



## City of Kelowna

Date: Tuesday, November 4, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh Luke Stack and Gerry Zimmermann

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Subdivision, Agriculture & Environment, Shelley Gambacort; Urban Planning Supervisor, Lindsey Ganczar; Urban Planner, Adam Cseke; and Council Recording Secretary, Arlene McClelland

(\*denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 8:59 p.m.

2. Prayer

A Prayer was offered by Councillor Hobson.

3. Confirmation of Minutes

Moved By Councillor Hobson/Seconded By Councillor DeHart

R805/14/11/04 THAT the Minutes of the Public Hearings and Regular Meetings of October 21, 2014 and October 22, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

Moved By Councillor Blanleil/Seconded By Councillor Given

R806/14/11/04 THAT Bylaw No. 11012 be amended at first reading to add a 1300 unit cap to the residential component of the Vintage Landing Comprehensive Resort Development.

Carried

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R807/14/11/04 THAT Bylaw No. 11012 as amended at first reading be read a second and third time.

Carried

**5. Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit/ Provincial Referral Applications was given by sending out or otherwise delivering 290 statutory notices to the owners and occupiers of surrounding properties, and 2297 informational notices to residents in the same postal delivery route, between October 21, 2014 and October 24, 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 Permit Application No. DP14-0154 and Development Variance Permit Application No. DVP14-0155 - 783 Kinnear Avenue, W.K. Holdings Ltd.**

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of No Objection  
Tina Taylor, Wardlaw Avenue

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

Applicant is present and available for questions.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Stack

R808/14/11/04 THAT Council authorizes the issuance of Development Permit No. DP14-0154 for Lot 23, District Lot 135, ODYD, Plan 3929, located on 783 Kinnear Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

AND THAT the property owner be required to register a Section 219 Restrictive Covenant on the title of the subject property prior to stratification to permit a maximum of two dwelling units on the site;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0155, for Lot 23, District Lot 135, ODYD, Plan 3929, located on 783 Kinnear Avenue, 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 2 or 2 ½ storey portion of a building from 7.5 m permitted to 4.88 m proposed.

**Section 13.6.7(f): RU6 - Two Dwelling Housing Other Regulations**

To vary the vehicular access from rear lane permitted to a flanking street as proposed.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within one year of Council's approval of the Development Permit and Development Variance Permit applications, in order for the permits to be issued.

**Carried**

**6.2. Development Variance Permit Application No. DVP14-0178 - 1162 Montrose Place, Tracey Neill & Sergio Sartori**

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of No Opposition  
Anne Mathieson, Mount Royal Drive

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

Applicant is present and available to answer questions.

There were no further comments.

Moved By Councillor Basran/Seconded By Councillor Blanleil

**R809/14/11/04** THAT Council authorize the issuance of Development Variance Permit No. DVP14-0178 for Lot 9, Section 30, Township 26, ODYD , Plan DAP17272 located at 1162 Montrose Place, Kelowna, BC;

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

**Section 13.1.6 Development Regulations**

To vary the minimum rear yard setback from 7.5m required to 5.1m proposed.

**Carried**

6.3. Provincial Referral Application No. PR14-0010 - 3880 Truswell Road, Mission Shores Strata

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Additional Information as Submitted by the Applicant  
Package of additional information as submitted by the applicant.

Letters of Opposition  
Markus Heinrichs, Radiant Road  
Peter Dill, Swaisland Court

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

Wayne Danforth, Consultant representing Applicant

- Complimented staff on their presentation.
- Spoke to the need for the facility as there is a loss of slips by virtue of the natural re-routing Mission Creek.
- Spoke to the implications of Mission Creek sand deposits on boat moorage.
- Spoke to improvements to walkways including the continuation of existing lighting along both major corridors to illuminate walkways.
- Responded to questions from Council.

Gallery:

Peter Dill, Swaisland Court

- Referenced correspondence submitted to Council.
- Spoke to the changes of water depth over the past 35 years.
- Spoke to the tremendous amount of sediment coming from Mission Creek.
- Continued construction of docks is contributing to the increased deposit of sand, mud and other debris on the lake bottom.
- Raised concerns with navigational hazard the dock creates for paddle powered vessels and the extension will make it worse.
- Raised concern regarding a blind spot in front of the dock that increases danger of colliding with speed boats while paddling.
- Summarized his circulated correspondence.

Wayne Danforth, Consultant representing Applicant

- Advised that the sand bar is not due to the dock but the natural restructuring of Mission Creek.
- Confirmed that a kayak could fit under the walkway most of the year.
- Confirmed the new dock layout has a greater benefit to water flow.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Blanleil

**R810/14/11/04** THAT Provincial Referral Number PR14-0010 for the extension of an existing shared dock on Crown Land (Okanagan Lake) from 78.8 meters to 101.8 meters in length and from 34 boat slips to 54 boat slips associated with Lot CP, Plan KAS2672 located at 3880 Truswell Road, Kelowna, BC be supported by Municipal Council;

AND THAT Council makes comment on the following:

THAT appropriate lighting requirements for safety be installed for navigation;  
THAT Council is concerned with the long term implications of accretion of sand;  
THAT Council supports the proposed elevation for the dock;

AND FURTHER THAT Council directs staff to forward the subject application to the Province for consideration.

Carried

**6.4. Development Variance Permit Application No. DVP14-0147 - 1383 Dilworth Crescent, Jason Hatter**

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of Opposition  
Carol Carnegie, Ridgeway Drive  
Haley Williamson & Rob Newmarch, Dilworth Crescent

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

Jason Hatter, Applicant

- Spoke to the issues raised in the correspondence and advised that the trailer that was referenced belongs to his neighbor and that he is only providing temporary storage.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hobson

**R811/14/11/04** THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0147, for Lot 14, Sections 20 & 20, Township 26, ODYD, Plan 5070, located on 1383 Dilworth Crescent, Kelowna, BC;

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

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

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 1.0 m proposed.

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

To vary the minimum rear yard from 7.5 m permitted to 1.5 m proposed.

Carried

**6.5. Development Variance Permit Application No. DVP14-0136 - 1398-1400 Cherry Crescent East, Rancar Services Ltd.**

Staff:

- Displayed a Power Point Presentation summarizing the application.

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.

Applicant is present and available for questions.

There were no further comments.

Moved By Councillor Hobson/Seconded By Councillor Stack

**R812/14/11/04** THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0136, for Lot A, Section 20, Township 26, ODYD, Plan 11241, located on 1398-1400 Cherry Crescent East, Kelowna, BC;

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

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

To vary the minimum side yard for a 1 or 1 ½ storey portion of a building from 2.0 m permitted to 0.97 m proposed.

**Carried**

6.6. Development Variance Permit Application No. DVP14-0180 - 2106 Harvey Avenue, WB133 Holdings Inc.

Staff:

- Displayed a Power Point Presentation summarizing the application.

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.

Applicant is present and available for questions.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

**R813/14/11/04** THAT Council authorize the issuance of Development Variance Permit No. DVP10-0180 for Lot A, District Lot 127, ODYD, Plan 24849, Except Plan KAP88861, located at 2106 Harvey Avenue, Kelowna, BC;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

**Section 6.1: Specific Zone Regulations Major Commercial: Fascia Signage: 2 Per Business Frontage**

To vary the number of allowable fascia signs on the southern façade of the building from 2 permitted to 3 proposed in addition to 3 existing.

**Carried**

6.7. Development Variance Permit Application No. DVP14-0172 - 1060 Kelly Road, Nancy & Terry Lock

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of Opposition

Don & Judi Winkler, Rhondda Crescent  
Pat Toth, Rhondda Crescent  
Devin & Julie Rubadeau, Rhondda Crescent  
Veronica McKitrick, Rhondda Crescent  
Elaine von Tiesenhausen & Marjorie Favali, Kelly Road

Petition of Opposition

A petition of opposition containing 14 signatures of owners/occupants of the surrounding properties as submitted by Devin and Julie Rubadeau of Rhondda Crescent.

Letter of Conditional Support

Brenda Campbell, Gosnell Road

Mayor Gray 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

- Will respond to questions raised by the public.

Gallery:

John Tyre, Kelly Road

- Immediate neighbor to the Applicant.
- Raised concerns with respect to height and size of the proposed building.
- Raised concerns with vehicles parking on the front lawn and unsightly premises.
- Opposed to the application.

Devin Rubadeau, Rhondda Crescent

- Immediate neighbor to the Applicant.
- Raised concerns with respect to height and length of the proposed building. The proposed building is 25% larger than the Applicant's home.
- Raised concern with how this proposal will impact the character of the neighborhood.
- Opposed to the application.

Brenda Campbell, Gosnell Road

- Property borders the Applicant's property.
- Provided letter of conditional support but want to ensure that my neighbour's concerns are taken into consideration.
- The Applicant has agreed to plant shrubbery along the common property line to mitigate site line issues.

Birte Decloux, Applicant Representative

- The application is for a variance for an accessory building that is intended to house an RV, other vehicles, patio and pool items.
- The Zoning Bylaw permits an accessory building and asking for a variance to allow for a larger footprint.
- The creek riparian area limits the building envelope.
- Owners operate a contracting business off-site.
- There is no manufacturing that occurs on the property.
- There have been no bylaw enforcement complaints against the property.
- Responded to questions from Council.

Council:

- The requested building size and height are too great for the lot and neighbourhood.

- The accessory building is considerably larger than what the Zoning Bylaw permits.
- The variance is out of character with the neighbourhood.
- The neighbourhood is opposed to this application.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Blanleil

**R814/14/11/04** THAT Council **NOT** authorize the issuance of Development Variance Permit No. DVP14-0172, for Lot 15, District Lot 135, ODYD, Plan 18974, located on 1060 Kelly Road, Kelowna, B.C.

Carried

Moved By Councillor Basran/Seconded By Councillor DeHart

**R815/14/10/21** THAT the Regular Meeting proceed beyond 11:00 p.m.

Carried

Councillor Hobson - Opposed

**6.8. Development Variance Permit Application No. DVP14-0187 - 4064 Lakeshore Road, Rex Jardine**

Staff:

- Displayed a Power Point Presentation summarizing the application.

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

Letters of Opposition

David & Sharon Banman-Smith and Sherry Flintoft, Lakeshore Road

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

Gallery:

Dave Smith, Lakeshore Road

- Resident of Imperial Apartments.
- The proposal has an impact on site lines and seriously affects the view of the lake.
- Displayed power point presentation supporting his reasons for opposition.
- Opposed to this application.

Penny Ingleman, Lakeshore Road

- Immediate neighbor to Applicant.
- This proposal has a direct negative impact on my home restricting the view and privacy that my family has enjoyed for 35 years.
- The Applicant may argue that other properties have the same setback but those homes were constructed to the guidelines of that time.
- Submitted correspondence to Council approximately 3 to 4 weeks ago.
- Opposed to this application.

Staff:

- Confirmed that correspondence from Penny Ingleman was circulated to Council 3 to 4 weeks ago as council correspondence.

Gary Tebit, Applicant Representative

- Spoke to existing site lines.



- Not impeding the lake view but the side of Imperial Apartments.
- Responded to questions from Council.

Chris Thompson, Builder

- Great care and consideration was taken on this home to lesson impacts of site lines.

Tim Berg, Owner of Property

- Spoke to the location of houses on other lots in the neighbourhood and wanting to be in keeping with them.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

**R816/14/10/21** THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0187, for Lot 1, Sec. 1, Twp. 25 and Sec 6, Twp. 26, ODYD, Plan KAP89719, located on 4064 Lakeshore Road, Kelowna, BC, subject to the following:

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

Section 6.11.1: General Development Regulations - Okanagan Lake Sight Line To vary the Okanagan Lake 120 Degree Panoramic Sight Line from 120 degrees required to 90 degrees proposed.

**Defeated**  
Councillors DeHart, Hobson, Singh, Stack and Zimmermann - **Opposed**

**7. Reminders**

**8. Termination**

The meeting was declared terminated at 12:11 a.m.

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Mayor

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

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