

Public HearingJune 2, 2009

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, June 2, 2009.

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

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

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:02 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 15, 2009, and by being placed in the Kelowna Daily Courier issues of May 25, 2009 and May 26, 2009, and in the Kelowna Capital News issue of May 24, 2009, and by sending out or otherwise delivering 144 letters to the owners and occupiers of surrounding properties between May 15, 2009 and May 20, 2009.

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. 10196 (Z09-0001) – Randy Mosher and Ashley Hager/(Randy Mosher) - 1025 Thompson Road - THAT Rezoning Application No. Z09-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 22, Township 26, O.D.Y.D., Plan 21501, located on Thompson 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.

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

- Letter of No Objection:
 - Dick & Brenda Auclair, 950 Thompson Road

Public HearingJune 2, 2009

- Letter of Opposition:
 - Terry & Brenda Schlaht, 665 Mitchell Road

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

Randy Mosher, Applicant

- Advised that he was unaware of any issues raised by Mr. & Mrs. Schlaht and that it was possible that Mr. & Mrs. Schlaht were referring to another property or the previous owner of the subject property.

Gallery:

Bruce Orydzuk, 1020 Thompson Road

- Concerned about parking in the area as tenants and visitors are always parking on the street, very near the street corner.
- Concerned that the owners of the property are also causing parking problems.
- Concerned about the noise coming from the tenants of the suite, which is disturbing his peace and quiet.
- Opposed to the rezoning based his parking and noise concerns.
- Concerned that the on-street parking is affecting the clearing of the streets during the winter time.
- Advised that he has not spoken with the applicant with respect to his concerns regarding the parking and noise.

Staff:

- Advised that the application meets the City's bylaw requirements with respect to parking provisions.
- Advised that there is no restriction with respect to on-street parking in the area (ie. 2 hour parking).

Randy Mosher, Applicant

- Provided details regarding the site and the proposed parking on the gravel area.
- Advised that currently there are no tenants occupying the suite; however he does intend to rent out the suite once it is legalized.
- Advised that he has owned the property since July 2007 and that the secondary suite was already in existence when he purchased the property.
- Advised that he is unaware of any problems with the previous tenants who occupied the suite and was only made aware of the neighbours' concerns with respect to the suite when a Bylaw Officer showed up at his home.
- Confirmed that the site could accommodate parking of up to 3 to 5 vehicles on the site.

City Manager:

- Confirmed that the Noise Bylaw applies to all of the citizens of Kelowna and it would be very difficult to put restrictions on noise as it relates to individual properties.
- Advised that parking restrictions cannot be tied to land use decisions; and therefore Council cannot put any parking restrictions on the application.

There were no further comments.

Public HearingJune 2, 2009

- 3.2 Bylaw No. 10197 (Z09-0022) – Gordon and Susan Hammond (Gordon Hammond) – 1861 High Road - THAT Rezoning Application No. Z09-0022 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 29, Township 26, ODYD, Plan KAP84163, located at 1861 High Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1(s) – Large Lot Housing with Secondary Suite zone be considered by Council;

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

The Deputy City Clerk advised that 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.

Gord Hammond, Applicant

- Is employed as the Maintenance Manager with Okanagan Strata Management.
- Purchased the property approximately 1 year ago in order to provide decent, affordable accommodation in Kelowna.
- Advised that the house is a large structure on a large corner lot.
- The property was subdivided and a reciprocal access easement was placed on this property. The property itself is substantially buffered from the neighbours.
- The previous owner of the property is willing to give a very excellent reference for him and the tenants of the property.
- Believes that the bylaw complaint was as a result of a parking issue and he does not understand what the complaint was about as there is more than sufficient parking on the site.
- Advised that he prides himself on being a good landlord. He deals with any complaints from the neighbours or tenants immediately.
- Advised that the tenant occupying the lower level suite is in the gallery and is willing to speak to Council should they have any questions.

There were no further comments.

- 3.3 Bylaw No. 10179 – (Z09-0002) – Jaskaran Kandola/(Axel Hilmer) – 446 Dell Road - THAT Rezoning Application No. Z09-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 23, Township 26, ODYD, Plan KAP87488, located on Dell Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1(s) – Large Lot Housing with Secondary Suite zone be considered by Council;

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

The Deputy City Clerk advised that 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.

Public HearingJune 2, 2009Jaskaran Kandola, Applicant

- Advised that he does not have anything further to add at this time.

Gallery:

Shelley Buchner, 440 Dell Road

- Advised that she previously submitted a Petition in opposition of this rezoning when the application was originally scheduled before Council on May 19, 2009.

The Deputy City Clerk advised that the following Petitions of Opposition were previously submitted by Shelley Buchner:

- o A Petition signed by 28 owners/occupiers of the surrounding area in opposition to the proposed zoning changes of the subject property;
- o A Petition signed by 25 owners/occupiers of the surrounding area in opposition of the proposed size of the house on the subject property.

Shelley Buchner, 440 Dell Road

- Opposed to the height of the proposed dwelling.
- Concerned about parking in the area.
- Believes that there is a height restriction placed on the properties in the area by way of a Building Scheme; however she has not been able to provide proof of that Building Scheme as the subdivision was created prior to Rutland being amalgamated with Kelowna.

Staff:

- Advised that all bylaw requirements and conditions have been met for the proposed suite.

Al Carmel, 435 Dell Road

- Concerned about the height of the proposed dwelling.
- Concerned about parking in the area as a result of the proposed suite.
- Signed the Petitions that were submitted by Shelley Buchner.
- As far as he is aware, the applicant did not approach any of the neighbours with respect to this application and confirmed that the applicant did not approach him personally.
- Advised that he is not opposed to the construction of the dwelling itself, just the secondary suite and the height.

Donna Kane, 375 Dell Road

- Advised that she signed a Petition in opposition to the secondary suite.
- Advised that the applicant did not speak to her about this rezoning or development.

Jaskaran Kandola, Applicant

- Advised that he intends on living in the subject property and wants to put a suite in the basement so that he can provide affordable rent to a single parent or other person in need.
- Advised that he had an agreement with the person he purchased the property from as previous owner was going to speak to the neighbours to advise them of the application; however that apparently did not happen.
- Advised that he conducted his due diligence and attended City Hall to view the subject property file. At the time of reviewing the file, he became aware of the Building Scheme; however the previous owner assured him that he could build what

Public Hearing

June 2, 2009

- he wants to build on the property. City staff also confirmed that the height of the proposed dwelling is acceptable within the current zoning.
- Advised that he provided the previous owner with a Petition in support of the application and had requested that the previous owner canvas the neighbours for support; however that did not happen.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:59 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk