

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

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

STAFF: P. Cuk, Board Secretary; N. Karimabadi, Supervisor, Residential Plans Examiners; S. Cheema, Assistant Plans Examiner; 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.

A Board member commented.

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

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

CARRIED

4. Adoption of the March 20, 2024 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on March 20, 2024.

It was Moved and Seconded:

THAT the March 20, 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 24-014 (465 Hillcrest Street)

Staff confirmed the following requested variance regarding a retaining wall:

a) 2.45' to a 15.4' Segment of the Retaining Wall in the South Side Yard.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	March 7, 2024	1
Redacted	March 8, 2024	2
Redacted	March 8, 2024	3
Redacted	March 8, 2024	4
Redacted	March 12, 2024	5
Redacted	March 12, 2024	6
Redacted	March 13, 2024	7

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

Member Yaworsky left the hearing at 5:09 p.m. and returned to the hearing at 5:10 p.m. via electronic communication facilities.

J. Hui (465 Hillcrest Street) described the variance application for a retaining wall and 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 February 13, 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 J. Hui:

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 24-014 regarding a retaining wall at 465 Hillcrest Street with a variance of:

- 2.45’ to a 15.4’ Segment of the Retaining Wall in the South Side Yard BE ALLOWED pursuant to the plans dated March 20, 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

Board members commented.

7. Application 24-017 (449 Hillcrest Street)

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

- a) 6.10 m Front Yard Setback
- b) 0.29 m to Minimum Side Yard Setback
- c) 1.18 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	April 16, 2024	1

Staff provided permit history of the subject property.

Due to technical difficulties with the applicant's audio settings, the Chair, with consent of the Board, varied the agenda to consider Item 8 regarding Application 24-018 (3171 Travers Avenue) prior to continuing consideration of Item 7 regarding Application 24-017 (449 Hillcrest Street).

8. Application 24-018 (3171 Travers Avenue)

Staff confirmed the following requested variances regarding a deck and privacy screen:

- a) 0.70 m to Front Yard Setback to Deck (Travers Avenue)
- b) 0.72 m to Minimum Side Yard Setback to Privacy Screen on Deck
- c) 0.25 m to Accessory Building Height (to Top of Privacy Screen on 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	March 1, 2024	1
Redacted	April 17, 2024	2
Redacted	April 17, 2024	3

Staff provided permit history of the subject property.

J. Graham (Graham Sherwin Studio, representing the owner of 3171 Travers Avenue) described the variance application for a deck and privacy screen 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. A member of the public requested to speak as the Board began their discussion. Staff commented and the Board allowed the resident to comment.

F. Najand (3571 Travers Avenue) spoke in opposition to the requested variances and commented regarding the height of the deck, privacy, and the need to adhere to bylaws.

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 March 19, 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 J. Graham and F. Najand:

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 24-018 regarding a deck and privacy screen at 3171 Travers Avenue with variances of:

- 0.70 m to Front Yard Setback to Deck (Travers Avenue)
 - 0.72 m to Minimum Side Yard Setback to Privacy Screen on Deck
 - 0.25 m to Accessory Building Height (to Top of Privacy Screen on Deck)
- BE ALLOWED pursuant to the plans dated March 15, 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

7. Application 24-017 (449 Hillcrest Street)

Following resolution of technical difficulties with the applicant's audio settings, the Board continued consideration of Item 7 regarding Application 24-017 (449 Hillcrest Street).

M. Majidnejadi (Marble Construction, representing the owner of 449 Hillcrest Street) described the variance application for a power pole (accessory structure). M. Majidnejadi and staff 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 March 14, 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 M. Majidnejadi:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 24-017 regarding a power pole (accessory structure) at 449 Hillcrest Street with variances of:

- 6.10 m Front Yard Setback
- 0.29 m to Minimum Side Yard Setback
- 1.18 m to Accessory Structure Height

BE NOT ALLOWED pursuant to the plans dated January 20, 2024 submitted with the application.

CARRIED

8. Application 24-018 (3171 Travers Avenue)

This item was considered immediately prior to Item 7 regarding Application 24-017 (449 Hillcrest Street).

9. Application 24-019 (1388 21st Street)

Staff confirmed the following requested variances regarding a deck and retaining wall:

- a) 0.76 m to Minimum Side Yard Setback (to Deck)
- b) 1.56 m to Combined Side Yard Setback (to Deck)
- c) 1.35' to Retaining Wall Height/Grade Line for a Retaining Wall in the North Side Yard.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	April 16, 2024	1
Amin	April 16, 2024	2
Amin	April 16, 2024	3
Redacted	undated	4

Name not provided	April 17, 2024	5
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Staff provided permit history of the subject property.

A. Sabounchi (1388 21st Street) described the variance application for a deck and retaining wall 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 March 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 submission of A. Sabounchi:

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 24-019 regarding a deck and retaining wall at 1388 21st Street with variances of:

- 0.76 m to Minimum Side Yard Setback (to Deck)
- 1.56 m to Combined Side Yard Setback (to Deck)
- 1.35' to Retaining Wall Height/Grade Line for a Retaining Wall in the North Side Yard.

BE ALLOWED pursuant to the plans dated March 22, 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. Application 24-020 (2141 Jefferson Avenue)

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

- a) 6.60 m to Front Yard Setback
- b) 1.00 m to Minimum Side Yard Setback
- c) 0.30 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.

M. Talebian (2141 Jefferson Avenue) described the variance application for a power pole (accessory structure) 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 March 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 submission of M. Talebian:

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 24-020 regarding a power pole (accessory structure) at 2141 Jefferson Avenue with variances of:

- 6.60 m to Front Yard Setback
- m to Minimum Side Yard Setback
- 0.30 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated February 13, 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

11. Application 24-021 (1436 Jefferson Avenue)

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

- a) 6.28 m to Front Yard Setback
- b) 0.63 m to Minimum Side Yard Setback
- c) 3.77 m to Accessory Building Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
K. Kheradmandnia	April 15, 2024	1
K. Kheradmandnia	April 15, 2024	2

Staff provided permit history of the subject property.

K. Kheradmandnia (Arvand Consulting Engineering Corporation, representing the owner of 1436 Jefferson Avenue) described the variance application for a 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.

Member Abri declared a conflict of interest (as she knows the presenter) and recused herself from the hearing at 6:07 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 March 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 submission of K. Kheradmandnia:

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 24-021 regarding a power pole (accessory structure) at 1436 Jefferson Avenue with variances of:

- 6.28 m to Front Yard Setback
- 0.63 m to Minimum Side Yard Setback
- 3.77 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated February 21, 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

Member Abri absent at the vote

12. Application 24-022 (6915 Marine Drive)

Staff confirmed the following requested variances regarding a deck:

- 4.38 m to Front Yard Setback (Marine Drive)
- 2.92 m to Minimum Side Yard Setback
- 5.34 m to Deck in the Front Yard with Double Frontage (Marine Drive and Hycroft Road).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Name not provided	April 17, 2024	1

Staff provided permit history of the subject property.

A. Foroughi (6915 Marine Drive) and Y. Mohammadkhani (Palacio Construction) described the variance application for a deck. A. Foroughi, Y. Mohammadkhani and staff responded to Board members’ questions.

Member and Abri returned to the hearing at 6:12 p.m. via electronic communication facilities.

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 March 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 A. Foroughi and Y. Mohammadkhani:

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 24-022 regarding a deck at 6915 Marine Drive with variances of:

- 4.38 m to Front Yard Setback (Marine Drive)
- 2.92 m to Minimum Side Yard Setback
- 5.34 m to Deck in the Front Yard with Double Frontage (Marine Drive and Hycroft Road)

BE ALLOWED pursuant to the plans dated February 6, 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

13. 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 24-014 (465 Hillcrest Street)
- Application 24-017 (449 Hillcrest Street)

- Application 24-018 (3171 Travers Avenue)
- Application 24-019 (1388 21st Street)
- Application 24-020 (2141 Jefferson Avenue)
- Application 24-021 (1436 Jefferson Avenue)
- Application 24-022 (6915 Marine Drive)

up to and including April 17, 2024 be received.

CARRIED

14. Public Question Period

There were no questions.

15. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for May 15, 2024 at 5 p.m.

16. Adjournment

It was Moved and Seconded:

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

CARRIED

The Board of Variance hearing adjourned at 6:19 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY