

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, May 26, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor DeHart.
3. **Confirmation of Minutes** 1 - 5
Regular Meeting - May 12, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **700 Highway 33 East, BL11083 (TA15-0002) - Amending Agriculture 1 Zone** 6 - 6
To give Bylaw No. 11083 second and third readings in order to amend Zoning Bylaw No. 8000 specifically for the property located at 700 Highway 33 East and the current owners.
 - 4.2 **773 Glenmore Road & 720 Valley Road, BL11090 (OCP14-0008) - 0904419 BC Ltd.** 7 - 8
Requires a majority of all members of Council (5).
To give Bylaw No. 11090 second and third readings in order to change the future land use designations of portions of the subject properties.
 - 4.3 **BL11091 (TA14-0005) - Replacing the CD3 - Comprehensive Development Three Zone in Zoning Bylaw No. 8000** 9 - 12
To give Bylaw No. 11091 second and third readings in order to amend Zoning Bylaw No. 8000.
 - 4.4 **773 Glenmore Road & 720 Valley Road, BL11092 (Z14-0010) - 0904419 BC Ltd.** 13 - 14
To give Bylaw No. 11092 second and third readings in order to rezone portions of the subject properties.

4.5 2265 Wilkinson Street, BL11093 (Z15-0015) - Jacob & Julie Cruise 15 - 15

To give Bylaw No. 11093 second and third readings in order to rezone the subject property.

4.6 1432 McInnes Avenue, BL11094 (Z15-0014) - Caroline Kaltenhauser 16 - 16

To give Bylaw No. 11094 second and third readings in order to rezone the subject property.

4.7 1280 Highway 33 East, BL11095 (Z15-0011) - Imre & Jennifer Csorba 17 - 17

To give Bylaw No. 11095 second and third readings in order to rezone the subject property.

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

6.1 792 Lawrence Avenue, DP15-0048 & DVP15-0049 - Astrid Kneipp 18 - 40

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 a Development Variance Permit to vary side yard setbacks.

6.2 341 Clifton Road, BL10892 (Z13-0035) - Adrian Hazzi & Mandi Moore 41 - 42

To adopt Bylaw No. 10892 in order to rezone the subject property.

6.3 341 Clifton Road, DVP14-0240 - Adrian Hazzi & Mandi Moore 43 - 50

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 a Development Variance Permit to vary the minimum lot depth for two proposed lots.

7. Reminders

8. Termination



City of Kelowna

Date: Tuesday, May 12, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Urban Planning Supervisor, Lindsey Ganczer*; Urban Planner, Adam Cseke*; Subdivision, Agriculture & Environment Manager, Todd Cashin; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. **Call to Order**

Mayor Basran called the meeting to order at 6:00 p.m.

2. **Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor Singh.

3. **Confirmation of Minutes**

Moved By Councillor Gray/Seconded By Councillor Given

R375/15/05/12 THAT the Minutes of the Public Hearing and Regular Meeting of April 28, 2015 be confirmed as circulated.

Carried

4. **Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 391 statutory notices to the owners and occupiers of surrounding properties, and 3090 informational notices to residents in the same postal delivery route, between April 28 and May 1, 2015. 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.

5. **Development Permit and Development Variance Permit Reports**

5.1 1250 Ellis Street, DVP15-0066 - Whitworth Holdings Ltd.

Councillor Sieben declared a conflict of interest as the applicant is a relative and he is an investor and departed the meeting at 6:02 p.m.

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Applicant

- Present and available for questions.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R376/15/05/12 THAT Council authorize the issuance of Development Variance Permit No. DVP15-0066, for the property legally known as Lot 1, District Lot 139, ODYD, Plan 660, located on 1250 Ellis St., Kelowna, BC.

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

Section 5.3.1 (c) - Specific Regulations

To vary that the canopy sign to project above the upper edge of a canopy from 300mm to 720mm.

Section 5.8.1 (a) - Specific Zone Regulations

To vary the maximum height of a projecting sign from 7.5m to 8.3m above grade.

Section 6 - Specific Zone Regulations

To vary the number of permitted signs from 2 per business to 3 per business.

To vary the number of permitted projecting signs from 0 to 1.

AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Councillor Sieben rejoined the meeting at 6:07 p.m.

5.2 2127 Ethel Street, BL11064 (Z15-0004) - Simple Pursuits Inc.

Moved By Councillor Hodge/Seconded By Councillor Gray

R377/15/05/12 THAT Bylaw No. 11064 be adopted.

Carried

5.3 2127 Ethel Street, Z14,0004, DP15-0019 & DVP15-0080 - Simple Pursuits Inc.

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Concern

Dianne Varga, Copeland Place
Janice Sich, Glenwood Avenue
Joanne Bayley, Aberdeen Street

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

Applicant

- Present and available for questions.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R378/15/05/12 THAT Final Adoption of Zoning Amending Bylaw No. 11064 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP15-0019 for Lot 1, Section 19, Township 26, ODYD, Plan 29557, located on 2127 Ethel Street, 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 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. That 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 authorize the issuance of Development Variance Permit DVP15-0080 for Lot 1, Section 19, Township 26, ODYD, Plan 29557, located on 2127 Ethel Street, Kelowna, BC, subject to the following:

Subdivision, Development & Servicing Bylaw No. 7900/Schedule 4 - Design Standards/Section 4. Highway/4.6 Curb & Gutter, Sidewalks & Bike Lanes

- Variance to allow access from a class 1 collector road (Ethel Street) when an alternate access is available.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

5.4 3528 Landie Road, BL11067 (Z14-0058) - Jesse East

Mayor Basran declared a conflict of interest as the Applicant is the Basran family Realtor and left the meeting at 6:19 p.m. Deputy Mayor Gray took over as Chair.

Moved By Councillor Donn/Seconded By Councillor Hodge

R379/15/05/12 THAT Bylaw No. 11067 be adopted.

Carried

5.5 3528 Landie Road, DVP14-0254 - Jesse East

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

Applicant:

- Present and available for questions.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

R380/15/05/12 THAT final adoption of Zone Amending Bylaw No. 11067 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0254 for Lot C, District Lot 134, ODYD, Plan 31819, located on 3528 Landie Road, Kelowna, BC;

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

Section 13.2.6(d): RU2 - Medium Lot Housing Development Regulations

To vary the minimum side yard for a 2 or 2 ½ storey portion of a building from 1.8 m permitted to 1.2 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Mayor Basran returned to the meeting at 6:24 p.m. and resumed the Chair

5.6 3373-3395 Neid Road, DVP15-0036 - Kewal Singh Mann & Jasmel Kaur Mann

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Applicant:

- Present and available for questions.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Hodge

R381/15/05/12 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0036, for a variance for the South ½ of Lot 26 Section 16 Township 26 ODYD Plan 187 Except Plan B129 located at 3373-3395 Rd, Kelowna, BC, as shown in Schedule 'A';

AND THAT variance to the following Section 11 of Zoning Bylaw No. 8000 be granted:

Section 11.1.6 (f) A1- Agriculture 1(Development Regulations)

To vary the front yard setback from 15 m permitted to 8.0 m proposed for an agricultural garden stand to property line.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

6. Resolutions

- 6.1 341 Clifton Road, BL10892 (Z13-0035) and DVP14-0240, Draft Resolution - Adrian Hazzi & Mandi Moore**

Moved By Councillor Given/Seconded By Councillor DeHart

R382/15/05/12 THAT Council defers consideration of the adoption of Bylaw No. 10892 and the issuance of Development Variance Permit Application No. DVP14-0240 to the May 26, 2015 Regular Meeting.

Carried

7. Reminders

City Clerk advised Council of an invitation from WFN for a bus tour of their lands on Monday, July 13, 2015. This is a regularly scheduled Council day.

8. Termination

The meeting was declared terminated at 6:34 p.m.

Mayor



City Clerk

Deputy Mayor

/acm

CITY OF KELOWNA
BYLAW NO. 11083
TA15-0002 - Amending Agriculture 1 Zone for 700 Hwy 33 E

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 11 - Agriculture 1 Zone, 11.1.3 Secondary Uses** be amended by adding in its appropriate location a new sub-paragraph "**Food Primary Establishment**" and renumber subsequent subparagraphs that reads:

"Food Primary Establishment - *Only applies to Lot A, Section 24, Township 26, ODYD, Plan EPP7145 located at 700 Hwy 33 E also known as the "Hillcrest Farm Market Cafe".

This existing cafe is subject to the Agricultural Land Commission (ALC) Resolution #101/2014 for application #53542 (City of Kelowna File A13-0007) and which conditionally approved this non farm use on the subject property subject to the following condition:

- i) The Cafe facility is limited to current size being 25.3m² (272ft²) indoor and 34.6m² (372ft²) outdoor and that there be submission of notification or an application to the ALC should there be plans in the future for any significant changes or plans to expand the current footprint.

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 May, 2015.

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

CITY OF KELOWNA

BYLAW NO. 11090

Official Community Plan Amendment No. OCP14 - 0005 0904419 BC Ltd. Inc. No. BC0904419 773 Glenmore Road and 720 Valley Road

A bylaw to amend the "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*" be amended by changing the Generalized Future Land Use designation of Portions of Lot 1, Sections 32 and 29, Township 26, ODYD, Plan EPP24068 and Portions of Lot 2, Section 29, Township 26, ODYD, Plan EPP24068, located on Glenmore Road and Valley Road, Kelowna, B.C., from the MRM - Multiple Unit Residential (Medium Density) designation to the COMM - Commercial designation as per Map "A" attached to and forming part of this bylaw;
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 May, 2015.

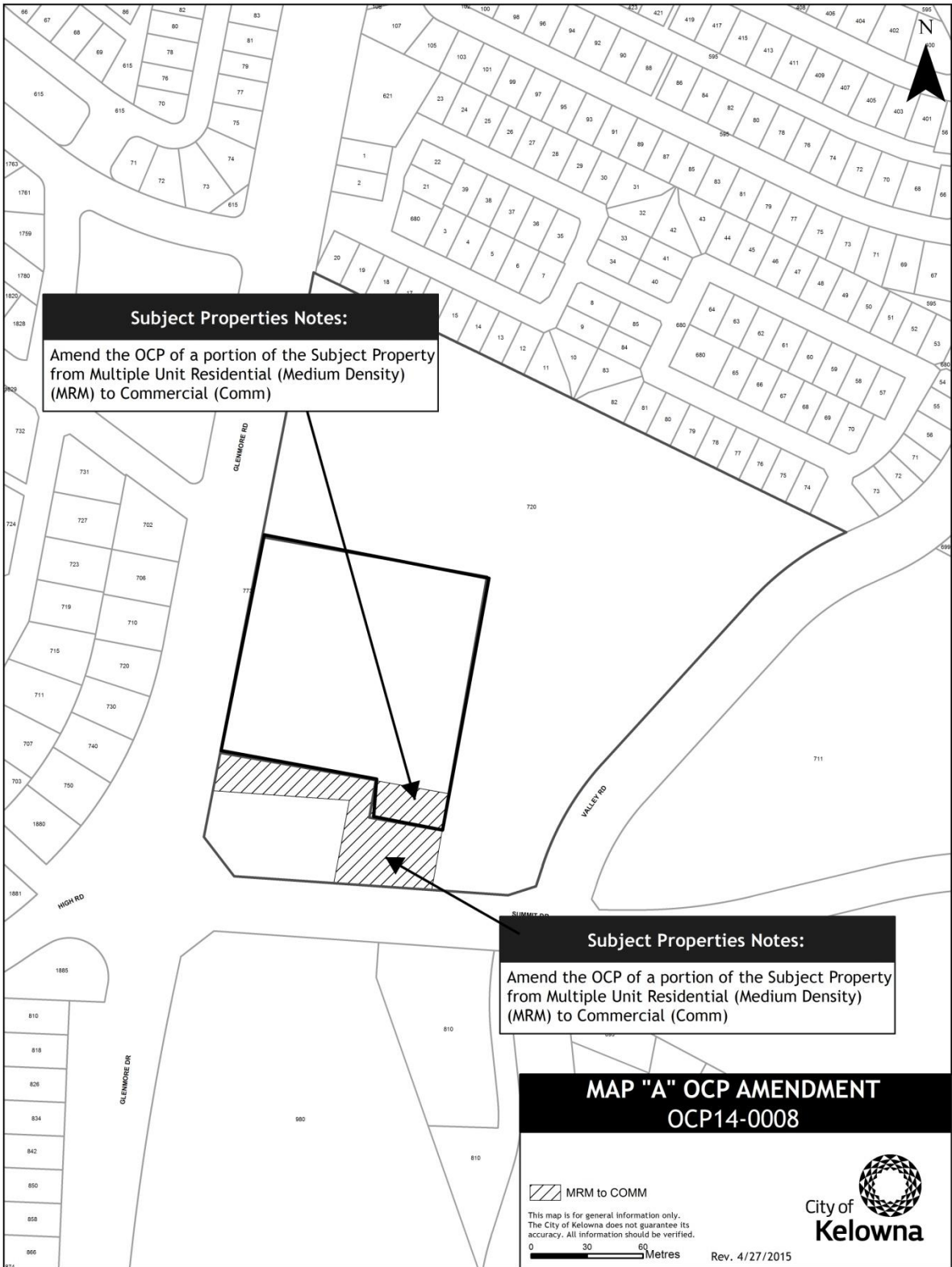
Considered at a Public Hearing on the

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. 11091

TA14-0005

**Replacing CD3 - Comprehensive Development Three Zone in
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 City of Kelowna Zoning Bylaw No. 8000 be amended by deleting in its entirety **Schedule 'B' - Comprehensive Development Zones, CD3 - Comprehensive Development Three Zone** and replacing it with a new **CD3 - Comprehensive Development Three Zone** as attached to and forming part of this bylaw;
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 May, 2015.

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

Schedule 'B' - Comprehensive Development Zones

CD3 - Comprehensive Development Three

1.1 Purpose

The purpose of this zone is to permit the development of a comprehensively planned, integrated community consisting of multi-family residential uses and local commercial uses.

1.2 Permitted Uses

The permitted **principal uses** in Area 1 of this zone, as shown on Figure CD 3.1, are:

- (a) **apartment housing**
- (b) **congregate housing**
- (c) **row housing**
- (d) **stacked row housing**

The permitted **secondary uses** in Area 1 of this zone, as shown on Figure CD 3.1, are:

- (a) **community recreation services**
- (b) **health services**
- (c) **home based business, minor**
- (d) **participant recreation services, indoor**
- (e) **personal service establishments**

The permitted **principal uses** in Area 2 of this zone, as shown on Figure CD 3.1, are:

- (a) **child care centre, major**
- (b) **community recreation services**
- (c) **financial services**
- (d) **food primary establishment**
- (e) **health services**
- (f) **liquor primary establishment, minor**
- (g) **offices**
- (h) **participant recreation services, indoor**
- (i) **personal service establishments**
- (j) **public libraries and cultural exhibits**
- (k) **retail stores, convenience**
- (l) **retail stores, general**

1.3 Subdivision Regulations

- (a) Lots should be configured approximately as shown on Figure CD3.1.
- (b) The minimum **lot width** is 45.0 m.
- (c) The minimum **lot depth** is 35.0 m.
- (d) The minimum **lot area** is 1400 m²

1.4 Development Regulations

- (a) The maximum **site coverage** for all principal and **accessory buildings** combined in this zone shall be 40%. Not more than 70% of the surface of the land in the zone shall be covered with **buildings**, parking areas and driveways.
- (b) The maximum **height** in Area 1 is the lesser of 6½ **storeys** or 33.0 m.
The maximum **height** in Area 2 is the lesser of 2 ½ **storeys** or 10.5 m.
- (c) The minimum **site front yard** is 6.0 m in Area 1.
The minimum **site front yard** is 3.0 m in Area 2.
- (d) The minimum **site rear yard** is 6.0 m.
- (e) The minimum **site side yard** is 6.0 m, except it is 3.0 m from **flanking streets**. Entrance canopies may be sited a minimum of 1.5 m from the boundaries of Glenmore Road and Summit Drive.

1.5 Other Regulations

- (a) A minimum of 7.5 m² of private open space shall be provided for each bachelor unit, boarding or lodging unit, congregate care unit and group home unit, 15 m² for each one bedroom unit, and 20 m² for each unit of two bedrooms or more.
- (b) Commercial units within Area 1 shall be limited to a maximum Gross Floor Area of 240m² per unit.
- (c) Commercial units within Area 2 shall be limited to a maximum Gross Floor Area of 240 m² per unit, except that one unit may have a maximum Gross Floor Area of 635m².
- (d) No nuisance from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the any commercial use within Area 1, as shown on Figure CD-3.1, and at all times, the privacy and enjoyment of residential dwellings shall be preserved and the commercial operations shall not adversely affect the amenities of the area.
- (e) Parking and loading for all uses shall be provided in accordance with the requirements of Section 8 of this Bylaw.

1.6 Sign Regulations

- (a) Signage for residential uses shall be in accordance with the sign regulations for land in the RM5 zone as determined by the City of Kelowna Sign Bylaw of the day.
- (b) Signage for **commercial uses** within Area 1 shown in Figure CD-3.1 shall be in accordance with the requirements for Identification Signs, as determined by the City of Kelowna Sign Bylaw of the day.

- (c) Signage for **commercial uses** in Area 2 shown in Figure CD-3.1 shall be in accordance with the sign regulations for land in the C4 zone as determined by the City of Kelowna Sign Bylaw of the day.

FIGURE CD-3.1



CITY OF KELOWNA
BYLAW NO. 11092
Z14-0010 - 0904419 BC Ltd. Inc No. BC0904419
773 Glenmore Road and 720 Valley 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 Portions of Lot 1, Sections 32 and 29, Township 26, ODYD, Plan EPP24068 and Portions of Lot 2, Section 29, Township 26, ODYD, Plan EPP24068 located on Glenmore Road and Valley Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the CD3 - Comprehensive Development 3 zone and from the CD3 - Comprehensive Development 3 zone to the A1 - Agriculture 1 zone as per Map "B" attached to and forming part of this bylaw.
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 May, 2015.

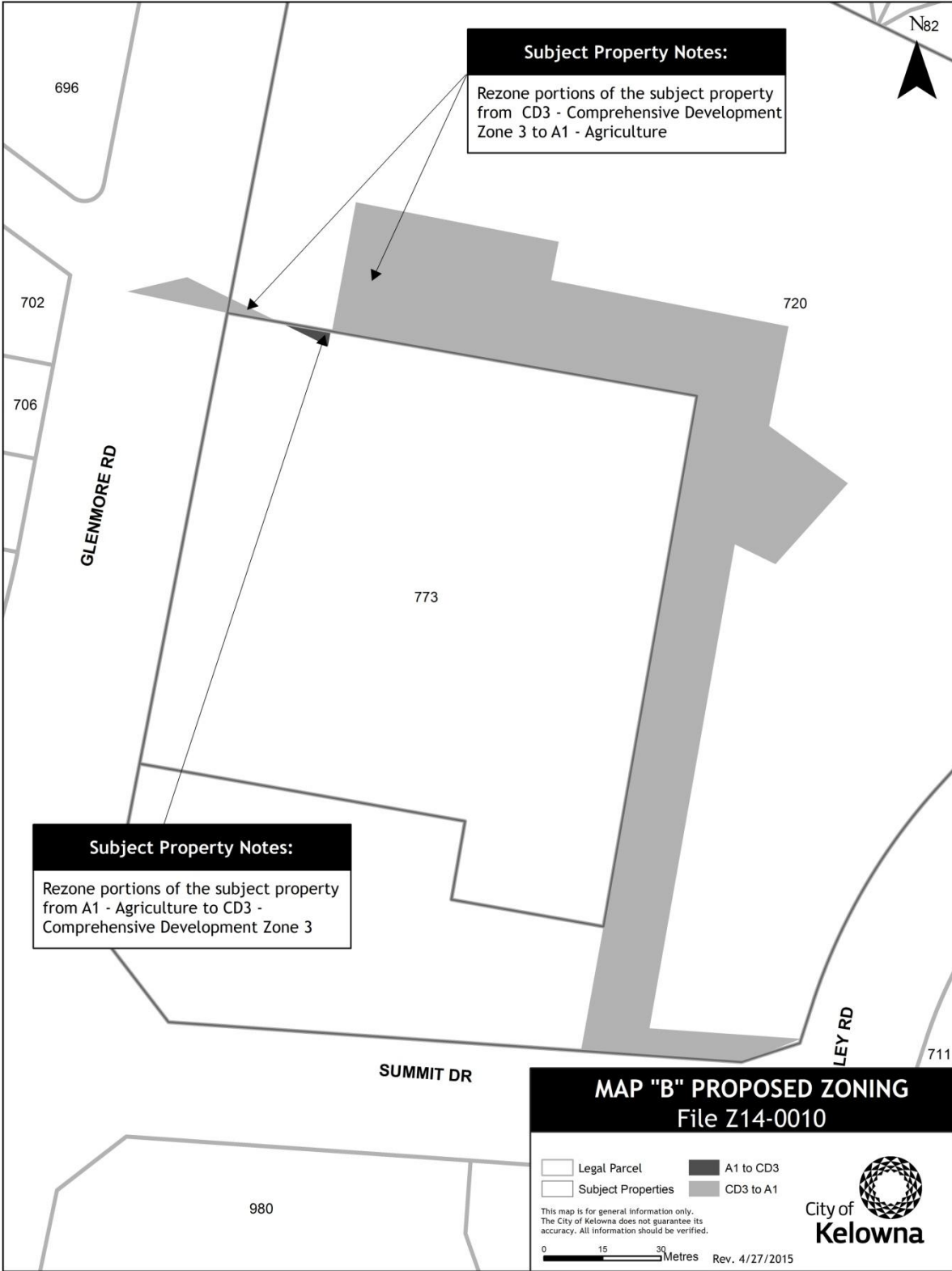
Considered at a Public Hearing on the

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.11093
Z15-0015 - Jacob and Julie Cruise
2265 Wilkinson Street

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 136, ODYD, Plan KAP89721, located on Wilkinson Street, Kelowna, B.C., from the RU2 - Medium Lot Housing zone to the RU2c - Medium 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 4th day of May, 2015.

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. 11094
Z15-0014 - Caroline Kaltenhauser
1432 McInnes 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 3, District Lot 137, ODYD, Plan 3756 located on 1432 McInnes Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling 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 11th day of May, 2015.

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

CITY OF KELOWNA
BYLAW NO. 11095
Z15-0011 - Imre & Jennifer Csorba
1280 Hwy 33 E

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 B, Section 13, Township 26, ODYD, Plan 25650 located on 1280 Hwy 33 E, Kelowna, B.C., from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 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 11th day of May, 2015.

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: April 27, 2015
RIM No. 0940-50
To: City Manager
From: Urban Planning, Community Planning & Real Estate (TY)
Application: DP15-0048 & DVP15-0049 **Owner:** Astrid Kneipp
Address: 792 Lawrence Avenue **Applicant:** Astrid Kneipp
Subject: Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0048 for Lot 46 Block 15 District Lot 138 ODYD Plan 262, Located at 792 Lawrence Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building and landscaping 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';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0049, for Lot 46 Block 15 District Lot 138 ODYD Plan 262, Located at 792 Lawrence Avenue, Kelowna, BC;

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

Section 13.6.6(d): RU6 - Two Dwelling Housing - Development Regulations

Vary the minimum required side yard setback (west) from 2.0 m required to 1.6 m proposed.

Vary the minimum required side yard setback (east) from 2.0 m required to 1.6 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval with no opportunity to extend.

2.0 Purpose

To seek a Development Variance Permit to vary side yard setbacks.

3.0 Urban Planning

Urban Planning supports the proposed variances on the subject property. The applicant is seeking the variances to legalize the existing non compliant siting of the existing dwelling along the west property line which is currently a side yard setback of 1.6 m and to decrease the non conformity along the east property line from a current side yard setback of 0.9 m to 1.6 m.

The existing two and a half storey home, built in 1910 is on Kelowna’s Heritage Register. The residence is a foursquare design that was popular in the 1910s. The design is named for the square footprint of the home that has equally divided interior spaces. The residence currently encroaches in the 2.0 m minimum side yard setback for a one and a half storey portion of a dwelling as regulated in Zoning Bylaw No. 8000. The applicant is proposing a renovation that will restore the exterior materials to the original 1910 era as well as construct an addition to the north and east side of the dwelling on the first storey.

4.0 Proposal

4.1 Project Description

Side Yard Setback (west)

The exterior wall of the dwelling is set back 3.1 m from the west property line. Currently columns supporting a hip roof overhang are set back 1.6 m from the west property line. As this column is considered a part of the principal dwelling, it does not meet the side yard setback of 2.0 m. The applicant is proposing to continue this traditional hip roof around the west side of the house over a patio area and is seeking a variance to legalize this existing non-conforming siting.

The proposed deck in the west side yard will be lower than 0.60 m and therefore does not require a permit.

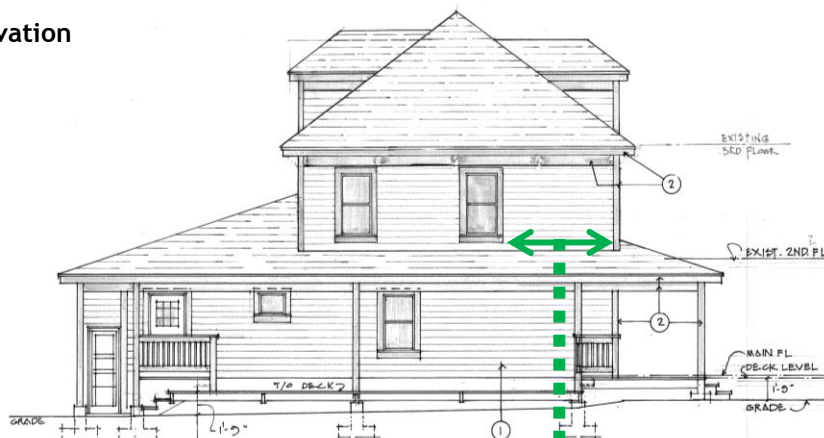
Undated Photo of Subject Property



Current Conditions



Proposed West Elevation

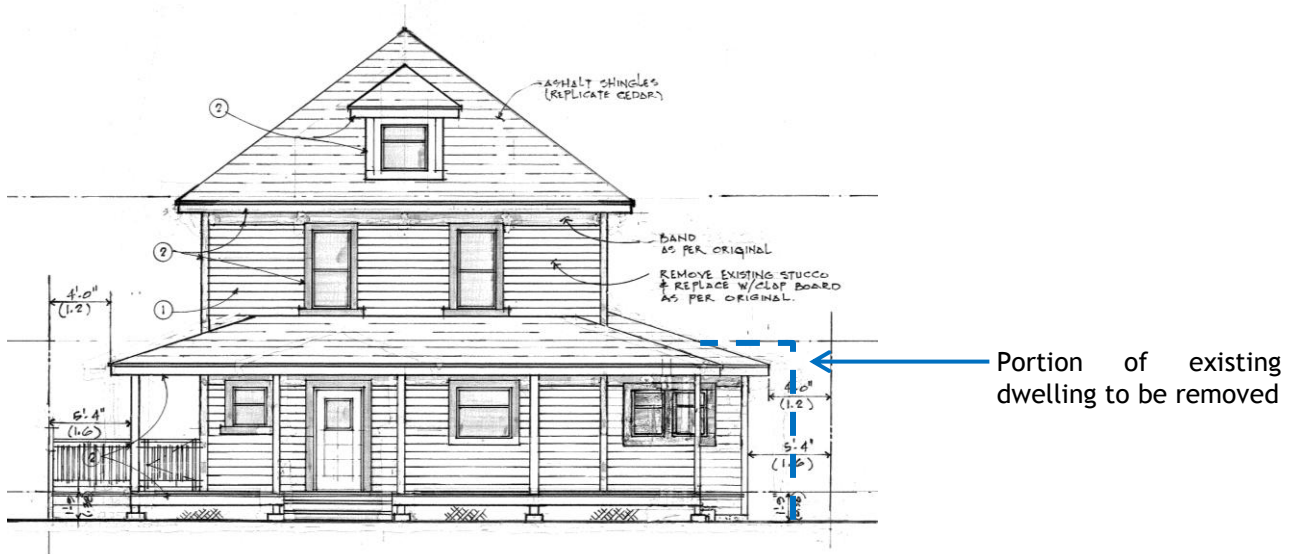


Proposed columns & hipped roof to restore to original design ←→ Existing columns & hipped roof

Side Yard Setback (east)

On the east portion of the subject property the original footprint of the dwelling is set back 4.2 m from the property line. An undocumented renovation occurred a number of years ago which extended the east portion of the dwelling, bringing it 0.9 m from the side property line. This renovation was completed on a poor quality foundation. The applicant is proposing to rectify this construction by replacing the living space with an addition that meets the current BC Building Code. This renovation is proposed to be set back 1.6 m from the side property line.

Proposed South Elevation



The alterations will restore the exterior of the house to the original pre-WWI era “foursquare” design such as wrapping the medium-pitch hipped roof around the west portion of the home, wide wood trim around the windows, and clap board replacing the stucco on the two and a half storey dwelling. The existing shingles will be replaced with shake-shaped fibreglass shingles.

There is an existing secondary suite in the dwelling that meets current Zoning Bylaw No. 8000 regulations. The secondary suite will remain unchanged except for an addition of a dormer on the north side of the half storey roof to allow an additional window similar to the existing dormer on the south side of the dwelling.

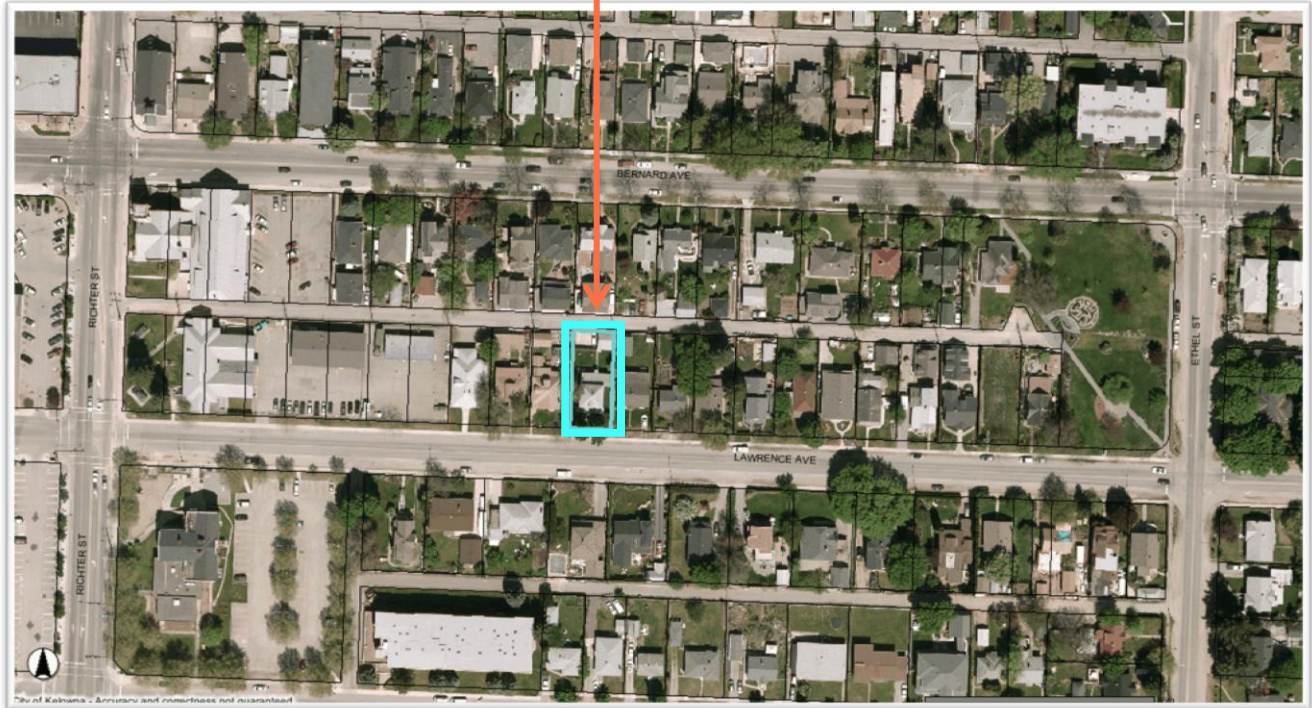
4.2 Site Context

The subject property is located on the north side of Lawrence Avenue between Richter Street and Ethel Street in the Central City sector of Kelowna. The property is zoned RU6 - Two Dwelling Housing, identified in Kelowna’s OCP as S2RES, and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

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

Subject Property Map: 792 Lawrence Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m ²	558 m ²
Minimum Lot Width	13.0 m	15.2 m
Minimum Lot Depth	18.0 m	36.6 m
Development Regulations		
Maximum Site Coverage	40%	130 m ² - 23%
Maximum Site Coverage including driveways and parking areas	50%	171 m ² - 31%
Maximum Height	9.5 m or 2 ½ storeys	8 m - 2 ½ storeys
Minimum Front Yard	4.5 m	5.5 m
Minimum Side Yard (west)	2.0 m for 1 storey portion of dwelling	1.6 m●
Minimum Side Yard (east)	2.0 m for 1 storey portion of dwelling	1.6 m●
Minimum Rear Yard	7.5 m	14.0 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Private Open Space	30 m ² per dwelling	32 m ² per dwelling
● Indicates a requested variance to Side Yard Setback (west)		
● Indicates a requested variance to Side Yard Setback (east)		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Heritage Designation¹ Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

Sensitive Infill² 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.

6.0 Technical Comments

6.1 Building & Permitting Department

The variance will affect the allowable wall assembly along property line as well as the soffit ventilation requirements for the roof at property line.

6.2 Development Engineering Department

See attached memorandum dated March 10, 2015

6.3 FortisBC Inc - Electric

There are primary distribution facilities with the laneway adjacent to the subject's north property line. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Application Received: March 4, 2015

Date Public Consultation Completed: April 17, 2015

¹ City of Kelowna Official Community Plan, Policy 5.7.2 (Development Process Chapter)

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter)

