

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, JULY 17, 2019**

BOARD MEMBERS: Chair A. Bhayani; Members I. Davis, L. Radage, S. Sanguinetti, 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 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 July 17, 2019, Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the June 19, 2019, Minutes

Chair Bhayani referred to the Minutes of the Board of Variance Hearing held on June 19, 2019.

It was Moved and Seconded:

THAT the June 19, 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 19-023 (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.

H. Moffedi (representing the owner of 2256 Jefferson Avenue) 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 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 H. Moffedi:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-023 regarding a proposed power pole (accessory structure) at 2256 Jefferson Avenue with variances of:

- 7.32 m to Front Yard Setback
- 1.53 m to Minimum Side Yard Setback
- 3.61 m to Accessory Building Height

BE NOT ALLOWED pursuant to the plans dated May 16, 2019, submitted with the application.

CARRIED

7. Application 19-031 (266 Stevens Drive)

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

- a) 67% to Highest Building Face Exemption
- b) 4.33 m to Building Height
- c) 1 Storey to Number of Storeys.

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.

R. Eaton (Eaton Home Design, representing the owner of 266 Stevens Drive) described the variance application for a proposed new single family dwelling. 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 June 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. Eaton:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-031 regarding a proposed new single family dwelling at 266 Stevens Drive with variances of:

- 67% to Highest Building Face Exemption
- 4.33 m to Building Height
- 1 Storey to Number of Storeys

BE NOT ALLOWED pursuant to the plans dated April 26, 2016, May 20, 2016, and March 21, 2017, submitted with the application.

CARRIED

Members Davis and Sanguinetti voted in the negative

8. Application 19-030 (266 Stevens Drive)

Staff confirmed the following requested variances regarding proposed retaining walls:

- a) 3.54 m to Retaining Wall Height (North Side)
- b) 1.26 m to Retaining Wall Height (East Side)
- c) 1.87 m to Retaining Wall Height (South Side)
- d) 45° to Retaining Wall Grade Line (North Side)
- e) 17.06° to Retaining Wall Grade Line (East Side)
- f) 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

Permit history of the subject property was provided during Item 7.

R. Eaton (Eaton Home Design, representing the owner of 266 Stevens Drive) described the variance application for proposed retaining walls.

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 the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-030 regarding proposed retaining walls at 266 Stevens Drive with variances of:

- 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)

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

CARRIED

Member Sanguinetti voted in the negative

9. Application 19-032 (2739 Highview Place)

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

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

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	July 8, 2019	1
Redacted	July 8, 2019	2
Redacted	July 9, 2019	3
Redacted	July 11, 2019	4
Redacted	July 16, 2019	5

Staff provided permit history of the subject property.

Y. Han (Joy Design Ltd., representing the owner of 2739 Highview Place) described the variance application for a proposed secondary suite. Staff and Y. Han responded to Board members' questions.

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

L. Ramsden (2763 Highview Place; and President, Aston Hill Strata Council) provided a written submission and spoke in opposition to the requested variance, including: width and topography of Highview Place; parking; and safety.

M. Thompson (Principal, Design Marque Consulting) queried regarding secondary suite parking requirements relative to a residence's proximity to a bus stop. Staff and a Board Member provided a response.

J. Porter (2764 Highview Place) spoke in opposition to the requested variance.

D. Hilkewich (2746 Highview Place) spoke in opposition to the requested variance.

Y. Han informed that the owner was willing to provide parking on the subject property rather than seek a variance to the zoning bylaw. Staff provided procedural information and the applicant withdrew Application 19-032 regarding 2739 Highview Place.

10. Application 19-033 (102 Glenmore Drive)

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

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

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted (Petition with 3 names)	July 8, 2019	1

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 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 June 18, 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:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-033 regarding a proposed secondary suite at 102 Glenmore Drive with a variance of:

- 1 Parking Space to Secondary Suite Parking Space
- BE NOT ALLOWED pursuant to the plans dated June 18, 2019, submitted with the application.

CARRIED

11. Application 19-034 (6955 Isleview Road)

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

- a) 3.43 m to Front 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.

W. Wang (Joy Design Ltd., representing the owner of 6955 Isleview Road) described the variance application for a proposed secondary suite parking space. Staff, W. Wang, and Y. Han (Joy Design Ltd., representing the owner of 6955 Isleview Road) responded to Board members' questions.

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

A. Loyst (on behalf of M. Loyst, 6965 Isleview Road) spoke in opposition to the requested variance and commented regarding: the size of the proposed building; parking; the width of Isleview Road; and the topography of the area.

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 June 18, 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 Y. Han, A. Loyst, and W. Wang:

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 19-034 regarding a proposed secondary suite at 6955 Isleview Road with a variance of:

- 3.43 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated May 31 and June 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

Chair Bhayani and Member Davis voted in the negative

12. Application 19-035 (2643 Bellevue Avenue)

Staff confirmed the following requested variance regarding a proposal to raise the house:

a) 0.1 m to Front 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 informed that there was no permit history for the subject property.

M. Jensen (Epoch Homes, representing the owner of 2643 Bellevue Avenue) described the variance application for a proposal to raise the house.

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

P. Motamedi (2647 Marine Drive) queried regarding the height of the subject house should the requested variance be granted. Staff and M. Jensen provided a response.

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 June 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 submissions of M. Jensen and P. Motamedi:

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 19-035 regarding a proposal to raise the house at 2643 Bellevue Avenue with a variance of:

- 0.1 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated June 18, 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 19-036 (2970 Park Lane)

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

- a) 8.186 m to Front Yard Setback
- b) 45% to Impermeable Surface in Front Yard
- c) 0.25 m to Single Family Dwelling Building Height
- d) 58.4% to Single Family Dwelling Highest Building Face Exemption
- e) 2.43 m to Retaining Wall Exposed Height
- f) 1.11 m to Retaining Wall (West) Grade Line
- g) 0.31 m to Retaining Wall (East) Grade Line
- h) 4.5 m to Distance Between Principal and Accessory Buildings
- i) Proposed Accessory Building Below Principal 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 30, 2019	1
Redacted	July 10, 2019	2
Redacted	July 16, 2019	3

Staff provided permit history of the subject property.

M. Thompson (Principal, Design Marque, representing the owner of 2970 Park Lane) and D. Bowra (2974 Marine Drive) displayed images, referred to four letters of support received from nearby residents, and described the variance application for a proposed new home and accessory building. Staff, M. Thompson, and R. Osterman (Owner, Can Rel Homes) 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 June 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 submissions of: D. Bowra, R. Osterman and M. Thompson:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-036 regarding a proposed new home and accessory building at 2970 Park Lane with variances of:

- 8.186 m to Front Yard Setback
- 45% to Impermeable Surface in Front Yard
- 0.25 m to Single Family Dwelling Building Height
- 58.4% to Single Family Dwelling Highest Building Face Exemption
- 2.43 m to Retaining Wall Exposed Height
- 1.11 m to Retaining Wall (West) Grade Line
- 0.31 m to Retaining Wall (East) Grade Line
- 4.5 m to Distance Between Principal and Accessory Buildings
- Proposed Accessory Building Below Principal Dwelling

BE NOT ALLOWED pursuant to the plans dated May 24 and June 20, 2019, submitted with the application.

DEFEATED

Chair Bhayani and Members Davis and Radage voted in the negative

As the motion was defeated, further discussion of the subject application ensued.

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 19-036 regarding a proposed new home and accessory building at 2970 Park Lane with variances of:

- 8.186 m to Front Yard Setback
- 45% to Impermeable Surface in Front Yard
- 0.25 m to Single Family Dwelling Building Height
- 58.4% to Single Family Dwelling Highest Building Face Exemption
- 2.43 m to Retaining Wall Exposed Height
- 1.11 m to Retaining Wall (West) Grade Line
- 0.31 m to Retaining Wall (East) Grade Line
- 4.5 m to Distance Between Principal and Accessory Buildings
- Proposed Accessory Building Below Principal Dwelling

BE ALLOWED pursuant to the plans dated May 24 and June 20, 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

Members Sanguinetti and Simmons voted in the negative

14. 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 19-023 (2256 Jefferson Avenue)
- Application 19-030 (266 Stevens Drive)
- Application 19-031 (266 Stevens Drive)
- Application 19-032 (2739 Highview Place)
- Application 19-033 (102 Glenmore Drive)
- Application 19-034 (6955 Isleview Road)
- Application 19-035 (2643 Bellevue Avenue)
- Application 19-036 (2970 Park Lane)

up to and including July 17, 2019, be received.

CARRIED

15. Public Question Period

There were no questions.

16. Next Hearing

Staff confirmed that the next Hearing of the Board of Variance is scheduled for September 18, 2019, at 5 p.m. in the Municipal Hall Council Chamber.

17. Adjournment

It was Moved and Seconded:

THAT the July 17, 2019, Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 6:45 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY