

Public HearingOctober 2, 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, October 2<sup>nd</sup>, 2012.

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

Council members absent: Andre Blanleil, Mohini Singh

Staff members in attendance were: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Director Land Use Management, Shelley Gambacort; and Deputy City Clerk, Karen Needham.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:06 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.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 14, 2012 and by being placed in the Kelowna Capital News issues of September 21, 2012 and September 25, 2012, and by sending out or otherwise delivering 1107 letters to the owners and occupiers of surrounding properties between September 14, 2012 and September 21, 2012. For convenience, information regarding this Public Hearing is also available at [kelowna.ca](http://kelowna.ca).

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. 10755 (Z11-0082) - Bernard & Christine Rinas - 4165 Wallace Hill Road - THAT Rezoning Application No. Z11-0082 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel B (DD 278127F) of Lot A, Section 3, Township 26, ODYD, Plan 12667, located at 4165 Wallace Hill Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House 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 subject to the decommissioning of the existing mobile home to the satisfaction of the Manager, Building & Permitting;

AND THAT final adoption of the zone amending bylaw be considered subject to the registration of a Section 219 Restrictive Covenant which restricts future use of the mobile home to accessory uses (i.e. non-dwelling) only;

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AND THAT final adoption of the zone amending bylaw be considered subject to the requirements of Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT the suite be eligible for final occupancy prior to final adoption of the zone.

## Staff:

- Commented that there are currently 3 dwellings on the property; the mobile home will need to be decommissioned prior to final adoption.
- Clarified that the mobile home, with the removal of the stove, will be considered an accessory space, not living quarters.

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.

Bernard and Christine Rinas, 4165 Wallace Hill Road, Applicant

- confirmed the mobile home will remain for family use however, 220 wiring and the stove will be removed.
- clarified their understanding from staff that the mobile could be used for office space or a play area.
- confirmed they have no intent of using the mobile home for a rental unit; staff may also require a covenant on the property.
- indicated the property is approximately 1.8 acres.
- confirmed there was no opposition from surrounding neighbours.

There were no further comments.

- 3.2 Bylaw No. 10756 (Z12-0049) - Hugh & Jen Bitz - 4581 Anhalt Road - THAT Rezoning Application No. Z12-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 358, ODYD, Plan 19849, located on 4581 Anhalt 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.

## Staff:

- Application is to facilitate a 2 lot subdivision
- Confirmed that a RU1 zone with a variance would be an option; however, this option follows subdivision regulations within the zoning bylaw

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.

Hugh Bitz - 4581 Anhalt Rd, Applicant

- stated Land Use Management staff were not supportive of variances, so they pursued the subdivision and rezoning option.
- provided an architectural drawing of the proposed new lots with a new home, and a relocated house sited on the proposed new properties.

There were no further comments.

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- 3.3 Bylaw No. 10757 (Z12-0046) - 564913 BC Ltd. - 1350 St. Paul Street - THAT Rezoning Application No. Z12-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 139, ODYD, Plan KAP68461 located at 1350 St. Paul Street, Kelowna, B.C. from I2 - General Industrial zone to C7 - Central Business Commercial 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 Permit on the subject property;

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:

- Commented that landscaping will be obtained through a development permit

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

**Letter of No Opposition:**

Dewey Lotoski, Lotoski & Company, 202-1358 St. Paul Street

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

Kathy Higgins, Representative of 564913 BC Ltd. Inc. No.564913

-application was the result of a dust complaint; the owners were not purposely or knowingly operating in contravention of zoning regulations.

-clarified that the purpose of the rezoning is not to operate a parking lot; highest use of the land will be to develop under the C7 zone when the time is right.

-believes the temporary use is serving a need of the public and residents in the area

-reconfirmed the parking lot is considered by the applicant to be a temporary land use

-concerned about having to meet the full DP landscaping conditions for a parking lot due to the temporary nature of the use.

There were no further comments.

- 3.4 Bylaw No. 10758 (Z12-0043) - Lynae, Dennis & Darlene Igel - 391 Yates Road - THAT Rezoning Application No. Z12-0043 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Sec. 32, Twp. 26, ODYD, Plan 15293, located at 391 Yates Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with a carriage house zone be considered by Council;

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

AND THAT a building permit for the carriage house be applied for prior to final adoption of the zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering department

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and the Glenmore Ellison Improvement District being completed to their satisfaction.

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

**Additional Information:**

Additional information submitted by applicant containing a letter of clarification and four (4) letters of support.

**Letters of Opposition:**

Lori Holloway, 385 Yates Road  
 Jim and Sharon Whaley, 388 McTavish Road  
 Tom Crockett, 384 McTavish Road  
 Leigh Guillot, 396 McTavish Road  
 Melissa and Jeremy Martin, 392 McTavish Road  
 Cory Barker, 383 McTavish Road

**Letter of Support:**

Mark and Heidi Peacock, 392 Yates Road

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

**Dennis and Darlene Igel, Applicant**

- currently live with son, daughter-in-law and grandson at the subject property
- confirmed the carriage house is not intended to be a rental, rather a suite for their own use.
- the idea for the carriage house is about family; to be close to help out while the grandchildren are young; and eventually receive help from the family.
- don't believe strangers should have a say in how they decide to use their property.
- believe they are good people and make good neighbours.
- take pride in the landscaping and look of the property
- apologized for any bad feelings this application has created in the neighbourhood
- commented that they have good neighbours in the area
- thanked the Mayor and Council for their time and consideration throughout the process.
- commented that they now have great neighbours directly behind their property who are completely supportive of this application.
- provided a history of previous applications; indicated they originally had spoken to neighbours with no opposition and were surprised at the first Public Hearing by the opposition, and the defeat of their application by Council.
- re-confirmed the intent has always been to provide an affordable place for them to retire, while helping their son and family.
- believed the next application for the garage, with a loft to be converted at a later time, had addressed neighbour concerns by adding privacy windows and doubling setbacks from the property line; once again defeated by Council.
- felt all applications had been done legally and following City bylaws.
- can't understand why neighbours painted them with a negative brush as they have never done anything illegal.
- confirmed that the most affected neighbour, directly behind the Carriage House, is now supportive of the application.

Gallery:

Barry Radley, 398 Yates

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- has a view of both houses; believes they are not ugly or obtrusive, rather tasteful and well kept.
- believes that pooling resources to help each other is a necessary trend, highly encouraged in this family area.
- commented that the applicants were great people, and great neighbours.
- totally support the application.

Krista Koski, 394 McTavish Road

- live directly behind the proposed carriage house.
- believes there is a drainage issue in the area, however does not believe it was created by this application.
- has worked with the applicant to fix a drainage issue into their lower lot; was fixed within 2 weeks; very well done and helped with continuing improvements in their yard.
- are aware of another neighbour requesting and receiving access to the applicants yard to build a retaining wall.
- commented that the applicants have done a great job finishing property, and are excellent neighbours.
- believe the privacy windows overlooking their property do add privacy to their own home.
- provided the applicants their full support.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:44 p.m.

Certified Correct:

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Mayor

KN/dld

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City Clerk