City of  
**Kelowna**

# Development Variance Permit DVP21-0160

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

**(N of) Shayler Road**

and legally known as

**Lot 2, Section 33, Township 33, ODYD, Plan EPP8753**

and permits a variance to following Section of Zoning Bylaw No. 8000:

**Section 11.1.6 Table 11.1: A1 – Agriculture 1 Zone Development Regulations**

To vary the maximum building height from 9.5m permitted to 19.5 m proposed.

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

Date of Council Decision September 21<sup>st</sup> 2021

Decision By: COUNCIL

Development Permit Area: N/A

Existing Zone: A1 – Agriculture 1 Zone

Future Land Use Designation: REP – Resource Protection Area

## **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: Azhadi Vineyards Ltd.

Applicant: Kevin Johnson – Bear Land Development Ltd.

Planner: Alex Kondor -Planner Specialist

\_\_\_\_\_  
Terry Barton  
Community Planning Department Manager  
Planning & Development Services

\_\_\_\_\_  
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";

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

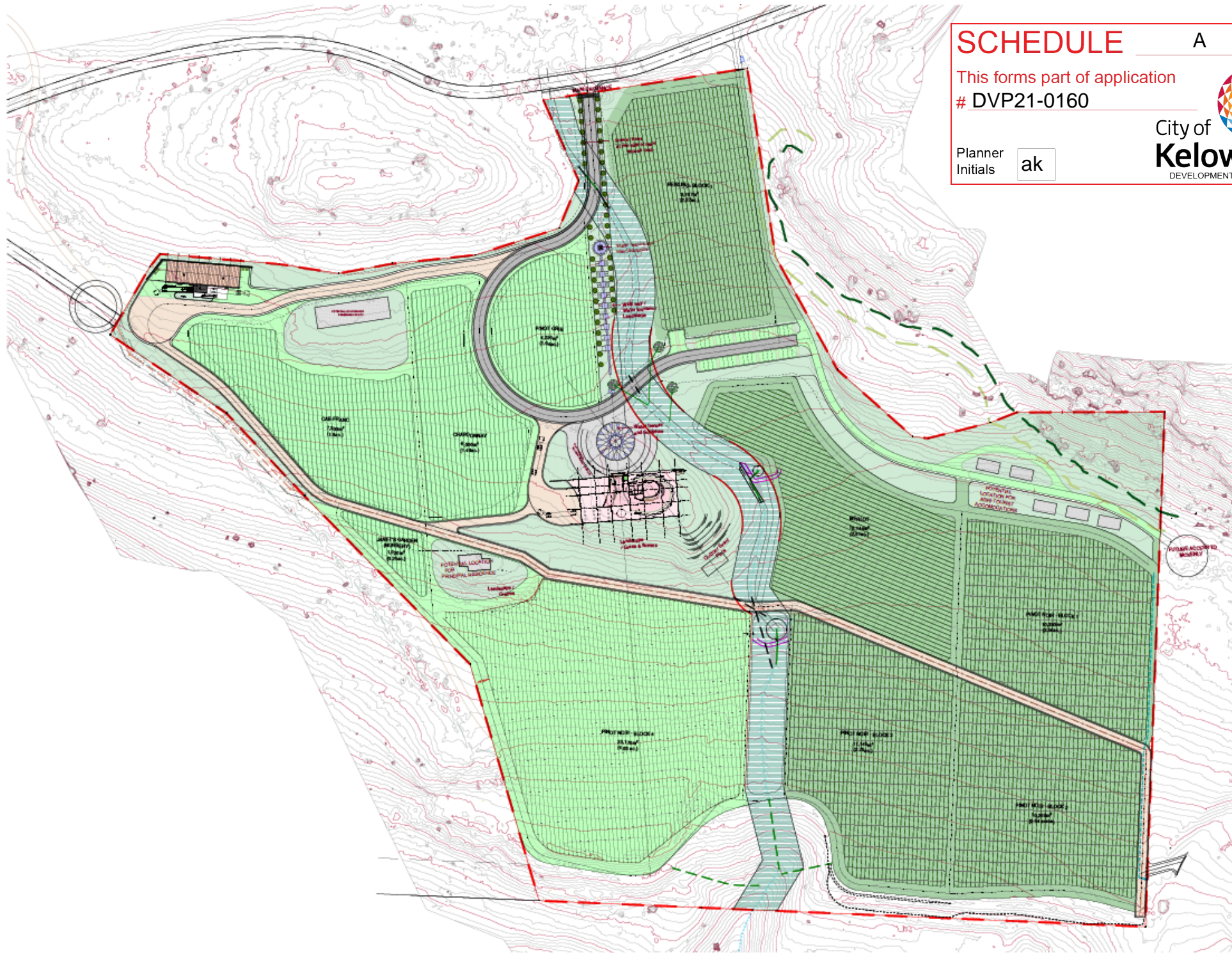
## 3. INDEMNIFICATION

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.**



# SCHEDULE A

This forms part of application  
# DVP21-0160

Planner  
Initials ak



1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF THE EXISTING UTILITIES AND SHALL NOTIFY THE PROJECT MANAGER IN WRITING IMMEDIATELY IF THERE ARE ANY DISCREPANCIES IN THE DIMENSIONS AND LOCATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING FULL COMPLIANCE OF ALL CONDITIONS.
2. DIMENSIONS SHALL BE FROM THE FACE OF CONCRETE, BRICKWORK, AND CENTER OF STRUCTURAL STEEL MEMBERS.
3. DO NOT SCALE DIMENSIONS ON ANY AND ALL DRAWINGS.
4. DIMENSIONS TO BE READ IN CONJUNCTION WITH DOCUMENTS CREATED BY CONSULTANTS LISTED ON SHEET A-3.1.



ISSUED FOR REVIEW
NOT FOR CONSTRUCTION
REVISION 12
REVISION 11
REVISION 10
REVISION 9
REVISION 8
REVISION 7
REVISION 6
REVISION 5
REVISION 4
REVISION 3
REVISION 2
REVISION 1

DATE: DECEMBER 2024

CLIENT: AZHADI VINEYARDS

DESIGNED BY: [AZIZI ARCHITECT INC.]

PROJECT NAME: AZHADI VINEYARDS, KELOWNA, BC

SHEET TITLE: PRINCIPAL BUILDING MASTER PLAN

DRAWN BY: [NAME]  
CHECKED BY: [NAME]  
SCALE: [SCALE]  
JOB #: [JOB#]  
PRINT DATE: [DATE]

A-3.0.2



# 5.1 WINERY BUILDING DRAWINGS

## WEST ELEVATION

**SCHEDULE**

A

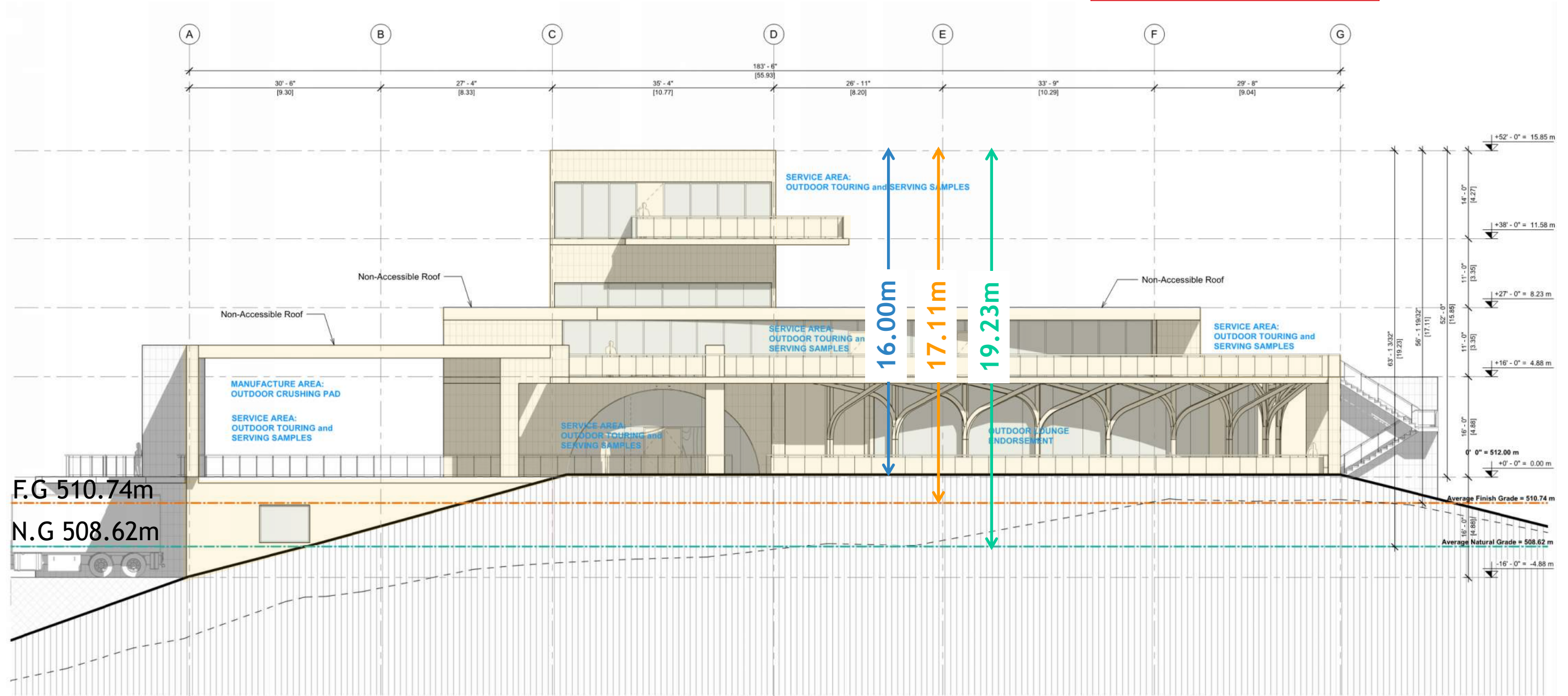
This forms part of application  
# DVP21-0160

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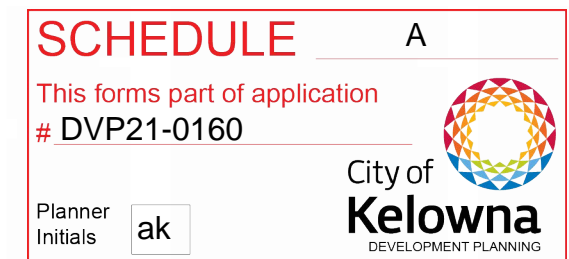
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City of  
**Kelowna**

DEVELOPMENT PLANNING



## SOUTH ELEVATION



# 5.1 WINERY BUILDING DRAWINGS

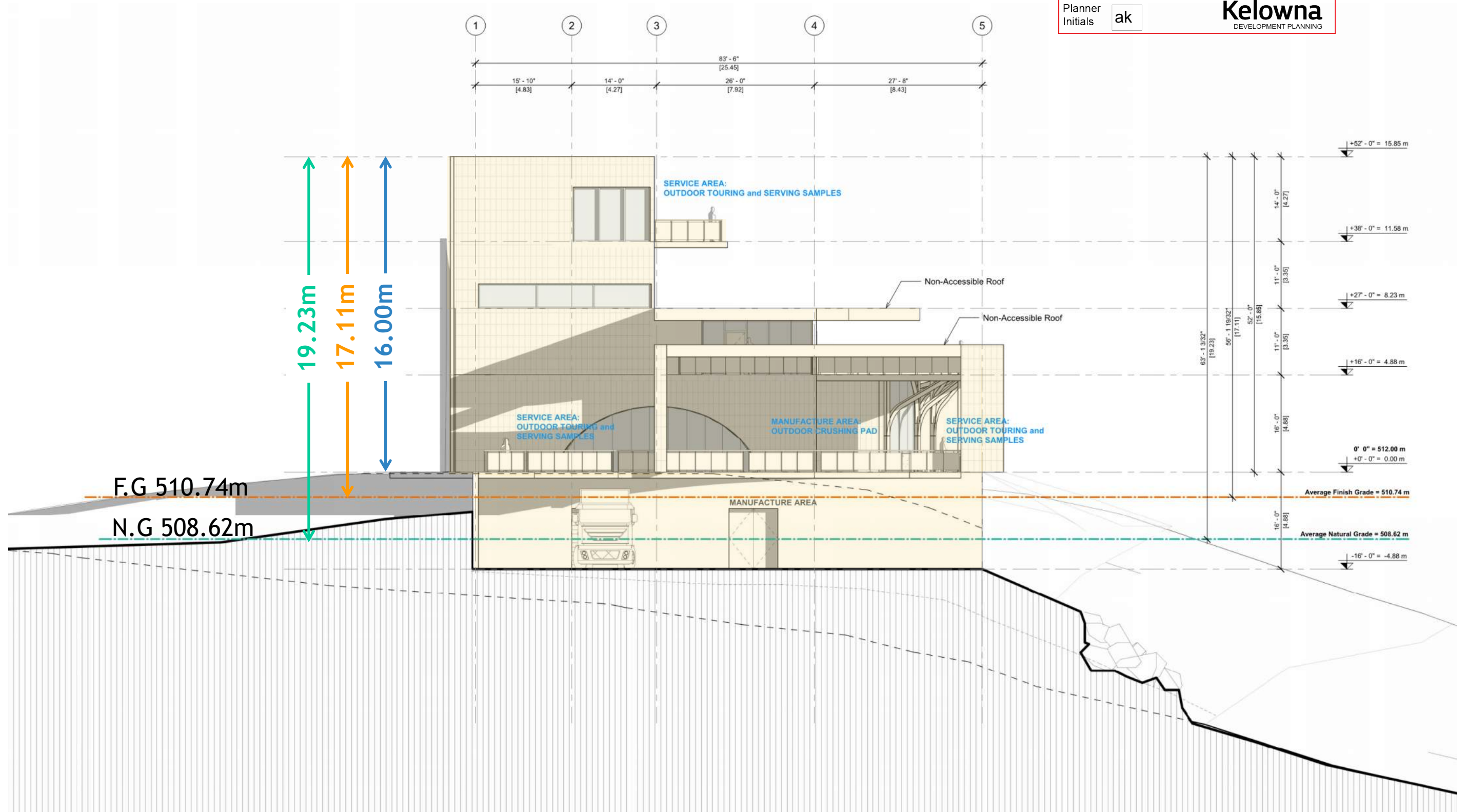
## NORTH ELEVATION

**SCHEDULE** **A**

This forms part of application  
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Planner  
Initials **ak**

**City of Kelowna**  
DEVELOPMENT PLANNING





# 5.1 WINERY BUILDING DRAWINGS


## SECTION A-A

**SCHEDULE**

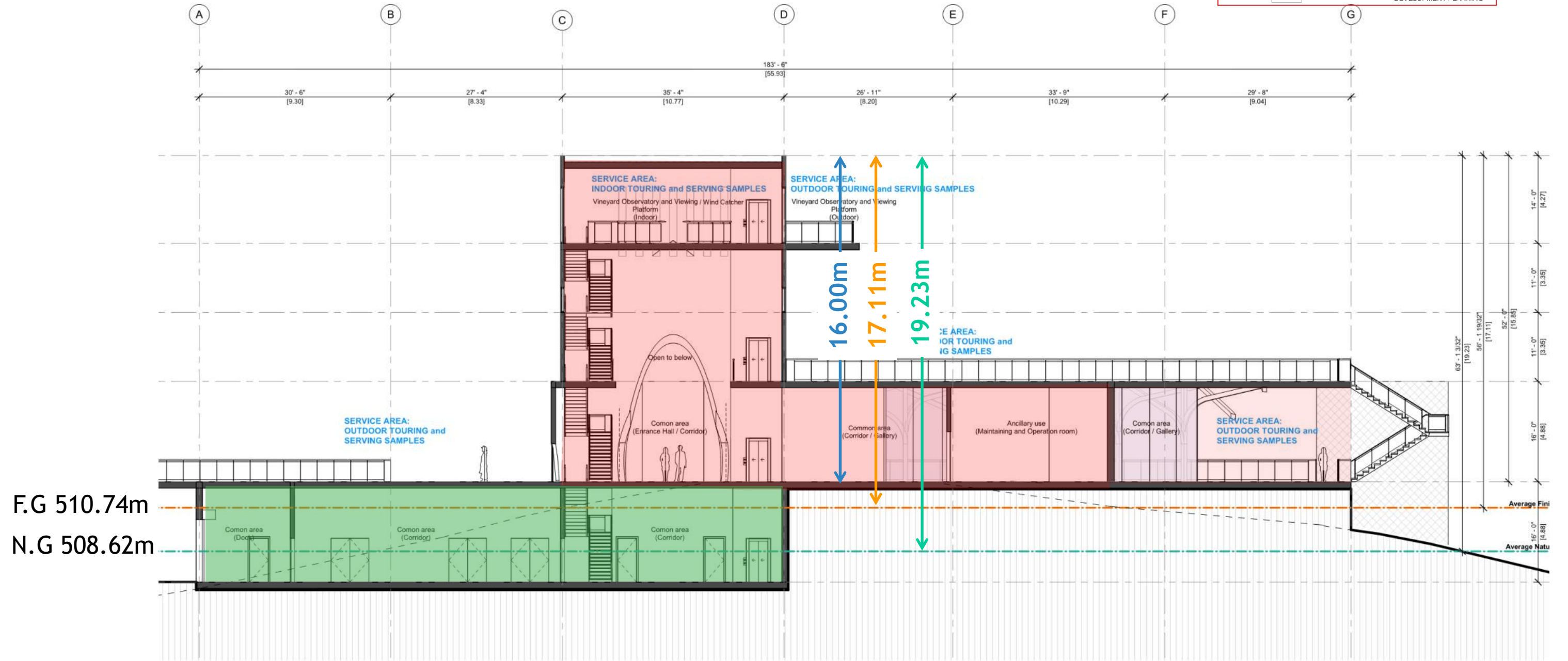
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This forms part of application  
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Planner  
 Initials **ak**



City of  
**Kelowna**  
 DEVELOPMENT PLANNING



# 5.1 WINERY BUILDING DRAWINGS


## SECTION B-B

**SCHEDULE**

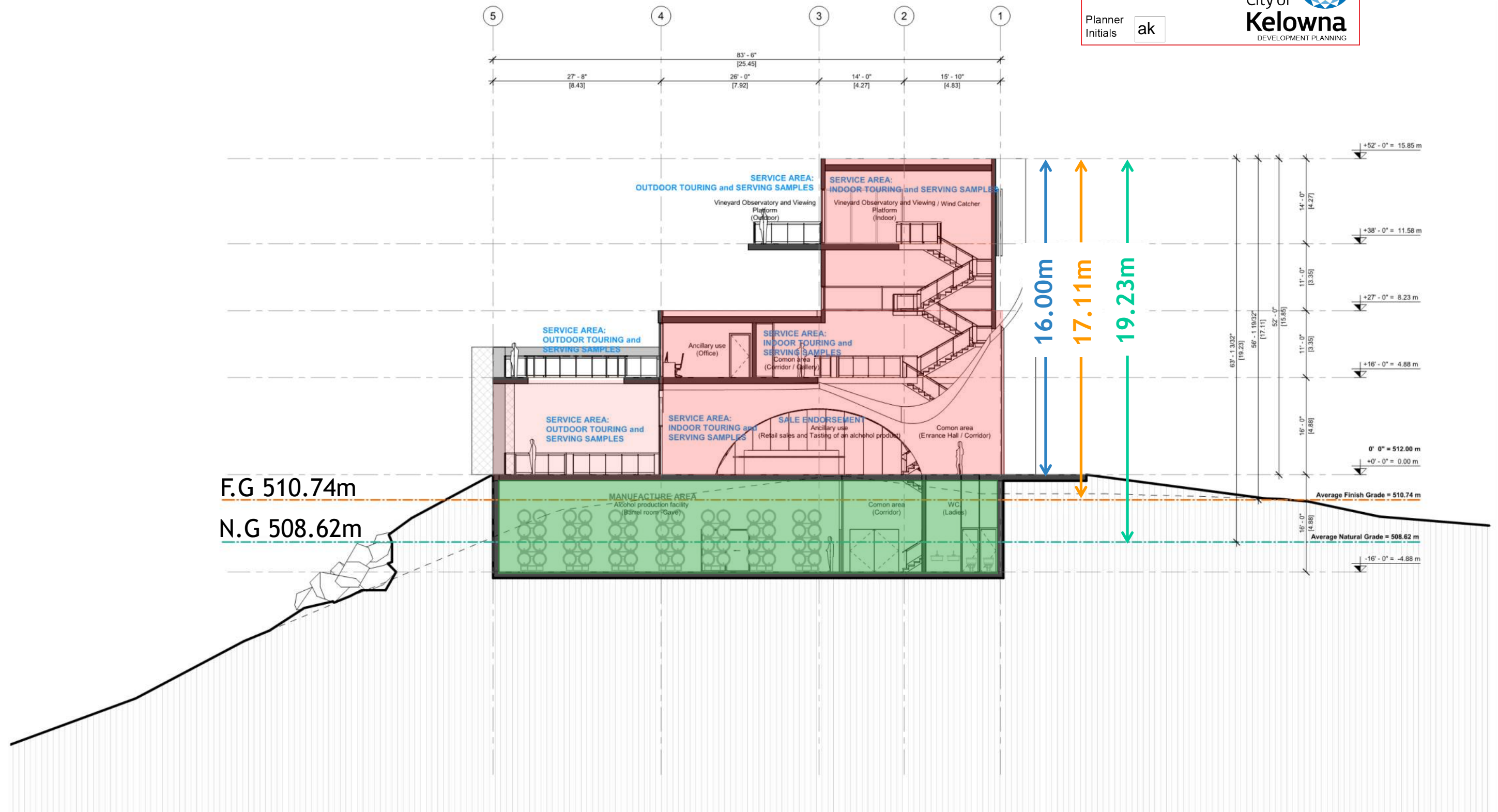
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This forms part of application  
# DVP21-0160

Planner  
Initials **ak**



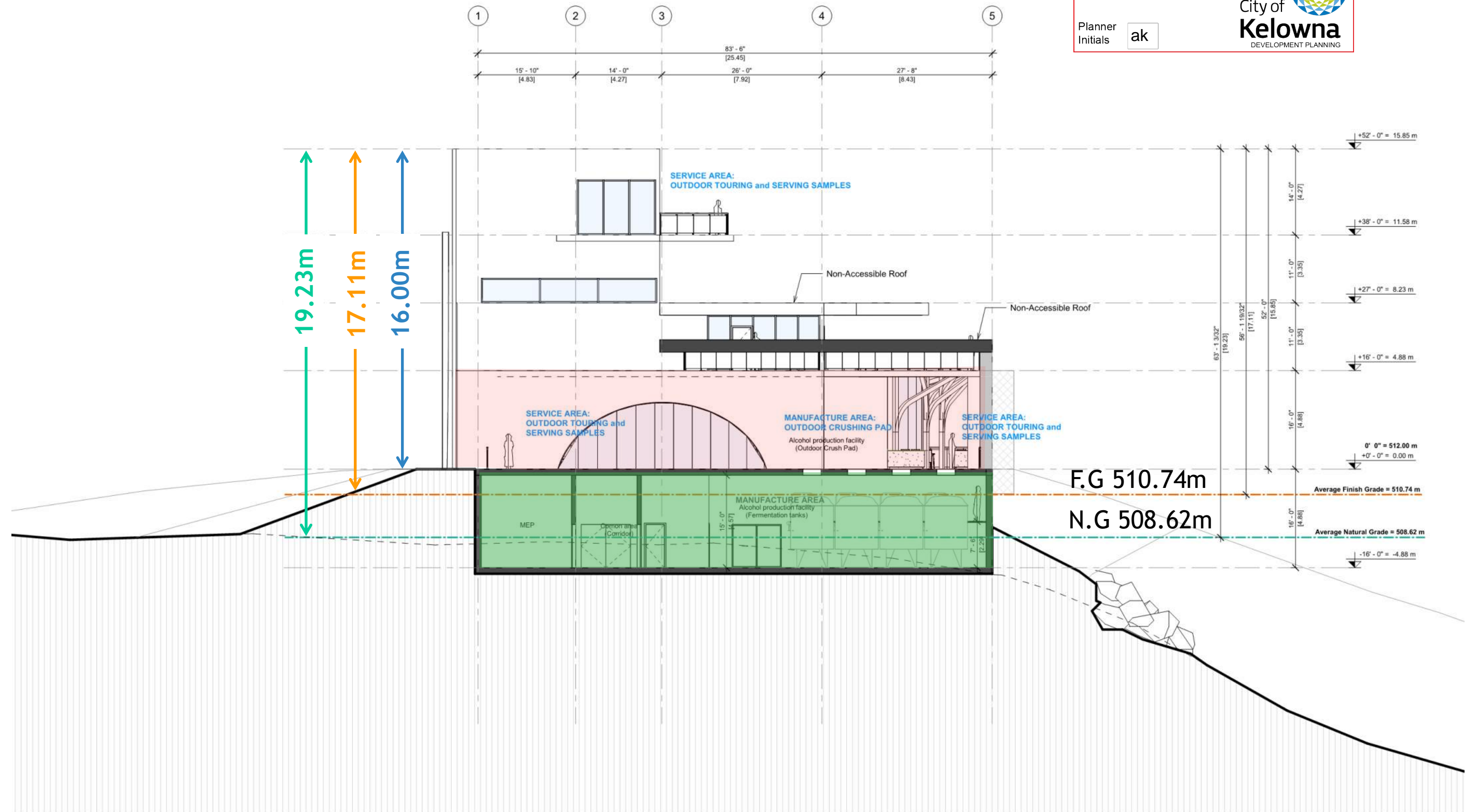
City of  
**Kelowna**  
DEVELOPMENT PLANNING





# 5.1 WINERY BUILDING DRAWINGS

## SECTION C-C



# AZHADI VINEYARDS

ATTN: Mayor and Council

## Development Variance Permit - Rational

A Development Variance Permit (DVP) is being kindly requested to increase the height of the proposed alcohol production facility (aka. the Azhadi Winery building) to accommodate a vineyard observation structure AND due to the average Natural Grade calculation for the proposed winery building. Additional renderings, figures, videos, and discussion points are included in the Farm Protection Development Permit (Farm DP) and the DVP application package. Below is a summary of key items for Staff and Council's consideration.



Conceptual Rendering – Azhadi Vineyards

**Architectural Significance** – The proposed winery includes iconic architecture, with the goal of celebrating Canada's unique cultural diversity, bringing people together to celebrate and create a place of gratitude. There are significant architectural motifs from Iranian architecture that are cleverly combined with more modern western architectural features. The height variance permits the use of these architectural feature to help create an intimate sanctuary based on ancient Persian teachings of Good thoughts, Good deeds, Good words. The winery will include organic elements, natural shapes, and colors to highlight and complement the land, the sky, and water.

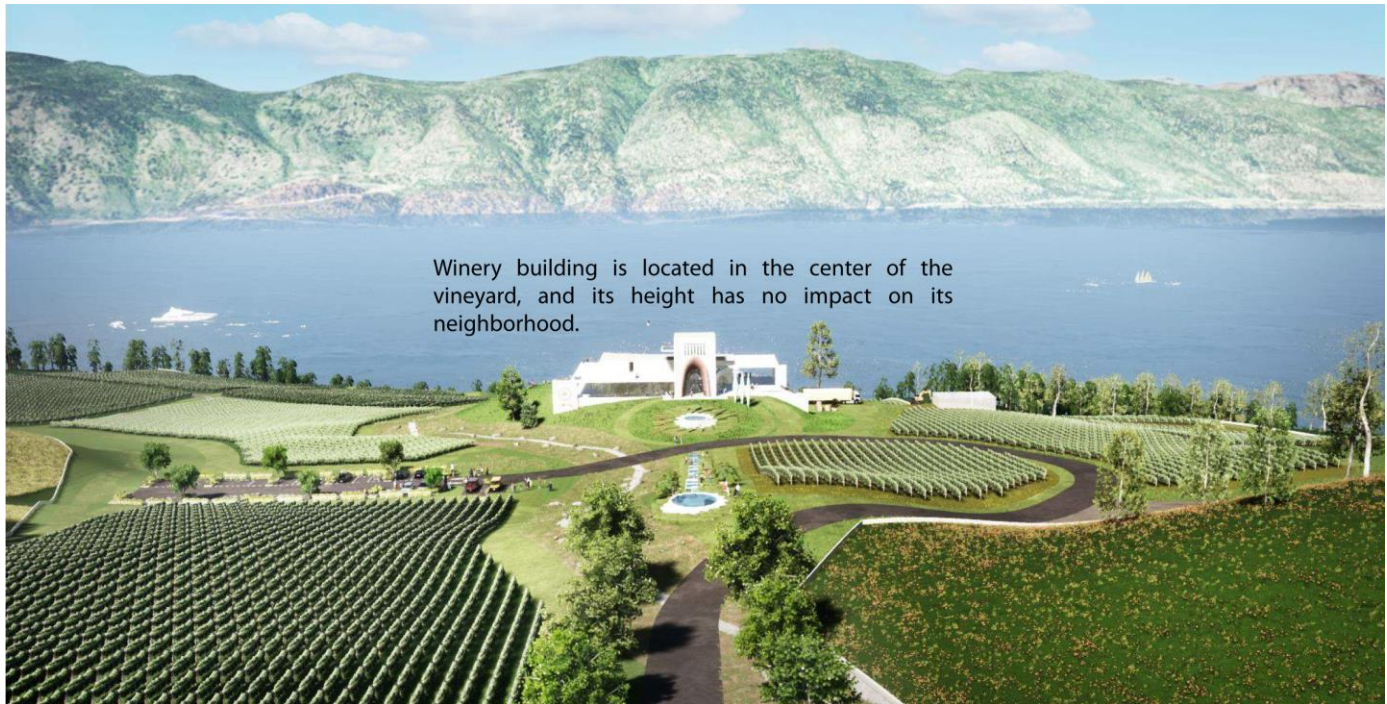
The architectural and vineyard observation tower design works in harmony with sustainable vineyard management and winemaking. Space utilization and efficient equipment layout is highly valued. Operational efficiency metrics are critical to operating a successful business and maximizing vineyard potential.

**Limited Visual Impact** – The Azhadi Vineyard site is roughly 41 acres in size. The principal winery building is located in the center of a large sloping site on top of a large bedrock knoll. The winery is more than 300m from any adjacent buildings or residences in the McKinley area. Due to the site topography characteristics (steep slopes), the winery does not impact any views from existing or future structures or home sites. Initial feedback on the winery building from McKinley Beach development group has been extremely positive, exceeding initial expectations. There is little to no visual impact associate with the proposed height of the winery building or the vineyard observation structure.

**ATTACHMENT B**  
This forms part of application # DVP21-0160  
Planner Initials **AK**  
City of Kelowna  
DEVELOPMENT PLANNING  
BEAR LAND SERVICES LTD.



# AZHADI VINEYARDS



**Site Topography and Distance from Neighbouring Properties – Limited to No Visual Impact**

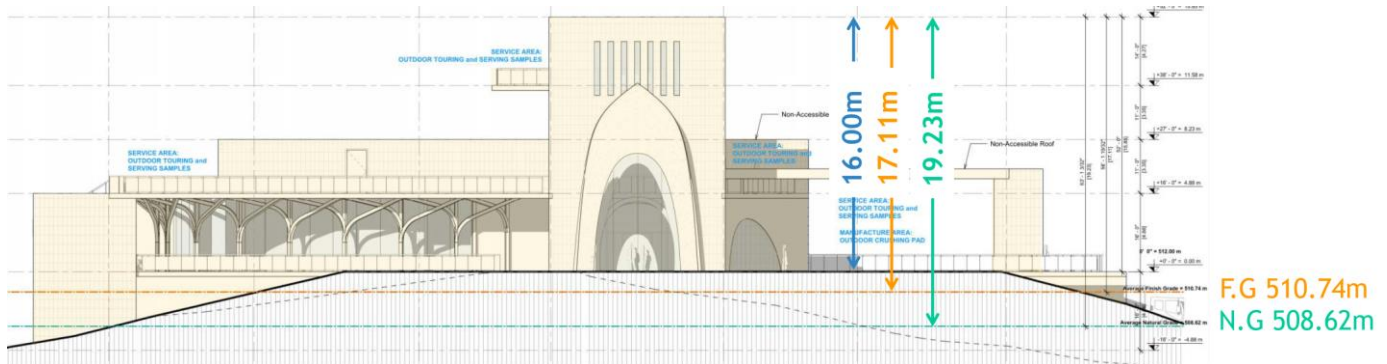
**Vertical Building and Gravity Process** – By way of providing a vertical structure, we are limiting the footprint of the building and maximizing the vineyard potential of the site. The goal is to maximize vineyard area onsite, while utilizing the bedrock outcrops and steep sloped areas for supporting agricultural structures. The slope adaptive and vertical building design also provides opportunity to provide for a gravity wine making process, which helps elevate the quality of the wine produced onsite. The winery layout is based on a Fit-Form-Function approach, while maintaining compliance with the City of Kelowna zoning bylaw requirements, ALC and BCLB regulations.



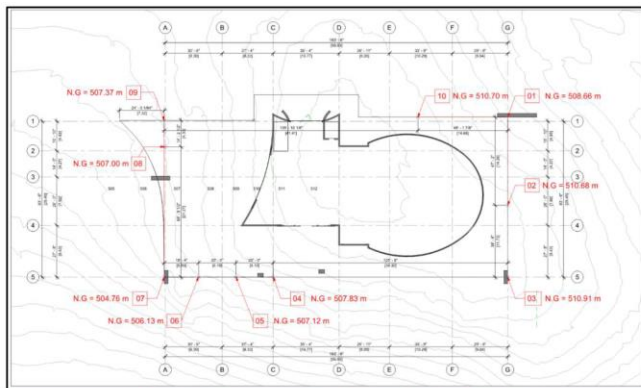
# AZHADI VINEYARDS

**A1 Zone Regulations** – respectfully, it should be noted that the actual height of the Vineyard Observation Structure measured from the main/ground floor level is roughly 16m. This complies with the A1 – Agriculture Zoning Bylaw height regulations for Agricultural Structures, which are permitted up to 16m in height. Similarly, the Alcohol Production Facilities (winery) maintains the height regulations of 9.5m (2 ½ storeys), when compared to the main floor elevation. Due to the sloping topography and the way the City calculates Building Grade (Section 6.6.3), a height variance from **9.5m to 19.5m** is required to accommodate the Building Grade calculation for the winery and the proposed vineyard observation tower.

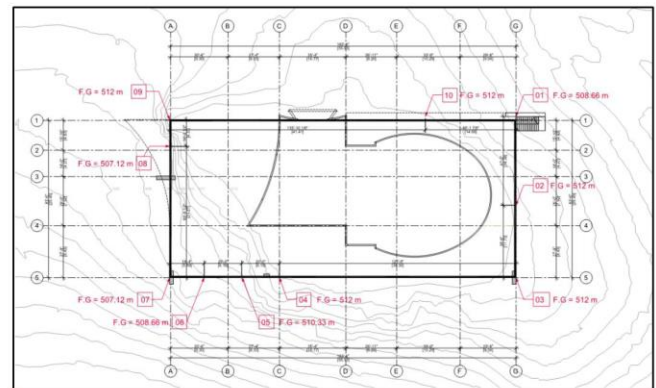
**Maintaining Natural Grade** – the proposed height variance will also reduce the need for large fill slopes and engineered retaining walls adjacent to the winery building, which is situated on a sloping and irregular site atop a large bedrock outcrop/knoll. The proposed/calculated 19.5m height variance is based on maintaining the majority of the Natural Grade around the perimeter of the winery building.



**Height Variance – Average Natural Grade and Average Building Grade Calculation Comparison**



CALCULATION OF AVERAGE NATURAL GRADE					
1-2	( 508.66 + 510.68 )	/2= 509.67	x 14.38	=	7329.05
2-3	( 510.68 + 510.91 )	/2= 510.80	x 11.73	=	5991.63
3-4	( 510.91 + 507.83 )	/2= 509.37	x 38.30	=	19508.87
4-5	( 507.83 + 507.12 )	/2= 507.48	x 6.10	=	3095.60
5-6	( 507.12 + 506.13 )	/2= 506.63	x 6.10	=	3090.41
6-7	( 506.13 + 504.76 )	/2= 505.45	x 5.59	=	2825.44
7-8	( 504.76 + 507.00 )	/2= 505.88	x 21.27	=	10760.07
8-9	( 507.00 + 507.37 )	/2= 507.19	x 4.33	=	2196.11
9-10	( 507.37 + 510.70 )	/2= 509.04	x 41.41	=	21079.14
10-1	( 510.70 + 508.66 )	/2= 509.68	x 14.68	=	7482.10
			163.89		83358.42
AVERAGE NATURAL GRADE ELEVATION					508.62



CALCULATION OF AVERAGE GRADE					
1-2	( 508.66 + 512.00 )	/2= 510.33	x 14.38	=	7338.55
2-3	( 512.00 + 512.00 )	/2= 512.00	x 11.73	=	6005.76
3-4	( 512.00 + 512.00 )	/2= 512.00	x 38.30	=	19609.60
4-5	( 512.00 + 510.33 )	/2= 511.17	x 6.10	=	3118.11
5-6	( 510.33 + 508.66 )	/2= 509.50	x 6.10	=	3107.92
6-7	( 508.66 + 507.12 )	/2= 507.89	x 5.59	=	2839.11
7-8	( 507.12 + 507.12 )	/2= 507.12	x 21.27	=	10786.44
8-9	( 507.12 + 512.00 )	/2= 509.56	x 4.33	=	2206.39
9-10	( 512.00 + 512.00 )	/2= 512.00	x 41.41	=	21201.92
10-1	( 512.00 + 508.66 )	/2= 510.33	x 14.68	=	7491.64
			163.89		83705.44
AVERAGE GRADE ELEVATION					510.74

**Average Natural Grade and Average Building Grade Calculations**

# AZHADI VINEYARDS

**Vineyard Observation Tower** - The proposed winery building location boast expansive 360° views of the entire property from the center of the site, which provides opportunity for a vineyard observation tower. The Observation tower is used to monitor vineyard growth, ground cover, drainage, irrigation, wildlife, and the occasional wine tour for VIP guests. Respectfully, it should be noted that Section 6.6.1 of the zoning bylaw states that observation towers, elevator housings, and roof stairway entrances shall not be considered for the purposes of determining the height. However, based on collaborative discussions with staff, a height variance was determined to be the best way to move the project forward, without setting any unwanted precedence.

On behalf of the entire Azhadi Vineyard team and Azhadi family, we thank you for your consideration. If there are any additional questions for comments you would like addressed, we are happy to do so. We appreciate the collaborative approach and feedback from City staff to date. We look forward to presenting our vision to Council in the near future.

Regards,

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**Kevin Johnson, P. Eng.**

Principal - Project Engineer (Agent)

CC: Mike Azhadi – Azhadi Vineyards Ltd.  
Manoochehr Azizi – Azizi Architects Ltd.  
Alex Kondor – City of Kelowna