

**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, September 19, 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

Absent: Guy Akester, Vice-Chair

Staff: Cheryl Archer, Confidential Council Clerk
Ji Yi Chang, Residential Plans Reviewer
Kaitlin Hebron, Confidential Council Clerk
Jillian Holden, Administration Clerk
Jennifer Malcolm, Residential Plans Reviewer

Also in

Attendance: Alex Voth, Applicant
Eric Vissers, Owner
Marianne Vissers, Owner
David Cook, Notified Person
Natalie Cook, Notified Person

1. Adoption of Minutes

1.1 July 18, 2024, Board of Variance Meeting

MOVED by James Paul

SECONDED by Neville York

THAT the minutes of the July 18, 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.

2.1 933 Leovista Avenue

Staff Presentation

Staff reported that the property is located in the RSH Zone. The house was built in 1951, is not on the Heritage Registry, and is not located in a Development Permit Area. The proposal is for construction of a new single-family home. Staff advised that the property slopes from north to south and there is a localized depression that causes the finished grade to be lower in the northwest corner. As the natural grade cannot be ascertained, the existing localized depression is used to calculate the maximum heights.

The variances requested on the property are as follows:

1. Principal Dwelling Height (6/12 Slope or Greater) variance of 0.95 feet (0.29 metres).
2. Principal Dwelling Eave Height variance of 3.73 feet (1.14 metres).

In response to a question from the Board, staff advised that the proposed new construction is partially located on the localized depression, which likely causes the requirement for both the requested variances. Staff noted that without a survey showing the natural grade, that cannot be confirmed.

In response to a question from the Board, staff advised that the Zoning Bylaw was amended in 1988 to establish the existing ground level as of the date of the adoption of the amending bylaw as the natural grade where ground level cannot be accurately ascertained due to previous human intervention. The ground level from which the new construction heights are calculated is as it was measured at the time of the bylaw adoption in 1988.

In response to a question from the Board, staff advised that the localized depression was likely created at the time the original house was built in 1951.

Applicant Presentation of Hardship

The applicant drew attention to the following points and hardships:

- The proposal is for a house with a logical design and flow;
- The hardship is due to an unnatural depression created by the original owners to access the lower level of the house directly from the driveway;
- The dwelling and eave heights measurements include this unnatural depression, resulting in a lower average ground level in the front of the property and creating the need for the variances;
- Approximately five steps would be required to access the house without the variance; and,
- Six letters of support have been provided from neighbouring properties.

In response to a question from the Board, the applicant advised that the location of the house is fixed to the location of the garage and cannot be placed closer to the rear of the property. The applicant further advised that the RSH Zone has a maximum of two feet below grade for driveways.

In response to a question from the Board, the applicant advised that the ceiling heights are eight feet on the upper floor and nine feet on the main floor. The applicant further advised that the exterior walls of the house were brought in two to three feet to reduce the footprint and variances.

In response to a question from the Board, the applicant advised that the proposed grade is equal to the existing grade excluding the localized depression.

In response to a question from the Board, staff advised that other roof forms were considered and would have required greater variances.

Representations from Notified Persons

Dave and Melanie Cook:

- Advised that their property is adjacent to the subject property;
- Queried if there are other ways to determine the natural grade;
- Expressed concern that their privacy would be negatively impacted; and,
- Asked why the home cannot be designed to conform to the Zoning Bylaw.

The owners provided clarification that the building would conform to the Zoning Bylaw if the natural grade did not include the localized depression.

Representations from the Public

Nil

Discussion

Neville York spoke in support of the application, noting that the requested variances are minor, and the unnatural depression is a hardship.

Laura Lee Richard spoke in support of the application, noting that the application does not defeat the intent of the bylaw and there is clear hardship due to the calculation of natural grade.

The Chair spoke in support of the application, noting that the requested variances are minor, the unnatural depression is a hardship, and that the privacy of the neighbours will not be impacted as the variances are for the roof lines.

MOVED by Laura Lee Richard

SECONDED by Neville York

THAT Board of Variance Application BOV2024-00016 933 Leovista Avenue presented at the September 19, 2024 Board of Variance meeting is APPROVED as follows:

| Zone | Regulation | Required/ Allowed | Existing | Proposed | Variance |
|------|---|----------------------|----------|----------------------|---------------------|
| RSH | Principal Dwelling Height (6/12 Slope or Greater) | 26 ft (7.92 m) | n/a | 26.95 ft (8.21 m) | 0.95 ft (0.29 m) |
| RSH | Principal Dwelling Eave Height | 20.75 ft (6.32 m) | n/a | 24.48 ft (7.46 m) | 3.73 ft (1.14 m) |

CARRIED

3. CORRESPONDENCE

Nil

4. NEXT MEETING

The next regular meeting of the Board of Variance is scheduled for Thursday, October 17, 2024.

5. ANY OTHER BUSINESS

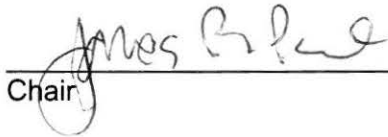
Cheryl Archer, Confidential Council Clerk, provided an update on recruitment to fill the vacancy on the Board of Variance.


6. ADJOURNMENT

MOVED by JAMES PAUL
SECONDED by NEVILLE YORK

THAT the September 19, 2024, 2024 Board of Variance Meeting is adjourned at 5:45 p.m.

CARRIED


Chair


Committee Clerk