

**PROPERTY DESCRIPTION:**

Civic address: 750 Languedoc Road, Naramata BC. Canada V0H 1N1

**Legal Description**

Lot: A Plan: KAP90206 Block: District Lot: 211 Section: SDYD Township:

Current Zoning: AG1 OCP designation: Electoral Area "E"

Current land use: Agriculture and Residential

Surrounding land uses: Agriculture and Residential

Current method of sewerage disposal:  Community Sewer  Septic Tank  Other

Current method of water supply:  Community Water  Well  Other

Any restrictive covenants registered on the subject property:  Yes (if yes, provide details)  No

Any registered easements or rights-of-ways over the subject property:  Yes (if yes, provide details)  No

Does the subject property possess a legal road access:  Yes  No (if no, provide details)

Agricultural Land Reserve:  Yes  No Riparian Area:  Yes  No

Environmentally Sensitive:  Yes  No MoT Approval:  Yes  No  
(required for setbacks within 4.5 metres of a road reserve)

**DEVELOPMENT INFORMATION:**

Provide a description of the proposed development (please attach as a separate sheet, as required):

Renovation of existing house, demolition of existing detached garage.  
Building of new detached garage and pool.

**REQUESTED VARIANCE(S):**

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

1. Bylaw (Include No.): No.2453, 2008 Section: 7.27 Retaining Walls  
Proposed variance: Build a retaining wall higher than the maximum 2m allowable height as  
described in Section 7.27 of bylaw Electoral Area "E" Zoning bylaw No. 2459

2. Bylaw (Include No.): \_\_\_\_\_ Section: \_\_\_\_\_  
Proposed variance: \_\_\_\_\_  
\_\_\_\_\_

**SUPPORTING RATIONALE:**

All new development should meet the Regional District's applicable bylaw standards. A variance is considered only as a last resort. An application for a development variance permit should meet most, if not all, of the following criteria, in order to be considered for approval (please attach as a separate sheet, as required).

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria:

Section 7.27 of the zoning by-law looks at retaining walls in isolation and was presumably written with the good intention of minimizing the impact of retaining wall faces to streets and neighbours on sloping sites. None of those conditions exist here. It is a courtyard located centrally on an almost 2-hectare lot and the wall is more properly interpreted as part of the buildings.

2. The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

As the retaining wall in question is located between the main house and sloping hill of the site, it is not visible from any adjacent properties or from public lands. This is a small, private courtyard in the middle of a large orchard.

3. The variance should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

The retaining wall is the continuation of the exterior wall of the garage and pool room, and is integral to the foundation walls of the garage. It provides definition for the pool courtyard, and the height is determined by the existing slope. A lower wall would channel water into the courtyard.

4. The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

A terraced solution, as described in the bylaw, would result in a "dead space" between the retaining walls that would need to be protected with guardrails on all sides. It would require more concrete, be more costly, and provide no benefit to the community.

5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

The proposed retaining wall minimizes the amount of concrete required to retain the soil. Providing a single wall also results in a greater control over water drainage from the site (orchard) above.