

# REPORT TO COUNCIL



**Date:** July 30, 2019

**RIM No.** 0940-50

**To:** Council

**From:** City Manager

**Application:** DVP19-0114

**Owner:** Heidi Gatti  
Jarvis Gatti

**Address:** 248 Lost Creek Ct

**Applicant:** Heidi & Jarvis Gatti

**Subject:** Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: Ru2H – Medium Lot Housing (Hillside Area)

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0114 for Lot 40 Section 5 Township 23 ODYD Plan EPP9195, located at 248 Lost Creek Ct, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

### Section 7.5.9 – Landscaping and Screening Fencing and Retaining Walls

- a) To vary the maximum height of the retaining wall from 1.2 m required to 1.8 m proposed in accordance with Attachment "A".

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To vary the height of a retaining wall on the subject property.

## 3.0 Community Planning

Staff typically does not support over height retaining walls, however, the applicant is seeking the variance permit for 0.6m additional height of retaining wall followed by a Soil permits for the over eight wall and building permit for the swimming pool. The Soil permit process for the retaining wall will require sealed engineering design and schedules to achieve permit approvals and result in a safe structure to retain soil.

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 is proposing to construct a swimming pool with a retaining wall along the south west side of the pool. The subject property is sloping down from the north east to the south west and has a "No Disturb" covenant approximately 5.5m wide along the south west property line. The siting of the pool has been determined to minimize the amount of blasting required for the pool construction thereby reducing the possibility of damage to the applicant's and neighbouring dwellings.

The retaining wall is proposed with a maximum height of 1.8m located outside the "No Disturb" covenant with an offset suitable to allow enough room for construction. The retaining wall's proposed location is such that it is not visible from any street and screened by the existing neighbourhood trees. Retaining walls with a height up to 1.8m in areas not visible from any street is supported by the Wilden, Lost Creek Neighbourhood building guidelines.

### 4.2 Site Context

The subject property is located at the end of Lost Creek Court, in the Glenmore - Clifton - Dilworth sector of Kelowna. The subject property is zoned RU2h with a Future Land Use designation of S2RES and is in the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru2H – Medium Lot Housing (Hillside Area)	S2Res - Single /Two Unit Residential
East	Ru2H – Medium Lot Housing (Hillside Area)	S2Res - Single /Two Unit Residential
South	P3 - Park	Park – Open Space
West	P3 - Park	Park – Open Space

**Subject Property Map: 248 Lost Creek Court**



## 5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	Ru2H ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	1.8 m <span style="color: red;">❶</span>
<span style="color: red;">❶</span> Indicates a requested variance to increase the maximum retaining wall height		

## 6.0 Technical Comments

### 6.1 Development Engineering Department

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

### 6.2 Building & Permitting Department

- Full plan check for Building code related issues will be done at time of Building Permit applications.

## 7.0 Application Chronology

Date of Application Received: March 12, 2019

Date Public Consultation Completed: June 16, 2019

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

### Attachments:

Draft Development Variance Permit No. DVP19-00114

Attachment A - Site Plan