
CITY OF KELOWNA
MEMORANDUM

Date: May 9, 2002
File No.: (3090-20) **DVP02-0032**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: BELA & MARGARET JENEI
NO. DP02-0032

AT: 987 LAWRENCE AVE. APPLICANT: AS ABOVE

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO
INCREASE MAXIMUM BUILDING HEIGHT TO AUTHORIZE
CONSTRUCTION OF A TOWER ELEMENT TO EXISTING
BUILDING

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0032; Bela & Margaret Jenei; Lot 1, DL 138, O.D.Y.D., Plan 8378, located on Lawrence Ave., Kelowna, B.C.;

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

Vary Section 13.6.5 (b) Development Regulations, from maximum height is the lesser of 9.5 m or 2½ storeys required to the lesser of 11.6 m or 2½ storeys proposed.

2.0 SUMMARY

The applicants wish to vary the maximum permitted building height of the RU6 – Two Dwelling Housing zone from 9.5 m allowed to 11.6 m proposed to allow for the construction of steep pitched turret roof element over an existing bay window element as part of the proposed building addition to the existing dwelling.

2.1 COMMUNITY HERITAGE COMMISSION

The above noted application was reviewed by the Community Heritage Commission at their Regular Meeting of May 7, 2002 and the following recommendations were passed:

THAT the Community Heritage Commission not support Development Variance Permit Application No. DVP02-0032 - 987 Lawrence Avenue for a height variance to permit the construction of a turret on the existing heritage building.

AND THAT the Community Heritage Commission does not support the proposed construction of the building wing additions to the existing heritage building.

3.0 BACKGROUND

3.1 The Proposal

The applicants have owned the house located on the subject property since 1988. Built in 1912, the house has been identified as having significant heritage value, and is listed in the Kelowna Heritage Register. During their period of ownership, the current owners have spent considerable time and money to restore this house to it's original condition.

At this time, the owners have made application for a building permit to authorize construction of 2 storey building additions to add 15' to the east side of the house and 12' to the west side. As part of this building addition, they also wish to construct a steep pitched conical roof over an existing bay window area to create a turret element, reminiscent of 1900's residential architecture. A review of photos in the City Museum indicates that when this house was originally constructed, there had been a steep pitched turret roof element in the location of the proposed new roof. The difference between the original turret and the proposed turret is that the proposed turret contains windows while the original turret did not. The windows make the proposed turret higher than the original one.

The proposed building addition increases the width of the building substantially. The proposed building addition will also add two gable ended dormer elements with arch topped windows to the building façade facing Lawrence Avenue. The owner wishes to add a row of windows above the line of bay windows in order to maintain a sense of balance to the resulting building façade. However, owing to the pitch of the turret roof and the addition of the row of windows below the turret roof, the resulting building height exceeds the maximum permitted in the RU6 – Two Dwelling Housing zone.

This application seeks a variance to the maximum permitted building height from 9.5 m permitted to 11.6 m proposed. The resulting roof space being created will only be used for storage as the ceiling height is too low to permit the space to be used as a room for living space.

This application as compared to the RU6 zone is as follows:

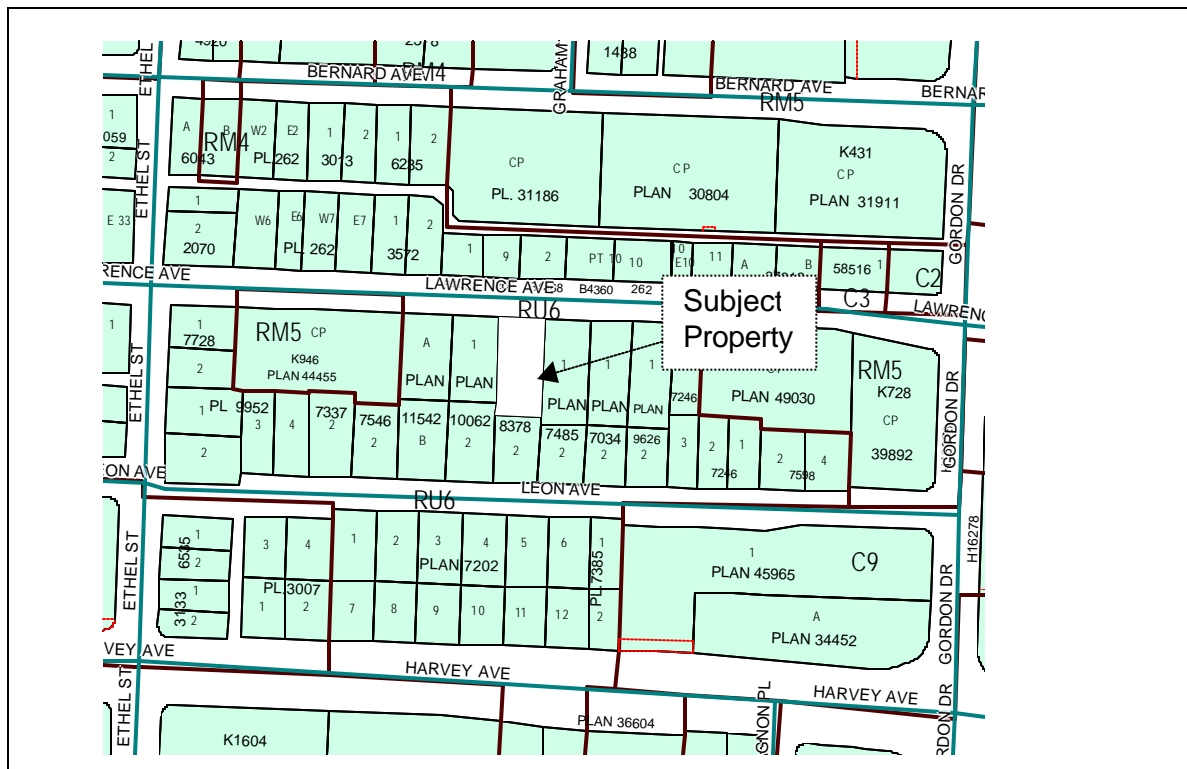
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	1,120 m ²	700 m ²
Storeys (#)	2 1/2 stories ❶ (38.0' 11.6m)	2 1/2 stories (31.17' 9.5 m)
Setbacks (m)		
- Front	22.86 m	4.5 m
- Rear	13.72 m	7.5 m for 2 1/2 storey bldg
- West Side	4.24 m	2.3 m for 2 1/2 storey bldg
- East Side	2.3 m	2.3 m for 2 1/2 storey bldg
Parking Stalls (#)	2 stalls provided in garage	2 stalls required for 3br or more

Notes: ❶ variance required to **Vary Section 13.6.5 (b) Development Regulations**, from maximum height is the lesser of 9.5 m or 2 1/2 storeys required to the lesser of 11.6 m or 2 1/2 storeys proposed

3.2 Site Context

The subject property is located in a neighbourhood that consists of a mix of older single family residential and newer multi-family residential apartment buildings.

Subject Property Location Map



The adjacent zone uses are as follows:

North - RU6 – Two Dwelling Housing/Lawrence Ave.,
East - RU6 – Two Dwelling Housing – Single / Two family uses
South - RU6 – Two Dwelling Housing – Single / Two family uses
West - RU6 – Two Dwelling Housing – Single / Two family uses

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is not consistent with the Official Community Plan future land use designation of Multiple Unit Residential - low density and associated uses.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is generally consistent with the Strategic Plan objective of developing a “more compact urban form by increasing densities through infill and re-development within existing urban areas...”

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

No Objection

4.2 Inspection Services Department

No Comment.

4.3 Parks Manager

No Comment.

4.4 Works and Utilities Department

No Comment

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this variance to permit an increase in permitted building height.

The proposed building additions to either side of the existing dwelling conform to the siting requirements of the RU6 zone, and do not require a variance.

The requirement for a Development Variance permit application has been triggered only because the height of the proposed turret addition to the front of the house. The applicants have proposed to include the turret as they feel that the addition of the turret feature improves the sense of balance to the new building façade resulting from the building addition. The row of windows directly beneath the new steep pitched roof of the turret will not create additional living space. Instead, the space created will only be used for storage, as the resulting ceiling height is too low for the space to be used as living space.

It is interesting to note from the historic photo included with the application that the original house constructed on the site included a turret element (without windows) over the bay window portion of the front façade. Apparently there had been a fire in the past that had destroyed the steep pitched roof, and it had been replaced with the low pitched roof that exists today.

The applicant has approached several of the neighbouring occupants of dwellings adjacent to the subject property, and has provided signatures on a set of drawings that indicates that those neighbours contacted have seen the proposed drawings and that they do not have a problem supporting the variance.

Community Heritage Commission members stated that they did not support the construction of the proposed turret because the design of the turret is not like the design of the original turret. Commission members also stated that they did not support the construction of the proposed building wing additions as it would, in their opinion, substantially alter the character of a building listed in the Kelowna Heritage Register.

In light of the above, the Planning and Development Services Department supports this proposed variance, and recommends for positive consideration by Council.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DVP02-0032 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER:
· ADDRESS
· CITY/POSTAL CODE | Bela & Margaret Jenei
987 Lawrence Ave.
Kelowna, BC V1Y 6M3 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/POSTAL CODE
· TELEPHONE NO.: | Bela & Margaret Jenei
987 Lawrence Ave.
Kelowna, BC V1Y 6M3
762-3855 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | April 17, 2002
April 17, 2002

April 17, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 1, DL 138, O.D.Y.D., Plan 8378 |
| 7. SITE LOCATION: | South Side Lawrence Ave, Mid-Block
between Gordon Dr. and Richter St. |
| 8. CIVIC ADDRESS: | 987 Lawrence Ave. |
| 9. AREA OF SUBJECT PROPERTY: | 1,120 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | N/A |
| 11. EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 12. PURPOSE OF THE APPLICATION: | To Seek A Development Variance Permit To Increase Maximum Building Height To Authorize Construction Of A Turret Element To Existing Building |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | <u>Vary Section 13.6.5 (b) Development Regulations</u> , from maximum height is the lesser of 9.5 m or 2½ storeys required to the lesser of 11.6 m or 2½ storeys proposed |
| 14. VARIANCE UNDER DEVELOPMENT PERMIT: | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

Attachments

8 pages consisting of;

- Subject Property Map

- Site Plan

- 2 pages of exterior building elevations

- 3 pages of foundation and floor plans

- Building Cross Section showing building heights