

**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 18, 2024 in the Committee Room of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

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

**Staff:** Genevieve Lanz, Director – Legislative Services and Corporate Officer  
Veronica Milburn-Brown, Acting Supervisor – Residential Plans Review  
Jennifer Malcolm, Residential Plans Reviewer  
Amanda Day, Administration Clerk  
Jillian Holden, Administration Clerk

**Also in**

**Attendance:** Robert Blaney, Applicant  
Tymothy Frank, Owner  
Olga Golesciuc, Owner  
Hayley Morgan, Owner  
Marcel Ouatu, Owner  
Alex Voth, Applicant  
Notified Person for Application 2.1

**1. Adoption of Minutes**

**1.1 February 20, 2024, Board of Variance Meeting**

**MOVED by Lee Gavel**

**SECONDED by Laura Lee Richard**

THAT the minutes of the February 15, 2024 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.

**2.1 474 Montroyal Boulevard**

**Staff Presentation**

Staff reported that the property is located in the RS3 Zone and that the lot area is 7,538 square feet. The house was built in 1959 and is not on the Heritage Registry. The property is located in a Development Permit Area for Slope Hazard and the applicant is working with the District's Environment Department.

The proposal is for a new single-family home with a secondary suite, and a demolition permit has been issued for the existing house. The property slopes steeply from the east rear property line to the west front property line, with an elevation difference of 30 feet. The retaining walls at the rear of the property will be removed and rebuilt under a separate building permit and are not the subject of this application.

The variances requested on the property are as follows:

1. Principal Dwelling Height variance of 2.77 feet (0.84 metres).
2. Principal Dwelling Eave Height variance of 2.02 feet (0.62 metres).
3. Retaining Wall Height variance of 1 foot (0.3 metres).
4. Subsequent Retaining Wall Setback variance of 8.23 degrees.
5. Upper Storey Floor Area variance of 84 square feet (7.8 square metres).
6. Parking Structure Height variance of 1.55 feet (0.47 metres).

In response to a question from the Board, staff clarified that the requested variance for retaining wall height is for retaining walls at the front of the property.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- The site is challenging due to the steep slope;
- The owners purchased the property with the knowledge that it would be difficult to build on;
- The retaining walls at the rear of the property have significantly deteriorated and are in an unsafe condition;
- The neighbour to the rear of the property has a swimming pool uphill from the subject site and they are working with the neighbour regarding slope stability;
- An engineering firm has been engaged by the owners to determine requirements for the rear of the property to address the hazard;
- The rear retaining walls must be replaced to support the uphill property and the height is determined by the geotechnical engineer;
- The property slopes upward 40 feet from the centre of the driveway at road level to the rear, with the retaining wall adding an additional eight feet;
- The variances are relatively minor when the site conditions are taken into account;
- The driveway is designed at the maximum slope permitted;
- It was challenging to position the structure within the property;
- The design of the garage and driveway included allowances for a natural depression;
- The access to the suite is designed with stairs up to the entrance from outside and stairs down inside the suite to avoid the suite being included in the calculation of floor space ratio (FSR) and not in the basement exclusion;
- The variance for roof height is required due to the steep slope of the property;
- The slope of the boulevard affects the size of the building envelope;
- The house is positioned further to the front due to the steep slope and concerns regarding slope stability at the rear of the property;
- The house cannot be positioned lower due to the retaining walls at the rear;
- The eave height cannot be lowered any further;

- The front retaining walls are designed to build up the grade at the front of the property with fewer retaining walls as some yard space in the rear is lost due to the lot conditions and they wanted to create more yard space in the front;
- The first retaining wall at the property line at the front requires a variance for the portion above the allowable height at the top right corner;
- The variance for the upper floor area is required due to the removal of a covered patio over the garage, which would have caused the house to exceed the permitted FSR;
- The removal of the covered patio reduced the floor area of the main floor and resulted in a smaller allowable upper floor because the maximum is determined by a percentage of the main floor area;
- The patio above the garage is not considered a veranda because it is on the upper floor; and,
- In order to avoid the variance for parking structure height, the patio railing would have been required to be set back five feet from the front of the garage, which would have reduced the useable space on the patio.

In response to a question from the Board, the applicant advised that the difference in elevation is 12 feet from east to west at the front of the property and even from east to west at the rear.

In response to a question from the Board, the applicant advised that they had not explored other design solutions to avoid the retaining wall height variance in the front of the property, noting that the requirements for retaining walls had changed in the Zoning Bylaw while the design was underway and they had not altered the design in response to these changes.

In response to a question from the Board, the applicant advised that the retaining wall on the side of the property does not require a variance as it is below the maximum height permitted.

In response to a question from the Board, the applicant advised that the retaining wall height variances are requested not due to hardship, but to reduce costs by reducing the number of retaining walls required on the site and to simplify construction. In order to comply with the Zoning Bylaw, one additional wall would be required.

In response to a question from the Board, the applicant advised that the height of the existing retaining walls at the rear of the property are four to nine feet, noting that these retaining walls have failed.

In response to a question from the Board, the applicant advised that total floor area of the home is 4,260 square feet: the upper floor is 1,300 square feet, the main floor is 1,560 square feet, and the basement 1,400 square feet.

In response to a question from the Board, the applicant confirmed that the upper floor area could be reduced or a covered patio space added on the main floor to eliminate the variance for upper storey floor area. He further noted that the original design had included a covered space above the garage, but due to the basement exposure, it was determined that it could not be considered a veranda and would have counted toward the upper storey floor area rather than the main floor. A covered patio space

at the rear of the house could also eliminate the need for the upper storey floor area, but it was considered a large expense to retain 84 square feet of space and conform to the Zoning Bylaw. The applicant opined that the removal of the covered space over the garage as it could not be considered a veranda is due to the siting of the land and constitutes a hardship.

In response to a question from the Board, the applicant advised that the variance for the garage height is due to measuring the height at the top of the railing.

In response to a question from the Board, the applicant advised that the ceiling height inside the garage is nine feet and lowering the ceiling height to reduce or eliminate the need for a variance was not considered. The applicant noted that the driveway is very steep and they did not want to lower the floor of the driveway as this would require building additional stairs to access the garage from the house. The applicant further advised that lowering the main floor is possible but would involve a great deal of work.

### **Representations from Notified Persons**

Notified Person, 400 Block Montroyal Boulevard:

- Expressed concern regarding the retaining wall between his adjacent property and the subject property as the wall is deteriorating and migrating onto his property;
- Expressed concern regarding water runoff from the mountain increasing the deterioration of the retaining wall;
- Noted there are trees on the slope that protect slope stability; and,
- Stated that looks forward to construction starting on the new home.

The applicant clarified that a variance is not requested for the retaining wall between the properties and that there is approximately five feet difference in elevation between the properties.

### **Discussion**

Lee Gavel spoke in opposition to the application, noting that while there are challenges with the steep slope on the site, the design is too large for the property and is more suitable for a flat property. Design elements such as varied roof and floor planes could have eliminated the need for variances. The requested variances would maximize the benefits of the house, but they are not due to hardship. As this is new construction, the home could be designed without or with fewer variances.

Guy Akester spoke in opposition to the application, noting agreement with comments by the other Board members, that there are a large number of variances requested and that hardship has not been demonstrated. The need for variances could have been reduced or eliminated through design, including the removal of one of four bathrooms on the upper storey.

Neville York spoke in opposition to the application, noting agreement with comments by the other Board members, that hardship has not been demonstrated, and that the home could be designed in compliance with the Zoning Bylaw.

Laura Lee Richard spoke in opposition to the application, noting that hardship has not been demonstrated for any of the requested variances and that the home could be designed without a need for variances if the site conditions are taken into account in the design process.

The Chair spoke in opposition to the application, noting agreement with the comments by the other Board members and the large number of requested variances.

**MOVED by Lee Gavel**

**SECONDED by Guy Akester**

THAT Board of Variance Application BOV2024-00004 474 Montroyal Boulevard presented at the April 18, 2024 Board of Variance meeting is DENIED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Principal Dwelling Flat Roof Height	28 ft (8.53 m)	n/a	30.77 ft (9.38 m)	2.77 ft (0.84 m)
RS3	Principal Dwelling Eave Height	20.63 ft (6.29 m)	n/a	22.65 ft (6.9 m)	2.02 ft (0.62 m)
RS3	Retaining Wall Height	3 ft (0.91 m)	n/a	4 ft (1.22 m)	1 ft (0.3 m)
RS3	Subsequent Retaining Wall Setback	35 Degrees	n/a	43.23 Degrees	8.23 Degrees
RS3	Upper Storey Floor Area	1235 ft <sup>2</sup> (114.73 m <sup>2</sup> )	n/a	1319 ft <sup>2</sup> (122.54 m <sup>2</sup> )	84 ft <sup>2</sup> (7.8 m <sup>2</sup> )
RS3	Parking Structure Height	12 ft (3.66 m)	n/a	13.55 ft (4.13 m)	1.55 ft (0.47 m)

**CARRIED**

## 2.2 3725 Sunset Boulevard

### Staff Presentation

Staff reported that the property is located in the RS3 Zone and that the lot area is 7,066 square feet. The house was built in 1951, is not on the Heritage Registry, and is located in a Development Permit Area for Streamside Protection.

The proposal is for construction of a new single-family home. A building permit was applied for and complies with the Zoning Bylaw but could not be issued due to groundwater issues and the District's Sewer Bylaw, which prohibits the discharge of groundwater into the District sewer system. The applicant is proposing to raise the building to address this issue, which would require height variances for roof and eave heights.

The variances requested on the property are as follows:

1. Principal Dwelling Height Flat Roof variance of 3.33 feet (1.01 metres); and,
2. Principal Dwelling Eave Height variance of 0.40 feet (0.12 metres).

In response to a question from the Board, staff advised that Streamside Development Permit requirements are due to the groundwater below the property and the geotechnical report notes the water level.

### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- The owners have lived at the property for three years and started the design process for a new home in 2021;
- The new home is designed for their growing family and to accommodate housing an aging parent on the lower level;
- They have worked with District staff on a stormwater management plan to allow construction of a lower level without the need to manage the groundwater;
- A standard lower level is not possible due to the groundwater, which creates a hardship;
- Raising the house 3.5 feet also results in a more manageable driveway slope;
- The visual impact of raising the house is minimal; and,
- Eleven support letters have been provided from neighbours, including all properties facing and adjacent to the subject property.

In response to a question from the Board, the applicant advised that the owners canvassed the neighbourhood and did not advise of any neighbours in opposition. Those that are not marked in support on the map may have been unavailable.

In response to a question from the Board, the applicant advised that if the lower level was designed as a crawlspace, they would lose needed space for a parent to age in place, a music room for the owner, who is a musician, and space for their growing family.

In response to a question from the Board, the applicant advised that the basement ceiling height is eight feet.

### **Representations from Notified Persons**

Nil

### **Representations from the Public**

Nil

### **Discussion**

Neville York spoke in support of the application, noting that the water table and streamside requirements create a hardship and including a suite in the design to allow aging in place is reasonable.

Laura Lee Richard spoke in support of the application, noting that the geotechnical review shows issues with complying due to the groundwater and that the requested variances are minor.

Guy Akester spoke in support of the application, noting that the water table creates a hardship, the requested variances are minor, and that approving the application does not defeat the intent of the Zoning Bylaw.

Lee Gavel spoke in support of the application, noting that the applicant has demonstrated hardship and has made an effort to comply with the Zoning Bylaw.

The Chair spoke in support of the application, noting that the water table creates a hardship and that the neighbours have expressed support for the application.

**MOVED by Neville York**

**SECONDED by Laura Lee Richard**

THAT Board of Variance Application BOV2024-00001 3725 Sunset Boulevard presented at the April 18, 2024 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Principal Dwelling Height Flat Roof	22 ft (6.71 m)	n/a	25.33 ft (7.72 m)	3.33 ft (1.01 m)
RS3	Principal Dwelling Eave Height	22.50 ft (6.86 m)	n/a	22.90 ft (6.98 m)	0.40 ft (0.12 m)

**CARRIED**

**3. CORRESPONDENCE**

Nil

**4. NEXT MEETING**

The next regular meeting of the Board of Variance is scheduled for Thursday, May 16, 2024.

**5. ANY OTHER BUSINESS**

Nil

**6. ADJOURNMENT**

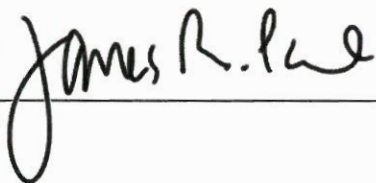
**MOVED by**

**SECONDED by**

THAT the April 18, 2024 Board of Variance Meeting is adjourned.

**CARRIED**  
(5:57 p.m.)

Chair



Committee Clerk

