



Pursuant to the *Freedom of Information and Protection of Privacy Act*, names, addresses, contact information and other personal information of individuals who write to the Board are protected from disclosure and must not be disclosed during the hearing.

The Corporation of the District of West Vancouver

## **Board of Variance Hearing Agenda**

Municipal Hall Raven Room  
(via electronic communication facilities)

April 21, 2021  
5 p.m.

### **1. Call to Order**

The Board of Variance hearing will be called to order.

#### **RECOMMENDATION:**

WHEREAS the March 24, 2021 Order of the Provincial Health Officer on Gatherings and Events ("order") prohibits members of the public from attending local government meetings in-person until the order is rescinded or replaced;

WHEREAS the District of West Vancouver is required to prohibit in-person attendance at Board of Variance hearings pursuant to the order; and

WHEREAS the District of West Vancouver has enabled public participation at Board of Variance hearings via electronic means to ensure openness, transparency, accessibility and accountability, including via the use of electronic communication facilities (telephone and video-conferencing software) for public participation;

THEREFORE BE IT RESOLVED THAT the April 21, 2021 Board of Variance hearing be held without in-person public attendance.

### **2. Introduction**

The Board of Variance hearing procedure will be described.

### **3. Confirmation of Agenda**

#### **RECOMMENDATION:**

THAT the April 21, 2021 Board of Variance hearing agenda be approved as circulated.

**4. Adoption of Minutes**

## RECOMMENDATION:

THAT the March 24, 2021 Board of Variance hearing minutes be adopted as circulated.

**5. Time Limit of Board of Variance Orders**

The Chair will describe the time limit of orders approving a variance.

**6. Application 21-012 (1324 25th Street) regarding a patio cover (accessory structure) with the following variances:**

- a) 3.7 m to Distance Between Principal and Accessory Buildings
- b) 26 m<sup>2</sup> to Site Coverage.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant's representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board's debate, the Board will consider the following motions.

## RECOMMENDATION:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 21-012 regarding a patio cover (accessory structure) at 1324 25th Street with variances of:

- 3.7 m to Distance Between Principal and Accessory Buildings
- 26 m<sup>2</sup> to Site Coverage

BE ALLOWED pursuant to the plans dated December 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.

**OR**

RECOMMENDATION:

THAT the Board finds that undue hardship would not be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 21-012 regarding a patio cover (accessory structure) at 1324 25th Street with variances of:

- 3.7 m to Distance Between Principal and Accessory Buildings
- 26 m<sup>2</sup> to Site Coverage

BE NOT ALLOWED pursuant to the plans dated December 21, 2020 submitted with the application.

**OR**

RECOMMENDATION:

THAT the Board defers further consideration of Application 21-012 (1324 25th Street) to the next Board of Variance hearing.

**7. Receipt of Oral and Written Submissions**

RECOMMENDATION:

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

- Application 21-012 (1324 25th Street)  
up to and including April 21, 2021 be received.

**8. Public Question Period  
(Regarding process and/or disposition only)**

**9. Next Hearing**

The next Board of Variance hearing is scheduled for May 26, 2021 in the Municipal Hall Raven Room.

**10. Adjournment**

RECOMMENDATION:

THAT the April 21, 2021 Board of Variance hearing be adjourned.

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**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
MUNICIPAL HALL RAVEN ROOM  
WEDNESDAY, MARCH 24, 2021**

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**4.**

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

**STAFF:** P. Cuk, Board Secretary; M. Panneton, Director, Legislative Services/ Corporate Officer; and T. Yee, Building Inspector.

**1. Call to Order**

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

It was Moved and Seconded:

WHEREAS the February 5, 2021 Order of the Provincial Health Officer on Gatherings and Events ("order") prohibits members of the public from attending local government meetings in-person until the order is rescinded or replaced;

WHEREAS the District of West Vancouver is required to prohibit in-person attendance at Board of Variance hearings pursuant to the order; and

WHEREAS the District of West Vancouver has enabled public participation at Board of Variance hearings via electronic means to ensure openness, transparency, accessibility and accountability, including via the use of electronic communication facilities (telephone and video-conferencing software) for public participation;

THEREFORE BE IT RESOLVED THAT the March 24, 2021 Board of Variance hearing be held without in-person public attendance.

