

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, MARCH 15, 2023**

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

**STAFF:** P. Cuk, Board Secretary; T. Yee, Building Inspector; and M. Beattie, 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**

Member Abri entered the hearing at 5:01 p.m. via electronic communication facilities.

Staff introduced the Board Members and described the hearing procedure.

**3. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the March 15, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the February 15, 2023 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on February 15, 2023.

It was Moved and Seconded:

THAT the February 15, 2023 Board of Variance hearing minutes be adopted as circulated.

CARRIED

**5. Time Limit of Board of Variance Orders**

Chair Radage read out the following statement regarding Time Limit of Order Approving a Variance and noted that the time limit applied to each application approved by the Board:

Pursuant to section 542(3) of the *Local Government Act*, if a Board of Variance orders that a minor variance be permitted from the requirements of the bylaw, and the Order sets a time limit within which the construction of the building or

structure must be completed, and the construction is not completed within that time, the permission of the Board terminates and the bylaw applies. Further, if that construction is not substantially started within 2 years after the Order was made, or within a longer or shorter time period established by the Order, the permission of the Board terminates and the bylaw applies.

**6. Application 23-013 (2586 Mathers Avenue)**

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

- a) 8.80 m to Front Yard Setback
- b) 1.80 m to Minimum Side Yard Setback
- c) 3.92 m to Accessory Structure Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
A. Farrokhi, Neopacific Development Inc.	March 12, 2023	1

Staff provided permit history of the subject property.

Staff and A. Farrokhi (Neopacific Development Inc., representing the owner of 2586 Mathers Avenue) responded to Board members' questions.

Staff informed that no one else had signed up to address the Board regarding the subject application.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
  - result in inappropriate development of the site
  - adversely affect the natural environment
  - substantially affect the use and enjoyment of adjacent land
  - vary permitted uses and densities under the applicable bylaw; or
  - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated February 15, 2023, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submission of A. Farrokhi:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-013 regarding a proposed power pole (accessory structure) at 2586 Mathers Avenue with variances of:

- 8.80 m to Front Yard Setback
- 1.80 m to Minimum Side Yard Setback
- 3.92 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated December 14, 2022 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

Member Simmons voted in the negative

**7. Application 23-014 (1840 Mathers Avenue)**

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

- a) 6.37 m to Front Yard Setback.

Staff informed that no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

N. Ponce and S. Soong (1840 Mathers Avenue) and F. Yadegari (representing the owner of 1840 Mathers Avenue) described the variance application for a proposed single-family dwelling and responded to a Board member's question.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
  - result in inappropriate development of the site
  - adversely affect the natural environment

- substantially affect the use and enjoyment of adjacent land
- vary permitted uses and densities under the applicable bylaw; or
- defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated February 7, 2023, 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. Ponce, S. Soong, and F. Yadegari:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-014 regarding a proposed single-family dwelling at 1840 Mathers Avenue with a variance of:

- 6.37 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated January 11, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

**8. Application 23-015 (6438 Marine Drive)**

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

- a) 8.34 m to Front Yard Setback
- b) 2.1 m to Accessory Structure Height.

Staff informed that no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

L. Kwan (representing the owner of 6438 Marine Drive) described the variance application for a proposed private power pole (accessory structure).

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
  - result in inappropriate development of the site
  - adversely affect the natural environment
  - substantially affect the use and enjoyment of adjacent land
  - vary permitted uses and densities under the applicable bylaw; or
  - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated February 12, 2023, 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 L. Kwan:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-015 regarding a proposed private power pole (accessory structure) at 6438 Marine Drive with variances of:

- 8.34 m to Front Yard Setback
- 2.1 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated January 31, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

**9. Application 23-016 (2366 Lawson Avenue)**

Staff confirmed the following requested variance regarding proposed mechanical equipment:

- a) 0.62 m to Combined Side Yard Setback.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	February 16, 2023	1
Redacted	February 16, 2023	2
Redacted	February 19, 2023	3
Redacted	March 1, 2023	4

Staff provided permit history of the subject property.

B. Copeland and C. Clark (2366 Lawson Avenue) described the variance application for proposed mechanical equipment. B. Copeland, D. Pecchia (representing the owner of 2366 Lawson Avenue), and staff 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 February 13, 2023, 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 B. Copeland, C. Clark, and D. Pecchia:

It was Moved and Seconded:

THAT the Board defers further consideration of Application 23-016 (2366 Lawson Avenue) until such time that the applicant can confirm whether or not the operating noise of the subject mechanical equipment will not exceed the levels permitted by the District's bylaws.

CARRIED

**10. Application 23-017 (661 Kenwood Road)**

Staff confirmed the following requested variance regarding a proposed addition:

- a) 0.04 (41.9 sqm) to Floor Area Ratio.

Staff informed that no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

S. Naddaf (661 Kenwood Road) and A. Atash (representing the owner of 661 Kenwood Road) described the variance application for a proposed addition.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
  - result in inappropriate development of the site
  - adversely affect the natural environment
  - substantially affect the use and enjoyment of adjacent land
  - vary permitted uses and densities under the applicable bylaw; or
  - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated February 14, 2023, 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 S. Naddaf and A. Atash:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-017 regarding a proposed addition at 661 Kenwood Road with a variance of:

- 0.04 (41.9 sqm) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated February 1, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

**11. Receipt of Written and Oral Submissions**

It was Moved and Seconded:

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

- Application 23-013 (2586 Mathers Avenue)
- Application 23-014 (1840 Mathers Avenue)
- Application 23-015 (6438 Marine Drive)
- Application 23-016 (2366 Lawson Avenue)
- Application 23-017 (661 Kenwood Road)

up to and including March 15, 2023, be received.

CARRIED

**12. Public Question Period**

There were no questions.

**13. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for April 19, 2023 at 5 p.m.

**14. Adjournment**

It was Moved and Seconded:

THAT the March 15, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:49 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY