



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 16, 2015  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack

Staff Present Deputy City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Urban Planning Manager, Lindsey Ganczar; Urban Planner, Laura Bentley; Urban Planner, Adam Cseke; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:15 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

### 3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Sieben

R460/15/06/16 THAT the Minutes of the Public Hearing and Regular Meeting of May 26, 2015 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 BL11056 (OCP15-0002) - Shared Gardens Amendments to OCP Bylaw No. 10500

Moved By Councillor Hodge/Seconded By Councillor Gray

R461/15/06/16 THAT Bylaw No. 11056 be read a second and third time.

Carried

**4.2 BL11096 (TA15-0001) - Amendments to include Multi-Residential Shared and Community Gardens in Zoning Bylaw No. 8000**

Moved By Councillor Hodge/Seconded By Councillor Donn

R462/15/06/16 THAT Bylaw No. 11096 be read a second and third time.

Carried

**4.3 5000 Gordon Drive, BL11098 (OCP15-0005) - No. 21 Great Projects Ltd.**

Moved By Councillor Donn/Seconded By Councillor Hodge

R463/15/06/16 THAT Bylaw No. 11098 be read a second and third time and be adopted.

Carried

**4.4 5000 Gordon Drive, BL11099 (Z15-0019) - No. 21 Great Projects Ltd.**

Moved By Councillor DeHart/Seconded By Councillor Singh

R464/15/06/16 THAT Bylaw No. 11099 be read a second and third time and be adopted.

Carried

**5. Notification of Meeting**

The Deputy City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 183 statutory notices to the owners and occupiers of surrounding properties, and 4909 informational notices to residents in the same postal delivery route, between May 29 and June 5, 2015.

Notice of these (*amendments to Liquor Primary Licences*) were advertised by being posted on the Notice Board at City Hall on June 2, 2015, and by being placed in the Kelowna Capital News issues on June 5 and June 10, 2015 and by sending out or otherwise delivering 22 statutory notices to the owners and occupiers of surrounding properties, and 562 informational notices to residents in the same postal delivery route, between May 29 and June 5, 2015.

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. Liquor License Application Reports**

**6.1 1370 Water Street, LL15-0005 - Cactus Club Cafe**

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.
- Provided information on the facilities patron non-participation entertainment endorsement.

The Deputy City Clerk advised that the following correspondence was received:

**Letters of Support:**  
**Beryl Itani, Richter Street**

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

**Randall Olafson, Agent for Applicant**

- Inquired if the time of closing on Friday and Saturday evenings could be amended to 1:30 a.m. as opposed to 1:00 a.m. and indicated that most Cactus Club Cafes are open until 1:30 a.m. If unable to amend, happy with what we have.
- Spoke with the RCMP and the local team that looks after the area and they have no issues.
- Confirmed the opening date would occur the following week.
- Confirmed that the Cactus Club Café located at Banks Road will remain open.
- Believes the concern for late openings to 1:30 a.m. is due to a liquor primary issue and not a food primary issue.
- Commented that the Yacht Club, located above the Cactus Club, is open until 2:00 a.m. with a liquor primary license and the kitchen open until closing.
- Clarified the hours of operation for the Banks Road Cactus Club.
- Confirmed doors will be locked at 1:00 a.m., patrons will leave by 1:30 to 1:45 a.m.

**Staff:**

- Advised consideration of this application included the outdoor patio.
- The maximum hours for a patio downtown on city property is 11:00 p.m.
- Noted the patio is visible from Water Street and the adjacent walkway.
- Responded to questions from Council.

**Moved By Councillor DeHart/Seconded By Councillor Singh**

**R465/15/06/16** THAT Council hear from the Applicant's Representative, Rolland Olafson.

**Carried**

**Randall Olafson, Agent for Applicant**

- Believes this is not a patio and it is not on city property and should not be part of the City's patio program.

**Deputy City Clerk:**

- Advised of the application process for amendments.

**Council:**

- Prior to any changes to the closing time would like to see comments from the RCMP.

There were no further comments.

**Moved By Councillor Given/Seconded By Councillor Hodge**

**R466/15/06/16** THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 18 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application for the Cactus Club Café located

at 1370 Water Street, Kelowna BC, (legally described as Lot 1, District Lot 139 & 4083, ODYD, Plan EPP29214) closing at 1am and includes a Restaurant Lounge Endorsement and a Patron Non-Participation Entertainment Endorsement, are as follows:

The potential for noise if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts are considered to be minimal.

View of residents:

The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

The person capacity and hours of liquor service of the establishment:

The total person capacity proposed for Food Primary service is 316 seats inside and a seasonal patio of 168 patrons, with operating hours of 9:00am to 1:00am for Monday to Saturday, and 9:00am to midnight on Sunday.

Traffic and Parking:

The parking requirements were addressed through the original Development Permit application and associated Development Variance Permit application which reduced the required off-street parking to 30 stalls. Therefore, the on-site parking provided is considered compliant.

If the proposed endorsement would result in the establishment being operated in a manner which is contrary to its primary purpose:

The endorsement is being sought to offer an additional level of service to the Food Primary establishment. The focus of the proposed facility will be as a Food Primary establishment.

Recommendation:

Council recommends that the application for a Food Primary License to close after midnight, a Restaurant Lounge Endorsement, and a patron non-participation entertainment Liquor License endorsement be approved.

Carried

## **7. Development Permit and Development Variance Permit Reports**

### **7.1 4962 Lakeshore Road, BL11068 (Z15-0001) - Shane Jones**

Moved By Councillor DeHart/Seconded By Councillor Singh

R467/15/06/16 THAT Bylaw No. 11068 be adopted.

Carried

## 7.2 4962 Lakeshore Road, DP15-0009 & DVP15-0008 - Shane Jones

Staff:

- Provided a PowerPoint Presentation summarizing the application.
- Advised that the Applicant had made amendments to the plan based on comments during the rezoning process and removed the proposed, larger balcony as per Council's directive.
- Responded to questions from Council.

The Deputy City Clerk advised that the following correspondence was received:

### Letters of Opposition or Concern Gord Nykiforuk, Lakeshore Road

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

### Sid Molenaar, Henderson Drive, Applicant

- Worked with the neighbours and all are pleased with the amendments to the application.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Sieben

R468/15/06/16 THAT final adoption of Zone Amending Bylaw No. 11068 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0009 for Lot 3 Section 26 Township 28 SDYD Plan 4493 Except Plan 13503, located on 4962 Lakeshore Road, Kelowna, BC subject to the following:

The dimensions and siting of the building and landscaping to be constructed on the land be in general accordance with Schedule 'A';

The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule 'B';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0008, for Lot 3 Section 26 Township 28 SDYD Plan 4493 Except Plan 13503, located on 4962 Lakeshore Road, Kelowna, BC;

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

### Section 9: Specific Use Regulations: 9.5b.1 (c) Carriage House Regulations

To allow a carriage house to be located between the front yard and the principal dwelling

### Section 9: Specific Use Regulations: 9.5b.11 Carriage House Regulations

To vary the minimum private open space from 30m<sup>2</sup> required to 0m<sup>2</sup> provided

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and the Development Variance Permit in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

**7.3 1429 KLO Road, BL10782 (Z11-0083) - Arnold & Melitta Frank**

Moved By Councillor Singh/Seconded By Councillor DeHart

R469/15/06/16 THAT Bylaw No. 10782 be adopted.

Carried

**7.4 1429 KLO Road, DP14-0258 & DVP14-0259 - Arnold & Melitta Frank and Jamac Holdings Ltd.**

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern:

Leanna Ennas, St. Amand Road

Walter Viita and Rita Louise Parker, Ladner Road

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

Arnold and James Frank, KLO Road, Applicant

- This application proposes a mobile home park as we believe there is a need for this type of development.
- Identified the layout and noted the location of green space and play area; the front will be gated with a courtyard.
- Advised that Bothe Road is not yet extended to St. Amand; the land and resources have been dedicated but is up to the city as to when that moves forward.
- Confirmed that this is a 5 Phase Development and will build as market demands.
- Stated that the model of the development is similar to Balmoral, however, there will be no age restrictions.

