

# Development Variance Permit VP-20-04

Regional District of Central Okanagan Board Meeting  
October 26, 2020

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1450 K.L.O. Road  
Kelowna, BC, V1W 3Z4  
rdco.com



# Proposal

- To consider issuance of a Development Variance Permit for a constructed retaining wall to permit an increase in the maximum height, a reduction of the side setback, and to permit the siting within the required front setback

# Development Process

October 1, 2020

Development Variance Application Submitted



Staff Review & Circulation

October 6, 2020

Public Notification



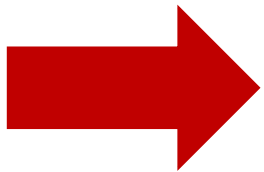
October 15, 2020

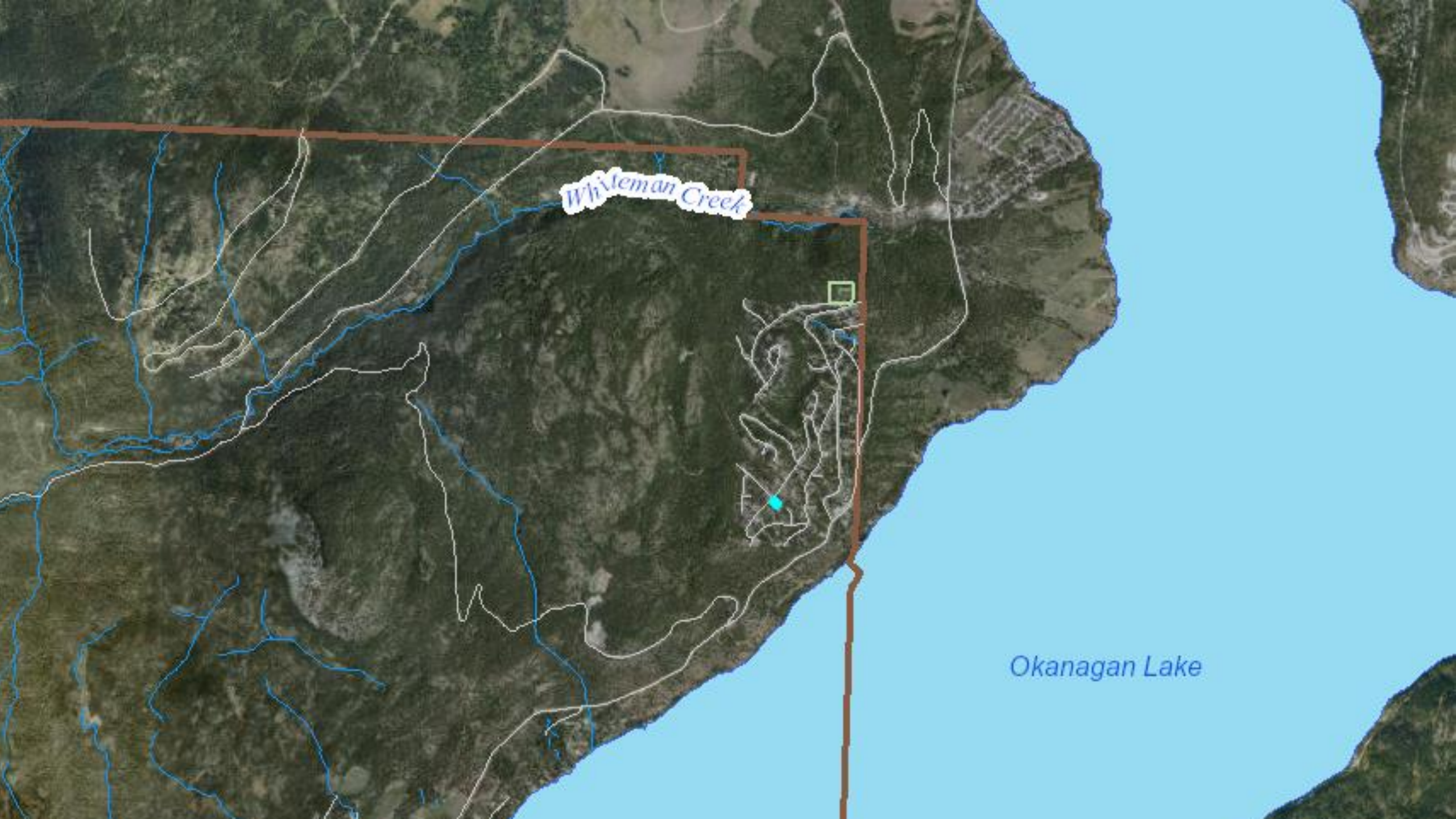
Advisory Planning Commission Review



October 26, 2020

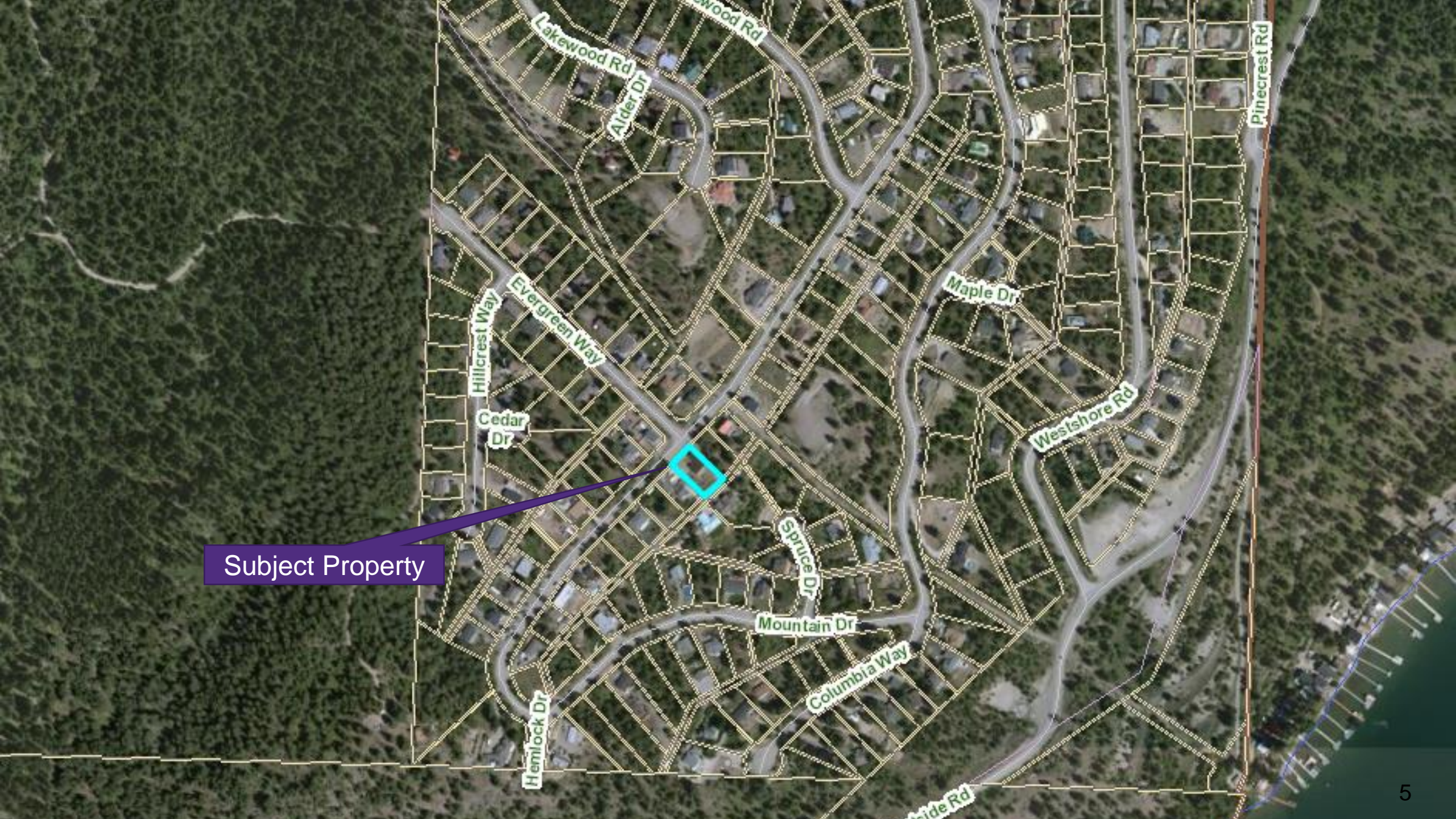
Regional Board Consideration



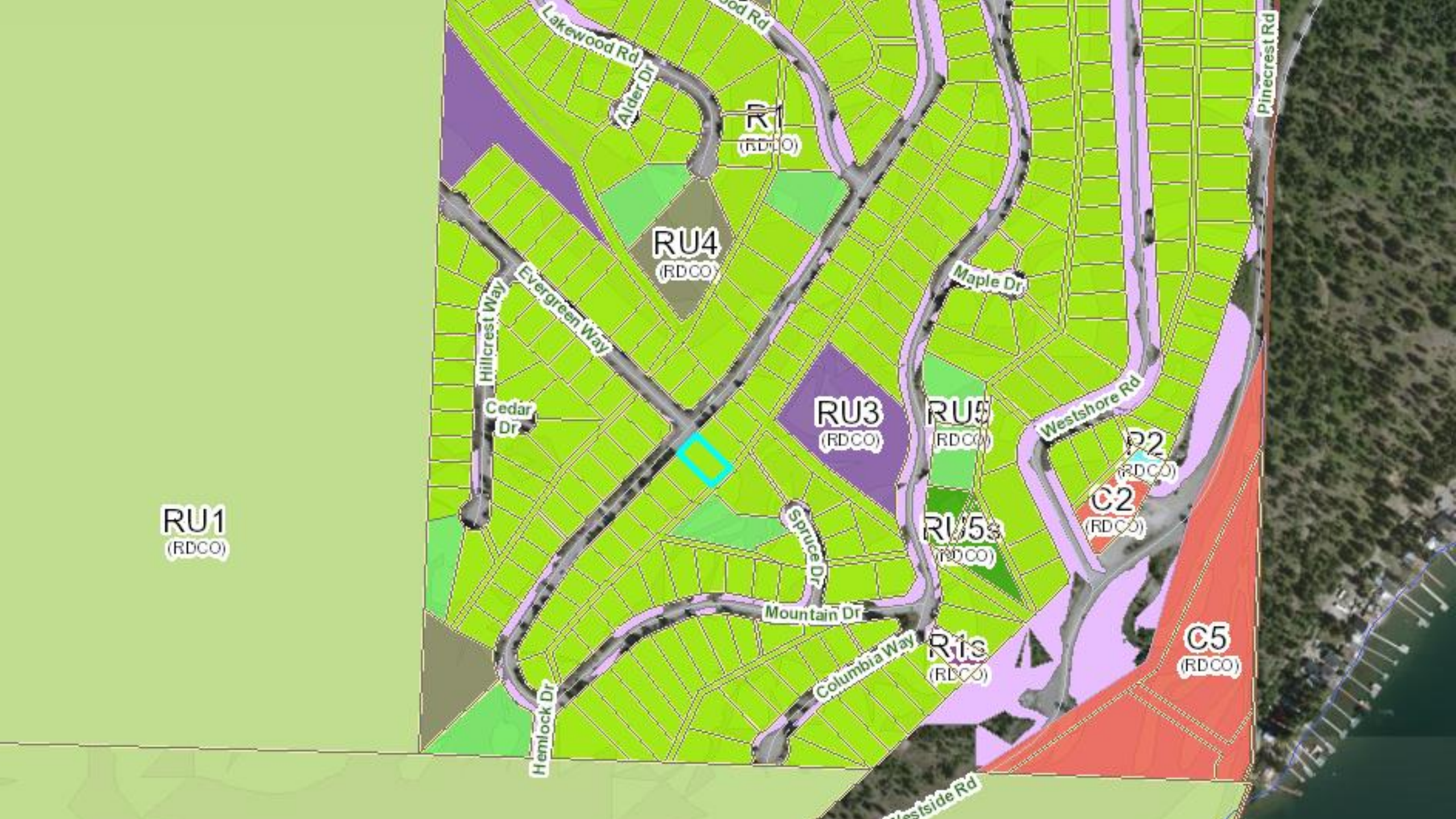


Whiteman Creek

Okanagan Lake



Subject Property



**RU1**  
(RDCO)

**RU4**  
(RDCO)

**RU3**  
(RDCO)

**RU5**  
(RDCO)

**RU5s**  
(RDCO)

**R1s**  
(RDCO)

**P2**  
(RDCO)

**C2**  
(RDCO)

**C5**  
(RDCO)

Lakewood Rd

Alder Dr

Hillcrest Way

Evergreen Way

Cedar Dr

Spruce Dr

Mountain Dr

Columbia Way

Hemlock Dr

Maple Dr

Westshore Rd

Pinecrest Rd

Westside Rd



Subject Property

Evergreen Way

Mountain Dr

58

500

511

130

515

129

523

128

531

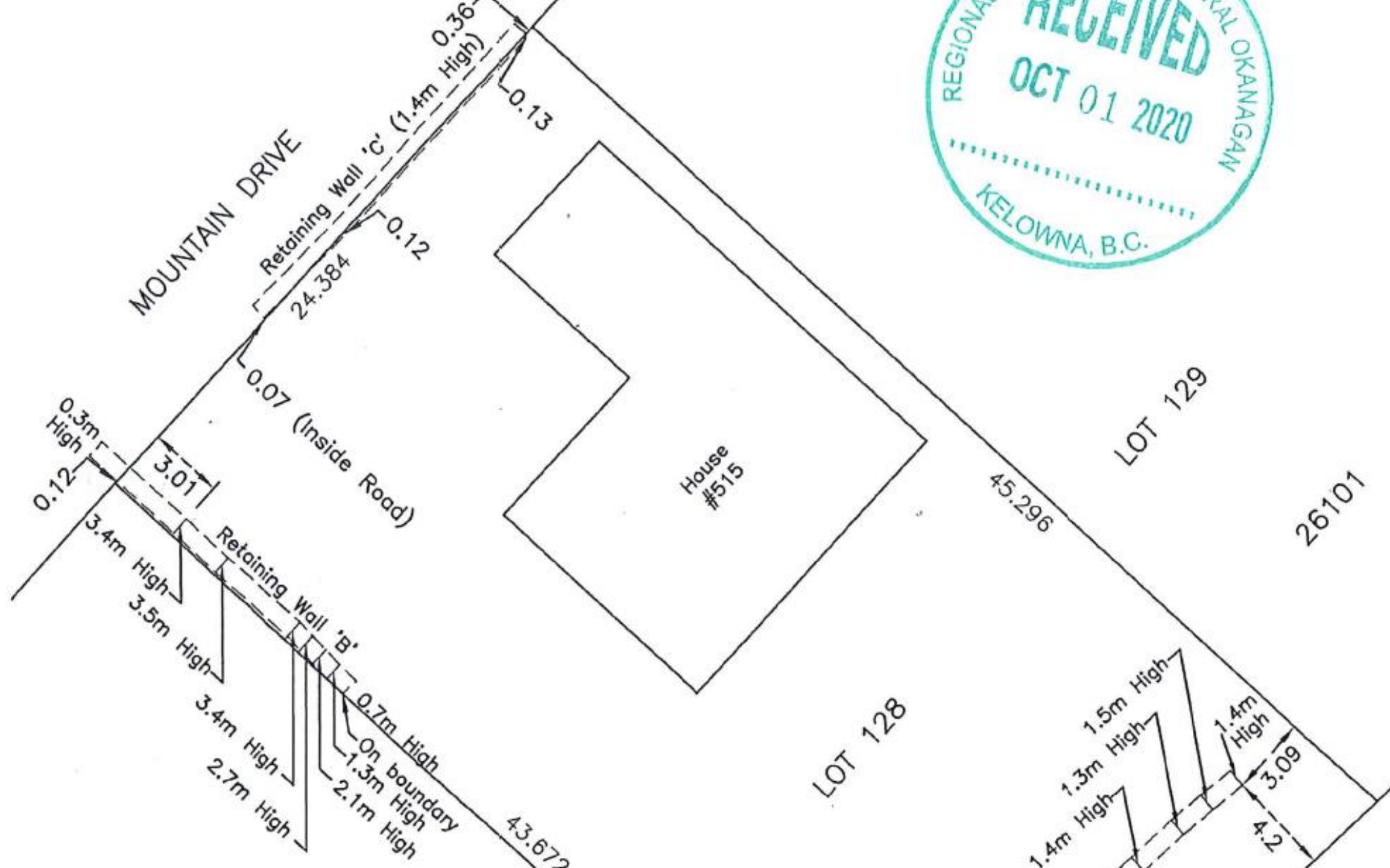
127

135

# Background

- Building Permit issued in 2019 for the construction of a single detached house
- Retaining walls not included in BP application
- Survey requested by staff
- Subsequently, engineering requested by staff





MOUNTAIN DRIVE

Retaining Wall 'C' (1.4m High)  
24.384

House #515

LOT 129

LOT 128

26101

0.3m High  
0.12

3.4m High  
3.5m High

3.4m High  
2.7m High

On boundary  
1.3m High  
2.1m High

1.4m High  
1.5m High  
1.3m High  
1.4m High  
3.09

# Technical Details

- Retaining Wall B
  - Wall height does not comply with Zoning bylaw
  - Wall setback does not comply with Zoning bylaw
  - Wall partially located within the MOTI road right-of-way

