

**DISTRICT OF NORTH VANCOUVER
BOARD OF VARIANCE**

Minutes of the Board of Variance of the District of North Vancouver held at 5:01 p.m. on Thursday, October 17, 2024 in the Committee Room of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

Present: James Paul, Chair
Laura Lee Richard
Neville York
Robert Griesdale

Absent: Guy Akester, Vice-Chair

Staff: Genevieve Lanz, Director – Legislative Services and Corporate Officer
Lisa Koncsik, Acting Supervisor – Residential Plans Review
Veronica Milburn-Brown, Acting Supervisor – Residential Plans Review
Kaitlin Hebron, Confidential Council Clerk
Amanda Day, Administration Clerk

Also in

Attendance: Johanna Carter, Owner
Michael Carter, Owner
Robin Hackl, Owner/Applicant
Amir Farbehi, Inspired Architecture, Applicant
Jessica Hanley, Jessica Bremner Design, Applicant
Yekateryna Krotenko, Owner/Applicant
Andrea Moe, Owner
Jesse Moe, Owner
Samad Rajabi, Owner
Simon Yu, Mountaindeck Construction Inc., Applicant

1. Adoption of Minutes

1.1 September 19, 2024, Board of Variance Meeting

MOVED by James Paul

SECONDED by Laura Lee Richard

THAT the minutes of the September 19, 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 4482 Prospect Road

Staff Presentation

Staff reported that the property is located in the RS3 Zone, the house was built in 1959, is not on the Heritage Registry, and is not located in a Development Permit

Area. The proposal is for a tram to provide access to the principal dwelling from the existing parking structure.

The variances requested on the property are as follows:

1. Accessory Building Side Yard Setback variance of 3.23 feet (0.98 metres).
2. Accessory Building Location Rear Yard Only variance of location.
3. Accessory Building setback from other building or structure variance of 4.58 feet (1.4 metres).
4. Accessory Building floor variance of 2.22 feet (0.68 metres).

In response to a question from the Board, staff advised that the entire tram lift would not comply with the Zoning Bylaw.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- They have lived at the property for ten years;
- Funds were not available for construction of a tram at the time they originally renovated the home;
- The property has a steep east-to-west slope;
- Accessing the home requires 44 steps with a substantial elevation change, which has caused difficulties for the residents, including being refused deliveries;
- Other options for the tram lift have been explored; and,
- The proposed location is ideal for egress from the garage structure.

Representations from Notified Persons

- Nil

Representations from the Public

- Nil

Discussion

Neville York spoke in support of the application, noting that the lift is necessary for this property, there is a clear hardship due to the grade, and the Zoning Bylaw does not address lifts and trams.

Laura Lee Richard spoke in support of the application, noting that the requested variances are minor and the grade presents a clear hardship.

Robert Griesdale spoke in support of the application, noting that the requested variances will allow the owners to age in place and stay in the home, and that the proposed design fits the lot.

The Chair spoke in support of the application, noting that the grade presents a hardship and that the adjacent neighbour has provided a letter of support.

MOVED by Neville York

SECONDED by Laura Lee Richard

THAT Board of Variance Application BOV2024-00013 4482 Prospect Road presented at the October 17, 2024 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Accessory Building Side Yard Setback	4 ft (1.22 m)	n/a	0.77 ft (0.23 m)	3.23 ft (0.98 m)
	Accessory Building Location Rear Yard Only	Rear Yard	n/a	Front Yard	Front Yard
	Accessory Building setback from other building or structure	5 ft (1.52 m)	n/a	0.42 ft (0.13 m)	4.58 ft (1.4 m)
	Accessory Building floor 4ft from natural grade	4 ft (1.22 m)	n/a	6.22 ft (1.9 m)	2.22 ft (0.68 m)

CARRIED

2.2 3873 Calder Avenue

Staff Presentation

Staff reported that the property is located in the RSNQ Zone and is located in a Development Permit Area for Slope Hazard and Streamside Protection. The proposal is for a new home following the demolition of the existing house.

The variances requested on the property are as follows:

1. Combined Front and Rear Yard Setback variance of 1.06 feet (0.32 metres).
2. Veranda Projection variance of 2.71 feet (0.82 metres).
3. Roof Projection variance of 5.86 feet (1.78 metres).

In response to a question from the Board, staff advised that work would not be permitted in the steeply sloped area and any work on the site would be subject to a Development Permit from the Environment Department to meet Development Permit Area requirements.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The lot depth of the property is non-compliant;
- A deck on the rear of the home is required;
- The requested variances are minor;
- A basement is not proposed; and,
- Complying with the Zoning Bylaw would impact the cost to build and resale value of the home.

In response to a question from the Board, the applicant advised that the proposed building is located further to the north to avoid having a significant drop to the retaining wall from the driveway.

In response to a question from the Board, the applicant advised that the lot depth is one metre less than the standard depth and the veranda extension and roof projection variances would not be required on a standard depth lot.

In response to a question from the Board, staff advised that the building is sited further to the rear of the site to maximize the size of the front yard and the building depth is required due to the siting. There is a significant slope from the street and the building must be sited to meet the driveway slope.

In response to a question from the Board, the applicant advised that the building depth is compliant with the Zoning Bylaw.

In response to a question from the Board, the applicant advised that the veranda extension and roof projection variances are not avoidable.

In response to a question from the Board, the applicant advised that the hardship is that not having a basement with a secondary suite reduces the resale value of the property and the veranda adds value to the main floor. The applicant stated that the building requires a rear deck due to its size and it must be covered to allow use in rainy weather.

The applicant noted that there is no neighbouring property to the west and stated that other neighbouring properties are non-compliant and that the proposal would not block sightlines for any neighbours.

Representations from Notified Persons

- Nil

Representations from the Public

- Nil

Discussion

At the request of the Board, the motion was bifurcated to consider the variance for Combined Front and Rear Yard Setback as a separate proposition.

Laura Lee Richard spoke in support of the first variance (Combined Front and Rear Yard Setback variance of 1.06 feet (0.32 metres)) and in opposition to the other two variances (Veranda Projection variance of 2.71 feet (0.82 metres) and Roof Projection variance of 5.86 feet (1.78 metres)). Ms. Richard noted the steep slopes and design of the lot present a hardship for the first variance and that hardship has not been demonstrated for the second and third variances.

Robert Griesdale spoke in support of the first variance and in opposition to the other two variances, noting that hardship has not been demonstrated for the second and third variances.

Neville York spoke in support of the first variance, referring to environmental constraints, and in opposition to the other two variances, noting that market value is not a suitable hardship.

The Chair spoke in support of the first variance, echoing the environmental constraints previously outlined, and in opposition to the other two variances, noting that hardship has not been demonstrated.

The Board considered the first variance at this point in the proceedings.

MOVED by Laura Lee Richard

SECONDED by Robert Griesdale

THAT the variance for Combined Front and Rear Yard Setback in Board of Variance Application BOV2024-00017 3873 Calder Avenue presented at the October 17, 2024, Board of Variance meeting is **APPROVED** as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSNQ	Combined Front and Rear Yard Setback	60 ft (18.29 m)	n/a	58.94 ft (17.96 m)	1.06 ft (0.32 m)

CARRIED

The Board considered the second and third variances at this point in the proceedings.

MOVED by Laura Lee Richard

SECONDED by Robert Griesdale

THAT the variances for Veranda Projection and Roof Projection in Board of Variance Application BOV2024-00017 3873 Calder Avenue presented at the October 17, 2024, Board of Variance meeting are **DENIED** as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RSNQ	Veranda Projection	21 ft (6.4 m)	n/a	18.29 ft (5.57 m)	2.71 ft (0.82 m)
	Roof Projection	21 ft (6.4 m)	n/a	15.14 ft (4.61 m)	5.86 ft (1.78 m)

CARRIED

2.3 2250 Hoskins Road

Staff Presentation

Staff reported that the property is located in the RS3 Zone and is located in a Development Permit Area for Slope Hazard and Streamside Protection. The house was built in 1952 and is not on the Heritage Registry. The proposal is for a retaining wall that will replace the existing wall located on the south side of the lot. The proposed wall is higher than the existing wall.

The variance requested on the property is as follows:

1. Retaining Wall Height variance of 2 feet (0.61 metres).

In response to a question from the Board, staff confirmed that the wall design has been reviewed by an engineer.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The existing retaining wall is approximately the same height as the proposed retaining wall;
- If the wall were to be constructed in compliance with the existing Zoning Bylaw, it would impede the walking path and driveway, which would be a fire and safety hazard;
- The current retaining wall has an existing crack and is deteriorating; and,
- A letter of support has been received from a neighbour as the existing wall poses a safety hazard to their property.

Representations from Notified Persons

- Nil

Representations from the Public

- Nil

Discussion

Neville York spoke in support of the application, noting that the requested variance is minor to replace an existing wall that is approximately 50 years old, and that the directly affected neighbour is in support.

Laura Lee Richard spoke in support of the application, noting the hardship is associated with replacing the existing, deteriorating wall.

Robert Griesdale spoke in support of application, noting that the requested variance is minor in nature.

The Chair spoke in support of the application, noting that the requested variance is minor and that the location of the carport is also a hardship.

MOVED by Neville York

SECONDED by Robert Griesdale

THAT Board of Variance Application BOV2024-00018 2250 Hoskins Road presented at the October 17, 2024 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Retaining Wall Height	3 ft (0.91 m)	2.6 ft (0.79 m)	5 ft (1.52 m)	2 ft (0.61 m)

CARRIED

2.4 2228 Hyannis Drive

Staff Presentation

Staff reported that the property is located in the RS3 Zone and is located in a Development Permit Area for Wildfire Protection. The house was built in 1967 and is not on the Heritage Registry. The proposal is for a deck addition to the rear of the property and to the southeast side of the property.

The variance requested on the property is as follows:

1. Principal Dwelling Side Yard Setback variance of 2 feet (0.61 metres).

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The deck wraps around the side of the property and there are issues due to the narrow width of the side yard;
- A carport would not fit in the available area as it is too narrow;
- The proposed variance allows the use of the yard on the side of the house to fit the deck;
- Support was received from surrounding neighbours;
- The proposal would not block sightlines for surrounding neighbours; and,
- The deck would provide a safe space for the family to enjoy the outdoors as the back yard is small.

In response to a question from the Board, staff advised there is no combined side yard setback requirement in this zone.

Representations from Notified Persons

- Nil

Representations from the Public

- Nil

Discussion

Neville York spoke in support of the application, noting that the requested variance is minor and referred to the support received from neighbours as the proposed deck extension would not impede their views.

Laura Lee Richard spoke in support of the application, noting the lack of useable outdoor space due to the trees in the backyard is a hardship.

Robert Griesdale spoke in support of the application, noting that the requested variance is minor.

The Chair spoke in opposition to the application, noting that hardship has not been demonstrated.

MOVED by Neville York

SECONDED by Laura Lee Richard

THAT Board of Variance Application BOV2024-00015 2228 Hyannis Drive presented at the October 17, 2024 Board of Variance meeting is APPROVED as follows:

Zone	Regulation	Required/ Allowed	Existing	Proposed	Variance
RS3	Principal Dwelling Side Yard Setback	6 ft (1.83 m)	n/a	4 ft (1.22 m)	2 ft (0.61 m)

CARRIED

Opposed: James Paul

3. CORRESPONDENCE

Nil

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, November 21, 2024.

5. ANY OTHER BUSINESS

Genevieve Lanz, Director, Legislative Services and Corporate Officer, noted that the November 21, 2024 Board of Variance meeting will be held virtually due to technology upgrades in the Committee Room.

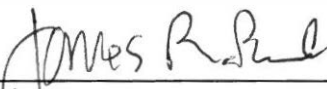
6. ADJOURNMENT

MOVED by James Paul

SECONDED by Robert Griesdale

THAT the October 17, 2024 Board of Variance Meeting is adjourned at 6:07 p.m.

CARRIED


Chair


Committee Clerk