

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 7, 2022  
**RE:** Development Variance Permit Application — Electoral Area “A” (A2022.023-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. A2022.023-DVP, to formalize the construction of a retaining wall and fence at 5411 31<sup>st</sup> Street, be approved.**

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Legal: Lot 24, Plan KAP4351, District Lot 43 223, SDYD      Folio: A-01279.000

OCP: Agriculture (AG)      Zone: Agriculture One (AG1)

Variance Requests: to increase the maximum height of a retaining wall from 1.2 metres to 2.74 metres.

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## Proposed Development:

This application proposes to increase the maximum height of an existing retaining wall from 1.2 metres to 2.74 metres to formalize the construction of the retaining wall with a fence on top.

In support of this request, the applicant has stated that the “The retaining wall was the only solution to provide a safe walk out from the door of the master suite ...[and] was a must to provide safe windows in the basement living room for the safest exit in an emergency, rather than a window well. The retaining wall does not affect any adjacent property or public lands; it is well within our lot and away from set backs .”

## Site Context:

The subject property is approximately 2229 m<sup>2</sup> in area and is situated on the southeast side of 31<sup>st</sup> Street. The property is currently developed to contain a single detached dwelling and retaining wall.

The surrounding pattern of development is characterised by a few single detached dwellings and large orchards on ALR land.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 21, 1948, while available Regional District records indicate that a building permit for the single detached dwelling (2020) has been issued for this property.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Agriculture (AG) and is not the subject of any development permit area designations.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which allows single detached dwellings and accessory structures such as retaining walls.

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The property is within the Agricultural Land Reserve (ALR).

While the subject property is located within the Agricultural Land Reserve (ALR), Section 23(1) (Exceptions) of the *Agricultural Land Commission Act*, states that restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act* (1960), less than 2.0 acres (0.81 ha) in area.

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

**Public Process:**

Adjacent residents and 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 June 30, 2022. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

The overheight retaining wall is in the centre of the property outside of the view of neighbours. The retaining wall was built to create two levels to the rear of the house for emergency egress from the lower level windows and regular access to the door on the upper level. The property is not sloped or adjacent to a hillside.

The Zoning Bylaw’s use of regulations to govern the placement of retaining walls are generally to encourage retaining walls be integrated into the terrain and respect the natural character of the site in order to achieve environmentally sound and liveable hillside neighbourhoods. Further, retaining walls should be aesthetically integrated into a hillside to enhance the desirability and marketability of hillside developments.


For these reasons, the use of large concrete block retaining walls in residential areas that create a negative visual impact are discouraged, whereas, surface treatments that harmonize the natural texture and colours are encouraged.

In this instance, the applicants have used mixed brick-shaped redi rock that uses natural texture and colours for the residential setting, which is preferred to plain concrete (see attachments 1 and 2).

**Alternatives:**

1. That the Board deny Development Variance Permit No. A2022.023-DVP.

**Respectfully submitted**

  
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Danielle DeVries, Planner II

**Endorsed by:**

  
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C. Garrish, Planning Manager

**Attachments:**

- No. 1 – Site Photo (retaining wall looking east)
- No. 2 – Site Photo (retaining wall looking south)

Attachment No. 1 – Site Photo (retaining wall looking east)





Attachment No. 2 – Site Photo (retaining wall looking south)

