

Regular MeetingMay 27, 2008

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, May 27th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Colin Day, Brian Given, Robert Hobson and Norm Letnick.

Council members absent: Councillors Barrie Clark, Carol Gran and Michele Rule.

Staff members in attendance were: Acting City Manager, John Vos; City Clerk, Allison Flack; Current Planning Supervisor, Shelley Gambacort*; Planner, Alec Warrander and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:10 p.m.

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – May 12, 2008

Regular Meeting P.M. – May 12, 2008

Public Hearing – May 13, 2008

Regular Meeting – May 13, 2008

Special Meeting – May 20, 2008

Moved by Councillor Hobson/Seconded by Councillor Day

R494/08/05/27 THAT the Minutes of the Regular Meeting of May 12th, 2008 and May 13th, 2008 and the Minutes of the Public Hearing of May 13th, 2008 and the Minutes of the Special Meeting of May 20th, 2008 be confirmed as circulated.

Carried

4. Councillor Day was requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.1 Bylaw No. 9989 (Z08-0020) – Christine Nicholls (Carla Boyczuk) – 886 Stonybrook Road

Moved by Councillor Given/Seconded by Councillor Letnick

R495/08/05/27 THAT Bylaw No. 9989 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9998 (Z08-0012) – 703941 BC Ltd. (Hangingsone Properties/Robert Bennett) – 3665 McCulloch Road

Moved by Councillor Letnick/Seconded by Councillor Given

R496/08/05/27 THAT Bylaw No. 9998 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)

- 5.3 Bylaw No. 9994 (Z08-0017) – Robert Schleppe – 2242 Stillingfleet Road
To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

Moved by Councillor Day/Seconded by Councillor Blanleil

R497/08/05/27 THAT Bylaw No. 9994 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 April 16, 2008 re: Development Variance Permit Application No. DVP08-0035 – Porter Ramsay LLP (Alphons Schoenherr) – 784 Elliot Avenue **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**

Staff:

- The house is located on the Heritage Register and it presently has a non-conforming use.
- The Inspection Services Division has concerns with the integrity of the structure and both the Community Heritage Commission and the Advisory Planning Commission did not approve the application.

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

- Letters of Opposition:
 - Leanne Hopegood, 767 Elliot Avenue
 - Mrs. Elke (Oste) Ulide, 774 Elliot Avenue

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

Tom Smithwick, Applicant's Representative:

- The property was purchased several years ago and the structure is over 100 years old and has been conducting on-going renovations to improve the overall appearance of the structure. The owner is trying to recreate and preserve the heritage aspect of the building.
- The owner has an on-site manager who has been dealing with the tenancy issues surrounding this affordable housing rental property.
- Advised that the owner believes that there used to be a widow's walk on the structure, but over time, due to the wood rotting, the widow's walk was removed.

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- The work done to the proposed widow's walk was conducted without following the proper process or obtaining the proper permits.
- Distributed a further amended design of the widow's walk for Council's consideration.
- Advised that the building currently contains 10 rental units and the owner wishes to conduct further renovations in order to enhance the basement and attic units.
- The widow's walk area will be used as a balcony for the attic unit and will be redesigned as per the newly submitted design.
- Once the fencing is in place, the height site line will be cut in half.
- Advised that nine (9) of the surrounding neighbours have signed letters in support of this application.
- Advised that the area of the variance is extremely minor in nature.

Council:

- Concerned about whether or not the new design of the widow's walk and other renovations meet the Building Code requirements.
- Concerned that the original structure may not have included a widow's walk.

Staff:

- Advised that the Building Department has not yet been provided with the new design and therefore cannot comment on whether or not it meets the Building Code requirements.
- Advised that the Community Heritage Commission does not formally review these types of applications; however as a courtesy, they were asked to comment on it.
- Both the Community Heritage Commission and staff believe that the original structure did not have a widow's walk, but that a widow's walk was added at a later date.

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Day

R498/08/05/27 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0035 for Lot 3, D.L. 138, ODYD, Plan 9360, located at 784 Elliot Avenue, Kelowna, B.C, subject to:

1. Building permit complete with structural engineering required for all work done without valid building permit. The extra suite added is required to be removed so the number of suites does not exceed what is permitted by the business licence.

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

Section 13.6.6 (b) Development Regulations – Height

Vary the height of the proposed single family dwelling from 9.5 metres permitted to 13.5 metres proposed.

DEFEATED

Mayor Shepherd and Councillors Blanleil, Given and Hobson – Opposed.

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R499/08/05/27 THAT Council refer Development Variance Permit Application No. DVP08-0035 to the Community Heritage Commission for comment;

AND THAT the additional information with respect to the new design, as introduced by the applicant, be provided to the Community Heritage Commission.

Carried

- 6.2 Planning & Development Services Department, dated April 14, 2008 re: Development Variance Permit Application No. DVP08-0083 – Authentech Homes Ltd. (Elton & Kathy Pachal) – 573 Still Pond Lane. **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**

The City Clerk advised no correspondence and/or petitions had been received.

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.

Moved by Councillor Letnick/Seconded by Councillor Day

R500/08/05/27 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0083, for Lot 22, Section 8 & 9, township 23 ODYD, plan KAP78547, located 573 Still Pond Lane, Kelowna, BC
AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

13.2.6(e) RU2 Subdivision Regulations – Rear yard Setback

Vary the minimum rear yard setback from 7.5 m required to 1.5 m proposed

Carried

7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 6:47 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk