DISTRICT OF NORTH VANCOUVER
BOARD OF VARIANCE

Minutes of the Board of Variance of the District of North Vancouver held at 5:01 p.m. on Thursday, January 18, 2018 in Meeting Room B of the Municipal Hall, 355 West Queens Road, North Vancouver, British Columbia.

Present: Mr. J. Rommel, Chair
Mr. G. Akester
Mr. L. Gavel
Mr. J. Paul

Absent: Ms. E. Khayyam

Staff: Ms. L. Brick, Deputy Municipal Clerk
Ms. J. Jorgenson, Residential Plans Review Supervisor
Ms. A. Reiher, Committee Clerk
Ms. M. Mott, Residential Plans Reviewer

Also in Attendance: Ms. Michele Glen, Applicant
Mr. Brett Brackenbury, Applicant
Mr. DJ Giefing, Applicant
Mr. Paul Maessen, Applicant

1. Adoption of Minutes

1.1 November 16, 2017, Board of Variance Meeting

MOVED by Joe Rommel
SECONDED by Guy Akester
THAT the minutes of the November 16, 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.

2.1 360 East Kings Road

Staff Presentation

Staff reported that the property is located in the RSQ Zone and is not located in a Development Permit Area. The home was built in 1911, is on the Heritage Registry and is in good condition.

The application is for an addition of 476 sq. ft. to the basement, main floor and upper floor which is non-conforming to the rear yard setback. Staff advised that the property has an existing non-conformity and the proposed renovation will

result in a slightly increased principal building rear yard setback. Staff advised that the application also includes the addition of an attached 557 ft. storage garage to the front of the property, with a roof deck. The proposed additions would require two variances to the Zoning Bylaw.

The variances requested on the property are as follows:
1. Minimum Principal Building Rear Setback of 9.4 ft (2.87 m)
2. Minimum Projection Rear Setback of 7.42 ft (2.26 m)

Staff advised that the proposal was reviewed by the Heritage Committee and that the Community Heritage Committee does not support the proposed variances.

In response to a question from the Board regarding the existing non-conforming rear yard set back, staff advised that the existing rear yard set back is 14.5 ft. and that the applicant proposes to reduce it by 1 ft. and that with the proposed addition of square footage to the floor plan, the proposed rear yard set back would be 15.6 ft.

In response to a question from the Board inquiring if a conforming addition to the garage and property could be built, staff advised that there could be a potential addition of 10 ft. toward the street with a front yard setback for a side entry garage.

In response to a question from the Board regarding existing parking on the property, staff advised that parking is in the open.

Applicant Presentation

The applicant drew attention to the following points and hardships:
- The applications purchased the property with the purpose of preserving the home, with the exception of a porch and seismic upgrades;
- Noted that the home would be confirming if the structure were moved 10 ft. forward; however, due to the heritage status and antique windows, this option has not been pursued;
- Commented that if the home were moved 10 ft. forward, the look of the home would change;
- Commented that there would be significant financial strain to move the home;
- Noted that if the home were to be moved, the antique windows would need to be removed, which would cause a significant risk; and,
- Suggested that if the front of the home were to stay as is, with a full foundation, the value of the home would be lost.

In response to a question from the Board, the applicant advised that the basement would be a reinforced concrete basement and that the home could be moved forward 1 ft., but not 10 ft.

Representations from the Public

Nil

Discussion

Mr. Guy Akester spoke in opposition to the application and expressed concern due to a lack of support from neighbours. Mr. Akester noted that building code has changed over the years and that a variance would be required for the home to be conforming.

Mr. Lee Gavel spoke in opposition to the application, noting that a hardship was not fully exposed.

Mr. James Paul spoke in opposition to the application, noting that the applicants reference to financial hardship differs from the intent to build an attached 557 ft. storage garage and commented on the potentially high costs of a proposed excavation, and noted that the cost could be put toward moving the home forward 10 ft. Mr. Paul further expressed concern due to a lack of support from the adjoining neighbours.

The Chair spoke in opposition to the application, noting that the variance is not minor and that the hardship was not exposed.

MOVED by Guy Akester
SECONDED by Lee Gavel
THAT Board of Variance Application BOV2017-00011 for 360 East Kings Road presented at the January 18, 2018, Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSQ	Minimum Principal Building Rear Setback	25 ft (7.62 m)	14.5 ft (4.42 m)	15.6 ft (4.75 m)	9.4 ft (2.87 m)
RSQ	Minimum Projection Rear Setback	21 ft (6.4 m)	14 ft (4.27 m)	13.58 ft (4.14 m)	7.42 ft (2.26 m)

DEFEATED
Opposed: Joe Rommel, Guy Akester, Lee Gavel and James Paul

2.2 968 Belvista Crescent

Staff Presentation

Staff reported that the property is located in the RSCH Zone and is located within a Stream Side Development Permit Area. The applicant is proposing a new construction on a property that has the stream side protection setback at 15 metres from the top of the bank, which leaves little room for development. Staff reported that the Environment Department supports a 5 metre setback from the top of the bank and approves the proposal by the applicant.

The details of the requested variances are listed below:

1. Minimum Front Yard Setback of 5 ft (1.52 m)
2. Minimum Roof Projection Setback of 1.5 ft (0.46 m)

In response to a question from the Board, staff advised that if the development were complying with the stream side protection setback and the front yard setback, the building space would be 25 ft. from the property line and 15 metres from the top of the bank.

In response to a question from the Board as to why the garage is not a part of the variance, staff advised that the main floor and second floor are a part of the requested variance and that the garage is conforming with a 15 ft. front yard setback.

In response to a question from the Board regarding floor space, staff advised that the maximum floor space permitted is 3,855 sq. ft. and that the applicant is proposing 2,800 sq. ft.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- A large portion of the lot is unusable due to the Stream Side Development Permit Area;
- The allowable building size is 3855 sq. ft. and that 71% of the allowable space is proposed for construction, to help with the environmental setback; and,
- The applicant hopes to build in alignment with the neighbouring properties.

In response to a question from the Board, the applicant advised that the home is custom designed.

In response to a question from the Board, the applicant advised that the home would be constructed by Legacy Developments.

Representations from the Public

Nil

Discussion

Mr. Lee Gavel spoke in opposition to the application, suggesting that the floor plan could still be modified.

Mr. Guy Akester spoke in opposition to the application, noting the lack of support from neighbours and suggested that the top floor square footage could be reduced.

Mr. James Paul spoke in opposition to the application and expressed concern due to a lack of support from neighbours.

Mr. Joe Rommel spoke in opposition to the application, noting that the non-conforming area is small and that a new layout may be proposed as the home would be a new build.

MOVED by Lee Gavel
SECONDED by Guy Akester
THAT Board of Variance Application BOV2017-00009 for 968 Belvista Crescent presented at the January 18, 2018, Board of Variance meeting is DENIED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSCH	Minimum Front Yard Setback	25 ft (7.62 m)	n/a	20 ft (6.1 m)	5 ft (1.52 m)
RSCH	Minimum Roof Projection Setback	21 ft (6.4 m)	n/a	19.5 ft (5.94 m)	1.5 ft (0.46 m)

CARRIED

3. CORRESPONDENCE

Nil

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, February 15, 2018.

5. ANY OTHER BUSINESS

The Board discussed a future session to review rules and regulations related to the Board of Variance, once all Board members are present.

6. ADJOURNMENT

MOVED by Joe Rommel
SECONDED by Lee Gavel
THAT the January 18, 2017 Board of Variance Meeting be adjourned at 5:50 pm.

CARRIED

Chair

Committee Clerk