

**DATE:** May 30, 2008  
**TO:** CITY MANAGER  
**FROM:** PLANNING & DEVELOPMENT SERVICES DEPARTMENT

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO LEGALIZE AN EXISTING RETAINING WALL THAT IS 3.7 M HIGH, WHERE THE MAXIMUM ALLOWABLE HEIGHT PERMITTED IS 1.2 M.

**REPORT PREPARED BY:** NELSON WIGHT

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP07-0262, for Lot 4, Section 22, township 23, O.D.Y.D. Plan KAP74134, located on Quail Run Drive, Kelowna, B.C.:

The applicant constructed a retaining wall along the north side of his property, which exceeds the maximum allowable height for such a structure. This application seeks to legalize that retaining wall, such that the Inspections Services Department could issue a building permit allowing it to remain.

- Sometime between July 2006 (framing and insulation inspections) and November 22, 2006 – a retaining wall was constructed that does not comply with the City of Kelowna Zoning Bylaw No. 8000 regulations.
- November 22, 2006 – applicant was notified by Inspections Services Department that he would need successful approval of a development variance permit to exceed 1.2 m in height for the retaining wall.
- February 13, 2007 – applicant was denied a final occupancy permit, since he had failed to restore the retaining wall to 1.2 m in height or to seek approval under a development variance permit
- October 30, 2007 – applicant requested for a development variance permit was accepted (file number DVP07-0262), and sent out for comment from other departments/agencies.
- March 11, 2008 – Planning Staff informed by Inspections Services that the retaining wall was properly engineered, and the item could now be forwarded to Council.

#### 4.0 TECHNICAL COMMENTS

(see attached technical comments)

#### 5.0 STAFF COMMENTS

There does not appear to be any compelling reason for the retaining wall to have been constructed. If the site conditions were such that a retaining wall of this sort was necessary, however, then the applicant should have provided such justification through a review of a DVP prior to construction of the retaining wall.

In the accompanying letter of rationale, the applicant claims that they were unaware of the conflict until after it was constructed by their builder, and Staff can accept that statement. However, the builder admitted that he knowing constructed the retaining wall in contravention of the regulation.

It may be that removal of the wall would render the garage inaccessible by vehicles. However, another option exists in the form of constructing a series of retaining walls that conform to the maximum height requirements, and moving the garage door to the side facing Quail Run Drive. The applicant had stated that this was not an option, due to the provisions of the Building Scheme. Following a review of this building scheme, Staff could find no such restriction to a front-drive garage.

#### 6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DVP07-0262, for Lot 4, Section 22, township 23, O.D.Y.D. Plan KAP74134, located on Quail Run Drive, Kelowna, B.C.:

AND FURTHER THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

##### Section 7.5.9 –Retaining Walls (Height)

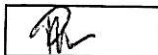
A variance to allow a retaining wall that is 3.7 m (12') high, where the maximum allowable height is 1.2 m (4').



Shelley Gambacort

Current Planning Supervisor

Approved for inclusion



Paul Macklem

Acting Director of Planning & Development Services

NW/nw

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**ATTACHMENTS**

Location of subject property

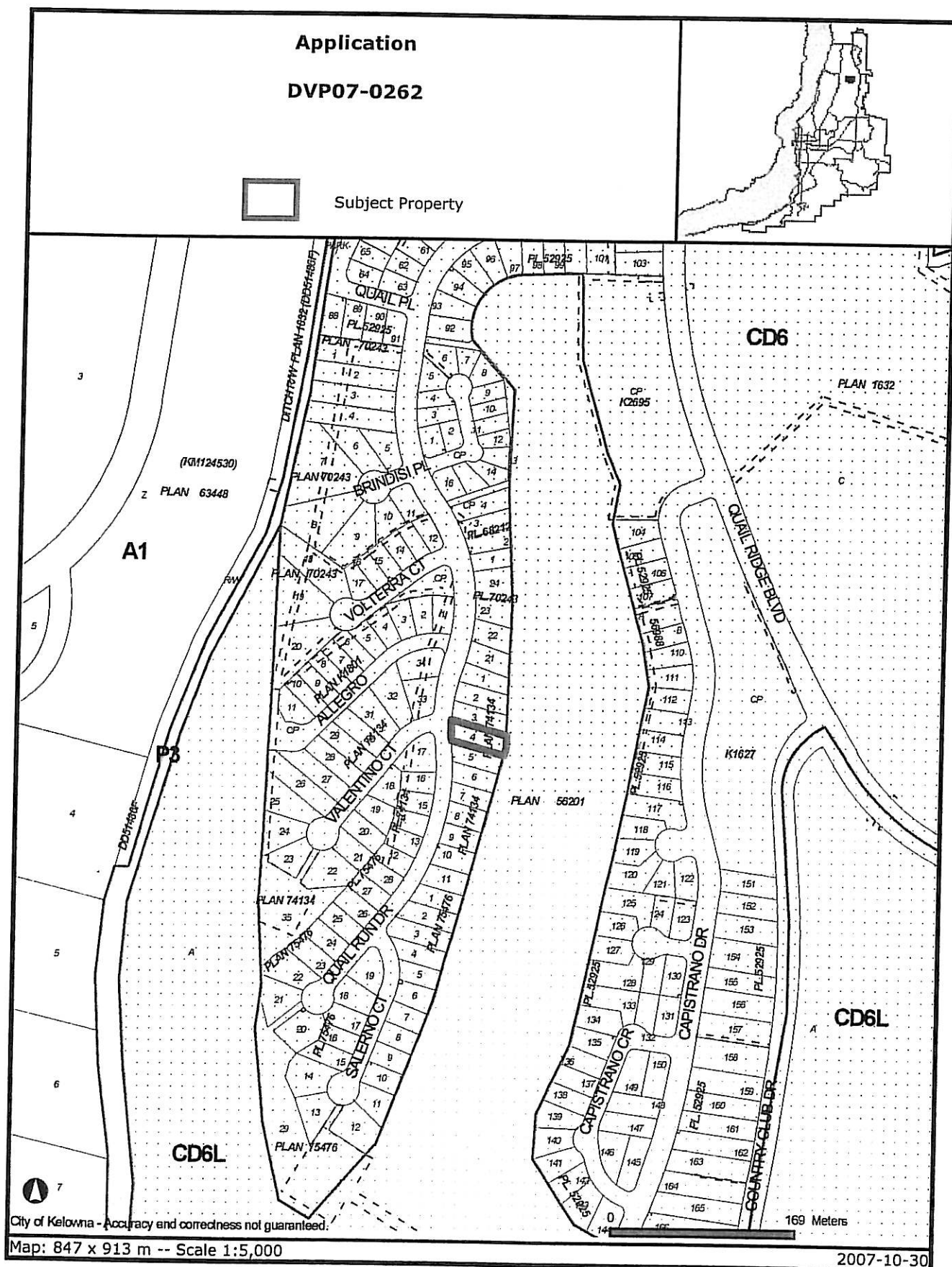
Letter of Rationale

Photos

Letter of Support from Abutting Property Owners

Engineer's Letter

Technical Comments



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

File: DVP07-0262

Application

File: DVP07-0262

Type: DEVP VARIANCE PERMIT - NON APC

File Circulation

| Seq | Out        | In         | By      | Comment   |
|-----|------------|------------|---------|---|
|     |            |            |         | B.C. Assessment Authority (info only)   |
|     | 2007-10-30 | 2007-10-30 |         |   |
|     |            |            |         | Fire Department   |
|     | 2007-10-30 | 2007-11-30 | MNEID   | No comment  |
|     |            |            |         | Inspections Department  |
|     | 2007-10-30 | 2007-10-31 | RREADY  | Building permit required c/w engineering drawings/schedules and not to be constructed prior to approval of DVP application. |
|     |            |            |         | Parks Manager   |
|     | 2007-10-30 | 2007-11-07 | TBARTON | No comment  |
|     |            |            |         | Works & Utilities   |
|     | 2007-10-30 | 2007-11-20 |         | see documents tab   |

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CITY OF KELOWNA

MEMORANDUM

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**Date:** November 15, 2007  
**File No.:** DVP07-0262  
**To:** Planning & Development Services Department (NW)  
**From:** Development Engineer Manager (SM)  
**Subject:** 2287 Quail Run Drive – Lot 4, Plan 74134, Sec. 22, Twp. 23, ODYD

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The Works & utilities Department comments and requirements regarding this development application are as follows:

The requested variance application for the retaining wall height to vary from 1.2m to the proposed 3.6m does not compromise Works and Utilities servicing requirements.

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Steve Muenz, P.Eng.  
Development Engineering Manager  
DC

December 18, 2007

**City of Kelowna**

1435 Water Street  
Kelowna, BC V1Y 1J4

To whom this may Concern:

**This letter is regarding the retaining wall at 2287 Quail Run Drive, owned by Steve and Stacey Lenarduzzi.**

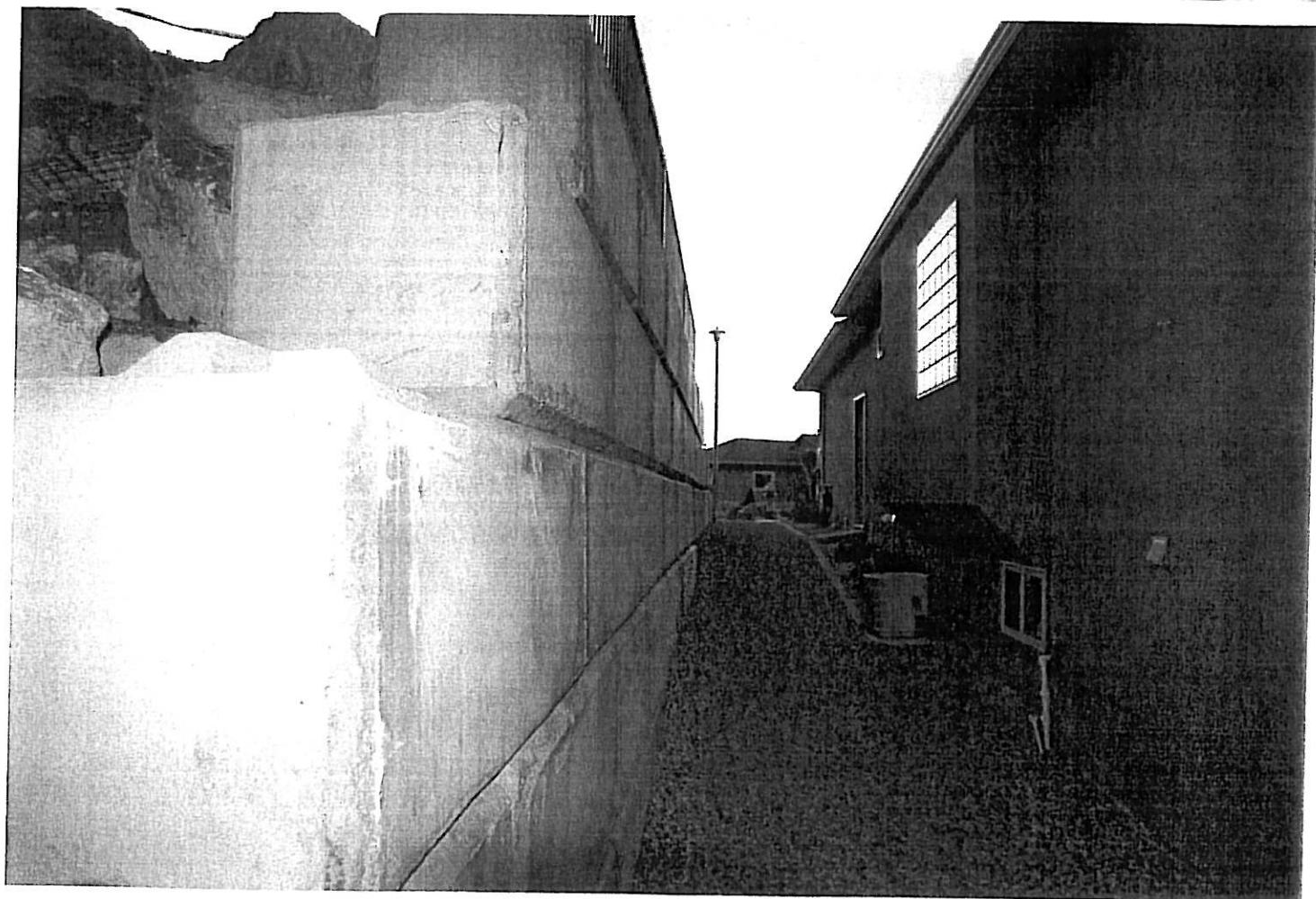
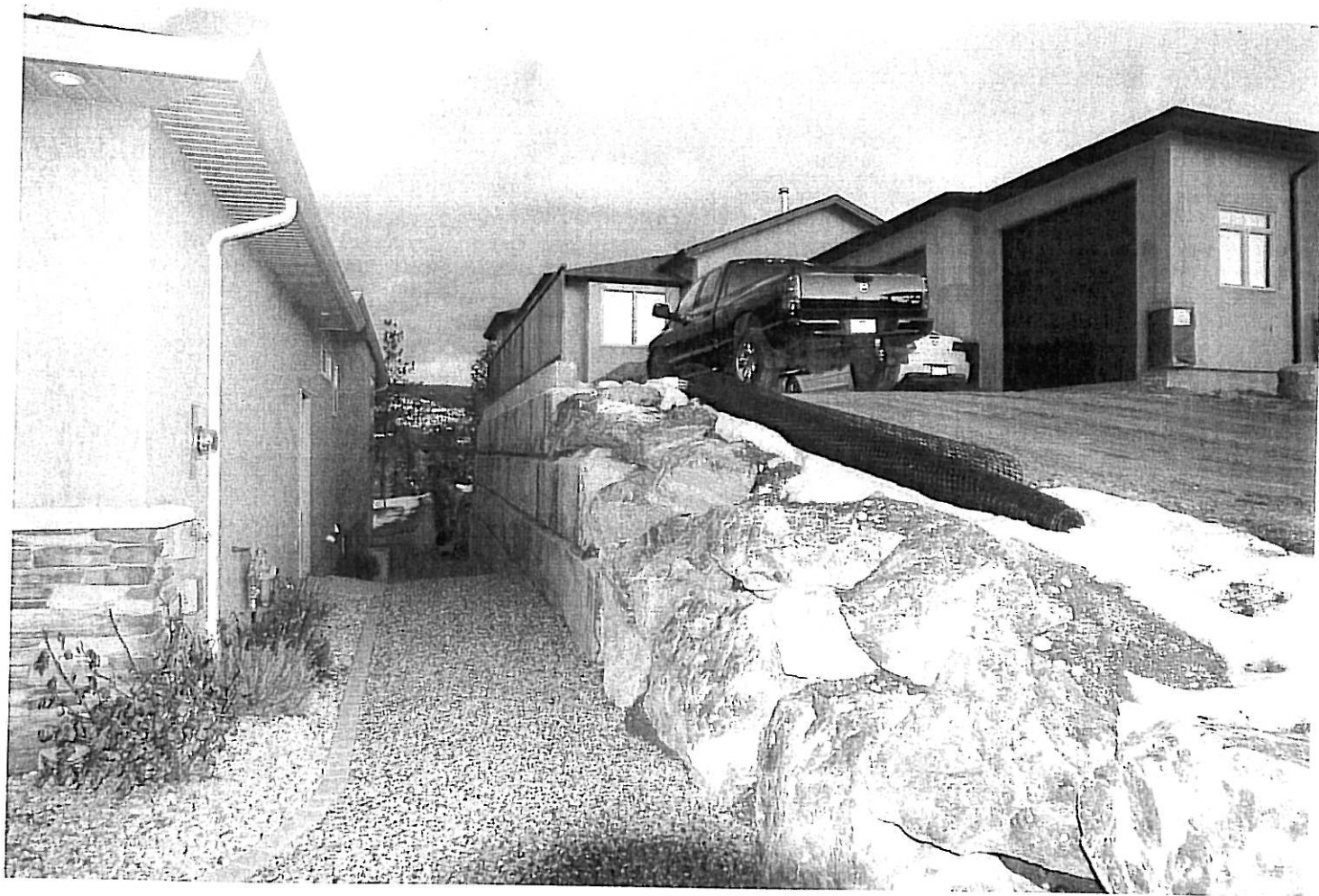
This wall is necessary because of the lay of the land and the elevations of the neighbouring homes. We currently have a retaining wall on the high side of our property, which stands at approximately 4-5ft. The retaining wall that we constructed is 10ft tall, with one point reaching 12ft. If we somehow lowered our home approximately 6ft, we would now be undermining the existing retaining wall on the high side by 6ft and therefore creating another 10-12ft retaining wall. If we constructed a natural rock wall by the standard 4ft up 2ft over guidelines, our driveway would be unacceptable for width and rendering our garage useless, except for very small cars. We have spent a large sum of money constructing high quality, natural rock walls on our property and we have had no choice but to build this wall in the front of our property. It is a very non-invasive wall, designed to be hidden from the road with natural rock forming the last 10-20ft extending to the road. It has a decorative aluminum railing along the top for safety and aesthetics. When the driveway and landscaping are completed, the overall appearance will be very tasteful.

