

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
BOARD OF VARIANCE HEARING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, JUNE 21, 2023**

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

**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 21, 2023 Board of Variance hearing agenda be approved as circulated.

CARRIED

**4. Adoption of the May 17, 2023 Minutes**

Chair Radage referred to the minutes of the Board of Variance hearing held on May 17, 2023.

It was Moved and Seconded:

THAT the May 17, 2023 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(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 23-024 (5866 Eagle Island)**

Staff confirmed the following requested variances regarding an accessory building:

- a) 0.34 m to Minimum Side Yard Setback
- b) 1.0 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	June 8, 2023	1
Redacted	June 9, 2023	2
Redacted	June 12, 2023	3
Redacted	June 12, 2023	4
Redacted	June 12, 2023	5
Redacted	June 21, 2023	6
Redacted	June 21, 2023	7
Redacted	June 21, 2023	8
E. Reisen	June 21, 2023	9
E. Reisen	June 21, 2023	10

Staff provided permit history of the subject property.

E. Reisen (representing the owner of 5866 Eagle Island) read from a written submission from the Eagle Harbour Yacht Club, described the variance application for an accessory building, and responded to Board members' questions. Staff responded to Board members' and E. Reisen's questions.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that one member of the public had signed up to address the Board regarding the subject application but has since chosen to not address the Board.

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 15, 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 E. Reisen:

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 23-024 regarding an accessory at building at 5866 Eagle Island with variances of:

- 0.34 m to Minimum Side Yard Setback
- 1.0 m to Accessory Building Height

BE ALLOWED pursuant to the plans dated February 15, 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 23-025 (5935 Falcon Road)**

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

- a) 6.74 m to Front Yard Setback (cantilevered slab structure)
- b) 21.5 % to Highest Building Face Exemption (single-family 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	June 14, 2023	1
Redacted	June 14, 2023	2
Redacted	Undated	3
Redacted	June 15, 2023	4
Redacted	June 17, 2023	5

Redacted	June 19, 2023	6
Redacted	June 19, 2023	7
Redacted	June 19, 2023	8
Redacted	June 19, 2023	9
Redacted	June 19, 2023	10
Redacted	June 20, 2023	11
Redacted	June 20, 2023	12
Redacted	June 20, 2023	13
Redacted	June 21, 2023	14
Redacted	June 21, 2023	15
Redacted	June 21, 2023	16

Staff provided permit history of the subject property.

A. Voth (representing the owner of 5935 Falcon Road) displayed images and described the variance application for a proposed single-family dwelling. Staff and A. Voth 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.

A. Voth displayed images and further described the variance application for a proposed single-family dwelling.

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, 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 A. Voth:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the applicant by compliance with Zoning Bylaw No. 4662, 2010 (as amended) and orders that Application 23-025 regarding a proposed single-family dwelling at 5935 Falcon Road with variances of:

- 6.74 m to Front Yard Setback (cantilevered slab structure)
- 21.5 % to Highest Building Face Exemption (single-family dwelling)

BE NOT ALLOWED pursuant to the plans dated January 23, 2022 submitted with the application.

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 23-024 (5866 Eagle Island);
  - Application 23-025 (5935 Falcon Road);
- up to and including June 21, 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 July 19, 2023 at 5 p.m.

**11. Adjournment**

It was Moved and Seconded:

THAT the June 21, 2023 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:52 p.m.

Certified Correct:

*[Original signed by Chair]*

CHAIR

*[Original signed by Secretary]*

SECRETARY