
CITY OF KELOWNA

MEMORANDUM

Date: September 2, 2003
File No.: HAP03-0010

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. HAP03-0010
AT: 369 Burne Avenue

OWNER: KEVIN FIERBACH
APPLICANT: PETER CHATAWAY

PURPOSE: TO OBTAIN A HERITAGE ALTERATION PERMIT TO ALLOW FOR THE CONSTRUCTION OF A DECK AND CARPORT.

TO OBTAIN A VARIANCE TO ALLOW A SIDE YARD SETBACK OF 1.7 METRES WHERE 2.0 METRES IS REQUIRED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Heritage Alteration Permit No.03-0010; Peter Chataway, Lot 1, D.L. 14 , ODYD, Plan 3207, located on Burne Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the carport & deck to be constructed on the land be in general accordance with Schedule "A"
2. The exterior design and finish of the carport & deck to be constructed on the land be in general accordance with Schedule "B";

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

Section 13.1.5 – Large Lot Housing – Development Regulations

- A variance to allow a side yard setback of 1.7 metres where 2.0 metres is required.

2.0 SUMMARY

The applicant previously obtained a Heritage Alteration Permit and Building Permit to permit the construction of the carport with deck above. During construction, however, the foundation wall for the structure was mistakenly constructed too close to the side property line. A variance is therefore required to allow a side yard setback of 1.7 metres where 2.0 metres is required.

3.0 COMMUNITY HERITAGE COMMISSION

The Community Heritage Commission at the meeting of July 8, 2003 considered the application HAP03-0010, and the following resolution was passed:

THAT the Community Heritage Commission support Heritage Alteration Permit Application HAP03-0010 – 369 Burne Avenue to allow for a side yard variance in order to add a deck to a building located in the Abbott Street Heritage Conservation Area.

4.0 BACKGROUND

4.1 The Proposal

The applicant previously obtained a Heritage Alteration Permit and Building Permit to permit the construction of the carport with deck above. During the construction, however, the foundation wall for the structure was mistakenly constructed too close to the side property line. A variance is therefore required to allow a side yard setback of 1.7 metres where 2.0 metres is required. The proposed wooden deck, with carport below, is 24 m² in size and is located at the rear of the property. Access to the carport is to be via the existing driveway accessed off of the rear lane. Sufficient parking is provided on site.

The application meets the requirements of the proposed RU1s – Large Lot Housing with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Lot Area (m ²)	621 m ²	550m ²
Lot Width (m)	16.76 m (existing)	17.0m
Lot Depth (m)	37.1m	30.0m
Site Coverage (%)	30	40% (building) 50% (with driveway and parking)
Storeys (#)	1.5	2 storeys / 6.0m
Setbacks-House (m)		
-Front Yard	5.18	6.0m
-Side Yard (east)	3.64	2.0m
-Side Yard (west)	1.7m ❶	
Rear Yard	10.2m	7.5m
Parking Spaces	2	2

Notes:

The applicant wishes to vary the requirements under this Heritage Alteration Permit:

- ❶ A variance to allow a side yard setback of 1.7m where 2.0 m is required.

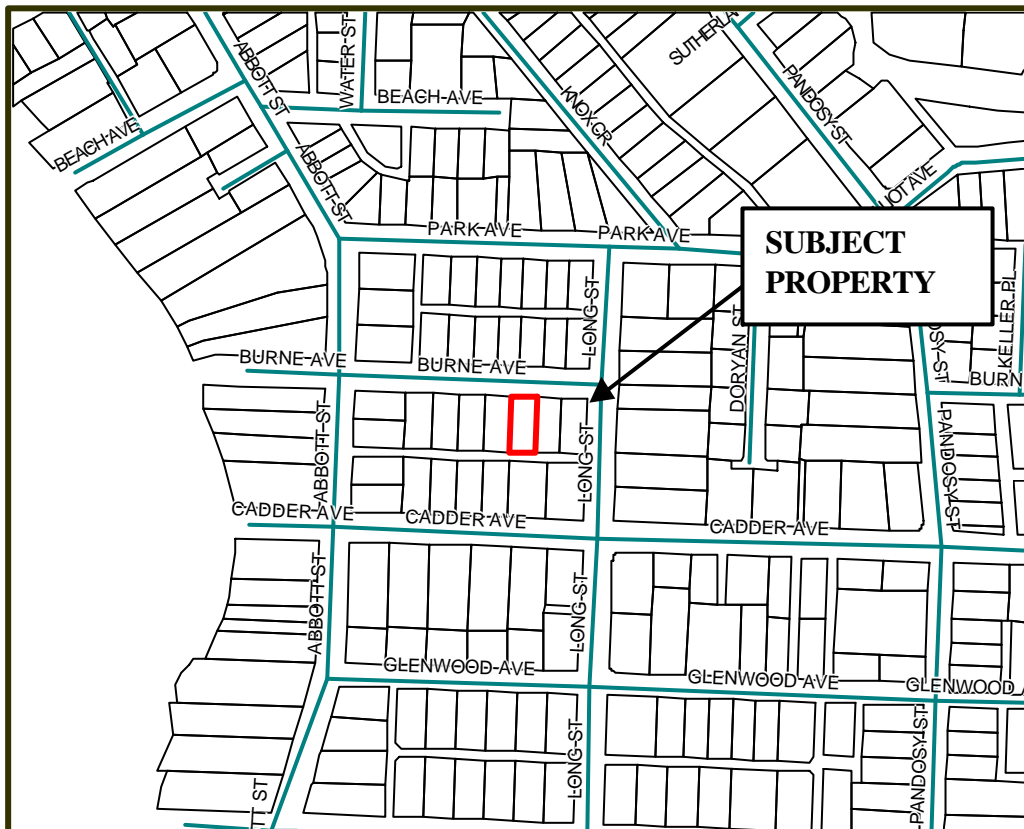
4.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area on Burne Avenue between Long Street and Abbott Street. The neighbourhood is zoned predominantly for single family housing. Several lots in the area have been re-zoned from RU1- Large lot housing to RU1s - Large lot housing with secondary suite.

