Pursuant to the *Freedom of Information and Protection of Privacy Act*, names, addresses, contact information and other personal information of individuals who write to the Board are protected from disclosure and must not be disclosed during the hearing.

The Corporation of the District of West Vancouver

Board of Variance Hearing Agenda

March 23, 2022
5 p.m. via electronic communication facilities

Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Atrium, or via electronic communication facilities through the link provided on the District's Board of Variance webpage.

1. Call to Order

The Board of Variance hearing will be called to order.

2. Introduction

The Board of Variance hearing procedure will be described.

3. Confirmation of Agenda

RECOMMENDATION:

THAT the March 23, 2022 Board of Variance hearing agenda be approved as circulated.

4. Adoption of Minutes

RECOMMENDATION:

THAT the February 23, 2022 Board of Variance hearing minutes be adopted as circulated.

5. Time Limit of Board of Variance Orders

The Chair will describe the time limit of orders approving a variance.

6. Application 22-004 (4597 Woodgreen Drive) regarding a proposed single family dwelling with the following variance:

a) 1.19 m to Building Height.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	February 10, 2022	1
Redacted	February 10, 2022	2

The Chair will request that the applicant or applicant's representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board's debate, the Board will consider the following motions.

RECOMMENDATION:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 22-004 regarding a proposed single family dwelling at 4597 Woodgreen Drive with a variance of:

- 1.19 m to Building Height

BE ALLOWED pursuant to the plans dated February 7, 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.

OR

RECOMMENDATION:

THAT the Board finds that undue hardship would not be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 22-004 regarding a proposed single family dwelling at 4597 Woodgreen Drive with a variance of:

- 1.19 m to Building Height

BE NOT ALLOWED pursuant to the plans dated February 7, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 22-004 (4597 Woodgreen Drive) to the next Board of Variance hearing.

7. Application 22-005 (1373 Haywood Avenue) regarding a proposed addition with the following variance:

a) 0.84 m to Combined Side Yard Setback.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant's representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board's debate, the Board will consider the following motions.

RECOMMENDATION:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 22-005 regarding a proposed addition at 1373 Haywood Avenue with a variance of:

- 0.84 m to Combined Side Yard Setback

BE ALLOWED pursuant to the plans dated February 8 and 28, 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.

OR

RECOMMENDATION:

THAT the Board finds that undue hardship would not be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 22-005 regarding a proposed addition at 1373 Haywood Avenue with a variance of:

- 0.84 m to Combined Side Yard Setback

BE NOT ALLOWED pursuant to the plans dated February 8 and 28, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 22-005 (1373 Haywood Avenue) to the next Board of Variance hearing.

8. Application 22-006 (6193 Nelson Avenue) regarding a proposed accessory structure with the following variances:

a) 5.01 m to Front Yard Setback
b) 1.18 m to Minimum Side Yard Setback.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None to date.		

The Chair will request that the applicant or applicant's representative describe the application.

The Chair will call for public input.

Following conclusion of public input, and the Board's debate, the Board will consider the following motions.

RECOMMENDATION:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 22-006 regarding a proposed accessory structure at 6193 Nelson Avenue with variances of:

- 5.01 m to Front Yard Setback
- 1.18 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated January 13 and February 23, 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.

OR

RECOMMENDATION:

THAT the Board finds that undue hardship would not be caused to the applicant by compliance with the Zoning Bylaw and orders that Application 22-006 regarding a proposed accessory structure at 6193 Nelson Avenue with variances of:

- 5.01 m to Front Yard Setback
- 1.18 m to Minimum Side Yard Setback

BE NOT ALLOWED pursuant to the plans dated January 13 and February 23, 2022 submitted with the application.

OR

RECOMMENDATION:

THAT the Board defers further consideration of Application 22-006 (6193 Nelson Avenue) to the next Board of Variance hearing.

9. Receipt of Oral and Written Submissions

RECOMMENDATION:

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

- Application 22-004 (4597 Woodgreen Drive)
- Application 22-005 (1373 Haywood Avenue)
- Application 22-006 (6193 Nelson Avenue)

up to and including March 23, 2022 be received.

10. Public Question Period (Regarding process and/or disposition only)

11. Next Hearing

The next Board of Variance hearing is scheduled for April 20, 2022.

12. Adjournment

RECOMMENDATION:

THAT the March 23, 2022 Board of Variance hearing be adjourned.

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THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, FEBRUARY 23, 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 5:01 p.m.

Staff informed that the hearing is being conducted via electronic communication facilities only, and that members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Atrium, or via electronic communication facilities through the link provided on the District's Board of Variance webpage.

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the February 23, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED
Member Elwick absent at the vote

4. Adoption of the January 19, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on January 19, 2022.

It was Moved and Seconded:

THAT the January 19, 2022 Board of Variance hearing minutes be adopted as circulated.

CARRIED
Member Elwick absent at the vote

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."

Staff responded to a Board member's question and provided procedural information.

6. Application 22-003 (2720 Rosebery Avenue)

Member Elwick entered the hearing at 5:08 p.m. via electronic communication facilities.

Staff confirmed the following requested variances regarding a proposed dwelling addition and detached garage:

a) 8.95 m to Front Yard Setback (Detached Garage)
b) 3.04 m to Front Yard Setback (Dwelling Addition)
c) 1.73 m to Highest Building Face Envelope (Dwelling Addition)
d) 2.55 m to Accessory Building Height (Detached Garage)
e) 0.83 m to Building Height (Dwelling Addition)
f) 66.67 % to Highest Building Face Exemption (Dwelling Addition).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	February 21, 2022	1

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

Z. Zhang (2720 Rosebery Avenue) and T. Mcsweeney (Nu Westech Engineering Ltd., representing the owner of 2720 Rosebery Avenue) described the variance application for a proposed dwelling addition and detached garage. T. Mcsweeney responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application.

M. Xu (2750 Rosebery Avenue) spoke in opposition to the requested variances, and commented regarding views and property values. Staff responded to a Board member's question.

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.

Staff responded to Board members' questions and provided procedural information.

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 January 26, 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 submissions of T. Mcsweeney, M. Xu, and Z. Zhang:

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 22-003 regarding a proposed dwelling addition and detached garage at 2720 Rosebery Avenue with variances of:

- 8.95 m to Front Yard Setback (Detached Garage)

- 3.04 m to Front Yard Setback (Dwelling Addition)
- 1.73 m to Highest Building Face Envelope (Dwelling Addition)
- 2.55 m to Accessory Building Height (Detached Garage)
- 66.67 % to Highest Building Face Exemption (Dwelling Addition)

BE ALLOWED pursuant to the plans dated December 12, 2021 and January 4, 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 22-003 (2720 Rosebery Avenue);

up to and including February 23, 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 March 23, 2022 at 5 p.m.

10. Adjournment

It was Moved and Seconded:

THAT the February 23, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:41 p.m.

