

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL RAVEN ROOM
WEDNESDAY, MARCH 18, 2020**

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

STAFF: M. Panneton, Acting Board Secretary; and T. Yee, Building Inspector.

1. Call to Order

The Hearing was called to order at 5:04 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 March 18, 2020 Board of Variance Hearing agenda be amended by:

- adding to Item 14 regarding a recommendation to cancel upcoming Board of Variance hearings;

AND THAT the agenda be approved as amended.

CARRIED

4. Adoption of the February 19, 2020 Minutes

Chair Radage referred to the Minutes of the Board of Variance Hearing held on February 19, 2020.

It was Moved and Seconded:

THAT the February 19, 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 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; as the applicant was unable to attend the January 22, 2020 hearing, the Board deferred consideration of the application to the February 19, 2020 hearing; as the applicant was unable to attend the February 19, 2020 hearing, the applicant requested that consideration of this application be deferred to the March 18, 2020 hearing; and application 19-049 was withdrawn by the applicant on February 26, 2020.

7. Application 20-008 (2159 Chairlift Place)

Staff confirmed the following requested variance regarding a proposed pool cabana:

- a) 3.53 m to Front Yard Setback.

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.

J. Cheng (Architect, James K.M. Cheng Architects, representing the owner of 2159 Chairlift Place) described the variance application for a proposed pool cabana and responded to Board members' questions. Staff provided additional information regarding the status of the adjacent property.

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 February 12, 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 J. Cheng:

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 20-008 regarding a proposed pool cabana at 2159 Chairlift Place with a variance of:

- 3.53 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated November 7, 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.

DEFEATED

Chair Radage and Member Sanguinetti voted in the negative

The Chair confirmed that as the motion to approve the application was defeated due to a tie vote, the application did not receive approval and cannot proceed.

8. Application 20-009 (817 Younette Drive)

Staff confirmed the following requested variances regarding a proposed power pole (accessory structure):

- a) 2.06 m to Front Yard Setback
- b) 1.48 m to Accessory Structure Height.

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.

E. Winsborrow (817 Younette Drive) described the variance application for a proposed power pole (accessory structure) 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 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 February 19, 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 E. Winsborrow:

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 20-009 regarding a proposed power pole (accessory structure) at 817 Younette Drive with variances of:

- 2.06 m to Front Yard Setback
- 1.48 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated January 28, 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 20-010 (1488 Braeside Street)

Staff confirmed the following requested variance regarding a proposed shed:
a) 6.315 m to Front 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	March 14, 2020	1

Staff provided permit history of the subject property.

H. Chu (1488 Braeside Street) described the variance application for a proposed shed.

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 February 20, 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 H. Chu:

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 20-010 regarding a proposed shed at 1488 Braeside Street with a variance of:

- 6.315 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated February 19, 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

10. Application 20-011 (8055 Pasco Road)

Staff informed that Application 20-011 was withdrawn on March 3, 2020.

11. Application 20-012 (5566 Gallagher Place)

Staff confirmed the following requested variance regarding a proposed addition:
a) 2.45 m to Front 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 (On-Table)	March 17, 2020	1
K. Shoemaker (On-Table)	March 18, 2020	2

Staff provided permit history of the subject property.

K. Shoemaker (5566 Gallagher Place) described the variance application for a proposed addition 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 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 February 21, 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 K. Shoemaker:

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 20-012 regarding a proposed addition at 5566 Gallagher Place with a variance of:

- 2.45 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated November 25, 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

12. 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 20-008 (2159 Chairlift Place);
- Application 20-009 (817 Younette Drive);
- Application 20-010 (1488 Braeside Street);

- Application 20-011 (8055 Pasco Road);
- Application 20-012 (5566 Gallagher Place);

up to and including March 18, 2020, be received.

CARRIED

13. Public Question Period

There were no questions.

14. Next Hearing

It was Moved and Seconded:

THAT, due to the COVID-19 pandemic, the 2020 Board of Variance hearing schedule be modified by cancelling all Board of Variance hearings until such time that staff believe it to be safe for the Board of Variance to resume its regularly scheduled hearings.

CARRIED

Staff confirmed that they would monitor the COVID-19 pandemic and would inform the Board of Variance when regularly scheduled hearings could resume.

15. Adjournment

It was Moved and Seconded:

THAT the March 18, 2020 Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 5:32 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY