

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, MAY 17, 2023**

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

**STAFF:** P. Cuk, Board Secretary; T. Yee, Building Inspector; and N. Shokar, 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**

Staff introduced the Board Members and described the hearing procedure.

**3. Confirmation of the Agenda**

It was Moved and Seconded:

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

CARRIED

**4. Adoption of the April 19, 2023 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on April 19, 2023.

It was Moved and Seconded:

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

CARRIED

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

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

Pursuant to section 542(3) of the *Local Government Act*, if a Board of Variance orders that a minor variance be permitted from the requirements of the bylaw, and the Order sets a time limit within which the construction of the building or structure must be completed, and the construction is not completed within that time, the permission of the Board terminates and the bylaw applies. Further, if

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

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

Staff confirmed the following requested variance regarding proposed mechanical equipment:

- a) 0.62 m to Combined Side Yard Setback.

Staff informed of written submissions received for this application prior to the Board of Variance hearing, and that this application was first brought before the Board of Variance at the March 15, 2023 hearing, at which time further consideration was deferred until such time that the applicant could 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
Redacted	May 3, 2023	6
Redacted	May 4, 2023	7
Redacted	May 4, 2023	8
Redacted	May 15, 2023	9

Staff provided permit history of the subject property.

D. Pecchia (representing the owner of 2366 Lawson Avenue) described the variance application for proposed mechanical equipment and responded to Board members’ questions.

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

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not

- result in inappropriate development of the site
  - adversely affect the natural environment
  - substantially affect the use and enjoyment of adjacent land
  - vary permitted uses and densities under the applicable bylaw; or
  - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated February 13, 2023, including the applicant’s letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submission of D. Pecchia:

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 23-016 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.

CARRIED

**7. Application 23-020 (3555 Sunset Lane)**

Staff confirmed the following requested variance regarding a proposed deck:

- a) 6.12m to Front Yard Setback.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

J. Rommel (Rommel Design Ltd., representing the owner of 3555 Sunset Lane) and I. Metcalfe (3555 Sunset Lane) described the variance application for a proposed deck and responded to a Board members’ questions.

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

Members of the Board considered:

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

Having read the application dated March 20, 2023, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submissions of J. Rommel and I. Metcalfe:

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

- 6.12m 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.

CARRIED

**8. Application 23-021 (1405 28th Street)**

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

- 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.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	May 16, 2023	1
Redacted	May 16, 2023	2

Staff provided permit history of the subject property.

E. Umanets (Eurohouse Construction, representing the owner of 1405 28th Street) described the variance application for a proposed power pole (accessory structure) and responded to Board members' questions.

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

Members of the Board considered:

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

Having read the application dated April 13, 2023, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submission of E. Umanets:

It was Moved and Seconded:

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.

CARRIED

**9. Application 23-022 (2720 Rosebery Avenue)**

Staff confirmed the following requested variances regarding a proposed detached garage (accessory building) and proposed bridge (accessory structure):

- 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).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	May 17, 2023	1

Staff provided permit history of the subject property.

C. Xie (Urban Life Design Inc., representing the owner of 2720 Rosebery Avenue) described the variance application for a proposed detached garage (accessory building) and proposed bridge (accessory structure) and responded to Board members' questions.

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

Members of the Board considered:

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

Having read the application dated April 16, 2023, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submissions of C. Xie:

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 23-022 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.

Staff responded to a Board member’s question. The question was called on the motion.

CARRIED

**10. Application 23-023 (4172 Rose Crescent)**

Staff confirmed the following requested variance regarding a deck and additions:

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

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
A. Martin	May 16, 2023	1

Staff provided permit history of the subject property.

A. Martin (4172 Rose Crescent) described the variance application for a deck and additions and responded to Board members’ questions.

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

Members of the Board considered:

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

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

Having read the application dated April 17, 2023, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submission of A. Martin:

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 23-023 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.

CARRIED

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

It was Moved and Seconded:

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

- Application 23-016 (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.

CARRIED

#### 12. Public Question Period

There were no questions.

#### 13. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for June 21, 2023 at 5 p.m.



**14. Adjournment**

It was Moved and Seconded:

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

CARRIED

The Board of Variance hearing adjourned at 5:56 p.m.

Certified Correct:

[Original signed by Acting Chair]

ACTING CHAIR

[Original signed by Secretary]

SECRETARY