

**Date:** November 17, 2006  
**To:** City Manager  
**From:** Planning & Development Services Department  
**APPLICATION NO.** DVP06-0162      **APPLICANT:** Oasis Design  
(James Haasdyk)  
**AT:** 784 Bernard Ave.      **OWNER:** Michael Ohman  
**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A  
REDUCTION IN THE SIDE YARD SETBACK FROM 2.3 M TO 1.9 M  
AND TO ALLOW A FREE-STANDING SIGN WHERE IT WOULD  
OTHERWISE NOT BE PERMITTED.  
**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING ZONE  
**REPORT PREPARED BY:** NELSON WIGHT

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0162 for Lot 11, Block 12, District Lot 138, ODYD, Plan 202, 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 annotated Schedule "B";
3. Signage to be permitted on the land be in general accordance with Schedule "C";
4. Free-standing signage to be permitted on the property be subject to the following conditions:
  - a. limit height to no more than 1.5 m (5 feet) above the sidewalk elevation;
  - b. limit sign area to a maximum 1.0 m<sup>2</sup> (3.2 ft<sup>2</sup>);
  - c. setback from property line at least 1.0 m;
  - d. ensure no backlit signage, allowing only low-watt ground lighting or pendant lighting;
  - e. ensure high-quality materials in heritage colours, and consistent with the architectural style of the home, which occupies the home-based business.

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

A variance to the side yard setback requirement for the second storey, allowing a setback of 1.9 m on the west side of the property where 2.3 m is required; and

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

**Section 6.1 (c) Specific Zone Regulations**

A variance to allow free-standing signage on this property, where it otherwise would not be permitted.

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**

This application seeks to allow variances to certain sections of the Zoning Bylaw and Sign Bylaw. Variances required are listed below:

1. Vary the west side yard setback to the second storey addition from 2.3 m to 1.9 m; and
2. Vary the Sign Bylaw to allow the a free-standing sign where it would otherwise not be permitted.

**3.0 ADVISORY PLANNING COMMISSION**

At a meeting held on October 10, 2006, the Advisory Planning Commission passed the following motions:

THAT the Advisory Planning Commission supports Development Variance Permit DVP06-0162, for 784 Bernard Avenue, Lot 11, Plan 202, Sec. 19, Twp. 26, ODYD, by Oasis Design (J. Haasdyk), to obtain a Development Variance Permit to allow a reduction in the side yard setback from 2.3 m to 1.9 m;

AND THAT the Advisory Planning Commission not support Development Variance Permit DVP06-0162, for 784 Bernard Avenue, Lot 11, Plan 202, Sec. 19, Twp. 26, ODYD, by Oasis Design (J. Haasdyk), to obtain a Development Variance Permit to allow a free-standing sign where it would otherwise not be permitted.

The Advisory Planning Commission expressed concerns relating to the size of the sign and the precedent that support for such signage would set for this block.

**4.0 BACKGROUND**

There is an existing  $\pm 125 \text{ m}^2$  (1,344  $\text{ft}^2$ ) one and one-half storey home on the subject property as well as a detached two-storey accessory building containing a  $89 \text{ m}^2$  (960  $\text{ft}^2$ ) secondary suite above a garage

The Applicant intends to add a second storey addition to the house, effectively doubling the floor area. This addition would accommodate both the principal dwelling unit within this house, as well as a home-based business. The existing home is sited in a non-conforming location, relative to the west property line (setback of 1.9 m, where 2.0 m is required). Constructing a second storey addition directly above the main level worsens this non-conformity, which triggers a Development Variance Permit (second floor addition requires 2.3 m setback, where 1.9 m is provided).

In addition to the side yard setback variance, the Applicant is seeking a variance to the Sign Bylaw. An existing free-standing sign is located at the front of the property, next to Bernard (see attached site plan). The Sign Bylaw, however, precludes free-standing signs in all Rural Residential (RR) and Urban Residential (RU) zones.

The proposed development meets the requirements of the RU6 – Two Dwelling Housing zone, as follows; conflicts with the Zoning Bylaw and Sign Bylaw requirements are detailed immediately following the table(s):

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	636 m <sup>2</sup> (0.16 ac)	400 m <sup>2</sup>
Lot Width	15.24 m	13.0 m
Lot Depth	41.7 m	30.0 m
Development Regulations		
Site Coverage (buildings)	35%	40%
Site Coverage (buildings/parking)	39%	50%
Height (existing house)	1 ½ storey	2 ½ storeys / 9.5 m
Height (proposed house)	8.9 m / 2 ½-storeys	2 ½ storeys / 9.5 m
Front Yard	7.4 m to house	4.5 m or 6.0 m to a garage
Side Yard (west)	1.9 m <sup>A</sup>	2.0 m (1 - 1 ½ storey)
	1.9 m <sup>B</sup>	2.3 m (2 storey)
Side Yard (east)	3.9 m	2.0 m (1 - 1 ½ storey)
		2.3 m (2 storey)
Rear Yard (accessory bldg.)	1.5 m	1.5 m
Separation Distance Between House and Accessory Building with Suite	5.0 m	5.0 m
Floor area of existing house	125 m <sup>2</sup>	
Floor area of secondary suite	89 m <sup>2</sup> (960 ft <sup>2</sup> ) 71 %	The lesser of 90 m <sup>2</sup> or 75% of the total floor area of the principal dwelling
Site Coverage (Accessory Building)	14% 89 m <sup>2</sup>	max. 14% cannot exceed 90 m <sup>2</sup>
Height (Accessory Building)	< 4.5 m / 2-storey <sup>C</sup>	An accessory building shall not be higher than the lesser of 4.5 m or the height of the existing principal dwelling unit on the same property,

Other Requirements		
Parking Stalls (#)	(not known at this time)	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling
Home Based Business, Major Maximum Floor Area	48 m <sup>2</sup> 18% of dwelling unit	cannot exceed 25% of floor area of dwelling unit combined area of the residence used for the business and an accessory building used for the business exceed 50 m <sup>2</sup> .

Sign Bylaw		
Section 6 – Specific Zone Regulations for all RR and RU zones:		
Identification	1 per lot	(a) 0.15 m <sup>2</sup> maximum area
Portable	1 per lot	(a) on a temporary basis according to Section 5.7 in a Rural Residential zone located in the ALR;
Free-standing Signs	Does not meet this requirement <sup>D</sup>	not permitted in RU or RR zones

<sup>A</sup> The existing house is sited in a non-conforming location, relative to this side yard setback.

<sup>B</sup> The Applicant is applying to vary the side yard setback to the second storey from 2.3 m to 1.9 m.

<sup>C</sup> At the time the “carriage house” was constructed, it met the height requirements of the Bylaw. This height requirement within Zoning Bylaw No. 8000 has since been reduced.

<sup>D</sup> The Applicant is seeking a variance to this requirement of the Sign Bylaw in order to legalize an existing free-standing sign.

#### 4.1 **Site Context**

The subject property is located on the north side of Bernard Avenue, mid block between Richter and Ethel Street:

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

**Site Location Map**

Subject property: 784 Bernard Avenue



**4.2 Existing Development Potential**

The purpose is to provide a zone for development of a maximum of two dwelling units per lot.

**4.3 Current Development Policy**

**4.3.1 City of Kelowna Strategic Plan (2004)**

- Goal #1 – To maintain, respect, and enhance our natural environment.
- Goal #2 – To foster a strong, stable, and expanding economy.
- Goal #3 – To foster the social and physical well-being of residents and visitors.

**4.3.2 Kelowna 2020 – Official Community Plan (OCP)**

**Future Land Use**

The subject property is designated MULTIPLE UNIT RESIDENTIAL (low density).

### **Objectives for Residential Development**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development should provide visual interest and human scale;
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community belonging, community cohesiveness);
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).

## **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**

Submit spatial calculation requirements for left elevation prior to approval of application. Ensure design does not permit for possible second unit on plans.

### **5.2 Works & Utilities**

#### **5.2.1 Domestic Water and Fire Protection**

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 structure and the proposed addition. A larger service, if required, can be provided by the City at the owner's cost.

#### **5.2.2 Sanitary Sewer**

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 is in place.

#### **5.2.3 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.

#### **5.2.4 Variance and Site Related Issues**

The requested variance to reduce the side yard setback from the required 2.30m to 1.90m proposed and the variance to allow a free standing sign, do not compromise Works and Utilities servicing requirements.

Access to the hard surface on-site parking area will be restricted to the rear lane.

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

### Context

This block of Bernard Avenue from Richter Street to Ethel Street is unique, in that there are several heritage homes, which accommodate a mix of uses. The predominant use is residential, but there are some existing commercial uses within designated heritage buildings (uses in these cases are governed by existing Heritage Revitalization Agreements). In the case of the subject property, and some others along this block, homeowners operate home-based businesses as well. The Knowles Heritage house sits near the east end of this block, next to Knowles Park.

### Design of House Addition

Staff had recommended that the Applicant make changes to improve the front and west elevation.. The response to that request has been positive, with the Applicant adding a veranda with complementary column and railing details. However, the suggestion to reduce the height of the large window opening for the stairwell addition has not been well received. The Applicant considers this element a critical detail for the design of the structure.

Staff maintains the opinion that the front elevation could be improved by reducing the height of the large window, such that it begins above the ceiling of the main floor (see attached elevations). It is further recommended that some landscaping treatment be used to soften the blank wall on the main level portion (e.g.: trellis or small ornamental tree).

The rationale for the Staff position on this matter is that the window has no precedent in a residential context, but is more akin to a commercial context. It makes a more dramatic statement for the dwelling than is appropriate given that residential context. In addition, the increased height of this window accentuates the verticality of the addition, as opposed to downplaying that feature. In this residential neighbourhood—where neighbouring properties are smaller, single-storey homes—Staff considers that it would be preferable to downplay the height, rather than accentuate it with a strong vertical element.

Another important feature of the design is the horizontal band detail defining the break between the first and second storey. This shows up on the south side and west sides of the stairwell addition only. Staff are recommending that this be extended around the north east and west elevation of the building as well. It is further recommended that this detail not be a stucco build-out (as is used on the carriage house), but consist of a different material, preferably a stained or painted wood/wood substitute material consistent with the trim detail on the rest of the house.

### Side Yard Setback

The existing home is located 1.9 m from the west property boundary, and adding a second storey at this location makes practical sense from a construction point of view.

At the time of writing this report, there was no concern raised from abutting property owners. Given the lack of opposition to this component of the project, and

the practical reasons stated above, Staff has no concerns with the reduction in the side yard setback.

Free-standing Sign

It should be acknowledged that this block is somewhat unique, in that there are some existing home-based businesses that announce their presence with free-standing signage.

Staff do not encourage additional signage of this nature, when it is detrimental to the character of the neighbourhood, and geared more to vehicle as opposed to pedestrian traffic. However, there are examples where free-standing signage for home-based businesses works well to properly identify the business on site, while not detracting from the residential character.

Staff sees merit in reconsidering the provisions for signage specific to home-based businesses, at the very least for this particular block. In particular, Staff recommends that such design standards be considered for free-standing signage in this specific area (Bernard Avenue from Richter Street to Ethel Street):

- limit height to no more than 1.5 m (5 feet) above the sidewalk elevation;
- limit sign area to a maximum 1.0 m<sup>2</sup> (3.2 ft<sup>2</sup>);
- setback from property line at least 1.0 m;
- ensure no backlit signage, allowing only low-watt ground lighting or pendant lighting;
- ensure high-quality materials in heritage colours, and consistent with the architectural style of the home, which occupies the home-based business.

Should Council agree to the recommendations above, Staff could undertake a text amendment to the Sign Bylaw.

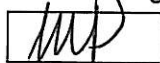
For this application, Staff would support the variance to allow free-standing signage, provided that it met the above criteria.



Shelley Gambacort

Acting Development Services Manager

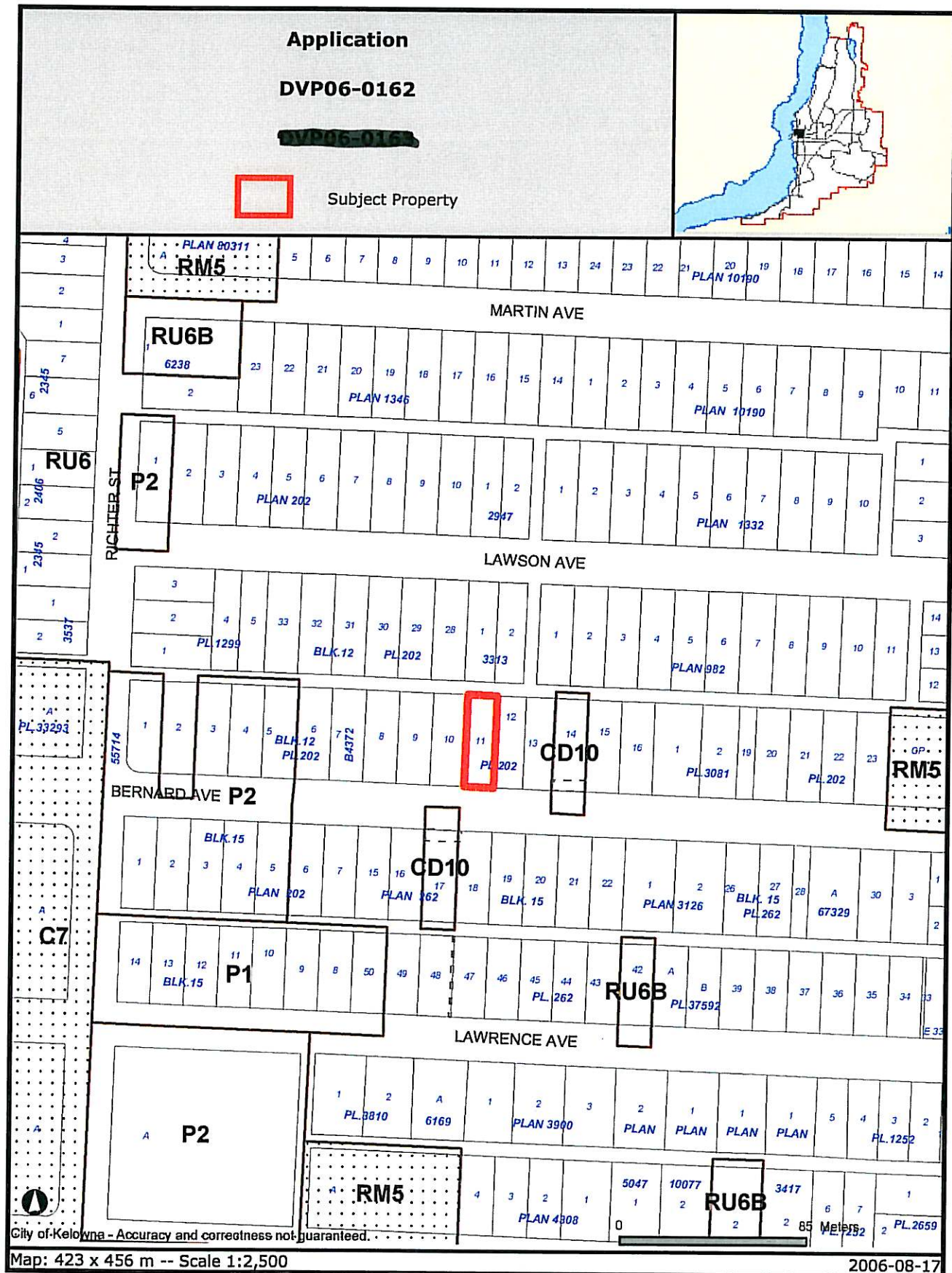
Approved for inclusion



Mary Pynenburg, MRAIC MCIP

Director of Planning & Development Services

NW/nw

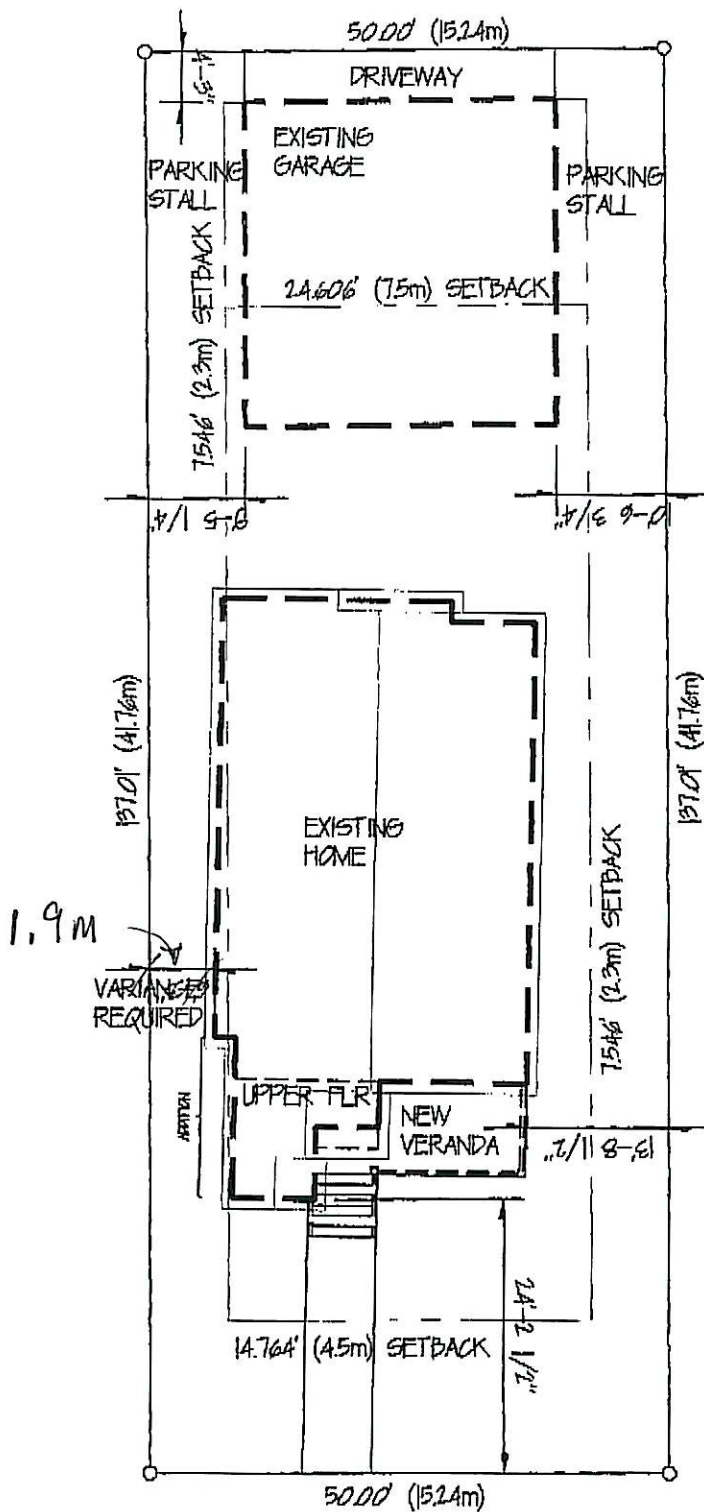


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.





LANEWAY



## SCHEDULE A (1 of 3)

This forms part of development

Permit # \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

RECEIVED

OCT 10 2006

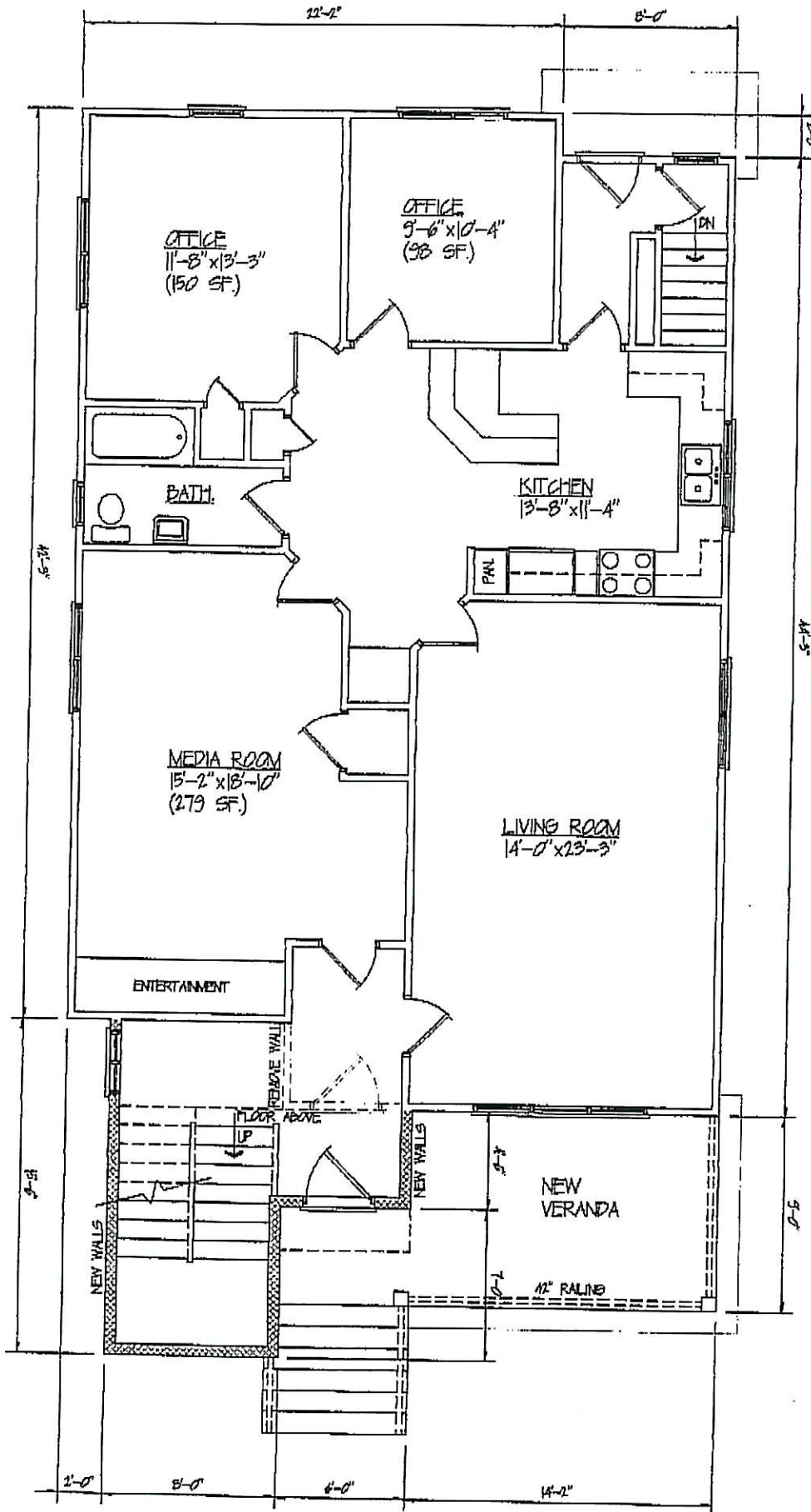
CITY OF MELBOURNE  
PLANNING DEPT.

BERNARD AVENUE

SITE PLAN

1/16" = 1'-0"

REVISED PLANS

**SCHEDULE A (2 of 3)**

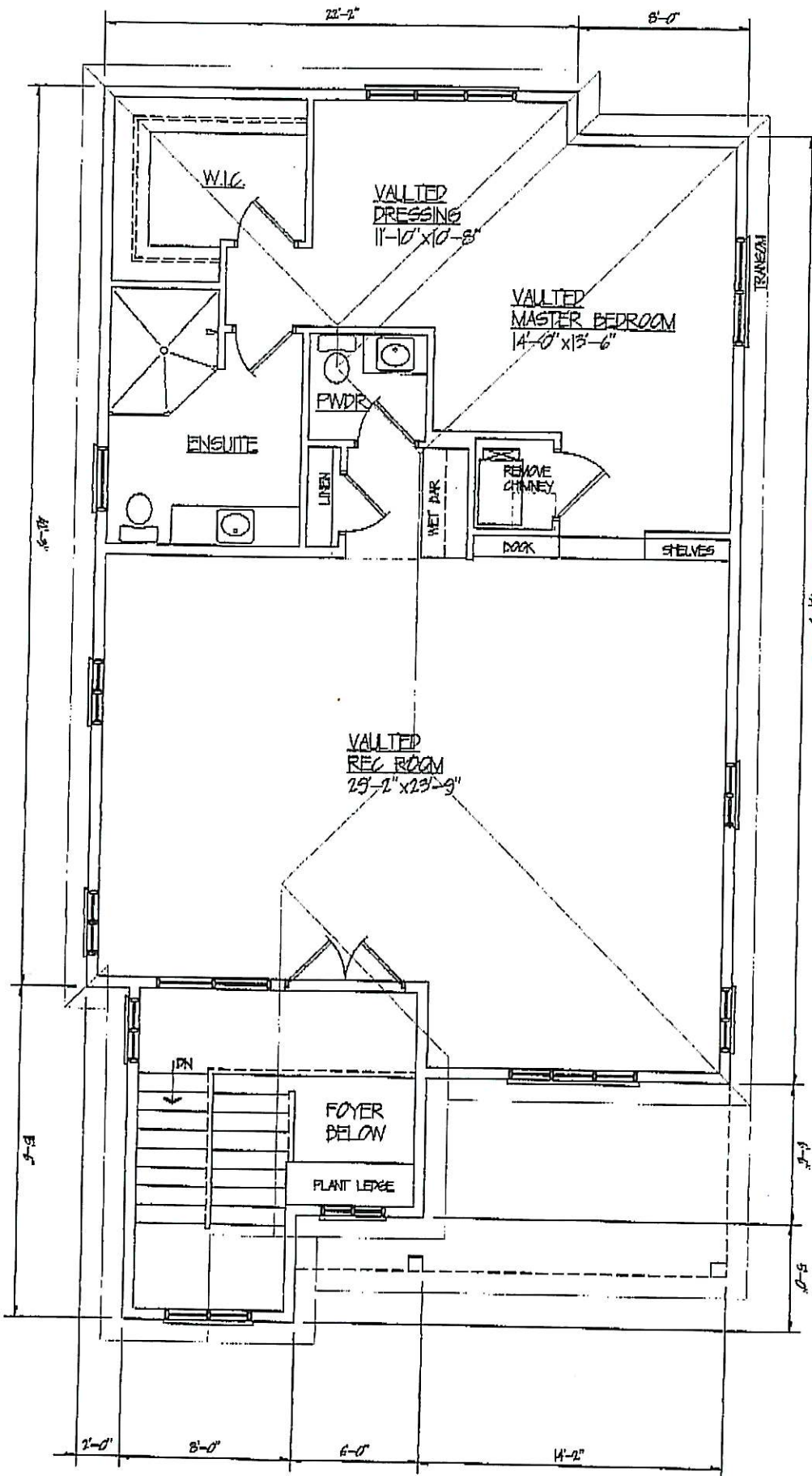
This forms part of development

Permit # \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

**RECEIVED****OCT 10 2006****CITY OF KILGOWNA  
PLANNING DEPT.****REVISED PLANS**



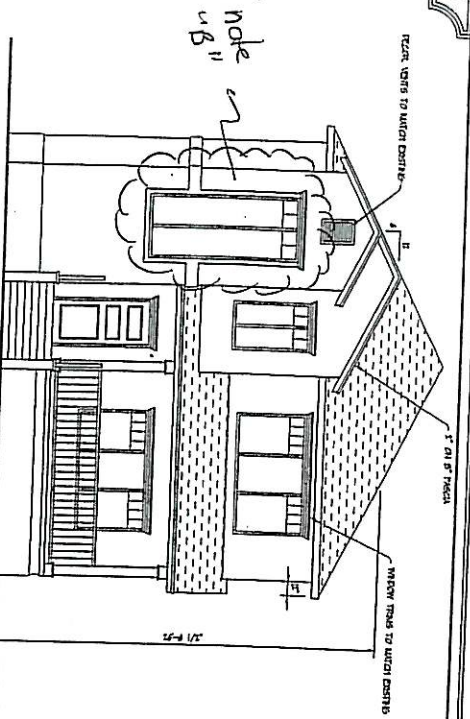
