

Regular MeetingJuly 13, 2004

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, July 13, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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: Acting City Manager, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Acting Council Recording Secretary, I.M. Tilstra.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:03 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, June 28, 2004
Public Hearing, June 29, 2004
Regular Meeting, June 29, 2004

Moved by Councillor Given/Seconded by Councillor Horning

R703/04/07/13 THAT the Minutes of the Regular Meetings of June 28, 2004 and June 29, 2004 and the Minutes of the Public Hearing of June 29, 2004 be confirmed as circulated.

Carried

4. Councillor Clark 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. 9256 (OCP02-0003) – Gazelle Enterprise/Green Projects Ltd. (Grant Gaucher) – 530 Sarsons Road and 4392 and 4388 Lakeshore Road **requires majority vote of Council (5)**

Debate of Bylaw No. 9256 deferred to the Regular Meeting of August 9, 2004.

5.2 Bylaw No. 9257 (TA04-0004) – A bylaw to add permitted uses to the C3 – Community Commercial Zone

Withdrawn from the agenda (rescheduled to the July 27, 2004 Public Hearing/Regular Meeting).

5.3 Bylaw No. 9258 (Z02-1012) - Gazelle Enterprise/Green Projects Ltd. (Grant Gaucher) – 530 Sarsons Road and 4392 Lakeshore Road

Debate of Bylaw No. 9258 deferred to the Regular Meeting of August 9, 2004.

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- 5.4 Bylaw No. 9259 (OCP04-0005) – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road **requires majority vote of Council (5)**

Debate of Bylaw No. 9259 deferred to the Regular Meeting of July 26, 2004.

- 5.5 Bylaw No. 9260 (Z04-0012) – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road

Debate of Bylaw No. 9260 deferred to the Regular Meeting of July 26, 2004.

- 5.6 Bylaw No. 9261 (Z04-0028) – Isha Blue (Peter Chataway) – 822 Lawrence Avenue

Debate of Bylaw No. 9261 deferred to the Regular Meeting of July 26, 2004.

- 5.7 Bylaw No. 9262 (Z04-0039) - Beverly & Gary Billings (Liz Bennett) – 142 Celano Crescent

Debate of Bylaw No. 9262 deferred to the Regular Meeting of July 26, 2004.

6. PLANNING

- 6.1 Planning & Corporate Services Department, dated June 15, 2004 re: Development Variance Permit Application No. DVP04-0056 – Johan and Reina Van Leening – 515 Broadway Avenue

Staff:

- The subject property could accommodate two single detached residences. The development variance permit application is for the purpose of building a secondary suite in an accessory structure, with a garage sufficient to accommodate an oversized lift-equipped van.
- With the garage, the proposed accessory suite exceeds the allowed 90m² lot coverage maximum. The accessory building, less garage, and the suite itself meet secondary suite requirements.
- Due to the proposed proximity of the accessory building to the lane, secondary suite regulations are being used to govern its location, rather than those regulations which would apply to a duplex or two principle residences on the lot.
- The suite would be fully wheelchair accessible on the main floor, with access at grade through the garage. A small loft is proposed within the roof line for use by house guests and/or storage.

City Clerk advised that the following correspondence had been received:

- letter from Colleen & Thomas Wilson, 569 Broadway Avenue
- letter from Tony & Bev Lysne, 555 Broadway Avenue
- letter from Cherie Hanson, North End Residents' Association

Opposed generally on the basis that the setback would greatly reduce the line of sight for existing homes and would reduce the value of the homes across from the subject property.

Tom Wilson, 569 Broadway Avenue:

- His letter details his specific points of concern.
- Concerned about the precedent setting aspects of this application.
- The neighbourhood is still adjusting to existing carriage homes; it would not be prudent to further increase density at this time.

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Cherie Hanson, 557 Okanagan Boulevard, President of the North End Residents Association (NERA):

- Read a statement regarding the importance of retaining family-oriented neighbourhoods and following the OCP.
- Residents are moving out, developers and others are purchasing properties as investments rather than as homes. This is changing the mixed generation social structure of the area. North End houses are an intrinsic part of Kelowna's history.
- Opposed to the subject application.
- The location of the building is so close to the back alley the neighbour's privacy would be impacted.
- The sign posted on the property does not mention all of the variances applied for.

Rick Cameron, corner of Ellis and Central Avenue:

- Asked for clarification of the setback for the new building in comparison to the setback of the existing building from Ellis Street.

Staff:

- The sideyard setback of the existing building is a non-conforming 4.2 metres; the new building would meet the 4.5 metre setback requirement and would therefore be setback further than the existing building.

Valerie Hallford, President of FRAHCAS:

- The FRAHCAS board unanimously supports the NERA's opposition to the development application. The community feeling of the North End is being eroded by the building of oversized secondary suites.

Miriam Van Leening:

- The accessory building would be the principle dwelling of her daughter, Esther Van Leening for at least the next five years.
- The purpose of the garage is to accommodate the lift-equipped van of her husband, Hans Van Leening, to facilitate his visits to their daughter. The top story would have a balcony overlooking the lake, with an outside lift to provide wheelchair access to the balcony.
- The accessory building is designed to allow only a forward view to the lake and would not look down into adjacent yards.
- Has not heard any objections from neighbours.
- The existing house on the subject property, in which the daughter currently resides, would be available for rental tenants once she moves into the accessory building.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R704/04/07/13 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0056; Lot A, District Lot 129, ODYD Plan 9568, located on Broadway Avenue, Kelowna, B.C.;

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

Section 6.5: Accessory Building in Residential Zones: 6.5.7:

Vary the site coverage for accessory buildings from 90 m² permitted to 125 m² proposed.

Carried

Councillors Clark and Hobson opposed.

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Mayor Gray asked Council if they wished to deal with agenda items No. 7.1 to 7.8 in one resolution. Councillor Day asked that the bylaw under agenda item No. 7.5 be dealt with separately.

7.1 Bylaw No. 9267 (Z04-0038) – Dawn & Darryl Cairney – 3588 Spiers Road

Moved by Councillor Day/Seconded by Councillor Cannan

R705/04/07/13 THAT Bylaws No. 9267, 9268, 9269, 9270, 9272, 9273, and 9274 be read a first time.

Carried

7.2 Bylaw No. 9268 (Z04-0013) - 672499 BC Ltd (Don Lloyd) – 3690 Gordon Drive

See resolution adopted under agenda item No. 7.1 above.

7.3 Bylaw No. 9269 (Z04-0015) – Maurice & Marlene Hitchcock – 850 Kinnear Court

See resolution adopted under agenda item No. 7.1 above.

7.4 Bylaw No. 9270 (Z04-0024) – Eugene Weisbeck and Katherine Kraushar (Peter Chataway – 1324 St. Paul Street

See resolution adopted under agenda item No. 7.1 above.

7.5 Bylaw No. 9271 (Z04-0035) – Hugh Culver – 3967 Bluebird Road

Dealt with after agenda item No. 7.8.

7.6 Bylaw No. 9272 (Z04-0025) – Donald & Rosemary Bigham – 160 Bryden Road

See resolution adopted under agenda item No. 7.1 above.

7.7 Bylaw No. 9273 (Z04-0033) – Michael Reibin (City of Kelowna) – 345-365 Mills Road

See resolution adopted under agenda item No. 7.1 above.

7.8 Bylaw No. 9274 (HRA04-0002) – Cheryl McKenzie (Tammy Moore/Scott Davis) – 770 Bernard Avenue

See resolution adopted under agenda item No. 7.1 above.

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7.5 Bylaw No. 9271 (Z04-0035) – Hugh Culver – 3967 Bluebird Road

Councillor Day declared a conflict of interest because he owns property within the notification radius of the subject application and left the Council Chamber at 7:52 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

R706/04/07/13 THAT Bylaw No. 9271 be read a first time.

Carried

Councillor Day returned to the Council Chamber at 7:53 p.m.

(BYLAWS PRESENTED FOR ADOPTION)

7.9 Bylaw No. 9249 – Road Closure Bylaw – Redlich Road

Moved by Councillor Given/Seconded by Councillor Horning

R707/04/07/13 THAT Bylaw No. 9249 be adopted.

Carried

9. TERMINATION

The meeting terminated at 7:54 p.m. and adjourned back to the Public Hearing.

Certified Correct:

Mayor

Acting City Clerk

IMT/blh