CARRIED

**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 24, 2021 Board of Variance hearing agenda be approved as circulated.

CARRIED

#### 4. Adoption of the February 17, 2021 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on February 17, 2021.

It was Moved and Seconded:

THAT the February 17, 2021 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 21-009 (801 Anderson Crescent)

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

- a) 8.62 m to Front Yard Setback
- b) 5.23 m to Accessory Building 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.

B. Ferguson (Bryce Ferguson AX Inc, representing the owners of 801 Anderson Crescent) described the variance application for a proposed power pole (accessory structure). Staff and B. Ferguson responded to a Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application. Staff informed that no one had signed up to address the Board regarding the subject application.

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 9, 2021, 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. Ferguson:

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 21-009 regarding a proposed power pole (accessory structure) at 801 Anderson Crescent with variances of:

- 8.62 m to Front Yard Setback
- 5.23 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated February 1, 2021 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

## 7. Application 21-010 (3262 Marine Drive)

Staff confirmed the following requested variances regarding a waterfront yard shed and side yard shed:

- a) 1.73 m to Side Yard Setback (Waterfront Yard Shed)
- b) 7.81 m to Waterfront Yard Setback (Waterfront Yard Shed)
- c) 1.86 m to Side Yard Setback (Side Yard Shed).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	February 15, 2021	1
Redacted	February 15, 2021	2
Redacted	February 16, 2021	3
Redacted	February 16, 2021	4
Redacted	February 16, 2021	5
Redacted	February 16, 2021	6

Staff provided permit history of the subject property.

J. Hanley (Kennedy Construction, representing the owner of 3262 Marine Drive) described the variance application for a waterfront yard shed and side yard shed. Staff and J. Hanley responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application. Staff informed that no one had signed up to address the Board regarding the subject application.

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 23, 2021, 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 J. Hanley:

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 21-010 regarding a waterfront yard shed and side yard shed at 3262 Marine Drive with variances of:

- 1.73 m to Side Yard Setback (Waterfront Yard Shed)
- 7.81 m to Waterfront Yard Setback (Waterfront Yard Shed)
- 1.86 m to Side Yard Setback (Side Yard Shed)

BE ALLOWED pursuant to the plans dated February 22, 2021 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 21-011 (5630 Westport Road)**

Staff confirmed the following requested variances regarding a proposed new single family dwelling:

- a) 3.34 m to Building Height
- b) Proposed Accessory Building Below Principal Dwelling.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Rafael Santa Ana Architecture Workshop Inc.	March 18, 2021	1
Redacted	March 23, 2021	2

Staff provided permit history of the subject property.

R. Santa Ana (Rafael Santa Ana Architecture Workshop Inc., representing the owner of 5630 Westport Road) described the variance application for a proposed new single family dwelling and responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application.

B. McLean (5634 Westport Road) referred to a written submission and requested that the Board defer consideration of the variance request in order to allow him to view the building plans and assess the impact of the proposed development from his own property. R. Santa Ana commented regarding deferral of the Board's consideration of the variance request. Staff provided procedural information.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

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 24, 2021, 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 R. Santa Ana and B. McLean:

It was Moved and Seconded:

THAT the Board defers consideration of Application 21-011 (5630 Westport Road) to the next Board of Variance hearing.

Board members commented. The question was called on the motion.

DEFEATED

Chair Radage and Members Davis and Simmons voted in the negative

Staff provided procedural information.

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 21-011 regarding a proposed new single family dwelling at 5630 Westport Road with variances of:

- 3.34 m to Building Height
- Proposed Accessory Building Below Principal Dwelling

BE ALLOWED pursuant to the plans dated January 26, 2021 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 Yaworski voted in the negative

## **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 21-009 (801 Anderson Crescent);
- Application 21-010 (3262 Marine Drive);
- Application 21-011 (5630 Westport Road);

up to and including March 24, 2021, 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 April 21, 2021 at 5 p.m. in the Municipal Hall Raven Room.

## **12. Adjournment**

It was Moved and Seconded:

THAT the March 24, 2021 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:46 p.m.

Certified Correct:

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L. Radage, Chair

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P. Cuk, Secretary

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District of West Vancouver  
750 17th Street, West Vancouver, BC V7V 3T3  
t: 604-925-7004 f: 604-925-7006

## NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **1324 25th Street**

Notice is given that the Board of Variance will hold a hearing on:

**Wednesday, April 21, 2021 at 5 p.m.**

**District of West Vancouver Municipal Hall, Raven Room**

**750 17th Street (via electronic communication facilities)**

**The Board of Variance will consider the requested variances for a patio cover (accessory structure) at 1324 25th Street, as follows:**

Distance Between Principal and Accessory Buildings	Bylaw Requirement	Proposed	Variance
	4.5 m	0.8 m	3.7 m
Site Coverage	Bylaw Requirement	Proposed	Variance
	266 m <sup>2</sup>	292 m <sup>2</sup>	26 m <sup>2</sup>

6.  
21-012



**To make an appointment to view plans, permit and variance information** contact Terry Yee (Building Inspector) at [tyee@westvancouver.ca](mailto:tyee@westvancouver.ca) or 604-925-7248.

**To view application documents and written submissions, or enquire about hearing procedures or results** contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to the Provincial Health Officer's Order, in-person attendance at this hearing is prohibited. To register to make representations (either via telephone or WebEx) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.** Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at [boardofvariance@westvancouver.ca](mailto:boardofvariance@westvancouver.ca); or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

**Please provide written submissions no later than noon on April 21, 2021, to ensure their availability to the Board for the hearing.**

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

**Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.**

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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The Corporation of the District of West Vancouver

750 17th Street, West Vancouver, BC V7V 3T3

Permits and Inspections Department: 604-925-7242 || Fax: 604-925-7234 || westvancouver.ca

21-012

## Board of Variance Application Form

### Subject Property (please print clearly)

Address: 1324 25th St. West Vancouver, BC V7V4J3

### Applicant (please print clearly)

Name(s): Mark and Suman Melville

Phone #: s.22(1)

Mailing Address: s.22(1)

Cell #: \_\_\_\_\_

Email Address: s.22(1)

Fax #: \_\_\_\_\_

Interest of Applicant: s.22(1)

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

### Registered Owner (please print clearly)

Name(s): s.22(1)

Phone #: s.22(1)

Mailing Address: s.22(1)

Cell #: \_\_\_\_\_

Email Address: s.22(1)

### Completed Application Must Include

- ☒ A letter (signed original) describing:
  - a) The proposed construction;
  - b) The requested variance(s); and
  - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- ☒ Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- ☐ \$800 fee

Note: a copy of this application (redacted as necessary) and supporting documents will be available to s.22(1) public agenda binder for the Board of Variance Hearing.

March 18, 2021  
Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

**Freedom of Information and Protection of Privacy Act Notification:** The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: \_\_\_\_\_ Date: \_\_\_\_\_

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March 17, 2021

To whom it may concern,

We would like to add a simple cover to our existing patio. Please see below for details:

## **Proposed construction**

We would like to add a cover to our existing patio located on the Northwest side of our back yard. The cover is a simple, free-standing wood structure, with 6 posts, 3 open sides and 1 side with 1 x 4" wood slats. The top of the structure is made of wooden beams and roofing material.

We plan to stain the slats a natural wood colour. We took extra care in the design to ensure we would NOT block any neighbours' views and the cover would NOT be visible from the front of the house. The cover:

- is NOT attached to our house;
- is NOT above our roof line;
- will NOT obstruct any of the neighbours' views;
- will NOT hinder any trees in any way;
- it DOES provide privacy to our back patio, s.22(1) can sit outside;
- it IS completely hidden from the front and side of the house (we are on a corner lot) so will NOT impact any curb appeal.

## **Requested variance**

The existing patio is adjacent to our garage. The cover would not meet the required distance from our garage building to the patio cover, which is supposed to be 4.5m. (Note: this patio is existing with a concrete patio floor, and cannot be moved farther away from the garage.)

In addition, with the patio cover, we will exceed allowable site coverage by 26m.

Before s.22(1) called the City to report us, we had the posts and roof top built as we did not realize that a permit was required for a patio cover.

## Hardship

The reasons why this cover is needed:

1. [REDACTED] s.22(1) this year, is frail and not in the greatest health. [REDACTED] s.22(1) a few years ago. [REDACTED] s.22(1) are also elderly, both [REDACTED] s.22(1). Last summer at the height of COVID we started to put a patio cover so they could sit outside comfortably on this patio, and see us and [REDACTED] s.22(1).
2. We have a very large Cedar tree which drops needles all over the patio and into the seating and firepit so we cannot use this outdoor space without daily sweeping of the furniture/firepit. We clean the yard regularly but this is an enormous amount of tree needles that covers everything.

Sincerely,

[REDACTED] s.22(1)

PERMITS & INSPECTIONS DEPARTMENT  
750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits  
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

March 16, 2021

File: BP117161

s.22(1)

Dear Sir/Madam

**RE: 1324 25TH STREET - WEST VANCOUVER  
BUILDING PERMIT APPLICATION – RS5 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the accessory structure (patio cover) built without permits, does not maintain the required setback required between a principal building and accessory building, and exceeds the maximum permitted site coverage for the lot.

The Zoning Bylaw, Section 130.01(10) requires a minimum setback between a principal building and an accessory building as indicated in the table below:

	Bylaw	Proposed	Variance
Distance Between Principal and Accessory Buildings for accessory structure (patio cover)	4.5 m	0.8 m	3.7 m

The Zoning Bylaw, Section 205.05(2) limits the site coverage to a maximum percentage of a lot as indicated in the table below:

	Bylaw	Proposed	Variance
Site Coverage*	266 m <sup>2</sup>	292 m <sup>2</sup>	26 m <sup>2</sup>

\*note: existing site coverage is 264.3 m<sup>2</sup>

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; **or**
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).



- 
- c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **March 24, 2021**. The next Board of Variance Hearing is scheduled for **April 21, 2021**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail.

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

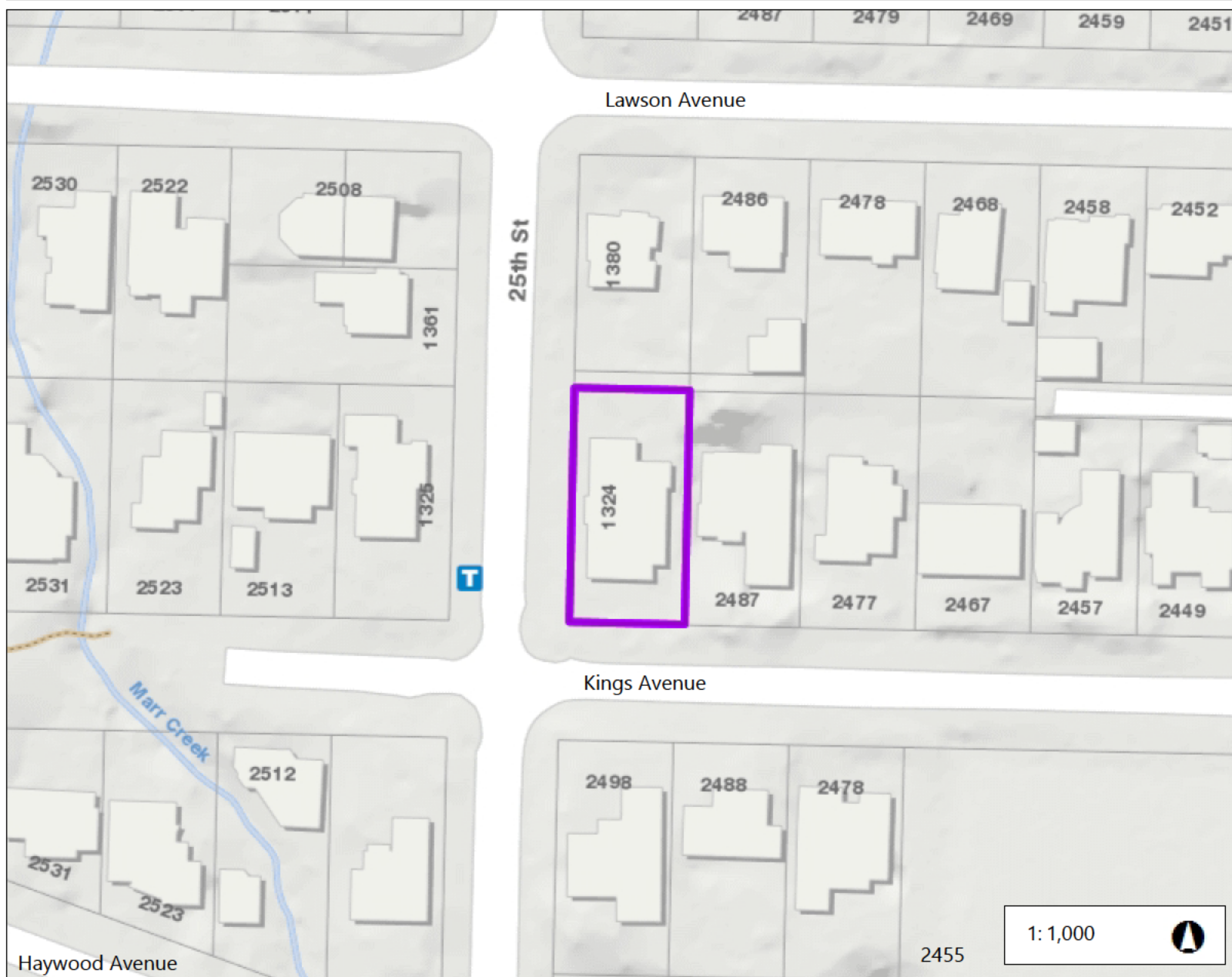
Please do not hesitate to contact me at 604-921-3455 should you require any further information regarding this matter. Thank you.

Regards,

s.22(1)

Nicole Colby  
Plans Examiner  
[ncolby@westvancouver.ca](mailto:ncolby@westvancouver.ca)  
cc: me  
Enclosure  
cc: Secretary, Board of Variance





Legend

Notes

50.8 0 25.40 50.8 Meters

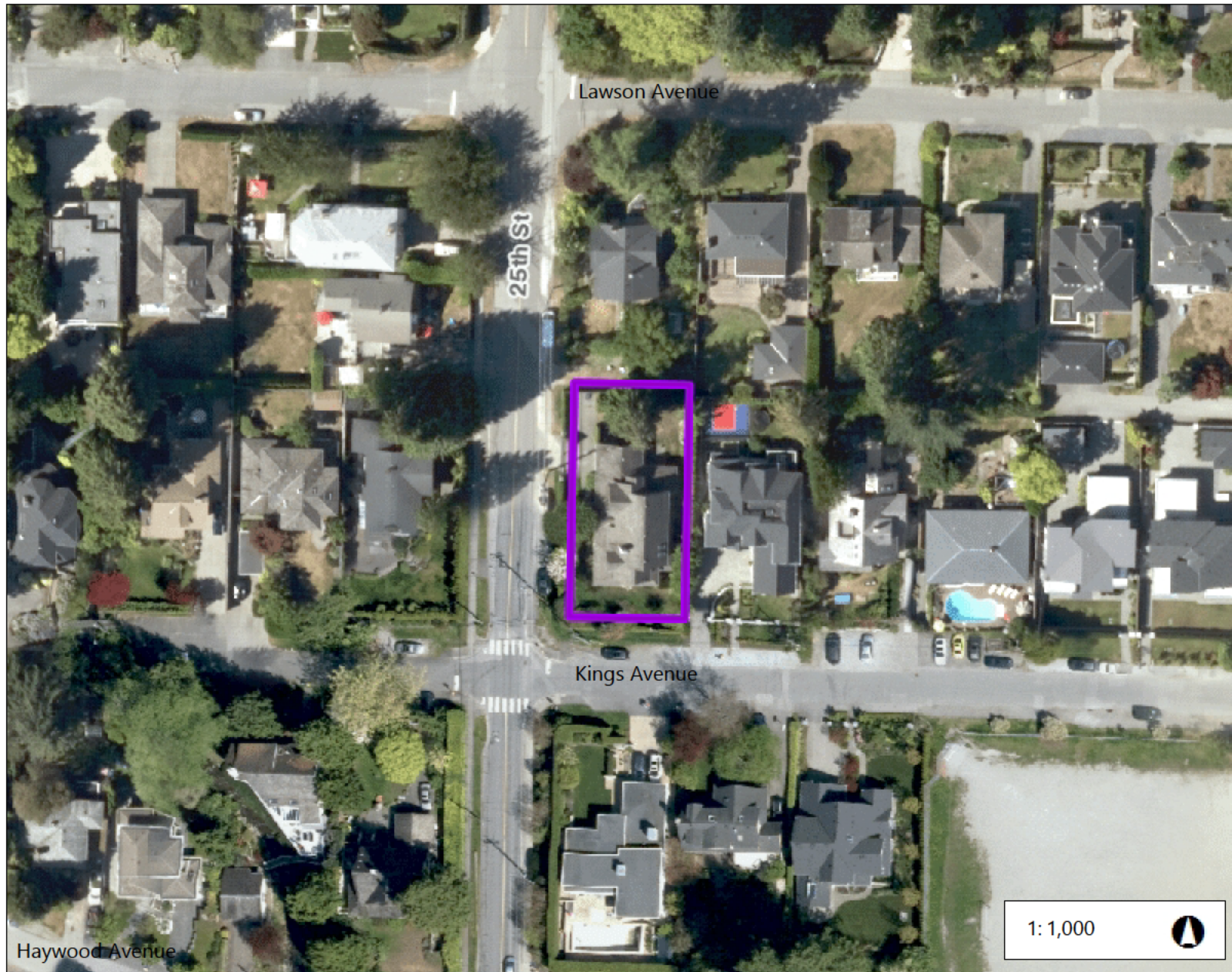
WGS\_1984\_UTM\_Zone\_10N  
District of West Vancouver

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Legend

Notes

50.8 0 25.40 50.8 Meters

WGS\_1984\_UTM\_Zone\_10N  
District of West Vancouver

1: 1,000



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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

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Pursuant to the *Freedom of Information and Protection of Privacy Act*, names, addresses, contact information and other personal information of individuals who write to the Board are protected from disclosure and must not be disclosed during the hearing.

The Corporation of the District of West Vancouver

## Board of Variance

April 21, 2021

### Supplemental Agenda Information Package

For Application 21-012 (1324 25th Street)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	April 19, 2021	1
Redacted	April 19, 2021	2

Please add these supplemental items to the April 21, 2021  
Board of Variance Agenda Package as indicated.

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# Application 21-012 (1324 25th Street)

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**From:** s.22(1)  
**Sent:** Monday, April 19, 2021 1:31 PM  
**To:** BoardOfVariance  
**Subject:** 1324 25th st hearing  
**Attachments:** 1324-25th st-1.pdf; 1324-25th st-2.pdf

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

To Whom It May Concern,

We received the Notice Of Board of Variance Hearing letter from the city and the followings are our thoughts.

We are against this proposal about building an oversized patio cover at 1324 25th Street, reasons as the following:

A. The Size of the Proposed Patio Cover Is Way Over the Bylaw Requirement

Distance Between Principal and Accessory Buildings, the Bylaw Requirement is 4.5 meters, but the Proposed is 0.8 meter, this is 82% over the bylaw requirement.

Site Coverage, the Bylaw Requirement is 266 square meters, but the Proposed is 292 square meters, this is 9.8% over the bylaw requirement.

However, if this patio cover is way too big (82% larger than the bylaw requirement), this is something that needs the district's serious consideration.

B. The Reasons to Build this Patio Cover Were Not True

The reasons they gave s.22(1) to build this patio cover:

- (1) Too many Cedar tree needles dropped into the backyard and the firepit so the owners had to sweep every day.

I have 2 photos shot at different times and they showed there were barely any tree needles dropped onto the top of the patio cover, which means there were not that many tree needles dropped into the backyard as the owners said. Also, if there were too many tree needles dropped on the top of the patio cover, it'll be more difficult to clean and the tree needles will cover those 4 skylight windows located at the top of the patio cover, so logically, when the owners designed 4 skylight windows, they knew there were not much tree needles dropping from the tree.

- (2) s.22(1) could sit under this patio cover in owner's watching.

In the past 2 – 3 years, s.22(1), we never saw any seniors living in this house.

C. West Vancouver's Zoning Bylaw

As residents of West Vancouver, we all see the necessity of the zoning bylaw, and enforcing these bylaws is an important function of local government, and this zoning bylaw makes our community in an organized order and pattern. We moved into West Vancouver in s.22(1), since then we never saw a house in West Vancouver that has its backyard almost 90 – 95% covered by the patio. If this time this house gets approved to build a patio such oversized, then more and more oversized patio will come out in the future, just like several years ago, more and more monster houses showed up in West Vancouver.

Best Regards

s.22(1)

April 17, 2021

March 17, 2021

Dear neighbour- Hello! We are a family of [REDACTED] s.22(1) living at 1324 25<sup>th</sup> St. The reason for my letter is to seek your help.

Last summer we created a free-standing cover for an outdoor patio on the Northwest side of our backyard. The cover was needed for a few reasons:

1. We have a very large Cedar tree which drops needles all over the yard and into the seating and firepit so we cannot use this outdoor space without daily sweeping of the furniture/firepit. We clean the yard regularly but this is an ENORMOUS amount of tree needles that covers everything, making the space unusable.
2. [REDACTED] s.22(1) this year, is frail and not in the greatest health. [REDACTED] s.22(1) a few years ago. [REDACTED] s.22(1) are also elderly, both [REDACTED] s.22(1). Last summer at the height of COVID we started to put a patio cover so they could sit outside comfortably on this patio, and see us.

Unfortunately, somebody reported us to the City for building this patio cover last December. We honestly had no idea this would be an issue, nor would require any such permit as the patio is existing. Regardless, we then applied for permit to the City, paid all fees for drawings, including structural and are planning to present our case to the City in A so we can (hopefully) complete the structure of the patio cover.

The cover is a simple wood structure with open slats on all sides. We plan to stain it a natural wood colour. We took extra care in the design to ensure we would NOT block neighbours' views and would NOT be visible from the front of the house. The cover:

- is NOT attached to our house
- is NOT above our roof line
- will NOT obstruct any of your views, or hinder any of your trees in any way
- It DOES provide privacy to our back patio, [REDACTED] s.22(1) can sit outside without anybody peering into the house.
- It IS completely hidden from the front of the house so will NOT impact any curb appeal

**Our plea to you** – would you please allow us to complete the patio cover, and if you have any concerns can you please contact me so we can discuss? The city, by law, has to contact all homes 50 meters from ours for Board of Variance hearings.

I thank you in advance, and hope you can support this project at our home. We wish you a safe and healthy year.

[REDACTED]

s.22(1)

[REDACTED]

Sincerely,

s.22(1)

[REDACTED]

**From:** s.22(1)  
**Sent:** Monday, April 19, 2021 2:09 PM  
**To:** BoardOfVariance  
**Subject:** 1324 25th st hearing  
**Attachments:** 1324 25th-6 (1).jpg; 1324 25th-6 (2).jpg

**CAUTION:** This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

To Whom It May Concern,

We received the Notice Of Board of Variance Hearing letter from the city and the followings are our thoughts.

We are against this proposal about building an oversized patio cover at 1324 25th Street, reasons as the following:

A. The Size of the Proposed Patio Cover Is Way Over the Bylaw Requirement

Distance Between Principal and Accessory Buildings, the Bylaw Requirement is 4.5 meters, but the Proposed is 0.8 meter, this is 82% over the bylaw requirement.

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However, if this patio cover is way too big (82% larger than the bylaw requirement), this is something that needs the district's serious consideration.

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The reasons they gave s.22(1) to build this patio cover:

(1) Too many Cedar tree needles dropped into the backyard and the firepit so the owners had to sweep every day.

I have 2 photos shot at different times and they showed there were barely any tree needles dropped onto the top of the patio cover, which means there were not that many tree needles dropped into the backyard as the owners said. Also, if there were too many tree needles dropped on the top of the patio cover, it'll be more difficult to clean and the tree needles will cover those 4 skylight windows located at the top of the patio cover, so logically, when the owners designed 4 skylight windows, they knew there were not much tree needles dropping from the tree.

(2) s.22(1) could sit under this patio cover in owner's watching.

In the past 2 – 3 years, [REDACTED] s.22(1), we never saw any seniors living in this house.

### C. West Vancouver's Zoning Bylaw

As residents of West Vancouver, we all see the necessity of the zoning bylaw, and enforcing these bylaws is an important function of local government, and this zoning bylaw makes our community in an organized order and pattern. We moved into West Vancouver in [REDACTED] s.22(1), since then we never saw a house in West Vancouver that has its backyard almost 90 – 95% covered by the patio. If this time this house gets approved to build a patio such oversized, then more and more oversized patio will come out in the future, just like several years ago, more and more monster houses showed up in West Vancouver.

Best Regards

[REDACTED] s.22(1)

[REDACTED] s.22(1)

April 17, 2021









Pursuant to the *Freedom of Information and Protection of Privacy Act*, names, addresses, contact information and other personal information of individuals who write to the Board are protected from disclosure and must not be disclosed during the hearing.

The Corporation of the District of West Vancouver

## Board of Variance

April 21, 2021

### On-Table Agenda Information Package

For Application 21-012 (1324 25th Street)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	April 20, 2021	3
Redacted	April 21, 2021	4

Please add these on-table items to the April 21, 2021  
Board of Variance Agenda Package as indicated.

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# Application 21-012 (1324 25th Street)

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**From:** [REDACTED] s.22(1)  
**Sent:** Tuesday, April 20, 2021 8:49 PM  
**To:** BoardOfVariance  
**Subject:** Photos from street view: 1324 25th St

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Hello

Here are the photos from all sides of house, as you can see the cover for our patio is not impacting curb appeal. 25th St view:











s.22(1)

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s.22(1)

s.22(1)

West Vancouver, B.C.

s.22(1)

April 21, 2021

Board of Variance  
West Vancouver, B.C.

Subject Property: 1324 25th Street,

s.22(1) I live at s.22(1) from 1324 25th Street.

We are not directly impacted by the proposed variance, however, as a long-standing neighbourhood resident, I have a few points to make to the Board.

1. I would not like to see this variance to increase Site Coverage by approximately 10% to become a precedent in the neighbourhood. A future builder or developer should not use this coverage to indicate agreement by adjacent residents.
2. My understanding is the building of the Variance went ahead without a building permit. I would have expected the builder to know what requires a permit and what does not. The builder should have established this at the start and to appropriately advise the owner. The owner however also bears some responsibility since, I assume, the owner would be liable. Will builders or owners in the future go ahead and virtually complete a Variance project without a permit or Variance because completing the job before obtaining a permit or Variance will likely be okay.

This could easily become a precedent. I'll leave that to the Board.

s.22(1)

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**Subject:** Urgent.. s.22(1) re Variance Hearing Today April 21, 2021

**From:** s.22(1)  
**Sent:** Wednesday, April 21, 2021 1:31 PM  
**To:** Terry Yee <[tyee@westvancouver.ca](mailto:tyee@westvancouver.ca)>  
**Cc:** s.22(1)  
**Subject:** Urgent.. s.22(1) re Variance Hearing Today April 21, 2021

CAUTION: This email originated from outside the organization from email address s.22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Hi Mr Terry Yee,

Find attached our submission to be put in the Public Record in regards the Variance request by 1324 25th Street, West Vancouver.

s.22(1) I live at s.22(1), West Vancouver (s.22(1) from 1324 25th Street).

We are concerned about the current builders/contractors and future contractors/builders, taking liberties in builds not abiding by West Vancouver Bylaw requirements.

Please forward this letter to the Board of Variance Hearing ASAP.

Thank you for your time, care, and expertise.

Kind regards,

s.22(1)  
West Vancouver BC  
s.22(1)

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