

Public HearingFebruary 19, 2008

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, February 19th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Colin Day, Brian Given, Carol Gran and Norm Letnick.

Council members absent: Councillors Andre Blanleil, Robert Hobson and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort; Planner, Nelson Wight; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

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 "*Kelowna 2020 - Official Community Plan Bylaw No. 7600*" and "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 February 1st, 2008, and by being placed in the Kelowna Daily Courier issues of February 11th, 2008 and February 12th, 2008, and in the Kelowna Capital News issue of February 10th, 2008, and by sending out or otherwise delivering 1,010 letters to the owners and occupiers of surrounding properties between February 1st, 2008 and February 6th, 2008.

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 Bylaw No. 9923 (Z07-0098) – Dale Riddell, David Bach, Nicole & Jason Marzinzik and Thieu Vu/(Jason Marzinzik) – 1859, 1879 & 1891 Marshall Street, 508 Sutherland Avenue and off of Rowcliffe Avenue - THAT Rezoning Application No. Z07-0098 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, District Lot 14, ODYD, Plan 3286, located at 1859 Marshall Street, Lot 9, District Lot 14, ODYD, Plan 3286, located at 1879 Marshall Street, Lot 2, District Lot 139, ODYD, Plan 3957, located at 508 Sutherland Avenue, Lot 1, District Lot 139, ODYD, Plan 3957, located at 1891 Marshall Street, Kelowna, B.C. from the RM5 – Medium Density Multiple Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council.

Staff:

- This rezoning will help protect the heritage aspects of the area.

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

- Letter of Concern:
 - Brenda Bachmann, 1812 Marshall Street

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

Jason Marzinzik, 508 Sutherland Avenue

- Available to answer any questions of Council or the public if necessary.

There were no further comments.

- 3.2 Bylaw No. 9926 (Z07-0037) – Michael Swicker – 1519 Feedham Avenue – THAT Rezoning Application No. Z07-0037 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, SEC. 13, TWP 26, O.D.Y.D., Plan KAP 75908, located on Feedham Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1(s) – Large Lot housing with a Secondary Suite Zone be considered by Council.

Staff:

- Confirmed that the City's parking requirements for the use have been met.

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

- Letter of Concern
 - The Hallidays, 1501 Tanemura Crescent

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.3 Bylaw No. 9927 (Z07-0094) – Mark Mudry/(Jerry Troitter & R446 Enterprises Ltd.) - THAT Rezoning Application No. Z07-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, Sec. 26, Twp. 26 ODYD, Plan 22499, located at 530 Hardie Road, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council.

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

- Letters of Concern
 - Gordon & Diane Beavington, 560 Hemlock Road
 - Norma Hannebauer, 460 Hardie Road
 - David Deschamps, 460 Hardie Road
- Petition of Opposition
 - A Petition submitted by Norma Hannebauer signed by 18 residents of the surrounding area

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

Jerry Troitter, Applicant's Representative

- He is unaware of the correspondence received on this application.
- Confirmed that he has met with the neighbours and that they verbally advised that they are not opposed to the rezoning.
- He is aware that the owners do not live on the property and that it is a rental unit.
- He is unaware of any noise complaints regarding the property.

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- The owners went door-to-door to speak to the neighbours regarding this rezoning application.

Mark Mudry, Owner

- Confirmed that he spoke with the neighbours approximately 3 months ago.

Gordon Beavington, 560 Hemlock Road

- The property was renovated last summer when the use of the dwelling was changed from a single-family dwelling into a multi-family dwelling.
- Believes that people have been renting individual rooms.
- The neighbours have not been canvassed regarding this proposed rezoning.
- There is a Restrictive Covenant registered against the property that will only permit a single-family dwelling on the property.
- Is upset about this application as he feels he was misled by the owner.
- Concerned about on-street parking in the area.

Staff:

- Confirmed that the document registered on title is a building scheme and not a restrictive covenant.
- A building scheme is not enforceable by the City and is considered a civil matter.
- Confirmed that this rezoning application was as a result of a bylaw complaint.

Norma Hannebauer, 460 Hardie Road

- Was told by her realtor that there is a covenant on her property that applies to all of the properties in the area.
- Submitted a Petition against this rezoning.
- Confirmed with the neighbours that they are all aware of the covenant registered on the properties restricting use to single-family residential.
- There is a big problem with on-street parking in the area and the neighbouring tenants often use her drive to turn their vehicles around.

Karen Martin, 455 Hardie Road

- When she purchased her property, she referred to the OCP which indicated that the area is single-family residential.
- The property in question does not fit into area.
- There is a huge on-street parking issue.
- Opposed to the rezoning and concerned about increased traffic in the area.
- Concerned about the servicing infrastructure.
- The people residing in the residence have created a noise disturbance in the area and the RCMP have been called to address the noise situation.

Concordia Mudry, Owner

- Does not feel that there is a noise issue with the tenants of the property as the tenants who were creating the noise, have since moved out of the property.
- Have canvassed the neighbours and they advised that there is not any noise issues.
- Her intention is to rent the upstairs to a family and the basement to a student.
- Confirmed that no one lives in her garage and that there is no bedroom in the garage.

Staff:

- As long as parking and setback requirements are met, there is no requirement for a garage on the property and staff understand that the garage is now a storage room.
- In order to covert the storage room into a bedroom, all the building code requirements would have to be met.
- Advised that the bylaw complaint was that someone was renting out the basement.
- Confirmed that often times the developer of a subdivision will register a building scheme on the property to limit what can be done; however building schemes are not regulated by the City and it is up to each individual property owner to ensure that any building scheme requirements are met.

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There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:49 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/dld