

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: April 26, 2022
FROM: Planning - Development
SUBJECT: DVP01225 – 2605 WHISTLER ROAD – SIDE AND REAR SETBACK VARIANCES FOR DECK REPORT

REPORT: 22-056
FILE: DVP01225

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council approve the issuance of Development Variance Permit DVP01225, attached as Appendix C to Administrative Report to Council No. 22-056, for the proposed development located at 2605 Whistler Road to vary the side and rear building setbacks for a proposed deck; and further

That Council direct staff to advise the applicant that prior to issuance of DVP01225, the existing shed located in the rear setback be removed or relocated to meet applicable setback requirements, to the satisfaction of the General Manager of Resort Experience.

PURPOSE OF REPORT

This report presents Development Variance Permit DVP01225 for Council's consideration. DVP01225 proposes two variances to "Zoning and Parking Bylaw No. 303, 2015" (Zoning Bylaw) to allow construction of a new deck at 2605 Whistler Road located 1.71 metres from the side parcel line and 4.52 metres from the rear parcel line.

This report provides Council with an analysis of the requested variances and recommends that Council approve the issuance of DVP01225.

☐ Information Report

☒ Administrative Report (Decision or Direction)

DISCUSSION

Background and Site Context

The owners are seeking two setback variances to the Zoning Bylaw consisting of a side setback variance and a rear setback variance for a proposed deck at 2605 Whistler Road located 1.71 metres from the side parcel line and 4.52 metres from the rear parcel line. The minimum permitted side setback for a deck is three metres and the minimum permitted rear setback for a deck is 7.6 metres.

The subject property is developed with a detached dwelling with an attached cantilevered deck facing the rear of the property. Since the deck is cantilevered it is permitted to extend into the setback area. However, the owner is seeking to rebuild the existing cantilevered deck that is currently in a state of disrepair and is proposing to rebuild with deck support posts rather than as a cantilevered deck. The siting of the deck and its height will not change, however, with the support posts the deck requires a variance because no foundations or supports are permitted to encroach into a setback area.

The subject property is located in the Nordic neighbourhood. The rear of the subject property is bounded by the Snowridge Condos with a parking area for these condos in close proximity to the rear parcel line of the subject property. The subject property is a typical sized lot within the neighbourhood, with a parcel area of 879 square metres. The lot is zoned RS1 Zone (Single Family Residential One). See Appendix A for the location of the subject property.

Proposed Development Variance

The requested variances are described in the table below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
<ol style="list-style-type: none"> 1. Vary the west side setback from 3 metres to 1.71 metres for a proposed deck. 2. Vary the rear setback from 7.6 metres to 4.52 metres for a proposed deck. 	<p>RS1 Zone (Single Family Residential One)</p> <p>Part 12 – Subsection 1:</p> <p>(14) The minimum permitted side setback, if the size of the detached dwelling is 325 square metres or less, is 3 metres.</p> <p>(15) The minimum permitted rear setback is 7.6 metres.</p>

Analysis

The reason for the variance application is that a deck in this location is only permitted to project two metres into the rear setback and 1.5 metres into the side setback provided no foundations or supports encroach into the required setback areas. Due to the deck's condition and the circumstances surrounding its redevelopment, the use of support posts in the setback area requires the variance application.

The dwelling is located on the lot such that the rear 7.6 metre setback is directly bounding the existing dwelling and the deck was cantilevered into the setback area. The plans submitted shown in Appendix C show the deck will remain at the same location and height with the exception of three support posts to be installed for deck reconstruction. One support post is located in the west side setback area and two support posts are located in the rear setback area. Section drawings show the deck will have a simple style with use of a railing as an enclosure.

It is understood that to reconstruct the deck as cantilevered would require an extensive renovation and in the interest of avoiding this approach the owner is proposing to instead place posts in the ground to support the deck. The deck location and size will not change with use of the posts. This is described in the applicant's rationale letter attached as Appendix B.

Staff's evaluation of the proposed variances relative to established criteria is provided below under the Policy Considerations section of this report. The proposed variances are considered to be consistent with all of the evaluation criteria. Some comments have been received from the Snowridge Condo owners with concerns about the proposed deck, as described in the Community Engagement section of this report. The nearest Snowridge Condo buildings are approximately 15-20 metres from the rear property line of 2605 Whistler Road. Since the proposed deck location and height is unchanged from existing and due to the ample distance between the nearest Snowridge Condo buildings and the proposed deck, staff do not consider the proposed variances substantially affect the use and enjoyment of adjacent lands. Further, the report recommendation provides that the existing shed located in the rear setback be removed or relocated to meet applicable setback requirements prior to issuance of DVP01225, and a condition is written into Development Variance Permit DVP01225, attached as Schedule C, requiring the deck surface material and deck joists to be constructed of fire resistant materials.

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

Staff have established criteria for consideration of Development Variance Permits. The proposed variances are considered to be consistent with these criteria as described in the table below.

Potential Positive Impacts	Comments
Complements a particular streetscape or neighbourhood.	The variance will permit the location of the proposed deck to be the same as the existing cantilevered deck that is being replaced, with the only change being the addition of three deck support posts. The proposed deck is in the rear of the property and not visible from the street, and the height and size of the proposed deck is not inconsistent with neighbourhood character.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	Not applicable. The only site alterations will be the installation of the support posts for the deck.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	No impact is expected on site features.
Results in superior siting with respect to light access resulting in decreased energy requirements.	No impact on light access is expected.
Results in superior siting with respect to privacy.	The variance will permit the location of the proposed deck to be the same as the

	existing cantilevered deck that is being replaced, with the only change being the addition of three deck support posts and this is not considered to impact privacy.
Enhances views from neighbouring buildings and sites.	<p>The variance will permit the location of the proposed deck to be the same as the existing cantilevered deck that is being replaced, with the only change being the addition of three deck support posts, and not expected to change views from neighbouring buildings and sites.</p> <p>A letter was forwarded to the applicant as part of this application asking the owner to remove or move the shed in the rear yard to meet setback requirements.</p>

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	<p>The variances requested will not result in the deck being inconsistent with neighbourhood character.</p> <p>The height and size of the proposed deck is not inconsistent with neighbourhood character. It will remain in the same location and at the same second floor height. It uses a simple style railing to enclose the deck.</p>
Increases the appearance of building bulk from the street or surrounding neighbourhood.	<p>The variances would permit the location of the proposed deck to be the same as the existing cantilevered deck that is being replaced, with the only change being the addition of three deck support posts. This will not change building bulk from the existing condition. It is considered the existing and proposed deck lessens building bulk by offering some visual relief to the rear wall of the detached dwelling.</p>
Requires extensive site preparation.	No extensive site preparation.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	<p>The variances requested are not expected to substantially affect use and enjoyment of adjacent lands.</p> <p>The Snowridge Condos parking area abuts the rear of the property. The nearest Snowridge buildings are approximately 15-20 metres beyond the rear property line. This is considered far enough that the deck will not affect views, privacy, or light access to these buildings.</p>

Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul-de-sac.	n/a
Requires a height variance to facilitate gross floor area exclusion.	n/a
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	No impact to services.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RS1 (Single Family Residential One). The requested variances to the Zoning Bylaw for building setbacks are described in the Discussion section of this report.

Staff note there is an existing auxiliary building that appears to be used as a shed that is located in the rear setback of the property and the owner has been notified that prior to issuance of DVP01225, the existing shed located in the rear setback must be removed or relocated to meet applicable setback requirements to the satisfaction of the General Manager of Resort Experience.

The proposed design meets all other regulations of the Zoning Bylaw.

Corporate 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". A Development Permit is not required as the Zoning Bylaw currently exempts development associated with a detached dwelling from requiring a Development Permit for Wildfire Protection. However, as it is recognized that development requiring a setback variance can increase wildfire hazard, a condition is written into Development Variance Permit DVP01225, attached as Schedule C, requiring the proposed deck surface material to be Class B fire-rated minimum, and further that deck joists be fire-rated or capped with corrosion resistant metal flashing if the deck surface is slotted/gapped.

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

Comment(s):

A sign describing DVP01225 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, six letters of opposition have been received from the strata manager and owners of the immediately adjacent Snowridge Condos.

Five letters were received from owners at Snowridge Condos that state various concerns with the

proposal including increased noise, light pollution and wildfire concerns with development in the setback area and a request to delay the variance request until the strata can vote on the matter. The letters also raised other concerns unrelated to the deck variance including concerns over a shed encroaching into required setbacks.

A sixth letter, from the Snowridge strata manager, reiterated that the strata opposes the variance and requests that the project be delayed until the Snowridge strata can vote on the matter.

These letters are attached as Appendix D.

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

REFERENCES

Location: 2605 Whistler Road
Legal: PID: 008-735-174, Lot 13 Block C District Lot 7165 Plan 13162
Owner: George Christopher Kent
Zoning: RS1 (Single Family Residential One)
Appendices: Appendix A – Location Map
Appendix B – Applicant Rationale Letter
Appendix C – Development Variance Permit DVP01225
Appendix D – Correspondence Received

SUMMARY

Development Variance Permit DVP01225 proposes two variances to the Zoning Bylaw for a setback variance to facilitate the construction of a deck with support posts in the rear and side yard of 2605 Whistler Road for Council's consideration. This report recommends that Council approve the issuance of DVP01225 on the condition that prior to issuance of DVP01225, the existing shed located in the rear setback is removed or relocated to meet applicable setback requirements.

SIGN-OFFS

Written by:

Brook McCrady,
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Reviewed by:

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Mike Kirkegaard for Jessie Gresley-Jones,
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