
CITY OF KELOWNA
MEMORANDUM

Date: July 2, 2002
File No.: (3090-20) **DVP01-10,092**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP01-10,092

OWNER: BHF BUILDING HEALTHY
FAMILIES SOCIETY,
INC. NO. 24098S

AT: 1390 KLO ROAD

APPLICANT: PORTER RAMSAY,
BARRISTERS &
SOLICITORS

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
WEST SIDE YARD SET BACK FROM 4.5 M REQUIRED TO 1.03
M EXISTING TO DECK

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8806 be considered by the Municipal Council;

THAT Municipal Council authorize the issuance of Development Variance Permit No. DP01-10,092; BHF Building Healthy Families Society; Lot 1, DL 131, O.D.Y.D., Plan 15596, located on KLO Road, Kelowna, B.C.;

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

Section 16.2.5(e) Development Regulations minimum side yard for west side yard be varied from minimum 4.5 m required to 1.03 m existing.

2.0 SUMMARY

The applicant has made application to rezone the subject property from the existing A1 – Agricultural 1 zone to the P2 – education and Minor Institutional zone in order to permit

the continued use of the building located on the subject property for providing training courses for parenting and life skills. This Development Variance Permit has been made to address the location of an existing deck that has been constructed on the west side of the building. The deck is located 1.03 m from the west property line where the P2 zone requires a minimum 4.5 m set back. As the outstanding issues of the Works and Utilities Department have been addressed, it is now appropriate for the rezoning application to proceed Council for adoption consideration of the zone amending bylaw concurrent with consideration of this Development Variance Permit application.

3.0 BACKGROUND

3.1 The Proposal

The dwelling that is located on the subject property was constructed in 1971, at a time when the subject property was not located within the city limits of the City of Kelowna. The Building Healthy Families Society has been in existence since 1988, and has operated out of the building located on the subject property for the last 3 years. The society provides training in the area of parenting and life skills, and is directed towards young parents 15 years to 24 years of age. As well, the society also provides training and support for anger management, and intensive short term service and support for those situations where there is a higher risk of abusive or neglectful environment for children.

There has been an application made to rezone the subject property from the existing A1 – Agricultural 1 zone to the P2 – Education and Minor Institutional zone, a zone that permits the use of the land for education purposes. The applicant has provided letters of support from area residents for this proposed rezoning.

The properties surrounding the subject property are used for institutional uses and the subject property is designated “Education/Major Institutional” future land use in the Official Community Plan. Section 2.4.2. of the Development Application Procedures Bylaw permits the Public Hearing to be waived when the future land use of the property is consistent with the zone under application, and when the surrounding properties are not residential.

A review of the building location on the site plan indicates that the building setback to the west property line is less than required by the P2 zone. The existing building is sited 1.03 m from the west property line, where the P2 zone requires a 4.5 m setback. This Development Variance Permit application has been made to vary the side yard setback provision of the P2 zone in order to authorize the non-conforming building setback to the west property line.

The proposal as compared to the P2 zone requirements is as follows:

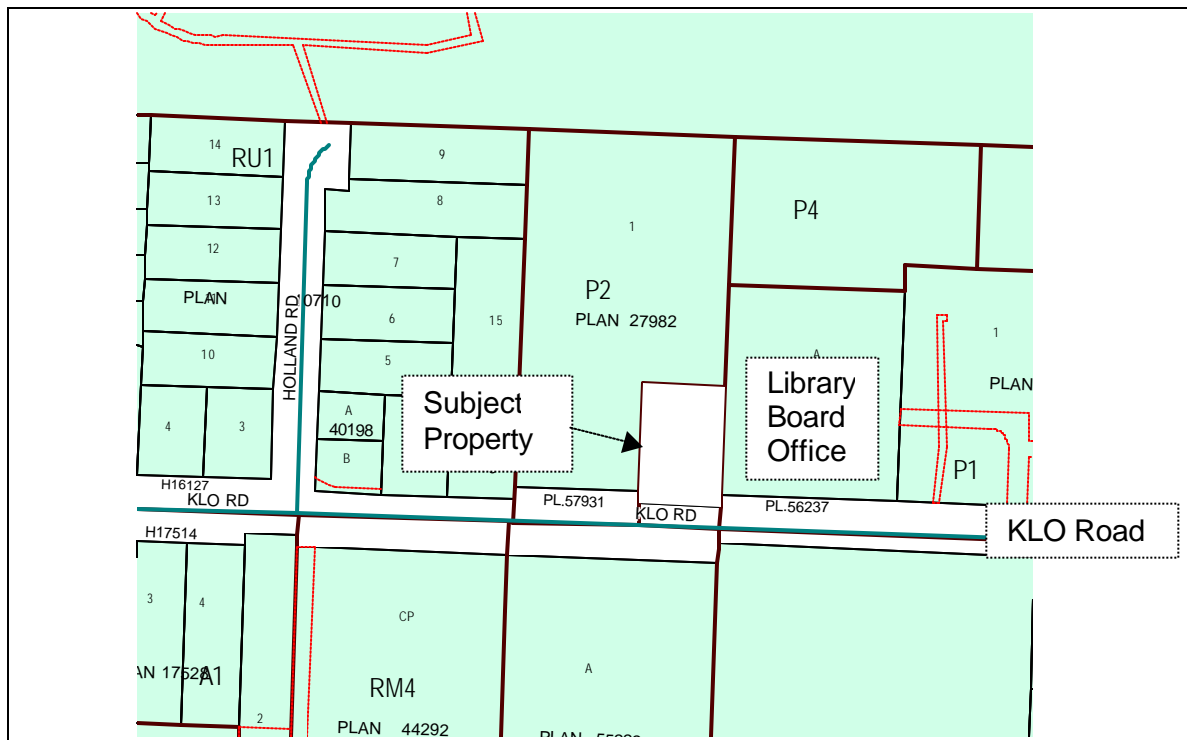
CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m ²)	2,017 m ²	660m ²
Site Width (m)	37.02 m	18m
Site Coverage (%)	9%	40% Building only 60% Bldg & parking areas
Total Floor Area (m ²)	184.2 m ²	2,017m ² max @ FAR = 1.0
F.A.R.	0.091	FAR = 1.0 max
Storeys (#)	1 storey	13.5 m (3 Storeys)
Setbacks (m)		
- Front	17.42 m	6.0m
- Rear	25.53 m	7.5m
- West Side	1.03 m ❶	4.5m
- East Side	19.63 m	4.5m
Parking Stalls (#)	5 stalls provided	1 per 10 persons plus 1 per 2 employees, min. of 4 stalls

Note;

- ❶ This Development Variance Permit application has been made to address the existing building side yard setback of 1.03 m where the P2 zone requires a side yard of minimum 4.5 m.

3.2 Site Context

SUBJECT PROPERTY MAP



The subject property is generally level, and has one single family dwelling constructed on it, located near the south west corner of the property.

Adjacent zones and uses are, to the:

- North - P2 – Education and Minor Institutional, church uses
- East - P1 – Major Institutional, regional library office
- South - P4 – Utilities/ KLO Road, City Parks office
- West - P2 – Education and Minor Institutional, church uses

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposal is consistent with the Kelowna Official Community Plan, which designates the subject property for Institutional future land use.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposed development is generally consistent with the City of Kelowna Strategic Plan (1992) by addressing the following areas;

Objective 7.7 states “To work cooperatively with other levels of government, community-based agencies and Kelowna residents to create and maintain an environment that creates a sense of security and belonging for all residents”,

Strategy 7.12 states "The City will continue to support community-based agencies that deal with issues related to crime prevention including financial and family counselling, services to youth and families, and housing."

3.3.3 South Pandosy / KLO Sector Plan

The proposal is consistent with the South Pandosy / KLO Sector Plan, which designates the subject property for Institutional future land use.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

This department has no objection to this application.

4.2 Inspection Services Department

Wall is to be constructed for fire protection. Non-combustible cladding & construction with 1 hr rating.

4.3 Works and Utilities Department

No Comment

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this proposed rezoning. The subject property is located within an area of established institutional uses, and is designated with the “Institutional” future land use designation in the Official Community Plan. This application will apply a suitable zone to the subject property in order to permit the continued use of the building located on the site for parenting and life skill courses. The counselling and education facility has been operating on the subject property since 1999, and forms a complementary use to the adjacent church development located on the property to the west.

As the subject property has an appropriate future land use designation in the Official Community Plan, and is surrounded by uses that are not residential, Section 2.4.2. of the Development Application Procedures Bylaw permits the Public Hearing to be waived.

This Development Variance Permit application has been made to address the location of the existing deck that is located on the west side of the building. There have been no concerns identified as part of the circulation process.

In light of the above, the Planning and Development Services Department supports this application, and recommends for Council’s positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

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|---|---|
| 1. APPLICATION NO.: | DVP01-10,092 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | BHF Building Healthy Families
Society, Inc. No. 24098S |
| . ADDRESS | 1390 KLO Road |
| . CITY/POSTAL CODE | Kelowna, BC V1W 3P6 |
| 4. APPLICANT/CONTACT PERSON: | Porter Ramsay, Barristers and
Solicitors / Mr. Tom Smithwick QC |
| . ADDRESS | #200 – 1465 Ellis Street |
| . CITY/POSTAL CODE | Kelowna, BC V1Y 2A3 |
| . TELEPHONE/FAX NO.: | 763-7646/762-9960 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | October 10, 2001 |
| Date Application Complete: | October 22, 2001 |
| Servicing Agreement Forwarded to Applicant: | January 11, 2002 |
| Servicing Agreement Concluded: | |
| Staff Report to Council: | July 2, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 1, DL 131, O.D.Y.D., Plan 15596 |
| 7. SITE LOCATION: | North Side of KLO Road East of
Holland Drive |
| 8. CIVIC ADDRESS: | 1390 KLO Road |
| 9. AREA OF SUBJECT PROPERTY: | 2,017 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | N/A |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PROPOSED ZONE | P2 – Education and Minor Institutional |
| 13. PURPOSE OF THE APPLICATION: | To Seek a Development Variance
Permit to Vary West Side Yard Set
Back From 4.5 M Required to 1.03 M
Existing to Deck |

**14. DEVELOPMENT VARIANCE PERMIT
VARIANCES:**

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

Section 16.2.5(e) Development Regulations minimum side yard for west side yard be varied from minimum 4.5 m required to 1.03 m existing.

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

N/A

Attachments

Subject Property Map

3 pages of site plan, survey certificate, floor plan