

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

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

STAFF: P. Cuk, Board Secretary; H. Dallas, Senior Manager, Legislative Services/ Corporate Officer; and T. Yee, Building Inspector, 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 July 17, 2024 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the June 19, 2024 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on June 19, 2024.

It was Moved and Seconded:

THAT the June 19, 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 24-028 (2468 Mathers Avenue)

Staff confirmed the following requested variance regarding a basement addition, main floor addition, shed, and front entry addition:

- a) 6.9 % (55m²) to Floor Area Ratio.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Plans Examiner II	July 17, 2024	1

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

A. Golbazi and K. Kheradmandian (representing the owner of 2468 Mathers Avenue) described the variance application for a basement addition, main floor addition, shed, and front entry addition.

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

L. Jones (West Vancouver) commented and queried regarding: the proposed floor area ratio; the scope of the proposed construction; and tree protection. Staff and Board members provided a response.

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 June 16, 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. Golbazi, L. Jones, and K. Kheradmandian:

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 24-028 regarding a basement addition, main floor addition, shed, and front entry addition at 2468 Mathers Avenue with a variance of:

- 6.9 % (55m²) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated May 1, 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 24-029 (5405 Greentree Road)

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

- a) 5.90 m to Front Yard Setback
- b) 2.40 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	#
Building Inspector	July 16, 2024	1

Staff provided permit history of the subject property.

S. Malek (representing the owner of 5405 Greentree Road) described the variance application for a power pole (accessory structure) 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 June 17, 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 S. Malek:

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 24-029 regarding a power pole (accessory structure) at 5405 Greentree Road with variances of:

- 5.90 m to Front Yard Setback
- 2.40 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated June 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

8. Application 24-030 (2624 Ottawa Avenue)

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

- a) 8.00 m to Front Yard Setback
- b) 0.85 m to Minimum Side Yard Setback
- c) 3.60 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	July 8, 2024	1
Building Inspector	July 16, 2024	2

Staff provided permit history of the subject property.

M. Shahmirza (representing the owner of 2624 Ottawa 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.

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 June 17, 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. Shahmirza:

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 24-030 regarding a power pole (accessory structure) at 2624 Ottawa Avenue with variances of:

- 8.00 m to Front Yard Setback
- 0.85 m to Minimum Side Yard Setback
- 3.60 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated May 17, 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

9. Application 24-031 (2508 Nelson Avenue)

Staff confirmed the following requested variances regarding a carport:

- a) 7.47 m to Front Yard Setback
- b) 3.27 m to Distance Between Principal and Accessory Structure
- c) 0.28 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	#
Building Inspector	July 16, 2024	1

Staff provided permit history of the subject property.

G. Cragg (representing the owner of 2508 Nelson Avenue) described the variance application for a carport 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 June 18, 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 G. Cragg:

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 24-031 regarding a carport at 2508 Nelson Avenue with variances of:

- 7.47 m to Front Yard Setback
- 3.27 m to Distance Between Principal and Accessory Structure
- 0.28 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated June 6 and 7, 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 24-032 (1058 Esquimalt Avenue)

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

- a) 6.60 m to Front Yard Setback
- b) 1.12 m to Minimum Side Yard Setback
- c) 3.92 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	#
Building Inspector	July 16, 2024	1

Staff provided permit history of the subject property.

Chair Radage queried whether the applicant was present to address the Board regarding the subject application. Staff informed that the applicant was not in attendance.

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 June 18, 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 24-032 regarding a power pole (accessory structure) at 1058 Esquimalt Avenue with variances of:

- 6.60 m to Front Yard Setback
- 1.12 m to Minimum Side Yard Setback
- 3.92 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated June 5, 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. 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 24-028 (2468 Mathers Avenue);
- Application 24-029 (5405 Greentree Road);
- Application 24-030 (2624 Ottawa Avenue);
- Application 24-031 (2508 Nelson Avenue);
- Application 24-032 (1058 Esquimalt Avenue);

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

CARRIED

12. Public Question Period

There were no questions.

13. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for September 18, 2024 at 5 p.m.

14. Adjournment

It was Moved and Seconded:

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

CARRIED

The Board of Variance hearing adjourned at 5:48 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY