

Public HearingDecember 9, 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, December 9th, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Brian Given, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillor Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:01 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 November 21, 2008, and by being placed in the Kelowna Daily Courier issues of December 1, 2008 and December 2, 2008, and in the Kelowna Capital News issue of November 30, 2008, and by sending out or otherwise delivering 31 letters to the owners and occupiers of surrounding properties between November 21, 2008 and November 26, 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. 10085 (Z08-0051) – Terry and Lynae Igel – 391 Yates Road – THAT Rezoning Application No. Z08-0051 to amend City of Kelowna zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, Section 32, Township26, O.D.Y.D., Plan 15293, located on Yates Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to RU1(s) Large Lot Housing with a Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Glenmore-Ellison Improvement District being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit.

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Staff:

- Advised that as a result of the last Public Hearing, the applicant has submitted a revised site plan.
- Advised that there are no variances associated with the revised site plan as the accessory building now meets all of the City's requirements and bylaws.

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

- Revised Site Plan:
 - Terry & Lynae Igel, 391 Yates Road
- Letter of Concern:
 - Terry Igel, 391 Yates Road

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

Terry Igel, Applicant

- Advised that after the last Public Hearing, he met with the neighbours to try to resolve this matter to everyone's satisfaction; however the parties have not been able to come to an acceptable compromise.
- Advised that he would like to build a single-storey structure rather than 1 ½ storey structure; however the footprint of the single-storey structure would be too big and therefore, City staff could not support such an application.
- Advised that he will plant mature trees along the back of the property in order to provide more privacy along the back fence.

Staff:

- Confirmed that a single-storey structure would not be supported by staff due to the larger footprint.
- Confirmed that the maximum height allowed in the area is 2 ½ storeys.

Gallery:

Leigh Guillot, 396 McTavish Road

- Appreciated the meeting that the applicant had with the neighbourhood.
- Feels that the size of the carriage house being proposed is too large for the lot and the neighbourhood.
- Feels that her property value will decrease as a result of this application.
- Opposed to the rezoning.

Melissa Martin, 392 McTavish Road

- Appreciated the meeting that the applicant had with the neighbourhood.
- Would be agreeable to a single-storey structure as opposed to a 1 ½ storey structure.
- Opposed to the rezoning.
- Feels that this application will set a precedent in the area as there are currently no carriage houses in the neighbourhood.
- Concerned about increased traffic.
- Concerned about the water table in the area as there have been problems in the area with water.

Staff:

- Advised that any water concerns would be addressed during the building permit process.
- Confirmed that the structure being proposed is at grade; and therefore, no basement is being proposed.

Public HearingDecember 9, 2008Brent, Occupier of 394 McTavish Road

- Lives directly behind the subject property and showed photographs of how the proposed structure would affect his property.
- Would like an environmental report/assessment done with respect to the affects of the structure on the water table and drainage in the area.
- Believes that this is not your typical carriage house application as he considers the accessory building as a primary dwelling as he believes that the applicant is not intending on renting it out.
- Would like extensive landscaping done to mitigate any privacy concerns as the cedars currently along the back of his property line have been dying off.
- Believes that his privacy and view will be diminished with the construction of this accessory building.
- Believes that this will negatively affect his property value and has confirmed this with area realtors.

Staff:

- Advised that an environmental report/assessment is not a requirement of the rezoning, but could possibly be a condition of the building permit.
- Advised that the building footprint would be dealt with through the direct development permit process.

Terry Igel, Applicant

- Advised that the height of the carriage house is almost identical to the primary dwelling and that the size of the carriage house is slightly smaller than the primary dwelling.
- Advised that the two (2) windows (bathroom and kitchen) that face the neighbour's properties will be frosted the bathroom window will be frosted.

Staff:

- Confirmed that the suite size calculation does not include the garage component; however, the footprint of the building includes both the suite and the garage component.
- The applicant could build a garage component only that is 1 ½ storeys (without the suite), which would comply with the zoning and would not require Council approval.

There were no further comments.

- 3.2 Bylaw No. 10116 (Z08-0074) – Dale and Lisa Lamb – 4383 Hobson Road – THAT Rezoning Application No. Z08-0074 so amend City of Kelowna zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 167, O.D.Y.D., Plan 17542, located on 4383 Hobson Road, 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;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

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

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- Letters of Opposition:
 - Yvette & Glenn Delcourt, 4389 Hobson Road
 - Dorothy McKenzie, 4373 Hobson Road

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

Lisa Lamb, Applicant

- Introduced Shane Baxter, the Architect who designed the proposed structure and deferred comment to Mr. Baxter.

Shane Baxter, Applicant's Representative

- Advised that the applicants currently live on the property.
- Advised that the home was built in the late 1960's, early 1970's. The applicants would like to decommission the cabana and construct a new cabana with a secondary suite so that Mr. Lamb's mother can reside in the property.
- The applicants would like to have the property designated as an "S" zone should they wish to sell the property, or possibly rent the suite out, in the future.
- The suite will be attached to the primary residence.
- Advised that most of the rooms are facing the backyard or the pool area.
- Advised that the owners of 4377 Hobson Road have signed a letter in support of the proposed suite.

Gallery:

David Jerome, on behalf of Glenn & Yvette Delcourt, 4389 Hobson Road

- Read a letter from Mr. & Mrs. Delcourt in opposition to the rezoning.
- Advised that the neighbourhood is primarily a single-family neighbourhood and does not have a lot of rental suites.
- Believes that this will set a precedent which will encourage others in the neighbourhood to build secondary suites thus changing the makeup of the area.
- Advised that the Delcourts are concerned about privacy to their backyard which they believe will have a negative impact on the marketability of their home.
- The Delcourts feel that there is not enough off-street parking for the proposed suite.
- The Delcourts are concerned about the height of the structure at the southwest corner.
- Confirmed that he is a realtor by profession.

Staff:

- Confirmed that the height variance only deals with the tower not the bonus room being proposed.

Shane Baxter, Applicant's Representative

- Advised that there is already a second storey balcony located at 4389 Hobson Road that already looks directly down at the subject property.
- Advised that the applicants will be providing a landscape plan that they hope will alleviate any privacy concerns of the neighbours as well as the applicants.
- Advised that there will be six (6) off-street parking spots provided.

Dale Lamb, Applicant

- Advised that the gate on the property will be used to mitigate any off-street parking concerns.
- Advised that he is trying to mitigate any privacy concerns due to the windows on the structure.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 7:01 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld