

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
WEDNESDAY, MAY 15, 2019**

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

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

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 May 15, 2019, Board of Variance Hearing agenda be approved as circulated.

CARRIED

4. Adoption of the April 17, 2019, Minutes

Chair Bhayani referred to the Minutes of the Board of Variance Hearing held on April 17, 2019.

It was Moved and Seconded:

THAT the April 17, 2019, Board of Variance Hearing minutes be adopted as circulated.

CARRIED

5. 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.”

6. Application 19-014 (1083 Duchess Avenue)

Staff confirmed the following requested variance regarding a proposed secondary suite:

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

Staff informed of written submissions received for this application prior to the Board of Variance hearing, and that this application was first brought before the Board of Variance at the April 17, 2019, hearing, at which time further consideration was deferred in order to allow the applicant time to work with staff in the Permits & Inspections Department to investigate whether a third parking stall could reasonably be located on the subject site.

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	April 14, 2019	1
Redacted	April 16, 2019	2

Member Davis recused himself (conflict of interest as he resides in close proximity to the subject property) and left the hearing at 5:06 p.m.

Staff provided permit history of the subject property.

N. Afshar (representing the owner of 1083 Duchess Avenue) displayed images, described the variance application for a proposed secondary suite, 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.

E. Pettit (address not provided) queried regarding secondary suite parking space requirements relative to a residence's proximity to a bus stop, and Member Sanguinetti provided a response.

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 March 12, 2019, 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 N. Afshar and E. Pettit:

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 19-014 regarding a proposed secondary suite at 1083 Duchess Avenue with a variance of:

- 1 Parking Space to Secondary Suite Parking Space
- BE ALLOWED pursuant to the plans dated February 19 and April 24, 2019, 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 Davis absent at the vote

Member Davis returned to the hearing at 5:14 p.m.

7. Application 19-017 (3603 Marine Drive)

Staff confirmed the following requested variances regarding a proposed power pole and electrical service box (accessory structures):

- a) 7.47 m to Front Yard Setback (power pole)
- b) 2.11 m to Minimum Side Yard Setback (power pole)
- c) 0.57 m to Accessory Building Height (power pole)
- d) 8.75 m to Front Yard Setback (electrical service box)
- e) 2.64 m to Minimum Side Yard Setback (electrical service box).

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 10, 2018	1

Staff provided permit history of the subject property.

W. Nikitiuk (3603 Marine Drive) and E. Pettit (Associate, OpenSpace Architecture, representing the owner of 3603 Marine Drive) provided and referred to a written submission, displayed an image, described the variance application for a proposed power pole and electrical service box (accessory structures), 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 March 29, 2019, 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 W. Nikitiuk and E. Pettit:

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 19-017 regarding a proposed power pole and electrical service box (accessory structures) at 3603 Marine Drive with variances of:

- 7.47 m to Front Yard Setback (power pole)
- 2.11 m to Minimum Side Yard Setback (power pole)
- 0.57 m to Accessory Building Height (power pole)
- 8.75 m to Front Yard Setback (electrical service box)
- 2.64 m to Minimum Side Yard Setback (electrical service box)

BE ALLOWED pursuant to the plans dated March 7, 2019, 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 19-018 (2723 Chelsea Court)

Staff confirmed the following requested variance regarding a proposed 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.

C. Xie (Urban Life Design Inc., representing the owner of 2723 Chelsea Court) displayed an image, described the variance application for a proposed secondary suite, and responded to Board members' questions.

Staff provided information regarding permitted parking spaces 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 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 April 15, 2019, 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 C. Xie:

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 19-018 regarding a proposed secondary suite at 2723 Chelsea Court with a variance of:

- 1 Parking Space to Secondary Suite Parking Space
- BE ALLOWED pursuant to the plans dated February 25, 2019, 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

9. Application 19-019 (5967 Marine Drive)

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

- a) 8.1 m to Front Yard Setback
- b) 2.1 m to Accessory Building Height.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	May 13, 2019	1

Staff provided permit history of the subject property.

F. de Vries (Frits de Vries Architects & Associates Ltd., representing the owner of 5967 Marine Drive) and G. Eckford (ETA Landscape Architecture, representing the owner of 5967 Marine Drive) displayed images and described the variance application for a proposed accessory building (detached garage). Staff provided information regarding an adjacent easement and its relevance to the variance application. Staff, F. de Vries, G. Eckford, and J. Back (5967 Marine Drive) 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 April 12, 2019, 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 F. de Vries, G. Eckford, and J. Back:

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 19-019 regarding a proposed accessory building (detached garage) at 5967 Marine Drive with variances of:

- 8.1 m to Front Yard Setback
- 2.1 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated March 29, 2019, 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. 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 19-014 (1083 Duchess Avenue);
- Application 19-017 (3603 Marine Drive);
- Application 19-018 (2723 Chelsea Court);
- Application 19-019 (5967 Marine Drive);

up to and including May 15, 2019, be received.

CARRIED

11. Public Question Period

There were no questions.

12. Next Hearing

Staff confirmed that the next Hearing of the Board of Variance is scheduled for June 19, 2019, at 5 p.m. in the Municipal Hall Council Chamber.

13. Adjournment

It was Moved and Seconded:

THAT the May 15, 2019, Board of Variance Hearing be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 6:09 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY