



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, December 15, 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 and Luke Stack

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 7:20 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

### 3. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor Sieben

R980/15/12/15 THAT the Minutes of the Public Hearing and Regular Meeting of December 1, 2015 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 2975 & 2980 Gallagher Road, BL11169 (OCP15-0015) - Gordon Kirschner et al

Moved By Councillor Gray/Seconded By Councillor Donn

R981/15/12/15 THAT Bylaw No. 11169 be read a second and third time and be adopted.

Carried

**4.2 580 Patterson Avenue, BL11170 (Z15-0034) - Teresa Corea-Gaspari**

Moved By Councillor Hodge/Seconded By Councillor Gray

**R982/15/12/15** THAT Bylaw No. 11170 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 Applications was given by sending out or otherwise delivering 111 statutory notices to the owners and occupiers of surrounding properties, and 1861 informational notices to residents in the same postal delivery route, between December 1 and December 4, 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. Development Permit and Development Variance Permit Reports**

**6.1 204 Poplar Point Drive, DVP15-0185 - Rod & Jody Hazard**

Staff:

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

The City Clerk advised that the following correspondence had been 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.

**Shane Baxter, Applicant**

- Advised that the 1.5 m grade change is being sought in order to keep it consistent with the neighbour to the west.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R983/15/12/15** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0185 for Lot 1 District Lot 219 ODYD Plan 4561, located at 204 Poplar Point Drive, Kelowna, BC;

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

**Section 6.6.2: Height and Grade General Development Regulations**

To vary the height of the lowest floor or walkout basement when measured from approved building grade to the top of the finished floor above the slab from 3.6m maximum to 4.88m proposed.

**Section 7.5.9: Fencing and Retaining Walls**

To vary the height of a retaining wall when measured from grade on the lower side from 1.2m maximum to 4.88m 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.

Carried

## 6.2 723 Stockwell Avenue, DP15-0153 & DVP15-0159 - Donald Gordon

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Don Gordon, Applicant

- Spoke highly of City staff's assistance but thought the process was extreme for what was being asked to comply with.
- Spoke to parking requirements that prohibit driveway access when lane ways are present. With an apartment building being developed across the street parking will become a premium.

Gallery:

Keith Kish, Thompson Road

- Raised concern with size of carriage houses in his neighbourhood and lack of privacy for surrounding neighbours.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Gray

**R984/15/12/15** THAT Council authorizes the issuance of Development Permit No. DP15-0153 for Lot C District Lot 138 ODYD Plan 35325, located at 723 Stockwell Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "B,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "C";

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0159 for Lot C District Lot 138 ODYD Plan 35325, located at 723 Stockwell Ave, Kelowna, BC;

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

**Section 9.5b.14: Carriage House Regulations**

To vary the required minimum side yard from 2.0 m permitted to 1.23 m proposed.

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

Carried

**6.3 534 Oxford Avenue, DP15-0237 & DVP15-0238 - Jason & Shaine Fehr**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Applicant was not present.

No one came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor DeHart

**R985/15/12/15** THAT Council authorizes the issuance of Development Permit No. DP15-0237 for Lot 3 Block 14 District Lot 9 ODYD Plan 3915 located at 534 Oxford Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B",

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0238 for Lot 3 Block 14 District Lot 9 ODYD Plan 3915 located at 534 Oxford Avenue, Kelowna, BC;

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

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

To vary the net floor area of a carriage house to exceed the net floor area of the principal dwelling from 75% maximum to 81.36% proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 15, 2015;

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

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

**Carried**

**6.4 310 Mugford Road, BL11122 (Z15-0017) - Harjinder Kaur Malhi et al**

Moved By Councillor Donn/Seconded By Councillor Given

**R986/15/12/15** THAT Bylaw No. 11122 be adopted.

**Carried**

**6.5 310 Mugford Road, DVP15-0082 - Harjinder Kaur Malhi et al**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence had been received:

**Letters of Opposition or Concern:**  
**Noreen Carter, Mugford Road**

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**

- Spoke to the minor variance requested and the intent of the proposal.

No one came forward.

There were no further comments.

**Moved By Councillor Given/Seconded By Councillor Singh**

**R987/15/12/15** THAT final adoption of Rezoning Bylaw No. 11122 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0082 for Lot B Section 26 Township 26 ODYD Plan 27494 located at 310 Mugford Road, Kelowna, BC;

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

**Section 13.2.5 (a): RU2 - Medium Lot Housing Subdivision Regulations**

To vary the minimum required lot width from 13.00 m to 12.95 m on the subject parcel.

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

**Carried**

**7. Reminders**

Budget Meeting held on Thursday, December 17<sup>th</sup>.

**8. Termination**

The meeting was declared terminated at 8:12 p.m.

\_\_\_\_\_  
Mayor

/acm

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