

WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: January 5, 2021
FROM: Resort Experience
SUBJECT: CM000132 - 4941 HORSTMAN LANE – COVENANT MODIFICATION

REPORT: 21-003
FILE: CM000132

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 4941 Horstman Lane to permit modifications to the existing footprint envelope specified in the covenant, in accordance with Plans A-01, A-05, A-06 and A-07, dated December 22, 2020 and drawing A-08 dated December 17, 2020 prepared by Progressive Concept Design Ltd. and attached as Appendix “B” to this Council Report No. 21-003.

REFERENCES

Location: 4941 Horstman Lane
Legal Description: Strata Lot 23, District Lots 3903 and 4214, Strata Plan VR. 2482
Owners: Senft, Lauren; Senft, Derek; Senft, Riley
Zoning: Split – RS3 (Residential Single Family 3)/Blackcomb Land Use Contract
Appendices: “A” – Location Map
“B” – Architectural Plans

PURPOSE OF REPORT

This Report presents Covenant Modification application CM000132, an application to amend covenant GC125596 applicable to 4941 Horstman Lane to modify the footprint envelope to allow the stairs in the north side yard to be refurbished and patio improvements, including patio roof cover and a hot tub with roof cover in the backyard. This type of covenant modification requires Council approval and the application is presented for Council consideration relative to the guidelines in the covenant and applicable municipal policies.

DISCUSSION

This property is located at 4941 Horstman Lane, in the Horstman Estates subdivision of the Blackcomb Benchlands (see location map attached as Appendix “A.”) The parcel is bounded by a neighbor on each side (North – 4945 Horstman Lane, South – 4937 Horstman Lane) and the Whistler Blackcomb controlled recreation area to the rear.

The applicant is proposing to amend the footprint envelope to complete renovations that will allow the

stairs in the north side yard to be refurbished and patio improvements, including a patio roof cover and a hot tub with roof cover in the backyard.

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 footprint envelopes. All improvements on each strata lot must be designed to be within the footprint envelope, including the main structure, outside patios, decks and terraces.

The terms of the covenant allow some latitude in development by specifying that buildings and structures must be in the footprint 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. Consideration may be given to encroachments into backyards and sideyards not abutting adjacent yards however, approval will have to be given by both the Coordinating Architect and the Municipality. Some tree removal may be allowed beyond the footprint envelope if approved by the Coordinating Architect.”

The proposed renovations are illustrated on the plans attached as Appendix “B”. The scope of work outside of the existing covenanted footprint envelope is as follows:

- Remove existing stairs and stair roof in the north side setback and construct new stairs without roof replacement.
- Permit a patio roof cover, a portion of which encroaches 3.56 metres beyond the footprint envelope into the rear yard.
- Remove lower tier of rock stack wall and replace with paper face concrete planters to create more organized frame for rear patio, and upgrade the patio hard surfaces.
- Relocate existing hot tub to south side of rear yard and construct lightweight canopy for weather protection.
- Create privacy planting zones to neighbouring properties for effective screening.

All of these elements are controlled by the covenant and are required to be captured in the footprint envelope. Some portions of the proposed work encroach into the 3.0 metre side setback on the north side of the property as illustrated on Appendix “B”, however, these projections meet the regulations of the Zoning Bylaw. The Coordinating Architect has reviewed and approved the proposal. The immediate neighbour to the north (4945 Horstman Lane) has provided support for the proposal, and no objection was received from the immediate neighbour to the south (4937 Horstman Lane).

There is a portion of an existing deck on the front of the house and an existing at-grade patio on the south side of the house that have previous approvals and are not the subject of the current covenant amendment application.

POLICY CONSIDERATIONS

Zoning Analysis

The parcel is split zoned with a small forward portion regulated by the Blackcomb Land Use Contract (LUC) and the majority of the parcel zoned RS3 (Residential Single Family Three). Figure 1 below illustrates the zoning overlay.

The proposal complies with all regulations of the Zoning Bylaw and the LUC.

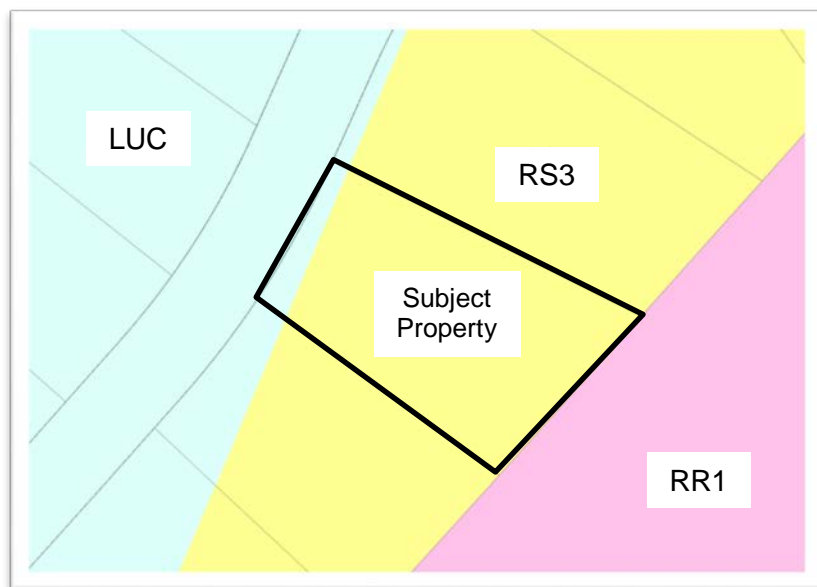


Figure 1. Subject Property 4941 Horstman Lane - Split Zoning

Horstman Estate Design Guidelines

These renovations are consistent with the Horstman Estates Design Guidelines contained in section five of the covenant. Review is not required for this project by the Advisory Design Panel.

Official Community Plan

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 for this project.

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 application, however the Coordinating Architect did notify the neighbour to the north at 4945 Horstman Lane and to the south at 4937 Horstman Lane as it the Coordinating Architect' protocol to notify the immediate neighbours to identify any concerns. The

immediate neighbour to the north at 4945 Horstman Lane is in support of the project and no objections were received from the immediate neighbour to the south – 4937 Horstman Lane.

SUMMARY

This Report recommends that Council approve Covenant Modification Application CM000132, to modify the footprint envelope as is supported by the Coordinating Architect approval submitted with this application.

Respectfully submitted,

Brook McCrady
PLANNING ANALYST

For

Melissa Laidlaw
ACTING DIRECTOR OF PLANNING

For
Jessie Gresley-Jones
GENERAL MANAGER OF RESORT EXPERIENCE