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

July 20, 2022
5 p.m. via electronic communication facilities

Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber, or via electronic communication facilities through the link provided on the District's Board of Variance webpage.

1. Call to Order

The Board of Variance hearing will be called to order.

2. Introduction

The Board of Variance hearing procedure will be described.

3. Confirmation of Agenda

RECOMMENDATION:

THAT the July 20, 2022 Board of Variance hearing agenda be approved as circulated.

4. Adoption of Minutes

RECOMMENDATION:

THAT the June 22, 2022 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 22-014 (A-5644 Westport Road) regarding a proposed private power pole (accessory structure) with the following variances:

a) 7.28 m to Front Yard Setback
b) 2.40 m to Accessory Structure Height.

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 22-014 regarding a proposed private power pole (accessory structure) at A-5644 Westport Road with variances of:

- 7.28 m to Front Yard Setback
- 2.40 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated June 17, 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.

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 22-014 regarding a proposed private power pole (accessory structure) at A-5644 Westport Road with variances of:

- 7.28 m to Front Yard Setback
- 2.40 m to Accessory Structure Height

BE NOT ALLOWED pursuant to the plans dated June 17, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 22-014 (A-5644 Westport Road) to the next Board of Variance hearing.

7. Application 22-015 (675 Parkside Road) regarding a proposed power pole (accessory structure) with the following variance:

a) 2.39 m to Minimum Side Yard Setback.

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 22-015 regarding a proposed power pole (accessory structure) at 675 Parkside Road with a variance of:

- 2.39 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated June 20, 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.

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 22-015 regarding a proposed power pole (accessory structure) at 675 Parkside Road with a variance of:

- 2.39 m to Minimum Side Yard Setback

BE NOT ALLOWED pursuant to the plans dated June 20, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 22-015 (675 Parkside Road) to the next Board of Variance hearing.

8. Receipt of Oral and Written Submissions

RECOMMENDATION:

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

- Application 22-014 (A-5644 Westport Road)
- Application 22-015 (675 Parkside Road)

up to and including July 20, 2022 be received.

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

10. Next Hearing

The next Board of Variance hearing is scheduled for September 14, 2022.

11. Adjournment

RECOMMENDATION:

THAT the July 20, 2022 Board of Variance hearing be adjourned.

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, JUNE 22, 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; T. Yee, Building Inspector; and N. Shokar, Legislative Services Clerk, 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 June 22, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the May 18, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on May 18, 2022.

It was Moved and Seconded:

THAT the May 18, 2022 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 22-012 (6345 Nelson Avenue)

Staff confirmed the following requested variances regarding a proposed addition/carport to existing dwelling:
a) 1.32 m to Combined Side Yard Setback
b) 0.06 m to Front Yard Setback.

Staff provided permit history of the subject property and informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	May 24, 2022	1
Redacted	June 21, 2022	2

S. Taylor (6345 Nelson Avenue) described the variance application for a proposed addition/carport to existing dwelling.

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 May 23, 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 submission of S. Taylor:

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 22-012 regarding a proposed addition/carport to existing dwelling at 6345 Nelson Avenue with variances of:

- 1.32 m to Combined Side Yard Setback
- 0.06 m to Front Yard Setback.

BE ALLOWED pursuant to the plans dated April 27, 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. Application 22-013 (5770 Eagle Harbour Road)

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

a) 4.18 m to Waterfront Setback (Single Family Dwelling)
b) 7.50 m to Waterfront Yard Setback (Accessory Building for a Pool Mechanical Room)
c) 8.80 m to Waterfront Yard Setback (Accessory Structures for Above Grade Pool, Metal Grate Walkway and Stairs).

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 13, 2022	1
Burgers Architecture Inc.	June 22, 2022	2
Paul Sangha Creative	June 22, 2022	3

Member Simmons recused himself (conflict of interest as he knows the owner of the subject property) and left the hearing at 5:12 p.m.

Staff provided permit history of the subject property.

C. Burgers (Burgers Architecture Inc., representing the owner of 5770 Eagle Harbour Road), N. Awadi (Burgers Architecture Inc.), P. Sangha (Paul Sangha Creative), and P. Fedusiak (Goldwood Homes) provided presentations and described the variance application for a proposed new single family dwelling. C. Burgers and staff 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 May 25, 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 C. Burgers, N. Awadi, P. Sangha, and P. Fedusiak:

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 22-013 regarding a proposed new single family dwelling at 5770 Eagle Harbour Road with variances of:

- 4.18 m to Waterfront Setback (Single Family Dwelling)
- 7.50 m to Waterfront Yard Setback (Accessory Building for a Pool Mechanical Room)
- 8.80 m to Waterfront Yard Setback (Accessory Structures for Above Grade Pool, Metal Grate Walkway and Stairs).

BE ALLOWED pursuant to the plans dated April 7 and May 24, 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
Member Abri voted in the negative
Member Simmons absent at the vote

8. Receipt of Written and Oral Submissions

Member Simmons returned to the hearing at 5:39 p.m.

It was Moved and Seconded:

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

- Application 22-012 (6345 Nelson Avenue);
- Application 22-013 (5770 Eagle Harbour Road);

up to and including June 22, 2022, be received.

CARRIED

9. Public Question Period

There were no questions.

10. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for July 20, 2022 at 5 p.m.

11. Adjournment

It was Moved and Seconded:

THAT the June 22, 2022 Board of Variance hearing be adjourned.

CARRIED

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

Certified Correct:

L. Radage, Chair

P. Cuk, Secretary

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

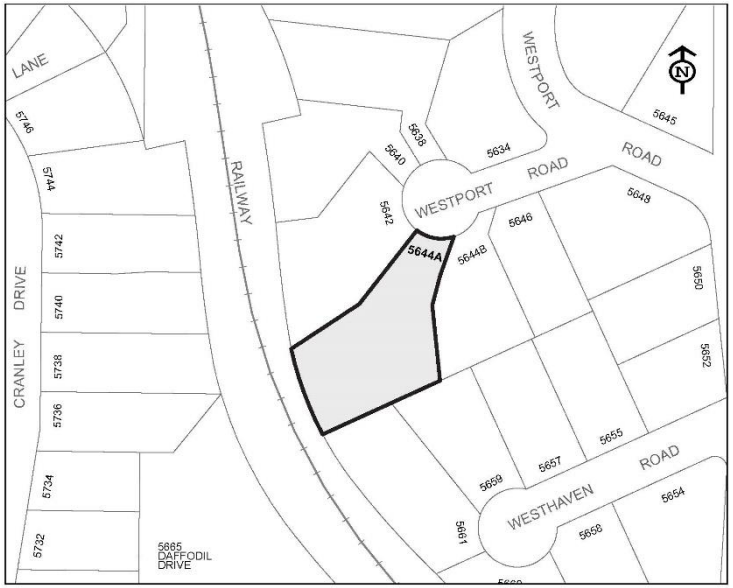
6.
22-014

NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **A-5644 Westport Road**

A Board of Variance hearing will be held on:

Wednesday, July 20, 2022
at 5 p.m. via electronic communication facilities



The following variances for a proposed private power pole (accessory structure) at A-5644 Westport Road will be considered:

Front Yard Setback	Bylaw Requirement	Proposed	Variance
	9.10 m	1.82 m	7.28 m
Accessory Structure Height	Bylaw Requirement	Proposed	Variance
	3.70 m	6.10 m	2.40 m

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

To view application documents and written submissions, or to 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 Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) 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; 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 July 20, 2022 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

July 5, 2022
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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

22-014

Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 5644A Westport Road, West Vancouver

Applicant *(please print clearly)*

Name(s): Darren Werner **Phone #:** s. 22(1)
Mailing Address: s. 22(1) **Cell #:**
Email Address: **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: **Fax #:**

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 the pu[s. 22(1)]laced in the public agenda binder for the Board of Variance Hearing.

s. 22(1)

Applicant Signature **Date** June 18, 2022

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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LETTER FOR BOARD OF VARIANCE JULY 20, 2022 HEARING

June 18, 2022

BOARD OF VARIANCE
DISTRICT OF WEST VANCOUVER
750 17th Street, West Vancouver, BC

Dear Board of Variance members,

RE: 5644A Westport Rd, BP118331

We are building a home [s. 22(1)] on a newly subdivided property that is situated at the end of a cul de sac. All the homes in the roundabout are supplied with overhead electric lines from one common BC hydro service pole.

It has come to our attention, that in order to satisfy BC Hydro connection requirements we require a private pole to be located within the front yard setback. Our designated building envelope is set back 13.5m from the road, this is greater than the minimum 9.1m required by RS10 zoning. The added setback was most likely to make the new home blend in with the existing properties and it achieves that goal but presents hardships. The proposed private pole location has been situated so that district trees will not need to be removed and at the same time has no visual impact on the adjacent neighbour at 5644B Westport Rd.

Presented with this issue, I have also noticed that the home at 5640 also relies on a private pole to have electrical connection due to distance from the BC Hydro service pole.

We have a temporary construction service pole in the same location that the permanent private pole is proposed. The proposed pole would be situated near the existing boulevard trees and will visually blend in without having an impact on the natural environment. A lot of bedrock is at grade in the area and there is a tall rock bluff that separates [s. 22(1)] from the adjacent one, the height of the proposed private pole will not have any visual impact due to the natural topography. Any attempt to install an underground service with associated rock blasting would cause great harm to the look of the neighbourhood because it would require removal of the boulevard trees.

Thank you for your consideration,

[s. 22(1)]
Darren Werner

Street pole that supplies power to all homes in the end of cul de sac

Lines crossing over to the private pole supporting service to 5640 Westport

Existing pole for construction service showing trees & rock bluff behind.

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

June 17th, 2022 File: **BP118331**

s. 22(1)

Dear Sir/Madam

RE: 5644A WESTPORT ROAD - WEST VANCOUVER
BUILDING PERMIT APPLICATION – RS10 ZONE

The plans submitted with your application for a building permit at the above referenced address show that the proposed Private Power Pole will not comply with the Zoning Bylaw because it does not maintain the required 9.10m front yard setback and 3.70m Accessory Structure Height.

The Zoning Bylaw, Section 210.07, 130.01(3) requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback for power pole	9.10 m	1.82 m	7.28 m

The Zoning Bylaw, Section 130.01(7)(b) requires that accessory structures not exceed a height of 3.7 metres measured from the lowest of the average natural or finished grades abutting the building as indicated in the table below:

	Bylaw	Proposed	Variance
Accessory Structure Height for power pole	3.70m	6.10 m	2.40 m

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 **June 22nd, 2022**. The next Board of Variance Hearing is scheduled for **July 20th, 2022**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; **or**

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 604-921-3450 should you require any further information regarding this matter. Thank you.

Regards,

s. 22(1)

Colin Coulter
Plans Examiner
ccoulter@westvancouver.ca
cc:me

Enclosure

cc: Secretary, Board of Variance

west vancouver

22-014

Legend

Notes

50.8 0 25.40 50.8 Meters

WGS_1984_UTM_Zone_10N
District of West Vancouver

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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west vancouver

22-014

Legend

Notes

50.8 0 25.40 50.8 Meters

WGS_1984_UTM_Zone_10N
District of West Vancouver

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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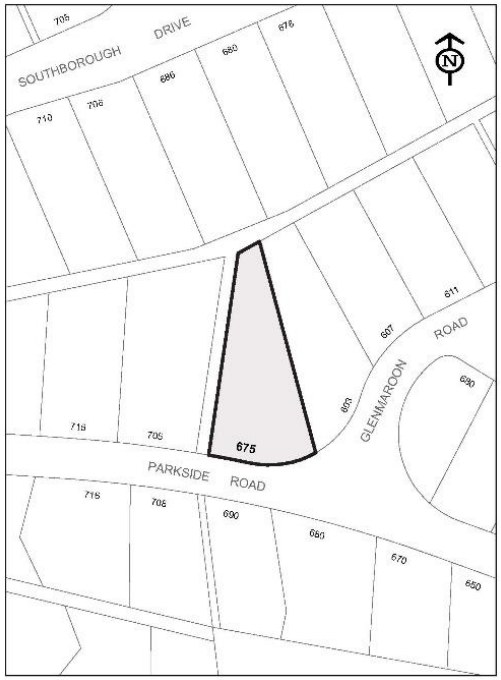
District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
t: 604-925-7004 f: 604-925-7006

7.
22-015



NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **675 Parkside Road**

A Board of Variance hearing will be held on:

Wednesday, July 20, 2022
at 5 p.m. via electronic communication facilities

The following variance for a proposed power pole (accessory structure) at 675 Parkside Road will be considered:

	Bylaw Requirement	Proposed	Variance
Minimum Side Yard Setback	3.0 m	0.61 m	2.39 m

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

To view application documents and written submissions, or to 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 Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) 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; 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 July 20, 2022 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

July 5, 2022
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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

22-015

Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 675 Parkside Road West Vancouver

Applicant *(please print clearly)*

Name(s): Valentino Citton **Phone #:**

Mailing Address: unit 110-535 W 10th Ave Vancouver **Cell #:** 604-649-9858

Email Address: val@homesbyvalentino.com **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 #:**

Mailing Address: **Cell #:** s. 22(1)

Email Address: s. 22(1) **Fax #:**

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 the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)

Applicant Signature

June 22, 22

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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HOMES BY VALENTINO

22-015

Unit 110 - 535 West 10th Avenue, Vancouver, BC V5Z 1K9
Tel: 604-649-9858 Fax: 604-267-2387 Email: val@homesbyvalentino.com
Website: www.homesbyvalentino.com

June 22, 2022

Attention: the Board of Variance

We are petitioning the Members of this Board pursuant to section 540 of the *Local Government Act*. We are proposing to install a private Power Pole on the property of 675 Parkside Rd., in order to supply the new proposed residence with electrical service.

The Power Pole is 3.66m high, 16.76m south of the north-west corner of the property, 0.61m east of the west BC Hydro R.O.W., and 6.71m east of the adjacent/neighbouring property line.

All efforts have been exhausted exploring potential alternative locations and service types with BC Hydro & the local electrical inspection authority. It is the consensus of these parties, including the applicant, that the only reasonable location is that which is being proposed.

The proposed Power Pole will not comply with the Zoning Bylaw because it does not maintain the required Side Yard Setback. The Zoning Bylaw, Section 203.09(2)(a)(ii) requires a minimum side yard setback of 3.0m. We are requesting a variance of 2.39m to the minimum Side Yard Setback in the Zoning Bylaw.

We had initially requested the Permits & Inspections Department of the District of West Vancouver to review the proposed location of the Power Pole in reference to the neighbouring property in hopes to circumvent the requirement of this Board of Variance, as it is 6.71m east of the adjacent/neighbouring property line (*more than the minimum 3.0m Side Yard Setback*).

It is our opinion that this variance does not:

- Result in inappropriate development of the site, nor adversely affect the natural environment. The proposed Power Pole is only 1.34m away from an existing BC Hydro Utility Pole located within the R.O.W. and is consistent with the intended land use of the R.O.W.
- Affect the use and enjoyment of the adjacent land (*R.O.W & adjacent/neighbouring property*), as stated above the proposed Power Pole is consistent with the intended land use of the R.O.W. Additionally the adjacent/neighbouring property is 6.71m to the west of the proposed Power Pole, well-beyond the intentions of the Zoning Bylaw in the Side Yard Setback (*3.0m*).
- Defeat the intent of the Zoning Bylaw for *Accessory Structures*, which is intended for structures that are constructed for use such as Sheds, Accessory Buildings, Pool Houses, Detached Secondary Suites, Coach Houses etc., as opposed to conspicuous stand-alone Utility Poles providing basic utility services.
- Vary the permitted uses and densities under this Zoning Bylaw.

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Pursuant to section 540 of the *Local Government Act*, the Applicant believes that compliance with the Zoning Bylaw Side Yard Setback causes evident hardship:

- If the Side Yard Setback of the Zoning Bylaw is applied literally without taking into consideration the intent of the bylaw, the proposed Power Pole will be located 3.0m into the middle of the designed children's play area.
- The long-term effects of *stray voltage* are unclear and not fully quantified. There is still ongoing debate about these potential risks of electromagnetic fields: their impact on health outcomes like cancer, birth defects, miscarriages, and heart abnormalities.
- In the event of insulation failure of the wires stray electrical currents can energize the Power Pole, the soil, and the surrounding area. This would be unbeknownst to any bystanders, and proximity to the pole could be dangerous if not fatal. Keeping the proposed Power Pole as far away from space intended for the use of children is safest and most prudent.
- BC Hydro has emphasized the importance of this increased safety in connection to installing the proposed Power Pole.

The Applicant humbly requests the Members of the Board to carefully consider this petition based on its qualifiable merits.

Regards,

Valentino Citton
C-Val Ltd. dba Homes by Valentino

22-015

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

June 21st, 2022 File: **BP118334**

s. 22(1)

Dear Sir/Madam

RE: 675 PARKSIDE ROAD - WEST VANCOUVER
BUILDING PERMIT APPLICATION – RS3 ZONE

The plans submitted with your application for a building permit at the above referenced address show that the proposed Power Pole will not comply with the Zoning Bylaw because it does not maintain the required Side Yard Setback.

The Zoning Bylaw, Section 203.09(2)(a)(ii) requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for Power Pole	3.0 m	0.61 m	2.39 m

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 **Wednesday June 22nd, 2022**. The next Board of Variance Hearing is scheduled for **July 20th, 2022**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by email.

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 kvassev@westvancouver.ca should you require any further information regarding this matter. Thank you.

Regards,

Konstantin Vassev
Plans Examiner
Kvassev@westvancouver.ca
cc:me

Enclosure

cc: Secretary, Board of Variance

22-015

Legend

- Rights of Way
- Easements
- Covenants
- DP Active
- Land Use Contract Sites (LUC

Notes

50.8 0 25.40 50.8 Meters

WGS_1984_UTM_Zone_10N
District of West Vancouver

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westvancouver

22-015

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