

September 9, 2021

Subject Property:

175 Dewdney Crescent

Lot 1, District Lot 3821S, Similkameen
Division Yale District, Plan 40861

Application:

**Development Variance Permit
PL2021-9096**

The applicant is proposing to replace an existing retaining wall along the street side of the property. The proposed basalt retaining wall will not be terraced and its design results in a maximum exposed height of 3.35m (11ft) above grade. The proposed retaining wall exceeds the permitted 1.2m (4ft) height when within a required yard setback. As a result, the applicant has applied to vary the following section of Zoning Bylaw 2021-01:



- Section 5.4.2.1: To increase the maximum height of a retaining wall in a required yard from 1.2m to 3.35m above approved grade.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9096 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 **6:00 pm, Tuesday, September 21, 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, September 21, 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 21, 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 21, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 175 Dewdney Crescent
Subject: Development Variance Permit PL2021-9096

File No: RMS/175 Dewdney Cres

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9096" for Lot 1 District Lot 3821S Similkameen Division Yale District Plan 40861, located at 175 Dewdney Crescent, a permit to vary Section 5.4.2.1 of Zoning Bylaw 2021-01 to increase the maximum height of a retaining wall in a required yard from 1.2m to 3.35m 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 replace an existing retaining wall along the street side of the property (Attachment 'F'). The proposed basalite retaining wall will not be terraced and its design results in a maximum exposed height of 3.35m (11ft) above grade. The proposed retaining wall exceeds the permitted 1.2m (4ft) height when within a required yard as outlined in the Zoning Bylaw, is outside of the scope for replacing like-for-like, and as a result this Development Variance Permit application has come forward.

Background

The subject property is located on the east side of Dewdney Crescent near Cleland Drive (Figure 1). The property contains a single detached dwelling and is located in a primarily residential

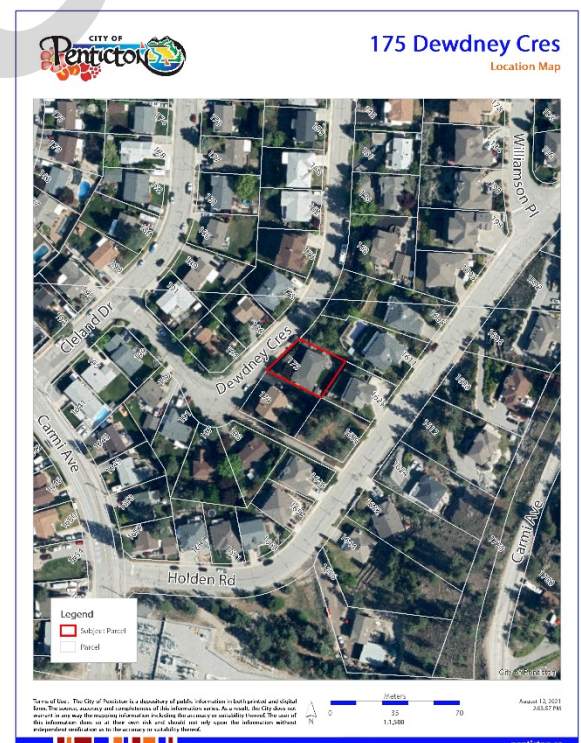


Figure 1 - Property location map

neighbourhood. The grade rises from west to east and there is an existing retaining wall along the front of the property to support the driveway leading up to the house (Attachment 'D'). A portion of the proposed retaining wall will also run along the shared property line with the neighbour to the south (179 Dewdney Crescent). Two neighbouring property owners (179 and 163 Dewdney Crescent) have submitted letters of support (Attachment 'E'). As shown on the site plan, the southwest corner of the new retaining wall will feature one step to break up the visual impact of the wall at this highest corner (Attachment 'F').

When a property owner proposes like-for-like replacement or maintenance of a non-complying retaining wall, a variance is not required. In this case, the proposed retaining wall will not be stepped and this results in a taller wall in some sections than the existing stepped wall. The applicant outlines the reason for this design change is to avoid disturbing the existing driveway and to gain slightly more useable land beside the driveway at the top of the wall. This change is beyond like-for-like replacement and warrants a variance request for the height of the proposed wall.

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.

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 3.35m.

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

1. The neighbour most impacted by the variance request has provided a letter of support.

The applicant submitted a letter of support from the owner of 163 Dewdney Crescent with their application (Attachment 'E'). This neighbouring property to the south would be the most impacted as they are on the low side of the retaining wall. The applicant also submitted a letter of support from the neighbour further north (Figure 2).



Figure 2 - Letters of support from neighbours (yellow)

2. The proposed retaining wall is approximately the same height as the wall it will replace.

The proposed retaining wall will replace an existing retaining wall of approximately the same height. The new retaining wall will run along the street (west) side and south side of the property. The potential impacts of the new retaining wall are reduced as it is replacing an existing wall in this location (Attachment 'C'). The driveway elevation at the top of the retaining wall will remain as it is today. Staff note the new retaining wall will help ensure the long term structural stability of this property, which was originally developed in 1992.

Staff consider the request to increase the maximum height of a retaining wall within a required yard from 1.2m to 3.35m is reasonable in this instance. As such, staff are recommending that Council approve the Development Variance Permit and 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 is approximately the same size as an existing wall and the neighbour immediately affected has submitted a letter of support for the requested variance, in addition to another neighbour to the north.

1. THAT Council deny "Development Variance Permit PL2021-9096".

Attachments

Attachment A – Zoning Map of Subject Property
Attachment B – Official Community Plan Map of Subject Property
Attachment C – Photos of Subject Property
Attachment D – Letter of Intent
Attachment E – Letters of Support from Neighbours
Attachment F – Location of Proposed Retaining Wall
Attachment G – Draft Development Variance Permit PL2021-9096

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

Director	Chief Administrative Officer
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Attachment A – Zoning Map of Subject Property

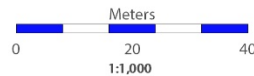


175 Dewdney Cres

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 12, 2021
2:02:42 PM

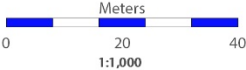
penticton.ca



175 Dewdney Cres
Official Community Plan Map

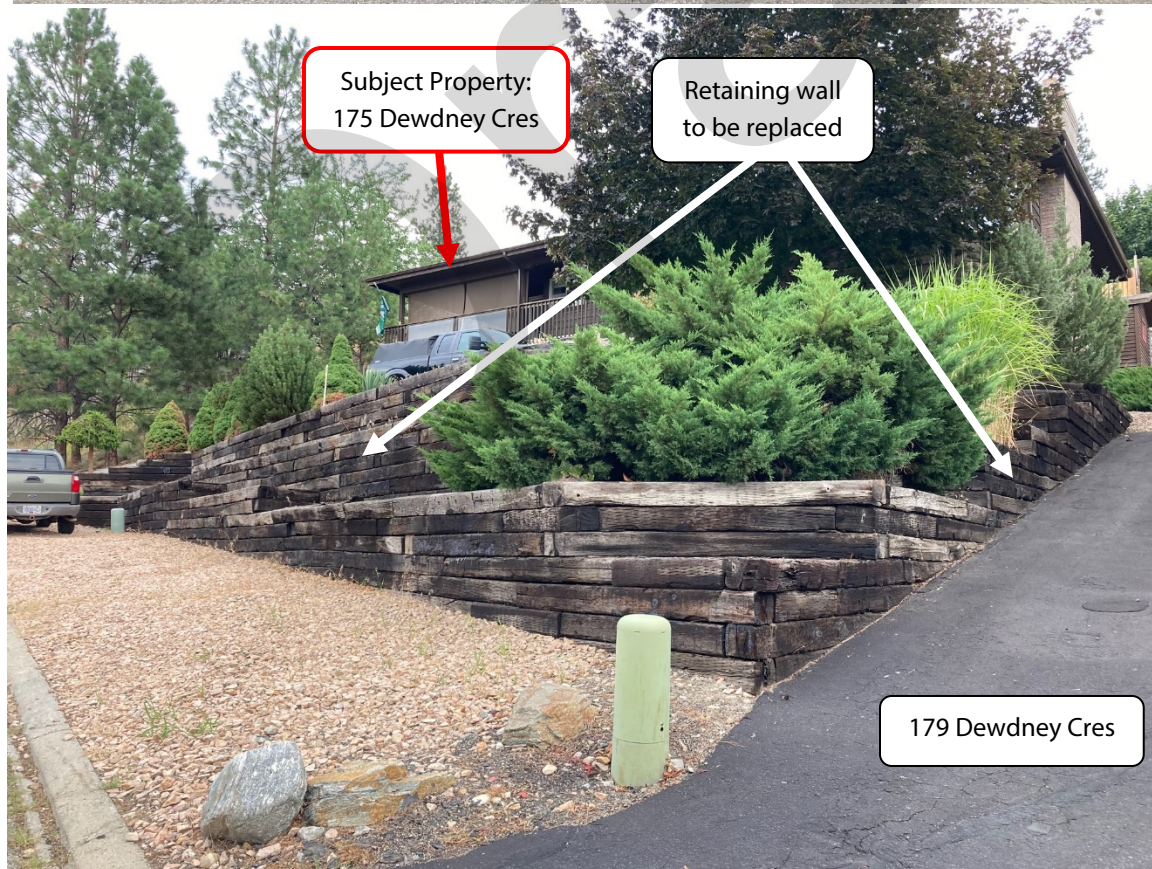


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August 12, 2021
2:03:18 PM

Attachment C – Photos of Subject Property



Letter of Intent

Dear Steven Collyer,

Hello,

Thank you for taking time to look over our application for an engineered segmented retaining wall for 175 Dewdney Crescent.

We would like to remove the existing creosote wall and replace it with an engineered segmented retaining wall. Installing the Basalite, valleystone vertical application. In doing so, we will be removing the eyesore of a toxic creosote wall and replacing it with a beautiful block wall. Creating an aesthetically pleasing wall and landscape. The homeowners have one of the best Christmas displays in town and is visited and spoken about by many in the community. Upgrading the wall to a single face retaining wall allows them to maximize their display while regaining some valuable west facing yard space. As well as, eliminates the need to rip up the driveway for geo-grid placement. Also keeping costs to a minimum.

We have received letters from direct neighbours with their approval, which is included in this package.

Thank you very much. We look forward to starting the project.

Attachment E – Letters of Support from Neighbours



JR Gair [REDACTED]

Retaining wall next door

1 message

DANA KOCSIS [REDACTED]

Cc: JR Gair [REDACTED]

Fri, Jun 11, 2021 at 2:35 PM

> To Whom it May Concern,

> We are writing to offer our approval in having our neighbours Rick & Sandra Ashley (175 Dewdney Crescent) replace their existing retaining wall. The existing structure has been in need of replacement for awhile and a new retaining wall and shrubs will most certainly enhance the appeal of their property and the neighbourhood. We have been in touch with the Ashley's and the contractor on this proposed project and fully support the work going ahead. Our only stipulation is that any damage that occurs to our driveway during the process be fully repaired. Please do not hesitate to contact us if any further information is required.

> Yours truly,

> Jim & Dana Kocsis

> 179 Dewdney Crescent

> Penticton, B.C.

> [REDACTED]

>

From: Gary Laurenson [REDACTED]

Sent: July 12, 2021 2:58 PM

To: Steven Collyer <Steven.Collyer@penticton.ca>

Subject: Block wall construction at 175 Dewdney Crescent

Dear Mr. Collyer,

My name is Gary Laurenson and I own the property at 163 Dewdney Crescent. This letter is to inform you that I have no opposition to the construction of a single face concrete block wall, by my neighbors Rick and Sandra Ashley at 175 Dewdney Crescent. The old creosote railway tie wall that has been in place for the 24 years that I have lived at 163 Dewdney (directly next door to 175 Dewdney) is at a point where it is rotten, unsightly and failing. To replace it with a concrete block wall would, in my opinion, greatly improve the sightlines of the property and the value of all properties in the immediate vicinity.

If you have any questions about my opinions feel free to call me at [REDACTED]

Sincerely

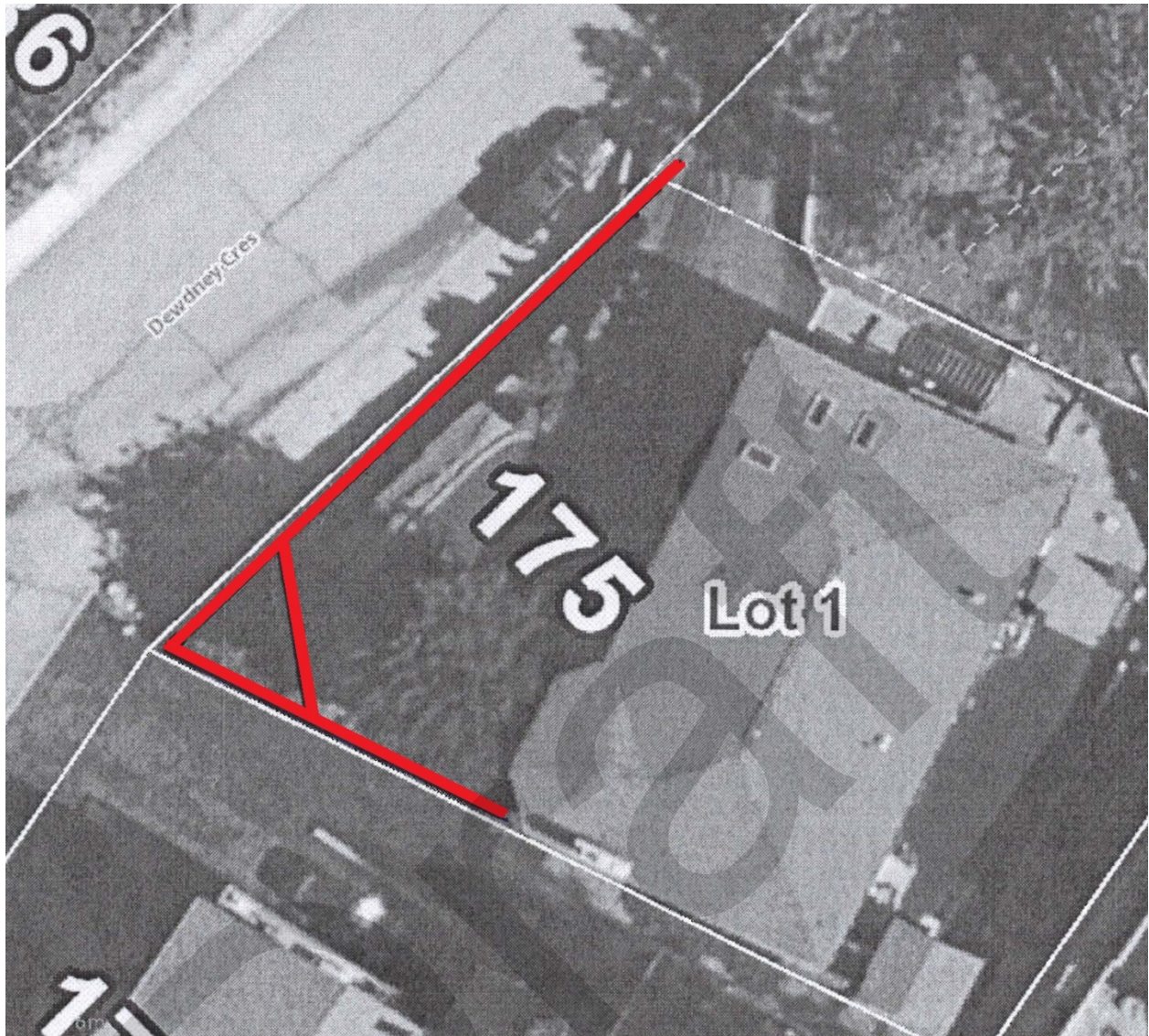
Gary Laurenson

163 Dewdney Crescent

Penticton BC V2A 7N2

Sent from Mail for Windows 10

Attachment F – Location of Proposed Retaining Wall



Development Variance Permit

Permit Number: DVP PL2021-9076

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 1 District Lot 2710 Similkameen Division Yale District Plan EPP62484
 - Civic: 190 Avery Place
 - PID: 029-904-684
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 single family home, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.5: to reduce the minimum front yard from 6.0m to 4.5m.

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
DVP PL2021-9076

NOTE:
GRADE ELEVATIONS
PROVIDED BY CONTRACTOR,
NO ON-SITE VERIFICATION
DONE BY AZTECH DRAFTING

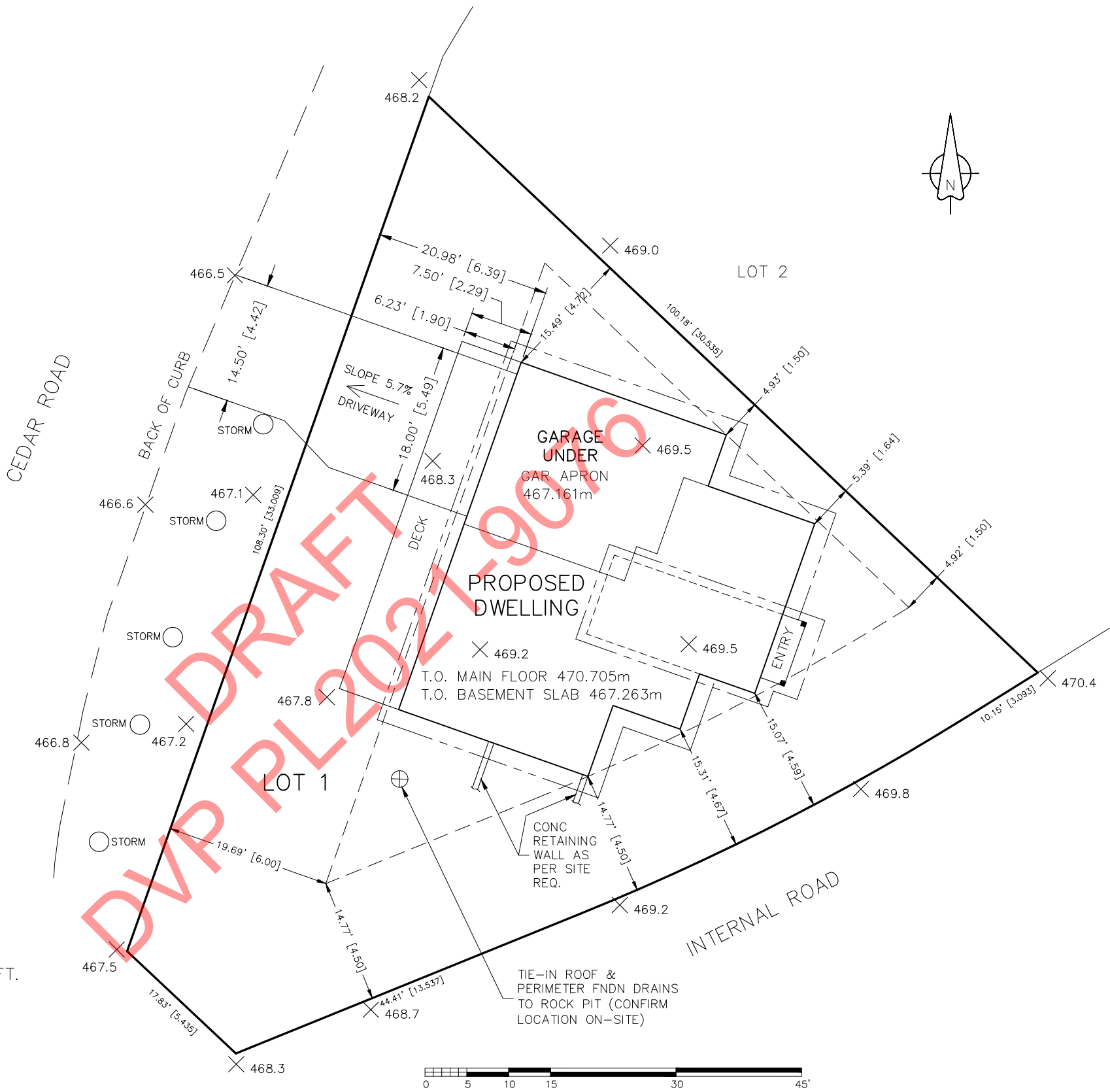
NOTE:
ALL PERIMETER FNDN
AND ROOF DRAINS TO BE
CONTROLLED ON-SITE
WITH APRV'D DRYWELL
OR ROCK PIT

NOTE:
CONTROL ALL RUN-OFF AND
SURFACE DRAINAGE ON-SITE
WITH APRV'D ABSORBENT
LANDSCAPING MATERIAL

ZONING R1

PARCEL AREA = 6035 SQ. FT.
PROPOSED GROSS BUILDING FOOTPRINT = 1791 SQ. FT.
(COMBINED DWELLING & DECK FOOTPRINTS)
PROPOSED NET PARCEL COVERAGE = 29.7%
MAX PARCEL COVERED ALLOWED = 40%

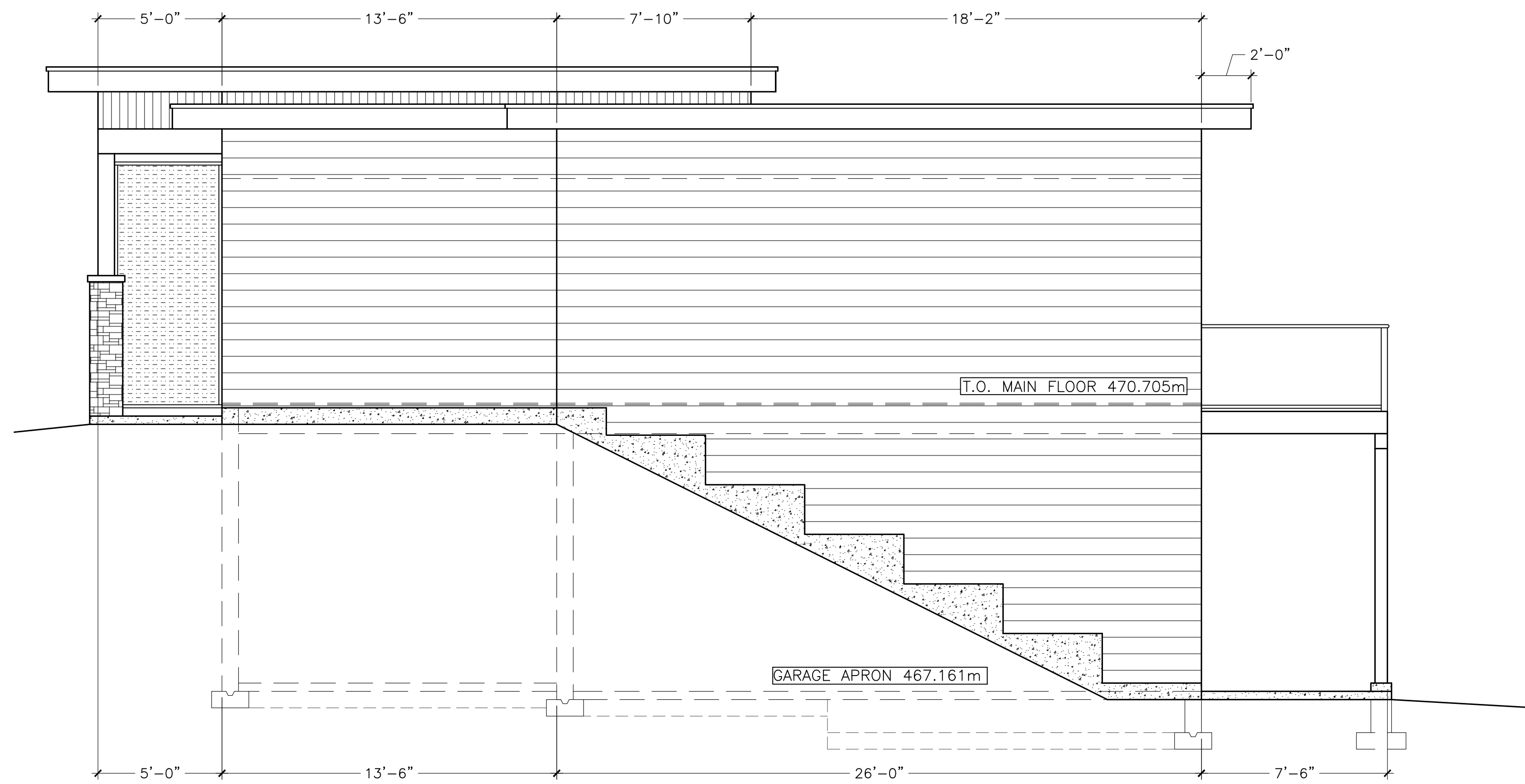
PROPOSED BUILDING HEIGHT = 7.78m
MAX HEIGHT ALLOWED = 10.5m



ISSUED FOR BUILDING PERMIT

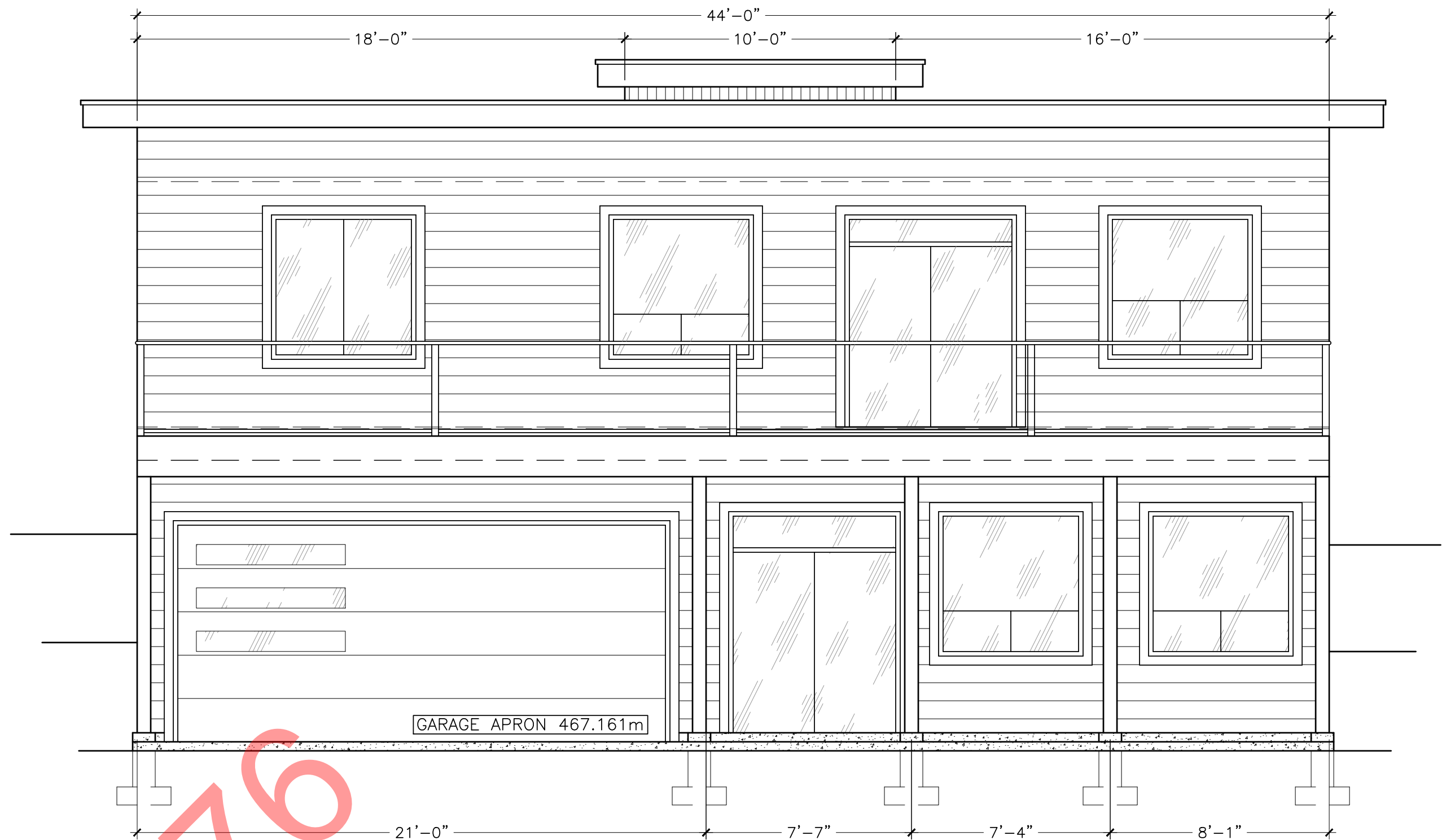
AZTECH DRAFTING SERVICES
496 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

SITE PLAN	
PROPOSED RESIDENCE	
190 AVERY PLACE PENTICTON BC	
DRAWN BY: MBW	DATE: AUG 23/21
DESIGN BY:	PROJECT No.: 201944
CHK'D BY:	FILE No.:
SCALE: 1"=15'	SHEET Page 3 of 4 1

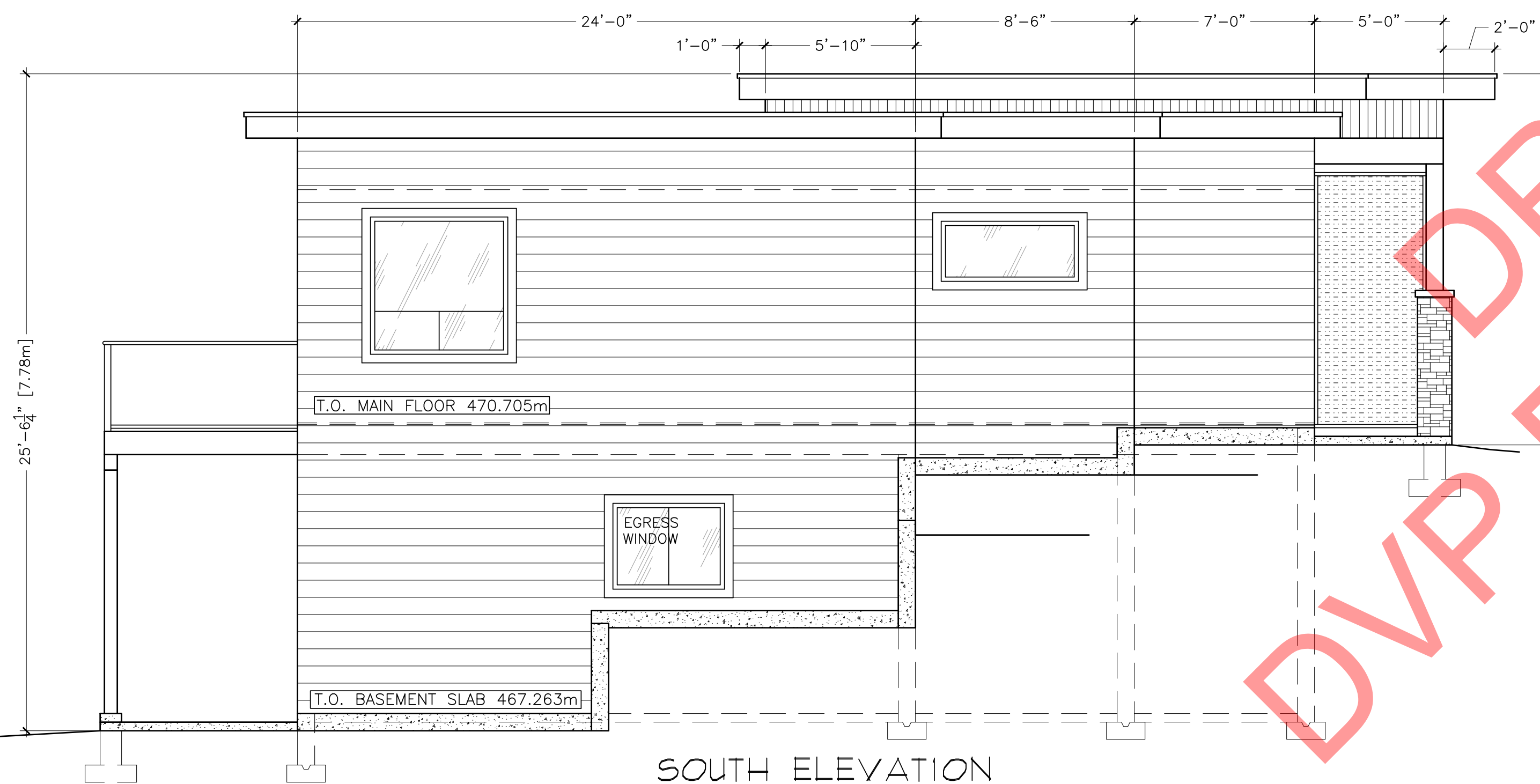


NORTH ELEVATION

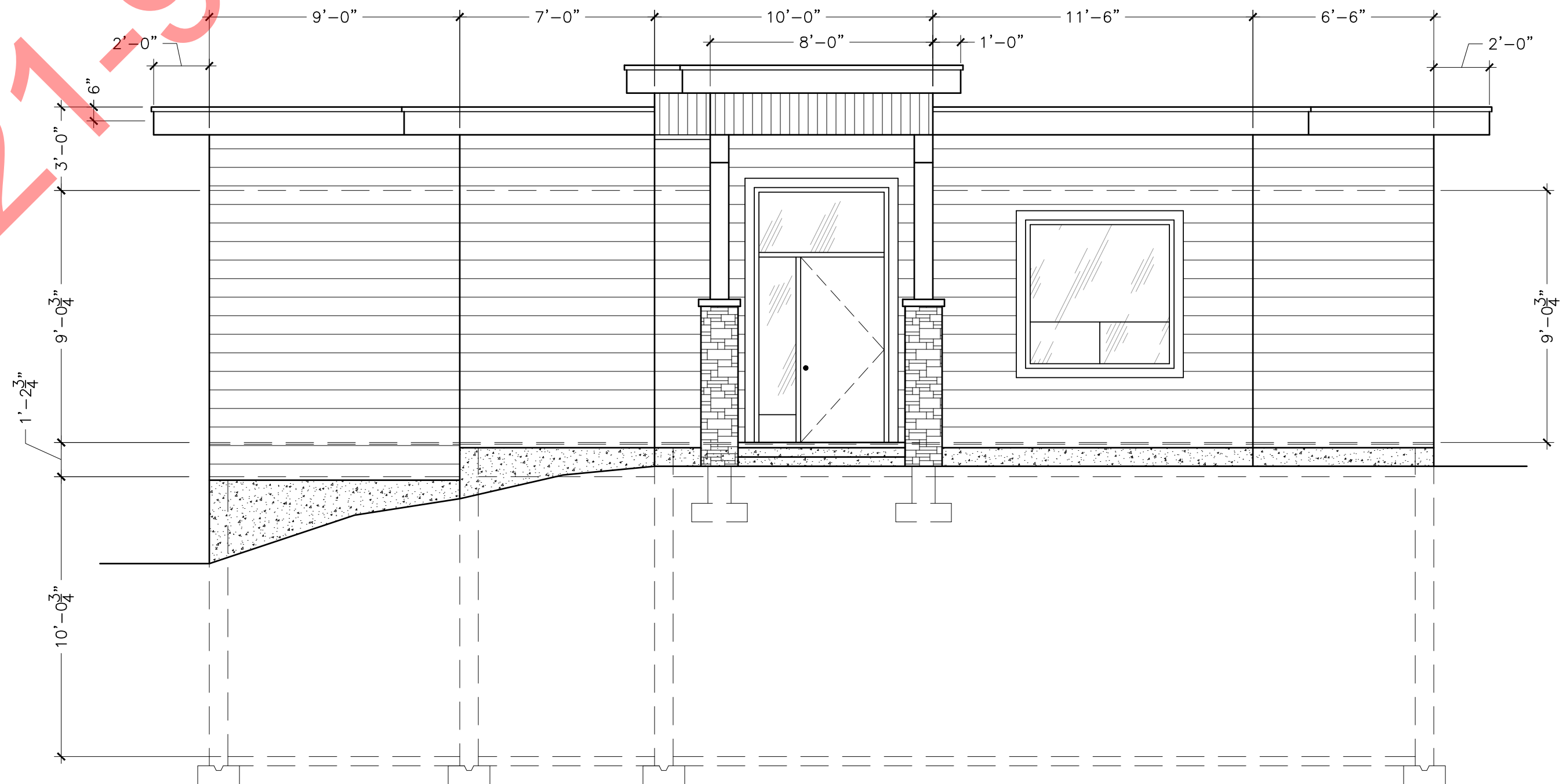
SPATIAL SEPARATION - NORTH WALL
TOTAL BUILDING FACE = 514 sq. ft.
TOTAL UNPROTECTED OPENINGS = 0 sq. ft. (0%)
LIMITING DISTANCE = 1.8m
ALLOWABLE OPENINGS = 8%



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

NOTES

Contractor to verify all measurements prior to construction. Any discrepancies must be reported to the Owner for clarification prior to commencement of construction.

Contractor to confirm window style and x-lite locations with Owner prior to construction. Ensure x-lites for egress are provided as required by the current B.C.B.C.

All bearing wall openings supported with 2-ply 2x10 spf#2 on double cripplies unless otherwise noted.

Install interconnected smoke alarms and carbon monoxide detectors located as per current B.C.B.C.

Install PV & SDHW conduits as per technical specifications set out in the NRCan Solar Readiness Guidelines.

All bathrooms equipped with min. 1.5 sonne exhaust fan, connected to timer as per current B.C.B.C.

All new exterior wall and roof assemblies to conform to RSI values as per current B.C.B.C.

Flash all exterior wall penetrations as per current B.C.B.C.

Contractor to ensure all construction and installation meets the requirements set forth in the current B.C.B.C.

These plans do not show all details of the requirements of the current B.C.B.C. and have not been reviewed for full compliance. It is the responsibility of the Owner/Contractor to ensure compliance with the Code and all local municipal bylaws.

These drawings have been checked by the Owner/Contractor. Aztech Drafting holds no responsibility for any errors or omissions related to design or otherwise.

ISSUED FOR BUILDING PERMIT

AZTECH DRAFTING SERVICES

496 Van Horne St. Penticton, B.C.
Phone: 250-492-3344 e-mail: service@aztechdrafting.com

REVISIONS				
No.	DATE	DRAWN	CHK'D	DESCRIPTION
1	08/23/21	MBW		MOVE GARAGE TO NORTH SIDE

ELEVATIONS PROPOSED RESIDENCE	
190 AVERY PLACE PENTICTON BC	
DRAWN BY: MBW	DATE: APR 15/21
DESIGN BY:	PROJECT No.: 201944
CHK'D BY:	FILE No.:
SCALE: 1/4"=1'	SHEET No.: 4 OF 4
	REV 1