

**DISTRICT OF NORTH VANCOUVER
BOARD OF VARIANCE**

Minutes of the Board of Variance of the District of North Vancouver held at 5:04 p.m. on Thursday, February 17, 2022. 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

Absent: Mr. N. York

Staff: Ms. G. Lanz, Deputy Municipal Clerk
Ms. J. Jorgenson, Residential Plans Review Supervisor
Ms. V. Milburn-Brown, Plans Reviewer
Ms. E. Allen, Committee Clerk
Ms. C. Archer, Confidential Council Clerk
Ms. S. Clarke, Committee Clerk

Also in Attendance: Mr. Cameron Hardisty, Applicant
Mr. Kelvin Humenny, Applicant
Mr. Kristopher Kang, Owner
Mr. Eric Miura, Notified Person
Ms. Ashley Roberts, Owner
Mr. James Stobie, Applicant
Mr. Bradley Taylor, Owner
Mr. Matthias Uhlenbruck, Notified Person

1. Adoption of Minutes

1.1 November 18, 2021, Board of Variance Meeting

MOVED by James Paul

SECONDED by Guy Akester

THAT the minutes of the November 18, 2021 Board of Variance meeting are adopted.

CARRIED

2. Hearing of Applications

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

2.1 3760 Dollarton Highway

Staff Presentation

Staff reported that the property is located in the RS3 Zone and that the lot area is 12,541 square feet. The house was built in 1949 and is in a Wildfire Development Permit Area, which is not applicable to this application as the proposal is to renovate

an existing dwelling. The house is not on the Heritage Registry. An addition is proposed where one is currently located. However, since the existing addition is being completely removed, the proposal does not qualify as existing non-conforming.

Staff advised that in the RS1-5 Zones, building depth is calculated through the building using the Datum Determination Points (DDPs) along a centre line and must be no more than 65 feet on each side of the centre line. The application includes the retention of an existing retaining wall to maintain slope stability at the rear of the property. Staff further advised that the house is not visible from the street except when looking up the driveway due to the large retaining wall in the front yard.

The variance requested on the property is as follows:

1. Building Depth variance of 2.86 ft (0.87 m).

In response to a question from the Board, staff advised that the section shown as existing non-conforming on the drawing is not the subject of the application.

In response to a question from the Board, staff advised that a variance is only required for new work.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The owners have owned the property for eight years, have two children, and are running out of space for the family in the single-storey rancher;
- There was an addition made at the rear of the property, which was constructed without permits;
- The proposal is to remove the unpermitted work and add a two-storey addition in the same location;
- A new, more robust concrete foundation is proposed to be constructed two feet from the existing wood retaining wall, which would be left to decompose in place;
- The proposed addition would provide more stability and reduce the risk of a future mudslide;
- The property shares driveway access with an adjacent neighbour;
- The hardship is due to the significant slope of much of the property, leading to a lack of flat space and limited buildable space in the rear yard; and,
- The south-facing non-conforming section is not proposed to be changed.

In response to a question from the Board, the applicant advised that alternatives were considered, but renovations to the existing truss roof were not advised. The proposal takes a simplistic approach rather than undertaking a full demolition as the existing home is in good condition. In order for the renovation worthwhile, the renovation needs to result in additional space for the family.

In response to a question from the Board, the applicant advised that the shared driveway access is subject to a covenant that allows access. The owner confirmed that there is an existing easement over the neighbour's driveway.

In response to a question from the Board, the applicant confirmed that the existing home is non-conforming by three feet in depth.

Representations from the Public

Nil

Discussion

Mr. Guy Akester spoke in support of the application, noting that the house is positioned sideways on the lot, creating a hardship regarding building depth. He further noted that the proposed variance is less non-conforming than the existing structure, the neighbouring properties will not be negatively impacted, and that the requested variance is minor.

Ms. Laura Lee Richard spoke in support of the application, noting that the proposal is within the intent of Zoning Bylaw.

Mr. Lee Gavel spoke in support of the application, noting that although other design options could have conformed more closely with the Zoning Bylaw, the impact on the neighbours is negligible.

The Chair spoke in support of the application, noting that the requested variance does not exceed the existing non-conformance for the section to be replaced and that a hardship exists in the topography of the site and the existing location of the house.

MOVED by Guy Akester

SECONDED by Laura Lee Richard

THAT Board of Variance Application BOV2022-00001 3760 Dollarton Highway presented at the February 17, 2022 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Building Depth	65 ft (19.81 m)	68.66 ft (20.93 m)	67.86 ft (20.68 m)	2.86 ft (0.87 m)

CARRIED

2.2 3539 Church Street

Staff Presentation

Staff reported that the property is located in the RS4 Zone and that the lot area is 8,691 square feet. The house was built in 1925 and is located in Creek and Streamside Development Permit Areas, with this application having been exempted by Environment Department. The house is not on the Heritage Registry. The proposal is for a new house and coach house. Some variances are required due to the unopened laneway and would not be required if the laneway were opened.

The variances requested on the property are as follows:

1. Max Building Coverage variance of 577 ft² (53.6 m²).
2. Minimum Rear Yard Setback when parcel does not abut an open lane (Coach House) of 6' (1.83m).
3. Minimum Roof Setback (Coach House) variance of 4' (1.22m).
4. Location of Pedestrian Access (Coach House) variance.

In response to a question from the Board, staff advised that the proposed pedestrian access connects to off-street parking and the coach house entrance.

In response to a question from the Board, staff advised that the Zoning Bylaw requires pedestrian access from the front or flanking street for coach houses and access is proposed from the lane in this application.

In response to a question from the Board, staff confirmed that if the laneway were opened, variances would not be required for the setbacks or pedestrian access and that a variance for maximum building coverage would still be required.

In response to a question from the Board, staff advised that the property could have an accessory building with a four foot setback whether the lane is opened or not.

In response to a question from the Board, staff advised that if the coach house and main house were closer to each other, different variances would be required as the Zoning Bylaw requires a minimum separation between dwelling units.

In response to a question from the Board, staff advised that coach houses are not required to have an internal garage, but must have designated off-street parking.

In response to a question from the Board, staff confirmed that the different variances may be considered as separate propositions.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The owner uses a wheelchair and requires a single-level home;
- The family has recently had a child and requires space to raise a family;
- The owner works at home; and,
- They may rent out the coach house in the short term until it is needed by the family.

In response to a question from the Board, the applicant advised that living spaces are proposed to face the rear yard rather than a busy front street and that the Zoning Bylaw considers the effect of the building on a property to the rear of the subject property, which does not apply to this application due to the unopened lane.

In response to a question from the Board, the applicant advised both structures are designed to the maximum allowable floor area.

Representations from Notified Persons

Mr. Eric Miura, on behalf of Robert and Sumie Miura, 3500 Block Institute Road:

- Spoke in support of the application;
- Queried if the privacy hedge between the two properties will be retained.

The applicant confirmed that the existing privacy hedge will be retained and that it is not located on private property.

Mr. Matthias Uhlenbruck, 1300 Block Frederick Road:

- Expressed concern regarding the application, and,
- Suggested that the District retain the unopened lane.

The applicant confirmed that they intend to comply with the District's Good Neighbour Policy and will meet with neighbours regarding their concerns.

Discussion

Ms. Laura Lee Richard spoke in support of the application, noting that single-storey construction necessitates greater lot coverage and that the property is a suitable site for a coach house. Ms. Richard noted that it is unusual to have a Zoning Bylaw contain greater setbacks for an unopened lane than an opened lane and that the preference is to leave the lane unopened. She further noted that the requested variance is within the intent of the Zoning Bylaw and is minor.

The Chair spoke in support of the application, noting that owner's mobility needs constitute a hardship and that the District supports the development of laneway housing. He further noted that the setback requirements for an unopened lane are unusual, the preference is to retain the unopened lane and that the two neighbours who have expressed concerns are generally supportive of the application.

Mr. Lee Gavel spoke in support of the application, noting that the proposed setback to the lane is reasonable and does not negatively impact the neighbours. Mr. Gavel expressed concern regarding the lot coverage, noting that while single-storey construction is suitable for residents who use wheelchairs, the variance is significant at approximately twelve percent over that permitted by the Zoning Bylaw. Mr. Gavel noted that the coverage requirements in the Zoning Bylaw are applicable to two-storey buildings and queried if the Board would be prepared to allow greater coverage for all one-storey single family dwellings.

Mr. Guy Akester spoke in opposition to the application, noting that while accessibility is an issue for the owner, the required variances could have been reduced through design and that it is difficult to justify such significant variances for new construction.

MOVED by Laura Lee Richard
SECONDED by James Paul

THAT Board of Variance Application BOV2022-00003 3539 Church Street presented at the February 17, 2022 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS4	Max Building Coverage	3042 ft ² (282.6 m ²)		3619 ft ² (336.21 m ²)	577 ft ² (53.6 m ²)
	Minimum Rear Yard Setback when parcel does not abut an open lane (Coach House)	10 ft (3.05 m)		4 ft (1.22 m)	6 ft (1.83 m)
	Minimum Roof Setback (Coach House)	6 ft (1.83 m)		2 ft (0.6 m)	4 ft (1.22 m)
	Pedestrian Access (Coach House)	3 ft (0.9m) wide pedestrian walkway from either: side lot line on flanking street/corner lot, or the front lot line if not a corner lot.		Use lane on side of property	Location of Access

CARRIED

Opposed: Guy Akester

2.3 2682 Panorama Drive

Staff Presentation

Staff reported that the property is located in the RS4 Zone and that the lot area is 3,595 square feet. The house was built in 1941. The property is located in Creek and Streamside Development Permit Areas and has been exempted by the Environment Department. The house is not on the Heritage Registry. There is an existing parking structure located on District property on the boulevard and the side of the property next to the water is steeply sloped. The proposal is to remove the parking structure from District property and relocate parking onto the subject property, which will still require a Licence to Occupy for the existing access stairs. Variances are required due to the siting of the existing house as the parking structure is considered attached to the principal dwelling as there is less than five feet between the two structures. The height variance is required due to the proposed accessory building below the garage and the revised definition of height in the Zoning Bylaw as of March, 2021. Due to the natural grade and the steep slope, it is not possible to meet the requirements of the Zoning Bylaw on this site.

The variances requested on the property are as follows:

1. Parking Structure Setback to Street variance of 19.25 ft (5.87 m).
2. Parking Structure Sideyard Setback variance of 0.75 ft (0.23 m).
3. Roof Overhang Front Setback variance of 16 ft (4.88 m).

4. Max Building Depth variance of 5.25 ft (1.6 m).
5. Max Height Parking Structure variance of 8.7 ft (2.65 m).
6. Max Height Parking Structure Floor above grade variance of 13.2 ft (4.02 m).
7. Maximum Building Coverage variance of 112 ft² (10.4 m²).
8. Parking Structure in Req'd Front Yard variance of 88 ft² (8.18 m²).
9. Location of Accessory Structure.

In response to a question from the Board, staff advised that several other properties on Panorama Drive have applied for variances through the Board of Variance or Development Variance Permit process.

In response to a question from the Board, staff advised that it is not possible to meet both off-street parking and height requirements on the property.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The hardship is due to the slope of the property;
- The house is accessed via a shared access driveway;
- There are many other properties on Panorama Drive with existing carports constructed at approximately the same time as the subject property;
- The proposal is to construct parking with storage below;
- The existing dwelling was constructed in 1921, prior to the current Zoning Bylaw and was built at an angle to the property lines;
- The proposal retains the existing stair access on District property and relocates the carport onto private property;
- The existing parking structure is non-conforming;
- The existing building coverage is non-conforming;
- The house and parking structure are considered connected as they are separated by less than five feet;
- In order to separate the house and the garage, a variance would be required to other setbacks and there is no other possible location on the site for parking;
- The accessory structure is proposed below the parking structure for storage;
- The variances for maximum height are required due to the measurement of the height from the building below, although they do not propose to change the height from that of the existing structure;
- The proposal removes an encroachment and would allow the owners to park on their own property in Deep Cove where parking is an ongoing issue.

Representations from the Public

Nil

Discussion

Mr. Guy Akester spoke in support of the application, noting that a hardship exists due to the topography of the site, the siting of the existing house, the narrowness of the street and limited options for locating parking on the site.

Mr. Lee Gavel spoke in support of the application, noting that the characteristics of the site create a hardship.

Ms. Laura Lee Richard spoke in support of the application, noting that the variances are interconnected.

The Chair spoke in support of the application, noting the hardships due to the characteristics of the lot and that the neighbours support the application.

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

THAT Board of Variance Application BOV2022-00002 2682 Panorama Drive presented at the February 17, 2022 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS4	Parking Structure Setback to Street	20 ft (6.1 m)		0.75 ft (0.23 m)	19.25 ft (5.87 m)
	Parking Structure Sideyard Setback	4 ft (1.22 m)		3.25 ft (0.99 m)	0.75 ft (0.23 m)
	Roof Overhang Front Setback	16 ft (4.88 m)		0 ft (0 m)	16 ft (4.88 m)
	Max Building Depth	65 ft (19.81 m)	40.16 ft (12.24m)	70.25 ft (21.41 m)	5.25 ft (1.6 m)
	Max Height Parking Structure	15 ft (4.57 m)		23.7 ft (7.22 m)	8.7 ft (2.65 m)
	Max Height Parking Structure Floor above Grade	4 ft (1.22 m)		17.2 ft (5.24m)	13.2 ft (4.02m)
	Maximum Building Coverage	1258 ft ² (116.87 m ²)	1412 ft ² (131.17 m ²)	1370 ft ² (127.27 m ²)	112 ft ² (10.4 m ²)
	Parking Structure in Req'd Front Yard	220 ft ² (20.44 m ²)		308 ft ² (28.61 m ²)	88 ft ² (8.18 m ²)
	Location of Accessory Structure	Rear or interior side yard		Front Yard	Front Yard

CARRIED

3. CORRESPONDENCE

Nil

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, March 17, 2022.

5. ANY OTHER BUSINESS

Deputy Municipal Clerk Genevieve Lanz advised that upgrades are planned for both the Committee Room and Council Chamber in the near future. When these upgrades have been completed, staff will survey the Board regarding their preference for virtual, hybrid or in-person meetings. Board members commented on the benefits of the current virtual format, noting disparities between in-person participants and virtual participants in hybrid format meetings.

6. ADJOURNMENT

MOVED by James Paul

SECONDED by Lee Gavel

THAT the February 17, 2022 Board of Variance Meeting is adjourned at 6:05 p.m.

CARRIED

Chair



Committee Clerk

