

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** December 16, 2021  
**RE:** Development Variance Permit Application — Electoral Area “E” (E2021.054-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. E2021.054-DVP, to allow for the construction of an overheight retaining wall at 750 Languedoc Road, be approved.**

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Legal: Lot A, Plan KAP90206, District Lot 211, SDYD Folio: E-02286.010

OCP: Agriculture (AG) Zone: Agricultural One (AG1)

Variance Request: to increase the maximum retaining wall height from 2.0 metres to 3.0 metres.

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## Proposed Development:

This application is seeking a variance to the retaining wall height that applies to the subject property in order to undertake a replacement accessory structure (garage/pool house) and new accessory structures (pool and retaining wall).

Specifically, it is being proposed to increase the maximum retaining wall height from 2.0 metres to 3.0 metres from the finished grade of the single detached dwelling to the top of the retaining wall. The full concrete retaining wall is 5.8 metres from the bottom of the pool to the top of the retaining wall.

In support of this request, the applicant has stated that “the zoning by-law... [has] the good intention of minimizing the impact of retaining wall faces to streets and neighbours on sloping sites. As the retaining wall in question is located between the main house and sloping hill of the site, it is not visible from any adjacent properties or from public lands. This is a small, private courtyard in the middle of a large orchard.”

## Site Context:

The subject property is approximately 1.9 ha in area and is situated on the south side of Languedoc Road. The property is currently developed to contain a single detached dwelling, accessory building (garage), and orchard.

The surrounding pattern of development is characterised by agricultural with single detached dwellings to the north, east, and south, and residential along the lake to the west.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 5, 2010, while available Regional District records indicate that a building permits to build the principle dwelling (2011) and secondary suite (2013) have been issued and applications have been submitted to decommission the secondary suite, demolish the

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existing accessory structure (garage and deck), and build the new garage, pool, and future accessory dwelling (2021).

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Agriculture (AG), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designations outside of the development area.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Agriculture One (AG1) which allows accessory buildings and structures.

The property is within the Agricultural Land Reserve (ALR).

BC Assessment has classified the property as part “Residential” (Class 01) and part “Farm” (Class 09).

The property is in a Geological Hazard Zone and is rated “Hazard of Slumps and Slides” in the development area. The notes for this zone indicate that “site specific engineering investigations recommended where high density development is anticipated”. To get their previous building permits, there is a no build covenant (KAP90207) surrounding the build area from previous geotechnical work completed on the property.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on December 9, 2021. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

The topography and geology of this property is difficult to build on the bench and requires either retaining walls or large separation between structures to make the addition of a pool viable. Additional separation between the structures is not ideal since most of the property is used for orchard. Such a design would require removing orchard trees to add the pool without the retaining wall. However, both the Electoral Area “E” OCP and Agricultural Land Reserve speak to preserving agricultural land. Therefore, the overheight retaining wall to locate the pool on the already disturbed building area between the dwelling and the garage seems reasonable.

The retaining wall height restrictions in the Zoning Bylaw aim to mitigate the impact of residential development on hillsides by encouraging retaining walls to be integrated into the terrain and respect the natural character of the site. For these reasons, the use of large concrete retaining walls in residential areas that create a negative visual impact are discouraged, whereas, surface treatments that harmonize the natural texture and colours are encouraged.

The use of a concrete retaining wall will not be visible by any of the surrounding neighbours and will be integrated into the home and pool design.

**Alternatives:**

1. That the Board deny Development Variance Permit No. E2021.054-DVP.

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**Respectfully submitted**

  
Danielle DeVries, Planner 1

**Endorsed by:**

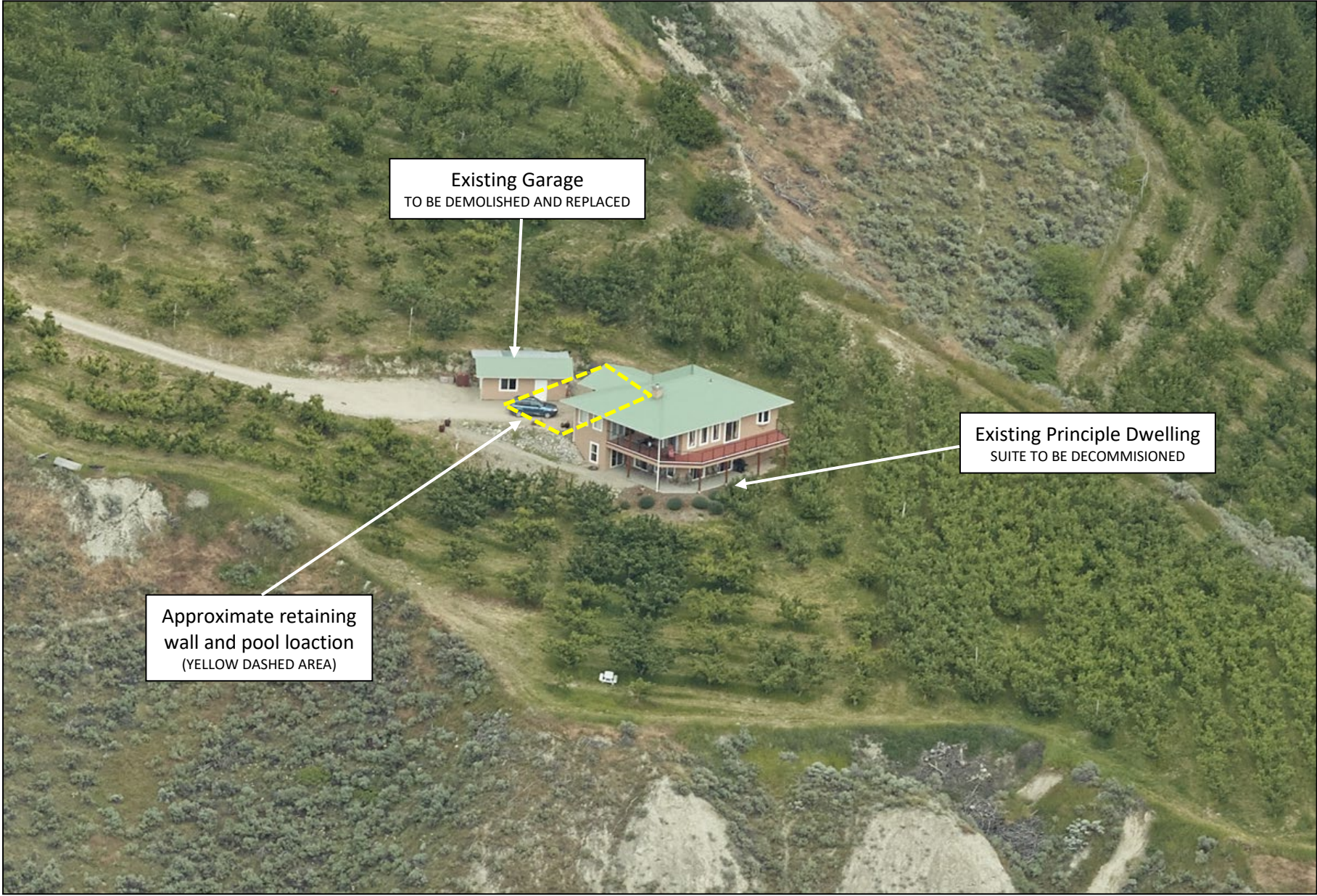
  
C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Aerial Photo 2017)

No. 2 – Aerial Photo



Attachment No. 1 – Site Photo (Aerial Photo 2017)



Existing Principle Dwelling  
SUITE TO BE DECOMMISSIONED

Existing Garage  
TO BE DEMOLISHED AND REPLACED

Approximate retaining  
wall and pool loaction  
(YELLOW DASHED AREA)



Attachment No. 2 – Aerial Photo

