

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, December 3, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor Stack.
3. Confirmation of Minutes 1 - 9

Public Hearing - November 19, 2013
Regular Meeting - November 19, 2013
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10895 (Z13-0020) - 3131 Lakeshore Road, Trustees of the Congregation of St. Paul's United Church 10 - 10

To give Bylaw No. 10895 second and third readings.
 - 4.2 Bylaw No. 10896 (TA13-0008) - Thrift Store Text Amendments to City of Kelowna Zoning Bylaw No. 8000 11 - 11

To give Bylaw No. 10896 second and third readings.
5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. Development Permit and Development Variance Permit Reports
 - 6.1 Development Variance Permit Application No. DVP13-0100 - 802 Lawson Avenue, Riaz & Nargis Virani 12 - 36

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

Staff recommends that Council not support the following variances to Zoning Bylaw No.8000: Vary the siting of a carriage house to allow it to be located in front of the principal dwelling; vary the rear yard setback for the principal dwelling from 6m permitted to 1.52m proposed; vary the eastern side yard setback from 2.3m permitted to 1.17m proposed.

- 6.2 Development Variance Permit Application No. DVP13-0156 - 348 Bernard Avenue, Hotel-1 Enterprises Ltd. (Royal Anne Hotel) 37 - 48

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

A new sign is proposed in conjunction with a new awning at the main entrance of the Royal Anne Hotel. To facilitate the new sign, two variances to the Sign Bylaw are requested: to vary the maximum distance that the sign can project from the building; and to vary the maximum permitted sign size.

- 6.3 Bylaw No. 10890 (Z13-0031) - 260 Lake Avenue, Marianne Hill 49 - 49

To adopt Bylaw No. 10890 in order to rezone the subject property from the RU3 - Small Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

- 6.3.1 Heritage Alteration Permit Application No. HAP13-0010 - 260 Lake Avenue, Marianne Hill 50 - 70

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider the form and character of a proposed carriage house on the subject property, and to consider the merits of a request to vary the side yard setback of the existing principal dwelling from 2.0m permitted to 0.68m proposed.

- 6.4 Development Variance Permit Application No. DVP13-0171 - 745 Coronation Avenue, Jean & Yuliana Lavigne 71 - 82

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To vary the maximum permitted height for a carriage house from 4.5 m permitted to 4.62 m proposed to facilitate the construction of a carriage house in the rear yard of the existing single family dwelling.

- 6.5 Bylaw No. 10815 (Z13-0001) - 674 Old Meadows Road, Mission Group Old Meadows G.P. Ltd. 83 - 83

To adopt Bylaw No. 10815 in order to rezone the subject property from the A1 - Agriculture 1 zone to the RM4 - Transitional Low Density Housing zone.

- 6.5.1 Development Permit Application No. DP13-0039 & Development Variance Permit Application No. DVP13-0040 - 674 Old Meadows, Brighton-Mission Group Homes Ltd. 84 - 125

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider the form and character of the proposed 108 unit row house and duplex development on the subject property. Council is also asked to consider the merits of three variances to facilitate the proposed development: to reduce the minimum required front yard along Old Meadows Road; to reduce the minimum required side yard on Gordon Drive; and to reduce the minimum required setback for vehicle parking.

- 6.6 Development Variance Permit Application No. DVP13-0154 - 23-180 Sheerwater Ct, 0973789 BC Ltd. 126 - 145

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider the merits of a proposal to vary the maximum height of a single detached dwelling from the lesser of 9.5m or 2 ½ to the lesser of 10.8m or 3 stories to accommodate the addition of another storey on an existing dwelling.

- 6.7 Development Variance Permit Application No. DVP13-0113 - 700 Hwy 33 S, Hillcrest Farm Market Inc. 146 - 166

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider non-support for the Development Variance Permit application to vary a number of requirements of the City's Sign Bylaw No. 8235 and Zoning Bylaw No. 8000 in order to legalize an existing free-standing sign and legalize an existing loading bay, which were both constructed without permits.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, November 19, 2013
 Location: Council Chamber
 City Hall, 1435 Water Street

Council Members Present: Deputy Mayor DeHart and Councillors Colin Basran, Andre Blanleil, Gail Given, Robert Hobson*, Mohini Singh and Gerry Zimmermann

Council Members Absent: Mayor Walter Gray and Councillor Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Long Range Planning, Gary Stephen; Planner Specialist, Graham March; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Deputy Mayor DeHart called the Hearing to order at 6:02 p.m.

Deputy Mayor DeHart advised that Items 6.2 to 6.4 on the Regular Meeting Agenda will not be considered tonight and will be deferred to the December 3, 2013 Regular Meeting.

Deputy Mayor DeHart advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on November 5, 2013 and by being placed in the Kelowna Capital News issues of November 8, 2013 and November 12, 2013, and by sending out or otherwise delivering 1,856 letters to the owners and occupiers of surrounding properties between November 5, 2013 and November 8, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10893 (Z13-0034) - 464 Cadder Avenue, Painchaud Family Holdings Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

The City Clerk advised that no correspondence and/or petitions had been received.

Deputy Mayor DeHart invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Shari Fieldhouse, Applicant's Representative

- Excited about moving to a larger home in the same area.
- Advised that the home is an open-concept design with the bedrooms upstairs. There will be a rec room over the garage.

There were no further comments.

3.2. Bylaw No. 10894 (Z13-0033) - 868 Liban Ct, Laryn & Judith Penner

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to questions from Council.
- Advised that if the single-family home has a basement suite, it would have to be decommissioned prior to the issuance of the Occupancy Permit for the carriage house.
- Advised that there should be 2 stalls on site for the original single-family dwelling with an additional stall for the carriage house.

The City Clerk advised that the following correspondence and/or petitions had been received:

- Letters of Concern:
 - J. Pells, 895 Kennedy Street (2)
 - K. Dodds, Glenmore Valley Community Association
- Letters of Opposition:
 - B. Drinkwater, 910 Pitcairn Court
 - B. Taylor, 881 Tronson Court
 - K. Cameron, 872 Liban Court
 - K & J Kofer, 865 Kennedy Street
 - B & S Tassie, 862 Liban Court
 - M & J McKinney, 878 Liban Court
- Petition of Opposition:
 - A Petition of Opposition signed by 30 owners/occupiers of the surrounding properties as submitted by J. Pells of 895 Kennedy Street

Deputy Mayor DeHart invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Lynn Welder Lalonde, Applicant's Representative

- Provided the history of the application.

- The property owners purchased the property in May of 2013.
- The property owners chose the neighbourhood because they live in the Dilworth area and wanted to purchase in a neighbourhood close to them so that they could keep an eye on the rental property.
- Was advised by City staff that the site would meet the requirements for a carriage house.
- Believes that the carriage house proposal is sensitive to the area as it will only be one-storey.
- Advised that the basement suite has never been rented out by the current owners.
- The property owners are making every effort to be sensitive to the neighbourhood.
- Responded to questions from Council.
- Tried to keep/create as much green space as necessary on the site.
- Confirmed that there are currently renters in the property, but not in the basement suite.
- Confirmed that the property owners are aware that the basement suite will have to be decommissioned.
- Advised that if the carriage house was not approved, then the homeowners would be willing to apply for a secondary suite.

Gallery:

Robert Johnson, 1847 Mountain Avenue

- Submitted his speaking notes.
- Opposed to the rezoning.
- Believes this is not sensitive to the neighbourhood.
- Would prefer that the neighbourhood remain as single-family homes

Julianne Pells, 895 Kennedy Street

- Has lived on Kennedy Street for 18 years.
- Advised that she is speaking on behalf of a number of residents in the area.
- Opposed to the rezoning.
- Would prefer to limit carriage houses to the corner lots on Liban Court and Kennedy Street.
- Would rather have the Applicants legalize the existing suite in the current house.
- Believes that rezoning this particular lot is not sensitive densification.
- Responded to questions from Council.
- Expressed a concern with on-site parking if the carriage house is approved.
- Expressed a concern that the lot is mid-block and that a carriage house could create privacy issues for the adjoining property owners.

Richard Wensink, 1664 Blondeaux Crescent, on behalf of Glenmore Valley Community Association

- Expressed a concern that the property owner, or their agent, did not contact the Community Association for input.

Grant Turik, 854 Liban Court

- Opposed to the rezoning.
- Believes that the lane is used by parents taking their kids to school and expressed a concern with use of the lane and the off-street parking.
- Expressed a concern with the traffic in the area as a result of the school and believes that more density will make the traffic issues worse.
- Expressed a concern with the proposed density and what it will do the neighbourhood in the future.
- Advised that his biggest concerns are the parking and density.
- Believes that the lane only provides one-way in and one-way out.
- Responded to questions from Council.

Councillor Hobson left the meeting at 6:49 p.m.

Kim Dodds, 862 Liban Court

- Lives right beside the subject property.
- Expressed a concern that the carriage house will take away from the green space and landscaping currently on the site.
- Doesn't mind the densification and doesn't have a problem with legal suites.
- Expressed a concern with the height of the carriage house.

Staff:

- Clarified the maximum height allowed for a carriage house.
- Clarified the height proposed for the carriage house.
- Confirmed that the height of the carriage house will be dealt with during the Development Permit process.

Kim Dodds, 862 Liban Court

- Opposed to the rezoning as it is mid-block.

Richard Wensink, 1664 Blondeaux Crescent, on behalf of Glenmore Valley Community Association

- Requested that the applicants, or their agent, advise why they didn't contact the Community Association.

Lynn Welder Lalonde, Applicants' Representative

- Advised that she did not know that she should have contacted the Glenmore Valley Community Association.

Staff:

- Advised that contacting any of the Community Associations is not a requirement of the development application process or the Development Application Procedures Bylaw, however it is encouraged.

Lynn Welder Lalonde, Applicants' Representative

- Advised that the property owners would prefer a carriage house over a basement suite as they are targeting long-term tenants.
- Responded to the concerns of the interveners.
- Clarified the green space being proposed for the site.
- Responded to questions from Council.
- Advised that she personally knocked on the neighbourhood residents' doors.

There were no further comments.

3.3. Bylaw No. 10887 (OCP13-0015) - Housekeeping Amendments

Staff:

- Summarized the housekeeping amendments.

The City Clerk advised that no correspondence and/or petitions had been received.

Deputy Mayor DeHart invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

3.4. Bylaw No. 10888 (OCP13-0016) - Miscellaneous Amendments

Staff:

- Summarized the miscellaneous amendments.

The City Clerk advised that no correspondence and/or petitions had been received.

Deputy Mayor DeHart invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

4. Termination

The Hearing was declared terminated at 7:16 p.m.

Deputy Mayor DeHart

/slh



City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, November 19, 2013
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Deputy Mayor DeHart and Councillors Colin Basran, Andre Blanleil, Gail Given, Mohini Singh and Gerry Zimmermann

Council Members Absent: Mayor Walter Gray and Councillors Robert Hobson and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Long Range Planning, Gary Stephen*; Planner Specialist, Graham March*; and Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Deputy Mayor DeHart called the meeting to order at 7:28 p.m.

2. Prayer

A Prayer was offered by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Basran/Seconded By Councillor Singh

R729/13/11/19 THAT the Minutes of the Public Hearing and Regular Meeting of November 5, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10893 (Z13-0034) - 464 Cadder Avenue, Painchaud Family Holdings Inc.

Moved By Councillor Given/Seconded By Councillor Zimmermann

R730/13/11/19 THAT Bylaw No. 10893 be read a second and third time and be adopted.

Carried

- 4.2. Bylaw No. 10894 (Z13-0033) - 868 Liban Court, Laryn & Judith Penner

Moved By Councillor Basran/Seconded By Councillor Singh

R731/13/11/19 THAT Bylaw No. 10894 be read a second and third time.

Carried

Councillors Singh and Zimmermann - Opposed.

- 4.3. Bylaw No. 10887 - OCP13-0015 Housekeeping Amendments

Moved By Councillor Basran/Seconded By Councillor Singh

R732/13/11/19 THAT Bylaw No. 10887 be read a second and third time and be adopted.

Carried

- 4.4. Bylaw No. 10888 - OCP13-0016 Miscellaneous Amendments

Moved By Councillor Blanleil/Seconded By Councillor Basran

R733/13/11/19 THAT Bylaw No. 10888 be read a second and third time and be adopted.

Carried

6. Development Permit and Development Variance Permit Reports

- 6.1. Development Variance Permit Application No. DVP13-0126 - 554 Leon Ave & 1660 Water St, 0871089 BC Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to questions from Council.

The City Clerk advised that no correspondence and/or petitions had been received.

Deputy Mayor DeHart Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council.

Bob Guy, Development Manager, Troika Management, Applicant's Representative

- Clarified the actual number of off-site parking stalls being provided.
- Displayed a site map of the office building site and the parking site.
- Advised that the Water Street property will conform to the off-site parking requirements.

- A parking covenant can be registered on the Water Street site and will provide long-term tenancy as the Applicant has an interest in the Water Street site.
- Responded to questions from Council.
- Confirmed that the parking will be for the day-time tenants and their employees.
- Displayed a photo of the parking site and confirmed that the entire site is currently fenced.
- Advised that the parking covenant is in perpetuity; however if the property is developed or sold, another site will have to be sought or cash-in-lieu provided.
- Provided the rationale for the change in the off-site parking site from 532 Lawrence Avenue to 1660 Water Street.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Given

R734/13/11/19 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0126 for Lot A, District Lot 139, ODYD, Plan 34415, located at 554 Leon Ave and Lot A, D.L. 139, ODYD, Plan 22722, located at 1660 Water Street, Kelowna, B.C., subject to the following:

1. Landscaping to be provided on the offsite parking lot be in general accordance with Schedule "C";
2. Offsite parking covenant to be registered on the title of both legal parcels prior to issuance of the Development Variance Permit.

AND THAT the applicant be required to complete the above-noted condition No. 1 within 180 days of Council approval of the Development Permit application in order for the permit to be issued;

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

Section 8.1.10 (a)

To permit remote offsite parking at a distance in excess of 200m (approximately 400m) from the development site where the maximum distance for remote parking is 200m.

Carried

- 6.2. Bylaw No. 10815 (Z13-0001) - 674 Old Meadows Road, Mission Group Old Meadows G.P. Ltd.

Consideration of this Bylaw was deferred to the December 3, 2013 Regular Meeting.

- 6.2.1. Development Permit Application No. DP13-0039 & Development Variance Permit Application No. DVP13-0040 - 674 Old Meadows, Brighton-Mission Group Homes Ltd.

- 6.3. Development Variance Permit Application No. DVP13-0154 - 23-180 Sheerwater Ct, 0973789 BC Ltd.

- 6.4. Development Variance Permit Application No. DVP13-0113 - 700 Hwy 33 S, Hillcrest Farm Market Inc.

Moved By Councillor Given/Seconded By Councillor Zimmermann

R735/13/11/19 THAT Council defers consideration of Development Permit Application No. DP13-0039 and Development Variance Permit Application No. DVP13-0040 for 674 Old Meadows Road to the December 3, 2013 Regular Meeting at 6:00 pm in the Council Chamber;

AND THAT Council defers consideration of Development Variance Permit Application No. DVP13-0113 for 23-180 Sheerwater Court to the December 3, 2013 Regular Meeting at 6:00 pm in the Council Chamber;

AND FURTHER THAT Council defers consideration of Development Variance Permit Application No. DVP13-0154 for 700 Hwy 33 S to the December 3, 2013 Regular Meeting at 6:00 pm in the Council Chamber.

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 8:02 p.m.

Deputy Mayor DeHart

/slh



City Clerk

CITY OF KELOWNA

BYLAW NO. 10895

Z13-0020 - Trustees of the Congregation of St. Paul's United Church 3131 Lakeshore Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lot 14 & 135, ODYD, Plan 34984 Except Plans 35454 and KAP67299 located on 3131 Lakeshore Road, Kelowna, B.C., from the P2 - Educational & Minor Institutional zone to the C4 - Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18th day of November, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 10896
TA13-0008 - Thrift Store Text Amendments to Zoning Bylaw
No. 8000

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Section 14 - Commercial Zones - 14.4 - C4 - Urban Centre Commercial/C4rls - Urban Centre Commercial (Retail Liquor Sales)/C4lp - Urban Centre Commercial (Liquor Primary)/C4lp/rls - Urban Centre Commercial (Liquor Primary/Retail Liquor Sales), 14.4.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent sub-paragraphs;
2. AND THAT Section 14 - Commercial Zones - 14.7 - C7 - Central Business Commercial/C7rls - Central Business Commercial (Retail Liquor Sales)/C7lp - Central Business Commercial (Liquor Primary)/C7lp/rls - Central Business Commercial (Liquor Primary/Retail Liquor Sales), 14.7.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent sub-paragraphs;
3. AND THAT Section 14 - Commercial Zones - 14.10 - C10 - Service Commercial/C10lp - Service Commercial (Liquor Primary)/C10lp/rls - Service Commercial (Liquor Primary/Retail Liquor Sales), 14.10.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent sub-paragraphs;
4. AND THAT Section 15 - Industrial Zones - 15.1 - I1 - Business Industrial, 15.1.2 Principal Uses be amended by adding "thrift stores" in its appropriate location and renumbering subsequent sub-paragraphs;
5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18th day of November, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 5, 2013

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning and Real Estate (RS)

Application: DVP13-0100 **Owner:** Riaz Virani & Nargis Virani

Address: 802 Lawson Avenue **Applicant:** Riaz Virani

Subject: 2013-12-03 Report - DVP13-0100 802 Lawson Ave

Existing OCP Designation: Single/Two Family Residential

Existing Zone: RU6- Two Dwelling Housing Zone

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP13-0100, for Lot 1, District Lot 138, ODYD, Plan 1332 located on 802 Lawson Avenue, Kelowna, BC.

AND THAT the applicant be required to engage in a permitting/inspections process with the City's Building and Permitting Branch to convert the building located at the rear of the subject property into a garage.

2.0 Purpose

Staff recommends that Council not support the following variances to Zoning Bylaw No.8000: Vary the siting of a carriage house to allow it to be located in front of the principal dwelling; vary the rear yard setback for the principal dwelling from 6m permitted to 1.52m proposed; vary the eastern side yard setback from 2.3m permitted to 1.17m proposed.

3.0 Urban Planning Department

Staff from the Bylaw Services Department, Permits and Inspections Department, Urban Planning Department and Real Estate Department has expended considerable resources in order to advance the file to this point. Staff recognizes that there are many Official Community Plans that support increasing urban densities. While staff may have been willing to consider the series of variances proposed in a more positive light had the applicant done proper due diligence, and made application prior to continuing and attempting to complete the project, support for these variances after the fact would send the wrong message to the community and to other applicants. This reason, combined with the applicants' history of failure to respond to the City's bylaw enforcement efforts, mean that staff are unable to support the requested variances.

If the variances are not approved, staff is recommending that the applicant be directed to work with the City's Building and Permitting Branch to convert the structure back into a garage.

4.0 Proposal

4.1 Background

Since 2003, the City's Building and Permitting Branch have been attempting to resolve issues of non-compliance with regard to the use of a building constructed on the subject property. The applicant purchased the property in 2006 and continued to renovate the interior the building, which was originally permitted as a garage, but was instead constructed as a second dwelling. Unfortunately, the proper municipal permits/approvals were never obtained for the renovation work. City of Kelowna Bylaw Services has been actively attempting to obtain compliance since 2011 (brief summary of actions listed below) and the applicant has been issued an escalating series of fines. The matter is scheduled to go before the courts on December 12 of this year. A decision on this application is required before that date.

4.2 Project Description

There are currently two buildings located on the subject property. The building located on the south side (front) of the property is legal and properly permitted. The structure at the rear of the property was originally permitted as a garage but was subsequently built as a single family dwelling without the required permitting.

The applicant is seeking relaxations to a number of setbacks, building placement and building size requirements in order to bring the existing situation into compliance with the City's Zoning Bylaw No.8000. As noted above, the structure in question already exists on the site and the use has not been properly permitted. Due to the size of the illegal accessory structure, staff are considering it as the "primary" structure on the site for the purposes of this report and the associated variance requests. The existing legal dwelling on the site is considered as the "carriage house". The illegal structure contains 133m² of floor area on two levels with a total of 2 bedrooms. The existing legal dwelling (to be considered the carriage house) is a single storey structure with three bedrooms measuring 97m² in floor area. As proposed, this exceeds the maximum size of a carriage house, which is 90m². Alterations to this building would be required should Council choose to support the alternate recommendation.

As required by Council Policy 367 - "Public Notification and Consultation" the applicant contacted neighbours within a 50m radius. A total of 22 neighbours signed a form supporting the proposed variances associated with this application.

4.3 Site Context

The subject property is located on the north side of Lawson Avenue within two blocks of Kelowna's Downtown urban centre. Urban amenities including transit, shopping and recreational opportunities are easily accessible. The surrounding properties are zoned RU6-Two Dwelling Housing. Sites in the immediate vicinity have developed infill units.

4.4 Subject Property Map: 802 Lawson Avenue:



4.5 Zoning Analysis Table

The proposed application meets the requirements of RU6 - Two Dwelling Housing zone as follows:

| Zoning Analysis Table | | |
|---|---------------------------------------|--|
| CRITERIA | PROPOSAL | RU6 ZONE REQUIREMENTS |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 694m ² | 400 m ² |
| Lot Width | 15.24 m | 13 m |
| Lot Depth | 45.57 m | 30 m |
| Development Regulations | | |
| Site Coverage (buildings) | 25.2% | 40% |
| Site Coverage (buildings/parking) | 31.4% | 50% |
| Single Family Dwelling (rear building on the site) | | |
| Height | 1.5 storeys / 4.5m | 2 ½ storeys / 9.5 m |
| Front Yard | 17.39m | 6.0 m |
| Side Yard (w) | 3.85m | 2.0 m (1 - 1½ storey) or 4.5m for a flanking street |
| Side Yard (e) | 1.17m (1) | 2.0 m (1 - 1½ storey) |
| Rear Yard | 1.52m (2) | 6.0m |
| Carriage House (existing dwelling at the front of the site) | | |
| Height | 1 storeys / 3.8m | 1 ½ storeys / 4.5 m |
| Front Yard | 3.31m (existing legal non-conforming) | 4.5 m |
| Side Yard (w) | 1.67m (existing legal non-conforming) | 2.0 m (1 - 1½ storey) or 4.5m for a flanking street |
| Side Yard (e) | 4.96m | 2.0 m (1 - 1½ storey) |
| Rear Yard | 17.39m | 1.5 m |

| | | |
|--|---|---|
| Lot coverage of accessory building | 13.9% | May not exceed 14% or 90m ² |
| Location of accessory building | Between principal dwelling and front yard set back (3) | Not between principal dwelling and front yard setback |
| Other Requirements | | |
| Floor Area | Principal dwelling: 136m ² Carriage House: 97m ² (4*) 71% | May not exceed the lesser of 90 m ² or 75% |
| Parking Stalls (#) | 3 spaces | 3 spaces |
| Private Open Space | Meets Requirements | 30 m ² per dwelling |
| <p>(1) Vary the eastern side yard setback from 2.0m required to 1.17m proposed.</p> <p>(2) Vary the rear yard setback for the principal dwelling from 6m required to 1.52m proposed</p> <p>(3) A variance to allow the Carriage house to be located between the front yard and the principal dwelling.</p> <p>(4*) A variance the maximum size for a carriage house from 90m² permitted to 97.08m² is not possible under local government legislation. The applicant will be required to remove 7m² of the carriage house area or modify it for storage use by the principal dwelling. Either scenario will require the proper permitting from the City's Building and Permitting Branch.</p> | | |

5.0 Current Development Policies

5.1 Official Community Plan

Development Process

Policy 5.2.3 Complete Suburbs.¹ Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

Policy 5.3.2 Compact Urban Form.² Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Policy 5.22.6 Sensitive Infill³ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

Policy 5.22.7 Healthy Communities⁴ Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

¹ Official Community Plan Objective 5.2 Community Sustainability

² Official Community Plan Objective 5.3 Focus development to designated growth areas.

³ Official Community Plan Objective 5.22 Residential Land Use Policies.

⁴ Official Community Plan Objective 5.22 Residential Land Use Policies.

6.0 Technical Comments

6.1 Building & Permitting Department

1) This is a file that we have been attempting to achieve compliance with since March 2003. Please attach letter to owner and bylaws dated April 13, 2013 defining the enforcement history.

2) The dwelling may have multiple building code violations and will require extensive review to determine compliance requirements if the land use can be allowed. All the work was done without inspection from the time footing inspection on.

3) Please attach the bylaw file history.

4) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

5) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).

6) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

Development Engineering comments note that the following variances are sought and that they do not compromise any municipal services:

- the primary and secondary dwelling
- the side yard setback from 2m to 1.17m
- the rear yard setback from 6m to 1.52m
- the siting of the carriage house.

6.3 Bylaw Services

Feb 21, 2011 Complaint forwarded to Bylaws from Building & Permitting for assistance relating to an incomplete building permit for a garage. Attendance found two power meters located on the building, 802A and 802B, the possibility of two suites.

Feb 23, 2011 Attended by Officer Rogers, two buildings located on the property, a main house and a carriage house. Officer confirmed the two power meters on the carriage house. Letter sent to property owner with two violations issued, KN0000602, Building Bylaw 7245, Section 2.2.1(i), Occupy without an occupancy permit and KN0000603, Zoning Bylaw 8000, Section 4.3.7(g), Permit use contrary to zone.

May 22, 2011 No building permit or decommissioning permit issued, contacted property owner, given two weeks to contact city staff for required permits.

Nov 3, 2011 No response from property owner

Nov 22, 2011 KN0004772 issued, Zoning Bylaw 8000, Sec 4.3.7(i), Permit occupancy prior to approval.

Dec 13, 2011 Officer contacted property owner strongly suggesting owner contact city to

resolve issues or further tickets would be forthcoming.

Dec 15, 2011 Property owner, Virani, contacts city to begin process to legalize. Building requests file BF (brought forward) in 90-days.

Jan 24, 2012 Voice message from property owner, in process of purchasing a portion of city property to bring him into compliance with the bylaw.

Mar 19, 2012 Email from Paul McVey, advised property owner that to keep the suite, he would have to make application for a Development Variance Permit to address the nonconforming issues.

Mar 29, 2012 Officer issued, KN0000153, Zoning Bylaw 4.3.7(g), Permit use contrary to zone and KN0000163, Building Bylaw 7245, Occupy without an Occupancy permit.

May 15, 2012 Terry Kowal and John Bennie met property owner on site, provided requirements

June 17, 2012 Officer issued, KN0000154, Zoning Bylaw 4.3.7(g), Permit use contrary to zone.

Oct 14, 2012 Officer issued, KN0012208, Zoning Bylaw 4.3.7(h), Permit occupancy of second dwelling unit.

Nov 23, 2012 Officer file notes indicate only two units, **no additional suite**.

Feb 3, 2013 No compliance to land use issues.

Feb 9, 2013 Officer issues, KN0012221, Zoning Bylaw 8000, Section 4.3.7(h), Permit occupancy second dwelling unit.

Feb 20, 2013 Letter composed by Terry Kohl and Birte Decloux providing options to the property owner

May 11, 2013 Long Form Information to be initiated.

May 19, 2013 New laws Jan 2013 require certain width for lanes, sale of land no longer an option.

Sep 9, 2013 Long Form Information draft completed, summons date for December 12, 2013.

6.4 Fire Department

Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met. If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open with out special knowledge. Additional visible address is required from Lawson Ave. Emergency access is from the main roadway and not the lane.

6.5 FortisBC Gas

Please be advised FortisBC gas division has reviewed the above mentioned referral and has no objections.

7.0 Application Chronology

Date of Application Received: July 4, 2013

Neighbourhood consultation documentation received: October 24, 2013

8.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0100, for Lot 1, District Lot 138, ODYD, Plan 1332 located on 802 Lawson Avenue, Kelowna, BC;

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

Specific Regulations:

Section 9.5b.1(c) Carriage House Regulations - location:

To allow the carriage house to be located in front of the principal dwelling (as per Schedule 'A').

Development Regulations:

Section 13.6.6 (d) & (e) Development Regulations - setbacks:

To vary the required rear yard from 6.0m to 1.52m proposed.

To vary the east side yard setback from 2.3m required to 1.17m proposed (as per Schedule 'A').

AND FURTHER THAT a building permit for the converted garage be applied for prior to issuance of the Development Variance Permit.

AND FURTHER THAT a building permit for the modification to the new carriage house be applied for prior to issuance of the Development Variance Permit.

Report prepared by:

Ryan Smith, Urban Planning Manager

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

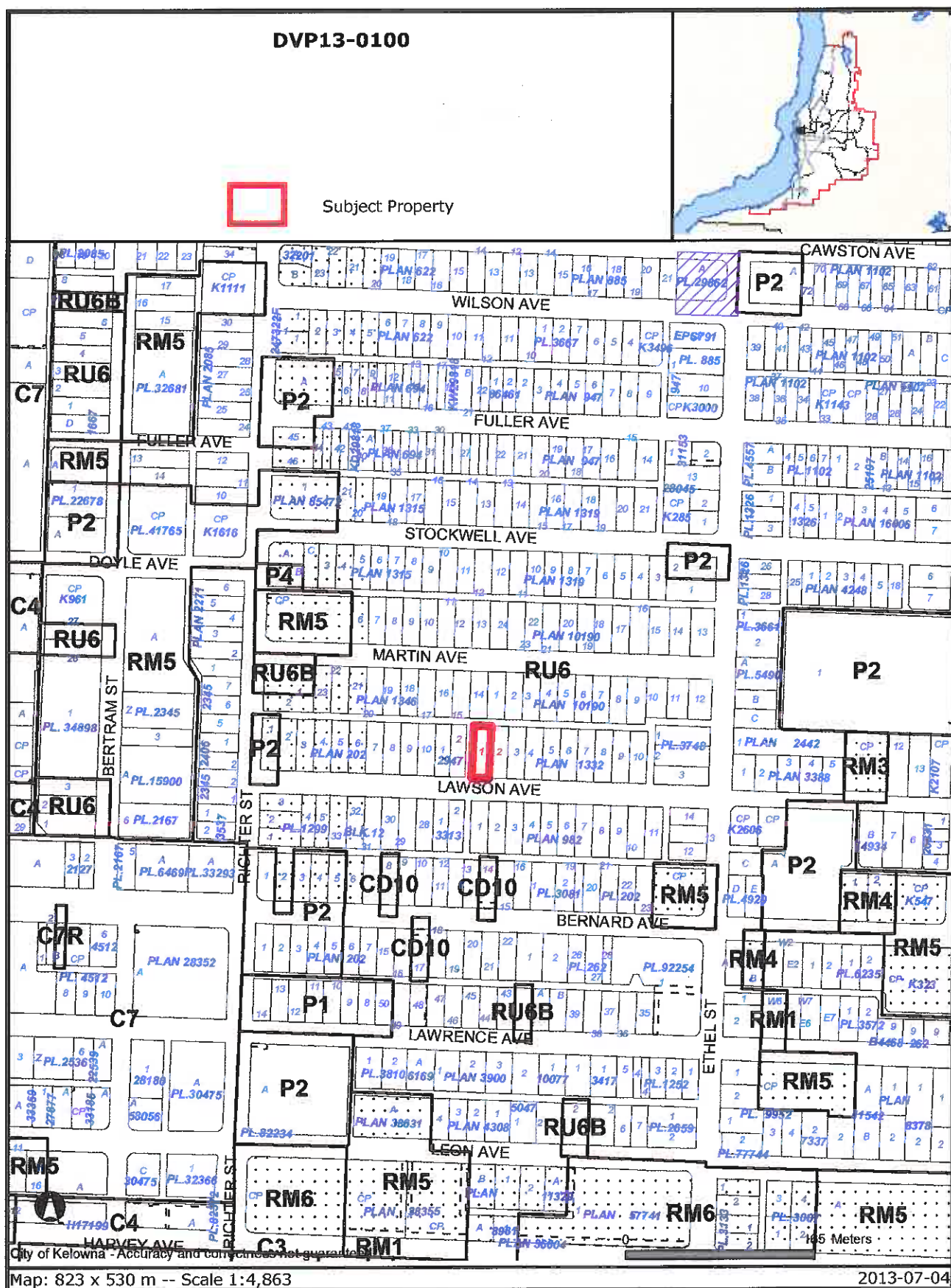
Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning
and Real Estate

Attachments:

Site Plan
Conceptual Elevations
Landscape Plan
Context/Site Photos

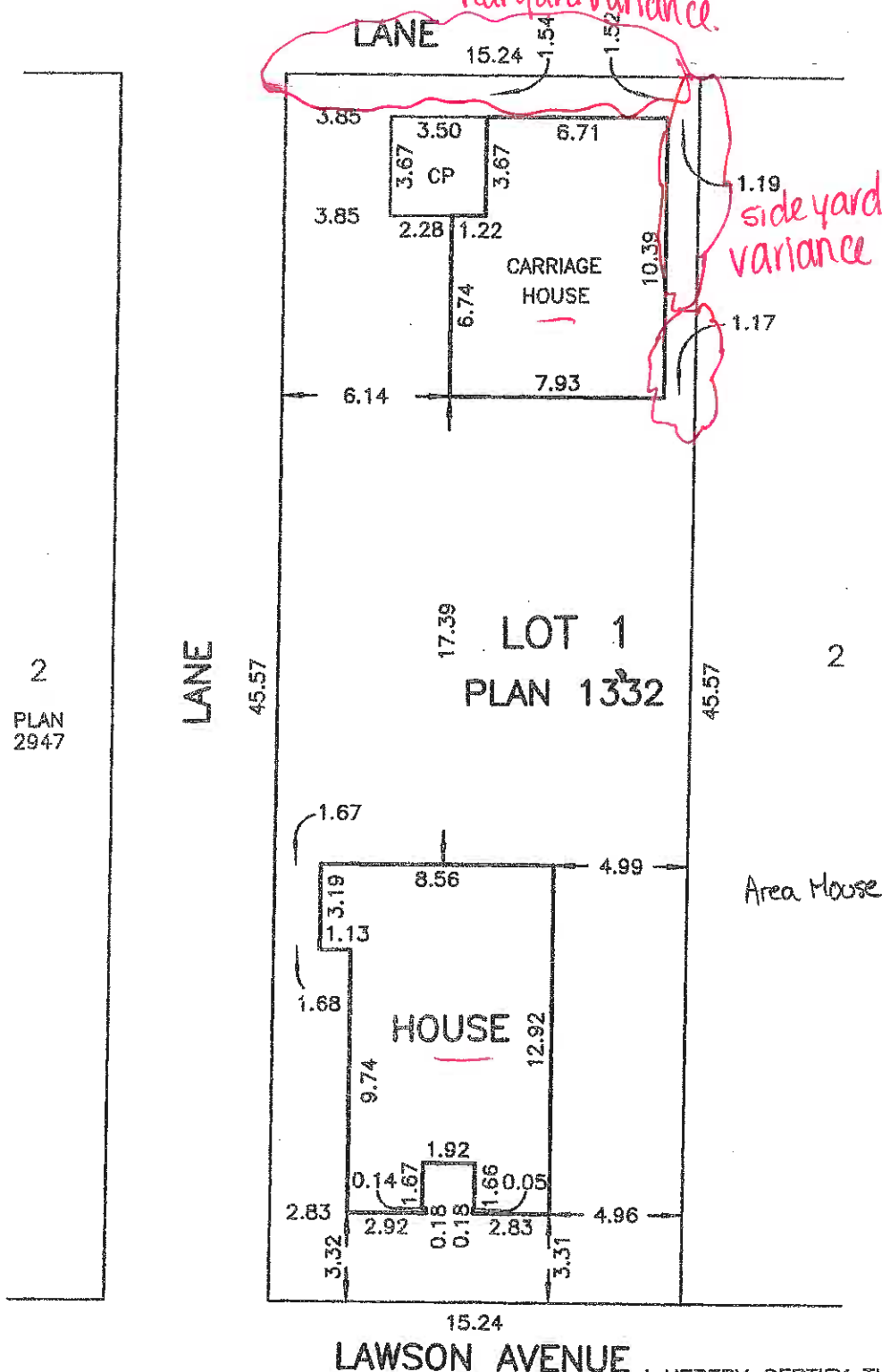


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

BC LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT 1, DISTRICT LOT 138, ODYD, PLAN 1332

PID: 011-641-975

802 LAWSON AVENUE



LAWSON AVENUE

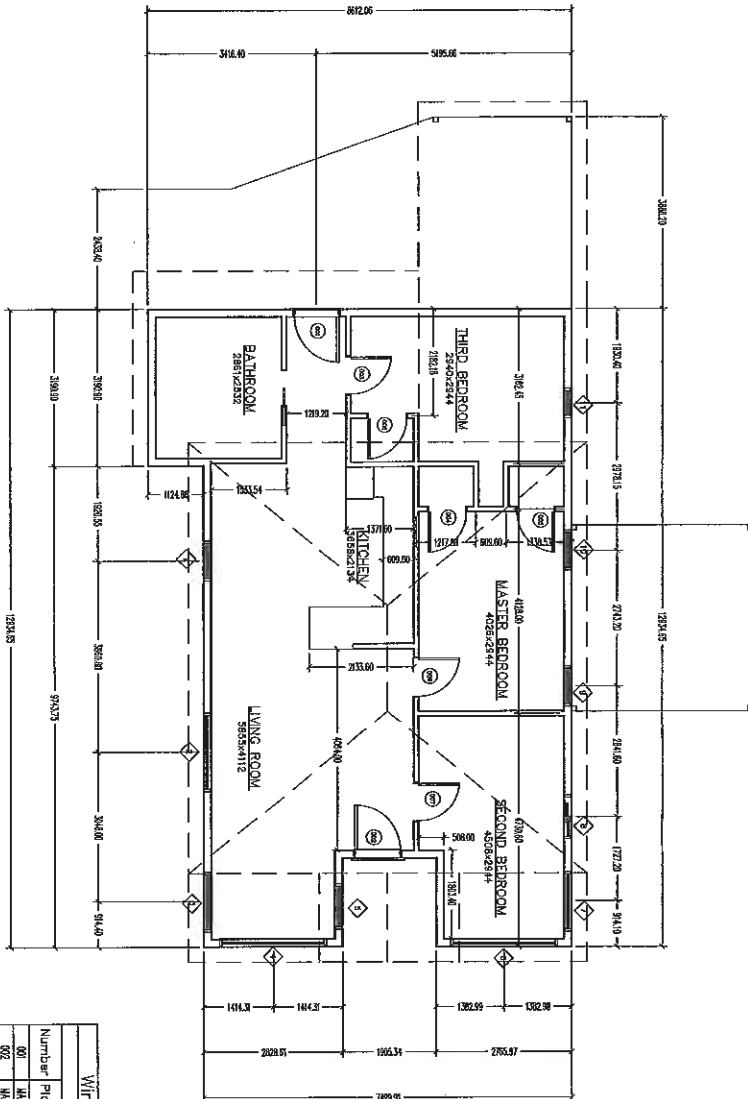
THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY
AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: RIAZ VIRANI DATE: JUNE 22, 2011
SCALE: 1:250 METRES FILE: 19065 DRAWN BY: Pvg

Ferguson Land Surveying & Geomatics Ltd.
BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC
PHONE: (250) 763-3115 FAX: (250) 763-0321
© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.

I HEREBY CERTIFY THAT THE ABOVE
SKETCH SHOWS THE REGISTERED
DIMENSIONS OF THE ABOVE DESCRIBED
PROPERTY AND RELATIVE LOCATION OF
THE BUILDINGS THEREON.

Colin Ferguson
COLIN FERGUSON, BCLS
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY
SIGNED AND SEALED

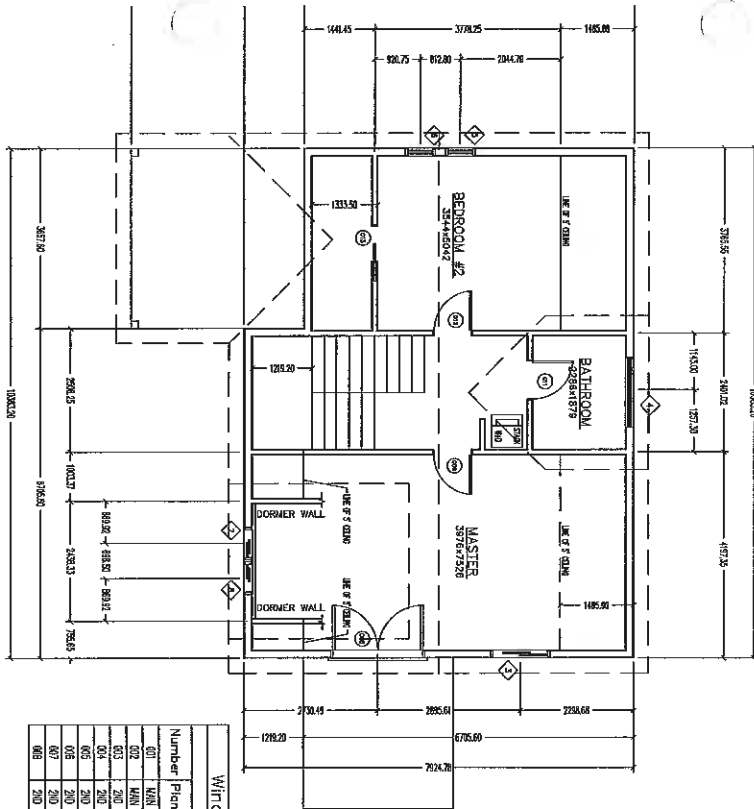


MAIN FLOOR 97.084 SQ. METERS LIVING SPACE

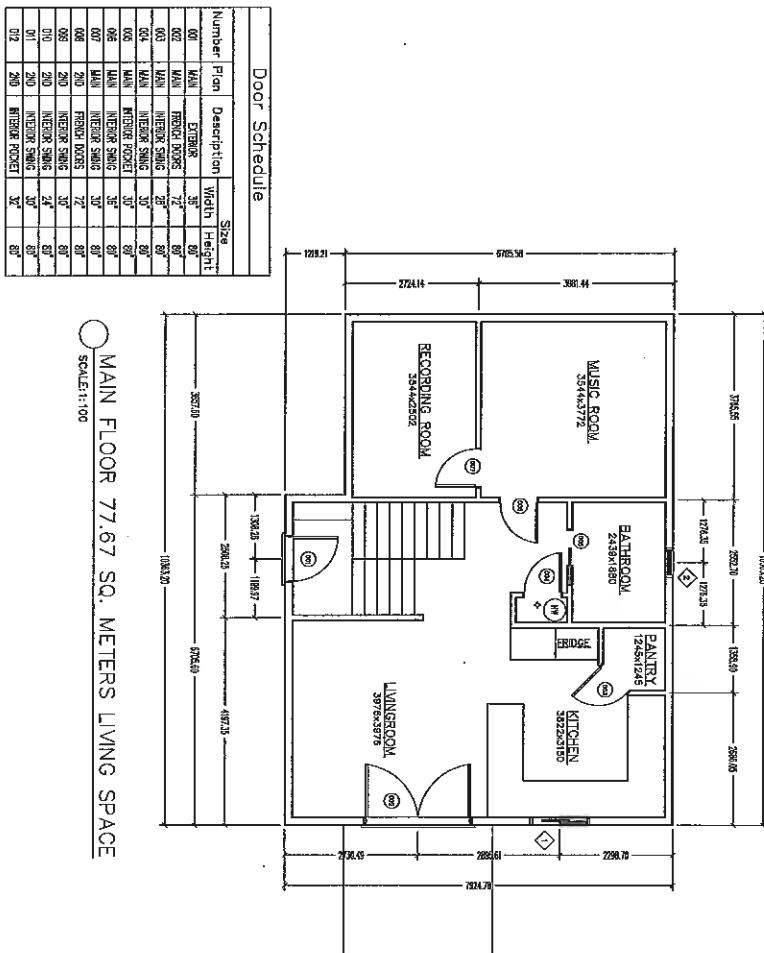
SCALE 1:100

| Window Schedule | | | |
|-----------------|------|-------------|---------|
| Number | Plan | Description | Size |
| 001 | WALL | VERT. SLUR | 32' 60" |
| 002 | WALL | VERT. SLUR | 32' 60" |
| 003 | WALL | VERT. SLUR | 32' 60" |
| 004 | WALL | VERT. SLUR | 32' 60" |
| 005 | WALL | VERT. SLUR | 32' 60" |
| 006 | WALL | VERT. SLUR | 32' 60" |
| 007 | WALL | VERT. SLUR | 32' 60" |
| 008 | WALL | VERT. SLUR | 32' 60" |
| 009 | WALL | VERT. SLUR | 32' 60" |
| 010 | WALL | VERT. SLUR | 32' 60" |
| 011 | WALL | VERT. SLUR | 32' 60" |

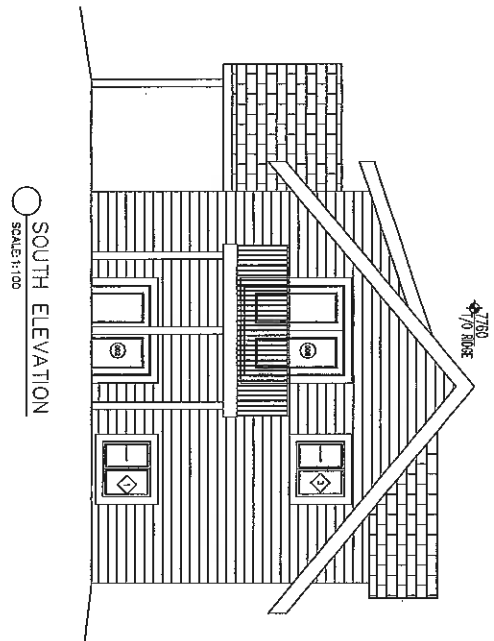
| Door Schedule | | | |
|---------------|------|-------------|---------|
| Number | Plan | Description | Size |
| 001 | WALL | DOOR | 32' 60" |
| 002 | WALL | DOOR | 32' 60" |
| 003 | WALL | DOOR | 32' 60" |
| 004 | WALL | DOOR | 32' 60" |
| 005 | WALL | DOOR | 32' 60" |
| 006 | WALL | DOOR | 32' 60" |
| 007 | WALL | DOOR | 32' 60" |
| 008 | WALL | DOOR | 32' 60" |
| 009 | WALL | DOOR | 32' 60" |
| 010 | WALL | DOOR | 32' 60" |
| 011 | WALL | DOOR | 32' 60" |



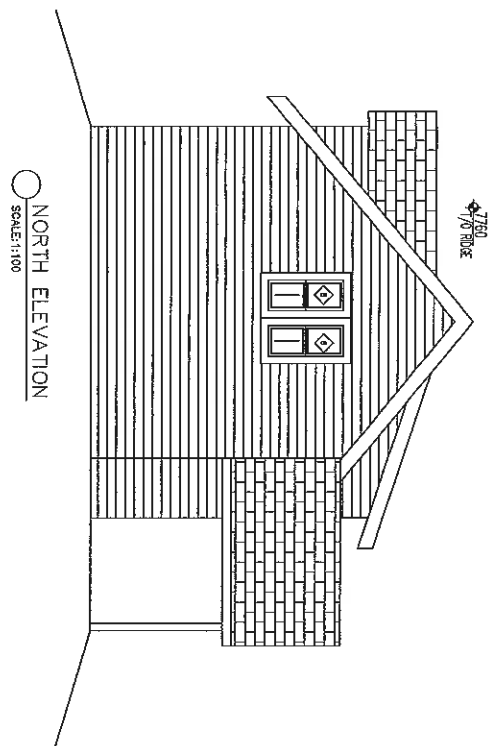
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SCALE 1:100



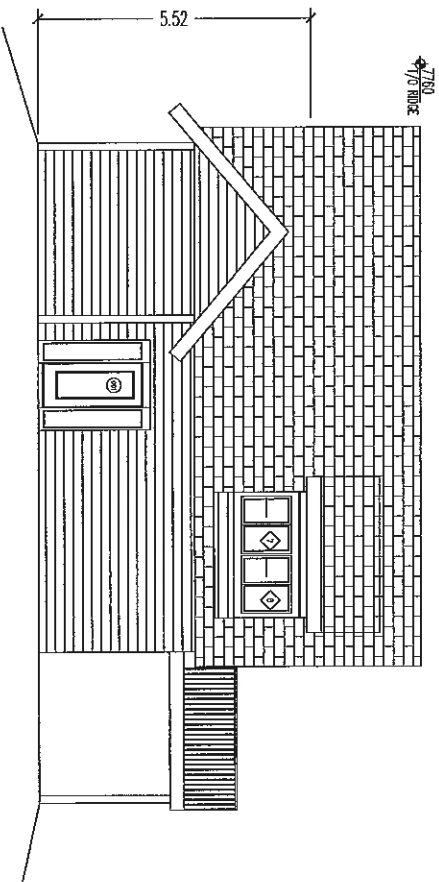
MAIN FLOOR 77,67 SQ. METERS LIVING SPACE
SCALE 1:100



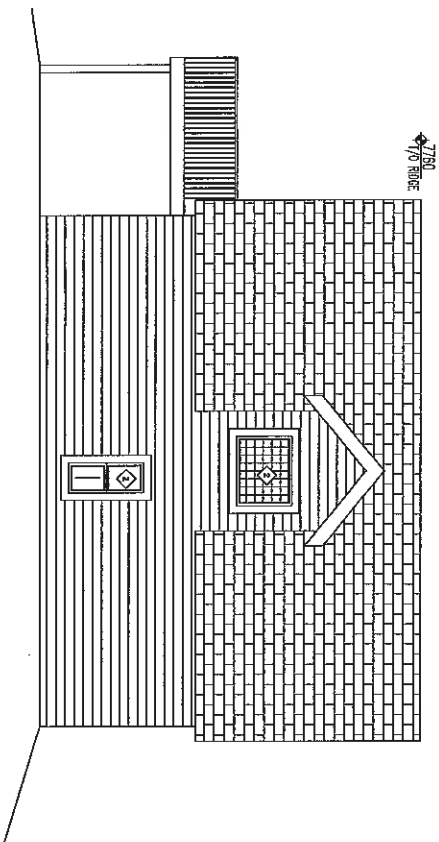
SOUTH ELEVATION
SCALE: 1/100



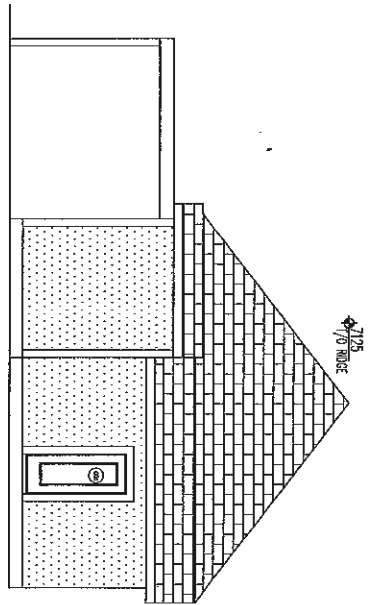
NORTH ELEVATION
SCALE: 1/100



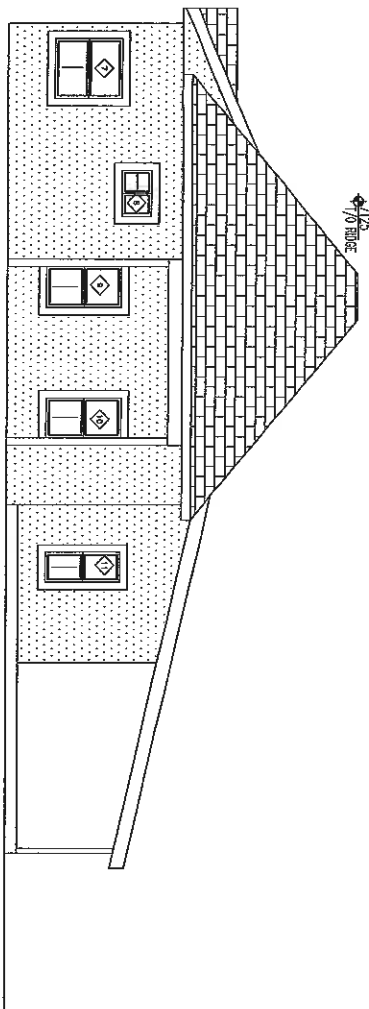
EAST ELEVATION
SCALE: 1/100



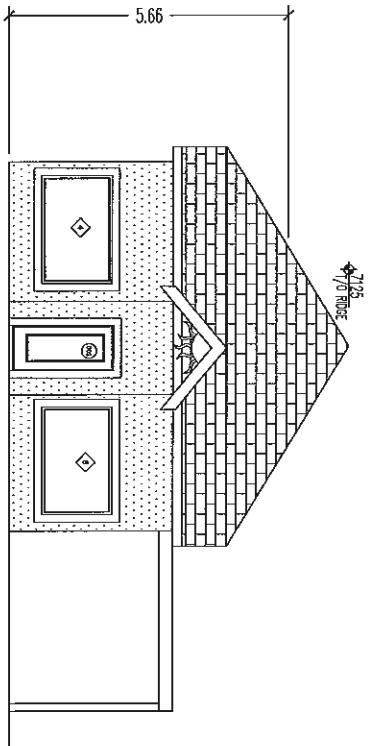
WEST ELEVATION
SCALE: 1/100



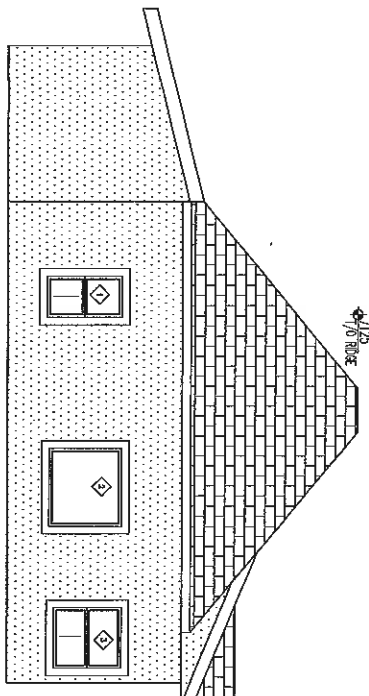
○ NORTH ELEVATION
SCALE: 1:100



○ WEST ELEVATION
SCALE: 1:100



○ SOUTH ELEVATION
SCALE: 1:100



○ EAST ELEVATION
SCALE: 1:100

June 26, 2013

Riaz Virani
802 Lawson Avenue
Kelowna BC, Canada
V1Y 6S8
(250) 718-0668
Riaz@Riaz.ca
www.Riaz.ca

Letter of Rationale

**Re: Property located at 802 Lawson Avenue, Kelowna BC, Canada V1Y 6S8
Lot 1, Plan 1332 PID: 011-641-975**

To whom it may concern:

I am enclosing this Letter of Rationale in support of my application Development Variance Application & Permit for the property listed above.

In November of 2006 I purchased the property with the legal description listed above. When I purchased the property there existed the primary house or dwelling which has been on the property for several years (1940's-1960's approximately) and there also existed a secondary structure on the premises. I have enclosed images of both the primary house and the secondary house as part of my application package.

I purchased the property independently. I did not use a real estate agent. I noticed the property for sale by owner one day driving on Lawson, contacted the owner and began discussions on how to purchase a property. He (Philip Fick) insisted on a private sale (without agents or brokers) and suggested that I could purchase a contract package from any stationary supply store which I managed to find from Staples. I modified the standard agreement and deal was negotiated.

At that time, Philip Fick (the owner previous to myself) had told me that he was planning on building a carriage house on the property. The size and layout of the structure that he already had built conveyed that quite openly. He said he had the necessary development permit and all I had to do was actually finish the inside. I do recall looking through the plans he had for the development and briefly glanced at the paperwork he had in conjunction with developing the secondary dwelling. What I failed to realize and what he failed to convey to me was that the Development Permit that he had obtained from the City of Kelowna was to develop a garage and not a carriage house.

When I purchased the property, I was working for SameSun Travel Hostels. A Kelowna budget/backpacker hostel accommodation provider based at 245 Harvey Avenue, Kelowna BC V1Y 6C2. As my income and time allowed I slowly, over the course of 3 years made renovations to the primary house and began to finish the inside and outside of the existing secondary dwelling.

As part of the process of finishing the secondary dwelling I did apply for and receive both electrical and plumbing permits. Both inspections were conducted and certificates received to that affect. I have also enclosed copies of those inspections. During the 2-3 years (2007 – 2010) year I finished the secondary property I honestly cannot recall one conversation with a City Employee or Inspector. The Plumbing Inspector or the Electrical Inspector never made any mention of a garage permit I do not remember at anytime speaking with anyone with respect to not having the right permit.

In the summer of 2009 (approximately July or August) my employment with SameSun Travel Hostels was terminated. It was terminated for several reasons, one of which was my on going issues with demeanor and attitude, primarily as a result of substance abuse, specifically alcohol. Previous to my termination I have had several sessions with an Addiction and Psychological Counselor and had also had a period of sobriety (9 months) through the Alcoholics Anonymous Programs offered in Kelowna.

My personal life was further compounded at that time as both of my parents had very serious health issues. My father had experienced a serious of large strokes which hospitalized him for several months and then was informed that it would be unsafe for him to return home. My father was then permanently admitted to an extended care facility where he has lived since. With my family and employment issues, my substance abuse continued and my partner at the time (girlfriend) had also decided to leave. I remain single.

In a very short period of time, a matter of few months, my entire life as I had known it was over and I was having a very difficult time dealing with it.

On February 18th, 2011 I received a green card in my mailbox entitled "No Contact Notice" on which was written in pen "This property as an open building permit please call for an inspection". The inspector's name was Dani M.

I contacted the City of Kelowna at that time and they informed me of issue that I was facing with respect to my property and also suggested how to rectify it. I took the information from the person that I had initially met (unfortunately, I cannot remember who it was) and began to read through and figure out what it was that I was required to do. I had to have site survey, create formal drawings for my buildings, produce a landscape plan, develop three off street parking, and I was also informed of the limitations on the square footage of the secondary dwelling.

After this meeting I literally broke down. I was overwhelmed at what I had to produce and I had no means of producing it. At that time, I could not afford the costs involved of purchasing permits and associated variances, surveys, drawings and did not have the psychological or emotional stability to deal with it. I continued to drink and ultimately neglected to follow through on what it was I was to do in order to bring my property into compliance with the City. It was after this meeting and to this day that the City of Kelowna has consistently tried to contact me to get me to address this situation but I simply hid and avoided contact.

A few months after the initial face to face meeting with the City of Kelowna, and my inability to produce any progress in bringing my property into compliance, Kelowna By Law began to ticket me regularly, as a result of my non-compliance. I have since received thousands of dollars in fines which are currently in arrears and with a collection agency.

During this period I essentially became a hermit not having any employment or family readily available, no significant other and only one friend (Nick Salisbury) whom I had known and played

music with for approximately 6 years. I had been a musician/songwriter for several years and with all the time on my hands and the need to deal with my issues, I began to write music and Nick (who was a very talented drummer) and I began to form a music project. I had slowly started finding work here and there performing but the financial compensation amounted to basically nothing. The fines and tickets continued to accumulate.

Finally, as a result of the accumulation of fines and consistent contact attempts from the City of Kelowna, a meeting was arranged Doug Patan. I believe this meeting occurred in the Spring or early summer of 2012. After my first meeting in 2011, I knew I had to have plans for the secondary dwelling I built and began to work on drawing them myself with pencil and paper. I brought these drawings in with me when Doug and I met.

During the meeting (to which Doug asked Birte Decloux and Jordan Hettinga to join) it was determined that I could go ahead and apply and pay for the required development permit and associated variances, but the main issue now was that the square footage of the secondary house I had developed was larger than the 75% or 926 square feet allowable limit for carriage houses. This limitation would not exist if my lot size was over 700 meters squared but my lot size is 694.49 meters squared and furthermore, this requirement could not be 'varied'. More clearly, a variance could not be applied for allowing the extra square footage, nor could a variance be applied for for reducing the lot size limit by 5.51 meters squared.

Birte or Doug then had the suggestion that if there was enough room in the adjacent alley way that I could purchase a strip of land from the City of Kelowna 12.1 cm's in width that ran down the stretch of my property (45.57 meters) which would then provide me the extra 5.51 meters squared to put my property size at the 700 meters squared requirement. Jordan Hettinga was then called into the meeting to help determine whether or not that option was viable. He said it would take some time to determine if the space existed and would be in contact. Approximately 6 to 8 weeks later Jordan contacted me and left a message stating that the room did exist and that it was an option.

That of course was a relief, but the financial requirement grew significantly. Now I also had to purchase surveys for the alley, purchase the land, lawyer and title fees etc. Of course the finances were a concern but at least I knew there was an option for me to get into compliance. And I began working on the requirements one of which was to produce formal drawings.

Then on August of 2012, again my life took a turn for the worse. Nick Salisbury, my best and closest friend of several years and drummer for what I was hoping was going to be my new career and financial source, died at City Park of an apparent drowning. I have still not been able to fully deal with his passing but again, I cowered away from the world and recoiled into my grief and drank.

I received a follow up call from Doug in October of 2012 asking me how I wanted to proceed with getting my property in compliance and I never returned his phone call.

The Kelowna By-Law continued to ticket me and in December of 2012 Chris Rogers, a Senior Kelowna By-Law Officer visited my property. I opened the door and let him in and explained myself to him and showed him the secondary house that I had built. He was very understanding but stressed that this property must come into compliance and I need to find a way to resolve this situation. He further aided me by suggesting he would talk to whom he could to find out how this could be done. Ultimately, he attempted to set up a meeting in the early part of 2013 but schedules would not permit for those concerned at the City of Kelowna and furthermore, I am sure that patience was wearing thin as I simply

had not showed any progress to completing my responsibilities. It was determined that I would be sent one final letter outlining my options and that no other 'chances' would be offered. If I did not act then the matter would be left for the legal system and Courts to determine.

Upon receiving the letter, I spoke with Terry Kohl at the City of Kelowna and he said as far as he is concerned that this was now a matter for the Courts. A few days later, I then spoke with Doug Patan on the phone and explained my entire situation to him and that I know I have had a hard time getting this application and procedure completed but I now fully understand that there is no more time left and if I do not act now the consequences will be much more serious for me.

Doug then informed me of more bad news for me. On January 2013 a new City By-Law was passed and came into affect on Kelowna alleyways that restricted the lane width to no less than 6 meters. I had no idea this was coming. Previous to January 2013 I could have purchased the 12.1 cm's I needed to increase my lot size to 700 meters squared, but now there was only 9.6 cm's available as a result of the new bylaw and therefore that was no longer an option. Needless to say I prodded and begged him to inform me of anyway around this and he said he would setup a meeting with Birte and one final discussion will occur as to what, if anything could be done.

It was in this meeting that Doug had the suggestion to re-designate my current primary property as my carriage house and my existing secondary house or newly constructed carriage house as my primary dwelling. In doing so, I would be in compliance on the square footage restriction. This re-designation would allow me to get my property into compliance very easily.

This is where I stand today. This Letter of Rationale is meant to explain why it is I am applying for this Development Permit and Variance to re-designate the dwellings on my property.

I fully realize that the City of Kelowna and Kelowna By-Law does not have a lot of 'good faith' left for me nor anymore patience in this matter. I do sincerely, fully understand this.

I do not want to avoid my responsibilities. I do want to be a good, upstanding citizen and one that complies and conforms to all laws and by-laws of course. I have simply had the toughest time in my life over the past few years and have chosen the completely wrong way of coping.

My actions have not only damaged my relations with the City of Kelowna, but it has also damaged relationships with my family. I have started to work on rebuilding a relationship with my Mother who has promised to help me through this period as long as I get it done. I have managed to solidify regular work as a musician/songwriter in Kelowna (At O'Flannigan's Pub Mondays/Wednesdays, The Good Earth Cafe on Pandosy, Avenue Classic Bar and a few other local businesses) and can manage to acquire the funds to complete what is required of me. I have managed to find some online resources for CAD drawings and am currently working on proper formal computer drawings as stipulated in the application package and outlined by Birte.

I am very grateful for the patience, compassion, understanding and assistance that Doug Patan, Birte Decloux, Jordan Hettinga and Christopher Rogers have shown and demonstrated in the problems that I and my property are facing.

I ask you to please grant this variance, to allow my current primary dwelling to be designated as my carriage house and to allow my current carriage house to be designated as my primary dwelling so that after satiating all the requirements necessary, I can be fully in compliance with the City of Kelowna and

it's by-laws. I do sincerely apologize for any stress, hardships or any other issues my non-compliance has caused and promise to complete what is required of me.

Thank you for your time and consideration.

Sincerely,
Riaz Virani

A handwritten signature in black ink, appearing to be 'Riaz Virani', with a long horizontal flourish extending to the right.

April 16, 2013
File No.: 0525-01



Registered Letter

Riaz N. Virani
802 Lawson Ave
Kelowna, BC
V1Y 6S8

Nargis Virani
200-1267 Marinaside Cres
Vancouver, BC
V6Z 2X5

Dear Riaz & Nargis Virani;

Re: Outstanding Building Permit # 23963 Requirements and Land Use Contrary to Zoning Bylaw 8000 at 802 Lawson Avenue

City Staff have met with Riaz in excess of 25 occasions to find a solution to the land use and occupation of a building which has not received final occupancy at 802 Lawson Avenue. To date, the owner has not taken any action to rectify the situation.

To summarize, the property is zoned RU6 - Two Dwelling Housing zone, and is 694m² in size. For a property of this size, the permitted residential uses include a single family dwelling, a single family dwelling with a suite, or a single family dwelling with a carriage house (maximum permitted floor area is the lesser of 90m² or 75% of the principal dwelling).

A building permit for a garage was initially issued in 2003; however, a second dwelling was built instead. No footing inspection or occupancy permit was issued, and the premise has occupants living in the building.

City of Kelowna Bylaw Services began enforcement to seek compliance for the garage in February 2011 unsuccessfully. A number of fines were levied against the owner on the following dates of which the majority remains unpaid:

February 23, 2011
November 22, 2011
March 29, 2012
June 7, 2012
November 14, 2012
February 9, 2013

There are a number of options that can be undertaken to avoid legal action. They are as follows:

Option 1

Scale back the accessory building to the original approved plans and obtain the necessary inspections and building approvals.

Option 2

Revise the accessory building plans to propose a carriage house that meets the requirements of the Zoning Bylaw 8000, Section 13 - RU6 development regulations, Section 9.5b Carriage House, and Section 6.5 Accessory Building developments. Make application for the Intensive Residential Development Permit (\$694) and, subsequently, the appropriate building permits. If the building setbacks do not meet the regulations of the RU6 zone, variances may be required (\$694 +\$100 per variance).

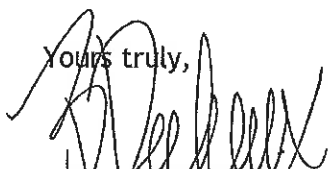
Option 3

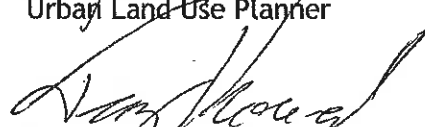
Purchase a portion of the lane from the City (as noted in our e-mail dated June 7, 2012) to increase the property size to a minimum of 700 m², apply for an Intensive Residential Development Permit (\$694), as well as variances to request legalization of the existing setbacks (\$694 +\$100 per variance) and the appropriate building permits. With the larger property size a full second dwelling is permitted under the RU6 zone. Additional cost will include Development Cost Charges and any applicable Development Engineering fees.

Please consider the options presented and make the appropriate applications to legalize the building by Wednesday May 1, 2013 or the City will be forced to take further legal action to achieve compliance following the expiry of this date.

Should you have any questions regarding the concerns pertaining to Land Use please contact Birte Decloux at 250.469.8608. Questions pertaining to the Building permit are to be directed to Terry Kowal at 250.469.8579.

Yours truly,



Birte Decloux
Urban Land Use Planner

Terry Kowal
Building, Plumbing & Gas Inspector Supervisor

cc. Greg Wise, Bylaw Services Manager
Chris Rogers, Bylaw Services
Doug Patan, Building and Permitting Manager
Danielle Noble, Urban Land Use Manager
Street file

Land Use Management
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8626





CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0100

EXISTING ZONING DESIGNATION: RU6- Two Dwelling Housing

DEVELOPMENT VARIANCE PERMIT: Vary the siting of a carriage house to allow it to be located in front of the principal dwelling; vary the rear yard setback for the principal dwelling from 6m permitted to 1.52m proposed; vary the eastern side yard setback from 2.3m permitted to 1.17m proposed. (as per Schedule "A").

ISSUED TO: Riaz Virani and Nargis Virani

LOCATION OF SUBJECT SITE: 802 Lawson Avenue

| | LOT | SECTION | D.L. | TOWNSHIP | DISTRICT | PLAN |
|--------------------|-----|---------|-------|----------|----------|------|
| LEGAL DESCRIPTION: | 1 | | DL138 | | ODYD | 1332 |

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:

Specific Regulations:

Section 9.5b.1(c) Carriage House Regulations - location:

To allow the carriage house to be located in front of the principal dwelling (as per Schedule 'A').

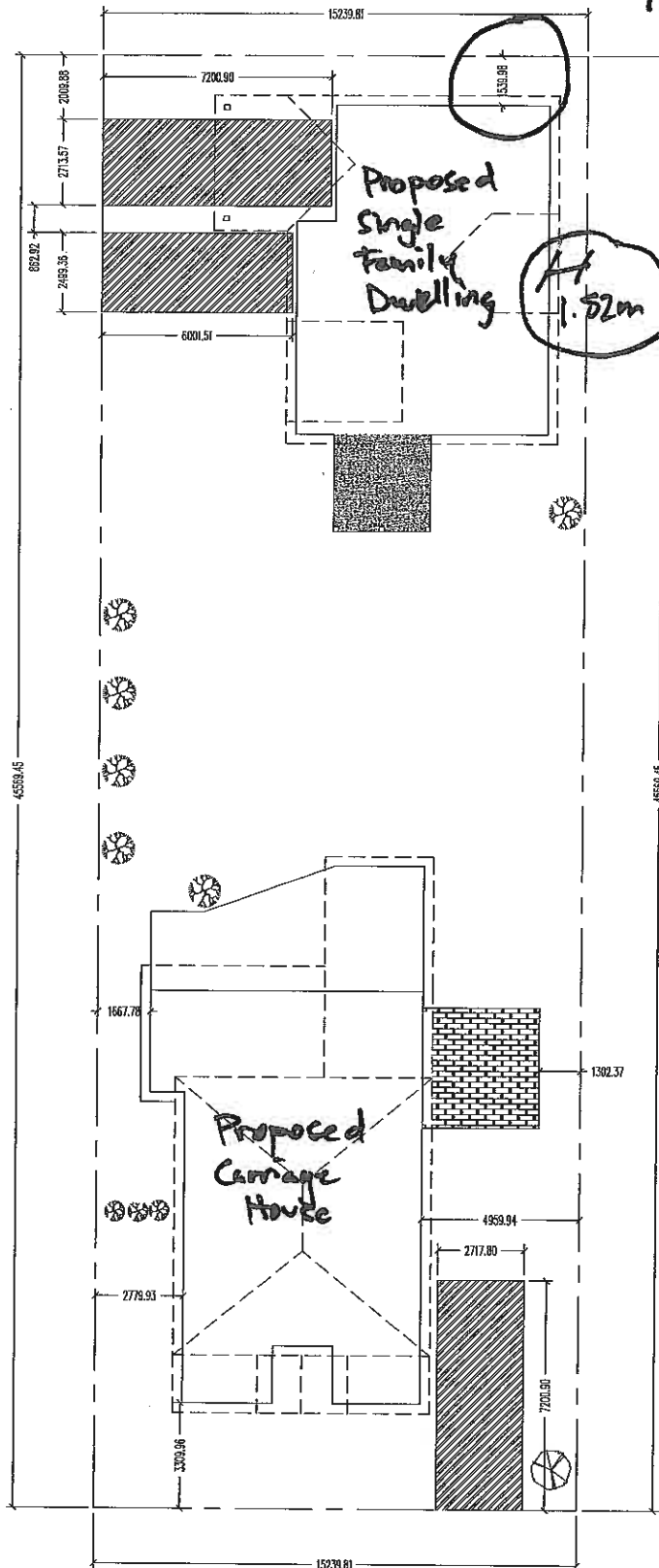
Development Regulations:

Section 13.6.6 (d) & (e) Development Regulations - setbacks:

To vary the required rear yard from 6.0m to 1.52m proposed.

To vary the east side yard setback from 2.3m required to 1.17m proposed (as per Schedule 'A').

(2) Vary rear yard setback from 6.0m required to 1.52m existing.



(3) Vary eastern side yard setback from 2.0m required to 1.17m existing.

SITE PLAN
SCALE: 1:150

Schedule "A"

REPORT TO COUNCIL



Date: November 8, 2013

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate Services (AR)

Application: DVP13-0156 **Owner:** Hotel-1 Enterprises Ltd.,
Inc. No. 586462

Address: 348 Bernard Avenue **Applicant:** Tim Mather, Manager
Royal Anne Hotel

Subject: 2013-12-03 Report DVP13-0156 348 Bernard Av

Existing OCP Designation: Mixed Use (Residential/Commercial)

Existing Zone: C7LP/RLS - Central Business Commercial (Liquor Primary/Retail
Liquor Sales)

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0156 for amended Lot 4 (154911F), Block 17, District Lot 139, ODYD, Plan 462, located at 348 Bernard Avenue, Kelowna, BC;

AND THAT variances to the following sections of the Sign Bylaw No. 8235 be granted:

Section 5.8.1 (d) - Projecting Sign Regulations

To vary the maximum permitted space between the sign and supporting wall from 0.6 m permitted to 2.0 m proposed, as per Schedule 'A';

Section 6.1 - Size of a Projecting Sign in the C7 Zone

To vary the maximum permitted size of a projecting sign in the C7 Zone from 2.5 m² permitted to 4.8 m² proposed, as per Schedule 'A'.

2.0 Purpose

A new sign is proposed in conjunction with a new awning at the main entrance of the Royal Anne Hotel. To facilitate the new sign, two variances to the Sign Bylaw are requested: to vary the maximum distance that the sign can project from the building; and to vary the maximum permitted sign size.

3.0 Urban Planning

Generally, Urban Planning does not support variances to the Sign Bylaw due to the proliferation of signage in certain areas of the City. The overuse of signage (in number and size) generally

detracts from the architectural appearance of many buildings, and contributes to the visual clutter of commercial areas.

The Royal Anne Hotel is seeking to improve its main entrance and appearance in response to the overall streetscape improvements implemented along Bernard Avenue earlier this year. To this end the hotel proposes to replace the existing fabric awning sign with a new permanent glass awning and a new projecting sign. Given that the proposed new awning and sign together extend approximately the same distance beyond the building face as the previous (approx 2 m), and that it contributes to an overall improvement to the building and streetscape, staff is supportive of the proposed variances.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the proposed Development Variance Permit application to neighbouring properties, and to date, City staff has not been contacted with any objections or concerns with the proposed sign variance.

4.0 Proposal

4.1 Project Description

Responding to the recent improvement of Bernard Avenue, the Royal Anne Hotel is undertaking improvements to the hotel's front entrance area, which include replacing the existing fabric awning with a new glass and steel awning, and a new projecting sign. The new awning is proposed to project 1.2 m beyond the building to provide the hotel's guests with adequate weather protection. At its furthest point, the proposed new sign will project a further 0.80 m beyond the awning to accommodate the curved sign (refer to attached plans and renderings), for a total distance of 2.0 m from the building face.

The sign will be composed of individual, illuminated white letters mounted on a black metal background and will be mounted on an existing concrete beam that is proposed to be refaced with reclaimed wood. In order for the proposed sign to be appropriately scaled to match that of the proposed new awning, a further variance is requested to maximum sign size to allow the 4.8 m² projecting sign, with the approximate dimensions of 0.82 m x 5.85 m.

The proposal compares to Sign Bylaw 8235 requirement as follows:

| CRITERIA | REQUIREMENTS | PROPOSAL |
|---|---|--|
| Projecting Signs | Max. 0.6 m distance from building face | 2.0 m distance from building face ❶ |
| | Min. height of 2.5 m and max. height of 7.5 m above grade | 4.92 m above grade |
| | Max. 1 projecting sign per 15 m of business frontage | 1 projecting sign for 30.48 m frontage |
| Awning, Fascia, Canopy & Projecting Signs in the C7 Zone | Max 2 signs per business frontage | 2 signs |
| | Max projecting sign area of 2.5 m ² | 4.8 m ² ❷ |
| ❶ To vary the maximum distance from building face for a projecting sign from 0.6 m permitted to 2.0 m proposed. ❷ To vary the maximum size of a projecting sign in a C7 Zone from 2.5 m ² permitted to 4.8 m ² proposed. | | |

4.2 Site Context

The Royal Anne Hotel is located in the Downtown Kelowna District, one block east of the waterfront, in the middle of the 300 Block of Bernard Avenue on the north side. It shares a

traditional commercial frontage on Bernard Avenue, and is surrounded by established commercial development in all directions.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|---|------------|
| North | C7LP/RLS - Central Business Commercial (Liquor Primary/Retail Liquor Sales) | Commercial |
| East | C7 - Central Business Commercial | Commercial |
| South | C7LP/RLS - Central Business Commercial (Liquor Primary/Retail Liquor Sales) | Commercial |
| West | C7 - Central Business Commercial | Commercial |

Subject Property Map: 348 Bernard Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14 - Revitalization Design Guidelines

Downtown Considerations

- Incorporate high quality signage utilizing traditional size, style, fonts and design. Prominent and colourful signage creating a rich visual character is encouraged, however, illuminated signs in fluorescent colours are discouraged.

Signage

- Design signage with consideration of the size of any individual sign as part of the overall scheme of building signage and the appearance of the building's façade. Scale and architectural expression should not be compromised by size and number of signs.

- Box signs are strongly discouraged.
- Light colouring on dark background is preferred over dark lettering on a light background and consideration should be given to those with visual impairment.

6.0 Technical Comments

6.1 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

This Development Variance Permit application to allow a proposed sign to project more than 400 mm from the wall face does not compromise any municipal services.

6.3 Real Estate Services Department

No comment.

7.0 Application Chronology

Date of Application Received: September 26, 2013

Applicant Consultation Summary Received: November 8, 2013

Report prepared by:

Abigail Riley, Urban Planner

Reviewed by:

☐

Ryan Smith, Manager, Urban Planning

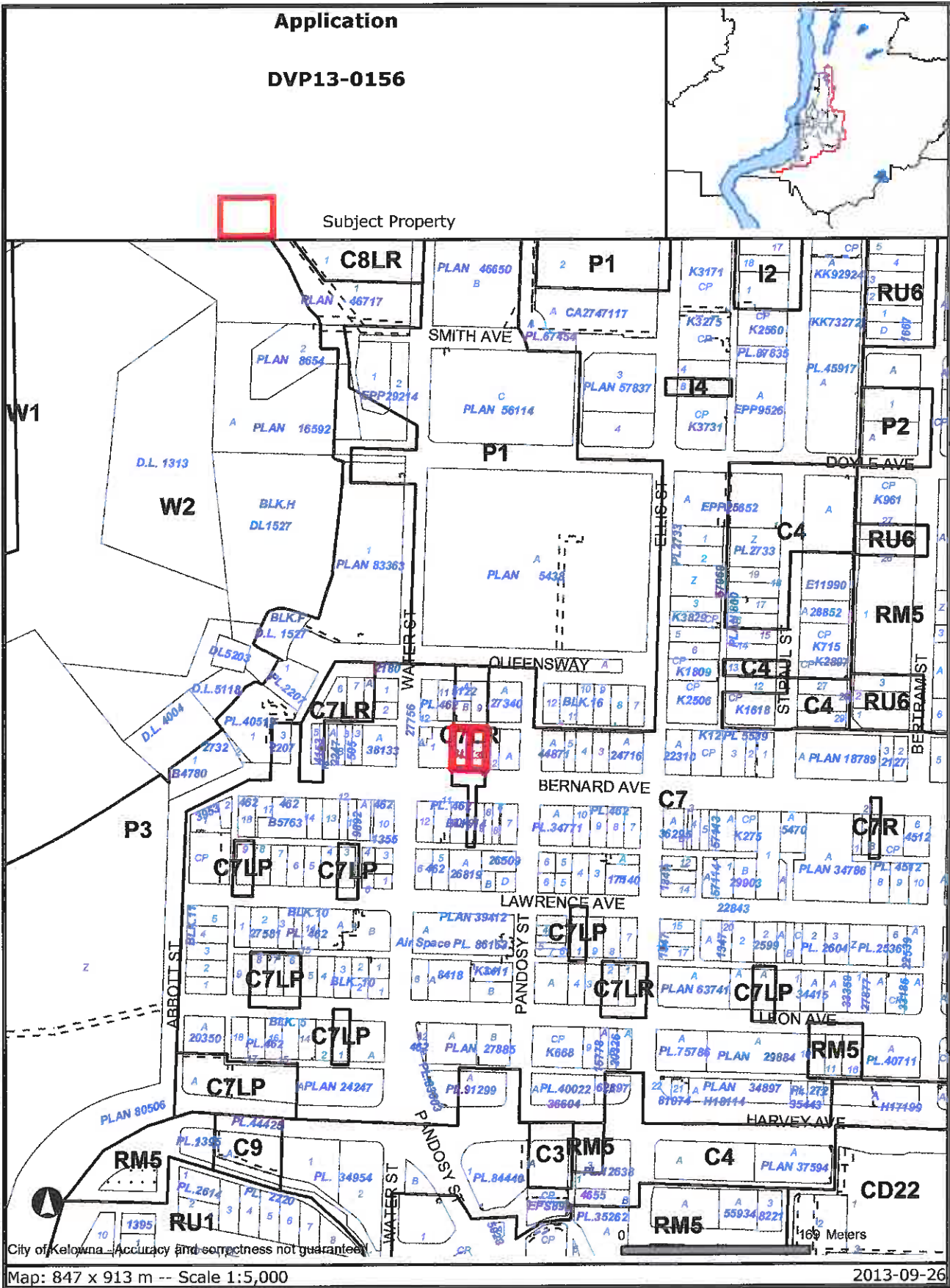
Approved for Inclusion

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate Services

Attachments:

Subject Property Map
Sign Specifications & Details
Conceptual Renderings
Contextual Photograph
Draft Development Variance Permit



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.

This forms part of development permit # DVP13-0156.

| | | |
|---------------------|--------------------------|-----------------|
| SCALE 1" = 1'-0" | PROJECT No. 2794 | SHEET No. 51 |
| DRAWN BY M. J. | DESIGNED BY MEAGAN H. | MEAGAN H. |

For more information, please contact the publisher, 1000 Lakeside Drive, Suite 100, San Francisco, CA 94134. Tel: 415.774.2700. Fax: 415.774.2701. Email: info@wiley.com



SCHEDULE A2

This forms part of development

Permit # DWP 13-0156.



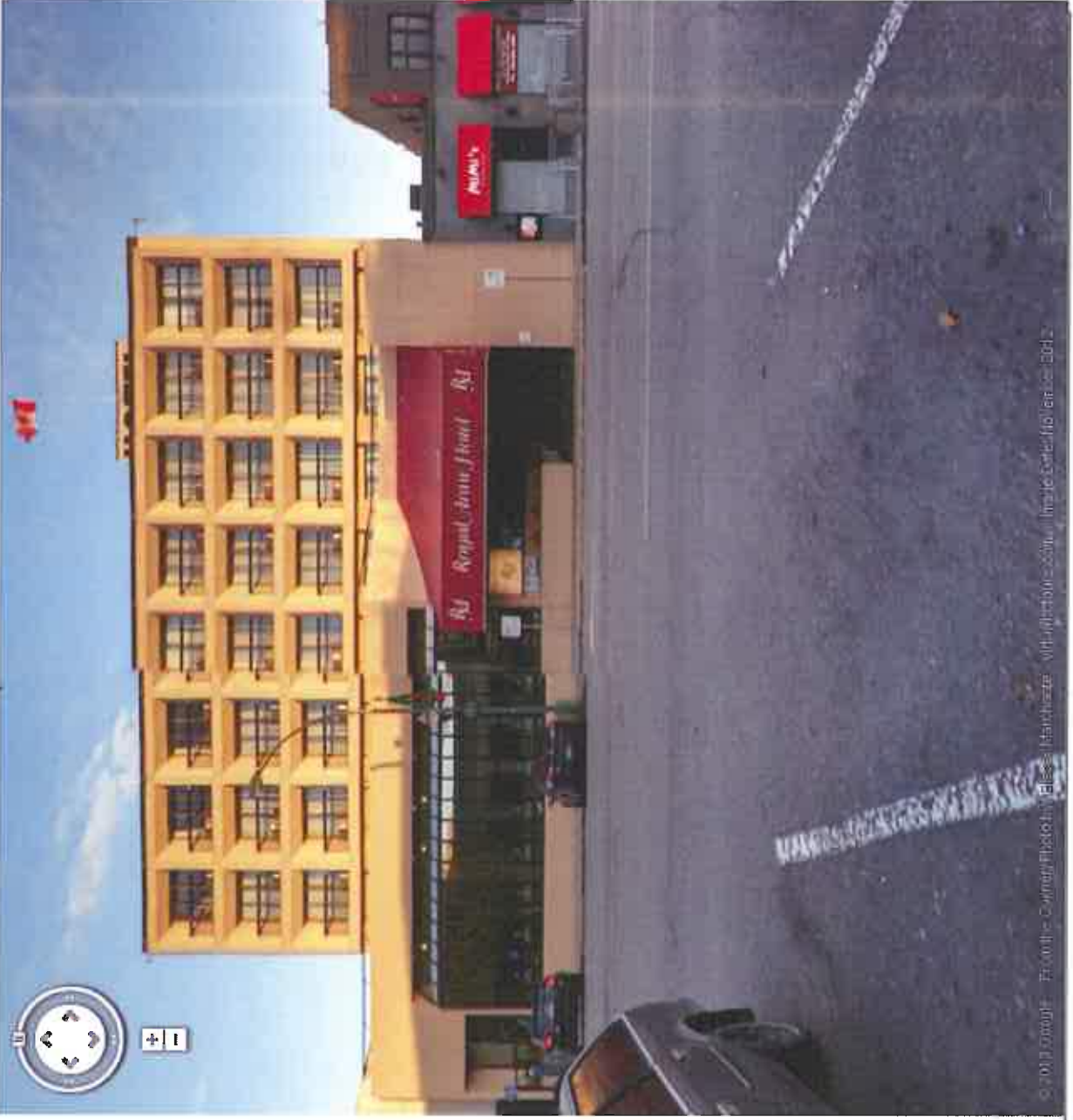


Royal Anne Hotel - Concept Sketch for Proposed Front Entry
 Provided by Cheryl Plaxton, August 14th 2013



To see all the details that are visible on the screen, use the "Print" link next to the map.

348 BERNARD AV - ROYAL ANNE HOTEL - EXISTING RUNNING + SIGN



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0156

| | |
|------------------------------|---|
| EXISTING ZONING DESIGNATION: | C7LP/RLS - Central Business Commercial (Liquor Primary/Retail Liquor Sales) |
| DEVELOPMENT VARIANCE PERMIT: | to vary the maximum permitted space between a projecting sign and supporting wall from 0.6 m to 2.0 m, and to vary the maximum permitted size of a projecting sign in the C7 Zone from 2.5 m ² to 4.8 m ² . |

| | |
|---------------------------|---|
| ISSUED TO: | Hotel-1 Enterprises Ltd., Inc. No. 586462 (Applicant: Tim Mather, Royal Anne Hotel) |
| LOCATION OF SUBJECT SITE: | 348 Bernard Avenue |

| | LOT | BLOCK | D.L. | TOWNSHIP | DISTRICT | PLAN |
|--------------------|-------------------------|-------|------|----------|----------|------|
| LEGAL DESCRIPTION: | Amended Lot 4 (154911F) | 17 | 139 | | ODYD | 462 |

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 a variance to the following section of Sign Bylaw No. 8325 be granted:

Section 5.8.1 (d) - Projecting Sign Regulations

To vary the maximum permitted space between the projecting sign and supporting wall from 0.6 m permitted to 2.0 m proposed, as per Schedule 'A';

Section 6.1 - Size of a Projecting Sign in the C7 Zone

To vary the maximum permitted size of a projecting sign in the C7 Zone from 2.5 m² permitted to 4.8 m² proposed, as per Schedule 'A'.

2. 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.

3. 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.

4. 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 Community Planning & Real Estate Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate Services 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 ____ DAY OF DECEMBER 2013.

ISSUED BY THE COMMUNITY PLANNING & REAL ESTATE SERVICES DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 20__ BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES DEPARTMENT.

Doug Gilchrist
Divisional Director, Community Planning & Real Estate Services

CITY OF KELOWNA
BYLAW NO. 10890
Z13-0031 - Marianne Hill
260 Lake Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 14, ODYD, Plan EPP30347 located on 260 Lake Avenue, Kelowna, B.C., from the RU3 - Small Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 7th day of October, 2013.

Considered at a Public Hearing on the 22nd day of October, 2013.

Read a second and third time by the Municipal Council this 22nd day of October, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 7, 2013

RIM No. 0940-60

To: City Manager

From: Urban Planning, Community Planning & Real Estate (JM)

Application: HAP13-0010 **Owner:** Marianne Hill

Address: 260 Lake Avenue **Applicant:** Marianne Hill

Subject: 2013-12-03 Report HAP13-0010 260 Lake Ave

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10890 be considered by Council;

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP13-0010, for Lot 2, District Lot 14, ODYD, Plan EPP30347, located on 260 Lake Avenue, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Scheduled "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

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

Section 13.1.6(d): Development Regulations

To vary the minimum side yard setback from 2.0m permitted to 0.68m proposed (as per Schedule 'A').

2.0 Purpose

To consider the form and character of a proposed carriage house on the subject property, and to consider the merits of a request to vary the side yard setback of the existing principal dwelling from 2.0m permitted to 0.68m proposed.

3.0 Urban Planning Department

Urban Planning staff are supportive of the proposal to add a carriage house to the rear of the subject property. The lot is large enough to accommodate the development without triggering any variances, with the exception of the variance to the side yard setback for the existing principal dwelling.

The addition of a carriage house will add housing stock to an area close to the downtown core and many desirable urban amenities. The proposal has been configured to fit the site and provide ample open space between the dwellings. Favourably, the property has lane access to accommodate vehicle movements at the rear of the site to facilitate a pedestrian friendly interface to the street.

In addition, the Community Heritage Committee (CHC) has reviewed the proposal and provided their support, noting that the project represents a form of sensitive infill that will not be visible from the street.

4.0 Proposal

4.1 Background

Until recently, the subject property was part of one larger lot that encompassed both 250 and 260 Lake Avenue. In May of 2013, the property was rezoned to RU3 - Small Lot Housing in order to facilitate the subdivision, which has resulted in the current lot configuration.

4.2 Project Description

The proposal seeks to add an 89m² (958 sq. ft.) carriage house to the site. The proposed building configuration shows a double garage and living space on the ground floor, and two bedrooms in the upper half storey. Private open space is located on the interior portion of the site and is accessed by a door from the main living area. The applicant envisages a country garden planned for the site, and proposes that lawn with screening will be provided for the carriage house use. An existing attached carport will be removed to facilitate the development.

The proposed finishing for the carriage house is a white horizontal HardiePlank siding with grey shingles in the eaves. A front door is provided off the lane and parking is achieved within the two car garage with a third space on the east side of the site.

4.3 Site Context

The subject properties are located on the north side of Lake Avenue in the Abbott Street Conservation area of Kelowna in close proximity to the Hospital and Downtown center. The subject property is designated as Single/Two Unit Residential in the Official Community Plan, and the current building and dominate style are identified within the 'Colonial Revival' style.

Specifically, adjacent land uses are as follows:

| <i>Direction</i> | <i>Zoning Designation</i> | <i>Land Use</i> |
|------------------|---------------------------|-----------------|
| North | RU1 - Large Lot Housing | Residential |
| South | RU1 - Large Lot Housing | Residential |

| | | |
|---|---|---|
| Side Yard (e) | 4.9 m | 2.0 m (1 - 1 ½ storey) 2.3 m (2 - 2 ½ storey) |
| Side Yard (w) | 0.68 m ① | 2.0 m (1 - 1 ½ storey) |
| Rear yard | 16.07 m | 7.5m |
| Carriage House Development | | |
| Height | 4.5 m | 1 ½ storeys / 4.5 m |
| Front Yard | Exceeds requirements | 4.5 m |
| Side Yard (e) | 3.0 m | 2.0 m (1 - 1 ½ storey) |
| Side Yard (w) | 2.0 m | 2.0 m (1 - 1 ½ storey) |
| Rear yard | 1.5 m | 7.5m |
| Distance between dwellings | 8.2 m | 4.5m |
| Accessory foot print | 72.15 m ² or 12% of lot area | Lesser of 90m ² or 14% of lot area |
| Floor Area of principal dwelling ratio | Principal dwelling: 155 m ² Carriage House: 89 m ² 57 % | Lesser of 90m ² or 75% of the for principal dwelling |
| Other Requirements | | |
| Parking Stalls (#) | 3 spaces | 3 spaces |
| ① variance to reduce the minimum side yard setback from 2.0m permitted to 0.68m proposed for the existing principal dwelling. | | |

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

5.3 Heritage Conservation area - Objectives:²

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Chapter 16.

- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

6.0 Technical Comments

Technical comments addressed through the associated Rezoning application (Z13-0031).

7.0 Application Chronology

Date of Application Received: July 22, 2013

Community Heritage Commission: August 1, 2013

The above noted application was reviewed by the Community Heritage Commission at the meeting on August 1, 2013 and the following recommendations were passed:

THAT the Community Heritage Committee support rezoning application No. Z13-0031 at 260 Lake Avenue to rezone the subject property from the RU3 zone to the RU1c zone.

Report prepared by:

James Moore, Land Use Planner

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director of Community Planning & Real Estate

Attachments:

Subject Property Map

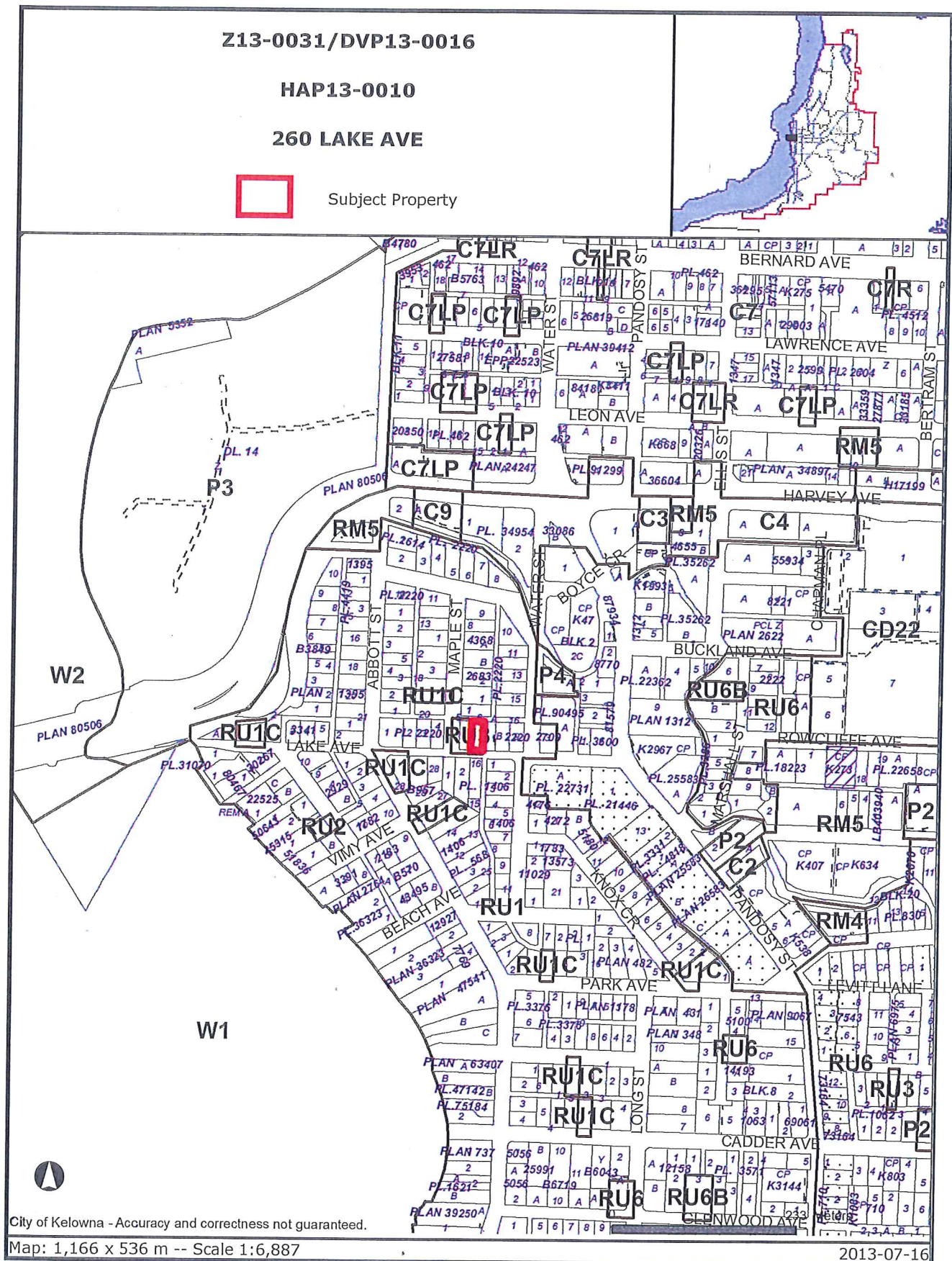
Site Plan

Conceptual Elevations

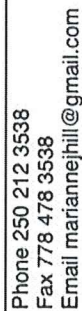
Landscape Plan

Context/Site Photos

DRAFT Heritage Alteration Permit No. HAP13-0010



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.

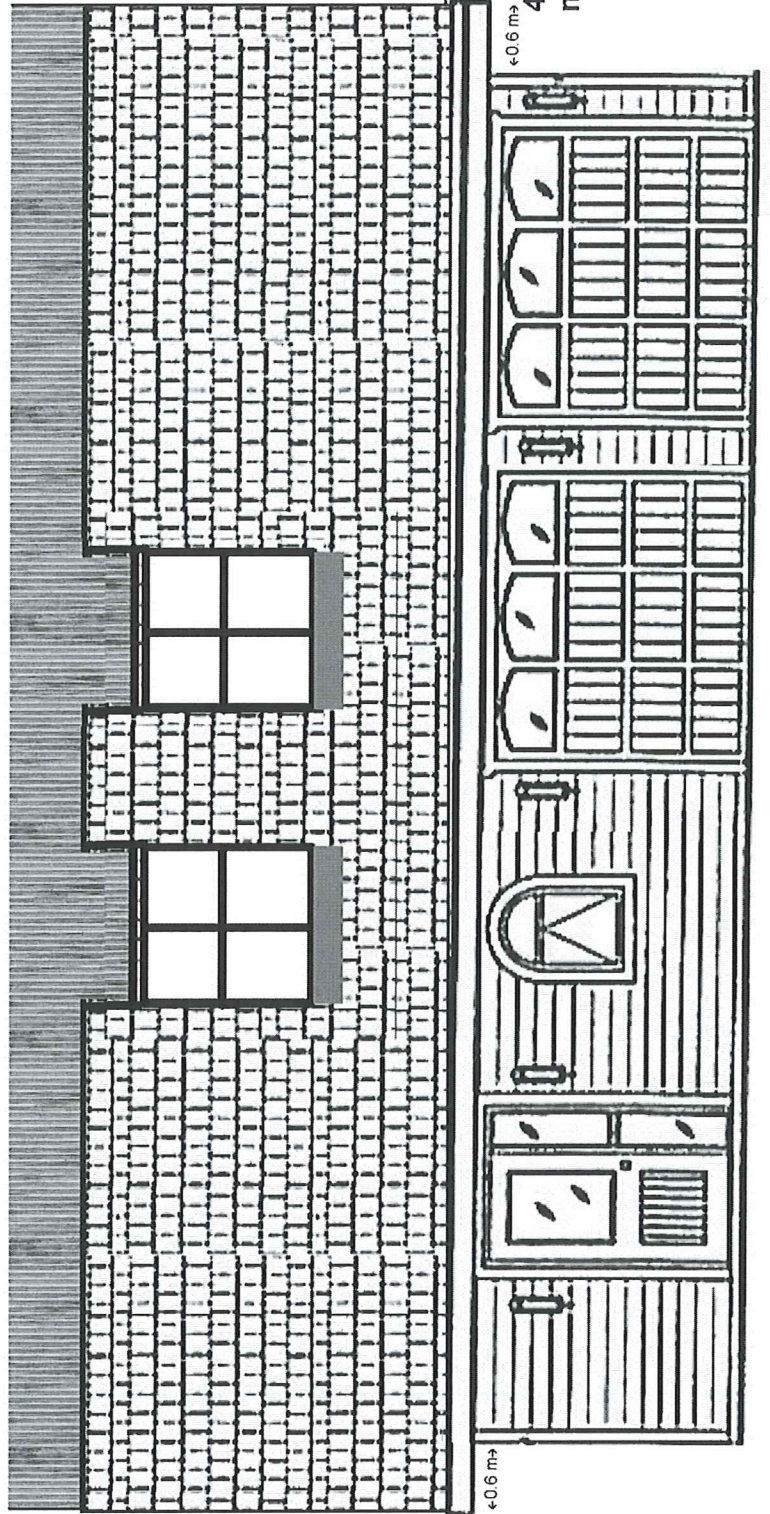


Marianne J Hill
260 Lake Avenue
Kelowna, BC V1Y 5W7

Lemon Garden Design

Proposed Carriage House for 260 Lake Avenue, Kelowna

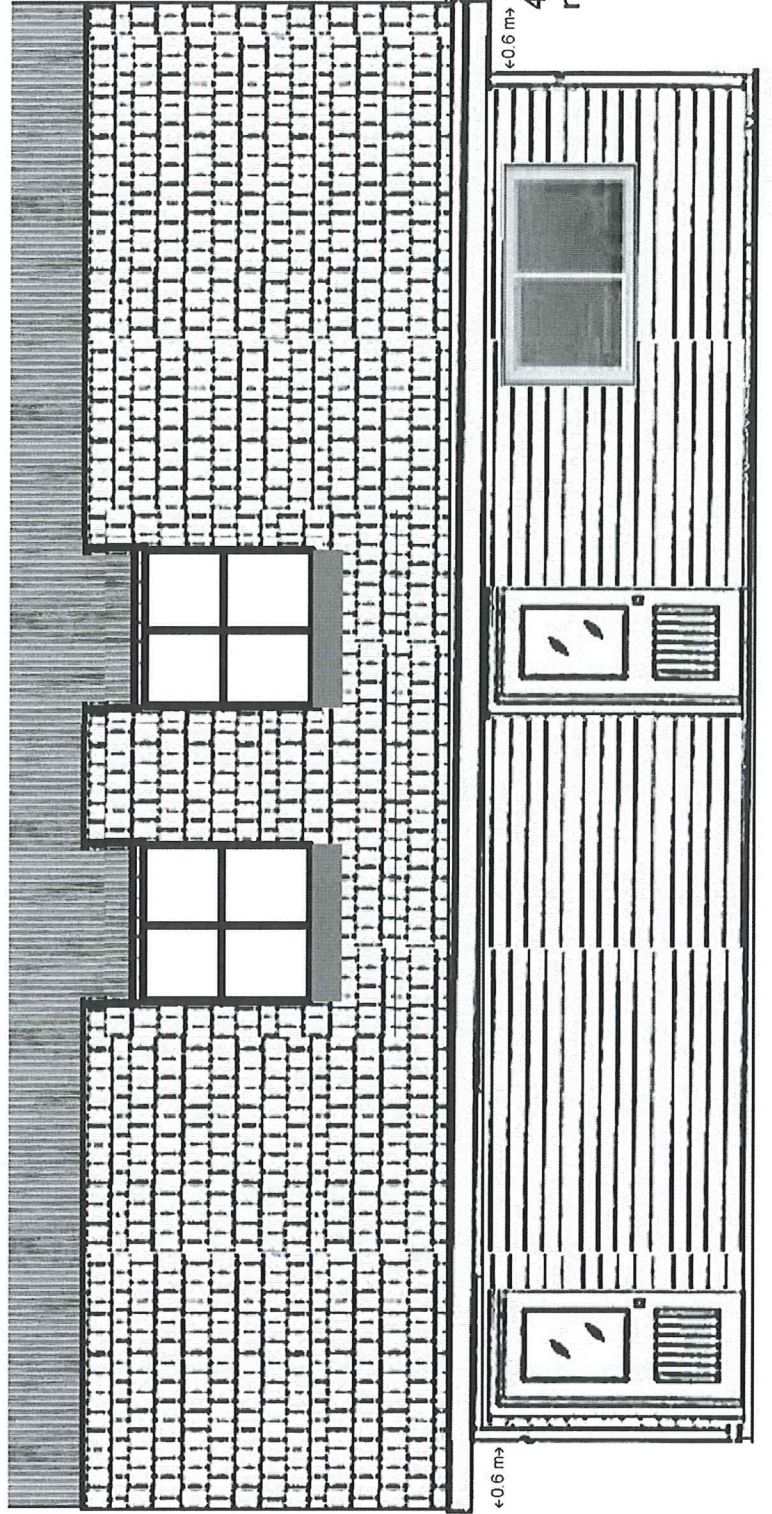
1.2 m | 1.0 m | 1.2 m



11.1 m

North Elevation

1.2 m | 1.0 m | 1.2 m



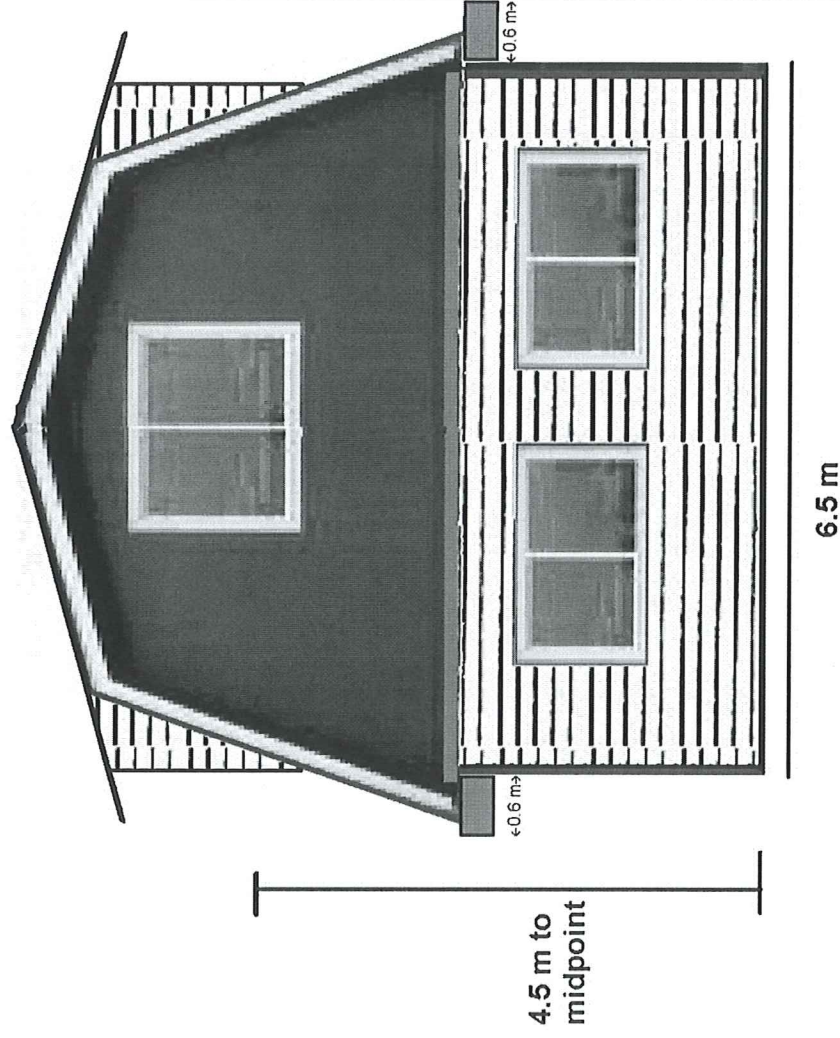
11.1 m

South Elevation



The Inspiration for the Design

Colonial Cottage in Woodstock, Vermont



End Elevations

Proposed Carriage House for 260 Lake Avenue, Kelowna

Marianne J Hill
260 Lake Avenue
Kelowna, BC V1Y 5W7

Lemon Garden Design

Phone 250 212 3538
Fax 778 478 3538
Email mariannehill@gmail.com

Landscaping Plan

260 Lake Avenue

The landscaping plan for the vicinity of the proposed carriage house will follow the "Country Garden" theme adopted for the existing house,

Smaller vistas will incorporate floral features and planters similar to that shown to the right here, which is a shot of a planter currently in use at the southwest corner of the existing house.

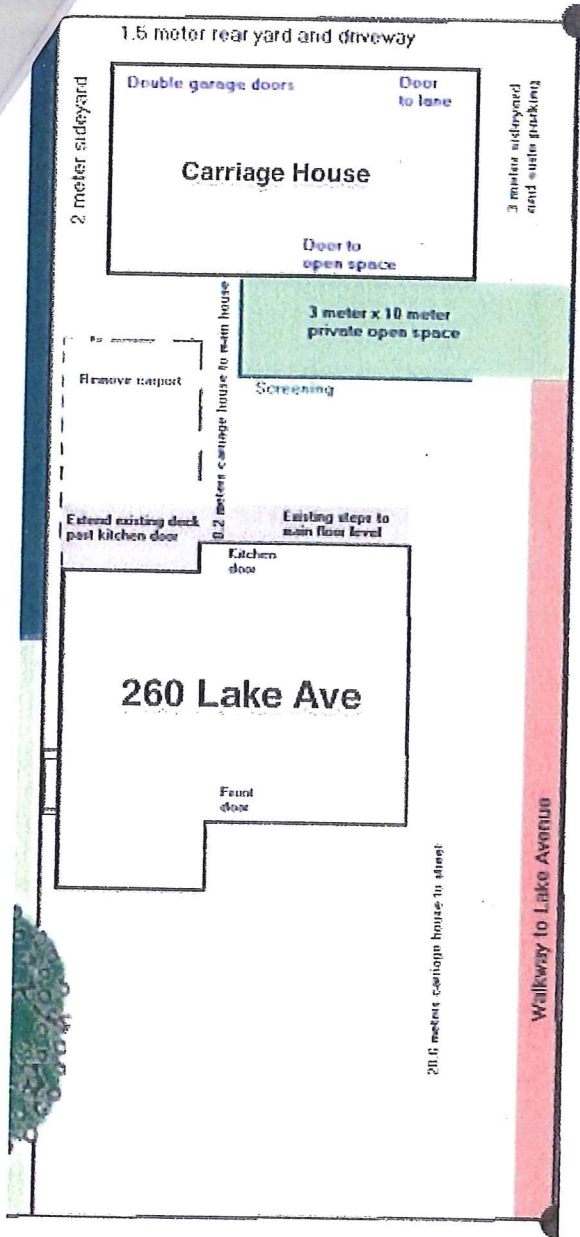


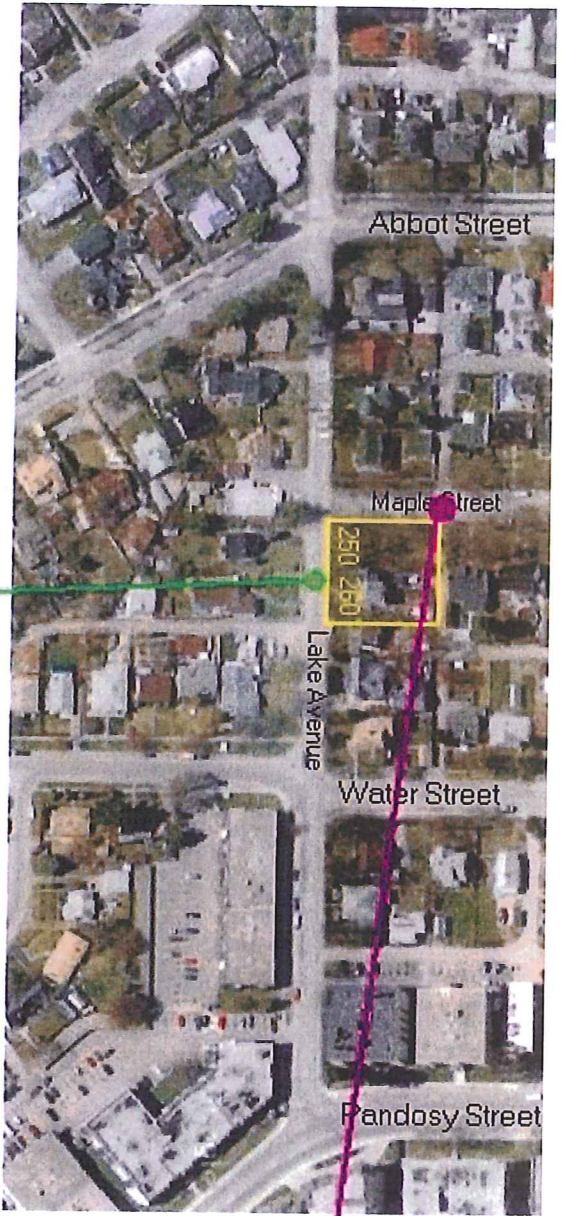
Broader vistas will be similar to the picture below, which is shot of the front garden of the existing house.



The area currently occupied by the carport which is to be removed will be laid down to lawn, as will the open expanse of the rear yard and the private open space for the suite.

It is doubtful that the mature apple tree can be saved because the heartwood is almost totally rotted.





● View north east



● View south east



● View south west



● View north west



● View south east



● View south west



● View north west



● View north east

250/260 Lake Avenue Kelowna Photographs of immediate area

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Heritage Alteration Permit No.: HAP13-0010

EXISTING ZONING DESIGNATION:

RU1c – Large Lot Housing with Carriage House

ISSUED TO: Marianne Hill

LOCATION OF SUBJECT SITE: 260 Lake Avenue

| | LOT | BLOCK | D.L. | TOWNSHIP | DISTRICT | PLAN |
|--------------------|-----|-------|------|----------|----------|----------|
| LEGAL DESCRIPTION: | 2 | - | 14 | - | ODYD | EPP30347 |

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 Heritage Alteration 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:

- 1) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- 2) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3) Landscaping to be provided be in general accordance with Schedule "C";

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

Section 13.1.6 (d) : Development Regulations – Side Yard

To vary the minimum side yard setback for the existing principal dwelling from 2.0m permitted to 0.68m proposed (as per Schedule "A").

