



**Minutes of the Board of Variance** held in the Council Chamber, City Hall, 141 West 14th Street, North Vancouver, B.C., on **Wednesday, July 7, 2010 at 10:00 a.m.**

---

**PRESENT**

**BOARD MEMBERS:**

Mr. Dan Sampson, Chair  
Mr. Abi Tur  
Mr. Raymond Vesely

**STAFF MEMBERS:**

Ms. Penny Lurbiecki, Committee Clerk Secretary  
Mr. Christopher Wilkinson, Planning Technician  
Mr. John de Ruiter, Assistant Manager, Inspections

**ABSENT:**

Mr. Patrick Poyner, Vice Chair  
Ms. Cynthia Ellacott

The meeting was called to order at 10:07 a.m.

**1. ADOPTION OF MINUTES**

It was moved by Abi Tur, seconded by Raymond Vesely

**THAT** the Minutes of the Board of Variance meeting of April 7, 2010 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**2. APPEAL**

Samantha Burnet  
348 West 25<sup>th</sup> Street

***Requested Variance:***

The applicant is requesting a variance of the City's Zoning Bylaw re: "Size, Shape and Siting of Buildings for One-Unit Residential Use and Accessory Coach House Use", Part 5:

1. Section 509 (5)(b) to reduce the required Rear Yard Setback from 12.19 metres (40.0 feet) to 10.67 metres (35.0 feet).

The appeal, if approved, would allow the applicant to extend approximately 9.29 square metres (100 square feet) of the basement into the rear yard setback. Directly above the basement would be an unenclosed deck. It would not project northward, into the rear yard, beyond the basement. Stairs would provide access to the deck from the rear yard.

**Applicant Presentation**

Ms. Samantha Burnet, owner of 348 West 25<sup>th</sup> Street, was in the gallery to support the application and presented an overview with the following points noted:

- Built in 1949 and footprint is further back than today's bylaws.
- Small renovation with minimal impact on neighbours.

### Staff Presentation

Staff offered the following comments:

- The City received no telephone calls or enquiries on this variance.
- There are no unusual building code issues.

### Opposition

There was no one present in the gallery to oppose the application and the City received no correspondence in opposition of the application.

### Board Discussion

Board members reviewed the application of Ms. Samantha Burnet. The Board concurred that the required variance is minor.

It was moved by Raymond Vesely, seconded by Abi Tur

**THAT** the appeal of Ms. Samantha Burnet of 348 West 25<sup>th</sup> Street, North Vancouver, BC, more particularly known as Lot 23, Block 226, D.L. 544, Plan 3211, requesting a variance of the City's Zoning Bylaw re: "Size, Shape and Siting of Buildings for One-Unit Residential Use and Accessory Coach House Use", Part 5:

1. Section 509 (5)(b) to reduce the required Rear Yard Setback from 12.19 metres (40.0 feet) to 10.67 metres (35.0 feet).

be **GRANTED** as per the plans submitted to the City of North Vancouver dated June 8, 2010.

### **CARRIED UNANIMOUSLY**

Chair Dan Sampson reversed the order of the July 7, 2010 Agenda Item 3. and Item 4. as neither the applicant nor a representative was in the gallery to support the application.

4. **APPEAL**  
Parmbeer Sidhu  
623 West 24<sup>th</sup> Street Close

### ***Requested variance:***

The applicant is requesting a variance of the City's Zoning Bylaw re: "Size, Shape and Siting of Buildings for One-Unit Residential Use and Accessory Coach House Use", Part 5:

1. Section 509 (4)(a) to permit an increase to the height envelope from 4.572 metres (15 feet) to 6.4 metres (21.0 feet) which may increase at an inward angle of 45 degrees to the horizontal to reach an increased maximum from 9.144 metres (30 feet) to 9.91 metres (32.5 feet).

The appeal, if approved, would permit a new one-unit residential building at an increased maximum allowable height. The increase in height compensates for an approximate 3.2 metre (10.5 feet) change in grade in the rear of the lot. This variance would effectively

vary the two most southern Building Grades from the points of where the Rear Lot Line intersects with the side Lot Lines to the existing finished grades at the top of bank at the side Lot Lines.

#### Applicant Presentation

Mr. Parmbeer Sidhu, owner of 623 W 24<sup>th</sup> Street Close, North Vancouver, BC and residing at 398 East 65 Avenue, Vancouver, BC, was in the gallery to support the application and presented an overview with the following points noted:

- New subdivision, therefore height envelope measurement should be taken at new height;
- Back yard grade is 10' lower than front yard grade;
- Would like bylaw changed;
- Lowering the front yard grade could complicate lot services;
- Does not block any neighbours view; and
- Financial impact in delays and changing grade.

#### Gallery Presentation

Mr. Richard Walden, resident at 626 West 23<sup>rd</sup> Street directly behind the property.

- Concerned that a coach house was going to be built;
- Satisfied with the previous explanation from the Planning Department that this is not a coach house application; and
- Has no objection to the variance height request.

Mr. Mark Ballard, Realtor, employed at Suite 200, 1455 Bellevue Avenue, West Vancouver, BC.

- In favour if this application;
- Conformity in building heights is aesthetically pleasing; and
- 2 neighbouring lots could have the same issues before the Board.

#### Opposition

There was no one present in the gallery to oppose the application and the City received no correspondence in opposition of the application.

#### Staff Presentation

Staff offered the following comments:

- There are no unusual building code issues;
- The zoning bylaw to this and other neighbouring lots met the minimum requirements for size and shape;
- There were no height variance requests until this application;
- There is no bylaw in the City indicating how much dirt can be moved onto or taken away from a lot;
- The property has been in-filled creating the slope; and
- The height envelope measurement is taken from the original grade level which is now underground.

### Board Discussion

Board members reviewed the application of Parmbeer Sidhu and had the following comments.

- Newly created subdivision with no existing house on lot;
- Height variance could have been accommodated for in building designs;
- Building designs can be changed;
- Grade can be changed to conform to bylaw; and
- Board of Variance cannot change bylaws.

The Board concurred that the required variance is not minor.

It was moved by Raymond Vesely, seconded by Dan Sampson

**THAT** the appeal of Mr. Parmbeer Sidhu, of 623 West 24<sup>th</sup> Street Close, North Vancouver, BC, more particularly known as Lot 5, Block 210, D.L. 544, Group 1, Plan BCP26503, requesting a variance of the City's Zoning Bylaw re: "Size, Shape and Siting of Buildings for One-Unit Residential Use", Part 5:

1. Section 509 (4)(a) to permit an increase to the height envelope from 4.572 metres (15 feet) to 6.4 metres (21.0 feet) which may increase at an inward angle of 45 degrees to the horizontal to reach an increased maximum from 9.144 metres (30 feet) to 9.91 metres (32.5 feet).

be **DENIED** as per the plans submitted to the City of North Vancouver dated June 7, 2010.

**CARRIED**

### **3. APPEAL**

Elizabeth Barnard  
850 East 4<sup>th</sup> Street

#### ***Requested Variances:***

The applicant is requesting a variance of the City's Zoning Bylaw re: "Size, Shape and Siting of Buildings for One-Unit Residential Use and Accessory Coach House Use", Part 5:

1. Section 410 (1)(e)(ii) to permit the maximum distance Unenclosed balconies, Unenclosed porches or steps may project beyond the face of the Principal Building to be 1.52 metres (5.0 feet) from an abutting Exterior Lot Line with an existing non-conforming Exterior Side Yard setback of (2.44 metres) 8.0 feet;
2. Section 410 (1)(e)(iii) to permit the maximum distance Unenclosed balconies, Unenclosed porches or steps may project beyond the face of the Principal Building from an abutting Front Lot Line from 2.13 metres (7 feet) to 3.2 metres (10.5 feet).

The appeal, if approved, would allow the applicant to legalize the existing non-conforming second storey unenclosed balcony located on the east side of the house. Furthermore, the applicant would be permitted to extend the upper storey balcony

around the south side of the building such that it projects into the front yard. The total size of the proposed unenclosed balcony is approximately 28.8 square metres (310 square feet).

#### Applicant Presentation

Neither the applicant nor a representative was in the gallery to support the application.

#### Opposition

There was no one present in the gallery to oppose the application and the City received no correspondence in opposition of the application.

#### Staff Presentation

Staff offered the following comments:

- The City received no telephone calls or enquiries on this variance.
- There are no unusual building code issues.

#### Board Discussion

Board members reviewed the application of Ms. Elizabeth Barnard. The Board concurred that the required variances are minor.

It was moved by Abi Tur, seconded by Raymond Vesely

**THAT** the appeal of Ms. Elizabeth Barnard, of 850 East 4<sup>th</sup> Street, North Vancouver, BC, more particularly known as Lot 11, Block 16, D.L. 273, Plan 1063, requesting a variance of the City's Zoning Bylaw re: "Size, Shape and Siting of Buildings for One-Unit Residential Use", Part 5:

1. Section 410 (1)(e)(ii) to permit the maximum distance Unenclosed balconies, Unenclosed porches or steps may project beyond the face of the Principal Building to be 1.52 metres (5.0 feet) from an abutting Exterior Lot Line with an existing non-conforming Exterior Side Yard setback of (2.44 metres) 8.0 feet;
2. Section 410 (1)(e)(iii) to permit the maximum distance Unenclosed balconies, Unenclosed porches or steps may project beyond the face of the Principal Building from an abutting Front Lot Line from 2.13 metres (7 feet) to 3.2 metres (10.5 feet).

be **GRANTED** as per the plans submitted to the City of North Vancouver dated May 31, 2010.

**CARRIED UNANIMOUSLY**

#### **5. ANY OTHER BUSINESS**

The Chair requested that the letter from the Delta Board of Variance sent to all BC Board of Variances, Re: Board of Variance Concerns, dated December 9, 2009, is placed on the next Agenda for discussion.

#### **6. ADJOURNMENT**

It was moved by Raymond Vesely, seconded by Abi Tur

THAT the meeting be adjourned.

**CARRIED UNANIMOUSLY**

The meeting adjourned at 11:35 a.m.

  
\_\_\_\_\_  
Dan Sampson, Chair

Date

APRIL 6, 2011