

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, FEBRUARY 20, 2019**

BOARD MEMBERS: Acting Chair S. Sanguinetti; Members I. Davis, L. Radage, and D. Simmons. Absent: Chair A. Bhayani.

STAFF: P. Cuk, Board Secretary; M. Panneton, Director, Legislative Services / Corporate Officer; and T. Yee, Building Inspector.

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 February 20, 2019, Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the January 16, 2019, Minutes

Acting Chair Sanguinetti referred to the Minutes of the Board of Variance Hearing held on January 16, 2019.

It was Moved and Seconded:

THAT the January 16, 2019, Board of Variance Hearing minutes be adopted as circulated.

CARRIED

5. Time Limit of Board of Variance Orders

Acting Chair Sanguinetti 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 19-006 (1640 Haywood Avenue)

Staff confirmed the following requested variances regarding a proposed power pole:

- a) 6.096 m to Front Yard Setback
- b) 0.951 m to Minimum Side Yard Setback
- c) 1.48 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	#
R. Mundi	February 5, 2019	1
R. Mundi and J. Grewal	January 21, 2019	2
Redacted	February 20, 2019	3

Staff provided permit history of the subject property.

R. Mundi (1640 Haywood Avenue) described the variance application for a proposed power pole and responded to Board members’ questions.

Acting Chair Sanguinetti queried whether there was anyone in the gallery who wished to address the Board regarding the application and there was no response.

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 21, 2019, 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 the subject site, and having heard the submission of R. Mundi:

It was Moved and Seconded:

THE BOARD finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-006 regarding a proposed power pole at 1640 Haywood Avenue with variances of:

- 6.096 m to Front Yard Setback
- 0.951 m to Minimum Side Yard Setback
- 1.48 m to Accessory Building Height.

BE ALLOWED pursuant to the plans dated January 3, 2019, 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 19-007 (2220 Haywood Avenue)

Staff confirmed the following requested variance regarding a proposed single family dwelling's mechanical equipment and hydro meter (accessory structure):

- a) 2.43 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	February 14, 2019	1
Redacted	February 15, 2019	2

Staff provided permit history of the subject property.

H. Howat (Architect, BattersbyHowat Architects Inc., representing the owner of 2220 Haywood Avenue) described the variance application for a proposed single family dwelling's mechanical equipment and hydro meter (accessory structure) and responded to Board members' questions.

Acting Chair Sanguinetti queried whether there was anyone in the gallery who wished to address the Board regarding the application.

I. Cunliffe (2224 Haywood Avenue) expressed opposition to the requested variance and conveyed concerns regarding mechanical equipment noise and the location of the proposed accessory structure.

B. Izat (2227 Gordon Avenue) expressed opposition to the requested variance and commented regarding: use and enjoyment of the adjacent walking path; mechanical equipment noise; the size of the building at 2220 Haywood Avenue; setbacks and the zoning bylaw; and neighbourhood character.

R. Kling (2220 Haywood Avenue) described the variance application including: options for the location of the proposed accessory structure; preserving greenspace; setbacks and the zoning bylaw; mechanical equipment noise; and the use of fencing or vegetation to lessen the impact of the proposed accessory structure; and responded to a Board member's question.

Chair Sanguinetti queried whether there was anyone else in the gallery who wished to address the Board regarding the application.

I. Cunliffe commented for a second time regarding the nature of the noise-producing equipment to be placed in the proposed accessory structure.

M. Fu (representing the owner of 2236 Haywood Avenue) expressed opposition to the requested variance and conveyed concerns regarding mechanical equipment noise.

Chair Sanguinetti queried whether there was anyone else in the gallery who wished to address the Board regarding the application and there was no response.

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 23, 2019, 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 the subject site, and having heard the submissions of H. Howat, I. Cunliffe, B. Izat, R. Kling, and M. Fu:

It was Moved and Seconded:

THE BOARD finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-007 regarding a proposed single family dwelling's mechanical equipment and hydro meter (accessory structure) at 2220 Haywood Avenue with a variance of:

- 2.43 m to Minimum Side Yard Setback
- BE NOT ALLOWED pursuant to the plans dated January 10, 2019, submitted with the application.

CARRIED

8. 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 19-006 (1640 Haywood Avenue)
- Application 19-007 (2220 Haywood Avenue)

up to and including February 20, 2019, 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 March 13, 2019, at 5 p.m. in the Municipal Hall Council Chamber.

11. Adjournment

It was Moved and Seconded:

THAT the February 20, 2019, Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 5:39 p.m.

Certified Correct:

[Original signed by Acting Chair]

ACTING CHAIR

[Original signed by Secretary]

SECRETARY