

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, MAY 15, 2024**

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**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; and S. Kim, Legislative Services Clerk, attended the hearing via electronic communication facilities.

**1. Call to Order**

The hearing was called to order at 5:02 p.m.

**2. Introduction**

Member Abri joined the hearing at 5:05 p.m. via electronic communication facilities.

Staff introduced the Board Members and described the hearing procedure. Chair Radage commented.

**3. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the May 15, 2024 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the April 17, 2024 Minutes**

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

It was Moved and Seconded:

THAT the April 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 variance regarding a deck and addition:  
a) 8.53 m to Rear Yard Setback.

Staff informed of written submissions received for this application prior to the Board of Variance hearing, and that this application was first brought before the Board of Variance at its February 21, 2024 hearing, at which time further consideration was deferred until more information was provided by the applicant regarding the construction.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	Undated	1
Redacted	February 20, 2024	2
Redacted	February 20, 2024	3
Redacted	February 20, 2024	4
Redacted	February 21, 2024	5
Redacted	February 21, 2024	6
Redacted	February 21, 2024	7
Plans Examiner II	April 23, 2024	8
Redacted	May 13, 2024	9
Redacted	May 15, 2024	10
Redacted	May 15, 2024	11

Staff provided permit history of the subject property.

P. Huang and H. Jian (representing the owner of 4123 Burkehill Road), displayed images and described the variance application for a deck and addition. Staff, P. Huang, and H. Jian responded to Board members’ questions.

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

F. Shirvani (4107 Bayridge Avenue) spoke in opposition to the requested variance and commented regarding: removing the deck; construction without permits; littering; drainage onto neighbouring properties; flooding; privacy; setting a precedent; property values; and geotechnical deficiencies.

K. Wei (4123 Burkehill Road) spoke in support of the requested variance and commented regarding: regulations changing over time; previous demolitions; safety concerns; support from neighbouring residents; and financial challenges.

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.

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 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, H. Jian, F. Shirvani, and K. Wei:

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 addition at 4123 Burkehill Road with a variance of:

- 8.53 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated April 18 and 23, 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.

A Board member commented. The question was called on the motion.

CARRIED

Member Abri voted in the negative

## 7. Application 24-023 (5775 Cranley Drive)

Chair Radage recused herself (conflict of interest as she knows the property owner) and left the hearing at 5:56 p.m. Member Yaworsky assumed the Chair.

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

- a) 8.49 m to Front Yard Setback (power pole)
- b) 7.83 m to Rear Yard Setback (deck)
- c) 1.80 m to Accessory Building Height (power pole).

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 28, 2024	1
Redacted	March 31, 2024	2
Redacted	April 1, 2024	3
B. A. Blackwell and Associates	April 5, 2024	4
Supervisor Residential Plans Examiners	April 30, 2024	5

Staff provided permit history of the subject property.

G. Huguet and C. Williams (representing the owner of 5775 Cranley Drive) displayed images, described the variance application for a power pole (accessory structure) and deck, and responded to Board members' questions. Board members commented.

Acting Chair Yaworsky 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 April 8, 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 G. Huguet and C. Williams:

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 24-023 regarding a power pole (accessory structure) and deck at 5775 Cranley Drive with variances of:

- 8.49 m to Front Yard Setback (power pole)
- 7.83 m to Rear Yard Setback (deck)
- 1.80 m to Accessory Building Height (power pole)

BE ALLOWED pursuant to the plans dated April 9 and 18, 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 Radage absent at the vote

Member Radage returned to the hearing at 6:15 p.m. via electronic communication facilities and resumed the Chair.

## **8. 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 24-023 (5775 Cranley Drive);

up to and including May 15, 2024, be received.

CARRIED

## **9. Public Question Period**

There were no questions.

## **10. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for June 19, 2024 at 5 p.m.

**11. Adjournment**

It was Moved and Seconded:

THAT the May 15, 2024 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:16 p.m.

Certified Correct:

*[Original signed by Chair]*

\_\_\_\_\_  
CHAIR

*[Original signed by Secretary]*

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SECRETARY