Certified Correct:

L. Radage, Chair

P. Cuk, Secretary

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6.
22-004

District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
t: 604-925-7004 f: 604-925-7006

NOTICE OF BOARD OF VARIANCE HEARING

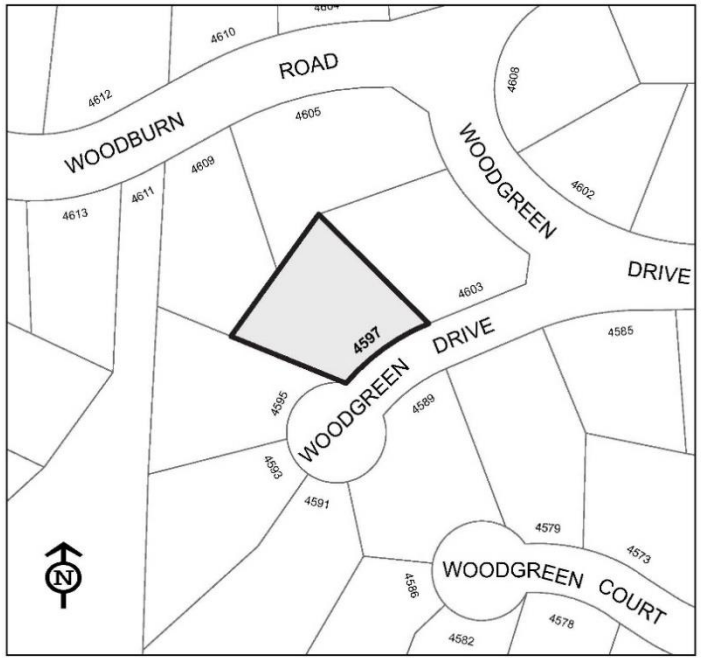
Subject property: **4597 Woodgreen Drive**

Notice is given that the Board of Variance will hold a hearing on:

Wednesday, March 23, 2022
at 5 p.m. via electronic communication facilities

The Board of Variance will consider the requested variance for a proposed single family dwelling at 4597 Woodgreen Drive, as follows:

	Bylaw Requirement	Proposed	Variance
Building Height	7.77 m	8.96 m	1.19 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities only; no in-person attendance is permitted.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Atrium or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (either via telephone or WebEx) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on March 23, 2022 to ensure their availability to the Board for the hearing.
Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit https://westvancouver.ca/be-involved/committees-groups/boards/board-variance

March 8, 2022
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The Corporation of the District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
Permits and Inspections Department: 604-925-7242 || Fax: 604-925-7234 || westvancouver.ca

Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 4597 WOODGREEN DRIVE

Applicant *(please print clearly)*

Name(s): TARA ST JEAN **Phone #:** 604.539.1113
Mailing Address: 111-6039 196 ST, SURREY V3S 7X4 **Cell #:**
Email Address: design@homestardc.com **Fax #:**
Interest of Applicant: s. 22(1)
(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): s. 22(1) **Phone #:**
Mailing Address: s. 22(1) **Cell #:** s. 22(1)
Email Address: **Fax #:**

Completed Application Must Include

☒ **A letter (signed original) describing:**

a) The proposed construction;
b) The requested variance(s); and
c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)

☒ **Authorization of Registered Owners Form** (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).

☒ **$800 fee**

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)

Applicant Signature **Date** FEB. 10, 2022

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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22-004

HOMESTAR
DESIGN

December 6, 2021

The Corporation of the District of West Vancouver
Board of Variance

Re: 4597 Woodgreen Drive

The homeowners wish to construct a 2 storey single family dwelling with a basement, to replace the existing aging 2 storey dwelling. The proposed residence does not meet the current height requirements of the RS-10 zoning. They are requesting a 1.19m increase in building height from 7.77m to 8.96m, to allow for a 2 storey dwelling.

Due to the steeply sloped nature of the lot, it is not possible to accommodate a 2 storey dwelling. The calculated average finished grade/average existing grades are so low that when the parameters regarding building height are applied, it does not allow for a second storey. This inhibits the homeowners ability to construct a home that will fit their needs as a family and to develop the lot to its full capacity, thus negatively impacting their financial investment now and in the future.

The proposed dwelling has been thoughtfully designed to minimize its impact on the natural environment and the neighboring properties. The residence utilizes the natural topography and a stepped floor plan to seamlessly blend into its surroundings. The main floor of the proposed dwelling has been set at the same height as the existing dwelling and coupled with a modest roof slope, a coordinated effort has been made to reduce the visual impact on the neighbouring properties.

Thank you for your time and consideration of this matter.

Kind Regards,

Tara St Jean, Architectural Designer
Homestar Design Ltd.

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PERMITS & INSPECTIONS DEPARTMENT
750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

February 9, 2021 File: **BP117895**

s.22(1)

Dear Sir/Madam

RE: 4597 WOODGREEN DRIVE - WEST VANCOUVER
BUILDING PERMIT APPLICATION – RS10 ZONE

The plans submitted with your application for a building permit at the above referenced address show that the proposed new single family dwelling will not comply with the Zoning Bylaw because it does not maintain the required 7.77 m building height.

The Zoning Bylaw, Section 120.19 and 120.29 requires that structures not exceed a height of 7.77 metres measured from the lowest of the average natural or finished grades abutting the building as indicated in the table below:

	Bylaw	Proposed	Variance
Building Height for single family dwelling	7.77 m	8.96 m	1.19 m

Comments: 0.15 m adjustment to allowable building height for Step 4 high performance building construction included per Zoning Bylaw sentence 120.29(1)(a)(i).

The Permits and Inspections Department is unable to issue a Building Permit unless you:

a) revise your plans to conform to the Zoning Bylaw; **or**

b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).

c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the $800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **February 23, 2022.** The next Board of Variance Hearing is scheduled for **March 23, 2022**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail.

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

a) result in inappropriate development of the site
b) adversely affect the natural environment
c) substantially affect the use and enjoyment of adjacent land
d) vary permitted uses and densities under the applicable bylaw, or
e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-921-3450 should you require any further information regarding this matter. Thank you.

Enclosure

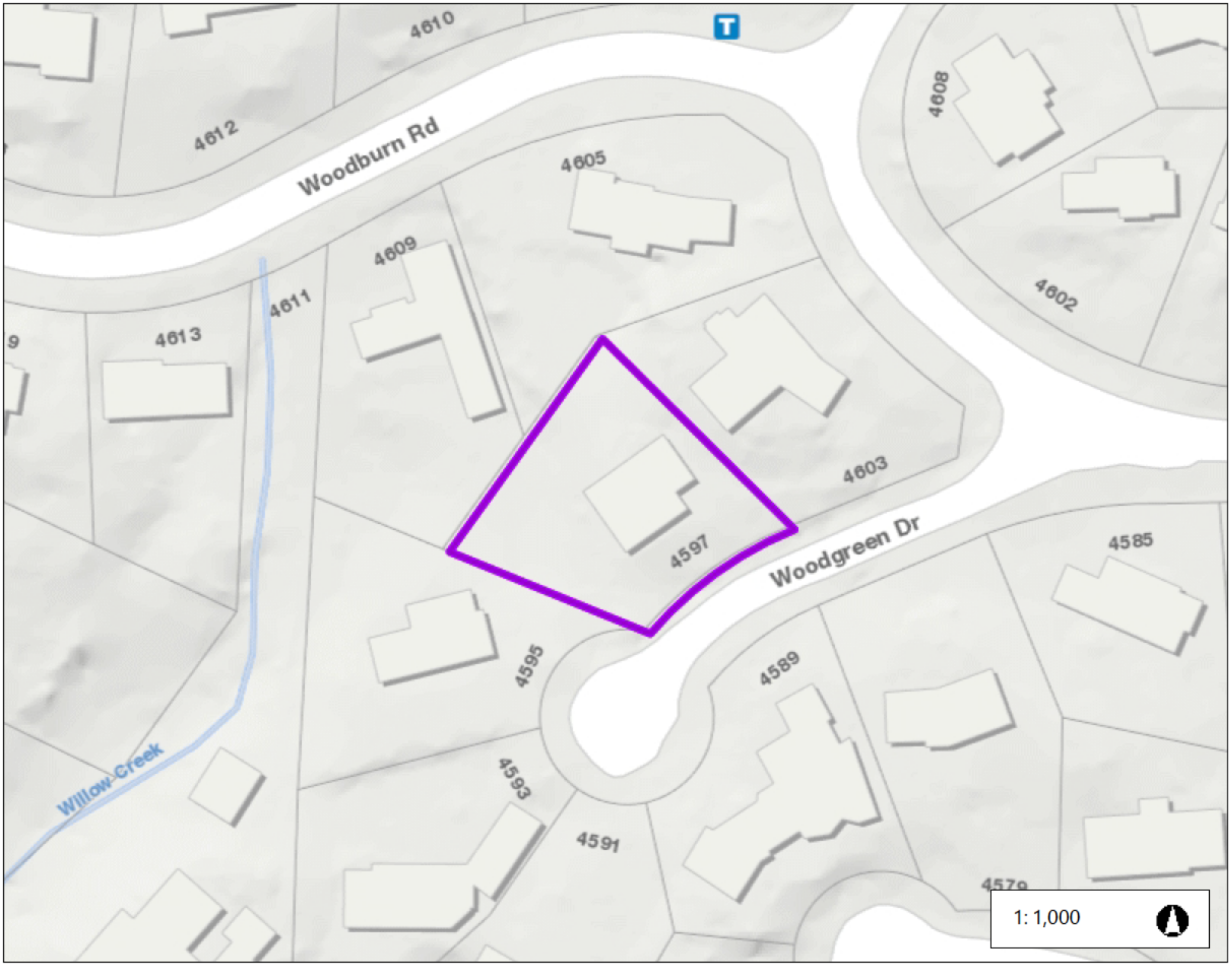
s. 22(1) [redacted]

Colin Coulter
Plans Examiner
ccoulter@westvancouver.ca

cc:me
Enclosure
cc: Secretary, Board of Variance

west vancouver

22-004



Legend

Notes

50.8 0 25.40 50.8 Meters

WGS_1984_UTM_Zone_10N
District of West Vancouver

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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west vancouver

22-004

Legend

Notes

50.8 0 25.40 50.8 Meters

WGS_1984_UTM_Zone_10N
District of West Vancouver

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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HOMESTAR
DESIGN

December 6, 2021

The Corporation of the District of West Vancouver
Board of Variance

Re: 4597 Woodgreen Drive

I/we s. 22(1) [redacted], the registered owners of s. 22(1) [redacted] understand the nature of the variance being applied for at 4597 Woodgreen Drive and are in support of the proposed building height increase from 7.77m to 8.96m

s. 22(1) [redacted]
Signature of Registered Owner of s. 22(1) [redacted]

Feb. 10th 2022
Date

s. 22(1) [redacted]
Signature of Registered Owner of s. 22(1) [redacted]

Feb 10/22
Date

6039 196 St #111, Surrey, BC V3S 7X4, Canada – 604.539.1113 – design@homestarbc.com

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22-004
2.

HOMESTAR
DESIGN

December 6, 2021

The Corporation of the District of West Vancouver
Board of Variance

Re: 4597 Woodgreen Drive

I/we [redacted] the registered owners of [redacted] understand the nature of the variance being applied for at 4597 Woodgreen Drive and are in support of the proposed building height increase from 7.77m to 8.96m

[redacted]

Signature of Registered Owner of [redacted]

Feb 10/22.
Date

Signature of Registered Owner of [redacted]

Date

6039 196 St #111, Surrey, BC V3S 7X4, Canada – 604.539.1113 – design@homestarbc.com

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7.
22-005

District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
t: 604-925-7004 f: 604-925-7006

NOTICE OF BOARD OF VARIANCE HEARING

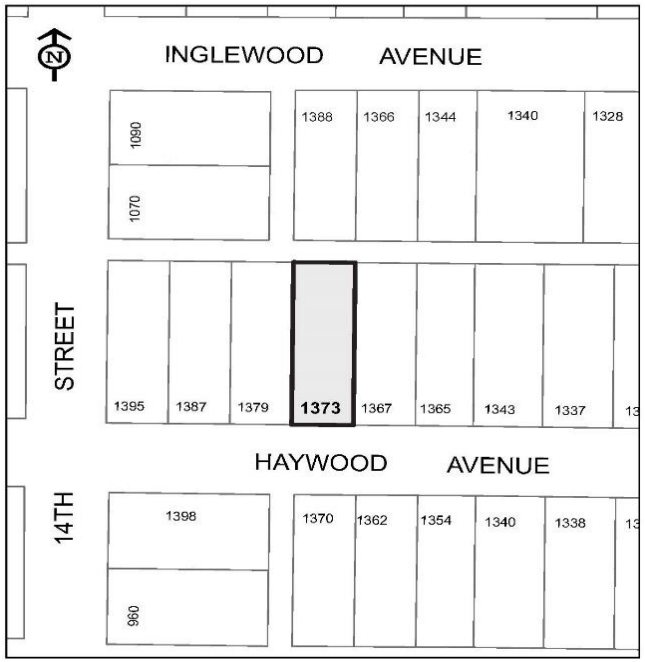
Subject property: **1373 Haywood Avenue**

Notice is given that the Board of Variance will hold a hearing on:

Wednesday, March 23, 2022
at 5 p.m. via electronic communication facilities

The Board of Variance will consider the requested variance for a proposed addition at 1373 Haywood Avenue, as follows:

	Bylaw Requirement	Proposed	Variance
Combined Side Yard Setback	3.81 m	2.97 m	0.84 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities only; no in-person attendance is permitted.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Atrium or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (either via telephone or WebEx) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on March 23, 2022 to ensure their availability to the Board for the hearing.
Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit https://westvancouver.ca/be-involved/committees-groups/boards/board-variance

March 8, 2022
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22-005

The Corporation of the District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
Permits and Inspections Department: 604-925-7242 || Fax: 604-925-7234 || westvancouver.ca

Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 1373 Haywood Ave W. VANCOUVER

Applicant *(please print clearly)*

Name(s): Shayne Schwede
Mailing Address: s. 22(1) [redacted]
Email Address:
Phone #: s. 22(1) [redacted]
Cell #:
Fax #:
Interest of Applicant: s. 22(1) [redacted]

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): s. 22(1) [redacted]
Mailing Address: s. 22(1) [redacted]
Email Address:
Phone #: s. 22(1) [redacted]
Cell #:
Fax #:

Completed Application Must Include

☑ **A letter (signed original) describing:**

a) The proposed construction;
b) The requested variance(s); and
c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)

☑ **Authorization of Registered Owners Form** (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).

☑ **$800 fee**

s. 22(1) [redacted] **lication (redacted as necessary) and supporting documents will be available to aced in the public agenda binder for the Board of Variance Hearing.**

Applicant Signature

Feb. 22 2022
Date

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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February 23, 2022

VIA ELECTRONIC MAIL

Board of Variance
Permits & Inspections Department
West Vancouver
750 17th Street
West Vancouver BC V7V 3T3

Re: 1373 Haywood Avenue, West Vancouver
Building Permit Application – RS5 Zone
File No. BP117526
Zoning Bylaw Section 205.09(2)(b)(i),
Variance Hardship Application
Requested Variance of .84 Meters Combined Side Yard Setback

Dear Sir/Madam:

This letter was prepared as part of the application for the building bylaw variance hardship application. The granting of the variance does not export any sense of 'hardship' to the neighbors, the environment, or the broader community.

Proposed Construction

The project involves the decommissioning of the existing carport structure that faces Haywood Avenue, and the construction of a two-car garage at the rear of the property accessible by the existing laneway. We understand that this is consistent with the overall preference and community goals of West Vancouver by the replacement of parking accessed from the fronting street to the rear of the property where possible and the use of the laneways for access and vehicle parking.

This application involves removal of the existing driveway fronting Haywood as required, and filling in the existing carport within the overall home footprint to habitable space. The addition of the habitable space is within the FSR for the property and is consistent with the overall appearance of homes fronting Haywood Avenue that do not have a driveway and carport parking.

Requested Variance

The filling in of the carport structure appears to have triggered a requirement for a variance. The project does not involve the addition of any additional building footprint, rather, the installation of framed walls to the existing carport structure, said another way, simply filling in the existing carport.

We have found that with the construction of the garage at the rear of the property, the filling in of the carport triggers an issue with the existing side yard setback requirements. Specifically, the combined side yard setback is 3.81 meters, the existing combined side yard setback is 2.97 meters, and the variance requested is .84 meters (33.07 inches combined).

Hardship

Without the variance, we would experience several hardships. These include:

- The unusual atheistic appearance of the house fronting Haywood Avenue. As part of the construction of the garage, the Planning department has required that we remove the existing driveway. The front of the house would have no driveway, yet it would have a carport facing the street. It would also be unusual to have a decommissioned driveway with an existing carport structure, I'm not aware of any such structure existing in West Vancouver.

- Along with the strange aesthetic, the house would likely be less appealing and undoubtedly lose market value.

- There would be loss of enjoyment of space inasmuch as not filling in the carport would create an unusual uniformity of the house inconsistent with the lower floor structure lines and general appearance of the house. This would likely be an eyesore for the neighborhood.

- Because we are removing the Haywood Avenue parking access to the front of the house via a driveway and carport structure, we are left with an open and generally unusable space at the front of the house facing the street.

Impact Review

Does the variance requested:

- Result in inappropriate development of the site?
    - No – the existing house is family occupied, it will continue as such;
    - The proposed variance will allow for fill-in of the existing carport structure, this will be utilized habitable space, rather than the alternative, which is unusable awkward, and an unusual open carport facing Haywood Ave. of which would have little to no purpose.

- The proposed variance will provide for a consistent appearance to the house with that of other homes in the neighborhood.

- Adversely affect the natural environment?

  - No. We have consulted with Sartori Environmental who have prepared a detailed environment impact plan, due mainly to the Vinson Creek at the rear of the property, and there is no adverse impact to the environment. The development as proposed has been reviewed and approved for an EDP permit per the City of West Vancouver.

- Substantially affect the use and enjoyment of adjacent land?

  - Issuance of the variance would not negatively compromise the use and enjoyment of adjacent land. There is a six-foot fence currently separating the location of the proposed development and that of neighboring land. In addition, the structure is already present and has been for numerous years without any concern. The proposal is simply filling in between the existing carport/deck posts that are already present.

- Vary permitted uses and densities under the applicable bylaw?

  - There would be no impact on the existing permitted use under the bylaw. The development is within the permitted FSR.
  - The site area is 696.2SM. proposed site coverage is 208.55SM. permitted coverage is 266.08SM.

- Defeat the intent of the bylaw?

  - The house has had approved building permits for additions in the past, and in particular alongside the house. Those approved additions did not require a variance process, however, it seems that the requirements have changed since that time. This particular proposal follows the existing lines of the house and does not get closer to the property line. Further, the carport structure is in place, this is nothing more than filling in the space between the posts to make useful habitable space, create a pleasing atheistic to the front of the property, eliminate Haywood Street parking at the house via a driveway and carport. All of which we understand are consistent and desirable per the community goals.

We believe the construction of the laneway garage, removal of off-street (Haywood) driveways, and carports are consistent and appropriate to the West Vancouver community goals. The requested variance will permit us to fill in the existing carport structure and remain with the bylaw for frontal setbacks with minimal low impact variance approval required for the combined side setback.

Yours very truly,

s. 22(1)

Shayne Schwede

s. 22(1)

PERMITS & INSPECTIONS DEPARTMENT
750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

February 18, 2021 File: **BP117526**

[redacted]
s.22(1)
[redacted]
[redacted]

Dear Sir/Madam

RE: 1373 HAYWOOD AVENUE - WEST VANCOUVER
BUILDING PERMIT APPLICATION – RS5 ZONE

The plans submitted with your application for a building permit at the above referenced address show that the proposed addition will not comply with the Zoning Bylaw because it does not maintain the required 3.81 m combined side yard setback.

The Zoning Bylaw, Section 205.09(2)(b)(i), requires a combined side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Combined Side Yard Setback for addition	3.81 m	2.97 m	0.84 m

The following non-conformities exist and are listed for reference only:

- front yard setback and minimum side yard setback (east)

The Permits and Inspections Department is unable to issue a Building Permit unless you:

a) revise your plans to conform to the Zoning Bylaw; **or**

b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).

c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the $800 fee and required attachments, must be received by the Permits & Inspections secretary by 1:00 p.m. on **February 23, 2022**. The next Board of Variance Hearing is scheduled for **March 23, 2022**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail.

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

a) result in inappropriate development of the site
b) adversely affect the natural environment
c) substantially affect the use and enjoyment of adjacent land
d) vary permitted uses and densities under the applicable bylaw, or
e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-921-3455 should you require any further information regarding this matter. Thank you.

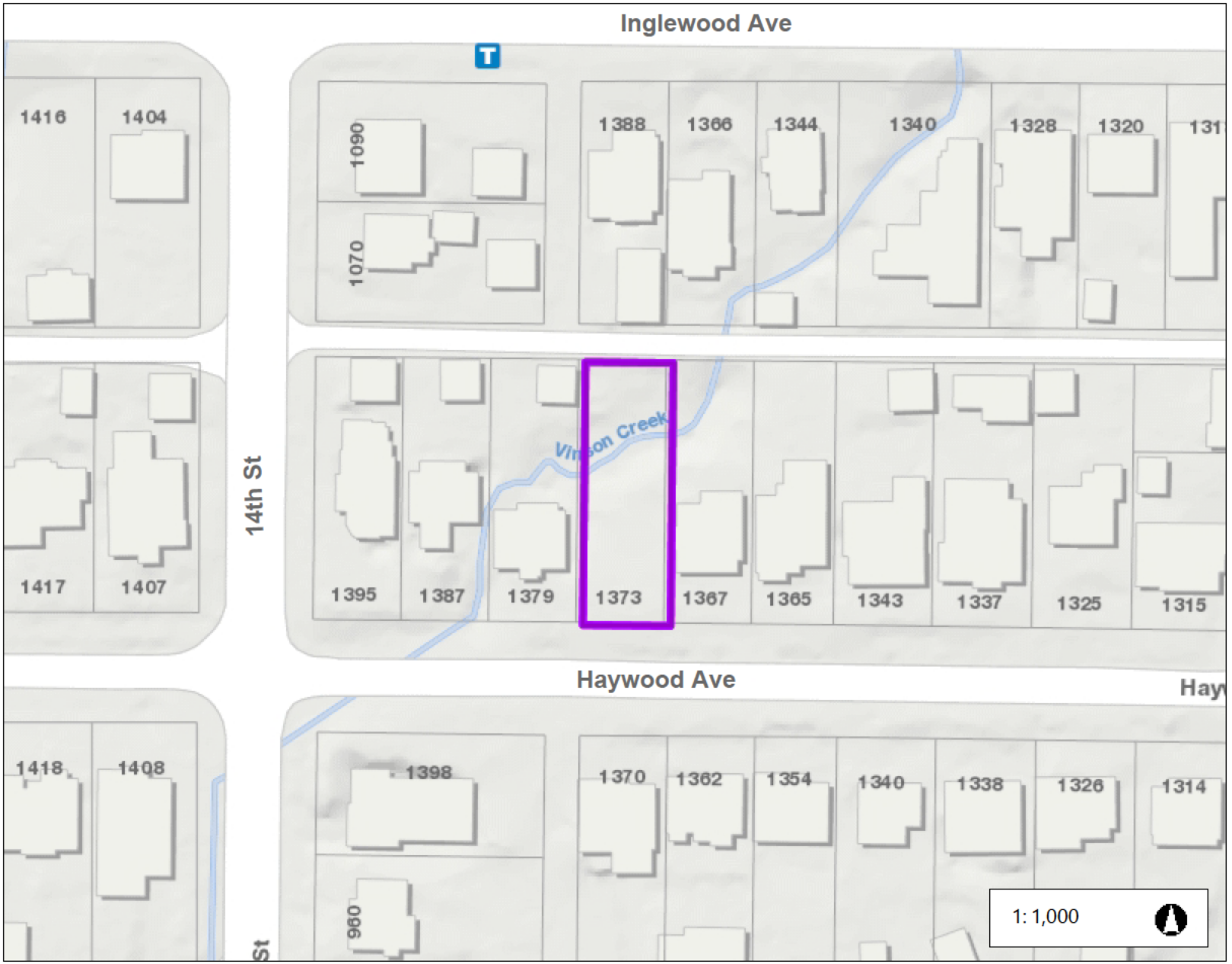
Regards,

s. 22(1)

Nicole Colby
Plans Examiner
ncolby@westvancouver.ca
cc:me
Enclosure
cc: Secretary, Board of Variance

west vancouver

22-005



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Notes

50.8 0 25.40 50.8 Meters

WGS_1984_UTM_Zone_10N
District of West Vancouver

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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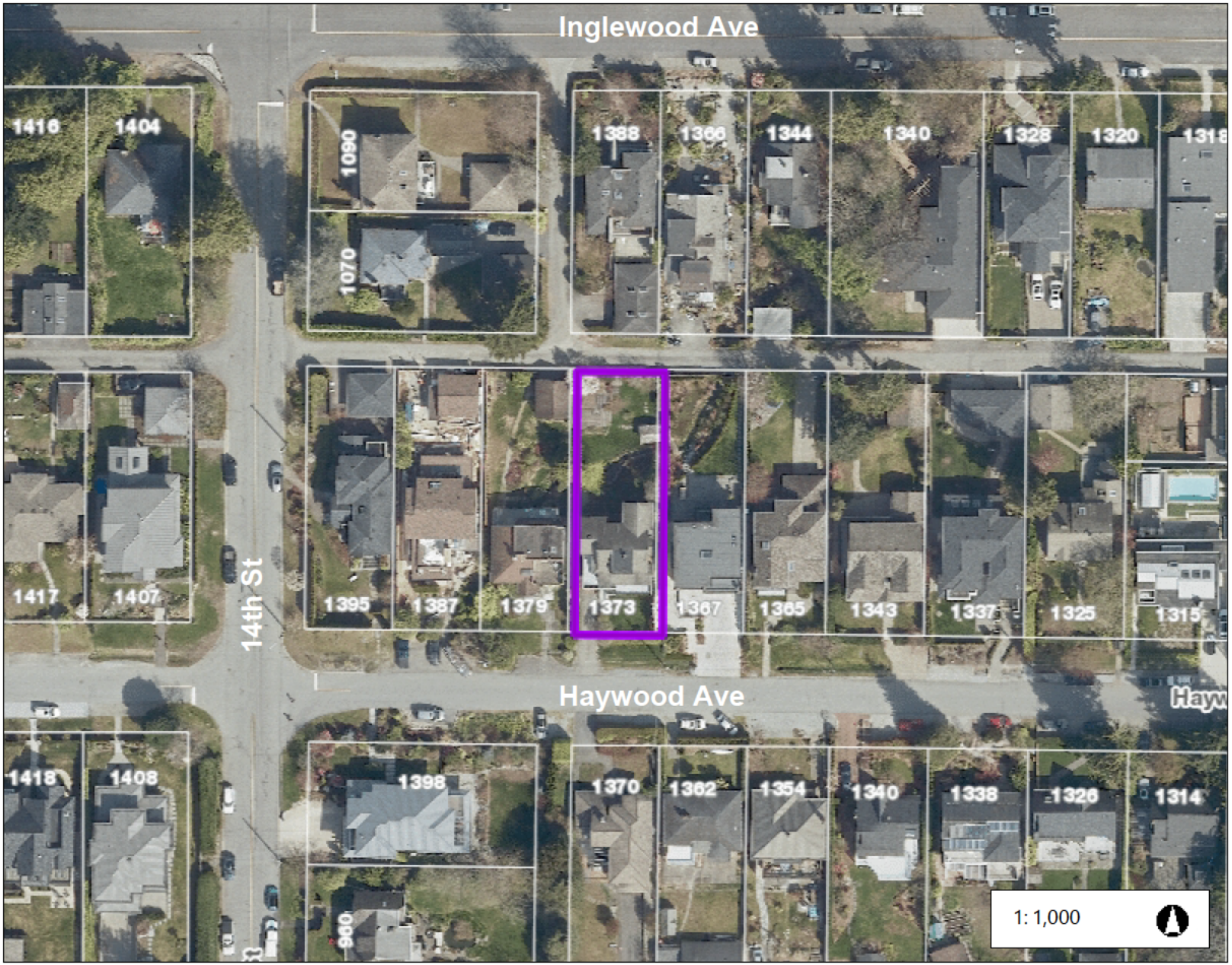
west vancouver

22-005



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Notes

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8.
22-006

District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
t: 604-925-7004 f: 604-925-7006

NOTICE OF BOARD OF VARIANCE HEARING

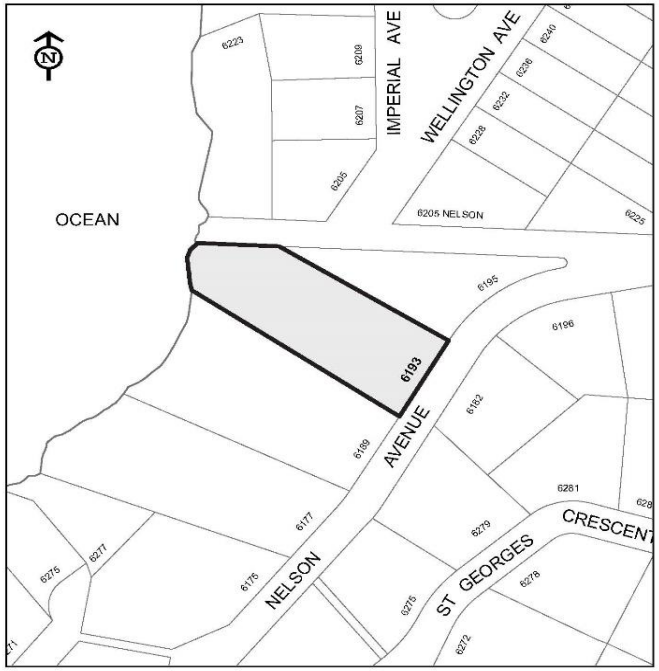
Subject property: **6193 Nelson Avenue**

Notice is given that the Board of Variance will hold a hearing on:

Wednesday, March 23, 2022
at 5 p.m. via electronic communication facilities

The Board of Variance will consider the requested variances for a proposed accessory structure at 6193 Nelson Avenue, as follows:

Front Yard Setback	Bylaw Requirement	Proposed	Variance
	9.1 m	4.09 m	5.01 m
Minimum Side Yard Setback	Bylaw Requirement	Proposed	Variance
	3.0 m	1.82 m	1.18 m



To make an appointment to view plans, permit and variance information contact Terry Yee (Building Inspector) at tyee@westvancouver.ca or 604-925-7248.

To view application documents and written submissions, or enquire about hearing procedures or results contact Legislative Services at 604-925-7004.

Representations regarding the requested variances may be made, and written submissions read, to the Board of Variance during the hearing on the date, time, and place shown above. **Pursuant to Council Committee Procedure Bylaw No. 5020, 2019, this hearing will be conducted via electronic communication facilities only; no in-person attendance is permitted.** Members of the public may hear, or watch and hear, the hearing by attending the Municipal Hall Atrium or via electronic communication facilities through the link provided on the District's Board of Variance web page. To register to make representations (either via telephone or WebEx) during the Board of Variance hearing please phone 604-925-7004 between 8 a.m. and 4 p.m. on the scheduled hearing date.

Prior to the hearing, written submissions may be:

- mailed to the Board of Variance, District of West Vancouver, 750 17th Street, West Vancouver, BC V7V 3T3;
- emailed to the Board of Variance at boardofvariance@westvancouver.ca; or
- addressed to the Board of Variance and placed in the drop box located at the main entrance of Municipal Hall.

Please provide written submissions no later than noon on March 23, 2022 to ensure their availability to the Board for the hearing.
Technical issues may affect receipt of electronic submissions; persons relying on this means of transmittal do so at their own risk.

Written submissions received for the hearing will be included in the public information package for the Board's consideration and for the public record.

To view the agenda package for the hearing please visit https://westvancouver.ca/be-involved/committees-groups/boards/board-variance

March 8, 2022
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The Corporation of the District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
Permits and Inspections Department: 604-925-7242 || Fax: 604-925-7234 || westvancouver.ca

Board of Variance Application Form

Subject Property *(please print clearly)*

Address: 6193 Nelson Ave West Van

Applicant *(please print clearly)*

Name(s): Shane Frei
Phone #: s. 22(1)
Mailing Address: 165 E1st North Vancouver
Cell #: s. 22(1)
Email Address: s. 22(1)
Fax #:
Interest of Applicant: s.22(1)

(Note: If the registered property owner is not the applicant then the authorization form must be completed by the registered property owner)

Registered Owner *(please print clearly)*

Name(s): s. 22(1)
Phone #:
Mailing Address: s. 22(1)
Cell #: s. 22(1)
Email Address:
Fax #:

Completed Application Must Include

☒ **A letter (signed original) describing:**

a) The proposed construction;
b) The requested variance(s); and
c) Hardship (pursuant to s.540 of the *Local Government Act* the applicant must demonstrate that hardship would be caused by compliance with the Zoning Bylaw)

☒ **Authorization of Registered Owners Form (if this application is made by some but not all of the registered owners, or persons other than the registered owner(s), written authority for the applicant to apply to the Board of Variance on behalf of all registered owner(s) is required. Complete the attached form. For corporate ownership, a Corporate Search must be submitted showing proof of signing authority).**

☒ **$800 fee**

Note: a copy of this application (redacted as necessary) and supporting documents will be available to the public and will be placed in the public agenda binder for the Board of Variance Hearing.

s. 22(1)

Applicant Signature 23/02/2022 **Date**

Completed (signed original) applications must be received no later than the deadline date listed on the Board of Variance Deadline and Hearing Schedule (included in this application package). Incomplete applications will not be accepted.

Freedom of Information and Protection of Privacy Act Notification: The information on this form is collected under the general authority of the *Local Government Act* and Board of Variance Bylaw No. 4487, 2007. It is related directly to, required for and used by the District of West Vancouver to administer the Board of Variance application process. The access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* apply to the information collected on this form. Please contact the Manager, Records and Privacy, at 604-925-3497 if you have any questions.

Application forwarded to Legislative Services by: _____ Date: _____

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6193 Nelson Ave, West Vancouver Variance Request

23/02/2022

For BOV consideration,

We are presently hoping to get approval to install a funicular assembly for our client s. 22(1) s. 22(1) at 6193 Nelson Ave, West Van. The purpose of the assembly is to gain access from her home at very upper portion of their property to the very lower portion of the property where she could reasonably walk down to the foreshore and water's edge. We have been told by the plan checkers that approval through standard means unlikely because there is a component of our assembly that exceeds certain height limits and traverses out of the typical setback.

In this instance we are dealing with a site with very aggressive topography (our team used ropes and harnesses to access for review), and at present there is no way to navigate from the top to bottom on foot. This issue is compounded greatly by the fact that s.22(1) are no longer possible. Our hope would be that we could gain permission for this install to allow safe access to this portion of her property. In our initial discussions of solutions, we determined that a stair would run into greater conformity issues, and would not be s.22(1).

Some years ago, permission was given by the municipality for a very modest improvement at the foot of this property, adjacent to the foreshore (we were not part of this work, but understand it was achieved by access from the water). The hope would be that this funicular installation would also enable reasonable access to this area so that it could be enjoyed in the years to come s.22(1).

Thank you for your consideration,

Shane Frei

Head of Operations

Hart Tipton Construction

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PERMITS & INSPECTIONS DEPARTMENT
750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca/permits
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca

February 23, 2021 File: **BP117934**

s.22(1)

Dear Sir/Madam

RE: 6193 NELSON AVENUE - WEST VANCOUVER
BUILDING PERMIT APPLICATION – RS3 ZONE

The plans submitted with your application for a building permit at the above referenced address show that the proposed accessory structure will not comply with the Zoning Bylaw because it does not maintain the required 9.1 m front yard setback and minimum side yard setback (3.0m).

The Zoning Bylaw, Section 203.07 and 130.01(3) requires a front yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Front Yard Setback for accessory structure	9.1 m	4.09 m	5.01 m

The Zoning Bylaw, Section 203.09(2)(a)(ii) and 130.01(3) requires a minimum side yard setback as indicated in the table below:

	Bylaw	Proposed	Variance
Minimum Side Yard Setback for accessory structure	3.0 m	1.82 m	1.18 m

The Permits and Inspections Department is unable to issue a Building Permit unless you:

a) revise your plans to conform to the Zoning Bylaw; **or**

b) make application to the Planning Department for a Development Variance Permit (DVP) to be considered by Municipal Council, for a relaxation of the Zoning Bylaw requirements. Information regarding the Development Variance Permit Application process may be obtained from the Planning Department at Municipal Hall (604-925-7055).

c) make application to the Board of Variance for relaxation of the Zoning Bylaw requirements by submitting a Board of Variance Application (application form enclosed) to the Permits & Inspections secretary. Your application, together with the $800 fee and required attachments, must be received by the Permits & Inspections secretary by 4:00 p.m. on **February 23, 2022**. The next Board of Variance Hearing is scheduled for **March 23, 2022**. Confirmation of the date and time of the Board of Variance Hearing at which your application will be considered will be forwarded by mail.

If you choose to make application to the Board of Variance, the Board at its Hearing, may order that a minor variance be permitted if it finds that undue hardship would be caused to the applicant if the Zoning Bylaw is complied with, and that the Board is of the opinion that the variance does not:

a) result in inappropriate development of the site
b) adversely affect the natural environment
c) substantially affect the use and enjoyment of adjacent land
d) vary permitted uses and densities under the applicable bylaw, or
e) defeat the intent of the bylaw.

The Board of Variance members may visit the site as part of the variance consideration.

You and/or a representative should attend the Hearing to speak to your application and respond to any questions the Board may have.

Please do not hesitate to contact me at 604-925-7212 should you require any further information regarding this matter. Thank you.

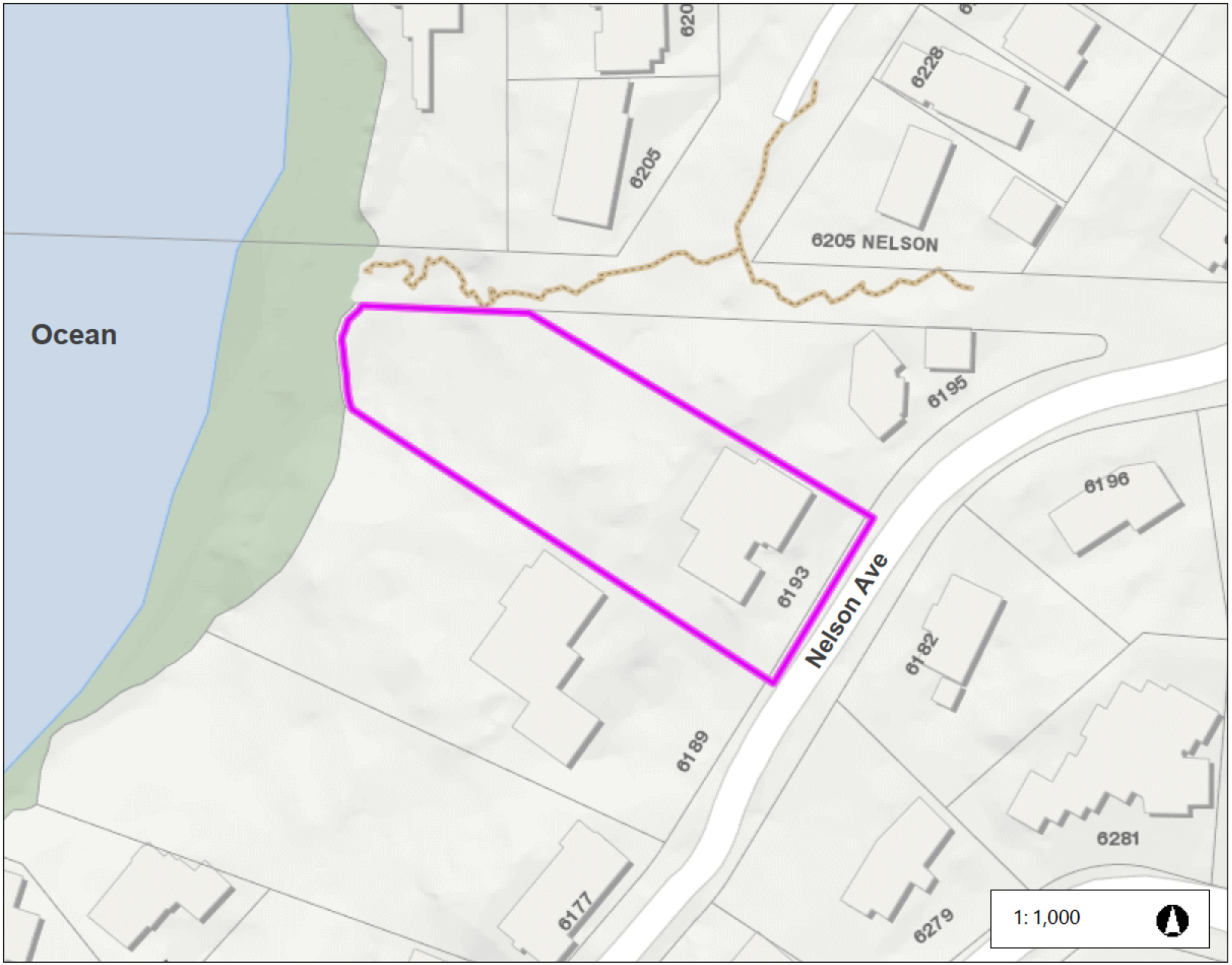
Kind Regards,

s.22(1)

Nima Karimabadi
Plans Examiner
nkarimabadi@westvancouver.ca
cc:me
Enclosure
cc: Secretary, Board of Variance

west vancouver

22-006



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Notes

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WGS_1984_UTM_Zone_10N
District of West Vancouver

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west vancouver

22-006

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Notes

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District of West Vancouver

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Pursuant to the *Freedom of Information and Protection of Privacy Act*, names, addresses, contact information and other personal information of individuals who write to the Board are protected from disclosure and must not be disclosed during the hearing.

The Corporation of the District of West Vancouver

Board of Variance

March 23, 2022

Supplemental Agenda Information Package

For Application 22-006 (6193 Nelson Avenue)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	March 20, 2022	1

Please add these supplemental items to the March 23, 2022 Board of Variance Agenda Package as indicated.

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Application 22-006
(6193 Nelson Avenue)

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From: s. 22(1)
Sent: Sunday, March 20, 2022 8:06 AM
To: BoardOfVariance
Cc: s. 22(1)
Subject: 6193 Nelson Ave

CAUTION: This email originated from outside the organization from email address s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

District of West Vancouver
Attn: Board of Variance
Re: 6193 Nelson Avenue

Please receive this letter acknowledging the variance application s. 22(1) of 6193 Nelson Avenue. We are the owner of s. 22(1). We have no objection to the variance being sought.

Regards,
s. 22(1)

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Pursuant to the *Freedom of Information and Protection of Privacy Act*, names, addresses, contact information and other personal information of individuals who write to the Board are protected from disclosure and must not be disclosed during the hearing.

The Corporation of the District of West Vancouver

Board of Variance

March 23, 2022

On-Table Agenda Information Package

For Application 22-006 (6193 Nelson Avenue)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	March 22, 2022	2
Redacted	March 22, 2022	3
Redacted	March 22, 2022	4
Redacted	March 22, 2022	5
Redacted	March 22, 2022	6
Redacted	March 23, 2022	7

Please add these on-table items to the March 23, 2022
Board of Variance Agenda Package as indicated.

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Application 22-006
(6193 Nelson Avenue)

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From: s. 22(1)
Sent: Tuesday, March 22, 2022 8:51 AM
To: BoardOfVariance
Subject: 6193 Nelson Avenue, Board of Variance Meeting
Attachments: 6193 Board of Variance, Mar 22.docx

CAUTION: This email originated from outside the organization from email address s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Please see my letter attached.

--

s. 22(1)

District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3
Att: Board of Variance
Cc: Director of Planning, Mayor and Council

March 22, 2022

Subject Property: 6193 Nelson Avenue, West Vancouver

I live at s. 22(1) and received the Notice of Board of Variance. My property is s.22(1) the ROW public trail to Garrow Bay which is next to the subject property's waterfront lot.

I am concerned with the following:

1. Incorrect/unclear Notice
2. Environmental impact
3. Unnecessary / intrusive construction.

1. Incorrect/unclear Notice

With regard to the Incorrect/unclear Notice, the Notice says "Front Yard Setback" but the variance itself is seeking a Waterfront Yard Setback. This community appreciates and uses the environment, most particularly the waterfront, and there is a huge difference in considerations when reviewing a Front Yard vs Waterfront Yard setback. I only discovered this Notice on Sunday when I s.22(1) and had some neighbours alert me. I have worked to become informed with almost no notice.

2. Environmental Impact

Has there been a study of the environmental impact of this proposed change given the environmentally sensitive area on a steep slope leading to the waterfront, in which this property is part of the Foreshore Development Permit Area? I learned s.22(1) that Terry said it would be reviewed *if approved* by the board, but shouldn't the board have the environmental analysis *as part of its* decision making? This must be particularly important given the high probability that this project will contribute to ground instability thereby risking public access to the beach through the ROW. Shouldn't we all know if, amongst other risks, the stairs could be closed to the public due to ground instability?

3. Unnecessary / intrusive construction

Has there been consideration of the need for this private structure when a set of stairs is being newly constructed *right beside the subject property*? Why would we take the risk to the environment, risk to ground instability and public safety and certain reduction of waterfront access to the public when there is no need? Further, what precedent does this set for future requests? Please note that this proposed variance to reduce the foreshore is already ontop of encroachment by the owners of the subject property into the foreshore beyond the natural boundary, creating private space which is actually in the public foreshore.

Under these circumstances I do not support the variance request.

s. 22(1)

From: s. 22(1)
Sent: Tuesday, March 22, 2022 10:13 AM
To: BoardOfVariance
Subject: Written Submission for 6193 Nelson Ave Request for Variance
Attachments: Variance Letter 6193 Nelson.pdf

CAUTION: This email originated from outside the organization from email address s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Please find attached our written submission for 6193 Nelson Ave. Please let me know you received it.
Thanks s. 22(1)

District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3

Att: Board of Variance
cc: Director of Planning, Mayor and Council

Subject property: 6193 Nelson Ave, West Vancouver

I received the Notice of Board of Variance Hearing and do not support the Request for a Variance. Our property s.22(1) the public trail to Garrow Bay which is adjacent to 6193 Nelson's waterfront lot. Parks are currently improving the trail and stairs to the foreshore here.

I am concerned with three issues regarding the requested variances for a proposed accessory structure:

1. The incorrect/ unclear Notice
2. Environmental impact on slope and foreshore
3. Unnecessary /intrusive construction

Firstly is the Notice itself. It states "Front Yard Setback" when the variance requested is actually for a "Waterfront Yard Setback". The definition of Front Yard Setback is the minimum distance from the front property line. A Waterfront Yard Setback is the minimum distance from the waterfront site line. Using "Front" as a substitute for "Waterfront" in the Notice is misleading and underplays the wider importance and impact of this proposed project. I and others were late discovering what is really being proposed. Enjoyment of the public beach, protection of the foreshore, the water quality, and slope stability are all very important to this community.

Secondly is the question of whether construction is permitted in the very environmentally sensitive area on a steep slope in close proximity to the foreshore. The District has drafted a Foreshore Development Permit Area which includes the subject lot. Is a special DP permit required? Terry informed me that "if approved by the Board of Variance, our Environmental Protection Officer will need to review and comment". This approach is backwards as the Board is approving the variance without the environmental impact information. An environmental review should be undertaken as the probability of this project contributing to ground instability and creating an unsafe trail and access to the water is significant, especially given recent slides in the Lower Mainland.

Thirdly is to question the need for this private tram/funicular structure when a new set of stairs is being constructed by Parks adjacent to this proposed project. Additional and unnecessary construction causes additional stress on the environment. This type of construction could set a precedent for other neighbours to build a similar infrastructure. It will impact the natural quality visually and add potential noise, and potential impact safety of people using the trail and beach below if the required 9.1 m waterfront setback is reduced. There are concerns of further encroachment as s.22(1) has built up the foreshore beyond the natural boundary (according to Plan 7413) creating additional outdoor living space to their property.

s. 22(1)

From: s. 22(1)
Sent: Tuesday, March 22, 2022 11:06 AM
To: BoardOfVariance
Cc: mayorandcouncil@westvancouver.ca
Subject: Board of Variance - 6193 Nelson Ave
Attachments: Borad of Variance^J 6193 Nelson Ave.pdf

CAUTION: This email originated from outside the organization from email address s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Board of Variance:

Re: 6193 Nelson Ave

Please find attached my letter addressing the application for a Variance at 6193 Nelson Ave.

Kind Regards,
s. 22(1)
West Vancouver, BC

District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3

Attn: Board of Variance
cc: Director of Planning, Mayor and Council

Subject Property: 6193 Nelson Ave, West Vancouver

I am opposed to granting a variance for 6193 Nelson Avenue because:

1. Beach Access is not a Hardship for the homeowner. This property borders the Beach Access Trail located under the former hydro easement, which is currently being reconstructed by DVW Parks Department. The owners should build the funicular in accordance with the required setbacks and access the beach via the newly constructed public beach trail.

2. Public Beach ambiance is being eroded. The homeowner was previously granted permission by the DWV to extend development (a patio) to abut the foreshore. With boat storage and patio furniture adjacent to the beach, other beach users now have the sense that they are sitting in the homeowner's 'backyard'. This has changed the previously 'secluded beach' feel that made the eastern section of Garrow Bay a hidden gem. The addition of a funicular without the required setbacks, will further erode the sense that the beach is public space. Established setbacks should be maintained.

Sincerely,

s. 22(1)
West Vancouver, BC

s.22(1)
West Vancouver
BC s.22(1)

March 22, 2022

District of West Vancouver
Attention: Board of Variance

Dear Sirs

Re: 6193 Nelson

Please receive this letter acknowledging the variance application of s. 22(1) s. 22(1) 6193 Nelson Avenue. We are the owners of s. 22(1) s. 22(1) We have no objection to the variance being sought.

Yours truly.

s. 22(1)

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From: s. 22(1)
Sent: Tuesday, March 22, 2022 1:17 PM
To: BoardOfVariance
Subject: s.22(1) .

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I am opposed to granting a variance for 6193 Nelson Ave.
The District is currently reconstructing the Beach Access Trail adjacent to the said property.
The owners should build the funicular in accordance to the required setback. They can Then access the beach using the trail .
The public beach ambiance is already being eroded with the patio built for boat and patio furniture storage, adjacent to the beach.

Established setbacks should be maintained,,

Regards,
s. 22(1)
West Vancouver

Sent from my iPad

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From: s. 22(1)
Sent: Wednesday, March 23, 2022 11:39 AM
To: BoardOfVariance
Subject: 6193 Nelson Avenue, Board of Variance Meeting
Attachments: Variance 6193 Nelson.pdf

CAUTION: This email originated from outside the organization from email address s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

To Whom it May Concern,

Please see my attached letter. I can be contacted s. 22(1) any time to discuss further.

Thanks very much,
s. 22(1)

District of West Vancouver
750 17th Street, West Vancouver, BC V7V 3T3

Att: Board of Variance

CC: Director of Planning, Mayor and Council

March 23 2022

Subject property: 6193 Nelson Ave, West Vancouver

I live at s.22(1) from the waterfront.

It has been brought to our attention that a variance is being sought s.22(1) s. 22(1) at 6193 on the very last day that we can put forward any say on it. To be honest I am shocked that this has only been brought to our attention now (through other neighbours and not the district) and I would have thought more notice would have been given to the s. 22(1) of 6193 regarding this matter. In addition to lack of notice, the notice is unclear and misleading - 'front yard setback' ought to be 'waterfront yard setback'.

We only moved to s. 22(1) in s. 22(1). Part of what attracted us to the property is the R.O.W. public trail and easy access to the waterfront. We have been waiting in anticipation for the lower staircase to Garrow Bay to reopen. In the meantime we walk down the upper staircase that remains intact and we follow Wellington Ave to Imperial Ave to access the waterfront that way. We do this on a s.22(1).

We are concerned that this matter could be holding up the repair of the R.O.W. public pathway to the waterfront? There was meant to be construction of the staircase during a weekend in February (with no parking notices put up) but nothing ever happened. The survey stakes and lines are all falling in disrepair now.

We are also very concerned about ruining the peace and tranquility of this very special spot that we enjoy s.22(1). We can only imagine how much disruption both the construction and the daily running of a private tram/funicular would cause to the area.

We wonder if this type of construction was permitted here, would other waterfront land owners feel they were entitled to the same? What would happen to our beautiful coastline if every waterfront owner followed suit?

We know it's a good steep hike down to the waterfront, but we appreciate s.22(1) fitness and health we get from doing this. Surely we should all concentrate on making the public path great again, rather than detract from it with this?

Thank you,
s. 22(1)