2. 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. 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

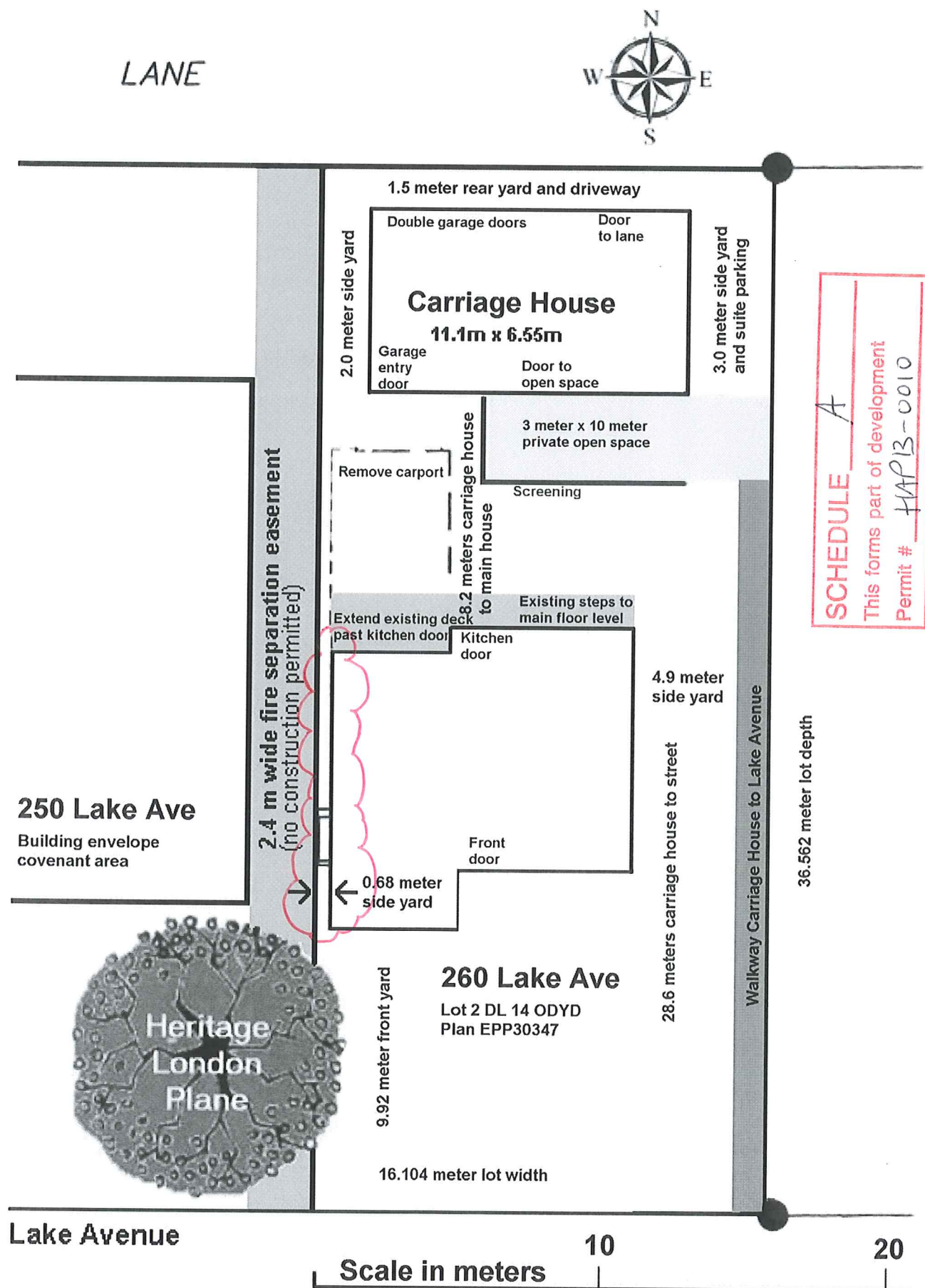
Print Name in Bold Letters

Telephone No.

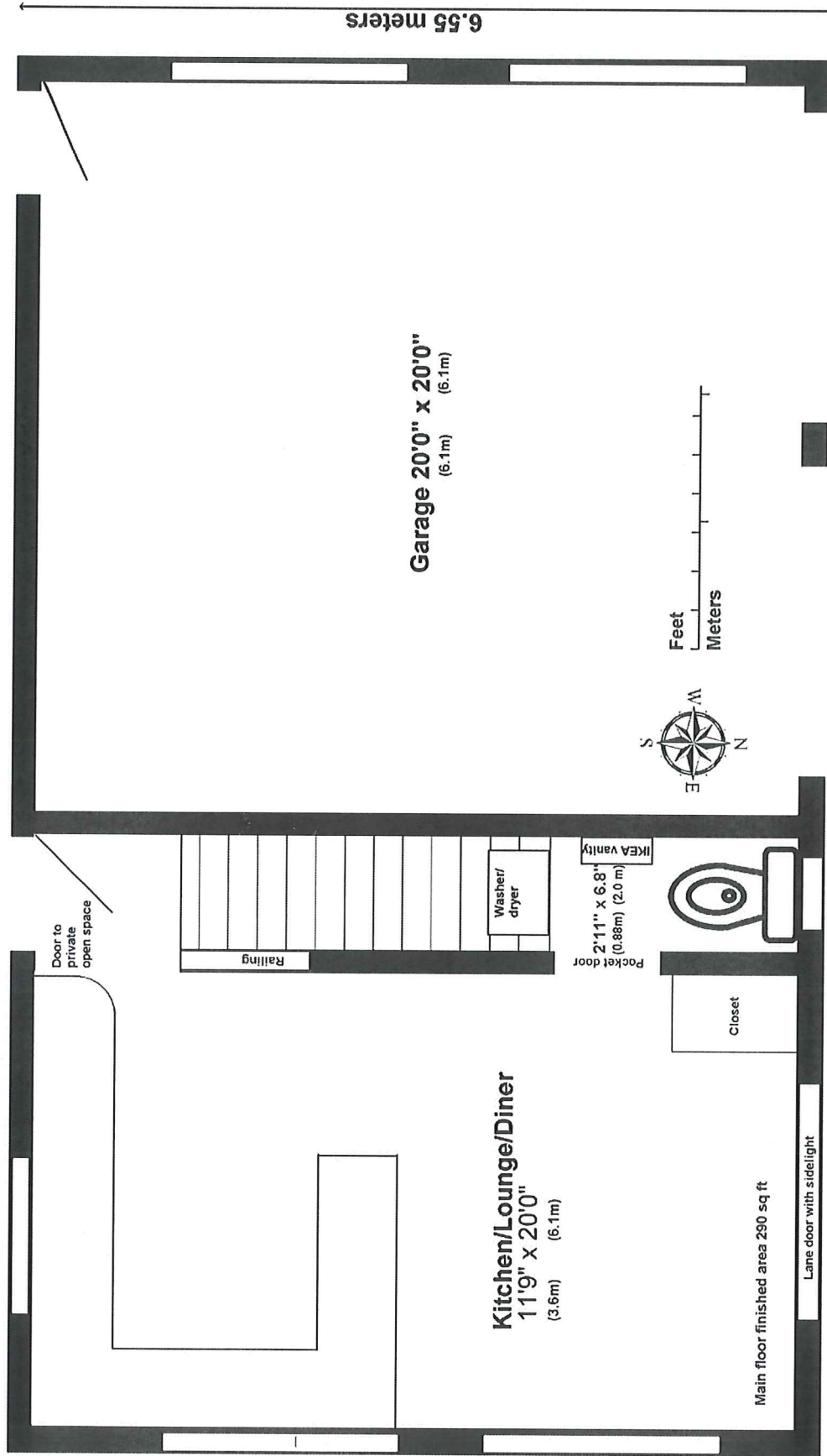
5. APPROVALS:

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF _____, 2013 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING AND REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate



11.1 meters

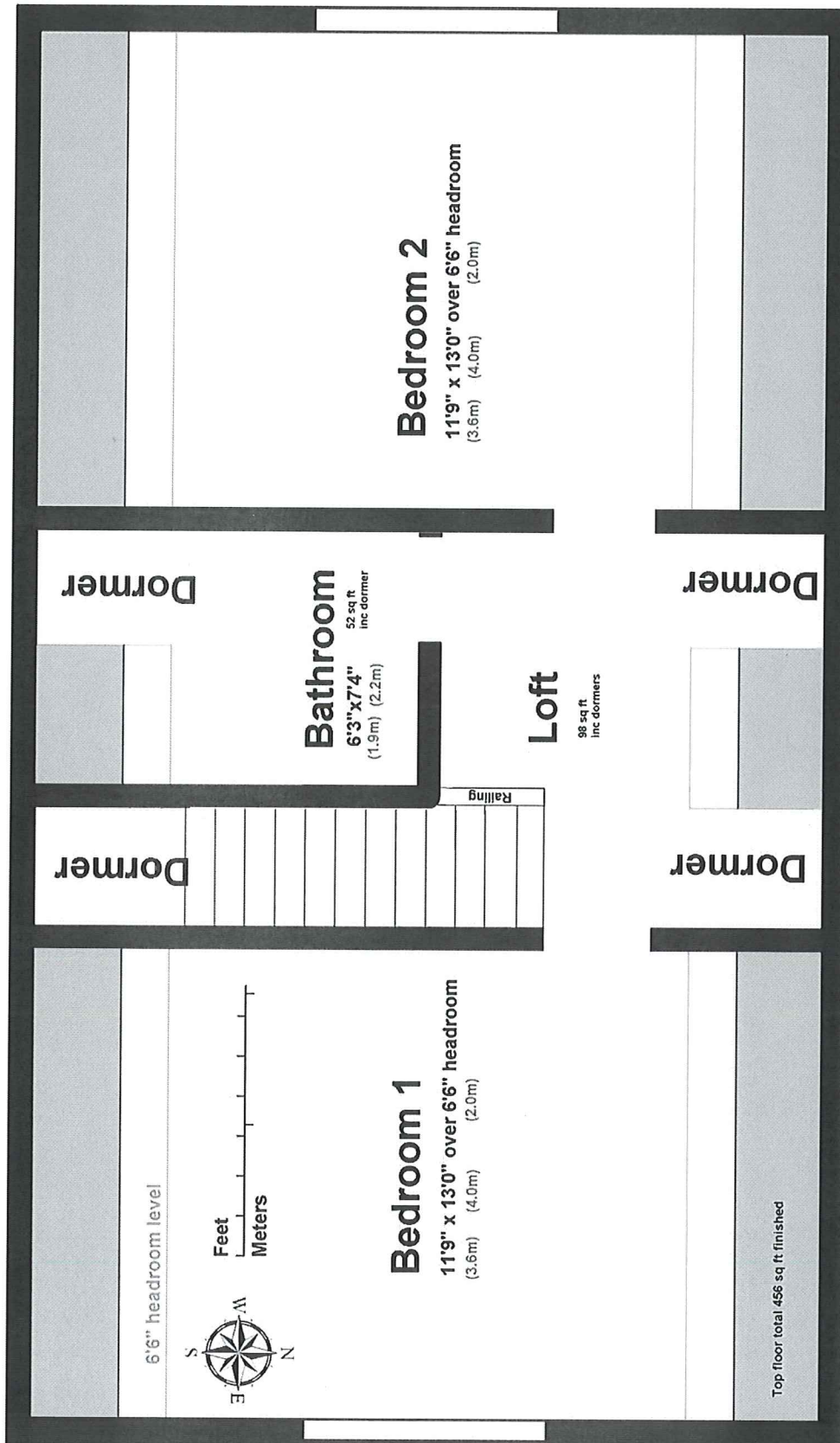


Main floor plan

SCHEDULE A
This forms part of development
Permit # HAP13-0010

11.1 meters

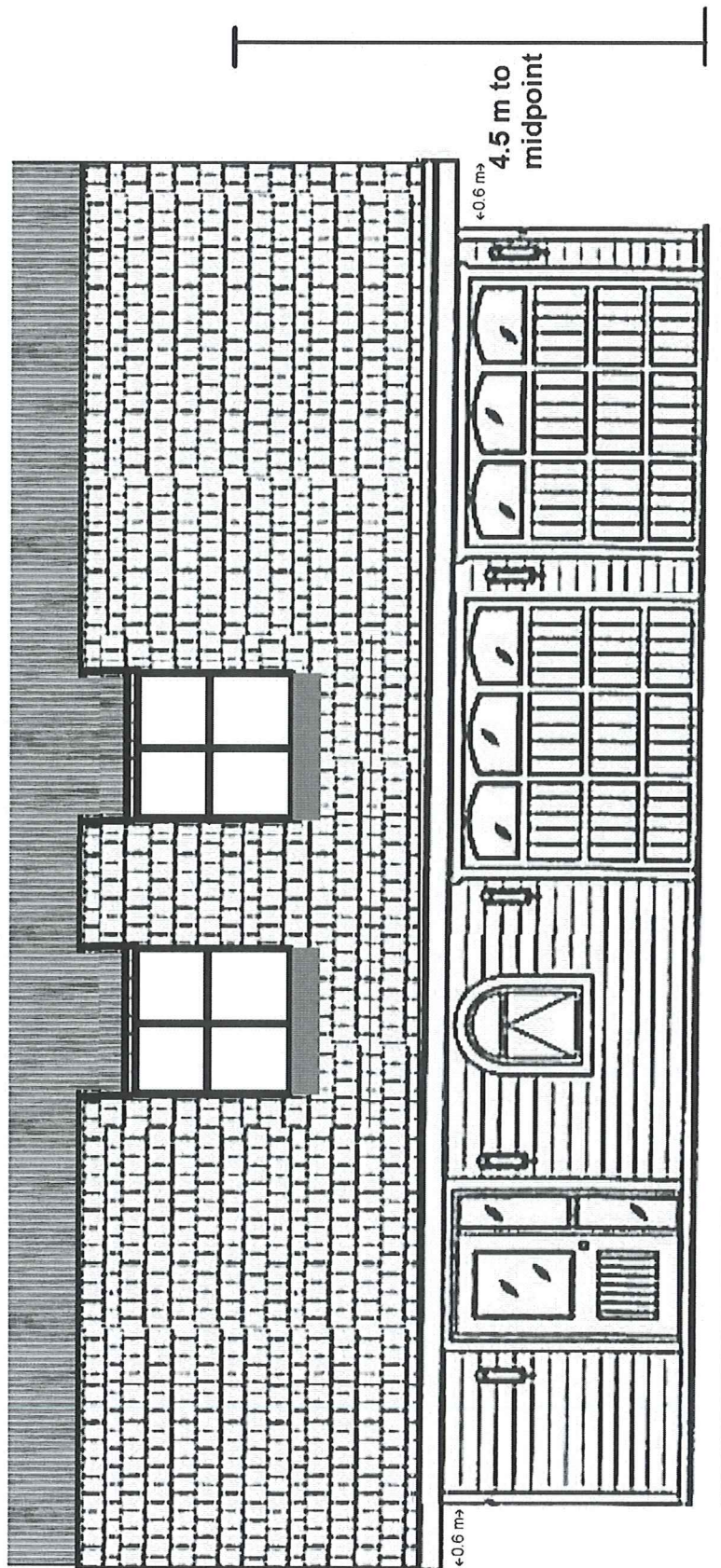
6.55 meters



Upper floor

SCHEDULE A
This forms part of development
Permit # HAPB-0010

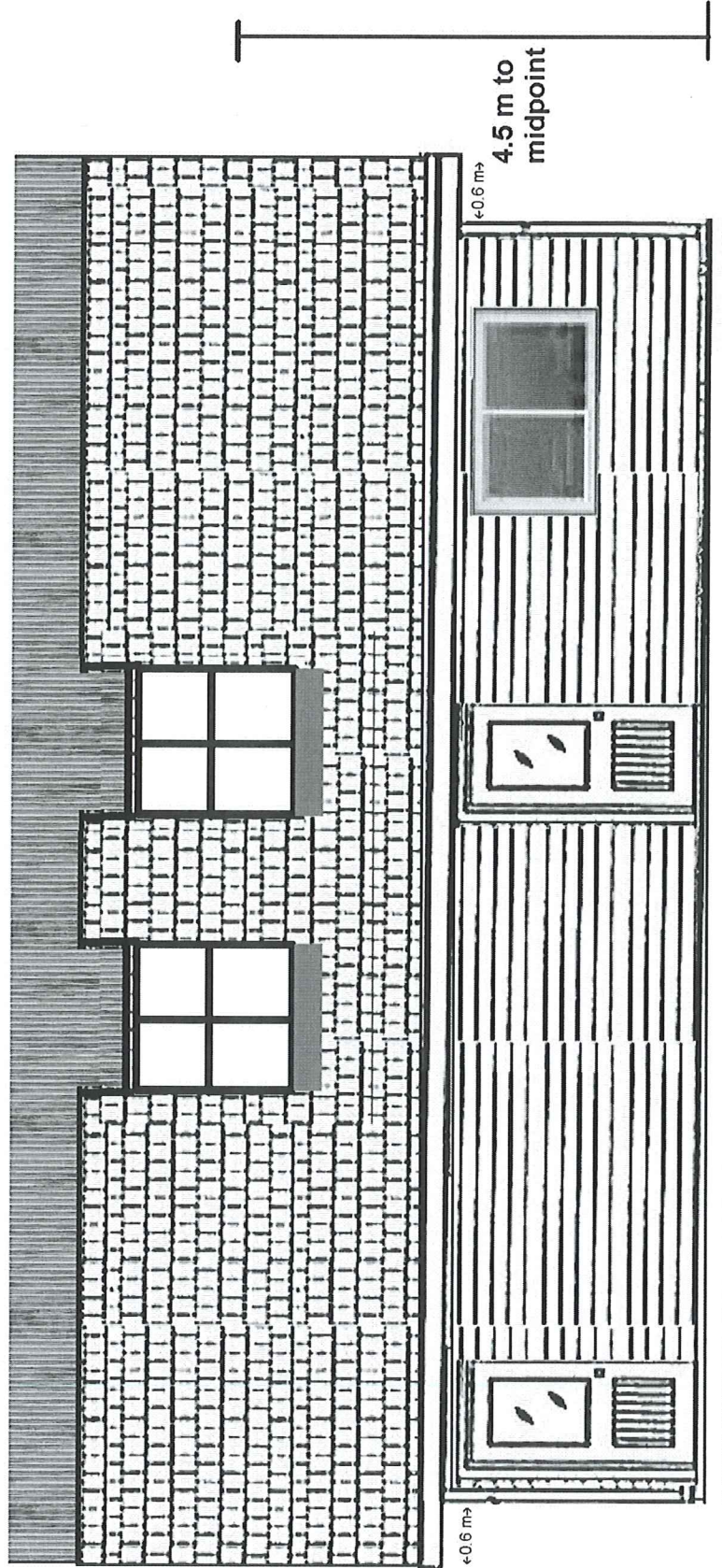
1.2 m | 1.0 m | 1.2 m



North Elevation

SCHEDULE A & B
 This forms part of development
 Permit # KAP 13-0010

1.2 m | 1.0 m | 1.2 m



11.1 m

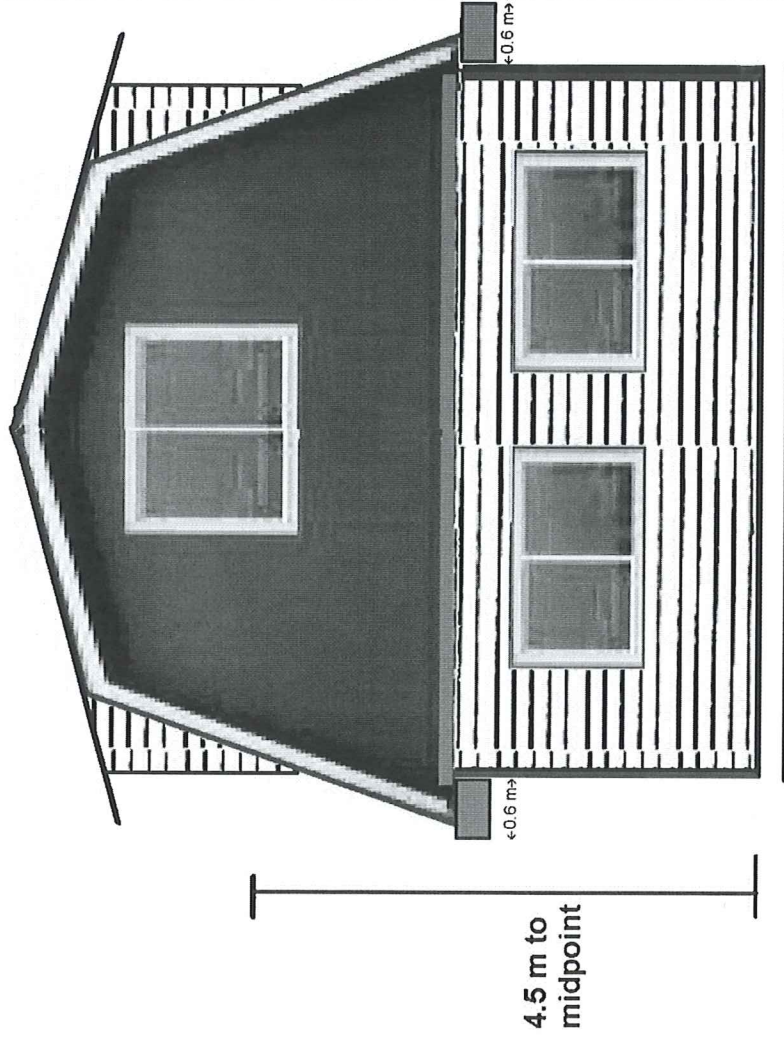
South Elevation

SCHEDULE A & B
This forms part of development
Permit # HAP13-0010



The Inspiration for the Design

Colonial Cottage in Woodstock, Vermont



End Elevations

SCHEDULE A & B
This forms part of development
Permit # WAP13-0010

Landscaping Plan 260 Lake Avenue

The landscaping plan for the vicinity of the proposed carriage house will follow the "Country Garden" theme adopted for the existing house,

Smaller vistas will incorporate floral features and planters similar to that shown to the right here, which is a shot of a planter currently in use at the southwest corner of the existing house.

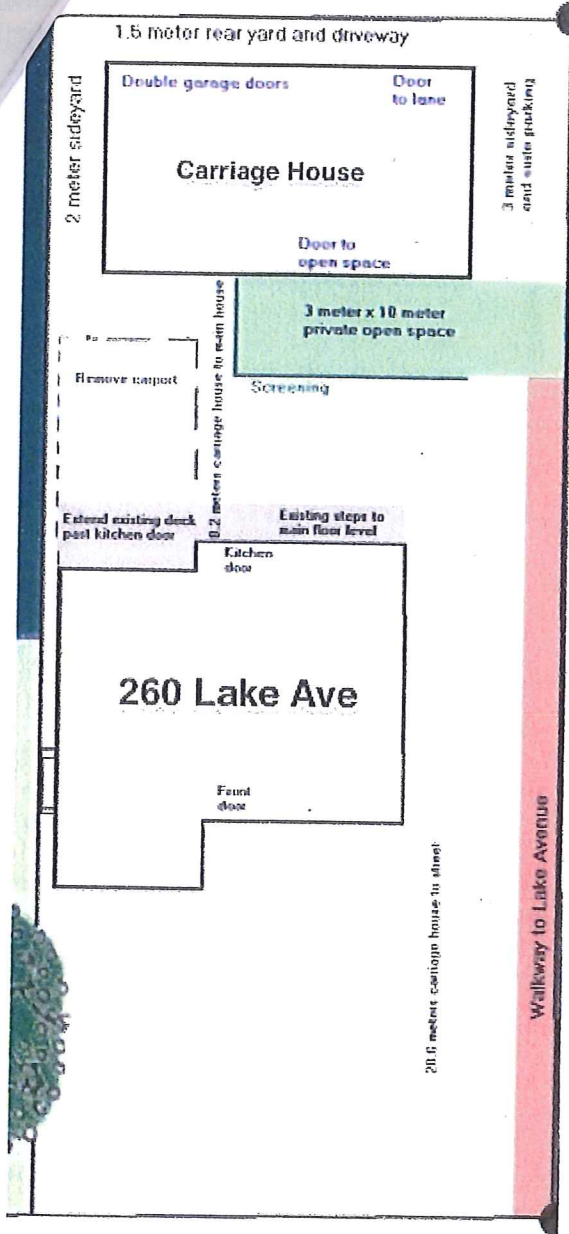


Broader vistas will be similar to the picture below, which is shot of the front garden of the existing house.



The area currently occupied by the carport which is to be removed will be laid down to lawn, as will the open expanse of the rear yard and the private open space for the suite.

It is doubtful that the mature apple tree can be saved because the heartwood is almost totally rotted.



REPORT TO COUNCIL



Date: November 12, 2013

RIM No. 0940-50

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AR)

Application: DVP13-0171 **Owner:** Jean Gerard Lavigne
Yuliana Julie Lavigne

Address: 745 Coronation Avenue **Applicant:** Jean Gerard Lavigne

Subject: 2013-12-03 Report DVP13-0171 745 Coronation Ave

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0171 for Lot 42, District Lot 138, ODYD, Plan 1039, located at 745 Coronation Avenue, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6 - RU6 Zone Development Regulations

To vary the maximum height for accessory buildings from 4.5 m permitted to 4.62 m proposed, as per Schedule 'A';

Section 9.5b.1(d) - Carriage House Regulations

To vary the maximum permitted height for a carriage house from the lesser of 4.5 m or the height of the existing principal dwelling unit to 4.62 m proposed, as per Schedule 'A';

AND FURTHER THAT the Development Permit for the proposed carriage house include a 1.8 m high solid fence along the side property lines to address neighbour privacy.

2.0 Purpose

To vary the maximum permitted height for a carriage house from 4.5 m permitted to 4.62 m proposed to facilitate the construction of a carriage house in the rear yard of the existing single family dwelling.

3.0 Urban Planning

Urban Planning staff is supportive of the proposed variances to the Zoning Bylaw to accommodate the modest additional height of 0.12 m for a proposed carriage house of 4.62 m. Measured to the

mid-point of roof slope, the proposed carriage house would be only slightly higher than the existing single family dwelling on the subject site by 0.04 m.

The proposed carriage house conforms in all other respects to the required zoning. There will be adequate private outdoor space provided for both the principal dwelling and the carriage house on site, as well as sufficient on-site parking. The carriage house is of an attractive design and will complement the existing single family dwelling. Given the aforementioned, it is not anticipated to create an appreciably greater impact for adjacent properties.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has undertaken efforts to contact neighbouring properties within 50 m of the subject site of the proposed Development Variance Permit application. Of the 22 properties to be consulted, the applicant has been able to contact eleven. To date, staff has been contacted by one neighbour only, enquiring whether a solid fence would be provided along the side property line to address privacy. Should Council approve the subject variance application, the applicant has agreed that a 1.8 m solid privacy fence would be constructed along the side property lines, from the back of the principal dwelling extending to the rear lane.

4.0 Proposal

4.1 Project Description

The applicant is proposing to construct a 1½ storey carriage house of 90 m² at the rear of the subject property, with a one car garage and living space on the main level, and two bedrooms and full bathroom in the half storey. The application proposes variances to Zoning Bylaw 8000 to permit an increase in maximum building height from 4.5 m permitted to 4.62 m proposed, a difference of 0.12 m. The building height of the proposed carriage house will be modestly higher (at 0.04 m) than the existing principal dwelling on site (as measured to the midpoint of the roof slope).

As currently proposed, both units will have access to sufficient private outdoor space (min. 30 m² each). Additionally, adequate parking for the two dwellings will be provided on site with 3 parking spaces (one of which provided in carriage house garage).

Should Council support the proposed variances for building height, a Development Permit would be required to assess the proposed form and character of the carriage house, and would be executed at the staff level.

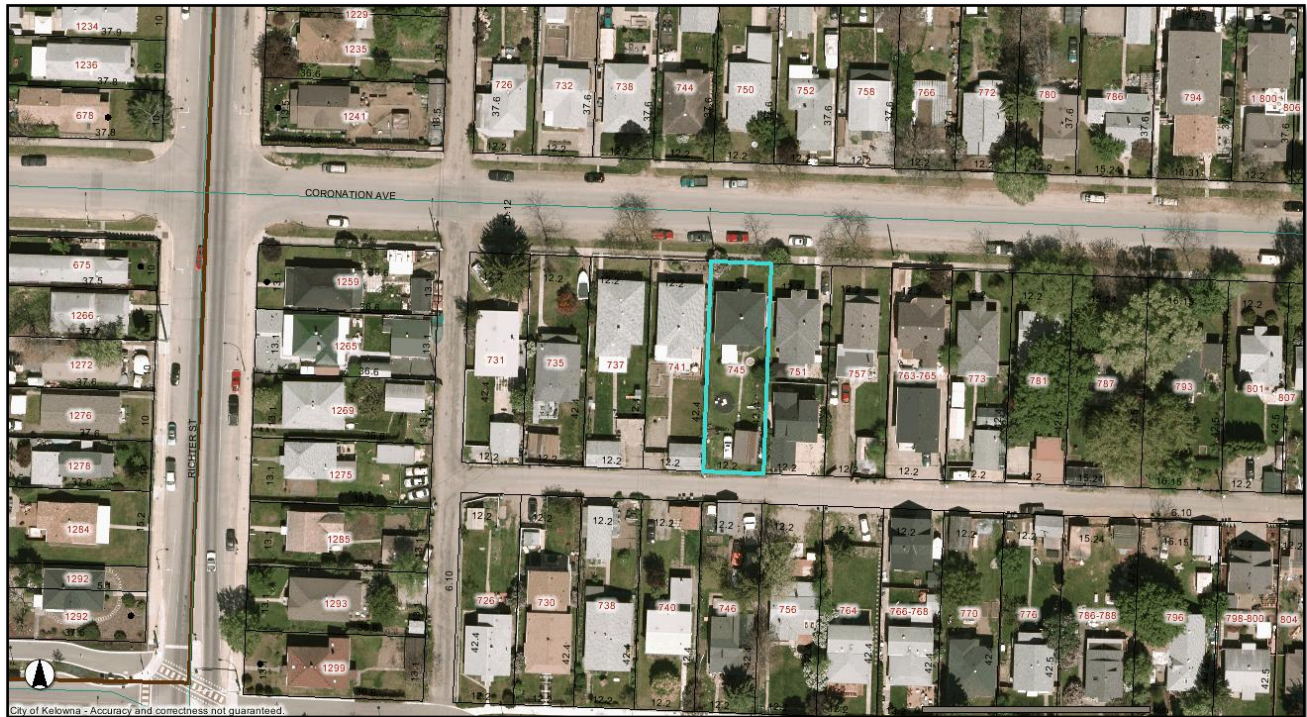
4.2 Site Context

The subject property is located on the south side of Coronation Avenue, east of Richter Street. The site and the surrounding area is presently zoned RU6 - Two Dwelling Housing. Directly adjacent to the west and to the north, the subject property is bordered by the MRM - Multiple Unit Residential (Medium Density) land use designation, supporting potential rezonings to the RM4 and RM5 zones.

The neighbourhood is characterized by established, modest single family houses, many with existing carriage house development, including the east adjacent neighbouring property. Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|----------------------------|---|
| North | RU6 - Two Dwelling Housing | Single Family Housing |
| East | RU6 - Two Dwelling Housing | Single Family Housing (with Carriage House) |
| South | RU6 - Two Dwelling Housing | Single Family Housing |
| West | RU6 - Two Dwelling Housing | Single Family Housing |

Subject Property Map: 745 Coronation Avenue



4.3 Zoning Analysis Table

The proposed application meets the requirements of RU6 - Two Dwelling Housing zone as follows:

| Zoning Analysis Table | | |
|---|-------------------------|--|
| CRITERIA | PROPOSAL | RU6 ZONE REQUIREMENTS |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 516.5 m ² | 400 m ² |
| Lot Width | 12.19 m | 13 m |
| Lot Depth | 42.37 m | 30 m |
| Development Regulations | | |
| Site Coverage (buildings) | Approx. 30% | 40% |
| Site Coverage (buildings/parking) | Approx. 40% | 50% |
| Carriage House (with Principal Dwelling at the front of the site) | | |
| Height | 1½ storeys/ 4.62 m ① | 1½ storeys / 4.5 m |
| Distance from Principal Dwelling | Approx. 10 m | 4.5 m |
| Side Yard (West) | 2.0 m | 2.0 m (1 - 1½ storey) |
| Side Yard (East) | 2.0 m | 2.0 m (1 - 1½ storey) |
| Rear Yard | 7.2 m | 1.5 m |
| Lot coverage of accessory building | 90 m ² / 14% | May not exceed 14% or 90m ² |

| Other Requirements | | |
|---|---|--|
| Floor Area Ratio | Principal dwelling: 166 m ² Carriage House: 90 m ² 54 % | May not exceed the lesser of 90 m ² or 75% |
| Parking Stalls (#) | 3 spaces | 3 spaces |
| Private Open Space | Meets Requirements | 30 m ² per dwelling |
| ① To vary maximum permitted height of a carriage house from 4.5 m permitted to 4.62 m proposed. | | |

5.0 Technical Comments

5.1 Building & Permitting Department

No comments.

5.2 Development Engineering Department

This development variance permit application to vary the height of the carriage house does not compromise any municipal services.

5.3 Fire Department

- Requirements of Section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the two dwellings, a gate with a clear width of 1100 mm is required. Any gate is to open without any special knowledge.
- Additional visible address is required from Coronation Avenue.
- Emergency access is from the main roadway and not the lane to the south.

6.0 Application Chronology

Date Application Accepted: October 13, 2013
Summary of Public Consultation Received: November 5, 2013

Report prepared by:

Abigail Riley, Planner

Reviewed by:

☐

Ryan Smith, Manager, Urban Planning

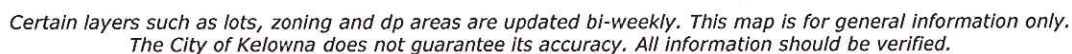
Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate Services

Attachments:

Subject Property Map
Building Elevations
Site and Floor Plans
Context/Site Photo
Draft Development Variance Permit



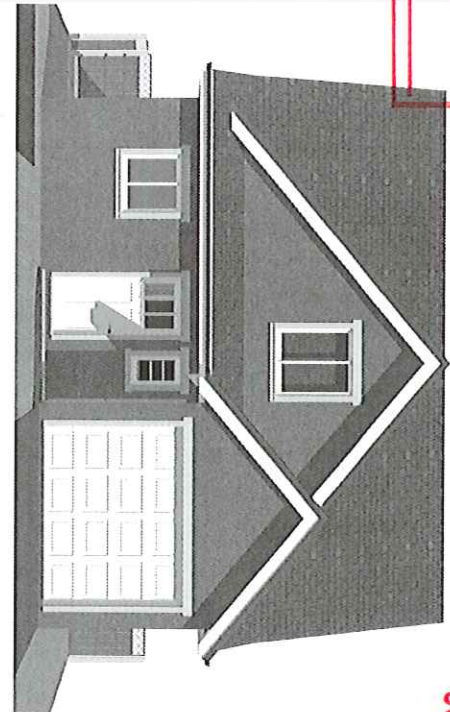
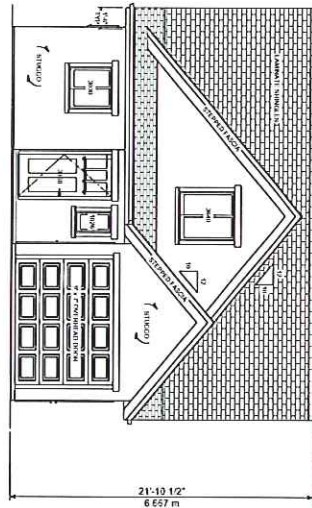
SCHEDULE A.

THIS FORMS PART of development
Permit # **D413-0171.**

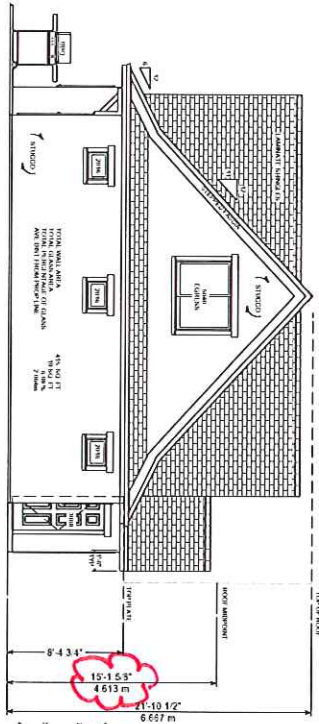
RECEIVED

OCT 23 2013

FRONT ELEVATION

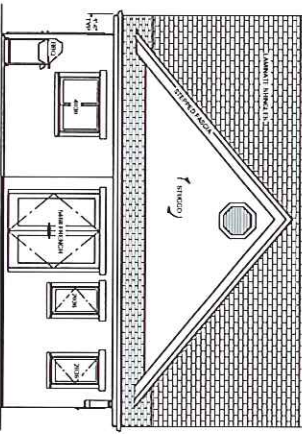


LEFT ELEVATION

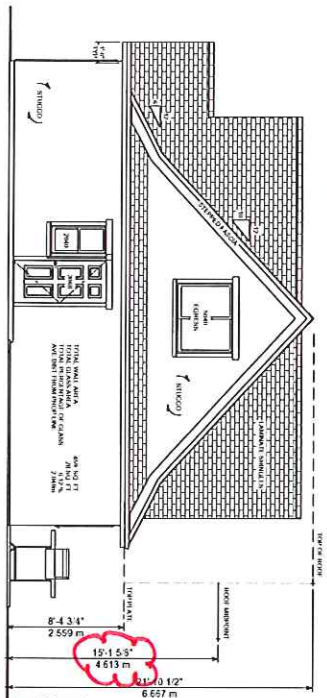


NOTE: ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BYLAWS.
NOTE: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECT PLACEMENT OF THE BUILDING ON THE LOT AND FOR THE CORRECT PLACEMENT OF THE BUILDING ON THE LOT.
NOTE: THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECT PLACEMENT OF THE BUILDING ON THE LOT AND FOR THE CORRECT PLACEMENT OF THE BUILDING ON THE LOT.

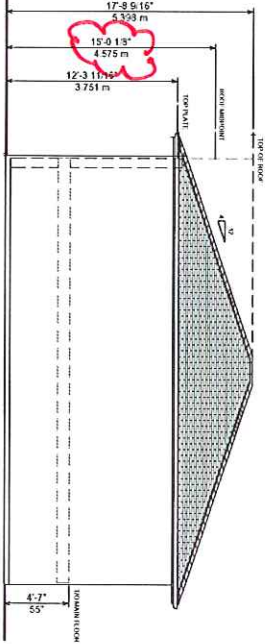
REAR ELEVATION



RIGHT ELEVATION



EXISTING HOUSE



1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

LAVIGNE, JOHN
RESIDENCE

LOT # 42
CORONATION AVE.
KELOWNA, BC

SCALE: 1/4" = 1'

DATE: OCT-22-2013

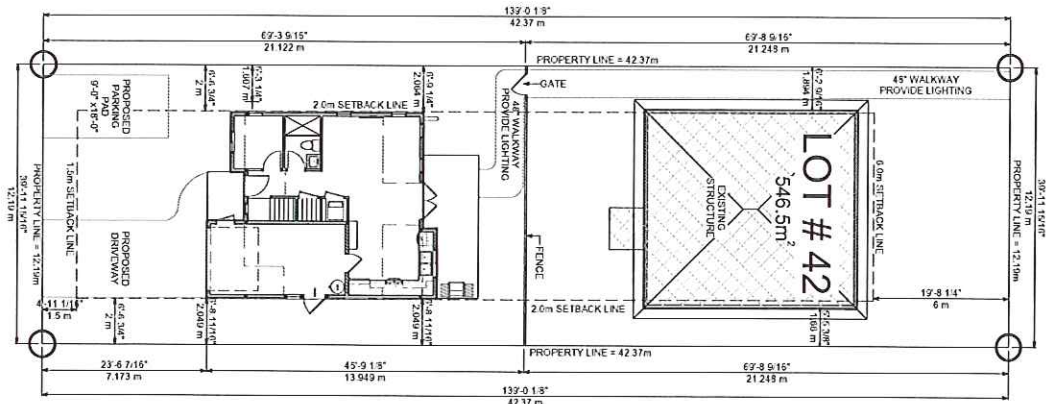
SHEET NUMBER

1/3

RECEIVED

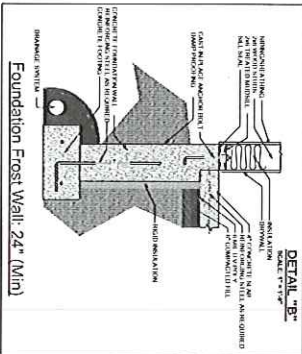
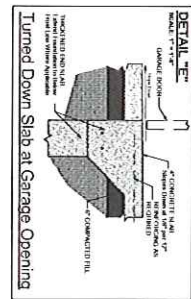
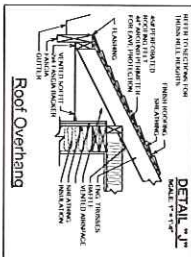
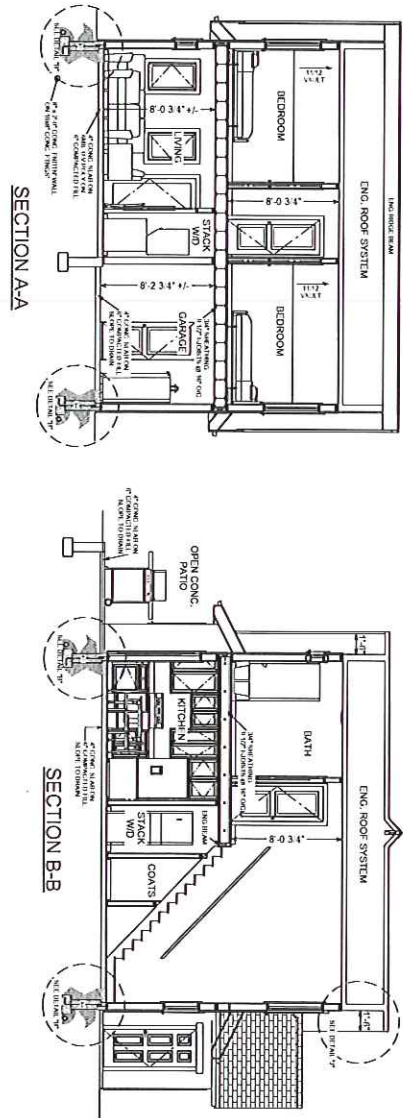
OCT 23 2013

CORONATION AVE



LOT COVERAGE
 MAIN LOT AREA = 546.5 SQ. FT.
 GARAGE LOT AREA = 218 SQ. FT.
 COVERED ENTRY = 68 SQ. FT.
 TOTAL LOT AREA = 832.5 SQ. FT.
 TOTAL COVERED = 286 SQ. FT.
 NEW COVERAGE = 77% SQ. FT.
 13.8%

LANE
 SCALE: 1/8" = 1'-0"
 CONTRACTOR TO CONFIRM
 DIM PRIOR TO CONST.



CONTRACTOR TO CONFIRM
 DIM PRIOR TO CONST.

CODES AND STANDARDS

ABOVE GRADE MASONRY

CARPENTRY

INSULATION / VENTILATION

SPECIFICATIONS

ROOF
 FINISH ROOFING
 INSULATION
 2x12 JOISTS
 4" CONCRETE SLAB
 2" POLYSTYRENE INSULATION
 4" CONCRETE SLAB

FLOOR SYSTEM

CEILING / WALL

STAIRS

DOOR / WINDOW

FINISH

PAINT

LANDSCAPE

MISCELLANEOUS

NOTES

GENERAL

DETAILS

SECTION A-A

SECTION B-B

DETAIL 'J'

DETAIL 'E'

DETAIL 'B'

FOUNDATION

CONCRETE

INSULATION

VENTILATION



1964 Dayton Street
 Kelowna BC V1Y 7W6
 Bus: (250) 717-3415
 Cell: (250) 258-7819
 e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

LAVIGNE, JOHN
 RESIDENCE

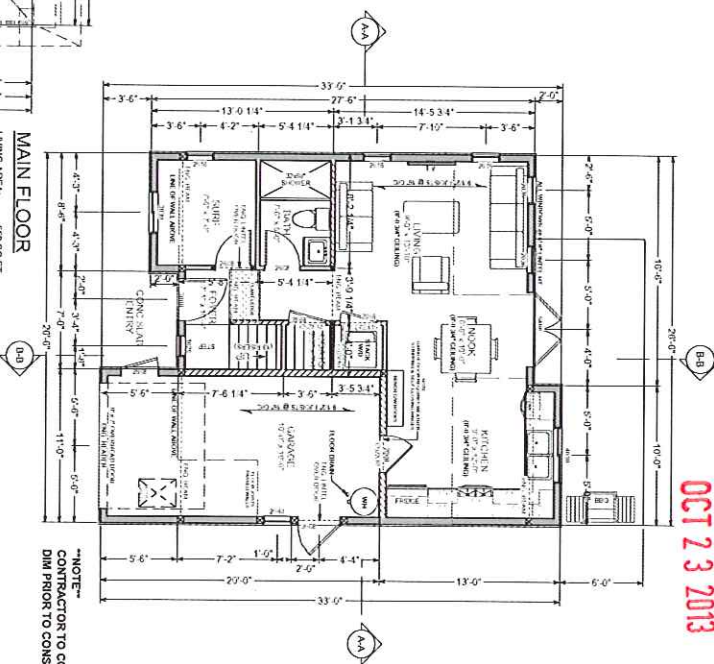
LOT # 42
 CORONATION AVE.
 KELOWNA, BC

SCALE: 1/4" = 1'

DATE: OCT-22-2013

SHEET NUMBER

3/3



CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

**1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca**

2/3



Address 745 Coronation Avenue

Address is approximate



EXISTING HOUSE, - 745 CORONATION AV.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0171

EXISTING ZONING DESIGNATION: RU6 – Two Dwelling Housing

DEVELOPMENT VARIANCE PERMIT: To vary maximum permitted height of a carriage house from 4.5 m permitted to 4.62 m proposed.

ISSUED TO: Jean Gerard Lavigne

LOCATION OF SUBJECT SITE: 745 Coronation Avenue

| | LOT | SECTIONS | D.L. | TOWNSHIP | DISTRICT | PLAN |
|--------------------|-----|----------|------|----------|----------|------|
| LEGAL DESCRIPTION: | 42 | | 138 | | ODYD | 1039 |

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 a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6 – RU6 Zone Development Regulations

To vary the maximum height for accessory buildings from 4.5 m permitted to 4.62 m proposed, as per Schedule 'A';

Section 9.5b.1(d) – Carriage House Regulations

To vary the maximum permitted height for a carriage house from the lesser of 4.5 m or the height of the existing principal dwelling unit to 4.62 m proposed, as per Schedule 'A';

AND THAT the Development Permit for the proposed carriage house include a 1.8 m high solid fence along the side property lines to address neighbour privacy.

2. 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.

3. 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.

4. 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 Community Planning & Real Estate Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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.

5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF DECEMBER 2013.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF DECEMBER, 2013 BY THE DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate Services

CITY OF KELOWNA
BYLAW NO. 10815
Z13-0001 - Mission Group Old Meadows G.P. Ltd. Inc. No.
BC0954893
674 Old Meadows Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of The Fractional South West ¼ of Section 6, Township 26, ODYD, Exclusive of District Lot 358, ODYD, Except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) Part Described in D.D. 190710F, located on Old Meadows Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RM4 - Transitional Low Density Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4th day of March, 2013.

Considered at a Public Hearing on the 9th day of April, 2013.

Read a second and third time by the Municipal Council this 9th day of April, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: October 30, 2013

RIM No. 0940-40

To: City Manager

From: Urban Planning, Community Planning & Real Estate Services (AR)

Application: DP13-0039 & DVP13-0040 **Owner:** Brighton- Mission Group
Homes Ltd., Inc. No.
BC0954893

Address: 662-698 Old Meadows Road **Applicant:** The Mission Group
(formerly 674 Old Meadows Road)

Subject: 2013-11-19 Report DP13-0039 DVP13-0040 674 Old Meadows

Existing OCP Designation: Multiple Unit Residential (Medium Density)

Existing Zone: A1 - Agriculture 1

Proposed Zone: RM4 - Transitional Low Density Housing

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10815 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0039 for the fractional south west $\frac{1}{4}$ of Section 6, Township 26, ODYD exclusive of District Lot 358, ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F, located at 662-698 Old Meadows Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in general accordance with Schedule 'A';
2. The exterior design and finish of the buildings to be constructed on the land be in general accordance with Schedule 'B';
3. Landscaping to be provided on the land be in general accordance with Schedule 'C';
4. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0040 for

the fractional south west ¼ of Section 6, Township 26, ODYD exclusive of District Lot 358, ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F, located at 662-698 Old Meadows Road, Kelowna, BC;

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

Section 13.10.6 (d) - RM4 Development Regulations

To vary the minimum required front yard from 6.0 m required to 1.8 m proposed, as per Schedule 'A';

Section 13.10.6 (e) - RM4 Development Regulations

To vary the minimum required side (east) yard from 4.5 m required to 1.6 m proposed, as per Schedule 'A';

Section 8.1.9 (c) - Off-Street Vehicle Parking - Location

To vary the minimum required setback for off-street parking from 1.5 m from any side property line and 3.0 m from any flanking street to 0.5 m proposed, as per Schedule 'A';

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit and Development Variance Permit Applications, in order for the permits to be issued.

2.0 Purpose

To consider the form and character of the proposed 108 unit row house and duplex development on the subject property. Council is also asked to consider the merits of three variances to facilitate the proposed development: to reduce the minimum required front yard along Old Meadows Road; to reduce the minimum required side yard on Gordon Drive; and to reduce the minimum required setback for vehicle parking.

3.0 Urban Planning Department

Staff is supportive of both the Development Permit and Development Variance Permit applications. The proposed development of a comprehensive townhouse and duplex development under the RM4 - Transitional Low Density Housing Zone is consistent with the intention of the Multiple Unit Residential (Medium Density) land use designation for the subject site. While the applicant has applied for a comprehensive development of the subject site, construction is anticipated to be phased.

Site Planning

The proposed development creates a strong street interface along both the Old Meadows Road and Gordon Drive frontages —a generally continuous row of street-fronting residential units frames Old Meadows Road, and Gordon Drive is improved with pedestrian entries and accesses, façade detailing, and comprehensive landscaping. The development transitions well from Gordon Drive (4-lane arterial) to the established single-family community to the west and south, with heights graduating from 3-storeys along Old Meadows Road, Gordon Drive, and in the interior of the site to 2-storeys along the west boundary adjacent to single family residential and along the north boundary adjacent to Thomson Creek.

Form & Character

The proposed form and character are generally consistent with the objectives of the OCP Comprehensive Development Urban Design Guidelines to achieve a high quality design that promotes a strong sense of authenticity and that provides interesting, pedestrian-friendly streetscapes. Active building frontages are presented outwards to Old Meadows Road and to Gordon Drive, with unit main entries and front yards oriented to the street. Visual interest is achieved throughout the development, but most notably along the street frontages, by layering different building materials (vinyl, stucco, shingles), as well as by incorporating varied architectural features and details (roof lines, covered porches, bays, windows). Proposed soft and hard landscaping at the perimeter is extensive and layered, and ample private open space is provided for each unit. The development incorporates an architecturally prominent entry gate and water feature along the Old Meadows frontage and a landscape wall feature at Old Meadows Road and Gordon Drive to anchor this visually significant corner.

Variances

Two of the variances requested are to permit reduced setbacks along the Old Meadows Road and Gordon Drive frontages. While the proposed building footprint along Old Meadows Road would encroach (approx. 1.8 m) within the required front yard setback area, the variances being sought are in large part to accommodate the proposed entry stairs and porches of the street-fronting units. Staff is generally supportive of the variances since the result is to strengthen visual interest and street interface along Old Meadows Road and Gordon Drive. While, the proposed development will be located relatively closer to Old Meadows (at approx. 4.5 m) than the existing single family houses to the west (at approx. 10 m), the relative impact on the adjacent residential property will be offset by the increased west side yard of 4.6 m, where only 2.3 m is required by the RM4 zone.

The final variance is to accommodate the location of 2 visitor parking spaces within 0.5 m of the west boundary and 6 visitor parking spaces within 0.5 m of the east (Gordon Drive) boundary, where 1.5 m and 3.0 m setbacks, respectively, would otherwise be required. While not ideal, there is a unique grade difference which permits these parking spaces to be provided below the adjacent street level (by approx. 1 m). When combined with landscape screening, these discrete parking spaces would not be visible or have significant impact on the adjacent street or property.

The applicant has satisfied Council Policy 367 - Public Notification & Consultation for Development Applications and has provided notification of the proposed Development Variance Permit application to neighbouring properties within 50 m of the subject site.

Proposal

3.1 Background

On April 9, 2013, Council gave 2nd and 3rd readings to the proposed Rezoning for this project subject to conditions, including the consideration of Development Permit application prior to final adoption of the zoning amending bylaw. The applicant has now successfully satisfied the conditions of zoning.

3.2 Project Description

Overall Project

The applicant is proposing to develop the subject site with a comprehensive, ground-oriented row house and duplex development, under the RM4 - Transitional Low Density Housing Zone. The development will consist of 108 dwelling units, comprised of 43 two-bedroom units and 65 three-bedroom units, and provided in 22 two- and three-storey buildings.

Unit parking will be provided in a combination of individual garages and carports, with visitor parking provided at surface in a few locations on the site. Vehicular access will be provided from Old Meadows Road, with a controlled emergency access on Gordon Drive. A semi-circular private road will provide internal vehicular circulation within the site.

Each unit will be provided with a minimum private open space of at least 25 m², in accordance with Zoning Bylaw 8000. The open space for interior units (Buildings 8, 9 and 15-22) is proposed to be raised (approx. 2.7 m above grade) to match the second floor elevation so that it can be accessed directly from the primary living space.

A 15 m setback measured from the top of bank of Thompson Brook is provided at the north end of the site for protection of the associated riparian area. As a condition of rezoning, a no disturb/no build Section 219 Restrictive Covenant has been registered on title, and a restoration plan for this environmentally sensitive area is being considered under the Natural Environment Development Permit application.

Form and Character

The proposal contemplates a generally continuous edge of street-fronting units with main entries along the Old Meadows Road frontage, creating a strong residential interface and pedestrian orientation opposite the established single family area to the south. Individual gates and front yard areas will create an active street frontage, while providing a transition from the public to the private realms.

An improved interface and design treatment is also proposed along Gordon Drive, transitioning to the agricultural area to the east. Each row-end unit abutting Gordon Drive features a street-fronting pedestrian entry and articulated façade. In addition to individual gates and front yard areas for the abutting units, there are also several gateway points for the use by internal residents to access the public sidewalk along Gordon Drive. A mix of soft and hard landscaping features is proposed along Gordon Drive to enhance the streetscape and screen on-site vehicular and amenity areas. Further, sidewalk and boulevard trees will be extended along the Old Meadows and Gordon Drive frontages.

The main vehicular and pedestrian entry to the development is proposed midway along the Old Meadows Road frontage and will be demarked with a formal entry gate, with a water feature beyond. Further, a substantial architectural feature is proposed at the corner of Old Meadows Road and Gordon Drive to anchor the site at this key intersection. Both features are proposed to incorporate cultured stone to highlight their prominence.

The proposed architectural theme is informed by the “English Revival” style, which is typically characterized by steeply pitched gable and hipped roofs, side gables, tall narrow windows, substantive chimneys, asymmetrical façade design, and decorative details such as eave brackets and covered porches. The proposed primary building finishing material is 3” and 4.5” vinyl siding, with secondary materials of stucco and fibre cement shingles used to accent bays and entries.

Variances

There are three variances proposed to facilitate the development, as follows:

- to vary the minimum front yard along Old Meadows Road from 6 m to 1.8 m;
- to vary the minimum side yard on Gordon Drive from 4.5 m to 1.6 m; and
- to vary the minimum setback for vehicle parking from 3.0 m (along Gordon Drive) and 1.5 m (along the interior west property line) to 0.5 m.

The applicant outlines that the variances to the minimum front and side yard setbacks are needed to accommodate primarily the exterior stair and porch elements thereby facilitating the orientation of the perimeter units to the street. The further variance to accommodate visitor parking is proposed to be of modest impact, as these parking spaces will be lower than the surrounding street grade and screened from view by landscaping.

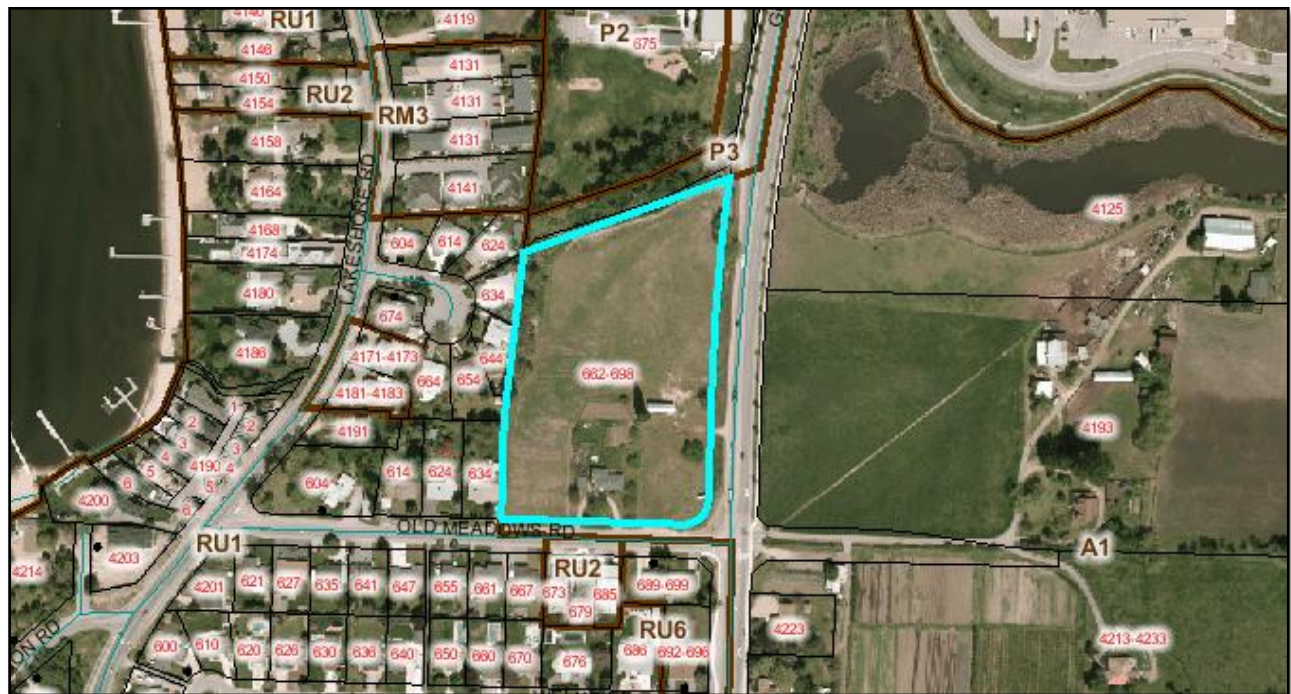
3.3 Site Context

This 2.27 ha site is presently vacant and located at the northeast corner of Old Meadows Road and Gordon Drive, with a future land use designation of Multi Unit Residential (Medium Density). Thomson Brook borders the northern property line of the subject property, with the Ecole de l'Anse-au-sable located further beyond. The surrounding area to the west and south is characterized by established single-family development. Across Gordon Drive to the east are agricultural lands located in the Agricultural Land Reserve (ALR), as well as the Thomson Marsh to the north and the Capital News Centre, the H₂O Adventure and Fitness Centre, and Mission Creek Recreational Park beyond.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|---|--|
| North | P3 - Parks & Open Space P2 - Educational & Minor Institutional | Thomson Brook School (École de l'Anse-au-sable) |
| East | A1 - Agricultural 1 | Agricultural |
| South | RU1 - Large Lot Housing RU2 - Medium Lot Housing | Single Family Residential |
| West | RU1 - Large Lot Housing | Single Family Residential |

Subject Property Map: 674 Old Meadows Road



The conceptual proposal compares to the proposed RM4 zone requirements as follows:

| Zoning Analysis Table | | |
|---|--|---|
| CRITERIA | RM-4 ZONE REQUIREMENTS | PROPOSAL |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 900 m ² | 22,663 m ² (2.27 ha) |
| Lot Width | 30 m | Approx. 110 m |
| Lot Depth | 30 m | Approx. 160 m |
| Development Regulations | | |
| Floor Area Ratio | 0.65, with max. 0.20 bonus | Approx. 0.615 |
| Site Coverage (buildings) | 50% | Approx. 33% |
| Site Coverage (buildings, driveways, parking areas) | 60% | Approx. 48% |
| Height | Lesser of 13 m or 3 storeys | Max. 13 m or 3 storeys |
| Front Yard | 6 m (if more than 2 storeys) | 1.83 m ❶ |
| Side Yard (east) | 4.5 m (flanking street) | 1.68 m ❷ |
| Side Yard (west) | 4.5 m (if more than 2 storeys) | 4.57 m |
| Rear Yard | 7.5 m (if 2 storeys or less) | 19.75 m |
| Other Regulations | | |
| Min. Parking Requirements | 194 spaces | 236 spaces |
| Min. Setback for Vehicular Parking | 1.5 m from any side property line, except 3.0 m from any flanking street | 0.5 m from east and west property lines ❸ |
| Bicycle Parking | Class 1: 0.5/unit (54 spaces) Class 2: 0.1/unit (11 spaces) | 54 Class 1 spaces 11 Class 2 spaces |
| Visitor Parking | 16 spaces | 21 spaces |
| Private Open Space | 25 m ² per unit | Min. 25 m ² per unit |
| ❶ Indicates a requested variance to reduce the minimum front yard from 6m required to 1.8 m proposed. ❷ Indicates a requested variance to reduce the minimum side yard (flanking street) from 4.5 m required to 1.6 m proposed. ❸ Indicates a requested variance to reduce the min. required setbacks for vehicular parking from 1.5 m (east) and 3.0 m (west) to 0.5 m proposed. | | |

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Comprehensive Development Permit Objectives:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).

- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

5.0 Technical Comments

5.1 Building & Permitting Department

1. Demolition permits are required for any existing building(s).
2. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
3. Size and location of all signage to be clearly defined as part of the development permit.
4. This is an area with a potentially high ground watertable, a geotechnical engineer may be required to establish a safe building elevation.
5. A Building Code analysis is required for the structure(s) at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a) The 2012 edition of the British Columbia Building Code (BCBC) may limit the amount of unprotected openings between buildings. Spatial calculations should be provided prior to the release of the Development Permit
 - b) The entrance stairs appear to project into the required setbacks
6. Full Plan check for Building Code related issues will be done at time of Building Permit applications, but the following item may be required to be addressed at time of application:
 - a) Submission drawings to show the required fire stopping/blocking details and cross sections required for all mechanical shafts separations.
 - b) Architectural drawings to show sections and details indicating the insulation details of cantilever floor areas
 - c) Drawings to show the fire stopping and framing method(s) for the back to back stairs on either side of the unit demising walls. Fire stopping details also required within the attic spaces of the shared front entrances as well as soffit protection details.

5.2 Development Engineering Department

See attached Development Engineering Memorandum, dated April 9, 2013.

5.3 Fire Department

1. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900.
2. The Subdivision Bylaw requires a minimum of 150 ltr/sec flow for row housing.
3. A fire department lock box is required at the main entrance on Old Meadows Rd. and at the emergency access on Gordon Dr.
4. No parking signs are to be provided along the entire access route as the roadway is 6 m wide.

6.4 FortisBC (Electric)

There are primary electrical distribution facilities along the subject's property line along Old Meadows Rd. Currently, no arrangements have been made to service the proposed townhouse development. Otherwise, FortisBC Inc. (Electric) has no land rights concerns at this time. If changes to the existing service are required, the customer must call 1-866-4 FORTIS (1-866-436-7847) to initiate the design process.

6.0 Application Chronology

Date of Application Received: March 19, 2013
 Supplementary Materials Received: May 31, June 4, & October 21, 2013

Report prepared by:

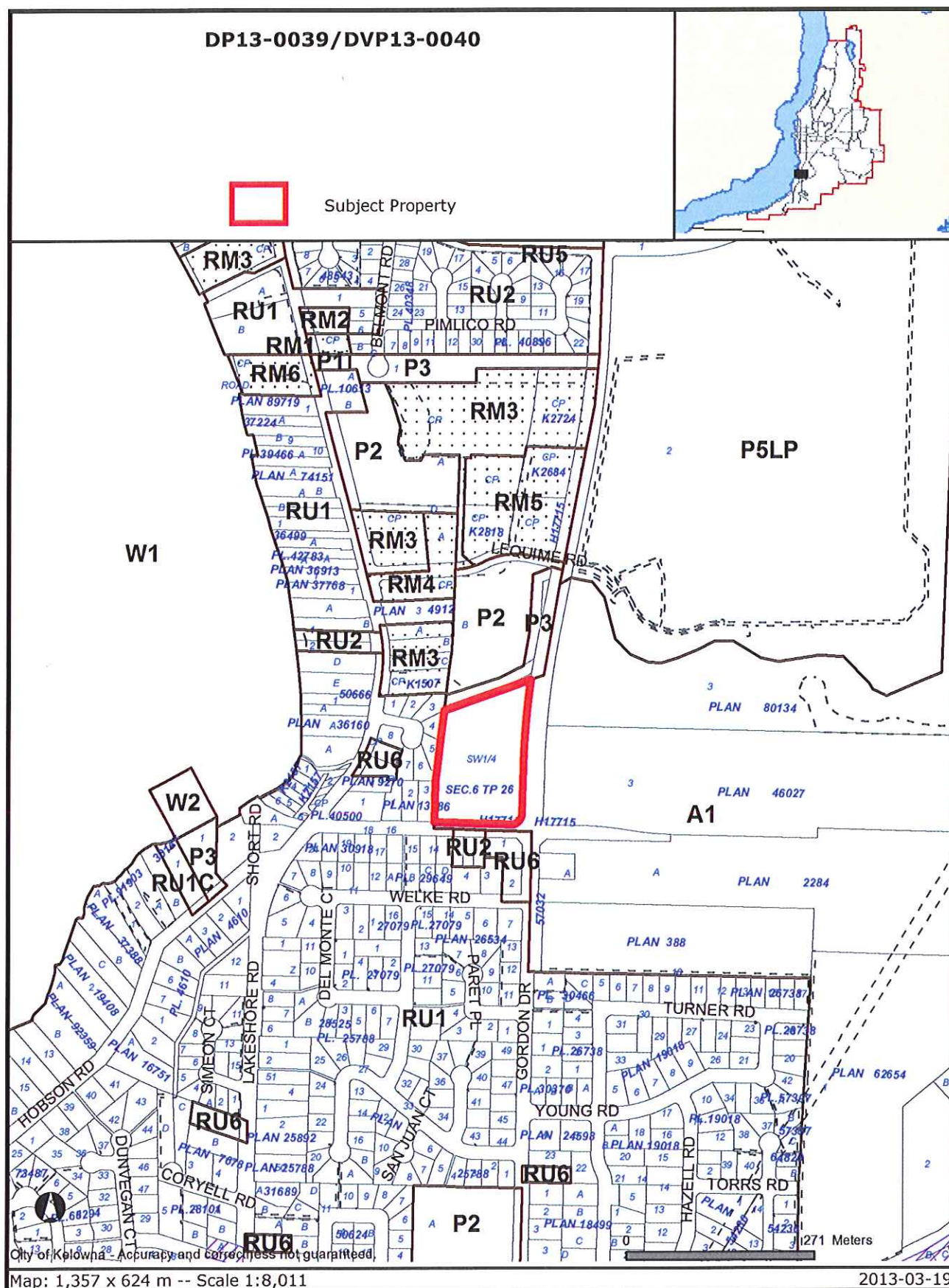
Abigail Riley, Urban Planner

Reviewed by: ☐ Danielle Noble-Brandt, Urban Planning Manager

Approved for Inclusion ☐ Doug Gilchrist, Divisional Director, Community Planning & Real Estate Services

Attachments:

Subject Property Map
 Site Plan
 Conceptual Elevations
 Colour/Materials Board
 Landscape Plan
 Development Engineering Memorandums, dated April 9, 2013
 DRAFT Development Permit / Development Variance Permit



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.

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REVISIONS

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| 1 | ISSUED FOR DP | 03.15.13 |

MISSION GROUP

DAVID TYRELL ARCHITECT

PROJECT NO.

CLIENT

DATE

OLD MEADOWS ROAD TOWNHOMES

BUILDING ONE ELEVATIONS - OLD MEADOWS ROAD

SCALE

DATE

BY

CHKD

OLD MEADOWS ROAD TOWNHOMES

BUILDING ONE ELEVATIONS - OLD MEADOWS ROAD

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OLD MEADOWS ROAD TOWNHOMES

BUILDING ONE ELEVATIONS - OLD MEADOWS ROAD

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SCHEDULE B!

This forms part of development

Permit # **DX 13-0039**

REVISIONS

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| 1 | ISSUED FOR IDP | 03/15/13 |

MISSION GROUP

CLUB

DTA
david tyrell architect

PROJECT NO.

3001 L. ST. NW, WASHINGTON, DC 20004
TEL: 202.331.1111 FAX: 202.331.1112

Old Meadows Road
Townhomes
Kodomo, DC

**BUILDING 3
ELEVATIONS -
OLD MEADOWS
ROAD.**

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 DRAWING NO.:
 SHEET NO.:
 TOTAL SHEETS: 10

MISSION GROUP

DTA
 david tyrell architect

1000 14th Street, NW
 Washington, D.C. 20004
 Tel: 202.462.1371

Old Meadows Road
 Townhomes
 Kelowna, BC
 BUILDINGS 4 & 7
 ELEVATIONS

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 Permit # **2013-0089**

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REVISIONS

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MISSION GROUP

DAVID TYRELL ARCHITECT

DTA

DAVID TYRELL ARCHITECT

Old Meadows Road Townhomes
Kecoloma, DC

BUILDING 8 ELEVATIONS

DATE: 03.15.13
BY: [Signature]

SCALE: 1/8" = 1'-0"

1 SOUTH ELEVATION
1/8" = 1'-0"

2 WEST ELEVATION
1/8" = 1'-0"

3 NORTH ELEVATION
1/8" = 1'-0"

4 EAST ELEVATION
1/8" = 1'-0"

SCHEDULE B6
This forms part of development
Permit # **DL13-0039**

| NO. | DESCRIPTION | DATE |
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| 1 | ISSUED FOR DP | 03.15.13 |

REVISIONS

| NO. | REVISION | DATE |
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| 1 | ISSUED FOR DP | 03/15/13 |

MISSION GROUP

DAVID TYRELL ARCHITECT

Old Meadows Road Townhomes
Kensington, DC

BUILDING 15 ELEVATIONS

1 NORTH ELEVATION
1/8" = 1'-0"

2 EAST ELEVATION
1/8" = 1'-0"

3 SOUTH ELEVATION
1/8" = 1'-0"

4 WEST ELEVATION
1/8" = 1'-0"

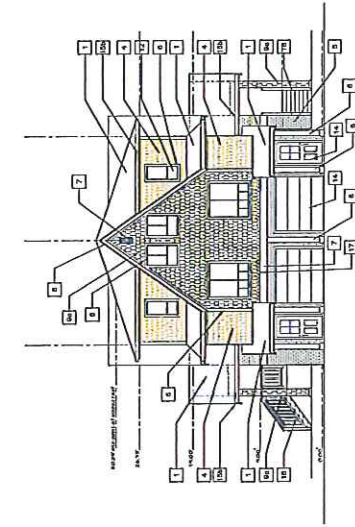
5 REAR ELEVATION
1/8" = 1'-0"

SCHEDULE B9
This forms part of development
Permit # **2013-0039**

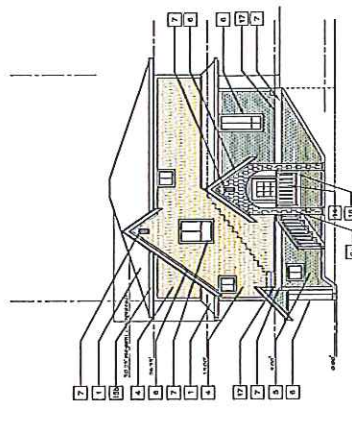
| NO. | REVISION | DATE |
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| 1 | ISSUED FOR DP | 03/15/13 |

| REVISIONS | |
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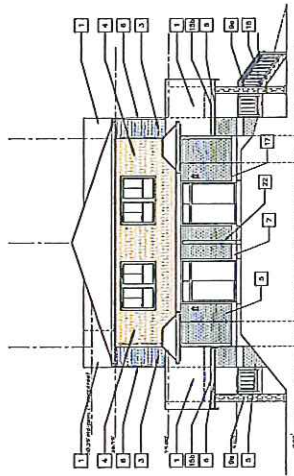
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1 EAST ELEVATION
1/8"=1'-0"



3 WEST ELEVATION
1/8"=1'-0"



4 SOUTH ELEVATION
1/8"=1'-0"

SCHEDULE B1
This forms part of development
Permit # **DF 13-0039**

MISSION GROUP

DAVID BYRNELL ARCHITECT

Old Meadows Road
Tounhomes
Kilgus, DC

BUILDING 17
GARAGE LEVEL
PLAN -
GORDON DR

a 12.4

| REVISIONS | |
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1 EAST ELEVATION
1/8"=1'-0"

2 SOUTH ELEVATION
1/8"=1'-0"

3 WEST ELEVATION
1/8"=1'-0"

4 NORTH ELEVATION
1/8"=1'-0"

SCHEDULE B12
This forms part of development
Permit # **D413-0039**

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DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

MISSION GROUP

DTA david tyrell architect

OLD MEADOWS ROAD TOWNHOMES

OLD MEADOWS ROAD TOWNHOMES

OLD MEADOWS ROAD TOWNHOMES

| REVISIONS | |
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DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

MISSION GROUP

DTA david tyrell architect

OLD MEADOWS ROAD TOWNHOMES

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DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

MISSION GROUP

DTA david tyrell architect

OLD MEADOWS ROAD TOWNHOMES

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PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

MISSION GROUP

DTA david tyrell architect

OLD MEADOWS ROAD TOWNHOMES

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DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

DATE: 03.15.12

PROJECT NAME: OLD MEADOWS ROAD TOWNHOMES

PROJECT NO: 14-4

MISSION GROUP

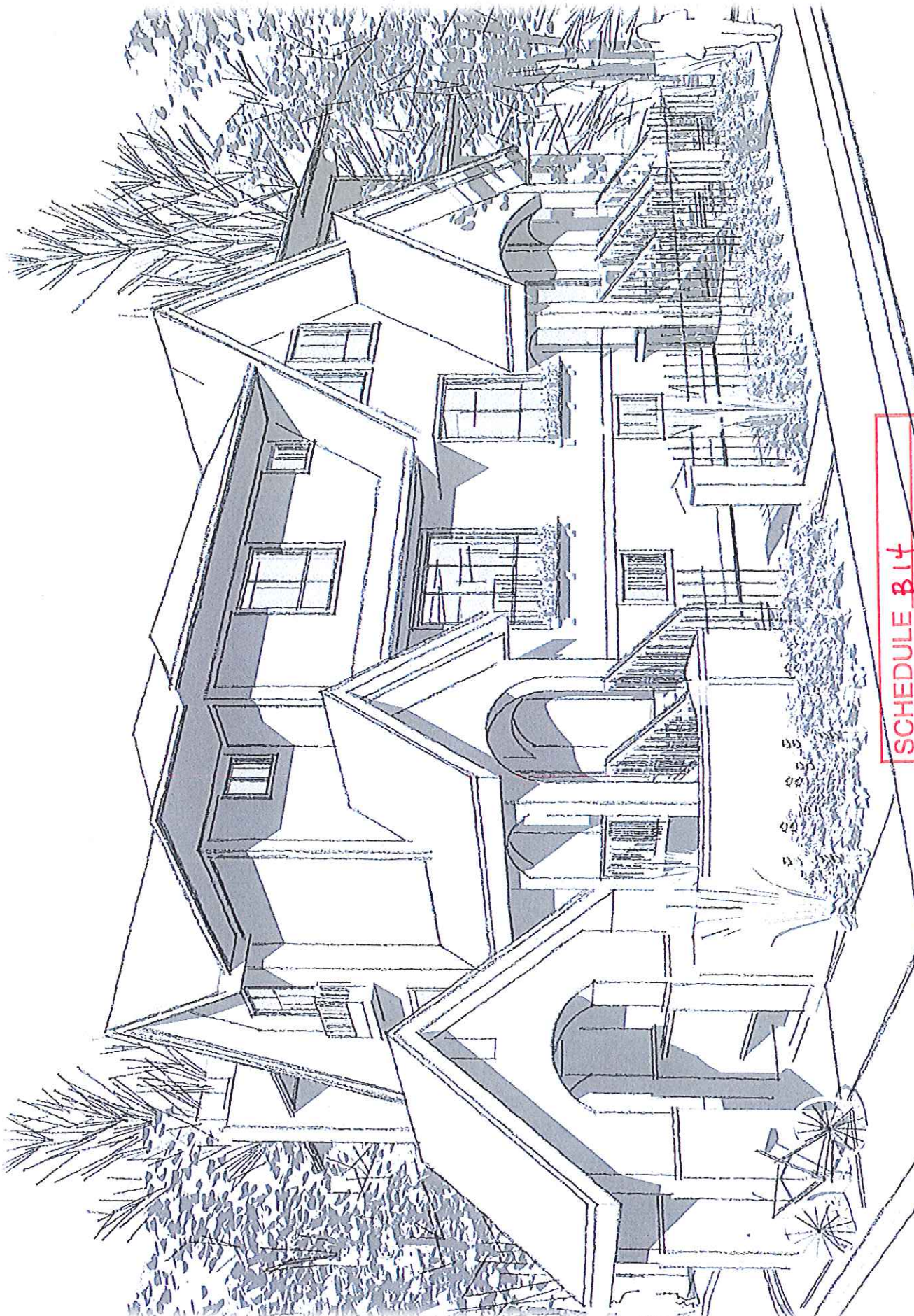
DTA david tyrell architect

OLD MEADOWS ROAD TOWNHOMES

OLD MEADOWS ROAD TOWNHOMES

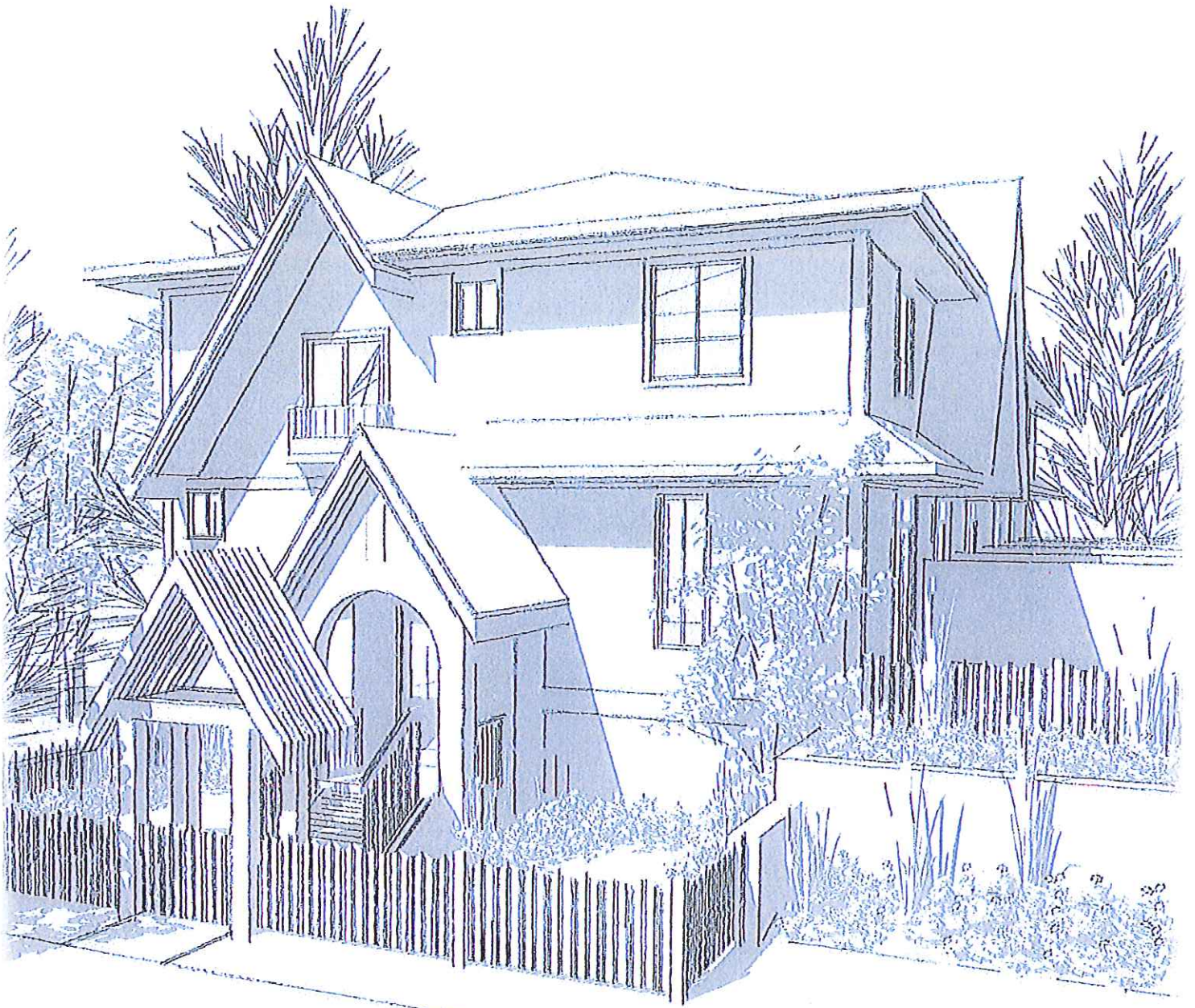
OLD MEADOWS ROAD TOWNHOMES

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Old Meadows Rd Townhomes
Old Meadows Streetscape

SCHEDULE B14
This forms part of development
Permit # **DB-0039**



SCHEDULE B15

This forms part of development

Permit # **D13-0039**

Building Finishing Materials & Colours.

| #1 - LIGHT | |
|------------|---|
| Spec # | Description |
| 1 | Asphalt roof shingles |
| 2 | Pre-finished metal roof flashing |
| 3 | Perforated aluminum roof soffit |
| 4 | Triple 3 Vinyl Siding (3") |
| 5 | Double 2 Vinyl Siding (4.5") |
| 6 | PRIMARY TRIM: 1 x 6 hardie painted window trim, balcony hardie fascia, 1x4 on 2x4 wood painted gable fascias & corbels, beams & posts, chimney trim, vertical boards separating wall shingles and horizontal siding on flat wall, entry posts, corbels at base of bays, solid wood, flower pet doors. |
| 7 | ALTERNATE TRIM: Decorative vents, Juliet balconies, 2x10 horizontal trim at base of bays, 2x10 horizontal trim (belly bands) |
| 8 | Outside corner trims. |
| 9a | BM HC-167 Ashmist Gray |
| 9b | BM HC-167 Ashmist Gray |
| 10 | Stucco Walls (Bays/Entries) |
| 11 | Cultured stone veneer |
| 12 | Chimney cap |
| 13 | Double glazed vinyl windows (with muntin bars - TBD) |
| 14 | Pre-finished steel window head flashing with end dam |
| 15a | Paint grade metal clad entry door |
| 15b | Pre-finished aluminum gutter |
| 15c | Pre-finished aluminum rain water leader |
| 16 | Fascia gutter |
| 17 | Pre-finished aluminum (TBD) cross cavity wall flashing used with siding |
| 18 | Pre-finished aluminum (TBD) cross cavity wall flashing with hardie belly band |
| 19 | Aluminum picket fencing with caps, outside stair railings. |
| 20 | Baked enamel aluminum balcony railings |
| 21 | Docking membrane |
| 22 | Deck flashing |
| 23 | Painted partition walls (balconies) |
| 24 | Perimeter wood fencing (Yards) |

| #2 - MEDIUM | |
|-------------|---|
| Spec # | Description |
| 1 | Asphalt roof shingles |
| 2 | Pre-finished metal roof flashing |
| 3 | Perforated aluminum roof soffit |
| 4 | Triple 3 Vinyl Siding (3") |
| 5 | Double 2 Vinyl Siding (4.5") |
| 6 | PRIMARY TRIM: 1 x 6 hardie painted window trim, balcony hardie fascia, 1x4 on 2x4 wood painted gable fascias & corbels, beams & posts, chimney trim, vertical boards separating wall shingles and horizontal siding on flat wall, entry posts, corbels at base of bays, solid wood, flower pet doors. |
| 7 | ALTERNATE TRIM: Decorative vents, Juliet balconies, 2x10 horizontal trim at base of bays, 2x10 horizontal trim (belly bands) |
| 8 | Outside corner trims. |
| 9a | BM HC-85 Fairview Taupe |
| 9b | BM HC-85 Fairview Taupe |
| 10 | Stucco Walls (Bays/Entries) |
| 11 | Cultured stone veneer |
| 12 | Chimney cap |
| 13 | Double glazed vinyl windows (with muntin bars - TBD) |
| 14 | Pre-finished steel window head flashing with end dam |
| 15a | Paint grade metal clad entry door |
| 15b | Pre-finished aluminum gutter |
| 15c | Pre-finished aluminum rain water leader |
| 16 | Fascia gutter |
| 17 | Pre-finished aluminum (TBD) cross cavity wall flashing used with siding |
| 18 | Pre-finished aluminum (TBD) cross cavity wall flashing with hardie belly band |
| 19 | Aluminum picket fencing with caps, outside stair railings. |
| 20 | Baked enamel aluminum balcony railings |
| 21 | Docking membrane |
| 22 | Deck flashing |
| 23 | Painted partition walls (balconies) |
| 24 | Perimeter wood fencing (Yards) |

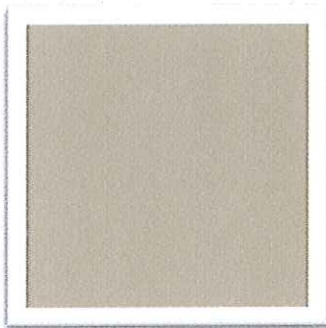
| #3 - DARK | |
|-----------|---|
| Spec # | Description |
| 1 | Asphalt roof shingles |
| 2 | Pre-finished metal roof flashing |
| 3 | Perforated aluminum roof soffit |
| 4 | Triple 3 Vinyl Siding (3") |
| 5 | Double 2 Vinyl Siding (4.5") |
| 6 | PRIMARY TRIM: 1 x 6 hardie painted window trim, balcony hardie fascia, 1x4 on 2x4 wood painted gable fascias & corbels, beams & posts, chimney trim, vertical boards separating wall shingles and horizontal siding on flat wall, entry posts, corbels at base of bays, solid wood, flower pet doors. |
| 7 | ALTERNATE TRIM: Decorative vents, Juliet balconies, 2x10 horizontal trim at base of bays, 2x10 horizontal trim (belly bands) |
| 8 | Outside corner trims. |
| 9a | BM HC-85 Fairview Taupe |
| 9b | BM HC-85 Fairview Taupe |
| 10 | Stucco Walls (Bays/Entries) |
| 11 | Cultured stone veneer |
| 12 | Chimney cap |
| 13 | Double glazed vinyl windows (with muntin bars - TBD) |
| 14 | Pre-finished steel window head flashing with end dam |
| 15a | Paint grade metal clad entry door |
| 15b | Pre-finished aluminum gutter |
| 15c | Pre-finished aluminum rain water leader |
| 16 | Fascia gutter |
| 17 | Pre-finished aluminum (TBD) cross cavity wall flashing used with siding |
| 18 | Pre-finished aluminum (TBD) cross cavity wall flashing with hardie belly band |
| 19 | Aluminum picket fencing with caps, outside stair railings. |
| 20 | Baked enamel aluminum balcony railings |
| 21 | Docking membrane |
| 22 | Deck flashing |
| 23 | Painted partition walls (balconies) |
| 24 | Perimeter wood fencing (Yards) |

#1 Light – Buildings 2, 4, 7, 11, 13, 16, 17, 19, and 22
 #2 Medium – Buildings 3, 5, 9, 12, 15, 18, and 21
 #3 Dark – Buildings 1, 6, 8, 10, 14, and 20

SCHEDULE B16
 This forms part of development
 Permit # **DP 13-0039**

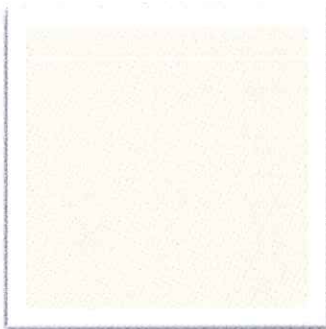
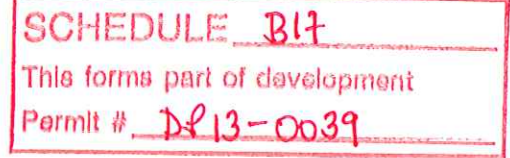
COLOUR SCHEME 1 - Light.

Old Meadows Road Townhomes
Colour/Materials Selections



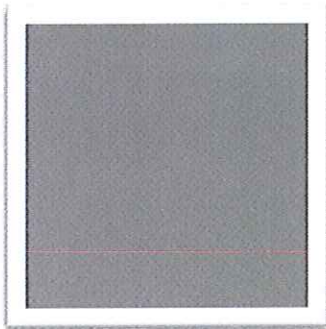
Upper Siding

Gentek "Pebble"
Triple 3" Vinyl



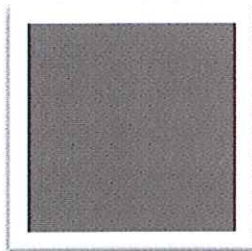
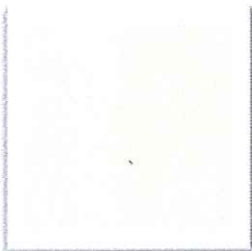
Lower Siding

Gentek "Almond"
Double 4.5" Vinyl



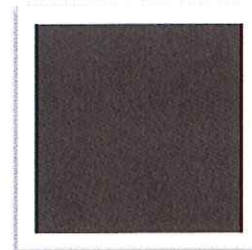
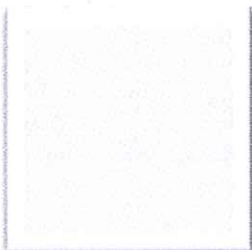
**Stucco/Fibre Cement Shingle
Accent**

BM HC-167 "Amherst Gray"



Trims

Primary: BM 2148-60 "Timid White"
Secondary: BM 2134-30 "Iron Mountain"



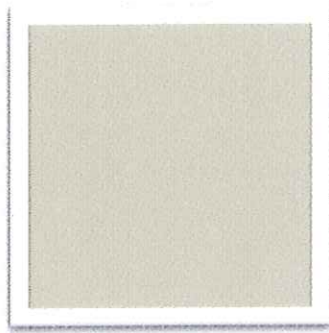
Gutters/Soffits/Railings

Gentek Aluminum "Cashmere"
Gentek Aluminum "Black"

COLOUR SCHEME 2 - MEDIUM.

Old Meadows Road Townhomes

Colour/Materials Selections



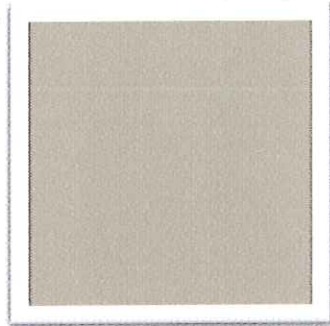
Upper Siding

Gentek "Canyon Clay"
Triple 3" Vinyl

SCHEDULE B18

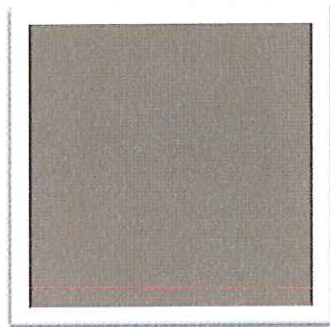
This forms part of development

Permit # Df 13-0039



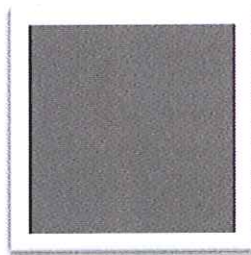
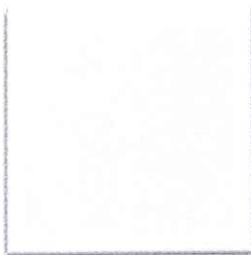
Lower Siding

Gentek "Pebble"
Double 4.5" Vinyl



**Stucco/Fibre Cement Shingle
Accent**

BM HC-85 "Fairview Taupe"



Trims

Primary: BM 2148-60 "Timid White"
Secondary: BM 2134-30 "Iron Mountain"



Gutters/Soffits/Railings

Gentek Aluminum "Cashmere"
Gentek Aluminum "Black"



MISSION GROUP

COLOUR SCHEME 3 — DARK

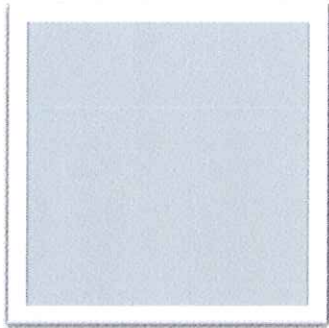
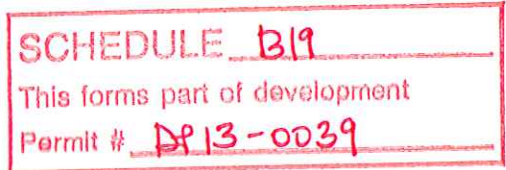
Old Meadows Road Townhomes

Colour/Materials Selections



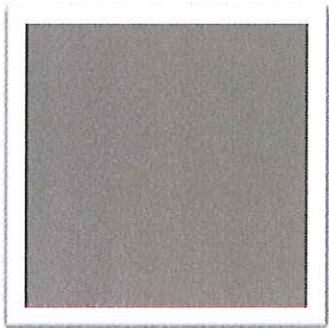
Upper Siding

Gentek "Linen"
Triple 3" Vinyl



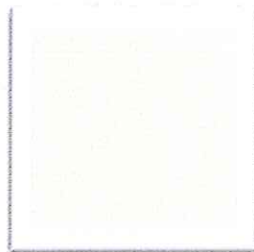
Lower Siding

Gentek "Storm"
Double 4.5" Vinyl



**Stucco/Fibre Cement Shingle
Accent**

Pratt & Lambert 3321
"Diplomat Gray"



Trims

Primary: BM 2134-30 "Iron Mountain"
Secondary: BM 2148-60 "Timid White"



Gutters/Soffits/Railings

Gentek Aluminum "Commercial Brown"
Gentek "Black"



REVISED PLANS

JUN 04 2013

CITY OF KELOWNA
Land Use Management



OLD MEADOWS

Kalamazoo, MI

CONCEPTUAL LANDSCAPE PLAN

| BIOLOGICAL DATA | | | |
|-----------------|----------|----------|----------|
| | 1970-72 | 1973-74 | Mean |
| a | 110.0 ft | 100.0 ft | 105.0 ft |
| b | 110.0 ft | 100.0 ft | 105.0 ft |
| c | 110.0 ft | 100.0 ft | 105.0 ft |
| d | 110.0 ft | 100.0 ft | 105.0 ft |
| e | 110.0 ft | 100.0 ft | 105.0 ft |
| f | 110.0 ft | 100.0 ft | 105.0 ft |
| g | 110.0 ft | 100.0 ft | 105.0 ft |
| h | 110.0 ft | 100.0 ft | 105.0 ft |
| i | 110.0 ft | 100.0 ft | 105.0 ft |
| j | 110.0 ft | 100.0 ft | 105.0 ft |
| k | 110.0 ft | 100.0 ft | 105.0 ft |
| l | 110.0 ft | 100.0 ft | 105.0 ft |
| m | 110.0 ft | 100.0 ft | 105.0 ft |
| n | 110.0 ft | 100.0 ft | 105.0 ft |
| o | 110.0 ft | 100.0 ft | 105.0 ft |
| p | 110.0 ft | 100.0 ft | 105.0 ft |
| q | 110.0 ft | 100.0 ft | 105.0 ft |
| r | 110.0 ft | 100.0 ft | 105.0 ft |
| s | 110.0 ft | 100.0 ft | 105.0 ft |
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| u | 110.0 ft | 100.0 ft | 105.0 ft |
| v | 110.0 ft | 100.0 ft | 105.0 ft |
| w | 110.0 ft | 100.0 ft | 105.0 ft |
| x | 110.0 ft | 100.0 ft | 105.0 ft |
| y | 110.0 ft | 100.0 ft | 105.0 ft |
| z | 110.0 ft | 100.0 ft | 105.0 ft |
| aa | 110.0 ft | 100.0 ft | 105.0 ft |
| ab | 110.0 ft | 100.0 ft | 105.0 ft |
| ac | 110.0 ft | 100.0 ft | 105.0 ft |
| ad | 110.0 ft | 100.0 ft | 105.0 ft |
| ae | 110.0 ft | 100.0 ft | 105.0 ft |
| af | 110.0 ft | 100.0 ft | 105.0 ft |
| ag | 110.0 ft | 100.0 ft | 105.0 ft |
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| ai | 110.0 ft | 100.0 ft | 105.0 ft |
| aj | 110.0 ft | 100.0 ft | 105.0 ft |
| ak | 110.0 ft | 100.0 ft | 105.0 ft |
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| ao | 110.0 ft | 100.0 ft | 105.0 ft |
| ap | 110.0 ft | 100.0 ft | 105.0 ft |
| aq | 110.0 ft | 100.0 ft | 105.0 ft |
| ar | 110.0 ft | 100.0 ft | 105.0 ft |
| as | 110.0 ft | 100.0 ft | 105.0 ft |
| at | 110.0 ft | 100.0 ft | 105.0 ft |
| au | 110.0 ft | 100.0 ft | 105.0 ft |
| av | 110.0 ft | 100.0 ft | 105.0 ft |
| aw | 110.0 ft | 100.0 ft | 105.0 ft |
| ax | 110.0 ft | 100.0 ft | 105.0 ft |
| ay | 110.0 ft | 100.0 ft | 105.0 ft |
| az | 110.0 ft | 100.0 ft | 105.0 ft |
| ba | 110.0 ft | 100.0 ft | 105.0 ft |
| bb | 110.0 ft | 100.0 ft | 105.0 ft |
| bc | 110.0 ft | 100.0 ft | 105.0 ft |
| bd | 110.0 ft | 100.0 ft | 105.0 ft |
| be | 110.0 ft | 100.0 ft | 105.0 ft |
| bf | 110.0 ft | 100.0 ft | 105.0 ft |
| bg | 110.0 ft | 100.0 ft | 105.0 ft |
| bh | 110.0 ft | 100.0 ft | 105.0 ft |
| bi | 110.0 ft | 100.0 ft | 105.0 ft |
| bj | 110.0 ft | 100.0 ft | 105.0 ft |
| bk | 110.0 ft | 100.0 ft | 105.0 ft |
| bl | 110.0 ft | 100.0 ft | 105.0 ft |
| bm | 110.0 ft | 100.0 ft | 105.0 ft |
| bn | 110.0 ft | 100.0 ft | 105.0 ft |
| bo | 110.0 ft | 100.0 ft | 105.0 ft |
| bp | 110.0 ft | 100.0 ft | 105.0 ft |
| bq | 110.0 ft | 100.0 ft | 105.0 ft |
| br | 110.0 ft | 100.0 ft | 105.0 ft |
| bs | 110.0 ft | 100.0 ft | 105.0 ft |
| bt | 110.0 ft | 100.0 ft | 105.0 ft |
| bu | 110.0 ft | 100.0 ft | 105.0 ft |
| bv | 110.0 ft | 100.0 ft | 105.0 ft |
| bw | 110.0 ft | 100.0 ft | 105.0 ft |
| bx | 110.0 ft | 100.0 ft | 105.0 ft |
| by | 110.0 ft | 100.0 ft | 105.0 ft |
| bz | 110.0 ft | 100.0 ft | 105.0 ft |
| ca | 110.0 ft | 100.0 ft | 105.0 ft |
| cb | 110.0 ft | 100.0 ft | 105.0 ft |
| cc | 110.0 ft | 100.0 ft | 105.0 ft |
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| ce | 110.0 ft | 100.0 ft | 105.0 ft |
| cf | 110.0 ft | 100.0 ft | 105.0 ft |
| cg | 110.0 ft | 100.0 ft | 105.0 ft |
| ch | 110.0 ft | 100.0 ft | 105.0 ft |
| ci | 110.0 ft | 100.0 ft | 105.0 ft |
| cj | 110.0 ft | 100.0 ft | 105.0 ft |
| ck | 110.0 ft | 100.0 ft | 105.0 ft |
| cl | 110.0 ft | 100.0 ft | 105.0 ft |
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| cq | 110.0 ft | 100.0 ft | 105.0 ft |
| cr | 110.0 ft | 100.0 ft | 105.0 ft |
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| ct | 110.0 ft | 100.0 ft | 105.0 ft |
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| eb | 110.0 ft | 100.0 ft | 105.0 ft |
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| gc | 110.0 ft | 100.0 ft | 105.0 ft |
| gd | 110.0 ft | 100.0 ft | 105.0 ft |
| ge | 110.0 ft | 100.0 ft | 105.0 ft |
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| gw | 110.0 ft | 100.0 ft | 105.0 ft |
| gx | 110.0 ft | 100.0 ft | 105.0 ft |
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| gz | 110.0 ft | 100.0 ft | 105.0 ft |
| ha | 110.0 ft | 100.0 ft | 105.0 ft |
| hb | 110.0 ft | 100.0 ft | 105.0 ft |
| hc | 110.0 ft | 100.0 ft | 105.0 ft |
| hd | 110.0 ft | 100.0 ft | 105.0 ft |
| he | 110.0 ft | 100.0 ft | 105.0 ft |
| hf | 110.0 ft | 100.0 ft | 105.0 ft |
| hg | 110.0 ft | 100.0 ft | 105.0 ft |
| hh | 110.0 ft | 100.0 ft | 105.0 ft |
| hi | 110.0 ft | 100.0 ft | 105.0 ft |
| hj | 110.0 ft | 100.0 ft | 105.0 ft |
| hk | 110.0 ft | 100.0 ft | 105.0 ft |
| hl | 110.0 ft | 100.0 ft | 105.0 ft |
| hm | 110.0 ft | 100.0 ft | 105.0 ft |
| hn | 110.0 ft | 100.0 ft | 105.0 ft |
| ho | 110.0 ft | 100.0 ft | 105.0 ft |
| hp | 110.0 ft | 100.0 ft | 105.0 ft |
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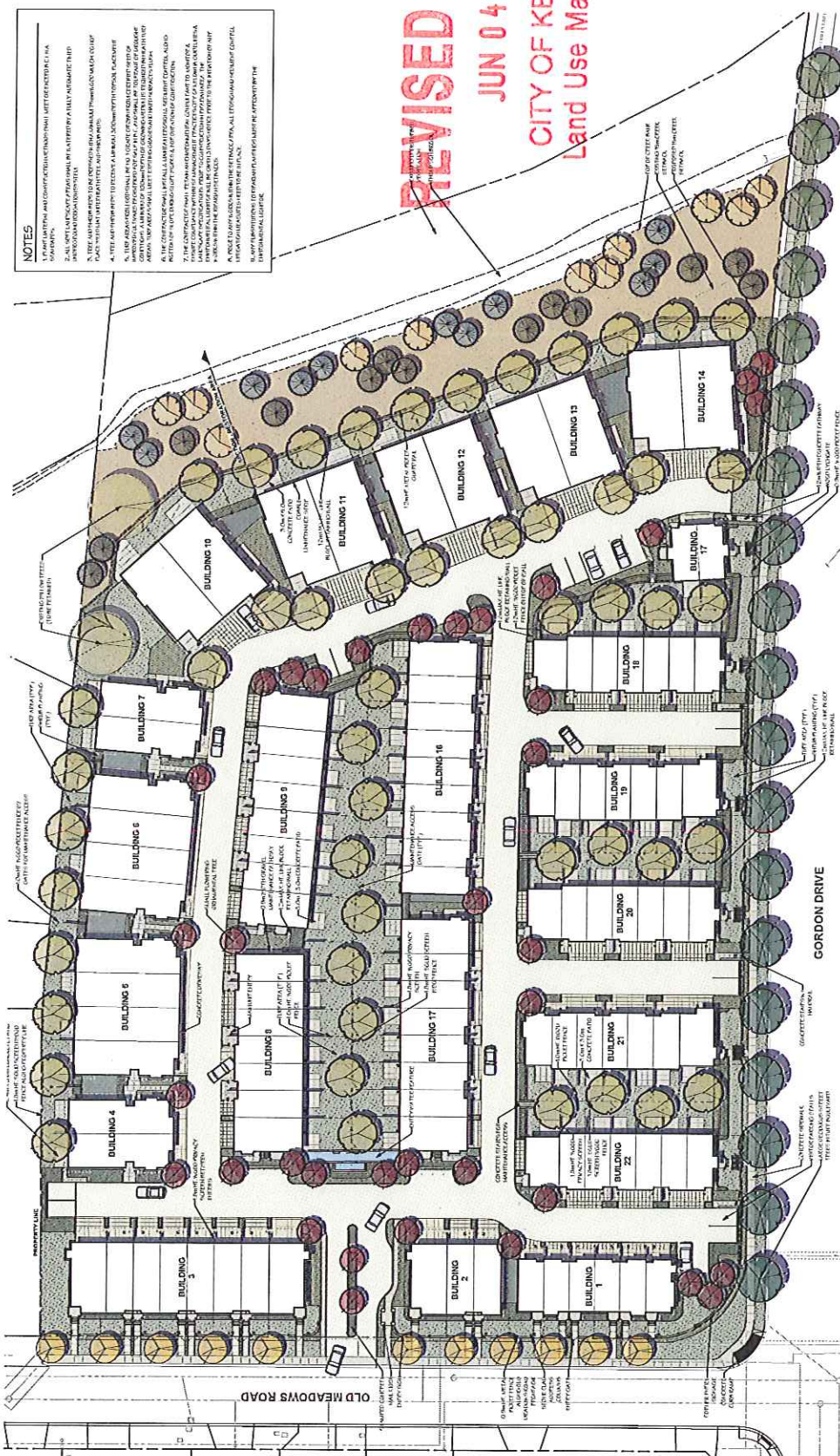


L1/2

NECESSARY FOR REVIEW ONLY

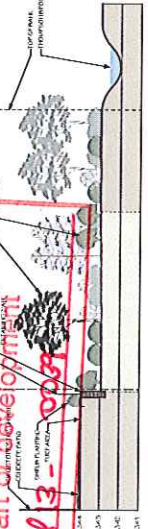
NOTES

- [illegible]



SCHEDULE C1




This forms part of development
Permit # D13-0039



HYDROSEEDING PRESCRIPTION

[illegible]

RIPARIAN PLANT LIST

| KEY | BOTANICAL NAME | COMMON NAME | QTY |
|---|------------------------|-----------------|-----|
|  | TEPEAL | PRINCE OF PEACE | 15 |
| | POUNCE PRINCE OF PEACE | PRINCE OF PEACE | 15 |
| | POUNCE PRINCE OF PEACE | PRINCE OF PEACE | 15 |
|  | ACTEAL | ACTEAL | 10 |
| | ACTEAL | ACTEAL | 10 |
| | ACTEAL | ACTEAL | 10 |
|  | ACTEAL | ACTEAL | 10 |
| | ACTEAL | ACTEAL | 10 |
| | ACTEAL | ACTEAL | 10 |

PLANT LIST

[illegible]



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

225 - 188 South 17th
Kalamazoo, MI 49001
Tel: 262.640.0277
www.outlanddesign.com



MISSION
GROUP

REVISED PLANS

JUN 04 2013

CITY OF KELOWNA
Land Use Management



Scale: 1" = 20'

OLD MEADOWS
TOWNHOMES

Kalamazoo, MI

CONCEPTUAL
LANDSCAPE PLAN

| | |
|-------------|-----------------|
| Project No. | 11-001 |
| Client | City of Kelowna |
| Location | 11-001 |
| Scale | 1" = 20' |
| Date | 11-001 |
| Drawn by | 11-001 |
| Checked by | 11-001 |
| Approved by | 11-001 |



L2/2

ISSUED FOR REVIEW ONLY
This drawing is not to be used for construction without the written approval of the designer.

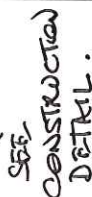
SCHEDULE C2
This forms part of development
Permit # **D13-0039**



IRRIGATION LEGEND

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| | Zone 1: Irrigation Zone 1 (North of Building 10) |
| | Zone 2: Irrigation Zone 2 (Between Building 10 and 15) |
| | Zone 3: Irrigation Zone 3 (Between Building 15 and 20) |
| | Zone 4: Irrigation Zone 4 (Between Building 20 and 22) |
| | Zone 5: Irrigation Zone 5 (East of Building 22) |
| | Zone 6: Irrigation Zone 6 (South of Building 22) |
| | Zone 7: Irrigation Zone 7 (South of Building 10) |
| | Zone 8: Irrigation Zone 8 (South of Building 15) |
| | Zone 9: Irrigation Zone 9 (South of Building 20) |
| | Zone 10: Irrigation Zone 10 (South of Building 22) |
| | Zone 11: Irrigation Zone 11 (East of Building 10) |
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| | Zone 179: Irrigation Zone 179 (East of Building 10) |

CITY OF KELOWNA
Land Use Management



SOUTH FACING PROJECT ELEVATION

This forms part of development
Permit # D-13-0039

[illegible]

of research studies of the impact of a community intervention program that was not a part of a community-based health strategy for the reduction of HIV risk. Such an impact of a community-based health strategy on the reduction of HIV risk may be observed in the form of a reduction in the prevalence of HIV infection, a reduction in the incidence of HIV infection, or a reduction in the number of new HIV infections. The impact of a community-based health strategy on the reduction of HIV risk may also be observed in the form of a reduction in the number of new HIV infections, a reduction in the incidence of HIV infection, or a reduction in the prevalence of HIV infection. The impact of a community-based health strategy on the reduction of HIV risk may also be observed in the form of a reduction in the number of new HIV infections, a reduction in the incidence of HIV infection, or a reduction in the prevalence of HIV infection.

MISSION

VOLUME NO. _____

david tyrell architect
 dtyrell.com

ROUTE 1, 2060 PROGRESSIVE WAY
ABINGTOWN, B.C. V7T 1H9
TEL: 604-683-7300

Old Meadows
Road
Townhomes
Kelowna, BC

OLD MEADOWS
ROAD PROJECT
ELEVATION

102 JANUARY 1992

a1.2

| | | |
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| CALL | DATE | 03 15 2013 |
| AS NOTED | | |
| BY | SIGNED | |
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CITY OF KELOWNA
Land Use Management

[illegible]

an effective management strategy at all times against the possibility of the vessel's involvement in an oil spill or contamination incident or spillage. The vessel's crew must participate in the vessel's operations. The company has a clear and simple written procedure and has developed a clear and simple written management system for the vessel's oil spill response plan. The vessel's crew must participate in the vessel's oil spill response plan.



PROJECT NO.



ROUTE 1, 2060 PROGRESSIVE WAY
ABINGTOWN, N.C. 277 8149
TEL 904 853 7375

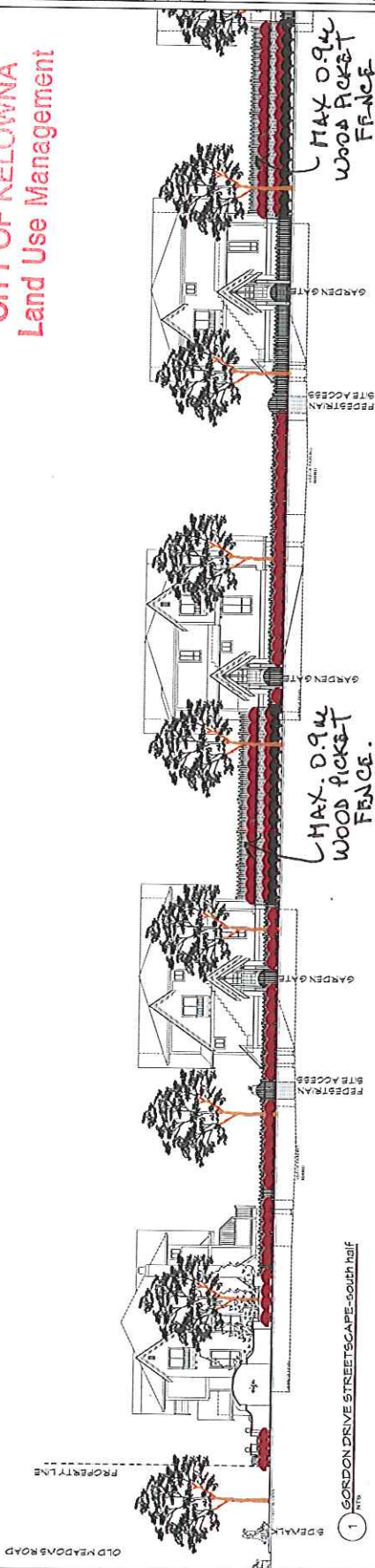
Old Meadows
Road
Townhomes
Kelowna, BC

GORDON DRIVE
PROJECT
ELEVATION

Abstract

a 1.3

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| DATE | 03.15.2013 |
| AS NOTED | |
| NAME | CHIEF |



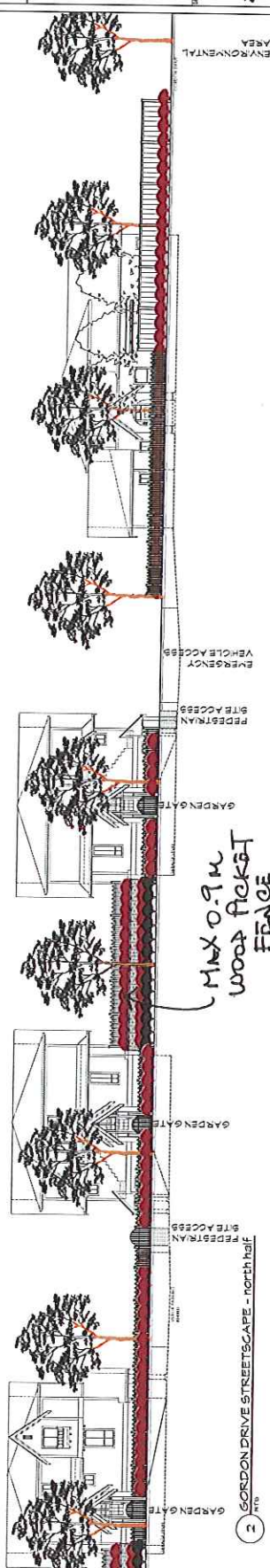
GORDON DRIVE STREETSCAPE-south half

61

STUDIES

This forms part of development

Permit # Df13-0039



GORDON DRIVE STREETS ABE NORTH HOLE

50

| REVISIONS | |
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MISSION GROUP

DTA

Old Meadows Road
Tallahassee, FL 32309

SITE ENTRY
FEATURE DETAILS

a1.1

DATE: 03.15.13

PROJECT NO.

