

August 9, 2018

Subject Property:

1049 Antler Drive

Lot 32, District Lot 2710, Similkameen Division
Yale District, Plan EPP74844

Application:

Development Variance Permit PL2018-8327

The applicant is proposing to construct a 2.5m (8ft) retaining wall along the east and southern portion of the property. The City's zoning bylaw restricts the height of retaining walls to 1.2m within a required yard. Therefore, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:



- Section 5.6.2.1: to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.5m.

Information:

The staff report to Council and Development Variance Permit PL2018-8327 will be available for public inspection from **Friday, August 10, 2018 to Tuesday, August 21, 2018** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, August 21, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, August 21, 2018** to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the August 21, 2018 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.

Blake Laven, RPP, MCIP

Manager of Planning

Date: August 21, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 1049 Antler Drive
Subject: Development Variance Permit PL2018-8327

File No: 2018 PRJ-172

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8327" for Lot 32 District Lot 2710 Similkameen Division Yale District Plan EPP74844, located at 1049 Antler Drive, a permit to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.5m;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8327."

Background

The subject property (Attachment A) is zoned R1 (Large Lot Residential) and designated by the City's Official Community Plan as LR (Low Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 1,040m² (11,194ft²) in area with a single family dwelling currently under construction. The surrounding properties are primarily zoned R1 (Large Lot Residential), RD1 (Duplex Housing) and P2 (Parks and Recreation). The subject property is part of "The Ridge" development at 1830 Ridgedale Avenue, adjacent to Sendero Canyon. Given the nature of hillside development, retaining walls are often required to address slope stability concerns and to create level yards or driveways.

Proposal

The applicant is proposing to construct a 2.5m (8ft) retaining wall along the east and southern portion of the property. The City's zoning bylaw restricts the height of retaining walls to 1.2m within a required yard. Therefore, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 5.6.2.1: to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.5m.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. As part of the building permit process, a geotechnical report addressing the sub soil conditions and drainage, along with engineered drawings will be required for the proposed retaining wall.

Development Variance Permit

Support Variance

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 5.6.2.1: to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.5m.

- The 1.2m (4ft) maximum allowable height of a retaining wall in a setback is intended to negate the visual impacts that a retaining wall could have on neighbouring properties. Given the lower elevation of the proposed lot, the wall will not be visible from the street or the neighbouring property to the east. The property most likely to be impacted by the 2.5m wall will be the subject property, to whom is requesting the variance. The wall is required to address slope stability issues and to create level yards for both the subject property and the property to the east. The wall itself will be 2.5m (8ft) in height, but only 2.2m (7ft) will be exposed, based on the proposed plans.

Staff feel that the retaining wall height request is reasonable, does not unreasonably impact the adjacent area and recommend that Council support the application.

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support DVP PL2018-8327 with conditions that Council feels are appropriate.
2. THAT DVP PL2018-8327 be referred back to staff to revise the application as directed by Council.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Retaining Wall Design
Attachment G:	Letter of Intent
Attachment H:	Letter of Support
Attachment I:	Development Variance Permit PL2018-8327

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
<i>RH</i>	

Attachment A – Subject Property Location Map

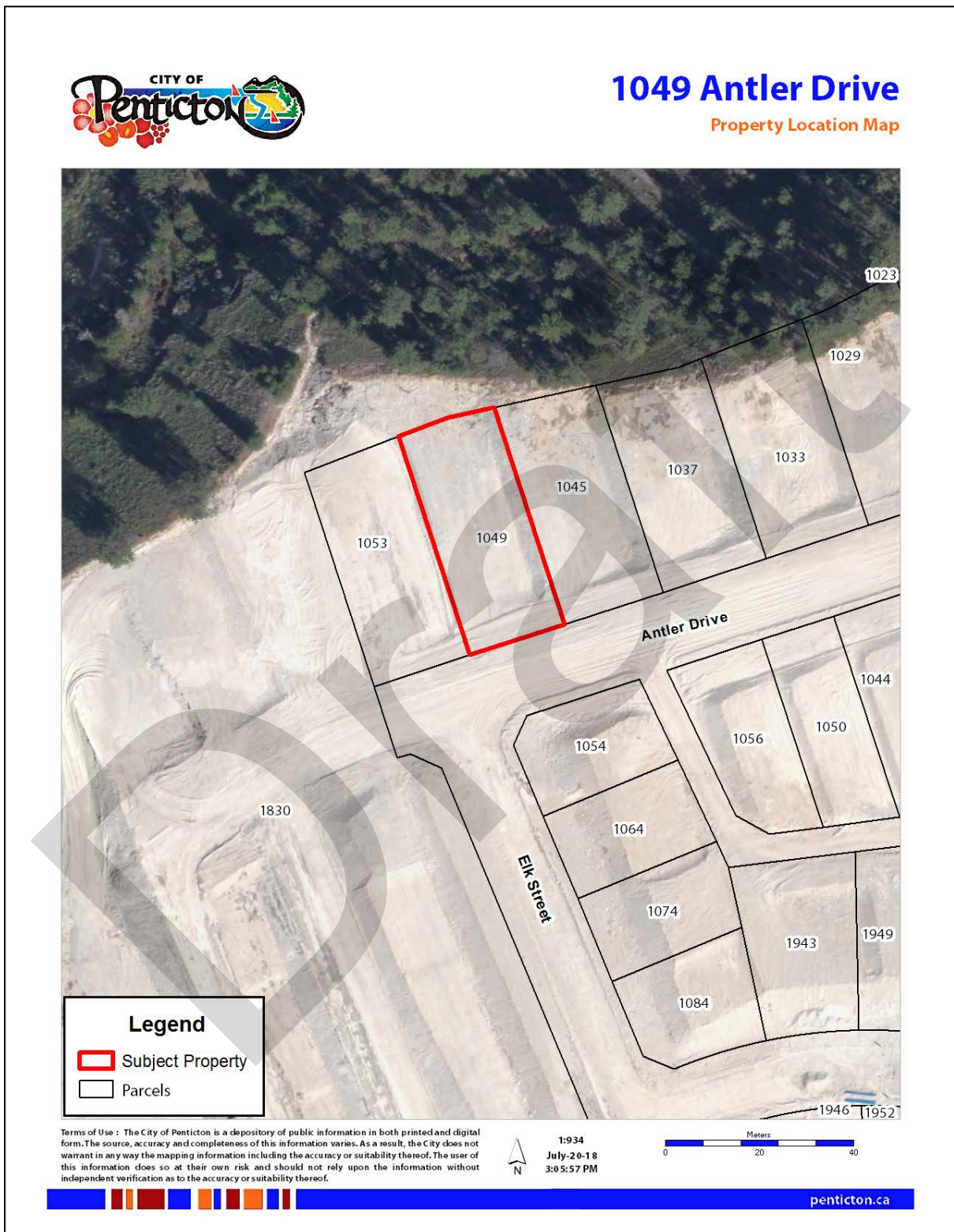


