

REPORT TO COUNCIL



Date: December 5, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (SS)

Application: DVP17-0227 **Owner:** Kathleen Vance

Address: 1094 Westpoint Drive **Applicant:** Kathleen Vance

Subject: Development Variance Permit to vary height of retaining wall

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. DVP17-0227 for the property known as Lot 6, Section 31, Township 29, ODYD, Plan KAP87220, located at 1094 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 5.03m 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 and swimming pool were constructed without permits. Permitting a variance after a retaining wall is built is always discouraged; however, the applicant is trying to sell the property and now seeking the variance permit for the height of retaining wall followed by building permits for the retaining wall and pool to satisfy the potential purchaser. The building permit process for the retaining wall and pool 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 installed an over height retaining wall on the property and is seeking a height variance.

4.2 Site Context

The subject property is located in the Upper Mission area and is designated as S2RES – Single Two Unit Residential. All the surrounding properties are large single family lots and zoned urban residential with the exception of one property at the rear of the subject property which is designated as REP – Resource Protection area and zoned agricultural.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1	Agricultural
East	RU1	Residential
South	RU1	Residential
West	RU1	Residential

Subject Property Map: 1094 Westpoint Drive



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	5.03 ❶
❶ 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.¹ 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 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.² 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

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

7.2 Development Engineering Department

- The retaining wall height does not compromise municipal servicing however this work was completed without the proper permits.

8.0 Application Chronology

Date of Application Received: October 2, 2017

Date Public Consultation Completed: November 8, 2017

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

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

9.0 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 thereby reducing the buffer from the adjacent agricultural orchard. 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. DVP17-0227 for Lot 6, Section 31, Township 29, ODYD, Plan KAP87220, located at 1094 Westpoint Drive, Kelowna, BC;

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

Section [7.5.9]:Fencing and Retaining Walls

To vary the required retaining wall from 1.2 m permitted to 5.03 m 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 geotechnical professional.
- The landscaping to be completed to the satisfaction of the Suburban and Rural Planning Manager.

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

Report prepared by:

Sergio Sartori, Development Technician

Reviewed by:

Todd Cashin, Subdivision, Suburban and Rural Planning Manager
Community Planning Department Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A - Site Plan

Attachment B - Landscape Plan

Attachment C - Site Photos