

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, SEPTEMBER 20, 2023**

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

STAFF: P. Cuk, Board Secretary; T. Yee, Building Inspector, and M. Beattie, Legislative Services Clerk, attended the hearing via electronic communication facilities.

1. Call to Order

The hearing was called to order at 5 p.m.

Member Abri joined the hearing at 5:02 p.m. via electronic communication facilities.

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the September 20, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the July 19, 2023 Minutes

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

It was Moved and Seconded:

THAT the July 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 23-030 (1202 Duchess Avenue)

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

- a) 6.63 m to Front Yard Setback
- b) 0.51 m to Minimum Side Yard Setback
- c) 3.74 m to Accessory Structure Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	September 20, 2023	1

Staff provided permit history and information regarding the height of the subject property.

H. Sairafi (Tash Engineering Ltd., representing the owner of 1202 Duchess Avenue) described the variance application for a private 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 August 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 H. Sairafi:

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 23-030 regarding a private power pole (accessory structure) at 1202 Duchess Avenue with variances of:

- 6.63 m to Front Yard Setback
- 0.51 m to Minimum Side Yard Setback
- 3.74 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated August 8, 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 23-031 (4702 Caulfeild Drive)

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

- a) 7.1 m to Front Yard Setback
- b) 0.57 m to Minimum Side Yard Setback
- c) 0.82 m to Accessory Structure Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	September 20, 2023	1

Staff provided permit history of the subject property.

H. Wang (4702 Caulfeild Drive) described the variance application for a power pole (accessory structure). Staff, H. Wang, and W. Yin (4702 Caulfeild Drive) 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 August 21, 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 H. Wang and W. Yin:

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 23-031 regarding a power pole (accessory structure) at 4702 Caulfeild Drive with variances of:

- 7.1 m to Front Yard Setback
- 0.57 m to Minimum Side Yard Setback
- 0.82 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated August 12, 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 23-032 (4332 Erwin Drive)

Staff confirmed the following requested variances regarding additions and alterations:

- a) 0.30 m to Combined Side Yard Setback
- b) 3.4% (27.85 m²) to Floor Area Ratio.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

S. Parvaresh (Architect, Noble Architecture, representing the owner of 4332 Erwin Drive) described the variance application for additions and alterations. Staff and S. Parvaresh responded to a Board member's question.

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

Members of the Board considered:

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

Having read the application dated August 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 S. Parvaresh:

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 23-032 regarding additions and alterations at 4332 Erwin Drive with variances of:

- 0.30 m to Combined Side Yard Setback
- 3.4% (27.85 m²) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated June 14 and August 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

9. Receipt of Written and Oral Submissions

It was Moved and Seconded:

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

- Application 23-030 (1202 Duchess Avenue);
- Application 23-031 (4702 Caulfeild Drive);
- Application 23-032 (4332 Erwin Drive);

up to and including September 20, 2023, be received.

CARRIED

10. Public Question Period

There were no questions.

11. Next Hearing

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

12. Adjournment

It was Moved and Seconded:

THAT the September 20, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:32 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY