

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, February 21, 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
Mr. N. York

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. Warren Kimmel, Applicant
Mr. Liam Kearns, Owner
Mr. Mitch Vickers, Owner
Mr. Kelvin Humenny, Applicant
Mr. Greg Veitch, Owner
Ms. Olge Efimov, Designer
Mr. Robert Leighton, Neighbour
Mr. Ali Matinfar, Neighbour

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.

1. Adoption of Minutes

1.1 January 17, 2019, Board of Variance Meeting

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

THAT the minutes of the January 17, 2019 Board of Variance meeting are adopted.

CARRIED

2. Review of Board of Variance Process

Ms. Linda Brick, Deputy Municipal Clerk, provided an overview of the Board of Variance process. Ms. Brick highlighted the following topics:

- Governing legislation;
- Staff review;
- Jurisdiction of the Board; and,
- Meeting procedures.

3. Hearing of Appeals

3.1 3450 Institute Road

Staff Presentation

Staff reported that the property is located in the RS4 Zone and that the lot area is 7,034 sq. ft. The proposal is for construction of a new home and it is in a Creek Hazard and Streamside Protection Development Permit Area. The adjusted lot area is 6,710 sq. ft. when the creek area is deducted. The Environment Department has received a flood hazard report and there is a development permit case for this project.

The variances requested on the property are as follows:

1. Maximum Height Parking Structure - Flat Roof of 1 ft (0.3 m).
2. Upper Storey Floor Area of 54 ft² (5.02 m²).

Staff further advised that due to the creek hazard the deliverable footprint has been reduced. The flood hazard has pushed the main floor higher which effects the garage roof height as the slab from the garage is lower than the main floor of the house. The main floor ceiling height is 8 ft., the upper floor is 7'10 ft. and the floor elevation of the main floor is above natural grade.

In response to a question from the Board, staff clarified that the creek is impacting the garage height because the floor slab has been lowered in comparison to the main floor elevation.

In response to a question from the Board regarding floor space, staff advised that the maximum floor space permitted is 2,699 sq. ft. and the applicant is proposing 2,689 sq. ft.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- Advised that the property has a creek running through it at the rear property line and a large portion of the lot is unusable due to the Streamside Development Permit Area;
- Mentioned that the entire creek bed running the full width of the property must also be removed from the calculation of total Floor Space Ratio (FSR);
- Noted that a two-hundred year flood level analysis has been preformed and all access and egress points to the basement level of the house must be above the Flood Construction Level (FCL);
- Explained that the main floor of the house is higher and in order to stay below the allowable roof height and eaves height the main and upper floor ceiling heights are impacted;
- Opined that a front roof garage structure in the front of the house is not in keeping with the style of the house and is not aesthetically pleasing;

- Commented that a usable deck with planters and greenery and a French door access would make the home more functional and improve the street appeal; and,
- Noted that the upper floor is marginally oversized because the footprint cannot be increased in any direction due to creek related limitations.

In response to a question from the Board, staff advised that the railing does not have to be setback 25 ft. from the property line is not considered as part of the principal dwelling.

In response to a question from the Board, staff confirmed that the square footage of the basement is exempt.

In response to a question from the Board, staff advised that retaining walls are not required as the lot is relatively flat.

In response to a question from the Board, staff advised that the rear deck is 459 sq. ft. and is not included in the site coverage calculations and would not be included in the calculation of the main floor square footage.

In response to a question from the Board, staff advised that the slab of the garage can be raised which would reduce the garage height.

In response to a question from the Board, the applicant advised that the internal clearance height of the garage is 9 ft. and the main floor ceiling height is 8 ft.

MOVED by Joe Rommel
SECONDED by Guy Akester
THAT the motion be considered as separate resolutions.

CARRIED

Discussion

The Board spoke to the application, noting that there could be another option for a design in conformance with the Zoning Bylaw. During discussion it was noted there was a discrepancy in the method of calculating the height for the garage. The applicant will work with staff to review the application and design options.

MOVED by Joe Rommel
SECONDED by Guy Akester
THAT Board of Variance Application BOV2018-00002 3450 Institute Road presented at the February 21, 2019 Board of Variance meeting is postponed to the next Board of Variance meeting.

CARRIED

3.2 1382 McNair Drive

Staff Presentation

Staff reported that the property is located in the RS3 Zone and that the lot area is 9,778 sq. ft. The house was built in 1970 and is not in a Development Permit Area. The proposal is to add onto the existing one-car garage and attach the rooftop deck lessening the slope of the driveway.

Staff advised that at the October 18, 2018 Board of Variance meeting the application for 1382 McNair Drive for a maximum garage height flat roof variance of 1.59 ft. (0.48 m) was approved.

The variance requested on the property is as follows:

1. Maximum garage height - Flat Roof of 2.08 ft (0.63 m)

In response to a question from the Board, staff advised that the aggregate variance is 2.08 ft. when combined with the variance approved in October.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- Acknowledged that a maximum garage height flat roof variance of 1.59 ft. was approved in October;
- Advised that during construction the designer and engineer miscalculated the slope of the vinyl tiles resulting in the loss of six inches;
- Commented that if the variance is approved, the slope of the driveway would provide improved visibility and safety;
- Noted that when driving into the garage, visibility is limited which presents a safety hazard;
- Commented that the driveway cannot be altered because there is a streetlamp post on the edge of the driveway and a retaining wall from the neighbour; and,
- Noted that the current ceiling height of the approved garage renovation requires non-standard height garage doors and prevents the use of roof top storage boxes.

In response to a question from the Board, the applicant advised that other options were explored to reduce the variance of the rooftop balcony but the proposed variance is the only feasible option.

In response to a question from the Board, the applicant advised that all surrounding neighbours have provided support.

In response to a question from the Board, staff advised that the slope of the driveway is currently 26.5% and would be 23% when dropped by 1 ft. as proposed.

Discussion

Mr. Lee Gavel spoke in support of the application.

Mr. James Paul spoke in support of the application and noted that the steep driveway creates a hardship.

Mr. Guy Akester spoke in support of the application noting that the variance is minor and acknowledged the neighbours support.

Mr. Joe Rommel spoke in support of the application and opined that the steep driveway creates a hardship and is awkward to access the garage.

Mr. Neville York spoke in support of the application noting that the variance is minor.

**MOVED by Lee Gavel
SECONDED by Guy Akester**

THAT Board of Variance Application BOV2018-00003 1382 McNair Drive presented at the February 21, 2019 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Maximum garage height - Flat Roof	12 ft (3.66 m)	12.5 ft (3.81 m)	14.08 ft (4.29 m)	2.08 ft (0.63 m)

CARRIED

3.3 2025 Cardinal Crescent

Staff Presentation

Staff reported that the property is located in the RS3 Zone and that the lot area is 19,062 sq. ft. The house was built in 1969. It is within a Slope Hazard and a Wildfire Development Permit area. The proposal is for a garage and an addition to the existing house. The Environment Department has received a development permit case for this application.

The variances requested on the property is as follows:

1. Maximum Garage Height – Flat Roof of 2.75 ft. (0.84 m)
2. Maximum Building Depth of 8.83 ft. (2.69 m)

The variance for the roof of the deck is to prevent having steps down from the existing house. The building depth in this zone is calculated through the datum determination points. With the garage on one side and the veranda at the back this creates a building depth variance of 8.83 ft. However, in total, this is shorter than the actual whole building in general.

Staff advised that there is a building scheme covenant on title which has been reviewed by staff and no concerns were raised with respect to consideration of the requested variances by the Board of Variance.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- Spoke to the steep sloping rock that occupies most of the rear portion of the lot;
- Commented that the garage has been lowered as a result of the steep driveway;
- Commented on the rainy North Shore weather and how a covered area at the rear of the house would allow for outdoor grilling;
- Noted that the length of the basement was shortened as much as possible to allow a side-entry garage as the steep driveway didn't allow a front-entry garage, but the resulting building depth still restricted enough usable overhang at the rear of the main floor; and,
- Advised that the proposed variance would not affect any of the neighbours and would look consistent with other homes on the street.

In response to a question from the Board, the applicant advised that the garage is stepped down to meet the slope of the driveway.

In response to a question from the Board, the applicant advised that the roof deck over the garage would not only be stepped and relatively un-useable, but due to the current structural size and drainage requirements of roof decks, it would leave an extremely low ceiling in half of the garage that would limit parking access and cause hardship for the owners.

In response to a question from the Board, staff advised that if the rear covered portion of the deck was removed, a second variance would not be required.

In response to a question from the Board, the applicant advised that the neighbours to the right living at 1999 Cardinal Crescent and 2074 Cardinal Crescent have spoken in support of this application.

**MOVED by James Paul
SECONDED by Guy Akester**

THAT the motion be considered as two separate resolutions.

CARRIED

Discussion

Mr. James Paul spoke in opposition to the application commenting that the hardship was not clearly demonstrated.

Mr. Guy Akester spoke in opposition to the application stating that it is a reasonably large variance. Mr. Akester commented that the hardship was not clearly demonstrated and support was not provided from neighbours.

Mr. Joe Rommel spoke in opposition to the application and requested that his suggestions be considered by the applicant.

Mr. Neville York spoke in support of the application commenting that although the variance is not minor the greenbelt provides challenges.

MOVED by James Paul
SECONDED by Guy Akester

THAT Board of Variance Application BOV2018-00001 2025 Cardinal Crescent presented at the February 21, 2019 Board of Variance meeting is DENIED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Maximum Height Parking Structure	12 ft (3.66 m)	N/A	14.75 ft (4.5 m)	2.75 ft (0.84 m)

CARRIED

Discussion

Mr. James Paul spoke in support of the application commenting that neighbours would not be impacted by the variance.

Mr. Guy Akester spoke in opposition to the application commenting on the lack of support from neighbours and opined that there is not evidence of hardship.

Mr. Lee Gavel spoke in support of the application noting neighbours would not be impacted.

Mr. Neville York spoke in support of the application and opined that the variance is minor.

Mr. Joe Rommel spoke in support of the application and acknowledged that the rear deck is not visible to neighbours.

MOVED by James Paul
SECONDED by Lee Gavel

THAT Board of Variance Application BOV2018-00001 2025 Cardinal Crescent presented at the February 21, 2019 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Maximum Building Depth	65 ft (19.81 m)	26 ft (7.92 m)	73.83 ft (22.5 m)	8.83 ft (2.69 m)

CARRIED

Opposed: Guy Akester

4. CORRESPONDENCE

Staff advised that the application for 3225 Mahon Avenue presented at the October 18, 2018 Board of Variance meeting which was denied by a tie vote, will be brought forward at the March 21, 2019 meeting. The applicant has made an appeal to the Supreme Court of Canada and will be making a case regarding procedural fairness.

5. NEXT MEETING

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

6. ANY OTHER BUSINESS

The Board's discussion ensued and the following comments and concerns were noted:

- Commented that each application will be dealt with separately and will not set a precedence;
- Advised that Board of Variance meetings are open to the public;
- Spoke to the importance of commenting on the application and not engaging in dialogue with the applicant;
- Suggested providing comments after the motion has been made; and,
- Spoke to the importance of adhering to Robert's Rule of Order.

7. ADJOURNMENT

MOVED by Joe Rommel

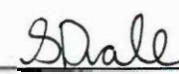
SECONDED by Lee Gavel

THAT the February 21, 2018 Board of Variance Meeting be adjourned at 6:43 p.m.

CARRIED



Chair



S. Dale
Committee Clerk