

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER**BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, NOVEMBER 26, 2008**

BOARD MEMBERS:

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

STAFF:

M. Chan, Acting Secretary and R. Maki, Supervisor of Inspections

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 be approved as circulated.

CARRIED

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

Application #08-031 (6435 Royal Avenue)

- N. Drache, November 23, 2008
- M. Buchanan, November 25, 2008

Application #08-032 (2668 Bellevue Avenue)

- C. Gilbert, November 26, 2008
- S. and A. Buch, November 26, 2008

4. Adoption of the October 15, 2008 Minutes

Chairman MacDonald referred to the Minutes of the Board of Variance Hearing held on October 15, 2008.

It was Moved and Seconded:

THAT the Minutes of the October 15, 2008 Board of Variance Hearing be adopted as circulated.

CARRIED

Chairman MacDonald 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 #08-027 (5535 Parthenon Place)

Item withdrawn.

6. Application #08-029 (6179 Eastmont Drive)

The Secretary confirmed the following requested variance:

- a) 16.1 ft. to Front Yard Setback

The Supervisor of Inspections provided permit history of the subject property.

James Alexander Belsheim (Applicant) described the variance application for a proposed 8'x12' accessory building and responded to queries of the Board.

P. Richard (6185 Eastmont Drive) spoke in support of the application.

Chairman MacDonald queried whether there was anyone in the gallery who wished to address the Board regarding this 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 Notice of Hearing of Application and the application dated October 15, 2008 including the Applicant's letter, plans and all other related documents, and having inspected the site, and having heard the submissions of the Applicant James Alexander Belsheim:

It was Moved and Seconded:

THE BOARD finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that the application regarding a proposed 8'x12' accessory building at 6179 Eastmont Drive with a variance of:

- 16.1 ft. to Front Yard Setback

BE ALLOWED pursuant to the plans dated October 3, 2008, submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six 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.

CARRIED

7. Application #08-030 (1055 Duchess Avenue)

Item withdrawn.

8. Application #08-031 (6435 Royal Avenue)

The Secretary confirmed the following requested variances:

- a) 7 ft. to Combined Side Yard
- b) 4.1 ft. to Minimum Side Yard Setback
- c) 0.5 ft. to Distance Between Principle and Accessory Buildings

The Supervisor of Inspections provided permit history of the subject property.

The Secretary confirmed that the following correspondence had been received:

- N. Drache, November 23, 2008
- M. Buchanan, November 25, 2008

Roger Williams (Applicant) described the variance application for a proposed detached garage and responded to queries of the Board.

Chairman MacDonald queried whether there was anyone in the gallery who wished to address the Board regarding this 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 Notice of Hearing of Application and the application dated October 16, 2008 including the Applicant's letter, plans and all other related documents, and having inspected the site, and having heard the submissions of the Applicant Roger Williams:

It was Moved and Seconded:

THE BOARD finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that the application regarding a proposed detached garage at 6435 Royal Avenue with variances of:

- 7 ft. to Combined Side Yard
- 4.1 ft. to Minimum Side Yard Setback
- 0.5 ft. to Distance Between Principle and Accessory Buildings

BE ALLOWED pursuant to the plans dated September 9, 2008, submitted with the application; AND THE BOARD FURTHER ORDERS 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.

CARRIED

9. Application #08-032 (2668 Bellevue Avenue)

The Secretary confirmed the following requested variances:

- a) 3 ft. to Minimum Side Yard Setback
- b) 27 ft. to Waterfront Yard Setback.

The Supervisor of Inspections provided permit history of the subject property.

The Secretary confirmed that the following correspondence had been received:

- L. A. Gilbert, November 13, 2008
- M. Jones, November 21, 2008

- M. Wilcox, November 21, 2008
- C. Gilbert, November 26, 2008
- S. and A. Buch, November 26, 2008.

Rosa Donna Esté (Applicant) described the variance application for a proposed sun deck and responded to queries of the Board.

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

S. Buch (2686 Bellevue Avenue) submitted a letter and spoke against the application.

D. Irwin (2658 Bellevue Avenue) referred to the letter from his wife, M. Jones and spoke against the application.

Rosa Donna Esté (Applicant) spoke further relative to the application and the comments made by S. Buch and D. Irwin.

The Supervisor of Inspections provided further information relative to the property.

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 October 17, 2008 including the Applicant's letter, plans and all other related documents, and having inspected the site, and having heard the submissions of the Applicant Rosa Donna Esté:

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 sun deck at 2668 Bellevue Avenue with variances of:

- 7 ft. to Combined Side Yard
- 4.1 ft. to Minimum Side Yard Setback
- 0.5 ft. to Distance Between Principal and Accessory Buildings

BE NOT ALLOWED pursuant to the plans dated September 11, 2008, submitted with the application.

CARRIED

E. Quan voted in the negative.

10. Public Question Period

Rosa Donna Esté (2668 Bellevue Avenue) queried relative to Application #08-032 and Chairman MacDonald and the Secretary responded to the query.

Chairman MacDonald queried relative to the Zoning Bylaw and provisions regarding repair as opposed to reconstruction and R. Maki (Supervisor of Inspections) responded to the query.

11. Next Hearing


The Secretary confirmed that the next scheduled Hearing of the Board of Variance is on January 21, 2009.

12. Adjournment

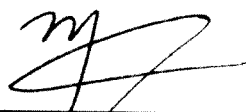
It was Moved and Seconded:

THAT the November 26, 2008 Board of Variance Hearing be adjourned.
(7:43 p.m.)

CARRIED



D. MacDonald, Chairman



M. Chan, Acting Secretary

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