

Development Variance Permit

DVP23-0242

ATTACHMENT A

This forms part of application
DVP23-0242

Planner Initials **MT**

City of **Kelowna**
COMMUNITY PLANNING



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

940 – 1070 Frost Road

and legally known as

Lot A District Lot 579 SDYD Plan EPP127116

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

Free-Standing Sign

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

Date of Council Approval: April 9, 2024

Development Permit Area: N/A

Existing Zone: VC1 – Village Centre

Future Land Use Designation: VC – Village Centre

This Development 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 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: 0954654 B.C. Ltd., Inc. No. BC0954654

Applicant: Callahan Property Group

Nola Kilmartin
Development Planning Department Manager
Planning & Development Services

Date of Issuance

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 Council authorizes the issuance of Development Variance Permit No. DVP23-0242 for Lot A District Lot 579 SDYD Plan EPP127116 located at 940-1070 Frost Road, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 11530 be granted as shown on Schedule "A":

Section 8.3.a.b.i – Signage Regulations

To vary the maximum sign area of a free-standing sign from 3.0 m² permitted to 8.17 m² proposed.

Section 8.3.a.b.ii – Signage Regulations

To vary the maximum height of a free-standing sign from 3.0 m permitted to 5.0 m proposed.

AND THAT the free-standing sign only be illuminated during opening hours of businesses on the subject property, provided the sign not be illuminated earlier than 6:00 AM and later than 12:00 AM;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Manager approval, with no opportunity to extend.

4. 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.**