



Development Variance Permit Application

Referral Form – RDCK File V26091

Date: May 7, 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 8, 2026). If no response is received within that time, it will be assumed that your agency’s interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

1993 Highway 3A, Tarrys, Electoral Area ‘I’
LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED RED ON EXPLANATORY PLAN 354761
PID: 016-022-181

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property is located in Tarrys between Highway 3A and Loff Road. It is 3 hectares in size, zoned Agriculture 1 (AG1) and is entirely within the Agricultural Land Reserve (ALR). There is a right of way for a hydro corridor that runs through the middle of the lot, effectively dividing it into two portions: the east side of the property fronts onto Highway 3A and the west side of the property fronts onto Loff Road.

The property has been partially cleared and is primarily used for residential purposes. It has been improved with a residence, shop, two sheds, barn, garage, and on-site services (well and septic system). All of these improvements are located on the “east portion” of the lot that is accessed from Highway 3A. The existing development on the property occupies an approximate area of 4,000 square metres.

The owners are proposing to build an accessory dwelling unit on the undeveloped “west portion” property near Loff Road and are requesting a variance to the maximum permitted size of a Farm Residential Footprint to do so. The map and site plan included in this package show the area of existing development (where there are no changes proposed) and the area of proposed development, where the new residence is proposed to be sited. The accessory dwelling unit would be serviced by its own well and septic system and would occupy an approximate area of 2,000 square metres.

This Development Variance Permit (DVP) seeks to vary Zoning Bylaw No. 1675 as follows:

Section 2701(3) – to authorize the total farm residential footprint area for two separate areas.

- **From:** 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.
- **To:** The maximum Farm Residential Footprint shall be a maximum of 6,000 square meters for this property only.

Section 2701 (4) – to recognize the existing farm residential footprint at the Highway 3A frontage.

- **From:** 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.
- **To:** The maximum depth of the Farm Residential Footprint shall not exceed 150.0 metres measured from the Front Lot Line adjacent to Highway 3A (in order to recognize the existing farm residential footprint at the Highway 3A frontage).

AREA OF PROPERTY	ALR STATUS	ZONING	OCP
3 ha (7.57 acres)	Yes	Agriculture 1 (AG1) in RDCK Zoning Bylaw no. 1675, 2004	Agriculture (AG) in Electoral Area I Official Community Plan Bylaw No. 2821, 2024

APPLICANT:

Allie Batchelor and Jarred Batchelor

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.

ZACHARI GIACOMAZZO, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

HABITAT BRANCH (Environment)

FRONTCOUNTER BC (MFLNRORD)

AGRICULTURAL LAND COMMISSION

REGIONAL AGROLOGIST

ENERGY & MINES

MUNICIPAL AFFAIRS & HOUSING

INTERIOR HEALTH, HBE TEAM

KOOTENAY LAKES PARTNERSHIP

(FORESHORE DEVELOPMENT PERMITS)

SCHOOL DISTRICT NO.

WATER SYSTEM OR IRRIGATION DISTRICT

UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)

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 I

RDCK FIRE SERVICES

RDCK EMERGENCY SERVICES

RDCK BUILDING SERVICES

RDCK UTILITY SERVICES

RDCK RESOURCE RECOVERY

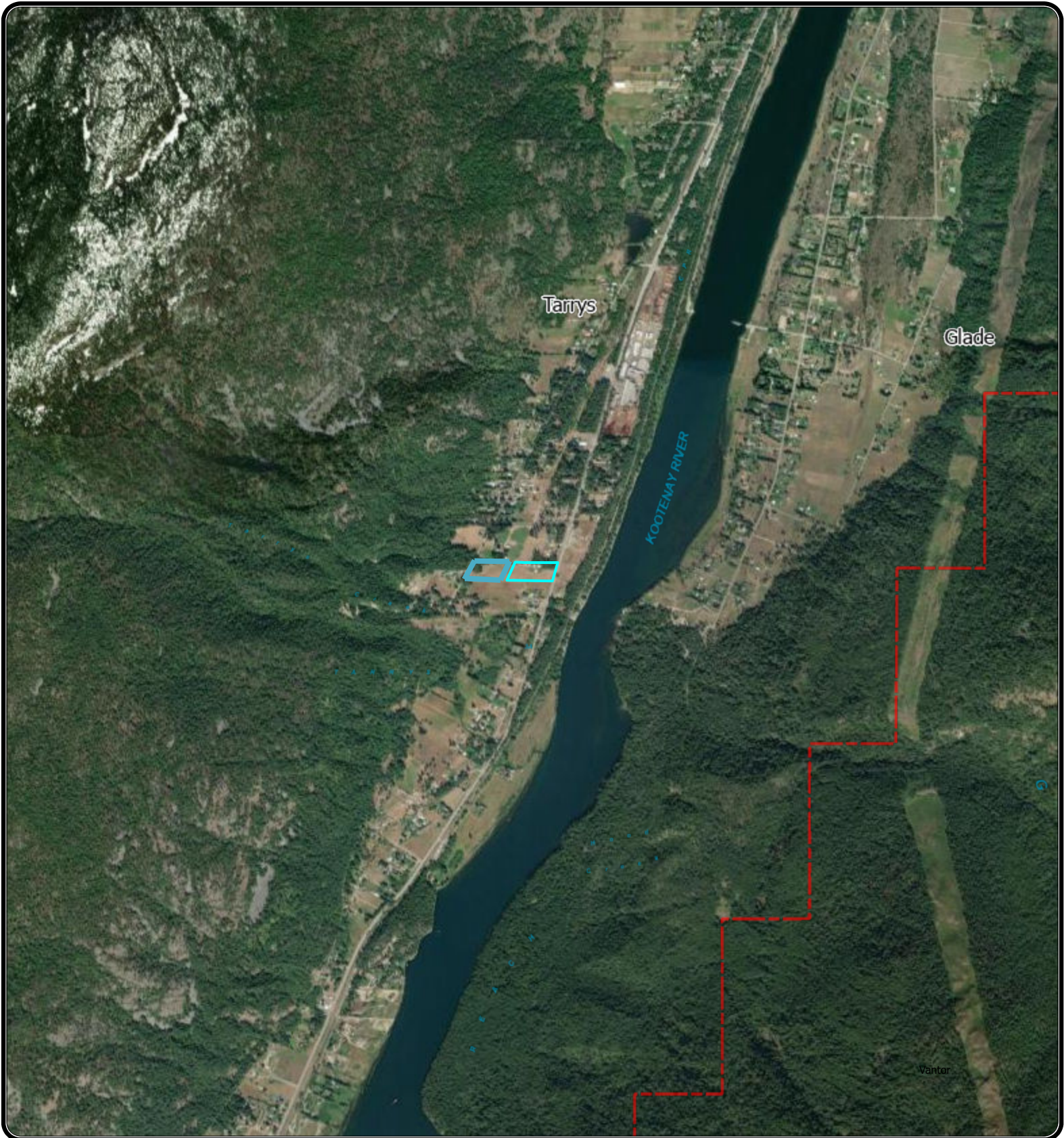
RDCK REGIONAL PARKS

INSERT COMMENTS ON REVERSE . . .

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: ZACHARI GIACOMAZZO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8190
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

- Place Names
-  Electoral Areas

Map Scale:

1:36,112

Date: April 30, 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:

1:9,028

Date: April 30, 2026



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Map Scale:

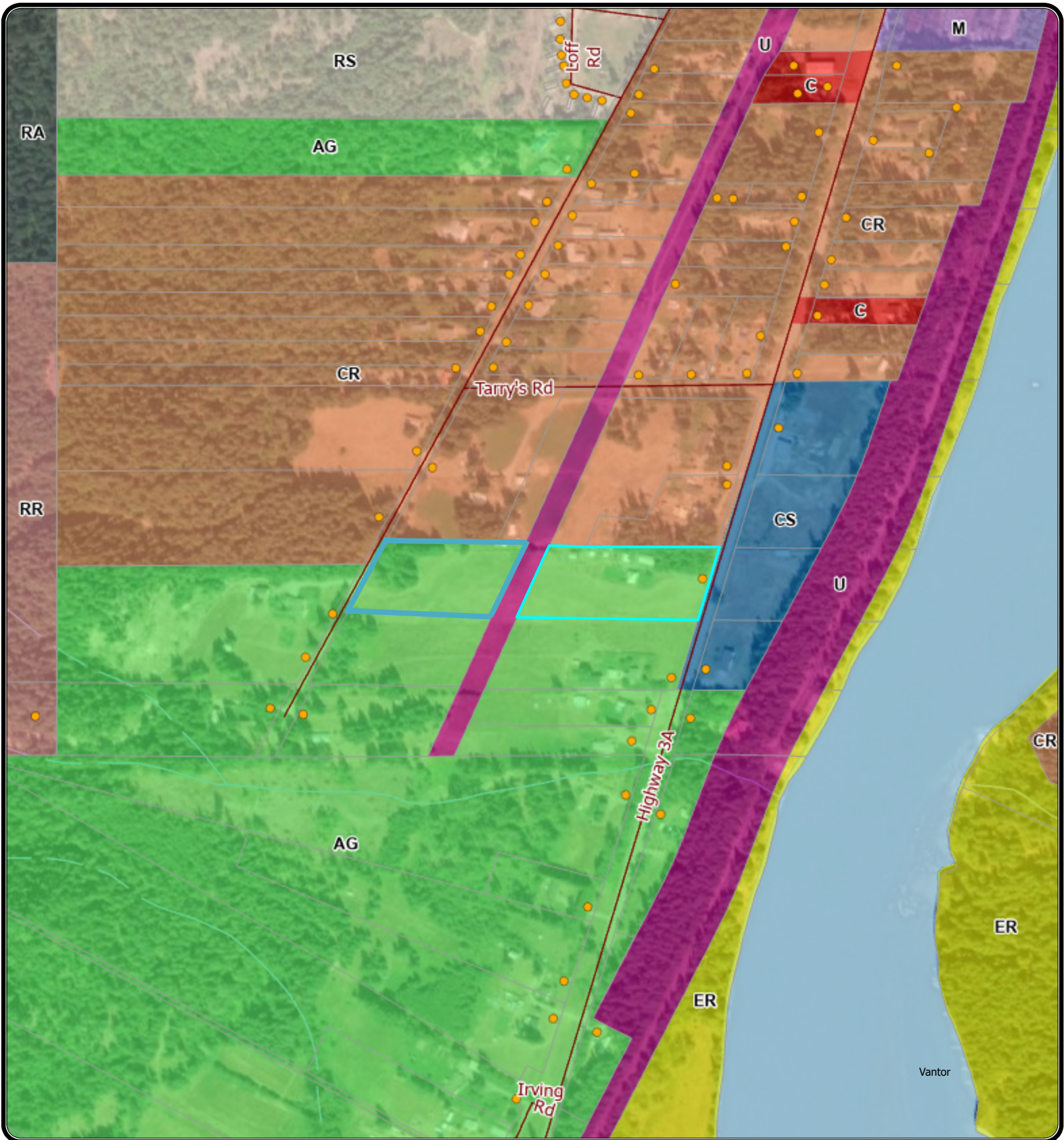
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Date: April 30, 2026



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Legend

Official Community Plan

- Agriculture
- Commercial
- Community Services
- Country Residential
- Environmental Reserve
- Industrial
- Resource Area
- Rural Residential

- Suburban Residential
- Utility, Railway and Transportation
- Streams and Shorelines
- Lakes and Rivers
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

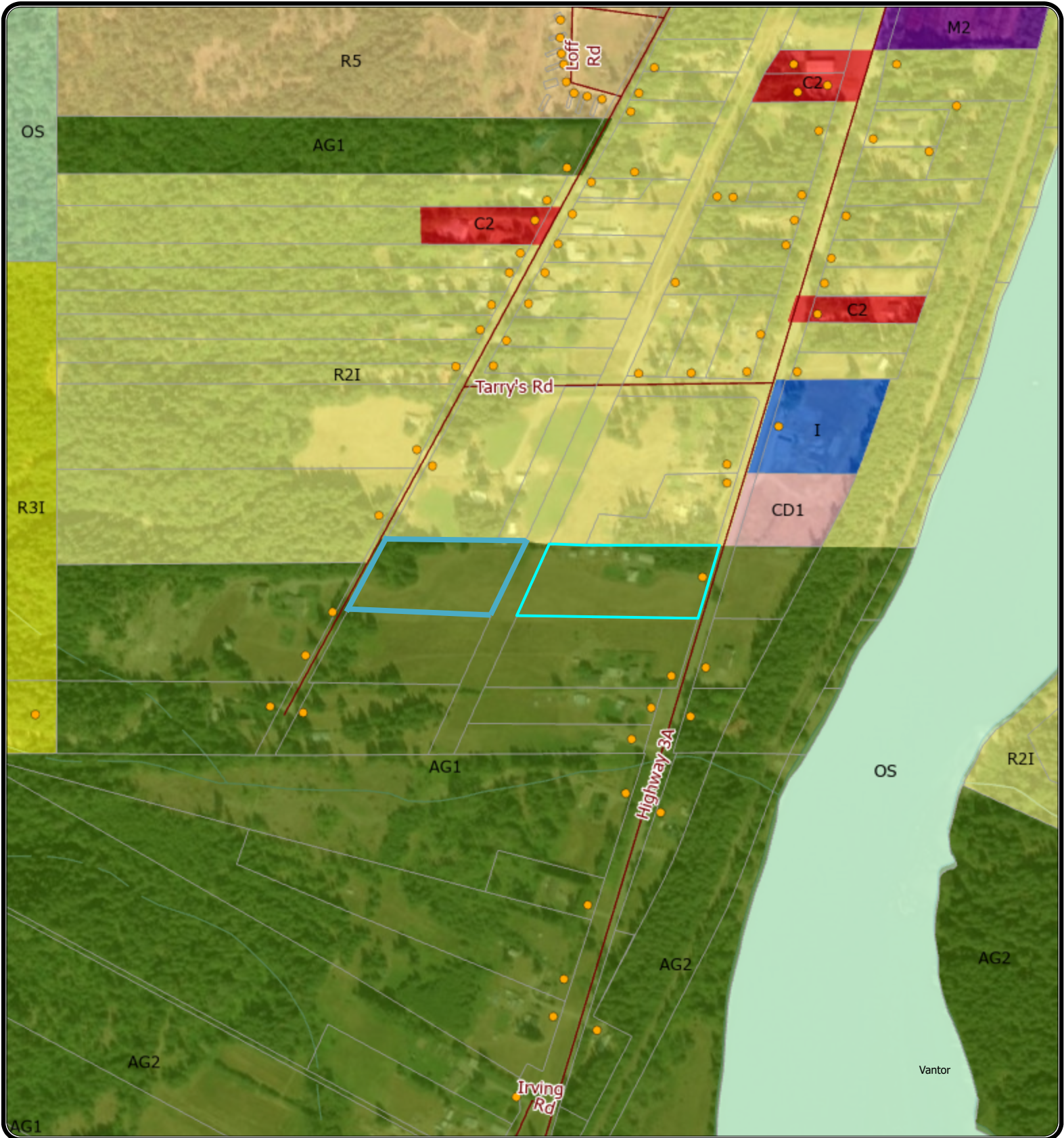
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RDCK Map



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Zoning Class

- Agriculture
- Commercial
- Comprehensive Development
- Industrial
- Institutional
- Open Space
- Residential 2

Legend

- Residential 3
- Residential 5
- Streams and Shorelines
- Lakes and Rivers
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

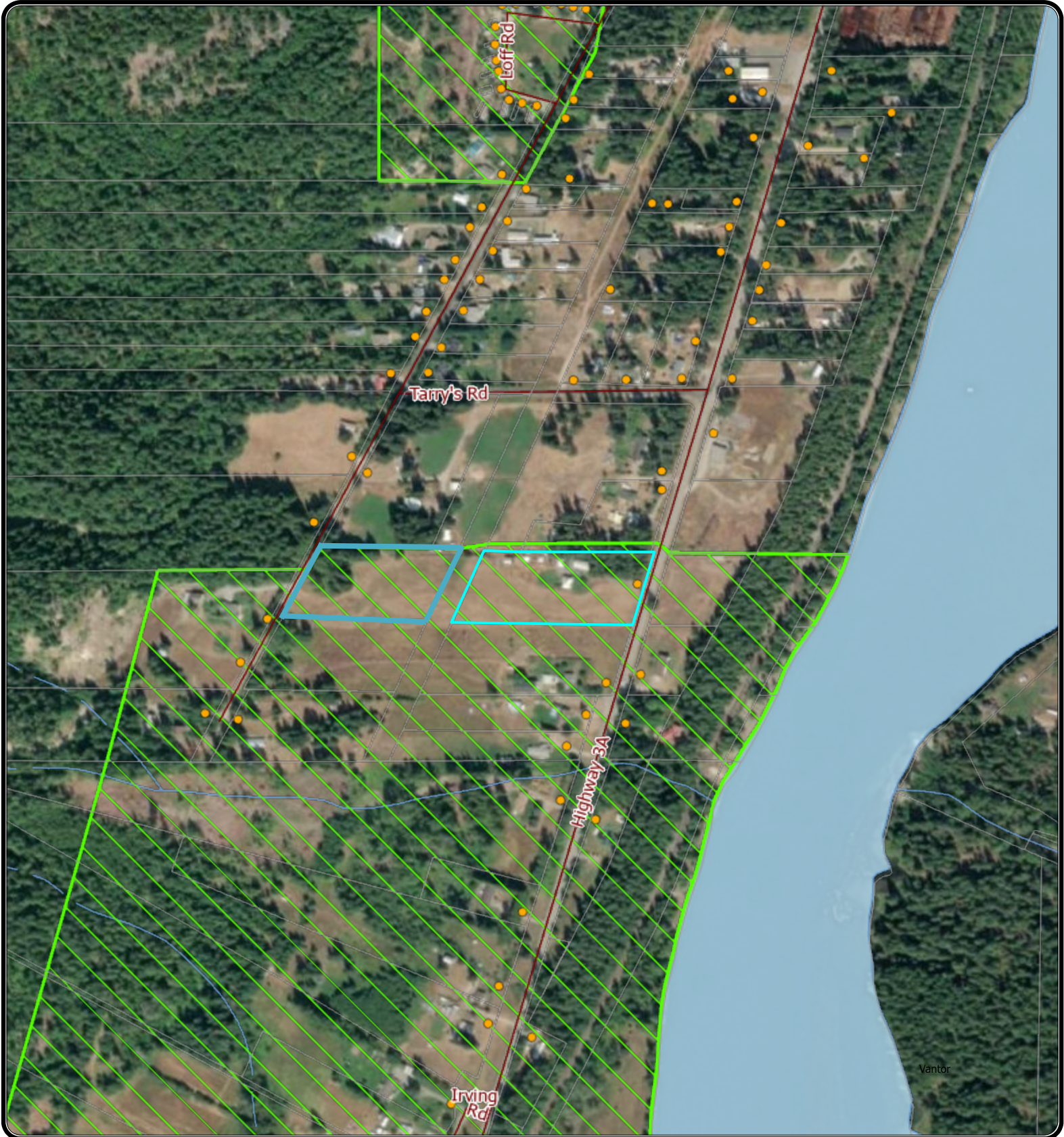
1:9,028

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RDCK Map



Vantor



REGIONAL DISTRICT OF CENTRAL KOOTENAY
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Legend

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

Map Scale:

1:9,028

Date: April 30, 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.

1993 Hwy 3A, Castlegar BC, V1N 4N8
LOT 2, PLAN NEP857, DISTRICT LOT 1239, KOOTENAY LAND DISTRICT, EXC EXP PL 354761
PID: 016-022-181
7.57 Acres zoned ALR AG 1
Allie and Jarred Batchelor

Bylaw we are seeking a variance for: “Zoning Bylaw 1675 - 2701(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.”

We would like to amend this Bylaw to allow the Farm Residential Footprint to include 50 meters measured from the Rear Lot Line and 40 meters from the Interior Side Lot Line.

We are applying for a Development Variance Permit in hopes to obtain a variance for the setback limits of the Farm Residential Footprint and location for an Accessory Dwelling Unit on our ALR zoned property. We are a young family with two small children that purchased this property in Tarrys in September of 2025. My husband, Jarred, works full time and I (Allie) am a stay at home Mom to our kids. We both grew up in this area, and purchased this 7 acre parcel and home with the intentions of living here for the rest of our lives, and passing it down to our children.

Our property is a rectangle shape with primary access from Highway 3A to the house and out buildings, and secondary access to the back of the property from Loff Road. Our land is separated into two portions with a powerline right-of-way dividing it in half. There is a small treed area at the front of the property, and a small treed area at the back of the property along Loff Road. Historically, the land has been used for hay production, with approximately 5.3 acres devoted to growing hay.

We seek a variance to allow us to put a modular home onto the property that will be accessed via Loff Road. The modular home will be lived in by Allie’s mom, and it will have it’s own septic system and well. There is currently a power line along Loff Road, as well as a natural gas line, making electricity and natural gas easily accessed. The location is flat and easily accessed. Our research on the RDCK Bylaws tells us that a second dwelling is permitted within 90m², and that our current Farm Residential Footprint size is within the allowable amount (Less than 2000m², with an available 500 m² for a second dwelling). The variance we seek will need to adjust the setback locations to include a distance from the Rear Lot Line. This will allow for the second dwelling to be located on the opposite side of the property than the primary residence. **The area we have reserved for the second unit will have less of an impact on the farm land than it being near the primary residence would, and will have positive benefits to both farming and agriculture.**

Owning land that is zoned ALR provides restrictions from both the Agriculture Land Commission as well as our local RDCK Government. In our case, the ALC permits what we are seeking for our property: our land only has one current residence, the new dwelling will be detached from the primary residence, and the size of the dwelling will be no more than 90m². I spoke with the ALC about our situation and the location we want for the second dwelling, and they stated that this matter **is permitted** on our ALR land. Beyond obtaining a Notice of Intent for the site prep for the modular home, **I was reassured that this matter does not concern the ALC and they support our siting location.**

Our goals and dreams for this property expand over decades to come; we have a vision for what we want for this land as we continue to develop the farm to support local farming, food production, livestock, and hay (see future farm map on the last page). The layout of the property as we purchased it has the primary house and outbuildings very clustered together to allow for the hay field to be prioritized. Due to this, we believe that there is not a practical spot near the primary home for an Accessory Dwelling Unit to be placed that doesn't negatively impact the productive areas of the farm field.

We believe our property is unique, and that there should be nuance when it comes to choosing the best location for a second dwelling that will benefit farming and agriculture.

Here are the benefits we see this location providing:

- A second dwelling will require the drilling of a new well on our property. With the new dwelling accessed from Loff Road, this will provide irrigation with increased water access that currently doesn't exist at the back of the property. This will benefit farming, as well as increase our wildfire preparedness.
- The second dwelling will be lived in by Allie's mom, who will be available to help with both childcare and farm duties. This will increase and benefit farming production as there will be more adults available to devote time to the farm.
- The second dwelling being accessed from Loff Road allows for better security and safety on the property. Multiple times now we have encountered people on our land, suggesting they want to hunt here or are trespassing to access the main highway.
- We plan to have large animals grazing in the field. Having the dwelling in this location provides a secondary vantage point; we deem having two vantage points of the animals extremely valuable for their protection, safety, and overall well-being.
- When we had the hay field cut in September 2025, we got 100 small square bales. The location for the second dwelling will be on the most shaded, least productive corner of the property. The space taken away for the second dwelling will only remove approximately 300m² of farming area, which equates to 2 bales of hay a year.

Having a second dwelling on our property has positive impacts that go beyond farming. The creation of a new home will benefit the housing crisis in our area. Allie's mom will be able to sell her home in Castlegar, and she won't be moving into a home that already exists. This second dwelling will also increase the value of our property, allowing for more property taxes to go to the RDCK. This second dwelling will not negatively impact our neighbours. With our property being the size that it is, the neighbouring houses are a fair distance away and there are privacy barriers in place for the houses that would be the closest to the new dwelling.

As we've dug into research on this topic, we have found there are multiple examples of people with ALR zoned land in the RDCK that have achieved variances for both Farm Residential Footprint size increases and setback limits in the last two years. We have read Area I's Official Community Plan, and adding this second dwelling in the location we seek will align with the OCP:

Regarding housing: "Homes for all. Encourage housing options in existing residential areas that are consistent with the rural character of the area." "Encourages increased housing diversity and choice for all of Sentinel Mountain by allowing for accessory dwellings..."

Regarding Agriculture: “Support the area’s existing and future agricultural activity and farmers by supporting agricultural systems and protecting agricultural lands that contribute to the area’s economic base, character and sense of place.” “Supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.” The location we seek will not cluster homes but **will have less impact** on the farm land.

Regarding Wildfire Preparedness: “Supports the development of an inventory of accessible water sources that could be enhanced to support water extraction by firefighting equipment...” Area I’s Wildfire Development Permit site design emphasizes that “Auxiliary buildings should be located as far away from buildings as possible. A distance of 15 meters or more is ideal...”

Our proposal might have you thinking that we seek this variance just to benefit our property for future subdivision. We want to emphasize that there is **no future goal** to subdivide our land. The minimum lot size for subdividing ALR land is 4.0 hectares (9.8 acres), making it impossible to subdivide this property. We have no desire to own less land than we already do, and our dream is to farm our land, grow food, have livestock, and then pass our 7.57 acres down to our children. The reason we seek this variance is solely due to the layout of this property as we purchased it, the location of our septic system restricting clustering options, the location of treed areas, and the location of the power line right-of-way. Any siting location that is close to the primary residence that the bylaws permit will in turn have a greater impact on agriculture than the Loff Road access. Having this road available to our land makes the impact of the second dwelling minimal due to a very short driveway being required, and in turn maintains connectivity within the agriculture area.

When I contacted the ALC I received their full support on this matter, and was assured they are available for questions at any point. They agree there is nuance to siting location of secondary dwellings, and the current layout of the farm needs to be considered when choosing a second dwelling location.

