

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP16-0112

EXISTING ZONING DESIGNATION:	RU1H - Large Lot Housing (Hillside Area)
WITHIN DEVELOPMENT PERMIT AREA:	n/a

ISSUED TO:	Millennium Home & Renovation
LOCATION OF SUBJECT SITE:	2530 Monte Vista Lane

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	16		KAP88598	12	26	ODYD

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 7.5.9 - Fencing and Retaining Walls Regulations

To vary the height of the side retaining wall from 1.2 metres to approximately 3 metres in accordance with the drawings depicted in Schedule "A":

2. PERFORMANCE SECURITY:

none

4. 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 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.

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 Divisional Director of Community & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ___ DAY OF _____, 2016 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Ryan Smith, Manager - Urban Planning Branch
Community Planning and Real Estate

CITY OF KELOWNA

MEMORANDUM

Date: June 13, 2016
File No.: DVP16-0112
To: Suburban and Rural Planning (DB)
From: Development Engineering Manager (SM)
Subject: 2530 Monte Vista Lane Lot 16 Plan 88598

The Development Engineering comments and requirements regarding this Development Variance Permit are as follows:

1. This Development Variance Permit to vary the height of the side retaining wall from 4 ft to approximately 10 ft. does not compromise any municipal services.

Steve Muenz, P.Eng.
Development Engineering Manager

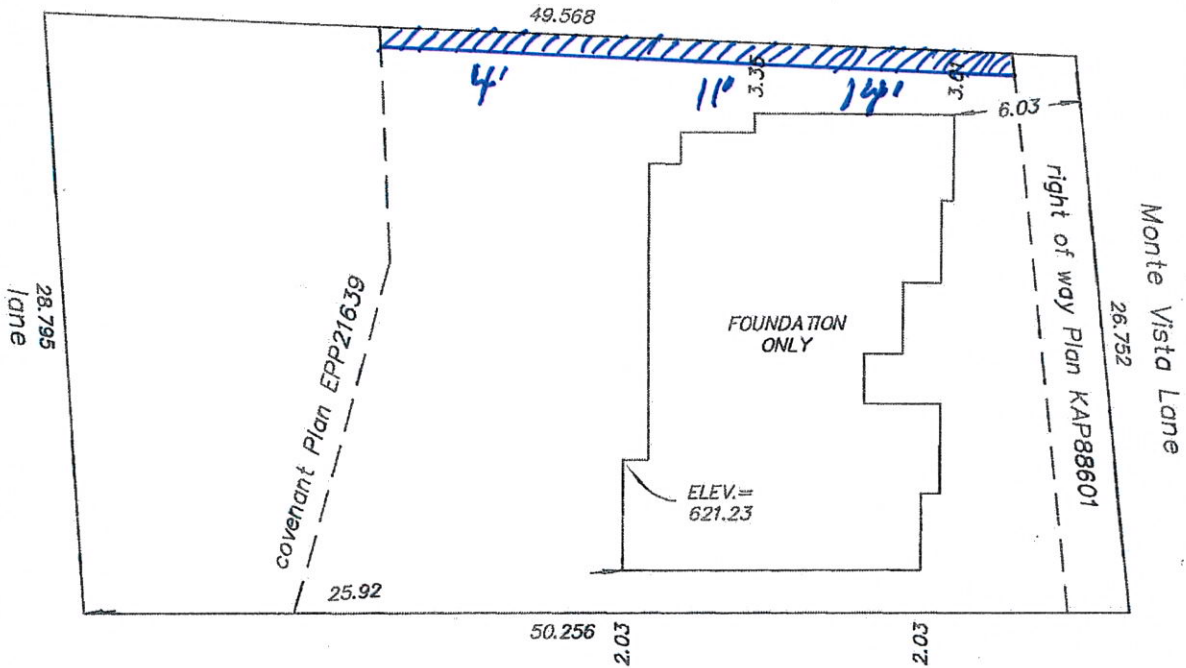
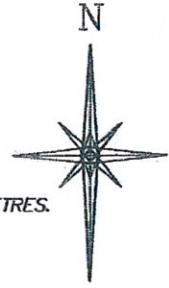
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B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 16 SEC. 12 TP. 26 O.D.Y.D. PLAN KAP88598

Civic Address:
2530 Monte Vista Lane
Kelowna, BC

SCALE 1:300

DISTANCES ARE IN METRES.



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© This document is not valid unless originally signed and sealed.

CERTIFIED CORRECT
this 13th day of November, 2015.

[Signature]
D.A. Goddard BCLS

This plan was prepared for municipal purposes and is for the exclusive use of our client.

FILE 16834 FB 380
Millennium Home and Reno

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.
103-1358 St. Paul Street, Kelowna
Phone (250) 763-3733

SCHEDULE A

This forms part of development

Permit # DVP16-0112

May 21, 2016

Dear Kirschner Mountain Residents

RE: Variance application for retaining wall at 2530 Monte Vista Lane

My clients Yvan & Ramona Duret are seeking a variance from the City of Kelowna on a retaining wall that is facing the north side of the property. The construction of this retaining wall started in early November 2015 and was completed April 2016.

The retaining wall was engineered by Horizon Geotechnical LTD - Geotechnical Engineers.

The retaining wall is necessary in order to provide a walkway for safe access to the legal suite and back yard, and for essential services (ie: fire department, ambulance services, right of ways, etc.)

The lot next to the above property is currently for sale. The retaining wall will provide safe retention of the sloping embankment of both properties. Once a home is constructed on the vacant lot the retaining wall will be partially backfilled, enhancing the esthetics of both properties.

A fence will be erected and cemented on top of the retaining wall to provide proper safety along the whole perimeter of the engineered wall.

Should you have any questions regarding the above, please contact myself at Millennium Homes @ 250-864-1830.

Yours truly,



Millennium Homes
Scott Zarr

Cc: Ramona & Yvan Duret
Home owners

Damien Burggraevé RPP, MCIP
Deputy Approving Officer
City of Kelowna

WALL WILL BE BURIED IN THE
FUTURE BY ADJACENT
PROPERTY OWNER

FILED
COUNTY OF DENVER
PLAT 16-0112

APR 16 2012

of development

APR 16 2012

12M

~3M

