



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** April 26, 2022 **REPORT:** 22-057  
**FROM:** Planning – Development **FILE:** DVP01204  
**SUBJECT:** DVP01204 – 9270 EMERALD DRIVE – FRONT, SIDE AND PARKING SETBACK  
VARIANCES FOR DETACHED DWELLING REPORT

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Report Experience be endorsed.

### RECOMMENDATION

**That** Council approve the issuance of Development Variance Permit DVP01204, attached as Appendix C to Administrative Report to Council No. 22-057, for the existing development located at 9270 Emerald Drive; to vary the front and side building setbacks for the detached dwelling, vary the front setback for the deck support post and vary the parking setback for two parking spaces.

### PURPOSE OF REPORT

This report presents Development Variance Permit DVP01204 for Council's consideration. DVP01204 proposes four separate variances to "Zoning and Parking Bylaw No.303, 2015" (Zoning Bylaw) to allow the existing construction of a detached dwelling at 9270 Emerald Drive located 7.5 metres from the front parcel line and 2.7 metres from the side parcel line, a deck support post located 6.22 metres from the front parcel line and two parking spaces located 1.1 metres from the front parcel line.

This report provides Council with an analysis of the requested variances and recommends that Council approve the issuance of DVP01204.

Information Report  Administrative Report (Decision or Direction)

### DISCUSSION

#### Background and Site Context

The owners are seeking four setback variances to the Zoning Bylaw, a front and side setback variance for the existing siting of a detached dwelling, a front setback variance for the existing siting of a deck support post and a parking setback variance for the existing siting of two required off-street parking spaces, facilitating the existing development at 9270 Emerald Drive.

The subject property is a relatively flat lot accessed from Emerald Drive through a 9 metre section of Resort Municipality of Whistler (RMOW) road right of way. The road right of way between the front parcel line and Emerald Drive slopes abruptly and steeply uphill resulting in an elevation change from

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the road to the front parcel line of approximately 3 metres. The lot is a typical sized lot within the neighbourhood, with a parcel area of 863 square metres. The lot is zoned RS1 Zone (Single Family Residential One) and located in the Emerald Estates neighbourhood. The site is developed with a two storey detached dwelling. See Appendix A for the location of the subject property.

### **Proposed Development Variance**

The requested variances are described below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
<ol style="list-style-type: none"> <li>1. Vary the front setback from 7.6 metres to 7.5 metres for a detached dwelling.</li> <li>2. Vary the front setback from 7.6 metres to 6.22 metres for a deck support post.</li> <li>3. Vary the side setback from 3 metres to 2.7 metres for a detached dwelling.</li> </ol>	<p><b>RS1 Zone (Single Family Residential One)</b></p> <p><b>Part 12 – Subsection 1:</b></p> <p>(13) The minimum permitted front setback is 7.6 metres.</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>
<ol style="list-style-type: none"> <li>4. Vary the parking setback from 1.5 metres to 1.1 metres for two parking spaces.</li> </ol>	<p><b>Part 6 – Subsection 14:</b></p> <p>(7) In all other zones, no parking space shall be located within 1.5 metres of a parcel boundary.</p>

### **Analysis**

The existing detached dwelling was built on the parcel in 1977 (Building Permit W-71-77), followed by an interior renovation in 2015 (Building Permit BP003320) and most recently a covered porch addition in 2019 (Building Permit BP004714). Ownership of the property subsequently changed in 2019 and the current owners have applied for a Building Permit (BP005451) proposing a new addition to the existing dwelling.

The Architectural Plans and Survey of the existing and proposed works are attached as Schedule A of Appendix C.

Staff review of the previously issued Building Permits for this property (W-71-77, BP003320 and BP004714) confirmed all previous permits have been completed and closed by the Building Department. Although the required permits were obtained by the owners of the day, the siting of the dwelling, deck support post and required off-street parking spaces on the subject property were never confirmed to be in compliance with the Zoning Bylaw.

Building Permit W-71-77, for the construction of a new detached dwelling, was issued with plans detailing the dwelling sited in compliance with the required 7.6 metre front and 3 metre side setbacks. In 1977 it was typical that a survey was not obtained nor required prior to the closing of a Building Permit file. Subsequent Building Permits BP003320 and BP004714, again did not obtain nor require a survey prior to permit closure as the works were interior, minor in nature and within the existing building footprint.

A survey was obtained for the current Building Permit BP005451 application, which identified the Zoning Bylaw non compliance issues. The owners are now requesting to legitimize these existing site conditions, as is required prior to the issuance of BP005451, and as further explained in the applicant's

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Rationale Letter, attached to this report as Appendix B. Staff confirm that all new proposed addition works under BP005451 are compliant with the Zoning Bylaw and this variance application is requesting legitimization of existing works only.

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. Specifically, the non-compliant siting of the dwelling, deck support post and parking spaces, are considered minor and well established, as such removal or reconstruction is considered to be more disruptive to the site and neighbouring properties.

## **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 variance is considered to be consistent with all of the criteria as described in the table below.

<b>Potential Positive Impacts</b>	<b>Comments</b>
Complements a particular streetscape or neighbourhood.	<p>Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel is considered to compliment Emerald Estates neighbourhood.</p> <p>As illustrated in the Site Photos, attached to this report as Appendix D, the existing development on the parcel represents a minor encroachment into the required front and side setback areas. Overall the existing development is considered to be in keeping with the Emerald Estates neighbourhood character visible from Emerald Drive.</p>
Works with the topography on the site, reducing the need for major site preparation or earthwork.	<p>Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel results in no site preparation or earthwork.</p>
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	<p>Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel results in retention of existing mature trees and landscaping on the parcel.</p> <p>As illustrated in the Site Photos (attached to this report as Appendix D) the existing structures are</p>

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	screened from view from the affected neighbouring property to the south through the established landscape screening and mature trees in the (south) side yard.
Results in superior siting with respect to light access resulting in decreased energy requirements.	Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel results in no change to light access.
Results in superior siting with respect to privacy.	Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel results in no change to privacy.  The existing dwelling entrances and deck are sited, oriented and setback from parcel lines to enhance privacy on the lot and between neighbouring properties.
Enhances views from neighbouring buildings and sites.	Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel results in no change to existing views from neighbouring buildings and sites.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel is considered to be consistent with the neighbourhood character. Further, the existing development is not considered to increase the appearance of building bulk from the street.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	As illustrated in the Site Photos (attached to this report as Appendix D) the existing dwelling (established in 1977) is two storeys, low in profile and setback approximately 14 metres from the edge of Emerald Drive. This is considered to be consistent with the character of the Emerald Estates neighbourhood.
Requires extensive site preparation.	Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel results in no site preparation or earthwork.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the

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	parcel is not considered to affect the current use and enjoyment of adjacent lands.
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).	<p>Issuance of a variance to permit the existing dwelling, deck support post and parking spaces to remain as they are currently constructed on the parcel is not considered to result in unacceptable impacts on services.</p> <p>Staff note that two off-street parking spaces are required for the existing and proposed development (BP005451) which are located entirely on the parcel. Further, an area for snow storage has been provided for on the parcel.</p>

### **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 and parking space setbacks are described in the Discussion section of this report. The existing design 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**

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- 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.

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### **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.

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### **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.

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### **COMMUNITY ENGAGEMENT**

Level of community engagement commitment for this project:

- Inform     Consult     Involve     Collaborate     Empower

Comments:

A sign describing DVP01204 is posted on the property.

Notices were sent to surrounding property owners and tenants in March 2022 as required by the *Local*

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*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.

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## REFERENCES

Location: 9270 Emerald Drive  
Legal: PID: 008-515-484, Lot 5 Block M District Lot 3627 Plan 13669  
Owners: Meredith Hodder; Kevin Hodder  
Zoning: RS1 (Single Family Residential One)  
Appendices: Appendix A – Location Map  
Appendix B – Rationale Letter  
Appendix C – Development Variance Permit DVP01204  
Appendix D – Site Photos

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## SUMMARY

Development Variance Permit DVP01204 proposes four variances to the Zoning Bylaw consisting of a front and a side setback variance for the existing detached dwelling, a front setback variance for the existing deck support post and a parking setback variance for two existing parking spaces at 9270 Emerald Drive. This report recommends that Council approve the issuance of DVP01204.

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## SIGN-OFFS

### Written by:

Lindsay Clarke,  
Planning Analyst

### Reviewed by:

Melissa Laidlaw,  
Manager of Development Planning

Mike Kirkegaard,  
Director of Planning

Mike Kirkegaard for Jessie Gresley-Jones,  
General Manager of Resort Experience

James Hallisey,  
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