



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, October 17, 2017
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Councillor Charlie Hodge

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:22 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Donn/Seconded By Councillor Sieben

R846/17/10/17 THAT the Minutes of the Public Hearing and Regular Meeting of October 3, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 **4629 Lakeshore Rd, (Amendment to HRA17-0001) BL11478 - City of Kelowna and JEM HTB Properties Inc.**

Moved By Councillor Gray/Seconded By Councillor Given

R847/17/10/17 THAT Bylaw No. 11478 be read a second and third time and adopted.

Carried

4.2 2825 Richter St, (Z17-0057) BL11479 - 1018545 BC Ltd

Councillor Gray declared a conflict of interest as she resides in the notification area and departed the meeting at 6:24 p.m.

Moved By Councillor Donn/Seconded By Councillor Sieben

R848/17/10/17 THAT Bylaw No. 11479 be read a second and third time.

Carried

Councillor Gray rejoined the meeting at 6:24 p.m.

4.3 1065 & 1075 Leathead Rd and 500 Fleming Rd, (Z17-0040) BL11486 - Balkar Gosal, Ranjit Heer and Satwinder & Amarjit Dhesi

Moved By Councillor Stack/Seconded By Councillor DeHart

R849/17/10/17 THAT Bylaw No. 11486 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 Applications was given by sending out or otherwise mailing 94 statutory notices to the owners and occupiers of surrounding properties on Tuesday, October 3, 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 2446 Harvard Road, Z17-0011 (BL11422) - Wayne and Denise Henney

Moved By Councillor DeHart/Seconded By Councillor Stack

R850/17/10/17 THAT Bylaw No. 11422 be adopted.

Carried

6.2 2446 Harvard Road, DVP17-0027 - Wayne and Denise Henney

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

Letters in Support:

Karen and Randy Ellis, Lancaster Crt.

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

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor DeHart

R851/17/10/17 THAT final adoption of Rezoning Bylaw No. 11422 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0027 for Lot A, Section 33, Township 29, ODYD, Plan 9442, located at 2446 Harvard Road, Kelowna, BC;

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

Section 11.1.6(a): A1 – Agriculture Development Regulations

To vary the maximum floor area of a carriage house from 90m² required to 118.9m² existing;

Section 11.1.6(b): A1 – Agriculture Development Regulations

To vary the maximum height of the peak of a carriage house to be taller than the principal dwelling (6.9m required, 7.43m existing);

Section 11.1.6(e): A1 – Agriculture Development Regulations

To vary the maximum distance between the carriage house and the principal dwelling from 10.0m required to 21.5m existing;

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

6.3 495 Glen Pine Court, DVP17-0085 - Harold & Stephanie Schock

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

Harold Schock, Glen Pine Court, Applicant

- Displayed a PowerPoint Presentation, re: 495 Glen Park Court
- Resident of Kelowna since 1974.
- Spoke to the history and pride in his house and wants to build a pool for his sons.
- Displayed photos of backyard and noted there is only 9 feet from the concrete deck and that the backyard is not level.
- Believes that placing the pool in the backyard would negatively impact his neighbours and wants to be a good neighbour
- There is a real sense of community with all neighbours supporting their side yard pool.
- The lap pool will not fit in the backyard and would prefer not to reduce the width of the pool.
- Displayed illustration of retaining walls on Yates Road; consider the pool wall structure as a retaining wall.
- Spoke to the sewer repairs and maintenance costs and noted that they are the owner's responsibility within our property lines.

- Commented that the infrastructure work can continue as the pool wall is over engineered to handle the extra stress; the city has the ability to modify the road or boulevard with this unique pool design.
- Commented that the street is currently separated by 3 meters of Boulevard.
- Noted that there are no immediate plans to change the Official Community Plan on Yates Road.
- Responded to questions from Council.

Gallery:

William Smith, Glen Pine Court

- Supports this application.
- Spoke to the strong sense of community in the neighbourhood.
- Neighbours cannot see any major concerns with the retaining wall being extended from the front of house to the back of house and overall proposal.
- Have absolutely no issues supporting this application.
- The construction is over engineered to ensure safety.
- Believes there is a lot of land available for a future sidewalk.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Donn

R852/17/10/17 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0085 for Lot 10 Section 32 Township 26 ODYD Plan KAP44247, located at 495 Glen Pine Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 6.2.3: Swimming Pools

1. To vary the required minimum flanking street setback from 1.5m required to 0.2m proposed;

AND THAT as a condition of the Development Variance Permit the sewer connection be relocated so it is no longer underneath the proposed pool structure;

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

Defeated
Mayor Basran, Councillors DeHart, Given, Gray, Stack, Sieben & Singh - Opposed

6.4 204 Poplar Point Dr, DVP17-0167 - Rodney & Jody Hazard

Moved By Councillor Stack/Seconded By Councillor Singh

R853/17/10/17 THAT Council defer further consideration of DVP17-0167, 204 Poplar Point Drive to the Tuesday, November 7, 2017 Regular Meeting.

Carried

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 7:14 p.m.

Mayor

City Clerk

/acm