



# Development Variance Permit Application

Referral Form – RDCK File V2612A

Date: June 26, 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 July 17, 2026). If no response is received within that time, it will be assumed that your agency’s interests are unaffected.**

**LEGAL DESCRIPTION & GENERAL LOCATION:**

10862 Sanca Park Road, Sanca, Electoral Area ‘A’  
 LOT 7 DISTRICT LOT 913 KOOTENAY DISTRICT PLAN 8037  
 012-078-255

**PRESENT USE AND PURPOSE OF PERMIT REQUESTED:**

The property is presently being used for residential purposes and has been improved with a residence and accessory buildings.

In April 2026, the property owners were issued a building permit to construct an accessory building 7.6m set back from the front lot line.

After the initial siting inspection, it was determined that the property line was not in the location that the property owner had initially thought, and that instead of being 7.6m from the front lot line, the foundation was actually placed partially on the subject property and partially on the road right-of-way. As such, the property owners are seeking this variance to continue construction of the accessory building in this location.



This Development Variance Permit seeks to vary Section 18.17 of Electoral Area ‘A’ Comprehensive Land Use Bylaw No. 2315, 2013 to reduce the required setbacks as follows:

- the front setback from 7.5 metres to 0.0 metre (a reduction of 7.5m).
- the side setback from 2.5 m meters to 2.17 metres (a reduction of 0.33m)

The building if constructed will encroach into the road right-of-way and a permit to authorize the structure in this location from the Ministry of Transportation and Transit is also required.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
0.34 ha	n/a	Suburban Residential (R1) in Electoral Area ‘A’ Comprehensive Land Use Bylaw No. 2315, 2013	Suburban Residential (RS) in Electoral Area ‘A’ Comprehensive Land Use Bylaw No. 2315, 2013

**APPLICANT:** Irene and Antonio Bagnoli

**Please provide your response via email.**

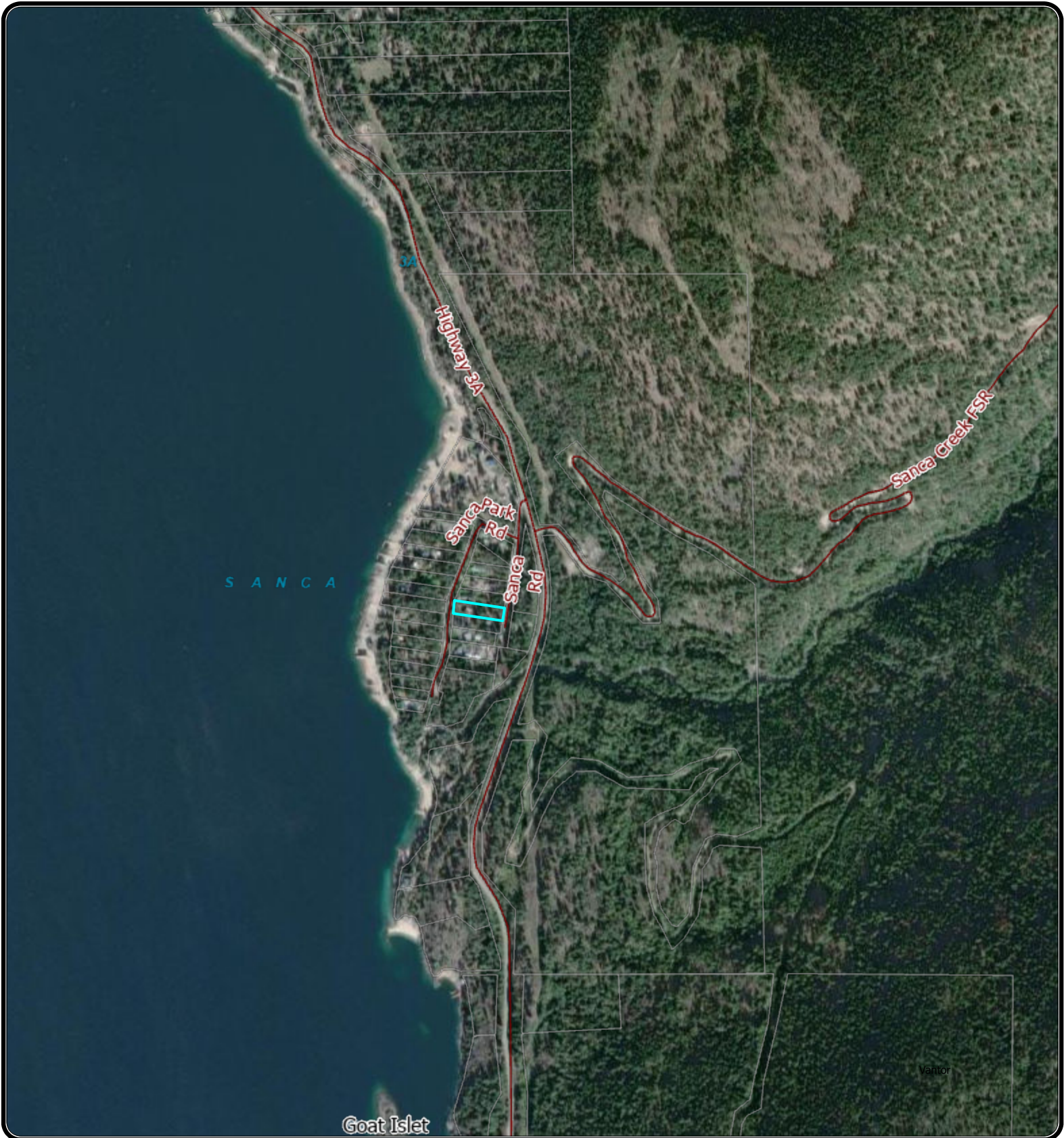
**If your agency’s interests are ‘Unaffected’ no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government 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.**

<input checked="" type="checkbox"/> MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE <input checked="" type="checkbox"/> HABITAT BRANCH (Environment) <input checked="" type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION <input 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. <input checked="" type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)	REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input checked="" 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 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 A <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input checked="" type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input checked="" type="checkbox"/> RDCK UTILITY SERVICES <input type="checkbox"/> RDCK RESOURCE RECOVERY <input type="checkbox"/> RDCK REGIONAL PARKS
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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](mailto:info@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4

# 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
-  RDCK Streets
-  Cadastre - Property Lines

## Map Scale:

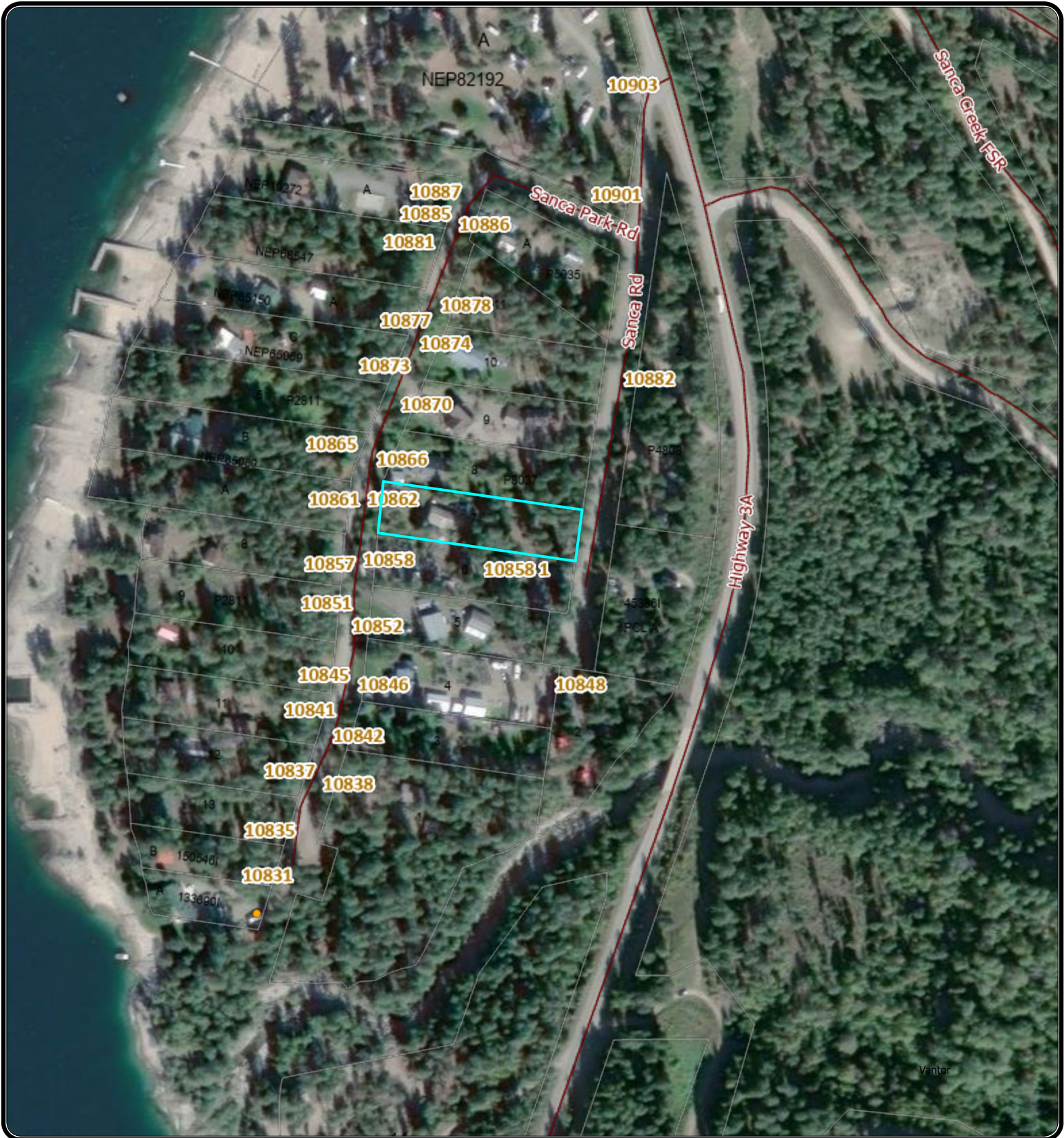
1:18,056

Date: June 8, 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.

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 maps@rdck.bc.ca

### Legend

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

### Map Scale:

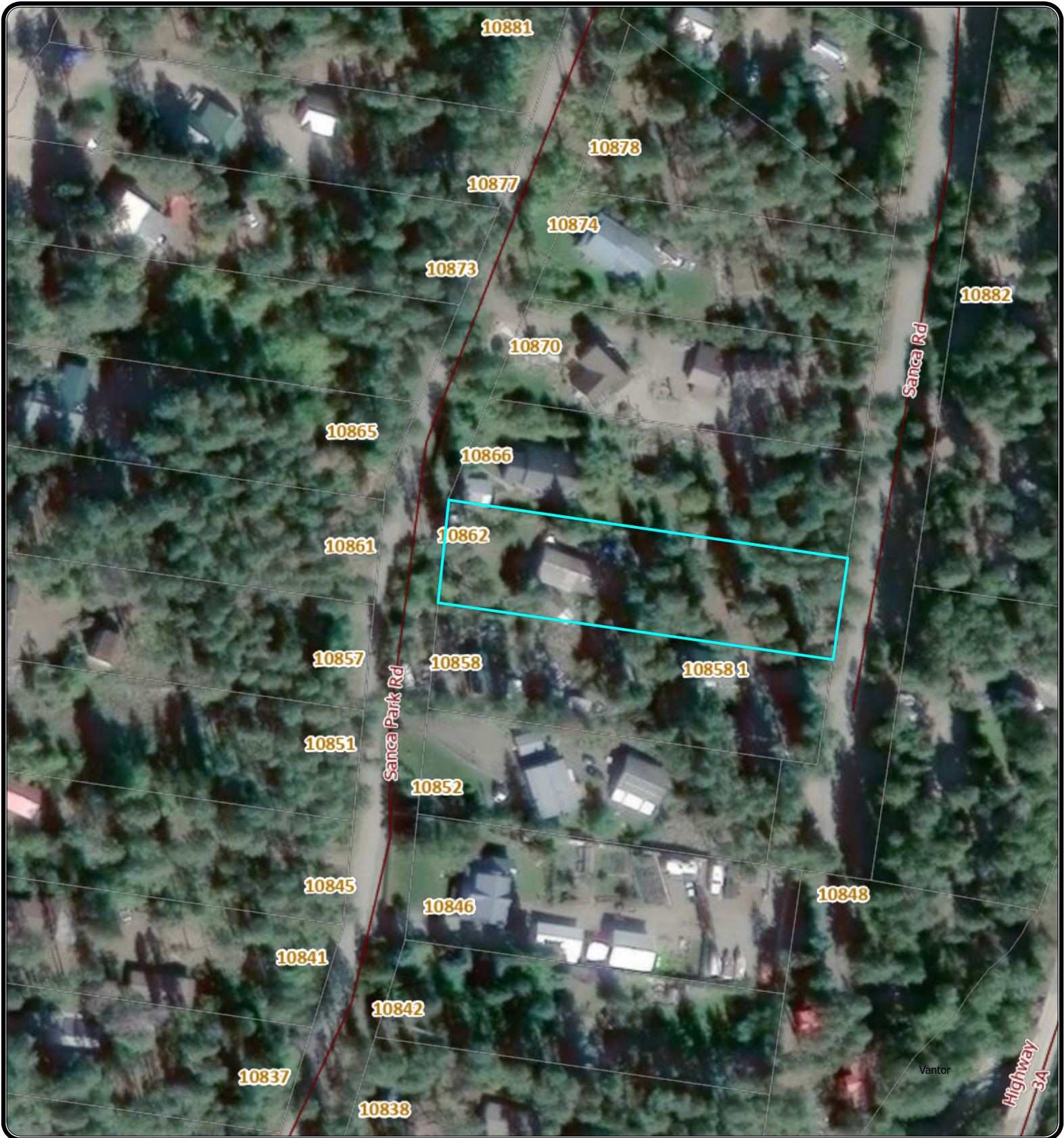
1:4,514

Date: June 8, 2026



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# RDCK Map



## Legend

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

## Map Scale:

1:2,257

Date: June 8, 2026



Vantor

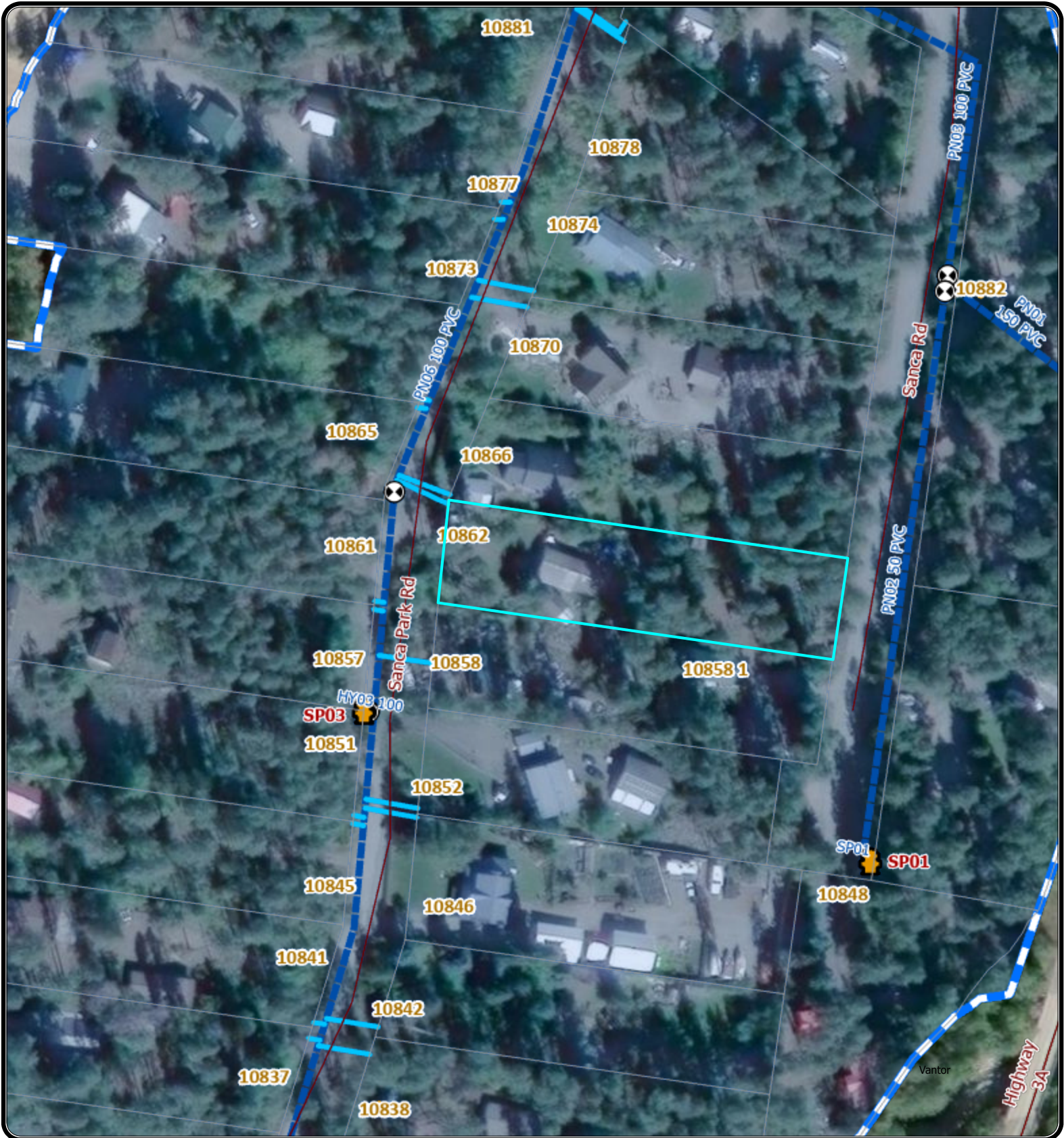
Highway 3A



REGIONAL DISTRICT OF CENTRAL KOOTENAY  
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## Legend

Valves

### Water Systems

- RDCK OWNED
- Main Line
- Service Connections

### Hydrants

- Stand Pipe
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

### Map Scale:

1:2,257

Date: June 8, 2026



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### Legend

- Suburban Residential
- Electoral Areas
- Country Residential
- Environmental Reserve
- Resource Area
- RDCK Streets
- Cadastre - Property Lines
- Address Points

## Official Community Plan

### Map Scale:

1:2,257

Date: June 8, 2026



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# RDCK Map



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## Zoning Class

- Environmental Reserve
- Residential 1
- Residential 2
- Resource Area

## Legend

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

## Map Scale:

1:2,257

Date: June 8, 2026



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# RDCK Map



Vantor



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 Box 590, 202 Lakeside Drive,  
 Nelson, BC V1L 5R4  
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### Legend

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

### Map Scale:

1:4,514

Date: June 8, 2026



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# RDCK Map



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 Box 590, 202 Lakeside Drive,  
 Nelson, BC V1L 5R4  
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 maps@rdck.bc.ca

### Legend

- Non Standard Flooding Erosion Area
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

### Map Scale:

1:2,257

Date: June 8, 2026



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allow property owners to legitimize the structure as long as no lot is reduced in lot size.

### **Subdivision Servicing Requirements**

14. All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
15. All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
16. All subdivisions shall comply with the *Drinking Water Protection Act*, the *Health Act* and the *Waste Management Act*.

### **Setback Requirements**

17. Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line. Lands on the Kootenay Lake side of Highway 3A shall be permitted a 3.0 metre setback from front or exterior side lot line due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.
18. Despite sub-section 17, buildings or structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve.
19. Unless otherwise stated, no portable sawmill may be located within 100 metres from a property line.
20. Despite sub-section 17, on all lots less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres, with the exception of lots on the Kootenay Lake side of Highway 3A that shall be permitted a 3.0 meter setback from front or exterior side lot lines due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.

### **Setback Exceptions**

21. Where the top surface of an underground structure projects no more than 0.6 metre above the average finished ground elevation, that structure may be sited in any portion of a lot.
22. Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, flagpoles, up to ten (10) metres in height may be sited on any portion of a lot.
23. Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features project beyond the face of the building, the minimum distance to an abutting lot line as permitted elsewhere in this bylaw may

# Property Boundary Drawing

Sanca Park Road (Travelled Portion)

South Neighbour

North Neighbour

D=9.22M

Highway Right of Way

Property line

1.6M

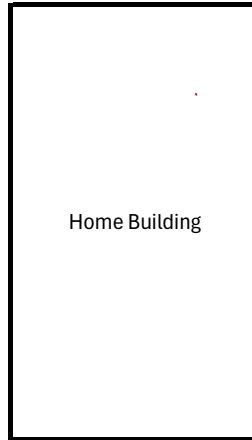
Garage

D=2.17M

D=20.81M

Property Line

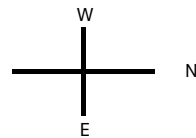
Property Line



D = 116.09M

10862 Sanca Park Road  
PID: 012-078-255, Lot: 7, Block: 913  
District Lot: 26, Plan: 8562

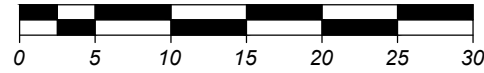
D=29.68M



Sanca Road

# BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE OF LOT 7, DISTRICT LOT 913, KOOTENAY DISTRICT, PLAN 8037

PID 012-078-255



The intended plot size of this plan is 432mm in width by 280mm in height (B-size) when plotted at a scale of 1:500.

All distances are in metres and decimals thereof, unless otherwise noted.

Setbacks are derived from field survey completed on April 24, 2026, and are measured from forms.

The civic address of the building is:  
10862 Sanca Park Road, Kuskanook, BC.

The following non-financial charges are shown on the current Certificate of Title and may affect the property:  
Q29860 - UNDERSURFACE RIGHTS  
LA94765 - STATUTORY RIGHT OF WAY  
LB152601 - STATUTORY RIGHT OF WAY

This plan was prepared for building inspection purposes and is for the exclusive use of Antonio Joseph Bagnoli and Irene Bagnoli.

NOTE: This plan shows the building under construction only. Other buildings may exist on the property.

## LEGEND

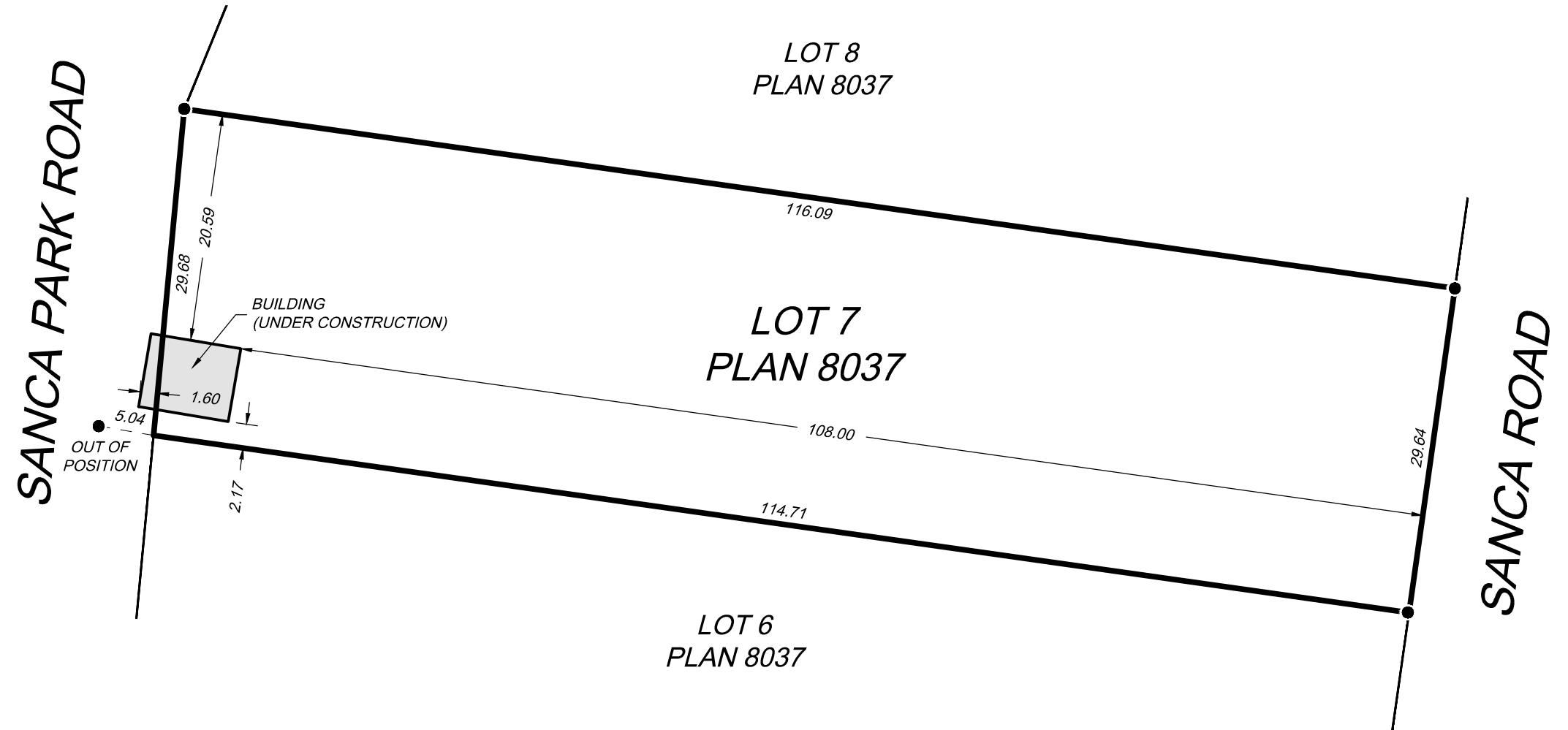
● denotes Standard Iron Post found

This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described hereon. This document shall not be used to define property lines or property corners.

Feature labels are descriptive. The user is encouraged to refer to the appropriate land use bylaw for specific feature definitions.

Polaris Land Surveying 2024 Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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Certified Correct as to the practice of land surveying in accordance with Part 11-5(2) of the Survey and Plan Rules as of the 24th day of April, 2026.

**POLARIS**  
LAND SURVEYING

Mailing & delivery address: Toll Free: (877) 603 7398  
Polaris Land Surveying 2024 Inc. Telephone: (250) 428 - 5810  
1815 Canyon Street, info@plsi.ca  
Creston, BC, V0B 1G5 www.plsi.ca

Alexander Gorelik, BCLS 950

Date: 2026-05-05  
File: 4813-01  
Drawing: 4813-01\_BLC.dwg  
Layout: B-Landscape

Planning Department  
Regional District of Central Kootenay  
Box 590, 202 Lakeside Drive  
Nelson BC V1L 5R4

June 4, 2026

**SUBJECT: Development Variance Permit Application for Setback**

I'm submitting an application for a DVP setback permit from the front of my property line to my planned garage building (building permit no. BP029234).

During the initial forms inspection for my building permit, the RDCK inspector requested I provide a Certification of Form Survey from a Surveyor. I hired a surveyor (Polaris) to perform the survey and provide the certificate. However, survey results showed the southwest property pin is not in the correct location (copy is attached), in fact it showed my form for the garage pad was encroaching on the highway right of way by 1.6M.

Basically I need to move my form for the garage pad, however, I have a limitation on how much I can move it as I don't want to interfere with my septic field. Thus I would like to request a setback of 0m from the Road Right of Way. With the 0m setback, the garage will be 35ft from the actual paved travel portion of the road. The road ends 5 lots south of my lot as Sanca Creek flows a short distance beyond the end of Sanca Park Road and all the lots have been developed on the road.

I submitted a permit application (file # 2026-02308) to MoTT on May 7 for a setback allowance of 0M from the front property line.

Along with my DVP application, I'm also including the same files/pictures I submitted for the MoTT permit, plus I've included the easement document I have in place with FortisBC which provides them access to their pole on my property. The documents include two pictures of the current garage form, one facing north and one facing south. The form in the pictures will be moved back to allow a 0M setback from the correct front property line and a minimum of at least 2.17 M setback the south side property line (assuming my applications are approved).

I'm requesting your approval for a 0M and 2.17M setback. If possible, it would be greatly appreciated if my request could be reviewed at your earliest convenience as I have a number of contractors on hold and I may lose them.

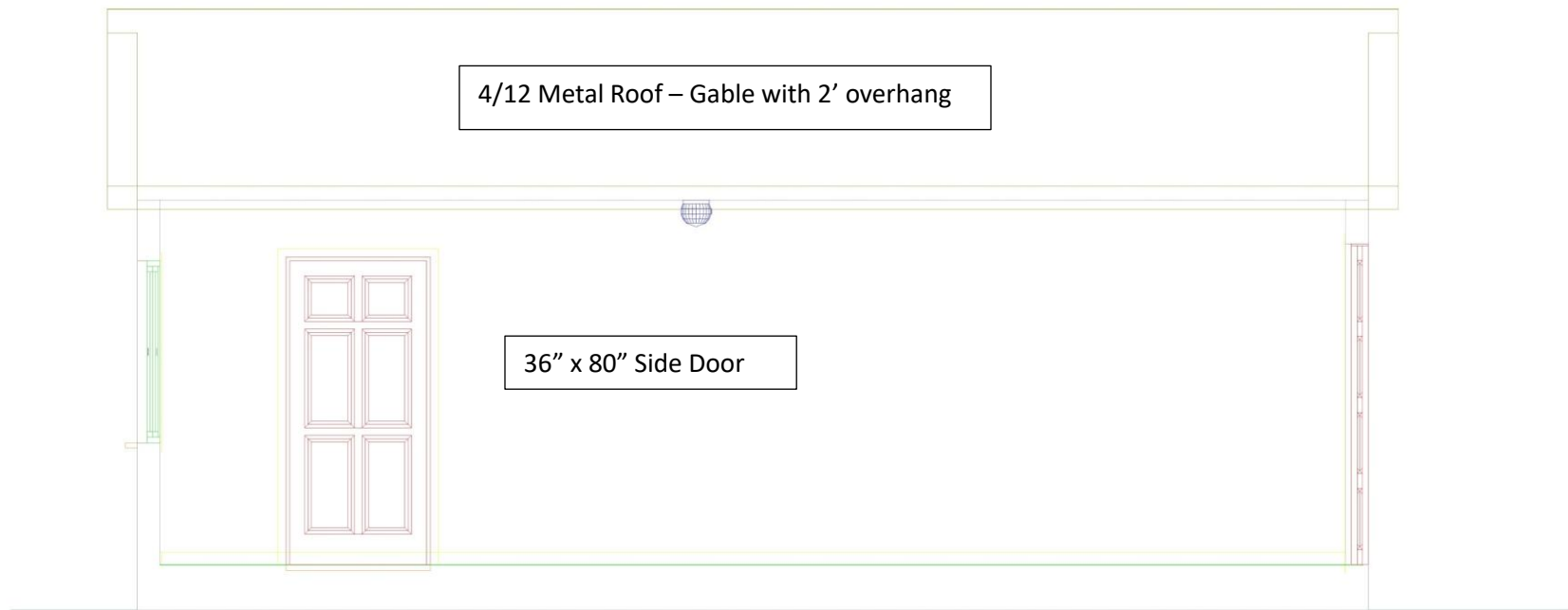
thank you

Tony Bagnoli





22' x 27' Double Garage – left Elevation



4/12 Metal Roof – Gable with 2' overhang

36" x 80" Side Door

Concrete slab for the garage will be 2 feet above the road