**SCHEDULE A (3 of 3)**  
This forms part of development  
Permit # \_\_\_\_\_  
Date \_\_\_\_\_  
Signature \_\_\_\_\_

RECEIVED

OCT 10 2006

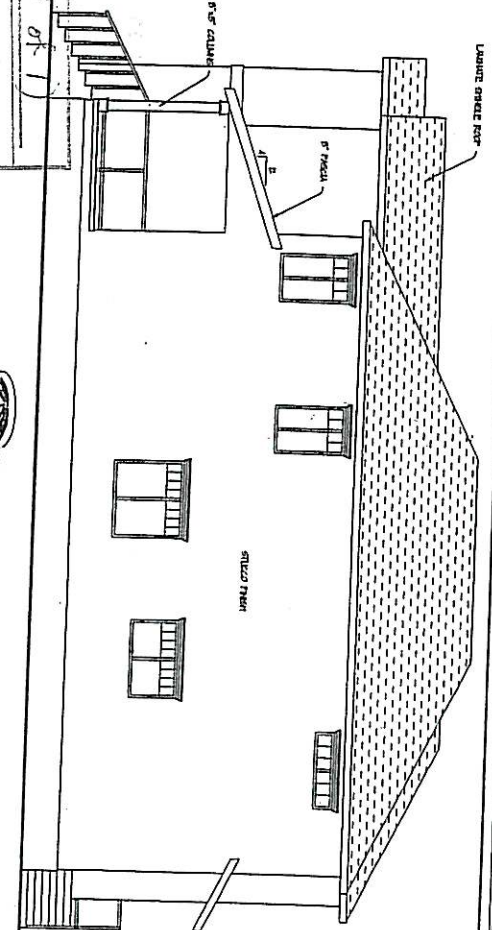
CITY OF WILLOWNA  
PLANNING DEPT.

REVISED PLANS

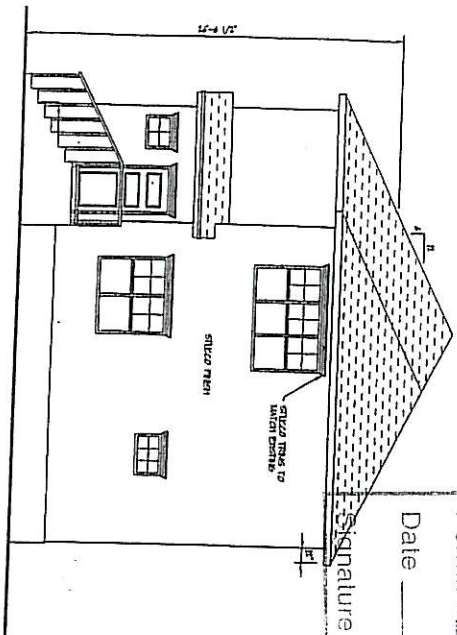


FRONT ELEVATION  
1/4" = 1'-0"

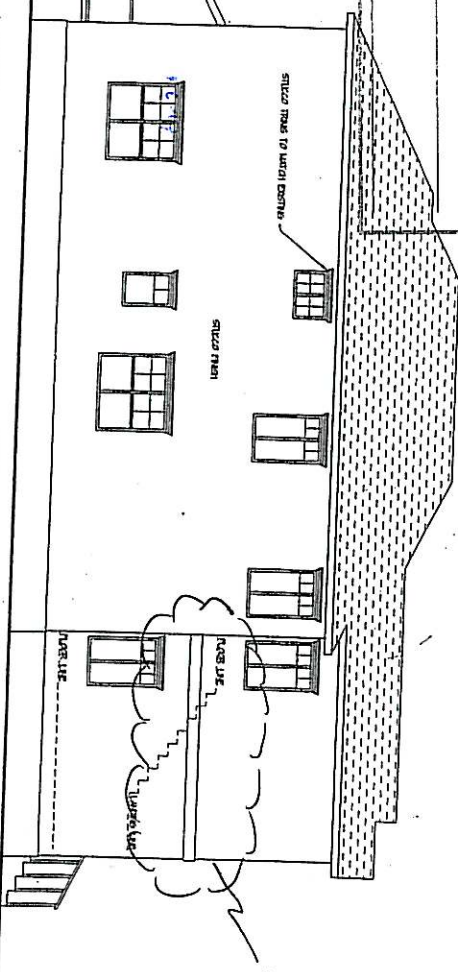
SCHEDULE B (1 of 1)  
This forms part of development  
Permit # \_\_\_\_\_  
Date \_\_\_\_\_



RIGHT ELEVATION  
1/4" = 1'-0"



REAR ELEVATION  
1/4" = 1'-0"



LEFT ELEVATION  
1/4" = 1'-0"

RENOVATION FOR:  
OHMAN

OASIS DESIGN

DESIGNED BY: JAMES W. HASIDYK  
DATE: MAY 8, 2006

ELEVATIONS

784 BERNARD AVENUE

SCALE: AS NOTED | DRAWING NUMBER: 06-GZ-002 | REVISION: DP

Note "A": horizontal band detail to be extended on east, west, and north elevations. Material must be wood/wood substitute  
Note "B": windows to be reduced in height to match existing windows.  
Note "C": must use heritage colours.

(41.76m)

LOCATION OF  
EXISTING SIGN

BERNARD AVENUE

5000 (1524m)

SCHEDULE C (1 of 1)

This forms part of development

Permit # \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

(41.76m)



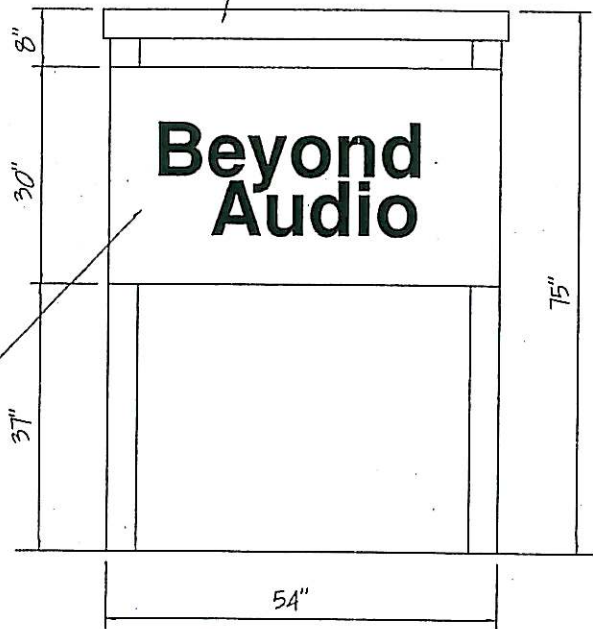
SITE PLAN

1/8" = 1'-0"

4x4 PRESSURE TREATED

**Beyond  
Audio**

PAINTED WOOD BACK  
W/ PERF. METAL SWOOSH  
W/ RAISED LETTERS



SIGN LAYOUT

1" = 1'-0"

**DESIGN**

SITE PLAN  
AND SIGN DRAWING  
784 BERNARD AVENUE

868-2275

KELOWNA, BRITISH COLUMBIA, V1Y 6Y5

JAMES W. HAASDYK

AUGUST 1, 2006

SCALE: AS NOTED | DRAWING NUMBER: 06-632-004 | REVISION: DP