

Public HearingAugust 5, 2003

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, August 5, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day*, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce; and Acting Recording Secretary, I. Tilstra.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:01 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) Bylaw No. 7600" and "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 that notice of this Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on July 18, 2003, and by being placed in the Kelowna Daily Courier issues of July 28 & 29, 2003, and in the Kelowna Capital News issue of July 27, 2003, and by sending out or otherwise delivering 92 letters to the owners and occupiers of surrounding properties on July 18, 2003.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 **934 Ackerman Crescent**

- 3.1 Bylaw No. 9059 (Z03-0030) – Jaskaran Kandola (Axel Hilmer) – 934 Ackerman Crescent – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Sec. 24, Twp. 26, ODYD, Plan KAP48233, located on Ackerman Crescent, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Councillor Day declared that he was in a conflict of interest, as he owns property within the notification area, and left the Council Chamber at 7:04 p.m.

Staff:

- The subject property is on the downslope side of Ackerman Crescent, and is currently vacant. The applicant is proposing to develop the property with a house containing a secondary suite. The proposed design is for two levels above the suite to comprise the main residence, with a secondary suite on the third walkout level, below the grade of Ackerman Crescent.
- Staff have no concerns about the proposed rezoning, which is consistent with the relevant planning documents.

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

- letter of opposition from Mr. Dacre, resident of Ackerman Crescent, expressing his concern regarding the potential increase of parking and noise, and the possible negative effect on property values in the area.

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

Axel Hilmer, applicant:

- Indicated he had nothing to add at this time.

Evelyn Gauthier, 916 Ackerman Crescent:

- Opposed to the application on the grounds of increased traffic, additional parking on the street, additional noise due to traffic and additional persons living in the area, and it would set a precedent in the area.
- Also concerned about future subdivision of lots between Toovey Road and Ackerman, as has been done with first four houses on Ackerman Crescent, which do have access off Ackerman.

Staff:

- Any future subdivision would have to be reviewed carefully with the Approving Officer; it would appear that the remaining lots would not have the appropriate depth to qualify for subdivision.
- There are no other "s" zoned properties in the near vicinity of the property.

There were no further comments.

Councillor Day returned to the Council Chamber at 7:13 p.m. and took his place at the Council Table.

3.2 681 Paret Place

- 3.2 Bylaw No. 9060 (Z03-0017) – Derek Klask (Derek Klask and Syrina Pidwebesky) – 681 Paret Place – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, D.L. 358, ODYD, Plan 26534 located on Paret Place, Kelowna, B.C. from the RU1- Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant is proposing to rezone the property from RU1 to RU1s to allow for the conversion of an accessory building to contain a suite.
- The applicants converted the garage into an amenity space, intended to contain an office and exercise area; building permits have been taken out for that level of conversion.
- The applicants have since decided that they would like to develop a secondary suite in the accessory building, and will also be asking Council to consider a development variance permit to remove the requirement for an attached carport or garage, as well as to lessen the separation requirement between the existing house and the accessory building.
- The lot and driveway are large enough to provide sufficient parking, even without a carport. The rezoning application is consistent with the Official Community Plan for the area.

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

- letter of support from the applicant
- letter from Ian Tycho, 672 SanMichelle Road
- letter from Harry Collier, 663 Paret Place
- letter from Tom Rothery, 670 Paret Place
- letter from Anita and David Wharton, 657 Paret Place
- letter from Laura and Thomas Thurnheer, 675 Paret Place

all expressing opposition due to a desire to retain the single-family character of the neighbourhood, and expressing concern about the increase in parking/traffic and decrease in privacy.

- 31 form letters expressing opposition.

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

Les Humphries, 4305 Delmonte Street:

- Opposed because it would set precedent in the single-family neighbourhood and would have a negative effect on property values.

Harry Collier, 663 Paret Place:

- Has been a resident of the neighbourhood for 25 years, and believes the nature of the neighbourhood would change in a negative way if the application is approved.
- His property borders on five other properties, three of which already have existing outbuildings, one of which is 12 feet from Mr. Collier's bedroom window; he is concerned about possible applications for secondary suites on those properties.
- Serious negative effect on property values.
- Increase in traffic is a concern; access to Gordon Drive is already difficult.
- Cul de sac designed for number of households it already contains, only one access for both entering and exiting the cul de sac.
- Concerned about change in nature of residents and tone of neighbourhood, feels property with secondary suites will attract investors and absentee landlords.

Laura Thurnheer, 675 Paret Place:

- Adamantly opposed to the rezoning and variance applications.
- Despite making it clear to the applicants that she would not support their plans to build an accessory suite, the applicants said they would continue regardless.
- Reminded Council of a previous application rejected because the rezoning request came forward after construction had been completed; feels this application is similar.
- Reminded Council that the application was not supported by the Advisory Planning Commission.

David Wharton, 657 Paret Place:

- Opposed.
- Has resided in the neighbourhood for 12 years; concerned that a house with suite will become attractive to entrepreneurs more interested in making money than in preserving the character of the neighbourhood; concerned that the applicants intend to sell the property once the project is complete.
- Concerned about increased traffic, decreased privacy and reduced property values, but mainly the potential changes to the character of the single-family neighbourhood.

Council:

- The OCP directs Council to work towards densification throughout the City, specifically in particular areas, and as such is part of the process.
- Gathering information and the views of the public is a very heavily weighted part of the process.
- In the south end of the city, there are many neighbourhoods that contain an "s" zoning designation.
- Accessory suites have not been demonstrated to reduce property values.

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Staff:

- Pointed out closest "s" zone to the subject property is on Lakeshore, with some RU6 zones near Old Meadow and Gordon.

Irwin Schultz, 660 Paret Place:

- Not opposed to secondary suites in general, when properly developed; was initially supportive of this application, but changed his mind after getting more information.
- Concerned about the development variance permit requests and increase in parking and traffic flow onto Gordon Drive.
- Only fire hydrant in neighbourhood is beside applicants' driveway; concerned that increased parking could result in access to the hydrant being blocked when needed.
- Feels that this particular property is not suitable for additional development.

Staff:

- Three parking stalls would be required with the secondary suite; three vehicles would fit side by side in front of the accessory building; could also be stacked two deep.

Paul Myers, 438 Ferris Road:

- Concerned that the immediate neighbour has been taking the brunt of the bad feeling from the applicants because they have been vocal in their opposition.
- Feels that the application process is not very well understood by people in general.
- Homeowners have invested their hard-earned savings and are concerned about rental housing on the street as this implies turnover in an established neighbourhood, and feels renters do not have same level of commitment to upkeep of a home or the neighbourhood.

Tom Rothery, 670 Paret Place:

- Has lived in the neighbourhood for close to 23 years.
- Lot sizes were set originally because of septic tank field systems; residents have converted to sewer because of septic tank problems and concern for the environment, not with the intention of crowding more people onto what are now perceived as "large" lots.
- The OCP promotes the sensitive introduction of various forms of housing in making use of existing residential areas; the behaviour of the applicants in converting their garage without obtaining permits and not making the full details of the planned development available to neighbours initially has resulted in the retraction of initial support from some neighbours.

Grant Ryce, 1223 Richter Street:

- Is a renter; supports densification in the North End although is aware of some problems with carriage houses in his neighbourhood.
- Sprawl has heavy environmental/health-related costs and secondary suites are about densification and profit for owners, which he does not see as a problem.

Mario Dinanno, 680 Paret Place:

- In the picture displayed at the public hearing, the parking area is empty; on the previous weekend, there were 20 cars plus boats and the parking area was full, with parking spilling over into the street.
- The applicants regularly have large numbers of guests on weekends.

Syrina Pidwebesky, applicant:

- Addressed statements made in letter from residents of 675 Paret: all work done to date on the accessory buildings has been done with relevant permits in place; a variety of inspectors have visited the site on a number of occasions to pass permits or answer questions; have worked closely with City staff to ensure compliance; have met all City codes and bylaws; proposed development is in proportion to the main residence; have talked to neighbours on several occasions, and have issued an open invitation to neighbours to visit the project and examine the planned development.
- Had support from neighbours prior to misinformation disseminated by residents of 675 Paret.
- Proposed suite would be less than 400 sq. ft., appropriate for one person with one vehicle, and would not add appreciably to traffic/parking pressures in the neighbourhood. Safety of children would not be compromised.
- Have ample parking for tenants and guests (only 8-9 vehicles the previous weekend), and have ensured that there is no overflow onto the street.
- Feel a carport is not necessary due to already ample parking space.
- Letter from 675 Paret states rezoning would affect entire area; the rezoning would be only for the subject property.
- Would be very interested in finding appropriate tenant as they would be living only a few metres away;
- Have no plans to sell the property; after investment made to date selling would not generate much profit.
- Have offered to add a hedge or fence between the subject property and 675 Paret in an attempt to find a mutually acceptable solution.
- Request for development variance permit was made at the suggestion of City staff in order to accommodate future development plans as part of the current application.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:42 p.m.

Certified Correct:

Mayor

IT/am

City Clerk