

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0022

Issued To: Justin Andrew Schneider & Sandyl Lee Ackert
Site Address: 1610 McKenzie Rd
Legal Description: Lot A Section 36 Township 26 ODYD Plan KAP80055
Zoning Classification: A1 – Agriculture 1

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 Development Variance Permit No. DVP17-0022 for Lot A Section 36 Township 26 ODYD Plan KAP80055, located at 1610 McKenzie Rd, Kelowna, BC, to vary the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 6.4.2.: Projections Into Yards

To vary the maximum projection into a required front yard from 0.6 m permitted to 2.18 m proposed.

AND THAT Development Variance Permit DVP17-0022 be granted subject to the following:

- a) Landscaping to be provided on the land in accordance with Schedule "B";
- b) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

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

2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) A Certified Cheque in the amount of \$_____ OR
- b) An Irrevocable Letter of Credit in the amount of \$_____ .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

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.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

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.
- b) 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.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

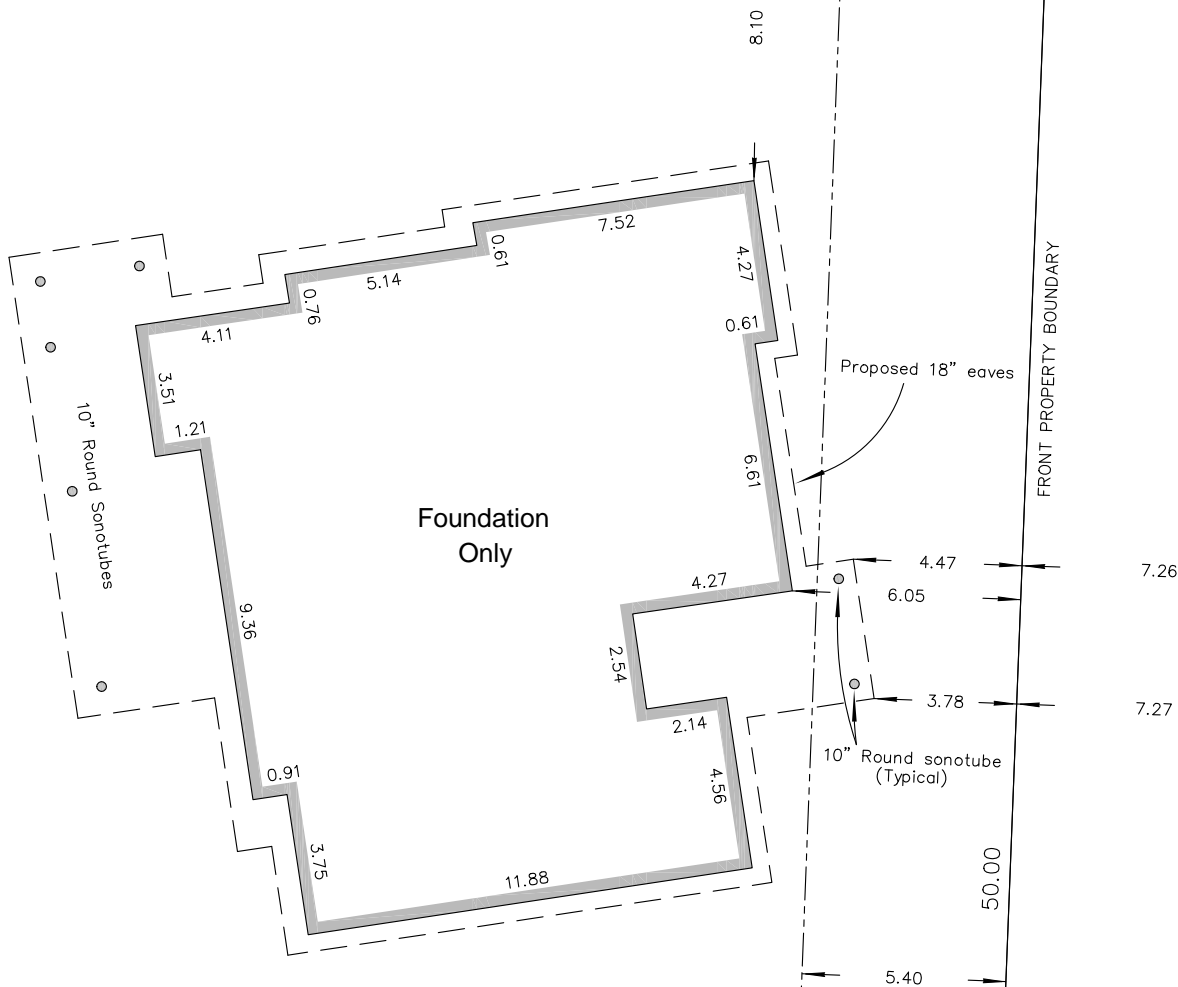
Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or his or her designates

D
PLAN 25654

40.00
EASEMENT PLAN KAP80056



A
KAP80055

SCHEDULE A

This forms part of application
DVP17-0022

Planner Initials **EW**

City of Kelowna
COMMUNITY PLANNING

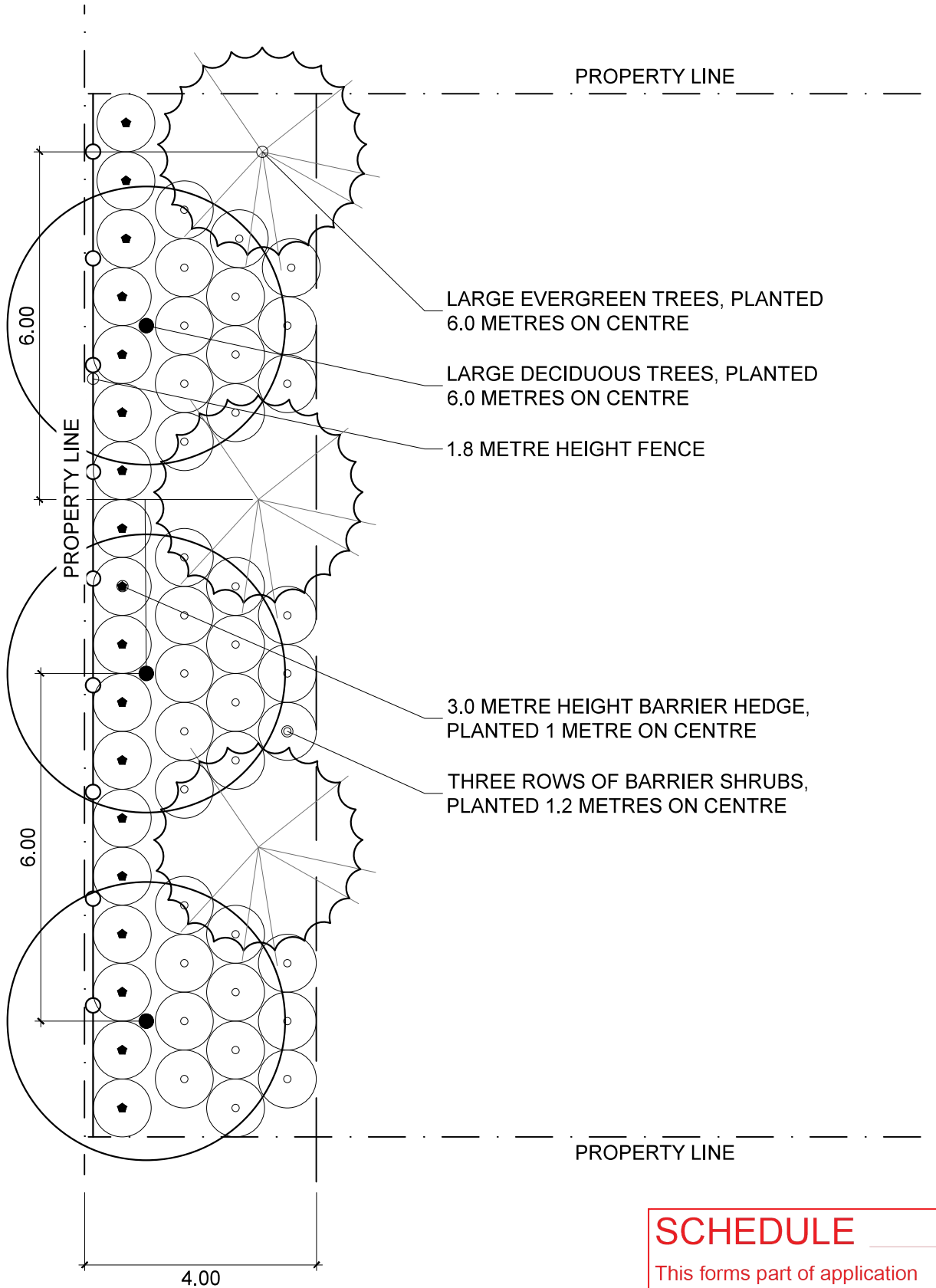
TITLE:
**SKETCH PLAN OF PROPOSED VARIANCE AREA ON LOT A,
SEC. 36, TP. 26, O.D.Y.D., DISTRICT PLAN KAP80055**

DRAWN BY: **RUNNALLS DENBY**
british columbia land surveyors
259A Lawrence Avenue Phone: (250)763-7322
Kelowna, B.C. V1Y 6L2 Fax: (250)763-4413
Email: rob@runnallsdenby.com

SCALE: 1:100
DATE: JANUARY 25, 2017
DWG: 14702 LOT A VARIANCE

CLIENT: **WELLMAN HOMES**

FILE No: 14702 REV. 0



PROPERTY LINE

6.00

LARGE EVERGREEN TREES, PLANTED
6.0 METRES ON CENTRE

LARGE DECIDUOUS TREES, PLANTED
6.0 METRES ON CENTRE

1.8 METRE HEIGHT FENCE

PROPERTY LINE

3.0 METRE HEIGHT BARRIER HEDGE,
PLANTED 1 METRE ON CENTRE

THREE ROWS OF BARRIER SHRUBS,
PLANTED 1.2 METRES ON CENTRE

6.00

4.00

PROPERTY LINE

SCHEDULE B

This forms part of application

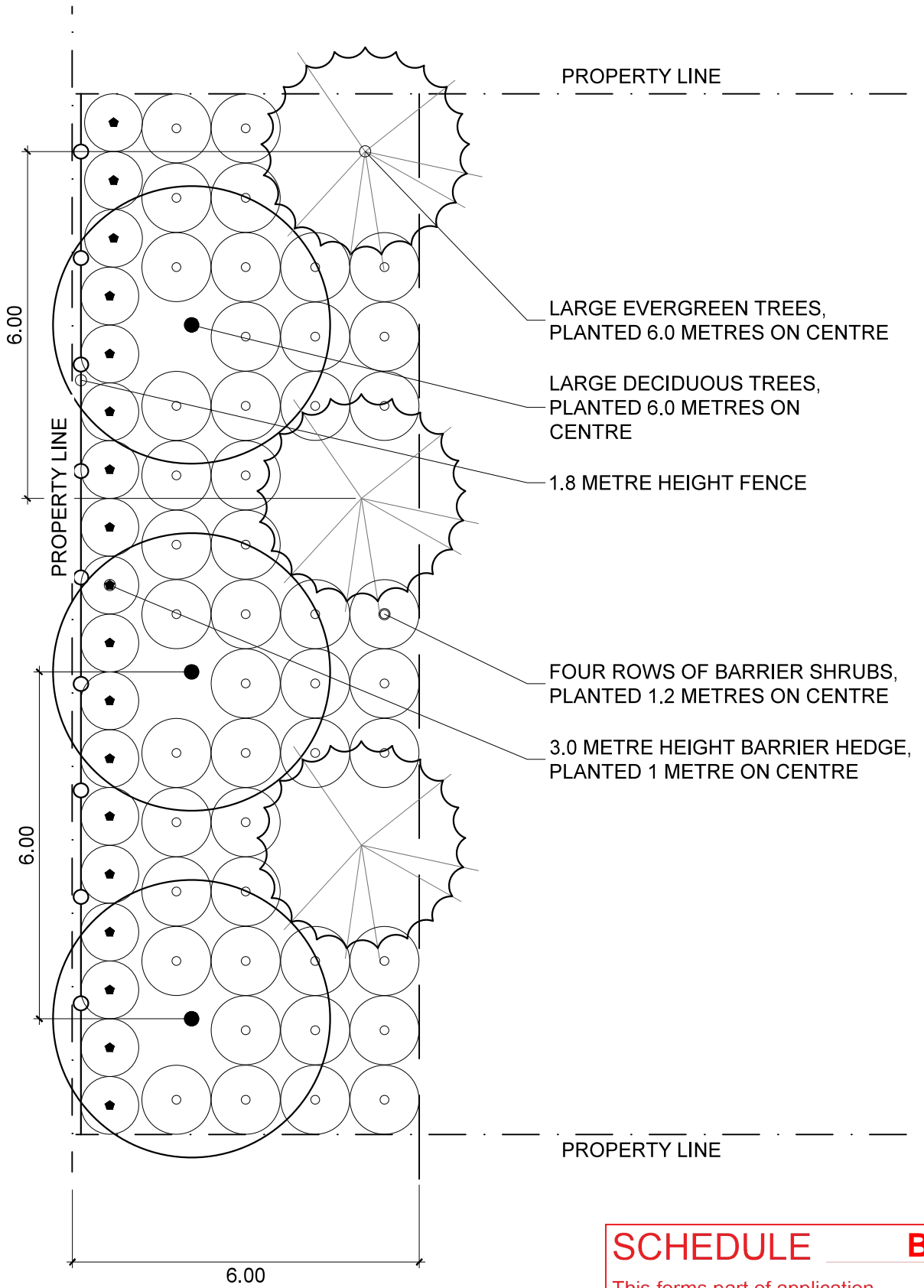
DVP17-0022



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

EW



SCHEDULE B

This forms part of application
 # **DVP17-0022**

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