

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
MUNICIPAL HALL COUNCIL CHAMBER  
WEDNESDAY, JANUARY 22, 2020**

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**BOARD MEMBERS:** Chair L. Radage; Members I. Davis, S. Sanguinetti, D. Simmons, and R. Yaworsky.

**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. Election of Chair for 2020**

It was Moved and Seconded:

THAT Lesel Radage be elected as Chair for 2020.

CARRIED

Chair Radage appointed Member Sanguinetti as Acting Chair for 2020.

**3. Designation of Head Pursuant to *Freedom of Information and Protection of Privacy Act***

It was Moved and Seconded:

THAT pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act*, the Board of Variance designates the Corporate Officer of The Corporation of the District of West Vancouver as the Head for the purposes of the *Act*.

CARRIED

**4. Introduction**

Staff introduced the Board Members and described the Hearing procedure.

**5. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the January 22, 2020 Board of Variance Hearing agenda be approved as circulated.

CARRIED

**6. Adoption of the November 20, 2019 Minutes**

Chair Radage referred to the Minutes of the Board of Variance Hearing held on November 20, 2019.

It was Moved and Seconded:

THAT the November 20, 2019 Board of Variance Hearing minutes be adopted as circulated.

CARRIED

**7. Time Limit of Board of Variance Orders**

Chair Radage 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.”

**8. Application 19-049 (971 Wildwood Lane)**

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

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

Staff informed that:

- the Board of Variance considered this application at its November 20, 2019 hearing and deferred further consideration to the January 22, 2020 hearing, and as the applicant is unable to attend the January 22, 2020 hearing the applicant has requested that consideration of this application be deferred to the February 19, 2020 hearing; and
- no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

It was Moved and Seconded:

THAT the Board defer further consideration of Application 19-049 (971 Wildwood Lane) to the February 19, 2020 Board of Variance Hearing.

CARRIED

**9. 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:

- this application was withdrawn by the applicant at the November 20, 2019 hearing, and has been resubmitted to the Board of Variance for consideration at its January 22, 2020 hearing; and
- one written submission was received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 22, 2020	1
Redacted	December 26, 2019	2
Redacted	December 26, 2019	3
Redacted	January 7, 2020	4
Redacted	January 16, 2020	5

Staff provided permit history of the subject property.

J. Rommel (Rommel Design Ltd., representing the owner of 1185 Ottaburn Road) provided four written submissions in support of the application and described the variance application for a proposed secondary suite. J. Rommel and J. Johal (Owner, 1185 Ottaburn Road) responded to Board members' questions.

Chair Radage 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 28, 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 J. Rommel and J. Johal:

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 19-050 regarding a proposed secondary suite at 1185 Ottaburn Road with a variance of:

- 1 Parking Space to Secondary Suite Parking Space
- BE ALLOWED pursuant to the plans dated September 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

#### **10. Application 20-001 (1040 Wildwood Lane)**

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

- a) 7.58 m to Front Yard Setback
- b) 1.44 m to Minimum Side Yard Setback
- c) 3.01 m to Accessory Building 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.

P. Sadeghizadeh (Acro Construction Group Ltd., representing the owner of 1040 Wildwood Lane) described the variance application for a proposed power pole (accessory structure) and responded to a Board member's question.

Chair Radage 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 December 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, and having heard the submission of P. Sadeghizadeh:

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 20-001 regarding a proposed power pole (accessory structure) at 1040 Wildwood Lane with variances of:

- 7.58 m to Front Yard Setback
- 1.44 m to Minimum Side Yard Setback
- 3.01 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated November 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

#### 11. Application 20-002 (2578 Mathers Avenue)

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

- a) 8.76 m to Front Yard Setback to Roof Overhang
- b) 0.96 m to Minimum Side Yard Setback
- c) 5.54 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	January 22, 2020	1

Staff provided permit history of the subject property.

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

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

R. Bear (1480 Esquimalt Avenue; and on behalf of J. White, 2585 Mathers Avenue) expressed opposition to the requested variance and commented regarding: relocation of the power pole would impair views from neighbouring properties; other properties in the area have undergrounded their power lines; and that the location of the existing temporary power pole is preferred because it does not impair any views. Member Sanguinetti informed that the proposed private power pole would be situated where the existing temporary power pole is currently located, and R. Bear informed that this information mitigated his concerns regarding the application.

Chair Radage 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 December 12, 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. Bear:

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 20-002 regarding a proposed private power pole (accessory structure) at 2578 Mathers Avenue with variances of:

- 8.76 m to Front Yard Setback to Roof Overhang
- 0.96 m to Minimum Side Yard Setback
- 5.54 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 18 and December 12, 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 Davis voted in the negative

**12. Application 20-003 (5568 Westhaven 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.

A. Prints (Permit Masters, representing the owner of 5568 Westhaven Road) described the variance application for a proposed secondary suite.

Chair Radage 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 December 13, 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. Prints:

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 20-003 regarding a proposed secondary suite at 5568 Westhaven Road with a variance of:

- 1 Parking Space to Secondary Suite Parking Space  
BE ALLOWED pursuant to the plans dated November 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

### **13. Application 20-004 (4732 Woodley Drive)**

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. Liu (representing the owner of 4732 Woodley Drive) described the variance application for a proposed secondary suite.

Chair Radage 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 December 13, 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 J. Liu:

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 20-004 regarding a proposed secondary suite at 4732 Woodley Drive with a variance of:

- 1 Parking Space to Secondary Suite Parking Space  
BE ALLOWED pursuant to the plans dated October 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

**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 19-049 (971 Wildwood Lane);
- Application 19-050 (1185 Ottaburn Road);
- Application 20-001 (1040 Wildwood Lane);
- Application 20-002 (2578 Mathers Avenue);
- Application 20-003 (5568 Westhaven Road);
- Application 20-004 (4732 Woodley Drive);

up to and including January 22, 2020, be received.

CARRIED

**15. Public Question Period**

D. Ford (1156 Palmerston Avenue) referred to a written submission and commented regarding: the Board of Variance application process; staff review of building and site plans; secondary suites; and the use of the Board's time and resources. Member Sanguinetti suggested that D. Ford forward his concerns to Council for their consideration.

**16. Next Hearing**

Staff confirmed that the next Hearing of the Board of Variance is scheduled for February 19, 2020 at 5 p.m. in the Municipal Hall Council Chamber.

**17. Adjournment**

It was Moved and Seconded:

THAT the January 22, 2020 Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 5:43 p.m.

Certified Correct:

*[Original signed by Chair]*

CHAIR

*[Original signed by Secretary]*

SECRETARY