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

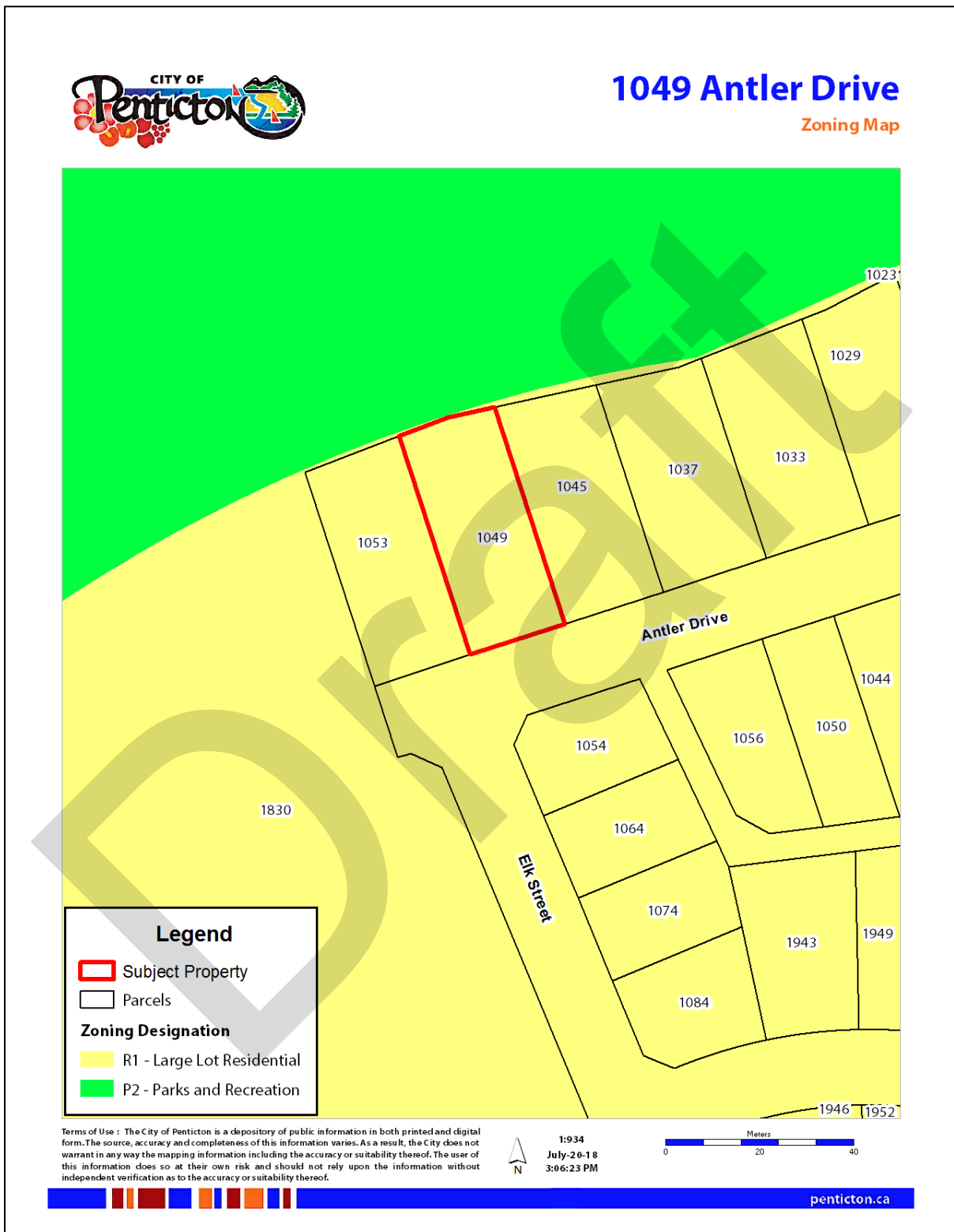


Figure 2: Zoning Map

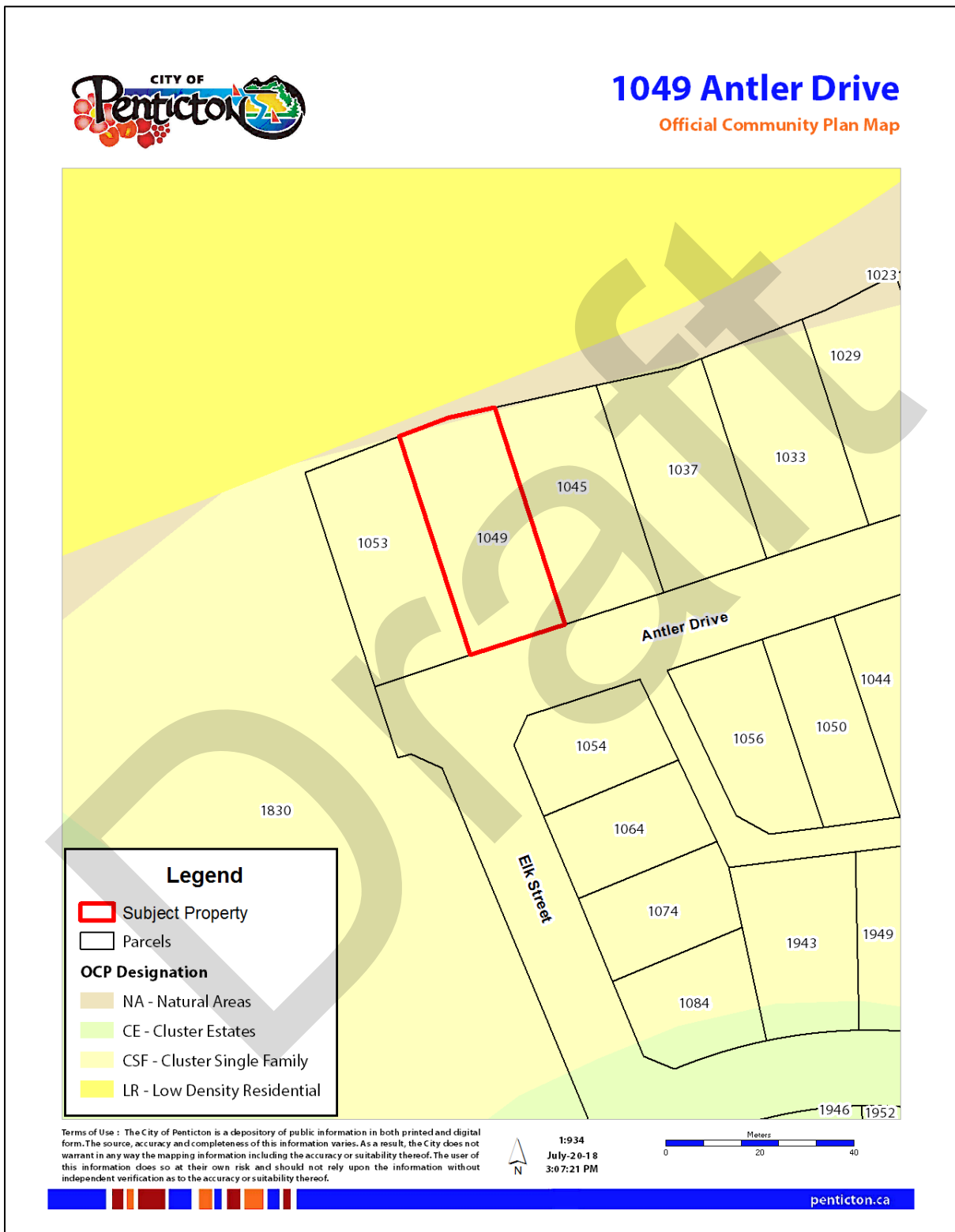


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South Elevation showing dwelling under construction



Figure 5: Looking north along east property line where proposed retaining wall will be constructed



Figure 6: Looking north along east property line



Figure 7: Looking South along east property line



Figure 8: Looking South along east property line



Figure 9: proposed wall along south portion of property

Attachment E- Site Plan

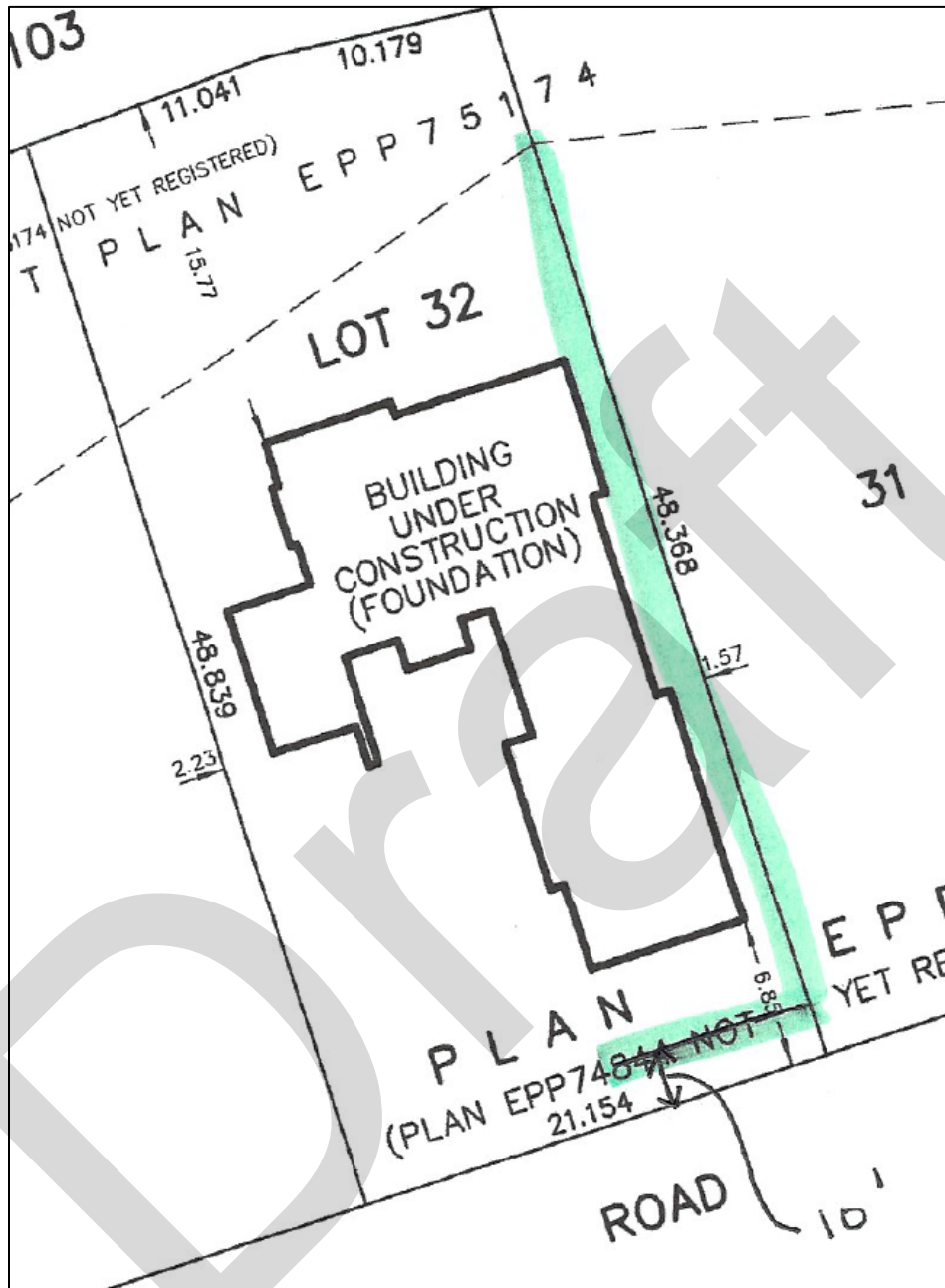


Figure 10: Site Plan with proposed retaining wall highlighted in green

Attachment F- Retaining Wall Design

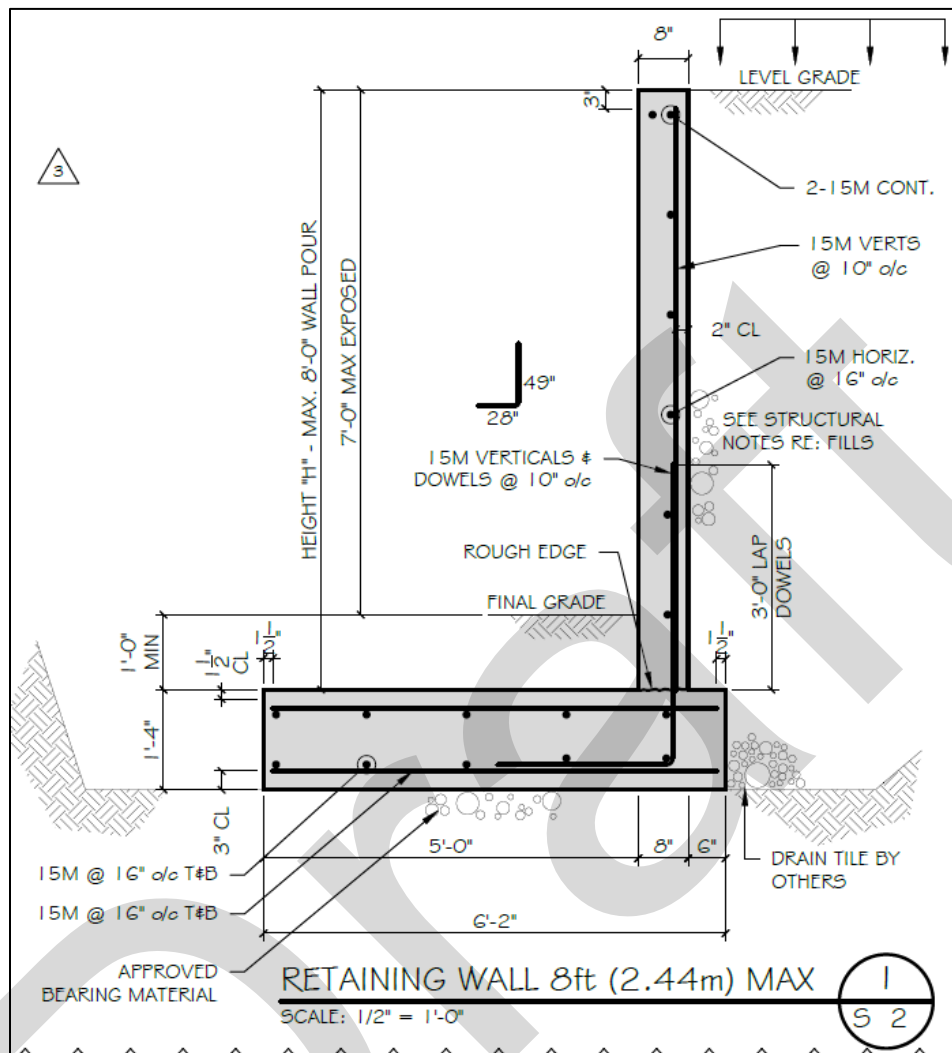


Figure 11: Retaining Wall Design

1029674 BC LTD

June 18, 2018

Attention: Planning Department

Reference: Development Variance Permit to vary Section 6.5.2.1 of the Zoning Bylaw to vary the height of a retaining wall in a side yard from 1.2m to 2.2m.

This letter is to accompany an application to increase the maximum height of a retaining wall in a required yard from 1.2m to 2.2 m (7') on the eastern side of the lot. The subject property is located in the Ridge development in the Upper Columbia Heights Neighbourhood.

Background:

The site is located in the north western portion of the Phase 1 of the new Ridge subdivision. The subject site is located along the north edge of the development on the top of the slope down to Ridgedale. As a former gravel pit, there was extensive earth moving undertaken to prepare the site for residential development. The lots along this edge of the subdivision have terraced grading, with a level building area and slopes between the lots.

Development Proposal:

In the R1 zone, a side yard of 1.5 m is required. Section 6.5.2.1 of the Zoning Bylaw limits the height of a retaining wall located in required yard to 1.2m.

The home at 1049 Antler Drive is under construction. In consultation with the neighbouring property owner to the east at 1045 Antler Drive it was agreed that a 2.2m retaining wall on the property line would result in the most efficient use of both properties. Letter from neighbour to be provided. The building site on 1045 Antler Drive is about 3m (10') above the elevation of 1049 Antler Drive. With the variance, each owner would have a useable side yard of 1.5m (5') and the wall would be entirely located on the lower lot. See attached photographs and building site plan.

As this wall has no impact on any other property in the area we request Council's support for the application.

Sincerely,

Joe Cuzzocrea

Figure 12: Letter of Intent

1029674 BC Ltd. 716 Okanagan Avenue Penticton, B.C. V2A 3K6	
City of Penticton 171 Main Street Penticton, B.C. V2A 5A9	August 2, 2018
Re: Retaining wall	
I am the owner of 1049 Antler Drive in the new Ridge subdivision and would like to build a 2.5 meter concrete retaining wall between my property and my neighbour at 1045 Antler Drive. It is my understanding that any retaining wall greater than one meter requires a building variance approval. The owner of 1045 Antler Drive, Mr. Dean Ashby, is okay with this variance as indicated by his signature on this letter and would also sign off on any other documentation required. Thus with this letter we are requesting a variance to build a 2.5 meter retaining wall on my property next to 1045 Antler Drive. Thanks for your consideration. Yours truly 1029674 BC Ltd  Per: Joe Cuzzocrea President I agree with the above variance request.  Dean Ashby Owner 1045 Antler Drive Penticton B.C.	

Figure 13: Letter of Support



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8327

Name:
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 32 District Lot 2710 Similkameen Division Yale District Plan EPP74844
Civic: 1049 Antler Drive
PID: 030-381-142
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 to allow for the construction of a retaining wall.
 - Section 5.6.2.1: to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.5m.

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 21 day of August, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Draft