

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, JULY 19, 2023**

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

Absent: Members S. Abri and D. Simmons.

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

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 July 19, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the June 21, 2023 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on June 21, 2023.

It was Moved and Seconded:

THAT the June 21, 2023 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(3) 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. Further, if that construction is not substantially started within 2 years after the Order was made, or within a longer or shorter time period established by the Order, the permission of the Board terminates and the bylaw applies.

6. Application 23-001 (3196 Mathers Avenue)

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

- a) 7.68 m to Front Yard Setback
- b) 0.81 m to Minimum Side Yard Setback
- c) 2.4 m to Accessory Structure Height.

Staff informed that the Board of Variance considered Application 23-001 at its January 18, 2023 hearing and deferred further consideration for up to six months, or until confirmation was received from BC Hydro regarding:

- 1. whether a direct connection to the subject property is feasible; and
- 2. whether BC Hydro can remove the redundant pole from the south side of Mathers Avenue.

The application was withdrawn by the applicant on May 29, 2023.

7. Application 23-026 (4321 Erwin Drive)

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

- a) 7.6 m to Minimum Front Yard Setback
- b) 1.03 m to Minimum Side Yard Setback
- c) 3.8 m to Accessory Building Height.

Staff provided permit history of the subject property and informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	July 13, 2023	1
Redacted	July 19, 2023	2

Chair Radage queried for the applicant or applicant's representative. Staff informed the applicant was not in attendance. The Board discussed deferring the application and staff responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application. Staff informed that no one 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 June 12, 2023, 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:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-026 regarding a power pole (accessory structure) at 4321 Erwin Drive with variances of:

- 7.6 m to Minimum Front Yard Setback
- 1.03 m to Minimum Side Yard Setback
- 3.8 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated June 8, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

8. Application 23-027 (1280 Clyde Avenue)

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

- a) 6.99 m to Front Yard Setback
- b) 0.91 m to Minimum Side Yard Setback
- c) 2.4 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.

K. Duch Huynh (representing the owner of 1280 Clyde Avenue) described the variance application for a power pole (accessory structure). Staff and K. Duch Huynh responded to a Board member's questions.

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 June 14, 2023, 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 K. Duch Huynh:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-027 regarding a power pole (accessory structure) at 1280 Clyde Avenue with variances of:

- 6.99 m to Front Yard Setback
- 0.91 m to Minimum Side Yard Setback
- 2.4 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated May 17, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

Staff informed the Board that the owner of the subject property for Application 23-026 (4321 Erwin Drive) had joined the meeting via electronic communication facilities and informed the owner that their application had been approved.

9. Application 23-028 (2309 Inglewood Avenue)

Staff confirmed the following requested variances regarding additions and alterations:

- a) 0.10 m to Combined Side Yard Setback (Single Family Dwelling)
- b) 0.42 m to Roof Overhangs for East and West Side Yards.

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.

K. Gustavson (Karl Gustavson Architect Inc., representing the owner of 2309 Inglewood Avenue) described the variance application for additions and alterations 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 June 19, 2023, 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 K. Gustavson:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-025 regarding additions and alterations at 2309 Inglewood Avenue with variances of:

- 0.10 m to Combined Side Yard Setback (Single Family Dwelling)
- 0.42 m to Roof Overhangs for East and West Side Yards

BE ALLOWED pursuant to the plans dated May 3 and June 19, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

10. Application 23-029 (850 Sentinel Drive)

Staff confirmed the following requested variances regarding additions and alterations:

- a) 1.49 m to Combined Side Yard Setback (Single Family Dwelling)
- b) 4.04 m to Front Yard Setback (Single Family Dwelling)
- c) 1.01 m to Minimum Side Yard Setback (Single Family Dwelling)
- d) 1.2 m to Setback for 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	#
M. Courtenay	July 10, 2023	1
M. Courtenay	July 10, 2023	2
M. Courtenay	July 17, 2023	3

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

M. Courtenay (representing the owner of 850 Sentinel Drive) described the variance application for additions and alterations.

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 June 20, 2023, 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 M. Courtenay:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-029 regarding additions and alterations at 850 Sentinel Drive with variances of:

- 1.49 m to Combined Side Yard Setback (Single Family Dwelling)
- 4.04 m to Front Yard Setback (Single Family Dwelling)
- 1.01 m to Minimum Side Yard Setback (Single Family Dwelling)
- 1.2 m to Setback for Retaining Wall

BE ALLOWED pursuant to the plans dated May 23 and June 12, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

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 23-026 (4321 Erwin Drive)
- Application 23-027 (1280 Clyde Avenue)
- Application 23-028 (2309 Inglewood Avenue)
- Application 23-029 (850 Sentinel Drive)

up to and including July 19, 2023, be received.

CARRIED

12. Public Question Period

S. Priebe (West Vancouver) queried regarding the status of Application 23-026 (4321 Erwin Drive). Staff informed that the application has been approved.

13. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for September 20, 2023 at 5 p.m.

14. Adjournment

It was Moved and Seconded:

THAT the July 19, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:36 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY