



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** January 24, 2023 **REPORT:** 23-010  
**FROM:** Planning - Development **FILE:** DVP01236  
**SUBJECT:** DVP01236 – 3831 SUNRIDGE DRIVE – BUILDING HEIGHT 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 DVP01236, attached as Appendix C to Administrative Report to Council No. 23-010, to vary the building height from 7.6 metres to 10.0 metres for a proposed detached dwelling located at 3831 Sunridge Drive subject to the owner addressing the following items to the satisfaction of the General Manager of Resort Experience:

1. Receipt of a landscape plan and a security in the amount of 135 per cent of the estimated cost of installing the landscaping; and
2. Modification to covenants BE234656, BE234657, BJ342516, and CA4742118 as described in Administrative Report to Council No. 23-010.

### PURPOSE OF REPORT

This report presents Development Variance Permit DVP01236 for Council's consideration. DVP01236 proposes one variance to "Zoning and Parking Bylaw No. 303, 2015" (Zoning Bylaw) to vary the height of a proposed detached dwelling at 3831 Sunridge Drive.

This report provides Council with an analysis of the proposed variance and recommends that Council approve the issuance of DVP01236 subject to modification of four covenants registered on the title of the subject property to facilitate the proposed development, as well as receipt of a landscape plan and related security for landscape improvements.

Information Report

Administrative Report (Decision or Direction)

### DISCUSSION

#### Background

The owners are seeking one variance to the Zoning Bylaw to vary the height of a proposed detached dwelling at 3831 Sunridge Drive from 7.6 m to 10.0 metres. The subject property is located at the uppermost reach of the Sunridge subdivision as shown on the Location Map provided in Appendix A.

Council previously approved DVP01079 for the subject property on June 7, 2014, which permitted a building height of 9.8 metres as well as setback variances for a proposed detached dwelling. A building permit was approved and site excavation was completed to create a level building pad for construction of the dwelling. This construction of the dwelling was never initiated and as a result Council's approval of DVP01079 has expired. The property was sold and the current owner is now seeking to develop the dwelling with the proposed height variance.

The current Development Variance Permit Application DVP01236 proposes a height variance to 10 metres, which is similar to the previously approved DVP1079. No setback variances are proposed under the current application.

### **Proposed Development Variance**

The requested variance is described in the table below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 regulation
1. Vary the allowable building height from 7.6 metres to 10.0 metres.	<b>RT6 Zone (Two Family Residential Six)</b> <b>Part 12 - Subsection 13:</b>  (9) The maximum permitted height of a building is 7.6 metres.

The requested variance is shown on the architectural plans attached to this report as Schedule A of Appendix C.

### **Analysis**

The subject property is a challenging lot to develop characteristic of other lots within the Sunridge subdivision developed on a steeply sloping hillside. The property is accessed by a private lane shared with five neighbouring properties. The property has a grade change of over 20 metres from the front parcel line to the rear parcel line. Much of the hillside was removed by the previous owner under the previously approved development permit and building permit.

The current proposal seeks to develop the dwelling with a design that responds to the site conditions and partially restores the hillside.

The dwelling proposed under the current DVP01236 is significantly smaller (decrease in total floor area of 39 percent) and less massive than the previously approved design, and no longer proposes sideyard setback variances. The design allows for partial remediation of the previous excavation, and increased light into living spaces. The building is physically lower than the previous concept and is buried into the hillside improving the relationship to the neighbouring properties. The design incorporates a flat roof to help reduce perceived height and massing. The revised concept also moves the building further back from Sunridge Drive further reducing the perception of massing from the street. To further soften the building and its scale staff recommends development permit issuance be contingent on upon provision of a landscape plan and a security to ensure the landscaping is completed. This is consistent with requirements for previously granted variances in the Sunridge neighbourhood and has been agreed by the applicant team.

As required by the RMOW building bylaw for dwellings with in-ground basement exclusions, the building will meet Step Code 4 compliance.

Municipal records indicate that, due the challenging site conditions, there have been a total of thirty-one Development Variance Permit applications affecting twenty-three individual properties in the Sunridge neighbourhood, nine of which were for height variances.

Staff review of the property title indicates that four covenants registered on the property title (BE234656, BE234657, BJ342516, and CA4742118) will need to be amended to facilitate the proposal under DVP01236. The recommended covenant amendments are to make the definition of gross floor area consistent with the Zoning Bylaw, modify the maximum permitted building height, maximum permitted grade change and strata lot reference, and remove the reference to the previously issued and now expired DVP01079.

Staff's evaluation of the proposed variance relative to established criteria is provided below under the Policy Considerations section of this report. The proposed variance is considered to be consistent with all of the evaluation criteria.

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## **POLICY CONSIDERATIONS**

### **Relevant Council Authority/ Previous Decisions**

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

This Development Variance Permit application is before Council as it does not meet the established criteria for a minor variance delegated to staff. As detailed in Schedule E of "Land Use Procedures and Fees Bylaw No. 2205, 2022", a height variance is considered minor if the permitted height is not increased by more than 10 percent. As the height variance represented in this application is an increase of 32 percent, from 7.6 metre to 10 metres, this application is not eligible for delegation to staff.

### **Development Variance Permit 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.

<b>Potential Positive Impacts</b>	<b>Comments</b>
Complements a particular streetscape or neighbourhood.	<p>The proposed dwelling is considered to be complementary to other homes in the neighborhood, particularly the dwellings on the uphill side of the street.</p> <p>The proposed dwelling is consistent in scale with the immediate neighbours, being comparable in overall massing and area.</p> <p>By pushing the building to the rear-yard setback, the proposal maintains a more generous distance from the street. The Building is situated behind the building face of the neighbour to the East.</p>

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	This proposed dwelling is also smaller than the design previously approved under now expired DVP01079 which received a similar height variance, and the elevation of the roof is also lower than the previously approved DVP1079. The design includes a flat roof to help reduce perceived height and massing.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	<p>The parcel slopes steeply uphill with a grade change of over 20 metres (nearly 66 feet) from front to rear parcel line, making this a very challenging lot to develop.</p> <p>Site preparation was already completed for the previous and now expired DVP1079.</p> <p>This proposal is sensitive to the steep grades. The dwelling is at grade at the front and is buried into the hillside at the back.</p> <p>This proposal also reduces the earthworks compared to the previously approved DVP01079 and will return much of the previously removed fill, thereby restoring the site to better reflect pre-existing grades.</p>
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	This proposal fits the inherited excavated site conditions and will return much of the previously removed fill, thereby restoring the site to better reflect pre-existing grades. Staff recommend receipt of a landscape plan and security to soften potential effects on Sunridge Drive.
Results in superior siting with respect to light access resulting in decreased energy requirements.	The proposed height variance allows for larger windows on the lowest floor resulting in improved light penetration.
Results in superior siting with respect to privacy.	The proposed height variance allows the building to be located further from Sunridge Drive and the shared access driveway, and to be buried into the hillside.
Enhances views from neighbouring buildings and sites.	The proposed dwelling is considered to be complementary to the design of existing dwellings. Setting the building into the hillside enhances views for the immediate neighbours at 3833 and 3829 Sunridge Drive.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The proposed dwelling is consistent with other similar dwellings, particularly on the same side of the street.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	<p>The proposed development will be partly shielded from Sunridge Drive due to the grade change from the street.</p> <p>The building has a flat roof to help reduce perceived height and massing, and is partly buried into the hillside.</p> <p>The proposal further reduces appearance of bulk by maximizing the front-yard, and pushing the dwelling to the rear of the property,</p>

	and staff recommend receipt of a landscape plan and security to soften the building height from Sunridge Drive.
Requires extensive site preparation.	This proposal reduces the earthworks compared to the previously approved DVP01079 and will return much of the previously removed fill, thereby restoring the site to better reflect pre-existing grades.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The building will be partly buried into the hill side, reducing effects on neighbours. Further, the proposed top of roof elevation is lower than that of the immediate neighbour at 3833 Sunridge Drive (as demonstrated in Appendix B) and is lower than the previously approved DVP1079.
Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul-de-sac.	A frontage variance not requested.
Requires a height variance to facilitate gross floor area exclusion.	This variance proposal does not facilitate gross floor area exclusion. The height variance will enable improved daylight access to the lowest level.
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	This proposal does not affect roads, utilities, or snow clearing.

**Zoning and Parking Bylaw No. 303, 2015**

The subject property is zoned RT6 Zone (Two Family Residential Six). The requested variance to the Zoning Bylaw for a height relaxation 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 including within this report is consistent with the goals, objectives and policies included within "Official Community Plan Bylaw No. 2199, 2018". A Development Permit is not required.

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### 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.

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### LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lílwat 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

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A sign describing DVP01236 is posted on the property.

Notices were sent to surrounding property owners and tenants in December 2022 as required by the *Local Government Act*. At the time of writing this report, one response has been received from a neighbour two properties away. This response is attached to this report as Appendix D.

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## REFERENCES

Location: 3831 Sunridge Drive  
Legal: PID: 024-958-760  
Strata Lot 49 District Lot 4750 Group 1 New West Minster District Strata Plan LMS2202  
Owners: Driussi Family Property Limited  
Zoning: RT6 Zone (Two Family Residential Six)

Appendix A – Location Map

Appendix B – Rationale, Diagrams, Site Photos

Appendix C – Development Variance Permit DVP01236

Appendix D – Correspondence from Owner of 3837 Sunridge Drive

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## SUMMARY

This report presents Development Variance Permit DVP01236 for Council's consideration to vary the building height from 7.6 metres to 10 metres to facilitate development of a detached dwelling at 3831 Sunridge Drive. This report recommends that Council approve the issuance of DVP01236 subject to receipt of a landscape plan and security and modification of four covenants registered on property title as described in this report.

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## SIGN-OFFS

### Written by:

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### Reviewed by:

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Mike Kirkegaard,  
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