
CITY OF KELOWNA

MEMORANDUM

Date: January 20, 2005
File No.: HAP04-0005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. HAP04-0005 OWNER: MARLENE FIPKE

AT: 2150 ABBOTT STREET APPLICANT: CARL SCHOLL DESIGN

PURPOSE: TO OBTAIN A HERITAGE ALTERATION PERMIT TO ALLOW FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW SINGLE DETACHED DWELLING WITHIN THE REQUIRED 60 DEGREES OKANAGAN LAKE SIGHT LINES.

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.04-0007; Carl Scholl Design (Carl Scholl), Lot A, DL 14, ODYD, Plan 39250, located on Abbott Street, Kelowna, B.C., 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. Existing Landscaping to be preserved on the land in general accordance with Schedule "C";
5. A maximum of two kitchens are permitted in accordance with the regulations for second kitchens as outlined in Zoning Bylaw No. 8000;
6. No structures, including pathways & patios with impermeable surfaces, are permitted within the 15.0 m Riparian Management Area setback from Okanagan Lake;

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

Section 6.11.1 Okanagan Lake Sight Lines

A variance to allow the proposed single detached dwelling to have a 48.57° sightline from the property to the north and a 57.7° sightline from the property to the south where the required Okanagan Lake Sightline angle of the adjacent properties is 60° on each side (total 120°).

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant is proposing to demolish the existing building in order to construct a new two storey single detached house. Due to the proposed location of the new house, a variance to the Okanagan Sightline Setback regulations is required.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of September 21, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission not support Heritage Alteration Permit Application No. HAP04-0005, for 2150 Abbott Street, Lot A, DL 14, ODYD, Plan 39250, by Carl Scholl Design (Carl Scholl), to obtain a heritage alteration permit to allow for the demolition of the existing dwelling and the construction of a new dwelling; and to obtain a variance to allow for the construction of the new dwelling within the required Okanagan sightlines.

4.0 COMMUNITY HERITAGE COMMISSION

The above-noted application was reviewed by Community Heritage Commission at the meeting of September 14, 2004 and the following recommendation was passed:

THAT the Community Heritage Commission not support Heritage Alteration Permit Application No. HAP04-0005, for 2150 Abbott Street, Lot A, DL 14, ODYD, Plan 39250, by Carl Scholl Design (Carl Scholl), to obtain a heritage alteration permit to allow for the demolition of the existing dwelling and the construction of a new dwelling; and to obtain a variance to allow for the construction of the new dwelling within the required Okanagan sightlines.

The CHC recommended against the proposal, stating that (a) the massing and design of the building did not conform with the design principles of the Abbott Street and Marshall Street Heritage Conservation Area Development Guidelines, and (b) the size and placement of the building would be an intrusion on the neighbours' Okanagan Lake sight lines.

5.0 BACKGROUND

5.1 The Proposal

The applicant is proposing to construct a new two storey single detached dwelling. The façade of the proposed dwelling provides significant amount of architectural detail and visual interest. A slate tile roof is proposed while subroofs are to be finished in copper with an "antique patina" and batten seam roofing. The use of different materials is further seen in the use of oak stained carriage style doors on the garage as well as stone veneer on the main floor of the

building. The second storey and portions of the first storey will be finished in gold stucco with bronze metal window frames. Coach lamp style lighting fixtures are proposed adjacent to the front entry gate and garage. Mutin bars are to be added to upper transom windows given them the appearance of a traditional window.

A front yard set back of approximately 18 metres is proposed where only a 6.0 metre setback is required. The large front yard will allow for the preservation of the existing mature trees at the front of the lot and driveway access, including a turnaround, to garage space for three vehicles. In addition, a large outdoor courtyard is located at the front of the building providing a large amenity space for the dwelling.

The proposed dwelling is to be constructed up to the minimum required side yard setbacks of 2.0 metres for the one storey portions of the dwelling with the second storey portions of the building stepped back to 2.3 metres on both sides of the building. On the south elevation of the building, three second floor level sundecks are proposed. A second storey deck is also located at the rear of the house on the north side of the building. An additional deck is located on the front elevation within the courtyard thus buffered from the adjacent properties.

With the exception of the Okanagan Sightline regulations, the proposal meets the provisions of the Zoning Bylaw. In accordance with the Zoning Bylaw, a second kitchen is permitted provided it is freely and fully accessible from the remainder of the dwelling without any intervening doors equipped with a locking device of any kind. A second kitchen is proposed on the second floor. While a sink and fridge will be permitted, additional cooking facilities will not be permitted in the “summer kitchen” on the main floor as a total of only two kitchens are permitted within a single detached dwelling.

The glass atrium, housing an indoor swimming pool located at the rear of the house, is proposed to be constructed with a setback of approximately 17.0 from the high water mark of Okanagan Lake. On either side of the atrium, the portions of the building are slightly stepped back. At this time, the applicant is not proposing to construct any patios/terraces at the rear of the property. Structures, including impermeable surfaces such as paved pathways, are not permitted within the riparian management area setback without approval through a development permit waiver or an environmental development permit. The proposed house encroaches within the Okanagan Sightlines on both the north and south sides of the property. To the north, the applicant is proposing a sightline of 48.57 degrees with a 48 degree sightline from the house to the south.

The application meets the requirements of the proposed RU1 – Large Lot Housing zone as follows:

| CRITERIA | PROPOSAL | RU1s ZONE REQUIREMENTS |
|----------------------------|---|---|
| Lot Area (m ²) | 2526 m ² | 550m ² |
| Lot Width (m) | 30.69 m | 17.0m |
| Lot Depth (m) | 81.68 m | 30.0m |
| Site Coverage (%) | 30% approx. 45% approx. | 40% (building) 50% (with driveway and parking) |
| Storeys (#) | 2 | 2 storeys / 6.0m |
| Setbacks-House (m) | | |
| -Front Yard | 18+ m | 4.5 m |
| -Side Yard (north) | 2.0m/2.3m | 4.5 m |
| -Side Yard (south) | 2.0m/2.3m | 2.3 m |
| Rear Yard | 17.0m | 15.0 m |
| Parking Spaces | 6+ | 2 |
| Sightline | 45.67 degrees north 57.7 degrees south | 60 degrees from adjacent houses |

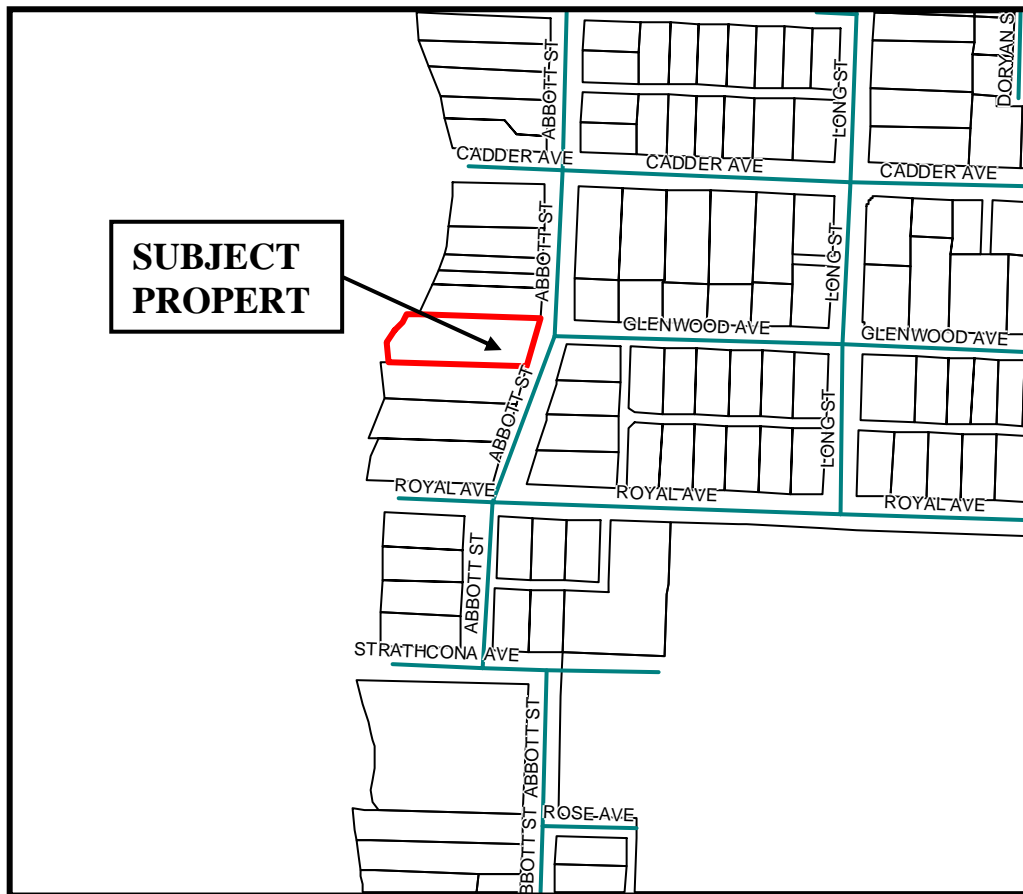
5.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area where Glenwood intersects with Abbott Street. The neighbourhood is zoned predominantly for single family housing.

Adjacent zones and uses are:

- North - RU1 - Large lot housing – single family dwelling
- East - RU1 - Large lot housing – single family dwelling
- South - RU1 - Large lot housing – single family dwelling
- West - W1 – Water - Okanagan Lake

Site Location Map



5.3 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.

5.4 Current Development Policy

5.4.1 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.

5.4.2 Lake Okanagan Shore Zone Plan

In order to protect the shore zone, a corridor of land along the lakefront should be left in its natural condition upon redevelopment of the upland parcel, or be landscaped in a manner that either enhances conditions for fish and wildlife or maintains conditions equivalent to those that would have existed had no development occurred. The rehabilitation of natural areas that have been negatively affected by human activity, even on properties where no development initiatives are being proposed, is also encouraged. It should be ensured that the natural environment will not be negatively affected. The proposed action or development should have no significant impact on the environment, or which concludes that the land is not considered to be environmentally sensitive to development, nor subject to hazardous conditions.

5.4.3 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.

6.0 TECHNICAL COMMENTS

6.1 Inspections Services

Floor levels should be in geodetic elevations to ensure underside of slab is no lower than flood level of 343.66 m. Geotechnical engineer will be required for soil bearing capacity and storm drainage systems.

6.2 Ministry of Water, Land, and Air Protection

The Ecosystem Section has no comments to make relative to the plans submitted with this referral.

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The applicant has incorporated building design features that are consistent with the Development Guidelines, including the use of architectural design techniques that reduce the apparent massing of the building from the front elevation, the use of high quality traditional roofing and siding materials, and the retention of healthy front yard landscaping.

In order to meet the Okanagan sight line setbacks, the applicant would be required to reconfigure, reduce or relocate one of the garages and/or the front courtyard amenity space. The house could then be pulled up closer to the street thus increasing the rear yard setback and the Okanagan sightlines. The applicant, however, wishes to maintain a large front yard setback in order to facilitate two separate garages, the courtyard, and a circular driveway. On-site parking is thus maximized. Staff acknowledges that the large front driveway will allow for the preservation of three mature trees (a pine, a spruce, and a maple) within the proposed turnaround feature. In addition, the applicant intends on maintaining the mature landscaping located along the front property line.

The proposed sightline on the north side of the property is 48.57°. While the existing house meets the 60° sightline setback, the applicant has noted that fencing, mature trees, and a pump house are currently located within the Okanagan Sightline. A gap between the existing trees and the pump house, however, currently provides a view corridor of Okanagan Lake and the mountains beyond. The proposed house will encroach within this existing view corridor. The proposed sight line from the house to the south is 57.7°. The sightline taken from the front of the covered porch is in excess of 60°. Currently a fence, a pool house and a cedar hedge are located within the 60° sightline. The removal of the existing pool house will serve to open up views of the lake from the property to the south with only a small portion of the proposed atrium being located with the required 60° sightline from the house to the south.

Following the CHC and APC meetings, the applicant made some revisions to the proposal. The original proposal submitted called for the location of the atrium at the minimum 15.0 m riparian management area (RMA) setback. Subsequently, however, the applicant increased the rear yard setback of the building by approximately 2.0 metres. In addition, cantilevers were reduced to bring the building in conformance with the regulations of the Zoning Bylaw other than the Okanagan sightline regulations. Mutin bars were added to the windows to make them more in keeping with a traditional heritage style. The proposed stucco was also changed from a multi-toned venetian stucco to a gold stucco based on heritage colours. The lighting fixtures on the front of the proposed house, originally modern triangular lights, were changed to a coach lamp style. The applicant therefore addressed Staff's concerns with the proposed character of the proposed house.

The proposed atrium housing the indoor pool is to be constructed setback several metres from the required 15.0 metre riparian management area setback. The applicant will be required to ensure that no structures, including the construction of hard surfaces such pathways/patios, are built within the riparian management area (RMA). Any construction within the RMA must first be approved through the Development Permit Waiver or Environmental Development Permit process. At this time, no application has been made to approve any construction and/or landscaping within the RMA.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plans
- Floor Plans
- Elevations