

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, JANUARY 18, 2023**

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 M. Beattie, 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. Election of Chair for 2023

It was Moved and Seconded:

THAT Member Radage be elected as Chair for 2023.

CARRIED

Chair Radage appointed Member Yaworsky as Acting Chair for 2023.

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 2023 and for January 17, 2024 be held via electronic communication facilities only;
2. the Municipal Hall Council Chamber 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 Municipal Hall Council Chamber 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 18, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

7. Adoption of the November 16, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on November 16, 2022.

It was Moved and Seconded:

THAT the November 16, 2022 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(3) 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. Further, if that construction is not substantially started within 2 years after the Order was made, or within a longer or shorter time period established by the Order, the permission of the Board terminates and the bylaw applies.

9. Application 23-001 (3196 Mathers Avenue)

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

- a) 7.68 m to Front Yard Setback
- b) 0.81 m to Minimum Side Yard Setback
- c) 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.

E. Shi (Lewis Vancouver Construction, representing the owner of 3196 Mathers Avenue) described the variance application for a proposed private power pole (accessory structure) and responded to Board members' questions.

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

Y. Geng (on behalf of a neighbour of the applicant) queried regarding the height and location of the proposed private power pole. A Board member and staff provided responses.

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 7, 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 E. Shi and Y. Geng:

It was Moved and Seconded:

THAT the Board defers further consideration of Application 23-001 (3196 Mathers Avenue) for up to six months, or until confirmation is received from BC Hydro regarding:

1. whether a direct connection to the subject property is feasible; and
2. whether BC Hydro can remove the redundant pole from the south side of Mathers Avenue.

CARRIED

10. Application 23-002 (6267 Taylor Drive)

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

- a) 3.43 m to Distance Between Principal Dwelling and Accessory Buildings
- b) 5.1 m to Accessory 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	January 10, 2023	1
Redacted	January 13, 2023	2
Redacted	January 15, 2023	3
Redacted	January 16, 2023	4
Redacted	January 16, 2023	5

Staff provided permit history of the subject property.

M. Thornton and R. Thornton (6267 Taylor Drive) described the variance application for a proposed elevator (accessory structure). A Board member commented.

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 8, 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 M. Thornton and R. Thornton:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-002 regarding a proposed elevator (accessory structure) at 6267 Taylor Drive with variances of:

- 3.43 m to Distance Between Principal Dwelling and Accessory Buildings
- 5.1 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated November 17, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

11. Application 23-003 (4166 Rose Crescent)

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

- a) 8.1 m to Front Yard Setback
- b) 2.46 m to Minimum Side Yard Setback
- c) 2.3 m to Accessory Structure 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	January 17, 2023	1

Staff provided permit history of the subject property.

B. Khosravi (4166 Rose Crescent) described the variance application for a proposed private power pole (accessory structure). B. Khosravi and staff responded to Board members' questions.

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

Z. Baranriz (4170 Rose Crescent) spoke in opposition to the requested variances and commented and queried regarding: the location of the proposed private power pole and other possible locations for it; side yard setbacks; and privacy. B. Khosravi provided a response.

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 11, 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 Z. Baranriz and B. Khosravi:

It was Moved and Seconded:

THAT the Board defers consideration of Application 23-003 (4166 Rose Crescent) for up to 6 months in order to allow the applicant time to consult with neighbours and BC Hydro and to review building options.

CARRIED

12. Application 23-004 (3837 Bayridge Avenue)

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

- a) 5.84 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.

S. Malek (3837 Bayridge Avenue) described the variance application for a proposed private power pole (accessory structure) 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 11, 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. Malek:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-004 regarding a proposed a proposed private power pole (accessory structure) at 3837 Bayridge Avenue with variances of:

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

BE ALLOWED pursuant to the plans dated December 6, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

13. Application 23-005 (6580 Wellington Avenue)

Staff confirmed the following requested variance regarding a proposed addition and alteration:

- a) 5% (35 sqm) to Floor Area Ratio.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
S. Mulhall	January 17, 2023	1

Staff provided permit history of the subject property.

S. Mulhall (representing the owner of 6580 Wellington Avenue) described the variance application for a proposed addition and alteration.

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 12, 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. Mulhall:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-005 regarding a proposed addition and alteration at 6580 Wellington Avenue with a variance of:

- 5% (35 sqm) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated November 15, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

14. Application 23-006 (1314 Fulton Avenue)

Staff confirmed the following requested variances regarding a proposed addition and alterations:

- 0.38 m to Front Yard Setback to Roof Overhang
- 0.4 m to Front Yard Setback to Addition
- 76.3 m² to Floor Area Ratio
- 1 storey to Number of Storeys for Existing Dwelling.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	September 7, 2022	1
Redacted	January 12, 2023	2
Redacted	January 13, 2023	3
Redacted	January 17, 2023	4

Staff provided permit history of the subject property.

S. Boisvert (BC Home Drafting and Construction Ltd. representing the owner of 1314 Fulton Avenue), A. Martin and D. Cariou (1314 Fulton Avenue) displayed images and described the variance application for a proposed addition and alterations. S. Boisvert, A. Martin, and staff responded to Board members' questions.

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

A. Samadanian (West Vancouver) spoke in opposition to the requested variances and commented regarding: the scope of the proposed addition and alterations; public consultation; side yard setbacks; and privacy. S. Boisvert and A. Martin provided a response.

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 a Board member's 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 13, 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. Boisvert, D. Cariou, A. Martin, and A. Samadanian:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-006 regarding a proposed addition and alterations at 1314 Fulton Avenue with variances of:

- 0.38 m to Front Yard Setback to Roof Overhang
- 0.4 m to Front Yard Setback to Addition
- 76.3 m² to Floor Area Ratio

- 1 storey to Number of Storeys for Existing Dwelling
BE ALLOWED pursuant to the plans dated December 5, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

Member Abri voted in the negative

15. Application 23-007 (5791 Telegraph Trail)

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

- a) 1.08 m to Accessory Building Height for Underground Parking Structure
- b) 1.88 m to Accessory Building - Underground Parking Structure Garage Door Width.

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, 2023	1
Redacted	January 18, 2023	2
Redacted	January 18, 2023	3
Redacted	January 18, 2023	4

Staff provided permit history of the subject property.

F. Ren (5791 Telegraph Trail) described the variance application for a proposed new single family dwelling and responded to a 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.

Staff responded to a Board member's 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 13, 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 F. Ren:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-007 regarding a proposed new single family dwelling at 5791 Telegraph Trail with variances of:

- 1.08 m to Accessory Building Height for Underground Parking Structure
- 1.88 m to Accessory Building - Underground Parking Structure Garage Door Width

BE ALLOWED pursuant to the plans dated December 12, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

16. Application 23-008 (661 Kenwood Road)

Staff confirmed the following requested variances regarding a proposed addition:

- 0.17 m to Minimum Side Yard Setback
- 1.28 m to Rear Yard Setback
- 0.09 (100.4 sqm) to Floor Area Ratio.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
S. Naddaf	January 17, 2023	1
S. Naddaf	January 18, 2023	2

Staff provided permit history of the subject property.

R. Seifi (representing the owner of 661 Kenwood Road) and S. Naddaf (661 Kenwood Road) described the variance application for a proposed addition. R. Seifi, S. Naddaf, 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 December 14, 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. Naddaf and R. Seifi:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-008 regarding a proposed addition at 661 Kenwood Road with variances of:

- 0.17 m to Minimum Side Yard Setback
- 1.28 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated November 21, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

It was noted that the requested variance to Floor Area Ratio was not provided.

17. 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 23-001 (3196 Mathers Avenue)
- Application 23-002 (6267 Taylor Drive)

- Application 23-003 (4166 Rose Crescent)
- Application 23-004 (3837 Bayridge Avenue)
- Application 23-005 (6580 Wellington Avenue)
- Application 23-006 (1314 Fulton Avenue)
- Application 23-007 (5791 Telegraph Trail)
- Application 23-008 (661 Kenwood Road)

up to and including January 18, 2023, be received.

CARRIED

18. Public Question Period

There were no questions.

19. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for February 15, 2023 at 5 p.m.

20. Adjournment

It was Moved and Seconded:

THAT the January 18, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 7:05 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY