

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, JANUARY 19, 2022**

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**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. Election of Chair for 2022**

It was Moved and Seconded:

THAT Member Radage be elected as Chair for 2022.

CARRIED

Chair Radage appointed Member Yaworsky as Acting Chair for 2022.

**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. Board of Variance Hearing Location**

It was Moved and Seconded:

THAT

1. Board of Variance hearings for all of 2022 and for January 18, 2023 be held via electronic communication facilities only;

2. the Atrium in the Municipal Hall be designated as the place where the public may attend to hear, or watch and hear, the Board of Variance hearing proceedings; and
3. a staff member be in attendance at the Atrium in the Municipal Hall for each of the scheduled hearings.

CARRIED

**5. Introduction**

Staff introduced the Board Members and described the hearing procedure.

**6. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the January 19, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

**7. Adoption of the November 17, 2021 Minutes**

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

It was Moved and Seconded:

THAT the November 17, 2021 Board of Variance hearing minutes be adopted as circulated.

CARRIED

**8. 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.”

**9. Application 22-001 (8835 Lawrence Way)**

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

- a) 2.4 m to Accessory Building Height
- b) 1 storey to Number of Storeys for Accessory Building.

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 Workshop Inc.	January 18, 2022	1

Staff provided permit history of the subject property.

R. Santa Ana (Rafael Santa Ana Architecture Workshop Inc.), K. Plavsic (8835 Lawrence Way), and Z. Plavsic (8835 Lawrence Way) described the variance application for a proposed accessory building and responded to Board members’ questions.

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 December 14, 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, K. Plavsic, and Z. Plavsic:

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 22-001 regarding a proposed accessory building at 8835 Lawrence Way with variances of:

- 2.4 m to Accessory Building Height
- 1 storey to Number of Storeys for Accessory Building

BE ALLOWED pursuant to the plans dated September 29, 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

**10. Application 22-002 (3555 Sunset Lane)**

Staff confirmed the following requested variances regarding proposed deck and carport additions:

- a) 7.58 m to Front Yard Setback (deck addition)
- b) 7.68 m to Rear Yard Setback (carport addition).

Staff provided permit history of the subject property.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 18, 2022	1

Staff responded to Board members' questions.

J. Rommel (Rommel Design Ltd.) and I. Metcalfe (3555 Sunset Lane) described the variance application for proposed deck and carport additions. J. Rommel and staff responded to Board members' questions.

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 December 13, 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 J. Rommel and I. Metcalfe:

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 22-002 regarding proposed deck and carport additions at 3555 Sunset Lane with variances of:

- 7.58 m to Front Yard Setback (deck addition)
- 7.68 m to Rear Yard Setback (carport addition)

BE ALLOWED pursuant to the plans dated September 15, 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

**11. 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 22-001 (8835 Lawrence Way);
- Application 22-002 (3555 Sunset Lane);

up to and including January 19, 2022, be received.

CARRIED

**12. Public Question Period**

There were no questions.

**13. Next Hearing**

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

**14. Adjournment**

It was Moved and Seconded:

THAT the January 19, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:45 p.m.

Certified Correct:

[Original signed by Chair]  
CHAIR

[Original signed by Secretary]  
SECRETARY