



Regional District of Okanagan-Similkameen
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Office use only	
File No.:	
Received:	
Fee:	\$400.00
Receipt No:	

Development Variance Permit Application

It is recommended that applicants consult Development Services staff prior to submitting an application.
 This application will not be accepted unless it is complete and the required fee and plans are attached.

APPLICANT:		OWNER(S):	
Name:		Name:	
Address: 203 Westbench Drive		Address:	
City/Town: Penticton		City/Town:	
Province: BC	Postal Code: V2A 8X8	Province:	Postal Code:
Day Phone:	Fax:	Day Phone:	Fax:
Cell Phone:		Cell Phone:	
Email:		Email:	

AGENT AUTHORIZATION:	
If the registered owner(s) of the subject property elects to have someone act on their behalf in submission of this application this section must be completed:	
As owner(s) of the land described in this application, I/we hereby authorize _____ to act as applicant in regard to this land development application.	
Signature of Owner:	Date:
Signature of Owner:	Date:

NOTICE OF COLLECTION OF PERSONAL INFORMATION:
The personal information you provide on this form is being collected under the authority of Section 895 of the <i>Local Government Act</i> and Section 32 of the <i>Freedom of Information and Protection of Privacy Act</i> . This information will be used to determine eligibility for a development variance permit and for enforcement of applicable laws. This information may be circulated to persons or authorities as necessary for the review process. Your personal information is protected by the privacy provisions of the <i>Freedom of Information and Protection of Privacy Act</i> . If you have any questions about the collection of this information please contact the Freedom of Information Officer at the Regional District Okanagan-Similkameen for information.

PROPERTY DESCRIPTION:

Civic address: 203 Westbench Drive Penticton, BC V2A 8X8

Legal Description Lot 31 Plan KAP5817 District Lot 5076 Land District 41 Except Plan 28344

Lot: 31 Plan: KAP5817 Block: District Lot: 5076 Section: 46 Township:

Current Zoning: OCP designation:

Current land use:
Residential

Surrounding land uses:
Residential

Current method of sewerage disposal: Community Sewer Septic Tank Other

Current method of water supply: Community Water Well Other

Any restrictive covenants registered on the subject property: Yes (if yes, provide details) No

Any registered easements or rights-of-ways over the subject property: Yes (if yes, provide details) No

Does the subject property possess a legal road access: Yes No (if no, provide details)

Agricultural Land Reserve: Yes No Riparian Area: Yes No

Environmentally Sensitive: Yes No MoT Approval: Yes No
(required for setbacks within 4.5 metres of a road reserve)

DEVELOPMENT INFORMATION:

Provide a description of the proposed development (please attach as a separate sheet, as required):
Replaced a rotten wood deck with new vinyl plank deck

REQUESTED VARIANCE(S):

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

1. Bylaw (Include No.): 2461, 2008 Section: 10.9.6

Proposed variance: ~~vary the rear yard setback from 5.5 m to 5.18 m~~
vary the yard setback from 7.5 m to 4.39 m

2. Bylaw (Include No.): Section:

Proposed variance:

SUPPORTING RATIONALE:

All new development should meet the Regional District's applicable bylaw standards. A variance is considered only as a last resort. An application for a development variance permit should meet most, if not all, of the following criteria, in order to be considered for approval (please attach as a separate sheet, as required).

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria:

There was no bylaw in place when the original deck was built in 1980. We didn't realize there was a bylaw in place for such a large distance from the rear property line when we replaced the existing deck

2. The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

The deck faces the side of the neighbor's garage and is no where near there house. The property line is still well away from the fence and our neighbor's garage is much closer to the property line than 5.5 meters but because of the way it is built it is considered a side property line. The area of their yard facing the deck is not utilized.

3. The variance should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

We replaced the deck that had already existed for 40 years, unaware that the bylaw was implemented after the original deck was built. We were later informed a permit was required for replacing the deck as we added a new cover to replace the rotting one on the side of the deck.

4. The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

We have already spent over \$7,000.00 on materials to build this deck and would appreciate being able to apply for a variance in order to not have to remove the deck. Due to the construction material we can't simply remove 2 feet of decking.

5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

The deck improves the property immensely and is no longer a safety hazard.

REQUIRED DOCUMENTATION:

All plans and drawings referred to in this section should be submitted with one full scale and one reduced (11 x 17) copy suitable for black and white reproduction. When possible, Adobe PDF versions should also be included.

Certificate of Title – to provide proof of ownership, copies of titles should be dated no more than 30 days prior to the date of application. Copies of titles are available from the Land Titles Office, or through a Government Agent’s Office, a notary, lawyer or search company.

Location Map – showing the area in which the subject property is situated.

Site Plan – drawn to scale and showing dimensions, shall include the following (as applicable):

- North arrow and scale;
- Dimensions and boundaries of property lines, rights-of-way, and easements;
- Location and dimensions of existing structures and setbacks (including projections and overhangs) to parcel lines, rights-of-ways, easements;
- Location of existing access roads, driveways, vehicle parking spaces, pathways, screening and fencing;
- Natural & finished grades of site, at buildings & retaining walls (indicate source of grade data)
- Location of any physical or topographical constraints (such as watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc...);
- Location of all existing water lines, wells, septic fields, sanitary sewer & storm drain facilities, including sizes; and
- Existing covenant areas (if applicable).

Development Plan - shall be drawn to scale and indicate the following:

- detailed drawings of the proposed development, including building sections, elevations, finishes, floor plans, landscaping, access roads, driveways, vehicle parking spaces, pathways, and screening and fencing proposed for the site;
- a project summary sheet outlining density and number of dwelling units, site coverage, heights, setbacks, and other relevant data; and
- location and width of proposed access(es) to the property, driveways, manoeuvring aisles and parking layout.

Site Survey - If the proposed development involves a variance to the siting or building envelope of a structure a current BC Land Surveyor’s survey certificate (in metric) shall be required. This may be combined with the requirements for a **Site Plan**, where appropriate.

Landscape Plan – where applicable, the Landscape Plan shall be drawn to scale and shall show existing and proposed landscaping and to include an estimate of the cost of landscaping, provided by a Landscape Architect or qualified professional. This estimate will be used to determine the amount of any security required.

Additional material or more detailed information may be requested by the Regional District upon reviewing the application.

DECLARATION:

I, the undersigned, hereby certify that the information provided with respect to this application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.

Signature of Owner or Authorized Agent

May 13, 2020

Date

Print name of Owner or Authorized Agent