

# REPORT TO COUNCIL



**Date:** October 27, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** HAP20-0003

**Owner:** Kevin L. Fierbach & Jacqueline A. Fierbach

**Address:** 374 Park Ave.

**Applicant:** Birte Decloux; Urban Options Planning & Permits

**Subject:** Heritage Alteration Permit - Major

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

**Existing Zone:** RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12087 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP20-0003 for Lot 4 District Lot 14 ODYD Plan 482, located at 374 Park Ave., Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

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

**Section 6.5.3(g): General Development Regulations, Accessory Development, Accessory Buildings in Residential Zones**

To vary the minimum distance from an accessory building to a principal dwelling from 3m required to 1.2m proposed.

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

## **2.0 Purpose**

To consider the form and character of a new single family home and detached garage in the City's Heritage Conservation Area; and to vary the minimum setback between a principal dwelling and an accessory building on the subject lot.

## **3.0 Development Planning**

Development Planning supports the proposed Heritage Alteration Permit (HAP) on the subject lot.

To begin with, the proposed development, which includes both a new home and a detached garage, substantially meets the City's Heritage Conservation Area Guidelines (see Attachment D). The evaluation of the new build was aided by a Heritage Report provided by a Registered Heritage Professional (Attachment C).

The variance is to reduce the minimum setback between the new home and the new detached garage from the required 3m to 1.2m. Minimum setbacks between buildings are routinely varied provided the buildings can be built in such a way as to meet BC Building Code requirements regarding fire safety. BC Building Code requirements regarding fire safety will be enforced here.

## **4.0 Proposal**

### **4.1 Background**

On August 5, 2020, Council gave 2<sup>nd</sup> and 3<sup>rd</sup> reading to a Zoning Bylaw Amendment (BL12087) to rezone the subject lot from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate the development of a second home on the property. Part of the conditions of approval of the rezoning is that the HAP be considered by Council.

The property is in the City's Heritage Conservation Area; and therefore, any change to the property, including the addition of new buildings, requires an HAP.

Under the Terms of Reference for the City's Heritage Advisory Committee (HAC), a new build that is visible from a street, as the proposal is, would be subject to the Committee's review. At the time of application, the HAC was not in operation, due to measures related to the COVID-19 Pandemic. To gain certainty regarding the development process, the applicant asked Staff to make a determination whether the application would be reviewed by the HAC. As the request was deemed to be reasonable, and as the HAC was not in operation at the time, with no way of knowing if and when it would resume operation, Staff made the determination that the application would not be reviewed by the HAC. Instead, it was determined that a Heritage Report by a Registered Heritage Professional would be required in order to help Staff and Council determine whether the proposal is consistent with the City's Heritage Conservation Area Guidelines.

### **4.2 Project Description**

The proposal is to keep the existing heritage home on the property and add a second single family home and detached garage at the back of the lot. The second home would have car access from Knox Cr. through an existing access easement on the adjacent property to the north.

The existing 2-storey home was built circa 1910 and is considered to be of the Victorian Revival Style. The new home and detached garage draw inspiration from but do not mimic the Victorian Revival style—an approach considered valid under the City's Heritage Conservation Area Guidelines. To quote the Heritage Report, "the proposed new house appropriately pulls its main inspiration from the Victoria Revival style of the primary house but presents those elements in a more simplified and contemporary manner..." (Heritage Report, p. 7). Specifically, elements such as façade materials, roof form, doors, windows, soffits and fascia

boards are similar to and borrow the architectural language of the existing home, but do not copy these features.

In addition, the massing of the new home is comparable with that of the existing home, and, though larger than many of the homes on Knox Cr., is not out of context on the street. Further, the location of the new build on the lot preserves the general street pattern found on the west side of Knox Cr., where most of the homes are pushed up within a few meters of the street and have their car access from the street.

A thorough review of the proposal against the City's Heritage Conservation Area Guidelines is provided in the Heritage Report (Attachment C). The Heritage Report helped Staff determine that the proposal is in fact substantially consistent with the City's Heritage Conservation Area Guidelines (Attachment D).

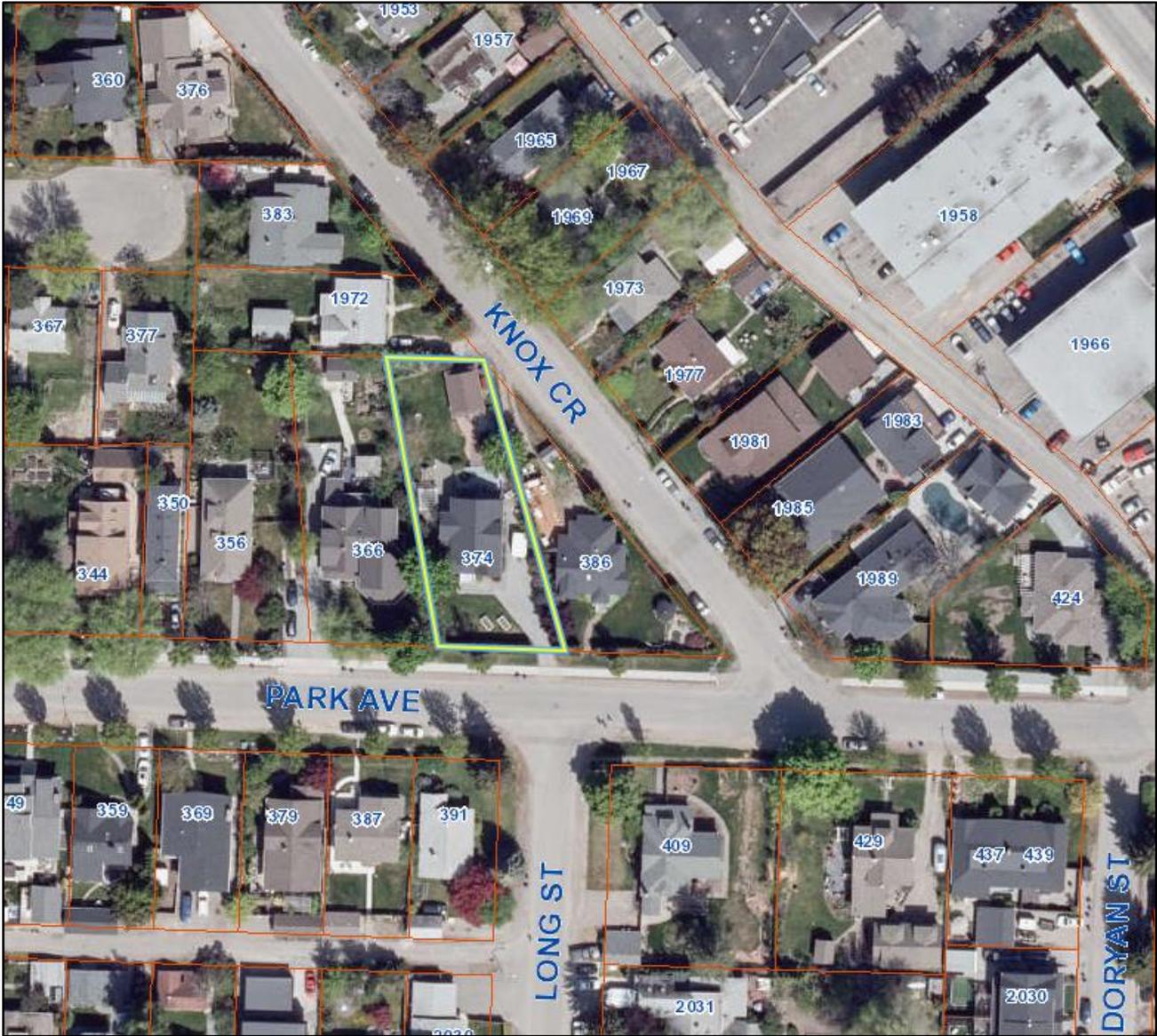
#### 4.3 Site Context

The property is in the City's Heritage Conservation Area in the Central City Sector. The property is also within 200m of both the City Centre Urban Centre and the Abbott St. Recreation Corridor. The neighbourhood is mainly single family with some carriage houses, and two dwelling lots.

Adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RU1 – Large Lot Housing	Single Family Housing
West	RU1 – Large Lot Housing	Single Family Housing

**Subject Property Map: 374 Park Ave.**



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	700m <sup>2</sup>	1,046m <sup>2</sup>
Min. Lot Width	18m	22m
Min. Lot Depth	30m	53m
Development Regulations		
Max. Site Coverage (buildings)	40%	31%
Max. Site Coverage (buildings, parking, driveways)	50%	49%

Max. Height	9.5m and 2.5 storeys	9.4m and 2 storeys
Min. Front Yard	4.5m	>4.5m
Min. Side Yard (west)	2m/2.3m	2.9m
Min. Side Yard (east)	2m/2.3m	2m/2.3m
Min. Rear Yard	7.5m	8.8m
<b>Accessory Development Regulations</b>		
Max. Height	4.8m	4.6m
Min. Front Yard	9m	>9m
Min. Side Yard (west)	1.5m	1.6m
Min. Side Yard (east)	1.5m	6.2m
Min. Rear Yard	1.5m	1.5m
Min. Separation b/w Principal Dwelling and Accessory Building	3m	1.2m <span style="color: red;">❶</span>
❶ Indicates a requested variance to setback between a principal dwelling and an accessory building.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 16: Heritage Conservation Area Guidelines

5.2 **JUSTIFICATION:** The purpose of the Heritage Conservation Area is to sustain the historical legacy of the neighbourhoods shown on Map 9.1. The special qualities of these neighbourhoods will be preserved by ensuring changes complement the established streetscape and maintain the integrity of traditional architectural forms.

## 6.0 Application Chronology

Date of Application Received: May 8, 2020  
Date Public Consultation Completed: May 26, 2020

### Heritage Advisory Committee

The application was not reviewed by the Heritage Advisory Committee for reasons given above in Section 4.1: Background.

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### Attachments:

Attachment A: Draft Heritage Alteration Permit HAP20-0003

Schedule A: Site Plan

Schedule B: Elevations, Materials and Color Board

Attachment B: Applicant Rationale

Attachment C: Heritage Report

Attachment D: Heritage Design Guidelines Checklist