

City of Kelowna

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| Date:  Location: | Tuesday, September 10, 2013  Council Chamber  City Hall, 1435 Water Street |
| Council Members  Present: | Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann |
| Council Members  Absent: | Councillor Andre Blanleil |
| Staff Present | City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Danielle Noble-Brandt; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin; and Council Recording Secretary, Sandi Horning |

**1. Call to Order**

Mayor Gray called the meeting to order at 7:00 p.m.

**2. Prayer**

A Prayer was offered by Councillor DeHart.

**3. Confirmation of Minutes**

**Moved By** Councillor Basran/**Seconded By** Councillor Hobson

**R600/13/09/10** THAT the Minutes of the Public Hearing and Regular Meeting of August 27, 2013 be confirmed as circulated.

**Carried**

**4. Bylaws Considered at Public Hearing**

**4.1. Bylaw No. 10882 (Z13-0009) - 4770 Crighton Road, Donald Cowie & Varina Russell**

**Moved By** Councillor DeHart/**Seconded By** Councillor Zimmermann

**R601/13/09/10** THAT Bylaw No. 10882 be read a second and third time and be adopted.

**Carried**

**4.2. Bylaw No. 10885 (Z13-0028) - 3935 Lakeshore Road & adjacent Bed of Mission Creek, Braniff Real Estate Services & Ministry of Forests, Land & Natural Resource Operations**

**Moved By** Councillor Stack/**Seconded By** Councillor Given

**R602/13/09/10** THAT Bylaw No. 10885 be read a second and third time.

**Carried**

**5. Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 1,367 letters to the owners and occupiers of the surrounding properties between August 27, 2013 and August 30, 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.

**6. Development Permit and Development Variance Permit Reports**

**6.1. Development Variance Permit Application No. DVP13-0062 - 4770 Crighton Road, Donald Cowie & Varina Russell**

The 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 to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add. No one came forward.

**Moved By** Councillor Basran/**Seconded By** Councillor Zimmermann

**R603/13/09/10** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0062, for Lot 2, Section 25, Township 28, ODYD Plan 8026, located at 4770 Crighton Road, Kelowna, BC;

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

**Section 6.6.2: Height and Grade**

To vary the maximum height of the rear building elevation from 3 storeys permitted to 4 storeys proposed as per Schedule ‘A’;

**Section 6.11.1: Okanagan Lake Sight Lines**

To vary the requirement that all buildings and structures greater than 1.2 m above natural grade permit the adjacent occupants a 120 degree panoramic view (required) to 105 degrees proposed as per Schedule ‘A’;

**Section 11.1.6(a): A1 Development Regulations**

To vary the maximum site coverage from 10% permitted to 22% proposed as per Schedule ‘A’;

**Section 11.1.6(b): A1 Development Regulations**

To vary the maximum height of 9.5 metres permitted to 11.02 metres proposed as per Schedule ‘A’;

AND THAT the Development Variance Permit be issued following staff issuance of a Natural Environment Development Permit for the subject property;

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.

**Carried**

**6.2. Development Variance Permit Application No. DVP13-0102 - 4316 Hobson Road, Joseph Karl Huber**

Councillor Hobson declared a conflict of interest as he resides within the notification area of the subject application and left the meeting at 7:07 p.m.

Staff:

- Summarized the application before Council.

- Provided the history of the Development Variance Permit application that was previously denied by Council.

- Displayed photos of the subject pergola from 2009.

- Displayed current photos of the site.

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

• **Letters of Opposition:**

O Mark & Deb Ledwon, 4310 Hobson Road

**Letter of Clarification:**

O Don Salekin & Isabelle Joncas

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

Joseph Huber, Applicant

- Nothing further to add to staff’s comments, but available to respond to questions.

- Confirmed that the vegetation on his neighbour's property would block the view of the pergola.

There were no further comments.

**Moved By** Councillor Zimmermann/**Seconded By** Councillor Given

**R604/13/09/10** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0102, for Lot 14, District Lot 167, ODYD, Plan 2194, located at 4316 Hobson Road, Kelowna, BC, subject to:

1. The registration of a no build/no disturb Section 219 Restrictive Covenant in favour of the City of Kelowna against the title of the subject property under the Land Title Act, to protect the Riparian Management Area, measuring 15 m upland from the natural boundary of Okanagan Lake;

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

**Section 6.11.1 – Okanagan Lake Sight Lines**

To vary the sight line of the established abutting development to the east from a minimum of 60 degrees required to 34 degrees provided, as per 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.

**Carried**

**6.3. Bylaw No. 10872 (Z13-0022) - 1369 & 1375 Bertram Street**

Councillor Hobson rejoined the meeting at 7:18 p.m.

**Moved By** Councillor Singh/**Seconded By** Councillor Basran

**R605/13/09/10** THAT Bylaw No. 10872 be adopted.

**Carried**

**6.3.1. Development Permit Application No. DP13-0082 and Development Variance Permit Application No. DVP13-0083 - 1369 & 1375 Bertram Street, Bertram Townhouses Inc.**

Staff:

- Summarized the application before Council.

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

• **Letter of Support:**

o Beryl Itani, 1380 Richter Street

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

**Moved By** Councillor Basran/**Seconded By** Councillor Given

**R606/13/09/10** THAT Final Adoption of Zoning Amending Bylaw No. 10872 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0082 for Lot 13, D.L. 139, ODYD, Plan 2271, located at 1369 Bertram Street and Lot 14, D.L. 139, ODYD, Plan 2271, located at 1375 Bertram Street, Kelowna B.C., subject 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;
5. Registration of a plan of subdivision at Land Titles Office to consolidate the two subject properties into a single title prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0083 for Lot 13, D.L. 139, ODYD, Plan 2271, located at 1369 Bertram Street and Lot 14, D.L. 139, ODYD, Plan 2271, located at 1375 Bertram Street, Kelowna, B.C.;

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

**Section 13.11.6 (d) Development Regulations – Front Yard Setback**

To vary the front yard setback from 6.0m required to 1.5m proposed.

**Section 13.11.6 (e) Development Regulations – Side Yard Setback**

To vary the side yard setback from 6.0m to 1.5m (northern setback) and 1.5m (southern setback) proposed.

**Section 13.11.6 (f) Development Regulations – Rear Yard Setback**:

To vary the rear yard setback from 6.0m required to 1.5m proposed.

**Section 8.1.10 (d) Parking Regulations – Setback**

To vary the setback from parking from 1.5m required to 0.5 proposed.

**Table 8.1 Parking Schedule**

To vary parking from 17 stalls maximum permitted to 18 stalls proposed.

**Carried**

**6.4. Development Variance Permit Application No. DVP13-0123 - 1458 Ethel Street, Qiuyan Li Holding Inc.**

Staff:

- Summarized the application before Council.

The 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 to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

**Moved By** Councillor Hobson/**Seconded By** Councillor Zimmermann

**R608/13/09/10** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0123, for Lot 3, District Lot 138, ODYD, Plan 3748, located on 1458 Ethel Street, Kelowna, BC;

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

**Section 6.6.4: Height and Grade**

To vary the maximum width of a dormer from 1.2m permitted to 1.9m proposed.

**Carried**

**7. Reminders** – Nil.

**8. Termination**

The meeting was declared terminated at 7:25 p.m.

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Mayor City Clerk

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