

Regular MeetingAugust 14, 2001

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, August 14, 2001.

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; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:06 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, July 16, 2001
Public Hearing, July 17, 2001
Regular Meeting, July 17, 2001
Regular Meeting, July 30, 2001

Moved by Councillor Nelson/Seconded by Councillor Given

R640/01/08/14 THAT the Minutes of the Regular Meetings of July 16, July 17, and July 30, 2001 and the Minutes of the Public Hearing of July 17, 2001 be confirmed as circulated.

Carried

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

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

5.1 Bylaw No. 8707 (Z01-1033) – Hannu & Sharon Tukkimaki – 1555 Blondeaux Crescent

Moved by Councillor Nelson/Seconded by Councillor Given

R641/01/08/14 THAT Bylaw No. 8707 be read a second and third time, and be adopted.

Carried

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6 PLANNING

- 6.1 Planning & Development Services Department, dated July 12, 2001 re: Development Variance Permit Application No. DVP01-10,030 – Allan J. MacDonnell – 202 Hereron Road (3090-20)

Staff:

- A minor lot line adjustment is being considered between the subject property owner and the adjacent property owner to the east in order to better define the farm boundary.
- The reduced setback is for the existing barn on the subject property.

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 Hobson/Seconded by Councillor Day

R642/01/08/14 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,030; Allan J. MacDonnell, Lot 1, Secs. 2 and 11, Twp. 23, ODYD Plan KAP68206, located on Hereron Road, Kelowna, B.C. subject to the following:

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

Section 11.1.5(f) Development Regulations, Setback for buildings housing more than 4 animals: A 3.05 m variance requested to the east property line and a 8.5 m variance request to the south property line for the minimum setback of 15 m to a property line for a barn which houses more than 4 animals to 11.95 m on the east property line and 6.47 m on the southern extension of the east property line as proposed.

Carried

- 6.2 Planning & Development Services Department, dated July 17, 2001 re: Development Variance Permit Application No. DVP01-10,050 – Matthew & Colleen Simpson – 253 Camelot Court (3090-20)

Staff:

- A neighbour complained to the City that two panels of the existing fence on the subject property exceed the permitted height by .43 m.
- After the complaint was received, the applicant submitted this application for a variance.
- Staff have no concerns and recommend positive consideration of the application.

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

The City Clerk advised that the following correspondence had been received relevant to this application:

- late letter from Patricia McGuiness, 251 Camelot Court;
- late letter from Lorna Scholl, 243 Camelot Court

both in opposition on the basis that there is no valid reason for the fence to exceed the maximum height as specified in the City of Kelowna Zoning Bylaw; the residents of Magic Estates all agreed to abide by design guidelines when they purchased and the guidelines stipulate that a fence shall not exceed 6 ft. in height; and approval of the variance could set a precedent for others.

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Matthew Simpson, applicant:

- Had not intended to build a fence but had the fence built after being threatened by the neighbour.
- Hired a builder to construct the fence. Discussed with him that the fence was being built to achieve back yard privacy, safety and security.
- If the variance is approved, it will be a win/win because the people at 251 Camelot will also have their privacy.

There were no further comments.

Moved by Councillor Nelson/Seconded by Councillor Given

R643/01/08/14 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,050; Matthew Simpson & Colleen Simpson; Lot 16, Sec. 6, Twp. 23, ODYD Plan KAP45273, located on Camelot Court, Kelowna, B.C.;

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

Section 7.5.3 Fence Height: A 0.43 m variance to vary the height of a fence for two panels on the north property line from the maximum height of 2 m as required to 2.43 m as proposed.

Carried

6.3 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 8575 (Z99-1016) – Birgit Goedecke – 619 Buck Road

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R644/01/08/14 THAT Bylaw No. 8575 be adopted.

Carried

- (b) Planning & Development Services Department, dated July 16, 2001 re: Development Variance Permit Application No. DVP99-10,022 – Birgit Goedecke – 619 Buck Road (3090-20)

Staff:

- The accessory building was built as a garage in accord with setback requirements of the day. Since that time, the building was converted into a suite and setback requirements have changed.

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

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Moved by Councillor Shepherd/Seconded by Councillor Nelson

R645/01/08/14 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP99-10,022; Birgit Goedecke; Lot A, D.L. 357, S.D.Y.D., Plan 40158, located on Buck Road, Kelowna, B.C.;

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

Section 6.14.1 Stream Protection Leave Strips: A 4.0 m variance to vary the leave strip setback from the 10 m as required to 6.0 m as proposed.

Carried

6.4 Planning & Development Services Department, dated July 17, 2001 re: Development Variance Permit Application No. DVP01-10,046 – Keith Yap and Mandy Wong – 376 Uplands Court (3090-20)

Staff:

- The applicant is proposing to construct a pool house at the rear of the dwelling.
- The structure would respect a 5 m right-of-way that is across the back of the property, but structures attached to the principal building require a 7.5 m setback.

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 Cannan/Seconded by Councillor Shepherd

R646/01/08/14 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,046; Keith Yap & Mandy Wong, Lot 7, Sec. 23, Twp. 28, SDYD, Plan KAP53665 located on Uplands Court, Kelowna, B.C.;

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

Section 13.1.5(e) Development Regulations, Rear Yard Setback: A 2.5 m variance to the required rear yard setback of 7.5 m to 5.0 m as proposed.

Carried

6.5 Planning & Development Services Department, dated July 19, 2001 re: Development Variance Permit Application No. DVP01-10,053 – Alan & Brenda Perrott – 2184 Chilcotin Crescent (3090-20)

Staff:

- The applicant is requesting approval to reduce the front yard setback for the entrance canopy and the garage in order to position the rear of the proposed house in line with the existing dwellings.

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The City Clerk advised that the following correspondence had been received relevant to this application:

- letter of support from Emil Anderson Construction, the developer of Dilworth Mountain Estates;
- late correspondence in the form of 4 form letters of opposition signed by the following individuals, stating the proposed setback would interrupt the streetscape and natural alignment of houses on the street:
 - Lois & Jeff Gunn, 2176 Chilcotin Crescent
 - Richard Fowler, 2185 Chilcotin Crescent
 - Gary Fee, 2181 Chilcotin Crescent
 - Norrie Tennant, 2192 Chilcotin Crescent.

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

Brenda Perrott, applicant:

- Advised that the form letters mentioned by the City Clerk were letters of support not opposition to the application.

The City Clerk clarified that in addition to the 4 form letters of opposition and the letter of support from the developer, there were also 5 form letters of support from the following:

- Jeff Gunn, 2176 Chilcotin Crescent
- Lois Gunn, 2176 Chilcotin Crescent
- Bianca Shaw, 2177 Chilcotin Crescent
- Richard Alan Fowler, 2185 Chilcotin Crescent
- Lisa Tennant, 2192 Chilcotin Crescent.

Greg Asling, representing Emil Anderson Construction:

- In attendance at this meeting to lend support to this application.
- Do not feel the reduced setbacks will affect the streetscape to any great degree once the neighbourhood is filled in.

Alex Szita, 2188 Chilcotin Crescent:

- Some of the neighbours objected to the application upon learning from the notice that the house would be located 4 ft. 4" forward instead of 2 ft. as was stated in a letter.
- Lot 24 would probably be affected the most; some of her view down the street would be lost.
- The pillars for the entrance canopy would be an obstruction. Suggest the pillars could be moved back without affecting the entrance.

Councillor Given stated for the record that he resides at Lot 6 on Bowering Court which is in the neighbourhood but that the City Clerk has advised he is not in a conflict of interest for this application.

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R647/01/08/14 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,053; Al Perrott & Brenda Perrott; Lot 25, Sec. 28, Twp. 26, ODYD Plan KAP66626, located on Chilcotin Crescent, Kelowna, B.C.;

AND THAT variances to the following sections of Schedule 3 of Land Use Contract 74-57 be granted:

Schedule 3 R1a Single Family Residential Medium Density Section 3E, Front Yard Setback: A 1.4 m variance to the required front yard setback of 6.1 m to 4.7 m as proposed.

Carried7. BYLAWS**(BYLAWS PRESENTED FOR FIRST READING)**

7.1 Bylaw No. 8713 (Z01-1032) – Nancy & Lyle Howlett – 4355 June Springs Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

R648/01/08/14 THAT Bylaw No. 8713 be read a first time.

Carried

7.2 Bylaw No. 8714 (Discharge LUC 78-1009, Z00-1013) – Vincent & Giovannina Magaldi – 2131 Scenic Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R649/01/08/14 THAT Bylaw No. 8714 be read a first time.

Carried

7.3 Bylaw No. 8715 (OCP01-004, Z01-1029) – Pacific Sun Enterprises Ltd (David Kornell) – 1859, 1879 & 1889 Chandler Street and 1450 Sutherland Avenue **requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Hobson

R650/01/0/14 THAT Bylaw No. 8715 be read a first time.

Carried

7.4 Bylaw No. 8716 (OCP00-006, Z00-1042) – T172 Enterprises Ltd. (Jim Langley) – 2678 Highway 97 North **requires majority vote of Council (5)**

Moved by Councillor Hobson/Seconded by Councillor Day

R651/01/08/14 THAT Bylaw No. 8716 be read a first time.

Carried

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- 7.5 Bylaw No. 8703 – Amendment No. 5 to Kelowna Memorial Park Cemetery Bylaw No. 7627

Moved by Councillor Given/Seconded by Councillor Nelson**R652/01/08/14** THAT Bylaw No. 8703 be adopted.Carried

- 7.6 Bylaw No. 8706 – Patricia Vineyards Ltd. Tenancy Agreement Approval Bylaw – 1690 Saucier Road

Moved by Councillor Clark/Seconded by Councillor Shepherd**R653/01/08/14** THAT Bylaw No. 8706 be adopted.Carried

- 7.7 Bylaw No. 8708 – Amend Sewerage System User Bylaw No. 3480

Moved by Councillor Day/Seconded by Councillor Hobson**R654/01/08/14** THAT Bylaw No. 8708 be adopted.Carried8. REMINDERS

- Cops for Kids Cycling Fundraiser – Challenge put out by the City Manager on behalf of RCMP Inspector Green that the Councillor who pledges the most money to this fundraiser will have the pleasure of determining what colour the Inspector will dye his hair.

9. TERMINATION

The meeting was declared terminated at 7:54 p.m.

Certified Correct:_____
Mayor

BLH/am

City Clerk