



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure
Penticton Area Office
102 Industrial Place
Penticton, BC V2A 7C8

("The Minister")

AND:

Rob & Donalyn Hirtz
1701 Shaleridge Place
West Kelowna, BC V1Z 3E4

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:
The construction of a residential building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a proposed 87 m² residential dwelling to be located no closer than 2.13 meters from the property line adjacent to Mill Road, to serve the property legally described as Lot 22, Plan KAP3889, DL 211, SDYD at 4545 Mill Road, Naramata BC, as shown on Okanagan Development Consultants Inc. Drawing A-1, dated January 24, 2024 (attached).
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

- 1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
- 2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
- 3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
- 4. The permission herein granted to the Permittee will be in force only during such time as the Structure is used, maintained, and owned by the Permittee in strict compliance with this Permit. The Permittee will notify the Minister if the Property is offered for sale and inform any purchasers of the Property of this Permit prior to sale. The Permittee will remain liable to the Minister hereunder until such time as a subsequent permittee has agreed to assume the same liabilities and obligations with respect to the Structure.



BRITISH
COLUMBIA

Ministry of
Transportation

Permit/File Number: 2023-00654

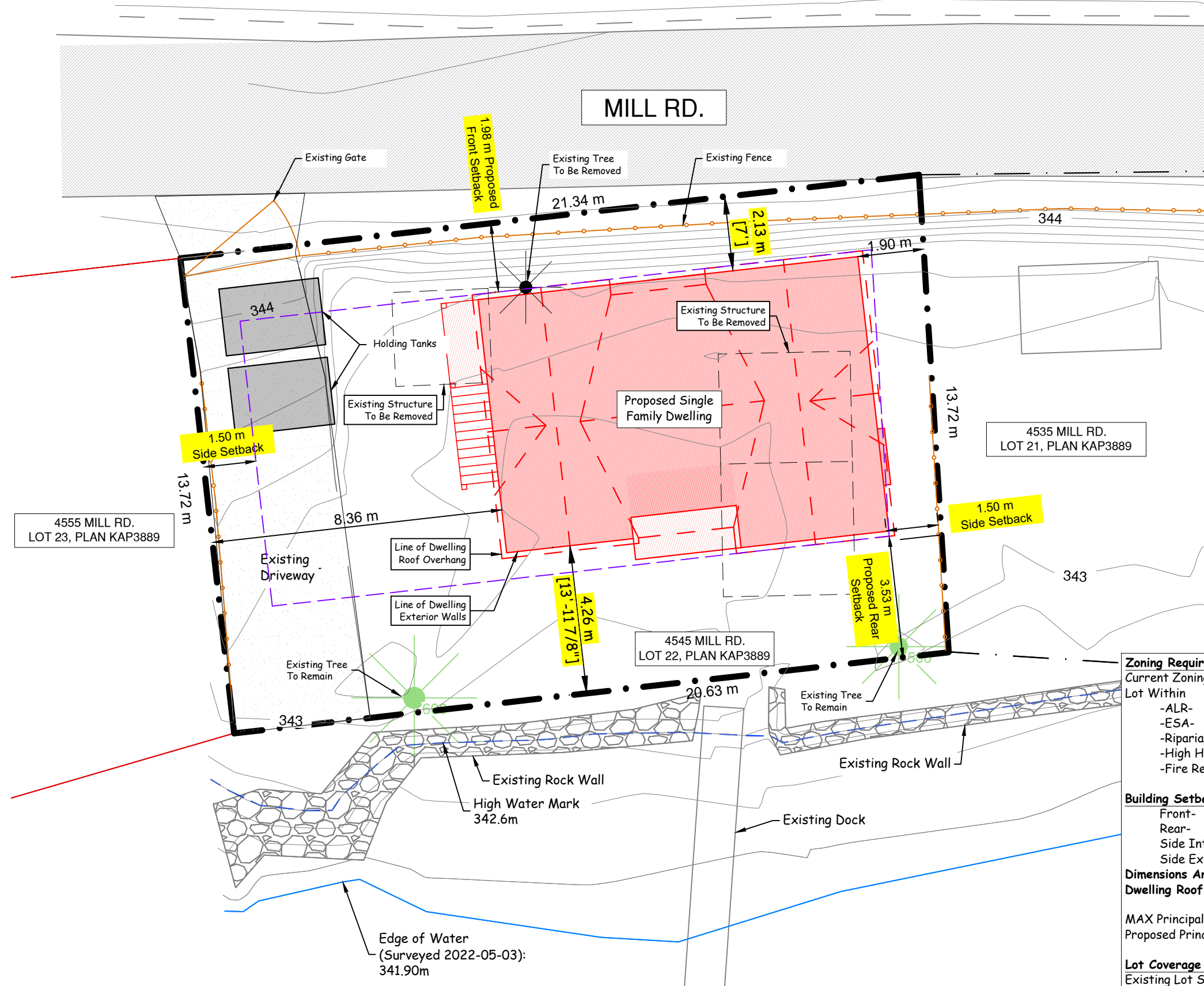
Office: Penticton Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page

1. Dated at Penticton , British Columbia, this 13th day of February , 2023

A handwritten signature in black ink, appearing to be 'D. King'.

On Behalf of the Minister



PRELIMINARY:
NOT FOR
CONSTRUCTION

| Zoning Requirements | |
|---|-------------------------------------|
| Current Zoning- | RS1 - Low Density Residential One |
| Lot Within | |
| -ALR- | No |
| -ESA- | Yes |
| -Riparian Area- | Yes |
| -High Hazard- | Yes |
| -Fire Response Within 10 Minutes- | No |
| Building Setbacks | |
| | -PROPOSED- |
| Front- | -6.0m -2.13m |
| Rear- | -6.0m -3.53m |
| Side Interior- | -1.5m |
| Side Exterior- | -4.5m |
| Dimensions Are Taken From Property Line To Dwelling Roof Overhang, Typical | |
| MAX Principal Building Height- | 10.0m |
| Proposed Principal Building Height- | 9.12m |
| Lot Coverage Calculations | |
| Existing Lot Size- | 287.84m ² |
| MAX Lot Coverage 50%- | 287.84 x 50% = 143.92m ² |
| Proposed Dwelling Footprint- | 87.4m ² |
| Proposed Lot Coverage- | 30.36% |

PROJECT:
PROPOSED SINGLE FAMILY DWELLING FOR ROB & DONALYN HIRTZ

PROJECT ADDRESS:
4545 MILL ROAD, NARAMATA, BC

LEGAL DESCRIPTION:
LOT 22, PLAN KAP3889, DISTRICT LOT 211, SDYLD

CURRENT ZONING:
RS1 - LOW DENSITY RESIDENTIAL

| | |
|------------------------|--------------|
| START DATE | 01 / - / 25 |
| ISSUED FOR RDOS REVIEW | 01 / 18 / 24 |
| ISSUED FOR DVP | x / x / 24 |
| ISSUED FOR DVP | 08 / 08 / 25 |
| ISSUED FOR PERMIT | - / - / 24 |

DESIGNED BY:
MIKE & JEFF

DRAWN BY:
JEFF GAGNON
JUSTIN HILDITCH

SHEET:

A - 1.0

PLOT DATE:

January 24, 2024

The Client, Works Manager, Or Contractor Is Responsible For Informing Okanagan Development Consultants Inc. Of Any Query Or Concern Regarding The Works Described On The Drawing, Including Verification Of Dimensions And Any Information Regarding Unusual Or Unanticipated Conditions Encountered During Execution Of the Works Or Preparation For Them.