

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, April 2, 2002.

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, S.K. Bagh; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

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.

Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 15, 2002, and by being placed in the Kelowna Daily Courier issues of March 25 & 26, 2002, and in the Kelowna Capital News issue of March 24, 2002, and by sending out or otherwise delivering 99 letters to the owners and occupiers of surrounding properties between March 15-19, 2002. In addition, notice of the Public Hearing date concerning the text amendment bylaw was sent to the 76 licenced bed & breakfast operations in the City of Kelowna as well as to the Bed & Breakfast Association.

3. INDIVIDUAL BYLAW SUBMISSIONS

**3.1 Gerard & Helena Doeksen (Grant Maddock/Protech Consultants Ltd.)**

- 3.1 Bylaw No. 8815 (Z01-1066) Gerard & Helena Doeksen (Grant Maddock/Protech Consultants (1989) Ltd. – 759 Dehart Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 358, ODYD, Plan 18576, located on DeHart Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone to allow development of the site for uses permitted in the RU1 zone.

Staff:

- The rezoning is requested to facilitate a 4-lot subdivision. Three lots would be created south of the existing home and accessory building which would remain on the fourth lot. The 3 new lots would be accessed from the proposed cul-de-sac. The lot with the existing home would be accessed via a temporary private access easement over the 3 proposed new lots until such time as the fourth lot redevelops when its access would be changed to off the cul-de-sac.
- The Approving Officer will ensure as part of the subdivision process that potential purchasers of the fourth lot are made aware that the temporary access will be changed to access from the cul-de-sac when the property redevelops.
- The application was reviewed and supported by the Advisory Planning Commission and is consistent with the City of Kelowna Official Community Plan and area sector plan.

The City Clerk advised that no correspondence or petitions had been received.

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

Grant Maddock, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

### **3.2 Deby Helpard & David Gelpke**

3.2 Bylaw No. 8817 (Z01-1067) – Deby Helpard & David Gelpke – 956 Ryder Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Sec. 29, Twp. 26, ODYD, Plan 24397, located on Ryder Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to allow development of the site for uses permitted in the RU1s zone.

Councillor Nelson declared a conflict of interest being a neighbour to the subject property and left the Council Chamber at 7:08 p.m.

Staff:

- The rezoning would permit development of a suite in the basement of the dwelling.
- On-site parking requirements can be met.
- Some of the work has already been done without permits and so there are some Building Code issues to be addressed.
- This is not a bylaw enforcement complaint file. The suite has never been rented out by the current owners but they would like to be able to rent it.
- In the past years there have been 4 complaints about illegal suites on three other properties in the area.

The City Clerk advised that no correspondence or petitions had been received.

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

Deby Helpard, applicant:

- Intends to gut the existing suite because there is no sound proofing and build a new 1-bedroom suite.

Michael Frey, 955 Augusta Court:

- This is a single dwelling residential area – would like to keep it that way.

There were no further comments.

Councillor Nelson returned to the Council Chamber at 7:14 p.m. and took his place at the Council Table.

**3.3 City of Kelowna**

- 3.3 Bylaw No. 8820 (TA02-001) – City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the Bed & Breakfast regulations to reduce the maximum number of rooms permitted from 4 to 3, increase parking stall requirements from 1 stall per 2 guest rooms to 1 stall per guest room, and require that parking areas and open space to be used by guests of a new bed & breakfast home be oriented away and visually screened from abutting properties.

**Staff:**

- The text amendment would reduce the number of permitted guest rooms from 4 to 3, increase the parking requirements to 1 stall per guest room rather than 1 stall per 2 guest rooms, and require that parking areas and open space areas for new bed & breakfast (B & B's) operations be screened.
- An investigation of the regulations for B & B operations in other municipalities revealed that the City of Kelowna's existing regulations meet the intent of what is in place in other municipalities other than that in most communities the number of guest rooms was restricted to 3. In some areas of Vancouver and in Victoria a process other than business licencing is required for larger B & B operations; however, in most municipalities B & B's are a permitted use within residential zones.
- If the proposed amendment to reduce the number of guest rooms from 4 to 3 is supported by Council, existing B & B operations with 4 bedrooms now would be grandfathered and permitted to continue with 4 bedrooms.
- Notices of the proposed changes were sent to all current B & B licencees and some associations. Feedback has been minimal and concerns raised about the proposed changes have been resolved.

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

- letter from Laveryne Green and Brad Hopcraft, 4708 Westridge Drive, expressing concern with reducing the number of guest rooms from 4 to 3.

Councillor Shepherd submitted a copy of an e-mail that she had received regarding the proposed text amendment to the City Clerk.

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

**Otto Schwab, 42 Altura Road:**

- Operates a B & B that is currently licenced for 3 bedrooms and his long term business plan is to increase the operation to 4 bedrooms. B & B's require a substantial investment and that kind of investment cannot be justified if limited to 3 bedrooms. Came to Kelowna because Kelowna's bylaws for B & B's allowed 4 bedrooms.
- Does not want the option of being able to be licenced for 4 bedrooms even though he is operating with only 3 bedrooms because of property tax impacts.
- B & B's are a growing industry in the tourism sector and usually they are model properties and the nicest looking homes on the street. One bad apple should not cause the City to over-react with changes to the bylaw.

**Staff:**

- If the change from 4 to 3 guest rooms is supported by Council, would want an opinion from our solicitor before bringing forward an application for a Development Variance Permit to allow a 4<sup>th</sup> guest room.

Jack Reynolds:

- Advised he owns a B & B operation on the Westside but was speaking as a member of the Western Canada B & B and Inn Keepers Association. Spoke about disparities in the regulations for B & B's and the impact of proposed changes on property taxes.
- Suggested that inspection standards for B & B's should be consistent and that the City consider using National Association standards as a licensing requirement.
- Complaints from neighbours are not always well founded.

## Staff:

- Clarified that Land Reserve Commission (LRC) regulations restrict the number of guest rooms for B & B's on land within the Agricultural Land Reserve to 3 and the LRC regulations supersede local government regulations.

Laverne Green, 4708 Westridge Drive:

- Complaints should be dealt with individually instead of making blanket changes to regulations that affect all B & B operators. Questioned why these changes would come forward if there has only been 2 complaints received by the City.
- Just opened a 3 bedroom B & B last June and hopes to go to 4 rooms in a few years but does not want to be taxed on 4 rooms in advance of having them.
- Concerned about the extent of screening that would be required and who would decide how much is the right amount.
- Did not contact any neighbours before starting the B & B but wishes she had.

## Staff:

- Clarified that the proposed text amendment does not include an obligation for new B & B operators to notify their neighbours; B & B's are still an outright permitted use provided all requirements of the Zoning Bylaw are met.

The City Clerk advised, for the record, that the e-mailed letter was from Kees & Lucia Boersma, 2045 St. Andrews Drive. The letter was not circulated to Council because it was not forwarded to either the Mayor or to City staff. The letter indicates that the Boersmas have nothing against B & B's but suggests that without the approval of the direct neighbours, B & B's should be on small acreages and hobby farms and not in single family neighbourhoods.

There were no further comments.

**3.4 Trustees of First United Church**

- 3.4 Bylaw No. 8821 – Trustees of First United Church (City of Kelowna) – 721 Bernard Avenue – To designate the building known as the First United Church located at 721 Bernard Avenue, Kelowna, B.C., as a Municipal Heritage Site.

## Staff:

- The building is in excellent condition because of the substantial commitment of the congregation of the church in ensuring good upkeep of the building.
- The congregation has received grants from the City and the Province to help in the restoration effort and now designating the building is a condition for further grant assistance from the public purse.

The City Clerk advised that no correspondence or petitions had been received.

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

Al Harrison representing First United Church:

- The church is a significant and important heritage building in the City of Kelowna and this designation will help the congregation maintain the heritage value of the structure.
- This is the first application submitted by an owner asking for heritage designation.

Lorraine McLarty representing First United Church:

- Outlined the history of the First United Church building from 1898 to present.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:14 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am