

Regular MeetingMay 28, 2002

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, May 28, 2002.

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

Council members absent: Councillor A.F. Blanleil.

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; Subdivision Approving Officer, R.G. Shaughnessy; Long Range Planning Manager, S.K. Bagh*; Transportation Manager, R.W. Westlake*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:36 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, May 13, 2002
Public Hearing, May 14, 2002
Regular Meeting, May 14, 2002

Moved by Councillor Nelson/Seconded by Councillor Cannan

R491/02/05/28 THAT the Minutes of the Regular Meetings of May 13, 2002 and May 14, 2002 and the Minutes of the Public Hearing of May 14, 2002 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. 8858 (Z01-1065) – Bill Harasin – 235 Langford Road

Moved by Councillor Day/Seconded by Councillor Cannan

R492/02/05/28 THAT Bylaw No. 8858 be read a second and third time.

Carried

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5.2 Bylaw No. 8859 (Z02-1009) – Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.) – 2350 Burtch Road

Councillor Day declared a conflict of interest because direct family members own adjoining property and left the Council Chamber at 9:37 p.m.

Council:

- Staff to ensure that the applicant provides additional screening on the lots with the minimum setbacks where patios would be closer to the fence.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R493/02/05/28 THAT Bylaw No. 8859 be read a second and third time.

Carried

Moved by Councillor Clark/Seconded by Councillor Hobson

R494/02/05/28 THAT prior to adoption consideration of Zone Amending Bylaw No. 8859, Council consider a staff report dealing with road and traffic issues brought forward at the Public Hearing on Rezoning Application No. Z02-1009 (Aberdeen Holdings Ltd. – 2350 Burtch Road).

Carried

Councillor Day returned to the Council Chamber at 10:10 p.m. and took his place at the Council Table.

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

5.3 Bylaw No. 8839 (OCP02-004) – Official Community Plan Amendment requires majority vote of Council (5)

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R495/02/05/28 THAT Bylaw No. 8839 be read a second and third time and be adopted.

Carried

5.4 Bylaw No. 8857 (Z02-1007) – Paul Jollymore – 573 McClure Road

Council:

- Staff to bring back the timing for issuance of buildings permits when a new home is proposed for construction that includes a secondary suite for discussion with Council.

Moved by Councillor Hobson/Seconded by Councillor Nelson

R496/02/05/28 THAT Bylaw No. 8857 be read a second and third time and be adopted.

Carried

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6. PLANNING

6.1 Planning & Development Services Department, dated May 9, 2002 re: Development Variance Permit Application No. DVP02-0032 – Bela & Margaret Jenei – 987 Lawrence Avenue (3090-20)

Staff:

- The applicant is requesting approval for a height variance for a turret feature proposed as an addition to the existing dwelling along with 2-storey wing additions on either side of the building.
- The property is identified in the City of Kelowna Heritage Register. The Community Heritage Commission recommends non-support for the Development Variance Permit and non-support for the wing additions.
- Planning staff recommend support of the height variance and the proposed building additions with no conditions.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the required variance(s) to come forward.

David Lovell, President of Kelowna South-Central Association of Neighbourhoods (KSAN):

- Concerned about the process by which the application came to the attention of the Community Heritage Commission.
- Does not support the scale of the proposed turret
- Does not support adding two large wings to the house.
- Questioned why a Heritage Alteration Permit was not required.
- Asked that Council not support the application and that all new construction for the area be fully considered by the Community Heritage Commission as part of the public process.

Valerie Hallford, president, Friends & Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS):

- The subject property is an extremely valuable piece of heritage property.
- The proposed additions to the building would have almost as great an affect as a demolition because of the impact on its heritage value.
- Asked that the application be rejected.

Peter Chataway, President of Central Okanagan Heritage Society:

- Concerned about the process for approvals for alterations to heritage buildings that are not within a heritage conservation area.
- Would support restoration of the turret but not the proposed extension to the height of the turret.
- The wing additions are over-scaled for the original building and have not been designed so as to be recognizable as an addition to the original building.

Margaret Jenei, applicant:

- Has invested a lot of time, money and love into her home over the last 20 years and would never do anything to destroy the appearance or integrity of the house or the property value.
- The turret would be the focal point of the house and would be in balance with the scale of the house after the wing additions and would enhance the appearance of the house.

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R497/02/05/28 THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0032; Bela & Margaret Jenei; Lot 1, D.L. 138, O.D.Y.D., Plan 8378, located on Lawrence Avenue, Kelowna, B.C.;

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

Section 13.6.5 (b) Development Regulations, from maximum height is the lesser of 9.5 m or 2½ storeys required to the lesser of 11.6 m or 2½ storeys proposed.

Carried

Councillors Hobson and Shepherd opposed.

EXTENSION OF MEETING:Moved by Councillor Cannan/Seconded by Councillor Nelson

R498/02/05/28 THAT the Rules of Procedure be suspended and the meeting continue beyond 11:00 p.m.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8825 (Z01-1061) – Georg-Michael Holzhey Ltd. (John Hertay)
– West of Hollywood Road North

Moved by Councillor Given/Seconded by Councillor Nelson

R499/02/05/28 THAT Bylaw No. 8825 be read a first time.

Carried

- 7.2 Bylaw No. 8862 (TA02-0002) – City of Kelowna Zoning Bylaw Text Amendment

Moved by Councillor Given/Seconded by Councillor Nelson

R500/02/05/28 THAT Bylaw No. 8862 be read a first time.

Carried

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- 7.3 Bylaw No. 8864 - Aberdeen Holdings Limited Tenancy Agreement Approval Bylaw – 2350 Burtch Road

Councillor Day declared a conflict of interest because a direct family member owns adjacent property and left the Council Chamber 11:08 p.m.

Moved by Councillor Hobson/Seconded by Councillor Cannan

R501/02/05/28 THAT Bylaw No. 8864 be read a first, second and third time.

Carried

Councillor Day returned to the Council Chamber at 11:09 p.m. and took his place at the Council Table.

(BYLAWS PRESENTED FOR ADOPTION)

- 7.4 Bylaw No. 8860 – 2002 General Local Government Election Bylaw

Moved by Councillor Cannan/Seconded by Councillor Day

R502/02/05/28 THAT Bylaw No. 8860 be adopted.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 11:10 p.m.

Certified Correct:

Mayor

City Clerk

BLH/