



# RATIONALE FOR VARIANCE APPLICATION

## DEANNA AND MARTIN SOLESKI

1. We bought our House at 107 Clifton Road North in March of 2015. The above ground pool and deck were already installed. (They were installed between 2006-2009, according to city's aerial photographs)
2. We received a registered letter in the spring of 2016 from By Law Officer (Dan Maja) stating that there had been a complaint at our place. He came over to check it out and found out that there was no permits on pool and deck.
3. We went to the City of Kelowna Office and met with Paul McVey (city Planner) to figure out how to fix the problem. Paul requested that we get a survey of our property.
4. There was no survey ever done on our property so we hired a company to complete the survey.
5. We met with Paul again once the survey was complete. We went over the survey and were told that we were not within the easement in two places and that we would need to apply for two variances.
6. We stopped at the application desk at the city office and got the appropriate paper work. After reviewing the application we called an independent consultant to gain some insight on getting the application filled out correctly.
7. We also contacted our Insurance company in the spring of 2018 to assist us with this process. We were told by our insurance company not to go any further with the city until they had time to further investigate the matter. Patte Turner from the city was included in all e-mails.
8. Our insurance company sent several contractors to our place to look at where and if the pool could be moved. They confirmed that there is no other place to move the pool as our house backs onto the mountain.
9. In September of 2018 our Insurance Company advised us that they could no longer assist us with the application process with the city. We called and set up a meeting with Andrew Fergusson. He was not available to meet with us so we met with Trisa Atwood.
10. Trisa reviewed our file and we discussed what our options were. She went back to her team and had another discussion and notified us that indeed we did need to apply for the 2 variance permits.
11. We met again with Trisa on Nov. 9<sup>th</sup> to go over what bylaw we fell under and exactly what the process would involve in applying for the two variance permits.
12. We have completed the application and paid for the two variance permits. We are submitting the application for your approval.

# Development Variance Permit DVP18-0247

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

107 Clifton Rd N

and legally known as

LOT 38 SECTION 6 TOWNSHIP 23 ODYD PLAN 25017

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

## Accessory Structure

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

Date of Council Decision                      October 8, 2019

Decision By:                                      COUNCIL

## 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:                      Martin and Deanna Soleski

Applicant:                      Martin and Deanna Soleski

\_\_\_\_\_  
Laura Bentley  
Urban Planning & Development Policy Manager  
Development Planning

\_\_\_\_\_  
Date

## 1. SCOPE OF APPROVAL

This Development 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 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 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 dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 6.5.3 (d): Accessory Development**

To vary the required front yard setback from 9.0m to 4.43m;

**Section 6.5.3 (e): Accessory Development**

To vary the required minimum side yard from 1.5m to 1.33m;

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

## 3. 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.**

# BC AS BUILT

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AS BUILT DRAWINGS FOR OWNER

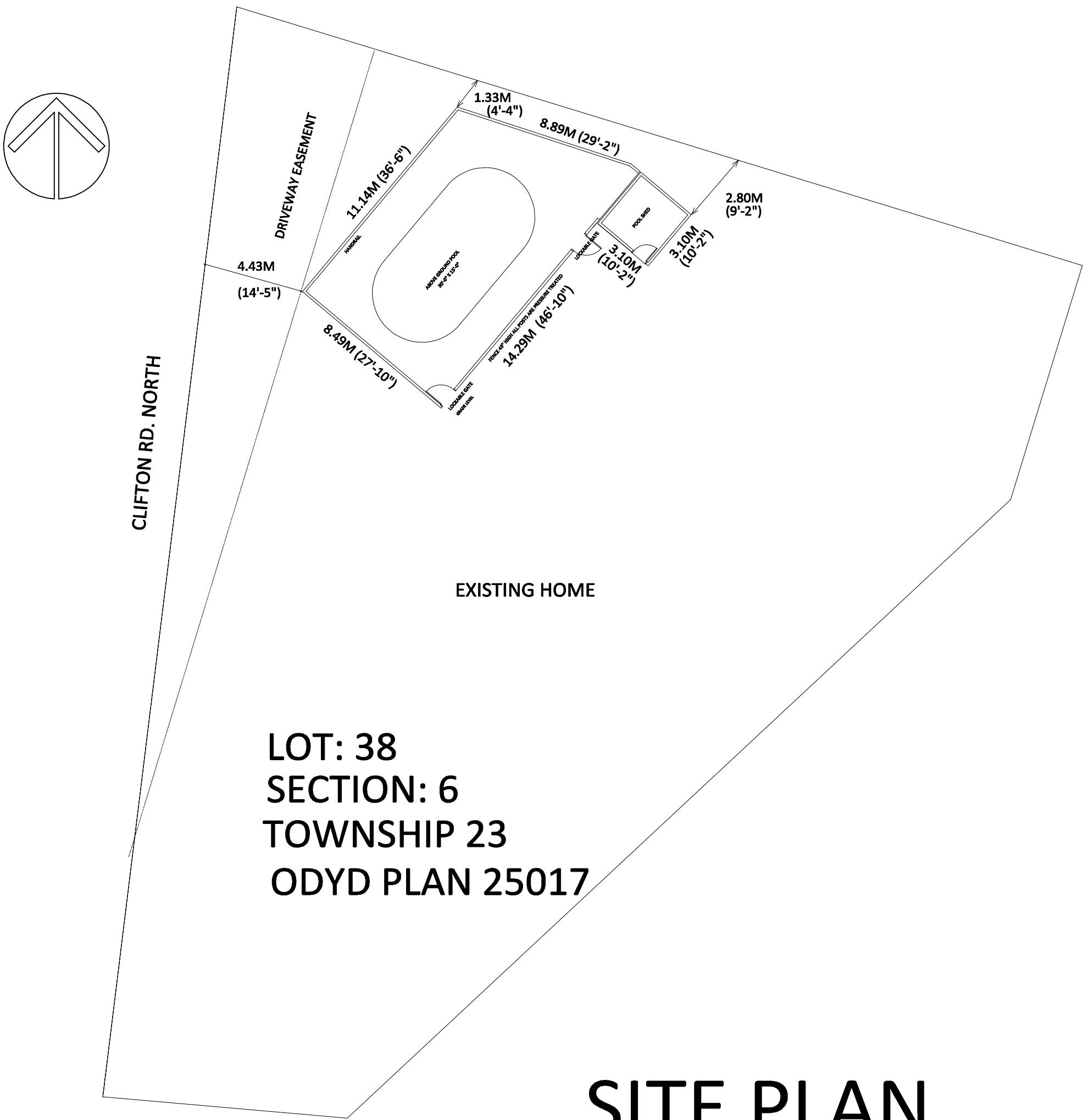
## "AS BUILT" RESIDENCE AT:

MR. & MRS. MARTIN SOLESKI

107 CLIFTON RD. NORTH

KELOWNA, B.C. V1V 1A2

PH. 250-869-5604



**SITE PLAN**

NTS

NOTE:  
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### SCHEDULE

A

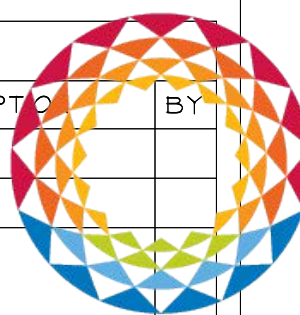
This forms part of application

# DVP18-0247

Planner  
Initials

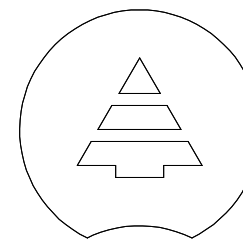
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City of  
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PROJECT  
JOB NO :  
**"BC AS BUILT"**  
**RSM18-057**

REVISION : 1

DRAWN BY : RSM

DRAWING DATE : NOV. 27, 2018

FILE NAME : NOTES

CHK. BY : RSM

**PAGE 1**



SCHEDULE

A

This forms part of application

# DVP18-0247

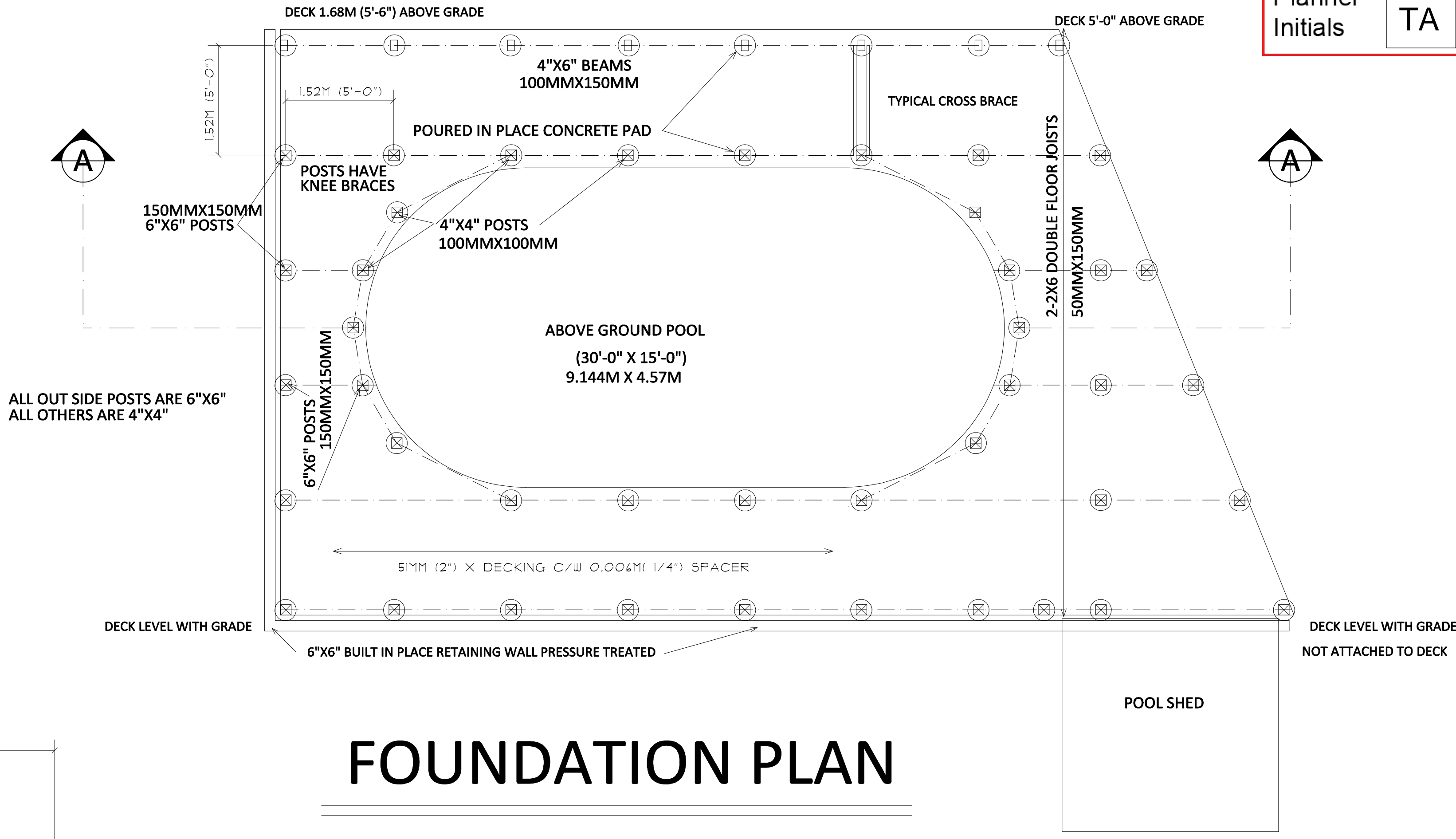
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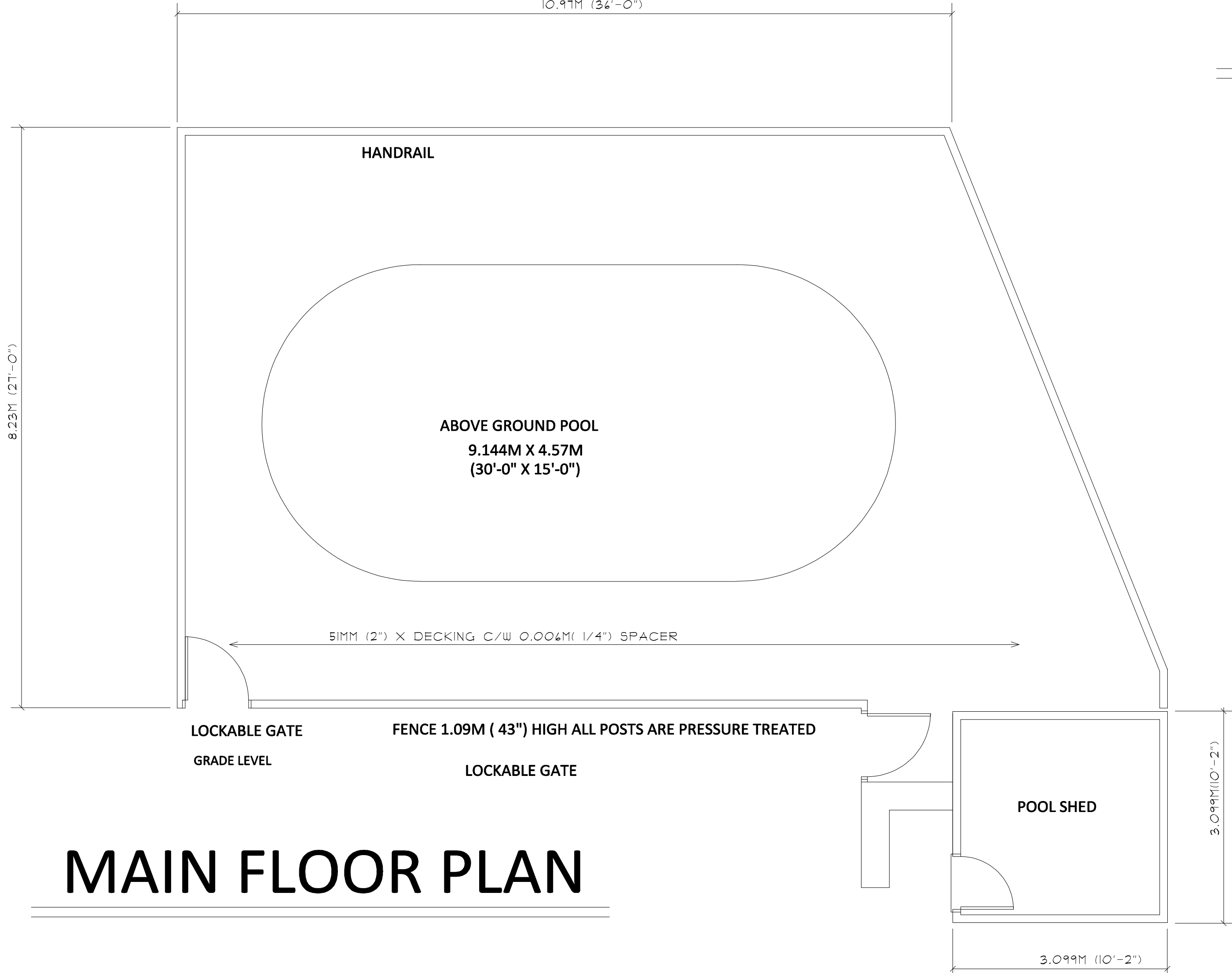
REVISIONS

