

Regular MeetingDecember 21, 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, December 21, 2004.

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

Council members absent: Councillor R.D. Cannan.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; 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 7:09 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, December 6, 2004  
Public Hearing, December 7, 2004  
Regular Meeting, December 7, 2004  
Regular Meeting, December 13, 2004

Moved by Councillor Hobson/Seconded by Councillor Day

**R1228/04/12/21** THAT the Minutes of the Regular Meeting of December 6, 2004, December 7, 2004 and December 13, 2004 and the Minutes of the Public Hearing of December 7, 2004 be confirmed as circulated.

Carried

4. Councillor Hobson 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. 9332 (TA04-0010) – Amendment to the C7 – Central Business Commercial Zone

Moved by Councillor Hobson/Seconded by Councillor Day

**R1229/04/12/21** THAT Bylaw No. 9332 be read a second and third time.

Carried

5.2 Bylaw No. 9335 (Z04-0019) – Al Cohoe – 467 Ziprick Road

Withdrawn from the agenda.

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- 5.3 Bylaw No. 9336 (Z04-0057) – Okanagan Halfway House Society (Pacific Sun Enterprises Ltd.) – 1865-1869 Chandler Street

Moved by Councillor Day/Seconded by Councillor Hobson**R1230/04/12/21** THAT Bylaw No. 9336 be read a second and third time.Carried**(BYLAW PRESENTED TO RESCIND AN AMENDMENT MADE AT FIRST READING)**

- 5.4 Bylaw No. 9335 (Z04-0019) – Al Cohoe – 467 Ziprick Road

Moved by Councillor Given/Seconded by Councillor Horning

**R1231/04/12/21** THAT Bylaw No. 9335 be amended to rescind the amendment adopted at first reading on December 13, 2004 under Resolution No. R1183/04/12/13 thereby reverting the legal description from Lot B back to Lot A and the name of the owner from Evelyn Rueger back to Al Cohoe.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Corporate Services Department, dated November 24, 2004 re: Development Variance Permit Application No. DVP04-0141 – James & Sandra Kwong (Glen Fawdry) – 4893 Canyon Ridge Crescent

Staff:

- The applicant had commenced construction of an accessory building less than 10 m<sup>2</sup> (100 sq. ft.) in size along the Westridge Drive side of the property. The Zoning Bylaw considers that to be a flanking street which has an additional setback requirement.
- The building size does not require a Building Permit but is required to comply with the building siting requirement of the Zoning Bylaw.
- Staff do not recommend support of the variance because there were other opportunities to locate the building within the same general area on site and avoid the need for a variance.
- The owners of the neighbouring properties have indicated their support for the variance.

Moved by Councillor Blanleil/Seconded by Councillor Shepherd**R1232/04/12/21** THAT Council hear from the applicant.Carried

Rodney Reid, contractor for the applicant:

- Checked with staff at City Hall before starting construction to ensure that siting of the buildings would not be too close to the property line. There was a misunderstanding of the side yard setback requirement.
- The shed is a gardening shed and was built in the preferred location for the client. A pool in the back yard prevents moving the shed to the other side of the yard. The location of the shed does not create a sight line issue for vehicles approaching the corner.
- Displayed a photograph showing the fenced yard with the walls of the accessory building showing slightly above, noting the roof has not yet been built.
- The variance would allow them to finish the building.

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The Acting City Clerk advised that no correspondence had been received.

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

John Braun, neighbour:

- His property is directly abutting and he can barely see the shed. The shed is not an issue for him.

Moved by Councillor Blanche/Seconded by Councillor Given

**R1233/04/12/21** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0141; Lot 1, Section 29, Township 29, ODYD Plan KAP52450, located on Canyon Ridge Crescent, Kelowna, B.C.;

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

Section 6.5.9:

Vary the flanking side yard setback from 4.5 m required to 1.0 m proposed for accessory buildings.

Carried

7. REMINDERS - Nil.

8. TERMINATION

The meeting was declared terminated at 7:23 p.m.

Certified Correct:

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Mayor

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Acting City Clerk

/BLH