

**To:** Mayor and Council  
**From:** Paul Gipps, CAO

**Meeting Date:** January 21, 2025  
**Meeting Type:** Regular Council Meeting

**Prepared by:** Trevor Empey, Senior Planner  
**Department:** Planning and Development

**Title:** Development Variance Permit | DPV00405 | 12558 Lake Vista Court  
**Description:** Variance to permitted height of two constructed retaining walls

**RECOMMENDATION**

THAT Development Variance Permit DVP00405 (Attachment A in the Report to Council dated January 21, 2025), to permit an increase in height of two retaining walls for the property at 12558 Lake Vista Court, be approved.

**EXECUTIVE SUMMARY**

A retroactive Development Variance Permit has been applied for to permit two constructed retaining walls located in the rear yard of the subject property located at 12558 Lake Vista Court (Attachment B). The rear of the subject property is steeply sloped down to Lake Hill Drive, as shown on Attachment C. As the constructed walls (Attachments D and E) are beyond the permitted total height of 1.5m for retaining walls, the applicant has requested a variance to permit the retaining walls as follows:

- **Retaining Wall #1:** variance to permitted retaining wall height from 1.5m to 4.0m, a variance of 2.54m
- **Retaining Wall #2:** variance to permitted retaining wall height from 1.5m to 5.05m, a variance of 3.55m

Staff are supportive of the requested variances.

**BACKGROUND**

Property Information			
<b>Application Type</b>	Development Variance Permit	Application Date: 2024-07-17	
<b>Variances</b>	<p>❶ Indicates requested variance to permitted retaining wall height from 1.5m to 4.0m, a variance of 2.54m</p> <p>❷ Indicates requested variance to permitted retaining wall height from 1.5m to 5.05m, a variance of 3.55m</p>		
<b>Folio/Roll #:</b>	02952.021		
<b>PID &amp; Legal Description</b>	026-135-833 LOT 21 SECTION 27 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP76998 TOWNSHIP 20		
<b>Civic Address:</b>	12558 Lake Vista Ct.		
<b>Applicant:</b>	Allison McClure	<b>Owner(s):</b>	Allison McClure
<b>OCP Designation:</b>	Urban Residential		
<b>Zoning Designation:</b>	RU1 – Small Scale Multi Housing		
<b>Land Use Contract</b>	NA		
<b>ALR:</b>	NA		
<b>Parcel Size:</b>	0.11 Hectares / 0.27 Acres		

<b>Development Permits</b>	NA	
<b>Water Supply:</b>	Municipal	
<b>Sewer:</b>	Municipal	
<b>Site Summary:</b>	<b>Zoning:</b>	<b>Use:</b>
<i>North:</i>	RU1 – Small Scale Multi Housing	Single-Family Dwelling
<i>East:</i>		
<i>South:</i>		
<i>West:</i>		

## ANALYSIS

The applicant has applied retroactively for a Development Variance Permit for two constructed retaining walls (Attachments C and D) located on the rear of the subject property. The rear yard of the subject property is steeply sloped down to Lake Hill Drive and the applicant noted that the retaining walls were completed by the current property owner circa 2014 and 2015 without permits. As the retaining walls are beyond 1.2m, a Building Permit is required to authorize the two retaining walls.

For context, Attachment E includes photographs of the two constructed retaining walls that were constructed using gabion baskets.

Staff are supportive of the requested variances as the parcel is steeply sloped to the rear, where the retaining walls were identified by experts to support erosion control. Little to no impact would occur to surrounding properties.

DEVELOPMENT REGULATIONS		
CRITERIA	REQUIREMENT	PROPOSAL
Retaining Wall Permitted Height – Section 8.5.8	<ul style="list-style-type: none"> <li>Retaining walls on all residential lots, except those required as a condition of subdivision approval must not exceed a height of 1.5 m measured from grade on the lower side</li> </ul>	<ul style="list-style-type: none"> <li>Retaining Wall #1 Height: 4.04m<sup>①</sup></li> <li>Retaining Wall #2 Height: 5.05m<sup>②</sup></li> </ul>

## FINANCIAL IMPLICATIONS

None       Budget Previously Approved       Other (see below)

## COMMUNICATION

- The Planning Department prepared two public notice signs for the applicant to place on the subject property and 39 residents were provided with notice of this application via mail.
- The applicant completed the required Neighbour Consultation and provided a summary of feedback noting that neighbours had no concerns with the requested variance.

## ALTERNATE RECOMMENDATION(S)

- THAT Development Variance Permit DVP00405 (Attachment A to the Report to Council dated January 21, 2025) for the property at 12558 Lake Vista Court (Roll 02952.021; PID: 026-135-833) to permit an increase in height for two retaining walls not be approved.
- THAT Development Variance Permit DVP00405 (Attachment A to the Report to Council dated January 21, 2025) for the property at 12558 Lake Vista Court (Roll 02952.021; PID: 026-135-833) to permit an increase in height for two retaining walls be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,

**Trevor Empey, Senior Planner**  
RPP, MCIP

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**Report Approval Details**

Document Title:	DVP00405 - 12558 Lake Vista Court.docx
Attachments:	- Attachment A - DVP00405 - Draft Permit.pdf - Attachment B - DVP00405 - Orthophoto.pdf - Attachment C - DVP00405 - Site Plan.pdf - Attachment D - DVP00405 - Retaining Wall Renderings.pdf - Attachment E - DVP00405 - Context Photos.pdf
Final Approval Date:	Jan 16, 2025

This report and all of its attachments were approved and signed as outlined below:

**Carie Liefke, Manager of Current Planning - Jan 16, 2025 - 8:57 AM**

**Jeremy Frick, Director of Development Approvals - Jan 16, 2025 - 10:22 AM**

**Reyna Seabrook, Director of Corporate Services - Jan 16, 2025 - 1:15 PM**

**Paul Gipps, Chief Administrative Officer - Jan 16, 2025 - 1:59 PM**