

# Development Variance Permit

## DVP21-0145



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

**1625 Garner Road**

and legally known as

**Lot 1 Section 17 Township 26 ODYD District Plan KAP53187**

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

### **Accessory Building (A1 – Agriculture 1)**

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

Existing Zone:                                      A1 – Agriculture 1

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:                      Robert Willy Deubner and Sherry Lee Deubner

Applicant:                      Summit Land Surveying

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

\_\_\_\_\_  
Date

<b>ATTACHMENT</b>	<b>A</b>
This forms part of application # DVP21-0145	
Planner Initials	<b>GA</b>
 <b>City of Kelowna</b> DEVELOPMENT PLANNING	

## 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

That variances to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

### Section 11.6 Agricultural Zones, A1 – Agriculture 1, Development Regulations

To vary the front yard setback of an accessory building from 6.0m required to 4.10m proposed.

**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.**

<b>ATTACHMENT</b>		A
This forms part of application		
# DVP21-0145		
Planner Initials	GA	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

Robert Willy Deubner  
Sherry Lee Deubner  
1625 Garner Road  
Kelowna, B.C. V1P 1E5

August 10, 2021

City of Kelowna  
Planning Department  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

Dear Sir/Madam:

**Re: Property: 1625 Garner Road, Kelowna, B.C.**

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We are the registered owners of 1625 Garner Road, Kelowna, British Columbia. We are writing to seek a setback variance for a detached garage. The current setback is 6 meters, and we are respectively requesting a setback of 4 meters.

The property is .655 acres in size which is a large lot but is an irregular shape. It has three sides which make it not possible to build a detached garage without a variance. The frontage is 84.2 meters. The garage is 6 meters in elevation from the road. We have spoken to all our neighbors and they support my request.

We hope that you agree with our request as it will create an aesthetically appealing detached garage.

Should you have any questions, please do not hesitate to call Bob @ (250) 869-6285.

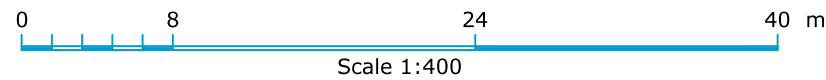
Thank you for your consideration.

Yours truly,

Bob and Sherry Deubner



# SITE PLAN OF LOT 1, SECTION 17, TOWNSHIP 26, ODYD, PLAN KAP53187 TO ACCOMPANY ZONING SETBACK VARIANCE APPLICATION



The intended plot size of this plan is 432mm in width by 280mm in height (B-size) when plotted at a scale of 1:400.

Address: 1625 Garner Road, Kelowna, BC  
 PID: 018-947-433

### LEGEND

- Utility pole
- Catch basin
- Underground enclosure or pull box
- Sanitary sewer manhole
- Storm drain manhole
- Top/bottom of grade breaks
- Ground elevation

### NOTES

- Lot dimensions, area, and offsets to boundaries shown may vary upon completion of a comprehensive legal survey.
- Elevations shown are based upon geodetic datum CGVD28.

Field survey completed May 13, 2021.

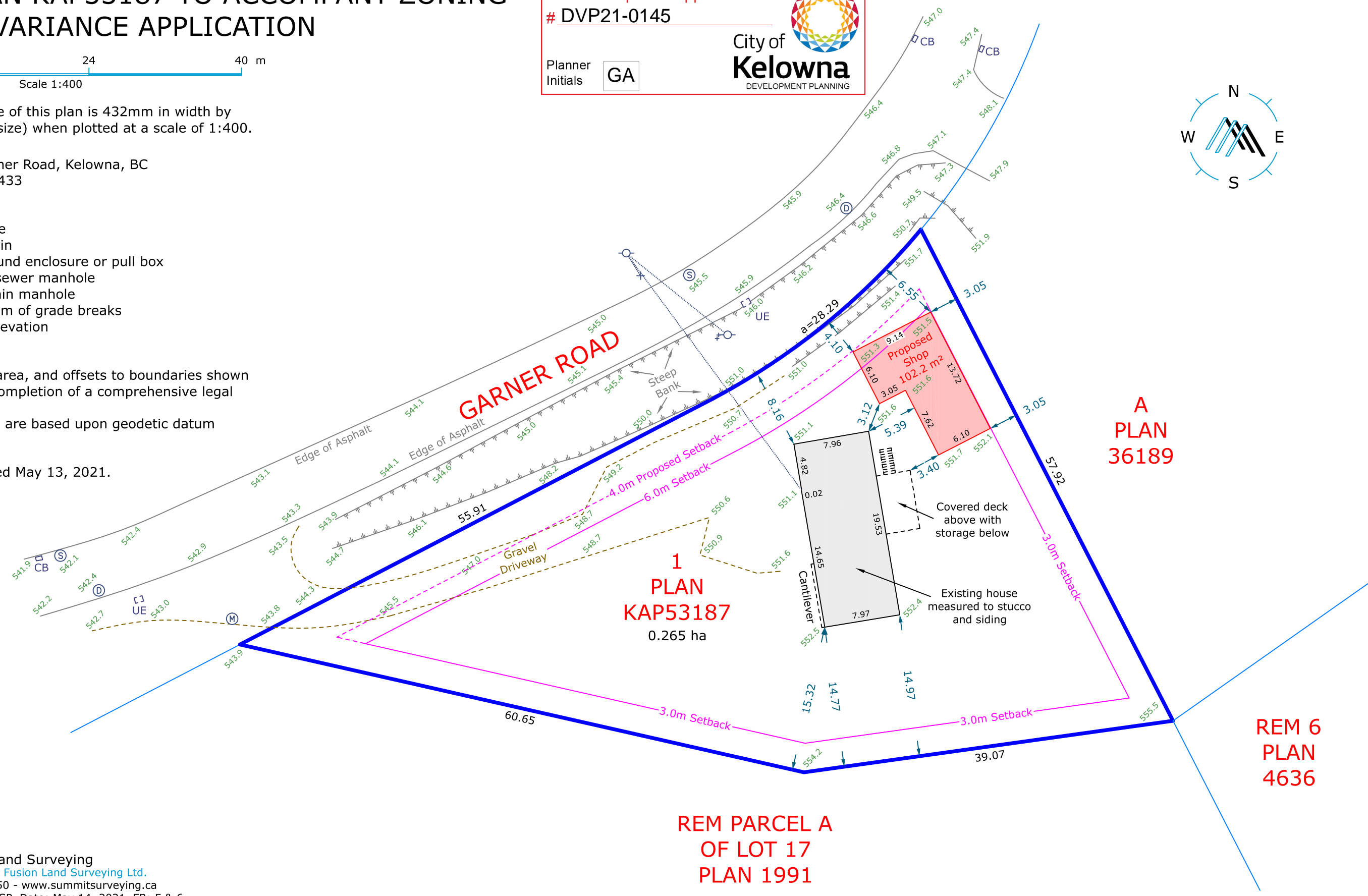
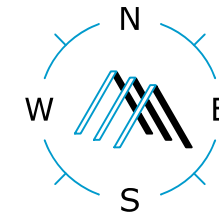
### SITE COVERAGE

Maximum: 30%  
 Existing: 6.8%  
 Proposed: 10.6%

## SCHEDULE A

This forms part of application  
 # DVP21-0145

Planner Initials **GA**



**A  
 PLAN  
 36189**

**1  
 PLAN  
 KAP53187  
 0.265 ha**

**REM 6  
 PLAN  
 4636**

**REM PARCEL A  
 OF LOT 17  
 PLAN 1991**