

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: December 5, 2024
RE: Development Variance Permit Application — Electoral Area “I” (I2024.026-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. I2024.026-DVP, to allow for the construction of a retaining wall beyond the maximum building height at 485 Pineview Drive, Kaleden, be approved.

Legal: Lot 5, Plan 19506, District Lot 103S, SDYD Folio: I01638.020

OCP: Low Density Residential (LR). Zone: Low Density Residential Three (RS3)

Variance Request: To increase the maximum height for a retaining wall from 2.0 metres to 3.5 metres.

Proposed Development:

This application is seeking a variance to the maximum height for a retaining wall that applies to the subject property in order to undertake the construction of a retaining wall that exceeds the maximum permitted height.

Specifically, it is being proposed to that a retaining wall to a height of 3.5 metres be constructed on the subject property.

In support of this request, the applicant has stated that they are seeking “to replace existing old rock retaining wall with a new Allan Block retaining wall.”

Site Context:

The subject property is approximately 1,338 m² in area and is situated on the east side of Pineview Drive, within the Town of Kaleden. The property is understood to contain one (1) singled detached dwelling.

The surrounding pattern of development is generally characterised by residential and agricultural developments.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 6, 1969, while available Regional District records indicate that a demolition permit of an A-frame cabin (2017), and a building permit for single family dwelling (2019).

Official Community Plan

Under the Electoral Area “I” Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

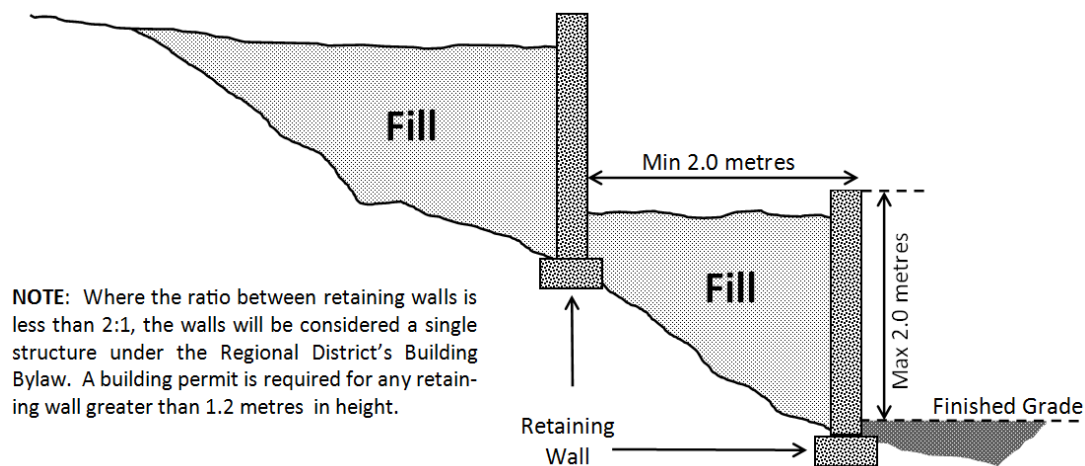
Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential Three (RS3) which lists “single detached dwelling” as a permitted principal use.

The Zoning Bylaw establishes a maximum height of 2.0 metres for retaining walls, measured from the lowest finished grade to the highest point of the wall.

Further, where multiple retaining walls are constructed, the zoning bylaw requires a minimum horizontal distance between the walls that is no less than height of the lowest retaining wall.

Retaining walls constructed closer than this horizontal distance are considered to be a single structure, measured from the finished grade of the lowest wall to the highest point of the highest wall.



The property is not within the Agricultural Land Reserve (ALR) and has been classified as Residential (Class 01) by BC Assessment.

Board Consideration:

At its meeting of October 17, 2024, the Regional District Board resolved that “the matter of Development Variance Permit No. I2024-026-DVP be referred to Area “I” Advisory Planning Commission.”

Public Process:

In accordance with Section 2.4 of Schedule 4 (Application for a Development Variance Permit) of the Regional District’s Development Procedures Bylaw No. 2500, 2011, adjacent residents and property owners were notified of this DVP application on August 6, 2024, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of August 21, 2024, being 15 working days from the date of notification, no representations have been received electronically or by submission at the Regional District office.

At its meeting of November 4, 2024, the Electoral Area “I” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

Analysis:

The Zoning Bylaw's use of regulations to govern the placement of retaining walls are generally to encourage retaining walls be integrated into the terrain and respect the natural character of the site in order to achieve environmentally sound and liveable hillside neighbourhoods.

Further, retaining walls should be aesthetically well integrated into a hillside to enhance the desirability and marketability of hillside developments, allowing flexibility and innovation in design while recognizing the importance of preserving natural features and hillside character.

For these reasons, the use of large concrete block 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.

In this instance, Administration recognizes that many properties in Kaleden face topographical constraints due to historic hillside development patterns.

Further, the applicant cited topographic constraints in support of the previous variance request, stating that the retaining wall is proposed in order to create a useable backyard and that there is not enough space to build a stepped wall.

Regarding visual impacts, the proposed retaining wall is located near the footprint of the dwelling unit, which is setback approximately 19.5 metres from Pineview Drive and also includes an elevation from the constructed road (see Attachment No. 2). Accordingly, the proposed wall is unlikely to impact the aesthetics of the hillside or the streetscape.

Alternative

Conversely, when a non-conforming structure such as an over-height retaining wall requires replacement due to potential failure, the development of a replacement structure is generally considered the time at which to seek bylaw compliance.

Other options are seen to be available to the applicant, such as an alternative design in which the use of back-filling or multiple stepped walls is used to reduce the overall height and more aesthetically integrate the retaining wall into the hillside. However, it is also recognized that this may require modification to the existing driveway and access to the site.

Summary

For these reasons outlined above, Administration supports the requested variance and is recommending approval.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Alternatives:

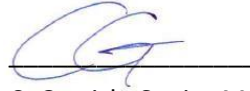
1. That Development Variance Permit No. I2024-026-DVP be denied.

Respectfully submitted:

Jerritt Cloney

Jerritt Cloney, Planner I

Endorsed By:



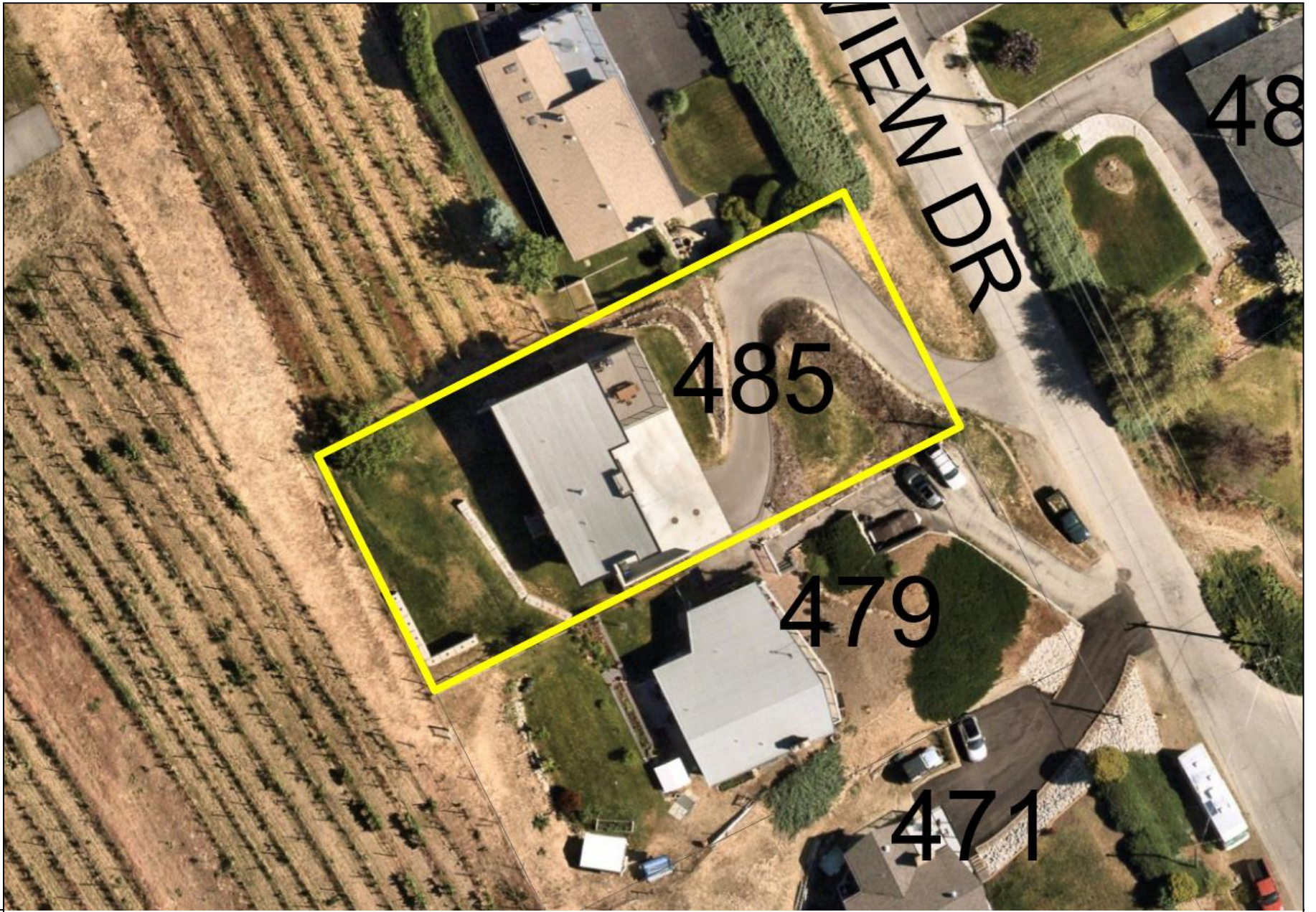
C. Garrish, Senior Manager of Planning

Attachments:

No. 1 – Aerial Photo

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Aerial Photo



Attachment No. 2 – Site Photo (Google Streetview)



Approximate location
of existing retaining
wall to be replaced