DATE	REV.	DESCRIPTION	BY

City of Kelowna  
COMMUNITY PLANNING



FOUNDATION PLAN



MAIN FLOOR PLAN

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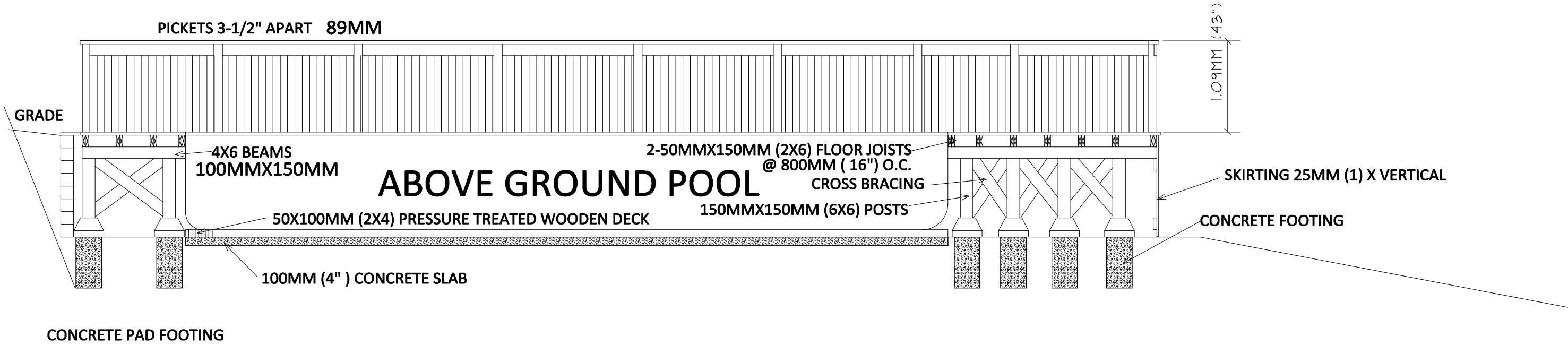
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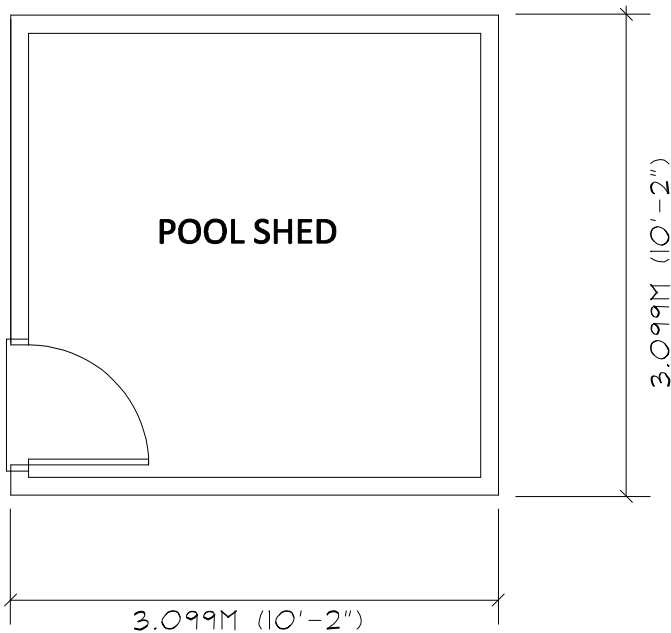
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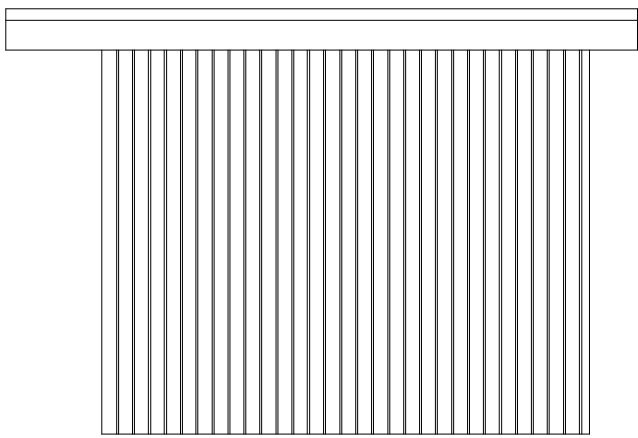


SECTION A-A

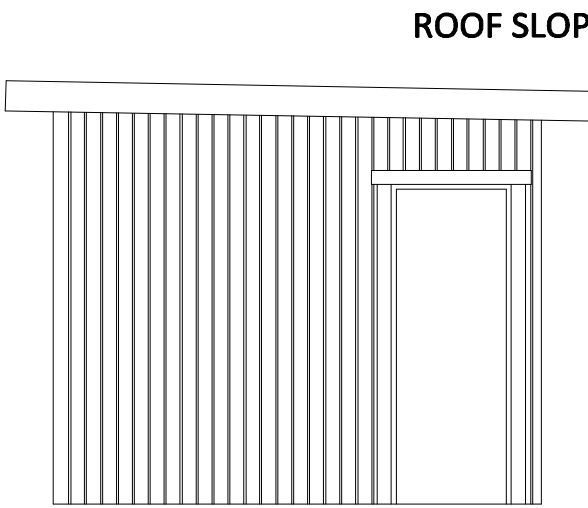


EXISTING FLOOR PLAN

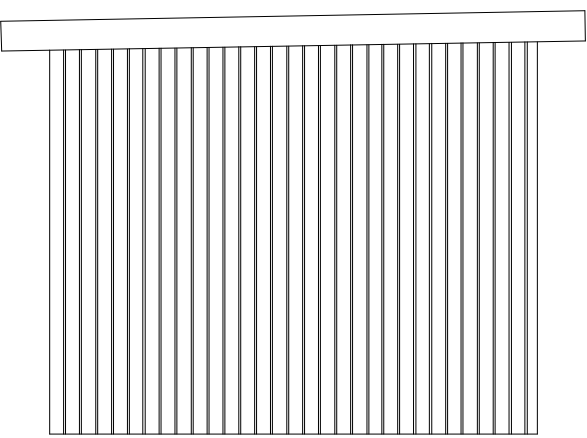
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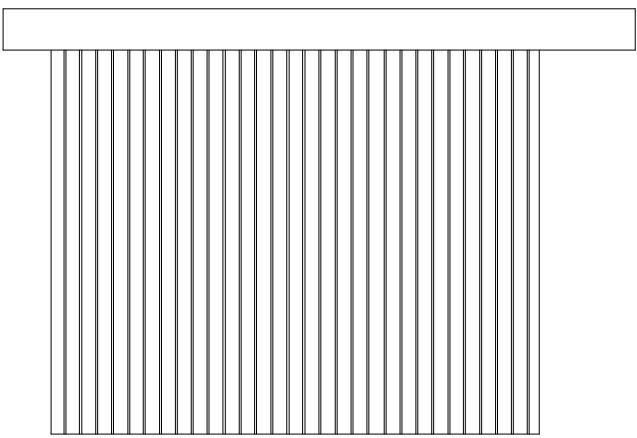
RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

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