

# Development Variance Permit

## DVP18-0216



This permit relates to land in the City of Kelowna municipally known as **2428-2430 Richter Street** and legally known as **Lot 8, District Lot 14, Osoyoos Division, Yale District, Plan 1141**

and permits the land to be used for the following development: **A variance for the rear yard setback of an existing building.**

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

**Section 13.6.6(h) – Two Dwelling Housing Regulations:**

To vary the required minimum rear yard setback of an existing building from 7.5 m permitted, to 3.05 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.

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

Date of Decision: XXXX

Decision By: CITY COUNCIL

Issued Date: XXXX

**This permit will not be valid if development has not commenced by XXX, 2020.**

Existing Zone: RU6 Future Land Use Designation: MRL – Multiple Unit Residential (Low Density)

### **This is NOT a Building Permit.**

In addition to your Development 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: Christopher J. Roth and Jennifer L. Roth

Applicant: Urban Options Planning and Permits

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Ryan Smith  
Community Planning Department Manager  
Community Planning & Strategic Investments

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Date

## 1. SCOPE OF APPROVAL

This Development Variance 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 Development Variance 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 Development Variance 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

THAT Council authorize the issuance of Development Variance Permit DVP18-0216 for Lot 8, District Lot 14, Osoyoos Division, Yale District, Plan 1141, located on 2428-2430 Richter Street, Kelowna, BC.

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

### **Section 13.6.6(h) – Two Dwelling Housing Regulations:**

To vary the required minimum rear yard setback of an existing building from 7.5 m permitted, to 3.05 m proposed.

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## 3. PERFORMANCE SECURITY

Not required.

## 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.**