

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, OCTOBER 16, 2019**

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

STAFF: P. Cuk, Board Secretary; T. Azuma, Legislative Services Clerk; 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 October 16, 2019 Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the September 18, 2019 Minutes

Chair Bhayani referred to the Minutes of the Board of Variance Hearing held on September 18, 2019.

It was Moved and Seconded:

THAT the September 18, 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 19-039 (6525 Madrona Crescent)

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

- a) 2.18 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 (petition with 12 names)	Undated	1
Redacted	October 10, 2019	2

Staff provided permit history of the subject property.

D. Wilson (6525 Madrona Crescent) 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 September 6, 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. Wilson:

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 19-039 regarding a proposed accessory building at 6525 Madrona Crescent with a variance of:

- 2.18 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated August 27, 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 19-040 (3984 Bayridge Avenue)

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

- a) 5.66 m to Front Yard Setback
- b) 1.78 m to Minimum Side Yard Setback
- c) 0.26 m to Accessory Structure 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	October 16, 2019	1
Redacted	October 16, 2019	2

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. In order to provide the applicant with additional time to attend the hearing, the Board unanimously agreed to defer consideration of Application 19-040 until immediately following Item 10.

8. Application 19-041 (2882 Bellevue Avenue)

Staff confirmed the following requested variances regarding a proposed electric meter and gas meter (accessory structures) mounted on retaining walls:

- a) 8.08 m to Front Yard Setback (Electric Meter)
- b) 6.91 m to Front Yard Setback (Gas Meter)
- c) 0.55 m to Minimum Side Yard Setback (Electric Meter)
- d) 2.13 m to Minimum Side Yard Setback (Gas Meter)
- e) 1.78 m to Retaining Wall 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	August 20, 2019	1
Redacted	September 8, 2019	2
Redacted	September 12, 2019	3

Staff provided permit history of the subject property.

B. Lamoureux (Lamoureux Architect Inc., representing the owner of 2882 Bellevue Avenue) described the variance application for a proposed electric meter and gas meter (accessory structures) mounted on 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 September 19, 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 B. Lamoureux:

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 19-041 regarding a proposed electric meter and gas meter (accessory structures) mounted on retaining walls at 2882 Bellevue Avenue with variances of:

- 8.08 m to Front Yard Setback (Electric Meter)
- 6.91 m to Front Yard Setback (Gas Meter)
- 0.55 m to Minimum Side Yard Setback (Electric Meter)
- 2.13 m to Minimum Side Yard Setback (Gas Meter)
- 1.78 m to Retaining Wall Setback

BE ALLOWED pursuant to the plans dated August 30 and September 6, 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 19-042 (2185 Gisby Street)

Staff confirmed the following requested variance regarding a proposed sunroom addition:

- a) 2.72 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	September 15, 2019	1
Redacted	September 15, 2019	2
Redacted	September 15, 2019	3
Redacted	September 15, 2019	4
Redacted	September 16, 2019	5
Redacted	September 19, 2019	6
Redacted	September 22, 2019	7

Staff provided permit history of the subject property.

R. Ulansky (2185 Gisby Street) and K. Hlynsky (Architect and Partner, Hlynsky-Davis Architects Inc., representing the owner of 2185 Gisby Street) described the variance application for a proposed sunroom addition. Board members commented.

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 September 19, 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 R. Ulansky and K. Hlynsky:

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 19-042 regarding a proposed sunroom addition at 2185 Gisby Street with a variance of:

- 2.72 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated August 30, 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

10. Application 19-043 (266 Stevens Drive)

Staff confirmed the following requested variances regarding a proposed new dwelling, accessory building and retaining walls:

- a) 3.91 m to Building Height (Single Family Dwelling)
- b) 1 Storey to Number of Storeys (Single Family Dwelling)
- c) 67% to Highest Building Face Envelope (Single- Family Dwelling)
- d) 20% to Front Yard Impermeable Surface (Single Family Dwelling)
- e) 8.19 m to Accessory Building Height (Pool House)
- f) 0.94 m to Rear Site Line (Retaining Wall)
- g) 1.26 m to North Wall Height (Retaining Wall)
- h) 1.26 m to East Wall Height (Retaining Wall)
- i) 1.71 m to South Wall Height (Retaining Wall)
- j) 2.7 m at 45° to Grade Line North (Retaining Wall)
- k) 0.175 m at 45° to Grade Line East (Retaining Wall).

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 (Designer, Eaton Home Designs Ltd., representing the owner of 266 Stevens Drive) described the variance application for a proposed new dwelling, accessory building and retaining walls and responded to Board members' questions. Board members commented.

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

O. Syberg (278 Stevens Drive) commented regarding the history of construction on the subject property and conveyed concerns regarding: the terrain of the subject property; slope stability; and the impact of construction on neighbouring properties.

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 September 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 R. Eaton and O. Syberg:

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 19-043 regarding a proposed new dwelling, accessory building and retaining walls at 266 Stevens Drive with variances of:

- 3.91 m to Building Height (Single Family Dwelling)
- 1 Storey to Number of Storeys (Single Family Dwelling)
- 67% to Highest Building Face Envelope (Single- Family Dwelling)
- 20% to Front Yard Impermeable Surface (Single Family Dwelling)
- 8.19 m to Accessory Building Height (Pool House)
- 0.94 m to Rear Site Line (Retaining Wall)
- 1.26 m to North Wall Height (Retaining Wall)
- 1.26 m to East Wall Height (Retaining Wall)

- 1.71 m to South Wall Height (Retaining Wall)
- 2.7 m at 45° to Grade Line North (Retaining Wall)
- 0.175 m at 45° to Grade Line East (Retaining Wall)

BE ALLOWED pursuant to the plans dated September 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

7. Application 19-040 (3984 Bayridge Avenue)

At 5:32 p.m. Chair Bhayani informed that Application 19-040 would be considered at this time. Chair Bhayani requested that the applicant or applicant's representative describe the application for the Board and there was no response.

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 September 16, 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 be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-040 regarding a proposed private power pole (accessory structure) at 3984 Bayridge Avenue with variances of:

- 5.66 m to Front Yard Setback
- 1.78 m to Minimum Side Yard Setback
- 0.26 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated September 3 and 6, 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

11. 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 19-039 (6525 Madrona Crescent);
- Application 19-040 (3984 Bayridge Avenue);
- Application 19-041 (2882 Bellevue Avenue);
- Application 19-042 (2185 Gisby Street);
- Application 19-043 (266 Stevens Drive);

up to and including October 16, 2019, be received.

CARRIED

12. Public Question Period

There were no questions.

13. Next Hearing

Staff confirmed that the next Hearing of the Board of Variance is scheduled for November 20, 2019 at 5 p.m. in the Municipal Hall Council Chamber.

14. Adjournment

It was Moved and Seconded:

THAT the October 16, 2019 Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 5:37 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY