

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** December 21, 2023  
**RE:** Development Variance Permit Application — Electoral Area “F” (F2023.030-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. F2023.030-DVP, to allow for the construction of two retaining walls at 2437 Westwood Drive, be approved.**

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Legal: Strata Lot 18, Plan KAS1447, District Lot 4947, ODYD Folio: F-07298.341

OCP: Low Density Residential (LR) Zone: Low Density Residential West Bench (RS5)

Variance to increase the maximum height of a retaining wall from 2.0 metres to 3.81 metres; and

Requests: to increase the maximum height of a retaining wall from 2.0 metres to 3.05 metres.

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## Proposed Development:

This application is seeking a variance to the maximum retaining wall height regulation that applies to the subject property in order to undertake construction of two over height retaining walls.

Specifically, it is being proposed to vary the maximum height of a retaining wall from 2 metres to 3.81 metres and to vary the maximum height of a second retaining wall from 2 metres to 3.05 metres.

In support of this request, the applicant has stated that

- *Our walls need to be taller than the 2m regulation for usability of the land + distance between walls. Current wood walls not per code.*
- *Current walls are collapsing due to wood structure built by original home owner, as a result ne permanent walls need to be installed to stop deteriorating.*

## Site Context:

The subject property is approximately 2595 m<sup>2</sup> in area and is situated on the south side of Westwood Drive, approximately 1.6 km northwest from the boundary with City of Penticton. The property is understood to contain one (1) singled detached dwelling and accessory structures.

The surrounding pattern of development is generally characterised by similar residential development to the north, west and south, and First Nation’s reserve land to the east.

## 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 28, 1994, while available Regional District records indicate that building permits for a single detached dwelling (1995) and a deck addition and renovations to the single detached dwelling (2019) have previously been issued for this property.

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Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Low Density Residential (LR).

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density West Bench (RS5) which lists single detached dwelling as a permitted principal use.

The Zoning Bylaw also includes general regulations that limit the maximum height of a retaining wall to 2.0 metres.

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

**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 September 1, 2023. All comments received are included as a separate item on the Board’s Agenda (in this case, zero (0) representations were received).

**Analysis:**

The Zoning Bylaw’s use of regulations governing the placement and height of retaining walls is generally to encourage retaining walls that are visually integrated into the terrain and that preserve the natural aesthetic of hillside landscapes.

For these reasons, the use of excessively high retaining walls in residential areas is generally discouraged as these structures may create visual impacts to adjacent properties.

In considering this proposal, administration notes that a multi-tier retaining structure, including wooden landscaping beds and staircases, was previously installed on this property. The applicant has indicated that this structure was installed by a previous owner and that it is now collapsing because the wood has deteriorated.

In this case, the lands immediately to the east of the property comprise vacant land that would not be affected by the proposed retaining walls. Likewise, the dwellings on abutting parcels immediately to the north and west are located above the grade of the proposed retaining walls and are unlikely to be affected by any potential visual impacts.

Administration also notes that the adjacent dwellings below the grade of the subject property are approximately 60 metres from the nearest proposed retaining wall and visual impacts to these properties would likely be minor in nature.

Conversely, Administration recognises that the proposed retaining walls would likely be visible from the properties located below the grade of the subject property and that these properties may experience some degree of visual impact.

For these reasons, Administration supports the requested variances and is recommending approval.

**Alternative:**

1. That the Board deny Development Variance Permit No. F2023.030-DVP.

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**Respectfully submitted**

Ben Kent

Ben Kent, Planner I

**Endorsed by:**



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Site Photo (Google Streetview)

Attachment No. 1 – Site Photo (Google Streetview)