Adjacent zones and uses are:

- North - RU1 - Large Lot Housing
- East - RU1 - Large Lot Housing
- South - RU1 - Large Lot Housing
- West - RU1 - Large Lot Housing

Site Location Map



4.3 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

Secondary suites are allowed on lots with RU1s – Large Lot Housing with Secondary Suite zoning.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is consistent with the future land use designation of Single/Two Family Residential in the Official Community Plan. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15).

The OCP designates the area in which the subject property is located as the Abbott Street Heritage Conservation Area. The purpose of the Heritage Conservation Area designation is to provide objectives and guidelines for the conservation of the areas' heritage resources and distinct character. One of the objectives of Conservation Areas is to encourage additions that are compatible with the form and character of the existing neighbourhood context.

4.4.2 Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines (1997)

The Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines have to be applied to all proposed additions and new buildings located in the Abbott Street Conservation Area. The proposed development is subject to the Abbott Street and Marshall Street Heritage Conservation Areas Development Guidelines set out in the Official Community Plan. The intent of the Development Guidelines is to give consideration to the form, character and landscaping of all new development within the Heritage Conservation Areas.

5.0 TECHNICAL COMMENTS

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

5.1 Inspection Services Department
No concerns.

5.2 Works and Utilities
Does not compromise Works & Utilities servicing requirements.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports Heritage Alteration Permit application HAP03-0010 and has no concerns with the proposed variance. The requested variance is relatively minor and the form and character of the proposal is in keeping with the original Heritage Alteration Permit. In addition, the adjacent neighbours have provided a letter of support for the variance.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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Attach.

FACT SHEET

1. **APPLICATION NO.:** HAP03-0010
2. **APPLICATION TYPE:** Heritage Alteration Permit
3. **OWNER:** Kevin Fierbach
· **ADDRESS** 369 Burne Avenue
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 5P2
4. **APPLICANT/CONTACT PERSON:** Peter Chataway
· **ADDRESS** 368 Cadder Avenue
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 5H1
· **TELEPHONE/FAX NO.:** 763-5367
5. **APPLICATION PROGRESS:**
Date of Application: July 21, 2003
Date Application Complete: July 21, 2003
Servicing Agreement Forwarded to Applicant: n/a
Servicing Agreement Concluded: n/a
Staff Report to Council: n/a
6. **LEGAL DESCRIPTION:** Lot 1, D.L. 14 , ODYD, Plan 3207
7. **SITE LOCATION:** on Burne Avenue between Abbott Street and Long Street
8. **CIVIC ADDRESS:** 369 Burne Avenue
9. **AREA OF SUBJECT PROPERTY:** 621 m²
10. **AREA OF PROPOSED REZONING:** n/a
11. **EXISTING ZONE CATEGORY:** RU1- Large Lot Housing
12. **PROPOSED ZONE:** as existing
13. **PURPOSE OF THE APPLICATION:** to obtain a HAP to allow for a carport to have a setback of 1.7metres where 2.0 metres is required.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** n/a
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** n/a

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Survey plan
- Site Plan & Elevations
- Photos
- Letters from Neighbours