

Request for Decision Development Variance Permit Application

File No: P 725 556
Reference: DVP 23-25
Date: June 19, 2025

Subject: DVP No. 23-25 (Windermere / McIver)
Applicant: Christine and Richard McIver
Agent: Natasha Wilson, Global Raymac Surveys
Location: 1847 Victoria Avenue, Windermere
Legal: Lot A District Lot 8 Kootenay District Plan EPP54602
(PID: 029-647-461)

Proposal: Application to reduce the minimum parcel area based on the level of servicing from 1390 m² to 464 m² to facilitate a two lot subdivision with each parcel being serviced by a community water system and individual onsite sewage disposal.

Options:

1. THAT Development Variance Permit No. 23-25 (Windermere / McIver) be granted.
2. THAT Development Variance Permit No. 23-25 (Windermere / McIver) be refused.

Recommendation: Option #1

The proposed parcels have been assessed by a Registered Onsite Wastewater Practitioner (ROWP) and suitable primary and backup dispersal areas have been identified for each parcel. The backup dispersal areas have been suitably protected from development to ensure long term viability of onsite sewage disposal on both proposed parcels. This satisfies the RDEK Subdivision Servicing Bylaw and Interior Health Authority.

**Property
Information:**

OCP Designation: R-SF, Residential Low Density which supports single family residential subdivisions, duplexes and zoning that supports secondary suites.

OCP Policies:

- New multi-parcel subdivisions of single family or greater density should be serviced by community water and sewer systems.
- A mix of residential densities is supported within the plan area.
- Where onsite sewage disposal is utilized for new or redesigned septic systems, the use of Type 1 septic systems as defined by the Sewerage System Regulation under the Public Health Act is preferred where site conditions permit their installation. Type 1 systems are generally preferred as they are more reliable over time if the maintenance program is followed.

**Property
Information -
cont'd:**

Zone Designation: R-1(D), Single Family Residential (Resort) Zone
(minimum parcel size: 400 m²)

Parcel Size:

Existing - 0.09 ha (0.23 ac / 926 m²)
Proposed – 464 m² per parcel

Density: One single family dwelling and one secondary suite within the
single family dwelling is permitted per parcel

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low, within the Windermere Fire Protection
Area

BC Assessment: Residential (SFD)

Water and Sewer Services: The application proposes to connect to the
RDEK East Side Lake Windermere Community Water System and have
individual onsite sewage disposal systems. A report from a Registered
Onsite Wastewater Practitioner was submitted with the rezoning
application, which confirms that each lot has adequate area for two suitable
dispersal areas for a Type 1 system. There is an existing onsite sewage
disposal system on the property servicing the existing house.

Flood Hazard Rating: The subject property is not identified as being within
a flood hazard rating area.

**Professional
Studies:**

None.

**Additional
Information:**

- The property was historically two lots until they were amalgamated in 2015.
- In April 2025, Bylaw No. 3375 was adopted rezoning the parcel from R-1 to R-1(D) to facilitate the proposed subdivision.
- As part of the bylaw amendment process the owners offered to register a covenant on title restricting construction of buildings, structures or hardscape on the area identified in the submitted ROWP report to ensure the backup sewage disposal area is preserved for future use, if needed.
- A subdivision referral from the Ministry of Transportation and Transit has not been received by the RDEK at this time.

Consultation:

APC Area F: Support recommended

Response(s) to Notice: 58 notices were mailed on June 4, 2025 to all
property owners within 100 m. One notice was returned as undeliverable
and one response has been received expressing opposition for the
application.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Zone Designation Map
- Proposed Subdivision
- Aerial Photo
- Notice Response

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca