

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, SEPTEMBER 18, 2024**

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; N. Karimabadi, Supervisor, Residential Plans Examiners; 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

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the September 18, 2024 Board of Variance hearing agenda be approved as circulated.

CARRIED

Member Elwick absent at the vote

4. Adoption of the July 17, 2024 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on July 17, 2024.

It was Moved and Seconded:

THAT the July 17, 2024 Board of Variance hearing minutes be adopted as circulated.

CARRIED

Member Elwick absent at the vote

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 24-033 (1142 Gordon Avenue)

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

- a) 2.6 m to Front Yard Setback
- b) 2.4 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.		

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

Member Elwick entered the hearing at 5:09 p.m. via electronic communication facilities.

B. Krag-Hansen (Delbrook Electrical, representing the owner of 1142 Gordon Avenue) described the variance application for a power pole (accessory structure) and responded to a Board member's question.

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 August 14, 2024, 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 B. Krag-Hansen:

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 24-033 regarding a power pole (accessory structure) at 1142 Gordon Avenue with variances of:

- 2.6 m to Front Yard Setback
- 2.4 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated July 10, 2024 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 24-034 (6170 Eastmont Drive)

Staff informed that Application 24-034 (6170 Eastmont Drive) was withdrawn on September 5, 2024.

8. Application 24-035 (6174 Eastmont Drive)

Staff informed that Application 24-035 (6174 Eastmont Drive) was withdrawn on September 5, 2024.

9. Application 24-036 (1266 Haywood Avenue)

Staff confirmed the following requested variance regarding floor area below the roof deck:

- a) 76.23 m² to Floor Area Ratio.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	September 16, 2024	1
Redacted	Undated	2

Staff provided permit history of the subject property.

F. Reid (1266 Haywood Avenue), M. Peck (Marwynn Construction, representing the owner of 1266 Haywood Avenue), and A. Parker (representing the owner of 1266 Haywood Avenue) described the variance application for floor area below the roof deck. M. Peck, A. Parker, 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 August 20, 2024, 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 F. Reid, M. Peck, and A. Parker:

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 24-036 regarding floor area below the roof deck at 1266 Haywood Avenue with a variance of:

- 76.23 m² to Floor Area Ratio

BE ALLOWED pursuant to the plans dated July 18 and August 14, 2024 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

10. Application 24-037 (4650 Rutland Road)

Staff confirmed the following requested variances regarding a shed (accessory building):

- a) 2.5 m to Front Yard Setback
- b) 2.42 m to Distance Between Principal and Accessory Buildings.

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

Written submissions received:

SUBMISSION AUTHOR	SUBMISSION DATED	#
Jessica Bremner Design	September 16, 2024	1

Staff provided permit history of the subject property.

J. Hanley (Jessica Bremner Design, representing the owner of 4650 Rutland Road) described the variance application for a shed (accessory building).

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 August 21, 2024, 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 J. Hanley:

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 24-037 regarding a shed (accessory building) at 4650 Rutland Road with variances of:

- 2.5 m to Front Yard Setback
 - 2.42 m to Distance Between Principal and Accessory Buildings
- BE ALLOWED pursuant to the plans dated August 9, 2024 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

11. 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 24-033 (1142 Gordon Avenue);
- Application 24-034 (6170 Eastmont Drive);
- Application 24-035 (6174 Eastmont Drive);
- Application 24-036 (1266 Haywood Avenue);
- Application 24-037 (4650 Rutland Road);

up to and including September 18, 2024, be received.

CARRIED

12. Public Question Period

There were no questions.

13. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for October 16, 2024 at 5 p.m.

14. Adjournment

It was Moved and Seconded:

THAT the September 18, 2024 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:36 p.m.

Certified Correct

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY