

January 29, 2025

RE: DP002014 - 3339 NIGHTHAWK LANE

Nature: COVENANT MODIFICATION

Registration Number: GD46588

Registration Date and Time: 1990-04-06 10:56

Registered Owner: RESORT MUNICIPALITY OF WHISTLER

Remarks: INTER ALIA

S.215 L.T.A.

ALTERATION REQUEST RATIONAL

SITE IDENTIFICATION

Address: 3339 NIGHTHAWK LANE

PID: 017-520-541

Folio: 502616.015

Legal: PLAN VAS2616 LOT 15 DISTRICT LOT 4751 NEW WESTMINSTER DISTRICT GROUP 1, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS APPROPRIATE.

Zoning Bylaw(s): RTA32

The existing single-family residence has two decks and a ground floor patio that are objects of this project.



SITE CONFIGURATION

Lot No.15 is located at the edge of Lot A Plan 17369 D.L. 4751 (Whistler Golf Course) on the north side and abutting the fire truck hammerhead and snow dumping area on the east side. The significant grade difference of 28.48 Ft (8.7m) between the top of the lot (at 2200.36') and the bottom (at 2171.88') has been divided in two steps with the mid-level at average of ~2217.00 elevation. The to the grade stepping and grade difference existing duplex has a daylight basement with the deck over the existing rockery wall to the northeast and an existing patio at the mid-level terrace to the southeast.

DISCOVERY

As a part of a feasibility study to determine accessibility to the mid-level patio for a hot tub addition, it was determined, the adjacent deck, and partial upper floor supporting footings have been compromised. This is possible due to settlement, most likely caused by inadequate compaction during construction and proximity to the rockery retaining wall. **It was advised to replace/upgrade existing footing within a year to eliminate safety risk caused by potential further settlement and possible collapse.**

Geotechnical Engineer Site Review

The geotechnical engineer conducted a site reconnaissance on October 13, 2013, and reported that some distress of the existing Sonotube foundation was noted (leaning) and recommend a review by a structural engineer.



Their additional services will be obtained for detailed analyzes to determine the new footing bearing depth and footing type recommendations once the location for test bores is established.

Structural Engineer Report

Site visit on October 26, 20023

Existing Footings:

The existing footings under the lower deck are showing signs of settlement and rotation and need to be dealt with in a timely manner to prevent further de-stabilization of the existing structure. They are located too high and too close to the rock stack wall. Only real option here we believe is to demolish the lower deck, temporary support the upper deck and install new footings. Depth of these will need to be coordinated with the geotechnical engineer they will need to be down lower so excavation works will be required. We were able to get into the lower crawl space area when we were onsite after we spoke and the crawl space below the lower level is around 6 or 7 ft deep below that lower deck level.



PROPOSED ALTERATIONS

Initially the major alteration was not planned. Initially the major alteration was not planned. However, considering the costly effort to make complex foundation replacement and to bring the necessary equipment to the mid-level it was decided to use this opportunity and expand the mid-level patio to accommodate hot tub, as well as to expand the upper deck.

This was also an opportunity to add an egress path from the main floor by extending the upper deck to provide ground access the house doesn't have right now. Currently the main floor and living room have only one egress path. Having the house over 17' deep bluff makes it very inaccessible in emergency situations. It is even worse for the top floor.

The proposed deck and patio expansions meet all RTA32 zoning requirements. Furthermore, the proposed work will not affect the adjacent duplex unit in any way as it does not affect the roof line.

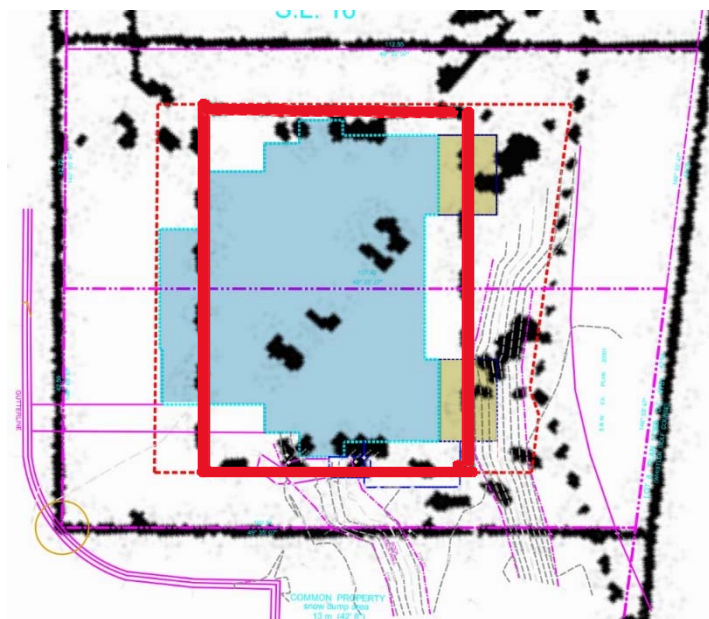


Decks to be rebuilt



The blue arrow shows the footing location. The red arrow shows the future tub location.

Applicant is looking to modify Covenant GD46588 language in Section C.1. “No building or structures may be constructed on the Lands other than in the building envelope shown on the attached Schedule ‘A’” to allow development beyond the building envelope on the side and the back of the building which is shown in plans submitted for DP002014 and BP006234. The building envelope precisely overlays the current Zoning and Parking Bylaw 303, 2015 setbacks.



Zoning allows encroachment into setbacks under certain conditions. They are listed in the project site plan (attached here). With that said, those encroachments are outside of the building envelope defined by the covenant GD46588. The encroachment is marked in the site plan drawing in blue.

The patio and deck expansion meet the current zoning code, the adjacent property line is between the lot and the snow dumping area that will never be developed, the expansion provides the secondary emergency egress route from the main floor which is now non-existent, and the project has STRATA approval.

Thank you for your time and consideration.