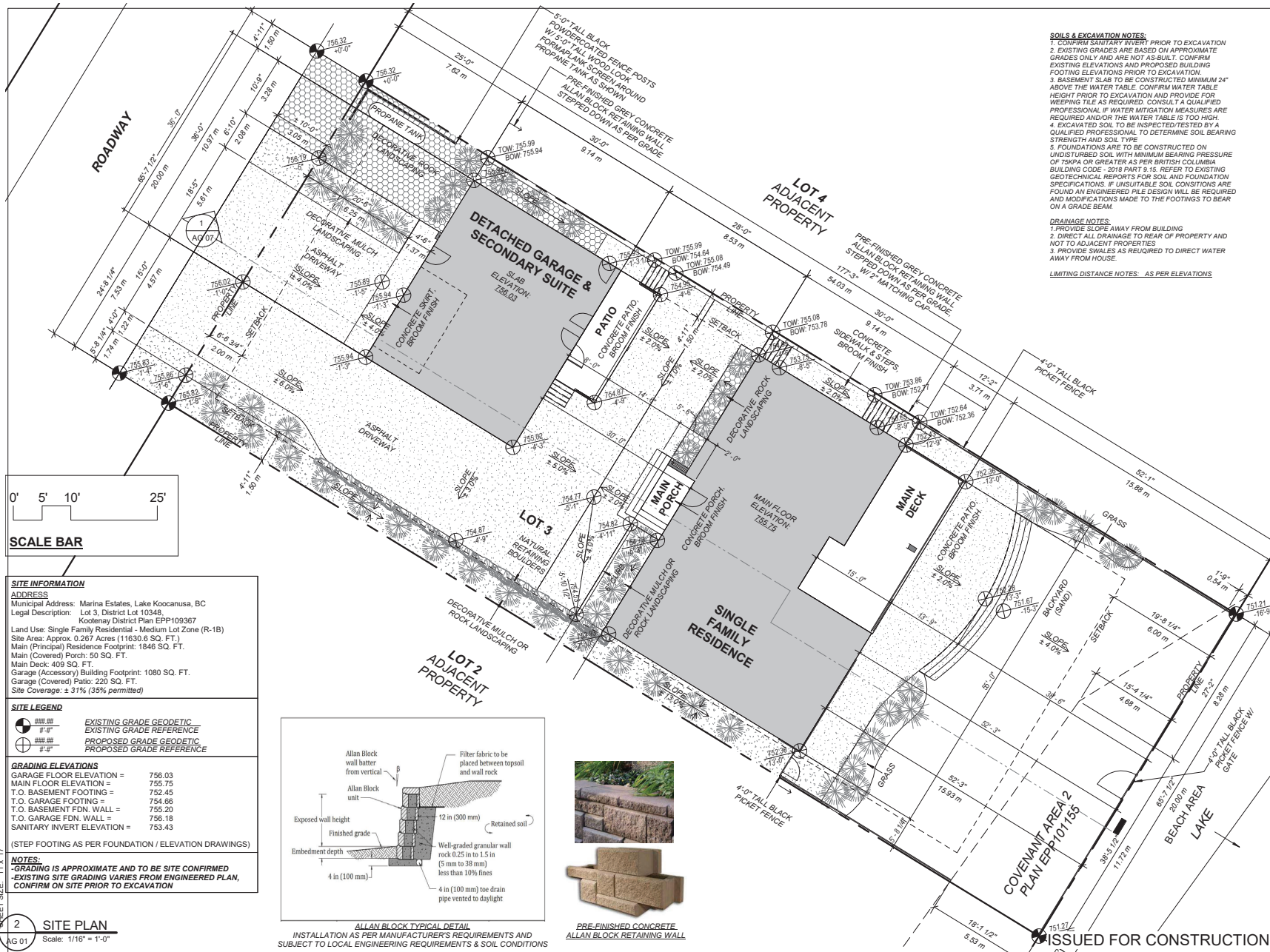
Rationale for Variance:

It is understood that the maximum area of 70 sq. m. was largely based on a building code requirement for accessory buildings to be 70 sq. m. or less. The current building code no longer has this requirement and therefore it is reasonable to use alternate maximum of 90 sq. m. in the bylaw as the maximum allowable area for a secondary suite.

Our further rationale is that this accessory suite footprint is based on extending the walls of the garage footprint below to keep the design simple without jogging or stepping back walls. The garage footprint has been designed for the use of the site which involves storing a boat and accessories. The client cannot shrink the garage footprint without sacrificing its functionality since it is sized and needed for the use and there is no additional garage bays proposed attached to the main residence. Stepping back the walls of the suite above the garage would result in a more complex design with differing architectural language compared to the main residence and reducing the amount of bedrooms that that client has available in the suite for their use to stay in with their children. Please refer to the attached renderings of both the main

residence and accessory building to review how the architectural intent is to compliment between the buildings rather than contrast.





SOILS & EXCAVATION NOTES:

1. CONFIRM SANITARY INVERT PRIOR TO EXCAVATION
2. EXISTING GRADES ARE BASED ON APPROXIMATE GRADES ONLY AND ARE NOT AS-BUILT. CONFIRM EXISTING ELEVATIONS AND PROPOSED BUILDING FOOTING ELEVATIONS PRIOR TO EXCAVATION.
3. BASEMENT SLAB TO BE CONSTRUCTED MINIMUM 24" ABOVE THE WATER TABLE. CONFIRM WATER TABLE HEIGHT PRIOR TO EXCAVATION AND PROVIDE FOR WEEDING TILE AS REQUIRED. CONSULT A QUALIFIED PROFESSIONAL IF WATER MITIGATION MEASURES ARE REQUIRED AND/OR THE WATER TABLE IS TOO HIGH.
4. EXCAVATED SOIL TO BE INSPECTED/TESTED BY A QUALIFIED PROFESSIONAL TO DETERMINE SOIL BEARING STRENGTH AND SOIL TYPE.
5. FOUNDATIONS ARE TO BE CONSTRUCTED ON UNDISTURBED SOIL WITH MINIMUM BEARING PRESSURE OF 75KPA OR GREATER AS PER BRITISH COLUMBIA BUILDING CODE - 2018 PART 3.15. REFER TO EXISTING GEOTECHNICAL REPORTS FOR SOIL AND FOUNDATION SPECIFICATIONS. IF UNSUITABLE SOIL CONDITIONS ARE FOUND AN ENGINEERED PILE DESIGN WILL BE REQUIRED AND MODIFICATIONS MADE TO THE FOOTINGS TO BEAR ON A GRADE BEAM.

DRAINAGE NOTES:

1. PROVIDE SLOPE AWAY FROM BUILDING
2. DIRECT ALL DRAINAGE TO REAR OF PROPERTY AND NOT TO ADJACENT PROPERTIES
3. PROVIDE SWALES AS REQUIRED TO DIRECT WATER AWAY FROM HOUSE.

LIMITING DISTANCE NOTES: AS PER ELEVATIONS

CLIENT

Loren & Billie Feyter

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CONTRACTOR AND/OR OWNER RESPONSIBLE FOR ALL PERMITS AND INSPECTIONS

ALL MANUFACTURED FLOOR AND ROOF SYSTEMS, INCLUDING BEAMS, MUST BE DESIGNED BY THE SUPPLIER

CONSTRUCTION TO CONFORM TO ALL APPLICABLE BUILDING CODES

OWNER AND/OR CONTRACTOR ARE RESPONSIBLE TO REVIEW ALL DIMENSIONS AND SPECIFICATIONS PRIOR TO STARTING CONSTRUCTION

WINDOW AND DOOR SIZES ARE APPROXIMATE, ROUGH OPENING SIZES MAY VARY. CONTACT WINDOW/DOOR SUPPLIER PRIOR TO FRAMING TO CONFIRM OPENING SIZES

DO NOT SCALE DRAWINGS

ISSUES

Jan. 4, 2021	I.F.C.
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DRAWINGS PRODUCED BY:

FRAZER VAN ROEKEL
403 404 5257
fraser@vanroekel.ca

PROJECT

Feyter Lake House
Marina Estates, Lake Kocanusa
Lot 3 District Lot 10348
Kootenay District Plan EPP109367

DATE	Jan. 4, 2021
SCALE	As indicated
PROJECT NO.	3188

SHEET NAME

SITE PLAN

AG 01

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Jan. 4, 2021	I.F.C.
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FRAZER VAN ROEKEL
403 404 5257
frazer@vanroekel.ca

Feyter Lake House

Marina Estates, Lake Kootenay
Lot 3 District Lot 10348
Kootenay District Plan EPP109367

DATE Jan. 4, 2021

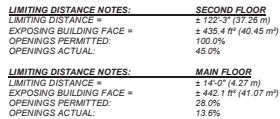
SCALE 1/8" = 1'-0"

PROJECT NO. 3188

SHEET NAME

GARAGE ELEVATIONS

AG 02



Scale: 1/8" = 1'-0"

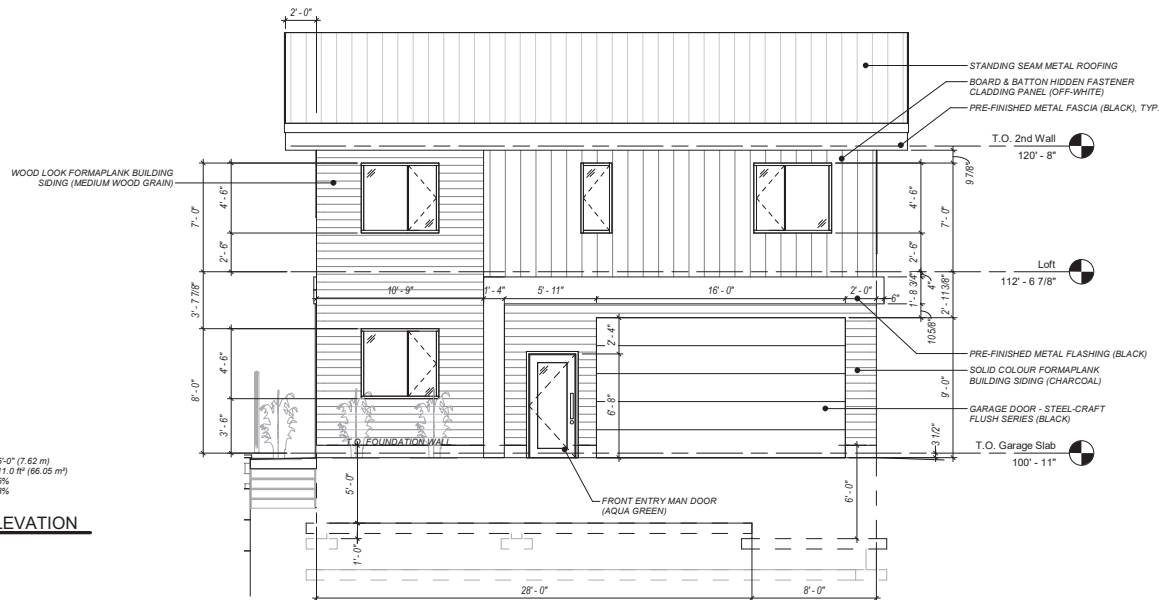


Scale: 1/8" = 1'-0"

<u>LIMITING DISTANCE NOTES:</u>	
LIMITING DISTANCE =	± 25'-0" (7.62 m)
EXPOSING BUILDING FACE =	± 711.0 ft² (66.05 m²)
OPENINGS PERMITTED:	50.5%
OPENINGS ACTUAL:	33.8%

1 FRONT GARAGE ELEVATION

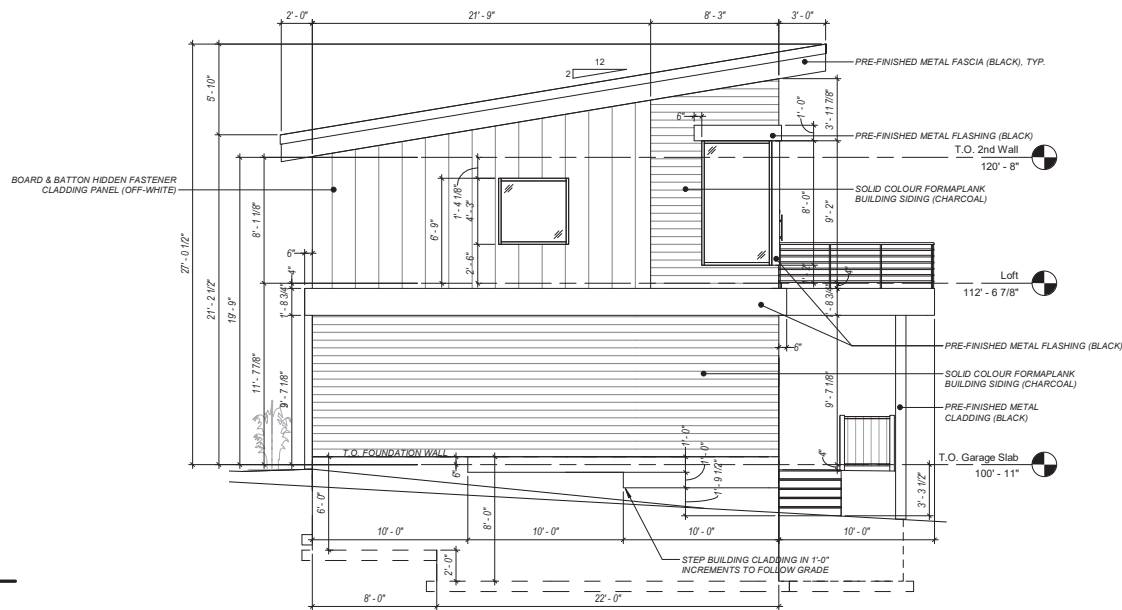
AG 03 / Scale: 1/8" = 1'-0"



