REPORT TO COUNCIL

City of Kelowna

Date: July 12, 2012

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: DVP12-0117 **Owner:** Dehl Holdings Ltd. Inc. No. 102790

Address: 1465 Ellis Street **Applicant:** David Pihl

Subject: Development Variance Permit Application

Existing OCP Designation: Commercial

Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0117, for Strata Lot 4, District Lot 139, ODYD Strata Plan KAS1809 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1, located on Ellis Street, Kelowna, BC;

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

Section 5.5.2 - Fascia Signs:

To vary the regulations and permit a fascia sign on a wall which is not a business frontage.

2.0 Purpose

The applicant is seeking a variance to allow a fascia sign on both the north and south side of the fourth floor of an existing commercial building.

3.0 Land Use Management

This application seeks a variance to permit two additional signs on the north and south sides of fourth floor which are not business frontages. The aim is to ensure that clients travelling to the building are able to easily identify its location. Given the location of the signs, they are expected to have very little effect on the form and character at the street level of the building or the surrounding commercial establishments.

4.0 Proposal

4.1 Project Description

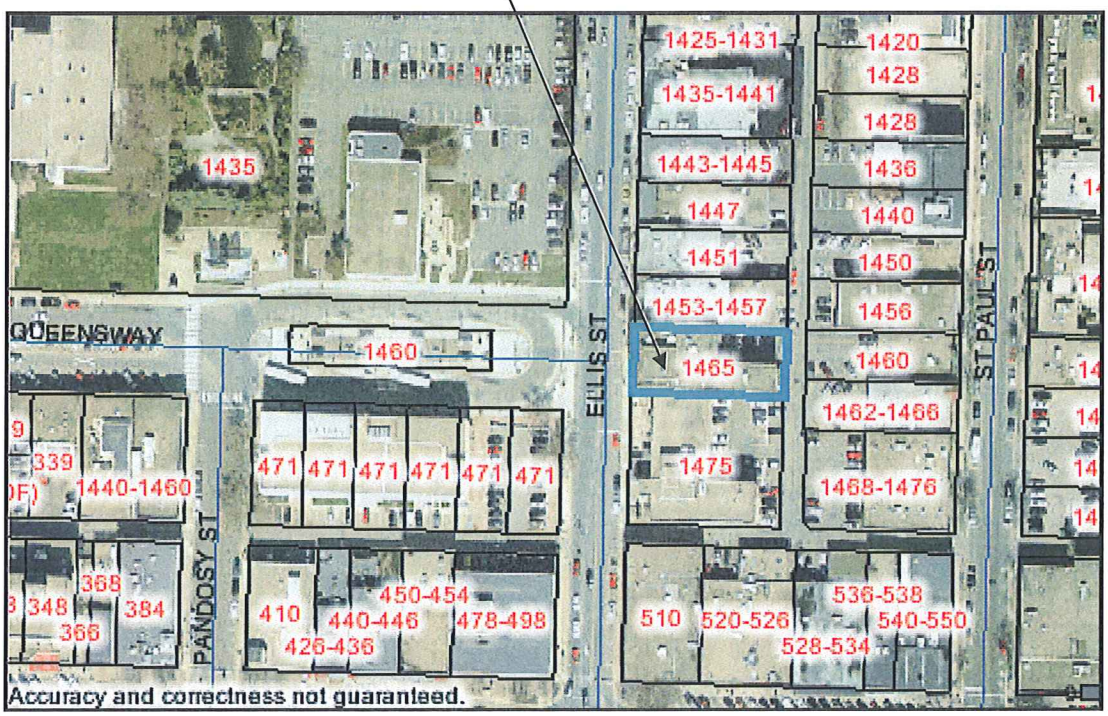
This building is located in a prominent location in the business core of Kelowna. The company occupies 3 of the 4 floors and is seeking to ensure their clients can locate the business. Through consultation with Staff the owner agreed to locate the front fascia sign on the first floor paraphet. The location was selected to meet the guidelines for downtown signage with the hopes that is does not compromise the scale and visual qualities of the building.

4.2 Site Context

The subject property is located on the east side of Ellis Street in the Downtown core of Kelowna. The surrounding properties are zoned as follows:

Direction	Zone
North	C7- Central Business Commercial
West	P1- Major Institutional
East	C4 - Urban Centre Commercial
South	C7- Central Business Commercial

4.3 Subject Property Map: 1465 Ellis Street



5.0 Current Development Policies

5.1 Official Community Plan Chapter 14 - Urban Design Development Permits Areas

Section 17.0 - Signage[1]

17.1 Integrate signage that contributes to the overall quality and unique character of a development (e.g. coordinate proportion, materials, and colour);

17.2 Do not compromise the scale and visual qualities of a building with the size and number of signs;

17.3 Locate, size, and format signs such that they can be easily read by pedestrians.

6.0 Technical Comments

No technical comments received.

7.0 Application Chronology

Date of Application Received: June 15, 2012

Report prepared by:

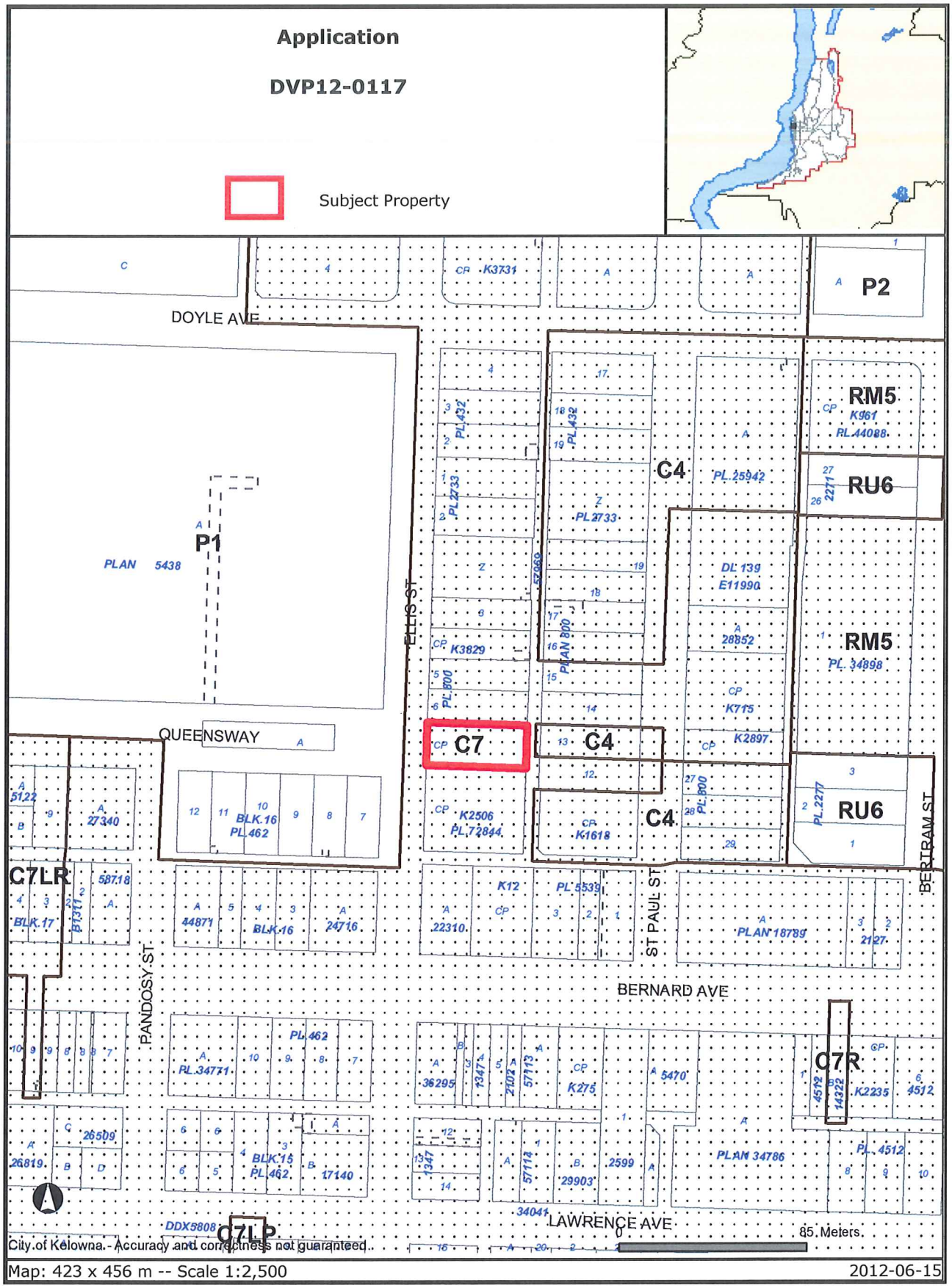
Birte Decloux, Urban Land Use Planner

Approved for Inclusion: Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map
East Conceptual Elevations
Sign details

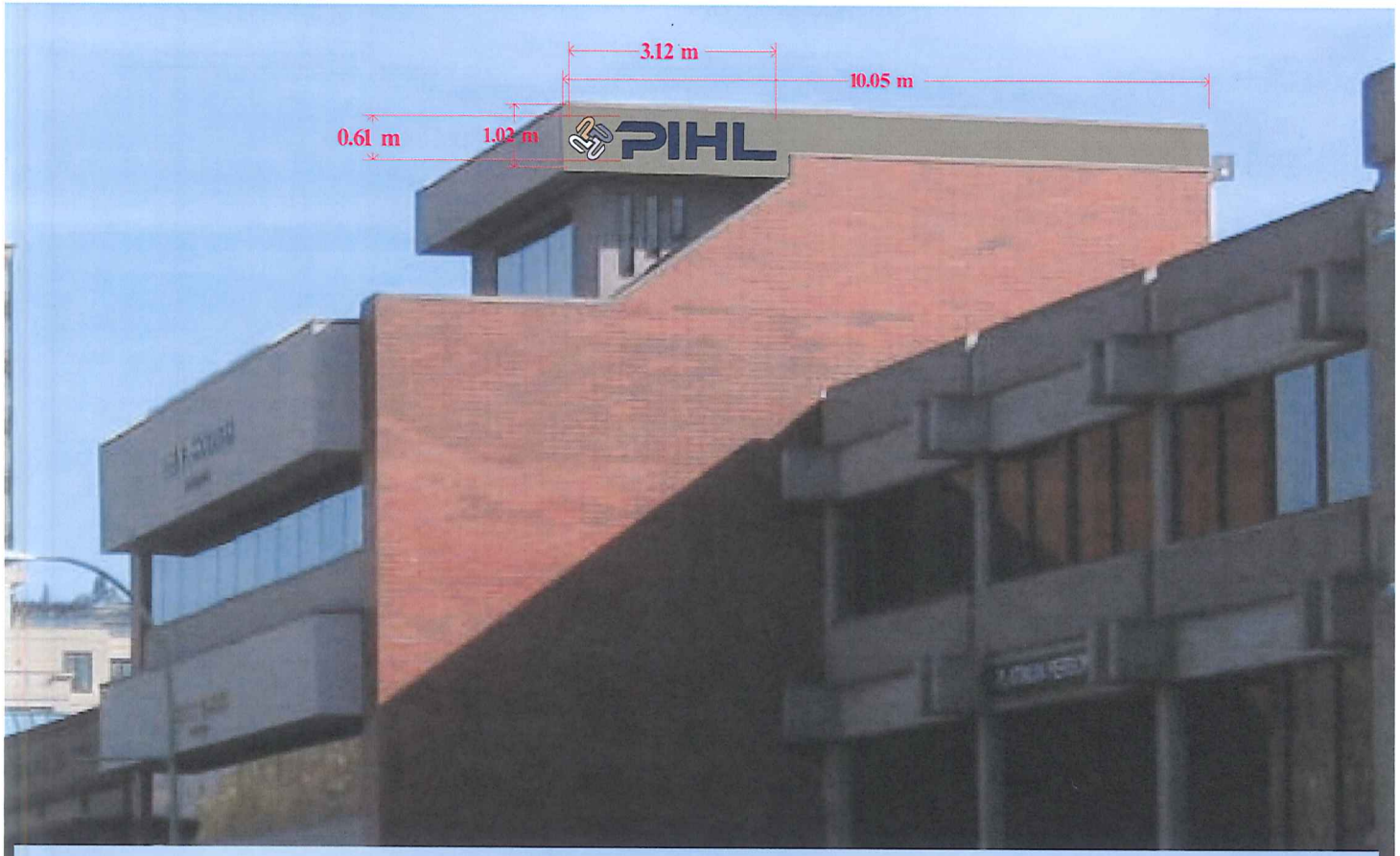
[1] OCP Chapter 14 page 14.13

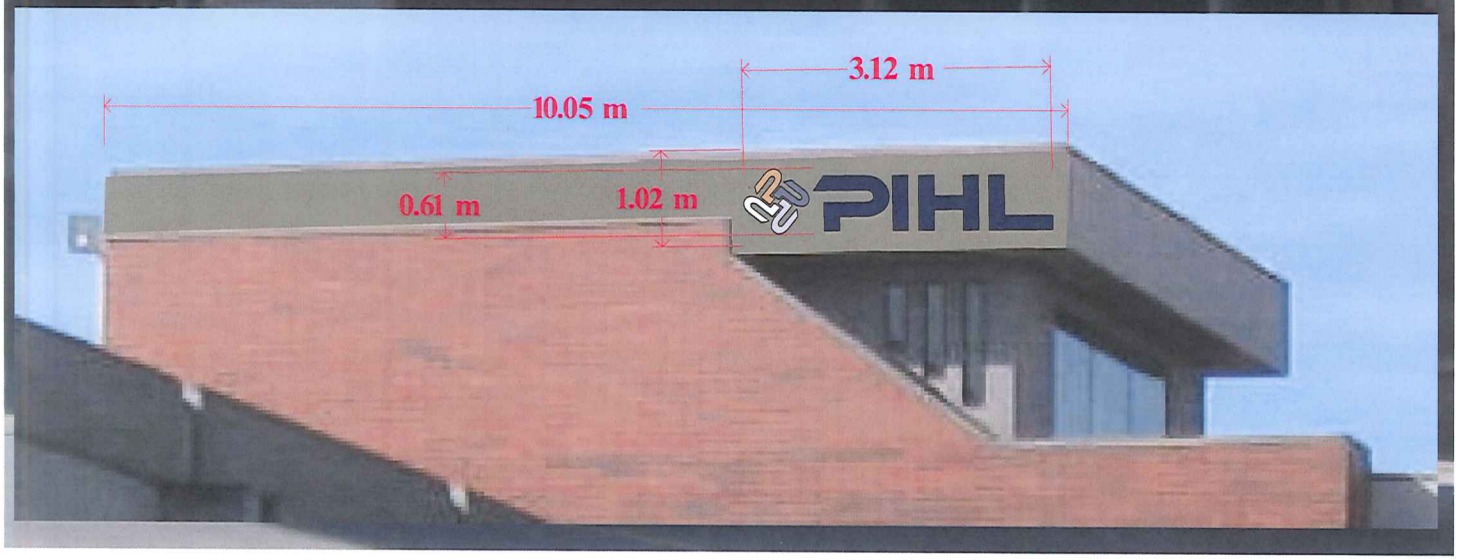


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

4.34 m
4.34 m
18.4 m
1465
1.6 m
0.8 m
PIHL
LAW
CORPORATION
8.7 m
4.34 m
NO
SKATEBOARDING

PIHL
1465 Ellis St.
PIHL LAW CORPORATION


3.12 m
10.05 m
0.61 m
1.02 m
PIHL


3.12 m
10.05 m
0.61 m
1.02 m
PIHL

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP12-0117

EXISTING ZONING DESIGNATION:	C7 - Central Business Commercial
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: David Pihl

LOCATION OF SUBJECT SITE: 1465 Ellis Street

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	Strata Lot 4	139	KAS1809			ODYD

SCOPE OF APPROVAL

☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 5.5.2 - Fascia Signs:

To vary the regulations and permit a fascia sign on a wall which is not a business frontage.

2. PERFORMANCE SECURITY: N/A

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

(a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.

(b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

_____ _____

Signature of Owner/Authorized Agent Date

_____ _____

Print Name in Bold Letters Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE th DAY OF JULY, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE th DAY OF JULY, 2012.
BY THE DIRECTOR OF LAND USE MANAGEMENT.

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Shelley Gambacort
Director, Land Use Management

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