

Village of Pemberton
Box 100, Pemberton BC V0N 2L0

March 31, 2021

Dear Mayor and Council.

Again, we thank you for the opportunity to bring forth our request for a Development Variance Permit for our existing retaining wall at 7665 Cerulean Drive.

On March 24, we met with VoP Planner, Joanna Rees and Consultant, Cameron Chalmers to discuss the resolution carried by council at the March 16 council meeting. We have heard your comments regarding our retaining wall, we recognize we are putting council in a “very uncomfortable situation”, as addressed by Councillor Craddock.

We are proposing changes to our existing retaining wall and addressing concerns by our neighbours, 7663; with these changes, it is our hope that council will proceed with approval for our request of a Development Variance Permit.

Proposed changes:

- Removal of the two top rows of the retaining wall.
- Burying the entire bottom row of the retaining wall.
- Redesigning our home.
- Increasing the site set back.
- Removal of the existing form work and rebar for the footings.
- Keep our existing landscape plan as submitted.
- Keep deadline of June 30 to complete the landscaping.

Results of completing the proposed changes:

- the front height of the retaining wall will be reduced from 4.32m to 2.8m. Difference of 5 feet/35% reduction.
- in accordance of Building Bylaw, 7.21 Retaining Walls (a) in a residential zone, a single retaining wall shall: i. not exceed a Height of 1.2m measured from the average *natural grade level* at its base, therefore, if we were to leave the two rows the height of our retaining wall measured from the natural grade will be 2.05m.
- the entire bottom row of the wall will be buried by using the existing materials in front of the wall, this will result in a decrease of the height of the front face by one row. Currently only a portion of the bottom row is buried. The base of the retaining wall will start from the average *natural grade* at its base, Zoning Bylaw, (a) i.
- our driveway will remain adhering to Zoning Bylaw 832, 2018 8.11 (I), That portion of any lot used as a driveway from the lot line to a required parking area does not exceed the grade of 20%.
- the engineering of the retaining wall will not be impacted.
- the visual impact of the front face of retaining wall will be less in a few months' time.

In reviewing the letter addressed to council from the owners of 7663 Cerulean Drive dated March 13, we are addressing & resolving the following concerns in relation to their lot:

- Point Source Drainage: the drainage pipe installed near the back of the geogrid on the retaining wall will be cut and then capped resulting in no discharge onto lot 7663. Once cut, there will be no visual impact of the pipe from 7663. With the pipe cupped and capped, it will no longer contradict the Design and Building Guideline, page 7 & 9 under site works paragraph 4: “New construction and re-grading within a lot must not interrupt the subdivision or cause point source discharge of water on adjacent lots.” An email from Kontur Engineering dated, March 31, Appendix A, is attached for reference to the above.
- Encroachments of fill from toe fill of retaining wall & overflow fill: VoP Building Inspector confirmed on March 29, that he will write a letter confirming that our stop work order will remain for the house only. Therefore, we can begin removing fill from 7663. Neighbours at 7663 approve the removal of the encroaching fill on their lot. Work to begin about the week of April 13.
- Access stair in set back: in accordance of the BCBC (BC Building Code), our stairs and walkways will be designed as landscape features and not structures which will be permitted within the site setbacks.
- Perimeter drainage is connected to the municipal storm drain and therefore will not cause water to drain towards 7663.
- Tree root suffocation: we received an email on March 24 from 7663, “We met with an arborist this morning, and he says the tree should be okay provided the material is removed sooner than later and the roots are not disturbed.” We have agreed to removing fill around the trees when work begins about the week of April 13. We will taking safety precautions for the tree roots as addressed in the March 24 email.
- Reduction of building envelope: With removal of the top two rows of the retaining wall, the building envelope will be reduced, and the site setbacks will be increased. This then result in a smaller home then we have designed.
- Additional over height retaining walls: further retaining walls required on either side of our driveway will conform to Zoning Bylaw 832, 2018.
- Footings: with the removal of the two top rows of the wall, and the redesign of our home the side setbacks will increase and the footings will exceed the minimum of 1m geotechnical setback of the wall.

NOTE: we met with the owners of 7663 on March 30; confirmation of resolutions of both parties will follow in a separate email.

