



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** March 19, 2024 **REPORT:** 24-028  
**FROM:** Planning – Development **FILE:** 3090-20-1260  
**SUBJECT:** DVP01260 - 6441 ST ANDREWS WAY – BUILDING HEIGHT AND PARKING  
CONFIGURATION VARIANCES

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Climate Action, Planning and Development Services be endorsed.

### RECOMMENDATION

**That** Council approve the issuance of Development Variance Permit DVP01260, attached as Appendix A to Administrative Report No. 24-028, to vary the building height and parking configuration at 6441 St. Andrews Way.

### PURPOSE OF REPORT

The report presents Development Variance Permit (DVP) DVP01260 for Council consideration. DVP01260 proposes two variances to “Zoning and Parking Bylaw No.303, 2015” (Zoning Bylaw) to facilitate the extension of an existing garage located at 6441 St. Andrews Way. The first variance is to increase the maximum permitted building height from 7.6 metres to 8.66 metres and the second variance is to vary the parking configuration to allow parking without provision of an unobstructed manoeuvring aisle (three covered parking spaces sited lengthwise inside a garage).

This report provides Council with an analysis of the proposed variances and recommends that Council approve the issuance of DVP01260.

Information Report  Administrative Report (Decision or Direction)

### DISCUSSION

#### Key Ideas

The owner is seeking two variances to the Zoning Bylaw to:

1. Increase the maximum permitted height of a building from 7.6 metres to 8.66 metres; and
2. Permit three covered parking spaces sited lengthwise inside a garage without provision of an unobstructed maneuvering aisle.

MARCH 19, 2024

Staff consider the proposed variances to be consistent with all the DVP evaluation criteria resulting in a preferable development outcome based on the following key points:

- Works with location of existing development;
- Works with a steep 12 metre downward slope from front to rear of parcel;
- Use of stilt foundations necessitates height variance;
- Parking configuration (spaces sited lengthwise inside a garage) necessitates parking variance;
- Parking maneuvering is provided on the parcel;
- Proposed development is consistent with the development rights of the property; and
- Variances have reasonable and limited impacts to adjacent properties and are not visible from St. Andrews Way.

**Background**

The subject property is in the Whistler Cay Heights neighbourhood and is bounded by undeveloped Resort Municipality of Whistler (RMOW) park land at the rear parcel line. The property is zoned Two Family Residential Two (RT2) with a parcel area of 960 square metres, typical of adjacent lots along St. Andrews Way. 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 Bylaw Regulation
1. Vary the maximum permitted height of a building from 7.6 metres to 8.66 metres.	<b>Part 12 - Residential Zones, Section 4 RT2 Zone (Two Family Residential Two), Subsection 7:</b> (7) The maximum permitted height of a building is 7.6 metres.
2. Vary Part 6 Section 2 Subsection (5), to permit three covered parking spaces sited lengthwise inside a garage without provision of an unobstructed maneuvering aisle.	<b>Part 6 - Parking and Loading Regulations, Section 2 - General Requirements for Parking &amp; Loading Spaces, Subsection 5:</b> (5) Adequate provision shall be made for vehicles to gain access from a highway to all parking and loading spaces by means of an unobstructed maneuvering aisle except where tandem parking is permitted.

The requested variances are shown on the architectural plans attached to this report as Schedule A of Appendix A.

**Analysis**

The subject property is developed with an existing three-storey detached dwelling built on the property in 1985 (Building Permit B-1253-84), which contains a single space garage. Ownership of the property changed in 2016 and the new owner wishes to obtain municipal permits to extend the existing garage to accommodate all three required parking spaces for the parcel.

Typical of the immediately adjacent properties, also bounded by the undeveloped densely treed steeply sloping RMOW park land at the rear parcel line, the subject parcel is a challenging lot to develop due to the pronounced steep downwards slope from St. Andrews Way to the rear of the parcel.

MARCH 19, 2024

The location of existing development on the parcel and steep 12 metre change in grade from the front to rear of the parcel, all limit the owners' ability to reasonably develop this property in an efficient and effective manner while strictly complying with the Zoning Bylaw requirements. The steep topography of the rear parcel area is illustrated in the site photos attached as Appendix C to this report.

As described in the owners' rationale letter (Appendix D), the garage addition was intentionally designed to work with the existing development on the property and respond to the steep drop in grade by using stilt foundations suspending the garage extension above the natural grade below. This design approach retains existing mature trees on the parcel and avoids negative environmental impacts as it will require limited site preparation and earthworks.

When a building is constructed on stilts, the height of the building is measured from the lowest elevation of the stilt foundation. As this proposal uses stilt foundations for the garage addition, it results in an overall increased building height calculation of 8.66 metres, requiring a height variance. Alternatively, the owner could use fill to raise grade and place the addition on that fill. However, this design approach would result in significantly increased site disruption and would not result in a lower maximum peak elevation.

As the proposed parking configuration does not meet the Zoning Bylaw definition of tandem parking<sup>1</sup>, and as an unobstructed maneuvering aisle<sup>2</sup> is not provided, a variance is required to permit the proposed parking configuration (three parking spaces sited lengthwise inside a garage). Staff support this unique parking configuration as there is sufficient space in the front parcel area to accommodate any maneuvering required for the parking configuration, without impacting St. Andrews Way.

Staff's evaluation of the proposal relative to the established criteria is provided below under the Policy Considerations section of this report. The proposed variances are consistent with all the evaluation criteria resulting in a preferable development outcome.

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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 DVP application is before Council as the proposal in its entirety does not meet the established criteria for a minor variance delegated to staff through the "Land Use Procedures and Fees Bylaw No. 2205, 2022" (Procedures Bylaw). As detailed in Schedule E of the Procedures Bylaw, although the parking configuration variance is delegated, the building height variance is not delegated, and the proposal must be considered in its entirety. Specifically, a building height variance is considered minor if the height is not increased by more than 10 per cent. As the building height is increased by more than 10 per cent, this application is not eligible for delegation to staff.

### Development Variance Criteria

Staff have established criteria for consideration of DVPs. The proposed variances are consistent with these criteria as described in the tables below.

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<sup>1</sup> Zoning Bylaw "tandem parking space" means a space for the parking of one motor vehicle, where the only access to the space is through an uncovered parking space;

<sup>2</sup> Zoning Bylaw "aisle space" means the area of a parcel which provides space for motor vehicle access and maneuvering;

MARCH 19, 2024

General guidelines to consider:	Staff comments
<p>The variance should be consistent with the goals, objectives and policies in the Official Community Plan (OCP) and any other relevant Council-approved municipal policy documents.</p>	<p>As discussed below in the Community Vision and OCP section of this report, staff consider the staff-supported proposal to be consistent with these guidelines.</p>
<p>The variance application should be supported by a sound justification based on the applicant’s inability to reasonably develop the site in an efficient and effective manner while complying with bylaw requirements, or on the provision of a benefit to the community or adjacent properties in the form of a preferable development outcome that is attributable to the variance.</p>	<p>The steep 12 metre downward slope from the road to the rear of the parcel, location of existing development, and use of stilt foundations affecting roof height calculations, are all considered to be sound justification as to why the owner is unable to reasonably develop the site in strict compliance with the Zoning Bylaw.</p> <p>Further, staff consider the proposal to respond to the existing development conditions resulting in a preferable development outcome over alternative solutions to provide a garage addition consistent with the development rights of the property.</p>
<p>The variance should not defeat the express or implicit intent of the bylaw requirement or restriction being varied.</p>	<p>The proposal is not considered to defeat the intent of the Zoning Bylaw as the use of stilt foundations results in the height of the building having to be measured from the lowest elevation of the stilt foundation, increasing overall roof height calculation without visually impacting St. Andrews Way.</p> <p>Further, although the unique parking design does not strictly comply with the definition of tandem parking or unobstructed maneuvering aisle (three spaces lengthwise inside a garage) the intent of providing required parking and maneuvering on the parcel is achieved without impacting St. Andrews Way.</p>
<p>The variance should not impose any additional costs on the RMOW such as additional cost to provide services to the development site or adjacent properties.</p>	<p>As discussed below in the Budget section of this report, staff confirm there are no additional costs to the RMOW associated with the proposal.</p>
<p>The variance should not create or exacerbate any risk to public safety.</p>	<p>The proposal does not create or exacerbate any risk to public safety as all required parking and associated maneuvering is provided on the parcel without impacting vehicular and pedestrian traffic flow in the Whistler Cay Heights neighborhood.</p>

The variance should enable the applicant’s development to do one or more of the following:

Potential positive impacts to consider:	Staff comments
<p>Complement the streetscape or neighbourhood.</p>	<p>The proposal complement the Whistler Cay Heights neighbourhood streetscape as it works with the existing topography and development on the site, retains existing mature trees on the parcel and is not visible from St. Andrews Way.</p>

MARCH 19, 2024

Work with the topography of the site without major site preparation or earthworks.	The proposal is considered to respond to the steep sloping topography of the site and does not result in any major site preparation or earthworks related to the variances.
Maintain or enhance desirable site features such as natural vegetation, trees and rock outcrops.	The proposal maintains desirable site features to the extent that the natural vegetation and mature trees are retained on the parcel in alignment with the moderate-risk area guidelines of the Wildfire Protection DPA.
Use superior building siting in relation to light access, reducing building energy requirements.	The proposal is considered to have limited and reasonable energy requirements consistent with the development rights of the property.
Use superior building siting in relation to the privacy of occupants and neighbours.	The proposal is considered to use superior building siting and responds to privacy to the extent that the garage addition extends into the rear parcel area consistent with the development rights of the property (respecting all required setbacks) and is not visible from St. Andrews Way.  Further, the proposal preserves existing mature trees and maintains existing privacy for neighbouring properties as seen in the site photos attached to this report as Appendix C.
Preserve or enhance views from neighbouring buildings and sites.	The proposal is considered to have limited and reasonable impacts to existing views and sight lines from neighbouring buildings and sites, as seen in the site photos attached to this report as Appendix C.  Further, there are no impacts visible from St. Andrews Way.

The variance should not result in a significant negative impact on the streetscape or neighbourhood and should incorporate mitigation measures to reduce any identified negative impact.

Potential negative impacts to consider:	Staff comments
Inconsistency of the development with neighbourhood character.	The proposal is consistent with the Whistler Cay Heights neighborhood character as it works with the existing topography and development on the site and is not visible from St. Andrews Way.
Increased apparent building bulk as viewed from the street or surrounding neighbourhood.	The proposal does not increase the appearance of building bulk from St. Andrews Way, as it is not visible from the road.
Extensive additional site preparation or earthworks.	The proposal is considered to result in very limited site preparation and earthworks consistent with the development rights of the property.
Substantial impact on the use or enjoyment of adjacent land such as	The proposal is considered to result in reasonable impacts to privacy and views to the extent that the

reduction of sunlight access or privacy or obstruction of views.	garage addition retains existing mature trees and is not visible from St Andrews Way.
Impact on services such as roads, utilities and snow clearing operations	The proposal is not considered to impact St Andrews Way, services, and snow clearing as all required parking will be located inside the garage and associated manoeuvring will take place on the parcel, which supports municipal snow clearing operations.

Guidelines for particular regulations to consider:	Staff comments
<p><b>Off-Street Parking Design Standards</b> A variance of the design standard for off-street parking spaces should not create or exacerbate any safety hazard related to the operation of motor vehicles or other forms of transportation.</p>	The proposal is not considered to impact public safety to the extent that any vehicular maneuvering associated with the parking configuration variance will take place on the parcel, with no impacts to vehicular and pedestrian traffic flow in the Whistler Cay Heights neighborhood.
<p><b>Building Height Regulations</b> The variance application should be supported with drawings and calculations illustrating shadow and view impacts of the proposed variance, including impacts on public spaces such as parks and green spaces. The application should be assessed in relation to compatibility with both existing adjacent uses and uses permitted or contemplated by the Zoning Bylaw and the OCP.</p>	<p>The proposal is not considered to impact public spaces to the extent that the undeveloped RMOW park land is a densely treed steep slope and the garage addition respects the parcel setbacks, consistent with the development rights of the property.</p> <p>The proposal is also considered to be compatible with the existing adjacent residential and park uses permitted by the Zoning Bylaw and the residential (low to medium detached multiple) and protected natural area land uses contemplated by the OCP.</p>

**Zoning Bylaw**

The property is zoned RT2. The requested variances to the Zoning Bylaw for building height and parking configuration are described in the Discussion section of this report. The proposal meets all other regulations of the Zoning Bylaw.

**2023-2026 Strategic Plan**

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

**Strategic Priorities**

Housing

*Expedite the delivery of and longer-term planning for employee housing*

Climate Action

*Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan*

Community Engagement



MARCH 19, 2024

*Strive to connect locals to each other and to the RMOW*

Smart Tourism

*Preserve and protect Whistler's unique culture, natural assets and infrastructure*

Not Applicable

*Aligns with core municipal work that falls outside the strategic priorities but improves, maintains, updates and/or protects existing and essential community infrastructure or programs*

### **Community Vision and Official Community Plan**

The 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 the OCP, specifically:

**Policy 4.1.1.3 (i).** Maintain a high quality of urban design, architecture and landscape architecture that are complementary to the mountain environment.

**Policy 7.1.1.7.** During development or significant redevelopment, the preferred outcome is avoidance of negative environmental impacts, followed by minimization or mitigation, thirdly, by restoration, and lastly, by compensation for impacts.

The proposal avoids environmental impacts by not requiring any major site preparation or earthworks associated with the variances on the steeply sloping site.

### **Development Permit Areas (DPA)**

A Development Permit is not required; however, the applicant has demonstrated that the proposal would meet the moderate-risk area guidelines of the Wildfire Protection DPA. Specifically, there is no coniferous vegetation located within three metres of the principal building addition, mature trees have been limbed, dead branches have been removed, there are no standing dead trees on the property and no new coniferous vegetation is proposed. Further, the building addition is comprised of fire-resistant steel, gutters are not proposed and the minimum 15 cm of non-combustible (concrete) ground to siding clearance is proposed.

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### **BUDGET CONSIDERATIONS**

There are no significant budget considerations with this proposal. DVP application fees provide a 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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MARCH 19, 2024

## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

A sign describing DVP01260 is posted on the property.

Notices were sent to surrounding property owners and tenants in February 2024 as required by the *Local Government Act* for DVPs. 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 considerations of this application.

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## REFERENCES

Location: 6441 St. Andrews Way  
Legal: PID: 006-994-482, LOT 16 BLOCK K of BLOCK G DISTRICT LOT 4752 PLAN 19544  
Owner: Jamie Cormack  
Zoning: RT2 Zone (Two Family Residential Two)

Appendix A - DVP01260 Permit  
Appendix B - Location Map  
Appendix C - Site Photos  
Appendix D - Rationale Letter

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## SUMMARY

This report presents Development Variance Permit DVP01260 for Council's consideration to vary the building height and permit three covered parking spaces inside a garage without provision of an unobstructed maneuvering aisle, to facilitate the extension of an existing garage located at 6441 St. Andrews Way.

This report recommends that Council approve the issuance of DVP01260.

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## SIGN-OFFS

### Written by:

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### Reviewed by:

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