



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE ON  
WEDNESDAY, FEBRUARY 6, 2013 AT 10:00 A.M. IN THE COUNCIL  
CHAMBER, CITY HALL, 141 WEST 14<sup>TH</sup> STREET, NORTH VANCOUVER, B.C.**

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**MEMBER ATTENDANCE:**

Mr. Abi Tur, Chair  
Mr. Noordin Somji  
\*Mr. Raymond Vesely, Vice-Chair  
Ms. Gordana Askraba

**STAFF ATTENDEES:**

Ms. Julie Peters, Committee Clerk  
Mr. Christopher Wilkinson, Planner,  
Community Development  
Mr. John De Ruitter, Manager, Inspections,  
Community Development

**ABSENT**

Mr. Michael Barber

The meeting was called to order at 10:01 a.m.

**1. ADOPTION OF MINUTES**

Moved by Mr. Noordin Somji, seconded by Ms. Gordana Askraba

**THAT** the following minutes be adopted as circulated:

1. Board of Variance Meeting Minutes, October 3, 2012.

**CARRIED UNANIMOUSLY**

\* Mr. Ray Vesely joined the meeting at 10:02 a.m.

**2. APPEAL**

**Ms. J Shirley Tanoto and Mr. David Yellowley, Owners  
359 West 28<sup>th</sup> Street, North Vancouver, BC**

**Applicant Presentation presented by Mr. Bob Rusbourne, Rusbourne Design:**

- The applicants are asking for a relaxation on two existing walls, one on the side and one on the front;
- The reason for these relaxations is to apply a rain screen to the existing walls in order to bring those walls up to the current building code;
- All other new construction would be set back at the required setbacks and will be in compliance with both the current zoning bylaw and current building code;
- The hardship is due to the site and location of the existing walls.

**Staff Presentation:**

- The house was built in 1927 and was not constructed to the minimum required setbacks of the zoning bylaw today;
- The appeal pertains to renovations on the main floor dealing with existing walls as originally constructed in order to extend the non-conformity and make use of the building as situated currently;

- The first appeal is to the front yard setback asking for a 6 inch variance, or 25 feet reduced to 24.5 feet;
- The second appeal is to the eastern interior side yard setback asking for a 1.3 foot variance, or a reduction from 5 feet down to 3.7 feet, which would allow for a hutch on the main floor, which projects into the setback and is not currently provided for in the zoning bylaw, to be maintained;
- The Engineering, Parks & Environment Department reviewed the application and had no comments;
- No questions or comments were received from the public;
- The Building Department reviewed the application and will require that all the renovations comply with current building codes.

The Board then discussed the appeal of Ms. J Shirley Tanoto and Mr. David Yellowley of 359 West 28<sup>th</sup> Street, North Vancouver, B.C.

Moved by Mr. Ray Vesely, seconded by Mr. Noordin Somji

**THAT** the application of Ms. J Shirley Tanoto and Mr. David Yellowley, representing 359 West 28<sup>th</sup> Street, North Vancouver, B.C., more particularly known as Lot am38, Block 241, DL 544, Plan 2842, requesting a variance to the City's Zoning Bylaw re: "Size, Shape and Siting of Buildings for One-Unit Residential Use...", Part 5:

1. Section 509 (5) (a) "Siting Principal Building" to reduce the minimum required setback from the front yard setback from 7.62 metres (25 feet) to the existing 7.47 metres (24.5 feet);
2. Section 509 (5) (c) "Siting Principal Building" to reduce the minimum required eastern interior side yard setback from 1.524 metres (5 feet) to 1.13 metres (3.7 feet) with the existing 1.9 metre (6.2 feet) wide hutch to remain projecting 0.45 metres (1.5 feet) into the reduced setback;

be **GRANTED** as per the plans submitted to the City of North Vancouver dated January 7, 2013.

**CARRIED UNANIMOUSLY**

### 3. **APPEAL**

**Mr. John Medland, Architect AIBC, John Dow Medland Architect Inc.  
937 Moody Avenue, North Vancouver, BC**

**Applicant Presentation:**

- This heritage house faces Moody Avenue and sits in the rear yard of the property close to the lane;

- The appeal is to construct a new sundeck on the side of the house near the kitchen and connecting to the existing deck which will allow for a better connection to the rear yard;
- The new construction will also give more privacy to both the owner and the neighbour;
- The hardship is that the existing heritage house is completely in the rear yard of the property rendering the house non-conforming, so a variance is required for the sundeck to be built on the side of the house.

**Staff Presentation:**

- The house was originally constructed in 1911 and is classified as a supplemental building on the City’s Heritage Registry;
- The appeal is for a new covered porch with a crawl space on the north side of the existing heritage building which will connect to the existing porch and requires a variance to reduce the rear yard setback which is measured from the rear lot line from the required 55 feet down to 39 feet;
- The Engineering, Parks & Environment Department reviewed the application and had no comments;
- No questions or comments were received from the public;
- The Building Department reviewed the application and had no specific code compliance concerns regarding the variance with the exception of the size of the deck which will require that an engineer be consulted for the new deck.

The Board then discussed the appeal of Mr. John Medland of John Dow Medland Architect Inc.

Moved by Mr. Ray Vesely, seconded by Mr. Noordin Somji

**THAT** the application of Mr. John Medland, representing 937 Moody Avenue, North Vancouver, B.C., more particularly known as Lot 13, Block 95, DL 550, Plan 1232, requesting a variance to the City’s Zoning Bylaw re: “Residential Zone Regulations”, Part 5:

1. Section 509 (5) (b) “Siting Principal Building” to reduce the minimum required rear yard setback from 16.8 metres (55 feet) to 11.8 metres (39 feet) to the extent necessary to permit one new 263 square foot covered Porch with crawl space below.

be **GRANTED** as per the plans submitted to the City of North Vancouver dated January 7, 2013.

**CARRIED UNANIMOUSLY**

**4. ANY OTHER BUSINESS**

Staff update regarding the potential change to the Board of Variance meeting time:

**Staff Presentation – Mr. Chris Wilkinson**

- Staff reviewed the work that was done previously itemizing the other municipalities of Metro Vancouver and their various meeting days and times;
- There is limited budget that is allocated to the City of North Vancouver’s Board of Variance and hosting the meeting outside of regular working hours would require an increase to that budget and would likely require Council approval;
- In the future, if the City has difficulty finding volunteers who agree to meet at the current meeting time, there may be a need to revisit the timing of the meetings at that point;
- Given the above, it is Staff’s decision to maintain the current date, time and location of the Board of Variance meetings.

**5. ADJOURNMENT**

It was moved by Mr. Abi Tur, seconded by Ms. Gordana Askraba

**THAT** the meeting adjourn.

**CARRIED UNANIMOUSLY**

The meeting adjourned at 10:17 a.m.

Certified true accurate records of the February 6, 2013 Board of Variance meeting:

***“Original Signed By”***

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Raymond Vesely, Vice-Chair

***“Signed on March 6, 2013”***

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Date