

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, JULY 20, 2022**

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

**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 July 20, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the June 22, 2022 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on June 22, 2022.

It was Moved and Seconded:

THAT the June 22, 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 22-014 (A-5644 Westport Road)**

Staff confirmed the following requested variances regarding a proposed private power pole (accessory structure):

- a) 7.28 m to Front Yard Setback
- b) 2.40 m to Accessory Structure Height.

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 to date.		

Staff provided permit history of the subject property.

D. Werner (A-5644 Westport Road) described the variance application for a proposed private power pole (accessory structure). Staff and D. Werner responded to Board members’ questions.

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 June 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 D. Werner:

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 22-014 regarding a proposed private power pole (accessory structure) at A-5644 Westport Road with variances of:

- 7.28 m to Front Yard Setback
- 2.40 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated June 17, 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 22-015 (675 Parkside Road)**

Staff confirmed the following requested variance regarding a proposed power pole (accessory structure):

- a) 2.39 m to Minimum Side Yard Setback.

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 to date.		

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

M. Sammarco (Homes by Valentino, representing the owner of 675 Parkside Road) described the variance application for a proposed power pole (accessory structure). Staff and M. Sammarco responded to Board members' questions.

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 June 22, 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 M. Sammarco:

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 22-015 regarding a proposed power pole (accessory structure) at 675 Parkside Road with a variance of:

- 2.39 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated June 20, 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. 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 22-014 (A-5644 Westport Road);
- Application 22-015 (675 Parkside Road);

up to and including July 20, 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 September 14, 2022 at 5 p.m.

**11. Adjournment**

It was Moved and Seconded:

THAT the July 20, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:21 p.m.

Certified Correct:

*[Original signed by Chair]*  
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CHAIR

*[Original signed by Secretary]*  
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SECRETARY