

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0060 **Owner:** Grant Cameron Menzies
Jamie Dawn Menzies

Address: 388 Viewcrest Court **Applicant:** Grant Menzies

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0060 for Lot 26, Section 23, Township 28, Similkameen Division Yale District, Plan KAP53664, located at 388 Viewcrest Court, Kelowna, BC;

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

Section 7.5.9: Fences and Retaining Walls

To vary the maximum height of a retaining wall from 1.2m (required) to 2.5m (existing);

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 an existing retaining wall from 1.2m (required) to 2.5m (existing) on the subject property.

3.0 Community Planning

Community planning supports the requested variance to vary the height of an existing retaining wall from 1.2m (required) to 2.5m (existing) on the subject property. The retaining wall was constructed at the time the house was built in 2000 without the necessary variance to allow the over height. Due to the topographical challenges of the subject property and the location of a Statutory Right of Way, there is no alternate solution other than a variance to bring the property into compliance. A structural engineer has

inspected the retaining wall and provided the required schedules to confirm it was built to an acceptable engineered design.

4.0 Proposal

4.1 Background

The house was constructed in 2000 along with the retaining wall. There is no evidence that the retaining wall was constructed with a building permit or with the necessary approvals for a variance to allow the wall to be over height. The new property owners were notified that the wall was not in compliance and are taking the necessary steps to obtain a variance and a building permit for the wall. There has been no bylaw complaints or investigations of this retaining wall.

4.2 Project Description

The existing retaining wall varies in height to approximately 2.5m at the highest point. It is constructed at the rear of the property and is used to create a lawn and yard space for the home. The adjacent property is significantly lower than the subject property and therefore the retaining wall is necessary to control the topographical challenges. The adjacent property is currently undeveloped, however, it could be developed in the future into a Single Family Dwelling, or Single Family Dwelling with Secondary Suite.

There is a City of Kelowna Statutory Right-of-Way (SRW) at the rear of the property for an existing sewer line. The retaining wall is nearly 1.0m away from the SRW and does not encroach or impede the use of that SRW.

The proposed solution to bring the property into compliance is to approve the variance to allow the maximum height of the wall to be 2.5m when 1.2m is required. The applicants have provided the necessary engineering review and schedules to confirm the wall was built to an acceptable engineered design. Should Council approve the variance, the applicants will apply for the required building permit and have the wall inspected by a City of Kelowna Building Inspector, thereby making the wall legal.

4.3 Site Context

The property is located on Viewcrest Court on the hillsides below Kettle Valley. It is an area with many topographical challenges, including infrastructure installation and maintenance. Many properties in this area have sewer, storm, or water SRW's on their lots in order to accommodate the difficult installation of the infrastructure given the topographical challenges.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Vacant

Subject Property Map: 388 Viewcrest Court



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Infrastructure¹

Design sewers and utilities so as to create the best use of resources and the lowest impact on the environment.

¹ City of Kelowna Official Community Plan Chapter 7: Infrastructure, Page 98

6.0 Technical Comments

6.1 Development Engineering Department

Application does not compromise municipal services.

7.0 Application Chronology

Date of Application Received: March 9, 2017

Date Public Consultation Completed: March 20, 2017

Report prepared by: Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Survey Plan

Site Photos

Draft Development Variance Permit DVP17-0060