

**PROPERTY DESCRIPTION:**

Civic address: 14803 HWY 97, Osoyoos, BC

Legal Description (e.g. Lot, Plan No. and District Lot):  
Lot 1, Plan KAP7269, DL 2450S

Current land use:  
Residential & Agriculture

Surrounding land uses:  
Residential & Agriculture

**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.

Zoning Bylaw: 2800

Section No.: 6.12.4

Current regulation: 1.8m

Proposed variance: To vary the height of a retaining wall from 2.0m to 4.41m (lower wall)  
To vary the height of a retaining wall from 2.0m to 2.14m (upper wall)

Section No.:

Current regulation:

Proposed variance:

**DEVELOPMENT INFORMATION:**

Please provide a general description of the proposed development:  
(e.g. "to allow for an addition over an existing garage")

The existing retaining wall was approved under BP22654 and was built over-height by the general contractor hired by the property owners. Proposed lower retaining wall will range in height from 2.13m at the south portion of wall to 4.41m at the highest point at the north end of the wall. Proposed upper retaining wall will range in height from 2.13m at the south portion of the wall to 2.14m at the highest point at the north end of the wall.

### SUPPORTING RATIONALE:

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *is the proposed variance addressing a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

- Yes, a retaining wall is a permitted structure.
- Yes, the proposed retaining wall in the backyard will help address the steep slope topographical features in this area & improve the structural integrity of the backyard adjacent to the house.
- Yes, strict compliance of the zoning regulation is unreasonable in this circumstance. The proposed retaining wall location and wall height will not create a negative impact on the surrounding neighborhood because it does not impede on neighbors views.
- The proposed retaining wall does not impede on any of the neighbors views and will not unduly impact the character of the streetscape or the surrounding neighborhood.
- Property owners hired a general contractor to build the retaining wall as per BP22654. The general contractor built the retaining wall too high and has created a hardship for the property owners. The general contractor has now left this problem with the property owners to resolve with the District of Okanagan-Similkameen.
- Property owners have collected 8 signatures & addresses of support for the proposed retaining wall.