

Regular MeetingJune 11, 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, June 11, 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; Subdivision Approving Officer, R.G. Shaughnessy*; Current Planning Manager, A.V. Bruce; Planner-Long Range, G. Stephen*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:25 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Cannan

3. CONFIRMATION OF MINUTES

Regular Meeting, May 27, 2002
Public Hearing, May 28, 2002
Regular Meeting, May 28, 2002

Moved by Councillor Given/Seconded by Councillor Shepherd

R529/02/06/11 THAT the Minutes of the Regular Meetings of May 27 and May 28, 2002 and the Minutes of the Public Hearing of May 28, 2002 be confirmed as circulated.

Carried

4. Councillor Cannan 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. 8825 (Z01-1061) – Georg-Michael Holzhey Ltd. (John Hertay)
– West of Hollywood Road North

Moved by Councillor Given/Seconded by Councillor Nelson

R530/02/06/11 THAT Bylaw No. 8825 be read a second and third time.

Carried

Councillor Clark and Shepherd opposed.

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

Moved by Councillor Hobson/Seconded by Councillor Day

THAT Bylaw No. 8862 be read a second and third time and be adopted.

Moved by Councillor Hobson/Seconded by Councillor Day

R531/02/06/11 THAT further reading consideration of Bylaw No. 8862 (TA02-0002) be deferred to the Regular Meeting of Monday, July 15, 2002 for staff to report back on the following:

- the implications of not approving the proposed bylaw on the Regional Growth Management Strategy;
- options for dealing with instream applications as of today and any applications that could come instream between today and final adoption, if the bylaw was adopted.

Carried

Councillors Blanleil and Nelson opposed.

6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:

6.1 Planning & Development Services Department, dated June 5, 2002 re: Liquor Licencing Application No. LL02-0004 – G and R Holdings Ltd. (Sammy and David Habib) – 274 Lawrence Avenue

Withdrawn from the agenda by the applicant.

7. PLANNING

7.1 Planning & Development Services Department, dated June 3, 2002 re: Development Variance Permit Application No. DVP02-0045 – Jim & Tracey Jensen – 3983 Lakevale Place

Staff:

- A variance is being requested to allow an accessory building to be sited within 1.5 m of the property line.
- The property is a double fronting lot and as such a front yard setback is required on both frontages.
- A Building Permit was inadvertently issued on the basis of only one road frontage.
- Construction has already commenced.

The City Clerk stated that no correspondence has been received.

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

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

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Day

R532/02/06/11 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0045 for Lot 10, Sec. 2, Twp. 26, ODYD, Plan KAP51268, located on Lakevale Place, Kelowna, B.C.;

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

Section 6.3.2 – front yard setback applies to both street frontages on lots with two street frontages: Vary the provision to permit the setback of a garage to be reduced to 1.5 m from the south property line.

Carried

7.2 Planning & Development Services Department, dated May 17, 2002 re: Development Variance Permit Application No. DVP02-0030 – Nino & Aimee Giammarino – 874 Raymer Road

Staff:

- The applicant is seeking a variance to the rear yard setback in order to build a second house at the rear of the property which would then become the principal dwelling and the existing house would become the secondary unit.
- There is also a bylaw requirement for a 5 m separation between the buildings.
- The staff recommendation for the reduced rear yard setback is negative because of the concern expressed by the adjacent neighbour. Staff would, however, support reducing the distance between the existing and proposed building in order to keep the impact internal.

The City Clerk advised that no correspondence had been received.

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

Rick Wilson, 876 Roma Court:

- Opposed the variance on the basis that his property value would decrease.
- Asked that the applicant be required to meet the 7.5 m required setback.

The City Clerk advised that he was in error when he stated that no correspondence had been received and that a letter had been received from Mr. Wilson, 876 Roma Court.

Denise Giammarino:

- Propose to build a small retirement home for themselves on the property and family would live in the secondary dwelling unit.
- Her family has owned the subject property for 27 years. They view the cottage as a heritage home and have maintained it as such and want to keep it as such.
- If the setback was changed to other than what is proposed, the siting of the house would look awkward from Roma Court. The proposed 7 ft. variance would allow the property to look good from the cul-de-sac.
- There are small pyramid cedars planted completely around the property and Mr. Wilson's house has no windows facing the subject property.

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Staff:

- The subject property could be subdivided into 2 lots in which case setback requirements would be less. Even developed as proposed by the applicant, a future subdivision would still be possible.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R533/02/06/11 THAT Council authorize the issuance of Development Variance Permit No. DVP02-0030, Nino and Denise Giammarino, Lot F, D.L. 580A, SDYD, Plan 25951, located on Raymer Road, Kelowna, B.C.;

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

Section 13.1.5 (e): Minimum rear yard: Reduce the minimum rear yard from 7.5 m required to 5.3 m proposed.

Carried

Councillors Cannan, Hobson and Shepherd opposed.

8. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 8.1 Bylaw No. 8865 (Z02-1011) – Glenwest Properties Ltd. – 205 Clifton Road North

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R534/02/06/11 THAT Bylaw No. 8865 be read a first time.

Carried

- 8.2 Bylaw No. 8866 (Z01-1059) – City of Kelowna – 5160 Chute Lake Road

Moved by Councillor Shepherd/Seconded by Councillor Nelson

R535/02/06/11 THAT Bylaw No. 8866 be read a first time.

Carried

(BYLAWS PRESENTED FOR FIRST THREE READINGS)

- 8.3 Bylaw No. 8868 – Marshall Street Local Improvement Security Issuing Bylaw

Moved by Councillor Hobson/Seconded by Councillor Day

R536/02/06/11 THAT Bylaw No. 8868 be read a first, second and third time.

Carried

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(BYLAWS PRESENTED FOR ADOPTION)

8.4 Bylaw No. 8856 – Chapman Parkade Security Issuing Bylaw

Moved by Councillor Day/Seconded by Councillor Cannan

R537/02/06/11 THAT Bylaw No. 8856 be adopted.

Carried

8.5 Bylaw No. 8861 – Road Exchange – 4639 Lakeshore Road

Moved by Councillor Cannan/Seconded by Councillor Day

R538/02/06/11 THAT Bylaw No. 8861 be adopted.

Carried

8.6 Bylaw No. 8863 – Road Exchange – 504 Barnaby Road

Moved by Councillor Cannan/Seconded by Councillor Day

R539/02/06/11 THAT Bylaw No. 8863 be adopted.

Carried

9. REMINDERS

Utility Billing

Councillor Shepherd commented that she has received complaints from a company that manages apartment complexes about the mistakes and errors that have been occurring on their utility bills since CustomerWorks took over the utility billing from the City. They also say that customer service is poor when they call about the bills and that they would like to see the City take utility billing back.

Councillor Nelson added that he has also heard similar comments but commended City staff for their efforts in trying to help CustomerWorks sort out their billing problems.

10. TERMINATION

The meeting was declared terminated at 10:30 p.m.

Certified Correct:

Mayor

City Clerk

BLH/