



Until recently, the house located on 260 Lake Avenue straddled both 250 and 260 Lake Avenue. In 2012 and 2013, the parcel was subject of a rezoning and lot line adjustment, which resulted in the current lot configuration in which the existing dwelling is located entirely on 260 Lake Avenue, leaving the subject property (250 Lake Ave.) with a smaller lot zoned RU3 - Small Lot Housing. This process allowed for the preservation and restoration of the house on 260 Lake Avenue. As part of the rezoning, the developable area of the subject property (250 Lake Ave.) was limited through the use of a building envelope covenant, outside the boundaries of which no structures would be permitted.

In 2013, the applicant brought forward a proposal for a new single detached dwelling on the subject property. However, after thorough consideration by the CHC, and by Council, the proposal was rejected. Concerns from the CHC at that time focused on the siting and massing of the proposed dwelling in relation to the neighbourhood context.

### 3.2 Project Description

The applicant is proposing to construct a new single detached dwelling, which includes an attached two-car garage and a secondary suite, on the subject property. The home is sited within the confines of the building envelope covenant that is registered on the title of the lot.

The proposed dwelling consists of two levels. On the first level and contains the main living areas for the house as well as a two-car garage with entry stairs to the secondary suite on the upper level. The second level contains the home's bedrooms, and a separate bachelor suite of 46.8 m<sup>2</sup>. In total, the floor area of the home is 212 m<sup>2</sup> (2,285 ft<sup>2</sup>) exclusive of the garage. The height of the dwelling is 7.15 m and two storeys, though much of the second level is contained within the roof peak using dormers to reduce the building's visible massing.

The principal form of the building is a "saltbox" style of American colonial architecture, which comprises the southern half of the building having its roofline running east-west. This traditional colonial form grounds the design fronting onto Lake Avenue. The secondary element of the dwelling is a two-car garage with a bachelor suite above located on the north side of the saltbox element. These two portions of the house are linked with a kitchen and covered patio on the main floor, and bedrooms and bathrooms on the upper level.

In terms of form and character, the proposal complies with many of the characteristic components of the "colonial revival" style, including:

- Stately feel to the architecture
- High to medium gable roof form
- Horizontal lap-board siding (no corner-board)
- 1 ½ & 2 storeys with attic massing
- Grand entrance (columns, entablature etc.)
- Vertical double-hung window openings
- Single & multi-sash window assembly
- Multiple pane windows (munton bars)
- Symmetrical fronts on more formal homes

However, the following characteristic components are not included in the proposed design:

- Flush roof verges
- Window shutters

Access for the dwelling is taken from the laneway on the north side of the lot, with two parking stalls within the garage, and a separate parking stall for the suite. Private open space for the suite is located on the northeast corner of the site, with direct access from the suite. According

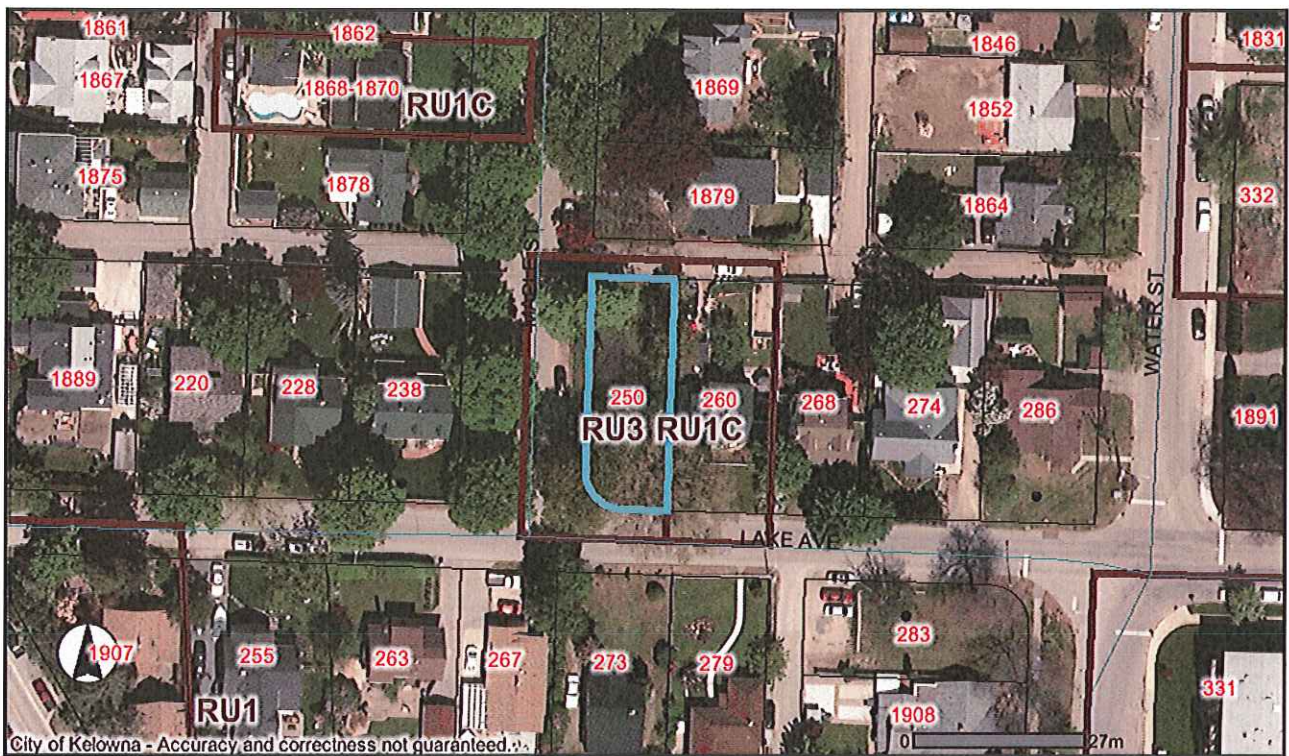


to the applicant, landscaping for the site will be consistent with the “country garden” theme established at 260 Lake, and the lot will be bounded by a white picket fence. The front yard (facing Lake Avenue) will be principally turf, with a pathway to the front entry. The front yard also contains a London Plane Tree, which is protected by covenant.

### 3.3 Site Context

The subject 473 m<sup>2</sup> (448 m<sup>2</sup> without road reserve) property is located at the northeast corner of Lake Avenue and Maple Street within the Abbott Street Heritage Conservation Area. The lot is zoned RU3 - Small Lot Housing and designated as Single/Two Unit Residential in the Official Community Plan. At present, the lot is undeveloped, being recently the subject of a lot line adjustment with the parcel at 260 Lake Avenue. The site is bordered by established, RU1 single family development.

Subject Property Map: 250 Lake Avenue



### 3.4 Zoning Analysis Table

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

Zoning Analysis Table		
CRITERIA	RU3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	290 m <sup>2</sup>	444.18 m <sup>2</sup> (excl. road reserve)
Lot Width	10.0 m	13.17 m
Lot Depth	30.0 m	36.56 m
Site Coverage (buildings)	40%	30.3 %
Site Coverage (buildings & parking)	50%	44.8 %



Development Regulations		
Height	Lesser of 9.5 m or 2 ½ storeys	7.15 m / 2 storeys
Front Yard (south)	3.5 m	11.0 m
Side Yard (west)	2.5 m	2.5 m
Side Yard (east)	1.2 m	2.4 m
Rear Yard (north)	7.5 m	7.5 m
Other Regulations		
Required Parking	2 stalls	3 stalls

#### 4.0 Current Development Policies

##### 4.1 Kelowna Official Community Plan (OCP)

###### Chapter 9 - Heritage Policies

Objective 9.2 Identify and conserve heritage resources.

Policy 9.2.4 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.

###### Chapter 16 - Heritage Conservation Area

Objectives:

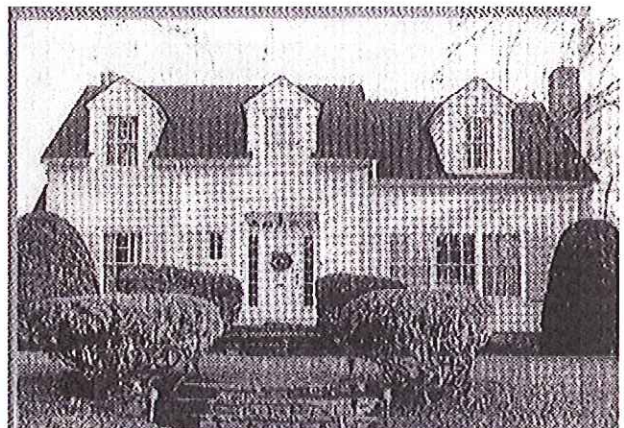
- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to 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.

##### 4.2 Heritage Conservation Area Development Guidelines


The first civic phase spans from the earliest urban subdivisions dating around 1904 and continues to the end of the Great War. This period is noted for the variety of revival architectural styles which were popular at the time.

###### *Colonial Revival Characteristics*

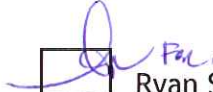

- Stately feel to the architecture
- High to medium gable roof form
- Flush roof verges
- Horizontal lap-board siding (no corner-board)
- 1 ½ & 2 storeys with attic massing
- Grand entrance (columns, entablature etc.)
- Vertical double-hung window openings
- Single & multi-sash window assembly
- Window shutters
- Multiple pane windows (munton bars)
- Asymmetrical front facade on cottages
- Symmetrical fronts on more formal homes
- Grand front drive & rear yard parking



