

**DISTRICT OF NORTH VANCOUVER
BOARD OF VARIANCE**

Minutes of the Board of Variance of the District of North Vancouver held at 5:02 p.m. on Thursday, September 21, 2017 in Meeting Room B of the Municipal Hall, 355 West Queens Road, North Vancouver, British Columbia.

Present: Mr. J. Rommel, Chair
Mr. G. Akester
Ms. E. Khayyam
Mr. J. Paul

Absent: Mr. L. Gavel

Staff: Ms. L. Brick, Deputy Municipal Clerk
Ms. C. Archer, Committee Clerk
Ms. J. Jorgenson, Residential Plans Review Supervisor

Also in Attendance: Mr. Adam Sharpe, Owner/Applicant
Mr. Mark Simone, Owner

1. ADOPTION OF MINUTES

1.1. June 15, 2017 Board of Variance Meeting

MOVED by James Paul

SECONDED by Guy Akester

THAT the minutes of the June 15, 2017 Board of Variance meeting be adopted.

CARRIED

2. HEARING OF APPEALS

Mr. Joe Rommel, Chair, welcomed members of the public to the meeting and provided an overview of the procedures for the meeting.

2.1. 4011 Lions Avenue

Staff Presentation

Staff reported that the property is located in the RSCH Zone at the end of the cul de sac on Lions Avenue. The property is located in Development Permit Areas (DPA's) for Slope Hazard, Wildfire and Streamside Protection.

The application is for new construction of a single-family dwelling, which would require two variances to the Zoning Bylaw.

The variances requested on the property are as follows:

1. Minimum Principle Building Setback variance of 7.36 feet; and,
2. Maximum Building Roof Projection variance of 7.36 feet.

In response to a question from the Board, staff reviewed the location of the top of bank of the adjacent creek. It was noted that building within the ten metre streamside setback is negotiated through the DPA process and no building is permitted within the five metre streamside setback.

In response to a question from the Board, staff advised that the side of the house facing the street is considered the flanking side. Staff explained that if the longest side of the property line faces the street, the next shortest adjacent side is considered the front of the property under the Zoning Bylaw.

In response to a question from the Board, staff advised that a larger variance would be required if the longer, street-facing property line were considered the front.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- Siting of the house is restricted on two sides due to the creek and the slope;
- The proposed design does not use the maximum permitted square footage;
- The property has the smallest percentage of buildable area on the street at approximately thirteen percent;
- Other properties on the street have buildable areas of twenty-seven to forty percent;
- Other properties on the street are able to have side yards closer to the property line; and,
- The environmental requirements for the DPA's create a hardship.

In response to a question from the Board regarding adding a second storey rather than building in a wider footprint, the applicant advised that it is possible. He noted the garage is proposed for the only possible location and that the site restrictions do not leave much space for the front entry.

In response to a question from the Board regarding site coverage, the applicant advised that the proposed design is at the maximum sixty-five foot building depth and the available additional space on the site is odd-shaped and difficult to use.

In response to a question from the Board, the applicant reviewed the maximum footprint of the house without environmental setbacks. Staff advised the maximum site coverage would be 4,359 square feet and the applicant noted the proposal is for 4,015 square feet, including the detached garage.

In response to a question from the Board, the applicant advised that the road is within ten metres of the slope and all the houses on that side of the street are within ten metres of the slope. It was noted that the existing garage, to be demolished, is within the Slope Hazard Area.

Representations from the Public

Nil

Discussion

Mr. James Paul spoke in support of the application, noting that the environmental setbacks cause a hardship and that, without the DPA's, larger site coverage would be permitted. Mr. Paul further noted that the proposed design would reduce the impact on the riparian area due to the removal of existing structures and would have minimal impact on the street as much of the house would not be visible.

The Chair spoke in support of the application, noting that environmental DPA's create a hardship and the design fits the neighbourhood.

Mr. Guy Akester spoke in opposition to the application, noting that the proposal places the house very close to the street and the environmental restrictions are necessary due to the natural setting. Mr. Akester queried if other design options had been considered.

Ms. Efi Khayyam spoke in support of the application, noting that, while other design options are available to decrease the variance required, the permitted buildable area size and shape cause hardship.

MOVED by James Paul

SECONDED by Joe Rommel

THAT Board of Variance Application BOV2017-00005 for 5469 Indian River Drive presented at the September 21, 2017, Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required	Existing	Proposed	Variance
RSCH	Minimum Principle Building Setback (Flanking Street)	22.40 ft	N/A	15.04 ft	7.36 ft
	Principle Building Roof Projection	18.40 ft	N/A	11.04 ft	7.36 ft

CARRIED

Opposed: Guy Akester

2.2. Vacant Lot at PID 009-036-245, on the east side of Seymour Boulevard, adjacent to the Seymour River (address to be 1062 Seymour Boulevard)

Staff Presentation

Staff reported that the property is currently a vacant lot and is located in the RS2 Zone and is located in DPA's for Creek Hazard, Wildfire Hazard and Streamside Protection. The flood construction level was determined by a Professional Engineer at 55.75 feet, which creates the need for the variances for height. It was noted that the proposal is for a log home and the width of the logs cannot be customized.

The application is for a new single-family dwelling, which would require three variances to the Zoning Bylaw.

The variances requested on the property are as follows:

1. Maximum Principal Building Height – Flat Roof variance of 3.84 feet;
2. Maximum Principal Building Height – 3/12 Slope variance of 3.62 feet; and,
3. Maximum Principal Building Eave Height variance of 1.19 feet.

In response to a question from the Board, staff advised that the roof slope is considered flat although it is 2 ³/₄ in 12 because it does not meet requirements for a 3 in 12 pitch. It was further noted that where a higher pitch roof meets a lower pitch roof, the height is restricted by the lower pitch requirements. The second floor ceiling height is proposed to be seven feet.

The Chair clarified that the roof slope changes the allowable roof height under the Zoning Bylaw.

In response to a question from the Board, staff advised that the flood construction level is determined by the 200-year flood event.

In response to a question from the Board, staff advised that a crawl space under the house is permitted with no electrical or living space allowed. A four foot high waterproofed crawlspace is included in the design and would be built below the flood construction level.

In response to a question from the Board, staff advised that there is no combined sideyard setback in the RS2 Zone.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- The three environmental DPA's cause hardship;
- Lowering the roof would require building closer to the river;
- There is a history of flooding on the property;
- Changing the roof pitch to reduce the requested variances would reduce the second floor living space; and,
- The size of the logs does not allow flexibility in ceiling heights.

In response to a question from the Board regarding the possibility of building the house on a single level, the applicant advised that the footprint could be expanded ten feet toward the river, which is not desirable due to the history of flooding on the property.

In response to a question from the Board, the applicant advised that the finished ceiling height of the first floor in the proposal is eight feet and seven feet for the second floor.

Staff advised that there is nine feet, ten inches between the first and second floors, including the height of the floor joists.

In response to a question from the Board, the applicant advised that he was not able to reach the resident of the property directly across from the site for comment. He further noted the house across the street is built on a higher grade and the proposed design will not block the view from that property.

Representations from the Public

Nil

Discussion

Mr. Guy Akester spoke in opposition to the application, noting that the design of the home causes the need for the variances, rather than Zoning or environmental conditions.

Mr. James Paul spoke in support of the application, noting that the flood zone restriction raises the construction level and that using a truss roof construction would restrict the headroom on the second floor. He further noted the variances requested are minimal and that neighbours have expressed support for the application.

The Chair spoke in support of the application, noting that the flood zone restriction causes hardship. He noted higher pitch roofs would not work with the proposed design and the proposed roof heights are not high.

Ms. Efi Khayyam spoke in support of the application, noting that the roof heights are not high and the neighbours support the application.

MOVED by Joe Rommel

SECONDED by Efi Khayyam

THAT Board of Variance Application BOV2017-00006 for Vacant Lot at PID 009-036-245, on the east side of Seymour Boulevard, adjacent to the Seymour River (address to be 1062 Seymour Blvd) presented at the September 21, 2017, Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required	Existing	Proposed	Variance
RS2	Maximum Principal Building Height – Flat Roof	22.00 ft	N/A	25.84 ft	3.84 ft
	Maximum Principal Building Height – 3/12 Slope	24.00 ft	N/A	27.62 ft	3.62 ft
	Maximum Principal Building Eave Height	22.58 ft	N/A	23.77 ft	1.19 ft

CARRIED

Opposed: Guy Akester

3. CORRESPONDENCE

The Chair noted staff had provided the updated Board of Variance Guide to the Board. A discussion ensued regarding a future workshop for the Board.

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for October 19, 2017.

5. ANY OTHER BUSINESS

The Board discussed the format of hardship letters provided by applicants, noting a preference for receiving them in point form.

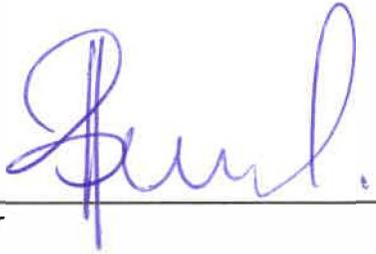
6. ADJOURNMENT

MOVED by Guy Akester

SECONDED by James Paul

THAT the September 21, 2017 Board of Variance Meeting be adjourned at 6:17 pm.

CARRIED



Chair



Committee Clerk