

Regular MeetingJanuary 9, 2007

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, January 10, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Andre Blanleil and Colin Day.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Manager of Policy Research & Strategic Planner, Signe Bagh*; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; Planner Analyst, Gary Stephen*; and Council Recording Secretary, Bobbi Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:03 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, December 11, 2006
Public Hearing, December 12, 2006
Regular Meeting, December 12, 2006
Regular Meeting, December 18, 2006
Special Meeting, December 20, 2006

Moved by Councillor Letnick/Seconded by Councillor Gran

R046/07/01/09 THAT the Minutes of the Regular Meetings of December 11, December 12 and December 18, 2006 and the Minutes of the Public Hearing of December 12, 2006 and the Minutes of the Special Meeting of December 20, 2006 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 AND THIRD READINGS AND ADOPTION)

5.1 Bylaw No. 9632 (OCP06-0014) – Official Community Plan Amendments to Commercial Land Use Policies **requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Letnick

THAT Bylaw No. 9632 be read a second and third time, and be adopted.

Moved by Councillor Hobson/Seconded by Councillor Given

THAT Map 6.2 be altered to change the urban centre boundary back from Powick Road to Highway 33.

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Amendment Moved by Councillor Clark/Seconded by Councillor Letnick

R047/07/01/09 THAT the other proposed boundary changes to Map 6.2 be deferred to the next OCP review.

DEFEATED

Councillors Given and Gran and Hobson opposed.

Council:

- Removed the previous motions from the floor.

Moved by Councillor Given/Seconded by Council Letnick

R048/07/01/09 THAT Bylaw No. 9632 be amended at first reading by removing Section 6 which would have amended the boundaries of the Highway Urban Centre on Map 6.2 – Urban Development Permit Area Designation in the Official Community Plan; and by removing Schedule “A” attached to the bylaw;

AND THAT sections 7 to 9 in the bylaw be renumbered accordingly;

AND FURTHER THAT the reference to Schedule “B” in the new Section 6 be changed to Schedule “A”.

Carried

Moved by Councillor Hobson/Seconded by Councillor Letnick

R049/07/01/09 THAT Bylaw No. 9632, as amended, be read a second and third time and be adopted.

Carried

Moved by Councillor Hobson/Seconded by Councillor Letnick

R050/07/01/09 THAT the Highway Urban Centre boundary remain at Highway 33;

AND THAT the other proposed changes to the Highway Urban Centre boundaries on Map 6.2 be deferred to the next OCP review.

Carried

5.2 Bylaw No. 9699 (OCP06-0020) – City of Kelowna – 1000 & 1008 Richter Street **requires majority vote of Council (5)**

Moved by Councillor Rule/Seconded by Councillor Clark

R051/07/01/09 THAT Bylaw No. 9699 be read a second and third time, and be adopted.

Carried

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- 5.3 Bylaw No. 9700 (Z06-0051) – City of Kelowna – 1000 & 1008 Richter Street

Moved by Councillor Clark/Seconded by Councillor Rule

R052/07/01/09 THAT Bylaw No. 9700 be read a second and third time, and be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated November 30, 2006 re: Development Variance Permit Application No. DVP06-0137 – Bhushan & Arunlata Singla (Bhushan Singla) – 678 Westpoint Court

Staff:

- Construction proceeded based on the approved plans by the City. It was only after a neighbour questioned some of the setbacks and contacted the City that the need for variances was realized.
- Do not recommend support for the variances because the property is large enough to accommodate a house that meets all the setback requirements.
- If the variances were approved by Council, a geotechnical report would be required to ensure that the retaining wall is not undermined.

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

- letter of opposition from Jim & Mary Hawkins, 762 Dehart Road
- letters expressing concern with the process from Joe & Cathy Higgins, 668 Westpoint Court and Marlene & George Byrka, 683 Westpoint Court.

Mayor Shepherd invited the applicant anyone in the public gallery who deemed themselves affected by the required variances to come forward.

Bhushan Singla, owner of 678 Westpoint Court:

- He and his brothers have been in the construction business for 30 years.
- The building plans were first provided to City staff in February 2006. The layout was changed 4 or 5 times before the plans were finally approved.
- The lot is sloped and irregular shaped making it difficult to develop.
- Was under the impression that only the variances that were not supported by the Advisory Planning Commission were of concern tonight.
- It was after the fact that he found out that the balcony was non-conforming.
- The neighbour has provided a letter of support.
- Agreed to reduce the projection of the balcony into the rear yard but asked that he be allowed a 9.5 ft. x 3.5 ft. balcony.
- Asked for a refund of the fees for this development variance permit application because of the plans having been approved before the need for variances being realized.

Jerry Schmutz, project builder:

- On the original plans the balcony was out to the corner of the house; they have pulled it back to where it is now but would like the 3.5 ft. from the balcony to the house instead of 2 ft. The house is concrete so they would have to cut the concrete walls away from the home to change that.

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Mayor Shepherd invited the anyone in the public gallery who deemed themselves affected by the required variances to come forward. There was no response.

Council:

- Agreed that the opportunity for public input on this application is closed.

Moved by Councillor Hobson/Seconded by Councillor Rule

R053/07/01/09 THAT further consideration of Development Variance Permit No. DVP06-0137; for Lot A, District Lot 358, ODYD Plan KAP76046, located on Westpoint Court, Kelowna, B.C. be deferred to the January 15, 2007 Regular Meeting, to clarify the following:

- what the rear yard setback would be if measured to the Dehart Road property line compared to the road reserve;
- why the Advisory Planning Commission supported the front yard setback requests;
- where the neighbour who submitted a letter of support lives and the variances the neighbour was supporting;
- whether the garage is a 2-car garage as indicated on the plans or whether it has been constructed as a 3-car garage.

Carried

6.2 Planning & Development Services Department, dated November 17, 2006 re: Development Variance Permit Application No. DVP06-0162 – James Haasdyk/Oasis Design (Michael Ohman) – 784 Bernard Avenue

Withdrawn from the agenda.

7. BYLAWS – Nil.

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 8:04 p.m.

Certified Correct:

Mayor

BLH/am

Deputy City Clerk