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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** July 29, 2003  
**File No.:** HAP03-0008

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. HAP03-0008  
AT: 247 Vimy Avenue

OWNER: JOHN SKELTON  
APPLICANT: SHERRI SIMPSON

**PURPOSE:** TO OBTAIN A HERITAGE ALTERATION PERMIT TO ALLOW THE RENOVATION OF THE EXISTING SINGLE DETACHED HOUSE.

TO OBTAIN A VARIANCE TO ALLOW A REAR YARD SETBACK OF 5.32 METRES WHERE 7.5 METRES IS REQUIRED.

TO OBTAIN A VARIANCE TO ALLOW A SIDE YARD SETBACK OF 0.0 METRES WHERE 2.0 METRES IS REQUIRED.

TO OBTAIN A VARIANCE TO ALLOW A FRONT YARD SETBACK OF 0.0 METRES WHERE 6.0 METRES IS REQUIRED.

A VARIANCE TO ALLOW THE REQUIRED PARKING TO BE IN A CARPORT LOCATED IN THE REQUIRED FRONT YARD WHERE ONLY PARKING IS ONLY PERMITTED IN A DRIVEWAY PROVIDING ACCESS TO AN OFF-SITE PARKING SPACE NOT IN THE FRONT YARD.

TO ALLOW A SITE COVERAGE OF 47.0% WHERE THE MAXIMUM PERMITTED IS 40%.

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**REPORT PREPARED BY:** KEIKO NITTEL

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Heritage Alteration Permit No.03-0008; Sherri Simson, Lot B, D.L. 14 , ODYD, Plan 2183, located on Vimy Avenue, Kelowna, B.C., allowing the construction of an accessory building, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A"

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule “B”;
3. Landscaping to be provided on the land be in general accordance with Schedule “D”;
4. The east side of the proposed carport shall be enclosed with a 3/4 hr. fire rating and non-combustible cladding as per the of the BC Building Code.

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 rear yard setback of 5.32 metres where 7.5 metres is required.
- A variance to allow a side yard setback of 0.0 metres where 2.0 metres is required.
- A variance to allow a front yard setback of 0.0 metres where 6.0 metres is required.
- A variance to allow a site coverage for buildings of 47.0% where the maximum permitted is 40%.

Section 8.1.9: Parking & Loading

- A variance to allow the required parking to be in a carport located in the required front yard where parking in the required front is only permitted on a driveway which provides access to a required off-street parking space that is not in the front yard.

## 2.0 SUMMARY

The applicant has applied for a Heritage Alteration Permit to allow for the renovation of the existing single detached house. In addition to façade improvements, the renovation includes construction of two additions to the existing building. One addition is proposed at the rear, south-west corner of the existing house. This single storey addition will match the existing setbacks of the house. As the rear and side yard setback are legal non-conforming, variances are required. At the front of the property, the applicant is also seeking permission to cover the existing parking pad currently located between the front of the house and the north property line. At this location, the applicant is proposing an open air cedar trellis carport attached to the front façade of the home. As this proposed carport does not meet the side yard and front yard setback requirements further variances are required. As a result of the proposed additions, a site coverage variance of 47% where 40% coverage for buildings is permitted.

## 3.0 COMMUNITY HERITAGE COMMISSION

The Community Heritage Commission at the meeting of July 8, 2003 considered the application HAP03-0008, and the following resolution was passed:

THAT the Community Heritage Commission support Heritage Alteration Permit Application No. HAP03-0008- 247 Vimy Avenue.

## 4.0 BACKGROUND

### 4.1 The Proposal

The subject property is located in the Abbott Street Heritage Conservation Area, on Vimy Avenue between Okanagan Lake and Abbott Street. The applicant is seeking Heritage Alteration to permit renovations to the existing house including additions. A previous heritage alteration permit (HAP03-0006) dealt with a two storey addition at the front north-west corner of the house. As this addition did not require any variances to the Zoning Bylaw, the applicant chose to deal with it on a separate permit. In contrast, in order to facilitate the construct of both an attached carport at the front of the property and an addition at the rear of the property, several variances to the Zoning Bylaw are required.

The proposed carport is to be located at the northwest corner of the property attached to the front of house extending to the front property line. The roof of the carport will consist of an “open air” cedar trellis. The carport has been designed to match that existing on the neighbouring property directly to the west of the subject property. The two carports will stand directly side by side. As the carport is to be open on both sides of sides, the current visibility of the street will be maintained. The proposed carport will continue to provide parking for two vehicles as required by the Zoning Bylaw for the single detached house. Variances, however, to the side yard and front yard setbacks as well as to allow parking in the front yard, are required to accommodate the proposed location carport.

The applicant is also proposing an addition to the main floor at the rear of the property. The addition will fill in a small area at the rear southwest corner of the building. The addition will line up with the existing rear and side yard setbacks of the house. As the existing rear yard setback is legal non-conforming, a variance is required in order for the new construction to meet the rear yard setback of m where 7.5 metres is required. This rear addition is designed to match the colours and building materials of the existing house.

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 <sup>2</sup> )	652m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	19.81m	17.0m
Lot Depth (m)	31.39m	30.0m
Site Coverage (%)	47% (buildings) ❶ 47% (no additional driveway/parking)	40% (building) 50% (with driveway and parking)
Storeys (#)	2 storeys (existing)	2 storeys / 6.0m
Setbacks-House (m)		
-Front Yard	0.0 to carport ❷	6.0m
-Side Yard (east) -Side Yard (west)	0.0 m to carport ❸ 1.99m ❹	2.3m
Rear Yard	5.32m ❺	7.5m
Parking Spaces	2 in front yard ❻	2

#### Notes:

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

- ❶ A variance is required to allow site coverage of 47% where 40% is permitted.
- ❷ A variance is required to allow a front yard setback of 0.0m to the carport where 6.0 metres is required
- ❸ A variance is required to allow a side yard setback of 0.0 metres to the carport where 2.0 metres is required.
- ❹ A variance is required to allow a side yard setback of 1.99 metres to the carport where 2.0 metres is required.
- ❺ A variance is required to allow a rear yard setback of 5.32 m where 7.5 m is required.
- ❻ A variance is required to allow the required parking to be located within the front yard setback.



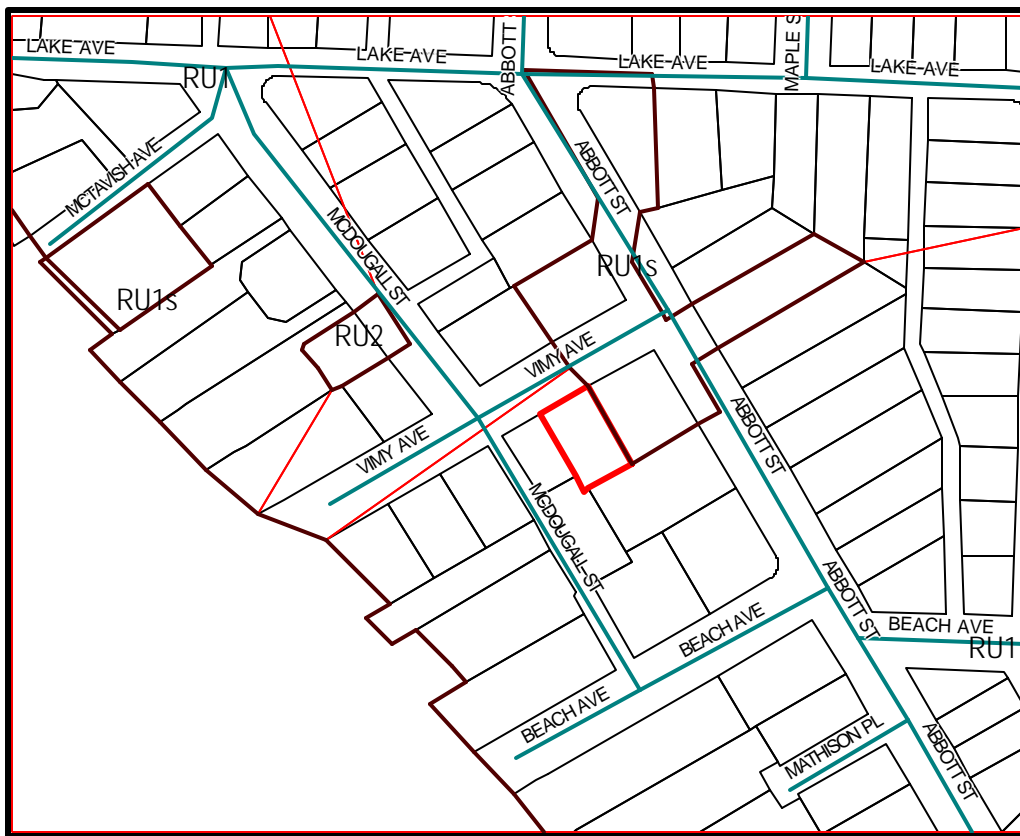
#### 4.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area on Vimy Avenue between Okanagan Lake 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 – single family dwelling
- East - RU1s - Large lot housing with secondary suite – single family dwelling with suite
- South - RU1 - Large lot housing – single family dwelling
- West - RU1 - Large lot housing – single family dwelling

#### 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. The applicants have applied to rezone the subject property from RU1 to RU1s.

#### 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. The applicant has incorporated some design features that are consistent with the Development Guidelines, including the proposed siding and windows trim materials. The following outlines a couple of design features that are not consistent with the Development Guidelines: the proposed new triangular windows are not consistent with the design of the windows on the existing building, nor are they consistent with other more traditional window shapes in the area.

## 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

5.1.1 No concerns with addition at rear.

5.1.2 If the trellis extension is to be the off-street parking, the east side shall be enclosed with a 3/4 hr. fire rating and non-combustible cladding.

5.1.3 This parking area will be in the front yard; this should be part of the variance.

### 5.2 Works and Utilities

#### 5.2.1 Domestic Water & Fire Protection

The existing lot is serviced with a small diameter (13mm) copper water service, which is substandard. Adequate metered water service must be provided to meet current by-law requirements. The installation of the new service for Lot B will be by City forces. The applicant will be responsible for the cost of the new service and removal of the existing service.

#### 5.2.2 Sanitary Sewer

Our records indicate that the existing 100mm diameter sanitary service to this property crosses the property to the west (Lot 1 PL 2409). We have no record of an easement in place over the service to protect the owner of Lot B PL 2183. The Works & Utilities Department, therefore, encourages the owners to obtain a Section 219 agreement with the owner of Lot 1 PL 2409. The agreement must set down arrangements for maintenance and must include a clause to the effect that it is not to be cancelled without the consent of the Approving Officer for the City of Kelowna. This agreement must be registered as a priority charge.

#### 5.2.3 Site Related Issues.

The Heritage Alteration permit Application for the building addition does not compromise Works & Utilities requirements. The Heritage Alteration Permit Application for a Variance to the rear, side and front yard setback does not compromise Works & Utilities requirements.

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports Heritage Alteration Permit application HAP03-0008 and has no concerns with the proposed variances. The addition at the rear of the property conforms to the existing legal non-conforming setbacks of the house. The proposed carport is to match that of the existing carport on the adjacent property and off-street provides parking for two vehicles. As the applicant is proposing to cover an existing parking area and the proposed rear addition is small in size, little impact with the increase in site coverage. The applicant has also provided a landscaping plan and has indicated that the existing hedges and trees are to be maintained. In general, Staff feel that the landscaping provided will help to mitigate any potential impacts of the proposed variances.

The applicant has incorporated some design features that are consistent with the Development Guidelines, including the proposed siding and windows trim materials. Though proposed windows are not consistent with traditional window shapes in the area, the renovations proposed will significantly improve the overall look of the house. The applicant circulated the plans to the surrounding neighbours and received their support for the proposed renovations to the house. A signed letter in support of the application is attached to the report.

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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**

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. APPLICATION NO.:</b>                                                                                                                                                                         | HAP03-0008                                                                                                                                                                         |
| <b>2. APPLICATION TYPE:</b>                                                                                                                                                                        | Heritage Alteration Permit                                                                                                                                                         |
| <b>3. OWNER:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE                                                                                                                                           | John Skelton<br>247 Vimy Ave<br>Kelowna, BC<br>V1Y 5S4                                                                                                                             |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE<br>· TELEPHONE/FAX NO.:                                                                                                | Sherri Simson<br>2684 Casa Loma Road<br>Kelowna, BC<br>V1Z 1T5<br>862-1663                                                                                                         |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | June 27, 2003<br>June 27, 2003<br>n/a<br>n/a<br>August 14, 2003                                                                                                                    |
| <b>6. LEGAL DESCRIPTION:</b>                                                                                                                                                                       | Lot B, D.L. 14 , ODYD, Plan 2183                                                                                                                                                   |
| <b>7. SITE LOCATION:</b>                                                                                                                                                                           | on Vimy Avenue between Okanagan Lake and Abbott Street                                                                                                                             |
| <b>8. CIVIC ADDRESS:</b>                                                                                                                                                                           | 247 Vimy Avenue                                                                                                                                                                    |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                                                                                                                                                | 625 m <sup>2</sup>                                                                                                                                                                 |
| <b>10. AREA OF PROPOSED REZONING:</b>                                                                                                                                                              | n/a                                                                                                                                                                                |
| <b>11. EXISTING ZONE CATEGORY:</b>                                                                                                                                                                 | RU1- Large Lot Housing                                                                                                                                                             |
| <b>12. PROPOSED ZONE:</b>                                                                                                                                                                          | as existing                                                                                                                                                                        |
| <b>13. PURPOSE OF THE APPLICATION:</b>                                                                                                                                                             | to obtain a HAP to allow for the renovation of the existing building and to obtain variances to allow for the construction of two additions to the existing single detached house. |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br/>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b>                                                                                   | n/a                                                                                                                                                                                |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                                                                                                                                                | n/a                                                                                                                                                                                |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- FloorPlans
- Elevations
- Photos of existing house
- Landscaping Plan
- Signatures of Neighbours