

**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, June 17, 2021. The meeting was held virtually with participants appearing via video conference.

**Present:** Mr. J. Paul, Chair  
Mr. G. Akester, Vice-Chair  
Mr. L. Gavel  
Ms. L. Richard  
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:** Mr. David Battersby, Applicant  
Ms. Emma Campbell, Owner  
Ms. Madeleine Campbell, Owner  
Mr. Benjamin Crowley, Owner  
Mr. Sukhpal Dhaliwal, Owner  
Ms. Sandip Dulay, Owner  
Mr. Todd Elyzen, Owner  
Mr. Raman Hara, Applicant  
Ms. Katie Hlynsky, Applicant  
Mr. Gord Hlynsky, Applicant  
Mr. Kevin Huscroft, Owner  
Ms. Patricia Huscroft, Owner  
Mr. Brad Ingram, Applicant  
Ms. Rose Lam, Owner  
Mr. James Stobie, Applicant  
Mr. Mitchell Stookey, Owner

**1. Adoption of Minutes**

**1.1 May 20, 2021, Board of Variance Meeting**

**MOVED by Guy Akester**

**SECONDED by Neville York**

THAT the minutes of the May 20, 2021 Board of Variance meeting are adopted.

**CARRIED**

**2. Hearing of Application**

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

## **2.1 1536 Dovercourt Road**

### **Staff Presentation**

Staff reported that the property is located in the RS4 Zone. The house was built in 1908 and is not in a development permit area. It is not on the heritage registry. The proposed work is for new construction with a secondary suite. A building permit has been submitted and it meets the current zoning; however, the permit has not been issued. A demolition permit was issued so the applicant could complete onsite investigation with regards to the ground water condition and prepare a stormwater management plan. The District does not allow for ground water to be pumped into the storm sewer.

The variance requested on the property is as follows:

1. Maximum Eave Height variance of 1.92 ft (0.59 m).

In response to a question from the Board regarding amendments to the Single-Family Zoning Regulations of maximum eave height, staff advised that by lowering the allowable eave height there is an understanding that there may be a need for variances for existing structures.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- The existing home no longer supports the needs of their growing family and the intent is to build a multi-generational home;
- A ground water test revealed that water is seeping into the land from the District culvert;
- It was recommended by their engineer to build a foundation that would not allow the water to penetrate and to build the house at a certain level due to the ground water level and as a result the basement had to be raised which resulted in the house height being over allowance;
- To help reduce the height overage, the height of the basement and the upper floor was decreased from 9 ft. to 8 ft. ceilings; and,
- The massing of the house remains under the overall height limit.

### **Discussion**

Mr. Lee Gavel spoke in support of the application, noting that the variance is minor.

Mr. Neville York spoke in support of the application, stating that the variance is minor and that the leaking District culvert is a hardship. He acknowledged that the neighbours are supportive.

Ms. Laura Lee Richard spoke in support of the application.

The Vice-Chair spoke in support of the application, thanking the applicant for keeping the variance minor. He acknowledged that the neighbours are supportive.

The Chair spoke in support of the application, stating that the variance is minor and that the leaking District culvert is a hardship. He acknowledged that the neighbours are supportive.

**MOVED by Guy Akester**

**SECONDED by Laura Lee Richard**

THAT Board of Variance Application BOV2021-000007 1536 Dovercourt Road presented at the June 17, 2021 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS4	Maximum Eave Height	21.17 ft. (6.45 m)	N/A	23.09 ft. (7.04 m)	1.92 ft. (0.59 m)

**CARRIED**

## **2.2 3600 Osprey Court**

### **Staff Presentation**

Staff reported that the property is located in the RS5 Zone. It is located in a Wildfire Permit Area; however, it does not comply on this lot as it is not for new construction. The house was built in 1987 and it is not on the heritage registry. The proposed work is to renovate the existing home and change the roof. The home is existing non-conforming for building and eave height as well as Floor Space Ratio (FSR). The renovation will not increase the non-conformity for FSR but will increase the non-conformity for building height and eave height. The lot sits at the end of the cul-de-sac with the front lot line facing south and the side lot line facing east into the cul-de-sac.

The variance requested on the property is as follows:

1. Principal Building Height variance of 6.95 ft (2.12 m).
2. Eave Height North Elevation variance of 1.7 ft (0.52 m).
3. Eave Height South Elevation variance of 1.1 ft (0.34 m).

In response to a question from the Board, staff advised that the livable floor area of the home is not being increased.

In response to a question from the Board, staff advised that the home generally sits lower than other homes on the street given the natural topography in the area slopes down; however, it can't be confirmed what the grade of the neighbouring lots without surveys.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- Spoke to the significant mold and mildew build-up in the attic;

- The livable floor area of the home is not increasing;
- A shadow study was prepared and it will have close to zero impact on the immediate neighbour's yard;
- Opined that the proposed roof design is aesthetically pleasing and is in keeping with the character of the neighbourhood; and,
- The majority of neighbours have spoken in support.

In response to a question from the Board, the applicant advised that in the original design the roof was raised up an additional 1 ft. to give a 9 ft. ceiling starting point. The design has since been revised to have the new roof start where the last one did (8 ft. above floor level).

In response to a question from the Board, the applicant advised that there are a variety of roof design in the neighbourhood and opined that it fits in with the architectural intent of the surrounding area.

In response to a question from the Board, the applicant advised that the home sits adjacent to a public assembly lot that includes many tall trees between a small daycare and driveway and an expansive forest surrounding Garibaldi park. Given the orientation of the building and position relative to the forest the home is engulfed in shadows most of the year and is conducive to growing moss and mildew. It is proposed that a new roof design be implemented to reduce the possibility of moisture buildup, coupled with a steeper pitch and metal covering to help alleviate leaf and needle accumulation that exacerbates the existing poor design.

### **Discussion**

Mr. Lee Gavel spoke in support of the application, noting that the vegetation surrounding the house is a hardship creating a difficult roof design.

Mr. Neville York spoke in support of the application, stating that the large trees creates a hardship and opined that it is keeping with the character of the neighbourhood. He acknowledge neighbour support.

Ms. Laura Lee Richard spoke in support of the application, noting that the proposed application does not defeat the intent of the bylaw.

The Vice-Chair spoke in opposition of the application, noting that other roof designs could be considered to minimize the variance.

The Chair spoke in support of the application, and opined that the large trees from the forest is a hardship because of the difficult roof design and it fits in with the character of the neighbourhood. He acknowledged the neighbours support.

**MOVED by Lee Gavel**

**SECONDED by Laura Lee Richard**

THAT Board of Variance Application BOV2021-000003 3600 Osprey Court presented at the June 17, 2021 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS5	Principal Building Height	28 ft. (8.53 m)	28.95 ft. (8.82 m)	34.95 ft. (10.65 m)	6.95 ft. (2.12 m)
RS5	Eave Height North Elevation	22 ft. (6.71 m)	22.9 ft. (6.98 m)	23.7 ft. (7.22 m)	1.7 ft. (0.52 m)
RS5	Eave Height South Elevation	22 ft. (6.71 m)	22.3 ft. (6.8 m)	23.1 ft. (7.04 m)	1.1 ft. (0.34 m)

**CARRIED**

Opposed: Guy Akester

## 2.3 1495 West Keith Road

### Staff Presentation

Staff reported that the property is located in the RSPH Zone. It is built in a Development Slope Hazard Area and the house was built in 1926. It is not on the heritage registry. The proposed work is for new construction. This lot is situated in a streamside development permit area. This lot slopes down from north to south and north to west. The applicant has been working with the District's Environmental department and a Geotechnical Engineer in regards to the south and west top setback requirements. The applicant is also working with the Districts Engineering Department in regards to the existing non-conforming retaining wall located on the District's property. The District is requiring the applicant to move the retaining wall as it is part of the building permit application.

The variance requested on the property is as follows:

1. Parking Structure Setback from Front Lot Line variance of 14.77 ft (4.5 m).
2. Maximum Height for Retaining Wall variance of 1.5 ft (0.45 m).
3. Maximum Size of Parking Structure in Front Yard variance of 211 ft<sup>2</sup> (19.6 m<sup>2</sup>).
4. Localized Depression for Vehicle Access variance to permit.

In response to a question from the Board, staff advised that the retaining wall is located on the street side.

In response to a question from the Board, staff advised that the localized depression is sloping from West Keith Road to the garage, below the existing grade to allow for vehicle access.

In response to a question from the Board, staff advised that a landscape plan will be approved by the District of North Vancouver.

In response to a question from the Board, staff advised that the proposed square footage is 5,387 sq. ft. and noted that the portion of the basement is exempt from the FSR.

## **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- Spoke to the steep topography of the property;
- A hardship of complying with the Zoning Bylaw is a result of a site specific environmental/geotechnical requirement that establishes the setback from the top of slope;
- The intention of the proposed higher retaining wall is to screen the auto court from the street;
- The garage access from the side will have no impact on the street or the neighbors with the roof providing habitation for local flora and fauna;
- The additional area in the front yard is due to the additional setback requirements for slope stability;
- As the garage is buried, the access is considered a localized depression which is not permitted in the Pemberton Area Zone;
- The proposed single-family residence is under allowable floor area and with the buried garage will not be an issue of bulk relative to the street or neighboring properties;
- The street parking in the neighbourhood is limited; and,
- The owners have contacted the immediate neighbors who have indicated no objection to this variance.

In response to a question from the Board, the applicant advised that other design options were considered to minimize the variance; however, there are constraints to where the house can be located on the site due to the topography. It was noted that proposed single-family residence is under the allowable floor area and with the buried garage there will not be an issue of bulk relative to the street or neighboring properties. In addition the roof of the garage will be treated as a landscaped garden green roof providing habitation for local flora and fauna.

In response to a question from the Board, the applicant advised that the topography of the site is requiring additional setbacks on the south and west side relative to the top of bank.

In response to a question from the Board, the applicant advised that the garage cannot be lowered into the ground further as there would be problems with the storm sewer.

## **Discussion**

**MOVED by Lee Gavel**

**SECONDED by Guy Akester**

THAT the localized depression variance be separated from the other three variances and voted on separately.

**CARRIED**

Opposed: Laura Lee Richard and Neville York

**MOVED by Laura Lee Richard**

**SECONDED by Guy Akester**

THAT the remaining three variances also be voted on individually.

**CARRIED**

Variance #1: Parking Structure Setback from Front Lot Line

Mr. Lee Gavel spoke in opposition of the application, noting that there are other design options that could be considered to remove the variances.

Mr. Neville York spoke in support of the application, stating that the hardship pertains to the Development Slope Hazard Area and the siting of the garage.

Ms. Laura Lee Richard spoke in opposition of the application, stating that there are no hardships to support this request.

The Vice-Chair spoke in opposition of the application, noting that he struggles to see the hardship.

The Chair spoke in support of the application, noting that the slope creates a hardship as the general mass of the house is pushed closer to the street. He noted that the applicant minimized the massing of the garage to mitigate the variance and opined that it fits in with the surrounding neighbourhood.

**MOVED by Lee Gavel**

**SECONDED by Guy Akester**

THAT Board of Variance Application BOV2021-000008 1495 West Keith Road presented at the June 17, 2021 Board of Variance meeting is DENIED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSPH	Parking Structure Setback from Front Lot Line	25 ft. (7.62 m)	N/A	10.23 ft. (3.12 m)	14.77 ft. (4.5 m)

**CARRIED**

Opposed: James Paul and Neville York

Variance #2: Maximum Height for Retaining Wall

The Vice-Chair spoke in support of the application, noting that the topography is the hardship.

Mr. Neville York spoke in support of the application, noting that the retaining wall is not impeding to traffic or site lines and that a retaining wall will be rebuilt of approximately the same height.

Mr. Lee Gavel spoke in support of the application.

Ms. Laura Lee Richard spoke in support of the application, requesting additional landscaping.

The Chair spoke in opposition of the application and opined that there are no hardships. He also noted that the existing historic stone wall on the boulevard will not be preserved.

**MOVED by Guy Akester**

**SECONDED by Neville York**

THAT Board of Variance Application BOV2021-000008 1495 West Keith Road presented at the June 17, 2021 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSPH	Maximum Height for Retaining Wall	3 ft. (0.91 m)	N/A	4.5 ft. (1.37 m)	1.5 ft. (0.45 m)

**CARRIED**

Opposed: James Paul

Variance #3: Maximum Size of Parking Structure in Front Yard

The Vice-Chair spoke in opposition of the application, noting that there are no real hardships and that there is no reason this could be made to comply.

Mr. Lee Gavel spoke in opposition of the application.

Mr. Neville York spoke in support of the application.

Ms. Laura Lee Richard spoke in opposition of the application.

The Chair spoke in support of the application, stating that the hardship is the sitting of the garage. He acknowledged the neighbourhood support.

**MOVED by Guy Akester**

**SECONDED by Lee Gavel**

THAT Board of Variance Application BOV2021-000008 1495 West Keith Road presented at the June 17, 2021 Board of Variance meeting is DENIED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSPH	Maximum Size of Parking Structure in Front Yard	484 ft <sup>2</sup> (44.96 m <sup>2</sup> )	N/A	695 ft <sup>2</sup> (64.57 m <sup>2</sup> )	211 ft <sup>2</sup> (19.6 m <sup>2</sup> )

**CARRIED**

Opposed: James Paul and Neville York



Variance #4: Localized Depression for Vehicle Access

Mr. Lee Gavel spoke in support of the application.

The Vice-Chair spoke in support of the application.

Ms. Laura Lee Richard spoke in support of the application.

Mr. Neville York spoke in support of the application.

The Chair spoke in support of the proposed application, noting that the surrounding neighbours support the proposed application.

**MOVED by Lee Gavel**

**SECONDED by Guy Akester**

THAT Board of Variance Application BOV2021-000008 1495 West Keith Road presented at the June 17, 2021 Board of Variance meeting is APPROVED as follows:

RSPH	Localized Depression for Vehicle Access	Not Permitted	N/A	In Front yard	N/A
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**CARRIED**

## **2.4 162 West Osborne Road**

### **Staff Presentation**

Staff reported that the property is located in the RSMH Zone. The house was built in 1938 and is not in a development permit area. It is not on the heritage registry. The proposed work is for an upper floor addition. The current home is existing non-conforming in building height. The proposed variance will not make the non-conformity of height worse.

The variance requested on the property is as follows:

1. Maximum Building Height variance of 5.7 ft (1.74 m).

In response to a question from the Board, staff advised that the house was originally built in 1938 and when it was raised to its current height in 1980, it conformed to the original RS-4 maximum bylaw height. When the Zoning Bylaw was amended to the current RSMH Zone, the house was immediately forced into a non-conforming height.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- The existing home was split into a main home and a suite, where one family occupies the main floor suite and the other family occupies the upper level and the attic;

- The house was originally built in 1938 and raised to its current height of 27.75 ft. around 1980;
- When the zone was changed to the current RSMH bylaws, the house was immediately forced into a non-conforming height;
- The bylaw change created the site imposed hardship that has adversely affected the use of this site conforming to the original RS-4 maximum bylaw height;
- This proposal widens the existing front dormer and adds a new dormer to the rear and both dormers are below the existing ridge height of the main roof line and do not increase the non-conformity issue;
- Neither dormer impacts the neighbors as they face to the front and rear yards and are minimal in size;
- These dormers are necessary to allow the attic to have useable ceiling height for the family to adequately utilize the space;
- As there is a suite below, the only reasonable place to add square footage for the upper unit was by utilizing these dormers to enhance the attic ceiling heights; and,
- The surrounding neighbours have spoken in support of the proposed application.

#### **Discussion**

Mr. Lee Gavel spoke in support of the application, stating that the Zoning Bylaw amendment creates the hardship.

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

Ms. Laura Lee Richard spoke in support of the application, noting that the entirety of the roof is already non-conforming.

The Vice-Chair spoke in support of the application, noting that the neighbours are in support of the proposed variance, the entirety of the roof is already non-conforming, and as no houses back onto the lot it does not effect the neighbours.

The Chair spoke in support of the application, noting that the existing roof is non-conforming which causes the hardship and acknowledged that the neighbours have spoken in support.

**MOVED by Guy Akester**

**SECONDED by Laura Lee Richard**

THAT Board of Variance Application BOV2021-000010 162 West Osborne Road presented at the June 17, 2021 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSMH	Maximum Building Height	22 ft. (6.71 m)	27.75 ft. (8.46 m)	27.7 ft. (8.44 m)	5.7 ft. (1.74 m)

**CARRIED**

The Board recessed at 6:39 p.m. and reconvened at 6:40 p.m.

## **2.5 3647 Sunnycrest Drive**

### **Staff Presentation**

Staff reported that the property is located in the RSH Zone. The house was built in 1960 and is located in a Slope Hazard Permit Area. It is not on the heritage registry. The proposed work is for new construction. The property slopes up from Sunnycrest Road to existing dwelling and slopes down from north to south. The applicant is working with the District's Environment Department with regards to the setbacks to the top of the bank.

The variance requested on the property is as follows:

1. Maximum Building Depth variance of 7.51 ft (2.29 m).
2. Floor Elevation of Parking 2' Below Grade variance of 8.4 ft (2.56 m).
3. Max Parking Structure Height Flat Roof variance of 2.58 ft (0.79 m).

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- A Slope Hazard application has been submitted to the Environmental Department allowing for an 8m setback from the top of the bank and this has been negotiated to suit this particular site due to the existing home being closer than the 10m setback from top of bank then is typical;
- Retention of existing, healthy native vegetation and trees will support the slope stability and evapotranspiration;
- Access to the site is proposed at the same southeast corner of the site as the current driveway, due to the District's Environmental Department request to maintain the significant boulevard trees on the northeast corner;
- A localized depression is proposed on the rear side of the house to allow for light to the bedrooms and bathrooms located on the lower floor and this would involve a limited soil removal and would also conform to the 8m setback;
- The area being proposed as part of the garage that would extend past the building depth is simply the most discrete and least impactful area that could be proposed since it is essentially hidden and underground; otherwise, more massing above ground would need to be accommodated to meet the client's needs;

- The only portion of non-conformance is the height of the actual guard at the south edge of the deck itself that is above the entry to the garage for safety reasons and the garage itself fully conforms to the building height; and,
- The proposal is under area overall so the project is actually underbuilt for this site.

In response to a question from the Board, the applicant advised that that there is a limited amount of driveway length to achieve an elevation gain from the lower street access point so the garage can be out of the ground. The driveway can only follow the rising ground level but it keeps on rising beyond and the garage floor level cannot get high enough to meet the regulations in full. In addition, if there is to be an area of level ground at the top of this drive for a visitor to safely park and exit their vehicle the garage is further forced below grade as the ramp length is reduced by this area.

In response to a question from the Board, the applicant advised that the one neighbour that spoke in opposition lives across the ravine and would not be affected by the variance.

### **Discussion**

Mr. Lee Gavel spoke in support of the application, noting that the topography creates the hardship.

Mr. Neville York spoke in support of the application, stating that the hardship stems from the Slope Hazard Area. He also acknowledged that many neighbours spoke in support.

Ms. Laura Lee Richard spoke in support of the application.

The Vice-Chair spoke in support of the application, noting that the hardship is due to the topography and landscape of the site; however, opined that the building depth could be built out.

The Chair spoke in support of the application, noting that he struggles with the building depth. Location of the trees that have to be maintained on the Blvd. is a hardship and the topography is a hardship. Relatively minor variance.

**MOVED by Laura Lee Richard**

**SECONDED by Lee Gavel**

THAT Board of Variance Application BOV2021-000009 3647 Sunnycrest Drive presented at the June 17, 2021 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSH	Maximum Building Depth	65 ft. (19.81 m)	N/A	72.51 ft. (22.1 m)	7.51 ft. (2.29 m)
RSH	Floor Elevation of Parking 2' Below Grade	2 ft. (0.61 m)	N/A	10.4 ft. (3.16 m)	8.4 ft. (2.56 m)
RSH	Max Parking Structure Height Flat Roof	12 ft. (3.66 m)	N/A	14.58 ft. (4.44 m)	2.58 ft. (0.79 m)

**CARRIED**

**3. CORRESPONDENCE**

Nil

**4. NEXT MEETING**

The next regular meeting of the Board of Variance is scheduled for Thursday, July 15, 2021.

**5. ANY OTHER BUSINESS**

The Board thanked staff for providing the members with a consideration sheet to help when considering undue hardship. Staff advised that standardized language of the motion and names of the applicant and notified individuals will be provided prior to the meetings to help identify individuals.

In response to a question from the Board, staff advised that the July meeting will be held virtually. Staff will report back on how meetings will be held in the fall.

In response to a question from the Board, staff advised 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. It was further noted that staff are looking at ways to inform the Board whether or not the Corporation supports the variance and to advise or guide the Board in a non-bias manner.

**6. ADJOURNMENT**

**MOVED by James Paul**

**SECONDED by Guy Akester**

THAT the June 17, 2021 Board of Variance Meeting is adjourned at 7:19 p.m.

**CARRIED**

  
Chair

  
Committee Clerk