

Public HearingOctober 19, 2010

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, October 19th, 2010.

Council members in attendance: Deputy Mayor Charlie Hodge, Councillors Kevin Craig*, Robert Hobson, Graeme James, Angela Reid and Michele Rule.

Council members absent: Mayor Sharon Shepherd and Councillors Andre Blanleil and Luke Stack.

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. Deputy Mayor Hodge called the Hearing to order at 6:03 p.m.
2. Deputy Mayor Hodge 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.

Councillor Craig joined the meeting at 6:04 p.m.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 1, 2010, and by being placed in the Kelowna Capital News issues of October 10, 2010 and October 13, 2010, and by sending out or otherwise delivering 328 letters to the owners and occupiers of surrounding properties between October 1, 2010 and October 8, 2010.

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. 10418 (Z10-0054) - Marla Matutat - 1375 Rutland Road North - THAT Rezoning Application No. Z10-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 35 Township 26 ODYD Plan 19027, located at 1375 Rutland Road North, Kelowna BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling housing zone, be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and the Black Mountain Irrigation District being completed to their satisfaction.

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

- Letters of Opposition:
 - o Saied Kiaresh, 1355 Maple Road
 - o Allan & Pamela Neid, 1370 Maple Road

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

Marla Matutat, Applicant

- Originally contemplated constructing a four-plex on the site; however, based on recommendations by City staff, she decided to make application for a second dwelling.
- Believes that she is being considerate of her neighbours' privacy due to the proposed location of the windows on the second dwelling.
- A fence was erected around the subject property to ensure that the privacy of her neighbours would be respected.
- Advised that a large portion of the deck on the original dwelling will be removed in order to ensure the privacy of the abutting neighbours.
- Has spoken with the City's Subdivision Approving Officer regarding the potential to subdivide the property, and was advised that the subject property would be suitable for a two (2) lot subdivision.
- Has addressed any concerns that City staff may have with respect to Black Mountain Irrigation District as she has now received approval from Black Mountain Irrigation District with respect to the additional water main connection to the site.
- Has spoken to various City staff in order to ensure that the proper information and procedures have been followed.
- Displayed photos of the subject property in relation to the abutting properties.
- Advised that the second dwelling will be a 2-storey building with the first floor partially in-ground.
- Advised that the existing dwelling on the site will be higher than the proposed second dwelling.
- Advised that the neighbouring residences are 2-storey structures.

Gallery:

Pamela Neid, 1370 Maple Road

- Advised that she and her husband were not consulted with respect to the proposed rezoning. She was only made aware of the application when she received the Notice from the City.
- Does not understand why she was not consulted and is therefore not very happy with the proposed second dwelling.

Marla Matutat, Applicant

- Addressed some of the issues she is having with her neighbours, Allan & Pam Neid.

Pamela Neid, 1370 Maple Road

- Feels that the second dwelling will be very invasive to her property and her privacy.

There were no further comments.

- 3.2 Bylaw No. 10419 (Z10-0073) - Sharla Visscher/Richard Visscher - 726 Denali Drive - THAT Rezoning Application No. Z10-0073 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, Section 28, Township 26 ODYD Plan KAP72643 located at 726 Denali Drive, Kelowna, BC, from the RU1h - Large Lot Housing (Hillside) zone to the RU1hs - Large Lot Housing (Hillside) 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 a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the discharge of the restrictive covenant relating to the use of the 'summer kitchen';

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Glenmore Irrigation District being completed to their satisfaction.

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

- Letter of Opposition:
 - o Dave & Marilyn Parr, 661 Denali Drive
- Letter of Concern:
 - o Kevin Adams, 750 Denali Drive

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

Richard & Sharla Visscher, Applicants

- Advised that they built the structure 3 ½ years ago, when second kitchens were permitted.
- Advised that there is a home-based business that currently operates out of the residence; however, the business operation has now out-grown the space and will be moving to a separate location.
- Advised that their daughter has been living in the suite, but will be moving out shortly and they would like to rent out the suite in order to assist with the mortgage.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:31 p.m.

Certified Correct:

Deputy Mayor Hodge

City Clerk

SLH/dld