

**City of Kelowna**  
**Regular Council Meeting**  
**AGENDA**



Tuesday, May 13, 2014  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

**Pages**

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor Hobson.
3. Confirmation of Minutes 1 - 6

Public Hearing - April 29, 2014  
Regular Meeting - April 29, 2014
4. Bylaws Considered at Public Hearing
  - 4.1 Bylaw No. 10947 (OCP14-0004) - Amendment to OCP 2030 Bylaw No. 10500, City of Kelowna 7 - 8

**Requires a majority of all members of Council (5).**

To give Bylaw No. 10947 second and third readings in order to amend Official Community Plan Bylaw No. 10500 by replacing Map 4.1 - Generalized Future Land Use Map.
  - 4.2 Bylaw No. 10955 (Z13-0041) - 979 & 989 Laurier Avenue, AJ Weins Development Group Ltd. 9 - 9

To give Bylaw No. 10955 second and third readings in order to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the RM2 - Low Density Housing zone.
  - 4.3 Bylaw No. 10953 (Z14-0012) - 1370 Water Street, Kelowna Yacht Club 10 - 10

To give Bylaw No. 10953 second and third readings in order to rezone the subject property from the P1 - Major Institutional and P3 - Parks and Open Space zones to the P1lp - Major Institutional (Liquor Primary) zone.
  - 4.4 TO BE DEFERRED - Bylaw No. 10956 (OCP14-0001) & Bylaw No. 10957 (Z14-0001) - Various Addresses Richter Street, City of Kelowna & Miles Vucicevic 11 - 13

To defer consideration of the application to the May 27, 2014 Public Hearing.

- 4.5 Bylaw No. 10954 (Z14-0009) - 1470 Guisachan Place, Sohayl & Sholen Ghadirian 14 - 15

To give Bylaw No. 10954 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing and RU6 - Two Dwelling Housing zones.

5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

6. Development Permit and Development Variance Permit Reports

- 6.1 Development Variance Permit Application No. DVP14-0047 - 245 Arab Road, Center Construction Ltd., 16 - 31

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**

The purpose of the Development Variance Permit s to permit a deck to project 2.76 metres into the rear yard setback.

7. Reminders

8. Termination



## City of Kelowna Public Hearing Minutes

Date: Tuesday, April 29, 2014  
 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, Ryan Smith; Manager, Transportation & Mobility, Moudud Hasan\*; Manager, Development Engineering, Steve Muenz\*; Council Services Coordinator, Sandi Horning

(\*denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:01 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 April 15, 2014 and by being placed in the Kelowna Capital News issues on April 18, 2014 and April 22, 2014 and by sending out or otherwise delivering 28 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 2,109 "It's Your Neighbourhood" Informational Notices to residents in the postal delivery area between April 15, 2014 and April 18, 2014.

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. 369.

### 3. Individual Bylaw Submissions

#### 3.1. Bylaw No. 10946 (Z14-0011) - 412 Christleton Avenue, David & Pamela Watland

Staff:

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

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

- **Letters of Support:**

- Derek & Erica Mahoney, Birch Avenue
- Penny Lane, The Acacia Group, Birch Avenue

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

#### Pamela Watland, Applicant

- Advised that she currently resides in Lake Country.
- Hoping to construct a home with a carriage house on the subject property and then move into it the residence.
- Have tried to keep the character of the neighbourhood when designing the carriage house.
- Advised that she knocked on doors in the neighbourhood to advise of the application and did not receive any negative feedback for the proposal.
- Believes that the Official Community Plan calls for more density in the area.

There were no further comments.

#### 3.2. Bylaw No. 10832 (OCP13-0002), Bylaw No. 10833 (TA13-0004) and Bylaw No. 10834 (Z13-0003) - 1760, 2025 & 2137 Quail Ridge Boulevard - Pier Mac Petroleum Installation Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Recommends not changing the name of Quail Ridge Boulevard to Hollywood Road until such time as the Hollywood Road network has been fully developed and is continuous. It might be too confusing for emergency services if the road name change occurred now.
- Responded to questions from Council

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

- **Letters of Support:**

- Ken & Merle Lowe, Capistrano Crescent

- **Letters of Opposition:**

- Lynn & Rick Weger, Country Club Drive
- Andrew & Joan Irvine, Capistrano Peaks Crescent

- **Letters of Concern:**

- Gordon & Ruth Douglas, Capistrano Drive
- Dennis & Karen Anderson, Capistrano Drive
- Mr. & Mrs. Grelowski, Quail Ridge Boulevard
- Dave & Pat Driscoll, Quail Lane
- Terry & Astrid Murphy, Quail Lane
- Gwen & Jim Chopko, Quail Run Drive

- Barry & Barb Halpenny, Quail Place
- Lynn Archibald, Capistrano Drive
- Clifford & Ginette Britch, Capistrano Drive
- Bob & Sylvia Plesko, Quail Ridge Boulevard
- Colin & Renee Cameron, Brindisi Place
- Michael & Marina Henderson, Salerno Court
- Mike & Yvonne Hall, Quail Lane
- Trish Cenci, Valentino Court
- G. Wayne & Pamela Anderson, Capistrano Drive
- Larry Bigler & Terry Fraser, Capistrano Drive
- R.N. Gordon & E.P. Gordon, Capistrano Drive
- Thelma & Ron White, Quail Lane
- Lynn Weger, Country Club Lane
- Bill & Joanne Reynolds, Quail Crescent
- Richard Newton, Quail Place
- Philip L. Gardner, Capistrano Drive
- Ed & Barb Giles, Quail Ridge Boulevard

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

Grant Maddock, Protech Consultants, Applicant's Representative

- Advised that the Traffic Impact Assessment suggested that a round-about be constructed and the confirmed that the developer will be constructing a round-about.
- Addressed some of the concerns raised by the residents.
- Advised that the applicant team has been working closely with City staff to mitigate any concerns.
- Advised that there are some upgrades to be done to Airport Way as a result of this development.
- Provided an overview of the landscaping being proposed for the development.
- Advised that in the long term, there will be upgrades to the Highway 97/Airport Way intersection.
- Responded to questions from Council.
- Confirmed that there will be a 1.5m cycling lane with a walking path, which will be divided by a boulevard.
- Displayed a cross-section of the proposed intersection for Quail Ridge Boulevard and Hollywood Road.
- Provided an overview of the cross-section and re-confirmed that there will be one (1) round-about constructed.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 6:37 p.m.

\_\_\_\_\_  
Mayor

/slh



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



## City of Kelowna Regular Meeting Minutes

Date: Tuesday, April 29, 2014  
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, Ryan Smith; Manager, Transportation & Mobility, Moudud Hasan; Manager, Development Engineering, Steve Muenz\*; Council Services Coordinator, Sandi Horning

(\*denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 6:37 p.m.

### 2. Prayer

A Prayer was offered by Councillor Given.

### 3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Basran

R295/14/04/29 THAT the Minutes of the Public Hearing and Regular Meeting of April 15, 2014 be confirmed as circulated.

Carried



4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10946 (Z14-0011) - 412 Christleton Avenue, David & Pamela Watland

Moved By Councillor Stack/Seconded By Councillor Given

R296/14/04/29 THAT Bylaw No. 10946 be read a second and third time.

Carried

- 4.2. Bylaw No. 10832 (OCP13-0002) - Protech Consultants Ltd., 1760, 2025 and 2137 Quail Ridge Road

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R297/14/04/29 THAT Bylaw No. 10832 be read a second and third time.

Carried

- 4.3. Bylaw No. 10833 (TA13-0004) - Protech Consultants Ltd., CD15 Airport Business Park

Moved By Councillor Basran/Seconded By Councillor Singh

R298/14/04/29 THAT Bylaw No. 10833 be read a second and third time.

Carried

- 4.4. Bylaw No. 10834 (Z13-0003) - 1760, 2025 & 2137 Quail Ridge Boulevard, Pier Mac Petroleum Installation Ltd.

Moved By Councillor Hobson/Seconded By Councillor Singh

R299/14/04/29 THAT Bylaw No. 10834 be read a second and third time.

Carried

City Manager:

- Advised that prior to finalizing the road name change to Hollywood Road, a Report to Council will be provided for consideration.

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of this Development Variance Permit Application was given by sending out or otherwise delivering 8 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 523 "It's Your Neighbourhood" Informational Notices to residents in the postal delivery area between April 15, 2014 and April 18, 2014.

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. 369.

## 6. Development Permit and Development Variance Permit Reports

### 6.1. Development Variance Permit Application No. DVP14-0053 - 245 Muir Road - Karen Markle

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Advised that the accessory building was constructed by the Applicant's ex-husband and a friend without the proper permits. The Applicant was unaware of the situation until she decided to sell the property and was asked by the proposed purchaser to provide proof of proper permitting.
- Advised that no concerns have been expressed by adjoining or abutting property owners.
- Under the circumstances, staff is supportive of the variance.

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. The applicant was present, but did not have anything further to add to staff's comments.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Zimmermann

R300/14/04/29 THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0053 for Lot 13, Section 26, Township 26, ODYD, Plan 15377 located at 245 Muir Rd, Kelowna, BC;

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

Section 13.1.6

To permit a decrease in the accessory building setback from 1.5m to 1.0m.

Carried

## 7. Reminders

Councillor DeHart:

- Commented on her attendance at the City of Kelowna's Long Service Awards.
- Commented on her attendance at the RCMP's Traffic Awards.

Mayor Gray:

- Commented on his attendance at the City of Kelowna's Long Service Awards.

## 8. Termination

The meeting was declared terminated at 6:53 p.m.

\_\_\_\_\_  
Mayor

/slh



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City Clerk



# CITY OF KELOWNA

## BYLAW NO. 10947

### Amendment to the Official Community Plan Bylaw No. 10500 - Replacing Map 4.1 - Generalized Future Land Use Map

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*" be amended as follows:

1. THAT **Map 4.1 - Generalized Future Land Use Map** be deleted in its entirety and replaced with a new **Map 4.1 - Generalized Future Land Use Map** as attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of April, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## Legend

 Permanent Growth Boundary

## Land Use Designations

-  Commercial (COMM)
-  Education / Major Institutional (EDINST)
-  First Nations Reserve (FNR)
-  Future Urban Reserve (FUR)
-  Health District (HLTH)
-  Industrial (IND)
-  Industrial - Limited (IND-L)
-  Industrial - Transitional (IND-T)
-  Major Park and Open Space (PARK)
-  Mixed Use (Residential / Commercial) (MXR)
-  Mixed Use Tourism (MXT)
-  Multiple Unit Residential (Cluster Housing) (MRC)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
-  Multiple Unit Residential (Low Density) (MRL)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
-  Multiple Unit Residential (Medium Density) (MRM)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
-  Multiple Unit Residential (High Density) (MRH)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)
-  Private Recreational (REC)
-  Public Service / Utilities (PSU)
-  Transportation Corridor (TC)
-  Resource Protection Area (REP)
-  Service Commercial (SC)
-  Single / Two Unit Residential (SZRES)  
(Associated uses: care centres, minor public services/utilities, convenience facility & neighbourhood park)
-  Single / Two Unit Residential - Hillside (SZRESH)  
(Associated uses: care centres, minor public services/utilities, & neighbourhood park)

Future Land Use Boundaries on lots with more than one Land Use Designation are conceptual only and may change based on Development Proposals.

## NOTES

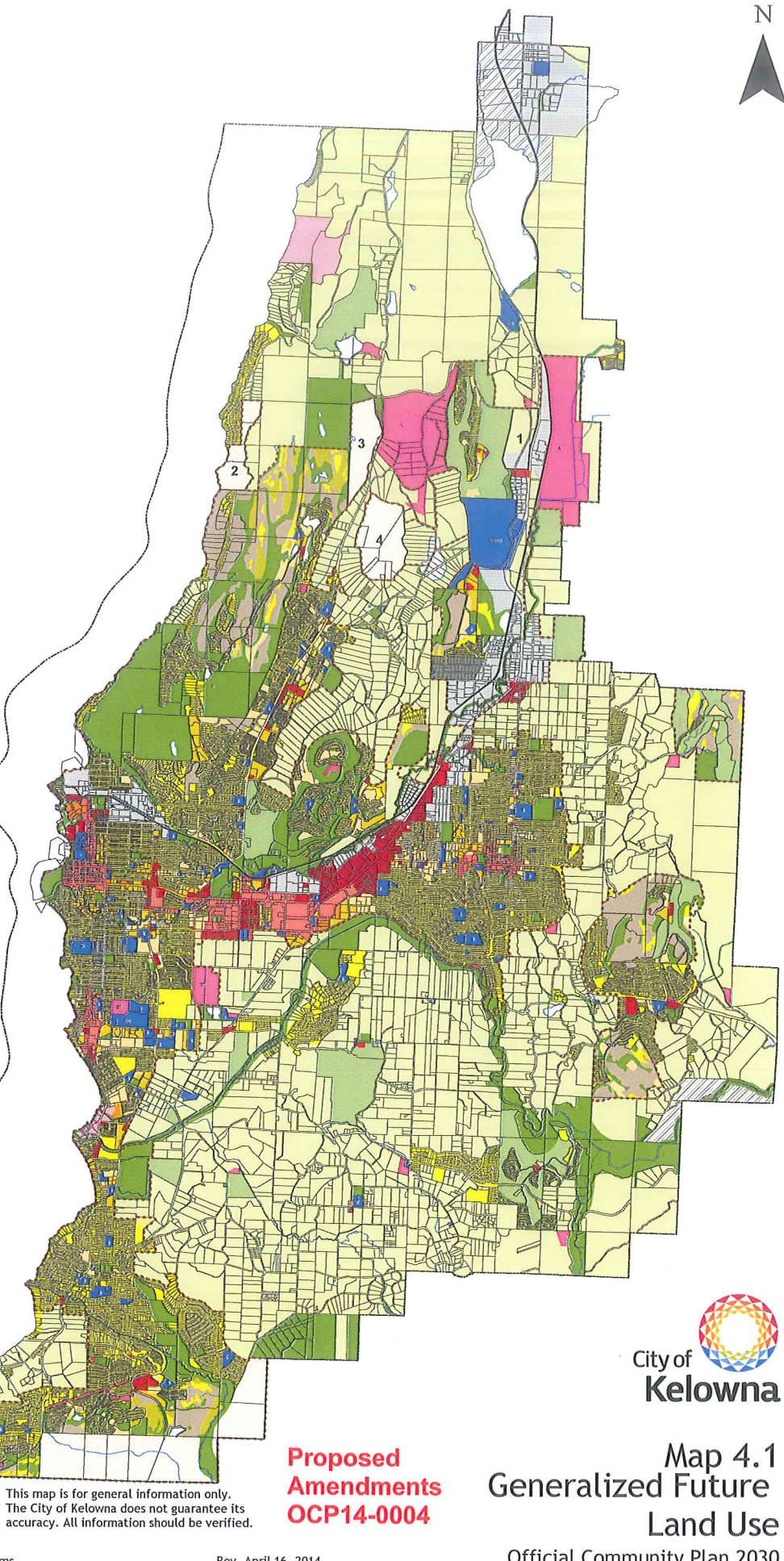
### 2 AREA STRUCTURE PLAN

- A AIRPORT
- F FIREHALL
- H HOSPITAL
- L LANDFILL
- S SCHOOL
- W WORKS YARD
- CE CEMETERY
- ST SEWAGE TREATMENT
- USCO UNIVERSITY OF B.C. OKANAGAN
- OC OKANAGAN COLLEGE
- RAILWAY

Adaptive Re-Use of Heritage Buildings may be permitted within any Future Land Use Designation.

Temporary Commercial and Industrial Uses are not shown on this map. For information on approved temporary uses, please consult chapter 19 of the Official Community Plan.

Landuse designations apply only to legal parcels (i.e. roads, creeks, wetlands, etc. that are not a separate legal parcel have no land use designation applicable). The colours on the Future Land Use Map that extend to the middle of these features are applied to improve map aesthetics.



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

**Proposed  
Amendments  
OCP14-0004**

  
City of  
**Kelowna**

**Map 4.1  
Generalized Future  
Land Use**  
Official Community Plan 2030

Rev. April 16, 2014

**CITY OF KELOWNA**  
**BYLAW NO. 10955**  
**Z13-0041 - AJ Weins Development Group Ltd., Inc. No.**  
**BC0798391**  
**979 and 989 Laurier Avenue**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1 and 2, District Lot 138, ODYD, Plan 6809 located on Laurier Avenue, Kelowna, B.C., from the RU6 - Two Dwelling zone to the RM2 - Low Density zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of April, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 10953**  
**Z14-0012 - Kelowna Yacht Club, Inc. No. S-0003099**  
**1370 Water Street**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lots 139 & 4083, ODYD, Plan EPP29214 located on Water Street, Kelowna, B.C., from the P1 - Major Institutional and P3 - Parks and Open Space zone to the P1lp - Major Institutional (Liquor Primary) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of April, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

---

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## **DRAFT RESOLUTION**

Re: Official Community Plan Bylaw Amendment Application No. OCP14-0001 (Bylaw No. 10956 and Rezoning Application No. Z14-0001 (Bylaw No. 10957) - Various Addresses on Clement Avenue, St. Paul Street & Richter Street, City of Kelowna & Miles Vucicevic

THAT Council defers consideration of Official Community Plan Bylaw Amendment Application No. OCP14-0001 (Bylaw No. 10956) and Rezoning Application No. Z14-0001 (Bylaw No. 10957) to the May 27, 2014 Public Hearing at 6:00 pm in the Council Chamber.

### **BACKGROUND:**

The development sign was not posted on the subject property, and therefore the application did not meet the requirements of Development Application Procedure Bylaw No. 10540 with respect to signage.

Date: May 8, 2014



# CITY OF KELOWNA

## BYLAW NO. 10956

### Official Community Plan Amendment No. OCP14 - 0001 City of Kelowna and Miles Vucicevic 1150, 1156 & 1160 Richter Street

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A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lots 4, 5 and 6, District Lot 139, ODYD, Plan 1021, located on Richter Street, Kelowna, B.C., from the COMM - Commercial designation to the EDINST - Educational/Institutional designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of April, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## **CITY OF KELOWNA**

### **BYLAW NO. 10957**

#### **Z14-0001 - City of Kelowna and Miles Vucicevic 576, 630 & 690 Clement Avenue, 1175 & 1166 St. Paul Street and 1150, 1156, 1160, 1166 & 1170 Richter Street**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1, 7, 8, 9, 10, 11 and 12, District Lot 139, ODYD, Plan 1021 located on Clement Avenue, Lots 2, 3, 4, 5 and 6, District Lot 139, ODYD, Plan 1021 located on Richter Street; and Lots A and B, District Lot 139, ODYD, Plan KAP63401 located on St. Paul Street, Kelowna, B.C., from the I2 - General Industrial and I4 - Central Industrial zone to the P1 - Major Institutional zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of April, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 10954**  
**Z14-0009 - Sohayl and Sholen Ghadirian**  
**1470 Guisachan Place**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 3, Dirstict Lot 136, ODYD, Plan 9353 located on Guisachan Place, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing and RU6 - Two Dwelling zone as identified on Map A attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of April, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

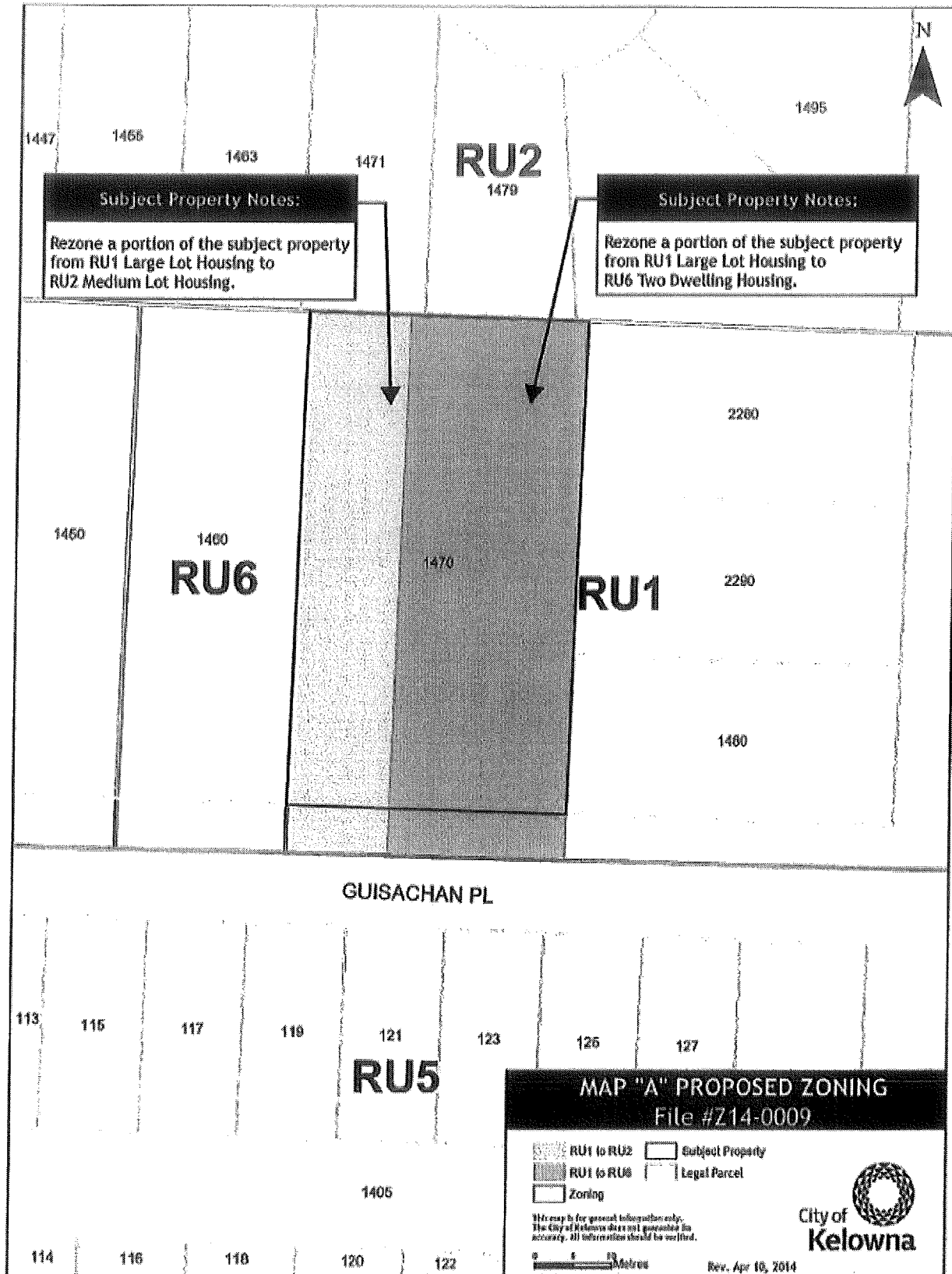
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** 4/9/2014  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (AC)  
**Application:** DVP14-0047 **Owner:** Watermark Developments Ltd.  
**Address:** 245 Arab Rd **Applicant:** Center Construction Ltd.  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU2c - Medium Lot Housing with Carriage House

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## 1.0 Recommendation

That Council authorizes the issuance of Development Variance Permit No. DVP14-0047 for Lot 3, Section 3, Township 23, ODYD, Plan EPP11475, located at 245 Arab Rd, Kelowna, BC.

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

To vary section 6.4.2 (Projections Into Yards) from 'a deck may project 2.5 metres in the case of a rear yard greater than 6.0 metres' to 'a deck may project 2.76 metres into the rear yard' (as per schedule 'A').

## 2.0 Purpose

The purpose of the DVP is to permit a deck to project 2.76 metres into the rear yard setback.

## 3.0 Urban Planning

Staff are supportive of the proposed variance. The existing regulations permit projections of decks into the rear yard setback by 2.5 metres but only if the rear yard is greater than 6.0 metres. In this case the rear yard is 4.7 metres which does not allow the applicant to utilize those provisions thus the request for a variance. The purpose of this regulation is to protect adjacent neighbours' privacy and prevent decks from projecting close to the neighbour's property line. The subject property is shaped triangularly with the rear yard fronting onto Arab Court. The property across from Arab Ct. is currently zoned A1 - Agriculture with a future land use of light industrial. The proposed deck will have a separation of approximately 55 metres between the deck and the house on the A1 lot. Arab Ct. is half developed with gravel portions adjacent to the subject property. Given these circumstances, it seems reasonable to permit the applicant to utilize the 2.5 metre projection rule and consider the additional 0.26 metre projection in order to allow an overall deck projection of 2.76 metres.



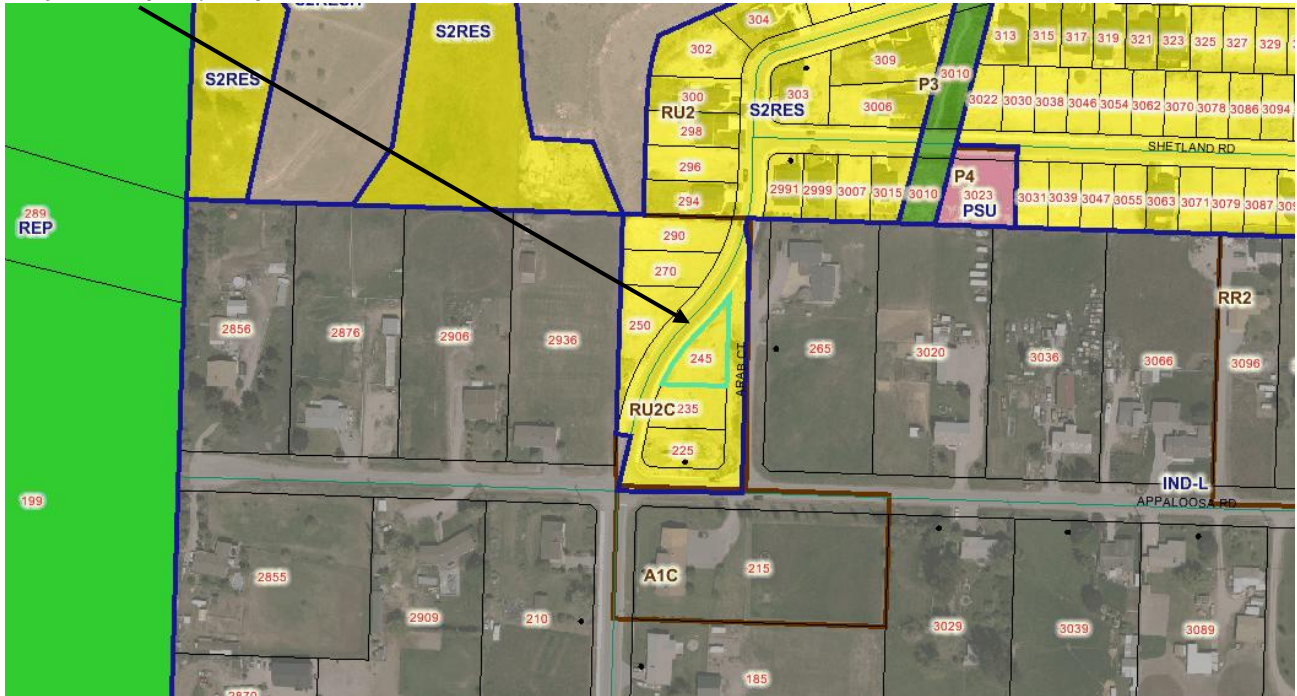
In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the proposed Development Variance Permit application to neighbouring properties within 50 m of the subject site, and to date, City staff has not been contacted with any objections or concerns with the proposed variance.

### 4.0 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2c - Medium Lot Housing with Carriage House	Empty lots - Residential
East	A1 - Agricultural 1	Agricultural
South	RU2c - Medium Lot Housing with Carriage House	Empty lots - Residential
West	RU2c - Medium Lot Housing with Carriage House	Empty lots - Residential
	A1 - Agricultural 1	Agricultural

Subject Property Map: 245 Arab Road

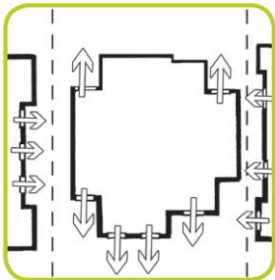


### Current Development Policies

#### 4.1 Kelowna Official Community Plan (OCP)

##### Urban Design Development Permit Areas Guidelines (Chapter 14)

- Encourage building and landscape designs that promote privacy, safety, and accessibility;
- Respect the privacy of adjacent properties through appropriate placement of windows, location of decks, and any other feature that may infringe upon the privacy of a neighbouring residence;



1.5 - Appropriate window and balcony placement maximizes privacy

## **5.0 Technical Comments**

### **5.1 Building & Permitting Department**

No comment.

### **5.2 Development Engineering Department**

See Attached.

### **5.3 Fire Department**

No concerns.

## **6.0 Application Chronology**

Date of Application Received: March 10, 2014

Date of Public Consultation Received: April 7, 2014

**Report prepared by:**

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Adam Cseke, Land Use Planner

**Reviewed by:**

☐

Ryan Smith, Urban Planning Manager

**Approved for Inclusion:**

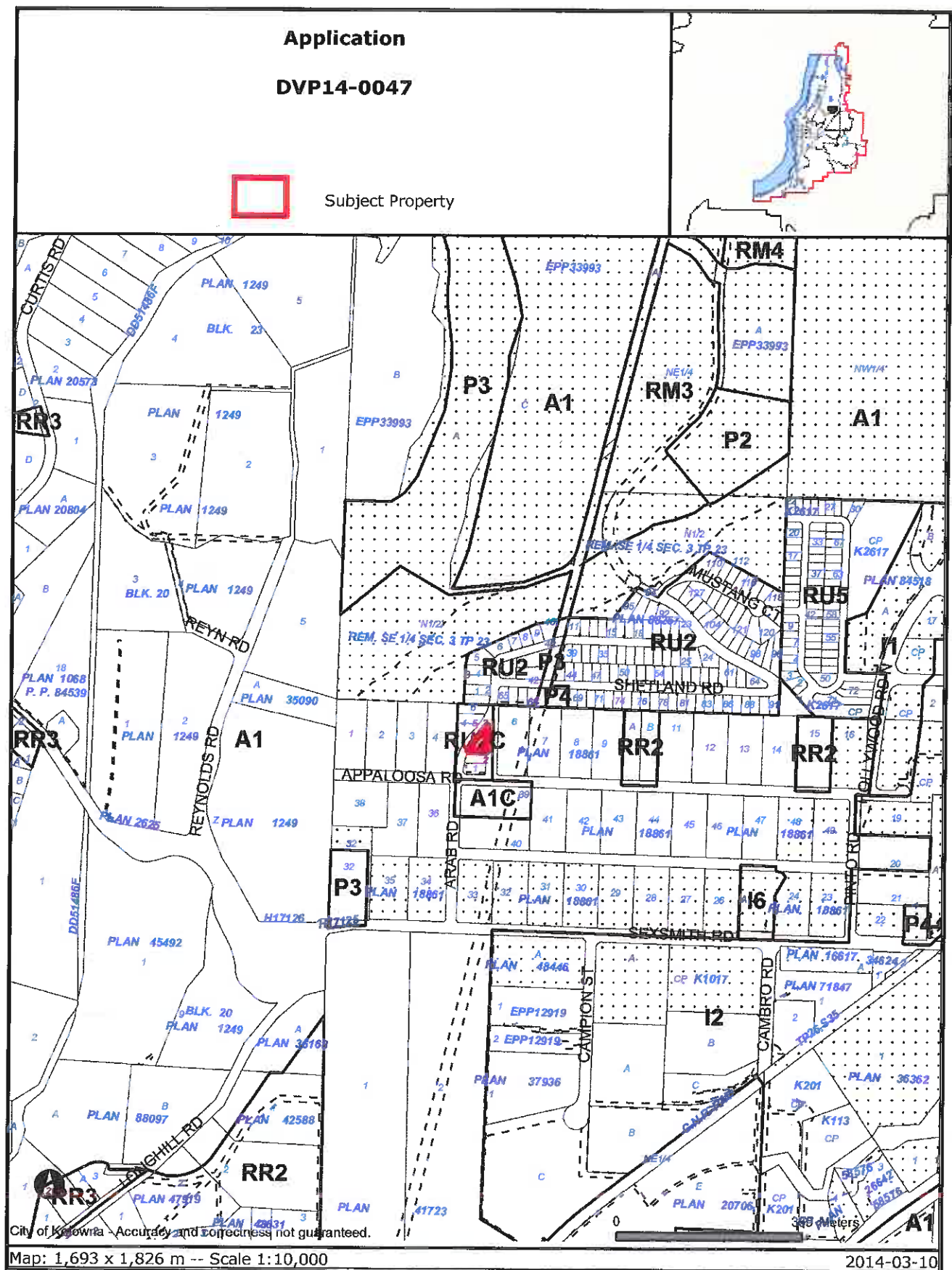
☐

Doug Gilchrist, Community Planning  
& Real Estate Div. Director

### **Attachments:**

Application Package (Schedule 'A')

Development Engineering Memorandum



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 18, 2014  
**File No.:** DVP14-0047  
**To:** Community Planning (AC)  
**From:** Development Engineer Manager (SM)  
**Subject:** 245 Arab Road – Lot 3, PLAN EPP11475, Sec. 03, twp. 23. ODYD

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The Development Engineering Services comments and requirements regarding this rear yard setback variance application for a deck are as follows:

1. General
  - a) The requested rear yard variance setback does not compromise any Municipal Infrastructure Services.
  - b) This application does not trigger any services upgrades.

---

Steve Muenz, P.Eng.  
Development Engineering Manager

B<sup>2</sup>

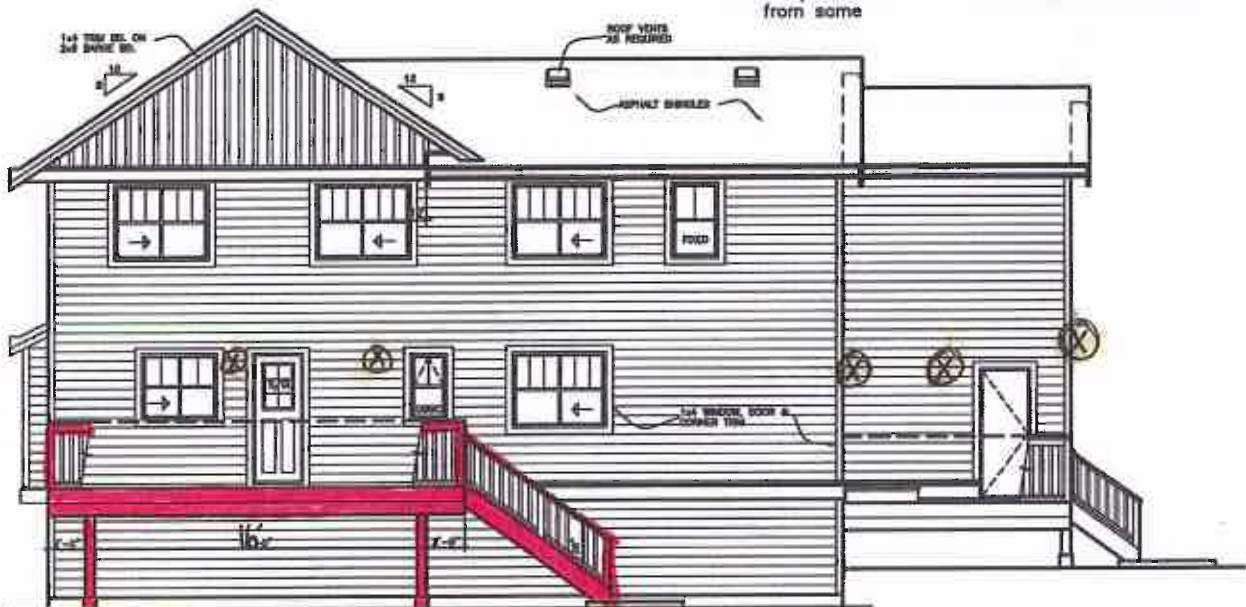


245 ARAB RD



FRONT ELEVATION

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SITE LIGHTING

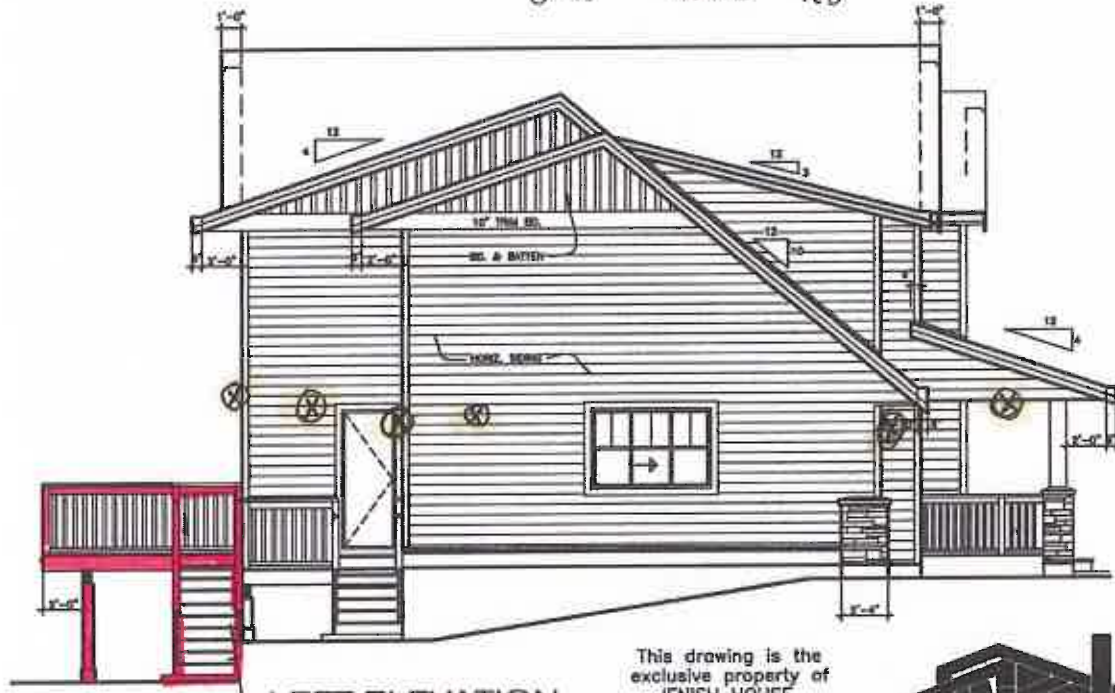
REAR ELEVATION



PROPOSED DECK

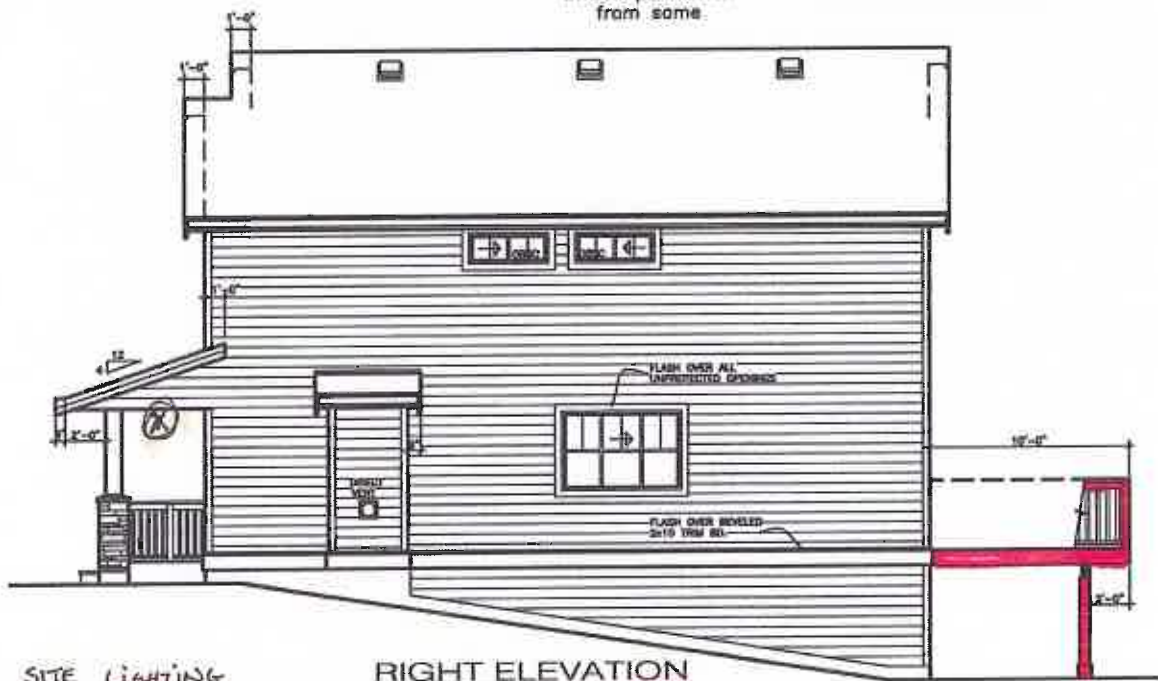


245 ARAB RD



LEFT ELEVATION

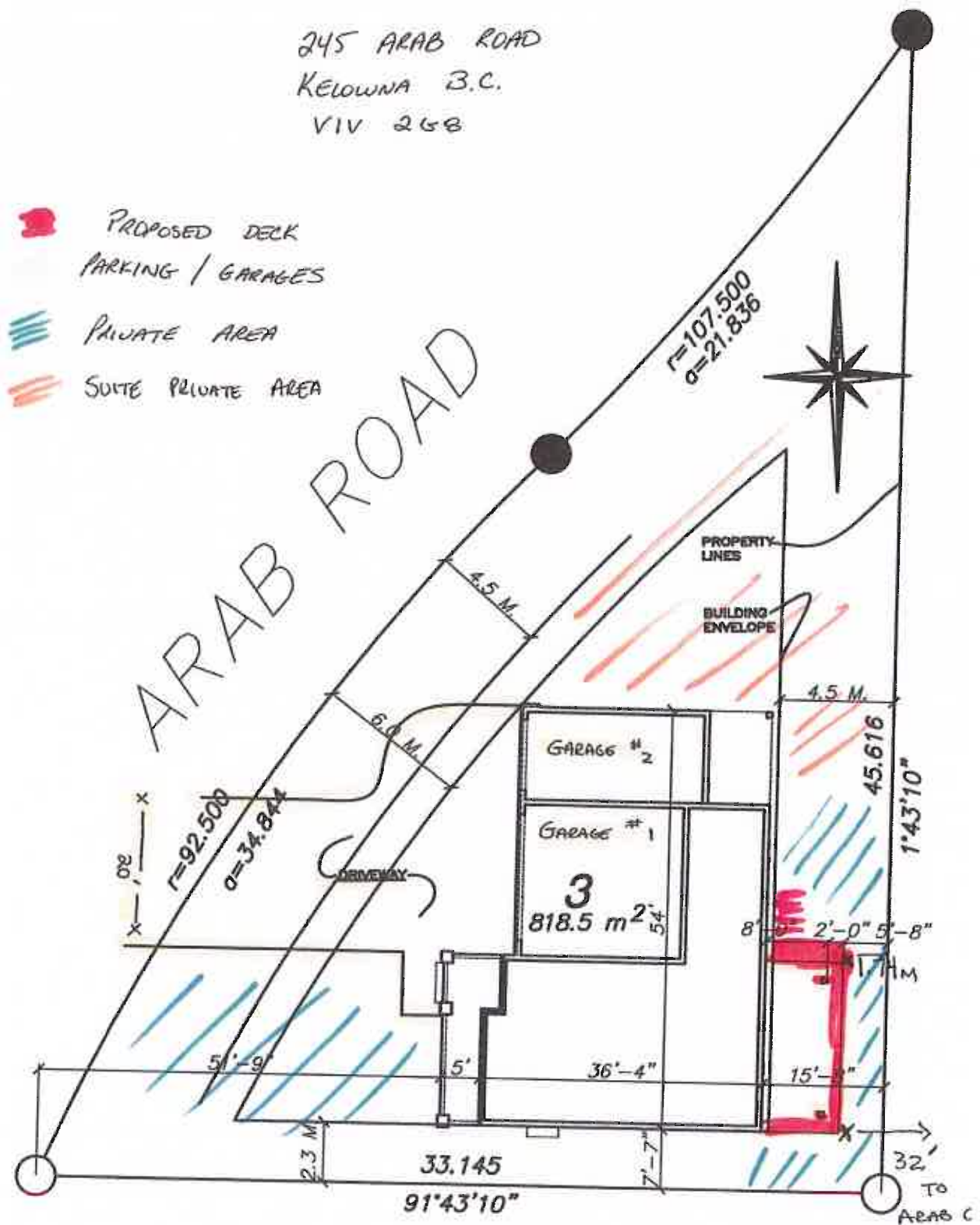
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RIGHT ELEVATION

- ⊗ SITE LIGHTING
- PROPOSED DECK

245 ARAB ROAD  
KELOWNA B.C.  
V1V 2G8

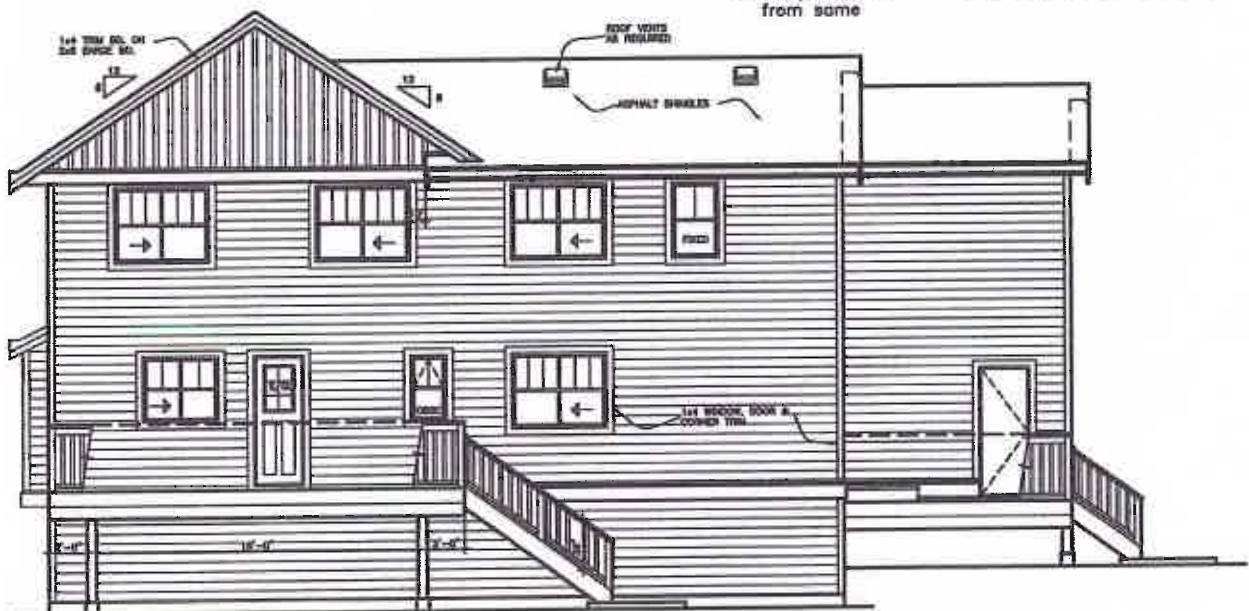


## Schedule 'A'



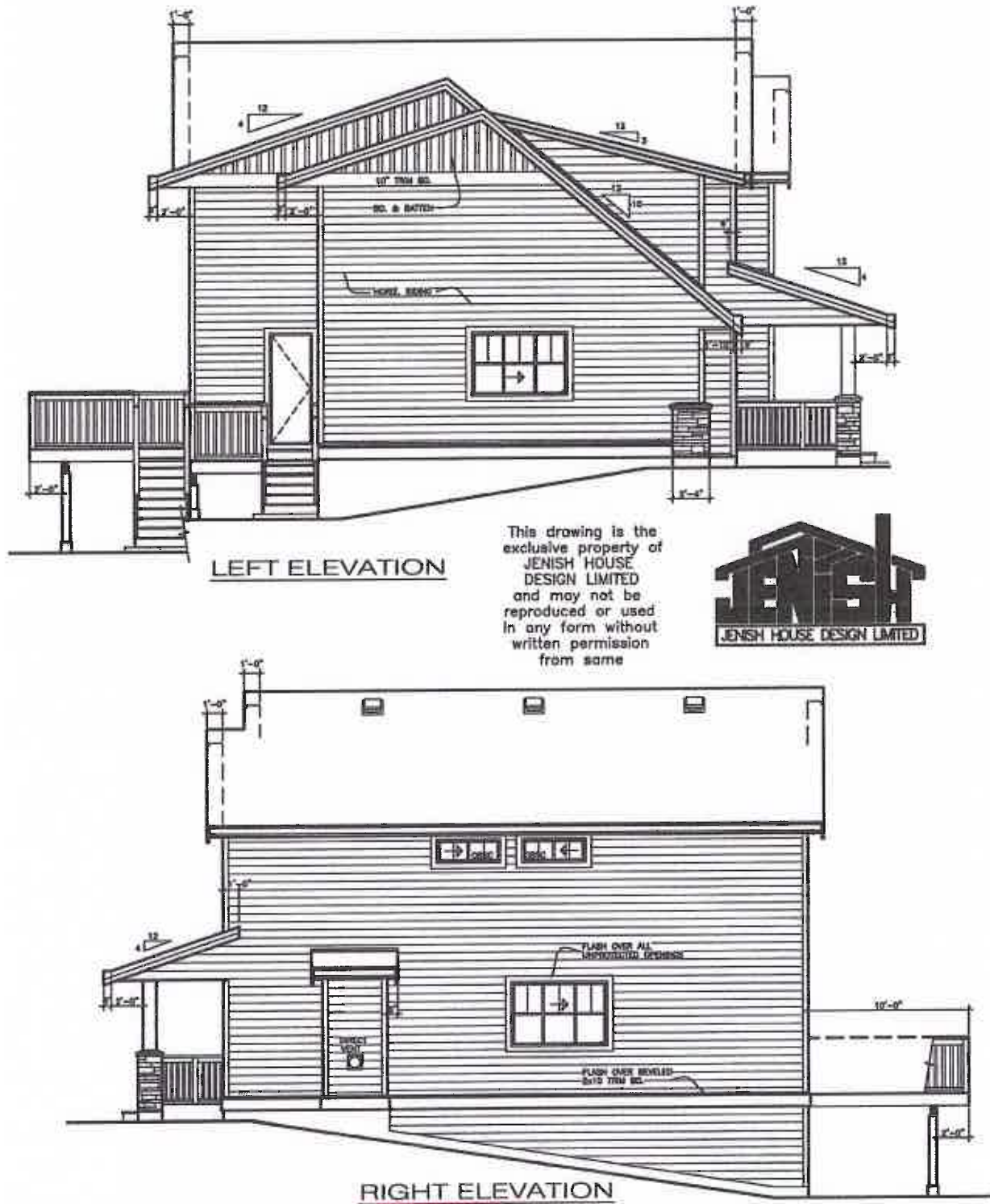
FRONT ELEVATION

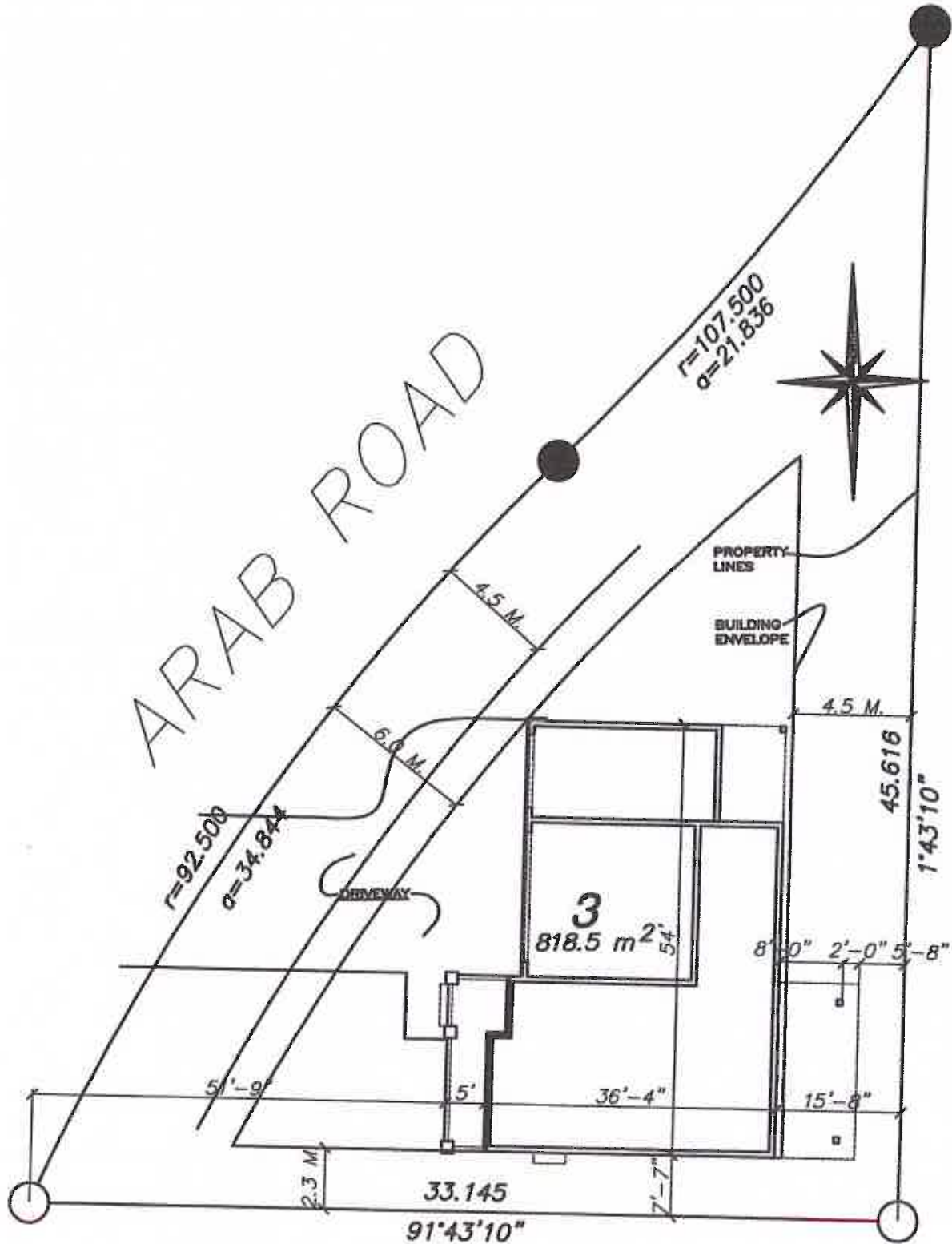
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DESIGN LIMITED  
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written permission  
from same



REAR ELEVATION









**B.C. LAND SURVEYOR'S CERTIFICATE OF  
LOCATION OF BUILDING ON LOT 3  
SEC. 3 TP. 23 O.D.Y.D. PLAN EPP11475**

Civic Address:  
245 Arab Road  
Kelowna, BC



SCALE 1:300

DISTANCES ARE IN METRES.



*All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.*

Ⓢ This document is not valid unless originally signed and sealed.

**CERTIFIED CORRECT**  
this 20th day of November, 2013.

*D.A. Goddard*  
D.A. Goddard BCLS

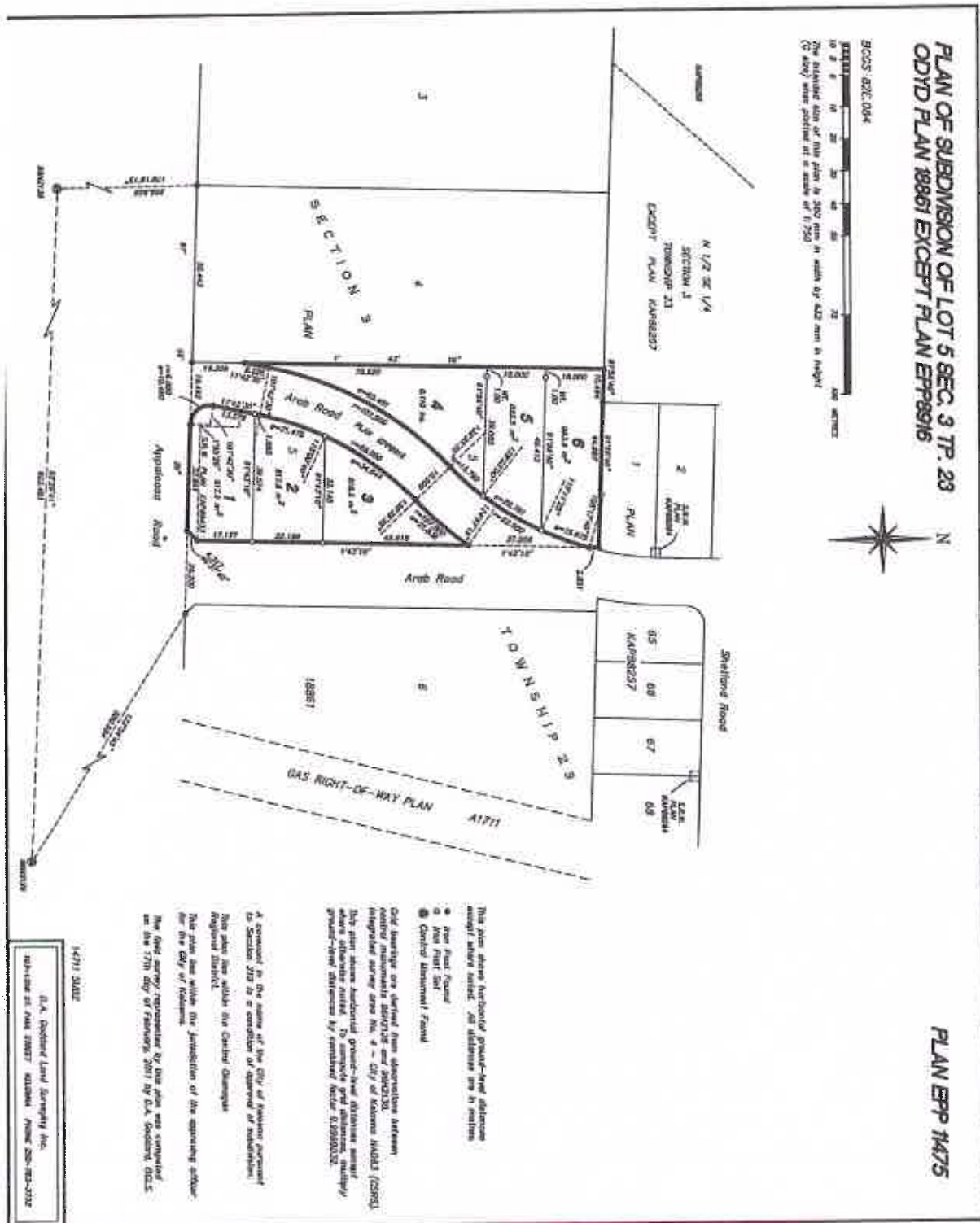
*This plan was prepared for municipal purposes and is for the exclusive use of our client.*

FILE 16314 FB 368  
Center Construction

*This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.*

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.  
103-1358 St. Paul Street, Kelowna  
Phone (250) 763-3733



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0047

EXISTING ZONING DESIGNATION: RU2c – Medium Lot Housing with Carriage House  
DEVELOPMENT VARIANCE PERMIT: The purpose of the DVP is to permit a deck to project 2.76 metres into the rear yard setback.

ISSUED TO: Watermarks Developments Ltd.  
LOCATION OF SUBJECT SITE: 245 Arab Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	3	3		23	ODYD	EPP11475

### SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

#### 1. TERMS AND CONDITIONS:

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

To vary section 6.4.2 which states 'a deck may project 2.5 metres in the case of a rear yard greater than 6.0 metres' to 'permit a deck to project 2.76 metres into the rear yard' (as per schedule 'A').

#### 2. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_, 2014.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_, 2014 BY THE  
DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

\_\_\_\_\_  
Doug Gilchrist  
Divisional Director, Community Planning & Real Estate