

Regular MeetingJuly 12, 2011

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, July 12, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil\*, Kevin Craig\*, Robert Hobson, Charlie Hodge, Graeme James and Luke Stack\*.

Council members absent: Councillors Angela Reid-Nagy and Michele Rule.

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

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:17 p.m.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

2. PRAYER

A Prayer will be offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - June 13, 2011  
 Regular P.M. Meeting - June 13, 2011  
 Public Hearing - June 14, 2011  
 Regular Meeting - June 14, 2011  
 Regular A.M. Meeting - June 20, 2011  
 Regular P.M. Meeting - June 20, 2011  
 Regular A.M. Meeting - June 27, 2011  
 Regular P.M. Meeting - June 27, 2011

Moved by Councillor Craig/Seconded by Councillor Hobson

R707/11/07/12 THAT the Minutes of the Regular Meetings of June 13, 2011, June 14, 2011, June 20, 2011 and June 27, 2011 and the minutes of the Public Hearing of June 14, 2011 be confirmed as circulated.

Carried

4. Councillor James 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. 10552 (Z11-0019) - Alice Schram (Worman Commercial) - 1064 Borden Avenue

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Moved by Councillor James/Seconded by Councillor Craig

R708/11/107/12 THAT Bylaw No. 10552 be read a second and third time.

Carried

It was noted by Mayor Shepherd that Councillor Blanleil was not present during the Public Hearing for this application.

5.2 Bylaw No. 10553 (Z11-0026) - Glen Blake - 4260 Gordon Drive

Councillor Craig declared a conflict of interest as he has immediate family members who live within the notification area of the subject application and left the meeting at 7:19 p.m.

Councillor Blanleil was not present during the Public Hearing for this application and left the meeting at 7:19 p.m.

Moved by Councillor Hodge/Seconded by Councillor James

R709/11/107/12 THAT Bylaw No. 10553 be read a second and third time.

Carried

Councillors Blanleil and Craig rejoined the meeting at 7:20 p.m.

5.3 Bylaw No. 10555 (Z11-0025) - Christopher Fehr & Ian McClellan  
(Christopher Fehr) - 2857 East Kelowna Road

Moved by Councillor Hodge/Seconded by Councillor James

R710/11/07/12 THAT Bylaw No. 10555 be read a second and third time.

Carried

Moved by Councillor Hobson/Seconded by Councillor Craig

R711/11/07/12 THAT Council directs staff to ensure that adequate façade improvements are done to the accessory building in order to ensure that the accessory building fits in with the principle dwelling on the site;

AND THAT Council directs staff to ensure that some type of screening is erected on site in order to provide adequate buffering for the neighbouring property.

Carried

5.4 Bylaw No. 10559 (Z11-0039) - 0872097 BC Ltd. (Paul Watson) - 1326  
Tanemura Crescent

Moved by Councillor Craig/Seconded by Councillor Hodge

R712/11/107/12 THAT Bylaw No. 10559 be read a second and third time.

Carried

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- 5.5 Bylaw No. 10564 (Z11-0023) - Danny Damario & Susan Girard - 4191 Lakeshore Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R713/11/107/12 THAT Bylaw No. 10564 be read a second and third time.

Carried

**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.6 Bylaw No. 10561 (Z11-0032) - Douglas Staines - 1401 Lambert Avenue

Deputy City Clerk:

- Confirmed that the only condition for adoption of the zone amending bylaw was an application for a building permit, which condition has been met.

Staff:

- Confirmed that the Building Permit will only be issued once the new zoning is in place.
- Advised that there is no mechanism to regulate the development of the suite as it is being constructed within an existing structure.

Council:

- Expressed a concern with the location of the tenant's designated open space.

Moved by Councillor Stack/Seconded by Councillor Hobson

THAT Bylaw No. 10561 be read a second and third time and adopted.

Amendment moved by Councillor Hobson/Seconded by Councillor Blanleil

R714/11/07/12 THAT, prior to adoption of Bylaw No. 10561, Council directs staff to meet with the Applicant in order to address the concerns raised during the Public Hearing with respect to the tenants' required open space and report back to Council.

Carried

The original motion, as amended, was voted on as follows:

Moved by Councillor Stack/Seconded by Councillor Hobson

R715/11/07/12 THAT Bylaw No. 10561 be read a second and third time;

AND THAT, prior to adoption of Bylaw No. 10561, Council directs staff to meet with the Applicant in order to address the concerns raised during the Public Hearing with respect to the tenants' required open space and report back to Council.

Carried

- 5.7 Bylaw No. 10563 (Z10-0086) - City of Kelowna - 445 & 455 Rockview Lane

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R716/11/07/12 THAT Bylaw No. 10563 be read a second and third time and be adopted.

Carried

6. THE DEPUTY CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 1,953 letters to the owners and occupiers of the surrounding properties between June 24, 2011 and June 30, 2011.

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.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Land Use Management Department, Draft Resolution, re: Development Variance Permit Application No. DVP11-0047 - Kirschner Mountain Estates and Donald & Amy Kirschner (Mission Group Creations Ltd.) - 2045 Loseth Road & 2061 Garner Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R717/11/07/12 THAT Council defers consideration of Development Variance Permit Application No. DVP11-0047 to the July 26, 2011 Regular Meeting.

Carried

- 7.2 Land Use Management Department, dated May 25, 2011 re: Development Variance Permit Application No. DVP11-0059 - Robert & Catherine Cundy and Maurice & Janis Gauthier (Robert & Catherine Cundy) - 691 Okanagan Boulevard Deputy 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.

Councillor Craig declared a conflict of interest as his new landlord is one of the Applicants and left the meeting at 7:38 p.m.

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. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Stack

R718/11/07/12 THAT Council authorize the issuance of Development Variance Permit No. DVP11-0059, Lot 1, Block 9, District Lot 9, ODYD Plan 4247, located on Okanagan Boulevard, Kelowna, BC;

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

**Section 6.4.2 Projections into Yards:** To vary the projection into a rear yard from 0.6m permitted to 0.0m proposed.

**Section 13.6.6 (e) RU6 Development Regulations:** To vary the required rear setback for an accessory building from 1.5m permitted to 0.0m proposed.

Carried

Councillor Craig rejoined the meeting at 7:40 p.m.

- 7.3 Land Use Management Department, dated June 17, 2011 re: Development Permit Application No. DP11-0064 and Development Variance Permit Application No. DVP11-0065 - 0796838 BC Ltd. (Serani Bros. Contractors) - 1789 KLO Road Deputy 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 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.

Gary Appleton, Applicant's Representative

- Advised that he has nothing further to add to staff's comments, but that he is willing to answer any questions Council may have.
- Advised that the developer is proposing to erect a 6 foot high cedar fence along the property line.

There were no further comments.

Moved by Councillor Stack/Seconded by Councillor Blanleil

**R719/11/07/12** THAT Development Permit No. DP07-0233 for Lot1, District Lot 131, ODYD Plan KAP81362, (the property) located on KLO Road, Kelowna, BC be rescinded by Council;

AND THAT Council authorize the issuance of Development Permit No. DP11-0064 for the property to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

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AND THAT Development Variance Permit No. DVP07-0234 for the property be rescinded by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP11-0065 for the property;

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

Table 7.1 Minimum Landscape Buffer Treatment Levels Schedule and Section 7.6.1(c) Minimum Landscape Buffers: To vary the required buffer for the south and west property lines from 3.0m required to 1.2m proposed.

Section 8.1.10 (d) Location of parking for non-residential classes: To vary the required location of the side or rear property line abutting residential zones from 1.5m required to 1.2m proposed.

AND FURTHER THAT the applicant be required to complete the requirements of the Development Engineering Branch within 180 days of Council approval of the Development Permit and the Development Variance Permit Application, in order for the permits to be issued.

Carried

7.4 Land Use Management Department, dated June 9, 2011, re: Development Variance Permit Application No. DVP11-0037 - Douglas Troy Prevost - 455 Montgomery Road Deputy 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 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. No one came forward.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R720/11/07/12 THAT Council authorize the issuance of Development Variance Permit No. DVP11-0037, Lot 4, Section 26, Township 26, O.D.Y.D., Plan 7783, located on Montgomery Road, Kelowna, BC;

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

Section 6.5.8: General Development Regulations, Accessory Development in a Residential Zone:

1. Section 6.5.8(a): General Development Regulations - To vary required front yard setback to accessory building from 18m permitted to 8.7m proposed.

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2. Section 6.5.8(b): General Development Regulations - To vary required side yard setback to accessory building from 1.0m permitted to 0.83m proposed.

Carried

- 7.5 Land Use Management Department, dated June 9, 2011, re: Development Variance Permit Application No. DVP11-0048 - Garlon Hui - 1338 Guisachan Road Deputy 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.

Councillor Stack declared a conflict of interest as he lives within the notification area for the subject application and left the meeting at 7:50 p.m.

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.

Garlon Hui, Applicant

- Advised that the City's Engineering Department will not allow direct access to his driveway off of Guisachan Road.
- Advised that if he was allowed to access his driveway off of Guisachan Road, he would be able to do a better job of beautifying the front of the property.
- Because the subject property is a corner lot, he wants to construct the columns as he feels that they will make the front façade more appealing.

Gallery:

Tom, #45 - 2365 Stillingfleet Road

- Inquired if the proposed columns were on the original plans that were submitted to the City for acceptance.
- Expressed a concern with driveway access of off Guisachan Road as it is a very busy roadway.
- Expressed a concern with the visual impact of the proposed columns.

Staff:

- Confirmed that the height of the structure complies with the City's Bylaws.
- Displayed an aerial photo of the subject area in order to determine if there were any other accesses off of Guisachan Road.
- Confirmed that the proposed columns were included in the original plans for the dwelling.

Gord Deadmarch, #21 - 2365 Stillingfleet Road

- Expressed a concern that if the proposed columns are approved, the Applicant will apply for a variance so that his driveway access can be off of Guisachan Road.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R721/11/07/12** THAT Council authorize the issuance of Development Variance Permit No. DVP11-0048, Lot 1, DL 136, O.D.Y.D., Plan KAP89721, located on Guisachan Road, Kelowna, BC;

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

**Section 13.2.6(d): Development Regulation:** To vary flanking side yard setback from 4.5m permitted to 3.2 m proposed.

CarriedMoved by Councillor Blanleil/Seconded by Councillor Hobson

**R722/11/07/12** THAT Council directs staff to reconsider allowing direct access off Guisachan Road, including the implications thereof, and report back to Council.

Carried

Councillor Stack rejoined the meeting at 8:12 p.m.

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

Bylaw No. 10548 (Z10-0095) - Jason Cliffe & Cheryl Fiske (Maryann Fiske) - 3532 Kimatouche Road

Moved by Councillor Hobson/Seconded by Councillor Stack

**R723/11/07/12** THAT Bylaw No. 10548 be adopted.

Carried

- (b) Land Use Management Department, dated June 15, 2011, re: Development Variance Permit Application No. DVP10-0151 - Jason Cliffe & Cheryl Fiske (Maryann Fiske) - 3532 Kimatouche Road Deputy 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 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.

Maryann Fiske, Applicant

- Advised that a 8 foot extension was erected on the structure through a Building Permit; however, since the rules and regulations have changed since the Building Permit was issued, the extension now requires a variance.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Stack

**R724/11/07/12** THAT Final Adoption of Zone Amending Bylaw No. 10548 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP10-0150, Lot 18, Section 3, Township 26, ODYD Plan KAP65948 located on Kimatouche Road, Kelowna, BC;



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

**Section 9.5.1(e) Secondary Suite Specific Use Regulations - Accessory Building height:** To vary the height of an accessory building from 4.5m permitted to 4.8m proposed.

**Section 12.3.6 (b) Rural Residential 3 Zone-Development Regulations:** To vary the height of an accessory building from 4.5m permitted to 4.8m proposed.

Carried

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 8:15 p.m.

Certified Correct:

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Mayor

SLH/jrl

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Deputy City Clerk