



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** May 5, 2020 **REPORT:** 20-039  
**FROM:** Resort Experience - Planning **FILE:** CM114  
**SUBJECT:** CM114 - 4966 HORSTMAN LANE – COVENANT MODIFICATION

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council approve the modification of Covenant GC125596 for 4966 Horstman Lane, to permit modifications to the building envelope, as per the Plans labelled A-0.0, A-1.1, L-1.1, A-9.1, dated January 7, 2020, and attached as Appendix “B” to this Council Report No. 20-039; and

**That** Council authorize the Mayor and Municipal Clerk to execute the covenant modification; and further

**That** the following matters be completed to the satisfaction of the General Manager of Resort Experience prior to registration of the covenant modification:

1. Provision of details, as per Advisory Design Panel comments, regarding the built-in fire suppression system, the access to the pool mechanical room, and the solar pool heating system, as described in this report, to incorporate in the approved project design.

### REFERENCES

Agent: Brent Murdoch, Architect, AIBC  
Location: 4966 Horstman Lane  
Legal Description: SL14, DLs 3903 and 4214, Strata Plan VR2482  
Zoning: Split - RS3 (Residential Single Family 3) / Blackcomb Land Use Contract  
Appendices: “A” – Site Location Map  
“B” – Site Plan, Landscape Plan, Elevations  
“C” – Project Rationale  
“D” - Correspondence

### PURPOSE OF REPORT

This report presents Covenant Modification Application CM114, an application to amend covenant GC125596 applicable to 4966 Horstman Lane, to modify the Building Envelope to allow the proposed development of a single family dwelling and outdoor pool. Covenant modifications require Council approval and the application is presented for Council consideration relative to the guidelines in the covenant and applicable municipal policies.

## DISCUSSION

### Background

The subject property is located at 4966 Horstman Lane, in the Horstman Estates neighbourhood of the Blackcomb Benchlands (see Site Location Map attached as Appendix “A”). It is a downhill parcel situated on the west side of the Horstman Lane traffic turn-around. This parcel is split zoned with the larger forward portion being zoned RS3 (Residential Single Family Three) under RMOW Zoning and Parking Bylaw 303, 2015, and the rearward portion regulated by the Blackcomb Land Use Contract. The development area on the parcel is zoned RS3. This parcel has an overall area of 2474 square metres (m<sup>2</sup>), making it one of the largest parcels in Horstman Estates.

All of Horstman Estates is subject to a design/ development covenant registered on the property titles as GC125596. This covenant provides certain parameters for development on Horstman Lane including (but not limited to) a requirement for approval by a coordinating architect, designated tree preservation areas, maximum gross floor areas, maximum roof heights, and specified building envelopes.

The majority of properties on Horstman Lane are already developed, with only three parcels remaining undeveloped at time of writing: 4962, 4966 (the subject parcel), and 4970. Per GC125596, all developed properties must be reviewed and approved by both the Co-ordinating Architect and RMOW Planning. Municipal records indicate that four of the existing dwellings were approved beyond their covenanted building envelopes, as per language in the covenant that states (in Recital 2a) that “...no building or structures...may be constructed on the Lands other than within the footprint envelopes...unless otherwise permitted by the Coordinating Architect...and the Municipality”.

The covenant further states that the goal of the footprint envelope is “...to ensure the preservation of the natural habitat for the enjoyment of all residents at Horstman Estates”, and so “...the concept of a ‘Footprint Envelope’ has been developed.” While it is recognized that the terms of the covenant allow some latitude in development by specifying that buildings and structures must be in the building envelopes, “*unless otherwise permitted by the Co-ordinating Architect ...and the Municipality*”, the covenant also states that “Each strata lot incorporates a footprint envelope which respects slope, drainage, setback and access constraints. All improvements on each strata lot must be designed to be within this Footprint Envelope, including the main structure, outside patios, decks and terraces.” Thus the applicant is requesting that Council consider this modification.

### CM114 Proposal

This proposal seeks to extend the building envelope farther to the north and west and relocate the driveway, as per the Site Plan attached as Appendix “B”. While the proposed modification will result in a larger building envelope, it also includes an increase to the setback at the south side of the parcel, and allows a larger, more contiguous vegetated buffer at the front of the parcel.

Staff note that the tree preservation area is not proposed to be amended, and all of the proposed development will be outside the current tree preservation area.

### Analysis

The proposed building envelope modification will enable the development of the site in a manner that is more responsive to the existing grades and requires less site disturbance. Specifically, as illustrated in the plans (Appendix “B”), it will relocate the driveway thereby enabling a larger more contiguous landscape buffer at the front and will also increase the size of the setback to the neighbouring property on the south. As described in the project rationale (Appendix “C”) the modifications also facilitate the design of a building that responds to the existing grades, which results in a decrease in overall building height.

Staff note that, while the proposal expands the building envelope, the proposed setbacks are consistent with other detached dwelling properties in Whistler, most of which require 6.0 metre side setbacks for dwellings in excess of 325 m<sup>2</sup>. It is further noted that the proposed setbacks, and all other aspects of the proposed covenant modification are in compliance with the zoning regulations, and no variances are required as part of the proposal.

It is also noted that the applicant team spent considerable time working with the surrounding property owners to ensure neighbourhood compatibility. Prior to giving his approval, the coordinating architect required confirmation that the neighbours were in support of the proposal. In addition the Strata confirmed their support of the project (see attached Appendix “D”).

**WHISTLER 2020 ANALYSIS**

| W2020 Strategy    | TOWARD<br>Descriptions of success that resolution moves us toward  | Comments  |
|-------------------|--|---|
| Built Environment | Building design and construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.<br>Continuous encroachment on nature is avoided.<br>Landscaped areas consist of native plant species that eliminate the need for watering and chemical use. | The proposed modification enables a design that is more responsive to the natural grade, allows a larger buffer to the neighbouring property on the south, improves the driveway location and allows better sightlines at the access point.<br>No changes are proposed to the tree preservation area. |
| Natural Areas     | A policy of no net loss is followed and no further loss is preferred.  | The proposed modification does not impact the tree preservation area.   |

While the proposal does increase the overall building envelope size, the change also enables a design better suited to the characteristic of the site, and does not impact the tree preservation area. It is also noted that although the proposal includes a swimming pool, the applicant has committed to incorporating a built-in fire suppression system, minimizing chemical use, and heating only with solar means, thus minimizing impacts and developing a potential resource in the event of wildfire.

Staff consider that the proposed covenant modification does not move us away from the goals of Whistler 2020.

**ADP REVIEW**

The Design Guidelines require that the Advisory Design Panel review any proposed development of 5000 square feet or greater. The ADP has reviewed this proposal and supports the covenant modification as proposed, noting that the overall height of the building is reduced. At a later meeting the ADP specifically considered the addition of a pool to the development, and provided their support, subject to the pool being heated by solar power with a minimal use of chemicals, good access to the mechanical room, and the installation of a built-in pump system for fire suppression. Staff recommends that the details for these items be prepared and incorporated in the approved project design to the satisfaction of the General Manager of Resort Experience prior to the execution the covenant modification.

## **OTHER POLICY CONSIDERATIONS**

The proposed modification to the building envelope is consistent with RMOW “Zoning and Parking Bylaw No. 303, 2015”, and other municipal policies.

### **Zoning Analysis**

The Horstman Estates subdivision is split zoned, some parcels are zoned RS3, some are subject to the Blackcomb Land Use Contract, and some are split zoned (subject to both the LUC and the RS3 requirements).

The subject parcel is split zoned and as noted above, the proposed covenant modification complies with all requirements of the zone and all other requirements of Zoning Bylaw 303, 2015. No variances to the Zoning Bylaw are requested.

## **BUDGET CONSIDERATIONS**

There are no budget considerations. All costs associated with staff time and legal fees will be paid by the applicant.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

There are no consultation requirements for this type of application, however the applicant has had extensive communication with the neighbouring properties, Strata representatives and the Coordinating Architect over the last year. The current proposal reflects the outcome of those discussions, and the Strata has confirmed support for the proposal, as per the correspondence attached as Appendix “D”.

## **SUMMARY**

This report recommends that Council approve Covenant Modification Application CM114, to modify the Building Envelope for the proposed development subject to the applicant providing additional details to be incorporated into the project design to address Advisory Design Panel comments related to solar powered pool heating, mechanical room access and a fire suppression system.

Respectfully submitted,

Tracy Napier  
PLANNER

for

Toni Metcalf  
GENERAL MANAGER OF RESORT EXPERIENCE