

Regular MeetingSeptember 16, 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 September 16, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Colin Day, Brian Given, Carol Gran and Michele Rule.

Council members absent: Councillors Andre Blanleil, Barrie Clark, Robert Hobson and Norm Letnick.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Subdivision Approving Officer, Shelley Gambacort; Planner, Paul McVey; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:30 p.m.

2. Prayer will be offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Special Meeting – September 2, 2008  
 Public Hearing – September 2, 2008  
 Regular Meeting – September 2, 2008  
 Regular Meeting A.M. – September 8, 2008  
 Regular Meeting P.M. – September 8, 2008

Moved by Councillor Given/Seconded by Councillor Rule

**R840/08/09/16** THAT the Minutes of the Regular and Special Meetings of September 2, 2008, and September 8, 2008 and the Minutes of the Public Hearing of September 2, 2008 be confirmed as circulated.

Carried

4. Councillor Rule is 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. 10062 (Z07-0095) – AMDI Investments Inc. – 2176 Wilkinson Street

Moved by Councillor Given/Seconded by Councillor Rule

**R841/08/09/16** THAT Bylaw No. 10062 be read a second and third time.

Carried

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- 5.2 Bylaw No. 10063 (Z08-0008) – Ann Allan Holdings Inc. – 300 Penno Road

Moved by Councillor Rule/Seconded by Councillor Given

**R842/08/09/16** THAT Bylaw No. 10063 be read a second and third time.

Carried

- 5.3 Bylaw No. 10065 (Z08-0064) – Anita & Ethan Rideout – 2605 Curts Street

Moved by Councillor Rule/Seconded by Councillor Given

**R843/08/09/16** THAT Bylaw No. 10065 be read a second and third time.

Carried

- 5.4 Bylaw No. 10066 (Z08-0068) – Jeffery & Krystal Sininger – 1338 Montenegro Drive

Moved by Councillor Rule/Seconded by Councillor Given

**R844/08/09/16** THAT Bylaw No. 10066 be read a second and third time.

Carried

- 5.5 Bylaw No. 10068 (Z08-0015) – Rachel Pazdzierski – 582 Radant Road

Moved by Councillor Given/Seconded by Councillor Gran

**R845/08/09/16** THAT Bylaw No. 10068 be read a second and third time.

Carried

- 5.6 Bylaw No. 10069 (Z08-0025) – Susan Robert (Dave Robert) – 1418 Alta Vista Road

Moved by Councillor Day/Seconded by Councillor Gran

**R846/08/09/16** THAT Bylaw No. 10069 be read a second and third time.

Carried

- 5.7 Bylaw No. 10070 (Z08-0041) – George & Shirley Staley – 4039 June Springs Road

Moved by Councillor Gran/Seconded by Councillor Day

**R847/08/09/16** THAT Bylaw No. 10070 be read a second and third time.

Carried

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- 5.8 Bylaw No. 10067 (Z08-0055) – Robert George Peter Elliott – 4355 June Springs Road

Moved by Councillor Day/Seconded by Councillor Gran

**R848/08/09/16** THAT Bylaw No. 10067 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 August 20, 2008 re: Development Variance Permit Application No. DVP08-0152 – Dana Klotz – 765 Walrod Street - **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 that the following correspondence and/or petitions had been received:

- Letter of Opposition:
  - Stephen & Raena Brown, 785 Walrod Street

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

Chris Vickrey, IHS Design, Applicant's Representative

- Gave a presentation to Council regarding the design rationale behind the development.
- The goal is to provide a residence that would be owner-occupied.
- Have worked with staff to minimize the height of the structure and have taken steps to minimize any privacy concerns of the neighbours.

Melody Kozoway, 757 Walrod Street

- Feels that the neighbourhood will be significantly impacted by this proposed development.
- Submitted a Petition to the Advisory Planning Commission indicating a lot of neighbourhood opposition to this proposal. Staff provided the City Clerk with a copy of that Petition.
- Feels that the structure will reduce her privacy and the shadowing from the property will significantly impact her property.
- Feels that parking in the area is inadequate.

Jeff Bryde, 772 Jones Street

- Has lived in Kelowna for 45 years.
- Lives and works in the area.
- Is opposed to this development as he feels the higher density will negatively impact the neighbourhood.

Rick Tearoe, 758 Jones Street

- Lived in his residence for over 35 years.

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- Is opposed to the development and is concerned about the higher density being proposed for the area.

Henry Van Tol, 778 Jones Street

- When the applicant first approached him, he understood the proposal to be a carriage house and not a second dwelling.
- Cannot support this development.
- Concerned about the length of time it takes to construct carriage homes on properties and suggested that the City impose a time frame for completion of construction of carriage homes.

Chris Vickrey, IHS Design, Applicant's Representative

- The property has been zoned RU6 since 1998. Previous to that it was zoned as a two-family lot.
- Feels that the proposal fits in with the form and character of the neighbourhood.
- Have really worked hard to minimize any impact on the neighbourhood.
- The structure will only be 300 square feet larger than a carriage home.

Dana Klotz, Applicant

- Originally considered purchasing a lot so that a carriage home could be built.
- Would like a smaller home, but not an apartment or condo.
- Apologetic towards her neighbours if they felt she misled them as she always intended on building another dwelling on the property and not a carriage home.
- Will be doing significant landscaping and fencing on the site in minimize any privacy concerns.

There were no further comments.

Moved by Councillor Gran/Seconded by Councillor Given

**R849/08/09/16** THAT Council authorize the issuance of Development Variance Permit No. DVP08-0152, for Lot 4, Section 30, Township 26, O.D.Y.D., Plan 10035 located at 765 Walrod Street;

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

**13.6.5 (b) RU6 Subdivision Regulations – Lot Width**

Vary the minimum lot width from 18 m required for a site with two dwelling housing to 17.2 m proposed.

**DEFEATED**

Mayor Shepherd and Councillors Day, Given, Gran and Rule – Opposed.

6.2 Planning & Development Services Department, dated August 20, 2008 re: **Development Variance Permit Application No. DVP08-0124 – Silverado Crane & Equipment Ltd. (New West Industrial Ltd.) – 630 Beaver Lake Road - 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 application was not reviewed by the Advisory Planning Commission as the Applicant received written support from the adjoining neighbours.
- There will not be a Development Permit required for this development as it is not within a mandatory Development Permit area.
- Confirmed that the adjoining properties are zoned I2.

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

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

Moved by Councillor Gran/Seconded by Councillor Day

**R850/08/09/16** THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP08-0124, for Lot 1, Sections 10 & 11, Twp 20, O.D.Y.D., Plan 4273, located on Beaver Lake Road, Kelowna, B.C.;

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

**Section 15.3.5(d), Development Regulations** – western side yard be varied from minimum setback of 7.5 m required to 0.6 m setback proposed.

Carried

7. REMINDERS

8. TERMINATION

The meeting was declared terminated at 7:10 p.m.

Certified Correct:

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Mayor

SLH/hp

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City Clerk