
CITY OF KELOWNA
MEMORANDUM

Date: August 5, 2004
File No.: DVP04-0053
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0053 **OWNER:** Vedanta Educational Society (Mike Guzzi)

AT: 1180 Houghton Road **APPLICANT:** Vedanta Academy (Mike Guzzi)

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO (A) VARY THE SIDEYARD SETBACK FROM 4.5 M REQUIRED TO 1.0 M PROPOSED, AND (B) ALLOW 11 PARKING SPACES WHERE 27 PARKING SPACES ARE REQUIRED.

EXISTING ZONE: P2 - Education and Minor Institutional

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. 04-0053, Lot A, Sec. 27, Twp. 26, ODYD, Plan KAP71175, located at 1180 Houghton Road, Kelowna, B.C:

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

Section 8.1.2 – Number of Off-Street Vehicle Parking Spaces

Vary the number of spaces required, allowing 11 parking stalls where 27 are required, as it relates to the placement of portable classrooms pursuant to this application.

Section 16.2.5 (e) – Development Regulations

Vary the minimum side yard setback to portables from 4.5 m required to 1.0 m proposed, as it relates to the placement of portable classrooms pursuant to this application.

AND THAT the variances recommended by this report shall only apply for the purpose of locating portable classrooms.

2.0 SUMMARY

First of all, the Applicant requires additional classroom space on this site, and desires to meet that need with the addition of two more portables. Secondly, the Applicant wishes to site the two existing portables, along with the two proposed within 1.0 m of the easterly property line. A variance is required to allow this development.

Because the number of parking stalls provided on site does not meet the Bylaw requirements for that use, an additional variance is required to address this issue.

This application, therefore, seeks to have waived (a) the side yard setback requirement, and (b) the number of parking stalls required.

3.0 BACKGROUND

3.1 **The Proposal**

The site was previously occupied by the West Rutland Elementary School, but was rented for two years by the Applicant, Vedanta Academy, and then purchased in 2002. Since that time, this private school student body has grown to the point that additional classroom space is required. Vedanta Academy is hoping to expand the classroom space on this site through the use of portables, until they acquire a larger site, which would ultimately meet their long term needs. The siting of these portables within 1.0 m of the easterly property line is further requested in order to (a) make better use of the space, and (b) provide some sound and visual buffering from adjacent residential properties to the east.

The application meets the requirements of the P2 - Education and Minor Institutional zone as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area	3,990 m ²	min. 600 m ²
Lot Width	50.46 m	min. 18.0 m
Lot Depth	80.53 m	min. 30.0 m
Site Coverage (buildings)	38%	max. 40%
Site Coverage (parking areas and roads)	47%	max. 60%
Total Floor Area	School building: 1,163 m ² Portables: 4 x 89 m ² = 357 m ² Total: 1,520 m²	n/a
F.A.R.	0.38	max. 1.0
Height	proposed portables: 1-storey	max. 13.5 m or 3 storeys
SETBACKS		
Front	< 6.0 m ⁱ	6.0 m
Side	1.0 m ⁱⁱ	4.5 m
Rear	8.5 m	7.5 m
OTHER REQUIREMENTS		
Student body (existing)	140 students	
Student body (projected)	170 students	
Classrooms	kindergarten 1 elementary 5 secondary 3	
Setback to parking	2.0 m	2.0 m from front property line or any property line abutting a street
Parking Stalls (#)	11 stalls ⁱⁱⁱ	2 stalls/elementary classroom 2 x 6 classrooms = 12 5 stalls/secondary classroom 5 x 3 classrooms = 15 Total: 27 stalls
Landscaping (east sideyard)	chain link fence ^{iv}	A minimum 3.0 m landscape buffer is required consisting of a vegetative buffer or a continuous opaque barrier.

^I The existing school building is legally non-conforming with regard to the front yard setback

^{II} The Applicant is seeking to vary the side yard setback from 4.5 m required to 1.0 m proposed.

^{III} The Applicant is seeking to vary the number of parking spaces required to allow 11 stalls where 27 are required.

^{IV} The Applicant will be required to provide a continuous opaque barrier or amend the standards pursuant to Section 7.6.7 of Zoning Bylaw No. 8000, providing supporting documentation from a registered landscape architect.

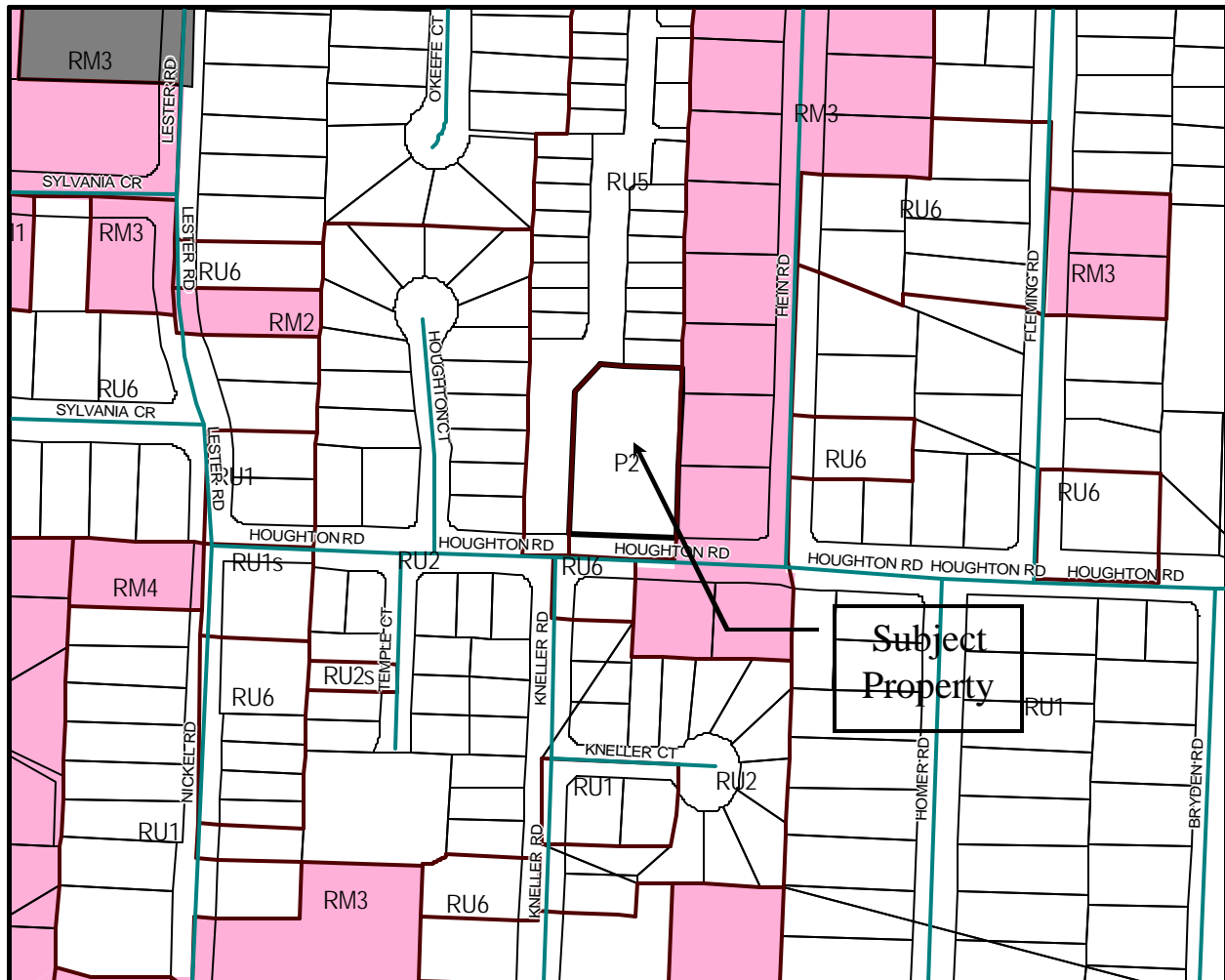
3.2 Site Context

The subject property is located in the Hein Road area of Rutland, north of Hwy 33, at 1180 Houghton Road. The surrounding neighbourhood is a mix of single/two family and low density multifamily residential development. More specifically, the adjacent land uses are as follows:

North	RU5 – Bareland Strata Housing
East	RM3 – Low Density Multiple Housing
South	RM3 - Low Density Multiple Housing RU6 – Two Dwelling Housing
West	RU5 – Bareland Strata Housing RU2 – Medium Lot Housing

3.3 Site Map

Subject Property: 1180 Houghton Road



3.4 Development Potential

The property is zoned P2 - Education and Minor Institutional. The purpose is to provide a zone for private and public educational, residential and recreational uses and religious assemblies. The existing "private education services" use of this property is listed as a principle use within this zone.

4.0 TECHNICAL COMMENTS

4.1 Fire Department

No comments

4.2 Inspections Services

Reducing the set back to one metre will create critical situation for Spatial Separation between portables and adjacent property line. It is strongly recommended that the Designer examine this serious concern and calculate the allowable unprotected openings for the portables on back elevations (if any), allowable type of siding material for one metre limiting distance, the required fire resistance rating of the exterior walls in the back etc.

A detailed Spatial Separation Analysis at this stage will clarify BC Building/Fire Code requirements and possible upgrade and/or reconstruction of the portable exterior wall for 1 m set back.

4.3 Parks Manager

No comments

4.4 Works and Utilities

The proposed side yard reduction for these 4 portable school function units does not compromise W & U servicing requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

In addition to requiring the additional space, the Applicant has cited several arguments to support their request to locate the existing and proposed portables 1.0 m from the east property line (please see attached letter from the Applicant). These arguments may be summarized as follows:

- usability of their property would improve;
- sound attenuation provided by buildings to buffer noise impact on either side;
- discourage interaction between students and potentially dangerous dogs on neighbouring residential properties;
- provide visual buffer between student play area and neighbouring properties;
- proposed 1.0 m setback similar to the side yard setback for an accessory building in a residential zone.
- increased width for emergency evacuation corridor for students;
- improved visibility for night security lighting and monitoring;

Staff agrees with the arguments listed above, and would add that there do not appear to be any major concerns associated with the proposal. As noted in the technical comments above (see specifically Section 4.2 above), the Applicant will be required to provide a detailed Spatial Separation Analysis to confirm that there would be no conflict with B.C. Building/Fire Code Requirements. It is also recommended that, for the purposes of student safety, access to the side yard setback area be controlled to allow access for fire fighting or maintenance purposes only. Furthermore, Staff suggests that the Applicant consider a wider setback to allow some vegetative screening along this property line.

As noted in the report above, the existing number of parking spaces does not meet the Bylaw requirements. Increased classroom space will further this non-conformity. The Applicant has stated, and Staff agrees, that there is adequate parking, however, despite it not meeting the Bylaw requirements. The rationale for this position is detailed below:

Parking requirements for schools are dictated by the number of elementary and secondary classrooms. The general rationale is that elementary classrooms on average require two (2) spaces for one teacher and (on average for the school) one additional space for support or administrative staff. Secondary classes require five (5) spaces due to the need for increased specialty and administrative staff associated with that level of instruction (e.g.: shop teacher, librarian, computer support and training personnel, etc.). Secondary schools may also need to provide parking for some students as well.

Unlike a public school, the situation here is unique, due to the multiple responsibilities of teaching staff, and the reduced need for administrative staff. Students are also not permitted to bring individual vehicles to school.

Although the proposed development does not entirely conform to Zoning Bylaw No. 8000, Staff supports this application. The conditions specific to this site appear to justify the variances requested, and do not negatively impact adjacent properties.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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FACT SHEET

1. APPLICATION NO.:	DVP04-0053
2. APPLICATION TYPE:	Development Variance Permit
3. OWNER:	Vedanta Educational Society
ADDRESS	1180 Houghton Road
CITY	Kelowna, BC
POSTAL CODE	V1X 2C9
4. APPLICANT/CONTACT PERSON:	Vedanta Academy (Mike Guzzi)
ADDRESS	1180 Houghton Road
CITY	Kelowna, BC
POSTAL CODE	V1X 2C9
TELEPHONE	(250) 868-8816
FAX	(250) 868-8836
5. APPLICATION PROGRESS:	
Date of Application:	May 18, 2004
Date Application Complete:	July 6, 2004
Servicing Agreement Forwarded to	N/A
Servicing Agreement Concluded:	N/A
Staff Report to APC:	N/A
Staff Report to Council:	July 14, 2004
6. LEGAL DESCRIPTION:	Lot A, Sec. 27, Twp. 26, ODYD, Plan KAP71175
7. SITE LOCATION:	The property is located in the Hein Road area of Rutland, north of Hwy 33
8. CIVIC ADDRESS:	1180 Houghton Road, Kelowna, BC
9. AREA OF SUBJECT PROPERTY:	3990 m ²
10. EXISTING ZONE CATEGORY:	P2 - Education and Minor Institutional
11. TYPE OF DEVELOPMENT PERMIT AREA:	n/a
13. PURPOSE OF THE APPLICATION:	TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO (A) VARY THE SIDEYARD SETBACK FROM 4.5 M REQUIRED TO 1.0 M PROPOSED, AND (B) ALLOW 11 PARKING SPACES WHERE 27 PARKING SPACES ARE REQUIRED
14. MIN. OF TRANS./HIGHWAYS FILES NO.: NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	N/A
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Site Plan
- Adjacent landowners letters of support
- Applicant Rationale for Variance (3 pages)