

**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, October 19, 2023 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, Deputy Municipal Clerk  
Veronica Milburn-Brown, Acting Supervisor – Residential Plans Review  
Jennifer Malcolm, Residential Plans Reviewer  
Kaitlin Hebron, Confidential Council Clerk  
Amanda Day, Committee Clerk

**Also in Attendance:** Cedric Burgers, Burgers Architecture Inc., Applicant  
Isabelle Mirabaud, Burgers Architecture Inc.  
Jill Meacher, Owner  
Charles Stringer, Owner

**1. Adoption of Minutes**

**1.1 September 21, 2023, Board of Variance Meeting**

**MOVED by JAMES PAUL**

**SECONDED by LAURALEE RICHARD**

THAT the minutes of the September 21, 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 5112 Francisco Court**

**Staff Presentation**

Staff reported that the property is located in the RS3 Zone and that the lot area is 10,751 square feet. The house was built in 1971, is not on the Heritage Registry, and is located in Development Permit Areas for Protection of the Natural Environment, Slope Hazard, and Wildfire Hazard. The proposal is for construction of a new single-family dwelling. The Qualified Professional has determined a 5.9 metre setback for a cedar tree on the site, which required a change to the design to retain the tree.

The variances requested on the property are as follows:

1. Southeast Retaining Wall Height variance of 3 ft (0.91 m)
2. Principal Dwelling Height variance of 1.78 ft (0.54 m)
3. Northwest Principal Dwelling Eave Height variance of 10.36 ft (3.16 m)

In response to a question from the Board, staff advised that the design is similar to the original with the proposed dwelling shifted to the north to allow for retention of the protected cedar tree.

In response to a question from the Board, staff advised that the eave height variance is required in order to retain the large diameter tree.

In response to a question from the Board, staff confirmed that the tree to be retained is a large diameter red cedar tree with a diameter of 170 centimetres.

In response to a question from the Board, staff advised that the District requires the cedar tree to be retained and a Qualified Professional has confirmed this finding.

#### **Applicant Presentation of Hardship**

The applicant drew attention to the following points and hardships:

- The District's Environment Department requires a large diameter cedar tree to be retained, which renders a portion of the back yard unbuildable;
- There is no design solution that would be compliant with the Zoning Bylaw and retain the cedar tree;
- The property has a steep slope with a change in grade from 858 feet to 910 feet;
- Due to the slope on the site, the upper floor needs to provide access to the back yard;
- If the building footprint is relocated further downslope, all three storeys would be below grade; and,
- The neighbours are in support of the application.

In response to a question from the Board, the applicant advised that the retaining wall would not be visible from the walkway as it is lower than the subject property.

In response to a question from the Board, the applicant advised that they have an agreement to maintain the structures on the south side of the property as a condition of building a new home.

In response to a question from the Board, the applicant advised that the original submission in April 2023 included a flat roof that would have been compliant with the Zoning Bylaw.

In response to a question from the Board, staff advised that the existing grades were created when the original home was constructed in 1971 and that the property has retaining walls on all sides.

In response to a question from the Board, the applicant advised that they are not aware of the reason for the cedar tree being designated an anchor tree and speculated it may be due to the need to stabilize the steep slope.

In response to a question from the Board, staff advised that height is measured from the higher of finished or natural grade.

#### **Representations from Notified Persons**

Nil

#### **Representations from the Public**

Nil

#### **Discussion**

Guy Akester spoke in support of the application, noting that the previous design was compliant with the Zoning Bylaw and the need to retain and preserve the large diameter cedar tree result in the need for variances.

Lee Gavel spoke in support of the application, noting that the variances are required due to the retention of the large diameter cedar tree and extreme slope of the lot.

Neville York spoke in support of the application, noting that the variances are minor and the adjacent neighbours support the application.

Laura Lee Richard spoke in support of the application, noting that the requested variances allow for the retention of the large diameter tree.

The Chair spoke in support of the application, noting the neighbourhood is in support.

**MOVED by Guy Akester**

**SECONDED by Lee Gavel**

THAT Board of Variance Application BOV2023-00014 5112 Francisco Court presented at the October 19, 2023 Board of Variance meeting is APPROVED as follows:

<b>Zone</b>	<b>Regulation</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
RS3	Southeast Retaining Wall Height	3 ft (0.91 m)	-	6 ft (1.83 m)	3 ft (0.91 m)
RS3	Principal Dwelling Height	24 ft (7.32 m)	-	25.78 ft (7.86 m)	1.78 ft (0.54 m)
RS3	Northwest Principal Dwelling Eave Height	18 ft (5.49 m)	-	28.36 ft (8.64 m)	10.36 ft (3.16 m)

**CARRIED**

### **3. CORRESPONDENCE**

Nil

**4. NEXT MEETING**

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

**5. ANY OTHER BUSINESS**

Nil

**6. ADJOURNMENT**

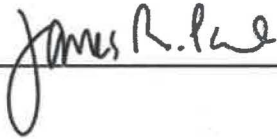
**MOVED by JAMES PAUL**

**SECONDED by LEE GAVEL**

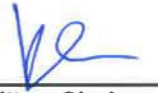
THAT the October 19, 2023 Board of Variance Meeting is adjourned at 5:32 p.m.

**CARRIED**

Chair

A handwritten signature in black ink, appearing to read "James R. Paul", written over a horizontal line.

Committee Clerk

A handwritten signature in blue ink, appearing to read "Lee Gavel", written over a horizontal line.