



City of Kelowna Public Hearing Minutes

Date: Tuesday, August 27, 2013
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Planner, James Moore; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; and Council Recording Secretary, Sandi Horning

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:02 p.m.

Mayor Gray advised that the purpose of this 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 the Public Hearing.

2. Notification of Meeting

The Deputy City Clerk advised that this Public Hearing was advertised by being posted on the Notice Board at City Hall at August 13, 2013 and by being placed in the Kelowna Capital News issues on August 16, 2013 and August 20, 2013 and by sending out or otherwise delivering 1,000 letters to the owners and occupiers of the surrounding properties between August 13, 2013 and August 16, 2013.

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.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10874 (Z13-0025) - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline, Mary & Carl Maloney

Staff:

- Summarized the application before Council and responded to questions from Council.
- Confirmed that the site coverage would not change as a result of the carriage house.

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

- **Petition of Opposition:**
 - A petition of opposition signed by 11 owners/occupants of the surrounding properties as submitted by Rob and Elisha Andrews, 1366 Nelson Place.

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

Tom Matthes, Applicant

- Advised that he is applying for the carriage house zone as it is a more conducive use of what is already on the site.
- Would like to keep his options open with respect to a possible in-law suite.
- Advised that he has read the Petition of Opposition.
- Responded to the concerns raised by the proponents to the Petition of Opposition.
- Does not believe that this application will set a precedent in the neighbourhood.
- He is unaware of any complaints regarding noise and believes that he and his wife are reasonable and approachable and should be approached should any concerns arise.
- Believes that a one-bedroom carriage house is in the best interests of the neighbourhood and residents.
- Believes that this carriage home will have minimal impact on the neighbourhood.
- Clarified that some of the windows of the carriage house face his bedroom and look right into the backyard.
- Advised that the adjoining neighbours did not have any complaints about his proposal.
- Believes that there are approximately 6-7 homes in the area that have secondary suites.
- Responded to questions from Council.
- Confirmed that if an in-law suite is considered a dwelling, then it is likely that 3 dwellings (principle residence, in-law suite and carriage house) could potentially be requested for the site.

Staff:

- Confirmed that an additional application would be required for any in-law suite proposal in the principal dwelling.
- Advised that staff would not support three (3) dwellings on the subject property.

Gallery:

Dr. Brian Bittle, 1360 Guisachan Road

- Purchased his property from his in-laws.
- Believes that there are several properties in the neighbourhood that could be rezoned for a carriage house and this application could set a precedent.
- Advised that the subject property does overlook his property and expressed a concern with privacy issues.
- Advised that the subject property is very narrow and expressed a concern with the width of driveway that would lead to the carriage house.
- Expressed a concern with the lack of green space.
- Commented that there may be carriage houses in the area, but those properties are larger than this one.

- Responded to questions from Council.
- Confirmed that the buffering on his property was existing when he purchased the property.
- Advised that he was aware that the subject property was zoned to allow for an office space above the garage.
- Advised that it probably wouldn't make that much of a difference if the windows on the carriage house were tinted for privacy.
- Believes that this is an unrealistic application.
- Expressed a concern with the size of the lot and the proposal for a carriage house.
- Opposed to the rezoning.

Staff:

- Confirmed that the driveway on the subject property meets the minimum driveway width of 3 metres.

Rob Buhler, 1363 Nelson Place

- Advised that when the development was originally before Council, he was not opposed to the development but wanted the City to ensure that anything constructed on the site would be sensitively integrated into the neighbourhood.
- Expressed a concern that the original developer did not live up to his promises and commitments.
- Advised that he was verbally assured by the original developer that the properties would be developed as single-family homes with no carriage houses.
- Expressed a concern with how close the subject property is to his residence.
- Believes that the rezoning will set a precedent.
- Expressed a concern with his privacy.
- Advised that he participated, in good faith, with the previous rezoning of the subject property.
- Opposed to the rezoning as the proposed carriage house looks directly down onto his property.
- Does not believe that the existing landscape is sensitive to the area.
- Confirmed that the original developer is not the current applicant and advised that he has copies of the Minutes from the Advisory Planning Commission meeting and the Council Meeting when the development was originally before Council.

Staff:

- Responded to questions from Council regarding previous commitments with respect to the subject property.
- Responded to questions from Council regarding changes to the restrictions with respect to the design of carriage houses.
- Confirmed that the height limit of an accessory building is 4.5m.

Ellisha Andrews, 1366 Nelson Place

- Advised that both her and her husband circulated the Petition of Opposition.
- Expressed a concern with the lack of privacy.
- Advised that the design of her home has the living area at the back of the residence and therefore the carriage house occupants will look directly into their living space.
- Currently her property is not affected, but expressed a concern that in the future her privacy could be impacted.
- Requested a guarantee that any tenants of the carriage house would remain quiet.
- Expressed a concern with noise issues as a result of tenants.
- Responded to questions from Council.

Tom Matthes, Applicant

- Addressed the comments made by the interveners.
- Confirmed that the corner of Dr. Bittle's property touches the corner of his property.
- Advised that the carriage house windows are set back on the structure and the property at 1366 Nelson Street can't even be seen from the subject property.

- Displayed a photo of the view from the carriage house window looking towards Dr. Bittle's property. Displayed a photo of another view from the carriage house window looking towards Dr. Bittle's property.
- Appreciated his neighbours concern with respect to privacy and advised that he is intending on putting shutters on the carriage house windows.
- Confirmed that he and his wife will be living in the principal residence and would be the most affected by the actions of any tenants.
- Advised that the garage already existed.
- Confirmed that his immediate neighbours on Wilkinson Street are not opposed to the rezoning.
- Advised that he could construct a 'pony wall' to obscure the view to 1360 Guisachan Road.
- Confirmed that the carriage house will only have one-bedroom.

There were no further comments.

3.2. Bylaw No. 10881 (Z13-0026) - 330 Taylor Road, Comfort Crafted Homes Inc.

Staff:

- Summarized the application before Council.

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.

Brad Farrell, Comfort Crafted Homes Inc., Applicant

- Agrees with staff's comments.
- Advised that he would like to stratify the duplex to create two (2) units so that they can be sold at a reasonable price point.
- Advised that the property is located close the elementary school.
- Advised that he held a neighbourhood consultation meeting and did not receive opposition.
- Provided an overview of the proposed development.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:12 p.m.

Mayor

Deputy City Clerk

/slh