

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, September 20, 2016  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**  
The Oath of Office will be read by Councillor Given.
3. **Confirmation of Minutes** 1 - 11  
Public Hearing - September 6, 2016  
Regular Meeting - September 6, 2016
4. **Bylaws Considered at Public Hearing**
  - 4.1 **866 Glenmore Drive, BL11273 (Z16-0044) - Jeffery & Linda Giebelhaus** 12 - 12  
To give Bylaw No. 11273 second and third readings in order to rezone the subject property to facilitate the development of a carriage house.
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**
  - 6.1 **4338 Gallaghers Fairway South, DVP16-0164 - Debra June Sieben** 13 - 36  
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.  
To vary the height of a retaining wall on the subject property.
  - 6.2 **268 Lake Avenue, BL11240 (Z16-0005) - Frank Renou & Joan Chapman** 37 - 37  
To adopt Bylaw No. 11240 in order to rezone the subject property to facilitate the development of a carriage house.

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.

To consider the form and character of a renovation and addition to the primary dwelling, the form and character of a proposed carriage house, and to vary the upper floor area of the carriage house from 75% of the carriage house footprint (required) to 80.5% (proposed) on the subject property.

7. Reminders

8. Termination



## City of Kelowna Public Hearing Minutes

Date: Tuesday, September 6, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart\*, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh and Luke Stack

Council Members Absent: Councillor Charlie Hodge

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and Legislative Systems Coordinator, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:03 p.m.

Mayor Basran 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 of City Hall on August 23, 2016 and by being placed in the

Kelowna Capital News issues of Friday, August 26 and Wednesday, August 31, 2016 and by sending out or otherwise delivering 56 statutory notices to the owners and occupiers of surrounding properties between August 23, 2016 and August 26, 2016.

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 2486 Highway 97N, Z16-0001 - Kelowna Hwy 97/33 Holdings Ltd.

Councillor DeHart declared a conflict of interest as she works in the hotel/motel industry, and her employer is a direct competitor of the property owner, left the meeting at 6:07 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Clarified the parking arrangements on site for retail use and for hotel use.
- Clarified the secondary uses for the C9 and C4 zones.
- Confirmed that there is no limit to retail store size.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Lawrence Ritchcraft, Property Owner

- Looking for some flexibility with the site and thanked Council for their consideration.

No one from the gallery came forward and there were no further comments.

Councillor DeHart rejoined the meeting at 6:13 p.m.

#### 3.2 361 Yates Road, Z16-0031 - Cheryl Homes Medical Services Ltd.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Advised that access to the carriage house will be through the gate to the side and the driveway will be shared with the primary residence.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Mr. Holmes; Applicant's Representative

- Clarified access to the carriage house.
- Responded to questions from Council.



- Confirmed that there is plenty of parking on site.
- Confirmed that the Applicant will be working with City staff in order to meet the City's requirements.

No one from the gallery came forward and there were no further comments.

### 3.3 4491 Stewart Road West, Z16-0034 - Delauralyn Pihl

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

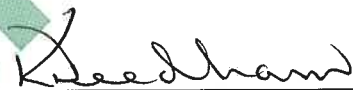
The Applicant was present, but did not have anything further to add to staff's comments. No one from the gallery came forward and there were no further comments.

## 4. Termination

The Hearing was declared terminated at 6:23 p.m.

\_\_\_\_\_  
Mayor

/slh



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



## City of Kelowna

### Regular Council Meeting

### Minutes

Date: Tuesday, September 6, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart\*, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben\*, Mohini Singh and Luke Stack

Council Members Absent: Councillor Charlie Hodge

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and Legislative Systems Coordinator, Sandi Horning

(\* denotes partial attendance)

#### 1. Call to Order

Mayor Basran called the meeting to order at 6:23 p.m.

#### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Gray.

### 3. Confirmation of Minutes

Moved By Councillor Sieben/Seconded By Councillor DeHart

R646/16/09/06 THAT the Minutes of the Public Hearing and Regular Meeting of August 23, 2016 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 2486 Highway 97N, BL11268 (Z16-0001) - Kelowna Hwy 97/33 Holdings Ltd.

Councillor DeHart declared a conflict of interest as she works in the hotel/motel industry and her employer is a direct competitor of the property owner left the meeting at 6:25 p.m.

Moved By Councillor Gray/Seconded By Councillor Donn

R647/16/09/06 THAT Bylaw No. 11268 be read a second and third time.

Carried

Councillor DeHart rejoined the meeting at 6:25 p.m.

4.2 361 Yates Road, BL11271 (Z16-0031) - Cheryl Holmes Medical Services Ltd.

Moved By Councillor Given/Seconded By Councillor Donn

R648/16/09/06 THAT Bylaw No. 11271 be read a second and third time.

Carried

4.3 4491 Stewart Road West, BL11270 (Z16-0034) - Delauralyn Pihl

Moved By Councillor Sieben/Seconded By Councillor Singh

R649/16/09/06 THAT Bylaw No. 11270 be read a second and third time.

Carried

### 5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of the amendments to Liquor Primary Licences were advertised by being posted on the Notice Board at City Hall on August 23, 2016 and by being placed in the Kelowna Capital News issues on Friday, August 26 and Wednesday, August 31, 2016 and by sending out or otherwise delivering 42 statutory notices to the owners and occupiers of the surrounding properties between August 23, 2016 and August 26, 2016.

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 54 statutory notices to the owners and occupiers of the surrounding properties between August 23, 2016 and August 26, 2016.

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. Liquor License Application Reports**

### **6.1 274 Lawrence Avenue, LL16-0005 - 0729076 BC Ltd.**

Councillor Sieben declared a conflict of interest as a member of his family owns a liquor primary establishment and left the meeting at 6:29 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Clarified the number of patrons in establishments within 250m.
- Confirmed that the RCMP are not in support.
- Clarified the parking requirements for the C7 zone.
- Reviewed the occupant loads, changes to Provincial regulations.
- Confirmed that the last request from the The Level Nightclub for a patron increase was not supported by staff and that Council supported the increase on the patio area, but not the interior.
- Confirmed that The Habitat for an increase in hours was not supported by staff and that Council supported the change in use of space, but not the numbers.
- Clarified the wording of the 'Alternate Recommendation'.
- Confirmed that the renovations to the building should have occurred after the liquor license application.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

#### David Habib, Applicant's Representative

- Advised that when the application for the permit was made, the drawings clearly noted the proposed increase in patron capacity.
- Provided the rationale for the alterations to the existing building.
- Advised that he has spent a considerable amount of money in bringing the structure up to code.
- Based on the footprint of the building today, and in accordance with the building code, it could handle an occupancy load of 650 people, however he is not asking for that big of an increase.
- Requesting the additional occupant load so that the upstairs can be utilized as a lounge area with live entertainment.
- The Liquid Zoo is the only nightclub that is open 7 days of week.



- Advised that he has purchased the assets of Flashback's and is currently the holder of that liquor licence.
- Advised that his liquor license allows him to open at 11:00 am, but he is only going to open at 5:00 pm.
- Advised that he has more security staff than all of the other nightclubs combined and that his is the only downtown nightclub that has company limo and bus to get his patrons home at the end of the night.
- Believes that the safety factor downtown has improved ten-fold.
- Believes that the majority of his patrons are shared with the other establishments in the downtown.
- Advised that he meets with the RCMP on a regular basis.
- Believes that Council Policy No. 359 is the only reason staff are not supporting his application.
- He would like to increase his patron capacity in order to provide a place for people to go rather than just standing around on the street.
- Advised that he does not consider the establishment a 'nightclub', but considers it as an 'entertainment venue'.
- If he is successful with this application, he will not pursue the Flashback's liquor licence.
- Believes that City staff should have known that he would be applying for an increase in patron capacity.
- Responded to questions from Council.
- Confirmed that the Flashback's liquor licence is under his control and cannot be used without his consent.
- Provided an overview of how his limo and busing services operate.
- Provided an overview of his discussions with City staff regarding the proposed increase in patron capacity. The 450 patron capacity would allow everyone into the door and would avoid lineups at nightclubs downtown including his own.
- Clarified the liquor licence application process with the Liquor Branch.
- Confirmed that he is transitioning the venue from a nightclub to an entertainment lounge.

Staff:

- Confirmed Council's policy direction from 2011 that liquor establishments not have any larger patron capacity than 500.
- Provided the rationale for Council Policy No. 359.
- Advised that staff have included a review of the Policy No. 359 in their work plan for 2017.

Gallery:

Robert McDonald, Snowsell Street

- Have seen a lot of changes in the downtown over the years with respect to the bar flush and criminal activity.
- Believes the introduction of serve-all systems has assisted with the removal of the criminal element.
- In favour of the increase in patron capacity.

Chris Nichols, Ritcher Street

- Is current working as the DJ for the Liquid Zoo.
- In favour of the increase in patron capacity.
- Believes that the requested increase will assist in bringing people into the venue and off the street.

David Habib, Applicant's Representative

- Believes that Council Policy No. 359 needs to be reviewed as things have changed and the Policy has not kept up.
- Hoping that his application is not held up pending the potential review of Council Policy No. 359 in 2017.

There were no further comments.

A motion by Councillor Donn not to support an application from David Habib (Liquid Zoo) for liquor primary license amendment for Lot 3, Block 13, DL 139, O.D.Y.D., Plan 462, located at 274 Lawrence Avenue, Kelowna, BC for a change in capacity from the current occupant load of 301 persons to the proposed 450 persons was lost due to a lack of a seconder.

Moved By Councillor Stack/Seconded By Councillor Gray

**R650/16/09/06** THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from David Habib (Liquid Zoo) for a liquor primary license amendment for Lot 3, Block 13, DL139, O.D.Y.D., Plan 462, located at 274 Lawrence Avenue, Kelowna, BC for a change in capacity from the current occupant load of 301 persons to the proposed 450 persons for the following reasons:

Concern for the potential negative impacts of an increase in Liquor Primary patron capacity in this area by adding to the existing challenges in the area regarding noise, patron behavior, and increase in police enforcement. As well, staff have concerns for the turn-over of the area to a future mixed-use development as envisioned in the Official Community Plan.

2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

- a) The potential for noise if the application is approved:

There is potential for an increase in noise due to the additional capacity of service. Any increase in noise would likely have a minimal impact on the area currently, but could be a larger issue in the future as there is a transition to more residential uses.

- b) The impact on the community if the application is approved:

There is the potential for significant negative community impacts related to late night noise and inappropriate behaviour which could result in additional policing costs.

3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

Mayor Basran and Councillor Donn - Opposed.

Councillor Sieben rejoined the meeting at 7:52 p.m.

## **7. Development Permit and Development Variance Permit Reports**

### **7.1 5080 Lakeshore Road, BL11255 (Z16-0009) - James Sharko & Maureen Atrens-Sharko**

Moved By Councillor Stack/Seconded By Councillor DeHart

R651/16/09/06 THAT Bylaw No. 11255 be adopted.

Carried

### **7.2 5080 Lakeshore Road, DP16-0046 & DVP16-0047 - James Sharko**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

#### Letters of Opposition

Gord Nykiforuk, Lakeshore Road

Judy Sutherland, Braeloch Road North

Scott Barnard, Uplands Drive

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

The Applicant was present, but did not have anything to add to staff's comments. No one from the gallery came forward and there were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Stack

R652/16/09/06 THAT Final Adoption of Zoning Amending Bylaw and Land Use Contract Discharge Bylaw No. 11255 be considered by Council;



AND THAT Council authorize the issuance of Development Permit DP16-0046 for Lot C, Section 23, Township 28, SDYD, Plan 30063, located on 5080 Lakeshore Road, 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 Council authorize the issuance of Development Variance Permit DVP16-0047 for Lot C, Section 23, Township 28, SDYD, Plan 30063, located on 5080 Lakeshore Road, Kelowna, BC.;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted only in accordance with Schedules 'A' & 'B' attached to DP16-0046 / DVP16-0047:

**Section 9.5b.1(c) Carriage House Regulations**

Eliminate the rule that the "principal dwelling units shall be located between the front yard and the carriage house";

**Section 9.5b.1(e) Carriage House Regulations**

Increase the upper storey floor area relative to the carriage house footprint from 75% to 107%.

**Section 12.2.6 Development Regulations**

Increase the maximum height from 4.8m to 5.89m;

**Section 6.1.11 Okanagan Lake Sight Lines**

Increase the maximum percentage of buildings that is permitted to be sited within 60 from the corner of the neighbouring house from 0% to 100%.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permit to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Carried**

**7.3 2296 Dewdney Road, DVP16-0147 - David & Joan Richter**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

The Applicant was present but did not have anything to add to staff's comments. No one from the gallery came forward. There were no further comments.

**Moved By Councillor Stack/Seconded By Councillor Gray**

**R653/16/09/06** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0147 for Lot 1 Section 20 Township 23 ODYD Plan EPP32546, located at 2296 Dewdney Road, Kelowna, BC;

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

**Section 12.3.6(b): RR3 - Rural Residential 3**

To vary the maximum height of an accessory building from 4.5m required to 7.5m proposed;

**Section 6.5.8(a): Accessory Development**

To vary the minimum front yard setback from 18.0m required to 0.32m proposed for an accessory building;

AND THAT a variance to the following schedule of the Subdivision, Development, and Servicing Bylaw No. 7900 be granted:

**Schedule 4: Design Standards - Highways: Section 4.6 Curb and Gutter, Sidewalks and Bike Lanes**

To vary the maximum driveway width from 6.0m required to 13.0m proposed;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Carried**

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 8:08 p.m.

\_\_\_\_\_  
Mayor

/slh



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

**CITY OF KELOWNA**  
**BYLAW NO. 11273**  
**Z16-0044 - Jeffery & Linda Giebelhaus**  
**866 Glenmore Drive**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, Section 29, Township 26, ODYD, Plan 4101 located on Glenmore Drive, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. 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 29<sup>th</sup> day of August, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



Date: September 20, 2016

RIM No. 0940-00

To: City Manager

From: Community Planning Department (KB)

Application: DVP16-0164 Owner: Debra June Sieben

Address: 4338 Gallaghers Fairway South Applicant: Debra June Sieben

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: CD6 - Comprehensive Residential Golf Resort

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0164 for Strata Lot 51, Section 2, Township 26, Osoyoos Division Yale District Strata Plan KAS2124, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 and an Undivided 1/130 Share in Common Lot 1 Plan KAP63646 (See Plan as to Limited Access) and an Undivided 1/1560 Share in Common Lot G Plan KAP53116 (See Plan as to Limited Access), located at 4338 Gallaghers Fairway South, Kelowna, BC;

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

### Section 7.5.9: Fencing and Retaining Walls Regulation

To vary the height of a side retaining wall from 1.2 metres to up to 2.4 metres in accordance with the drawings attached to the Development Variance Permit shown in Schedule "A"

AND THAT prior to the issuance of the Development Variance Permit, a Section 219 Covenant be registered on title requiring the following:

- A) That the retaining wall be the sole responsibility of the upland property owner;
- B) That the retaining wall be kept in good repair; and
- C) That the retaining wall be inspected every five (5) years by a Professional Engineer who is licensed in the Province of British Columbia

AND THAT prior to the issuance of the Development Variance Permit, the retaining wall be reduced to a maximum height of 1.2 m in any area not being varied by this application, as shown in Schedule "A";

AND FURTHER THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued.

## **2.0 Purpose**

To vary the height of a retaining wall on the subject property.

## **3.0 Community Planning**

Permitting a variance after a building or structure is built is typically not supported; however, due to the grade of both the subject property and the adjacent property in relation to where the retaining wall was constructed, Community Planning is supportive of the variance.

The basement foundation of the adjacent property at 4334 Gallaghers Fairway South was constructed 0.88 metres lower than the site grading established at the time of subdivision. This has likely contributed to the need for an over height retaining wall between the two properties. The site elevation difference between the elevations at the top of foundation between the two adjacent properties is 5.49 metres. This variance is the only reasonable solution in dealing with the grade difference as there is not enough space along the side yard to achieve a more desirable stepped back retaining wall.

In fulfilment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours within a 50 metre radius. To date, staff has fielded one objection.

## **4.0 Proposal**

### **4.1 Background**

The City of Kelowna issued an Occupancy Permit for a Single Family Dwelling for the subject property on October 31, 2006. A building permit was issued for a Single Family Dwelling for the adjacent property on May 27, 2015, and the dwelling is currently under construction and nearing completion. The area where the retaining wall was constructed is the dividing line between two bareland strata subdivisions, one subdivision was created in 1998, the other in 2005.

An over-height retaining wall was constructed on the subject property without building permits in the Spring of 2016. The owner of the property made a Development Variance Permit application on June 21, 2016 when it was recognized there was no opportunity to achieve a stepped back retaining wall in this side yard area.

Should the development variance permit be approved by Council, the applicant will be required to apply for a building permit for the wall and provide supporting structural or geotechnical engineering documentation. It is staff's understanding that the wall was engineered and supervised throughout its construction. The applicant will also be required to lower the height of the retaining wall within the covenant area at the rear of the property, to a maximum height of 1.2 metres.

### **4.2 Project Description**

The applicant has installed an over-height retaining wall on their property and is seeking a retaining wall height variance.



#### 4.3 Site Context

The subject property is located in the Gallagher's Canyon area and is designated as Single / Two Unit Residential. The surrounding properties are single family lots and zoned CD6 and CD6LP. The rear of the subject property is adjacent to the Gallagher's Canyon Golf Course.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD6LP - Comprehensive Residential Golf Resort (Liquor Primary)	REC - Private Recreation
East	CD6LP - Comprehensive Residential Golf Resort (Liquor Primary)	S2RES - Single / Two Unit Residential
South	CD6 - Comprehensive Residential Golf Resort	S2RES - Single / Two Unit Residential
West	CD6 - Comprehensive Residential Golf Resort	S2RES - Single / Two Unit Residential

#### Subject Property Map: 4338 Gallaghers Fairway South



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	CD6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	2.3 m <span style="color: red;">❶</span>
<span style="color: red;">❶</span> Indicates a requested variance to increase the maximum retaining wall height.		

## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 5: Development Process**

**Sensitive Infill.**<sup>1</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

### **5.2 Rezoning Bylaw No. 8000**

#### **Section 7: Landscaping and Screening**

Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from grade on the lower side, and must be constructed so that any retaining walls are spaced to provide at least a 1.2 m horizontal separation between them.<sup>2</sup>

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

- Structural or Geotechnical Engineer required at time of Building Permit for the retaining wall.

### **6.2 FortisBC Inc - Electric**

- There are FortisBC Inc (Electric) primary distribution facilities along Gallaghers Fairway South. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>2</sup> City of Kelowna Consolidated Zoning Bylaw No. 8000, Section 7.5.9 (Landscaping and Screening Chapter).



## **7.0 Application Chronology**

Single Family Dwelling Occupancy Permit for Subject Property	October 31, 2006
Single Family Dwelling Building Permit Issuance for Adjacent Property	May 27, 2015
Date Public Notification was Completed:	June 20, 2016
Date of Application Received:	June 21, 2016

### **Report prepared by:**

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Kim Brunet, Planner I

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Draft DVP16-0164  
Schedule "A": Site Plan  
Context/Site Photos  
Engineering Report from Interior Testing Services, dated April 19, 2016

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0164

**Issued To:** DEBRA JUNE SIEBEN

**Site Address:** 4338 GALLAGHERS FAIRWAY SOUTH

**Legal Description:** STRATA LOT 51 SECTION 2 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2124 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 AND AN UNDIVIDED 1/130 SHARE IN COMMON LOT 1 PLAN KAP63646 (SEE PLAN AS TO LIMITED ACCESS) AND AN UNDIVIDED 1/1560 SHARE IN COMMON LOT G PLAN KAP53116 (SEE PLAN AS TO LIMITED ACCESS)

**Zoning Classification:** CD6 - COMPREHENSIVE RESIDENTIAL GOLF RESORT

### 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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT a variance to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

#### **Section 7.5.9: Fencing and Retaining Walls Regulation**

To vary the height of a side retaining wall from 1.2 metres to up to 2.4 metres in accordance with the drawings attached to the Development Variance Permit shown in Schedule "A"

AND THAT a Section 219 Covenant be registered on title requiring

- 1) That the retaining wall be the sole responsibility of the upland property owner
- 2) That the retaining wall be kept in good repair
- 3) That the retaining wall be inspected every five (5) years by a Professional Engineer who is licenced in the Province of British Columbia

AND THAT the retaining wall be reduced to a maximum height of 1.2 m in any area not being varied by this application, as shown in Schedule "A";

AND FURTHER THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued.

## **2. PERFORMANCE SECURITY**

None required.

## **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 that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## **4. APPLICANT'S AGREEMENT**

I hereby declare that all of 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 and/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 Divisional Director of Community Planning & Real Estate.

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

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

---

Signature of Owner / Authorized Agent

---

Date

---

Print Name in Bold Letters

---

Telephone No.

#### 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

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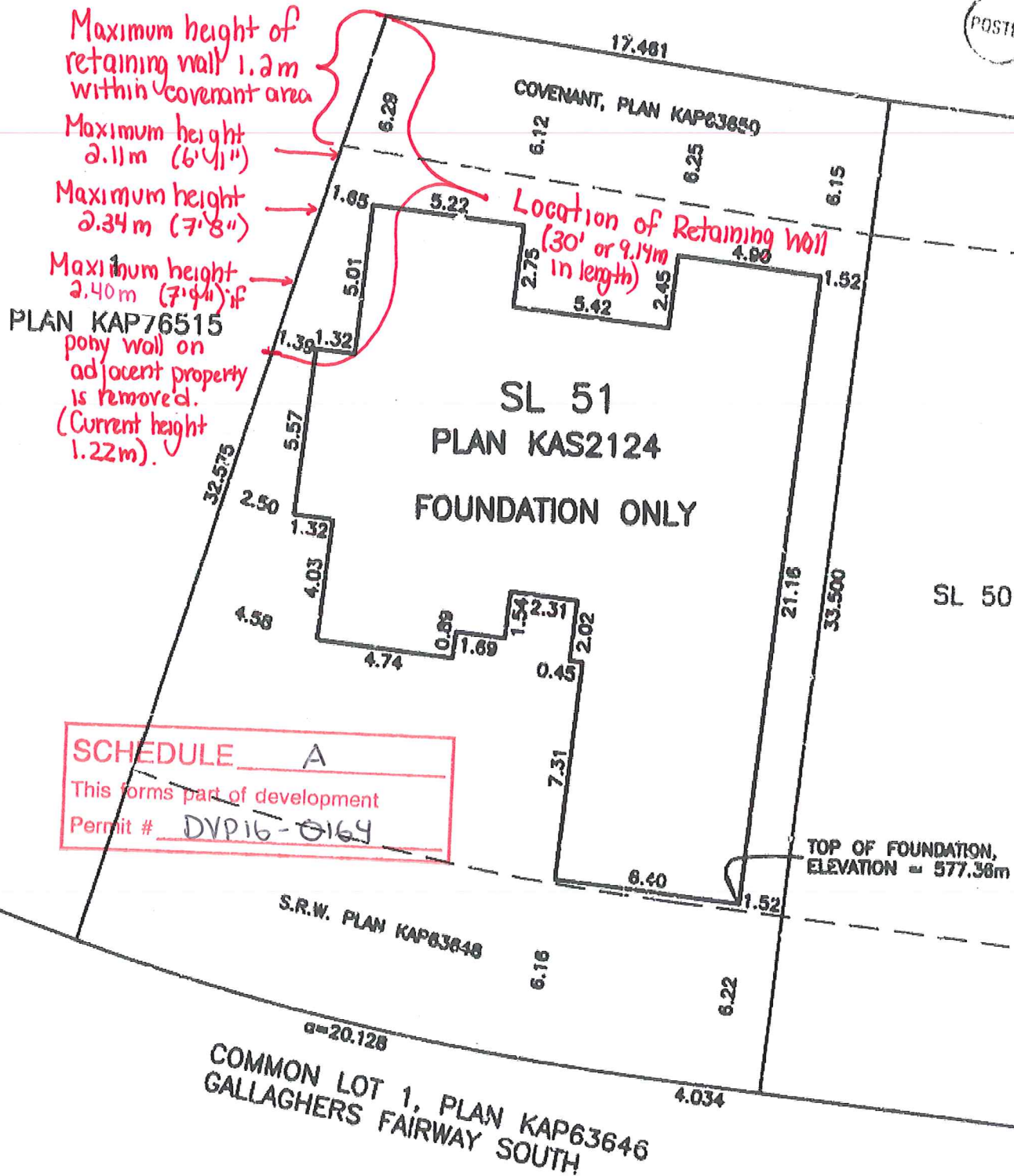
Date

The PERMIT HOLDER is the CURRENT LAND OWNER.

SP-0433 4338 Gallaghers Fairways

# B.C. LAND SURVEYORS CERTIFICATE OF LOCATION ON STRATA LOT 51, PLAN KAS2124, SEC. 2, TP. 26, O.D.Y.D. 4338 GALLAGHERS FAIRWAY SOUTH

POSTED



I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND RELATIVE LOCATION OF THE BUILDINGS THEREON.

*T.E. Ferguson*  
B.C.L.S., C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: GALLAGHERS CANYON LAND DEVELOPMENT

DATE: NOVEMBER 29, 2005

SCALE: 1:200 METRES

FILE: 13493.99

T.E. Ferguson Land Surveying Ltd.  
B.C. AND CANADA LAND SURVEYORS  
216-1828 RICHTER STREET, KELOWNA, B.C.  
TELEPHONE: (250) 783-3115



**Photo 1:** View of the retaining wall taken from the rear property line of 4334 Gallaghers Fairway South, looking towards the South





**Photo Two:** View of the retaining wall from 4334 Gallaghers Fairway South, looking towards 4338 Gallaghers Fairway South (to the East)







**Photo Three:** Current retaining wall, at Location #1, as identified on Map One





**Photo Four:** Current retaining wall, at Location #2, as identified on Map One





**Photo Five:** Current retaining wall, at Location #3, as identified on Map One





**Photo Six:** Current retaining wall, at Location #4, as identified on Map One





**Photo Seven:** Current retaining wall, at Location #5, as identified on Map One





**- INTERIOR -  
TESTING SERVICES  
- LTD. -**

**MATERIALS TESTING • SOILS  
CONCRETE • ASPHALT • CORING  
GEOTECHNICAL ENGINEERING**

**1 - 1925 KIRSCHNER ROAD  
KELOWNA, B.C. V1Y 4N7  
PHONE: 860-6540  
FAX: 860-5027**

Mr. Randy Sieben  
c/o Integrity Services Inc.  
1112 Henderson Drive  
Kelowna, B.C. V1P 1L8

April 19, 2016  
Job 16.083

Attention: Mr. Sid Molenaar

Dear Sir:

**Re: Proposed Stacked Rock Wall  
4338 Gallagher's Fairway South  
Kelowna, B.C.**

---

As requested, Interior Testing Services Ltd. (ITSL) has prepared general recommendations and design drawings for the proposed stacked rock retaining wall at the above noted site. Please find attached a single page of typical wall details and a copy of our two page "Terms of Engagement" that governs our work, and which has been previously signed and accepted.

We understand that in order to achieve the grade separation at the property line and create near level backyards for each property, you desire to construct a rock stacked retaining wall. The wall will range from roughly 4 feet high near the rear of the property and increase gradually to as much as 8 feet high in order to maintain walking access along the side of the house.

We understand that the wall location and elevations are to be determined in the field by the contractor, and our scope of work is limited to internal stability of the retaining walls. During our site visit of April 11, 2016, construction of the wall had already started and was near the 3 foot height. To that end, comments on the suitability of the bearing soils for support of this wall remain outside of our scope of work. We can comment however, that our experience in the general area suggests that competent granular soils would be present so that settlement of the wall beyond normal geotechnical objectives of 25 mm is not expected.

We further understand that a flat landscaped area is proposed above the wall. Nominal dead and live load surcharge loading conditions have been applied to the top of the wall within our design calculations. Furthermore, we understand that a landscaping wall of 4 feet or less will be constructed on the downhill property in front of the rock stacked wall. This is not required for the stability of the rock stacked wall and has not been applied as a design input, but will have a positive impact on the overall factor of safety. As this wall is to be considered a landscaping wall, engineering guidance is not required, and as such, we remove this lower wall on the downhill property from our scope of work.



The soils at the base of the proposed wall are anticipated to consist of natural SAND to SAND with some gravel. Typical wall sections ranging from 4 to 8 feet high are included in this retaining wall design, which are attached as Drawing 16.083-1. General comments, recommendations, and construction guidelines are as follows.

1. The wall should be inclined at 9 degree inclination (1 Horizontal to 6 Vertical (1H: 6V)) or flatter, as shown.
2. The wall should be reinforced with Strata 550 geogrid or equivalent, as shown. The geogrid should be placed between the rocks from the front edge of the rocks as shown. Geogrid equivalency is based on the Long Term Design Strength of the geogrid, and different manufacturer's equivalents can be provided if necessary.
3. The wall backfill should consist of clean SAND and GRAVEL. ITSL should be notified if different soils are to be used as wall backfill. The FILL should be placed and compacted in maximum 300 mm lifts to at least 98% SPD. Only light compaction equipment should be used within about 0.8 m of the back of the wall or baskets to minimize compaction induced stresses on the wall.

Field density testing should be carried out by ITSL at every geogrid layer to confirm that adequate compaction has been achieved.

4. It should be noted that the rock has not been tested for durability, but based on our observations does appear to be somewhat competent. However, long term performance may require maintenance including removal of fractured portions of rock and possibly replacement of occasional rocks if they breakdown considerably. Consideration could be given to placing chinking between the large rocks to reduce the potential for larger portions of rock falling out of the rock stacked matrix. The design life of stacked rock walls should be considered to be 20 years.
5. We would normally recommend that for frost protection, a minimum of 0.3 m of the bottom of the wall should be buried for the entire length of the wall as shown. We anticipate that the granular soils expected at the base of the wall would not generally be susceptible to frost heaving. However, as we were not involved at the start of this project, we remove frost protection comments from our scope of work.
6. The zone behind the first or lowest row of rocks should include a 100 mm PVC pipe as part of the drainage system to collect and dispose of any water that may accumulate within the backfill zone. Furthermore, the portion of wall directly behind the rocks are to be filled with drain rock which will provide a chimney drain for the entire height of the wall. Surface water should be directed away from the wall by means of swales or similar as much as possible.
7. It is assumed that any required safety rails at the top of the wall will be designed and constructed by others.
8. If the final heights of the walls are different than provided on the attached sections, it is recommended that ITSL be given an opportunity to review the design to confirm

that the geogrid length, placement, and strength is appropriate for the finalized height of wall.

When construction commences, ITSL should be called out during construction to provide engineering observations and materials testing services, as necessary. This is to give ITSL the opportunity to confirm the appropriateness of the design and to provide recommendations for remedial measures, if necessary, as well as input for construction methodology. In addition, ITSL should be give the opportunity to review any proposed changes to determine their potential effects on the overall integrity and performance of the wall system.

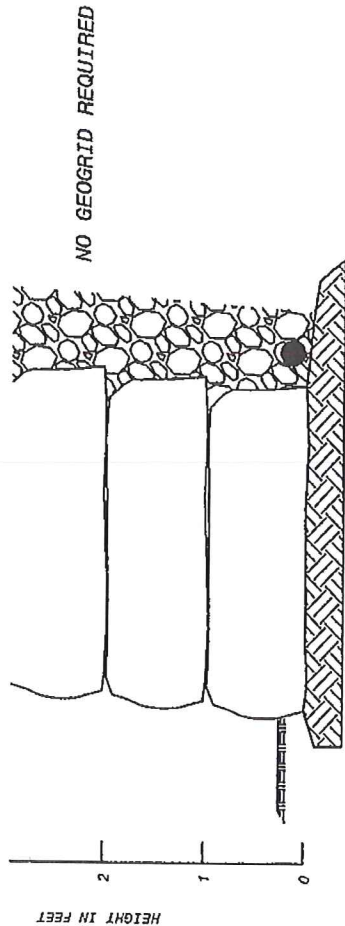
We trust this is sufficient for your present needs. Please call if you have any questions.

Yours truly,  
Interior Testing Services Ltd.

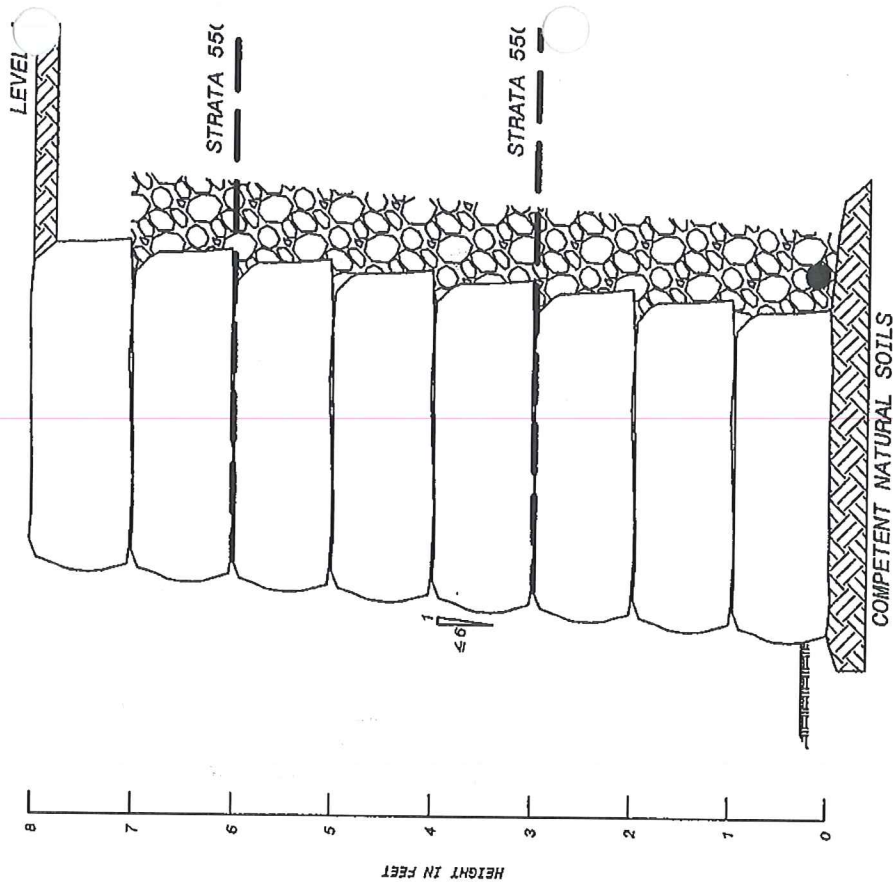


Peter Hanenburg, P. Eng.

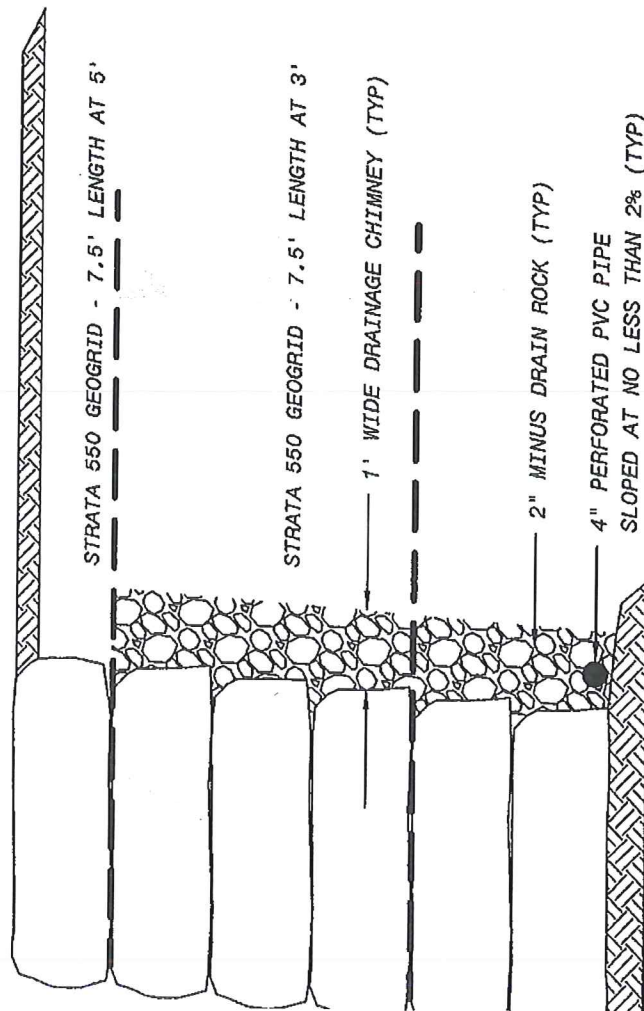




4' SECTION



8' SECTION



6' SECTION

INTEGRITY SERVICES INC.	INTERIOR 1-1925 KIRSC
PROPOSED RETAINING WALL	TYPICAL

APRIL 19, 2016, FOR CONSTRUCTION DETAILS.  
 CURBS, AND/OR SIDEWALKS ARE TO BE DESIGNED AND

## TERMS OF ENGAGEMENT

### GENERAL

Interior Testing Services Ltd. (ITSL) shall render the Services performed for the Client on this Project in accordance with the following Terms of Engagement. ITSL may, at its discretion and at any stage, engage subconsultants to perform all or any part of the Services. Unless specifically agreed in writing, these Terms of Engagement shall constitute the entire Contract between ITSL and the Client.

### COMPENSATION

Charges for the Services rendered will be made in accordance with ITSL's Schedule of Fees and Disbursements in effect from time to time as the Services are rendered. All Charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client within thirty (30) days of the date of the invoice without hold back. Interest on overdue accounts is 12% per annum.

### REPRESENTATIVES

Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

### TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay ITSL its Charges for the Services performed, including all expenses and other charges incurred by ITSL for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by ITSL under this paragraph, the Client shall forthwith pay to ITSL its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

### ENVIRONMENTAL

ITSL's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. ITSL will co-operate with the Client's environmental consultant during the field work phase of the investigation.

### PROFESSIONAL RESPONSIBILITY

In performing the Services, ITSL will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed. ITSL makes no warranty, representation or guarantee, either express or implied as to the professional services rendered under this agreement.

### LIMITATION OF LIABILITY

ITSL shall not be responsible for:

- (a) the failure of a contractor, retained by the Client, to perform the work required in the Project in accordance with the applicable contract documents;
- (b) the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
- (c) any cross-contamination resulting from subsurface investigations;
- (d) any damage to subsurface structures and utilities;
- (e) any Project decisions made by the Client if the decisions were made without the advice of ITSL or contrary to or inconsistent with ITSL's advice;
- (f) any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
- (g) the unauthorized distribution of any confidential document or report prepared by or on behalf of ITSL for the exclusive use of the Client.

The total amount of all claims the Client may have against ITSL under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the lesser of our fees or \$50,000.00.

No claim may be brought against ITSL in contract or tort more than two (2) years after the Services were completed or terminated under this engagement.



### **PERSONAL LIABILITY**

For the purposes of the limitation of liability provisions contained in the Agreement of the parties herein, the Client expressly agrees that it has entered into this Agreement with ITSL, both on its own behalf and as agent on behalf of its employees and principals.

The Client expressly agrees that ITSL's employees and principals shall have no personal liability to the Client in respect of a claim, whether in contract, tort and/or any other cause of action in law. Accordingly, the Client expressly agrees that it will bring no proceedings and take no action in any court of law against any of ITSL's employees or principals in their personal capacity.

### **THIRD PARTY LIABILITY**

This report was prepared by ITSL for the account of the Client. The material in it reflects the judgement and opinion of ITSL in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. ITSL accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report. This report may not be used or relied upon by any other person unless that person is specifically named by us as a beneficiary of the Report. The Client agrees to maintain the confidentiality of the Report and reasonably protect the report from distribution to any other person.

### **INDEMNITY**

The client shall indemnify and hold harmless ITSL from and against any costs, damages, expenses, legal fees and disbursements, expert and investigation costs, claims, liabilities, actions, causes of action and any taxes thereon arising from or related to any claim or threatened claim by any party arising from or related to the performance of the Services.

### **DOCUMENTS**

All of the documents prepared by ITSL or on behalf of ITSL in connection with the Project are instruments of service for the execution of the Project. ITSL retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of ITSL.

### **FIELD SERVICES**

Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of ITSL, to observe whether the work of a contractor retained by the Client is being carried out in general conformity with the intent of the Services.

### **DISPUTE RESOLUTION**

If requested in writing by either the Client or ITSL, the Client and ITSL shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, the dispute shall be referred to and finally resolved by an arbitrator appointed by agreement of the parties.

### **CONFIRMATION OF PROFESSIONAL LIABILITY INSURANCE**

As required by by-laws of the Association of Professional Engineers and Geoscientists of British Columbia, it is required that our firm advises whether or not Professional Liability Insurance is held. It is also required that a space for you to acknowledge this information be provided.

Our professional liability insurance is not project specific for the project and should not be regarded as such. If you require insurance for your project you should purchase a project specific insurance policy directly.

Accordingly, this notice serves to advise you that ITSL carries professional liability insurance. Please sign and return a copy of this form as an indication of acceptance and agreement to the contractual force of these Terms of Engagement.

ACKNOWLEDGEMENT: \_\_\_\_\_



JOB 16.083

MR. RANDY SIEBEN  
c/o INTEGRITY SERVICES INC

4330 GALLAGHER FAIRWAY SUMMIT

A/R 26/1

RE: ROCK STACK WALL @ NW CORNER OF SITE

11:15 - 2<sup>nd</sup> LAYER OF GEO GRID

- ITSL ON SITE TO OBSERVE PROOF ROLL OF 6" MINUS DRAIN ROCK PLACED & COMPACTED BEHIND ROCK STACK WALL
- 1000 LB PLATE TAMPER USED FOR PROOF ROLL
- THERE WAS NO DEFLECTION OR SOFT AREAS NOTICED

GRID LENGTH - 6' LONG

NOTE: FINISHED WALL HEIGHT LESS THAN 7' 2" ALWAYS  
↓ CONTRACTOR PLACED 3 GEOTRIP LAYERS.

FIELD NOTES

REVIEWED & APPROVED



PETER HANENBURG, P.ENG.

**CITY OF KELOWNA**  
**BYLAW NO. 11240**  
**Z16-0005 - Frank Renou & Joan Miller-Chapman**  
**268 Lake Avenue**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 14, ODYD, Plan 42536 located on Lake Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. 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 25<sup>th</sup> day of April, 2016.

Considered at a Public Hearing on the 17<sup>th</sup> day of May, 2016.

Read a second and third time by the Municipal Council this 17<sup>th</sup> day of May, 2016.

Approved under the Transportation Act this 24<sup>th</sup> day of May, 2016.

Aurdie Henry  
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** August 20, 2016

**RIM No.** 0940-60

**To:** City Manager

**From:** Community Planning Department (TB)

**Application:** HAP16-0003

**Owner:** Frank Arthur Renou  
Joan Estelle Miller-Chapman

**Address:** 268 Lake Avenue

**Applicant:** Scott Renou

**Subject:** Development Variance Permit and Heritage Alteration Permit

**Existing OCP Designation:** S2RES - Single / Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

**Proposed Zone:** RU1c - Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11240 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0000 for Lot A, District Lot 14, ODYD, Plan 42536, located at 268 Lake Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the primary dwelling to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the primary dwelling to be constructed on the land, be in accordance with Schedule "B";
3. The dimensions and siting of the carriage house to be constructed on the land be in accordance with Schedule "C";
4. The exterior design and finish of the carriage house to be constructed on the land be in accordance with Schedule "D";

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

**Section 9.5b.1(e): Carriage House Regulations**

To vary the upper floor area of the carriage house from 75% of the carriage house footprint (required) to 80% (proposed);

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2.0 Purpose**

To consider the form and character of a renovation and addition to the primary dwelling, the form and character of a proposed carriage house, and to vary the upper floor area of the carriage house from 75% of the carriage house footprint (required) to 80% (proposed) on the subject property.

**3.0 Community Planning**

Community Planning supports the issuance of a Heritage Alteration Permit on the subject property as the proposed renovations and proposed carriage house meet the majority of the Official Community Plan design guidelines for a Heritage Conservation Area. Community Planning supports the variance to vary the upper floor area of the carriage house as there is no impact on adjacent properties.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50m radius were provided with a circulation package that was delivered in person on April 5<sup>th</sup>, 2016.

**4.0 Proposal**

**4.1 Background**

In 1995 a 2 storey dwelling with walk-out basement was constructed in a style that had Late Vernacular Cottage Characteristics. The house was symmetrical in design with gabled roof forms, interlocking asphalt shingle, horizontal siding, two dormers and a wide porch.

The applicant applied to the City in January 2016 for a Rezoning, Heritage Alteration Permit (HAP), and Development Variance Permit to facilitate the development of Carriage House on the rear of the property. The rezoning has currently passed 3<sup>rd</sup> reading. In June 2016 the applicant provided additional building plans for the renovation and addition to the principal dwelling to be considered in conjunction with the HAP for the carriage house.

**4.2 Project Description - Single Family Dwelling**

The proposed renovations to the single family dwelling involve adding a 2 ½ storey addition to the rear of the dwelling with a series of patios and decks off the rear that are not visible from Lake Avenue. The increased habitable space of approximately 85m<sup>2</sup> will provide a rec-room with wet bar on the lower level, a redesigned kitchen and living area on the main floor, and a renovated master bedroom and bathroom on the upper level.

Changes to the front of the house are minimal as the main purpose of the renovation is for repair and maintenance. The cross-gabled roof will be replaced in the exact same style to bring the construction up to current building code standards. The dormers will be reconstructed in the same shape, style, and placement, with upgraded windows. The dormers will be finished in hardi-shingle siding and the roofing will be replaced with interlocking asphalt shingles.

The proposed renovation includes replacing the front porch and relocating the steps and the front entrance to the east side to improve the layout of the interior foyer. The siding will be replaced with horizontal hardi-plank siding. All of these characteristics are consistent with the Late Vernacular Cottage Style.

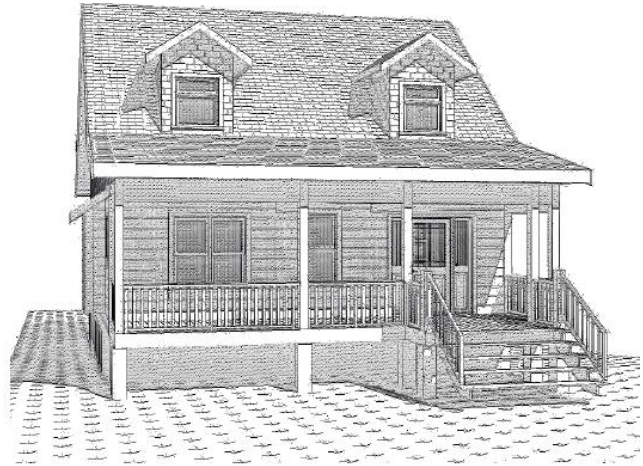
After the application was reviewed by the Heritage Advisory Committee the applicant agreed to use multi-paned windows for the dormers and enclose the stairs as per the Committee's suggestions.

#### 4.3 Project Description - New Carriage House

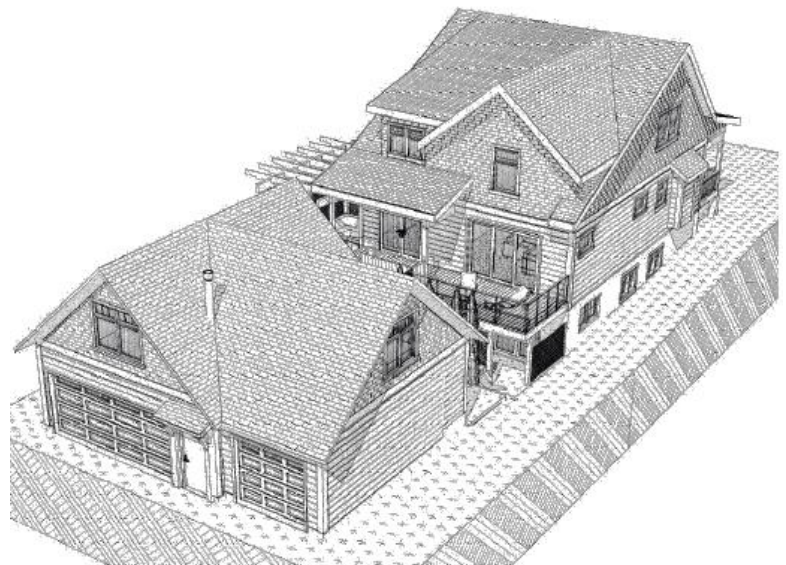
The proposed 1 ½ storey carriage house will be located in the rear yard and will not be visible from the front street. With a three car garage on the lower floor all parking is screened from view. The upper floor features a 1-bedroom open concept suite. The cross-gabled roof is in keeping with the architectural style of the principal dwelling. The materials, finishes, and colours will match that of the primary dwelling in shades of grey and white.

The requested variance is to allow the upper storey of the carriage house to exceed 75% of the footprint to 80.5%. This variance has no impact on adjacent properties and creates a more usable living space by providing additional square footage on the upper floor while maintaining a full three car garage on the lower floor.

*Fig. 2: Conceptual rendering of house after renovations*



*Fig. 3: Conceptual rendering of new carriage house*



#### 4.4 Site Context



Although the subject property was originally identified as an Early Arts and Crafts style in 1993, the existing dwelling was constructed in 1995 after that identification. It was constructed in a Late Vernacular Cottage style which is consistent with the dominant style of the block as identified in Map 2: Dominant Style Map from City of Kelowna Development Guidelines for Abbott Street & Marshall Street Heritage Conservation Areas.



### LEGEND

- Victorian Revival
- Mediterranean Revival
- Tudor Revival
- Colonial Revival
- Arts & Crafts (early)
- Arts & Crafts (late)
- Vernacular Cottage (early)
- Vernacular Cottage (late)
- Early Suburban

**268 Lake Ave**  
 Vernacular Cottage (late)  
 ABBOTT/MARSHALL ST.  
 HERITAGE CONSERVATION AREAS  
 MAP2 - Dominant Style Map

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing with Carriage House	Residential

Subject Property Map: 268 Lake Avenue



#### 4.5 Zoning Analysis Table

CRITERIA	RU1c ZONE REQUIREMENT	PROPOSAL
<b>Subdivision or Existing Lot Regulations</b>		
Minimum Lot Width	15.0 m	15.24 m
Minimum Lot Depth	30.0 m	36.55 m
Minimum Lot Area	550 m <sup>2</sup>	556.66 m <sup>2</sup>
<b>Development Regulations</b>		
Maximum Total Site Coverage (buildings)	40%	39.98%
Maximum Total Site Coverage (buildings, driveways & parking)	50%	41.89%
<b>Carriage House Development Regulations</b>		
Maximum Accessory Site Coverage	14%	14%
Maximum Accessory Building Footprint	90 m <sup>2</sup>	77.92 m <sup>2</sup>

Maximum Net Floor Area	90 m <sup>2</sup>	62.70 m <sup>2</sup>
Maximum Net Floor Area to Principal Building	75%	65.44 %
Maximum Upper Storey Floor Area to Building Footprint	75%	80.47% <span style="color: red;">●</span>
Maximum Height (to mid-point)	4.8 m	4.77 m
Maximum Height (to peak)	Peak of principal dwelling (8.07m)	6.34 m
Minimum Side Yard (West)	2.0 m	2.31 m
Minimum Side Yard (East)	2.0 m	2.56 m
Minimum Rear Yard	0.9 m	1.50 m
Minimum Distance to Principal Building	3.0 m	5.8 m
<b>Other Regulations</b>		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m <sup>2</sup> per dwelling	40.48 m <sup>2</sup> per dwelling
<span style="color: red;">●</span> Indicates a variance maximum upper storey floor area to building permit from 75% (required) to 80.5% (proposed).		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

### 5.2 Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines

#### Third Civic Phase Architectural Styles (1933 -1945 approx.)<sup>3</sup>

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.

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

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>3</sup> City of Kelowna Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines, Section 4.4.



*Late Vernacular Cottage Characteristics*

- 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

6.0 **Technical Comments** Technical comments were provided on Z16-0005 and included in the Report to Council dated April 25, 2016.

7.0 **Application Chronology**

Date of Application Received: January 7, 2016  
Date of Additional Information Received: July 4, 2016  
Date Public Consultation Completed: April 5, 2016

**Community Heritage Committee**

The above noted application was reviewed by the Community Heritage Committee at the meeting held on August 18, 2016 and the following recommendations were passed:

“THAT the Heritage Advisory Committee recommends that Council support the Heritage Alteration Permit No. HAP16-0003 on the subject property at 268 Lake Avenue for the form and character of renovations on a single family dwelling and the new construction of a carriage house within the Abbott Conservation Area.

ANECDOTAL COMMENT:

The Heritage Advisory Committee supported the application and recommended that the Applicant incorporate multi-paned windows, especially for the dormers, to be in keeping with the late Vernacular characteristics. The Committee commented that the colour palette of medium to dark gray is too severe and suggested the use of more heritage muted hues. The Heritage Advisory Committee commended the Applicant for the amount of detail submitted with their Application.”

**Report prepared by:**

---

Trisa Brandt, Planner I

**Reviewed by:**



Ryan Smith, Community Planning Department Manager

**Approved for Inclusion:**



Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

Attachment "A": Heritage Guidelines

Draft Heritage Alteration Permit HAP16-0003

Schedule "A": Site Plan and Floor Plans for Primary Dwelling

Schedule "B": Elevations and Colour Board for Primary Dwelling

Schedule "C": Site Plan and Floor Plans for Carriage House

Schedule "D": Elevations and Colour Board for Carriage House

# ATTACHMENT “A” - Heritage Guidelines



Subject: HAP16-0003, 268 Lake Avenue

## 1.0 Heritage Conservation Area Guidelines (Kelowna Official Community Plan Chapter 16)

### 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.

Consideration has been given to the following guidelines as identified in Chapter 16 of the City of Kelowna Official Community Plan relating to Heritage Conservation Areas:

HERITAGE CONSERVATION AREA	YES	NO	N/A
<b>Site Layout and Parking</b>			
Are established front yard setbacks maintained within 10% of neighbouring building setbacks?	✓		
Are parking spaces and garages located in the rear yard?	✓		
Are established building spacing patterns maintained?	✓		
Does the carriage house complement the character of the principal dwelling?	✓		
Are accessory buildings smaller than the principal building?	✓		
<b>Building Massing</b>			
Is the established streetscape massing maintained?	✓		
Is the massing of larger buildings reduced?	✓		
<b>Roof Forms, Dormers and Chimneys</b>			
Is the roof pattern in keeping with neighbouring buildings?	✓		
Are skylights hidden from public view?			✓
Are high quality, low maintenance roofing materials being used?	✓		
Are the roofing materials similar to traditional materials?	✓		



<b>HERITAGE CONSERVATION AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Are the soffit, overhang and rain water drainage features in keeping with the building's architectural style?	✓		
Do secondary roof elements have a similar pitch as the principal roof?	✓		
Are chimneys in keeping with the building's architectural style?	✓		
<b>Cladding Materials</b>			
Are low maintenance building materials being used?	✓		
Are the building materials similar to traditional materials?	✓		
Are exterior colours in keeping with the traditional colours for the building's architectural style?	✓		
<b>Doors and Windows</b>			
Are established window placement, style and window-to-wall area ratios maintained?	✓		
Are established door placement, style and door-to-wall area ratios maintained?	✓		
Is the main entrance a dominant feature visible from the street?	✓		
Is the main entrance in keeping with the building's architectural style?	✓		
Are the door and window design details consistent with the building's architectural style?	✓		
<b>Landscaping, Walks and Fences</b>			
Are existing healthy mature trees being retained?	✓		
Is the front yard landscaping consistent with neighbouring properties?	✓		
Is street facing fencing or screening landscaping no more than 1 m in height?			✓
<b>Privacy and Shadowing Guidelines</b>			
Are there clear sightlines from the street to the front yard and dwelling?	✓		
Does the building location minimize shadowing on the private open space of adjacent properties?	✓		

# HERITAGE ALTERATION PERMIT



## APPROVED ISSUANCE OF HERITAGE ALTERATION PERMIT NO. HAP16-0003

**Issued To:** Frank Arthur Renou  
Joan Estelle Miller-Chapman  
**Site Address:** 268 Lake Avenue  
**Legal Description:** Lot A, District Lot 14, ODYD, Plan 4253  
**Zoning Classification:** RU1c - Large Lot Housing with Carriage House

### 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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Heritage Alteration Permit No. HAP16-0003 for Lot A, District Lot 14, ODYD, Plan 4253, located at 268 Lake Avenue, Kelowna, BC to allow the construction of an addition and renovation to a single family dwelling, and the construction of a new carriage house be approved subject to the following:

1. The dimensions and siting of the primary dwelling to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the primary dwelling to be constructed on the land, be in accordance with Schedule "B";
3. The dimensions and siting of the carriage house to be constructed on the land be in accordance with Schedule "C";
4. The exterior design and finish of the carriage house to be constructed on the land be in accordance with Schedule "D";

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

**Section 9.5b.1(3): Carriage House Regulations**

To vary the upper floor area of the carriage house from 75% of the carriage house footprint (required) to 80.5% (proposed);

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2. PERFORMANCE SECURITY**

None required.

**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 that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

**4. APPLICANT'S AGREEMENT**

I hereby declare that all of 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 Heritage Alteration 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 Divisional Director of Community Planning & Real Estate.

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

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

---

Signature of Owner / Authorized Agent

---

Date



---

Print Name in Bold Letters

---

Telephone No.

**5. APPROVALS**

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

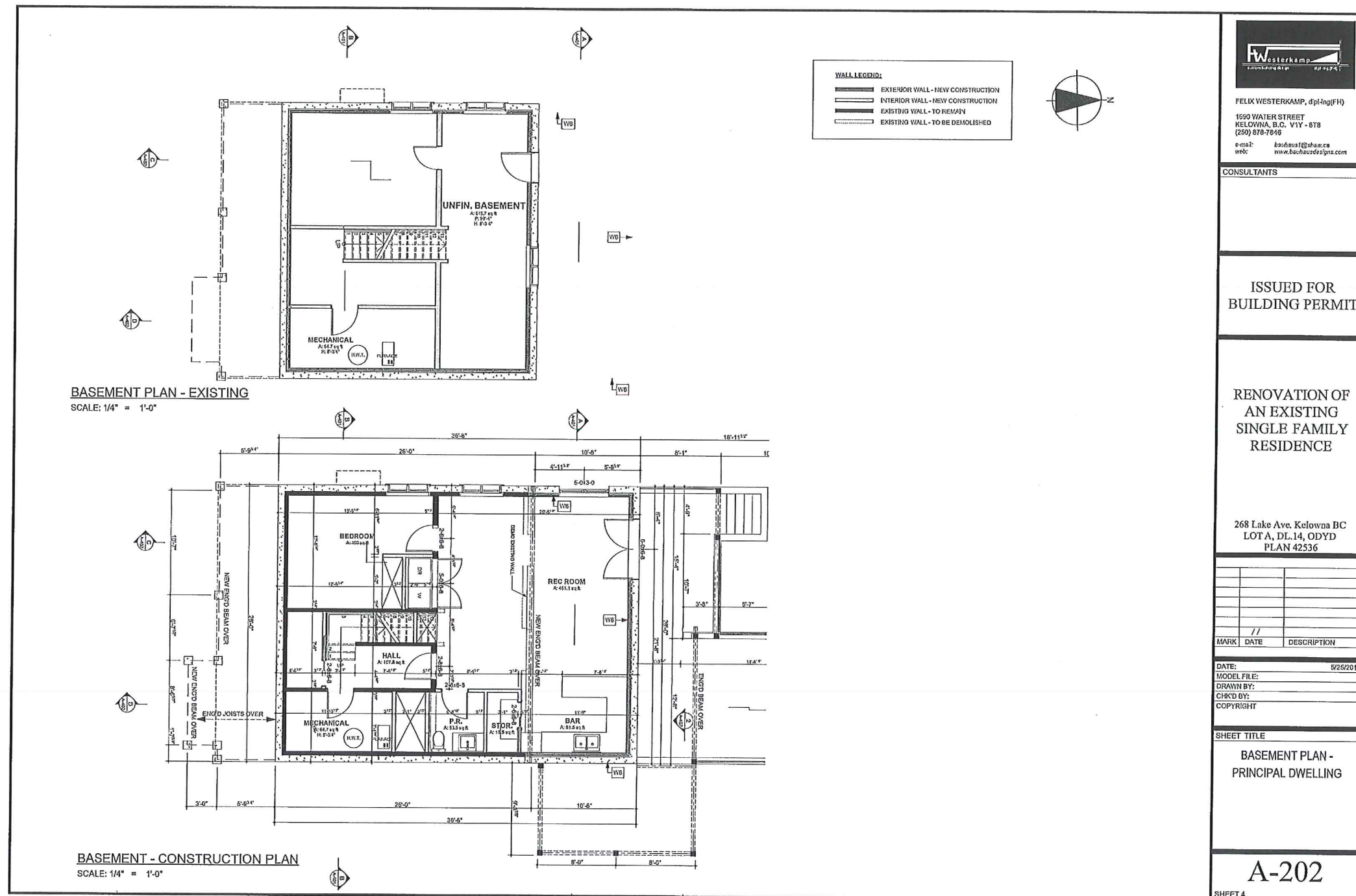
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

---

Date

The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.








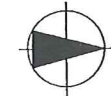
**SCHEDULE A**  
 This forms part of development  
 Permit # HAP16-0003





**WALL LEGEND:**

	EXTERIOR WALL - NEW CONSTRUCTION
	INTERIOR WALL - NEW CONSTRUCTION
	EXISTING WALL - TO REMAIN
	EXISTING WALL - TO BE DEMOLISHED



ISSUED FOR  
BUILDING PERMIT

268 Lake Ave. Kelowna BC  
LOT A, DL.14, ODYD  
PLAN 42536

MARK	DATE	DESCRIPTION
DATE: 5/25/2016		
MODEL FILE:		
DRAWN BY:		
CHK'D BY:		
COPYRIGHT		

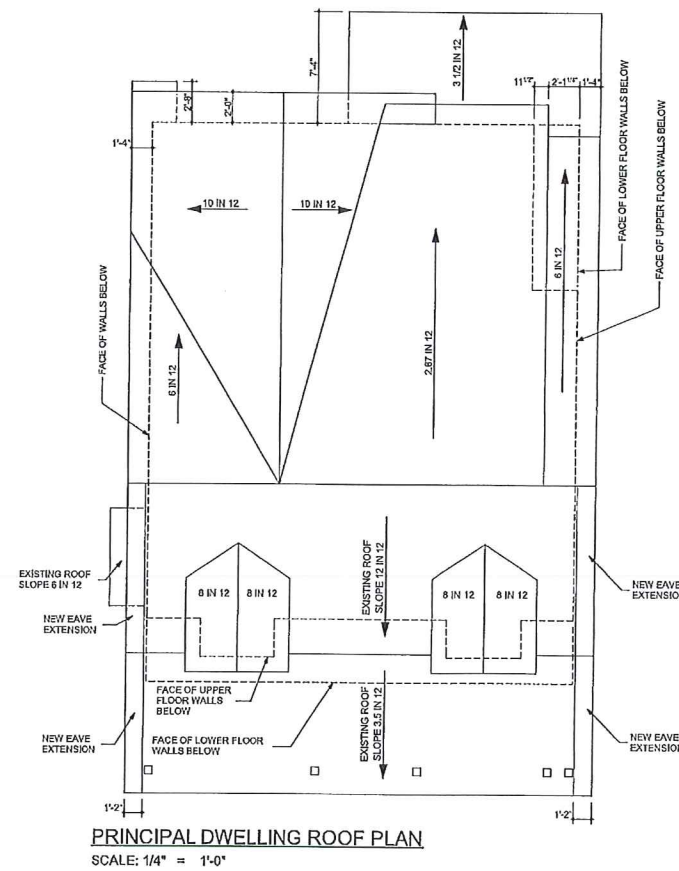
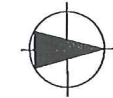
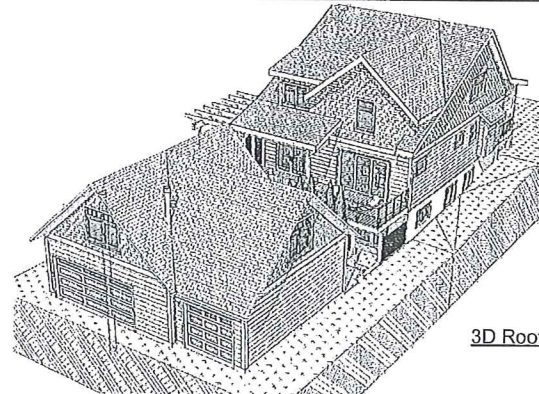
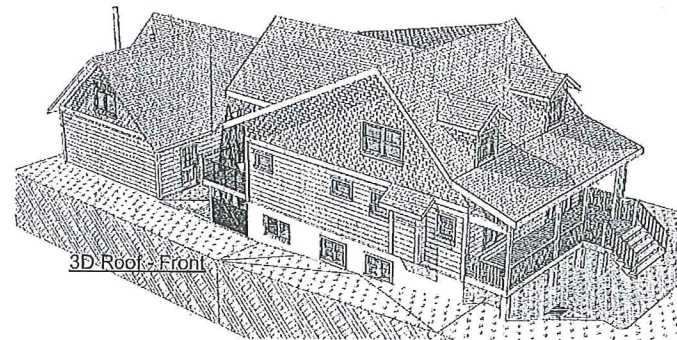
MAIN FLOOR PLAN -  
PRINCIPAL DWELLING

SHEET 5

**SCHEDULE A**

This forms part of development  
Permit # HA116-003





FELIX WESTERKAMP, dplang(FH)  
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web: [www.baushausdesign.com](http://www.baushausdesign.com)

CONSULTANTS

ISSUED FOR  
BUILDING PERMIT

RENOVATION OF  
AN EXISTING  
SINGLE FAMILY  
RESIDENCE

268 Lake Ave. Kelowna BC  
LOT A, DL 14, ODYD  
PLAN 42536

MARK	DATE	DESCRIPTION
11		

DATE: 5/25/2016  
MODEL FILE:  
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SHEET TITLE

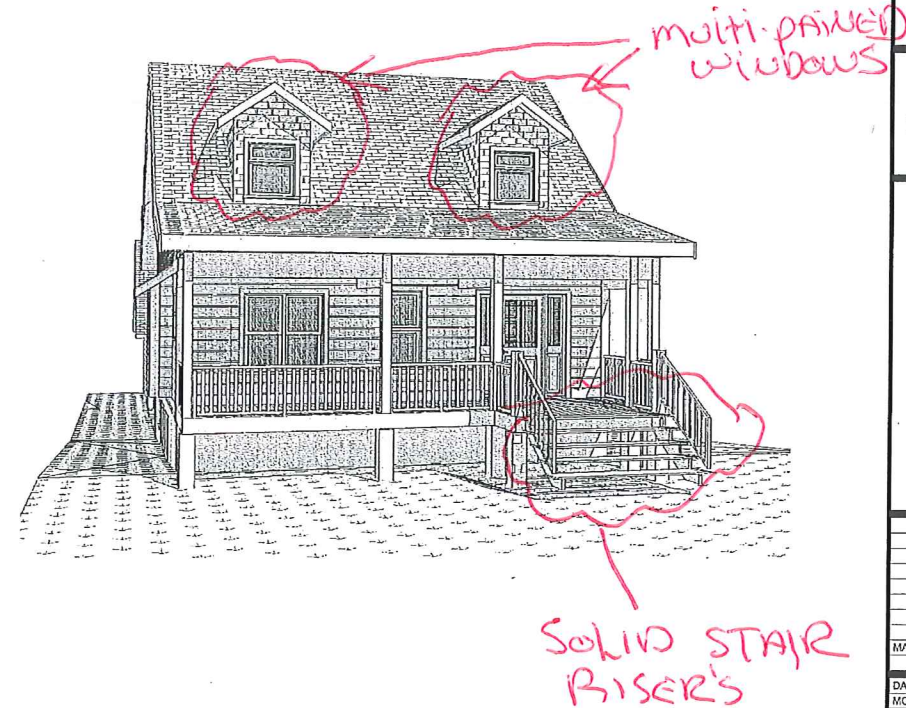
ROOF PLAN - PRINCIPAL  
DWELLING

A-205

SHEET 7

SCHEDULE A  
This forms part of development  
Permit # HAPP16-0003







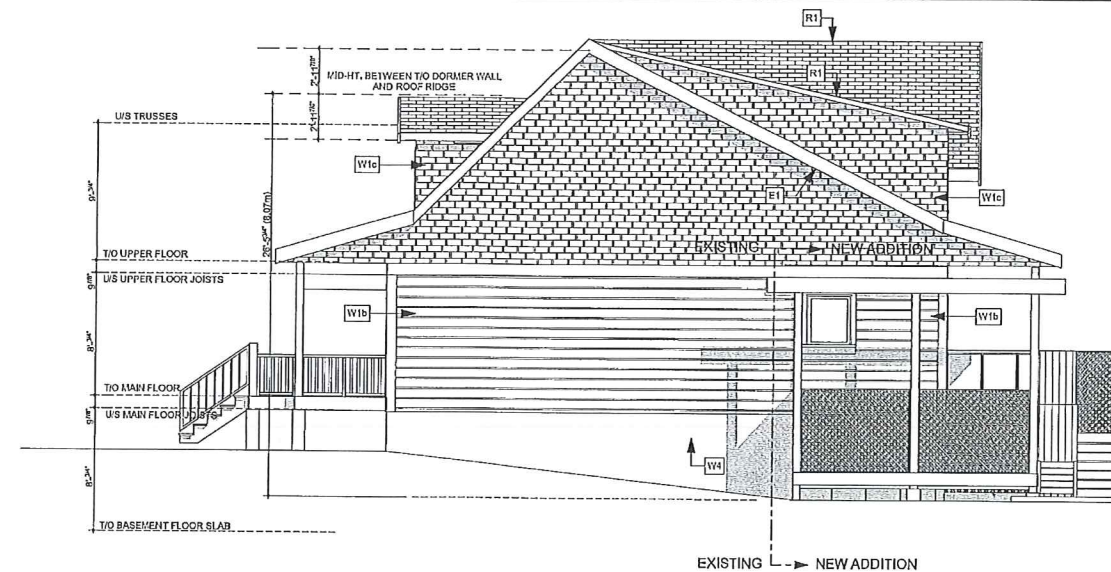
OF KELOWNA  
Use Management

**SCHEDULE** B

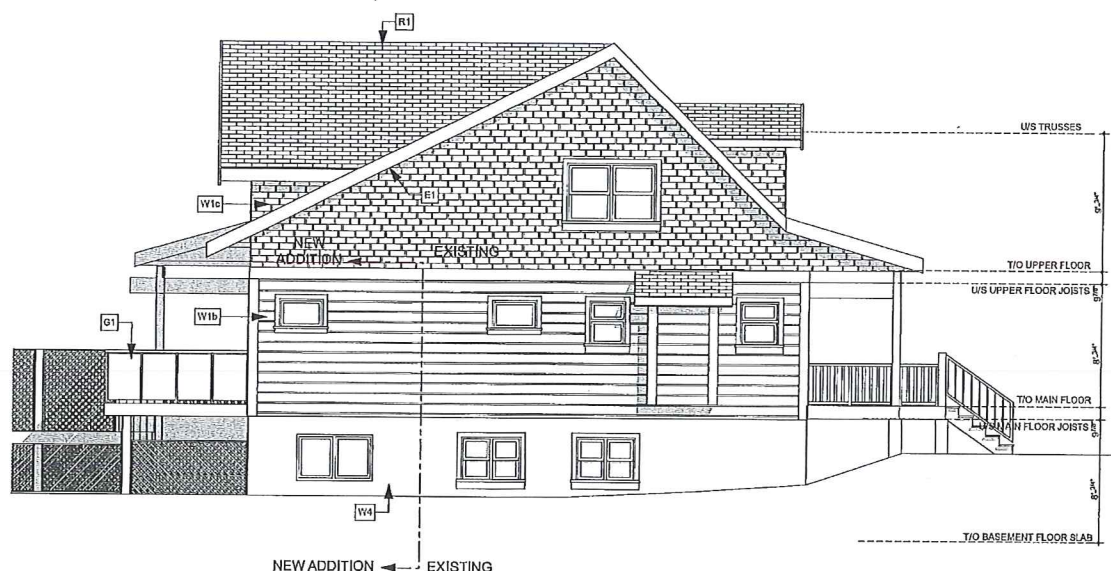
This forms part of development

Permit # ADP/16-0003






PRINCIPAL RESIDENCE RIGHT ELEVATION - PLANNED STATUS  
SCALE: 1/4" = 1'-0"



PRINCIPAL RESIDENCE LEFT ELEVATION - PLANNED STATUS  
SCALE: 1/4" = 1'-0"



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web: [www.felixwesterkamp.com](http://www.felixwesterkamp.com)

---

CONSULTANTS

---

ISSUED FOR  
BUILDING PERMIT

---

RENOVATION OF  
AN EXISTING  
SINGLE FAMILY  
RESIDENCE

---

268 Lake Ave. Kelowna BC  
LOT A, DL.14, ODYD  
PLAN 42536

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MARK	DATE	DESCRIPTION

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MODEL FILE:  
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SHEET TITLE  
ELEVATIONS - PRINCIPAL  
RESIDENCE

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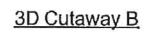
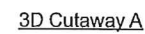
A-302  
SHEET 11

SCHEDULE B

This forms part of development

Permit # HAP16-0003





**SCHEDULE** B

This forms part of development

Permit # HAP/16-0003

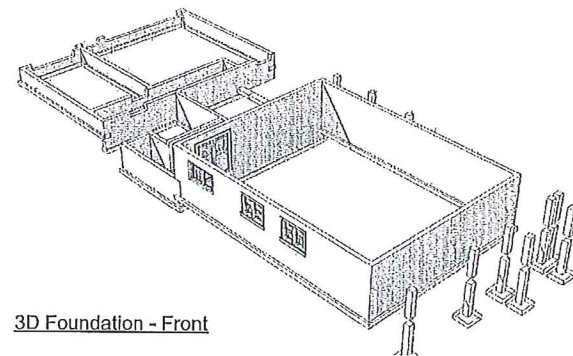




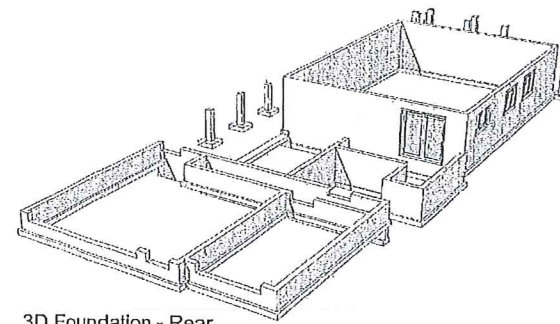




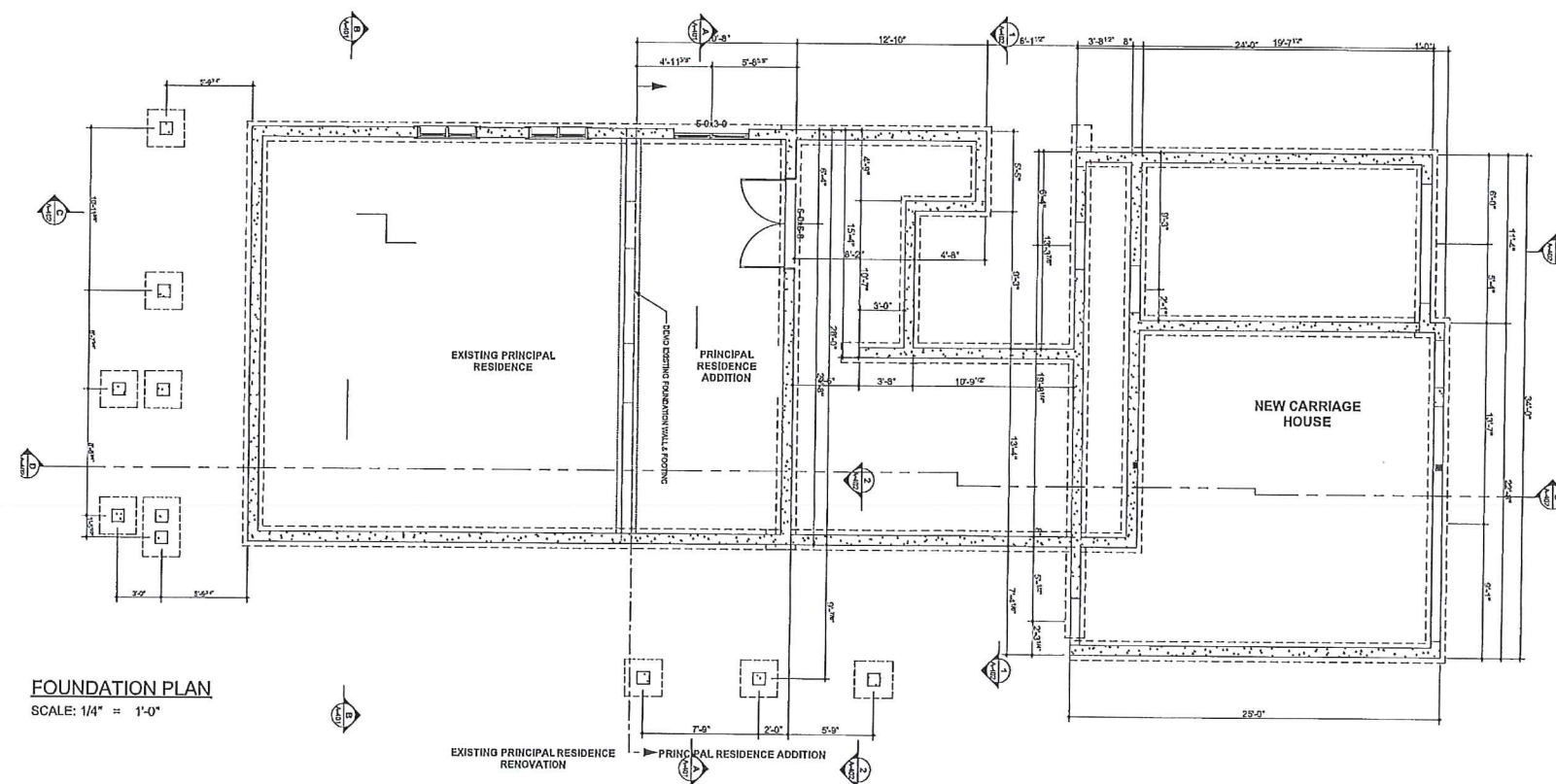




3D Foundation - Front



3D Foundation - Rear



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CONSULTANTS

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BUILDING PERMIT

NEW BUILD OF A  
CARRIAGE  
HOUSE

268 Lake Ave. Kelowna BC  
LOTA, DL.14, ODYD  
PLAN 42536

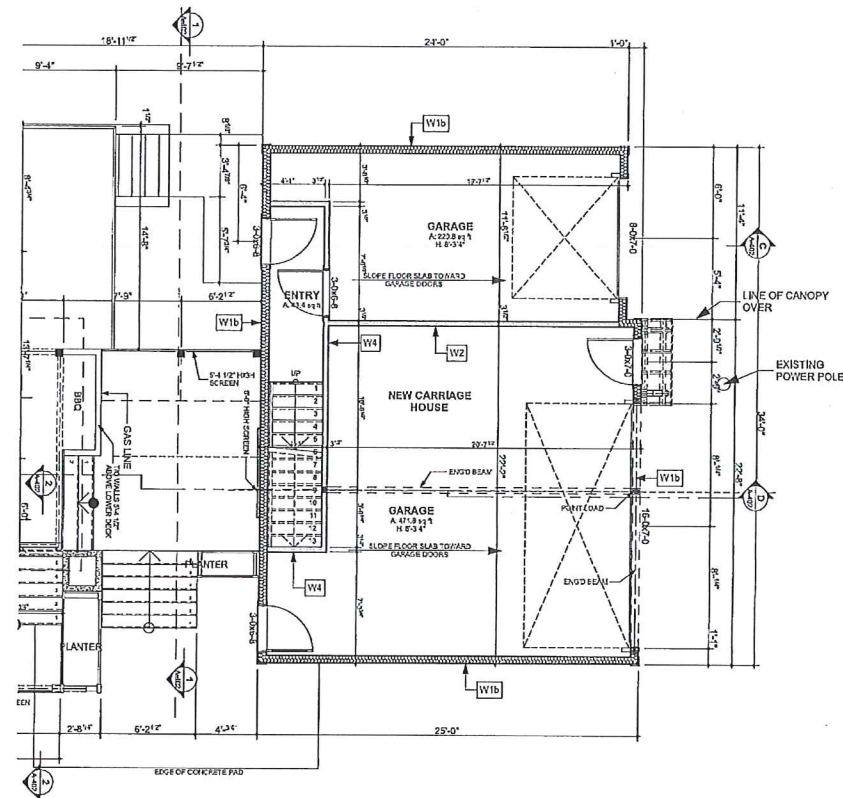
MARK	DATE	DESCRIPTION

SHEET TITLE  
FOUNDATION PLAN -  
CARRIAGE HOUSE

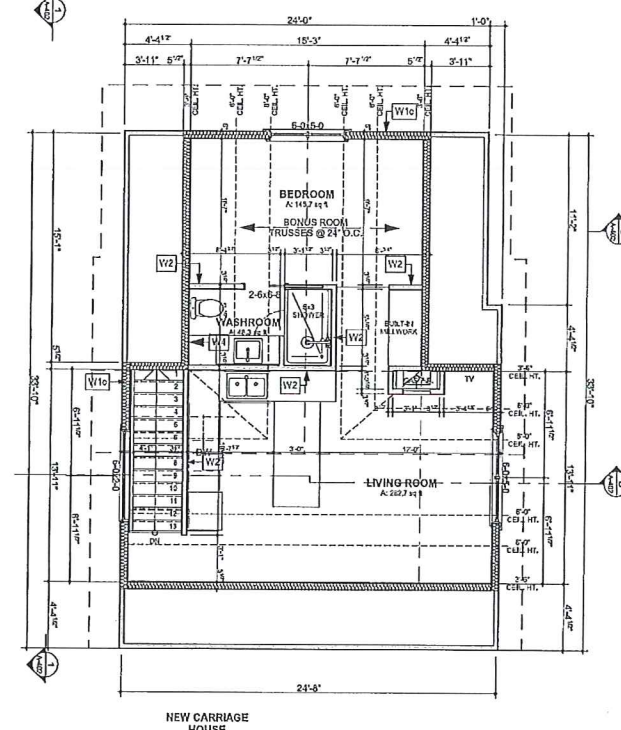
A-201

SHEET 33

SCHEDULE C  
This forms part of development  
Permit # HAP 16-0003



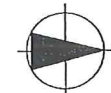
MAIN FLOOR PLAN - CONSTRUCTION  
SCALE: 1/4" = 1'-0"



UPPER FLOOR PLAN - CONSTRUCTION  
SCALE: 1/4" = 1'-0"

WALL LEGEND:

	EXTERIOR WALL - NEW CONSTRUCTION
	INTERIOR WALL - NEW CONSTRUCTION
	EXISTING WALL - TO REMAIN
	EXISTING WALL - TO BE DEMOLISHED



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CONSULTANTS

ISSUED FOR  
BUILDING PERMIT

NEW BUILD OF A  
CARRIAGE  
HOUSE

268 Lake Ave. Kelowna BC  
LOT A, DL 14, ODYD  
PLAN 42536

MARK	DATE	DESCRIPTION
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DATE: 5/28/2018  
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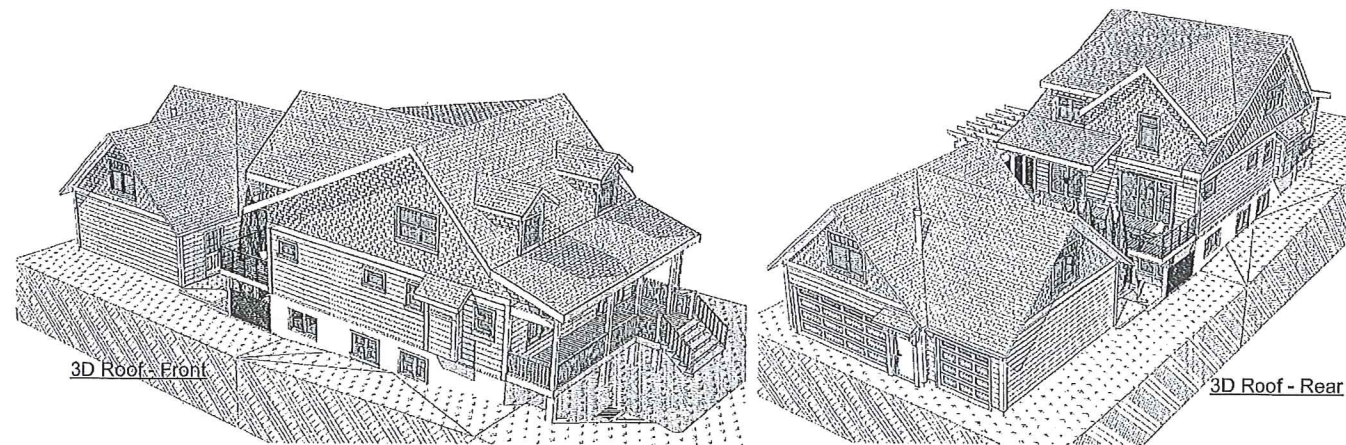
SHEET TITLE

FLOOR PLANS - CARRIAGE  
HOUSE

A-202

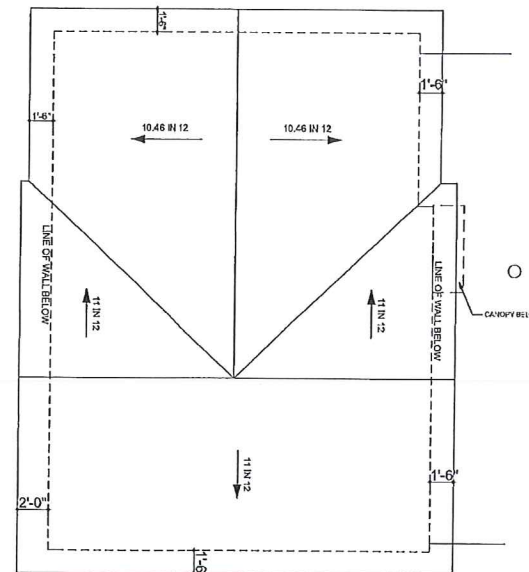
SHEET 34

SCHEDULE C  
This forms part of development  
Permit # HAP 16-0003



3D Roof - Front

3D Roof - Rear



CARRIAGE HOUSE ROOF PLAN  
SCALE: 1/4" = 1'-0"



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CONSULTANTS

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BUILDING PERMIT

NEW BUILD OF A  
CARRIAGE  
HOUSE

268 Lake Ave. Kelowna BC  
LOT A, DL 14, ODYD  
PLAN 42536

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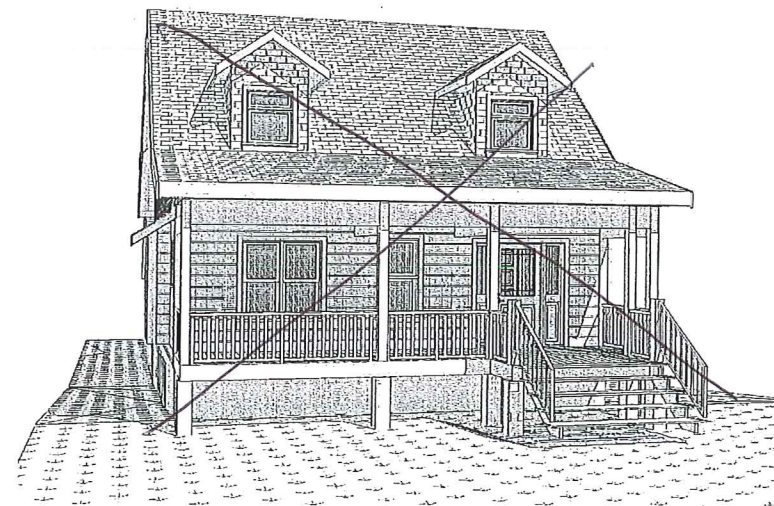
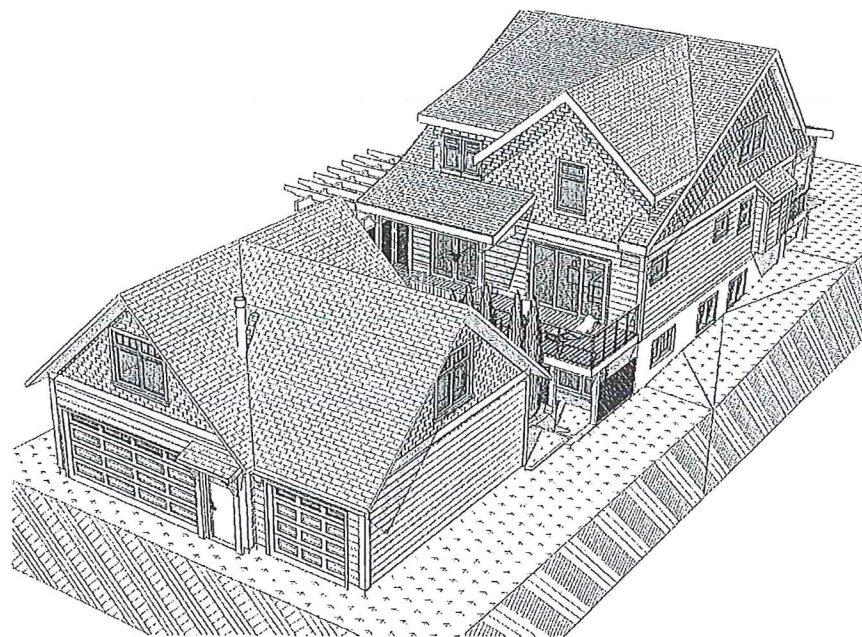
ROOF PLAN - CARRIAGE  
HOUSE

A-203

SHEET 35

SCHEDULE C  
This forms part of development  
Permit # HAP/16-0003





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CONSULTANTS

ISSUED FOR  
 BUILDING PERMIT

NEW BUILD OF A  
 CARRIAGE  
 HOUSE

268 Lake Ave. Kelowna BC  
 LOT A, DL.14, ODYD  
 PLAN 42536

MARK	DATE	DESCRIPTION

DATE: 5/26/2016  
 MODEL FILE:  
 DRAWN BY:  
 CHK'D BY:  
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SHEET TITLE  
 COVER SHEET

A-001

SHEET 31

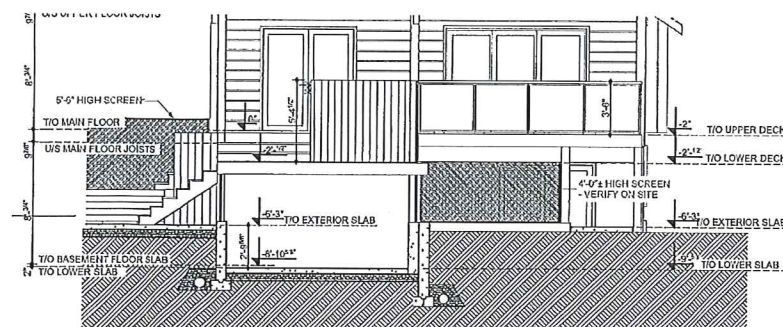
SCHEDULE D  
 This forms part of development  
 Permit # HAP16-0003



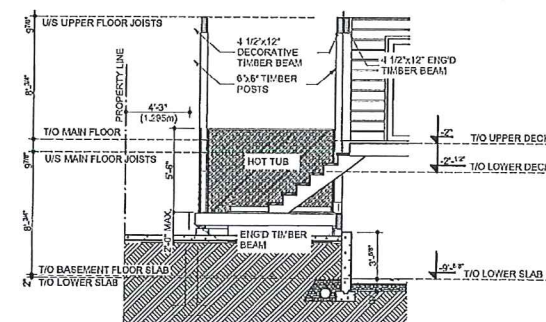








1 SECTION THRU DECK  
SCALE: 1/4" = 1'-0"



2 SECTION THRU HOT TUB PLATFORM  
SCALE: 1/4" = 1'-0"



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CONSULTANTS

ISSUED FOR  
BUILDING PERMIT

## NEW BUILD OF A CARRIAGE HOUSE

268 Lake Ave. Kelowna BC  
LOT A, DL.14, ODYD  
PLAN 42536

	11	
MARK	DATE	DESCRIPTION

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SHEET TITLE

SECTIONS - DECK DETAILS

A-402

SHEET 38

**SCHEDULE** B  
This forms part of development  
Permit # HAP 16-0003

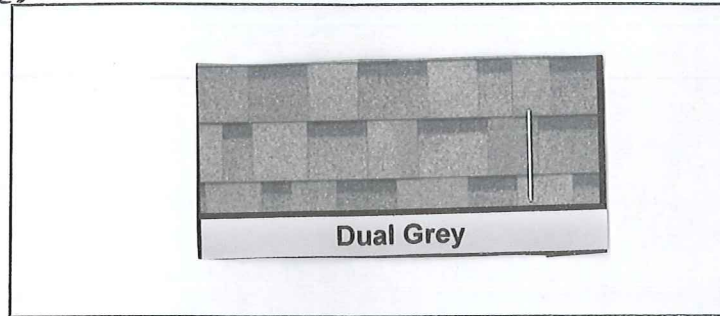
This forms part of development  
Permit # HAAP16-0003

Permit # HA16-0003

**SCHEDULE " " B&D**  
**This forms part of development**  
**Permit # DPO \_\_-0\_\_**  
**HAP16-0003 - TB**

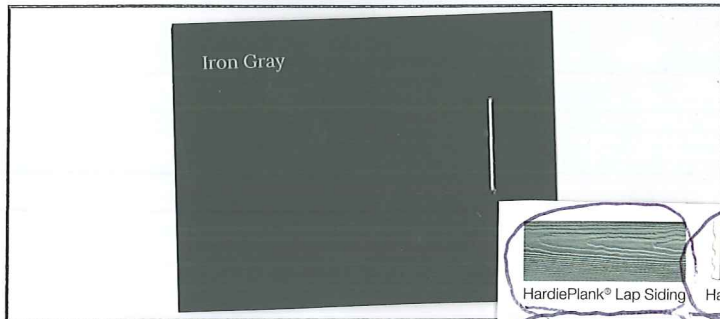
The following finishes are proposed for the Principal and Secondary Dwellings:

Roofing Material: Asphalt Shingles  
 Colour: Charcoal grey



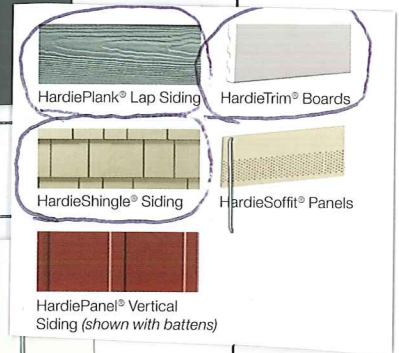
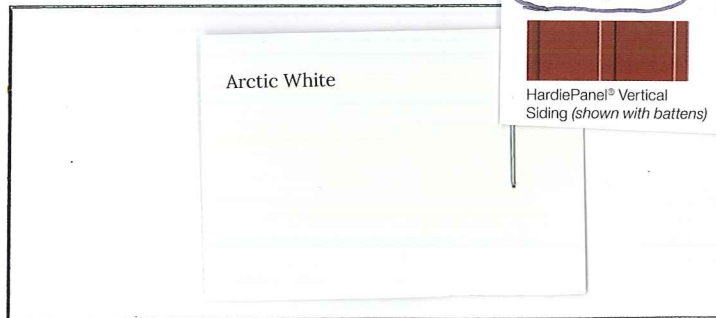
Main Body: PLANK TOP SHINGLE

Material: HARDY PLANK / SHINGLE  
 Colour: IRON GREY



Second Colour/Accent Colour:  
 (If applicable):

Material: HARDY TRIM  
 Colour: ARCTIC WHITE



Window/Door/Trim Colour: ARCTIC WHITE

Material: Vinyl  
 Colour: White

