

Regular MeetingApril 12, 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, April 12, 2005.

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

Council members absent: Councillor E.A. Horning.

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.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:21 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting March 21, 2005  
Public Hearing, March 22, 2005  
Regular Meeting, March 22, 2005

Moved by Councillor Given/Seconded by Councillor Day

**R336/05/04/12** THAT the Minutes of the Regular Meetings of March 21, and March 22, 2005 and the Minutes of the Public Hearing of March 22, 2005 be confirmed as circulated.

Carried

4. Councillor Clark 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. 9378 (OCP04-0023) - Bellasera Land Corporation (New Town Planning) – 1795 Country Club Drive **Requires majority vote of Council (5)**

Withdrawn from the agenda.

5.2 Bylaw No. 9379 (TA05-0002) – City of Kelowna – A bylaw to amend the I4 – Central Industrial Zone Minimum Front Yard

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R337/05/04/12** THAT Bylaw No. 9379 be amended at first reading to also require the 6 m front yard setback when the I4 – Central Industrial use is adjacent or abutting residential development.

Carried

Regular MeetingApril 12, 2005Moved by Councillor Given/Seconded by Councillor ClarkR338/05/04/12 THAT Bylaw No. 9379, as amended, be read a second and third time.Carried6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS6.1 Planning & Corporate Services Department, dated March 14, 2005 re: Development Variance Permit Application No. DVP05-0029 – Jim Shaw (Adams Contracting) – 4348 Hobson Road

Councillor Hobson declared a conflict of interest because he lives next door to this property and left the Council Chamber at 7:25 p.m.

Staff:

- The applicant is proposing to build carport additions on both ends of the existing accessory building.
- The applicant has included 4 ft. high walls on the north side of the building to screen the adjacent property from headlights.
- The property is large and the additional area for the accessory building would not have a significant impact on the overall development of the property.

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

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

Peter Chataway, agent:

- The only issue was the screening and that will be addressed with the 4 ft. wall.

There were no further comments.

Moved by Councillor Day/Seconded by Councillor BlanleilR339/05/04/12 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0029 for Lot 2, DL 167, ODYD, Plan 25089 located on 4348 Hobson Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the accessory building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the accessory building 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 6.5.7 - A variance to allow the lot coverage of an accessory building to be 134 m<sup>2</sup> where only 90 m<sup>2</sup> is permitted;

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

Councillor Hobson returned to the Council Chamber at 7:30 p.m.

Regular MeetingApril 12, 2005

6.2 Planning & Corporate Services Department, dated March 15, 2005 re: Development Variance Permit Application No. DVP05-0003 – Tarcisio Niccoli (Hans Neumann) – 3920 Bluebird Road

Councillor Day declared a conflict of interest because he owns property on Bluebird Road and left the Council Chamber at 7:31 p.m.

Staff:

- The applicant wishes to demolish the existing house and build a new house on the property. The lot lines do not run at right angles to the shoreline making it difficult to apply the sightline requirements.
- No letters have been received objecting to the variance and there were no concerns raised by the public about the variance when this application was considered by the Advisory Planning Commission.

The Acting City Clerk advised that no correspondence or petitions 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 Cannan

**R340/05/04/12** THAT Council authorize the issuance of Development Variance Permit No. DVP05-0003, Lot 2, Sec. 1, Twp. 25, ODYD Plan 3107, located on Bluebird Road, Kelowna, B.C., subject to the following:

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

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

**Section 6.11 – Okanagan Lake Sight Lines**

Vary the Okanagan Sight Lines from 60 degrees required to 50 degrees proposed.

Carried

Councillor Day returned to the Council Chamber at 7:34 p.m.

6.3 Planning & Corporate Services Department, dated March 8, 2005 re: Heritage Alteration Permit Application No. HAP05-0004 – Hans & Terri Birker – 409 Cadder Avenue

Staff:

- The variance is requested to allow a proposed swimming pool within the front yard setback requirement. The property is within the Abbott Street Heritage Conservation Area and the granting of the variance is done through a Heritage Alteration Permit.
- There is an existing hedge around the property frontage which would screen the pool.
- The fencing around the pool would be wrought iron railing that matches existing fencing on the site.
- The Community Heritage Commission recommends support for the variance.

Regular MeetingApril 12, 2005

The City Clerk advised that no correspondence or petitions 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 Hobson/Seconded by Councillor Given

**R341/05/04/12** THAT Council authorize the issuance of Heritage Alteration Permit No. HAP05-0004 for Lot A, DL 14, ODYD, Plan 39650 located on Cadder Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the swimming pool to be constructed on the land be in general accordance with Schedule "A";
2. Landscaping be constructed on the land be in general accordance with Schedule "B";

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

Section 6.2.1 – Swimming Pools

To allow a swimming pool to be located within the required front yard setback.

Carried

7.0 RESOLUTIONS

- 7.0.1 Draft Resolution re: Start Time – May 3, 2005 Public Hearing/Regular Meeting (0550-01)

Moved by Councillor Blanleil/Seconded by Councillor Clark

**R342/05/04/12** THAT the 7:00 p.m. start time for the May 3, 2005 Public Hearing remain unchanged;

AND THAT an additional Public Hearing be scheduled for Tuesday, May 10, 2005 starting at 7:00 p.m.

Carried

**(BYLAWS PRESENTED FOR FIRST READING)**

- 8.1 Bylaw No. 9402 (OCP05-0001) – The Roman Catholic Bishop of Nelson (Immaculate Conception Church) – 790, 796-798, and 804 Elliot Avenue  
**Requires majority vote of Council (5)**

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R343/05/04/12** THAT Bylaw No. 9402 be read a first time.

Carried

Staff:

- Now that Council has given this OCP amendment first reading, in accordance with the Local Government Act this will confirm that the OCP amendment was considered in conjunction with the City's financial plan and waste management plan and staff have agreed that the application can go forward without affecting either of those two plans.

Regular Meeting

April 12, 2005

- 8.2 Bylaw No. 9403 (Z05-0004) - The Roman Catholic Bishop of Nelson (Immaculate Conception Church) – 790, 796-798, and 804 Elliot Avenue

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R344/05/04/12** THAT Bylaw No. 9403 be read a first time.

Carried

9. REMINDERS – Nil.

10. TERMINATION

The meeting was declared terminated at 7:52 p.m.

Certified Correct:

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Mayor

Acting City Clerk

BLH/am