

Regular MeetingFebruary 8, 2005

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, February 8, 2005.

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

Council members absent: Councillors B.A. Clark, R.D. Hobson and E.A. Horning.

Staff members in attendance were: Acting 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.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:22 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, January 24, 2005
Public Hearing, January 25, 2005
Regular Meeting, January 31, 2005

Moved by Councillor Given/Seconded by Councillor Shepherd

R112/05/02/08 THAT the minutes of the Regular Meetings of January 24, 2005 and January 31, 2005 and the minutes of the Public Hearing of January 25, 2005 be confirmed as circulated.

Carried

4. Councillor Cannan 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. 9348 (TA04-0011) – City of Kelowna – Animal Care Uses

Moved by Councillor Day/Seconded by Councillor Cannan

R113/05/02/08 THAT Bylaw No. 9348 be read a second and third time.

Carried

5.2 Bylaw No. 9349 (OCP04-0016) – Simple Pursuits Inc. – 1007 Rutland Road North **Requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Shepherd

R114/05/02/08 THAT Bylaw No. 9349 be read a second and third time.

Carried

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- 5.3 Bylaw No. 9350 (Z04-0065) – Simple Pursuits Inc. – 1007 Rutland Road North

Moved by Councillor Shepherd/Seconded by Councillor Given

R115/05/02/08 THAT Bylaw No. 9350 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.4 Bylaw No. 9351 (Z04-0090) – Okana Masonry Ltd. (Emil Anderson Construction Co. Ltd.) – That Part of 5077 Chute Lake Road south of Cobble Crescent

Moved by Councillor Day/Seconded by Councillor Cannan

R116/05/02/08 THAT Bylaw No. 9351 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 January 14, 2005 re: Heritage Alteration Permit Application No. HAP05-0001 – Thomson Real Estate Developments Inc. – 525 Buckland Avenue

Staff:

- The subject property is within the Abbott/Marshall Street Heritage Conservation Area.
- The applicant has already received an HAP to allow the house to be moved from 533 Buckland Avenue onto the rear of the property at 525 Buckland. The HAP was issued under the guidelines that allow a secondary suite in an accessory building.
- The subject application would allow a lot width variance and enable the subject property to be considered a duplex housing lot so that the two units can be stratified and sold separately. No change is proposed to the form and character that was approved as a secondary suite.
- The applicant has provided letters of support from the neighbours.

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

Support:

- letter of support from Debbie Helf, 1813 Marshall Street.

Opposition:

- letter from Ken & Ursula Nahirney, 1827 Marshall Street
- two letters from Diana Delcourt, 1833 Marshall Street

Opposed generally on the basis that the proposal is not in the best interest of the neighbourhood.

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

Marnie Perrier, applicant:

- Had a meeting with the affected neighbours and they signed a letter of agreement. There were about 8-10 people at that meeting.

Staff:

- The letter of agreement was submitted with the application. As a result the application was not forwarded to the Advisory Planning Commission.

There were no further comments.

Moved by Councillor Shepherd/Seconded by Councillor Given

R117/05/02/08 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP05-0001 for Lot 1, DL 14, ODYD Plan 2691, located on Buckland 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. Landscaping to be provided on the land be in general accordance with Schedule "C";

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.5 (g) Subdivision Regulations

A variance to allow a lot width of 16.76 m where 18.0 m is required.

Carried

- 6.2 Planning & Corporate Services Department, dated January 10, 2005 re: Development Variance Permit Application No. DVP04-0146 – Christian and Missionary Alliance-Canadian Pacific District (Mission Creek Alliance Church) – 2091 Springfield Road

Staff:

- The property is on the southwest corner of Cooper/Springfield Roads.
- The applicant is just completing a major renovation of the church.
- A single sign is proposed for the property. The requested variance would allow the sign to be similar in size to the sign at Trinity Baptist at the corner of Spall and Springfield.

Councillor Blanleil joined the meeting at 7:38 p.m.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Given

R118/05/02/08 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0146, Mission Creek Alliance Church, Lot A, DL 128, ODYD Plan 20452 except 43402, located on Springfield Road, Kelowna, B.C.;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 6.1: Specific Zone Regulations: Major Commercial (Public and Institutional Zones – P2)

- A VARIANCE TO ALLOW FREESTANDING SIGNAGE TO BE 10.87 M² IN SIZE WHERE ONLY 4.0 M² IS PERMITTED.

Carried

6.3 Planning & Corporate Services Department, dated January 12, 2005 re: Development Variance Permit Application No. DVP04-0163 – Celia Randhawa (Encore Developments Ltd.) – 4234 Hobson Road

Staff:

- The applicant is rebuilding and is proposing a feature that would encroach in the sightline provision for the property to the north.

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

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

Applicant:

- Indicated there was nothing to add at this time.

There were no further comments.

Moved by Councillor Given/Seconded by Councillor Shepherd

R119/05/02/08 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0163; Lot B, District Lot 167 ODYD Plan 27956, located on Hobson Road, Kelowna, B.C.;

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

Section 6.11 – Okanagan Sightlines: 6.11.1:

- Vary the Okanagan Sightlines from 60° required on the northern side of the property to 40° proposed.

Carried

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6.4 Planning & Corporate Services Department, dated January 10, 2005 re: Development Variance Permit Application No. DVP04-0147 – Andrey & Graham Hoffman (Dilworth Homes Ltd.) – 5229 Benmore Court

Staff:

- The applicant is seeking a variance to legalize an existing side yard setback of 1.92 m where 2.3 m is required.
- The permit drawings were marked to show a correction was required, and at the framing stage the applicant indicated they would address the problem at the Development Variance Permit stage. The house was built to the original dimension; the subject application was not made until the Building Inspector denied the Occupancy Permit.
- The foundation would have fit on the lot had the house been sited correctly.
- The structure was designed at the second level knowing the issue that needed to be corrected but that went unchecked and so staff cannot support the variance on a fundamental basis.

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

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

Chris Vickery, Dilworth Homes:

- Once the error was pointed out at the building inspection stage a Development Variance Permit application was initiated; however, the application sat for two months when he became seriously ill. The application was reactivated when he returned to work. There was no intention of circumventing the requirements.

Staff:

- Confirmed that the adjacent property owner on the affected side yard has submitted a letter indicating no concerns with the proposed variance.

There were no further comments.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

R120/05/02/08 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0147 for Lot 29, DL 1688S, SDYD, Plan KAP74275 located on Benmore Court, 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 a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.6 (d) – RU1: Large Lot Housing

- A variance to allow a side yard setback of 1.92 metres where 2.3 metres is required;

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

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7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 7:56 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

/blh