

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, MARCH 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 p.m.

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

Member Elwick entered the hearing at 5:02 p.m. via electronic communication facilities.

3. Confirmation of the Agenda

It was Moved and Seconded:

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

CARRIED

4. Adoption of the February 23, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on February 23, 2022.

It was Moved and Seconded:

THAT the February 23, 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 22-004 (4597 Woodgreen Drive)

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

- a) 1.19 m to Building Height.

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 10, 2022	1
Redacted	February 10, 2022	2

Staff provided permit history of the subject property.

T. St. Jean (Architectural Designer, Homestar Design Ltd., representing the owner of 4597 Woodgreen Drive) and M. Ritchie (4597 Woodgreen Drive) described the variance application for a proposed single family dwelling 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 February 10, 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. St. Jean and M. Ritchie:

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 22-004 regarding a proposed single family dwelling at 4597 Woodgreen Drive with a variance of:

- 1.19 m to Building Height

BE ALLOWED pursuant to the plans dated February 7, 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 22-005 (1373 Haywood Avenue)

Staff confirmed the following requested variance regarding a proposed addition:
a) 0.84 m to Combined 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 and responded to a Board member's question.

S. Schwede (1373 Haywood Avenue) described the variance application for a proposed addition.

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 22, 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. Schwede:

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 22-005 regarding a proposed addition at 1373 Haywood Avenue with a variance of:

- 0.84 m to Combined Side Yard Setback

BE ALLOWED pursuant to the plans dated February 8 and 28, 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

8. Application 22-006 (6193 Nelson Avenue)

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

- a) 5.01 m to Front Yard Setback
- b) 1.18 m to Minimum Side 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	#
Redacted	March 20, 2022	1
Redacted	March 22, 2022	2
Redacted	March 22, 2022	3
Redacted	March 22, 2022	4
Redacted	March 22, 2022	5
Redacted	March 22, 2022	6
Redacted	March 23, 2022	7

Staff provided permit history of the subject property and responded to Board members' questions.

S. Frei (Head of Operations, Hart Tipton Construction, representing the owner of 6193 Nelson Avenue) described the variance application for a proposed accessory structure. S. Frei and staff responded to Board members' questions.

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

A. Green (6225 Nelson Avenue) spoke in opposition to the requested variances, and commented regarding: waterfront lots; the District's proposed Foreshore Development Permit Area; and conducting an environmental review of the proposed accessory structure's installation.

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 provided information regarding the permitting process and responded to a Board member's question.

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, 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 S. Frei and A. Green:

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 22-006 regarding a proposed accessory structure at 6193 Nelson Avenue with variances of:

- 5.01 m to Front Yard Setback
- 1.18 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated January 13 and February 23, 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

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 22-004 (4597 Woodgreen Drive);
- Application 22-005 (1373 Haywood Avenue);
- Application 22-006 (6193 Nelson Avenue);

up to and including March 23, 2022, 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 20, 2022 at 5 p.m.

12. Adjournment

It was Moved and Seconded:

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

CARRIED

The Board of Variance hearing adjourned at 5:43 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY