



Development Variance Permit DVP19-0141

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

9380 Balsler Court

and legally known as

Lot 7 Section 2 Township 20 Osoyoos Division Yale District Plan EPP66963

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

General Industrial

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

Decision By: Council

Development Permit Area: n/a

This permit will not be valid if development has not commenced by January 21, 2022.

Existing Zone: I2 – General Industrial

Future Land Use Designation: IND - Industrial

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: Taz Holdings LTD., Inc No. Aoo83372

Applicant: Jason Eising – Norsteel Building Systems

Terry Barton
Development Planning Department Manager
Community Planning & Strategic Investments

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) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- c) 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 Registered Landscape Architect.

This Development Permit is valid for two (2) years **from the date of Council 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) An Irrevocable Letter of Credit in the amount of **\$ 34,716.25 or**
- b) A certified cheque in the amount of **\$ 34,716.25**

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.

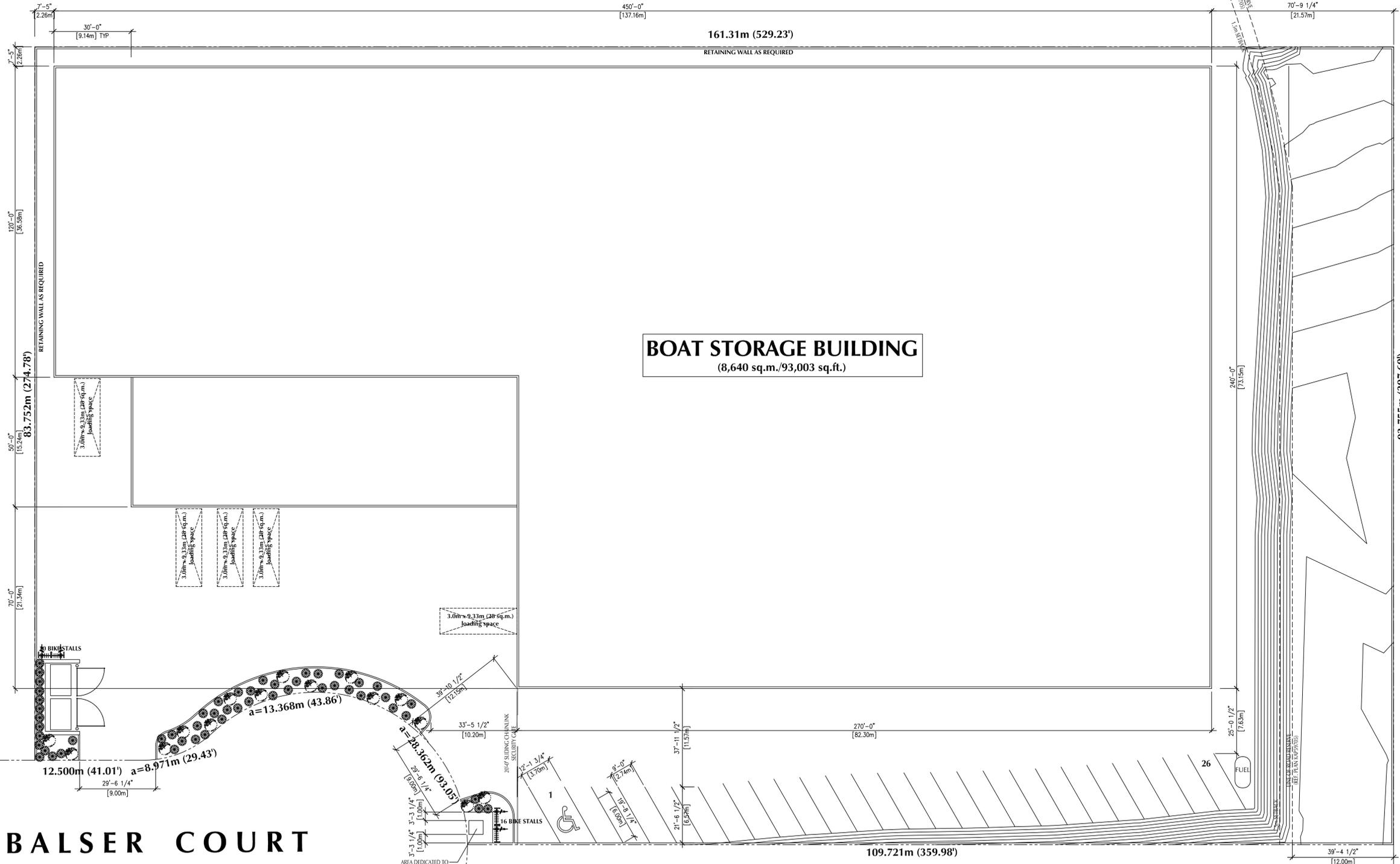
4. INDEMNIFICATION

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.**



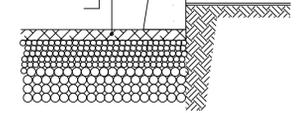
PROJECT DATA		
CIVIC ADDRESS:	9380 BALSER COURT, KELOWNA, BC	
LEGAL DESCRIPTION:	LOT 7, PLAN EPP6963, SEC 2, TWP 20, O.D.Y.D.	
CURRENT ZONING:	I2 - GENERAL INDUSTRIAL	
SITE AREA:	155,005 sq.ft. (14,400 sq.m.)	
ZONING BYLAW REQUIREMENTS		
	PERMITTED	PROPOSED
LOT WIDTH	40.0m	109.72m
LOT DEPTH	35.0m	83.75m
LOT AREA	10,000 sq.m.	14,400 sq.m.
FLOOR AREA RATIO (FAR)	1.5 (21,600 sq.m.)	0.60 (8,640 sq.m.)
SITE COVERAGE	60% (8,640 sq.m.)	60% (8,640 sq.m.)
HEIGHT (m)	14.0m	15.85m *
* VARIANCE REQUIRED		
SETBACKS (m)		
FRONT (SOUTH)	7.5m	12.15m
SIDE (WEST)	0.0m	2.26m
SIDE (EAST)	0.0m	21.57m
REAR (NORTH)	0.0m	2.26m
PARKING		
WAREHOUSING & STORAGE @ 0.5/100 sq.m. GFA x 8,640 sq.m. =	44 STALLS	26 STALLS *
MEDIUM CAR SPACES	13 STALLS (30%)	0 STALLS
LOADING @ 1/1900 sq.m. GFA =	5 STALLS	5 STALLS
* VARIANCE REQUIRED		
BICYCLE PARKING		
CLASS II @ 0.3/100 sq.m. GLA	26 SPACES	26 SPACES
LANDSCAPE BUFFERS (m)		
FRONT (SOUTH)	3.0m	3.0m
SIDE (WEST)	0.0m	0.0m
SIDE (EAST)	0.0m	0.0m
REAR (NORTH)	0.0m	0.0m
LANDSCAPE TREATMENT LEVELS		
FRONT (SOUTH)	4	4
SIDE (WEST)	N/A	N/A
SIDE (EAST)	N/A	N/A
REAR (NORTH)	N/A	N/A

BOAT STORAGE BUILDING
(8,640 sq.m./93,003 sq.ft.)

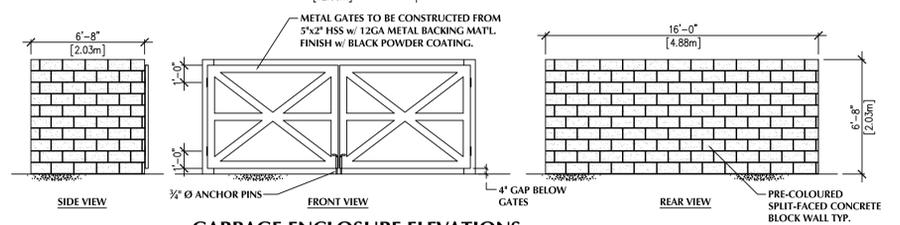
SCHEDULE A & C
This forms part of application
DVP19-0141
Planner Initials: AF
City of Kelowna
DEVELOPMENT PLANNING

PAVING:
3"(75mm) BITUMINOUS FINISH COAT
4"(100mm) CRUSHED ROCK
1"(25mm) COMPACTED GRAVEL FILL AS REQUIRED TO OBTAIN GRADE HEIGHT

CURBING:
STANDARD ISLAND CURB AS SUPPLIED AND INSTALLED BY INTERIOR SUFFORM
12" DEEP; 6" TOP & 8" BOTTOM



TYPICAL PARKING LOT DETAIL:
SCALE: N.T.S.



GARBAGE ENCLOSURE ELEVATIONS
SCALE: 3/16" = 1'-0"

BALSER COURT

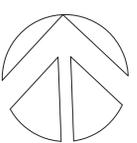
HANS P. NEUMANN ARCHITECT INC.

1520 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4K5 PHONE (250) 868-0878 FAX (250) 868-0837

PROJECT
PROPOSED STORAGE WAREHOUSE FOR WIZARD MARINE
9380 BALSER COURT, KELOWNA, BC

DRAWING TITLE
SITE PLAN/ZONING ANALYSIS

No.	DATE	DESCRIPTION	SCALE: 1" = 20'-0"
	MAY 21/19	ISSUED FOR DEVELOPMENT VARIANCE PERMIT	DATE: APRIL 26, 2019
1	JUN 14/19	GENERAL REVISIONS	DRAWN: HPN
	JUN 14/19	RE-ISSUED FOR DVP	Drawing No.
2	AUG 15/19	REVISED BUILDING SIZE & PARKING	DVP1
	AUG 31/19	RE-ISSUED FOR DEV. VARIANCE PERMIT	
3	DEC 09/19	REV. PARKING, LOADING, BICYCLE #/S	
	DEC 10/19	RE-ISSUED FOR DEV. VARIANCE PERMIT	REVISION No.: 3



Variance Proposal

The proposed variance maintains the industrial nature and use of the business with a minimal increase in order to meet the commercial needs of the business owner. The proposed lot coverage and height variance is to accommodate the intended building's industrial use which requires a slightly higher and broader capacity.

The building layout has been designed by engineering and design specialists, undergoing repeated modifications to reach the current design layout. This design maximizes the modular layout for boat storage and servicing. Other layouts and designs do not achieve the same desired result to accommodate the needs of the size of the boats that the business will store and service.

The variance will not lessen the property values of this nor its neighbouring industrial properties. They will not notice the nominal increase in height nor footprint, however these small increases asked in the variance allow the business owner to fully meet its operational objectives and offer its full services to its market. This market, boating and recreational watersports, is a significant one in Kelowna and the Okanagan overall.

Allowing the applicant business owner to fully operate its business as planned, using a building that completely meets its needs, the needs of its customers, and the safety of its employees has multiple benefits:

- Positively impacting the local economy
- Increasing employment opportunities
- Increasing this business' capacity to store and service boats, and do it safely
- Increasing the long term economic benefits for the City

This variance will not interfere with the use of other property owners.

On the other hand, any reduction in in the building footprint or height from that in the proposed variance design, will significantly impact the intended operation of the business and its overall usefulness. This would affect the economic viability of the business, reduce employment opportunities, interfere or prevent it from offering its services to all of its intended market, and reduce the economic benefits to the City.

September 6, 2019

Variance Proposal #2 Re: Height Variance & Parking Capacity

Height Variance:

The proposed variance maintains the industrial nature and use of the business with a minimal increase in order to meet the commercial needs of the business owner. The proposed height variance is to accommodate the intended building's industrial use which requires a slightly higher capacity.

The building layout has been designed by engineering and design specialists, undergoing repeated modifications to reach the current design layout. This design maximizes the modular layout for boat storage and servicing. Other layouts and designs do not achieve the same desired result to accommodate the needs of the size of the boats that the business will store and service.

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Parking Variance:

This structure is in the industrial area of the City and is not this business's retail location. The boat owners will not typically come to this location. The business will operate a delivery or "valet" service for its customers from its well-established Kelowna retail

location, Wizard Lake Marine in the Marshall Business Park. Boats will be brought from that location to this boat storage facility by truck & trailers, directly into the service area or storage areas of the building. These vehicles will not be parking outside the facility – they will be entering and delivering boats to storage or servicing areas in the facility and returning to the retail business.

This is not a retail sales facility and the 1 stall per 10 boat requirement anticipates a retail customer base that is not part of this business. A variance to 1 stall per 25 boats, given the strictly storage and servicing nature of this business is more realistic for the business, and reflects the anticipated employees and occasional service personnel who may attend the business from time to time.

At peak capacity the business anticipates 12 employees in the “high” season and significantly lower during the low season when boats are in storage and not active. Given the maximum number of boats and size of the facility, this number will not expand.

Current plans have 26 parking stall which is more than double the maximum number of expected staff.

Allowing the applicant business to reduce the required parking stalls from 1 stall / 10 boats to 1 stall per 25 boats has the following benefits:

- Land is not being developed unnecessarily for a purpose that will not materialize
- Additional expense and materials will not be invested into parking areas that do not fit the planned business either now or in the future
- The industrial use and intention of the business and space will be maintained
- Excessive unused parking will not create an excessive security risk for the business to monitor

