

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, May 1, 2018
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 Gray.
3. **Confirmation of Minutes**
4. **Bylaws Considered at Public Hearing**
 - 4.1 **Christleton Avenue 343, Z17-0073 (BL11590) - Jason & Rhonda Hymers** 1 - 1

To give Bylaw No. 11590 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
 - 4.2 **Bernard Avenue 1371, Z17-0116 (BL11591) - Miroslavka Gataric** 2 - 2

To give Bylaw No. 11591 second and third readings in order to rezone the subject property from the RU6 - Two Dwelling zone to the RM3 - Low Density Multiple Housing zone.
 - 4.3 **Portview Ave 150, Z18-0023 (BL11594) - Darcy & Martha Ruck** 3 - 3

To give Bylaw No. 11594 second and third readings in order to rezone the subject property from the RU2 - Medium Lot Housing zone to the RU2c - Medium Lot Housing with Carriage House zone.
 - 4.4 **Cawston Avenue 1044 - OCP18-0002 (BL11595) - Sukhdarshan Singh Pannu** 4 - 4

Requires a majority of Council (5).
To give Bylaw No. 11595 second and third readings in order to amend the Official Community Plan to change the future land use designation of the subject property to facilitate the development of multiple dwelling housing.

- | | | |
|-----|--|---------|
| 4.5 | Cawston Avenue 1044, 1052 & 1074 - Z18-0008 (BL11596) - Sukhdarshan Singh Pannu | 5 - 5 |
| | To give Bylaw No. 11596 second and third readings in order to rezone the subject properties to facilitate the development of multiple dwelling housing. | |
| 4.6 | Hartman Rd 280 and Maygard Rd 940, Z18-0001 (BL11597) - JE Holdings Inc Inc No Co561382 | 6 - 6 |
| | To give Bylaw No. 11597 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the RU6 - Two Dwelling Housing zone. | |
| 4.7 | Old Vernon Rd 144 - LUC17-0003 (BL11598) - Serra Holdings (No. 9) Ltd Inc No BC0950182 | 7 - 7 |
| | To give Bylaw No. 11598 second and third readings in order to discharge Land Use Contract LUC77-1015 on the subject property. | |
| 4.8 | Old Vernon Rd 155-165 and Rutland Ct 2155-2165, LUCT17-0003 (BL11599) - Cornel Epp, Terra Landscaping & CGSB Automotive Group | 8 - 9 |
| | To give Bylaw No. 11599 second and third readings in order to early terminate LUC77-1015 and LUC77-1082 on the subject properties. | |
| 4.9 | Old Vernon Rd 155-165 and Rutland Ct 2155-2165, Z18-0005 (BL11600) - Cornel Epp, Terra Landscaping & CGSB Automotive Group | 10 - 10 |
| | To give Bylaw No. 11600 second and third readings in order to rezone the subject properties from the C2 - Neighborhood Commercial zone to the C10 - Service Commercial zone. | |

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 | Churchill Road 1109, DVP17-0285 - William Bonn | 11 - 20 |
| | 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 flanking street (Churchill Road) setback to garage access from 6.0 m permitted to 4.5 m proposed, and to vary the maximum driveway access width from 6.0 m permitted to 10.0 m proposed. | |

7. Reminders

8. Termination

CITY OF KELOWNA
BYLAW NO. 11590
Z17-0073 – 343 Christleton 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 6701 located on Christleton Avenue, Kelowna, B.C., from the RU1 – Large 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 9th day of April, 2018.

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. 11591
Z17-0116 - 1371 Bernard 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 7, District Lot 137, ODYD, Plan 7936 located on Bernard Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM3 – Low Density Multiple 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 9th day of April, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11594
Z18-0023 – 150 Portview 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 A, Section 5, Township 23, ODYD, Plan KAP46777 located on Portview Avenue, 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 9th day of April, 2018.

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. 11595

Official Community Plan Amendment No. OCP18-0002 1044 Cawston Avenue

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 Lot 2, District Lot 138, ODYD, Plan 3857 located on Cawston Avenue, Kelowna, B.C., from the SIH - Sensitive Infill Housing designation to the MRM - Multiple Housing Residential (Medium Density) designation.
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 9th day of April, 2018.

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. 11597

Z18-0001 – 280 Hartman Road and 940 Maygard 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, Section 26, TWP 26, ODYD, Plan 22455 located on Hartman Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 26, TWP 26, ODYD, Plan 22455 located on Maygard Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
3. 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 9th day of April, 2018.

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. 11597

Z18-0001 – 280 Hartman Road and 940 Maygard 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, Section 26, TWP 26, ODYD, Plan 22455 located on Hartman Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 26, TWP 26, ODYD, Plan 22455 located on Maygard Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.
3. 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 9th day of April, 2018.

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. 11598

Discharge of Land Use Contract

LUC77-1015 (N56848)

144 Old Vernon Road

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number N56848 against lands in the City of Kelowna particularly known and described as Lot A (X26413) Section 2 Township 23 ODYD Plan 7301 (the "Lands"), located at Old Vernon Road, Kelowna, B.C.;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC77-1015 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this 16th day of April, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11599

LUCT17-0003

Early Termination of Land Use Contracts

LUC77-1015 and LUC77-1082

155-165 Old Vernon Road

2155-2165 Rutland Court

WHEREAS a land use contract (the "Land Use Contract LUC77-1015") is registered at the Kamloops Land Title Office under the charge number N56848 and X60510 against lands in the City of Kelowna particularly known and described as in Schedule "A" attached (the "Lands"), located at Old Vernon Road, Kelowna, B.C.;

AND WHEREAS a land use contract (the "Land Use Contract LUC77-1082") is registered at the Kamloops Land Title Office under the charge number N57915 against lands in the City of Kelowna particularly known and described as in Schedule "B" attached (the "Lands"), located at Rutland Court, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract LUCT17-0003 Bylaw";
2. Land Use Contracts LUC77-1015 and LUC77-1082 is hereby terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 16th day of April, 2018.

Considered at a Public Hearing this

Read a second and third time by Municipal Council on the

Adopted by the Municipal Council this

Mayor

City Clerk

Schedule A: LUC77-1015

No.	Legal Description	Address	Parcel Identifier Number	Charge Number	Land Use Contract	Underlying Zone
1	Lot 1 Section 35 Township 26 ODYD Plan EPP60557	155-165 Old Vernon Road	029-851-343	N56848 & X60510	LUC77-1015	C2 – Neighbourhood Commercial Zone

Schedule B: LUC77-1082

No.	Legal Description	Address	Parcel Identifier Number	Charge Number	Land Use Contract	Underlying Zone
1	Lot 1 Section 35 Township 26 ODYD Plan 9018	2155-2165 Rutland Court	009-757-481	N57915	LUC77-1082	C2 – Neighbourhood Commercial Zone

CITY OF KELOWNA

BYLAW NO. 11600

Z18-0005 - 155-165 Old Vernon Road and 2155-2165 Rutland Court

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 Section 35 Township 26 ODYD Plan EPP60557 located on Old Vernon Road, Kelowna, B.C., from the C2 – Neighbourhood Commercial Zone to the C10- Service Commercial Zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Section 35 Township 26 ODYD Plan 9018 located on Rutland Court, Kelowna, B.C., from the C2 – Neighbourhood Commercial Zone to the C10- Service Commercial Zone;
- 3.
4. 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 16th day of April, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: 1 May 2018

RIM No. 0940-50

To: City Manager

From: Community Planning Department (BBC)

Application: DVP17-0285 **Owner:** William Bonn

Address: 1109 Churchill Road **Applicant:** William Bonn

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0285 for Lot 25, Section 30, Township 26, Osoyoos Division, Yale District, Plan 27662, located at 1109 Churchill Road, Kelowna, BC to allow the construction of a new single family dwelling;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown in Schedule "A":

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum flanking street setback to a garage or carport which is accessed from that street from 6.0 m permitted to existing 4.5 m proposed.

AND THAT variances to the following section of Subdivision, Development and Servicing Bylaw No. 7900 be granted, as shown in Attachment "A":

Schedule 4.6 - Curb and Gutter, Sidewalks and Bike Lanes

To vary residential driveway access maximum width of 6.0m permitted to existing 10.0m proposed.

AND THAT the applicant be required to complete the requirements of Attachment "A" as attached to the Report from Development Engineering dated January 19, 2018;

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the completion of following conditions:

1. The applicant to decommission the existing secondary driveway access to the subject property located at the intersection of Mount Royal Drive and Churchill Road;

2. The applicant to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of \$2,000 for rehabilitation and landscaping following decommissioning of the secondary driveway;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

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

2.0 Purpose

To vary the maximum flanking street (Churchill Road) setback to garage access from 6.0 m permitted to 4.5 m proposed, and to vary the maximum driveway access width from 6.0 m permitted to 10.0 m proposed.

3.0 Community Planning

Staff support the requested variances to retain the existing flanking street setback to the garage at 4.5m, and to retain the existing driveway width at 10.0m. Churchill Road, where the driveway is located, is a short low volume local street at 120m in length with only one other neighbouring property taking access. While staff do prefer to see new development be in accordance with the Zoning Bylaw, the wider, shorter driveway should have minimal neighbourhood impact. In addition, the removal of the second driveway at the corner of Churchill Road and Mount Royal will be a safety benefit to the operations of the intersection.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a neighbour consultation summary form on January 27, 2018 outlining that neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background

The subject property currently contains a single family dwelling with an attached garage. The applicant proposes to demolish the existing dwelling and construct a new, 1½ storey single family dwelling with finished basement and attached garage on the subject property.

4.2 Project Description

The subject property is located at the corner of Mount Royal Drive and Churchill Road, and is currently accessed via two driveways; the main driveway access is from Churchill Road, and a secondary driveway access is from the intersection of Mount Royal Drive and Churchill Road. As stated in Subdivision, Development and Servicing Bylaw No. 7900, Schedule 4.6, each property shall only have one access per road frontage. As such, the applicant has agreed to decommission the existing secondary driveway access to the subject property, additionally rehabilitate the area with additional landscaping.

4.3 Site Context

The subject property is located on Churchill Road at the corner of Mount Royal Road. The main access is off Churchill Road.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential

Subject Property Map: 1109 Churchill Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	1,516 m ²
Lot Width	17.0 m	Variable; minimum 15.24 m
Lot Depth	30.0 m	55.52 m
Development Regulations		
Maximum Site Coverage	40 %	22.7 %
Maximum Height	9.5 m / 2 ½ storeys	5.7 m / 1 ½ storeys
Minimum Front Yard	6.0 m	6.0 m

Flanking Side Yard (north)	4.5 m	4.5 m
Side Yard (south)	2.0 m	2.0 m
Minimum Rear Yard	7.5 m	7.5 m
Other Regulations		
Minimum Parking Requirements	2	3
Minimum flanking street setback to a garage or carport	6.0 m	4.5 m ❶
Maximum driveway access width	6.0 m	10.0 m ❷
❶ Indicates a requested variance to vary the required minimum setback to a garage from 6.0m permitted to existing 4.5m proposed. ❷ Indicates a requested variance to vary the maximum driveway access width from 6.0m permitted to existing 10.0m proposed.		

5.0 Technical Comments

5.1 Development Engineering Department

Refer to Attachment A dated January 19, 2018.

5.2 Building & Permitting Department

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

6.0 Application Chronology

Date of Application Received: December 4, 2017
 Date Public Consultation Completed: January 27, 2018
 Supplemental Drawings Received: March 8, 2018

Report prepared by: Barbara B. Crawford, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Variance Permit
 Attachment A - Development Engineering Services Memos
 Schedule A – Site Plan & Conceptual Landscape Plan
 Schedule A – Conceptual Elevations

CITY OF KELOWNA


MEMORANDUM

Date: January 19, 2018
File No.: DVP17-0285 Revised
To: Land Use Management (BC)
From: Development Engineering Manager (JK)
Subject: 1109 Churchill Road lot 25 Plan 27662 Setback Variance

Development Engineering has the following comments and requirements associated with this application.

The application for a development Variance Permit for the current driveway setback to be permitted for the proposed new building. This does not compromise any municipal services.

In reviewing on site plans, second driveway exiting to Churchill Rd. and Mt Royal Dr. intersection is to be removed. Existing Driveway on Churchill Rd. is in conflict to City of Kelowna driveway length by-law and is not to be widened any further.



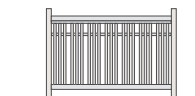
James Kay, P. Eng.
Development Engineering Manager
RO



Legal Description

Lot 25
Plan 27662
KID 203075
PID 004-749-529
1109 Churchill Rd.
Kelowna BC

Zoning RU1



Notes:
These drawings are the Property of MBA Architect and shall not be reproduced without consent of the Architect.
Do not scale drawings. All dimensions must be confirmed on site by the Contractor.
Contractors, Subcontractors and Owner to examine these drawings and report any errors, omissions and discrepancies to the Architect prior to construction.
All construction to conform to most recent Building Code and all local by laws, regulations and codes.

MBA
ARCHITECT

301 MEKLE AVE.
KELOWNA BC V1W 3T8
250-317-0755
mbaarchitect@gmail.com

Project :
Bonn Residence
1109 Churchill
Kelowna, BC

Drawing Title:
SITE PLAN

designed:	Scale:
drawn:	1/8" = 1'-0"
checked:	

drawing no.

A2.00r

date:

November 1st, 2017 - revised
Dec. 11, 17 - old driveway added
2nd drive removed and trees added
Feb. 18, 18 driveway/pathway rev.
March 8, 18 - 2.0m sideyard dim.

Site Data

Main Floor Finished Area 3715 sf

Site Area +/- 16,318sf
Site Coverage allowed is 40% with Driveway and Pkg is 50%
Site Coverage is 22.7%
w/ Garage and Driveway & Decks is 6828sf or 41.8%

Min Front Yard	20' or 6.0m
Min Rear Yard	25' or 7.5m
Side Yard	6'6" or 2.0m
Side Yard	14.7' or 4.5m and 4.5m/14'7" to garage



SCHEDULE A
This forms part of application
DVP17-0285

City of Kelowna
COMMUNITY PLANNING

Planner Initials BC

SCHEDULE

A

This forms part of application

DVP17-0285

Planner Initials

BC

City of Kelowna

COMMUNITY PLANNING



- ① Wood Entry Door w/ Sidelights and Transom
- ② Metal Clad Windows, Double Pane, Low E, Charcoal colour
- ③ Insulated Aluminum/Glass Overhead Garage Door
- ④ Vinyl Clad Patio Doors - Glazed, charcoal colour
- ⑤ 1x3 x 1/2" Hardie - Door and Window Trim
- ⑥ 10" x 10" Wood Fir Post or Beam - Stained
- ⑦ Alum. Deck Railing - Side Mount w/ Tempered Glass Inserts
- ⑧ 2" x 6" Fascia on top of 12" Fascia Board - Painted
- ⑨ Longboard Soffit - Table Walnut

6" Wood Siding - Stained

Acrylic Stucco - colour as specified

Natural Stone as Specified

Side (South/East) Elevation

scale: 1/4" = 1'0"

Notes:
These drawings are the Property of MBA Architect and shall not be reproduced without consent of the Architect.
On the scale drawings, all dimensions must be confirmed on site by the Contractor.
Contractors, Subcontractors and Owner to examine these drawings and report any errors, omissions and discrepancies to the Architect prior to construction.
All construction to conform to most recent Building Code and all local by laws, regulations and Covenants.

MBA

ARCHITECT

301 MEKLE AVE.
KELOWNA • BC • V1Y 3T8
250.431.7407/55
bmbacon@gmail.com

Project :
Bonn Residence
1109 Churchill
Kelowna, BC

Drawing Title:
ELEVATIONS

designed:

Scale:

drawn:

1/4"=1'-0"

checked:

drawing no.

A5.00

date:

November 1, 2017 - revised
March 1, 2018 - revised

Development Variance Permit DVP17-0285



This Permit relates to land in the City of Kelowna municipally known as

1109 Churchill Road, Kelowna, BC

and legally known as

Lot 25, Section 30, Township 26, Osoyoos Division, Yale District, Plan 27662

and permits the land to be used for the following development:

1 ½ storey single family dwelling use

and permits the land to be used for the following development:

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown in Schedule "A":

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum flanking street setback to a garage or carport which is accessed from that street from 6.0 m permitted to existing 4.5 m proposed.

AND THAT variances to the following section of Subdivision, Development and Servicing Bylaw No. 7900 be granted, as shown in Attachment "A":

Schedule 4.6 - Curb and Gutter, Sidewalks and Bike Lanes

To vary residential driveway access maximum width of 6.0m permitted to existing 10.0m proposed.

AND THAT the applicant be required to complete the requirements of Attachment "A" as attached to the Report from Development Engineering dated January 19, 2018;

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the completion of following conditions:

1. The applicant to decommission the existing secondary driveway access to the subject property located at the intersection of Mount Royal Drive and Churchill Road;
2. The applicant to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of \$2,000 for rehabilitation and landscaping following decommissioning of the secondary driveway;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

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

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision: **TBD**

Decision By: CITY COUNCIL

Issued Date: **TBD**

This permit will not be valid if development has not commenced by XXXXXX.

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S2RES – Single / Two Unit Residential

This is NOT a Building Permit.

In addition to your Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This Permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: William Bonn

Applicant: William Bonn

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. 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.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The applicant to decommission the existing secondary driveway access to the subject property located at the intersection of Mount Royal Drive and Churchill Road;
- b) The applicant to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of \$2,000 for rehabilitation and landscaping following decommissioning of the secondary driveway.

This Permit is valid for two (2) years from the date of XXXXXXXX approval, with no opportunity to extend.

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 Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) A Certified Cheque in the amount of \$2,000 OR
- b) An Irrevocable Letter of Credit in the amount of \$2,000

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. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees 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 said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, 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.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**