

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, NOVEMBER 15, 2023**

---

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

**STAFF:** P. Cuk, Board Secretary; T. Yee, Building Inspector; and M. Beattie, 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 November 15, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the October 18, 2023 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on October 18, 2023.

It was Moved and Seconded:

THAT the October 18, 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 23-035 (3127 Travers Avenue)**

Staff confirmed the following requested variances regarding a generator:

- a) 1.4 m to Front Yard Setback
- b) 2.3 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 questions.

H. Heyvaerts (AC86 Architecture Inc., representing the owner of 3127 Travers Avenue) described the variance application for a generator. H. Heyvaerts and L. Buksevics (3127 Travers Avenue) responded to Board members’ 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 October 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, and having heard the submissions of H. Heyvaerts and L. Buksevics:

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 23-035 regarding a generator at 3127 Travers Avenue with variances of:

- 1.4 m to Front Yard Setback
- 2.3 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated September 23, 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

**7. Application 23-036 (1066 Keith Road)**

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

- a) 6.4 m to Front Yard Setback
- b) 0.62 m to Minimum Side Yard Setback
- c) 1.8 m to Accessory Structure 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.

D. Downing (representing the owner of 1066 Keith Road) and M. Fei (representing the owner of 1066 Keith Road) described the variance application for a power pole (accessory structure). D. Downing, M. Fei, and staff responded to Board members' 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 October 18, 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 submissions of D. Downing and M. Fei:

It was Moved and Seconded:

THAT the Board defers further consideration of Application 23-036 (1066 Keith Road) until the applicant can:

- confirm where the connection with BC Hydro would come from;
- confirm whether the existing carrier wire can be used to bridge over Keith Road; and
- reconcile BC Hydro's requirements with the observations of the District's electrical inspector.

CARRIED

**8. Application 23-037 (1015 Jefferson Avenue)**

Staff confirmed the following requested variance regarding additions:

- a) 0.64 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.

N. Fallah (1015 Jefferson Avenue) and K. Kheradmand (Structural Engineer, representing the owner of 1015 Jefferson Avenue) described the variance application for additions. N. Fallah, K. Kheradmand, and staff responded to Board members' 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 Abri and Yaworksy recused themselves (conflict of interest as they know the structural engineer representing the applicant) and left the hearing at 5:42 p.m.

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 18, 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 submissions of N. Fallah and K. Kheradmand:

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 23-037 regarding additions at 1015 Jefferson Avenue with a variance of:

- 0.64 m to Minimum Side Yard Setback
- BE ALLOWED pursuant to the plans dated April 24 and September 18, 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

Member Abri and Yaworsky absent at the vote

Members Abri and Yaworsky returned to the hearing at 5:43 p.m. via electronic communication facilities.

## 9. 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 23-035 (3127 Travers Avenue);
- Application 23-036 (1066 Keith Road);
- Application 23-037 (1015 Jefferson Avenue);

up to and including November 15, 2023, be received.

CARRIED

**10. Public Question Period**

There were no questions.

**11. Proposed 2024 Board of Variance Hearing Schedule**

Board members commented regarding the format for hearings in 2024 and staff provided procedural information.

It was Moved and Seconded:

THAT the proposed 2024 Board of Variance Hearing Schedule be adopted.

CARRIED

**12. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for January 17, 2024 at 5 p.m.

**13. Adjournment**

It was Moved and Seconded:

THAT the November 15, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:46 p.m.

Certified Correct:

*[Original signed by Chair]*

\_\_\_\_\_  
CHAIR

*[Original signed by Secretary]*

\_\_\_\_\_  
SECRETARY