

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: November 18, 2021
RE: Development Variance Permit Application — Electoral Area “A” (A2021.044-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. A2021.044 to increase the maximum retaining wall height from 2.0 metres to 3.35 metres to allow for the construction of an addition to the existing dwelling and a swimming pool at 3304 52nd Avenue in Area “A” be approved.

Legal: Lot 17, Plan KAP4351, District Lot 43 223, SDYD

Folio: A-01272.000

Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking a variance to the maximum retaining wall height in the Agriculture One (AG1) Zone from 2.0 metres to 3.35 metres that applies to the subject property in order to undertake the construction of an addition to the existing dwelling and a swimming pool.

In support of this request, the applicant has stated that:

as the property sits on a fairly steep slope, we need to extend the back yard to have a flat surface area large enough to accommodate the pool ... the finished pool deck, should we receive approval for the variance on the retaining wall, will be the height of the current back lawn ... as the top of the proposed retaining wall would only reach the height of the existing backyard lawn, neither neighbour's view would not change from what they currently already have ... it is not visible from the road, nor by either neighbour or by the RV park at the bottom of the hill.

Site Context:

The subject property is approximately 4.19 ha in area and is situated on the north side of 52nd Avenue. The property is currently developed to a single detached dwelling and accessory structures. The surrounding pattern of development is characterised by agricultural operations and single detached residences.

Background:

The current boundaries of the subject property were created on July 21, 1948, while available Regional District records indicate that a building permit for a single detached dwelling (1996) has previously been issued for this property.

The Electoral Area “A” Official Community Plan designates the subject property Agriculture (AG) and the Area “A” Zoning Bylaw zones it Agriculture One which allows for single detached dwelling and accessory buildings and structures.

The property is within the Agricultural Land Reserve (ALR) and has been classed as part “Residential” (Class 01) and part “Farm” (Class 09) by BC Assessment.

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 November 11, 2021. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

This parcel contains steep slopes which create the need for retaining walls to establish areas suitable for siting structures. The Regional District has attempted to mitigate the impact of residential development on hillsides through the use of retaining wall regulations in all Okanagan Valley Electoral Areas to encourage integration into the terrain and respect for 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.

The subject property is fairly large in area and is already well separated from homes on neighbouring parcels. Additionally, the increased height of the retaining wall is proposed to be sited on the interior portion of the property and there is no impact anticipated on the neighbouring properties’ sightlines or on the streetscape.

Furthermore, the wall is proposed to be built at a *maximum* height of 3.35 m only in certain sections whereas the bulk of the proposal does not vary considerably from the intent of the bylaw.

Alternatives:

1. That the Board deny Development Variance Permit No. A2021.044-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area “A” Advisory Planning Commission.

Respectfully submitted

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed by:

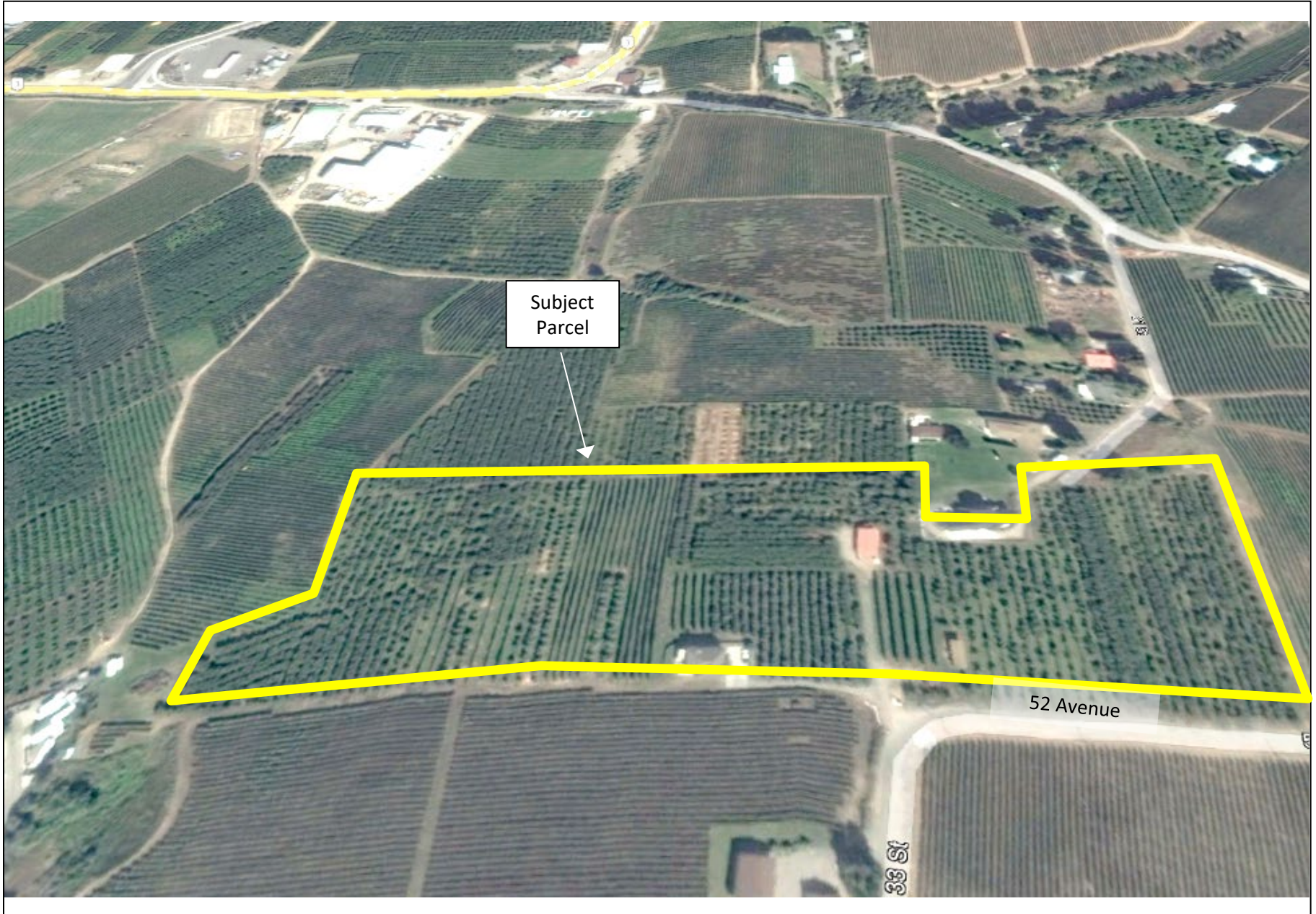


C. Garrish, Planning Manager

Attachments: No. 1 – Site Aerial

No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Site Aerial



Attachment No. 2 – Site Photo (Google Streetview)



Existing Dwelling

Subject Parcel

52 Avenue