Staff:

- Advised that the Applicant has provided bonding and dedicated roadway and that this road development is city driven with construction timelines anticipated to coincide with the DCC program.

Gallery:

Rita Parker, Ladner Road

- Have been in Chambers on this issue before however this time we did not receive a notice. Questioned the postal delivery method of notices.
- Felt the notice displayed vague information.
- The signage that was posted on the property doesn't describe the changes or what is occurring.
- Raised concern with the impact to endangered species in the area. Would like a bigger setback and wall for protection.

Deputy City Clerk:

- Clarified the statutory and informational notification process.

Ian Sussett, Property Owner, downstream Fascioux Creek

- Not enough attention is being paid to upstream owners and the requirements.
- Not speaking for or against this application but believes there is not enough attention to the sensitivity of these wetlands.
- This is a very important park in our community and would like this application delayed in order to have more discussion around the buffer zone.

Walter Viita, Ladner Road

- Has lived in this area for many years.
- At the south end of the property the wetlands need to be protected.
- Would like to see further setbacks from this waterway to protect the western painted turtle and ecosystem.
- Raised concern with loss of critical habitat.
- Commented that the residents of St. Amand rely on the water well.
- Raised concern with KLO gutter drains.

Arnold Frank, Applicant

- Have worked this land for 48 years; believes the irrigation issue has been dealt with by Council years ago.
- Advised that originally the proposal started with 96 units and now it is down to 88 units; gave up 1 acre of land for this development.

Staff:

- Realize Fascioux Creek is an asset; City Policy states a 15 m roadway setback and there is a 24 m setback.
- The extension of Bothe Road is anticipated, however, not able to confirm the timeline.

Deputy City Manager commented that engineering staff would be able to provide an update on the road dedication, setbacks, and anticipated timelines.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R470/15/06/16 THAT final adoption of Zone Amending Bylaw No. 10782 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP14-0258 for Lot 52 District Lot 131 ODYD Plan 186 Except Plan KAP78326 located on 1429 KLO Road, Kelowna, BC subject to the following:

The dimensions and siting of the buildings to be constructed on the land, be in general accordance with Schedule "A";

The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";

The landscaping to be provided on the land be in general accordance with Schedule "C";

Prior to the issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

Prior to the issuance of the Building Permit, the requirements of the Zoning application (Z11-0083) must be satisfied,

Prior to the issuance of the Building Permit, a Section 219 covenant restricting the form of dwellings to 'modular' units meeting the CSA A-277 standard must be registered on title;

Prior to the issuance of the Building Permit, a Section 219 ALR Buffering restrictive covenant must be registered on title;

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 estimated by a professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0259 for Lot 52 District Lot 131 ODYD Plan 186 Except Plan KAP78326, located on 1429 KLO Road, Kelowna, BC;

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

**Section 7.6.1 (e): Minimum Landscape Buffers**

To vary the minimum landscape buffer for parcels abutting ALR from 3.0m to 0.0m;

**Section 13.13.7(e): Mobile Home Park - Other Regulations**

To vary the minimum private open space from 5% of the site to 4.89%;

AND THAT variances to the following sections of Mobile Home Parks Bylaw No. 5453-83 be granted:

**Section 4.05 (1) Buffer Areas**

To vary the landscape buffer from a roadway to a mobile home space from 7.6m to 6.0m; and the landscape buffer from the side boundaries to a mobile home space from 4.6m to 0.0m.

**Section 4.06 (1): Setbacks**

To vary the minimum setback between mobile homes from 3.0m to 2.1m;

AND FURTHER THAT the applicant be required to complete the above-noted conditions of Council's Approval of the Development Permit and Development Permit Applications in order for the permit to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Councillors Donn and Hodge - Carried  
Opposed

**7.5 283 Lake Road, HAP15-0003 - City of Kelowna**

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that the following correspondence was received:

**Letters of Support:**

Edward Guy, Lake Avenue

**Letters of Opposition or Concern:**

Rudy Schoenfeld, Maple Street



Don Schultz, Lake Avenue

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

Applicant:

- Present and available for questions.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Singh

**R471/15/06/16** THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0003 for Lot 1, District Lot 14, ODYD, Plan EPP37093, located on 283 Lake Avenue, Kelowna, BC, subject to the following:

The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A" attached:

**Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations**

To vary the minimum side yard from 2.3 m permitted to 1.5 m proposed.

**Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations**

To vary the minimum flanking street side yard from 4.5 m permitted to 1.5 m proposed.

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

## **7.6 228 Caliburn Court, DVP15-0093 - David Wood**

Staff:

- Provided a PowerPoint Presentation summarizing the application.
- Confirmed there is no height variance and is in compliance with zoning requirements.
- Confirmed the variance for side yard setback is the same for garage or carriage house.
- Responded to questions from Council.

The Deputy City Clerk advised that the following correspondence was received:

**Letters of Opposition or Concern:**

Tom Maxted, Rio Drive S.  
Andrea Lye, Magic Drive

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

Birte Decloux, Applicant Representative

- Demonstrated lake view from both sides of the property.
- Confirmed the accessory building was built in compliance with city regulations.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Hodge

**R472/15/06/16** THAT Council authorize the issuance of Development Variance Permit No. DVP15-0093 for the property legally known as Lot B, Section 6, Township 23, ODYD, Plan 50505, located on 228 Caliburn Court, Kelowna, BC;

AND THAT the variance to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to the Development Variance Permit described in Schedule "A":

Section 13.1.6 (b) - Development Regulations

To vary the height of an accessory building from 4.5 metres to 5.87 metres.

Carried

#### **7.7 840 Coronation Avenue, DP15-0090 & DVP15-0091 - Kelsey Fleming**

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that no correspondence was received.

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

Kelsey Fleming, Coronation Avenue, Applicant

- Confirmed there is no change to the porch.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor DeHart

**R473/15/06/16** THAT Council authorizes the issuance of Development Permit No. DP15-0090 for Lot 33 District Lot 138 ODYD Plan 1277, located at 840 Coronation Avenue, Kelowna, BC, subject to the following:

The dimensions and siting of the building to be constructed on the land, be in general accordance with Schedule "A";

The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0091 for Lot 33 District Lot 138 ODYD Plan 1277, located at 840 Coronation Avenue, Kelowna, BC;

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

Section 13.6.6(d): Two Dwelling Housing - Development Regulations

Vary the minimum required side yard setback (west) from 2.3 m required to 1.3 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

## 7.8 1441 McInnes Avenue, DP15-0072 & DVP15-0073 - George Wannop

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

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

George Wannop, McInnes Avenue, Applicant

- Confirmed that there is no potential to develop suites under the home as the present house has a crawl space and the new house is on a concrete slab with a partial crawl space.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor Gray

**R474/15/06/16** THAT Council authorizes the issuance of Development Permit No. DP15-0072 for Lot B District Lot 137 ODYD Plan 23706, located at 1441 McInnes Avenue, Kelowna, BC subject to the following:

The dimensions and siting of the building and landscaping to be constructed on the land be in general accordance with Schedule 'A';

The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule 'B';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0073, for Lot B District Lot 137 ODYD Plan 23706, located at 1441 McInnes Avenue, Kelowna, BC;

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

### **Section 13.6.5 (b) RU6 - Two Dwelling Housing Subdivision Requirements**

Vary the minimum required lot width for a site with semi-detached or duplex housing for a corner lot from 20.0 m required to 19.2 m proposed.

AND THAT this Development Permit and Development Variance Permit be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction.

AND THAT this Development Permit and Development Variance Permit be considered subject to the property owner being responsible for all legal fees and charges resulting from the Statutory Right of Way associated with this application.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

Carried

## 7.9 776 Fordham Road, DVP15-0050 - Dave Rolleston

Staff:

- Provided a PowerPoint Presentation summarizing the application.
- Confirmed neighbourhood consultation took place.
- Confirmed carriage house would require rezoning and another application would need to be submitted for a variance.

The Deputy City Clerk advised that the following correspondence was received:

### Letters of Opposition or Concern:

James Sharko and Maureen Atrens-Sharko, Fordham Road  
Bob and Betty Smerchinski, Fordham Road  
John & Doris Van Andel, Varney Court  
Mark & Sandy Claggett, Fordham Road  
Jack Holly, Fordham Road  
Peter M. Revane and Diana G. Knodel, Fordham Road

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

Applicant

- Present and available for questions.

Gallery:

### Jason Martin, Riley Court

- Believed there was going to be two houses built plus the existing house. Is now satisfied with the explanation that only one house is being built.

### Rick Miller, Fordham Road

- Raised concern regarding form and character and that the setbacks are not meeting neighbourhood character being so close to the road way.
- Discussed setbacks of his own home and others in the neighbourhood and believes the house will stick out.
- Stated there is a Restrictive Covenant on this property since 1972.
- Feels the lot is small and the allowable building will push it back to the setbacks.
- Spoke with the Applicant to suggest he provide a proposal for the house on the site before subdividing to get neighbourhood approval.

Staff:

- Confirmed that staff reviewed the Restrictive Covenant and it does not preclude subdivision.
- Clarified building possibilities as currently exists for an accessory building.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Singh

**R475/15/06/16** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0050 for Lot 22, District Lot 357, ODYD, Plan 18457, located on 776 Fordham Road, Kelowna, BC;

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

**Section 13.1.5(b): RU1 - Large Lot Housing Subdivision Regulations**

To vary the minimum lot depth from 30.0 m permitted to 27.6 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Councillors Gray, Hodge and Stack - Carried  
Opposed

**7.10 605 Monterey Road, DP14-0248 & DVP15-0055 - Marcel & Bertha Gal**

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that the following correspondence was received:

**Letters of Opposition:**

Wayne Maglio, Monterey Road

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

**Dr. Barry McCullough, Applicant Representative**

- Staff has summarized the application with clarity.
- Council approved the rezoning in 2008.
- Received 21 signatories in support.
- Available for questions.

Gallery:

**Wayne Maglio, Monterey Road**

- Purchased home on April 21, 2015 and took possession on May 11, 2015.
- Was not consulted and feels the most affected by this application.
- Displayed photos that had been submitted with his letter of opposition.
- Displayed a photo of the main entrance which is 8 feet from the property line.
- Explained that his kitchen window and front door will be looking at the wall of this proposed house.
- Raised concern regarding a 50 foot Fir tree just inside the property line that will be affected by excavation, along with other vegetation providing privacy and green space.
- Commented that this would be the only lot with a second dwelling in the neighbourhood.

**Barry McCullough, Applicant Representative**

- Commented that it's an 1100 square foot house which is not large.
- Neighbour in the back has signed off on the process.
- The design of the house calls for the variance.
- Will defer to staff regarding green space that will be lost or eroded.

Staff:

- Clarified frontages and rear yard setbacks as related to the corner lot siting.
- Clarified variances and staff's support.
- Confirmed that a carriage house would meet the zoning requirements and could be stratified in the future.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Given

**R476/15/06/16** THAT Council authorizes the issuance of Development Permit No. DP14-0248 for Lot 13, Section 23, Township 26, ODYD, Plan 25160, located on 605 Monterey Road, Kelowna, BC subject to the following:

The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0055 for Lot 13, Section 23, Township 26, ODYD, Plan 25160, located on 605 Monterey Road, Kelowna, BC;

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

**Section 13.6.6(e): RU6 - Two Dwelling Housing Development Regulations**

To vary the minimum rear yard for a 1 or 1 ½ storey portion of a building from 6.0 m permitted to 2.0 m proposed for those portions of the building shown on Schedule "A".

**Section 13.6.6(g): RU6 - Two Dwelling Housing Development Regulations**

To vary the minimum distance between two single detached housing units from 4.5 m permitted to 3.8 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Councillors DeHart, Donn, Gray, Hodge, Singh and Stack - **Defeated**  
**Opposed**

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 9:40 p.m.

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Mayor

\_\_\_\_\_  
Deputy City Clerk

/acm