

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, NOVEMBER 16, 2022**

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

**STAFF:** P. Cuk, Board Secretary; T. Yee, Building Inspector; and V. Rae, Legislative Services Clerk, attended the hearing via electronic communication facilities.

**1. Call to Order**

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

**2. Introduction**

Staff introduced the Board Members and described the hearing procedure.

**3. Confirmation of the Agenda**

It was Moved and Seconded:

THAT the November 16, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the October 19, 2022 Minutes**

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

It was Moved and Seconded:

THAT the October 19, 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 22-023 (2710 Mathers Avenue)**

Staff confirmed the following requested variances regarding a proposed single family dwelling:

- a) 0.41 m to Front Yard Setback to Mathers Avenue
- b) 0.40 m to Front Yard Setback to 27th Street
- c) 0.37 m to Highest Building Face Envelope
- d) 0.61 m to Building Height
- e) 5.8 % to Highest Building Face Exemption.

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

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED  | # |
|-------------------|-------------------|---|
| Redacted          | November 9, 2022  | 1 |
| Redacted          | November 15, 2022 | 2 |
| Redacted          | November 15, 2022 | 3 |

Staff provided permit history of the subject property.

N. Miri (M+Design, representing the owner of 2710 Mathers Avenue) and D. Nenciu and D. Nenciu (2710 Mathers Avenue) described the variance application for a proposed single family dwelling 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.

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 October 17, 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 N. Miri, D. Nenciu, and D. Nenciu:

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 22-023 regarding a proposed single family dwelling at 2710 Mathers Avenue with variances of:

- 0.41 m to Front Yard Setback to Mathers Avenue
- 0.40 m to Front Yard Setback to 27th Street
- 0.37 m to Highest Building Face Envelope
- 5.8 % to Highest Building Face Exemption

BE ALLOWED pursuant to the plans dated March 28, July 27 and October 14, 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

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-023 regarding a proposed single family dwelling at 2710 Mathers Avenue with a variance of:

- 0.61 m to Building Height

BE NOT ALLOWED pursuant to the plans dated March 28, July 27, and October 14, 2022 submitted with the application.

CARRIED

**7. Application 22-024 (1095 Lawson Avenue)**

Staff confirmed the following requested variance regarding a proposed single family dwelling with secondary suite:

a) 3.8 % (26.51 m<sup>2</sup>) to Floor Area Ratio.

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

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED  | # |
|-------------------|-------------------|---|
| Redacted          | November 15, 2022 | 1 |

Staff provided permit history of the subject property.

B. Fichtner (1095 Lawson Avenue) described the variance application for a proposed single family dwelling with secondary suite and responded to a Board member's 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.

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 October 18, 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 B. Fichtner:

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 22-024 regarding a proposed single family dwelling with secondary suite at 1095 Lawson Avenue with a variance of:

- 3.8 % (26.51 m<sup>2</sup>) to Floor Area Ratio

BE ALLOWED pursuant to the plans dated September 12, 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

**8. Application 22-025 (5770 Eagle Harbour Road)**

Staff confirmed the following requested variance regarding a proposed single family dwelling:

- a) 94.19 m<sup>2</sup> to Floor Area Ratio.

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

Written submissions received:

| SUBMISSION AUTHOR         | SUBMISSION DATED  | # |
|---------------------------|-------------------|---|
| Burgers Architecture Inc. | November 15, 2022 | 1 |

Staff provided permit history of the subject property.

C. Burgers and N. Awadi (Burgers Architecture, representing the owner of 5770 Eagle Harbour Road) described the variance application for a proposed single family dwelling.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that there were two more members of the applicant's team available to answer any questions of the Board.

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 October 18, 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 C. Burgers and N. Awadi:

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 22-025 regarding a proposed single family dwelling at 5770 Eagle Harbour Road with a variance of:

- 94.19 m<sup>2</sup> to Floor Area Ratio

BE ALLOWED pursuant to the plans dated April 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.

CARRIED

Member Radage voted in the negative

## 9. 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 22-023 (2710 Mathers Avenue);
- Application 22-024 (1095 Lawson Avenue);
- Application 22-025 (5770 Eagle Harbour Road);

up to and including November 16, 2022, be received.

CARRIED

**10. Public Question Period**

There were no questions.

**11. Proposed 2023 Board of Variance Hearing Schedule**

Staff responded to a Board Member's questions.

It was Moved and Seconded:

THAT the proposed 2023 Board of Variance Hearing Schedule be adopted.

CARRIED

**12. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for January 18, 2023 at 5 p.m.

Staff responded to Board members' questions and provided information regarding the 2023 Hearing Schedule and Board membership.

**13. Adjournment**

It was Moved and Seconded:

THAT the November 16, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:03 p.m.

Certified Correct:

*[Original signed by Chair]*

\_\_\_\_\_  
CHAIR

*[Original signed by Secretary]*

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SECRETARY