

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
MUNICIPAL HALL COUNCIL CHAMBER  
WEDNESDAY, JUNE 19, 2019**

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

**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 5:01 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 19, 2019, Board of Variance Hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the May 15, 2019, Minutes**

Chair Bhayani referred to the Minutes of the Board of Variance Hearing held on May 15, 2019.

It was Moved and Seconded:

THAT the May 15, 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 19-020 (1455 Chippendale Road)**

Staff confirmed the following requested variance regarding a proposed secondary suite:

- a) 1 Parking Space to Secondary Suite Parking Space.

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.

C. Xie (Principal, Urban Life Design Inc., representing the owner of 1455 Chippendale Road) displayed an image, described the variance application for a proposed secondary suite, and 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 May 17, 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 C. Xie:

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 19-020 regarding a proposed secondary suite at 1455 Chippendale Road with a variance of:

- 1 Parking Space to Secondary Suite Parking Space
- BE NOT ALLOWED pursuant to the plans dated April 29 and May 17, 2019, submitted with the application.

CARRIED

**7. Application 19-021 (6458 Bruce Street)**

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

- a) 6.56 m to Front Yard Setback
- b) 1.34 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	June 17, 2019	1
Redacted	June 17, 2019	2
Redacted	June 19, 2019	3
Redacted	June 19, 2019	4

Staff provided permit history of the subject property.

I. Rahmim (Owner, Mercury Contracting Ltd., representing the owner of 6458 Bruce Street) described the variance application for a proposed power pole (accessory structure) and responded to Board members’ questions.

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

I. Dailly (6442 Bruce Street) conveyed concerns regarding view impact, neighbourhood character, and that not all alternatives had been fully explored. Board members and I. Rahmim provided additional information regarding the application and staff responded to Board members' questions.

Chair Bhayani 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 May 20, 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 I. Rahmim and I. Dailly:

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 19-021 regarding a proposed power pole (accessory structure) at 6458 Bruce Street with variances of:

- 6.56 m to Front Yard Setback
- 1.34 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated April 25, 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

**8. Application 19-022 (5950 Condor Place)**

Staff confirmed the following requested variance regarding a proposed addition:

a) 4.23 m to Rear 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.

L. French (5950 Condor Place) and L. Anderson (Architect, Leith Anderson Architecture) described the variance application for a proposed addition.

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 May 22, 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 L. French and L. Anderson:

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 19-022 regarding a proposed addition at 5950 Condor Place with a variance of:

- 4.23 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated May 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

**9. Application 19-023 (2256 Jefferson Avenue)**

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

- a) 7.32 m to Front Yard Setback
- b) 1.53 m to Minimum Side Yard Setback
- c) 3.61 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	June 19, 2019	1
Redacted	June 19, 2019	2
Redacted	June 19, 2019	3

Staff provided permit history of the subject property.

Chair Bhayani queried whether the applicant was present to make representations to the Board regarding this application and there was no response.

As the applicant was not present, Chair Bhayani queried whether there was anyone in the gallery who wished to address the Board regarding the application.

C. Roseman (2245 Jefferson Avenue) conveyed concerns regarding the height, location, and setbacks for the proposed power pole, and spoke relative to potential effects on neighbourhood character and potential impact on future sidewalk construction. Staff provided additional information and responded to Board members' questions.

Chair Bhayani 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 May 22, 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 C. Roseman:

It was Moved and Seconded:

THAT the Board defers further consideration of Application 19-023 (2256 Jefferson Avenue) to the next Board of Variance Hearing in order to provide the applicant with an opportunity to make representations regarding their application.

CARRIED

**10. Application 19-024 (2350 Bellevue Avenue)**

Staff confirmed the following requested variances regarding a retaining wall:

- a) 0.6 m to Retaining Wall Grade Line
- b) 2.4 m to a retaining wall over 1.2 meters in exposed height which must be at least 2.4 meters from a front or rear site line.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	Undated	1
Redacted	June 10, 2019	2
Redacted	June 14, 2019	3
Redacted	June 14, 2019	4
Redacted	June 18, 2019	5

Staff provided permit history of the subject property.

C. Burgers (Architect, Burgers Architecture, representing the owner of 2350 Bellevue Avenue) displayed images, described the variance application for a retaining wall, referred to three letters of support received from nearby residents, and 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 May 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 submission of C. Burgers:

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 19-024 regarding a retaining wall at 2350 Bellevue Avenue with variances of:

- 0.6 m to Retaining Wall Grade Line
- 2.4 m to a retaining wall over 1.2 meters in exposed height which must be at least 2.4 meters from a front or rear site line

BE NOT ALLOWED pursuant to the plans dated May 1, 2019, submitted with the application.

CARRIED

#### **11. Application 19-025 (5205 Gulf Place)**

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

- a) 0.82 m to Combined Side Yard Setback for Accessory Building
- b) 8.77 m to Front Yard Setback for Accessory Building
- c) 0.88 m to Minimum Side Yard Setback for Accessory Building.

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



Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	May 23, 2019	1
Redacted	Undated	2
Redacted	Undated	3
Redacted	April 24, 2019	4

Staff provided permit history of the subject property.

C. Dekker (5205 Gulf Place) described the variance application for a proposed accessory building and 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 May 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 submission of C. Dekker:

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 19-025 regarding a proposed accessory building at 5205 Gulf Place with variances of:

- 0.82 m to Combined Side Yard Setback for Accessory Building
- 8.77 m to Front Yard Setback for Accessory Building
- 0.88 m to Minimum Side Yard Setback for Accessory Building

BE ALLOWED pursuant to the plans dated April 25 and May 15, 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

**12. Application 19-026 (2680 Lawson Avenue)**

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

- a) 7.13 m to Front Yard Setback (Haywood Avenue)
- b) 7.88 m to Front Yard Setback (Lawson Avenue)
- c) 23.25% to Highest Building Face Exemption
- d) 12.3% to Front Yard Impermeable Surface (Haywood Avenue)
- e) 3.6% to Front Yard Impermeable Surface (Lawson Avenue).

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 10, 2019	1
Redacted	June 17, 2019	2
Redacted	Undated	3
Redacted	June 19, 2019	4

Staff provided permit history of the subject property.

M. Thompson (Principal, Design Marque Consulting, representing the owner of 2680 Lawson Avenue) displayed images, described the variance application for a proposed new single family dwelling, and responded to Board members' questions.

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

E. Bodie (2657 Lawson Avenue) conveyed concerns relative to siting and the impact on the Lawson Street side of the property, and requested that either the dwelling be shifted further east or that a smaller house be built. M. Thompson displayed images and provided additional information regarding the subject application. Staff provided additional information.

Chair Bhayani 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 May 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 M. Thompson and E. Bodie:

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 19-026 regarding a proposed new single family dwelling at 2680 Lawson Avenue with variances of:

- 7.13 m to Front Yard Setback (Haywood Avenue)
- 7.88 m to Front Yard Setback (Lawson Avenue)
- 23.25% to Highest Building Face Exemption
- 12.3% to Front Yard Impermeable Surface (Haywood Avenue)
- 3.6% to Front Yard Impermeable Surface (Lawson Avenue)

BE ALLOWED pursuant to the plans dated April 30 and May 22, 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

### **13. Application 19-027 (5830 Eagle Island)**

Staff confirmed the following requested variance regarding an existing shed in a proposed new location:

- a) 6.56 m to Front 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	June 18, 2019	1
Redacted	June 18, 2019	2
Redacted	June 17, 2019	3
Redacted	June 19, 2019	4
Redacted	June 19, 2019	5
Redacted	June 19, 2019	6

Staff provided permit history of the subject property.

P. Lebel (5830 Eagle Island) described the variance application for an existing shed in a proposed new location.

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

T. Duncan (5822 Eagle Island) spoke in support of the variance application.

S. LaPorta (5826 Eagle Island) spoke in opposition to the variance application and conveyed concerns relative to inappropriate land use, lack of consultation, and other non-conforming construction.

C. Poulter (5826 Eagle Island) spoke in opposition to the variance application and conveyed concerns relative to representations made by the applicant regarding the size of the shed, inappropriate use of the subject property's setbacks, and other non-conforming construction.

B. Chapman (Chapman Land Surveying, representing the owner of 2830 Eagle Island) displayed an image and provided information relative to the size of the shed and the intent of the subject application. Staff and B. Chapman responded to Board members' questions.

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

C. Poulter spoke for a second time and queried relative to investigating alternative locations for the shed. P. Lebel provided a response.

B. Wilson (5818 Eagle Island) referred to a written submission and spoke relative to the subject application, including the distinctive nature of the location.

S. LaPorta spoke for a second time regarding the need to respect District bylaws, and that granting variances can be a slippery slope.

Chair Bhayani 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 May 24, 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 P. Lebel, T. Duncan, S. LaPorta, C. Poulter, B. Chapman, and B. Wilson:

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 19-027 regarding an existing shed in a proposed new location at 5830 Eagle Island with a variance of:

- 6.56 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated May 23, 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

**14. Application 19-028 (5019 Howe Sound Lane)**

Staff confirmed the following requested variances regarding a proposed garage:

- a) 7.05 m to Front Yard Setback for Garage/Dwelling
- b) 7% to Site Coverage Percentage for Garage/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	June 12, 2019	1

Staff provided permit history of the subject property.

I. Goman (Building Designer, Vancouver Building Design, representing the owner of 5019 Howe Sound Lane) displayed an image, described the variance application for a proposed garage, and referred to neighbours' support for the variance application.

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 May 24, 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 I. Goman:

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 19-028 regarding a proposed garage at 5019 Howe Sound Lane with variances of:

- 7.05 m to Front Yard Setback for Garage/Dwelling
- 7% to Site Coverage Percentage for Garage/Dwelling

BE ALLOWED pursuant to the plans dated May 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

**15. Application 19-029 (2547 Ottawa Avenue)**

Staff confirmed the following requested variance regarding an existing hot water tank enclosure:

- a) 1.36 m to Rear 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	June 10, 2019	1
Redacted	June 11, 2019	2
Redacted	June 14, 2019	3
Redacted	June 14, 2019	4
Redacted	June 18, 2019	5

Staff provided permit history of the subject property.

C. Des Brisay (2547 Ottawa Avenue) and C. Hansen (2547 Ottawa Avenue) displayed an image, described the variance application for an existing hot water tank enclosure, and referred to neighbours' support for the variance application.

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 May 24, 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 C. Des Brisay and C. Hansen:

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 19-029 regarding an existing hot water tank enclosure at 2547 Ottawa Avenue with a variance of:

- 1.36 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated May 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

**16. Application 19-030 (266 Stevens Drive)**

Staff confirmed the following requested variances regarding proposed retaining walls:

- 3.54 m to Retaining Wall Height (North Side)
- 1.26 m to Retaining Wall Height (East Side)
- 1.87 m to Retaining Wall Height (South Side)
- 45° to Retaining Wall Grade Line (North Side)
- 17.06° to Retaining Wall Grade Line (East Side)
- 1.7 m to Retaining Wall Height at Rear Site Line (East Side).

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 7, 2019	1
Redacted	June 8, 2019	2
Redacted	June 13, 2019	3
Manager, Permits & Inspections / Chief Building Inspector	June 14, 2019	4

Staff provided permit history of the subject property.

R. Eaton (Designer, Diamond 11 Excavating & Demolition Inc., representing the owner of 266 Stevens Drive) displayed images, described the variance application for proposed retaining walls. Staff and R. Eaton 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 May 24, 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. Eaton:

It was Moved and Seconded:

THAT Application 19-030 (266 Stevens Drive) be deferred until a variance application for the construction of a new single family dwelling on the subject property is brought forward for consideration.

CARRIED

## **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 19-020 (1455 Chippendale Road)
- Application 19-021 (6458 Bruce Street)
- Application 19-022 (5950 Condor Place)
- Application 19-023 (2256 Jefferson Avenue)
- Application 19-024 (2350 Bellevue Avenue)
- Application 19-025 (5205 Gulf Place)
- Application 19-026 (2680 Lawson Avenue)
- Application 19-027 (5830 Eagle Island)
- Application 19-028 (5019 Howe Sound Lane)
- Application 19-029 (2547 Ottawa Avenue)
- Application 19-030 (266 Stevens Drive)

up to and including June 19, 2019, 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 July 17, 2019, at 5 p.m. in the Municipal Hall Council Chamber.

**20. Adjournment**

It was Moved and Seconded:

THAT the June 19, 2019, Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 7:14 p.m.

Certified Correct:

*[Original signed by Chair]*

\_\_\_\_\_  
CHAIR

*[Original signed by Secretary]*

\_\_\_\_\_  
SECRETARY