



# WHISTLER

## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** November 17, 2020  
**FROM:** Resort Experience  
**SUBJECT:** DVP01199 – 2931 BIG TIMBER COURT – RETAINING WALL HEIGHT VARIANCE

**REPORT:** 20-114  
**FILE:** DVP01199

### 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 DVP01199 for the proposed development located at 2931 Big Timber Court to vary the height of a retaining wall located in a side setback area from 0.6 metres to 1.1 metres, as shown on Architectural Plans ID 9 and ID 12 dated March 16, 2020, prepared by Upward Construction, and Site Survey dated February 26, 2020, prepared by Doug Bush Survey Services Ltd., attached as Appendices “B” and “C” to Administrative Report to Council No. 20-114.

### REFERENCES

Location: 2931 Big Timber Court  
Legal: PID 025-424-611 Strata Lot 6 District Lot 7798 Group 1 New Westminster District Strata Plan LMS4695  
Owner: Simon, Tamara R  
Zoning: RTA11 (Residential/Tourist Accommodation Eleven)  
Appendices: A - Location Map  
B - Architectural Plans  
C - Site Survey

### PURPOSE OF REPORT

This Report seeks Council’s consideration to vary a height provision in “Zoning and Parking Bylaw No. 303, 2015” for an existing retaining wall at 2931 Big Timber Court.

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

### DISCUSSION

#### Background

As shown in Appendix “A”, the subject parcel is located in the Kadenwood neighbourhood. The parcel slopes downward from Kadenwood Drive.

The existing detached dwelling is currently undergoing major renovations under Building Permit BP004710. On August 13, 2020, the Building Inspector issued a stop work order for a retaining wall that was constructed without a permit, with no further building inspections scheduled until the owner obtains the necessary permit.

**Description of Proposal**

The owner is seeking a height variance for the existing retaining wall at 2931 Big Timer Court to authorize the retaining wall. The renovations under Building Permit BP004710 include excluded basement gross floor area (GFA) however, the retaining wall does not facilitate excluded GFA.

The owner’s rationale for the variance notes the desire to access an outdoor patio and hot tub area. The retaining wall allows for a proposed door to access this outdoor area. The retaining wall is 1.1 metres in height, and is located 4.58 metres from the side property line.

The requested variance is described below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation						
1. Vary the height of a retaining wall located in a side setback area from 0.6 metres to 1.1 metres.	Section 5.7.1 – The following features are permitted in setback areas:  (d) landscape features including planters, stairs, walkways, decks, retaining walls and decorative walls, 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. (Bylaw No. 916)  Section 12.21 – Setbacks*  (15) The minimum permitted side setback for the principal building is dependent on the size of the parcel as follows:  <table border="1" data-bbox="605 1136 1412 1306"> <thead> <tr> <th data-bbox="605 1136 1011 1213">Parcel Area (Square Metres)</th> <th data-bbox="1019 1136 1412 1213">Minimum Side Setback (Square Metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="605 1213 1011 1266">1399 or less</td> <td data-bbox="1019 1213 1412 1266">4.0 metres</td> </tr> <tr> <td data-bbox="605 1266 1011 1306">More than 1399</td> <td data-bbox="1019 1266 1412 1306">6.0 metres</td> </tr> </tbody> </table>	Parcel Area (Square Metres)	Minimum Side Setback (Square Metres)	1399 or less	4.0 metres	More than 1399	6.0 metres
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\*The parcel area is approximately 2025 square metres.

**POLICY CONSIDERATIONS**

**Development Variance Permit Criteria**

The Resort Municipality of Whistler (RMOW) has established criteria for consideration of development variance permits. The proposed variance is considered to be consistent with these criteria as described in the table below.

Potential Positive Impacts	Comment
Complements a particular streetscape or neighbourhood.	Not applicable. The small retaining wall is not visible from the street.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	Yes, this is a minor encroachment into the setback area that does not affect the natural terrain on the remainder of the property.

Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	Not applicable.
Results in superior siting with respect to light access resulting in decreased energy requirements.	The retaining wall enables a new door on the south side of the dwelling, improving light access into the dwelling.
Results in superior siting with respect to privacy.	Not applicable.
Enhances views from neighbouring buildings and sites.	The retaining wall is not visible from neighbouring sites.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The retaining wall is not visible from neighbouring properties.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	Not applicable.
Requires extensive site preparation.	Not applicable.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The retaining wall is not considered to affect the use and enjoyment of adjacent lands.
Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul-de-sac.	Not applicable.
Requires a height variance to facilitate gross floor area exclusion.	Not applicable.
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	The retaining wall will not impact services.

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

The property is zoned RTA11 (Residential/Tourist Accommodation Eleven). The requested variance to “Zoning and Parking Bylaw No. 303, 2015” is described in the Discussion section of this report.

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

Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020, as given first and second readings by Council on October 20, 2020, would permit the retaining wall that is the subject of this variance request.

### **Official Community Plan Bylaw No. 2199, 2018**

The recommended resolutions included within this Report are consistent with the goals, objectives and policies included within “OCP Bylaw No. 2199, 2018”. The applicant is exempt from needing to obtain a Development Permit prior to completing this project.

### **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 DVP01199 is posted on the property.

Notices were sent to surrounding property owners in October 2020. At the time of writing this Report, no correspondence has been received.

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 DVP01199 requests Council's consideration of a variance to "Zoning and Parking Bylaw No. 303, 2015" to vary the height of an existing retaining wall at 2931 Big Timber Court.

Respectfully submitted,

Brook McCrady  
PLANNING ANALYST

For  
Mike Kirkegaard  
DIRECTOR OF PLANNING

For  
Toni Metcalf  
INTERIM GENERAL MANAGER OF RESORT EXPERIENCE