

**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, March 16, 2023 in the Council Chamber of the District Hall, 355 West Queens Road, North Vancouver.

**Present:** James Paul, Chair  
Guy Akester, Vice-Chair  
Lee Gavel  
Laura Lee Richard  
Neville York

**Staff:** James Gordon, Municipal Clerk  
Veronica Milburn-Brown, Residential Plans Reviewer  
Jennifer Tehrani, Residential Plans Reviewer  
Cheryl Archer, Confidential Council Clerk  
Emily Allen, Committee Clerk

**Also in**

**Attendance:** Robert Blaney, Applicant  
Bradley Buss, Owner/Applicant  
Fraser Dow, Applicant  
Josef Geluch, Owner  
Mudit Jain, Owner  
Rajul Jain, Owner  
Ilona Kosciecha, Owner  
Marek Kosciecha, Owner  
Lauren Rose, Owner  
Lucia Sakhrani, Applicant  
James Sterling, Consultant

**1. Adoption of Minutes**

**1.1 February 16, 2023, Board of Variance Meeting**

**MOVED by Jim Paul**

**SECONDED by Guy Akester**

THAT the minutes of the February 16, 2023 Board of Variance meeting are adopted.

**CARRIED**

**2. Hearing of Applications**

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

## **2.1 1517 Draycott Road**

### **Staff Presentation**

Staff reported that the property is located in the RS3 Zone and that the lot area is 4,226 square feet. The house was built in 1914, is not on the Heritage Registry, and is located in a Development Permit Area for Creek Hazard Protection and Streamside Protection. Staff advised that a Geotechnical Report was required due to the creek running through the property, which specified a Flood Construction Level (FCL) of 405.2 feet and a two metre setback from the creek. Without the FCL requirement, the application would comply with the Zoning Bylaw. The roof projection variance is required due to the sideyard setback variance.

The variances requested on the property are as follows:

1. Sideyard Setback variance of 2 ft (0.61 m).
2. Minimum Setback for Roof Projection variance of 0.5 ft (0.15 m).
3. Maximum 4.5/12 Roof Height - Lot 33' to 39.9' Wide variance of 0.81 ft (0.25 m).
4. Maximum Eave Height variance of 1.19 ft (0.36 m).

In response to a question from the Board, staff advised that the siting of the house is to comply with the required creek setback and that the height is due to FCL requirements.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- The Qualified Professional who authored the Flood Hazard Assessment report is in the meeting if the Board has any specific questions regarding the report;
- There is a creek the entire length of the east side of the property;
- If the creek were not present, a house could be designed in compliance with the Zoning Bylaw;
- The proposed design uses the footprint of the existing house;
- A basement is not possible on the property due to the FCL, reducing the buildable living space;
- If the natural grade were used to calculate height rather than the FCL, the proposal would conform to the Zoning Bylaw;
- The lot slopes toward the creek on the property;
- To reduce the variance requested, the second floor ceilings are eight feet rather than nine, which would have been preferred;
- To protect the privacy of the neighbour to the west, there are no windows on that side of the proposed dwelling;
- The proposed height is similar to, and less than, the two adjacent properties; and,
- The current roof overhang encroaches onto the neighbouring property.

In response to a question from the Board, the applicant advised that they did not wish to build a longer house as they are using the same footprint as the current house and maintaining existing paving. The applicant noted that a narrower house would make the bedrooms on the upper floor an odd shape.

In response to a question from the Board, the applicant advised that owner of the property adjacent to the retaining wall did not provide a support letter.

## Representations from Notified Persons

Kim Hardacre, 1500 Block Ross Road:

- Spoke in support of the application;
- Expressed appreciation for the applicant's plan to live in the proposed dwelling;
- Stated that the neighbour who did not provide a support letter does not reside in the neighbourhood; and,
- Commented on steps the applicant has taken to address neighbours' privacy.

## Representations from the Public

Nil

## Discussion

Lee Gavel spoke in support of the application, noting that the buildable area of the lot is constrained by the creek and the topography, creating a hardship.

Laura Lee Richard spoke in support of the application, noting that the proposed house fits within the context of the surrounding neighbourhood and the application respects the environmental constraints of the property.

