

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: March 21, 2024
RE: Development Variance Permit Application — Electoral Area “I” (I2024.006-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2024.006-DVP, to allow for the construction of a retaining wall at 272 Ponderosa Avenue, be approved.

Legal: Lot B, Plan KAP90953, District Lot 105S, SDYD Folio: I-01458.020

OCP: Low Density Residential (LR) Zone: Low Density Residential Two (RS2)

Variance Request: to increase the maximum height of a retaining wall from 2.0 metres to 4.572 metres.

Proposed Development:

This application is seeking a variance in order to construct an over height retaining wall. Specifically, it is being proposed to increase the maximum height of a retaining wall from 2.0 metres to 4.572 metres.

In support of this request, the applicant has described the intent of the proposal to be the construction of “a retaining wall at the back of the house in order to prevent the backfill from encroaching into neighbouring property.”

Site Context:

The subject property is approximately 2,023 m² in area and is situated on the west side of Ponderosa Avenue in Kaleden, approximately 110 metres west from Okanagan Lake. The property is understood to contain one (1) singled detached dwelling that is the subject of an active building permit.

The surrounding pattern of development is generally characterised by similar residential development.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 16, 2010. Available Regional District records indicate active building permits for a Single Detached Dwelling (2022) and a retaining wall (2022).

BC Assessment has classified the property as “Residential” (Class 01).

Official Community Plan

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

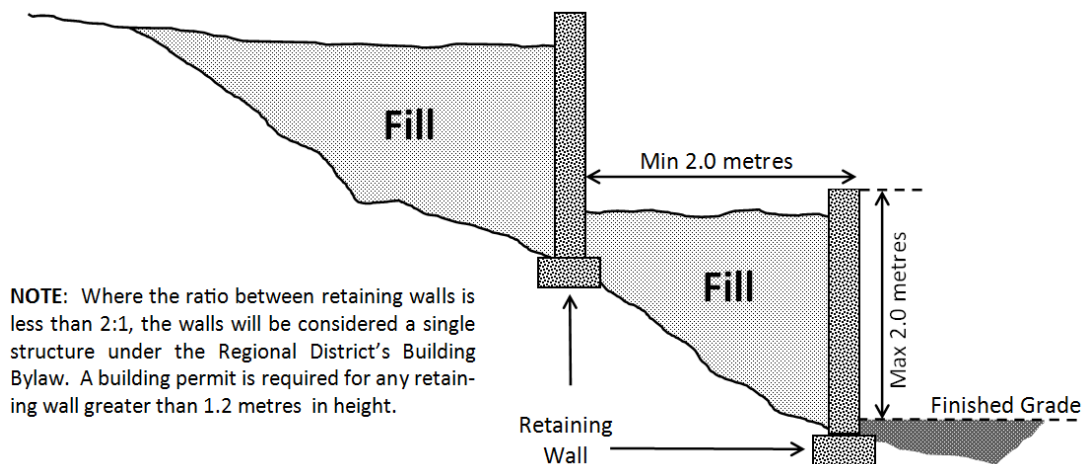
Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Two (RS2) which lists single detached dwelling as a permitted principal use.

The Zoning Bylaw establishes a maximum height of 2.0 metres for retaining walls, measured from the lowest finished grade to the highest point of the wall.

Further, where multiple retaining walls are constructed, the zoning bylaw requires a minimum horizontal distance between the walls that is no less than height of the lowest retaining wall.

Retaining walls constructed closer than this horizontal distance are considered to be a single structure, measured from the finished grade of the lowest wall to the highest point of the highest wall.



Application History

On May 12, 2023, a development variance permit (DVP) authorizing the construction of a retaining wall to a height of 3.66 metres was issued by the Regional District under delegated authority (Permit No. I2023.017-DVP).

The length of the wall authorized by this permit was estimated to be approximately 3.0 metres based on an assessment of available aerial photos.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule '4' of the Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on March 7, 2024. All comments received are included as a separate item on the Board's Agenda.

Analysis:

In considering this proposal, Administration notes that the use of zoning regulations to govern the size and placement of retaining walls is done to mitigate visual impacts to surrounding properties and to encourage walls that are aesthetically integrated into local topography.

Minor Assessment

While administration is aware that the previous variance approved under delegation represented a significant increase (83%) above the existing zoning regulation, this was deemed to be minor because the wall was proposed to be constructed greater than 7.5 metres from the nearest parcel line and the use of retaining walls appears to be common in the vicinity of the parcel.

For these reasons, the previous variance request was deemed unlikely to adversely impact the use of adjacent parcels and was considered to be consistent with the character of development in the area.

In this instance, both the height and length of the proposed retaining wall have increased, such that the requested variance now represents a 128% increase above the zoning regulation and will facilitate a 6.1 metre long wall located 3.58 metres from the nearest parcel line.

For these reasons, the current request is not minor because it is more likely to adversely impact the use of adjacent parcels and is less consistent with the character of development in the area.

Topographic Considerations

While the current proposal is not considered minor, administration recognizes that many properties in Kaleden face topographical constraints due to historic hillside development patterns.

Further, the applicant cited topographic constraints in support of the previous variance request, stating that the retaining wall is proposed in order to create a useable backyard and that there is not enough space to build a stepped wall.

Aesthetic Considerations

Regarding visual impacts, the proposed retaining wall is located to the rear of the dwelling on the subject property and for this reason it is unlikely to unduly impact the aesthetics of the hillside or the streetscape.

Regarding impacts to adjacent properties, the nearest parcel line to the proposed wall belongs to the property immediately to the west (309 Oak Avenue). This property is situated upslope from the subject property and the adjacent dwelling on this property is more than 30 metres from the proposed wall. For these reasons, the proposed retaining wall is unlikely to impact the use of this property.

Administration considers that the property immediately to the north (264 Ponderosa Avenue) of the subject property is most likely to experience visual impacts because the proposed retaining wall is constructed parallel to the dwelling on this property. However, the adjacent dwelling is approximately 16 metres from the proposed retaining wall, and for this reason, visual impacts *may* not impact the use of this property.

Alternative

Conversely, administration believes that alternative designs *may* be possible on the site, through the use of back-filling or multiple stepped walls, to reduce the overall height and more aesthetically integrate the retaining wall into the hillside.

Regional District records do not indicate similar variances in the immediate vicinity, and for this reason, the proposed retaining wall may not be consistent with the character of the surrounding neighbourhood.

Summary

For these reasons, administration supports the requested variances and is recommending denial.

Alternative:

1. That the Board deny Development Variance Permit No. I2024.006-DVP.

Respectfully submitted

Ben Kent
Ben Kent, Planner II

Endorsed by:


C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview - 2012)

No. 3 – Site Plan Comparison

No. 4 – Elevation Drawing Comparison

Attachment No. 1 – Aerial Photo

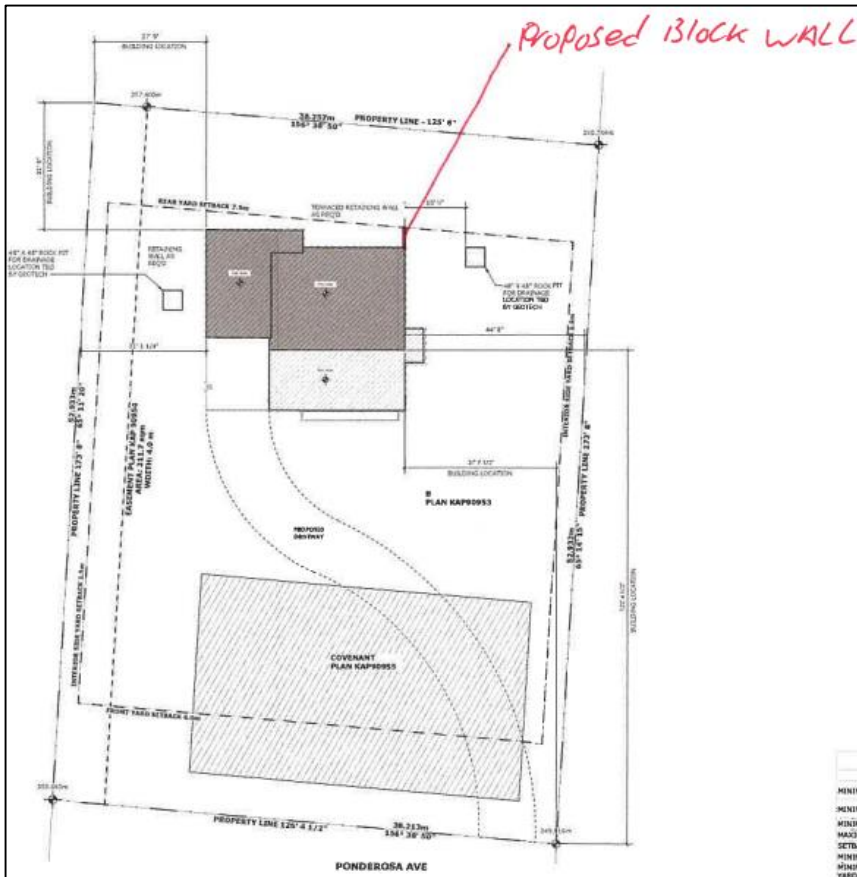


Attachment No. 2 – Site Photo (Google Streetview – 2012)

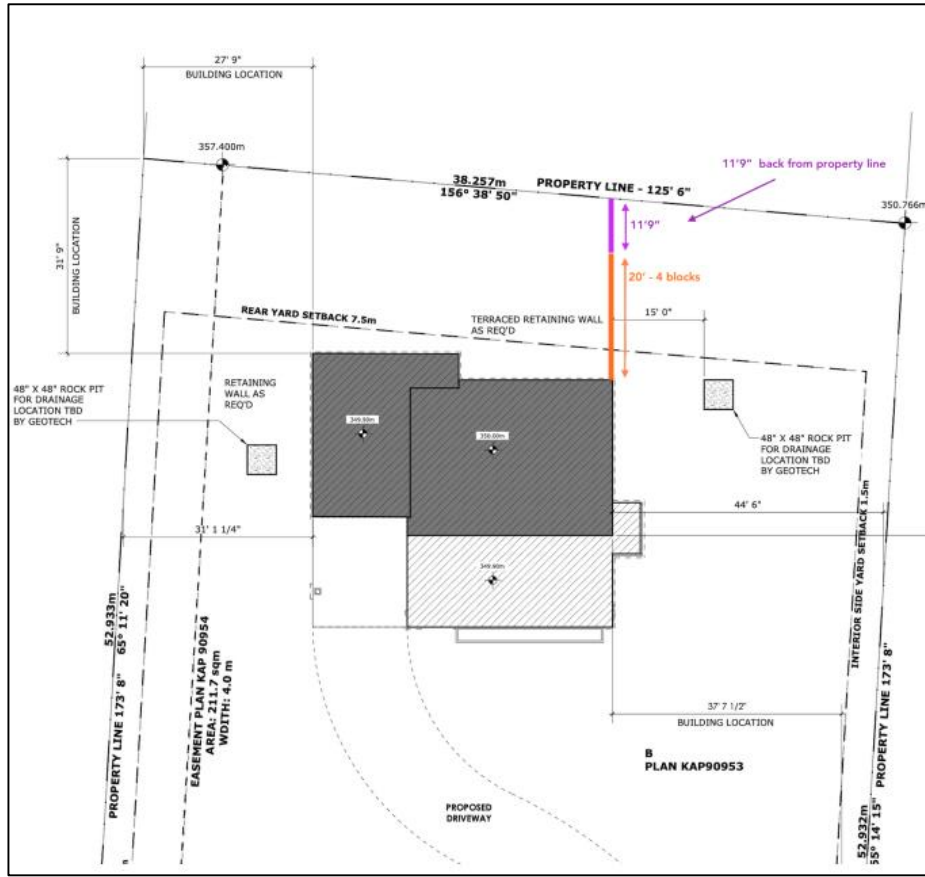


Attachment No. 3 – Site Plan Comparison

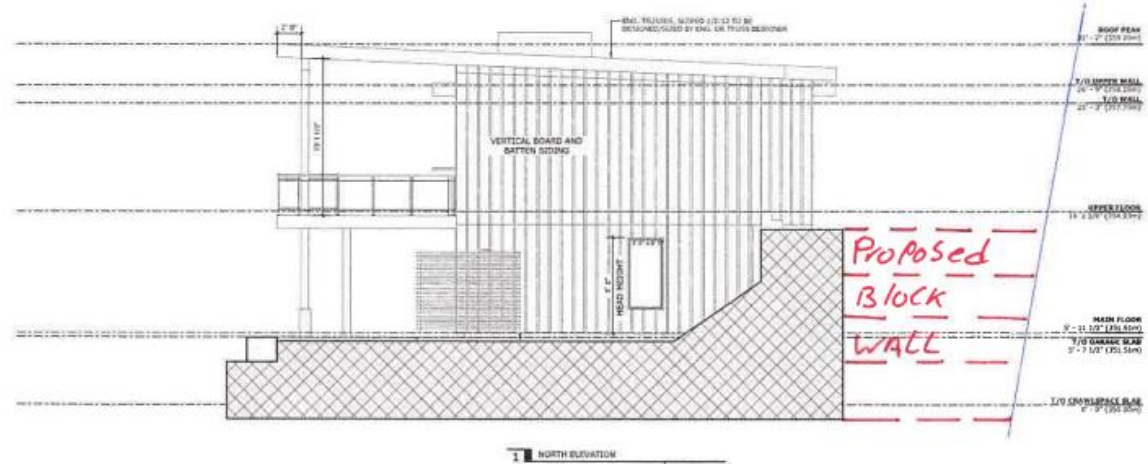
Site Plan – I2023.017-DVP



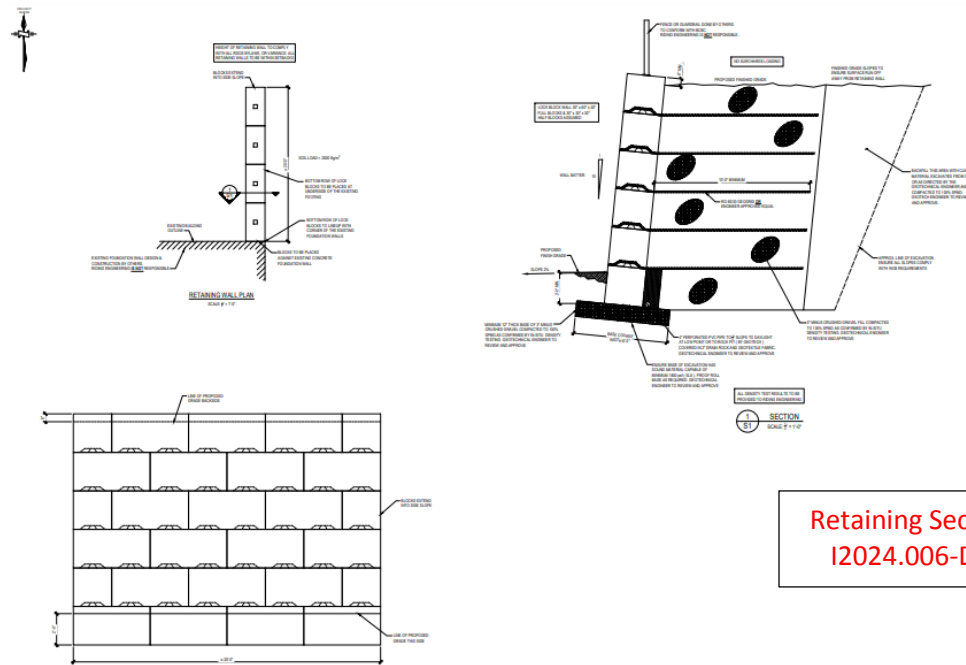
Site Plan – I2024.006-DVP



Attachment No. 4 – Elevation Drawing Comparison



Elevation Drawing
I2023.017-DVP



Retaining Sections
I2024.006-DVP