

Regular MeetingMarch 10, 2009

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, March 10<sup>th</sup>, 2009.

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

Council members absent: Councillor Brian Given

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham, City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*, Park and Landscape Planner, Barb Davidson\*, and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 6:53 p.m.

2. Prayer was offered by Councillor Hodge.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting – February 23, 2009

Regular P.M. Meeting – February 23, 2009

Public Hearing – February 24, 2009

Regular Meeting – February 24, 2009

Regular A.M. Meeting – March 2, 2009

Regular P.M. Meeting – March 2, 2009

Moved by Councillor Rule/Seconded by Councillor Hodge

**R239/09/03/10** THAT the Minutes of the Regular Meetings of February 23<sup>rd</sup>, 2009, February 24<sup>th</sup>, 2009 and March 2<sup>nd</sup>, 2009 and the Minutes of the Public Hearing of February 24<sup>th</sup>, 2009 be confirmed as circulated.

Carried

4. Councillor Hodge 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. 10083 (Z08-0035) – Dwayne & Sandra Jeurond – 890 Juniper Road

Moved by Councillor Rule/Seconded by Councillor Hodge

**R240/09/03/10** THAT Bylaw No. 10083 be read a second and third time.

Carried

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- 5.2 Bylaw No. 10152 (Z08-0099) – Ruth & Mohammed Umran (Ruth Umran)  
– 1045 El Paso Road

Moved by Councillor Hodge/Seconded by Councillor Rule**R241/09/03/10** THAT Bylaw No. 10152 be read a second and third time.Carried

- 5.3 Bylaw No. 10156 (Z08-0084) – Ambrosi Properties Ltd. (The Mission Group) – Various Addresses on Ambrosi Road

Moved by Councillor Hodge/Seconded by Councillor James**R242/09/03/10** THAT Bylaw No. 10156 be read a second and third time.Carried

- 5.4 Bylaw No. 10158 (Z08-0117) – Edith & Daniel Buehler – 353 Clifton Road

Moved by Councillor James/Seconded by Councillor Hodge**R243/09/03/10** THAT Bylaw No. 10158 be read a second and third time.Carried

- 5.5 Bylaw No. 10159 (OCP08-0028) – Sukhbir & Charanjit Sandhu – 773 Morrison Avenue

Moved by Councillor Stack/Seconded by Councillor Reid**R244/09/03/10** THAT Bylaw No. 10159 be read a second and third time.Carried

Council:

- Raised concern regarding traffic calming in the alley way and suggested staff analyse this particular alley.

- 5.6 Bylaw No. 10160 (Z08-0111) – Sukhbir & Charanjit Sandhu – 773 Morrison Avenue

Moved by Councillor Stack/Seconded by Councillor Reid**R245/09/03/10** THAT Bylaw No. 10160 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.7 Bylaw No. 10153 (OCP08-0029) – City of Kelowna – 3694 & 3696 Lakeshore Road

Moved by Councillor Reid/Seconded by Councillor Blanche**R246/09/03/10** THAT Bylaw No. 10153 be read a second and third time and be adopted.Carried

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- 5.8 Bylaw No. 10154 (Z08-0105) – City of Kelowna – 3694 & 3696 Lakeshore Road

Moved by Councillor Reid/Seconded by Councillor Blanleil

**R247/09/03/10** THAT Bylaw No. 10154 be read a second and third time and be adopted.

Carried

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

6.1 (a) **BYLAW PRESENTED FOR ADOPTION**

Bylaw No. 10145 (Z08-0081) – Frank & Eva Sipos – 4328 Bedford Lane

Moved by Councillor Reid/Seconded by Councillor Blanleil

**R248/09/03/10** THAT Bylaw No. 10145 be adopted.

Carried

- (b) Community Sustainability Division, dated January 16, 2009 re: Development Variance Permit Application No. DVP08-0200 – Frank & Eva Sipos (Frank Sipos) – 4328 Bedford Lane

Staff:

- Staff provided a negative recommendation due to the lack of compliance with the Zoning Bylaw. The home could have been built to meet zoning bylaw requirements without variances. However, granting the variances would not unduly impact the neighbours.

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

**Letter of Support:**

Leonard Bedford, 4313 Bedford Road

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

Frank Sipos, Applicant

- We built the existing home because we have a special needs boy and meeting City requirements did not meet our family needs. The size of the property is large, our neighbours are far apart from us, and we felt there would be no problems.
- Originally we built our little home and we are now applying to build the main house. We are currently living in the carriage home right now.
- We were unaware that our carriage home exceeded the zoning bylaw. We knew the carriage home needed to be smaller than the main house. The carriage home is to be used as a home for my son's caregiver.

Council:

- Council raised concern that this is a clear violation of the City's Policy.
- Council confirmed the main home has not been built.
- Council confirmed that the neighbours are supportive. Council would like staff to supply them with letters of support from neighbours. Staff noted Council's request.

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- Council inquired if this application had gone to the Advisory Planning Commission. Staff advised that the application would not go before APC if the Applicant has approval from all neighbours.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Rule

**R249/09/03/10** THAT Final Adoption of Zone Amending Bylaw No.10145 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP08-0200, for Lot 3, Section 32, Township 29, ODYD, Plan KAP76256, located at 4328 Bedford Lane, Kelowna, BC.;

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

**Section 9.5.1 (e) – Secondary Suites**

A variance to allow the maximum height of an accessory building containing a secondary suite from 4.5m allowed to 5.5m proposed.

**Section 9.5.4 – Secondary Suites**

A variance to allow the maximum floor area of a secondary suite from 90m<sup>2</sup> allowed to 120.58m<sup>2</sup> proposed.

Carried

Councillor Hodge - Opposed

6.2 Community Sustainability Division, dated February 2, 2009 re: Development Variance Permit Application No. DVP08-0243 – Marilyn Coleman (Worman Resources Ltd.) – 2655 Dubbin Road

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

Applicant:

- Present and available to answer any questions.

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 Hobson/Seconded by Councillor Stack

**R250/09/03/10** THAT Council authorize the issuance of Development Variance Permit No. DVP08-0243 for Lot 1, Section 20, Township 23, Osoyoos Division Yale District Plan KAP68143 located at Dubbin Road, Kelowna, B.C.

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

**Section 7.5.9 Fencing and Retaining Walls Height**

To vary the height of a residential retaining wall from 1.2 meters permitted to 4.3 meters proposed.

Carried

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- 6.3 Community Sustainability Division, dated February 9, 2009 re: Development Variance Permit Application No. DVP09-0003 – Keith & Sherri Williams – 1410 Tanemura Crescent

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

Applicant:

- Present and available to answer any questions.

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 Blanleil/Seconded by Councillor James

**R251/09/03/10** THAT Council authorize the issuance of Development Variance Permit No. DVP09-0003 for Lot 11, Section 13, Township 26, Osoyoos Division Yale District Plan KAP82094, located at Tanemura Crescent, Kelowna, B.C.

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

**Section 7.5.9 Fencing and Retaining Walls**

To vary the permitted height of the retaining wall from 1.2 m permitted to 2.1 m proposed.

Carried

7. REMINDERS

Mayor Shepherd reminded Council that a motion was to be made regarding Morrison Avenue.

Moved by Councillor Stack/Seconded by Councillor Hodge

**R252/09/03/10** THAT Council directs staff to review and analyse mitigations for the alley way behind 827 Morrison Avenue and report back to Council.

Carried

8. TERMINATION

The meeting was declared terminated at 7:42 p.m.

Certified Correct:

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Mayor

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City Clerk

ACM/dld