Mountain Dr

515

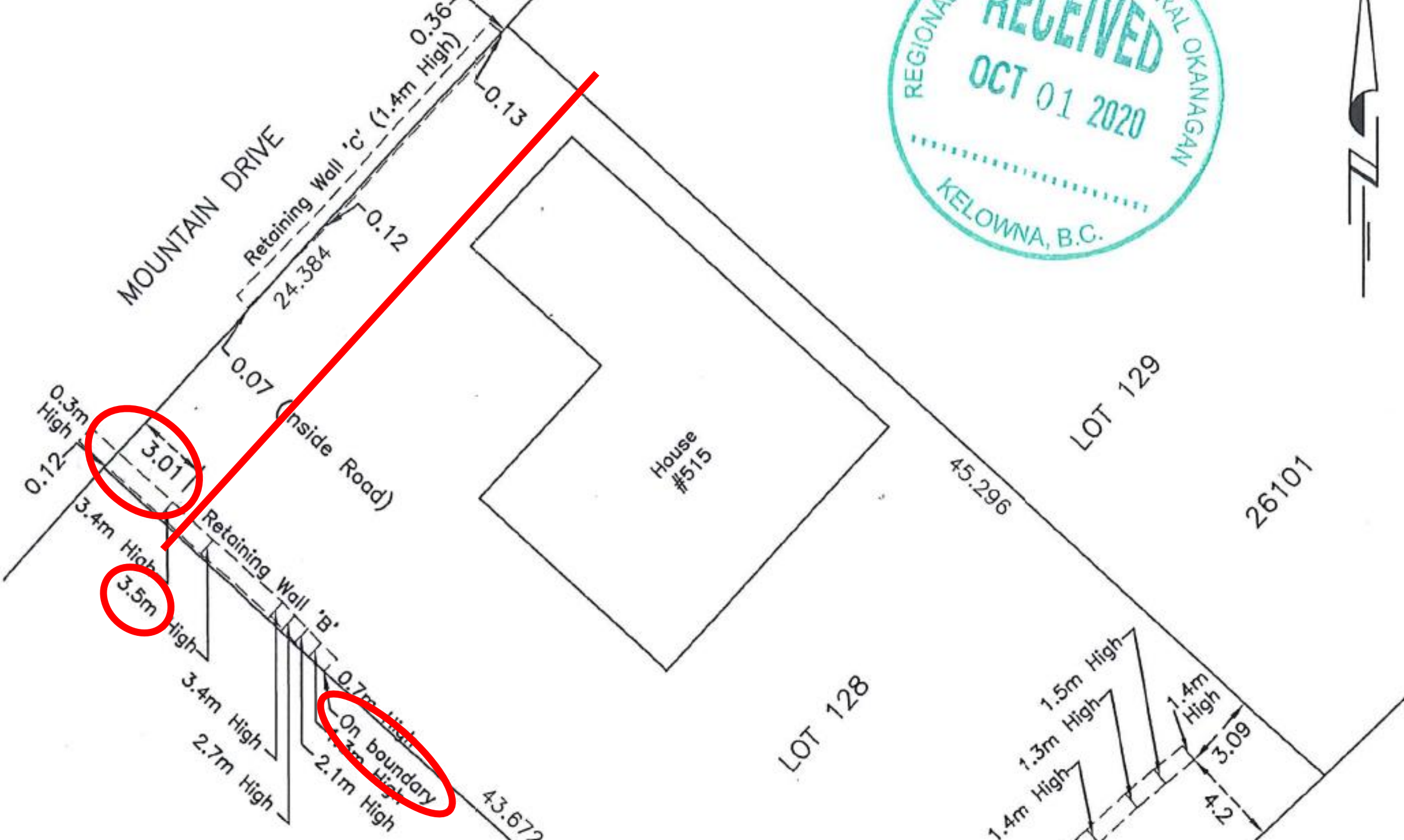
129

523

128

127

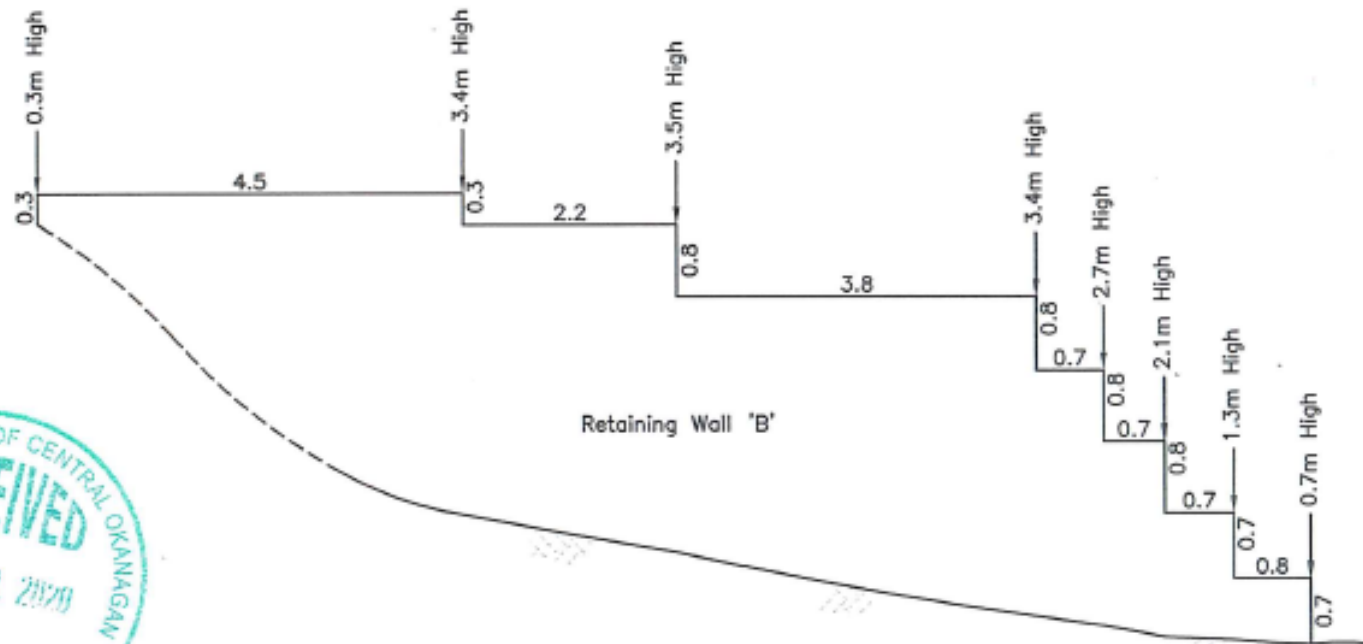




# Variance Request

- To allow:
  - an increase in the maximum allowable height of a retaining wall from 2.5 m to 3.5 m.
  - an accessory structure in the required front setback.
  - a reduction of the minimum side setback of a retaining wall from 1.0 m to 0 m.
  - a reduction of the minimum front setback from 4.5 m to 3.01 m to permit the siting of a retaining wall.

ALL DISTANCES ARE IN METRES.



Retaining Wall 'B'

