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2310-02

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

**BOARD OF VARIANCE HEARING MINUTES  
MUNICIPAL HALL COUNCIL CHAMBER  
WEDNESDAY, NOVEMBER 25, 2009**

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**BOARD MEMBERS:**

Chairman E. Quan; Members: D. MacDonald, R. Romses, S. Sanguinetti, and J. Turpin.

**STAFF:**

S. Scholes, Secretary; R. Maki, Assistant Manager of Permits and Inspections; and M. Connelly, Deputy Municipal Clerk.

**1. Call to Order**

The Hearing was called to order at 7:00 pm.

**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 #09-027 (2919 Altamont Crescent)

- T. & L. Patrick, November 8, 2009
- T. & L. Patrick, November 19, 2009
- D. Grierson, November 9, 2009
- J. Pink, November 11, 2009
- S. Kim, November 15, 2009
- N. Mackin, November 24, 2009.

#### 4. Adoption of the October 21, 2009 Minutes

Chairman Quan referred to the Minutes of the Board of Variance Hearing held on October 21, 2009.

It was Moved and Seconded:

THAT the Minutes of the October 21, 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 #09-019 (5040 The Byway)

The Secretary confirmed the following requested variance:

- a) 7.06 ft. to Building Height

The Assistant Manager of Permits and Inspections provided permit history of the subject property.

The Secretary confirmed that the following written submissions were received:

- F. Welsh, September 19, 2009
- G. Wenstob, October 27, 2009
- J. Kern, October 19, 2009
- B. Chapman, October 13, 2009
- G. Smith, October 15, 2009.

B. Chapman (Chapman Land Surveying) described the variance application on behalf of F. Welsh (Applicant) for a proposed carport 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 and there was no response.

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 September 14, 2009 including the Applicant's letter, plans and all other related documents, and having inspected the site, and having heard the submission of B. Chapman (Chapman Land Surveying):

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 carport at 5040 The Byway with a variance of:

- 7.06 ft. to Building Height

BE ALLOWED pursuant to the plans dated July 10, 2009, 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**

**6. Application #09-027 (2919 Altamont Crescent)**

The Secretary confirmed the following requested variance:

a) 12 ft. to Rear Yard Setback

The Assistant Manager of Permits and Inspections provided permit history of the subject property.

The Secretary confirmed that the following written submissions were received:

- T. & L. Patrick, November 8, 2009
- T. & L. Patrick, November 19, 2009
- D. Grierson, November 9, 2009
- J. Pink, November 11, 2009
- S. Kim, November 15, 2009
- N. Mackin, November 24, 2009
- T. & L. Patrick, October 21, 2009.

T. Patrick (2919 Altamont Crescent, owner) described the variance application for a proposed house addition and responded to queries of the Board.

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

N. Mackin (2919 Tower Hill) spoke in opposition regarding the application.

Chairman Quan queried for a second time whether there was anyone in the gallery who wished to address the Board regarding the application.

L. Patrick (2919 Altamont Crescent, owner) spoke relative to neighbours' support, history of their property and details regarding proposed construction.

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 Notice of Hearing of Application and the application dated October 21, 2009 including Applicant's letter, plans and all other related documents, and having inspected the site, and having heard the submissions of T. & L. Patrick (Owners) and N. Mackin (Neighbour):

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 house addition at 2919 Altamont Crescent with a variance of:

- 12 ft. to Rear Yard Setback

BE ALLOWED pursuant to the plans dated October 8, 2009, 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 #09-028 (5050 Bear Lane)**

The Secretary confirmed the following requested variance:

- a) 11.4 ft. to Front Yard Setback

The Assistant Manager of Permits and Inspections provided permit history of the subject property.

The Secretary confirmed that the following written submissions were received:

- A. Kowlowski, November 24, 2009
- C. Taylor, October 22, 2009.

C. Taylor and A. Kowlowski (5050 Bear Lane) described the variance application for a covered entry built without permits 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 and there was no response.

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 23, 2009 including the Applicant's letter, plans and all other related documents, and having inspected the site, and having heard the submissions of A. Kowlowski and C. Taylor (Owner):

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 covered entry built without permits at 5050 Bear Lane with a variance of:

- 11.4 ft. to Front Yard Setback

BE ALLOWED pursuant to the plans dated October 23, 2009, 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**

**8. Public Question Period**

There were no questions.

**9. Next Hearing**

The Secretary confirmed that the next scheduled Hearing of the Board of Variance is on January 20, 2010.

**10. Adjournment**

It was Moved and Seconded:

THAT the November 25 Board of Variance Hearing be adjourned.  
(7:35 pm).

**CARRIED**



E. Quan, Chairman



S. Scholes, Secretary

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