



**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**

May 17, 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. Introduction**

The Board of Variance hearing procedure will be described.

### **3. Confirmation of Agenda**

RECOMMENDATION:

THAT the May 17, 2023 Board of Variance hearing agenda be approved as circulated.

### **4. Adoption of Minutes**

RECOMMENDATION:

THAT the April 19, 2023 Board of Variance hearing minutes be adopted as circulated.

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

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

**6. Application 23-016 (2366 Lawson Avenue) regarding proposed mechanical equipment with the following variance:**

- a) 0.62 m to Combined Side Yard Setback.

*The Board of Variance considered Application 23-016 at its March 15, 2023 hearing and deferred further consideration 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.*

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 |
| Redacted          | April 17, 2023    | 5 |

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 23-016 regarding proposed mechanical equipment at 2366 Lawson Avenue with a variance of:

- 0.62 m to Combined Side Yard Setback
- BE ALLOWED pursuant to the plans dated February 2, 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.

**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 23-016 regarding proposed mechanical equipment at 2366 Lawson Avenue with a variance of:

- 0.62 m to Combined Side Yard Setback

BE NOT ALLOWED pursuant to the plans dated February 2, 2023 submitted with the application.

**OR**

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-016 (2366 Lawson Avenue) to the next Board of Variance hearing.

**7. Application 23-020 (3555 Sunset Lane) regarding a proposed deck with the following variance:**

a) 6.12 m to Front Yard Setback.

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 23-020 regarding a proposed deck at 3555 Sunset Lane with a variance of:

- 6.12 m to Front Yard Setback

BE ALLOWED pursuant to the plans dated March 22 and April 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.

**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 23-020 regarding a proposed deck at 3555 Sunset Lane with a variance of:

- 6.12 m to Front Yard Setback

BE NOT ALLOWED pursuant to the plans dated March 22 and April 11, 2023 submitted with the application.

**OR**

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-020 (3555 Sunset Lane) to the next Board of Variance hearing.

**8. Application 23-021 (1405 28th Street) regarding a proposed power pole (accessory structure) with the following variances:**

- a) 7.82 m to Front Yard Setback
- b) 1.12 m to Minimum Side Yard Setback
- c) 1.8 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 23-021 regarding a proposed power pole (accessory structure) at 1405 28th Street with variances of:

- 7.82 m to Front Yard Setback
- 1.12 m to Minimum Side Yard Setback
- 1.8 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated March 29, 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.

**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 23-021 regarding a proposed power pole (accessory structure) at 1405 28th Street with variances of:

- 7.82 m to Front Yard Setback
- 1.12 m to Minimum Side Yard Setback
- 1.8 m to Accessory Building Height

BE NOT ALLOWED pursuant to the plans dated March 29, 2023 submitted with the application.

**OR**

RECOMMENDATION:

THAT the Board defers further consideration of Application 23-021 (1405 28th Street) to the next Board of Variance hearing.

**9. Application 23-022 (2720 Rosebery Avenue) regarding a proposed detached garage (accessory building) and proposed bridge (accessory structure) with the following variances:**

- a) 9.1 m to Front Yard Setback (detached garage)
- b) 3.46 m to Front Yard Setback (bridge)
- c) 0.79 m to Minimum Side Yard Setback (detached garage)
- d) 50 % slope to Retaining Wall Grade Line
- e) 1.2 m to Retaining Wall Exposed Height
- f) 2.3 m to Accessory Building Height (detached garage)
- g) 3.65 m to Accessory Structure Height (bridge)
- h) 1 storey to Number of Storeys for Accessory Building (detached garage).

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 23-022 regarding a proposed detached garage (accessory building) and proposed bridge (accessory structure) at 2720 Rosebery Avenue with variances of:

- 9.1 m to Front Yard Setback (detached garage)

- 3.46 m to Front Yard Setback (bridge)
  - 0.79 m to Minimum Side Yard Setback (detached garage)
  - 50 % slope to Retaining Wall Grade Line
  - 1.2 m to Retaining Wall Exposed Height
  - 2.3 m to Accessory Building Height (detached garage)
  - 3.65 m to Accessory Structure Height (bridge)
  - 1 storey to Number of Storeys for Accessory Building (detached garage)
- BE ALLOWED pursuant to the plans dated March 7 and April 14, 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.

**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 23-022 regarding a proposed detached garage (accessory building) and proposed bridge (accessory structure) at 2720 Rosebery Avenue with variances of:

- 9.1 m to Front Yard Setback (detached garage)
- 3.46 m to Front Yard Setback (bridge)
- 0.79 m to Minimum Side Yard Setback (detached garage)
- 50 % slope to Retaining Wall Grade Line
- 1.2 m to Retaining Wall Exposed Height
- 2.3 m to Accessory Building Height (detached garage)
- 3.65 m to Accessory Structure Height (bridge)
- 1 storey to Number of Storeys for Accessory Building (detached garage)

BE NOT ALLOWED pursuant to the plans dated March 7 and April 14, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 23-022 (2720 Rosebery Avenue) to the next Board of Variance hearing.

**10. Application 23-023 (4172 Rose Crescent) regarding a deck and additions with the following variance:**

- a) 2.54 m to Front Yard Setback from North Side of Rose Crescent.

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 23-023 regarding a deck and additions at 4172 Rose Crescent with a variance of:

- 2.54 m to Front Yard Setback from North Side of Rose Crescent  
BE ALLOWED pursuant to the plans dated January 17, February 21 and April 18, 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.

**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 23-023 regarding a deck and additions at 4172 Rose Crescent with a variance of:

- 2.54 m to Front Yard Setback from North Side of Rose Crescent  
BE NOT ALLOWED pursuant to the plans dated January 17, February 21 and April 18, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 23-023 (4172 Rose Crescent) to the next Board of Variance hearing.

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

**RECOMMENDATION:**

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

- Application 23-016 (2366 Lawson Avenue)
- Application 23-020 (3555 Sunset Lane)
- Application 23-021 (1405 28th Street)
- Application 23-022 (2720 Rosebery Avenue)
- Application 23-023 (4172 Rose Crescent)

up to and including May 17, 2023 be received.

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

**13. Next Hearing**

The next Board of Variance hearing is scheduled for June 21, 2023.

**14. Adjournment**

RECOMMENDATION:

THAT the May 17, 2023 Board of Variance hearing be adjourned.

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, APRIL 19, 2023**

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

**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 5:01 p.m.

**2. Introduction**

Member Abri entered the hearing at 5:03 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 April 19, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

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

Acting Chair Yaworsky referred to the minutes of the Board of Variance hearing held on March 15, 2023.

It was Moved and Seconded:

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

CARRIED

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

Acting Chair Yaworsky 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 23-018 (5960 Raven Place)**

Staff confirmed the following requested variances regarding a proposed detached carport:

- a) 6.3 m to Front Yard Setback
- b) 2.3 m to Combined Side Yard Setback
- c) 0.28 m to Minimum Side Yard Setback
- d) 1 % to Site Coverage Percentage
- e) 0.7 m to Accessory Building Height
- f) 31 % to Impermeable Surface Area
- g) 1.8 m to Overhang in Yards
- h) 1.8 m to Exterior Wall to Overhang
- i) 0.6 m to Distance from Accessory Building to Principal Dwelling.

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

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED | # |
|-------------------|------------------|---|
| Redacted          | April 8, 2023    | 1 |

Staff provided permit history of the subject property and informed that the requested variance of 1.8 m to Overhang in Yards need not be considered by the Board because its variance is addressed by the request of 1.8 m to Exterior Wall to Overhang.

T. Frauenberger (Lanecraft Lane and Coach Houses Inc., representing the owner of 5960 Raven Place) described the variance application for a proposed detached carport. Staff and T. Frauenberger responded to Board members' questions.

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

Members of the Board considered:

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

Having read the application dated February 27, 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 T. Frauenberger:

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 23-018 regarding a proposed detached carport at 5960 Raven Place with variances of:

- 6.3 m to Front Yard Setback
- 2.3 m to Combined Side Yard Setback
- 0.28 m to Minimum Side Yard Setback
- 1 % to Site Coverage Percentage
- 0.7 m to Accessory Building Height
- 31 % to Impermeable Surface Area
- 1.8 m to Exterior Wall to Overhang
- 0.6 m to Distance from Accessory Building to Principal Dwelling

BE ALLOWED pursuant to the plans dated February 17, 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

## **7. Application 23-019 (5405 Greentree Road)**

Staff confirmed the following requested variances regarding an addition:

- a) 1.9 m to Front Yard Setback
- b) 0.88 m to Rear 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.

D. Jones (Architect, D'Arcy Jones Architects Inc., representing the owner of 5405 Greentree Road) described the variance application for an addition. Staff and D. Jones responded to Board members' questions.

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

Members of the Board considered:

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

Having read the application dated March 22, 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 D. Jones:

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 23-019 regarding an addition at 5405 Greentree Road with variances of:

- 1.9 m to Front Yard Setback
- 0.88 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated March 10, 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. 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 23-018 (5960 Raven Place)
- Application 23-019 (5405 Greentree Road)

up to and including April 19, 2023, be received.

CARRIED

**9. Public Question Period**

There were no questions.

**10. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for May 17, 2023 at 5 p.m.

**11. Adjournment**

It was Moved and Seconded:

THAT the April 19, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:25 p.m.

Certified Correct:

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R. Yaworsky, Acting Chair

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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

## NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **2366 Lawson Avenue**

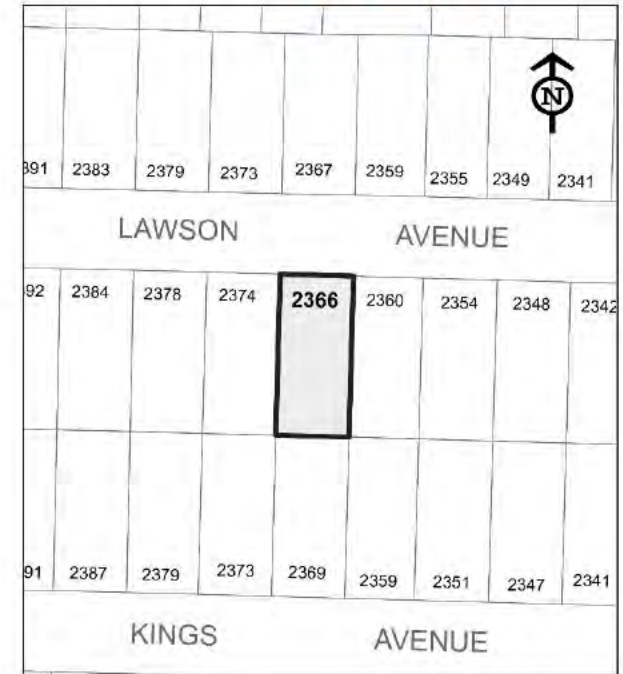
A Board of Variance hearing will be held on:

**Wednesday, May 17, 2023**

**at 5 p.m. via electronic communication facilities**

**The following variance for proposed mechanical equipment at 2366 Lawson Avenue will be considered:**

| Combined Side Yard Setback | Bylaw Requirement | Proposed | Variance |
|----------------------------|-------------------|----------|----------|
|                            | 4.57 m            | 3.95 m   | 0.62 m   |



**To make an appointment to view plans, permit and variance information** contact Terry Yee (Building Inspector) at [tyee@westvancouver.ca](mailto: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](mailto: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 May 17, 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: 2366 Lawson Avenue

**Applicant** *(please print clearly)*

Name(s): Dino Pecchia s. 22(1)

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

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

Cell #: [redacted]

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

Fax #: n/a

(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 #: [redacted]

Email Address: [redacted]

Fax #: n/a

**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)  
Applicant Signature

Feb. 13/23  
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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February 13, 2023

To the Members of the Board of Variance of West Vancouver - Sama Abri, John Elwick, Lesel Radage (Chair), Dave Simmons, and Ronald Yaworsky (Acting Chair):

Thank you for considering our BOV application from [redacted] s. 22(1) (the owners of 2366 Lawson Avenue, West Vancouver) – the Registered Owners.

Undue Hardship would be caused for the Registered Owners by complying with the Zoning Bylaw Section 205.09(2)(b)(i) because:

- The Registered Owners live on a property that collects and pools significant ground water from under their property and neighboring properties. This collection of water was highly visible during construction of the home, see pictures in Exhibit A below.
- The Registered Owners use a dual sump pump system that runs 7x24 to ensure continuous extraction of water from around and under the building premise.
- The Registered Owners require a backup generator in the event of a power outage to ensure the sump pumps continuous operation otherwise the Registered Owners would experience significant building flooding within the building premise if the sump pumps are not operational and thus suffer undue hardship in terms of significant property damage.
- If Registered Owners are not able to provide a backup generator at this location on the property (thus not having a backup generator) the Registered Owners would suffer undue hardship in the event of a power outage and are not able to operate the sump pumps.
- The Registered Owners would also suffer undue hardship if the backup generator was moved within the allowable building envelope (just east of the current location) for exhaust from the generator while operational could enter the building and cause harm to anyone inside and the generator location would not comply with health and safety requirements.
- The Registered Owners neighbors to the west and east would suffer undue hardship if the backup generator was moved to either the front or rear of the property within the building envelope because the neighbors would experience more acute noise intrusion, unsightly views of the backup generator, and / or exhaust from the backup generator.

The Registered Owners are requesting the BOV approve the positioning of the backup generator in the current location given the undue hardship mentioned above, and given the operation of the backup generator will be infrequent due the limited occurrences of power outages that will occur in any typical year. Nonetheless the Registered Owners do need a solution when a power outage occurs.

Thank you for considering our application.

[redacted] s. 22(1)

[redacted] s. 22(1)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



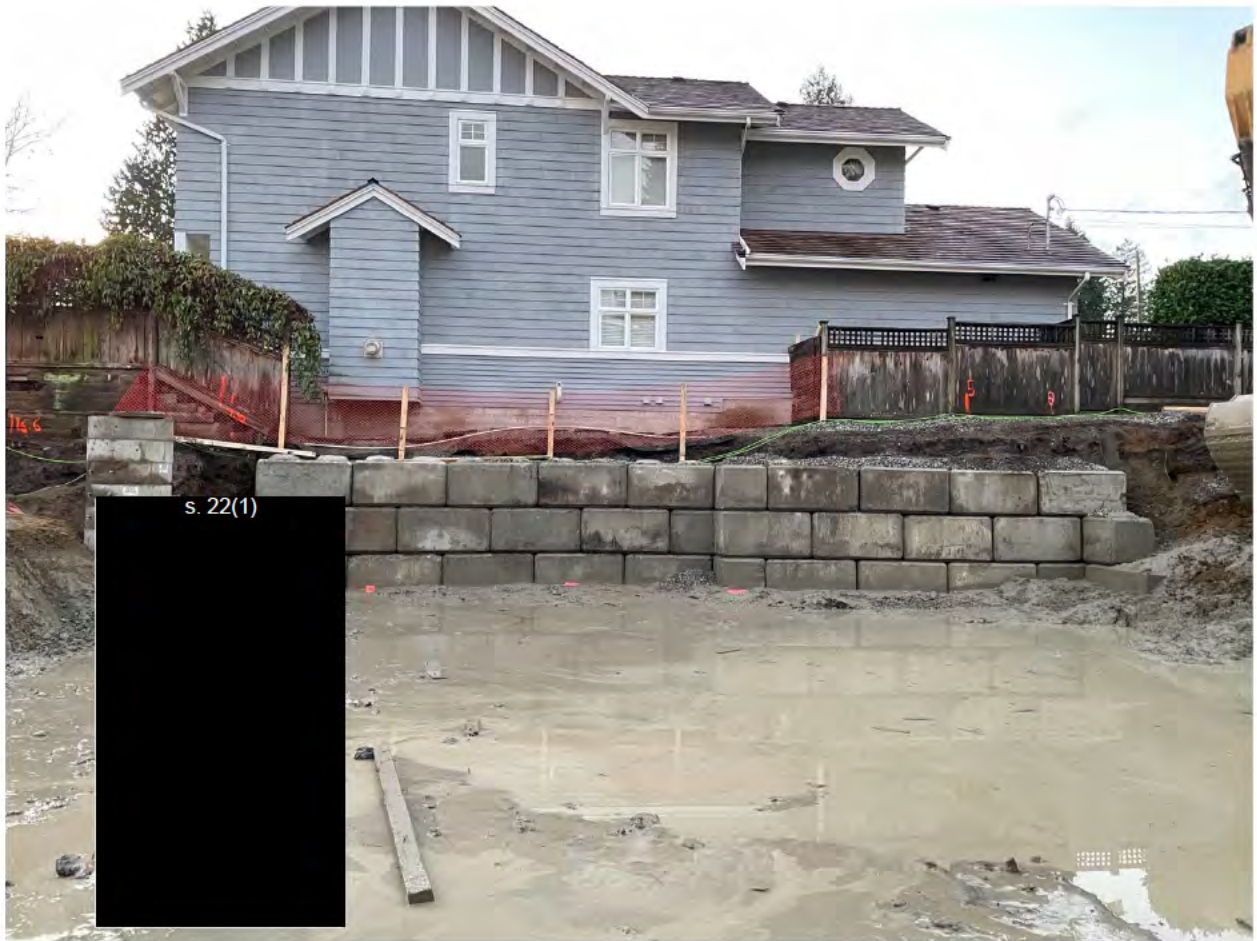


Exhibit A









s. 22(1)



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

February 13, 2023

File: **BP118596**

s. 22(1)

Dear Sir/Madam

**RE: 2366 LAWSON 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 Mechanical equipment will not comply with the Zoning Bylaw because it does not maintain the required 4.57m combined side yard setback.

- The Zoning Bylaw Section 205.09(2)(b)(i), requires a combined side yard setback as indicated in the table below:

|   | Bylaw  | Proposed | Variance |
|---|--------|----------|----------|
| Combined Side Yard Setback for mechanical equipment | 4.57 m | 3.95 m   | 0.62 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 4:00 p.m. on **Wednesday, February 15th 2023**. The next Board of Variance Hearing is scheduled for **Wednesday, March 15th 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.

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 the zoning matter.

Please contact Legislative Services if you have any questions regarding the hearing policy and procedure: 604-925-7049

Thank you,

s. 22(1)

Nima Karimabadi  
[nkarimabadi@westvancouver.ca](mailto:nkarimabadi@westvancouver.ca)

Enclosure

cc: Secretary, Board of Variance



Legend

Notes

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.

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Legend

Notes

50.8 0 25.40 50.8 Meters

WGS\_1984\_UTM\_Zone\_10N  
District of West Vancouver

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February 16, 2023

To the Board of Variance of West Vancouver:

I, [REDACTED] s. 22(1) living at [REDACTED] s. 22(1) West Vancouver with [REDACTED] s. 22(1) [REDACTED] s. 22(1) have lived in West Vancouver [REDACTED] s. 22(1) and we have been living at [REDACTED] s. 22(1) [REDACTED] s. 22(1) for [REDACTED] s. 22(1) years and [REDACTED] s. 22(1) [REDACTED] s. 22(1). We are highly supportive of [REDACTED] s. 22(1) [REDACTED] s. 22(1).

- having a backup generator that is essential to protect their property from flooding in the event of a power outage,
- placing the backup generator in the current location of their property even though such placement is not within the allowable side yard setback, and
- application request to the BOV of a variance of 0.62 meters for a combined side yard setback for mechanical equipment.

Sincerely,

[REDACTED] s. 22(1)  
[REDACTED] s. 22(1) West Vancouver  
[REDACTED] s. 22(1)

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February 16, 2023

To the Board of Variance of West Vancouver:

We are, [redacted] s. 22(1) longtime residents of West Vancouver and registered owners of [redacted] s. 22(1) West Vancouver – where we have lived [redacted] s. 22(1) [redacted] s. 22(1) [redacted] s. 22(1) We are highly supportive of [redacted] s. 22(1)

- having a backup generator that is essential to protect their property from flooding in the event of a power outage,
- placing the backup generator in the current location of their property even though such placement is not within the allowable side yard setback, and
- application request to the BOV of a variance of 0.62 meters for a combined side yard setback for mechanical equipment.

Sincerely,

[redacted] s. 22(1)  
[redacted] s. 22(1)

West Vancouver

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February 19, 2023

To the Board of Variance of West Vancouver:

I, [REDACTED] s. 22(1) living at [REDACTED] s. 22(1) West Vancouver with [REDACTED] s. 22(1) [REDACTED] s. 22(1) are longtime residents of West Vancouver. [REDACTED] s. 22(1) [REDACTED] s. 22(1) [REDACTED] s. 22(1) We are highly supportive of [REDACTED] s. 22(1) :

- having a backup generator that is essential to protect their property from flooding in the event of a power outage,
- placing the backup generator in the current location of their property even though such placement is not within the allowable side yard setback, and
- application request to the BOV of a variance of 0.62 meters for a combined side yard setback for mechanical equipment.

Sincerely,

[REDACTED] s. 22(1)  
[REDACTED] s. 22(1) West Vancouver  
[REDACTED] s. 22(1)

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**From:** [Redacted] s. 22(1)  
**Sent:** Wednesday, March 1, 2023 2:38 PM  
**To:** BoardOfVariance  
**Subject:** 2366 Lawson Avenue - placement of mechanical equipment

CAUTION: This email originated from outside the organization from email address [Redacted] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

[Redacted] s.22(1)

Attention: Board of Variance

Subject Property: 2366 Lawson Avenue, West Vancouver

A Board of Variance hearing set for Wednesday, March 15, 2023

The variance hearing for proposed mechanical equipment placement at 2366 Lawson Avenue, West Vancouver.

Hello,

[Redacted] s.22(1)

This is the written submission for [Redacted] s.22(1) West Vancouver, B.C.

I am the resident and owner [Redacted] s.22(1)

[Redacted] s.22(1). I am a [Redacted] s.22(1) speak up about my concerns with [Redacted] s.22(1) the mechanical equipment (generator and heat pump) in the side yard [Redacted] s.22(1)

The generator is extremely loud [Redacted] s.22(1) the sound of the generator and equipment is extremely loud/disturbing [Redacted] s.22(1) make me go outside and have a look at where the noise was coming from - too loud.

I am surrounded by new homes and they have generators but I do not hear them while I am inside my home [Redacted] s.22(1)

s.22(1)

[REDACTED] the Notice from the District of West Vancouver and have now sent my written submission in this email.

Thanks very much.

Sincerely,

[REDACTED]  
s.22(1)

**From:** s. 22(1)  
**Sent:** Monday, April 17, 2023 11:53 AM  
**To:** BoardOfVariance  
**Subject:** Re: 2366 Lawson Avenue - placement of mechanical equipment

CAUTION: This email originated from outside the organization from email address s. 22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Hello,

s. 22(1)

I thought I should update the Board Of Variance on this matter.

s.22(1) the owners of 2366 Lawson Avenue s. 22(1)

I feel that I should reconfirm that I have not signed any consent and will not sign the consent s.22(1)

My written submission emailed to the Board of Variance on March 1, 2023 is unchanged - I do not support their case and the mechanical equipment in the side yard is too loud and should be moved s.22(1)

Thanks very much.

Sincerely,  
s. 22(1)

- > On Mar 1, 2023, at 2:38 PM, s. 22(1) wrote:
- >
- > s. 22(1)
- >
- >
- > Attention: Board of Variance
- >
- > Subject Property: 2366 Lawson Avenue, West Vancouver
- >
- > A Board of Variance hearing set for Wednesday, March 15, 2023
- >
- > The variance hearing for proposed mechanical equipment placement at 2366 Lawson Avenue, West Vancouver.
- >
- >
- >
- >
- >

> Hello,

>

>

> [Redacted] s. 22(1)

> This is the written submission for [Redacted] s. 22(1) West Vancouver, B.C.

>

> I am the resident and owner [Redacted] s. 22(1)

[Redacted]

>

[Redacted] s. 22(1) I am a [Redacted] s. 22(1) speak up about my concerns with [Redacted] s. 22(1) the mechanical equipment (generator and heat pump) in the side yard [Redacted] s. 22(1)

> The generator is extremely loud [Redacted] s. 22(1)

[Redacted]

[Redacted] the sound of the generator and equipment is extremely loud/disturbing [Redacted] s. 22(1)

[Redacted] make me go outside and have a look at where the noise was coming from - too loud.

>

> I am surrounded by new homes and they have generators but I do not hear them while I am inside my home [Redacted] s. 22(1)

[Redacted]

>

[Redacted] s. 22(1) [Redacted] Notice from the

District of West Vancouver and have now sent my written submission in this email.

>

>

>

> Thanks very much.

>

>

> Sincerely,

> [Redacted] s. 22(1)

>

>

>

>

>

>



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: **3555 Sunset Lane**

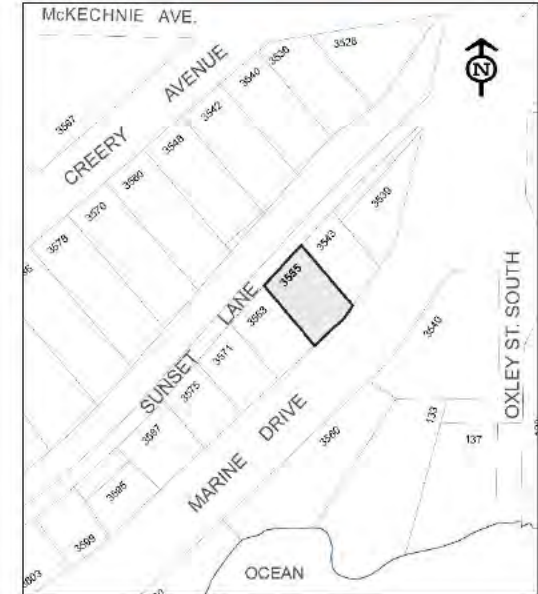
A Board of Variance hearing will be held on:

**Wednesday, May 17, 2023**

**at 5 p.m. via electronic communication facilities**

**The following variance for a proposed deck  
 at 3555 Sunset Lane will be considered:**

| Front Yard Setback | Bylaw Requirement | Proposed | Variance |
|--------------------|-------------------|----------|----------|
|                    | 9.1 m             | 2.98 m   | 6.12 m   |



**To make an appointment to view plans, permit and variance information** contact Terry Yee (Building Inspector) at [tyee@westvancouver.ca](mailto: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](mailto: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 May 17, 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: 3555 SUNSET LANE

## Applicant (please print clearly)

Name(s): JOE ROMMEL, ROMMEL DESIGN LTD. Phone #: 604 913 0103  
 Mailing Address: s. 22(1) WEST VANCOUVER, BC, 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 #:  
 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.

Applicant Signature: s. 22(1) Date: 20th, March, 2023

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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Monday, December 13, 2021

To ; District of West Vancouver, Board of Variance

Re; 3555 Sunset Lane

**Hardship letter**

**Non-confirming work which has commenced;**

- The construction of a lower framed deck and walkway adjacent to the south and west portion of the dwelling at the basement level.

**Hardship;**

The existing dwelling is sited in such a manner that a small portion of the principal dwelling in the front, as well as a large portion of the same in the rear, are projecting into their required setbacks. This was unbeknown to our client when first purchasing the property. During a fire event before the onset of renovations, the deck in question was mainly destroyed, and replaced with a slightly larger deck, as well as the walkway. The fact that the existing and replacement deck are located well outside of the required setback, makes any proposed construction in this area non-conforming, and therefore cannot be performed under the allowable zoning by-laws. This presents a hardship.

We hope that the Board confers, and is able to provide a supportive vote.

Sincerely,

s. 22(1)



Joe Rommel, Dipl T  
Rommel Design Ltd.





IMAGE 01



IMAGE 02

3555 Sunset Lane  
 3555 Sunset Lane  
 West Vancouver  
 BC

Rommel Design Ltd.  
 s. 22(1)  
 West Vancouver B.C.  
 s. 22(1)  
 604-913-0103  
 info@rommeldesign.com



TITLE: BEFORE - SITE PICTURES

SCALE: AS NOTED

DATE: MARCH 20, 2023

PAGE:

1/2





IMAGE 01



IMAGE 02



IMAGE 03

3555 Sunset Lane  
3555 Sunset Lane  
West Vancouver  
BC

Rommel Design Ltd.  
s. 22(1)  
West Vancouver B.C.  
s. 22(1)  
604-913-0103  
info@rommeldesign.com



TITLE: AFTER - SITE PICTURES

SCALE: AS NOTED

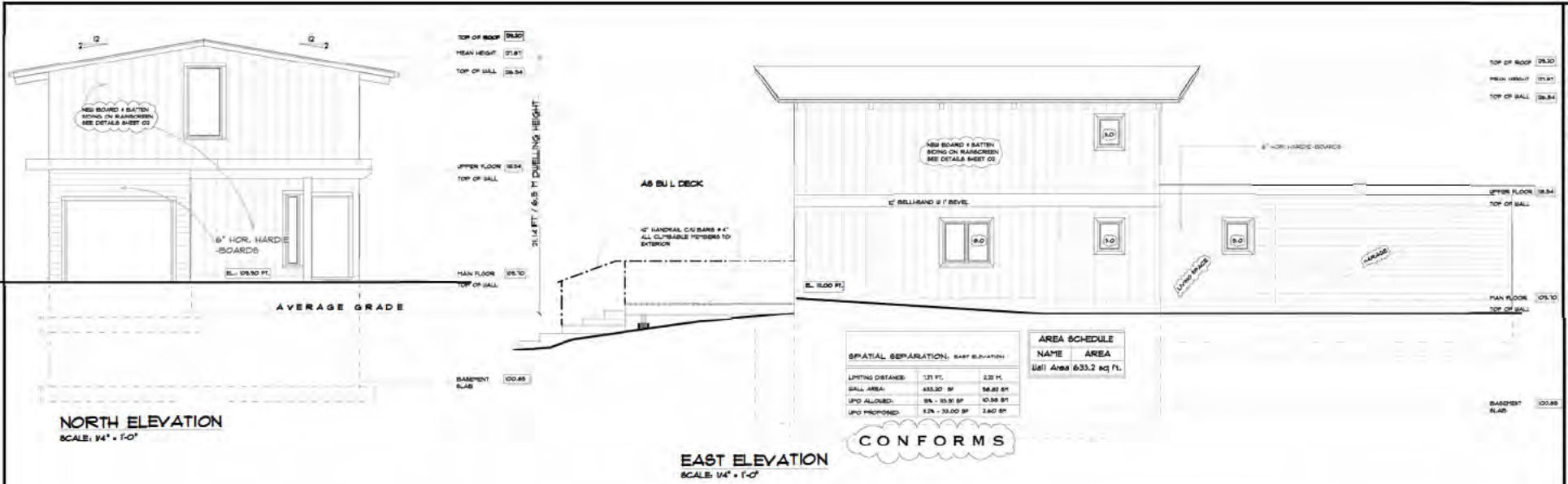
DATE: MARCH 20, 2023

PAGE:

2/2







**AREA SCHEDULE**

| NAME      | AREA         |
|-----------|--------------|
| Util Area | 633.2 sq Ft. |

**SPATIAL SEPARATION: EAST ELEVATION**

|                   |                 |          |
|-------------------|-----------------|----------|
| LIFTING DISTANCE: | 1.31 FT.        | 2.22 M.  |
| WALL AREA:        | 433.20 SF       | 58.82 SM |
| UPD ALLOWED:      | 8% = 35.91 SF   | 10.56 SM |
| UPD PROPOSED:     | 8.2% = 35.00 SF | 2.60 SM  |

**SPATIAL SEPARATION: WEST ELEVATION**

|                   |                   |          |
|-------------------|-------------------|----------|
| LIFTING DISTANCE: | 38.34 FT.         | 1.18 M.  |
| WALL AREA:        | 433.20 SF         | 58.82 SM |
| UPD ALLOWED:      | NO UPD            | NO UPD   |
| UPD PROPOSED:     | 38.3% = 398.82 SF | 14.84 SM |

|                      |  |
|----------------------|--|
| PROJECT/DRAWING NO.: | R2303  |
| PROJECT:             | REPLACE EXISTING GARMENT RE-LOCATE + GARAGE ADDITION 3988 BUNSET LANE WEST YANCOOVER |
| DATE:                | APR 18 2023  |
| SCALE:               | 1/4" = 1'-0"   |
| TITLE:               | ELEVATIONS   |
| REVISIONS:           |  |
| DRAWN BY:            | JER  |
| SHEET:               | 02 OF 02   |

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NEW YORK AND DELAWARE SPECIALISTS

ROMMEL DESIGN LTD.







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

April 12, 2023

File: **BP117674**

s. 22(1)

Dear Sir/Madam

**RE: 3555 SUNSET LANE - 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 additions and alternations will not comply with the Zoning Bylaw because it does not maintain the required 9.1 m front yard setback.

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

|                             | Bylaw | Proposed | Variance |
|-----------------------------|-------|----------|----------|
| Front Yard Setback for deck | 9.1 m | 2.98 m   | 6.12 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 19th April 2023**. The next Board of Variance Hearing is scheduled for **Wednesday 17th May 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.

---

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.

Regards,

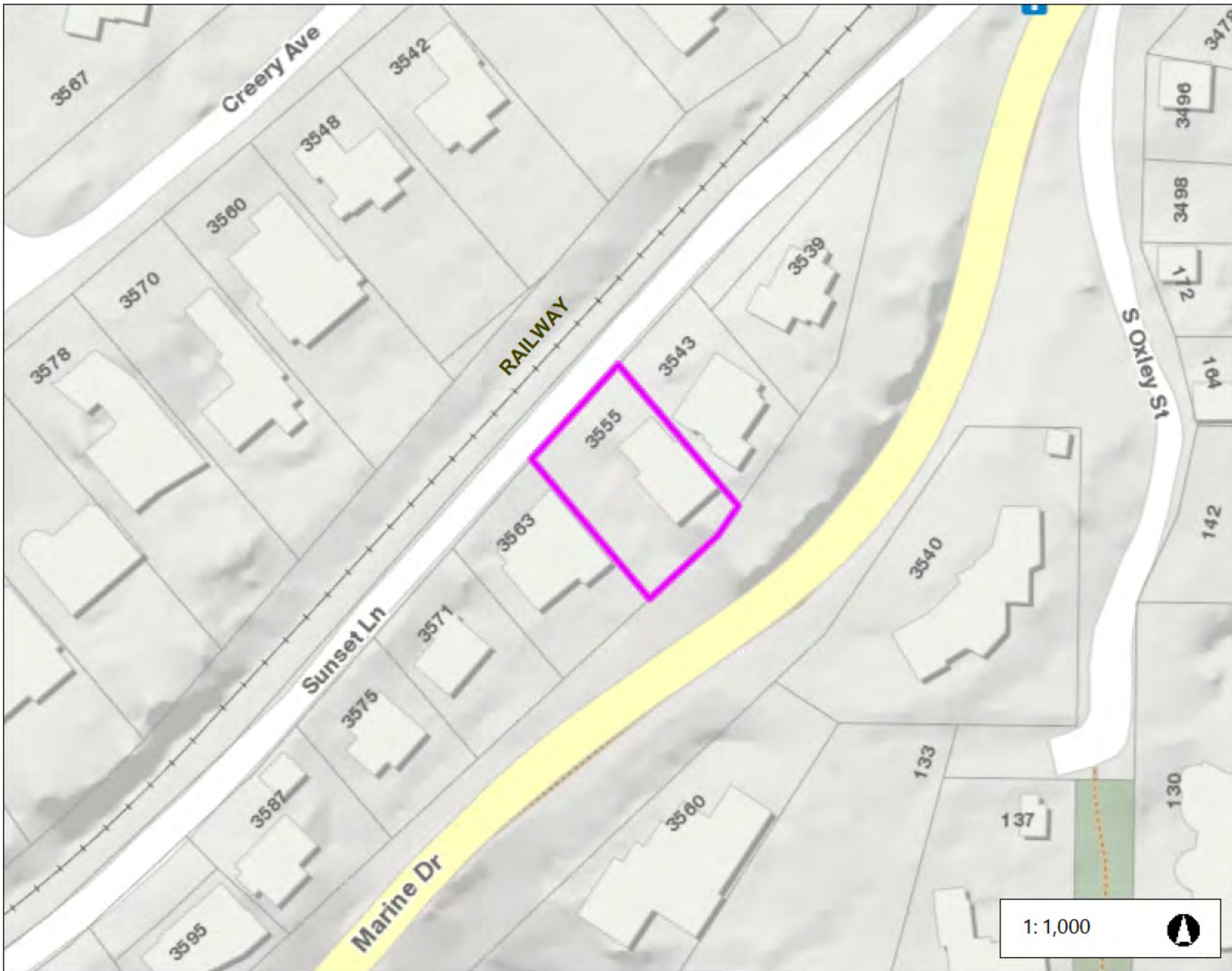
s. 22(1)

Nicole Colby  
Plans Examiner  
[ncolby@westvancouver.ca](mailto:ncolby@westvancouver.ca)

cc:me

Enclosure

cc: Secretary, Board of Variance



Legend

Notes

1:1,000



50.8 0 25.40 50.8 Meters

WGS\_1984\_UTM\_Zone\_10N  
District of West Vancouver

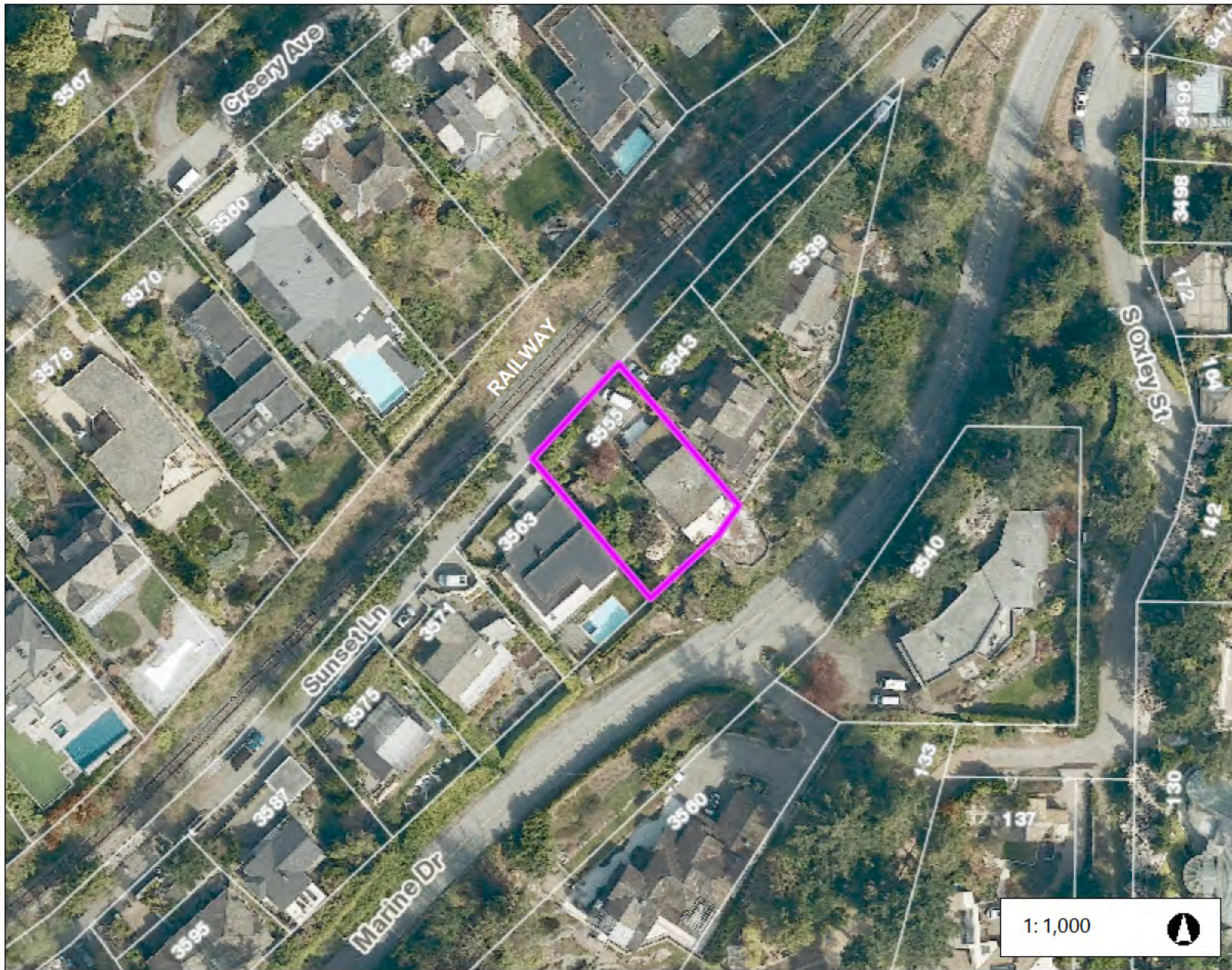
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

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Legend

Notes

1:1,000



50.8 0 25.40 50.8 Meters

WGS\_1984\_UTM\_Zone\_10N  
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: **1405 28th Street**

A Board of Variance hearing will be held on:

**Wednesday, May 17, 2023**

**at 5 p.m. via electronic communication facilities**

**The following variances for a proposed power pole (accessory structure) at 1405 28th Street will be considered:**

|                           |                   |          |          |
|---------------------------|-------------------|----------|----------|
| Front Yard Setback        | Bylaw Requirement | Proposed | Variance |
|                           | 9.1 m             | 1.28 m   | 7.82 m   |
| Minimum Side Yard Setback | Bylaw Requirement | Proposed | Variance |
|                           | 2.12 m            | 1.00 m   | 1.12 m   |
| Accessory Building Height | Bylaw Requirement | Proposed | Variance |
|                           | 3.7 m             | 5.5 m    | 1.8 m    |



**To make an appointment to view plans, permit and variance information** contact Terry Yee (Building Inspector) at [tyee@westvancouver.ca](mailto: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](mailto: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 May 17, 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: 1405 28th st, West Vancouver, BC, V7V 4LB

## Applicant *(please print clearly)*

Name(s): Eurohouse Construction Inc Phone #: 6047285682

Mailing Address: 2464 Marine Dr, West Vancouver, V7V1L1 Cell #: \_\_\_\_\_

Email Address: info@eurohouse.ca Fax #: \_\_\_\_\_

Interest of Applicant:  Agent  Architect/Builder/Designer  Owner

(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] 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] s. 22(1)

13 April 2023

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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**23-021**

**SCOPE OF WORK & ADDENDUM TO BUILDING PERMIT APPLICATION**

**FOR 1405 28<sup>th</sup> STREET, WEST VANCOUVER BC V7V 4L8**

**March 3, 2023**

**Attn:**

**District of West Vancouver**

**Permits Department**

**Regarding: BP 117334**

**1405 28<sup>th</sup> St., West Vancouver**

**Application for Private Pole location**

The attached building permit application is for the placement of the private pole located within the setback area, as shown in the attached drawing.

BC Hydro regulation and approved architectural design prevent the owner from receiving overhead connections without the placement of the private pole. The architectural design shows balconies on the northeast and southeast corners; therefore, the overhead connection is not feasible.

The scope of work will require placing a private pole northeast in the corner of the property outside of the setback area to receive an overhead Hydro connection. There is no other feasible location for the placement of the pole that would satisfy the bylaw. As it is an overhead 400A electrical service, the kiosk will be mounted to the pole. The underground connecting will be brought from the pole to the mechanical room located in the northeast corner of the basement.

# SUMMARY OF ZONING VARIANCES

Permits & Inspections Department – Pre-review for Board of Variance

|                 |          |                       |
|-----------------|----------|-----------------------|
| Owner's Name:   | s. 22(1) |                       |
| Mailing Address | s. 22(1) | Postal Code: s. 22(1) |
| Email:          | s. 22(1) | Res. Phone: s. 22(1)  |

|   |                    |
|---|--------------------|
| Zone: RS2   | Date: 3 march 2023 |
| Subject Property Address: 1405 28th st, West vancouver  |                    |
| Project Description: (Example: Proposed Dwelling does not meet the required front yard setback of 9.1m...)<br>Installation of electrical private pole |                    |

## SUMMARY OF VARIANCES

Specify the variances requested for this project

| Regulation                                       | Variance for:<br>(i.e., shed, power pole)            | Zoning Bylaw<br>Requirement | Proposed     | Variance     | Zoning Bylaw<br>Section |
|--|--|-----------------------------|--------------|--------------|-------------------------|
| <i>*Example: Front Yard<br/>Setback</i>          | <i>*Principal Dwelling (RS-3)<br/>See Page A1.0.</i> | <i>*9.1m</i>                | <i>*7.5m</i> | <i>*1.6m</i> | <i>*Bylaw #203.07</i>   |
| Front Yard Setback                               | Private pole RS2                                     | 9.1 m                       | 1.28 m       | 7.82 m       | By aw #202.07           |
| Rear Yard Setback                                |  | m                           | m            | m            |                         |
| Minimum Side Yard<br>Setback                     | Private Pole RS2                                     | 2.12 m                      | 1 m          | 1.12 m       | Bylaw #202.09           |
| Combined Side Yard                               |  | m                           | m            | m            |                         |
| Building/Structure Height                        | Private Pole RS2                                     | m                           | 5.5 m        | m            |                         |
| Highest Building Face<br>Envelope                |  | m                           | m            | m            |                         |
| Permitted HBF exemption                          |  | % of face                   | % of face    | % of face    |                         |
| Number of Storeys                                |  | storeys                     | storeys      | storeys      |                         |
| Distance Between Principal<br>and Acc. Buildings |  | m                           | m            | m            |                         |
| Accessory Building Height                        |  | m                           | m            | m            |                         |
| Site Coverage Percentage                         |  | %                           | %            | %            |                         |
| Other  |  |                             |              |              |                         |
| Other  |  |                             |              |              |                         |
| Other  |  |                             |              |              |                         |



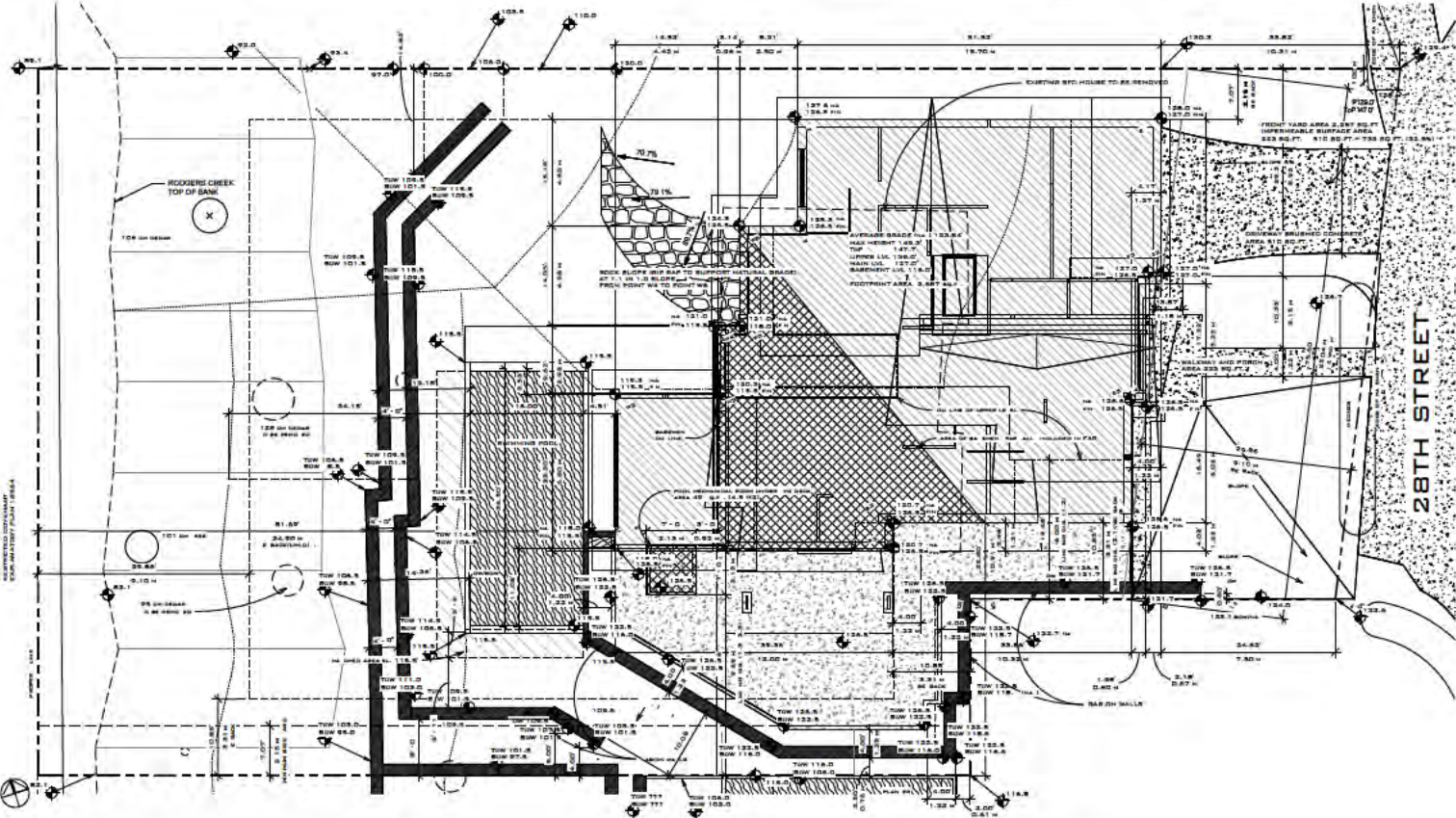
LEGAL DESCRIPTION  
 LOT 2, BLOCK 81, DISTRICT LOT 888 GROUP 1, NEW WESTMINSTER DISTRICT PLAN 18448  
 PID 027 43 888  
 DING JOSEPH  
 1405 28TH STREET, WEST VANCOUVER, BC

| Item                    | Quantity | Unit  | Value     |
|-------------------------|----------|-------|-----------|
| Excavation              | 1,000.00 | cu yd | 1,000.00  |
| Backfill                | 1,000.00 | cu yd | 1,000.00  |
| Gravel                  | 1,000.00 | cu yd | 1,000.00  |
| Asphalt                 | 1,000.00 | sq yd | 1,000.00  |
| Concrete                | 1,000.00 | cu yd | 1,000.00  |
| Rebar                   | 1,000.00 | lb    | 1,000.00  |
| Formwork                | 1,000.00 | sq ft | 1,000.00  |
| Paint                   | 1,000.00 | gal   | 1,000.00  |
| Lighting                | 1,000.00 | ft    | 1,000.00  |
| Landscaping             | 1,000.00 | sq ft | 1,000.00  |
| Site Preparation        | 1,000.00 | sq ft | 1,000.00  |
| Permit Fees             | 1,000.00 | USD   | 1,000.00  |
| Professional Fees       | 1,000.00 | USD   | 1,000.00  |
| Construction Management | 1,000.00 | USD   | 1,000.00  |
| Contingency             | 1,000.00 | USD   | 1,000.00  |
| Total                   |          |       | 14,000.00 |

|                 |        |
|-----------------|--------|
| Proposed Budget | 14,000 |
| Actual Budget   | 14,000 |
| Variance        | 0      |

| Station | Original Elevation | Proposed Elevation | Grade (%) | Distance (ft) | Volume (cu yd) |
|---------|--------------------|--------------------|-----------|---------------|----------------|
| 1+00    | 120.00             | 120.00             | 0.0       | 0.00          | 0.0000         |
| 1+05    | 121.00             | 121.00             | 0.0       | 5.00          | 0.0000         |
| 1+10    | 122.00             | 122.00             | 0.0       | 10.00         | 0.0000         |
| 1+15    | 123.00             | 123.00             | 0.0       | 15.00         | 0.0000         |
| 1+20    | 124.00             | 124.00             | 0.0       | 20.00         | 0.0000         |
| 1+25    | 125.00             | 125.00             | 0.0       | 25.00         | 0.0000         |
| 1+30    | 126.00             | 126.00             | 0.0       | 30.00         | 0.0000         |
| 1+35    | 127.00             | 127.00             | 0.0       | 35.00         | 0.0000         |
| 1+40    | 128.00             | 128.00             | 0.0       | 40.00         | 0.0000         |
| 1+45    | 129.00             | 129.00             | 0.0       | 45.00         | 0.0000         |
| 1+50    | 130.00             | 130.00             | 0.0       | 50.00         | 0.0000         |
| 1+55    | 131.00             | 131.00             | 0.0       | 55.00         | 0.0000         |
| 1+60    | 132.00             | 132.00             | 0.0       | 60.00         | 0.0000         |
| 1+65    | 133.00             | 133.00             | 0.0       | 65.00         | 0.0000         |
| 1+70    | 134.00             | 134.00             | 0.0       | 70.00         | 0.0000         |
| 1+75    | 135.00             | 135.00             | 0.0       | 75.00         | 0.0000         |
| 1+80    | 136.00             | 136.00             | 0.0       | 80.00         | 0.0000         |
| 1+85    | 137.00             | 137.00             | 0.0       | 85.00         | 0.0000         |
| 1+90    | 138.00             | 138.00             | 0.0       | 90.00         | 0.0000         |
| 1+95    | 139.00             | 139.00             | 0.0       | 95.00         | 0.0000         |
| 2+00    | 140.00             | 140.00             | 0.0       | 100.00        | 0.0000         |
| Total   |                    |                    |           |               | 0.0000         |

| Station | Original Elevation | Proposed Elevation | Grade (%) | Distance (ft) | Volume (cu yd) |
|---------|--------------------|--------------------|-----------|---------------|----------------|
| 1+00    | 120.00             | 120.00             | 0.0       | 0.00          | 0.0000         |
| 1+05    | 121.00             | 121.00             | 0.0       | 5.00          | 0.0000         |
| 1+10    | 122.00             | 122.00             | 0.0       | 10.00         | 0.0000         |
| 1+15    | 123.00             | 123.00             | 0.0       | 15.00         | 0.0000         |
| 1+20    | 124.00             | 124.00             | 0.0       | 20.00         | 0.0000         |
| 1+25    | 125.00             | 125.00             | 0.0       | 25.00         | 0.0000         |
| 1+30    | 126.00             | 126.00             | 0.0       | 30.00         | 0.0000         |
| 1+35    | 127.00             | 127.00             | 0.0       | 35.00         | 0.0000         |
| 1+40    | 128.00             | 128.00             | 0.0       | 40.00         | 0.0000         |
| 1+45    | 129.00             | 129.00             | 0.0       | 45.00         | 0.0000         |
| 1+50    | 130.00             | 130.00             | 0.0       | 50.00         | 0.0000         |
| 1+55    | 131.00             | 131.00             | 0.0       | 55.00         | 0.0000         |
| 1+60    | 132.00             | 132.00             | 0.0       | 60.00         | 0.0000         |
| 1+65    | 133.00             | 133.00             | 0.0       | 65.00         | 0.0000         |
| 1+70    | 134.00             | 134.00             | 0.0       | 70.00         | 0.0000         |
| 1+75    | 135.00             | 135.00             | 0.0       | 75.00         | 0.0000         |
| 1+80    | 136.00             | 136.00             | 0.0       | 80.00         | 0.0000         |
| 1+85    | 137.00             | 137.00             | 0.0       | 85.00         | 0.0000         |
| 1+90    | 138.00             | 138.00             | 0.0       | 90.00         | 0.0000         |
| 1+95    | 139.00             | 139.00             | 0.0       | 95.00         | 0.0000         |
| 2+00    | 140.00             | 140.00             | 0.0       | 100.00        | 0.0000         |
| Total   |                    |                    |           |               | 0.0000         |



NOTES

|    |  |
|----|--|
| NO |  |
|----|--|

REVISION

|    |  |
|----|--|
| NO |  |
|----|--|

PROJECT  
 1405 28th Street,  
 West Vancouver

TITLE  
 Site Plan

DRAWN  
 Eurohouse

REVIEWED  
 Eurohouse

DATE  
 10Jun22

SCALE  
 1/8" = 1'-0"

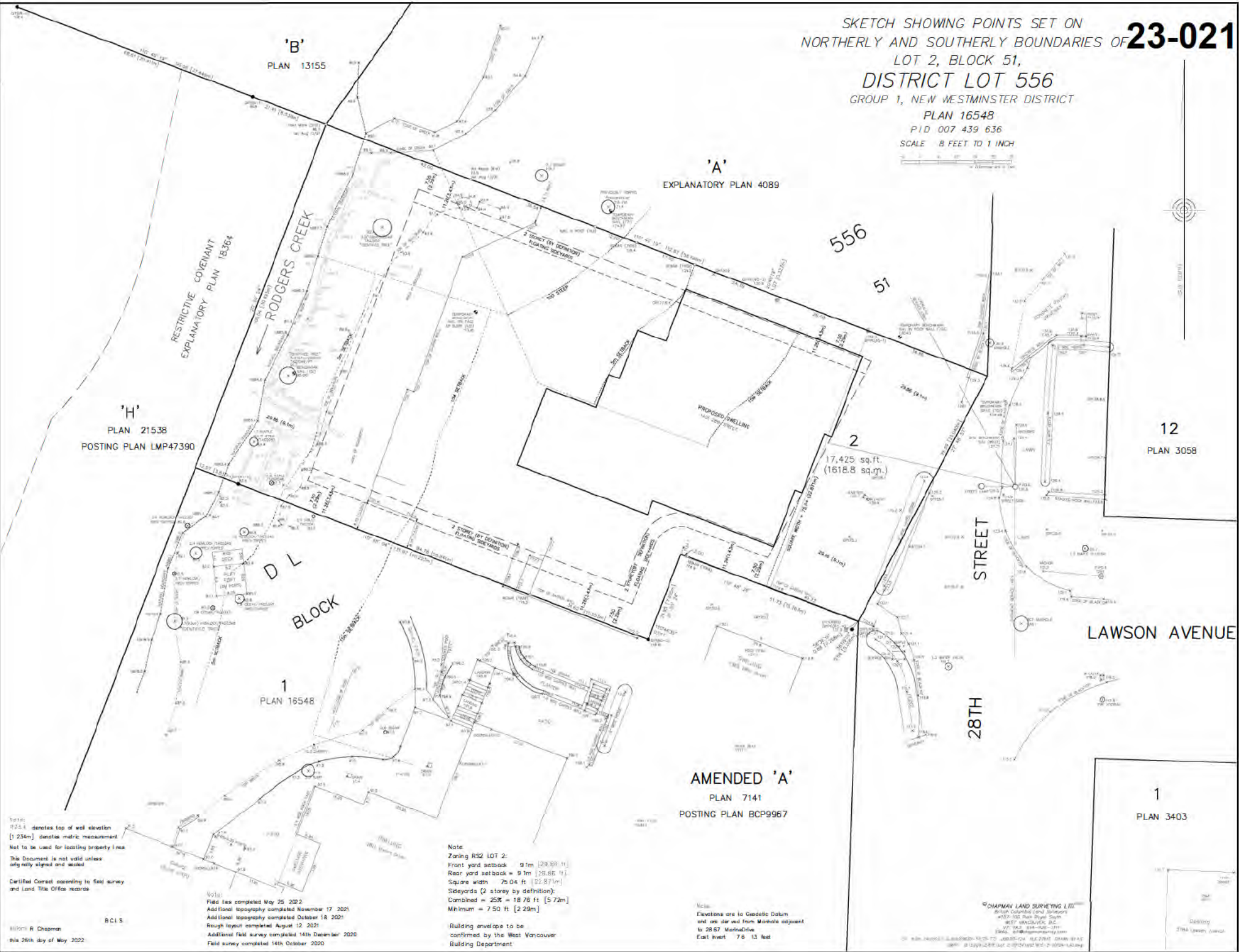
PROJECT  
 A1.1EH

DRAWING NO.

SKETCH SHOWING POINTS SET ON  
NORTHERLY AND SOUTHERLY BOUNDARIES OF **23-021**

LOT 2, BLOCK 51,  
DISTRICT LOT 556  
GROUP 1, NEW WESTMINSTER DISTRICT

PLAN 16548  
PID 007 439 636  
SCALE 8 FEET TO 1 INCH



Notes:  
1024.4 denotes top of wall elevation  
[1 234m] denotes metric measurement  
Not to be used for locating property lines  
This Document is not valid unless  
originally signed and sealed

Certified Correct according to field survey  
and Land Title Office records

William R Chapman  
this 26th day of May 2022

Note:  
Field tax completed May 25 2022  
Additional topography completed November 17 2021  
Additional topography completed October 18 2021  
Rough layout completed August 12 2021  
Additional field survey completed 14th December 2020  
Field survey completed 14th October 2020

Note:  
Zoning RS2 LOT 2:  
Front yard setback = 9.1m [29.88 ft]  
Rear yard setback = 9.1m [29.86 ft]  
Square width = 75.04 ft [22.87m]  
Sideyards (2 storey by definition):  
Combined = 25% = 18.76 ft [5.72m]  
Minimum = 7.50 ft [2.29m]

Building envelope to be  
confirmed by the West Vancouver  
Building Department

AMENDED 'A'  
PLAN 7141  
POSTING PLAN BCP9967

Note:  
Elevations are to Canadian Datum  
and are derived from Monroble adjacent  
to 2887 Marquand Ave  
Elev. interval 7.6 13 feet

CHAPMAN LAND SURVEYING LTD.  
British Columbia Land Surveyors  
4050-102 Park Royal South  
WEST VANCOUVER, B.C.  
V6V 1K8 (604) 261-1999  
1966, 1988, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022

Dealing  
2764 (Government)



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

April 4, 2023

File: **BP118656**

s. 22(1)

Dear Sir/Madam

**RE: 1405 28TH STREET - WEST VANCOUVER  
 BUILDING PERMIT APPLICATION – RS2 ZONE**

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

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

The Zoning Bylaw, Section 202.07 requires a front yard setback as indicated in the table below:

|                                   | Bylaw | Proposed | Variance |
|-----------------------------------|-------|----------|----------|
| Front Yard Setback for Power Pole | 9.1 m | 1.28 m   | 7.82 m   |

The Zoning Bylaw, Section 202.09 requires a minimum side yard setback as indicated in the table below:

|  | Bylaw  | Proposed | Variance |
|--|--------|----------|----------|
| Minimum Side Yard Setback for Power Pole | 2.12 m | 1.0 m    | 1.12 m   |

The Zoning Bylaw, Section 130.01 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 Power Pole | 3.7 m | 5.5 m    | 1.8 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 19th April 2023**. The next Board of Variance Hearing is scheduled for **Wednesday 17th May 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.

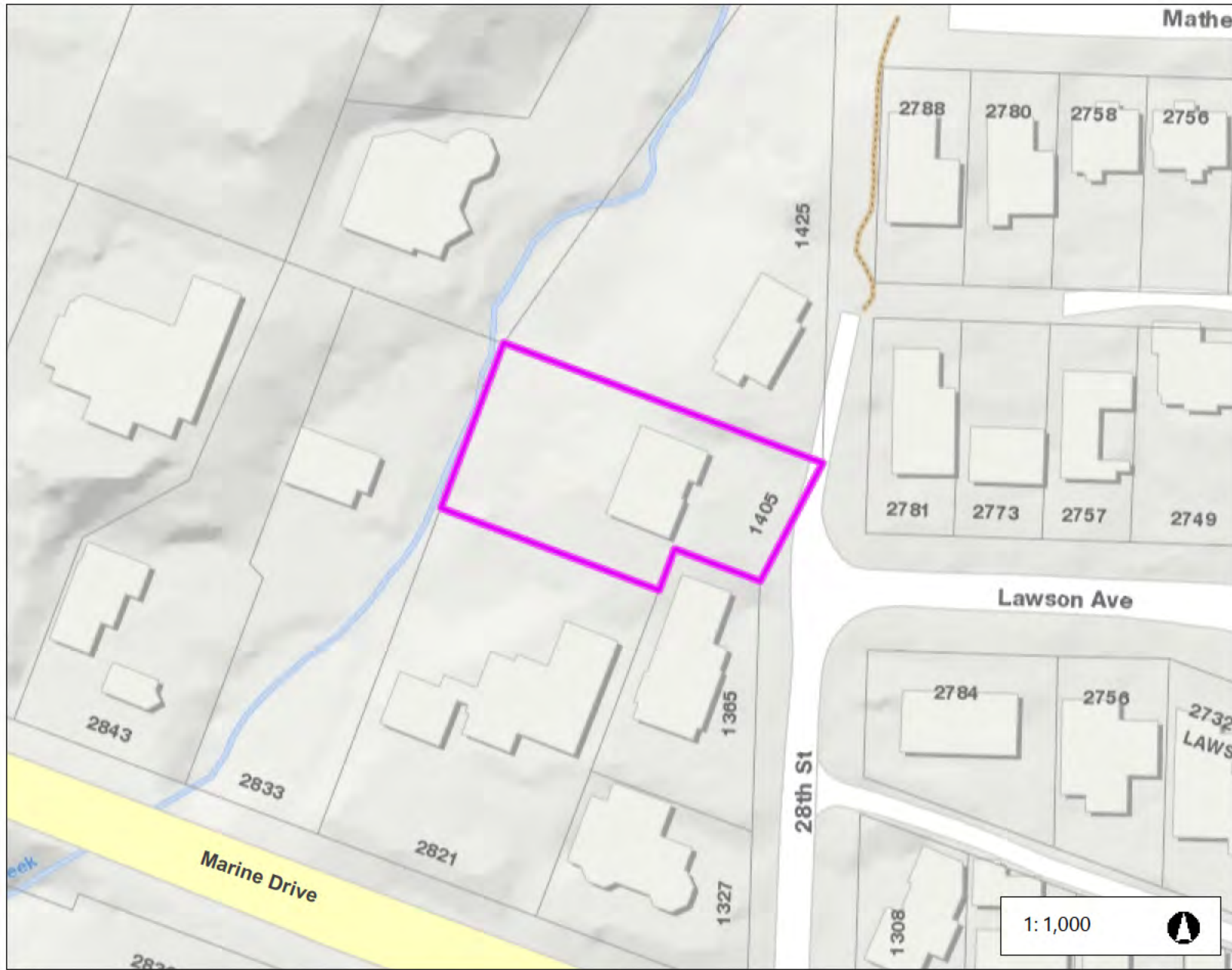
Thank you.

s. 22(1)



Eric Mah  
Assistant Plans Examiner  
[enmah@westvancouver.ca](mailto:enmah@westvancouver.ca)  
Enclosure

cc: Secretary, Board of Variance



Legend

Notes

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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Legend

Notes

50.8 0 25.40 50.8 Meters

WGS\_1984\_UTM\_Zone\_10N  
District of West Vancouver

1:1,000



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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## NOTICE OF BOARD OF VARIANCE HEARING

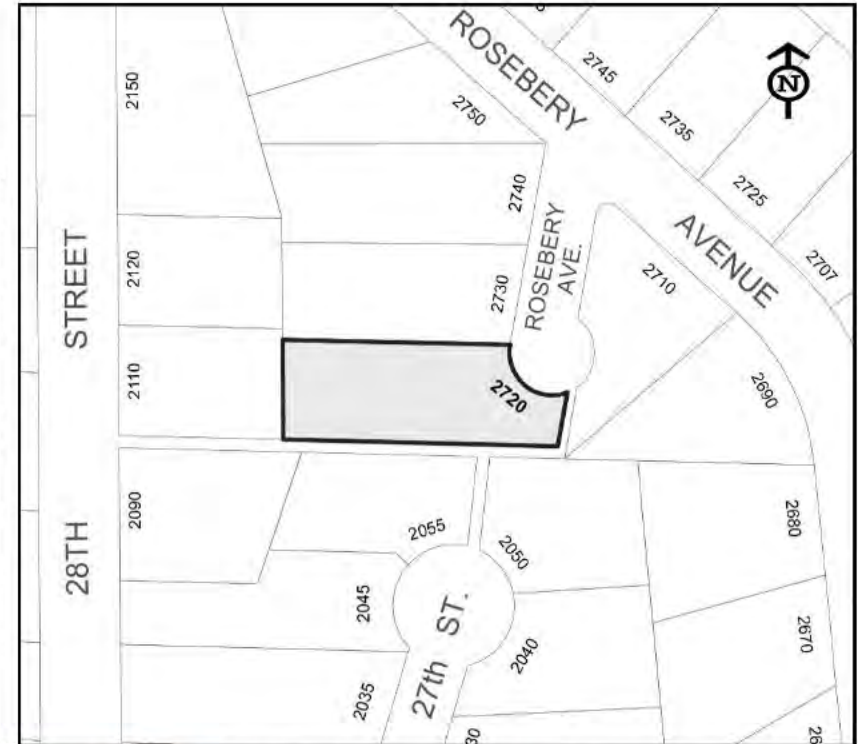
Subject property: **2720 Rosebery Avenue**

A Board of Variance hearing will be held on:

**Wednesday, May 17, 2023**  
**at 5 p.m. via electronic communication facilities**

The following variances for a proposed detached garage (accessory building) and proposed bridge (accessory structure) at 2720 Rosebery Avenue will be considered:

|  | Bylaw Requirement      | Proposed                | Variance   |
|--|------------------------|-------------------------|------------|
| Front Yard Setback (Detached Garage)                       | 9.1 m                  | 0.0 m                   | 9.1 m      |
| Front Yard Setback (Bridge)                                | 9.10 m                 | 5.64 m                  | 3.46 m     |
| Minimum Side Yard Setback (Detached Garage)                | 2.48 m                 | 1.69 m                  | 0.79 m     |
| Retaining Wall Grade Line                                  | 50 % slope             | 100 % slope             | 50 % slope |
| Retaining Wall Exposed Height                              | 1.2 m                  | 2.4 m                   | 1.2 m      |
| Accessory Building Height (Detached Garage)                | 3.7 m                  | 6.0 m                   | 2.3 m      |
| Accessory Structure Height (Bridge)                        | 3.70 m                 | 7.35 m                  | 3.65 m     |
| Number of Storeys for Accessory Building (Detached Garage) | 1 storey plus basement | 2 storeys (no basement) | 1 storey   |



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at [tyee@westvancouver.ca](mailto: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](mailto: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 May 17, 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: 2720 Rosebery Avenue, West Vancouver

## Applicant *(please print clearly)*

Name(s): Congli Xie Phone #: \_\_\_\_\_

Mailing Address: 1546 Marine Dr. WV Cell #: 7789082088

Email Address: congli@urbanlifedesign.ca 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 #: \_\_\_\_\_

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 public agenda binder for the Board of Variance Hearing.

\_\_\_\_\_  
s. 22(1)

4/16/23

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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## Letter of Hardship

RE: 2720 ROSEBERY AVENUE WEST VANCOUVER BC

Our client has requested a reconstruction of their detached garage because the current old garage is connected to a very steep old driveway, making the garage unusable.

The property's condition is such that it is elevated from the avenue, with a significant height difference between the front yard and the avenue's elevation. Therefore, the new garage must be raised to a level closer to the avenue's elevation and connected to the garage via a more gentle driveway; and also we need to create a bridge to connect the garage and the main house.

Given the actual conditions of the land, raising the garage to connect to the road will inevitably conflict with Zoning Bylaw. Therefore, in this situation, we are requesting a relaxation of the Zoning Bylaw. We are listing below several aspects of the requirements for variance.

1. Front yard setback for accessory building (detached garage)
2. Front yard setback for accessory structure(bridge)
3. Minimum side yard setback for detached garage
4. Retaining wall grade line
5. Retaining wall exposed height
6. Accessory building height for detached garage
7. Accessory structure height for bridge
8. Number of storeys for accessory building (detached garage)

Details please see our attached design drawings.

Congli Xie

Urban Life Design Inc.

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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

April 14, 2023

File: **BP118634**

s. 22(1)

Dear Sir/Madam:

**RE: 2720 ROSEBERY 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 Accessory Building (Detached Garage) and Accessory Structure (Bridge) will not comply with the Zoning Bylaw.

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 Accessory Building (Detached Garage) | 9.1 m | 0 m      | 9.1 m    |

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 Accessory Structure (Bridge) | 9.1 m | 5.64 m   | 3.46 m   |

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

|  | Bylaw  | Proposed | Variance |
|--|--------|----------|----------|
| Minimum Side Yard Setback for Accessory Building (Detached Garage) | 2.48 m | 1.69 m   | 0.79 m   |

The Zoning Bylaw, Section 120.22(2)(a) limits the retaining wall slope from the front site line to a maximum as indicated in the table below:

|                           | Bylaw      | Proposed    | Variance   |
|---------------------------|------------|-------------|------------|
| Retaining Wall Grade Line | 50 % slope | 100 % slope | 50 % slope |

The Zoning Bylaw, Section 120.22(6); 120.22(7) limits the maximum retaining wall exposed height from the front site line as indicated in the table below:

|                               | Bylaw | Proposed | Variance |
|-------------------------------|-------|----------|----------|
| Retaining Wall Exposed Height | 1.2 m | 2.4 m    | 1.2 m    |

The Zoning Bylaw, Section 130.01(7)(b)(i) requires that accessory building not exceed a height of 3.7 metres measured from the accessory building perimeter:

|   | Bylaw | Proposed | Variance |
|---|-------|----------|----------|
| Accessory Building Height for Detached Garage | 3.7 m | 6.0 m    | 2.3 m    |

The Zoning Bylaw, Section 130.01(7)(b)(i) requires that the accessory structure not exceed a height of 3.7 metres measured from the accessory structure perimeter:

|                                       | Bylaw | Proposed | Variance |
|---------------------------------------|-------|----------|----------|
| Accessory Structure Height for Bridge | 3.7 m | 7.35 m   | 3.65 m   |

The Zoning Bylaw, Section 130.01(7)(a) requires that the number of storeys not to exceed 1 storey plus basement as indicated in the table below:

|  | Bylaw                  | Proposed                | Variance |
|--|------------------------|-------------------------|----------|
| Number of Storeys for Accessory Building (Detached Garage) | 1 storey plus basement | 2 storeys (no basement) | 1 storey |

---

Comments:

- Tree Permit is required pending outcome at Hearing.
- Minimum side yard is in reference to South and East property lines.

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, April 19, 2023**. The next Board of Variance Hearing is scheduled for **May 17, 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  
Enclosure:NC

cc: Secretary, Board of Variance

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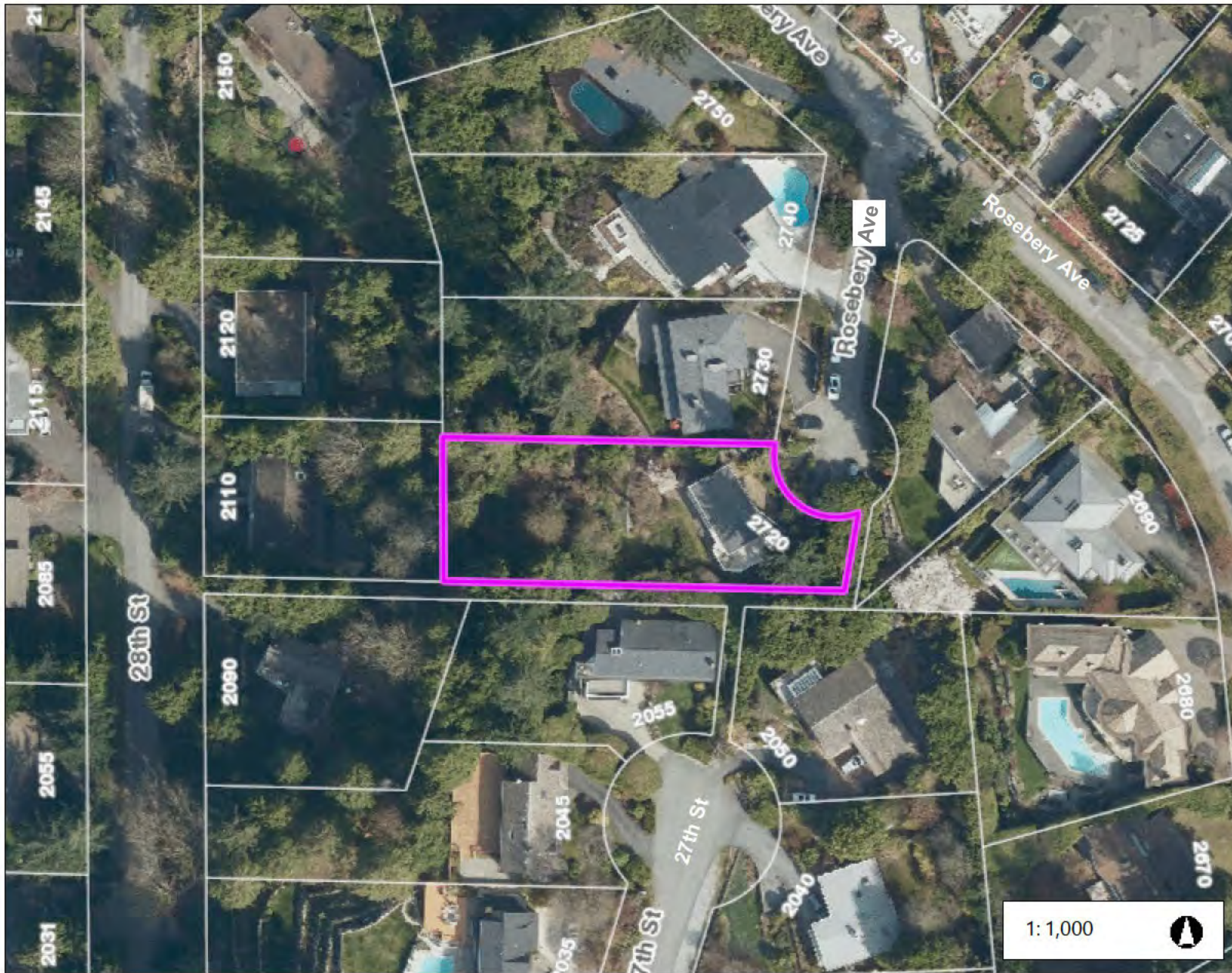




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Legend

Notes

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50.8 0 25.40 50.8 Meters

WGS\_1984\_UTM\_Zone\_10N  
District of West Vancouver

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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: **4172 Rose Crescent**

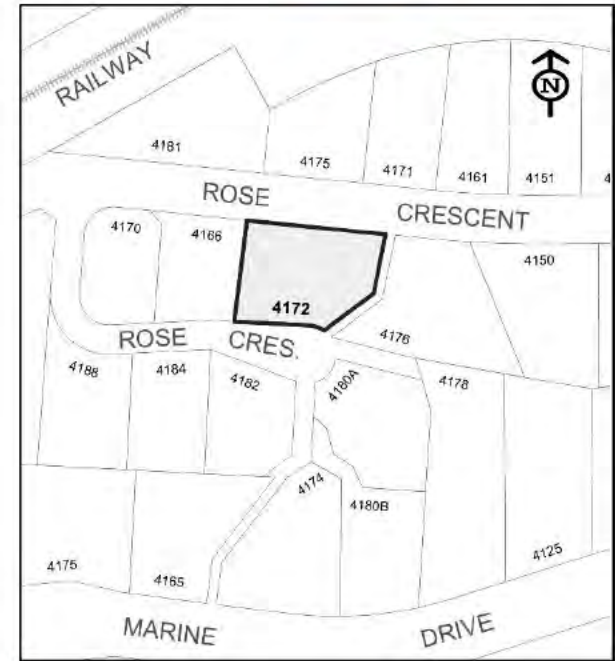
A Board of Variance hearing will be held on:

**Wednesday, May 17, 2023**

**at 5 p.m. via electronic communication facilities**

**The following variance for a deck and additions  
 at 4172 Rose Crescent will be considered:**

| Front Yard Setback from<br>North Side of Rose Crescent | Bylaw Requirement | Proposed | Variance |
|--|-------------------|----------|----------|
|  | 9.10 m            | 6.56 m   | 2.54 m   |



**To make an appointment to view plans, permit and variance information** contact Terry Yee (Building Inspector) at [tyee@westvancouver.ca](mailto: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](mailto: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 May 17, 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: 4172 Rose Crescent

### Applicant (please print clearly)

Name(s): Alvin Martin Phone #: \_\_\_\_\_

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

Email Address: \_\_\_\_\_ Fax #: \_\_\_\_\_

Interest of Applicant: \_\_\_\_\_ 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 #: \_\_\_\_\_

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

Email Address: \_\_\_\_\_ Fax #: \_\_\_\_\_

### Completed Application Must Include

- A letter (signed original) describing:
- The proposed construction;
  - The requested variance(s); and
  - 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 included in the public agenda binder for the Board of Variance Hearing.

\_\_\_\_\_  
s. 22(1)  
Applicant Signature

April 17th, 2023  
\_\_\_\_\_  
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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## 4172 Rose Crescent – Variance Request

April 17<sup>th</sup>, 2023

We would like to make a request for a variance to our property located at 4172 Rose Crescent. We recently purchased the property and have submitted a building permit application for the renovation of the existing house in Dec 2022. The building permit review discovered that there is a small portion of the house that extends over the front setback, which was added to house without permit by previous owners. Unfortunately this was not disclosed to us at the time of our purchase last year. I have outlined the area on the attached site plan and photos so you can get a full understanding of the areas in question.

Our plans include the renovation of the interior of the existing building, as well as the replacement of all windows and doors. One of the main reasons we are renovating is to prevent the complete destruction of the existing house, and the typical waste of materials being deposited in the land fill. We value what's been built to-date and are trying to keep our livable footprint to a reasonable area. If we were to demolish the house, we could build up to +/-4000sf (376 sm), but our plans are to keep the existing 3,188sf (296sm) house thereby minimizing our footprint and saving energy in turn.

Issues to address within our variance request:

- 1.0 Our property is a through-lot which requires a 9.1m setback from both the front (north) and rear (south) property lines.
- 2.0 There is a non-conforming part of the house that was approved in 1979, with a 7.31m setback – this portion of the house is to remain. *This area is hatched in attached plan.*
- 3.0 It appears that the large deck on the west end of the house was built without permits and extends beyond the setbacks on both the north and west sides. The area of the deck built without permits is approx 75sm. Our BP submission has always included the demolition of this existing deck and construction of a new deck more to the south of the existing house and firmly placed within the setbacks, which will conform to the bylaws.  
*The existing deck is shown dashed in attached plan.*
- 4.0 Our main entrance to the house is on the north side, facing Rose Crescent, and was built without permits by previous owners. This portion is two storeys in height and contains our front door as well as the main stair connecting the entry/lower floor to the main living space above. The footprint of this area that extends over the setback is approx 10sm.  
As you can see from the plan, the entirety of the existing house was built directly on the front property line with the north end extending over. This may have been because of the rocky nature of the site. The house sits on top of the bedrock. 2/3 of the house is one storey in height with the east end two storeys in height, dropping down to a driveway at the rear of the house. This means there is no room within the setbacks for a new front door and stair to connect to the main living space. Our renovation plans include the rebuilding of the stairs within the building envelope, to ensure they meet code. Our intention is to keep the existing envelope and upgrade as necessary for any

structural req's, as well as replacement of all windows and doors to bring the house up to a more air-tight, energy efficient level.

The majority of the house on the north side is blocked from view by the steep rocky topography and natural vegetation, *see attached photos*. Most people driving along Rose Crescent will not know that there is a house above them. The most visible thing from our neighbours to the north (two houses) is the non-conforming deck, which we are removing. Due to the nature of the site, there are no houses above the two Rose Crescent neighbours to the north that can see our property.

- It is our hope that we can keep this enclosed main entrance and stair. It would create a significant hardship for us to create another way for people to get from Rose Crescent to our front door and up into the main living space of the house, with the existing building already right up against the setback.

5.0 There is an existing covered deck, directly to the north of the main entrance/stair, that was built by previous owners without a permit and is indicated on our BP drawings as remaining, *shown dashed on attached plan*. The foot print of the deck that extends over the setback is approx 13sm and is in-line with the main entrance/stair.

It is our hope that this structure can remain, as it provides the only covered outdoor space on our site, is unobtrusive and as with the entrance, blocked from the view of our neighbours by the steep slope and vegetation along the north side of the property. As mentioned previously, we are also trying to keep as much material out of the landfill as possible in an attempt to build sustainably.

We hope this letter and attached site plan and photos provides a clear understanding of what the issues are with this house and how we are trying to be as conscientious and sustainable as possible with our renovations. We also hope that you can see how the portions of the building not conforming, were created by previous owners and would create a serious hardship for us to rectify.

In closing our request for variance is as follows:

- Allow a variance for the 10sm footprint of non-conforming main entrance/stair to remain in place.
- Allow a variance for the 13sm footprint of non-conforming covered adjacent deck to remain in place.
- As part of our Building Permit, we will demolish the 75sm existing non-conforming deck

Yours Sincerely

s. 22(1)





BUILDING PERMIT SUBMISSION

The construction will not require any excavation works and/or soil disturbance  
Material will be stockpiled on site and covered with Poly.

As shown, all work is to be done in accordance with the Building Code of the City of Vancouver. The contractor is responsible for obtaining all necessary permits and for ensuring that the work is done in accordance with the Building Code of the City of Vancouver. The contractor is also responsible for ensuring that the work is done in accordance with the Building Code of the City of Vancouver.

PROPERTY / SITE INFORMATION

ZONING: RS4

SITE AREA: 1,253 sm (13,488 sf)

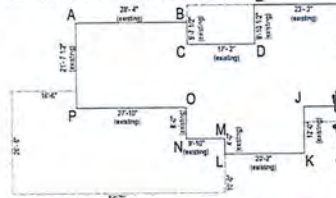
LOT COVERAGE: Existing = 29.3%  
house = 212 sm (2,282 sf)  
deck = 155 sm (1,668 sf)  
Total existing lot coverage = 367 sm (3,950 sf)

Proposed = 28.6% Allowable = 30%  
house = 212 sm (2,282 sf)  
deck = 146 sm (1,572 sf)

PORTION OF EXISTING HOUSE WITH 7.31m SETBACK APPROVED IN 1979  
Main Floor Level = 212 sm (2,282 sf)  
Total = 296.20 sm (3,188 sf)

FRONT YARD SETBACK: 9.10 m (29'-10 3/8")  
REAR YARD SETBACK: 9.10 m (29'-10 3/8")  
SIDE YARD SETBACK - West: 4.20 m (13'-10 1/2")  
SIDE YARD SETBACK - East: 2.85 m (9'-4")  
COMBINED SIDE YARD: 7.07 m (23.20 ft)

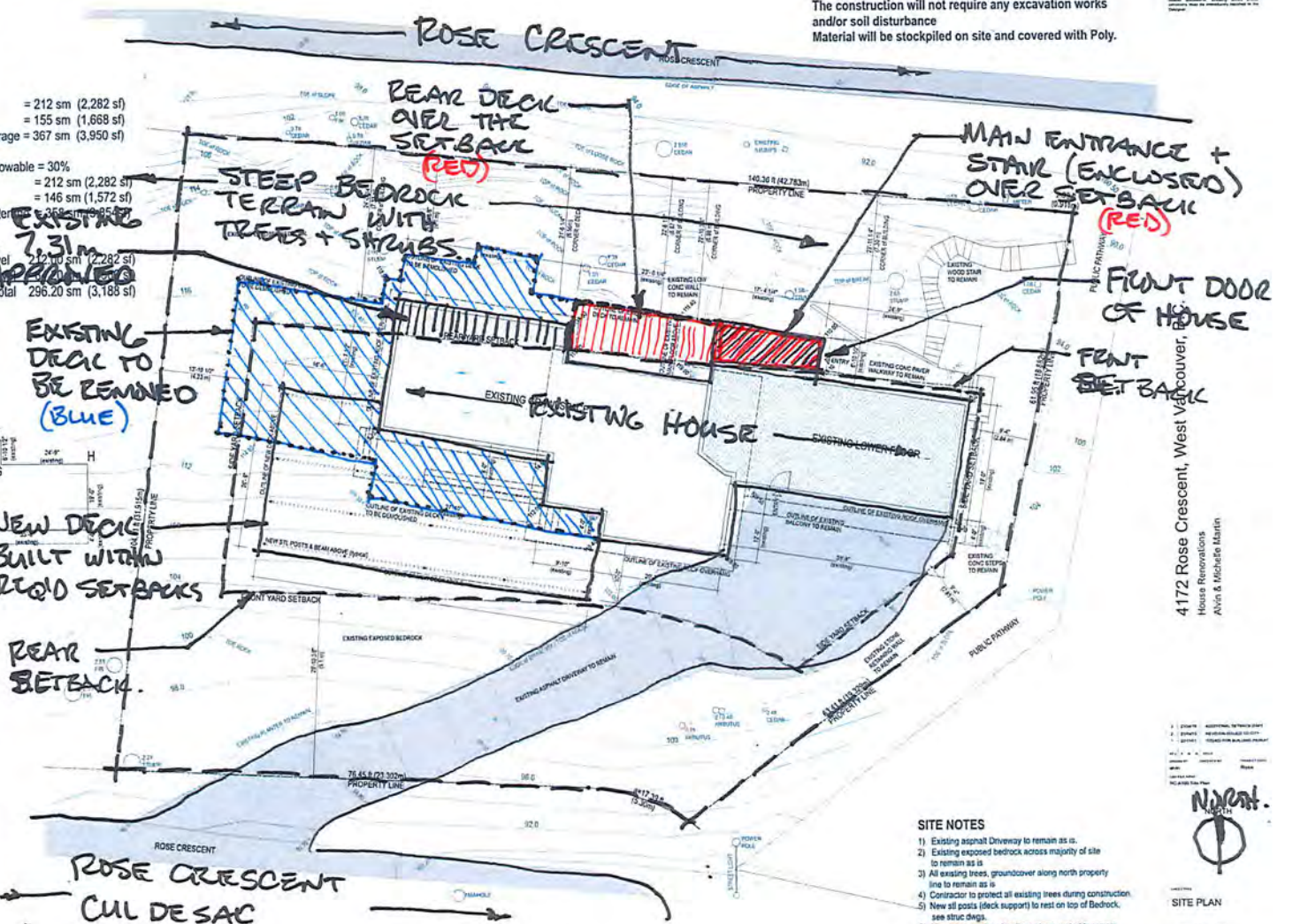
AVERAGE GRADE CALCULATIONS:



|                     |       |        |   |           |
|---------------------|-------|--------|---|-----------|
| AB (118.9 + 119)    | / 2 x | 28.33  | = | 3369.85   |
| BC (119 + 119)      | / 2 x | 5.625  | = | 669.38    |
| CD (119 + 119)      | / 2 x | 17.167 | = | 2042.87   |
| DE (119 + 111.4)    | / 2 x | 9.875  | = | 1137.60   |
| EF (111.4 + 110)    | / 2 x | 23.25  | = | 2573.78   |
| FG (110 + 110.1)    | / 2 x | 6.875  | = | 756.60    |
| GH (110.1 + 107.55) | / 2 x | 24.75  | = | 2693.54   |
| HI (107.55 + 108.2) | / 2 x | 19.00  | = | 2049.72   |
| IJ (108.2 + 109.5)  | / 2 x | 35.67  | = | 3882.68   |
| JK (109.5 + 108.8)  | / 2 x | 12.00  | = | 1309.80   |
| KL (108.8 + 110.4)  | / 2 x | 20.167 | = | 2210.30   |
| LM (110.4 + 112.8)  | / 2 x | 4.00   | = | 446.40    |
| MN (112.8 + 112)    | / 2 x | 9.83   | = | 1104.90   |
| NO (112 + 114.6)    | / 2 x | 8.00   | = | 906.40    |
| OP (114.6 + 115.2)  | / 2 x | 27.83  | = | 3197.67   |
| PA (115.2 + 118.9)  | / 2 x | 21.625 | = | 2531.21   |
| Totals:             |       | 273.99 | = | 30,882.70 |

Average Grade = 30,882.70 / 273.99 = 112.71 ft

Note: NO new grading to take place, all grades are existing and are to remain



- SITE NOTES**
- Existing asphalt Driveway to remain as is.
  - Existing exposed bedrock across majority of site to remain as is.
  - All existing trees, groundcover along north property line to remain as is.
  - Contractor to protect all existing trees during construction.
  - New sill posts (deck support) to rest on top of Bedrock, see struc. dwg.
  - All existing services (sanitary, storm, water) to remain.

4172 Rose Crescent, West Vancouver,  
House Renovations  
Alvin & Michelle Martin



SITE PLAN

Scale: 1/8" = 1'-0"



EXISTING FRONT DOOR / MAIN ENTRANCE TO HOUSE

view looking west from top of bedrock/embankment (Rose Crescent to the right of photo)

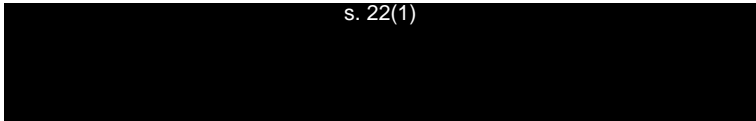




PERMITS & INSPECTIONS DEPARTMENT  
750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits  
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

April 18, 2023

File: **BP118585**



Dear Sir/Madam

**RE: 4172 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 deck and additions built without permits does not comply with the Zoning Bylaw because it does not maintain the required 9.1m front yard setback.

The Zoning Bylaw, Section 120.06; 204.07 requires a front yard setback as indicated in the table below:

|   | Bylaw | Proposed | Variance |
|---|-------|----------|----------|
| Front Yard Setback from North Side of Rose Crescent | 9.1 m | 6.56 m   | 2.54 m   |

Comments:

Site is a through lot: front yard setbacks are required from both North and South property lines.

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

Appeal #3128 (July 25, 1979) approved North yard addition (7.31m setback to North side of Rose Crescent)

---

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 3:30 p.m. on **Wednesday 19th April 2023**. The next Board of Variance Hearing is scheduled for **Wednesday 17th May 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](mailto:ncolby@westvancouver.ca)

Enclosure

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cc: Secretary, Board of Variance

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Legend

Notes

50.8 0 25.40 50.8 Meters

WGS\_1984\_UTM\_Zone\_10N  
District of West Vancouver

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**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

May 17, 2023

### Supplemental Agenda Information Package

| <b>For Application 23-016 (2366 Lawson Avenue)</b> |                  |   |
|--|------------------|---|
| SUBMISSION AUTHOR                                  | SUBMISSION DATED | # |
| Redacted   | May 3, 2023      | 6 |
| Redacted   | May 4, 2023      | 7 |
| Redacted   | May 4, 2023      | 8 |
| Redacted   | May 15, 2023     | 9 |

| <b>For Application 23-021 (1405 28th Street)</b> |                  |   |
|--|------------------|---|
| SUBMISSION AUTHOR                                | SUBMISSION DATED | # |
| Redacted   | May 16, 2023     | 1 |

| <b>For Application 23-023 (4172 Rose Crescent)</b> |                  |   |
|--|------------------|---|
| SUBMISSION AUTHOR                                  | SUBMISSION DATED | # |
| A. Martin  | May 16, 2023     | 1 |

Please add these supplemental items to the May 17, 2023 Board of Variance Agenda Package as indicated.

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Application 23-016  
(2366 Lawson Avenue)

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From: [Redacted] s. 22(1)  
Sent: Wednesday, May 3, 2023 7:34 AM  
To: BoardOfVariance  
Subject: Re: 2366 Lawson Avenue - placement of mechanical equipment

**CAUTION:** This email originated from outside the organization from email address [Redacted] s. 22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Good Morning,

I am writing to the Board of Variance again as I notice [Redacted] s.22(1) generator. I am surprised that the generator is still [Redacted] s.22(1) in fact it could not be [Redacted] s.22(1) block the noise. [Redacted] s. 22(1) I am very surprised the generator remains in place. When the heat pump and generator age they may become even noisier which is not healthy for those trying to sleep in close proximity. [Redacted] s. 22(1) that it would be unsightly if the generator was moved elsewhere [Redacted] s. 22(1) had planned the new home so the master suite, kitchen, family room and deck are all on the other side of the home and are far away from noise and [Redacted] s. 22(1) "unsightly" generator. [Redacted] s. 22(1) to the generator [Redacted] s.22(1).

[Redacted] s. 22(1)

I honestly believe that the generator should not be in the side yard [Redacted] s. 22(1)

Thanks very much.

Sincerely,  
[Redacted] s. 22(1)

On Mon, Apr 17, 2023 at 11:52 AM [Redacted] s. 22(1) wrote:

Hello,

[Redacted] s. 22(1)

I thought I should update the Board Of Variance on this matter.

[Redacted] s. 22(1) the owners of 2366 Lawson Avenue [Redacted] s. 22(1)

I feel that I should reconfirm that I have not signed any consent and will not sign the consent [Redacted] s. 22(1)

My written submission emailed to the Board of Variance on March 1, 2023 is unchanged - I do not support their case and the mechanical equipment in the side yard is too loud and should be moved [Redacted] s. 22(1)

Thanks very much.

Sincerely,  
[Redacted] s. 22(1)

> On Mar 1, 2023, at 2:38 PM, [Redacted] s. 22(1) wrote:

>  
> s. 22(1)

> Attention: Board of Variance

> Subject Property: 2366 Lawson Avenue, West Vancouver

> A Board of Variance hearing set for Wednesday, March 15, 2023

> The variance hearing for proposed mechanical equipment placement at 2366 Lawson Avenue, West Vancouver.

> Hello,

> s. 22(1)

> This is the written submission for s. 22(1) West Vancouver, B.C.

> I am the resident and owner s. 22(1)

> s. 22(1) I am a s. 22(1) speak up about my concerns with s. 22(1) the mechanical equipment (generator and heat pump) in the side yard s. 22(1)

> The generator is extremely loud s. 22(1) the sound of the generator and equipment is extremely loud/disturbing s. 22(1) make me go outside and have a look at where the noise was coming from - too loud.

> I am surrounded by new homes and they have generators but I do not hear them while I am inside my home s. 22(1)

> s. 22(1)

> Notice from the District of West Vancouver and have now sent my written submission in this email.

> Thanks very much.

> Sincerely,  
> s. 22(1)

**From:** [Redacted] s. 22(1)  
**Sent:** Thursday, May 4, 2023 5:13 PM  
**To:** BoardOfVariance  
**Subject:** Re: 2366 Lawson Avenue - placement of mechanical equipment

**CAUTION:** This email originated from outside the organization from email address [Redacted] s. 22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Attention: Board of Variance

The following variance for proposed mechanical equipment at 2366 Lawson Avenue, West Vancouver (Subject Property).

[Redacted] s. 22(1) at the Board of Variance Hearing scheduled to be held on May 17, 2023 or otherwise - Thank you.

This is the written submission of [Redacted] s. 22(1), West Vancouver, B.C. I have made earlier written submissions with respect to this hearing via email to the Board of Variance dated March 1, 2023, April 17, 2023 and May 3, 2023 as the original hearing date was March 15, 2023. On May 3, 2023 [Redacted] s.22(1) setting the hearing on May 17, 2023.

I am the resident and owner [Redacted] s. 22(1) West Vancouver. [Redacted] s. 22(1) to the new house at 2366 Lawson Avenue, West Vancouver (Subject Property). As I have stated in previous emails I strongly object to the current placement of the mechanical equipment (generator and heat pump) of the Subject Property as the mechanical equipment has been placed [Redacted] s. 22(1)

The mechanical equipment (generator and heat pump) have been placed [Redacted] s. 22(1)  
[Redacted] The sound of the generator is extremely loud [Redacted] s. 22(1)  
[Redacted] The generator is placed directly [Redacted] s. 22(1) and when the generator is operational it [Redacted] s. 22(1)  
[Redacted] the sound of the generator is extremely loud [Redacted] s. 22(1)  
[Redacted] and the mechanical equipment (generator and heat pump) have been placed [Redacted] s. 22(1)  
[Redacted] - the generator has a very loud operating noise. The high level of noise directly affects the quality of living [Redacted] s. 22(1)  
[Redacted] the sound of the generator is too loud [Redacted] s. 22(1) The mechanical equipment (generator) should be moved out of the side yard [Redacted] s. 22(1)

As stated in my previous email [Redacted] s. 22(1)  
[Redacted] decided to wait for the Notice from the Board of Variance.

[Redacted] s. 22(1) I advise the Board of Variance that I [Redacted] s. 22(1) have not given my Support. [Redacted] s. 22(1)

[Redacted] s. 22(1)

s. 22(1) moving the generator to the backyard would be an improvement both with respect to noise levels and visually.

The owners have designed their new home so all their living spaces, master bedroom suite, upper balcony, kitchen, family space, outdoor bbq, outdoor eating and deck are situated on the other side of their house (east side) far away from any sound or sight of the mechanical equipment. Whereas, s. 22(1)

s.22(1) small row of cedar hedging in front of the generator. s. 22(1)  
The generator needs to be moved to the backyard.

The owners of the Subject Property, s. 22(1) I would like the noisy mechanical equipment (generator) moved to the backyard so their "problem" is resolved and they can begin to enjoy living in their new home and s. 22(1)

Thanks very much.

Sincerely,  
s. 22(1)

On Wed, May 3, 2023 at 7:33 AM s. 22(1) wrote:  
Good Morning,

I am writing to the Board of Variance again as I notice that a row of cedar hedging has now been planted in front of the s. 22(1) generator. I am surprised that the generator is still situated s. 22(1) and a row of hedging will not block the noise. s. 22(1)  
I am very surprised the generator remains in place. When the heat pump and generator age they may become even noisier which is not healthy for those trying to sleep in close proximity. s. 22(1) that it would be unsightly if the generator was moved elsewhere. s. 22(1) had planned the new home so the master suite, kitchen, family room and deck are all on the other side of the home and are far away from noise and s. 22(1) "unsightly" generator. s. 22(1) to the generator hidden by a small group of hedging.

s. 22(1) s.22(1)

I honestly believe that the generator should not be in the side yard s. 22(1)

Thanks very much.

Sincerely,  
s. 22(1)

On Mon, Apr 17, 2023 at 11:52 AM s. 22(1) wrote:  
Hello,

s. 22(1)

I thought I should update the Board Of Variance on this matter.

s. 22(1) the owners of 2366 Lawson Avenue s. 22(1)



s. 22(1)

I feel that I should reconfirm that I have not signed any consent and will not sign the consent s. 22(1)

My written submission emailed to the Board of Variance on March 1, 2023 is unchanged - I do not support their case and the mechanical equipment in the side yard is too loud and should be moved s. 22(1)

Thanks very much.

Sincerely,  
s. 22(1)

> On Mar 1, 2023, at 2:38 PM, s.22(1) wrote:

>

> s. 22(1)

>

>

> Attention: Board of Variance

>

> Subject Property: 2366 Lawson Avenue, West Vancouver

>

> A Board of Variance hearing set for Wednesday, March 15, 2023

>

> The variance hearing for proposed mechanical equipment placement at 2366 Lawson Avenue, West Vancouver.

>

>

>

>

>

> Hello,

>

>

> s. 22(1)

>

> This is the written submission for s. 22(1), West Vancouver, B.C.

>

> I am the resident and owner s. 22(1)

>

>

> s. 22(1) I am a s. 22(1)

> speak up about my concerns with s. 22(1) the mechanical equipment (generator and heat pump) in the side yard s. 22(1)

> The generator is extremely loud s. 22(1)

> the sound of the generator and equipment is extremely loud/disturbing s. 22(1)

> make me go outside and have a look at where the noise was coming from - too loud.

>

> I am surrounded by new homes and they have generators but I do not hear them while I am inside my home s. 22(1)

>

>

>

> s. 22(1)

> Notice from the District of West Vancouver and have now sent my written submission in this email.

>

>

>

> Thanks very much.

>

>

> Sincerely,

> s. 22(1)

>

>

>

>

>

>

----- Forwarded message -----

From: [redacted] s. 22(1)  
Date: Thu, May 4, 2023 at 5:12 PM  
Subject: Re: 2366 Lawson Avenue - placement of mechanical equipment  
To: <boardofvariance@westvancouver.ca>

Attention: Board of Variance

The following variance for proposed mechanical equipment at 2366 Lawson Avenue, West Vancouver (Subject Property).

[redacted] s. 22(1)

This is the written submission of [redacted] s. 22(1) West Vancouver, B.C. I have made earlier written submissions with respect to this hearing via email to the Board of Variance dated March 1, 2023, April 17, 2023 and May 3, 2023 as the original hearing date was March 15, 2023. On May 3, 2023 I [redacted] s.22(1) hearing on May 17, 2023.

I am [redacted] s.22(1), West Vancouver. [redacted] s. 22(1) house at 2366 Lawson Avenue, West Vancouver (Subject Property). As I have stated in previous emails I strongly object to the current placement of the mechanical equipment (generator and heat pump) of the Subject Property as the mechanical equipment has been placed in the [redacted] s. 22(1). The mechanical equipment (generator and heat pump) have been placed [redacted] s. 22(1). The sound of the generator is extremely loud [redacted] s. 22(1). The generator is placed [redacted] s. 22(1) and when the generator is operational it sounds like it is in [redacted] s. 22(1). the sound of the generator is extremely loud [redacted] s. 22(1). the mechanical equipment (generator and heat pump) have been placed [redacted] s. 22(1) - the generator has a very loud operating noise [redacted] s. 22(1). [redacted] The mechanical equipment (generator) should be moved out of the side yard [redacted] s. 22(1)

As stated in my previous email [redacted] s. 22(1) [redacted] s. 22(1) decided to wait for the Notice from the Board of Variance.

[redacted] s. 22(1) I advise the Board of Variance [redacted] s. 22(1) have not given my Support. [redacted] s. 22(1)

[redacted] s. 22(1) [redacted] s. 22(1) moving the generator to the backyard would be an improvement both with respect to noise levels and visually.

The owners have designed their new home so all their living spaces, master bedroom suite, upper balcony, kitchen, family space, outdoor bbq, outdoor eating and deck are situated on the other side of their house (east side) far away from any sound or sight of the mechanical equipment. [redacted] s. 22(1)

[redacted] s.22(1) small row of cedar hedging in front of the generator. [redacted] s. 22(1)

s. 22(1)

s. 22(1)

The generator needs to be moved to the backyard.

The owners of the Subject Property, s. 22(1) have built a stunning new home and I would like the noisy mechanical equipment (generator) moved to the backyard so their "problem" is resolved and they can begin to enjoy living in their new home and s. 22(1)

Thanks very much.

Sincerely,  
s. 22(1)



**From:** [REDACTED] s. 22(1)  
**Sent:** Monday, May 15, 2023 9:20 AM  
**To:** BoardOfVariance  
**Subject:** Confirmation for Board of Variance Application 23-016 (2366 Lawson Avenue)  
**Attachments:** BOV Letter May 15 Confirmation Noise Level 2366 Lawson, 2023.pdf

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Attention Board of Variance of the District of West Vancouver.

Please see attached to be included in this upcoming hearing on May 17th.

Thanks  
[REDACTED] s. 22(1)

---

[REDACTED] s. 22(1)

May 15, 2023

To the Members of the Board of Variance of West Vancouver –  
Sama Abri, John Elwick, Lesel Radage (Chair), Dave Simmons, and Ronald Yaworsky (Acting Chair):

**Re: Board of Variance Application 23-016 (2366 Lawson Avenue)**

Further to the above mentioned application to the Board of Variance at the hearing date of March 15, 2023 whereby we presented/discussed our hardship letter dated February 13, attached hereto as Exhibit B for ease of reference.

At that meeting a decision to our application was deferred pending whether we could confirm if the *“operating noise of the subject mechanical equipment will not exceed the levels permitted by the District’s bylaws.”*

Firstly, we apologize we are unable to attend the Board of Variance hearing on May 17, 2023 to address any questions you may have. However, our builder Dino Pecchia of Divano Homes, will be in attendance to assist with any questions.

Second, we are able to confirm based on our own decibel testing that both the heat pump and generator do not exceed the levels permitted by the District bylaws. Our measurements revealed that:

- the heat pump operating noise (Continuous Sound) is in the range of 40 to 44 decibels (which is in the sound range [1] of a refrigerator hum), and
- when both the heat pump and generator are operational the noise is in the range of 60 to 64 decibels (which is in the sound range [1] of normal conversation). Please note the generator is considered Non-Continuous sound (e.g. a noise that does not exceed 3 minutes or in any 15 minute period). Also note the generator will only turn on (cycling & test) for once a month up to a maximum of 3 minutes. The only other time the generator will be on if there is a power outage.

[1] By way of reference the CDC provides a useful chart to give you a sense of what relative sound levels are terms of decibels: [https://www.cdc.gov/nceh/hearing\\_loss/what\\_noises\\_cause\\_hearing\\_loss.html](https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html)

| Everyday Sounds and Noises           | Average Sound Level (measured in decibels) |
|--------------------------------------|--|
| Softest sound that can be heard      | 0  |
| Normal breathing                     | 10   |
| Ticking watch                        | 20   |
| Soft whisper                         | 30   |
| Refrigerator hum                     | 40   |
| Normal conversation, air conditioner | 60   |
| Washing machine, dishwasher          | 70   |

A District bylaw officer also visited our site and performed noise tests for both scenarios above and it is our understanding that the bylaw officer's tests resulted in similar findings to ours. Therefore, the mechanical equipment meets the District bylaws for both day time and night time operating noise[2].

[2]

Consolidated Noise Control Bylaw No. 4404, 2005

6

(a) any Continuous Sound that exceeds the following Sound Levels at the Point of Reception:

|                       | <b>Sound Level</b> |
|-----------------------|--------------------|
| (i) during the Day    | 55 dBA             |
| (ii) during the Night | 45 dBA             |

(b) any Non-Continuous sound that exceeds the following Sound Levels at the Point of Reception:

|                       | <b>Sound Level</b> |
|-----------------------|--------------------|
| (i) during the Day    | 80 dBA             |
| (ii) during the Night | 65 dBA             |

(c) any Construction Noise that exceeds a Sound Level at the Point of Reception:

|                    | <b>Sound Level</b> |
|--------------------|--------------------|
| (i) during the Day | 80 dBA             |

Third, we would like to draw to your attention to mitigate the noise from our side yard, we have planted a dense cedar hedge around generator. We planted these trees prior to the noise test to improve the visual appearance of the area where the mechanical equipment is placed and to assist in muffling the noise. See Exhibit A for pictures.

In closing we believe that our variance request 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.

Thank you again for considering our application and we are hopeful for a favorable decision to our variance request.

s. 22(1)

s. 22(1)



Exhibit A





Exhibit B

February 13, 2023

To the Members of the Board of Variance of West Vancouver Sama Abri, John Elwick, Lesel Radage (Chair), Dave Simmons, and Ronald Yaworsky (Acting Chair):

Thank you for considering our BOV application from [REDACTED] s. 22(1) (the owners of 2366 Lawson Avenue, West Vancouver) – the Registered Owners.

Undue Hardship would be caused for the Registered Owners by complying with the Zoning Bylaw Section 205.09(2)(b)(i) because:

- The Registered Owners live on a property that collects and pools significant ground water from under their property and neighboring properties. This collection of water was highly visible during construction of the home, see pictures in Exhibit A below.
- The Registered Owners use a dual sump pump system that runs 7x24 to ensure continuous extraction of water from around and under the building premise.
- The Registered Owners require a backup generator in the event of a power outage to ensure the sump pumps continuous operation otherwise the Registered Owners would experience significant building flooding within the building premise if the sump pumps are not operational and thus suffer undue hardship in terms of significant property damage.
- If Registered Owners are not able to provide a backup generator at this location on the property (thus not having a backup generator) the Registered Owners would suffer undue hardship in the event of a power outage and are not able to operate the sump pumps.
- The Registered Owners would also suffer undue hardship if the backup generator was moved within the allowable building envelope (just east of the current location) for exhaust from the generator while operational could enter the building and cause harm to anyone inside and the generator location would not comply with health and safety requirements.
- The Registered Owners neighbors to the west and east would suffer undue hardship if the backup generator was moved to either the front or rear of the property within the building envelope because the neighbors would experience more acute noise intrusion, unsightly views of the backup generator, and / or exhaust from the backup generator.

The Registered Owners are requesting the BOV approve the positioning of the backup generator in the current location given the undue hardship mentioned above, and given the operation of the backup generator will be infrequent due the limited occurrences of power outages that will occur in any typical year. Nonetheless the Registered Owners do need a solution when a power outage occurs.

Thank you for considering our application.

[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

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Application 23-021  
(1405 28th Street)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, May 16, 2023 9:45 AM  
**To:** BoardOfVariance  
**Subject:** 1405 28th Street Variance Application

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

I am a [REDACTED] s.22(1) resident [REDACTED] s. 22(1) and I think that the application for ANY further variance for this builder is not warranted considering the impact this huge building already has on [REDACTED] s.22(1) homes, particularly the view [REDACTED] s.22(1) ) don't know how this builder was allowed by the District of WV to alter the site in such a huge way on a forested salmon bearing stream, let alone build such a gigantic view blocking building. This builder obviously can afford to put his electrical cables underground and not impact his neighbours any further than he already has.  
[REDACTED] s. 22(1)

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Application 23-023  
(4172 Rose Crescent)

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**From:** Alvin Martin [REDACTED] s. 22(1)  
**Sent:** Tuesday, May 16, 2023 8:35 AM  
**To:** BoardOfVariance  
**Subject:** 4172 Rose Crescent - BOVV00768  
**Attachments:** 4172 Rose Crescent - neighbours signatures.pdf

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

I would like to submit the attached document as a part of my previously submitted Variance Application for 4172 Rose Crescent. I am on the schedule for the May 17th hearing.

The attached document is a list of neighbours and their signatures, indicating their acceptance of the proposed variance on [REDACTED] s.22(1). These are all of the [REDACTED] s.22(1). The only one that I was unable to touch base with physically is for the property [REDACTED] s.22(1). The owner is [REDACTED] s.22(1) the house. I managed to reach him by phone, where he said he had reviewed the variance proposal and has no concerns and would be accepting of the proposal.

If you could acknowledge receipt of this email and let me know that the document will be added to the variance application, it would be greatly appreciated.

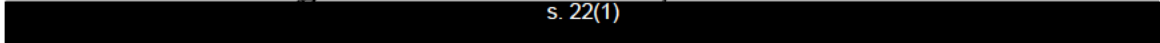
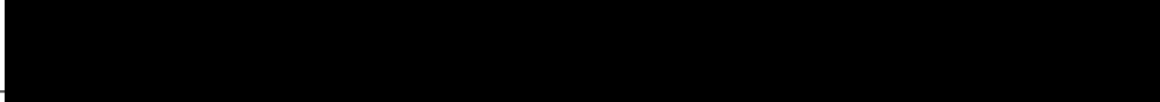
Thank you

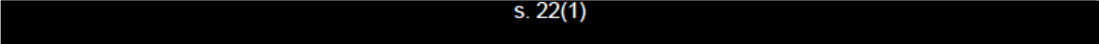

Alvin Martin  
[REDACTED] s. 22(1)

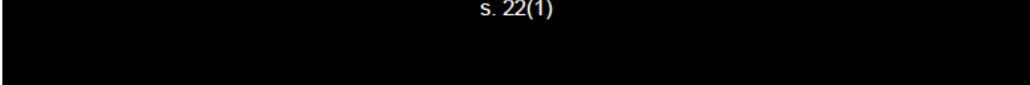

# 4172 Rose Crescent – Variance Request

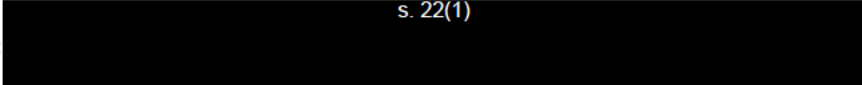
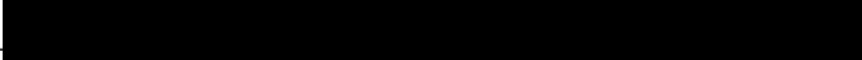
May 17<sup>th</sup>, 2023

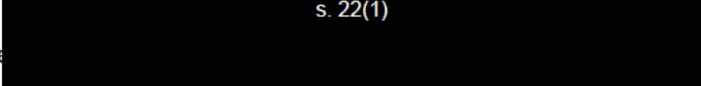
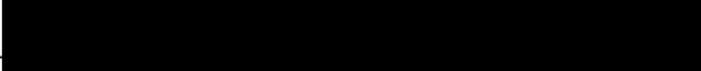
I have reviewed the variance request for 4172 Rose Crescent and find the proposal acceptable.

My name  s. 22(1)  
I live at: 

My name  s. 22(1)  
I live at: 

My name is:  s. 22(1)  
I live at: 

My name is:  s. 22(1)  
I live at: 

My name  s. 22(1)  
I live at: 

My name is: \_\_\_\_\_

I live at: \_\_\_\_\_

My name is: \_\_\_\_\_

I live at: \_\_\_\_\_



**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**

May 17, 2023

### **On-Table Agenda Information Package**

| <b>For Application 23-021 (1405 28th Street)</b> |                         |          |
|--|-------------------------|----------|
| <b>SUBMISSION AUTHOR</b>                         | <b>SUBMISSION DATED</b> | <b>#</b> |
| Redacted   | May 16, 2023            | 2        |

| <b>For Application 23-022 (2720 Rosebery Avenue)</b> |                         |          |
|--|-------------------------|----------|
| <b>SUBMISSION AUTHOR</b>                             | <b>SUBMISSION DATED</b> | <b>#</b> |
| Redacted   | May 17, 2023            | 1        |

Please add these on-table items to the May 17, 2023 Board of Variance Agenda Package as indicated.

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Application 23-021  
(1405 28th Street)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, May 16, 2023 8:51 PM  
**To:** BoardOfVariance  
**Subject:** Variance Proposal 1405 28th Street

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Board of Variance,

I am writing to you in regards to a variance request from 1405 28<sup>th</sup> Street in West Vancouver.

The property owner is an experienced developer. Therefore, it is inconceivable that electricity, cable, and telephone lines were not considered when the original plans were designed and approved. The required setbacks should have been considered and adhered to in the original plans.

There are already two power poles immediately across the street from where this owner is proposing to install one. Hundreds, if not thousands, of homes in West Vancouver have lines spanning greater distances from power poles to electrical masts on roof tops. For reference, this section of 28th Street is only about half the wide of a normal street and therefore three power poles within only a few feet would be superfluous.

To request a variance once the house has already been framed, for what is likely purely aesthetic reasons on the part of the owner is unacceptable.

If this owner does not want power lines from the poles immediately across the street to a mast on his house, then he should request BC Hydro bury the lines the very short distance from the poles on the other side of the road.

In conclusion, [REDACTED] s. 22(1) and I do not support this request.

Yours,  
[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

West Vancouver, BC

[REDACTED] s. 22(1)

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Application 23-022  
(2720 Rosebery Avenue)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Wednesday, May 17, 2023 2:42 PM  
**To:** BoardOfVariance  
**Subject:** 2720 Rosebery Ave

CAUTION: This email originated from outside the organization from email address [REDACTED] s. 22(1) Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

I am writing [REDACTED] s. 22(1)  
I reside [REDACTED] s.22(1) a host of trimmed cedar trees on district and currently bylaw setback land.

My concern regarding this development is the necessary removal of all these mature trees which provide privacy between properties and the publicly used footpath from Queens to Rosebery as well as stability to the slope at the bottom of the cul-de-sac.

I have no issues with a garage being built, even a two story one as an anomaly in the neighbourhood, but the removal and destruction of a mature grove of trees is hard to think of as progress. In my opinion, if they were removed, a different thinner buffer/slope stabilizer should be put in its place at the very least along the east side of the property.

Thanks,  
[REDACTED] s. 22(1)

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