

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: April 26, 2022
FROM: Planning - Development
SUBJECT: DVP01222 – 8315 MOUNTAIN VIEW DRIVE – SIDE SETBACK VARIANCE FOR DETACHED DWELLING

REPORT: 22-055
FILE: DVP01222

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council approve the issuance of Development Variance Permit DVP01222, attached as Appendix C to Administrative Report to Council No. 22-055, for the proposed development located at 8315 Mountain View Drive to vary the east side building setback for the detached dwelling.

PURPOSE OF REPORT

This report presents Development Variance Permit DVP01222 for Council's consideration. DVP01222 proposes a variance to "Zoning and Parking Bylaw No. 303, 2015" (Zoning Bylaw) to permit a detached dwelling to be located 1.65 metres from the east side parcel line.

This report provides Council with an analysis of the requested variance and recommends that Council approve the issuance of DVP01222.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background and Site Context

The owners are seeking an east side setback variance to the Zoning Bylaw for the siting of the existing detached dwelling at 8315 Mountain View Drive and to facilitate a proposed addition to the dwelling.

The property is located in an upper area of the Alpine North neighbourhood with a long frontage for the lot as it is on a switchback in the road leading up to the top of the subdivision. Similar to neighbouring properties, the lot is steeply sloped and the existing dwelling is positioned well above Mountain View Drive with the use of stepped retaining walls. A location map for the property is attached as Appendix A.

Proposed Development Variance

The requested variance is described in the table below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
1. Vary the east side setback from 3 metres to 1.65 metres for a detached dwelling.	RS1 Zone (Single Family Residential One) Part 12 – Subsection 1: (14) The minimum permitted side setback, if the size of the detached dwelling is 325 square metres or less, is 3 metres.

Analysis

The existing detached dwelling was built on the parcel in 1974, approved by the Squamish Lillooet Regional District (SLRD) under Building Permit 419. The dwelling was sited in its current location at that time. It is understood that when the property came under the jurisdiction of the Resort Municipality of Whistler, the existing siting of the dwelling in the east side setback became non-conforming to the applicable zoning.

The owner wishes to complete renovations to the property including demolishing an existing garage, constructing a new garage in compliance with building setbacks, and expansion of the third floor of the existing detached dwelling to be aligned with the east, south and west walls of the existing first and second floors of the dwelling. As a result, a portion of the third floor will extend 1.35 metres into the east side setback. For the purposes of this application, the owner wishes to vary the east side setback from 3 metres to 1.65 metres to legitimize the existing encroachment into the east side setback for the existing two level dwelling and permit the proposed third floor extension. The total gross floor area within the setback is approximately 6.7 square metres on each of three floors as described in the applicant's rationale letter attached as Appendix B.

The area of building encroachment into the side setback is wedge shaped and extends from the front southeast corner of the dwelling where it encroaches 1.35 metres and gradually decreases to the point of no encroachment at approximately ten metres from the front of the dwelling. The rear 3.6 metres of the dwelling does not encroach into the side setback. A total of two windows are proposed on the portion of the east elevation that encroaches into the side setback.

A shadow analysis was provided (attached as Appendix D), illustrating the proposed variance will project minor increase in shadow on neighbouring 8311 Mountain View Drive at noon and 2 pm on winter solstice (December 31) and at 2pm on Spring equinox (March 20).

Staff's evaluation of the proposed variances relative to established criteria is provided below under the Policy Considerations section of this report. The proposed variance is considered to be consistent with the evaluation criteria. The requested variance is considered reasonable, with minimal change to building bulk and no further impact to the streetscape and neighbours.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council has the authority to vary “Zoning and Parking Bylaw No. 303, 2015” through Section 498 of the *Local Government Act*.

Development Variance Permit Criteria

Potential Positive Impacts	Comments
Complements a particular streetscape or neighbourhood.	Issuance of the building setback variance for the existing and proposed dwelling is considered to have minimal impact to the streetscape or neighbourhood as the wedge shaped area of building encroachment is approximately 6.7 square metres on each of three floors, as described in the Analysis section of this report.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	Issuance of the building setback variance enables the proposed addition to be contained to the existing building footprint, eliminating additional site preparations.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	Being that the existing dwelling has stood in place since approximately the 1974 and the proposed third floor extension will be in line with the main floor of the dwelling there it is not expected to be any impact on site features as a result of the variance.
Results in superior siting with respect to light access resulting in decreased energy requirements.	The south facing building wall uses extensive windows for excellent siting with respect to natural light access. The addition is well positioned to access plentiful natural light.
Results in superior siting with respect to privacy.	There is minimal use of windows on the east elevation of the building and no balconies or decks proposed on the east elevation, limiting potential privacy issues to the immediate neighbour.
Enhances views from neighbouring buildings and sites.	The view towards the mountains is generally from the front of the property and this proposal is not considered to impede these views for neighbouring 8311 Mountain View Drive. Neighbouring 8315 Mountain View Drive is elevated above the subject property and since the proposal has a similar roof peak elevation as the existing detached dwelling on the subject property, it is not expected that issuance of the building setback variance will impact 8315 Mountain View Drive.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The small wedge shaped area of encroachment should not negatively impact neighbourhood character. The existing dwelling has long stood in place and the proposed third floor will be aligned with the current building envelope. Issuance of the building setback variance is not considered to be inconsistent with the existing neighbourhood character.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	The portion of the dwelling located in the setback is approximately 6.7 square metres and this alone is considered a minor increase in building bulk and provides for a more coherent overall design.
Requires extensive site preparation.	Issuance of the building setback variance will require no additional site preparation.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	<p>There are two windows and no new decks or balconies on the portion of the east elevation that encroaches into the side setback, limiting the possible extent of privacy or noise impacts attributed to the building setback variance.</p> <p>A shadow analysis was provided (attached as Appendix D), illustrating the proposed variance will project minor increase in shadow on neighbouring 8311 Mountain View Drive at noon and 2 pm on winter solstice (December 31) and at 2pm on spring equinox (March 20).</p> <p>Issuance of the building setback variance is not considered to substantially affect the use and enjoyment of adjacent lands.</p>
Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul-de-sac.	Not applicable.
Requires a height variance to facilitate gross floor area exclusion.	Not applicable.
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	Not applicable.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RS1 (Single Family Residential One). The requested variance to the Zoning Bylaw for a setback variance is described in the Discussion section of this report. The proposal meets all other regulations of the Zoning Bylaw.

Corporate Plan

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

- ☐ Community Balance
*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*
- ☐ Climate Action
*Provide leadership to **accelerate climate action and environmental performance** across the community*
- ☐ Housing
*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***
- ☐ Pandemic Recovery
*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*
- ☒ Not Applicable

Corporate Goals

- ☒ Community character and mountain culture is reflected in municipal initiatives
- ☐ Municipal decision-making supports the effective stewardship of natural assets and ecological function
- ☐ Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management
- ☒ A high level of accountability, transparency and community engagement is maintained
- ☐ Corporate financial health is optimized to ensure long-term community success
- ☐ A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities
- ☐ Pandemic recovery

Community Vision and Official Community Plan

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The recommended resolution included within this report is consistent with the goals, objectives and policies included within "OCP Bylaw No. 2199, 2018". The proposed development is not subject to Development Permit requirements. However, to address concerns related to the potential for increased

wildfire hazard, staff has recommended the following condition, which has been written into Development Variance Permit DVP01222 and is attached as Schedule C, as follows:

- building materials on the portion of the building granted the variance shall be comprised entirely of non-flammable materials such as metal, stone or concrete; or,
- building materials on the portion of the building granted the variance and any existing conifer vegetation on the lands that is located within 10 metres of the detached dwelling shall be consistent with the Wildfire Protection High Development Permit Area Guidelines of “OCP Bylaw No. 2199, 2018”.

The applicant’s proposed wildfire protection measures, as described in the Rationale Letter, Appendix B, are consistent with this condition.

BUDGET CONSIDERATIONS

There are no budget implications with this proposal. Development Variance Permit application fees provide for recovery of costs associated with processing this application.

LIL’WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lil’wat People, known in their language as *L’il’wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler’s resort economy.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

A sign describing DVP01222 is posted on the property.

Notices were sent to surrounding property owners and tenants in March 2022 as required by the *Local Government Act*. At the time of writing this report, no correspondence has been received.

Any correspondence received following the preparation of this report will be presented to Council at the time of consideration of the application.

REFERENCES

Location: 8315 Mountain View Drive
Legal: PID: 007-716-583, Lot 15 District Lot 7301 Plan 15206
Owners: Gerard Robin Marshall Hayton; Donna Lee Dunlop

Zoning: RS1 (Single Family Residential One)
Appendices: Appendix A – Location Map
Appendix B – Rationale Letter
Appendix C – Development Variance Permit DVP01222
Appendix D – Shadow Analysis

SUMMARY

Development Variance Permit DVP01222 proposes a variance to the Zoning Bylaw for the property located at 8315 Mountain View Drive, consisting of a side setback variance for the siting of the existing detached dwelling and to facilitate a proposed addition to the dwelling. This report recommends that Council approve the issuance of DVP01222.

SIGN-OFFS

Written by:

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Reviewed by:

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