

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, JANUARY 16, 2019**

BOARD MEMBERS: Chair A. Bhayani; Members I. Davis, L. Radage, S. Sanguinetti, and D. Simmons.

STAFF: M. Panneton, Director, Legislative Services/Corporate Officer; P. Cuk, Board Secretary; and T. Yee, Building Inspector.

1. Call to Order

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

2. Election of Chair for 2019

It was Moved and Seconded:

THAT Aryn Bhayani be elected as Chair for 2019.

CARRIED

Chair Bhayani appointed member Sanguinetti as Acting Chair for 2019.

3. Designation of Head Pursuant to *Freedom of Information and Protection of Privacy Act*

It was Moved and Seconded:

THAT pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act*, the Board of Variance designates the Corporate Officer of The Corporation of the District of West Vancouver as the Head for the purposes of the *Act*.

CARRIED

4. Introduction

Staff introduced the Board Members and described the Hearing procedure.

5. Confirmation of the Agenda

It was Moved and Seconded:

THAT the January 16, 2019, Board of Variance Hearing agenda be approved as circulated.

CARRIED

6. Adoption of the November 21, 2018, Minutes

Chair Bhayani referred to the Minutes of the Board of Variance Hearing held on November 21, 2018.

It was Moved and Seconded:

THAT the November 21, 2018, Board of Variance Hearing minutes be adopted as circulated.

CARRIED

7. Time Limit of Board of Variance Orders

Chair Bhayani 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.”

8. Application 19-001 (2222 Lawson Avenue)

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

- a) 1 Parking Space to Secondary Suite Parking Space.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
None.		

Staff provided permit history of the subject property.

N. Chen (representing the owner of 2222 Lawson Avenue) described the variance application for a proposed new single family dwelling with a secondary suite and responded to Board members' questions.

Chair Bhayani queried whether there was anyone in the gallery who wished to address the Board regarding the application and there was no response.

Members of the Board considered:

- All of the submissions
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated December 18, 2018, 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 the subject site, and having heard the submission N. Chen:

It was Moved and Seconded:

THE BOARD finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-001 regarding a proposed new single family dwelling with a secondary suite at 2222 Lawson Avenue with a variance of:

- 1 Parking Space to Secondary Suite Parking Space
- BE NOT ALLOWED pursuant to the plans dated November 7, 2018, submitted with the application.

CARRIED

9. Application 19-002 (6236 Summit Avenue)

Staff confirmed the following requested variances regarding a proposed roof pitch alteration:

- a) 3.37 m to Highest Building Face Envelope
- b) 67% of face to Highest Building Face Exemption.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 1, 2019	1

Staff provided permit history of the subject property, and responded to Board members' questions.

M. Nabavi (6236 Summit Avenue) described the variance application for a proposed roof pitch alteration, submitted a written submission, referred to and read from written submissions from neighbours, and responded to Board members' questions.

Chair Bhayani queried whether there was anyone in the gallery who wished to address the Board regarding the application and there was no response.

Members of the Board considered:

- All of the submissions
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated December 18, 2018, 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 the subject site, and having heard the submission of M. Nabavi:

It was Moved and Seconded:

THE BOARD finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-002 regarding a proposed roof pitch alteration at 6236 Summit Avenue with variances of:

- 3.37 m to Highest Building Face Envelope
- 67% of face to Highest Building Face Exemption

BE ALLOWED pursuant to the plans dated December 6 and 18, 2018, 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

10. Application 19-003 (2320 Chairlift Close)

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

- a) 66.7% of face to Highest Building Face Exemption
- b) 1.83 m to Building Height.

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

Written submissions received:

For Application 19-003 (2320 Chairlift Close)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 10, 2019	1
Redacted	January 15, 2019	2
Chapman Land Surveying Ltd.	Undated	3

Staff provided permit history of the subject property, and responded to Board members' questions.

J. Rommel (Rommel Design Ltd., representing the owner of 2320 Chairlift Close) described the variance application for a proposed new single family dwelling and responded to a Board member's question.

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

A. Damji (2315 Chairlift Close) conveyed concerns regarding the requested variances including: subject lot terrain; impacts on neighbours; height and bulk of the proposed building; and loss of views and property value.

B. Chapman (Chapman Land Surveying Ltd., 107-100 Park Royal South, on behalf of A. Damji) displayed images, referred to and provided his written submission, and conveyed concerns regarding: the height and bulk of the proposed building; and loss of views.

A. Mashinchi (2780 Chelsea Close) referred to his written submission and conveyed concerns regarding the requested variances including: height and bulk of the proposed building; loss of views; subject lot terrain; and adherence to the zoning bylaw.

Chair Bhayani queried whether there was anyone else in the gallery who wished to address the Board regarding the application.

A. Damji spoke for a second time and commented regarding the proposed building's amenities, size, and impacts on neighbours.

J. Rommel commented regarding: the Board of Variance's jurisdiction; the layout of buildings next to the subject property; development in and near riparian zones; accessibility; and loss of sunlight.

Chair Bhayani queried whether there was anyone else in the gallery who wished to address the Board regarding the application and there was no response.

Members of the Board considered:

- All of the submissions
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated December 18, 2018, 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 the subject

site, and having heard the submissions of J. Rommel, A. Damji, B. Chapman, and A. Mashinchi:

It was Moved and Seconded:

THE BOARD finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-003 regarding a proposed new single family dwelling at 2320 Chairlift Close with variances of:

- 66.7% of face to Highest Building Face Exemption
- 1.83 m to Building Height

BE NOT ALLOWED pursuant to the plans dated November 29, 2018, submitted with the application.

CARRIED

11. Application 19-004 (5290 Gulf Place)

Staff confirmed the following requested variance regarding a proposed office foyer addition:

- a) 1.09 m to Minimum Side Yard Setback.

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

Written submissions received:

For Application 19-004 (5290 Gulf Place)		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	January 3, 2019	1
Redacted	January 5, 2019	2
Redacted	January 13, 2019	3
Redacted	January 15, 2019	4

Staff provided permit history of the subject property, and responded to Board members' questions.

R. Clark (Apex Western Homes, representing the owner of 5290 Gulf Place) described the variance application for a proposed office foyer addition. R. Clark and staff responded to Board members' questions.

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

T. Darling (5280 Gulf Place) referred to a written submission and expressed opposition to the requested variance including: impacts on neighbours; height and bulk of the proposed building; adherence to the zoning bylaw; subject lot terrain; and hardship.

Chair Bhayani queried whether there was anyone else in the gallery who wished to address the Board regarding the application and there was no response.

Staff responded to a Board member's question.

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 December 15, 2018 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 the subject site, and having heard the submissions of R. Clark and T. Darling:

It was Moved and Seconded:

THE BOARD finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-004 regarding a proposed office foyer addition at 5290 Gulf Place with a variance of:

- 1.09 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated November 19 and December 12, 2018 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.

DEFEATED

Chair Bhayani and Members Davis and Simmons voted in the negative

The Chair confirmed that as the motion to approve the application was defeated, the application did not receive approval and cannot proceed.

12. Application 19-005 (6445 Madrona Crescent)

Staff confirmed the following requested variances regarding proposed retaining walls:

- a) 1.49 m to Section 120.22(2)(a) Exposed Retaining Wall Height, Front Yard
- b) 0.61 m to Section 120.22(2)(a) Exposed Retaining Wall Height, Front Yard
- c) 1.39 m to Section 120.22(2)(c) Exposed Retaining Wall Height
- d) 0.14 m to Section 120.22(4) Exposed Retaining Wall Height
- e) 1.39 m to Section 120.22(4) Exposed Retaining Wall Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	December 13, 2018	1

Staff provided permit history of the subject property.

S. Sheinin (representing the owner of 6445 Madrona Crescent) referred to and provided a written submission, described the variance application for proposed retaining walls, and responded to Board members' questions.

Chair Bhayani queried whether there was anyone in the gallery who wished to address the Board regarding the application and there was no response.

Members of the Board considered:

- All of the submissions
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated December 20, 2018, 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 the subject site, and having heard the submission of S. Sheinin:

It was Moved and Seconded:

THE BOARD finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 19-005 regarding proposed retaining walls at 6445 Madrona Crescent with variances of:

- 1.49 m to Section 120.22(2)(a) Exposed Retaining Wall Height, Front Yard
- 0.61 m to Section 120.22(2)(a) Exposed Retaining Wall Height, Front Yard
- 1.39 m to Section 120.22(2)(c) Exposed Retaining Wall Height
- 0.14 m to Section 120.22(4) Exposed Retaining Wall Height
- 1.39 m to Section 120.22(4) Exposed Retaining Wall Height

BE ALLOWED pursuant to the plans dated December 20, 2018, 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

13. 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 19-001 (2222 Lawson Avenue)
- Application 19-002 (6236 Summit Avenue)
- Application 19-003 (2320 Chairlift Close)
- Application 19-004 (5290 Gulf Place)
- Application 19-005 (6445 Madrona Crescent)

up to and including January 16, 2019 be received.

CARRIED

14. Public Question Period

There were no questions.

15. Next Hearing

Staff confirmed that the next Hearing of the Board of Variance is scheduled for February 20, 2019 at 5 p.m. in the Municipal Hall Council Chamber.

16. Adjournment

It was Moved and Seconded:

THAT the January 16, 2019 Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 6:17 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY