City of Kelowna

Regular Council Meeting

Minutes

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Date:	Tuesday, July 26, 2016
Location:	Council Chamber City Hall, 1435 Water Street
Council Members Present:	Deputy Mayor Mohini Singh and Councillors Maxine DeHart, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Luke Stack
Council Members Absent:	Mayor Colin Basran and Councillor Ryan Donn
Staff Present:	Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; and Legislative Systems Coordinator, Sandi Horning

1. Call to Order

Deputy Mayor Singh called the meeting to order at 6:01 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Hodge/**Seconded By** Councillor DeHart

R573/16/07/26 THAT the Minutes of the Public Hearing and Regular Meeting of July 12, 2016 be confirmed as circulated.

Carried

4. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 358 statutory notices to the owners and occupiers of the surrounding properties between July 12, 2016 and July 15, 2016.

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.

5. Development Permit and Development Variance Permit Reports

5.1 2002 Enterprise Way, DVP15-0291 - Telus Communications Inc.

Staff:
- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Letter of Opposition
Helen McLaren, Enterprise Way

Deputy Mayor Singh invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council. The applicant was not present and no one else came forward.

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

R574/16/07/26 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0291 for Lot B DL 140 ODYD Plan KAP76401 located at 2002 Enterprise Way, Kelowna, BC;

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

Section 6: Public and Institutional Zones (P4) Fascia Signs
To vary the maximum number of signs per building frontage from 1 (allowed) to 2 (proposed) on Enterprise Way

Section 6: Public and Institutional Zones (P4) Fascia Signs
To vary the maximum area of Sign #1 from 18.3m^2 (allowed) to 35.93m^2 (proposed)

Section 6: Public and Institutional Zones (P4) Fascia Signs
To vary the maximum area of Sign #2 from 18.3m^2 (allowed) to 30.58m^2 (proposed)

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Section 6: Public and Institutional Zones (P4) Fascia Signs
To vary the maximum area of Sign #3 from 9.14m^2 (allowed) to 33.64m^2 (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
Councillors Given & Gray - Opposed.

5.2 2530 Monte Vista Lane, DVP16-0112 - Yan Joseph Luc Marcel Duret & Ramona Susan Duret

Staff:
- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

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

Additional Letter of Information from the Applicant
Ramona Duret, Monte Vista Lane

Deputy Mayor Singh invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council.

Ramona Duret, Owner
- Spoke to some of the errors that were inadvertently made during the construction of the dwelling.
- Provided the rationale for the size of the retaining wall and clarified that the wall was not constructed over a weekend.

Gallery:
Janet Varga, Lago Vista Street
- Lives directly adjacent to the subject property.
- Believes that the contractor knew the rules and regulations and choose to ignore them.
- Displayed photos to indicate the height and size of the retaining wall.
- Made comment regarding the conduct of the contractor.
- Believes that the roof is over height.
- Made comment regarding the Building Scheme that is in place for the Kirschner Mountain development with respect to both form and character and building height.
- Have had discussions with representative of Kirschner Mountain regarding the construction issues.
- Noted that construction continued during the Stop Work Order.
- Made comment that the development signage was not properly posted pursuant to the City's Development Application Procedures Bylaw.
- Expressed a concern that she will have to stare at the retaining wall that is not very pretty.

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- Expressed a concern that even though there has been no Occupation Permit issued, it would appear that the owners have already moved in.
- Opposed to the variances and suggested that the retaining wall be tiered as per the City's bylaw requirements.
- Responded to questions from Council.
- Believes the dwelling on the property is currently over height and expressed a concern that it blocks her view.
- Submitted her speaking notes for the public record.

Ambrus Varga, Lago Vista Street
- Expressed a concern with the construction of the retaining wall.
- Opposed to the variances.
- Believes the roof is currently over height and noted that the colour is contrary to the Building Scheme.
- Expressed a concern that the retaining wall was constructed with the full intent to deceive.
- Expressed a concern that the construction of the dwelling was undertaken contrary to the Building Scheme and the City's bylaws.
- Responded to questions from Council.
- Confirmed that he lives directly behind the subject property.

Yan & Ramona Duret, Owners
- Advised that Mr. Duret works overseas for several weeks at a time and is not always present to directly oversee the construction of the dwelling.
- Advised that the house is not currently occupied. They are moving possessions into the home, but are not currently residing there overnight.
- Very sorry there was a confrontation between their neighbour and the contractor.
- Surprised to find out that the colour of their house is not a permitted colour of green.
- Displayed pictures of other retaining walls in various neighbourhoods around the City.
- Advised that the house is not over height and that it was checked by representatives of Kirchner Mountain who confirmed the house is within the height restriction.
- Responded to questions from Council.
- Although it would be possible to tier the retaining wall, they are not prepared to tier it as it would eliminate access to the secondary suite.

Staff:
- Spoke to how the City checks for building height as part of the plan checking stage, and noted some of the challenges associated with construction in hillside developments.
- Confirmed that the City does not enforce conditions of third party Building Schemes.
- Confirmed that the building meets the height requirements of the City's Zoning Bylaw.

There were no further comments.

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

R575/16/07/26 THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0112 for the property legally known as Lot 16, Section 12, Township 26, ODYD, Plan KAP88598, located on 2530 Monte Vista Lane, Kelowna, BC;

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

Section 7.5.9 - Fencing and Retaining Walls Regulations
To vary the height of a side retaining wall from 1.2 metres to approximately 3 metres in accordance with the drawings attached to the Development Variance Permit described in Schedule "A";

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
Councillors DeHart, Hodge & Stack - Opposed.

5.3 731 Royal Pine Drive, BL11248 (Z16-0013) - Richard & Jennifer Sutton

Moved By Councillor Stack/**Seconded By** Councillor Gray

R576/16/07/26 THAT Bylaw No. 11240 be adopted.

Carried

5.4 731 Royal Pine Drive, DVP16-0053 - Richard & Jennifer Sutton

Staff:
- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence and/or petitions had been received.

Deputy Mayor Singh invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments. No one else came forward.

Moved By Councillor Given/**Seconded By** Councillor Stack

R577/16/07/26 THAT final adoption of Rezoning Bylaw No. 11248 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0053 for Lot 25, Sec. 30, Twp. 26, O.D.Y.D., Plan 40293, located at 731 Royal Pine Dr., Kelowna, BC;

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

Section 7.5.9: Fencing and Retaining Walls
To vary the maximum permitted height of a retaining walls from 1.2m permitted to 2.3m proposed.

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Section 13.1.6(b) iii RU1 - Large Lot Housing Development Regulations
To vary the maximum permitted height of an accessory building from 4.5m permitted to 5.92m 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. Reminders

Councillor Stack:
- Inquired whether the recently announcing 15% Provincial Property Transfer Tax on foreign owner property purchases will have any implications for Kelowna.

Acting City Manager:
- There does not appear to be a significant number of unoccupied, foreign-owned homes in Kelowna as there are in other areas of the Province.
- Advised that the City does keep statistics on community trends and will watch for changes.

7. Termination

The meeting was declared terminated at 7:27 p.m.

Deputy Mayor Singh

City Clerk

/slh

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