



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 13, 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, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Robert Hobson

Staff Present: Acting City Manager, Rob Mayne; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Planner, James Moore

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 6:26 p.m.

2. Prayer

A Prayer was offered by Councillor Given.

3. Bylaws Considered at Public Hearing

- 3.1. Bylaw No. 10867 (OCP13-0014) - 1150 & 1200 Steel Road, No. 21 Great Projects Ltd.

Moved By Councillor Basran/Seconded By Councillor Singh

R557/13/08/13 THAT Bylaw No. 10867 be read a second and third time.

Carried

- 3.2. Bylaw No. 10868 (Z13-0023) - 1150 & 1200 Steel Road, No. 21 Great Projects Ltd.

Moved By Councillor Basran/Seconded By Councillor Blanleil

R558/13/08/13 THAT Bylaw No. 10868 be read a second and third time.

Carried

- 3.3. Bylaw No. 10872 (Z13-0022) - 1369 & 1375 Bertram Street, John Bauer, Irvin and Linda Cordes

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R559/13/08/13 THAT Bylaw No. 10872 be read a second and third time.

Carried

4. Notification of Meeting

The Deputy City Clerk advised Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 61 letters to the owners and occupiers of surrounding properties between July 30, 2013 and August 2, 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.

5. Development Permit and Development Variance Permit Reports

- 5.1. Development Variance Permit Application No. DVP13-0112 - 381 Okaview Road, Don Bouwman

Staff:

- Summarized the application before Council and responded to questions from Council.
- Advised that there is no formal Statutory Right-of-Way with respect to drainage; however, should Council wish, a condition could be added to the Development Variance Permit requiring that the applicant submit a lot grading plan in advance of issuance of the Permit.

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

- **Letter of Opposition:**
 - Al Klassen, 386 Stellar Drive

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

Robert Becker, Okanagan Remediation Services, Applicant's Representative

- Advised that he is the contractor who is constructing the garage.
- Advised that he is not familiar with the drainage ditch issue.
- Clarified that there is a retaining wall between the two (2) properties.
- He does not see the relevance to the lot grading plan in relation to the variance.
- Explained that he constructed the retaining wall to replace a wood landscape tie wall. At the time, there was no drainage ditch and the area is now a driveway, which to his knowledge has not affected the drainage.

- Confirmed that there is an Easement Agreement for septic between the properties.
- Confirmed that there will be no movement of material with the proposed garage.
- A 20 square yard drainage pit was added to the yard in order to deal with runoff from the roof. The pit is sloped with a drain grid and has been filled in with gravel, sand and rock.

Gallery:

John Letchford, 379 Okaview Road

- Advised that his property is 4 feet below the grade of the subject property.
- Expressed a concern that the proposal will add to concrete coverage and result in approximately 7,500 square feet of the property being covered with concrete and a building structure. Questioned how the water will be handled.
- Inquired how the drainage issue will be handled (engineered) as he wants to ensure there is no potential for water coming off the hill into his or other properties.
- Not opposing the garage development, but expressed a concern that the noise level will rise with the extra concrete coverage.
- Expressed a concern with directing water down to Okaview Road from the eaves trough and driveway as the drainage ditch on Okaview Road is already overloaded. Believes that the water needs to be directed into storm drains.

Robert Becker, Okanagan Remediation Services, Applicant's Representative

- Clarified the dimensions of the concrete that will be poured.
- Believes that the drainage pit is adequate.

Council:

- Inquired about a geotechnical report.

Staff:

- Confirmed that Council can add a condition that a geotechnical report be submitted.
- Confirmed that the City's Bylaws require that water be retained on the property.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

R560/13/08/13 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0112, for Lot B, Section 23, Township 28, SDYD, Plan KAP47783, located on 381 Okaview Road, Kelowna, BC;

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

Section 12.1.6(e): Development Regulations:

To vary the minimum rear yard setback from 3.0m permitted to 1.5m proposed.

AND THAT, prior to issuance, the applicant be required to provide evidence to the satisfaction of the Development Engineering Manager that the proposed driveway meets the 3.0m minimum standard width;

AND FURTHER THAT the applicant be required to submit to Urban Planning staff a geotechnical assessment with respect to lot drainage for review prior to issuance of the Development Variance Permit.

Carried

5.2. Development Variance Permit Application No. DVP13-0078 - 515 Francis Avenue, Justin Gaspari

Staff:

- Summarized the application before Council.
- Clarified the allotment of the parking spaces and advised that one (1) stall will be used for either a compact vehicle or motorcycle.

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

- **Letters of Opposition:**
 - W.J. & G.B. Cook, 548 Francis Avenue
 - S. Bajwa, 470 Francis Avenue
 - H. Barbaza, 538 Francis Avenue
 - M. Barlow, #100-2076 Enterprise Way

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

Justin Gaspari, Applicant

- Provided an overview of the allotment of the parking spaces. Six (6) stalls will be used for larger vehicles. One (1) of the stalls will be shrunk to create one (1) extra stall.
- Clarified that the Petition was for the variance for parking.
- Advised that he personally visited the properties within a 50m radius of the subject property and obtained the signatures of support based on the fact that he was seeking one (1) extra parking stall.
- Responded to questions from Council.
- Clarified that he did not share information that he was putting in one (1) more unit than was originally proposed.
- Confirmed that if the parking is varied, the development would become a 7-unit building, instead of a 6-unit building.
- Advised that he is proposing to convert a 2-bedroom unit into two (2), 1-bedroom units.
- In order to have the ability to convert the 2-bedroom unit, he needs 0.5 of a parking stall.
- Advised that he did not feel it was relevant to tell the neighbours about the proposal to split a unit as the development will still have the same number of bedrooms.
- Advised that there will be an interior change to the configuration of the unit.
- As a property manager, he has been dealing with a number of calls seeking accommodation in a central location and believes that the number of people seeking a one (1) bedroom is high. Believes that there is a niche for one (1) bedroom units.
- Advised that he still meets the zoning requirement with the extra unit.

Gallery:

Jose Corbo, 581 Francis Avenue

- Expressed disappointment with the approach used by the Applicant and believes that the Applicant was deceptive about what the variance is for.
- Indicated that there have been neighbourhood challenges with this development since the beginning of the process. The subject property was originally a duplex and is now a six-plex; rather than renting to low income families, it is being rented to single students.
- Expressed a concern with the proposal to add another one (1) bedroom unit.
- Expressed a concern with the proposal as the neighbourhood is still predominately family-oriented.
- Applauded the Applicant for his good management of the property thus far with respect to cleanliness and noise; however he believes that he is pushing the envelope and wants him to stop.

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Singh

R561/13/08/13 THAT Council **NOT** authorize the issuance of Development Variance Permit No. DVP13-0078, for Lot 1, District Lot 14, ODYD, plan EPP23030 except Strata Plan EPS1084 located on 515 Francis Avenue, Kelowna, BC.

Carried
Councillor Given - Opposed.

6. Reminders

Mayor Gray:

- Reminded the public of the 10 year Anniversary of the Okanagan Mountain Park Fire.
- Reminded the public that August 10-17, 2013 is Okanagan Pride Week.

Councillor Zimmermann:

- Advised that the annual Black Mountain Irrigation Watershed Tour has been scheduled for September 11, 2013. It is an all-day tour that starts at 7:30 am and will include the water intake, new reservoir and treatment centre. Seating is limited.

7. Termination

The meeting was declared terminated at 7:20 p.m.

Mayor

/slh/kn

Deputy City Clerk