

APPENDIX A SUMMARY AND REVIEW OF PUBLIC HEARING COMMENTS FOR ZONING AMENDMENT BYLAW (RETAINING WALLS) NO. 2033, 2020

The following provides a summary of written and verbal Public Hearing submissions for the November 17, 2020 Public Hearing as well as staff's review and recommendations related to the comments. The summary is not intended to transcribe or replicate all of the comments that were made during the Public Hearing process.

There was one written submission received from the public prior to the Public Hearing (attached as Schedule 1), and one oral submission made by the public at the Public Hearing. A video recording and minutes of the public hearing are available at: <https://www.whistler.ca/municipal-gov/council>.

The summary is organized according to the following topic areas:

1. Snow Clearing and Buildup
2. Privacy
3. Safety
4. Comments and Concerns Specific to DVP01197

1. Snow Clearing and Buildup

Public Comments:

One written submission and one oral submission were made by the same person expressing concern about snow clearing and buildup between neighbouring properties when a retaining wall is permitted closer to a property line than the existing bylaw permits. The primary concerns were; the potential for snow clearing to result in snow build up in a side yard setback area, the ability of snow to be retained in a side yard setback area and how snow buildup on a property could affect a neighbouring property.

Staff Review:

The proposed Zoning Amendment Bylaw is considered to reduce the potential negative impacts of snow clearing and buildup between private properties as illustrated in Figure 1 of this document.

The proposed Bylaw maintains the requirement for retaining walls to be setback at least 2 metres from any parcel line that abuts a highway (typically a front), in order to maintain a suitable setback for sightlines along a road and winter snow storage. This setback is applied to both public and private (strata) roads.

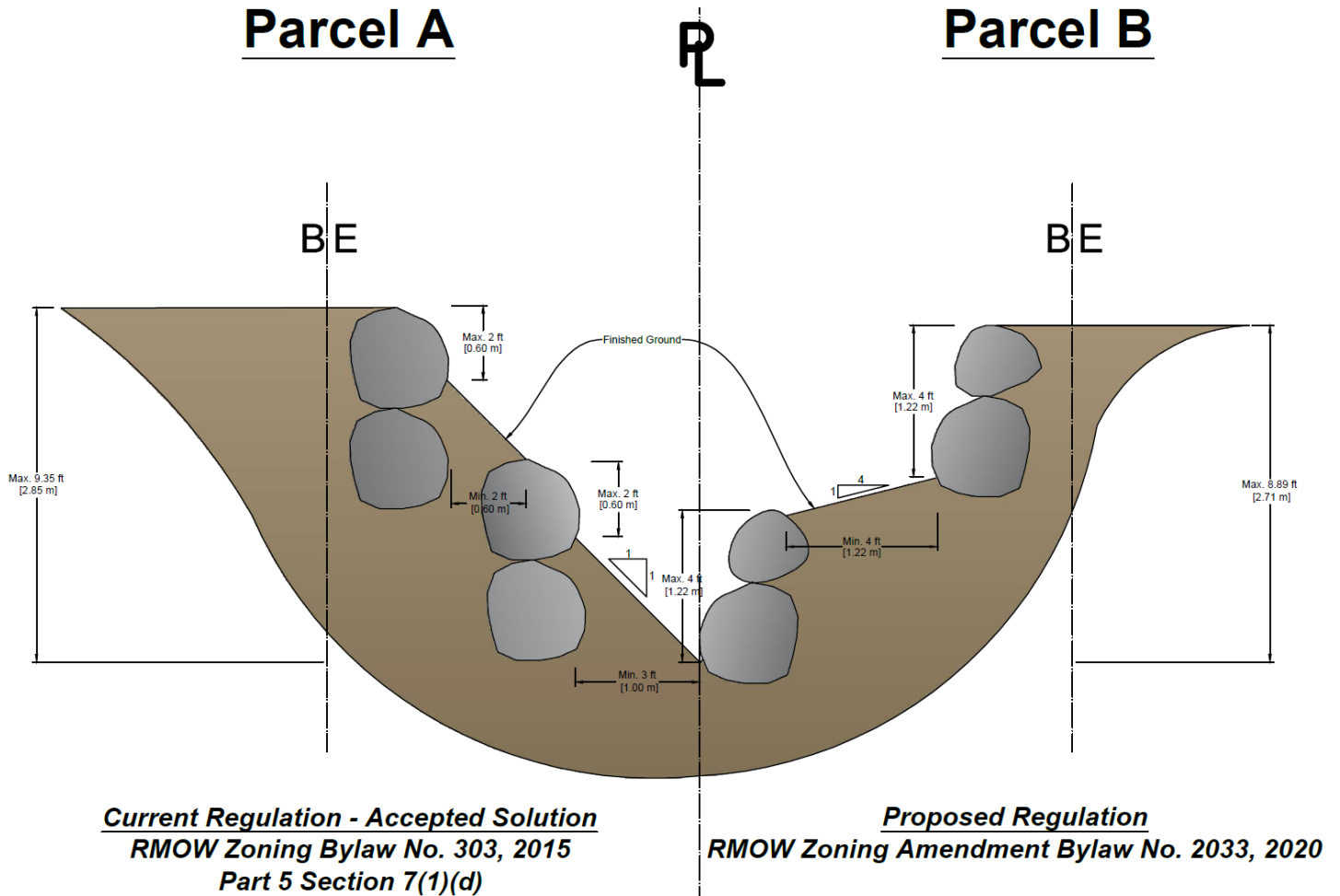
The proposed Bylaw encourages terracing retaining walls in side yard setback areas by requiring 1.22 metres distance between walls with a maximum 1:4 slope of finished ground between walls. By regulating the slope and distance between walls, the proposed Bylaw is considered to facilitate improved terracing of retaining walls, which allows for more snow retention in side yard setback areas between neighbouring properties. Further, if a driveway or walkway is located above a retaining wall, which could result in snow being pushed into the side yard setback area, the proposed new terracing is expected to facilitate the catching and retention of that snow.

In comparison the existing Bylaw allows multiple retaining walls in side yard setback areas to be 0.6 meters in height and setback 1 metre from the side parcel line, without regulating the

distance between walls or the maximum slope of finished ground between walls. Further, the existing Bylaw does not prevent a steep 1:1 slope in a setback area, which reduces the ability for snow retention in setback areas between neighbouring properties.

Staff provide the following illustration comparing how retaining walls can be constructed in compliance with the existing Bylaw on Parcel A and constructed in compliance with the proposed Bylaw on Parcel B as show in Figure 1 below.

Figure 1: Parcel A existing Bylaw compared to Parcel B proposed Bylaw



2. Privacy

Public Comments:

One written submission was received expressing concern about privacy between neighbouring properties and impact to neighbouring property value. The primary concern was the potential difference in elevation that could be created between neighbouring properties by the proposed Bylaw, and that it could facilitate overlook views from a higher elevation property onto the adjacent lower elevation property, specifically in relation to driveways and walkways located above retaining walls.

Staff Review:

The proposed Zoning Amendment Bylaw is likely to improve privacy between neighbouring properties over the existing Bylaw.

As illustrated in Figure 1, the proposed Bylaw encourages terracing retaining walls in setback areas by requiring 1.22 metre distance between walls with a maximum 1:4 slope of finished ground between walls. By regulating the slope and distance between walls, the proposed Bylaw is considered to facilitate the opportunity for soft landscaping and planting between terraced retaining walls with the potential to provide for increased privacy between neighbouring properties.

In comparison the existing Bylaw allows multiple retaining walls in side yard setback areas to be 0.6 meters in height and setback 1 metre from the side parcel line, without regulating the distance between walls or a maximum slope of finished ground between walls. Further, the existing Bylaw does not prevent a steep 1:1 slope in a side yard setback area, which results in challenging growing conditions which may reduce the effectiveness and survival of planting or landscape screening between neighbouring properties.

Staff note that the existing Bylaw regulates the location of walkways and parking spaces and there is no proposed change to these regulations under the proposed Bylaw. The existing Bylaw requires walkways to be setback 1 metre from any side parcel line and parking spaces to be setback 1.5 metres from any parcel boundary.

3. Safety

Public Comments:

One written submission and one oral submission were made by the same person expressing concern about safety on a property. The primary concern was the potential for a walkway or driveway to be located above a retaining wall, which could create a safety and/or fall hazard.

Staff Review:

The potential safety/fall hazard that could be created by constructing a walkway adjacent to a building above a retaining wall is addressed by the BC Building Code. The BC Building Code requires a guard to be constructed where there is a difference in elevation of more than 0.6 metres between a walking surface and the adjacent surface. Building Safety is regulated by the BC Building Code and enforced by the Building Department.

4. Comments and Concerns specific to DVP01197

Public Comments:

One written submission was received expressing concerns specifically related to DVP01197. The primary concern identified is that the process for variances needs to be a permission-based model versus a forgiveness model. The submission noted that the referenced Development Variance Permit was applied for after the retaining walls were constructed resulting in the perception that approval of the retaining walls may be a foregone conclusion creating a difficult situation between neighbours.

Staff Review:

Development Variance Permit DVP01197 is under review. Issues specifically related to DVP01197 will be addressed by staff through the Development Variance Permit process.

Staff Recommendation:

Staff recommends that there are no significant comments that require revisions to the proposed Bylaw, and that Council give third reading to the Bylaw as written.