



RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way TEL 604 932 5535
Whistler, BC Canada V8E 0X5 TF 1 866 932 5535
whistler.ca FAX 604 935 8109

STAFF REPORT TO COUNCIL

PRESENTED: August 2, 2022 **REPORT:** 22-113
FROM: Planning – Development **FILE:** DVP01230
SUBJECT: DVP01230 – 3346 PANORAMA RIDGE – RETAINING WALL VARIANCES

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 DVP01230, attached as Appendix B to Administrative Report to Council No. 22-113, to vary the front setback for a retaining wall from 2 metres to 0 metres and to vary the height of the retaining wall from 1.22 metres to 1.5 metres at 3346 Panorama Ridge.

PURPOSE OF REPORT

This report presents Development Variance Permit DVP01230 for Council's consideration to vary the front setback and height for a proposed retaining wall at 3346 Panorama Ridge.

This report provides Council with an analysis of the proposed variances and recommends that Council approve the issuance of DVP01230.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background and Site Context

The subject property, located at 3346 Panorama Ridge, is an uphill parcel located on the east side of Panorama Ridge. A location map for the property is attached as Appendix A, the draft permit and site plan showing the requested variance are attached as Appendix B, and site photos are attached as Appendix C.

The existing dwelling was constructed under Building Permit B-805-81 in 1981. While the permit plans indicated off-street parking in conformance with the municipality's Zoning Bylaw, this was not constructed due to the site topography, and the actual parking has been taking place in the Panorama Ridge road right-of-way since construction. Off-street parking is a requirement under the Zoning Bylaw.

Staff received Building Permit application BP005215 in the spring of 2021. This application proposes to correct several nonconforming issues associated with the subject property and requests authorization for further renovations. The existing issues to address are: to provide the required off-street parking on the parcel, authorization for an existing suite, removal of a second suite that is not permitted by zoning, and authorization of existing entry area construction.

The design under BP005215 would correct the foregoing issues and provide for legal off-street parking in conformance with the current Zoning Bylaw 303, 2015. Given the site topography, a retaining wall is proposed to support a new driveway that leads to the new conforming surface parking area.

Proposed Development Variance

The requested variance is described in the table below:

Variance Request	Zoning and Parking Bylaw 303, 2015 Regulation
Vary the front setback for a proposed retaining wall in the front setback from 2 metres to 0 metres. Vary the height of a retaining wall from 1.22 metres to 1.5 metres.	Part 5 – Subsection 7(1) (e) (1) The following features are permitted in setback areas: (e) retaining walls, provided that: (i) no part of any retaining wall is greater than 1.22 metres in height above the adjacent level of finished ground; (ii) all retaining walls are setback at least 2 metres from any parcel line that abuts a highway;

Analysis

The General Regulations of Zoning and Parking Bylaw 303, 2015 (Zoning Bylaw) provide regulations specific to retaining walls. Per these regulations, retaining walls are permitted in all setback areas provided they are limited to 1.22 metres in height. Retaining walls next to municipal roads are required to be set back 2 metres. The General Regulations further permit multiple walls to be located in setback areas to achieve a greater increase provided they can be separated by a horizontal distance of 1.22 metres.

The DVP01230 proposal would set a single 1.5 metre high retaining wall at 0.5 metres from the front parcel line. The wall would curve and cross the parcel line to allow driveway access from the street. It is at this point that the wall would require a setback variance to 0 metres. The height of the retaining wall would be 1.5 metres and would reduce to meet the road grade. The Zoning Bylaw permits the wall to be 1.22 metres high; therefore a height variance, from 1.22 metres to 1.5 metres, is also requested.

Municipal staff have reviewed this proposal. It is sensitive to site topography and will correct a long standing nonconforming situation with respect to off-street parking. The proposal is consistent with the neighbouring properties on both sides, which each have large (over 3 metres) retaining walls at the

street. Staff and the proponent have worked together to ensure that the new driveway will not affect snow clearing operations.

This proposal has the support of Municipal staff.

POLICY CONSIDERATIONS

Relevant Council Authority / Previous Decisions

Council has the authority to vary “Zoning and Parking Bylaw 303, 2015” through section 498 of the *Local Government Act*.

Development Variance Criteria

Potential Positive Impacts	Comments
Complements a particular streetscape or neighbourhood.	The proposed variances will provide legal off-street parking and will remove the existing nonconforming on-street parking area, thereby complementing the neighbourhood.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	The proposed retaining is designed to coordinate with the existing site topography.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	The driveway and retaining wall are designed meet the existing rock outcrop at the front of the property.
Results in superior siting with respect to light access resulting in decreased energy requirements.	The proposed variances does not affect light access.
Results in superior siting with respect to privacy.	The proposed variances would remove the parking from the street, reducing activity at the street level and thereby enhancing neighbour privacy.
Enhances views from neighbouring buildings and sites.	The proposed variances would remove the parking from the street, thereby enhancing views from neighbouring buildings.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The proposal is consistent with other sloping driveways in the immediate neighbourhood.

	<p>Council had previously granted setback variances to accommodate off-street parking as noted:</p> <p>DVP1029 – 3333 Panorama Ridge</p> <p>DVP1111 – 3318 Panorama Ridge</p> <p>Additionally, the properties on either side of the subject parcel, 3350 & 3342 Panorama Ridge, have considerably larger retaining walls at the street.</p>
Increases the appearance of building bulk from the street or surrounding neighbourhood.	The proposal does not affect building bulk. It will remove an existing covered access stair, thereby reducing the impression of development close to the street.
Requires extensive site preparation.	The proposal is designed to work with existing site topography and reduces site preparation and blasting.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The proposal does not affect the 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.	A frontage variance is not requested.
Requires a height variance to facilitate gross floor area exclusion.	A height variance is not requested.
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	Municipal staff have reviewed the proposal and worked with the applicant team to ensure that no snow plow damage occurs. This proposal has the support of Municipal engineering staff.

Zoning and Parking Bylaw No. 303, 2015

Development Variance Permit No. DVP01230 proposes to vary the retaining wall setback and wall height requirements contained in the General Regulations of the Zoning Bylaw. The property is zoned RS1 (Single Family Residential One). The renovations on the site will bring the building into conformance with the RS1 Zone.

The requested variances are 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

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 contained within “Official Community Plan Bylaw No.2199, 2018”

BUDGET CONSIDERATIONS

There are no significant 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 DVP01230 is posted on the property.

Notices were sent to surrounding property owners and tenants on July 9, 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: 3346 Panorama Ridge
Legal: PID: 005-174-058
LOT 12 BLOCK N DISTRICT LOT 3898 PLAN 17871
Zoning: RS1 (Single Family Residential One)

Appendices: Appendix A – Location Map
Appendix B – Development Variance Permit DVP01230
Appendix C – Site Photos

SUMMARY

This report presents Development Variance Permit DVP01230 for Council's consideration, to vary the front setback for a retaining wall from 2 metres to 0 metres and to vary the height of the wall from 1.22 metres to 1.5 metres at 3346 Panorama Ridge to accommodate a driveway. The retaining wall is

required due to site topography. This report recommends that Council approve the issuance of DVP01230.

SIGN-OFFS

Written by:

Roman Licko,
Planning Analyst

Reviewed by:

Mike Kirkegaard,
Director of Planning

Jessie Gresley-Jones,
General Manager of Resort Experience

Virginia Cullen,
Chief Administrative Officer