Guy Akester spoke in support of the application, noting that the variances requested are minor and the owners are proposing to improve the condition of the property.

Neville York spoke in support of the application, noting that the existence of the creek and FCL create hardships and that the applicant is not permitted to build a basement. It was noted that the proposed house is lower in height than the adjacent properties and neighbours have expressed support for the application.

The Chair spoke in support of the application, noting concurrence with the reasons cited by the other members of the Board, that the requested variances are minor, and that there are property-related hardships.

**MOVED by Lee Gavel**

**SECONDED by Laura Lee Richard**

THAT Board of Variance Application BOV2023-00002 1517 Draycott Road presented at the March 16, 2023 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Sideyard Setback	4 ft (1.22 m)	0 ft (0 m)	2 ft (0.61 m)	2 ft (0.61 m)
	Minimum Setback for Roof Projection	2 ft (0.61 m)	0 ft (0 m)	1.5 ft (0.46 m)	0.5 ft (0.15 m)
	Maximum 4.5/12 Roof Height - Lot 33' to 39.9' Wide	26 ft (7.92 m)	0 ft (0 m)	26.81 ft (8.17 m)	0.81 ft (0.25 m)
	Maximum Eave Height	22 ft (6.71 m)	0 ft (0 m)	23.19 ft (7.07 m)	1.19 ft (0.36 m)

**CARRIED**

## **2.2 2203 Hyannis Drive**

### **Staff Presentation**

Staff reported that the property is located in the RS3 Zone and that the lot area is 7,505 square feet. The house was built in 1967, is not on the Heritage Registry, and is located in a Development Permit Area for Wildfire Hazard: Wildfire Interface Area. Staff reported that a retaining wall has been constructed in the Statutory Right of Way (SRW) without permits and the District has issued a Stop Work Order (SWO). The applicant is working with the District's Engineering Department to remove the retaining wall from the SRW and meet the requirement for a minimum of 1.5 metres of soil over the sanitary and stormwater lines in the SRW. The variance is required to maintain the existing grade of the back yard.

The variance requested on the property is as follows:

1. Max Retaining Wall Height variance of 2 ft (0.61 m).

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- A pool was installed by a previous owner in the 1980s with the required permits;
- A patio was constructed by the previous owners over the SRW and one foot higher than the pool deck;
- At the time they purchased the property in 2017, the retaining walls were in poor condition and required replacement;
- Several landscaping companies advised that a building permit was not required to construct a new retaining wall;
- The previously existing patio has been disassembled and rocks that had been piled on the property by a previous owner have been removed;
- Construction on the retaining wall and fencing began in January 2022 and was close to completion in May 2022 when a SWO was issued;
- The applicant submitted a permit application including geotechnical drawings;
- In October 2022, the applicant received a letter advising of the SRW encroachment;
- District Engineering staff clarified that nothing can be present within the SRW;
- The garden beds that had been installed within the SRW are being removed;
- Only the outer retaining wall is proposed to be preserved, which will allow the use of the existing fence posts as well as saving the costs involved with removal and redesign;
- The unanticipated cost of removing materials from the SRW creates a financial hardship and has already resulted in additional debt for the family at a time when borrowing rates are high;
- There is an existing safety concern as there is a pool on the property without adequate fencing;
- The District changed the maximum height of retaining walls from four feet to three feet in the Zoning Bylaw, although the definition of "Retaining Wall" in the Construction Bylaw includes a reference to a height of four feet or greater; and,
- All their notified neighbours have provided letters of support.

## Representations from Notified Persons

Nil

## Representations from the Public

Nil

## Discussion

Guy Akester spoke in support of the application, noting that the application satisfies the requirements of the Engineering Department, the location of the SRW and existing pool create a hardship, the requested variance is minor and the variance does not defeat the intent of the Zoning Bylaw.

Neville York spoke in support of the application, noting that only a portion of the retaining wall exceeds the maximum height requirement, the previous retaining wall required replacement, and the requested variance is minor.

Laura Lee Richard spoke in support of the application, noting that the requested variance is minor and that the applicant has invested significant resources.

Lee Gavel spoke in support of the application, noting that the requested variance is minor and the existence of the SRW creates a hardship.

The Chair spoke support of the application, noting the existence of the SRW and pool create a hardship and that the neighbours have expressed support for the project.

**MOVED by Guy Akester**

**SECONDED by Neville York**

THAT Board of Variance Application BOV2023-00005 2203 Hyannis Drive presented at the March 16, 2023 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Max Retaining Wall Height	3 ft (0.91 m)		5 ft (1.52 m)	2 ft (0.61 m)

**CARRIED**

### 2.3 2582 Panorama Drive

#### Staff Presentation

Staff reported that the property is located in the RS4 Zone and that the lot area is 4,589 sq. ft. The house was built in 1926, is not on the Heritage Registry, and is located in a Development Permit Area for Wildfire Hazard: Wildfire Interface Area, which is not applicable for this application. A Building Permit has been issued for construction of the new house and pool. Parking pads and garages are difficult to include on the lower side of Panorama Drive and homes on that side with existing parking pads or garages are either existing non-conforming or have received variances through the Board of Variance or Development Variance Permit process.

The proposed garage uses the site of the original parking pad, which would also have required variances to replace under the current Zoning Bylaw.

The variances requested on the property are as follows:

1. Garage Front Yard Setback variance of 18.35 ft (5.59 m).
2. Accessory Building in Rear Yard variance of Location.
3. Accessory Building Facing a Street variance of 8.35 ft (2.55 m).
4. Parking Structure Floor Height above natural grade variance of 8.1 ft (2.46 m).
5. Roof Projection variance of 14.35 ft (4.37 m).
6. Retaining Wall Height variance of 7.21 ft (2.2 m).
7. Paving within Required Front Yard variance of 319 ft<sup>2</sup> (29.64 m<sup>2</sup>).
8. Parking Structure in Required Front Yard variance of 34 ft<sup>2</sup> (3.16 m<sup>2</sup>).
9. Building Coverage variance of 220 ft<sup>2</sup> (20.44 m<sup>2</sup>).

In response to a question from the Board, staff advised that they do not have the previous elevations to compare with the elevations following excavation.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- Building on Panorama Drive has unique challenges, including water tables, view corridors, and the ocean on the lower side of the street;
- They had originally planned to retain the parking pad, but its removal was required for excavator access to the property;
- Parking at street level is the only feasible parking solution due to the steep slope of the lot and the neighbouring property;
- The original parking pad caused runoff onto the property;
- Positioning the garage closer to the front property line reduces the impact on the neighbours' view corridors and the size of the retaining wall required on the property;
- The impact on the neighbour's view corridor is no greater than the original parking pad;
- Panorama Drive has significant congestion and parking issues in the summer season; and,
- The depth and setback of the garage prevent anyone from parking outside the garage with part or all of the vehicle in the roadway.

In response to a question from the Board, the applicant advised that the neighbours to the east and west have two-car garages, which are set back further from the property line. However, they park outside their garages with the ends of vehicles in the roadway. The applicant noted that many other properties on Panorama Drive have garages.

### **Representations from Notified Persons**

Nil

### **Representations from the Public**

Nil

## Discussion

Guy Akester spoke in support of the application, noting that it is not possible to comply with the Zoning Bylaw to build off-street parking on the property, which is necessary on Panorama Drive. The width of the property and narrow roadway create a hardship and the requested variances are reasonable.

Lee Gavel spoke in support of the application, noting that there is precedent for variances to allow parking structures on Panorama Drive and it is not possible to include off-street parking on this property within the Zoning Bylaw. The letters from neighbouring properties stated opposition to variances in principle rather than the specific variances requested for this application.

Laura Lee Richard spoke in support of the application, noting that garages are allowed in front yards and that the design reduces the impact on road users by eliminating parking outside the garage.

Neville York spoke in support of the application noting that Panorama Drive is a narrow street without sidewalks or parking, there are several properties with similar variances on the street, and the design minimizes the impact on road users.

The Chair spoke support of the application, noting there is precedent with other properties on Panorama Drive granted variances to allow construction of parking structures, which are not possible to build without variances, and that the design minimizes the impact on neighbours.

**MOVED by Guy Akester**

**SECONDED by Lee Gavel**

THAT Board of Variance Application BOV2023-00004 2582 Panorama Drive presented at the March 16, 2023 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS4	Garage Front Yard Setback	20 ft (6.1 m)		1.65 ft (0.5 m)	18.35 ft (5.59 m)
	Accessory Building in Rear Yard or Interior Side Yard Only	Rear Yard or Interior Side Yard		Front Yard	Location
	Accessory Building Facing a Street	10 ft (3.05 m)		1.65 ft (0.5 m)	8.35 ft (2.55 m)
	Parking/Accessory Structure Floor Height above Natural Grade	4 ft (1.22 m)		12.1 ft (3.68 m)	8.1 ft (2.46 m)
	Roof Projection	16 ft (4.88 m)		1.65 ft (0.5 m)	14.35 ft (4.37 m)
	Retaining Wall Height	3 ft (0.91 m)		10.21 ft (3.11 m)	7.21 ft (2.2 m)
	Paving within Required Front Yard	330 ft <sup>2</sup> (30.66 m <sup>2</sup> )	330 ft <sup>2</sup> (30.66 m <sup>2</sup> )	649 ft <sup>2</sup> (60.29 m <sup>2</sup> )	319 ft <sup>2</sup> (29.64 m <sup>2</sup> )

	Parking Structure in Required Front Yard	206 ft <sup>2</sup> (19.14 m <sup>2</sup> )		240 ft <sup>2</sup> (22.3 m <sup>2</sup> )	34 ft <sup>2</sup> (3.16 m <sup>2</sup> )
	Building Coverage	1606 ft <sup>2</sup> (149.2 m <sup>2</sup> )		1826 ft <sup>2</sup> (169.64 m <sup>2</sup> )	220 ft <sup>2</sup> (20.44 m <sup>2</sup> )

**CARRIED**

## 2.4 625 Riverside Drive

### Staff Presentation

Staff reported that the property is located in the RS2 Zone and that the lot area is 28,752 sq. ft. The house was built in 1932, is not on the Heritage Registry, and is located in a Development Permit Area for Creek Hazard, Streamside Protection, and Wildfire Hazard: Wildfire Interface Area. The Environment Department is working with the applicant regarding the required environmental Development Permits and has confirmed they may apply to the Board of Variance. The lot is very long and not a typical rectangular shape. The proposed design follows the shape of the lot. Building depth in the RS2 Zone is calculated using the Datum Determination Points (DDP) and cannot exceed 65 feet on either side of the centre line drawn through the DDPs. Due to the shape of the lot and how the building depth is calculated, it is not possible to comply with the building depth requirement on this property. The variances for height and eave height are required due to the FCL, which is 2.73 feet above the existing grade. The proposed ceiling heights are eight feet, ten inches on the main floor and eight feet, three inches on the upper floor in order to reduce the required variances while maintaining liveability.

The variances requested on the property are as follows:

1. Maximum Building Depth variance of 50.11 ft (15.27 m).
2. Maximum Flat Roof Building Height - Lot 40' Wide or More variance of 0.42 ft (0.13 m).
3. Maximum Eave Height variance of 4 ft (1.22 m).

In response to a question from the Board, staff advised that if the structure were proposed to be built closer to the street, variances would still be required due to the calculation of building depth using DDPs rather than through a centre line through the property.

In response to a question from the Board, staff advised that maximum building depth does not vary by the size of the lot.

In response to a question from the Board, staff advised that they are not aware if the neighbouring house with a large building depth required a variance.

### Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The maximum building depth is fixed regardless of the length of the site;
- The calculation of the centre line bisector and DDPs do not take into account the odd shape of the lot;
- The property to the immediate south of the subject property has a building depth of more than 120 feet;



- The FCL increases the height as it is above the natural grade by 2.2 feet;
- There is a SRW on the site;
- The owners wish to have their home close to Seymour River and moving the house closer to the road would not eliminate the need for variances;
- Three of the four notified neighbours provided letters of support for the application;
- The design reduces the massing of the house and does not impact the view of the home from the street;
- The maximum height variance requested is 0.47 feet;
- The eave height is measured to the top of the decking; and,
- The design incorporates open eaves with no soffit.

In response to a question from the Board, the applicant advised that the bulk of the house is designed with a single storey to allow for aging in place. The upper floor over the bedrooms is a play area as a basement is not permitted due to the FCL.

In response to a question from the Board, the applicant advised that the siting of the house is impacted by the requirement to be within 90 metres of a fire hydrant and the approximately 400-year-old cedar that must be retained.

In response to a question from the Board, the applicant advised that the garage is not attached and is not included in calculation of building depth.

In response to a question from the Board, the applicant advised that the maximum height variance requested is five inches and that the eave height variance is caused by the absence of soffits.

In response to a question from the Board, the applicant advised that the ceiling height on the upper floor is 8.3 feet to the bottom of the beams and there are also beams used on the ceiling on a portion of the main floor.

In response to a question from the Board, the applicant advised that centre line bisector does not follow the shape of the lot.

In response to a question from the Board, the owner advised that the SRW is owned by BC Hydro.

In response to a question from the Board, the applicant advised that siting the house further to the front or back would not affect the need for a variance for maximum height as the FCL applies to the entire site. The applicant noted that the owner is considering a future coach house on the property.

### **Representations from Notified Persons**

Nil

### **Representations from the Public**

Nil

## Discussion

Neville York spoke in support of the application, noting that the depth of the lot, FCL and SRW are hardships, the neighbours have provided support letters, and the design minimizes the impact on the surrounding properties.

Lee Gavel spoke in support of the application, noting that the majority of the requested variances are due to the Zoning Bylaw calculations based on a rectangular lot shape, the requested variances are minor, and there is minimal impact on the neighbouring properties.

Laura Lee Richard spoke in support of the application, noting that the variances are required due to the unusual shape of the property.

Guy Akester spoke in opposition to the application, noting that, while the eave height variance would be acceptable, the building depth variance could have been reduced with a smaller structure as the proposal is for a more than 5,500 square feet house.

The Chair spoke support of the application, noting that the shape of the lot and the FCL are hardships, the large building depth of the house next door is a precedent, and neighbours have provided letters of support.

**MOVED by Neville York**

**SECONDED by Lee Gavel**

THAT Board of Variance Application BOV2023-00001 625 Riverside Drive presented at the March 16, 2023 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS2	Maximum Building Depth	65 ft (19.81 m)	0 ft (0 m)	115.11 ft (35.09 m)	50.11 ft (15.27 m)
	Maximum Flat Roof Building Height - Lot 40' Wide or More	22 ft (6.71 m)	0 ft (0 m)	22.42 ft (6.83 m)	0.42 ft (0.13 m)
	Maximum Eave Height	18 ft (5.49 m)	0 ft (0 m)	22 ft (6.71 m)	4 ft (1.22 m)

**CARRIED**

Opposed: Guy Akester

### 3. CORRESPONDENCE

Nil

### 4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, April 20, 2023.

## 5. ANY OTHER BUSINESS

The Board commented on the number of applications with similar property-related hardships on Panorama Drive. The Board queried if properties on Panorama Drive could be zoned to account for their unique challenges. The Board also queried if building depth requirements could be updated in the Zoning Bylaw to account for lot size.

James Gordon, Manager – Administrative Services, advised that these questions will be forwarded to the Planning, Permits and Properties Division and staff will report back to a future Board of Variance meeting.

The Board queried the differences between the Zoning Bylaw and Construction Bylaw regarding retaining walls. Staff advised that the maximum height of retaining walls was amended in the Zoning Bylaw in March 2021 and that they will consult with senior staff and report back.

The Board expressed a preference for holding Board of Variance meetings in the Committee Room as the audio quality is higher than in the Council Chamber. Staff advised that meetings are scheduled in the Committee Room with the Council Chamber used only if there is an issue with using the Committee Room.

## 6. ADJOURNMENT

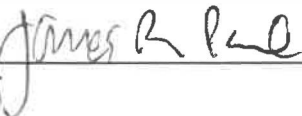
**MOVED by James Paul**

**SECONDED by Guy Akester**

THAT the March 16, 2023 Board of Variance Meeting is adjourned at 6:37 p.m.

**CARRIED**

Chair



Committee Clerk

