

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, FEBRUARY 21, 2024**

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; N. Karimabadi, Supervisor, Residential Plans Examiners; 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 February 21, 2024 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the January 17, 2024 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on January 17, 2024.

It was Moved and Seconded:

THAT the January 17, 2024 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 24-009 (4123 Burkehill Road)

Staff confirmed the following requested variances regarding a deck and additions:

- a) 6.80 m to Front Yard Setback (Addition)
- b) 8.53 m to Rear Yard Setback (Addition and Deck)
- c) 0.72 m to Minimum Side Yard Setback (Deck).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	Undated	1
Redacted	February 20, 2024	2
Redacted	February 20, 2024	3
Redacted	February 21, 2024	4
Redacted	February 21, 2024	5
Redacted	February 21, 2024	6
Redacted	February 21, 2024	7

Staff provided permit history of the subject property and responded to Board members' questions.

P. Huang (representing the owner of 4123 Burkehill Road) described the variance application for a deck and additions. P. Huang and staff responded to Board members' questions.

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

F. Shirvani (address not provided) spoke in opposition to the requested variances and commented regarding: the qualifications of the associated architect; the pre-existing structure; hardship; disposal of construction waste; setbacks; and water runoff.

A Board member commented.

P. Shirvani (4107 Bayridge Avenue) spoke in opposition to the requested variances and commented regarding: privacy; disposal of construction waste; damaged trees; property lines; and bylaw enforcement.

M. Sadar (West Vancouver) spoke in opposition to the requested variances and commented regarding: building without permits; the scope of the requested variances; hardship; property lines; and water runoff.

S. Li (address not provided) spoke in opposition to the requested variances and commented regarding: setbacks; building without permits; dangers to neighbouring properties; disposal of construction waste; privacy; and architectural sign-off on the existing structures.

Staff informed that no one else had signed up to address the Board regarding the subject application and responded to Board members' 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 January 20, 2024, 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 P. Huang, S. Li, M. Sadar, F. Shirvani, and P. Shirvani:

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 24-009 regarding a deck and additions at 4123 Burkehill Road with variances of:

- 6.80 m to Front Yard Setback (Addition)
- 0.72 m to Minimum Side Yard Setback (Deck)

BE ALLOWED pursuant to the plans dated December 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 voted in the negative

It was Moved and Seconded:

THAT the Board defers further consideration of the following requested variance of Application 24-009 regarding a deck and additions at 4123 Burkehill Road:

- 8.53 m to Rear Yard Setback (Addition and Deck)

until more information is provided by the applicant regarding the construction.

CARRIED

7. Application 24-010 (705 St Andrews Road)

Staff confirmed the following requested variance regarding a single family dwelling:

- a) 1 storey to Number of Storeys.

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 informed that the applicant was not present to describe the variance application.

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 January 23, 2024, 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 24-010 regarding a single family dwelling at 705 St Andrews Road with a variance of:

- 1 storey to Number of Storeys

BE ALLOWED pursuant to the plans dated January 24, 2022 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 24-011 (6111 Bonnie Bay Place)

Staff confirmed the following requested variances regarding an elevator:

- a) 0.3% to Site Coverage Percentage (Elevator and Fireplace)
- b) 820.25 sqft to Floor Area Ratio (Elevator, Fireplace and Deck Weather Protection Canopy).

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 22, 2024	1

Staff provided permit history of the subject property.

H. Besharat (BFA Studio Architects, representing the owner of 6111 Bonnie Bay Place) described the variance application for an elevator. A Board member commented.

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 January 23, 2024, 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. Besharat:

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 24-011 regarding an elevator at 6111 Bonnie Bay Place with variances of:

- 0.3% to Site Coverage Percentage (Elevator and Fireplace)
- 820.25 sqft to Floor Area Ratio (Elevator, Fireplace and Deck Weather Protection Canopy)

BE ALLOWED pursuant to the plans dated December 20, 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

9. Application 24-012 (930 Burley Drive)

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

- a) 1.22 m to Minimum Side Yard Setback (Detached Garage).

Staff informed: of written submissions received for this application prior to the Board of Variance hearing; and of the correct plan dates associated with this application.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
P. Merrikh	February 13, 2024	1

Staff provided permit history of the subject property.

P. Merrikh and A. Nozdrachova (930 Burley Drive) and S. Mohammedi (representing the owners of 930 Burley Drive) described the variance application for a new single family dwelling and 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 January 23, 2024, 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 P. Merrikh, S. Mohammedi, and A. Nozdrachova:

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 24-012 regarding a new single family dwelling at 930 Burley Drive with a variance of:

- 1.22 m to Minimum Side Yard Setback (Detached Garage)
- BE ALLOWED pursuant to the plans dated January 19, 2024 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. 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 24-009 (4123 Burkehill Road))
- Application 24-010 (705 St Andrews Road)
- Application 24-011 (6111 Bonnie Bay Place)
- Application 24-012 (930 Burley Drive)

up to and including February 21, 2024, be received.

CARRIED

11. Public Question Period

There were no questions.

12. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for March 20, 2024 at 5 p.m.

13. Adjournment

It was Moved and Seconded:

THAT the February 21, 2024 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:26 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY