

STAFF REPORT TO COUNCIL

PRESENTED: February 21, 2023
FROM: Planning - Development
SUBJECT: DVP01239 – 8317 CRAZY CANUCK DRIVE – AUXILIARY BUILDING SETBACK VARIANCE

REPORT: 23-021
FILE: 3090-20-1239

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council not approve the issuance of Development Variance Permit DVP01239 attached as Appendix C to Administrative Report to Council No. 23-021, to vary the side setback for an auxiliary building used as a sauna from 2.5 metres to 0.35 metres at 8317 Crazy Canuck Drive.

PURPOSE OF REPORT

This report presents Development Variance Permit DVP01239 for Council's consideration. DVP01239 proposes one variance to "Zoning and Parking Bylaw No. 303, 2015" (Zoning Bylaw) to vary the setback for an existing non-conforming sauna auxiliary building at 8317 Crazy Canuck Drive. This report provides Council with an analysis of the proposed variance and recommends that Council not approve the issuance of DVP01239.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The owner is requesting a side setback variance from 2.5 metres to 0.35 metres for an existing 6.32 square metre auxiliary building being used as a sauna located within the north side yard setback area at 8317 Crazy Canuck Drive. The subject parcel is occupied by one-half of a duplex dwelling that is shared with 8321 Crazy Canuck Drive, located in the Rainbow neighbourhood. A location map for the parcel is attached as Appendix A.

The applicant has submitted a rationale letter attached as Appendix B that describes the applicant's point of view and history of the sauna's development. The applicant has stated that in 2017 and 2019 the owner of 8317 Crazy Canuck Drive made inquiries to the Planning department for general information on the development requirements for constructing a fence and auxiliary building in their rear yard. There are no records of these inquiries. It is staff's practice to request that inquiries related to

bylaw interpretations be put in writing to help remove uncertainty and provide accurate responses. Relevant correspondence that staff has on file in relation to the current application is attached as Appendix C.

Proposed Development Variance

The requested variance is described in the table below:

| Variance Request | Zoning and Parking Bylaw No. 303, 2015 | | | | | |
|--|---|-----------------------------------|----------------|------------------------|---------------------------|----------------|
| 1. Vary the north side setback from 2.5 metres to 0.35 metres for an auxiliary building used as a sauna. | Zoning Bylaw, Schedule “M”: | | | | | |
| | Parcel Lot 12 | | | | | |
| | Strata lot | Land Use | Maximum F.S.R. | Maximum G.F.A. (sq. m) | Setback (front/side/rear) | Maximum Height |
| | S.L. 78 | One half resident duplex dwelling | 0.45 | 161 | 2.5 m/2.5m/6m | 8.2 m |

Analysis

Part 13 Section 52 CD1 Zone (15) of the Zoning Bylaw states minimum setbacks for this zone are provided in Schedule M, except that duplex dwellings have an internal side setback of 0.0 metres. This means that the 0.0 metre side setback applies only to the duplex dwelling to provide for the duplex form of development whereby the units have a common wall which is at the lot line. All other buildings including auxiliary buildings must meet the setbacks provided in Schedule M. As shown in the table above excerpted from Schedule M, the side setback is 2.5 metres that applies to this property. This is the section that the application is seeking a variance for under this application.

As shown in the permit plans of Appendix D, the sauna is a 6.32 square metre building that is 2.63 metres in height. The sauna is situated almost entirely within the required north side yard setback area, with the walls up to 0.35 metres from the property line and roof eaves projecting up to .07 metres to the property line of the adjoining duplex unit at 8321 Crazy Canuck Drive. A fence that is approximately two metres tall is located along the property line providing some privacy between the properties.

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 not be consistent with the evaluation criteria. As an alternative, there appears to be adequate space in the rear yard and staff have requested that the sauna be relocated to 2.5 metres from the property line so that it will be in compliance with the setback regulations. It is unfortunate that there has been a misinterpretation of the applicable setback regulations and that the applicant has incurred expenditures on the existing building. However, staff do not recommend that there is a justifiable rationale based on unusual or difficult site circumstances that supports the proposed location and requested variance.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

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

Development Variance Permit Criteria

Staff have established criteria for consideration of development variance permits. The proposed variance is considered to not be consistent with these criteria as described in the table below.

| Potential Positive Impacts | Comments |
|---|---|
| Complements a particular streetscape or neighbourhood. | The sauna is located in the rear yard and it is common to have auxiliary buildings in rear yard locations. However, it cannot be determined that the proposed sauna location has a positive impact that complements the neighbourhood or that it complements and has a positive impact on the immediate neighbor. |
| Works with the topography on the site, reducing the need for major site preparation or earthwork. | The proposed location is not required to reduce the need for major site preparation or earthwork. There appears to be adequate space in the rear yard to locate the building outside of the required setback area without major site preparation or earthwork. |
| Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops. | The proposed location of the sauna does not maintain or enhance desirable site features. The sauna could be relocated outside of the setback area without impacting desirable site features. |
| Results in superior siting with respect to light access resulting in decreased energy requirements. | The current location does not result in superior siting with respect to light access. An alternate location that respects setbacks would have no impact on light access. |
| Results in superior siting with respect to privacy. | The current siting of the sauna, immediately adjacent to the neighbours property line (8321 Crazy Canuck Drive), does not result in superior siting with respect to privacy. |
| Enhances views from neighbouring buildings and sites. | Though the sauna is partially hidden from the neighbour at 8321 Crazy Canuck Drive behind a fence it is not considered that its location has a positive impacts on views from neighbouring buildings. |

| Potential Negative Impacts | Comments |
|--|---|
| Is inconsistent with neighbourhood character. | Auxiliary buildings such as sheds and other smaller structures are common in residential areas. Generally, the municipality's Zoning Bylaw has setback regulations for auxiliary buildings in residential neighborhoods to maintain neighbourhood character, privacy and views from adjacent properties. Generally permitting such buildings within setback areas, without a justifiable rationale, would be expected to lead to negative impacts that are inconsistent with desired neighbourhood character. Setback areas commonly provide for landscaping and screening/buffering between adjacent properties. |
| Increases the appearance of building bulk from the street or surrounding neighbourhood. | The proposed sauna building is a relatively small building and is not expected to individually increase the appearance of building bulk from the street or surrounding neighbourhood. A pattern of auxiliary buildings located within required setback areas would contribute to proximity of building bulk to adjacent neighbours increasing its appearance. There is an incremental increase in building bulk for the immediately adjacent neighbor. |
| Requires extensive site preparation. | No, the structure did not require extensive site preparation. There appears to be adequate space in the rear yard to relocate the sauna without extensive site preparation. |
| Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views). | It is considered that the sauna located in the side setback may affect the use and enjoyment of adjacent lands with respect to privacy and views. Letters of opposition have been received from two neighbours, including three letters from the adjoining neighbour at 8321 Crazy Canuck Drive. Concerns may be avoided by locating the proposed sauna outside of the required setback area. Letters of support have also been received and are included in Appendix E. |
| 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 property is zoned CD1 (Comprehensive Development One). The requested side setback variance to the Zoning Bylaw 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 included within "OCP Bylaw No. 2199, 2018." A development permit is not required.

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.

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

Comment(s):

A sign describing DVP01239 is posted on the parcel.

Notices were sent to surrounding parcel owners and tenants in January, 2023 as required by the *Local Government Act* for Development Variance Permits. At the time of writing this report, six letters have been received (Appendix E), with two neighbours expressing opposition, including the immediately adjoining neighbor at 8321 Crazy Canuck Drive and the neighbor at 8309 Crazy Canuck Drive, and support from neighbours located at 8313 Crazy Canuck Drive and 8408 Read Alley.

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

REFERENCES

Location: 8317 Crazy Canuck Drive

Legal: PID: 027-693-198, Strata Lot 78 District Lot 7302 Group 1 New Westminster District
Strata Plan BCS3125
Owners: Robin Suzanne O'Neill
Zoning: CD1 Zone (Comprehensive Development One)

Appendices: Appendix A – Location Map
Appendix B – Rationale Letter
Appendix C – Planning Department Inquiry
Appendix D - Development Variance Permit DVP01239
Appendix E – Correspondence received

SUMMARY

This report presents Development Variance Permit DVP01239 for Council's consideration to vary the side setback from 2.5 metres to 0.35 metres for an existing auxiliary building used as a sauna located at 8317 Crazy Canuck Drive. This report recommends that Council not approve the issuance of DVP01239.

SIGN-OFFS

Written by:

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Reviewed by:

Mike Kirkegaard,
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Virginia Cullen,
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