

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0167

Issued To: Rodney Hazard
Site Address: 204 Poplar Point Drive
Legal Description: Lot 1, D.L.219, O.D.Y.D., Plan 4561
Zoning Classification: RU1 – Large Lot Housing

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. DVP17-0167, Lot 1, D.L.219, O.D.Y.D., Plan 4561, located at 204 Poplar Point Drive, Kelowna, BC to approve a residential development subject to the following:

That the variances to the following sections of Zoning Bylaw No. 8000 be granted:

- a) Section 6.11.1 – Okanagan Lake Sight Lines – To vary the required Okanagan Lake 120° Panoramic Sight Lines to 86° proposed, resulting from the west sight line being reduced from 60° required, to 26° proposed, as shown on Schedule "A".

AND FURTHER THAT this Development Variance Permit DVP17-0167 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) No Security required

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.

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.
- 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.

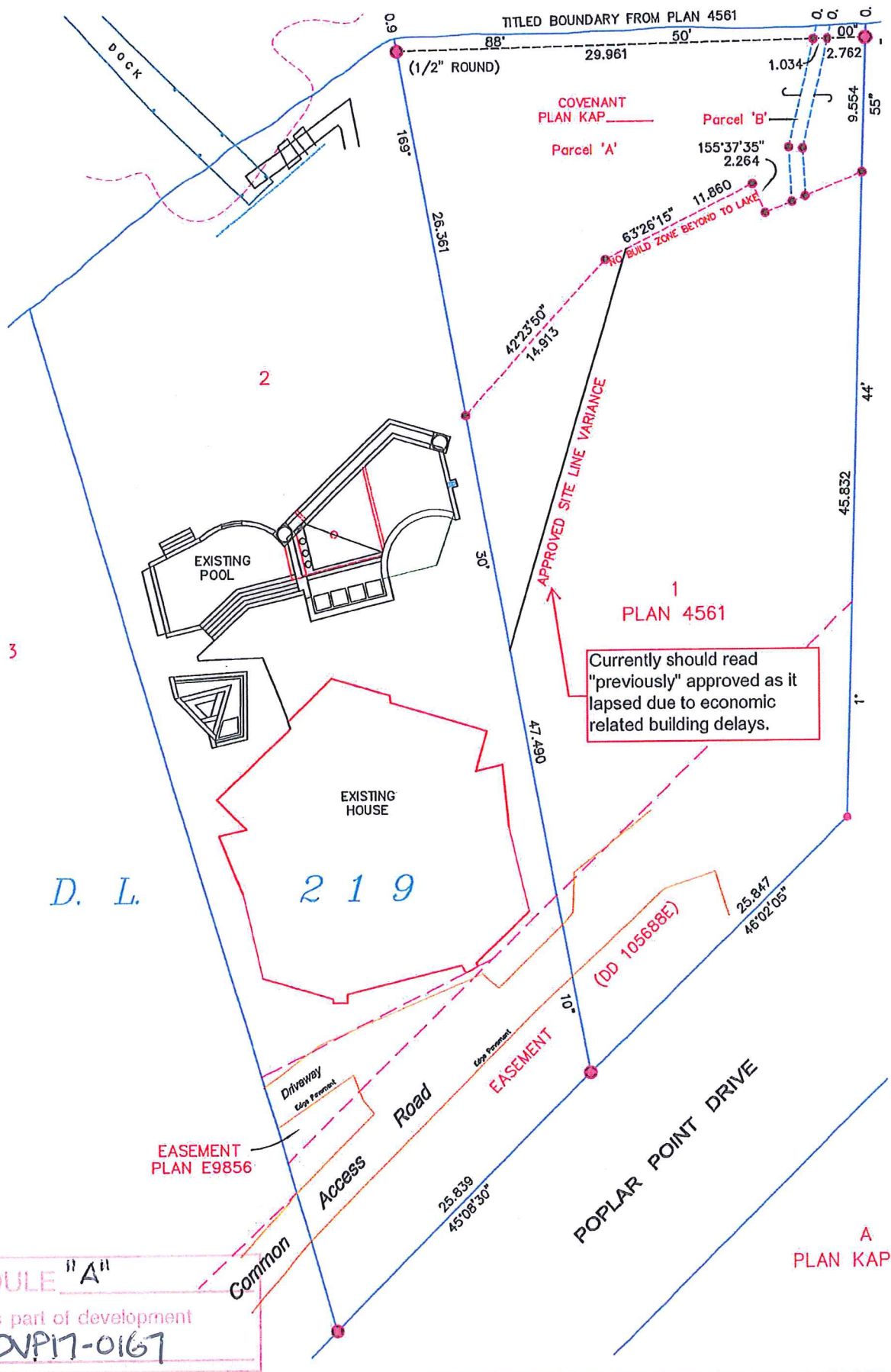
4. APPROVALS

Issued and approved by Council on the @ day of @ 2017

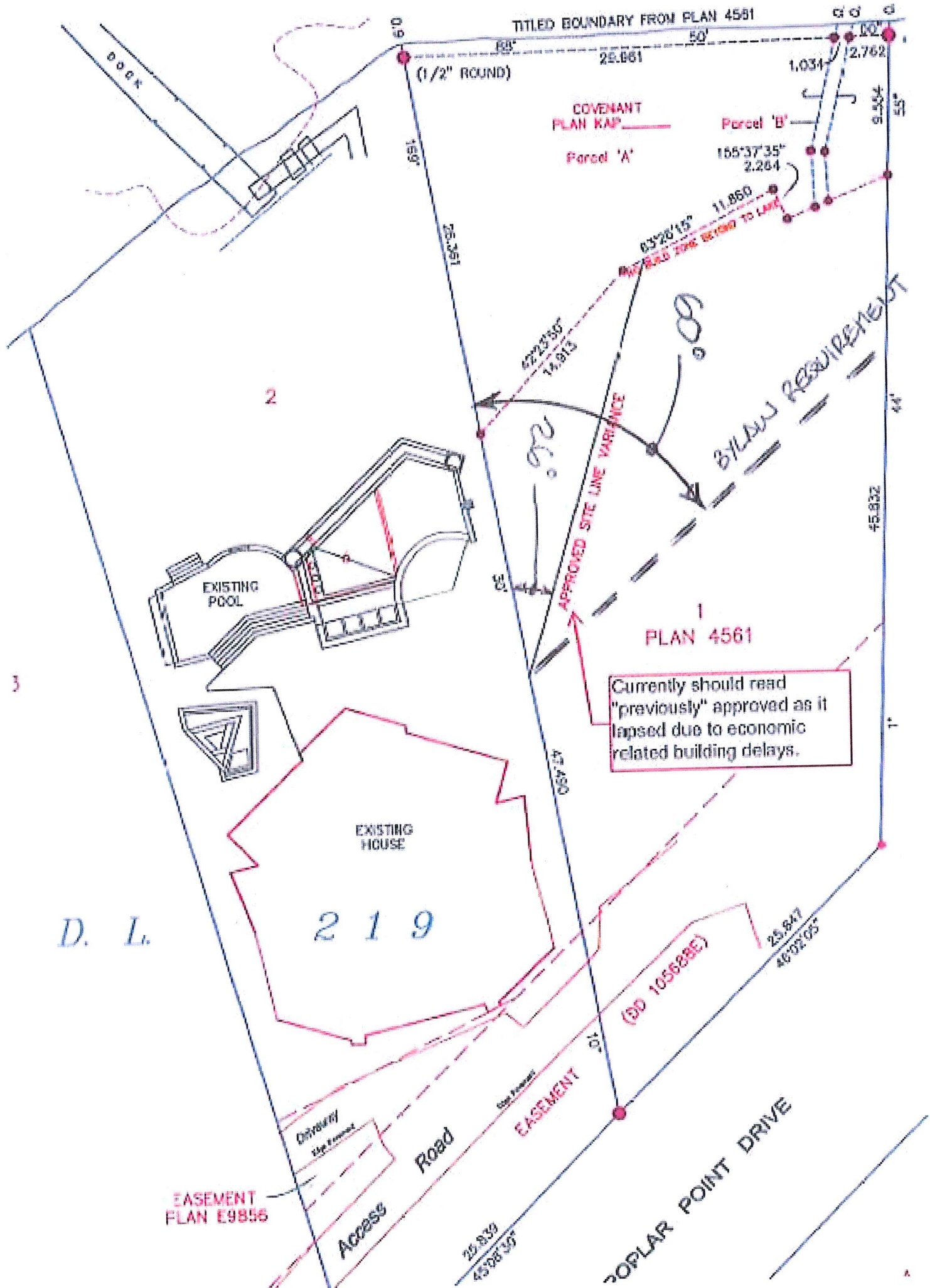
Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

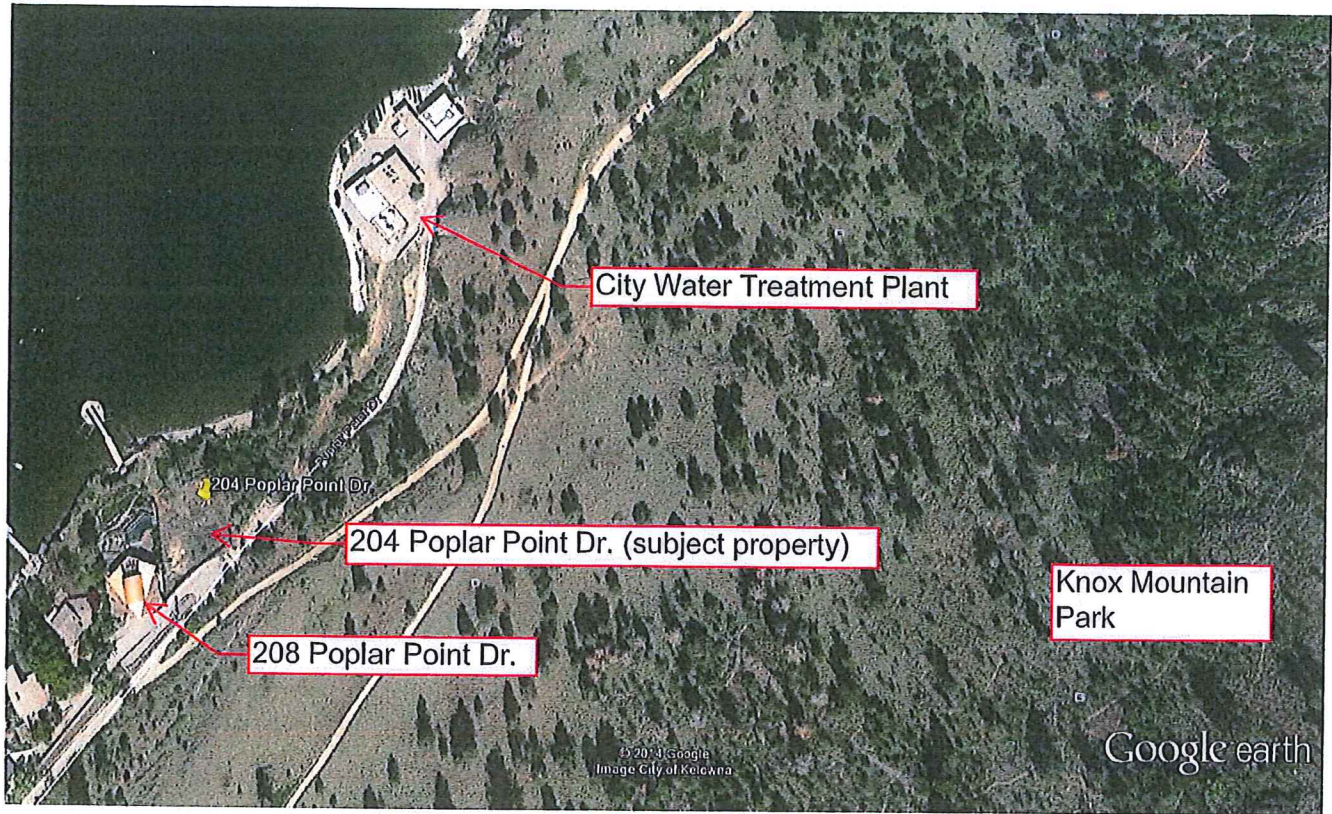
Date

**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**



**SITE PLAN OF LOT 1,
PLAN 4561, DISTRICT LOT 219,
ODVD**

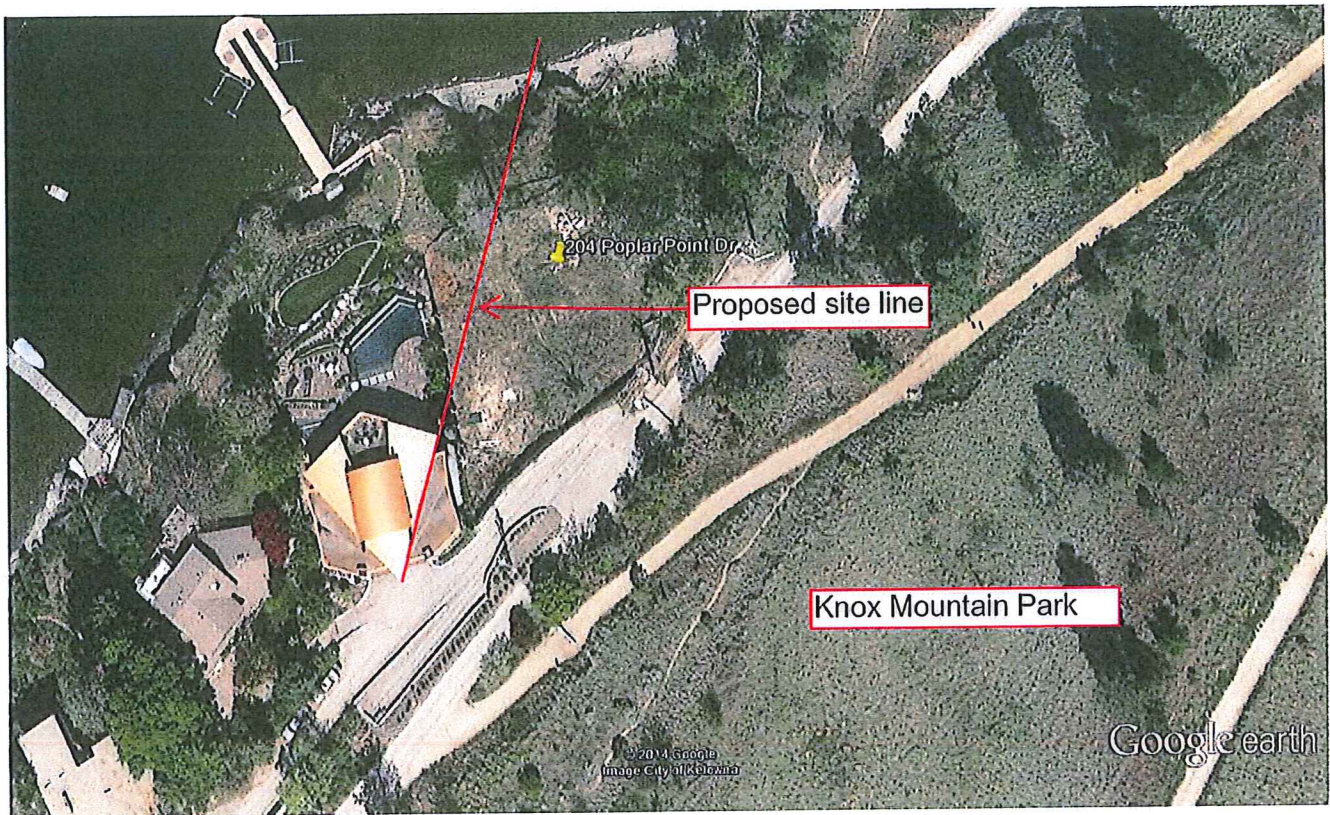




Google earth

feet 700
meters 200





Google earth



Photo from above
subject site facing
slightly West



Photo from top
edge of subject site
pointing West

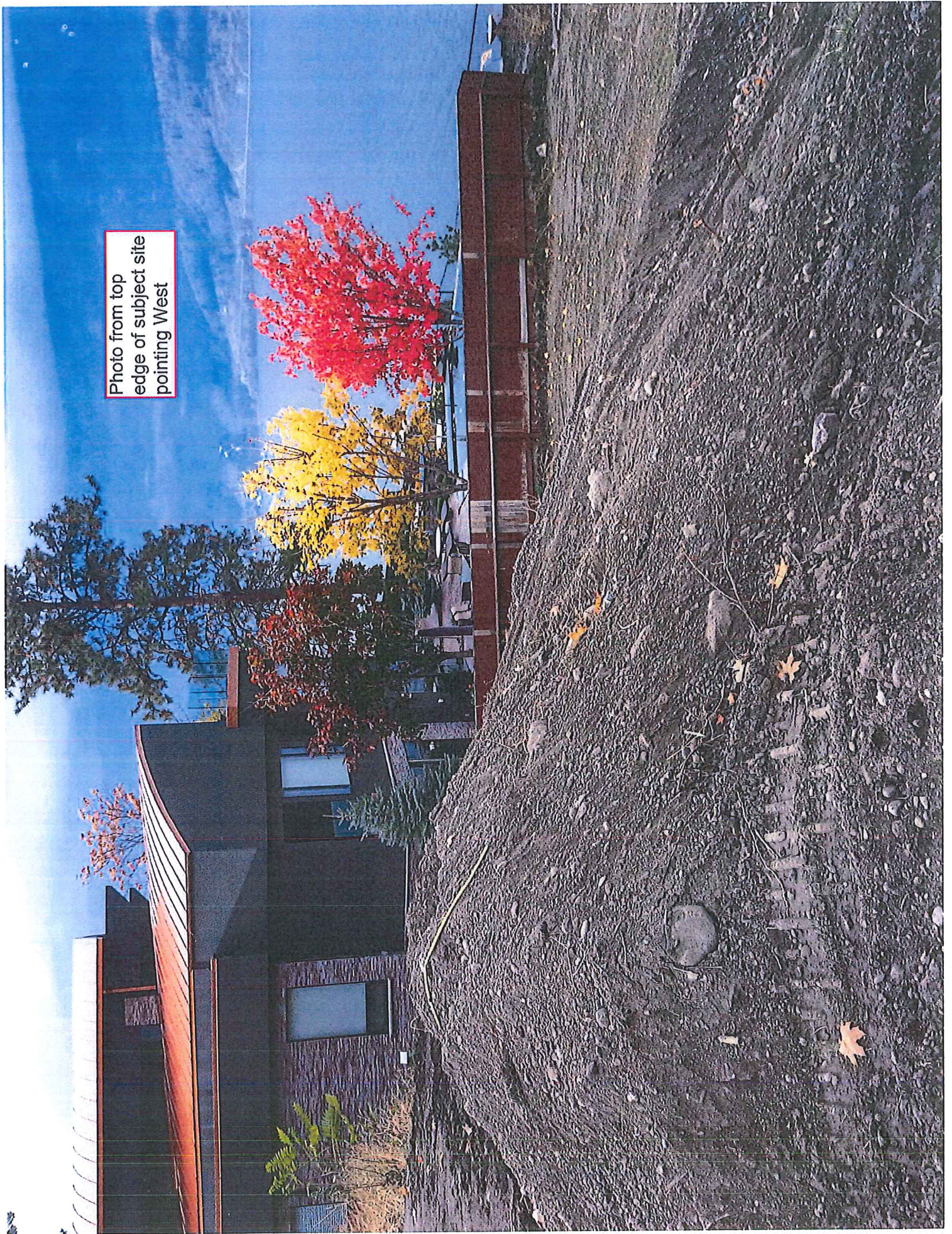


Photo edge of subject site
overlooking shore line slightly
West

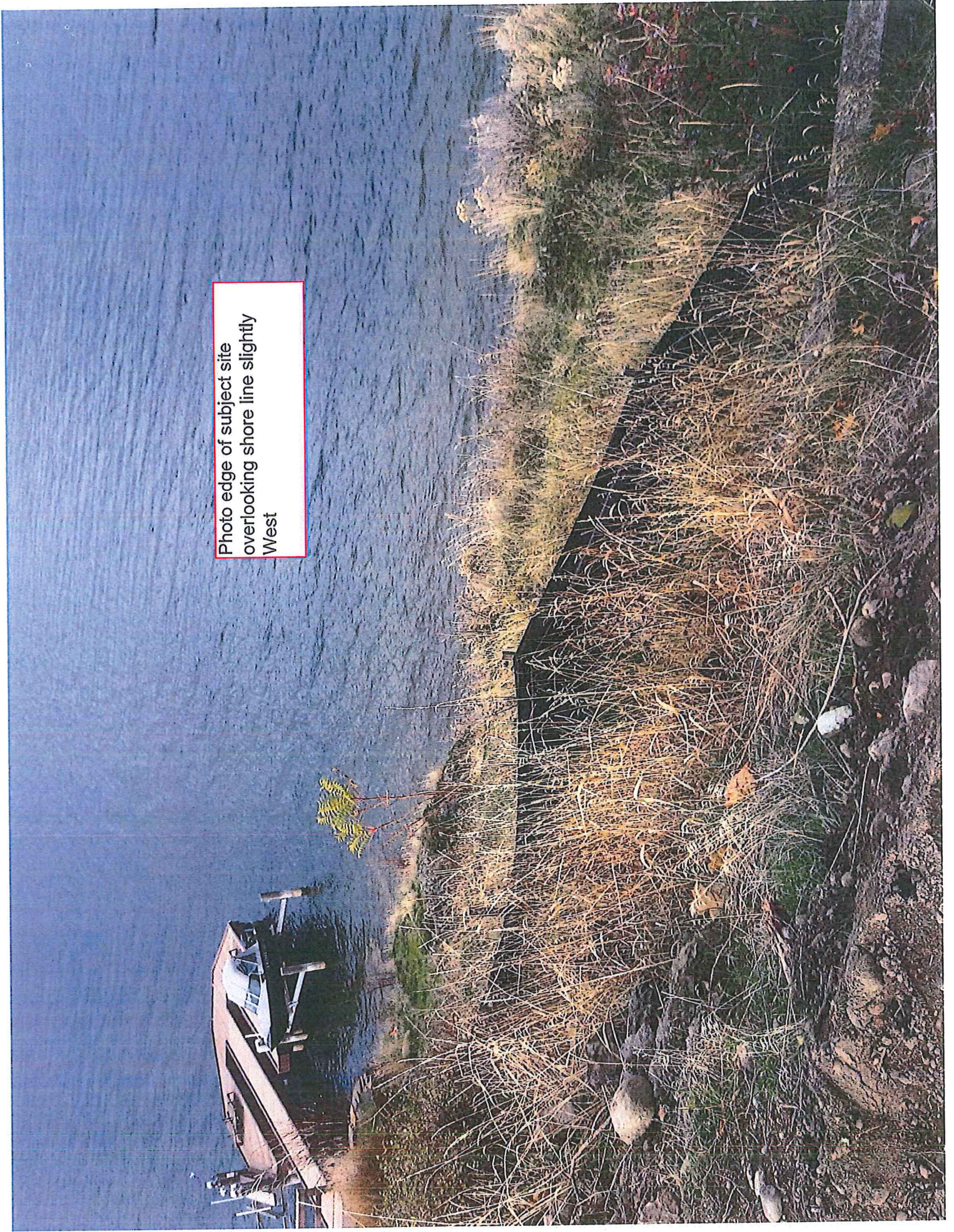
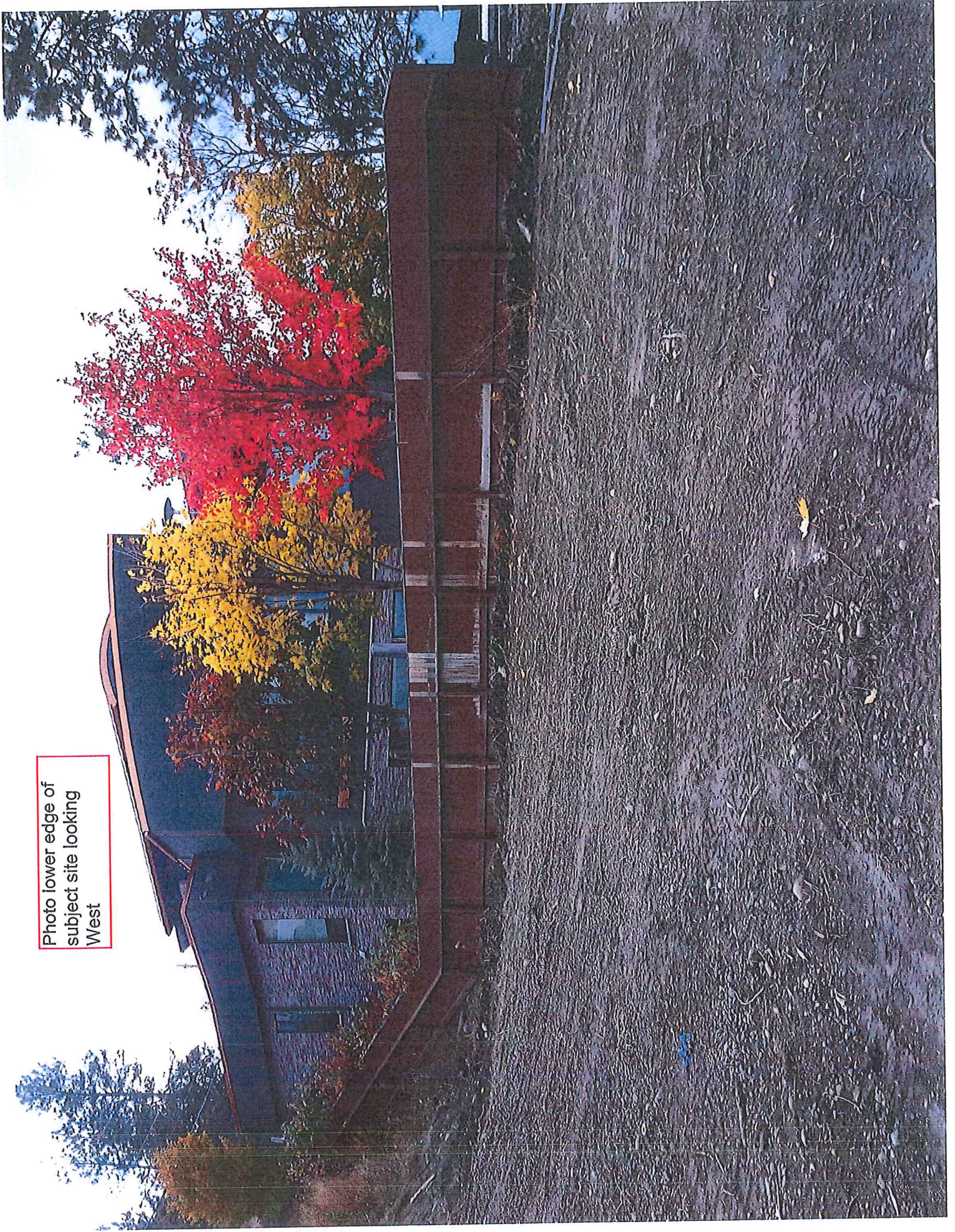


