

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
MUNICIPAL HALL COUNCIL CHAMBER  
WEDNESDAY, NOVEMBER 18, 2020**

---

**BOARD MEMBERS:** Chair L. Radage and Members I. Davis, S. Sanguinetti, D. Simmons, and R. Yaworsky attended the meeting via electronic communication facilities.

**STAFF:** C. Grundy, Legislative Services Clerk. P. Cuk, Board Secretary; and T. Yee, Building Inspector, attended the hearing via electronic communication facilities.

**1. Call to Order**

The hearing was called to order at 5:00 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 November 18, 2020 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the October 21, 2020 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on October 21, 2020.

It was Moved and Seconded:

THAT the October 21, 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 20-024 (6228 Wellington Avenue)

Staff confirmed the following requested variances regarding proposed detached garage and deck:

- a) 9.1 m to Front Yard Setback (Garage)
- b) 1.13 m to Front Yard Setback (Deck)
- c) 0.31 m to Minimum Side Yard Setback (Garage)
- d) 0.36 m to Minimum Side Yard Setback (Deck)
- e) 0.8 m to Accessory Building Height.

Staff informed that the Board of Variance considered Application 20-024 at its October 21, 2020 hearing and deferred further consideration to the November 18, 2020 hearing. The application was subsequently withdrawn and new Application 20-029 was submitted.

## 7. Application 20-028 (6435 Madrona Crescent)

Staff confirmed the following requested variances regarding a proposed electrical meter (accessory structure):

- a) 8.5 m to Front Yard Setback
- b) 2.04 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	#
A. Barbachkov	October 22, 2020	1
A. Barbachkov	November 13, 2020	2
Redacted	November 16, 2020	3
Redacted	November 18, 2020	4
Redacted	November 18, 2020	5

Staff provided permit history of the subject property.

A. Barbachkov (6435 Madrona Crescent) described the variance application for a proposed electrical meter (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 October 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 and/or viewed images of the subject site, and having heard the submission from A. Barbachkov:

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 20-028 regarding a proposed electrical meter (accessory structure) with variances of:

- 8.5 m to Front Yard Setback
- 2.04 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated October 15, 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

**8. Application 20-029 (6228 Wellington Avenue)**

Staff confirmed the following requested variances regarding a proposed detached garage and deck:

- a) 9.1 m to Front Yard Setback (Garage)
- b) 1.13 m to Front Yard Setback (Deck).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	November 13, 2020	1
Redacted	November 16, 2020	2
Redacted	November 16, 2020	3
T. Cragg (Cragg Built Properties Ltd.)	November 16, 2020	4
T. Cragg (Cragg Built Properties Ltd.)	November 17, 2020	5
Redacted	November 18, 2020	6

Staff provided permit history of the subject property.

P. Cragg, (West Vancouver, Cragg Built Properties Ltd. representing the owner of 6228 Wellington Avenue) described the variance application for a proposed detached garage and deck 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 October 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 and/or viewed images of the subject site, and having heard the submission from P. Cragg:

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 20-029 regarding a proposed detached garage and deck at 6228 Wellington Avenue with variances of:

- 9.1 m to Front Yard Setback (Garage)
- 1.13 m to Front Yard Setback (Deck)

BE ALLOWED pursuant to the plans dated October 22, 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 20-030 (3795 Bayridge Avenue)**

Staff confirmed the following requested variances regarding a proposed detached garage (accessory building):

- a) 1.6 m to Combined Side Yard Setback
- b) 8.95 m to Front Yard Setback
- c) 2.21 m to Distance between Principal and Accessory Buildings
- d) 1.6 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	November 8, 2020	1
Redacted	November 11, 2020	2
Redacted	November 14, 2020	3

Staff provided permit history of the subject property.

M. Kaffka ( Kaffka Designs Ltd., representing the owner of 3795 Bayridge Avenue) described the variance application for a proposed detached garage (accessory building).

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 October 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 and/or viewed images of the subject site, and having heard the submissions of M. Kaffka, J. Abramson and J. Abramson:

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 20-030 regarding a proposed detached garage (accessory building) at 3795 Bayridge Avenue with variances of:

- 1.6 m to Combined Side Yard Setback
- 8.95 m to Front Yard Setback
- 2.21 m to Distance between Principal and Accessory Buildings
- 1.6 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated October 1, and 21, 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 20-031 (1509 24th Street)**

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

- a) 5.10 m to Front Yard Setback
- b) 0.89 m to Minimum Side Yard Setback
- c) 1.71 m to Accessory Building Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	November 16, 2020	1

Staff provided permit history of the subject property.

A. Mostashari (1509 24th Street) described the variance application for a proposed private 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 October 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 and/or viewed images of the subject site, and having heard the submission from A. Mostashari:

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 20-031 regarding a proposed private power pole (accessory structure) at 1509 24th Street with variances of:

- 5.10 m to Front Yard Setback
- 0.89 m to Minimum Side Yard Setback
- 1.71 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated October 22, 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

**11. Application 20-032 (4556 Marine Drive)**

Staff confirmed the following requested variances regarding a proposed single-family dwelling and accessory building (cabana):

- a) 4.03 m to Combined Side Yard Setback (Single-Family Dwelling)
- b) 5.14 m to Front Yard Setback (Single-Family Dwelling)
- c) 4.02 m to Minimum Side Yard Setback (West Elevation) (Single-Family Dwelling)
- d) 4.5 m to Distance between Principal and Accessory Building (Cabana).

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. Thompson (Design Marque, representing the owner of 4556 Marine Drive) described the variance application for a proposed single-family dwelling and accessory building (cabana).

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 October 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 and/or viewed images of the subject site, and having heard the submission of M. Thompson:

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 20-032 regarding a proposed single-family dwelling and accessory building (cabana) at 4556 Marine Drive with variances of:

- 4.03 m to Combined Side Yard Setback (Single-Family Dwelling)
- 5.14 m to Front Yard Setback (Single-Family Dwelling)
- 4.02 m to Minimum Side Yard Setback (West Elevation) (Single-Family Dwelling)
- 4.5 m to Distance between Principal and Accessory Building (Cabana)

BE ALLOWED pursuant to the plans dated October 10, 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

## **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 20-028 (6435 Madrona Crescent)
- Application 20-029 (6228 Wellington Avenue)
- Application 20-030 (3795 Bayridge Avenue)
- Application 20-031 (1509 24th Street)
- Application 20-032 (4556 Marine Drive)

up to and including November 18, 2020 be received.

CARRIED

## **13. Public Question Period**

There were no questions.

**14. Proposed 2021 Board of Variance Hearing Schedule**

RECOMMENDATION:

THAT the 2021 schedule of Board of Variance hearings be adopted.

CARRIED

**15. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for January 20, 2021 at 5 p.m. in the Municipal Hall Council Chamber.

**16. Adjournment**

It was Moved and Seconded:

THAT the November 18, 2020 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:53 p.m.

Certified Correct:

*[Original signed by Chair]*

\_\_\_\_\_  
CHAIR

*[Original signed by Secretary]*

\_\_\_\_\_  
SECRETARY