

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, September 30, 2003.

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, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:02 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.

The Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 12, 2003, and by being placed in the Kelowna Daily Courier issues of September 22 & 23, 2003, and in the Kelowna Capital News issue of September 21, 2003, and by sending out or otherwise delivering 344 letters to the owners and occupiers of surrounding properties between September 12-16, 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 **1969 Knox Crescent**

- 3.1 Bylaw No. 9078 (Z03-0031) – Charlie Roberts – 1969 Knox Crescent – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, District Lot 14, ODYD, Plan 2767, located on Knox Crescent, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant intends to add a secondary suite in an accessory building in the rear yard. There is a small garage at the rear of the property that would be removed to accommodate the new accessory building.
- The property is within the Abbott Street Heritage Conservation Area and there is a Heritage Alteration Permit (HAP) application in-stream to address the form and character of the proposal.
- The application was reviewed by the Community Heritage Commission (CHC) on July 29th; the CHC did not support the HAP because of the proposed design of the accessory building and therefore did not support the rezoning application. The applicant responded by revising the plans for the building design to better match the character of the primary dwelling and by providing revised landscaping plans. Because the changes addressed the concerns of the CHC, the revised application was not sent back to the CHC for further review.
- The rezoning is consistent with the OCP designation for the area.
- If the rezoning is approved, the HAP would be subject to approval by the Director of Planning & Corporate Services.

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

- letter of opposition from Robert Cichocki, owner of 2030 & 2032 Doryan Street, submitting that traffic and noise would increase, property values would decrease, the proposal does not follow the plan of the Heritage Conservation Area, and green space/trees would be lost.
- letter of support from Dale Manton, 2488 Abbott Street

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

Keith Funk, representing the applicant:

- The revised plans better match the design of the buildings in the neighbourhood.
- The heritage trees in the front yard would be protected and saved. One tree at the back would be lost. The proposed landscape enhancements would create more privacy. The Cedars would be 1.5 to 2 m in height.
- The existing primary dwellings in the neighbourhood are low scale bungalows.
- The proposed accessory building would not be visible from Knox Crescent.
- An information meeting was held on September 10th to introduce the revised design to the neighbourhood and most who attended liked the design.
- The proposed building meets bylaw requirements.

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

- KSAN has supported a few carriage homes on larger lots where adjacent neighbours were in support. However, KSAN is opposed to this application. Height is an issue, the lot is too small, the accessory building is too large, and the suite would add traffic in a busy lane already shared by at least 240 vehicles. The negative impacts would degrade the quality of life for residents on Knox Crescent.
- KSAN shares concerns that carriage homes are not an appropriate form of secondary suite in this single family area of the city. Impacts on character, green space, security, parking and liveability, particularly in areas with smaller lots.
- Asked that the application not be supported.

Council:

- The motion adopted by the Community Heritage Commission included a request that the letters submitted to the CHC be forwarded for inclusion in Council's agenda package – that was not done.

David Marshall, 1953 Knox Crescent:

- Opposed. What is proposed is 2 houses on a small lot and that is not appropriate. The footprint of the house is what should be looked at when determining the appropriate percentage for an accessory building.
- The lane is narrow and already dangerously over-used as it currently serves the parking access for three apartment buildings with over 240 parking stalls. Any increased traffic would only add to the congestion and noise.
- Every night there are vehicles illegally parked in the back lane.
- The residents in this neighbourhood all opposed forming the Abbott Street Heritage Conservation Area but now that it is set up they are sick of having someone knocking on their door every time someone wants to make a change in the area. Some residents are selling their properties because Council is not protecting what has been established as a heritage area. As long as Council keeps approving these carriage houses, people will keep applying for the rezoning to build them.
- Carriage houses were intended to be for in-laws.
- Read and submitted a letter from Ernie & Marie Donnelley, 1917 Knox Crescent, objecting for same reasons.
- Read and submitted a letter from Maureen Marshall, 1953 Knox Crescent, also opposing carriage houses on small lots for the same reasons.

Cherie Hanson, 557 Okanagan Boulevard:

- Showed pictures and described the impact that carriage houses have had in her neighbourhood. Size is not in keeping with the character of the area, loss of privacy, noise has increased, cars parking on the street, traffic congested in the alleys. The neighbourhood residents have to be vigilant where they used to be able to be relaxed and all get along.
- From their experience, the high rents for these carriage houses does not bring in quality renters, it brings in a lot of undesirable renters because one person cannot afford the high rent.
- Preferred to be able to go to the neighbour causing a noise problem and ask them to keep it down next time instead of having to call the RCMP or bylaw enforcement.

Anne Laurie, 2620 Abbott Street:

- Opposed for reasons already stated by previous speakers.
- Read and submitted a letter from Steve Bigwood, 359 Burne Avenue, expressing regret for not having given more consideration about the impact a carriage house he recently built in his rear yard would have on the neighbourhood.

Cory Forrest, 1973 Knox Crescent:

- Strongly opposed because the property is in a heritage conservation area, the loss of established vegetation in the rear yard that serves as a screen, reduces green space; adds to traffic on an already unsafe lane that is narrow with blind corners, and sets a precedent for absentee landlords.
- The proposed carriage house would over-shadow his backyard; the 2 parking stalls would be right beside his organic garden, and the master bedroom would look into his back yard.
- Would not support what is proposed even if the carriage house was 1 storey in height.

Tenant at 1938 Pandosy Street, 6th floor:

- The rear lane is very busy and the 2 corners are unbelievably dangerous. Vehicles using the lane are driving too fast and the noise directly impacts him on a day-to-day basis. The density is already very high in the neighbourhood. People park on the street at night and yelling and screaming is a problem.

Shirley Clarke, 1935 McDougall Street:

- Carriage homes that are being constructed are bigger than the primary homes on the property and are destroying the Abbott Street Conservation Area. If more applications for carriage houses were denied, people would quit trying to build them.
- Is not opposed to carriage houses but they have to be an appropriate height on an appropriately sized lot.
- Concerned about the removal of trees from the subject property.

Marietta Lightbody, 2302 Abbott Street:

- Read and submitted a letter from Mr. R.F. Marriage, 424 Park Avenue, opposing the application because it would lead to unnecessary congestion on the building site and aggravate the traffic congestion/hazard in the lane.

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

- FRAHCAS represents 359 households in the area and has 218 memberships.
- Objects to the fact that the revised plans were not referred back to the Community Heritage Commission because the change is substantial.
- Concerned that the correspondence that was submitted to the CHC was not circulated to Council as requested by the CHC.
- Concerned that an HAP that is this controversial can be approved by the Director of Planning & Corporate Services rather than by Council.

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- Showed a map indicating the reaction of residents in the immediate area when polled for support/opposition.
- Read a fax from Jackie Bear Kuik, owner of two properties in the neighbourhood stating she is opposed to the application.
- Submitted a letter of opposition from Melanie & Paul Filiatrault, 366 Park Avenue.
- Read and submitted a letter from FRAHCAS saying the Board is unanimously opposed despite the changes to the plans.
- The perception of the residents in the conservation area is that their properties will be protected.

Jennifer Forrest, 1973 Knox Crescent:

- Heritage areas where she has lived were all retained as they were with no new development; heritage was preservation and restoration.
- In addition to the neighbourhood traffic, three different haulers use the rear lane every day.
- Read and submitted form letters of opposition signed by the following:
 - Christian DeCoper, 467 Park Avenue
 - Patty Gorges, 1989 Knox Crescent
 - Brett & Kate Dellynter, 1985 Knox Crescent
 - Hazel Crombie, 1981 Knox Crescent
 - Brian Plummer, 1965 Knox Crescent
 - Lucie Gaudet, 1957 Knox Crescent
 - D.P. Marshall, 1953, Knox Crescent
 - Mika & Greg Rempel, 1953 Knox Crescent
 - Bea Parker, 1947 Knox Crescent
 - Dorothy Barber, 1907 Knox Crescent
 - George Hanna, 376 Beach Avenue.

Valerie Hallford, 429 Park Avenue:

- Showed photos to illustrate why, because of intrusion on adjacent properties and the hazardous back lane, she is, as a resident of the area, opposed to a carriage house on any property on the east side of Knox Crescent.
- Concerned this would set a precedent.
- Implored Council to reject the application.

Keith Funk, representing the applicant:

- Responded to comments made, submitting that adding one unit and another car or two would make little difference to the traffic on the lane; it is up to the City to address the issue of safety on the lane.
- The residents who attended the open house said the new design was not a big issue, nor was the change in landscaping. Planting of trees will protect low level privacy and the dormers are from bedrooms.
- The proposed accessory building would be approximately 3 ft. higher than the primary dwelling.
- Properties along the east side of Knox Crescent are all over-viewed by dozens of apartment units.
- The heritage conservation area has evolved over time to include small lot infill development as forecast by the heritage area guidelines. Some have duplexes on them.
- The owners of the subject property are responsible and would be providing affordable housing in an appropriate location.

Staff:

- Explained how the floor area was calculated on the primary building and used to determine the max. 90 sq. m size of the accessory building.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 9:22 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk