

**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, February 18, 2021. The meeting was held virtually with participants appearing via video conference.

Present: Mr. J. Paul, Acting Chair
Mr. G. Akester
Mr. L. Gavel
Mr. N. York

Staff: Mr. J. Gordon, Manager – Administrative Services
Ms. G. Lanz, Deputy Municipal Clerk
Ms. L. Koncsik, Plans Reviewer
Ms. V. Milburn-Brown, Plans Reviewer
Ms. S. Dale, Confidential Council Clerk
Ms. S. Clarke, Committee Clerk

Also in Attendance: Ms. Pam Chilton, Applicant
Mr. Philip Chrinko, Owner
Mr. James Kim, Owner
Mr. Joe Rommel, Applicant

1. Adoption of Minutes

1.1 November 19, 2020, Board of Variance Meeting

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

THAT the minutes of the November 19, 2020 Board of Variance meeting are adopted.

CARRIED

2. Hearing of Appeals

Mr. James Paul, Acting Chair, welcomed members of the public to the meeting and provided an overview of the procedures for the meeting.

2.1 1497 Harold Road

Staff Presentation

Staff reported that the property is located in the RS3 Zone and the lot area is 4,360 sq. ft. The house is not in a Development Permit Area. The house was built in 1981 and is not on the heritage registry. The proposed work is for a new deck and trellis addition. The address of the lot is 1497 Harold Road; however, there is no road access as it is a walking trail accessed off of Draycott Road. The existing home is existing non-conforming for Floor Space Ratio (FSR); however,

the proposed deck and trellis addition complies with the FSR exemption and does not add to the non-conformity.

The variances requested on the property are as follows:

1. Minimum Side Yard Setback variance of 0.37 ft. (0.11 m); and,
2. Maximum Building Coverage variance of 177 ft² (16.44 m²).

In response to a question from the Board, staff advised that there is no vehicle access from Harold Road.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- The house complied with the District's Zoning Bylaw at the time of construction;
- It is now rendered existing non-conforming in terms of floor area as a result of the amendment to the Zoning Bylaw;
- Although the property is addressed from Harold Road, due to a pedestrian trail abutting this property, it is challenging for visitors (emergency services, couriers, guests, etc.) to find the property;
- The primary access to the house is via the second-floor deck on the south side and it is difficult to maneuver around the deck as it is small;
- The family is active and in need of more exterior living space;
- Three neighbours provided verbal approval; and,
- Opined that the proposal will enhance its surroundings, will increase the use and enjoyment of the property and will have no negative impacts on the surrounding neighbours or community.

In response to a question from the Board, the applicant advised that a portion of the deck requires a variance as the side-yard setback on the west side of the house is conforming.

In response to a question from the Board, the applicant advised that verbal support was received from the three immediately neighbouring properties.

Discussion

Mr. Lee Gavel spoke in support of the application, noting that the amendments to the Zoning Bylaw causes a hardship. He noted that neighbouring properties would not be impacted and that the proposal would enhance its surroundings.

Mr. Neville York spoke in support of the application, stating that the variance is minor in nature. He acknowledged the neighbours support.

Mr. Guy Akester spoke in support of the application, noting that that the hardship for this variance is related to the history of changes to the Zoning Bylaw. He noted that the majority of the variance is created by the addition of the trellis and could be reduced with minor design changes.

The Acting Chair spoke in support of the application, and opined that the trellis addition is a minor variance and the size of the deck proposed is a reasonable request.

MOVED by Lee Gavel

SECONDED by Neville York

THAT Board of Variance Application BOV2021-000001 1497 Harold Road presented at the February 18, 2021 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Minimum Side Yard Setback	4 ft. (1.22 m)	3.7 ft (1.13 m)	3.63 ft (1.11 m)	0.37 ft (0.11 m)
RS3	Maximum Building Coverage	1526 ft. ² (141.77 m ²)	1320 ft ² (122.63 m ²)	1703 ft ² (158.21 m ²)	177 ft ² (16.44 m ²)

CARRIED

2.2 3435 Bluebonnet Road

Staff Presentation

Staff reported that the property is located in the RSEW Zone. The house was built in 1951 and is not on the heritage registry. The proposed work is for a new construction with a secondary suite. The property is in the streamside protection area. The creek runs at the back of the property and the proposed dwelling meets the environment requirement of being 15 m from the bank.

The variances requested on the property are as follows:

1. Minimum Front Yard Setback variance of 4.63 ft. (1.41 m);
2. Minimum Front Setback Parking Structure variance of 3.82 ft. (1.16 m); and,
3. Roof Overhang into Required Front Setback variance of 0.63 ft (0.19 m).

In response to a question from the Board, staff advised that a house located in a streamside development permit area must be situated at least 15 m from the top of the bank of a stream.

Applicant Presentation

The applicant drew attention to the following points and hardships:

- The existing home no longer supports the needs of their growing family;
- A small registered creek straddles the west side of the site;
- A riparian assessment report was prepared by an environmental consultant and the typically required net-zero habitat gain versus habitat loss was obtained;
- It was mandated by the District's Environmental Department that the new dwelling footprint falls closer in-line with the existing siting requirements;

- In order to facilitate the siting requirements, the new dwelling is required to be sited further to the west toward Bluebonnet Road, placing a portion of the garage and principal dwelling within the minimum required front-yard setback;
- Several design options were explored; and,
- Support was received from the immediately neighbouring properties.

In response to a question from the Board, staff advised that Section 542 of the *Local Government Act* outlines the Board's power when permitting a minor variance. It was further noted that the Board cannot diverge from the District's Environmental Protection and Preservation Bylaw and that the District's Environment Department follows the Provincial guidelines.

The Board requested that the guidelines for a streamside development permit area should be discussed outside this application as it may create a hardship if it is not imposed consistently.

Discussion

Mr. Guy Akester spoke in support of the application, stating that the conflicting municipal requirements has created a hardship. He noted that it is a minor variance with a modest footprint.

Mr. Lee Gavel spoke in support of the application, stating that the variances requested are inconsequential and acknowledged the support from neighbours.

Mr. Neville York spoke in support of the application, stating that the variance is minor. He noted that the stream creates a hardship as fifty percent of the lot is unbuildable.

The Acting Chair spoke in support of the application, noting that the conflicting District and Provincial environmental requirements creates a hardship. He noted that the variance is minor and the neighbours have spoke in support of this application.

MOVED by Guy Akester
SECONDED by Lee Gavel

THAT Board of Variance Application BOV2021-00002 3435 Bluebonnet Road presented at the February 18, 2021 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSEW	Minimum Front Yard Setback	25 ft. (7.62 m)	N/A	20.37 ft (6.21 m)	4.63 ft (1.41 m)
RSEW	Minimum Front Setback Parking Structure	10 ft. (3.05 m)	N/A	6.18 ft (1.88 m)	3.82 ft (1.16 m)
RSEW	Roof Overhang into Required Front Setback	21 ft. (6.4 m)	N/A	20.37 ft (6.21 m)	0.63 ft (0.19 m)

CARRIED

3. CORRESPONDENCE

Nil

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, March 18, 2021.

5. ANY OTHER BUSINESS

Staff advised that Joe Rommel resigned from the Board of Variance effective February 1, 2021. It was noted that the District will be advertising to recruit a new Board of Variance member and the application deadline is March 10, 2021.


6. ADJOURNMENT

MOVED by Lee Gavel

SECONDED by Guy Akester

THAT the February 18, 2021 Board of Variance Meeting is adjourned at 5:54 p.m.

CARRIED


Chair


Committee Clerk