

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, SEPTEMBER 14, 2022**

BOARD MEMBERS: Chair L. Radage and Members S. Abri and R. Yaworsky attended the hearing via electronic communication facilities. Absent: Members J. Elwick and D. Simmons.

STAFF: P. Cuk, Board Secretary; T. Yee, Building Inspector; and V. Rae, Legislative Services Clerk, attended the hearing via electronic communication facilities.

1. Call to Order

The hearing was called to order at 5:04 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 14, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the July 20, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on July 20, 2022.

It was Moved and Seconded:

THAT the July 20, 2022 Board of Variance hearing minutes be adopted as circulated.

CARRIED

5. 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.”

6. Application 22-016 (2382 Palmerston Avenue)

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

- a) 7.3 m to Front Yard Setback
- b) 1.22 m to Minimum Side Yard Setback
- c) 2.4 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	August 31, 2022	1
Redacted	September 6, 2022	2

Staff provided permit history of the subject property.

D. Holdsworth (VictorEric Premium Homes, representing the owner of 2382 Palmerston Avenue) described the variance application for a proposed power pole (accessory structure). Staff and D. Holdsworth responded to Board members’ questions.

Staff informed that no one else had signed up to address the Board regarding the subject application.

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 9, 2022, 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 and/or viewed images of the subject site, and having heard the submission of D. Holdsworth:

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 22-016 regarding a proposed power pole (accessory structure) at 2382 Palmerston Avenue with variances of:

- 7.3 m to Front Yard Setback
- 1.22 m to Minimum Side Yard Setback
- 2.4 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated August 2, 2022 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 22-017 (2662 Lawson Avenue)**

Staff confirmed the following requested variances regarding a proposed addition:

- a) 2.94 m to Front Yard Setback (to Haywood Avenue)
- b) 3.0 m to Highest Building Face Envelope
- c) 0.82 m to Building Height
- d) 9% to Highest Building Face Exemption
- e) 16.6 m² to Floor Area Ratio.

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 14, 2022	1

Staff provided permit history of the subject property and responded to a Board member's questions.

H. Behmanesh (West Home Construction Inc., representing the owner of 2662 Lawson Avenue) described the variance application for a proposed addition and responded to a Board member's question.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

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 12, 2022, 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 and/or viewed images of the subject site, and having heard the submission of H. Behmanesh:

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 22-017 regarding a proposed addition at 2662 Lawson Avenue with variances of:

- 2.94 m to Front Yard Setback (to Haywood Avenue)
- 3.0 m to Highest Building Face Envelope
- 0.82 m to Building Height
- 9% to Highest Building Face Exemption
- 16.6 m² to Floor Area Ratio

BE ALLOWED pursuant to the plans dated July 7, 2022 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. Application 22-018 (2350 Bellevue Avenue)

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

- a) 1.5 m to Rear Yard Setback to Upper Deck Guardrail
- b) 4.5 m to Distance Between Principal Building and Pool Mechanical Room (Accessory Building).

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. Burgers and R. Brown (Burgers Architecture, representing the owner of 2350 Bellevue Avenue) displayed images, described the variance application for a proposed single family dwelling, and responded to a Board member's question.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

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 17, 2022, 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 and/or viewed images of the subject site, and having heard the submission of C. Burgers and R. Brown:

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 22-018 regarding a proposed single family dwelling at 2350 Bellevue Avenue with variances of:

- 1.5 m to Rear Yard Setback to Upper Deck Guardrail
- 4.5 m to Distance Between Principal Building and Pool Mechanical Room (Accessory Building)

BE ALLOWED pursuant to the plans dated August 16, 2022 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 22-019 (2484 Ottawa Avenue)

Staff confirmed the following requested variances regarding a proposed single family dwelling, above grade pool, and retaining walls:

- a) 1.87 m to Building Height (Single Family Dwelling)
- b) 0.54 m to Highest Building Face Envelope (Single Family Dwelling)
- c) 0.34 m to Accessory Structure Height (Above Grade Pool)
- d) 1.44 m @ 36.9° to Grade Line (Retaining Wall).

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 31, 2022	1
Redacted	September 8, 2022	2
Redacted	September 8, 2022	3
Redacted	September 13, 2022	4
Redacted	September 13, 2022	5
Redacted	September 14, 2022	6
Redacted	September 14, 2022	7
Redacted	September 14, 2022	8

Staff provided permit history of the subject property.

A. Assadi (Best City Properties Ltd., representing the owner of 2484 Ottawa Avenue) described the variance application for a proposed single family dwelling, above grade pool, and retaining walls. Staff and A. Assadi responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application.

F. Bango (2495 Nelson Avenue; and on behalf of the residents of 2479 Nelson Avenue and 2469 Nelson Avenue) spoke in opposition to the requested variances and commented regarding: building height; noise; and the height and location of the above grade pool.

Staff informed that no one else had signed up to address the Board regarding the subject application and responded to a Board member's question.

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 17, 2022, 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 and/or viewed images of the subject site, and having heard the submission of A. Assadi and F. Bango:

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 22-019 regarding a proposed single family dwelling, above grade pool, and retaining walls at 2484 Ottawa Avenue with variances of:

- 1.87 m to Building Height (Single Family Dwelling)
- 0.54 m to Highest Building Face Envelope (Single Family Dwelling)
- 0.34 m to Accessory Structure Height (Above Grade Pool)
- 1.44 m @ 36.9° to Grade Line (Retaining Wall)

BE NOT ALLOWED pursuant to the plans dated August 17, 2022 submitted with the application.

CARRIED

10. Application 22-020 (1965 26th Street)

Staff confirmed the following requested variances regarding a proposed garage addition:

- a) 2.4 m to Combined Side Yard Setback
- b) 5.8 m to Front Yard Setback
- c) 0.32 m to Minimum 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 question.

S. Fouks (1965 26th Street) described the variance application for a proposed garage addition and responded to a Board member's question.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

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 17, 2022, 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 and/or viewed images of the subject site, and having heard the submission of S. Fouks:

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 22-020 regarding a proposed garage addition at 1965 26th Street with variances of:

- 2.4 m to Combined Side Yard Setback
- 5.8 m to Front Yard Setback
- 0.32 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated August 8, 2022 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 22-016 (2382 Palmerston Avenue);
- Application 22-017 (2662 Lawson Avenue);

- Application 22-018 (2350 Bellevue Avenue);
- Application 22-019 (2484 Ottawa Avenue);
- Application 22-020 (1965 26th Street);

up to and including September 14, 2022, 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 October 19, 2022 at 5 p.m.

14. Adjournment

It was Moved and Seconded:

THAT the September 14, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:22 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY