

TEMPORARY USE PERMIT



APPROVED ISSUANCE OF TEMPORARY USE PERMIT NO. TUP23-0001

Issued To: Kelsey Garner
Site Address: 515 Bay Avenue
Legal Description: Lot A District Lot 139 ODYD Plan 33143
Zoning Classification: I2 – General Industrial

SCOPE OF APPROVAL

This 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 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 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.

1. TERMS AND CONDITIONS

THAT Temporary Use Permit No. TUP23-0001 for Lot A District Lot 139 ODYD Plan 33143 located at 515 Bay Avenue, Kelowna, BC be approved for a three (3) year period subject to the following:

- a) The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A",

AND THAT any application to extend the Permit must be approved by Council prior to this Permit expiring.

This permit will expire on June 13, 2026.


2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

This Permit IS NOT a Building Permit.

ATTACHMENT	A
This forms part of application	
# TUP23-0001	
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 City of Kelowna DEVELOPMENT PLANNING	

4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Temporary Use Permit, that the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Planning Development.

Should there be any change in ownership or legal description of the property, I undertake to notify the Development Planning Department immediately to avoid any unnecessary delay in processing the application.

5. APPROVALS

Issued and approved by Council on June 13, 2023

Terry Barton
 Development Planning Department Manager
 Development Services & Business Licenses

Date


**The PERMIT HOLDER is the CURRENT LAND OWNER.
 Security shall be returned to the PERMIT HOLDER.**

ATTACHMENT A

This forms part of application
 # TUP23-0001

Planner
Initials

TC



City of
Kelowna
DEVELOPMENT PLANNING

Rational Letter

To whom it may concern,

My name is Kelsey Garner, I've been practicing as a Registered Massage Therapist for almost 7 years now. For the last few years, I've narrowed my scope to woman specifically needing specialized care. Specifically addressing breast health: mastectomy, cosmetic procedures, maternity, breastfeeding issues, healthy breast tissue & everything in-between. After an overwhelming response to the public, I quickly realized this is something that not enough practitioners have focused on. With the increased housing development in the north end & population density increasing rapidly there is a definite need for health providers to support this community. Only 2 vehicles at any given time will be parked out front, therefore causing no disruptions or parking issues to neighbouring businesses or residents.

My vision for Nest Registered Massage Therapy is to create a quaint, warm, small space that feels like a hug when walking in the front door. This is a sensitive area for woman to address so the space needed to match that emotion. My patient demographic is dominantly woman who are journeying through a life change. I want to normalize the conversation around optimizing breast health at any stage in a serene, quiet space.

There are 2 small treatment rooms to accommodate this specialized care with a calming signature scent that reminds you of the overall unique experience. I will have another practitioner (only 2 practicing at any given time) to round out other aspects of woman's care. Potentially a chiropractor, naturopath, doula, etc. but no one hired at this time.

It took me a long time to get enough courage and gain a little knowledge to make the jump in opening my own space. By granting this Temporary Use Permit you'll be allowing me one step closer to making that happen and most importantly, positively impact many woman's lives in the community. Please allow Nest Registered Massage Therapy to open at 515 Bay Ave.

Sincerely,

Kelsey Garner, RMT
(306)-386-7884
kelsey.garner@hotmail.com

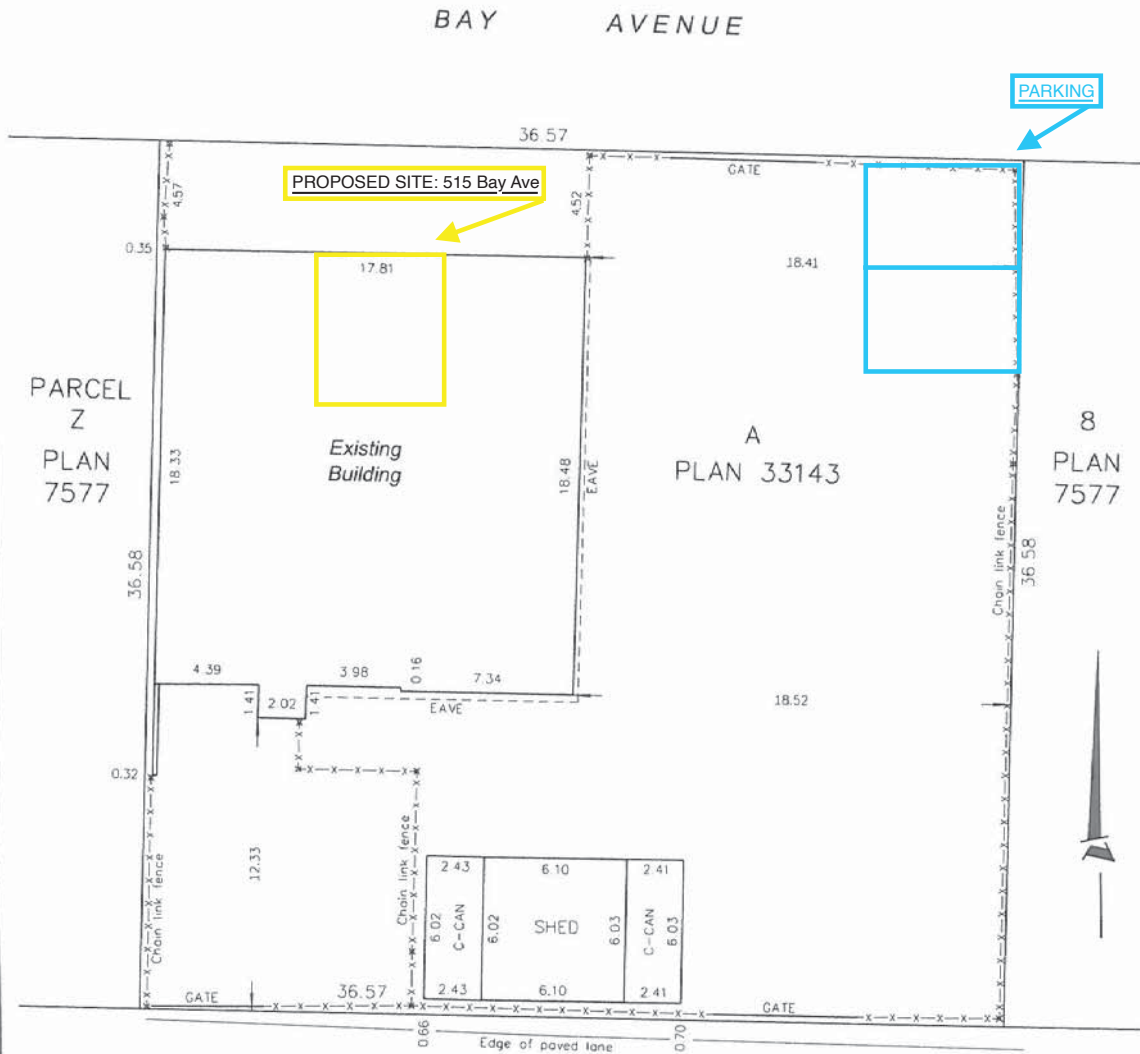
ATTACHMENT		B
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B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT A, DISTRICT LOT 139,
O.D.Y.D., PLAN 33143

SCALE 1:250 All distances are in metres.

FILE No: 15998 SC
CIVIC ADDRESS: 515/525 Bay Avenue, Kelowna
SURVEY DATE: March 18, 2021
P.I.D. 003-238-920



LANE

Hydro Pole

Hydro Pole

SCHEDULE A
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City of Kelowna
DEVELOPMENT PLANNING

Certified correct this 19th day of March, 2021.

Neil R. Denby
NEIL R. DENBY B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

ELEVATIONS ARE GEODETIC AND ARE BASED ON GNSS OBSERVATIONS.

ELEVATIONS ARE TO MAIN FLOOR.

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

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

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

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.

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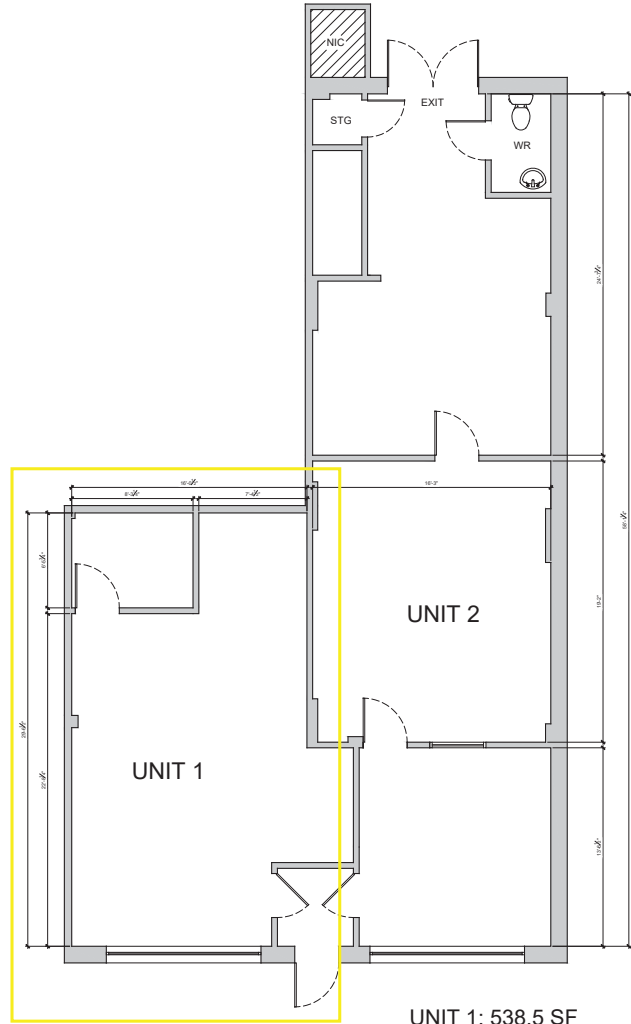
SCHEDULE A

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UNIT 1: 538.5 SF
UNIT 2: 1,030.5 SF
TOTAL UNITS : 1,569 SF

515 BAY AVENUE

SURVEY ADDRESS:
515 BAY AVENUE
KELOWNA, BC

SCALE: 1/4" = 1'-0"
DRAWN BY: AL
DATE: 2021.03.25

Disclaimer
A: The Suite area is measured as the area bounded by the centerlines of demising of party walls separating one unit from another unit and to the outside line of exterior walls.
B: All room dimensions are measured to drywall.
C: Thickness of demising walls are estimated.