Thank you,

Allie and Jarred Batchelor



Legend



Map Scale:
1:3,100



Date:
April 15, 2026

REGIONAL DISTRICT
OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325
www.rdck.bc.ca
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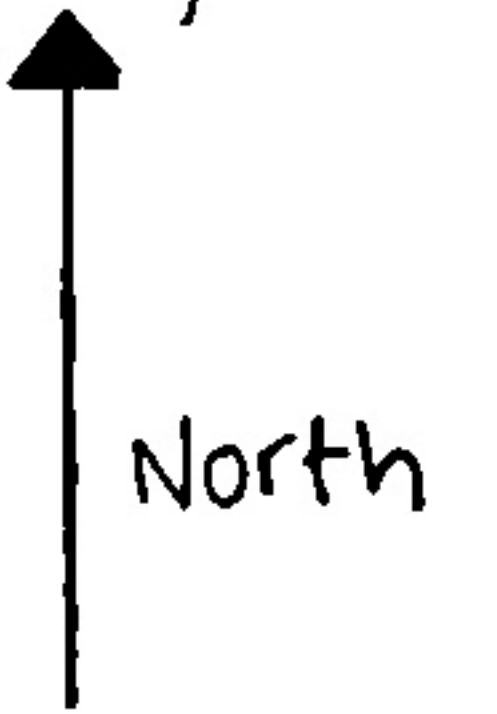
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1993 Hwy 3A Castlegar BC V1N 4N8
LOT 2 PLAN NEP857, DISTRICT LOT 1239
KOOTENAY LAND DISTRICT, EXC EXP
PL 354761

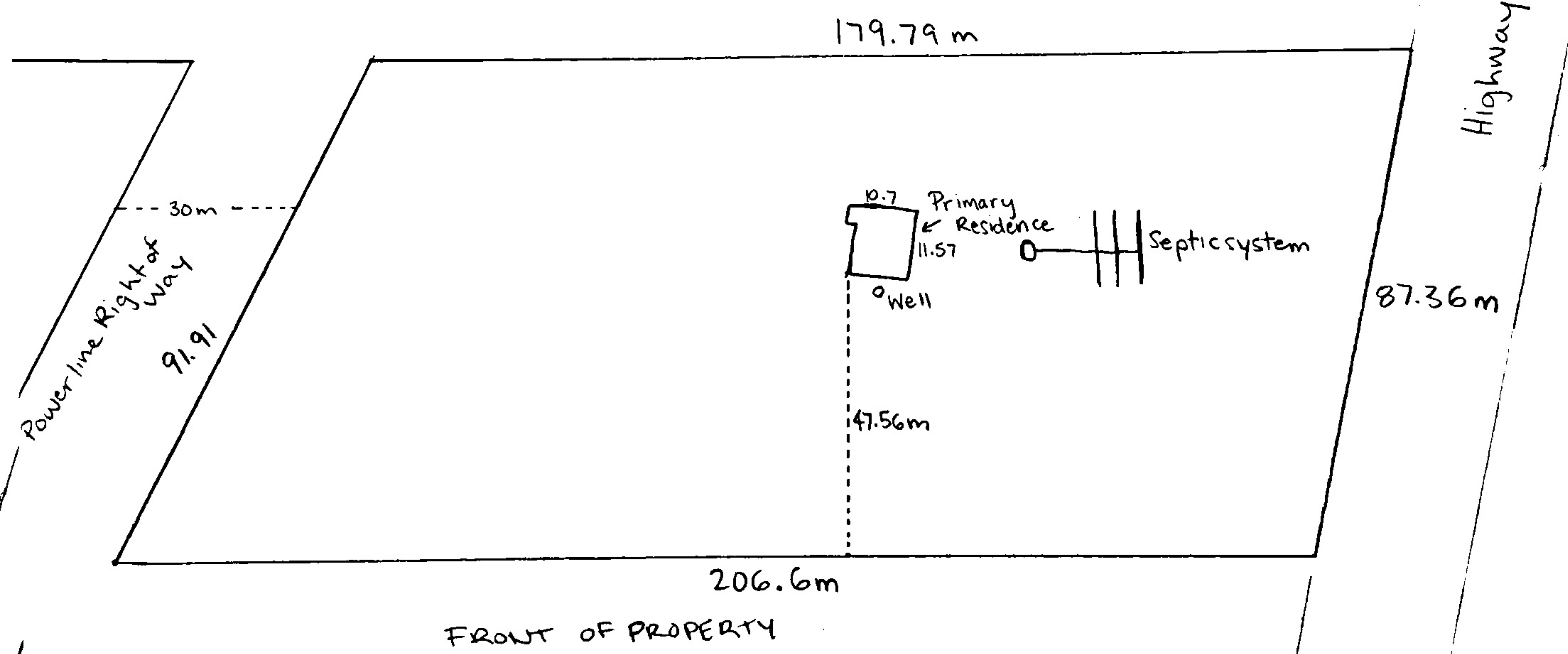
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7.57 Acres

Zoning: ALR AG-1

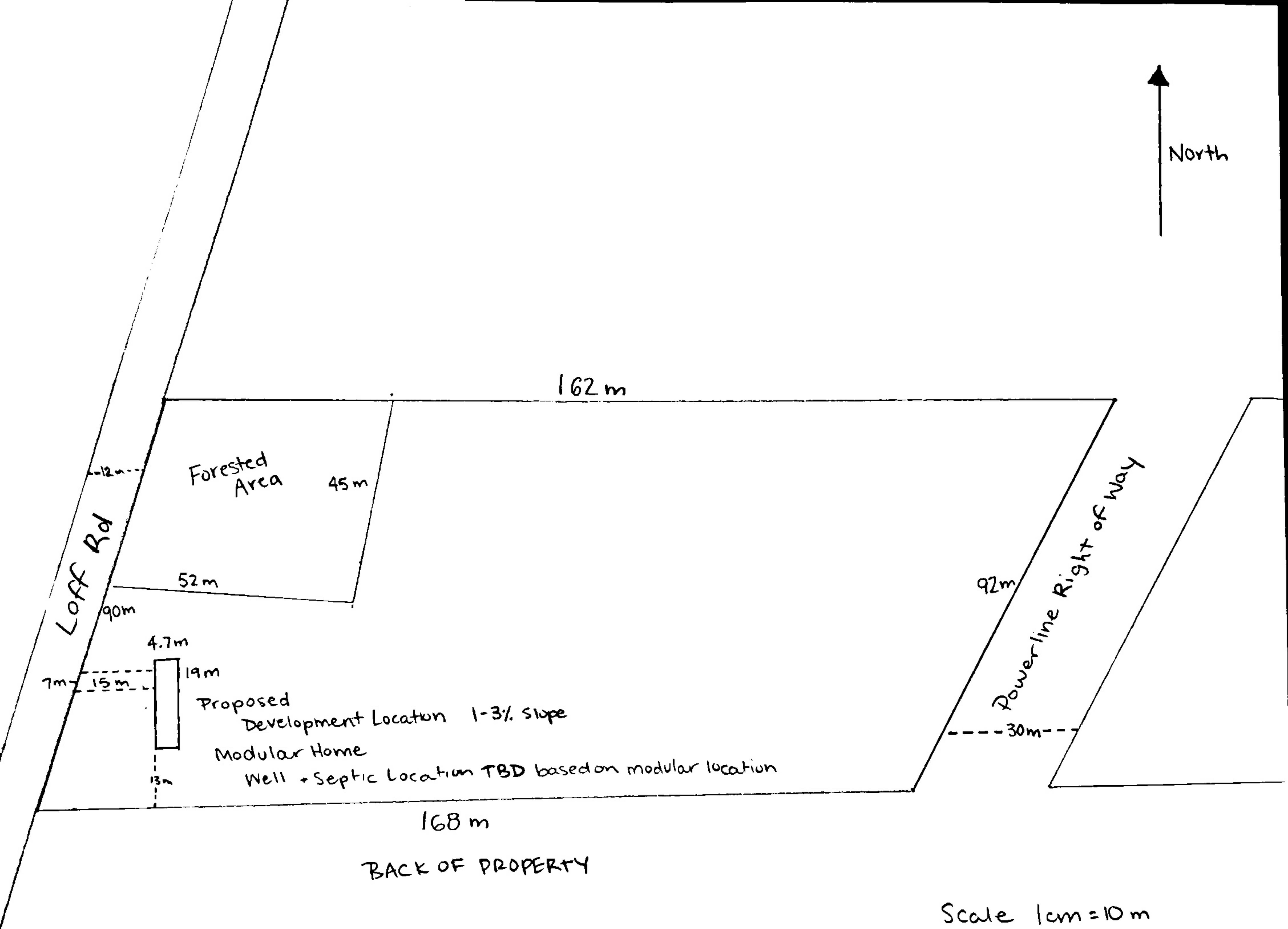
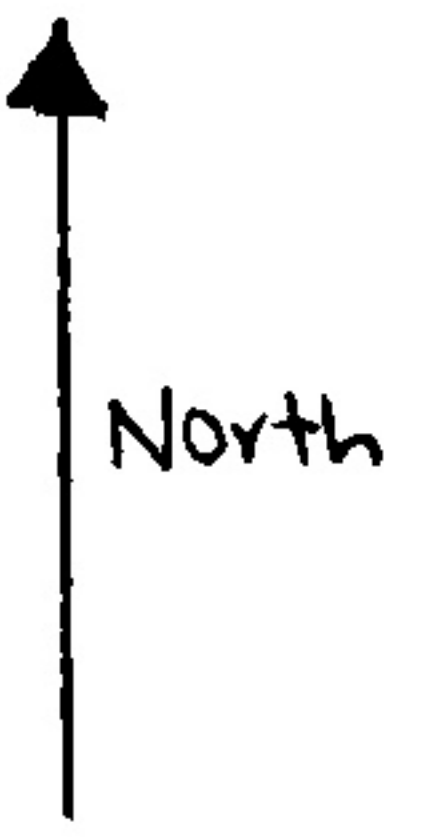


