



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: January 5, 2021

REPORT: 21-002

FROM: Resort Experience

FILE: DVP01198

SUBJECT: DVP01198 – 3351 PEAK DRIVE – REAR YARD SETBACK VARIANCE

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 DVP01198 for the proposed alteration located at 3351 Peak Drive to vary the rear setback from 7.5 metres to 5.0 metres for a proposed deck along the rear of the dwelling as illustrated on the Drawings 1, 3 and 4 prepared by R. Diamond Building Design dated March 3, 2018 and Drawing no. 2 prepared by R. Diamond Building Design dated January 30, 2018, attached as Appendix “B” to Administrative Report to Council No. 21-002; and further;

That Council direct staff to advise the applicant that prior to issuance of DVP01198, the following matter shall be completed to the satisfaction of the General Manager of Resort Experience:

- a) Step or taper the deck at the north and south ends to improve privacy and better alleviate neighbour concerns.

REFERENCES

Location: 3351 Peak Drive

Legal: PID 018-641-458; Strata Lot 3 District Lot 4751 Group 1 New Westminster District Strata Plan LMS1248

Owner: McDonald, Andrea

Zoning: Development Area 8, Blueberry Land Use Contract Bylaw No. 108, 1978

Appendix “A” – Location Plan

Appendix “B” – Architectural Plans

Appendix “C” – Correspondence Received

PURPOSE OF REPORT

This Report seeks Council's consideration for variances to the Blueberry Hill Land Use Contract "Land Use Contract Bylaw No. 108, 1978" for a proposed deck at the rear of the existing detached dwelling at 3351 Peak Drive. The proposed deck will have foundations and supports located in the rear setback area.

Council has the authority under Section 546 of the *Local Government Act* to vary a Land Use Contract by way of a development variance permit.

DISCUSSION

The property owner is proposing to construct a deck at the rear of an existing dwelling at 3351 Peak Drive in the Blueberry neighbourhood.

The dwelling is located at the end of a row of three homes in a cul-de-sac area. These properties overlook Blueberry Drive and are at a higher elevation than the properties to the north. 3351 Peak Drive is bounded by detached dwellings to the north (3406 Blueberry Drive) and south (3345 Peak Drive), and Blueberry Park to the east. A location map is attached as Appendix "A".

The applicant's general rationale is that the proposed deck be a sufficient width for it to be usable as an outdoor living space and that the supports are far enough away from the building that it does not make the existing at-grade patio below the deck unusable. Extending off the second storey at the rear of the dwelling, the deck will be located adjacent to the kitchen and dining area (southern end) and master bedroom (northern end). The deck is also intended to provide some coverage over an existing fire pit space on the at-grade patio below. The proposed deck is 16.6 metres (54'6") long and 3.65 metres (12'10") wide at its widest parts.

The variance request is identified in the table below:

Variance Request	Blueberry "Land Use Contract Bylaw No. 108, 1978"
1. Vary the rear building setback as follows: a) Vary the rear setback from 7.5 metres to 5.0 metres for a deck along the rear of the dwelling.	Schedule K to a Land Use Contract Regulations for Development in Area 8 <u>Building Setbacks</u> The minimum permitted rear setback is 7.5 metres.

The architectural plans are attached as Appendix "B". The proposed deck is 5.0 metres from the rear property line at its south end and approximately 6.75 metres from the rear property line on its north end. The closest support post is 6.0 metres from the rear property line.

Without the proposed variance, the rear building setback is 7.5 metres and decks are permitted to project 2 metres into a setback provided no foundations or supports encroach into the setback area.

As a result of the neighbour notification to issue the development variance permit, Staff received a detailed inquiry about the project from the neighbour at 3406 Blueberry Drive. This inquiry sought to better understand the proposal and noted some concerns that could occur with the proposed deck. A site meeting was held with planning department staff, the applicant and a neighbour to better understand the project and attempt to alleviate concerns. As part of the discussions, it was explained that the deck size at the northerly end closest to the neighbour is smaller than they could build without a

variance, although since the property line moves inward across the rear of the dwelling to the south the variance is required to achieve their desired design. Following this meeting, the neighbour submitted correspondence citing further concerns related to the project, attached as Appendix “C.” Staff have carefully reviewed this letter and the neighbour’s concerns are reflected in the DVP evaluation criteria table below. Overall, staff remain in support of the variance but recommend the deck design should be revised to be tapered or stepped at the north and south ends as a condition of approval to better alleviate neighbour concerns. This can be completed following approval of the variance, to the satisfaction of the General Manager of Resort Experience.

POLICY CONSIDERATIONS

Development Variance Permit Criteria

Staff have 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, provided the deck plan is revised to step or taper at the north and south ends.

Potential Positive Impacts	Comment
Complements a particular streetscape or neighbourhood.	The deck’s design is well integrated with the building and the material’s used are in keeping with the character of the existing dwelling. The deck will be visible from Blueberry Drive.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	Not applicable.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	It is understood that there is no intent to remove any trees through this proposal. The deck is proposed to be located above an existing at grade patio and there are no trees in the immediate construction area where the deck is proposed.
Results in superior siting with respect to light access resulting in decreased energy requirements.	Not applicable.
Results in superior siting with respect to privacy.	The proposed deck is located along the rear of the property and respects three metre side setbacks. The proposed deck will be private for the applicant, but will impact privacy to the adjacent neighbor. Subject strata (Strata Plan LMS 1248) is supportive of the proposed variance.
Enhances views from neighbouring buildings and sites.	Not applicable.

Potential Negative Impacts	Comments
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Is inconsistent with neighbourhood character.	It is not known what the other sizes of neighbouring deck are but this proposal represents a sizable increase from the existing deck that is currently on the south corner of the property.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	The proposed deck will increase the building's massing. It will span the entire length of the second floor at the rear of the dwelling and will be supported by four footings. It will be attached to the main floor with the deck floor level standing approximately 3.7 metres above the rear patio area. It will be surrounded by 1 metre tall glass railings.
Requires extensive site preparation.	Not applicable.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	<p>The proposed deck may impact the use and enjoyment of 3406 Blueberry Drive, the adjacent private property located to the north of the subject property, as expressed in a letter received by the owners of 3406 Blueberry Drive. The adjacent property is approximately 4-6 metres lower in elevation and the owners concerns include:</p> <ul style="list-style-type: none"> - the proposed deck will present a increase in massing and bulk as viewed from indoor and outdoor living areas on their property - the proposed deck will impede the mid-morning to mid-day sunlight to their property - the north end of the proposed second storey deck will have a negative effect on their home's privacy - parts of the proposed deck and vertical posts may affect their views to the south - the deck may also present increased noise concerns during night-time.
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).	Not applicable.

Blueberry Hill Land Use Contract

The property is located within Development Area 8 of the Blueberry “Land Use Contract Bylaw No. 108, 1978.” The requested variance is described in the Discussion section of this report.

The proposal meets all other regulations of the Blueberry “Land Use Contract Bylaw No. 108, 1978”.

Official Community Plan Bylaw 2199, 2018

The recommended resolution included within this report is consistent with the goals, objectives and policies included within “OCP Bylaw 2199, 2018”. A Development Permit is not required.

BUDGET CONSIDERATIONS

There are no 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 DVP01198 is posted on the property.

Notices were sent to surrounding property owners in December, 2020. At the time of writing this report, one letter has been received expressing concerns from the owner of 3406 Blueberry Drive, the immediate neighbor to the north. This letter is attached as Appendix “C.”

Staff has been in communication with the owner of 3406 Blueberry Drive since the project sign was posted. A site meeting was held on the subject property with the applicant to address concerns and get a better understanding of the project’s impacts. As follow up to these discussions, the neighbor has summarized their concerns in the attached letter and these comments are reflected in the DVP evaluation criteria table.

SUMMARY

Development Variance Permit DVP01198 proposes a variance to the Blueberry “Land Use Contract Bylaw No. 108, 1978” for a proposed deck at the rear of the dwelling at 3351 Peak Drive for Council’s consideration.

Respectfully submitted,

Brook McCrady
PLANNING ANALYST

for

Melissa Laidlaw
ACTING DIRECTOR OF PLANNING

for

Jessie Gresley-Jones
GENERAL MANAGER OF RESORT EXPERIENCE