

City of Kelowna Public Hearing AGENDA



Tuesday, October 22, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after October 08, 2013 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 Bylaw No.10890 (Z13-0031) - 260 Lake Avenue, Marianne Hill

4 - 25

The applicant is seeking to rezone the subject property from the RU3 – Small Lot Housing to the RU1c – Large Lot Housing with Carriage House zone to allow the construction of a carriage house.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first

time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for respresentation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: September 12, 2013
RIM No. 1250-30
To: City Manager
From: Urban Planning, Community Planning and Real Estate (BD)
Application: Z13-0031 **Owner:** Marianne Hill
Address: 260 Lake Avenue **Applicant:** Marianne Hill
Subject: 2013-10-07 Report Z13-0031 260 Lake Avenue
Existing OCP Designation: Single/Two Unit Residential
Existing Zone: RU3 - Small Lot Housing
Proposed Zone: RU1c- Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z13-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 14, ODYD, Plan EPP30347, located on 260 Lake Avenue, Kelowna, BC from the RU3 - Small Lot Housing zone to the RU1c- Large Lot Housing with Carriage House zone be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Heritage Alteration Permit for the subject property.

2.0 Purpose

The applicant is seeking to rezone the subject property from the RU3 - Small Lot Housing to the RU1c - Large Lot Housing with Carriage House zone to allow the construction of a carriage house.

3.0 Urban Planning

The proposal to rezone the site and add a carriage house is not unusual for the area and is supported by policies in the Kelowna Official Community Plan. It will add housing stock to an area close to the downtown core and many desirable urban amenities. The proposal has been configured to fit the site and provide ample open space between the dwellings. Favourably, the property has lane access to accommodate vehicle movements at the rear of the site to facilitate a pedestrian friendly interface to the street.

The proposal has been considered by the Community Heritage Committee who supported the development, given that it is sensitive infill and the carriage house will not be visible from the street.

A Heritage Alteration Permit accompanies this application to consider the form and character of the proposed building as well as consideration of a variance to legalize the western setback to the existing single family dwelling.

The “Public Notification and Consultation” requirement has been met through multiple personal conversations with neighbours and the display of a QR (“quick response” which can be scanned) code linked to the project website on the City Heritage Proposal sign. The applicant has informed staff that, one letter of support was received. No negative letters were received.

4.0 Proposal

4.1 Background

The subject property and neighbouring site were recently rezoned to the RU3- Small Lot Housing zone to facilitate a lot line adjustment with the intent of preserving the principal dwelling on the site. This application seeks to rezone the site to the RU1c -Large Lot Housing with Carriage House zone to allow the construction of a carriage house on the subject property.

4.2 Project Description

The proposal seeks to add an 89m² (958 sq. ft.) carriage house to the site. The proposed building configuration shows a double garage and living space on the ground floor and two bedrooms in the upper half storey. Private open space is located on the interior portion of the site and is accessed by a door from the main living area. The applicant plans to develop a country garden for the whole site, and will provide a screened private lawn area for the carriage house use. The existing attached carport will be removed to facilitate the development.

The proposed carriage house is finished in a white horizontal hardie board siding with grey shingles in the eaves. A front door is provided off the lane and parking is achieved within the two car garage with a third space on the east side of the site.

The plan meets the regulations of the Zoning Bylaw, with the exception of the principal dwelling’s existing west lot line. The variance to vary the west side yard setback from 2.0m required to 0.68 m proposed is incorporated in the scope of a Heritage Alteration Permit (HAP). Should the rezoning be successful the HAP will be considered by Council at a later date.

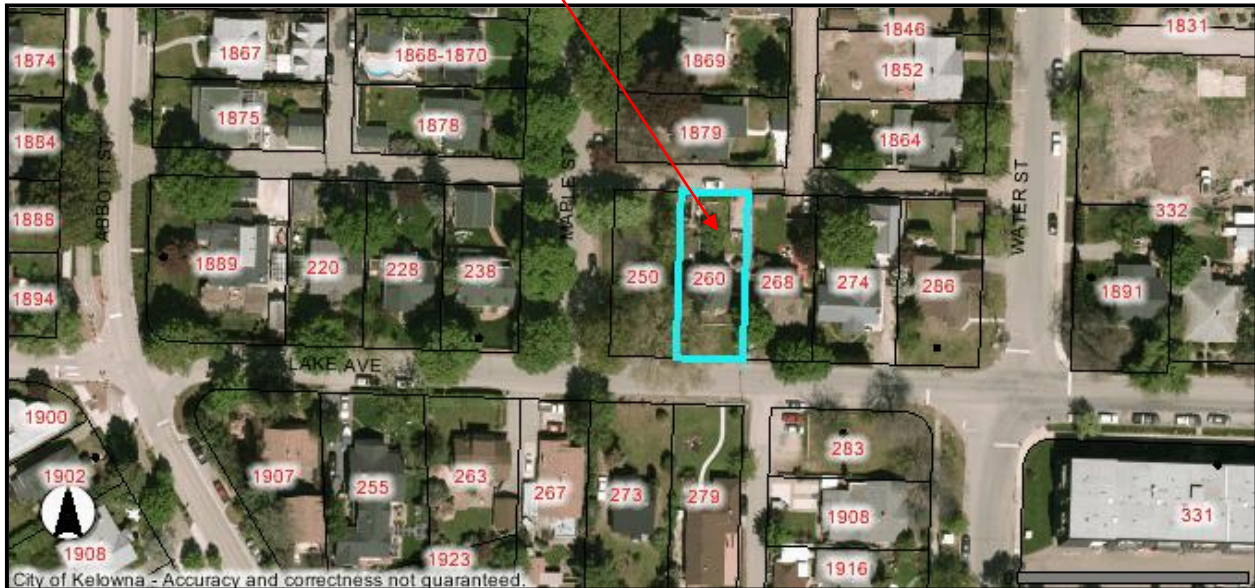
4.3 Site Context

The subject property is located on the north side of Lake Avenue in the Abbott Street Conservation area of Kelowna in close proximity to the Hospital and Downtown centre. The subject property is designated as Single/Two Unit Residential in the Official Community Plan, and the current building and dominate style are identified within the ‘Colonial Revival’ style.

The property is not on the Heritage register. Surrounding land uses are:

| <i>Direction</i> | <i>Zoning Designation</i> | <i>Land Use</i> |
|------------------|---------------------------|-----------------|
| North | RU1 - Large Lot Housing | Residential |
| South | RU1 - Large Lot Housing | Residential |
| East | RU1 - Large Lot Housing | Residential |
| West | RU3 - Small Lot Housing | Vacant Lot |

4.4 Subject Property: 260 Lake Avenue



4.5 Zoning Analysis

The proposed application meets the requirements of RU1c- Large Lot Housing with Carriage House zone follows:

| Zoning Bylaw No. 8000 | | |
|-----------------------------------|---------------------|--|
| CRITERIA | PROPOSAL | RU1c ZONE REQUIREMENTS |
| Subdivision Regulations | | |
| Lot Area | 589 m ² | 550 m ² |
| Lot Width | 16.104 m | 15 m |
| Lot Depth | 36.265 m | 30.0 m |
| Site Coverage (buildings) | 29 % | 40% |
| Site Coverage (buildings/parking) | 35 % | 50% |
| Principal Dwelling | | |
| Height | 6.5 m / 1.5 storeys | 2 ½ storeys / 9.5 m |
| Front Yard | 9.92 m | 4.5 m |
| Side Yard (e) | 4.9 m | 2.0 m (1 - 1 ½ storey) 2.3 m (2 - 2 ½ storey) |
| Side Yard (w) | 0.68 m ① | 2.0 m (1 - 1 ½ storey) |
| Rear yard | 16.07 m | 7.5m |

| Carriage House Development | | |
|---|---|---|
| Height | 4.5 m | 1 ½ storeys / 4.5 m |
| Front Yard | Exceeds requirements | 4.5 m |
| Side Yard (e) | 3.0 m | 2.0 m (1 - 1 ½ storey) |
| Side Yard (w) | 2.0 m | 2.0 m (1 - 1 ½ storey) |
| Rear yard | 1.5 m | 7.5m |
| Distance between dwellings | 8.2 m | 4.5m |
| Accessory foot print | 72.15 m ² or 12% of lot area | Lesser of 90m ² or 14% of lot area |
| Floor Area of principal dwelling ratio | Principal dwelling: 155 m ² Carriage House: 89 m ² 57 % | Lesser of 90m ² or 75% of the for principal dwelling |
| Other Requirements | | |
| Parking Stalls (#) | 3 spaces | 3 spaces |
| ① variance sought to legitimize west side yard setback. | | |

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

5.3 Heritage Conservation area - Objectives:²

- 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.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Chapter 16

6.0 Technical Comments

6.1 Building & Permitting Department

1) This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This building may be designed to low, which may affect the form and character of the building.

2) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

3) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).

4) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Branch

The following requirements are triggered by the Development Engineering:

Domestic Water and Fire Protection: This property is currently serviced with a 19mm-diameter copper water service. The service will be adequate for this application. One metered water service will supply both the main residence and the suite.

Sanitary Sewer: Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber which is adequate for this application.

Road Improvements: Lake Ave frontage improvements have been satisfied as part of a previous rezoning Z12-0059.

Development Permit and Site Related Issues: On-site parking modules must meet bylaw requirements. Direct the roof drains into on-site rock pits.

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.

6.3 Fire Department

Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met. If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open without special knowledge. Additional visible address is required from Lake Ave. Emergency access is from the main roadway and not the lane.

6.4 Fortis Electrical

There are primary distribution facilities along both Lake Avenue and the laneway adjacent to the north property line. The applicant is responsible for costs associated with any changes to the subject lot's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

7.0 Application Chronology

Date of Application Received: July 22, 2013

Community Heritage Commission August 1, 2013

The above noted application was reviewed by the Community Heritage Commission at the meeting on August 1, 2013 and the following recommendations were passed:

THAT the Community Heritage Committee support rezoning application No. Z13-0031 at 260 Lake Avenue to rezone the subject property from the RU3 zone to the RU1c zone.

Report prepared by:

Birte Decloux, Urban Planner

Reviewed by:

Danielle Noble-Brandt, Urban Planning Manager

Approved for Inclusion:

Doug Gilchrist, Divisional Director, Community Planning and Real Estate

Attachments:

Subject Property Map
Site Plan / Survey Plan
Conceptual Elevations
Context/Site Photos
Rationale

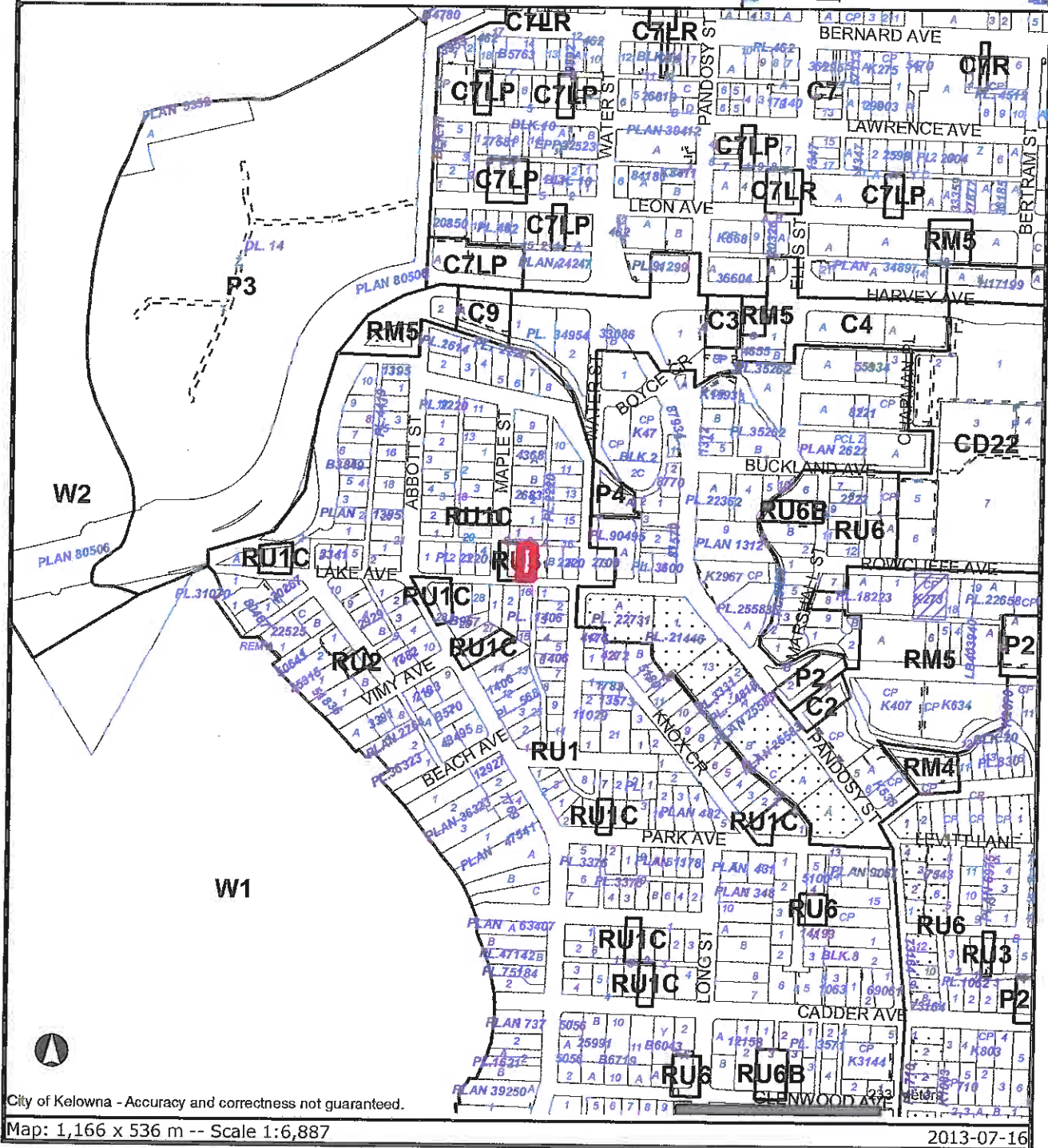
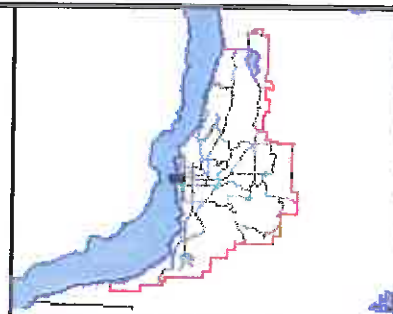
Z13-0031/DVP13-0016

HAP13-0010

260 LAKE AVE



Subject Property



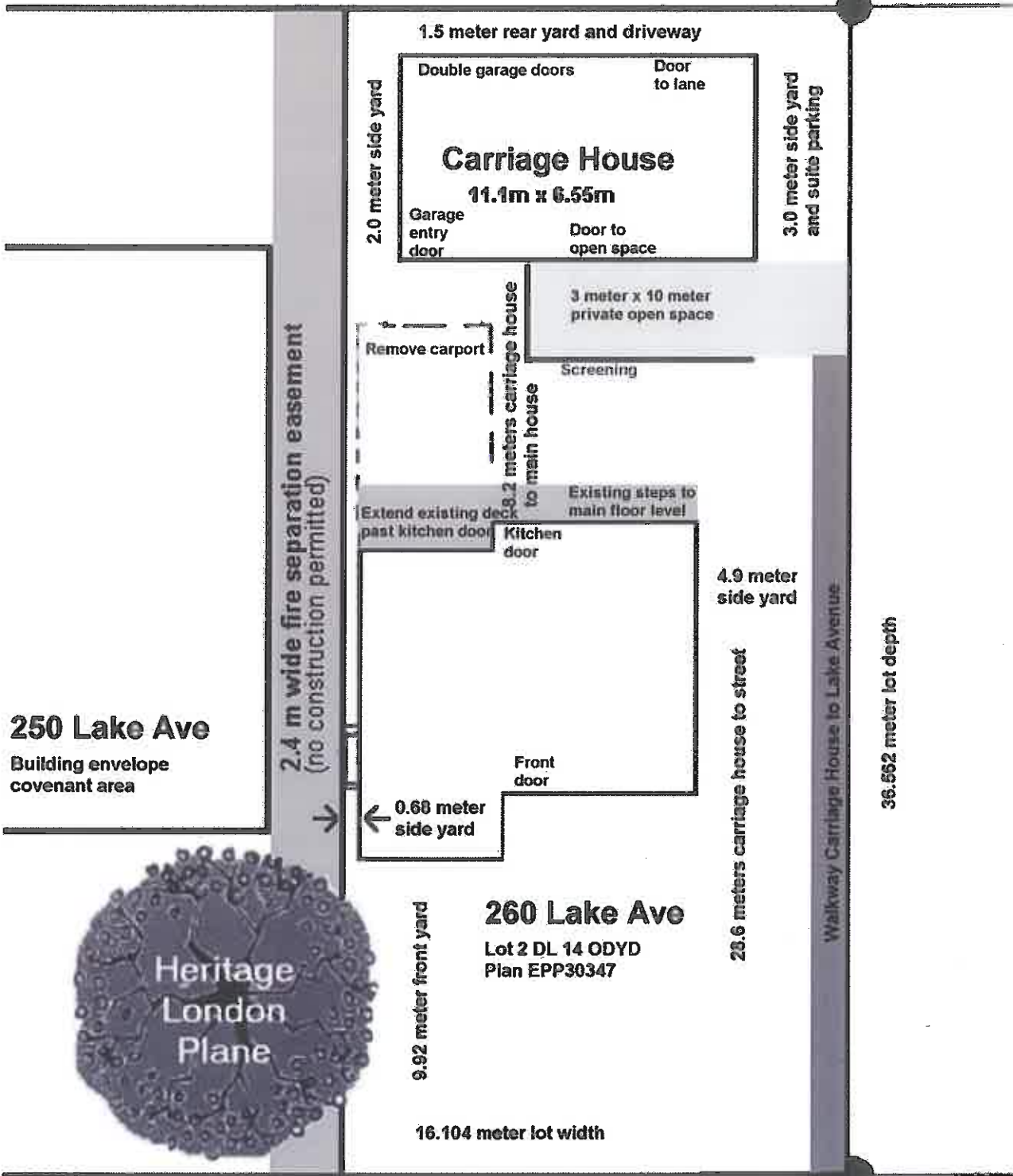
City of Kelowna - Accuracy and correctness not guaranteed.

Map: 1,166 x 536 m -- Scale 1:6,887

2013-07-16

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

LANE



250 Lake Ave
Building envelope
covenant area



Heritage
London
Plane

9.92 meter front yard

260 Lake Ave
Lot 2 DL 14 ODYD
Plan EPP30347

16.104 meter lot width

4.9 meter
side yard

20.6 meters carriage house to street

36.562 meter lot depth

Walkway Carriage House to Lake Avenue

Scale in meters

10

20

Lake Avenue

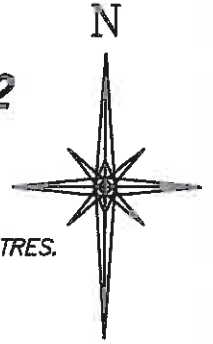
Phone 250 212 3538
Fax 778 478 3538
Email mariannejhil@gmail.com

Marianne J Hill
260 Lake Avenue
Kelowna, BC V1Y 5W7

Lemon Garden Design

Proposed Carriage House for 260 Lake Avenue, Kelowna

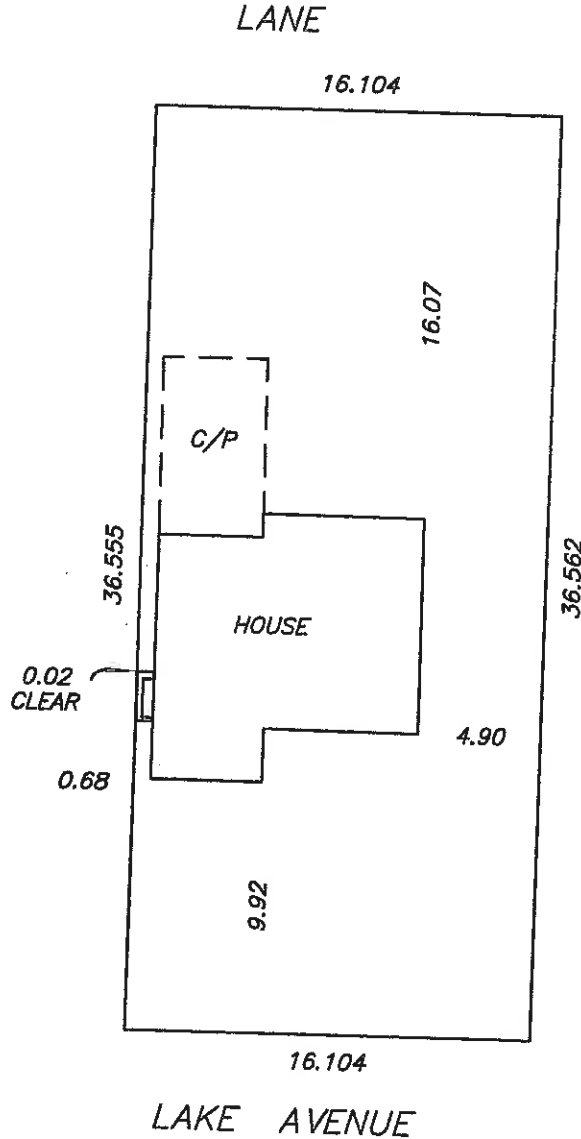
B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON PROPOSED LOT 2 PLAN EPP30347 D.L. 14 O.D.Y.D.



SCALE 1:300

DISTANCES ARE IN METRES.

Civic Address:
260 Lake Avenue
Kelowna, BC



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© This document is not valid unless originally signed and sealed.

CERTIFIED CORRECT
this 29th day of April, 2013.


D.A. Goddard BCLS

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

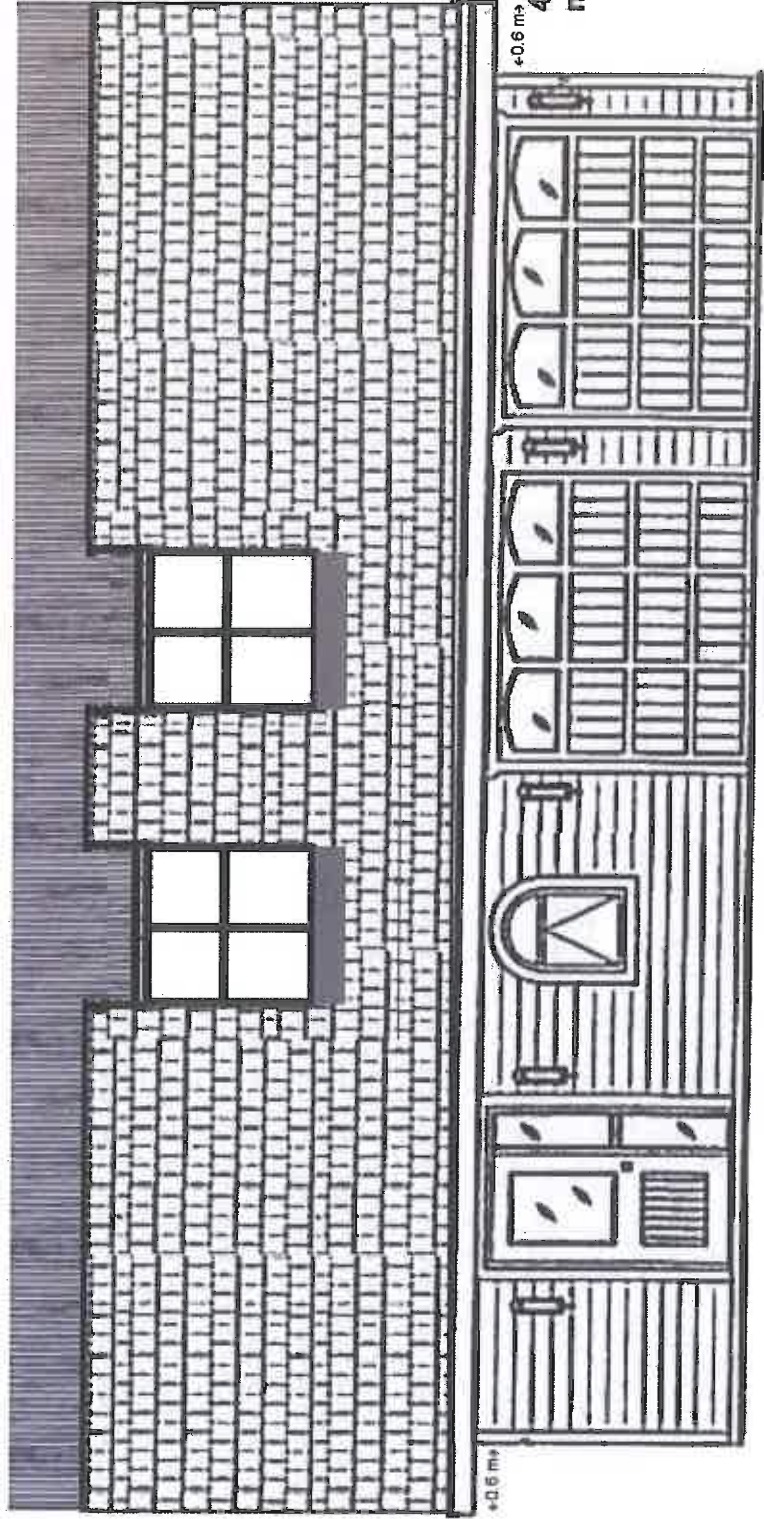
FILE 15941 FB 360
CLIENT MARIANNE HILL

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

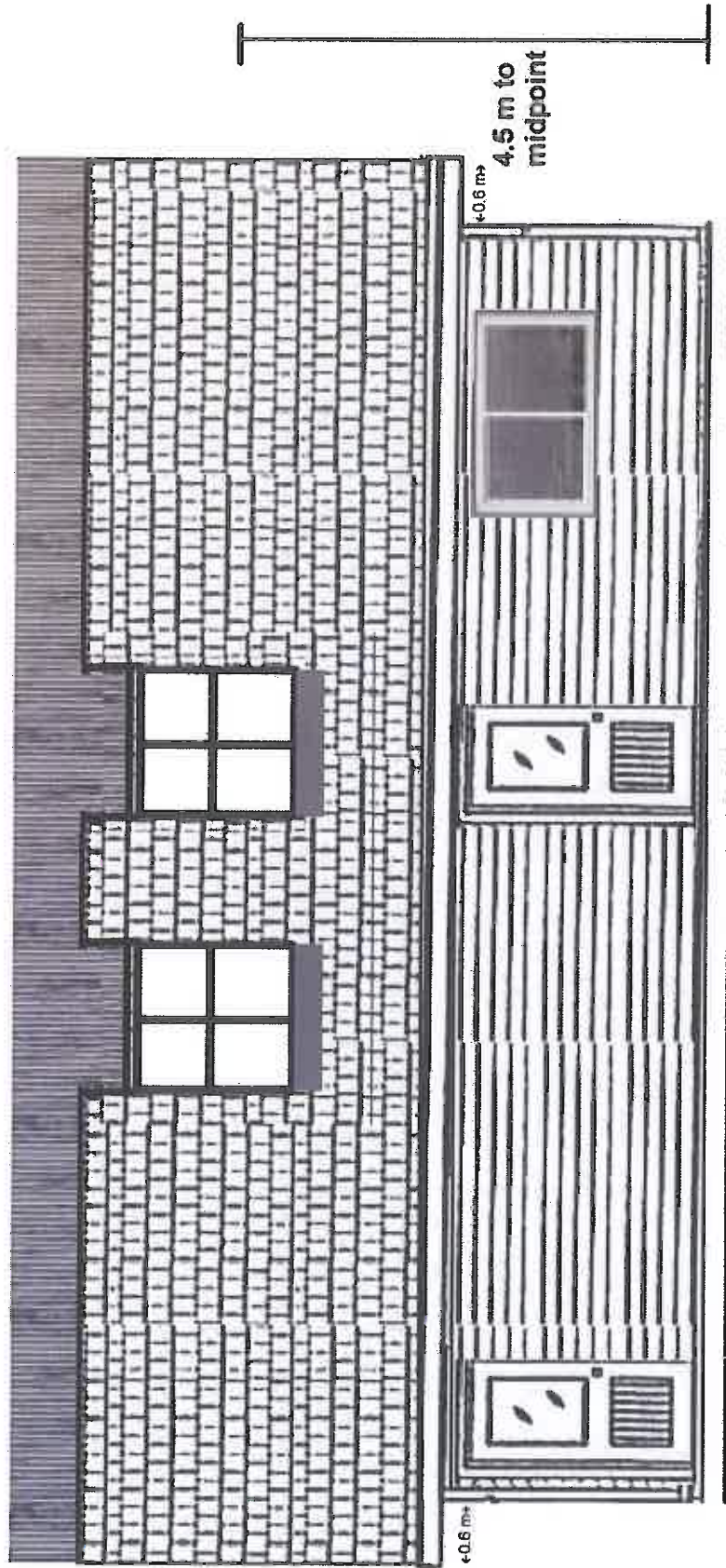
1.2 m | 1.0 m | 1.2 m



11.1 m

North Elevation

1.2 m | 1.0 m | 1.2 m



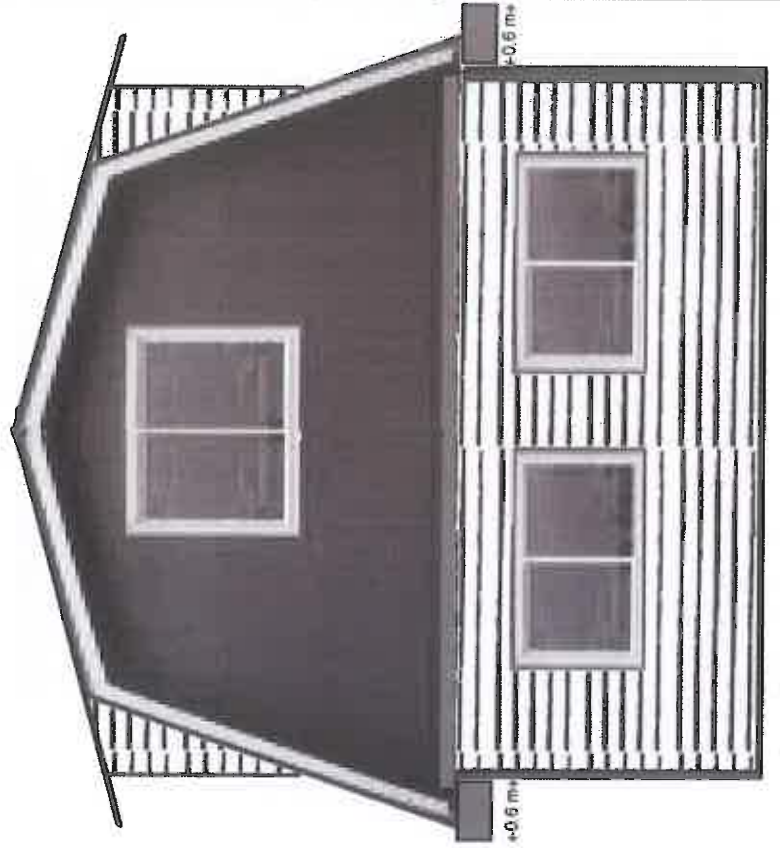
11.1 m

South Elevation



The Inspiration for the Design

Colonial Cottage in Woodstock, Vermont



4.5 m to
midpoint

6.5 m

End Elevations

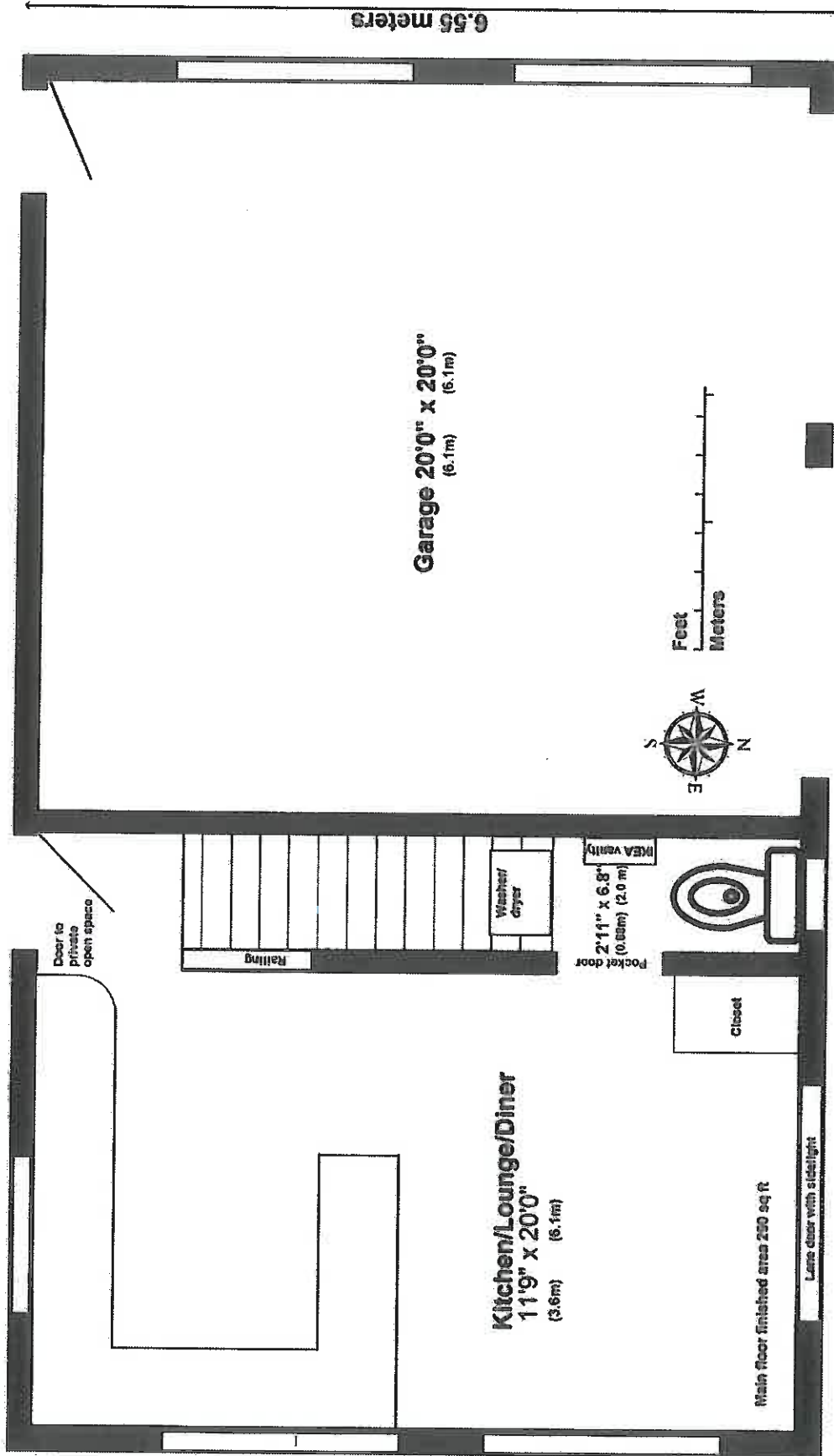
Proposed Carriage House for 260 Lake Avenue, Kelowna

Marianne J Hill
260 Lake Avenue
Kelowna, BC V1Y 5W7

Phone 250 212 3538
Fax 778 478 9538
Email mariannejhil@gmail.com

Lemon Garden Design

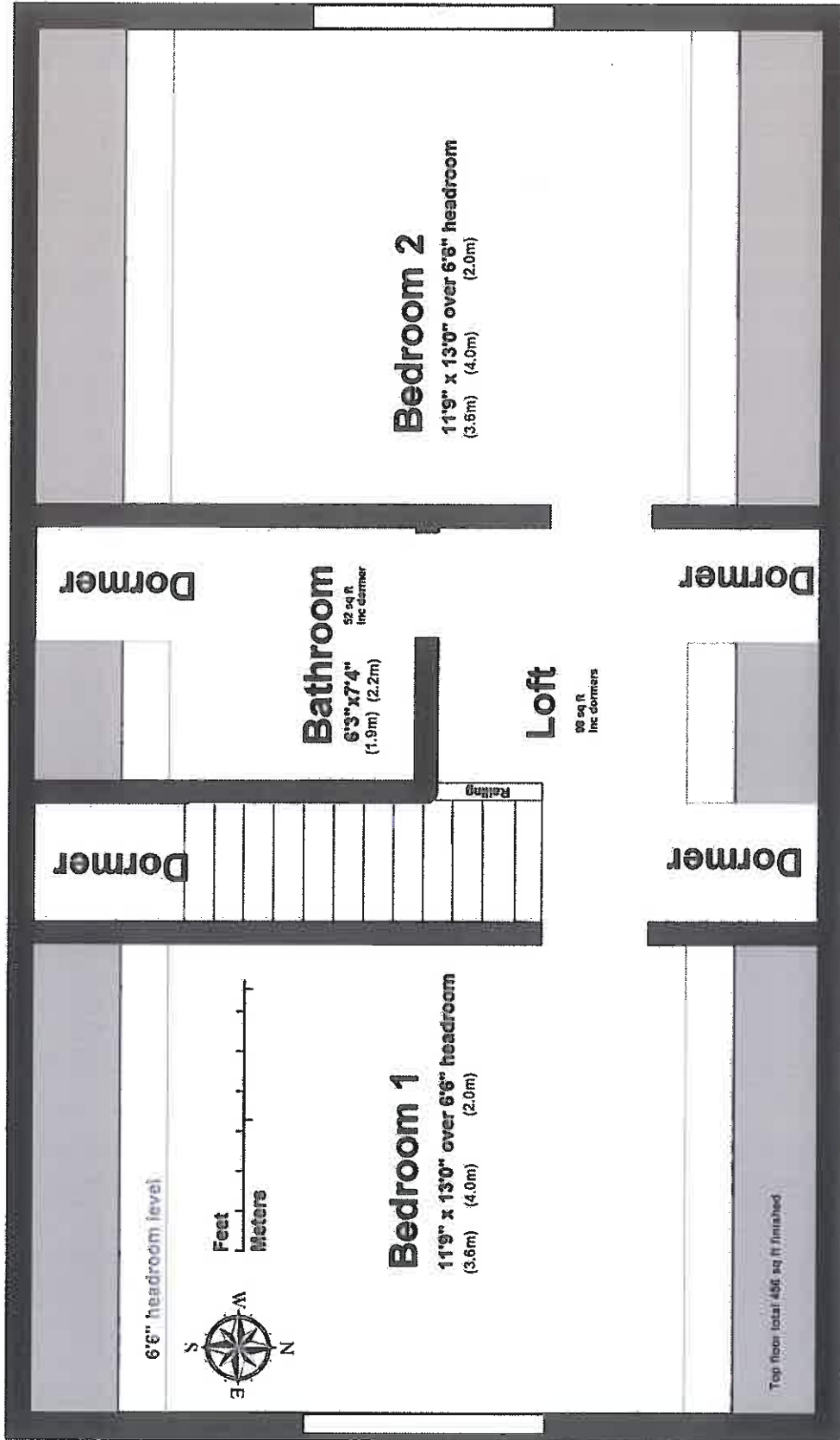
11.1 meters



Main floor plan

11.1 meters

6.55 meters



Upper floor

Landscaping Plan 260 Lake Avenue



The landscaping plan for the vicinity of the proposed carriage house will follow the "Country Garden" theme adopted for the existing house,

Smaller vistas will incorporate floral features and planters similar to that shown to the right here, which is a shot of a planter currently in use at the southwest corner of the existing house.



Broader vistas will be similar to the picture below, which is shot of the front garden of the existing house.



The area currently occupied by the carport which is to be removed will be laid down to lawn, as will the open expanse of the rear yard and the private open space for the suite.

It is doubtful that the mature apple tree can be saved because the heartwood is almost totally rotted.





● View north east



● View south east



● View south west



● View north west



● View south east



● View south west



● View north west



● View north east

2501/260 Lake Avenue Kelowna

photographs of immediate area

260 Lake Avenue Redevelopment



A development which preserves the existing house and tree while adding another dwelling



Statement of Rationale

The Original Situation

Two separate large lots, but only one small house

The parcel consisted of two lots, Lot 5 Block D District Lot 14 Osoyoos Division Yale District Plan 2220 and Lot 6 of the same block, containing one small house, municipally known as 260 Lake Avenue. That house comprises 1,686 sq ft (approx 155 square meters) on two floors. Each lot comprised 535 square meters.

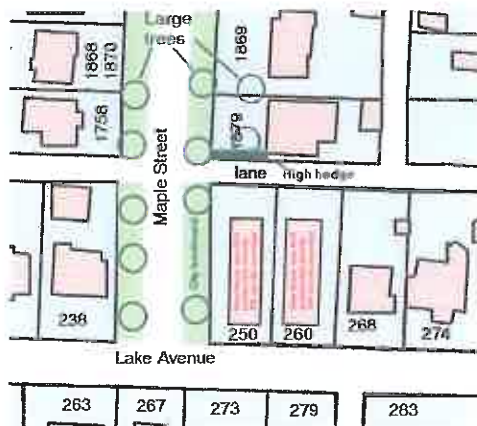


Both lots were zoned RU1 (Large Lot Housing). A satellite view with the lot boundaries superimposed is shown here.

In 1939 a building permit was issued for construction of the house on the easternmost of the lots (Lot 6). However, as a result of a builder's error the house was constructed such that it encroached 1.5 meters (about 5 feet) onto the westernmost Lot 5.

For over seventy years this prevented the development of Lot 5, perpetuating an extremely inefficient use of land within this central, single-detached neighbourhood.

"As-Of-Right" Development Option



Within the RU1 zone the zoning bylaw permits site coverage of up to 40% which would be 214 square meters for each lot. Side yard requirements reduced Lot 5 to a coverage of 192 square meters. This configuration is shown here.

214 square meters is 2,303 square feet and adjusting for wall thicknesses, etc. results in a finished area of about 2,107 square feet per story. A 2½ story house could therefore legally have about 5,250 square feet. The equivalent for Lot 5 would be about 4,750 square feet.

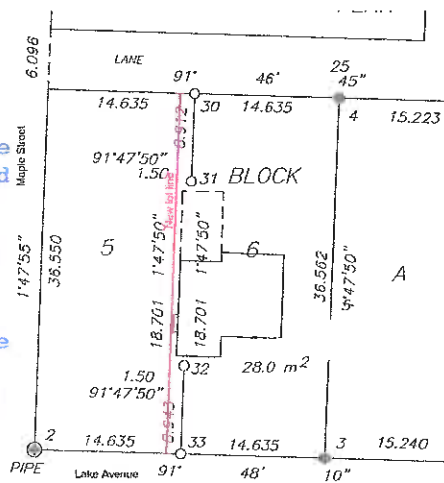
Within the existing zoning, two houses with a total floor area of 10,000 square feet could have been constructed. However this would have required demolition of the existing house and felling the historic London Plane tree.

Preservation of Existing House

The initial design proposal for construction on #250 was not accepted by Kelowna City Council although an alternative design may be submitted at a later date.

However, this lot line adjustment also rendered #260 of a conforming size for the construction of a carriage house and the owner has elected to proceed with this, if approved, ahead of developing #250.

Additionally or alternatively, now that the lots may both be built on, #250 may be sold to another developer.



In order to avoid demolition of the existing house and destruction of the tree in order to develop the vacant lot, the owner opted to resolve the encroachment by adjusting the lot boundary line 1.5 meters to the west and designing a house smaller than the maximum allowed by the zoning to place upon it.

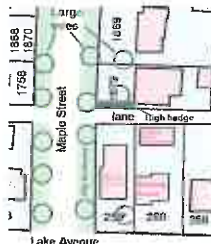
Provisions of the provincial Land Titles Act required that both lots be zoned as RU3 (Small Lot Housing) at the time the lot line adjustment was made.

Accordingly, the owner made a rezoning application which was approved by Council after a public hearing on December 11th, 2012.

Subsequently a Heritage Alteration Permit was sought for the construction of a house with a finished floor area of 2,637 square feet on Lot 5 (250 Lake Avenue).

Completion of this new house will result in a total developed floor area of 4,323 square feet for the two properties, as compared to the original as-of-right figure of 10,000 square feet.

Addition of Garage to Existing House



The flat-roofed carport added to the existing house in 1964 is not appropriate to the style of the house itself. It does not complement the New England style of the existing house, but rather clashes with it.

Accordingly, the owner proposes to remove the carport and to construct a double garage, also accessed from the lane.

In keeping with most such recent garage construction in the area, the owner proposes to incorporate a secondary suite of some 960 square feet in this accessory building.

Addition of such a suite will result in a total finished floor area of 5,283 square feet for the two properties, as compared to the original as-of-right figure of 10,000 square feet.

Inclusion of this suite in the garage building will require the zoning of the property to revert to Large Lot Housing.

Zoning Considerations

Rezoning to Small Lot Housing (RU3) was performed with either reluctance or outright opposition from all parties involved, the owner, the community, city staff, KSAN, FRAHCAS, Community Heritage Committee and City Council.

There was little objection to rezoning the vacant lot because correcting the encroachment reduced its width below the legal minimum for RU1, but real concerns were expressed as to the ramifications of rezoning the lot with the old house.

It was approved as a necessary legal technicality because it was the only way in which the old house and tree could be preserved while developing the vacant lot.

However, once the revised lot details had been filed with the provincial Land Titles Office, jurisdiction over the property reverted wholly to the City of Kelowna.

Accordingly it is now legally possible to change the status of the lot to that which most people considered most desirable originally, had it been legal. That is, to zone the lot Large Lot Housing and accept the non-conforming status of the existing house by granting a zero lot line variance for that house alone.

That obviates one concern expressed about the zoning, namely the existence as a precedent of two adjacent properties both zoned RU3 in a Heritage Conservation Area.

That concern was expressed in terms of a fear that two adjacent RU1 lots with an aggregate total width of at least 25.5 meters could be rezoned to RU3 and then re-subdivided into three lots.

Another concern obviated would be the fear which someone expressed that a future owner of the property could, under RU3, demolish the old house and build a 5,750 square foot "castle" right up to the western lot line. Under RU1 that would not be possible, since the new construction would have to honour RU1 setbacks.

Enhanced Preservation of Old House



Although the RU3 zoning and lot line adjustment made it possible to develop the vacant lot without demolition of the existing house, it did not guarantee it. A future owner could still demolish the old house and build a 5,750 square foot property on the lot.

Construction of a "carriage house" pattern garage with site coverage of 71 square meters would reduce the available site coverage from 236 to 165 square meters, unless the carriage house were also demolished.

This, plus the increased market value resulting from the addition of such a structure and the extensive restoration which the encroachment correction made viable, makes demolition much less attractive economically to a potential redeveloper. It will no longer be possible to view the house as a "tear-down" inefficiently occupying valuable land.

Aesthetic Considerations



The view of the property along the lane, when looking east from Maple Street is currently not the most aesthetically pleasing.

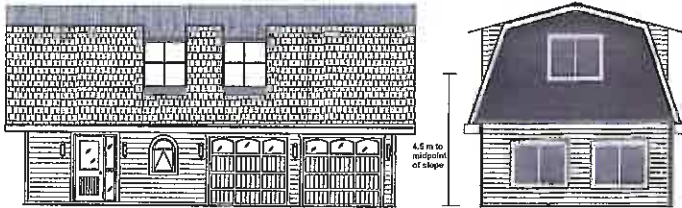
In particular the carport, which was added in 1964, does not conform in style with either the house it is attached to or the surrounding properties, particularly those on Maple Street.

Neighbours have expressed negative sentiments about it and these are shared by the owner.

The new house proposed for construction on the vacant lot (250 Lake Avenue) will ameliorate the situation to a certain extent by blocking the view of both the carport and the plethora of mismatched fencing from some viewpoints.

However, they will still be clearly visible from Maple Street and the Maple Street end of the back lane since the new house will have a 7.5 meter rear yard setback.

Construction of the carriage house proposed here will dramatically enhance the appearance of the back lane and the rear of the property.



It will complement in style both the existing house and the neighbourhood.

Various groups have expressed the desire that the 1800 block of Maple Street should match the appearance of Eastern Canada and New England,

not only in order to maintain a consistency of architecture, but to make it more attractive as a location for the TV and film industry.

This development will contribute strongly to the achievement of that goal.

**REFERENCE PLAN OF EASEMENT IN
LOT 1 D.L. 14 ODYD PLAN EPP30347**

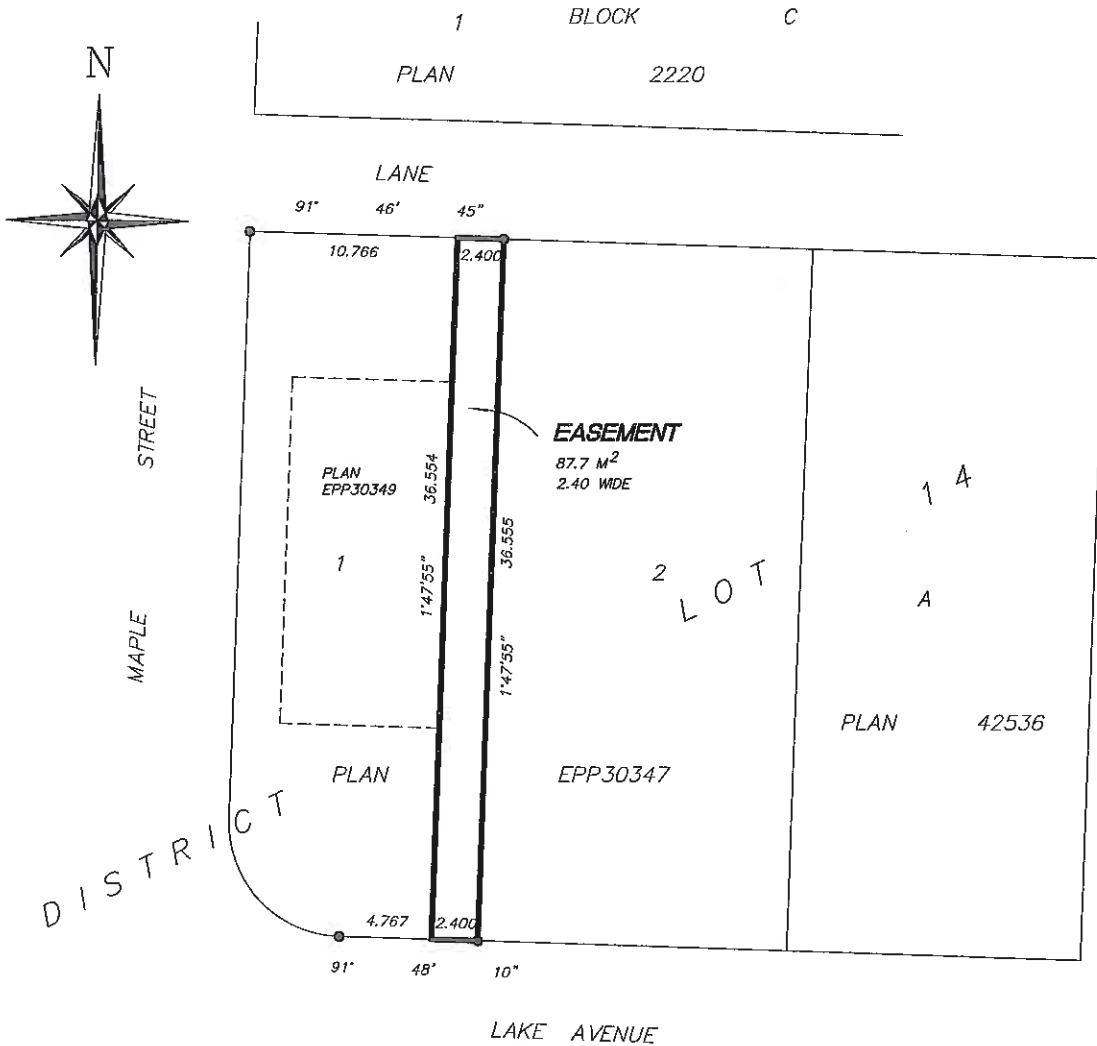
EPP 30348

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT

SCALE 1:250 BCGS 82E.083



The intended size of this plan is 279 mm in width by 432 mm in height (B size) when plotted at a scale of 1:250.



LEGEND

- Iron Post Found
- Iron Post Set

This plan lies within the Central Okanagan Regional District.

The field survey represented by this plan was completed by Douglas A. Goddard on the 26th day of April, 2013.

Grid bearings are derived from Plan EPP30347.

15941 EASEMENT FB 360

Integrated survey area No. 4 - City of Kelowna NAD83 (CSRS).

This plan shows horizontal ground-level distances except where otherwise noted.

D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELOWNA PHONE 250-763-3733