PROJECT NAME

PROJECT LOCATION

PROJECT OWNER

PROJECT ARCHITECT

PROJECT ENGINEER

PROJECT LANDSCAPE ARCHITECT

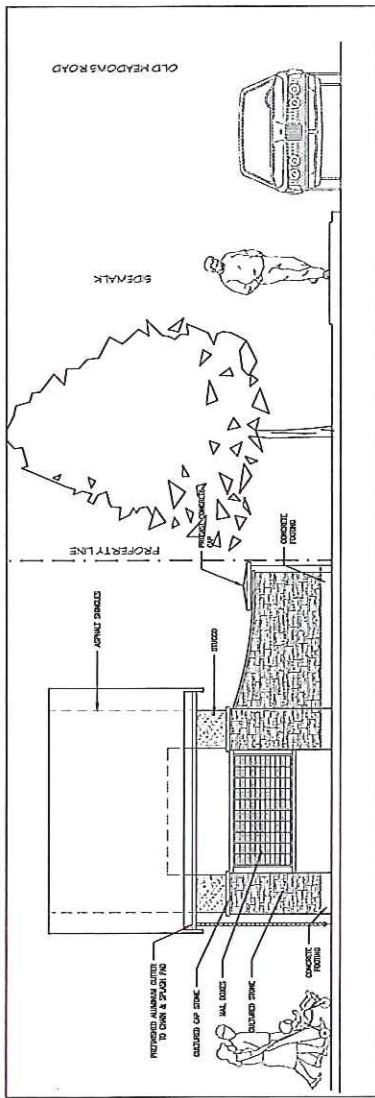
PROJECT CIVIL ENGINEER

PROJECT ELECTRICAL ENGINEER

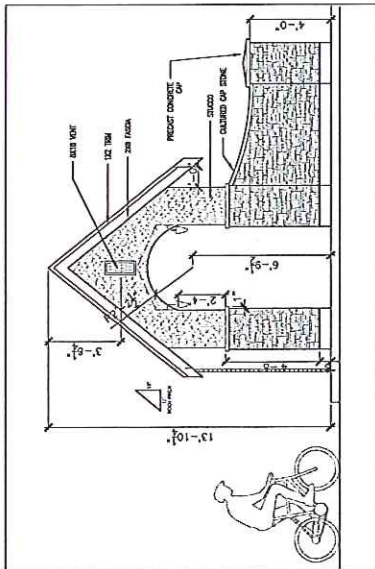
PROJECT MECHANICAL ENGINEER

PROJECT PLUMBING ENGINEER

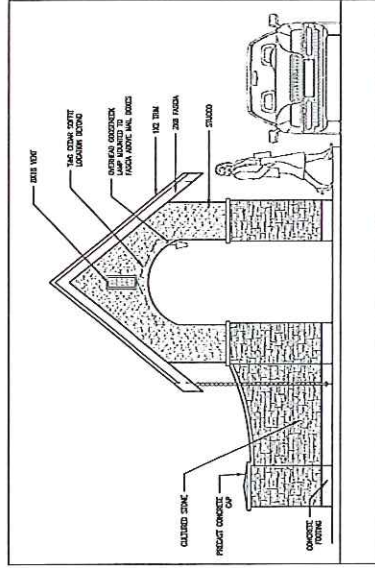
PROJECT ROOFING ENGINEER



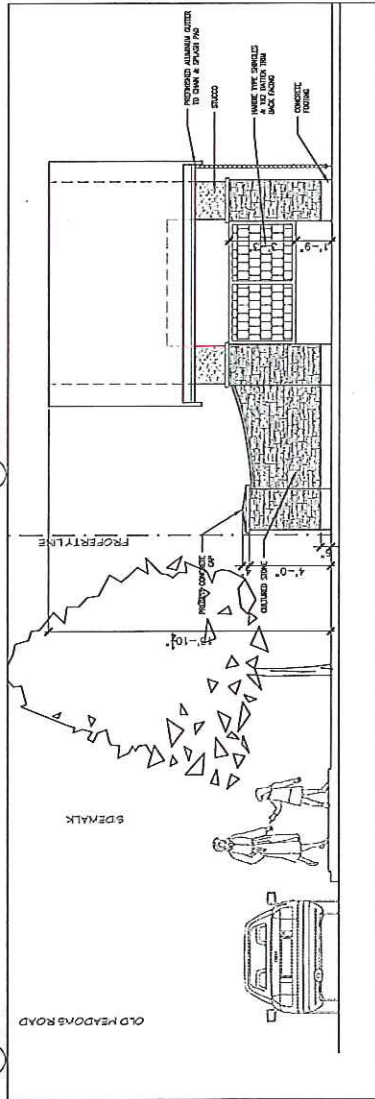
2 ENTRY GATE-MEST ELEVATION
3/8"=1'-0"



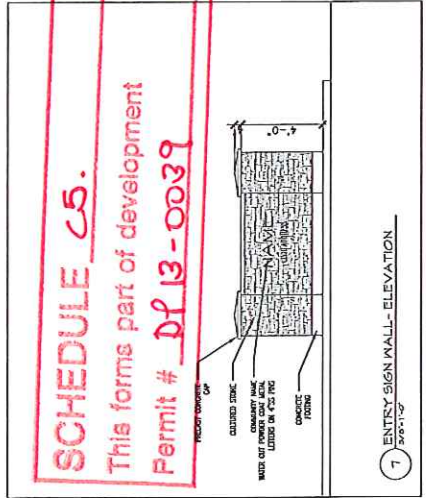
1 ENTRY GATE-SOUTH ELEVATION
3/8"=1'-0"



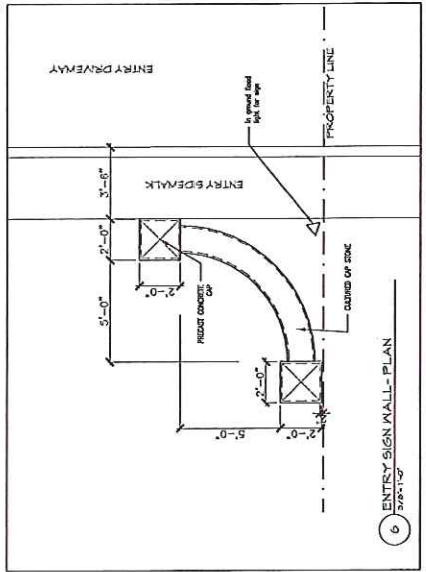
4 ENTRY GATE-NORTH ELEVATION
3/8"=1'-0"



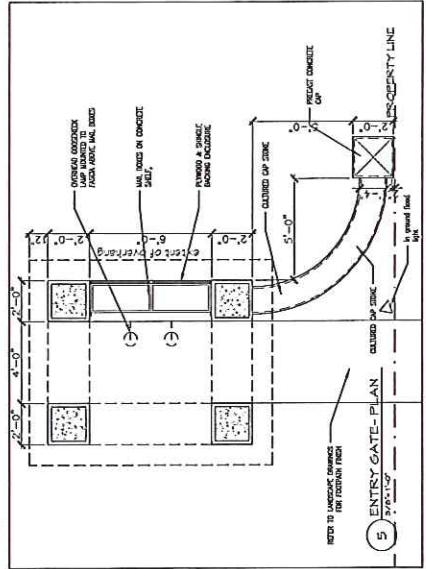
3 ENTRY GATE-EAST ELEVATION
3/8"=1'-0"



7 ENTRY SIGN WALL-ELEVATION
3/8"=1'-0"



6 ENTRY SIGN WALL-PLAN
3/8"=1'-0"



5 ENTRY GATE-PLAN
3/8"=1'-0"



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

Tuesday June 4, 2013

Old Meadows Townhomes
C/o Mission Group
620 – 1632 Dickson Avenue
Kelowna, BC V1Y 7T2
Attn: Luke Turri, Development Manager

SCHEDULE CB.

This forms part of development

Permit # DP 13-0039

Re: Old Meadows Townhomes – Preliminary Cost Estimate for Proposed Residential Development

Dear Mr. Turri:

Please be advised of the following preliminary cost estimate for the proposed landscape works shown in the Old Meadows Townhomes conceptual landscape plan dated 13.06.04;

- 6,823 square metres (73,442 square feet) of improvements \$263,052.00

This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation for the main site.

- 2,055 square metres (22,120 square feet) of riparian area restoration \$38,552.00

This preliminary cost estimate is inclusive of trees, shrubs, dryland seed & temporary irrigation for the restoration area.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA
as per
Outland Design Landscape Architecture

REVISED PLANS

JUN 04 2013

CITY OF KELOWNA
Land Use Management

206-1889 Spall Road, Kelowna, BC, V1Y 4R2 P 250.868.9270
outlanddesign.ca

CITY OF KELOWNA

MEMORANDUM

Date: April 9, 2013
File No.: DP13-0039
To: Land Use Management (AR)
From: Development Engineer Manager (SM)
Subject: 674 Old Meadows Road

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

1. General.

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z13-0001.



Steve Muenz, P. Eng.
Development Engineering Manager

ss

CITY OF KELOWNA
MEMORANDUM

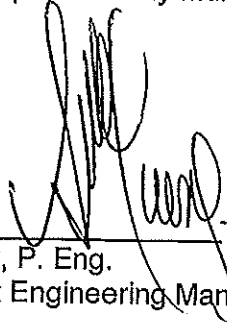
Date: October 21, 2013
File No.: DVP13-0040
To: Urban Planning (AR)
From: Development Engineering Manager
Subject: 674 Old Meadows Road *REVISED*

Development Engineering comments and requirements regarding this development permit application are as follows:

The Development Variance Permit to vary;

- the front yard setback from 6m to 1.8m
- the side yard setback from 4.5m to 1.6m

does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

- ☐ Development Permit No.: DP13-0039
☐ Development Variance Permit No.: DVP13-0040

| | |
|---------------------------------|--|
| EXISTING ZONING DESIGNATION: | RM4 - Transitional Low Density Housing |
| WITHIN DEVELOPMENT PERMIT AREA: | Comprehensive Development Permit Area |
| DEVELOPMENT VARIANCE PERMIT: | <ul style="list-style-type: none"> - To vary the minimum required front yard from 6.0 m required to 1.8 m proposed. - To vary the minimum required side (east) yard from 4.5 m required to 1.6 m proposed. - To vary the minimum required setback for off-street parking from 1.5 m from any side property line and 3.0 m from any flanking street to 0.5 m proposed. |

| | |
|---------------------------|--|
| ISSUED TO: | The Mission Group |
| LOCATION OF SUBJECT SITE: | 662-698 Old Meadows Road (formerly 674 Old Meadows Road) |

| | SECTION | LOT | TWP | DISTRICT |
|--------------------|-----------|-------------------|-----|---|
| LEGAL DESCRIPTION: | Section 6 | Fractional SW 1/4 | 26 | ODYD exclusive of DL 358 ODYD except: (1) Plans B1246, 1384, 4873, 4912, 5547, 10613, 19017 and H17715; (2) part described in D.D. 190710F |

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 Heritage Alteration 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:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

4. Prior to the issuance of the Development and Development Variance Permit applications, the applicant be required to post with the City a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional Landscape Architect, and as shown in general accordance with Schedule "C";

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

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

Section 13.10.6 (d) - RM4 Development Regulations

To vary the minimum required front yard from 6.0 m required to 1.8 m proposed, as per Schedule 'A';

Section 13.10.6 (e) - RM4 Development Regulations

To vary the minimum required side (east) yard from 4.5 m required to 1.6 m proposed, as per Schedule 'A';

Section 8.1.9 (c) - Off-Street Vehicle Parking - Location

To vary the minimum required setback for off-street parking from 1.5 m from any side property line and 3.0 m from any flanking street to 0.5 m proposed, as per Schedule 'A';

AND FURTHER THAT 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.

2. 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.

3. 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 \$ 263,052.00.

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.

4. 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 Community Planning & Real Estate Services .

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ OF NOVEMBER 2013.

ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES OF THE CITY OF KELOWNA ON THE ____ DAY OF NOVEMBER 2013.

Doug Gilchrist, Divisional Director, Community Planning & Real Estate Services

REPORT TO COUNCIL



Date: October 25, 2013

RIM No. 0940-50

To: City Manager

From: Urban Planning Department, Community Planning & Real Estate (JM)

Application: DVP13-0154 **Owner:** 0973789 BC LTD, Inc. No. BC0973789

Address: 23 - 180 Sheerwater Court **Applicant:** Timberhaven Homes Ltd. (Harvey Scott Ross)

Subject: 2013-11-19 Report DVP13-0154 23-180 Sheerwater Ct

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RR1 - Rural Residential 1 zone

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0154, for Strata Lot 23, Section 6, Township 23, ODYD, Strata Plan KAS3129, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on 23 - 180 Sheerwater Court, Kelowna, BC;

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

Section 12.1.6(b): Development Regulations

To vary the maximum height from the lesser of 9.5m or 2 ½ storeys permitted to the lesser of 10.8m or 3 storeys proposed.

2.0 Purpose

To consider the merits of a proposal to vary the maximum height of a single detached dwelling from the lesser of 9.5m or 2 ½ to the lesser of 10.8m or 3 stories to accommodate the addition of another storey on an existing dwelling.

3.0 Urban Planning Department

Urban Planning staff are generally supportive of the proposed height variance. In most contexts, Development Variance Permits are applied in unusual circumstances in order to relieve land owners in hardship situations from zoning regulations that may not be appropriate in their context. While there is no hardship in this situation that would preclude the land owner from developing a single detached dwelling on the lot (one already exists), the relative impact of this

additional storey is expected to be minimal, and the building has been thoughtfully designed to reduce visual impact. The addition will not create any unreasonable impact on the privacy of neighbouring properties beyond a standard that would be expected in a typical large lot context.

While staff are supportive of this minor height variance, each variance request is reviewed on its own merits and in its own context. As such, should the variance be viewed favourably by Council, it should not be seen as precedent for future requests for height relaxations.

4.0 Proposal

4.1 Background

The existing single detached dwelling on the subject property was completed in June of 2012 in compliance with zoning bylaw requirements. Subsequent to initial construction, the home was sold. The new owners wish to expand the dwelling by adding a storey.

The applicant has completed Neighbour Consultation in accordance with Council Policy No. 367. The only significant concern raised by area residents was construction noise. In response to this, the applicant has noted that they are aware of and will comply with all City of Kelowna time restrictions with respect to construction.

4.2 Project Description

The applicant is seeking a variance to the maximum height for a principal dwelling in the RR1 - Rural Residential 1 zone in order to accommodate the addition of another storey on the existing dwelling. Specifically, the variance being requested is 1.3m over the maximum height of 9.5m in the RR1 zone (total height of 10.8m proposed).

The total floor area of the additional storey is approximately 331.2m², which will contain additional living, entertaining and fitness areas over and above those contained in the existing dwelling. Once complete, the proposed addition will result in the dwelling having three storeys exposed towards the lake, and two storeys exposed upslope.

The addition will be designed so as to match the form and character of the exiting dwelling, having a modern aesthetic, but finished using natural materials (wood and stone). No changes are proposed to access or landscaping, or to the footprint of the building as part of this application.

4.3 Site Context

The subject property is located on the east side of Sheerwater Court at the south end of the Sheerwater development, just north of Knox Mountain Park. The site is subject to significant grade change, running downslope from east to west towards Okanagan Lake.

Surrounding development is overwhelmingly large lot rural residential development containing single detached dwellings.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|--|---|
| North | RR1 - Rural Residential 1 zone | Large lot rural residential |
| East | RR1 - Rural Residential 1 zone | Large lot rural residential |
| South | RR1 - Rural Residential 1 zone P3 - Major Park and Open Space | Large lot rural residential Knox Mountain Park |
| West | RR1 - Rural Residential 1 zone | Large lot rural residential |

Subject Property Map: #23 - 180 Sheerwater Court



4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|-----------------------|----------------------------------|
| CRITERIA | RR1 ZONE REQUIREMENTS | PROPOSAL |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 10,000 m ² | 10,237 m ² |
| Lot Width | 40.0 m | 68.45 m |
| Lot Depth | 30.0 m | 140.17 m - 183.96 m |
| Development Regulations | | |
| Height | 9.5 m or 2 ½ storeys | 10.8 m or 3 storeys ^❶ |
| Site Coverage | 10% | No change |
| Front Yard | 6.0 m | exceeds |
| Side Yard (south) | 3.0 m | 3.0 m |
| Side Yard (north) | 3.0 m | 3.0 m |
| Rear Yard | 9.0 m | exceeds |
| Other Regulations | | |
| Minimum Parking Requirements | | 2 stalls |
| Okanagan Lake Sightlines | 120° | n/a |
| ^❶ Indicates a requested variance the maximum height of a single detached dwelling from the lesser of 9.5m or 2 ½ to the lesser of 10.8m or 3 stories | | |

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The subject property is designated S2RES - Single / Two Unit Residential in the OCP.

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns.

6.2 Development Engineering Department

No concerns.

6.3 Fire Department

The Kelowna Fire department has no objection to the variance but has concerns in regards to protecting this property (roof) in an interface fire. The driveway is steep and the closest fire hydrant is on the main road.

6.4 Shaw Cable

No concerns.

7.0 Application Chronology

Date of Application Received: September 19, 2013

Evidence of Consultation Submitted: October 25, 2013

Report prepared by:

James Moore, Land Use Planner

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Approved for Inclusion

☐

D. Gilchrist, Divisional Director of Community Planning & Real Estate

Attachments:

Subject Property Map

Site Plan

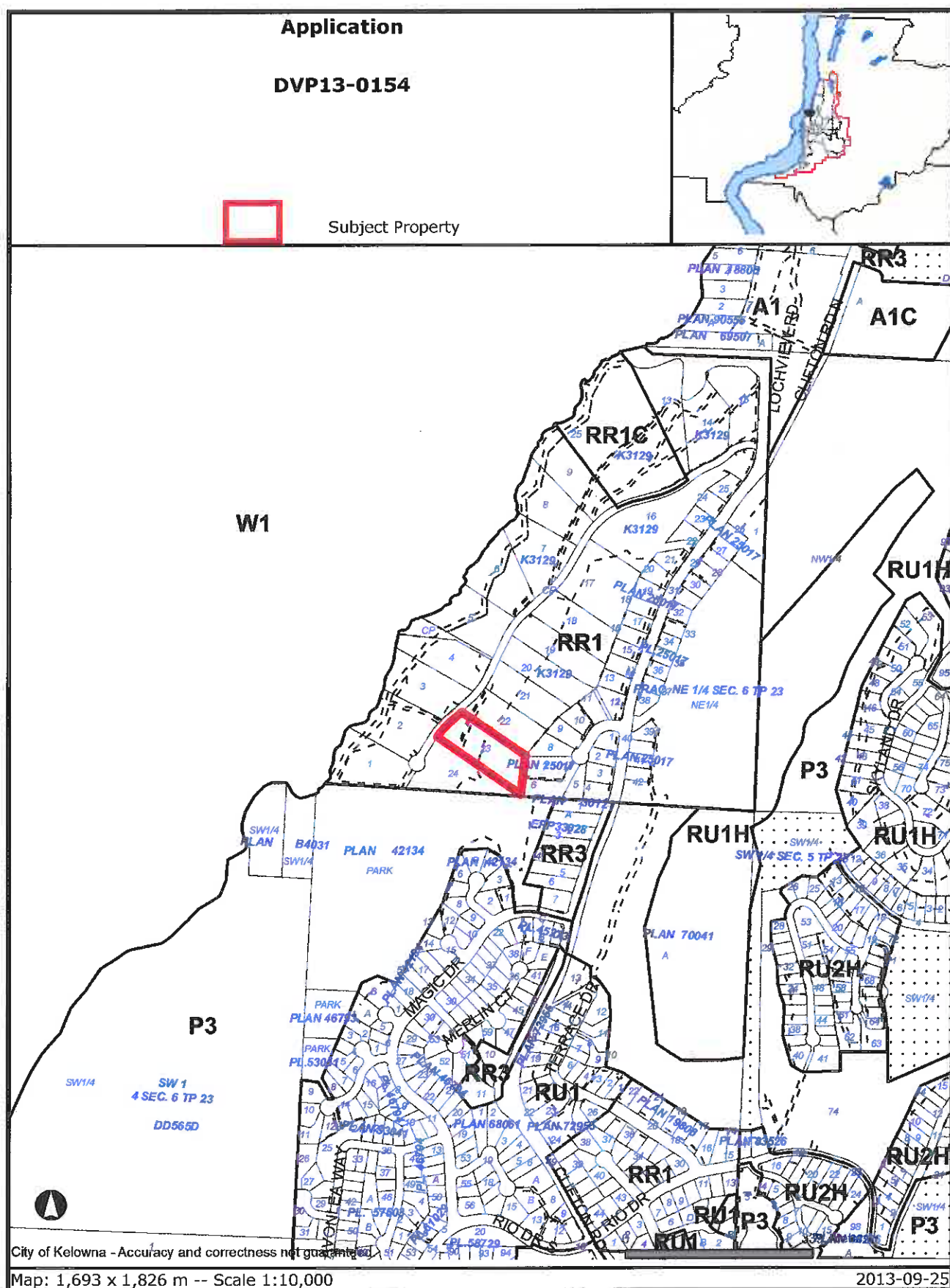
Floor Plans

Conceptual Elevations

Context/Site Photos

Conceptual Renderings

DRAFT Development Variance Permit No. DVP13-0154



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.

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client

project
**KELOWNA
RESIDENCE
ADDITION**

LOT 23 SHEERWATER
KELOWNA, BRITISH COLUMBIA

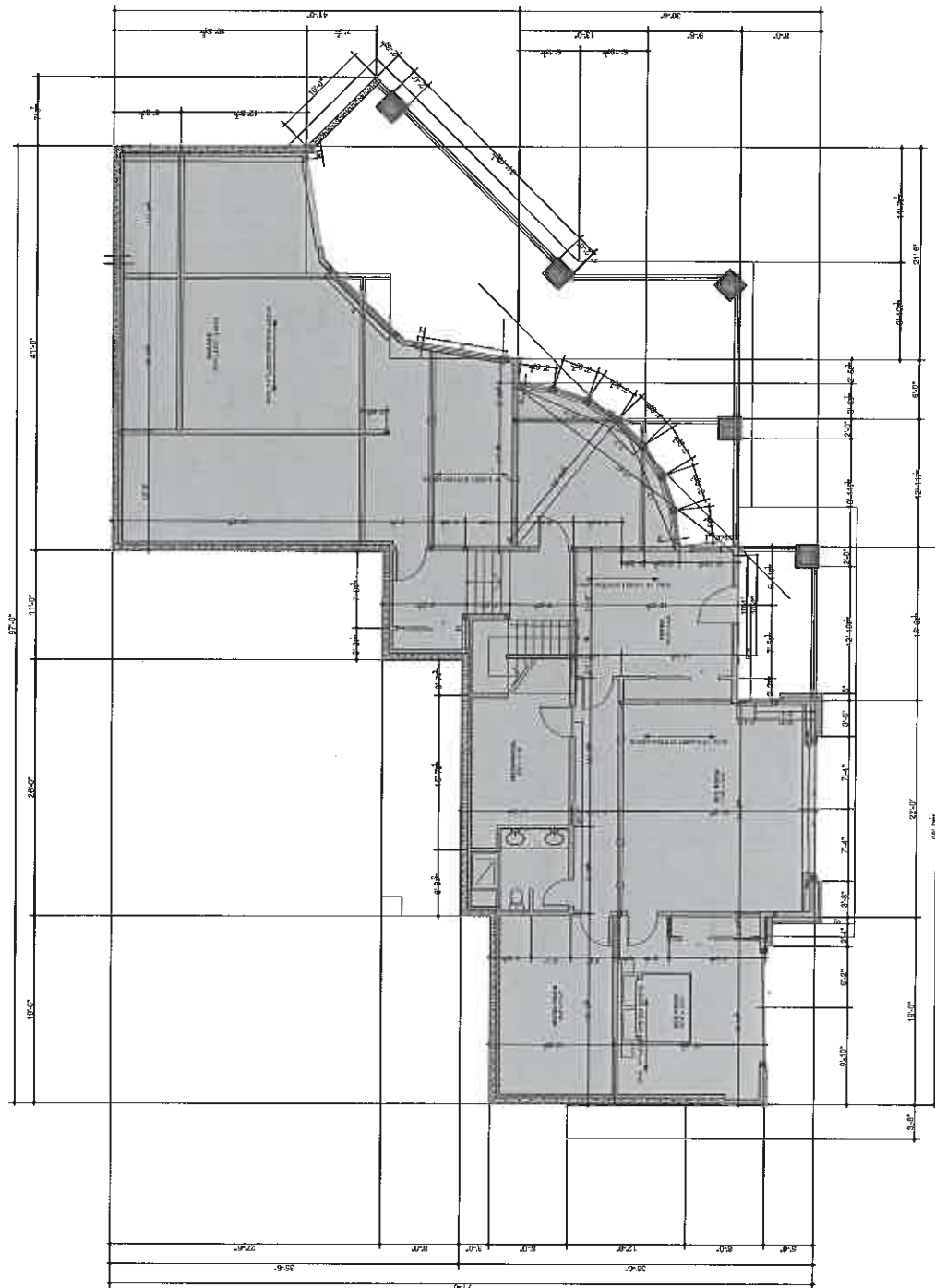
drawing file
**EXISTING BASEMENT
FLOOR PLAN (N.I.C)**

sheet
DP2.1

| drawn | scale |
|---------|-------------|
| DGF | AS SHOWN |
| checked | project no. |
| MS | 12016 |



NOTES: DIMENSIONS ARE IN METERS
UNLESS OTHERWISE SPECIFIED
COORDINATES AND ELEVATIONS
ARE IN METERS ABOVE SEA LEVEL
REFER TO SHEET DP2.1 FOR
FURTHER DETAILS



EXISTING BASEMENT FLOOR PLAN
DP2.1

project architect

scale

consultant

permit

IN. Number for

DEVELOPMENT PERMIT

date

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client

project

**KELOWNA
RESIDENCE
ADDITION**

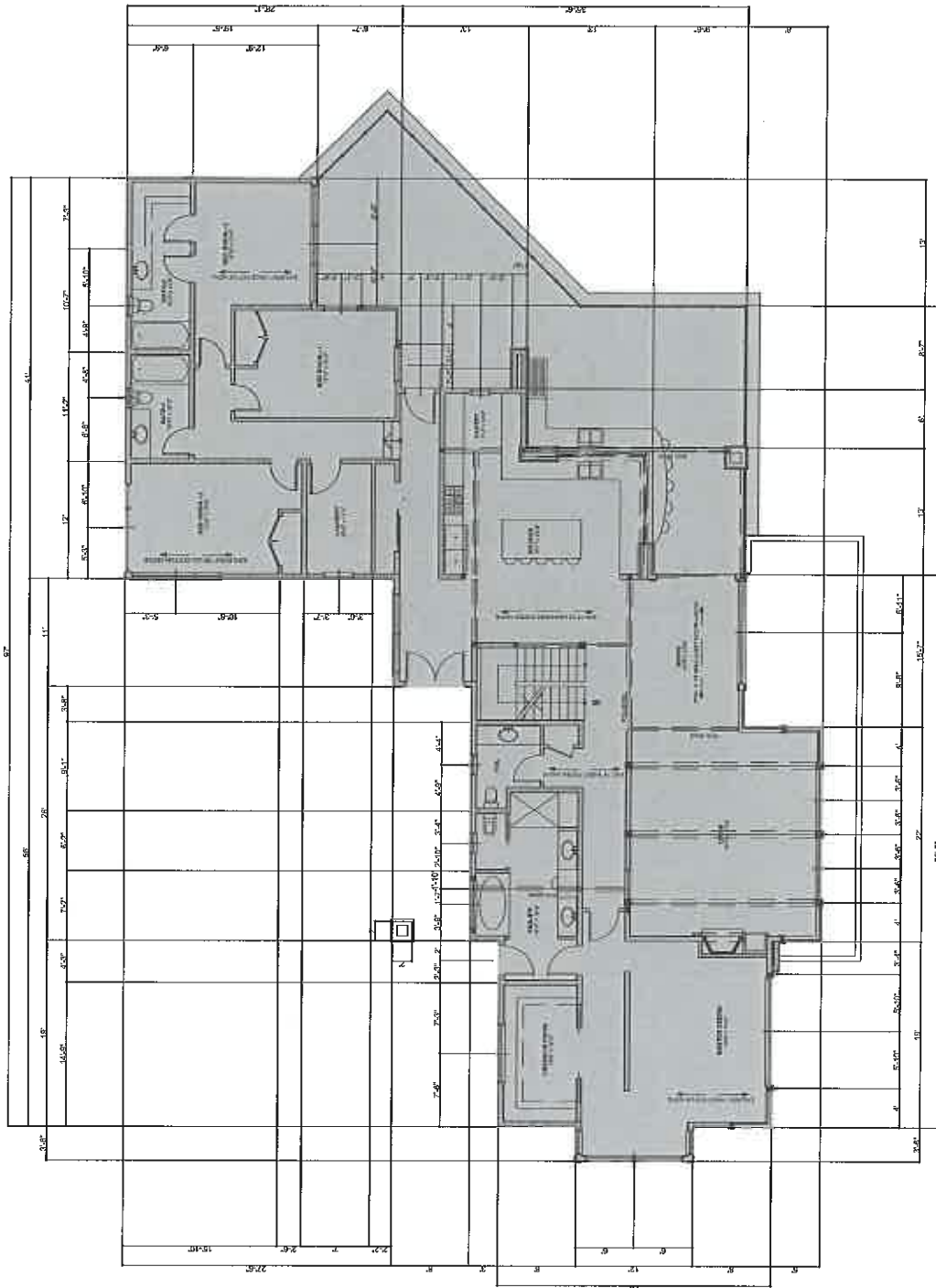
LOT 23 SHEERWATER
KELOWNA, BRITISH COLUMBIA

drawing title
**EXISTING MAIN
FLOOR PLAN (N.I.C)**

sheet
DP2.2

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| drawn | scale |
| DGF | AS SHOWN |
| checked | project no. |
| MS | 12016 |

NOTE: HATCHED AREA INDICATES
EXISTING CONSTRUCTION. ALL
DIMENSIONS ARE IN METERS
UNLESS OTHERWISE NOTED.
REFERENCE ONLY.



EXISTING MAIN FLOOR PLAN
DP2.2

project architect

scale

consultant

permit

| no. | issued for | date |
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| 1. | DEVELOPMENT PERMIT | |
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client

project

**KELOWNA
RESIDENCE
ADDITION**

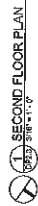
LOT 23 SHEERWATER
KELOWNA, BRITISH COLUMBIA

drawing title

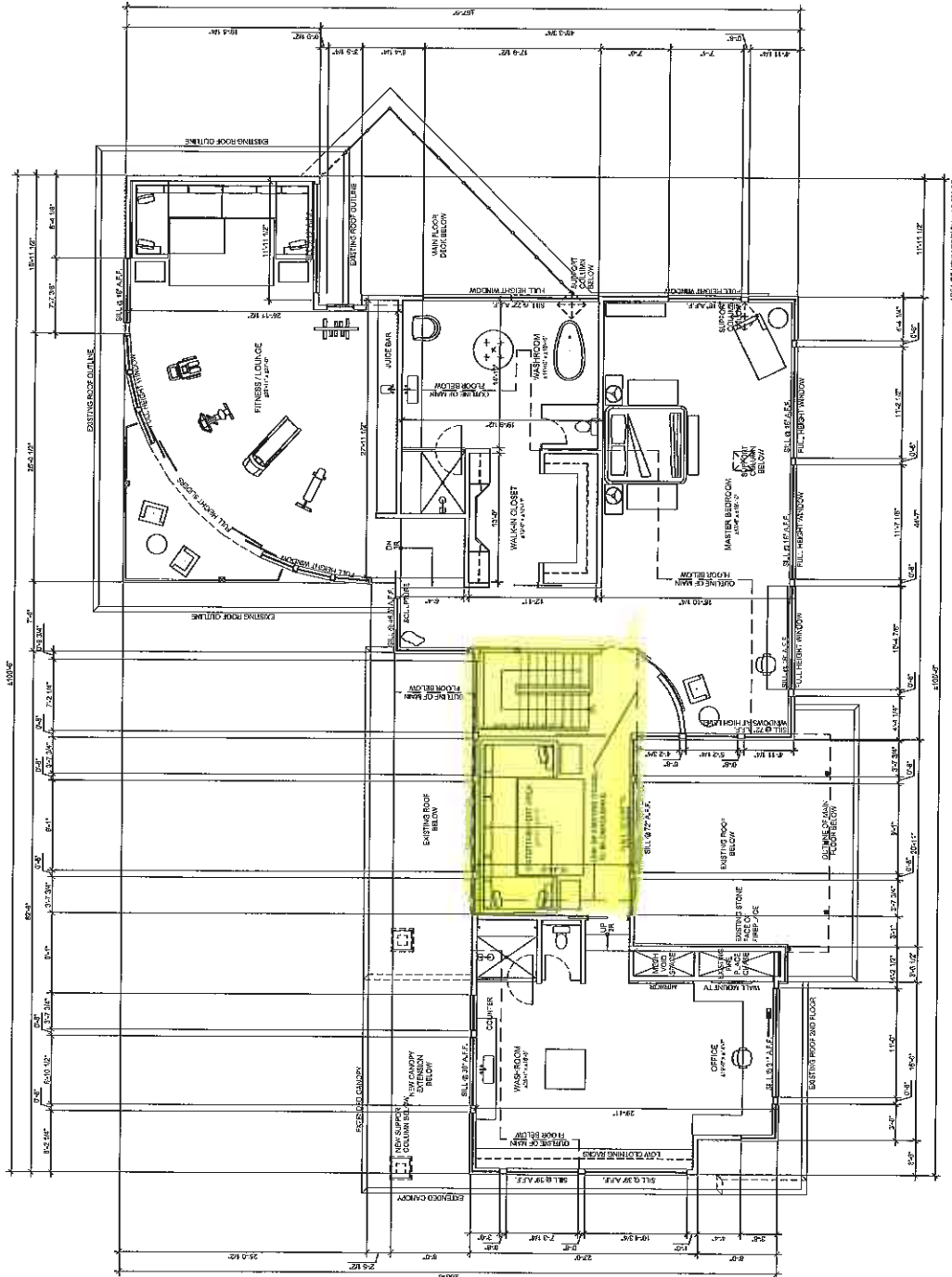
SECOND FLOOR PLAN

sheet **DP2.3**

| | | |
|---------|----------|-------------|
| drawn | scale | project no. |
| DGF | AS SHOWN | 12015 |
| checked | MS | |



SECOND FLOOR PLAN





Google earth

feet
meters







THE MOUNTAIN



SHAWN TALBOT
PHOTOGRAPHY



CONCEPTUAL RENDERING 1



CONCEPTUAL RENDERING 2



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0154

EXISTING ZONING DESIGNATION: RR1- Rural Residential 1

DEVELOPMENT VARIANCE PERMIT: To vary the minimum height from the lesser of 9.5m or 2 ½ storeys to the lesser of 10.8m or 3 storeys.

ISSUED TO: 0973789 BC LTD, Inc. No. BC0973789

LOCATION OF SUBJECT SITE: 23 – 180 Sheerwater Court

| | LOT | SECTION | D.L. | TOWNSHIP | DISTRICT | PLAN |
|--------------------|-----|---------|------|----------|----------|--|
| LEGAL DESCRIPTION: | 23 | 6 | - | 23 | ODYD | KAS3129, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V |

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 12.1.6 (b) Development Regulations:

To vary the maximum height from the lesser of 9.5m or 2 ½ storeys permitted to the lesser of 10.8m or 3 storeys proposed (as per Schedule "A").

2. 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.

3 PERFORMANCE SECURITY: Not applicable.

4. 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

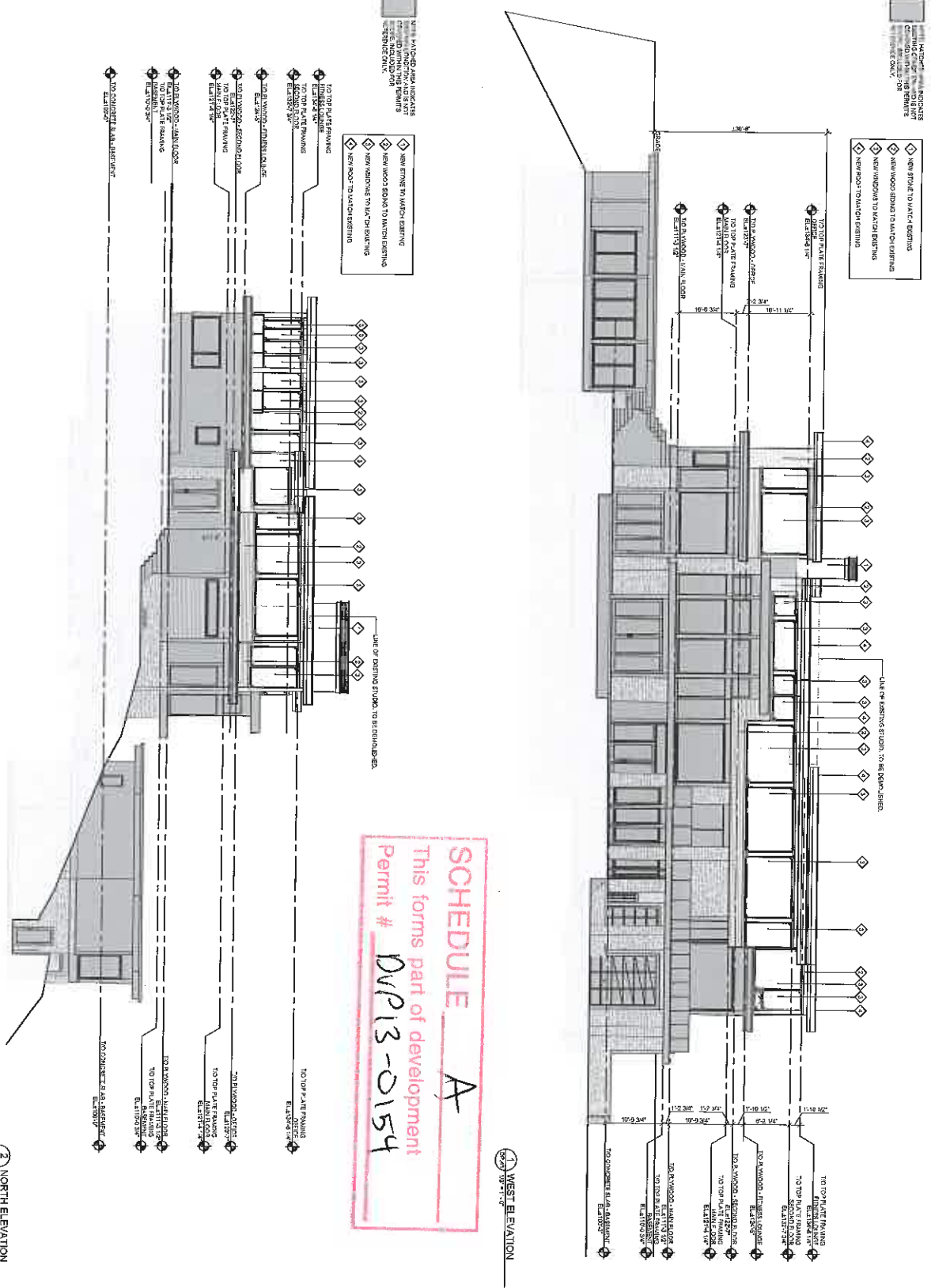
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____, 2013.

ISSUED BY THE GENERAL MANAGER OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2013.

Doug Gilchrist,
Divisional Director, Community Planning & Real Estate



| | |
|---|--|
| SHUGARMAN ARCHITECTURE+DESIGN INC Date: 10/09/11 (SHEER WATER) (K) (C) (M) (S) (E) (N) (D) (A) (R) (T) (I) (N) (G) Telephone: 416-291-8881 Email: info@shugarmandesign.com | |
| Project architect | |
| consultant | |
| steel | |
| permit | |
| NO. issued by date | |
| NO. DEVELOPMENT PERMIT | |
| client | |
| project | |
| KELOWNA RESIDENCE ADDITION | |
| site | |
| LOT 23 SHEERWATER KELOWNA, BRITISH COLUMBIA | |
| drawing file | |
| ELEVATIONS | |
| sheet | |
| DP4.1 | |
| client | |
| DGF | |
| AS SHOWN | |
| checked | |
| MS | |
| 12016 | |

REPORT TO COUNCIL



Date: October 30, 2013

RIM No. 0940-50

To: City Manager

From: Todd Cashin, Subdivision, Agriculture & Environment Services

Application: DVP13-0113 **Owner:** Hillcrest Farm Market Inc.

Address: 700 Hwy 33 E **Applicant:** Chanchal Bal

Subject: DVP13-0113 Report to Council

Existing OCP Designation: Resource Protection Area

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP13-0113, for Lot A, Section 24, Township 26, ODYD, Plan EPP7145, located on 700 Hwy 33 E, Kelowna, BC.

2.0 Purpose

To consider non-support for the Development Variance Permit application to vary a number of requirements of the City's Sign Bylaw No. 8235 and Zoning Bylaw No. 8000 in order to legalize an existing free-standing sign and legalize an existing loading bay, which were both constructed without permits.

3.0 Land Use Management

There are two components to this Development Variance Permit application: Sign Bylaw variances for the free-standing sign and Zoning Bylaw variances for the loading space. A site survey was completed which identified that both the sign and the loading bay were constructed beyond the property line of the subject property into the road right of way, contrary to the setback regulations.

Sign Bylaw

The existing free-standing sign advertises both the farm retail sales (e.g. Hillcrest Farm Market) and the Cafe which is currently under application for a non-farm use. The sign was erected without a Building Permit and without the required Development Variance Permit.

Bylaw Services has been actively seeking compliance on this non-conforming sign issue which has resulted in this Development Variance Permit application. Based on the applicant's submission (and the site survey), it has been determined that the sign requires Council authorization for the following four variances:

- Section 5.6.1(d) - Free-Standing Signs
 - To vary the setback distance from a lot line from 1.5 metres required to 0.0 metres proposed, as per Schedule "A".
- Section 6.1 Specific Zone Regulations - Fascia or Free-standing
 - To vary the maximum height from 2.5m permitted to 6.5m proposed, as per Schedule "B";
 - To vary the maximum area for a principal commercial use from 3.0m² permitted to 8.36m² proposed; as per Schedule "B"; and
 - To vary the maximum area for a secondary commercial use from 1.5 m² permitted to 3.5 m² proposed; as per Schedule "B".

The applicant has indicated in his submission letter (copy attached) that the need for the sign variances is for visibility due to the extent of the highway widening. Staff note, however, that the size of the sign compares to the size of a free-standing sign typically located within the C10-Service Commercial zone which is significantly larger than the size of sign that was intended for use to advertise farm retail sales associated with normal farm practice.

| | Proposal | A1 Zone | C1/C2/C5 Zones | C10 Zone |
|----------------|---|--|--------------------|---|
| Maximum Height | 6.5m | 2.5m | 3.0m | 8.0m |
| Maximum Area | 8.36 m ² (principal use) 3.5 m ² (secondary use) 11.86 m ² (total) | 3.0 m ² (principal use) 1.5 m ² (secondary use) 4.5 m ² (total) | 3.0 m ² | 12 m ² to 18 m ² (depending on lot size) |

Staff appreciates the need for advertising in order to realize an economic benefit to the farm retail sales. However, staff consider the bylaw requirements, regulating the size of signage within the A1 zone, to be adequate to allow for suitable visibility for this site. Had the applicant consulted with staff, prior to commissioning the sign, the variances or at least the extent of the variances could likely have been avoided. As evident by the photo attached to this report, unlike other highway frontages within the City, this farm retail sales business does not compete visually with other existing commercial signage. Furthermore, there are no extenuating circumstances that would exonerate the need to encroach onto the road right of way, which not only requires a variance but if approved will require the City to enter into a Licence of Occupation for the encroachment.

Staff also note that provision of power to the sign is currently from an extension cord running from the existing building over the ground to the sign, should Council authorize the variances, issuance of the permit should be subject to the provision of an underground electrical source in accordance with Section 4.1.3 of the Sign Bylaw which states as follows:

- 4.1.3 All **free-standing signs** requiring power shall be connected to an underground electrical source. All light fixtures, switches and wiring shall be weather proofed unless a permanent rigid sealed structure is provided which ensures that the electrical installation is kept dry at all times. All wiring and conduits shall be placed within building walls, located underground or somehow concealed from view.

Zoning Bylaw

With regards to the Zoning Bylaw, the applicant is seeking the following four variances to the loading space requirements specific to the access and siting requirements:

- Section 8.2.7 - Location
 - To vary the requirement that an off-street loading space shall be provided entirely within the property of the development being served.
- Section 8.2.11 - Size and Access
 - To vary the requirement that any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.
- Section 8.2.12 - Size and Access
 - To vary the requirement that any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.
- Section 11.1.6(c) - Development Regulations
 - To vary the minimum front yard setback from 6.0 m required to 0.0 proposed.

The loading space was constructed within the road right of way and access and egress to this space will require the movement of vehicles from and onto the abutting street. Given that a majority of the site development has occurred in the last couple of years, this loading space could have been facilitated such that it would not have required any variances. Though the impact onto the existing road is minimal at this time there will likely be more intensive agricultural operations occurring on the other property fronting onto Bal Place. If similar farm retail sales are developed this could result in a significant increase in the traffic and conflicts with the trucks accessing the loading space.

As with the above discussed sign encroachment should the variances for the loading space siting be approved it will require that the City enter into a Licence of Occupation for the encroachment.

4.0 Proposal

4.1 Background

The subject property is a mid-sized agricultural property which in addition to agricultural production (orchard) in the northern portion contains a number of farm and non-farm accessory buildings and structures. Buildings and structures currently include (refer to Map 2 below and Photo 1 attached):

- a two storey structure housing the farm retail sales and café on the ground floor and four units of Bed and Breakfast (B&B) and the B&B operator's unit on the second floor;
- a two storey structure containing a cooler on the main floor and 22 units of farm worker housing on the second floor;
- a cherry packing plant which includes office space and accommodation to house a farm worker on the second floor;
- a single family dwelling which can be used for farm worker housing (west side of Hwy 33 E); and
- a large free standing sign advertising both Hillcrest Farm Market and the Café.

Uses also include extensive paved surfaces including extensive vehicular car parking for the farm retail sales, café and B&B and a truck loading bay.

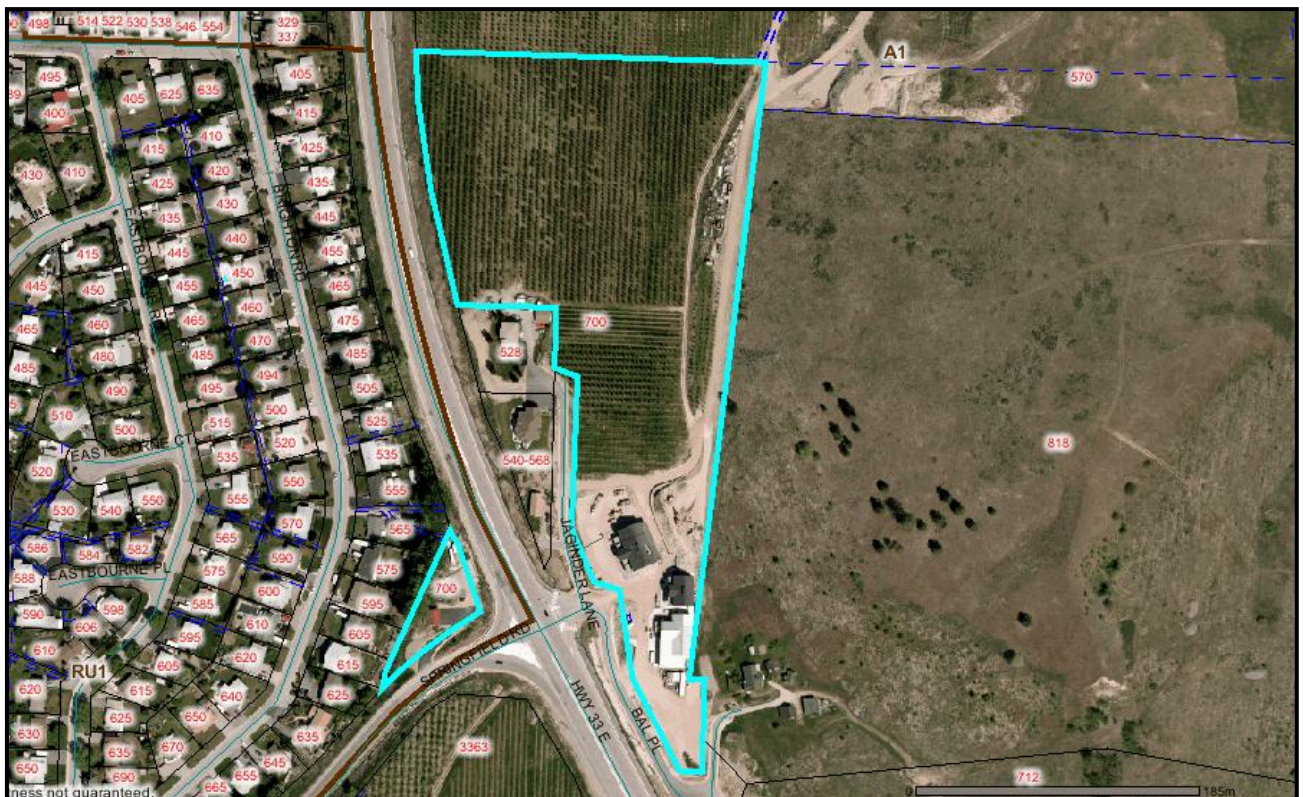
A free standing sign was erected, without the required permits, to advertise two commercial businesses. Variances required include the distance from the front property line, the height, and the area of advertising for both the principal and secondary commercial uses. Specific to the front yard setback, a site survey was conducted for the purpose of determining the number and extent of the variances required. The site survey identified that both the sign and the loading bay have been constructed within the required front yard setback and beyond the boundary of the subject property (i.e. into the road right of way). With respect to the loading structure, the applicant is seeking a total of four variances to the zoning bylaw for both the loading and access.

The existing sign is “electronic changeable copy”. The use of electronic changeable copy is permitted, but is regulated in terms of the timing sequences and must incorporate public service information (e.g. time, date, temperature). As the applicant has noted a willingness to incorporate public service information no variance to this section of the bylaw is required

4.2 Site Context

The subject property is located east of Highway 33 E at the intersection with Springfield Road in the Rutland Sector. The site area is ~5.8 hectares (14.3 acres) and the site elevation varies between 457 and 493 metres. The subject property includes a ~0.22 ha hooked portion (across Hwy 33 E) which is zoned RU1 - Large Lot Housing.

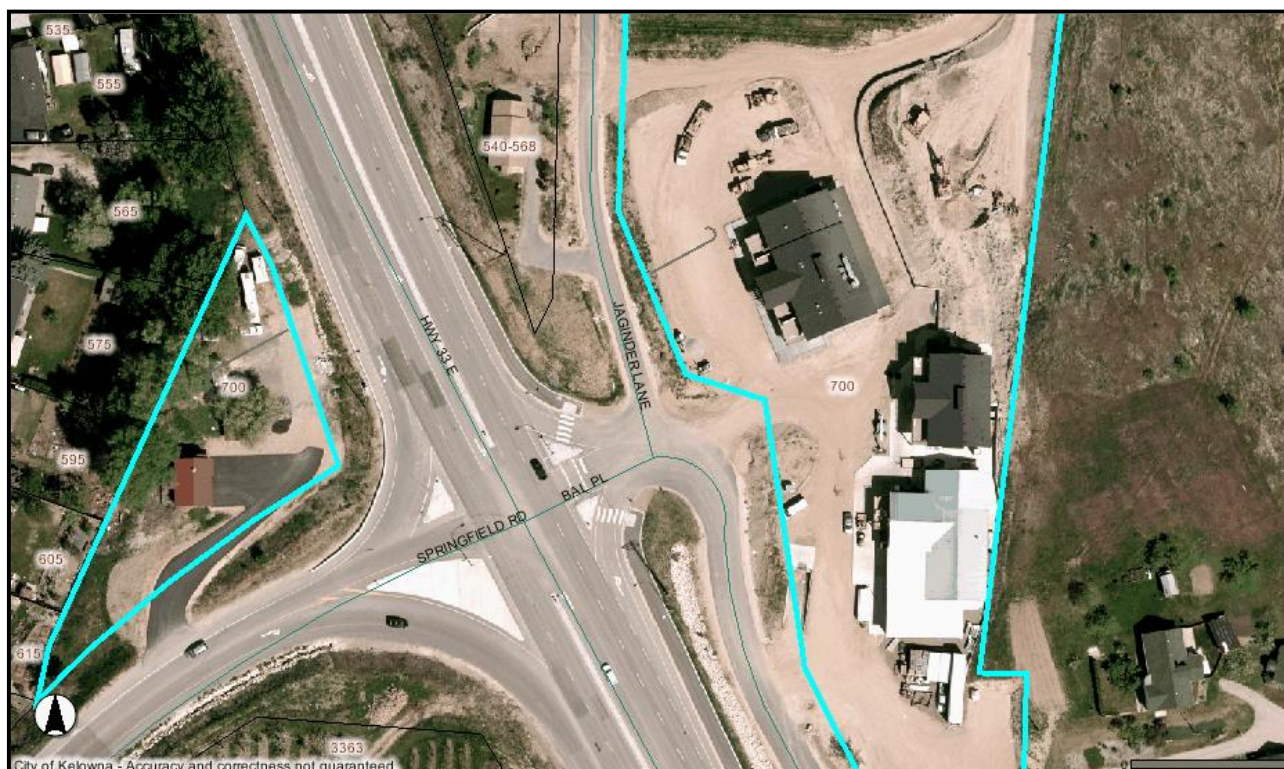
Map 1 - Subject Property - 700 Highway 33 E



Specifically, adjacent land uses are as follows:

| Direction | Zoning | ALR | Land Use |
|-----------|---|---------------|-----------------------------------|
| North | A1 - Agriculture 1 | Yes | Orchard |
| South | A1 - Agriculture 1 Roadway | No No | Rural Residential Highway |
| East | A1 - Agriculture 1 | Yes | Rural/agricultural |
| West | A1 - Agriculture 1 RU1 - Large Lot Housing | Yes Yes/No | Rural/agricultural Residential |

Map2 - Subject Property Map



4.3 Current Development Policies

4.4 2030 Official Community Plan: Greening Our Future

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture¹.

Policy. 1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

¹ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

4.5 City of Kelowna Agriculture Plan

There are a number of circumstances that would benefit from the provision of standardized agricultural signage. Safety considerations that include hidden driveways, agricultural trucks turning, slow moving farm traffic, spray drift, and farm equipment crossings are all issues that could require signage.

It may be appropriate for farmers to propose signage for specific sites that the City could consider based on safety needs. In this way the City could initiate research and development of a signage warrant policy.

Transportation Policies²

The City of Kelowna will:

15. Agricultural Signage. Consider the use of commercial / educational signs at the urban / rural interface only, that warn motorists that agricultural activity should be expected or that direct traffic to farm business / agri-tourism opportunities.

Economic Enhancement - Signage³

The issue of signage as related to agriculture encompasses several areas: signage related to traffic safety in agricultural areas, signage related to sensitivity to agricultural operations, and signage related to farm businesses. Signage for safety or agriculture area awareness has been discussed under the Transportation Chapter. This discussion relates to the need for signage that advertises or directs people to specific areas or farm businesses toward the enhancement of those businesses.

On-site signs advertising a specific farm business are regulated by the City of Kelowna Sign Bylaw. Off-site signage, generally within the public road right-of-way, is regulated by either the City or the Ministry of Transportation and Highways.

As part of the general direction of enhancing agriculture the Land Commission and the City have, and will continue, to investigate and modify the regulations toward increasing the ability of farmers to supplement their income from sources other than strictly growing or producing a farm product. To that end, Land Commission policies and City zoning have or will reflect changes for such uses as bed and breakfast, home occupations, farm retail sales, and other direct farm marketing or agri-tourism related businesses. In order for these businesses to survive they need to be able to advertise or otherwise direct people to the business in question.

The issue is complicated by the concern that excessive signage, particularly in rural areas, detracts from the visual character of the area and may create competitive circumstances that interfere with signage necessary for route information or safety needs. Visual character could also be threatened by a lack of coordination or standards for such signage.

Economic Enhancement Policies⁴

The City of Kelowna will:

21. Agriculture Signage Standards. Coordinate, in conjunction with the Ministry of Transportation and Highways, the Ministry of Agriculture and Food, Central Okanagan Regional District, and the Direct Farm Marketing Association, a process to investigate and establish standards with respect to the form of agricultural business signage. The process should include appropriate locations for such signage, policy direction on combination, clustering, or grouping of signs, and an implementation procedure.

² City of Kelowna Agriculture Plan (1998); p. 153.

³ City of Kelowna Agriculture Plan (1998); p. 158

⁴ City of Kelowna Agriculture Plan (1998); p. 97.

4.6 City of Kelowna Sign Bylaw

5.6 Free-Standing Signs

5.6.1 A free-standing sign is permitted only if it:

- (a) has a minimum clearance of 2.5 m when projecting over an open area, unless it is an integral part of a permanent landscaped area which discourages pedestrians;
- (b) does not obscure a pedestrian or drivers' line of vision from a street, access road or sidewalk to oncoming traffic. The line of vision shall be measured a distance of 8.0 m back along both abutting and intersecting streets along the abutting property lines of the lot from the point of intersection of the streets. In the case of an access road, the 8.0 m shall be measured back along the edge of the access road from the point of intersection with the street;
- (c) maintains a minimum clearance of 4.4 m when it projects over a vehicular traffic area such as a parking lot aisle or driveway; and
- (d) is not located closer than 1.5 m to a lot line, within 1.0 m of any building, or within 30.0 m of another free standing sign.

5.10 Electronic Changeable Copy Signs

5.10.1 An Electronic Changeable Copy Sign is permitted if it;

- (a) is part of a freestanding or fascia sign;
- (b) incorporates public service information (time, date, or temperature) for a portion of the message;
- (c) limits the change to the complete message to one change per minute;
- (d) does not incorporate any form of scrolling, fading, movement of any kind as part of the change of message;
- (e) does not incorporate any form of animation, moving letters, symbols, or image, or any change in intensity of illumination to the message;
- (f) does not incorporate any form of chasing borders or animation of any kind to the sign or message.

Section 6 - Specific Zone Regulations

6.1 The specific zone regulations of this Section for signs shall apply in addition to, and take precedence over, the general sign regulations of Sections 4.1 and 5.1.

The zone regulations are as follows:

| Type of Sign | Number of Signs | Regulation |
|--------------------------------|-------------------------|--|
| Agricultural Zone (A1)* | | |
| Fascia or Free-standing | 1 per building frontage | (a) 2.5 m maximum height (b) 3 m ² maximum area for a principal commercial use and 1.5 m ² maximum area for a secondary commercial use |

4.7 Technical Comments

4.8 Building & Permitting Department

- 1) Refer to Bylaws Department for file update on compliance action for this property
- 2) Structural Engineer required for Sign Design
- 3) Full Plan check for Building Code related issues will be done at time of Building Permit applications

4.9 Development Engineering Department

1. General

- a. The existing sign encroaches onto the public right of way by an estimated 0.8m. The sign should be relocated with the subject property.
- b. The existing loading bay encroaches onto the public right of way. The loading bay should be relocated within the subject property and the applicant is to provide a plan with turning templates indicating that the commercial vehicle can safely ingress and egress the loading bay with forward motion from the public right of way.

4.10 Fire Department

No concerns

4.11 Fortis BC - Electric

1. There are primary distribution facilities along Highway 33E adjacent to the subject's west property line. Provided the signage does not encroach on the safe limits of approach or interfere with the operation and maintenance of the facilities, FortisBC Inc. (Electric) has no concerns with this circulation.
2. In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

4.12 Ministry of Transportation & Infrastructure

No objections

5.0 Application Chronology

Date of Application Received: July 16, 2013

Agricultural Advisory Committee September 12, 2013

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on September 12, 2013 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council support Development Variance Permit Application No. DVP13-0113 for 700 Highway 33 East, Kelowna, BC to vary the following sections of each of the Sign Bylaw No. 8235 and Zoning Bylaw 8000:

Sign Bylaw Section 5.6.1(d) Free-Standing Signs

To vary the requirement that a free-standing sign not be permitted closer than 1.5 m to a lot line from 1.5 m to 0.0 m;

Sign Bylaw Section 6.1 Specific Zone Regulations: Fascia or Free-standing

(a) To vary the maximum height of a sign in Agricultural Zone (A1) from 2.5 m permitted to 6.3 proposed;

(b) To vary the maximum area for a principal commercial use from 3.0 square meters permitted to 8.36 square meters proposed;

(c) To vary the maximum area for a secondary commercial use from 1.5 square meters permitted to 3.5 square meters proposed.

To legitimize the existing Hillcrest Farm Market and Café sign located next to the existing loading area at Bal Place near the southwest corner of the portion of the subject property east of Highway 33 E.

Anecdotal Comments:

The Agricultural Advisory Committee supported Development Variance Permit Application No. DVP13-0113 because the sign is appropriate for the site along the highway. While the size of the sign would not be appropriate elsewhere, the size, scale, design and siting of this sign 'fit' the subject site.

The Agricultural Advisory Committee felt it was important to note that:

- The technical issues with respect to the location of the loading dock are not within the mandate of the AAC.
- Staff indicated not aware of any complaints regarding the sign.
- Highway 33 is a wide road wide and traffic is moving fast down a 6% grade; the sign needs to be it's current size to be readable by passing cars.
- The Committee would have supported variance if the application had been made prior to construction of the sign.
- A distinction needs to be made between advertising an on-site business and third-party advertising.

6.0 Alternate Recommendation

Should Council choose to authorize the requested variances the following recommendations would be applicable:

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0113, for Lot A, Section 24, Township 26, ODYD, Plan EPP7145, located on 700 Hwy 33 E, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 5.6.1(d) - Free-Standing Signs

To vary the setback distance from a lot line from 1.5 metres required to 0.0 metres proposed, as per Schedule "A"

Section 6.1 Specific Zone Regulations - Fascia or Free-standing

To vary the maximum height from 2.5m permitted to 6.5m proposed, as per Schedule "B"

To vary the maximum area for a principal commercial use from 3.0m² permitted to 8.36m² proposed; as per Schedule "B"; and

To vary the maximum area for a secondary commercial use from 1.5 m² permitted to 3.5 m² proposed; as per Schedule "B".

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

Section 8.2.7 - Location

To vary the requirement that an off-street loading space shall be provided entirely within the property of the development being served.

Section 8.2.11 - Size and Access

To vary the requirement that any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.

Section 8.2.12 - Size and Access

To vary the requirement that any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.

Section 11.1.6(c) - Development Regulations

To vary the minimum front yard setback from 6.0 m required to 0.0 proposed.

AND THAT the required Licence of Occupations be executed for the both the free-standing sign and loading space encroachments into the road right of way;

AND THAT the underground electrical service be provided to the sign;

AND THAT the required Building Permit be ready for issuance;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit Development Variance Permit Applications, in order for the permits to be issued.

Report prepared by:

Todd Cashin, Manager
Subdivision, Agriculture & Environment

Approved for Inclusion:



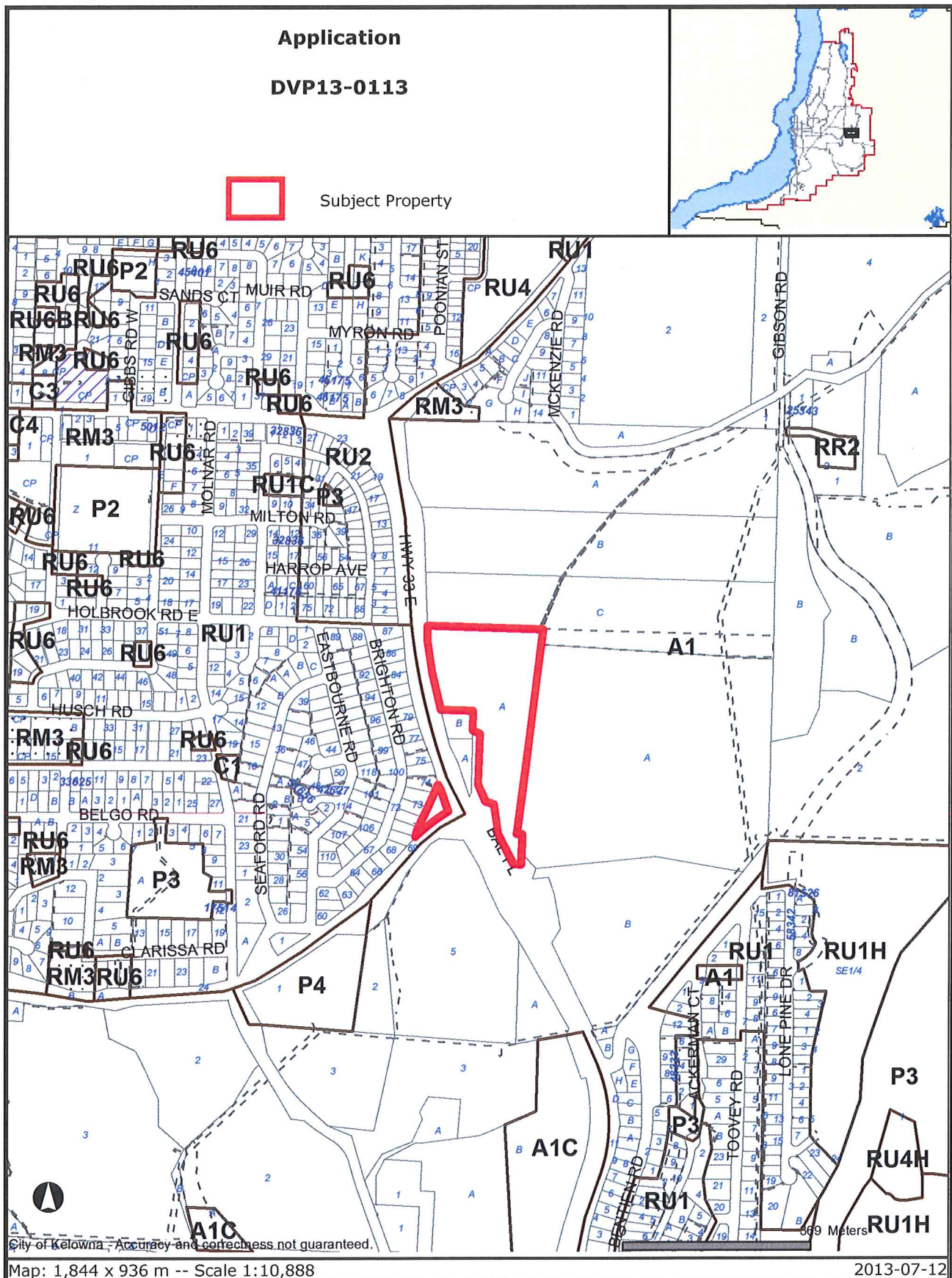
Shelley Gambacort
Director, Subdivision, Agriculture & Environment

Attachments:

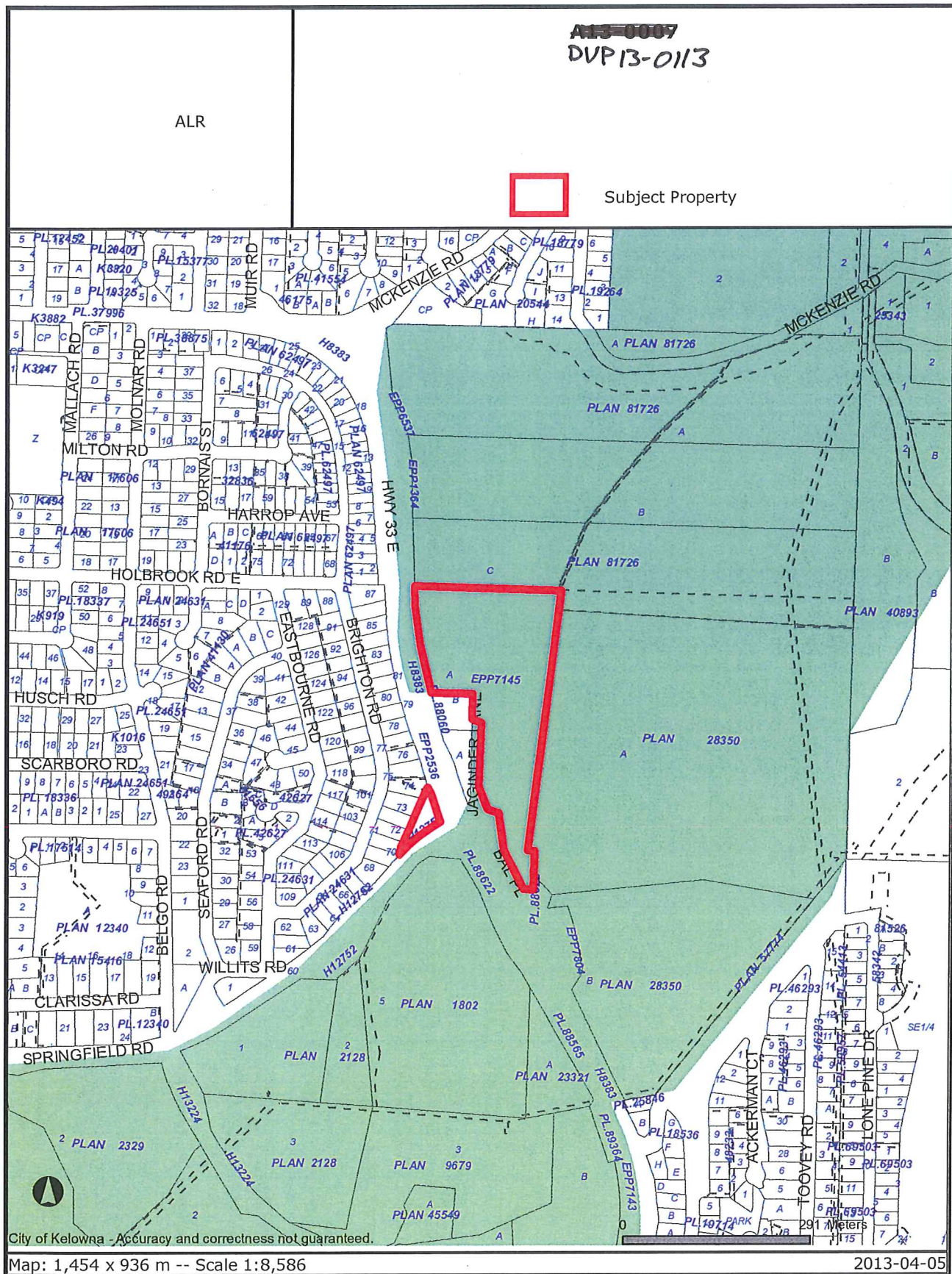
Photo 1 - Free Standing Sign (1 page)
Subject property/zoning & ALR map (2 pages)
Schedule "A" - Sign Specifications
Schedule "B" - Survey of encroachments
Loading Space Encroachment (aerial)
Applicants Rationale Letter (1 page)

Photo 1 - Free Standing Sign and Loading Space





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.



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Highway 33



SCALE 1:2500



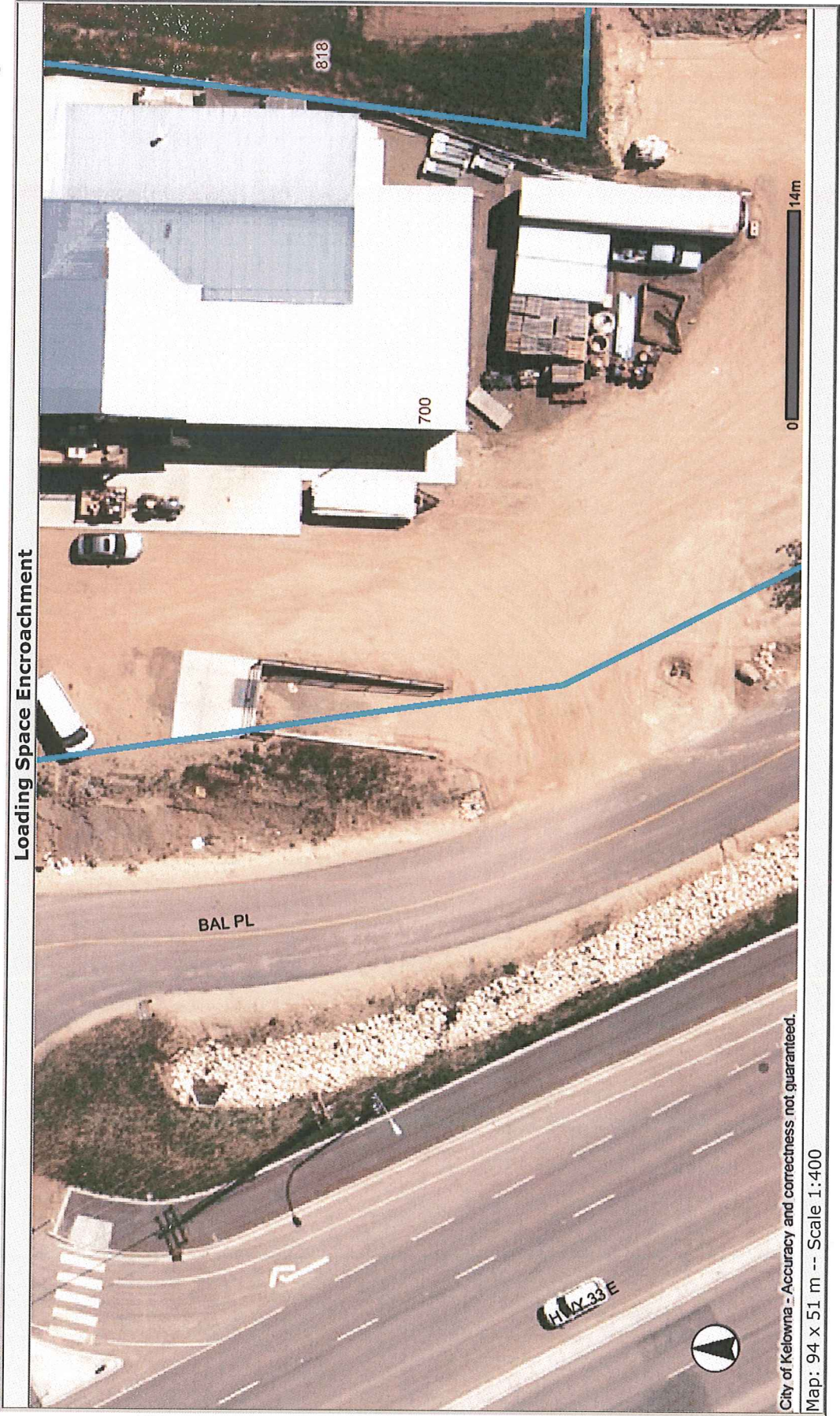
LOT A
PLAN EPP7145

SRW PLAN KAP92406

Area of Sign
Enrichment
Road

SIGN POST BASE (0.25m X 0.25m TYP)

[illegible]



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

Hello Greg,

Please find below a written rationale for the proposed sign variances, as requested in your email.

Item #8

Due to the highway widening, our property was set back considerably from the highway and consequently our building also had to be moved further from the road. This resulted in a significant loss of highway business frontage. As a result, the Farm Market could not be easily visualized and located by the highway traffic. In order to accommodate the loss of business frontage, a suitable sign was developed and placed. The current size of the sign was found to be the most optimal because it can be read with ease from the highway but at the same time, does not cause any obstruction or any other issues with far away neighbours.

The location of the sign was based on a couple of factors. Firstly, given the amount of the highway frontage that was lost due to the highway widening, we subsequently lost a significant amount of working area for our already existing cherry packaging plant. In order to salvage as much space as possible for the forklifts and machinery and to facilitate loading and unloading of the fruit, the sign was placed as far from the building as possible. Additionally, by placing the sign in the current location, it can be optimally viewed by vehicles utilizing Highway 33. Lastly, the placement of the sign helps to ensure that vehicles are able to see the Farm Market well in advance of the turn off and are therefore able to safely merge into the left hand turning lane.

Item #9

Prior to designing and placing the sign, consideration was given to whether or not our neighbours would be affected by the size and placement of the sign. Given that our neighbours are located distant from our establishment, the final design of the sign did not interfere with or alter the view of our neighbours. Additionally, the sign was designed to ensure that it matched the natural landscape and character of the Black Mountain area.

Thank you,

Chanchal Bal

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0113

EXISTING ZONING DESIGNATION: A1 - Agriculture 1

DEVELOPMENT VARIANCE PERMIT: To vary the City of Kelowna Sign Bylaw No. 8235 and Zoning Bylaw No. 8000 in order to legalize an existing free-standing sign and legalize an existing loading bay

ISSUED TO: Hillcrest Farm Market Inc. (Chanchal Bal)

LOCATION OF SUBJECT SITE: 700 Hwy 33 East

| | LOT | SECTION | D.L. | TOWNSHIP | DISTRICT | PLAN |
|--------------------|-----|---------|------|----------|----------|---------|
| LEGAL DESCRIPTION: | A | 24 | | 26 | ODYD | EPP7145 |

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 Sign Bylaw No. 8235 be granted:

Section 5.6.1(d) - Free-Standing Signs

To vary the setback distance from a lot line from 1.5 metres required to 0.0 metres proposed, as per Schedule "A"

Section 6.1 Specific Zone Regulations - Fascia or Free-standing

To vary the maximum height from 2.5m permitted to 6.5m proposed, as per Schedule "B"

To vary the maximum area for a principal commercial use from 3.0m² permitted to 8.36m² proposed; as per Schedule "B"; and

To vary the maximum area for a secondary commercial use from 1.5 m² permitted to 3.5 m² proposed; as per Schedule "B".

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

Section 8.2.7 - Location

To vary the requirement that an off-street loading space shall be provided entirely within the property of the development being served.

Section 8.2.11 - Size and Access

To vary the requirement that any loading area shall be provided, wherever possible, internally to the development or from a lane abutting the development.

Section 8.2.12 - Size and Access

To vary the requirement that any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the site causes interference with traffic on the abutting streets or lanes.

Section 11.1.6(c) - Development Regulations

To vary the minimum front yard setback from 6.0 m required to 0.0 proposed

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 Community Planning & Real Estate Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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 ____ DAY OF NOVEMBER 2013.

ISSUED BY THE SUBDIVISION, AGRICULTURE & ENVIRONMENT DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF NOVEMBER, 2013 BY THE DIRECTOR OF SUBDIVISION, AGRICULTURE & ENVIRONMENT.

Shelley Gambacort, Director/Approving Officer
Subdivision, Agriculture & Environment