View from SW



HORIZONTAL & VERTICAL SCALE



\* See drawing 103550T00 for location of Retaining Wall 'B' on Lot 128

PROFILE PLAN SHOWING RETAINING WALL 'B' ON LOT 128, PLAN 26101, DL 3688, ODYD

103550XD1

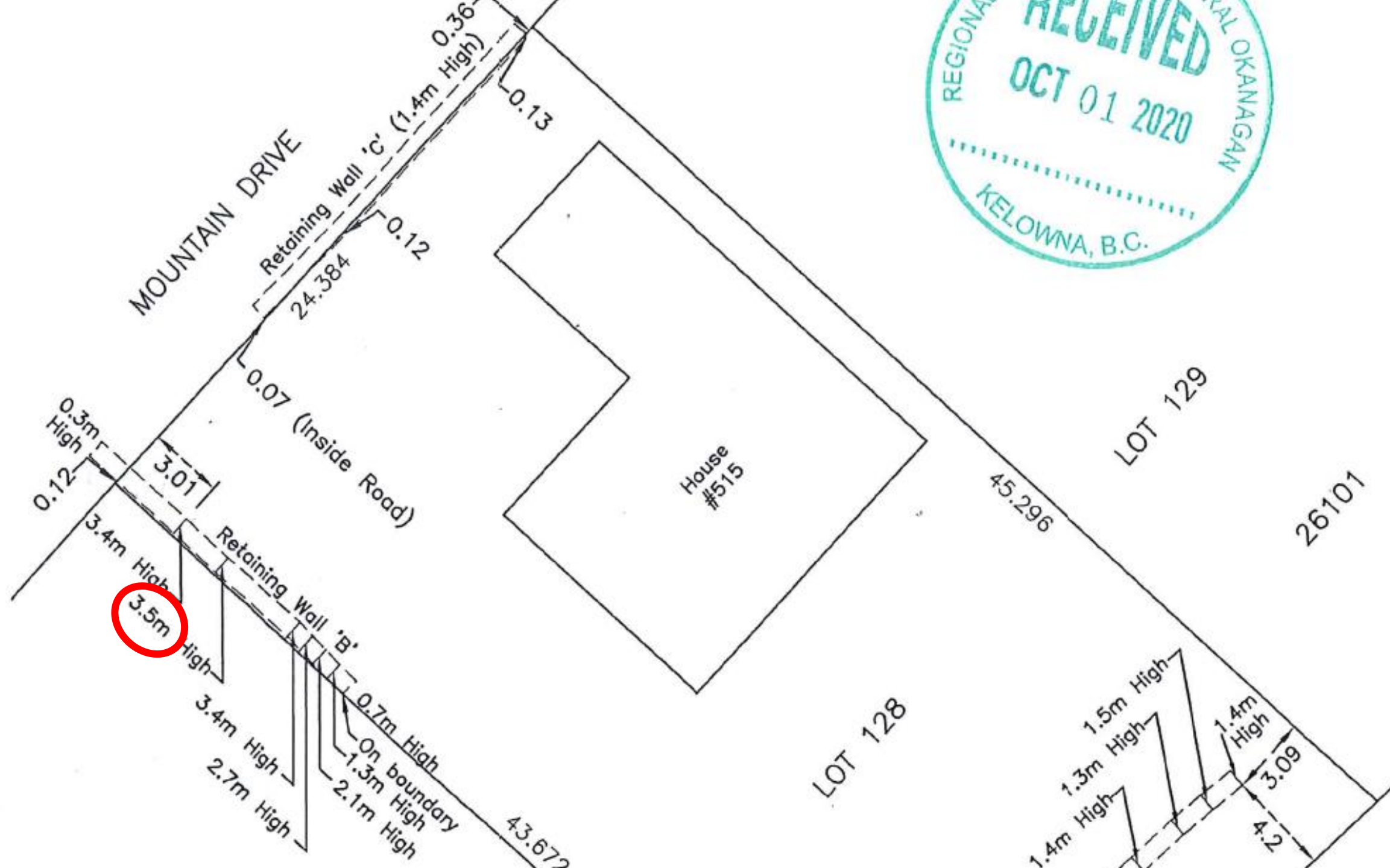
SCALE: 1 : 75      OUR FILE: R10355

DATE: 11 Sep 2020      DRAWN: KDG

Vander Ploeg

MADDOX & COMPANY

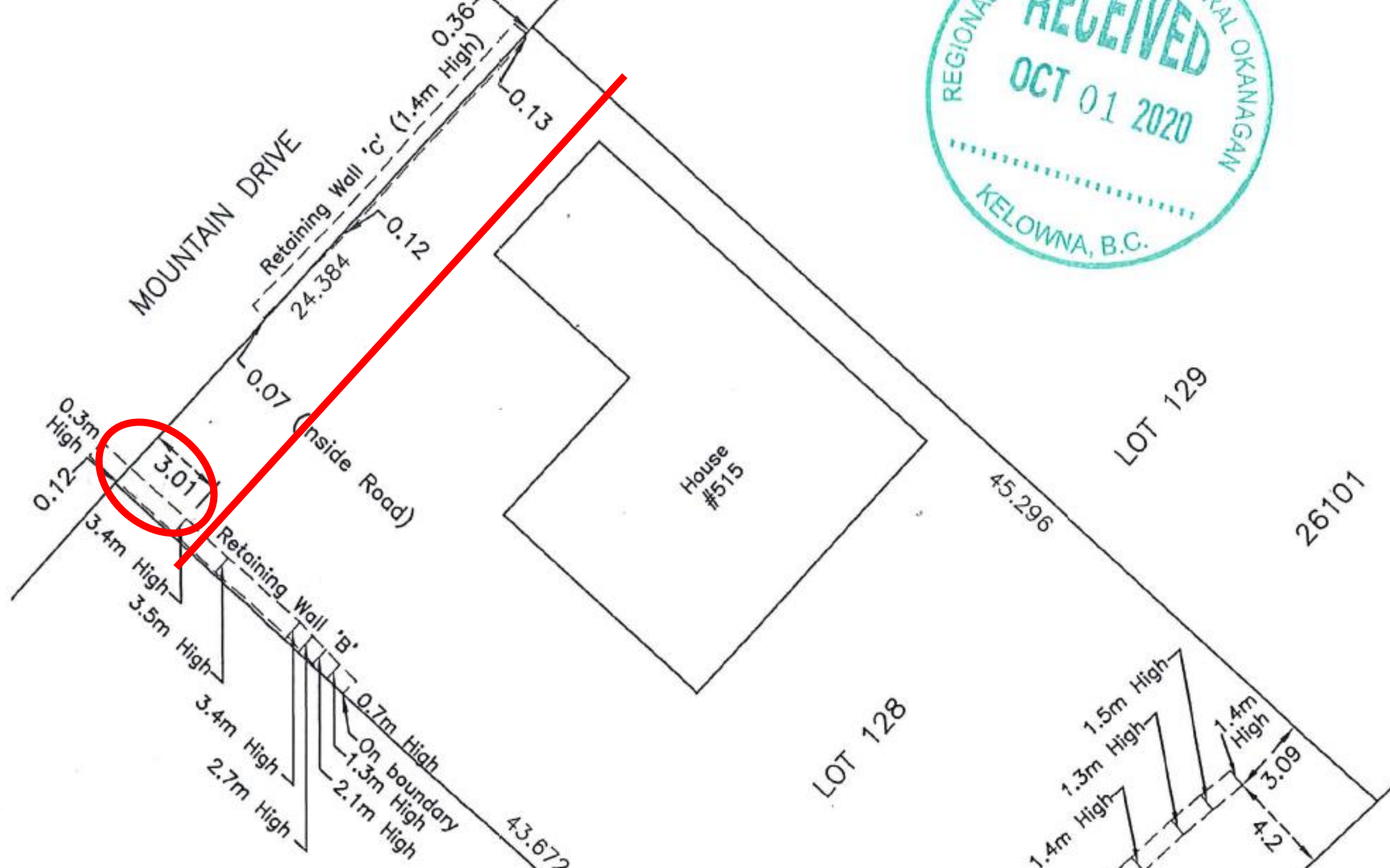
LAND SURVEYORS  
3500 - 30th STREET  
VERNON, BC V1T 5E8  
TELEPHONE: (250) 542-4343











MOUNTAIN DRIVE

Retaining Wall 'C' (1.4m High)

House #515

LOT 129

LOT 128

Retaining Wall 'B'

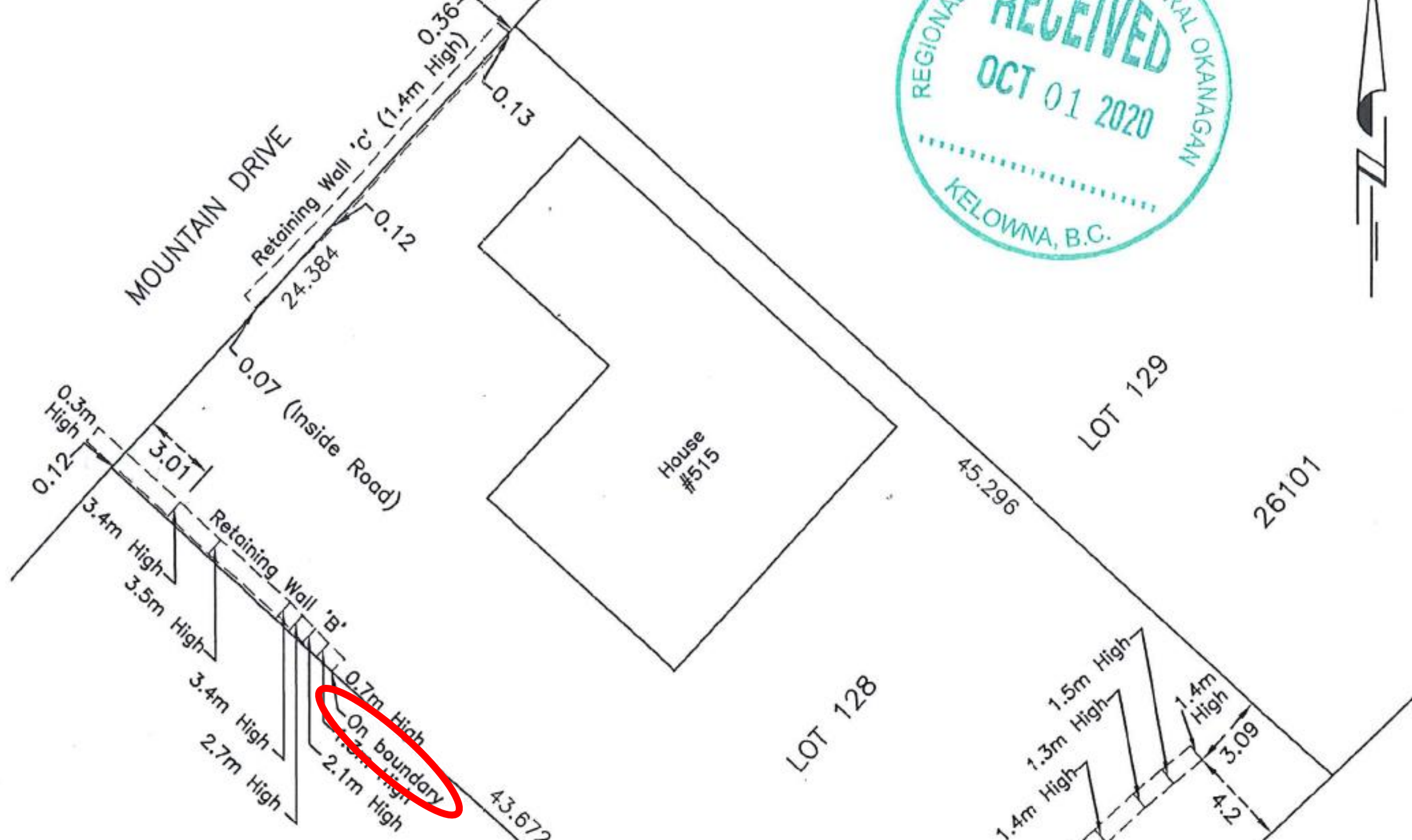
On boundary



NOTICE

07-4-07





# Technical Details

- Retaining Wall C
  - Wall partially located within the MOTI road right-of-way

Mountain Dr



515

129

128

523

127







# Ministry of Transportation & Infrastructure

- Retaining walls encroaching within the ROW
- Permit issued for retaining walls B and C

# Interior Health Authority

- The location of the retaining wall must not conflict with the existing on-site sewerage disposal system

# RDCO Inspections Services

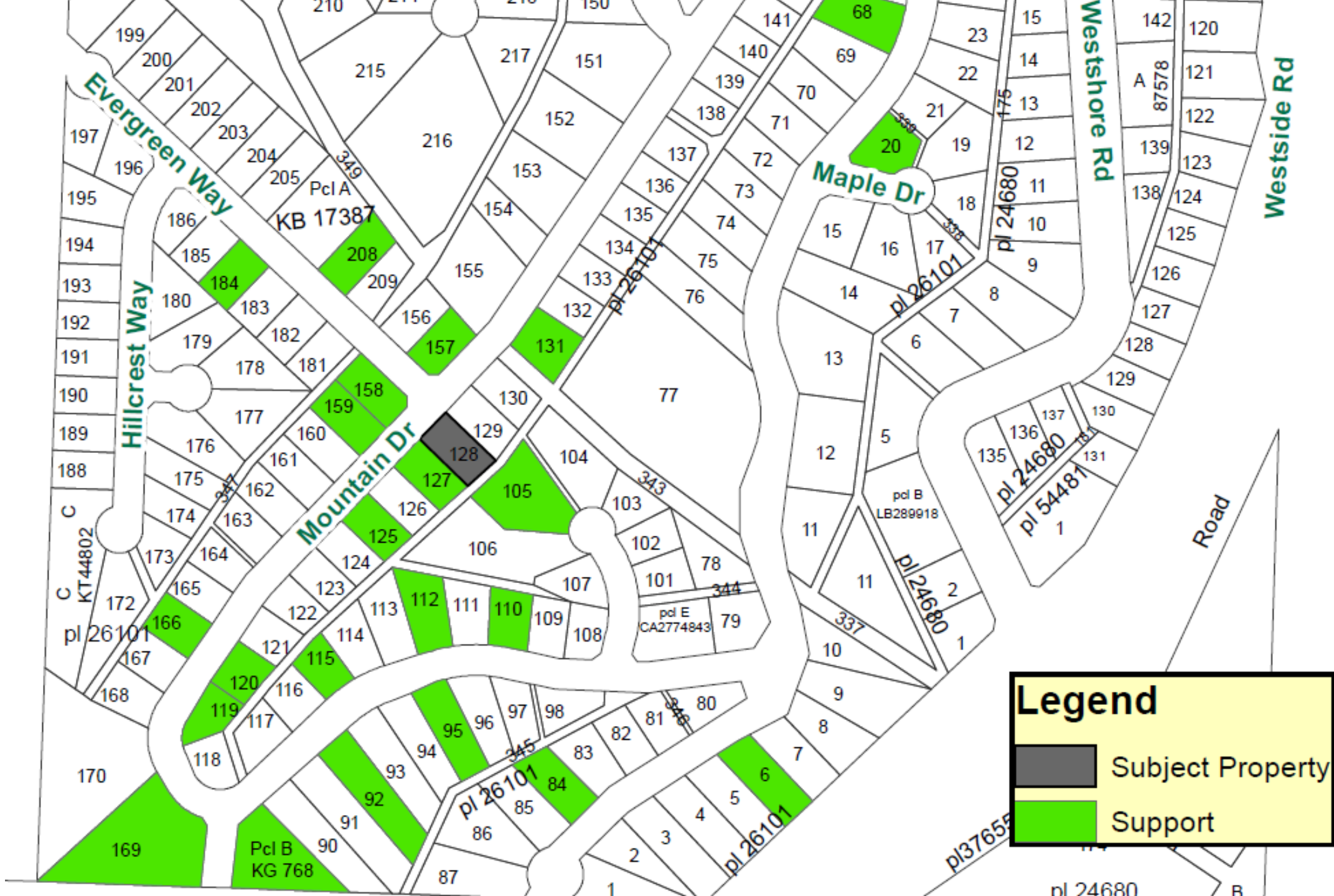
- Retaining walls have been certified by an engineer
- Building permit required

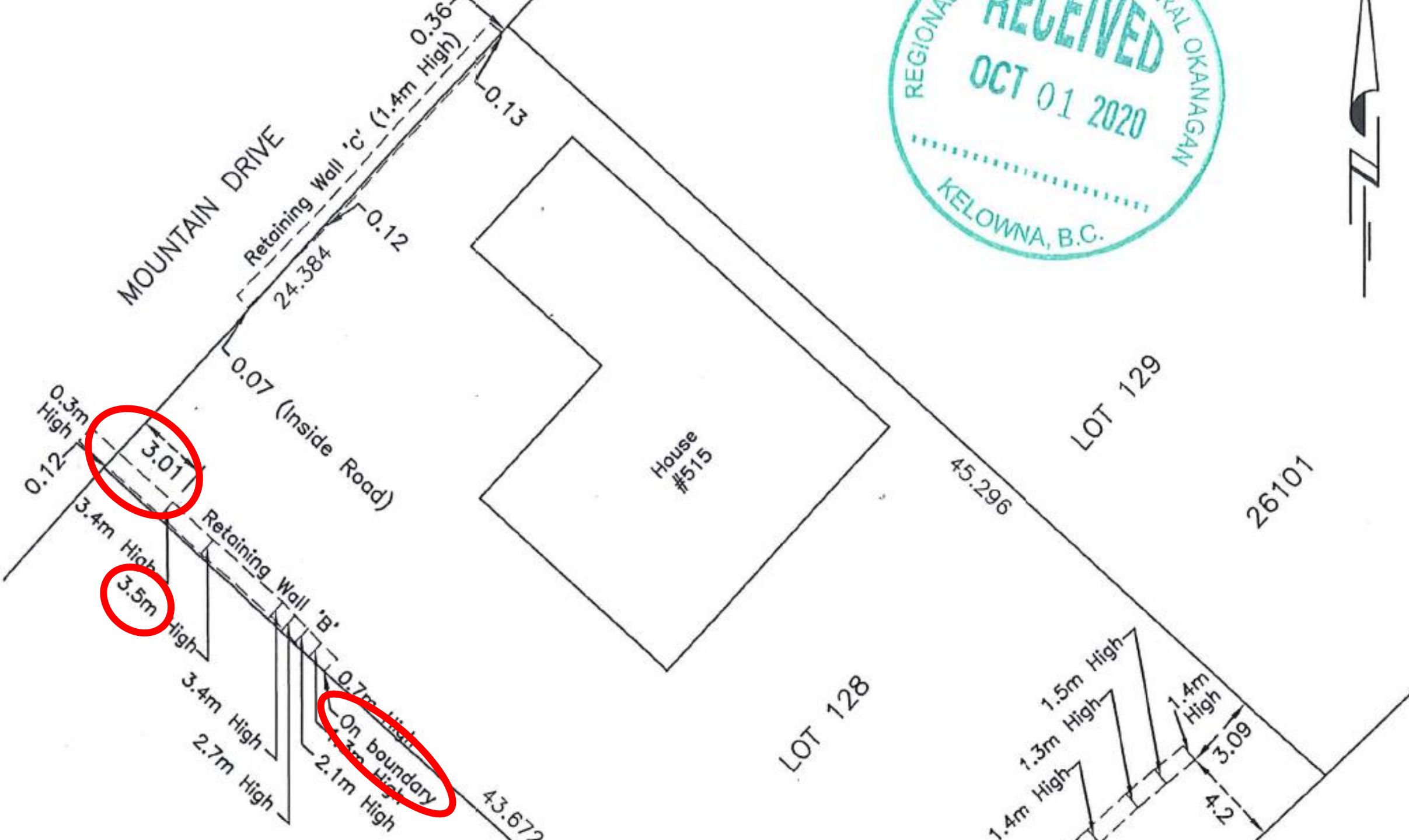
# Development Permit Areas

- Wildfire Interface Development Permit Area:
  - Wildfire covenant registered on title
  - Owner's must conform to wildfire guidelines
  - Therefore, Development Permit not required

# Public Notification

- Application sign posted on the property
- Written notices mailed
  - A total of 33 letters to neighbouring properties
- To date, the following public correspondence has been received:
  - Twenty-six (26) letters of support
  - Zero (0) letters of opposition





MOUNTAIN DRIVE

Retaining Wall 'C' (1.4m High)

House #515

LOT 129

LOT 128

Retaining Wall 'B'

3.01

3.5m

0.7m

On boundary

1.4m High  
1.3m High  
1.5m High  
1.4m High  
3.09

# Recommendation

- **THAT** the Regional Board approve Development Variance Permit Application VP-20-04 for 515 Mountain Drive to vary the following provisions of Zoning Bylaw No. 871 based on the site plan dated October 1, 2020, by Maddox & Company Land Surveyors:



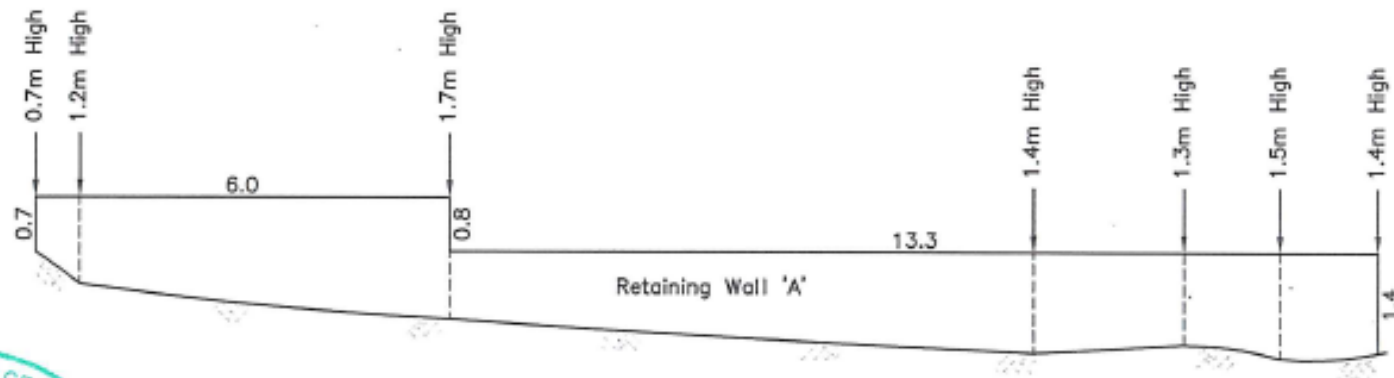
# Recommendation

- Section 3.10.5 by allowing an increase in the maximum allowable height of a retaining wall from 2.5 m (8.2 ft.) to 3.5 m (11.5 ft.).
- Section 3.17.5 by allowing an accessory structure in the required front setback.

# Recommendation

- Section 3.17.6 by allowing a reduction of the minimum side setback for an accessory structure from 1.0 m (3.3 ft.) to 0 m (0 ft.) to permit the siting of a retaining wall.
- Section 7.1.4 by allowing a reduction of the minimum front setback from 4.5 m (14.8 ft.) to 3.01 m (9.8 ft.) to permit the siting of a retaining wall.

ALL DISTANCES ARE IN METRES.



View from SE



HORIZONTAL & VERTICAL SCALE



\* See drawing 103550T00 for location of Retaining Wall 'A' on Lot 128

PROFILE PLAN SHOWING RETAINING WALL 'A' ON LOT 128, PLAN 26101, DL 3688, ODYD

103550X00

SCALE: 1 : 100 OUR FILE: R10355

DATE: 22 Sep 2020 DRAWN: KDG

Vander Ploeg

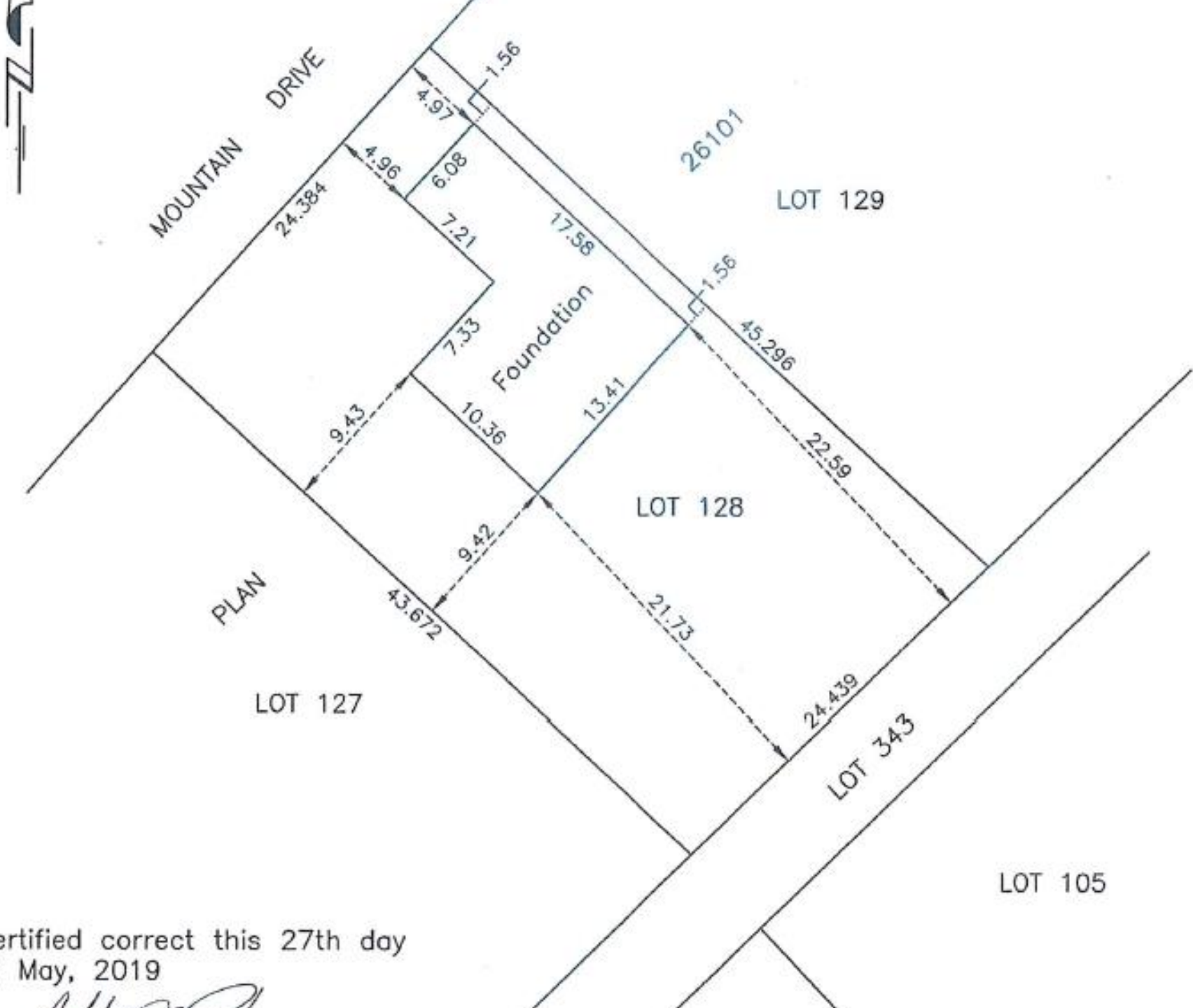
MADDOX & COMPANY

LAND SURVEYORS

3500 - 30th STREET

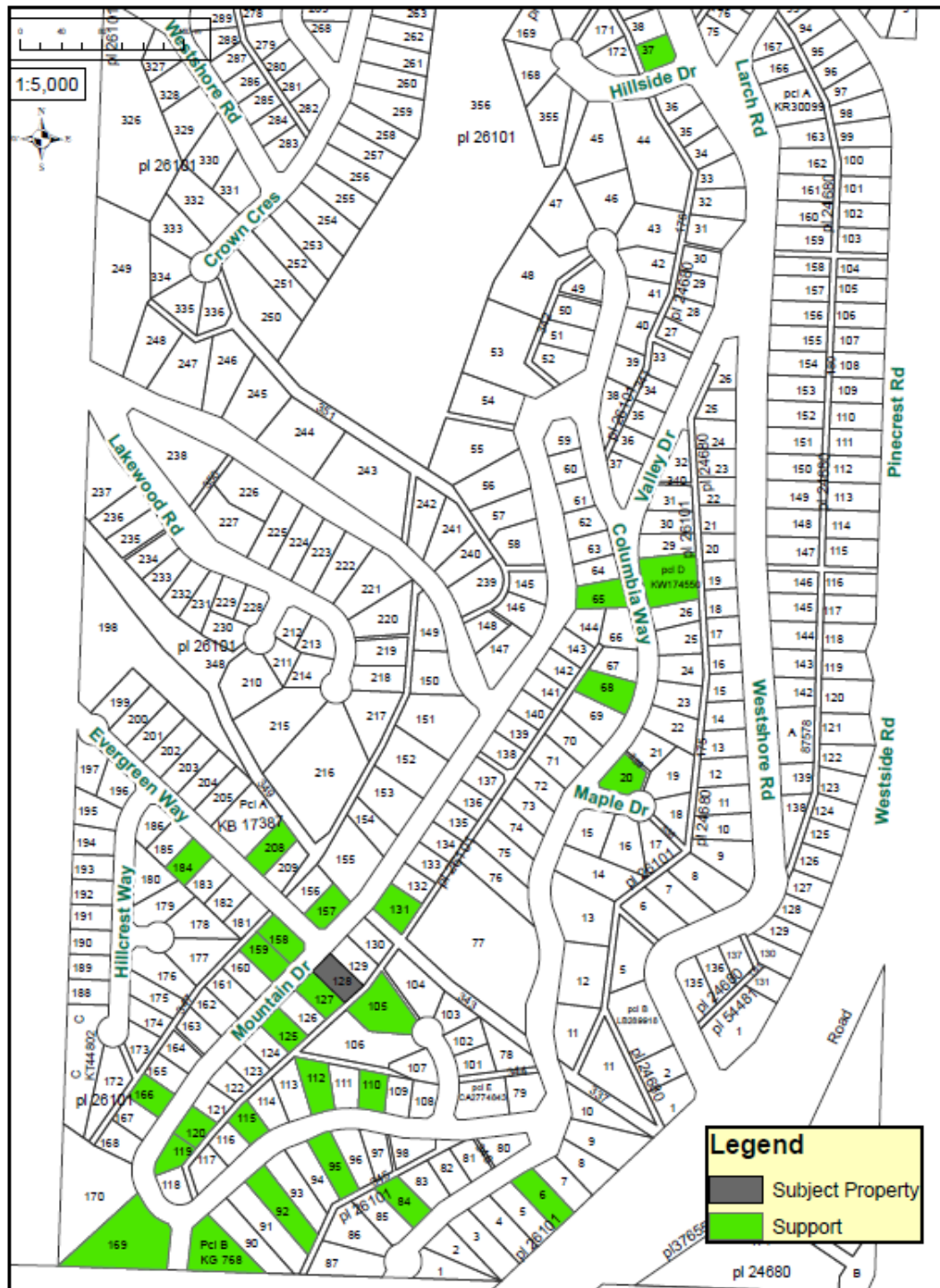
VERNON, BC V1T 5E8

TELEPHONE: (250) 542-4343



Certified correct this 27th day  
 of May, 2019

*[Handwritten Signature]*



# Alternate Recommendation

- **THAT** Development Variance Permit Application VP-20-04 for 515 Mountain Drive be denied.