

REPORT TO COUNCIL



Date: June 18, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (SS)

Application: DVP17-0218
Owner: Derek Elmer
Wai Wah Wong

Address: 872 Westpoint Drive
Applicant: Wai Wah Wong

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: Ru1 – Large Lot Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0218 for the property known as Lot 40 District Lot 358 Osoyoos Division Yale District Plan 40481, located at 872 Westpoint Drive, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the height of a retaining wall from 1.2m to the proposed 3.1m on the subject property.

3.0 Community Planning

Staff does not support the proposed variance due to the fact that the over height retaining wall was constructed without permits and there are other ways to develop the backyard without an over height retaining wall (i.e. tiered wall). Permitting a variance after a retaining wall is built is always discouraged; however, the applicant is now seeking the variance permit for the height of retaining wall followed by building permits for the retaining wall. The building permit process for the retaining wall will require sealed engineering design and schedules to achieve building permit approvals.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbor consultation by individually contacting the neighbors within a 50 metre radius. Staff has not fielded any objections or correspondence from the neighbors.

4.0 Proposal

4.1 Project Description

The applicant has an existing over-height retaining wall on their property that was likely constructed at the time as the single family dwelling (1992). In the Fall of 2017, construction started to extend the retaining wall around the remaining portion of their rear yard and the new section of retaining wall was added. The height of the retaining wall is a maximum of 3.1 metres, and including a glass fence and railing directly above it, it is 4.2 metres in height. The applicant is seeking a retaining wall height variance, to vary the maximum height of a retaining wall from 1.2 metres permitted to 3.1 metres proposed.

4.2 Site Context

The subject property is located in the North Mission – Crawford Sector and is approximately 0.728 acres (2,946 m² in area). It currently has one single detached dwelling. The rear of the subject property faces north/northwest, and adjacent properties to the rear are downslope and accessed off Dehart Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	S2Res - Single /Two Unit Residential
East	RU1 – Large Lot Housing	S2Res - Single /Two Unit Residential
South	RU1 – Large Lot Housing	S2Res - Single /Two Unit Residential
West	RU1 – Large Lot Housing	S2Res - Single /Two Unit Residential

Subject Property Map: 872 Westpoint Drive



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	Ru1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	3.1 m ❶
❶ Indicates a requested variance to increase the maximum retaining wall height		

6.0 Technical Comments

6.1 Building & Permitting Department

- This work was done without permits; validation of capacity is to be by a structural engineer at time of building permit application.

6.2 Development Engineering Department

- This Development Variance Permit application does not compromise any municipal services.

7.0 Application Chronology

Date of Application Received: October 4, 2017
 Date Public Consultation Completed: November 29, 2017

8.0 Alternate Recommendation

In this case, staff recognize compliance with the bylaw would require a tiered retaining wall system which would disturb a much greater area of the natural slope and be in proximity with the existing sanitary utility corridor. The applicant proposes, via qualified landscape professional, a recommended landscape treatment to supplement the native screen with three plant varieties; two vining plants and one tree form shrub with the goal of softening the look of the retaining wall. A proposed landscape plan is shown in the attachments.

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0218 for Lot 40 District Lot 358 Osoyoos Division Yale District Plan 40481, located at 872 Westpoint Drive, Kelowna BC;

AND THAT variances to the following section[s] of Zoning Bylaw No. 8000 be granted:

Section [7.5.9]: [RU1 – Large Lot Housing Development Regulations]

To vary the required retaining wall from 1.2 m permitted to 3.1m proposed.

AND THAT the applicant be required to complete the noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

- The retaining wall be signed off by a qualified professional.
- The landscaping to be completed to the satisfaction of the Suburban and Rural Planning Manager.

Report prepared by: Sergio Sartori, Development Technician
Reviewed by: Dean Strachan, Suburban and Rural Planning Manager
Approved for Inclusion: Terry Barton, Planning Department Manager

Attachments:

Draft Development Variance Permit No. DVP17-0218

Attachment A - Site Plan

Attachment B - Landscape Plan