

Memo



Date: January 29/10

To: City Manager

From: Community Sustainability Division

File No: DVP09-0159

Applicant: Paul Schuster

At: 1459 Feedham Avenue

Owner: Joel & Sara Wakaruk

Purpose: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE HEIGHT OF A RETAINING WALL FROM 1.2M ALLOWED TO 2.16M PROPOSED

Existing Zone: RU1 - Large Lot Housing

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Council not authorize the issuance of Development Variance Permit No. DVP09-0159 for Lot 12, Section 13, Township 26, ODYD, Plan KAP76178 located at 1459 Feedham Avenue, Kelowna, BC.

2.0 SUMMARY:

The applicant seeks to obtain a Development Variance Permit to relax the bylaw requirement for the height of a retaining wall on the subject property from 1.2m allowed to 2.14m proposed.

3.0 ADVISORY PLANNING COMMISSION:

The above noted application was reviewed by the Advisory Planning Commission at the meeting on January 19, 2010 and the following recommendation was passed:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP09-0159, for 1459 Feedham Avenue; to allow a Development Variance Permit to vary height of a retaining wall from 1.2 m required to 2.16 m proposed.

APC Comment:

The Advisory Planning Commission supported the retaining wall on the condition that a guardrail is installed that is compliant with applicable BC Building Code and Municipal Bylaws.

4.0 BACKGROUND:

A retaining wall and integrated pathway is currently constructed along the eastern side yard at 1459 Feedham Avenue. The highest point of the wall is 2.16m, where the Zoning Bylaw allows a maximum of 1.2m in height. The applicant has not provided justification for the construction of a retaining wall in excess of the allowable height, although the adjacent property owner at 1469 Feedham Avenue (who shares the side yard and retaining wall) has signed a letter of support.

4.2 Site Context

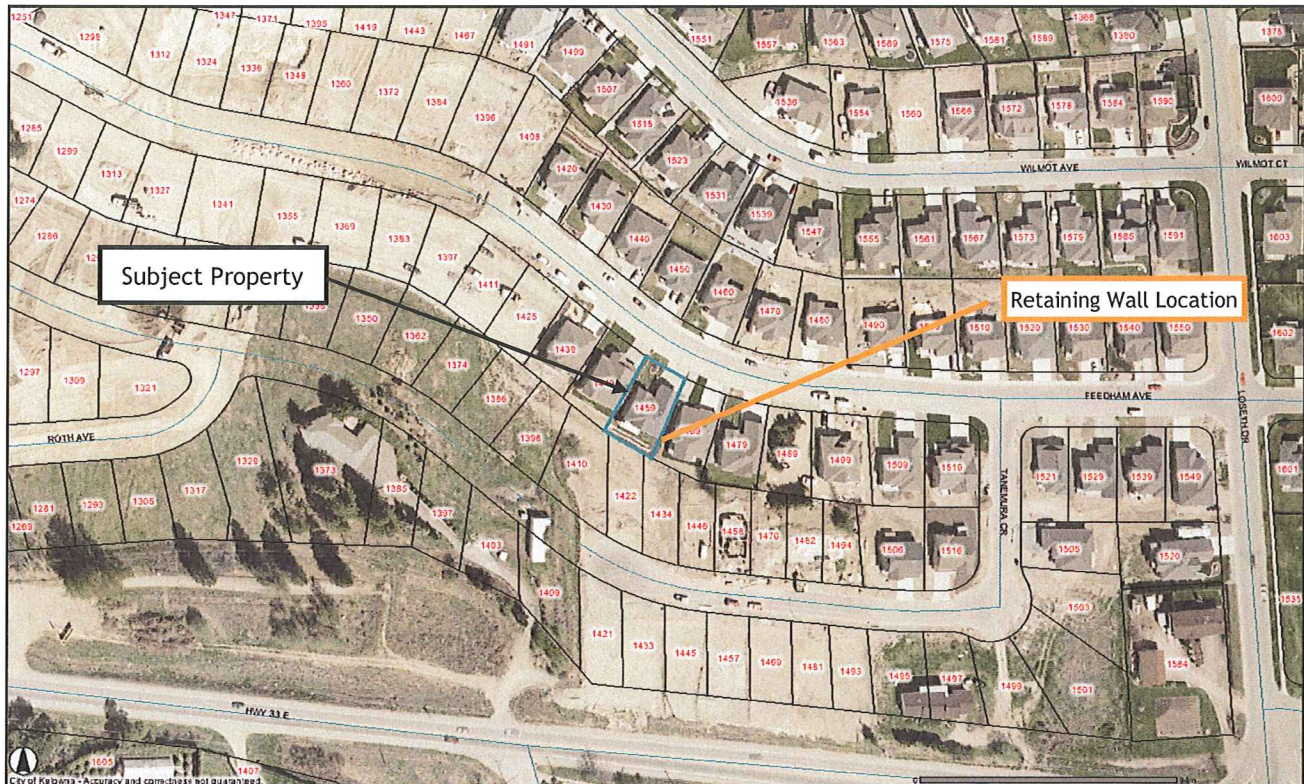
The subject property is located in the Black Mountain neighbourhood, North of Hwy 33, and west of Loseth Road in a recently developed single-family neighbourhood.

Specifically, the adjacent zones and uses are:

North RU1 - Large Lot Housing
 East RU1 - Large Lot Housing
 South RU2 - Medium Lot Housing
 West RU1 - Large Lot Housing

4.3 Site Location Map

Subject property: 1459 Feedham Avenue



5.0 TECHNICAL COMMENTS:

5.1 Building & Permitting

Building permit required to inspect the built retaining wall. Engineered drawings required at time of Building Permit

5.2 Development Engineering Branch

Application does not trigger any servicing requirements.

5.3 Subdivision Approvals Branch

This retaining wall was constructed over-height and is contrary to the approved site grading plan and therefore should not be supported. Retaining walls that are constructed without proper design, civil review and permitting checks may lead to problems in drainage for abutting properties and/or be at risk for failure. The grades for the subject property and the surrounding lots were set on an approved site grading plan at the time of subdivision and if the home on the

subject property was constructed in accordance with this plan, retaining of this magnitude would not have been required. It is recommended that the applicant reduce the height of the wall to meet the bylaw or be required to add additional screening to reduce the visual impacts on neighbouring properties.

6.0 LAND USE MANAGEMENT DEPARTMENT:

The selected design and materials for the constructed wall is respectable, and the finished height is relatively modest given the surrounding hillside landscape. However, while the wall/pathway is not visible from Feedham Avenue, it is visible from the rear yards of the down slope properties (1422 & 1434 Tanemura Crescent) as seen in the attached site photos. These affected neighbours have not submitted any letters of support in this regard.

The property is not subject to topographic conditions unique to the immediate neighbourhood, which may have justified a need for a retaining wall in excess of the 1.2 m maximum allowable height. As noted by the Subdivision Approving Officer, the approved site grading plan for the subdivision did not indicate any retaining walls and as evident by the grading of the abutting properties, grading could have occurred without the need for the wall as constructed. As such, the Land Use Management Department cannot be supportive of the variance request.

However, should Council consider this application has merit, Staff has provided an alternate recommendation below.

7.0 ALTERNATE RECOMMENDATION


THAT Council authorize the issuance of Development Variance Permit No. DVP09-0159 for Lot 12, Section 13, Township 26, ODYD, Plan KAP76178 located at 1459 Feedham Avenue, Kelowna, BC;

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

Section 7.5.9 (Fencing & Retaining Walls)

Vary the maximum height of a retaining wall in a residential zone from 1.2m allowed to 2.16m proposed.

Submitted by:



Shelley Gambacort

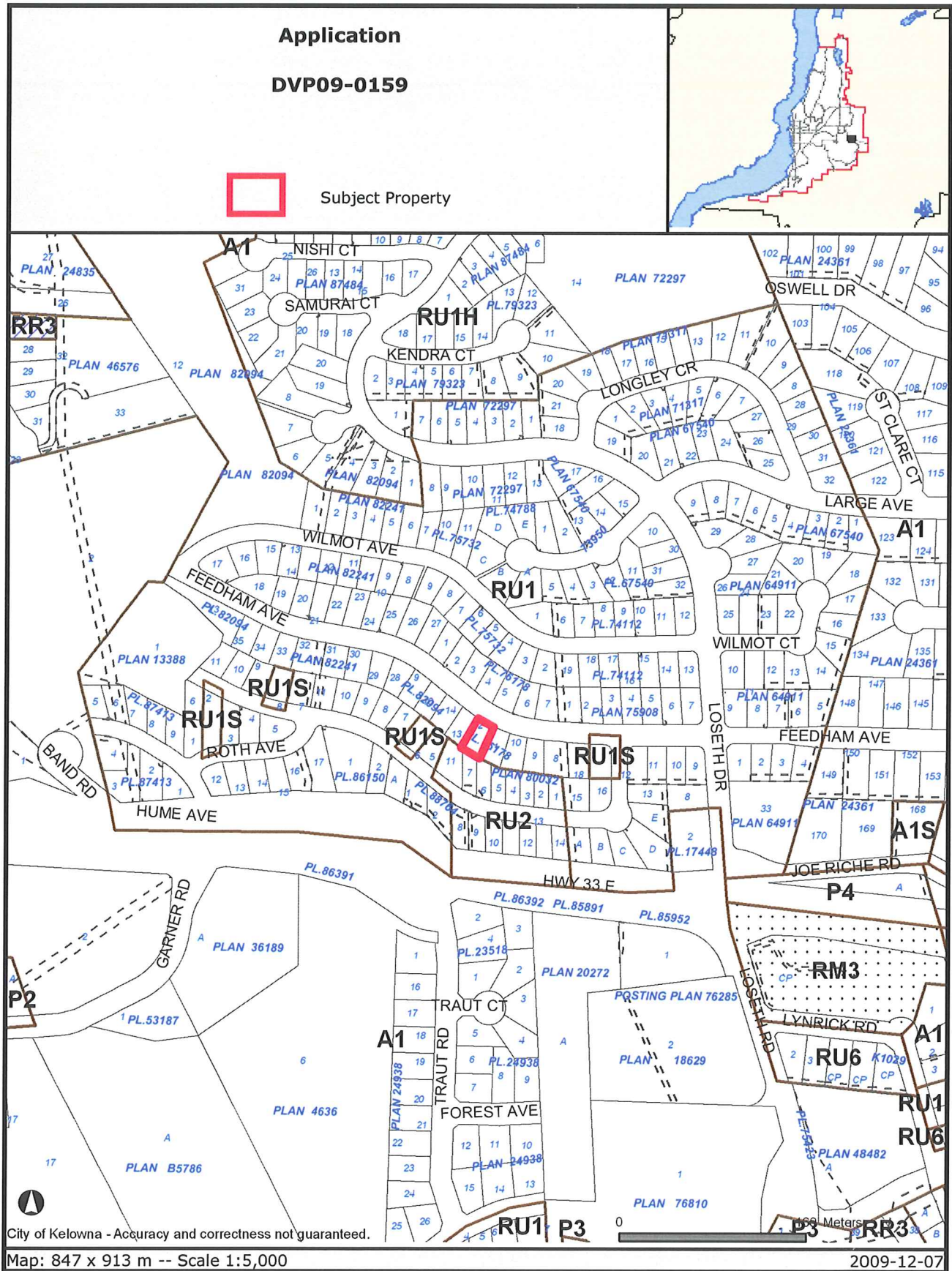
Director, Land Use Management

Approved for inclusion: 

Jim Paterson
GM, Community Sustainability

Attachments:

- Subject Property Map
- Retaining Wall Plans and Sections
- Site Photos



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2009-12-07

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.

JOY DRAFTING SERVICES
1505 Feedham Ave., Suite 200
Mesa, AZ 85204
VPF 147
P. 252.61.0740

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUED

Project
1459 Feedham Ave

Drawing
Retaining Wall
Plans and Sections

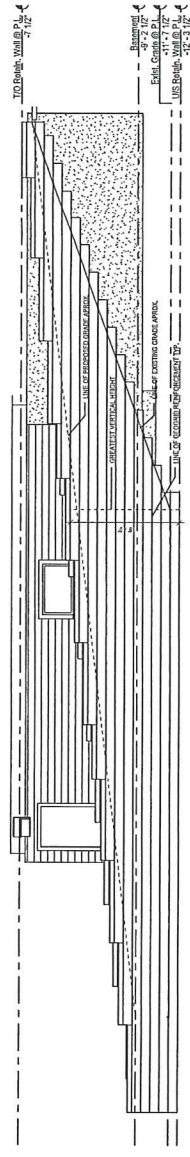
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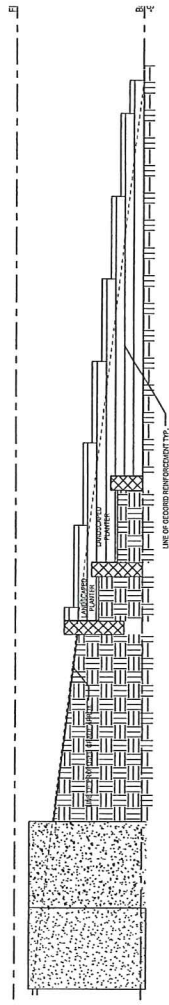
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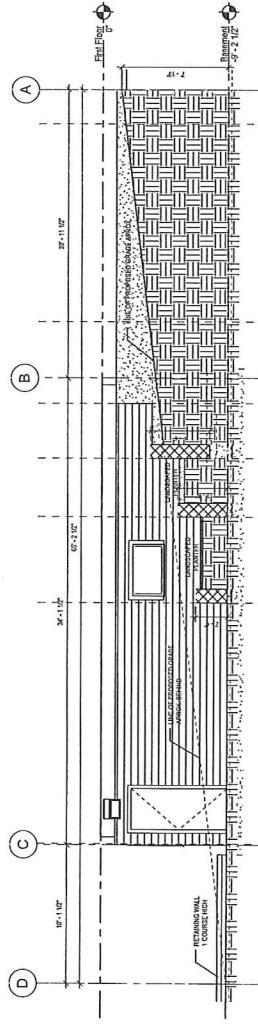
RW-A1



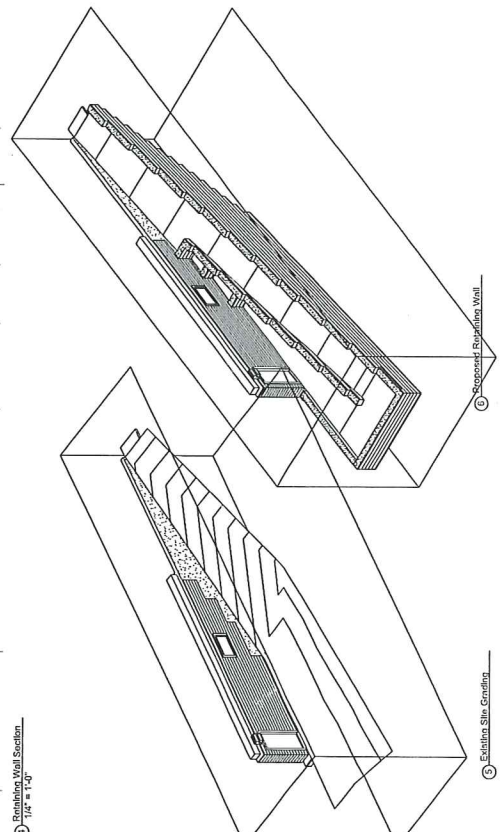
Retaining Wall Section @ Property Line.
1/4" = 1'-0"



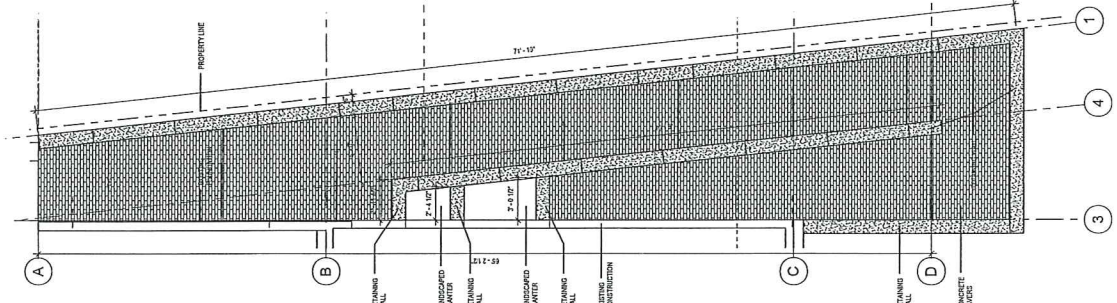
Retaining Wall Section.
1/4" = 1'-0"



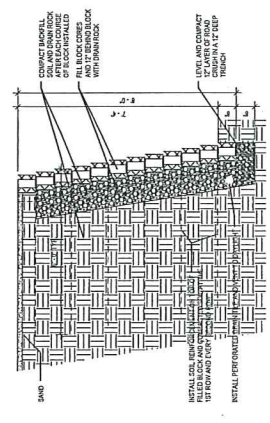
Retaining Wall Section.
1/4" = 1'-0"



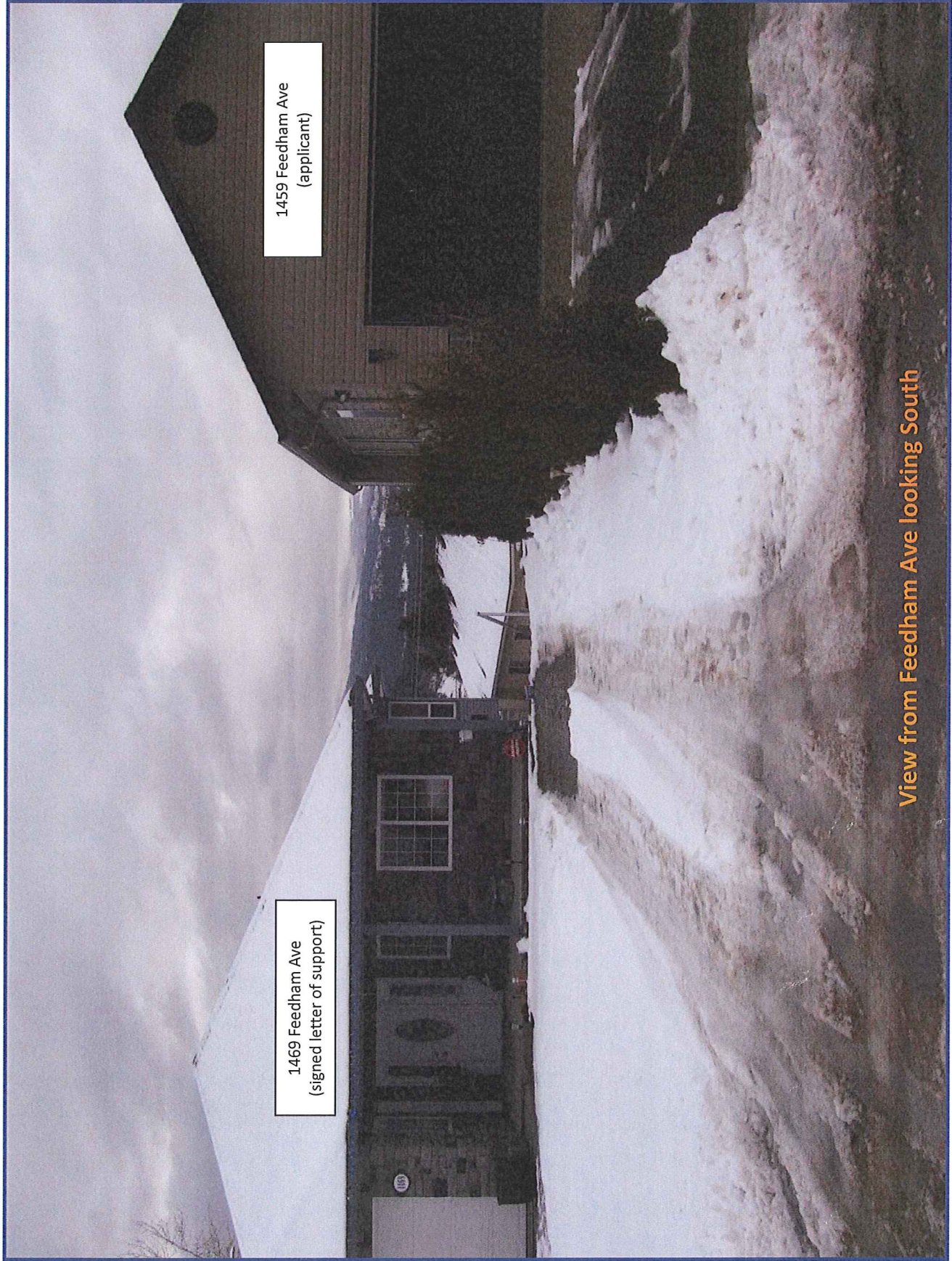
Retaining Wall Section.
1/4" = 1'-0"



Retaining Wall Plan.
1/4" = 1'-0"



TYPICAL RETAINING WALL SECTION
1/2" = 1'-0"

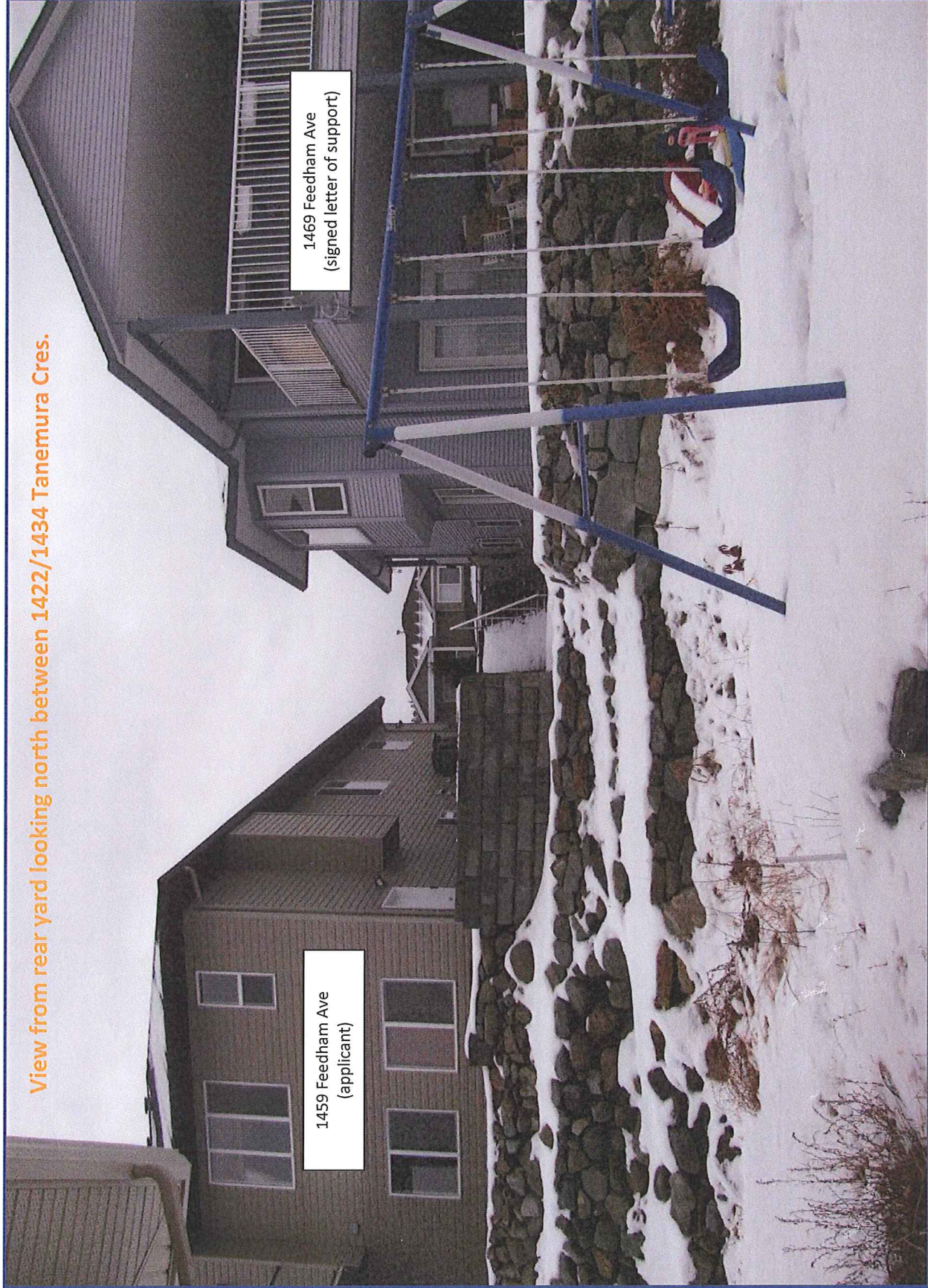


1459 Feedham Ave
(applicant)

1469 Feedham Ave
(signed letter of support)

View from Feedham Ave looking South

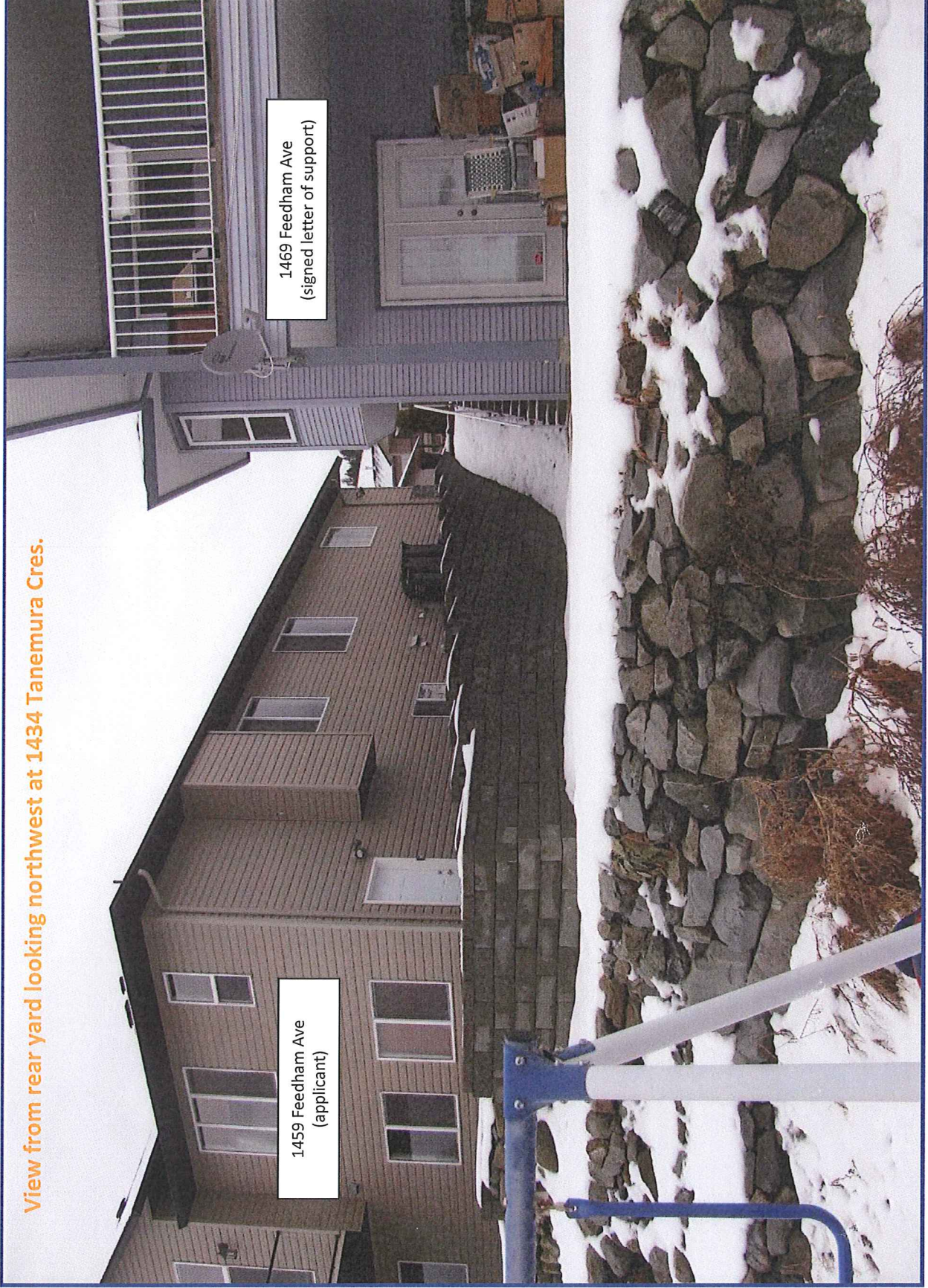
View from rear yard looking north between 1422/1434 Tanemura Cres.



1469 Feedham Ave
(signed letter of support)

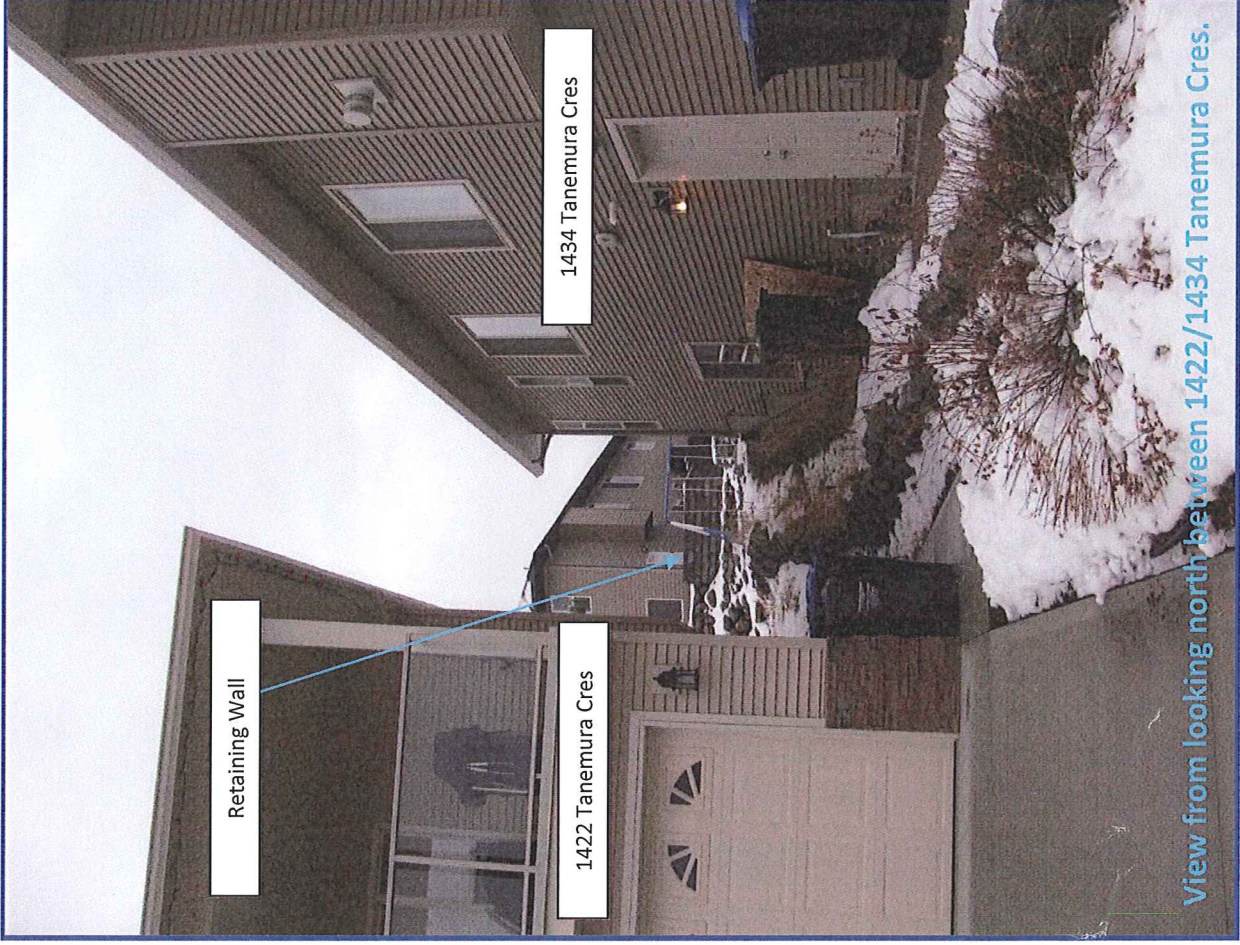
1459 Feedham Ave
(applicant)

View from rear yard looking northwest at 1434 Tanemura Cres.



1459 Feedham Ave
(applicant)

1469 Feedham Ave
(signed letter of support)



Retaining Wall

1422 Tanemura Cres

1434 Tanemura Cres

View from looking north between 1422/1434 Tanemura Cres.