

Public HearingJuly 25, 2006

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, July 25, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors B.A. Clark, C.B. Day, B.D. Given, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: City Manager, R.L. Mattiussi; City Clerk, A.M. Flack; Acting-Director of Planning and Development Services, S.K. Bagh; Acting-Manager of Development Services, S. Gambacort; and Acting Council Recording Secretary, A.M. Rathbone.

1. Mayor Shepherd called the Hearing to order at 6:00 p.m.
2. Mayor Shepherd advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on July 7, 2006, and by being placed in the Kelowna Daily Courier issues of July 17 & 18, 2006, and in the Kelowna Capital News issue of July 16, 2006, and by sending out or otherwise delivering 150 letters to the owners and occupiers of surrounding properties between July 7-11, 2006.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 **Zoning Bylaw Text Amendment – Hillside Zones - WITHDRAWN**

- 3.1 Bylaw No. 9635 (TA06-0003) – City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by amending the existing definitions of height and grade and sections of the RU1, RU1h, RU2h, RU3h, RU4h and RU6h zones with respect to walkout basements and to amend setback and yard interpretations as they apply to single family hillside zones, as outlined in Schedule "A" of the report of the Planning & Corporate Services Department dated June 6, 2006.

Withdrawn from the agenda.

- 3.2 **510 Rutland Road**

- 3.2 Bylaw No. 9636 (Z06-0027) – Richard Beavington – 510 Rutland Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, located on Rutland Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone.

Staff:

- The property is located just south of Leathead Road on Rutland Road.
- The application is in keeping with the OCP future land use designation for the area.
- No current subdivision is required or proposed at this time.
- The house is already temporarily sited on the lot.

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The City Clerk advised that the following correspondence and/or petitions had been received:

**Opposition:**

- Letter from David & Tina Van der Gulik, 520 Rutland Road
- Letter from Loretta Matheson, 520 Montgomery Road
- Letter from Wes Ryder, 475 Montgomery Road
- Letter from Jack Senger, 135 Leathead Road
- Letter from Gordon & Dorothy Jenson, 460 Montgomery Road
- Letter from Tyler Shkrabuik, 495 Montgomery Road
- Petition bearing 17 signatures.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Richard Beavington, applicant:

- The house that was on the property when it was purchased has been moved to the back of the property and in 8 months was renovated to a handicapped accessible home. The Barber House was then moved onto the front of the property. The house is very sound and will be restored to its original state, with the exception of the addition of a front porch.
- The main concern when the application was considered by the Advisory Planning Commission was road access. The applicant wants access to the house from Montgomery, but the neighbourhood would like access to remain from Rutland Road.
- The Barber house was on the Kelowna Heritage Registry until the 1990's. The applicant intends to eventually have it put on the registry again.
- The applicant has tried to have the property rezoned before, but the minimum zoning Planning staff would accept was RM1.
- There have been complaints that the yard was a mess. That has all been cleaned up. The cars in the yard are not junk cars, they all run. The shed will have new siding put on.
- When the house is dropped onto the foundation, it will meet the City's height requirements.
- If the rezoning is denied, the house will be moved to another lot.

Jack Senger, 135 Leathead Road (corner Leathead/Montgomery):

- Concerned about traffic having to come out Montgomery.
- Montgomery dead ends in a lane.
- The first house is not finished – the side shown to Council is, but not the other side.
- The Barber house is an eyesore.
- When the house is finished, it will be 6-8 feet taller than any other house in the neighbourhood.

Dan Snodgrass, 530 Rutland Road North:

- Once lived in the Barber house and it was in rough shape.
- The Barber house does not look right on the lot.

Nicole Bogdonovich, representing Loretta Matheson, 520 Montgomery Road:

- Has submitted a number of letters against this rezoning. This is a quiet residential area. The rezoning would present danger to small children due to increased traffic.
- Concerned about the state of the property – the renovation of the first house took three years.
- Concerned about disruption to the neighbourhood during renovation of the Barber house.
- Wishes to retain the integrity of neighbourhood.

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- If each house now has 2 cars, with a 4-plex, there will be 8 cars coming from the subject property.
- There are only 12 houses on Montgomery. It is a quiet street – the way the neighbourhood wants it.
- CHBC-TV stated that the Barber house was derelict.
- It may be an historic house but it is not a heritage house.
- Montgomery Road is not designed to take the change in traffic. Concerned that the property will only be accessed from Montgomery so the traffic on Montgomery will increase.

Gordon Jenson, 460 Montgomery Road:

- Has lived at 460 Montgomery for 21 years.
- Concerned that with an increase in density, there will be more traffic.

Tina Van der Gulik, 520 Rutland Road:

- Has lived at 520 Rutland Road for 40 years.
- Thinks the Barber house is a big, ugly monstrosity that blocks sunlight to her property.

Troy Prevost, 455 Montgomery Road:

- Has lived in his home for 8 years.
- Loves the neighbourhood - everybody knows everyone; it is quiet and good for children. Does not want to see what is there now changed drastically.
- Has met people who moved into the first house on the subject property and has also met with the applicant. As a professional carpenter, he is worried that the applicant has taken on too much work with too tight of a timeline.
- Has not come to a decision yet on whether having the second house on the property is a good thing.
- Concerned about traffic with the small children living in the area.

John Aron, 510 Rutland Road

- Lives in the renovated home on the subject property. Both he and his wife are handicapped and the applicant renovated the house for them.
- The applicant turned the current house into a beautiful home and will do the same for Barber house.
- Shocked that neighbours turned on the applicant so viciously when he talked about moving the heritage house onto the lot.
- Roadblocks are being unnecessarily put in the applicant's way. He tried to get the property rezoned for a carriage house, then tried subdividing the property and was turned down for both.
- Montgomery Road is not going to be a freeway. There will only be 1 or 2 more vehicles and they probably would not affect the rest of the neighbourhood.

Bill Wostradowski, 295 Dudgeon Road:

- Grew up in the area. The house is too imposing for the lot.
- Would like Council to get a bond to ensure a timeframe for completion of the renovation and clean-up of the premises.
- Not opposed to the rezoning, but would like to see the house moved further back from Rutland Road.

Wes Ryder, 475 Montgomery Road:

- Not opposed to rezoning, but the subject property is too narrow.
- There would only be one driveway for both residences.
- Does not agree with the applicant using the possibility of the Barber House being put on the Heritage Registry as "carrot" for getting rezoning approval.
- Wants to see a house that blends in more with the existing neighbourhood.

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Staff:

- Confirmed that a variance would be required for the width of the property if the rezoning gets approved.
- Advised that Council can require a bond for the landscaping, but not for completion time.

Applicant:

- Advised that the permit specifically states there is a one year time frame from date of issuance to completion of the project.
- A \$5,000 bond has already been put up for demolition of the house. Intends to have that bond carry over as a landscaping bond.
- Montgomery Road does not dead end as an alley; the alley is a commonly used access for the neighbourhood.
- There are only two houses on Montgomery before it intersects Leathead, so using Montgomery would not have much impact on the traffic in the neighbourhood.
- Would like to keep the current access onto Rutland Road.
- Is still working with City staff to get construction on the one side of the first house on the subject property finished.
- Plans have already been submitted clearly showing what the Barber house will look like when it is restored. Will work with staff to ensure that the house will be able to be put on the Heritage Registry.

Staff:

- Did not support the previous applications because it is policy not to accept the lower density if there is an OCP designation for higher density.
- The City Transportation Division specifically requires that the Rutland Road driveway be decommissioned, no matter what the neighbourhood wants.

4. TERMINATION:

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

Certified Correct:

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Mayor

AMR/blh/am

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City Clerk