

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 21, 2021  
**RE:** Development Variance Permit Application — Electoral Area “E” (E2021.043-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. E2021.043-DVP to allow for the construction of an over-height retaining wall at 3285 Lyons Road, Naramata be approved.**

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Legal: Lot A, Plan KAP54932, District Lot 266, SDYD Folio: E-01940.002  
OCP: Small Holdings (SH) Zone: Small Holdings Three (SH3)  
Variance to increase the maximum retaining wall height from 2.0 metres to 3.66 metres;  
Requests: to increase the maximum retaining wall height in an interior side parcel line setback from 1.2 metres to 3.35 metres; and  
to reduce the minimum interior side parcel line setback from 4.5 metres to 0.0 metres.

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## Proposed Development:

This application is seeking a variance to the maximum retaining wall heights and minimum interior side setback that applies to the subject property in order to replace an existing overheight retaining wall that is rotting.

Specifically, it is being proposed to increase the maximum height of a retaining wall to 3.66 metres, including to 3.35 metres in the interior side setback and to reduce the minimum interior side setback to 0.0 metres.

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

*The existing 3.02 M (9'-11") retaining wall is crumbling, a safety hazard and an eyesore. The requested replacement retaining wall would be a little higher at 3.66M (12ft) at the basement patio slab area. ... Our neighbours directly to the south they welcome the upgrade ... [and] fully support the new wall and proposed elevation at their side. ... Our neighbours to the west are also in support. ... The existing wall was built with KVR rail ties and boulders ... [that] are crumbling with age and from the effects of insects and marmots. ... The proposed Redi-Rock block type wall with rugged natural looking stone will enhance the south and west side aspects of the property for us, our neighbours and for the public that visit Naramata as it is visible from the busy road.*

## Site Context:

The subject property is approximately 2088 m<sup>2</sup> in area and is situated on the west side of Lyons Road and east side of Naramata Road. The property is currently developed to contain a single detached dwelling and accessory building (shed).

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The surrounding pattern of development is characterised by residential uses (RS1 and SH3) to the south and east and agricultural parcels with dwellings to the north and west (AG1).

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 19, 1995, while available Regional District records indicate that a building permits for the single detached dwelling (Sep 1981; May 2019) and accessory building (June 2020) have been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Small Holdings (SH), and is not the subject of any development permit areas.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Small Holdings Three (SH3) which requires the maximum height of retaining walls to be 2.0 metres and 1.2 metres in the interior side setback and the minimum interior side setback to be 4.5 meters.

BC Assessment has classified the property as “Residential” (Class 01).

**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 October 14, 2021. All comments received are included in the Board’s Agenda.

**Analysis:**

The Regional District attempts to mitigate the impact of residential development on hillsides through the use of retaining wall regulations. These regulations encourage retaining walls to be aesthetically integrated into the terrain and respect the natural character of the site to achieve environmentally sound and liveable hillside neighbourhoods.

Further, the Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties to protect privacy and prevent the appearance of overcrowding. In a residential neighbourhoods they also allow access to sunlight, provide separation for fire safety, and mitigate nuisances (like noise) that might come from an adjacent building.

The existing retaining wall is a safety hazard and is scheduled for replacement. The property is already developed into the hill in a step-wise manner that integrates it into the terrain and the proposed materials will aesthetically match the natural character of the area more than the existing wall.

The homes are already well separated and the existing retaining wall is up to the property line, so concerns with the proposed interior parcel line setback are mitigated.

The maximum height of 2.0 metres is to create a step-wise rise in elevation that more closely matches the bench-like nature of hills in the area. The property owners would have an option to create a new retaining wall design that incorporates two, shorter retaining walls.

**Alternatives:**

1. That the Board deny Development Variance Permit No. E2021.043-DVP; or

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2. That the Board defer consideration of the application and it be referred to the Electoral Area "E" Advisory Planning Commission.

**Respectfully submitted**



Danielle DeVries, Planner 1

**Endorsed by:**



C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview from Naramata Road 2014)

No. 2 – Site Photo (Existing Retaining Wall from West)

No. 3 – Site Photo (Existing Retaining Wall from South)

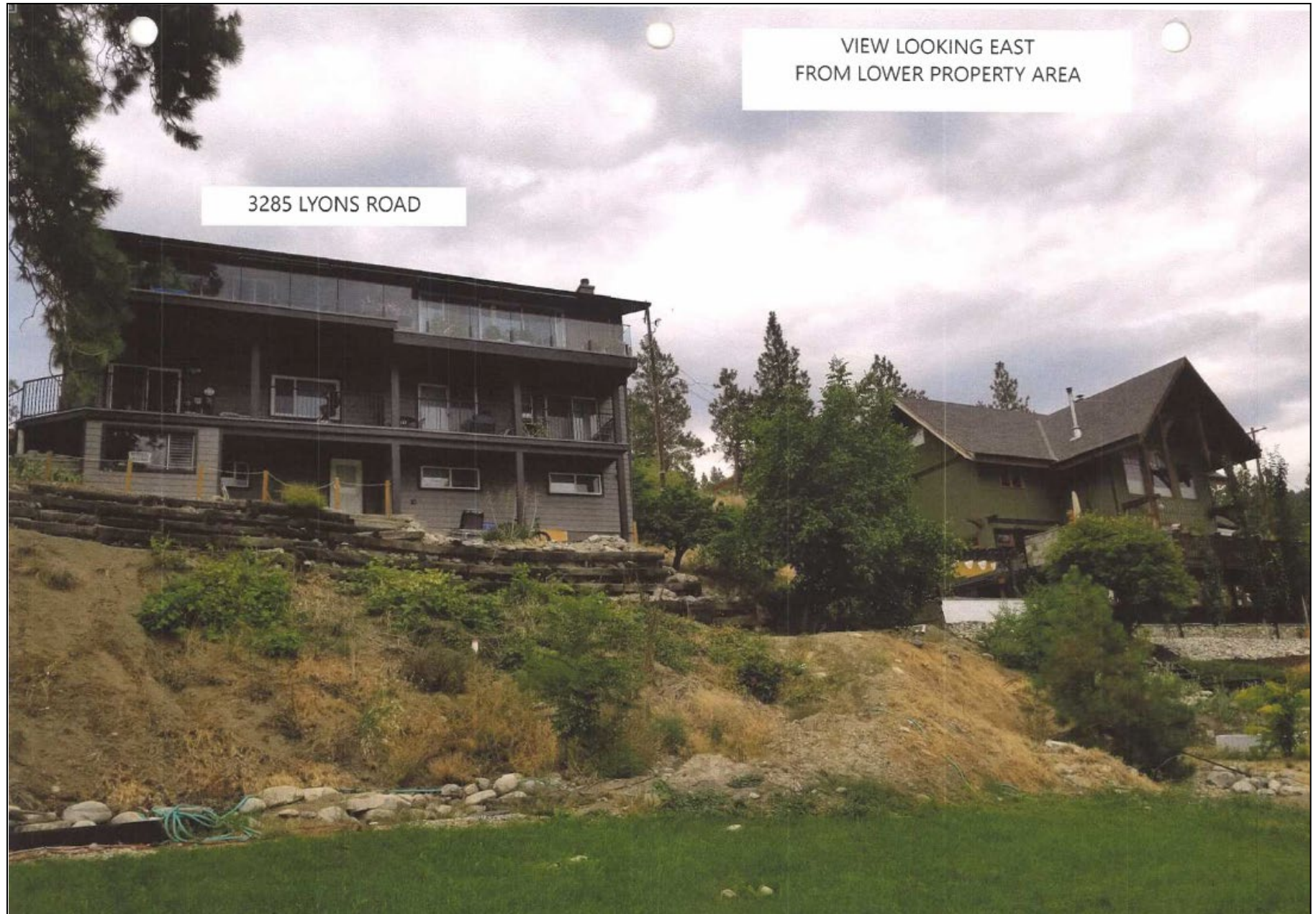
No. 4 – Example Photo (Redi-Rock Material Chosen)

Attachment No. 1 – Site Photo (Google Streetview from Naramata Road 2014)





Attachment No. 2 – Site Photo (Existing Retaining Wall from West)



VIEW LOOKING EAST  
FROM LOWER PROPERTY AREA

3285 LYONS ROAD



Attachment No. 3 – Site Photo (Existing Retaining Wall from South)





Attachment No. 4 – Example Photo (Redi-Rock Material Chosen)

