

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, SEPTEMBER 18, 2019**

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

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 September 18, 2019, Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the July 17, 2019, Minutes

Acting Chair Sanguinetti referred to the Minutes of the Board of Variance Hearing held on July 17, 2019.

It was Moved and Seconded:

THAT the July 17, 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 19-037 (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
- c) 2.17 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.

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

D. Hillhouse (6468 Bruce Street) queried regarding the height of the proposed power pole should the requested variance be granted. I. Rahmim provided a response.

Acting 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 July 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 I. Rahmim and D. Hillhouse:

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 19-037 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
- 2.17 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated July 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

7. Application 19-038 (5663 Eagle Harbour Road)

Staff confirmed the following requested variances regarding proposed retaining wall and landscaping:

- a) 1.44 m to Driveway Crossing Width
- b) 1.0 m to Retaining Wall A
- c) 1.0 m to Retaining Wall B
- d) 0.34 m to Retaining Wall C
- e) 13.3% to Impermeable Surfaces
- f) 1 Parking Space to Off-Street Parking
- g) 2.2 m to Retaining Wall over 1.2 m Distance from the Front Yard.

Staff provided permit history of the subject property.

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.		

D. Pritchard (Associate, Peter Rose Architecture Interiors Inc., representing the owner of 5663 Eagle Harbour Road) described the variance application for a proposed retaining wall and landscaping and responded to a Board member’s 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 August 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 D. Pritchard:

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 19-038 regarding a proposed retaining wall and landscaping at 5663 Eagle Harbour Road with variances of:

- 1.44 m to Driveway Crossing Width
- 1.0 m to Retaining Wall A
- 1.0 m to Retaining Wall B
- 0.34 m to Retaining Wall C
- 13.3% to Impermeable surfaces
- 1 Parking Space to Off-Street Parking
- 2.2 m to Retaining Wall over 1.2 m Distance from the Front Yard

BE ALLOWED pursuant to the plans dated June 24, 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. 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 19-037 (6458 Bruce Street);
- Application 19-038 (5663 Eagle Harbour Road);

up to and including September 18, 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 October 16, 2019, at 5 p.m. in the Municipal Hall Council Chamber.

11. Adjournment

It was Moved and Seconded:

THAT the September 18, 2019, Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 5:17 p.m.

Certified Correct:

[Original signed by Acting Chair]

ACTING CHAIR

[Original signed by Secretary]

SECRETARY