

# COUNCIL REPORT

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Date: 13 July 2017  
File: 7.9.3.68  
To: Warren Waycheshen, CAO - for Mayor and Council  
From: Gwendolyn Sewell, MCIP, RPP  
Director of Community Planning & Development  
Re: Development Variance Report – 1750 Nalabila Boulevard

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## **Recommendation:**

**THAT a Development Variance Permit to allow construction of a portable classroom at 1750 Nalabila (St. Anthony's School) with 4.7 m to 6.7 m encroachment into required front yard be approved, conditional on:**

- (a) Consolidation of Lot 1 Lot Plan 3566 DL 6039 R5C & 6040 R5C and Lot A Lot Plan 3689 DL 6039 R5C & DL 6040 R5C;**
- (b) Applicant assuming full responsibility for snow clearing of walkway leading from Nalabila Boulevard to 1750 Nalabila Blvd and complete clearing to satisfactory Municipal standard;**
- (c) Applicant ensuring a fire access lane directly off Nalabila Blvd to the southwest side of the building is provided. This may require a new access or an access agreement on the abutting Manse property;**
- (d) Complete construction within two years of permit; and**
- (e) Complete and deliver a legal survey to DOK confirming depth of front yard encroachment.**

**Action:** Council discuss the following report and provide a motion approving or denying St. Anthony's School's Development Variance Permit Application to construct a portable for classrooms in the required front yard at 1750 Nalabila.

## **1. Background**

The property owner of 1750 Nalabila Blvd (St. Anthony's School) submitted an application for Council to consider a Development Variance Permit (DVP). This application is for a variance to construct a portable for classrooms at the front of the school. The proposed size of this portable has not been confirmed but will be a maximum of 15.24 m x 21.95 m (50' x 72') with a 2 m walkway between the portable and existing school. The applicant has explained that the location was chosen due to its high community visibility as well as the location of existing sewer and water lines.

The applicant has noted that the portable will be located on the current teacher parking area. Teacher parking will be relocated to the north side of the school with no public vehicle access to the paved play area on the south side of the school.

## **2. Public Comment**

Public notice has been distributed to landowners and tenants within 30m of the proposal, posted on municipal bulletin boards and at [www.kitimat.ca/pn](http://www.kitimat.ca/pn). Due to an error labelling amount of front yard encroachment on original notice, public notice was re-issued. No comment was received.

### 3. Advisory Planning Commission

APC members were generally in support of application. Members were briefed that regardless of DVP approval, St. Anthony's must consolidate the two lots on which the school is located in order to be under 30% maximum lot coverage. A DVP may not vary site coverage or density. The following motion was adopted:

**THAT APC supports the Development Variance Permit application to build a portable in front of St. Anthony's School at 1750 Nalabila Boulevard, conditional on consolidation of Lot A and Lot 1 at 1750 Nalabila.**

### 3. Staff Comment

**Planning:** In order to be within maximum site coverage, the applicant must consolidate Lot 1 and Lot A at 1750 Nalabila. A legal survey will be required. The survey should also confirm site coverage and depth of yard encroachment. To encourage timely completion of project, permit should expire within two years if construction is incomplete.

**Building:** The proposed portable may have 9.21 square metres of unprotected openings in the 2 m wide walkway access section of the wall. This equates to about 6, 1.2 m x 1.2 m (4'x4') windows. If the applicant requires additional windows they may install windows with closures (metal shutters that will drop if there is a fire) or a water curtain. Project specifics will be reviewed during the building permit application process

**Public Works:** Public Works requires, at minimum, 3 to 6 m (10 to 20') to turn around walkway snow clearing equipment. Proposed encroachment into the front setback fails to provide enough room for municipal snow clearing equipment to turn around. Recommended solution is for St. Anthony's School to assume full responsibility for snow clearing this walkway at standard of municipal operations.

**Fire:** The department must have access to all building facades. The applicant must provide a fire access lane directly off Nalabila Blvd to the Southwest side of the building. This may require a new access or an access agreement on the abutting Manse property.

**Engineering:** Engineering supports the condition of requiring a fire lane access directly from Nalabila Blvd.

### Alternative Options:

1. THAT the Development Variance to allow required front yard encroachment at 1750 Nalabila be denied.
2. Another option as developed through discussion with Council.

**Budget Implications:** N/A

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Director of Finance Initials

### **Council Initiative/Other Relevant Plans:**

3. Community Planning must be disciplined with a long-term view

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Submitted by:  
Gwendolyn Sewell, MCIP, RPP  
Director of Community Planning & Development

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Approved for Submission:  
Warren Waycheshen, CAO

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Encl: (1) Site plan showing setback encroachment; and (2) Site plan showing proximity of portable building to walkway