



**City of Kelowna**  
**Regular Council Meeting**  
**Minutes**

Date: Tuesday, May 16, 2017  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart\*, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben\*, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist\*; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and FOI Legislative Coordinator, Sandi Horning

(\* denotes partial attendance)

**1. Call to Order**

Mayor Basran called the meeting to order at 8:16 p.m.

**2. Reaffirmation of Oath of Office**

The Oath of Office was read by Mayor Basran.

3. **Confirmation of Minutes**

**Moved By Councillor Sieben/Seconded By Councillor DeHart**

**R389/17/05/16** THAT the Minutes of the Public Hearing and Regular Meeting of April 25, 2017 be confirmed as circulated;

AND THAT the Minutes of the Public Hearing and Regular Meeting of May 2, 2017 be confirmed as circulated.

**Carried**

4. **Bylaws Considered at Public Hearing**

4.1 **1065 Guisachan Rd, Z17-0022 (BL11390) - Bridget McKitrick-Gillberg & Michael Gillberg**

**Moved By Councillor Hodge/Seconded By Councillor Gray**

**R390/17/05/16** THAT Bylaw No. 11390 be read a second and third time and be adopted.

**Carried**

4.2 **140 Mills Road, Z17-0003 (BL11391) - Derer's Tile Haus Inc. No. BC917501**

**Moved By Councillor Gray/Seconded By Councillor Hodge**

**R391/17/05/16** THAT Bylaw No. 11391 be read a second and third time.

**Carried**

4.3 **849 Raymer Road, Z17-0017 (BL11392) - Sascha and Margaret Heinrich**

Councillor Sieben declared a conflict of interest as he owns property adjacent to the subject property and left the meeting at 8:20 p.m.

**Moved By Councillor Given/Seconded By Councillor Donn**

**R392/17/05/16** THAT Bylaw No. 11392 be read a second and third time and be adopted.

**Carried**

Councillor Sieben rejoined the meeting at 8:21 p.m.

**4.4 1920-1936 Summit Drive, TA17-0006 (BL11393) - Lindy Holdings Ltd**

Councillor DeHart declared a conflict of interest as the proposed use of the subject property is in competition with her employer and left the meeting at 8:21 p.m.

**Moved By Councillor Donn/Seconded By Councillor Given**

**R393/17/05/16** THAT Bylaw No. 11393 be read a second and third time.

**Carried**

Staff:

- Responded to questions from Council.
- Provided the rationale for scrutizing liquor sales in the area.

City Manager:

- Provided clarification regarding the application and the CD3 zone.

Councillor DeHart rejoined the meeting at 8:27 p.m.

**4.5 242 Clifton Road, Z17-0016 (BL11399)- James and Nelly Oostenbrink**

**Moved By Councillor Stack/Seconded By Councillor DeHart**

**R394/17/05/16** THAT Bylaw No. 11399 be read a second and third time.

**Carried**

Councillor Hodge – Opposed.

**Moved By Councillor Stack/Seconded By Councillor DeHart**

**R395/17/05/16** THAT Council directs staff to investigate options, and implement a solution, for pedestrian and vehicular delineation with respect to the pedestrian walkway located adjacent to 242 Clifton Road in order to mitigate any potential pedestrian/vehicular conflicts.

**Carried**

Councillor Hodge – Opposed.

**4.6 4491 Nottingham Road, Z17-0004 (BL11400) - Christine Reimann**

**Moved By Councillor DeHart/Seconded By Councillor Singh**

**R396/17/05/16** THAT Bylaw No. 11400 be read a second and third time.

**Carried**

**4.7 547 Osprey Avenue, Z16-0033 (BL11401) - Lok Tien Enterprises Ltd\**

**Moved By Councillor Stack/Seconded By Councillor DeHart**

**R397/17/05/16** THAT Bylaw No. 114,01 be read a second and third time.

**Carried**

**5. Notification of Meeting**

The Deputy City Clerk advised that Notice of these Development Variance Permit Applications was given by sending out of otherwise mailing 25 statutory notices to the owners and occupiers of the surrounding properties on May 2, 2017.

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**

**6.1 905 Kennedy Street, DVP17-0063 - Calla-Syna Dreyer**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Responded to questions from Council.
- Confirmed that a building permit is required for the construction of the pool.
- Confirmed that fence height is also regulated on the property, not just along the property line.
- Confirmed that 'hedge' fencing is not restricted in height.
- Confirmed that fence height is also restricted when atop a retaining wall.

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

**Package of 15 Form Letters of Support submitted by the applicant:**

Calla-Syna Dreyer, Kennedy Street

**Letter of Comment submitted by the applicant:**

Calla-Syna Dreyer, Kennedy Street

Birte Decloux, Applicant's Representative:

- Displayed a PowerPoint Presentation summarizing the rationale for the proposed development.
- Discussed the materials chosen for the fence and noted that the property owner wished to improve aesthetics and mitigate graffiti.
- Advised that the surrounding neighbours are supportive of the variance.
- Responded to questions from Council.

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

Gallery:

Kim Dodds, Liban Court:

- Lives directly across the laneway from the subject property.
- Fully supports the variances and believes that this would be a great addition and enhancement to the neighbourhood.
- Responded to questions from Council.
- Confirmed that there are carriage homes in the neighbourhood.

Staff:

- Responded to questions from Council.
- Clarified the requirements for fencing and retaining walls.

There were no further comments.

**Moved By Councillor Sieben/Seconded By Councillor Given**

**R398/17/05/16** THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0063 for Lot 2 Section 29 Township 26 ODYD Plan 14046, located at 905 Kennedy St, Kelowna, BC.

**Defeated**

Councillors DeHart, Donn, Hodge, Singh & Stack – Opposed.

**Moved By Councillor Stack/Seconded By Councillor Donn**

**R399/17/05/16** THAT Development Variance Permit No. DVP17-0063 for Lot 2, Section 29, Township 26, ODYD, Plan 14046 located at 905 Kennedy Street, Kelowna, BC to allow the construction of a fence be approved subject to the following:

1. The dimensions, siting and exterior finish of the fence to be constructed on the land be in accordance with Schedule "A";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

**Section 7.5.3: Fencing and Retaining Wall Regulations**

To vary the maximum fence height in a residential zone from 2.0m permitted to 2.75m 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**

Mayor Basran and Councillors Given, Gray & Sieben – Opposed.

**8. Termination**

The meeting was declared terminated at 9:26 p.m.

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Mayor

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Deputy City Clerk

/slh