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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** October 1, 2003  
**File No.:** DVP03-0104

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**APPLICATION NO.** DVP03-0084      **OWNER:** Ian and Dorothy Smith

**LOCATION:** 391 Sandpiper Street      **APPLICANT:** Ian Dorothy Smith

**PURPOSE:** Vary maximum height for a retaining wall from 1.2m permitted to 3.7m proposed (existing)

**EXISTING ZONE:** RR1 – RURAL RESIDENTIAL 1

**REPORT PREPARED BY:** RYAN SMITH

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**1.0      RECOMMENDATION**

THAT Council not authorise the issuance of Development Variance Permit No. DVP03-0104 for Lot 14, Section 23, Township 28, SDYD Plan KAP73329, located on Sandpiper Street, Kelowna, B.C.;

**2.0      SUMMARY**

The applicant is seeking to vary the maximum height for retaining walls from 1.2m permitted to 3.7m proposed (existing).

**3.0      BACKGROUND**

The applicant has previously purchased a small parcel of land from Kettle Valley Developments at the eastern side of his property in order to provide ample room for a swimming pool on the subject property. The applicant had previously received a building permit for the swimming pool, however, the retaining wall was not shown on the plans submitted by the applicants contractor at this time.

### 3.1 The Proposal

The applicant is seeking a development variance permit for an over-height retaining wall. The wall was constructed to support a swimming pool on the subject property. The wall measures approximately 3.7m at its highest point whereas the Zoning bylaw only permits a height of 1.2m (max). The wall is a vertical design that is constructed of Keystone block and is tan in colour.

The application compares to the requirements the City of Kelowna Bylaw No. 8000 for RR1- Rural Residential 1 zones as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RR1 ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> )	2045m <sup>2</sup> (existing non-conformity)	1.0 Ha
Lot Width	33m (approx.)	40.0m
Lot Depth	60m (approx.)	30.0m
Retaining Wall Height	3.7m	1.2m

❶Note: Vary maximum height for a retaining wall from 1.2m permitted to 3.7m proposed (existing).

### Site Context

The subject property is located at the northwest end of Sandpiper Street.

Adjacent zoning and existing land uses are to the:

- North - RR1 – Rural Residential 1 – Single Family Dwelling
- East - RR1 – Rural Residential 1 – Single Family Dwelling
- South - RR1 – Rural Residential 1 – Single Family Dwelling
- West - RR1 – Rural Residential 1 – Single Family Dwelling

This application has been circulated to various internal departments and external agencies and the following comments were received:

4.1 Works and Utilities Department

No comment.

4.2 Inspection Services

No concerns provided that the applicant has submitted a report from a professional engineer.

5.0 PLANNING AND CORPORATE SERVICES COMMENTS

The Planning and Corporate Services Department has concerns with the proposed development variance permit. Although the property owner engaged professional contractors and engineers, the retaining walls were never indicated on the building permit drawings. Staff feel that there was sufficient opportunity for the professionals involved to realize that a retaining wall of this magnitude would require special consideration through the approval process. It should be noted, however, that the applicant's neighbours at 388 Sandpiper, 363 Stellar Drive and 384 Raven Drive have all indicated support for the application by way of written submission.

The existing land-use contract has been built-out and property is subject to the regulations of Zoning Bylaw No.8000.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorise the issuance of Development Variance Permit No. DVP03-0104 for Lot 14, Section 23, Township 28, SDYD Plan KAP73329, located on Sandpiper Street, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 7.5: Fencing and Retaining Walls: Subsection: 7.5.7**

Vary maximum height for a retaining wall from 1.2m permitted to 3.7m proposed (existing).

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Andrew Bruce  
Development Services Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

RM/AB/rs  
Attach.

**FACT SHEET**

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| <b>15. APPLICATION NO.:</b>   | DVP03-0104   |
| <b>15. APPLICATION TYPE:</b>  | Development Variance Permit  |
| <b>3. OWNER:</b>  | Dr. Ian and Dorothy Smith  |
| . ADDRESS   | 391 Sandpiper Street   |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1W 4K7  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                       | Dr. Ian and Dorothy Smith  |
| . ADDRESS   | 391 Sandpiper Street   |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1W 4K7  |
| . TELEPHONE/FAX NO.:  | 764-7878   |
| <b>5. APPLICATION PROGRESS:</b>   |  |
| Date of Application:  | September 10, 2003   |
| Date Application Complete:  | September 10, 2003   |
| Servicing Agreement Forwarded to Applicant:                               | N/A  |
| Servicing Agreement Concluded:  | N/A  |
| Staff Report to APC:  | N/A  |
| Staff Report to Council:  |  |
| <b>15. LEGAL DESCRIPTION:</b>   | Lot 14, Section 23, Township 28,<br>SDYD Plan KAP73329                       |
| <b>15. SITE LOCATION:</b>   | The subject property is located at the<br>northwest end of Sandpiper Street. |
| <b>15. CIVIC ADDRESS:</b>   | 391 Sandpiper Street   |
| <b>15. AREA OF SUBJECT PROPERTY:</b>                                      | 2045m <sup>2</sup>   |
| <b>15. EXISTING ZONE CATEGORY:</b>  | RR1  |
| <b>15. TYPE OF DEVELOPMENT PERMIT AREA:</b>                               | N/A  |
| <b>15. PURPOSE OF THE APPLICATION:</b>                                    | Development Variance Permit  |
| <b>15. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             | N/A  |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>                   | N/A  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Elevations showing proposed height variance
- Pictures of the Site
- Engineers Report