



WHISTLER

MINUTES

BOARD OF VARIANCE MEETING
MONDAY, May 30, 2022, STARTING AT 5:30P.M.

Remote Meeting

Held via Zoom - Link available at www.whistler.ca/municipal-gov/committees/board-variance

PRESENT:	Meetings attended since appointed
J. Charters, Acting Chair	5/5
J. Cooper	4/4
STAFF PRESENT:	
Planning Analyst, L. Clarke	N/A
Interim Recording Secretary, M. Urbani	N/A
PUBLIC PRESENT:	
BOV00221 Applicant, John Hemsworth, Hemsworth Architecture	N/A
BOV00221 Applicant, Niall Jones, Hemsworth Architecture	N/A
BOV00221 Applicant, Bruno Benedet	N/A
BOV00221 Applicant, Matheo Durfeld, Durfeld Constructors	N/A
BOV00221 Applicant, Julius Wohlgemuth, Durfeld Constructors	N/A
BOV00222 Applicant, Guy McLintock, McLintock Architecture	N/A
BOV00222 Applicant, Robert Malec	N/A
BOV00222 Applicant, Krysta Lindsay	N/A
BOV00222 Applicant, Graham Ross	N/A
BOV00224 Applicant, Brian DeGrave	N/A
BOV00225 Applicant, Mark Simone, Shelter Residential Design	N/A
BOV00225 Applicant, Bridie Marshall	N/A
BOV00225 Applicant, John Marshall	N/A
BOV00225 Applicant, Randy Warm, Ringmaster Construction Management	N/A
Member of the Public, Ruby Jiang	N/A
Member of the Public, Kenneth Ecker	N/A
ABSENT	
J. Murl, Chair	7/8

CALL TO ORDER

RMOW Planning Analyst L. Clarke recognized The Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lil'wat People, known in their language as Lilwat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

ADOPTION OF AGENDA

Moved by J. Cooper
Seconded by J. Charters

That the Board of Variance adopt the agenda of May 30, 2022 as presented.

CARRIED

APPLICATIONS

BOV00221
3116 Panorama Ridge

The Owners of 3116 Panorama Ridge are requesting variances to the Resort Municipality of Whistler "Zoning and Parking Bylaw No.303, 2015" as described below:

1. Vary the building height from 7.6 metres to 12.4 metres for a new detached dwelling; and
2. Vary the height for one new retaining wall located in the east side setback area from 1.22 metres to 5 metres.

The Applicant, John Hemsforth of Hemsforth Architecture, commented on the following hardship:

1. Hardship is due to the current non-conforming development on the property requiring significant redevelopment of the site.
2. Existing non-conforming driveway is too steep and will need to be lowered to meet RMOW zoning bylaw standards.
3. Existing rock stack retaining walls will be undermined when road is lowered.
4. Existing non-conforming retaining walls on parcel line and on strata common property are failing and will need to be removed/replaced. Replacing these retaining walls is further challenged by existing topography of strata common property and compliance with the RMOW zoning bylaw.
5. Existing non-conforming driveway and retaining walls established existing development conditions that compromise the lower level buildable area and affects roof height calculations.
6. Grade on the site is required to be significantly lowered on the parcel, which affects roof height calculations.
7. Very steep site +/- 18 metres front to rear of the parcel.

The Board members J. Charters and J. Cooper found that, as per LGA S.542(1)(b), undue hardship would be caused to the applicant if the bylaw is complied with due to the physical site characteristics and physical characteristics of abutting sites. Further, they were of the opinion that the

variance does not do any of the following listed in LGA S.524(1)(c)(i)-(vi). As such, the Board is in favour of approving this variance application.

Moved by J. Cooper
Seconded by J. Charters

That the following variances be approved:

1. Vary the maximum building height from 7.6 metres to 12.4 metres for a new detached dwelling; and
2. Vary the height for one new retaining wall located in the east side setback area from 1.22 metres to 5 metres.

As illustrated on the Architectural Plans A0.00, A1.00, A1.01, A1.02, A1.03, A1.04, A2.00, A2.00a, A2.01, A2.01a, A2.02, A3.00, A3.01 and A4.00 dated April 01, 2022, prepared by Hemsworth Architecture.

CARRIED

BOV00222
2229 Gondola Way
and 2231 Gondola
Way

The Owners of 2229 Gondola Way and 2231 Gondola Way are requesting variances to the Resort Municipality of Whistler "Zoning and Parking Bylaw No.303, 2015" as described below:

1. Vary the front setback from 7.6 metres to 6.1 metres for the proposed construction of an entrance canopy and associated support posts;
2. Vary the front setback from 7.6 metres to 5.9 metres for the proposed construction of a balcony and associated support post;
3. Vary the front setback from 7.6 metres to 5.7 metres for the proposed construction of a roof extension and associated support post; and
4. Vary the side setback from 6 metres to 3 metres for an existing duplex dwelling (greater than 375 square metres) located 3 metres from the side parcel lines.

The Applicant, Guy McLintock of McLintock Architecture, commented on the following hardship:

1. Hardship is due to a failing building envelope and water ingress into the property.
2. At some time the basement in the duplex was built out. Due to legitimization of the basement floor area part of interior renovation will slightly increase gross floor area. The total gross floor area of 388 square metres is only marginally above 375 square metres.
3. There is no change to the building footprint, size or street presence, which does not impact neighbours.
4. Entrance canopy is due to safety from falling snow, maintenance concerns, to mitigate snow accumulation on front steps and to increase occupant safety.
5. Roof and balcony is to square off building as existing roof creates a hazard where sliding snow falls directly in pedestrian path of travel and on parked car and stair.

The Board members J. Charters and J. Cooper did not find that, as per LGA S.542(1)(b), undue hardship would be caused to the applicant if the bylaw is complied with. They found that snowshed management, setbacks related to

size of building and confusion with the bylaw were not undue hardship. Further, they were of the opinion that as per LGA S.524(1)(v) the variance would defeat the intent of the bylaw. As such, the Board is not in favour of approving this variance application.

Moved by J. Charters
Seconded by J. Cooper

That the following variances be denied:

1. Vary the front setback from 7.6 metres to 6.1 metres for the proposed construction of an entrance canopy and associated support posts;
2. Vary the front setback from 7.6 metres to 5.9 metres for the proposed construction of a balcony and associated support post;
3. Vary the front setback from 7.6 metres to 5.7 metres for the proposed construction of a roof extension and associated support post; and
4. Vary the side setback from 6 metres to 3 metres for an existing duplex dwelling (greater than 375 square metres) located 3 metres from the side parcel lines.

As illustrated on the Architectural Plans A011, A101, A102, A104, A201 and A202 dated March 16, 2022 and April 07, 2022, prepared by McLintock Architecture.

CARRIED
Application denied.

BOV00224
2241 Olive Terrace

The Owners of 2241 Olive Terrace are requesting a variance to the Resort Municipality of Whistler "Zoning and Parking Bylaw No.303, 2015" as described below:

1. Vary the building height from 3.5 metres to 6.04 metres for a new auxiliary garage located 2 metres from the front parcel line.

The Applicant, Brian De Grave, commented on the following hardship:

1. Hardship is due to the steep topography of the site and existing development on the parcel.
2. Existing retaining wall affects roof height calculations.
3. Garage will appear 3.5 metres from the street and both sides.
4. The existing retaining wall is at the rear side of the garage.
5. Garage height is measured from the bottom of the retaining wall making it over height, which is not visible from the street.
6. If the garage was moved to the other side of the retaining wall, it would bury the windows of the suite and increase the cost, material and labor of the garage.

The Board members J. Charters and J. Cooper found that, as per LGA S.542(1)(b), undue hardship would be caused to the applicant if the bylaw is complied with due to the physical site characteristics and physical characteristics of abutting sites. Further, they were of the opinion that the

variance does not do any of the following listed in LGA S.524(1)(c)(i)-(vi). As such, the Board is in favour of approving this variance application.

Moved by J. Cooper
Seconded by J. Charters

That the following variances be approved:

1. Vary the building height from 3.5 metres to 6.04 metres for a new auxiliary garage located 2 metres from the front parcel line.

As illustrated on the Architectural Plans 1 and 2 dated March 26, 2022, prepared by R. Diamond Building Design.

CARRIED

BOV00225
6565 Balsam Way

The Owners of 6565 Balsam Way are requesting a variance to the Resort Municipality of Whistler "Zoning and Parking Bylaw No.303, 2015" as described below:

1. Vary the front setback from 5 metres to 2.1 metres for an attached garage located 2.1 metres from the front parcel line.

The Applicant, Mark Simone, Shelter Residential Design, commented on the following hardship:

1. Hardship is due to this section of Balsam Way that falls off steeply towards the golf courses.
2. Neighbours use non-compliant parking on the street. All the properties on this street will face the same issue when they go to redevelop their lots.
3. The rear yard is affected by a riparian setback, boggy conditions with settlement and soil bearing issues, therefore the design of the house is as close to the street as possible.
4. The 2 metre setback that is permitted for a detached garage implies that this site is challenging. I think the difference between an attached or detached garage is that the zoning bylaw is trying to minimize volume of the house from road, but we feel the garage portion of the house is not visible from the road due to the treed boulevard.
5. Driveway access and gradient is challenging for this lot.
6. Don't feel that this design is a negative visual impact from street.
7. When designing this site this was the only way to make the parking and driveway work. I didn't realize this would be a variance but as we navigated through the process it was brought to my attention. I feel this is the best we could do in a tough situation and not a negative impact to the neighbourhood.

The Board members J. Charters and J. Cooper did not find that, as per LGA S.542(1)(b), undue hardship would be caused to the applicant if the bylaw is complied with. They found that setback requirements for an attached garage as opposed to detached garage were not unique to this lot and confusion with the bylaw were not undue hardship. Further, they were of the opinion that as per

LGA S.524(1)(v) the variance would defeat the intent of the bylaw. As such, the Board is not in favour of approving this variance application.

Moved by J. Cooper
Seconded by J. Charters

That the following variance be denied:

1. Vary the front setback from 5 metres to 2.1 metres for an attached garage located 2.1 metres from the front parcel line.

As illustrated on the Architectural Plan A-3.2 dated April 27, 2022, prepared by Shelter Residential Design Ltd.

CARRIED
Application denied.

OTHER BUSINESS

There were no items of Other Business.

TERMINATION


Moved by J. Charters
Seconded by J. Cooper

That the Board of Variance meeting of May 30, 2022 be terminated at 6:51 p.m.

CARRIED



Acting Chair, Jim Charters



Interim Recording Secretary, Monica Urbani