

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, JANUARY 17, 2024**

---

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

**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. Election of Chair for 2024**

It was Moved and Seconded:

THAT Member Radage be elected as Chair for 2024.

CARRIED

Chair Radage appointed Member Yaworsky as Acting Chair for 2024.

**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. Board of Variance Hearing Location**

It was Moved and Seconded:

THAT

1. Board of Variance hearings for all of 2024 and for January 15, 2025 be held via electronic communication facilities only;
2. the Municipal Hall Council Chamber be designated as the place where the public may attend to hear, or watch and hear, the Board of Variance hearing proceedings; and

3. a staff member be in attendance at the Municipal Hall Council Chamber for each of the scheduled hearings.

CARRIED

**5. Introduction**

Staff introduced the Board Members and described the hearing procedure.

**6. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the January 17, 2024 Board of Variance hearing agenda be approved as circulated.

CARRIED

**7. Adoption of the November 15, 2023 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on November 15, 2023.

It was Moved and Seconded:

THAT the November 15, 2023 Board of Variance hearing minutes be adopted as circulated.

CARRIED

**8. 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.

**9. Application 24-001 (1072 Duchess Avenue)**

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

- a) 7.0 m to Front Yard Setback
- b) 0.74 m to Minimum Side Yard Setback
- c) 5.4 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	January 8, 2024	1
Redacted	January 14, 2024	2
Y. Khalighi	January 15, 2024	3

Y. Khalighi (1072 Duchess Avenue) and P. Merrikh (representing the owner of 1072 Duchess Avenue) described the variance application for a power pole (accessory structure).

Staff provided permit history of the subject property.

Y. Khalighi, P. Merrikh, 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 November 23, 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 Y. Khalighi and P. Merrikh:

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 24-001 regarding a power pole (accessory structure) at 1072 Duchess Avenue with variances of:

- 7.0 m to Front Yard Setback
- 0.74 m to Minimum Side Yard Setback
- 5.4 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated October 11, 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 24-002 (620 Kenwood Road)**

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

- a) 5.75 m to Rear Yard Setback
- b) 2.3 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.

P. Merrikh (620 Kenwood Road) described the variance application for a power pole (accessory structure).

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 November 28, 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 P. Merrikh:

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 24-002 regarding a power pole (accessory structure) at 620 Kenwood Road with variances of:

- 5.75 m to Rear Yard Setback
- 2.3 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 16, 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. Application 24-003 (1024 Groveland Place)**

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

- a) 7.42 m to Front Yard Setback
- b) 1.28 m to Minimum Side Yard Setback
- c) 0.80 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.

O. Hoekstra (Paramax Homes, representing the owner of 1024 Groveland Place) described the variance application for a private power pole (accessory structure).

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.

O. Hoekstra responded to a Board member's questions.

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 5, 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 O. Hoekstra:

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 24-003 regarding a private power pole (accessory structure) at 1024 Groveland Place with variances of:

- 7.42 m to Front Yard Setback
- 1.28 m to Minimum Side Yard Setback
- 0.80 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated October 10, 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

**12. Application 24-004 (1457 Haywood Avenue)**

Staff confirmed the following requested variances regarding an accessory building:

- a) 0.91 m to Minimum Side Yard Setback
- b) 81.28 m<sup>2</sup> to Floor Area Ratio
- c) Street Access instead of Lane Access.

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. Medilek (1457 Haywood Avenue) and K. Kim (Architect, Kenneth Kim Architecture Inc., representing the owner of 1457 Haywood Avenue) described

the variance application for an accessory building. 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 December 10, 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 K. Kim and D. Medilek:

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 24-004 regarding an accessory building at 1457 Haywood Avenue with variances of:

- 0.91 m to Minimum Side Yard Setback
- 81.28 m<sup>2</sup> to Floor Area Ratio
- Street Access instead of Lane Access

BE ALLOWED pursuant to the plans dated December 1, 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

### **13. Application 24-005 (4309 Erwin Drive)**

Staff confirmed the following requested variances regarding a sauna (accessory building) and pool mechanical equipment (accessory structure):

- a) 7.9 m to Front Yard Setback (Pool Mechanical Equipment)
- b) 0.89 m to Minimum Side Yard Setback (Pool Mechanical Equipment)
- c) 6.31 m to Front Yard Setback (Sauna)
- d) 4.7% (42.10 m<sup>2</sup>) to Floor Area Ratio (Sauna).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 14, 2024	1

Staff provided permit history of the subject property.

A. Olsen and J. Olsen (4309 Erwin Drive) described the variance application for a sauna (accessory building) and pool mechanical equipment (accessory structure).

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.

A. Olsen further described the variance application for a sauna (accessory building) and pool mechanical equipment (accessory structure). A. Olsen and staff responded to a Board member's questions.

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 11, 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 A. Olsen and J. Olsen:

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 24-005 regarding a sauna (accessory building) and pool mechanical equipment (accessory structure) at 4309 Erwin Drive with variances of:



- 7.9 m to Front Yard Setback (Pool Mechanical Equipment)
- 0.89 m to Minimum Side Yard Setback (Pool Mechanical Equipment)
- 6.31 m to Front Yard Setback (Sauna)
- 4.7% (42.10 m<sup>2</sup>) to Floor Area Ratio (Sauna)

BE ALLOWED pursuant to the plans dated November 23 and December 7, 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

**14. Application 24-006 (4370 Keith Road)**

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

- a) 8.49 m to Front Yard Setback
- b) 0.28 m to Minimum Side Yard Setback
- c) 0.87 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.

M. Drabek (4370 Keith Road) and A. Laos (Hodgson Design Associates, representing the owner of 4370 Keith Road) described the variance application for a private power pole (accessory structure) 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 December 11, 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 M. Drabek and A. Laos:

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 24-006 regarding a private power pole (accessory structure) at 4370 Keith Road with variances of:

- 8.49 m to Front Yard Setback
- 0.28 m to Minimum Side Yard Setback
- 0.87 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 10, 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

**15. Application 24-007 (3051 Procter Avenue)**

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

- a) 4.73 m to Front Yard Setback
- b) 4.69 m to Rear 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	January 11, 2024	1
Redacted	January 12, 2024	2
Redacted	January 17, 2024	3

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

D. Cordingley and A. Cordingley (3051 Procter Avenue) and M. Ritchie (Architect, ABC Architecture Building Culture Inc., representing the owner of

3051 Procter Avenue) described the variance application for a new 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 December 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 D. Cordingley, A. Cordingley, and M. Ritchie:

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 24-007 regarding a new single family dwelling at 3051 Procter Avenue with variances of:

- 4.73 m to Front Yard Setback
- 4.69 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated November 10, 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

**16. Application 24-008 (819 Burley Drive)**

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

- a) 8.80 m to Front Yard Setback
- b) 0.69 m to Minimum Side Yard Setback
- c) 0.3 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	January 17, 2024	1

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

Y. Mohammadkhani (Palacio Construction Ltd., representing the owner of 819 Burley Drive) and D. Hamilton-Smith (819 Burley Drive) described the variance application for a power pole (accessory structure). Y. Mohammadkhani, D. Hamilton-Smith, 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 December 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 Y. Mohammadkhani and D. Hamilton-Smith:

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 24-008 regarding a power pole (accessory structure) at 819 Burley Drive with variances of:

- 8.80 m to Front Yard Setback
- 0.69 m to Minimum Side Yard Setback
- 0.3 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 27, 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

**17. 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 24-001 (1072 Duchess Avenue);
- Application 24-002 (620 Kenwood Road);
- Application 24-003 (1024 Groveland Place);
- Application 24-004 (1457 Haywood Avenue);
- Application 24-005 (4309 Erwin Drive);
- Application 24-006 (4370 Keith Road);
- Application 24-007 (3051 Procter Avenue);
- Application 24-008 (819 Burley Drive);

up to and including January 17, 2024, be received.

CARRIED

**18. Public Question Period**

There were no questions.

**19. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for February 21, 2024 at 5 p.m.

**20. Adjournment**

It was Moved and Seconded:

THAT the January 17, 2024 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:29 p.m.

Certified Correct:

*[Original signed by Chair]*

---

CHAIR

*[Original signed by Secretary]*

---

SECRETARY