

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**

**BOARD OF VARIANCE HEARING MINUTES  
MUNICIPAL HALL COUNCIL CHAMBER  
WEDNESDAY, APRIL 15, 2009**

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**BOARD MEMBERS:**

Chairman E. Quan; Members: D. MacDonald, P. McClung and J. Turpin.  
Absent: S. Sanguinetti.

**STAFF:**

S. Scholes, Secretary; and T. Yee, Building Inspector/Technical Representative,  
Inspections and Permits Department.

**1. Call to Order**

The Hearing was called to order at 7:00 p.m.

**2. Introduction**

The Secretary introduced the Board Members and staff present and described the Hearing procedure.

**3. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the agenda for the April 15, 2009 Board of Variance Hearing be approved as circulated.

**CARRIED**

The Secretary noted that the following additional correspondence had been received and distributed at the Hearing:

Application #09-006 (5450 Marine Drive)

- G. Boyle (Manager of Planning), April 9, 2009

**4. Adoption of the March 18, 2009 Minutes**

Chairman Quan referred to the Minutes of the Board of Variance Hearing held on March 18, 2009.

It was Moved and Seconded:

THAT the Minutes of the March 18, 2009 Board of Variance Hearing be adopted as circulated.

**CARRIED**

Chairman Quan then read out the following statement re Time Limit of Order Approving a Variance and noted that the time limit applied to each application approved by the Board:

"Pursuant to section 901 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. Orders of this Board of Variance that permit a variance specify that: if construction is not substantially started within 6 months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner."

**5. Application #09-006 (5450 Marine Drive)**

The Secretary confirmed the following requested variance:

a) 9.2 ft. to maximum retaining wall height.

The Secretary confirmed that the following correspondence had been received:

- G. Boyle (Manager of Planning), April 9, 2009.

T. Yee (Technical Representative of Permits Department) provided permit history of the subject property.

P. McKiernan (5450 Marine Drive, Applicant and Owner) described the variance application for a proposed variance of 9.2 ft. to maximum retaining wall height and responded to queries of the Board.

Chairman Quan queried whether there was anyone in the gallery who wished to address the Board regarding this application.

G. Boyle (Manager of Planning) informed that she was available to answer 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 Notice of Hearing of Application and the application dated March 20, 2009 including the Applicant's letter, plans and all other related documents, and having inspected the site, and having heard the submissions of the Applicant and Owner (Peter McKiernan) and G. Boyle (Manager of Planning):

It was Moved and Seconded:

THE BOARD finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that the application regarding a proposed retaining wall at 5450 Marine Drive with a variance of:

- 9.2 ft to maximum retaining wall height

BE NOT ALLOWED pursuant to the plans dated August 12, 2008 submitted with the application.

**CARRIED**

**6. Public Question Period**

There were no questions.

**7. Next Hearing**


The Secretary confirmed that the next Hearing of the Board of Variance is scheduled for May 20, 2009.

**8. Adjournment**

It was Moved and Seconded:

THAT the April 15, 2009 Board of Variance Hearing be adjourned.  
(7:25 p.m.)

**CARRIED**



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E. Quan, Chairman



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S. Scholes, Secretary