

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, APRIL 19, 2023**

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

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

1. Call to Order

The hearing was called to order at 5:01 p.m.

2. Introduction

Member Abri entered the hearing at 5:03 p.m. via electronic communication facilities.

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the April 19, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the March 15, 2023 Minutes

Acting Chair Yaworsky referred to the minutes of the Board of Variance hearing held on March 15, 2023.

It was Moved and Seconded:

THAT the March 15, 2023 Board of Variance hearing minutes be adopted as circulated.

CARRIED

5. Time Limit of Board of Variance Orders

Acting Chair Yaworsky 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(3) 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. Further, if that construction is not substantially started within 2 years after the Order was made, or within a longer or shorter time period established by the Order, the permission of the Board terminates and the bylaw applies.

6. Application 23-018 (5960 Raven Place)

Staff confirmed the following requested variances regarding a proposed detached carport:

- a) 6.3 m to Front Yard Setback
- b) 2.3 m to Combined Side Yard Setback
- c) 0.28 m to Minimum Side Yard Setback
- d) 1 % to Site Coverage Percentage
- e) 0.7 m to Accessory Building Height
- f) 31 % to Impermeable Surface Area
- g) 1.8 m to Overhang in Yards
- h) 1.8 m to Exterior Wall to Overhang
- i) 0.6 m to Distance from Accessory Building to Principal Dwelling.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	April 8, 2023	1

Staff provided permit history of the subject property and informed that the requested variance of 1.8 m to Overhang in Yards need not be considered by the Board because its variance is addressed by the request of 1.8 m to Exterior Wall to Overhang.

T. Frauenberger (Lanecraft Lane and Coach Houses Inc., representing the owner of 5960 Raven Place) described the variance application for a proposed detached carport. Staff and T. Frauenberger responded to Board members' questions.

Acting Chair Yaworsky 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 February 27, 2023, 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 T. Frauenberger:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-018 regarding a proposed detached carport at 5960 Raven Place with variances of:

- 6.3 m to Front Yard Setback
- 2.3 m to Combined Side Yard Setback
- 0.28 m to Minimum Side Yard Setback
- 1 % to Site Coverage Percentage
- 0.7 m to Accessory Building Height
- 31 % to Impermeable Surface Area
- 1.8 m to Exterior Wall to Overhang
- 0.6 m to Distance from Accessory Building to Principal Dwelling

BE ALLOWED pursuant to the plans dated February 17, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

CARRIED

7. Application 23-019 (5405 Greentree Road)

Staff confirmed the following requested variances regarding an addition:

- a) 1.9 m to Front Yard Setback
- b) 0.88 m to Rear 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.		

Staff provided permit history of the subject property.

D. Jones (Architect, D'Arcy Jones Architects Inc., representing the owner of 5405 Greentree Road) described the variance application for an addition. Staff and D. Jones responded to Board members' questions.

Acting Chair Yaworsky 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 March 22, 2023, 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. Jones:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-019 regarding an addition at 5405 Greentree Road with variances of:

- 1.9 m to Front Yard Setback
- 0.88 m to Rear Yard Setback

BE ALLOWED pursuant to the plans dated March 10, 2023 submitted with the application; AND THAT if construction is not substantially started within 2 years of the issuance of the Order, the permission terminates and the Zoning Bylaw applies.

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 23-018 (5960 Raven Place)
- Application 23-019 (5405 Greentree Road)

up to and including April 19, 2023, 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 May 17, 2023 at 5 p.m.

11. Adjournment

It was Moved and Seconded:

THAT the April 19, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:25 p.m.

Certified Correct:

[Original signed by Acting Chair]
ACTING CHAIR

[Original signed by Secretary]
SECRETARY