

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, FEBRUARY 19, 2020**

BOARD MEMBERS: Chair L. Radage; Members I. Davis, S. Sanguinetti, and D. Simmons. Absent: Member R. Yaworsky.

STAFF: P. Cuk, Board Secretary; T. Yee, Building Inspector; and C. Grundy, Legislative Services Clerk.

1. Call to Order

The Hearing was called to order at 5 p.m.

2. Introduction

Staff introduced the Board Members and described the Hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the February 19, 2020 Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the January 22, 2020 Minutes

Chair Radage referred to the Minutes of the Board of Variance Hearing held on January 22, 2020.

It was Moved and Seconded:

THAT the January 22, 2020 Board of Variance Hearing minutes be adopted as circulated.

CARRIED

5. Time Limit of Board of Variance Orders

Chair Radage read out the following statement regarding Time Limit of Order Approving a Variance and noted that the time limit applied to each application approved by the Board:

“Pursuant to section 542 of the *Local Government Act*, if a Board of Variance orders that a minor variance be permitted from the requirements of the bylaw, and the Order sets a time limit within which the construction of the building or structure must be completed, and the construction is not completed within that time, the permission of the Board terminates and the bylaw applies. Orders of this Board of Variance that permit a variance specify that: if construction is not substantially started within 6 months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.”

6. Application 19-049 (971 Wildwood Lane)

Staff confirmed the following requested variance regarding a proposed secondary suite:

- a) 1 Parking Space to Secondary Suite Parking Space.

Staff informed that:

- the Board of Variance considered this application at its November 20, 2019 hearing and deferred further consideration to the January 22, 2020 hearing; because the applicant was subsequently unable to attend the January 22, 2020 hearing the Board of Variance deferred further consideration to the February 19, 2020 hearing; the applicant has indicated an inability to attend the February 19, 2020 hearing, and has requested that consideration of this application be deferred to the March 18, 2020 hearing; and
- no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

It was Moved and Seconded:

THAT the Board defer further consideration of Application 19-049 (971 Wildwood Lane) to the March 18, 2020 Board of Variance Hearing.

CARRIED

7. Application 20-005 (5770 Seaview Road)

Staff confirmed the following requested variance regarding a proposed accessory building:

- a) 1.72 m to Minimum Side Yard Setback.

Staff informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 2020	1
Redacted	January 2020	2
Redacted	February 18, 2020	3
Redacted	February 18, 2020	4

Staff provided permit history of the subject property.

Chair Radage queried whether the applicant or applicant’s representative was present to make representations to the Board regarding this application and there was no response.

At 5:07 p.m.:

It was Moved and Seconded:

THAT further consideration of Application 20-005 be deferred to immediately following Item 9.

CARRIED

The Board then proceeded to consider Item 8.

8. Application 20-006 (6476 & 6478 Bay Street)

Staff confirmed the following requested variances regarding a proposed power pole and mechanical equipment:

- a) 7.3 m to Front Yard Setback (Power Pole)
- b) 1.22 m to Minimum Side Yard Setback (Power Pole)
- c) 2.396 m to Accessory Structure Height (Power Pole)
- d) 1.48 m to Rear Yard Setback (Mechanical Equipment).

Staff informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 23, 2020	1
Redacted	January 24, 2020	2
Redacted	Undated	3

Staff provided permit history of the subject property.

M. Storhas (Bavahaus Construction Ltd., representing the owner of 6476 & 6478 Bay Street) described the variance application for a proposed power pole and mechanical equipment and responded to Board members' questions.

Chair Radage queried whether there was anyone in the gallery who wished to address the Board regarding the application.

J. Eaves (6487 Bruce Street) queried regarding: the height and location of the proposed power pole; and noise levels from the proposed mechanical equipment. M. Storhas provided responses.

Chair Radage queried whether there was anyone else in the gallery who wished to address the Board regarding the application and there was no response.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated January 22, 2020, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected the subject site, and having heard the submissions of J. Eaves and M. Storhas:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 20-006 regarding a proposed power pole and mechanical equipment at 6476 & 6478 Bay Street with variances of:

- 7.3 m to Front Yard Setback (Power Pole)
- 1.22 m to Minimum Side Yard Setback (Power Pole)
- 2.396 m to Accessory Structure Height (Power Pole)
- 1.48 m to Rear Yard Setback (Mechanical Equipment)

BE ALLOWED pursuant to the plans dated January 17, 2020 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

9. Application 20-007 (680 Fairmile Road)

Staff confirmed the following requested variance regarding a proposed roof parapet alteration:

- a) 0.36 m to Building Height for Principal Dwelling.

Staff informed that no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

M. Lu (on behalf of Ted Murray Architect AIBC, representing the owner of 680 Fairmile Road) described the variance application for a proposed roof parapet alteration.

Chair Radage queried whether there was anyone in the gallery who wished to address the Board regarding the application and there was no response.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment

- substantially affect the use and enjoyment of adjacent land
- vary permitted uses and densities under the applicable bylaw; or
- defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated January 23, 2020, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected the subject site, and having heard the submission of M. Lu:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 20-007 regarding a proposed roof parapet alteration at 680 Fairmile Road with a variance of:

- 0.36 m to Building Height for Principal Dwelling
- BE ALLOWED pursuant to the plans dated January 23, 2020 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

At 5:21 p.m. the Board proceeded with consideration of Item 7.

7. Application 20-005 (5770 Seaview Road)

Staff confirmed the following requested variance regarding a proposed accessory building:

- a) 1.72 m to Minimum Side Yard Setback.

Staff informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 2020	1
Redacted	January 2020	2
Redacted	February 18, 2020	3
Redacted	February 18, 2020	4

Staff provided permit history of the subject property.

S. Park (5770 Seaview Road) described the variance application for a proposed accessory building and responded to Board members' questions.

Chair Radage queried whether there was anyone in the gallery who wished to address the Board regarding the application.

L. Redman (5760 Maple Place) referred to written submissions, expressed opposition to the requested variance, and commented regarding: previous discussions with the applicant; the zoning bylaw; impacts on views and existing vegetation; the permit process; the appearance and location of the accessory building; and water runoff.

Chair Radage queried whether there was anyone else in the gallery who wished to address the Board regarding the application and there was no response.

Staff responded to Board members' questions.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated January 8, 2020, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected the subject site, and having heard the submissions of S. Park and L. Redman:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 20-005 regarding a proposed accessory building at 5770 Seaview Road with a variance of:

- 1.72 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated December 10 and 19, 2019 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

Member Davis voted in the negative

10. Receipt of Written and Oral Submissions

It was Moved and Seconded:

THAT all written and oral submissions regarding the following Board of Variance Applications:

- Application 19-049 (971 Wildwood Lane);
- Application 20-005 (5770 Seaview Road);
- Application 20-006 (6476 & 6478 Bay Street);
- Application 20-007 (680 Fairmile Road);

up to and including February 19, 2020, be received.

CARRIED

11. Public Question Period

There were no questions.

12. Next Hearing

Staff confirmed that the next Hearing of the Board of Variance is scheduled for March 18, 2020 at 5 p.m. in the Municipal Hall Council Chamber.

13. Adjournment

It was Moved and Seconded:

THAT the February 19, 2020 Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 5:35 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY