
CITY OF KELOWNA
MEMORANDUM

Date: November 8, 2005
File No.: HAP05-0017

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. HAP05-0017
AT: 781 Bernard Avenue

OWNER: Richard Douglas Lee
APPLICANT: Fine Home Designs

PURPOSE: TO OBTAIN A HERITAGE ALTERATION PERMIT FOR THE CONSTRUCTION OF A SECONDARY SUITE ON THE SUBJECT PROPERTY.

EXISTING ZONE: CD10 – HERITAGE CULTURAL

REPORT PREPARED BY: KEIKO NITTEL

1.0 RECOMMENDATION

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP05-0017 for Lot 17, Block 15, DL 138, ODYD, Plan 262, located on Bernard Avenue, 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. Landscaping to be provided on the land be in general accordance with Schedule "C";

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

2.0 SUMMARY

The applicant is seeking a development permit to allow for the construction of a secondary suite within an accessory building on the subject property.

3.0 COMMUNITY HERITAGE COMMISSION

The Community Heritage Commission passed the following resolution at their Regular Meeting of August 9, 2005:

THAT the Community Heritage Commission supports Heritage Alteration Permit Application No. HAP05-0017 781 Bernard Avenue for the form, character and placement of the proposed accessory building. However, the CHC does not support the proposed colors and recommend that the color scheme be guided by on site research and/or established heritage color schemes for that era.

The Community Heritage Commission passed the following resolution at their Regular Meeting of September 13, 2005:

THAT the CHC support the new colour scheme as presented to the CHC on September 13, 2005 for the new accessory building proposed in Application HAP05-0017 - 781 Bernard Ave.

4.0 BACKGROUND

Built in 1906, the Leckie House is a good example of the Queen Anne Style, which is characterized by the asymmetrical composition, with tall table balanced by an elaborate entrance porch, and by the decorative use of materials and details. The original owners, David and Date Leckie, contributed substantially to the development of Kelowna in their roles as business, community, and church leaders. The building remained a single family home until 1944 when the building was converted into a duplex. In 1994, the property was rezoned to allow the building to be used for art gallery/residential use. This change in use was reflective of the ongoing redevelopment of the block into professional offices and specialty shops.

3.1 The Proposal

The applicant is proposing to construct a secondary suite within a 1 ½ storey accessory building. The accessory building is to be finished in yellow horizontal hardie plank siding, painted shingles, rust coloured trim and black asphalt roofing. The proposed secondary suite consists of living/dining room, kitchen, two bedrooms, and bathroom located above a three car garage. At the time of rezoning to the CD10 zone, a total of 6 parking spaces were required. One additional parking space is required for the secondary suite. A total of seven spaces are therefore required to be provided on site. Three spaces are to be located within the accessory building with an additional 4 spaces (2 tandem spaces) located on either side of the building. With the exception for the area of the secondary suite and the parking, to be located in the existing parking area, no changes to the existing landscaping is proposed (approved under DP94-10,077).

The application meets the requirements of the CD10 – Heritage Cultural zone as per the attached chart.

<u>CRITERIA</u>	<u>PROPOSAL</u>	<u>CD10_ZONE REGULATIONS</u>
Site Area (m ²)	634m ²	460m ²
Site Width (m)	15.24m	13.0
Site Depth (m)	41.8m	30.0m
Site Coverage (%)	31.7%	40%
Parking Stalls (#)	7 spaces	7 spaces * if lane access to lot is available all parking must be accessed from lane, existing front driveways must be removed)

Parking Stall Size	3.5 x 6.0m	Width of 2.5 m (2.7 m /3.0 m/3.3m) *width is dependant on obstructions at sides, e.g. columns, walls, fence, doors – see Bylaw) Length of 6.0m or 5.0m small car (max. 1 space) *an additional 1.2 length required if directly accessed from lane.
Floor Area of Secondary Suite (m ²)	89.2m ²	75% of total floor area of principal building or 90m ² (lesser) when is an accessory bldg max.
Principal Building		
Total Floor Area of Principal Building (m ²)	200+m ²	n/a
Setbacks (m):	Existing	n/a
Private open space (m ²)	30.0+m ³	Min. 30.0 m ²
Height (m)	9.5m/2.5 storeys	9.5m/ 2.5 storeys
Accessory Building with Secondary Suite		
Size (footprint) of Accessory Building (m ²)	89.2m ²	90m ²
Height (m)	4.5m	4.5m or height of principle dwelling (lesser).
Dormers (if applicable)	50%	Max. 50% length of roofline
Setbacks (m):		
- Rear	1.5m	1.5m
- Side	2.7m	1.8m
- Side	2.7m	1.8m
Separation between Accessory Building & Principal Building	6.6m	5.0m
Private Open Space (m ²)	30.0+m ²	30.0m ² (separate from private open space provided for principal dwelling)
Lit Pathway between street and accessory building	Provided	Lit Pathway between street and accessory building – check to make sure provided

3.2 Site Context

The subject property is located on the south side of Bernard Avenue Street.

Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing
 East - RU6 – Two Dwelling Housing
 South - RU6 – Two Dwelling Housing
 West - RU6 – Two Dwelling Housing

3.3 Site Location Map



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

There are no Council approved guidelines by which the alterations must abide by, however, the Abbott Street and Marshall Street Heritage Conservation Areas Development Guidelines could be used for guidance. The intent of these guidelines is to give consideration to the form, character and landscaping of all new development within the Heritage Conservation Areas. When applying them to the proposal, it appears that the applicant has incorporated building design features that are consistent with the Development Guidelines, including the placement, massing, siding, roof forms and window forms, all of which are subordinate to and consistent with the character of the principal building.

3.4.2 City of Kelowna Strategic Plan (2004)

Objectives of the Strategic Plan include: to realize construction of housing forms and prices that meet the needs of Kelowna residents; to achieve accessible, high quality living and working environments; to sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

4.0 TECHNICAL COMMENTS

This application was circulated to various departments and agencies and the following pertinent comments were received:

4.1 Works & Utilities Department

The Works & Utilities Department have the following requirements associated with this Heritage Revitalization Agreement application.

1. Domestic Water and Fire Protection

- (a) This property is currently serviced with a 19mm-diameter copper water service. The Inspection Services Department must determine if the existing service is of sufficient size to provide adequate water for the existing dwelling and the suite in the proposed accessory building. A larger service, if required, can be provided by the City at the owner's cost.
- (b) Should the existing meter be installed in a pit, the meter shall be removed and relocated within the existing dwelling.

2. Sanitary Sewer

- (a) Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service that should be adequate for the proposed application. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.
- (b) The (IC) installation will also determine the service depth at property line. This information may establish the building floor elevation of the accessory building. The applicant will be required to sign a Third Party Work Order for the cost of installing the (IC) prior to issuance of a Building Permit.

3. Storm Drainage

- (a) There is no existing storm drainage service for this lot.

4. Road Improvements

- (a) Bernard Avenue has been upgraded to the ultimate curb alignment. Frontage improvements are complete. And no further upgrades are required at this time.
- (b) The rear lane fronting the development has been upgraded to a paved standard and no further work is required at this time.

5. Electric Power and Telecommunication Services

It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

6. Site Related Issues

Access to the dust-free, hard surface on-site parking area will be restricted to the rear lane. Direct the roof drains into on-site rock pits. This will help dissipate the roof drain water and prevent additional concentrated flows onto the rear lane.

4.2 Inspection Services

Structural engineer may be required at the time of building permit.

4.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Approval of the form and character of the proposed accessory building with a suite requires a Heritage Alteration Permit as the subject property is designated as a Municipal Heritage Site. The Heritage Procedures Bylaw states that such an alteration could be approved by the Director of Planning and Corporate Services, however, the Designation Bylaw (No. 7623) states that alterations to the land must be approved by Council.

The Planning and Corporate Services Department supports the proposed heritage alteration permit to construct a secondary suite within an accessory building at the rear of the subject property. The proposal conforms to the regulations of the Zoning Bylaw and is generally consistent with the policy and design guidelines presented in the Official Community Plan. With exception of the areas affected by the accessory building, the applicant will be required to maintain the landscaping in accordance with DP94-10,077. As for parking, the rezoning of the property to allow for the art gallery use required that six parking stalls be provided. The secondary suite requires the provision of one parking space. It is noted that seven stalls are provided with three of them are located within the accessory building. Adequate on-site parking stalls are therefore provided to meet the bylaw requirements. However, it should be noted that if the public on-street parking on Bernard Avenue is ever eliminated, the parking provided on site may not be practical for customers of an art gallery.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

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Attach.

ATTACHMENTS

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscape Plan
- Photos