
CITY OF KELOWNA

MEMORANDUM

Date: March 8, 2005

File No.: HAP05-0004

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. HAP05-0004
AT: 409 CADDER AVENUE

OWNER: HANS & TERRI BIRKER
APPLICANT: AS ABOVE

PURPOSE: TO OBTAIN A HERITAGE ALTERATION PERMIT TO ALLOW FOR THE CONSTRUCTION OF AT GRADE SWIMMING POOL.

TO OBTAIN A VARIANCE TO ALLOW A SWIMMING POOL TO BE LOCATED IN A REQUIRED FRONT YARD. 3.65M WHERE 4.5 M 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. HAP05-0004 for Lot A, DL 14, ODYD, Plan 39650 located on Cadder Avenue, Kelowna, B.C., subject to the following;

1. The dimensions and siting of the swimming pool to be constructed on the land be in general accordance with Schedule "A";
2. Landscaping 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 6.2.1 – Swimming Pools

To allow a swimming pool to be located within the required front yard setback.

2.0 SUMMARY

The applicants are proposing to construct a new swimming pool within the required front yard setback.

3.0 COMMUNITY HERITAGE COMMISSION

The Community Heritage Commission was to have reviewed application HAP05-004 at the meeting of March , 2005. Due to a lack of quorum, however, the March CHC meeting was cancelled. The CHC recommendation is therefore unavailable at this time. The application will be reviewed at the April 5 CHC meeting and the recommendation will subsequently be available for Council consideration at Public Meeting.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located on the southeast corner of the intersection of Cadder Avenue and Long Street. The applicants are proposing to construct a swimming pool in the front of the subject property. Swimming Pools are not permitted within the required 4.5 m front yard setback. The proposed location of the pool is 3.7m from the front property line. The pool deck is to be surrounded with stamped concrete. A wrought iron fence will surround the pool area. The existing cedar hedge around the property is to be maintained. The pool will thus not be visible from the flanking streets.

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

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Setback to Pool	3.66m	4.5 m (required front yard setback)

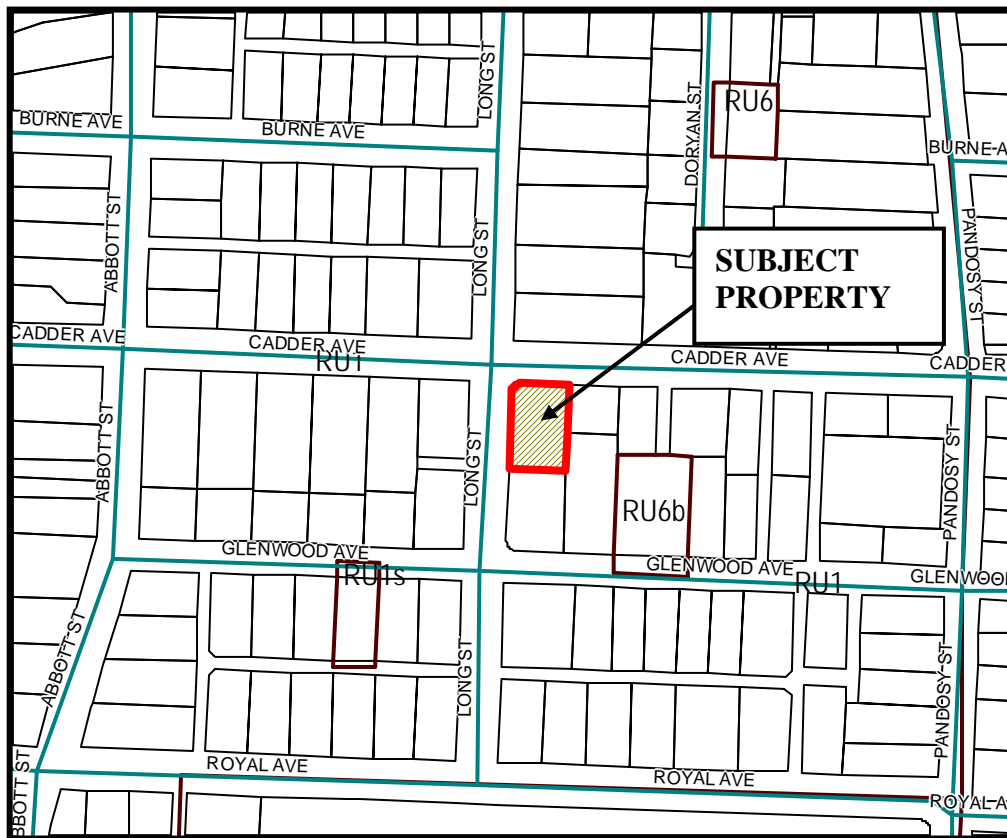
4.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area on Cadder Avenue between Long Street and Pandosy Street. The neighbourhood is zoned predominantly for single family housing.

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.

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. Building Permit required. Pool and fence are to be in accordance with BC Building Code.

5.2 Works and Utilities

No concerns.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports Heritage Alteration Permit application HAP05-0004 and has no concerns with the proposed variance. The requested variance is relatively minor and the form and character of the property will not be compromised by the proposal. The existing hedging will be maintained thus buffering the pool from the adjacent streets and properties. The applicant will be required to construct the wrought iron fencing in accordance with BC Building Code. In addition, the adjacent neighbours have provided letters of support for the variance.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

KN
Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site Plan
- Landscape Plans
- Photos
- Letters from Neighbours