

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 5, 2022
RE: Development Variance Permit Application — Electoral Area “H” (H2022.012-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. H2022.012-DVP, to allow for the construction of a retaining wall with a covered wood storage at 3313 Coalmont Road be approved.

Legal: Lot 1, Plan KAP57408, District Lot 1740, YDYD Folio: H-00984.010

OCP: Small Holdings (SH) Zone: Small Holdings Four (SH4)

Variance to reduce the minimum interior side parcel line setback from 4.5 metres to 3.3 metres; and

Requests: to reduce the maximum height for retaining wall from 1.2 metres to 4.5 metres.

Proposed Development:

In support of this request, the applicant has stated that “the 4.5 metre setback is significantly larger than most in the area. Encroaching by .6 metres would pose no additional threats or inconveniences to the neighbouring property...The retaining wall will create a safe access to the lower portion of the property.”

Site Context:

The subject property is approximately 4,678 m² in area and is bisected by Coalmont Road. The property is bounded by Otter Lake to the east and is approximately 10 km north from the boundary with Town of Tulameen. The property is developed to contain a single detached dwelling and accessory building (steel shop).

The surrounding pattern of development is characterised by similar residential development to the North and South, with Resource Area (Crown Land) to the west and Otter Lake to the East.

Background:

The current boundaries of the subject property were created on August 9, 1996, while available Regional District records indicate that a building permits for a steel shop (2020), Demolition of house and garage (2020), and for a single family dwelling (2021).

The property is designated Small Holdings (SH) and is the subject to Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations. The property is zoned Small Holdings Four (SH4) which allows for accessory buildings and structures. Section 7.29.4(a) states that “in a required setback for a front, side or rear parcel line no retaining wall shall exceed 1.2 metres in height”.

The subject property is within the floodplain associated with Otter Lake and 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 April 28, 2022. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

The retaining wall and wood storage are two separate structures.

Setback Variance

The Zoning Bylaw’s use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding.

Minimum setbacks from parcel lines are used to maintain a minimum space between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from an adjacent building.

Typically, eaves are allowed to project 0.6 metres into the required setback under the general regulations. The proposed retaining wall and covered wood storage will be located 0.6 metres into the interior side setback and the eaves would project an additional 0.6 metres into the setback.

As the structure is to be used for wood storage there are no concerns for the neighbouring property regarding noise, lighting or neighbours privacy associated with the use.

Retaining Wall Height Variance

Regulating the height of retaining walls through the use of zoning regulations is generally done to encourage such walls to be integrated into the terrain and respect the natural character of the site in order to achieve environmentally sound and liveable hillside neighbourhoods.

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, the overheight retaining wall is proposed to be sited on the interior portion of the property. The retaining wall will be sloped to match the natural contours of the land with lowest portion of the retaining wall measuring 1.2 metres and the highest point measuring 4.26 metres.

The property currently has a garage which is 4.5 metres from the interior side parcel line. The size and siting of the proposed retaining wall and storage structure are not anticipated to have any greater impacts on the parcel to the north than the existing garage.

The applicant has also indicated that the retaining wall “will create a safe access point to the lower portion of the property.”

Conversely, there is sufficient room to construct a wood storage structure on the south side of the property without encroaching on the setback regulations.

Alternatives:

1. That the Board deny Development Variance Permit No. H2022.012-DVP.
2. That the Board refer Development Variance Permit No. H2022.012-DVP to the Electoral Area "H" Advisory Planning Commission.

Respectfully submitted

Fiona Titley

Fiona Titley, Planner I

Endorsed by:

CG

C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo

Attachment No. 1 – Site Photo

