

Regular MeetingJanuary 25, 2000

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, January 25, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson* and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Long Range Planning Manager, L.V. Foster*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 12:22 a.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Hobson.

EXTENSION OF MEETING

Moved by Councillor Nelson/Seconded by Councillor Blanleil

R62/00/01/25 THAT the meeting be extended beyond 11:00 p.m.

Carried

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, January 10, 2000

Moved by Councillor Nelson/Seconded by Councillor Given

R63/00/01/25 THAT the minutes of the Regular Meeting of January 10, 2000 be confirmed as circulated.

Carried

3.2 Public Hearing, January 11, 2000

Moved by Councillor Day/Seconded by Councillor Cannan

R64/00/01/25 THAT the minutes of the Public Hearing of January 11, 2000 be confirmed as circulated.

Carried

3.3 Regular Meeting, January 11, 2000

Moved by Councillor Given/Seconded by Councillor Shepherd

R65/00/01/25 THAT the minutes of the Regular Meeting of January 11, 2000 be confirmed as circulated.

Carried

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3.4 Regular Meeting, January 17, 2000

Moved by Councillor Clark/Seconded by Councillor Nelson

R66/00/01/25 THAT the minutes of the Regular Meeting of January 17, 2000 be confirmed as circulated.

Carried

4. Councillor Hobson was requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

5.1 Bylaw No. 8497 (Z99-1057) – Madan & Nirmal Kanda and Narinder & Devinder Johal (Len Suchocki/Chriscan Enterprises Ltd.) – 4049 Lakeshore Road, and City of Kelowna Official Community Plan Amendment No. OCP99-020 **requires majority vote of full Council (5)**

Moved by Councillor Given/Seconded by Councillor Clark

R67/00/01/25 THAT Bylaw No. 8497 be read a second and third time.

Carried

5.2 Bylaw No. 8499 (Z99-1026) – Park Avenue Properties Inc. and Brian and Dale Draper (Pauline Draper) – 2034, 2046 and 2056 Pandosy Street

Councillor Nelson declared a conflict of interest as part owner of a property within the notification radius for this application and left the Council Chamber at 12:25 a.m.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R68/00/01/25 THAT further consideration of Bylaw No. 8499 (Park Avenue Properties Inc. and Brian and Dale Draper – 2034, 2046 and 2056 Pandosy Street) be deferred to the Regular Meeting of Monday, March 13, 2000.

Carried

Councillors Cannan and Shepherd opposed.

Councillor Nelson returned to the Council Chamber at 12:33 a.m. and took his place at the Council Table.

6. PLANNING

6.1 Planning & Development Services Department, dated January 12, 2000 re: Development Variance Permit Application No. DVP99-10,086 – Bruce Simpson – 950 Maygard Road (3090-20)

Staff:

- Variances are requested to vary the area and height of a garage constructed at the rear of the property about 2 years ago without applying for a building permit.
- A Stop Work Order was issued as a result of a complaint.
- The application was reviewed and supported by the Advisory Planning Commission.
- Planning Department staff recommend Council not support the application as a matter of principle; the applicant was aware a building permit was needed but proceeded to construct the building without one.

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Mayor Gray invited the applicant to respond to the Planner's comments.

Bruce Simpson, applicant:

- It is necessary to raise the grade of the subject property in order to rectify flooding problems resulting from the significant grade difference of the adjacent properties to the north and east. To date, the northerly elevation of the subject property has been raised 4 ft.; the rest of the property will be regraded as money comes available.
- If the entire property had been built-up, then the foundation for the garage would have been dug down and the garage would have been within the height restrictions.
- Originally, there were 2 separate buildings on the property totalling 1,500 sq. ft. so it seemed logical that they could be removed and replaced with a single 1,200 sq. ft. building.
- Initially, and up until a year ago, City staff said that two buildings of 700 sq. ft. each would be allowed.
- He did not know that a Building Permit was required.
- No work has been done on the building since the Stop Work Order was issued.
- The garage would be used to store a trailer, car, motor home, tools and miscellaneous items.
- Showed which neighbours have indicated support for this application plotted on map.
- The adjacent neighbour directly to the west would be affected by raising the elevation of the subject property. That neighbour has been told that once the level of the property has been raised shrubs will be planted along that property boundary.
- It would cost just over \$5,000 to lower the building by 18" or 8' could be taken off the front of the garage.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variances to come forward.

Darryl Knox, owner of Lot 8 directly west of the subject property:

- If the elevation of the subject property were raised by 18 inches, then both Lots 8 and 9 to the north would be flooded.
- If every citizen chose to build first and get permission later, where would this city be?
- The garage was constructed over a long weekend almost 2 years ago.
- The building is 2 storeys and obstructs the view and reduces the resale value of Lot 8.
- The garage also has a commercial grade, in-floor car hoist that opens the door for a future auto repair facility, if not by the applicant then by a future prospective owner.
- The letters of support are from neighbours who are on the high side of the road and so they are not affected by the size of the garage.
- Because the garage is so big the back of it is totally neglected; the weeds are over 5 feet tall.
- Invited members to Council to stand in his back yard and view the garage from his side.

Verna Simpson, applicant:

- Lowering the height of the garage would not give the Knoxes back their view.
- The weeds behind the garage will go when the cedars get planted along that property line.
- She and her husband have paid the \$100 fine for not obtaining a permit and have learned their lesson.

There were no further comments.

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R69/00/01/25 THAT the two variances requested by Development Variance Permit Application No. DVP99-10,086 (Bruce Simpson, 950 Maygard Road) be considered separately;

AND THAT Council grant a variance to Section 6.5.7 (Accessory Development) of Zoning Bylaw No. 8000 to vary the maximum area of 90 m² permitted to the 111.48 m² existing.

Carried

Mayor Gray and Councillors Clark, Hobson and Shepherd opposed.

Moved by Councillor Shepherd/Seconded by Councillor Clark

R70/00/01/25 THAT Development Variance Permit Application No. DVP99-10,086 (Bruce Simpson, 950 Maygard Road) to vary Section 6.5.6 (Accessory Development) from the maximum height of 4.5 m or one storey permitted to the existing height of 5.06 m **not** be supported by Council.

Carried

7. BYLAWS

BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8500 (Z99-1041) – William & Sharon Ridinger – 200 Barber Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R71/00/01/25 THAT Bylaw No. 8500 be read a first time.

Carried

8. REMINDERS - Nil

9. TERMINATION

The meeting was declared terminated at 1:55 a.m.

Certified Correct:

 Mayor

BLH/bn

 City Clerk