

Memo



Date: November 19/2009

To: City Manager

From: Community Sustainability Division

File No: DVP09-0147

Applicants: Jeff Krivoshen &
Patricia Krivoshen Rychjohn

At: 626 Arbor View Drive

Owners: Jeffrey James Krivoshen &
Patricia Dawne Rychjohn

Purpose: To vary the required horizontal separation between retaining walls from 1.2 m required to 0.5 m proposed.

Existing Zone: RU1 - Large Lot Housing

Report Prepared by: Andrew Browne

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0147 for Lot 11 District Lot 357 SDYD Plan KAP75136, located at 626 Arbor View Drive, Kelowna, BC;

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

Section 7.5.9 Horizontal Separation between Retaining Walls - To vary the required horizontal separation between retaining walls from 1.2 m required to 0.5 m proposed.

2.0 SUMMARY

The applicant proposes to construct a new 3-tier retaining wall, similar in character to what exists in the neighbourhood, with a horizontal separation between retaining wall tiers that is less than allowed in the Bylaw.

3.0 BACKGROUND

3.1 Site Context

The subject property is located at 626 Arbor View Drive in the Southwest Mission. The surrounding area is almost exclusively residential and zoned RU1 - Large Lot Housing, with public/institutional, agricultural, and local commercial zoning present in the broader community.

3.2 Proposal

The application compares with the requirements of the Landscaping and Screening section of Zoning Bylaw No. 8000 as follows:

Zoning Bylaw No. 8000		
Criteria	Proposed	Requirements
Horizontal Separation between Retaining Walls	0.5 m *	1.2 m
* Indicates a variance.		

3.3 Aerial Photo



4.0 TECHNICAL COMMENTS

Development Engineering Branch. This development variance permit application for the retaining wall step-back does not compromise any municipal services.

Fire Department. No concerns.

Building & Permitting Branch. Structural engineer's design c/w schedules required with building permit application.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Confirmation of support has been received from affected neighbours, as well as the Quarry's landscape consultant, and an engineered design with applicable BC Building Code Letters of Assurance has been submitted. The applicant notes that the need for a retaining wall results from their desire for a swimming pool and that the reduced distance between the wall portions is necessary to work with the rear-yard dimensional limitations of their property.

The proposed retaining wall faces downhill (north) and toward the lane and it would appear consistent with what exists in the neighbourhood already. In addition, the wall is proposed to be constructed of a block system, as opposed to poured in place slab concrete, and this should afford additional opportunity for landscaping and screening. Land Use Management recommends support for the application.

[Signature]

Danielle Noble
Manager, Urban Land Use

Approved for inclusion: *[Signature]*
Shelley Gambacort
Director, Land Use Management

Attachments

Location and zoning map showing confirmation of support

Rationale letter

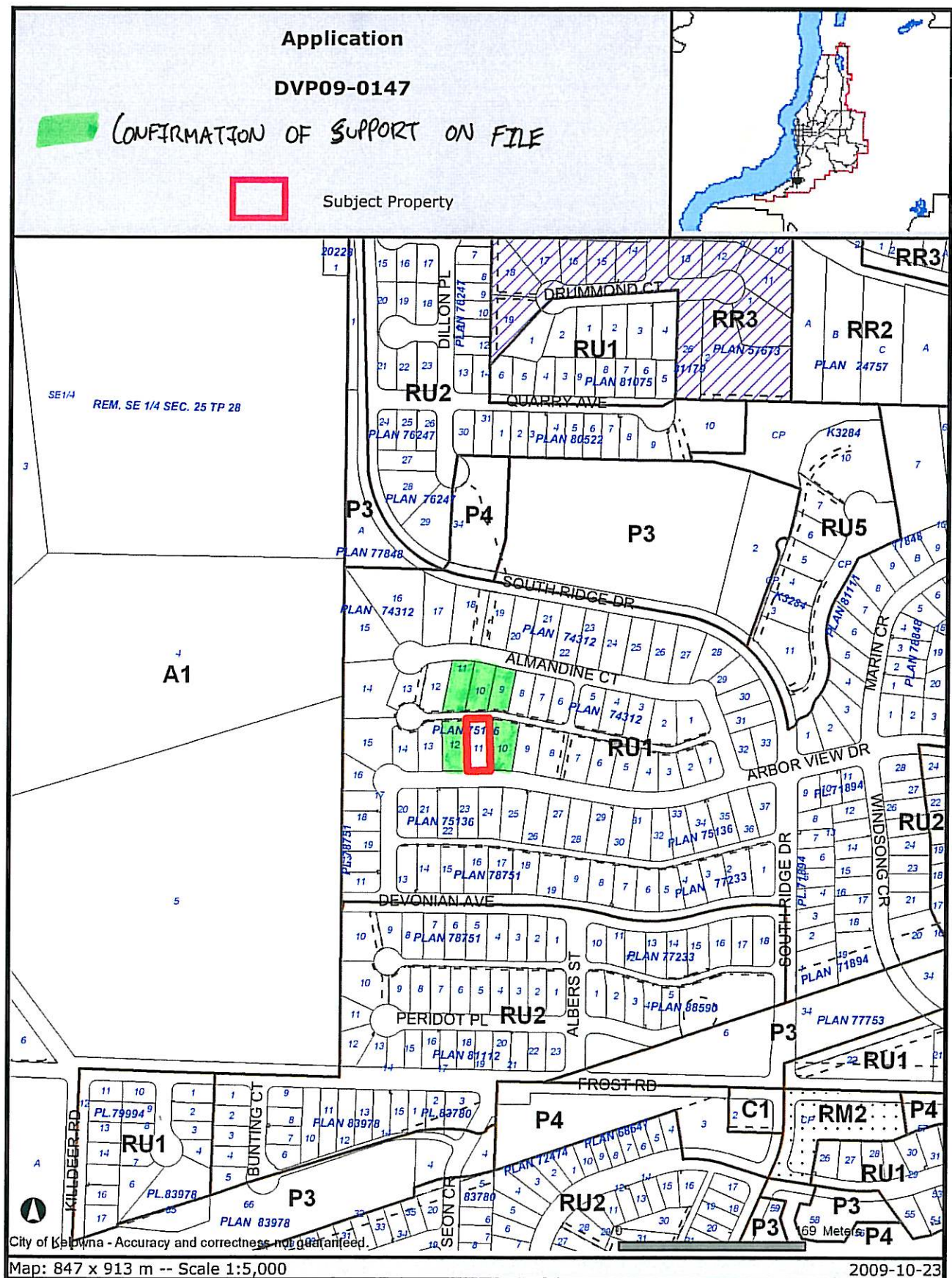
Site plan

Site survey

Portion of site plan showing proposed retaining walls (S1)

Cross section of proposed retaining walls (S2)

Explanatory photographs (3 pages)



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.

Description of Proposed Development and Rationale Letter

As the owners of 626 Arbor View Drive, we are working towards landscaping the backyard of our recently built home. Within the landscaping of the yard, we would like to incorporate a swimming pool. In order to accomplish this, we need to maximize the surface area of our backyard, and in turn must build a retaining wall that will contain tiers that are stepped back less than what are currently allowed per The City of Kelowna Building Bylaw 7245 and Zoning Bylaw 8000.

Per the bulletin "Construction of Retaining Walls - No. 07-05", dated 07/10/16 (see attached bulletin), the Bylaws state that the walls are required to be spaced a minimum of 1.2 m apart when a two tier wall is built. In the case of the three-tier wall that we are proposing to build, each tier would be spaced slightly less than that allowed without obtaining a Development Variance Permit. While our understanding is that the Bylaw is in place to ensure walls that are built without a Building Permit are built safely, we have ensured that the wall we are proposing will exceed all safety and construction concerns by the mere fact that it is has been fully Engineered (see attached plans from ROV Consulting).

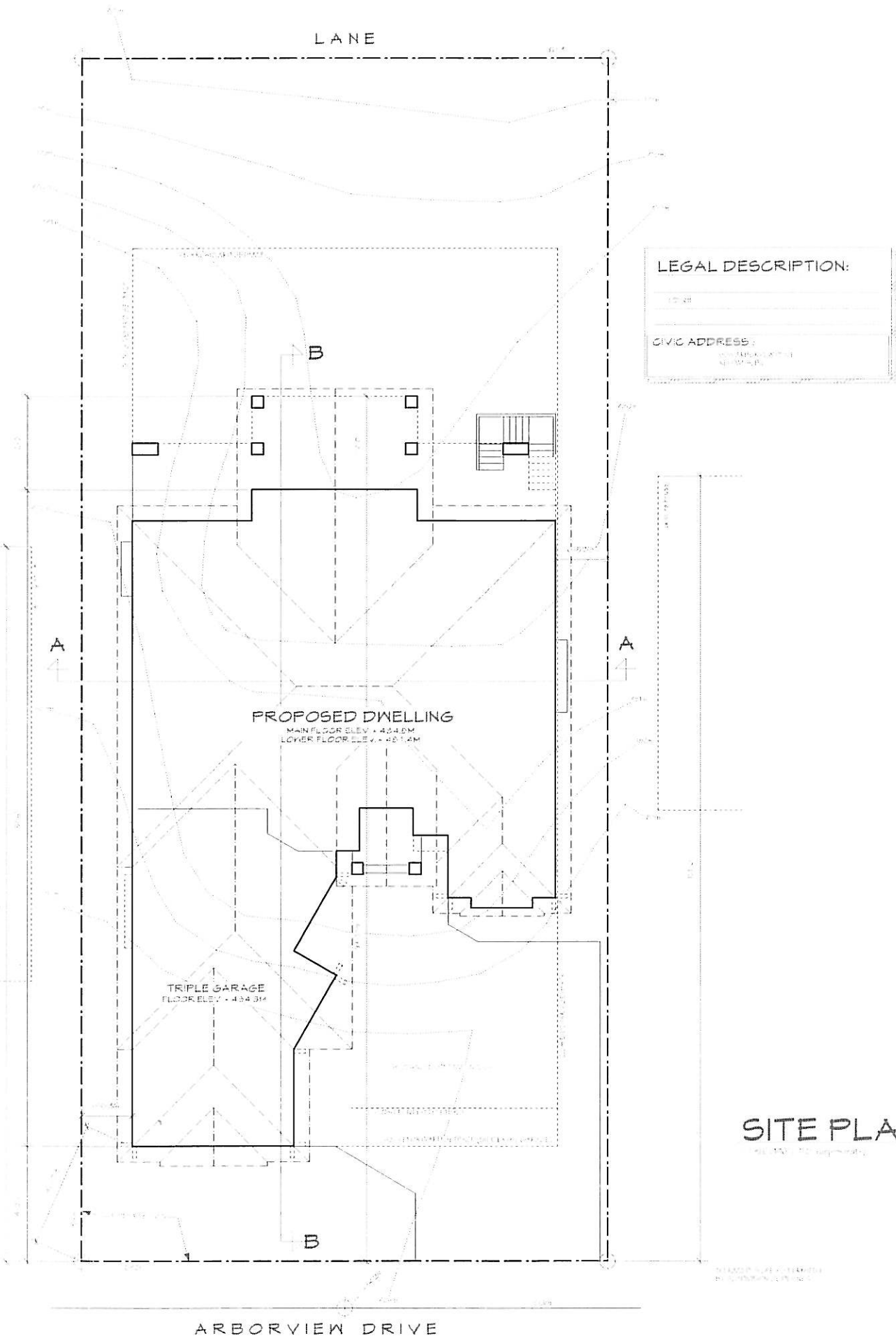
It is very important to emphasize that in no way are we seeking to build an "over-height" wall or one that has tiers that exceed the height restrictions as stipulated per the City of Kelowna Bylaws. **The wall that we are proposing is totally and completely within the height guidelines allowed for by the City of Kelowna.** We are simply asking for a variance when it comes to the set-back as required within the Bylaws. In order to compensate for this variance, and to ensure that the wall is built properly and safely, we have engaged an Engineer (ROV Consulting) to provide us with a Professionally Engineered design for the wall. The fact of the matter is that the wall we are proposing to build is "over-designed" for construction and safety, and that it far exceeds anything that has been built in the area without a building permit.

We have already explained what we are planning to build to our neighbors and they have provided their full support in our endeavor (see attached letters of support). The only concern they raised is that the wall would be constructed with a total of 3 tiers, as opposed to the over-height shear face (1 or 2 tier) walls that some people have constructed in the neighborhood. The Landscape Consultant for The Quarry development, who must approve all matters regarding landscape design in the area, is also fully supportive of the wall that we have proposed (see Margaret Vick Designs letter).

While it is apparent that many people within our development have "cheated" and built walls over 1.2m tall or with less than a 1.2m step-back, we believe in asking for "permission now, not forgiveness later". As such, we are asking for your consideration in this matter and the approval of a Development Variance Permit. The fact of the matter is that we want to ensure the safety and required construction standards in the development of this wall and ensure that we adhere to the associated Bylaws, as we simply can't afford to take the wall down and have to start over again.

Thank you for your consideration of this matter. If you have any questions related to the application, please do not hesitate to call me (Jeff Krivoshen) at (250) 764-9824.

47.047



LEGAL DESCRIPTION:

10.40

CIVIC ADDRESS:

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SITE PLAN

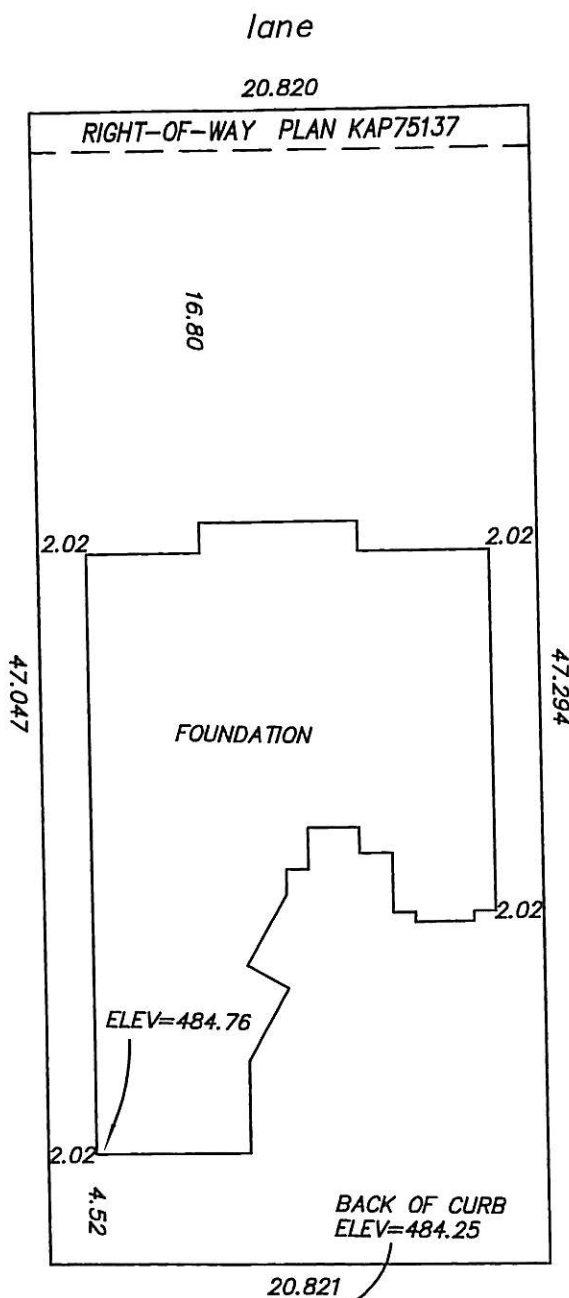
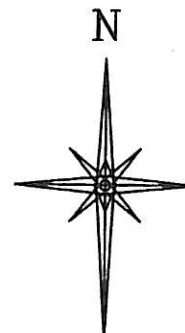
ARBORVIEW DRIVE

**B.C. LAND SURVEYOR'S CERTIFICATE OF
LOCATION OF BUILDING ON LOT 11
PLAN KAP75136 D.L. 357 S.D.Y.D.**

SCALE 1:300

DISTANCES ARE IN METRES.

Civic Address:
626 Arbor View Drive
Kelowna, BC



(C)

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT

this 21st day of December, 2007.

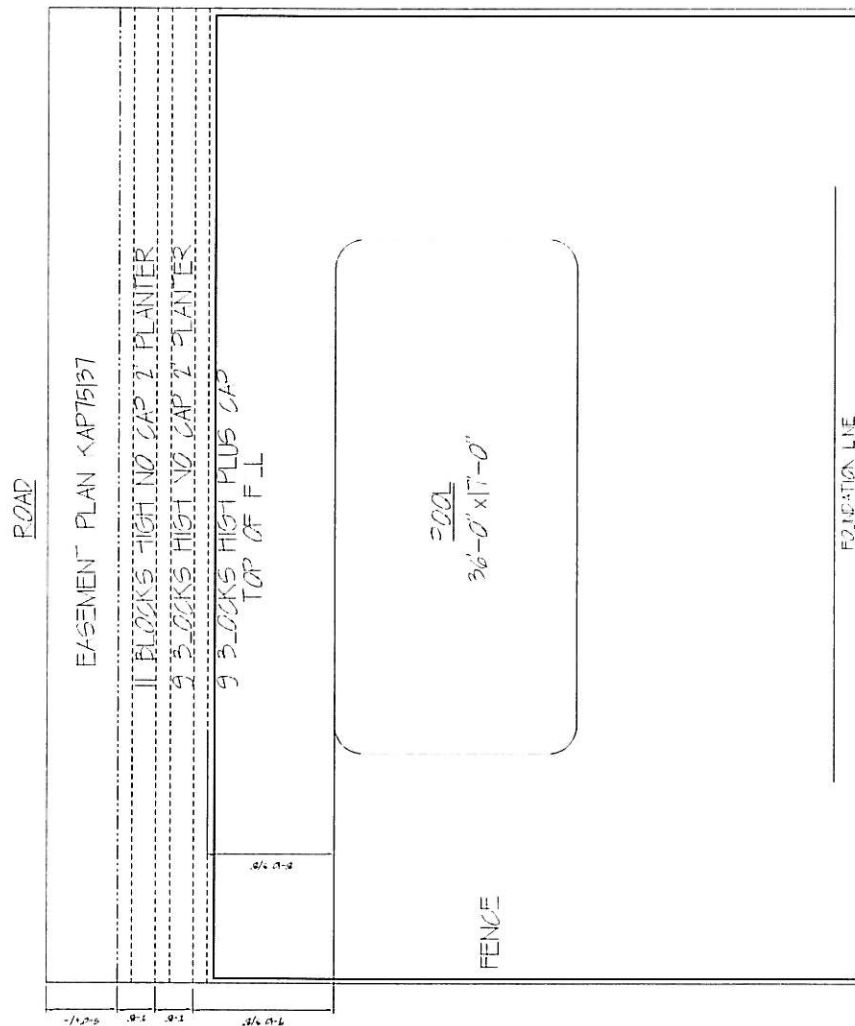
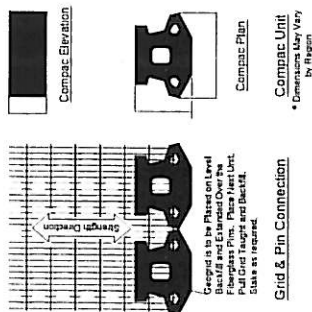
FILE 14542 FB 323

RE: Manzanita Homes

THIS PLAN IS FOR MORTGAGE OR
MUNICIPAL PURPOSES ONLY AND IS
NOT TO BE USED TO DEFINE THE
BOUNDARIES OF THIS LOT.

D.A. Goddard BCLS

D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELOWNA

[illegible][illegible]

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JEFF KRAVOSHEN
26 ARBORVIEW DR
Kelowna V1W 4Z7
Ph: 250-764-9824
CELL: 306-241-5079
jeffk@prhotels.ca

DATE: _____

PROV
CONSULTING INC.

RONALD D. VESCHITZ, P.E.
Senior Structural Engineer

726 Grand St.
Falmouth, N.C. 28541
VNY 275

1-252-463-4412
1-252-463-4413
1-252-474-2747

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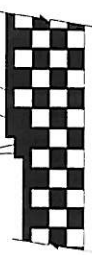
Keystone Block
Retaining Walls
26 ARBOR VIEW DR.
Lot 11 PlankAP75136
City of Kelowna

Keystone
Retaining Walls

DATE	12/1/80
PROJECT	100
SHEET NO.	1

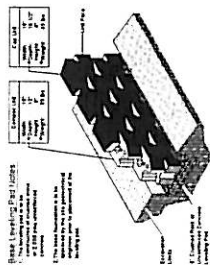
CONTRACTOR IS RESPONSIBLE
TO CHECK AND CONFIRM ALL
DIMENSIONS AND ELEVATIONS
ON DRAWINGS

(2) - 4" Cap Units or
(1) - 5" Cap Unit

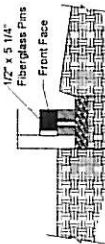


Note:
1. Secure all cap units with Keystone
Kapsal or equal.

Top of Wall Steps



Note:
1. The leveling pad is to be constructed of
crushed stone or 2000 psi ± unreinforced
concrete.



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Leveling Pad Detail

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LOCATION OF PROPOSED 3-Tier (1.2m HIGH TIER) WALL



NEIGHBOR TO LEFT WITH 3-Tier RETAINING WALL



NEIGHBOR TO RIGHT WITH 3-TIER RETAINING WALL



APPROXIMATE FINISHED GRADE / HEIGHT ON LEFT SIDE,



APPROXIMATE FINISHED HEIGHT ON RIGHT SIDE
(UP-HILL SIDE)



CURRENT GRADE OF BACK YARD

View from house