

# REPORT TO COUNCIL



**Date:** June 21, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** HAP22-0002

**Owner:** Richard Mohr, Judith Lynn  
Mohr & Craig Richard Mohr

**Address:** 2210 Abbott St

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

**Subject:** Heritage Alteration Permit

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood, and  
PARK – Park and Open Space

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

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## 1.0 Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP22-0002 for Lot 27, District Lot 14, ODYD, Plan 535, located at 2210 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";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

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

To vary the maximum height from 4.8 m permitted to 6.69 m proposed.

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

To vary the minimum front yard from 9.0 m permitted to 1.5 m proposed.

**Section 13.6.6(g): RU6 – Two Dwelling Housing, Development Regulations**

To vary the minimum flanking side yard from 4.5 m permitted to 2.0 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Heritage Alteration Permit Application in order for the permit to be issued;

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 semi-detached dwelling and accessory building and to vary the minimum front yard for an accessory building, the maximum height of an accessory building, and the minimum flanking side yard for a principal building.

## **3.0 Development Planning**

Development Planning Staff support the proposed Heritage Alteration Permit for the form and character of a semi-detached dwelling and accessory building with variances. The current proposal is very similar to the Heritage Alteration Permit that was approved by Council in 2019, with only minor changes to fencing, landscaping, floor plans, and site layout being proposed.

### Form & Character

As the property is vacant, the heritage value is due to its location in the southern extent of the Abbott Street Heritage Conservation Area. The immediate area has a mix of building styles including "Modern Farmhouse" (JoeAnna's House), "Frank Lloyd Wright Inspired, prairie style" (2248-2250 Abbott Street), "Late Arts & Crafts" (2228 Abbott Street), and a mixed-use building with heritage inspiration for design and materials (Strathcona Building). As such, it is difficult to apply heritage guidelines with respect to the neighbourhood context.

The proposed "Georgian Revival Style" adds to the diversity of building styles within the immediate neighbourhood. The accessory structure has been designed with an appealing front façade that faces on to the Abbott Street Recreational Corridor. The applicant has provided an attractive landscape plan which proposes significant plantings of trees, hedges, and grasses. A new sidewalk will be constructed on Royal Avenue to connect the public with City parkland along the lakefront.

The applicant retained the services of a Registered Heritage Consultant to review and comment on the form and character of the of the proposed design. In an initial review, the Consultant found that the design conflicted with the Heritage Conservation Area guidelines as well as national conservation standards in guidelines as the proposed dwelling was too grandiose for the immediate character of the surrounding blocks, the overall massing was too large, the street elevations lacked symmetry and mixed traditional building styles, and was not compatible with the historic area.

The original Report offered strategies and design options to improve the proposal. After revisions to the proposed development, the Consultant issued a second report indicating that these strategies had been reflected in the revised proposal, including introducing symmetry, scaling down the entrance, modifying the roofline, and improving the landscaping.

### Variances

The requested variances to the front yard setback and the building height for the accessory building are intended to provide an appropriate transition from the public realm along the Abbott Street Recreational Corridor to the proposed development. A particularly wide landscaped boulevard exists within the road right-of-way at this location which mitigates the impact of the reduced setback. The design of the accessory

building, including the proposed height, provides an attractive streetscape where the pedestrian realm does not have the perception of looking at the back of a detached garage. Instead, the streetscape adjacent to the accessory building is designed to look more like a front yard.

The variance to reduce the flanking street side yard (Royal Avenue) is only for a portion of the length of the principal building. The applicant has provided high quality landscaping along the Royal Avenue frontage, including columnar deciduous trees, to reduce the visual impact.

#### 4.0 Proposal

##### 4.1 Background

The subject property was rezoned in 2015 to RU6 – Two Dwelling Housing and a Heritage Alteration Permit with variances was issued for the development of a new semi-detached dwelling. However, the property owner did not proceed with the approved development and later sold the property.

In 2017, under new ownership, a second Heritage Alteration Permit application with variances for semi-detached housing was submitted, which constituted a significant redesign from the previous proposal. Council did not support the application.

In 2018, a new design for semi-detached housing was submitted by the applicant. The Heritage Alteration Permit with variances was approved by Council in 2019. The Permit expired in 2021.

##### 4.2 Project Description

The applicant is proposing to construct a new semi-detached dwelling and an accessory building on the subject property. The exterior design and site plan of the proposed development is identical to the Heritage Alteration Permit approved in 2019, with minor changes to the interior floor plan.

The proposed buildings are in the Georgian Revival Style. The semi-detached house is on the lakeside portion of the property, with the accessory building closer to Abbott Street. The 2-storey accessory building would contain a single car garage for each dwelling plus office space above. Driveway access to the site is provided from Royal Avenue.

##### 4.3 Site Context

The subject property is located on Okanagan Lake, at the southwest corner of Abbott Street and Royal Ave within the Abbott Street Heritage Conservation Area. It is currently vacant. The surrounding area is zoned RU1 – Large Lot Housing, Ru1c – Large Lot Housing with Carriage House, RU6 – Two Dwelling Housing, HD1 – Kelowna General Hospital, and HD2 – Hospital and Health Support Services.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Housing
East	HD2 – Hospital and Health Support Services	JoeAnna's House (hospital accommodation)
South	RU1 – Large Lot Housing	Single Detached Housing
West	W1 – Recreational Water Use	Okanagan Lake

Subject Property Map: 2210 Abbott Street



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	800 m <sup>2</sup>	969.9 m <sup>2</sup>
Min. Lot Width	20.0 m	20.07 m
Min. Lot Depth	30.0 m	48.26 m
Development Regulations		
Max. Site Coverage (buildings)	40%	39.98%
Max. Site Coverage (buildings, parking, driveways)	50%	49.83%
Max. Height	9.5 m	9.5 m
Min. Front Yard	4.5 m	15.47 m
Min. Side Yard (south)	2.0 m	2.0 m
Min. Side Yard (north)	4.5 m	2.0 m <sup>1</sup>
Min. Rear Yard	7.5 m	7.5 m
Accessory Building Development Regulations		
Max. Height	4.8 m	6.8 m <sup>2</sup>
Min. Front Yard	9.0 m	1.5 m <sup>3</sup>
Min. Side Yard (south)	1.5 m	6.23 m
Min. Side Yard (north)	1.5 m	6.22 m
Min. Rear Yard	1.5 m	40.1 m
Other Regulations		

Min. Parking Requirements	4	6
Min. Private Open Space	30 m <sup>2</sup>	>30 m <sup>2</sup>
Min. Distance Between Principal and Accessory Building	3.0 m	7.2 m
Min. Okanagan Lake Sightlines	120°	Meets requirement
<p>① Indicates a requested variance to minimum side yard for the principal dwelling.</p> <p>② Indicates a requested variance to maximum height of an accessory building.</p> <p>③ Indicates a requested variance to minimum front yard for an accessory building.</p>		

### 3.0 Current Development Policies

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

Objective 5.3 Design residential infill to be sensitive to neighbourhood context	
Policy 5.3.7 Respect the Heritage Conservation Area	<p>Consider more limited opportunities for infill, such as carriage homes, two dwelling housing, subdivisions, and the conversion of existing single detached homes into suites in the Abbott Street and Marshall Street Heritage Areas only when consistent with the guidelines outlined in Chapter 23: Heritage Conservation Areas. Discourage stacked row housing, apartment housing, and larger infill projects where lot consolidations are required, even where located along a Transit Supportive Corridor.</p> <p><i>The development proposal is for two dwelling housing within the Abbott Street Heritage Conservation Area and generally conforms to the relevant guidelines.</i></p>

### 4.0 Application Chronology

Date of Application Accepted: February 2, 2022

Date Public Consultation Completed: February 24, 2022

**Report prepared by:** Mark Tanner, Planner II

**Reviewed by:** Lydia Korolchuk, Urban Planning Manager

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

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

#### Attachments:

Attachment: Draft Heritage Alteration Permit

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations & Colour Board

Schedule C: Landscape Plan

Attachment B: Applicant's Rationale

Attachment C: Renderings

Attachment D: Registered Heritage Consultant Report

Attachment E: Heritage Conservation Area Guidelines Checklist