

Regular MeetingSeptember 30, 2003

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, September 30, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanche, 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.

(\*denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:32 p.m.

2. PRAYER

The meeting opened with a prayer offered by Councillor Given.

3. CONFIRMATION OF MINUTES

Regular Meeting, September 15, 2003  
Public Hearing, September 16, 2003  
Regular Meeting, September 16, 2003

Moved by Councillor Given/Seconded by Councillor Horning

**R822/03/09/30** THAT the Minutes of the Regular Meetings of September 15 and September 16, 2003 and the Minutes of the Public Hearing of September 16, 2003 be confirmed as circulated.

Carried

4. Councillor Given was requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

5.1 Bylaw No. 9078 (Z03-0031) – Charlie Roberts – 1969 Knox Crescent

Moved by Councillor Given/Seconded by Councillor Horning

**R823/03/09/30** THAT Bylaw No. 9078 be read a second and third time, and be adopted.

**DEFEATED UNANIMOUSLY**

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6. PLANNING

- 6.1 Planning & Corporate Services Department, dated September 10, 2003 re: Development Variance Permit Application No. DVP03-0089 – Laura Laharty and Stacy Rintou – 886 Fuller Avenue

Staff:

- Proposing construction of a second single family dwelling on the site.
- Requires variance to the lot width and rear lane site access requirements.
- Neighbours on either side are in support of the proposed variances.

The Deputy City Clerk advised that form letters of support had been received from the following:

- John Rudolph, 1346 Ethel Street
- Kevin Richard, 860 Fuller Avenue.

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

Terry Rintou, on behalf of the applicants:

- The property will not be used as rental property; it is owned jointly by two single mothers, both gainfully employed and with school age children.
- The existing garage would be removed and will improve the appearance of the lot.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R824/03/09/30** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0089; Lot 11, District Lot 138, ODYD Plan 947, located on Fuller Avenue, Kelowna, B.C.;

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

**Section 13.6: RU6-Two Dwelling Housing: Subsection 13.6.4(b):**

- Vary the minimum permitted lot width for duplex housing from 20.0 m to 19.26 m proposed;

**Section 13.6: RU6-Two Dwelling Housing: Subsection 13.6.6(f):**

- Vary rear lane site access requirement.

Carried

Mayor Gray altered the order of business and advised that agenda item No. 6.3 would be dealt with next.

- 6.3 Planning & Corporate Services Department, dated August 20, 2003 re: Development Variance Permit Application No. DVP03-0091 – Christopher and David Janko – 892 Paret Road

Staff:

- The applicant requires a variance to the side yard setback to accommodate a single family dwelling proposed for construction in the new subdivision.
- The neighbours on both sides have provided written support for the application.

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

- letter of support from David N. Murphy, president of 622689 B.C. Ltd., developers of the subdivision.

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

Applicant:

- Present but nothing to add.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R825/03/09/30** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0091; Lot A, District Lot 579, SDYD Plan KAP71670, located on Paret Road, Kelowna, B.C.;

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

**Section 13.2: Medium Lot Housing: Subsection 13.2.5(d):**

- Vary side yard setback from 1.8 m required to 1.5 m proposed.

Carried

6.2 Planning & Corporate Services Department, dated September 10, 2003 re: Development Permit Application No. DP03-0076 and Development Variance Permit Application No. DVP03-0077 – Linda Keil – 634 Armour Crescent

Staff:

- The applicant is proposing a building addition to the rear portion of the house.
- The immediate neighbours have indicated support for the application.

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

- letter from Brenda Thomson, 4193 Gordon Drive, supporting the reduced rear yard setback but opposing the reduced setback from Thomson Creek.

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

Linda Keil, applicant:

- Intent is to add two bedrooms to the rear of the existing 2-bedroom house to make it a better family home for future resale.

Moved by Councillor Blanleil/Seconded by Councillor Given

**R826/03/09/30** THAT Council authorize the issuance of Development Permit No. DP03-0076 for Lot 4, Sec. 6, Twp. 26, Plan 18510 ODYD, located on Armour Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0077; Lot 4, Sec. 6, Twp. 26, Plan 18510 ODYD, located on Armour Road, Kelowna, B.C.;

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

**Section 13.1 – Large Lot Housing: Subsection 13.1.4 (e):**

- Vary rear yard setback from 7.5 m required to 3.8 m proposed;

**Section 6.14 – Stream Protection Leave Strips: Subsection 6.14.1:**

- Vary the required 15 m leave strip to 9.9 m proposed;

AND THAT issuance of the Development Permit and Development Variance Permit be held subject to the completion of the required Right of Way registration and the Return to Crown of a portion of the Thomson Creek channel;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 6.3 Planning & Corporate Services Department, dated August 20, 2003 re: Development Variance Permit Application No. DVP03-0091 – Christopher and David Janko – 892 Paret Road

See after 6.1 in the minutes.

- 6.4 Planning & Corporate Services Department, dated August 18, 2003 re: Development Variance Permit Application No. DVP03-0069 – Elisio Temprano – 436 Herbert Heights Road

Staff:

- The applicant is requesting a reduced side yard setback for a proposed 2-car garage addition to the front of the existing dwelling. The existing setback of the dwelling is already non-conforming.
- The immediate neighbours have provided letters of support.

The Deputy City Clerk advised that form letters indicating no objection had been received from the following:

- Arden Honey, 422 Herbert Heights Road;
- Sandra & Roger Watts, 414 Herbert Heights Road;
- Kay Clark, 445 Herbert Heights Road.

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

Applicant:

- Present but nothing to add.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R827/03/09/30** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0069 for Lot 3, District Lot 219, ODYD, Plan 7566, located on Herbert Heights Road, Kelowna, B.C.;

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

**Section 13: RU1-Large Lot Housing: Subsection 13.1.5 (d):**

- Vary the northern side yard setback from 2.0 m required to 1.0 m proposed.

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6.5 Planning & Corporate Services Department, dated September 2, 2003 re: Heritage Alteration Permit Application No. HAP03-0010 – Kevin Fierbach (Peter Chataway) – 369 Burne Avenue

Staff:

- The property is within the Abbott Street Heritage Conservation Area.
- Earlier this year a Heritage Alteration Permit was authorized by Council for a carport with a deck above to be built at the rear of the property. The foundation wall was inadvertently poured too close to the property line and so variance required.
- The immediate property owners have provided letters of support.

The Deputy City Clerk advised that letters of support were received from the following:

- Mark Hatton, 379 Burne Avenue
- Patricia Munro, 368 Cadder Avenue
- Ron & Donna Rubadeau (email).

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

Valerie Hallford, representing FRAHCAS:

- It is the FRAHCAS board's position to support variances such as this when people are improving their buildings in the conservation area.

Peter Chataway, applicant:

- Explained how the error was made by the contractor and that it is really just the three posts that encroach.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R828/03/09/30** THAT Council authorize the issuance of Heritage Alteration Permit No. HAP03-0010; Peter Chataway, Lot 1, D.L. 14 , ODYD, Plan 3207, located on Burne Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the carport & deck to be constructed on the land be in general accordance with Schedule "A"
2. The exterior design and finish of the carport & deck to be constructed on the land be in general accordance with Schedule "B";

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

**Section 13.1.5 – Large Lot Housing – Development Regulations:**

- A variance to allow a side yard setback of 1.7 metres where 2.0 metres is required.

Carried

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7. BYLAWS

**(BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 9086 (Z03-0046) - Timothy Pincin & Amanda Erdely (Timothy Pincin) – 142 Celano Crescent

Moved by Councillor Shepherd/Seconded by Councillor Given

**R829/03/09/30** THAT Bylaws No. 9086 be read a first time.

Carried

- 7.2 Bylaw No. 9091 (Z03-0040) - Melvin & Rita Uppenborn (D.E. Pilling & Associates/Greg Reschke) – 1101 Bentien Road

Councillor Day declared a conflict of interest for Bylaw No. 9091 because he owns property within the notification area of the application, and for Bylaw No. 9094 because he is one of the property owners for that application and left the Council Chamber at 10:09 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Given

**R830/03/09/30** THAT Bylaws No. 9091 and 9094 be read a first time.

Carried

- 7.3 Bylaw No. 9094 (OCP03-0012) - Bell Mountain Area Structure Plan ASP02-0001 – Colin Day, Balbir Singh & Preminder Jeet Wariache, 590921 BC Ltd., Black Mountain Irrigation District (Weninger Construction and Design Ltd./Marlin Weninger) – East of Lone Pine Drive/South of Swainson Road **requires majority vote of Council (5)**

See resolution under Item No. 7.2.

Councillor Day returned to the Council Chamber at 10:09 p.m. and took his place at the Council Table.

8. REMINDERS - Nil.

9. TERMINATION

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

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk