

**DISTRICT OF NORTH VANCOUVER  
BOARD OF VARIANCE**

Minutes of the Board of Variance of the District of North Vancouver held at 5:03 p.m. on Thursday, January 19, 2023. 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 Reviewer  
Ms. V. Milburn-Brown, Residential Plans Reviewer  
Ms. C. Archer, Confidential Council Clerk  
Ms. E. Allen, Committee Clerk

**Also in Attendance:** Ms. Nancy Crema, Owner/Applicant  
Mr. Rick Crema, Owner/Applicant  
Ms. Nazli Baradaran, Owner  
Mr. Behrouz Heidary, Owner/Applicant  
Mr. Arash Amini, Contractor

**1. Adoption of Minutes**

**1.1 November 17, 2022, Board of Variance Meeting**

**MOVED by James Paul**

**SECONDED by Laura Lee Richard**

THAT the minutes of the November 17, 2022 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 4102 Canterbury Crescent**

**Staff Presentation**

Staff reported that the property is located in the RSCH Zone and that the lot area is 9,768 square feet. The house was built in 1954, is not on the Heritage Registry, and is located in a Development Permit Area for Wildfire Hazard, which is not applicable to this application.

The proposal is to allow the construction of an addition.

The variance requested on the property is as follows:

1. Flanking Street Setback of 3.4 feet (1.04 metres).

Staff advised that there is an existing non-conforming area behind the carport, which was approved by the Board of Variance in 2006. The variance is essentially the same as was approved and is required due to the change in use.

In response to a question from the Board, staff confirmed that the property will remain in compliance with off-street parking requirements if the area where the existing carport is located is converted to living space as there are parking spaces at the front of the property.

In response to a question from the Board, staff advised that moving the wall inward and keeping the roof profile and eave line intact would not eliminate the need for a variance as the area below the eave would count as floor space if the eave projects more than four feet from the wall.

In response to a question from the Board, staff advised that the requested variance does not alter sight lines.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- The family has increased need for living space with the recent arrival of a new child;
- A new bedroom is required as there is not adequate space for two children in one room and the additional bedroom is occupied by the children's nanny;
- Both parents work long hours and sometimes nights in the healthcare field, which requires in-home child care;
- The proposed structure's roof line and wall are a continuation of the existing living room and would not require structural changes;
- There are no other locations available on the property to add living space;
- Structural changes would negatively affect the style of the existing house;
- The proposal would not negatively impact neighbouring properties; and,
- The proposal is the most environmentally responsible option as it minimizes building materials and waste.

In response to a question from the Board, the applicant advised that their designer reviewed the property for any other locations to add living space to build in compliance with the setbacks.

### **Representations from Notified Persons**

Nil

### **Representations from the Public**

Nil

## Discussion

Mr. Guy Akester spoke in support of the application, noting that there is a clear hardship due to the shape of the lot and the orientation of house on the lot. Mr. Akester further noted that the requested variance is minor as the existing wall and roof line are being used.

Mr. Lee Gavel spoke in support of the application, noting that the requested variance is minor and that there are no other practical design options. Mr. Gavel further noted that the setback requirements in the Zoning Bylaw were added after the home was built.

Ms. Laura Lee Richard spoke in support of the application, noting that the requested variance is minor, there is a clear hardship, and that the proposal respects the historical elements of the building.

Mr. Neville York spoke in support of the application, noting that the requested variance is minor and that there is a foundation and roof membrane already in place. Mr. York further noted that there is a boulevard between the property line and the street, which increases the structure's distance to the street, and that there is adequate parking on the property.

The Chair spoke in support of the application, noting that the requested variance is minor and that the siting of the house on the property is a hardship.

**MOVED by Guy Akester**

**SECONDED by Lee Gavel**

THAT Board of Variance Application BOV2022-00011 4102 Canterbury Crescent presented at the January 19, 2023 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSCH	Flanking Street Setback	18.5 ft (5.64 m)	15 ft (4.57 m)	15.1 ft (4.6 m)	3.4 ft (1.04 m)

**CARRIED**

## 2.2 857 Fairway Drive

### Staff Presentation

Staff reported that the property is located in the RS3 Zone and that the lot area is 10,500 square feet. The house was built in 1974, is not on the Heritage Registry, and is not located in a Development Permit Area.

The proposal is to allow the construction of an accessory building.

The variances requested on the property are as follows:

1. Total Parking Structure and Accessory Building on Lot variance of 48 ft<sup>2</sup> (4.46 m<sup>2</sup>).
2. Maximum Accessory Building Size variance of 97 ft<sup>2</sup> (9.01 m<sup>2</sup>).

Staff advised that there is a non-conforming accessory building already constructed on the property, noting that it was constructed over the rear property line. Staff further advised that the applicant is proposing to relocate the structure to conform to all setbacks and to reduce the size of the accessory building.

In response to a question from the Board, staff advised that the applicant is proposing to move the existing building onto the property.

In response to a question from the Board, staff advised that variance for Total Parking Structure and Accessory Building on Lot would be required as the accessory structure and garage combined would be over 800 square feet total.

In response to a question from the Board, staff advised that accessory building is 391 square feet and the proposed accessory building is 366 square feet.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- They intend to partially dismantle the existing structure and reuse the materials to construct the proposed accessory building;
- The adjacent neighbour to the rear of their property is Seymour Golf and Country Club (SGCC);
- The fence between SGCC and the subject property was constructed within SGCC's property, not at the property line;
- The existing accessory structure was constructed to the fence line, which they were not aware was not on their property;
- Apologized for constructing the existing accessory building without permits;
- The proposed accessory structure is below the maximum 40 percent buildable space in the rear yard;
- They were not aware the accessory building was over the maximum allowable size;
- The foundation will likely need to be rebuilt;
- The roof will be rebuilt to comply with their engineer's recommendations;
- There was an existing accessory structure in the same location before the current building was constructed;
- When the original accessory structure deteriorated and needed to be replaced, they built a larger structure to accommodate additional storage needs for the family's recreational equipment and tools, including dirt bikes, mountain bikes, snowmobiles and lawnmower, as well as for items owned by family members who currently live or will live in condominiums;
- They use the garage for equipment maintenance and do not have room to store the equipment in that space;
- The proposal reduces the size of the non-conformance of the existing structure;
- The proposed design maintains a low roof height to prevent the structure from being within neighbours' sight lines; and,
- Noted the letters of support from neighbours.

In response to a question from the Board, staff advised that multiple accessory buildings are permitted as long as they do not exceed 40 percent of the of rear yard and the total combined floor area does not exceed 269 square feet.

In response to a question from the Board, the applicant advised that they would add an additional three feet in height to the design if required to comply with the maximum accessory building size of 269 square feet.

### **Representations from Notified Persons**

Nil

### **Representations from the Public**

Nil

### **Discussion**

Mr. Guy Akester spoke in opposition to the application, noting that the Board cannot take into consideration that a structure is already built. Mr. Akester stated that the applicant has not demonstrated a hardship and that there is adequate space on the property to build an accessory structure in compliance with the Zoning Bylaw.

The Chair spoke in opposition to the application, noting that options exist to store equipment within a smaller space and that the applicant has not demonstrated a hardship. The Chair stated that he is concerned an approval would set a precedent and that the maximum size for accessory buildings is part of the Zoning Bylaw for good reason.

Ms. Laura Lee Richard spoke in opposition to the application, noting that the Board is limited to considering applications on hardship. Ms. Richard noted that the applicant could apply for a Development Variance Permit, for which the decision-makers are not under the same constraint. Ms. Richard stated that storing snowmobiles and other equipment is a challenge and does not constitute a hardship.

Mr. Lee Gavel spoke in opposition to the application, noting that the applicant has not demonstrated a hardship.

Mr. Neville York spoke in opposition to the application, noting that the requested variance is a significant percentage over the permitted maximum size and that while the applicant may have storage issues, this does not constitute a hardship.

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

THAT Board of Variance Application BOV2022-00012 857 Fairway Drive presented at the January 19, 2023 Board of Variance meeting is DENIED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Total Parking Structure and Accessory Building on Lot	800 ft <sup>2</sup> (74.32 m <sup>2</sup> )	482 ft <sup>2</sup> (44.78 m <sup>2</sup> )	848 ft <sup>2</sup> (78.78 m <sup>2</sup> )	48 ft <sup>2</sup> (4.46 m <sup>2</sup> )
RS3	Maximum Accessory Building Size	269 ft <sup>2</sup> (24.99 m <sup>2</sup> )	0 ft <sup>2</sup> (0 m <sup>2</sup> )	366 ft <sup>2</sup> (34 m <sup>2</sup> )	97 ft <sup>2</sup> (9.01 m <sup>2</sup> )

**CARRIED**

**3. CORRESPONDENCE**

Nil

**4. NEXT MEETING**

The next regular meeting of the Board of Variance is scheduled for Thursday, February 16, 2023.

**5. ANY OTHER BUSINESS**

Nil

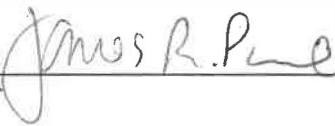
**6. ADJOURNMENT**

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

THAT the January 19, 2023 Board of Variance Meeting is adjourned at 5:47 p.m.

**CARRIED**

Chair



Committee Clerk

