

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, NOVEMBER 20, 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 November 20, 2019 Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the October 16, 2019 Minutes

Chair Bhayani referred to the Minutes of the Board of Variance Hearing held on October 16, 2019.

It was Moved and Seconded:

THAT the October 16, 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 19-044 (6580 Wellington Avenue)

Staff confirmed the following requested variances regarding a proposed deck landing:

- a) 1.28 m to Minimum Side Yard Setback
- b) 2.81 m to Combined 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	August 29, 2019	1
Redacted	September 26, 2019	2
Redacted	September 27, 2019	3
Redacted	September 27, 2019	4
Redacted	September 27, 2019	5
Redacted	September 27, 2019	6
Redacted	September 27, 2019	7
Redacted	September 30, 2019	8
Redacted	October 27, 2019	9
Redacted	October 27, 2019	10

Staff provided permit history of the subject property.

A. Mitchell (representing the owner of 6580 Wellington Avenue) described the variance application for a proposed deck landing.

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 October 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 A. Mitchell:

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 19-044 regarding a proposed deck landing at 6580 Wellington Avenue with variances of:

- 1.28 m to Minimum Side Yard Setback
- 2.81 m to Combined Side Yard Setback

BE ALLOWED pursuant to the plans dated August 27 and 28, 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 19-045 (3290 Marine Drive)

Staff confirmed the following requested variance regarding a proposed pool mechanical room:

- a) Proposed Accessory Building Below Principal Dwelling.

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.

Member Simmons recused himself (conflict of interest as he resides in close proximity to the subject property) and left the hearing at 5:11 p.m.

A. Dhaliwal (Canvas Homes, representing the owner of 3290 Marine Drive) described the variance application for a proposed pool mechanical room 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 October 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 A. Dhaliwal:

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 19-045 regarding a proposed pool mechanical room at 3290 Marine Drive with a variance of:

- Proposed Accessory Building Below Principal Dwelling
BE ALLOWED pursuant to the plans dated October 10, 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

Member Simmons absent at the vote

Member Simmons returned to the hearing at 5:17 p.m.

8. Application 19-046 (2395 Palmerston Avenue)

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

- a) 0.78 m to Combined Side Yard Setback
- b) 5.44 m to Front Yard Setback
- c) 1.47 m to Minimum Side Yard Setback
- d) 2.4 m to Accessory Structure Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	October 24, 2019	1

Staff provided permit history of the subject property.

R. Osterman (Can Rel Homes, representing the owner of 2395 Palmerston Avenue) described the variance application for a proposed private 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 October 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. Osterman:

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 19-046 regarding a proposed private power pole (accessory structure) at 2395 Palmerston Avenue with variances of:

- 0.78 m to Combined Side Yard Setback
- 5.44 m to Front Yard Setback
- 1.47 m to Minimum Side Yard Setback
- 2.4 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated October 17, 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 19-047 (1490 Tyrol Road)**

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

- a) 1.92 m to Accessory Building Height
- b) 0.72 m to Accessory Building 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 and responded to a Board member's questions.

C. Tracey (West Coast Realty, representing the owner of 1490 Tyrol Road) described the variance application for a proposed accessory building. C. Tracey and J. Sidhu (Director, 999 Development Ltd., representing the owner of 1490 Tyrol 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 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 October 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 C. Tracey and J. Sidhu:

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 19-047 regarding a proposed accessory building at 1490 Tyrol Road with variances of:

- 1.92 m to Accessory Building Height
- 0.72 m to Accessory Building Side Yard Setback

BE NOT ALLOWED pursuant to the plans dated October 17, 2019 submitted with the application.

CARRIED

10. Application 19-048 (675 Parkside Road)

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

- a) 2.38 m to Combined Side Yard Setback (Single Family Dwelling)
- b) 0.44 m to Exposed Height (Retaining Wall).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Devise Design	November 18, 2019	1

Staff provided permit history of the subject property.

K. Armstrong (Devise Design, representing the owner of 675 Parkside Road) described the variance application for a proposed new single family dwelling and retaining wall. K. Armstrong and K. Carpenter (675 Parkside 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 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 October 25, 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 K. Armstrong and K. Carpenter:

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 19-048 regarding a proposed new single family dwelling at 675 Parkside Road with variances of:

- 2.38 m to Combined Side Yard Setback (Single Family Dwelling)

- 0.44 m to Exposed Height (Retaining Wall)

BE ALLOWED pursuant to the plans dated October 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

Members Radage and Sanguinetti voted in the negative

11. Application 19-049 (971 Wildwood Lane)

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

- 1 Parking Space to Secondary Suite Parking Space
- 9.1 m to Secondary Suite Parking Setbacks.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Petition with 7 names	Undated	1
Redacted	November 6, 2019	2
Redacted	November 19, 2019	3
Redacted	November 19, 2019	4

Staff provided permit history of the subject property.

F. Esfahani (971 Wildwood Lane) and H. Ghahferokhi (971 Wildwood Lane) described the variance application for a proposed secondary suite, responded to Board members' questions, and clarified that they are seeking a variance of one parking space to secondary suite parking space. Staff provided additional information regarding the requested variances. F. Esfahani and H. Ghahferokhi requested that the Board defer consideration of their application until January in order to allow them time to further consult with neighbouring property owners.

It was Moved and Seconded:

THAT consideration of Application 19-049 regarding a proposed secondary suite at 971 Wildwood Lane be deferred to the Board of Variance hearing scheduled for January 2020.

CARRIED

12. Application 19-050 (1185 Ottaburn 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.

J. Rommel (Rommel Design, representing the owner of 1185 Ottaburn Road) and J. Johal (1185 Ottaburn Road) described the variance application for a proposed secondary suite and responded to Board members' questions. Staff provided information relative to on-site parking and the requested variance. J. Rommel and J. Johal requested time to work with Permits staff in order to determine whether a parking space could be accommodated on the subject property with minor variances, and withdrew their application accordingly.

13. 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 19-044 (6580 Wellington Avenue);
- Application 19-045 (3290 Marine Drive);
- Application 19-046 (2395 Palmerston Avenue);
- Application 19-047 (1490 Tyrol Road);
- Application 19-048 (675 Parkside Road);
- Application 19-049 (971 Wildwood Lane);
- Application 19-050 (1185 Ottaburn Road)

up to and including November 20, 2019, be received.

CARRIED

14. Public Question Period

There were no questions.

15. Proposed 2020 Board of Variance Hearing Schedule

It was Moved and Seconded:

THAT the 2020 schedule of Board of Variance Hearings be adopted.

CARRIED

16. Next Hearing

Staff confirmed that the next Hearing of the Board of Variance is scheduled for January 22, 2020 at 5 p.m. in the Municipal Hall Council Chamber.

17. Adjournment

It was Moved and Seconded:

THAT the November 20, 2019 Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 6:25 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY