

Regular MeetingJune 24, 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, June 24<sup>th</sup>, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andrew. Blanleil, Colin Day, Carol Gran, Norm Letnick and Michele Rule.

Council members absent: Robert Hobson, Barrie Clark and Brian Given

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Planner, Danielle Noble\*; Planner, Nelson Wight\*; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:22 p.m.

2. Prayer was offered by Councillor Letnick.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – June 9, 2008  
 Regular Meeting P.M. – June 9, 2008  
 Public Hearing – June 10, 2008  
 Regular Meeting – June 10, 2008  
 Regular Meeting A.M. – June 16, 2008  
 Regular Meeting P.M. – June 16, 2008

Moved by Councillor Day/Seconded by Councillor Letnick

**R588/08/06/24** THAT the Minutes of the Regular Meeting of June 9<sup>th</sup>, 2008 and June 10<sup>th</sup>, 2008 and June 16<sup>th</sup>, 2008 and the Minutes of the Public Hearing of June 10<sup>th</sup>, 2008 be confirmed as circulated.

Carried

4. Councillor Gran 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. 10002 (Z08-0033) – Myrna White – 4304 Lakeshore Road

Moved by Councillor Rule/Seconded by Councillor Letnick

**R589/08/06/24** THAT Bylaw No. 10002 be read a second and third time.

Carried

5.2 Bylaw No. 10004 (Z08-0036) – Edward & Donna Nicholas (Pam Carter) – 4135 June Springs Road

Moved by Councillor Letnick/Seconded by Councillor Rule

**R590/08/06/24** THAT Bylaw No. 10004 be read a second and third time.

Carried

Regular MeetingJune 24, 2008

- 5.3 Bylaw No. 10005 (OCP08-0009) – Beryl Rackow & Eric Moller – 764 Patterson Avenue

Moved by Councillor Blanleil/Seconded by Councillor Gran**R591/08/06/24** THAT Bylaw No. 10005 be read a second and third time.Carried

- 5.4 Bylaw No. 10006 (Z08-0038) – Beryl Rackow & Eric Moller – 764 Patterson Avenue

Moved by Councillor Gran/Seconded by Councillor Blanleil**R592/08/06/24** THAT Bylaw No. 10006 be read a second and third time.Carried

- 5.5 Bylaw No. 10007 (Z08-0009) – Protech Consultants Ltd. (AJL Holdings Ltd.) – 1368 St. Paul Street

Moved by Councillor Letnick/Seconded by Councillor Rule**R593/08/06/24** THAT Bylaw No. 10007 be read a second and third time.Carried

## 6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 6.1 Planning & Development Services Department, dated May 23, 2008 re: Development Variance Permit Application No. DVP08-0055 - Kevin Anthony Bennett (Tony Bennett) - 1644 Sunrise Road

Staff:

- The applicant did not follow the approved permit plans. Planning staff are not in support of this variance.

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

NIL

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

Tony Bennett, 1644 Sunrise Road, Applicant:

- I was asked by Mr. Kirschner of Kirschner Developments to do something with the back of the house so that it didn't look so plain. I thought it would look more like the other houses in the area if I had a second deck. The deck is completed and after the fact the Planning Department said they do not approve of it. Other homes in the area have second decks and mine is not any different. I have spoken to the neighbours and they have no issues with the second deck.

Council:

- Inquired if there were letters of support for this variance and if so they should be included in the report. Staff noted that this was not brought forward to the Advisory Planning Commission because neighbours were supportive.

Regular MeetingJune 24, 2008

- Asked if there is any difference between this deck and others in the area. Staff noted that this house plan has a walk out basement feature which separates it from other homes that conform and that is the difference.
- Asked if all other houses are conforming to the City's building code? Staff noted that there are some that have not been legalized through a variance.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Letnick

**R594/08/06/24** THAT Council authorize the issuance of Development Variance Permit No. DVP08-0055 for Lot 7, Section 13, Township 26, ODYD, Plan KAP76806, located at 1644 Sunrise Road, Kelowna, B.C.;

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

Section 13.1.6 (g) Development Regulations – Deck Height (RU1h)  
Vary the height of the existing deck from one storey permitted to two storeys proposed.

Carried

6.2. Planning & Development Services Department, dated May 30, 2008 re: Development Variance Permit Application No. DVP08-0028 - Simple Pursuits Inc. (Stroma Signs Group Inc.) - 1889 Spall Road

Staff:

- The T-Bones sign is the sign in question. The applicant installed a canopy sign that conflicts with certain regulations of the Sign Bylaw.

Council:

- Questioned how long the sign had been in place? The applicant commented that the sign went up in February or March of 2007.
- Asked if the applicant had applied for a sign permit? Staff noted they did not apply for a permit and that the sign went up first.

Pat Martin, Stroma Signs Group Inc.:

- The former partners, who were in charge of the project, didn't think they needed a variance. There was immense pressure to have the sign up in time for advertising. There have been no complaints about it but the owner of the store asked us to apply for a sign permit. I believe the reason it seems it doesn't comply with the bylaw is because a ledge was built which makes the sign appear higher. Other businesses nearby obtained a variance for their signs and they do not conform with the sign bylaw. Neighbors within a two block radius are in favor of the sign and believes that it looks nice.

City Manager:

- Commented that this sort of practice of erecting signs and then having the applicant apply for a variance after the fact is happening a lot. Planning staff need to work with members of the sign industry to review the Sign Bylaw to make it more practically workable. The City Manager indicated that this would occur when planning staff has the resources available to do so.

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

NIL

Regular MeetingJune 24, 2008

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

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Gran

**R595/08/06/24** THAT Council authorize the issuance of Development Permit No. DVP08-0028, for Lot A, District Lot 129, O.D.Y.D. Plan 20633, located on Spall Road, Kelowna, B.C.

AND FURTHER THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

**Section 5.3.1 (c) – Projection Above the Canopy**

A variance to allow a canopy sign to project 1.3 m above the canopy, where the maximum allowable projection is 0.3 m.

**Section 5.3.1 (e) – Area of Canopy Sign**

A variance to allow a canopy sign to be 6.2 m<sup>2</sup> in size, where the maximum allowable in this case is 4.0 m<sup>2</sup>.

Carried

- 6.3. Planning & Development Services Department, dated May 30, 2008 re: Development Variance Permit Application No. DVP07-0262 Steven Lenarduzzi and Stacy Trefry (Steven Lenarduzzi) - 2287 Quail Run Drive

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

NIL

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

Steve Lenarduzzi, 2287 Quail Run Drive, Applicant:

- The house cannot be lowered.

Council:

- Questioned why the applicant didn't apply for a variance before building the wall? The applicant noted that it was his builder who did not apply for the variance. When it was too late, they tried to put garage on the other side. The builder has been notified that I now have to apply for a variance permit. The neighbors are alright with the retaining wall.

Robert Walter, 2293 Quail Run Drive:

- We are the only ones who see this wall and would like the permit to be approved so that we can paint it or add landscaping to make it look better.

There were no further comments.

Moved by Councillor Day/Seconded by Councillor Blanleil

**R596/08/06/24** THAT Council authorize the issuance of Development Variance Permit No. DVP07-0272 for Lot 15, Sec. 23, Twp. 28, O.D.Y.D., Plan 9531 located at 5118 Lakeshore Road; Kelowna, B.C.

Regular MeetingJune 24, 2008

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

**Section 12.2.6: RR2 – Rural Residential 2:**

12.2.6(c): Vary the south front yard setback from 6.0m required to 1.86m proposed.

Carried

Mayor Shepherd changed the order in which 6.4(a)(i) and (ii) were heard.

6.4 (a) **BYLAWS PRESENTED FOR ADOPTION**

- (ii) Bylaw No. 9761 (Z03-0065) – City of Kelowna (Bob Turik) – 1370 Bertram Street & 555 Fuller Avenue

Moved by Councillor Blanleil/Seconded by Councillor Gran

**R597/08/06/24** THAT Bylaw No. 9761 be adopted.

Carried

- (i) Bylaw No. 9999 – Housing Agreement – City of Kelowna (Bob Turik) – Kelowna and District Society for Community Living – 1370 Bertram Street and 555 Fuller Avenue

Moved by Councillor Gran/Seconded by Councillor Blanleil

**R598/08/06/24** THAT Bylaw No. 9999 be adopted.

Carried

- (b) Planning & Development Services Department, dated June 3 2008 re: Development Variance Permit Application No. DVP03-0161 and Development Permit Application No. DP03-0160 and Rezoning Application No. Z03-0065 - City of Kelowna (Bob Turik) - 1370 Bertram Street and 555 Fuller Avenue

Staff:

- Noted one change to the report which displayed the incorrect colour of material board that was submitted.

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

NIL

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

There were no further comments.

Moved by Councillor Letnick/Seconded by Councillor Day

**R599/08/06/24** THAT final adoption of the zoning Bylaw 9761 be considered by Council;

THAT final adoption of Housing Agreement Bylaw 9999 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0160, for Lot A, District Lot 139, ODYD, Plan KAP86241, located on Fuller Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the development permit application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0161, for Lot A, District Lot 139, ODYD, Plan KAP86241, located on Fuller Road, Kelowna, B.C.;

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

**Section 13.11.6 (b) Site Coverage (Buildings)**

A variance to allow a site coverage of 44%, where the maximum allowable is 40%.

**Section 13.10.6 (b) Site Coverage (Buildings and Parking)**

A variance to allow a site coverage of 66% for buildings and parking, where the maximum allowable is 60%.

**Section 13.11.6 (e) Side Yard Setback (south)**

A variance to allow a reduction in the southerly side yard setback for portions of the building above 2 ½ storeys from 7.5 m to 4.5 m.

**Section 8.3.3 Setback to Parking Next to Lane**

A variance to allow a reduction in the required setback to parking next to a lane from 1.2 m to 0.5 m.

**Section 6.4.1 Projections into Yards**

A variance to allow a projection of 1.5 m, where the maximum allowable is 0.6 m.

Carried

7. BYLAWS

8. REMINDERS

Delegations from Veendam will be arriving Saturday, June 28<sup>th</sup>.

Regular Meeting

June 24, 2008

9. TERMINATION

The meeting was declared terminated at 6:57 p.m.

Certified Correct:

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Mayor

City Clerk

ACM/dld