

CITY OF KELOWNA

REGULAR COUNCIL AGENDA

COUNCIL CHAMBER - CITY HALL - 1435 WATER STREET

TUESDAY, JANUARY 15, 2013

6:00 P.M.

1. CALL TO ORDER
2. A Prayer will be offered by Councillor Given.
3. CONFIRMATION OF MINUTES  
  
Public Hearing - December 11, 2012  
Regular Meeting - December 11, 2012
4. BYLAWS CONSIDERED AT PUBLIC HEARING
  - 4.1 Bylaw No. 10753 (OCP12-0012) - City of Kelowna - Miscellaneous Text Amendments - **Requires a majority of all Members of Council (5)**  
*To give Bylaw No. 10753 second and third readings, and adoption, in order to proceed with miscellaneous amendments to the Kelowna 2030 Official Community Plan.*
  - 4.2 Bylaw No. 10786 (Z12-0065) - Danco Developments Ltd. (Protech Consultants Ltd.) - 1650 KLO Road  
*To give Bylaw No. 10786 second and third readings in order to rezone a portion of the subject property from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 and RR3 - Rural Residential 3 zones.*
  - 4.3 Bylaw No. 10789 (Z12-0066) - Peter & Charlene Jones (Axel Hilmer) - 925 Kennedy Street  
*To give Bylaw No. 10789 second and third readings, and adoption, in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.*
5. THE CITY CLERK WILL PROVIDE INFORMATION AS TO HOW THE FOLLOWING ITEMS ON THE AGENDA WERE PUBLICIZED.

6. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

6.1 Land Use Management Department, dated December 9, 2012 re: [Development Variance Permit Application No. DVP12-0202 - J.V.S. Enterprises Ltd. \(Joerg Hopp\) - 630-634 Adams Road](#) 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 applicant is seeking a Development Variance Permit to vary the minimum required rear (west) yard from 6.0m required to 0.86m proposed, and to vary the corresponding minimum required landscaped buffer for the rear yard from 3.0m required to 0.0m proposed, to accommodate an existing paint tent located at the rear of the existing industrial building on the site.*

6.2 Land Use Management Department, dated December 6, 2012 re: [Development Variance Permit Application No. DVP12-0207 - Cammie Joy Regier \(Cammie & Daryl Regier\) - 1200 Mission Ridge Road](#) 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. *To consider a variance to the east side yard setback from 3.0m required to 1.7m proposed to legalize the siting of a single-family dwelling and allow for a proposed addition.*

7. REMINDERS

8. TERMINATION

Public HearingDecember 11, 2012

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, December 11<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blaneil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:01 p.m.
2. Mayor Gray 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. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on November 23, 2012 and by being placed in the Kelowna Capital News issues of November 30, 2012 and December 4, 2012, and by sending out or otherwise delivering 1,312 letters to the owners and occupiers of surrounding properties between November 23, 2012 and November 30, 2012.

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. 10782 - Rezoning Application No. Z11-0083 - Arnold & Melitta Frank (Protech Consultants Ltd.) - 1429 KLO Road - THAT Rezoning Application No. Z11-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 52, DL131, ODYD, Plan 186, Except Plan KAP78326, located on 1429 KLO Road, Kelowna, BC from the A1 - Agriculture 1 zone to the RM7 - Mobile Home Park zone, be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit and a Development Permits for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant on title restricting the form of dwelling to "modular" units meeting the CSA A-277 standard;

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

Staff:

- Confirmed that the development plan has been amended to include a children's play area.

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

- o Letter of Concern:
  - Richard Borroughs, KLO Central Neighbourhood Association
- o Letter of Opposition:
  - Rita Parker & Walter Viita, 1358 Ladner Road (2)
- o Petition of Opposition:
  - A Petition of Opposition signed by 72 owners/occupants of the surrounding properties as submitted by Rita Parker & Walter Viita, 1358 Ladner Road

Staff:

- Responded to questions from Council.
- Advised that there is an east-west pedestrian walkway been contemplated.
- Advised that agricultural buffering will not be necessary as the subject property does not border active ALR lands.
- Confirmed that emergency access to the site will be off of St. Amand Road.
- Advised that a wider road dedication than normal is being provided in order to preserve the lands along the Fascieux Creek area.
- Advised that any disturbance to the creek would require an Environmental Development Permit.

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

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- Raised a concern that the copy of the Petition in Opposition did not include any contact information.
- Confirmed that the subject property is not agricultural land even though it is zoned A1. The Official Community Plan designates the site as low density, multi-family.
- Advised that Fascieux Creek does not actually run through the subject property. The majority of the creek is located on the adjoining property owned by the Bullock Family.
- Confirmed that the Kelowna Fire Department has advised that the second access to the subject property is not required at this time. The National Fire Protection Agency requires that a second access, either emergency or permanent, be required after construction of 100 units. The City's Mobile Home Bylaw requires that an emergency or second access be required after construction of 50 units.
- Confirmed that the main access to the development will be off of KLO Road. The KLO Road access will remain where it is, as is, until such time as Bothe Road is extended.
- Addressed the concerns raised in the letter from the KLO Central Neighbourhood Association.
- Advised that at the time of the Development Permit, the owners of the property are willing to grant the City a right-of-way for the east-west pedestrian walkway on the provision that the adjacent property owners also grant the City a right-of-way so that continual pedestrian access can be obtained.
- Confirmed that the development is not a strata, it will be a modular home park.



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- Confirmed that the Manufactured Home Tenancy Act sets out the terms and conditions that must be followed with respect to any tenancy in a manufactured (modular) home park.
- Advised that the property owners have spoken to the adjoining property owners in order to provide them with information about the rezoning and development.
- Advised that an environmental consultant has reviewed the Fascieux Creek setbacks and agreed with the City's recommendation of requiring a 24m riparian setback on the property.
- Confirmed that green space will be provided within the modular home park.
- Advised that the units will vary between 1,200 to 1,500 square feet in size.
- Displayed photos of what the modular homes will look like.
- Responded to questions from Council.

Gallery:Rita Parker, 1358 Ladner Road

- Confirmed that she submitted the Petition in Opposition and explained the process she used for obtaining the signatures.
- Expressed a concern that the wetland in the area will be negatively impacted by the proposal. Believes that the wetland is not being properly protected.
- Would like a more comprehensive environmental study completed for the area.
- Provided information regarding recent bylaw enforcement issues along Fascieux Creek.
- Expressed a concern that proper notice was not given to the affected property owners.
- Is under the impression that the development is considered "low-cost housing". Believes that the proposal does not meet the spirit and intent of "low-cost housing".
- Expressed a concern with the loss of agricultural land whether or not it's in the ALR.
- Believes that the property is being over-developed.
- Responded to questions from Council.

Deputy City Clerk:

- Clarified that the Petition in Opposition provided in the Council Package for public review did not contain personal phone numbers and email addresses for privacy reasons. Phone numbers and email addresses would have been provided to the Applicant upon request.

Walter Viita, 1358 Ladner Road

- Believes that the proposal will directly impact his property.
- Expressed a concern with the wetland in the area.
- Believes that Bothe Road will have to be relocated as a result of the wetlands.
- Expressed a concern with the emergency access being proposed as he feels it will be used as a main access to the development.
- Believes that the majority of residents on Bothe Road are opposed to the proposal.

Ted Porter, 1293 Bothe Road

- Advised that he also obtained signatures on a Petition in Opposition and that everyone he spoke to about the proposal signed the Petition.
- Expressed a concern with the Bothe Road extension and the increase in traffic as a result of the proposed development.
- Believes that an increase in traffic will impact the on-street parking in the area.
- Responded to questions from Council.

Staff:

- Clarified that a new alignment for Bothe Road will not impact the wetland area.
- Confirmed that the proposed rezoning application will require a road dedication for the future extension of Bothe Road.

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- Advised that a Conservation Covenant is being negotiated as a result of this development, similar to what is already registered on the Bullock property.

Werner Schultz, 3229 St. Amand Road

- Advised that he has lived on St. Amand Road since 1973.
- Expressed a concern with the condition of St. Amand Road.
- Inquired as to how sewer and water will be connected to the new development.
- Inquired as to the timeline for the sewer and water connection to St. Amand Road.
- Believes that St. Amand Road will be negatively impacted by the proposed development as a result of increased traffic to the area.

Staff:

- Advised that the Burtch Road extension is currently not in the DCC Program.
- Advised that this area is either #3 or #4 on the Sanitary Sewer Project List priorities.
- Advised that there are no upgrades planned for St. Amand Road at this time.

Jack Ryan, Bothe Road

- Believes that the neighbourhood is confused as a result of the old plan for alignment of Bothe Road.
- Would like to see the wetland in the area better maintained.

Jules Dumaine, 3219 St. Amand Road

- Expressed a concern that St. Amand Road will be used as a major roadway.
- Expressed a concern with traffic impacts to the area as a result of the proposal.

Jim Sisler, #18, 860 Lanfranco Road

- Expressed a concern with traffic impacts to the area as a result of the proposal.
- Pointed out that the Agricultural Advisory Committee did not support the rezoning.
- Expressed a concern with the location of the main access to the development.

Staff:

- Addressed the concerns raised regarding the access to the development.
- Confirmed that Bothe Road is in the 20-year plan, but is not currently part of the DCC program.
- Confirmed Bothe Road is designated as a collector road.

Rita Parker, 1358 Ladner Road

- Inquired how the manufactured home park will be managed.
- Expressed a concern that maintenance of the manufactured home park could deteriorate in the future and affect property values in the area.

Grant Maddock, Protech Consultants Ltd., Applicant's Representative

- Addressed the concerns raised by the interveners.
- Believes that the subject property is in a prime location for families as it is close to schools, transit and playgrounds.
- Clarified that the wetland area is quite distance from the subject property.
- Advised that in order to create an emergency access to the site, Bothe Road will be extended to St. Amand Road.
- Confirmed that the property owners are contributing significant funds towards the extension of Bothe Road and the sewer connection to the subject property.
- Advised that the owners would like to list the modular homes for sale in the \$260,000.00 to \$300,000.00 range.
- Confirmed that the main access to the site will be off of KLO Road.
- Advised that all of the traffic and environmental impact studies were conducted based on a 500-unit development.

There were no further comments.

- 3.2 Bylaw No. 10783 - Rezoning Application No. Z12-0059 - Marianne Joy Hill (Ed Guy) - 250 & 260 Lake Avenue - THAT Rezoning Application No. Z12-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Block D, District Lot 14, ODYD Plan 2220, and Lot 5, Block D, District Lot 14, ODYD Plan 2220 located on Lake Avenue, Kelowna, BC from the RU1- Large Lot Housing zone to the RU3- Small Lot Housing zone be considered by Council;

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

AND THAT final adoption be subject to a tree protection plan for the Heritage London Plane tree on the South west corner of the site and the registration of a building envelope covenant;

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

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

- o Letters of Opposition:
  - Ellen Lee Kaiser, 267 Lake Avenue
  - Oneke Montgomery, 238 Lake Avenue
- o Additional Information:
  - Package of additional information as submitted by the Applicant, Ed Guy, 260 Lake Avenue, including additional documents which the Applicant expects to make reference to during his presentation, a consolidation of documents produced in response to issues raised since the purchase of the properties in March 2012 and an application for permit to build dated 1939.
  - A package of form letters of support from 78 owners/occupants of the surrounding properties.

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

Ed Guy, 1752 Dutchess Avenue, Vancouver, BC, Applicant

- Advised that he is speaking on behalf of the property owner, his daughter, Marianne Hill.
- Displayed photos of the subject properties.
- Advised that he revised his presentation to include the topics that Council inquired about during the initial consideration of the subject application.
- Displayed photos of the neighbourhood.
- Believes that the views from Maple Street will not be impacted by the proposal.
- In order to restore the heritage home, the adjoining lot needs to be redeveloped.
- The new residence being proposed will be 2,586 square feet in size and will look similar to the homes on Maple Street.
- Believes that the proposed new residence fits the form and character of neighbourhood.
- Advised that his daughter would be willing register a Building Footprint Covenant as proposed by staff.

Gallery:

Ron McClean, 1850 Abbott Street

- Speaking on behalf of FRACHAS.
- Opposed to the rezoning and prefers that the RU1 zone remain.

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- Believes that the property is located within the 'heart' of the Abbott Street Conservation Area and should not be developed.
- Responded to questions from Council.

Wayne Dods, 420 Christleton Avenue

- Speaking on behalf of KSAN.
- Believes that the proposed new residence will impact the Maple Street view.
- Maple Street is a unique street in Kelowna and needs to be preserved.
- Expressed a concern that the new residence will not have the same setbacks as the current properties along Maple Street.
- Opposed to the rezoning as a result of the impact to Maple Street.
- Responded to questions from Council.

Staff:

- Confirmed that the challenges with the property are site-specific.

Ed Guy, 1752 Dutchess Avenue, Vancouver, BC, Applicant

- Addressed the concerns raised by the interveners.
- Advised that his daughter originally wanted to redevelop the site under the RU1 zone; however, City staff advised that it was not achievable and that a rezoning would be required.
- Advised that if the rezoning is not granted, the heritage home cannot be preserved.

There were no further comments.

- 3.3 Bylaw No. 10784 - Text Amendment Application No. TA12-0011 - City of Kelowna - THAT Zoning Bylaw Text Amendment No. TA12-0011 to amend City of Kelowna Zoning Bylaw No. 8000, as outlined in Schedule 'A' of the Report of the Land Use Management Department dated November 8, 2012 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA12-0011 be forwarded to a Public Hearing for further consideration.

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

- o Letter of Support:
  - Trish Balaberde, 105-1947 Underhill Street

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

Gallery:

Trish Balaberde, 105-1947 Underhill Street

- Supports the text amendment.

There were no further comments.

- 3.4 Bylaw No. 10785 - Rezoning Application No. Z12-0067 - John Hodges - 3563 Scott Road - THAT Rezoning Application No. Z12-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, District Lot, 134, ODYD, Plan 20399, located on 3563 Scott Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone be considered by Council;

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



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AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a PLR for the proposed subdivision.

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

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments.

Gallery:

Brendon Burgess, 3540 Scott Road

- Advised that he is interested in purchasing the property from Mr. Hodges and canvassed the neighbourhood in order to obtain support for the rezoning.

Staff:

- Confirmed that the rezoning is to the RU2 zone. Should the applicant wish to construct a carriage home, the property would have to be rezoned to the RU2c zone.
- Clarified that the application includes a two (2) lot subdivision.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:17 p.m.

Certified Correct:

\_\_\_\_\_  
Mayor

SLH/dld

*Keedham*

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Deputy City Clerk

Regular MeetingDecember 11, 2012

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, December 11<sup>th</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

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. CALL TO ORDER

Mayor Gray called the meeting to order at 8:25 p.m.

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

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Moved by Councillor Blanleil/Seconded by Councillor Basran

R1089/12/12/11 THAT the Minutes of the Public Hearing and Regular Meeting of November 27, 2012 be confirmed as circulated.

Carried

4. BYLAWS CONSIDERED AT PUBLIC HEARING

4.1 Bylaw No. 10782 (Z11-0083) - Arnold & Melitta Frank (Protech Consultants Ltd.) - 1429 KLO Road

Moved by Councillor Stack/Seconded by Councillor Given

R1090/12/12/11 THAT Bylaw No. 10782 be read a second and third time.

Carried

4.2 Bylaw No. 10783 (Z12-0059) - Marianne Hill (Ed Guy) - 250 & 260 Lake Avenue

Moved by Councillor Zimmermann/Seconded by Councillor DeHart

R1091/12/12/11 THAT Bylaw No. 10783 be read a second and third time.

Carried



- 4.3 Bylaw No. 10784 (TA12-0011) - City of Kelowna - Amendments to RM6 - High Rise Apartment Housing Zone

Moved by Councillor Blanleil/Seconded by Councillor Basran

R1092/12/12/11 THAT Bylaw No. 10784 be read a second and third time.

Carried

- 4.4 Bylaw No. 10785 (Z12-0067) - John Hodges - 3563 Scott Road

Moved by Councillor Singh/Seconded by Councillor Hobson

R1093/12/12/11 THAT Bylaw No. 10785 be read a second and third time.

Carried

5. **THE 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 360 letters to the owners and occupiers of the surrounding properties between November 30, 2012 and December 4, 2012.

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

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 No. 309.

6. **DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS**

- 6.1 Land Use Management Department, dated November 20, 2012 re: Development Variance Permit Application No. DVP12-0196 - The Board of School Trustees of School District No. 23 (Central Okanagan) (CEI Architecture Planning Interiors) - 4534 & 4544 Gordon Drive 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 the following correspondence and/or petitions had been received:

- Letter of Concern:
  - Gary Schwartz, 4495 Nottingham Road
- Letter of Opposition:
  - Brian & Cheryl Kokayko, 701 Raymer Road

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

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- Responded to questions from Council.
- Believes that the School District can work with students to address any on-street parking issues as there are ample parking spots available on site.
- Committed to investigating the parking concerns that were noted in Mr. Schwartz's correspondence.
- Confirmed that there is property available should the School District need to expand the parking at OKM.
- Advised that the School District is willing to work with the City of Kelowna to mitigate the parking issues in the area.

## Gallery:

Mark Ranger, 4564 Bonjou Court

- Expressed a concern with traffic congestion as a result of parents picking up and/or dropping off students.
- Would like signs erected stating "resident parking only".
- Believes that there is enough student parking on site, it's just not being utilized by the students.
- Believes that Bonjou Court is a convenient spot for the students to park and then access the school site due to the walkway in the area.
- Opposed to the parking variance.
- Responded to questions from Council.

Ken Kovacs, Property Manager, School District No. 23

- Would be willing to discuss with City staff the potential for an on-site drop off/pick up location for the school.
- Committed to working with City staff in order to address the on-street parking issues in the area.
- Responded to questions from Council.

There were no further comments.

Moved by Councillor Basran/Seconded by Councillor Blanleil

**R1094/12/12/11** THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0196, for Lot A, District Lot 167, ODYD Plan 25832 and Lot 1, District Lot 358, ODYD Plan 39944 located at 4534 and 4544 Gordon Drive, Kelowna, BC;

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

Section 8 - Table 8.1 Parking Schedule

To vary the Secondary School vehicle parking from 255 spaces required to 179 spaces proposed.

Carried

- 6.2 Land Use Management Department, dated November 23, 2012 re: Development Variance Permit Application No. DVP12-0204 - Western Sandpiper Holdings Ltd. (Valley First) - 110-150 Highway 33 West 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 no correspondence and/or petitions had been received.

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Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present in the gallery, but did not have anything further to add to staff's comments. No one came forward.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R1095/12/12/11** THAT Council authorize the issuance of Development Variance Permit No. DVP12-0204 for Lot A Section 26 Township 26 ODYD Plan KAP79622, located at 110-150 Highway 33 West, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

**Section 5.8.1(d) - Projecting Sign Regulations:**

To permit each projecting sign to be located more than 0.6m from the projecting wall on the existing canopy.

**Section 6.1 - Number of Signs permitted in the C4 zone:**

To vary the permitted number of signs along the west business frontage from 2 signs permitted to 4 signs proposed as per schedule 'A'.

**Section 6.1 - Permitted Area of Projecting Signs in the C4 zone:**

To vary the area for projecting signs in the C4 zone from 2.5m permitted to 3.5m proposed as per schedule 'A'.

Carried

7. REMINDERS - Nil.

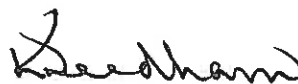
8. TERMINATION

The meeting was declared terminated at 9:37 p.m.

Certified Correct:

\_\_\_\_\_  
Mayor

SLH/dld



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Deputy City Clerk

# CITY OF KELOWNA

## BYLAW NO. 10753

### Official Community Plan Text Amendment No. OCP12 - 0012 Miscellaneous Amendments

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WHEREAS Council wishes to adopt certain text amendments to Bylaw No. 10500 - *Kelowna 2030 - Official Community Plan*;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw and before third reading of the bylaw, Council held a public hearing on the proposed amendments to the official community plan in accordance with Sections 890 through 894 of the *Local Government Act*;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Chapter 2: Regional Context - HOUSING** be amended by adding “/carriage houses” after the following “Those housing units encompass a range of housing options from low density traditional single detached neighbourhoods to secondary suites”
2. AND THAT **Chapter 3: Growth Projections, Table 3.5 New Housing Distribution** be amended by deleting the words at the end of the Table that read “Secondary Suites” and replacing it “Secondary Suites/Carriage Houses”;
3. AND THAT **Chapter 4: Future Land Use, Land Use Designation Definitions** be amended as follows:
  - a) “**Single / Two Unit Residential**” be amended by adding the following “or carriage house,” after the words “Single detached homes for occupancy by one family, single detached homes with a secondary suite”;
  - b) “**Single / Two Unit Residential - Hillside**” be amended by adding the following “or carriage house,” after the words “Single detached homes for occupancy by one family, single detached homes with a secondary suite”;
4. AND THAT **Chapter 5: Development Process, RESIDENTIAL LAND USE POLICIES, Objective 5.22 Ensure context sensitive housing development, Policy .12** be deleted in its entirety and replaced with the following:

“**Carriage Houses and Accessory Apartments.** Support carriage houses and accessory apartments through appropriate zoning regulations.”
5. AND THAT **Chapter 5: Development Process, RESIDENTIAL LAND USE POLICIES, Objective 5.22 Ensure context sensitive housing development,** be amended by adding a new Policy .13 with the Economic Sustainability and Social Sustainability icons as follows:

“**Family Housing.** Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor

space, direct access to grade, workshop space, larger units, safe design, and neighborhood characteristics (e.g.: location and amenities)."

6. AND THAT Chapter 14: Urban Design DP Guidelines, A. COMPREHENSIVE DEVELOPMENT PERMIT AREA (MULTIPLE UNIT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DESIGN GUIDELINES), EXEMPTIONS be amended by deleting the following:

- "Construction, addition or alteration not to exceed 30 sq. m. (323 sq. feet) where no variance(s) of the Zoning Bylaw are required."

and replacing it with:

- "Construction, addition or alteration not to exceed 30 sq. m (323 sq. ft) for a single storey accessory structure (*4.5 m in height*) is proposed and where no variance(s) of the Zoning Bylaw are required; or
- Construction, addition or alteration not to exceed 45 sq. m (484 sq. ft) for a single storey building (*4.5 m in height*) where the building is non-habitable space and where no variance(s) of the Zoning Bylaw are required; or"

7. AND THAT Chapter 14: Urban Design DP Guidelines, B. REVITALIZATION DESIGN GUIDELINES, EXEMPTIONS be amended by deleting the following:

- "Construction, addition or alteration not to exceed 30 sq. m. (323 sq. feet) where no variance(s) of the Zoning Bylaw are required."

and replacing it with:

- "Construction, addition or alteration not to exceed 30 sq. m (323 sq. ft) for a single storey accessory structure (*4.5 m in height*) is proposed and where no variance(s) of the Zoning Bylaw are required; or
- Construction, addition or alteration not to exceed 45 sq. m (484 sq. ft) for a single storey building (*4.5 m in height*) where the building is non-habitable space and where no variance(s) of the Zoning Bylaw are required; or"

8. AND THAT Chapter 14: Urban Design DP Guidelines, C. INTENSIVE RESIDENTIAL - SECONDARY SUITE TWO DWELLING HOUSING DESIGN GUIDELINES be amended by

a) deleting the title that reads:

"C. INTENSIVE RESIDENTIAL - SECONDARY SUITE TWO DWELLING HOUSING DESIGN GUIDELINES"

And replacing it with:

"C. INTENSIVE RESIDENTIAL - CARRIAGE HOUSE / TWO DWELLING HOUSING DESIGN GUIDELINES"

- b) deleting **PROPERTIES AFFECTED** in its entirety and replacing it with the following:

**“PROPERTIES AFFECTED**

Unless exempted (see Exemptions Section below) a development permit addressing design guidelines (see Guidelines Section below) must be approved for all properties that are currently, or become, zoned for carriage house, boarding or lodging house, or two dwelling housing uses before:

- Construction of, addition to, or alteration of a building or structure.

A two dwelling project that requires an Intensive Residential - Hillside DP does not require an Intensive Residential - Carriage House / Two Dwelling Housing DP.”

- c) deleting under **EXEMPTIONS** the following:

- “Construction, addition or alteration not to exceed 30 sq. m. (323 sq. feet) where no variance(s) of the Zoning Bylaw are required; or”

and replacing it with:

- “Construction, addition or alteration not to exceed 30 sq. m (323 sq. ft) for a single storey accessory structure (*4.5 m in height*) is proposed and where no variance(s) of the Zoning Bylaw are required; or
- Construction, addition or alteration not to exceed 45 sq. m (484 sq. ft) for a single storey building (*4.5 m in height*) where the building is non-habitable space and where no variance(s) of the Zoning Bylaw are required; or”

9. **AND THAT Chapter 14: Urban Design DP Guidelines, D. INTENSIVE RESIDENTIAL - CHARACTER NEIGHBORHOOD DESIGN GUIDELINES , EXEMPTIONS** be amended by deleting the following:

- “Construction, addition or alteration not to exceed 30 sq. m. (323 sq. feet) where no variance(s) of the Zoning Bylaw are required; or”

and replacing it with:

- “Construction, addition or alteration not to exceed 30 sq. m (323 sq. ft) for a single storey accessory structure (*4.5 m in height*) is proposed and where no variance(s) of the Zoning Bylaw are required; or
- Construction, addition or alteration not to exceed 45 sq. m (484 sq. ft) for a single storey building (*4.5 m in height*) where the building is non-habitable space and where no variance(s) of the Zoning Bylaw are required; or”



10. AND THAT Chapter 14: Urban Design DP Guidelines, E. INTENSIVE RESIDENTIAL - HILLSIDE DESIGN GUIDELINES, EXEMPTIONS be amended by deleting the following:

- "Construction, addition or alteration not to exceed 30 sq. m. (323 sq. feet) where no variance(s) of the Zoning Bylaw are required; or"

and replacing it with:

- "Construction, addition or alteration not to exceed 30 sq. m (323 sq. ft) for a single storey accessory structure (*4.5 m in height*) is proposed and where no variance(s) of the Zoning Bylaw are required; or
- Construction, addition or alteration not to exceed 45 sq. m (484 sq. ft) for a single storey building (*4.5 m in height*) where the building is non-habitable space and where no variance(s) of the Zoning Bylaw are required; or"

11. AND THAT Chapter 15: Farm Protection DP Guidelines, AFFECTED PROPERTIES be amended by adding a new sub-section under 1.b. "ix. Temporary farm worker housing".

12. AND THAT Chapter 17: Definitions be amended by deleting the definition for Accessory Rental Apartment in its entirety that reads:

**"Accessory Rental Apartment.**

Development sites containing prominent, large parking areas for businesses that primarily sell products of sufficient size or quantities that transportation other than by a vehicle is not practical."

13. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 29<sup>th</sup> day October, 2012.

Considered at a Public Hearing on the

Read a second and third time and adopted by the Municipal Council this

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Mayor

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City Clerk

Map 4.1 - Generalized Future Land Use

Legend

Permanent Growth Boundary

Land Use Designations

- Commercial
- Education / Institutional
- First Nations Reserve
- Future Urban Reserve
- Health District
- Industrial
- Industrial - Limited
- Industrial - Transition
- Major Park and Open Space
- Mixed Use (Residential / Commercial)
- Mixed Use Tourism
- Multiple Unit Residential (Cluster Housing)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Multiple Unit Residential (Low Density)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Multiple Unit Residential (Medium Density)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Multiple Unit Residential (High Density)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Private Recreational
- Public Service Utilities
- Transportation Corridor
- Resource Protection Area
- Service Commercial
- Single / Two Unit Residential  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Single / Two Unit Residential - Hillside  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)

Future Land Use Boundaries on lots with more than one Land Use Designation are conceptual only and may change based on Development Proposals.

NOTES

- AREA STRUCTURE PLAN
- A AIRPORT
- F FERRIS
- H HOSPITAL
- L LANDFILL
- S SCHOOL
- W WORKS YARD
- CE CEMETERY
- ST SEWAGE TREATMENT
- UBCC UNIVERSITY OF B.C. CAMPUS
- CC OKANAGAN COLLEGE
- RAILWAY

Adaptive Re-Use of Heritage Buildings may be permitted within any Future Land Use Designation.

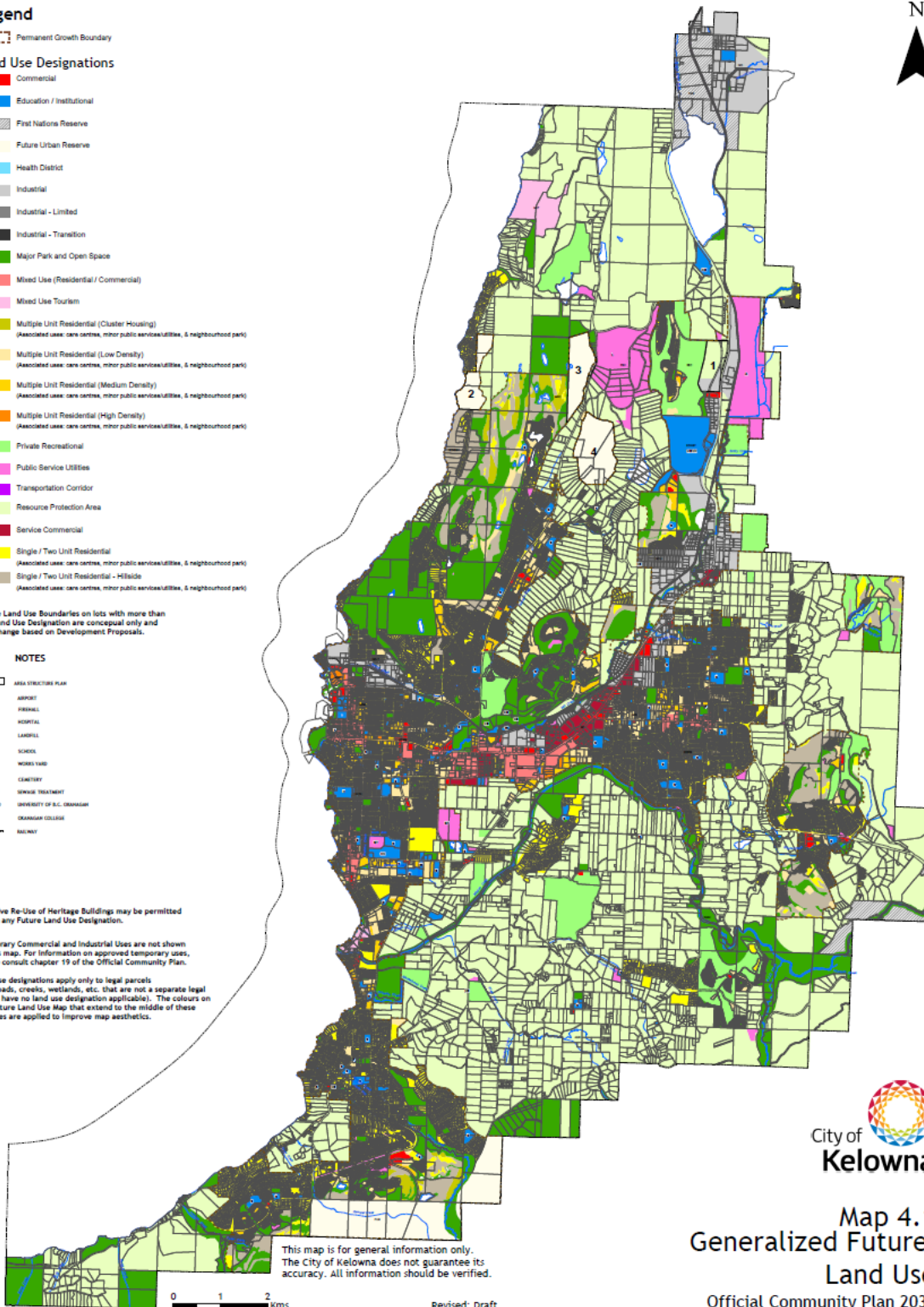
Temporary Commercial and Industrial Uses are not shown on this map. For information on approved temporary uses, please consult chapter 19 of the Official Community Plan.

Landuse designations apply only to legal parcels (i.e. roads, creeks, wetlands, etc. that are not a separate legal parcel have no land use designation applicable). The colours on the Future Land Use Map that extend to the middle of these features are applied to improve map aesthetics.

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 1 2 Kms

Revised: Draft



Map 4.1  
Generalized Future  
Land Use  
Official Community Plan 2030

**CITY OF KELOWNA**  
**BYLAW NO. 10786**  
**Z12-0065 - Danco Developments Ltd**  
**1650 KLO Road**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 3, District Lot 131, ODYD, Plan KAP77109 located on KLO Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone and RR3 - Rural Residential 3 zone as shown on Map "A" attached.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26<sup>th</sup> day of November, 2012.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

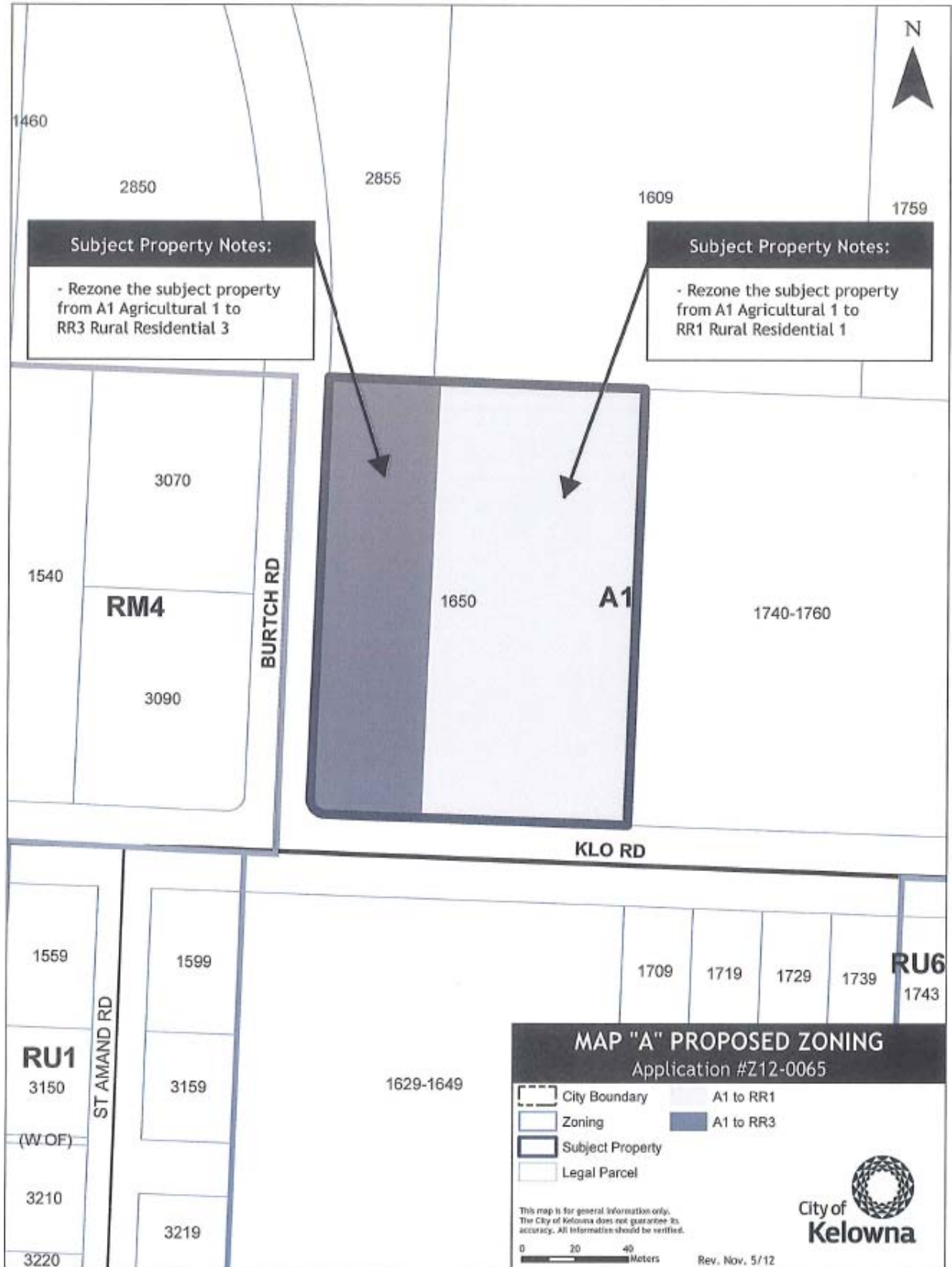
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Mayor

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City Clerk

Bylaw No. 10786 - Page 2  
Map "A"



**CITY OF KELOWNA**  
**BYLAW NO. 10789**  
**Z12-0066 - Peter and Charlene Jones**  
**925 Kennedy Street**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Section 29, Township 26, ODYD, Plan 16270 located on Kennedy Street, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 10<sup>th</sup> day of December, 2012.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** December 9, 2012

**To:** City Manager

**From:** Land Use Management, Community Sustainability (AR)

**Application:** DVP12-0202      **Owner:** J.V.S. Enterprises Ltd.,  
Inc. No. 347302

**Address:** 630-634 Adams Road      **Applicant:** Joerg Hopp

**Subject:** Development Variance Permit

**Existing OCP Designation:** Industrial

**Existing Zone:** I2 - General Industrial

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0202 for Lot A, Section 2, Township 23, ODYD, Plan 38822, located at 630-634 Adams Road, Kelowna, BC;

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

### Section 15.2.5(f): Development Regulations

To vary the minimum required rear (west) yard from 6.0 m required to 0.86 m proposed (as per Schedule A).

### Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule, and Sections 7.6.1(c) and 7.6.9(c): Minimum Landscape Buffers

To vary the minimum required landscaped buffer for the rear (west) yard from 3.0 m required to 0.0 m proposed (as per Schedule A).

AND THAT the above variances be granted subject to the applicant demonstrating compliance with on-site parking and landscaping requirements, as reflected on Schedule A;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Variance Permit Application, in order for the permit to be issued.

## 2.0 Purpose

The applicant is seeking a Development Variance Permit to vary the minimum required rear (west) yard from 6.0 m required to 0.86 m proposed, and to vary the corresponding minimum required landscaped buffer for the rear yard from 3.0 m required to 0.0 m proposed, to



accommodate an existing paint tent located at the rear of the existing industrial building on the site.

### **3.0 Land Use Management**

Land Use Management staff is supportive of the proposed variances as the addition of the paint tent is of minimal impact, being contained to the rear of the subject site adjacent to the existing rail line, and is generally not visible from the public street. The siting of the paint booth is generally consistent with the older, existing industrial building on site, which presently provides a minimum rear yard setback of 1.7 m, as well as several other existing industrial buildings along the west side of Adams Road (e.g., existing building to the north).

The rail line right of way located immediately west of the subject site has historically been zoned A1 - Agriculture 1, which triggers the zoning requirement for a 6.0 m rear yard setback and corresponding 3.0 m landscape buffer on the subject site. Would the rail line have had industrial or commercial zoning, there would be no requirement to provide a rear yard setback for the building.

Approved plans for the subject site show that a 2.0 m landscape buffer should be provided adjacent to the front property line along Adams Road, as well as delineated on-site required parking spaces – 8 spaces provided in front of the building's existing offices, with the balance provided on either side of a drive aisle along the site southern boundary. It would appear that over time the landscaped area has been eroded and on-site storage now occupies required parking spaces. Parking for the site is presently occurring on City boulevard (see attached photos). Accordingly, staff recommends that as a condition of permit issuance, the applicant demonstrate compliance with on-site parking and landscaping requirements, as reflected on the attached site plan (Schedule A).

To date, the applicant has not provided letters of support from neighbouring property owners and/or tenants.

### **4.0 Proposal**

#### **4.1 Project Description**

The applicant has submitted a Development Variance Permit (DVP) application to legalize an existing paint tent that has been located at the rear of the existing industrial building on the subject site. At its closest point, the paint tent is 0.86 m from the rear property line, adjacent to the Kelowna Pacific Rail line. The older existing industrial building on the site is also non-conforming, with two portions of the building already encroaching into the 6 m rear yard setback area.

The paint tent is fairly modest in size at approximately 130 m<sup>2</sup> and is generally not visible from the front street. Forty-three parking spaces are proposed on site and are sufficient to accommodate the additional floor area.

A Development Permit application is not required for the paint tent; however a Building Permit application has also been submitted to legalize it and is pending decision on the subject DVP application.





### 4.3 Zoning Analysis Table

The following is the zoning analysis for the existing paint tent located at the rear of the existing industrial building, based on the I2 zone requirements.

Zoning Analysis Table		
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.5	0.45
Site Coverage	60%	44.8%
Height	14.0 m	8.0 m
Rear Yard (west), where adjacent to a zone other than commercial or industrial	6.0 m	0.86 m ①
Other Regulations		
Landscape Buffer (rear yard)	3.0 m	0.0 m ①
Parking Requirements	43 spaces	43 spaces
① To vary the minimum required rear (west) yard, where adjacent to a zone other than commercial or industrial, from 6.0 m required to 0.86 m proposed, and to vary the minimum required landscaped buffer for the rear yard from 3.0 m to 0.0 m.		

### 5.0 Technical Comments

#### 5.1 Building & Permitting Department

1. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
2. Code Analysis for the entire building to be submitted at time of building permit application.
3. Structural Engineer required at time of building permit since building was built without permits or inspections
4. Full Plan check for Building Code related issues will be done at time of Building Permit applications

#### 5.2 Development Engineering Department

The requested reduced rear yard setback and the landscaping buffer reduction do not compromise any municipal infrastructure.

#### 5.3 Fire Department

No concerns.

### 6.0 Application Chronology

Date of Application Received: November 9, 2012

**Report prepared by:**

\_\_\_\_\_  
Abigail Riley, Land Use Planner

**Reviewed by:**



Danielle Noble Manager, Manager, Urban Land Use

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

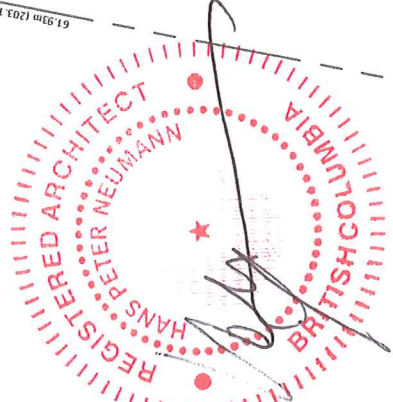
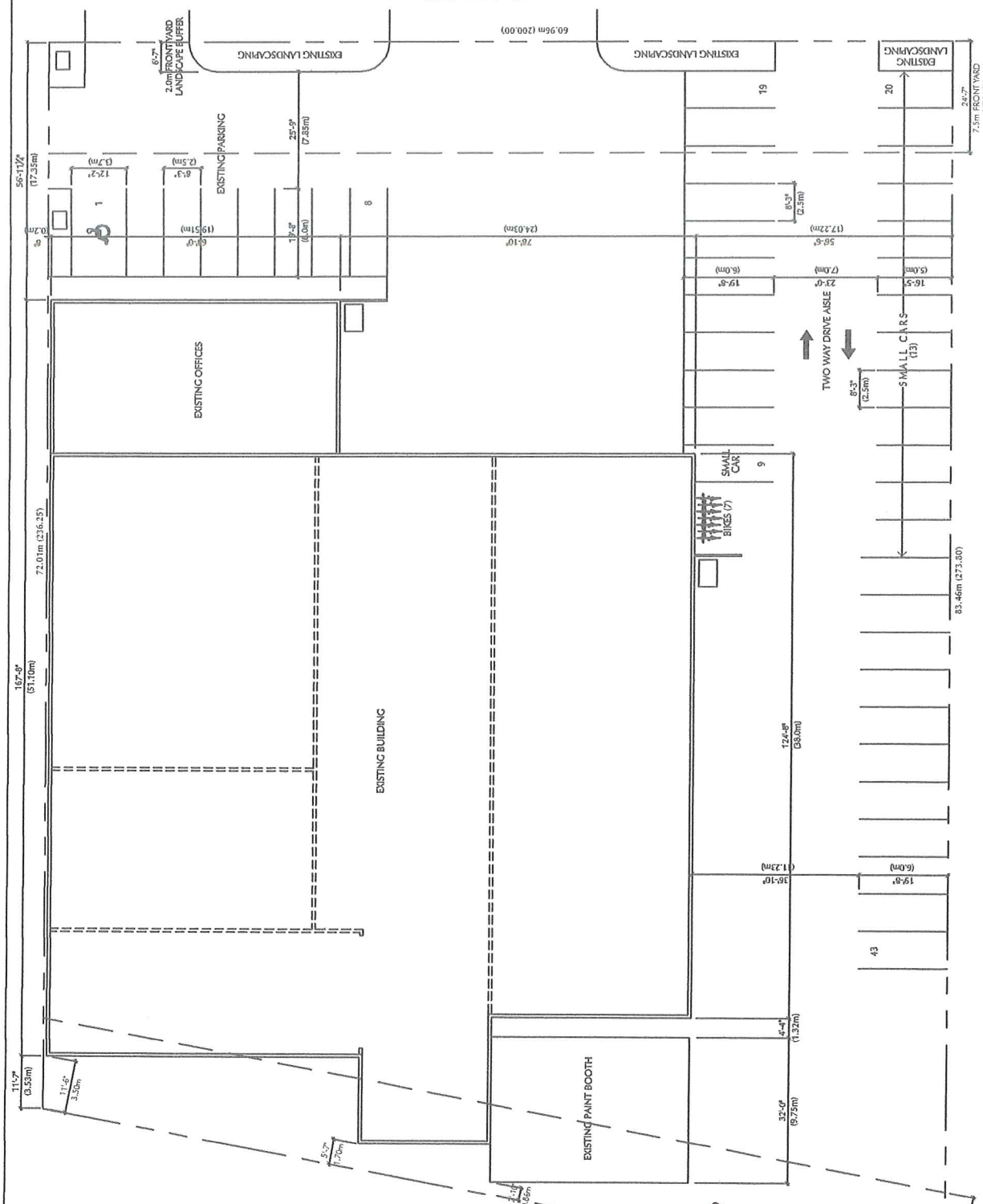
Subject Property Map

Site Plan

Photos



PROJECT DATA	
CIVIC ADDRESS	639 ADAMS COURT, KELOWNA BC
LEGAL DESCRIPTION	LOT 1, PLAN REGD. Q.D.10.
CURRENT ZONING	E - GENERAL INDUSTRIAL
ZONING BYLAW REQUIREMENTS	
REQ. AREA = 50366 SQ.FT. (47246 SQ.M)	
BUILDING AREA	1458 SQ.FT. (13500 SQ.M)
LANDSCAPE BUFFER	1458 SQ.FT. (13500 SQ.M)
PAINT BOOTH ADDITION	23204 SQ.FT. (21513 SQ.M)
TOTAL	25118 SQ.FT. (23213 SQ.M)
LOT WIDTH	40.0m
LOT DEPTH	33.6m
TOTAL FLOOR AREA (F.A.)	47246 sq.m.
TOTAL FLOOR AREA (F.A.)	47246 sq.m.
FLOOR AREA	14580 SQ.M (15713 SQ.M)
FLOOR AREA	606 (2460 SQ.M) 4426 (12113 SQ.M)
FLOOR AREA	14.0 m
SETBACKS	
FRONT (ADAMS ROAD)	7.5 m
REAR (WEST - ABUTTING) ZONE	6.0 m
SIDE (NORTH)	0.0 m
SIDE (SOUTH)	17.2 m
PARKING	
GENERAL INDUSTRIAL (G.I.) 11.3 sq.m. x 2.0719 sq.m. (G.I.A.)	43 STALLS
SMALL CAR SPACES	17 STALLS (REQ)
LOADING @ 17,000 sq.m. (G.I.A.)	2 STALLS
BICYCLE (CLASS B) @ 2109 sq.m. (G.I.A.)	7 SPACES
LANDSCAPE BUFFER (M)	
FRONT (ADAMS ROAD)	2.0 m
REAR (WEST - ABUTTING) ZONE	3.0 m
SIDE (NORTH)	0.0 m
SIDE (SOUTH)	0.0 m
LANDSCAPE TREATMENT (LINES)	
FRONT (ADAMS ROAD)	3
REAR (WEST - ABUTTING) ZONE	3
SIDE (NORTH)	3
SIDE (SOUTH)	3



**HANS P. NEUMANN ARCHITECT INC.**  
 1520 HOLLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4E5  
 PHONE (250) 868-0378 FAX (250) 868-0307

**COMMAND INDUSTRIES INDUSTRIAL BUILDING**  
 639 ADAMS COURT, KELOWNA, BC

**SCHEDULE A**

**SITE/ROOF PLAN & ZONING ANALYSIS**

DATE: OCTOBER 10, 2012  
 DRAWN: HPN  
 CHECKED: HPN  
 PROJECT: 1200 HOLLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4E5  
 SCALE: 3/32" = 1' 0"  
 SHEET NO.: 1 OF 2  
 SHEET TITLE: SITE/ROOF PLAN & ZONING ANALYSIS

Permit # **D1912-0202**

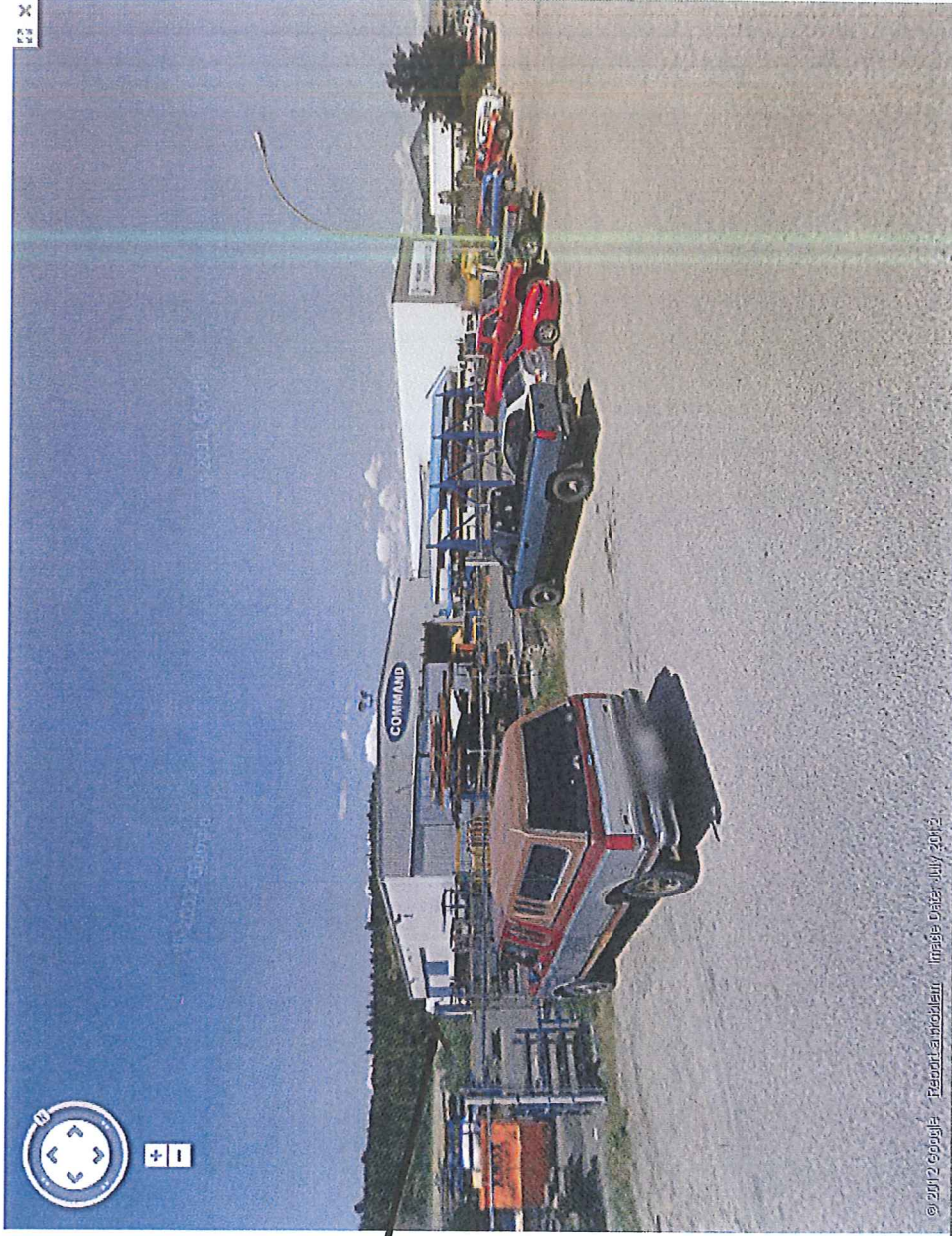
This forms part of development  
 Permit # **D1912-0202**





To see all the details that are visible on the screen, use the Print link next to the map.

EXISTING PAINT TENT.



630-634 ADAMS RD.



SET ①





# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DVP12-0202

EXISTING ZONING DESIGNATION:	I2 - General Industrial
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: J.V.S. Enterprises Ltd., Inc. No. 347302 (Applicant: Joerg Hopp)
LOCATION OF SUBJECT SITE: 630-634 Adams Road

	LOT	SECTION	D.L.	PLAN	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	A	2		38822	23	ODYD

<u>SCOPE OF APPROVAL</u>	
<input type="checkbox"/>	This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
<input type="checkbox"/>	This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
<input type="checkbox"/>	Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the Applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the Applicant or City staff.

1. TERMS AND CONDITIONS:

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

**Section 15.2.5(f): Development Regulations**

To vary the minimum required rear (west) yard from 6.0 m required to 0.86 m proposed (as per Schedule A).

**Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule, and Sections 7.6.1(c) and 7.6.9(c): Minimum Landscape Buffers**

To vary the minimum required landscaped buffer for the rear (west) yard from 3.0 m required to 0.0 m proposed (as per Schedule A).

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE \_\_th of December, 2012.  
ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE \_\_th DAY OF DECEMBER 2012.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management



# REPORT TO COUNCIL



**Date:** December 6, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (BD)  
**Application:** DVP12-0207                      **Owner:** Cammie Joy Regier  
**Address:** 1200 Mission Ridge Rd.              **Applicant:** Cammie and Daryl Regier  
**Subject:** Development Variance Permit  
**Existing Zone:** A1- Agriculture 1

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0207, for Lot 3, Section 31, Township 29, ODYD Plan 20390, located on Mission Ridge Road, Kelowna, BC;

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

### Section 11.1.6(d) Development Regulations:

To vary the east side yard setback from 3.0m required to 1.7m proposed, as per schedule "A".

## 2.0 Purpose

To consider a variance to the east side yard setback from 3.0m required to 1.7m proposed to legalize the siting of a single family dwelling and allow for a proposed addition.

## 3.0 Land Use Management

The applicant is seeking to legalize the existing east side yard setback of the single family dwelling on the subject property. Staff support the variance given that the siting of the home and attached garage have no impact on the neighbouring property. In fact, due to the mature vegetation, neither home owner has visual exposure to the abutting property.

The current owner is seeking to legalize the side yard setback to the current garage and construct an addition to the rear of the dwelling and a new garage at the front of the building. Only the new garage will be visible from the street. The reduced side yard does not change the established neighbourhood pattern, therefore this request is considered reasonable given the existing streetscape conditions. The applicant provided letters of support from all affected neighbours.

## 4.0 Proposal

### 4.1 Project Description

The previous owner constructed a garage on the east side of the dwelling without the appropriate permits and authorization. The garage was constructed encroaching into the required east side yard. The new owner is proposing an addition to the rear of the existing garage and

renovation to the interior to convert it to living space. Additionally, a new three garage is planned to be placed in front of the existing structure on an existing slab foundation.

Given that the site is comparatively large, it is unfortunate that the original home was sited so close to the east property line and all subsequent additions were added on this side. The dwelling layout makes it logical for new additions to occur on this side of the dwelling, thereby necessitating a variance.

#### 4.2 Site Context

The subject property is located on the north side of Mission Ridge Road in the Crawford / North Mission area of Kelowna. The area is characterized by large estate style lots which is reinforced given the A1 - agriculture zoning. The surrounding properties are zoned as follows:

Orientation	Zoning	Land Use
North	A1- Agriculture 1	Single Family Dwelling
East	A1- Agriculture 1	Single Family Dwelling
South	RU1- Large Lot Housing A1 - Agriculture 1	Undeveloped Slope Single Family Dwelling
West	W1 - Recreational Water	Single Family Dwelling

#### 4.3 Zoning Analysis Table

The proposed application meets the requirements of A1 - Agriculture 1 zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	A1 ZONE REQUIREMENTS
Regulations		
Front Yard	31.4 m	6.0 m
Side Yard (w)	20.2 m	3.0 m
Side Yard (e)	1.7 m ①	3.0 m
Rear yard	49.59 m	10.0 m

① indicates a variance required to east side yard setback.

#### 4.4 Subject Property Map: 1200 Mission Ridge Road



- Accuracy and correctness not guaranteed.



**5.0 Technical Comments**

5.1 Building & Permitting Department  
No Comments.

5.2 Development Engineering Department  
The Development Variance Permit application to vary the minimum required side yard (east) from 3.0 meters required to 1.7 meters proposed, **does not compromise municipal servicing requirements.**

**6.0 Application Chronology**

Date of Application Received: November 21, 2012

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:



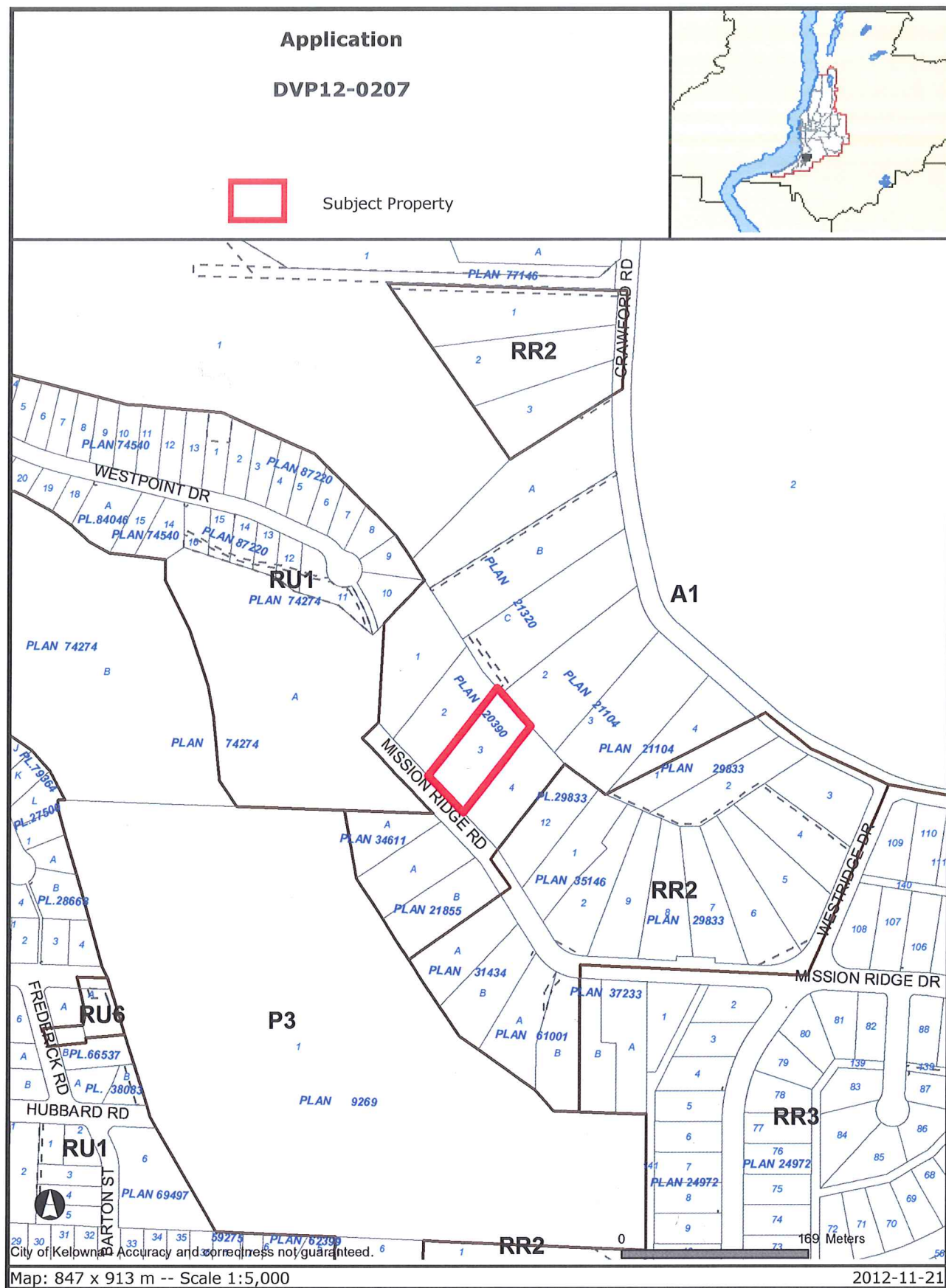
Shelley Gambacort, Director, Land Use Management

Attachments:

- Site Plan
- Elevation drawings
- Site Photo

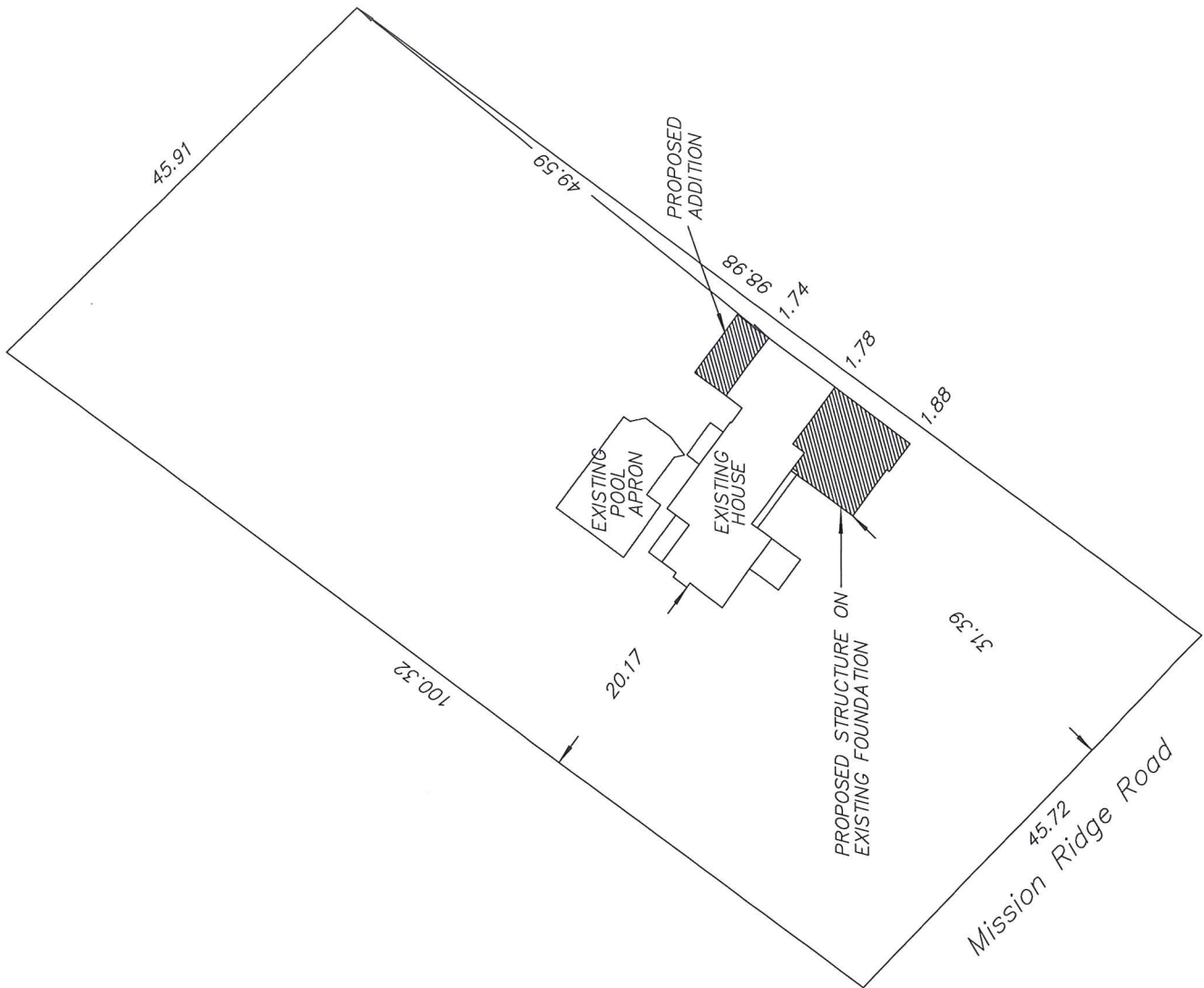






*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.*

Site plan with proposed additions



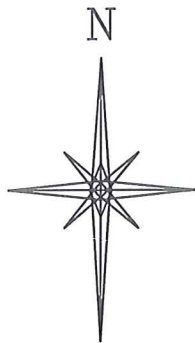
**SCHEDULE A**  
This forms part of development  
Permit # DVP12-0207



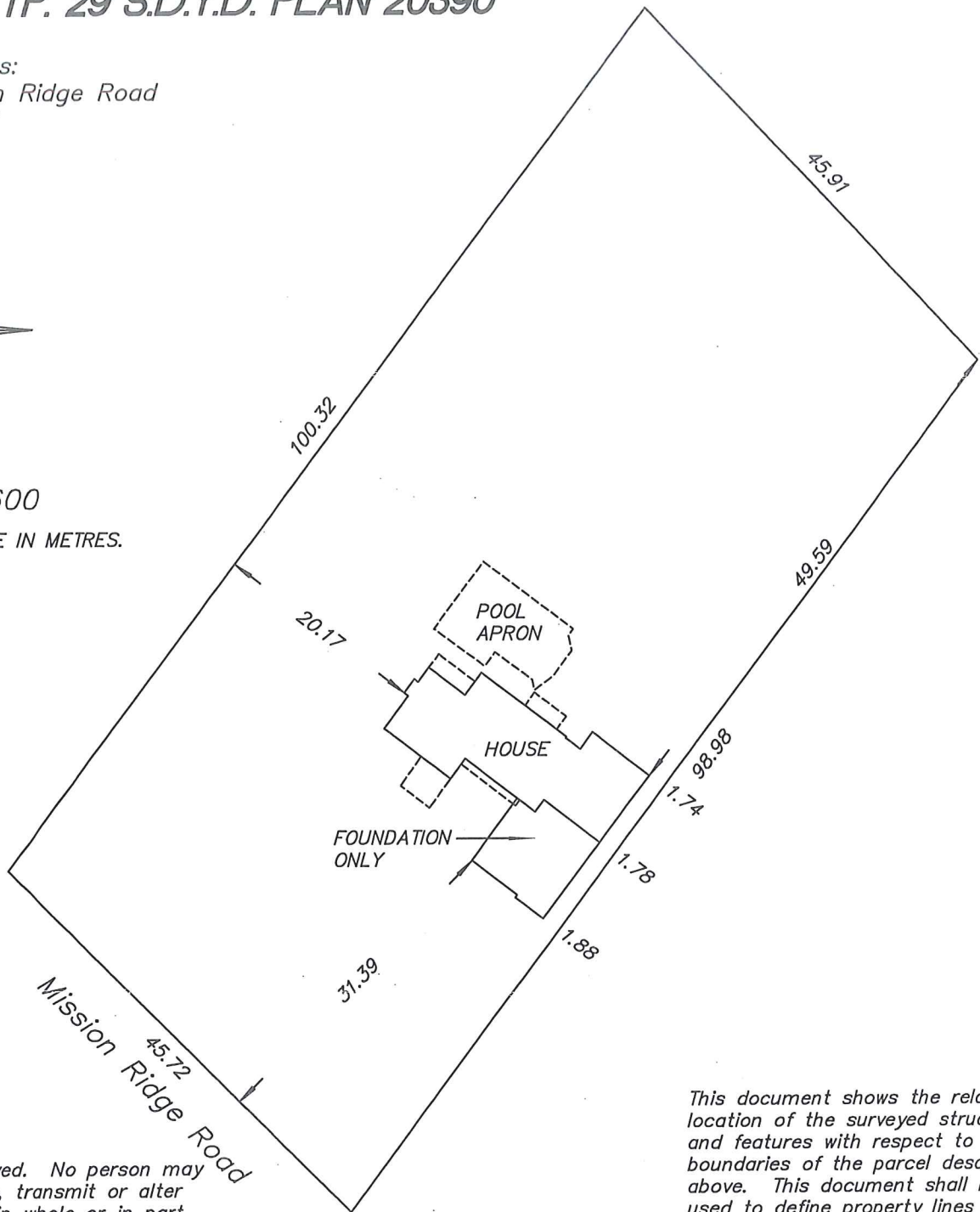


# B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 3 SEC. 31 TP. 29 S.D.Y.D. PLAN 20390

Civic Address:  
1200 Mission Ridge Road  
Kelowna, BC



SCALE 1:600  
DISTANCES ARE IN METRES.



All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

© This document is not valid unless originally signed and sealed.

**CERTIFIED CORRECT**  
this 24th day of October, 2012.

  
D.A. Goddard BCLS

This plan was prepared for municipal purposes and is for the exclusive use of our client.

**FILE 16070 FB 364**  
**D. Regier**

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.  
103-1358 St. Paul Street, Kelowna  
Phone (250) 763-3733

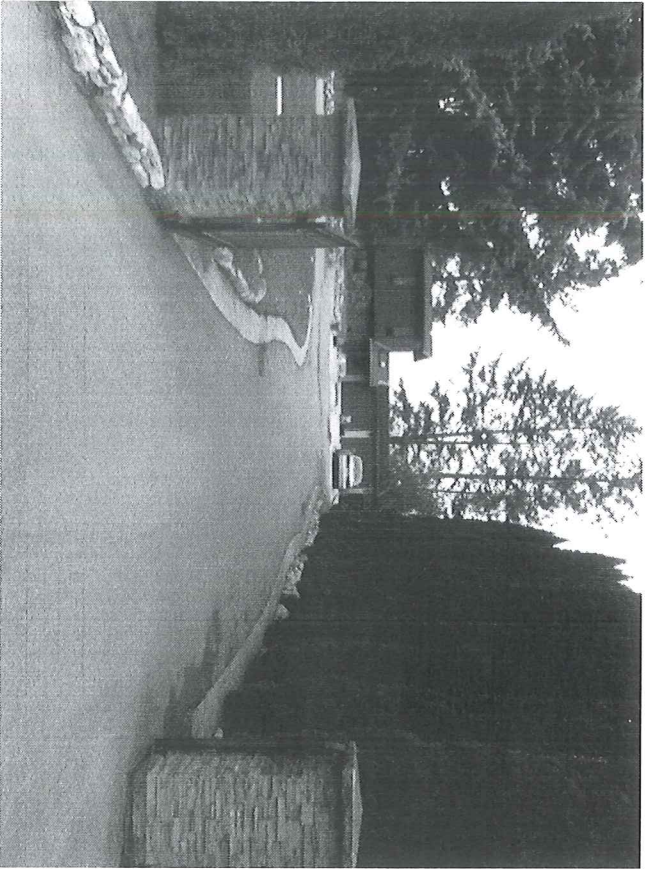




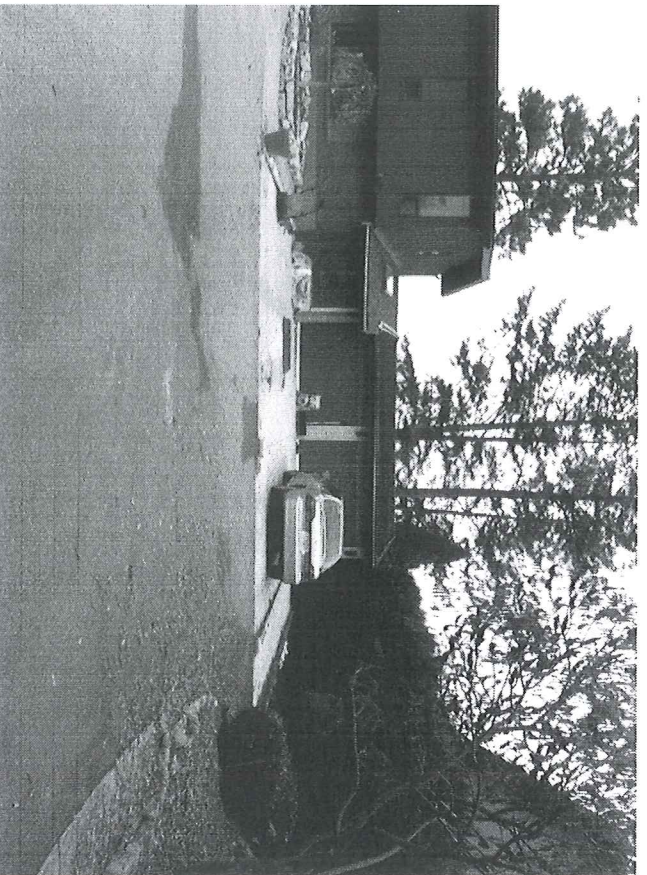
Rear of Family Room



Side Access



Street View



Garage Location



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0207

EXISTING ZONING DESIGNATION:	A1 - Agriculture 1
DEVELOPMENT VARIANCE:	To vary Section 11.1.6(d) Development Regulations

ISSUED TO:	Cammie and Daryl Regier
LOCATION OF SUBJECT SITE:	1200 Mission Ridge Rd.

	LOT	SECTION	TOWNSHIP	DIV & DIST	PLAN
LEGAL DESCRIPTION:	3	31	29	ODYD	20390

### SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

THAT a variance to the following section of Zoning Bylaw No. 8000 is granted:

To vary the east side yard setback from 3.0m required to 1.7m proposed, as per schedule "A".

2. PERFORMANCE SECURITY: None required.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

4. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and the Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE ??<sup>th</sup> DAY OF JANUARY, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ DAY OF JANUARY, 2013, BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Shelley Gambacort  
Director, Land Use Management