

DEVELOPMENT VARIANCE PERMIT APPLICATION

LETTER OF RATIONALE

When composing the original zoning for McKinley Beach over a decade ago, a setback was established as follows: "The minimum setback from the CD Zone boundary for all uses shall be 10m (33ft) with the exception of the CD Zone boundary that fronts Okanagan Lake riparian management area or any park areas where the setback will be 1.5m."

The purpose of this setback was to manage a buffer zone between neighbouring properties.

The properties that abut and neighbour the lot which we are requesting this variance for are owned and controlled by our master development group/partnership.

By maintaining a 10m buffer, this sterilizes a number of lots which we intend to develop within the present zoned CD18 areas. We would request these areas be treated as we have in other regions developed to date. All other single unit lots have a 1.5m side yard setback.

Thank you for your consideration.

ATTACHMENT		A
This forms part of application		
# <u>DVP21-0222</u>		
Planner Initials	<input type="text" value="MT"/>	 City of Kelowna COMMUNITY PLANNING

Development Variance Permit DVP21-0222



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

1960 Northern Flicker Court

and legally known as

Lot 14 Section 28 Township 23 ODYD Plan EPP92221

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

CD18 – McKinley Beach Comprehensive Resort Development



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

Date of Council Decision January 18, 2022

Decision By: COUNCIL

Existing Zone: CD18 – McKinley Beach Comprehensive Resort Development

Future Land Use Designation: MXT – Mixed Use Tourism

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: Forest Hills McKinley Beach Developments Inc., Inc. No. BC1135274

Applicant: Forest Hills McKinley Beach Developments Inc. – Andrew Gaucher

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

Section 1.3.4.1: Schedule 'B' – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, Setbacks:

To vary the minimum setback from the CD Zone boundary for all uses from 10 m required to 2.3 m 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.**

ATTACHMENT		B
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PLAN TO ACCOMPANY A VARIANCE APPLICATION
FOR LOT 14, SEC 28, TP 23, ODYD, PLAN EPP92221.



COVENANT
PLAN EPP81257

1
PLAN
EPP76020

1
PLAN
EPP76020

SRW PLAN EPP81214

LOT 14 PLAN EPP92221

Future Lots

CD18 ZONE

10.0

2.3

REM 4
PLAN
EPP8753

A1 ZONE

SRW PLANS EPP81211 & EPP81214

4
5
PLAN

6

7

8

EPP92221

NORTHERN FLICKER COURT

DA Goddard Surveys
1315 St. Paul Street, Kelowna BC
File: 418183 November 15, 2021

SL 20 SL 19 SL 18 SL 17 STRATA PLAN EPS5907

SL 16

SL 15

SL 14

SCHEDULE A
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COMMUNITY PLANNING