

Regular MeetingNovember 30, 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, November 30, 2004.

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

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting Deputy City Clerk, D.M. Fediuk; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 10:10 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, November 15, 2004
Public Hearing, November 16, 2004
Regular Meeting, November 16, 2004
Regular Meeting, November 22, 2004

Moved by Councillor Hobson/Seconded by Councillor Day

R1144/04/11/30 THAT the Minutes of the Regular Meetings of November 15, November 16 and November 22, 2004 and the Minutes of the Public Hearing of November 16, 2004 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

5.1 Bylaw No. 9327 (Z04-0061) – Marlin & Pauline Weninger – 730 Stremel Road

Council:

- There should have been better communication with the area residents regarding the OCP change in future land use.
- The subject property is not an appropriate location for the proposed use.
- The road issues need to be resolved.

Moved by Councillor Horning/Seconded by Councillor Cannan

R1145/04/11/30 THAT Bylaw No. 9327 be read a second and third time.

DEFEATED

Mayor Gray and Councillors Cannan, Clark, Day, Given, Hobson, Horning and Shepherd opposed.

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- 5.2 Bylaw No. 9328 (HD04-0002) – Charles Harvey House – 715 Sutherland Avenue

Moved by Councillor Clark/Seconded by Councillor Shepherd

R1146/04/11/30 THAT Bylaw No. 9328 be read a second and third time, and be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated November 9, 2004 re: Development Variance Permit Application No. DVP04-0129 – Ronald Egert and Elmer & Virginia Eidse – 569 and 579 Elliot Avenue

Staff:

- A previously issued Development Variance Permit application granted variances to allow for a reduced lot width and use of the back lane to accommodate a second dwelling on each lot.
- The conditions of issuance were very specific about the building types that were permitted. Lots 5 and 6 were restricted to 1½ storey homes fronting the lane.
- The applicant is requesting a variance to allow for 2 storey homes fronting the lane on Lots 5 and 6.
- The applicant contacted the abutting neighbours and they have provided written indication of support.

The Acting Deputy City Clerk stated for the record 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.

Ron Egert, applicant:

- Asked if the fee for this application could be refunded because in his opinion, they had to pay twice. With the previous application the developers came forward as a group. He and the Eidses only owned Lots 3 and 4 and at that time the application for Lots 5 and 6 was for 1.5 storey buildings. They purchased Lots 5 and 6 subsequent to the previous application being approved by Council. Had they owned Lots 5 and 6 at the time of the original application, they would have asked for 2-storey buildings on all four of their lots.

Moved by Councillor Hobson/Seconded by Councillor Day

R1147/04/11/30 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0129 for Lot C, District Lot 14, ODYD Plan KAP76215, located at 569 Elliot Avenue, 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";
3. Naming of the lane at the rear of the subject properties;
4. A well-lit, well-marked pathway to be provided between Elliot Avenue and the entrance to each of the rear units, and this pathway should not be impeded by fences or landscaping;

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AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0129 for Lot D, District Lot 14, ODYD Plan KAP76215, located at 579 Elliot Avenue, 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";
3. Naming of the lane at the rear of the subject properties;
4. A well-lit, well-marked pathway to be provided between Elliot Avenue and the entrance to each of the rear units, and this pathway should not be impeded by fences or landscaping;

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

Section 13.6.5(b): RU6 – Two Dwelling Housing – Subdivision Regulations

Vary the minimum lot width from 18.0 m required to no less than 14.7 m proposed for a site with two principle dwelling units;

Section 13.6.6(e): - Development Regulations

Vary the minimum rear yard setback from 7.5 m required to 4.5 m or 7.2 m from a garage or carport;

Section 13.6.7(f) – Other Regulations

Vary the requirement that vehicular access to the development be permitted from the rear lane only, to allow access from both the rear lane and Elliot Avenue.

Carried

Moved by Councillor Shepherd/Seconded by Councillor Given

R1148/04/11/30 THAT staff report back with a recommendation for consideration regarding the applicant's request for a refund of the fee for DVP04-0129 (Egert/Eidse - 569/579 Elliot Avenue).

Carried

- 6.2 Planning & Corporate Services Department, dated November 1, 2004 re: Development Variance Permit Application No. DVP04-0118 – Daniel Spelliscy (Peter Chataway) – 715 Sutherland Avenue

Staff:

- The applicant is restoring the house back to a single family dwelling and office space which is a permitted use as a home based business.
- Staff are concerned about the number of beds shown in the plan and that eight on-site parking stalls are proposed.

The Acting Deputy City Clerk stated for the record 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.

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Daniel Spelliscy, applicant:

- Two of the eight parking stalls are in the garage, one on the side is for a boat, and there are still tenants upstairs and in the basement who require parking.
- At this point he does not have any staff but down the road he may and his clients require parking. Also a bed and breakfast would be a potential future use; realizes he would require a Heritage Alteration Permit to do that.
- Between him and his wife they have six children.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

R1149/04/11/30 THAT Council authorize the issuance of Development Variance Permit DVP04-0118; Lot 4, DL 138, ODYD Plan 7196, located on Sutherland Avenue, 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";
3. The applicant be required to remove of the additional kitchens to the satisfaction of the Inspection Services Department prior to final inspection of the addition;

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

Section 13.6.6(b) RU6- Two Dwelling Housing

A variance to legalize the existing non-conforming height of 3½ storeys/ 11.2 metres where only 2½ storeys/ 9.5 metres is permitted;

Section 13.6.6(e) RU6- Two Dwelling Housing

A variance to allow a rear yard setback of 3.12 metres where 7.5 metres is required;

Section 13.6.7(f) RU6- Two Dwelling Housing

A variance to allow vehicular access from Sutherland Avenue where, when development has access from a lane, vehicular access is only permitted from the lane.

Carried7. REMINDERS – Nil.8. TERMINATION

The meeting was declared terminated at 10:54 p.m.

Certified Correct:_____
Mayor_____
Acting Deputy City Clerk

BLH/am