

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP16-0002

Issued To: KLIMES, FRANK & HELEN
Site Address: PACKINGHOUSE RD 785
Legal Description: LOT 27, BLOCK 10, SECTIONS 3, 4, AND 10, TOWNSHIP 23, ODYD PLAN 1068 EXCEPT PLAN H8323
Zoning Classification: A1 - AGRICULTURE 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.

1. TERMS AND CONDITIONS

THAT Temporary Use Permit No. TUP16-0002 for Lot 27, Block 10, Sections 3, 4, and 10, Township 23, ODYD Plan 1068 Except Plan H8323, located at 785 Packinghouse Rd, Kelowna, BC be approved allowing the accessory building, as shown on Schedule "A", to contain and be used as a secondary suite, for a three (3) year period subject to the following:

- a) The residential use is restricted to the current tenant of record on the date of Council approval;
- b) At the end of the three (3) year period, or at the end of the occupation of the dwelling by the tenant, whichever is sooner, the suite is to be decommissioned within sixty (60) days; and
- c) Obtaining a Delayed Demolition Permit through the City of Kelowna Building Department for the suite removal, complete with a \$20,000 decommissioning bond as part of that permit.

AND THAT any application to extend the Permit must be approved by Council prior to this Permit expiring.

2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that decommissioning of the suite 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 Permit Holder and be paid to the

Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder fail to carry out the decommissioning of the suite hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$ _____ N/A _____ OR
- b) A Certified Cheque in the amount of \$ _____ N/A _____ OR
- c) An Irrevocable Letter of Credit in the amount of \$ _____ N/A _____ .

Before any bond or security required under this Permit is reduced or released, the Owner will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

3. 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 that shall form a part hereof.

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of 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 Temporary Use 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 Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community 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.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2016.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.**

B. C. LAND SURVEYORS **SCHEDULE A** CERTIFICATE
ON LOT 27 BLOCK 10 PLAN 1068 SEC. 15, T. 16 S., R. 12 W., S. 100 D.Y.D.
Form # **TUP16-0002**

RECEIVED

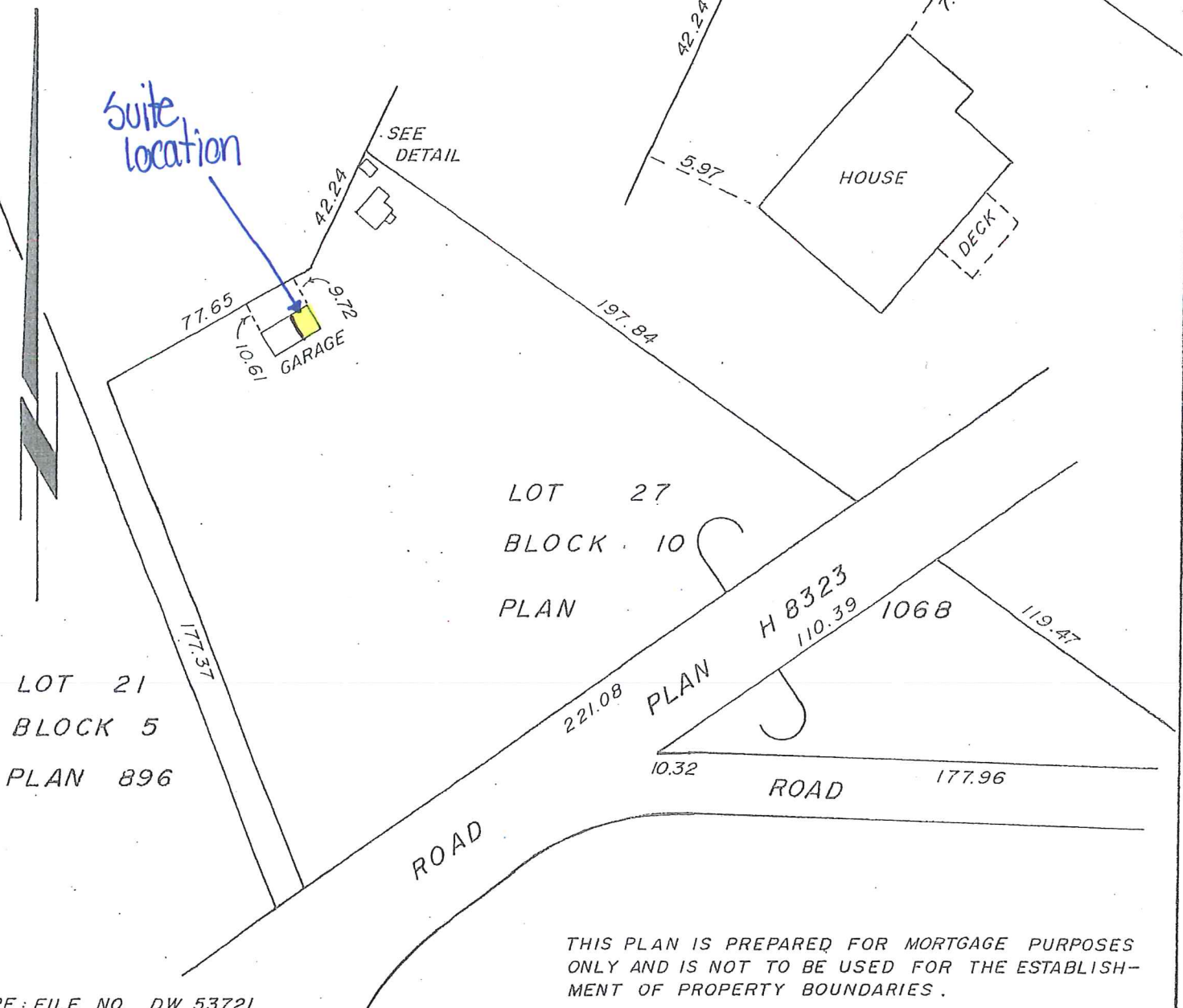
NOV 20 1985

CITY OF KELOWNA
Building Dept.

0.03 WALL ENCROACHMENT
0.52 EAVE ENCROACHMENT

DETAIL
SCALE 1:300

Suite location



SCALE 1:2000

ALL DISTANCES ARE IN METRES

NOVEMBER 13th, 1985

J. E. ARTHUR & ASSOCIATES

B. C. LAND SURVEYORS

250-1420 ST. PAUL ST. KELOWNA

CERTIFIED CORRECT

J. Arthur
B.C.L.S.

FILE 2020



April 7, 2016

City Of Kelowna
Urban Planning Department
1435 Water Street
Kelowna, BC

RE: Temporary Use Permit for 785 Packinghouse Road

Bylaw file #: 343359

Dear Urban Planner:

In the recent review of properties in the Agriculture Land Reserve, our property was identified as having a secondary suite in an accessory structure. Staff have worked with us to understand the situation for which we will provide details in this letter.

We purchased this property in 1980. The accessory structure was in place and contained an office space with washroom facilities in the east section. We felt that this was an ideal location to convert to a suite for an elderly parent. She has lived semi-independently in this unit since that time and is 92 years old now. Staff have suggested we seek a temporary use permit to allow the continued use of the suite for her lifetime.

Incidentally, a mobile home for was constructed on the property in August 1988 for farm help which has an affidavit ensuring we abide with this use. At that time, City Inspectors, including the Chief Building Inspector, were made aware of the suite. They acknowledged it but didn't require us to make any changes to legitimize the use. It was our understanding that the use is grandfathered.

The suite is modest in size at 51.7m². With one bedroom it has a small kitchen area allowing Mother to live independently. In recent years, she has been sharing her main meals with us in the family home. From the pictures you can see that she has the opportunity to spend time outside and maintains a few plants in baskets.

Once the family member living in the suite is no longer capable of living on her own, we will apply for a decommissioning permit to remove the suite and bring it back to a farm-related use. Given the situation, we hope you are supportive of a Temporary Use Permit to allow Mother to remain in her suite.

Regards,

Frank and Helen Klimes

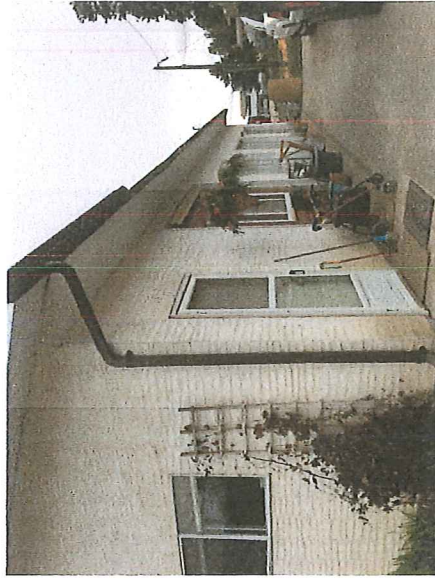
785 Packinghouse Road
Glenmore area of Kelowna

Context photos of the subject property to understand the location of the use requested through the TUP application.





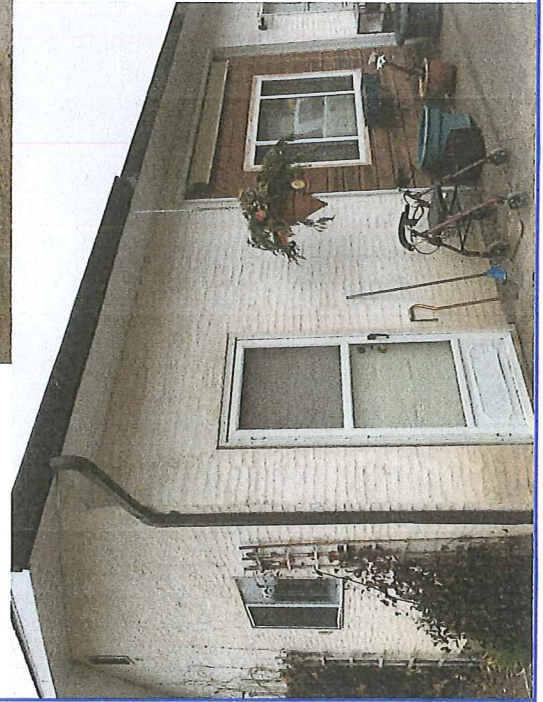
Accessory building in relationship to principal dwelling



Elevation pictures of each side of the accessory building which contains the suite

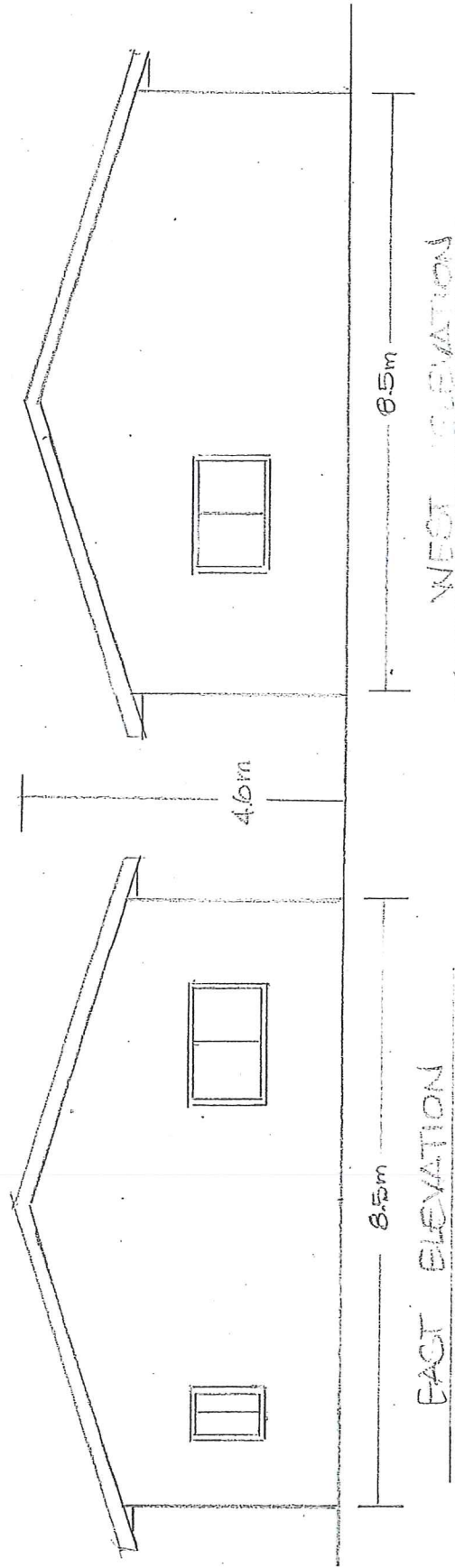


Front door and surroundings of the suite. Re-member these photos are in winter months.



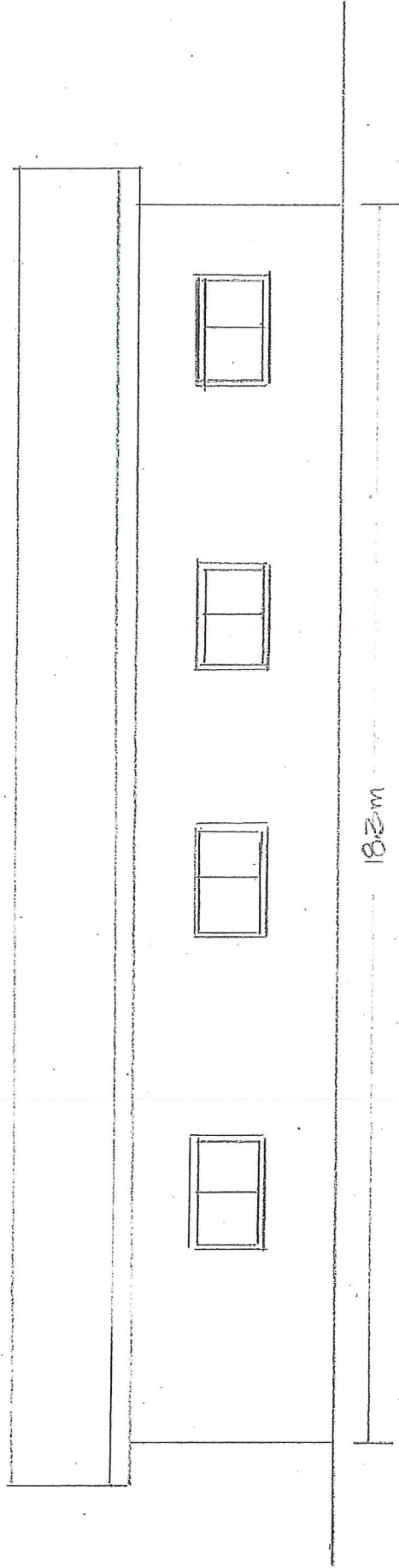
GARAGE / ACCESSORY

700 PACKINGHOUSE RD

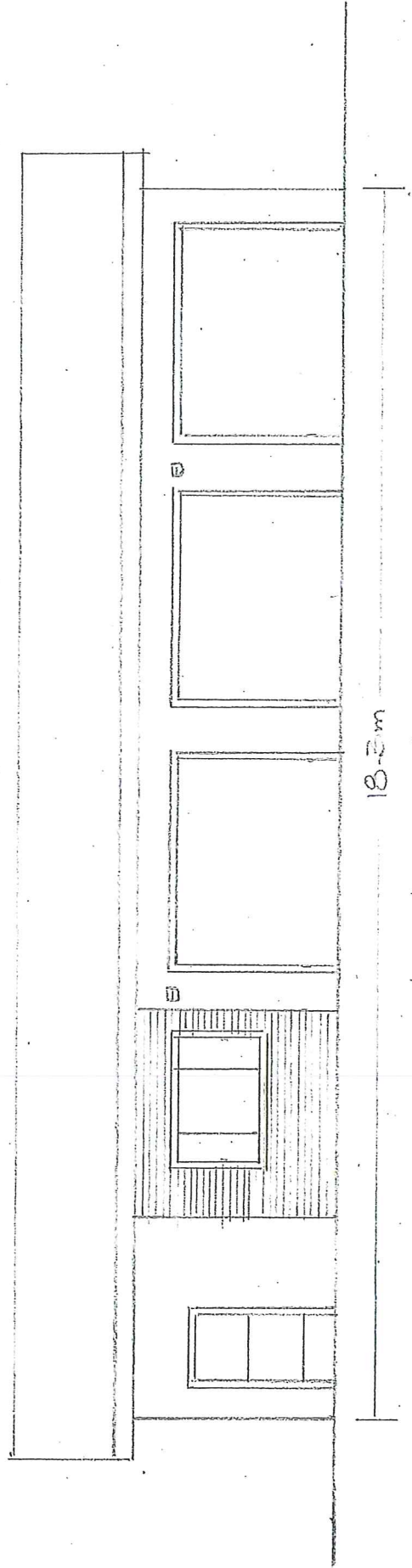


GARAGE / ACCESSORY

7810 PACKINGHOUSE ROAD



SOUTH ELEVATION



NORTH ELEVATION

SUITE - PLAN VIEW
705 PACHINGHOUE

CARAGE

3175

5055

4196 x 3175

BRM

L.R.

1900

1160

SHOWER

OVERHEADS

UTILITY
BRM.

(MH)

STOVE

6096

8484