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map

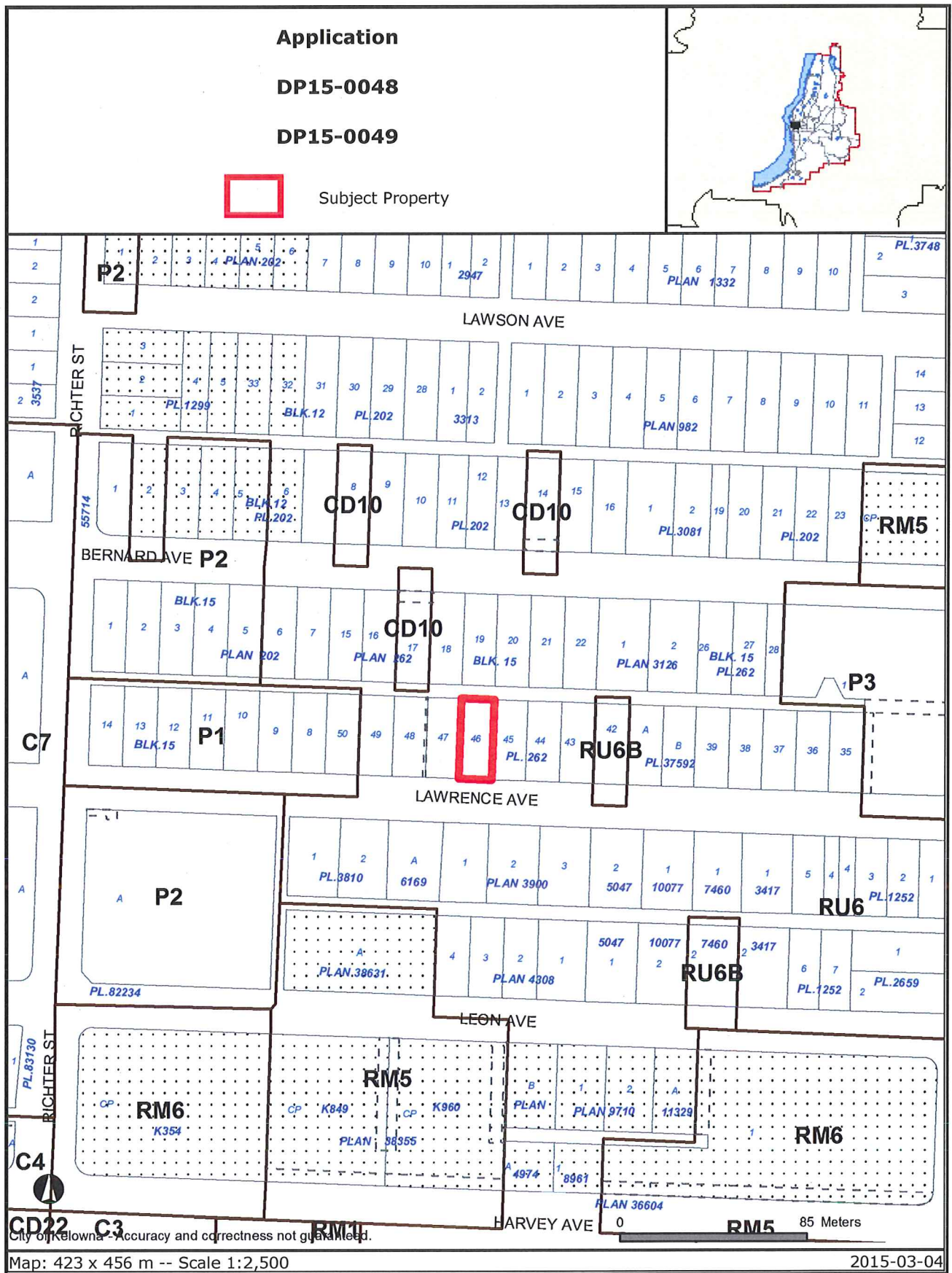
Site Plan

Elevations

Context/Site Photos

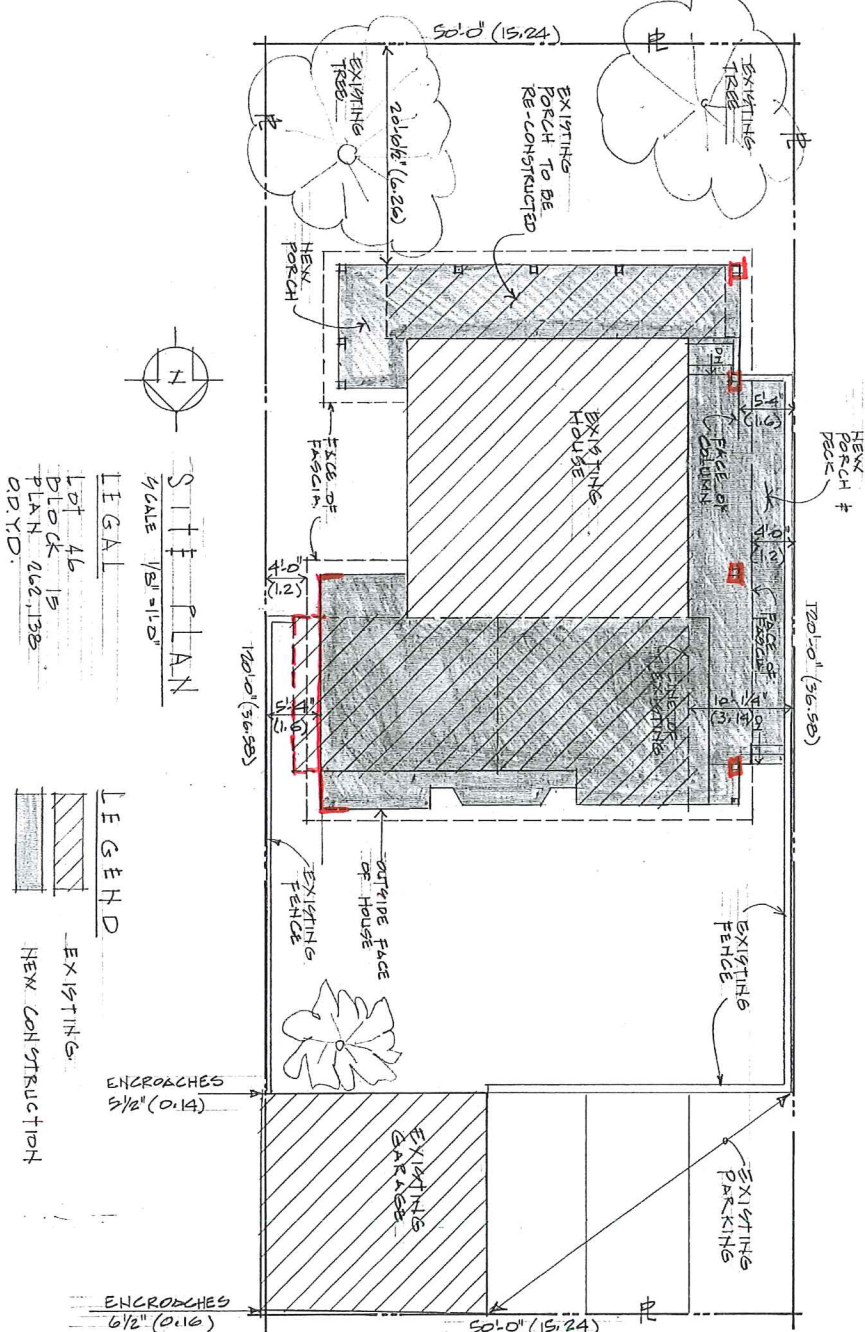
Development Engineering Memorandum

DRAFT Development Variance Permit DP15-0048 & DVP15-0049



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.

LAWRENCE AVE.



SITE PLAN
 SCALE 1/8" = 1'-0"
 LEGAL
 Lot 46
 Block 13
 Plan 262, 1385
 O.P.Y.D.

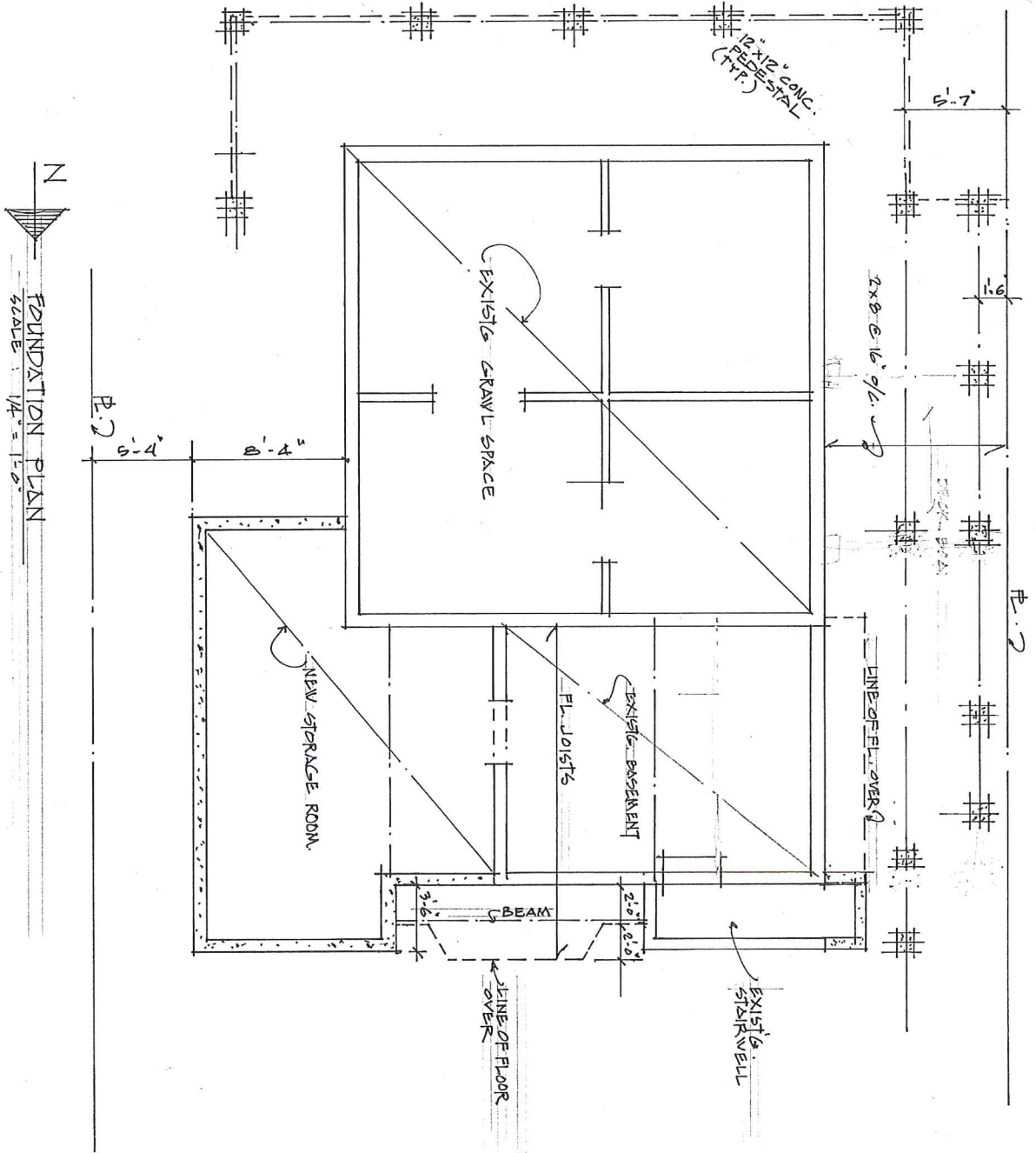
LEGEND
 [Hatched Box] EXISTING
 [Solid Box] NEW CONSTRUCTION

SCHEDULE A
 This forms part of development
 Permit # PP150048 DVP15-0049

PROJECT:
 ADDITION AND RENOVATIONS
 TO EXISTING HOUSE
 792 LAWRENCE AVE, KELOWNA B.C.
 FOR A. KNEIPP

Elite Design & Drafting
 Kelowna BC
 V1Y 1R9

DRAWN:
DATE:
DWG. No.:
 2 OF 10



SCHEDULE A
 This forms part of development
 Permit # DP15.0048 DVP15.0049

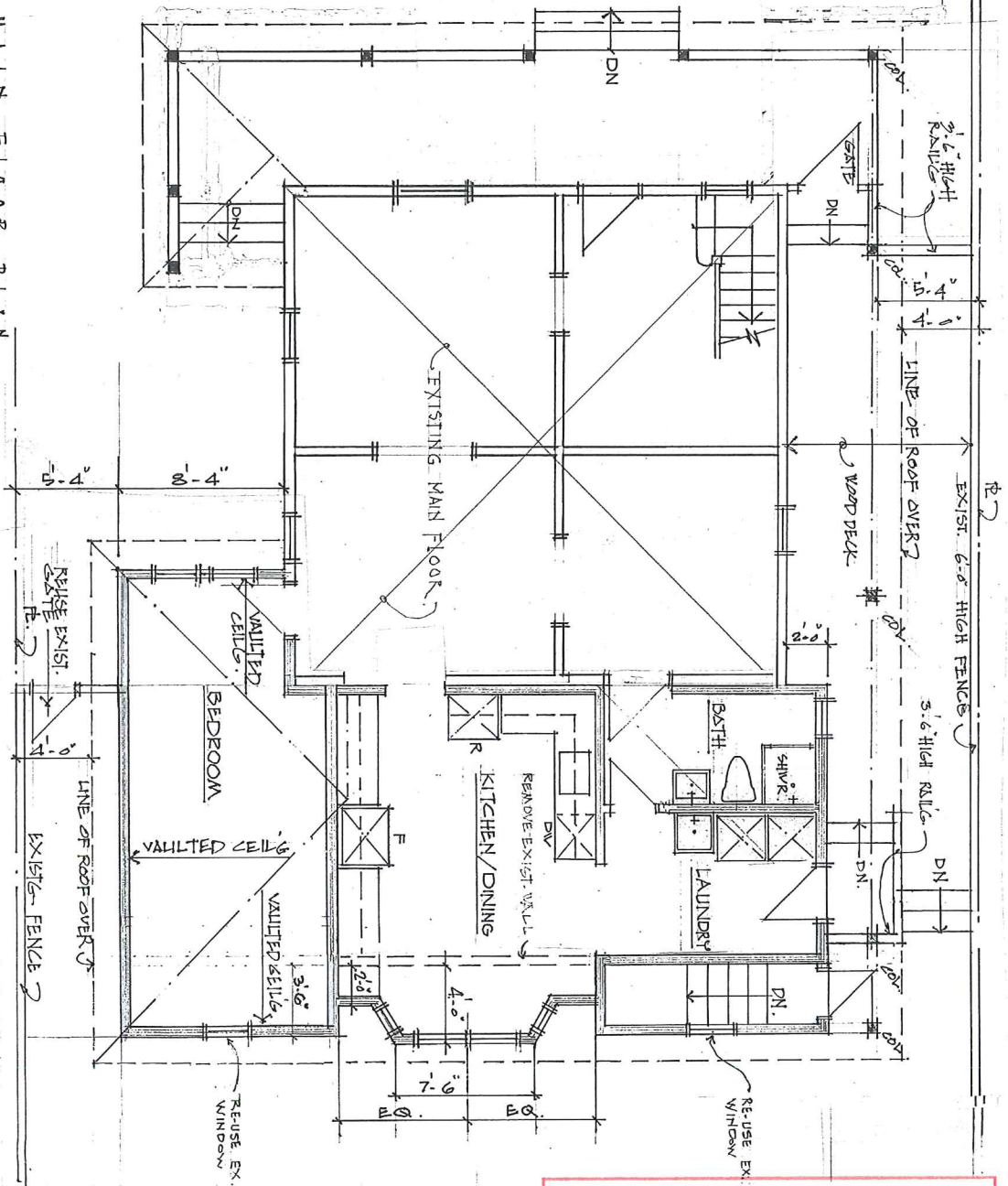
PROJECT:
 ADDITION AND RENOVATIONS
 TO EXISTING HOUSE
 792 LAWRENCE AVE. KELOWNA B.C.
 FOR A. KNEIPP

Elite Design & Drafting
 Kelowna, BC
 V1Y 1P8

DRAWN:
 DATE: SEPT 5/14
 DWG. No. 3 OF 10




MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"



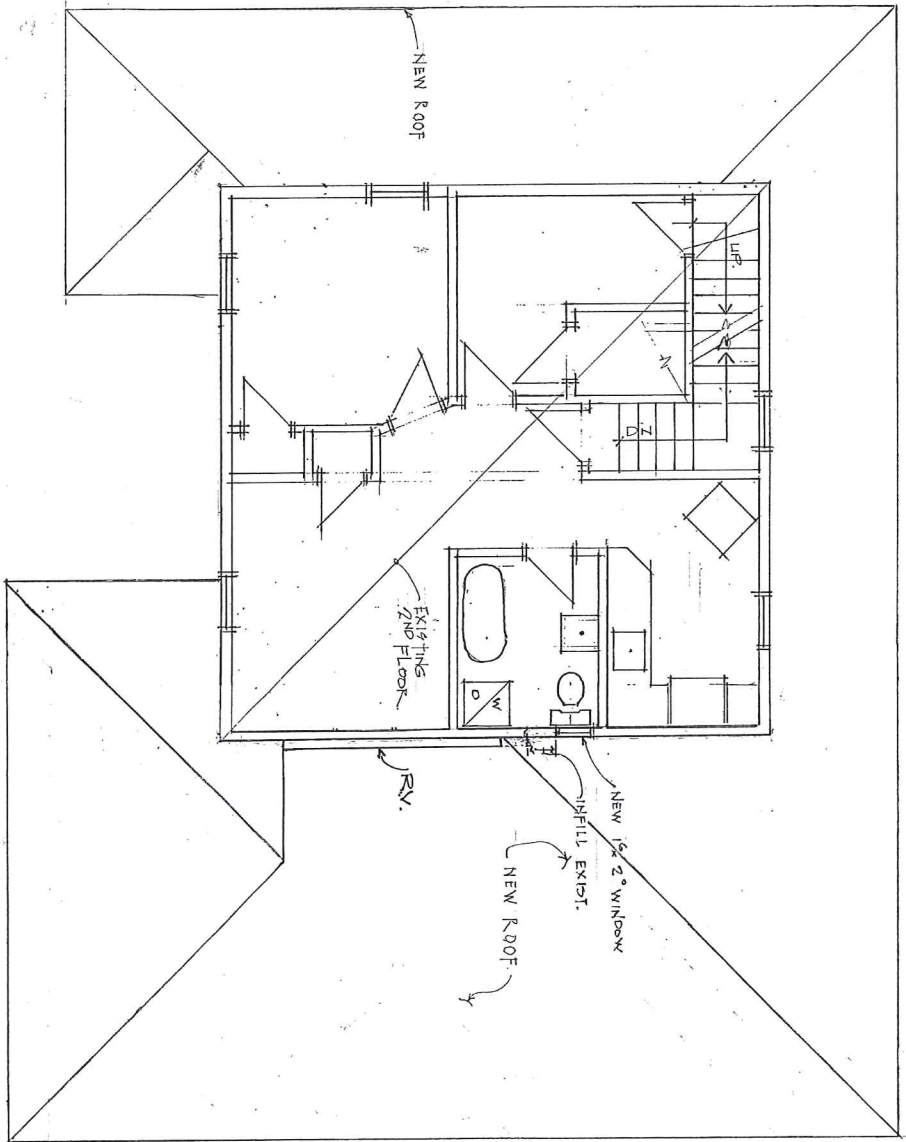
SCHEDULE A
This forms part of development
Permit # DP15.0048 DP15.0049

PROJECT:
ADDITION AND RENOVATIONS
TO EXISTING HOUSE
792 LAWRENCE AVE. KELOWNA B.C.
FOR A. KNEIPP


Elite Design & Drafting
Kelowna BC
V1Y 1P8

DRAWN:
DATE: SEPT 5/14
DWG No. 4 OF 10

EXISTING SECOND
FLOOR PLAN
SCALE 1/4" = 1'-0"



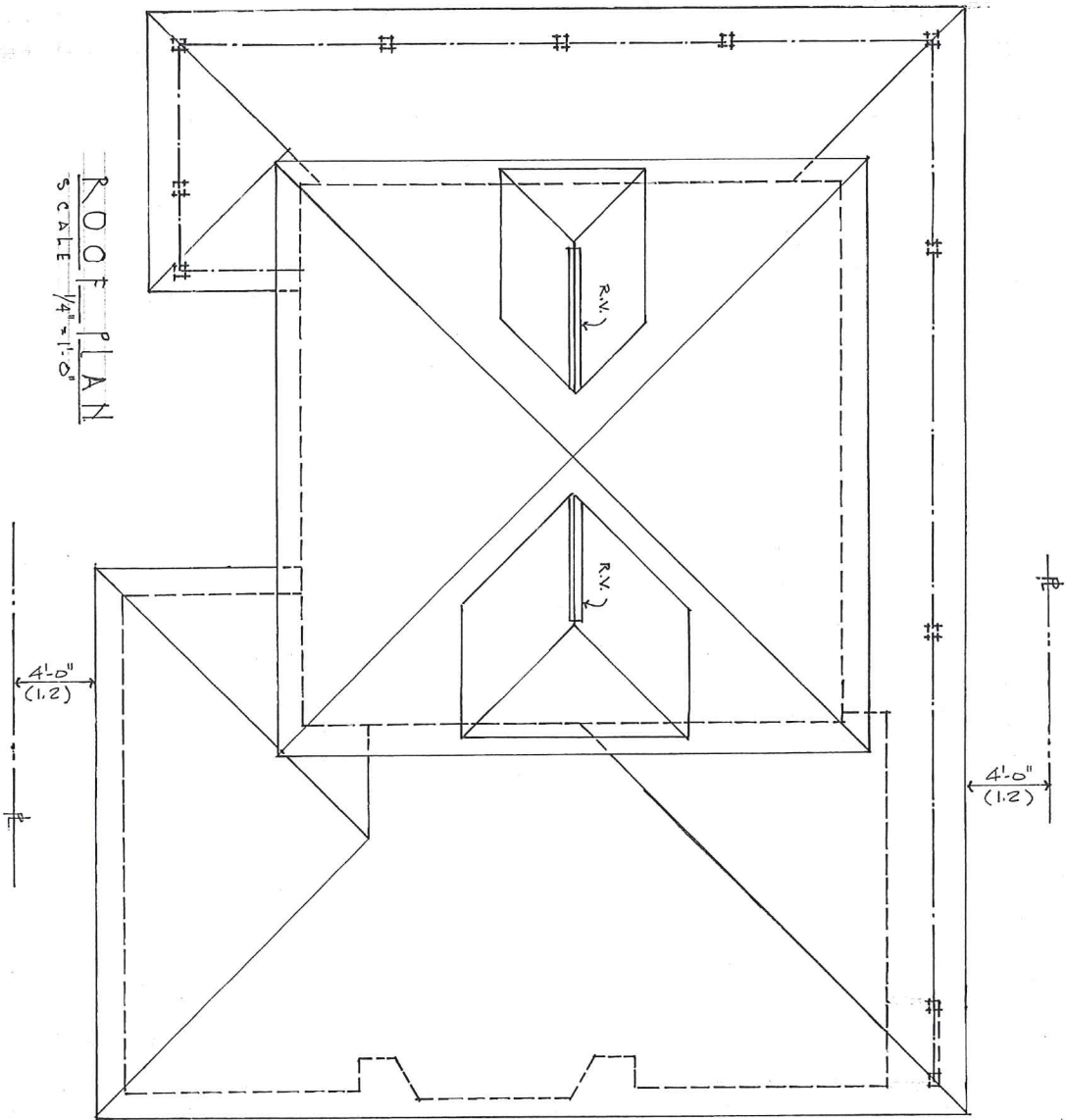
SCHEDULE A
This forms part of development
Permit # DP15-0048 DVP15-0049

PROJECT:
ADDITION AND RENOVATIONS
TO EXISTING HOUSE
792 LAWRENCE AVE., KELOWNA B.C.
FOR A. K. NEIPP

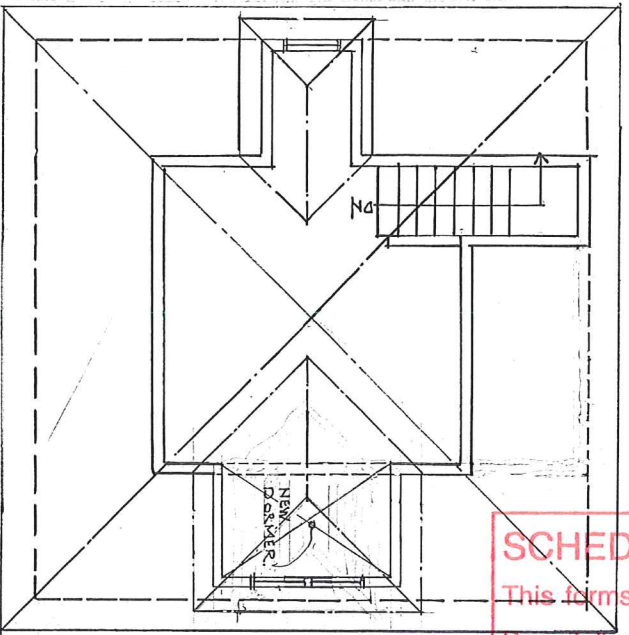
 Elite Design & Drafting
Kelowna, BC
V1Y 1P8

DRAWN:
DATE: SEPT 5/14
DWG. NO.:
5 OF 10

ROOF PLAN
SCALE 1/4" = 1'-0"



EXISTING THIRD FL. PLAN
SCALE 1/4" = 1'-0"

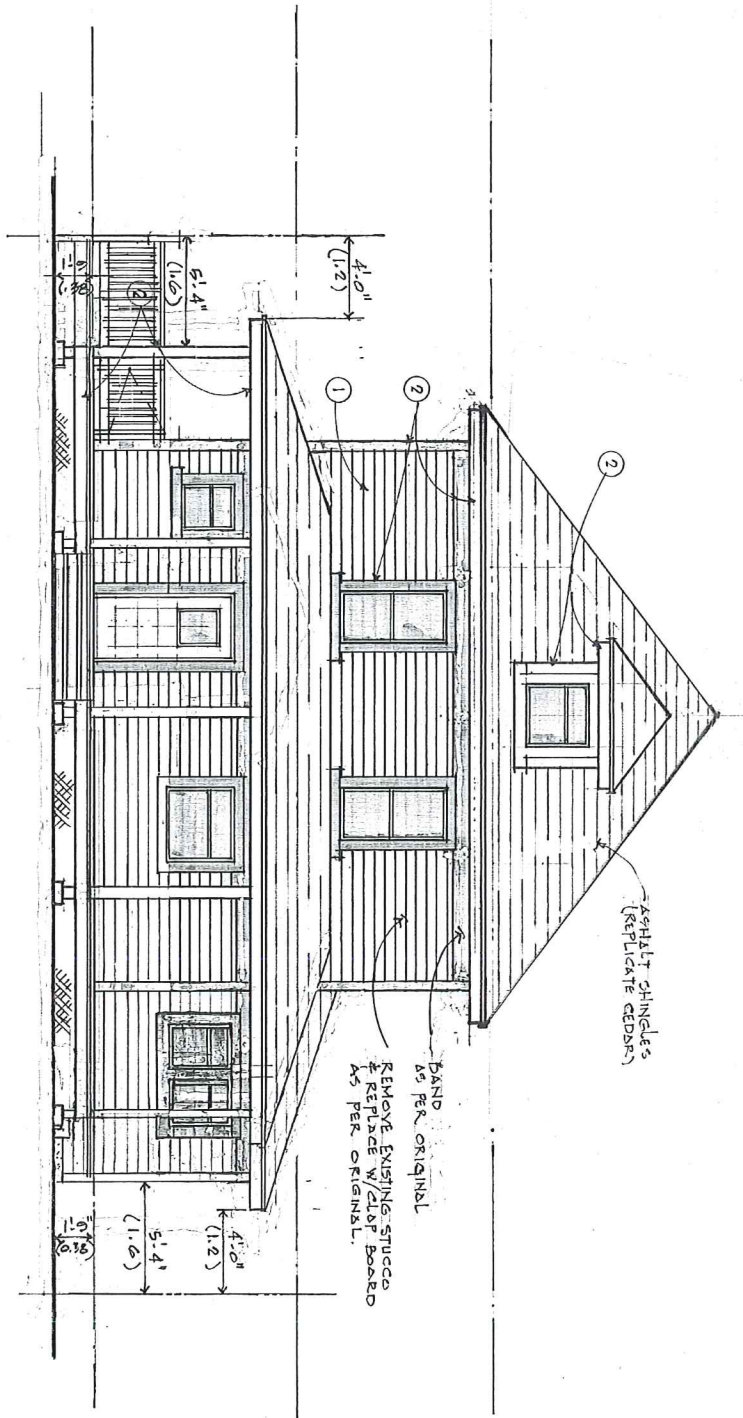


SCHEDULE A
This forms part of development
Permit # PP15-0048 DVP15-0049

PROJECT:
ADDITION AND RENOVATIONS
TO EXISTING HOUSE
792 LAWRENCE AVE. KELOWNA B.C.
FOR A. K NEIPP

Elite Design & Drafting
Kelowna, BC
V1Y 1P8

DRAWN:
DATE: SEPT 5/14
DWG NO. 6 OF 10



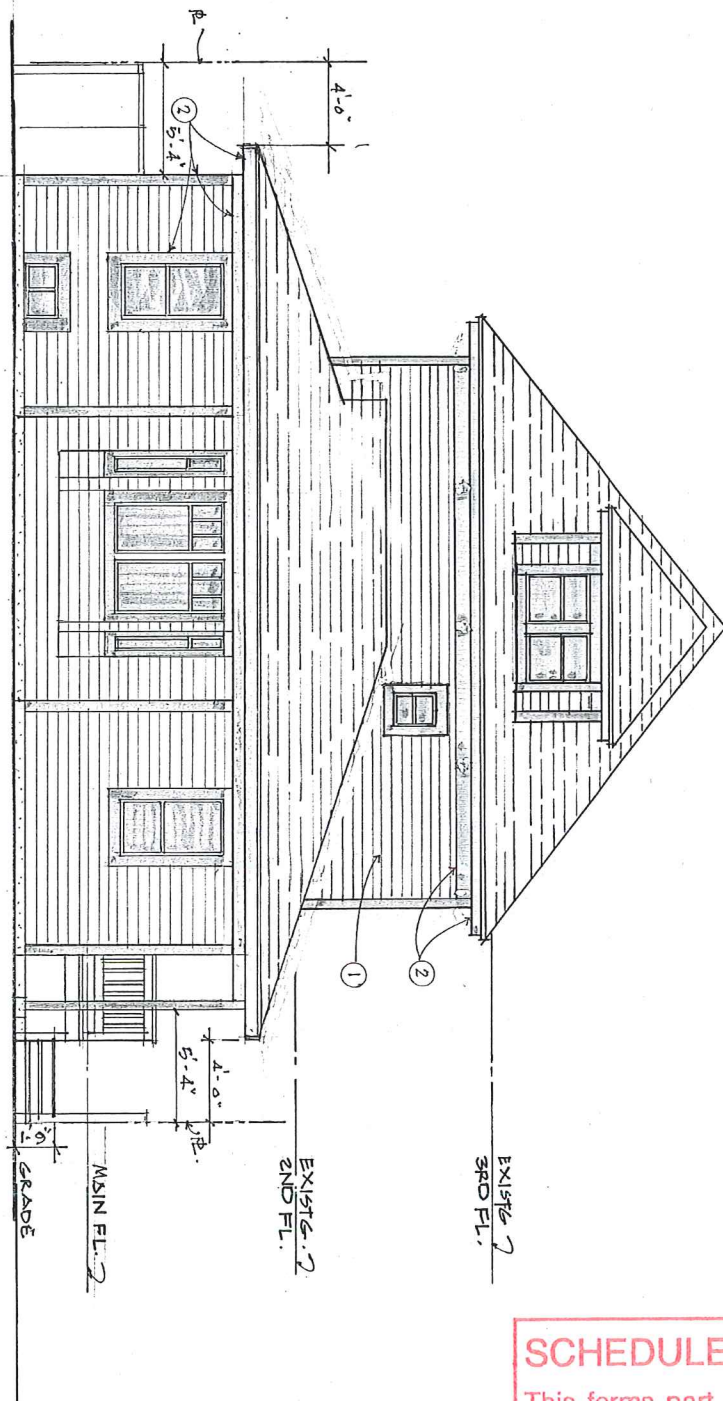
S O U T H E L E V A T I O N 14'-10"

SCHEDULE B
 This forms part of development
 Permit # DP15-0048 DVP15.0049

PROJECT:
 ADDITION AND RENOVATIONS
 TO EXISTING HOUSE
 792 LAWRENCE AVE. KELOWNA B.C.
 FOR A. KNEIPP

Elite Design & Drafting
 Kelowna BC
 V1Y 1P8

DRAWN:
 DATE:
 DWG. No. 7 OF 10



NORTH ELEVATION

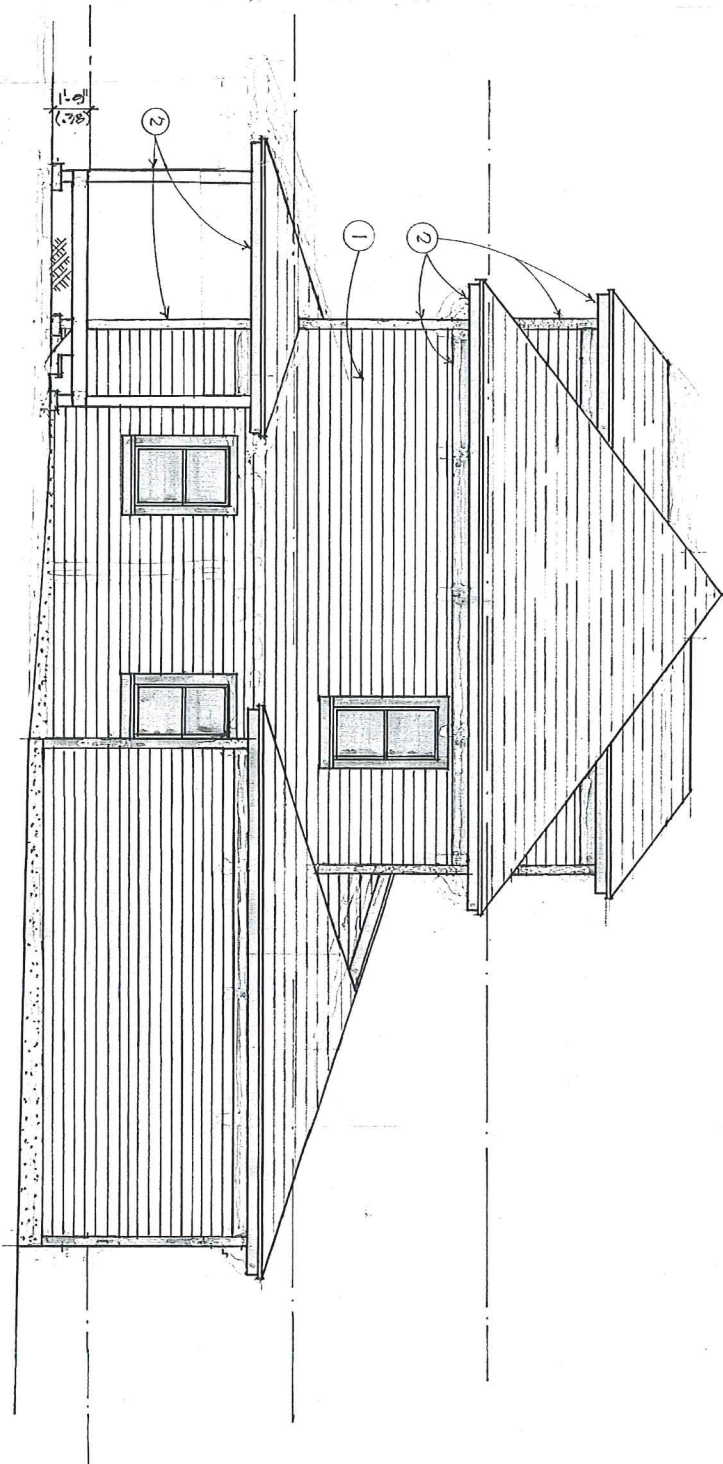
SCALE 1/4"=1'-0"

SCHEDULE B
 This forms part of development
 Permit # DP15-0048 DP15-0049

PROJECT:
 ADDITION AND RENOVATIONS
 TO EXISTING HOUSE
 792 LAWRENCE AVE., KELOWNA B.C.
 FOR A. KNEIPP

ED Elite Design & Drafting
 Kelowna, BC
 V1Y 1P8

DRAWN:
 DATE: SEPT 5/14
 DWG. NO.:
 8 of 10



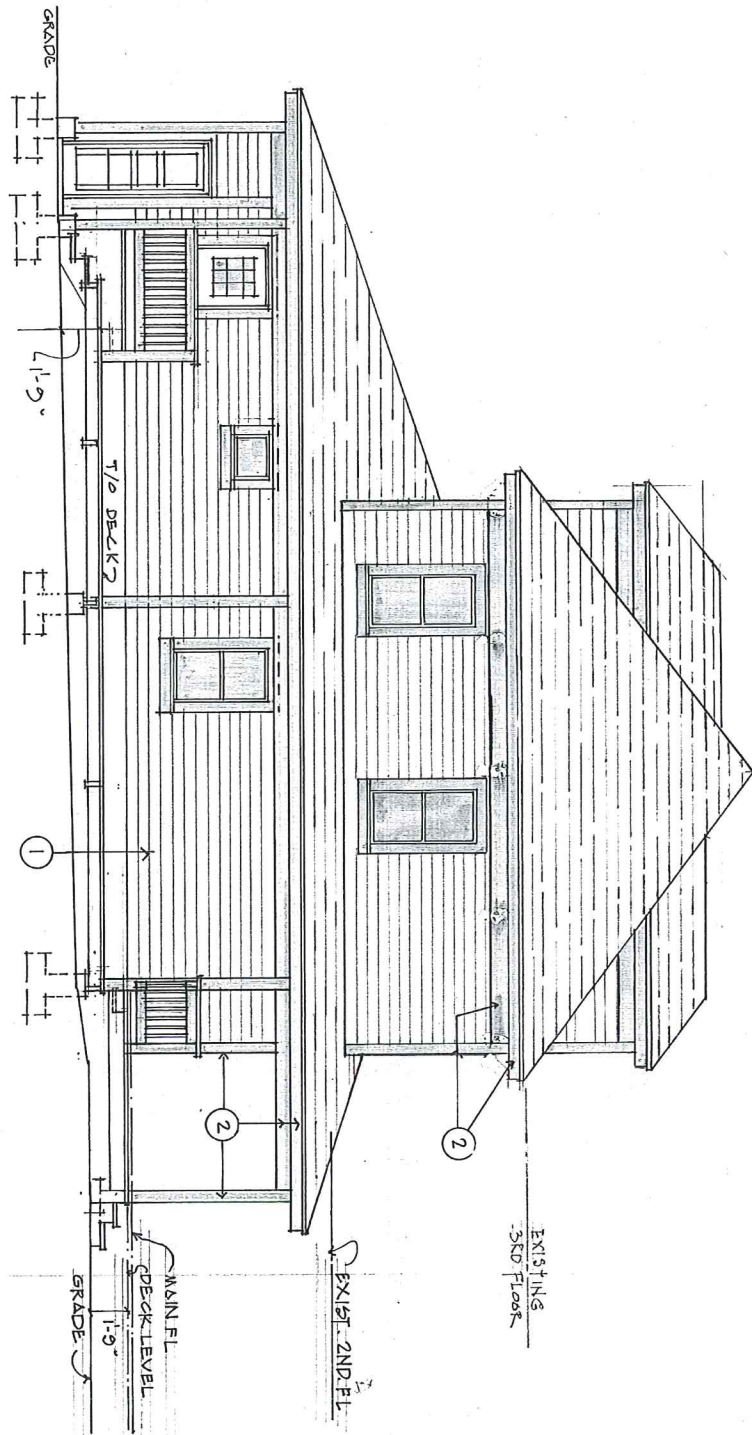
EX ST ELEVATION
1/4" = 1'-0"

SCHEDULE B
 This forms part of development
 Permit # DP15-0049 DP15-0047

PROJECT:
 ADDITION AND RENOVATIONS
 TO EXISTING HOUSE
 792 LAWRENCE AVE., KELOWNA B.C.
 FOR A. KNEIPP


 Elite Design & Drafting
 Kelowna, BC
 V1Y 1P8

DRAWN:
 DATE: SEPT 5 / 14
 DIVS NO:
 9 OF 10



WEST ELEVATION
SCALE: 1/4" = 1'-0"

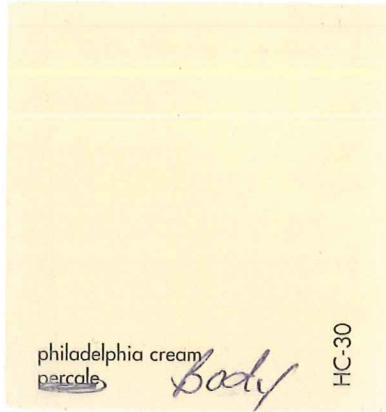
SCHEDULE B
 This forms part of development
 Permit # DPIS-0048 DVP B-0049

PROJECT:
 ADDITION AND RENOVATIONS
 TO EXISTING HOUSE
 792 LAWRENCE AVE., KELOWNA B.C.
 FOR A. KNEIPP

Elite Design & Drafting
 Kelowna BC
 V1Y 1P8

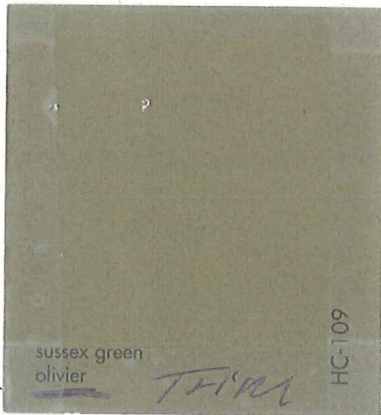
DRAWN:
 DATE: 5/14
 DWG. NO.:
 10 OF 10

BUILDING EXTERIOR - COLORS



①

SIDING - CLAP BOARDS



②

WOOD
COLUMNS, TRIMS & FASCIAS



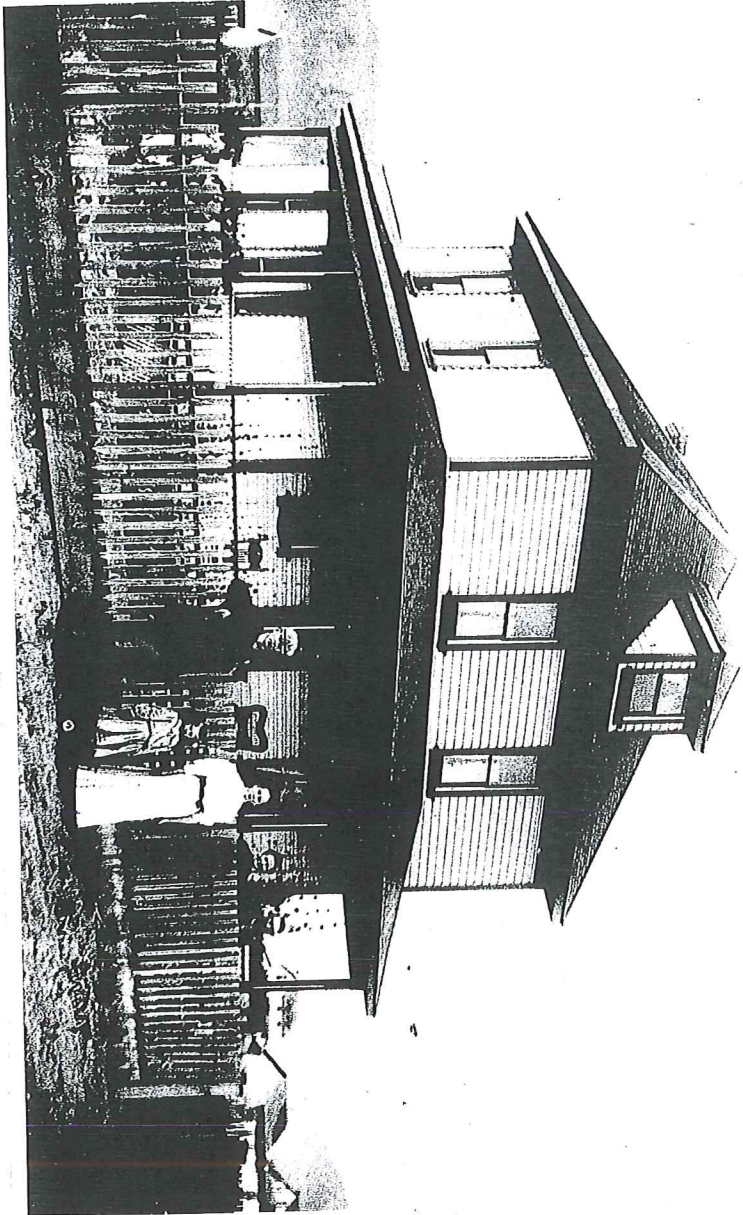
③

ROOF
FIBERGLASS SHINGLES

SCHEDULE B

This forms part of development

Permit # DP15-0048 DV P15 0049 34



PICTURE of ORIGINAL HOUSE

PROJECT:

ADDITION AND RENOVATIONS
 TO EXISTING HOUSE
 FOR A. KNEIPP
 792 LAWRENCE AVE. KELOWNA B.C.



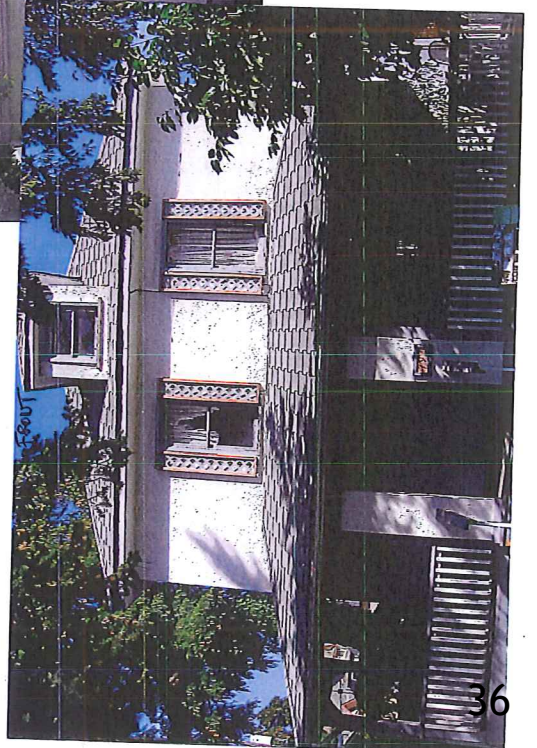
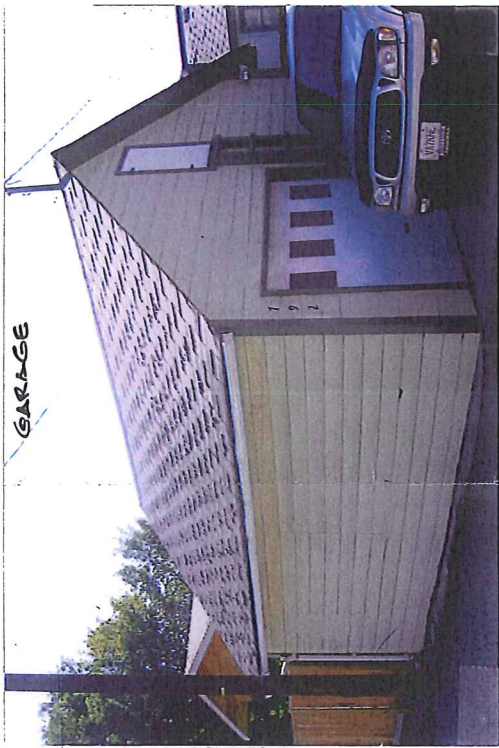
Elite Design & Drafting
 Kelowna, BC
 V1Y 1P8

DRAWN:

DATE: SEPT 5/14

DWG. NO.

1 OF 10



CITY OF KELOWNA
MEMORANDUM

Date: March 10, 2015
File No.: DP15-0048

To: Urban Planning (TY)

From: Development Engineering Manager(SM)

Subject: 792 Lawrence Ave Renovation

Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

Our records indicate that this property is currently serviced with a 19mm diameter water service which is adequate for this application.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm diameter sanitary service which is adequate for this application.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits.

Driveway access to the site is permitted from the lane only.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No. DP15-0048
 Development Variance Permit No. DVP15-0049

EXISTING ZONING DESIGNATION:	RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA:	Character Neighbourhood 'Central' Development Permit Area
DEVELOPMENT PERMIT PURPOSE:	To consider form and character of addition and exterior renovations to a single family dwelling.
DEVELOPMENT VARIANCE PERMIT PURPOSE:	Vary the minimum side yard setback from 2.0 m required to 1.6 m proposed along the side property lines.
PERMIT PREPARED BY:	Tracey Yuzik

ISSUED TO:	Astrid Kneipp
LOCATION OF SUBJECT SITE:	792 Lawrence Avenue

	LOT	BLOCK	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION :	46	15	138	ODYD	262

<u>SCOPE OF APPROVAL</u>
<input type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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:

- a) THAT the dimensions and siting of the carport are to be constructed on the land in general accordance with Schedule "A";
- b) AND THAT the design and finish of the carport are to be constructed on the land in general accordance with Schedule "B";
- c) AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(d): RU6 - Two Dwelling Housing – Development Regulations

Vary the minimum required side yard setback (west) from 2.0 m required to 1.6 m proposed.

Vary the minimum required side yard setback (east) from 2.0 m required to 1.6 m proposed.

- d) AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

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 Manager of Urban Planning.

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 _____, 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE
_____ DAY OF _____, 2015 BY THE MANAGER OF URBAN PLANNING.

Ryan Smith,
Urban Planning Manager

CITY OF KELOWNA
BYLAW NO. 10892
Z13-0035 - Adrian Hazzi & Mandi Moore
341 Clifton 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 a portion of Lot 5, Section 31, Township 26, ODYD, Plan 10686 located on 341 Clifton Road, Kelowna, B.C., from the A1 - Agriculture zone to the RU1 - Large Lot Housing zone and the RU2 - Medium Lot Housing zone as per Map "A" as attached to and forming part of this bylaw.
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 21st day of October, 2013.

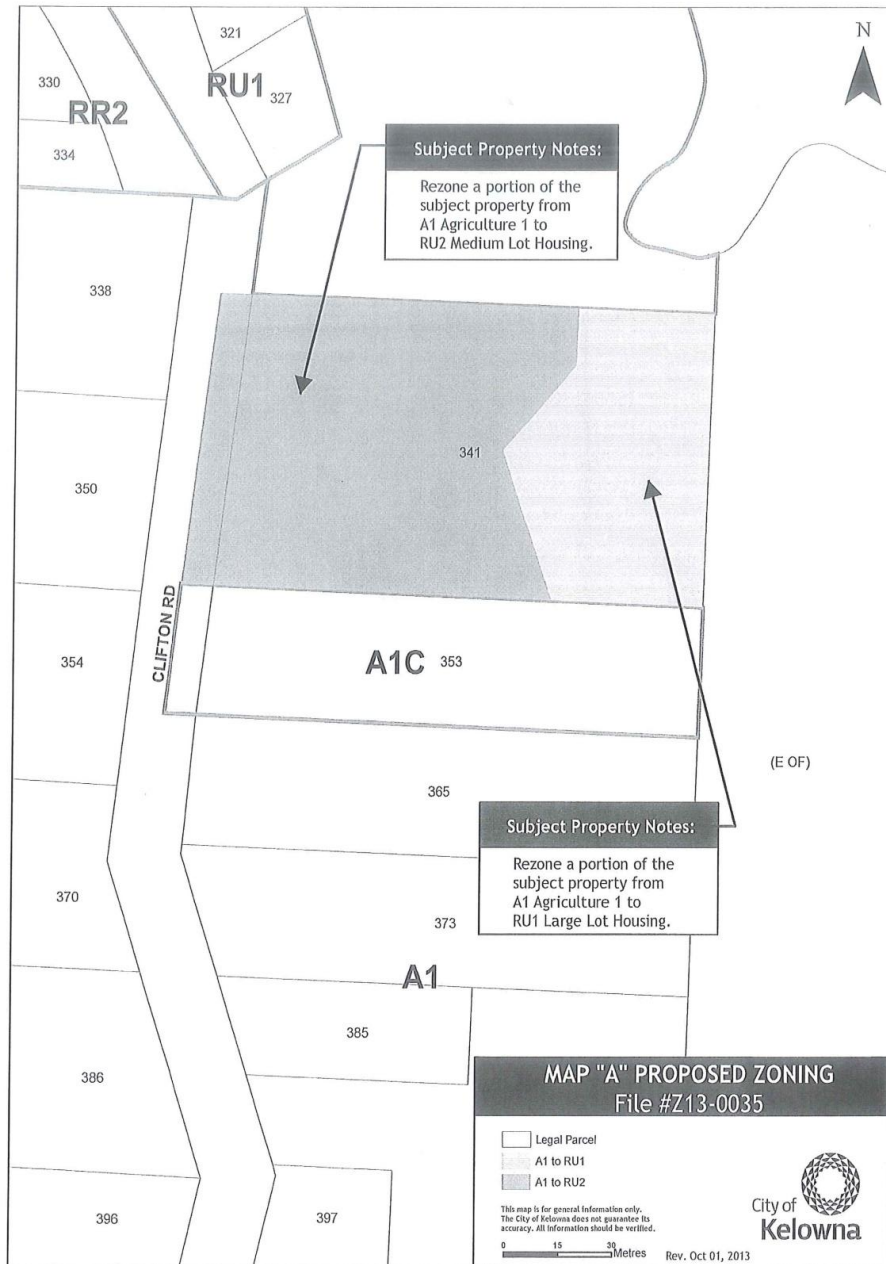
Considered at a Public Hearing on the 5th day of November, 2013.

Read a second and third time by the Municipal Council this 5th day of November, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



requirements, but may provide several environmental benefits. As a result, the two lots on either side of the widest portion of the cul-de-sac do not meet the minimum lot depth requirements for the RU2 zone. The applicant is requesting to vary this regulation from 30.0 m permitted to 24.19 m proposed (Lot 5) and 22.91 m proposed (Lot 9).

These lots meet all other requirements of the RU2 zone and the lot width and lot area exceed the minimum requirements. Building envelope covenants will be registered on title through the subdivision process, ensuring development is consistent with minimum setback regulations. Staff do not anticipate any impacts of the lot depth variances outside of the subject subdivision.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting neighbouring properties within 50 m. No major concerns regarding the lot depth variances were identified during this consultation. To date, staff have not been contacted with any questions or concerns regarding this application.

4.0 Proposal

4.1 Background

The applicant has applied to rezone the subject property from the A1 - Agriculture zone to the RU1 - Large Lot Housing and RU2 - Medium Lot Housing zones to facilitate a 13 lot subdivision for single detached housing. Ten of the lots are proposed to be rezoned to RU2 while the remaining three are proposed for RU1. Rezoning application Z13-0035 received first reading on October 21, 2013 and second and third readings following the Public Hearing on November 5, 2013. On March 23, 2015 Council approved an extension request to extend the date of adoption for the Zone Amending Bylaw to November 5, 2015.

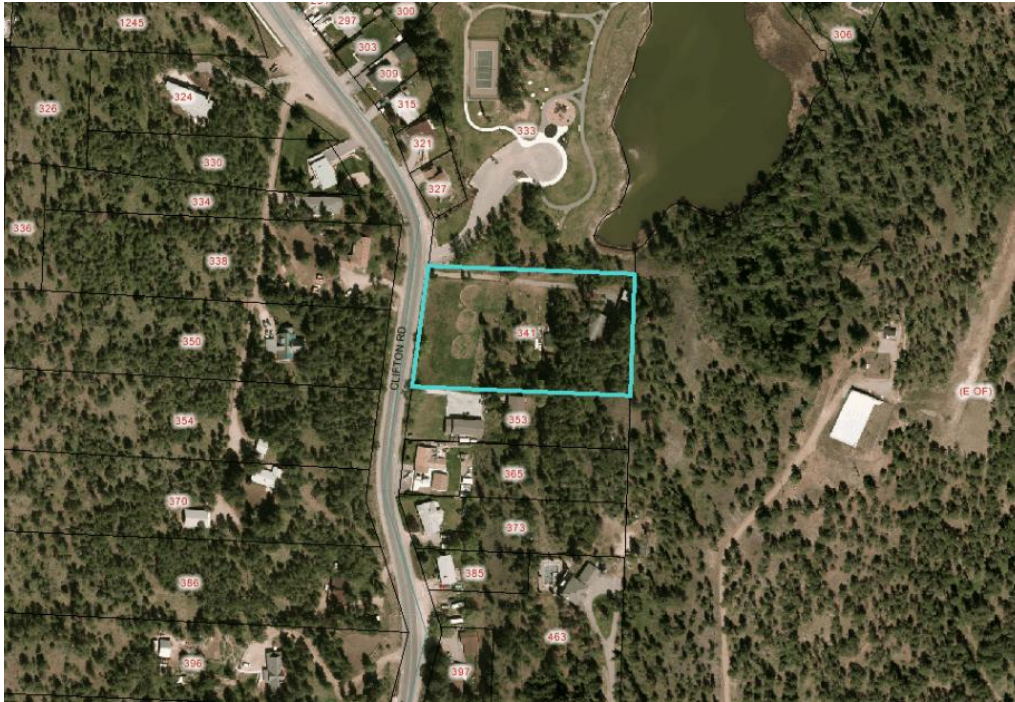
4.2 Site Context

The subject property is located on the east side of Clifton Road, between Grainger Road and Rio Drive. The property is designated Single / Two Unit Residential (S2RES) in the Official Community Plan and is within the Permanent Growth Boundary. Many of the surrounding properties are currently zoned for agricultural uses but also have Future Land Use designation of S2RES. Blair Pond Park is immediately north of the subject property, Knox Mountain Park is to the east while the Wilden development is farther north.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	Blair Pond Park
East	A1 - Agricultural	Knox Mountain Park East
South	A1c - Agricultural with Carriage House	Single dwelling housing & carriage house
West	A1 - Agricultural	Single dwelling housing

Subject Property Map: 341 Clifton Road



4.3 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL (Lot 5)	PROPOSAL (Lot 9)
Existing Lot/Subdivision Regulations			
Lot Area	400 m ²	501 m ²	495 m ²
Lot Width	13.0 m	14.42 m	15.83 m
Lot Depth	30.0 m	24.19 m ⓐ	22.91 m ⓑ
<p>ⓐ Indicates a requested variance to vary the minimum lot depth from 30.0 m permitted to 24.19 m proposed.</p> <p>ⓑ Indicates a requested variance to vary the minimum lot depth from 30.0 m permitted to 22.91 m proposed.</p>			

5.0 Technical Comments

5.1 Building & Permitting Department

- No comments.

5.2 Development Engineering Department

- See attached memorandum, dated December 1, 2014.

5.3 Fire Department

- No comments.

6.0 Application Chronology

Date of Application Received: November 17, 2014
Date Public Consultation Completed: March 26, 2015

Report prepared by:

Laura Bentley, Planner

Approved for Inclusion:



Shelley Gambacort, Subdivision, Agriculture & Environment
Services Director

Attachments:

Subject Property Map
Development Engineering Memorandum
Draft Development Variance Permit No. DVP14-0240
Schedule A: Preliminary Layout Review

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP14-0240

EXISTING ZONING DESIGNATION:	RU2 - Medium Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the minimum lot depth from 30.0 m permitted to 24.19 m (Lot 5) and 22.91 m (Lot 9) proposed.

ISSUED TO:	Steve Tobler
LOCATION OF SUBJECT SITE:	341 Clifton Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	5	31	-	26	ODYD	10686

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 Development and 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 13.2.6(b): RU2 - Medium Lot Housing Subdivision Regulations

To vary the minimum lot depth from 30.0 m permitted to 24.19 m (future Lot 5) and 22.91 m (future Lot 9) proposed, as shown on the attached Schedule A.

AND THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. PERFORMANCE SECURITY:

None required.

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 two years of the date of this Permit, this Permit shall lapse.

This Permit is not transferable 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 Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate 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

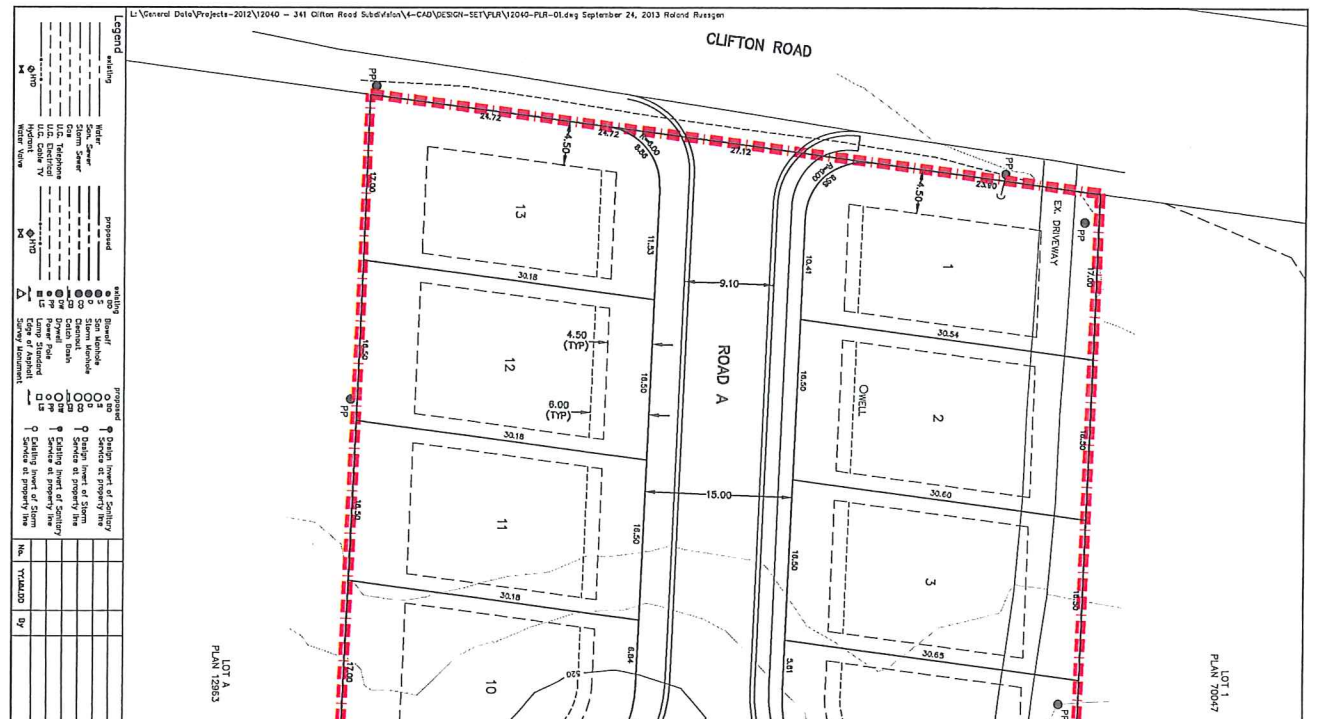
Print Name in Bold Letters

Telephone No.

5. **APPROVALS:**

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____ 2015.
ISSUED BY THE SUBDIVISION, AGRICULTURE & ENVIRONMENT DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____ 2015, BY THE SUBDIVISION, AGRICULTURE & ENVIRONMENT DIRECTOR.

Shelley Gambacort, Subdivision, Agriculture & Environment Director
Community Planning & Real Estate



SCHEDULE A
 This forms part of development
 Permit # DWP14-0240

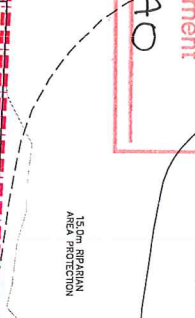
Legend	Proposed	Existing	Notes
Water	Blue	Blue	
Storm Sewer	Orange	Orange	
Electric	Green	Green	
Gas	Red	Red	
Telephones	Light Blue	Light Blue	
U.T. Electrical	Light Green	Light Green	
Hydro	Yellow	Yellow	
Water Main	Dark Blue	Dark Blue	
Proposed	Thick Dashed	Thin Dashed	
Existing	Thin Dashed	Thin Solid	
Setback	Circle with 'S'	Circle with 'E'	
Design level of Solitary	Circle with 'S'	Circle with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	
Structure at property line	Square with 'S'	Square with 'E'	

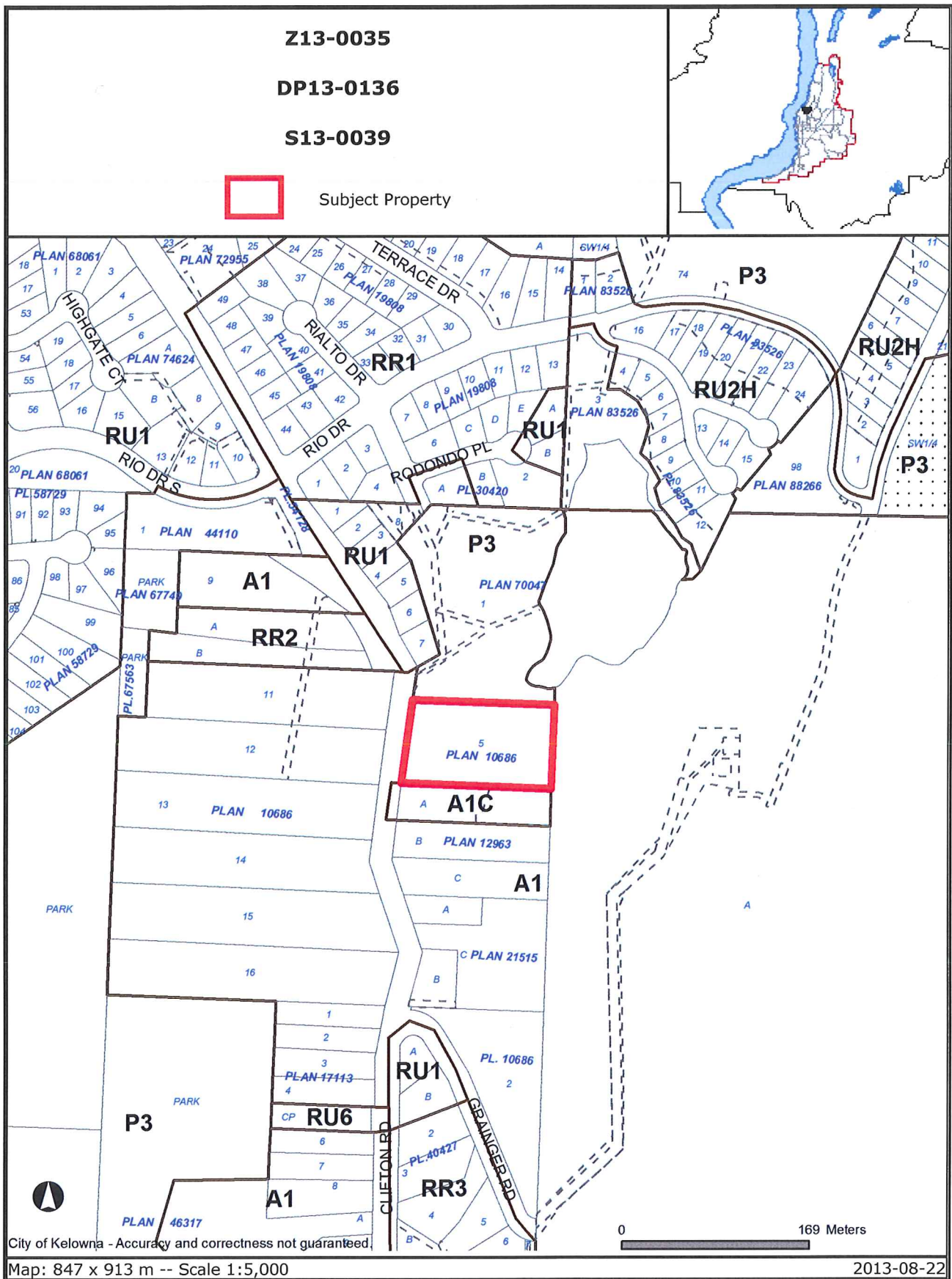
THE CITY OF KELOWNA
 341 CLIFTON ROAD
 PRELIMINARY LAYOUT REVIEW
 Planning No. PLR-01
 City File # 213-0035
 DATE: SEPTEMBER 2013
 SCALE: 1:250
 DESIGN: K.C./J.F.
 CTO
 COMMUNITY DEVELOPMENT
 PRELIMINARY LAYOUT REVIEW

LOT VARIANCE TABLE

LOT NUMBER	REQUIRED DEPTH	PROPOSED LOT DEPTH
5	30m	24.19m
9	30m	22.91m

NOTE:
 LOT DEPTH SET TO THE HORIZONTAL DISTANCE BETWEEN THE MID-POINTS OF THE FRONT AND REAR LOT LINES.





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.