Highway 3A



Scale 1cm = 10m





Forested Area

45 m

52 m

4.7 m

19 m

Proposed Development Location 1-3% slope

Modular Home

Well + Septic Location TBD based on modular location

92 m

30 m

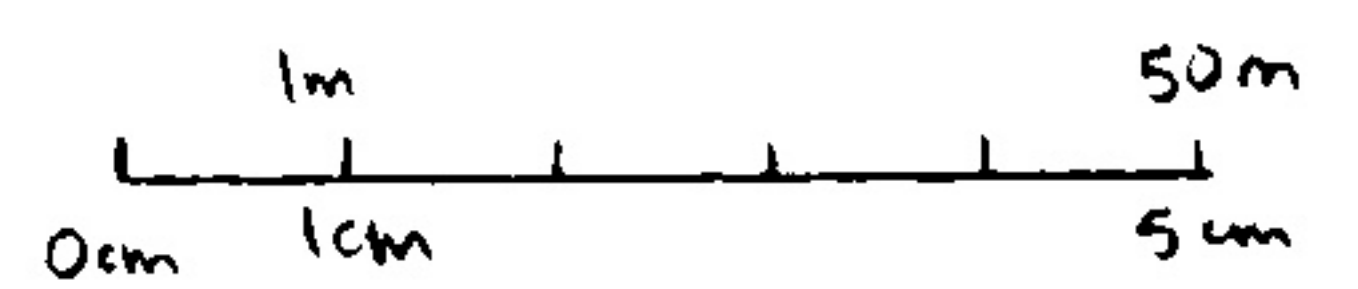
162 m

168 m

BACK OF PROPERTY

Loff Rd

Scale 1cm = 10 m



ParcelMap BC Print Report



February 13, 2026

Interest Road

Parcel Boundaries

Ownership

Map prepared by applicant showing proposed Farm Residential Footprint Area (yellow outline) for new dwelling

WARNING: MAP IS NOT PRINTED TO SCALE

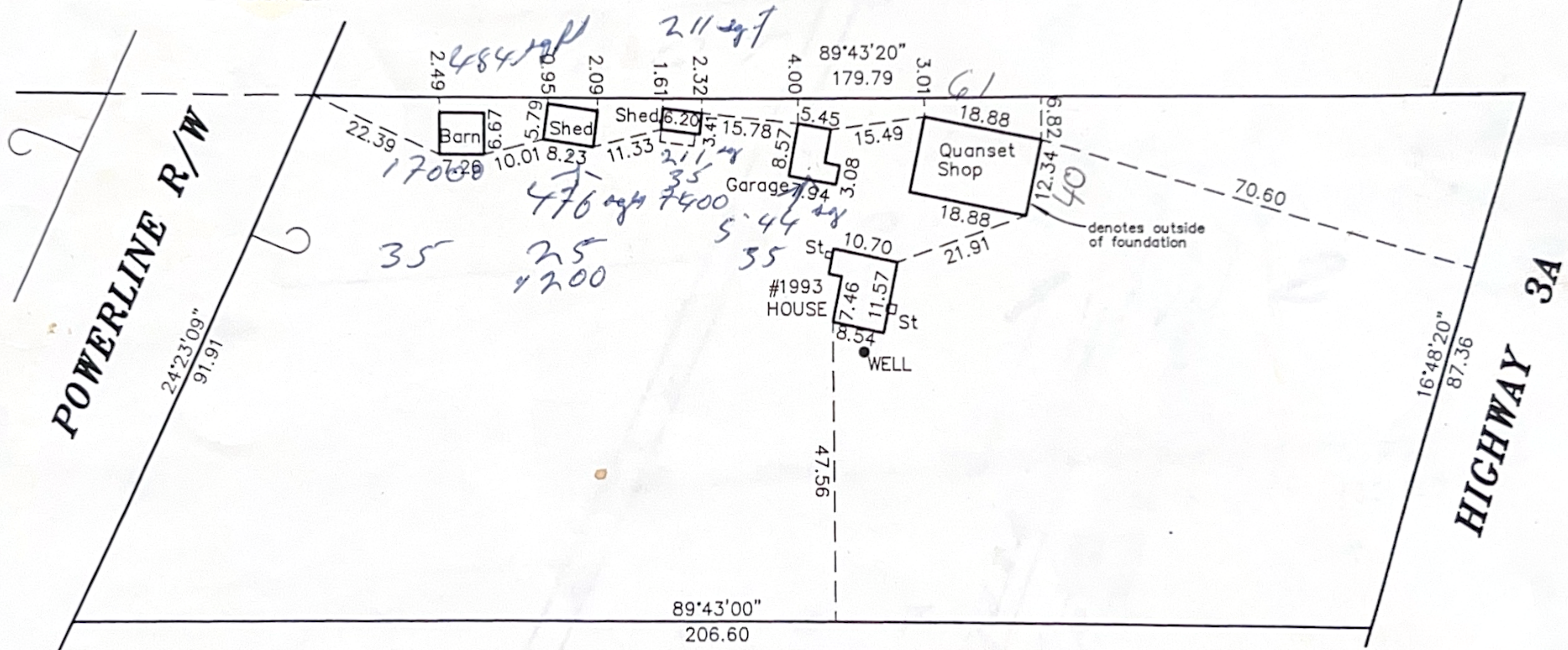
Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

PLAN SHOWING BUILDINGS ON LOT 2, PLAN 857,
EXCEPT PART OUTLINED IN RED ON
EXPLANATORY PLAN 35476-I,
DISTRICT LOT 1239, KOOTENAY DISTRICT.



SCALE 1:1000

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
UNLESS OTHERWISE INDICATED.



PREPARED BY
GORDON STEIN
B.C.L.S. and P. ENG.,
BOX 10, NELSON, B.C. V1L 5P7
OFFICE AT 908 FRONT ST
PHONE OR FAX 250-352-7312

NOTE:
See Certificate of Title for current
Charges and Legal Notations.

PRISKE - OWNER

CERTIFIED CORRECT THIS 12th
DAY OF APRIL, 2006

Gordon Stein BCLS

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

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;

- 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.