



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: January 24, 2023 **REPORT:** 23-009
FROM: Planning – Development **FILE:** DVP01241
SUBJECT: DVP01241 – 2229 GONDOLA WAY AND 2231 GONDOLA WAY – SIDE AND FRONT SETBACK VARIANCES

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 DVP01241, attached as Appendix A to Administrative Report to Council No. 23-009, to vary the side and front setbacks to facilitate the existing duplex dwelling and proposed development at 2229 Gondola Way and 2231 Gondola Way.

PURPOSE OF REPORT

This report presents Development Variance Permit DVP01241 for Council's consideration. DVP01241 proposes three variances to "Zoning and Parking Bylaw No. 303, 2015" (Zoning Bylaw) to vary the side setbacks for an existing duplex dwelling and to vary the front setback for a new proposed roof, balcony and associated support post at 2229 Gondola Way and 2231 Gondola Way.

This report provides Council with an analysis of the proposed variance and recommends that Council approve the issuance of DVP01241.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background and Site Context

The owners are seeking three setback variances to the Zoning Bylaw to facilitate the legitimization of existing over-height crawlspace floor area and to facilitate a new roof/balcony extension for increased livability of the duplex and snow shed management on the parcel:

1. A variance to reduce the side setbacks from 6 metres to 3 metres for the existing duplex dwelling having a gross floor area greater than 375 square metres;
2. A variance to reduce the front setback from 7.6 metres to 5.7 metres for the proposed development of a roof extension and associated support post, and;

3. A variance to reduce the front setback from 7.6 meters to 5.9 metres for the proposed development of a balcony extension and associated support post on common property at 2229 Gondola Way and 2231 Gondola Way.

The subject property is located in the Whistler Creek neighbourhood and is an irregularly shaped lot bounded on two sides by Gondola Way with a parcel area of 865 square metres. The property is zoned RT1 (Two Family Residential One) and is developed with a three storey duplex dwelling. A location map for the subject parcel is attached to this report as Appendix B.

Proposed Development Variances

The requested variances are described in the table below.

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
1. Vary the side setbacks from 6 metres to 3 metres for a duplex dwelling with gross floor area greater than 375 square metres.	<p>RT1 Zone (Two Family Residential One)</p> <p>Part 12 – Subsection 3:</p> <p>(15) The minimum permitted side setback, if the size of the duplex dwelling is 375 square metres or less is, 3 metres;</p> <p>The minimum permitted side setback, if the size of the duplex dwelling is greater than 375 square is, 6 metres.</p> <p>(19) No addition shall be made to a duplex dwelling in existence on June 28, 1993 which increases the gross floor area of that dwelling beyond 375 square metres, unless the entire dwelling including the addition is sited at least six metres from the nearest side parcel line.</p>
2. Vary the front setback from 7.6 metres to 5.7 metres for a roof and support post. 3. Vary the front setback from 7.6 metres to 5.9 metres for a balcony and support post.	<p>RT1 Zone (Two Family Residential One)</p> <p>Part 12 – Subsection 3:</p> <p>(13) The minimum permitted front setback is 7.6 metres.</p>

The requested variances are identified on the architectural plans A001, A011, A101, A102, A103, A104, A201 and A202, prepared by McLintock Architecture dated December 06, 2022 attached to this report as Schedule A of Appendix A.

Analysis

The existing duplex dwelling was built on the parcel in 1986 (Building Permit B-1542-86), followed by a deck addition including a side setback variance at 2231 Gondola Way in 2015 (Building Permit BP003438 and Board of Variance Permit BOV000105). Most recently, the owners of 2229 Gondola Way obtained Building Permits (BP005029 and BP005177) in 2020/2021 for an interior renovation, which included legitimizing the existing developed over-height crawlspace floor area.

JANUARY 24, 2023

Subsequently the owners of 2231 Gondola Way applied for a Building Permit (BP005384) in 2021 for a similar interior renovation, which also included legitimizing the existing developed over-height crawlspace floor area, resulting in a minor increase in gross floor area of the duplex to a total of 387.9 square metres. The maximum permitted gross floor area for a duplex on this parcel is 390 square metres. As the total gross floor area of the duplex is now greater than 375 square metres, 6 metre side yard setbacks are now required.

While legitimizing the basement floor area that has been in existence since original construction in 1986 does not change the exterior appearance of the duplex, it does trigger an increase in the setback requirement. Thus the owners are requesting a setback variance for the existing dwelling from 6 metres to 3 metres, as currently exists and is as required prior to the issuance of BP005384. As shown on the survey (attached to this report as Appendix C) the siting of the duplex dwelling respecting 3 metre side setbacks will remain unchanged.

The owners are also requesting two front setback variances on their shared strata common property, to facilitate a proposed minor roof and balcony extension associated with 2231 Gondola Way. As illustrated and further explained in the applicant's rationale letter (attached to this report as Appendix D) there are significant snow shed issues associated with the current roof and building entrance configuration. The proposed balcony and roof extension facilitate safe pedestrian and vehicular access to the dwelling and improves overall snow management on the site. Staff note that the front setback variance requests are inclusive of projections and that issuance of a variance will not enable further projections into setback areas.

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.

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 setback variance is considered minor if the required setback is not reduced by more than 25 percent. As setback variances represented in this application are reduced by more than 25 percent, this application is not eligible for delegation to staff.

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 existing/proposed development and associated variances are considered to compliment the Whistler Creek neighbourhood streetscape as the proposal is consistent with existing adjacent developed lots and works with the existing development on the site.

JANUARY 24, 2023

	<p>As illustrated in the site photos, attached to this report as Appendix E, the proposed development on the parcel represents a minor encroachment into the required front setback area. Overall the existing and proposed development is considered to be in keeping with the Whistler Creek neighbourhood character visible from Gondola Way.</p> <p>Staff note that the proposal is supported by six affected adjacent neighbours, as detailed in correspondence attached to this report as Appendix F.</p>
Works with the topography on the site, reducing the need for major site preparation or earthwork.	The existing/proposed development and associated variances do not require any site preparation or earthworks.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	The existing/proposed development and associated variances are considered to maintain desirable site features. The proposal retains the natural vegetation on site, including several existing mature trees located in setback areas.
Results in superior siting with respect to light access resulting in decreased energy requirements.	Not Applicable.
Results in superior siting with respect to privacy.	<p>The existing/proposed development and associated variances are considered to have limited impact and preserve the existing privacy of adjacent properties as seen in the site photos attached to this report as Appendix E.</p> <p>Staff note that the proposal is supported by six affected adjacent neighbours, as detailed in correspondence attached to this report as Appendix F.</p>
Enhances views from neighbouring buildings and sites.	<p>The existing/proposed development and associated variances are considered to preserve the existing views and site lines from neighbouring buildings and sites as seen in the site photos attached to this report as Appendix E.</p> <p>Staff note that the proposal is supported by six affected adjacent neighbours, as detailed in correspondence attached to this report as Appendix F.</p>

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	<p>The existing/proposed development and associated variances are considered to be consistent with the Whistler Creek neighbourhood character.</p> <p>The proposal will legitimize existing floor area within the existing building envelope and a minor increase in the</p>

JANUARY 24, 2023

	development footprint (balcony and roof encroaching into front setback) of the duplex dwelling.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	<p>The existing/proposed development and associated variances are not considered to increase the appearance of building bulk from Gondola Way or the Whistler Creek neighbourhood.</p> <p>The proposal will legitimize existing floor area within the existing building envelope and a minor increase in the development footprint (balcony and roof encroaching into front setback) of the duplex dwelling.</p>
Requires extensive site preparation.	The existing/proposed development and associated variances do not require any site preparation.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	<p>The existing/proposed development and associated variances are considered to have limited to no impact to the use and enjoyment of adjacent lands.</p> <p>Staff note that the proposal is supported by six affected adjacent neighbours, all of whom state that “the proposal will not affect the use and enjoyment” of their respective properties, as detailed in correspondence attached to this report as Appendix F.</p>
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>The proposed development and associated variances are not considered to impact services.</p> <p>Staff note the minor increase in gross floor area within the existing duplex dwelling building envelope does not increase parking requirements for the parcel.</p> <p>Further, the minor increase in the development footprint (balcony and roof) of the duplex dwelling will improve snow shed and snow storage on the parcel.</p>

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RT1 (Two Family Residential One). The requested variances to the Zoning Bylaw for building setbacks 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 included within "Official Community Plan Bylaw No. 2199, 2018". A Development Permit is not required.

BUDGET CONSIDERATIONS

There are no budget considerations with this proposal. Development Variance Permit application fees provide for recovery of costs associated with processing this application.

LÍŁWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the LÍŁwat 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 DVP01241 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, correspondence has been received from six neighbouring property owners in the Whistler Creek neighbourhood. The correspondence states that they support the existing/proposed development and associated variances as the proposal will not affect the use and enjoyment of their respective properties. This correspondence is attached to this report as Appendix F.

Any correspondence received following the preparation of this report will be presented to Council at the time of consideration of the application.

REFERENCES

Location: 2229 Gondola Way; and
2231 Gondola Way

Legal: PID: 004-956-133, Strata Lot 1 District Lot 4749 Strata Plan VR. 1731 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1; and
PID: 004-956-150, Strata Lot 2 District Lot 4749 Strata Plan VR. 1731 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

Owners: Robert Malec, Krysta Lindsay; and
Graham Ross, Andrea Townson

Zoning: RT1 Zone (Two Family Residential One)

Appendices: Appendix A - Development Variance Permit DVP01241
Appendix B - Location Map
Appendix C - Site Survey
Appendix D - Rationale Letter
Appendix E - Site Photos
Appendix F - Correspondence

SUMMARY

This report presents Development Variance Permit DVP01241 for Council's consideration to vary the side setbacks for an existing duplex dwelling and to vary the front setback for a roof and balcony extension at 2229 Gondola Way and 2231 Gondola Way. This report recommends that Council approve the issuance of DVP01241.

SIGN-OFFS

Written by:

Lindsay Clarke,
Planning Analyst

Reviewed by:

Melissa Laidlaw,
Manager of Development Planning

Mike Kirkegaard,
Director of Planning

Jessie Gresley-Jones,
General Manager of Resort Experience

Virginia Cullen,
Chief Administrative Officer