



**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**

February 21, 2024

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 February 21, 2024 Board of Variance hearing agenda be approved as circulated.

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

RECOMMENDATION:

THAT the January 17, 2024 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 24-009 (4123 Burkehill Road) regarding a deck and additions with the following variances:**

- a) 6.80 m to Front Yard Setback (Addition)
- b) 8.53 m to Rear Yard Setback (Addition and Deck)
- c) 0.72 m to Minimum Side Yard Setback (Deck).

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 24-009 regarding a deck and additions at 4123 Burkehill Road with variances of:

- 6.80 m to Front Yard Setback (Addition)
- 8.53 m to Rear Yard Setback (Addition and Deck)
- 0.72 m to Minimum Side Yard Setback (Deck)

BE ALLOWED pursuant to the plans dated December 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 24-009 regarding a deck and additions at 4123 Burkehill Road with variances of:

- 6.80 m to Front Yard Setback (Addition)
- 8.53 m to Rear Yard Setback (Addition and Deck)
- 0.72 m to Minimum Side Yard Setback (Deck)

BE NOT ALLOWED pursuant to the plans dated December 18, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 24-009 (4123 Burkehill Road) to the next Board of Variance hearing.

**7. Application 24-010 (705 St Andrews Road) regarding a single family dwelling with the following variance:**

- a) 1 storey to Number of Storeys.

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 24-010 regarding a single family dwelling at 705 St Andrews Road with a variance of:

- 1 storey to Number of Storeys

BE ALLOWED pursuant to the plans dated January 24, 2022 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 24-010 regarding a single family dwelling at 705 St Andrews Road with a variance of:

- 1 storey to Number of Storeys

BE NOT ALLOWED pursuant to the plans dated January 24, 2022 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 24-010 (705 St Andrews Road) to the next Board of Variance hearing.

**8. Application 24-011 (6111 Bonnie Bay Place) regarding an elevator with the following variances:**

- a) 0.3% to Site Coverage Percentage (Elevator and Fireplace)
- b) 820.25 sqft to Floor Area Ratio (Elevator, Fireplace and Deck Weather Protection Canopy).

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 22, 2024	1

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 24-011 regarding an elevator at 6111 Bonnie Bay Place with variances of:

- 0.3% to Site Coverage Percentage (Elevator and Fireplace)
- 820.25 sqft to Floor Area Ratio (Elevator, Fireplace and Deck Weather Protection Canopy)

BE ALLOWED pursuant to the plans dated December 20, 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 24-011 regarding an elevator at 6111 Bonnie Bay Place with variances of:

- 0.3% to Site Coverage Percentage (Elevator and Fireplace)
- 820.25 sqft to Floor Area Ratio (Elevator, Fireplace and Deck Weather Protection Canopy)

BE NOT ALLOWED pursuant to the plans dated December 20, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 24-011 (6111 Bonnie Bay Place) to the next Board of Variance hearing.

**9. Application 24-012 (930 Burley Drive) regarding a new single family dwelling with detached garage with the following variance:**

- a) 1.22 m to Minimum Side Yard Setback (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 24-012 regarding a new single family dwelling with detached garage at 930 Burley Drive with a variance of:

- 1.22 m to Minimum Side Yard Setback (Detached Garage)  
BE ALLOWED pursuant to the plans dated January 19, 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 24-012 regarding a new single family dwelling with detached garage at 930 Burley Drive with a variance of:

- 1.22 m to Minimum Side Yard Setback (Detached Garage)  
BE NOT ALLOWED pursuant to the plans dated January 19, 2023 submitted with the application.

**OR**

**RECOMMENDATION:**

THAT the Board defers further consideration of Application 24-012 (930 Burley Drive) to the next Board of Variance hearing.

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

RECOMMENDATION:

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

- Application 24-009 (4123 Burkehill Road))
- Application 24-010 (705 St Andrews Road)
- Application 24-011 (6111 Bonnie Bay Place)
- Application 24-012 (930 Burley Drive)

up to and including February 21, 2024 be received.

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

**12. Next Hearing**

The next Board of Variance hearing is scheduled for March 20, 2024.

**13. Adjournment**

RECOMMENDATION:

THAT the February 21, 2024 Board of Variance hearing be adjourned.

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, JANUARY 17, 2024**

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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. Election of Chair for 2024**

It was Moved and Seconded:

THAT Member Radage be elected as Chair for 2024.

CARRIED

Chair Radage appointed Member Yaworsky as Acting Chair for 2024.

**3. Designation of Head Pursuant to *Freedom of Information and Protection of Privacy Act***

It was Moved and Seconded:

THAT pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act*, the Board of Variance designates the Corporate Officer of The Corporation of the District of West Vancouver as the Head for the purposes of the *Act*.

CARRIED

**4. Board of Variance Hearing Location**

It was Moved and Seconded:

THAT

1. Board of Variance hearings for all of 2024 and for January 15, 2025 be held via electronic communication facilities only;
2. the Municipal Hall Council Chamber be designated as the place where the public may attend to hear, or watch and hear, the Board of Variance hearing proceedings; and

3. a staff member be in attendance at the Municipal Hall Council Chamber for each of the scheduled hearings.

CARRIED

**5. Introduction**

Staff introduced the Board Members and described the hearing procedure.

**6. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the January 17, 2024 Board of Variance hearing agenda be approved as circulated.

CARRIED

**7. Adoption of the November 15, 2023 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on November 15, 2023.

It was Moved and Seconded:

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

CARRIED

**8. 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.

**9. Application 24-001 (1072 Duchess Avenue)**

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

- a) 7.0 m to Front Yard Setback
- b) 0.74 m to Minimum Side Yard Setback
- c) 5.4 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	January 8, 2024	1
Redacted	January 14, 2024	2
Y. Khalighi	January 15, 2024	3

Y. Khalighi (1072 Duchess Avenue) and P. Merrikh (representing the owner of 1072 Duchess Avenue) described the variance application for a power pole (accessory structure).

Staff provided permit history of the subject property.

Y. Khalighi, P. Merrikh, 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 November 23, 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 Y. Khalighi and P. Merrikh:

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 24-001 regarding a power pole (accessory structure) at 1072 Duchess Avenue with variances of:

- 7.0 m to Front Yard Setback
- 0.74 m to Minimum Side Yard Setback
- 5.4 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.

CARRIED

**10. Application 24-002 (620 Kenwood Road)**

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

- a) 5.75 m to Rear Yard Setback
- b) 2.3 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.

P. Merrikh (620 Kenwood Road) described the variance application for a power pole (accessory structure).

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 November 28, 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 P. Merrikh:

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 24-002 regarding a power pole (accessory structure) at 620 Kenwood Road with variances of:

- 5.75 m to Rear Yard Setback
- 2.3 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 16, 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. Application 24-003 (1024 Groveland Place)**

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

- a) 7.42 m to Front Yard Setback
- b) 1.28 m to Minimum Side Yard Setback
- c) 0.80 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.

O. Hoekstra (Paramax Homes, representing the owner of 1024 Groveland Place) described the variance application for a private power pole (accessory structure).

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.

O. Hoekstra responded to a Board member's questions.

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 December 5, 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 O. Hoekstra:

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 24-003 regarding a private power pole (accessory structure) at 1024 Groveland Place with variances of:

- 7.42 m to Front Yard Setback
- 1.28 m to Minimum Side Yard Setback
- 0.80 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated October 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

**12. Application 24-004 (1457 Haywood Avenue)**

Staff confirmed the following requested variances regarding an accessory building:

- a) 0.91 m to Minimum Side Yard Setback
- b) 81.28 m<sup>2</sup> to Floor Area Ratio
- c) Street Access instead of Lane Access.

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. Medilek (1457 Haywood Avenue) and K. Kim (Architect, Kenneth Kim Architecture Inc., representing the owner of 1457 Haywood Avenue) described

the variance application for an accessory building. 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 December 10, 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 K. Kim and D. Medilek:

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 24-004 regarding an accessory building at 1457 Haywood Avenue with variances of:

- 0.91 m to Minimum Side Yard Setback
- 81.28 m<sup>2</sup> to Floor Area Ratio
- Street Access instead of Lane Access

BE ALLOWED pursuant to the plans dated December 1, 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

**13. Application 24-005 (4309 Erwin Drive)**

Staff confirmed the following requested variances regarding a sauna (accessory building) and pool mechanical equipment (accessory structure):

- a) 7.9 m to Front Yard Setback (Pool Mechanical Equipment)
- b) 0.89 m to Minimum Side Yard Setback (Pool Mechanical Equipment)
- c) 6.31 m to Front Yard Setback (Sauna)
- d) 4.7% (42.10 m<sup>2</sup>) to Floor Area Ratio (Sauna).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 14, 2024	1

Staff provided permit history of the subject property.

A. Olsen and J. Olsen (4309 Erwin Drive) described the variance application for a sauna (accessory building) and pool mechanical equipment (accessory structure).

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.

A. Olsen further described the variance application for a sauna (accessory building) and pool mechanical equipment (accessory structure). A. Olsen and staff responded to a Board member's questions.

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 December 11, 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 A. Olsen and J. Olsen:

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 24-005 regarding a sauna (accessory building) and pool mechanical equipment (accessory structure) at 4309 Erwin Drive with variances of:

- 7.9 m to Front Yard Setback (Pool Mechanical Equipment)
- 0.89 m to Minimum Side Yard Setback (Pool Mechanical Equipment)
- 6.31 m to Front Yard Setback (Sauna)
- 4.7% (42.10 m<sup>2</sup>) to Floor Area Ratio (Sauna)

BE ALLOWED pursuant to the plans dated November 23 and December 7, 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

**14. Application 24-006 (4370 Keith Road)**

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

- a) 8.49 m to Front Yard Setback
- b) 0.28 m to Minimum Side Yard Setback
- c) 0.87 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.

M. Drabek (4370 Keith Road) and A. Laos (Hodgson Design Associates, representing the owner of 4370 Keith Road) described the variance application for a private power pole (accessory structure) and 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 December 11, 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 M. Drabek and A. Laos:

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 24-006 regarding a private power pole (accessory structure) at 4370 Keith Road with variances of:

- 8.49 m to Front Yard Setback
- 0.28 m to Minimum Side Yard Setback
- 0.87 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 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

**15. Application 24-007 (3051 Procter Avenue)**

Staff confirmed the following requested variances regarding a new single family dwelling:

- a) 4.73 m to Front Yard Setback
- b) 4.69 m to Rear Yard Setback.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 11, 2024	1
Redacted	January 12, 2024	2
Redacted	January 17, 2024	3

Staff provided permit history of the subject property and responded to a Board member's question.

D. Cordingley and A. Cordingley (3051 Procter Avenue) and M. Ritchie (Architect, ABC Architecture Building Culture Inc., representing the owner of



3051 Procter Avenue) described the variance application for a new single family dwelling and 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 December 12, 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 D. Cordingley, A. Cordingley, and M. Ritchie:

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 24-007 regarding a new single family dwelling at 3051 Procter Avenue with variances of:

- 4.73 m to Front Yard Setback
- 4.69 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated November 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

**16. Application 24-008 (819 Burley Drive)**

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

- a) 8.80 m to Front Yard Setback
- b) 0.69 m to Minimum Side Yard Setback
- c) 0.3 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	January 17, 2024	1

Staff provided permit history of the subject property and responded to a Board member's questions.

Y. Mohammadkhani (Palacio Construction Ltd., representing the owner of 819 Burley Drive) and D. Hamilton-Smith (819 Burley Drive) described the variance application for a power pole (accessory structure). Y. Mohammadkhani, D. Hamilton-Smith, 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 December 12, 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 Y. Mohammadkhani and D. Hamilton-Smith:

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 24-008 regarding a power pole (accessory structure) at 819 Burley Drive with variances of:

- 8.80 m to Front Yard Setback
- 0.69 m to Minimum Side Yard Setback
- 0.3 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated November 27, 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

**17. 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 24-001 (1072 Duchess Avenue);
- Application 24-002 (620 Kenwood Road);
- Application 24-003 (1024 Groveland Place);
- Application 24-004 (1457 Haywood Avenue);
- Application 24-005 (4309 Erwin Drive);
- Application 24-006 (4370 Keith Road);
- Application 24-007 (3051 Procter Avenue);
- Application 24-008 (819 Burley Drive);

up to and including January 17, 2024, be received.

CARRIED

**18. Public Question Period**

There were no questions.

**19. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for February 21, 2024 at 5 p.m.

**20. Adjournment**

It was Moved and Seconded:

THAT the January 17, 2024 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:29 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: **4123 Burkehill Road**

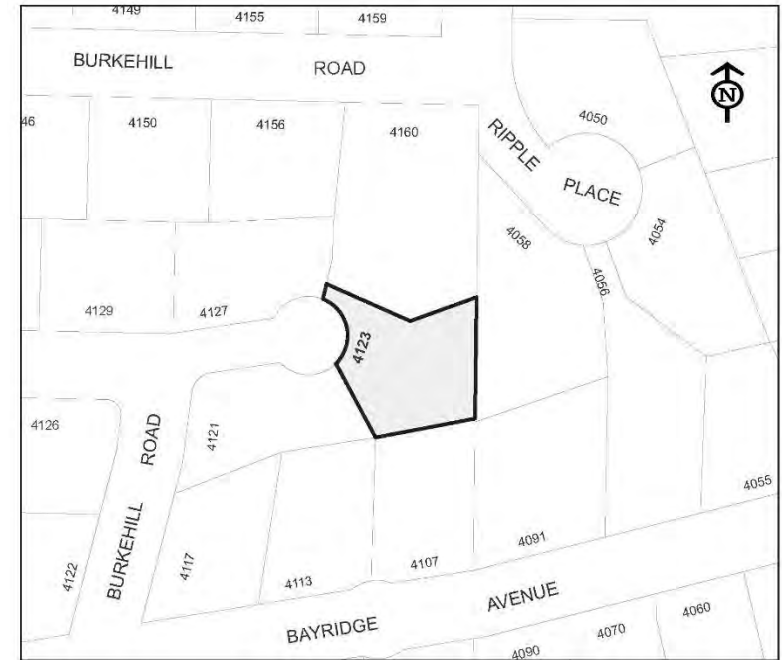
A Board of Variance hearing will be held on:

**Wednesday, February 21, 2024**

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

**The following variances for a deck and additions at 4123 Burkehill Road will be considered:**

Front Yard Setback (Addition)	Bylaw Requirement	Proposed	Variance
	9.10 m	2.30 m	6.80 m
Rear Yard Setback (Addition and Deck)	Bylaw Requirement	Proposed	Variance
	9.10 m	0.57 m	8.53 m
Minimum Side Yard Setback (Deck)	Bylaw Requirement	Proposed	Variance
	1.52 m	0.80 m	0.72 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 February 21, 2024 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: 4123 Burkehill Rd, West Vancouver, BC V7V 3M3

## Applicant *(please print clearly)*

Name(s): Peter Huang Phone #: \_\_\_\_\_

Mailing Address: [Redacted] s. 22(1) Cell #: [Redacted] s. 22(1)

Email Address: [Redacted] Fax #: \_\_\_\_\_

Interest of Applicant: [Redacted] 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)  
Text

## Registered Owner *(please print clearly)*

Name(s): [Redacted] s. 22(1) Phone #: [Redacted] s. 22(1)

Mailing Address: [Redacted] Cell #: \_\_\_\_\_

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)

Jan 20, 2024

**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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Jan 17<sup>th</sup>, 2024

File: BP117671

Board of Variance  
750 17<sup>th</sup> Street,  
West Vancouver, BC  
V7V 3T3

Dear Sir/Madam

**Re: 4123 BURKEHILL ROAD – WEST VANCOUVER  
BUILDING PERMIT APPLICATION – RS3 ZONE**

I am the architectural designer to undertake the building permit application at the above referenced address. The owner authorized me to make an application to the Board of Variance for relaxation of the Zoning Bylaw.

The owner, [s. 22(1)] bought the house at the above referenced address in [s. 22(1)]. As the house was in a very old condition, [s. 22(1)] decided to renovate the house. Before I was hired for this project, construction was in process already. The proposed renovation includes:

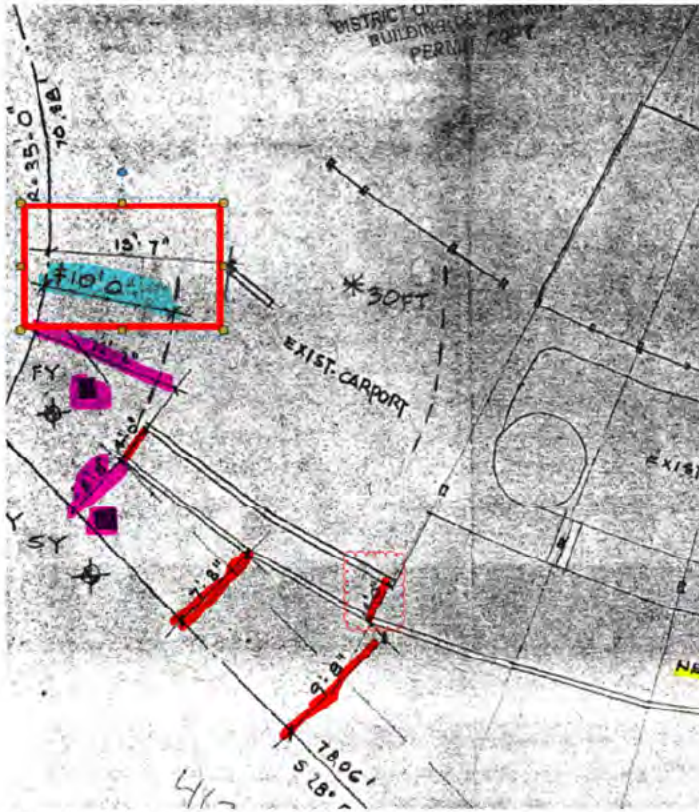
1. garage extension
2. interior layout change
3. exterior cladding upgrade and replacement

After I submitted the Building Permit application, I was informed by the Permits & Inspections Department there are three variances need to apply to Board of Variance as below:

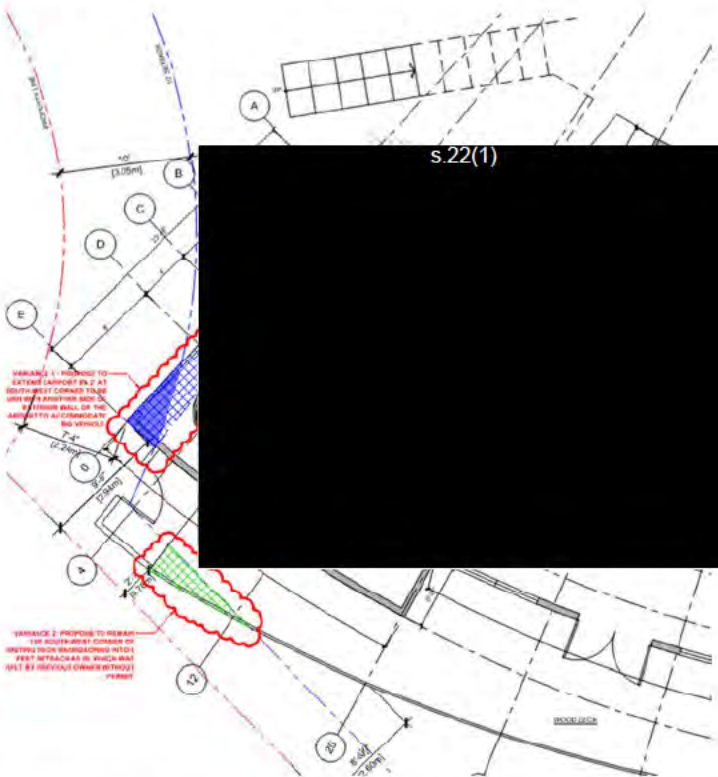
1. **Variance 1** - propose to extend carport by 2' at south-west corner to be flush with another side of exterior wall of the carport to accommodate big vehicle. This construction has already been completed.

In the current bylaw, the required front yard setback is 9.1m. However, when the house was built the current front yard was considered a side yard. The setback required was only 10' (3m) by then. (refer to the below record of the City). The proposed setback is 2.3m, the variance is only 0.7m based on the original bylaw when the house was built.

The reason the owner has to extend the south part of garage to line up with the north part of garage is the garage is curved shape and it is too short to accommodate the owner's [s. 22(1)]. It is hard to cut the corner within 10' (3m) setback out of the extension. Otherwise, the garage door doesn't work.



Blue highlighted was the original setback required.



Blue hatched area is proposed 2' extension of the south part of the garage.



Before



Now (Garage extension has been constructed)

2. **Variance 2** – The existing deck setback from the SW property line is **0.8m**, which encroached into 5' (1.52m) setback required, the variance is **0.72m**.

This variance is the existing condition when the current owner bought this house. It was built by one of the previous owners. The current owner has no idea about the variance at all. It has been there for many years. It is unfair to require the current owner to demolish the deck which has been existing for many years. The viewing deck is the most valuable part when the current owner bought this house.

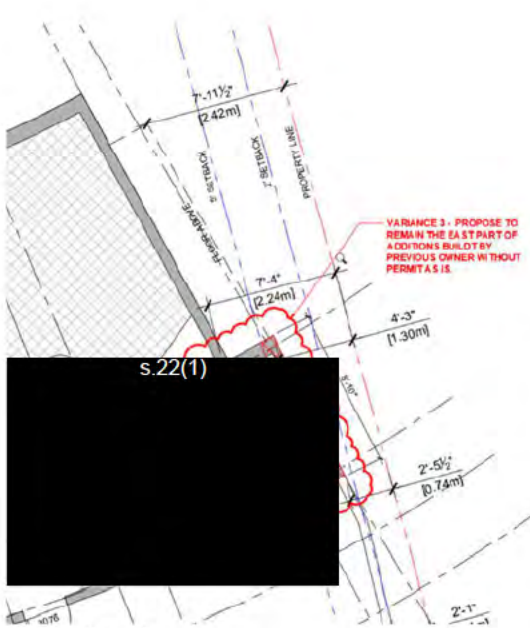


The green hatched deck area is an existing deck in setback built by previous owner after 1978.



Existing deck condition when the current owner bought this house.





Lower Level



Upper Level

The existing east corner within 1.5m setback when the current owner bought this house.



Addition on deck built by previous owner.



Addition on deck demolished by the current owner.

s. 22(1)

Prepared By: Peter Huang

Signature:

Date: Jan-20, 20

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

January 17, 2024

File: **BP117671**

s. 22(1)

Dear Sir/Madam

**RE: 4123 BURKEHILL ROAD - 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 deck and additions built without a permit will not comply with the Zoning Bylaw because it does not maintain the required front, side, and rear yard setbacks.

- The Zoning Bylaw, Section 203.07 requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback for Addition	9.1 m	2.3 m	6.8 m

- The Zoning Bylaw, Section 203.08 requires a rear yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Rear Yard Setback for Addition and Deck	9.1 m	0.57 m	8.53 m

- The Zoning Bylaw, Section 203.09(1)(a)(i) requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for Deck	1.52 m	0.8 m	0.72 m

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

There have been 5 previous Board of Variance approvals between 1962 -1978:

- 1) Jan 1963 (Appeal #1143) for 21.0' to rear yard setback (South)
- 2) May 1972 (Appeal #2169) for 2.0' to side yard setback (East) and 15.0' to rear yard setback (South). After this approval, the interpretation of the yards changed: the East side of the lot was determined to be the rear yard while the South was determined to be a side yard.
- 3) Jul 1972 (Appeal #2215) for 10.0' to front yard setback
- 4) Aug 1977 (Appeal #2868) for 12.2' to front yard setback, 5.66' side yard setback (West) and 5.0' rear yard setback
- 5) Mar 1978 (Appeal #2930) for 12.2' to front yard setback, 5.66' side yard setback (West) and 5.0' rear yard setback

---

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 24th January 2024**. The next Board of Variance Hearing is scheduled for **Wednesday 21st February 2024**. 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.

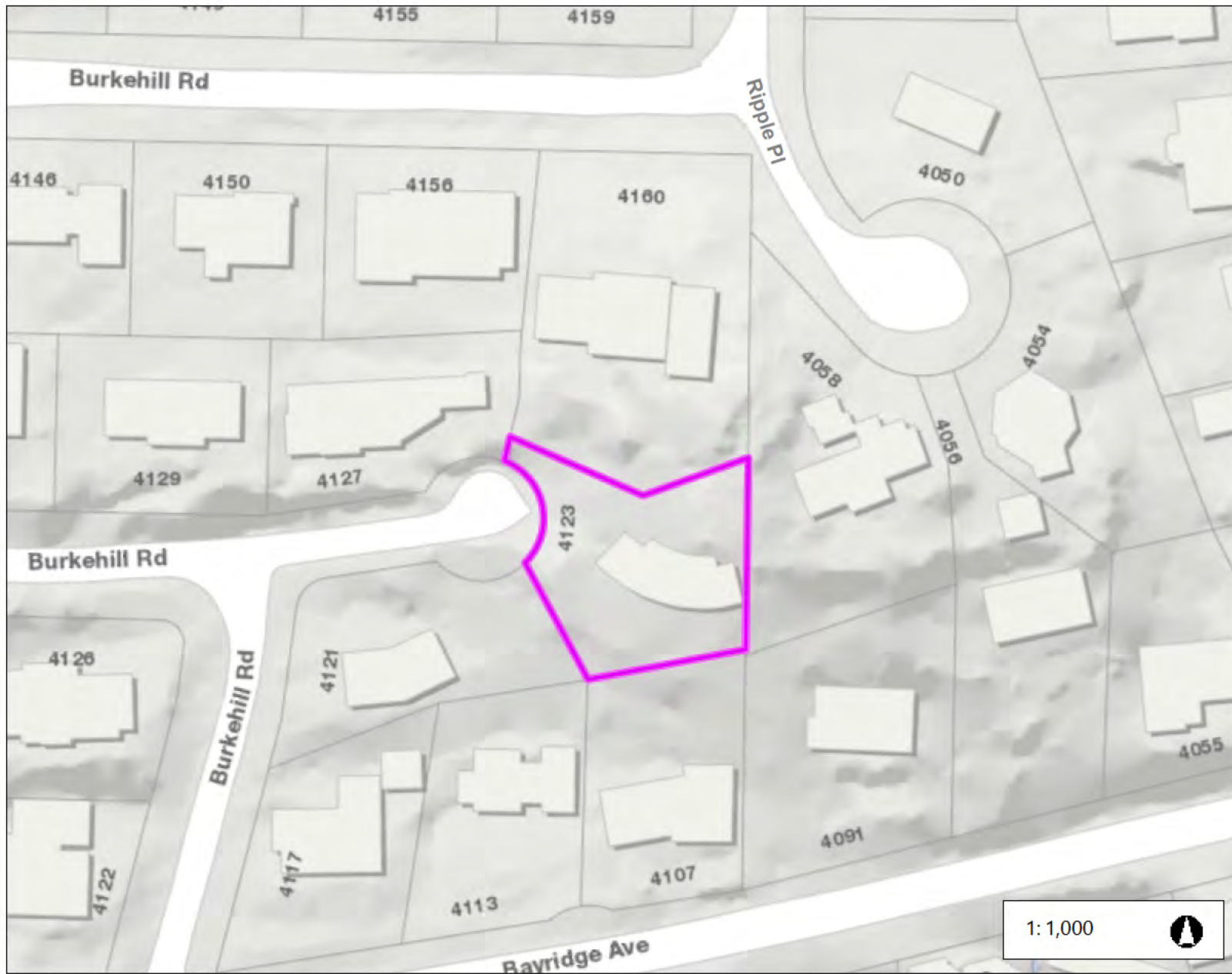
s. 22(1)

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

Enclosure

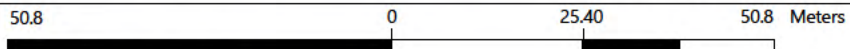
cc: Secretary, Board of Variance





Legend

Notes



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

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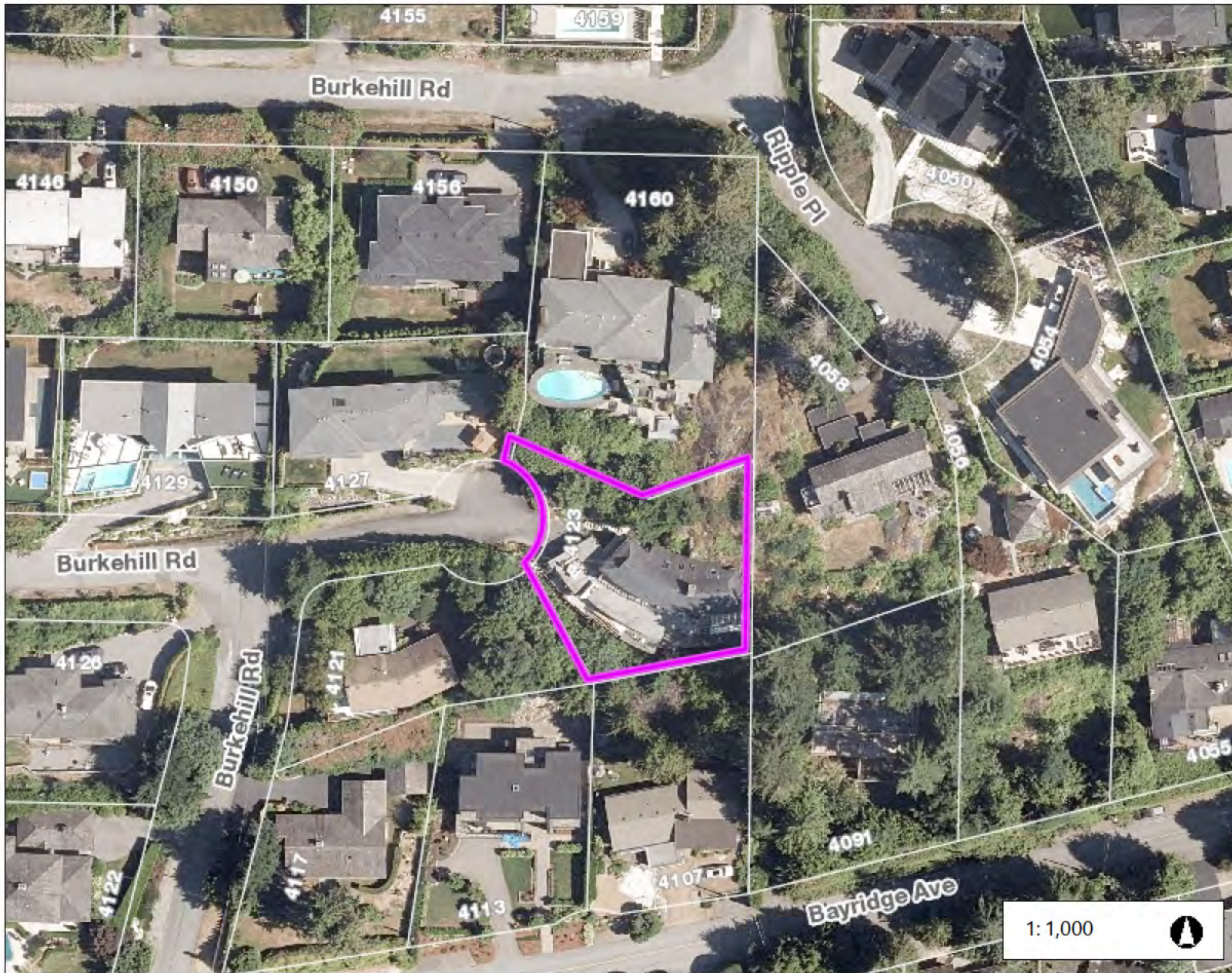


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Legend

Notes

50.8 0 25.40 50.8 Meters

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

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## NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **705 St Andrews Road**

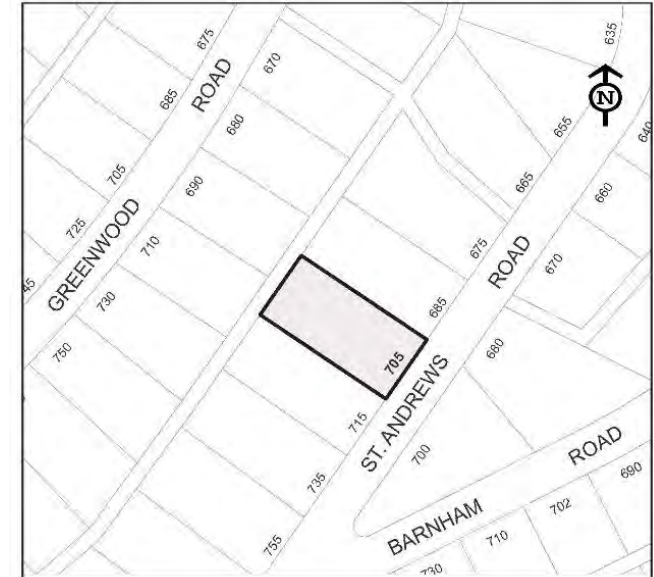
A Board of Variance hearing will be held on:

**Wednesday, February 21, 2024**

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

**The following variance for a single family dwelling  
at 705 St Andrews Road will be considered:**

Number of Storeys	Bylaw Requirement	Proposed	Variance
	2 storeys	3 storeys	1 storey



**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 February 21, 2024 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: 705 St. Andrews Rd, West Vancouver, British Properties

## Applicant *(please print clearly)*

Name(s): Rasam Ghaffari Phone #: 604 616 5655

Mailing Address: 3903 1011 W Cordova St, Vancouver Cell #: \_\_\_\_\_

Email Address: [Redacted] s.22(1) Fax #: \_\_\_\_\_

Interest of Applicant: [Redacted] 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): [Redacted] s. 22(1) Phone #: [Redacted] s. 22(1)

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

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)

2024/Jan/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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Dada Developments Ltd.

Rasam Ghaffari

Email [REDACTED] s.22(1)

604 616 5655

2023.Aug.17

Application for Variance Permit - Property at 705 St. Andrews Rd,

Dear Members of the Board of Variance,

I am writing to formally apply for a Variance Permit for the property located at 705 St. Andrews Rd, in accordance with the Zoning Bylaw of the District of West Vancouver. The purpose of this application is to address the vertical height difference between the garage level and basement level, which has resulted in the property being classified as exceeding the maximum allowable two storeys plus basement as per the Zoning Bylaw.

Property Details:

- Property Address: 705 St. Andrews Rd,
- Applicant Name: Dada Developments
- Application Date: 2023.Aug.17

As outlined in the relevant bylaw excerpt, the vertical height difference between the garage level and basement level on the property is currently measured at 1.76 meters. According to the Zoning Bylaw, these distinct elevations are considered separate storeys, leading to the property exceeding the maximum limit of two storeys plus a basement as set forth in the Zoning regulations.

Considering the unique slope of the driveway and the site conditions, it is not feasible to adjust the garage and basement floor elevations to be within the specified limit of 1.4 meters, as suggested by the Zoning Bylaw. Therefore, as an alternative approach, we are seeking permission from the Board of Variance to allow an additional storey based on the grounds of hardship caused by the topographical characteristics of the property.

We understand that the Board of Variance evaluates variance applications with careful consideration of the facts and circumstances specific to each case. In this regard, we provide the following information to support our application:

- **Site Topography:** The steep slope of the driveway and the natural contours of the site make it challenging to adjust the garage and basement floor elevations to meet the 1.4-meter limit without significantly compromising the functionality and safety of the property.
- **Minimal Impact:** Granting a variance in this case would have minimal impact on neighboring properties and the overall character of the neighborhood. The proposed additional storey would not disrupt the established visual rhythm of nearby residences.

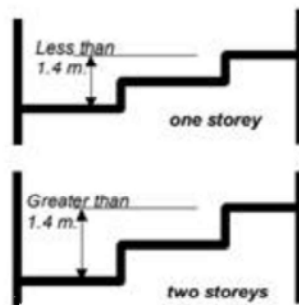
- **Hardship:** Adhering to the strict height limit would impose undue hardship on the property owner due to the substantial site constraints, making reasonable use of the property difficult without the requested variance.

We kindly request that the Board of Variance consider the aforementioned factors and grant the Variance Permit to allow an additional storey on the property as a result of the hardship caused by the topographical conditions. We are committed to working collaboratively with the District of West Vancouver to ensure that the proposed design aligns with the broader zoning and planning objectives while addressing the specific challenges posed by the property's unique characteristics.

Thank you for your time and consideration of our application. We look forward to the opportunity to present our case before the Board and provide any further information that may be required. Should you have any questions or require additional documentation, please do not hesitate to contact me or my architect [info@arsadesign.com](mailto:info@arsadesign.com).

- (3) Where split level or stepped designs occur, a combination of floor levels within 1.4 metres vertical of the highest and lowest floor may be considered a single storey, as shown in Figure 1.

Figure 1



Sincerely,

Rasam Ghaffari

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

June 20, 2023

File: **BP118065**

s. 22(1)

Dear Sir/Madam

**RE: 705 ST ANDREWS ROAD - 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 Single Family Dwelling will not comply with the Zoning Bylaw because it does not maintain the maximum of 2 storeys plus basement.

The Zoning Bylaw, Section 203.11 requires that the number of storeys not exceed 2 storeys plus basement, as indicated in the table below:

	Bylaw	Proposed	Variance
Number of Storeys For Single Family Dwelling	2 storeys	3 storeys	1 storey

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 June 21, 2023**. The next Board of Variance Hearing is scheduled for **Wednesday July 19, 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 604-921-3450 should you require any further information regarding this matter.

Thank you.

s. 22(1)



Colin Coulter  
Plans Examiner II  
[ccoulter@westvancouver.ca](mailto:ccoulter@westvancouver.ca)

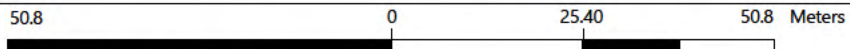
Enclosure

cc: Secretary, Board of Variance



Legend

Notes



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

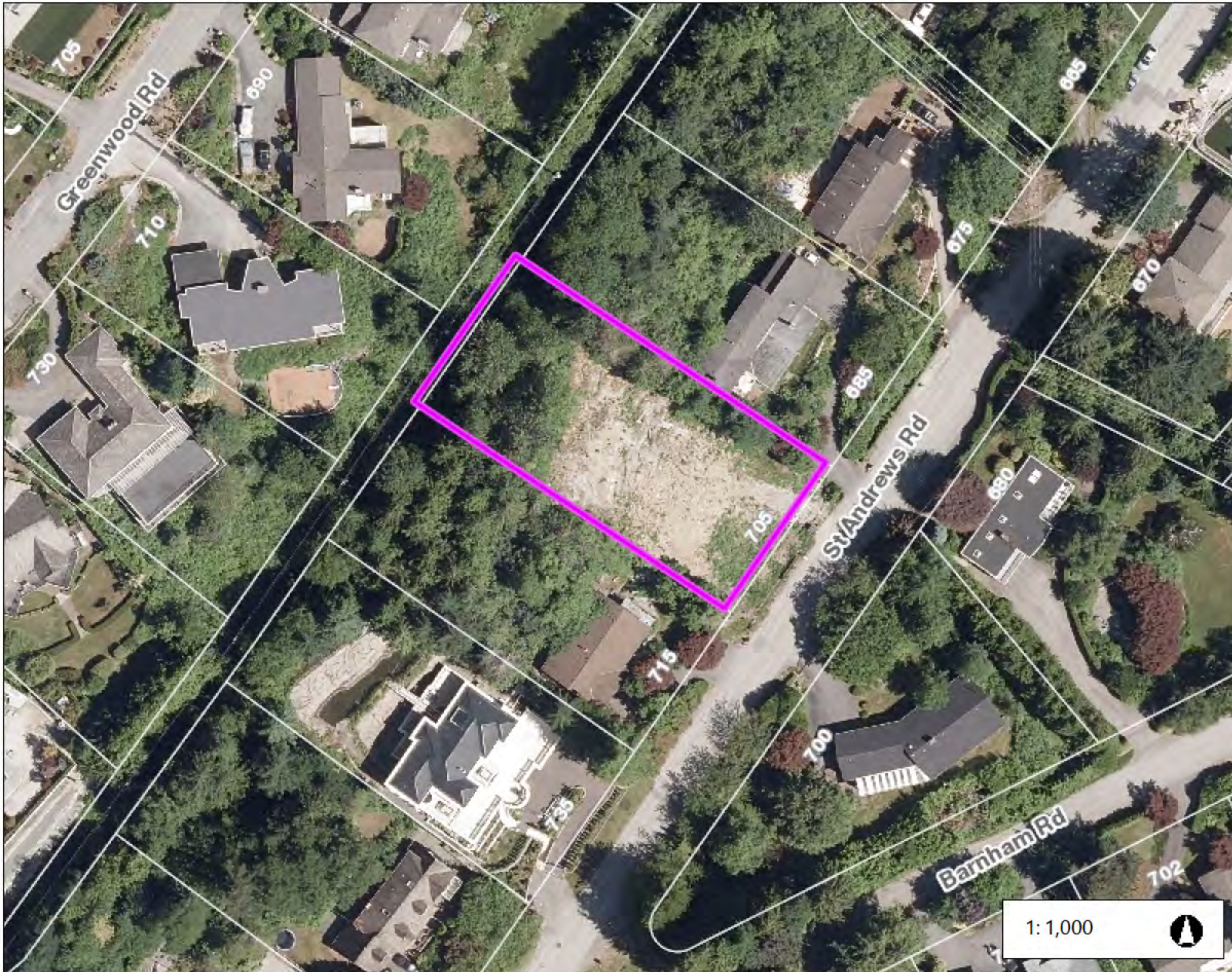
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Notes

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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: **6111 Bonnie Bay Place**

A Board of Variance hearing will be held on:

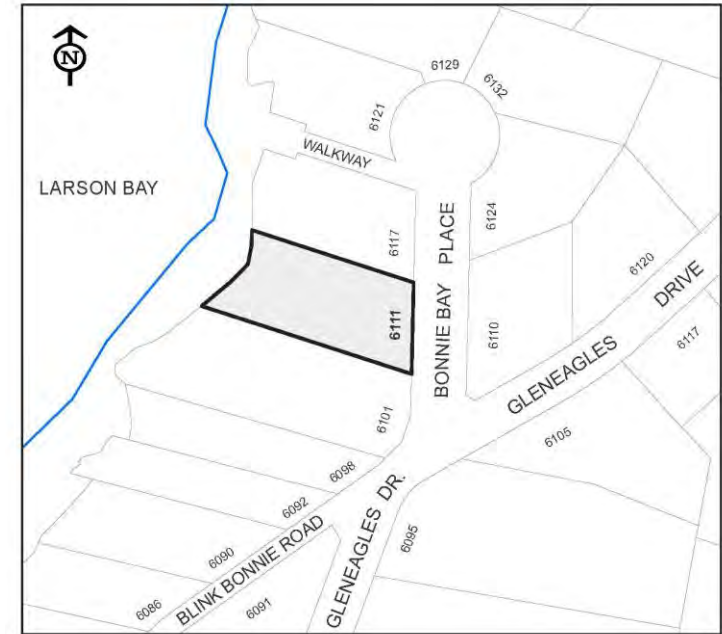
**Wednesday, February 21, 2024**

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

The following variances for an elevator

**at 6111 Bonnie Bay Place will be considered:**

Site Coverage Percentage (Elevator and Fireplace)	Bylaw Requirement	Proposed	Variance
	30.0%	30.3%	0.3%
Floor Area Ratio (Elevator, Fireplace and Deck Weather Protection Canopy)	Bylaw Requirement	Proposed	Variance
	4,086.00 sqft	4,906.25 sqft	820.25 sqft



**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 February 21, 2024 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:** 6111 Bonnie Bay Place, West Vancouver, BC, V7W 2V8

### Applicant *(please print clearly)*

**Name(s):** BFA STUDIO ARCHITECTS Helen Besharat, Daniel Au & Megan Chan **Phone #:** 604 662 8544

**Mailing Address:** 600-355 Burrard Street, Vancouver, BC **Cell #:** s. 22(1)

**Email Address:** s. 22(1) **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 #:** 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 placed in the public agenda binder for the Board of Variance Hearing.**

s. 22(1)

JAH. 23, 2024

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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**The Corporation of District of West Vancouver**  
750 17<sup>th</sup> Street, West Vancouver, BC V7V 3T3  
West Vancouver, BC V7V 3T3

**22 January 2023**

Planning & Development Department

**Mr. Eric Mah, Plan Examiner and Board of Variance**

**Reference – 6111 Bonnie Bay Place, West Vancouver**

Building Permit Application – BP118938

Application to the Board of Variance for minor relaxation of the zoning by-law requirements

On behalf of our client [REDACTED] s. 22(1) and in reference to Mr. Eric Mah's letter dated January 16, 2024, we are requesting a relaxation of 0.3% to site coverage and total of 190 square feet to the existing floor area ratio of the above residence.

The 190 square feet requested minor relaxation consist of the following:

1. 126 square feet for a new [REDACTED] s.22(1) residential elevator
2. 11 square feet to replace two dated inefficient fireplaces and chimneys with a new energy efficient direct vent fireplace that would allow remote control operation for [REDACTED] s.22(1)
3. 53 square feet to replace an existing weather protection with structural issues providing increased weather protection and reduce rain exposure at the existing dining area's existing sliding door.

**Existing House History:** The existing 3 level 46-year original house was built in 1978 and renovated in 1999/2000. The [REDACTED] s. 22(1) bought the house in 2006 and have been enjoying their home with [REDACTED] s. 22(1)

**Hardship and Relaxation Rationale:**

Proposed variances are minor in relation to the existing house, provide positive physical and environmental benefits with no negative impact as summarized below:

- The proposal does not result in inappropriate development of the site; all changes will happen within the allowable setbacks with no impact on the neighbouring properties.
- Proposed elevator will allow existing owners, s. 22(1) with s. 22(1) to age in place. s. 22(1) is currently awaiting s. 22(1)
- Addition of the elevator is critical for s. 22(1) to stay and age in place since entry from the garage level on the middle level does not provide access to any bedrooms. s. 22(1) forcing the owners to use the existing unsafe curved stair.
- Proposed 11 square feet of fireplace addition for new fireplace replacing existing two fireplaces will increase energy efficiency of the house.
- Proposed variances will not have any impact on enjoyment of adjacent land.
- Proposed variances will not vary the residential use and are proposed within the existing setbacks.
- Proposed addition will maintain existing form and character and will not defeat the intent of the bylaw.

Thank you for your time and consideration, please contact us if you need any additional information.

Respectfully,

**Helen Basharat**, Principal  
Architect AIBC FRAIC RID LEED AP

s. 22(1)

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

January 16, 2024

File: **BP118938**



Dear Sir/Madam

**RE: 6111 BONNIE BAY PLACE - 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 elevator will not comply with the Zoning Bylaw because it does not maintain the required site coverage and floor area regulations in the zoning bylaw..

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

The Zoning Bylaw, Section 204.5(1) limits the site coverage to a maximum percentage of a lot as indicated in the table below:

	Bylaw	Proposed	Variance
Site Coverage Percentage for elevator and fireplace	30 %	30.3 %	0.3 %

The Zoning Bylaw, Section 204.06(1) limits the floor area ratio of a lot as indicated in the table below:

	Bylaw	Proposed	Variance
Floor Area Ratio for elevator, fireplace and deck weather protection canopy	4,086sqft (30%) *Existing non-conforming 4,716.25sqft (34.6%)	4,906.25sqft (36%)	820.25sqft (see below) 190sqft (1.4%) *630.25sqft (4.6%) is existing non-conforming

---

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 January 24th 2024**. The next Board of Variance Hearing is scheduled for **Wednesday February 21st 2024**. 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)

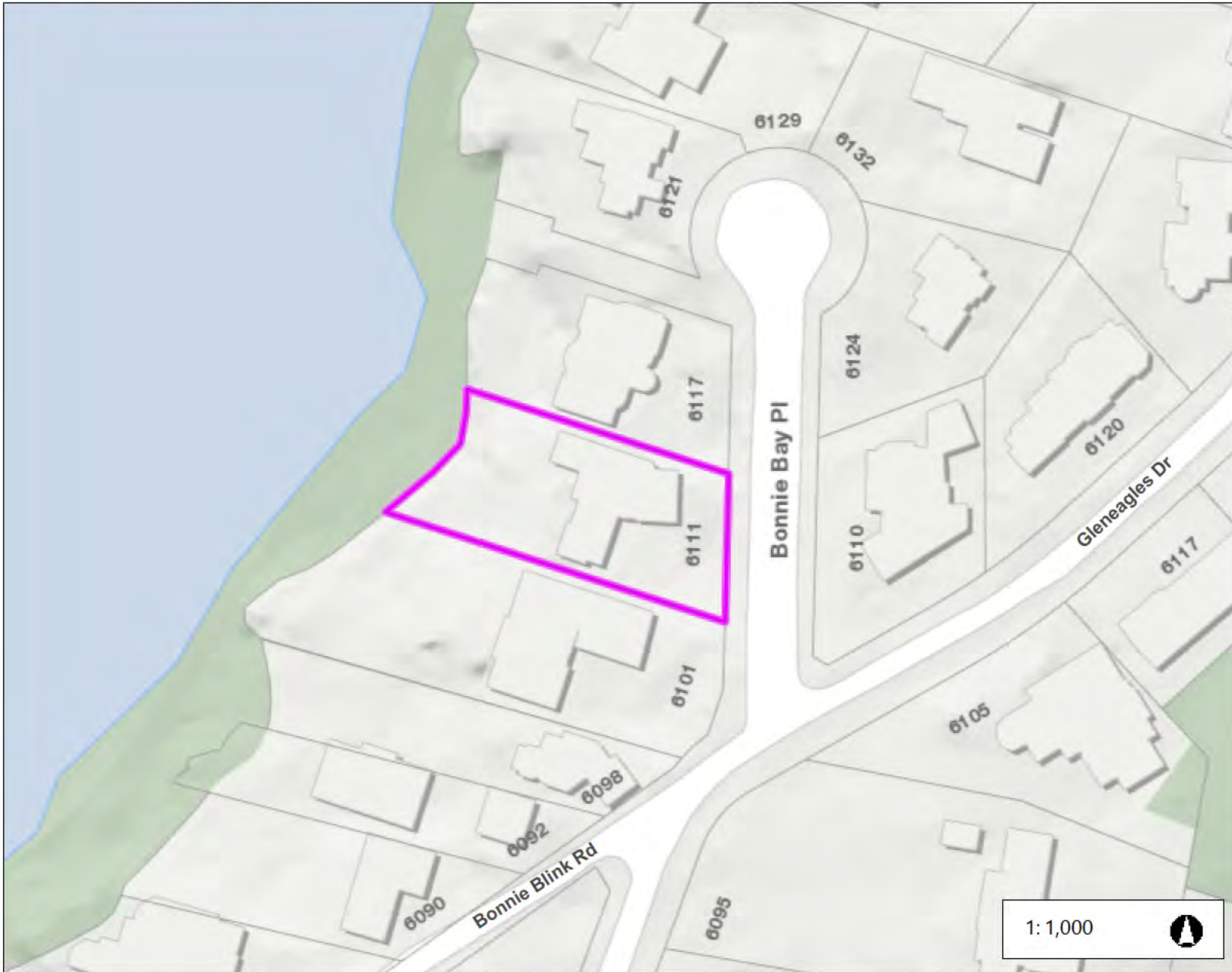


Eric Mah  
Plans examiner

Enclosure

cc: Secretary, Board of Variance





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

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s.22(1)  
[Redacted]  
[Redacted], West Vancouver, BC, [Redacted] s.22(1)

22 January 2024

To Whom It May Concern:

Re: [Redacted] s. 22(1)  
**6111 Bonnie Bay Place**  
**West Vancouver, BC**  
**V7W 2V8**

[Redacted] s. 22(1)

The above named, [Redacted] s.22(1)

[Redacted] s.22(1)  
[Redacted] , and is awaiting [Redacted] s.22(1)  
[Redacted] however that does not mean that [Redacted] s.22(1) . Rather, [Redacted] s.22(1)  
[Redacted] and will wax and wane. It is important  
for such [Redacted] s.22(1) and to adjust their activities and living  
conditions in a manner that allows them to maintain their [Redacted] s.22(1) .  
Stairs become [Redacted] s.22(1) , and as such home modifications that can  
be done are definitely helpful as well as fully [Redacted] s.22(1) . We have ample  
documentation [Redacted] s.22(1) .

[Redacted] s.22(1)  
As such, it is [Redacted] s.22(1) the stairs at his home.  
to install a home elevator and [Redacted] s.22(1) modifications such as his plan  
[Redacted] s.22(1)

As such, I support his application for the District's Board of Variance approval [Redacted] s. 22(1)

Should you need further information or have questions please contact [Redacted] s. 22(1)

Yours truly,

[Redacted] s. 22(1)

[Redacted] s. 22(1)

[Redacted] s. 22(1)

[Redacted] s. 22(1)

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District of West Vancouver  
 750 17th Street, West Vancouver, BC V7V 3T3  
 t: 604-925-7004 f: 604-925-7006

9.  
 24-012 

## NOTICE OF BOARD OF VARIANCE HEARING

Subject property: **930 Burley Drive**

A Board of Variance hearing will be held on:

**Wednesday, February 21, 2024**

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

**The following variance for a new single family dwelling with detached garage at 930 Burley Drive will be considered:**

Minimum Side Yard Setback (Detached Garage)	Bylaw Requirement	Proposed	Variance
		1.83 m	0.61 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 February 21, 2024 to ensure their availability to the Board for the hearing.**

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**Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.**

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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: 930 Burley dr, W. Van, BC, V7T 2A1

### Applicant *(please print clearly)*

Name(s): Pooya Merrikh Phone #: \_\_\_\_\_

Mailing Address: 107-828 Harbourside dr, W. Van Cell #: 778 892 2220

Email Address: Pooya@baidya.com 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:**
  - 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)  
Applicant Signature

Jan 23<sup>rd</sup> 2024.  
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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Dear Sir/Madam,

RE: 930 Burley Dr - WEST VANCOUVER

File No.: BP118871

We hope this letter finds you well. The purpose of this letter is to ask you to adjust the required setback for our garage. The current setback regulations are proving to be a formidable obstacle, particularly as we aspire to build a home for our family at 930 Burley Dr.

We were preparing to build our family home for a long time but didn't get a chance to apply for a building permit until recently due to family circumstances. Unfortunately, as we were preparing to build our family residence, the zoning has changed. However, there are multiple houses being currently built in accordance with the old bylaw with old setbacks requirement, and they make a great contribution to the neighbourhood, which makes us strongly believe that our home with the setbacks mentioned in our plan can be a great addition to it as well.

Current zoning requires a setback of 1.83 m. We are required to have a setback of 0.61m in order to be able to fit 2 cars into our garage. Our family understands the importance of zoning regulations, and respects the efforts made by the Board of Variance to maintain the integrity of our community. However, due to a number of circumstances, we find ourselves in a situation that warrants special consideration.

We believe having a single level garage and coach house would blend into the neighbourhood better than having a two-level coach house, which will result in having a huge mass in the back lane and might also cause privacy issues for the neighbours. In addition, we have removed the overhang on the east side in order to maintain a reasonable distance between neighbouring property.

Since we have a big growing family, [REDACTED] s. 22(1) it would result in an issue with parking our cars and an oversized truck - therefore making us park the vehicles outside, in the street.

Our proximity to the bus stop and lack of parking on our property can cause street blockages for transit and affect the parking of our neighbors. The adjustment to the garage setback would significantly contribute to alleviating the parking issues we currently face, it would not only enhance the functionality of our property and our home, but also contribute positively to the overall livability and harmony of our community.

Regards,

[REDACTED] 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

January 23, 2024

File: **BP118871**

s. 22(1)

Dear Sir/Madam

**RE: 930 BURLEY DRIVE - 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 New Single Family dwelling with detached garage will not comply with the Zoning Bylaw because it does not maintain the required 1.83m Side Yard Setback to the detached garage.

- 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 detached garage	1.83 m	0.61 m	1.22 m

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).

- 
- 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 24th January 2024**. The next Board of Variance Hearing is scheduled for **Wednesday 21st February 2024**. 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 604-921-3450 should you require any further information regarding this matter.

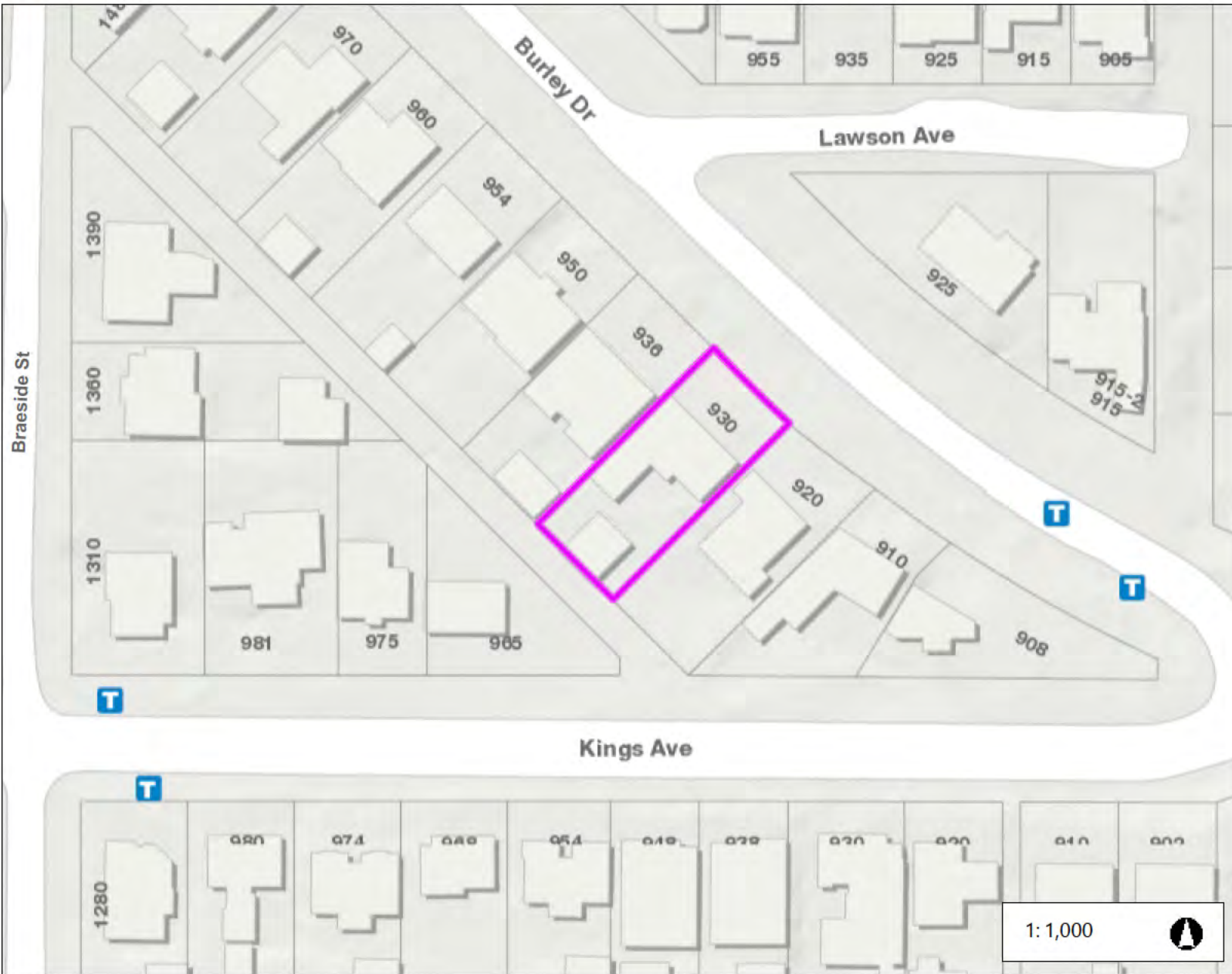
Thank you.

s. 22(1)



Colin Coulter  
Plans Examiner II  
[ccoulter@westvancouver.ca](mailto:ccoulter@westvancouver.ca)

Enclosure  
cc: Secretary, Board of Variance



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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**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

February 21, 2024

### Supplemental Agenda Information Package

For Application 24-009 (4123 Burkehill Road)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	Undated	1

For Application 24-012 (930 Burley Drive)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
P. Merrick	February 13, 2024	1

Please add these supplemental items to the February 21, 2024 Board of Variance Agenda Package as indicated.

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Application 24-009  
(4123 Burkehill Road)

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Re: Variance Application 4123 Burkehill Road and Board of Variance Hearing Feb 21, 2024

I am writing to respond to the application for variance in relation to 4123 Burkehill Road. The applicant claims to be asking for variances of setbacks in relation to new additions and new deck. Please note that the applicant has already built his new additions and deck without obtaining legal permissions first (Jan 17, 2024 letter from the Permits & Inspections Department; "The plans submitted with your application for a building permit at the above referenced address show that the deck and additions built without a permit will not comply with the Zoning Bylaw....").

I am [REDACTED] s. 22(1)

I do not have an unredacted version of the application and so please accept that my submissions have this limitation. I apologize if gaps in the materials I have seen, are filled by materials actually submitted to the Board and not made available to the public.

I oppose the application for the following reasons.

1. This request is for a major variance, not minor, and it is meant to accommodate inappropriate development of the site.

First, I want to point out that the drawings and images filed in support of the application appear to be inaccurate and misleading. The documents that I have been able to see suggest that the author of the application, Mr. Huang, "architectural designer", does not provide legible drawings or actual certified surveys. He makes a number of claims about the original structure that I respectfully have difficulty accepting, and his documents are inadequate to support his assertions or to allow others to fairly question or test his assertions. Because of the inadequacy of his supporting materials, I respectfully request that his submissions should not be accepted as accurate.

Some of the applicant's documents within 24-009 seem designed to suggest that the home is still significantly set back from neighbouring properties but this is untrue. The structures are built much closer to property lines.

Also, these are not old buildings that just happened to be modestly renovated with new siding.

By his own admission Mr. Huang was hired after the current owner already began the new construction. The deck and additions were apparently built without permits. If the new building was already largely complete before he was hired, Mr. Huang has no first hand knowledge of the original structure.

As [REDACTED] s. 22(1), the renovation appears to have been a major rebuild and extension towards the neighbouring properties, not

simply new exterior cladding and replacement as suggested by Mr. Huang in the application. It appears that the scale of the additions and deck are much larger than the prior footprint of the home. The application appears to deliberately downplay this larger footprint by suggesting it simply involved replacement of exterior cladding, garage extension and interior layout change. I do not accept this characterization as accurate and ask that the Board not do so.

I also do not accept the suggestion in the application that the current owner has "demolished" the "addition on deck". For example, the photo attached on the bottom left of the signature page of the application, above the date Jan-20, 20, is what the building looks like now except the photo is misleading in that it does not show how much the deck extends to the south. It has not been demolished contrary to the photo description "Addition on deck demolished by current owner". That photo also shows the open drain pipe pointing towards the properties to the south east.

Therefore, I suggest it is a major flaw of the application that the applicant has failed to submit any certified survey of the buildings and deck by a qualified surveyor, despite the fact that they are already built. Based on my own observations I suspect that the size of the building has been expanded significantly and due to the building's proximity to property lines, that the setback variations they seek might not even be enough to accommodate the actual footprint that the applicant has gone ahead and built without approvals. I also wonder if the new floor area ratios exceed the zoning limits (bylaw #5192, section 203.06). Because of the lack of accurate verifiable measurements, it is impossible to know from the application.

Regardless of the arguments by the applicant that the rebuild is part of an older building, in my respectful submission this application ought not to be allowed because the applicant has failed to meet the burden on it to show this is a minor variation.

Even if we were to presume that the setback variances the applicant seeks are sufficient and accurate to accommodate their actual new build (which is not accepted given the lack of supportive documentation with verified measurements and survey), these are major variations, not minor. For example, the applicant seeks to reduce the front setback by 75%; the rear setback by 94%; and the side yard setback by 47%. This cannot be fairly considered to be a minor variation, it is a major variation. It is allowing this property owner to build a home that has an extremely large footprint very close to the property lines, reducing the setbacks in a major way.

It is also no answer that incremental reductions in setbacks have been permitted in the past. It is the total sum of all of the reductions in setbacks that should be considered.

It is important to point out that there are not simply empty lots or public roads affected by the reduction in setbacks. Rather there are neighbours who live in their own residential properties who are directly affected. This leads to my next point.



2. The applicant's building adversely affects the natural environment and substantially affect the use and enjoyment of neighbouring land.

The deck and additions to the building are not modest. The elevation of the applicant's property is at a higher level than the neighbours to the south, and so the impact of building so close to property lines creates an overbearing presence hanging above the neighbours' properties.

Water comes off the new additions and open drainage points to the neighbours' properties. The additions and deck should not be creating this nuisance, leading to potential erosion and flooding problems on neighbours' properties. If setbacks were observed the water could be absorbed into the applicant's own property.

Also, garbage from the new expanded residence drops onto the properties to the south and southeast. [REDACTED] s. 22(1)

Further, the closeness of the applicant's new additions to neighbours' property lines diminishes the privacy of the neighbours' properties. Now the applicant's expanded property has expanded view sightlines into the neighbours' properties. There is also less of a noise barrier than with other homes that obey the setback requirements.

For these reasons, it is my submission that the proposed reduced setbacks would allow for a building that substantially and negatively affects neighbours.

3. Permitting the variance would defeat the intent of the bylaw.

I presume the intent of having a bylaw with setbacks is multifold, including to provide for fire gap protection, proper water drainage on one's own property, privacy between single-family detached houses, and an aesthetically pleasing neighbourhood. All of these purposes are defeated by these additions that were built in non-conformance with the setbacks.

4. No hardship to applicant will occur if the variance is refused.

The applicant did not make a minor mistake that would cost the rest of the neighbourhood nothing to forgive. Rather, the applicant chose to build while ignoring building bylaws and setbacks, simply hoping to get away with it. The practice of "build what I want now, ask for forgiveness later" should not be encouraged by the Board. Any hardship is not a result of the bylaw being applied, it is simply the risk the applicant took knowingly and without regard to neighbours.

It is also odd that the owner claims hardship without disclosing the actual square footage of the home, including before and after the additions and expansions. The Board ought not to simply assume that reducing square footage to comply with setback

requirements is a hardship. A larger deck and additions to the home presumably increase the market value of the home, but given the proximity to the neighbours' own properties probably at the cost of the market value of neighbours' homes. Depriving the owner of a variance approval that would allow the applicant to sell the home for more money than what was paid for it does not equate to hardship.

Further, I do not accept that any relief should be given if the applicant purchased the property when it was already non-compliant and, or, did not know this. The applicant had the same means as any other buyer to check whether the home was compliant and if the applicant was misled, the remedy is against the seller of the home. Further, the applicant could have let sleeping dogs lie and not decided to build a bigger, more non-compliant home while being wilfully blind to building bylaws.

In conclusion, the application for variance is not to approve the prior home, it is to approve a variance for the newly built additions and deck, work that was undertaken by the applicant wilfully blind to legal restrictions.

If this application is approved, it shifts the burden of all the problems of the expanded non-compliant home on to the neighbours. It causes hardship to the neighbours.

Balancing all of the factors relevant to the Board, I respectfully submit that the applicant has not met the burden of showing that the variances are minor, nor has the applicant provided evidence that they would incur hardship without the variances.

Respectfully,

s. 22(1)

West Vancouver, s. 22(1)

Application 24-012  
(930 Burley Drive)

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**From:** pooya Merrikh <pooya@buildya.com>  
**Sent:** Tuesday, February 13, 2024 12:46 PM  
**To:** BoardOfVariance  
**Cc:** Pascal Cuk  
**Subject:** BOV App 24-012/BP118871  
**Attachments:** 930 Burley Dr, W.Van - Additional Info - 2024-02-13.pdf

**CAUTION:** This email originated from outside the organization from email address pooya@buildya.com. 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 Dear Sir/Madam,

We kindly request that the board also receive this additional correspondence as part of our previous variance application for its consideration.

Sincerely,



Pooya Merrikh, Director

BLOCKEDBuildya[.]comBLOCKED  
[www.facebook.com/Buildya](http://www.facebook.com/Buildya)  
107-828 Harbourside Dr.,  
North Vancouver, BC, V7P 3R9  
T: 604-770-0850 C: 778-892-2220  
E: [Pooya@buildya.com](mailto:Pooya@buildya.com)

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Email: [boardofvariance@westvancouver.ca](mailto:boardofvariance@westvancouver.ca)

February 13th, 2024

District of West Vancouver  
750 17th Street  
West Vancouver, BC  
V7V 3T3

Attention Mr. Pascal Cuk, Secretary, Board of Variance ([pd cuk@westvancouver.ca](mailto:pd cuk@westvancouver.ca))

**RE: Variance Application 24-012 (930 Burley Drive, West Vancouver)  
Regarding a new single family dwelling with detached garage with the following variance:  
1.22 m to Minimum Side Yard Setback (Detached Garage)**

Dear Mr. Cuk,

In advance of the scheduled February 21, 2024 Board of Variance hearing, as the owners of the property located at 930 Burley Ave, we kindly request that the board also receive this additional correspondence as part of our previous variance application package for its consideration. For reference, this application is in connection with the building permit application file BP118871.

As previously noted, we are seeking Board of Variance approval to vary the minimum side yard setback requirements for our proposed single family home detached garage at the rear of the property. We are seeking to build a two-car garage instead of a single-car garage.

Since the submission of our initial application, we have conducted a more detailed examination of the local neighbourhood context. We have observed that a minimal number of garages on adjacent properties currently comply with the District's existing setback regulations. For your convenience, we have included a map of the immediate neighbourhood (WestMap, 2022) and corresponding photographs (Google Streetview) attached to this letter. You will observe that in a substantial number of cases within our city block, as well as all neighbouring residential blocks, the side yard setbacks for garages (whether attached or detached) are significantly below the current bylaw requirement or in many cases entirely absent (zero side-yard setback). To clarify, we are not suggesting that all future redevelopment proposals that come forward should be non-compliant. However, as we have highlighted in our application that there are unique circumstances arising from our application that necessitate special consideration. Our proposal aims to strike a harmonious balance between servicing the public interest and ensuring our proposal is as viable as possible and aligns with the existing character of the neighbourhood.

Please consider the following merits of our proposal:

1. **Privacy and Character:** The architectural direction underpinning our single-family development proposal aligns with the form and character of the neighbourhood, particularly in terms of building height and scale of development. As previously mentioned, we have proposed a single-level coach house at the rear of the lot, as opposed to a two-storey structure. A single-level coach house better respects the scale of the single-family character of the area and safeguards the privacy of our immediate neighbours, thereby better serving the public interest. As a result, a larger building footprint for the proposed coach house necessitates shifting the two-car garage by several feet. This shift results in a garage that is

- marginally too narrow to accommodate two vehicles, leading to a single-car garage. This presents an undue hardship in terms of liveability over the long-term.
2. **Off-street parking:** Our objective is to reduce our reliance on street parking, thereby making the neighbourhood more accommodating and accessible to visitors. If the property can house a two-car garage at its rear, it would enable us to park both of our vehicles on-site, preventing them from occupying street space. Therefore, this strategy aligns with the public interest by containing parking on-site instead of spilling out onto the street.
  3. **Compatibility with neighborhood character:** A development direction that features a two-car garage aligns well the existing form and character of the rear lanes within our neighbourhood. At present, garages on neighbouring properties have accommodated up to three vehicles stalls on select lots. And a proposed reduction in the side yard setback to 0.61 m (2 feet) to facilitate a two-car garage would not be incongruous or inconsistent with the existing neighbourhood. This is particularly true given the considerable number of lots that feature near zero-side yard setbacks for their garages.
  4. **New development proposals:** Preceding the amendment of the current zoning bylaw setback for this zone, several recently approved single-family developments, either newly completed or currently under construction in the neighbourhood, also do not comply with the updated setback requirement. As of now, we are not aware of any community-wide concerns by residents or District Staff regarding smaller setbacks.
  5. **Urban Aesthetics:** Given that all garage structures are situated on back lanes and are not visible from the main street, a decrease in the side yard setback is unlikely to have any adverse aesthetic impacts on local streets or the general public.

We have made best efforts with our current building permit application striving to adhere to the District's regulatory framework, while also being sensitive to the privacy needs and character of the neighbourhood. Unfortunately, blanket regulations are not always best suited to every circumstance, as is the case with our proposal. Our objective has been to balance the interests of the public in terms of building scale, privacy and street parking, while seeking to redevelop our lot in a manner that beautifies and enhances the neighbourhood, minimizing hardships, and maximizing long term liveability. We trust that the board recognizes and empathizes with our development objectives and the important technicality that need to be addressed so we can keep the building permit process moving forward.

As longstanding residents and business owners in West Vancouver, we have a deep-rooted connection with this remarkable community. We anticipate that this single-family development proposal will be a valuable addition to the neighbourhood. Upon completion, it will be a residence that we will take pride in calling our home, and it will serve as a platform for us to continue fostering connections and friendships with our neighbours. We look forward to the Board of Variance's support for this minor setback relaxation, based on the merits outlined above.

Subject to your approval, we would, of course, ensure that the project complies with all building code and safety requirements arising from this minor setback variance, to the complete satisfaction of the District of West Vancouver.

Thank you again for your consideration.

Sincerely,

s. 22(1)

**APPENDIX A. SURROUNDING CONTEXT WITHIN SAME BLOCK**



Source: WestMap, 2022 Satellite Photo



House on Burley (same block)  
Zero side yard parking garage setback



Subject Property  
Zero side yard parking garage setback



House on Burley (same block)  
Zero side yard parking garage setback



House on Burley (same block)  
Approx 0.5m side yard parking garage setback



House on Burley (same block)  
Approx 0.5m side yard parking garage setback



House across lane from Burley ppty  
Approx 0.5m side yard parking garage setback



House across lane from Burley ppty  
Zero side yard parking garage setback





**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**

February 21, 2024

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

<b>For Application 24-009 (4123 Burkehill Road)</b>		
<b>SUBMISSION AUTHOR</b>	<b>SUBMISSION DATED</b>	<b>#</b>
Redacted	February 20, 2024	2
Redacted	February 20, 2024	3
Redacted	February 20, 2024	4
Redacted	February 21, 2024	5
Redacted	February 21, 2024	6
Redacted	February 21, 2024	7

Please add these on-table items to the February 21, 2024 Board of Variance Agenda Package as indicated.

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Application 24-009  
(4123 Burkehill Road)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, February 20, 2024 6:35 PM  
**To:** BoardOfVariance  
**Subject:** 4123 Burkehill Rd  
**Attachments:** Letter.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.

[REDACTED] s. 22(1) attached a document



[REDACTED] s. 22(1) has attached the following document:

Letter

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because [REDACTED] s. 22(1) shared a document with you from Google Docs.



---

s. 22(1)

West Vancouver, s. 22(1)

s. 22(1)

20th February 2024

**Board of Variance**

District of West Vancouver  
750 17th Street  
West Vancouver, V7V 3T3

To whom this may concern,,

I am s. 22(1) of 4123 Burkehill Rd for which a variance hearing is scheduled on Feb 21, 2024. I understand that the variance is to allow a small extension to a corner of the garage. The owners have good intentions as they have removed a bedroom to comply with the existing regulation and have no plans to extend the front yard, backyard or deck. I support the renovations.

Sincerely,

s. 22(1)

**From:** [Redacted] s. 22(1)  
**Sent:** Tuesday, February 20, 2024 6:37 PM  
**To:** BoardOfVariance  
**Subject:** 4123 Burkehill Rd  
**Attachments:** Letter.pdf

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[Redacted] s. 22(1) attached a document

 [Redacted] s. 22(1) has attached the following document:

 Letter

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [Redacted] s. 22(1) shared a document with you from Google Docs.



---

s. 22(1)

West Vancouver, s. 22(1)  
s. 22(1)

20th February 2024

**Board of Variance**

District of West Vancouver  
750 17th Street  
West Vancouver, V7V 3T3

To whom this may concern,,

I am s. 22(1) of 4123 Burkehill Rd for which a variance hearing is scheduled on Feb 21, 2024. I understand that the variance is to allow a small extension to a corner of the garage. The owners have good intentions as they have removed a bedroom to comply with the existing regulation and have no plans to extend the front yard, backyard or deck. I support the renovations.

Sincerely,

s. 22(1)



---

**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, February 20, 2024 9:17 PM  
**To:** BoardOfVariance  
**Subject:** Rejection of Variance Permit-4123 Burkehill Road  
**Attachments:** Board of Variance\_from\_[REDACTED] s.22(1).pdf

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Dear Board of Variance,

Please see attachment for my response to this matter as the [REDACTED] s. 22(1)

[REDACTED] s. 22(1)

**Board of Variance  
District of West Vancouver  
750 17th Street  
West Vancouver, BC V7V 3T3**

**February 20, 2024**

**Re: Variance Application 24-009 – 4123 Burkehill Road**

Dear District of West Vancouver Board of Variance,

Please accept this letter as my notice of disagreement with the variance Application No. 24-009 submitted by the owners of 4123 Burkehill Road. I, [REDACTED] s. 22(1) [REDACTED] West Vancouver, BC, and am [REDACTED] s. 22(1) [REDACTED] the Variance Applicant (VA).

[REDACTED] s.22(1) [REDACTED] the unpermitted and illegal deck construction work that the VA has been performing over the last year. The VA has been a [REDACTED] s.22(1) [REDACTED] with no consideration for the District's laws or for their [REDACTED] s. 22(1) [REDACTED]. As you are likely aware, the VA has been partaking in the following activities:

- Unlawful construction without the required permit.
  - o The VA has not obtained the required permit from the District in order to conduct the construction lawfully; the VA has a clear disregard for the law and does not care about permits and bylaws that must be adhered to and are supposed to be enforced by the District of West Vancouver.
  - o The VA is performing the illegal deck construction work exclusively on Saturday and Sunday afternoons, as a clear effort to ensure that the District's Bylaw Officer is not aware of the illegal construction and does not interfere, as the Officer is off work on weekends.
  - o According to our records and available videos, we have evidentiary proof that the existing deck was built by the VA, despite their claims in the variance application, in which the VA blames the previous owners in an effort to avoid responsibility for an illegally- and improperly-constructed deck.
- Illegal dumping and littering.
  - o The VA consistently dumps construction waste (tape and packaging, large rocks, wood scraps, empty paint cans, and rusted metal hardware) down the slope, [REDACTED] s.22(1) [REDACTED]. This is not only unsightly, but is a danger [REDACTED] s.22(1) [REDACTED], and the environment. Rocks that have fallen from the construction site [REDACTED] s.22(1) [REDACTED] shown in **Figure 1**. [REDACTED] s. 22(1) [REDACTED] is shown as the yellow survey rope.
- Insufficient structural measures and faulty design.
  - o The shoddy construction work is very evident via even a brief visual inspection of the deck. The deck is very clearly not provided with sufficient footings or

foundations, and the structural supports are visibly not secure or sufficient for the vertical and lateral supports required for the size of this illegal deck. The insufficient footings and supports are shown in **Figure 2.** [REDACTED] s. 22(1) is shown as the yellow survey rope.

- It is very evident that a structural engineer was not engaged to design and sign off on this work. The work is not professionally designed and is being constructed in a hasty, careless, and negligent manner.
- In the event of even minor soil erosion at the footings, the deck will collapse, causing an enormous amount of debris and construction materials to roll down the slope, [REDACTED] s. 22(1) potentially causing injury or [REDACTED] s. 22(1) .
- Insufficient setback from [REDACTED] s. 22(1) .
  - The proposed variance provides almost no space between the illegal deck and [REDACTED] s. 22(1) ). In the event of a fire or combustion of this illegal deck, the flames will easily and quickly spread to [REDACTED] s. 22(1) [REDACTED] , and will in turn have a higher risk of spreading to [REDACTED] s. 22(1) due to the proximity of both houses.



Figure 1: Fallen Rock Debris



Figure 2: Insufficient Footings and Supports

As you are likely aware, I would also like to point out that five previous variances have been approved for 4123 Burkehill Road, which indicates constant non-conformities and a disregard for building and construction bylaws.

As a result of the circumstances, illegality of construction, and history of non-conformance, I formally request that the Board of Variance rejects variance application 24-009 in its entirety.

Additionally, I strongly request that City Hall takes decisive action to rectify the unauthorized construction and deck extension, ensuring that the safety and stability of the neighbourhood is maintained.

Thank you for your attention to this matter.

Regards,

s. 22(1)

---

**From:** [REDACTED] s. 22(1)  
**Sent:** Wednesday, February 21, 2024 12:05 AM  
**To:** BoardOfVariance  
**Subject:** support for the renovation plan at 4123 Burkehill Rd

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 hope this email finds you well. I am writing to express my support for the renovation plan proposed for the property located at 4123 Burkehill Road.

[REDACTED] s. 22(1) the notice regarding the Board of Variance hearing for this property, and upon reviewing the details of the renovation plan, I am in full agreement with it.

I believe that the proposed renovations will enhance the property while positively preserving its surrounding area. Therefore, I sincerely hope that the Board of Variance will approve the renovation plan.

Thank you for your attention to this matter, and please do not hesitate to contact me if you require any further information.

Best regards,

[REDACTED] s. 22(1)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Wednesday, February 21, 2024 7:51 AM  
**To:** BoardOfVariance  
**Cc:** [REDACTED] s. 22(1)  
**Subject:** Re: Variance Application 24-009 – 4123 Burkehill Road  
**Attachments:** Board of Variance-Final 3.docx

**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 of West Vancouver

Please find attached our submission regarding Re: Variance Application 24-009 – 4123 Burkehill Road.

As this has altered [REDACTED] s. 22(1), we will drop off our letter and will attend the hearing in person. This can not go on any worse and it must be stopped ASAP.

Best regards

[REDACTED] s. 22(1)

Vancouver, BC, [REDACTED] s. 22(1) Canada

[REDACTED] s. 22(1)



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**Board of Variance  
District of West Vancouver  
750 17th Street  
West Vancouver, BC V7V 3T3**

**Re: Variance Application 24-009 – 4123 Burkehill Road**

**Dear Board of Variance,**

I am writing to express grave concerns regarding Variance Application No. 24-009 submitted by the owners of 4123 Burkehill Road. We [REDACTED] s. 22(1) residents of [REDACTED] s. 22(1), West Vancouver, BC, and [REDACTED] s. 22(1) to the variance applicant ("**VA**" or "**Neighbour**"), [REDACTED] s.22(1) impacted by the proposed variances. We wish to formally object to the application, believing that granting them would pose significant risks [REDACTED] s.22(1), the surrounding environment, and result in unnecessary and avoidable privacy issues, as well as other irreparable damages that decrease our residence's market value.

Five previous variances have been approved for the 4123 Burkehill Road property between 1962-1978, indicating a history of non-conformity. Currently, the VA is seeking variances for the borders of their house, particularly the east and south sides, which directly [REDACTED] s. 22(1). The proposed variances include a 6.80m front yard setback, an 8.53m rear yard setback, and a 0.72m minimum side yard setback.

There is no benefit in keeping this balcony and extra additions. **The bylaw officer and the permitting officer had been notified of the illegal building and the impact [REDACTED] s. 22(1), but the owner chose to continue the illegal additions despite all. There are technical issues with these additions, in addition to defying all the subdivision norms.**

A major concern is the slope stability, now at risk due to the extra weight of the Neighbour's structures, coupled with the center of gravity on the slope (Please refer to the schematic drawing below). Furthermore, the ever-increasing large surface area of the Neighbour's house and balconies act as a large pan that collects and conducts the water flow [REDACTED] s. 22(1). The water overflowing [REDACTED] s. 22(1) has already damaged the west side [REDACTED] s. 22(1) and center of [REDACTED] s. 22(1). The bylaw officer, the Neighbour, and their friend who lives across from them (Neighbour) have seen the corrosion caused by the overflow. If the water collecting surface area is decreased and the water drained [REDACTED] s. 22(1) is controlled, further damage will be alleviated. The bylaw officer must have recorded the events. This inappropriate development has already adversely affected the natural environment of [REDACTED] s. 22(1), and the Neighbour has now directed the flow to the [REDACTED] s. 22(1). Moving the drainage overflowing [REDACTED] s. 22(1) [REDACTED] s. 22(1) only destabilizes the slope and poses a threat to the neighbourhood. Removing the balcony decreases the area that collects rainfall precipitation, allowing the water a better chance to penetrate the ground.



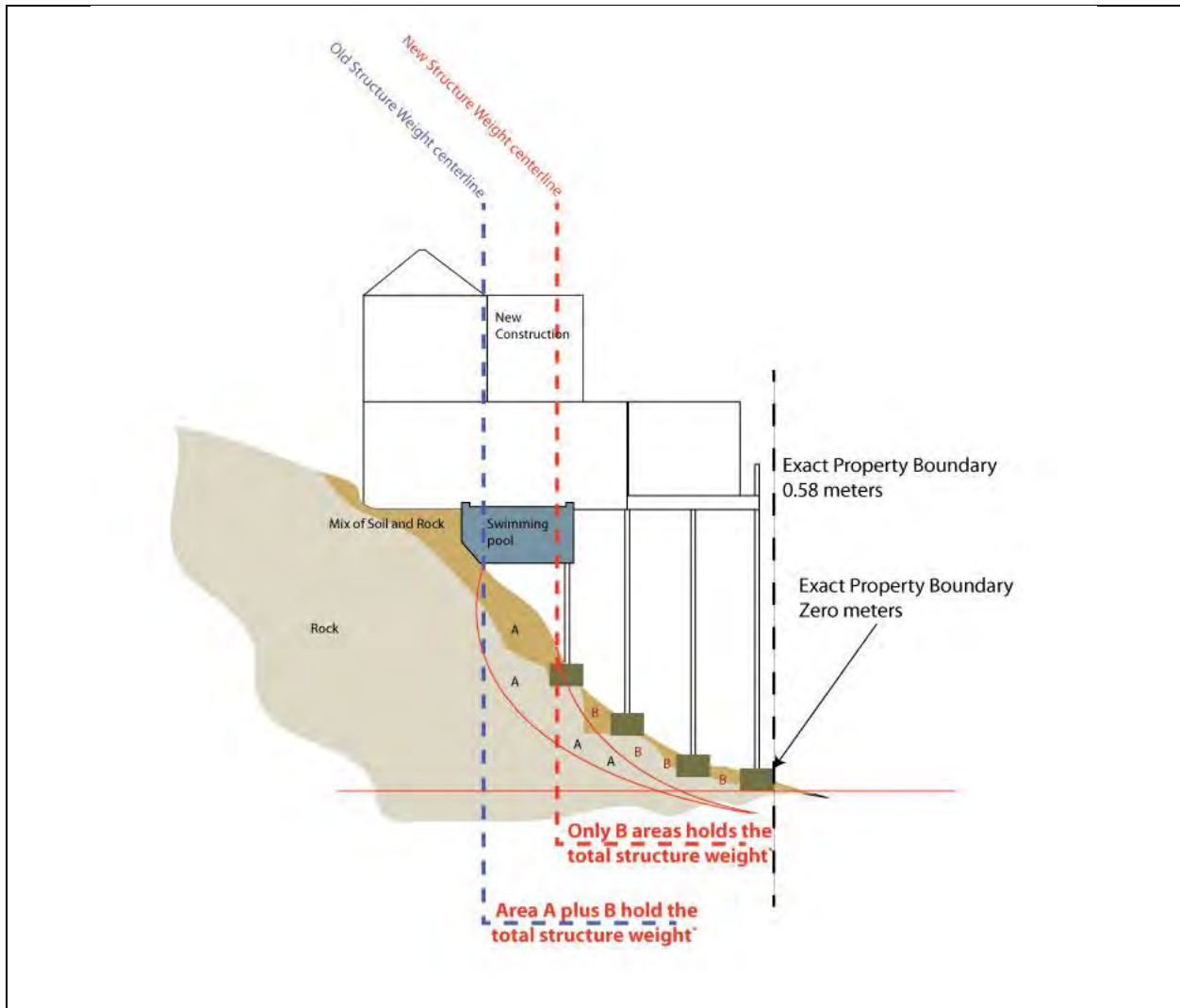
<p>The drains are collecting immense volume of water overflowing <b>s. 22(1)</b> <b>s. 22(1)</b> from only this PVC pipe.</p>	
<p>This pipe is the same pipe in the previous photo to show that it does not properly delivers the water.</p>	

**Boundary Limits and Several Reckless Expansions:**

The Burkehill balcony is now as close as **s. 22(1)** and possibly overhanging its east neighbour. It is the result of several inappropriate developments, without consideration for neighbours' safety and well-being. The Neighbour's windows now open **s. 22(1)** with less than one meter of distance, not in compliance with the code. This greatly **s. 22(1)** **s. 22(1)**. They have a complete view into **s. 22(1)**.

Furthermore, it poses a great fire hazard risk **s. 22(1)**. In the event of a fire, the open windows will expose **s. 22(1)**. The minuscule distance is too close for comfort. The city should not have allowed this variance to be brought up to this level, and all variances should be set back.

***This extension has impacted **s. 22(1)** is now under the balcony.***  
 We can no longer **s. 22(1)**




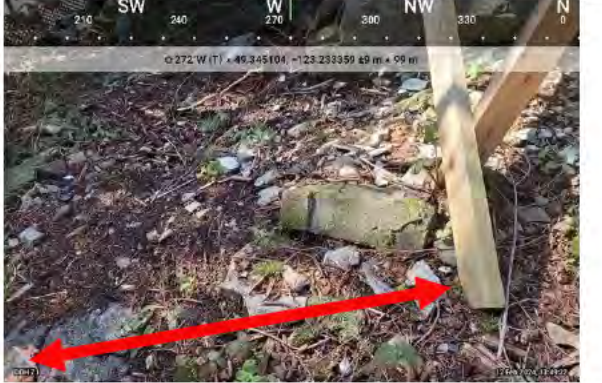
- 1 – Drawing is not to scale.
- 2 – Drawing is schematic and for informational purposes only. However, it is a technically important cross-section image of the property looking east.

The Neighbour has no respect for the law, the neighbourhood, and s. 22(1). The city was informed that this Neighbour throws toxic material, enormous broken glass, and garbage s. 22(1). They were supposedly stopped and instructed to clean the area and use garbage bins. However, as soon as the city bylaw officer left, the whole area turned into a dumpster again. Dangerous material and toxic garbage are all over s. 22(1), posing a danger to s. 22(1) the neighbourhood. On one occasion, s. 22(1), and the chemicals have already contaminated the soil.

**Code of Conduct and Being a Good Neighbour Posing Harm:**

To list a few of the Neighbour's lack of code of conduct:

- The Neighbour resumed dumping garbage [redacted s. 22(1)], following the relief from the ban imposed by the bylaw. This has been reported to the city on many occasions.
- Unlawful construction without permits. The Neighbour must have been aware that they were building illegally because construction activities were conducted on Saturday and Sunday afternoons, so the city bylaw officer won't stop them.
- Lack of attention to the well-being and safety of the neighbours and their own.
- Intrusion [redacted s. 22(1)] and devaluation [redacted s. 22(1)] for their financial gain and extra comfort at the expense of [redacted s. 22(1)].
- According to our records and available videos, we have proof that this balcony was built by this very Neighbour despite their statement in the variance application, blaming the previous owners.

<p>The backyard is littered with toxic chemicals and dangerous construction materials. Photo shows broken glass [redacted s. 22(1)].</p>	 An aerial satellite photograph of a backyard. The ground is covered with dry leaves, twigs, and some green plants. A red arrow points to a small, dark, irregular object on the ground, which is identified as broken glass in the text. The image has a compass rose at the top and a copyright notice: © 218 GW (T) + 49.545099, -123.233352 49 m + 101 m.
<p>The orange paint is [redacted s. 22(1)] survey pin. City cartoonish maps are not showing the exact picture of the properties.</p>	 An aerial satellite photograph of a survey pin. The pin is a wooden stake with a piece of orange paint on it. A red arrow points to the orange paint. The image has a compass rose at the top and a copyright notice: © 272 W (T) + 49.345104, -123.233359 49 m + 99 m.

This demonstrates the Neighbour's character and their lack of respect for the law and engineering of the house. There is little to no confidence in the engineering of this balcony, motivated by financial gain. This balcony and perhaps extra structures must be removed.

The affixed maps to this application are shameful presentations to hide the truth. The city should never have accepted these maps for this application.

We would like to emphasize that we have the right to build our house in the future, and the city cannot take away any of our rights when we apply for permits just because the house in the [REDACTED] s. 22(1) .

**Trees:**

The contaminated and toxic soil caused by construction material spread over [REDACTED] s. 22(1) , has killed some of trees and some are about to die [REDACTED] s.22(1) . This has been brought to us in the past year or so. We are considering the proper approach to this matter.

Furthermore, the unauthorized expansion of the deck, coupled with the lack of inspection for water runoff, has not only caused irreversible damage to [REDACTED] s. 22(1) but has also raised concerns about the safety and stability of the entire area. The construction of the deck without a permit, and its several subsequent extensions overtime, not only demonstrates a disregard for local regulations but also poses serious risks to the surrounding environment and properties.

We have attempted to address these issues with the owners of 4123 Burkehill Road, providing them with videos and photos showcasing the adverse impact of their actions. Additionally, we have lodged complaints with City Hall, bringing attention to the unauthorized and detrimental activities taking place on their property. We have been assured by the city inspector that this balcony will be removed.

In light of these compelling circumstances, I urge the Board of Variance to reject variance application 24-009 in its entirety. The actions taken by the [REDACTED] s.22(1) property owners have not only violated local regulations but have also caused irreparable harm to [REDACTED] s.22(1) the surrounding environment.

Furthermore, I implore City Hall to take decisive action to rectify the unauthorized construction and extension of the deck, ensuring that the safety and stability of the entire area are upheld.

Thank you for your attention to this matter. I trust that the Board of Variance and City Hall will take the necessary steps to address these pressing concerns and safeguard the well-being of our community.

**Sincerely,**

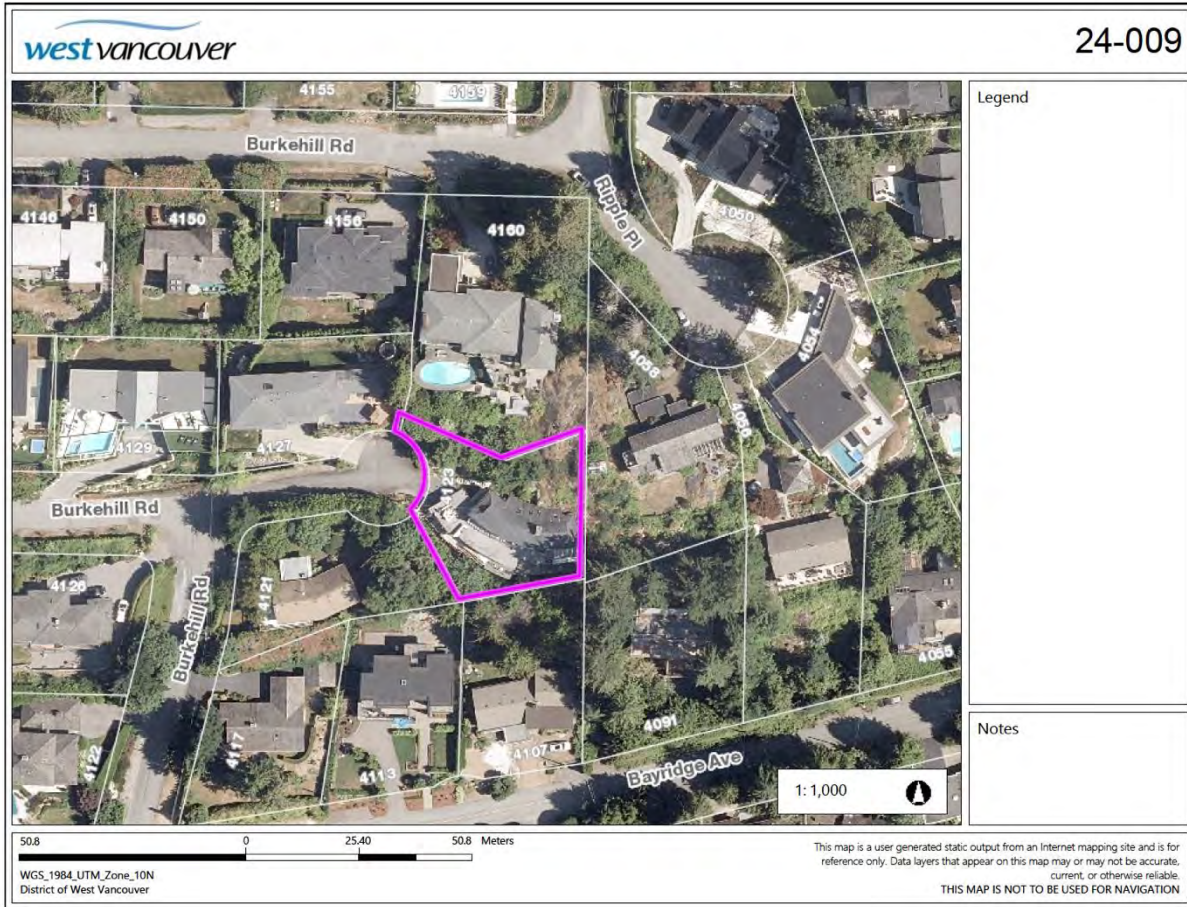
[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

**Appendix A : Photos (more photos and videos are available upon request)**



**This image just shows where the applicant address is located. The rest of the images throughout the application are deceiving and do not show the actual structures. **Anyhow even visually one can tell that the applicant's house ratio to the land is greater than anyone in the area. This house is certainly over the that is permitted under conventional subdivision.****

s. 22(1)

**West Side Water and Extensive Damage:**

Over the past few years, we have noticed that the side [REDACTED] s. 22(1) began to deteriorate. We initially dismissed it as nothing more than normal wear and tear. However, it soon became clear that this deterioration was abnormal. [REDACTED] s. 22(1) neighbor and his translator to observe the [REDACTED] s. 22(1). It appeared that the water was coming from [REDACTED] s. 22(1), specifically their drainage and swimming pool. In the presence of his friend, the Burkehill [REDACTED] s. 22(1) denied responsibility, but after his friend spoke to him in Chinese, he ceased his denials. We have a video recording of the incident.

[REDACTED] s. 22(1) has consistently failed to act responsibly. This pattern of behavior has been evident over time. He persisted in these actions and then left for a vacation. During freezing conditions, the water was unable to flow beneath the surface and through the ice, leading to overflow from the [REDACTED] s. 22(1) [REDACTED] s. 22(1) out onto the street. We contacted a bylaw officer, who assisted in halting the water flow.

A notice should have been sent to the [REDACTED] s. 22(1) because, after that, he ceased rerouting the drainage on the west side and started diverting it to the east side of [REDACTED] s. 22(1) [REDACTED] s. 22(1).

s. 22(1)

East Side s. 22(1) :

The city has been notified on numerous occasions. The situation has significantly diminished the quality of s. 22(1) We are unable to go on vacation as we s. 22(1) to address the water problem. Ever since the drainage was redirected to the east, water has been consistently flowing onto the east side of s. 22(1) . This has been the case for the past two and a half years. s. 22(1) s. 22(1) is now experiencing water seepage, an issue s. 22(1) before the start of this construction.

There are more videos available to show the irresponsible and illegal construction by this neighbour.

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**From:** [REDACTED] s. 22(1)  
**Sent:** Wednesday, February 21, 2024 8:47 AM  
**To:** BoardOfVariance  
**Cc:** [REDACTED] s. 22(1)  
**Subject:** Feb 21 2024 Board of variance 4123 Burkehill Road  
**Attachments:** Response to Variance Application Feb 19 signed.pdf; Response to Variance Application Feb 19 not signed.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.

Feb 21, 2024

Please see the attached submission opposing the application for variance in relation to the property 4123 Burkehill Road, which is the subject of the Board of Variance Hearing February 21, 2024.

I have enclosed two copies of my submission, one unsigned as I have noticed that the application provided to the public has redacted the personal information of the applicant. If the personal information of those persons opposing the variance can also be redacted, please use my unsigned version for distribution. If it cannot be redacted then please use my signed version.

Thank you.  
[REDACTED] s. 22(1)

Re: Variance Application 4123 Burkehill Road and Board of Variance Hearing Feb 21, 2024

I am writing to respond to the application for variance in relation to 4123 Burkehill Road. The applicant claims to be asking for variances of setbacks in relation to new additions and new deck. Please note that the applicant has already built his new additions and deck without obtaining legal permissions first (Jan 17, 2024 letter from the Permits & Inspections Department; “The plans submitted with your application for a building permit at the above referenced address show that the deck and additions built without a permit will not comply with the Zoning Bylaw....”).

I am

s. 22(1)

I do not have an unredacted version of the application and so please accept that my submissions have this limitation. I apologize if gaps in the materials I have seen, are filled by materials actually submitted to the Board and not made available to the public.

I oppose the application for the following reasons.

1. This request is for a major variance, not minor, and it is meant to accommodate inappropriate development of the site.

First, I want to point out that the drawings and images filed in support of the application appear to be inaccurate and misleading. The documents that I have been able to see suggest that the author of the application, Mr. Huang, “architectural designer”, does not provide legible drawings or actual certified surveys. He makes a number of claims about the original structure that I respectfully have difficulty accepting, and his documents are inadequate to support his assertions or to allow others to fairly question or test his assertions. Because of the inadequacy of his supporting materials, I respectfully request that his submissions should not be accepted as accurate.

Some of the applicant’s documents within 24-009 seem designed to suggest that the home is still significantly set back from neighbouring properties but this is untrue. The structures are built much closer to property lines.

Also, these are not old buildings that just happened to be modestly renovated with new siding.

By his own admission Mr. Huang was hired after the current owner already began the new construction. The deck and additions were apparently built without permits. If the new building was already largely complete before he was hired, Mr. Huang has no first hand knowledge of the original structure.

As

s. 22(1)

, the renovation appears to have been a major rebuild and extension towards the neighbouring properties, not

simply new exterior cladding and replacement as suggested by Mr. Huang in the application. It appears that the scale of the additions and deck are much larger than the prior footprint of the home. The application appears to deliberately downplay this larger footprint by suggesting it simply involved replacement of exterior cladding, garage extension and interior layout change. I do not accept this characterization as accurate and ask that the Board not do so.

I also do not accept the suggestion in the application that the current owner has “demolished” the “addition on deck”. For example, the photo attached on the bottom left of the signature page of the application, above the date Jan-20, 20, is what the building looks like now except the photo is misleading in that it does not show how much the deck extends to the south. It has not been demolished contrary to the photo description “Addition on deck demolished by current owner”. That photo also shows the open drain pipe pointing towards the properties to the south east.

Therefore, I suggest it is a major flaw of the application that the applicant has failed to submit any certified survey of the buildings and deck by a qualified surveyor, despite the fact that they are already built. Based on my own observations I suspect that the size of the building has been expanded significantly and due to the building’s proximity to property lines, that the setback variations they seek might not even be enough to accommodate the actual footprint that the applicant has gone ahead and built without approvals. I also wonder if the new floor area ratios exceed the zoning limits (bylaw #5192, section 203.06). Because of the lack of accurate verifiable measurements, it is impossible to know from the application.

Regardless of the arguments by the applicant that the rebuild is part of an older building, in my respectful submission this application ought not to be allowed because the applicant has failed to meet the burden on it to show this is a minor variation.

Even if we were to presume that the setback variances the applicant seeks are sufficient and accurate to accommodate their actual new build (which is not accepted given the lack of supportive documentation with verified measurements and survey), these are major variations, not minor. For example, the applicant seeks to reduce the front setback by 75%; the rear setback by 94%; and the side yard setback by 47%. This cannot be fairly considered to be a minor variation, it is a major variation. It is allowing this property owner to build a home that has an extremely large footprint very close to the property lines, reducing the setbacks in a major way.

It is also no answer that incremental reductions in setbacks have been permitted in the past. It is the total sum of all of the reductions in setbacks that should be considered.

It is important to point out that there are not simply empty lots or public roads affected by the reduction in setbacks. Rather there are neighbours who live in their own residential properties who are directly affected. This leads to my next point.

2. The applicant's building adversely affects the natural environment and substantially affect the use and enjoyment of neighbouring land.

The deck and additions to the building are not modest. The elevation of the applicant's property is at a higher level than the neighbours to the south, and so the impact of building so close to property lines creates an overbearing presence hanging above the neighbours' properties.

Water comes off the new additions and open drainage points to the neighbours' properties. The additions and deck should not be creating this nuisance, leading to potential erosion and flooding problems on neighbours' properties. If setbacks were observed the water could be absorbed into the applicant's own property.

Also, garbage from the new expanded residence drops onto the properties to the south and southeast. s. 22(1)

Further, the closeness of the applicant's new additions to neighbours' property lines diminishes the privacy of the neighbours' properties. Now the applicant's expanded property has expanded view sightlines into the neighbours' properties. There is also less of a noise barrier than with other homes that obey the setback requirements.

For these reasons, it is my submission that the proposed reduced setbacks would allow for a building that substantially and negatively affects neighbours.

3. Permitting the variance would defeat the intent of the bylaw.

I presume the intent of having a bylaw with setbacks is multifold, including to provide for fire gap protection, proper water drainage on one's own property, privacy between single-family detached houses, and an aesthetically pleasing neighbourhood. All of these purposes are defeated by these additions that were built in non-conformance with the setbacks.

4. No hardship to applicant will occur if the variance is refused.

The applicant did not make a minor mistake that would cost the rest of the neighbourhood nothing to forgive. Rather, the applicant chose to build while ignoring building bylaws and setbacks, simply hoping to get away with it. The practice of "build what I want now, ask for forgiveness later" should not be encouraged by the Board. Any hardship is not a result of the bylaw being applied, it is simply the risk the applicant took knowingly and without regard to neighbours.

It is also odd that the owner claims hardship without disclosing the actual square footage of the home, including before and after the additions and expansions. The Board ought not to simply assume that reducing square footage to comply with setback

requirements is a hardship. A larger deck and additions to the home presumably increase the market value of the home, but given the proximity to the neighbours' own properties probably at the cost of the market value of neighbours' homes. Depriving the owner of a variance approval that would allow the applicant to sell the home for more money than what was paid for it does not equate to hardship.

Further, I do not accept that any relief should be given if the applicant purchased the property when it was already non-compliant and, or, did not know this. The applicant had the same means as any other buyer to check whether the home was compliant and if the applicant was misled, the remedy is against the seller of the home. Further, the applicant could have let sleeping dogs lie and not decided to build a bigger, more non-compliant home while being wilfully blind to building bylaws.

In conclusion, the application for variance is not to approve the prior home, it is to approve a variance for the newly built additions and deck, work that was undertaken by the applicant wilfully blind to legal restrictions.

If this application is approved, it shifts the burden of all the problems of the expanded non-compliant home on to the neighbours. It causes hardship to the neighbours.

Balancing all of the factors relevant to the Board, I respectfully submit that the applicant has not met the burden of showing that the variances are minor, nor has the applicant provided evidence that they would incur hardship without the variances.

Respectfully,

s. 22(1)  
West Vancouver, s. 22(1)

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