Photo lower edge of
subject site looking
West



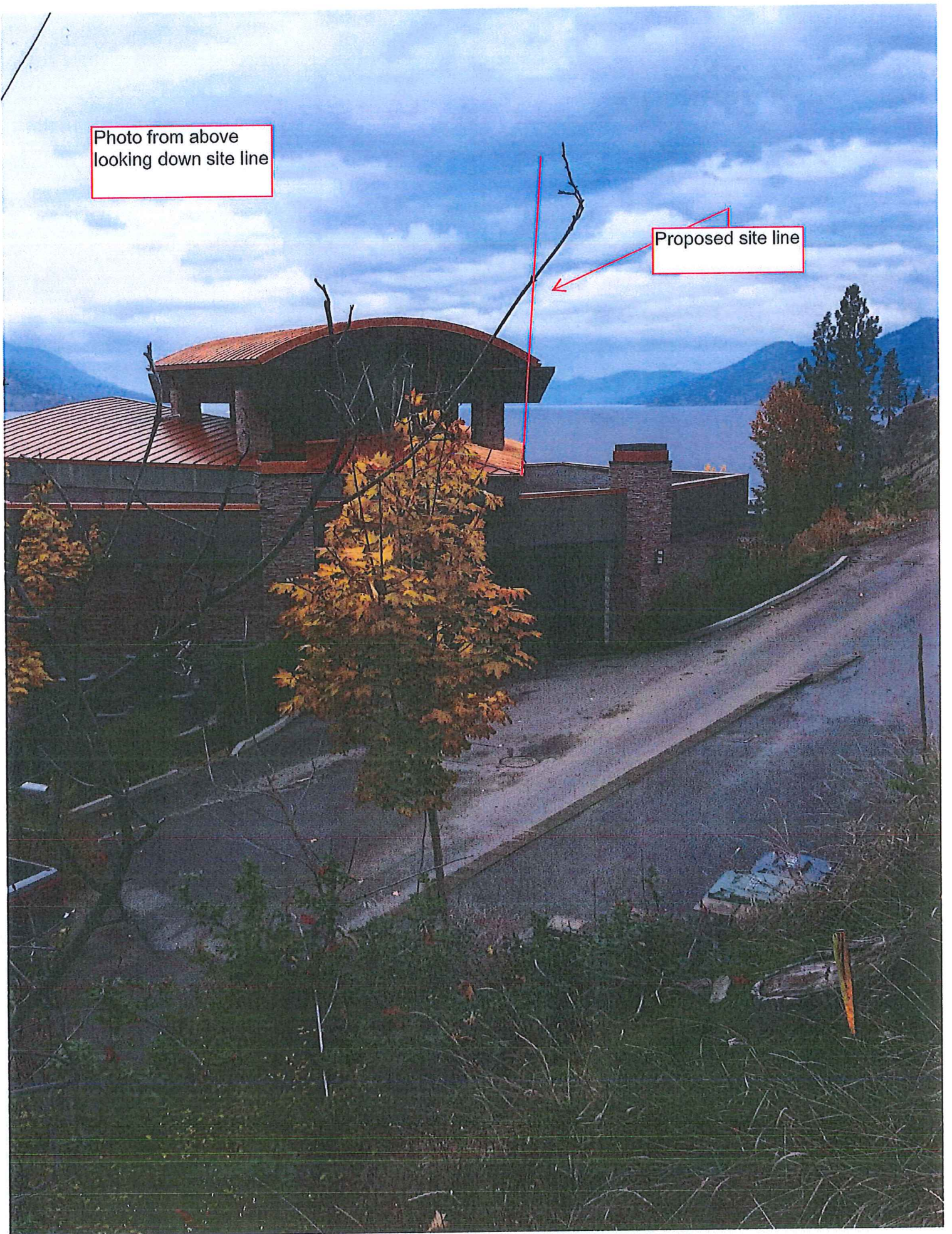


Proposed site line

Photo from
uphill
overlooking
proposed site
line

Photo from above
looking down site line

Proposed site line



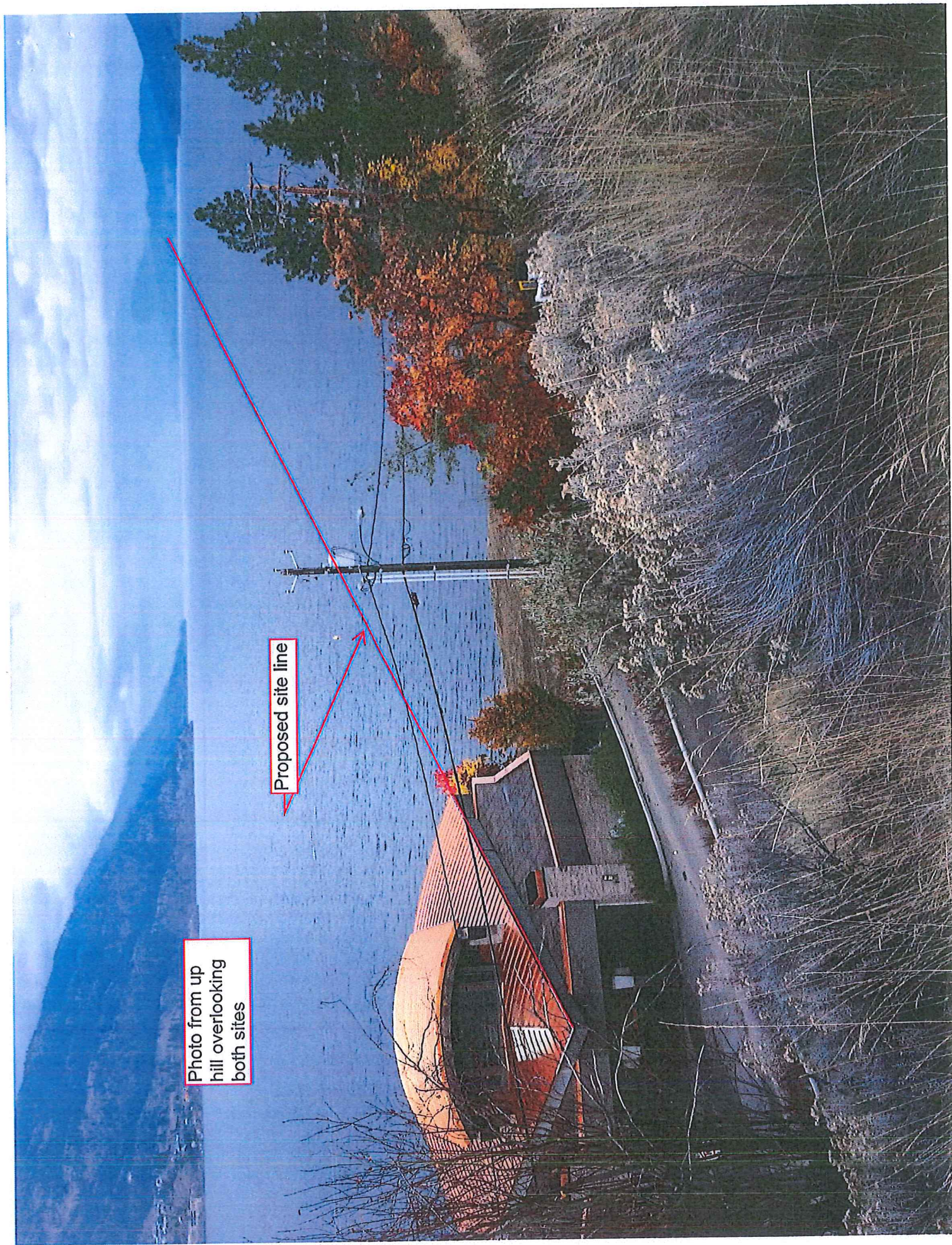


Photo from up
hill overlooking
both sites

Proposed site line

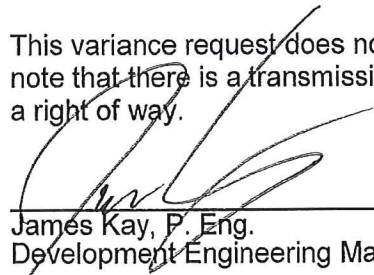
CITY OF KELOWNA

MEMORANDUM

Date: July 25, 2017
File No.: DVP17-0167
To: Urban Planning (PM)
From: Development Engineer Manager (JK)
Subject: 204 Poplar Point Dr

The Development Engineering comments and requirements regarding this DVP application are as follows:

This variance request does not have any impact on any municipal infrastructure, however, we note that there is a transmission main along the south property line that we would like to pursue a right of way.



James Kay, P. Eng.
Development Engineering Manager

JA