

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, OCTOBER 18, 2023**

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

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

1. Call to Order

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

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

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

CARRIED

4. Adoption of the September 20, 2023 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on September 20, 2023.

It was Moved and Seconded:

THAT the September 20, 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 23-033 (450 Macbeth Crescent)

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

- a) 1.48 m to Front Yard Setback
- b) 1.57 m to Minimum Side Yard Setback
- c) 2.39 m to Accessory Structure Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property and comments from the District’s electrical inspector, and responded to a Board member’s question.

M. Soltani (450 Macbeth Crescent) described the variance application for a power pole (accessory structure). M. Soltani and staff responded to Board members’ questions.

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

Members of the Board considered:

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

Having read the application dated September 7, 2023 including the applicant’s letter, plans and all other related documents, and having read the statutory

Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submission of M. Soltani:

It was Moved and Seconded:

THAT the Board defers further consideration of Application 23-033 (450 Macbeth Crescent) until the applicant can confirm:

- Where the connection with BC Hydro would be;
- If a power mast on the roof of the house is a feasible option; and
- The location of the proposed power pole.

CARRIED

7. Application 23-034 (3357 Marine Drive)

Staff confirmed the following requested variances regarding a new site development:

- a) 1 to Parking Space (Single Family Dwelling)
- b) 1 to Vehicle Access to Site.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	October 17, 2023	1
Redacted	October 17, 2023	2

Staff provided permit history of the subject property.

Member Simmons recused himself (conflict of interest as he knows the owner of the subject property) and left the hearing at 5:18 p.m.

Staff responded to a Board member's question.

M. Hashemi (3357 Marine Drive) described the variance application for a new site development 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 September 19, 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 M. Hashemi:

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 23-034 regarding a new site development at 3357 Marine Drive with variances of:

- 1 to Parking Space (Single Family Dwelling)
- 1 to Vehicle Access to Site

BE ALLOWED pursuant to the plans dated September 26, 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

Member Simmons absent at the vote

Member Simmons returned to the hearing at 5:30 p.m.

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 23-033 (450 Macbeth Crescent);
- Application 23-034 (3357 Marine Drive);

up to and including October 18, 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 November 15, 2023 at 5 p.m.

11. Adjournment

It was Moved and Seconded:

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

CARRIED

The Board of Variance hearing adjourned at 5:31 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY