

# REPORT TO COUNCIL



**Date:** April 27, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (PMc)  
**Application:** Z10-0043 **Owner:** Simon Wiencki  
**Address:** 2839 Helmcken Road **Applicant:** Simon Wiencki  
**Subject:** Rezoning Extension and Final Adoption of Zone Amending Bylaw  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RU1s- Large Lot Housing with secondary suite zone

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## 1.0 Recommendation

THAT Council reconsiders the rescindment of Bylaw No. 10370;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw No. 10370, Z10-0043 for Lot 13 District Lot 135 ODYD Plan 17194 located at 2839 Helmcken Road, be extended from July 27, 2011 to January 27, 2012;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw No. 10370, Z10-0043 for Lot 13 District Lot 135 ODYD Plan 17194 located at 2839 Helmcken Road, be extended from January 27, 2012 to July 27, 2012;

AND THAT final adoption of Zone Amending Bylaw No. 10370 be considered by Council;

## 2.0 Purpose

To extend Council approval for the adoption of the application to rezone the subject property to the RU1s - Large Lot Housing with Secondary Suite zone, and that final adoption of the zone amending bylaw be considered by Council.

## 3.0 Land Use Management

The above noted application was originally considered at a Public Hearing by Council on July 27, 2010.

Section 2.10.1 of Procedure Bylaw No. 8140 states that:

Every amendment bylaw which has not been finally adopted by Council within 12 months after the date it was given third reading, lapses and will be of no force and effect, and an applicant who wishes to proceed with its application must initiate a new application.

2

Section 2.10.2 of the Procedure Bylaw makes provision for Council to consider an extension to an amending bylaw for up to 6 months beyond the 12 months deadline as stated in Section 2.10.1.

By-Law No. 10370 received second and third readings on July 27, 2010 after the Public Hearing held on the same date.


The application was presented to Council on February 6, 2012, to rescind second and third readings, as there had been no activity or communication from the applicant.

Subsequently, the applicant had reconsideration of the rescindment of zone amending Bylaw No. 10370 deferred by Council at the February 27, 2012 meeting. Since this time, the applicant has now applied for two extensions necessary to consider adoption. The only outstanding condition was a Building Permit application prior to final adoption of the zone. This outstanding requirement is complete, and it is now appropriate to reconsider rescindment and proceed with final adoption of the zone amending bylaw.

#### 4.0 Application Chronology

Date of Application Received:	May 17, 2010
Public Hearing;	July 27, 2010
Registered letter sent;	June 9, 2011
Phone conversation;	June 14, 2011
Phone call, No Answer, no message;	July 19, 2011
Phone call, No Answer, no message;	January 19, 2012
Rescindment Consideration;	February 6, 2012
Phone conversation with applicant;	February 7, 2012
Building Permit application	February 15, 2012
Council reconsideration of rescindment;	February 27, 2012
Rezone Extension application fee	April 25, 2012

Report prepared by:

  
Paul McVey, Land Use Planner

Reviewed by:

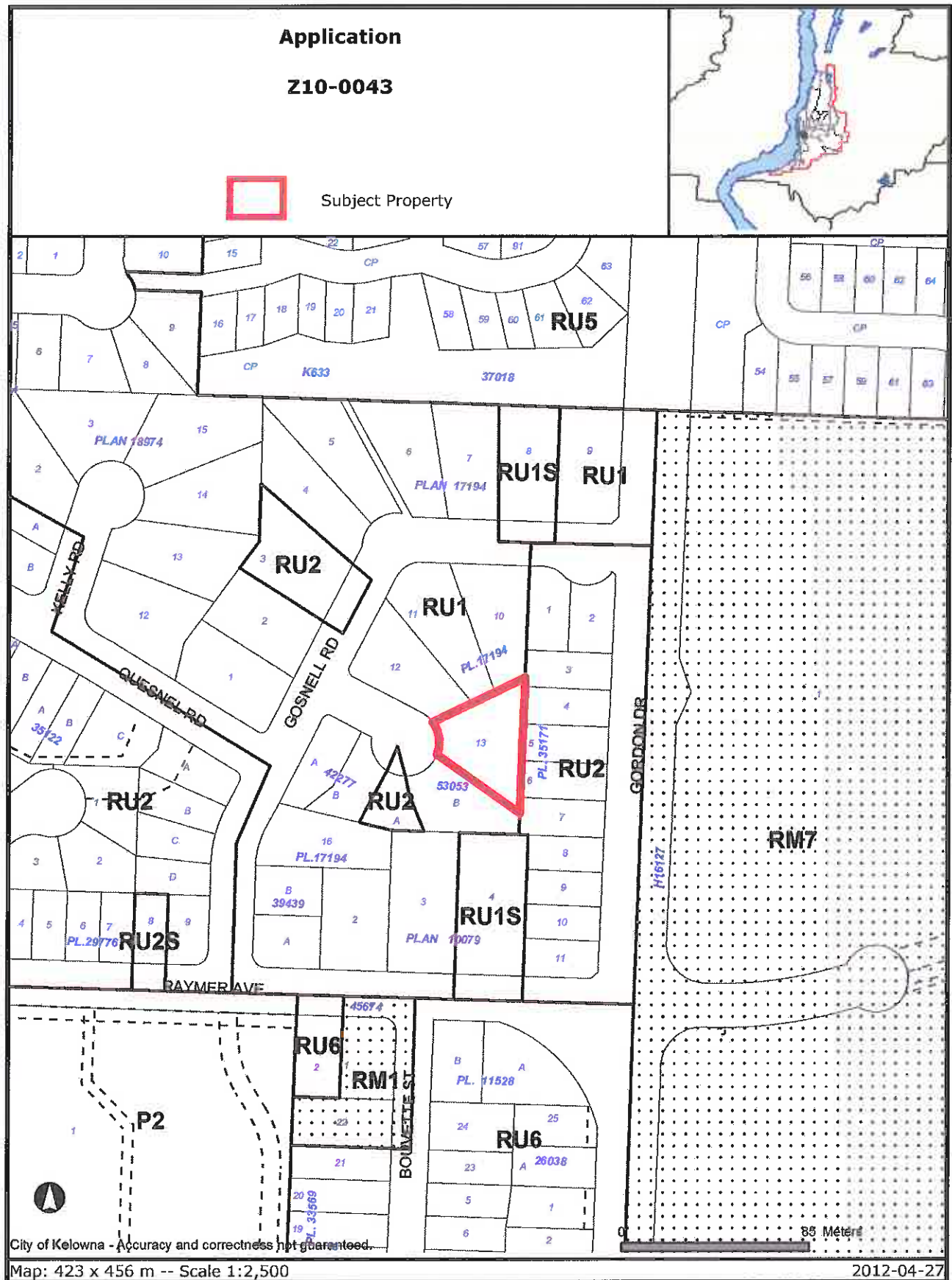


Danielle Noble Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.