

Regular MeetingMarch 22, 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, March 22, 2005.

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

Council members absent: Councillors B.D. Given and R.D. Hobson.

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 7:27 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, February 21, 2005  
 Public Hearing, February 22, 2005  
 Regular Meeting, February 22, 2005  
 Regular Meeting, February 28, 2005  
 Regular Meeting, March 7, 2005  
 Public Hearing, March 8, 2005  
 Regular Meeting, March 8, 2005  
 Regular Meeting, March 14, 2005

Moved by Councillor Day/Seconded by Councillor Horning

**R286/05/03/22** THAT the Minutes of the Regular Meetings of February 21, February 22, February, 28, March 7, March 8 and March 14, 2005 and the Minutes of the Public Hearings of February 22 and March 8, 2005 be confirmed as circulated.

Carried

4. Councillor Horning 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. 9374 (Z04-0086) - Gordon Wiancko and Jennie & Carey Coukell (Lynn Welder Consulting) – 727 & 737 Stremel Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R287/05/03/22** THAT Bylaw No. 9374 be read a second and third time.

Carried

Regular Meeting

March 22, 2005

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

5.2 Bylaw No. 9364 (TA04-0009) – City of Kelowna (Walk-Out Basements)

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R288/05/03/22** THAT Bylaw No. 9364 be read a second and third time, and be adopted.

Carried

5.3 Bylaw No. 9372 (Z04-0085) - Angela Percy (Salloum and Company) – 195 Hartman Road

Moved by Councillor Day/Seconded by Councillor Cannan

**R289/05/03/22** THAT Bylaw No. 9372 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 February 22, 2005 re: Development Variance Permit Application No. DVP05-0007 – Katherine Block and Katherine Van Kampen (Rykon Construction Management) – 443 Cascia Drive

Staff:

- The applicant is proposing to locate his air conditioning unit within the side yard setback requirement.
- The adjacent property owners have provided letters of support.

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 required variance to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R290/05/03/22** THAT Council authorize the issuance of Development Variance Permit No. DVP05-0007 for Lot 4, DL 167, ODYD, Plan KAP70756 located on Cascia Drive, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the mechanical equipment to be constructed on the land be in general accordance with Schedule "A";

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

Section 6.5.8 (c) Accessory Development

To allow mechanical equipment to have a side yard setback of 1.37 m where 2.00 m is required.

Carried

Regular MeetingMarch 22, 2005

- 6.2 Planning & Corporate Services Department, dated February 22, 2005 re: Development Variance Permit Application No. DVP05-0004 – Linda & Gabriel Daku – 120 Molnar Road

Staff:

- The property is a corner lot. The applicant is requesting a reduced setback for the yard facing Highway 33 in order to extend their covered patio into the 15 m setback requirement.

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 required variance to come forward. There was no response.

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R291/05/03/22** THAT Council authorize the issuance of Development Variance Permit No. DVP05-0004 for Lot 2, Section 23, Township 26, ODYD, Plan 17606 except Plan 37996 located on Molnar 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 Landscaping be modified to meet the requirements of the Traffic Bylaw No. 8120 with regard to intersection sight line of control;

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

**Section 6.10.1 Setbacks from Provincial Highways**

- To obtain a variance to allow a 12.2 m setback to Highway 33 where 15.0 m is required to all buildings and structures.

Carried

6.3 (a) **BYLAWS PRESENTED FOR ADOPTION**

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

Moved by Councillor Clark/Seconded by Councillor Horning

**R292/05/03/22** THAT Bylaw No. 9349 be adopted.

Carried

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

Moved by Councillor Horning/Seconded by Councillor Clark

**R293/05/03/22** THAT Bylaw No. 9350 be adopted.

Carried

Regular MeetingMarch 22, 2005

- (b) Planning & Corporate Services Department, dated February 23, 2005 re: Development Variance Permit Application No. DVP04-0122 – Simple Pursuits Inc. – 1007 Rutland Road North

Staff:

- The applicant is seeking approval to complete development of the site with a second commercial building and eight 2.5-storey townhouse units. The applicant's intention is to subdivide off the townhouse units from the commercial portion of the site.
- The requested variance would reduce the rear yard setback for the townhouse development.
- The applicant is aware that at some point in the future a median could be installed on McCurdy Road limiting access to the subject property to right-in and right-out only.

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 required variance to come forward. There was no response.

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R294/05/03/22** THAT Council authorize the issuance of Development Variance Permit No. DVP04-0122; Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65904, located on Rutland Road North, Kelowna, B.C.;

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

Section 13.9.6 (f) – **Low Density Multiple Housing** zone, **Development Regulations**, to vary the rear yard setback from the 7.5 m required to the 3.0 m setback proposed.

Carried

- (c) Planning & Corporate Services Department, dated March 15, 2005 re: Development Permit Application No. DP04-0119 – Simple Pursuits Inc. – 1007 Rutland Road North

See discussion under item No. 6.3(b) above.

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R295/05/03/22** THAT Council authorize the issuance of Development Permit No. DP04-0119 for Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65904, located on Rutland 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";
3. Approval of Subdivision application;
4. Landscaping to be provided on the land be in general accordance with Schedule "C";

Regular MeetingMarch 22, 2005

5. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND 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

- 6.4 Planning & Corporate Services Department, dated February 15, 2005 re: Development Variance Permit Application No. DVP04-0160 – Vittorio Viola – 2220 Wilkinson Street

Staff:

- The variance is requested to facilitate subdivision of the property to create two lots. The property is large enough and has sufficient frontage to subdivide but with the location of the existing residence that the applicant wishes to retain, the two variances would be required.
- Staff do not recommend support of the variances because in this case there are better options (i.e. relocate the existing house on the site, modify the existing house, or remove the house from the site) that would allow the subdivision to meet the standards set out in the Zoning Bylaw.
- The Advisory Planning Commission also recommends non-support of the application.

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

- petition of opposition bearing 32 signatures of area residents opposed because of concern that the reduced side yard setback could set a precedent for future development on Wilkinson Street
- 11 form letters of support.

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

Don Fisher, 2224 Wilkinson Street:

- The petition of opposition was initiated by him. Residents from all but four of the houses on Wilkinson Street signed the petition.
- Concerned that if this application is approved, a precedent would be set for other lots on Wilkinson Street, resulting in loss of property values, privacy, and a higher density.

Anthony Viola, representing the applicant:

- The applicant is his father.
- Because of staff's concerns about the space between the two proposed lots, it is their intention to build a smaller house on the proposed new lot and add the 0.6 m setback shortfall to the 1.5 m setback requirement so that there would still be a 3 m setback between the two houses.
- The main living area of the existing house is upstairs. His parents are elderly and this would allow them to build a new home and stay in the neighbourhood. Their intention is to retain ownership of both lots.

Regular MeetingMarch 22, 2005

Staff:

- Confirmed that if the property was rezoned to RU6 the applicant could build a second home on the property and then stratify the buildings but the land would be held in common ownership.

There were no further comments.

Moved by Councillor Cannan/Seconded by Councillor Shepherd

**R296/05/03/22** THAT Council ***not*** authorize the issuance of Development Variance Permit No. DVP04-0160; on Wilkinson Street, Lot 4, D.L. 136, ODYD Plan 20116.

Carried7.0 BYLAWS**(BYLAWS PRESENTED FOR FIRST READING)**

- 7.0.1 Bylaw No. 9392 (OCP04-0025) – Al Stober Construction Ltd. and T 186 Enterprises Ltd. –1610 Dickson Avenue **Requires majority vote of Council (5)**

Moved by Councillor Day/Seconded by Councillor Cannan**R297/05/03/22** THAT Bylaw No. 9392 be read a first time.Carried

- 7.0.2 Bylaw No. 9393 (TA04-0013) – Al Stober Construction Ltd. and T 186 Enterprises Ltd. – 1610 Dickson Avenue

Moved by Councillor Cannan/Seconded by Councillor Day**R298/05/03/22** THAT Bylaw No. 9393 be read a first time.Carried

- 7.0.3 Bylaw No. 9394 (Z04-0088) – Al Stober Construction Ltd. and T 186 Enterprises Ltd. – 1607 Sutherland Avenue and 1610 & 1620-1632 Dickson Avenue

Moved by Councillor Day/Seconded by Councillor Cannan**R299/05/03/22** THAT Bylaw No. 9394 be read a first time.Carried7. REMINDERS – Nil.

Regular Meeting

March 22, 2005

8. TERMINATION

The meeting was declared terminated at 8:24 p.m.

Certified Correct:

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Mayor

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Acting City Clerk

BLH/am