

REPORT TO COUNCIL



Date: June 22, 2012

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: DVP12-0109

Owner: GFL Environmental West Corporation,
Inc. No. A0067727

Address: 156 Tilley Road

Applicant: Aquila Enterprises Inc.

Subject: Development Variance Permit

Existing OCP Designation: Industrial

Existing Zone: I3 - Heavy Industrial

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0109 for Lot 19, Section 2, Township 20, ODYD, Plan KAP57943, located at 156 Tilley Road, Kelowna, B.C;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 15.3.5 (d) Development Regulations

To vary the side yard setback from 7.5m required to 3.38m proposed.

2.0 Purpose

To consider a Development Variance Permit to vary the required northern side yard setback from 7.5m required to 3.38m proposed.

3.0 Land Use Management

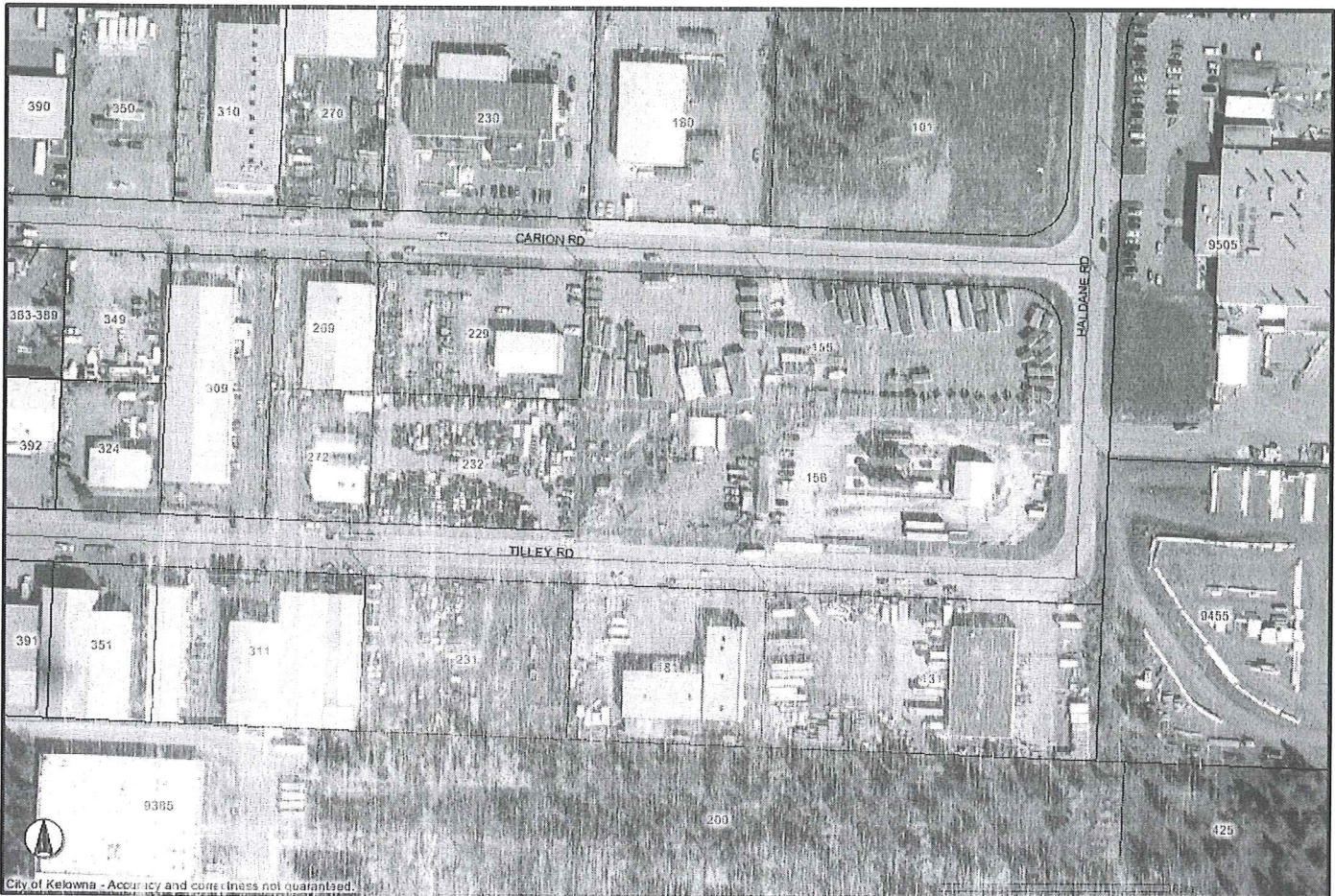
An office trailer has been added on site in order to provide additional workspace for the current business. The trailer was placed too close to the side property line which necessitates the proposed variance. The I3 - Heavy Industrial zone has large side yard setbacks as it is meant to accommodate heavy industrial uses that have the potential to create nuisances for adjacent property owners. The northern property is also zoned I3 - Heavy Industrial with similar uses. The proposed variance will accommodate on-site office activities and not generate noise or other nuisances that would be possible if a building containing bona-fide industrial uses was placed here. Encroaching into the required side yard has been supported by two nearby property owners.

4.0 Proposal

To consider a Development Variance Permit to vary the required northern side yard setback from 7.5m required to 3.38m proposed. An office trailer has been added on site in order to provide additional workspace for the current business. The trailer was placed too close to the side property line which necessitates the proposed variance. The proposal compares to the Zoning Bylaw No. 8000 requirements as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	I3 REQUIREMENTS
Development Regulations		
FAR	Meets Requirements	0.75
Height	Meets Requirements	18.0m
Front Yard	25.54 m	10.0 m
Side Yard (s)	18.2 m	7.5 m
Side Yard (n)	3.38 m*	7.5 m
Rear Yard	64.3 m	7.5 m
* Variance Required		

4.1 Site Context



5.0 Technical Comments

5.1 Building & Permitting Department
No Comment.

5.2 Development Engineering Department
The Development Engineering comments and requirements regarding this Development Variance Permit application are as follows:

- a) The requested setback variance does not compromise any Municipal infrastructure or services.
- b) This application does not trigger any off-site upgrades.

5.3 Fire Department
No comment provided

6.0 Application Chronology

Date of Application Received: June 11th, 2012

Report prepared by:



Alec Warrender, Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



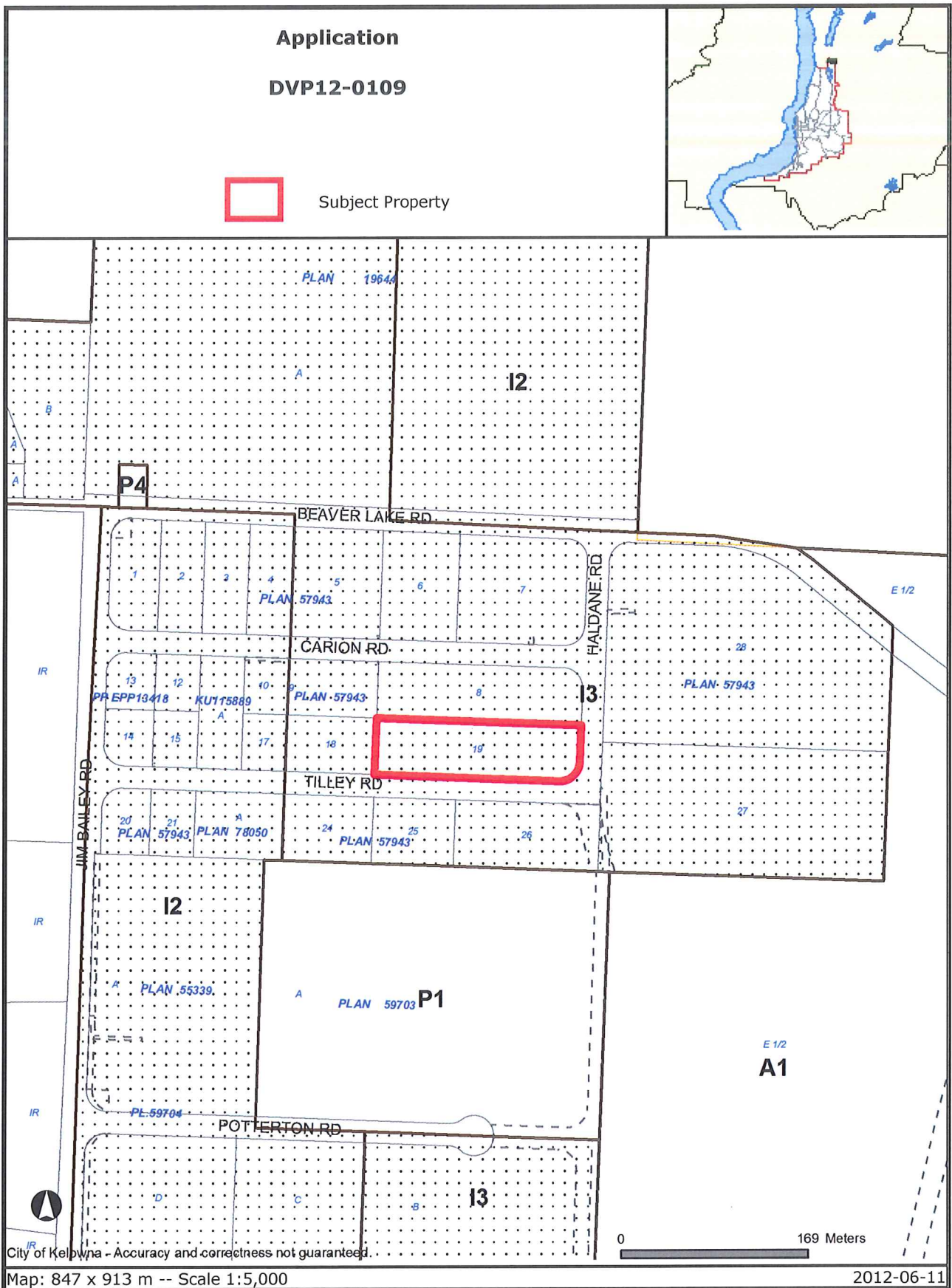
Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map
Site Plan
Elevations

2012 JUN 11 10:00 AM
CITY OF DENVER





City of Kelowna - Accuracy and correctness not guaranteed.

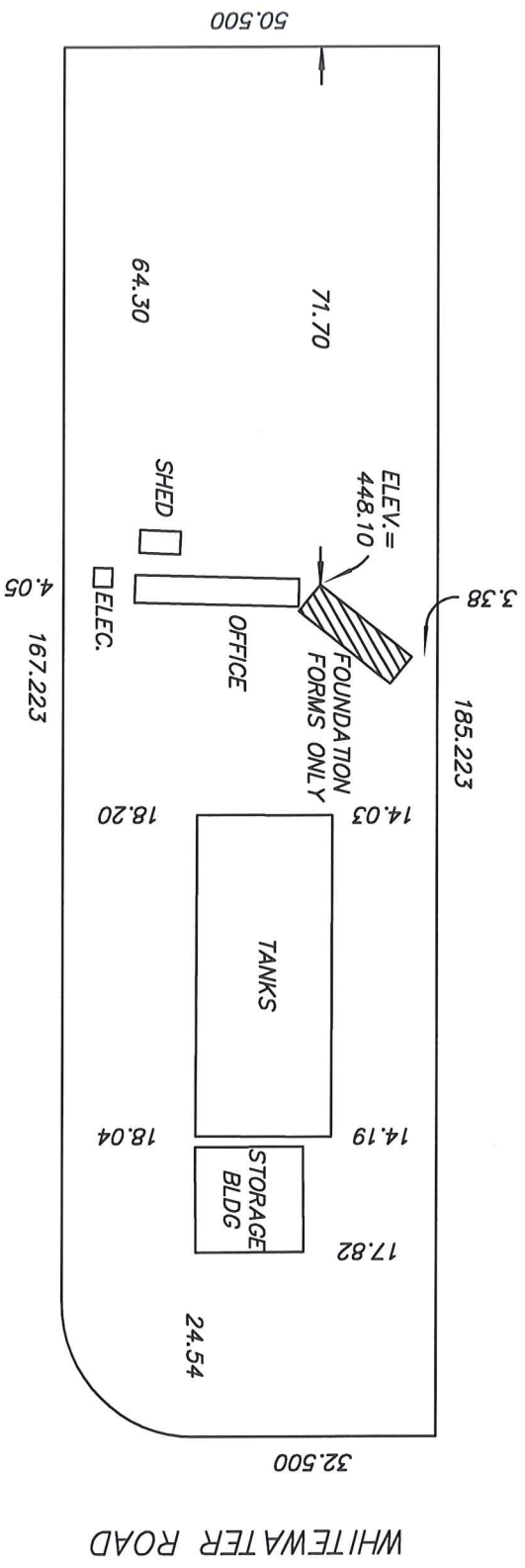
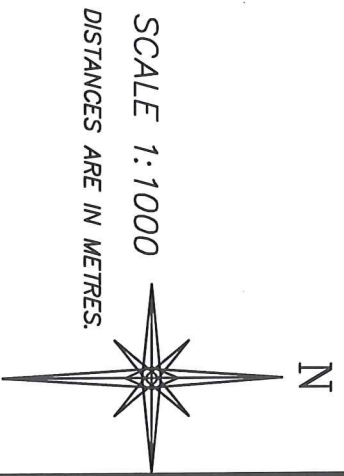
Map: 847 x 913 m -- Scale 1:5,000

2012-06-11

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 19
PLAN KAP57943 SEC. 2 TP. 20 O.D.Y.D.**

Civic Address:
156 Tilley Road
Kelowna, BC



All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

Ⓒ This document is not valid unless originally signed and sealed.

CERTIFIED CORRECT
this 13th day of June, 2012.

[Signature]
D.A. Goddard BCLS

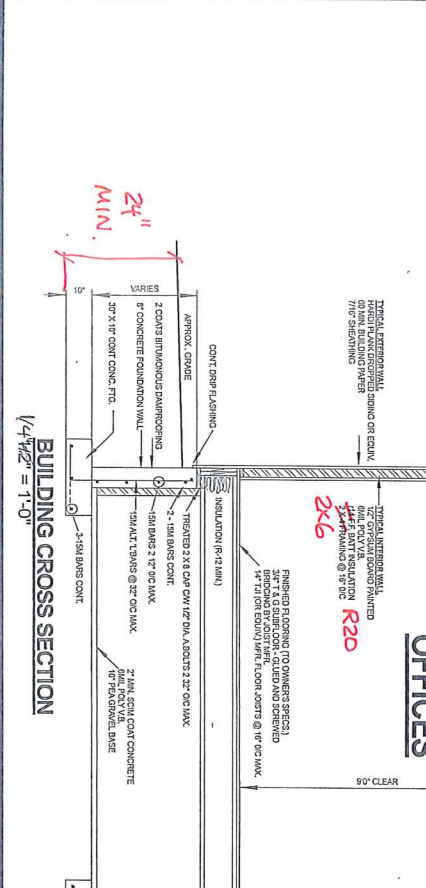
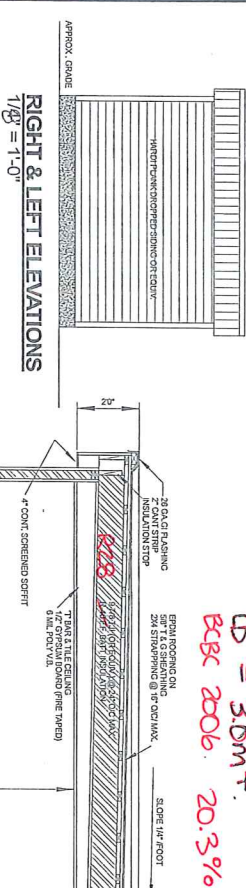
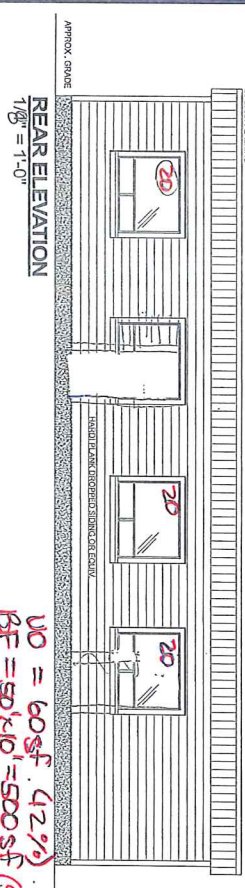
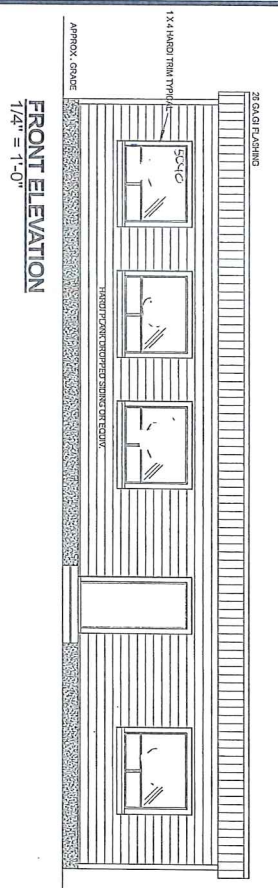
This plan was prepared for municipal purposes and is for the exclusive use of our client.

FILE 15955 FB 346
Aquila Construction

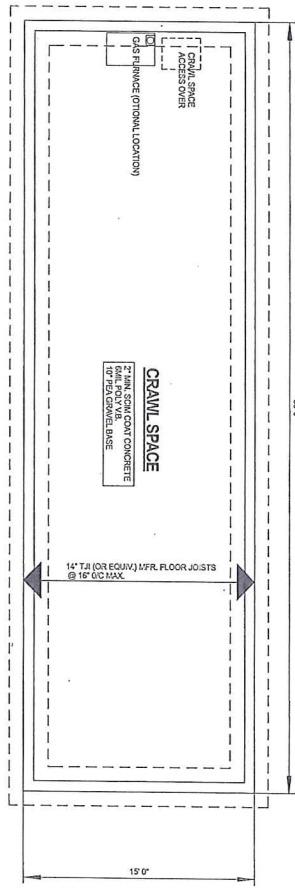
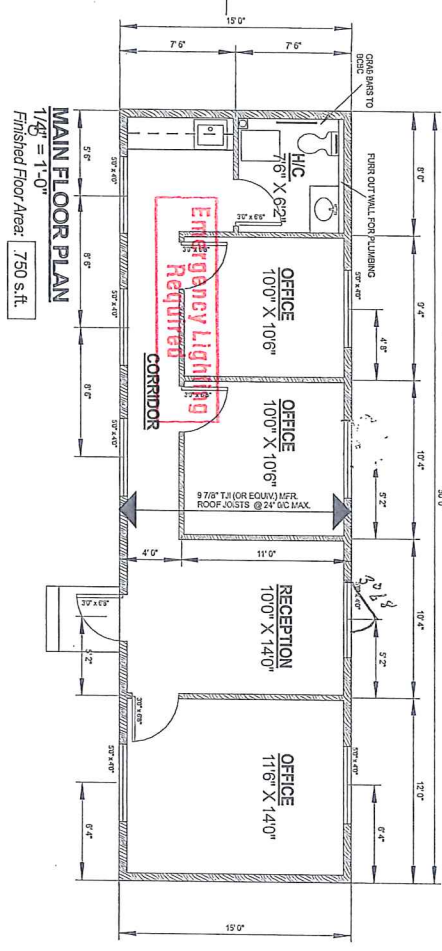
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory 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.

D.A. Goddard Land Surveying Inc.
103-1358 St. Paul Street, Kelowna
Phone (250) 763-3733



NO = 60 SF. (42%)
 BF = 50' x 10' = 500 SF (46.4%)
 UD = 3 DM +
 RBC 2006. 20.3% PERM. ✓



REVIEWED BY CITY OF KELOWNA INSPECTIONS SERVICES
 43943. THESE DRAWINGS SHALL REMAIN ON SITE AVAILABLE TO CITY BUILDING INSPECTORS
 DATE _____ PLAN CHECKER _____ TR

Notes:
 -Drawings are not to be scaled.
 -Field confirm all dimensions prior to construction.
 -Dimensions are to centerlines of studs & outside faces of concrete walls UNLESS OTHERWISE NOTED.
 -Room sizes are approximate and to finished walls.
 -Mechanical & Electrical systems are by others.
 -Finishes to Owner's specifications & to the minimum grades shown.
 -Finishes to be set out in the British Columbia Building Code.

REV. 1 - Issued for Construction - Oct. 08/11

Office Building For:
Green For Life
 156 Tilley Road, Kelowna, V4V 2K5
A-1

RAVUBIN TECHNICAL SERVICES LTD.
 156 Tilley Road, Kelowna, BC V4V 2K5
 Phone/Fac: (250) 547-2271
 Email: bruce_ravubun@stulcs.net

SCALE: 1/4" = 1'-0"
 DRAWN: GRC
 DATE: OCT 08/11
 FOUND. & MAIN FLOOR PLANS DETAILS

© RTS-03/10/11

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0109

EXISTING ZONING DESIGNATION:	I3 – Heavy Industrial
DEVELOPMENT VARIANCE PERMIT:	To consider a Development Variance Permit to vary the required northern side yard setback from 7.5m required to 3.38m proposed.

ISSUED TO:	Aquila Enterprises Inc.
LOCATION OF SUBJECT SITE:	156 Tilley Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	19	2		20	ODYD	KAP57943

SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 15.3.5 (d) Development Regulations

To vary the side yard setback from 7.5m required to 3.38m proposed.

The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 24th DAY OF JULY, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF JULY, 2012 BY THE DIRECTOR OF LAND USE MANAGEMENT.

Shelley Gambacort
Director of Land Use Management