

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, MARCH 13, 2019**

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

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 March 13, 2019, Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the February 20, 2019, Minutes

Chair Bhayani referred to the Minutes of the Board of Variance Hearing held on February 20, 2019.

It was Moved and Seconded:

THAT the February 20, 2019, Board of Variance Hearing minutes be adopted as circulated.

CARRIED

5. Time Limit of Board of Variance Orders

Chair Bhayani 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 19-008 (4270 Rockridge Place)

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

- a) 0.55 m to Minimum 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.

S. Doise (Architect, Sensitive Design Inc., representing the owner of 4270 Rockridge Place) described the variance application for a proposed accessory structure, and K. Van Der Werff (4270 Rockridge Place) provided additional information. S. Doise and K. Van Der Werff responded to Board members’ questions.

Chair Bhayani 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 February 13, 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 S. Doise and K. Van Der Werff:

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 19-008 regarding a proposed accessory structure at 4270 Rockridge Place with a variance of:

- 0.55 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated February 13, 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. 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 19-008 (4270 Rockridge Place);

up to and including March 13, 2019, be received.

CARRIED

8. Public Question Period

There were no questions.

9. Next Hearing

Staff confirmed that the next Hearing of the Board of Variance is scheduled for April 17, 2019, at 5 p.m. in the Municipal Hall Council Chamber.

10. Adjournment

It was Moved and Seconded:

THAT the March 13, 2019, Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 5:18 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY