

Public HearingAugust 9, 2011

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, August 9, 2011.

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

Council members absent: Councillor Angela Reid-Nagy

Staff members in attendance were: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; Manager, Parks & Public Places, Terry Barton; Manager, Environment and Land Use, Todd Cashin; and Council Recording Secretary, Arlene McClelland.

(* 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 2030 - Official Community Plan* Bylaw No. 10500" 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 July 22, 2011 and by being placed in the Kelowna Daily Courier issues of August 2, 2011 and August 3, 2011, and in the Kelowna Capital News issue on August 2, 2011, and by sending out or otherwise delivering 788 letters to the owners and occupiers of surrounding properties between July 22, 2011 and July 29, 2011. For convenience, information regarding this Public Hearing is also available at kelowna.ca.

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 Rezoning Application No. Z11-0035 - Robert & Michelle Geismayr - 1599 KLO Road - THAT Rezoning Application No. Z11-0035 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 4, District Lot 131, ODYD Plan 17156 except Plan KAP78069, located on KLO road, Kelowna, BC from the RU1 -Large Lot Housing zone to the RU6 -Two Dwelling Housing zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Public HearingAugust 9, 2011

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

Letter of No Objection:

Anna Whittingham, 1559 KLO Road

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.

There were no further comments.

- 3.2 Rezoning Application No. Z11-0020 - Wayne & Katherine Carter - 705 Camelia Road - THAT Rezoning Application No. Z11-0020 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6, Section 23, Township 26, ODYD Plan 17890, located on Camelia Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Rutland Waterworks being completed to their satisfaction.

Staff:

- Constructed as a garage with setbacks of the day, and is legal non-conforming.
- Advised that the applicant has larger setbacks than what was noted in the report.
- Confirmed that a 2 meter setback is what is required today.

Council:

- Confirmed that concerns raised were due to the nearness of the property line.

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

Letter of Opposition:

Simon Moya and Cynthia Celoso-Moya, 525 Perry Road

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

Applicant, Kate Carter, 705 Camelia Road

- Purchased the property 3 years ago and the building in question had already been built. Continued to finish what had already been started; Inside is brand new and everything is to code. An elderly family member resides in the building. Acknowledged receipt of a letter of concern. There had been a smoking issue that was related to past tenants however, neither tenants were smokers. The family member that resides here now is a smoker but he's a responsible smoker and there haven't been any issues.

Public HearingAugust 9, 2011Jim Parke, 515 Perry Road

- Was unaware of the rezoning until 3 months ago.
- There were smoking issues with butts in the yard but had spoken to the owners and it is no longer an issue.
- Raised concern that both the principal home and secondary home could be rented by an absentee owner, and that the garage could be demolished and a larger carriage house could replace it. Concerned if a larger accessory building was built it would infringe onto the property and there would be a loss of privacy for my property.
- Opposed to this application.

Shane Comm, 505 Perry Road

- Purchased home in 2008 because it was a single family home area.
- A trench was dug in 2009.
- Cannot believe the owners did not know they had an illegal suite on their property.
- This negatively affects my property value.
- Opposed to this application.

Council:

- Advised that there are other RU1s zoned properties in this area.
- Advised that once a suite is determined to be an illegal suite the owner is offered an opportunity to make it legal or they are obligated to shut down that suite.

Jim Parke, 515 Perry Road

- The RU1s- Large Lot Housing with Secondary Suite zone states under Section 13, Clause 13.1.6b that height of 9.5 m or the lesser of no more than 2 ½ storeys. That height would darken my property.

Staff:

- Confirmed occupancy permit required for adoption which will ensure permits are in place.
- Clarified that the height described at 9.5 m or the lesser of no more than 2 ½ storeys is for the principal building, not a suite within an accessory building.
- The height of the accessory building is measured at mid point of the roof not the peak and is to maximum size of 90 m² or 75% of principle residence.

Applicant, Kate Carter, 705 Camelia Road

- The building was pre-existing, and when we completed it we have been very open about it.
- The sewer line was done with the assistance of Blair Mechanical who oversaw the work. I believe the installation of the sewer line had a permit through Blair Mechanical.
- Confirmed there is no intention of building a larger building.
- Confirmed no one was living in the garage at the time of purchase.
- Confirmed that when they completed the inside of the suite a permit was not acquired because they assumed one was not required when fixing something that already existed.

There were no further comments.

- 3.3 Rezoning Application No. Z11-0038 - Gary & Darlene Lewis - 3984 Bluebird Road
 - THAT Rezoning Application No. Z11-0038 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel Z, Section 1, Township 25, O.D.Y.D., Amended Plan 1452, located on Bluebird Road Place, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - 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.

Public Hearing

August 9, 2011

AND FURTHER 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 no correspondence and/or petitions had been received.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

The Applicant advised that he did not have anything further to add to staff's comments.

There were no further comments.

- 3.4 Rezoning Application No. Z11-0036 - Bevin & Alvina Buehler - 620 Dougall Road South - THAT Rezoning Application No. Z11-0036 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 11, Section 23, Township 26, ODYD, Plan 22418, located at 620 Dougall Road South, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - 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;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subject to the requirements of the Rutland Waterworks District being completed to their satisfaction.

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

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

The Applicant advised that he did not have anything further to add to staff's comments.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:41 p.m.

Certified Correct:

Mayor

ACM/jrl

Deputy City Clerk