



Pursuant to the *Freedom of Information and Protection of Privacy Act*, names, addresses, contact information and other personal information of individuals who write to the Board are protected from disclosure and must not be disclosed during the hearing.

The Corporation of the District of West Vancouver

Board of Variance Hearing Agenda

January 18, 2023

5 p.m. via electronic communication facilities

Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber, or via electronic communication facilities through the link provided on the District's Board of Variance webpage.

1. Call to Order

The Board of Variance hearing will be called to order.

2. Election of Chair for 2023

Pursuant to section 9.1 of Board of Variance Bylaw No. 4487, 2007, members of the Board of Variance shall elect one of their number as Chair for a one year period. The Chair may appoint a member of the Board as Acting Chair to preside in the Chair's absence either for a single meeting or for a set period of time.

3. Designation of Head Pursuant to *Freedom of Information and Protection of Privacy Act*

Section 77 of the Freedom of Information and Protection of Privacy Act (the "Act") provides that "A local public body.... must designate a person or group of persons as the head of the local public body for the purposes of this Act". In the Act, definition of a "local public body" means "a local government body" and a local government body includes "a Board of Variance".

RECOMMENDATION:

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.

4. Board of Variance Hearing Location

RECOMMENDATION:

THAT

1. Board of Variance hearings for all of 2023 and for January 17, 2024 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.

5. Introduction

The Board of Variance hearing procedure will be described.

6. Confirmation of Agenda

RECOMMENDATION:

THAT the January 18, 2023 Board of Variance hearing agenda be approved as circulated.

7. Adoption of Minutes

RECOMMENDATION:

THAT the November 16, 2022 Board of Variance hearing minutes be adopted as circulated.

8. Time Limit of Board of Variance Orders

The Chair will describe the time limit of orders approving a variance.

9. Application 23-001 (3196 Mathers Avenue) regarding a proposed private power pole (accessory structure) with the following variances:

- a) 7.68 m to Front Yard Setback
- b) 0.81 m to Minimum Side Yard Setback
- c) 2.4 m to Accessory Structure Height.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-001 regarding a proposed private power pole (accessory structure) at 3196 Mathers Avenue with variances of:

- 7.68 m to Front Yard Setback
- 0.81 m to Minimum Side Yard Setback
- 2.4 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated December 1 and 2, 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.

OR

RECOMMENDATION:

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 23-001 regarding a proposed private power pole (accessory structure) at 3196 Mathers Avenue with variances of:

- 7.68 m to Front Yard Setback
- 0.81 m to Minimum Side Yard Setback
- 2.4 m to Accessory Structure Height

BE NOT ALLOWED pursuant to the plans dated December 1 and 2, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-001 (3196 Mathers Avenue) to the next Board of Variance hearing.

10. Application 23-002 (6267 Taylor Drive) regarding a proposed elevator (accessory structure) with the following variances:

- a) 3.43 m to Distance Between Principal Dwelling and Accessory Buildings
- b) 5.1 m to Accessory Building Height.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-002 regarding a proposed elevator (accessory structure) at 6267 Taylor Drive with variances of:

- 3.43 m to Distance Between Principal Dwelling and Accessory Buildings
- 5.1 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated November 17, 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.

OR

RECOMMENDATION:

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 23-002 regarding a proposed elevator (accessory structure) at 6267 Taylor Drive with variances of:

- 3.43 m to Distance Between Principal Dwelling and Accessory Buildings
- 5.1 m to Accessory Building Height

BE NOT ALLOWED pursuant to the plans dated November 17, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-002 (6267 Taylor Drive) to the next Board of Variance hearing.

11. Application 23-003 (4166 Rose Crescent) regarding a proposed private power pole (accessory structure) with the following variances:

- a) 8.1 m to Front Yard Setback
- b) 2.46 m to Minimum Side Yard Setback
- c) 2.3 m to Accessory Structure Height.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-003 regarding a proposed private power pole (accessory structure) at 4166 Rose Crescent with variances of:

- 8.1 m to Front Yard Setback
- 2.46 m to Minimum Side Yard Setback
- 2.3 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated December 6, 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.

OR

RECOMMENDATION:

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 23-003 regarding a proposed private power pole (accessory structure) at 4166 Rose Crescent with variances of:

- 8.1 m to Front Yard Setback
- 2.46 m to Minimum Side Yard Setback
- 2.3 m to Accessory Structure Height

BE NOT ALLOWED pursuant to the plans dated December 6, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-003 (4166 Rose Crescent) to the next Board of Variance hearing.

12. Application 23-004 (3837 Bayridge Avenue) regarding a proposed private power pole (accessory structure) with the following variances:

- a) 5.84 m to Front Yard Setback
- b) 2.4 m to Accessory Structure Height.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-004 regarding a proposed private power pole (accessory structure) at 3837 Bayridge Avenue with variances of:

- 5.84 m to Front Yard Setback
- 2.4 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated December 6, 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.

OR

RECOMMENDATION:

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 23-004 regarding a proposed private power pole (accessory structure) at 3837 Bayridge Avenue with variances of:

- 5.84 m to Front Yard Setback
- 2.4 m to Accessory Structure Height

BE NOT ALLOWED pursuant to the plans dated December 6, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-004 (3837 Bayridge Avenue) to the next Board of Variance hearing.

13. Application 23-005 (6580 Wellington Avenue) regarding a proposed addition and alteration with the following variance:

- a) 5% (35 sqm) to Floor Area Ratio.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-005 regarding a proposed addition and alteration at 6580 Wellington Avenue with a variance of:

- 5% (35 sqm) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated November 15, 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.

OR

RECOMMENDATION:

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 23-005 regarding a proposed addition and alteration at 6580 Wellington Avenue with a variance of:

- 5% (35 sqm) to Floor Area Ratio

BE NOT ALLOWED pursuant to the plans dated November 15, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-005 (6580 Wellington Avenue) to the next Board of Variance hearing.

14. Application 23-006 (1314 Fulton Avenue) regarding a proposed addition and alterations with the following variances:

- a) 0.38 m to Front Yard Setback to Roof Overhang
- b) 0.4 m to Front Yard Setback to Addition
- c) 76.3 m² to Floor Area Ratio
- d) 1 storey to Number of Storeys for Existing Dwelling.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	September 7, 2022	1

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-006 regarding a proposed addition and alterations at 1314 Fulton Avenue with variances of:

- 0.38 m to Front Yard Setback to Roof Overhang
- 0.4 m to Front Yard Setback to Addition
- 76.3 m² to Floor Area Ratio
- 1 storey to Number of Storeys for Existing Dwelling

BE ALLOWED pursuant to the plans dated December 5, 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.

OR

RECOMMENDATION:

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 23-006 regarding a proposed addition and alterations at 1314 Fulton Avenue with variances of:

- 0.38 m to Front Yard Setback to Roof Overhang
- 0.4 m to Front Yard Setback to Addition
- 76.3 m² to Floor Area Ratio
- 1 storey to Number of Storeys for Existing Dwelling

BE NOT ALLOWED pursuant to the plans dated December 5, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-006 (1314 Fulton Avenue) to the next Board of Variance hearing.

15. Application 23-007 (5791 Telegraph Trail) regarding a proposed new single family dwelling with the following variances:

- a) 1.08 m to Accessory Building Height for Underground Parking Structure
- b) 1.88 m to Accessory Building - Underground Parking Structure Garage Door Width.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-007 regarding a proposed new single family dwelling at 5791 Telegraph Trail with variances of:

- 1.08 m to Accessory Building Height for Underground Parking Structure
 - 1.88 m to Accessory Building - Underground Parking Structure Garage Door Width
- BE ALLOWED pursuant to the plans dated December 12, 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.

OR

RECOMMENDATION:

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 23-007 regarding a proposed new single family dwelling at 5791 Telegraph Trail with variances of:

- 1.08 m to Accessory Building Height for Underground Parking Structure
 - 1.88 m to Accessory Building - Underground Parking Structure Garage Door Width
- BE NOT ALLOWED pursuant to the plans dated December 12, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-007 (5791 Telegraph Trail) to the next Board of Variance hearing.

16. Application 23-008 (661 Kenwood Road) regarding a proposed addition with the following variances:

- a) 0.17 m to Minimum Side Yard Setback
- b) 1.28 m to Rear Yard Setback
- c) 0.09 (100.4 sqm) to Floor Area Ratio.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant’s representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board’s debate, the Board will consider the following motions.

RECOMMENDATION:

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 23-008 regarding a proposed addition at 661 Kenwood Road with variances of:

- 0.17 m to Minimum Side Yard Setback
- 1.28 m to Rear Yard Setback
- 0.09 (100.4 sqm) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated November 21, 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.

OR

RECOMMENDATION:

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 23-008 regarding a proposed addition at 661 Kenwood Road with variances of:

- 0.17 m to Minimum Side Yard Setback
- 1.28 m to Rear Yard Setback
- 0.09 (100.4 sqm) to Floor Area Ratio

BE NOT ALLOWED pursuant to the plans dated November 21, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-008 (661 Kenwood Road) to the next Board of Variance hearing.

17. Receipt of Oral and Written Submissions

RECOMMENDATION:

THAT all oral and written submissions regarding the following Board of Variance Applications:

- Application 23-001 (3196 Mathers Avenue)
- Application 23-002 (6267 Taylor Drive)
- Application 23-003 (4166 Rose Crescent)
- Application 23-004 (3837 Bayridge Avenue)
- Application 23-005 (6580 Wellington Avenue)
- Application 23-006 (1314 Fulton Avenue)
- Application 23-007 (5791 Telegraph Trail)
- Application 23-008 (661 Kenwood Road)

up to and including January 18, 2023 be received.

**18. Public Question Period
(Regarding process and/or disposition only)**

19. Next Hearing

The next Board of Variance hearing is scheduled for February 15, 2023.

20. Adjournment

RECOMMENDATION:

THAT the January 18, 2023 Board of Variance hearing be adjourned.

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**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, NOVEMBER 16, 2022**

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

STAFF: P. Cuk, Board Secretary; T. Yee, Building Inspector; and V. Rae, 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 November 16, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the October 19, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on October 19, 2022.

It was Moved and Seconded:

THAT the October 19, 2022 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 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. Orders of this Board of Variance that permit a variance specify that: if construction is not substantially started within 6 months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.”

6. Application 22-023 (2710 Mathers Avenue)

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

- a) 0.41 m to Front Yard Setback to Mathers Avenue
- b) 0.40 m to Front Yard Setback to 27th Street
- c) 0.37 m to Highest Building Face Envelope
- d) 0.61 m to Building Height
- e) 5.8 % to Highest Building Face Exemption.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	November 9, 2022	1
Redacted	November 15, 2022	2
Redacted	November 15, 2022	3

Staff provided permit history of the subject property.

N. Miri (M+Design, representing the owner of 2710 Mathers Avenue) and D. Nenciu and D. Nenciu (2710 Mathers Avenue) described the variance application for a proposed 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 October 17, 2022, 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 N. Miri, D. Nenciu, and D. Nenciu:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-023 regarding a proposed single family dwelling at 2710 Mathers Avenue with variances of:

- 0.41 m to Front Yard Setback to Mathers Avenue
- 0.40 m to Front Yard Setback to 27th Street
- 0.37 m to Highest Building Face Envelope
- 5.8 % to Highest Building Face Exemption

BE ALLOWED pursuant to the plans dated March 28, July 27 and October 14, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-023 regarding a proposed single family dwelling at 2710 Mathers Avenue with a variance of:

- 0.61 m to Building Height

BE NOT ALLOWED pursuant to the plans dated March 28, July 27, and October 14, 2022 submitted with the application.

CARRIED

7. Application 22-024 (1095 Lawson Avenue)

Staff confirmed the following requested variance regarding a proposed single family dwelling with secondary suite:

a) 3.8 % (26.51 m²) 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	#
Redacted	November 15, 2022	1

Staff provided permit history of the subject property.

B. Fichtner (1095 Lawson Avenue) described the variance application for a proposed single family dwelling with secondary suite 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 October 18, 2022, 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 B. Fichtner:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-024 regarding a proposed single family dwelling with secondary suite at 1095 Lawson Avenue with a variance of:

- 3.8 % (26.51 m²) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated September 12, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

8. Application 22-025 (5770 Eagle Harbour Road)

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

- a) 94.19 m² 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	#
Burgers Architecture Inc.	November 15, 2022	1

Staff provided permit history of the subject property.

C. Burgers and N. Awadi (Burgers Architecture, representing the owner of 5770 Eagle Harbour Road) described the variance application for a proposed single family dwelling.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that there were two more members of the applicant's team available to answer any questions of the Board.

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 October 18, 2022, 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 C. Burgers and N. Awadi:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-025 regarding a proposed single family dwelling at 5770 Eagle Harbour Road with a variance of:

- 94.19 m² to Floor Area Ratio

BE ALLOWED pursuant to the plans dated April 7, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

Member Radage voted in the negative

9. 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 22-023 (2710 Mathers Avenue);
- Application 22-024 (1095 Lawson Avenue);
- Application 22-025 (5770 Eagle Harbour Road);

up to and including November 16, 2022, be received.

CARRIED

10. Public Question Period

There were no questions.

11. Proposed 2023 Board of Variance Hearing Schedule

Staff responded to a Board Member's questions.

It was Moved and Seconded:

THAT the proposed 2023 Board of Variance Hearing Schedule be adopted.

CARRIED

12. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for January 18, 2023 at 5 p.m.

