



Development Variance Permit Application

Referral Form – RDCK File V26061

Date: May 05, 2026

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 JUNE 05, 2026)**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

2295 Highway 3A, RDCK Region, Electoral Area 'I'
 PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580
 PID: 011-939-893

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property is partially within the Agricultural Land Reserve (ALR) and has been developed with a single detached dwelling, driveway, multiple accessory buildings.

The applicant has submitted a Development Variance Permit application in order to permit an oversized accessory dwelling unit (ADU) on the property and to site a residence near the rear of the lot. To achieve this, the applicant is requesting to vary the zoning bylaw as follows:

- Section 623(4) to allow a 155m2 ADU – an increase of 65m2
- Section 2701(3) to allow a 12,000m2 farm residential footprint area – an increase of 9500m2
- Section 2701(4) to allow a 646m farm residential footprint depth – an increase of 586m

The proposed oversized ADU is to be sited on the portion of the property not within the ALR.

| AREA OF PROPERTY AFFECTED | ALR STATUS | ZONING | OCF |
|---------------------------|------------|---|---|
| 2.67 ha | Partial | Agriculture 1 (AG1) in RDCK Zoning Bylaw no. 1675, 2004 | Agriculture (AG) in Electoral Area I OCP Bylaw no. 2821, 2024 |

APPLICANT: Brandon Loukianoff

Please provide your response via email.

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.

If you are an RDCK commission member, do not respond via email. Your response is the commission's recommendation which staff will collect from the meeting minutes.

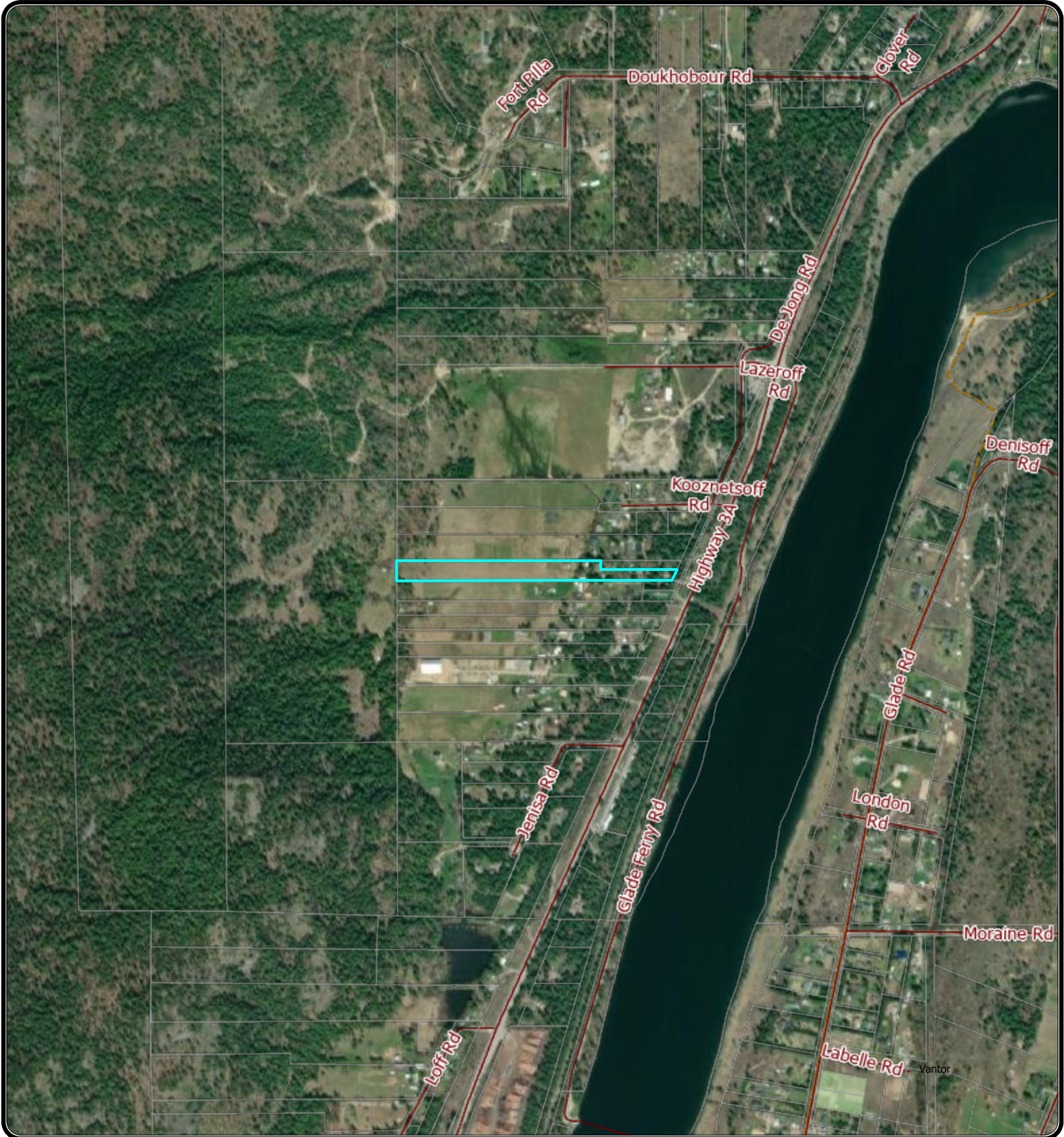
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| <input checked="" type="checkbox"/> MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE <input checked="" type="checkbox"/> HABITAT BRANCH (Environment) <input checked="" type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input checked="" type="checkbox"/> AGRICULTURAL LAND COMMISSION <input checked="" type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM <input type="checkbox"/> SCHOOL DISTRICT NO. | REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input checked="" type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA I <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input checked="" type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input type="checkbox"/> RDCK UTILITY SERVICES |
|--|--|

| | |
|--|---|
| <input type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT | <input type="checkbox"/> RDCK RESOURCE RECOVERY |
| <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER) | <input type="checkbox"/> RDCK REGIONAL PARKS |

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



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

-  Parks and Rec
-  Trails
-  Electoral Areas
-  RDCK Streets
-  Cadastre - Property Lines

Map Scale:

1:18,056

Date: April 9, 2026







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:

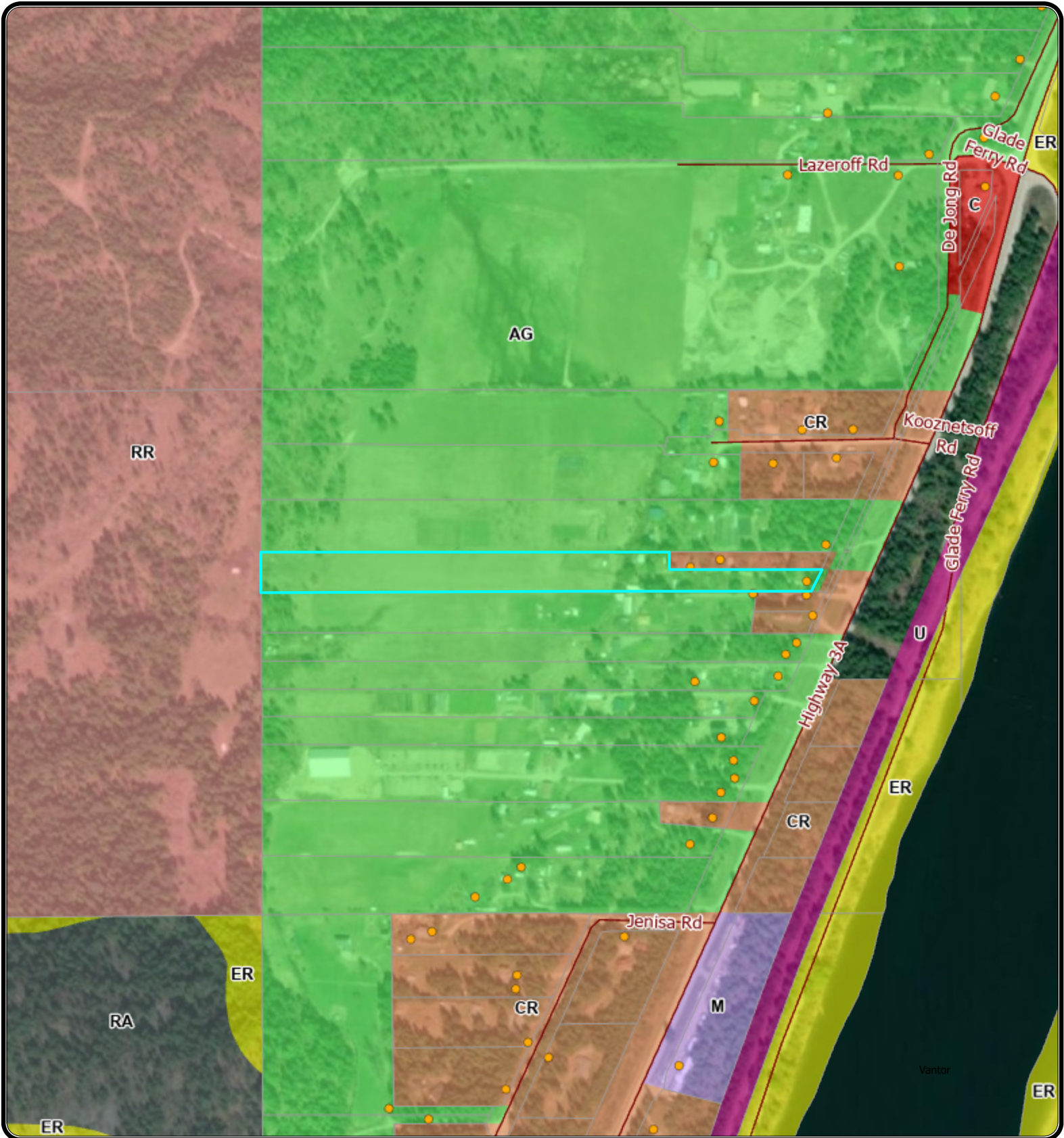
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Date: April 9, 2026



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Official Community Plan

- Agriculture
- Commercial
- Country Residential
- Environmental Reserve
- Industrial
- Resource Area

Legend

- Rural Residential
- Utility, Railway and Transportation
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

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Zoning Class

- Agriculture
- Commercial
- Open Space
- Residential 2

Legend

- Residential 3
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

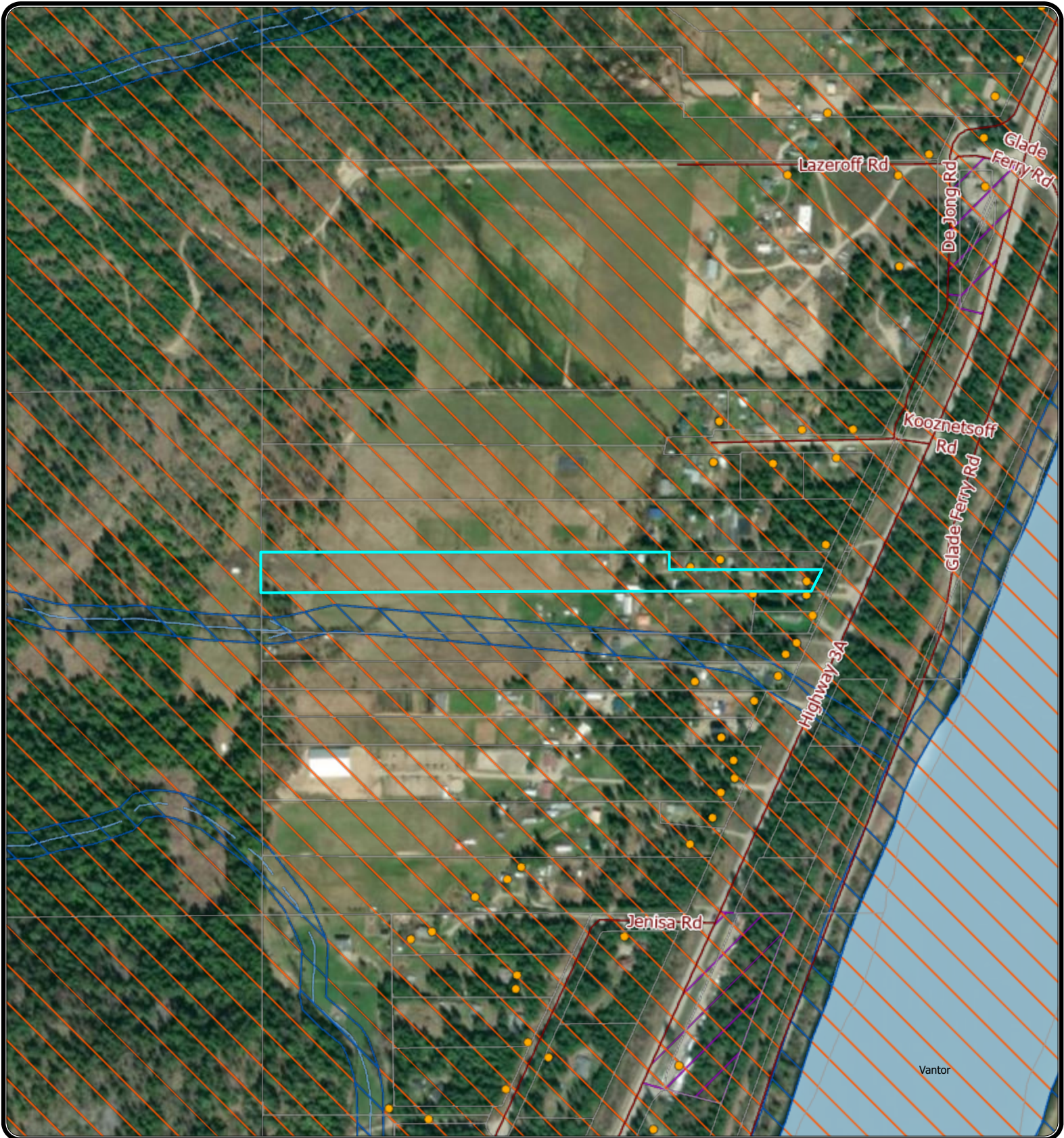
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RDCK Map



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







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Development Permit Areas

-  Industrial and Commercial
-  Watercourse
-  Wildfire

Legend

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

Map Scale:

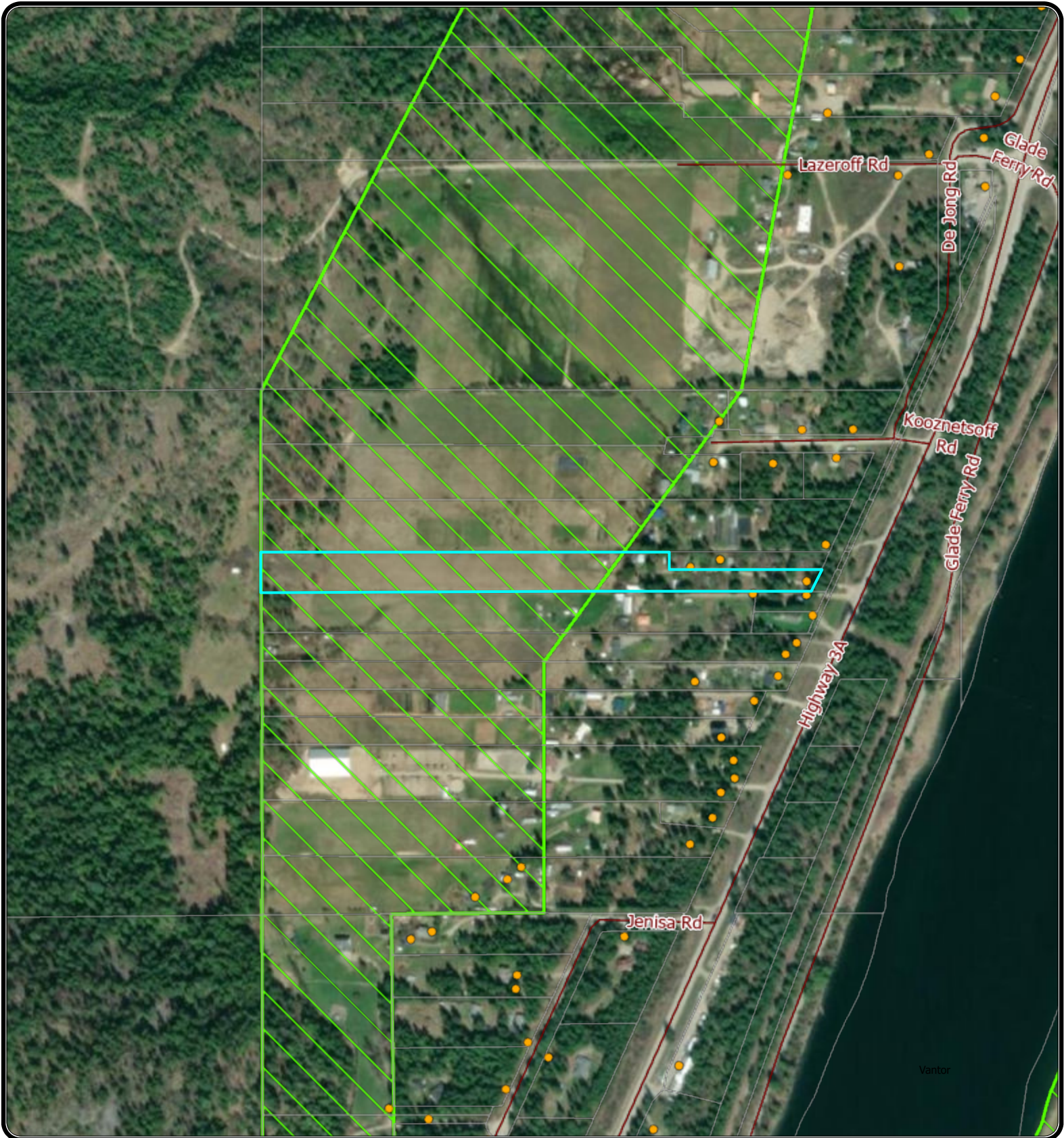
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Legend

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

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Legend

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

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Variance Application Proposal

Regional District of Central Kootenay (RDCK)

Re: Application for Variance – Agricultural (AG1) Zoning Bylaw, Sections 623, 2701

Applicants: Brandon Loukianoff, Len Loukianoff

Property Address: 2295 HWY 3A, Castlegar BC

Legal Description: PID: 011-939-893 NEP781

Zoning: Agricultural (AG1)

We are respectfully requesting a variance to Section 623(4), sections 2701(1), 2701(3) and 2701(4) of the Ag 1 zoning bylaw to permit a Farm Residential Footprint and/or placement that exceeds the prescribed maximums.

The intent of the existing bylaw is understood to concentrate residential development, minimize impacts on agricultural land, and maintain the rural character of the area. Our proposal aligns with this intent while requiring minor flexibility due to the unique characteristics of the property.

Due to Section 2701(4) There is no suitable or practical location to construct a dwelling within the permitted 60-metre depth from the front lot line. The area in front of the existing home is already developed and does not provide a viable building site. Adjacent to this area, the land slopes downward into a marshy section, making it unsuitable for construction due to drainage and stability concerns.

Referring to Section 2701(3) The proposed building location has been carefully selected as the only functional and appropriate site on the property to preserve all usable farmland.. We have intentionally chosen to locate the proposed dwelling on the steeply sloped portion of the property, as this area is not suitable for agricultural use. Due to its topography, the land cannot be effectively cultivated, grazed, or otherwise utilized for productive farming activities. By siting the home in this location, we are minimizing the impact on viable farmland and preserving the more level, usable areas of the property for agricultural purposes. This approach aligns with the intent of agricultural zoning by prioritizing the protection and continued use of productive land. Additionally, we intend to assess and, if feasible, restore and utilize the existing septic system on the property. Reusing this infrastructure would reduce the need for new ground disturbance, further limiting environmental impact and supporting a more efficient and sustainable development approach.

A FortisBC power line runs through a portion of the property, creating a required setback area where construction is not permitted, further limiting the available buildable area. Placing the dwelling in the middle of the property would significantly interfere with the usability of the land for agricultural purposes, fragmenting the parcel and making it difficult to effectively farm. Taken together, these constraints eliminate all other practical building locations on the property and therefore are unable to conform with the farm residential footprint of 2500m² with the original residential dwelling.

As per Section 623(4) the proposed secondary dwelling is requested to exceed 90 m² in order to adequately accommodate a family of five as the current dwelling may exceed 90m² depending if the RDCK classifies unfinished basements as living space. A smaller dwelling would not provide sufficient living space to meet basic functional needs, including bedrooms, common living areas, and storage

~~Section 2701(1) We are also requesting relief from the minimum lot size requirement, which stipulates a minimum of 4.0 hectares within the Agricultural Land Reserve (ALR) and 2.0 hectares outside of the ALR. While the total parcel size is approximately 6.43 acres, approximately only 4.94 acres fall within the ALR designation.~~

~~Due to this split designation, the property does not neatly conform to the standard minimum lot size requirements as applied to wholly ALR or non-ALR parcels. Despite this, the property functions as a single, cohesive parcel and continues to support agricultural use. The proposed development does not involve subdivision and will not further fragment the land base.~~

Importantly, approval has already been obtained from the Agricultural Land Commission to permit a dwelling on the portion of the property that falls within the ALR. This demonstrates that the proposed residential use has been reviewed and supported at the provincial level with respect to agricultural land protection.

The proposed siting therefore avoids environmentally sensitive and unstable areas (marshy ground), responds appropriately to the natural topography of the land, preserves contiguous, usable agricultural space, prevents unnecessary disruption to farming operations and maintains appropriate separation from the existing dwelling.

The requested variances will not negatively impact adjacent properties or the surrounding agricultural character of the area. Instead, it will allow for a more practical and environmentally responsible site layout that reflects the physical limitations of the land. We believe this request is reasonable, site-specific, and consistent with both the spirit and intent of the bylaws. Approval of these variances will enable a well-planned development that respects the natural features of the property while supporting its long-term agricultural viability.

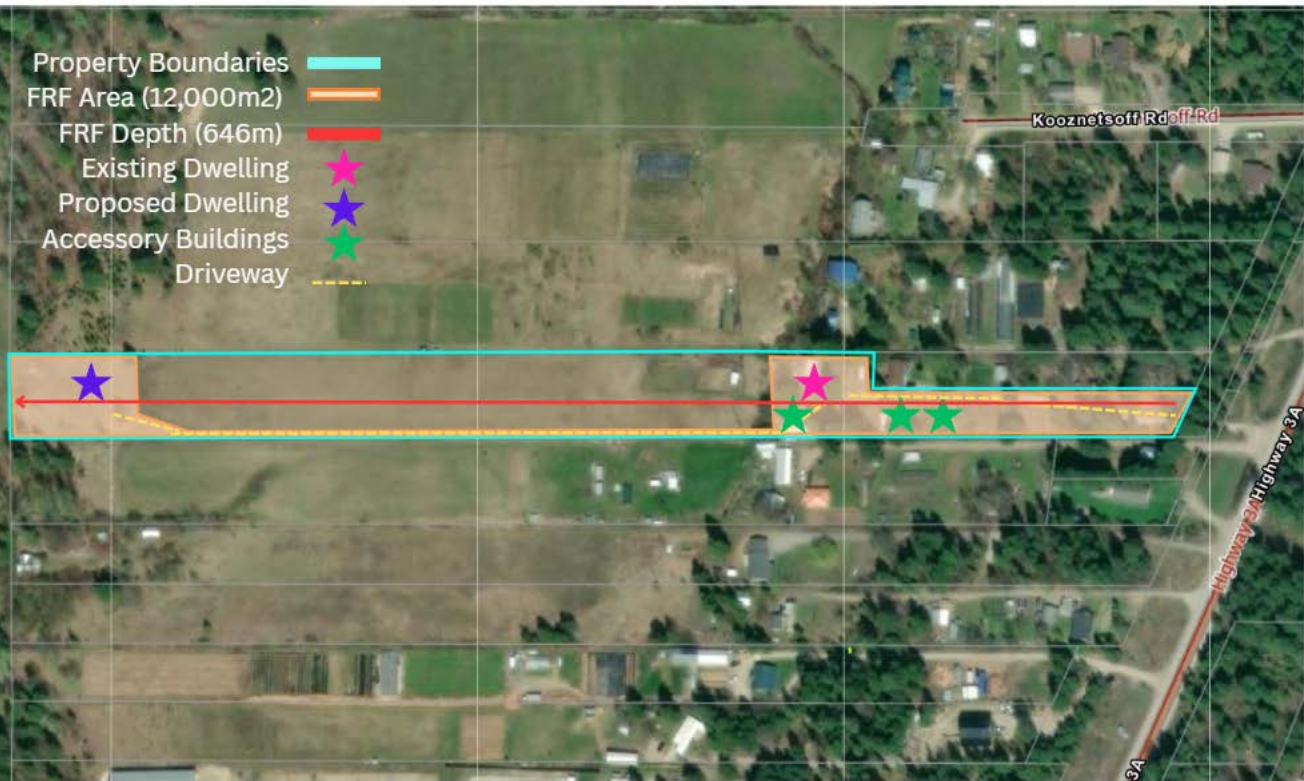
In addition, the proposed site already benefits from existing access infrastructure. A road is in place leading to the top of the hill, where a previous dwelling once existed along with an established septic field. Utilizing this previously developed area reduces the need for additional site disturbance, minimizes environmental impact, and represents a logical and efficient use of the land by building in a location that has historically supported residential use.

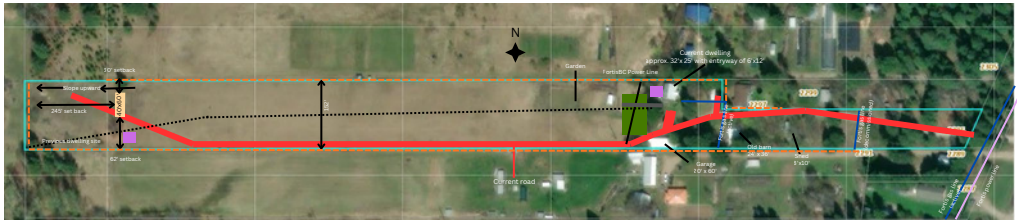
Thank you for your time and consideration of this application. We would be pleased to provide any additional information or clarification as required.

Sincerely,

Brandon Loukianoff, Len Loukianoff
ph: (250) 608 5180 em: brandon_loukianoff@hotmail.com

- Property Boundaries 
- FRF Area (12,000m²) 
- FRF Depth (646m) 
- Existing Dwelling 
- Proposed Dwelling 
- Accessory Buildings 
- Driveway 





- Existing septic tanks and field
- Road and parking
- Downward slope to manure area
- Previous water line
- Proposed dwelling site approx. 222ft² - Set approx. 30' from N property line, 62' from S property line - Approx. 1130' from potential dwelling to current dwelling
- Property line width approx 152' wide
- Current fencing
- Fertilis gas
- Fertilis power line
- Garden pathway

- a. be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting where adjacent to a lot in any Residential zone; such screening shall be planted or installed so that no person shall be able to see through it,
 - b. be separated from any directly abutting lot in any Residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.
- 4 Where any lot is used for commercial, industrial and institutional purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.
 - 5 Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.
 - 6 The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the 'British Columbia Landscape Standard' prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association.
 - 7 In the Quarry zone, a landscape screen or a continuous three (3) metre high opaque fence shall be maintained within the 100 metre setback required for any processing operation.

Development Permit Variances

622 Pursuant to Section 489 of the *Local Government Act*, setback and height variances may be approved by the Regional District on a Development Permit where community plan objectives for the form and character of commercial, industrial and multi-unit housing developments can be achieved provided that no siting variances cross a property line.

Accessory Dwelling Units

623 An accessory dwelling unit is subject to the following regulations:

- 1 The maximum number of accessory dwelling units per lot is one.
- 2 The minimum lot size for an accessory dwelling unit shall be 1.0 hectare.
- 3 Despite section 623(2) secondary suites are permitted on all lots.
- 4 The maximum gross floor area is 90.0 square metres.
- 5 The maximum height is 8.0 metres.
- 6 The maximum number of storeys is 2.

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:

Principal Uses:

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

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit, subject to Section 623
- 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.

- 1C. Only one Single Detached Housing is permitted per lot.
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;