



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: September 1, 2020
FROM: Resort Experience
SUBJECT: DVP01193 - 2461 SNOW VALLEY PLACE - SETBACK VARIANCES

REPORT: 20-080
FILE: DVP01193

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 DVP01193 for the proposed development located at 2461 Snow Valley Place as follows:

1. Vary the north side setback from 3.0 metres to 1.0 metre for landscape stairs;
2. Vary the north side setback from 3.0 metres to 2.0 metres for two retaining walls;
3. Vary the south side setback from 3.0 metres to 0.0 metres for three retaining walls;
4. Vary the front setback from 7.6 metres to 2.5 metres for landscape stairs;
5. Vary the front setback from 7.6 metres to 4.8 metres for one retaining wall; and
6. Vary the front setback from 7.6 metres to 5.4 metres for two retaining walls.

All as shown on the Architectural Plans BV1.0, BV2.2 and BV2.3, dated July 23, 2020 Amendment 2, prepared by Stark Architecture, attached as Appendix "C" to Administrative Report to Council No. 20-080; and further

That Council direct staff to advise the applicant that prior to issuance of DVP01193, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

- a) Modification of Building Envelope Covenant GD56142 to reflect the proposed development scheme.

REFERENCES

Location: 2461 SNOW VALLEY PL
Legal: 015-966-852: STRATA LOT 41 DISTRICT LOT 7135 PLAN VR. 2639 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.
Owners: SAUNDERS, WILSON D and BURKE, DANIELLE L
Zoning: RS1 (Single Family Residential One)
Appendices: "A" - Location Map
"B" - Survey
"C" - Architectural Plans
"D" - Correspondence Received

PURPOSE OF REPORT

This Report seeks Council's consideration for setback variances to "Zoning and Parking Bylaw No. 303, 2015" for proposed retaining at 2461 Snow Valley Place.

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

DISCUSSION

The owners are seeking setback variances for retaining walls and landscape stairs at 2461 Snow Valley Place in Bear Creek Estates.

Site Context

The subject parcel is a rocky and steeply sloping uphill lot with a parcel area of 1561 square metres. The lot is zoned RS1 (Single Family Residential One) and located in the Bear Creek Estates neighbourhood. See Appendix "A" for the location of the subject property. A survey illustrating the topography of this lot has been attached to this report as Appendix "B".

Proposed Development

A two storey detached dwelling and auxiliary garage with auxiliary residential dwelling unit above are currently being constructed on the parcel. Construction began in summer 2019 under Building Permit BP004709 and the foundation is nearing completion. The steep uphill sloping site necessitates some form of retaining to develop the lands.

Description of proposal

As seen in the architectural plans (attached to this report as Appendix "C"), the owners are proposing to construct three rock stack retaining walls within the front and south side setback areas to tie into existing retaining walls on the neighbouring property at the south property line.

The owners are also proposing to construct two retaining walls and landscape stairs for access to the auxiliary residential dwelling unit, within the front and north side setback areas.

Staff note that letters of support have been received from both adjacent property owners. These letters are attached in Appendix "D". Altogether, DVP1193 proposes five retaining walls in setback areas.

Rationale

The proposed south side retaining wall variances are requested in response to the extreme uphill sloping nature of this parcel and are proposed to tie into the existing retaining walls on the neighbouring property to the south. Staff recognize that these existing retaining walls were permitted at the time of construction as Zoning Bylaw 303 did not regulate retaining walls at the time. Staff further recognize that the Bear Creek Estates neighbourhood has been completely developed for many years and this lot is the last remaining lot to be developed and is one of the most difficult to develop.

The proposed retaining walls would be stepped with the varied grade, coordinated with the adjacent property to the south and incorporate landscaping and planting consistent with Whistler's mountain character.

The proposed north side retaining wall and landscape stair variances are requested in response to the extreme uphill sloping nature of this parcel. The design for this complex lot has incorporated an auxiliary garage (with auxiliary residential dwelling unit above) to reduce visual massing from the street

by separating the buildings. Staff consider that this design concept works with the topography of the lot while incorporating landscaping and planting that is consistent with the neighbourhood character.

The proposed landscape stairs would be stepped with the varied grade, coordinated with the adjacent property to the north and creates visually integrated safe access to the auxiliary residential dwelling unit.

Proposed Development Variance

The requested variances are described below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
1. Vary the north side setback from 3.0 metres to 1.0 metre for landscape stairs.	RS1 (Single Family Residential One) Zone Part 12 – Subsection 1: (13) The minimum permitted front setback is 7.6 metres. (14) The minimum permitted side setback, if the gross floor area of detached dwelling is 325 square metres or less, is 3 metres.*
2. Vary the north side setback from 3.0 metres to 2.0 metres for two retaining walls.	
3. Vary the south side setback from 3.0 metres to 0.0 metres for three retaining walls.	
4. Vary the front setback from 7.6 metres to 2.5 metres for landscape stairs.	General Regulations Part 5 – Subsection 7(1)(d), “Projections into Required Setback Areas” The following features are permitted in setback areas: (d) landscape features including planters, stairs, walkways, decks, retaining walls and decorative walls, provide 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 two metres from the front and rear parcel lines.
5. Vary the front setback from 7.6 metres to 4.8 metres for one retaining wall.	
6. Vary the front setback from 7.6 metres to 5.4 metres for two retaining walls.	

*The gross floor area of the detached dwelling is 210 square metres.

As noted in the table above, the General Regulations of “Zoning and Parking Bylaw No. 303, 2015” permit retaining walls and landscape stairs in setback areas under specified limitations. While the proposed retaining walls and landscape stairs do not fully comply with these limitations, staff recognize that setback relaxations for retaining walls and landscape stairs are permitted under certain circumstances. The requested variances are identified on the architectural plans attached as Appendix “C”.

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 stepped to meet the steep sloping character of the lot, integrated with existing retaining walls on the property to the south and in keeping with the neighbourhood character. The retaining walls are softened by new planting and landscaping which is consistent with adjacent neighbouring lots in Bear Creek Estates.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	The proposal works with the steep sloping topography and rocky nature of the lot.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	The proposal preserves natural vegetation to the rear of the parcel within the tree preservation area. The retaining walls are designed to work with the natural slope of the site and allow for new trees and vegetation to grow.
Results in superior siting with respect to privacy.	The proposal results in superior siting with respect to privacy as the detached dwelling and auxiliary building both work with the topography of the lot. The proposal also incorporates new planting which improves privacy for the site and neighbouring properties.
Enhances views from neighbouring buildings and sites.	The proposal will enhance views by integrating site grading with existing grades on the property to the south. The affected neighbour has provided a letter of support attached as Appendix "D".

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The proposal is considered consistent with neighbourhood character.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	The proposal works with the steep sloping topography of the parcel resulting in less building bulk.
Requires extensive site preparation.	The proposal will require some site preparation. Overall the design is responsive to the steep sloping nature of the lot and consistent with adjacent neighbouring lots in Bear Creek Estates.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The proposal will not change current enjoyment of adjacent land and will not negatively impact privacy and views.
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 requested.
Requires a height variance to facilitate gross floor area exclusion.	A height variance is not requested.
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	The proposal will not impact services.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RS1 (Single Family Residential One). The requested setback variances to "Zoning and Parking Bylaw No. 303, 2015" are described in the Discussion section of this report.

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

Official Community Plan Bylaw 2199, 2018

The recommended resolutions included within this report are consistent with the goals, objectives and policies included within OCP Bylaw 2199, 2018.

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. Building Permit fees will be applicable at the time of Building Permit.

COMMUNITY ENGAGEMENT AND CONSULTATION

A sign describing DVP01193 is posted on the property.

Notices were sent to surrounding property owners in July, 2020. At the time of writing this report, two letters of support had been received from neighbouring property owners to the north and south. These letters are attached as Appendix "D".

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 DVP01193 proposes variances to "Zoning and Parking Bylaw No. 303, 2015" for five retaining walls and landscape stairs at 2461 Snow Valley Place for Council's consideration.

Respectfully submitted,

Lindsay Clarke
PLANNING ANALYST

For
Mike Kirkegaard
DIRECTOR OF PLANNING

For
Toni Metcalf
INTERIM GENERAL MANAGER OF RESORT EXPERIENCE