

**City of Kelowna  
Regular Council Meeting  
AGENDA**



May 21, 2013  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer  

Prayer will be offered by Councillor Hobson.
3. Confirmation of Minutes 1 - 13  

Public Hearing - April 23, 2013

Regular Meeting - April 23, 2013
4. Bylaws Considered at Public Hearing
  - 4.1 Bylaw No. 10841 (HD13-0001) - Heritage Designation Bylaw "Copeland House" - 0874309 BC Ltd., 784 Elliot Avenue 14 - 14  

To give Bylaw No. 10841 second and third readings.
  - 4.2 Bylaw No. 10840 (HRA12-0001) - Heritage Revitalization Agreement Authorization Bylaw, 0874309 BC Ltd., 784 Elliot Avenue 15 - 39  

To give Bylaw No. 10840 second and third readings.
  - 4.3 Bylaw No. 10746 (OCP12-0010) - City of Kelowna, Miscellaneous Amendments 40 - 43  

To give Bylaw No. 10746 second and third readings and be adopted.
5. Notification of Meeting  

The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. Development Permit and Development Variance Permit Reports  

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required**

**variance(s) to come forward.**

- 6.1 Development Variance Permit Application No. DVP13-0038 - The Pit Stop C-Store & Gas Bar Ltd., 3802 Gordon Drive 44 - 58**

To vary the area of the proposed free standing sign from 3.0m<sup>2</sup> permitted to 5.9 m<sup>2</sup> proposed.

- 6.2 Heritage Alteration Permit Application No. HAP13-0001 - Edward and Marilyn Wiltshire, 1979 Abbott Street 59 - 72**

To consider not authorizing a Heritage Alteration Permit for proposed changes to the dwelling and legitimize the side yard setback from 4.5m required to 0.0m proposed.

- 6.3 Development Variance Permit Application No. DVP13-0037 - Rory and Donna Gatenby, 286 Atwood Place 73 - 86**

To vary the north side yard setback from 2.0m required to 1.0m proposed to legalize the construction of a storage shed to be added to the footprint of the main house.

**7. Reminders**

**8. Termination**



## City of Kelowna Public Hearing Minutes

Date: Tuesday, April 23, 2013  
Time: 6:00 pm  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present: Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Members Absent: Councillor Andre Blanleil.

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Manager, Development Engineering, Steve Muenz\*; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:04 p.m.

Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 10, 2013 and by being placed in the Kelowna Capital News issues on April 12, 2013 and April 16, 2013, and by sending out or otherwise delivering 5549 letters to the owners and occupiers of surrounding properties between April 9 and April 12, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

### 3. Individual Bylaw Submissions

#### 3.1. Bylaw No. 10837 - Official Community Plan Bylaw Amendment Application No. OCP13-0001 and Bylaw No. 10838 - Rezoning Application No. Z13-0002 - Graeme James - 1242-1244 Pheasant Street

Staff:

- Summarized the applications before Council and responded to questions from Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

Letters of Opposition:

- Lynda Zorn, 1122 Stockwell Avenue

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Graeme James, -2260 Scenic Road, Applicant

- Responded to opposition letter and advised that he had spoken to Mrs. Zorn and she was satisfied with his comments.

Gallery:

Resident, Dorchester Retirement Centre

- Supportive.

There were no further comments.

#### 3.2. Bylaw No. 10825 - OCP Text Amendment Application No. OCP12-0015 - Doug Dueck - 526 Doyle Avenue and 1368 St. Paul Street

Mayor:

- The focus on this application is with respect to the OCP and the height and separation of the buildings.

Staff:

- Summarized the applications before Council and responded to questions from Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- Letters of Support
  - Tyler Dyck, 1468 St. Paul Street
  - Amanda Zais, 767 Leon Ave
  - Trevor Morhaliek, 100-1475 Ellis Street
  - Maria Graziano, 618 Bernard Ave
  - Linda Winnick, 339 Bernard Avenue
  - Gloria and Max Sloan, 1598 Pandosy Street
  - Wendy Turcotte, 541 Bernard Ave
  - Jan Johnson/ Lori Burns, 575 Bernard Ave
  - Ryan Hunter, 543 Bernard Ave
- Letters of Opposition
  - Dr. Luigi Rossi, 1402-1395 Ellis Street
  - Bob Heyworth, #703 - 1395 Ellis Street
  - Linda Heyworth #703 - 1395 Ellis Street
  - Janice Roy, #401 1331 Ellis Street
  - Laurence Marshall, 307-1349 Bertram Street

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Tyler Dueck, 526 Doyle Avenue, Applicant

- Displayed a Powerpoint Presentation.
- Confirmed that the adjacent lot was acquired enabling the north tower to move away by 50 feet; Suites are oriented to look out corners of the building rather than into each other; further separation of the towers improves the view corridors.
- Confirmed Tower 2 will require a variance.
- Confirmed that there is a Covenant on the Daycare; the covenant ensures the use; there will be a third party operator of the daycare.
- Clarified that the objective is to provide daycare that is affordable for the community.
- Confirmed IHA is supportive of the required outdoor space on the mezzanine; safety requirements will be followed; access to the level will be required.
- Estimated the unit price range between \$300,000 - \$500,000 thousand.
- The design has improved over the last 7 years with input from staff, public and Council.

Wes Friesen, Points West Architecture

- The architecture compliments the Madison; the floor plate reduces as it goes up; stepping gives relief as one looks up, similar to the Waterscapes development and smaller than the Madison.
- The variance to the floor plate size is to create an architectural presence.
- Strong and simple form that addresses the street and live interfacing.
- There will be large decks to enjoy views; public art features; and a ½ acre of green space.

Gallery:

Bob Heyworth #703, 1395 Ellis Street

- Two towers will not fit on this property.
- Referenced Objective 5.5 Policy .1 of the Official Community Plan, where critical parts to this objective are height, separation and adequate view corridors between towers. Believes a 40 degree view corridor is required and this project does not meet that view corridor.
- Opposed to this application.

Gordon Prose, Tenant Facing West (Not Owner)

- Girth is higher than the Madison and is twice as tall.
- Raised concern with setbacks and variances.
- Opposed to this application.

Janice Roy, #401, 1331 Ellis Street

- Opposed to the variances requested.
- Agrees with Mr. Heyworth's comments.
- Opposed to this application.

Dewy Letoski, 1358 St. Paul Street, Business Owner

- Raised concern with going against the OCP and Bylaws.
- Cost reduction in daycare may cause competition with family run day cares.
- Not opposed to development but if approved then the rules regarding height should change for the entire area.
- Opposed to this application.

Nick Desert, 315 Lawrence Avenue

- Could see living in one these units.
- Supportive of this Application.

Linda Heyworth, #703 - 1395 Ellis Street

- The additional property purchased allows for one tower within the OCP and suggested building the north tower with variances on north property line to keep the view corridors envisioned in the OCP.
- Offered options for public benefit including an urban park on remaining land.
- Believes that two towers are not permitted on this property and that view corridors are not considered yet are a requirement.
- Opposed to this application.

Dana Kotler, 1395 Ellis Street

- Raised concern regarding density and concentration of buildings on the same corner.
- Raised concern regarding water table issues that occurred with the Madison.
- Opposed to this application.

Maria Tokarchuck, 767 Fuller Avenue

- Raised concern with contravening the OCP.
- Wrong development for this site.
- Advised that Laurence Marshall is in opposition of this application not in support.
- Opposed to this application.

Kathy Higgins, Manhattan Drive, Owner of 1358 St. Paul Street, 1383, 1350, 1379 Ellis Street

- This development is in the Art District and a good fit for the area.
- Supportive of this application.

Kayla Klassen, West Kelowna Resident (Realtor)

- Developer is doing all they can to make this project beneficial; creating long standing jobs, affordable housing and daycare facility.
- Supportive of this application.

Lorraine Andrews, #312, 1331 Ellis Street

- Lives in the corridor. Feels too much is happening in this area with the IHA building and parking lots and suggested putting this project on hold until the other projects have been completed.
- Opposed to this application.

Connie Heimbecker, 801 Stockwell Avenue

- This development will change the character of this neighbourhood.
- Opposed to this application.

Elaine Hatch, 1331 Ellis Street

- Raised concern with traffic in the area; moving delivery trucks and pedestrians in an already congested area.
- Opposed to this application.

Gavin Hamilton, Resident at The Lofts

- Raised concern with parking. All residents egress onto a narrow unkept back lane that is partially paved and partially not. Laneway is very dangerous.
- Opposed to this application.

Don Ganyon, Madison Resident

- Inquired if view corridors would be considered in Council's decision.

Staff:

- Provided a rationale of view corridors not being an OCP amendment.

Bob Heyworth, #703, 1395 Ellis Street

- View corridors need to be considered.

Tyler Dueck, Applicant

- Spoke to the view corridor concerns.
- Confirmed the lane will be improved and widened to 25 feet from the current 20 feet.
- Confirmed the water table has been looked at and consideration is being given to piling which does not disrupt adjacent buildings. This has been discussed with the neighbours, Daily Courier and Madison residents.
- Confirmed lane way is the main access for residents. Clarified that there are entrances for levels 2, 3 and level 4.

There were no further comments.

**3.3. Bylaw No. 10839 - Rezoning Application No. Z13-0012 - Blenk Development Corporation - Various Wilden Properties**

Staff:

- Summarized the applications before Council and responded to questions from Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- Letters of Concern
  - Josh Hoggan, 1675 Lindsay Drive

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Bob Dargatz, Blenk Development Corporation - Applicant

- Applicant not present.

There were no further comments.

**3.4. Bylaw No. 10832 - Official Community Plan Amendment No. OCP13-0002 - Bylaw No. 10833 - Text Amendment Application No. TA13-0004 and Bylaw No. 10834 - Rezoning Application No. Z13-0003 - Protech Consultants Ltd. - 1760, 2025 and 2137 Quail Ridge Boulevard**

Staff:

- Summarized the applications before Council and responded to questions from Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- Letters of Support
  - Shirley and Don Maranda, 2352 Capistrano Dr
- Letters of Opposition
  - Philip Gardner, 1797 Capistrano Drive
- Letters of Concern
  - W.M. Mac Campbell, Quail Ridge Residents Association
  - Joanne Garrard-Barton, 3076 Quail Run Drive
  - Gregor and Ann Miller, 2336 Country Club Drive

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Grant Maddock, Protech Consultants, Applicant

- Displayed maps and provided a history of the area.
- Advised that until a traffic impact analysis has been completed is unsure of any contributions the developer would have to put forth.

- Advised that the hillside, being over just 9 acres, will be dedicated to the City.
- Addressed concerns from the Quail Ridge Residents Association regarding landscaping, maintenance and screening.
- Advised that the Quail Ridge Residents Association requested the extension be re-named from Hollywood Road to Quail Ridge Road.
- Confirmed there is a traffic plan. Hollywood Road would be the major access.

Gallery:

Mac Campbell, On behalf of the Executive of the Quail Ridge Residents Association

- Expressed concern that there had not been any in house dialogue regarding this proposal.
- Advised that there is no understanding of timing, ownership and design guidelines. Unsure of roadway and does not understand the meaning of a rural road.
- Acknowledged that some of the new buildings are remarkable.
- Advised that naming of the road is an issue. Request in the short term that the name is left as Quail Ridge Boulevard until the road is completely built.
- Advised that views to the rear of the buildings are problematic to residents above.

Gallery:

Paul Larson, 2288 Capistrano Drive

- Supportive of comments made by the Residents Association.
- Asked not to overlook that this is an industrial area that leads to a beautiful neighbourhood and golf course.
- Raised concern that Hollywood Road runs behind those industrial buildings.
- Unclear if the through road will have a stop sign or a light.
- As a resident, would like to see more commercial introduced, such as a grocery store, than industrial.

Rick Gordon, 2237 Capistrano Drive

- Submitted his speaking notes.

Grant Maddock, Applicant

- Spoke to communication efforts with the Quail Ridge Residents Association.
- Advised that most of the concerns are engineering items and does not know about those issues.
- Advised that Hollywood Road will be constructed during the first phase of subdivision this fall or next spring. Standard to be brought forward by city engineering. This is outside of the 20 Year Plan and there is no provision for doing curb, gutter and sidewalk.
- Advised that the slope of Hollywood Road will be higher and therefore the back of the properties will be visible.

Manager, Development Engineering

- Provided the definition of a rural road; road with no sidewalks or curb and gutter.
- Advised that the Engineering report references the need to complete the traffic impact analysis.
- Confirmed that when the final report is complete it will be available.

Deputy City Clerk

- Advised that the Public Hearing may be left open if Council wishes to receive the traffic study information in a supplemental report.

Moved by: Councillor Stack/Seconded by: Councillor Basran

**R294/13/04/23** THAT the Public Hearing be kept open with respect to Bylaw Nos. 10832 (OCP13-0002), 10833 (TA13-0004) and 10834 (Z13-0003) 1760, 2025 and 2137 Quail Ridge Road;



AND THAT staff report back with information from the completed Traffic Impact Assessment prior to further consideration.

Carried

There were no further comments.

4. **Termination**

The Hearing was declared terminated at 9:43 p.m.

Certified Correct:

\_\_\_\_\_  
Mayor

/acm

*Heedham*  
\_\_\_\_\_  
Deputy City Clerk

DRAFT



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, April 23, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present: Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Members Absent: Councillor Andre Blanleil.

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Manager, Development Engineering, Steve Muenz\*; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 10:00 p.m.

### 2. Prayer

A Prayer was offered by Councillor Given.

### 3. Confirmation of Minutes

Moved by: Councillor DeHart/Seconded by: Councillor Singh

R295/13/04/23 THAT the Minutes of the Public Hearing and Regular Meeting of April 9, 2013 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10837 (OCP13-0001) - Graeme James, 1242-1244 Pheasant Street

Moved by: Councillor Stack/Seconded by: Councillor Given

R296/13/04/23 THAT Bylaw No. 10837 be read a second and third time.

**4.2. Bylaw No. 10838 (Z13-0002) - Graeme James, 1242-1244 Pheasant Street**

Moved by: Councillor Given/Seconded by: Councillor Stack

R297/13/04/23 THAT Bylaw No. 10838 be read a second and third time.

Carried

**4.3. Bylaw No. 10839 (Z13-0012) - Blenk Development Corp, Various Wilden Properties**

Moved by: Councillor DeHart/Seconded by: Councillor Zimmermann

R298/13/04/23 THAT Bylaw No. 10839 be read a second and third time and be adopted.

Carried

**4.4. Bylaw No. 10832 (OCP13-0002) - Protech Consultants Ltd., 1760, 2025 and 2137 Quail Ridge Road**

Moved by: Councillor Stack/Seconded by: Councillor DeHart

R299/13/04/08 THAT the Public Hearing be kept open with respect to Bylaw Nos. 10832 (OCP13-0002), 10833 (TA13-0004) and 10834 (Z13-0003) 1760, 2025 and 2137 Quail Ridge Road;

AND THAT staff report back with information from the completed Traffic Impact Assessment prior to further consideration.

Carried

**4.5. Bylaw No. 10833 (TA13-0004) - Protech Consultants Ltd., CD15 Airport Business Park**

Bylaw No. 10833 was deferred to a future Public Hearing.

**4.6. Bylaw No. 10834 (Z13-0003) - Protech Consultants Ltd., 1760, 2025 and 2137 Quail Ridge Road**

Bylaw No. 10834 was deferred to a future Public Hearing.

**5. Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 1404 letters to the owners and occupiers of surrounding properties between April 9 and April 12, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

**6. Development Permit and Development Variance Permit Reports**

6.1. Bylaw No. 10822 (OCP13-0004) - Simple Pursuits Inc. - 641, 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

Moved by: Councillor Hobson/Seconded by: Councillor Singh

R300/13/04/08 THAT Bylaw No. 10822 be adopted.

Carried

6.1.1. Bylaw No. 10823 (Z13-0005) - Simple Pursuits Inc. - 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

R301/13/04/08 THAT Bylaw No. 10823 be adopted.

Carried

6.1.2. Development Permit Application No. DP13-0016 and Development Variance Permit Application No. DVP13-0017 - Simple Pursuits Inc. - 641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street

The City Clerk advised that the following correspondence and/or petitions had been received:

Letter of Concern:  
Ron Vaage, 2725 Richter Street

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council.

Shane Worman, Simple Pursuits, Applicant:  
- Present and available to answer questions.

There were no further comments.

Moved by: Councillor Stack/Seconded by: Councillor Basran

R302/13/04/08 THAT Final Adoption of Official Community Plan Amending Bylaw No. 10822 and the Zoning Amending Bylaw No. 10823 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP13-0016 for Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue, Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue, Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey 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 Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. Registration of a plan of subdivision at Land Titles Office to consolidate the four subject properties into a single title prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP13-0017 for Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue, Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue, Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue, Kelowna, B.C.;

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

Section 14.4.5 (c) Development Regulations - Height:

To vary the height from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed as shown on Schedule "A".

Section 14.4.6 (b) Development Regulations - Private Open Space:

To vary the private open space for the 8 residential units from 120sq.m required to 32sq.m proposed.

Carried

**6.2. Bylaw No. 10825 (OCP12-0015) - 0754028 BC Ltd., 526 Doyle Avenue and 1368 St. Paul Street**

Moved by: Councillor Hobson/Seconded by: Councillor Singh

R303/13/04/08 THAT Bylaw No. 10825 be read a second and third time and be adopted.

Carried

**6.2.1. Development Permit Application No. DP12-0198 and Development Variance Permit Application No. DVP12-0199 - Doug Dueck - 526 Doyle Avenue and 1368 St. Paul Street**

The City Clerk advised that the following correspondence and/or petitions had been received:

Letters of Support:

Tyler Dyck, 1468 St. Paul "Street  
Amanda Zais, 767 Leon Ave  
Trevor Morhaliek, 100-1475 Ellis Street  
Maria Graziano, 618 Bernard Ave  
Linda Winnick, 339 Bernard Avenue  
Gloria and Max Sloan, 1598 Pandosy Street  
Wendy Turcotte, 541 Bernard Ave  
Jan Johnson/ Lori Burns, 575 Bernard Ave  
Ryan Hunter, 543 Bernard Ave

Letters of Opposition:

Janice Roy, #401 1331 Ellis Street  
Laurence Marshall, 307-1349 Bertram Street  
Dr. Luigi Rossi, 1402-1395 Ellis Street  
Bob Heyworth, #703 - 1395 Ellis Stree  
Linda Heyworth #703 - 1395 Ellis Street

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council. No one came forward.

There were no further comments.

Moved by: Councillor Stack/Seconded by: Councillor Zimmerman

**R304/13/04/08** THAT Final Adoption of the Official Community Plan Bylaw Amendment Bylaw be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0198 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue and Lot A, District Lot 139, ODYD, Plan KAP87835 located at 1368 St. Paul 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 building to be constructed on the land be in general accordance with Schedule "B";
- 3) Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper and for the public art program;
- 5) The registration of a covenant on title limiting the use of CRU #6 as a Major Child Care Centre including dedicated play space on top of the podium to the satisfaction of the Interior Health Authority as shown on Schedule "A";
- 6) The execution of the Servicing Agreement and associated bonding for the Development Engineering requirements;
- 7) Registration of a plan of subdivision at Land Titles Office to consolidate the two subject properties into a single title prior to issuance of the Development Permit;
- 8) That Cash-in-Lieu of the required parking (35 x \$22,500.00 = \$787,500.00) be provided prior to issuance of the Development Permit.
- 9) Prior to issuance of a Building Permit the applicant be required to design the building to accommodate Fortis BC's anticipated District Energy system;
- 10) Prior to issuance of a Building Permit the applicant be required to provide plans for two electric car charging stations and a bike share program including 10 bikes;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit Application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP12-0199 for Lot A, District Lot 139, ODYD, Plan EPP9526, located at 526 Doyle Avenue and Lot A, District Lot 139, ODYD, Plan KAP87835 located at 1368 St. Paul Street, Kelowna, B.C.;

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

Section 14.7.5 (a) Development Regulations - Height:

To vary the height from 44m permitted to 65m (Tower #1) and 88m (Tower #2) proposed;

Section 14.7.5 (e) Development Regulations - Setbacks above 15m:

To vary the building setback for Tower #1 along Doyle Avenue from 3.0m required to 1.24m proposed for portions of a building above 15m;

Section 14.7.5 (g) Development Regulations - 80° Inclined Angle:

To vary the inclined plane above 15m from 80° permitted for Tower #1 to 85.58° for western elevation and 88.65° for the eastern elevation and from 80°

for Tower #2 to 87.07° for the western elevation and 83.09° for the eastern elevation.

Section 14.7.5 (h) Development Regulations - Floor Plate Area:

To vary the maximum floor plate area for Tower #2 from 676m<sup>2</sup> to 822.65m<sup>2</sup> (Floors 5-13) - 770.63m<sup>2</sup> (Floors 14-21) - 695.85m<sup>2</sup> (Floors 22-28);

Section 14.7.5 (i) Development Regulations - Horizontal Dimension Above 15m:

To vary the maximum horizontal dimension above 15m for Tower #2 from 26m permitted to 37.8m x 31.24m proposed;

Section 14.7.5 (l) (i) Development Regulations - Setbacks above 22m:

To vary the building setback from an interior lot line for Tower #2 from 15m required to 4.0m proposed for portions of a building above 22m;

Section 14.7.5 (l) (ii) Development Regulations - Setbacks above 22m:

To vary the building setback from a lot line abutting a lane for Tower #2 from 10m required to 3.6m proposed for portions of a building above 22m.

Carried

**8. Termination**

The meeting was declared terminated at 10:32 a.m.

Certified Correct:

\_\_\_\_\_  
Mayor

/acm



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

# CITY OF KELOWNA

## BYLAW NO. 10841

### Copeland House Heritage Designation Bylaw

WHEREAS the Municipal Council of the City of Kelowna considers the building known as the "Copeland House" located at 784 Elliot Avenue, Kelowna, B.C. to be a building with heritage value and that the designation of the building as a heritage site pursuant to Section 967 of the *Local Government Act* is desirable for the conservation of the building;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The building and land known as the 'Copeland House' situated on lands legally described as Lot 3, District Lot 138, ODYD, Plan 9360 on Elliot Avenue, Kelowna B.C. to be commonly known in the future as the "Copeland House" is hereby designated a Municipal Heritage Site pursuant to Section 967 of the *Local Government Act*.
2. Except as authorized by this bylaw or as authorized by a Heritage Alteration Agreement approved by Council, no person shall:
  - (a) alter the exterior of any building situated on the property designated by this bylaw;
  - (b) make a structural change to a building or structure situated on property designated by this bylaw;
  - (c) move any building situated on the property designated by this bylaw; or
  - (d) alter, excavate or build on land designated by this bylaw.
3. The following alterations to the designated property are hereby authorized without a Heritage Alteration Permit:
  - (a) Normal day to day maintenance and repairs.
4. This bylaw may be cited for all purposes as the 'Heritage Designation Bylaw No. 10841 (Copeland House)'.

Read a first time by the Municipal Council this 29<sup>th</sup> day of April, 2013.

Considered at a Public Hearing this

Read a second and third time by the Municipal Council this

\_\_\_\_\_  
Mayor

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



# CITY OF KELOWNA

## BYLAW NO. 10840

### Heritage Revitalization Agreement Authorization Bylaw HRA12-0001– 784 Elliot Avenue – 0874309 B.C. Ltd., Inc. No. BC874309

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WHEREAS a local government may, by bylaw, enter into a heritage revitalization agreement with the Owner of property which Council deems to be of heritage value pursuant to section 966 of the *Local Government Act*;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Heritage Revitalization Agreement with 0874309 B.C. Ltd., Inc. No. BC874309 for the property located at 784 Elliot Avenue, Kelowna, B.C.;

THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Heritage Revitalization Agreement with 0874309 B.C. Ltd., Inc. No. BC874309 for the property located at 784 Elliot Avenue, Kelowna, B.C., and legally described as:

Lot 3, District Lot 138, ODYD, Plan 9360

In the form of such Agreement attached to and forming part of this bylaw as Schedule "A".

2. The Mayor and City Clerk are hereby authorized to execute the attached agreement, as well as any conveyances, deeds, receipts and other documents in connection with the attached agreement, and to affix the corporate seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 29<sup>th</sup> day of April, 2013.

Considered at a Public Hearing this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

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

DOCUMENT APPROVAL			
Document No. HRA12-0001			
Cir	Department	Date	Init.
	LUM		
	Dev. Eng.		
	Bldg & Permit		
	City Clerks		

THIS AGREEMENT dated as of the 15 day of April, 2013

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: 0874309 BC Ltd., Inc. No. BC00874309  
(Jackie Gorton)  
9 - 3151 Lakeshore Rd  
Suite 318  
Kelowna, BC, V1W 3S9

(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 862 Bernard Avenue, Kelowna, British Columbia and legally described as:

Parcel Identifier: 004-962-028  
Lot 3, District Lot 138, ODYD, Plan 9360

(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" HRA12-0001 - 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 "A", "B", & "C".

1.2 The parties agree that the Heritage Lands may, notwithstanding the RU6 - Two Dwelling Housing zoning on the Heritage Lands, be used for the following permitted uses within the Heritage Building on the Identified Heritage Lands:

(a) The adaptive reuse of the house to a multi-family dwelling provided that:

- i. The construction of 6 residential units to be located with the existing building;
- ii. The construction of an additional 3 units within an addition of the existing dwelling as shown in Schedules "A2" and "B6-B9";
- iii. A commemorative placard noting "Copeland House" and historical family facts be installed on the site.

(b) The Owner will apply for all necessary building permits and complete the heritage revitalization works to the Heritage Building detailed in Schedules "B" attached to this agreement at the satisfaction of the City of Kelowna's Building and Permitting Branch prior to substantial completion of the entire development.

(c) The Owner agrees to the designation of the property under Section 967 of the Local Government Act as a municipally designated Heritage Lands.

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 Land Use Management.

**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 Schedules "B 1-B9", and forming part of this agreement, which restoration shall include, but not be restricted to the following:

a) Performing cosmetic upgrades to the exterior of the existing Heritage Building which will increase the life of the building's heritage features as shown on Schedule "B1-B9";

- 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 8 - Parking and Loading of City of Kelowna Zoning Bylaw No. 8000 be granted through this agreement for Phase One:

Zoning Bylaw No. 8000 - Table 8.1 - Parking Schedule:

Section 8.1 - Parking Schedule - Apartments

To vary the parking requirement from 9 spaces required to 7 spaces proposed as shown in Schedule "A1" attached to this agreement.

- 3.2 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 for Phase Two:

Zoning Bylaw No. 8000 - 13.10.6 Development Regulations:

Section 13.6.6 (d) - Development Regulation - Side Yard Setback

To legitimize the west side yard set back from 2.3m required to 1.6m proposed (existing) as shown in Schedule "A2" attached to this agreement.

Section 13.6.6 (e) - Development Regulations - Rear Yard

To vary the minimum required rear yard for the proposed addition from 7.5m required to 2.3m proposed, as shown in Schedule "A2" attached to this agreement.

Zoning Bylaw No. 8000 - Table 8.1 - Parking Schedule:

Section 8.1 - Parking Schedule - Apartments

To vary the parking requirement from 13 spaces required to 10 spaces proposed as shown in Schedule "A2" attached to this agreement.

Zoning Bylaw No. 8000 - Section 8 - Parking and Loading:

Section 8.1.11(a) - Size of Parking Spaces

To vary the allowable percentage of small parking space from 40% to 70% proposed.

- 3.3 The Owner agrees to undertake and maintain landscaping on the subject property in general accordance with the landscape plans attached hereto as Schedule "C1- C5" and forming part of this agreement.

(herein after called the "Landscaping Works")

- 3.4 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.

(herein after called the "Development Engineering Department Requirements")

4.0 Development Engineering Requirements

4.1 Domestic Water and Fire Protection

- (a) The property is located within the City of Kelowna service area and is serviced by a 19mm copper water service.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development (both phases) and establish hydrant requirements and service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection and replacement of the existing service. Upgrades to the existing hydrant and the installation of an additional hydrant, if required, will be at the applicants cost.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

4.2 Sanitary Sewer

- (a) The property is serviced by a 100mm diameter service.
- (b) The developer's consulting mechanical engineer will determine the development requirements of this proposed development (both phases) and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing service and the installation of one new larger service.

4.3 Site Access and Development Related Issues

- (a) Elliot Avenue must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, fillet pavement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

this proposed development, including curb and gutter, fillet pavement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

- (b) The development will be required to contain and dispose of site generated storm water on the site by installing ground recharge system consisting of drywells and perforated pipe bedded in drain rock/rock pits.
- (c) The request is to vary the following do not compromise our servicing requirements:
  - (i) Rear yard set back of 7.5m required to 2.3m proposed.
  - (ii) To legalize the non conforming side yard for heritage building to accommodate the addition.
  - (iii) To reduce the drive isle width from 7.0m required to 6.0m proposed.
  - (iv) To increase the allowable percentage of small parking spaces from 40% to 70% proposed.
  - (v) To vary the parking requirement for the project we would suggest the applicant justify the deficiency in parking for both phases and detail how they intend to control and manage the reduction in parking and vehicle size requirements.

#### 4.4 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.

#### 5.0 Building and Permitting

No comment for phase 1.

Drawings are required for the phase 2 prior to comment (new building). *No comments were provided with the exception of the need for a full plan check review when revised drawings were submitted.*

#### 6.0 Fire Department

No comments.

#### 7.0 Commencement and Completion

The Owner agrees to commence the Restoration Works, Landscaping Works, and Development Engineering Requirements forthwith upon adoption of City of Kelowna Heritage Revitalization Agreement Authorization Bylaw No. 10840 as follows:

- the restoration work, landscape works and Development Engineering requirements as described in Phase 1 shall be completed within three years following the adoption of the Bylaw authorizing this Agreement; and
- the remaining works as outlined in Phase 2 shall be completed within five years following the adoption of the Bylaw authorizing this Agreement.

accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

**9.0 Breach**

9.1 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.

**10.0 Amendment**

10.1 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*.

**11.0 Representations**

11.1 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.

**12.0 Statutory Functions**

12.1 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.

**13.0 Enurement**

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

**14.0 Other Documents**

14.1 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.

be required in the opinion of the City to give full effect to the intent of this Agreement.

**15.0 Notices**

15.1 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:

0874309 BC Ltd., Inc. No. BC00874309  
(Jackie Gorton)  
9 - 3151 Lakeshore Rd  
Suite 318  
Kelowna, BC, V1W 3S9

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



16.0 No Partnership or Agency

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

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


0874309 BC Ltd., Inc. No. BC00874309

Signed by JACKIE GORTON

\_\_\_\_\_  


In the presence of:

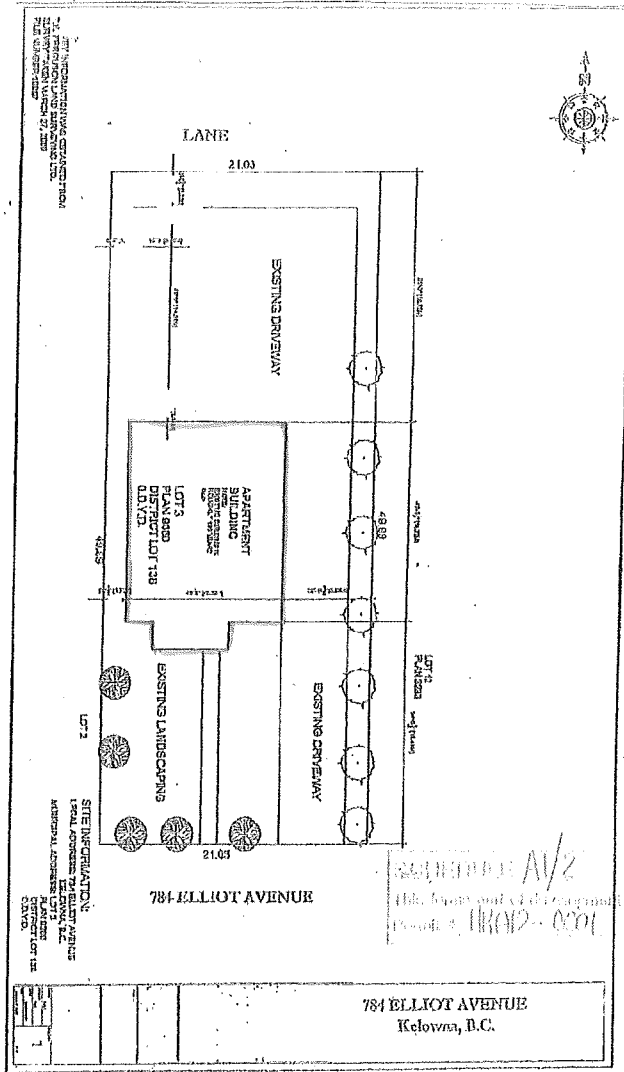
\_\_\_\_\_  
B. DeLox  
Witness (print name)

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

\_\_\_\_\_  
Kelowna City Hall  
Address

\_\_\_\_\_  
Urban Land Planner  
Occupation

Copeland House Existing



Copeland House Phase 1

**EXISTING BUILDING**

**SOUTH ELEVATION - EXISTING**

**SOUTH ELEVATION - PROPOSED**

**Window colour Westbury Cream HC31**

**Trim colour Georgian Brick HC50**

**Original Trim**

**New wood windows to match character of original heritage style**

**Exterior Finish To Match Main Building Colour - Westbury Cream HC31**

**Note**  
 Stucco Walls  
 Westbury Cream HC31  
 Trim  
 Georgian Brick HC50  
 Metal Railings on Widows Walk  
 Georgian Brick HC50

**PROPOSED EXTERIOR:  
 784 ELIJAH AVENUE  
 Kelowna, B.C.**

**1**

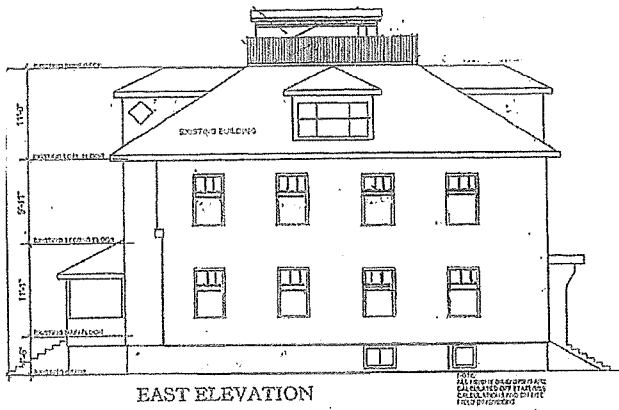
SCHEDULE B1/9  
 This is a part of development  
 Permit # HRA12-001

Phase 1

East and West Elevations

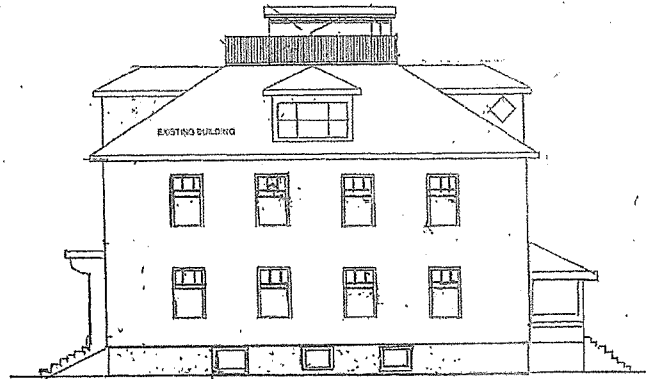
Windows to be replaced with wood.  
Heritage style windows.

Stucco Walls : HC31 Westbury Cream  
Trim : HC50 Georgian Brick  
Colours from the Benjamin Moore  
Historic Collection.



EAST ELEVATION

DATE: 11/11/2011  
DRAWN BY: J. B. BROWN  
CHECKED BY: J. B. BROWN  
PROJECT NO: 11-001



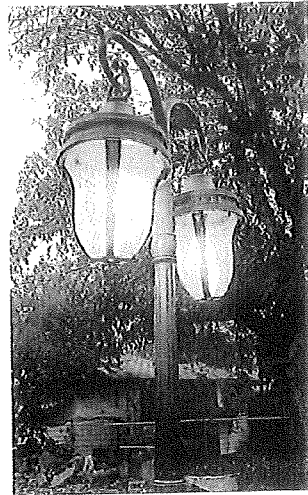
WEST ELEVATION

APPROVED: B2/11  
DATE: 11/11/2011  
PROJECT NO: 11-001

1.



2.



3.



4.



- 1. Proposed wrought iron fence
- 2 and 3. Proposed lighting
- 4. Proposed heritage style wood windows

10/20/2014 B3/9  
 10/20/2014 B3/9  
 10/20/2014 B3/9

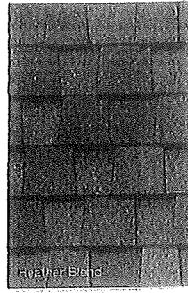
Copeland House

**Copeland House**  
 734, Elliot Avenue  
 Kelowna  
 V1Y 5T1

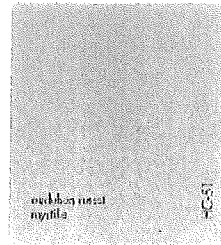
**COLOUR BOARD  
 EXTERIOR**

**ROOF:** Certainteed Landmark  
 Heather Blend

**STUCCO WALLS:** HC31 Westbury Cream  
 Acrylic Latex



**TRIM:** HC50 Georgian Brick  
 Acrylic Latex Low Lustre



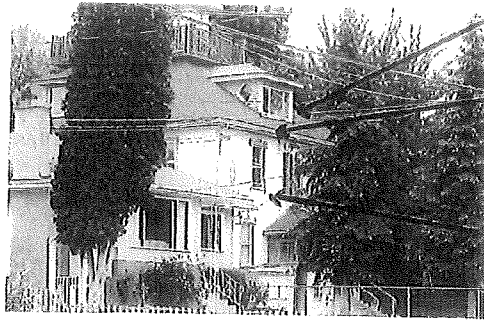
**METAL RAILINGS:** Widows Walk Railings - HC50 Georgian Brick

**LOWER STONE FASCIA:** HC50 Georgian Brick  
 Acrylic Latex Low Lustre

All paints selected from the Benjamin Moore Historic Collection. The Georgian Brick was matched from the original back door, penetrating many layers to uncover the original paint colour.

*Benjamin Moore B4/A  
 100% Pure Pigment  
 180012-0011*

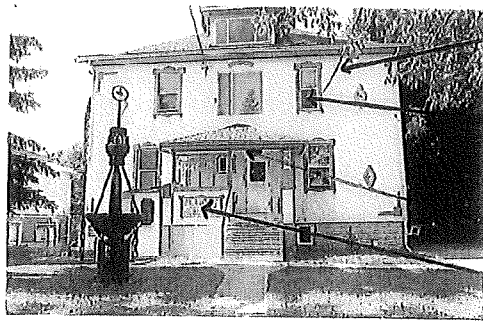
Final Refurbishment Plan - Copeland House



New roof to prevent further leaks and decay.

Soffits, gutters, fascia and downspouts to be repaired and replaced.

Damaged stucco to be repaired.

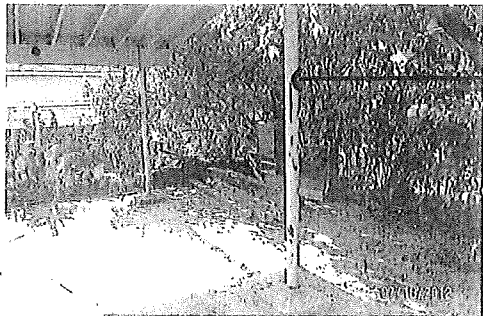


Removal of all aerial cables and replaced underground.

New wood windows to match character of original historical style.

New lighting to building and path.

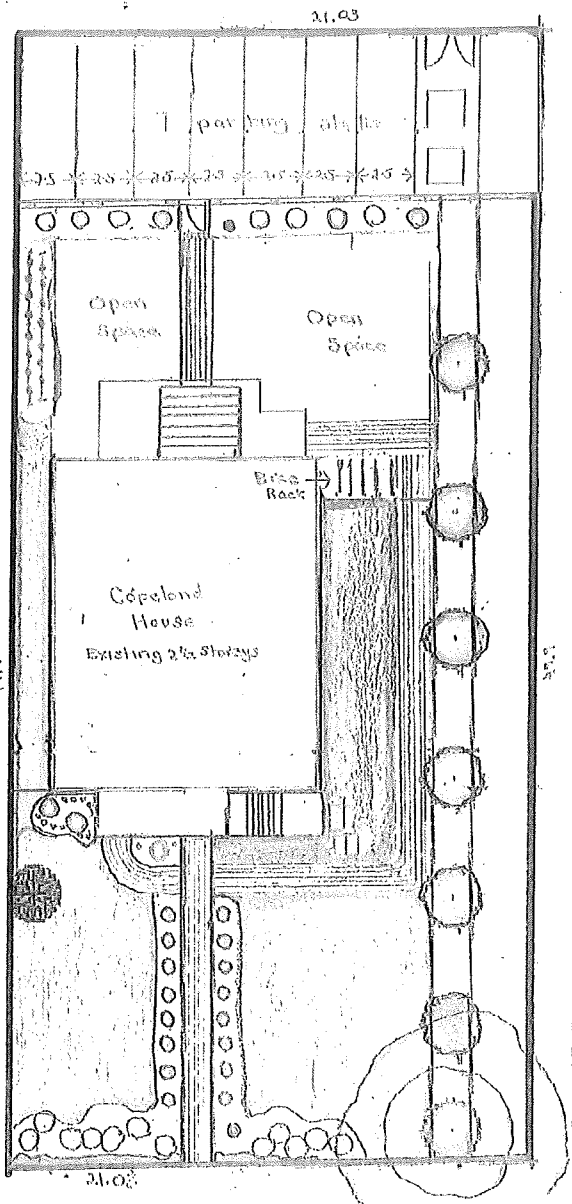
New signage and hardware.



Carport to be removed.

New vehicular access to be made available from alley.

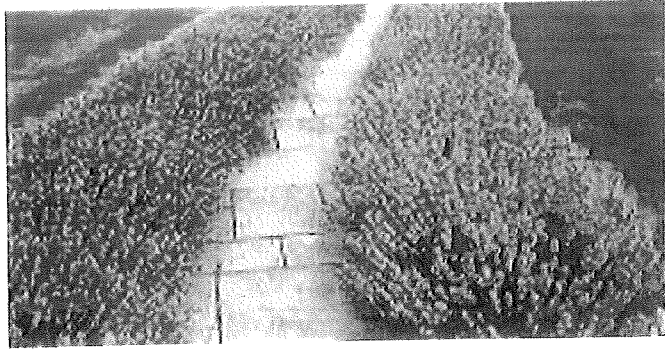
Estimated \$35,711  
 11/15/12  
 11/15/12



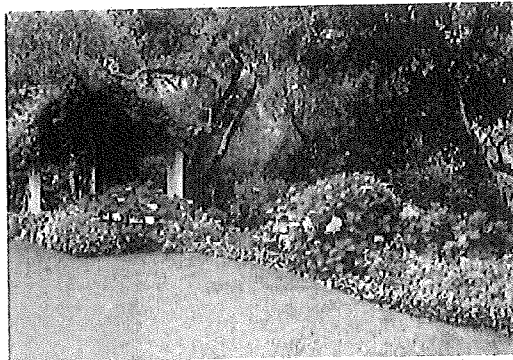
SCHEDULE C  
 Copeland House Phase I  
 11.03

Copeland House Phase I





The new landscape plan will introduce a Victorian/Edwardian period perennial type of garden, lawn, shrubs and trees. Similar to above the pathway will be bordered by lavender.



Continuous plantings of green shrubs with occasional splashes of color exemplify the Victorian style.

02/15  
11/1/15  
11/1/15

**Bike Rack**

A Bike Rack will be installed to provide a secure facility for the tenants to store their bicycles.

Samples for proposed type of Bicycle parking rack:

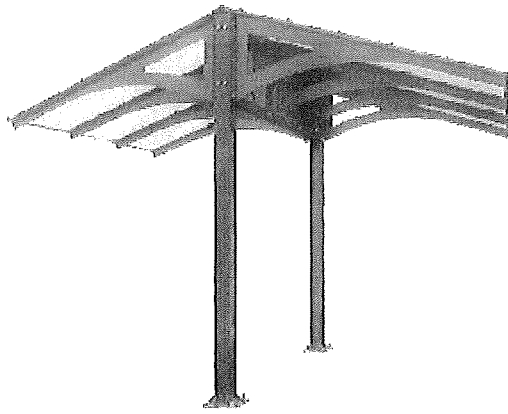


**Tofino No Scratch® Bike Rack**

The Sportworks Tofino is a unique combination of beautiful aesthetics and superior functionality at a terrific price. With a modern design and thoughtful integration of Sportworks No Scratch® bumper that protects bikes, the Tofino sets a new standard for all commercial bike racks.

The Tofino offers high space efficiency for two bikes in sidewalk settings, campuses, city parks, or anywhere space is limited. The Tofino provides the highest security allowing both the wheel and the frame to be secured using a variety of lock types. The Tofino is available in stainless or mild steel, and comes in a variety of mounting and coating options.

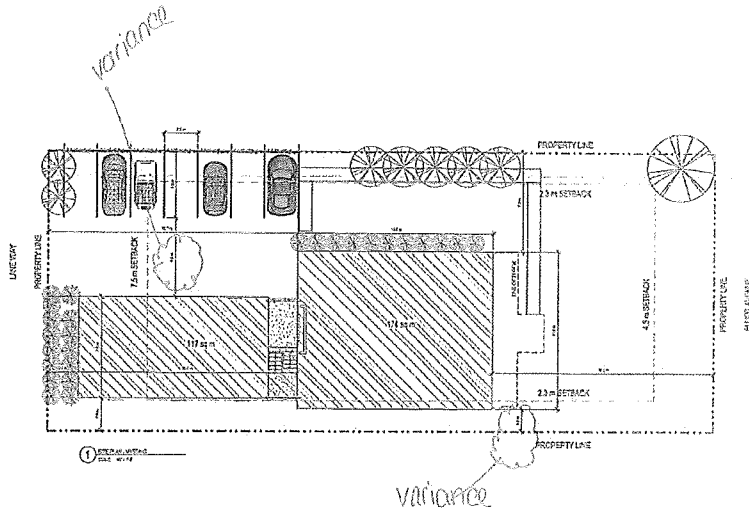
13/5  
This is a part of the rack you can  
find at **HRADLO.COM**



Sample for proposed type of Bicycle Shelter, may be modified as new models and designs become available early 2013.

2011/05/25  
2011/05/25  
2011/05/25

PHASE Two



10m Setback  
 15m Setback  
 20m Setback  
 25m Setback  
 30m Setback  
 35m Setback  
 40m Setback  
 45m Setback  
 50m Setback

10m Setback  
 15m Setback  
 20m Setback  
 25m Setback  
 30m Setback  
 35m Setback  
 40m Setback  
 45m Setback  
 50m Setback

NEW TOWN  
 ARCHITECTURE  
 URBAN PLANNING  
 1111 10th Street  
 Seattle, WA 98101  
 (206) 462-1234  
 www.newtownarchitect.com

DP1.01  
 1/2" = 1'-0"

RECEIVED  
 JUN 11 2013  
 CITY OF KENOSHA  
 Development Division

SCHEDULE A2/2  
 This forms part of development  
 Permit # HRA12-0001

PHASE TWO

SCHEDULE B6/9  
This town site of development  
Permit # HRA12-0001



1. General Notes  
2. Site Plan  
3. Elevation  
4. Section  
5. Foundation  
6. Structural  
7. Mechanical  
8. Electrical  
9. Plumbing  
10. HVAC  
11. Other

12. Schedule  
13. Notes  
14. Other

NEW TOWN  
LEGISLATIVE  
DESIGN PLANNING  
1000 HARRIS STREET  
FARMERS, N.C. 27834  
703-885-1234  
www.newtownnc.com

RECEIVED  
JAN 12 2012  
CITY OF FARMERS, NC  
1000 HARRIS STREET

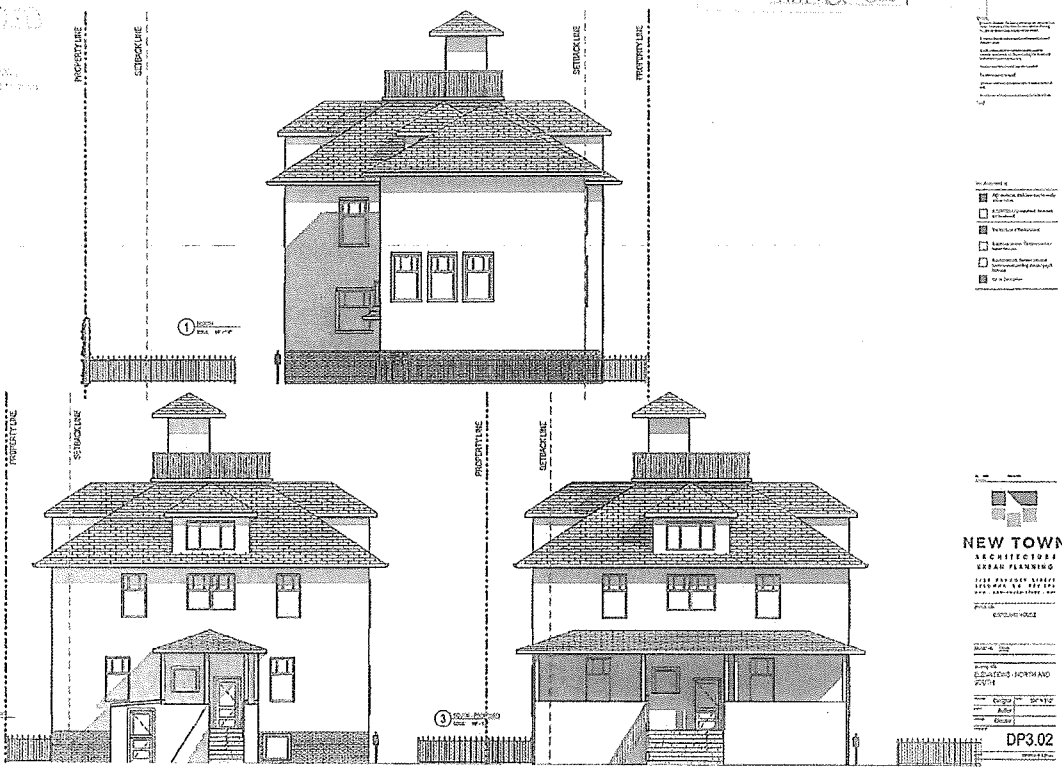
REVISIONS  
00001 COVER  
00101 SITE PLAN - ISSUED  
00102 SITE PLAN - LEVEL 1  
00103 ELEVATIONS  
00104 ELEVATIONS  
00105 ELEVATIONS

FORM NO. 001  
DATE: 01/12/12  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN  
DP0.01

Phase two

SCHEDULE B3/g  
This forms part of development  
Permit # HR012-0001

RESERVED  
FOR THE  
CITY OF FLORENCE



**NEW TOWN**  
RESIDENTIAL URBAN PLANNING

1100 PARKWAY STREET  
DENVER, CO 80202  
303.755.1100  
WWW.NEWTOWN-URBAN.COM

PROJECT: RESIDENTIAL HOUSE

DATE: 05/15/12  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

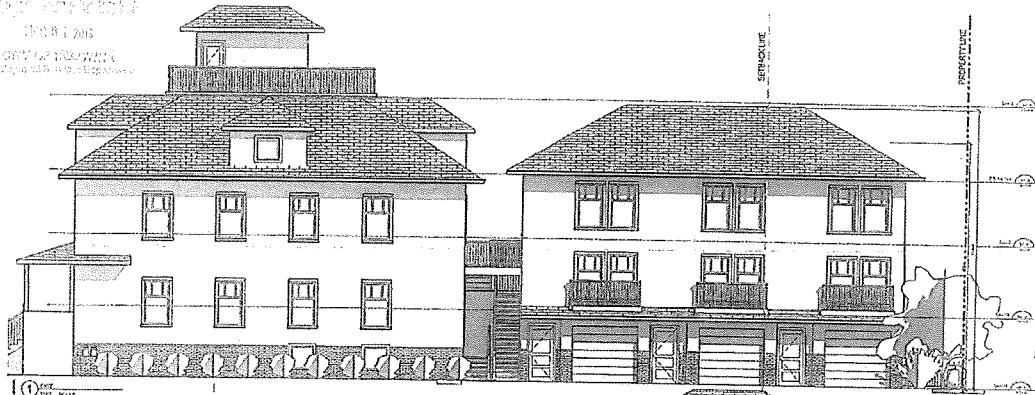
**DP3.02**

PHASE TWO

SCHEDULE B8/A

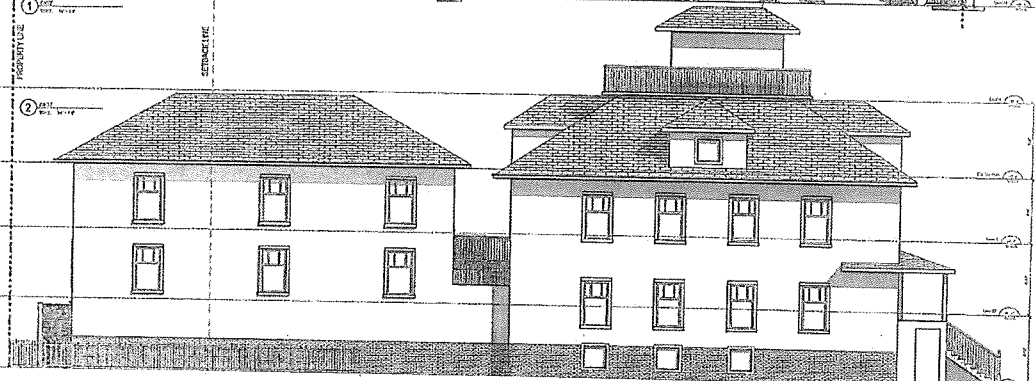
This is part of the project  
Project # HRA12-001

1st FLOOR  
1st Floor  
OPTICAL DRAWING  
Scale: 1/8" = 1'-0"



- 1. 1st Floor
- 2. 2nd Floor
- 3. 3rd Floor
- 4. 4th Floor
- 5. 5th Floor
- 6. 6th Floor
- 7. 7th Floor
- 8. 8th Floor
- 9. 9th Floor
- 10. 10th Floor
- 11. 11th Floor
- 12. 12th Floor
- 13. 13th Floor
- 14. 14th Floor
- 15. 15th Floor
- 16. 16th Floor
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- 28. 28th Floor
- 29. 29th Floor
- 30. 30th Floor
- 31. 31st Floor
- 32. 32nd Floor
- 33. 33rd Floor
- 34. 34th Floor
- 35. 35th Floor
- 36. 36th Floor
- 37. 37th Floor
- 38. 38th Floor
- 39. 39th Floor
- 40. 40th Floor
- 41. 41st Floor
- 42. 42nd Floor
- 43. 43rd Floor
- 44. 44th Floor
- 45. 45th Floor
- 46. 46th Floor
- 47. 47th Floor
- 48. 48th Floor
- 49. 49th Floor
- 50. 50th Floor

2nd FLOOR  
2nd Floor  
OPTICAL DRAWING  
Scale: 1/8" = 1'-0"



**NEW TOWN**  
ARCHITECTURE  
URBAN PLANNING

1000 MARKET STREET  
SUITE 1000  
PHILADELPHIA, PA 19104

CONTACT: 215.595.1234

DATE: 12/12/11

PROJECT: 123456789

SCALE: 1/8" = 1'-0"

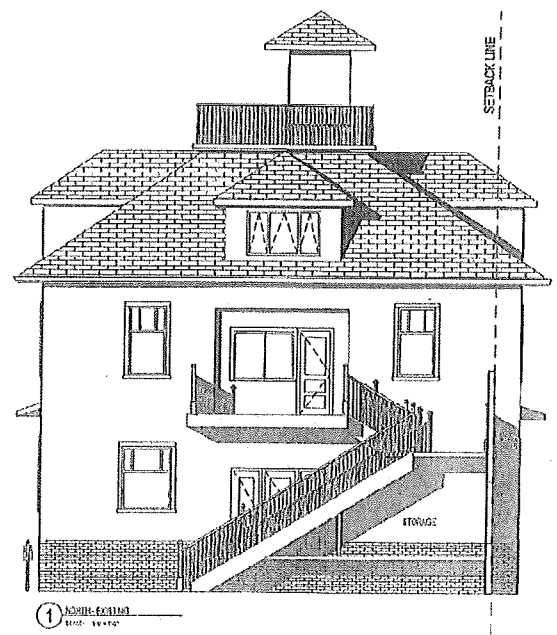
DP3.01

Cross Section View  
 between Existing building  
 & Phase 2 addition.

PROJECT NO. 8976  
 10001  
 10001

Notes:  
 1. All dimensions are in feet and inches.  
 2. All elevations are to the top of the finished floor.  
 3. All materials are to be as specified in the schedule.  
 4. All work is to be in accordance with the applicable codes and regulations.  
 5. All work is to be in accordance with the applicable codes and regulations.  
 6. All work is to be in accordance with the applicable codes and regulations.  
 7. All work is to be in accordance with the applicable codes and regulations.  
 8. All work is to be in accordance with the applicable codes and regulations.  
 9. All work is to be in accordance with the applicable codes and regulations.  
 10. All work is to be in accordance with the applicable codes and regulations.

- Materials:
- Existing Building
  - New Construction
  - Phase 2 Addition
  - Existing Building
  - Existing Building
  - Existing Building
  - Existing Building
  - Existing Building



PHASE TWO

NEW TOWN  
 ARCHITECTURE  
 URBAN PLANNING

1410 HANCOCK STREET  
 KELOWNA BC V1Y 1Y3  
 www.newtownarchitects.ca

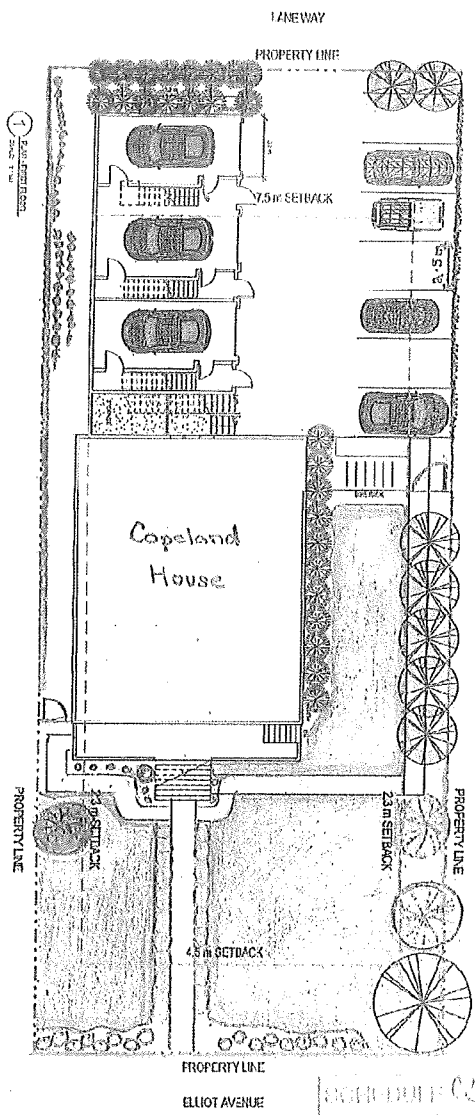
PROJECT  
 COUNTRY HOUSE

Project No. 8976

Project Name  
 ELEVATIONS - NORTH

Drawn By	ADP
Checked By	ADP
Date	04/11/07
Scale	1/8" = 1'-0"
Project	DP3.03





Copeland House Phase A

Scale: 1:500  
 Date: 11/12/2001

# CITY OF KELOWNA

## BYLAW NO. 10746

### Official Community Plan Text Amendment No. OCP12 - 0010 Miscellaneous Amendments

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WHEREAS Council wishes to adopt certain text amendments to Bylaw No. 10500 - *Kelowna 2030 - Official Community Plan*;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw and before third reading of the bylaw, Council held a public hearing on the proposed amendments to the official community plan in accordance with Sections 890 through 894 of the *Local Government Act*;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Map 4.1 - Generalized Future Land Use** map be deleted in its entirety and replaced with a new **Map 4.1 - Generalized Future Land Use** map as attached to and forming part of this bylaw;
2. AND THAT **Chapter 4 - Future Land Use, LAND USE DEFINITIONS**, be amended as follows:
  - a) **Resource Protection Area (REP)** be amended by deleting the last sentence that reads "Minimum parcel size for ALR land is 2.0 ha and non-ALR land is 4.0 ha as indicated in the A1 Agricultural Zone of Zoning Bylaw 8000." and replacing it with "Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization."
  - b) **Single/Two Unit Residential (S2RES)** be amended by adding the words "convenience facility" after the words "(i.e. minor care centres, minor public services/utilities,"

3. AND THAT Chapter 4 - Future Land Use, MAPPING NOTES, be amended as follows:

- a) **Permanent Growth Boundary (PGB)** be amended by adding to the end of the paragraph “Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.”
- b) **Temporary Use Permits (TUP)** be amended by adding the following to the end of the paragraph:

“Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education / Institutional, Industrial, Mixed Use or Public Service / Utility.

Temporary Use Permits outside the PGB may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit. A Temporary Use Permit on lands in the ALR will require the approval of the Agricultural Land Commission.

All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.”

- c) **Temporary Use Permits (TUP)** be further amended by deleting the following:

*“The properties listed below are hereby designated as Temporary Use Permit Areas:*

**Table 4.3 Temporary Use Permits**

Temporary Use Type	Effective Dates	Designated Permit Area
Non- Accessory Parking use for a portion of the Church parking area.	Three years from date of issuance = November 15, 2014	Legal Address: Lot 1, District Lots 14 & 135, ODYD, Plan 34984 except Plans 35454 & KAP67299 Street: 3131 Lakeshore Road
Automotive and minor recreation vehicle sales / rental.	Three years from the date of issuance = February 21, 2015	Legal Address: Lot A, Section 35, Township 26, O.D.Y.D., Plan 6372, and Lot B, Section 35, Township 26, O.D.Y.D., Plan 6372 Street: 3865 - 3867 Hwy 97 N 2170 Rutland Road N
Non-Accessory Parking Use for Temporary Gyro Beach Parking Area	From final date of adoption until June 7, 2015	Legal Address: Lot 27, District Lot 14, ODYD, Plan 2078 Street: 3326 Lakeshore Road

4. AND THAT Chapter 5 - Development Process, GENERAL, Objective 5.3 Focus development to designated growth areas, Policy .1 Permanent Growth Boundary, be deleted in its entirety and replaced with the following:

**“Permanent Growth Boundary.** Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council’s specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.”

5. AND THAT Map 5.2 - Permanent Growth Boundary map be deleted in its entirety and replaced with a new Map 5.2 - Permanent Growth Boundary map as attached to and forming part of this bylaw;

6. AND THAT Chapter 5 Development Process, GENERAL, Objective 5.15 Ensure environmentally sustainable development, Policy .10 Varying Requirements be deleted in its entirety and replaced with the following:

**“Varying Requirements.** Retain the option to vary the width of Riparian Management Areas to accommodate the maximum retention of desirable natural vegetation and wildlife habitat, ground formations, and water features through a “no net loss” approach.”

7. AND THAT Chapter 12 Natural Environment DP Guidelines, GUIDELINES, 12.0 Riparian Management Areas, 12.3 be deleted in its entirety and replaced with the following:

**“Applicants may apply to vary the width of the Riparian Management Areas listed in Table 12.1. The City will only consider supporting an application to vary in order to achieve “no net loss” and where an assessment has been completed and provides recommendations to protect the integrity of the riparian area. Any proposed relaxation of stream setback widths, storm water requirements, erosion and sediment control requirements are to be referred to the City for review prior to filing the assessment report by a Qualified Environmental Professional (QEP) with the appropriate provincial ministry or agency. Within the Riparian Management Area (RMA), restoration of streamside vegetation may be a requirement of the development process.”**

8. AND THAT Chapter 12 Natural Environment DP Guidelines, Table 12.1 Minimum Riparian Management Areas (RMA), Notes for Table 12.1 be amended to include a new section 3. as follows:

**“3. Minimum RMA widths are intended to achieve “no net loss” when considering individual site conditions.”**

9. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 3<sup>rd</sup> day of December, 2012.

Amended at first reading by the Municipal Council this 6<sup>th</sup> day of May, 2013.

Considered at a Public Hearing on the

Read a second and third time and adopted by the Municipal Council this

\_\_\_\_\_  
Mayor

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

# REPORT TO COUNCIL



**Date:** April 26<sup>th</sup>, 2013  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AW)  
**Application:** DVP13-0038      **Owner:** The Pit Stop C-Store & Gas Bar Ltd., Inc. No. BC056689  
**Address:** 3802 Gordon Drive      **Applicant:** Five Star Permits  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** Commercial  
**Existing Zone:** C2 - Neighbourhood Commercial

---

## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP13-0038 for Lot A D.L. 134, ODYD, Plan 40137, located at 3802 Gordon Drive, Kelowna, B.C.;

AND FURTHER THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

Section 6.1 - Permitted Area of Freestanding Signs in the C2 zone:

To vary the area for projecting signs in the C2 zone from 3.0m<sup>2</sup> permitted to 5.9 m<sup>2</sup> proposed as per schedule 'A'.

## 2.0 Purpose

To vary the area of the proposed free standing sign from 3.0m<sup>2</sup> permitted to 5.9 m<sup>2</sup> proposed.

## 3.0 Land Use Management

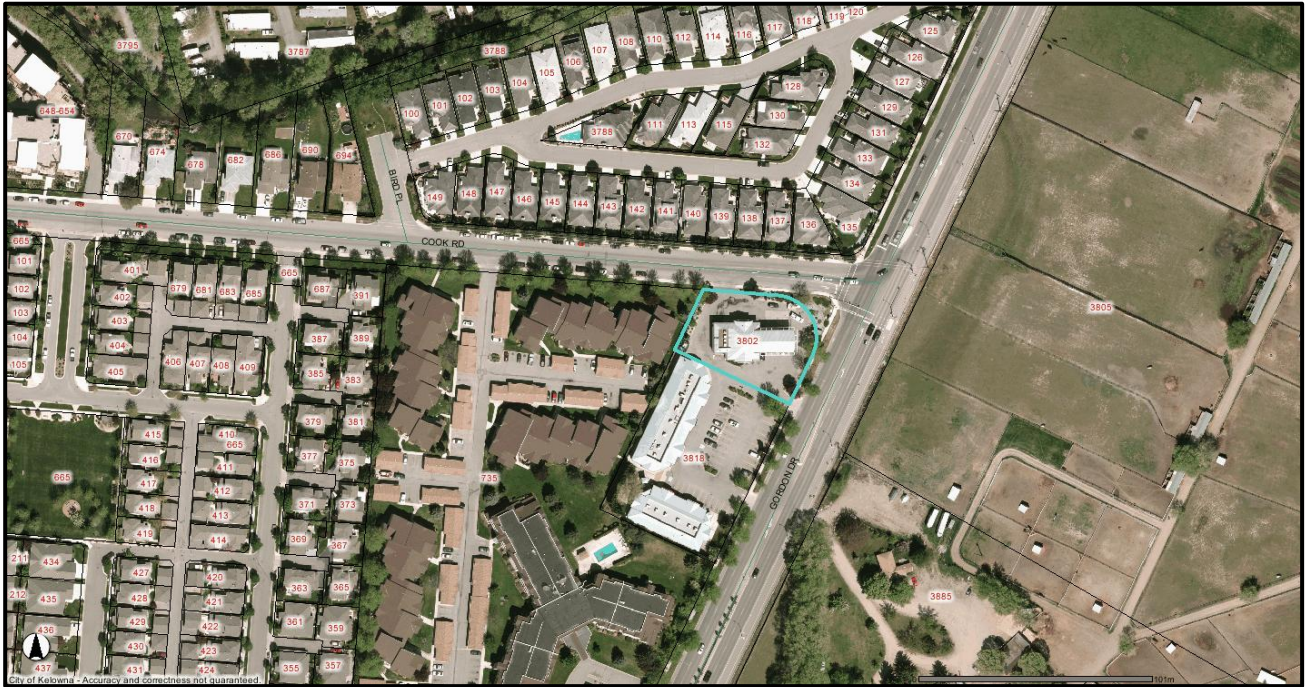
Generally, Land Use Management does not support variances to the Sign Bylaw due to the proliferation of signage in various areas of the City. Notably, the overuse of signage (both in number of signs and size) detracts from the architectural quality and finishing of many buildings, and ultimately adds to the visual clutter of commercial areas. The proposal contemplates replacing the existing free standing sign with a sign that is the same height but has a larger sign area.

While the proposed variance would almost double the allowable signage area it is still well below the maximum 12m<sup>2</sup> limit allowed in various other commercial zones. Although the subject property is zoned C2 - Neighbourhood Commercial, Gordon Drive has become much busier and the property provides services to users beyond the immediate neighbourhood. While Staff would not want to see a sign larger than is currently proposed, Staff are supportive of this application

as the sign has been well integrated into the site and is less than the maximum height permitted so that the larger sign won't be visible from the adjacent residence. Additionally, the property is well landscaped and only the letters, logo and price information will be illuminated. The background will remain opaque blue as outlined in the applicant's letter of rationale.

**4.0 Proposal**

**4.1 Site Context**



The subject property is located at the corner of Cook Road and Gordon Drive. Adjacent zones and land uses are:

Direction	Zone(s)	Land Use(s)
North	RU5 - Bareland Strata Housing	Residential
South	C2 - Neighbourhood Commercial	Commercial
East	A1 - Agriculture 1	Agriculture
West	RM3 - Low Density Multiple Housing	Residential

**4.2 Project Description**

The applicant wishes to have the existing free standing sign replaced with a larger free standing sign that exceeds the area allowed for the C2 - Neighbourhood Commercial zone. The sign will be the same height and placed in the same location. The design will be updated to match the Husky corporate signage scheme.

The proposal compares to the Sign Bylaw 8235 requirements as follows:

CRITERIA	PROPOSAL	C2 SIGN REQUIREMENTS
Signage Area	5.9m <sup>2</sup>	3.0m <sup>2</sup>
Height	2.75m	3.0m

<sup>1</sup> Vary the area for a free standing sign in the C2 zone from 3.0m<sup>2</sup> permitted to 5.9m<sup>2</sup> proposed.

**5.0 Current Development Policies**

**5.1.1 Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines**

**Signage**

- Design signage that is high quality, imaginative, and innovative;
- Design signage with consideration of the size of any individual sign as part of the overall scheme of building signage and the appearance of the building’s façade. Scale and architectural expression should not be compromised by size and number of signs;
- Box signs are strongly discouraged;
- Incorporate concise messaging and simple graphics into signage. Corporate and store logos are appropriate only if they form part of an overall sign design, and are suitably scaled to the façade composition;
- Light lettering on a dark background is preferred over dark lettering on a light background and consideration should be given to those with visual impairment;
- Minimize signage lighting (i.e., incorporate indirect front-lit signs wherever possible);
- Counter-balance illuminated signs with natural materials and appropriate framing.

**6.0 Technical Comments**

6.1 Building & Permitting Department  
Building Permit required.

6.2 Development Engineering Department  
This application to vary the number of signs does not compromise any municipal services.

**7.0 Application Chronology**

Date of Application Received: March 11<sup>th</sup>, 2013

Alec Warrender, Land Use Planner

Reviewed by:  Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:  Doug Gilchrist, A. General Manager, Community Sustainability

**Attachments:**

- Site Plan
- Sign Elevations & Details
- Applicant’s Letter of Rationale



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0038

EXISTING ZONING DESIGNATION: C2 – Neighbourhood Commercial

DEVELOPMENT VARIANCE PERMIT: To vary the area for projecting signs in the C4 zone from 3.0m<sup>2</sup> permitted to 5.9 m<sup>2</sup> proposed as per schedule 'A'.

ISSUED TO: Five Star Permits

LOCATION OF SUBJECT SITE: 3802 Gordon Drive

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A		134		ODYD	40137

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 a Development Permit and/or 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 Sign Bylaw No. 8325 be granted:

Section 6.1 – Permitted Area of Freestanding Signs in the C2 zone:

To vary the area for projecting signs in the C4 zone from 3.0m<sup>2</sup> permitted to 5.9 m<sup>2</sup> proposed as per schedule '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.

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. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. 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 Planning & Development Services.

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

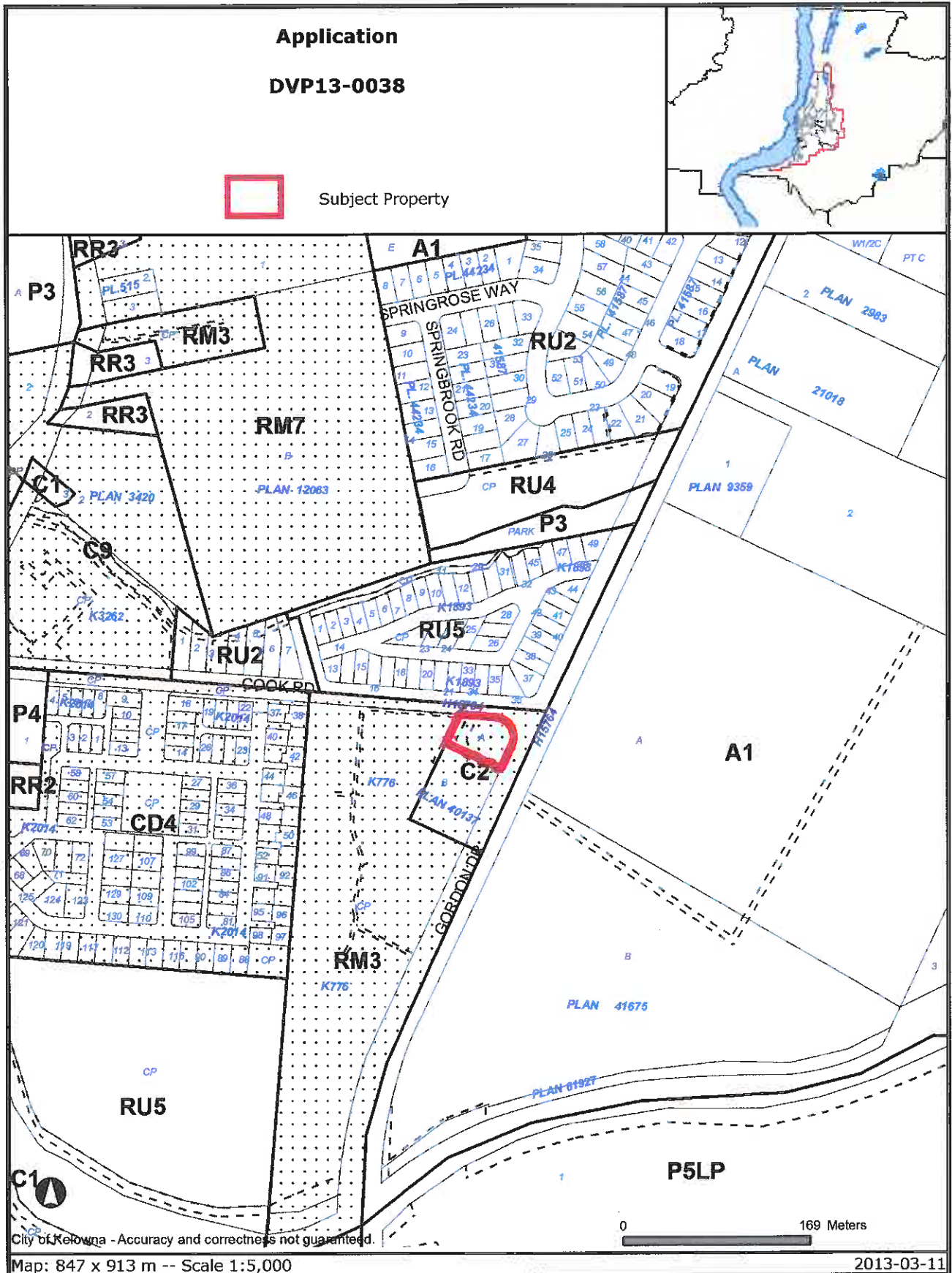
\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 21<sup>st</sup> DAY OF MAY, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF MAY, 2013 BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Doug Gilchrist  
A. General Manager, Community Sustainability



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.

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0038

EXISTING ZONING DESIGNATION:	C2 – Neighbourhood Commercial
DEVELOPMENT VARIANCE PERMIT:	To vary the area for projecting signs in the C4 zone from 3.0m <sup>2</sup> permitted to 5.9 m <sup>2</sup> proposed as per schedule 'A'.

ISSUED TO:	Five Star Permits
LOCATION OF SUBJECT SITE:	3802 Gordon Drive

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
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- (a) Cash in the amount of \$     N/A    .
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- (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 Planning & Development Services.

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Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

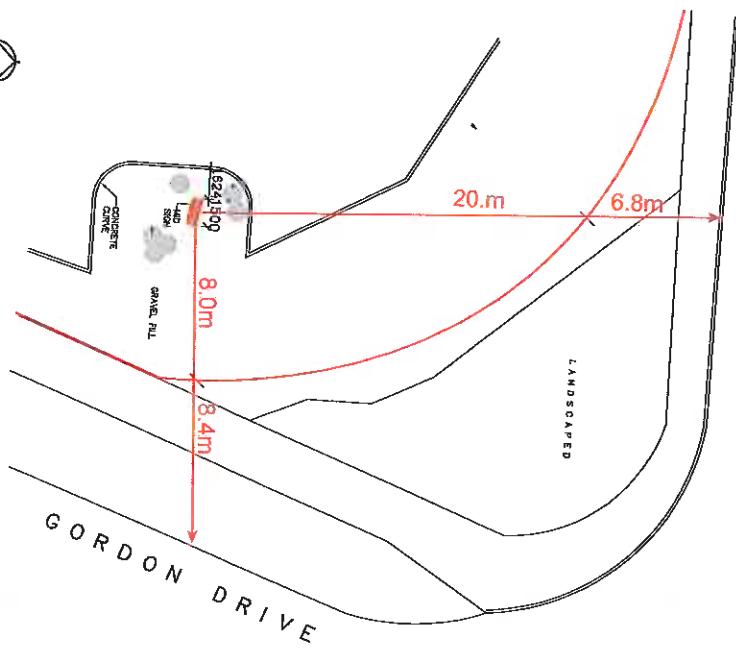
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ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_ DAY OF MAY, 2013 BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Doug Gilchrist  
A. General Manager, Community Sustainability



**LEGAL DESCRIPTION**  
 PARCEL IDENTIFIER : 011-908-211  
 LOT A DISTRICT LOT 134 OSOYOS DIVISION YALE  
 PLAN 40137

**MUNICIPAL ADDRESS**  
 3802 GORDON DRIVE  
 KELOWNA, BRITISH COLUMBIA

**ZONING**

**KELOWNA HUSKY**  
 3802 GORDON DRIVE  
 KELOWNA, BRITISH COLUMBIA



**SCHEDULE A**  
 This parcel is... ent.  
 Permit # DM5-00/58





Existing Sign



SCHEDULE 1-A  
This forms part of development  
Permit # DVR13-0028



8'-0 3/4" EXACT CABINET SIZE  
TO MATCH TECH DRAWINGS  
2.4m

2" BLUE H-BAR  
FABRICATED FROM 2 EX12  
RETAINERS BACK TO BACK

**COPY AREA**  
Husky logo - 1.12m<sup>2</sup>  
Self - 0/06m<sup>2</sup>  
Price Changer - 0.42m<sup>2</sup>  
Food Store - 0.13m<sup>2</sup>  
Touchless - 0.33m<sup>2</sup>  
Pay at Pump - 0.18m<sup>2</sup>  
Diesel max 0.13m<sup>2</sup>  
ATM - 0.20m<sup>2</sup>  
Total = 2.66m<sup>2</sup>

**CONSTRUCTION: NEW D/F CABINET**  
SUBSTRATE: WHITE LEXAN FACE C/W FIRST SURFACE VINYL  
CABINET: PAINTED BLUE  
RETAINERS: PAINTED BLUE  
ILLUMINATION: Kohler Affinium WHITE LED modules  
DECOR: TOP PAINTED BLUE  
BUILT FROM SIGNORIP 1573 1/2 ROUND 3 PART POLE CLADDING 8.5" RADIUS  
REVEAL: PAINTED BLUE  
BASES: NEW REQUIRED BY HUSKY

**GRAPHICS (A)**  
BACKGROUND: WHITE WITH A BLUE INLINE

**CONSTRUCTION:**  
SUBSTRATE (SELF PANEL):  
CLEAR LEXAN FACES C/W FIRST SURFACE APPLIED VINYL  
WITH A WHITE DIFFUSER APPLIED TO THE SECOND SURFACE

**GRAPHICS (B) NOTE ALL COPY IS LEFT JUSTIFIED**

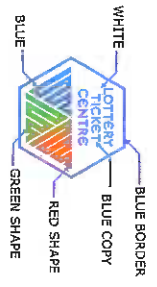
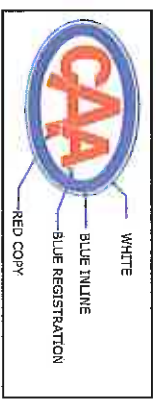
SELF: WHITE COPY LEFT JUSTIFIED ON A BLUE PANEL C/W A WHITE BORDER  
PRICE CHANGER: WHITE NUMBERS ON A BLACK BACKGROUND  
AS PER HUSKY STANDARDS  
15" SCROLLING NOVAC ROSZ-D415C1 2 COLOUR  
PRICE CHANGER 4 DIGIT FORMAT OVERALL SIZE 1'-7" X 4'-11 3/8"  
STANDER NOVAC UNITS, SO THEY ARE ON THE RIGHT HAND SIDE  
OF EACH PRICE TAPE, 5" FOR BOTH ELEVATIONS WITH EACH THE SIGN

FOOD STORE: BLUE  
TOUCHLESS WASH: WHITE COPY LEFT JUSTIFIED ON A BLUE PANEL C/W A WHITE BORDER  
PAY AT PUMP: WHITE COPY LEFT JUSTIFIED ON A BLUE PANEL C/W A WHITE BORDER  
DIESEL MAX: WHITE COPY LEFT JUSTIFIED ON A BLUE PANEL C/W A WHITE BORDER  
ATM: WHITE COPY ON A BLUE PANEL C/W A WHITE BORDER  
CAA: RED COPY ON A WHITE OVAL, BLUE INLINE WITH A WHITE BORDER  
LOTTERY: BLUE COPY, BLUE GREEN & RED SHAPES... WHITE SHAPED  
PANEL C/W A BLUE BORDER (SEE DETAIL FOR LOTTERY & CAA LOGOS)  
BLUE DIVIDING LINES: 1 1/2" BLUE VINYL LINES BETWEEN EACH PANEL

**COLOUR DATA**

WHITE: WHITE SUBSTRATE / WHITE PAINT  
BLACK: BLACK VINYL  
RED: 3M 3630-33  
BLUE: 3M 3630-97 BRISTOL BLUE  
PAINT TO MATCH

**LOTTERY COLOURS:** BLUE = 3630-127 INTENSE BLUE  
GREEN = 3630-156 VIVID GREEN  
RED = 3630-143 POPPY RED  
BLUE = 3630-157 SULTAN BLUE  
RED = 3630-33 RED



5304 64 St. SE  
Calgary, Alberta, Canada T2H 2B7  
Tel: (403) 258-0556  
Fax: (403) 253-0110  
www.pattison.com

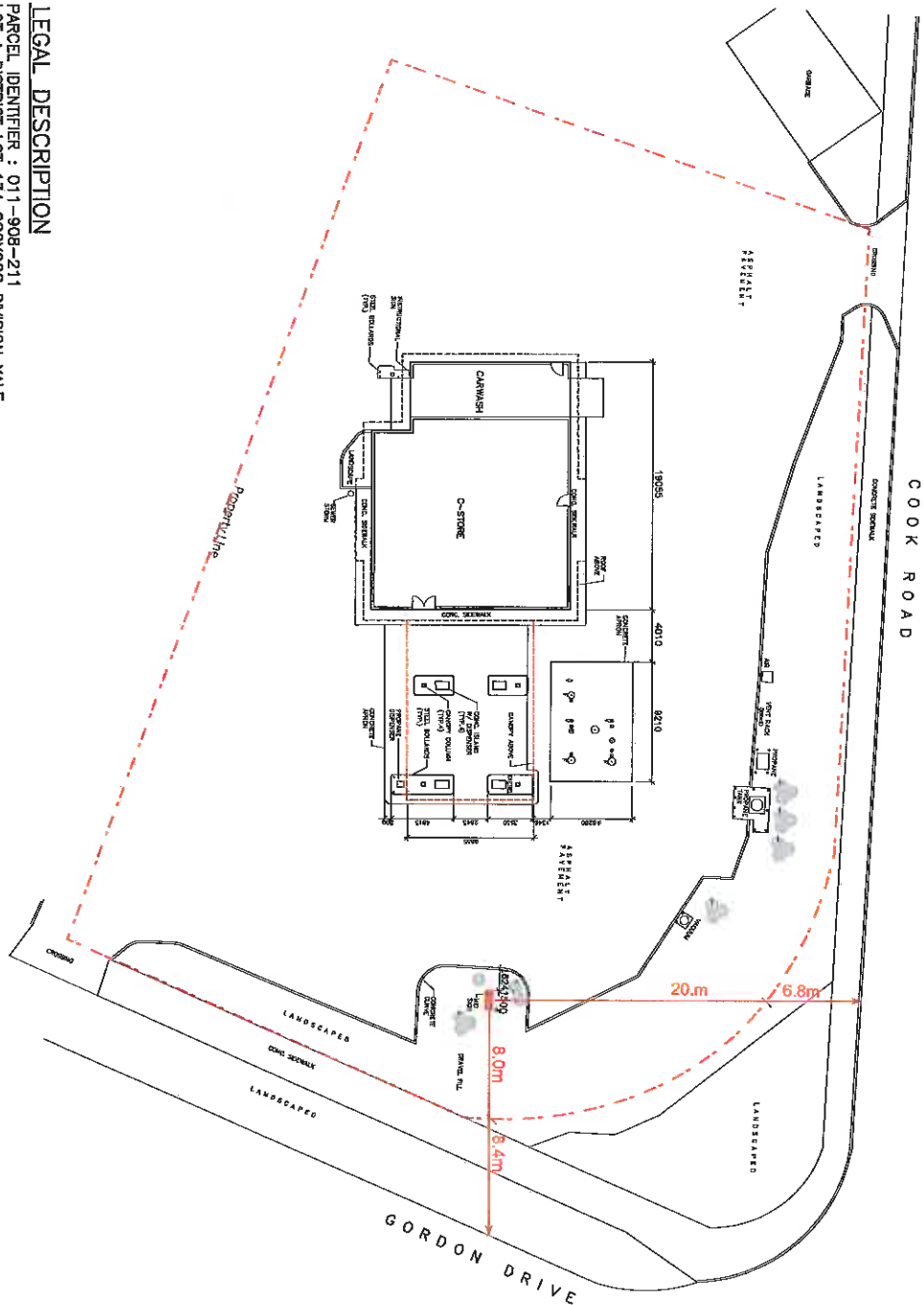
DATE: JAN 18, 2013  
SHEET: C12-655-A-R2 MA  
SALES: JIM KEMP  
ARTIST: K. BRANDT  
SCALE: 3/8" = 1'-0"  
VOLTAGE: 120V REQUIRED  
PAGE: 1 of 7

1	REMOVED BOTTOM CONCRETE SLAB, HEIGHT CHANGED TO 9'-0" (28)
2	
3	

REVISION HISTORY (P/NO. TO MASTER A/D/T):  
1. REMOVED STONE & BACKGROUND BASE DECOR. SIGN TO BE A TWO POLE DESIGN.  
USING EXISTING BASES & 2 BOLTS PER Pylon REWED TO 8'-1'-76'-1" ON CONCRETE  
ATE SLAB  
Fluorescent, Neon and HID lamps contain Mercury. Dispose of these  
lamps according to Local, Provincial, State or Federal Law.

HUSKY  
4413  
3802 GORDON DR  
KELOWNA AB

SCHEDULE A  
This forms part of development  
Permit # D1193-0038



**LEGAL DESCRIPTION**

PARCEL IDENTIFIER : 011-908-211  
 LOT A DISTRICT LOT 134 OSOYOOS DIVISION YALE  
 PLAN 40137

**MUNICIPAL ADDRESS**

3802 GORDON DRIVE  
 KELOWNA, BRITISH COLUMBIA  
**ZONING**



KELOWNA HUSKY  
 3802 GORDON DRIVE  
 KELOWNA, BRITISH COLUMBIA

Scale 1cm=4m

SCHEDULE   A    
 This forms part of development  
 Permit #   DVPI3-0038



www.fivestarpemits.com

March 6, 2013

City of Kelowna  
1435 Water St  
Kelowna BC V1Y 1J4

Attention: Paul McVey

RE: Husky 4413  
3802 Gordon Dr.

