

Development Variance Permit

DVP22-0150



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

500 Clifton Rd N

and legally known as

Lot 1 Section 17 Township 23 ODYD Plan EPP93314

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

Single-Family Dwelling

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

Date of Council Approval: February 14, 2023

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: S-RES – Suburban Residential

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

This is NOT a Building Permit.

In addition to your Development Variance 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: Ian Robertson and Jennifer Robertson

Applicant: Ian Robertson

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

ATTACHMENT	A
This forms part of application # DVP22-0150	
Planner Initials	BS
 City of Kelowna DEVELOPMENT PLANNING	

1. SCOPE OF APPROVAL

This Development Variance 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 Variance 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 Variance 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 Council authorizes the issuance of Development Variance Permit No. DVP22-0150 for Lot 1 Section 17 Township 23 ODYD Plan EPP93314 located at 500 Clifton Rd N, Kelowna, BC, subject to the following:

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 6.1.3: Swimming Pool Development Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.71 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council 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.

ATTACHMENT		A
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BC LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT 1 SECTION 17 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN EPP93314

CLIENT: LINK CUSTOM HOMES
 PID: 030-980-810
 CIVIC ADDRESS: 500 CLIFTON ROAD NORTH

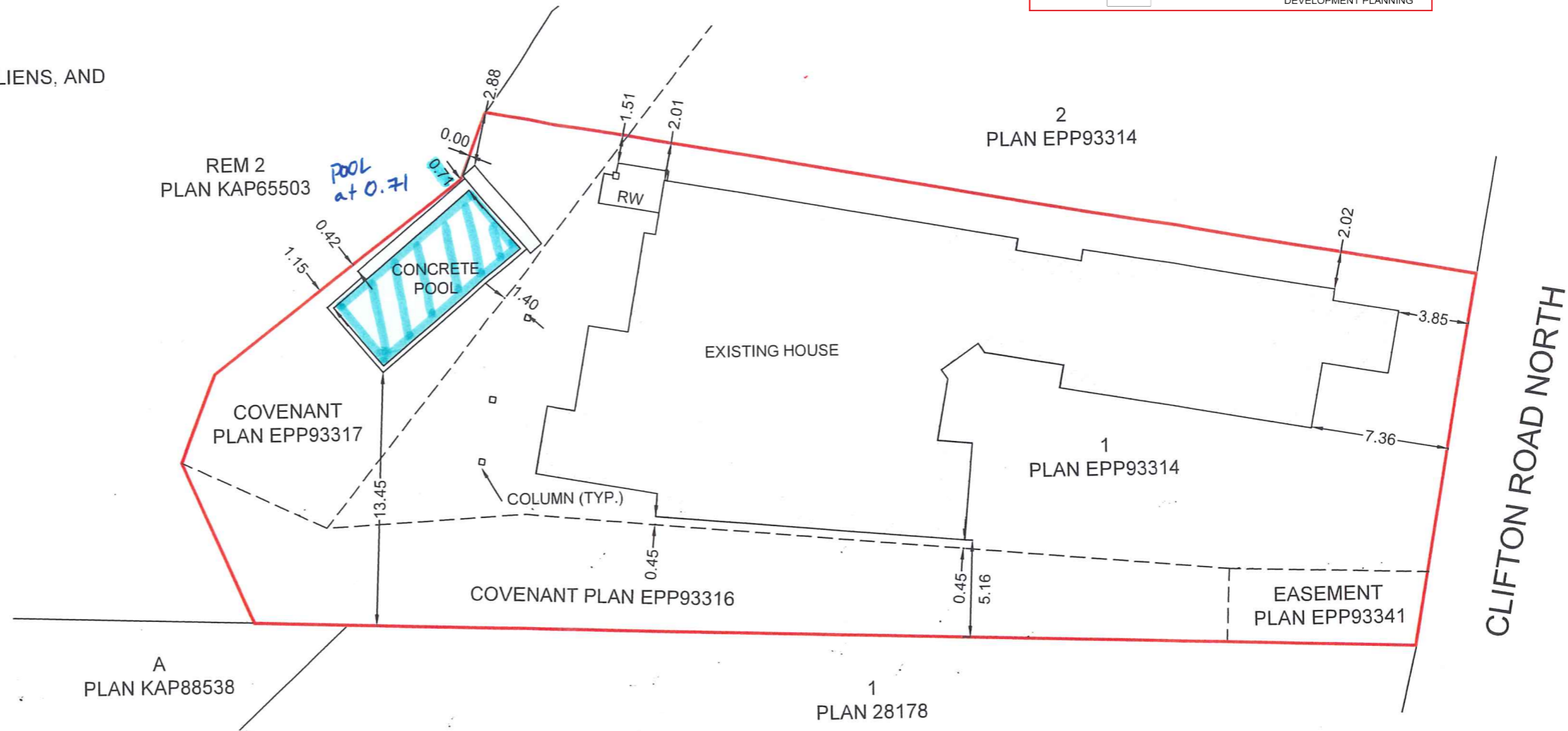
REFER TO THE CURRENT STATE OF TITLE FOR CHARGES, LIENS, AND INTERESTS AFFECTING THIS LAND.

SCHEDULE A
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 City of Kelowna DEVELOPMENT PLANNING
 Planner Initials BS



LEGEND

RW Retaining Wall



CERTIFIED CORRECT THIS 17th DAY OF JUNE, 2022.

(Signature)
 Tyler Fox, B.C.L.S.

This Document Is Not Valid Unless Originally Signed and Sealed

VECTOR
 GEOMATICS LAND SURVEYING LTD.
 111-810 Clement Ave
 Kelowna, B.C. V1Y 7C9
 Ph.: (250) 868-0172
 www.vectorgeomatics.com

File: 2001138R2 Date: 2022-06-17
 Drafted by: EC Checked by: TF

NOTES:
 - THIS PLAN HAS BEEN PREPARED BASED ON LAND TITLE & SURVEY AUTHORITY RECORDS AND A FIELD SURVEY.
 - OFFSET DISTANCES ARE MEASURED TO THE EXTERIOR OF CONCRETE FOUNDATION ON MAIN STRUCTURE AND POOL AND ARE PERPENDICULAR TO PROPERTY LINES.
 - VISIBLE ENCROACHMENTS FROM OR ONTO THE PROPERTY ARE SHOWN IN BLUE.
 - THIS PLAN WAS PREPARED FOR MUNICIPAL BYLAW COMPLIANCE AND/OR MORTGAGE PURPOSES AND IS FOR THE EXCLUSIVE USE OF LINK CUSTOM HOMES.
 - THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
 - VECTOR GEOMATICS AND SIGNATORY ACCEPT NO RESPONSIBILITY FOR, AND HEREBY DISCLAIM, ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE.

Breanna Sartori
Planner 1 at City of Kelowna

January 4, 2022

RE: 500 Clifton Road North – Ian & Jennifer Robertson swimming pool variance

Breanna:

The rationale for requiring a variance for our swimming pool was entirely human error.

Our pool was built with concrete – when the forming was done in the excavated area, the crew placed the northwest corner 19cm (.71M instead of the required .90M) into the ‘no-build’ zone. As a result of this ‘twist’, the SW corner was placed 19cm further AWAY from the ‘no-build’ zone.

I can assure council there was no intent to do this. Ironically, it is the SW corner of our pool that is closest to the ‘useable’ part of our rear yard, so we have 19cm LESS yard space because of the error as that part of the pool could have been 19cm further away from our house and would still have been in the allowed building area.

If you have any further questions, or require additional clarification, please reach out to me at 250-808-0858.

Sincerely,

Ian Robertson

