
CITY OF KELOWNA

MEMORANDUM

Date: May 8, 2006

File No.: HAP06-0002

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. HAP06-0002

APPLICANT: RON LUTZ

AT: 1858 ABBOTT STREET

OWNER: RON LUTZ & MYRTLE
PIERCE

PURPOSE: TO OBTAIN A HERITAGE ALTERATION PERMIT TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION AT THE REAR OF THE EXISTING SINGLE DETACHED DWELLING.

TO OBTAIN A VARIANCE TO ALLOW A SIDE YARD SETBACK OF 1.0 METRES WHERE 2.0 METRES IS REQUIRED.

TO OBTAIN A VARIANCE TO ALLOW A REAR YARD SETBACK OF 1.5 METRES WHERE 7.5 METRES IS REQUIRED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: KEIKO NITTEL

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Heritage Alteration Permit No. HAP06-0002 for Lot 18, Blk 3, DL 14, ODYD, Plan 1395, located on Abbott Street, Kelowna, B.C..

2.0 SUMMARY

The applicant is proposing to construct an addition at the rear of the existing single detached dwelling to accommodate additional living space and a two-car garage. In order to facilitate the proposed addition, variances are required. The applicant is proposing a rear yard setback of 1.5 m where 7.5 m is required. In addition, the applicant requires a variance to the north side yard setback. The applicant was previously requesting a variance to allow a setback of 0.3 m where 2.0 m is required. As the CHC did not support this proposed variance, the applicant has revised the drawings and is now requesting a variance to allow a side yard of 1.0 m where 2.0 m is required.

3.0 COMMUNITY HERITAGE COMMISSION

The Community Heritage Commission at the meeting of March 7, 2006 originally considered the application HAP04-0004, and the following resolution was passed:

THAT the Community Heritage Commission supports Application #HAP06-0002, subject to reconfiguration to maintain the existing side yard setback.

The applicant subsequently revised the drawings from the originally proposed side yard setback of 0.30 metres to a setback of 1.0 metres. The existing side yard setback, however, is 1.3 metres. The applicant therefore again went before the CHC at the April 4, 2006 meeting.

The Community Heritage Commission at the meeting of April 4, 2006 considered the application HAP04-0004, and the following resolution was passed:

THAT the Community Heritage Commission supports the architectural form and character of Application #HAP06-0002, which is consistent with the Heritage Conservation Area Development Guidelines, and refer the matter of the setback requirements to appropriate City staff.

4.0 BACKGROUND

This house was built in 1937 for Gordon Donald Loane. He lived at Kelowna from about 1905, and about the time this house was built, took over management of the family hardware business, which was later sold to Marshall Wells. By 1948 and until at least 1966 it was owned by Charles M. DeMara (wife Marjorie), proprietor of Demara and Sons Insurance Agencies, which he had founded in 1923 with his father A.H. DeMara. Born in Toronto, DeMara moved to Kelowna with his family in 1916. They farmed on KLO Road before starting the insurance business.

This well maintained house is a very good example of “Moderne” architecture which is unique in Kelowna. This house has a flat roof on the first and second floor, very square with some rounded corners. The front entrance has a rounded overhang. The chimney is on the far left. The garage is attached at the back and goes into the basement.

4.1 The Proposal

The existing house is 2.5 storeys consisting of a basement with two levels of living space located above. The applicant is proposing to construct an addition at the rear of the existing building which will allow for the expansion of each level of the house. The house is listed on the Heritage Register, but has not been protected by Heritage Designation.

The addition to the basement level consists of a double car garage, a half bathroom, and a storage area. A powder/laundry room and stairwell are to be added above a portion of the garage, with an adjacent new kitchen and entry located above the new basement storage area. The top level of the house will also be extended to allow for the addition of an ensuite bathroom.

The required rear yard setback to the building is 7.5 m with required side yard setbacks of 2.0 to 1-1 ½ storey portions of the building and 2.3m to 2-2 ½ storeys portions of the building. With the exception of the garage, the proposed addition will have a rear yard setback of 5.0 m and side yard setbacks of 3.0m (north) and 3.8m (south). The proposed garage, however, has a rear yard setback of 1.5 m and side yard setbacks of 1.0 m (north) and 11.0 m (south). Variance to the rear yard setback and north side yard setback are therefore required.

The garage addition, located at the basement level, has a rear yard setback of 1.5 m which is consistent with that required for detached garage. The remainder of the addition consists of a storage area in the basement level, with a new kitchen, powder room/laundry room, and staircase located above. This portion of the building is tiered back from the rear property line with a setback of approximately 5.0m where 7.5 m is required. A small ensuite addition is also proposed on the top storey of the building.

The style and the materials of the addition are consistent with the “Moderne” architecture of the existing house. In particular, the addition will repeat elements such as the flat roof, rounded corners, and white stucco material found on the rest of the building. The proposed new windows will match the style and size of those found on the rest of the house. Landscaping throughout

the yards space will be provided. The two required parking spaces are to be provided within the new garage. The rear yard is to be fenced and landscaped. No surface parking spaces may be developed behind the proposed addition as there is inadequate space to meet the required parking space length.

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

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	632 m ²	550m ²
Lot Width (m)	18.29 m	17.0m
Lot Depth (m)	34.90 m	30.0m
Site Coverage (%)	<40%/50%	40% (building) 50% (with driveway and parking)
Storeys (#)	2.5 / 7.8m	2 storeys / 9.5m
Setbacks-House (m)		
-Front Yard	15.0m	4.5 m
-Side Yard (north)	1.0 m ^A	2.0 m for a 1 or 1 ½ storey
-Side Yard (south)	2.9 m	2.3 m for a 2 or 2 ½ storey
Rear Yard	1.5 m ^B	7.5 m
Parking Spaces	2	2

^A The Applicant is applying to vary the required side yard setback from 2.0 m to 0.3 m.

^B The Applicant is applying to vary the required rear yard setback from 7.5 m to 1.5 m.

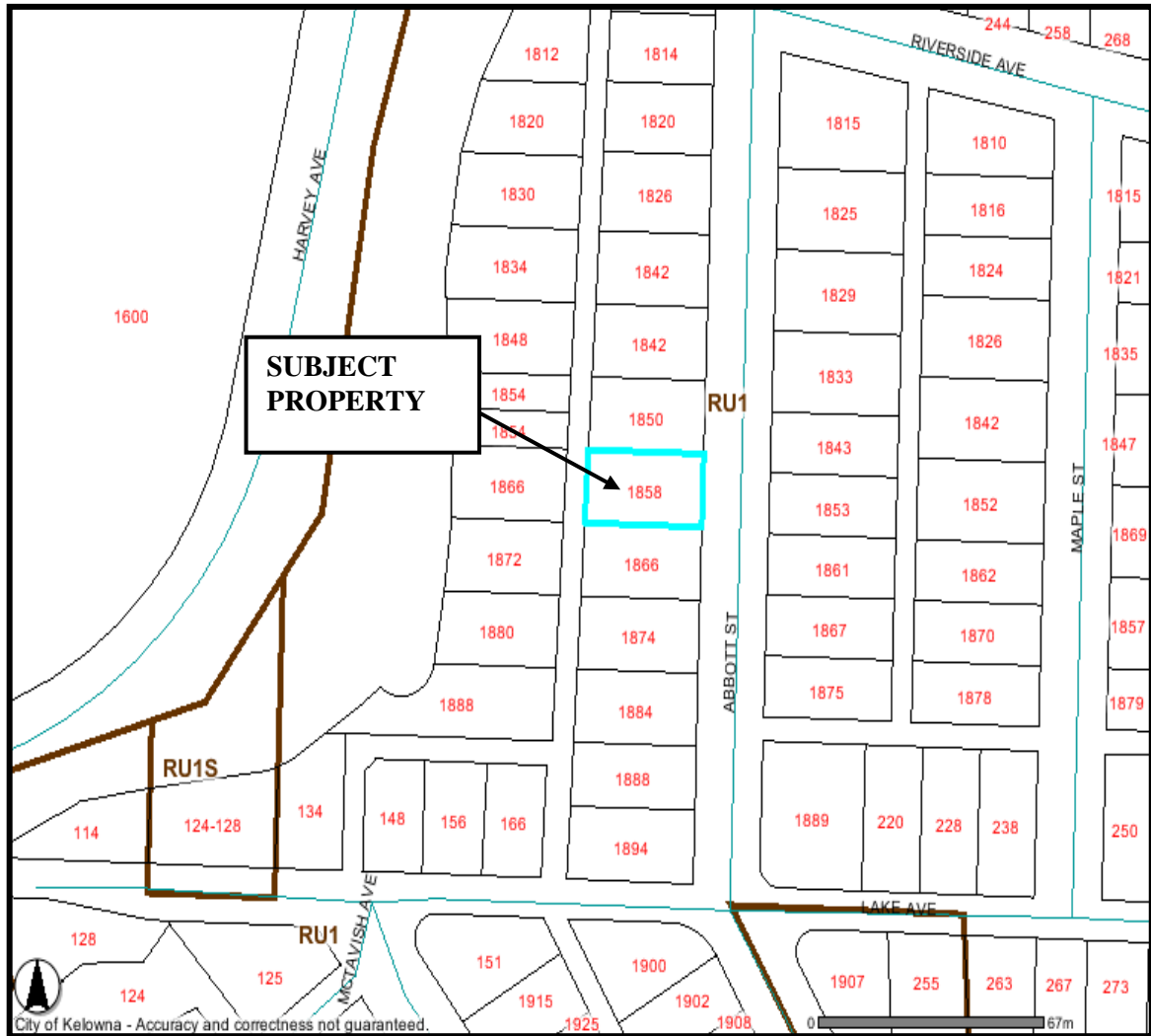
4.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area on Abbott Street between Riverside and Lake Avenues. 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

4.3 Site Location Map



4.4 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.

4.5 Current Development Policy

4.5.1 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 new construction that is compatible with the form and character of the existing neighbourhood context.

4.5.2 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 "G.D. Loane House" is on the Heritage Register.

5.0 TECHNICAL COMMENTS

5.1 Inspection Services

North elevation wall of garage addition requires 3/4 hr. fire rating of non-combustible construction with no openings.

5.2 Works & Utilities

The Works & Utilities Department has the following requirements associated with this application.

5.2.1 Domestic Water

This property is currently serviced with a - 19mm-diameter copper water services. The service will be adequate and no changes are required.

5.2.2 Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter PVC sanitary sewer service. An inspection chamber (IC) is in place and no further upgrades are required.

5.2.3 Site Related Issues

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.

6.0

PLANNING AND CORPORATE SERVICES DEPARTMENT

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 design features that are consistent with the Development Guidelines. In addition, the proposed building design is consistent with that of the existing house. Staff notes that the applicant may not develop surface parking behind the proposed addition as the parking space length would be inadequate and vehicles would project within the lane. The area behind the house must therefore be landscaped to prevent parking in the rear yard.

With regards to the proposed variances, Staff has no concerns with the variance to the proposed rear yard setbacks due to the location of the building at the rear of the site. Staff notes that the rear yard setback of 1.5 m to the attached garage is consistent with that required for a detached garage. The 5.0 m setback to the remainder of the addition allow for the provision of a landscaped private open space area at the rear of the house. The applicant will be required to landscape and fence this area to prevent surface parking at the rear of the house. If future surface parking is desired, the applicant will be required to submit a revised site plan to ensure conformance with Zoning Bylaw regulations.

Staff is concerned with the close proximity of the proposed addition to the north side property line. While a variance to match the existing non-conforming side yard setback of 1.3 m may be reasonable, Staff is not supportive of the proposal to decrease an already non-conforming side yard setback. By revising the drawings to increase the side yard setback to 1.0 m from the originally proposed 0.3 m, Staff feels that the applicant has demonstrated that the side yard setback may be increased. Staff therefore strongly recommends that the applicant proceed even further and meet the existing setback. In general, Staff feels there is no design merit as to why the additional side yard setback variance is required. By reducing the square footage of the proposed addition, the applicant can easily facilitate a side yard setback that conforms to the existing non-conforming setback. The justification for the variance to the side yard setback is therefore to facilitate additional living space rather than enhance the building design and/or improve the layout of the site. Should the applicant require this additional living space, Staff notes that the house may be expanded on the south side of the building while complying with the required side yard setback. Staff also notes that the proposed 1.0m setback provides a limited area between the house and the neighbouring property for both access along, and maintenance of, the north side of the building. Staff does note, however, that the applicant has submitted a letter of support from the neighbours for the proposed development.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Heritage Alteration Permit No. HAP06-0002 for Lot 18, Blk 3, DL 14, ODYD, Plan 1395, 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 buildings to be constructed on the land be in general accordance with Schedule "B";
3. The exterior finish of the accessory building to be finished in accordance with Schedule "B" prior to issuance of an Occupancy Permit;
4. Landscaping to be provided on the land in general accordance with Schedule "C";

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

Section 13.1.6 (d)

- To obtain a variance to allow a side yard setback of 1.0 m where 2.0 m is required.

Section 13.1.6 (e)

- To obtain a variance to allow a rear yard setback of 1.5 m where 7.5 m is required.

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

Shelley Gambacort
Planning Supervisor

Approved for inclusion

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

KN
Attach.

ATTACHMENTS

Location of subject property
Site plans
Floor Plans
Elevations
Letters of Support
Community Heritage Commission Minutes