

Permittees: Kenneth Kachur & Terry Lynn Stringer

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:

Strata Lot 10, District Lot 8, Kootenay District, Plan NES3319 (PID: 027-249-433)
3. Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992, Section 7.03 (6)(a) which permits a maximum height of a principal building of 9.0 m is varied to increase the maximum permitted height from 9.0 m to 9.5 m to permit construction of a single family dwelling.
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 drawings submitted in the Development Variance Permit application received October 31, 2019.
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 No. _____ **adopted by the Board of the Regional District of East Kootenay on the** _____ **day of** _____ **, 2020.**

Shannon Moskal
Corporate Officer

Location Map



Land Use Map



Excerpts from Application

Architecturally, the Bylaw demonstrates traditional building forms and massing, however market trends, including architectural building forms, widely support a more Contemporary or Modern design aesthetic. As a result, the inclusion of flat, low slope and 'Shed Roof' forms are commonly utilized. The submission reflects a Contemporary architectural styling that incorporates the use of 'Shed' style roof forms, however our design approach was sensitive to, and respectful of, the Zoning Bylaw intent.

With a fundamental understanding of the height parameters as outlined by Ms. Brenda Kolendrander, the proposed residence uses the gable roof form in its primary building massing as demonstrated below:

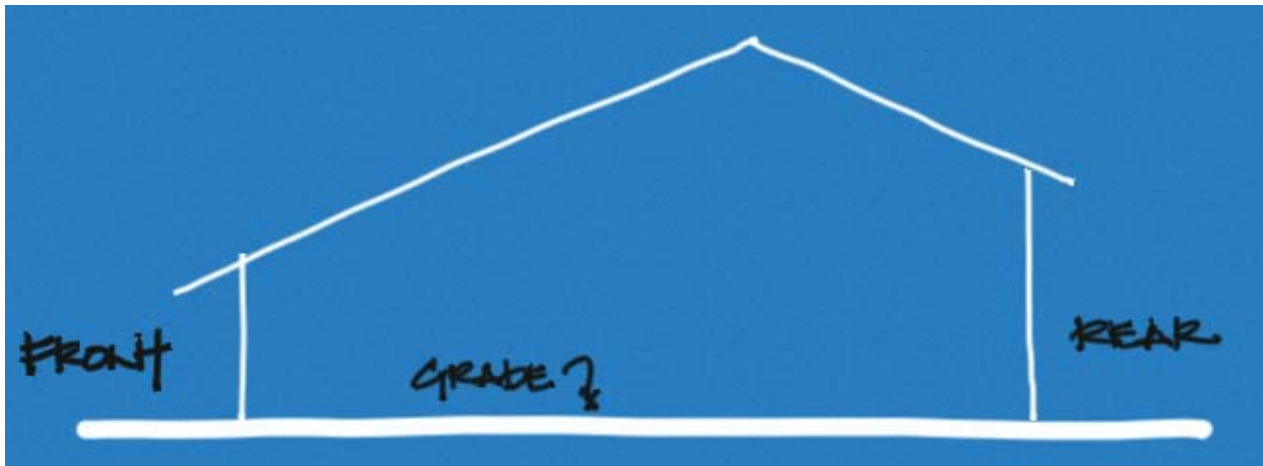


Image 1 : similar 'Gable Roof' form - consistent with the BP application

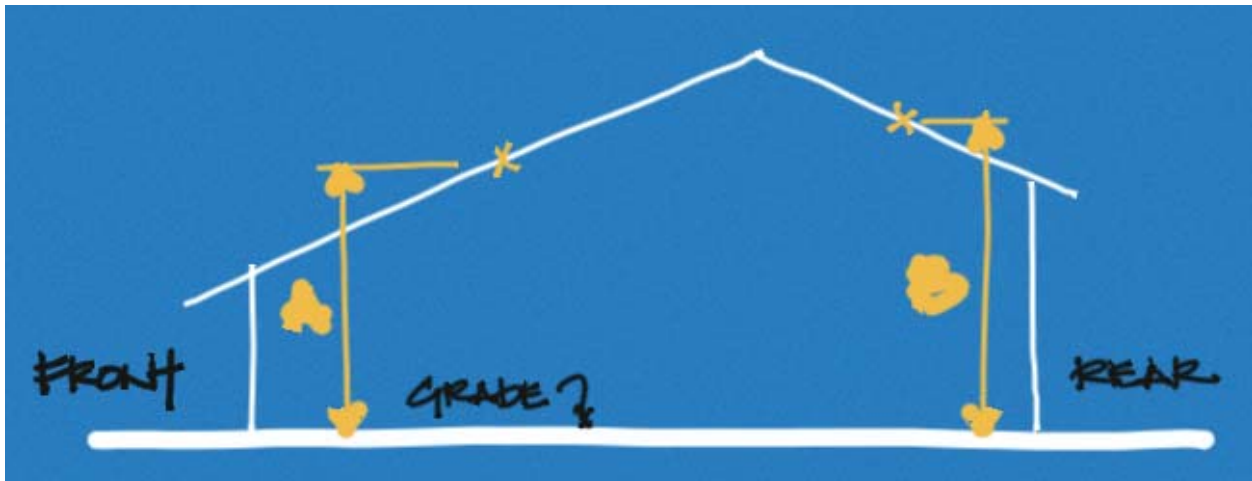


Image 2 : Height calculation as per Zoning Bylaw where,
A = height for front and sides and,
B = height for rear and sides.

(NOTE: provided the values for A & B meet the zoning requirements, the building form is **CONFORMING** to height.)

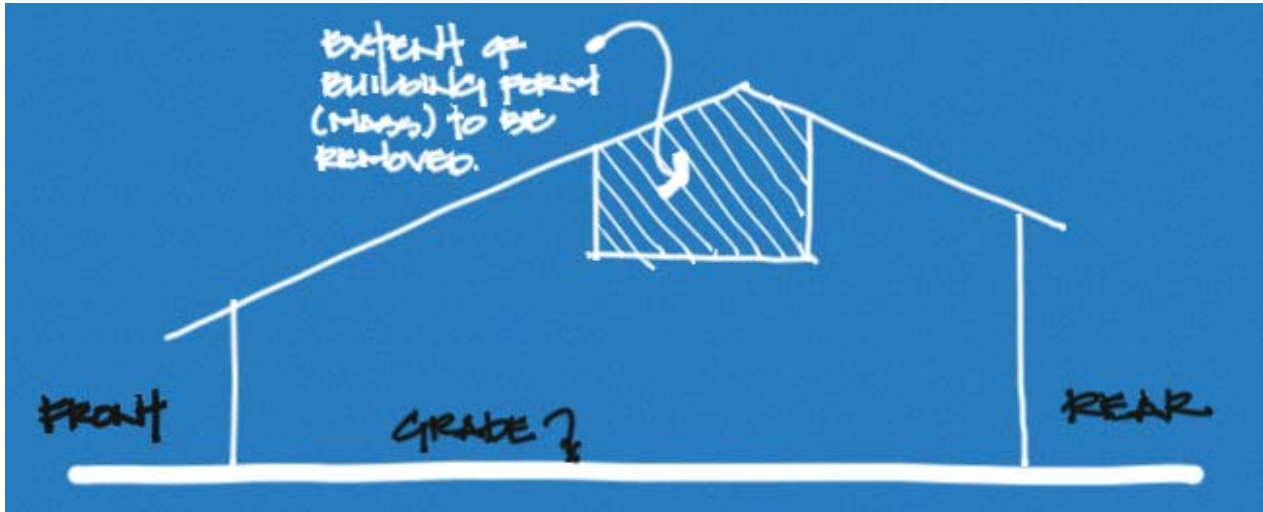


Image 3 : similar 'Gable Roof' form - consistent with the BP application - demonstrating the massing omission. This is where the gable form is broken into a shed roof typology.

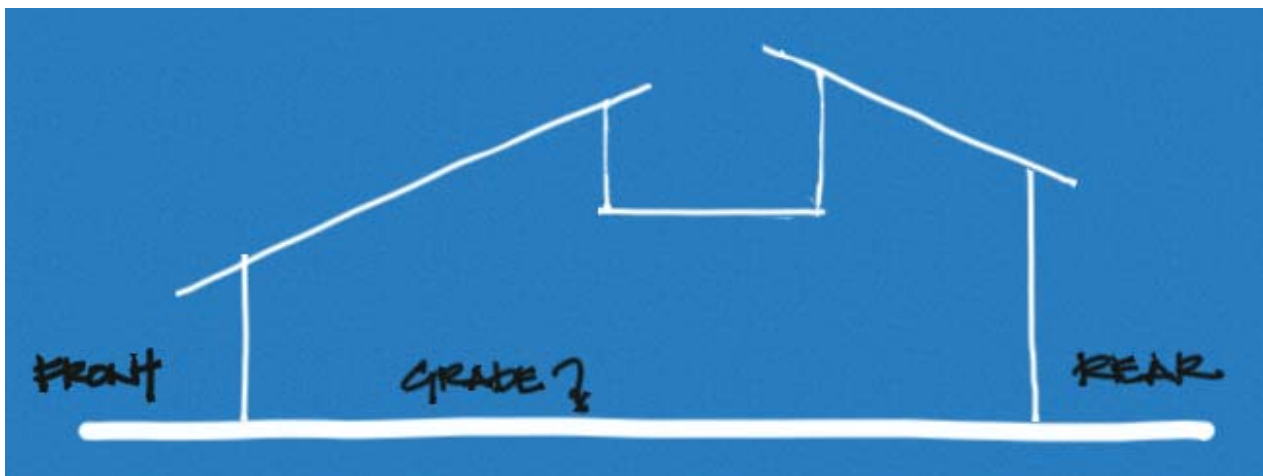


Image 4 : The resulting building shape reflecting the massing omission noted in Image 3, and when removed, demonstrates the use of 'Shed Roofs'. Worthy of note is that the number of roof planes equals that of the 'Gable Roof' form and, the newly defined 'Shed Roof' forms, remain in the same location as those of the 'Gable Roof' form.

(NOTE: although the building form fits within the same shape as Image 2, it's determined to be NON-CONFORMING for height, based upon internal interpretation.)

The Development Permit Variance application is due to the submitted BP application FAILING the internal interpretation for height. The Zoning Bylaw intent for height is subjective when not applied against 'Gable Roof' forms, as it isn't defined or applied per the definition and/or supporting graphic.

Whether or not the internal interpretation of height specific to the use of 'Shed Roof' forms is applied appropriately, it is the Applicants contention that the height proposed in the BP documentation merits discretionary approval. As the proposed building form in the BP application fits within the similar, and conforming 'Gable Roof' building form, we believe the orientation of the 'Shed Roof' form is respectful of the desired 'Gable Roof' shape.

We respectfully submit that the proposed BP application is not negligently disregarding the Zoning Bylaw or, argumentatively, the documents intent. A concerted effort has been made to bring forward an application that supports the goals of the Developer and Regional District in conjunction with the home-owners requirements.

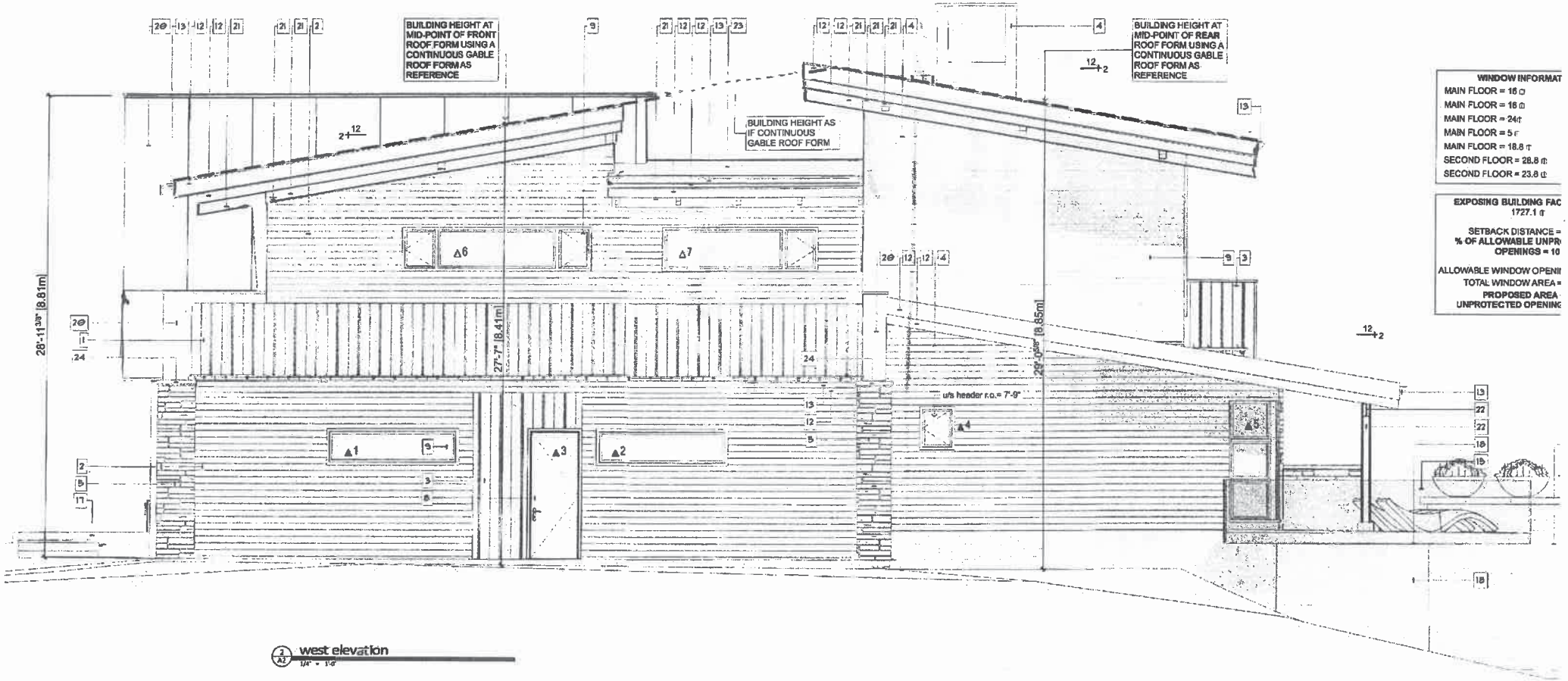
Kindly advise should additional materials or documentation be required.

Respectfully,

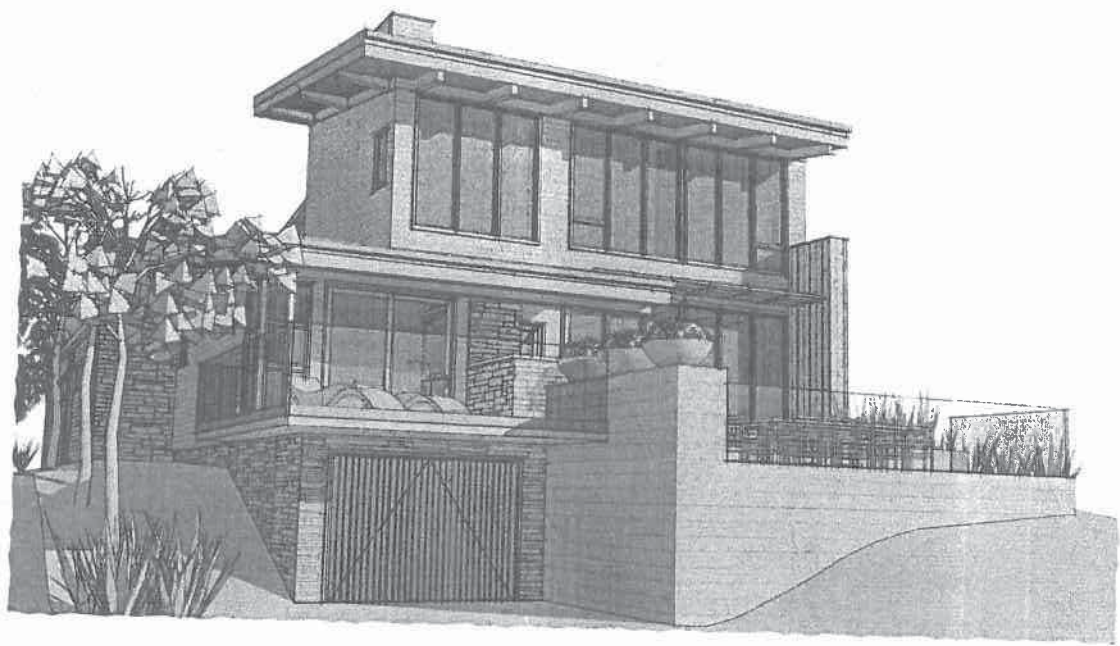
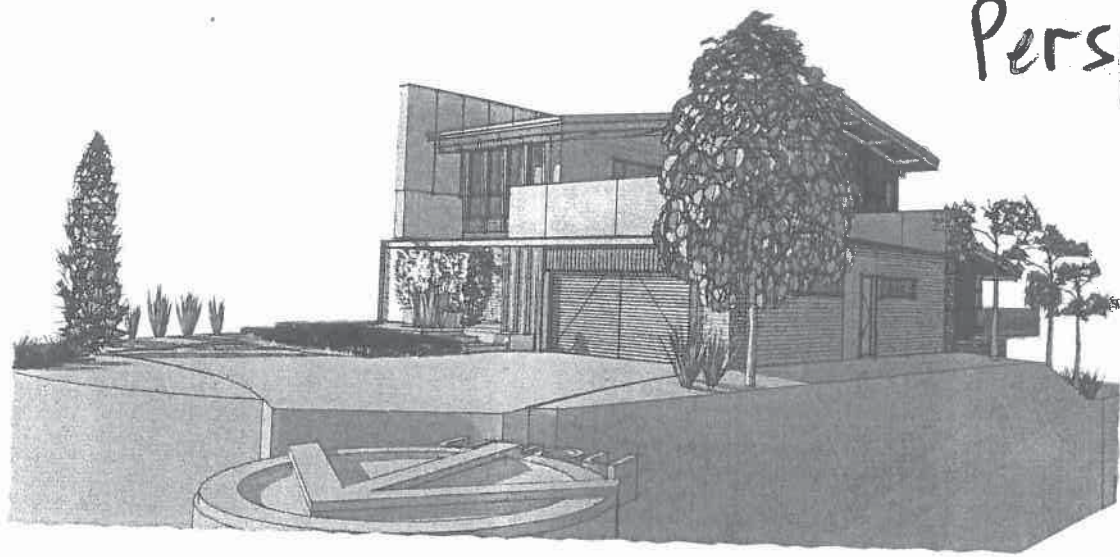
A handwritten signature in black ink, appearing to read 'CB', with a stylized flourish at the end.

Craig Bischke, Principal
&craig design ltd.

Elevation Plan



Perspectives



- 8. doors - Cossins - insulated steel - 'Dark Brown'
- 9. windows - Cossins - triple pane Low E - metal clad wood - 'Dark Brown'
- 10. entry soffit - 1x6 tongue & grove cedar - 'Light Cherry'
- 11. soffit - Hardi Soffit panels - vented Cedarmill - 'Honeycombe'
- 12. fascia - HardiTrim boards - 5/4 NT3 smooth - 'Night Grey'
- 13. eavestrough - pre-finished metal - 6' commercial style - 'Charcoal Grey'
- 13A. downspouts - pre-finished metal - 6' commercial style - 'Charcoal Grey'
- 14. cedar timber - 'natural'
- 15. railing - monolithic glass c/w stainless steel supports
- 16. -
- 17. walkway & steps - concrete w/control joints - as per Owner
- 18. flat - terraces - concrete w/control joints - as per Owner.
- 18. vertical - concrete board form - pattern as per constr. assemblies.
- 19. driveway - asphalt
- 20. metal siding - feature Truten application
- 21. wood timbers - cedar 'Natural' c/w Truten end caps
- 22. steel beams, columns & exposed fasteners - Truten
- 23. low slope roofing - torch on bitumen
- 24. masonry caps - natural limestone - 'Grey'

