

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, FEBRUARY 23, 2022**

BOARD MEMBERS: Chair L. Radage and Members S. Abri, J. Elwick, D. Simmons, and R. Yaworsky attended the hearing via electronic communication facilities.

STAFF: 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 5:01 p.m.

Staff informed that the hearing is being conducted via electronic communication facilities only, and that members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Atrium, or via electronic communication facilities through the link provided on the District's Board of Variance webpage.

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the February 23, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

Member Elwick absent at the vote

4. Adoption of the January 19, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on January 19, 2022.

It was Moved and Seconded:

THAT the January 19, 2022 Board of Variance hearing minutes be adopted as circulated.

CARRIED

Member Elwick absent at the vote

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.”

Staff responded to a Board member’s question and provided procedural information.

6. Application 22-003 (2720 Rosebery Avenue)

Member Elwick entered the hearing at 5:08 p.m. via electronic communication facilities.

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

- a) 8.95 m to Front Yard Setback (Detached Garage)
- b) 3.04 m to Front Yard Setback (Dwelling Addition)
- c) 1.73 m to Highest Building Face Envelope (Dwelling Addition)
- d) 2.55 m to Accessory Building Height (Detached Garage)
- e) 0.83 m to Building Height (Dwelling Addition)
- f) 66.67 % to Highest Building Face Exemption (Dwelling Addition).

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 21, 2022	1

Staff provided permit history of the subject property and responded to a Board member's questions.

Z. Zhang (2720 Rosebery Avenue) and T. Mcsweeney (Nu Westech Engineering Ltd., representing the owner of 2720 Rosebery Avenue) described the variance application for a proposed dwelling addition and detached garage. T. Mcsweeney responded to Board members' questions.

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

M. Xu (2750 Rosebery Avenue) spoke in opposition to the requested variances, and commented regarding views and property values. Staff responded to a Board member's question.

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.

Staff responded to Board members' questions and provided procedural information.

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 January 26, 2022, 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 T. Mcsweeney, M. Xu, and Z. Zhang:

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 22-003 regarding a proposed dwelling addition and detached garage at 2720 Rosebery Avenue with variances of:

- 8.95 m to Front Yard Setback (Detached Garage)

- 3.04 m to Front Yard Setback (Dwelling Addition)
- 1.73 m to Highest Building Face Envelope (Dwelling Addition)
- 2.55 m to Accessory Building Height (Detached Garage)
- 66.67 % to Highest Building Face Exemption (Dwelling Addition)

BE ALLOWED pursuant to the plans dated December 12, 2021 and January 4, 2022 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. Receipt of Written and Oral Submissions

It was Moved and Seconded:

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

- Application 22-003 (2720 Rosebery Avenue);
- up to and including February 23, 2022, be received.

CARRIED

8. Public Question Period

There were no questions.

9. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for March 23, 2022 at 5 p.m.

10. Adjournment

It was Moved and Seconded:

THAT the February 23, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:41 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY