

Development Variance Permit

DVP22-0012



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

704 Young Road

and legally known as

for Lot B District Lot 358 Osoyoos Division Yale Plan 30370

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

Single Dwelling House (RU1– Large Lot Housing)

ATTACHMENT A

This forms part of application
DVP22-0012

Planner Initials GA


City of Kelowna
DEVELOPMENT PLANNING

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

Date of Council Decision April 12th, 2022
Decision By: COUNCIL
Existing Zone: RU1– Large Lot Housing
Future Land Use Designation: S-RES – Suburban Residential

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: Toby Lyle McCabe & Carleigh Elizabeth Durette
Applicant: Toby Lyle McCabe

Terry Barton
Development 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

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

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 2.3 m permitted to 2.18 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.**

B.C. LAND SURVEYOR'S CERTIFICATE

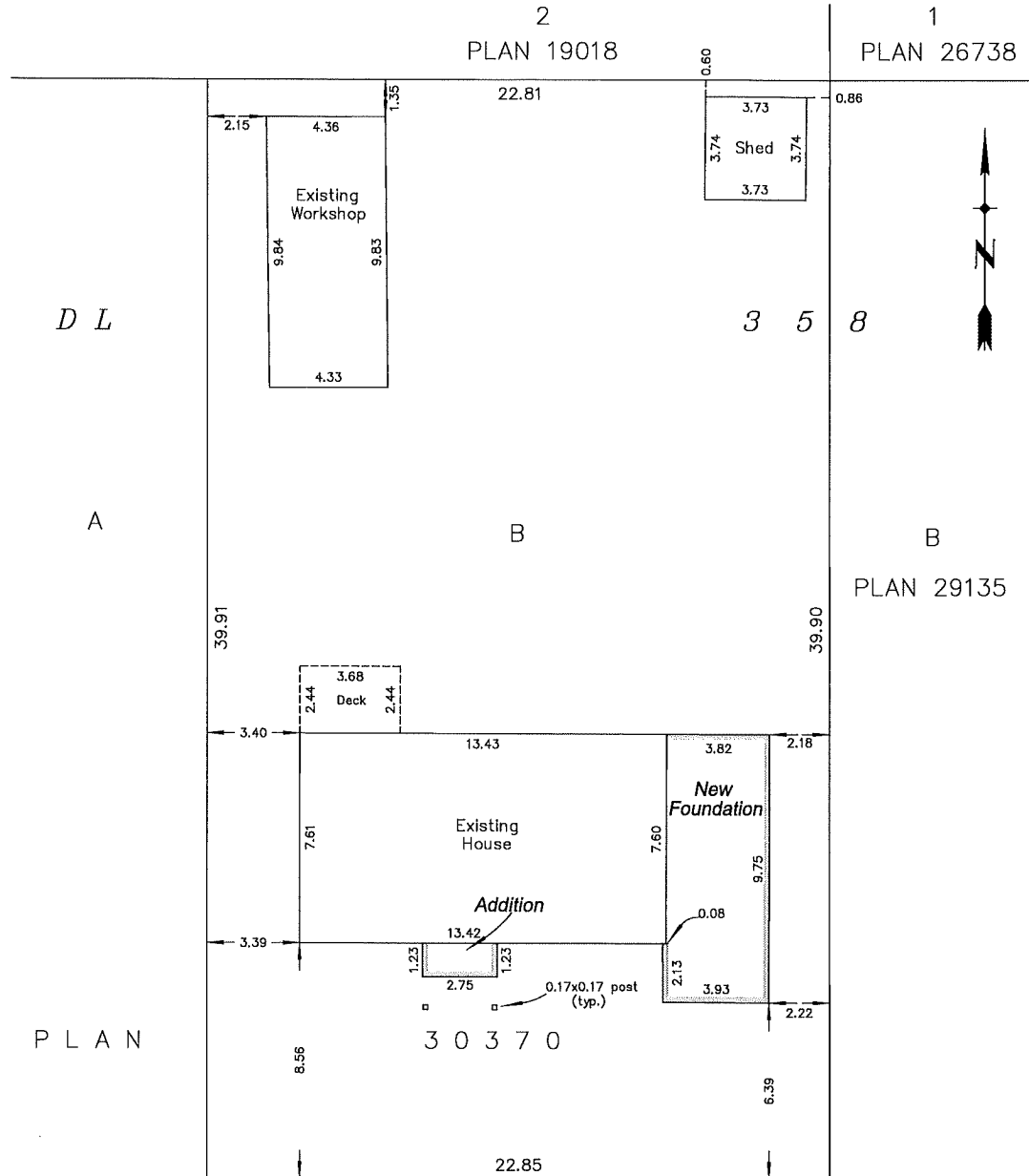
ON LOT B, DISTRICT LOT 358,
O.D.Y.D., PLAN 30370
PID: 003-997-235

CIVIC ADDRESS: 704 Young Road, Kelowna

FILE No: 16246 SC

SCALE 1:200 (8.5"x14") All distances are in metres.

SURVEY DATE: January 5, 2022



YOUNG ROAD

Certified correct this 7th day of January, 2022.

EXISTING BUILDING SURVEYED OCTOBER 15, 2021.
TIES AND MEASUREMENTS TO EXTERIOR OF FOUNDATION.

ROBERT T. MACDONALD B.C.L.S.

THIS DOCUMENT WAS PREPARED FOR MORTGAGE AND MUNICIPAL PURPOSES AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT, MCCABE CONSTRUCTION.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

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.

RUNNALLS DENBY

british columbia land surveyors

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.

259A Lawrence Avenue Phone: (250)763-7322
Kelowna, B.C. V1Y 6L2 Fax: (250)763-4413
Email: rob@runnallsdenby.com

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CITY OF KELOWNA
MEMORANDUM

Date: January 27, 2022
File No.: DVP22-0012
To: Community Planning (GA)
From: Development Engineering Manager (NC)
Subject: 704 Young Rd.

ATTACHMENT **B**

This forms part of application
DVP22-0012

Planner Initials GA


City of Kelowna
DEVELOPMENT PLANNING

Side yard Setbacks

The Development Engineering Branch has no comments or requirements associated with this Development Variance permit to vary the side yard in the RU1 zone from 2.30m to 2.18m for a proposed addition.



Nelson Chapman P.Eng.
Development Engineering Manager

AS

January 13, 2022

Dear Sir/Madam,



I am writing to you today to request a variance on my building permit due to a misunderstanding on my behalf. This is entirely my fault from the planning to the building to the misinterpretation of the land surveyors certificate.

I have formed, poured and framed my 2 story addition 0.12m into my allowed 2.3m side setback. This happened after a misunderstanding of where the fence was located in correlation to where the actual surveyed property lines are.

With this having been done, the reasons why I believe that it should be allowed as a variance in this particular case is that I do not foresee this causing any repercussions due to the mistake. My neighbours 1 1/2 story is still over their 2.0m setback at 2.03 to the fence and my 2 story is 2.36m from the fence.

Reason two is due to me having a full 3.39m setback on my West side of the property is the concern was for access to the back yard.

Reason three is that if we were required to demolish the build and start from scratch to get the extra 0.12m in the setback we would not be able to financially continue with the project and would have to cancel the build all together. (My problem now yours I know). Not to mention the waste going to the landfill.

With this all said, I understand that the setbacks are set a certain sizes for a reason and am deeply sorry and disappointed in myself for not catching this sooner. At this point I am hoping for this to be a expensive lesson for me and not a crippling one.

Sincerely yours,

Toby McCabe