



**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**

November 15, 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 November 15, 2023 Board of Variance hearing agenda be approved as circulated.

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

RECOMMENDATION:

THAT the October 18, 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 23-035 (3127 Travers Avenue) regarding a generator with the following variances:**

- a) 1.4 m to Front Yard Setback
- b) 2.3 m to Minimum Side 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 23-035 regarding a generator at 3127 Travers Avenue with variances of:

- 1.4 m to Front Yard Setback
- 2.3 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated September 23, 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 23-035 regarding a generator at 3127 Travers Avenue with variances of:

- 1.4 m to Front Yard Setback
- 2.3 m to Minimum Side Yard Setback

BE NOT ALLOWED pursuant to the plans dated September 23, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 23-035 (3127 Travers Avenue) to the next Board of Variance hearing.

**7. Application 23-036 (1066 Keith Road) regarding a power pole (accessory structure) with the following variances:**

- a) 6.4 m to Front Yard Setback
- b) 0.62 m to Minimum Side Yard Setback
- c) 1.8 m to Accessory Structure 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 23-036 regarding a power pole (accessory structure) at 1066 Keith Road with variances of:

- 6.4 m to Front Yard Setback
- 0.62 m to Minimum Side Yard Setback
- 1.8 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated October 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 23-036 regarding a power pole (accessory structure) at 1066 Keith Road with variances of:

- 6.4 m to Front Yard Setback
- 0.62 m to Minimum Side Yard Setback
- 1.8 m to Accessory Structure Height

BE NOT ALLOWED pursuant to the plans dated October 11, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 23-036 (1066 Keith Road) to the next Board of Variance hearing.

**8. Application 23-037 (1015 Jefferson Avenue) regarding additions with the following variance:**

- a) 0.64 m to Minimum Side 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 23-037 regarding additions at 1015 Jefferson Avenue with a variance of:

- 0.64 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated April 24 and September 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 23-037 regarding additions at 1015 Jefferson Avenue with a variance of:

- 0.64 m to Minimum Side Yard Setback

BE NOT ALLOWED pursuant to the plans dated April 24 and September 18, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 23-037 (1015 Jefferson Avenue) to the next Board of Variance hearing.

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

RECOMMENDATION:

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

- Application 23-035 (3127 Travers Avenue)
- Application 23-036 (1066 Keith Road)
- Application 23-037 (1015 Jefferson Avenue)

up to and including November 15, 2023 be received.

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

**11. Proposed 2024 Board of Variance Hearing Schedule**

RECOMMENDATION:

THAT the proposed 2024 Board of Variance Hearing Schedule be adopted as circulated.

**12. Next Hearing**

The next Board of Variance hearing is scheduled for January 17, 2024.

**13. Adjournment**

RECOMMENDATION:

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

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

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**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:

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L. Radage, 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: **3127 Travers Avenue**

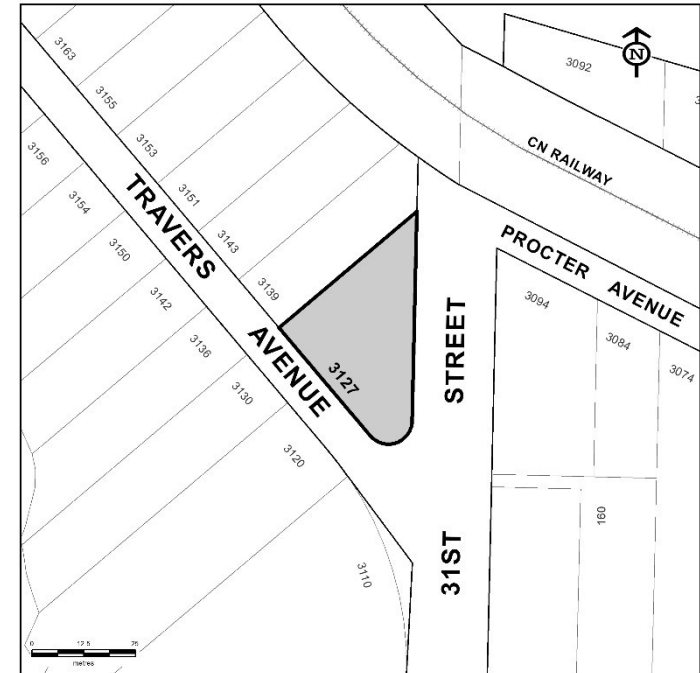
A Board of Variance hearing will be held on:

**Wednesday, November 15, 2023**

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

**The following variances for a generator at 3127 Travers Avenue will be considered:**

Front Yard Setback	Bylaw Requirement	Proposed	Variance
	8.8 m	7.4 m	1.4 m
Minimum Side Yard Setback	Bylaw Requirement	Proposed	Variance
	2.7 m	0.4 m	2.3 m



**To view plans, permit and variance information** contact Permits & Inspections at 604-925-7040.

**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 November 15, 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/government-administration/committees-groups/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:** 3127 Travers Avenue, West Vancouver, BC

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

**Name(s):** Hilde Heyvaerts, AC86 Architecture Inc **Phone #:** s. 22(1)  
**Mailing Address:** 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 #:** s. 22(1)  
**Mailing Address:** s. 22(1) **Cell #:** s. 22(1)  
**Email Address:** s. 22(1) **Fax #:** s. 22(1)

**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: 2023.10.12

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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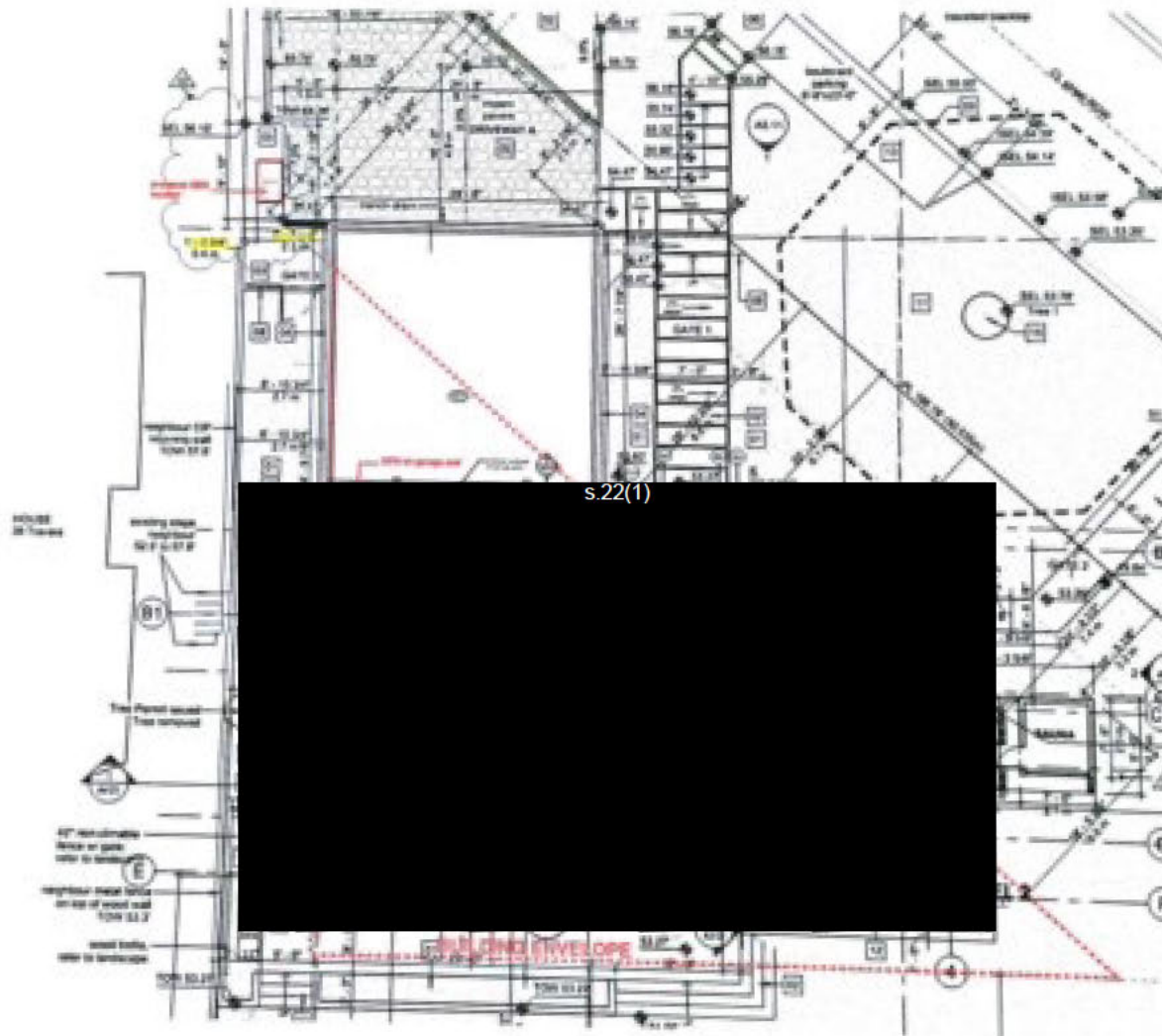
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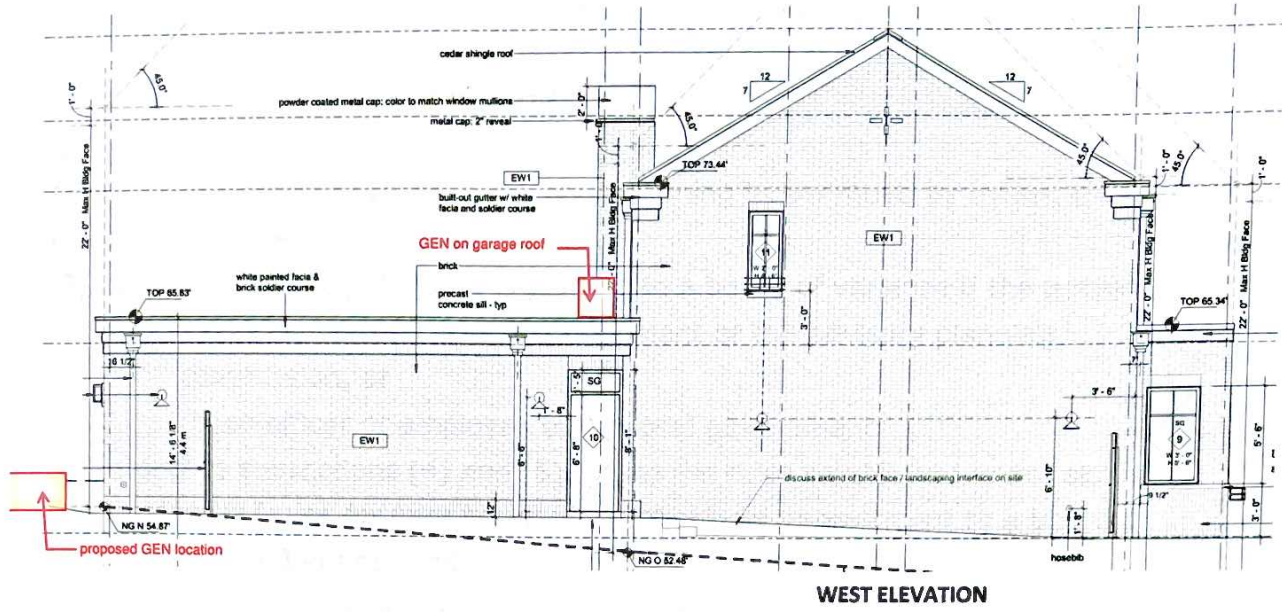


We are seeking an amendment to this variance to allow a generator in the exact same location rather than the 2 AC units. The original approved setback variance of 2.3 m will be maintained.

The backup generator is required by the SWMP for the sump pumps. Without this variance, the only location we could install the generator would be on the roof of the garage, close to the house to minimize visibility from the street. While this fits within the bylaw requirements, it would be significantly more disruptive to the neighbour as it would be located on level 2 immediately adjacent to their home and windows. Our neighbour sent a letter to the Board supporting the location of the a/c and mechanical in our original variance for this specific reason. Our proposed location would be minimally impactful in the event of a power outage when the generator would be running.

We believe the previously approved AC location at grade, would be well suited for the generator. The generator will only run at times of electrical failure, which would be exceptional, while the AC units would have been running most of the time.





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

October 3, 2023

File: **BP118853**

s. 22(1)

Dear Sir/Madam

**RE: 3127 TRAVERS AVENUE - 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 generator will not comply with the zoning bylaw because it does not maintain the required front and side yard setbacks.

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

	Bylaw	Proposed	Variance
Front Yard Setback for Generator	8.8 m (Step 5)	7.4 m	1.4 m

The Zoning Bylaw, Section 204.09 requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for Generator	2.7 m (Step 5)	0.4 m	2.3 m

Comments:

The Variances listed above require that the proposed house is built to STEP 5 so that the bonuses in bylaw 120.29 can apply. The Front yard setback in 204.07 is 9.1m but the bonuses allow for a 0.3m adjustment, therefore the front yard setback is 8.8m.

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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 October 18, 2023**. The next Board of Variance Hearing is scheduled for **Wednesday November 15, 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 604-921-3429 should you require any further information regarding this matter.

Thank you,

s. 22(1)

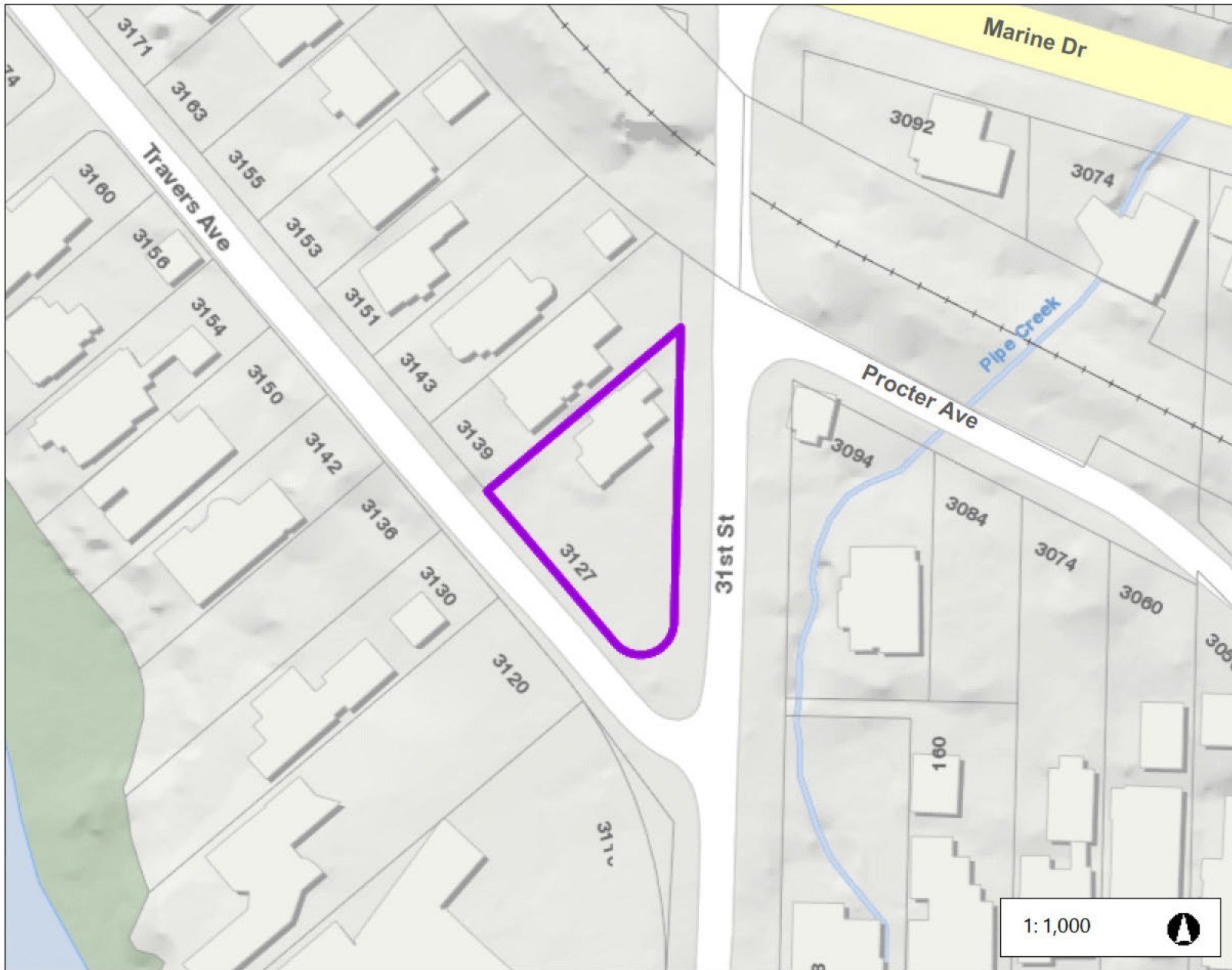


Konstantin Vassev  
[kvassev@westvancouver.ca](mailto:kvassev@westvancouver.ca)

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

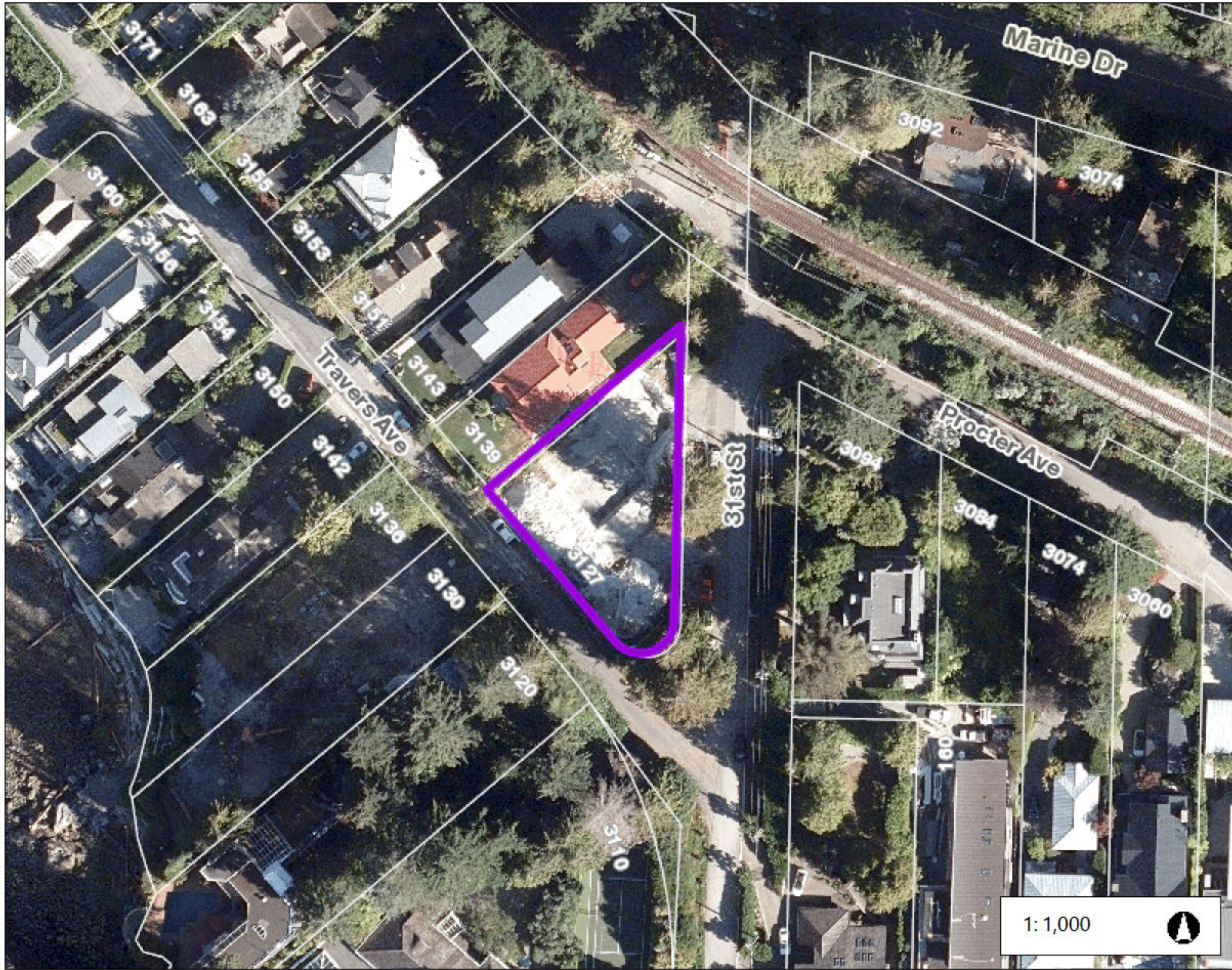
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Legend

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

7.  
 23-036 

## NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **1066 Keith Road**

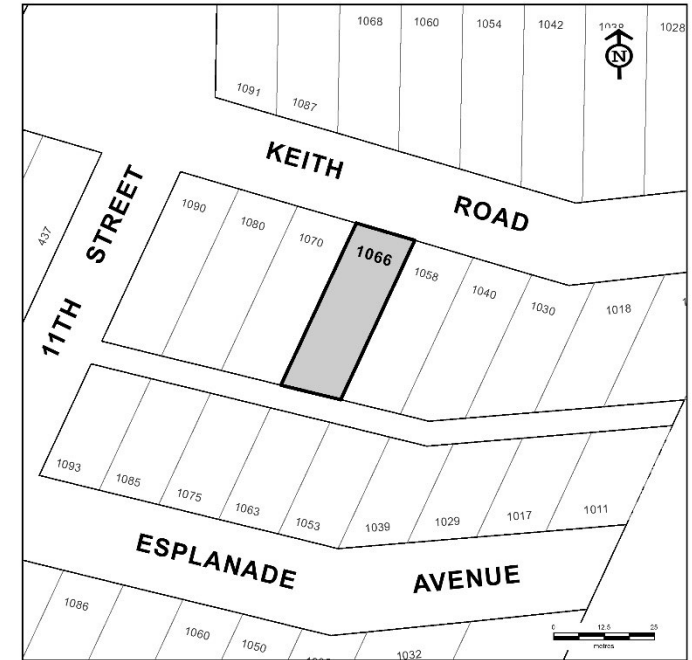
A Board of Variance hearing will be held on:

**Wednesday, November 15, 2023**

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

The following variances for a power pole (accessory structure)  
 at 1066 Keith Road will be considered:

Front Yard Setback	Bylaw Requirement	Proposed	Variance
	7.6 m	1.2 m	6.4 m
Minimum Side Yard Setback	Bylaw Requirement	Proposed	Variance
	1.52 m	0.90 m	0.62 m
Accessory Structure Height	Bylaw Requirement	Proposed	Variance
	3.7 m	5.5 m	1.8 m



To view plans, permit and variance information contact Permits & Inspections at 604-925-7040.

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 November 15, 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/government-administration/committees-groups/board-variance>

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# Board of Variance Application Form

## Subject Property (please print clearly)

Address: 1066 Keith Rd

## Applicant (please print clearly)

Name(s): David Downing Phone #: \_\_\_\_\_

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

Email Address: \_\_\_\_\_ 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 the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)

Oct 18/23  
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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Oct 18<sup>th</sup>, 2023

To whom it may concern,

The reason we need power pole on north side of property is the east side has no room for a 20' pole due to the tree that is protected on edge of our property line. Also, the power line is coming from across the street and BC Hydro needs a 20' pole to run to for street clearance

We don't have a hardship story to tell you, it simply is the only place we can put it without damaging a protected tree☺

Thank you

s. 22(1)

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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

October 17, 2023

File: **BP118863**

s. 22(1)

Dear Sir/Madam

**RE: 1066 KEITH ROAD - 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 Power pole will not comply with the Zoning Bylaw because it does not maintain the required 9.1m front yard setback, side yard, and height.

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

- The Zoning Bylaw, Section 205.07 requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback for Power Pole	7.6 m	1.2 m	6.4 m

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

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for Power Pole	1.52 m	0.9 m	0.62 m

- The Zoning Bylaw, Section 130.01(7)(b) requires that accessory structures not exceed a height of 3.7 meters 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

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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 3:00 p.m. on **Wednesday, October 18, 2023**. The next Board of Variance Hearing is scheduled for **Wednesday, November 15, 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 604-925-7040 should you require any further information regarding this matter.

Thank you,

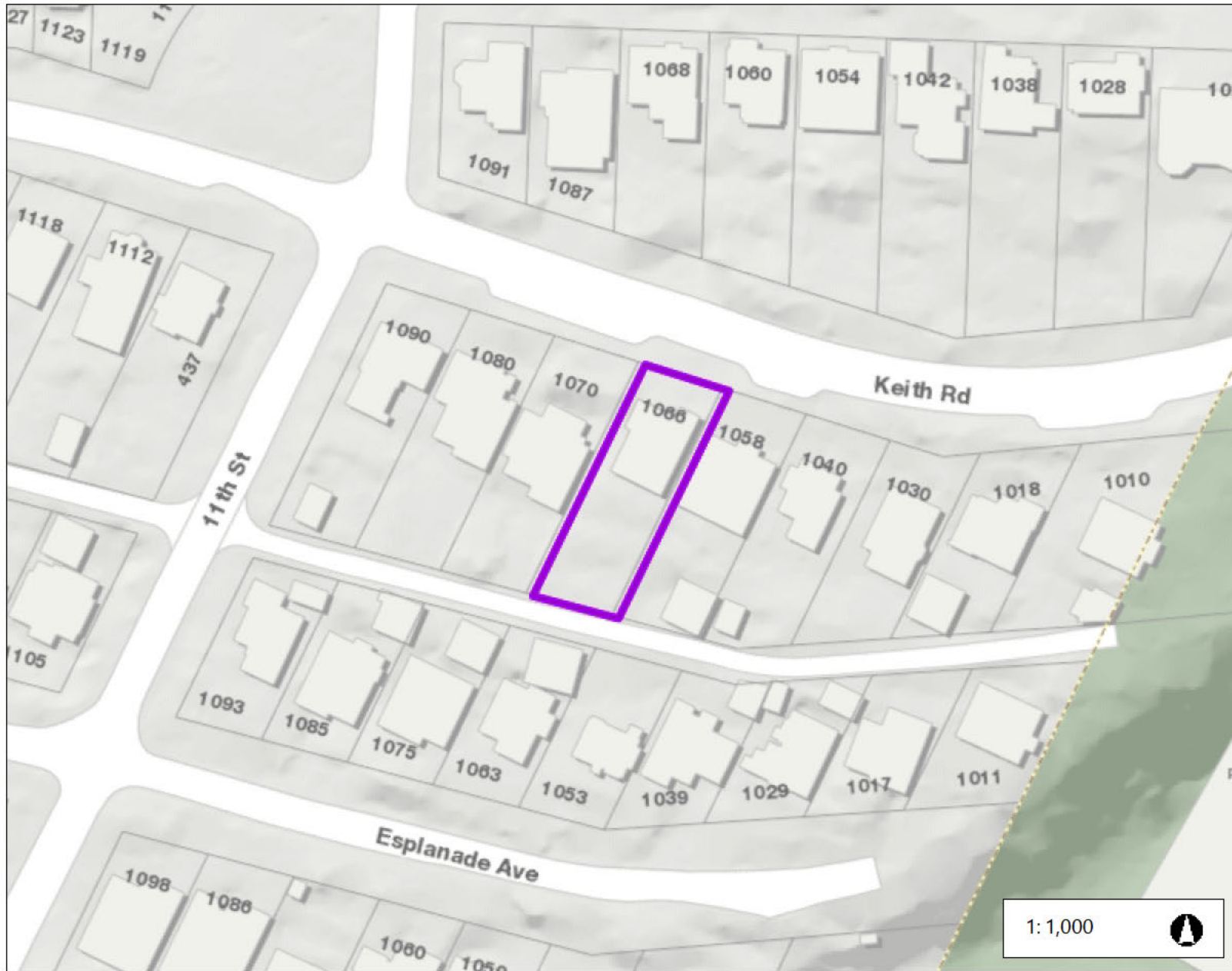
s. 22(1)

Nima Karimabadi

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

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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: **1015 Jefferson Avenue**

A Board of Variance hearing will be held on:

**Wednesday, November 15, 2023**

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

**The following variance for additions at 1015 Jefferson Avenue will be considered:**

Minimum Side Yard Setback	Bylaw Requirement	Proposed	Variance
	1.52 m	0.88 m	0.64 m



**To view plans, permit and variance information** contact Permits & Inspections at 604-925-7040.

**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 November 15, 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/government-administration/committees-groups/board-variance>

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# Board of Variance Application Form

## Subject Property (please print clearly)

Address: 1015 Jefferson ave West Vancouver BC V7T 2A6

## Applicant (please print clearly)

Name(s): Nader Fallah Mitra Latifiyan Phone # s.22(1)

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

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 #: s. 22(1)

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

Email Address: s. 22(1) 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.

s. 22(1)

18 Oct 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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Hardship Letter for City of West Vancouver

Date: October 18, 2023

Applicant Name: Nader Fallah, Mitra Latifiyan

Project address: 1015 Jefferson Ave. West Vancouver, BC

To: Board of Variance City of West Vancouver

I am writing this letter to request your kind consideration and approval for a variance regarding the existing dwelling unit located at Jefferson Ave. West Vancouver, BC. The purpose of this letter is to describe the hardships that would be caused if the variance is not approved and to provide supporting reasons for our request.

Currently, the existing dwelling unit consists of one story plus a basement. However, it does not meet the required side yard setback of 1.52 meters as stated in section 205.09(1)(a)(i) of the regulations. The existing building and deck have setbacks of 0.88 meters on the West side and 1.49 meters on the East side. We are seeking a relaxation of 0.64 meters in the West side setback to enclose a portion of the non-conforming deck.

The first hardship that would arise if the variance is not approved is the violation of the required side yard setback. This non-compliance not only affects s.22(1) but also impacts the overall aesthetics and functionality of the dwelling unit. By enclosing a portion of the non-conforming deck, we aim to rectify this violation and bring the structure in line with the regulations.

Furthermore, enclosing part of the deck will significantly enhance the privacy s.22(1) neighbors. Currently, the open deck area compromises their privacy, and by enclosing it, we can create a more secluded and intimate space for s. 22(1) neighbors. This will contribute to a harmonious living environment and strengthen the sense of community s.22(1) neighborhood.

Additionally, approving the variance will make the structure more feasible and cost-effective. By utilizing the existing basement walls for the main floor structure, we can minimize construction costs and reduce the environmental impact associated with new construction. This approach aligns with sustainable development principles and promotes efficient use of resources.

In conclusion, we kindly request the Board of Variance to grant us the requested relaxation of 0.64 meters in the West side setback. Approving this variance will address the existing hardships, improve neighbor privacy, and make the structure more feasible and sustainable. We assure you that we will adhere to all other applicable regulations and guidelines throughout the construction process.

Thank you for your time and consideration. We look forward to a favorable response to our request. Should you require any additional information or documentation, please do not hesitate to contact us.

Sincerely,

Nader Fallah

Mitra Latifiyan

s.22(1)

s.22(1)

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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

October 17, 2023

File: **BP118529**

s. 22(1)

Dear Sir/Madam

**RE: 1015 JEFFERSON 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 existing additions built without permits and proposed addition will not comply with the Zoning Bylaw because it does not maintain the required minimum side yard setback.

- The Zoning Bylaw, Section 205.09(1)(a)(i) requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for Additions	1.52 m	0.88 m	0.64 m

Comments: DWELLING IS ONE STOREY PLUS BASEMENT. NON-CONFORMING DECK AND ADDITION WAS BUILT WITHOUT PERMITS; PROPOSED ADDITION IS TO ENCLOSE A PORTION OF THE DECK

The following non-conformities exist and are listed for reference only: EXISTING EAST SIDE YARD SETBACK IS 1.49m.

The Permits and Inspections Department is unable to issue a Building Permit unless you:

- revise your plans to conform to the Zoning Bylaw; or
- 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).
- 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

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\$800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **Wednesday October 18, 2023**. The next Board of Variance Hearing is scheduled for **Wednesday November 15, 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.

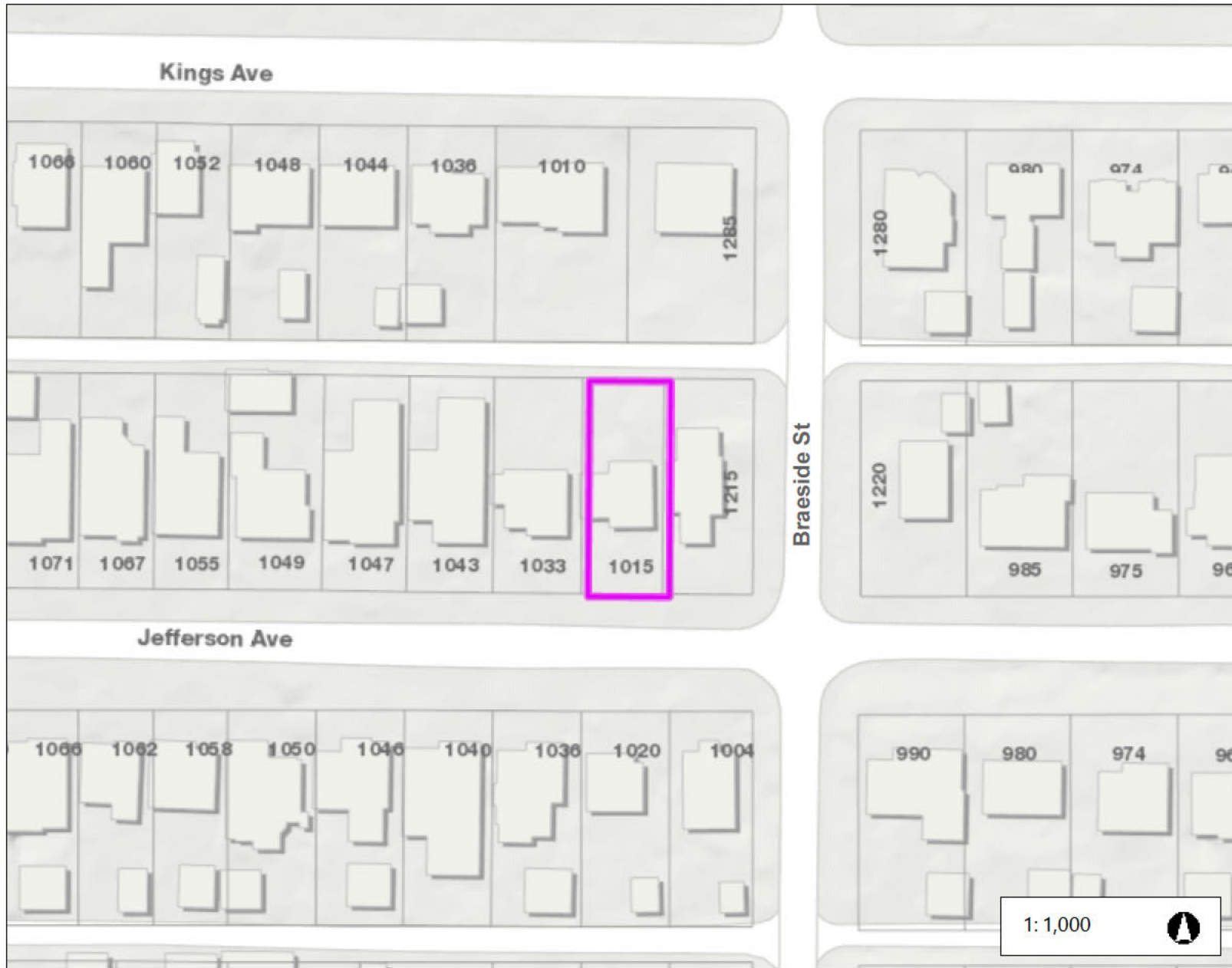
Thank you  
s. 22(1)

[ncolby@westvancouver.ca](mailto:ncolby@westvancouver.ca)

Enclosure

cc: Secretary, Board of Variance





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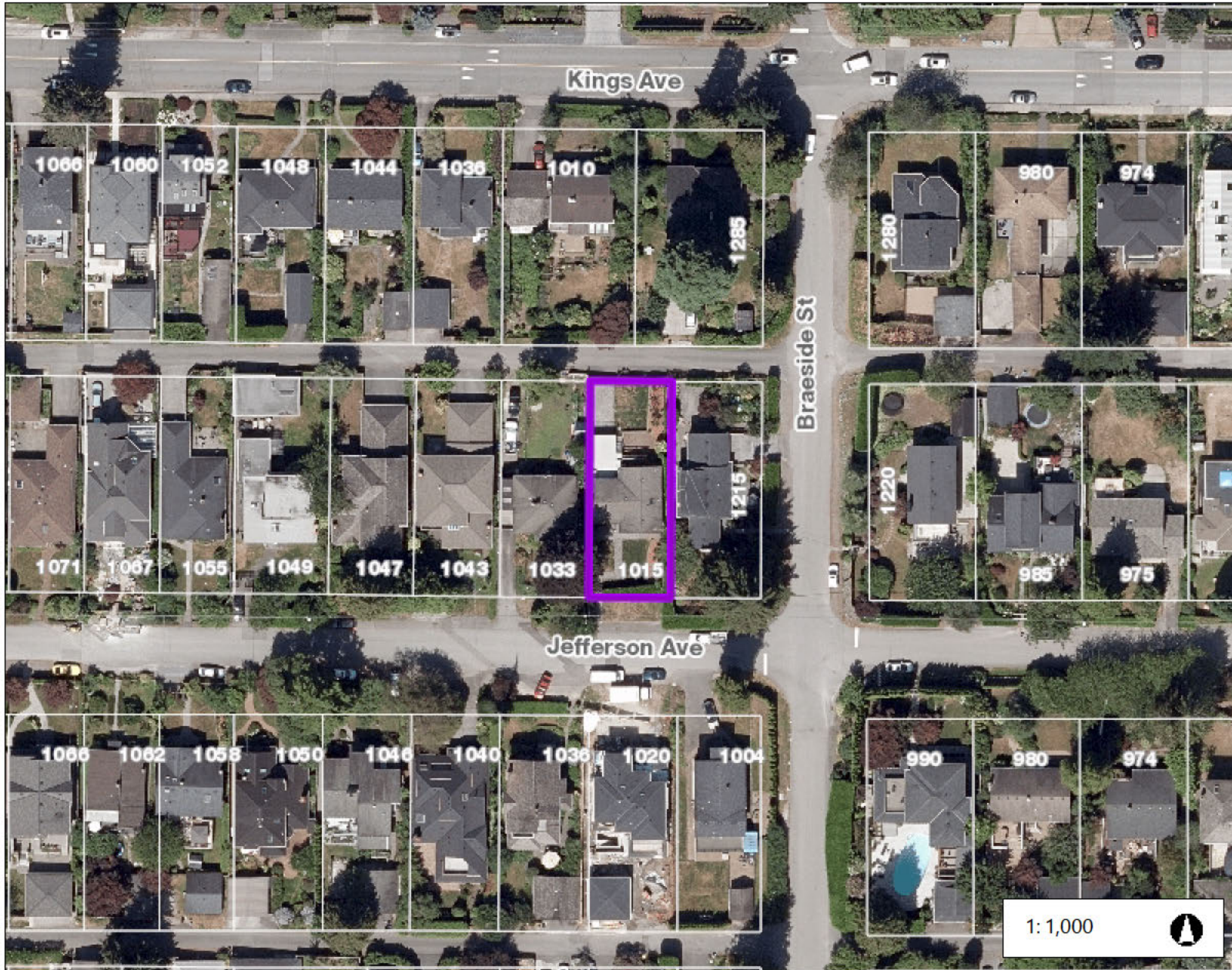
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District of West Vancouver

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The Corporation of the District of West Vancouver  
 750 17th Street, West Vancouver BC V7V 3T3  
 Phone: 604-925-7004

## Board of Variance

### 2024 Application Deadline and Hearing Schedule

<b>Building Permit Application Deadline</b>	<b>Board of Variance Application Deadline</b> To Permits Clerk Supervisor by 4 p.m. on the following dates:	<b>Board of Variance Hearing Date</b> 5 p.m. on the following dates:
November 8, 2023	December 13, 2023	<b>January 17, 2024</b>
December 20, 2023	January 24, 2024	<b>February 21, 2024</b>
January 17, 2024	February 21, 2024	<b>March 20, 2024</b>
February 14, 2024	March 20, 2024	<b>April 17, 2024</b>
March 13, 2024	April 17, 2024	<b>May 15, 2024</b>
April 17, 2024	May 22, 2024	<b>June 19, 2024</b>
May 15, 2024	June 19, 2024	<b>July 17, 2024</b>
No Hearing in August	No Hearing in August	<b>No Hearing in August</b>
July 17, 2024	August 21, 2024	<b>September 18, 2024</b>
August 14, 2024	September 18, 2024	<b>October 16, 2024</b>
September 18, 2024	October 23, 2024	<b>November 20, 2024</b>
No Hearing in December	No Hearing in December	No Hearing in December
November 13, 2024	December 18, 2024	<b>January 15, 2025</b>

*\* To be considered by the Board of Variance at its November 15, 2023 Hearing.*

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