Staff responded to Board members' questions and provided information regarding the 2023 Hearing Schedule and Board membership.

13. Adjournment

It was Moved and Seconded:

THAT the November 16, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:03 p.m.

Certified Correct:

L. Radage, Chair

P. Cuk, Secretary

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District of West Vancouver
 750 17th Street, West Vancouver, BC V7V 3T3
 t: 604-925-7004 f: 604-925-7006

9.
 23-001



NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **3196 Mathers Avenue**

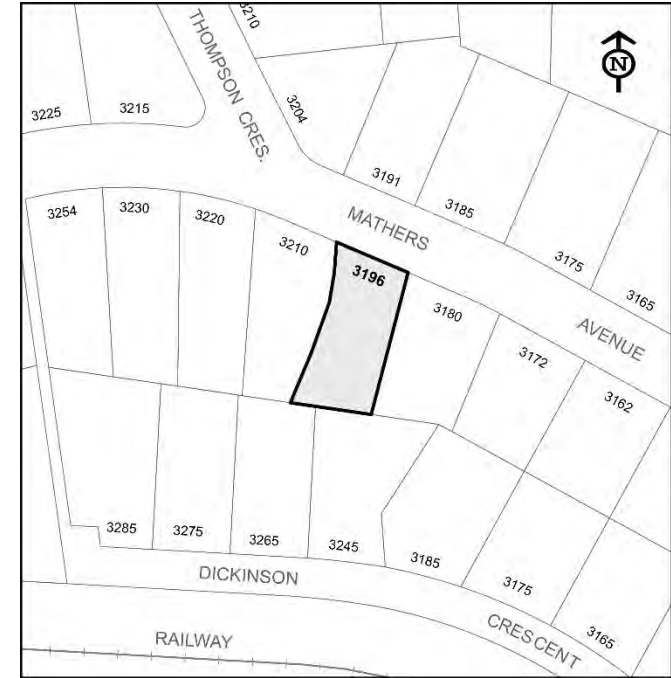
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variances for a proposed private power pole (accessory structure) at 3196 Mathers Avenue will be considered:

Front Yard Setback	Bylaw Requirement	Proposed	Variance
	9.1 m	1.42 m	7.68 m
Minimum Side Yard Setback	Bylaw Requirement	Proposed	Variance
	2.23 m	1.42 m	0.81 m
Accessory Structure Height	Bylaw Requirement	Proposed	Variance
	3.7 m	6.1 m	2.4 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on January 18, 2023 to ensure their availability to the Board for the hearing.

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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Board of Variance Application Form

Subject Property (please print clearly)

Address: 3196 Muthers Avenue West Vancouver BC V7V 2K5

Applicant (please print clearly)

Name(s): Lewis Vancouver Construction Phone #: [Redacted] s. 22(1)
 Mailing Address: 121-3993 Henning Drive, Burnaby BC V5C 6P7 Cell #: [Redacted]
 Email Address: Lewis Vancouver @ gmail . com Fax #: [Redacted]

[Redacted] s. 22(1)
 (Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner (please print clearly)

Name(s): [Redacted] s. 22(1) Phone #: [Redacted]
 Mailing Address: [Redacted] Cell #: [Redacted] s. 22(1)
 Email Address: [Redacted] Fax #: [Redacted]

Completed Application Must Include

- A letter (signed original) describing:
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- \$800 fee

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

[Redacted] s. 22(1)
 Applicant Signature

2022 Dec 07
 Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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Dear Sir/Madam,

**RE: 3196 MATHERS AVENUE - WEST VANCOUVER
BUILDING PERMIT APPLICATION**

Our company provides this letter to explain why we need to have a private power pole(1.42 m front yard setback, 1.42 m side yard setback) which is not comply with the zoning bylaw.

There are three options to get power from the BC hydro power pole for this house.

The best option is to have a private power pole in the proposed location. It's more cost-effective, meanwhile it would also preserve as much of the surrounding greens as possible. Also, we can avoid invading the original design of the driveway and walkway. Based on the site plan, the proposed location of the private power pole is the best choice.

The second option is to have the DIP service, which requires all cables (feeder cables and TELUS cable) from BC hydro pole to go underground in a trench and run all the way to the house. In this case, the BC hydro pole where the cables from is located on the opposite side of the street. This option will bring me a huge amount bill for civil work provided by BC hydro.

Last option, DIP service, however the power is from the BC hydro pole located on the same side of the street which seems like the nearest pole for this house. The difficulty for this option is that the BC hydro needs clearance during the construction. We prefer to keep the plants instead of applying for the tree permit to cut the trees and shrubs on the city property.

We would like to appreciate for the Board of Variance's time and consideration for our request.

Thank you very much.

2022 December 07

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PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 5, 2022,

File: **BP118510**

s. 22(1)

Dear Sir/Madam

**RE: 3196 MATHERS AVENUE - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS3 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed Private Power Pole will not comply with the Zoning Bylaw because it does not maintain the required Front yard setback, minimum side yard setback and accessory structure height.

- The Zoning Bylaw, Section 130.01(3); 203.07, requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback for Power Pole	9.1 m	1.42 m	7.68 m

- The Zoning Bylaw, Section 130.01(3); 203.09(2)(a)(ii), requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for Power Pole	2.23 m	1.42 m	0.81 m

- The Zoning Bylaw, Section 130.01(7)(b)(i), requires that accessory structures not exceed a height of 3.7 meters measured from the lowest of the average natural or finished grades as indicated in the table below:

	Bylaw	Proposed	Variance
Accessory Structure Height for Power Pole	3.7 m	6.1 m	2.4 m

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; **or**
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).
- c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday 14th December**. The next Board of Variance Hearing is scheduled for **Wednesday 18th January**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; **or**

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-921-3455 should you require any further information regarding this matter.

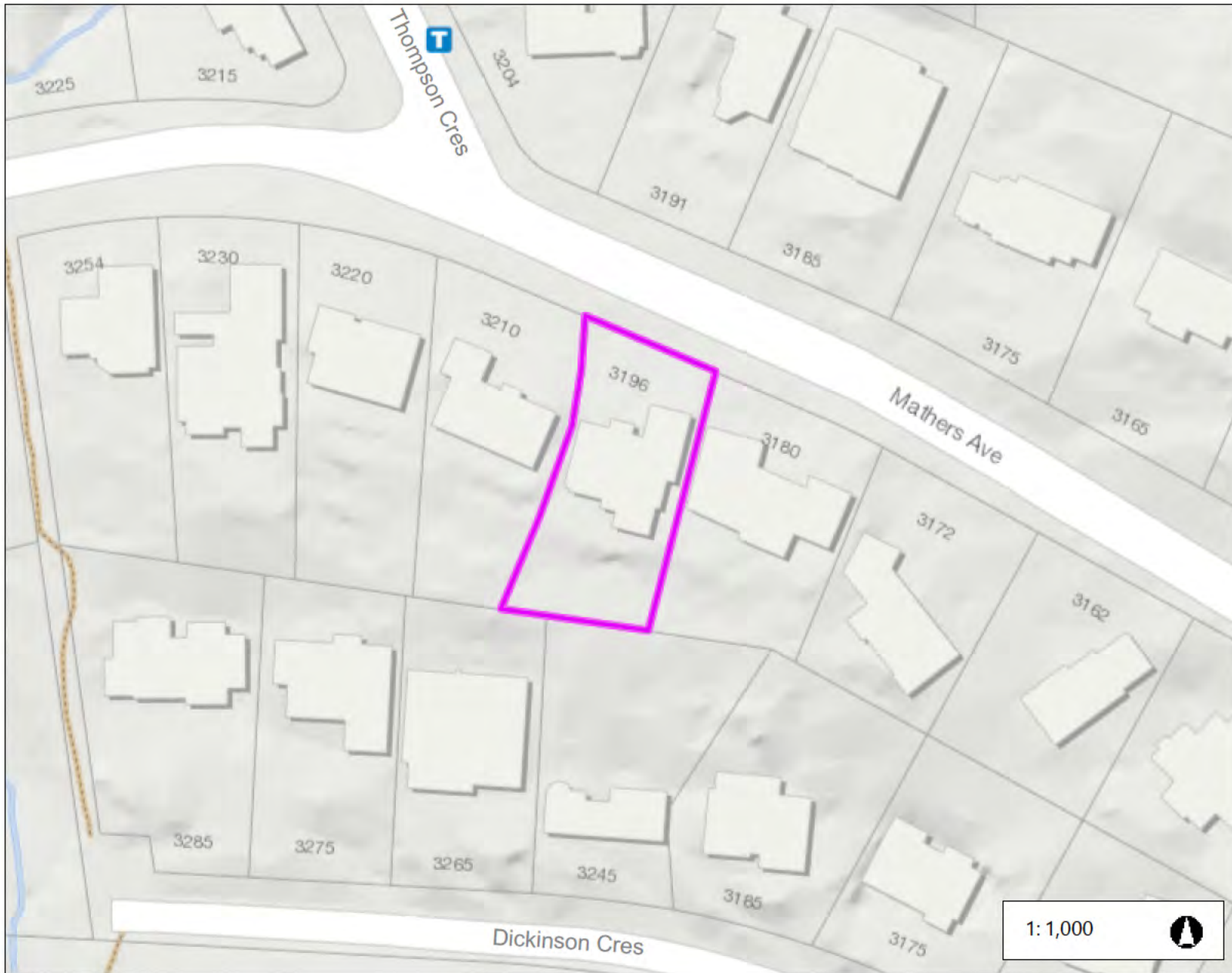
Thank you.

s. 22(1)

Nicole Colby
Plans Examiner II
604-921-3455
ncolby@westvancouver.ca

Enclosure

cc: Secretary, Board of Variance



Legend

Notes



WGS_1984_UTM_Zone_10N
District of West Vancouver

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Legend

Notes

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50.8 0 25.40 50.8 Meters

WGS_1984_UTM_Zone_10N
District of West Vancouver

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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District of West Vancouver
 750 17th Street, West Vancouver, BC V7V 3T3
 t: 604-925-7004 f: 604-925-7006

NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **6267 Taylor Drive**

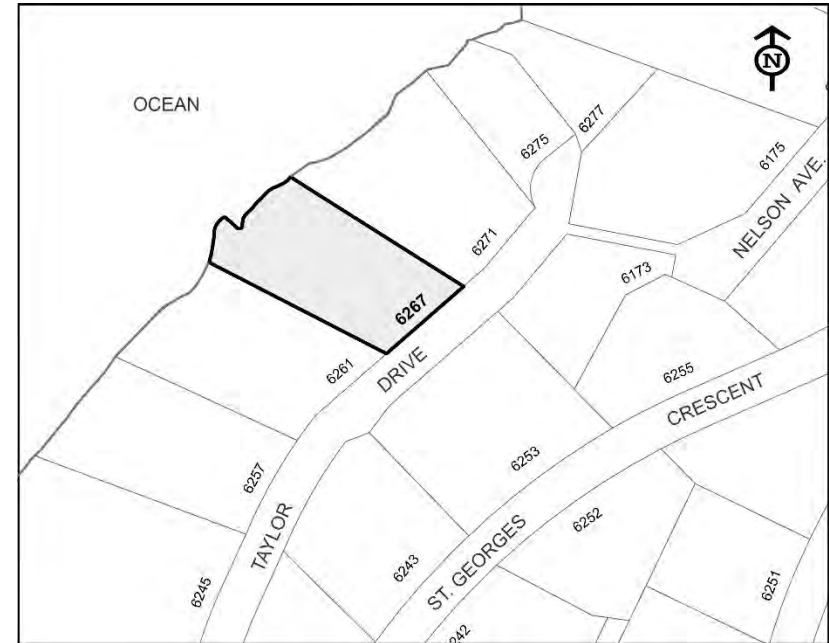
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variances for a proposed elevator (accessory structure) at 6267 Taylor Drive will be considered:

Distance Between Principal Dwelling and Accessory Buildings	Bylaw Requirement	Proposed	Variance
	4.5 m	1.07 m	3.43 m
Accessory Building Height	Bylaw Requirement	Proposed	Variance
	3.7 m	8.8 m	5.1 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

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Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
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To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 6267 Taylor Drive, West Vancouver B.C. V7W 1Y8

Applicant *(please print clearly)*

Name(s): Traszha Roxanne Thornton & Michael Thornton

Phone #: s. 22(1)

Mailing Address: s. 22(1)

Cell #: s. 22(1)

Email Address: s. 22(1)

Fax #: _____

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): s. 22(1)

Phone #: s. 22(1)

Mailing Address: s. 22(1)

Cell #: s. 22(1)

Email Address: s. 22(1)

Fax #: _____

Completed Application Must Include

- A letter (signed original) describing:
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- \$800 fee

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)
Applicant Signature

December 8, 2022
Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

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Application forwarded to Legislative Services by: _____ Date: _____

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December 8, 2022

**Variance Approval Request for
an Elevator at 6267 Taylor Drive, West Vancouver**

Dear Board of Variance Members:

s.22(1) I have lived in our home for s. 22(1) and are now both seniors. We don't want to be forced to leave our home, where we share so many memories of wonderful family life.

Nor do we want to move away from our cozy neighbourhood, with friends around us, and an ambiance that is both comforting and inspirational.

The problem is that as we age, it's increasingly difficult to make it up and down our 32 outdoor stairs, from our garage above to our home below.

Add to that the risk of rain and snow, or fear of falling with aging bones, or increased difficulties carrying groceries down and anything up, and there are more than enough reasons to consider alternatives.

For many years we've contemplated adding an elevator. Without any advance warning, this has suddenly become an urgent necessity.

First, I was s.22(1)

Next, after many months of s. 22(1)

The bottom line: *We must add an elevator or be forced to leave our home.*

Our neighbour s. 22(1) already has an elevator almost exactly like the one we propose to add. The only material difference is that we'd like ours to land just outside our front door, so we don't need to cut into our roof.

Unlike our neighbour, our elevator will not be visible from the street.

Our elevator will only rise for entry from the ground level at the end of our driveway, and its roof will be below the floor level of the coach house above the garage.

The elevator footprint is only about 40 square feet.

It's just the size of a small accessory building.

A variance is only required because of overall height.

Two-thirds of this height will be invisible even from our driveway, because the elevator will be pinned against the retaining wall beside the outdoor stairs.

Under the circumstances we ask that you please approve our request for a variance to the height of this otherwise small (but vitally important) accessory building.

s.22(1) ***I would also like to go on record in full support of any application our present or future neighbours may make to improve their access by way of also adding an elevator.***

To us, this is not just a convenience. An elevator can be a safety mechanism that may allow us all to age in place, help protect our health, and improve our quality of life.

Sincerely yours,
s. 22(1)

[Redacted Signature]

PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 5, 2022

File: **BP118502**

s. 22(1)

Dear Sir/Madam

**RE: 6267 TAYLOR DRIVE - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS3 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed Accessory structure (elevator) will not comply with the Zoning Bylaw because it does not maintain the required height (3.7metres) and distance to the principal dwelling (4.5 metres).

The following non-conformities exist and are listed for reference only:

- The Zoning Bylaw, Section 130.01 (4)(a) requires a minimum setback between a principal building and an accessory building as indicated in the table below:

	Bylaw	Proposed	Variance
Distance Between Principal Dwelling and Accessory Buildings for Elevator	4.5 m	1.07 m	3.43 m

- The Zoning Bylaw, Section 130.01 (7)(b) requires that accessory structures not exceed a height of 3.7 metres measured from the lowest of the average natural or finished grades abutting the building as indicated in the table below:

	Bylaw	Proposed	Variance
Accessory Building Height for Elevator	3.7 m	8.8 m	5.1 m

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; **or**
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).
- c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday 14th December, 2022**. The next Board of Variance Hearing is scheduled for **Wednesday 18th January, 2023**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; **or**

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-925-7040 should you require any further information regarding this matter.

Thank you.

s. 22(1)

Nima Karimabadi
Plans Examiner
nkarimabadi@westvancouver.ca

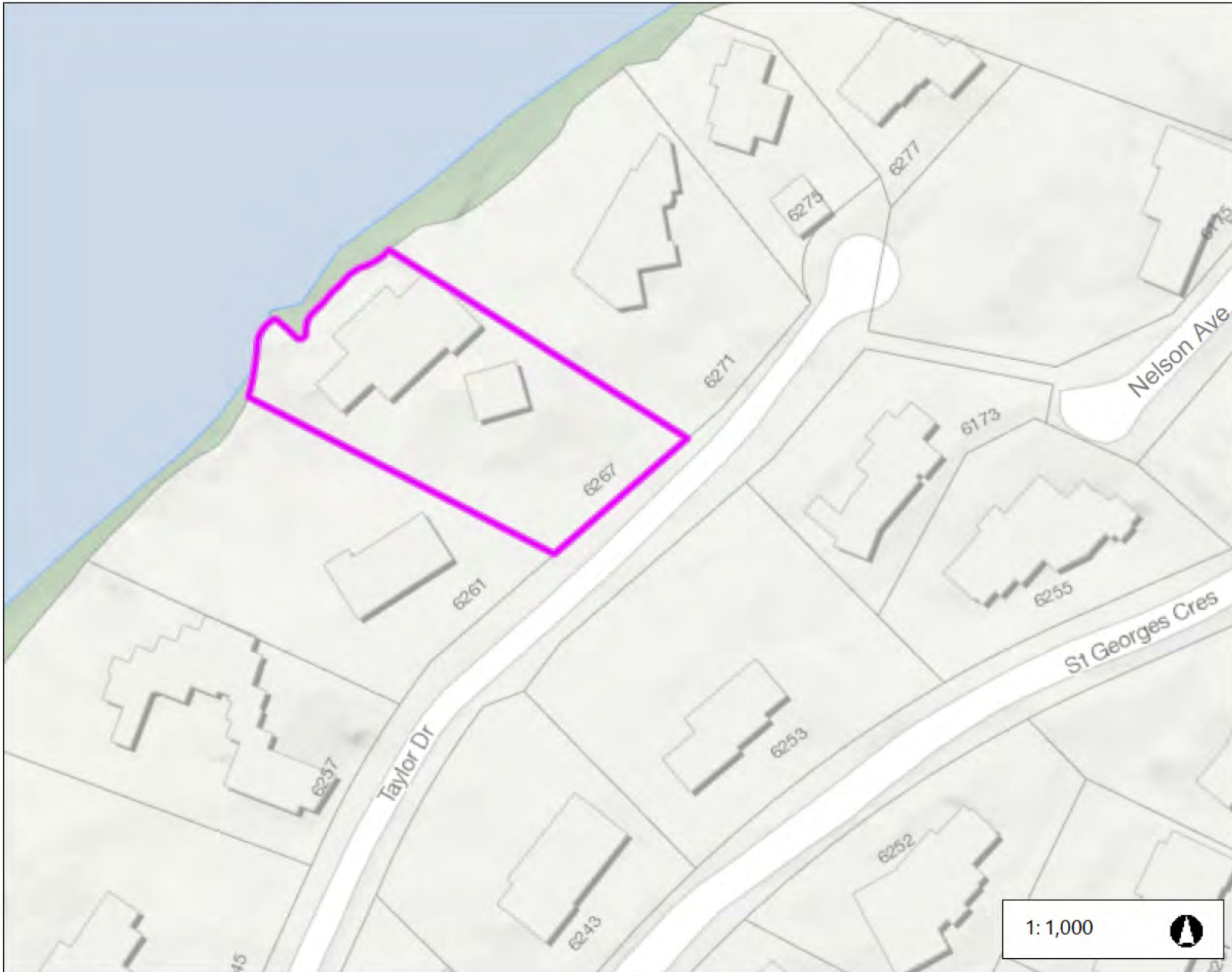
Enclosure

cc: Secretary, Board of Variance

PERMITS & INSPECTIONS DEPARTMENT
750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

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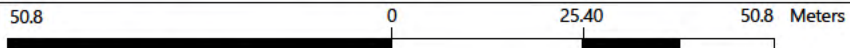
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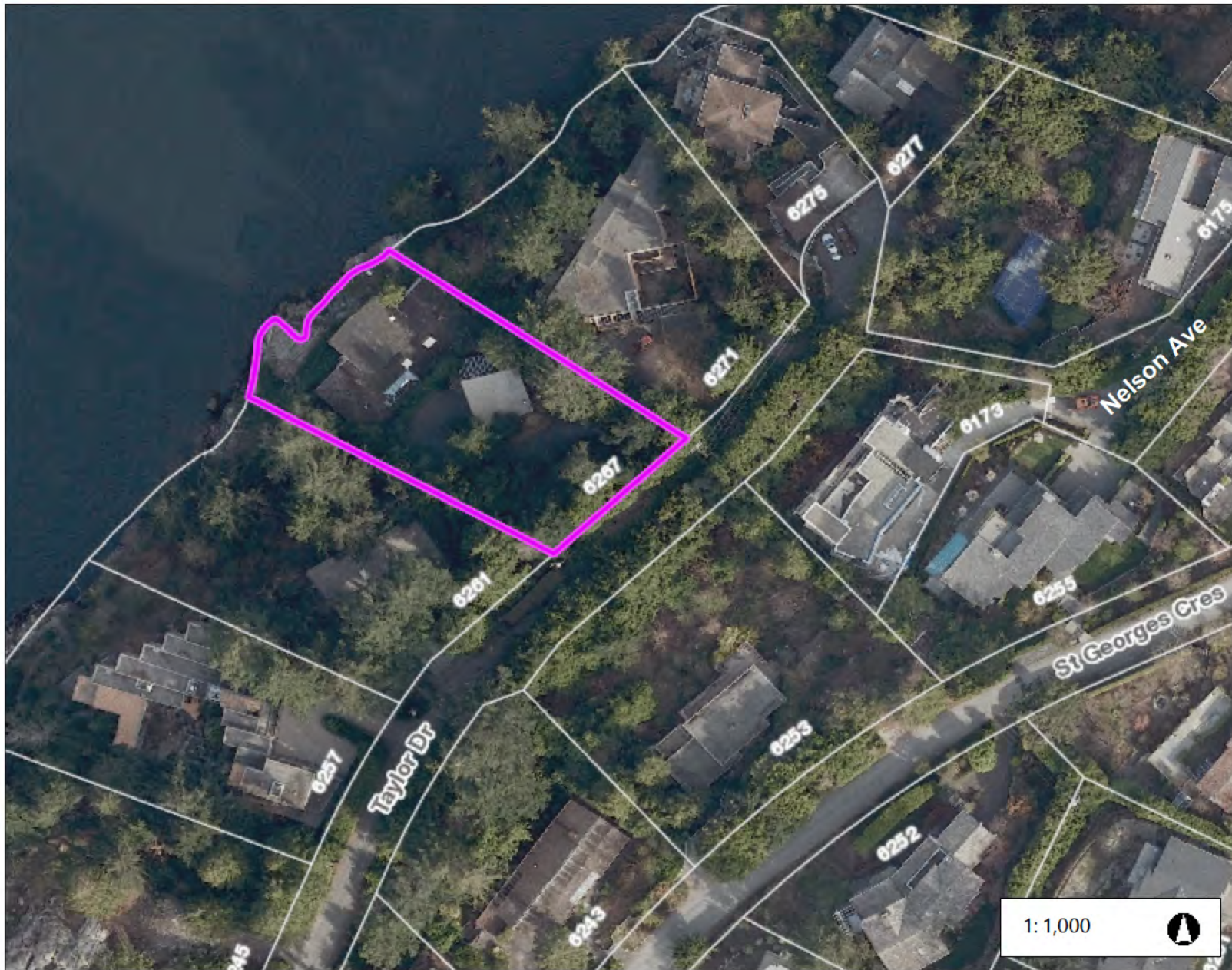
Notes

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Notes

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WGS_1984_UTM_Zone_10N
District of West Vancouver

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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District of West Vancouver
 750 17th Street, West Vancouver, BC V7V 3T3
 t: 604-925-7004 f: 604-925-7006

NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **4166 Rose Crescent**

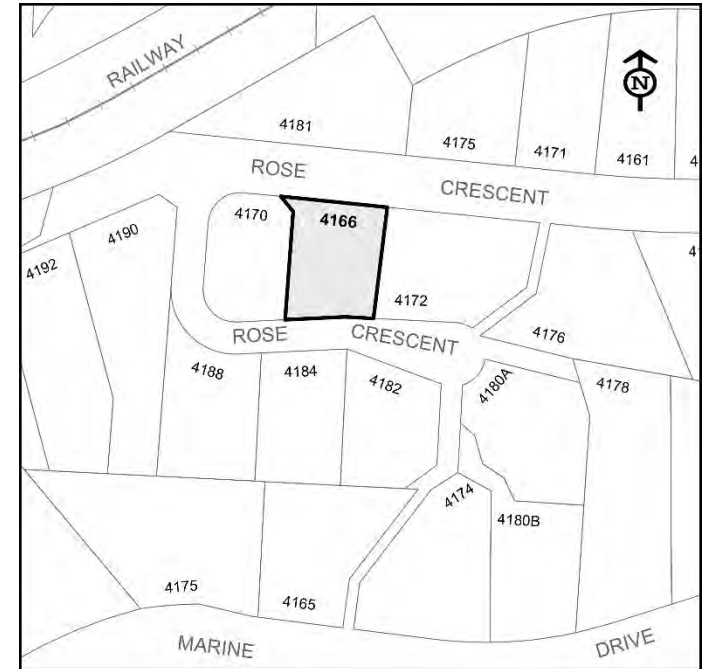
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variances for a proposed private power pole (accessory structure) at 4166 Rose Crescent will be considered:

Front Yard Setback	Bylaw Requirement	Proposed	Variance
	9.1 m	1.0 m	8.1 m
Minimum Side Yard Setback	Bylaw Requirement	Proposed	Variance
	2.54 m	0.08 m	2.46 m
Accessory Structure Height	Bylaw Requirement	Proposed	Variance
	3.7 m	6 m	2.3 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on January 18, 2023 to ensure their availability to the Board for the hearing.

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 4166 Rose Cres West Vancouver

Applicant *(please print clearly)*

Name(s): Bahram Khosravi

Phone #: _____

Mailing Address: _____ s. 22(1)

Cell #: _____ s. 22(1)

Email Address: _____ s. 22(1)

Fax #: _____

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): _____ s. 22(1)

Phone #: _____

Mailing Address: _____

Cell #: _____ s. 22(1)

Email Address: _____

Fax #: _____

Completed Application Must Include

- A letter (signed original) describing:
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- \$800 fee

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)

Dec 11 2022

Applicant Signature

Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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Attn: District of West Vancouver
Planning Department
750 17th Street
West Vancouver BC V7V 3T3

Re: Hydro pole in front yard
4170b (4166) rose crescent
West Vancouver BC V7V 2N6

September 19, 2022

To Whom It May Concern:

We are requesting a variance from the District of West Vancouver Bylaw 130.01.(3) that states "*no part of an accessory building or structure shall be located in a required yard*". We would like to locate our hydro pole in the north-west corner of the lot, 0.15m from the west property line and 1.07m from the north property line for the following reasons:

- 1
The east side of the property is a poor location for a potential hydro pole because there is an existing beautiful mature cluster of trees on the north-east corner of the lot.
- 2
The east side of the property is a poor location because extensive existing bedrock would make it impossible to install a new hydro pole without significant blasting.
- 3
We have already removed rock in the north-west corner for the driveway. This will provide a logical spot to install the hydro pole, in line with a practical path to run the conduit underground to the house. Underground services are not vulnerable to wind damage during a storm, and are more attractive as West Vancouver's neighbourhoods continue to evolve with higher quality homes.
- 4
Due to the layout of the house, a mast on the north-west corner of the house would not be a safe option because it would be within reach of any occupants on the upper deck. The upper level's main roof is deeply stepped back from the street to allow for the deck at the front of the house, making it unworkably far for an overhead connection from a pole on the opposite side of Rose Crescent. Additionally, the subject house is well above the road's elevation due to the natural grades of the property. This would make it even more difficult to run the steeply angled lines to a mast on the house's main roof in a safe and practical way, while still meeting electrical codes.

Thank you for your consideration. If you have any further questions, please do not hesitate to contact me.

Sincerely,



D'Arcy Jones
Architect AIBC SAA MAA MRAC

E: darcy@darcyjones.com
T: (604) 669-2235

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PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 8, 2022

File: **BP118494**

s. 22(1)

Dear Sir/Madam

**RE: 4166 ROSE CRESCENT - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS4 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed Private Power Pole will not comply with the Zoning Bylaw because it does not maintain the required Front and side yard setback and accessory structure height.

The following non-conformities exist and are listed for reference only:

- The Zoning Bylaw, Section 204.07 requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback for Private Power Pole	9.1 m	1.0 m	8.1 m

- The Zoning Bylaw, Section 204.09 requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for Private Power Pole	2.54 m	0.08 m	2.46 m

- The Zoning Bylaw, Section 130.01 (7) requires that accessory structures not exceed a height of 3.7 metres measured from the lowest of the average natural or finished grades abutting the building as indicated in the table below:

	Bylaw	Proposed	Variance
Accessory Building Height for Private Power Pole	3.7 m	6 m	2.3 m

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; or
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).
- c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday 14th December 2022**. The next Board of Variance Hearing is scheduled for **Wednesday 18th January 2023**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; or

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-921-2932 should you require any further information regarding this matter.

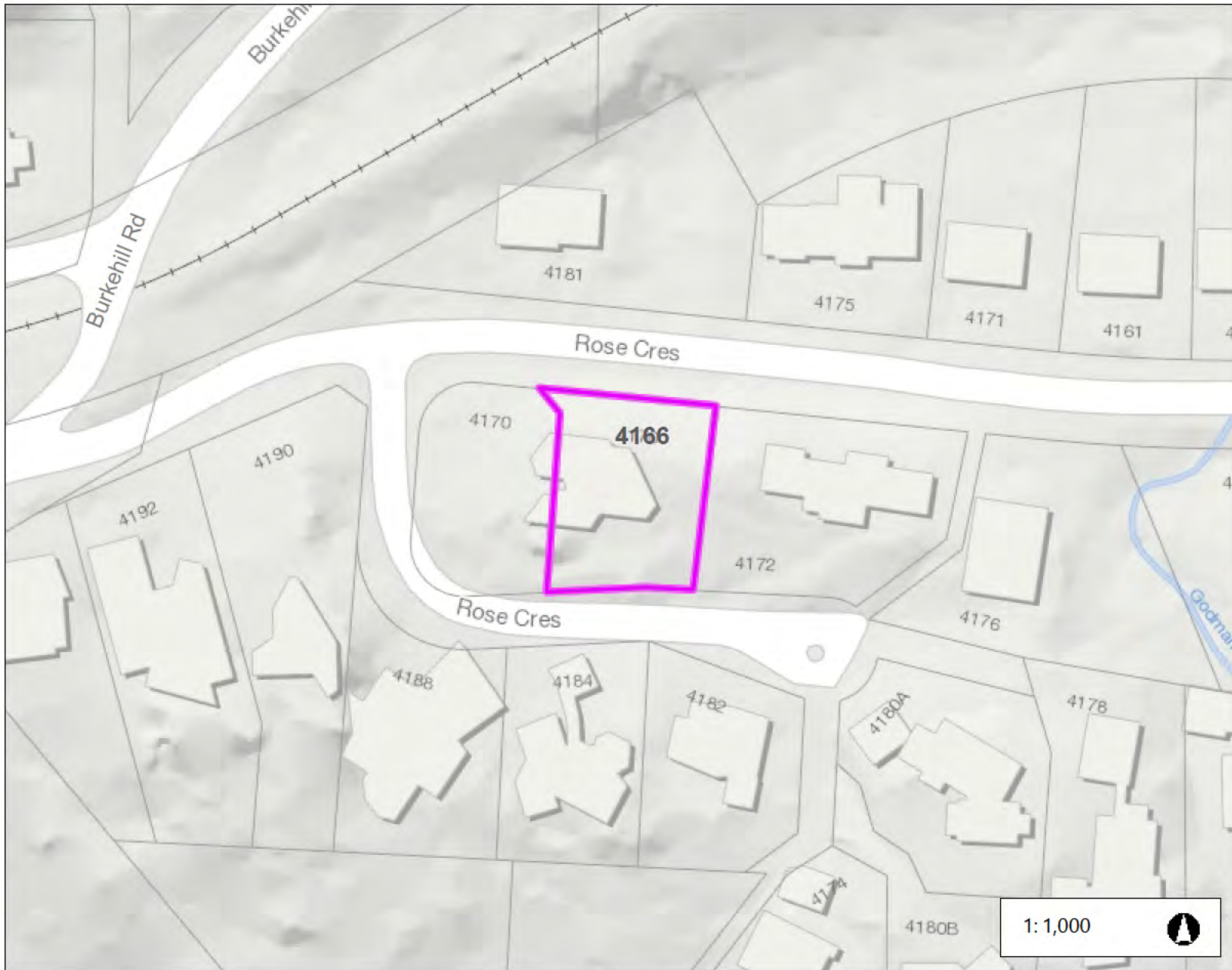
Thank you.

s. 22(1)



Eric Mah
Assistant Plans Examiner
enmah@westvancouver.ca

Enclosure
cc: Secretary, Board of Variance



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WGS_1984_UTM_Zone_10N
District of West Vancouver

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District of West Vancouver

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District of West Vancouver
 750 17th Street, West Vancouver, BC V7V 3T3
 t: 604-925-7004 f: 604-925-7006

NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **3837 Bayridge Avenue**

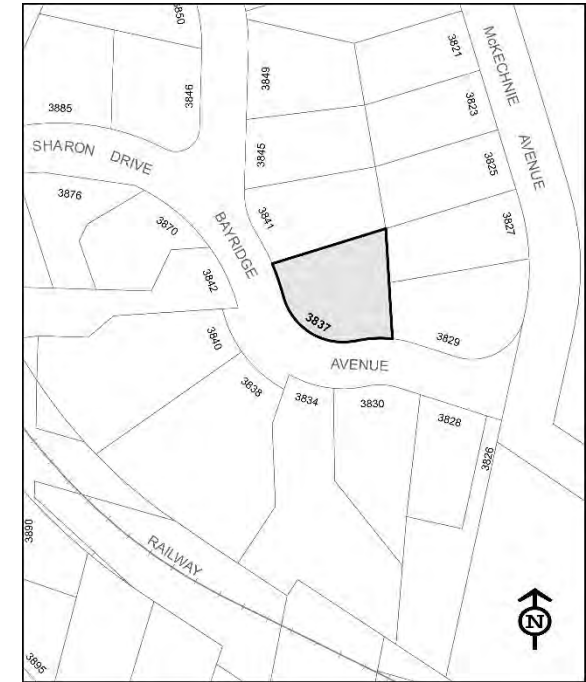
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variances for a proposed private power pole (accessory structure) at 3837 Bayridge Avenue will be considered:

Front Yard Setback	Bylaw Requirement	Proposed	Variance
	9.1 m	3.26 m	5.84 m
Accessory Structure Height	Bylaw Requirement	Proposed	Variance
	3.7 m	6.1 m	2.4 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities. Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.**

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on January 18, 2023 to ensure their availability to the Board for the hearing.

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 3837 Bayridge Ave West Vancouver

Applicant *(please print clearly)*

Name(s): Shahab Malek

Phone #:

Mailing Address: [Redacted] s. 22(1)

Cell #: [Redacted] s. 22(1)

Email Address: [Redacted] s. 22(1)

Fax #:

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): [Redacted] s. 22(1)

Phone #:

Mailing Address: [Redacted] s. 22(1)

Cell #: [Redacted] s. 22(1)

Email Address: [Redacted] s. 22(1)

Fax #:

Completed Application Must Include

- A letter (signed original) describing:
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- \$800 fee

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

[Redacted Signature] s. 22(1)

Dec 11 2022

Applicant Signature

Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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Date: Dec 11 2022
To the board of Variance

Hardship and reasoning for power pole location

It is come to my attention to satisfy the requirements of BC Hydro we need to install a power pole that is less than 100' away from the street pole. As shown on the survey the closest corner of the house to the street pole is more than 100' away.

Also due to the layout of the house, a mast on the South-west corner of the house would not be an option because it would be within reach of any occupants on the upper deck. Additionally, the house is well above the road's elevation due to the natural grades of the property. This would cause the overhead line to the house's first floor too close to the ground, and make the job impossible while still meeting electrical codes.

The proposed private pole will be close to the surrounding trees to obscure the pole.

Thank you for your consideration. If you have any further questions, please do not hesitate to contact me.

s. 22(1)



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PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 7, 2022

File: **BP118521**

s. 22(1)

Dear Sir/Madam

**RE: 3837 BAYRIDGE AVENUE - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS3 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed Private Power Pole (accessory structure) will not comply with the Zoning Bylaw because it does not maintain the required 9.1m front yard setback and exceeds the maximum 3.7m accessory structure height.

The Zoning Bylaw, Section 130.01(3); 203.07 requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback for Private Power Pole (Accessory structure)	9.1 m	3.26 m	5.84 m

The Zoning Bylaw, Section 130.01(7)(b)(i) requires that accessory structures not exceed a height of 3.7 meters measured from the lowest average grade around the perimeter of the structure as indicated in the table below:

	Bylaw	Proposed	Variance
Accessory Building Height for Private Power Pole (Accessory structure)	3.7 m	6.1 m	2.4 m

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; or
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw

requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).

- c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday, December 14th, 2022**. The next Board of Variance Hearing is scheduled for **Wednesday, January 18th, 2023**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; **or**

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-925-7226 should you require any further information regarding this matter.

Thank you,

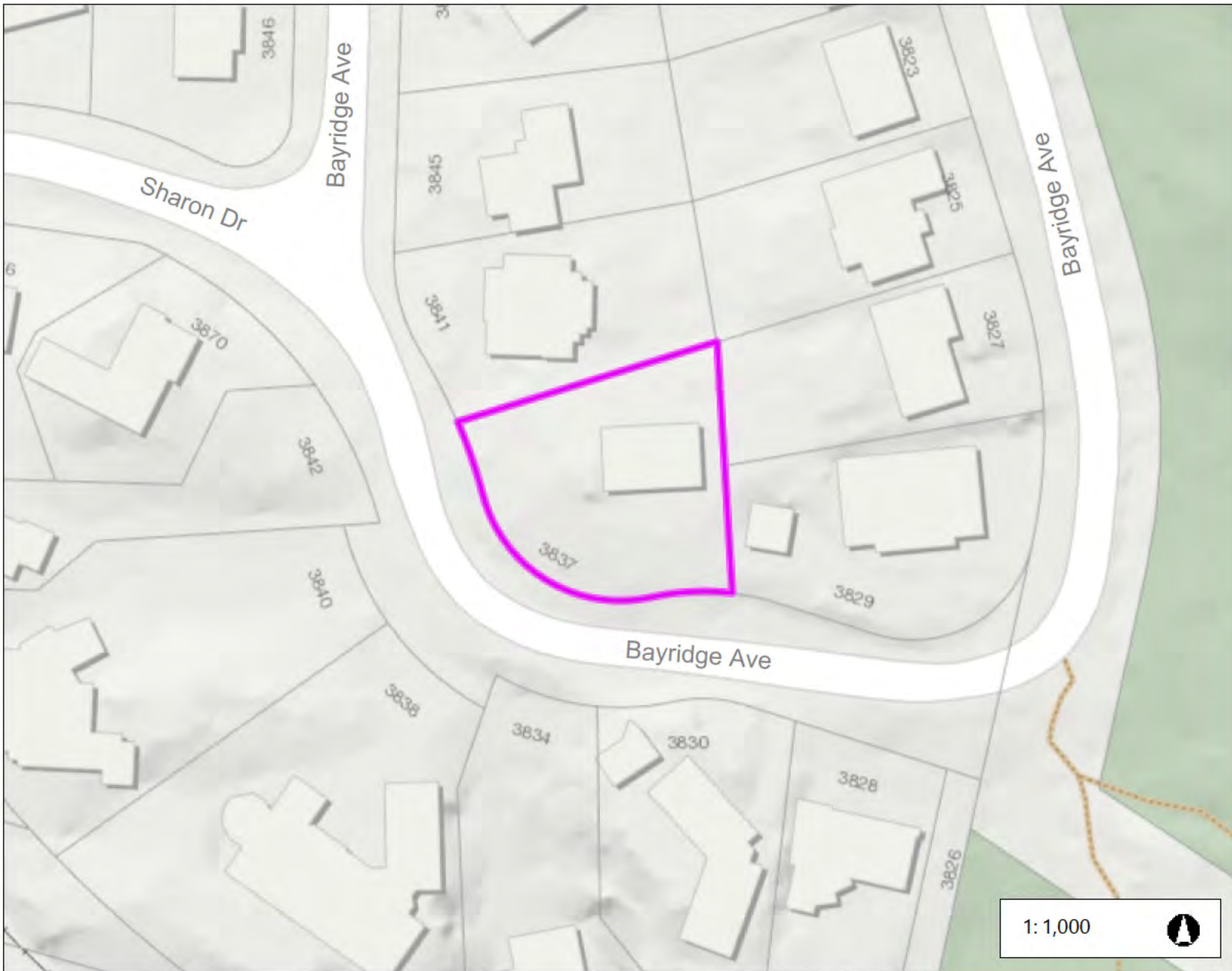
s. 22(1)



Mariela Siciliano
Plans Examiner II
msiciliano@westvancouver.ca

Enclosure

cc: Secretary, Board of Variance



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WGS_1984_UTM_Zone_10N
District of West Vancouver

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District of West Vancouver

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District of West Vancouver
 750 17th Street, West Vancouver, BC V7V 3T3
 t: 604-925-7004 f: 604-925-7006

13.
 23-005



NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **6580 Wellington Avenue**

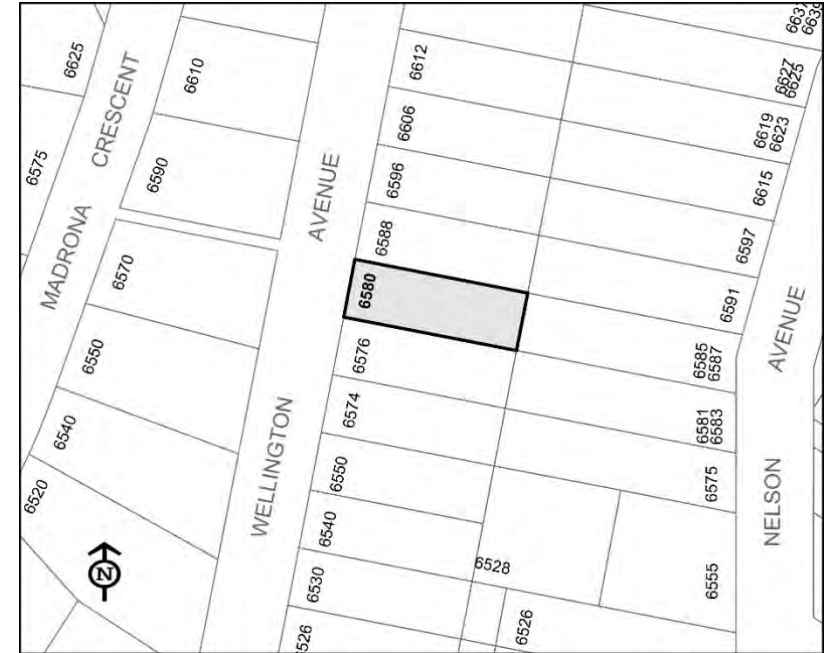
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variance for a proposed addition and alteration at 6580 Wellington Avenue will be considered:

Floor Area Ratio	Bylaw Requirement	Proposed	Variance
	30% (209 sqm)	35% (244 sqm)	5% (35 sqm)



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on January 18, 2023 to ensure their availability to the Board for the hearing.

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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The Corporation of the District of West Vancouver

750 17th Street, West Vancouver, BC V7V 3T3

Permits and Inspections Department: 604-925-7242 || Fax: 604-925-7234 || westvancouver.ca

Board of Variance Application Form

Subject Property (please print clearly)

Address: 6580 Wellington Avenue

Applicant (please print clearly)

Name(s): Sarah Muhall

Phone #: [Redacted] s.22(1)

Mailing Address: [Redacted] s.22(1)

Cell #: _____

Email Address: _____

Fax #: _____

s.22(1)

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner (please print clearly)

Name(s): [Redacted] s.22(1)

Phone #: [Redacted] s.22(1)

Mailing Address: [Redacted] s.22(1)

Cell #: _____

Email Address: _____

Fax #: _____

Completed Application Must Include

- A letter (signed original) describing:
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)

Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).

\$800 fee

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

[Redacted Signature] s.22(1)

December 12, 2022

Applicant Signature

Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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December 10, 2022

Attn: Board of Variance for The Corporation of the District of West Vancouver
Re: 6580 Wellington Avenue

I am writing this letter to accompany our application to the Board of Variance for an extra 5% FAR in the renovation and addition to our home. We started working on the plans for this renovation in the fall 2020. Life's circumstances were unusual with COVID, reduced work, and [REDACTED] s. 22(1). We put things on hold. When we were ready to move forward and submit our application, we learned that the RS-4 bylaws for FAR had changed earlier this year to 30% vs previously 35%.

The house is an original post and beam style house that we want to maintain, but enlarge to be used as our family home. The design style of the original house, makes it challenging to re-work the spaces without adding square feet. Also, if the house were to be built now, it could be designed so that some of the lower floor would be below grade and not counted as FAR. The way the land was excavated makes the lower floor at grade, even though it is on a steep hill. There is a sunken patio at this grade, which is where the addition would be.

We have lived in Horseshoe Bay for [REDACTED] s.22(1) years and love our community and home. We [REDACTED] s. 22(1). [REDACTED] s. 22(1) also have friends in the neighbourhood with numerous young families. We have support from our neighbours based on the proposed plan and are asking for your support for the additional 5% FAR to enlarge our home to support our family.

We feel that it's a hardship to go back to square one with our design because of the recent change in the bylaws.

Thank you for your consideration.

[REDACTED] s. 22(1)

Owners

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PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 5, 2022

File: **BP118497**

s. 22(1)

Dear Sir/Madam

**RE: 6580 WELLINGTON AVENUE - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS4 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed Addition and Alteration will not comply with the Zoning Bylaw because it does not maintain the required allowable floor area.

The following non-conformities exist and are listed for reference only:

- The Zoning Bylaw, Section 204.06 (01) limits the Floor Area Ratio to a maximum percentage of a lot as indicated in the table below:

	Bylaw	Proposed	Variance
Floor Area Ratio for Proposed Addition and Alteration	30%(209sqm)	35%(244sqm)	5% (35sqm)

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- revise your plans to conform to the Zoning Bylaw; **or**
- make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).
- make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday 14th December, 2022**. The next Board of Variance Hearing is scheduled for **Wednesday 18th January, 2023**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; **or**

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact 604-925-7040 should you require any further information regarding this matter.

Thank you,
s. 22(1)

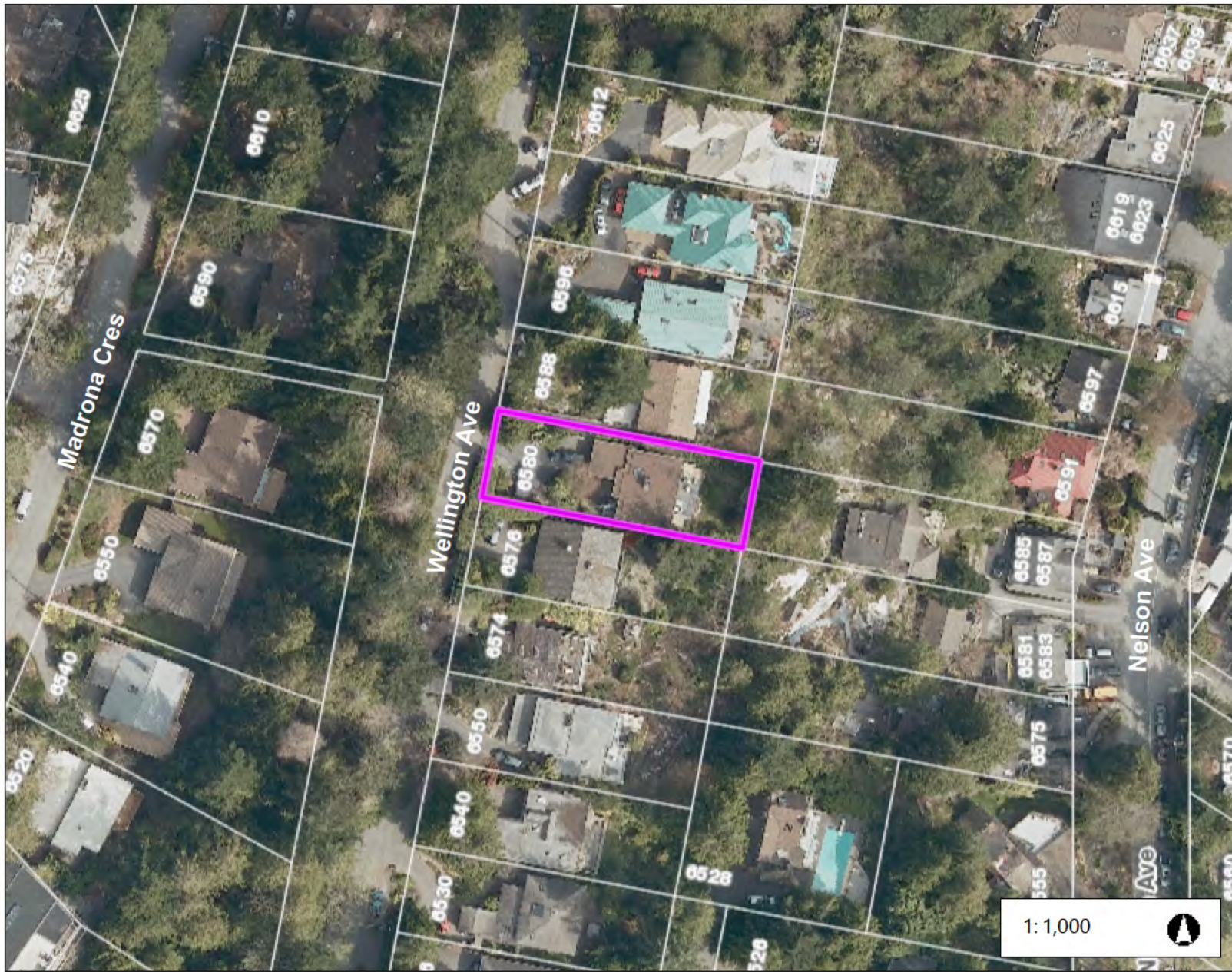
Nima Karimabadi
Plans Examiner
nkarimabadi@westvancouver.ca

Enclosure

cc: Secretary, Board of Variance

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WGS_1984_UTM_Zone_10N
District of West Vancouver

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NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **1314 Fulton Avenue**

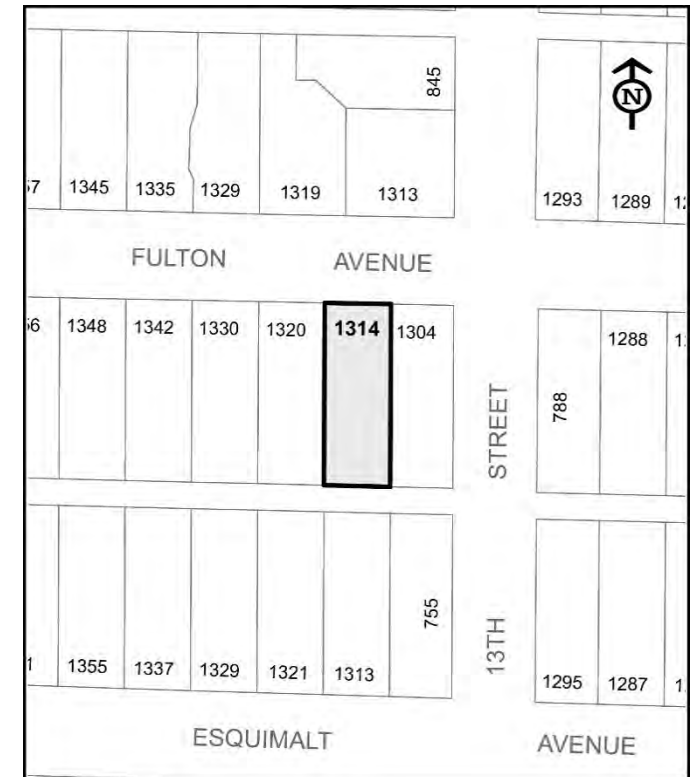
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variances for a proposed addition and alterations at 1314 Fulton Avenue will be considered:

Front Yard Setback to Roof Overhang	Bylaw Requirement	Proposed	Variance
	6.4 m	6.02 m	0.38 m
Front Yard Setback to Addition	Bylaw Requirement	Proposed	Variance
	7.6 m	7.2 m	0.4 m
Floor Area Ratio	Bylaw Requirement	Proposed	Variance
	204.4 m ²	280.7 m ²	76.3 m ²
Number of Storeys for Existing Dwelling	Bylaw Requirement	Proposed	Variance
	2 storey plus basement	3 storey plus basement	1 storey



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities. Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.**

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on January 18, 2023 to ensure their availability to the Board for the hearing.

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 1314 FULTON AVENUE

Applicant *(please print clearly)*

Name(s): SIMON BOISVERT (BC HOME DRAFTING & CONS. LTD) Phone #: 604-803-8436

Mailing Address: 304-3525 WEST BROADWAY. VANCOUVER Cell #: s. 22(1)

Email Address: PERMIT@BCHOMEDRAFTING.COM Fax #: _____

s. 22(1)

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): s. 22(1) Phone #: s. 22(1)

Mailing Address: s. 22(1) Cell #: s. 22(1)

Email Address: _____ Fax #: _____

Completed Application Must Include

- A letter (signed original) describing:**
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- Authorization of Registered Owners Form** (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- \$800 fee**

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)

Applicant Signature

DECEMBER 13TH, 2022

Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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To: District of west Vancouver, Board of Variance

RE: 1314 Fulton Avenue

Date: December 13, 2022

Hardship Letter

Proposed variance

- 1) Front door canopy overhang: Supported by “knee bracing” minimising the impact on the front yard
- 2) Floor Area Ratio:
 - Basement: exists and remains unchanged.
 - Main Floor: additional FAR. Convert the covered porch into a liveable space (powder room).
 - Attic Floor: retain the status of liveable space
- 3) Number of Storeys for existing dwelling:
 - Attic Floor: to maintain the status of liveable space

Existing site condition

The current home was built in 1936 as a one-storey plus basement home. In 1979, a building permit was approved to renovate and add substantial square footage. The house was renovated into a two-storey dwelling with a basement, an attic floor with a liveable room and roof deck.

Hardship

This home which was renovated in the 70s does not meet today’s bylaws regarding:

- The FAR calculation. No additional massing is proposed to this application, but its current FAR is over the maximum allowable with today’s bylaws.
- Front Yard Setbacks -The original footprint from the 30s doesn’t comply with the current front yard setback.

1) Front Yard Setback:

The current home originally built in 1936 and upgraded in 1979, does not comply with the current bylaw about front yard setbacks. The front face of the dwelling is 1’-2 ½” (14.5”) outside the front yard allowance.

Our proposed design includes relocating the front door to face the street instead of facing west. The door relocation is acceptable by itself, but the canopy to cover and protect the door requires a variance



as it encroaches 4'-0" encroachment into the front yard. The proposed design uses knee bracing to minimize the encroachment's impact in the yard.

Variance requested:

- To allow the front canopy encroachment up to 4'-0" from the existing front face of the house.
- To allow the "encroachment" of the new main floor powder room 1'-2 ½' into the front yard if the encroachment is. The proposed porch conversion into a powder room doesn't add any building depth to the front yard, and the house's massing already exists.

2) Floor Area Ratio:

The proposed addition does not increase the massing of the house. The calculation of the "Proposed" Floor Area Ratio includes the entire Basement.

1. The current Basement exists and remains as is without changes. The Basement has 18.81 sq. mt. of unfinished Basement that will remain unfinished and is included in the FAR calculation.
 - NO work is proposed at the Basement.
2. The main floor
 - To increase the FAR area by 5.52 sq. mt.
 - The FAR calculation already includes the front porch as per Bylaw #130.08.1.ii *"with more than 60% of the perimeter enclosed by walls, doors, windows, privacy screens, retaining walls or railings higher than the lesser of 1.1 metres or the height required by the BC Building Code, located on any storey or on the ground surface...."*
 - a) The front Porch is surrounded by 3 walls, which total 67.6% (20'-2" out of 29'-10" = 67.60 %) which is in excess of the bylaw requirement of 60% walls enclosure
 - b) Therefore, NO extra Floor Area Ratio is proposed of what the bylaw already account for Floor Area Ratio
3. Attic level,
 - a 12.85 m2 room was built with a 7'-0" ceiling that was not accounted for in the Floor Area Ratio during the 1979 major renovation. During the current renovation, the original structural framing demonstrates that the construction original to the 1979 renovation but that it differs from the 1979 microfiche from the District of West Vancouver. The existing conditions are:
 - a) 7'-0' ceiling on the second floor, (s.22(1) ceiling)
 - b) 7'-0" ceiling on the Attic Floor room



Phone 604.757.5777

Cell 604.803.8436

304-3525 West Broadway, Vancouver, BC, V6R 2B5

simon@BCHomeDrafting.com

c) The section "Number of Storeys for existing dwelling" below will also demonstrate how this attic floor is built as a liveable Floor area and why its FAR should be grandfathered.

Variance requested: To allow the current FAR for the existing condition of the basement and Attic Floor. To recognize the existing FAR at the front of the Main Floor and allow the development of the powder room.

3) Number of Storeys for existing dwelling:

EXHIBIT A proves the existing framing condition is original to its major renovation of 1979. The attic room clearly shows a plywood floor over the joist which are built into the exterior wall and rest on the exterior wall studs. The construction detail proves the attic level was designed and built as a liveable space. In addition, the original microfiche approved the roof assembly to be insulated.

Prior to the drafting computer era with AutoCAD, it wasn't uncommon to have building construction performed without drafted revision. Often, it was up to the building inspector whether or not to request a drafted revision to be recorded in the city archive. The existing structural condition proves this statement. Furthermore, this permit of 1979 wouldn't have been completed without the final approval from the building inspector.

This request for approval of variance of " the number of Storeys" as:

- A) It does not increase the current massing of the house;
- B) It is as originally built of 1979 as demonstrated above

Variance requested: The grandfathering of the attic level room into the FAR, subject to meeting BCBC code for 3-storey dwellings

Date: September 15, 2022

RE: Proof of original framing from 1979

Completed by: Simon Boisvert, BC Home Drafting and Consulting

This Picture show the Attic floor level, West exterior wall. As the picture shows, the bottom wall plate is sitting on the floor joist. Where the vaulted ceiling meets the flat ceiling, there is a structural post meeting the beam. The left beam is recess in the ceiling while the one on the right is a dropped beam.

The contractor has performed 2 studs repair due to water egress damage and replace the window, but the right side of the window does show its original studs and bottom plate.



This picture shows a closer shot of the right-side window. The structural post is continuous down to the floor below while the King studs required next to a post/beam connection is resting on the floor joist of the attic floor.



This picture represents the exterior West wall the second floor in [REDACTED] s.22(1). A new window (on the left) has been added and another one has been removed. Some studs repairs have been done to repair water egress.

The framing above the window on the left shows the original studs. The ceiling joist of the attic above shows the joist resting on the exterior wall stud. This proof it is original to the 1979 new construction and this couldn't have been performed after the permit is done.





Phone 604.757.5777
Cell 604.803.8436
304-3525 West Broadway, Vancouver, BC, V6R 2B5
simon@BCHomeDrafting.com

This picture is a closet shot of the attic floor joist over second floor wall plate



Here is another close shot of the attic floor joist over second floor wall



PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 8, 2022

File: **BP118173**

s. 22(1)

Dear Sir/Madam

**RE: 1314 FULTON AVENUE - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS5 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed addition and alterations will not comply with the Zoning Bylaw because it does not maintain the required front yard setback, number of storeys and floor area ratio.

- The Zoning Bylaw, Section 120.27(9)(a); 205.07 requires a front yard setback to roof overhang as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback to Roof Overhang	6.4 m	6.02 m	0.38 m

- The Zoning Bylaw, Section 205.07 requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback to Addition	7.6 m	7.2 m	0.4 m

- The Zoning Bylaw, Section 205.06(2) limits the floor area to a maximum of the lot as indicated in the table below:

	Bylaw	Proposed*	Variance
Floor Area Ratio	204.4m ²	280.7m ²	76.3 m ²

- The Zoning Bylaw, Section 205.11 requires that the number not to exceed 2 storeys plus basement as indicated in the table below:

	Bylaw	Proposed**	Variance
Number of Storeys for Existing Dwelling	2 storey plus basement	3 storey plus basement	1 storey

The following non-conformities exist and are listed for reference only:

- As per historical records BOV appeal #3166 approved September 5, 1979 “to make a non-conforming addition to the existing non-conforming dwelling.”
*Existing floor area is 261m² as per historical drawings
**Existing attic space proposed to be converted to floor space (new storey)

Comments:

- Code report required pending outcome at hearing

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; **or**
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).
- c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday December 14, 2022**. The next Board of Variance Hearing is scheduled for **Wednesday January 18, 2023**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; **or**

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

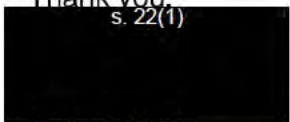
- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-921-3455 should you require any further information regarding this matter.

Thank you,
s. 22(1)



Nicole Colby
Plans Examiner II
ncolby@westvancouver.ca

Enclosure

cc: Secretary, Board of Variance

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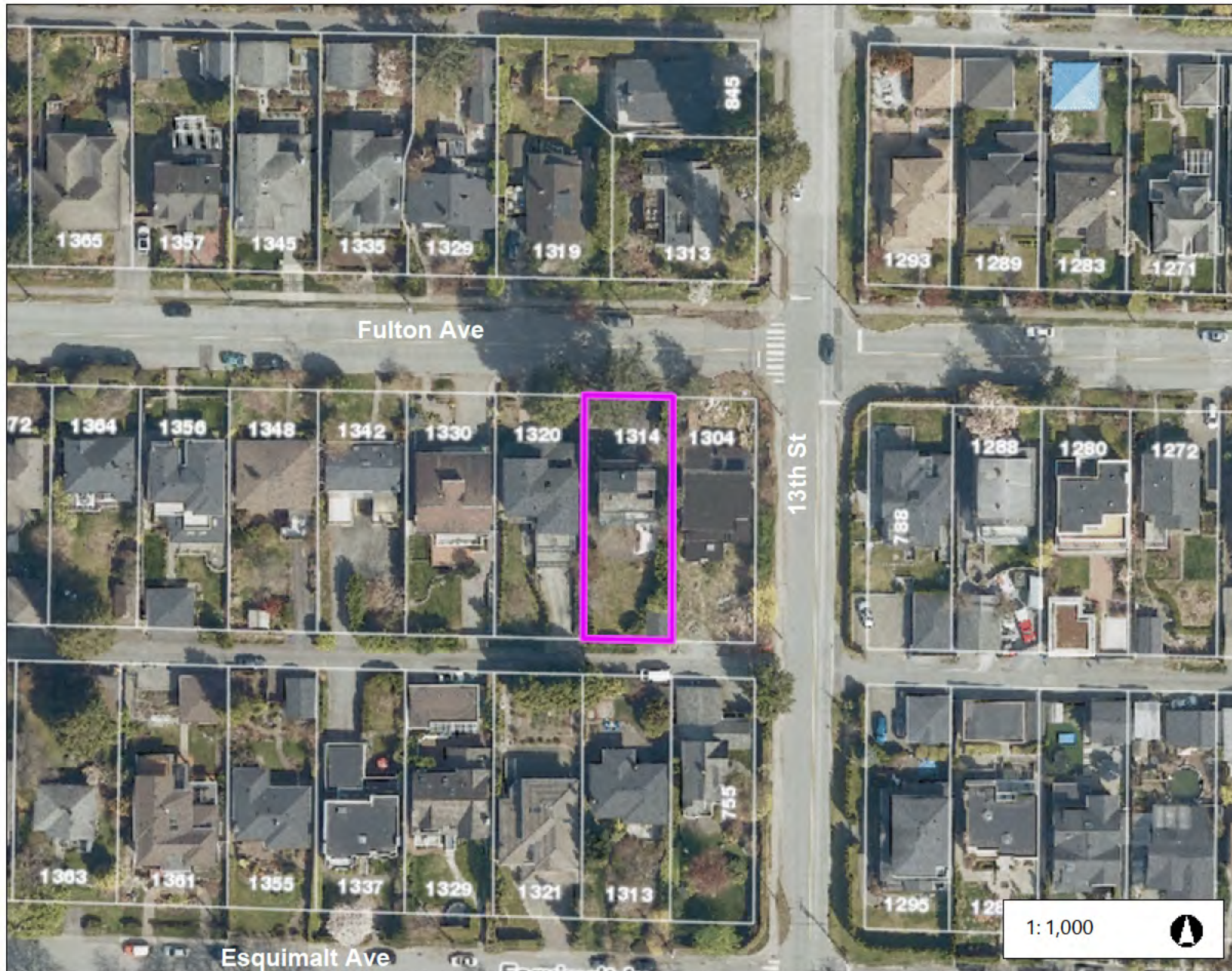
WGS_1984_UTM_Zone_10N
District of West Vancouver

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WGS_1984_UTM_Zone_10N
District of West Vancouver

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Date: September 7, 2022

Re: Letter of support

Address: For 1314 Fulton Avenue, West Vancouver

To whom may concern at the West Vancouver, Department of Planning

I, [redacted s. 22(1)] [redacted s. 22(1)] is (are) the owner(s) of the residence located at [redacted s.22(1)] (we) have been contacted by our neighbors [redacted s.22(1)]

[redacted s.22(1)] located at 1314 Fulton Avenue, West Vancouver, with regard of their intention to renovate and :

- Add a dormer at the back of the house on the South West corner
- Enclose the front North West corner porch to convert as a liveable space
- Add a porch over the new front door

I am (we are) aware that our support is requested in their board of variance application. I am (we are) fully supporting their application.

If you need anymore information on this, feel free to call me at the number below.

Best Regards,

[redacted s. 22(1)]

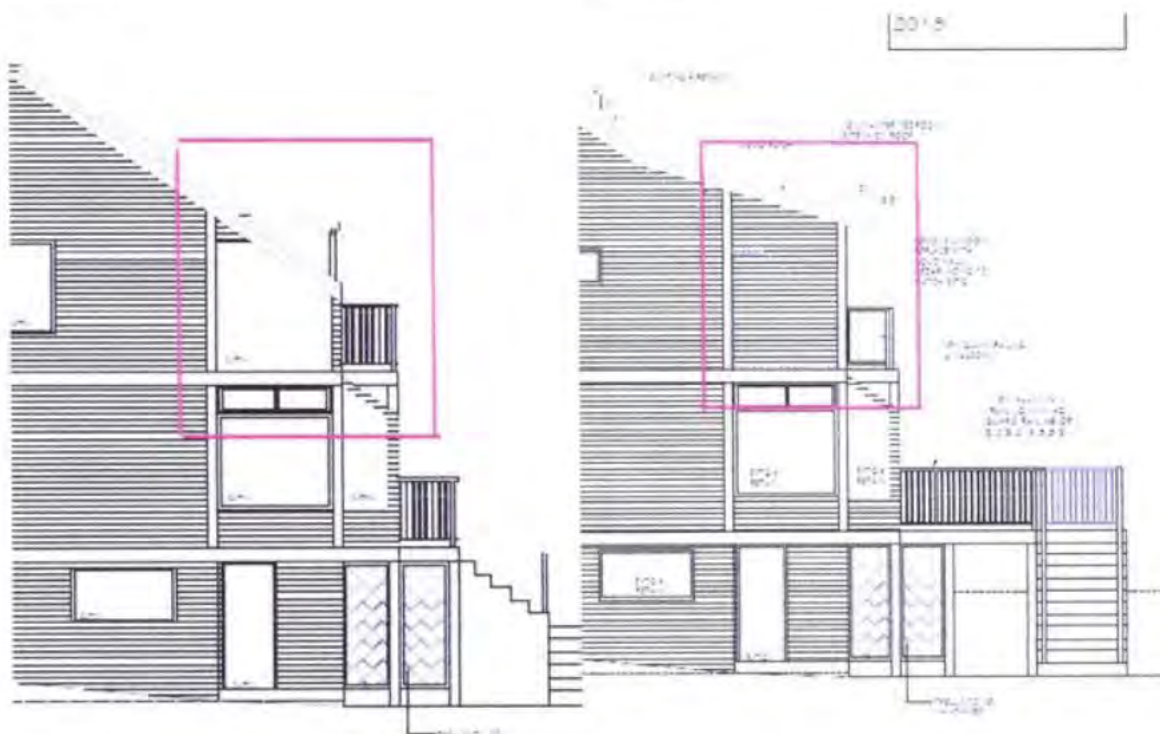
Owner's name [redacted s. 22(1)]

Phone: [redacted]

Email address [redacted]

EXISTING:

PROPOSED:



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District of West Vancouver
 750 17th Street, West Vancouver, BC V7V 3T3
 t: 604-925-7004 f: 604-925-7006

15.
 23-007



NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **5791 Telegraph Trail**

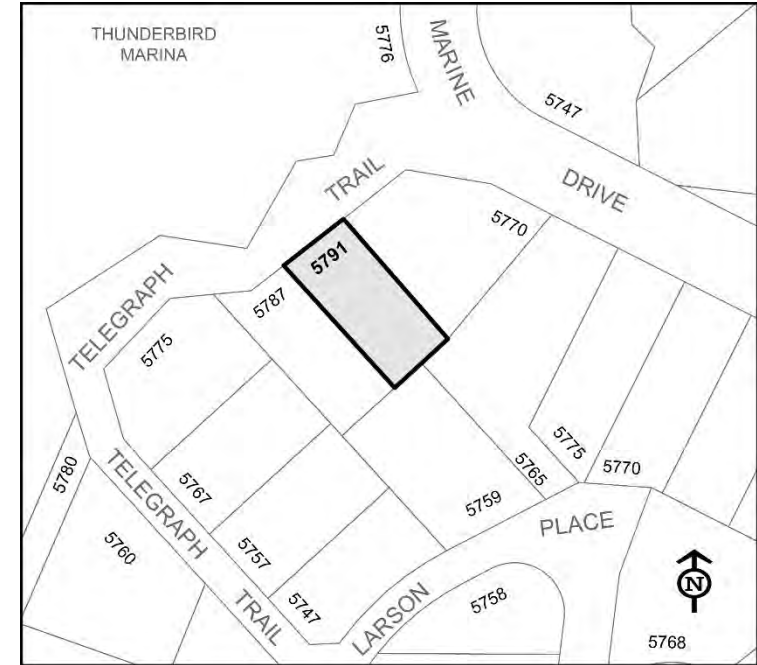
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variances for a proposed new single family dwelling at 5791 Telegraph Trail will be considered:

Accessory Building Height for Underground Parking Structure	Bylaw Requirement	Proposed	Variance
	0.9 m	1.98 m	1.08 m
Accessory Building - Underground Parking Structure Garage Door Width	Bylaw Requirement	Proposed	Variance
	3 m	4.88 m	1.88 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. **To register to make representations (via WebEx video conferencing software) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.**

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on January 18, 2023 to ensure their availability to the Board for the hearing.

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 5791 Telegraph Trail West Vancouver

Applicant *(please print clearly)*

Name(s): Minghang (Cherry)Bi

Phone #: s. 22(1)

Mailing Address: s. 22(1)

Cell #: s. 22(1)

Email Address: s. 22(1)

Fax #: s. 22(1)

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): s. 22(1)

Phone #: s. 22(1)

Mailing Address: s. 22(1)

Cell #: s. 22(1)

Email Address: s. 22(1)

Fax #: s. 22(1)

Completed Application Must Include

- A letter (signed original) describing:
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- \$800 fee

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)
Applicant Signature

2022.12.13
Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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Letter Describing Hardship

Subject Property Address:

5791 Telegraph Trail West Vancouver

Zone:

RS 4

Project Description & Requested Variances:

Proposed underground garage door does not meet that it does not have more than one 3m-wide garage door facing a front site line. Proposed garage door width is 16'-0"(4.88m).

In addition, I have based the height variance on the additions of a guardrail extending 3'-6" above the garage roof deck surface to elevation/36.00'. The height is measured to the planters/grade at 29.50'. So, the variance will be to allow a height of 6.50' (1.98m) measured to finished grade at the perimeter, which exceeds the maximum 3' (0.9m).

SUMMARY OF VARIANCES					
Specify the variances requested for this project					
Regulation	Variance for	Zoning Bylaw Requirement	Proposed	Variance	Zoning Bylaw Section
Underground garage door width	Underground garage (RS-4) See Page A1, A2	Max. 3m	4.88m	1.88m	Bylaw Section 140 #141.03
Underground garage height (Incl. guardrail)	Underground garage (RS-4) See Page A1 , A2	Max. 0.9m	1.98m	1.08m	Bylaw Section 140 #141.02

141.03 Underground Parking Structures (Bylaw # 5055)

- (1) An underground parking structure is permitted within a required yard, provided it:
- (a) is located at least 3 metres from the front site line or the flanking side site line;
 - (b) does not extend more than 0.9 metre above the lower of natural or finished grade at any point along its perimeter, except directly in front of the garage door; and (Bylaw # 4712)
 - (c) does not have more than one 3 metre-wide garage door facing a front site line or the flanking side site line on a corner flanking site.

Hardship:

Due to the residence is sited at a property with very steep slope, where the vehicles are very difficult to reach the back yard of the building. According to this property condition, we'd have to put an underground garage entry from the front yard of the property.

We believe that to have a 2-car garage is a reasonable use of our property. In this case, in order to have 2 parking space in the garage, we need to extend the garage door opening to 16 feet width.

Also, we are going to install guardrail around the garage roof deck to provide safety function, since the guardrail height need to be 3 feet 6, the total height will have to exceed the bylaw of above grade Max.0.9m.

PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 13, 2022

File: **BP118048**

s. 22(1)

Dear Sir/Madam

**RE: 5791 TELEGRAPH TRAIL - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS4 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed New Single Family Dwelling will not comply with the Zoning Bylaw because it does not maintain the required 0.9 m maximum height above the lower of finished or natural grade and the garage door facing the front site line exceeds 3 m in width.

The Zoning Bylaw, Section 141.03(1)(b) requires that underground parking structures not exceed a height of 0.9 m measured from the lower of the natural or finished grade at any point around the building perimeter as indicated in the table below:

	Bylaw	Proposed	Variance
Accessory Building Height for Underground Parking Structure	0.9 m	1.98 m	1.08 m

The Zoning Bylaw, Section 141.03(1)(c) requires that an underground parking structure does not have more than one 3 m wide garage door facing a front site line as indicated in the table below:

	Bylaw	Proposed	Variance
Accessory Building - Underground Parking Structure Garage Door Width	3 m	4.88 m	1.88 m

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; or

-
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).
 - c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday 14th December 2022**. The next Board of Variance Hearing is scheduled for **Wednesday 18th January 2023**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; or

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-921-3450 should you require any further information regarding this matter.

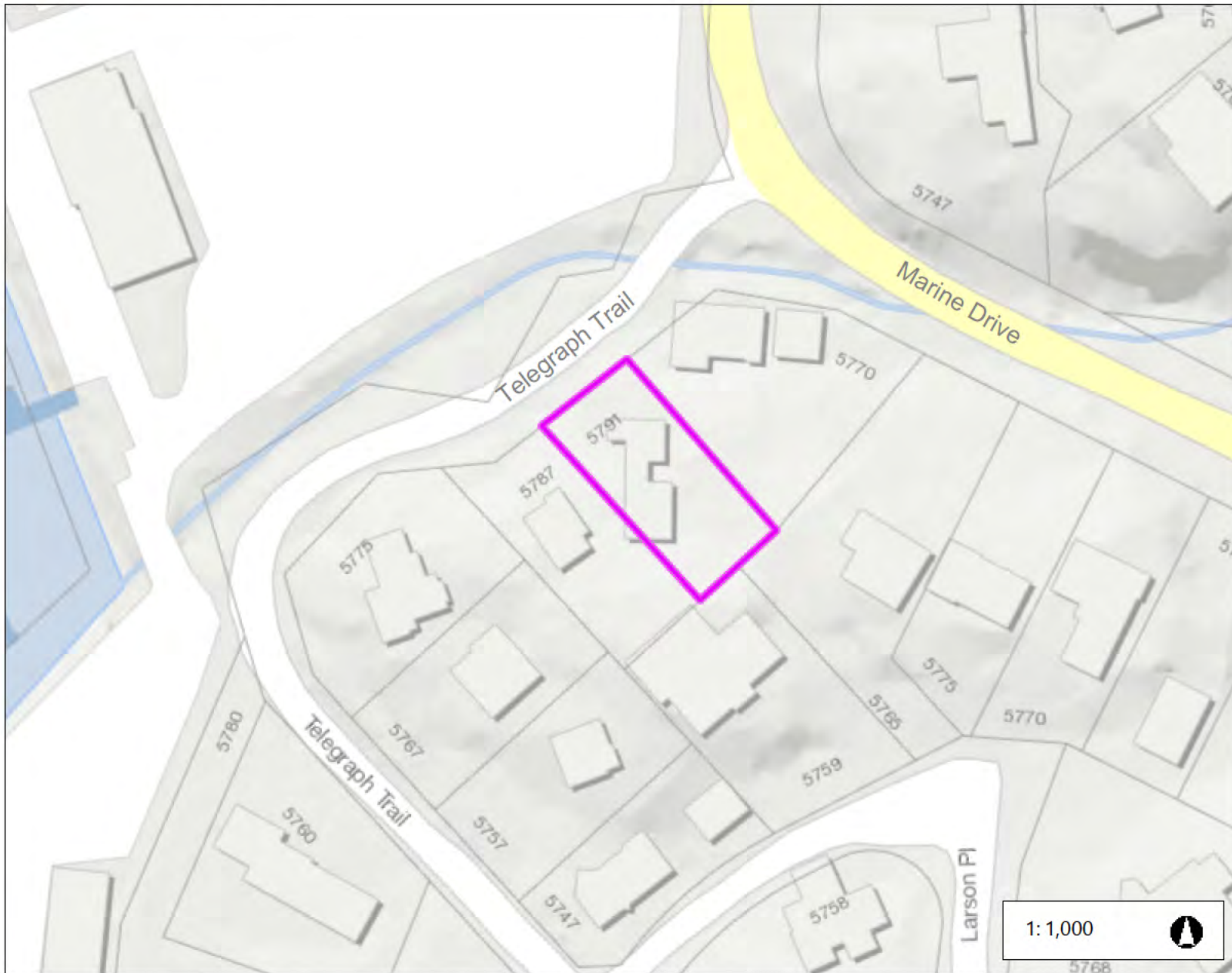
Thank you.

s. 22(1)

Colin Coulter
Plans Examiner
ccoulter@westvancouver.ca

Enclosure

cc: Secretary, Board of Variance



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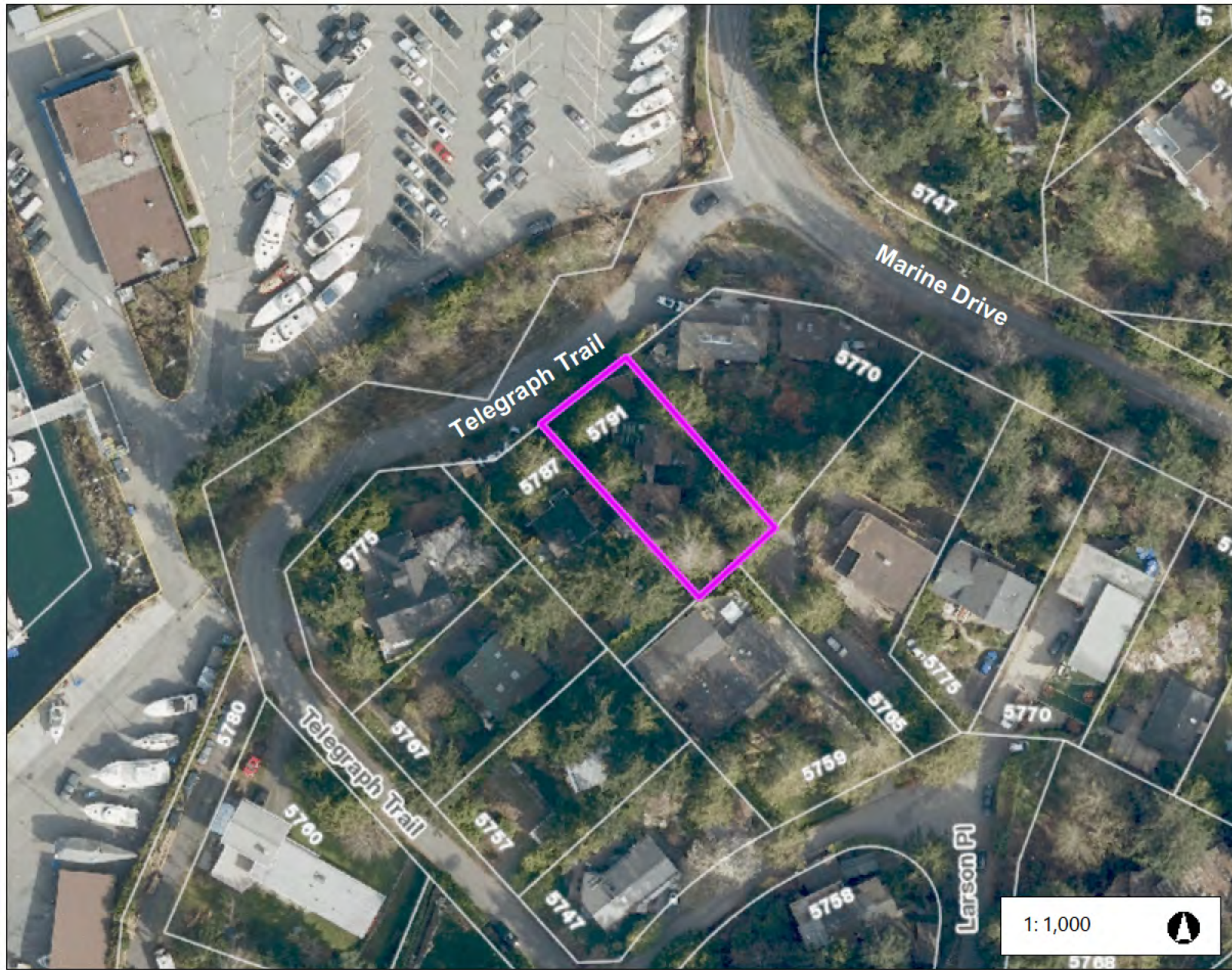
WGS_1984_UTM_Zone_10N
District of West Vancouver

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District of West Vancouver

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District of West Vancouver
 750 17th Street, West Vancouver, BC V7V 3T3
 t: 604-925-7004 f: 604-925-7006

NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **661 Kenwood Road**

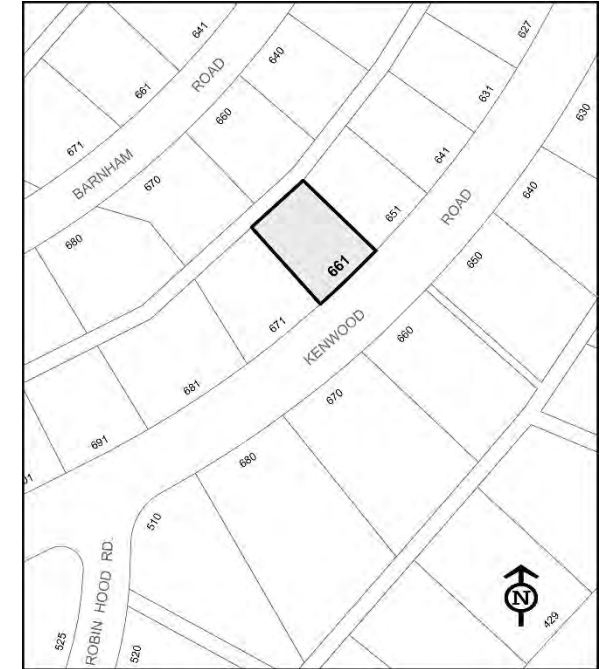
A Board of Variance hearing will be held on:

Wednesday, January 18, 2023

at 5 p.m. via electronic communication facilities

The following variances for a proposed addition at 661 Kenwood Road will be considered:

Minimum Side Yard Setback	Bylaw Requirement	Proposed	Variance
	2.96 m	2.79 m	0.17 m
Rear Yard Setback	Bylaw Requirement	Proposed	Variance
	9.1 m	7.82 m	1.28 m
Floor Area Ratio	Bylaw Requirement	Proposed	Variance
	0.3 (346.2 sqm)	0.39 (446.6 sqm)	0.09 (100.4 sqm)



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or to enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Council Chamber or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (via WebEx video conferencing software) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on January 18, 2023 to ensure their availability to the Board for the hearing.

Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit <https://westvancouver.ca/be-involved/committees-groups/boards/board-variance>

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Board of Variance Application Form

Subject Property (please print clearly)

Address: 661 Kenwood Rd, West Vancouver BC, V7S 1S7

Applicant (please print clearly)

Name(s): Saman Naddaf

Phone #: _____

Mailing Address: _____

Cell #: _____

Email Address: _____

Fax #: _____

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner (please print clearly)

Name(s): _____

Phone #: _____

Mailing Address: _____

Cell #: _____

Email Address: _____

Fax #: _____

Completed Application Must Include

- A letter (signed original) describing:**
 - a) The proposed construction;
 - b) The requested variance(s); and
 - c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)
- Authorization of Registered Owners Form** (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).
- \$800 fee**

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

Applicant Signature

Dec 4, 2022
Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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Dec 14, 2022

Board of Variance
The Corporation of the District of West Vancouver
750 17th Street
West Vancouver, BC

**RE: 661 KENWOOD ROAD - WEST VANCOUVER
BUILDING PERMIT APPLICATION – RS3 ZONE**

We are writing regarding the building permit application for the above-referenced (Subject Property), with a request for consideration for a relaxation of the Zoning Bylaw requirements.

In terms of background, we purchased the Subject Property in [REDACTED] for our family [REDACTED] [REDACTED] Master bedroom [REDACTED] was occupied [REDACTED] and [REDACTED] two bedrooms on [REDACTED] Two years ago, due to my [REDACTED] serious threat of the COVID-19 pandemic, we had to [REDACTED] so we could better protect and support her well-being. Due to her [REDACTED] we have had to give one of the [REDACTED] bedrooms [REDACTED] who need to be close to parent supervision but don't have the space now to be on [REDACTED]. They are [REDACTED]

The various levels of government have been collaborating to help communities particularly senior citizens during these difficult times and it is in this light that we request your consideration of assistance to help our family needs so we can continue to look after our elderly.

We urge you to reconsider the current bylaws such that we are able to meet the needs of our immediate family.

We would be pleased to receive any guidance or advice you might be able to provide with respect to a request to the municipal Council or the Board of Variance, due to the hardship caused by the referenced bylaw(s).

We look forward to hearing from you at your earliest convenience.

Sincerely,

[REDACTED]

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PERMITS & INSPECTIONS DEPARTMENT
 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
 t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

December 14, 2022

File: **BP118498**



Dear Sir/Madam

**RE: 661 KENWOOD ROAD - WEST VANCOUVER
 BUILDING PERMIT APPLICATION – RS3 ZONE**

The plans submitted with your application for a building permit at the above referenced address show that the proposed Addition will not comply with the Zoning Bylaw because it does not maintain the required 2.96m minimum side yard setback and 9.1m rear yard setback, and 0.3 floor area ratio.

The following non-conformities exist and are listed for reference only:

- The Zoning Bylaw, Section 203.09(2)(a)(ii) requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for addition	2.96 m	2.79 m	0.17 m

- The Zoning Bylaw, Section 203.08 requires a rear yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Rear Yard Setback for addition	9.1 m	7.82 m	1.28 m

- The Zoning Bylaw, Section 203.06(1) limits the site coverage to a maximum floor area ratio of a lot as indicated in the table below:

	Bylaw	Proposed	Variance
Floor Area Ratio for addition	0.3(346.2sqm)	0.39 (446.6sqm)	0.09 (100.4)

Existing floor area ratio prior to bylaw change was 0.35 and existing dwelling ratio was 0.33

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- a) revise your plans to conform to the Zoning Bylaw; **or**
- b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).
- c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the \$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday 14th December 2022**. The next Board of Variance Hearing is scheduled for **Wednesday 18th January 2023**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail; **or**

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

- a) result in inappropriate development of the site
- b) adversely affect the natural environment
- c) substantially affect the use and enjoyment of adjacent land
- d) vary permitted uses and densities under the applicable bylaw, or
- e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

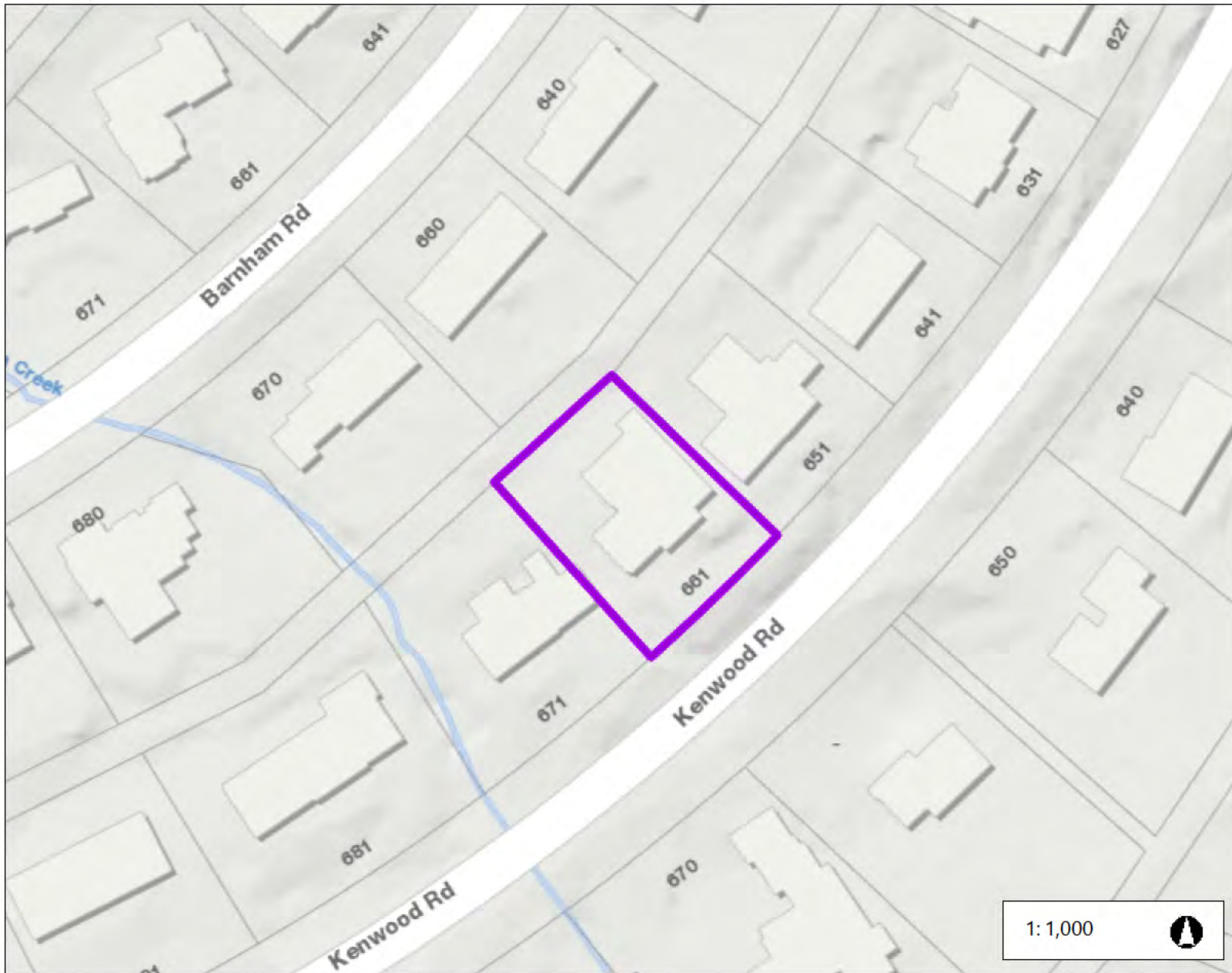
Please do not hesitate to contact me at 604-925-7212 should you require any further information regarding this matter.

Thank you,
s. 22(1)

Nima Karimabadi
nkarimabadi@westvancouver.ca


Enclosure

cc: Secretary, Board of Variance



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Notes

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WGS_1984_UTM_Zone_10N
District of West Vancouver

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Notes

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WGS_1984_UTM_Zone_10N
District of West Vancouver

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