

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, JUNE 22, 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; T. Yee, Building Inspector; and N. Shokar, 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 June 22, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the May 18, 2022 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on May 18, 2022.

It was Moved and Seconded:

THAT the May 18, 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 22-012 (6345 Nelson Avenue)**

Staff confirmed the following requested variances regarding a proposed addition/carport to existing dwelling:

- a) 1.32 m to Combined Side Yard Setback
- b) 0.06 m to Front Yard Setback.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	May 24, 2022	1
Redacted	June 21, 2022	2

S. Taylor (6345 Nelson Avenue) described the variance application for a proposed addition/carport to existing dwelling.

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 May 23, 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 S. Taylor:

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 22-012 regarding a proposed addition/carport to existing dwelling at 6345 Nelson Avenue with variances of:

- 1.32 m to Combined Side Yard Setback
- 0.06 m to Front Yard Setback.

BE ALLOWED pursuant to the plans dated April 27, 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. Application 22-013 (5770 Eagle Harbour Road)**

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

- a) 4.18 m to Waterfront Setback (Single Family Dwelling)
- b) 7.50 m to Waterfront Yard Setback (Accessory Building for a Pool Mechanical Room)
- c) 8.80 m to Waterfront Yard Setback (Accessory Structures for Above Grade Pool, Metal Grate Walkway and Stairs).

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	June 13, 2022	1
Burgers Architecture Inc.	June 22, 2022	2
Paul Sangha Creative	June 22, 2022	3

Member Simmons recused himself (conflict of interest as he knows the owner of the subject property) and left the hearing at 5:12 p.m.

Staff provided permit history of the subject property.

C. Burgers (Burgers Architecture Inc., representing the owner of 5770 Eagle Harbour Road), N. Awadi (Burgers Architecture Inc.), P. Sangha (Paul Sangha Creative), and P. Fedusiak (Goldwood Homes) provided presentations and described the variance application for a proposed new single family dwelling. C. Burgers and staff 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 May 25, 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, N. Awadi, P. Sangha, and P. Fedusiak:

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 22-013 regarding a proposed new single family dwelling at 5770 Eagle Harbour Road with variances of:

- 4.18 m to Waterfront Setback (Single Family Dwelling)
- 7.50 m to Waterfront Yard Setback (Accessory Building for a Pool Mechanical Room)
- 8.80 m to Waterfront Yard Setback (Accessory Structures for Above Grade Pool, Metal Grate Walkway and Stairs).

BE ALLOWED pursuant to the plans dated April 7 and May 24, 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 Abri voted in the negative  
Member Simmons absent at the vote

## **8. Receipt of Written and Oral Submissions**

Member Simmons returned to the hearing at 5:39 p.m.

It was Moved and Seconded:

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

- Application 22-012 (6345 Nelson Avenue);
- Application 22-013 (5770 Eagle Harbour Road);

up to and including June 22, 2022, be received.

CARRIED

## **9. Public Question Period**

There were no questions.

## **10. Next Hearing**

Staff confirmed that the next hearing of the Board of Variance is scheduled for July 20, 2022 at 5 p.m.

**11. Adjournment**

It was Moved and Seconded:

THAT the June 22, 2022 Board of Variance hearing be adjourned.

CARRIED

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

Certified Correct:

*[Original signed by Chair]*

\_\_\_\_\_  
CHAIR

*[Original signed by Secretary]*

\_\_\_\_\_  
SECRETARY