
**CITY OF KELOWNA
MEMORANDUM**

DATE: April 9, 2009

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. DVP08-0035
AT: 784 Elliot Avenue

APPLICANT: Porter Ramsey LLP
OWNERS: Alphons Schoenherr

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE HEIGHT OF THE EXISTING HERITAGE BUILDING IN ORDER TO ACCOMMODATE THE PROPOSED ROOF STRUCTURE .

EXISTING ZONE: RU6 – Two Dwelling Housing
REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0035 for Lot 3, D.L. 138, ODYD, Plan 9360, located at 784 Elliot Avenue, Kelowna, B.C, subject to:

1. Building permit complete with structural engineering required for all work done without valid building permit. The extra suite added is required to be removed so the number of suites does not exceed what is permitted by the business licence.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6 (b) Development Regulations – Height
Vary the height for a portion of the proposed single family dwelling from 9.5 metres permitted to 13.5 metres proposed.

2.0 SUMMARY

The applicant has applied for a Development Variance Permit to vary the height of the existing heritage building in order to accommodate the recently constructed roof structure.

3.0 BACKGROUND

This application was deferred by City Council at the May 27th, 2008 Public Hearing. City Council wanted to have an official recommendation from the Community Heritage Commission before making a final decision regarding the merits of this project.

4.0 ADVISORY PLANNING COMMISSION

At a meeting held on April 8, 2008, the APC passed the following motions:

THAT the Advisory Planning Commission **NOT** support Development Variance Permit Application No. DVP08-0035, for 784 Elliot Avenue, Lot 3, Plan 9360, Sec. 19, Twp. 26, ODYD

by Porter Ramsay (Schoenherr), to obtain a Development Variance Permit to vary the height of the existing heritage building in order to accommodate the proposed roof structure.

Concerns of the APC were that:

- Widow’s Walk appears quite tall;
- Cosmetic aspects of the exterior (for example the windows) of the building do not match; and
- Structure on the roof is off-centre (not in sync) with the existing building.

5.0 COMMUNITY HERITAGE COMMISSION

At a meeting held on April 2, 2009, the APC passed the following motions:

THAT the Community Heritage Commission support Heritage Revitalization Agreement Application No. DVP08-0035, for 784 Elliot Avenue, by Porter Ramsey LLP, to vary the height of the existing heritage building in order to accommodate the revised roof structure.

Anecdotal Comments

The CHC acknowledged that the new plans were a dramatic improvement and the revised structure will be a better fit for the heritage home.

6.0 THE PROPOSAL

The subject property is located on the City of Kelowna’s Heritage Register. In response to Bylaw enforcement, the applicant is seeking a variance to deal with the roof top structure that was constructed without a Building Permit. The existing Heritage building is a legal non-conforming structure that contains 10 apartment units. The existing Heritage building is presently 11 metres in height while the rooftop structure is an additional 2.4 metres. The ‘widow’s walk’ was built so that the owner could have access to the roof of the structure.

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Development Regulations		
Height (Existing structure)	11 m ¹	9.5m / 2.5 storeys
Height (Addition)	2.5 m ²	

¹Existing non-conforming

²Variance required to permit addition (2.5m) to existing non-conforming structure

6.1 Site Context

The surrounding area has been developed primarily as a single/two-family neighbourhood. More specifically, the adjacent land uses are as follows:

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

6.2 Site Location Map:

784 Elliot Avenue

7.0 TECHNICAL COMMENTS7.1 Building & Permitting Department

Structural Concerns. Building permit c/w structural engineering required for all work done without valid building permit. The extra suite added is required to be removed so the number of suites does not exceed what is permitted by the business licence.

7.2 Development Engineering Branch

See attached.

8.0 LAND USE MANAGEMENT DEPARTMENT

The existing addition was constructed without the required permits or any consultation with the City. Through the applicant's revised proposal the existing 'widows walk' will be removed and replaced with a more appropriate structure that adheres to BC Building Code requirements. The applicant has also submitted an engineer's report that addresses the building's load bearing capacity. The revised proposal has been supported by the CHC, therefore Staff are no longer concerned that the 'widow's walk' will have a negative impact on the building's heritage value.

DVP08-0035



Danielle Noble
Urban Land Use Manager

Approved for Issuance

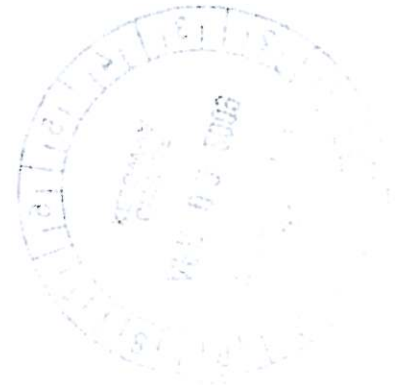


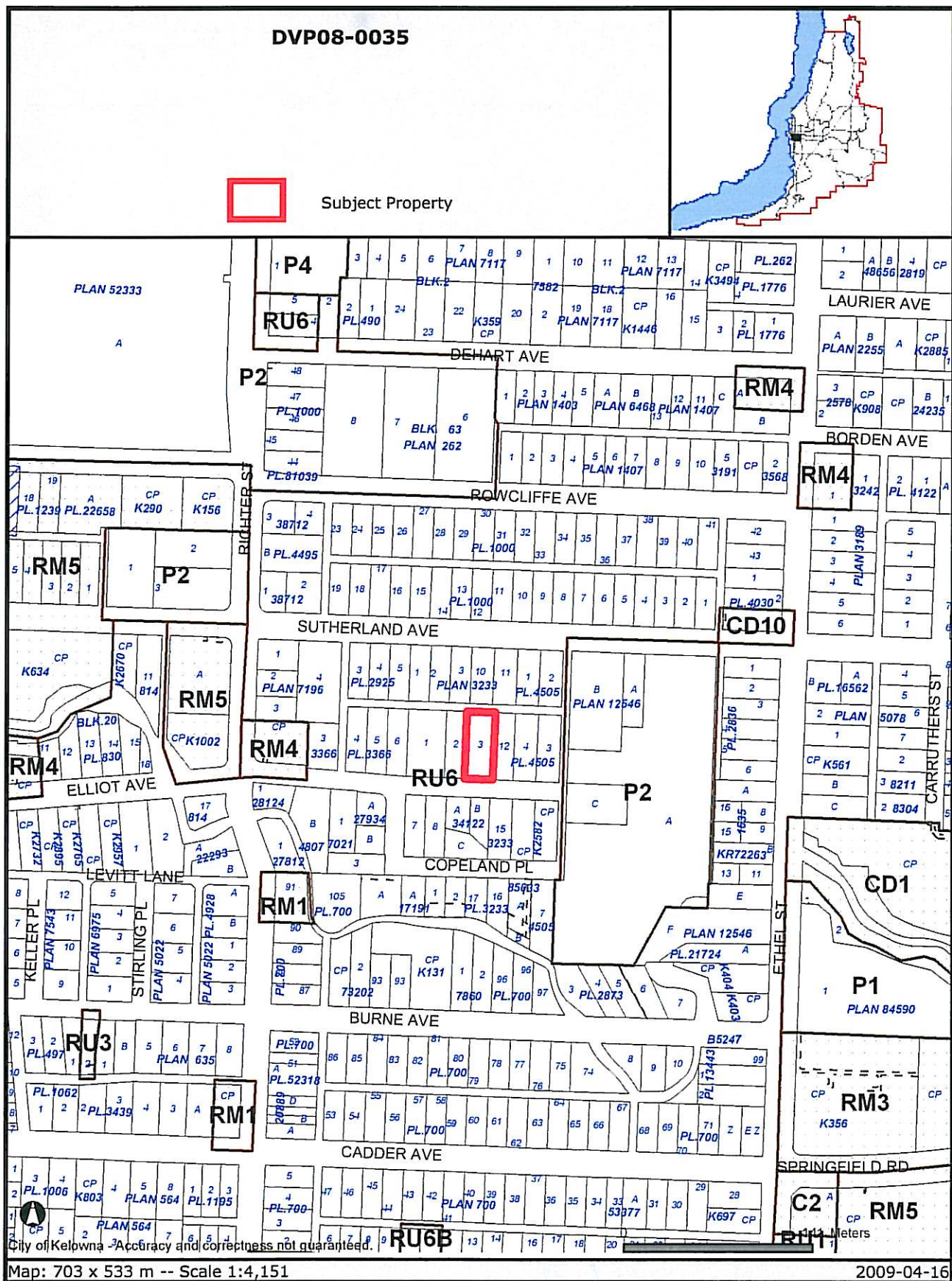
Shelley Gambacort
Director of Land Use Management

SG/DN/aw

ATTACHMENTS

Location of subject property
Photographs
Site Plan
Elevations





City of Kelowna - Accuracy and correctness not guaranteed.

Map: 703 x 533 m -- Scale 1:4,151

2009-04-16

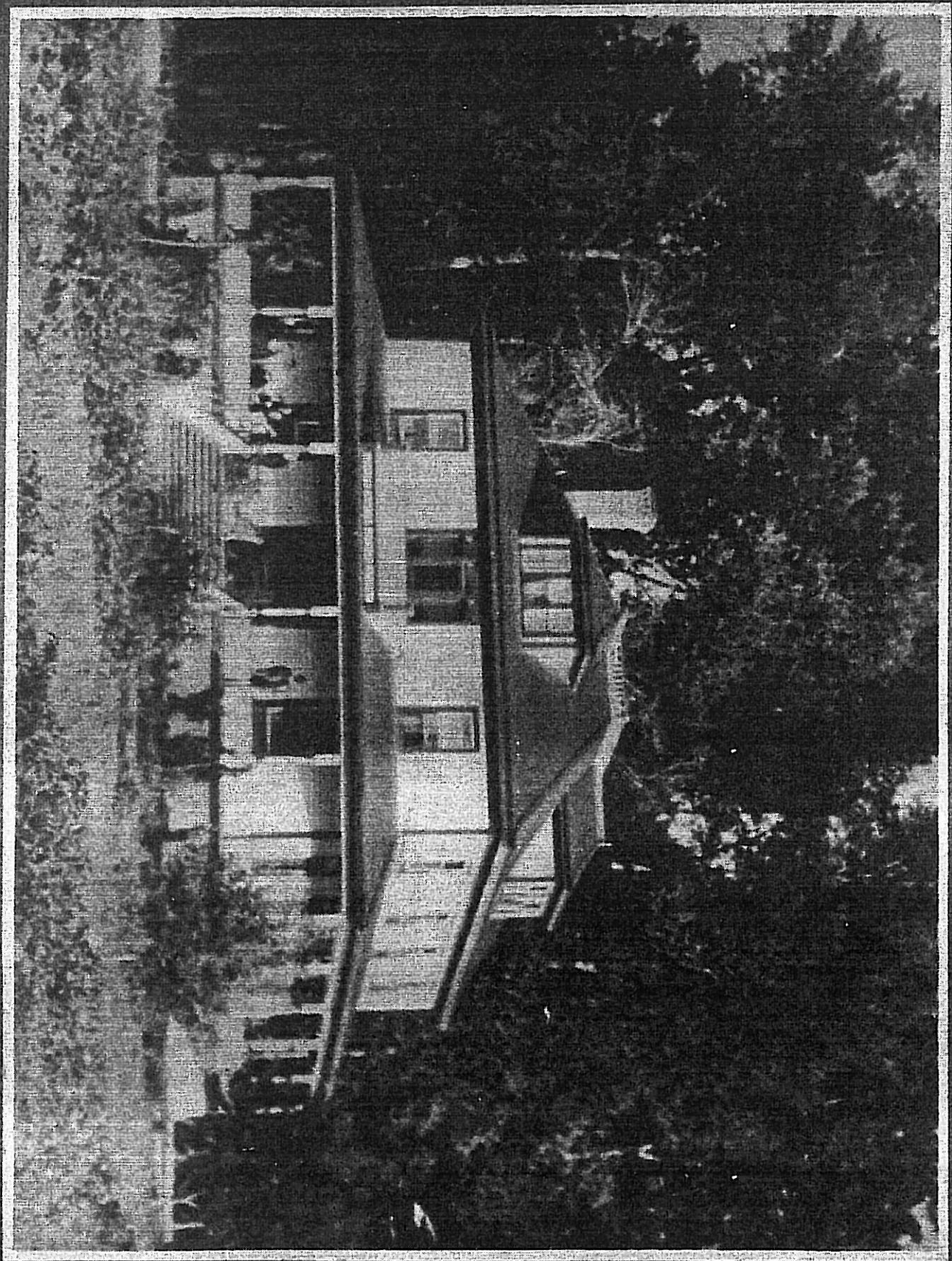
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

Existing



Existing





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Heritage Building

Heritage Building Information



Kid: [234334](#) **Plan:** 9360 **Lot:** 3 **Block:**
[Map](#)
Civic Address: 784 Elliot Ave
Neighbourhood: South Central
Building Name: Copeland House/Elliott Apartments
Conservation Area: no
Date Built: 1907
Status: Active

Historical Significance: Associated with R.A. Copeland, early developer and alderman. Conversion from a single family home to boarding house and then apartments illustrates intensification of inner-city development.

History: Robert Andrew Copeland (1864-1955) came to Kelowna by 1908, and was a director of Central Okanagan Land Co. Moved to Lumby, c. 1920, returned to Kelowna 1940s after retirement. Copeland Place is named for him. c. 1940 became a rooming house (in 1938 described as "residence" and in 1941 as "rooming house"). "Elliott Apartments" went through a series of owners, at least 15 between 1940 and 1965.

Architectural Significance: Good Foursquare with somewhat changed character. Built by M.J. Curts.

Style / Character: Foursquare: has been re-oriented (front-to back), lost verandah, new window frames many other changes.

Design Features: Symmetrical, balanced composition though not classical. Front entrance is a hipped roof porch. Three bays (differently spaced on two storeys), raised ground floor. classically inspired window frames and surrounds.

Architect: unknown

Builder: M.J. Curts

Building Construction: wood frame

Foundation Construction: Haug rusticated concrete block

Stories: 2.5

Roof Type: hipped roof with two hipped dormers

Window types: DH 1/1, DH 6/1/1, ornate frames/surrounds and drip moulding (new)

Exterior Wall Material: stucco

Original Wall Material: drop wood siding

Exterior Wall Color: cream w beige trim

Landscape Features: large driveway takes up RH side of lot

Associated Buildings: carports and garages in the rear

Alterations Documented: 1942 remodel apartment house; 1949 add stucco and front porch [STREET FILES]. Early photo shows Foursquare with wrap-around verandah, dormers, widow's walk. Evidently much altered.

Alterations Observed: New decorative mouldings have been added around the front windows. Front porch enclosed. Basement door added.

Site Context: Smaller houses on either side but similar lot size in this residential area.

Source: KHRI 1983, Karl Horvath, present owner of house, (ph. 860-6869); STREET FILES; KHRI; KHRI FORMS; R.A. Copeland [KELOWNA STREET NAMES, 49-50]
Additional Notes and Comments: See 767 Copeland Place, originally barn to this residence. Note the spelling of Elliott Apartments differs from Elliot Ave.

Updates:

History Recorder Name: David Dendy **Date Recorded:** 1997-09-03

Field Recorder Name: Leigh-Ann Carter **Date Recorded:** 1997-07-03

Photographer: Leigh-Ann Carter **Date Photographed:** 1997-07-03

Photo Reference: CD5.104-6

Main Photo File:



Additional Photos:



CRHP Inventory: [Click Here](#)





RICHARD O. VISSCHER, P.Eng.
Structural Engineer

726 Denali Drive
Kelowna, B.C. V1V 2P5
richard@rovconsulting.ca
www.rovconsulting.ca

Ph 1-250-860-0412
Fax 1-250-860-0443
Cell 1-250-878-0747
Toll Free 1-888-860-ROVC

Date: January 14, 2009
To: City of Kelowna
Attn.: Building Inspection Dept.

Re: Structural Adequacy of building @ 784 Elliot Ave, Kelowna.

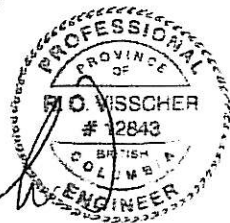
Dear Sirs:

On Wednesday January 14, 2009 I did a site inspection of the above noted residence, paying particular attention to the top stair and access to the roof peak balcony area. This was as requested by the owner Mr. Al Schoenherr.

The building is about 100 years old and shows surprisingly little sign of decay or structural inadequacy. The framing is typical for buildings of this era and is all stick built construction. The area in question is the stair to and the framing of the rooftop access to the old balcony. The old stair was recovered with new materials and the existing roof top hatch opening remains but the owner has built a small wood frame structure that allows people to climb the stairs and exit a door rather than the old hatch. The framing that has been done is adequate. A column has been replaced with a 12"x12" timber column, for aesthetic purposes but the original support for this column remains intact in the top floor.

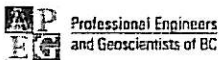
I certify that this structure is adequate to safely support the loads imposed upon it.

If I can be of any further assistance, please do not hesitate to call.



JAN 14 2009

Richard O. Visscher, P.Eng.



CITY OF KELOWNA
MEMORANDUM

Date: February 19, 2008
File No.: DVP08-0035
To: Planning & Development Services Department (AW)
From: Development Engineering Manager (SM)
Subject: 784 Elliot Ave. Lot 3 Pan 9360

The Works & Utilities Department comments and requirements regarding this application are as follows:

1. Domestic Water and Fire Protection

This parcel is adequately serviced with a 19mm copper water service.

2. Sanitary Sewer

Our records indicate that this property is serviced with two 100mm-diameter sanitary sewer services. A plumbing permit would trigger service review and potential upgrades.

3. Development Permit and Site Related Issues

On-site parking modules must meet bylaw requirements.
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.

The application to vary the building height, does not compromise works and utilities servicing requirements.

4. Electric Power and Telecommunication Services

It is the applicant'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.

Steve Muenz, P. Eng.
Development Engineering Manager
DC