

*delivered by hand
Wed, Aug. 28, 2019*

**Mr. & Mrs. Colin Miles
#300, 4035 Gellatly Road S.
West Kelowna, B.C. V4T 1R7**



August 27, 2019

Development Services
City of West Kelowna
Municipal Hall
2760 Cameron Road,
West Kelowna, B.C. V1Z 2T6

Attention: Mr. Levan King Cranston

Dear Sirs:

Re: Development Variance Permit 19-10: Unit 159, 4035 Gellatly Road S.

This letter will serve as our opposition to the above-referenced Development Variance Permit.

As owners of Unit 300, 4035 Gellatly Road S., our property backs onto the common property that will be negatively impacted by a deck expansion extending so far out from the house. A determining factor of purchasing and moving into Canyon Ridge approximately one year ago was because of the community design. Although each lot is small and the homes close together, owners are provided with a spacious feel and a reasonable level of privacy.

When purchasing within a Strata in West Kelowna, it was our understanding (as it should be for anyone else) that we also bought into both the Strata Bylaws and the West Kelowna Property Development restrictions. We thought this provided us with assurance that any future development or relaxation of variances and development rules would not negatively impact the Canyon Ridge Community, our enjoyment of our property, and very possibly a loss of property value.

In our opinion, an expansion of the scope proposed by the owners of Unit 159 would contribute to negatively impacting the community. **It would also set a precedent** for future variance applications within our community.

It is our understanding there will be a Public Hearing with regard to this Development Variance Permit 19-10. Please note we wish to be informed of the date and time of this Public Hearing in order to speak against an expansion of this magnitude and to register our opposition.

Yours truly,

Colin Miles

Margaret Miles

August 20, 2019

Development Services
City of west Kelowna
Municipal Hall
2760 Cameron Road
West Kelowna, B.C.
V1Z 2T6



Attention: Levan King Cranston

Dear Sirs:

Re: File No. DVP 19-10. Variance Permit Application - Deck Expansion
Nick & Linda Poznikoff. Unit 159 Canyon Ridge Development

In reference to the above application for a variance for deck expansion on the stated property, we would like to record our objection to this application. We feel it would set a precedence which could have an effect on the appearance of other homes in our lovely community. We purchased our home partially based on the placement on the lot which was not infringed upon by other homes. This application is going to be impacting the homes next to it without consideration of their privacy and how much more this balcony would extend closer to the common property. We have been impacted by having to put up with his unsightly dig for footings (without permits) all summer. For some unknown reason he is pressing this plan without consideration of optional foot prints that would not impact his neighbours or the community. We have heard that he has stated that if he doesn't get his way, that he will sue the real estate company that sold him the house, Canyon Ridge Council, and the City of West Kelowna. This obviously is not the best way to start a new life in a new community.

As a point of interest, when our council gives their permission to something like a balcony expansion, it is always with the understanding that it requires city permits and approvals.

We strongly feel this application should be declined as it has been presented.

Yours truly,

[Redacted Signature]
Lynn DALLAS. Wayne DALLAS

Unit 157 Canyon Ridge
4035 Gellatly Road South
West Kelowna, B.C.
V4T 1R7
[Redacted Address]

August 26, 2019

Development Services
City of West Kelowna
Municipal Hall
2760 Cameron Road
West Kelowna, B.C., V1Z 2T6



Delivered by Hand

Attention: Levan King Cranston

Dear Sirs:

Re: File No. DVP 19-10 Variance Permit
Nick and Linda Poznikoff, Unit 159 Canyon Ridge
Development

We are Helen and David Ukrantz the owners of Unit 158 (East Side). We are both opposed to granting the above referenced application for the following reasons.

This is not a minor variance, this development is over the limit and is a very substantial variance from the stated bylaw maximum.

It is not in keeping with the standard deck and patio size in the community. It would go straight out from Unit 159's house and would be bigger compared to other homes along our green space (common area). Also, the appearance would not be consistent with the appearance and size of any neighbouring units. There are ranch style homes directly below. Unit #159 would have a deck almost over top of these residents.

We have our main bedroom large picture window on this side where unit 159 wishes to extend straight out and below that, we have a large guest bedroom window. We lose our privacy in both these rooms if this is allowed. We cannot put up privacy screens due to strata rules, so we have no way to prevent this complete loss of our privacy. We would never have chosen our home if this was the case at that time.

We chose our home #158, 7 years ago, in particular because of it's placement along the green space, views of the lake, and privacy. At the time we had a choice of 4 other brand new homes along the greenway.

Our beautiful green space (common area), is very much enjoyed by our neighbours and by us in Summer and winter. Our Grandchildren use it to play, we sit out back on the lawn when our upper deck gets too hot, In the winter deer actually sleep there in the snow. It is tranquil and peaceful. We have not used our upper or lower deck out back, this entire Summer (Early June this began) because of this on going messy construction site.

This extension requested by unit #159, would set a precedence which could have an effect on the appearance and resale value of our homes. Who would want a home in our lovely community with a lack of privacy. **This would have lasting implications.**

We were comfortable when we bought our home, in feeling that because of Strata and City Bylaws, no major exterior additions to established homes would be built. We have lived here moving from Vancouver in 2012 and purchased our home new.

As far as we are aware this expansion of #159's **upper deck** was started without any permits being given and no consultation with

Page...3

Neighbours, who would be highly impacted. Some consideration before construction even began, would have been community minded.

Strata means, **community living, the good of all should be the consideration.** Are the wants of an individual more important....verses the caring and good of the whole Strata Community?

On a completely personal note*

We have been told by the owner of #159, what he is going to do and what he can do.

We feel harassed and not liking the stress this has brought upon us this entire Summer. Our Community is "over 55" and believe this is not what any neighbours desire.

We do thank you for your attention to this matter and the time you have taken to explain the process to us.

We ask to please be informed of the date of the Public Hearing- we plan to speak.


Yours truly,



David and Helen Ukranitz

#158 4035 Gellatly Road, South

West Kelowna, BC, V4T 1R7 Canyon Ridge Community



Aug. 21, 2019

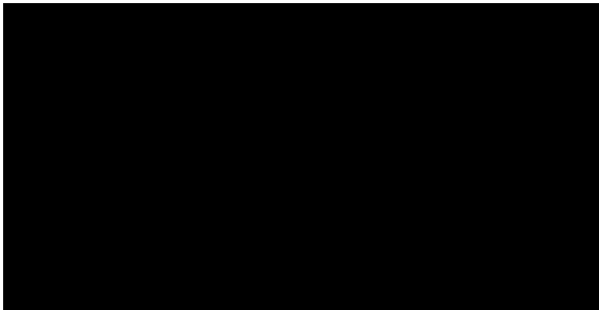
Rob and Joanne Hendriks
#154-4035 Gellatly Road South
West Kelowna, B. C.
V4T 1R7

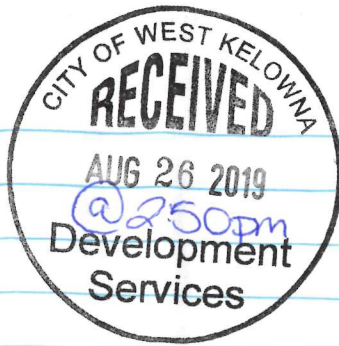


Levan King Cranston

Rob and I are against the deck extension at Unit 159-4035 Gellatly Road South, West Kelowna, as we feel it would set a precedence within our Canyon Ridge Estates Community.

Rob and Joanne hendriks





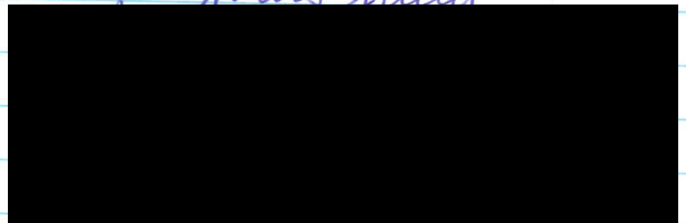
Les & Judy Liebrecht
#150-4035 Millatly Rd
West Kelowna, BC V4T1R7
August 25/2019

Development Services
City of West Kelowna
Municipal Hall
2760 Cameron Road
West Kelowna, BC V1Z 2T6
Attn: Levan King Cranston

Dear Sir:

In regards to unit 159, we are against the variance. Not only does it set a precedence, but also affects property values negatively as well as privacy of neighbors.

Yours truly



From: Marilyn Dumont [REDACTED]
Sent: September-09-19 12:06 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: DVP 19-10

Regarding Development Variance Proposal DVP 19-10 I am writing to advise of my opposition to this proposal.

I feel that it would have a negative impact to the original way the building sites were designed. Larger decks would provide sight lines into other units that the original design took into consideration and resolved. It would also open the door to other site modifications that would take away from the common areas and the privacy we all now enjoy in each of our units.

Marilyn Dumont
151-4035 Gellatly Road
West Kelowna, BC.

August 26, 2019

Marvin and Sharon Dudas
160 – 4035 Gellatly Road South
West Kelowna, BC
V4T 1R7



Levan King Cranston
Development Services
City of West Kelowna
2760 Cameron Road
West Kelowna, BC
V1Z 2T6

Dear Levan,

Re: File No. DVP 19-10

We submit this letter as formal notice that we adamantly oppose the variance request for a deck expansion by Unit 159, Canyon Ridge (DVP 19-10). We are one of the immediate neighbours of the applicant and would be impacted in a major negative way by the proposed addition. The size and shape of the proposed deck appears excessive and irregular and does not conform to other neighbouring properties.

The deck will be out of place with the design and aesthetics of the rest of the homes in Canyon Ridge if it is built as planned by the owner. Existing decks typically extend outward about 8 feet unlike the proposed excessive expansion of the applicant. If the deck extension is allowed, it would be the sole unattractive and disruptive feature of the shared common area for the thirteen neighbouring properties (Units 156 – 163 and 299 – 304).

Being in close proximity to Unit 159, our real estate value would be impacted in a negative way by the proposed deck expansion. We are also concerned that this application for a variance, if approved, will set a precedence for other requests of variances to accommodate nonconforming additions and alterations of properties in Canyon Ridge.

Please bring our concerns up at the appropriate meeting of city council.

Sincerely,

Marvin and Sharon Dudas

/sld

Lyman R. Robinson, Q.C.

**#299 - 4035 Gellatly Road
West Kelowna, B.C.
V4T 1R7**

August 19, 2019

Development Services
City of West Kelowna
Municipal Hall
2760 Cameron Road, West Kelowna, BC V1Z 2T6



DELIVERED BY HAND: August 19, 2019

Attention: **Levan King Cranston**

Variance
Re: Development Permit 19-10: Unit 159 - 4035 Gellatly Road S.

Dear Sir:

I have taken notice of the Development Permit Application posted on the lawn of #159 - 4035 Gellatly Road S. in West Kelowna. The application is to increase the size of the developed area from 40% to 47.6%.

My wife and I are the owners of #299 - 4035 Gellatly Road. S. and I am sending you this letter on behalf of both of us.

We are opposed to granting the above reference application for the following reasons:

1. This is not a minor variance where the applicant is seeking approval for the construction of a deck with the result that the developed area is over the limit by a few tenths of one percent. This is a substantial variance from the stated bylaw maximum.
2. The increase in deck size is not in keeping with the standard deck and patio size in the community of Canyon Ridge. It appears that effect of the application, if granted, would result in a deck that is about twice the size of comparable homes in Canyon Ridge.

3. If the application is granted, it will become the blunt edge of a large wedge. I say blunt edge because I expect that the thin edge of the wedge began with the approval of an increase in deck size of Unit 285 about a year or two ago. On principle, we should have opposed Development Permit Application made by Unit 285; however, it was our understanding that the two adjacent neighbors, who were essentially the only ones who would be affected, did not, at the time of the application, object to the increase in the size of the deck. In the case of the current Development Permit Application DPA 19-10, both of the immediately adjacent neighbors as well as other neighbors oppose the application.

4. If the application is granted, the effect on the neighbors, both the adjacent and surrounding neighbors, will be immediate and long lasting. When the neighbors purchased their houses, they were entitled to rely on the City's development bylaws and be comfortable knowing that no major exterior additions to surrounding houses would be built.

5. Despite the fact that the adjacent neighbors have resided in their homes for many years, how long will the applicant live in Unit 159? An anecdote will serve to make my point. Unit 285, The Development Permit for an increased deck size of Unit 285 was approved a year or two ago. The house has now been listed for sale. Whatever reasons that Unit 285 gave for wanting to expand the deck size of Unit 285, the neighbors have to live with the expanded deck even though the applicant is moving on.

Please inform us of the date of the Public Hearing. I plan to speak at the Public Hearing.

Yours truly,


Lyman Robinson

-----Original Message-----

From: Rose Hampson [REDACTED]
Sent: September-09-19 10:18 AM
To: info west kelowna <info@westkelownacity.ca>
Subject: Attn:city clerk DVP 19-10

To whom it may concern. Re:DVP 19-10

We are owners/occupants of unit 148 - 4035 Gellatly Rd. S. West Kelowna BC. V4T-1R7. Canyon Ridge Strata

We are "opposed" to this application as it would set a precedent in our community. We are not opposed in principle to their deck being enlarged but are opposed to this configuration.

Sincerely Rosalie and Richard Hampson

[REDACTED]

Sent from my iPad

From: Joe Dobrich [REDACTED]
Sent: September-10-19 3:17 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: DVP 19-10

Attn: City Clerk

Regarding dvp 19-10

Although the proposed development does not affect us directly we do have some concerns.

First, the variance applications seem quite excessive. Are they resonable?

Second, the builder in this development did a good job laying out the lots in order to acheive maximum privacy for each and every home owner. It is our understanding that if the requested variances were granted, that the privacy of their immediate neighbor will be severely compromised. That, in itself, seems an unreasonable interference of their neighbors use and enjoyment of their property.

Joe and Mary Dobrich

296-4035 Gellatly Road s
West Kelowna, BC
v4t1r7

From: Maureen [REDACTED]
Sent: September-10-19 6:39 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: DVP 19-10

Attn: City Clerk

We are opposed to the proposal to vary the rear setback of unit 159.

We are concerned that approval of this application would set a precedent allowing other homeowners to apply to extend their decks/patios in such a way that they crowd/encroach on the common areas in the community. The common areas at 4035 Gellatly are a big part of what gives our community its unique character and it would be a shame to see that compromised.

We would like to see the setback maintained at 3 m. which would have less impact on the common greenbelt area.

Sincerely,
Maureen Clark and John Hogbin
Unit 163

Delores Woynarski
#137, 4035 Gellatly Road South
West Kelowna, BC V4T 1R7

#12

City of West Kelowna
Development Services
2760 Cameron Road,
West Kelowna, BC V1Z 2T6

Attention: Levan King Cranston

Re: Notice for Development Variance Permit (DVP 19-10)

TO WHOM IT MAY CONCERN:

I am writing this letter of objection for a development Variance Permit application at the following address:

159 – 4035 Gellatly Road South,

West Kelowna, BC

When we had our house built in 2007/2008 we had to have our house put closer to the front road because we wanted a larger deck so this way our deck was not looking into anyone's bedroom window and we were not encroaching onto the common area of the strata, therefore **WE OBJECT** to the development variance permit application (DVP 19-10) to vary the maximum parcel coverage from 40% to 47.95% and to vary the rear setback from 3.0 m required to 1.07 m proposed to accommodate for a deck extension..

If the City of West Kelowna allows this variance I believe that possibly other strata owners may also want some variance to their property which I believe Aral Construction built all homes here with integrity and understanding of each neighbor.

Thank you for your consideration to this matter.

Yours truly,



Delores Woynarski



From: Lil Miller <[REDACTED]>
Sent: September-11-19 11:59 AM
To: info west kelowna <info@westkelownacity.ca>
Subject: DVP 19-10

Attn: City Clerk

Reginal & Lillian Miller
302-4035 Gellatly Road South,
West Kelowna, BC
V4T 1R7

Strata Lot 102, DL487, ODYD, Strata Plan KAS1001

The property of Unit #159 is directly above and behind our home. Currently this property looks down on our home which we have some protection and privacy with a cedar hedge.

If this deck comes out further, it will be above our trees and will look right into our home.

We **do not** support this proposal.

Thank you,
Reginald & Lillian Miller

WRITTEN SUBMISSION - ATTN: CITY CLERK

Re:

File #: DVP 19-13

Location: 2335 Thacker Dr. West Kelowna

Property affected:

2329 THACKER DR. WEST KELOWNA

Heather + Stephen Spinney



To: *B. Magnan + L. King Cranston
*Mayor and Council

It is very concerning to us, the siting and deliberate placement of the non permit, oversize structure.

It is noncompliant with City of West Kelowna bylaws and negatively impacts our lakeviews, our yard and disrespects our property land value.

It is too large a structure to be that close. It encroaches on our property. What we see now is an oversize structure that resembles an army barracks.

We have been honest taxpaying citizens at this address for 23 years and now the pleasure and enjoyment of our lakeviews has been TAKEN from us.

2.

No more lakeview.
No more twinkling lights of
Kelowna during the night.
Gone.

The accessory structure which applicant created, has two oversize picture windows and the view from them is the lakeview which had been ours for 23 years. Taken from us now at our expense.

Our realtor has advised us that foreseeable resale of our home/property, will be diminished by between \$60,000.00 - \$100,000.00 due to the construction of the oversize, non permit structure and our lost lakeviews. This places undue hardship on us. We seniors need protection. We need advocates for our Rights.

I invite Mr. Magnan and Mr. King Cranston to come sit on our deck, or look out of any of our picture and patio windows, to realize what an objectionable structure has been erected. We would need to stand on our roof now, to get the view we have lost. Where is the good neighbor ordinance?

The non permit structure at issue is partly constructed and I do not accept applicants' "oh I made a mistake", as applicant is VERY well versed in this type of construction. To make my point, one can go to applicants' mortgage broker website and in part it reads and I quote -

"... with an extensive background in construction and renovation business I have worked with investors, developers, general contractors and renovators..." etc - end quote.

It is also IRONIC that farther along in the same website it states, and I quote -

"... Through my experience, I realize the value in home ownership..." etc. - end quote.

It appears that applicant does not value our homeownership or respect our property value by taking away our lakeviews. All disappeared to us now.

Ironical that with all this "experience", applicant failed numerous times to obtain permits from City of West Kelowna. Is this the precedent the City of West Kelowna wants to set for the neighborhood? No permits.

Applicant can easily locate accessory structure on upper southwest area of their property, where it would not interfere with their neighbor to the south, themselves, nor us.

Where is the Accountability?
Where is the Responsibility?
Where is the Integrity?

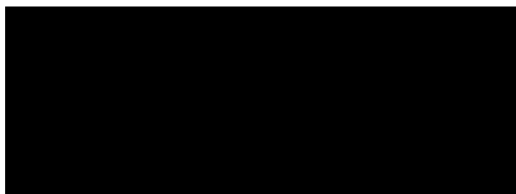
Clearly the only decision to be made is to have the structure taken down.

Please Mr. Mayor and Council,
do NOT reward someone who has repeatedly and intentionally avoided protocol and consideration for good neighbor or City of West Kelowna bylaws and permits.

Emphatically non support for this oversize, encroaching, nonpermit structure, that does ^{not} blend in with the neighborhood.

If laws and bylaws requirements by City of West Kelowna, are made but not enforced, then what is the point of having laws?

Thankyou.



September 10, 2019.

RE: File no DVP 19-10

Development Variance Permit

159-4035 Gellatly Road S. West Kelowna V4T 1R7

I, Ron Smith believe my interest in property is affected by this proposal .

I live 3 houses away from 159-4035 Gellatly Road S, West Kelowna.

This development was designed with common areas for enjoyment for all in this strata.

I feel it would be invasive to the common areas to have this project go forward. I am strongly opposed to this permit being granted.

Ron Smith

161-4035 Gellatly Road S West Kelowna

