

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, APRIL 16, 2025**

BOARD MEMBERS: Chair L. Radage and Members H. Naderi, D. Simmons, T. Webb, and R. Yaworsky attended the hearing via electronic communication facilities.

STAFF: P. Cuk, Board Secretary, and N. Karimabadi, Supervisor, Residential Plans Examiners, 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 April 16, 2025 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the March 19, 2025 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on March 19, 2025.

It was Moved and Seconded:

THAT the March 19, 2025 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 25-010 (1807 St. Denis Road)

Staff confirmed the following requested variances regarding a second storey addition:

- a) 1.36 m to Combined Side Yard Setback
- b) 0.35 m to 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	February 27, 2025	1
Redacted	Undated	2
Redacted	Undated	3
Redacted	April 15, 2025	4

Staff provided permit history of the subject property.

S. Liu (West Vancouver; and representing the owner of 1807 St. Denis Road) described the variance application for a second storey addition. S. Liu and staff responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application.

F. Ahmadva (West Vancouver) spoke relative to the requested variances and commented and queried regarding: the scope of the proposed development; the requested variances; whether another storey would be added to the house; and construction impacts. Chair Radage provided a response.

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 17, 2025, 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. Ahmadva and S. Liu:

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 25-010 regarding a second storey addition at 1807 St. Denis Road with variances of:

- 1.36 m to Combined Side Yard Setback
- 0.35 m to Building Height

BE NOT ALLOWED pursuant to the plans dated February 6 and March 13, 2025 submitted with the application.

CARRIED

7. Application 25-011 (5115 Keith Road)

Staff confirmed the following requested variances regarding an accessory structure:

- a) 3.80 m to Front Yard Setback
- b) 3.26 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	#
Redacted	April 16, 2025	1

Staff provided permit history of the subject property.

A. Cleghorn (5115 Keith Road), C. Cleghorn (5115 Keith Road), and M. Ritchie (Architecture Building Culture, representing the owners of 5115 Keith Road) described the variance application for an accessory structure and responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application.

L. Jones (West Vancouver) referred to a written submission, spoke relative to the requested variances, and commented and queried regarding: the proposed location and positioning of the accessory structure; the removal of a tree to facilitate construction; the benefits of trees; and construction alternatives. At the request of the Chair, M. Ritchie provided a response and responded to a Board member's question.

L. Jones spoke a second time and commented regarding wildfire hazard development permit areas and the provincial *FireSmart BC* program.

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 March 17, 2025, 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 A. Cleghorn, C. Cleghorn, L. Jones, and M. Ritchie:

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 25-011 regarding an accessory structure at 5115 Keith Road with variances of:

- 3.80 m to Front Yard Setback
- 3.26 m to Distance Between Principal and Accessory Buildings

BE ALLOWED pursuant to the plans dated March 10, 2025 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. Application 25-012 (6839 Copper Cove Road)

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

- a) 8.50 m to Front Yard Setback
- b) 1.07 m to Minimum Side Yard Setback
- c) 3.32 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	Undated	1
Redacted	Undated	2
Redacted	April 15, 2025	3

Staff provided permit history of the subject property.

M. Koci (representing the owner of 6839 Copper Cove Road) described the variance application for a power pole (accessory structure) and responded to Board members' questions.

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application.

A. J. McGrath (on behalf of the owners of 6825 Marine Drive) referred to a written submission, spoke in opposition to the requested variances, and commented regarding: the proposed height of the pole; views; hardship; upgrading power services; and construction alternatives.

P. McGrath (6825 Hycroft Road) spoke in opposition to the requested variances and commented regarding: power service upgrades to his own property; and construction alternatives.

Staff informed that no one else had signed up to address the Board regarding the subject application and responded to Board members' questions.

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 18, 2025, 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 M. Koci, A.J. McGrath, and P. McGrath:

It was Moved and Seconded:

THAT the Board defers further consideration of Application 25-012 (6839 Copper Cove Road) until the applicant:

- provides written confirmation of the final height of the subject power pole; and
- explores construction alternatives with BC Hydro to determine if it is feasible to run a line longer than 100' from the power pole directly to the house.

CARRIED

9. Application 25-013 (1483 Fulton Avenue)

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

- a) 6.43 m to Front Yard Setback
- b) 0.96 m to Minimum Side Yard Setback
- c) 0.21 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.

J. Stafford (1483 Fulton Avenue) described the variance application for a power pole (accessory structure) and responded to Board members' questions. Staff provided information regarding the subject property's survey and building plans.

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 March 18, 2025, 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. Stafford:

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 25-013 regarding a power pole (accessory structure) at 1483 Fulton Avenue with variances of:

- 6.43 m to Front Yard Setback
- 0.96 m to Minimum Side Yard Setback
- 0.21 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated March 18, 2025 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. 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 25-010 (1807 St. Denis Road);
- Application 25-011 (5115 Keith Road);
- Application 25-012 (6839 Copper Cove Road);
- Application 25-013 (1483 Fulton Avenue);

up to and including April 16, 2025, be received.

CARRIED

11. Public Question Period

There were no questions.

12. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for May 21, 2025 at 5 p.m.

13. Adjournment

It was Moved and Seconded:

THAT the April 16, 2025 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 6:35 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY