



# WHISTLER

## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** June 23, 2020  
**FROM:** Resort Experience  
**SUBJECT:** DVP01189– 1556 and 1554 TYNEBRIDGE LANE – DEVELOPMENT VARIANCE  
PERMIT RETAINING WALLS

**REPORT:** 20-056  
**FILE:** DVP01189

### COMMENT/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 DVP01189 for the development located at 1556 and 1554 Tynebridge Lane to:

1. Vary the front setback from 7.6 metres to 0.0 metres to accommodate four existing retaining walls; and
2. Vary the west side setbacks from 3.0 metres to 0.0 metres to accommodate four existing retaining walls; and
3. Vary the east side setback from 3.0 metres to 0.0 metres to accommodate four existing retaining walls.

All as shown on the survey plan B-0056 May 7, 2020 prepared by Paul A.T Bunbury attached as Appendix “B” to Administrative Report to Council No. 20-056; and further

**That** Council direct staff to advise the applicant that prior to issuance of DVP01189, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Completion of the landscape planting in accordance with the plant schedule received May 26, 2020 as presented in Appendix “D”.

### REFERENCES

**Location:** 1556 & 1554 TYNEBRIDGE LANE  
**Legal:** PLAN BCS161 LOT 15 DISTRICT LOT 7924 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.  
**Owner:** LUKSHA, CYNTHIA E  
**Zoning:** RS7 (Single Family Residential Seven)  
**Appendices:** “A” - Location Map  
“B” - Site Survey  
“C” - Site Photos  
“D” - Landscaping information  
“E” - Correspondence received

## PURPOSE OF REPORT

This Report seeks Council's consideration of setback variances to "Zoning and Parking Bylaw No. 303, 2015" for existing retaining walls constructed within the front and side setbacks at 1554 and 1556 Tynebridge Lane.

Council has the authority to vary "Zoning and Parking Bylaw No. 303, 2015" through Section 498 of the *Local Government Act*.

## DISCUSSION

### Site context

The subject site is located in Spring Creek neighbourhood and is zoned RS7 (Single Family Residential Seven). The site is an approximately 999 square metre lot with a frontage on Tynebridge Lane. The parcel is developed with a three level detached dwelling containing a WHA restricted suite. The site is steep and slopes down from the rear to the road at the front.

See Appendix "A" for the location of the subject site.

### Description of Proposal

The retaining walls requiring variances have been constructed within the front setback and both side setbacks. The walls are a rock stack construction. These walls allow for circulation on the site and allow for landscaping opportunities. Planting has been installed in the graded areas behind the walls. Additional planting is proposed as a part of this Development Variance Application further enhancing privacy and curb appeal. The affected areas are noted below:

#### *1. Front Setback*

There are four retaining walls within the front setback, one of which ties into the common property road at the front and two which tie into the neighbouring property at the west. All walls are less than one metre high.

Additionally, there are retaining walls which have been constructed on the common property road. Strata approval for the walls on common property has been provided at Appendix "E".

#### *2. West Side Setback*

There are four retaining walls within the west side setback, all of which tie into retaining walls on the neighbouring property. Two at the front of the dwelling, one at the side and one at the rear. All walls are less than one metre high.

A letter of support for the retaining walls that tie into the neighbouring property to the west has been provided at Appendix "E".

#### *3. East Side Setback*

There are four retaining walls within the east side setback. Three at the side of the dwelling and one at the rear. All walls are less than one metre high.

Survey Plan and Site Photos showing the retaining walls have been provided at Appendix "B" and "C" respectively.

### Rationale

Due to the steep site, the retaining walls have been constructed to improve the look of the development, increase usability on the site, allow access around the dwelling, and to allow for increased landscaping opportunities and durability.

The request variances are described in the table:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
1. Vary the front setback from 7.6 metres to 0.0 metres for four retaining walls.	Part 12 – Subsection 31 (13) The minimum permitted front setback is 7.6 metres.
2. Vary the west side setback from 3.0 metres to 0.0 metres for four retaining walls.	Part 12 – Subsection 31 (14) The minimum permitted side setback is 3.0 metres.
3. Vary the east side setback from 3.0 metres to 0.0 metres for four retaining walls.	Part 12 – Subsection 31 (14) The minimum permitted side setback is 3.0 metres.

The requested variances are identified on the Site Survey attached as Appendix “B”.

## WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected.	There will be no additional density as a result of the proposed variances.
	The built environment is attractive and vibrant, reflecting the resort community’s character, protecting viewsapes and evoking a dynamic sense of place.	The proposal is consistent with the neighbourhood character and will be a positive addition to the built environment.
	Continuous encroachment on nature is avoided.	There will be no additional encroachment on nature as a result of the proposed variances.

DVP01189 – 1556 and 1554 Tynebridge Lane – Development Variance Permit Retaining Walls does not move our community away from any of the adopted Whistler2020 Descriptions of Success.

## OTHER POLICY CONSIDERATIONS

### Development Variance Permit Criteria

Staff have established criteria for consideration of development variance permits. The proposed variances are considered to be consistent with these criteria as described in the table below.

Potential Positive Impacts	Comment
Complements a particular streetscape or neighbourhood.	The retaining walls are subtle and work with the grading of the site while providing opportunity for increased landscaping on the site. This type of landscaping is consistent with the neighbourhood character.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	The retaining walls requiring variances are all low (less than one metre) and require no major site preparation.

Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	Natural vegetation has been preserved at the rear of the site within the tree preservation area. The retaining walls are subtle and work with the natural slope of the site.
Results in superior siting with respect to light access resulting in decreased energy requirements.	The retaining walls do not impact light access to the site.
Results in superior siting with respect to privacy.	The retaining walls allow for additional planting, including trees, within the front and side setbacks which improve privacy for the site and neighbouring properties.
Enhances views from neighbouring buildings and sites.	The retaining walls are of a high quality rock stack appearance and allow for increased landscaping on the site.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The retaining walls are consistent with the neighbourhood character.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	Increased landscaping opportunity softens the appearance of the building.
Requires extensive site preparation.	Site preparation for the retaining walls requiring variances was minimal.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The retaining walls are low (less than one metre) and will not affect neighbouring properties. The affected neighbor has provided a letter of support attached at Appendix "E".
Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul-de-sac.	A frontage variance is not part of this request.
Requires a height variance to facilitate gross floor area exclusion.	A height variance is not required.
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	Proposal does not affect services.

### Zoning and Parking Bylaw No. 303, 2015

The property is zoned RS7. The requested variances to "Zoning and Parking Bylaw No. 303, 2015" are described in the Discussion section of this report. Staff note that, subject to Part 5, Section 7 – Projection into Required Setback Areas: landscape features, including retaining walls, are permitted within setback areas, provided such features are not greater than 0.6 metres in height above any point of the adjacent grade and are set back at least one metre from any side parcel line and at least two metres from the front and rear parcel lines.

The development meets all other regulations of "Zoning and Parking Bylaw No. 303, 2015".

### Legal Encumbrances

#### Flooding Covenant - BP258808

The development conforms to the covenant requirements.

#### Protection of Riparian Areas Covenant – BR121580

The retaining walls do not impact the protected area.

#### Development Covenant – BT440032

The retaining walls do not contravene the requirements of the covenant.

Tree Preservation Covenant – BT440035

The retaining walls do not impact the tree preservation area.

Assignment of Rents – BT440037

As required, a WHA restricted suite was constructed as part of this development.

**BUDGET CONSIDERATIONS**

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

**COMMUNITY ENGAGEMENT AND CONSULTATION**

A sign describing DVP01189 is posted on the property.

Notices were sent to surrounding property owners in June 2020. At the time of writing this report, one letter of support has been received from the neighbour to the west, which states that they have no issue with the retaining walls tying into their property. Strata approval has also been provided for the landscape alterations on the common property road. The letter and strata approval are attached as Appendix “E”.

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

**SUMMARY**

Development Variance Permit DVP01189 proposes variances to “Zoning and Parking Bylaw No. 303, 2015” to allow for retaining walls up to the property boundary within the front setback and both side setbacks. Staff recommend approving the issuance of the development variance subject to completion of the landscaping and planting as described in this Report.

Respectfully submitted,

Philip Gibbins  
PLANNING ANALYST

for  
Toni Metcalf  
GENERAL MANAGER OF RESORT EXPERIENCE