



**Staff Report**  
**Application # F – 37609**  
**Applicant: Anne Bronsor**

**DATE RECEIVED:** August 13, 2007

**DATE PREPARED:** October 19, 2007

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** Non-farm use to construct a small "green" cottage next to the landowners cabin.

**BACKGROUND INFORMATION:**

The proposal is to provide a residence for a caretaker for the elderly landowner. The applicant is her daughter. The proposed cabin is 30' X 20' and will be built to minimize impacts on the land.

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

PID: 025-458-493  
Lot A, District Lot 6304, Kootenay District, Plan NEP71564

**Purchase Date:**

2002-05-01

**Location of Property:**

4103 Kays Road, Nelson

**Size of Property:**

1.8 ha (The entire property is in the ALR).

**Present use of the Property:**

Residential with 2 horses and a small barn

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Residential  
**EAST:** Residential  
**NORTH:** Residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/6  
The majority of the property is identified as having Prime Dominant ratings improvable to Class 3T (70%) and Class 2M (30%).

**Official Community Plan and Designation:** N/A

**Zoning Bylaw and Designation:** N/A

**RELEVANT APPLICATIONS:**

**Application #13367-0 (To South)**

**Applicant:** Verigin, L.K.  
**Decision Date:** 1981  
**Proposal:** To s/d the 3.6 ha parcel into 2 lots  
**Decision:** Refused based on ag capability

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**Application #28507-0 (Adjacent to East)**

**Applicant:** LEHMANN, E. & G.  
**Decision Date:** February 21, 1994  
**Proposal:** S/d 0.4 ha lot from 4.1 ha property as divided by Kay's Road  
**Decision:** Allowed. Commission has agreed to endorse exclusion of Blewett area

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**Application #30285-0**

**Applicant:** King, Joanna  
**Decision Date:** January 30, 1996  
**Proposal:** Subdivide 3 lots of 0.43 ha each from parcel. One lot will be north of Kay's road and two lots south. Remainder will be north of road.  
**Decision:** Allowed.

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**Application #31125-0**

**Applicant:** Marken, Rick & Therese  
**Decision Date:** February 25, 1997  
**Proposal:** To subdivide the 9.5 ha lot into five lots. Four of the lots would be about 2 ha, and one lot 1.5 ha.  
**Decision:** Allowed.

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**Application #33780-0, #33780-1**

**Applicant:** Coyle, Bruce & Annalisa  
**Decision Date:** July 31, 2001  
**Proposal:** To subdivide the subject property into a total of four (4) lots. The proposed lot sizes would be 1.74 ha, 1.67 ha, 2.98 ha and 1.51 ha as shown on the attached map. Three of the lots would be sold and the fourth would be retained as a homesite.  
**Decision:** Refuse as proposed on the grounds that subdivision would significantly reduce the agricultural potential of the property and would create undue parcelization within the Agricultural Land Reserve. Upon request for reconsideration on November 16, 2001, the proposal was allowed, as it was consistent with past decisions in the area

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**Application #35903-0**

**Applicant:** Marrello, Tommy & Connie  
**Decision Date:** August 10, 2005

**Proposal:** To construct a second dwelling on the subject property for the applicant's son. The applicant's son helps with the work on the property. The proposed location of the house is on the northwest corner of the property that is quite rocky and cannot be used for grazing.

**Decision:** The Commission supports the construction of a second dwelling and subdivision of up to 1 ha as requested.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No comments or recommendations

**STAFF COMMENTS:**

The Commission agreed to endorse exclusion of Blewett area following a 1987 study of agricultural capability ratings which proved much lower than mapped.

**ATTACHMENTS:**

- Air Photo
- ALC Context Map
- ALC Context Map 2
- Sketch of Proposal

**END OF REPORT**

  
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Signature

  
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Date