



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: April 6, 2021
FROM: Resort Experience
SUBJECT: DVP01208 - 9007 SUMMER LANE – SETBACK VARIANCE FOR A DETACHED DWELLING

REPORT: 21-035
FILE: DVP01208

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 DVP01208 for the proposed development located at 9007 Summer Lane to vary the north side setback from 3 metres to 0.73 metres for a detached dwelling, as shown on architectural plans A1, A5, A6, A7a, and A8 prepared by Mel Mekinda dated February 27, 2021, attached as Appendix B to Administrative Report to Council No. 21-035.

REFERENCES

Location: 9007 Summer Lane
Legal: PID: 008-043-353 Lot 8 Block N District Lot 3625 Plan 13684
Owner(s): Lichtenstein, Samuel Victor; Stilwell, Evelyn Moira
Zoning: RS1 (Single Family Residential One)

Appendix A – Location Map
Appendix B – Architectural Plans

PURPOSE OF REPORT

This Report seeks Council's consideration to approve the issuance of Development Variance Permit DVP01208 to vary the side setback provision in "Zoning and Parking Bylaw No. 303, 2015" for a detached dwelling at 9007 Summer Lane.

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

DISCUSSION

The subject property is located at 9007 Summer Lane in the Emerald neighbourhood as shown in Appendix A.

The property was developed with a detached dwelling and attached carport in 1977. The building permit that was issued in 1977 permitted the carport to be located 1.5 metres from the north side property line and the detached dwelling was to be located 3 metres from the north side property line, as

permitted by the R1 Zone regulations contained in Zoning Bylaw No. 9. For unknown reasons, the existing carport is located 0.73 metres from the north side property line and the detached dwelling is located 2.78 metres from the north side property line.

At this time, the owner is seeking to renovate the existing detached dwelling and attached carport. The scope of work includes interior renovations, as well as exterior upgrades including converting the existing attached carport to a heated garage, a new covered entry, and a new deck on an existing foundation at the rear of the dwelling.

While the proposed renovations will not result in the development being any closer to the north side property line than the existing detached dwelling and attached carport, the proposed renovations require a side setback variance under the currently applicable RS1 zoning.

The owner's rationale for the variance is that the dwelling has stood in this location for 40+ years with no issues and that with this proposal they are improving the existing development and not seeking any siting changes. A site meeting was held with staff and the adjacent neighbours to the north (9011 Summer Lane) for clarification on the proposal and no objections have been received from these most impacted neighbours at the time of writing this Report.

The requested variances are listed in the table below and identified on the Architectural Plans attached as Appendix B.

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation						
1. Vary the building setback as follows: a) Vary the north side setback from 3.0 m to 0.73 m for the detached dwelling	Part 12 Section 1 Subsection 14: <u>Setbacks</u> (14) The minimum permitted side setback is as follows: <table> <tr> <th>GROSS FLOOR AREA OF DETACHED DWELLING</th><th>MINIMUM SIDE SETBACK</th></tr> <tr> <td>325 square metres or less</td><td>3 metres</td></tr> <tr> <td></td><td></td></tr> </table>	GROSS FLOOR AREA OF DETACHED DWELLING	MINIMUM SIDE SETBACK	325 square metres or less	3 metres		
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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	Comments
Complements a particular streetscape or neighbourhood.	No changes are proposed to the siting of the detached dwelling; the proposal will update the exterior of the existing dwelling.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	By completing this proposal in the dwelling's existing location major site preparation or earthwork is avoided.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	This proposal will allow existing desirable site features to be left undisturbed.

Results in superior siting with respect to light access resulting in decreased energy requirements.	Not applicable.
Results in superior siting with respect to privacy.	No changes are proposed to the siting of the detached dwelling.
Enhances views from neighbouring buildings and sites.	The proposal will update the exterior of the existing dwelling with little change in the building form.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The variance is not considered to be inconsistent with neighborhood character.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	The building's size will remain essentially the same.
Requires extensive site preparation.	Extensive site preparation is avoided by permitting the dwelling to remain in its current location.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The variance will not result in the detached dwelling (including attached garage) being any closer to the north side property line than the existing detached dwelling and attached carport.
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.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RS1. The requested 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”.

OCP POLICY CONSIDERATIONS

The recommended resolutions included within this Report are consistent with the goals, objectives and policies included within “OCP Bylaw No. 2199, 2018”.

The property is located within the Wildfire and Riparian Development Permit Areas, and the proposed renovations are exempt from requiring a Development Permit. A Riparian Areas Protection Regulation Assessment Report prepared by Cascade Environmental Resource Group was received and reviewed as part of this application, and the protection fencing recommended in that report is illustrated on the architectural plans attached as Appendix B.

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 DVP01208 is posted on the property. Upon posting the sign an inquiry was received from the neighbours at 9011 Summer Lane asking for more information on the proposal. A site meeting was held with staff and the neighbours on March 3, 2021 to review the proposal on site. Three questions were asked on site and a reply e-mail was sent shortly after the meeting. No further comments were received.

Notices were sent to surrounding property owners in March 2021. At the time of writing this report, no letters have been received from neighbours.

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 DVP01208 proposes to vary a side setback provision in “Zoning and Parking Bylaw No. 303, 2015” for a detached dwelling at 9007 Summer Lane for Council’s consideration. This Report recommends approving the issuance of Development Variance Permit DVP01208.

Respectfully submitted,

Brook McCrady
PLANNING ANALYST
for
Melissa Laidlaw
ACTING DIRECTOR OF PLANNING
for
Jessie Gresley-Jones
GENERAL MANAGER OF RESORT EXPERIENCE