

# REPORT TO COUNCIL



**Date:** July 26, 2016

**RIM No.** 0940-50

**To:** City Manager

**From:** Community Planning Department (DB)

**Application:** DVP16-0112      **Owner:** Yan Joseph Luc Marcel Duret  
& Ramona Susan Duret

**Address:** 2530 Monte Vista Lane      **Applicant:** Millennium Home &  
Renovation

**Subject:** Development Variance Permit

**Existing OCP Designation:** S2RES - Single / Two Unit Residential

**Existing Zone:** RU1H - Large Lot Housing (Hillside Area)

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0112 for the property legally known as Lot 16, Section 12, Township 26, ODYD, Plan KAP88598, located on 2530 Monte Vista Lane, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

### Section 7.5.9 - Fencing and Retaining Walls Regulations

To vary the height of a side retaining wall from 1.2 metres to approximately 3 metres in accordance with the drawings attached to the Development Variance Permit described in Schedule "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

Permitting a variance after a building or structure is built is typically not supported; however, due to the grade of the street and adjacent property being undeveloped and for sale, this retaining wall was placed without a permit to hold the lot in place and provide safe access to a basement suite. Once the adjacent property to the north develops, at least 50% of the subject retaining wall will be backfilled reducing the variance to approximately 1.5m.

## 4.0 Proposal

### 4.1 Background

The City of Kelowna issued a Single Family Dwelling building permit for subject property on September 23, 2015. On March 23, 2016, through a routine building inspection, the building inspector noticed an over height retaining wall across the northern property line. A stop work order was immediately placed on the property and the owner was asked to apply for a Development Variance Permit or remove the structure.

The owner's agent made a Development Variance Permit application on April 22, 2016 lifting the stop work order and making the variance a condition of final occupancy. It is understood that when the property located to the north develops, the wall will be backfilled and the exposed area of the wall will be approximately 1.5 m.

Should the development variance permit be approved by Council, the applicant will be required to apply for a building permit for the wall and provide supporting structural and geotechnical engineering documentation. It is staff's understanding that the wall was engineering and supervised throughout its construction.

### 4.2 Project Description

The applicant has installed an over height retaining wall on their property and is seeking a height variance.

### 4.3 Site Context

The subject property is located in the Black Mountain area and is designated as S2RES - Single Two Unit Residential. All the surrounding properties are large single family lots and zoned RU1H - Large Lot Housing (Hillside Area).

Subject Property Map: 2530 Monte Vista Lane



## 5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	3 ●
● Indicates a requested variance to increase the maximum retaining wall height.		

## 6.0 Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

- No comments

### 7.2 Development Engineering Department

- No comments

## 8.0 Application Chronology

Single Family Dwelling Building Permit Issuance:  
 Stop Work Order:  
 Date of Development Variance Application Received:  
 Date Public Consultation Completed:

September 23, 2015  
 March 28, 2016  
 April 22, 2016  
 May 30, 2016

Report prepared by:

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

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Damien Burggraeve, Planner

**Reviewed by:**



Todd Cashin, Suburban and Rural Planning

**Attachments:**

Site Plan and Site Photos

DVP16-0112 permit

Public Notification