I write this letter to council in hopes of gaining your approval for an increase in sign area for the new Husky freestanding sign.

This station is located on Gordon Drive and is currently undergoing a changeover of its current signage to Husky's new brand. All stations in BC are undergoing this change.

This location is zoned C-2. The freestanding sign allowance in the bylaw is limited to a height of 3m and an area of 3m<sup>2</sup>. The current sign meets these guidelines, and Husky has found the visibility to be very poor. Drivers are unable to properly see the services and gas price until they are in the intersection.

The proposed sign meets the height requirement. The sign area proposed is 5.9m<sup>2</sup>. This is over the allowable by 2.9m<sup>2</sup>. (The copy area of the sign is 2.66m<sup>2</sup>).

The reason for the required increase is due to the large distance between the road and the property line. The sign is located 16.4m (53') from Gordon Rd, and 26.8m (87.9') from Cook Rd.

Even at the proposed size of 5.9m<sup>2</sup>, this is a small sign for a service station. Usually Husky signs are 7.3m tall (24'), with a sign area of 16m<sup>2</sup> (174sq.ft.).

The residential area to the north will not be affected in any way as the height of the sign will not change. Only the letters, logo and price copy will be illuminated. The background will remain opaque blue.

The increase in size makes way for Husky to stay with the look they have all around the province, and to better inform the public of the gas price and services available.

We appreciate your consideration.

Sincerely,

David Atkinson  
Co-Founder/Permit Specialist

# REPORT TO COUNCIL



**Date:** April 25, 2013  
**RIM No.** 0940-60  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (BD)  
**Application:** HAP13-0001      **Owner:** Edward Steven & Marilyn Anne Wiltshire  
**Address:** 1979 Abbott Street      **Applicant:** Doug Clark  
**Subject:** Heritage Alteration Permit  
**Existing OCP Designation:** Single/Two Unit Residential  
**Existing Zone:** RU1 - Large Lot Housing

---

## 1.0 Recommendation

THAT Council NOT authorize the issuance of Heritage Alteration Permit No. HAP13-0001, Lot 1, District Lot 14, ODYD plan 3998, located on 1979 Abbott Street, Kelowna, B.C.

## 2.0 Purpose

To consider not authorizing a Heritage Alteration Permit for proposed changes to the dwelling and legitimize the side yard setback from 4.5m required to 0.0m proposed.

## 3.0 Land Use Management

The Abbott Street Heritage Conservation Area Guidelines summarize the significant exterior building features by identifying their design style. In the guidelines, the dominant style of this property is identified as Late Vernacular Cottage.

The dwelling originated as a simple summer cottage and has been upgraded to function as a single family dwelling. The siting of the building is non-conforming under current regulations. The applicant states that the building does not have a crawl space which is jeopardizing the stability of the structure. Additionally, an upgrade to the building services to address potential gases is proposed, which would require lifting the building 2.0m. A garage is proposed for under rear portion of the dwelling. The habitual space of the dwelling will not be expanded, however a variance to the side yard setback is triggered.

Staff recognize the value in constructing a secure and accessible foundation, however, the extent to which the building is being lifted greatly impacts the proportions and massing of the dwelling. The Building and Permitting branch comments clarify that a soil gas depressurization system upgrade is not required by Municipal or Provincial authorities. Therefore Staff do not support the

proposal that compromises some of the characteristics noteworthy of the Late Vernacular Cottage guidelines, given that no redeeming qualities are introduced to the house. Although the property is small, there are alternative possible solutions that meet the Abbott Street Conservation Guidelines. Further, the Community Heritage Committee did not support the proposal for similar reasons.

It is acknowledged that due to the subject property's size and corner location constraints, any development will trigger variance to legalize non-conforming side yard setbacks which could be supportable, pending on the upgrades to the overall property.

#### **4.0 Proposal**

##### **4.1 Background**

A basement is being proposed for the single family dwelling located on the subject property. Given the Mill Creek flood plain and the proximity to the lake, no opportunity exists to submerge a portion of the basement in the ground, therefore the applicant is seeking to raise the dwelling and construct a basement on the current footings. This will result in the building being raised by 1.98m which impacts the form and character of the dwelling.

The rear entry mud room will be removed to accommodate the plan. No windows or doors are proposed for the basement with the exception of a single car garage which would be located underneath the rear portion of the dwelling with access from the lane. An internal door will provide access from the garage to the main dwelling.

Originally, a traditional lattice cladding was proposed around the lower portion of the building, however given the CHC concerns, the proposed cladding was revised to horizontal hardie board plank lap siding. This material has greater longevity than the lattice treatment, however the building still appears disproportional. The staircase to the existing verandah is increased to 14 steps creating a disjointed pedestrian interface to the street. No changes are proposed to the existing landscaping.

The applicant has provided a rationale outlining their concerns and justification for a crawl space. They fear that sub-floor gasses may be present and note that the proposal's intent is not a "...cosmetic overhaul but rather an opportunity to understand the condition of the ground and avoid any further deterioration of the building".

Comments provided by the Building and Permitting branch note:

"For all new dwellings, the new code requires a system for a future soil gas depressurization, but it is only required if test results by the owner warrant a complete active 24 hours a day system. A full system is not required in the code as of yet for buildings built under previous code cycles. To raise the house to increase the level of life safety is not a mandate of the province and most likely not be anytime soon. The City has thousands of houses that would require remediation to meet this requirement. The foundation could be retrofitted and lowered back to it's existing elevation without compromising life and safety requirements."

There is an ample boulevard between the subject property and Beach Avenue however the dwelling is located on the lot line with the most eastern eave encroaching on the boulevard and is considered existing non-conforming. To facilitate lifting the building, all non-conformities must be legalized through the HAP which is the tool to authorize a variance. A variance to the north flanking street side yard setback from 4.5m required to 0.0m is proposed. The applicant is proposing to remove the encroachment should the application be favorably endorsed.

#### 4.2 Site Context

The subject property is located on the east side of Abbott Street within the ‘Abbott Street Conservation Area’ and in close proximity to Downtown Kelowna. The property is not on the Heritage register. All properties surrounding the subject property are zoned RU1 with single family dwellings.

#### 4.3 Subject Property Map: 1979 Abbott Street



#### 4.4 Zoning Analysis

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

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	347 m <sup>2</sup> ①	550 m <sup>2</sup>
Lot Width	21.22 m	15 m
Lot Depth	29.49 m ②	30.0 m
Site Coverage (buildings)	23.6%	40%
Site Coverage (buildings/parking)	29%	50%
Height	5.05m	2 ½ storeys / 9.5m
Other Requirements		
Parking Stalls (#)	2 spaces	2 spaces
① Existing non-conforming property size		
② Existing non-conforming property depth		

## 5.0 Current Development Policies

### Heritage Conservation Area Development Guidelines

The subject property falls within the third civic phase spans from the end of the Great Depression, about 1933, and continues to the end of World War II, 1945. This period is noted for a declining interest in traditional styles in favour of smaller, less ornately detailed housing development. The dominant styles of this period are the Late Vernacular Cottage and the 'forward looking' Moderne architecture. However, well-to-do members of Kelowna's leading civic and commercial families continued to build large homes of more traditional style.



The Late Vernacular Cottage characteristics are identified as follows in the City's Heritage Conservation Area Development Guidelines:

- Less fanciful feel to the architecture
- Flush gable verges
- Stucco or horizontal siding
- Up to 2 storey massing
- Clustered vertical window sashes
- Asymmetrical facade design
- Flush front entrance
- Minor decorative detailing
- Gable roof forms
- Wood or interlocking asphalt shingle
- Side or rear yard parking

## 5.2 Kelowna Official Community Plan (OCP)

### Heritage Policies<sup>1</sup>

Objective 9.2 Identify and conserve heritage resources.

**Conservation Areas.** Development in the Abbott Street and Marshall Street Heritage Conservation Area outlined on Map 9.1 will be assessed using the Abbott Street and Marshall Street Heritage Conservation Area Guidelines in Chapter 16.

### Heritage Conservation Area - Objectives:<sup>2</sup>

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

<sup>1</sup> City of Kelowna, Official Community Plan, Chapter 9; Objective 9.2 Policy .4

<sup>2</sup> City of Kelowna, Official Community Plan, Chapter 16



## 6.0 Technical Comments

### 6.1 Building & Permitting Department

In regards to your verbal request for clarification on the new 2012 building code for soil gas depressurization the following applies:

For all new dwellings, the new code requires a system for a future soil gas depressurization, but it is only required if test results by the owner warrant a complete active 24 hours a day system. A full system is not required in the code as of yet for buildings built under previous code cycles. To raise the house to increase the level of life safety is not a mandate of the province and most likely not be anytime soon. The City has thousands of houses that would require remediation to meet this requirement. The foundation could be retrofitted and lowered back to it's existing elevation without compromising life and safety requirements.

Building Permit required.

### 6.2 Development Engineering Department

The Heritage Alteration Permit application to lift present building ~2m to inspect/repair the footings as needed, will not compromise our servicing requirements. The building encroachments should either be removed or if necessary a license to occupy be registered with the City.

No municipal service upgrades will be triggered by this application.

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.

## 7.0 Application Chronology

Date of Application Received: February 15, 2013

### Community Heritage Commission

The above noted application was reviewed by the Community Heritage Commission at the meeting on March 7, 2013 and the following recommendations were passed:

THAT the Community Heritage Committee NOT support Heritage Alteration Permit No. HAP13-0001 for 1979 Abbott Street seeking to lift the dwelling and legitimize the side yard setback from 4.5 m to required 0.0 m.

#### **ANECTODAL COMMENT:**

The Community Heritage Committee believes the proposed building would not be consistent with the form and character of the Heritage Conservation Area.

## 8.0 Alternate Recommendation

THAT Council authorize the issuance of a Heritage Alteration Permit No. HAP13-0001, for Lot 1, District Lot 14, ODYD, Plan 3998, located on 1979 Abbott Street, Kelowna, BC 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 Schedule "B".

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

Section 13.1.6 (d) -Development Regulations:

To vary the flanking side yard setback from 4.5m required to 0.0m proposed, as per schedule "A".

**Report prepared by:**

\_\_\_\_\_  
Birte Decloux, Land Use Planner

**Reviewed by:**

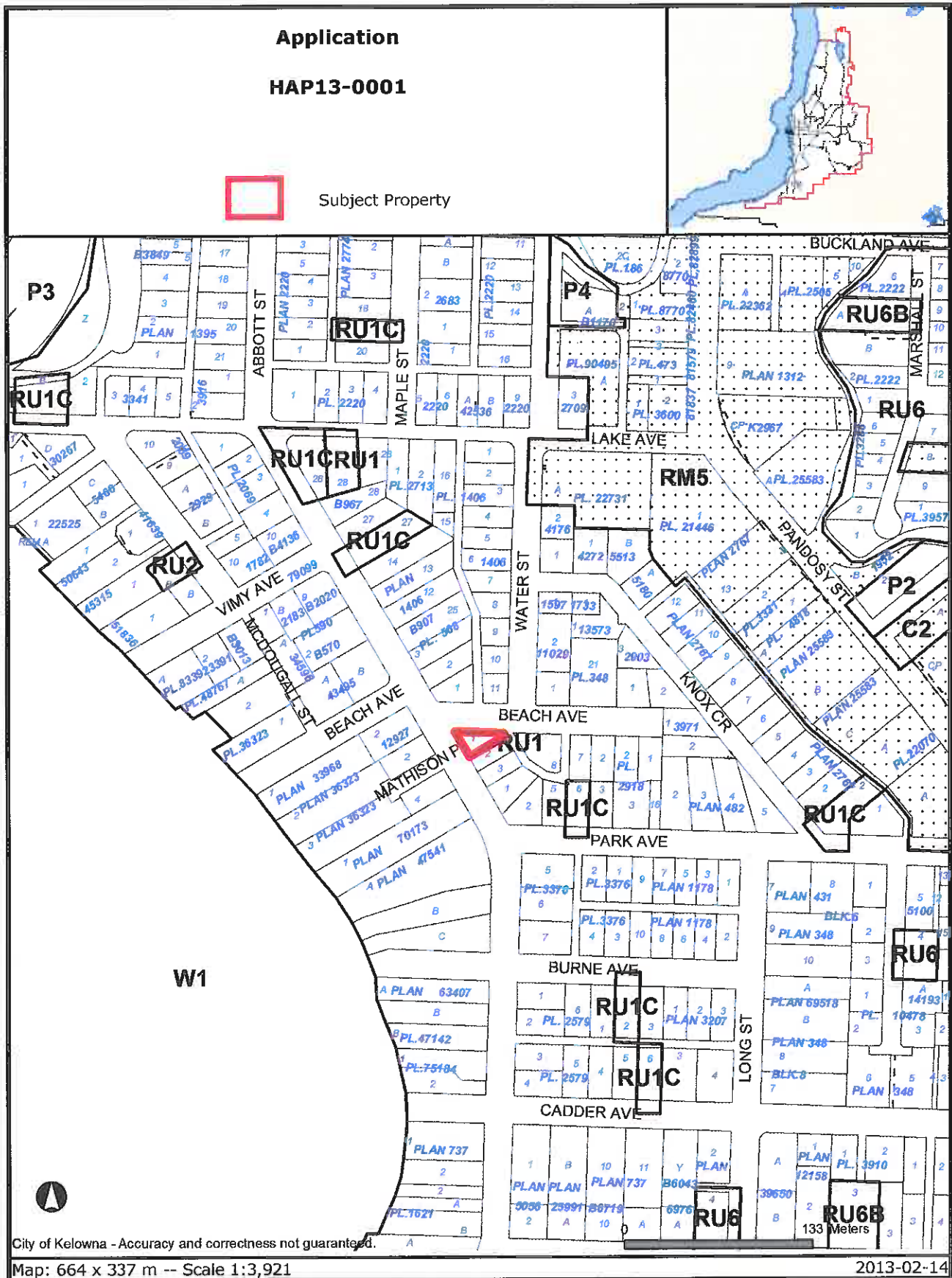
Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion:**

Doug Gilchrist, acting General Manager,  
Community Sustainability

**Attachments:**

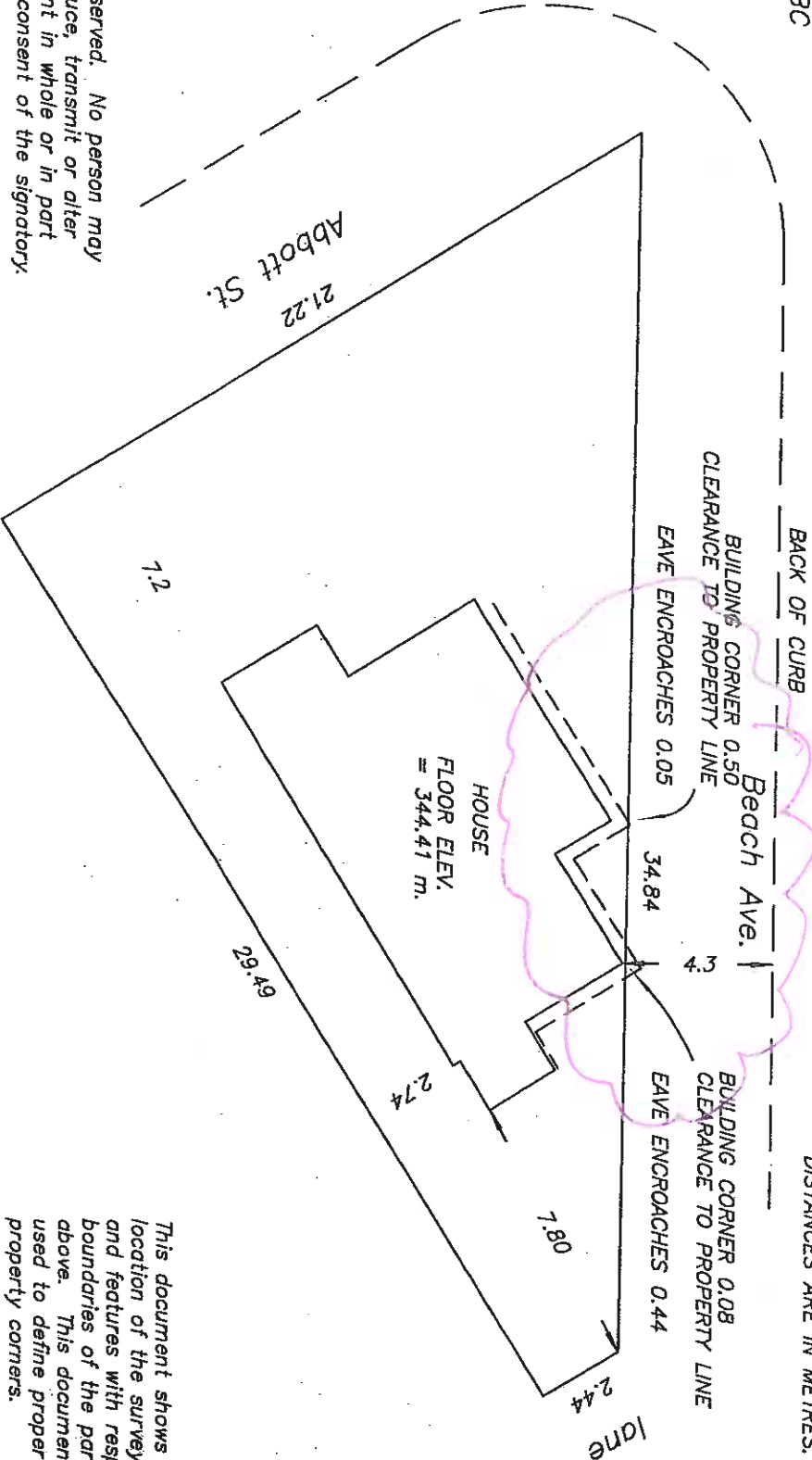
Site Plan  
Conceptual Elevations  
Landscape Plan  
Context/Site Photos  
Rationale



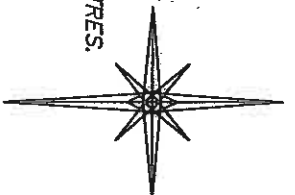
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

# B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 1 D.L. 14 O.D.Y.D. PLAN 3998

Civic Address:  
1979 Abbott Street  
Kelowna, BC



SCALE 1:200  
DISTANCES ARE IN METRES.



All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.  
 (C) This document is not valid unless originally signed and sealed.

**CERTIFIED CORRECT**  
this 27th day of November, 2012.

*[Signature]*  
D.A. Goddard BCLS

This plan was prepared for municipal purposes and is for the exclusive use of our client.

FILE 16096 FB 364  
Wiltshire

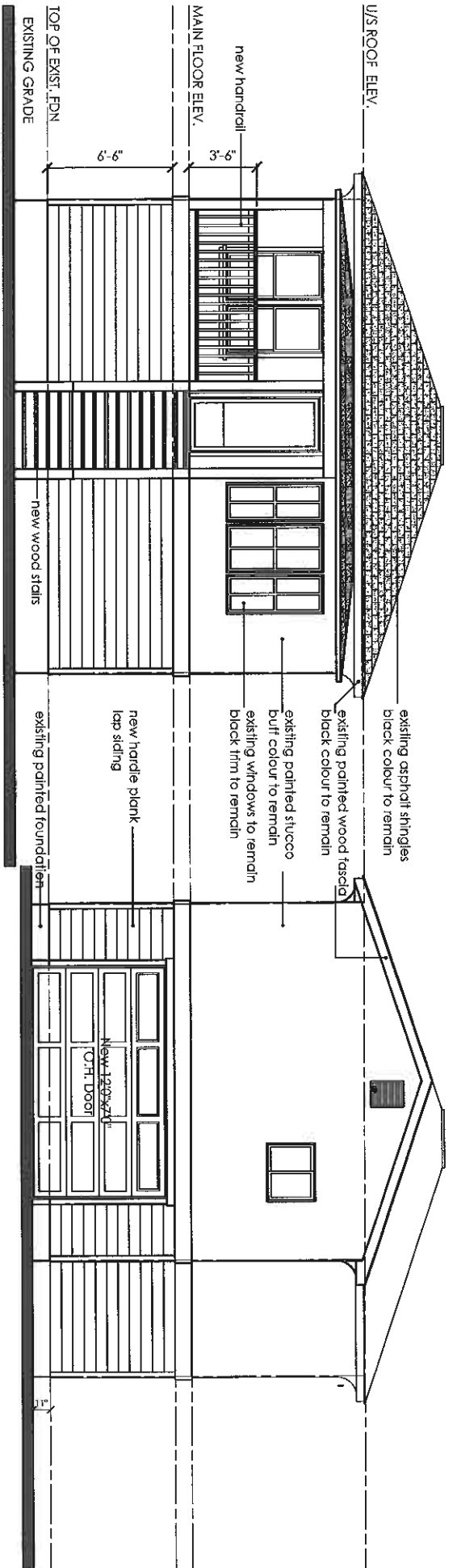
**SCHEDULE: A**

This forms part of development Permit # **HAP15-001**

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.  
103-1358 St. Paul Street, Kelowna  
Phone (250) 763-3733

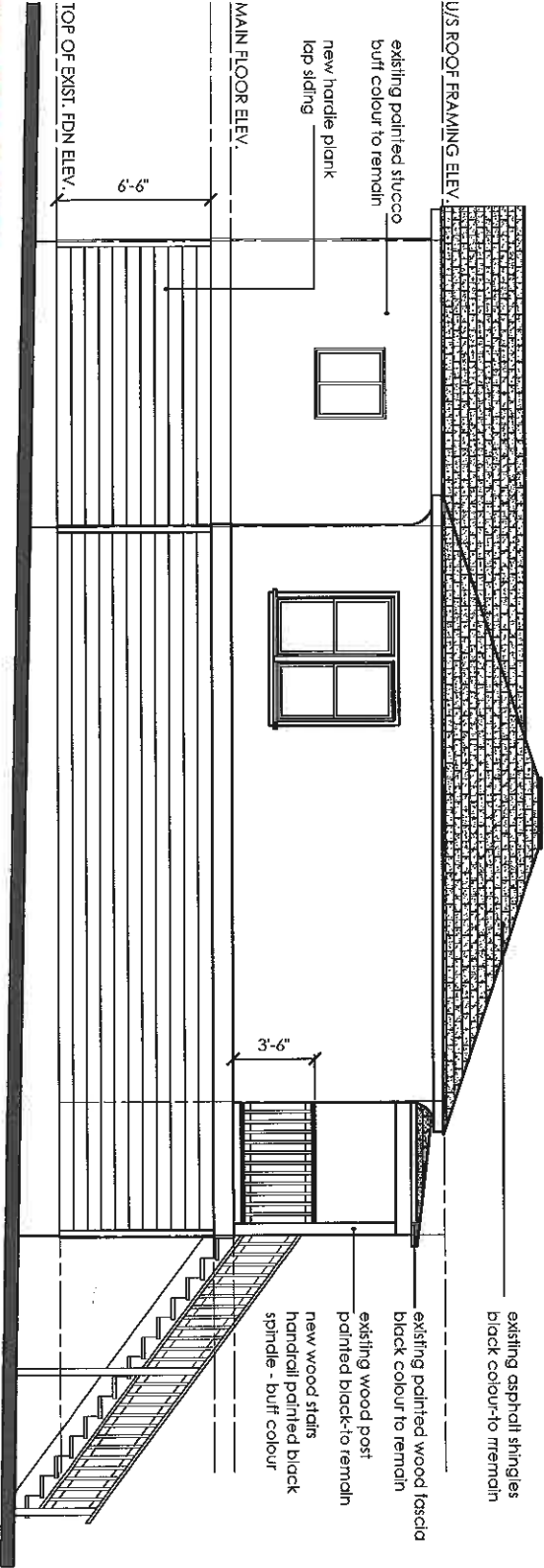


WEST ELEVATION-View from Abbot Street

SCALE 1/8"=1'0"

EAST ELEVATION-View from LANE

SCALE 1/8"=1'0"



**REVISED PLANS**

NORTH ELEVATION-View from Beach Ave.

SCALE 1/8"=1'0"

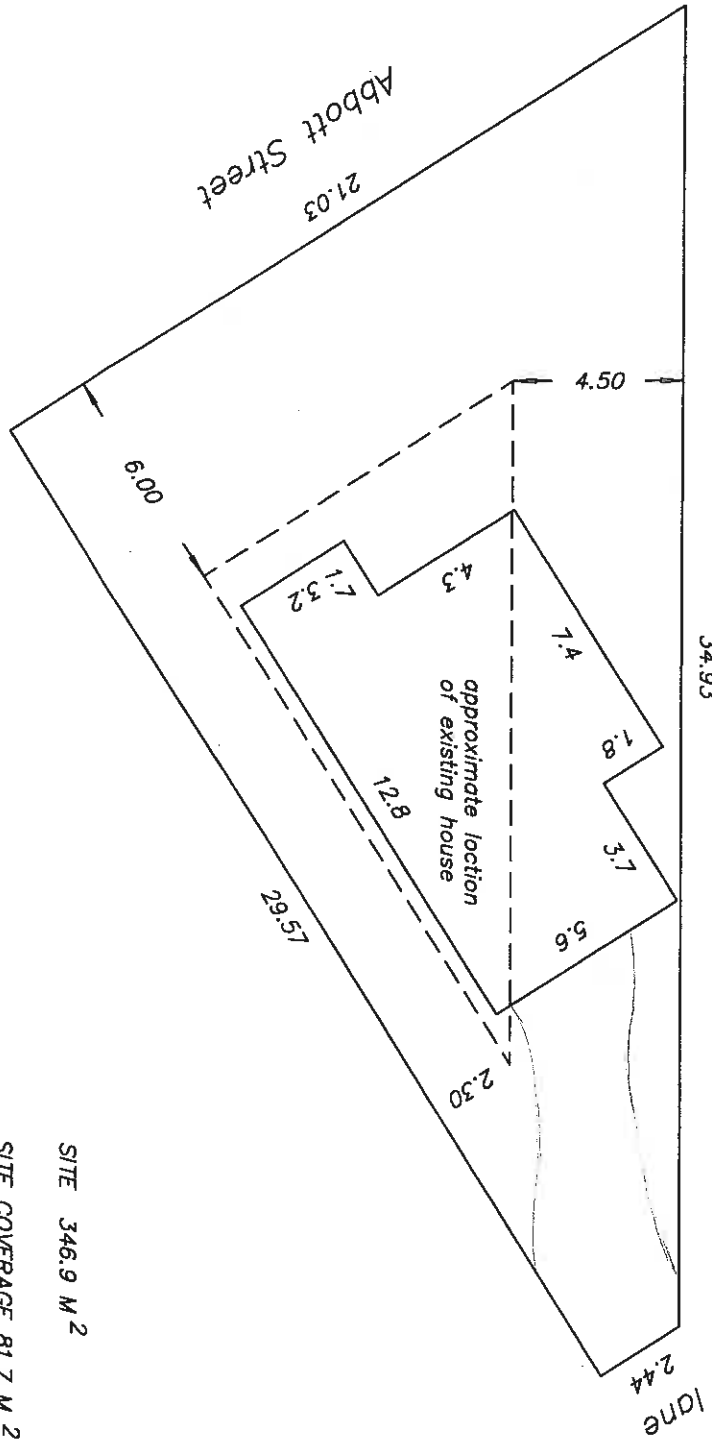
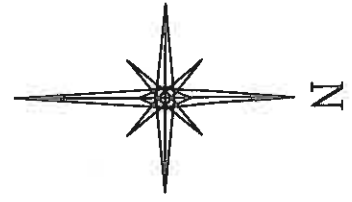
MAR 15 2013

CITY OF KELOWNA  
Land Use Management

**SCHEDULE B**  
This forms part of development  
Permit # **HAP13-0001**

# PLAN OF LOT 1 D.L. 14 PLAN 3998 O.D.Y.D.

SCALE 1:200  
DISTANCES ARE IN METRES.



SITE 346.9 M<sup>2</sup>  
SITE COVERAGE 81.7 M<sup>2</sup>  
COVERAGE = 23.6 %

16096

D.A. Goddard Land Surveying Inc.  
103-1358 ST. PAUL STREET KELOWNA







**To: City Of Kelowna**

**Re: 1979 Abbott Street**

**Kelowna BC**

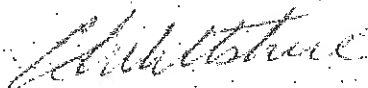
**V1Y1C2**

**During an attempt to bring this property up to current standards it was determined:**

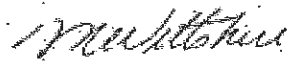
- a) The building is below current "flood plain" elevation requirements**
- b) There is a foundation under the unit but no "crawl space" and according to two structural engineers, the house must be raised to a height that will accommodate an excavator to dig down to the footings on either side to determine function ability.**
- c) There is an "ad-porch" that houses an outdated hot water tank and suspended furnace. It would seem that the original building was initially used as a summer cottage and a water supply added later.**
- d) This application is not only to bring the property up to standard but to obtain reasonable access for the upkeep and preservation of the property.**

- e) Since the "flood plain" legislation is relatively new (but much needed) we, the applicants are concerned that the unavailability to access and/or jeopardize the ability to renew an insurance policy or future mortgage requirements may result.
- f) We, the owners currently reside in Rossland B.C. and our daughter lives in the Abbott Street residence. It is our concern that possible problems such as sub-floor gasses may be present. These gasses may be dangerous or fatal.
- g) This request is not intended to be a "cosmetic overhaul" but rather an opportunity to see what exists in order to avoid any further deterioration of the building.
- h) As previously mentioned we, the owners reside in Rossland B.C., however you may contact Doug Clark, who is acting on our behalf. He can be reached at 250-862-7189 or 250-763-1687.
- i) As this "flood plain legislation" is relatively new, could you provide us with any available information? Is there any compensation or deadline dates for compliance of this legislation or if there is a "grandfather or hardship" provision.

Thank-you



Owner  
Ted Wiltshire



Owner  
Marilyn Wiltshire

# REPORT TO COUNCIL



**Date:** April 26, 2013  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (BD)  
**Application:** DVP13-0037      **Owner:** Rory Peter & Donna Lee Gatenby  
**Address:** 286 Atwood Place      **Applicant:** Rory Peter & Donna Lee Gatenby  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** Single/ Two Residential  
**Existing Zone:** RU1- Large Lot Housing

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0037, for Lot B, District Lot 14, ODYD Plan KAP73616 located on 286 Atwood Place, Kelowna, BC;

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

Section 13.1.6 (d) Development Regulations:

To vary the north side yard setback from 2.0m permitted to 1.0m proposed (Schedule A).

## 2.0 Purpose

To vary the north side yard setback from 2.0m required to 1.0m proposed to legalize the construction of a storage shed to be added to the footprint of the main house.

## 3.0 Land Use Management

The applicant has recently purchased the subject property and is seeking a solution to a storage issue by adding a shed to the north side yard where the impact to the subject property and adjoining neighbour would be minimized. The shed was constructed as an addition to the dwelling, therefore becoming part of the dwelling foot print and triggering a variance to the required side yard.

Signatures of support have been received from all abutting and adjoining neighbours. The shed is proposed to be marginally taller than the existing fence, and is seen to be a modest request that is endorsed by impacted property owners.

**4.0 Proposal**

**4.1 Background**

The applicant began construction of a shed in the most appropriate location given the lakefront location and the neighbour’s site lines. The property owner’s did not apply for a building permit to construct the storage shed as it was to be less than 100 square feet and initially shorter than the fence. Unfortunately, the applicant was unfamiliar with the Zoning Bylaw’s siting requirements and is applying for the variance after starting construction.

As part of this application, the shed will be attached to the principal dwelling (and be considered part of the principal dwelling) to avoid two variances and fire separation concerns. The finishing, roof line, and fascia of the shed will match the dwelling (which is being upgraded).

**4.2 Project Description**

**4.3 Site Context**

The subject property is located in the South Pandosy area between the hospital and the lake. The area is characterized by established single family homes. The adjacent land uses in all directions is RU1 - Large Lot housing.

**4.4 Subject Property Map: 286 Atwood Place**



**4.4 Zoning Analysis Table**

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

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	877 m <sup>2</sup>
Lot Width	16.5m	18.3m
Lot Depth	30m	48 m

Development Regulations		
Front Yard	6.55 m	4.5 m to dwelling or 6.0m to garage
Side Yard (south)	2.1 m	2.0m (1 - 1 ½ storey)
Side Yard (north)	1.0 m <sup>①</sup>	2.0m (1 - 1 ½ storey)
Rear Yard	12.35m	7.5m
① Variance sought to reduce the north side yard from 2.0m required to 1.0m proposed.		

**5.0 Technical Comments**

**5.1 Building & Permitting Department**

Full foundations required around building addition per the requirements of the Building Code.

**5.2 Development Engineering Department**

This development variance permit application to vary the side yard setback does not compromise any municipal services.

**Report prepared by:**

\_\_\_\_\_  
 Birte Decloux, Land Use Planner

**Reviewed by:**

Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion:**

Doug Gilchrist, Acting General Manager,  
 Community Sustainability

**Attachments:**

- Site Plan
- Conceptual Elevations
- Landscape Plan
- Context/Site Photos
- Rationale

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0037

EXISTING ZONING DESIGNATION:	RU1- Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	To vary the required north side yard setback to facilitate a building addition

ISSUED TO:	Rory Peter & Donna Lee Gatenby
LOCATION OF SUBJECT SITE:	286 Atwood Place

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	B		14		ODYD	KAP73616

<u>SCOPE OF APPROVAL</u>
<ul style="list-style-type: none"> <li><input type="checkbox"/> 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.</li> <li><input type="checkbox"/> 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.</li> <li><input type="checkbox"/> Applicants for a Development Permit and/or 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.</li> </ul>

1. TERMS AND CONDITIONS:

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

Section 13.1.6 (d): Development Regulations

To vary the north side yard setback from 2.0m permitted to 1.0m proposed, as per Schedule 'A'.

2. 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.

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.**

3 PERFORMANCE SECURITY: Not applicable.

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 Planning & Development Services.

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.

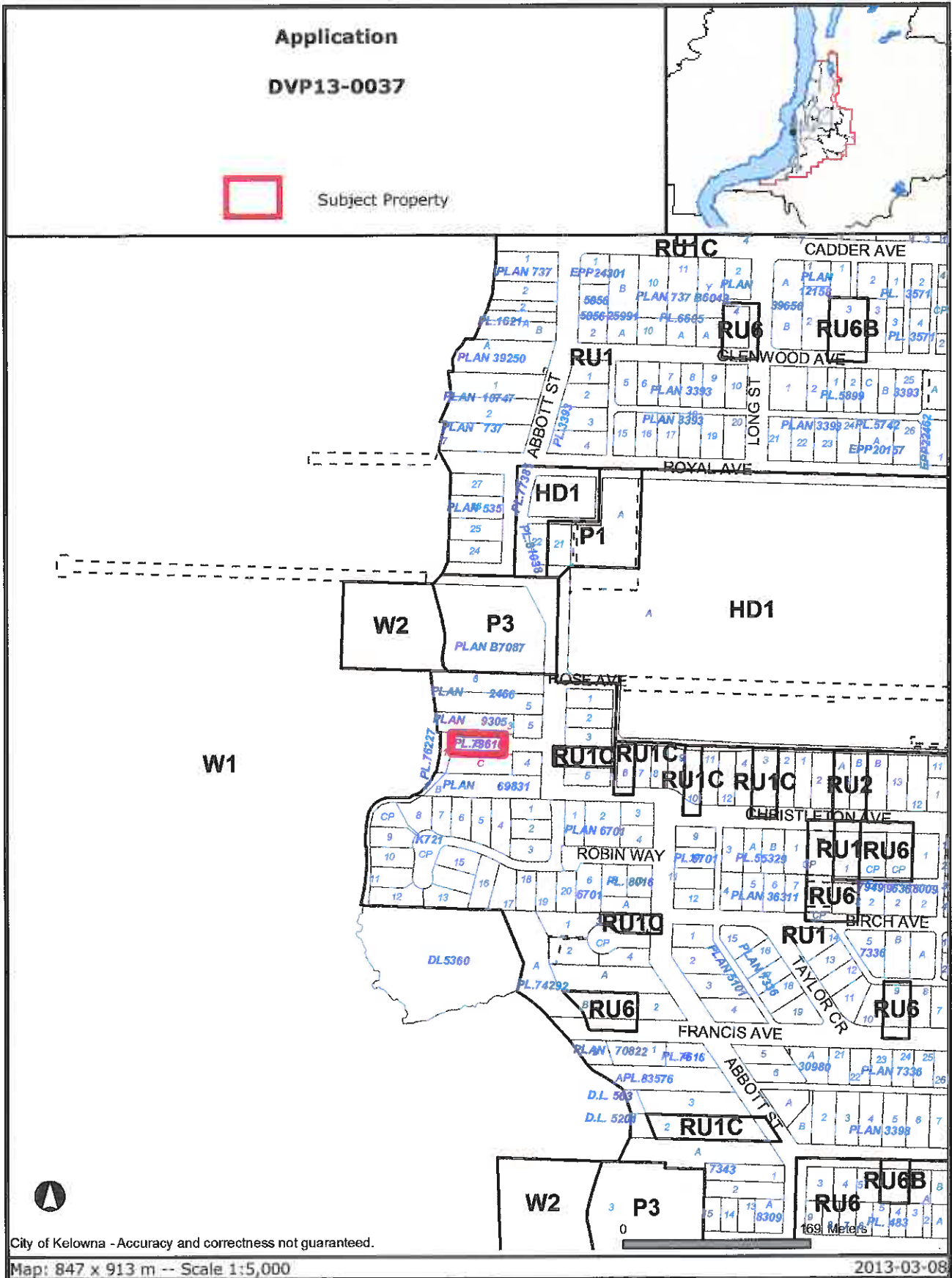
6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_<sup>th</sup> DAY OF MAY, 2013.

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE \_\_\_ DAY OF MAY, 2013.

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Doug Gilchrist  
Acting General Manager, Community Sustainability



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.



PC 31441

286 Atwood Pl 31441

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# B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT B, PLAN KAP73616,  
DISTRICT LOT 14, O.D.Y.D.

SCALE: 1:250 All distances are in metres

CIVIC ADDRESS: 286 ATWOOD PLACE

CLIENT: GILTSPIE / HOPKINS

FILE No: 11993\_SC.GARAGE

FB/PQ: 368/18

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

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NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT PRIOR CONSENT OF RUNNALLS DENBY.

THE DIMENSIONS SHOWN ON THIS CERTIFICATE ARE NOT TO BE USED TO DEFINE PROPERTY BOUNDARIES.

Certified correct this 7th day of April, 2006.

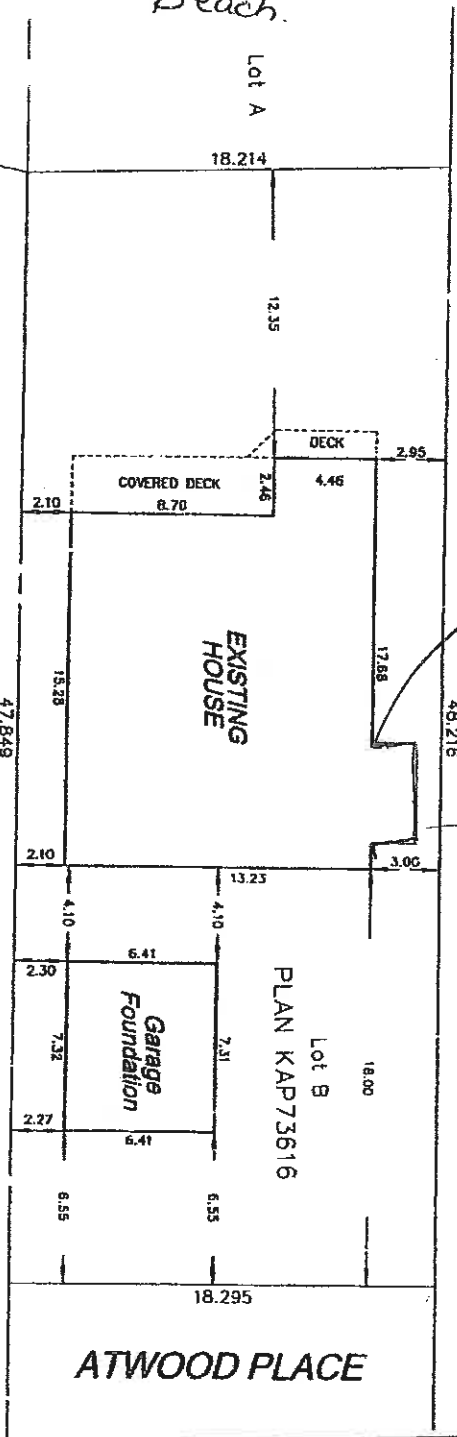
NEIL R. DENBY

B.C.L.S.

## RUNNALLS DENBY

British Columbia land surveyors

42-1470 Water Street  
Vancouver, B.C.  
V6J 1L5  
Phone: (250)763-7322  
Fax: (250)763-4413  
Email: denby@relus.net



Shed attached to the dwelling

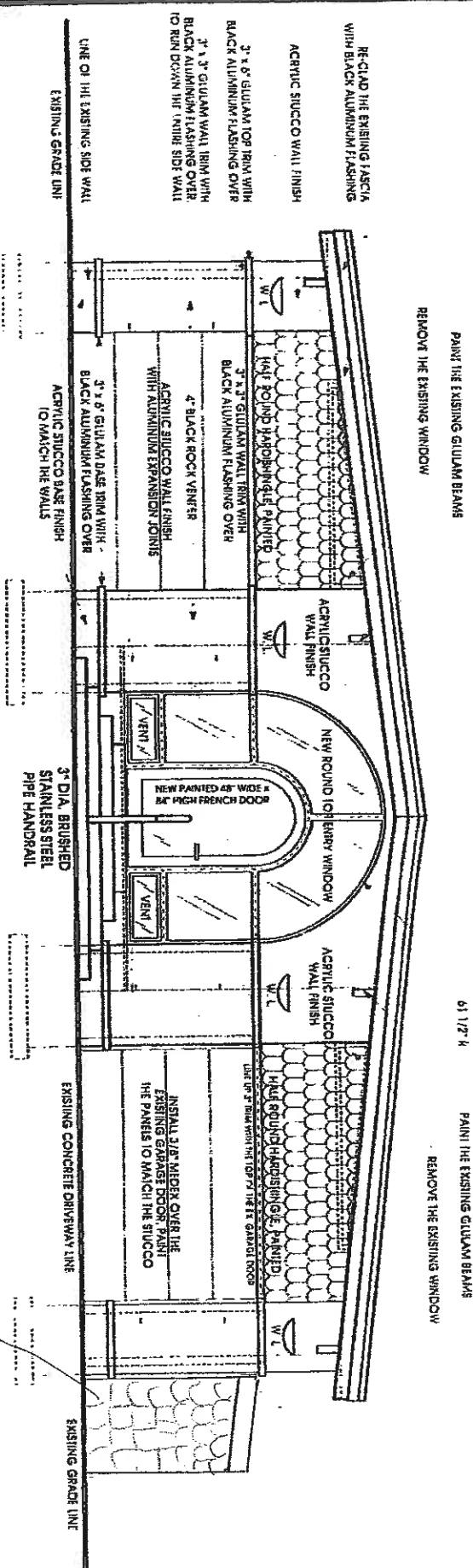
6' x 16' - shed 1m setback from fence

APR 11 2006

GILL UR ARBUZZA  
Inspection Services Dept

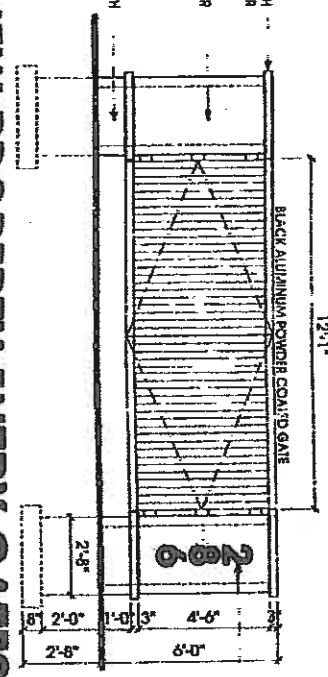


**SCHEDULE A**  
 This forms part of development  
 Permit # **OVPL3-0037**



**FRONT ELEVATION (EXISTING RESIDENCE)**

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



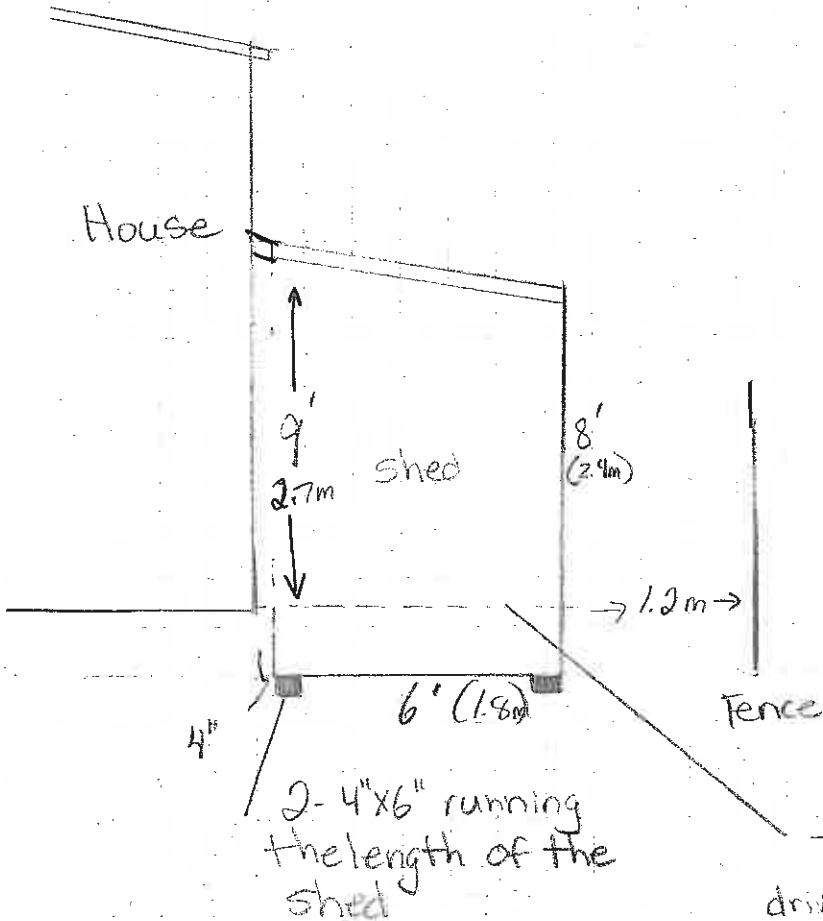
**NEW PROPERTY ENTRY GATES**

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

- slope of roof is identical to house  
 - 1m from fence  
 - fascia and soffit will be the same as the house  
 - exterior will be shingles like house

**286 ATWOOD RENOVATION**  
**NE/SBITT**  
 ARCHITECTS & DESIGNERS  
 1000 W. 10th Street, Suite 100  
 Anchorage, Alaska 99501  
 907.562.1234  
 6/1 MARCH

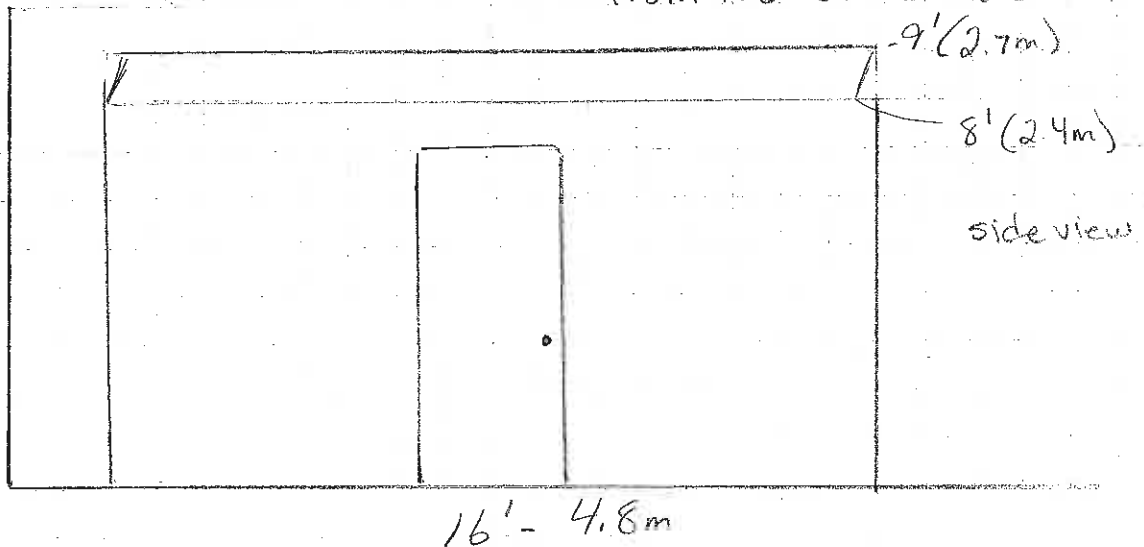
# 286 Atwood Place



## Shed-

- base - plywood over 4" x 4"
- framed with 2" x 4" and 3/4" plywood
- to be finished with a torch on roof to match the house
- to be finished with shingle siding to match the shingles on the front of the house.

This dotted line is the driveway grade. The shed is lower which makes it appear over 1 foot shorter from the street view.





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Street view





windows from the  
shed to the  
rear of the  
house.

View from lake.

March 1, 2013

VARIANCE APPLICATION for a shed at 286 Atwood Place, Kelowna

PID 025-677-187, Lot B District lot 14 Osoyoos Division Yale District  
Plan KAP 73616

Submitted by the property owners: Rory and Donna Gatenby

We purchased this property and took possession in October 2012.

We bought the property for the great view of the lake and the space it provided for our family, which included a detached double garage at the front of the property. We were looking for a property that had a space which could be used to house all of our gym equipment. We have two sons that play hockey and having a space to workout is extremely important. Our older son has signed with the Kelowna Rockets and is excited to start training and perhaps play as a 16 year old next season.

The property also has a single attached garage that is used to store household items, tools and our car. As there is no storage inside the home we knew when we purchased the property that we would need to build a shed outside to store bikes, golf clubs, yard furniture, beach items, life jackets etc. We have a large number of items that need to be stored and secured in a shed. As we back on to the lake and have the public walking the beach behind our house it is important for security and esthetic reasons to have our belongings out of site.

When we looked at the property to decide where a shed could be built it was quickly and easily narrowed down to the right side of the home near the front driveway. It would be completely inappropriate to place a shed anywhere at the rear of the home due to the fact that we back on the lake. This would affect our view, the neighbors view and it would be seriously looked down upon by everyone walking along the beach. The front of the property has the two car garage and the rest is a stamped concrete driveway - a shed in the front would also be inappropriate.

The left side of the property is also unsuitable as it is only 2m wide. Also, the neighbor on the left has a patio and an entrance that would be affected by any type of storage in this area. As well, our home has gas lines, water taps, 2 bathroom windows and a bedroom window on this side of the house at ground level. With only 2m for width there just isn't space to build any type of shed on the left side.

On the right side of the property there is 3m between the house and an existing fence which is on the property line. Looking from the rear corner of the house and up to the front there are a number of water taps, vents and basement windows. Also, as you move toward the rear of the house anything between the houses starts to be quite

We chose to spend a substantial amount of money to build a quality shed that would have quality finishings to match the house so that it wouldn't appear "cheap and junky". It has already cost us a lot for the materials and time to have it framed to its' current level. It would be a great shame to tear it down and rebuild a number of little sheds - we feel that this would be quite distracting - as the current structure - once finished - will blend in and be quite unnoticeable.

Our street consists of 3 homes - one on either side. The only house that we thought could be affected would be the house on the right and we spoke to the owners before and during the construction and they have no issues with the shed - a letter from them has been attached. There are two houses that face Abbott street that have the back of their homes facing ours but with the angles, fences and their sheds it would be extremely difficult to see the shed. These two neighbors also signed a form stating that they had no problems with the location of our shed. The neighbor two doors to the north on the water also signed the form and has no issues with the shed.

We felt we had acquired all of the necessary information before starting. We want the house to look nice for ourselves, the neighbors and the public walking on the beach. We also want the structure to not interfere with our view or the neighbors from the inside or outside. During the building of the shell of the shed we had 2 green bins on our driveway that were being used for the disposal of old carpet and hardwood in the house. The bins draw a lot of attention but we weren't hiding anything as we felt we had followed all of the guidelines.

Also, having looked around the neighborhood we noticed that most sheds were built directly against the fences and ours was the required 1m away, below the maximum height and under 100 sq. ft. - we felt our shed was "legal".

Hopefully, the attached pictures will help to clarify our situation. We are asking for a variance that would allow us to keep the current structure, which is less than 1m from the house, as there is no where else on the property that is an appropriate location for the shed. It is crucial for us to have a shed and if it was to be 1m wide (as the side is only 3m total) - it wouldn't allow for a functional space and the result would look far less appealing given the location and space.

Thank you to the variance board for taking the time to review our situation and we apologize for any misunderstanding on our part.

Sincerely,



Donna and Rory Gatenby