
CITY OF KELOWNA

MEMORANDUM

Date: November 13th, 2003
File No.: DVP03-0110

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. DVP03-0110

OWNER: Callahan Construction Company Ltd.
3723 Investments Ltd.

LOCATION: 2007-2031 Harvey Avenue

APPLICANT: Argus Properties Ltd.

PURPOSE: TO VARY THE MAXIMUM AREA FOR A FREE STANDING SIGN FROM
12m² PROPOSED TO 18.58m² EXISTING

TO VARY THE MINIMUM SETBACK FROM A PROPERTY LINE AT
INTERSECTING STREETS FROM 8.0M REQUIRED TO 0.0M
PROPOSED

TO VARY THE MINIMUM SETBACK FROM A PROPERTY LINE FROM
1.5M REQUIRED TO 0.0M PROPOSED

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Variance Permit No. DVP03-0110;
Lot A, District Lot 129, ODYD Plan KAP72683, located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 not be granted:

Section 5.6: Free Standing Signs: Subsection: 5.6.1(b):

Vary required 8m setback at property lines where streets intersect to 0.0m proposed (as
shown on schedule "A");

Section 5.6: Free Standing Signs: Subsection: 5.6.1(d):

Vary the minimum distance to a lot line from 1.5m permitted to 0.0m proposed (as
shown on schedule "A");

Section 6.1: Major Commercial: Free Standing Signs (b):

Vary maximum area from 12m² permitted to 18.58m² proposed for and existing sign on the subject property as shown on schedule "B";

2.0 SUMMARY

The applicant is seeking to vary the maximum area for a free standing sign as well setback variances for the location of a free-standing sign.

3.0 BACKGROUND

3.1 The Proposal

The applicant has removed the free-standing sign in question from the subject property. The sign was an existing legal non-conformity with regards to the sign bylaw. The applicant would like to preserve the option of replacing the existing sign (in the existing location) should tenants of the commercial building express the desire at a later date. The sign was located on the north-western corner of the property and faces Harvey Avenue.

The applicant is therefore seeking to vary the maximum permitted area for a free standing sign in a C4- Town Centre Commercial zone from 12m² permitted to 18.58m² proposed. The applicant is also seeking to vary the minimum permitted setback from the intersection of two streets for a free-standing sign and the minimum setback for a free-standing sign.

The application compares to the requirements the City of Kelowna Sign Bylaw No. 8235 as follows:

| CRITERIA | PROPOSAL | SIGN BYLAW NO.8235 REQUIREMENTS |
|---|-----------------------|---------------------------------|
| Free Standing Sign Height | 7.64m | 8.0m |
| Free Standing Sign Area | 18.58m ² ❶ | 12m ² |
| Minimum setback from the intersection of two streets (free-standing sign) | 0.0m ❷ | 8m (from each property line) |
| Minimum setback from a property line (free-standing sign) | 0.0m ❸ | 1.5m |

❶ Note: The applicant is seeking to vary maximum area for free standing signage (Sign Bylaw No.8235).

❷ Note: The applicant is seeking to vary the minimum setback from an intersection for a free standing sign.

❸ Note: The applicant is seeking to vary the minimum setback from a property line for a free standing sign.

Site Context

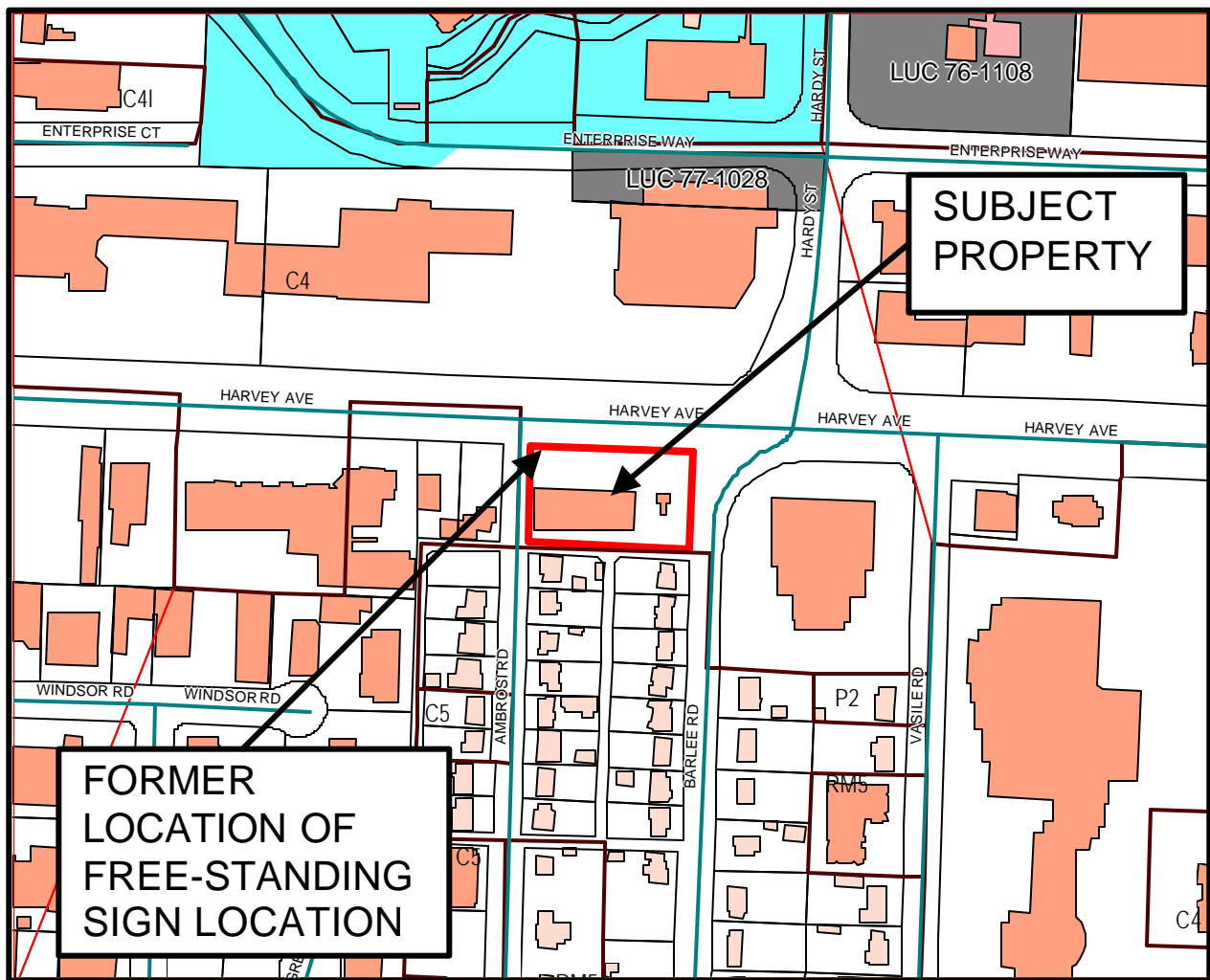
The subject property is located on the south side of Harvey Avenue between Barlee Road and Ambrosi Road.

Adjacent zoning and existing land uses are to the:

- North - C4 – Town Centre Commercial
- East - C4 – Town Centre Commercial
- South - RU1 – Large Lot Housing
- West - C10 – Service Commercial

Site Map

Subject Property: 2007-2031 Harvey Avenue



4.0 TECHNICAL COMMENTS

4.1 Inspection Services Department

- a) If they remove the sign it should not be replaced in the same location.
- b) If this sign is to be replaced in the future in the same place it should be redesigned to comply with the line of vision requirements.

4.2 Works and Utilities Department

- a) General - The requested Sign Bylaw Development Variance application compromises W & U servicing requirements.
- b) The existing sign location compromises sight distance and is within the future corner rounding for the Harvey Avenue and Ambrosi Road intersection.

5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has concerns with the proposed variances. Both the Inspection Services and the Works and Utilities Departments have identified that there are sight distance problems with the existing sign. Furthermore the Works and Utilities Department has concerns that the sign is located in the future corner rounding for the Harvey Avenue and Ambrosi Road intersection.

For these reasons the Planning and Corporate Services Department is unable to support a variance for this sign in its current location. Staff recommend that should the applicant want to replace the sign, it should be installed in a location this is consistent with Sign Bylaw No.8235 and should meet the requirements of the Works and Utilities Department.

Should the applicant commit to relocating the sign to a location which satisfies the requirements of the Sign Bylaw and Works and Utilities Department; the Planning and Corporate Services Department would consider supporting the variance for the size of the sign.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0110; Lot A, District Lot 129, ODYD Plan KAP72683, located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 5.6: Free Standing Signs: Subsection: 5.6.1(b):

Vary required 8m setback at property lines where streets intersect to 0.0m proposed (as shown on schedule "A");

Section 5.6: Free Standing Signs: Subsection: 5.6.1(d):

Vary the minimum distance to a lot line from 1.5m permitted to 0.0m proposed;

Section 6.1: Major Commercial: Free Standing Signs (b):

Vary maximum area from 12m² permitted to 18.58m² proposed for and existing sign on the subject property as shown on schedule "A";

Andrew Bruce
Development Services Manager

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

- | | |
|---|--|
| 15. APPLICATION NO.: | DVP03-0043 |
| 15. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | -Callahan Construction Company Ltd. |
| . ADDRESS | -3723 Investments Ltd. |
| . CITY | 218-1626 Richter Street |
| . POSTAL CODE | Kelowna, BC |
| | V1Y 2M3 |
| 4. APPLICANT/CONTACT PERSON: | Bob Callahan (Argus Properties) |
| . ADDRESS | 218-1626 Richter Street |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 2M3 |
| . TELEPHONE/FAX NO.: | 860-6789 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | September 18, 2003 |
| Date Application Complete: | September 18, 2003 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | N/A |
| Staff Report to Council: | |
| 15. LEGAL DESCRIPTION: | Lot A, District Lot 129, ODYD Plan KAP72683 |
| 15. SITE LOCATION: | The subject property is located on the south side of Harvey Avenue between Barlee Road and Ambrosi Road. |
| 15. CIVIC ADDRESS: | 2007-2031 Harvey Avenue |
| 15. AREA OF SUBJECT PROPERTY: | N/A |
| 15. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 15. TYPE OF DEVELOPMENT PERMIT AREA: | Town Centre Commercial |
| 15. PURPOSE OF THE APPLICATION: | TO VARY THE MAXIMUM AREA FOR A FREE STANDING SIGN FROM 12m ² PROPOSED TO 18.58m ² EXISTING |
| | TO VARY THE MINIMUM SETBACK FROM A PROPERTY LINE AT INTERSECTING STREETS FROM 8.0M REQUIRED TO 0.0M PROPOSED |
| | TO VARY THE MINIMUM SETBACK FROM A PROPERTY LINE FROM 1.5M REQUIRED TO 0.0M PROPOSED |

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Site Plan
- Sign Elevation