

**DISTRICT OF NORTH VANCOUVER
BOARD OF VARIANCE**

Minutes of the Board of Variance of the District of North Vancouver held at 5:02 p.m. on Thursday, April 21, 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
Mr. N. York

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

Also in

Attendance: Mr. Amir Farbehi, Applicant
Mr. Alen Sadres, Owner
Ms. Ursel Brown, Notified Person
Ms. Janna Gamache, Notified Person
Mr. Richard Vanderkooy, Notified Person

1. Adoption of Minutes

1.1 February 17, 2021, Board of Variance Meeting

MOVED by James Paul

SECONDED by Lee Gavel

THAT the minutes of the February 17, 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 4880 Skyline Drive

Staff Presentation

Staff reported that the property is located in the RS3 Zone and that the lot area is approximately 9507 square feet. The application is for an addition and renovation to the existing house. The house was built in 1970 and is in Slope Hazard and Wildfire Hazard Development Permit Areas (DPAs). Staff noted that the Slope Hazard DPA is applicable to this application and the Wildfire DPA is not applicable as the application is not for new construction. The home is not on the Heritage Registry.

The variances requested on the property are as follows:

1. Minimum Rear Yard Setback variance of 9.95 feet (3.03 m).
2. Maximum Building Depth variance of 6.85 feet (2.09 m).
3. Minimum Stair Setback variance of 3 feet (0.91 m).
4. Max Building Height - Flat Roof with 4' Bonus - Lot 33'-39.9' wide variance of 2.42 feet (0.74 m).
5. Maximum Eave Height with 4' Bonus variance of 9.67 feet (2.94 m).
6. Maximum Retaining Wall Height variance of 9.62 feet (2.93 m).

Staff advised that the lot is steeply sloped, including a portion at 63 percent. The house is one storey with a carport in the front of the property and is existing non-conforming. It was noted that the front of the property has the smallest lot line, the long sides facing the roads are considered flanking and there are no side yards. The proposed stairs are required in order to access the house due to the steep slope. Two sets of stairs require a variance, which is captured under the one requested variance. A new veranda is proposed for the front of the house and a new balcony on the flanking side. It was noted that the Environment Department is handling the Slope Hazard DPA. Staff reviewed the requested variances and existing non-conformances, noting that the flat roof variance is required due to a guardrail for the rooftop deck and for the retaining wall in the front yard due to the steep slope. Staff advised that the Zoning Bylaw provides a four feet height bonus for this property due to the significant slope. Staff further advised that the shape of the lot and slope push the buildable space to the back of the property and that some of the lot is unusable.

In response to a question from the Board, staff advised that the stairway east of the driveway currently has a retaining wall and would require licence to occupy as it is on District property.

In response to a question from the Board, staff advised that the access to the new garage is the same as for the existing carport.

In response to a question from the Board, staff advised that guardrails on the rooftop deck are over the height limit.

In response to a question from the Board, staff advised that a minimum setback of three feet from the property line is required because the stairs are more than three feet off the ground.

In response to a question from the Board, staff advised that the existing non-conforming eave height is 28.08 feet and the proposed eave height is 31.67 feet.

In response to a question from the Board, staff advised that the eave height is calculated from the lowest point of the ground.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The existing house is existing non-conforming, including for height and eave height;
- The proposal does not significantly increase the height and the proposed increase is less than one foot;
- The proposal changes the existing shallow pitch roof to a flat roof, which is the same height as the peak of the existing roof;

- A roof deck is proposed as much of the property is unusable due to the extreme slope and there is no useable outdoor space for a yard;
- The existing driveway is very narrow and has no room to turn around, which requires drivers to either back into or out of the driveway onto Skyline Drive with limited visibility;
- The proposal includes an area to turn vehicles around, reducing this hazard;
- The proposal includes converting the basement from unoccupied to occupied space;
- The Slope Hazard DPA requirements are being reviewed by the District's Environment Department;
- The variances for eave height and building height are necessary to account for slope stability issues due to the extreme slope conditions of the site;
- The majority of the useable space on the site is on one side due to a significant portion that is narrow and steep;
- The renovation uses the existing exterior of the house, with an addition to the main building and expansion to the garage;
- The proposed garage is attached to the main building;
- An existing balcony is proposed to be added to the interior space;
- The lower portion of the house is not accessible without the requested variance due to the slope of the property;
- The existing retaining walls are not in good condition;
- The house is a single level on the side facing Skyline Drive; and,
- Effort has been taken to minimize the requested variances on this challenging site.

In response to a question from the Board, the applicant advised that the stair access from the driveway may be used for a secondary suite, which will be determined during the building permit process. The lower portion of the building is challenging to access at this time and the proposed stairs will make the building more useful.

In response to a question from the Board, the applicant advised that the guardrail is set back from edge and will not be visible from below or have a view into any neighbour's yard.

Representations from the Public

Mr. Richard Vanderkooy, Notified Person:

- Expressed support for the application, noting that he does not have concerns about the proposed height and he will not be impacted; and,
- Queried the different setbacks for the main building and the garage.

Ms. Ursel Brown, Notified Person:

- Expressed support for the application;
- Queried the removal of trees and size of the retaining wall proposed on the south side of the property.

Ms. Janna Gamache, Notified Person:

- Expressed support for the application;
- Noted that the house was abandoned for many years and the renovation to the property will be a welcome addition to the neighbourhood; and,
- Acknowledged the challenge created by the steep slope.

In response to a question from a notified person, the applicant provided details on the structural design of the proposed retaining wall on the south side of the property in order to stabilize the slope.

Discussion

Mr. Guy Akester spoke in support of the application, noting that the site is challenging, surrounded by roads on three sides and very steep. He further noted that the designer has sought to minimize the requested variances, which are minor in the context of the site and that there will be no impact to the neighbours.

Mr. Lee Gavel spoke in support of the application, noting that the requested variances are minor and that the topography and shape of the site create a hardship.

Mr. Neville York spoke in support of the application, noting that the site is extremely steep and oddly-shaped. He further noted that the challenging site justifies the number of requested variances and that the neighbours have expressed support.

Ms. Laura Lee Richard spoke in support of the application, noting neighbourhood support and the challenging qualities of the site.

The Chair spoke in opposition to the application, noting that while the site is challenging, the inclusion of a variance to accommodate a rooftop deck is not in accordance with the intention of the Zoning Bylaw.

MOVED by Guy Akester

SECONDED by Lee Gavel

THAT Board of Variance Application BOV2022-00004 4880 Skyline Drive presented at the April 21, 2022 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/Allowed	Existing	Proposed	Variance
RS3	Minimum Rear Yard Setback	25 ft (7.62 m)	17.21 ft (5.25 m)	15.05 ft (4.59 m)	9.95 ft (3.03 m)
RS3	Maximum Building Depth	65 ft (19.81 m)	64.71 ft (19.72 m)	71.85 ft (21.9 m)	6.85 ft (2.09 m)
RS3	Minimum Stair Setback	3 ft (0.91 m)	0 ft (0 m)	0 ft (0 m)	3 ft (0.91 m)
RS3	Max Building Height - Flat Roof with 4' Bonus - Lot 33'-39.9' wide	26 ft (7.92 m)	23.59 ft (7.19 m)	28.42 ft (8.66 m)	2.42 ft (0.74 m)
RS3	Maximum Eave Height with 4' Bonus – from finished grade	22 ft (6.71 m)	28.08 ft (8.56 m)	31.67 ft (9.65 m)	9.67 ft (2.94 m)
RS3	Maximum Retaining Wall Height	3 ft (0.91 m)	0 ft (0 m)	12.62 ft (3.85 m)	9.62 ft (2.93 m)

CARRIED

Opposed: James Paul

3. CORRESPONDENCE

Nil

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, May 19, 2022.

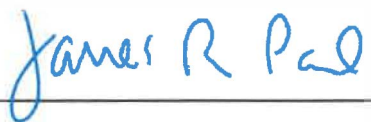
5. ANY OTHER BUSINESS

In response to a question from the Board, Ms. Genevieve Lanz clarified that the checklist circulated to the Board by email is for each member's use in reviewing applications and is not submitted back to the District.

6. ADJOURNMENT

MOVED by
SECONDED by
THAT the April 21, 2022 Board of Variance Meeting is adjourned.

CARRIED
(5:46 p.m.)



Chair



Committee Clerk