<u>LIMITING DISTANCE NOTES:</u>	
LIMITING DISTANCE =	± 24'-8" (7.53 m)
EXPOSING BUILDING FACE =	± 631.5 ft² (58.67 m²)
OPENINGS PERMITTED:	50.5%
OPENINGS ACTUAL:	8.7%

2 RIGHT GARAGE ELEVATION

AG 03 Scale: 1/8" = 1'-0"



WINDOW SPEC. TYPICAL U.O.N.
CONFIRM SPECIFICATIONS AND MUNTIN BAR
DESIGN WITH OWNER

- METAL CLAD VINYL, BLACK EXTERIOR, WHITE VINYL JAMBS
- FIXED SASH (ENSURE OPERABLE WINDOWS LOOK SIMILAR TO NON-OPERABLE ONES)
- REFER TO ELEVATIONS FOR OPERABLE WINDOW DESIGN
- FOR EGRESS PROVIDE UNOBSTRUCTED OPENING OF NOT LESS THAN 0.35m² WITH NO DIMENSION LESS THAN 380mm.
- PROVIDE EGRESS HARDWARE WHERE REQUIRED FOR 24" WIDE WINDOWS

-MINIMUM U VALUE = 1.6

COMPLY WITH MINIMUM STANDARDS OF
NAFS-11 AND CSA A440S1-17
PERFORMANCE CLASS R. MIN. PG 20
MIN. POSITIVE PRESSURE = 960 PA
MIN. NEGATIVE PRESSURE = -960 PA
MIN. WATER PENETRATION = 150 PA
MIN. CAN. AIR IN/EX-FILTRATION= A2

CLIENT

Loren & Billie Feyter

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ISSUES

Jan. 4, 2021	I.F.C.
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DRAWINGS PRODUCED BY:

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PROJECT

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Marina Estates, Lake Kootenay
Lot 3 District Lot 10348
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DATE Jan. 4, 2021

SCALE 1/8" = 1'-0"

PROJECT NO. 3188

SHEET NAME

GARAGE ELEVATIONS

AG 03

Krista Gilbert

From: David Milne [REDACTED]
Sent: April 29, 2022 3:49 PM
To: Krista Gilbert
Subject: Re: Development Variance Permit No. 16-22

Personal information has been withheld in accordance with section 22(1) of the *Freedom of Information and Protection of Privacy Act*.

EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Krista,

I left you a voicemail earlier today but have yet to hear back from you. In regards to this variance permit, isn't the proposed garage height level also a variance? It looks like as per paragraph 4.04 on page 7 of the attachment you sent that a secondary suite maximum height is 7.0M and this secondary building appears to be higher than that. Can you please clarify that?

Our additional concern with this building, besides that it is potentially going to be ~30% larger than current restrictions, is that it is not a garage with a suite above it, but rather a small house with a single garage bay. It looks like 75% suite and 25% garage. It will be like having two significant houses on the lot. The proposed garage/suite size likely also contributes to the positioning of the main house being located closer to the shoreline which impedes views of others, however I realize there is no restriction on placement of a house on each lot.

At this point, please consider this an objection to the proposed permit however it may be pulled based on the answer to my question regarding the height of the structure.

Regards,
David Milne