

August 26, 2021

Subject Property:

160 Sendero Crescent

Lot 63 District Lot 2710 Similkameen Division Yale

District Plan EPP72278

Application:

Development Variance Permit PL2021-9081

The applicant is proposing to construct a new retaining wall in the rear yard of the subject property in order to facilitate the construction of an in-ground pool. The proposed wall will range in height from 0.3m to a maximum of 2.4m at the southeast corner of the property. Sections of the proposed wall will exceed the maximum permitted 1.2m height and as a result the following variance has been requested:



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 2.4m above approved grade.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9081 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, September 7, 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, September 7, 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 September 7, 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: September 7, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 160 Sendero Crescent
Subject: Development Variance Permit PL2021-9081

File No: RMS/160 Sendero Cres

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9081" for Lot 63 District Lot 2710 Similkameen Division Yale District Plan EPP72278, located at 160 Sendero Crescent, 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 2.4m 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 retaining wall in the rear yard of the subject property in order to facilitate the construction of an in-ground pool. The proposed wall will range in height from 0.3m to a maximum of 2.4m at the southeast 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 on Sendero Crescent in the Sendero Canyon neighbourhood (Figure 1). The property is located in a residential area, primarily consisting of single detached dwellings. A single detached dwelling with a secondary suite is currently under construction on the subject property (Attachment 'C'). Adjacent to the east and south of the subject property is a public walkway and



Figure 1 - Property location map

staircase into the Sendero ravine parklands, owned by the City and zoned P2 (Parks and Recreation) in the Zoning Bylaw (Attachment 'A').

Technical Review

This application was reviewed by the Technical Planning Committee. The proposed 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 hired 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 2.4m.

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

1. The two neighbours most impacted by the variance request and higher retaining wall 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 to neighbours are not anticipated.

2. The rear yard is adjacent to a walking path and is physically separated from the properties further south.

As shown in the site photos (Attachment 'C') there is a substantial separation between the subject property and neighbours to the south and east. The properties on Holden Road are set high above the gulley in between Holden Road and Sendero Crescent. A walking path and open area provide increased separation between the subject property and the neighbour immediately east. This physical distance reduces the likelihood of impact on rear neighbours, as there is no neighbour immediately behind the subject property.

3. The maximum requested height is at one corner of the proposed retaining wall.

The retaining wall plans show the maximum height at one corner of the retaining wall. The remainder of the wall reduces in height towards away from this southeast corner. A stepped retaining wall is not possible in this location as a result of the location of the proposed in-ground pool.

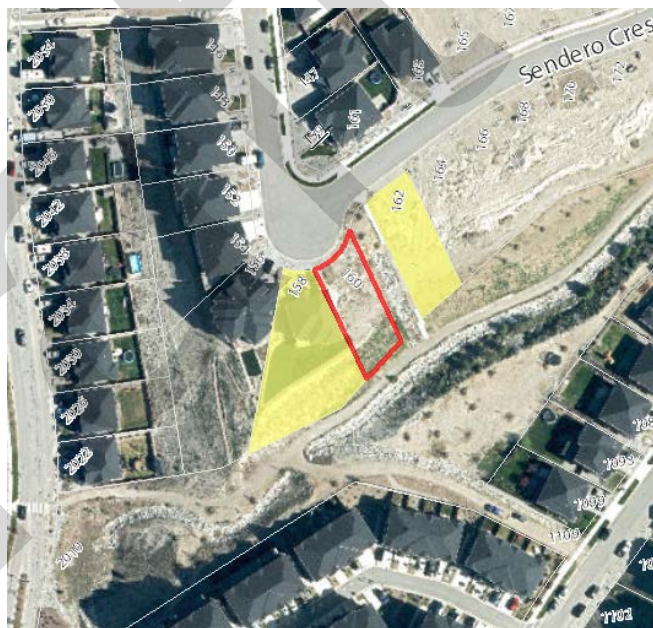


Figure 2 - Two letters of support received from neighbours (yellow)

Based on the analysis above, staff consider the request to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.4m 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 enable the completion of the development and the neighbours immediately affected have submitted letters of support for the requested variance.

1. THAT Council deny "Development Variance Permit PL2021-9081".

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 PL2021-9081

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

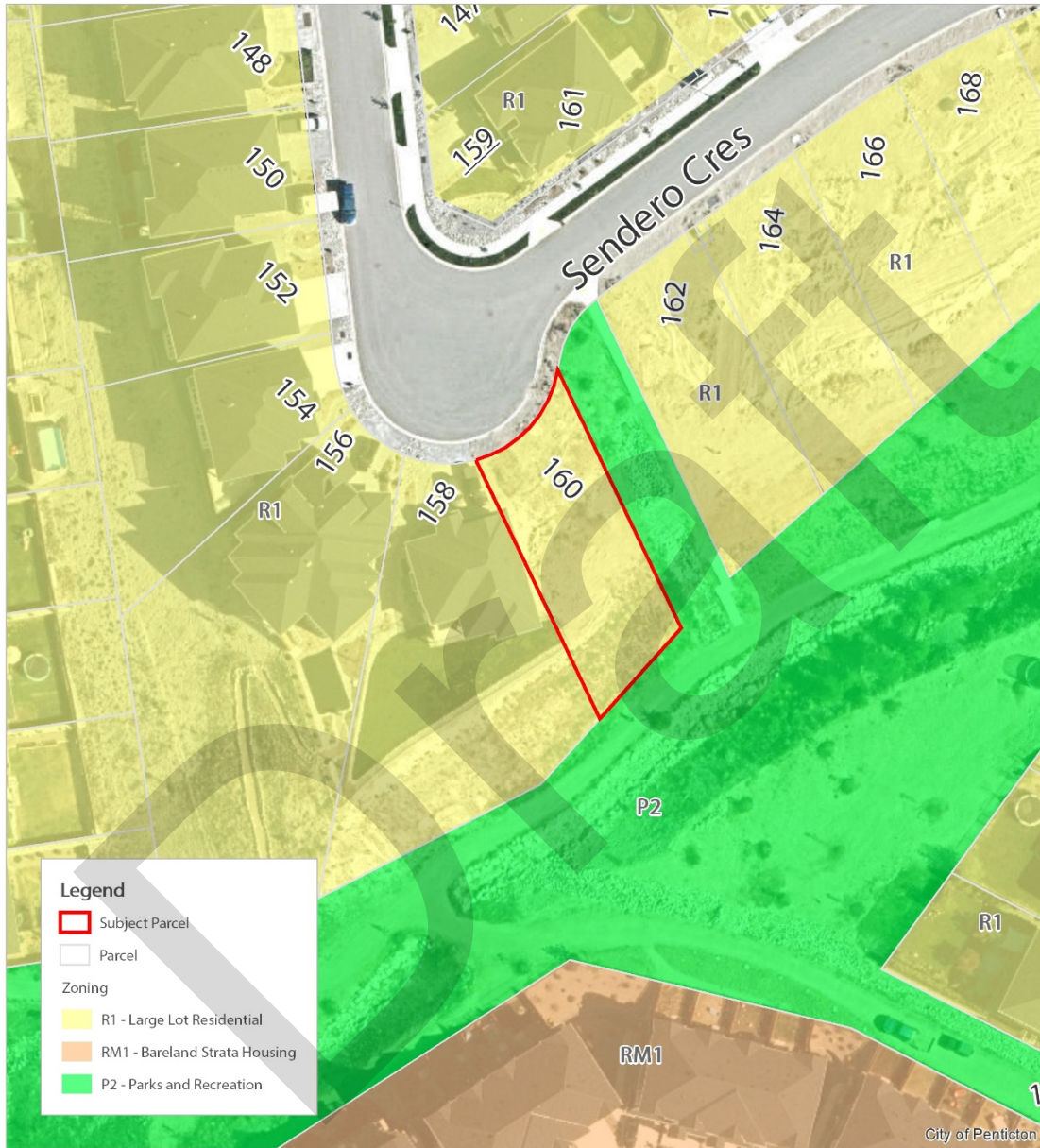
Concurrence

Director <i>BL</i>	Chief Administrative Officer
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160 Sendero Crescent

Zoning Map



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.



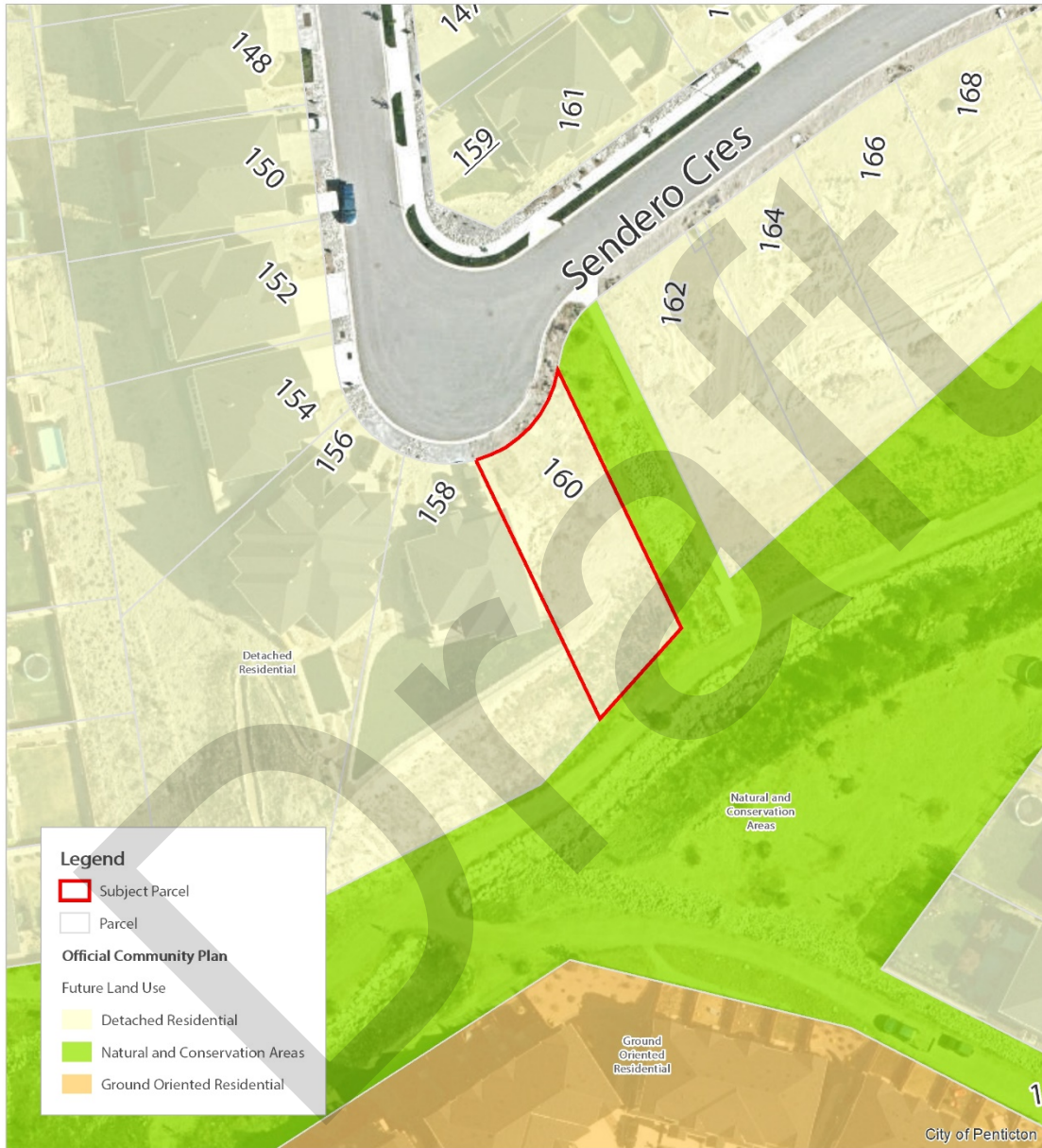
August 3, 2021
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penticton.ca

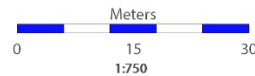


160 Sendero Crescent

Official Community Plan Map



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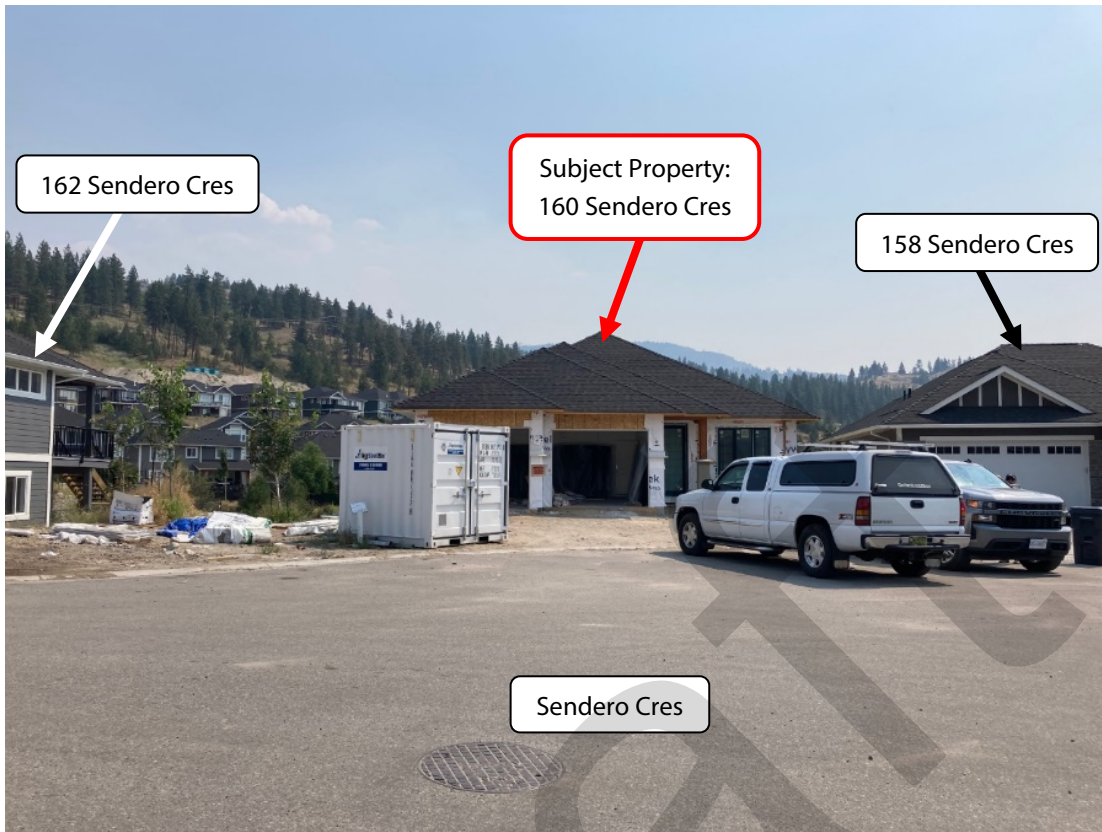


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City of Penticton

penticton.ca

Attachment C – Photos of Subject Property





Sendero Canyon Homes Ltd.

Cell 604-866-6680 F 604-536-2130
Office 604-536-7333
mlemoine@azuramanagement.com

Memo

To: City of Penticton
From: Martin Lemoine
CC: ES
Date: July 2-21
Re: Lot 63 PH3 or 160 Sendero Cres. DVP letter of intent

The clients of this home are wanting to add a pool in their rear yard. As the rear yard slopes downwards to the Parks path they would like to level out a section of the yard to level out an area for the pool & patio. We would need a retaining wall the full width of the lot & making it parallel to the home as well as some wall returning North on each side. The retaining wall would be in the 2 side set backs & the rear set back. The Basalite Block wall would be at it's tallest at 2.4m at the SE corner then reducing height from there. The blocks being used is the same as other blocks used in some of the neighboring lots.

The lot at 162 Sendero Cres is set slightly back from the rear of this 160 Sendero Cres. The 162 Sendero Cres. Is approximately 2.5m higher between each of their rear yards. 162 Sendero Cres is lightly impacted as their views looking SW would look over this 160 Sendero Cres. Yard. There is also a 10m wide Parks Path between the 2 properties further helping the impact. The side retaining wall on the East side facing this property is well away from their property & well below their own back yard elevation.

The lot at 158 Sendero Cres. Is also lightly impacted as the orientation of this lot & home is very much a SW direction. It is in a very favorable location. The side retaining wall on the West side facing this property will be approx. 1.2m tall running down to 0m.

The rear property line along the parks land at the rear of this 160 Sendero Property will have the retaining wall facing this Parks land & parks path. The wall is also in keeping with some other walls done across to the other side of this Parks Land. All in keeping with one side to the other.

Attachment E – Letters of Support

Hello Neighbours!

Re: 160 Sendero Crescent

As you know our home is coming up to completion at the end of the summer. We are super excited to move in, get settled and begin to get to know our new community of people.

We have been making plans to put in an inground pool. We have plenty of space within/on our property to accommodate the pool and retaining wall, but in doing so, still requires us to have a Variance Permit from the COP (City of Penticton) for the necessary retaining wall.

We wanted to ask you if you are ok with us putting in this retaining wall for the purpose of putting in the pool?

If you are good with us proceeding with this, would you mind just signing below and we could forward it to the City. We would appreciate it so much. You can text me if/when you complete it, and I can swing by to pick it up.

Thanks so much,

Ron and Tara Leigh Crooker
160 Sendero Crescent
[REDACTED]

Name: Matt and Danielle Faddegon
Address: 158 Sendero Cres, Penticton BC
Contact Phone: [REDACTED]



Scanned with CamScanner

Hello Neighbours!

Re: 160 Sendero Crescent

As you know our home is coming up to completion at the end of the summer. We are super excited to move in, get settled and begin to get to know our new community of people.

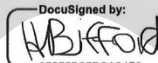
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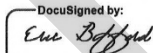
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If you are good with us proceeding with this, would you mind just signing below and we could forward it to the City. We would appreciate it so much. You can text me if/when you complete it, and I can swing by to pick it up.

Thanks so much,

Ron and Tara Leigh Crooker
160 Sendero Crescent
[REDACTED]

DocuSigned by:

059555C5BCA3456...

DocuSigned by:

275F87CDDC254B3...

Name:

Address: 162 Sendero Cres. Penticton BC V2A0C3

Contact Phone: [REDACTED]

Development Variance Permit

Permit Number: DVP PL2021-9081

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 63 District Lot 2710 Similkameen Division Yale District Plan EPP72278
 - Civic: 160 Sendero Crescent
 - PID: 030-203-058
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 2.4m above approved grade.

General Conditions

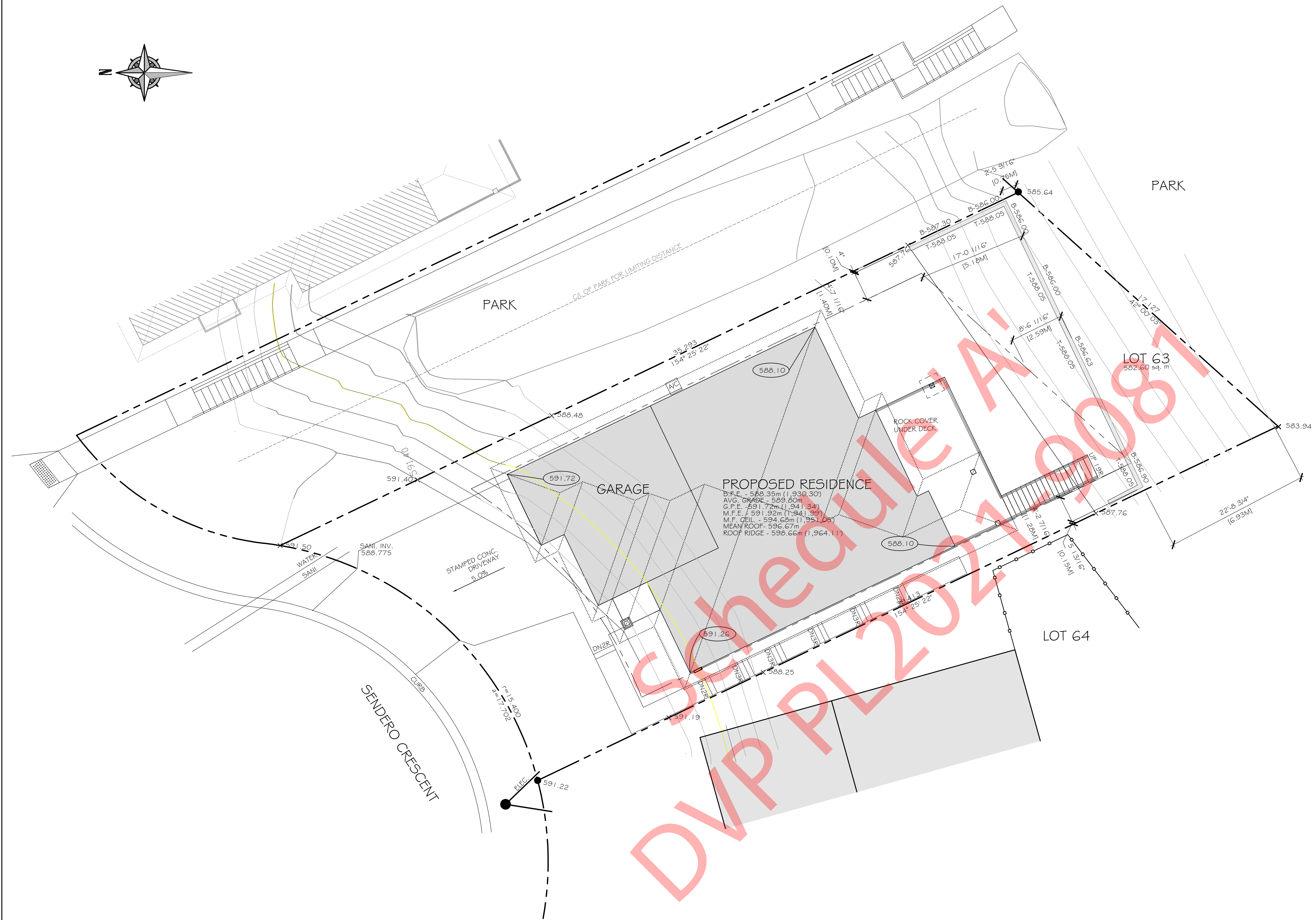
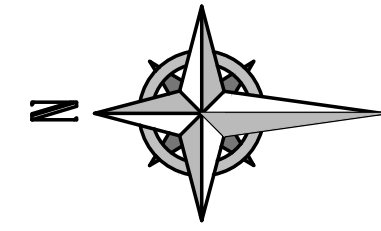
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence 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



CIVIC ADDRESS :
160 SENDERO CRES., SENDERO CANYON, PENTICTON
LEGAL ADDRESS :
LOT 63 PH3, DISTRICT LOT 2710, SDYD, PLAN KAP92932 P.I.D:



UNIT #202-34654 DELAIR RD.
ABBOTSFORD, B.C. V2S 2C9
TEL: (604) 217-9097
WWW.METHODDESIGNGROUP.COM

DATE	REVISION
JULY.12.21	ISSUED FOR DVP
OCT.20.20	REVISED FOR BP
MAY.24.21	ISSUED FOR REVIEW

NOTES

ALL DIMENSIONS TO BE CHECKED BY CONTRACTOR BEFORE START OF CONSTRUCTION & ANY DISCREPANCIES REPORTED.

THESE DRAWINGS CONFORM TO THE LATEST EDITION OF THE 2018 BRITISH COLUMBIA BUILDING CODE

PROJECT NUMBER: MDG19-094	
DRAWN BY: M.B.	CHECKED BY: B.W.
DATE: JULY 2021	SCALE: 1/8" = 1'-0"

SHEET TITLE:
**SITE PLAN
+ GENERAL
NOTES**

ADDRESS:
LOT 63 PH3
SENDERO CANYON
PENTICTON

DRAWING:

1 OF 2



UNIT #202-34654 DELAIR RD.
ABBOTSFORD, B.C. V2S 2C9
TEL: (604) 217-9097
WWW.METHODDESIGNGROUP.COM

DATE	REVISION
JULY.12.21	ISSUED FOR DVP
OCT.20.20	REVISED FOR BP
MAY.24.21	ISSUED FOR REVIEW

NOTES

ALL DIMENSIONS TO BE CHECKED BY
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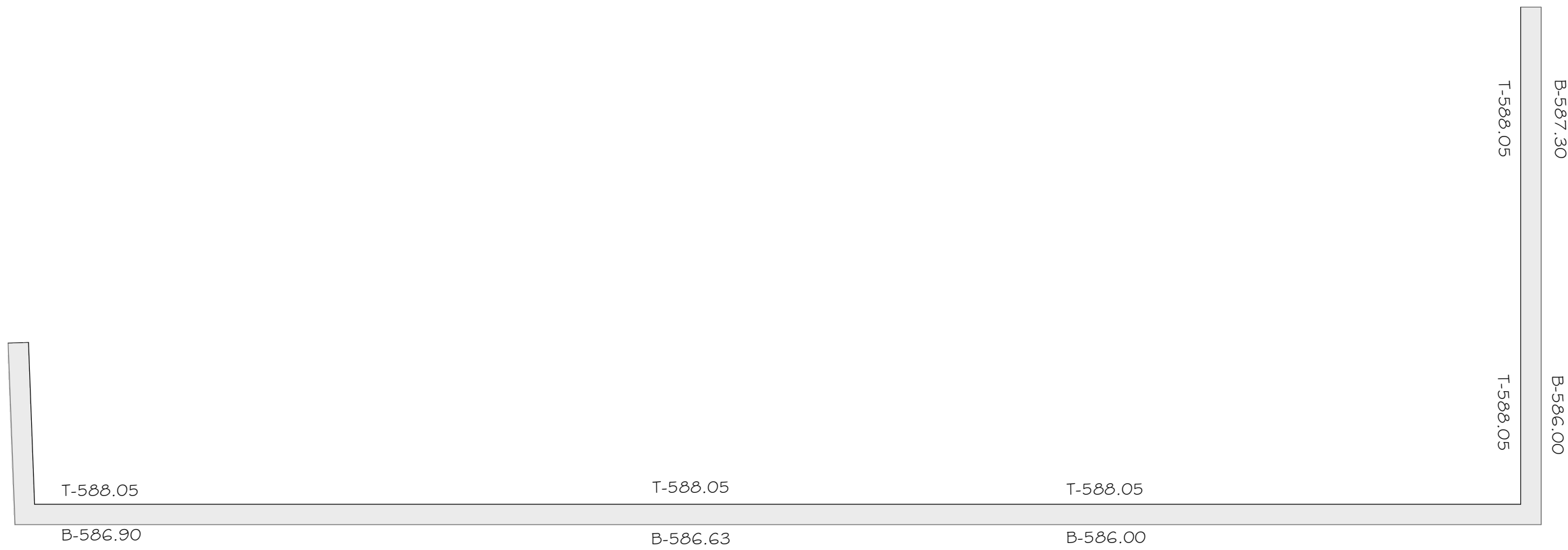
PROJECT NUMBER: MDG19-094	
DRAWN BY: M.B.	CHECKED BY: B.W.
DATE: JULY 2021	SCALE: 1/4" = 1'-0"

SHEET TITLE:
**SITE PLAN
+ GENERAL
NOTES**

ADDRESS:
LOT 63 PH3
SENDERO CANYON
PENTICTON

DRAWING:

2 OF 2



RETAINING WALL
BASALITE BLOCK CONSTRUCTION

