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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** SEPTEMBER 21, 2007

**TO:** CITY MANAGER

**FROM:** PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

**APPLICATION NO.** HRA07-0002

**OWNER:** Murray Hindle & Sherry Briggs

**AT:** 1869 Marshall Street

**APPLICANT:** Peter Chataway

**PURPOSE:** THE APPLICANT IS SEEKING A HERITAGE REVITALIZATION AGREEMENT TO PERMIT THE RENOVATION OF THE EXISTING RESIDENTIAL HERITAGE STRUCTURE AND TO CONSTRUCT AN ACCESSORY BUILDING WITH A SECONDARY SUITE.

**EXISTING ZONE:** RM5 – MEDIUM DENSITY MULTIPLE HOUSING

**REPORT PREPARED BY:** ALEC WARRENDER

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**1.0 RECOMMENDATION**

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property Lot 8, District Lot 14, ODYD, Plan 3286, located at 1869 Marshall Street, Kelowna, B.C., in the form of such agreement attached to the report from the Planning & Development Services Department dated September 21, 2007 as "Schedule A";

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be prepared and forwarded to a Public Hearing for further consideration;

**2.0 SUMMARY**

The subject property is included on the City of Kelowna's Heritage Register and it falls within the Marshall Street Heritage Conservation Area. Through the mechanism of a Heritage Revitalization Agreement, the applicant is proposing to restore and rehabilitate the existing 1908 residential heritage structure. The proposed project includes reducing the existing two main floor units to one unit with a restored front door entry. Further, the three units on the upper floor will be reduced to two units. A future attic area is planned as the fourth and final unit located within the principal residential heritage structure. This process will reduce the number of units within the existing residential heritage structure from five to four units. The applicant has picked a "heritage" colour scheme by Benjamin Moore paints.

The final part of the project is the construction of an accessory building containing three parking stalls located beneath a secondary suite. The proposed accessory building draws architectural inspiration from the principal residence.

### 3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission (APC) passed the following recommendation at their meeting of June 19, 2007:

THAT the Advisory Planning Commission support Heritage Revitalization Agreement Application No. HRA07-0002, for 1869 Marshall Street, Lot 8, Plan 3286, Sec. 24, Twp. 25, ODYD by Peter Chataway (Hindle), to enter into a Heritage Revitalization Agreement to permit the renovation of the existing heritage structure and to construct an additional accessory building with a secondary suite.

### 4.0 COMMUNITY HERITAGE COMMISSION

The Community Heritage Commission (CHC) passed the following recommendation at their meeting of June 7, 2007:

THAT the Community Heritage Commission support Heritage Revitalization Agreement Application No. HRA07-0002 for 1869 Marshall Street for the renovation of the existing heritage structure and to construct an additional accessory building with a secondary suite.

### 5.0 PROPOSAL

The application compares to the requirements the City of Kelowna Zoning Bylaw No. 8000 for RM5 zones as follows:

CRITERIA	PROPOSAL	RM5 REQUIREMENTS
Lot Size (m <sup>2</sup> ) (existing)	678m <sup>2</sup> ●	1400m <sup>2</sup>
Lot Width (existing)	21.34m ●	30m
Lot Depth	35.69m	35m
Site Coverage (%) (Buildings)	27.1%	40%
Site Coverage (%) (Including Parking)	37%	60%
Parking	5 stalls ●	7 stalls
Floor Area- Secondary Suite (m <sup>2</sup> )	80m <sup>2</sup>	90m <sup>2</sup>
<b>Principle Building</b>		
Total Floor Area (m <sup>2</sup> )	271.3m <sup>2</sup>	746.13m <sup>2</sup>
Front Yard Setback (w) (existing)	3.48m ●	6.0m
Rear Yard Setback (east)	14.29m	7.5m
Side Yard Setback (n) (existing)	1.94m ●	4.5m
Side Yard Setback (south)	5.62m	4.5m
Height	6.5m	16.4m
Private Open Space (m <sup>2</sup> )	124m <sup>2</sup>	75m <sup>2</sup>
<b>Accessory Building with Secondary Suite</b>		

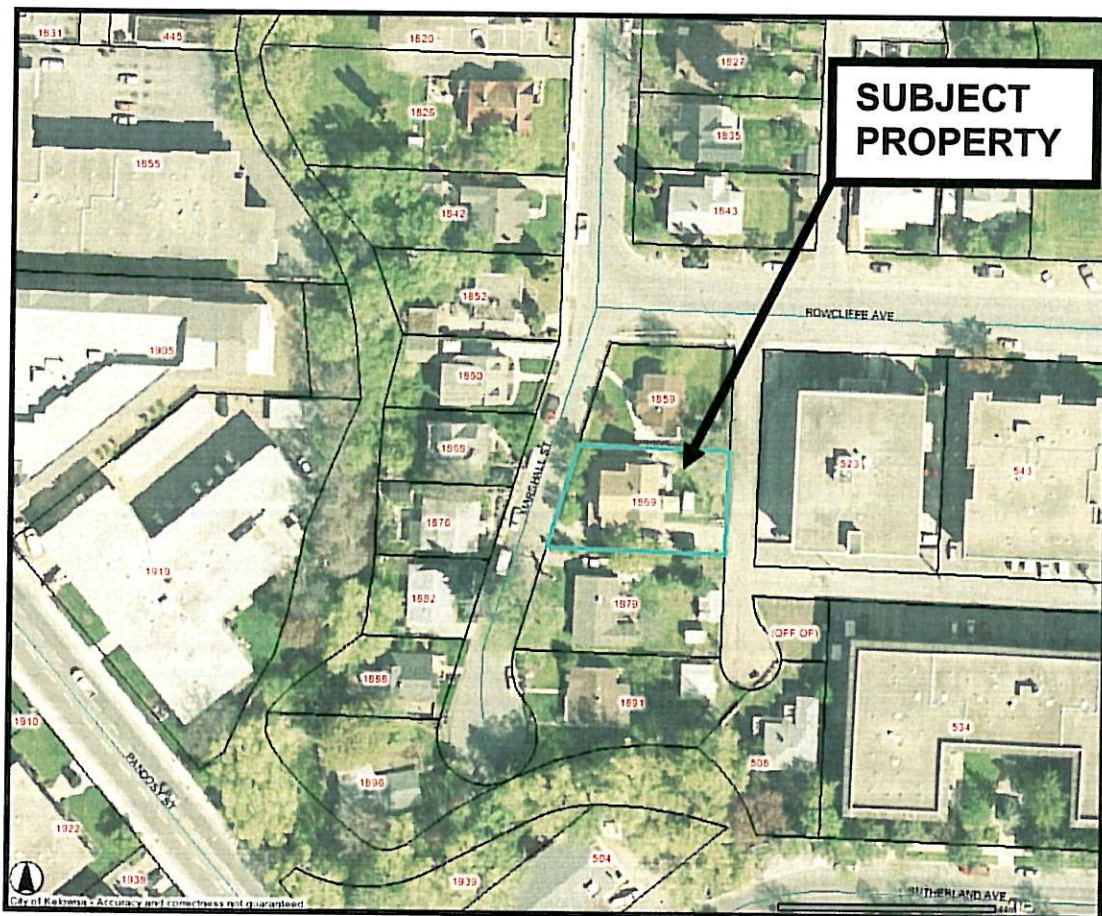


Footprint (m <sup>2</sup> )	86.5m <sup>2</sup>	90m <sup>2</sup>
Lot Coverage- Accessory Building	12.7%	14%
Height (m)	4.5m	4.5m
Front Yard Setback (west)	N/A	N/A
Rear Yard Setback (east)	1.5m	1.5m
Side Yard Setback (north)	3.0m●	4.5m
Side Yard Setback (south)	4.14m●	4.5m
Separation Between Accessory and Principal Building	6.0m	5m
Private Open Space (m <sup>2</sup> )	15m <sup>2</sup>	15 m <sup>2</sup>
Lit Pathway	Yes	Yes

● Indicates non-conforming

### 5.1 Site Location Map

Subject Property: 1869 Marshall Street



## 5.2 Site Context

The subject property is located in the Marshall Street Heritage Conservation Area, which is included in the Central City Sector Plan. The property lies on the eastern side of Marshall Street.

Adjacent zones and uses are, to the:

- North - RM5 – Medium Density Multiple Housing - Single Family Dwelling
- East - RM5 – Medium Density Multiple Housing - Multiple Family Dwelling
- South - RM5 – Medium Density Multiple Housing – Single Family Dwelling
- West - RU1 – Large Lot Housing – Single Family Dwelling

## 6.0 CURRENT DEVELOPMENT POLICY

### 6.1 Kelowna Official Community Plan

The subject property is designated single/two unit residential by Kelowna's Official Community Plan. The Single/Two Family Residential designation covers single detached homes, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 8). The OCP also encourages a focus towards achieving more efficient use of land within single-detached neighbourhoods and supports land use approaches where residential densities increase as proximity to the core of Urban Centres increases.

### 6.2 City of Kelowna Strategic Plan (2005)

The City of Kelowna Strategic Plan encourages the preservation of important heritage buildings and areas within the city (Objective 1.6). The Strategic Plan also encourages the development of a more compact urban form by increasing densities through infill and re-development within existing urban areas and providing for higher densities within future urban areas (Objective 1.1). The proposal is consistent with these objectives.

### 6.3 Abbott Street and Marshall Heritage Conservation Area Development Guidelines (1997)

The purpose of these guidelines is to maintain the existing single or two family residential and historical character of the Abbott Street and Marshall Street Heritage Conservation Areas. They encourage new development or additions to existing development, which are compatible with the form and character of the existing context, and advocate retention and renovation of existing development.

While the application seems to be consistent with the development guidelines for the heritage area, the proposal compares to other development guidelines for the heritage area as follows:

- Proposed development does maintain the established front yard setback for the street.



- Parking is located at the rear of the lot, accessed via the lane
- New construction does maintain the established massing of the streetscape (in terms of location on the lot).
- The massing of the accessory structure is subordinate to the principal structure.
- The proposed accessory structure is sensitive to the massing and design within the neighbourhood.
- Mature trees are to be retained as recommended in the guidelines.
- The accessory structure has drawn architectural design inspiration from the principal residence.

#### 6.4 Heritage Register

As indicated in the Heritage Register, the subject property's association with a dairy farm is interesting as it illustrates the coexistence of urban and rural land uses in Kelowna in the early 20th century. It was built during the 1st phase of development when the city's residential neighbourhoods were established. Although it only occupies a lot slightly larger than those around it the house is substantially larger and dominates Marshall Street. The subsequent conversion of the house from a single family home to apartments is typical of the neighbourhood.

### 7.0 TECHNICAL COMMENTS

#### 7.1 Inspections Services

Building permit required for rehab and restoration work to existing home and must to conform with BCBC 2006 A-1 1.1.1.(1) Heritage Buildings. Parking not to the requirements of the Zoning Bylaw. Proposed accessory building to meet BCBC 2006 requirements related to a suite.

#### 7.2 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Note; Fire Department access is never from a back or side lane, it is always from the main street. Fire fighter access from the front or street side of the property to the back building(s) is not to be impeded at anytime. The addresses for both residences are to be visible from the street. If a fence is ever constructed between the dwellings a six foot wide gate is required. Any gate is to open with out special knowledge.

#### 7.3 Works & Utilities Department

See Attached.

### 8.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The proposed development will maintain the existing five residential units. The units will be reorganized so that four residential units will be provided in the primary residence while the fifth unit will be located above the three car garage in the proposed accessory suite. The proposed accessory building will not likely impact the neighbourhood in a significant way, but the suite's location above the accessory building may infringe on the

adjoining back yards' private spaces. The addition of a unit in the attic may also have a similar impact.

Adjustments to the existing residential building's form should not have an impact on adjoining properties, other than the addition of the garage, which will force all access and parking to the rear lane. While the proposed five parking stalls does not meet the requirement of seven parking stalls, the rear lane access and parking will help to remove traffic from Marshall Street.

The proposed development has the potential to improve the buildings aesthetic and structural integrity. Seven letters of neighbourhood support have been submitted with the application, while the Kelowna South-Central Association of Neighbourhoods (KSAN) has also submitted a letter of support. The subject property is designated as Single / Two Unit Residential in the OCP. However, the site is also zoned RM5 - Medium Density Multiple Housing. Given that the zoning takes precedence in this case, the existing use as a residence with 5 units is in compliance with the OCP.

*for*  
  
Shelley Gambacort  
Current Planning Supervisor

*for*  
Approved for Inclusion 

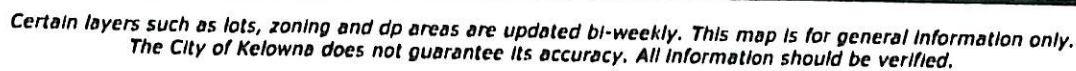
David L. Shipclark  
Acting Director of Planning & Development Services

DS/SG/aw

Attach

- Location Map
- Photograph – Rendering of proposed colours
- Colour Board
- Photographs of existing heritage structure
- Site Plan & Elevations (5)
- Works & Utilities Comments
- Heritage Building Information (2)
- KSAN Support Letter





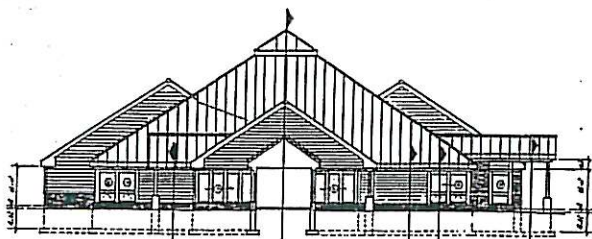




### **Photograph 20**

This photograph represents a mock-up of a front door and approximate paint colors being considered for both the house and proposed carriage house. The colors were selected from the Historical True Colours for Western Canada put out by Benjamin Moore paints with the Vancouver Heritage Foundation support. This photograph is a test only and does not necessarily reflect the true end result.





**Peter J. Chataway, B.Sc., B.Arch.**

**HOUSE PLANS AND DESIGN**

**368 Cadder Ave., Kelowna, B.C. V1Y 5N1**

**Office: 763-1334**

**Home: (250) 763-5367**

**1869 MARSHALL STREET**

## **Colour Board**

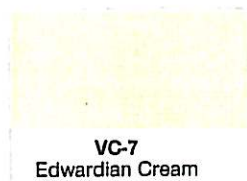
**Heritage House**

**'Carriage' House**

**Roof :** EXISTING

**'Tite-Lok' 1/2 Tone Tan To Match Existing.**

**Walls :** Upper -



**WOOD SHINGLES**



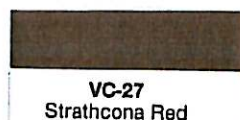
**Lower - STUCCO-**

**HORIZ.BANDS  
& BASE**

**Med. Ivory  
3 - 53**

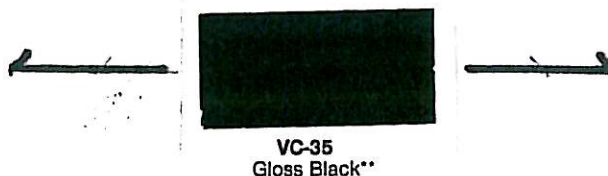
**VC-7**  
Edwardian Cream

**Trim :**



**VC-1**  
Oxford Ivory

**Sash :**



**Note: All Paint Colours From Benjamin Moore Historical True Colours Exterior Paint.**



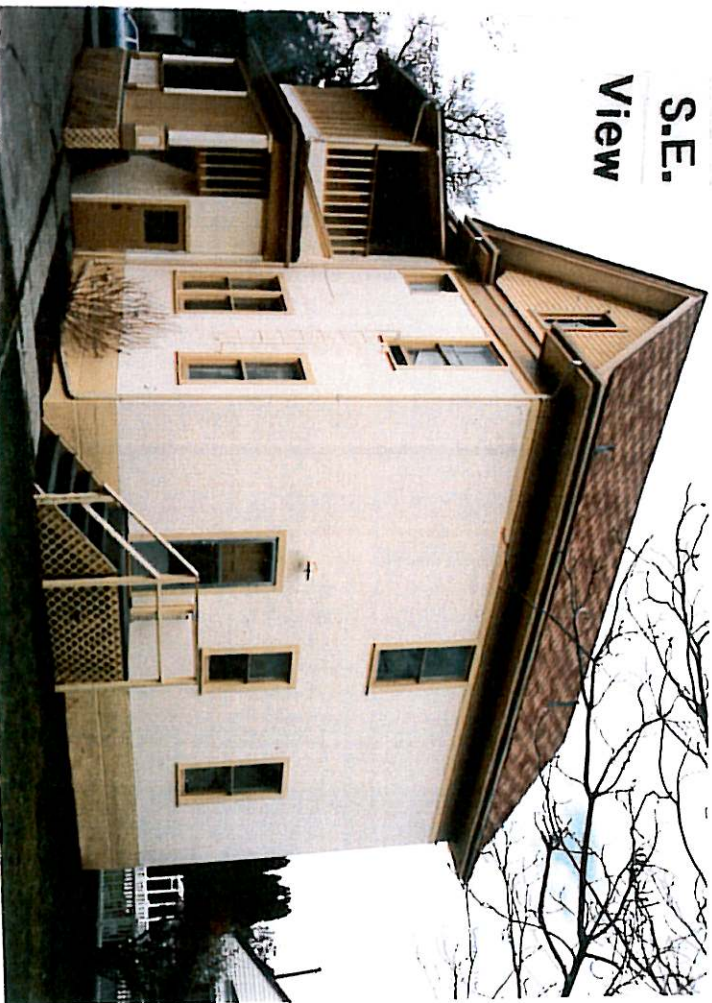
**N.View**



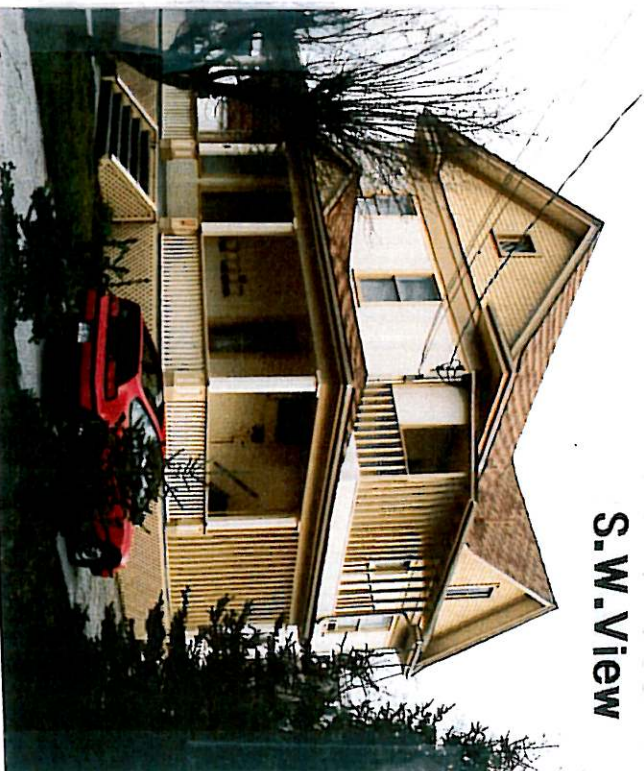
**W.View**



**S.E.  
View**



**S.W.View**



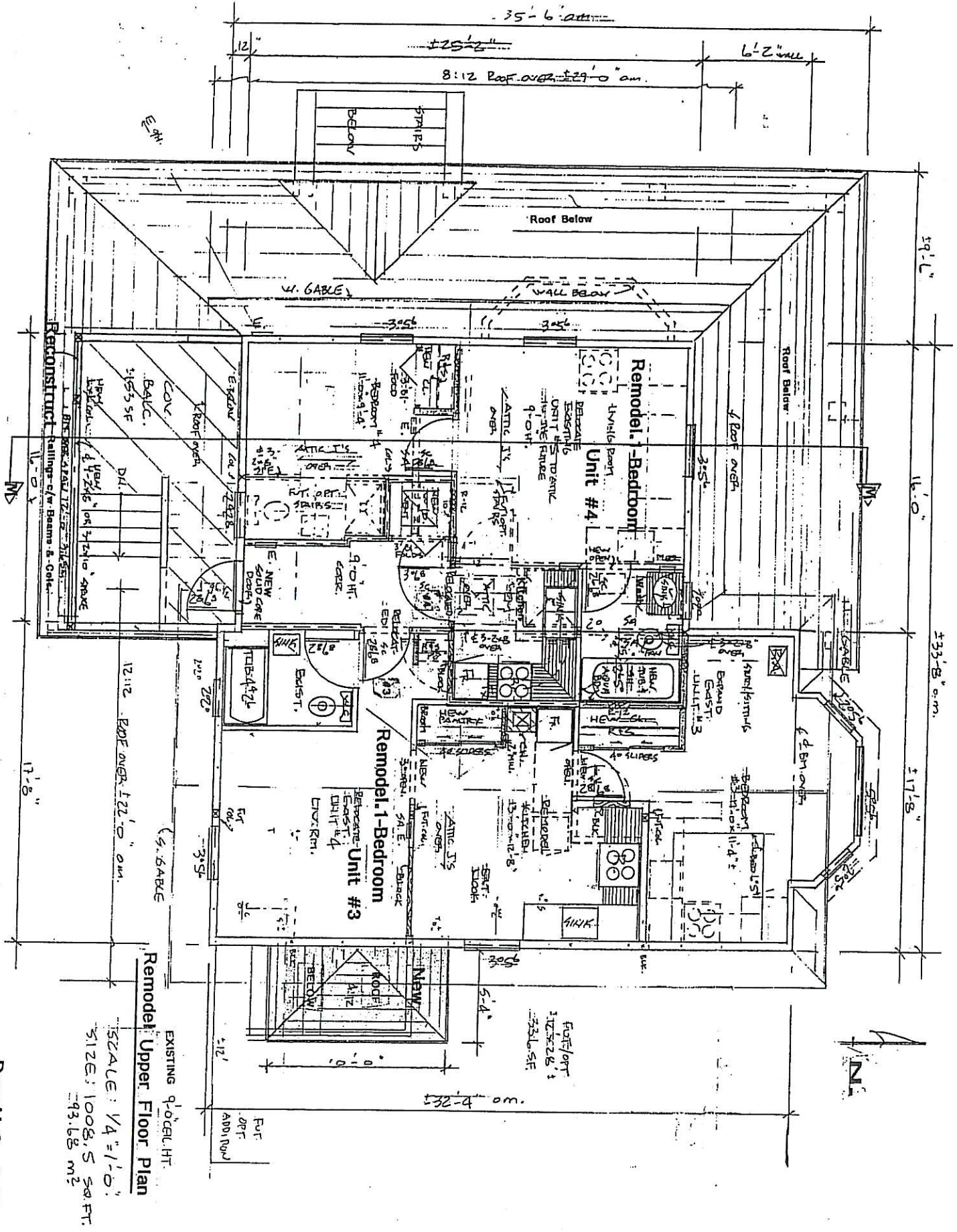


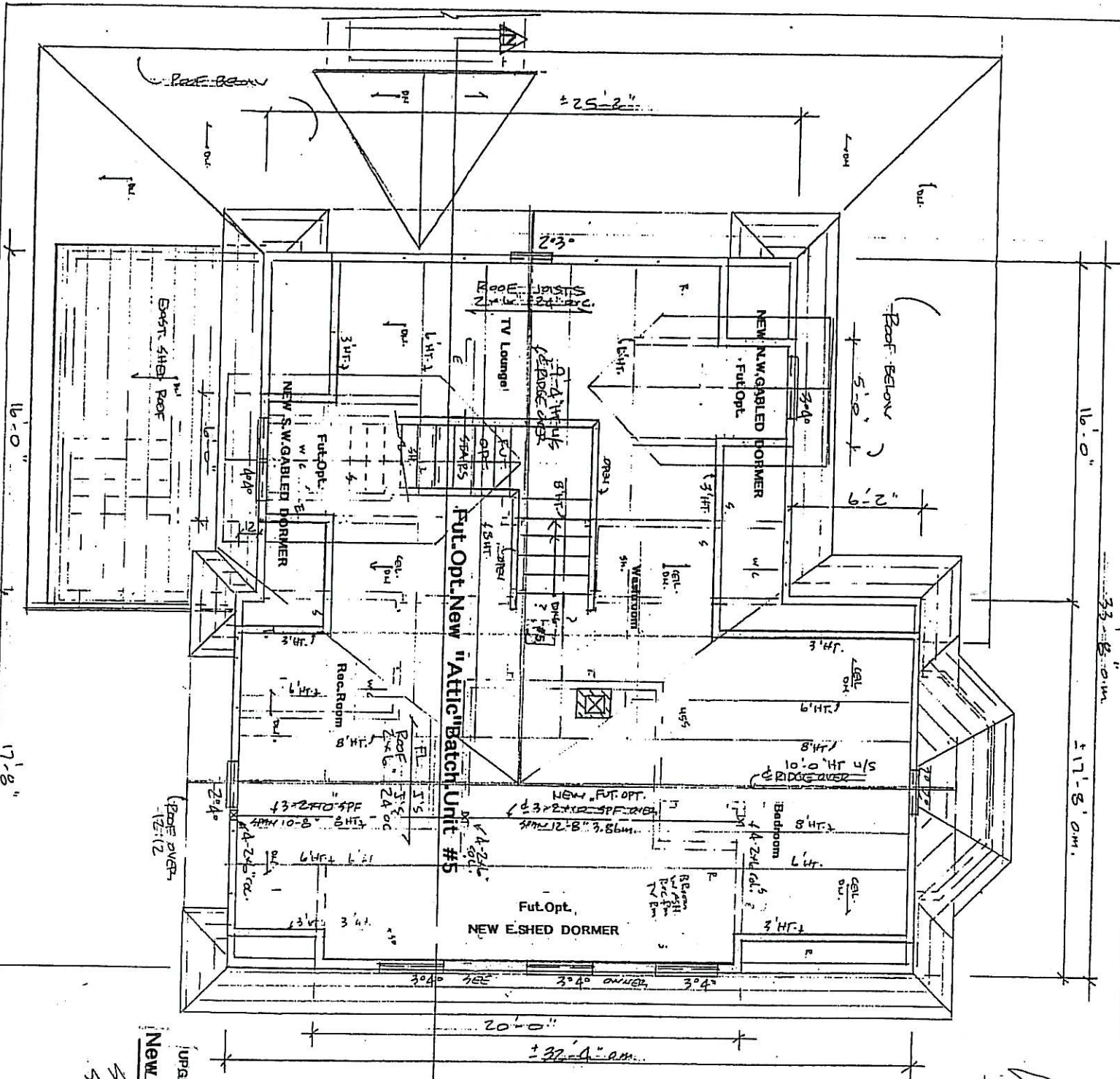




DWG. No.  H.F.  OF 12.	Marshall Manor House (BUILT 1968) H.R.A.	NOTES:	Peter J. Chata 368 Cadder Ave. Kelowna, B.C. Tel. 763-834 House Plans
	1899 MARSHAL STREET, KELOWNA, B.C. V1Y-2B8 Remodel.		
	SCALE: 1/4" = 1'-0"		
	DATE: April 27'07.		
	PREP. No. 2807-21-01		
	DWG. PJC.		

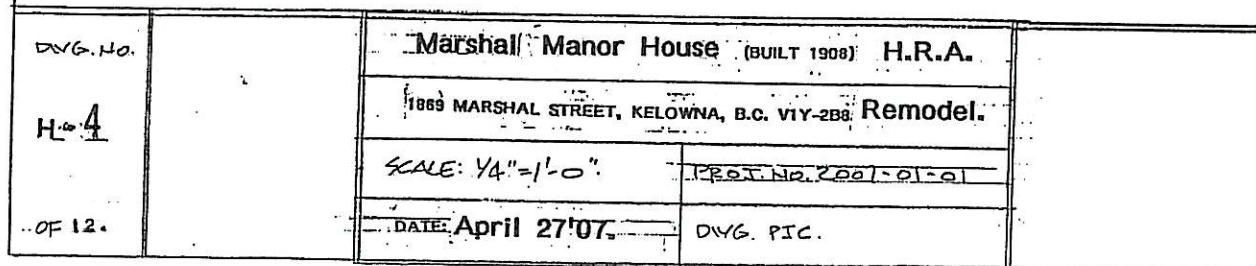






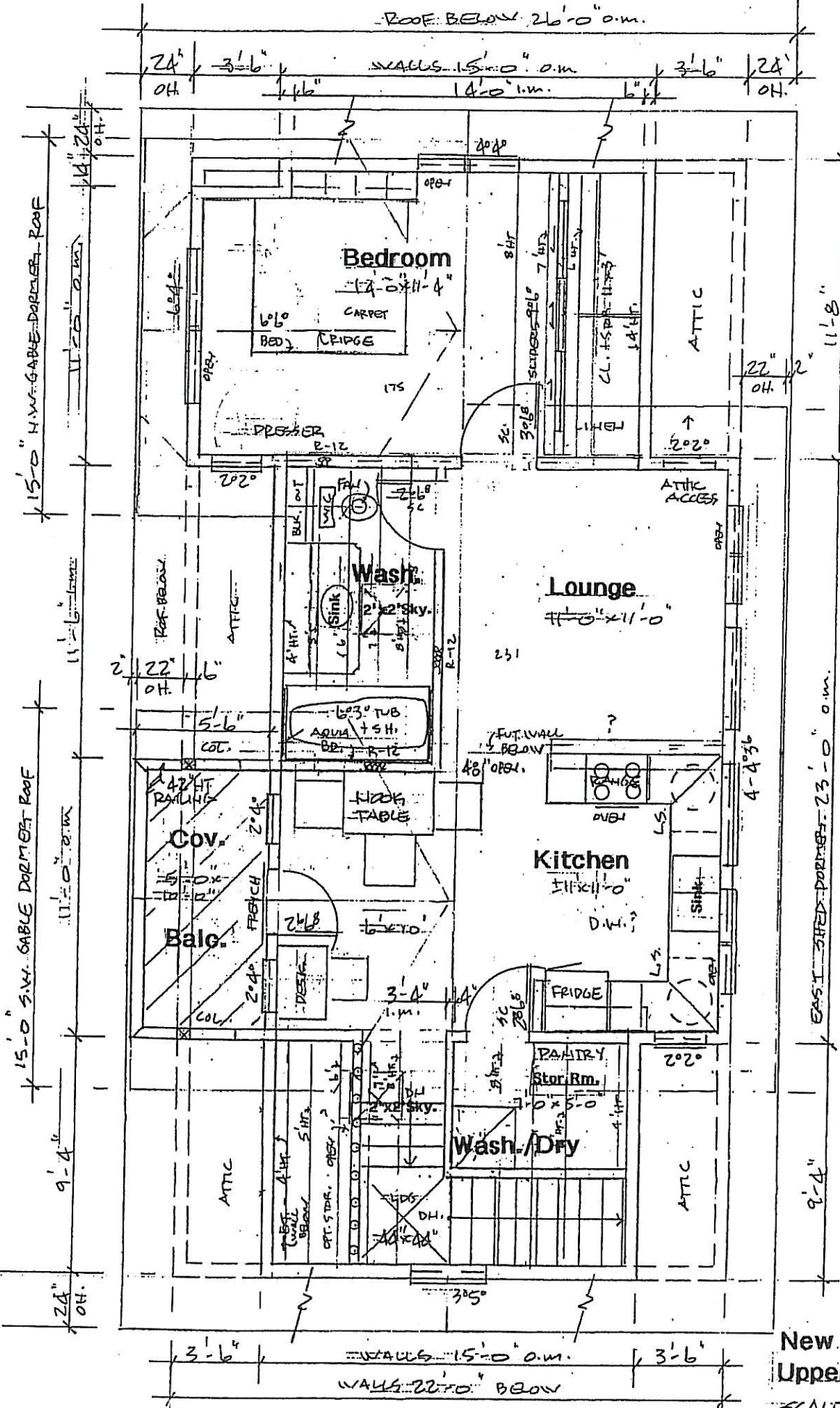
Fut. Opt.  
 Upgrade Attic Floor  
 New Attic Floor  
 SCALE: 1/4" = 1'-0"  
 5/12/86 J.S.F.











New  
Upper Floor Plan

SCALE: 1/4" = 1'-0"  
SHEET 1694 SF 64.5m<sup>2</sup>

Carstall #1

Carstall #2 WOOD SHED

Carstall #3

Carstall #4

Foyer

Entry

Carstall #5

N

Driveway

Lane

New H.R.A.

Hindle/Briggs "Carriage" House (MARSHALL MANOR)

1869 MARSHALL STREET, KELOWNA, B.C. V1Y 2B8

SCALE: AS SHOWN

DATE: April 27'07

PJCS PJCS

New Gr. Floor Plan

SCALE: 1/4" = 1'-0"

SIZE:

SUITE 1635 SE 15.5 m<sup>2</sup>  
GARAGE 1635 SE 11 m<sup>2</sup>  
TOTAL 931.5 SF 86.5 m<sup>2</sup>  
COV. ENTRY 271 SF 25.4 m<sup>2</sup>  
BLDG. 968.5 SF 90 m<sup>2</sup>

DWG No.

G-2

OF 12

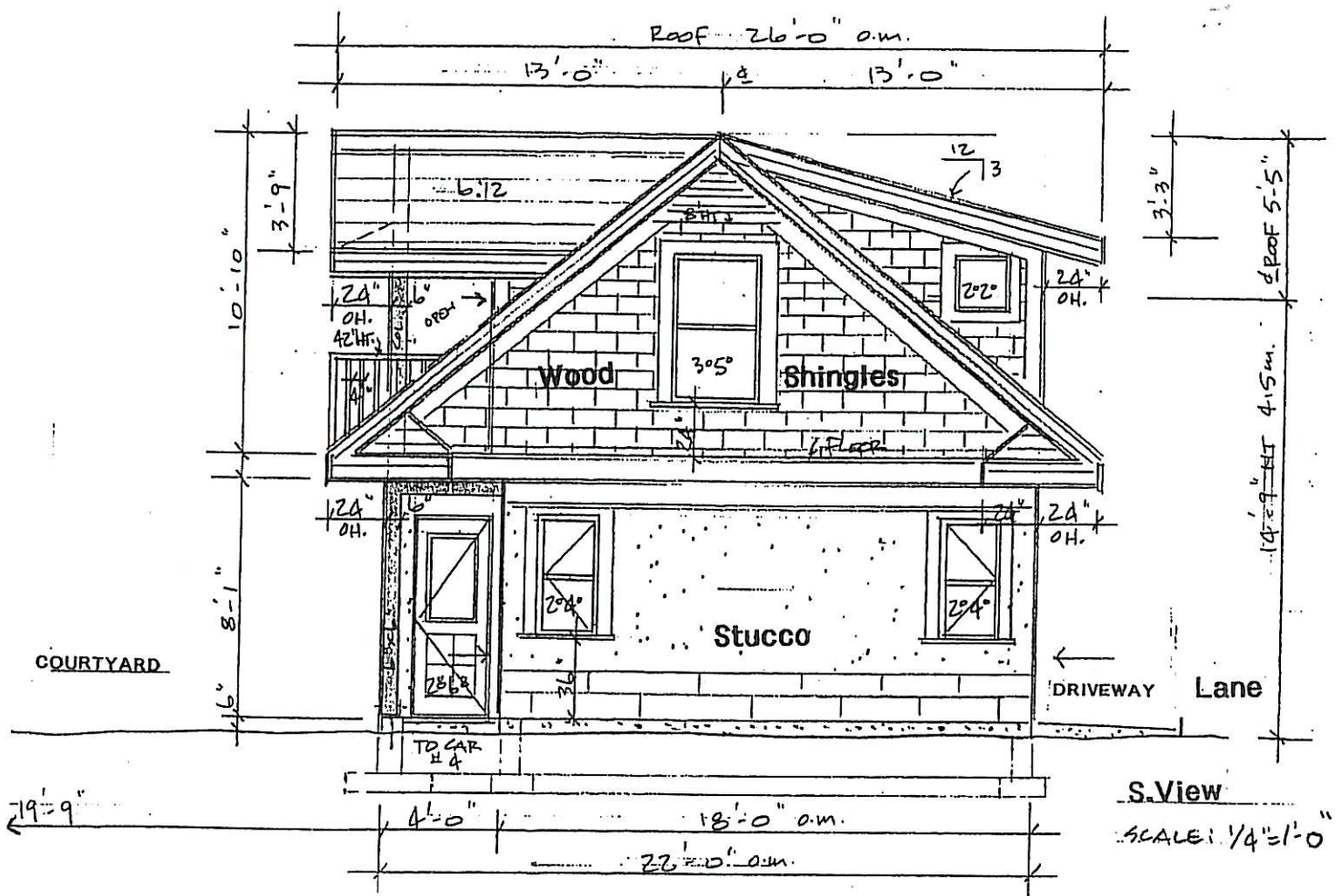
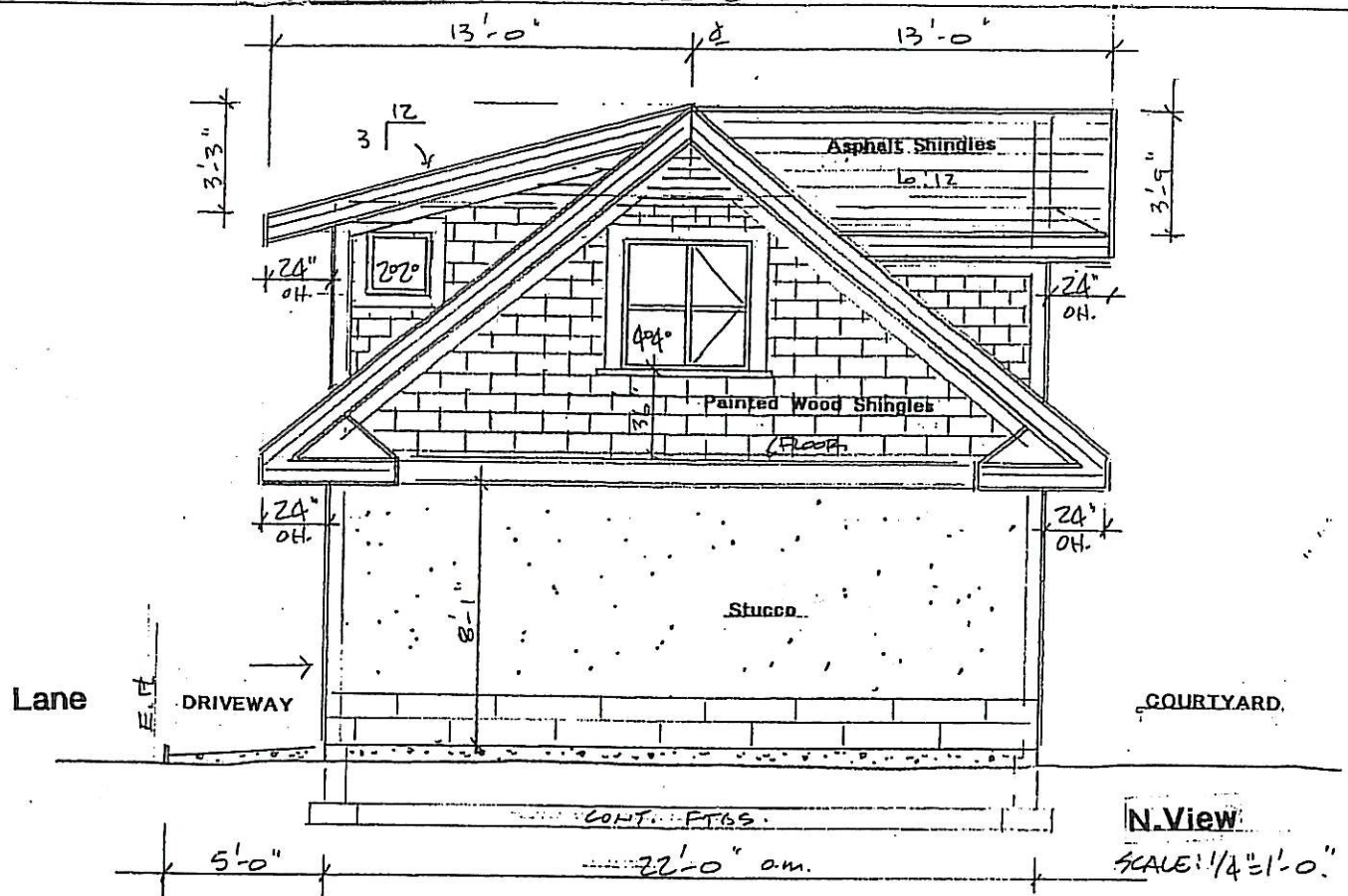
NOTES: 1. SEE EXISTING FOUNDATION FOR CONCRETE FOOTING

2. SEE EXISTING FOUNDATION FOR CONCRETE FOOTING

3. SEE EXISTING FOUNDATION FOR CONCRETE FOOTING

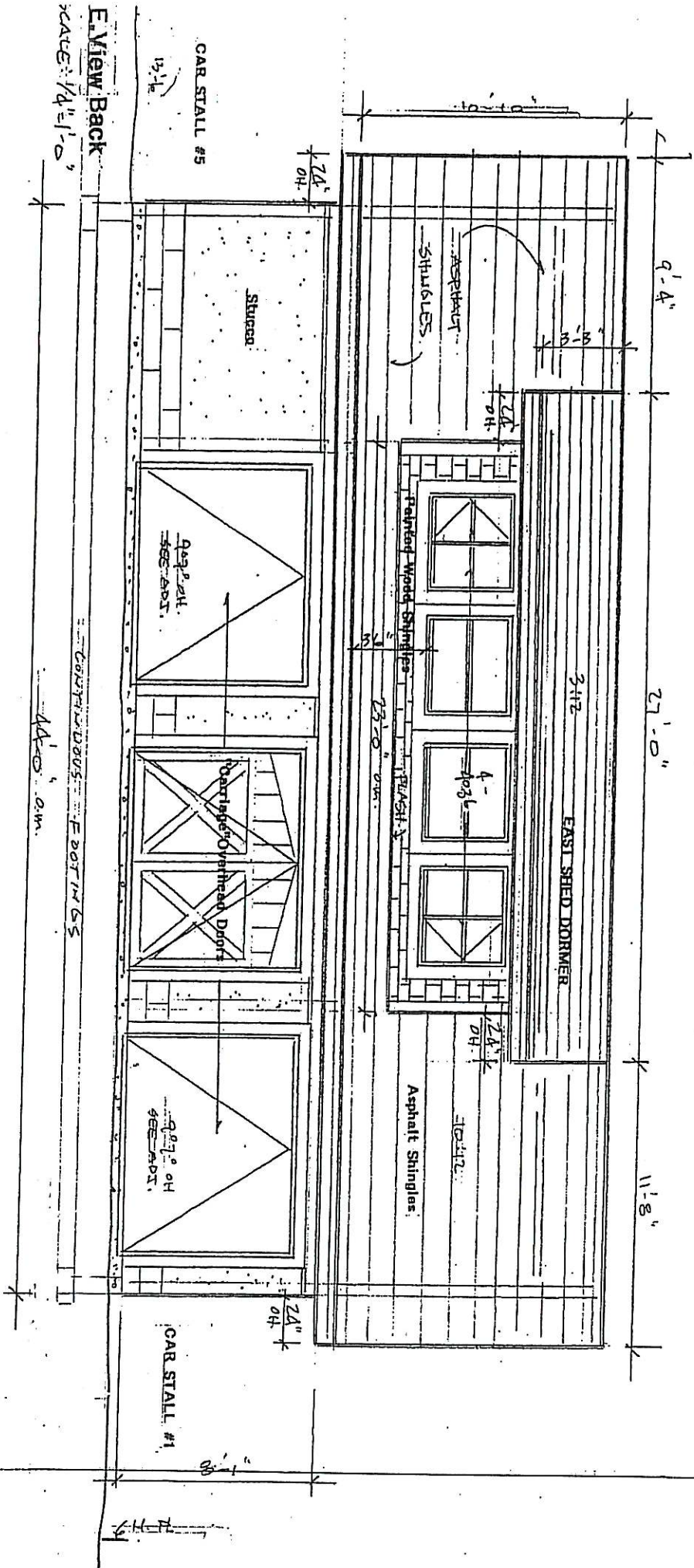
4. SEE EXISTING FOUNDATION FOR CONCRETE FOOTING















**Dwg.No.L-1 of 1.**

**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** June 29, 2007  
**File No.:** HRA07-0002  
**To:** Planning & Development Services (AW)  
**From:** Development Engineering Manager (SM)  
**Subject:** Proposed Development -1869 Marshall Street Lot 8 Pan 3286 RM5

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

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.

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.

3. Site Access and Development Related Issues

The requested variance to reduce the side yard setback from 4.5m required, to 1.94m proposed, does not compromise Works and Utilities servicing requirements.

Adequate off-street parking must be provided and parking modules must meet zone size requirements. It should be noted that parking stalls with access from a public lane must be a minimum of 1.2m longer.

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.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF



HOME Search

## Heritage Building

### Heritage Building Information



**Kid:** 116487 **Plan:** 3286 **Lot:** 8 **Block:**  
**Civic Address:** 1869 Marshall St  
**Neighbourhood:** South Central  
**Building Name:** W.J. Marshall House  
**Conservation Area:** Marshall Street  
**Date Built:** 1908

**Historical Significance:**

Its association with a dairy farm is interesting as it illustrates the coexistence of urban and rural land uses in Kelowna in the early 20th century. Built during the 1st phase of development when the city's residential neighbourhoods were established.

**History:**

Built in 1908 for William John Marshall and wife Clara (W.J. died 1956 aged 84). His occupation in the 1920s is listed as dairy farming; by 1936 he was retired. The house was converted to apartments in 1956. Marshall Street is named for W.J. Marshall.

**Architectural Significance:**

Very good late gable-front Queen Anne House. Built by M.J. Curts.

**Style / Character:**

Front gable and wrap-around verandah are characteristic of late Queen Anne, whereas massing anticipates hipped Foursquare character.

**Design Features:**

The house has several noteworthy features: a large wrap-around verandah, classical columns, balustrades and stick work details, a pediment over the stairs/entry, and broad stairs leading to the entry. The left side has a projecting bay across both stories. Decorative diamond-pane window highlights the gable end.

**Architect:**

unknown

**Builder:**

M.J. Curts

**Building Construction:**

wood frame

**Foundation Construction:**

obscured under lattice

**Stories:**

2.5

**Roof Type:**

cross gabled, medium pitch roof

**Window types:**

DH 1/1

**Exterior Wall Material:**

horizontal wood siding, stucco, shingle

**Original Wall Material:**

likely horizontal wood siding, shingles.

**Exterior Wall Color:**

cream w. lt. brown trim

**Landscape Features:**

3 large hawthorne trees in the front, most of the lot is taken by the house.

**Associated Buildings:**

none

**Alterations Documented:**

1956 renovation of house into apartments [STREET FILES]

**Alterations Observed:**

second story lean-to addition, now altered to 3-4 apartments; porches and full-height rails on RH side.

**Site Context:**

Slightly larger lot than those around it. The house is substantially larger than the adjacent ones and dominates Marshall street. The subsequent conversion of the house from a single family home to apartments is typical of the neighbourhood.

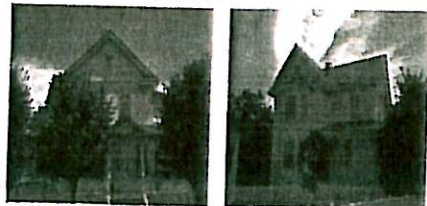
**Source:**

KHRI 1983; STREET FILES; KHRI FORMS; KELOWNA STREET NAMES, p. 109; JEFFRIES 1913; WRIGLEY'S 1919-27; SUN 1936-47; OHS 20:168.

**Additional Notes and Comments:** OHS 20:168 says Marshall moved to Kelowna in 1911, but since Kelowna Courier June 1909 says house built for him in 1908, must have been earlier. J. Slamka (owner) received \$4,408 in Oct 1993 from the Kelowna Heritage Foundation.

**Updates:**

<b>History Recorder Name:</b>	David Dendy	<b>Date Recorded:</b>	1997-09-03
<b>Field Recorder Name:</b>	Leigh-Ann Carter	<b>Date Recorded:</b>	1997-07-05
<b>Photographer:</b>	Leigh-Ann Carter	<b>Date Photographed:</b>	1997-07-05
<b>Photo Reference:</b>	CD2.17-19		
<b>Main Photo File:</b>	<a href="#">img0017e.jpg</a>	<b>Orientation:</b>	Landscape

**Additional Photos:**





Knowles House  
865 Bernard Avenue  
Kelowna, BC V1Y 6P6

Wednesday, May 9, 2007


To: City of Kelowna  
  
1435 Water Street,  
Kelowna, BC

Re: 1869 Marshall Street, Kelowna - Request for a Heritage Revitalization Agreement

Please note that at the Monday, May 7, 2007 KSAN regular board meeting, a motion was carried to support the above application of Murray Hindle & Sherry Briggs at 1869 Marshall Street. The application includes a building addition including the request for a Heritage Revitalization Agreement (HRA).

Thank you for receiving this information.

Yours truly,

  
Maureen Stephens  
President

pam

**SCHEDULE "A"**  
**HERITAGE REVITALIZATION AGREEMENT**

DOCUMENT APPROVAL			
Document No. HRA07-0002			
Cir	Department	Date	Init.
✓	Planning	Sept 12/07	JB
✓	Wrks. & Util.	07/09/21	JD
✓	Insp. Serv.	Sept 12/07	JD
✓	City Clerks	Sept. 17/07	AZ

THIS AGREEMENT dated as of the 21 day of September, 2007

BETWEEN:

CITY OF KELOWNA, a Municipal Corporation having offices at  
1435 Water Street, Kelowna, British Columbia V1Y 1J4

(herein called the "CITY")

OF THE FIRST PART

AND:

Murray Grant Hindle  
Sherry Patricia Briggs  
1869 Marshall Street  
Kelowna, BC, V1Y 2B8

(herein called the "OWNER")

OF THE SECOND PART

WHEREAS a local government may, by bylaw, enter into a Heritage Revitalization Agreement with the Owner of property identified as having heritage value, pursuant to Section 966 of the *Local Government Act*;

AND WHEREAS the Owner owns certain real property on which is situated a building of heritage value, pursuant to the City's Heritage Register, which property and building are located at 1869 Marshall Street, Kelowna, British Columbia and legally described as:

Parcel Identifier: 001-537-474  
Lot 8, District Lot 14, ODYD, Plan 3286

(herein called the "Heritage Lands")

AND WHEREAS the Owner has presented to the City a proposal for the use, development and preservation of the Heritage Lands and has voluntarily and without any requirement by the City, entered into this agreement pursuant to Section 966 of the *Local Government Act*;



SCHEDULE "A" - Page 2.

AND WHEREAS a local government must hold a Public Hearing on the matter before entering into, or amending, a Heritage Revitalization Agreement if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the Heritage Lands and for these purposes Section 890 through 894 of the *Local Government Act* apply;

AND WHEREAS within thirty days after entering into, or amending, a Heritage Revitalization Agreement the local government must file a notice in the Land Title Office in accordance with Section 976 of the *Local Government Act* and give notice to the Minister responsible for the *Heritage Conservation Act* in accordance with Section 977 of the *Local Government Act*;

NOW THEREFORE in consideration of the mutual promises contained in this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**1.0 Heritage Revitalization**

1.1 The parties agree that the Heritage Lands have heritage value, deserving of protection and conservation and the Owner specifically agrees to restore, maintain, preserve and protect the heritage character of the buildings located on the Heritage Lands in accordance with attached Schedules "AA", "BB", & "CC".

1.2 The parties agree that the Heritage Lands may, notwithstanding the RM5 – Medium Density Multiple Housing zoning on the Heritage Lands, be used for the following permitted uses:

A maximum of five residential units consisting of:

a) The reorganization and rehabilitation of the interior of the existing heritage home to allow for the development of four residential units.

b) The construction of a secondary suite located within the proposed accessory building.

1.3 The parties agree that, except as varied or supplemented by the provisions of this agreement, all bylaws and regulations of the City and all laws of any authority having jurisdiction shall apply to the Heritage Lands and the Heritage Building.

1.4 Where a Heritage Alteration Permit is required, the discretion to approve, refuse, or revise such permit is delegated by Council to the Director of Planning and Development Services.

**2.0 Conservation and Maintenance of Existing Development.**

2.1 The owner agrees not to alter the exterior of the heritage building except pursuant to a heritage alteration permit issued by the City, and in accordance with this agreement.

2.2 The owner agrees to restore the exterior of the Heritage Building on the Heritage Lands in general accordance with the design proposal attached hereto as Schedule "BB", and forming part of this agreement, which restoration shall include, but not be restricted to the following:

a) Re-locating the front entranceway to its original location and adding a new front door;

b) Refinishing the exterior of the existing residential dwelling with "Heritage" colours;

## SCHEDULE "A" - Page 3.

c) Coordinating the design and colours of the proposed accessory building with the existing residential dwelling.

- 2.3 If original features must be replaced, the new material shall be similar or identical to the original. Where original features were removed through earlier renovations or alterations and the replacements were not in keeping with the original style of the building, any subsequent replacement of these features shall complement the building's heritage style

### **3.0 Proposed Development**

- 3.1 The parties agree that variances to the following subsections of **Section 13 – Urban Residential Zones & Section 8 – Parking and Loading** of City of Kelowna Zoning Bylaw No. 8000 be granted through this agreement:

#### **Zoning Bylaw No. 8000 - 13.11.5 Subdivision Regulations:**

Section 13.11.5 (a) – Subdivision Regulations – Lot Width

Vary the lot width from 30m required to 21.34m proposed as shown in Schedule "AA" (Page 1) attached to this agreement.

Section 13.11.5 (c) – Subdivision Regulations – Lot Width

Vary the lot area from 1400m<sup>2</sup> required to 678m<sup>2</sup> proposed as shown in Schedule "AA" (Page 1) attached to this agreement.

#### **Zoning Bylaw No. 8000 - 13.11.6 Development Regulations:**

Section 13.11.6 (d) – Development Regulations – Front Yard Setback

Vary the front yard setback for the principal building from 6.0m required to 3.48m proposed as shown in Schedule "AA" (Page 1) attached to this agreement.

Section 13.11.6 (e) – Development Regulations – Side Yard Setback

Vary the northern side yard setback for the principal building from 4.5m required to 1.94m proposed as shown in Schedule "AA" (Page 1) attached to this agreement;

Vary the northern side yard setback for the accessory building with secondary suite from 4.5m required to 3.0m proposed as shown in Schedule "AA" (Page 1) attached to this agreement;

Vary the southern side yard setback for the accessory building with secondary suite from 4.5m required to 4.14m proposed as shown in Schedule "AA" (Page 1) attached to this agreement.

#### **Zoning Bylaw No. 8000 - Table 8.1 – Parking Schedule:**

Section 8.1 – Parking Schedule – Apartments

Vary the parking requirement from 7 stalls to 5 stalls as shown in Schedule "AA" (Page 1) attached to this agreement.

- 3.2 The Owner agrees to undertake and maintain landscaping on the subject property in general accordance with the landscape plans attached hereto as Schedules "CC" and forming part of this agreement.

(hereinafter called the "Landscaping Works")



- 3.3 The Owner agrees to provide and pay for all servicing required by the proposed development of the Heritage Lands and to provide required bonding for same, including, but not limited to: domestic water and fire protection, sanitary sewer, storm drainage, road improvements, road dedications and statutory rights-of-way for utility servicing, power and telecommunication services and street lighting all as noted in section 4.0 of this agreement.

(hereinafter called the "Works and Utilities Requirements")

**4.0 Works & Utilities Requirements**

**4.1 Domestic Water**

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

**4.2 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.

**4.3 Site Access and Development Related Issues**

Adequate off-street parking must be provided and parking modules must meet zone size requirements. It should be noted that parking stalls with access from a public lane must be a minimum of 1.2m longer.

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.

**5.0 Commencement and Completion**

- 5.1 The Owner agrees to commence the Restoration Works, Landscaping Works, and Works and Utilities Requirements forthwith upon adoption of City of Kelowna Heritage Revitalization Agreement Authorization Bylaw No. 9838 and to complete all such Works no later than December 31<sup>st</sup>, 2009.

**6.0 Damage or Destruction**

- 6.1 In the event that no more than 75% of the Heritage Building is damaged, the parties agree as follows:

a) The Owner may repair the Heritage Building in which event the Owner shall forthwith commence the repair work and complete same within one year of the date of damage;

OR, in the event that the Heritage Building is destroyed,

b) The City may, by bylaw, and after conducting a Public Hearing in the manner prescribed by Sections 890 through 894 of the *Local Government Act*, cancel this agreement, whereupon all use and occupation of the Heritage Lands shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

**7.0 Breach**

- 7.1 In the event that the Owner is in breach of any term of this Agreement, the City may give the Owner notice in writing of the breach and the Owner shall remedy the breach within 30 days of receipt of the notice. In the event that the Owner fails to remedy the breach within the time allotted by the notice, the City may, by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 890 through 894 of the *Local Government Act*, cancel this Agreement whereupon all use and occupation of the Heritage Lands shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

**8.0 Amendment**

- 8.1 The parties acknowledge and agree that this Agreement may only be amended by one of the following means:
- a) By bylaw with the consent of the parties provided that a Public Hearing shall be held if an amendment would permit a change to use or density of use on site or;
  - b) By Heritage Alteration Permit (HAP), issued pursuant to Section 972 of the *Local Government Act*.

**9.0 Representations**

- 9.1 It is mutually understood and agreed upon between the parties that the City has made no representations, covenants, warranties, promises or agreements expressed or implied, other than those expressly contained in this Agreement.

**10.0 Statutory Functions**

- 10.1 Except as expressly varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the City in the exercise of its statutory functions and responsibilities including, but not limited to, the *Local Government Act* and its rights and powers under any enactments, bylaws, order or regulations, all of which, except as expressly varied or supplemented herein, are applicable to the Heritage Lands.

**11.0 Enurement**

- 11.1 This Agreement enures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

**12.0 Other Documents**

- 12.1 The Owner agrees at the request of the City, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the City to give full effect to the intent of this Agreement.



**13.0 Notices**

13.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall either be delivered mailed by registered mail as follows:

(a) To the City:

City of Kelowna  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

ATTENTION: City Clerk

(b) To the Owner:

Murray Grant Hindle  
Sherry Patricia Briggs  
1869 Marshall Street  
Kelowna, BC, V1Y 2B8

Or, to such other address to which a party hereto may from time to time advise in writing

**14.0 No Partnership or Agency**

14.1 The parties agree that nothing contained herein creates a relationship between the parties of partnership, joint venture or agency.

SCHEDULE "A" - Page 7.

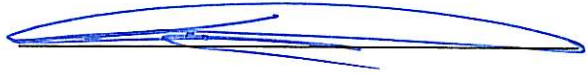
IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the day and year first above written.

CITY OF KELOWNA  
by its authorized signatories

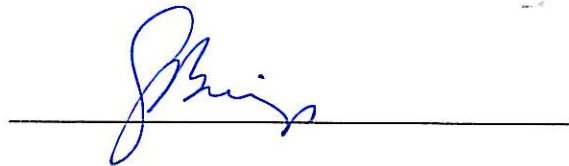
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Murray Grant Hindle  
Signed by MURRAY GRANT HINDLE



Sherry Patricia Briggs  
Signed by SHERRY PATRICIA BRIGGS



In the presence of:

**MARDELLE A. CORBETT**  
A COMMISSIONER FOR TAKING  
AFFIDAVITS FOR BRITISH COLUMBIA  
1435 Water Street, Kelowna B.C.

\_\_\_\_\_  
Witness (print name)

  
\_\_\_\_\_  
Witness (Signature)

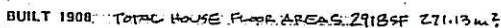
\_\_\_\_\_  
Address

\_\_\_\_\_  
Occupation









14. House TOTAL Floor Areas:  
2918 SF 271.13 m

SCALE: 1/4" = 1'-0".  
SIZE: 1050 SQ.FT. (HALL)  
97.5 M<sup>2</sup>  
STAIRS & PARADES: 62 M<sup>2</sup> 667 SF  
TOTAL EXIST. COV. 1775 SF 164 M<sup>2</sup>

Remodel-Main Floor Plan

## Marshall Manor House (BUILT 1908)

**H.R.A.**

1069 MARSHAL STREET, KELOWNA, B.C. V1Y-2B8

## Remodel:

SCALE:  $1/4" = 1'-0"$

PROJ. No. 2007-01-01

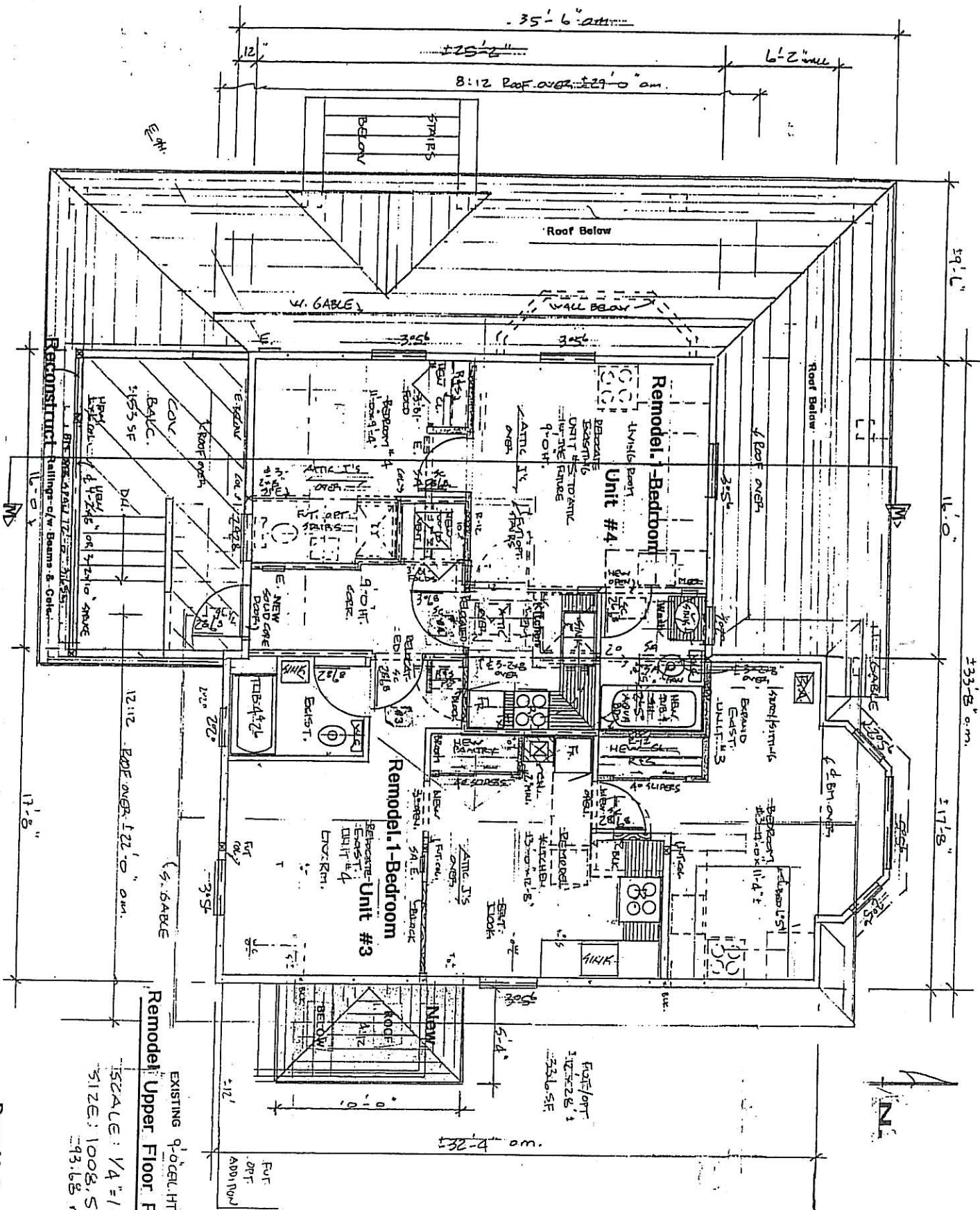
DATE: April 27'07.

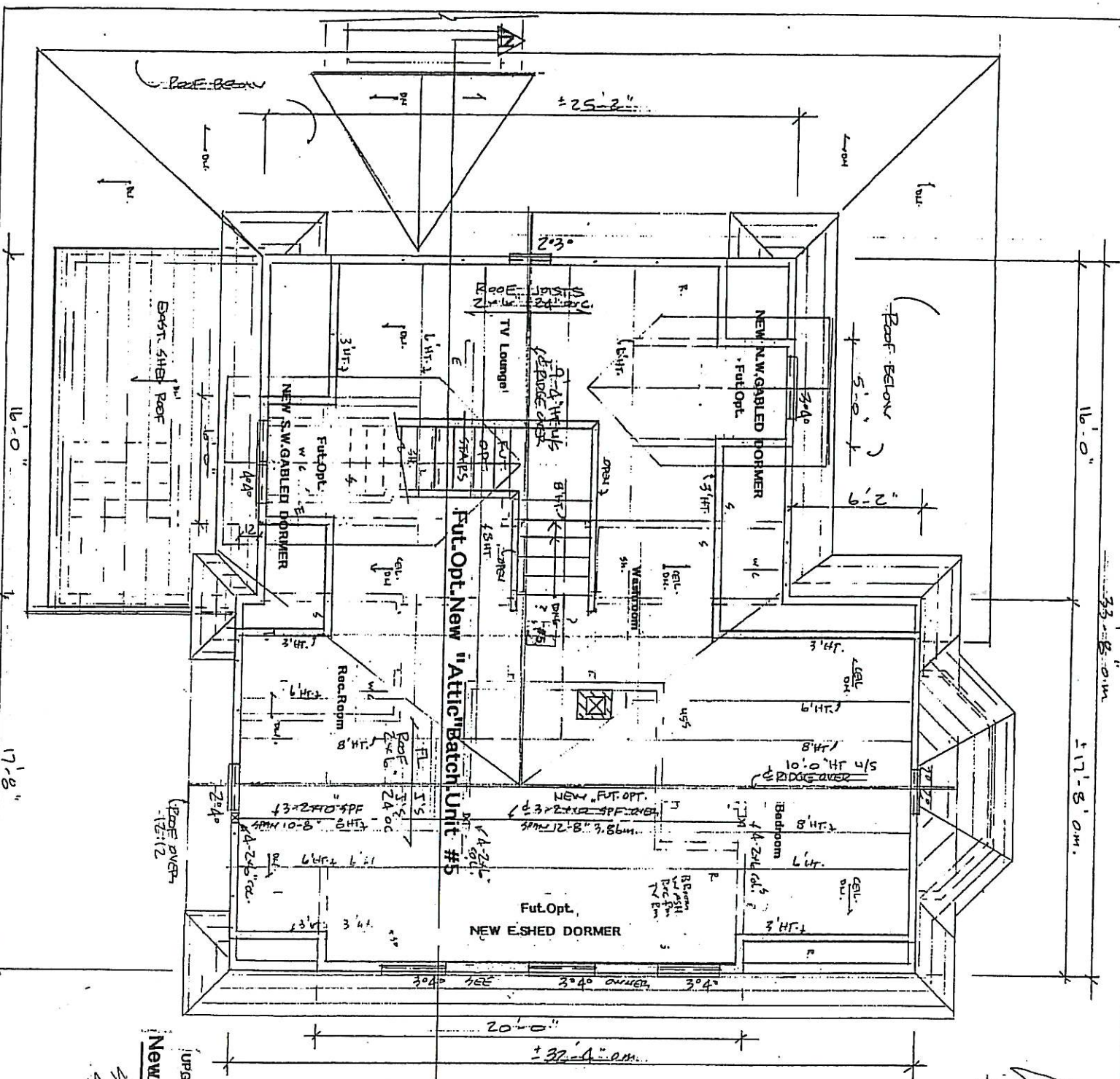
D.Y.G. : PJC.

