

# REPORT TO COUNCIL



**Date:** June 22, 2021  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning  
**Application:** DVP21-0003  
**Address:** 377 Uplands Crt  
**Subject:** Development Variance Permit  
**Owner:** Dale and Kimberly Loewen  
**Applicant:** Michelle Watson  
**Existing OCP Designation:** S2RES – Single / Two Unit Residential  
**Existing Zone:** RU1 – Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0003 for Lot 1 Section 23 Township 28 SDYD Plan KAP66197, located at 377 Uplands Court, 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

To vary the maximum height of the retaining wall from 1.2 m required to 4.8m proposed.

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 maximum height of a retaining wall to allow the construction of a swimming pool on the subject property.

## 3.0 Development Planning

## 4.0 Proposal

### 4.1 Project Description

The applicant is proposing a new home with a swimming pool and a new retaining wall on the vacant subject property. The topography of the subject property presents challenges as the existing grade of the property slopes steeply down towards Uplands Court towards the northern property line. In this case the

retaining wall will fulfill the structural function of safely retaining soil and allow the construction of a swimming pool. The retaining wall is proposed along the north and west property line and has a maximum height of 4.8 m (2 – 2.4m tiers) in the northwest corner of the property. The property is encumbered by Statutory Right of Ways for utilities and an access easement covenant which presents additional challenges as the retaining walls can not be constructed in these restricted areas. The Soil Permit process for the retaining wall will require sealed professional engineering design, documented independent review and assurance to achieve the soil permit approval.

The applicant proposes, via qualified landscape professional, a recommended landscape treatment to create a native screen with five 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.

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.

4.2 Site Context

The subject property is located on the south side of Uplands Court, close to the intersection of Uplands Court and Uplands Drive in the Southwest Mission sector of Kelowna. The subject property is zoned RU<sub>1</sub> with a Future Land Use designation of S<sub>2</sub>RES and is in the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU <sub>1</sub>	Single Family Residential
East	RU <sub>1</sub>	Single Family Residential
South	RU <sub>1</sub>	Single Family Residential
West	RU <sub>1</sub>	Single Family Residential

**Subject Property Map:** 377 Uplands Court



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Other Regulations		
Maximum Retaining Wall Height	1.2m	4.8m <sup>1</sup>
<sup>1</sup> Indicates a requested variance to the height of a retaining wall		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

**Development Process**

**Ensure environmentally sustainable development.**<sup>1</sup> Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

- Kelowna 2030 OCP (Bylaw 10500) was adopted by City Council on May 30, 2011. The subject property was created in 2000, allowing a parcel with slopes over 30% to be created. City staff would like to see this lot developed in a manner that reduces the impact of grades around adjacent property lines. The proposed site plan isolate changes in the existing grade to the north west portion of the property.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.19.12 (Development Process Chapter).

**Landscape development and irrigation water conservation.**<sup>2</sup> Provide fences and retaining walls with visual interest (e.g. high-quality fencing, stone or rock walls) and human scale (e.g. punctuate at regular intervals with vertical elements such as piers or landscaping);

## 6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum dated February 11, 2021.

## 7.0 Application Chronology

Date of Application Received:	January 13, 2021
Date Public Consultation Completed:	March 9, 2021

Report prepared by Sergio Sartori, Development Technician

Reviewed by: Dean Strachan, Subdivision, Suburban and Rural Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

### Attachments:

Attachment "A" Draft Development Variance Permit No. DVP21-0003  
Schedule "A" Site Plan  
Schedule "B" Landscape Plan  
Schedule "C" Development Engineering Services Memo dated February 11, 2021

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<sup>2</sup> City of Kelowna Official Community Plan Policy 14, E, 12.2 (Urban Design Development Permit Guidelines).