

August 5, 2021

Subject Property:

198 Barton Court

Lot 5, District Lot 2710, Similkameen Division Yale District, Plan KAP68490

Application:

Development Variance Permit PL2021-9054

Subject Property



The applicant is proposing to construct a new allen block retaining wall along the west and north sides of the property. The proposed wall will range in height from 0.9m to a maximum of 2.8m at the northwest corner of the property. Sections of the proposed wall exceed the permitted 1.2m height outlined in Zoning Bylaw 2021-01, and as a result a request to vary the following section in the zoning bylaw has come forward.

- Section 5.4.2.1: to increase the permitted retaining wall height within a required yard setback from 1.2m to 2.8m.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9054 on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, August 17, 2021** at the Penticton Trade & Convention Centre, 273 Power Street, Penticton, B.C.

All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed Development Variance Permit, may submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, August 17, 2021**, to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the August 17, 2021 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning Manager

Date: August 17, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 198 Barton Court
Subject: Development Variance Permit PL2021-9054

File No: RMS/198 Barton Crt

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9054" for Lot 5 District Lot 2710 Similkameen Division Yale District Plan KAP68490, located at 198 Barton Court, a permit to vary Section 5.4.2.1 of Zoning Bylaw 2021-01 to increase the maximum height of a retaining wall located within a required yard from 1.2m to 2.8m above approved grade;

AND THAT Council direct staff to issue the permit.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to construct a new allan block retaining wall along the west and north sides of the property. The proposed wall will range in height from 0.9m to a maximum of 2.8m at the northwest corner of the property. Sections of the proposed wall will exceed the maximum permitted 1.2m height outlined in the Zoning Bylaw, and as a result this Development Variance Permit application has come forward.

Background

The subject property is located at the corner of Barton Court and Evergreen Drive. (Figure 1). The property is located in a residential area, primarily consisting of single detached dwellings.



Figure 1 - Location Map

On November 3, 2020, Council approved Development Variance Permit PL2020-8843 to allow an increased projection of a new covered deck into the rear yard of the subject property. At that time, it was not known that a higher retaining wall would be required as part of the works in the rear yard. Similar to the previous variance application, the applicants have reach out to the two most affected neighbours who have submitted letters of support for this current variance request to allow a higher retaining wall than would normally be permitted (Attachment 'E').

Technical Review

This application was reviewed by the Technical Planning Committee. The retaining wall requires a building permit prior to construction, to ensure long term structural stability. Building permit requirements have been provided to the applicant and will be addressed as part of the building permit process. The applicant has already engaged an engineer to advise on the future construction of the retaining wall.

Analysis

When considering a variance to a City bylaw, staff encourages Council to consider if approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The applicant is requesting to increase the height of a retaining wall within a required yard from 1.2m to 2.8m.

Staff have reviewed the application and are recommending approval based on the following:

1. The two neighbours most impacted by the variance request have provided letters of support.

The applicant has submitted two letters of support from affected neighbours (Figure 2). Staff and Council consider potential negative impacts when reviewing a variance request, and these letters of support indicate that negative impacts are not anticipated. One letter states the design will be a positive improvement to the street. Staff note the proposed wall is similar to existing retaining walls across Evergreen Drive (Figure 3).



Figure 2 - Neighbours submitted letters of support (yellow)



Figure 3 - Example retaining wall across Evergreen Dr from subject property

2. The proposed retaining wall will improve an existing situation where rockfall and erosion impact a municipal sidewalk.

There is no existing retaining wall in this location, it is currently a landscaped slope (Attachment 'C'). As a result, rockfall onto the sidewalk has been occurring in this location. The applicants are in the process of constructing a new deck at the rear of the existing home, and the proposed wall would improve the finished look of the property post-construction. A stepped retaining wall is not desired at this location due to the land which would be lost due to the stepping, and that the highest portion of the wall is only at one corner of the property.

Staff consider the request to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.8m is reasonable in this instance. As such, staff are recommending that Council approve the Development Variance Permit and that Council direct staff to issue the permit.

Alternate Recommendations

Council may consider the requested variance unreasonable in this instance, and require the applicant to revise their plans in order to design a retaining wall which meets the Zoning Bylaw regulations. Staff are recommending against this option as in staff's opinion, the proposed retaining wall will improve the existing situation with rockfall onto the municipal sidewalk and the neighbours immediately affected have submitted letters of support for the requested variance.

1. THAT Council deny "Development Variance Permit PL2021-9054".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Subject Property
Attachment D – Letter of Intent
Attachment E – Letters of Support
Attachment F – Draft Development Variance Permit PL2021-9054

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

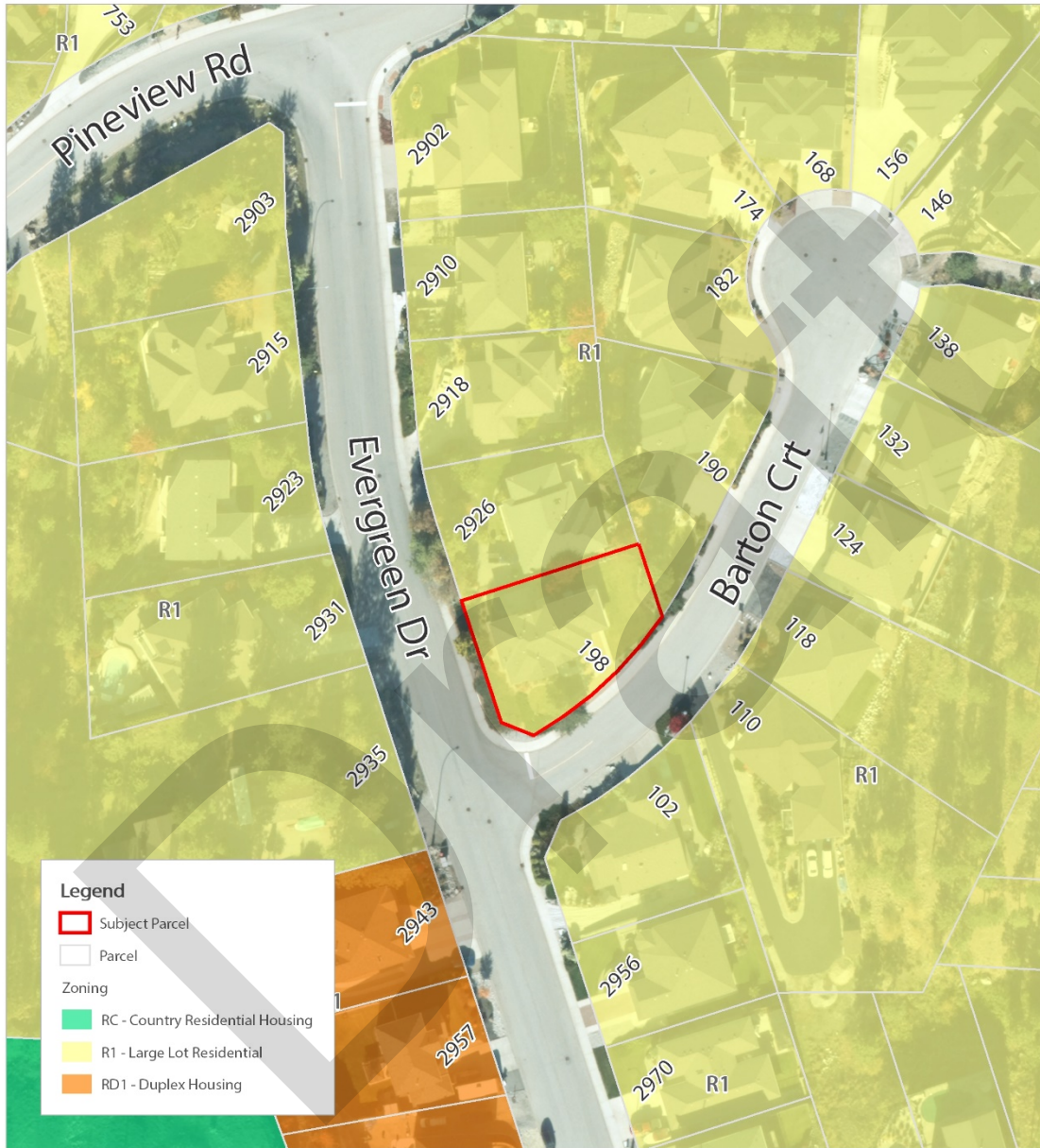
Director <i>BL</i>	Chief Administrative Officer
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Draft



198 Barton Court

Zoning Map



Legend

- Subject Parcel
- Parcel

Zoning

- RC - Country Residential Housing
- R1 - Large Lot Residential
- RD1 - Duplex Housing

Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



September 21, 2020
9:46:18 AM

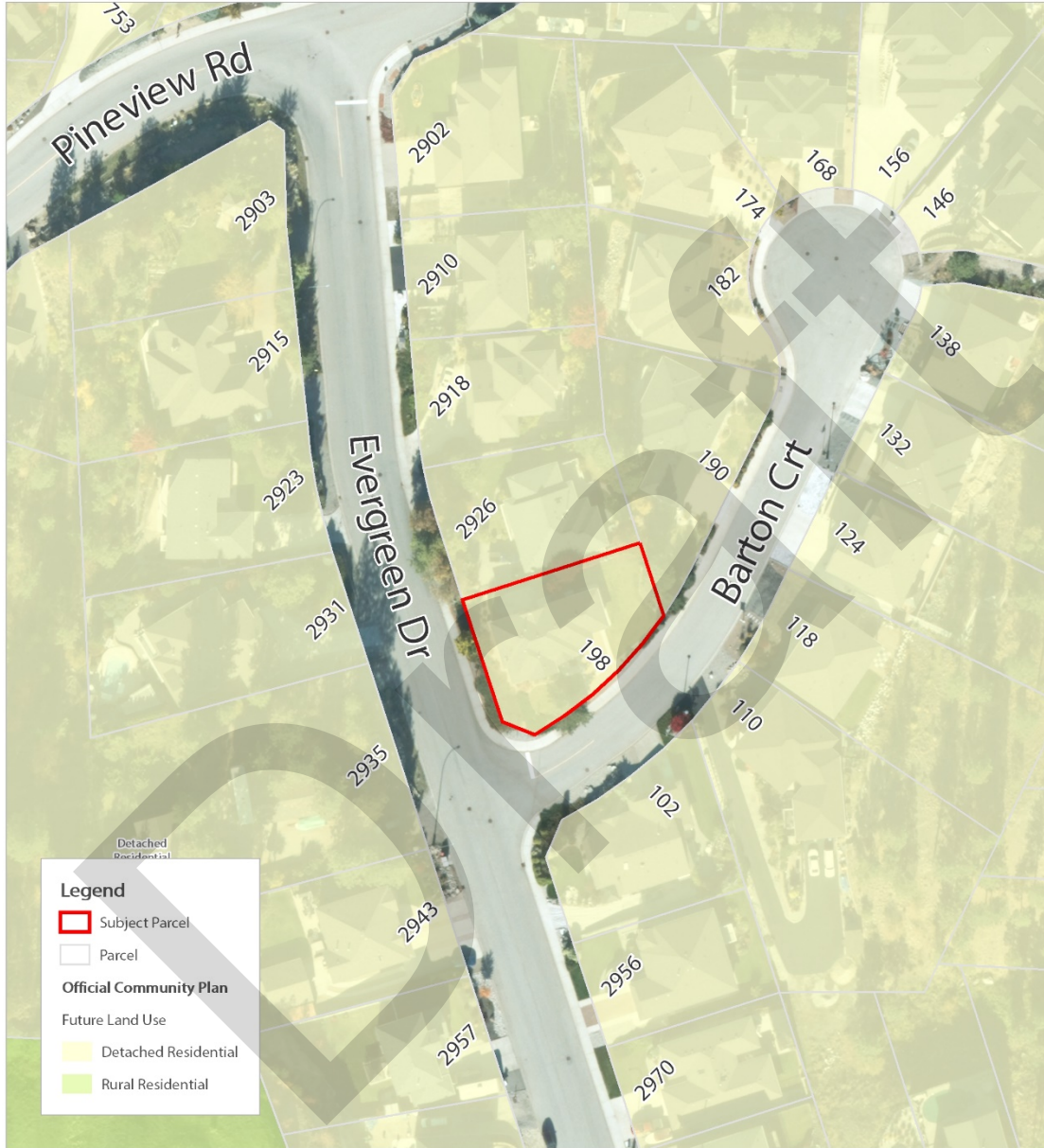


penticton.ca



198 Barton Court

Zoning Map



Legend

- Subject Parcel
- Parcel
- Official Community Plan**
- Future Land Use**
 - Detached Residential
 - Rural Residential

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September 21, 2020
9:46:41 AM



penticton.ca

Attachment C – Photos of Subject Property



Michael and Cari Stadnyk
198 Barton Court
Penticton BC
V2A 9A8
[REDACTED]

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Dear Council

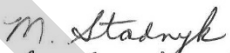
We would like to ask for a variance of 1.6 metres in the height of our Allen Block retaining walls in the North West corner of our property. North being rear yard and West being side yard. Our intention is to add aesthetically pleasing stability to this corner of our yard.

It is currently an unretained, unstable slope that continues to erode allowing rock and debris to fall onto the public sidewalk.
It will not impede any traffic sight lines including driveways.

The project will be completed in a timely manner by a professional, licenced contractor. The wall will be engineered by Rock Glen Consulting.

Neighbours in direct view of the Allen Block walls have written letters of support for this variance and they are included with this application.
It will give added stability to the North and West property lines, benefitting the neighbour to the North, Scott Gervais, who is affected directly.

Sincerely



Michael and Cari Stadnyk

Attachment E – Letters of Support

6/11/2021

Shaw Webmail

Shaw Webmail

Wall variance

From : Scott Gervais [REDACTED]
Subject : Wall variance
To : [REDACTED]

Fri, Jun 11, 2021 10:39 AM

June 10/2021

To whom it might concern,

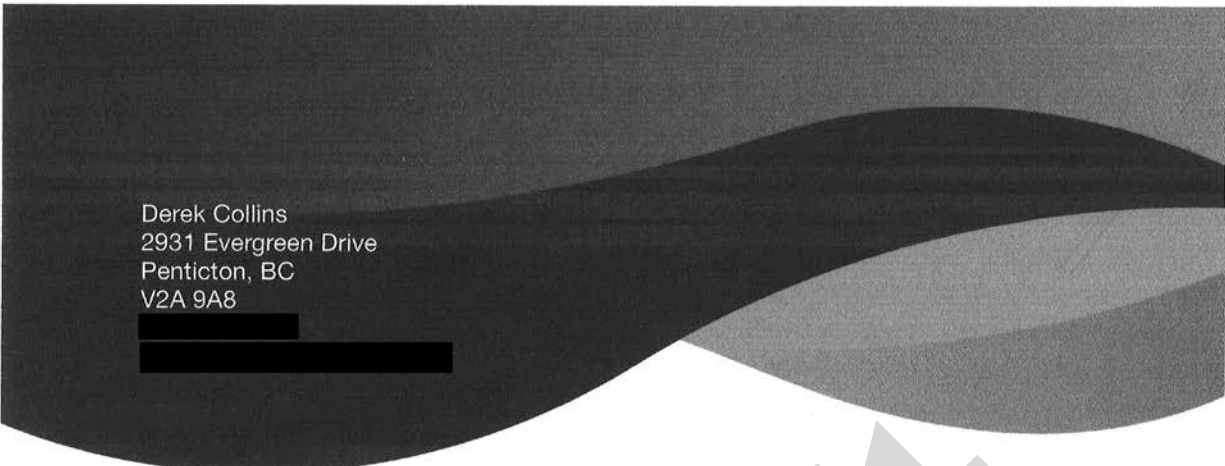
I support the proposed retaining wall being built along Evergreen Drive, along with the variance needed at 198 Barton Crt.

If you have any questions regarding this proposal i can be reached by email at [REDACTED]

regards,
Scott Gervais

https://wm-so.glb.shawcable.net/zimbra/h/printmessage?id=189568&tz=America/Los_Angeles

1/1



Derek Collins
2931 Evergreen Drive
Penticton, BC
V2A 9A8
[REDACTED]
[REDACTED]

**City of Penticton
171 Main Street
Penticton, BC V2A 5A9**

June 10, 2021

To whom it may concern,

Please find this correspondence as a letter of support and endorsement for our neighbor's (Mike and Cari Stadnyk of 198 Barton Court) application for variance in relation to their proposed west facing retaining wall. The engineering drawings and intended schematics look very positive and we have no concerns for any negative curbside optics. Project will enhance the property's street appeal.

Please do not hesitate to contact directly if any further information or perspectives may be required for this process.

Sincerely,



Derek Collins

Development Variance Permit

Permit Number: DVP PL2021-9054

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 5 District Lot 2710 Similkameen Division Yale District Plan KAP68490
 - Civic: 198 Barton Court
 - PID: 024-955-001
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of a retaining wall, as shown in the plans attached in Schedule 'A':
 - a. Section 5.4.2.1: to increase the maximum height of a retaining wall located within a required yard from 1.2m to 2.8m above approved grade.

General Conditions

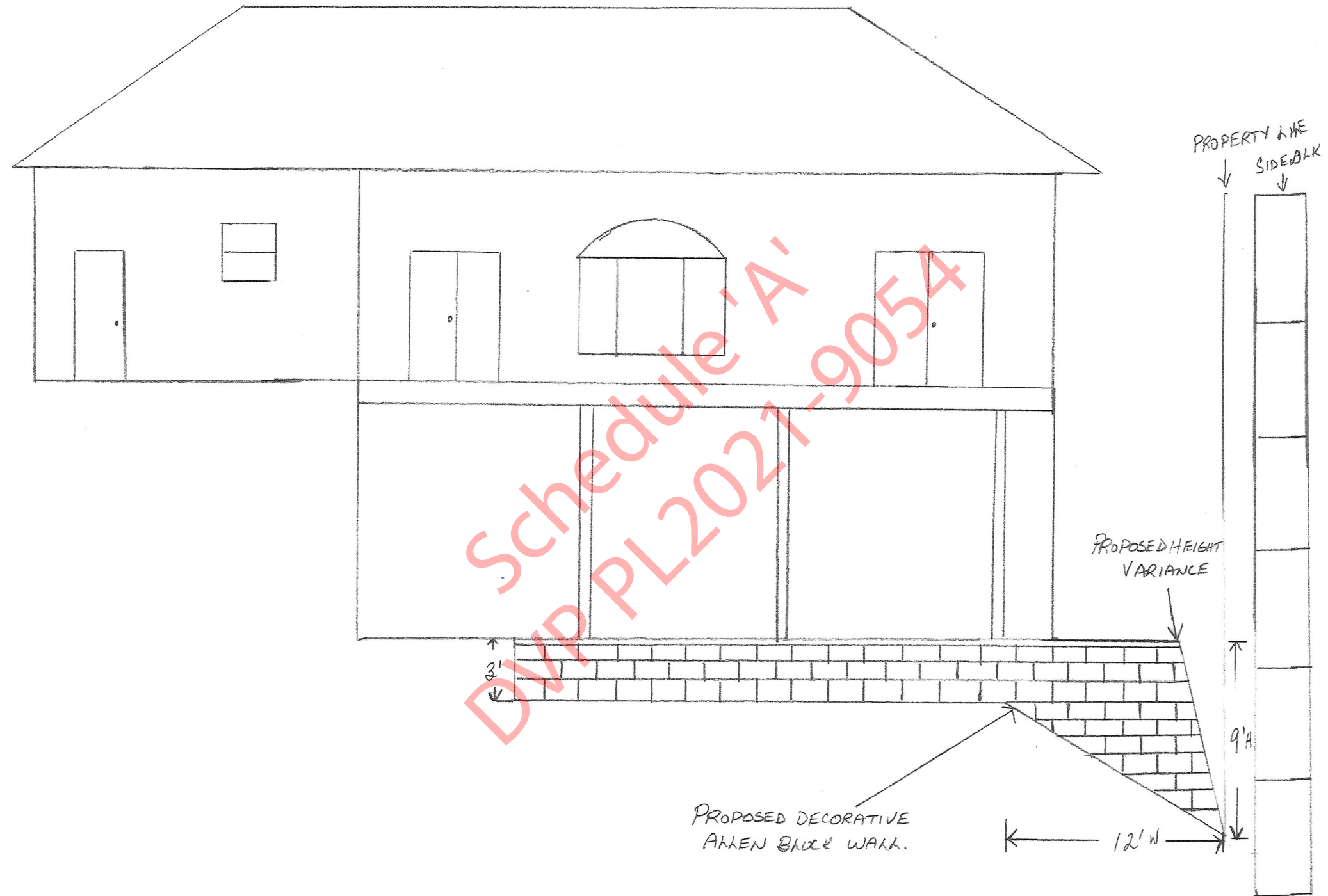
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of _____, 2021.

Issued this ____ day of _____, 2021.

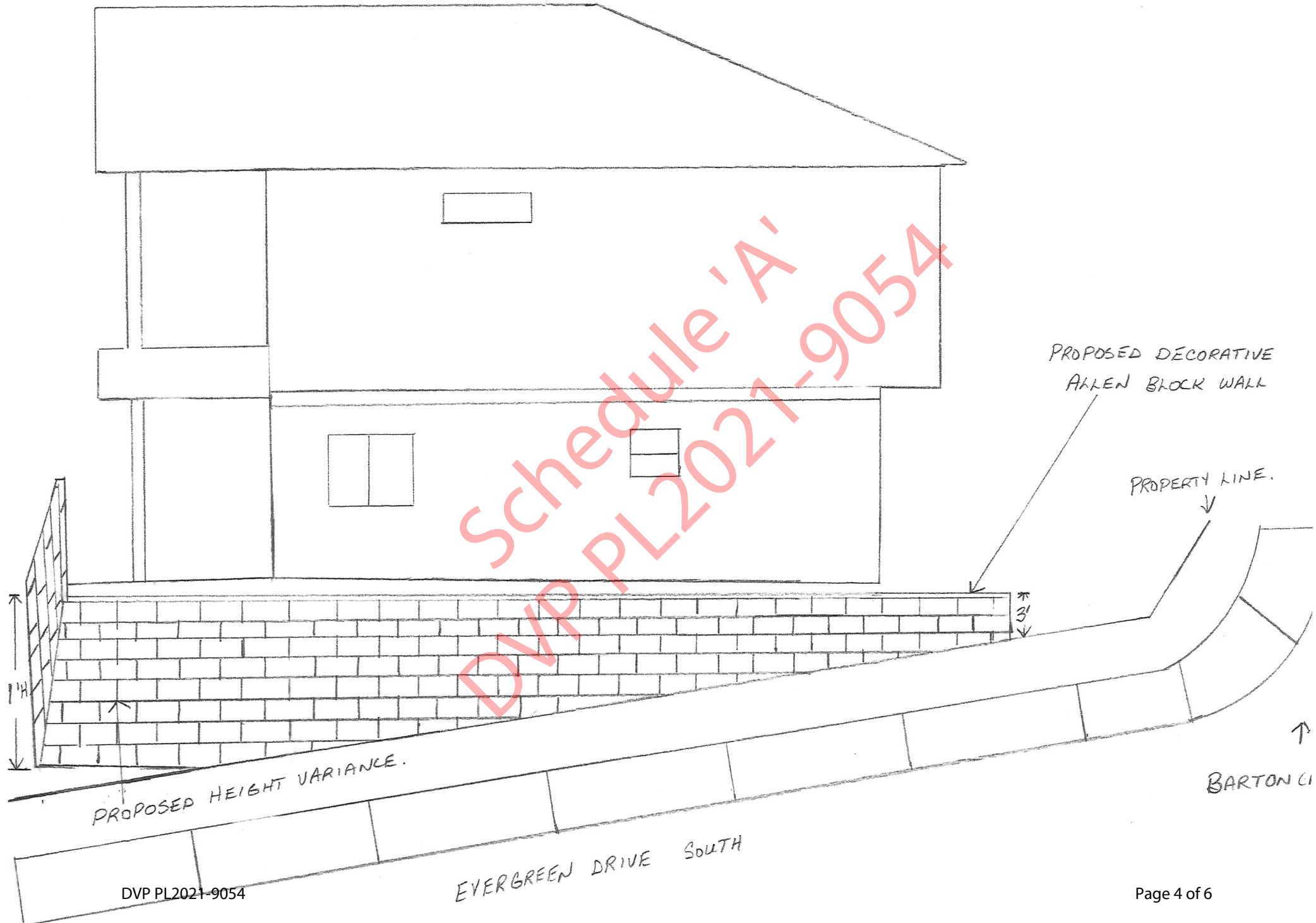
Angela Collison
Corporate Officer

DRAFT



← NORTH

198 BARTON COURT





Maximum 10 foot' High
Allen Block Retaining Wall

Base map from City of Penticton Property Viewer

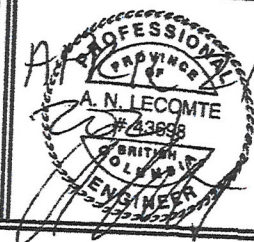


Site Plan
198 Barton Court, Penticton, BC

RGC-3179
April 13, 2021

Design	AL	2021 04 12	Drawn	KT	2021 04 13
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Checks		
Date	Name	Description
14-Apr-21	PG	check drawing



8" H x 18" L x 12" D
Allan Block

maximum
10 feet

Ground Level

8 inch chimney of
1" to 2" round drain rock

NOTES:

- 1) RGC to be on site to confirm suitable foundation soils and base course preparation for retaining wall blocks.
- 2) Base course of 2 inch minus crushed gravel structural fill to be a minimum of 1 foot (300mm) thick and 30 inches wide. 100% SPMD compaction required as confirmed by in-situ density testing.
- 3) RGC to be on site to review initial excavation, base course preparation, placement of blocks, structural fill, and geogrid as well as drainage installations (including drain rock and piping).

2 inch minus crushed gravel
compacted to 100% SPMD as
confirmed by insitu density
testing.

Royal Grid 60/30 (RG 60/30) or other equivalent
approved by RGC to extend back a minimum of
8 feet past the back of the block.

Proposed cut
slope = 1H:1V

4" perforated PVC pipe to drain
to daylight or rock pit

2 inch minus crushed gravel structural fill
30" wide to be a minimum of 1 foot thick
and compacted to 100% SPMD



Typical Allan Block Retaining Wall Section

198 Barton Court, Penticton, BC

RGC-3179
April 19, 2021

Design	DG/AL	2021 04 15	Drawn	KT	2021 04 19
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Checks

Date	Name	Description
2021 04 20	PG	Check design

