



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: April 20, 2021
FROM: Resort Experience
SUBJECT: DVP01205 - 5606 ALTA LAKE ROAD – REAR SETBACK VARIANCE

REPORT: 21-042
FILE: DVP01205

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 DVP01205 for the proposed new development located at 5606 Alta Lake Road to:

1. Vary the rear setback from 7.6 metres to 3.2 metres for a new detached dwelling, all as shown on the Architectural Plans A0.1, A1.1, A2.2, A2.3, A2.4, A2.5, A3.1 and A3.2, dated March 15, 2021, prepared by Brigitte Loranger Architecture & Planning Ltd. attached as Appendix C to Administrative Report to Council No. 21-042.

REFERENCES

Location: 5606 Alta Lake Road
Legal: 005-493-960: LOT 38 DISTRICT LOT 2246 PLAN 5509
Owners: Bernier, Celine; Francis, Paul
Zoning: RS1 (Single Family Residential One)

Appendices: A - Location Map
B - Site Survey
C - Architectural Plans
D - Site Photos
E - Correspondence received

PURPOSE OF REPORT

This Report seeks Council's consideration for variance to "Zoning and Parking Bylaw No. 303, 2015" for a rear setback variance for the development of a new detached dwelling at 5606 Alta Lake Road.

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

DISCUSSION

The owners are seeking a rear setback variance from 7.6 metres to 3.2 metres for a proposed new detached dwelling at 5606 Alta Lake Road. The new dwelling will replace an existing dwelling that had

received Board of Variance approval for a rear setback variance for the dwelling from 7.6 metres to 3 metres and building foundation from 7.6 metres to 1.8 metres in 1986.

Site and Neighbourhood Context

The subject site is an irregularly shaped and shallow lot located on the west side of Alta Lake at 5606 Alta Lake Road. The parcel is among several residentially zoned single family development lots on the west side pinched between Alta Lake Road and the CN Rail tracks, north of Old Mill Lane and south of Rainbow Park. The subject site is zoned RS1 (Single Family Residential One). See Appendix A for the location of the subject property.

The lots along the west side are generally smaller shallow lots, many which are legal non-conforming with parcel areas less than the minimum parcel areas required for their zoning. The strip of eleven residentially zoned lots adjacent to the subject property have an average size of 465 square metres, ranging from 391 to 563 square metres. The minimum parcel area for the RS1 zone is 695 square metres, with a minimum usable parcel area of 465 square metres. The subject site has a parcel area of approximately 514 square metres, which is legal non-conforming with respect to parcel area.

Existing Site and Neighbourhood Development

The subject site is developed with a three storey detached dwelling built in 1987 under Building Permit B-1781-87 and Board of Variance Permit File: 2004, which approved a rear setback variance for the dwelling from 7.6 metres to 3 metres and building foundation from 7.6 metres to 1.8 metres in 1986. Subsequently the lot was further developed with a carport built in 1992 under Building Permit B-92-03407 and Board of Variance Permit File: 2004, which approved a side setback variance for the carport from 3 metres to 1.14 metres. As detailed in the site survey (attached to this Report as Appendix B) the existing detached dwelling is sited at 3.2 metres from the rear parcel line.

The strip of parcels on the west side of Alta Lake were established and the majority of them developed, prior to the incorporation of the RMOW in 1975. The eleven lots adjacent to the subject property are all subject to the same site challenges; shallow in depth, irregularly shaped and pinched between Alta Lake Road and the CN Rail tracks. Several of these lots, including the subject lot, are further challenged with no road allowance between the front parcel line and Alta Lake Road. See Appendix D for site photos.

There is precedence for rear setback variances in this neighbourhood as Municipal records show that of the eleven developed lots adjacent to the subject property, four have received setback variances ranging from 1.8 metres to 4.4 metres for an average of 3.1 metres. Staff also note that five of the lots were developed prior to 1975 and are considered legal non-conforming with respect to siting as they do not meet the RS1 zone minimum rear setback of 7.6 metres. The legal non-conforming buildings sited on these five lots range from 0 metres to 4.2 metres for an average of 2.1 metres from the rear parcel line.

Description of Proposal

As seen in the Architectural Plans (attached to this Report as Appendix C), the owners are proposing to construct a new three storey detached dwelling with attached garage to Step Code 4 BC Building Code standards. To facilitate this construction, the owner is proposing to match the existing buildings siting at 3.2 metres from the rear setback. The proposed dwelling meets all other applicable zoning requirements including maximum density.

Rationale

The proposed rear setback variance is requested in response to; Alta Lake Road abutting the front parcel line, the absence of a road allowance, RMOW statutory right of way over the first three metres of the lot, CN Rail abutting the rear parcel line and the irregular shape, size and shallow depth of the lot.

As illustrated in the Survey Plan (attached to this Report as Appendix B) the edge of Alta Lake Road immediately abuts this parcel followed by a three metre statutory right of way R43702 registered in favour of the RMOW. This statutory right of way is for the installation and maintenance of municipal services and restricts the owner from obstructing access or developing the lot in this area.

This lot is further challenged by its irregular shape and shallow depth of 25 metres. In response to these site challenges the owner has proposed a building design that is low in profile and set back from the front parcel line to improve sightlines and safety for vehicular and pedestrian use along Alta Lake Road. The proposed access, parking and siting of the dwelling also facilitates better snow clearing and storage on the parcel, which is an improvement that allows greater safety along Alta Lake Road.

The proposed design works with the irregular shape, shallow depth and size of the lot by utilizing the existing buildings siting to maintain existing views, privacy and retention of existing trees on the lot and between neighbouring properties. The proposed design and variance request are considered to be consistent with the existing neighbourhood character and adjacent properties which received rear setback variances for similar development.

Four letters of support for the requested variance have been received from the two immediately adjacent neighbouring property owners on the north and south sides of the subject site as further discussed in the Community Engagement and Consultation section of this Report.

Proposed Development Variance

The requested variances are described below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
1. Vary the rear setback from 7.6 metres to 3.2 metres for a detached dwelling.	RS1 (Single Family Residential One) Zone Part 12 – Subsection 1: (15) The minimum permitted rear setback is 7.6 metres.

The proposed variance is illustrated on the Architectural Plans attached as Appendix C to this Report. Staff note that the proposed variance will enable projections for roof overhangs and decks located 2.2 metres from the rear parcel line, in compliance with the allowable projections into required setback areas as per Part 5. 7(1) of Zoning and Parking Bylaw 303, 2015.

Apart from the requested rear setback relaxation, this proposal conforms to all other requirements in Zoning and Parking Bylaw 303, 2015.

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
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Complements a particular streetscape or neighbourhood.	The proposed dwelling is consistent with the existing neighbourhood, many which received setback variances to enable similar development. The siting and design are considered in keeping with the neighbourhood character visible from Alta Lake Road and Alta Lake.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	The proposed dwelling works to utilize the existing dwellings siting to minimize site preparation, earthworks and to maintain the existing mature trees and vegetation on site.
Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	The proposed dwelling works to match the existing dwellings siting and maintains the natural vegetation and mature trees on the site. Additional landscaping is proposed to enhance the front yard visible from the Alta Lake Road.
Results in superior siting with respect to light access resulting in decreased energy requirements.	N/A
Results in superior siting with respect to privacy.	The proposed dwelling is oriented and setback from parcel lines to match the existing siting in order to maintain existing privacy on the lot and between neighbouring properties.
Enhances views from neighbouring buildings and sites.	The proposed dwelling is designed and sited with neighbouring views in mind and is not considered to affect neighbours views. The immediately adjacent neighbours have provided letters of support attached as Appendix E.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The proposed dwelling is designed to be low in profile and sited to be consistent with the existing neighbourhood, many which received similar setback variances.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	The proposed dwelling is designed to maintain the existing low profile two storey building bulk from Alta Lake Road and three storey building bulk from Alta Lake.
Requires extensive site preparation.	The proposed dwelling will require minimal site preparation as it works to utilize the existing buildings footprint resulting in reasonable site preparation.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The proposed variance is not considered to change current enjoyment of adjacent lands as this property is sited between Alta Lake Road and Alta Lake. The proposed dwelling is sited to maintain the existing dwellings rear setback of 3.2 metres to respect existing neighbouring properties privacy, views and light access.

Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul-de-sac.	N/A
Requires a height variance to facilitate gross floor area exclusion.	N/A
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	The proposed dwelling and associated parking are sited to respect the RMOW statutory right of way. The proposed design allows for snow clearing and storage from Alta Lake Road on the parcel.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RS1 (Single Family Residential One). The requested rear setback 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”.

Legal Encumbrances

Statutory Right of Way in favour of the RMOW - R43702

The proposed development does not impact the statutory right of way, but it is a consideration in the ability to develop this lot as previously described in the Discussion section of this Report.

Official Community Plan Bylaw No. 2199, 2018

The recommended resolution included within this Report is consistent with the goals, objectives and policies included within “Official Community Plan Bylaw No. 2199, 2018”. A Development Permit is not required.

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 DVP01205 is posted on the property.

Notices were sent to surrounding property owners in March 2021. At the time of writing this Report, four letters of support had been received from the immediately adjacent neighbouring property owners on the north and south sides, which states that they all support the variance and have no concerns. These letters are attached as Appendix E.

All four letters indicate that the neighbouring properties were consulted during the planning and design of the proposed dwelling, specifically with respect to privacy, view protection, landscaping and siting as it relates to the setback variance. One letter of support was received from the neighbouring owners at 5598 Alta Lake Road which states that the proposed house and its siting on the lot is substantially the same as the current home and will enhance the neighbourhood. One letter of support was received from the neighbouring owners at 5602 Alta Lake Road which states that they support the variance as it ensures pleasant views from the street and lake and fits well with the neighbourhood. One letter of

support was received from the neighbouring owners at 5610 Alta Lake Road which states that they support the siting of the proposed house as it will be an upgrade to the existing house and fits in the neighbourhood. One letter of support was received from the neighbouring owners at 5614 Alta Lake Road which states that they support the variance as it suits the land and will be a welcome addition to the neighbourhood.

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 DVP01205 proposes variances to “Zoning and Parking Bylaw No. 303, 2015” for a rear setback variance for a new detached dwelling at 5606 Alta Lake Road for Council’s consideration. This Report recommends approving the issuance of the Development Variance Permit.

Respectfully submitted,

Lindsay Clarke
PLANNING ANALYST

for
Mike Kirkegaard
DIRECTOR OF PLANNING

for
Jessie Gresley-Jones
GENERAL MANAGER OF RESORT EXPERIENCE