

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, SEPTEMBER 23, 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: 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 September 23, 2020 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the June 17, 2020 Minutes

Chair Radage referred to the Minutes of the Board of Variance Hearing held on June 17, 2020.

It was Moved and Seconded:

THAT the June 17, 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 20-021 (2966 Mathers Avenue)

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

- a) 2.06 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	June 9, 2020	1
Redacted	June 9, 2020	2
Redacted	June 9, 2020	3
Redacted	June 9, 2020	4
Redacted	June 10, 2020	5
Redacted	July 23, 2020	6
Redacted	July 24, 2020	7
Redacted	July 28, 2020	8
Redacted	September 12, 2020	9
M. Menghi	September 16, 2020	10
M. Menghi	September 22, 2020	11
M. Menghi	September 22, 2020	12

Staff provided permit history of the subject property.

M. Menghi (2966 Mathers Avenue) referred to written submissions of support and described the variance application for a proposed accessory garage. M. Menghi, U. Menghi (2966 Mathers Avenue), S. Rasmussen (Principal, SRA Architects Inc.), A. Devery (Architectural Intern, SRA Architects Inc.) and G. Gallie (Project Builder) responded to Board members' questions.

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

C. Koo (2965 Mathers Avenue) queried regarding the final height of the proposed accessory garage and commented regarding hedge height, views, and sightlines. M. Menghi provided a response and commented relative to a land title covenant regarding hedges on the subject property.

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 August 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 and/or viewed images of the subject site, and having heard the submissions of A. Devery, G. Gallie, C. Koo, M. Menghi, U. Menghi, and S. Rasmussen:

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 20-021 regarding a proposed accessory garage at 2966 Mathers Avenue with a variance of:

- 2.06 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated August 5, 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

Member Sanguinetti voted in the negative

7. Application 20-022 (749 Anderson Crescent)

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

- a) 5.83 m to Front Yard Setback
- b) 2.7 m to Accessory Structure Height.

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

SUBMISSION AUTHOR	SUBMISSION DATED	#
D. Fan	September 19, 2020	1

Staff provided permit history of the subject property.

D. Fan (749 Anderson Crescent) referred to written submissions of support and described the variance application for a proposed private power pole (accessory structure). Staff and D. Fan 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 August 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 of D. Fan:

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 20-022 regarding a proposed private power pole (accessory structure) at 749 Anderson Crescent with variances of:

- 5.83 m to Front Yard Setback
- 2.7 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated July 7 and August 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

8. Application 20-023 (6560 Nelson Avenue)

Staff confirmed the following requested variances regarding a proposed generator and outdoor air conditioning unit (separate units):

- a) 6.71 m to Front Yard Setback (Generator)
- b) 0.7 m to Minimum Side Yard Setback (Air Conditioning Unit).

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

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

S. Norman (6560 Nelson Avenue) described the variance application for a proposed generator and outdoor air conditioning unit (separate units). Staff and S. Norman 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 August 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 and/or viewed images of the subject site, and having heard the submission of S. Norman:

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 20-023 regarding a proposed generator and outdoor air conditioning unit (separate units) at 6560 Nelson Avenue with variances of:

- 6.71 m to Front Yard Setback (Generator)
- 0.7 m to Minimum Side Yard Setback (Air Conditioning Unit)

BE ALLOWED pursuant to the plans dated July 30, 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. 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 20-021 (2966 Mathers Avenue);
- Application 20-022 (749 Anderson Crescent); and
- Application 20-023 (6560 Nelson Avenue);

up to and including September 23, 2020, be received.

CARRIED

10. Public Question Period

There were no questions.

11. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for October 21, 2020 at 5 p.m. in the Municipal Hall Council Chamber.

12. Adjournment

It was Moved and Seconded:

THAT the September 23, 2020 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:49 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY