

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, JANUARY 20, 2021**

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 A. Mafi, Manager, Communications & Engagement. 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.

It was Moved and Seconded:

WHEREAS the January 8, 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Events (“order”) prohibits members of the public from attending local government meetings in-person until the order is rescinded or replaced;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 January 20, 2021 Board of Variance hearing be held without in-person public attendance.

CARRIED

2. Election of Chair for 2021

It was Moved and Seconded:

THAT Lesel Radage be elected as Chair for 2021.

CARRIED

Chair Radage appointed Member Sanguinetti as Acting Chair for 2021.

3. Designation of Head Pursuant to *Freedom of Information and Protection of Privacy Act*

It was Moved and Seconded:

THAT pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act*, the Board of Variance designates the Corporate Officer of The Corporation of the District of West Vancouver as the Head for the purposes of the *Act*.

CARRIED

4. Introduction

Staff introduced the Board Members and described the hearing procedure.

5. Confirmation of the Agenda

It was Moved and Seconded:

THAT the January 20, 2021 Board of Variance hearing agenda be approved as circulated.

CARRIED

6. Adoption of the November 18, 2020 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on November 18, 2020.

It was Moved and Seconded:

THAT the November 18, 2020 Board of Variance hearing minutes be adopted as circulated.

CARRIED

7. 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.”

8. Application 21-001 (3821 Bayridge Avenue)

Staff confirmed the following requested variances regarding a proposed addition:

- a) 5.88 m to Front Yard Setback
- b) 0.22 m to Minimum Side 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. Zou and H. Zhao (3821 Bayridge Avenue) described the variance application for a proposed addition.

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 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 submissions of J. Zou and H. Zhao:

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 21-001 regarding a proposed addition at 3821 Bayridge Avenue with variances of:

- 5.88 m to Front Yard Setback
- 0.22 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated July 22 and October 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

9. Application 21-002 (5781 Cranley Drive)

Staff confirmed the following requested variance regarding a proposed carport:
a) 8.48 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	#
S. Olenchenko	January 10, 2021	1
S. Olenchenko	January 14, 2021	2
Redacted	January 18, 2021	3
Redacted	January 18, 2021	4

Staff provided permit history of the subject property.

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.

S. Olenchenko (5781 Cranley Drive) referred to written submissions of support, described the variance application for a proposed carport, and responded to Board members' questions. Staff commented relative to allowable building materials and the effect of approved variances on building design, and responded to Board members' questions.

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 December 17, 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. Olenchenko:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 21-002 regarding a proposed carport at 5781 Cranley Drive with a variance of:

- 8.48 m to Front Yard Setback

BE NOT ALLOWED pursuant to the plans dated November 15, 2020 submitted with the application.

CARRIED

10. Application 21-003 (3478 Marine Drive)

Member Simmons recused himself (conflict of interest as he knows the subject property's owner) and left the hearing at 5:41 p.m.

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

- a) 8.80 m to Front Yard Setback
- b) 4.83 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.

Member Davis left the hearing at 5:42 p.m. and returned to the hearing at 5:43 p.m. via electronic communication facilities.

P. Sanjari (Builder, Mcleod Bovell Modern Houses, representing the owner of 3478 Marine Drive) described the variance application for a proposed private power pole (accessory structure).

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 December 17, 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 P. Sanjari:

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 21-003 regarding a proposed private power pole (accessory structure) at 3478 Marine Drive with variances of:

- 8.80 m to Front Yard Setback
- 4.83 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated December 1, 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 Simmons absent at the vote

Member Simmons returned to the hearing at 5:45 p.m.

11. Application 21-004 (4601 Caulfeild Drive)

Staff confirmed the following requested variances regarding a proposed new dwelling and accessory building:

- a) 1.48 m to Minimum Side Yard Setback (Principal Dwelling)
- b) 0.04 m to Building Height (Principal Dwelling)
- c) 16% to Highest Building Face Exemption (Principal Dwelling)
- d) 0.82 m to Accessory Building Setback.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
M. Thompson	January 18, 2021	1

Staff provided permit history of the subject property.

M. Thompson (4520 Caulfeild Lane) referred to written submissions of support, described the variance application for a proposed new dwelling and accessory building, and responded to a Board member's question.

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 December 17, 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 not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 21-004 regarding a proposed new dwelling and accessory building at 4601 Caulfeild Drive with variances of:

- 1.48 m to Minimum Side Yard Setback (Principal Dwelling)
- 0.04 m to Building Height (Principal Dwelling)
- 16% Highest Building Face Exemption (Principal Dwelling)
- 0.82 m to Accessory Building Setback

BE NOT ALLOWED pursuant to the plans dated December 15 and 17, 2020 submitted with the application.

CARRIED

12. Application 21-005 (5754 Cranley Drive)

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

- a) 7.58 m to Front Yard Setback
- b) 2.4 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.

B. Krag-Hansen (Builder, Delbrooke Electric Ltd., representing the owner of 5754 Cranley Drive) described the variance application for a proposed power pole (accessory structure) and responded to a Board member's 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 December 17, 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. Krag-Hansen:

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 21-005 regarding a proposed power pole (accessory structure) at 5754 Cranley Drive with variances of:

- 7.58 m to Front Yard Setback
- 2.4 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 27, 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 Simmons voted in the negative

13. 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 21-001 (3821 Bayridge Avenue)
- Application 21-002 (5781 Cranley Drive)
- Application 21-003 (3478 Marine Drive)
- Application 21-004 (4601 Caulfeild Drive)
- Application 21-005 (5754 Cranley Drive)

up to and including January 20, 2021 be received.

CARRIED

14. Public Question Period

Staff informed that no one had signed up to address the Board regarding Public Question Period.

15. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for February 17, 2020 at 5 p.m. in the Municipal Hall Council Chamber.

16. Adjournment

It was Moved and Seconded:

THAT the January 20, 2021 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:07 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY