

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
MUNICIPAL HALL RAVEN ROOM  
WEDNESDAY, MAY 26, 2021**

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**BOARD MEMBERS:** Chair L. Radage and Members I. Davis, S. Sanguinetti, D. Simmons, and R. Yaworsky attended the hearing via electronic communication facilities.

**STAFF:** P. Cuk, Board Secretary; and T. Yee, Building Inspector. M. Panneton, Director, Legislative Services/Corporate Officer, attended the hearing via electronic communication facilities.

**1. Call to Order**

The hearing was called to order at 5 p.m.

It was Moved and Seconded:

WHEREAS the May 7, 2021 Order of the Provincial Health Officer on Gatherings and Events (“order”) prohibits members of the public from attending local government meetings in-person until the order is rescinded or replaced;

WHEREAS the District of West Vancouver is required to prohibit in-person attendance at Board of Variance hearings pursuant to the order; and

WHEREAS the District of West Vancouver has enabled public participation at Board of Variance hearings via electronic means to ensure openness, transparency, accessibility and accountability, including via the use of electronic communication facilities (telephone and video-conferencing software) for public participation;

THEREFORE BE IT RESOLVED THAT the May 26, 2021 Board of Variance hearing be held without in-person public attendance.

CARRIED

**2. Introduction**

Staff introduced the Board Members and described the hearing procedure.

**3. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the May 26, 2021 Board of Variance hearing agenda be approved as circulated.

CARRIED

#### **4. Adoption of the April 21, 2021 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on April 21, 2021.

It was Moved and Seconded:

THAT the April 21, 2021 Board of Variance hearing minutes be adopted as circulated.

CARRIED

#### **5. Time Limit of Board of Variance Orders**

Chair Radage read out the following statement regarding Time Limit of Order Approving a Variance and noted that the time limit applied to each application approved by the Board:

“Pursuant to section 542 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.”

#### **6. Application 21-013 (2035 Russet Way)**

Staff confirmed the following requested variances regarding a proposed single family dwelling and accessory building (pool mechanical bunker):

- a) 2.42 m to Front Yard Setback for Accessory Building (Pool Mechanical Bunker)
- b) 3.07 m to Front Yard Setback (Single Family Dwelling).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
WesVan Construction Inc.	May 17, 2021	1

Staff provided permit history of the subject property.

E. Yan (Owner, 2035 Russet Way) and E. Wang (representing the owner of 2035 Russet Way) described the variance application for a proposed single family dwelling and accessory building (pool mechanical bunker).

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no member of the public had signed up to address the Board regarding the subject application.

Staff responded to Board members' 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 April 4, 2021, 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 E. Wang and E. Yan:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 21-013 regarding a proposed single family dwelling and accessory building (pool mechanical bunker) at 2035 Russet Way with variances of:

- 2.42 m to Front Yard Setback for Accessory Building (Pool Mechanical Bunker)
- 3.07 m to Front Yard Setback (Single Family Dwelling)

BE ALLOWED pursuant to the plans dated April 12, 2021 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

Member Simmons voted in the negative

**7. Application 21-014 (6175 Nelson Avenue)**

Staff confirmed the following requested variances regarding a deck:

- a) 9.1 m to Front Yard Setback
- b) 0.2 m to Minimum Side Yard Setback.

Staff informed that no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

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

E. Parkes (6175 Nelson Avenue) and J. Parkes (representing the owner of 6715 Nelson Avenue) described the variance application for a deck. Staff, E. Parkes, and D. Parkes 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 member of the public 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 April 28, 2021, 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 E. Parkes and J. Parkes:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 21-014 regarding a proposed deck at 6175 Nelson Avenue with variances of:

- 9.1 m to Front Yard Setback
- 0.2 m to Minimum Side Yard Setback.

BE ALLOWED pursuant to the plans dated March 23, 2021 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.

Staff responded to a Board member's question. The question was called on the motion.

CARRIED

## **8. Receipt of Written and Oral Submissions**

It was Moved and Seconded:

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

- Application 21-013 (2035 Russet Way)
- Application 21-014 (6175 Nelson Avenue)

up to and including May 26, 2021, be received.

CARRIED

## **9. Public Question Period**

There were no questions.

**10. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for June 23, 2021 at 5 p.m. in the Municipal Hall Raven Room.

**11. Adjournment**

It was Moved and Seconded:

THAT the May 26, 2021 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:31 p.m.

Certified Correct:

*[Original signed by Chair]*

\_\_\_\_\_  
CHAIR

*[Original signed by Secretary]*

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SECRETARY