

Regular MeetingSeptember 12, 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, September 12, 2000.

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

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:00 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, August 28, 2000

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R756/00/09/12 THAT the minutes of the Regular Meetings of August 28 and 29, 2000 and the Public Hearing of August 29, 2000 be confirmed as circulated.

Carried

4. Councillor Blanleil 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. 8584 (Z00-1035) – 554007 B.C. Ltd. (Walter Baumgart) – 952 Lawson Avenue

Moved by Councillor Day/Seconded by Councillor Hobson

R757/00/09/12 THAT Bylaw No. 8584 be read a second and third time.

Carried

5.2 Bylaw No. 8586 (Z00-1037) – Henry & Sylvia Bouchard and Barbara Cymbala – 519 & 543 McKay Avenue

Moved by Councillor Day/Seconded by Councillor Hobson

R758/00/09/12 THAT Bylaw No. 8586 be read a second and third time.

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- 5.3 Bylaw No. 8587 (Z00-1012) – Edward and Kazimere Surowiec – 1345,1325 & 1315 Highway 33 West and 145, 155 & 165 Taylor Road

Moved by Councillor Hobson/Seconded by Councillor Day**R759/00/09/12** THAT Bylaw No. 8587 be read a second and third time.Carried

- 5.4 Bylaw No. 8589 (TA00-001) – City of Kelowna Zoning Bylaw Text Amendment to Add “Commercial Storage” as Principal Use in the I1 – Business Industrial Zone

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R760/00/09/12** THAT Bylaw No. 8589 be read a second and third time.Carried

- 5.5 Bylaw No. 8590 (Z00-1038) – Kelowna Self Storage Ltd. (Robert Evans/ True Consulting Group) – 1698 Findlay Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R761/00/09/12** THAT Bylaw No. 8590 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 5.6 Bylaw No. 8585 (Z00-1041) – George & Melissa Summach (Tom Smithwick) – 370 Braeloch Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan**R762/00/09/12** THAT Bylaw No. 8585 be read a second and third time, and be adopted.Carried6. PLANNING

- 6.1 Planning & Development Services Department, dated August 14, 2000 re: Development Variance Permit Application No. DVP00-10,060 – George & Melissa Summach (Tom Smithwick) – 370 Braeloch Road (3090-20)

Staff:

- Variances are requested to allow for construction of a secondary dwelling unit at a 2-storey, 5.1 m height and with increased floor area.
- The secondary dwelling unit will be used as a guest house and for a security unit.

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Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variances to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd

R763/00/09/12 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,060; Porter Ramsay; Lot 1, Sec. 23, Twp. 28, S.D.Y.D., Plan KAP63082, located on Braeloch Road, Kelowna, B.C.;

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

6.5.6 Accessory Development: Number of Storeys: a variance of one storey to the one storey maximum for an accessory building to permit a 2 storey building as proposed;

9.5.4 Secondary Suites, Maximum Area: an 80 m² variance to the maximum 90 m² requirement for a secondary suite to permit a 170 m² secondary suite as proposed;

12.3.5(b) Development regulations, height of an accessory Building: a 0.6 m variance to the maximum 4.5 m height of an accessory building to permit a 5.1 m building as proposed.

Carried

6.2 Planning & Development Services Department, dated August 3, 2000 re: Development Variance Permit Application No. DVP00-10,059 – Joan & Glen Cochrane – 405 Collett Road (3090-20)

Staff:

- A variance is requested to the flanking side yard setback regulations in order to wrap the covered veranda in the front around the side of the house. Some construction has started on the property but not in the area subject to the requested variance.
- The house fronts onto Collett Road and the Fuller Road side of the property is considered the flanking side yard.
- The main footprint of the building would respect the required setback but the covered veranda would be within the setback requirement.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward. There was no response.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R764/00/09/12 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,059, Joan Cochrane, Lot A, Sec. 25, Twp. 28, O.D.Y.D., Plan KAP66531, located on Collett Road, Kelowna, B.C.;

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

Section 13.1.5(d) Development Regulations, side Yard setbacks: a 2.1 m variance to the required side yard setback for a flanking street of 4.5 m to 2.4 m as proposed.

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6.3 Planning & Development Services Department, dated July 25, 2000 re: Development Variance Permit Application No. DVP00-10,047 – Denis & Marilyn Block – 5260 Lakeshore Road (3090-20)

Staff:

- The subject property and most of the other lots in the area have been non-conforming for many years.
- The applicant and his neighbour to the north acquired the vacant lot between them, subdivided the lot in half and then consolidated the half lot with their respective property. The applicant's reason for doing this was to build a garage which he advised at the time of subdivision would be attached to the existing dwelling by a breezeway.
- Following approval of the subdivision by the City's Approving Officer, the applicant applied for a building permit for the garage. However, because the lot was small and setbacks could not be met the building permit was refused and the applicant was directed back to the Planning Department to attain the necessary variances.
- The applicant chose to go ahead and build the garage without attaining appropriate approvals.
- The garage fits in with the surrounding development and in general, staff have no problems with facilitating the development. However, on principle, staff are recommending the application not be supported because although the applicant may have made his intentions known from the onset, procedures were not followed and the applicant built the garage without the necessary approvals.
- When the subdivision was approved, the plans reviewed by the Public Health Officer did not indicate a proposed garage and acquisition of part of the adjacent lot was regarded as positive as it would provide for a replacement field should the existing field fail. The Public Health Officer recommended that a covenant be registered to preclude other habitable buildings on the site in order that an alternate septic field site would be preserved in the event of failure.
- The applicants has assured staff that they have no intention of creating any habitable space in the garage.
- The existing septic field is between the house and Lakeshore Road.

Marilyn & Dennis Block, applicant:

- Were told by the Health Department when they bought the house 12 years ago that everything about the house was non-conforming and that they would not be able to put a new septic field on the property because of the width of the property. Cannot imagine that the property would be wide enough for a new septic field now if it was not wide enough 12 years ago.
- When the adjacent property was purchased in 1997, City Planning staff were asked if the building of a garage would be suitable if the property could be purchased, subdivided and then consolidated and staff said they did not see why it would not be possible to build a garage.
- Just wanted to construct a garage in order to remove their vehicles from the road and a covenant has been signed saying that if an additional building was constructed on the subject property it could not have any bedrooms in it.
- Misunderstood the process; thought that after the subdivision was approved they could go ahead and frame the garage and then apply for the building permit. It was not until applying for the building permit that they learned that variances were required.
- Would never have bought the property had they been told they could not build a garage.
- The garage ties in with the design of the home and complements the property.
- All four neighbours have signed a letter saying they are in favour of this application.
- Ray King of the Health Department has advised he cannot deal with the septic on the subject property until it fails and then at that point an engineered system would likely be required.

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- Submitted a letter of support from Robert & Penny Caley, 5268 Lakeshore Road.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variances to come forward. There was no response.

Don Haines, 5296 Lakeshore Road:

- Spoke in support. Consolidating the vacant property with the two adjacent lots eliminates the potential for another septic system seeping into the lake.
- Vacant lots are frequently unsightly and not maintained and that is eliminated from the portion of the lot acquired by the applicant.
- The applicants have done a remarkable job of making the garage look like it originated with the house instead of being an addition.
- There is a noticeable reduction in the number of cars parking on the street.

Dan Shaulert, 5252 Lakeshore Road:

- Spoke in support, as the neighbour who purchased the other half of the vacant lot, and advised he also intends to build a garage.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R765/00/09/12 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,047; Dennis & Marilyn Block; Lot A, Sec. 22, Twp. 28, S.D.Y.D., Plan, KAP65866, located on 5260 Lakeshore Road, Kelowna, B.C.;

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

Section 1.7.1 Non-Conforming Uses. The date before which non-conforming rural residential lots less than 0.2 ha., can be considered to be developed in accordance with the provisions and regulations of the RU1 zone, be varied from August 10, 1976 to December 31, 1999;

Section 13.1.5(a) Development Regulations. The maximum site coverage be increased from 40% to 47%;

Section 13.1.5(c) Development Regulations. The minimum front yard be reduced from 6.0 m to 2.47 m from a garage or carport having vehicle access from the front;

Section 13.1.5(d) Development Regulations. The minimum east side yard be reduced from 2.0 m to 1.6 m for a 1 storey portion of a building;

AND THAT prior to issuance of the Development Variance Permit, the applicant return to City of Kelowna Council to register a covenant on the subject property to require that satisfactory arrangements be made with the Okanagan Similkameen Health Region in the event the existing septic field fails;

AND THAT prior to issuance of the Development Variance Permit, the applicant meet the requirements of the Inspection Services Division;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

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7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8596 (Z99-1031) – Okanagan Hungarian Society (Terry Gold Realty Ltd.) – 199 Pinto Road

Moved by Councillor Given/Seconded by Councillor Nelson

R766/00/09/12 THAT Bylaw No. 8596 be read a first time.

Carried

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 7.2 Bylaw No. 8519 – Amendment No. 4 to Sign Bylaw No. 8235

Moved by Councillor Given/Seconded by Councillor Shepherd

R767/00/09/12 THAT Bylaw No. 8519 be read a first, second and third time.

Carried

- 7.3 Bylaw No. 8597 – Amendment No. 1 to Five Year Financial Plan Bylaw, 2000-2004, No. 8538

Moved by Councillor Nelson/Seconded by Councillor Given

R768/00/09/12 THAT Bylaw No. 8597 be read a first, second and third time.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 9:07 p.m.

Certified Correct:

Mayor

BLH/bn

City Clerk