

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, February 13, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, 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: Acting-City Manager, D.L. Graham; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on January 24, 2001, and by being placed in the Kelowna Daily Courier issues of February 5, 6 & 9, 2001, and in the Kelowna Capital News issue of February 4, 2001, and by sending out or otherwise delivering 343 letters to the owners and occupiers of surrounding properties between January 24 & 27, 2001.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8629 (City of Kelowna Zoning Bylaw Text Amendment No. TA01-001) - THAT the RR3 - Rural Residential 3/RR3s - Rural Residential 3 with Secondary Suite zone of the City of Kelowna Zoning Bylaw No. 8000 be amended by replacing the wording under Section 12.3.5 (b) with the following:

"The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 4.5 m for accessory **buildings** and accessory **structures** and a maximum of 6.0 m for accessory **buildings** containing a suite."

See discussion under 3(b).

- (b) Bylaw No. 8630 (Z00-1057) - Daniel & Patricia Gagnon (Daniel Gagnon) – 3544 Kimatouche Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 17, Sec. 3, Twp. 26, O.D.Y.D., Plan KAP65948, located on Kimatouche Road, Kelowna, B.C., from the RR3 - Rural Residential 3 zone to the RR3s - Rural Residential 3 with Secondary Suite zone in order to allow development of the site for uses permitted in the RR3s zone.

Staff:

- The proposed text amendment makes the same height provision in the RR3/RR3s zone as for other residential zones where the 's' zone has been added.
- The applicant is proposing future construction of a suite on the upper floor of an accessory building to be constructed on the rear east side of the subject property.
- The Public Health Inspector is satisfied that there is adequate room for expansion of the sewage disposal system to service the future suite.

The City Clerk advised that the following correspondence and petitions had been received:

- letter of opposition from Grant & Angela Edstrom, 3532 Kimatouche Road, expressing concern about loss of privacy with suite(s) overlooking their back yard and the potential negative impact of increased density on septic systems in the subdivision and stating that they would like the subdivision to remain single detached housing with no suites.
- petition of support bearing 5 signatures.
- late letter of opposition from Emil Anderson Construction expressing concern that the neighbourhood they have rezoned, subdivided and developed would change from what was marketed.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Daniel Gagnon, applicant:

- Currently living on Dilworth Mountain but has young children and wanted a flatter lot where easier to teach the children how to ride a bike, etc.
- It took 3 years to find this lot and hope to live there long after the neighbours have left.
- The suite is not proposed for rental purposes, it is intended for construction in the long term for future family use.

Gail Harrison, 3926 Claxton Court:

- Owns Lot 16 abutting the subject property on the east side.
- The applicant has agreed to remove a window that was proposed so that occupants of the suite would not be looking into the east side adjacent back yard where a pool is proposed.
- Concerned that if the current owners of the subject property sell, the suite could be used by future owners for rental purposes.
- Was told by the developer when purchasing their lot that there would be no commercial of any sort (i.e. could not run a home based business). The developer did not mention suites.
- Would like this high-end subdivision to remain single family to protect property assets.

Daniel Gagnon, applicant:

- The current RR3 zoning permits secondary uses including bed & breakfast, minor and intermediate care centres, minor group homes, and minor and major home based businesses.
- Told Greg Asling of Emil Anderson Construction about the plans for a secondary suite and he objected because they still have lots to sell and he had the same concern as was expressed by the previous speaker.
- If the requested rezoning is not approved, a detached garage will still be built on the subject property, it will just be lower in height.

There were no further comments.

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- (c) Bylaw No. 8631 (Z00-1054) - Peter Werstuik – 3560 Casorso Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14, D.L. 134, O.D.Y.D., Plan 20399, located on Casorso Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

Staff:

- There is an existing single family house with attached garage on the subject property.
- The applicant intends to construct an addition onto the existing garage for use as a secondary suite and to construct a new garage at the rear of the site.

The City Clerk advised that the following correspondence and petitions had been received:

Opposition:

- letter from Anders Tomsen, 42-3535 Casorso Road
- letter from Louise Tomsen, 42-3535 Casorso Road
- letter from Milburn Lee, 1-3535 Casorso Road

All stating they purchased their properties because of the original zoning and do not want to lose the existing nature and character of the neighbourhood; that zoning and land use should be predictable and long term and there should not be any rezoning without compelling reasons; the increase in density will lead to deterioration of lifestyle and quality of life; and the applicant should have to provide a petition of support for any such application.

Support:

- petition bearing 16 signatures

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Peter Werstuik, applicant:

- Indicated he was available to answer questions of Council.

John Gobolos, 3525 Scott Road:

- Purchased property in the area because of the zoning and would like to retain that type of neighbourhood and lifestyle.
- Concerned about increased traffic.
- Suites devalue properties.

There were no further comments.

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- (d) Bylaw No. 8632 (Z00-1060) - Barbara Larson (Barbara Larson & Kamel Abougoush) – 4195 Wallace Hill Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 3, Twp. 26, O.D.Y.D., Plan 12667, located at 4195 Wallace Hill Road, Kelowna, B.C., from the A1- Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone in order to allow development of the site for uses permitted in the A1s - zone.

Staff:

- The subject property is 2.42 ha in size.
- The secondary suite would be located in a building addition that is currently under construction.
- If the rezoning is approved, a variance would be required to increase the maximum allowable floor area from 40% to 40.5% of the principal dwelling.

The City Clerk advised that the following correspondence had been received:

- statements of support from four surrounding neighbours.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

The applicant indicated he had nothing to add at this time.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:38 p.m.

Certified Correct:

Mayor

BLH/bn

City Clerk