

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, APRIL 20, 2022**

BOARD MEMBERS: Chair L. Radage and Members S. Abri, J. Elwick, D. Simmons, and R. Yaworsky attended the hearing via electronic communication facilities.

STAFF: P. Cuk, Board Secretary; and T. Yee, Building Inspector, attended the hearing via electronic communication facilities.

1. Call to Order

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

EXCLUSION OF PUBLIC

1.1 Exclusion of Public Pursuant to s.90 and s.93 of the *Community Charter*

It was Moved and Seconded:

THAT in the public interest, members of the public be excluded from part of the April 20, 2022 Board of Variance hearing on the basis of the following sections of the *Community Charter*:

90. (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

93. In addition to its application to council meetings, this Division and section 133 (of the *Community Charter*) also applies to meetings of the following:

(d) a board of variance established under Division 15 of Part 14 of the *Local Government Act*.

CARRIED

At 5:01 p.m. the Board of Variance proceeded with the closed session.

At 5:33 p.m. the Board of Variance reconvened in open session with the following Board members and staff present via electronic communication facilities:

Chair L. Radage and Members S. Abri, D. Simmons, and R. Yaworsky; and

P. Cuk (Board Secretary); and T. Yee (Building Inspector).

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the April 20, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

Member Elwick absent at the vote

Member Elwick returned to the hearing at 5:34 p.m. via electronic communication facilities.

4. Adoption of the March 23, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on March 23, 2022.

It was Moved and Seconded:

THAT the March 23, 2022 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 22-007 (1029 Esplanade Avenue)

Staff confirmed the following requested variances regarding a proposed single family dwelling and accessory building (detached garage):

- a) 2.9 m to Front Yard Setback (Single Family Dwelling)
- b) 2.5 m to Rear Yard Setback (Single Family Dwelling)
- c) 0.52 m to Accessory Building Height (Detached Garage).

Staff provided permit history of the subject property and informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED | # |
|-----------------------------------|------------------|---|
| Redacted | April 1, 2022 | 1 |
| Redacted | April 15, 2022 | 2 |
| Redacted | April 16, 2022 | 3 |
| Redacted | April 18, 2022 | 4 |
| Redacted | April 19, 2022 | 5 |
| J. Stobie (Synthesis Design Inc.) | April 19, 2022 | 6 |
| Redacted | April 19, 2022 | 7 |
| Redacted | April 19, 2022 | 8 |
| Redacted | April 19, 2022 | 9 |

J. Stobie (Synthesis Design Inc., representing the owner of 1029 Esplanade Avenue) provided a presentation, described the variance application for a proposed single family dwelling and accessory building (detached garage), and 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.

Board members discussed the requested variances and 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 March 10, 2022, 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 J. Stobie:

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 22-007 regarding a proposed single family dwelling and accessory building (detached garage) at 1029 Esplanade Avenue with variances of:

- 2.5 m to Rear Yard Setback (Single Family Dwelling)
- 0.52 m to Accessory Building Height (Detached Garage)

BE ALLOWED pursuant to the plans dated March 9, 2022 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. Receipt of Written and Oral Submissions

It was Moved and Seconded:

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

- Application 22-007 (1029 Esplanade Avenue);

up to and including April 20, 2022, be received.

CARRIED

8. Public Question Period

There were no questions.

9. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for May 18, 2022 at 5 p.m.

It was Moved and Seconded:

THAT

- 1. Board of Variance hearings for the remainder of 2022 and for January 18, 2023 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

10. Adjournment

It was Moved and Seconded:

THAT the April 20, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:15 p.m.

Certified Correct:

[Original signed by Chair]
CHAIR

[Original signed by Secretary]
SECRETARY