

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, OCTOBER 21, 2020**

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

STAFF: R. Bartlett, Chief Administrative Officer; M. Panneton, Director, Legislative Services/Corporate Officer; and 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 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 October 21, 2020 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the September 23, 2020 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on September 23, 2020.

It was Moved and Seconded:

THAT the September 23, 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 a proposed detached garage and deck with the following variances:

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	October 10, 2020	1
Redacted	October 13, 2020	2
Redacted	October 15, 2020	3
Redacted	October 16, 2020	4
Redacted	October 20, 2020	5
Redacted	October 20, 2020	6

Redacted	October 22, 2020	7
Redacted	October 22, 2020	8

Staff provided permit history of the subject property.

P. Cragg (Owner, 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.

R. Fraser (6205 Nelson Avenue) spoke in opposition to the requested variances and commented regarding: access to 6205 Nelson Avenue; privacy and aesthetics; retention of a hedge between the subject property and 6205 Nelson Avenue; landscaping and tree protection; building plans and site surveys; excavation and blasting; and lack of hardship.

M. Sturdy (West Vancouver) spoke in support of the requested variances and commented regarding: working with neighbours; support of neighbours; and existing driveway is unsafe.

A. Green (6225 Nelson Avenue) spoke in opposition to the requested variances and commented regarding: impact on landscaping and the streetscape; building plans and site surveys; tree protection and the need for a retaining wall; and blasting and other construction-related activities.

R. Fraser spoke for a second time and queried regarding the existing garage's foundation. P. Cragg provided a response.

Staff and P. Cragg responded to Board members' questions.

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 September 16, 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 P. Cragg, R. Fraser, M. Sturdy, and A. Green:

It was Moved and Seconded:

THAT the Board defer further consideration of Application 20-024 (6228 Wellington Avenue) in order to allow the applicant time to explore alternate siting options and to address the Board's questions regarding the requested variances.

CARRIED

Member Simmons voted in the negative

7. Application 20-025 (5530 Marine Drive)

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

- a) 4.7 m to Front Yard Setback
- b) 2.24 m to Minimum Side Yard Setback
- c) 5.23 m to Accessory Structure 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	October 20, 2020	1
Pacific Mountain Homes Ltd.	October 20, 2020	2
Redacted	October 20, 2020	3
Redacted	Undated	4

Staff provided permit history of the subject property.

R. Baillie (Pacific Mountain Homes Inc., representing the owner of 5530 Marine Drive) described the variance application for a proposed power pole (accessory structure).

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 September 24, 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 R. Baillie:

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 20-025 regarding a proposed power pole (accessory structure) at 5530 Marine Drive with variances of:

- 4.7 m to Front Yard Setback
- 2.24 m to Minimum Side Yard Setback
- 5.23 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated September 14, 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 20-026 (3823 Bayridge Avenue)

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

- a) 8.13 m to Front Yard Setback
- b) 1.98 m to Minimum Side Yard Setback
- c) 4.83 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.		

Member Sanguinetti left the hearing at 5:57 p.m. and returned to the hearing at 5:58 p.m. via electronic communication facilities.

Staff provided permit history of the subject property.

B. McManus (1029 Clyde Avenue; and Owner, 3823 Bayridge Avenue) described the variance application for a proposed private power pole (accessory structure) and responded to a Board member's question.

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 September 25, 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 B. McManus:

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 20-026 regarding a proposed private power pole (accessory structure) at 3823 Bayridge Avenue with variances of:

- 8.13 m to Front Yard Setback
- 1.98 m to Minimum Side Yard Setback
- 4.83 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated June 9, 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 20-027 (2531 Nelson Avenue)

Staff confirmed the following requested variances for a proposed electric meter (accessory structure) and posts and wall (accessory structure):

- a) 7.07 m to Front Yard Setback (Electric Meter)
- b) 2.07 m to Minimum Side Yard Setback (Electric Meter)
- c) 7.53 m to Front Yard Setback (Wall flanked by two Posts)
- d) 2.93 m to Minimum Side Yard Setback (Wall flanked by two Posts).

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.

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

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 September 25, 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:

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 20-027 regarding a proposed electric meter (accessory structure) and posts and wall (accessory structure) at 2531 Nelson Avenue with variances of:

- 7.07 m to Front Yard Setback (Electric Meter)
- 2.07 m to Minimum Side Yard Setback (Electric Meter)
- 7.53 m to Front Yard Setback (Wall flanked by two Posts)
- 2.93 m to Minimum Side Yard Setback (Wall flanked by two Posts)

BE ALLOWED pursuant to the plans dated September 29, 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. 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 20-024 (6228 Wellington Avenue);
- Application 20-025 (5530 Marine Drive);
- Application 20-026 (3823 Bayridge Avenue); and
- Application 20-027 (2531 Nelson Avenue)

up to and including October 21, 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 November 18, 2020 at 5 p.m. in the Municipal Hall Council Chamber.

13. Adjournment

It was Moved and Seconded:

THAT the October 21, 2020 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:05 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY