

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.

DVP15-0129

EXISTING ZONING DESIGNATION:	RU1 – Large Lot Housing
DEVELOPMENT VARIANCE PERMIT PURPOSE:	Vary the maximum height of a retaining wall, the designated secondary suite parking space and the minimum front yard setback.
PERMIT PREPARED BY:	Tracey Yuzik

ISSUED TO:	Harmony Homes
LOCATION OF SUBJECT SITE:	392 Stellar Drive

	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION :	A	23	28	SDYD	KAP81216

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.
- ☐ Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) THAT the dimensions and siting of the works to be constructed on the land be in general accordance with Schedule "A";
- b) AND THAT the grading works to be constructed on the land be in general accordance with Schedule "B";
- c) AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 7.5.9 - Landscaping and Screening Minimum Landscape Buffers

To vary the maximum height of the retaining wall from 1.2 m required to 3.4 m proposed in accordance with Schedule "A" and Schedule "B".

Section 8.1 – Parking and Loading Parking Schedule

To vary the designated secondary suite parking space from one required to none proposed in accordance with Schedule "A".

Section 13.1.6(c) – RU1 – Large Lot Housing Large Lot Housing Development Regulations

To vary the minimum front yard setback from 4.5 m required to 3.5 m proposed in accordance with Schedule "A".

To vary the minimum front yard setback from a garage having vehicular entry from the front from 6.0 m required to 3.75 m proposed in accordance with Schedule "A".

- d) 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. 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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. 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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

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.

5. APPLICANT'S AGREEMENT:

I hereby declare that all 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 Development Permit or Development Variance Permit, 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 Manager of Community Planning.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT ISSUED AND APPROVED BY THE COUNCIL ON THE
____ DAY OF _____, 2015.

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

Date