NOTES:

**Peter J. Chata**  
368 Cadder Av  
Kelowna, B.C.  
Tel. 763-834  
House Plans &







Fut. Opt.  
UPGRADE ATTIC FLOOR  
New Attic Floor  
SCALE: 1/4" = 1'-0"  
SHEET 8 OF 12

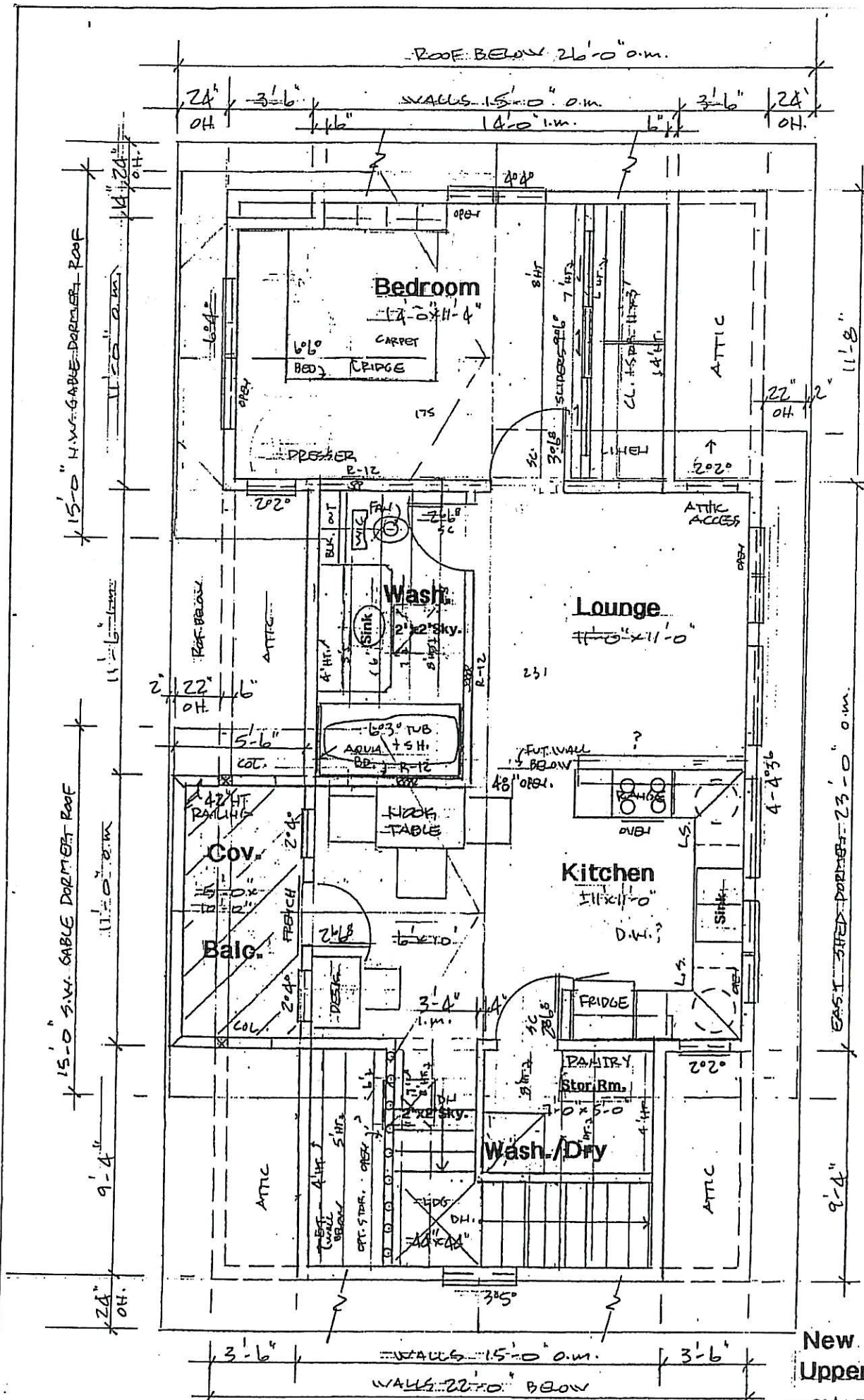
SCHEDULE AA









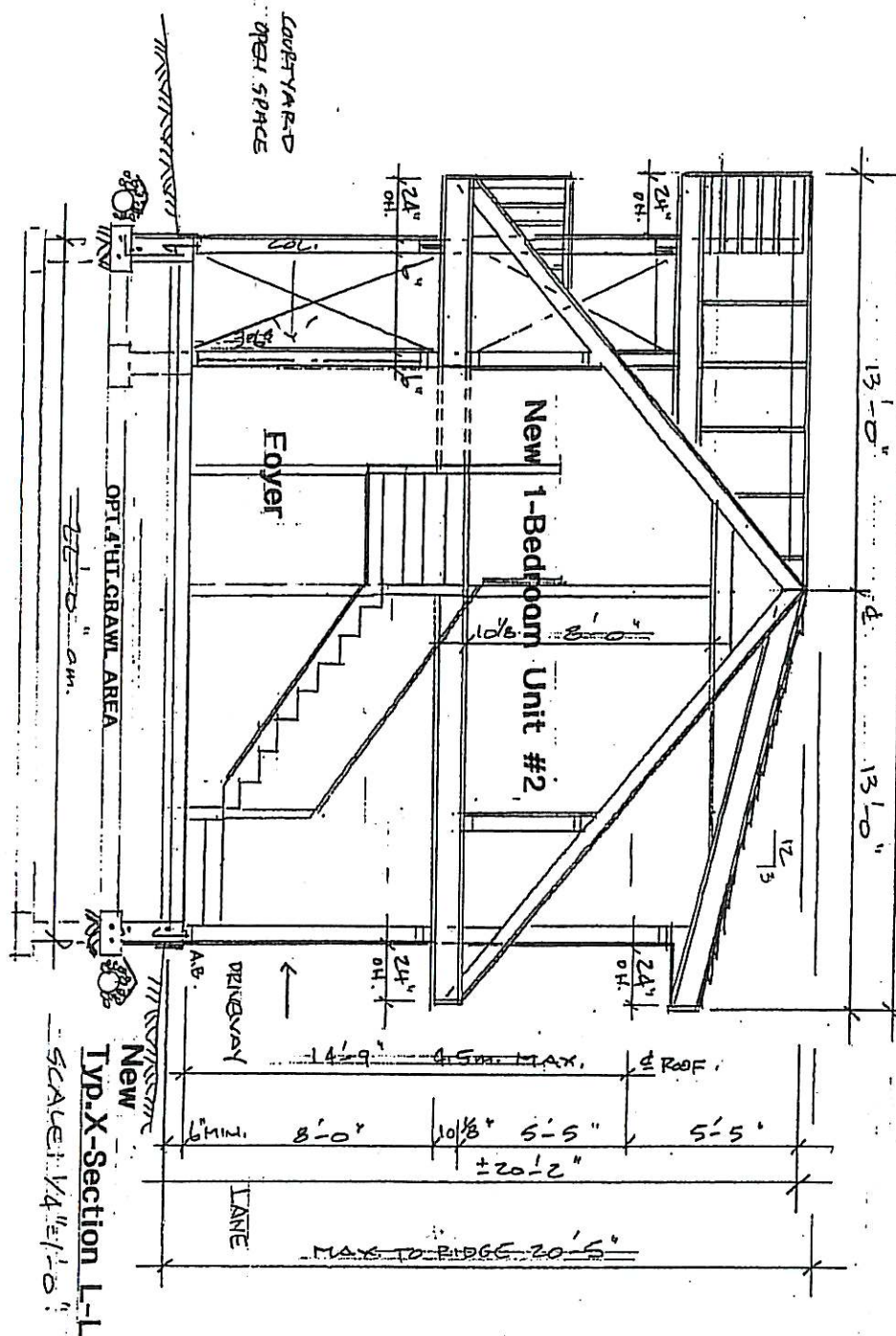


SCHEDULE AA

Dwg.G-1 of 12.

New  
Upper Floor Plan.

SCALE: 1/4" = 1'-0"  
SIZE: 694 SF 64.5 m<sup>2</sup>



SCHEDULE AA

New H.R.A.

Hindle/Briggs "Carriage" House (MARSHALL MANOR)

1869 MARSHALL STREET, KELOWNA, B.C. V1Y-2B8

SCALE: AS SHOWN

PROJ. NO. 2007-01-01

DATE: April 27'07.

DWG PJC



Carstall #1

Carstall #2 WOOD SHOP

Carstall #3

Carstall #4

Foyer

Entry

Carstall #5

SCHEDULE AA

New Gr. Floor Plan

SCALE: 1/4" = 1'-0"

SUITE 1635 SE 155 m<sup>2</sup>  
GARAGE 1635 SE 71 m<sup>2</sup>  
TOTAL 931.5 SF 86.5 m<sup>2</sup>  
COV. ENTRY 37 SF 3.5 m<sup>2</sup>  
BLDG 968.5 SF 90 m<sup>2</sup>

New H.R.A.

Hindle/Briggs "Carriage" House (MARSHALL MANOR)

1869 MARSHALL STREET, KELOWNA, B.C. V1Y 2B8

SCALE: AS SHOWN

PROJ. NO. 2007-01501

DATE: April 27'07.

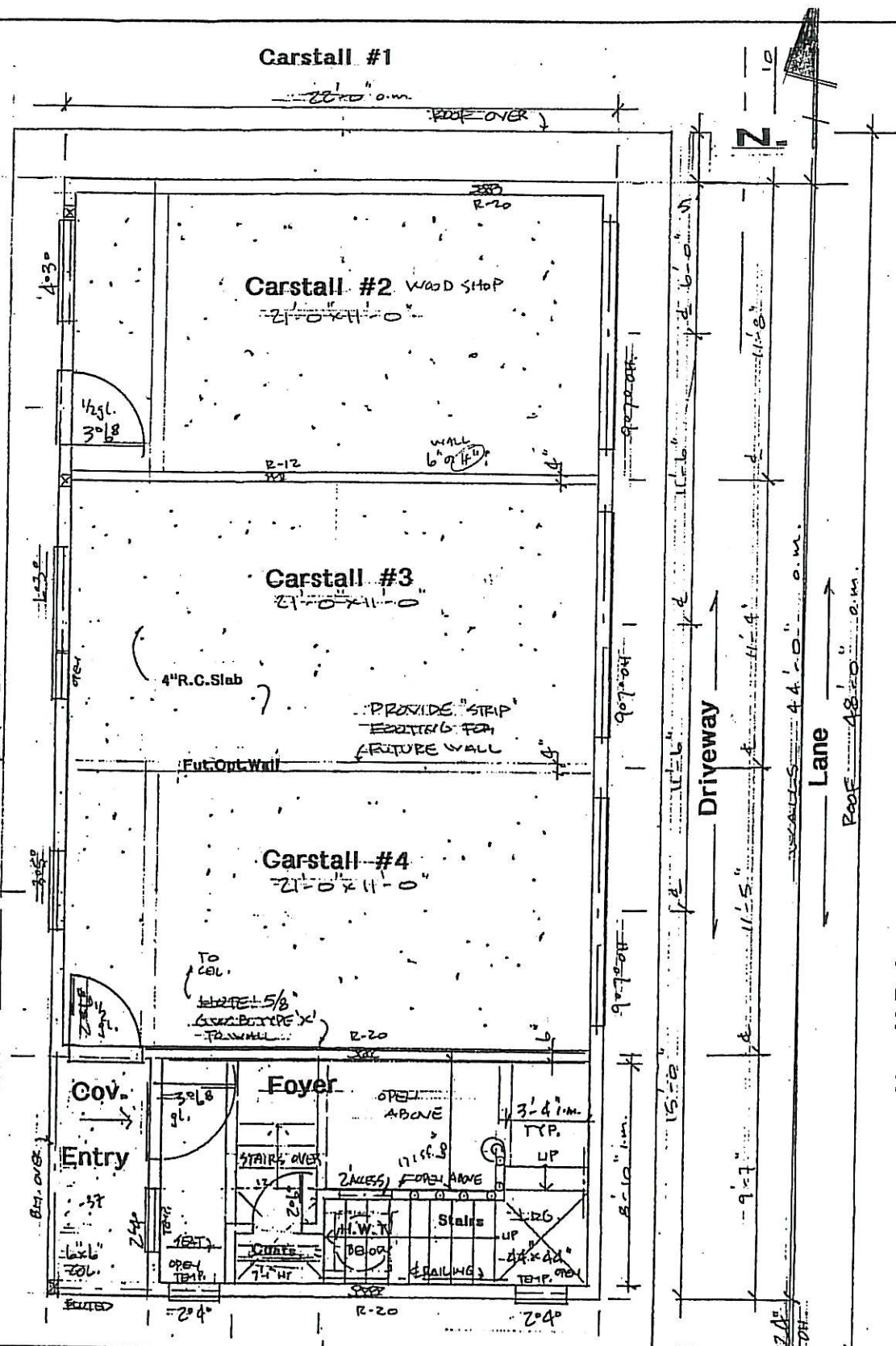
DWG. PJC

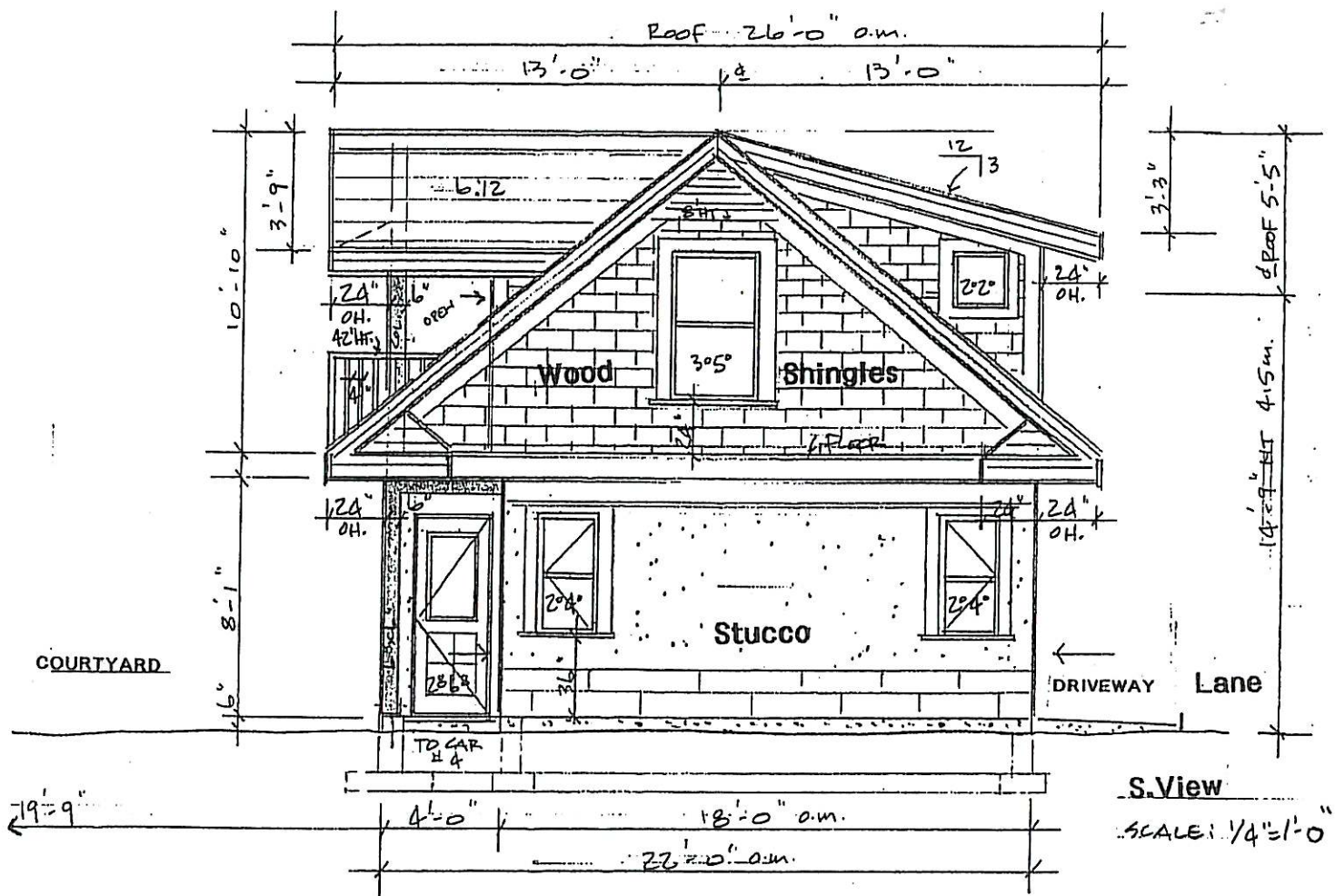
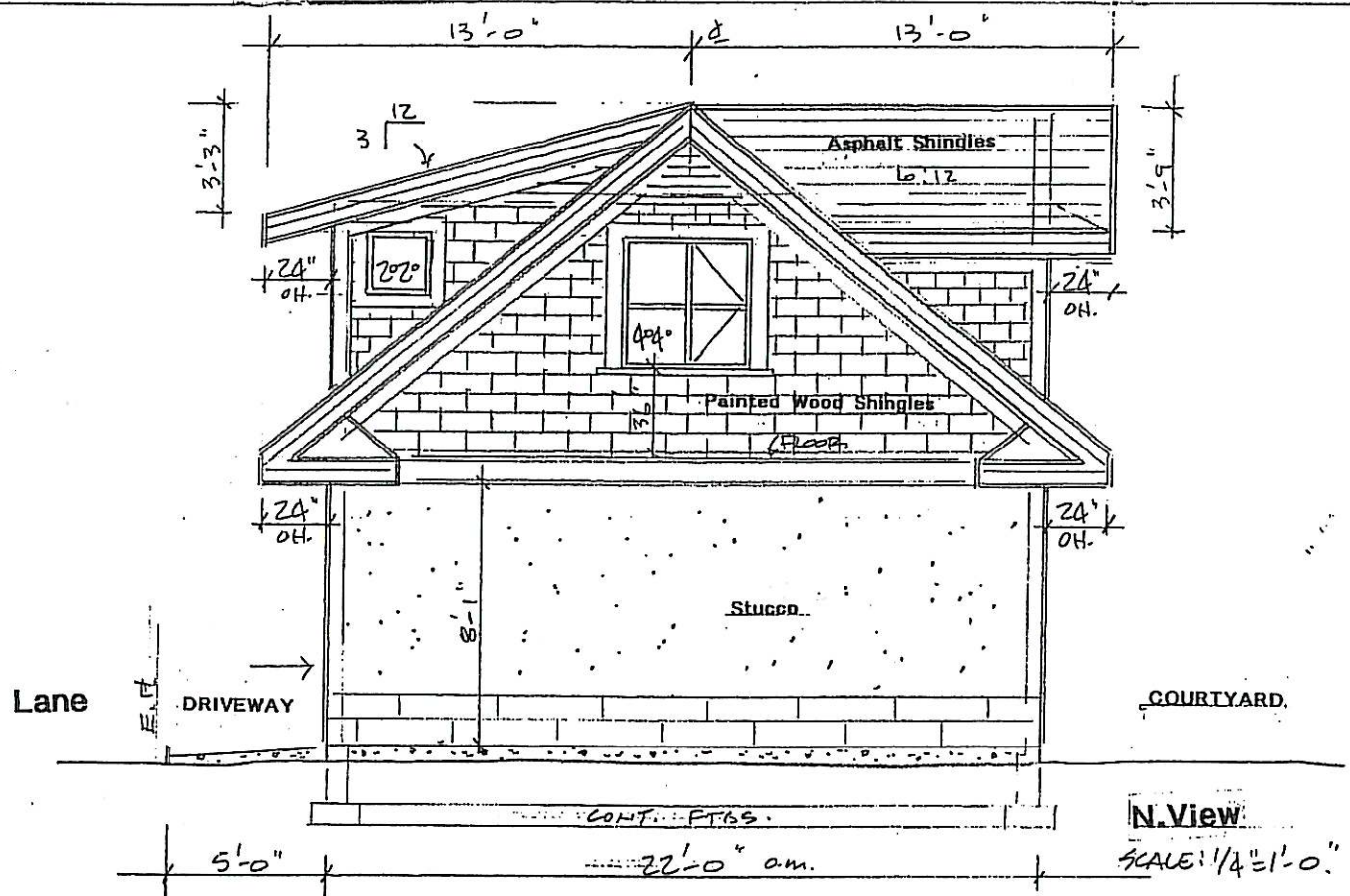
DWG. No.

G-2.

OF 12.

NOTES: R.C. REINFORCED CONCRETE SLAB 150mm DEEP











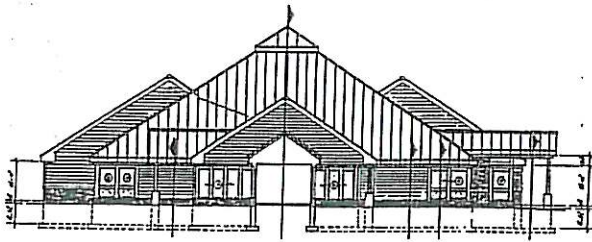




## Photograph 20

This photograph represents a mock-up of a front door and approximate paint colors being considered for both the house and proposed carriage house. The colors were selected from the Historical True Colours for Western Canada put out by Benjamin Moore paints with the Vancouver Heritage Foundation support. This photograph is a test only and does not necessarily reflect the true end result.

SCHEDULE BB



Peter J. Chataway, B.Sc., B.Arch.

HOUSE PLANS AND DESIGN

368 Cadder Ave., Kelowna, B.C. V1Y 5N1

Office: 763-1334

Home: (250) 763-5367

1869 MARSHALL STREET

## Colour Board

Heritage House

'Carriage' House

Roof : EXISTING

'Tite-Lok' 1/2 Tone Tan To Match Existing.

Walls : Upper -

WOOD SHINGLES

VC 27

VC-7  
Edwardian Cream

Lower - STUCCO-

HORIZ.BANDS

& BASE

Med. Ivory  
3 - 53

VC-7  
Edwardian Cream

Trim :

VC-27  
Strathcona Red

VC-1  
Oxford Ivory

Sash :

VC-35  
Gloss Black\*\*

SCHEDULE BB

Note: All Paint Colours From Benjamin Moore Historical True Colours Exterior Paint.



