



## City of Kelowna Public Hearing Minutes

Date:	Tuesday, September 10, 2013
Location:	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

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:04 p.m.

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.

### 2. Notification of Meeting

The City Clerk advised that notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on August 7, 2013 and by being placed in the Kelowna Capital News issues on August 30, 2013 and September 3, 2013 and by sending out or otherwise delivering 326 letter to the owners and occupiers of 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.

### 3. Individual Bylaw Submissions

#### 3.1. Bylaw No. 10882 (Z13-0029) - 4770 Crighton Road, Donald Cowie & Varina Russell

Staff:

- Summarized the application before Council.
- Advised that revised Plans were submitted to staff yesterday afternoon.
- Displayed the revised Plans and summarized the changes.

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 themselves affected to come forward, followed by comments of Council.

Shane Worman, Worman Resources Inc., Applicant's Representative

- Nothing further to add to staff's comments, but available for questions from Council.
- Provided an overview of the history of the property.
- Advised that the new owners want to bring the property into conformity.

Gallery:

Roger Cumming, 4780 Crighton Road

- Read and submitted a prepared statement.
- Opposed to the rezoning.
- Advised that the Crighton Road properties are currently zoned A1 due to lot size.
- Advised that he has lived next door to the subject property since 1984.
- Believes that there is a restrictive covenant on the non-conforming beach house which states that it can only be used by family members.
- The beach house is not a carriage house. It's not heated, insulated and there is no parking provided.
- Other nearby A1 properties have a beach house and do not have the A1c zoning.
- The subject property has had non-resident owners for the past 25 years and provided an overview of the history of the property and the beach house.
- Requested that Council deny the A1c zoning and simply allow the beach house as a non-conforming structure.
- Not opposed to the proposed variances, just the rezoning.
- Advised that the beach house is approximately 100 feet from his bedroom window.
- Advised that the current owners of the property have been very co-operative.
- Responded to questions from Council.

Staff:

- Responded to questions from Council regarding why the City is requiring the rezoning from the A1 zone to A1c zone.
- Confirmed that staff is aware of the 'covenant' on the beach house that stipulates it can only be occupied by family members; however, the 'covenant' is not registered on title and was provided by way of an Affidavit.
- Confirmed that as part of the rezoning, the current owners have agreed to do some kind foreshore restoration.
- Confirmed that if the rezoning is not approved, then it is possible that the foreshore restoration may not be completed.

Shane Worman, Worman Homes Inc., Applicant's Representative

- Provided an overview of the previous work that was conducted on the site.
- Advised that the beach house renovation was done under a permit and is legal.

- Advised that there is some foreshore restoration planned for an area of the property.
- Believes that the beach house should be considered 'legal non-conforming' as it was constructed with a Building Permit.
- Advised that the current owners are only focusing on constructing a new principle dwelling on the site.
- Responded to questions from Council.
- Confirmed that the previous Building Permit included a kitchen in the beach house.
- Believes that the beach house would not meet the Building Code standards of a carriage home.
- Advised that the current owners are not intending to upgrade the beach house nor are they intending on renting it out.

There were no further comments.

### 3.2. Bylaw No. 10885 (Z13-0028) - Braniff Real Estate Services Inc. & Ministry of Forests, Land & Natural Resource Operations

Staff:

- Summarized the application before Council.

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

- o **Letter of Comment:**
  - G. Barber, 308-650 Lexington Drive

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

Tim McClellan, Applicant's Representative

- Displayed a PowerPoint presentation.
- The intention is to continue with the already established frontal parking area.
- Provided an overview of the proposed development.
- The project will include a reconstruction of the dyke.
- The structure will be constructed out of wood.
- Responded to questions from Council.
- Confirmed that the dyke is on Crown Land and that there will be full public access to the dyke.
- With the redevelopment of Mission Creek Bridge, he does not feel that public access to the dyke will be an issue.

Gallery:

Gerry Barber, 308-650 Lexington Drive

- Confirmed that he has had discussions with the Applicant's Representative.
- Likes what is being proposed on the site.
- Would like to see screening between his yard and the subject building (concrete barrier or fence).
- Likes that the parking will be available for the public who use the dyke during the evening.
- Thinks the proposal is a win-win situation.

## 4. Termination

The Hearing was declared terminated at 7:00 p.m.

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Mayor  
/slh/scf/kn

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City Clerk