

**DISTRICT OF NORTH VANCOUVER
BOARD OF VARIANCE**

Minutes of the Board of Variance of the District of North Vancouver held at 5:00 p.m. on Thursday, January 17, 2019 in Panorama Meeting Room 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

Staff: Ms. L. Brick, Deputy Municipal Clerk
Ms. J. Jorgenson, Residential Plans Review Supervisor
Ms. V. Milburn-Brown, Plans Reviewer
Ms. S. Dale, Committee Clerk

Also in Attendance: Mr. Andrezj Klimowicz, Owner
Ms. Alexandra Klimowicz, Owner
Ms. Arlene Mitchell, Applicant
Mr. Mark Ernsting, Owner
Mr. Soheil Mohammadi, Designer of 4155 Hoskins Road

1. Adoption of Minutes

1.1 October 18, 2018, Board of Variance Meeting

**MOVED by Joe Rommel
SECONDED by James Paul**

THAT the minutes of the October 18, 2018 Board of Variance meeting be adopted as amended.

CARRIED

1.2 November 15, 2018, Board of Variance Meeting

**MOVED by Joe Rommel
SECONDED by Lee Gavel**

THAT the minutes of the November 15, 2018 Board of Variance meeting be adopted.

CARRIED

2. Hearing of Appeals

Mr. Joe Rommel, Chair, called the meeting to order.

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

2.1 4155 Hoskins Road

Staff Presentation

Staff reported that the property is located in the RS4 Zone, that the lot area is 8,795 sq. ft. and that it is not in any development permit areas. It is a new build house with a secondary suite and is currently under construction. A stop work order has been issued as during the framing inspection it came to the District's attention that the house has been built over-height. It was concluded that during construction the structural engineer upgraded his design making the building over-height.

The variances requested on the property are as follows:

1. Maximum building height of 1.05 ft² (0.32 m²).
2. Maximum eave height of 0.65 ft² (0.2 m²).

In response to a question from the Board, the applicant advised that he will be the end owner of the property.

In response to a question from the Board, staff detailed the inspection process as follows:

- Erosion and sediment control inspection;
- Footings and forms inspection;
- Site servicing, underground and underslab inspection;
- Electrical and mechanical rough-in inspection;
- Frame inspection;
- Insulation and vapour barrier;
- Final electrical and mechanical inspection; and,
- Final building inspection.

In response to a question from the Board, staff advised that the building conformed to District standards at the time of the footing and forms inspection. It was noted that the drawings were altered to allow for bigger floor joists and roof trusses after the framing inspection; however, the engineer did not communicate these changes. Staff became aware that the building was built over-height and requested survey drawings which indicated this was the case.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- Advised that during construction there were issues at the footings and forms stage of construction which required soil and extra gravel to be added;
- Noted that the engineer made changes to the plan after the building inspection was complete altering the floor joist height from twelve to fourteen inches;
- Commented that the ceiling height in the basement has not changed;
- Explained that tearing down the home would result in a significant financial hardship;
- Acknowledged the environmental impact of removing the construction;
- Noted that all surrounding neighbours have provided support; and,

- Opined that the development does not affect the character of the neighbourhood.

In response to a question from the Board, the applicant advised that he is the general contractor and he would be responsible to bear the financial burden to alter the building.

Discussion

Mr. Lee Gavel spoke in support of the application commenting on the significant financial consequences the owner would incur if required to alter the building. Mr. Gavel opined that the height of the building does not change the character of the neighbourhood.

Mr. James Paul spoke in support of the application acknowledging the neighbours support.

Mr. Guy Akester spoke in opposition to the application and commented that the hardship noted is a result of human error.

Mr. Joe Rommel spoke in support of the application commenting on the significant financial hardship. Mr. Rommel articulated the importance of communication between homeowners, builders and contractors to ensure the construction complies with the appropriate bylaws.

MOVED by Lee Gavel

SECONDED by James Paul

THAT Board of Variance Application BOV2018-00012 4155 Hoskins Road presented at the January 17, 2019 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS4	Maximum building height	22 ft ² (6.71 m ²)	N/A	23.05 ft ² (7.03 m ²)	1.05 ft ² (0.32 m ²)
RS4	Maximum Building Eave Height	22 ft ² (6.71 m ²)	N/A	22.65 ft ² (6.9 m ²)	0.65 ft ² (0.2 m ²)

CARRIED

Opposed: Guy Akester

2.2 2508 Boswell Avenue

Staff Presentation

Staff reported that the property is located in the RS3 Zone and that the lot area is 7,920 sq. ft. The house was built in 1967 and is not in a heritage building and is not in any development permit areas. The proposal is to add onto the existing one-car garage and attach the rooftop deck. It was noted that the front of the house

faces Boswell Avenue; however, the Zoning Bylaw dictates Berkley Road is the front property line. The existing deck is non-conforming in height.

The variance requested on the property is as follows:

1. Building Depth of 11 ft² (3.35 m²)
2. Flat Roof Height of 0.58 ft² (0.18 m²)

In response to a question from the Board, staff advised that if the front of the house was on Berkley Road a building depth variance would not be required.

In response to a question from the Board, staff advised that to be considered a detached accessory building the proposed addition would have to be separated by a minimum of 5 ft. from the house.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- Noted that all surrounding neighbours have provided support;
- Spoke to the awkward layout of the lot;
- Commented that the existing garage is small and the owners are a young family with a lot of sporting equipment;
- Remarked that many homes in the neighbourhood have double-car garages and would fit in with the character of the neighbourhood;
- Noted that their parents are elderly and may live with them in the future so the extra space is needed;
- Explained that the municipality views the front of the property to be the shortest property line flanking a street. In this case, given the existing siting of the home, the front property line would more accurately be described as the side property line given that the front of the home faces Boswell Avenue rather than Berkley Road. For that reason, the typical interpretation of the required setbacks cannot be accommodated; and,
- Requested that the railing be continuous to eliminate the need for a step which is dangerous and creates a hardship.

In response to a question from the Board, the applicant advised that by gaining an additional six inches to the railing height the step would not be required eliminating a safety hazard.

In response to a question from the Board, the applicant advised that if the front yard was situated on Berkley Road there would be a bus stop directly in front of the house causing safety concerns for their young family.

In response to a question from the Board, the applicant advised many neighbours provided both written and verbal support for this proposal.

In response to a question from the Board, staff advised that if the deck was situated above living space a height variance would not be required.

Discussion

Mr. Lee Gavel spoke in support of the application commenting that the building is situated awkwardly on the property.

Mr. James Paul spoke in support of the application acknowledging the odd lot shape. Mr. Paul commented that the height variance has no impact on the neighbours who have all noted support.

Mr. Guy Akester spoke in opposition of the application and opined that more could be done to reduce the variance of the garage and continue to provide two functional parking spots. He also noted that if the deck was situated above living space a height variance would not be required.

Mr. Joe Rommel spoke in support of the application and commented that there is evidence of hardship which is created by the configuration of the existing house. Mr. Rommel acknowledged the neighbours support and opined that the height variance would have no visual impact to the character of the neighbourhood.

MOVED by James Paul

SECONDED by Joe Rommel

THAT Board of Variance Application BOV2018-00013 2508 Boswell Avenue presented at the January 17, 2019 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Building Depth	65 ft ² (19.81 m ²)	61 ft ² (18.59 m ²)	76 ft ² (23.16 m ²)	11 ft ² (3.35 m ²)
RS3	Flat Roof Height	12 ft ² (3.66 m ²)		12.58 ft ² (3.83 m ²)	0.58 ft ² (0.18 m ²)

CARRIED

Opposed: Guy Akester

3. CORRESPONDENCE

Nil

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, February 21, 2019.

5. ANY OTHER BUSINESS

Mr. Lee Gavel questioned if District staff have reviewed flat roof decks on top of parking structures commenting that these applications are commonly presented to the Board.

Mr. James Paul requested an update on the vacant Board of Variance position as a result of a resignation and when it will be filled.

Staff advised that a future session to review rules and regulations related to the Board of Variance, once all Board members are present, will be held.

6. ADJOURNMENT

MOVED by Guy Akester

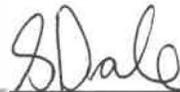
SECONDED by James Paul

THAT the January 17, 2018 Board of Variance Meeting be adjourned at 5:56 p.m.

CARRIED



Chair



Committee Clerk