

# WHISTLER

## MINUTES

REGULAR MEETING OF BOARD OF VARIANCE COMMITTEE  
MONDAY, JANUARY 30, 2023, STARTING AT 5:30 P.M.

**Remote Meeting**

Held via Zoom – Link available at:

[Board of Variance | Resort Municipality of Whistler](#)

BOARD PRESENT	Meetings attended since appointment
J. Charters, Chair	7/7
R. Williamson	2/2
BOARD ABSENT	
J. Cooper	5/6
STAFF PRESENT	
Planning Analyst, L. Clarke	N/A
Recording Secretary, K. White	N/A
PUBLIC PRESENT	
BOV00228 Owner, Shawn Rosemarin	N/A
BOV00228 Owner, Tanya Rosemarin	N/A

### 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 Lil'wat7úl, 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: R. Williamson

Seconded by: J. Charters

**That** the Board of Variance Committee adopt the Agenda of January 30, 2023 as presented.

CARRIED

## **ADOPTION OF MINUTES**

Moved by: R. Williamson  
Seconded by: J. Charters

**That** the Board of Variance Committee adopt the Committee Minutes of November 28, 2022 as presented.

CARRIED

## **APPLICATION**

**BOV00228**  
6260 Eagle Drive

The owners of 6260 Eagle Drive are requesting a variance to the Resort Municipality of Whistler "Zoning and Parking Bylaw 303, 2015" as described below:

1. Vary the rear setback from 7.6 metres to 4.9 metres for an existing deck and support posts on one half of the existing duplex dwelling

as illustrated on the Architectural Plans A101, A102, A103, A104, A201 and A202 dated December 20, 2022, prepared by JGK Residential Design Consultants and Survey dated July 14, 2022, prepared by Bunbury & Associates Land Surveying Ltd

RMOW Planning Analyst L. Clarke introduced the application and confirmed that no correspondence was received from the public related to this application before the deadline of 4:30pm on January 30, 2023.

The owners, Shawn and Tanya Rosemarin, commented on the following hardship:

1. Deck was extended not by previous owner, but the owner prior to them and was not disclosed when purchasing the property.
2. Property is treed on all sides, neighbouring properties cannot see the deck and it does not affect views from other properties.
3. The rear yard is steeply sloped and there is no useable outdoor space in the rear yard.
4. This is a recreational property used by the owners, not rented and the deck is significant space for the use and enjoyment of the property.
5. A Structural Engineer was hired to provide sign off on the improvements to ensure safety of the deck.

The Board members J. Charters and R. Williamson did not find that, as per LGA S.542(1), the variance was minor, and as per LGA S.542(1)(b), undue hardship would be caused to the applicant if the bylaw is complied with. They found that: there were no unique site characteristics preventing compliance with the bylaw; purchasing a property where the previous owners, real estate agent and strata neglected to disclose the deck was extended without required municipal permits; lack of bylaw knowledge; and cost to remove the non-compliant deck extension were not considered undue hardship. Further, they

were of the opinion that as per LGA S.542(1)(c)(v), the variance would defeat the intent of the bylaw. As such, the Board is not in favor of approving this variance application.

Moved by: R. Williamson  
Seconded by: J. Charters

**That** the following variance be denied:

1. Vary the rear setback from 7.6 metres to 4.9 metres for an existing deck and support posts on one half of the existing duplex dwelling

as illustrated on the Architectural Plans A101, A102, A103, A104, A201 and A202 dated December 20, 2022, prepared by JGK Residential Design Consultants and Survey dated July 14, 2022, prepared by Bunbury & Associates Land Surveying Ltd

**CARRIED**  
**Application denied**

#### **OTHER BUSINESS**

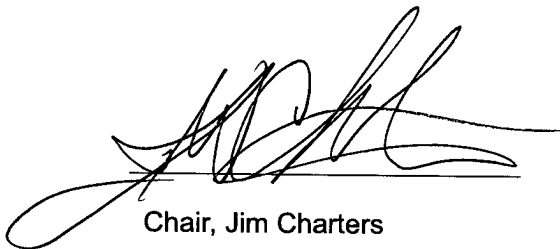
There were no items of Other Business.

#### **TERMINATION**

Moved by: R. Williamson  
Seconded by: J. Charters

**That** the Board of Variance Committee meeting of January 30, 2023 be terminated at 5:55 p.m.

**CARRIED**



Chair, Jim Charters

*Lindsay Clarke*

Planning Analyst, Lindsay Clarke

Signing on behalf of  
Recording Secretary, Kathy White