

# REPORT TO COUNCIL



**Date:** April 12, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** HAP21-0005

**Owner:** James Andrew Faulkner &  
Christina Chantale Faulkner

**Address:** 1889 Abbott St

**Applicant:** Urban Options Planning Corp. –  
Birte Decloux

**Subject:** Heritage Alteration Permit

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood

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

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## 1.0 Recommendation

THAT Council authorize the issuance of Heritage Alteration Permit HAP21-0005 for Lot 1, Block D, District Lot 14, ODYD, Plan 2220, located at 1889 Abbott Street, 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 sections of Zoning Bylaw No. 8000 be granted:

**Section 6.5.3(a): Accessory Buildings in Residential Zones**

To vary the maximum site coverage for accessory buildings from the lesser of 14% or a footprint of 90 m<sup>2</sup> to 112.6 m<sup>2</sup> proposed.

**Section 6.5.3(e): Accessory Buildings in Residential Zones**

To vary the minimum side yard from 1.5 m permitted to 0.9 m proposed.

**Section 6.5.3(g): Accessory Buildings in Residential Zones**

To vary the minimum distance to the principal dwelling from 3.0 m permitted to 1.3 m 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 issue a Heritage Alteration Permit for the form and character of a single storey garage and to vary the maximum site coverage and the minimum side yard for accessory buildings and to vary the minimum distance to a principal dwelling.

## 3.0 Development Planning

Staff support the application for a Heritage Alteration Permit with variances for a detached garage. The design and siting of the proposed detached garage are generally consistent with the Heritage Conservation Area Design Guidelines. Due to the design, single storey height, and location of the proposed garage at the rear of the property with access from the lane, it is unlikely to have an impact on neighbouring properties or be visible from the street. Spatial separation requirements resulting from proposed variances can be addressed through the Building Permit process. While the proposed site coverage exceeds the 90 m<sup>2</sup> permitted for accessory buildings, it only represents 10% of the lot, and total site coverage of buildings, driveways and parking areas meets Zoning Bylaw requirements.

## 4.0 Proposal

### 4.1 Project Description

The applicant is proposing to construct a detached garage on the subject property. A Heritage Alteration Permit would typically be issued by staff for the form and character of a detached garage, however as variances are requested, Council approval is required.

The proposed garage would be one-storey in height and be accessed from the rear lane. The proposed location of the garage requires variances to the required setback from the east property line from 1.5 m to 0.9 m and from the distance to the principal dwelling from 3.0 m to 1.3 m. As the subject property also contains several other accessory buildings which the applicant is proposing to retain, a variance is required to the maximum permitted site coverage for accessory buildings from a maximum of 90 m<sup>2</sup> to 112.6 m<sup>2</sup>.

### 4.2 Site Context

The subject property is located at the intersection of Abbott Street and Lake Ave within the Abbott Street Heritage Conservation Area. It contains a single family dwelling, shed, greenhouse, and studio. The surrounding area is zoned RU1 – Large Lot Housing and RU1c – Large Lot Housing with Carriage House. The surrounding Future Land Use is C-NHD – Core Area Neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Housing
East	RU1 – Large Lot Housing	Single Detached Housing
South	RU1c – Large Lot Housing with Carriage House	Single Detached Housing & Carriage House
West	RU1 – Large Lot Housing RU1c – Large Lot Housing with Carriage House	Single Detached Housing & Carriage House

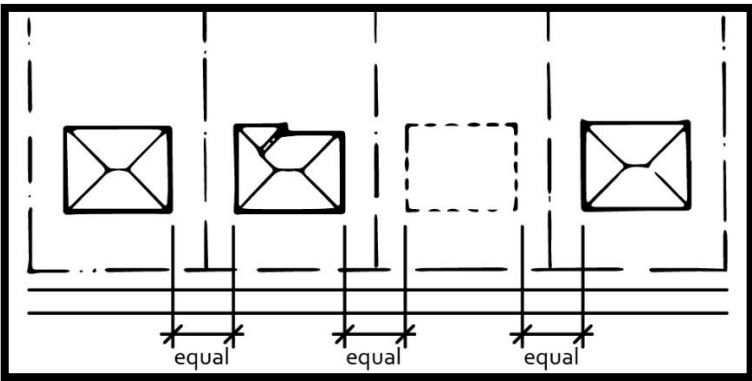
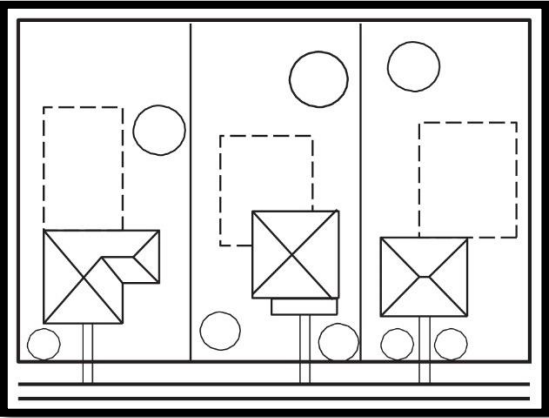
**Subject Property Map: 1889 Abbott Street****4.3 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550 m <sup>2</sup>	1133 m <sup>2</sup>
Min. Lot Width	17 m	30.48 m
Min. Lot Depth	30 m	36.6 m
Development Regulations		
Max. Site Coverage (buildings)	40%	39 %
Max. Site Coverage (buildings, driveways, parking)	50%	45%
Max. Site Coverage (accessory buildings)	lesser of 14% or 90 m <sup>2</sup>	112.6 m <sup>2</sup> (10%) ❶
Min. Front Yard (accessory building)	9 m	> 9 m
Min. Side Yard [east] (accessory building)	1.5 m	0.9 m ❷
Min. Side Yard [west] (accessory building)	1.5 m	> 1.5 m
Min. Rear Yard	0.9 m	0.9 m
Distance to Principal Dwelling	3.0 m	1.3 m ❸
❶ Indicates a requested variance to the maximum site coverage for accessory buildings ❷ Indicates a requested variance to the minimum side yard setback (east) ❸ Indicates a requested variance to the minimum distance to a principal dwelling		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 23: Heritage Conservation Area Design Guidelines

<p>Figure 23.3 Building Spacing</p>	<p>Spacing between buildings should retain the established pattern.</p> 
<p>Figure 23.4 Rear Setback</p>	<p>Rear setbacks may vary from the established pattern, within the limits of the Zoning Bylaw to accommodate additions to the residential building footprint.</p> 
<p>Figure 23.15 Cladding Materials</p>	<p>Low maintenance materials, of similar design to traditional materials, may be used for buildings not being restored to period authenticity. Exterior paint or prefinished exterior material colours which are similar to the traditional tones for the buildings architectural style are encouraged.</p>

## 6.0 Application Chronology

Date of Application Accepted: March 31, 2021  
 Date Public Consultation Completed: February 28, 2022

**Report prepared by:** Mark Tanner, 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

Schedule A: Site Plan

Schedule B: Floor Plan, Elevations and Colour Board