



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: August 2, 2022 **REPORT:** 22-112
FROM: Planning – Development **FILE:** DVP01231
SUBJECT: DVP01231 – 8308 VALLEY DRIVE – SETBACK VARIANCE FOR AN AUXILIARY BUILDING

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 DVP01231 attached as Appendix C to Administrative Report to Council No. 22-112, to vary the side setback for an auxiliary garage located at 8308 Valley Drive.

PURPOSE OF REPORT

This report presents Development Variance Permit DVP01231 for Council's consideration to vary the setback for an existing non-conforming garage at 8308 Valley Drive. This report provides Council with an analysis of the proposed variance and recommends that Council approve the issuance of DVP01231.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background

The owner is requesting a side setback variance request to vary the setback from 3 metres to 2.74 metres for an existing non-conforming garage located in the side yard at 8308 Valley Drive. The subject parcel is located in the Alpine North neighbourhood. A location map for the parcel 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
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<p>1. Vary the siting of an auxiliary building from 3 metres to 2.74 metres from the side parcel line.</p>	<p>General Regulations</p> <p>Part 5 - Subsection (5):</p> <p>(5) Subject to section 4 an auxiliary building is permitted to be sited not less than 3 metres from a side or rear parcel line.</p>
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Analysis

Under Section 3 of the General Regulations (Part 5) of the Zoning Bylaw, general Auxiliary building regulations are provided in this section for density, siting and other development standards. As the garage that is subject of this application is detached from the dwelling, it is deemed an auxiliary building. Setbacks from side and rear parcel lines are 3 metres, as described in Part 5, Subsection 4.

It is understood that some time ago, a garage was constructed on the lot 2.74 metres from the side parcel line, rendering the garage as non-compliant with the zoning. No permits were obtained to construct the garage. As described in the rationale letter (Appendix B), new owners have applied for this setback variance as they became aware of the garage’s non-conforming siting after purchasing the parcel and wish to resolve this issue before completing dwelling upgrades. A building permit will be required for the garage.

A plan illustrating the proposed variance with the zoning setbacks highlighted on the plan is provided in Appendix C, Plan BOV1.

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
<p>Complements a particular streetscape or neighbourhood.</p>	<p>Proposed encroachment of the garage into the setback is not expected to impact streetscape or neighbourhood as it is a very minor 26 cm encroachment.</p> <p>The existing garage has stood in place for some time. Garage siting respects the 7.6 metre front</p>

	setback. Design is of a complementary character to the existing dwelling on the site and neighbouring buildings.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	No site preparation or earthwork will occur.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	Variance will not change site features or cause disturbances to natural vegetation, trees and rock outcrops.
Results in superior siting with respect to light access resulting in decreased energy requirements.	Variance will not impact light access into the dwelling as the garage is detached from the primary dwelling and located in a lower portion of the front yard.
Results in superior siting with respect to privacy.	Garage encroaching 26 cm into side setback is not expected to impact privacy of subject parcel or neighbouring properties. Garage is built into existing sloping terrain that minimizes appearance and there is ample vegetation between subject parcel and the adjacent parcel at 8312 Valley Drive to maintain privacy.
Enhances views from neighbouring buildings and sites.	Garage is located in a lower portion of the front yard and will not impact views from neighbouring buildings and sites.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	Setback variance of 26 cm is considered very minor and will not impact neighbourhood character.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	Variance will not increase appearance of building bulk from the street or surrounding neighbourhood.
Requires extensive site preparation.	Variance does not require any site preparation.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	Variance is considered very minor and will not impact the use or 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).	Not applicable.

Zoning and Parking Bylaw No. 303, 2015

The subject parcel 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, objective and policies included within “OCP Bylaw No. 2199, 2018”.

BUDGET CONSIDERATIONS

There are no budget implication 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 DVP01231 is posted on the parcel.

Notices were sent to surrounding parcel owners and tenants in June, 2022 as required by the *Local Government Act* for Development Variance Permits. 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: 8308 Valley Drive
Legal: PID: 002-431-343, Lot 18 District Lot 7300 Plan 13672
Owners: Kim Inge Machteld Lucas; Anthony Bernard Lucas
Zoning: RS1 Zone (Single Family Residential One)
Appendices: Appendix A – Location Map
Appendix B – Rationale Letter
Appendix C – Development Variance Permit DVP01231

SUMMARY

This report presents Development Variance Permit DVP01231 for Council's consideration to vary a setback regulation for an existing non-conforming garage at 8308 Valley Drive. This report recommends that Council approve the issuance of DVP01231.

SIGN-OFFS

Written by:

Brook McCrady,
Planning Analyst

Reviewed by:

Mike Kirkegaard,
Director of Planning

Jessie Gresley-Jones,
General Manager of Resort Experience

Virginia Cullen,
Chief Administrative Officer