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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** January 27, 2004  
**File No.:** Z03-0060/HAP03-0017

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO. Z03-0060**  
**AT:** 255 Lake Avenue

**OWNER:** Sylvia Wearne/Gerald Sager  
**APPLICANT:** Sylvia Wearne

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU1S – LARGE LOT HOUSING WITH SECONDARY SUITE ZONE

TO VARY THE SIDE YARD SETBACK FROM 2.3M REQUIRED TO 0.69M PROPOSED

TO VARY THE REAR YARD SETBACK FROM 7.5M REQUIRED TO 1.07M PROPOSED

**EXISTING ZONE:** RU1 – Large Lot Housing

**PROPOSED ZONE:** RU1s – Large Lot Housing with Secondary Suite

**REPORT PREPARED BY:** RYAN SMITH

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

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#### 1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of That part of lot 28, Block 5, Outlined red on Plan 348, District Lot 14, ODYD Plan 348, located on Lake Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Heritage Alteration Permit on the subject property.

## 2.0 SUMMARY

The applicant are seeking to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone. The subject property is located in the Abbott Street Heritage Conservation Area and therefore a heritage alteration permit is also required to accompany the rezoning application. Through the Heritage Alteration Permit the applicant is seeking to vary the side yard setback from 2.3m required to 0.69m proposed and vary the rear yard setback from 7.5m required to 1.07m proposed.

## 3.0 COMMUNITY HERITAGE COMMISSION

At the December 2<sup>nd</sup> meeting it was resolved:

THAT the Community Heritage Commission support Rezoning and Heritage Alteration Permit Application Z03-0060 / HAP03-0017 – 255 Lake Ave subject to the following:

- The addition be redesigned to stay within standard rear yard setback requirements; and
- Redesigning the arch treatment over the proposed new windows and doorways to reflect the pitched V roof structure of the existing building.

## 4.0 ADVISORY PLANNING COMMISSION

At the December 9, 2003 meeting it was resolved:

That the Advisory Planning Commission support Rezoning Application No. Z03-0060, 255 Lake Avenue, Lot 28, Plan B3957, Sec. 24, Twp. 25, ODYD, Sylvia Wearne; to rezone from the RU1-Large Lot Housing zone to the RU1s-Large Lot Housing with Secondary Suite zone.

And that the Advisory Planning Commission not support Heritage Alteration Permit application No. HAP03-0017, 255 Lake Avenue, Lot 28, Plan B3957, Sec. 24, Twp. 25, ODYD, Sylvia Wearne, to vary the rear yard from the 7.5 m required to the 1.03 m proposed, and the side yard setback from the 2.3 m required to the 0.69 m proposed.

*Note: The applicant has since redesigned the proposed building addition in order to reduce the size of the required variance. The applicant has increased the proposed rear yard setback from 1.03m proposed to 3.05m at the closest point.*

## 5.0 BACKGROUND

The house on the subject property is listed on Kelowna's heritage register. The house was designed by architect J. Emslie and built in 1932 for Valentine D. Lewis. The register describes the house as an attractive, well maintained house in the vernacular cottage style.

The house has a high gable with a large high gable wing on the front. There are projecting eaves around the house with a chimney at the far left and the far top right. There is rock along the bottom of the front façade with rock steps to the entrance. The wood frames on the windows have moulded trim and plain lug sills.

## 6.1 The Proposal

The applicant is proposing to rezone the subject property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite. Through a heritage alteration permit the applicant is also seeking approval for the form and character of an addition to their 1930's era heritage house. The applicants are also seeking variances for side and rear yard setbacks through the heritage alteration permit.

The proposed addition would measure 155m<sup>2</sup> in size and would house a garage (single car) and workshop and family room (for principal dwelling) at grade. The second storey of the addition will include at 50m<sup>2</sup> secondary suite as well as a master bedroom (for principal dwelling). The proposed addition would maintain the character of the existing single family dwelling and would be finished with similar exterior treatments in the vernacular cottage style.

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> )	860m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	23m (approx.)	16.5m
Lot Depth (m)	38m (approx.)	30.0m
Site Coverage (%) (existing)	20%	40%
Site Coverage (%) (proposed)	28%	40%
Total Floor Area (m <sup>2</sup> )		
-House (existing)	172m <sup>2</sup>	
-House (proposed)	289m <sup>2</sup>	
-Secondary suite	50m <sup>2</sup>	90m <sup>2</sup>
Height	2 Storeys	2.5 Storeys
Setbacks-House (m)		
-Front	36.75m	4.5m
-Rear	3.05m (Increased from 1.07m)	7.5m
-East Side	17.4m	2.3m
-West Side	0.69m	2.3m
Private Open Space (m <sup>2</sup> )	200m <sup>2</sup>	60m <sup>2</sup>
Parking Spaces (Total)	3	3

## 6.2 Site Context

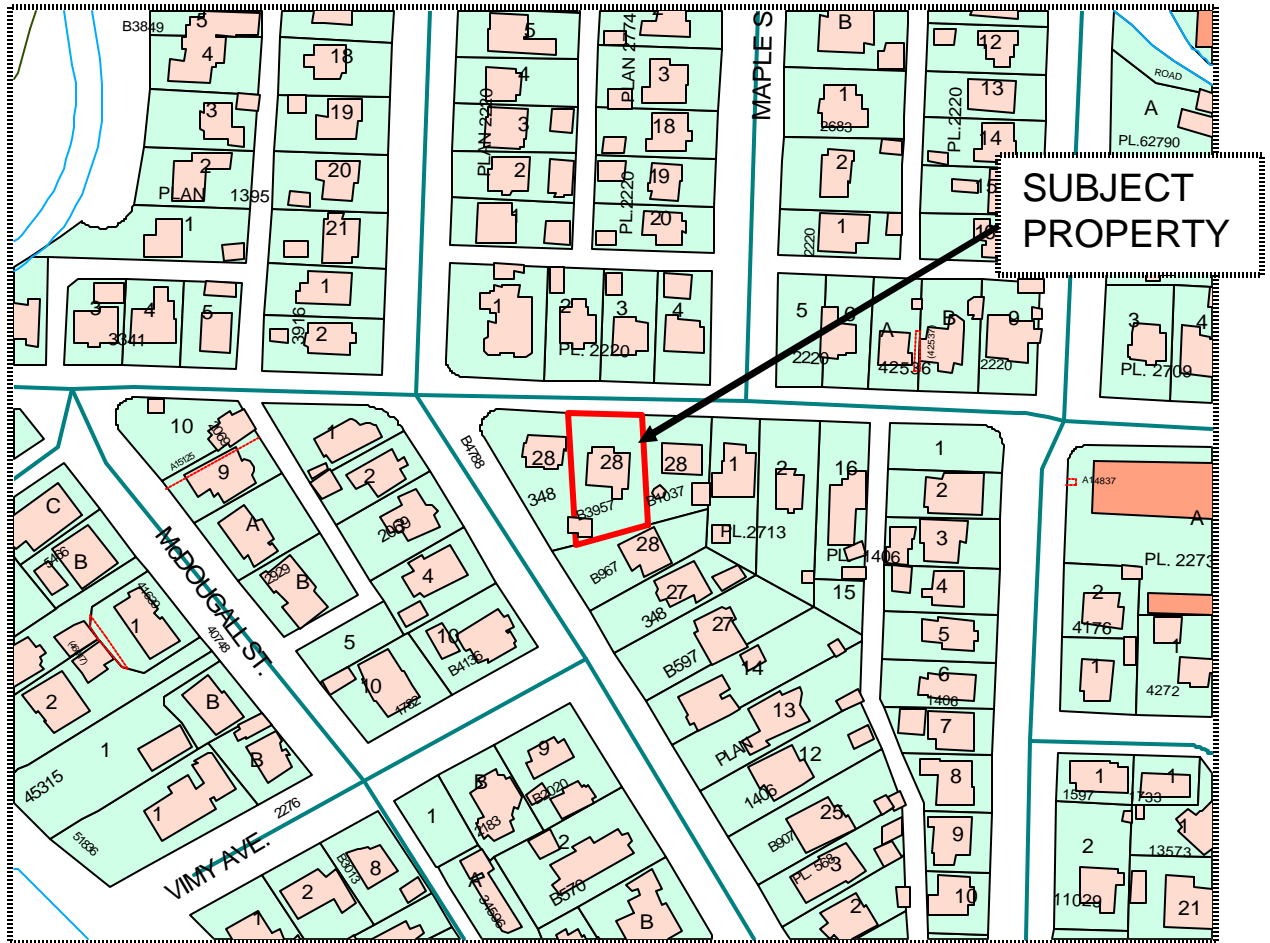
The subject property is located on the south side of Lake Avenue between Abbot Street and Maple Street.

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

Subject Property: 255 Lake Avenue



### 6.3 Existing Development Potential

The purpose of the RU1-Large Lot Housing zone is to provide for single detached housing, and compatible secondary uses, on large serviced urban lots.

### 6.4 Current Development Policy

#### 6.4.1 Kelowna Official Community Plan

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan future land use designation. 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.

#### 6.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

#### 6.4.3 Kelowna Heritage Register

The house on the subject property is listed on Kelowna's heritage register. The house was designed by architect J. Emslie and built in 1932 for Valentine D. Lewis. The register describes the house as an attractive, well maintained house in the vernacular cottage style.

The house has a high gable with a large high gable wing on the front. There are projecting eaves around the house with a chimney at the far left and the far top right. There is rock along the bottom of the front façade with rock steps to the entrance. The wood frames on the windows have molded trim and plain lug sills.

### 7.0 TECHNICAL COMMENTS

#### 7.1 Works and Utilities Department

##### 7.1.1 General

The proposed rezoning application does not compromise Works and Utilities requirements.

##### 7.1.2 Domestic water and fire protection

The existing lot is serviced with a (19-mm) copper water service.

Water service issues will be reviewed when a Building Permit application including a mechanical plan is submitted.

### 7.1.3 Sanitary Sewer

This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service will be adequate for the proposed additional suite and may be retained.

### 7.1.4 Development Permit and Site Related Issues

The existing driveway access on Lake Avenue is in the preferred location and can remain in place.

The Heritage Alteration Permit Application to do additions and alterations to the existing building does not compromise Works and Utilities requirements.

The variance to reduce the side yard setback from 2.0m to 0.69m and rear yard setback to 1.07m, does not compromise Works and Utilities requirements.

## 7.2 Inspection Services Department

Not recommended. This development would place the adjoining lot with carriage house to unnecessary risk of fire damages.

## 7.3 Fire Department

No comment.

## 7.4 Public Health Inspector

No Comment

## 7.5 Shaw Cable

No comment.

## 7.6 Terasen

No comment.

## 7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services has no concerns with the proposed rezoning to add an “s” designation to the parent zone of the subject property. The proposal is consistent with the Official Community Plan and Strategic Plan.

The Planning and Corporate Services Department does have concerns with regards to the Heritage Alteration Permit application. The Inspection Services Department has noted concerns with regards to the reduced setbacks on both the side and rear yards in terms of fire safety and planning staff are concerned that supporting variances of this magnitude would set a negative precedent in the Abbott Street Heritage Conservation Area. Staff note that the applicant has revisited the proposal in an attempt to reduce the

rear year variance; however, it is felt that there is sufficient room on this site for the applicant to explore siting options which do not require such large variances.

The abutting neighbours to the east have also indicated their support for the proposed (written submission). The neighbours abutting the rear of the subject property at 1923 Abbott Street had initially indicated that they would not support the application; however, are reconsidering the revised plans and will comment further on the application in front of Council.

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Andrew Bruce  
Development Services Manager



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

RM/AB/rs  
Attach.

**FACT SHEET**

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|---|---|
| 1. APPLICATION NO.:                         | Z03-0060/HAP03-0017   |
| 2. APPLICATION TYPE:                        | Rezoning/Heritage Alteration Permit   |
| 3. OWNER:                                   | David Sager and Sylvia Wearne   |
| . ADDRESS                                   | 255 Lake Avenue   |
| . CITY                                      | Kelowna, BC   |
| . POSTAL CODE                               | V1Y 5W6   |
| 4. APPLICANT/CONTACT PERSON:                | Sylvia Wearne   |
| . ADDRESS                                   | 255 Lake Avenue   |
| . CITY                                      | Kelowna, BC   |
| . POSTAL CODE                               | V1Y 5W6   |
| . TELEPHONE/FAX NO.:                        | (250)868-4862   |
| 5. APPLICATION PROGRESS:                    |   |
| Date of Application:                        | October 24, 2003  |
| Date Application Complete:                  | October 24, 2003  |
| Servicing Agreement Forwarded to Applicant: | N/A   |
| Servicing Agreement Concluded:              | N/A   |
| Staff Report to CHC/APC:                    | November 26, 2003   |
| 6. LEGAL DESCRIPTION:                       | That part of Lot 28, Block 5, Outlined red on Plan B3957, District Lot 14, ODYD Plan 348                |
| 7. SITE LOCATION:                           | The subject property is located on the south side of Lake Avenue between Abbot Street and Maple Street. |
| 8. CIVIC ADDRESS:                           | 255 Lake Avenue   |
| 9. AREA OF SUBJECT PROPERTY:                | 890m <sup>2</sup>   |
| 10. AREA OF PROPOSED REZONING:              | 890m <sup>2</sup>   |
| 11. EXISTING ZONE CATEGORY:                 | RU1-Large Lot Housing   |
| 12. PROPOSED ZONE:                          | RU1s-Large Lot Housing with Secondary Suite   |

**13. PURPOSE OF THE APPLICATION:**

TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU1S – LARGE LOT HOUSING WITH SECONDARY SUITE ZONE

TO OBTAIN A HERITAGE ALTERATION PERMIT FOR THE FORM AND CHARACTER OF A BUILDING ADDITION TO A SINGLE DETACHED HOUSE IN THE ABBOTT STREET HERITAGE CONSERVATION AREA

TO VARY THE SIDE YARD SETBACK FROM 2.3M REQUIRED TO 0.69M PROPOSED

TO VARY THE REAR YARD SETBACK FROM 7.5M REQUIRED TO 1.07M PROPOSED

**14. MIN. OF TRANS./HIGHWAYS FILES NO.:  
NOTE: IF LANDS ARE WITHIN 800 m OF A  
CONTROLLED ACCESS HIGHWAY**

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**15. DEVELOPMENT PERMIT MAP 13.2  
IMPLICATIONS**

N/A

**ATTACHMENTS**

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

- Subject property map
- Site plan and floor plans
- Elevations