With the proposed changes and the completed results mentioned above, the financial impact for us is estimated at \$20,000. This includes:

- Labour to remove the form work, machine time to move fill, redesign of our home, reconstruction of the form work and rebar for the footings, surveying the location of home, relocating municipal water, sewer, and storm water services.

The financial impact just to remove entire wall would be more than \$45,000.

In our letter to you, dated January 30 we specified the steepness of our lot compared to others on Cerulean Drive, the following provides further detailed information:

- our lot, 7665 is at a 37.7% grade steepness as per our site section drawing.
- 7671 is at 28% grade steepness as per the site section map presented at the BOV meeting on November 26, 2020.
- The contour map, Appendix B, of Cerulean Drive, confirms our lot has a significant elevation change from street through to our building envelope in comparison to the other lots.

We designed our home as a home with a walkout basement which for hillside developments is typical when adapting to the existing hillside. Recognizing the steepness of our lot, referring to the attached images including the site section drawings, please note:

- Image 1: by removing the top two rows of the wall and setting them back .06m as per the Zoning Bylaw 832, 2018, our backyard would host a 23% steepness grade. The landscape plan we have proposed will decrease the visual impact of the wall. Moving the home back further back towards the street will result in a steeper driveway.
- Image 2: should we had built our retaining wall in accordance with Zoning Bylaw, 832, 2018: there would be very little difference with the visual impact to the front facing view of the retaining wall. The backyard grade steepness would be 23.6%. The driveway would remain at a 14.8% grade. Moving the home back further back towards the street will result in a steeper driveway.
- Image 3: With the two rows completely removed our backyard will be at a 56% steepness grade. The driveway would remain at a 14.8% grade. Moving the home back further back towards the street will result in a steeper driveway.

Additionally, we would like to address comments made by council at the March 16 meeting following the presentation our report:

- Mayor Richman asked for staff comment on the steepness of the lots in relation to the Developer changing the grade of the lot. Cameron Chalmers remarked: "Exceptionally steep lot. This lot left on its own at a 37.7% degree slope will be challenged to do anything meaningful without some substantial retainment." "This particular phase of the project was left to each individual lot to achieve each own grading. I don't imagine this lot will be typical of every lot remaining. It will be one of the steepest up there."
- Councillor Craddock comment, "hardships created for the neighbours", hardships have been addressed and will be resolved as previously confirmed.
- Councillor Craddock commented that the BOV did not approve our request for a Development Variance request at the BOV meeting on October 28, 2020. While the resolutions reads, "does not constitute a minor variance and therefore falls outside the mandate of the Board of Variance", we would disagree with Councillor Craddock's statement of the committee not approving our request based on the following comments made by BOV committee members in deciding on the resolution: "I don't quite feel equipped to pass judgement on this, probably should go to Council." "I don't have the expertise to make a decision on this." Based on the steep lots on this street, "we are going to receive one application after another." "We need to push this to council because it is bigger than this one lot." "I do not want to reject this variance; I do not want to approve this variance." "I want to see some sort of effort made by council to just make sure they know what we are dealing with here."
- street, "we are going to receive one application after another." "We need to push this to council because it is bigger than this one lot." "I do not want to reject this variance; I do not want to

approve this variance, "I want to see some sort of effort made by council to just make sure they know what we are dealing with here."

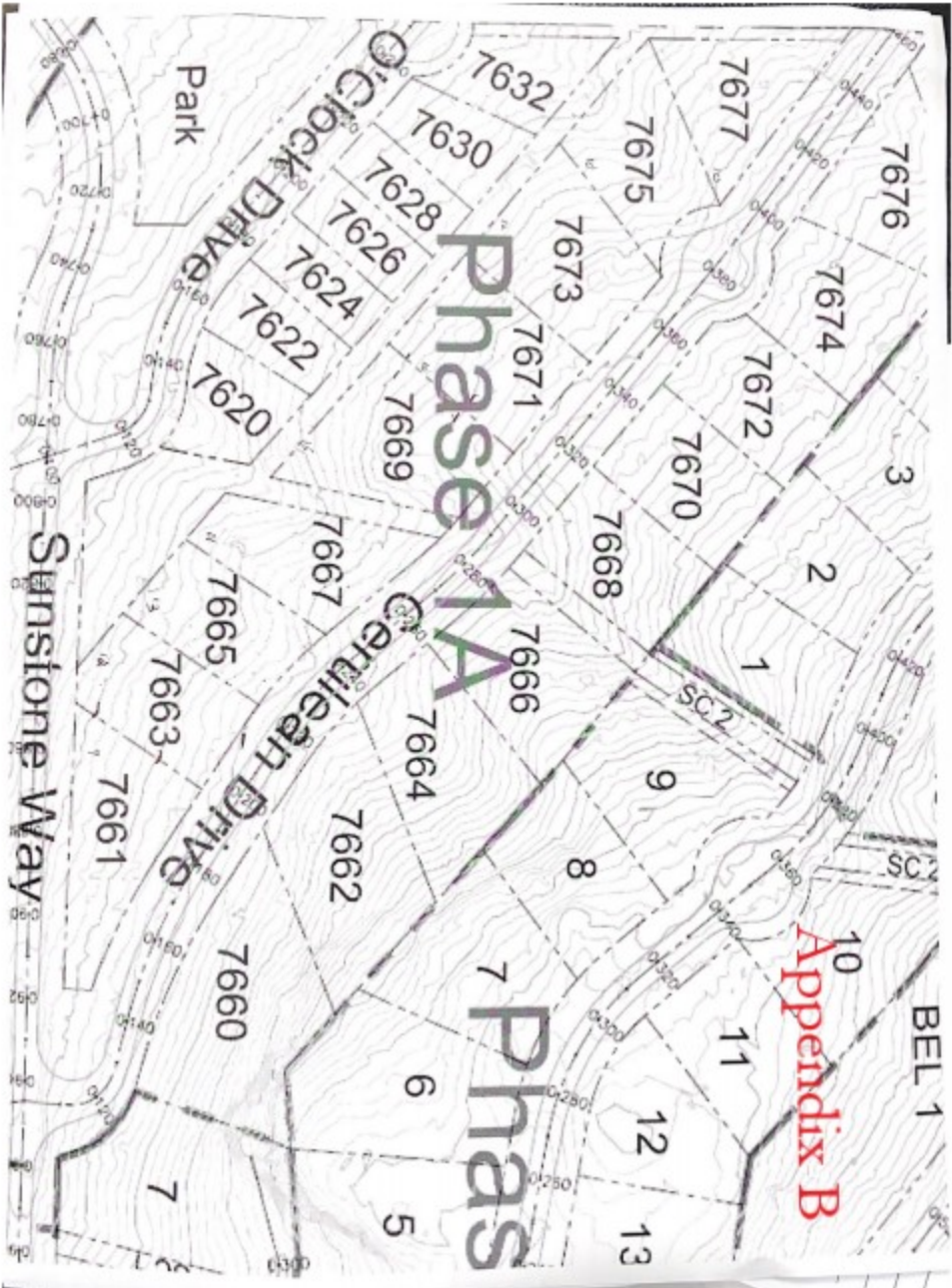
- Council Antonelli's comment, "I don't think the whole wall needs to be removed. I do think it should be modified & address the issues made by the neighbours." As noted above, we have proposed to modify our wall.
- Councillor Antonelli comment, "The trees form a perimeter around the wall, and I expect that when the trees grow up, they will be cut down."
 - We have attached an email from our Landscape Designer, Soundgarden Design Ltd speaking to this comment, Appendix C.

Mayor and council, we are hoping to receive your support and be granted a Development Variance Permit by recognizing the following:

- our proposed changes to the retaining wall,
- the outcomes reflecting the proposed changes,
- the height of the wall will decrease by 35%,
- in good faith we are working with 7633 and have addressed their concerns,
- the site sections images showing the steep grade of our lot,
- both the significant financial impact to resolve the concerns and the time lost in trying to resolve this issue

Sincerely,

Dave Russell & Stephanie Nicoll-Russell
7665 Cerulean Drive



Phase 1A

Phase 1B

Appendix B

Park

Sunstone Way

Carrigan Drive

O'Clock Drive

BEL 1

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6

7

7662

7664

7663

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13

SC 2

SC 3

Appendix C

From: Julie van Haeften [REDACTED]
Date: Wed, Mar 24, 2021 at 6:36 PM
Subject: Re: scan0029.pdf
To: Stephanie Nicoll-Russell [REDACTED]

Hello Stephanie,

Abies Fraseri do get tall. That is the entire reason for choosing that variety, so that it may provide a visual screening of the retaining wall. That being said I do not believe that in 15-20 years the height of the tree would actually become so large that it would not only cover the wall but start to block views from the property above. Not to mention they are considered a "fire smart" tree. They are not quick to light up.

Dwarf varieties are always available but this variety of Abies was chosen for it's specific benefits. 1) Visual Effect 2) Fire Smart 3) Drought Tolerant 4) Native to area
Hope this helps but again it isn't really a big deal to switch it out for a dwarf variety.

Sincerely,

Julie van Haeften

Certified Horticulturist

Landscape Industry Certified Technician

SoundGarden Landscape Design Ltd.
[REDACTED]
[REDACTED]
[REDACTED]

web: www.asoundgarden.com

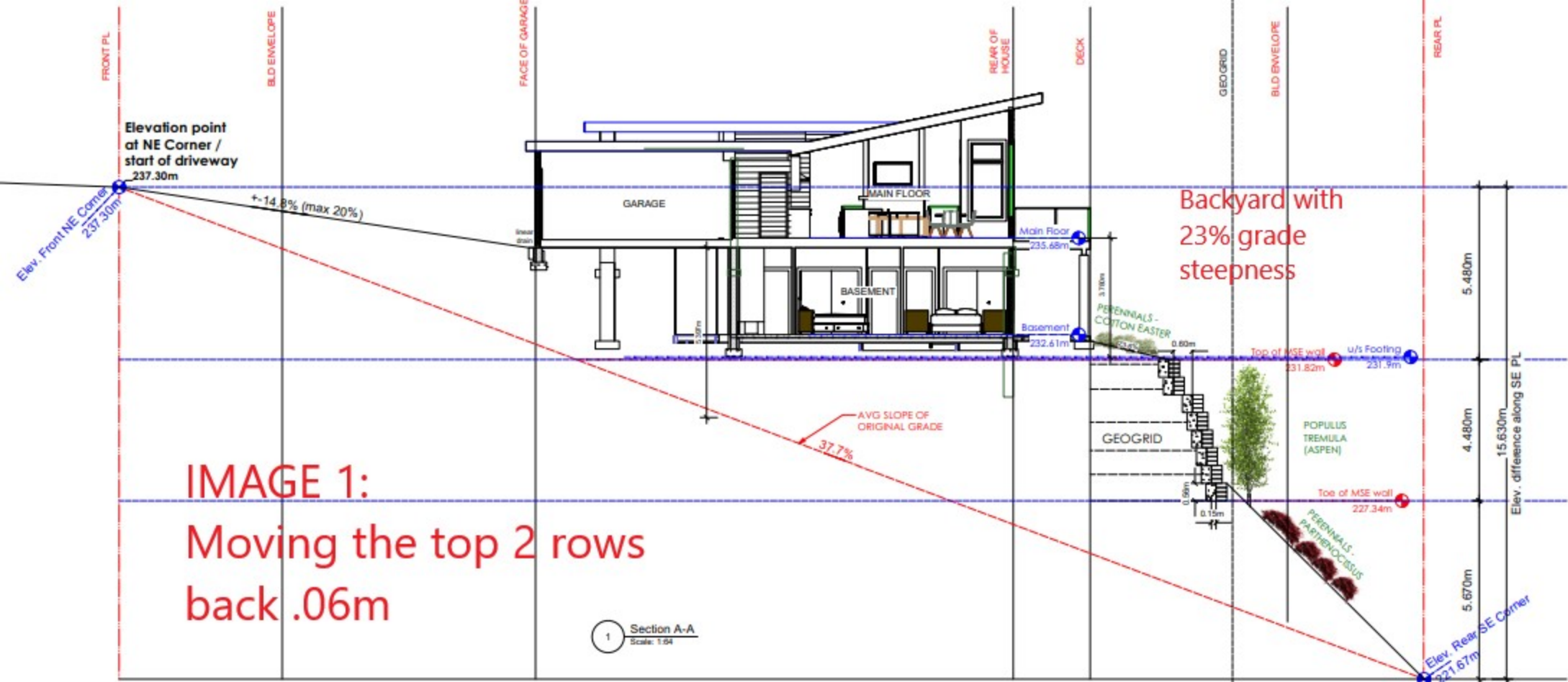


IMAGE 1:
Moving the top 2 rows
back .06m

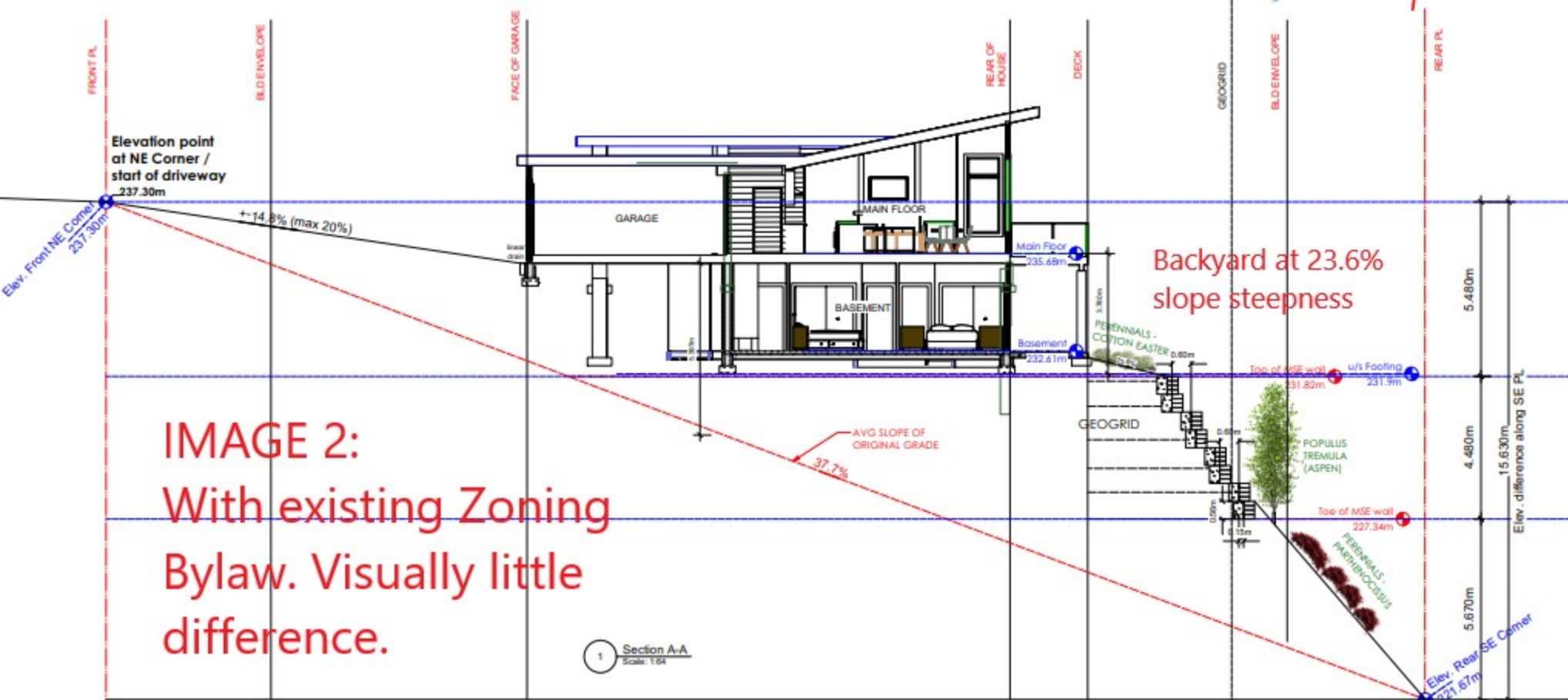


IMAGE 2:
 With existing Zoning
 Bylaw. Visually little
 difference.

