



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: September 20, 2022 **REPORT:** 22-126
FROM: Planning - Development **FILE:** DVP01235
SUBJECT: DVP01235 - 2521 WHISTLER ROAD FRONT SETBACK VARIANCE

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 DVP01235, attached as Appendix B to Administrative Report to Council No. 22-126, to vary the front setback from 5.0 metres to 1.0 metres for a detached carport at 2521 Whistler Road.

PURPOSE OF REPORT

This report presents Development Variance Permit DVP01235 for Council's consideration to vary the front setback for a proposed detached carport at 2521 Whistler Road

This report provides Council with an analysis of the proposed variance and recommends that Council approve the issuance of DVP01235.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background

The owner is requesting a front setback variance to vary the setback from 5.0 metres to 1.0 metres for a proposed detached carport at 2521 Whistler Road.

The subject property is located in the Nordic Neighbourhood as shown in Appendix A. The parcel is a 7,500 square foot lot currently developed with a detached dwelling built in 1971. The front portion of the parcel is dominated by a large rock outcrop and the existing dwelling is located up a slope on a naturally vegetated rocky outcrop as illustrated in the photos attached as Appendix C. All parking associated with this property is currently located in the Whistler Road right-of-way. A carport is proposed at the front of the property which will enable the parking to be moved from the road right-of-way and onto the subject property as required under "Zoning and Parking Bylaw 303, 2015" (Zoning Bylaw). The proposed carport requires a front setback variance due to the rocky outcrop and steep slope up to the existing dwelling.

Council previously approved front setback variances to accommodate a carport at this address under Development Variance Permit DVP01106 in April 2017 as indicated in the DVP01106 resolution:

“That Council approve the issuance of Development Variance Permit DVP01106 for the proposed development located at 2521 Whistler Road to:

- a) *Vary the length of the parking space from 5.5 metres to 5.0 metres.*
- b) *Vary the parking space from 1.5 metres to 0 metres from a parcel boundary.*
- c) *Vary the retaining wall setback from 2 metres to 0 metres from the parcel boundary and the retaining wall varies in height from 0 metres to up 2.45 metres*

as shown on the plans prepared by Crosland Doak Design, dated March 19, 2017, attached as Appendix B to Administrative Report to Council No. 17-035.”

The proposal approved under DVP01106 was for a detached carport sited 2.0 metres from the front parcel line as permitted by the Zoning Bylaw when the front of a property slopes at a grade greater than 20 percent and the auxiliary building is less than 3.5 metres in height. As also permitted by the Zoning Bylaw, the carport roof extended to 1.0 metres of the front parcel line. Further, the variance enabled reduced size parking stalls to be located 0 metres from the front parcel boundary. The proposal under DVP1106 was not constructed and the permit expired in 2019.

The property has changed hands and the new owner has submitted DVP01235 for a revised carport design.

Proposed Development Variance

The requested variance is described in the table below:

Variance Request	Zoning and Parking Bylaw 303, 2015 Regulation
1. Vary the front setback from 5.0 metres to 1.0 metres for a proposed carport.	Part 5, Subsection 14(1): In all RS, RI and RT Residential zones, in the TB1 zone, and for detached and duplex dwellings in all RTA zones, an auxiliary or attached building for garage or carport use may be set back a minimum of 5 metres from the front parcel line.

Analysis

The proposal is sensitive to site topography and will correct a long standing non-conforming situation with respect to parking in the Whistler Road right-of-way. Staff have worked with the applicant to achieve an acceptable design solution that does not result in unacceptable impacts on municipal services (roads, utilities, snow clearing operations) or impact adjacent lands.

The existing dwelling on this property requires two stalls per the Zoning Bylaw and two full sized stalls are proposed. Since the proposed carport climbs with the topography to provide for covered stairs up to the dwelling, it is 4.71 metres in building height; therefore the applicable required front setback is 5.0

metres, of which a roof can project up to 1.0 metre. The variance will permit the carport to be located 1.0 metre from the front parcel line, of which the roof projects an additional 0.7 metres.

The proposal does not require variance to the size of parking stalls as the expired DVP01106 permitted, and the resultant parking spaces within the proposed carport are located 0.6 metres from the front parcel line as compared to 0 metres to the front parcel line per the expired DVP01106. There is also approximately 6 metres of additional driveway length from the front property line to edge of pavement of Whistler Road.

The plan illustrating the proposed variance is provided in Appendix B.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council has the authority to vary the Zoning Bylaw through Section 498 of the *Local Government Act*.

As described in the Background section of this report, Council had previously granted parking stall size and setback variances to accommodate a carport at this property on April 25, 2017 under DVP01106, which permit has since expired. The previous report and video can be found in the accompanying links:

[April 25, 2017: Administrative Report No. 17-035](#)

Development Variance Criteria

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

Potential Positive Impacts	Comments
Complements a particular streetscape or neighbourhood.	The proposed variance will provide legal off-street parking and will remove the existing non-conforming on-street parking, thereby complementing the neighbourhood.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	The proposed front setback variance is designed to coordinate with the existing site topography to reduce the amount of site regrading and preparation to the greatest extent possible.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	The proposed front setback variance is designed to coordinate with the existing site topography to preserve an existing rock outcrop. Five trees will be removed to facilitate the development of the carport to enable on-site parking.
Results in superior siting with respect to light access resulting in decreased energy requirements.	Five existing fir trees and one hemlock will have to be removed to enable the parking to be

	located on the subject property, resulting in improved morning light access to the dwelling.
Results in superior siting with respect to privacy.	The proposed variance will remove the parking from the street, thereby enhancing privacy for this parcel and its neighbours.
Enhances views from neighbouring buildings and sites.	The proposed variance will remove the parking from the street, thereby improving views from neighbouring buildings.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The proposal is considered to be consistent neighbourhood character.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	The variance does not increase building bulk. The proposed carport is separate from the existing dwelling, is built into the existing slope, with a roof that slopes uphill from the street with the topography.
Requires extensive site preparation.	The proposed front setback variance is designed to work with existing site topography and reduces site preparation and blasting to the greatest extent possible.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The proposal is not considered to affect the use and enjoyment of adjacent lands. It will provide legal off-street parking and will remove the existing non-conforming on-street parking.
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 the proposed development does not affect snow clearing. This proposal will provide legal off-street parking and will remove the existing non-conforming on-street parking.

Zoning and Parking Bylaw No. 303, 2015

The subject property is zoned RS1 (Single Family Residential One). The requested variance to the Zoning Bylaw to permit a carport in the front setback 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

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 budget implications with this proposal. Development Variance Permit application fees provide for recovery of costs associated with processing this application.

LÍ'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Líl'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 DVP0235 is posted on the property.

Notices were sent to surrounding property owners and tenants in August 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: 2521 Whistler Road
Legal: PID: 006-823-564 Lot 6 Block C District Lot 7165 Plan 13162
Zoning: RS1 (Single Family Residential One)
Appendices: Appendix A – Location Map
Appendix B – Development Variance Permit DVP01235
Appendix C – Site Photos

SUMMARY

This report presents DVP01235 for Council's consideration to vary the front setback at 2521 Whistler Road to accommodate a new detached carport. The variance will provide legal off-street parking and will remove the existing non-conforming on-street parking. This report recommends that Council approve the issuance of DVP01235.

SIGN-OFFS

Written by:

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Reviewed by:

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