**Report prepared by:**

  
\_\_\_\_\_  
James Moore, Planner II

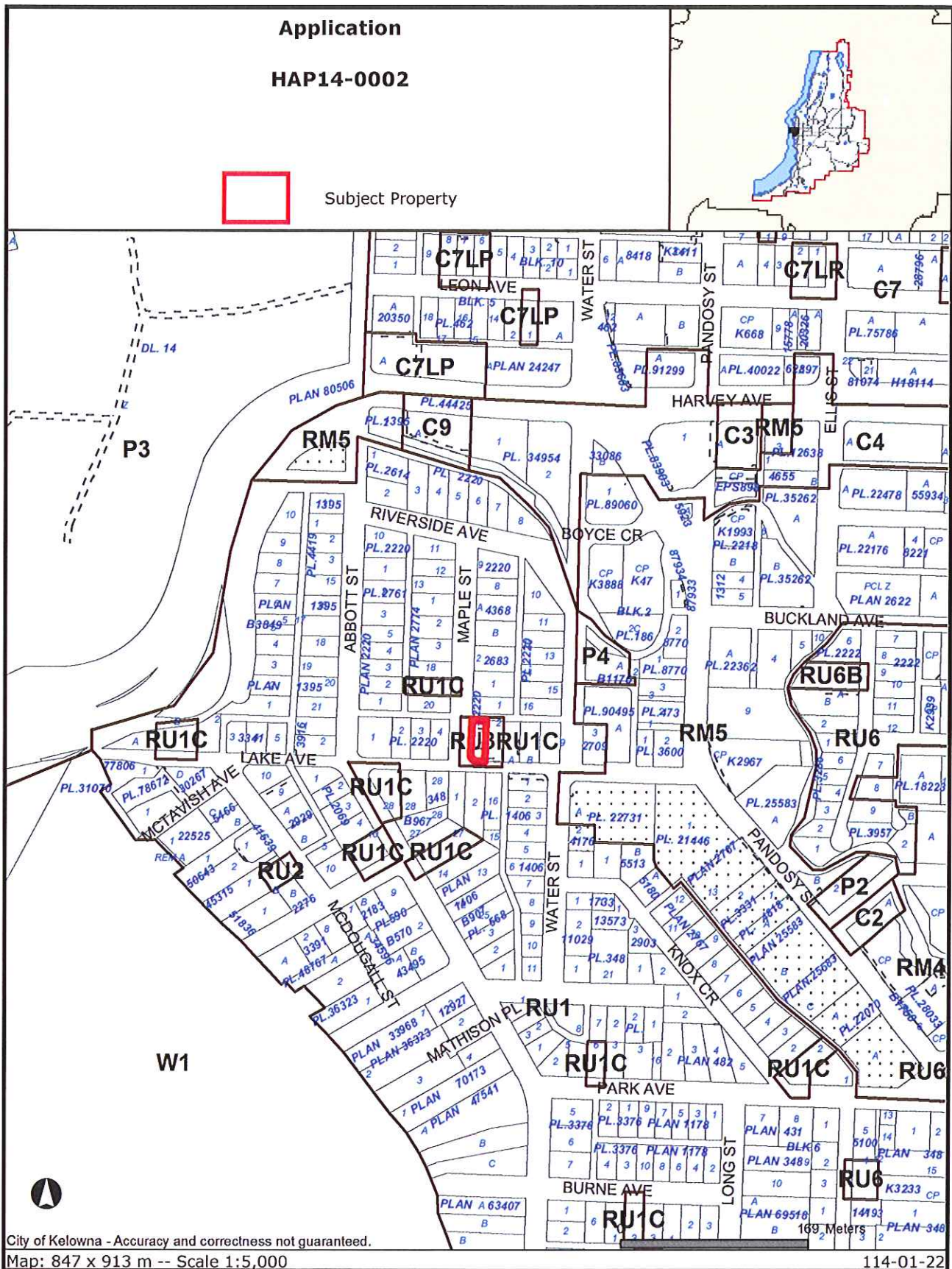
**Reviewed by:**

  
 Ryan Smith, Urban Planning Manager

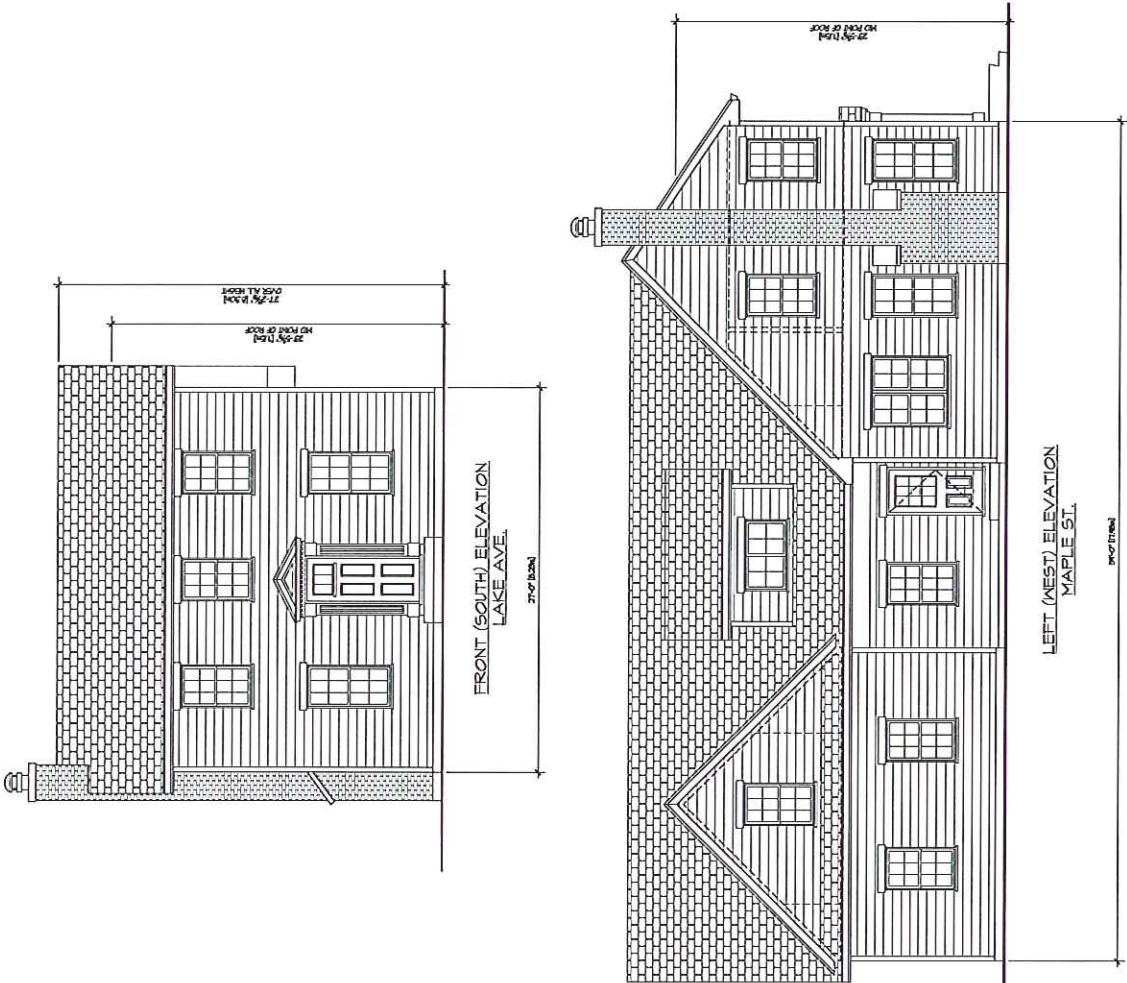
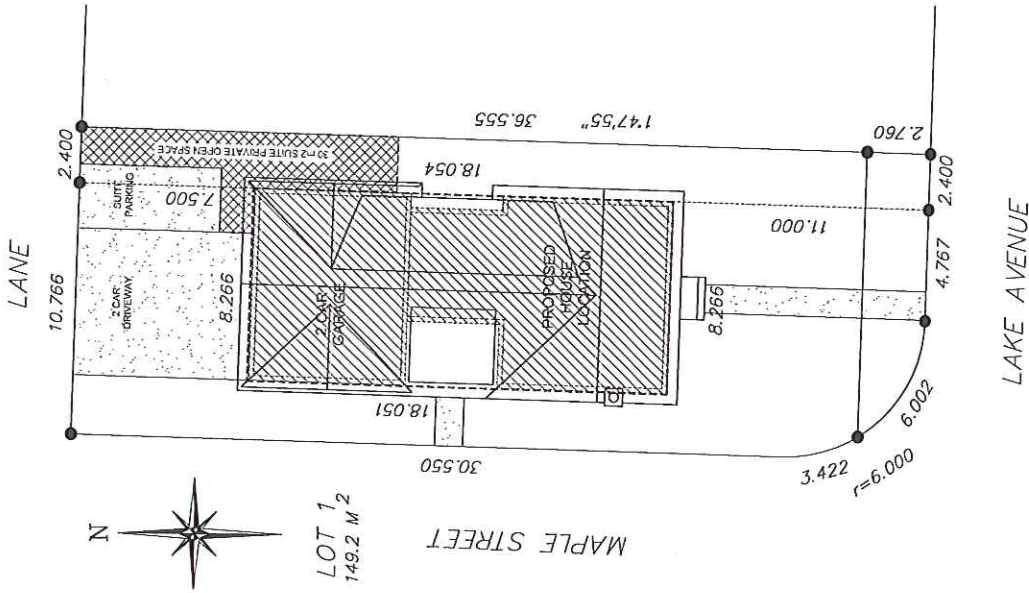
**Attachments:**

Subject Property Map (1 page)  
Site Plan/Elevations (2 pages)  
Floor Plans (2 pages)  
Colour Board (1 page)  
Landscape Plan (2 pages)  
Supporting Materials and Rationale (4 pages)





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.



**ERRORS AND OMISSIONS**

BAXTER DESIGN & SHANE BAXTER shall not be responsible for any mistakes or omissions resulting from any information or data provided to BAXTER DESIGN & SHANE BAXTER by the client, or from any information or data provided to BAXTER DESIGN & SHANE BAXTER by any other party. BAXTER DESIGN & SHANE BAXTER shall make every effort to provide complete and accurate information and drawings, but shall not be responsible for any errors or omissions which may occur in the construction of the project. It is the responsibility of the client to verify the dimensions and details before commencing with the construction of the project. BAXTER DESIGN & SHANE BAXTER shall not be responsible for any mistakes or omissions which may occur in the construction of the project.

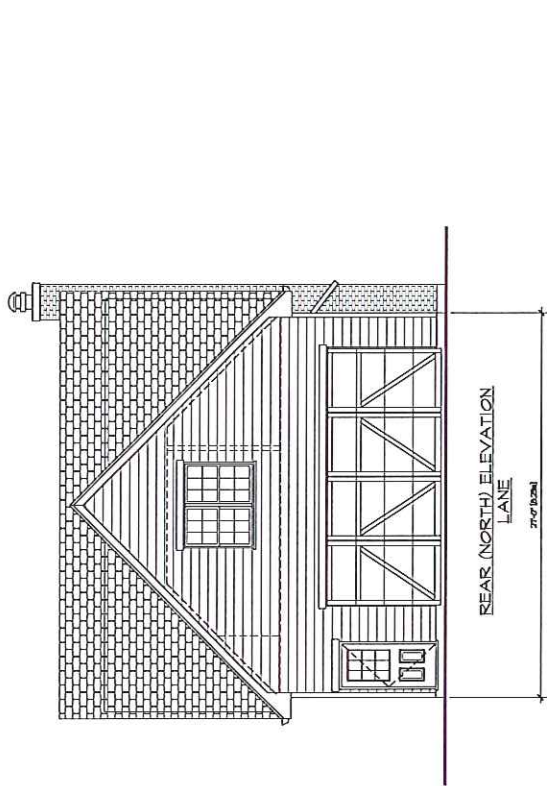
**BAXTER DESIGN**  
SHANE BAXTER DESIGN INC.  
1400 W. LAKESHORE DR.  
LAKE WATKINS, CO. 80401  
PH: (303) 867-6662  
email: baxterdesign@baxterdesign.com

PROPOSED RESIDENCE OF:  
250 LAKE AVE  
SCOTLAND, O.C.

DRAWING SCALE: 1/4" = 1'-0"  
DATE: FEB 24/14  
REV. DATE(S):  
DRN. BY: S.H.L.

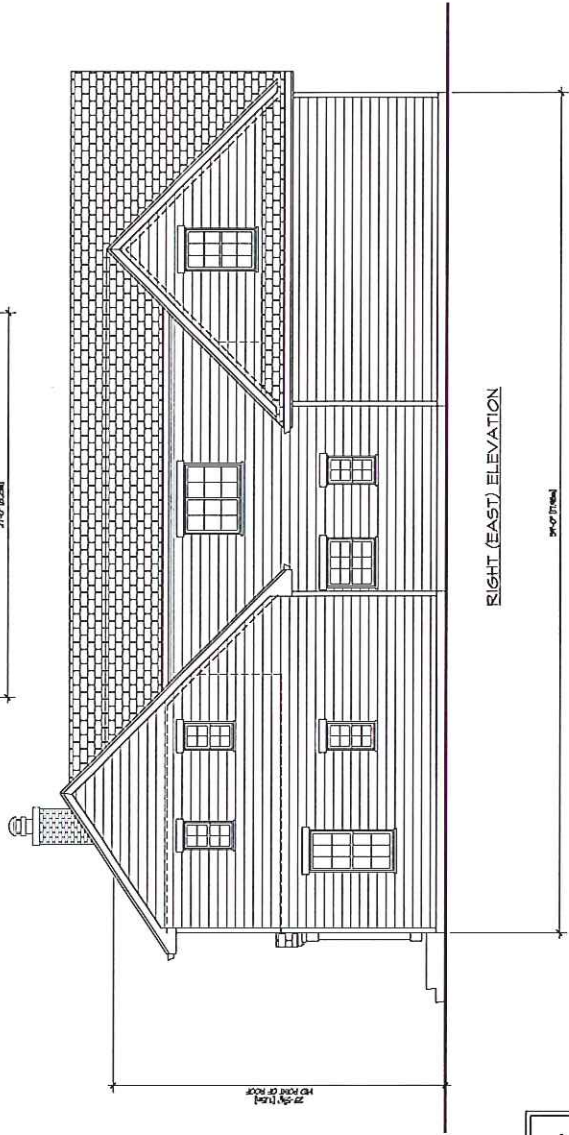
**PRELIMINARY PLANS** 1/4





REAR (NORTH) ELEVATION

27'-0\"/>



RIGHT (EAST) ELEVATION

39'-0\"/>

27'-0\"/>

**ERRORS AND OMISSIONS**

BAXTER DESIGN & SHANE BAXTER shall not be responsible for any omissions or errors in this drawing or any other drawings or specifications resulting from conditions or circumstances of the job site, not used in the work.

BAXTER DESIGN & SHANE BAXTER makes every effort to provide complete and accurate drawings and specifications. It is the responsibility of all who use these drawings and specifications to check for errors and omissions. BAXTER DESIGN & SHANE BAXTER shall not be responsible for any omissions or errors in these drawings and specifications.

**BAXTER DESIGN**  
 SHANE BAXTER DESIGN INC.  
 250 LAKE AVE  
 KEOURNA, S.C.  
 TEL: (803) 862-3662  
 email: baxterdesign@baxterdesign.com

PROPOSED RESIDENCE OF:  
 250 LAKE AVE  
 KEOURNA, S.C.

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

DATE: FEB 24/14

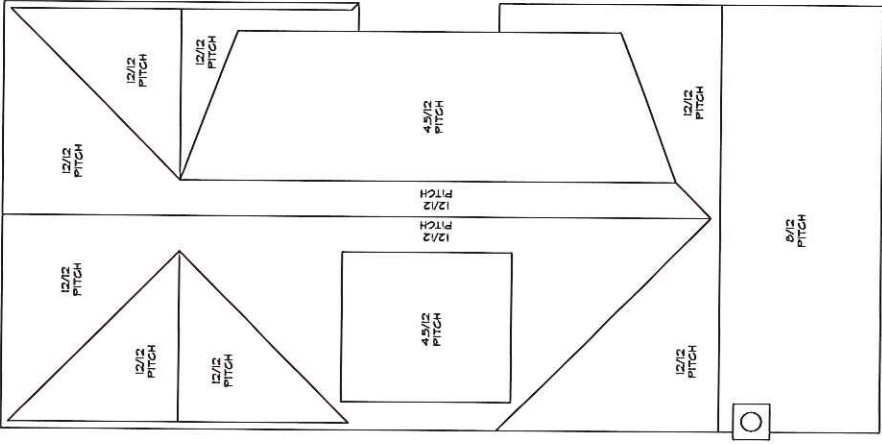
REV. DATE(S):

DRN. BY: S.H.B.

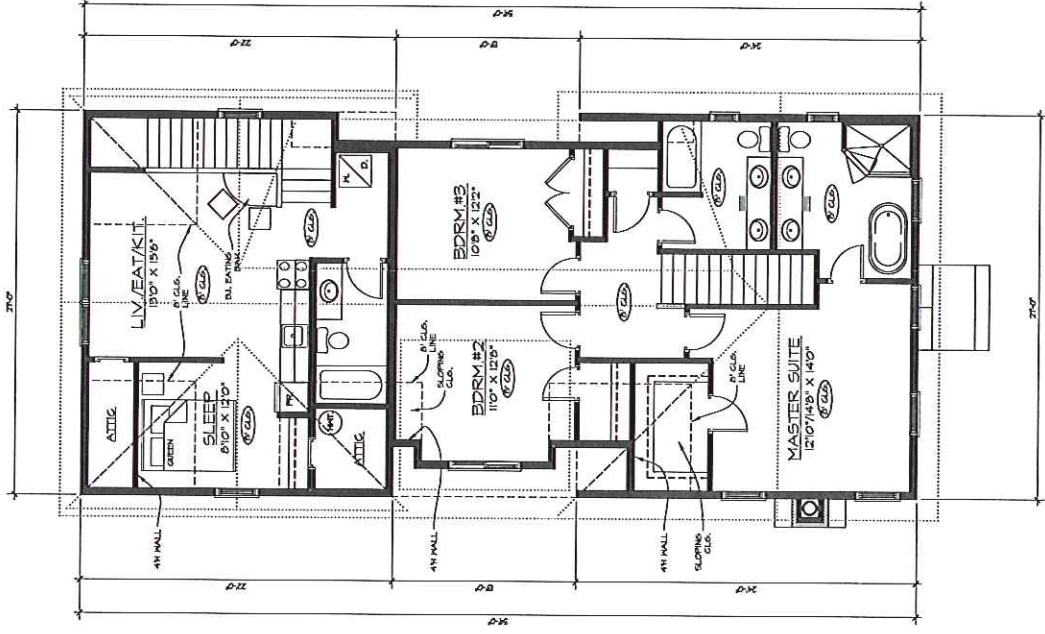
PRELIMINARY PLANS 2/4







ROOF PLAN



UPPER FLOOR PLAN 417 SQ. FT.  
 BACHELOR SUITE 504 SQ. FT.

**ERRORS AND OMISSIONS**

SHANE BAXTER DESIGN INC. AND SHANE BAXTER DESIGN INC. ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS RESULTING FROM THESE PRELIMINARY PLANS. THE CLIENT IS RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS OF THE JOB SITE, AND IN THE EVENT OF ANY ERRORS OR OMISSIONS WHICH MAY AFFECT CONSTRUCTION, IT IS THE RESPONSIBILITY OF THE CLIENT TO NOTIFY SHANE BAXTER DESIGN INC. IMMEDIATELY. SHANE BAXTER DESIGN INC. SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH ARE NOT NOTICED BY THE CLIENT AND WHICH ARE NOT THE RESULT OF NEGLIGENCE OR CARELESSNESS. PLEASE ADVISE OUR OFFICE AS SOON AS YOU MAKE THE NECESSARY NOTIFICATION.





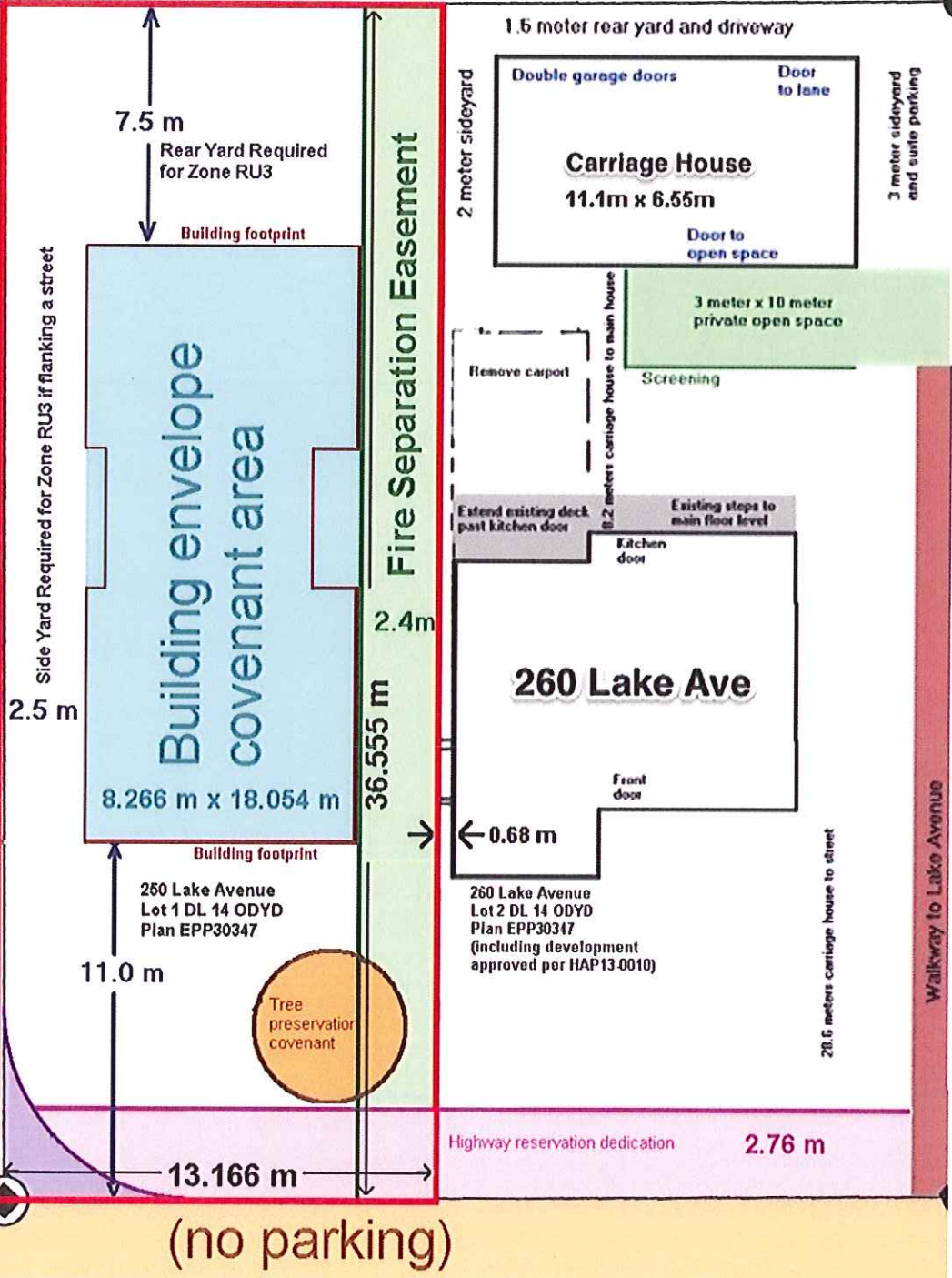
Scale in meters 10 20

LANE

Lot boundary

Unpaved shoulder (parking)

Grassed city boulevard



Maple Street

Lake Avenue

(no parking)

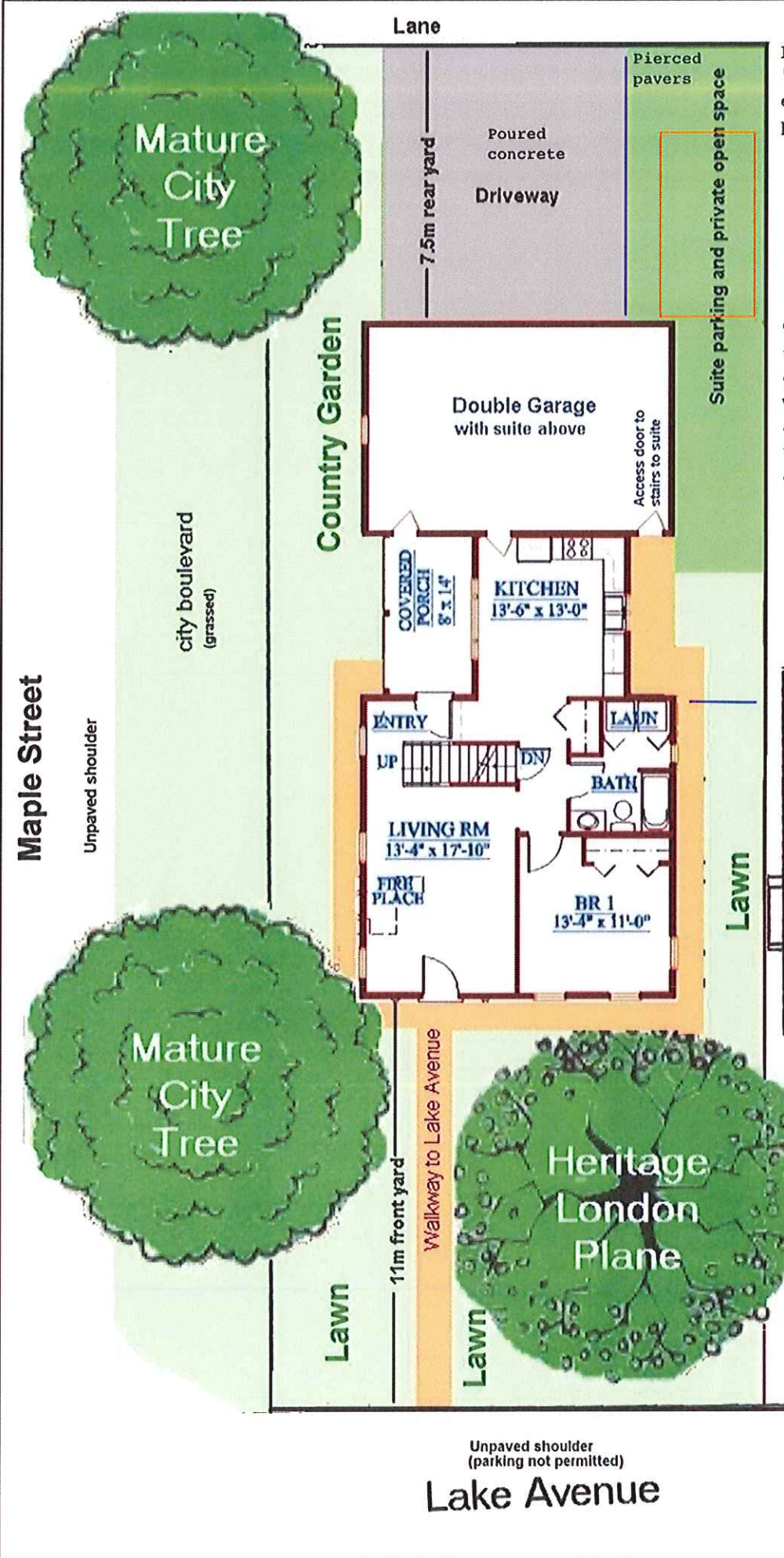
Phone 250 212 3538  
Fax 778 478 3538  
Email mariannehill@gmail.com

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

Lemon Garden Design

Proposed Dwelling 250 Lake Avenue, Kelowna





Landscaping will follow the "Country Garden" motif established on the adjacent property, 260 Lake Avenue.



The area to the north of the lot, adjacent to the grassed city boulevard, will be planted as shown above (the picture is of the planting on the adjacent property).



Smaller areas will be planted as shown above. This picture is of planting in the corresponding areas of the adjacent property.

The area to the south of the structure will be laid down to lawn in order to display to its best advantage the historic London Plane tree.

The front property line and corner will feature a white picket fence, constructed as an extension of that existing along the southern boundary of the adjacent property.



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 Dwelling 250 Lake Avenue, Kelowna  
 Landscaping and Access



# 250 Lake Avenue Kelowna

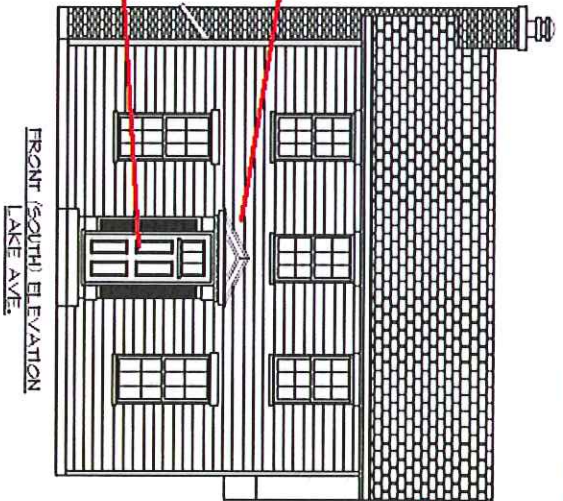
## Colours and Materials

**Pediments and  
Pilasters**  
Black



**Doors:**

Six panel Colonial style  
Burgess.  
Front door: Black  
Side and rear  
doors: White



Mid grey  
asphalt shingle

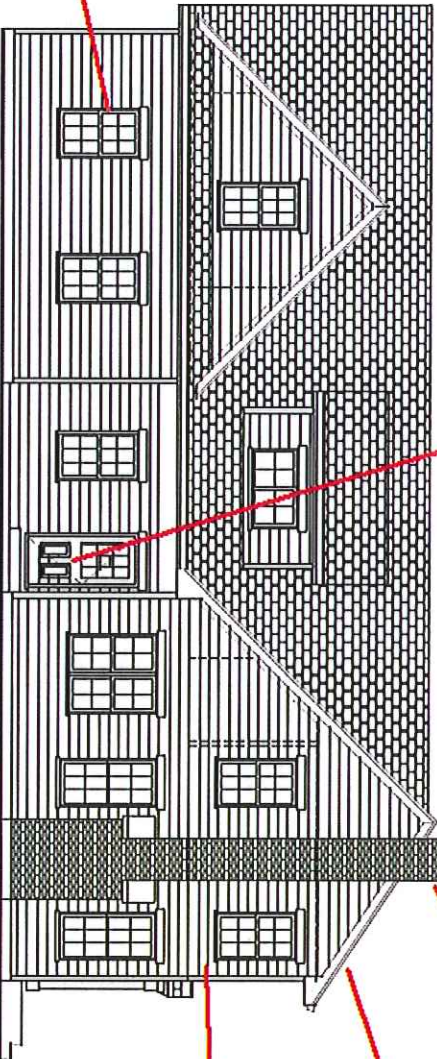


Brick veneer  
chimney

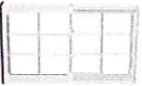
Black painted trim



White HardBoard  
siding



White vinyl  
windows  
with  
muntin bars



## Lemon Garden Design

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

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



# Project History and Rationale.



**Norman Edwin Dehart**  
 Birth Feb 1899 in Whitby, ON, Canada  
 Death 30 April 1977 in Kelowna

## Family Members

### Parents

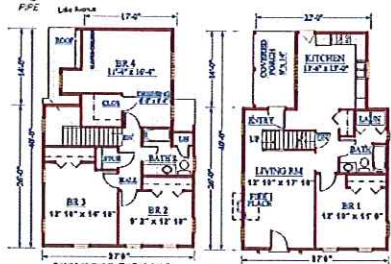
	<b>Edwin Dehart</b> 1838 – 1899
	<b>Lydia Jane Trull</b> 1856 – 1929

### Siblings

	<b>Nicholas C. Harold Dehart</b> 1894 – 1966
	<b>Edna Christina Dehart</b> 1895 – 1909
	<b>Victor Trull Dehart</b> 1897 – 1970

### Half siblings

	<b>Anne Elizabeth Wilkelmina Dehart</b> 1872 – 1886
	<b>Francis Richard Edwin Dehart</b> 1874 – 1935



In 1939, forty year old assistant store manager **Norman Edwin Dehart**, who was the much younger half-brother of Kelowna's third mayor, **Francis DeHart**, was residing at 214 Lake Avenue, Kelowna.

On December 8<sup>th</sup> 1939 Mr DeHart was issued Building Permit number 156 to build a 6 room residence on **Lot 6, Block D, Reg. Plan 2220**, being 260 Lake Avenue.

Unfortunately, the builder built the home in the wrong place, such that it encroached some 5 feet on to the neighbouring **250 Lake Avenue**. This meant that it was impossible to build a home on # 250 and it was therefore a necessity for whomever owned #260 to also own #250 or risk an order to remove the encroachment.

Mr DeHart and his wife **Marjorie** owned the house until the mid 1960's, by which time Norman had been promoted to Store Manager and Marjorie had taken a job as a teacher.

In 1964 a carport was added to the north-west corner of the house, also encroaching on the neighbouring lot.

The electors' list for 1965 shows that the house had become occupied by salesman **Arthur Milnes** and his wife **Helen**, also a teacher. Norman (then 66 years old) and Marjorie had moved around the corner to an apartment at 1880 Pandosy St.

The house remained in the Milnes family for 47 years until **Marianne Hill**, the current owner, purchased both properties on March 29<sup>th</sup> 2012 from **Mr Bradley Milnes**.

Rather than demolish the old house, which had fallen into disrepair, and build two large properties on the two lots as the then current RU1 zoning permitted, Marianne chose to restore it and to fully redevelop only the vacant lot at 250 Lake Avenue. This required correction of the encroachment by a boundary adjustment, which in turn required that both lots must first be rezoned to RU3 and this zoning was finally adopted on May 27<sup>th</sup>, 2013, rendering both lots independently buildable. Subsequently 260 Lake Avenue was rezoned to RU1c and a carriage house was approved to utilize some of the unused density of that lot.

Because of the location of the property in a heritage conservation area, it is required that the "form and character" of a new building be approved by the issuance of a Heritage Alteration Permit.

The owner commissioned, specifically for this lot, a design incorporating approximately 2,600 square feet, as shown here, but it was not supported by the authorities and the architectural fees thus became a lost investment.

She and her advisors carefully studied the reasons for rejection.

They concluded that it would be fiscally imprudent to commission another custom design specifically for this lot, prior to an indication of what would be acceptable to the City of Kelowna.

Instead, bearing in mind the objections expressed about the original design, they researched other designs in the Colonial Revival style, but of a different orientation, smaller size and fewer stories, selecting the attached conceptual design, which at 1,688 sq ft finished is almost identical in size to the existing "Norman Dehart" House at 260 Lake Avenue and is specifically designed for such a corner lot.

In accordance with the requirements of the RU3 zone a matching attached double garage is being added to the design. It is intended to incorporate a "bonus room" of some 420 sq ft above this garage, the design of which will comply with all requirements necessary to employ it as a secondary suite

On the issuance of a Heritage Alteration Permit approving the form and character of such a building, the owner will contract for detailed design drawings suitable for the application for a building permit.



# 250 & 260 Lake Avenue, Kelowna - Contextual Photographs

Panorama looking north from intersection of Lake Avenue and Maple Street



● View south east



● View south west



● View north east



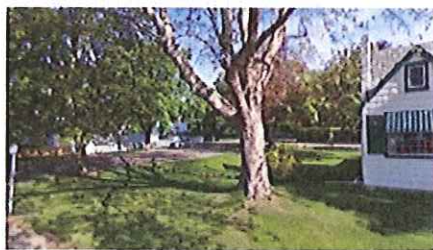
● View south east



● View north west



● View south west



● View north west



● View north east



# 250 Lake Avenue, Design Revision Considerations



The design for a new house proposed for 250 Lake Avenue and rejected pursuant to HAP13-0003 is shown here.

It comprised an integral double garage and 2,637 square feet of finished living space, fitting within the footprint defined by the building envelope covenant.

When a Heritage Alteration Permit for this building was refused, Section 972(6) of the Local Government Act required the City of Kelowna to **inform the applicant of the**

**requirements or conditions under which a use or density proposed by the applicant in accordance with section 948(3) would be allowed.** By letter dated December 4th, 2013 Ms Hill invoked this provision, but did not yet receive the

"requirements or conditions" under which she may construct a property with that Floor Area Ratio. It is, however known that a prime cause of concern was the orientation towards Maple Street of the initial proposal.



Meanwhile, the applicant has submitted a new design, pursuant to HAP14-0002 for a house with 2,285 sq ft finished plus integral double garage, as shown here. In addition to being smaller and lower than the previous proposal, it is clearly oriented towards Lake Avenue.

Should the new application receive approval, the applicant will discontinue the request pursuant to the former application for specification of requirements or conditions under which a floor area of 2,637 sq ft would be allowed.

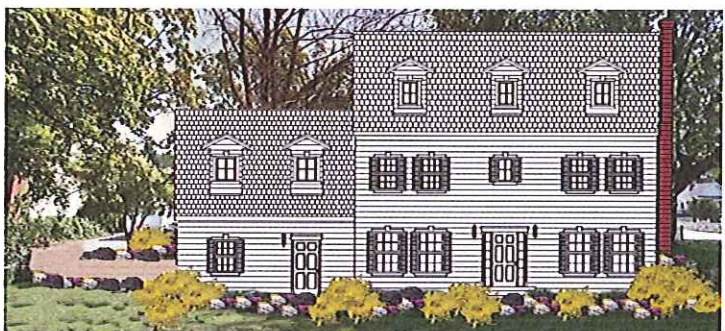


# Views from the west



The top view shows the western elevation of the project currently proposed pursuant to HAP14-0002, in the context of its surroundings.

It includes 2,285 sq ft of finished space and an integral garage.



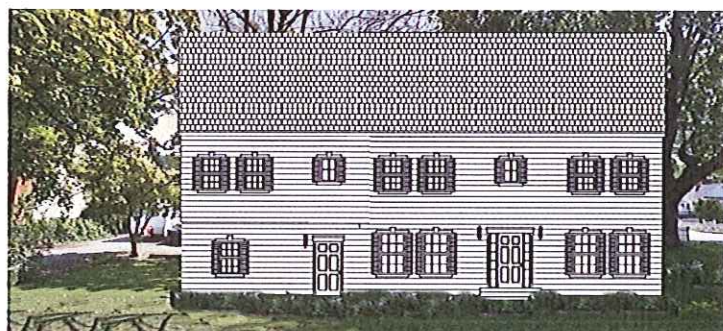
The centre view shows the western view of the proposal rejected last year under HAP13-0003.

That proposal had an integral garage and 2,637 sq ft of finished space on 2 1/2 floors.

Although no formal reasons for rejection were provided, it is known that the one-and-a-half/

two-and-a-half story massing was a concern, along with orientation. The operation of section 972(6) of the Local Government Act means that the applicant is entitled to build to the density sought in the rejected application, provided that it is within the density permitted by the zoning and that requirements or conditions imposed by the City to preserve heritage character are met.

Given the covenant-determined footprint of 1,606 sq ft, building to the density of the rejected application would require full two story coverage of the footprint plus a high gable roof for period authenticity.



The lower view provides an impression of the view of such a structure from Maple Street.

**In the event of refusal of HAP14-0002 pursuing that option is the alternative strategy most immediately available to the applicant.**