The wall was given the go ahead for construction by our builder, Tony Delaurier, in the summer of 2006. We did not find out that we needed to apply for a variance permit until Chris G. came by for final occupancy in late October 2006. We apologize for not knowing the proper steps to take before constructing a retaining wall; we just assumed that our builder was familiar with procedures.

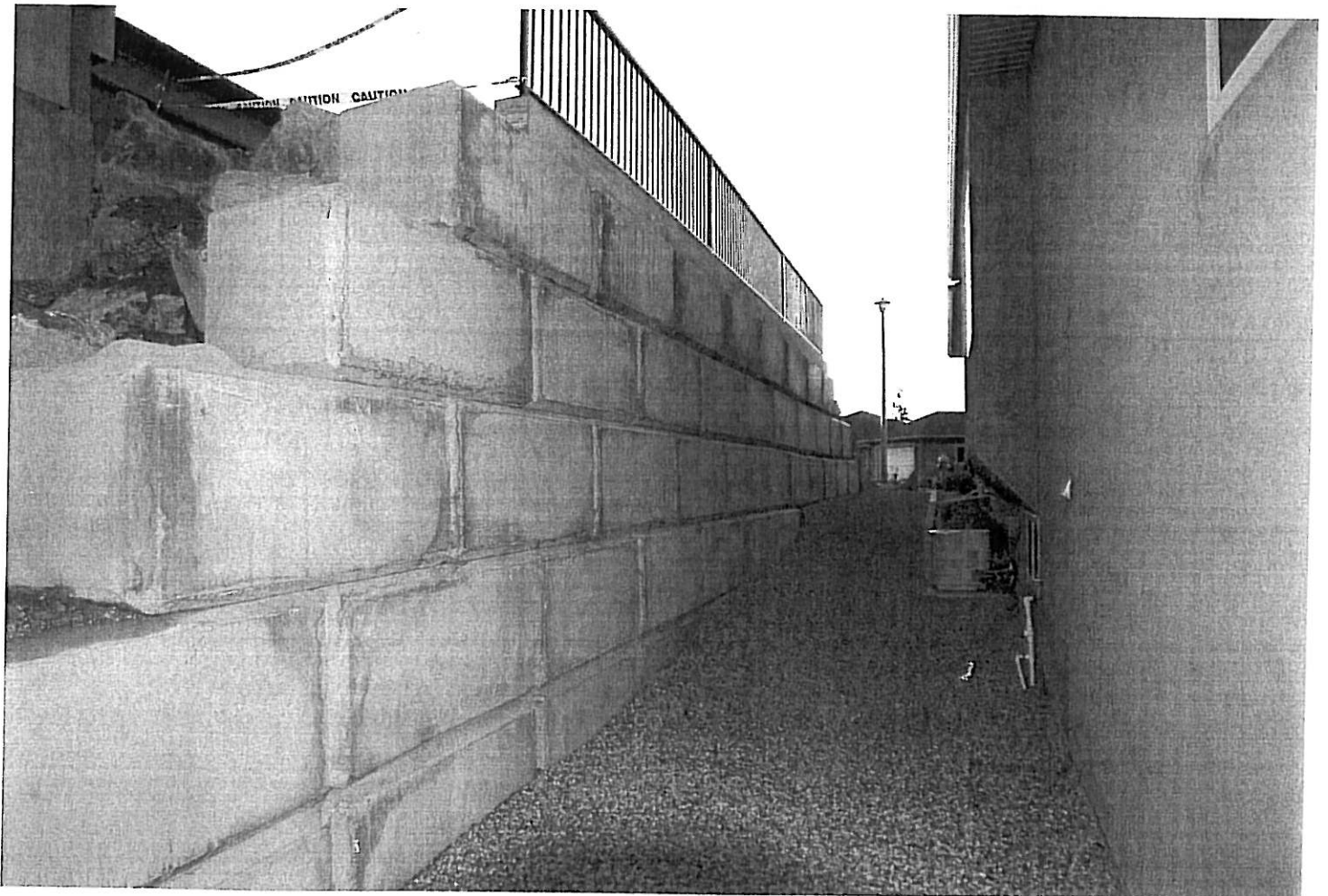
On the positive side, this wall has been very well constructed and has been up for over a year with no problems whatsoever.

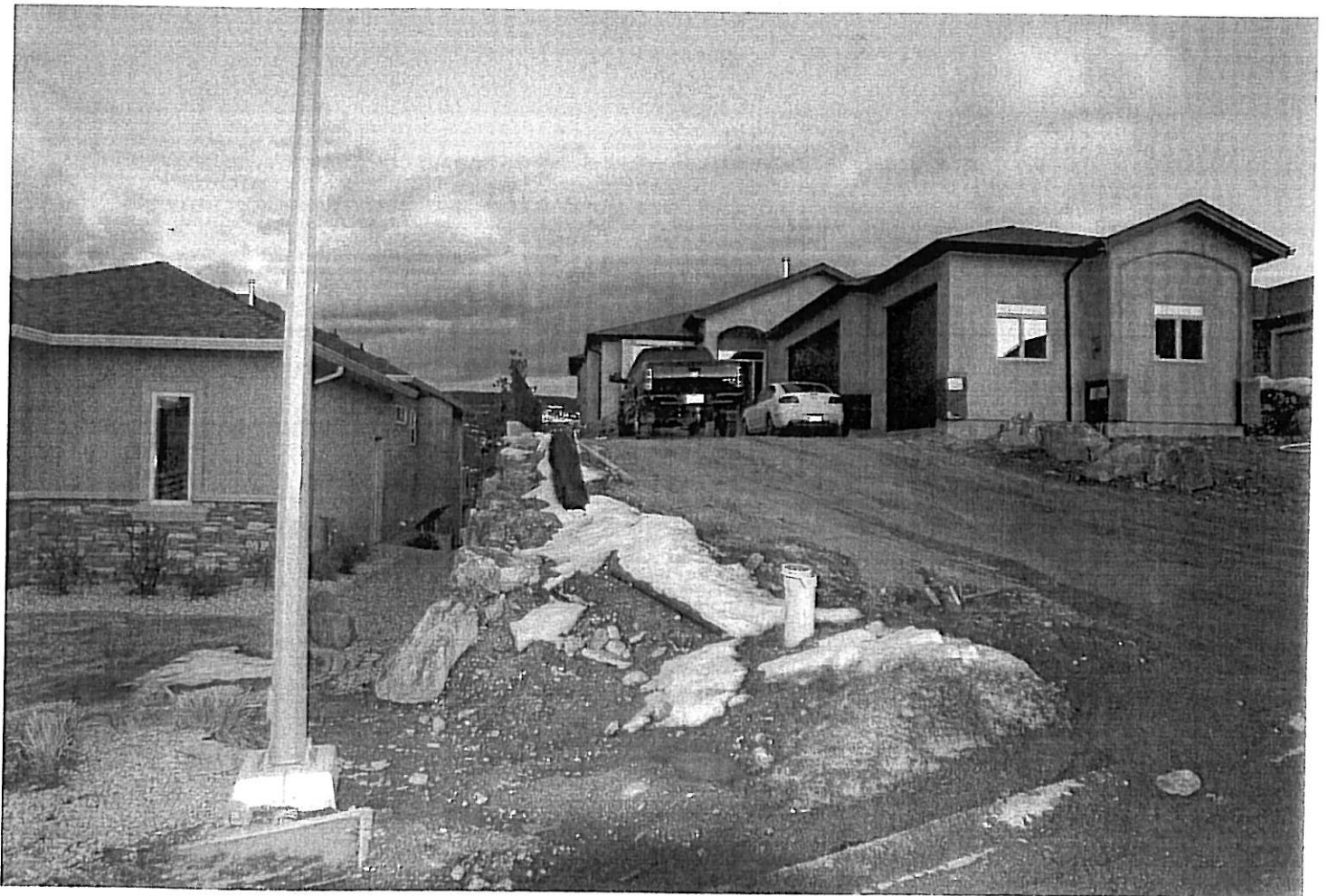
Sincerely,  
Steve and Stacey Lenarduzzi



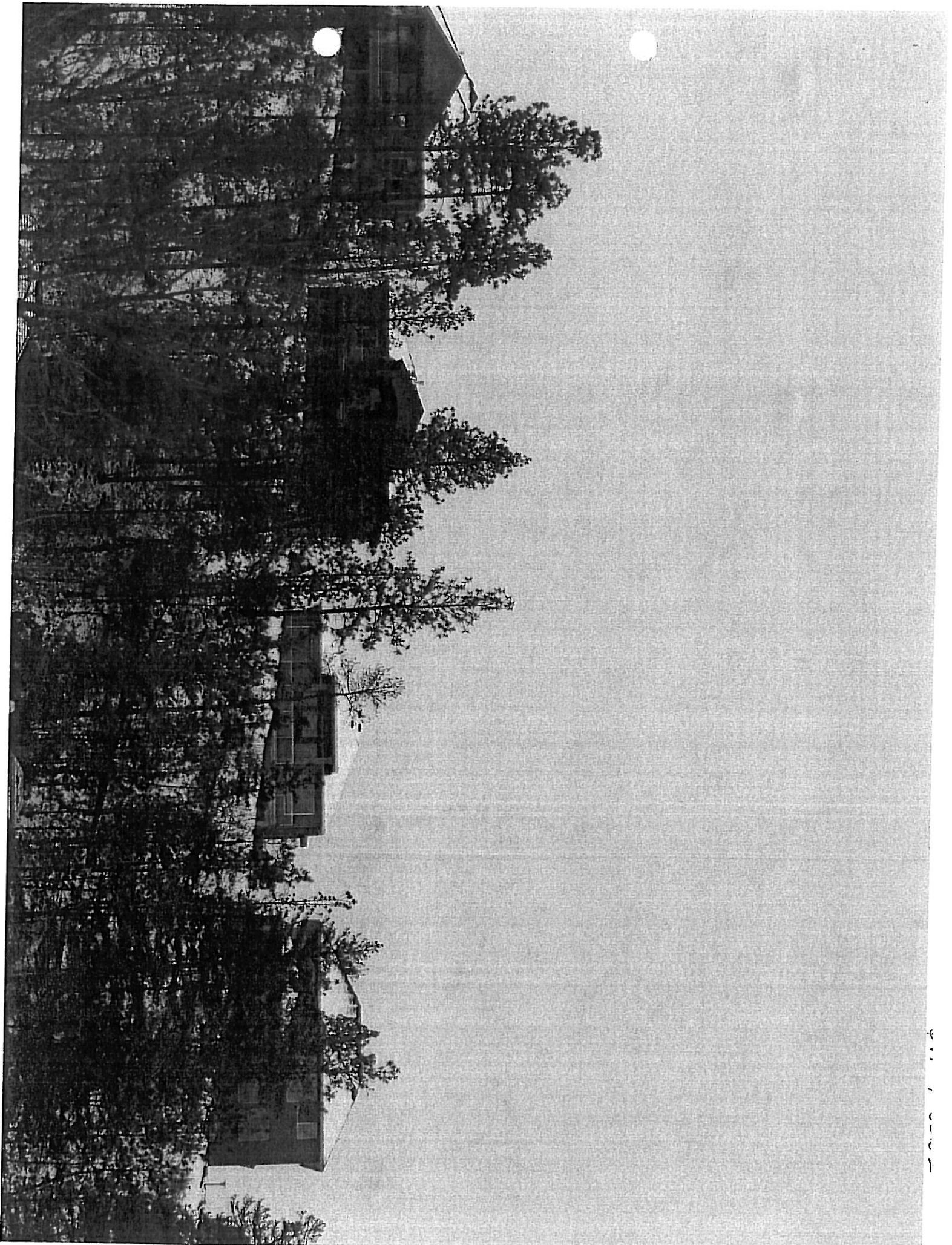












Steve & Stacey Lenarduzzi  
2287 Quail Run Drive  
Kelowna, BC  
V1V 2S3

The City of Kelowna has requested that the 2 properties in contact with 2287 Quail Run Drive please sign this letter.

This letter states that both property owners have acknowledged and accepted the completed construction of the retaining wall at 2287 Quail Run Drive.

Bob & Darlene Walters  
2293 Quail Run Drive

X

A handwritten signature in black ink, appearing to read "Bob Walters", with a long horizontal flourish extending to the right.

Shawn & Donna Campbell  
2281 Quail Run Drive

X

A handwritten signature in black ink, appearing to read "Shawn Campbell", with a long horizontal flourish extending to the right.

# DENMAR HOLDINGS INC.

Denis B. Frie, P. Eng.

7550 Ottley Road  
Lake Country, BC V4V 1N1  
Phone: (250) 766-3804  
Fax: (250) 766-3864

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October 1, 2007

Attention: Ron Ready  
City of Kelowna  
Building Department  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

Re: Steve Lenarduzzi - 12 foot High Lock Block Retaining Wall  
at 2287 Quail Run, Kelowna, B.C.

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This letter is to certify that I have reviewed the construction of the above referenced retaining wall. A drawing showing the principles of the construction is enclosed. Photos of this wall can be supplied by the owner or the owner's representative to you upon request

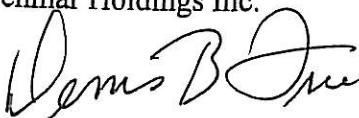
This wall is constructed to comply with the B.C. Building Code.

Enclosed also is a copy of the Schedule C-B as required after completion of the project.

I understand that this issue will have to be brought before the Board of Variance for final approval as to the form and height of the wall.

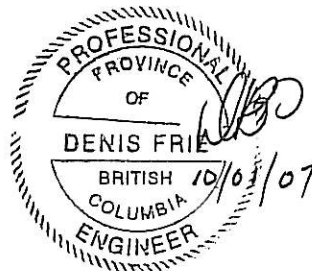
However, if there are any questions or concerns regarding this project that I can be of assistance, please call on me.

Yours truly,  
Denmar Holdings Inc.



Denis B. Frie, P. Eng.

DBF/bh



Enclosures:

Drawing  
Schedule C-B

## SCHEDULE C-B

Forming Part of Subsection 2.2.7, Division C of the  
British Columbia Building Code

Building Permit No. \_\_\_\_\_

ASSURANCE OF PROFESSIONAL FIELD REVIEW  
AND COMPLIANCE

- Notes: (i) This letter must be submitted after completion of the project but prior to final inspection by the authority having jurisdiction. A separate letter must be submitted by each registered professional.
- (ii) This letter is endorsed by: Architectural Institute of BC, Association of Professional Engineers and Geoscientists of BC, Building Officials' Association of BC, and Union of BC Municipalities.
- (iii) In this letter the words in italics have the same meaning as in the British Columbia Building Code.

To: The authority having jurisdiction

THE CITY OF KELOWNA, BUILDING DEPARTMENT

Name of Jurisdiction (Print)

Re: STRUCTURAL

Discipline (e.g. Architectural, etc.) (Print)

STEVE LENARDUZZI-12' HIGH LOCK BLOCK RETAINING WALL

Name of Project (Print)

2298 QUAIL RUN, KELOWNA, B.C.

Address of Project (Print)

Legal Description of Project (Print)

(Each registered professional shall complete the following:)

DENIS B. FRIE, P.ENG.

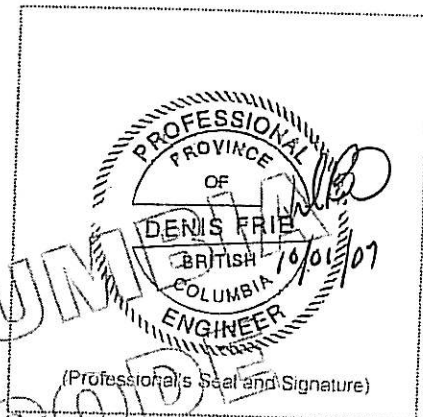
Name (Print)

7550 OTTLEY ROAD

Address (Print)

LAKE COUNTRY, B.C. V4V 1N1(250) 766-3804

Phone No.



Date

I hereby give assurance that

- (a) I have fulfilled my obligations for *field review* as outlined in Subsection 2.2.7, Division C of the British Columbia Building Code and in the previously submitted Schedule B-1, "ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR FIELD REVIEW," and Schedule B-2, "SUMMARY OF DESIGN AND FIELD REVIEW REQUIREMENTS," and
- (b) those components of the project opposite my initials in Schedule B-2 substantially comply in all material respects with
- (i) the applicable requirements of the BC Building Code and other applicable enactments respecting safety, not including construction safety aspects, and
- (ii) the plans and supporting documents submitted in support of the application for the *building permit*,
- (c) I am a *registered professional* as defined in the British Columbia Building Code.

(If the registered professional is a member of a firm, complete the following:)

I am a member of the firm DENMAR HOLDINGS INC.

and I sign this letter on behalf of the firm.

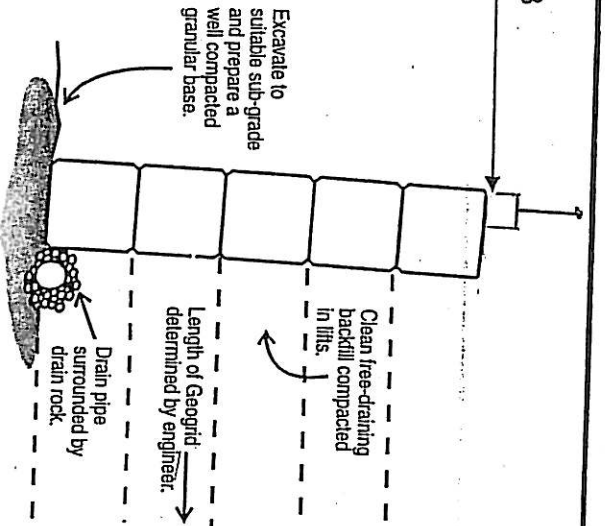
(Print name of firm)

Note: The above letter must be signed by a *registered professional*. The British Columbia Building Code defines a *registered professional* to mean

- (a) a person who is registered or licensed to practise as an architect under the Architects Act, or
- (b) a person who is registered or licensed to practise as a professional engineer under the Engineers and Geoscientists Act.

CRP's Initials

10" X 10" CURB  
WITH RAIL

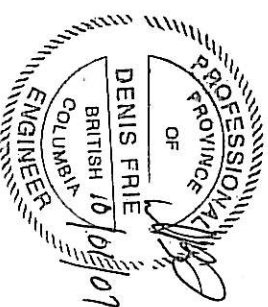


12 FOOT LONG  
BX 1100 GEO-GRID  
AT EACH BLOCK JOINT

10" X 10" CURB WITH RAILING

112.5 FEET

STEET  
QUAIL RUN



12 FOOT HIGH LOCK BLOCK RETAINING WALL AT  
STEVE LENARDUZZI RESIDENCE  
2287 QUAIL RUN  
KELOWNA, B.C.

WALL ELEVATION  
SCALE 1/4" = 2 1/2 FEET

DENMAR HOLDINGS INC.  
DENIS B. FRIE, P.ENG.  
7550 Otley Road  
Lake Country, B.C.