

AGENDA ADDENDUM

REGULAR MEETING OF COUNCIL

Monday, October 7, 2019

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Mike Little

Councillor Jordan Back

Councillor Mathew Bond

Councillor Megan Curren

Councillor Betty Forbes

Councillor Jim Hanson

Councillor Lisa Muri



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REGULAR MEETING OF COUNCIL

7:00 p.m.
Monday, October 7, 2019
Council Chamber, Municipal Hall
355 West Queens Road, North Vancouver

AGENDA ADDENDUM

THE FOLLOWING LATE ITEMS ARE ADDED TO THE PUBLISHED AGENDA

9. REPORTS FROM COUNCIL OR STAFF

9.1. Development Variance Permit 29.19 – 3225 Mahon Avenue
File No. 08.3060.20/029.19

Recommendation:

THAT the report of the Planning Assistant dated October 3, 2019 entitled Neighbourhood Response to Development Variance Permit Being Considered by Council is received for information.

9.7. Maximum Permitted House Size for RS1 Zone and Withholding Motion
File No. 09.3900.01




Recommendation:

THAT staff be directed to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 Zone of 5,813 square feet;

AND THAT staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>Oct. 7, 2019 (Addenda)</u>
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 PRGM/ Director	 CAO
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The District of North Vancouver

REPORT TO COUNCIL

October 3, 2019

File: 08.3060.20/029.19

AUTHOR: Daniel Broderick, Development Planning

SUBJECT: NEIGHBOURHOOD RESPONSE TO DEVELOPMENT VARIANCE PERMIT BEING CONSIDERED

RECOMMENDATION: That Council receive this report for information.

REASON FOR REPORT:

In accordance with Council's request to receive an indication as to the number of residents receiving notification, being in support or in opposition, the following information is submitted for the Development Variance Permit being considered on October 7, 2019.

DISCUSSION:

As of 10:00 a.m. on Thursday, October 3, 2019:

Development Variance Permit 29.19 – 3225 Mahon Ave

19 notices were sent out to adjacent property owners/residents including the applicant.

Two responses were received in support of the proposal from residents within the notification area. Nine additional responses were received in support of the proposal from residents outside of the notification area.

One response was received in opposition to the proposal from a resident within the notification area. The response noted concerns regarding loss of privacy and that the construction on the site was initiated without the necessary permits.

Respectfully submitted,



Daniel Broderick
Development Planning

Attachment 1: Neighbourhood Responses Received

REVIEWED WITH:					
<input type="checkbox"/> Sustainable Community Dev.	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Services	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Real Estate	_____		

**ATTACHMENTS TO NEIGHBOURHOOD RESPONSE TO
DEVELOPMENT VARIANCE PERMIT 29.19 BEING CONSIDERED**

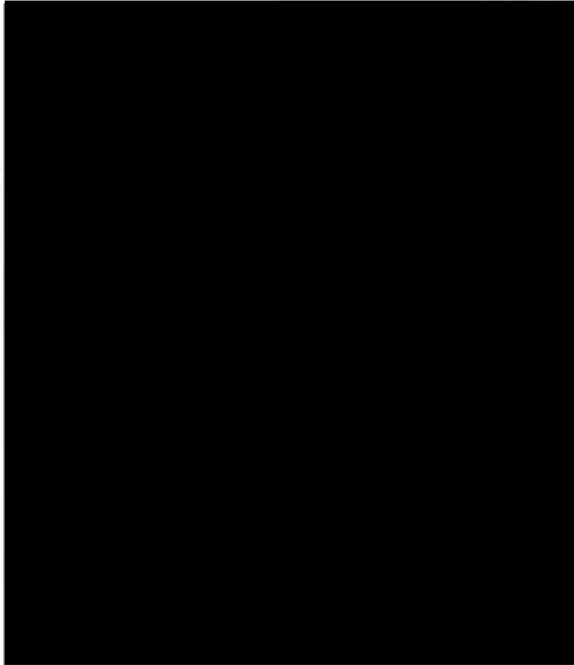
Comments within the Notification Area

Dear Sir or Madam,

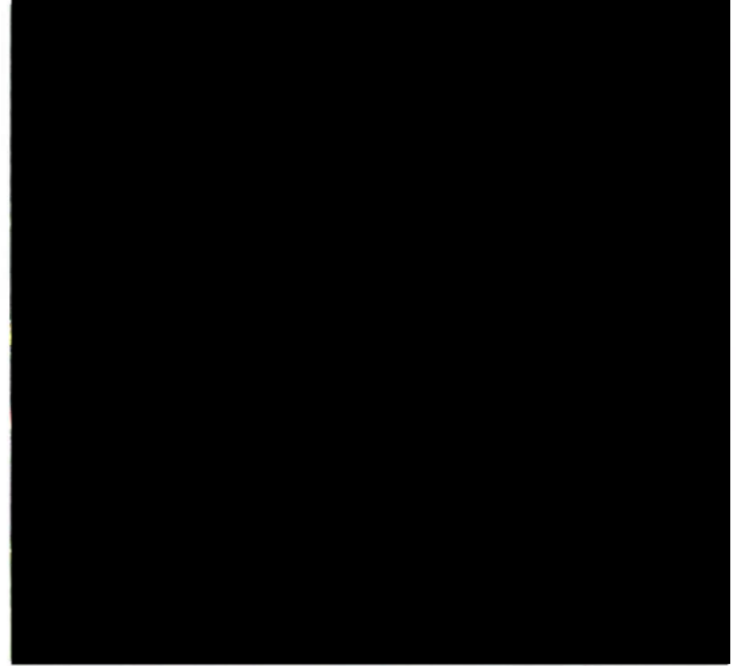
When we were invited to comment on [REDACTED] application back in June, we indicated that:

1. [REDACTED] newly built large & high deck significantly impacts our privacy:

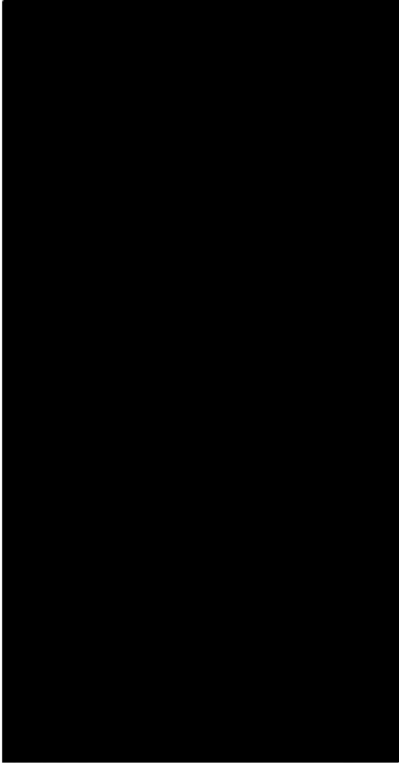
Garden:



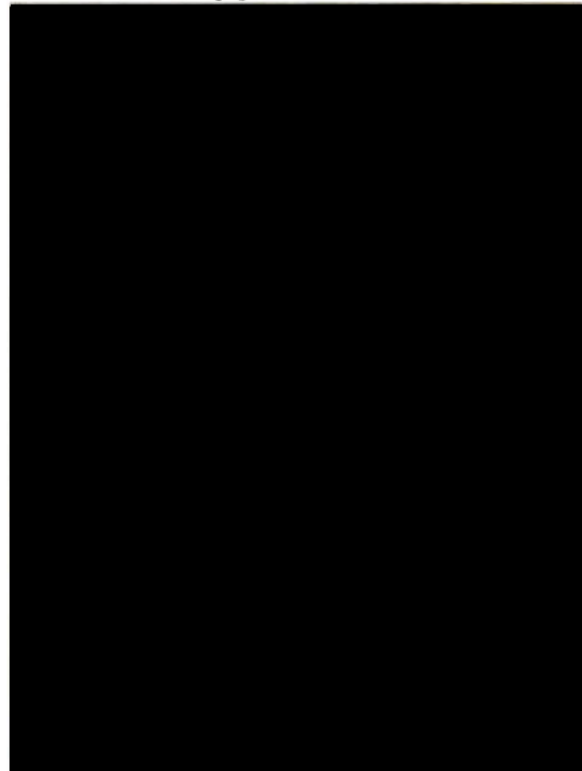
Bedroom window (upstairs):



Kitchen window [1]:



Kitchen window [2]:



2. When we looked at [REDACTED] submission last year, it was mentioned in his file that he was given a Stop-Work order from the district, for **another unpermitted construction**, several months prior to building this new deck (flooring/railing/...).

This deck is too high to be permitted – and so the applicant decided to build it first, and ask for forgiveness later. Granting this variance would simply justify, condone and encourage this type of behavior.

3. The two previous Board of Variance meetings considered it appropriate to deny the variance. They reached that decision, bringing to bear their considerable expertise, and with respect to the relevant criteria:
- Whether the variance could be considered minor;
 - Whether there was any evidence that compliance with the bylaw would create any hardship; and
 - Whether the variance would affect the use and enjoyment of adjacent land

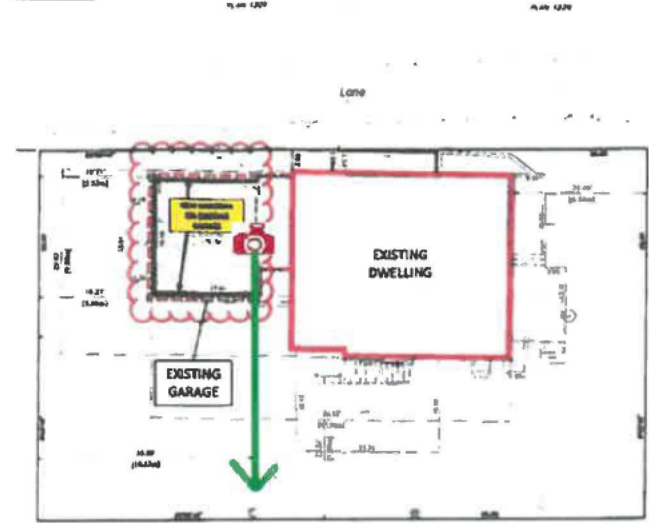
We respectfully ask that Council defer to that same conclusion. There is nothing that has happened since those Board meetings, no difference in the facts before Council that would justify Council reaching a different conclusion than that reached by the Board.

4. This brings us to the comment made at page 6 of Mr. Broderick's report: *"The applicant has also indicated that efforts have been made to reduce the impact of the deck through tree planting for natural screening"*. We have highlighted the "effort" made by the applicant to reduce the impact of his deck on our privacy – see the picture of the one shrub that he planted on his side below. As you can see it does absolutely nothing to remediate the intrusion on our privacy presented by the applicants deck:

Photo looking



Site Plan:



We would also note that the photo above is taken from the [REDACTED] to the applicant's house – which is where the original deck was located. Were it taken from the other end of the applicants deck, you would have a full view of [REDACTED]

We have since [REDACTED]), but of course [REDACTED] And as soon as the other tree (which is on [REDACTED]) loses its foliage in a few weeks' time, the rest of our [REDACTED] will be fully exposed to this new unpermitted construction.

We are unfortunately unable to attend at the Council meeting on October 7, and so we cannot be there to give voice to our perspective on this Application. We are therefore trusting the District, the Mayor and Council to uphold the by-laws that the rest of us are expected to live by. We respectfully ask that Council not grant the exception sought as there is no basis offered on which an exception should be granted; and any exception in this case would condone and reward illegal construction.

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: Development Variance - 3225 Mahon
Date: September 29, 2019 7:47:21 PM

Dear Daniel,

I write in support of the Development Variance application of 3225 Mahon avenue. I am the [REDACTED] and I do see [REDACTED] deck and do support the deck height variance application as it looks good and does not impact any of our views, other similar decks are built in the same block of Mahon avenue.

Thanks,

[REDACTED]

Owner of [REDACTED]

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: Development Variance Permit 29.19-3225 Ave
Date: October 01, 2019 11:56:02 AM

Dear Mr. Broderick,

I am unable to attend the meeting in person on October 7, but please accept this submission by email.

My name is [REDACTED] and I reside at [REDACTED] North Vancouver. There is a [REDACTED] my home from [REDACTED], and my [REDACTED] the garage and the deck in question at 3225 Mahon Ave. There is a large Laurel that affords privacy between our homes. I understand that the home that faces south of the deck has lost its privacy. Perhaps some tall trees can be planted between their homes, or planters placed on the deck w/ trees that obstruct (somewhat) the south facing view. In the interest of moving forward, please allow the residents of 3225 Mahon Ave to keep their guardrail without having to make further changes to the structure.

Sincerely,

[REDACTED]
[REDACTED]

**ATTACHMENTS TO NEIGHBOURHOOD RESPONSE TO
DEVELOPMENT VARIANCE PERMIT 29.19 BEING CONSIDERED**

Comments outside the Notification Area

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: 3225 Mahon Ave
Date: October 02, 2019 9:10:08 AM

Hi Daniel,

I am a resident of DNV and a [REDACTED] working mainly in North Shore.

I am writing this letter in support of Mr. Vahedi's application for the minor Development Permit variance of 1.66 feet for his garage deck height.

I am very familiar with the referred bylaw and have witnessed many home owners struggle to understand the logic of measuring the deck height to the top of the guardrail in-lieu of the deck height. Hence many homeowners have to go through the variance application process; for example in just the first 2 meetings of this year 2019 the DNV received 5 variance applications from 5 different home owners for flat roof garage deck height variance. Considering the number of variance applications for similar issues, the zoning bylaw wording merits to be revised to clarify the requirements for flat roof decks on top of parking structures as justly noted and carried by the Board of Variance, at the Board of Variance meeting of October 18th, 2018.

I am therefore supportive of Mr. Vahedi's application as the garage roof meets all the requirements of the bylaw, respects all set backs and is minor in nature, why not allow a guardrail and use it as a deck.

--
Regards

[REDACTED]

From: [REDACTED]
To: [Daniel Broderick](#)
Cc: [b vahedi](#)
Subject: Development Variance 29.19 - 3225 Mahon Avenue
Date: October 01, 2019 11:30:32 PM

Dear Mr. Broderick,
We are residents of North Vancouver District Upper Lonsdale area and are writing in support of the application of the Vahedi family to maintain their garage deck and guardrail though it is 1.66 ft above the bylaw requirement.

This seems to be a minor variation and the existing deck is of similar height to other decks in the neighborhood, we therefore fully support this application and request the Council to approve it.

If you have any questions, please do not hesitate to call me at [REDACTED]

Regards,

[REDACTED]

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: Development Variance Permit - 3225 Mahon Ave
Date: September 29, 2019 4:19:26 PM

Dear Mr. Broderick,

We are a resident of DNV Upper Lonsdale area and know the Vahedi family well and their involvements in service to our community.

We have seen their garage deck, and we feel it is similar in height and aesthetic to existing decks and guardrails; it does not stand out or change the character of the neighborhood in any way.

The Vahedi's deck is about 30 feet away, it does not appear to be obtrusive or obstructive in any imaginable manner to any of the properties in the neighborhood.

We therefore fully support this application for Development Variance Permit..

Yours truly,

[REDACTED]

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: Development Variance Permit - 3225 Mahon av
Date: October 02, 2019 6:11:38 PM

Subject : Development Variance Permit - 3225 Mahon av
October 2, 2019

Dear Mr. Broderick

I am a resident and home owner (for [REDACTED] years) in North Vancouver District Upper Lonsdale area and have been made aware of this application.

I have seen the garage deck, the height of the guardrail being counted as height of the deck brings the measured height above the bylaw requirement by less than 2 feet.

I do understand that this is a minor variation as decks of similar height or higher exist in the neighbourhood or are being built. I therefore fully support this application and request the Council to approve it.

Respectfully,

[REDACTED]

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: Development Variance Permit 29.19 -3225 Mahon Avenue
Date: September 30, 2019 10:56:13 AM

Mr. Roderick,

My name is [REDACTED]. I live at [REDACTED]. I use the lane which is located beside 3225 Mahon so I am well aware of the deck and railing being considered in this variance application.

I, along with the many households surrounding this property signed a petition stating that there was absolutely no problem for any of us regarding the height of the guardrail. There was only [REDACTED] household that disagreed. It puzzles me that the committee did not take into consideration the approval rating of allowing the railing to stand as is and took the side of one, repeat one, household. I was not coerced in any way and am insulted that someone would even suggest that this occurred. I have willingly signed the second petition requesting the approval of the variance.

When one looks at this property it is obvious that the deck is not interfering with any of the surrounding homes.

Please allow this family to enjoy their family and friends on their deck. It is a pleasure hearing their laughter and chatter on a warm summer evening.

[REDACTED]
Sent from my iPad

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: Development Variance Permit 29.19-3225 Mahon Avenue
Date: October 01, 2019 10:51:55 AM

Dear Mr. Broderick:

My name is [REDACTED]. My [REDACTED] and I live in the [REDACTED] house from 3225 Mahon Avenue in the [REDACTED]. We go back and forth in the back alley by 3225 Mahon Avenue regularly. We understand there is small variance in the garage height of 3225 Mahon Avenue. We have no objection to this variance. It does not affect us.

Please let me know if you have further questions.

Thank You.

[REDACTED]
[REDACTED]

Sent from [Mail](#) for Windows 10

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: In support of File 08.3060.20/029.19
Date: September 29, 2019 5:08:27 PM

Dear Mr. Broderick,

File 08.3060.20/029.19

My [REDACTED] and I are home owners in North Vancouver District. [REDACTED] We are writing in support of the homeowner in the case quoted above to allow them to keep a guardrail on a garage which is currently 1.66 feet too high.

1.66 feet is almost too small to see from the road. The safety guardrail looks good, is professional and is safe. All wins. I am a [REDACTED] and a few extra inches makes me feel safer as [REDACTED]

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Daniel Broderick](#)
Subject: Re 3225 Mahon Ave
Date: September 30, 2019 8:46:25 PM

To District of North Vancouver,

September 30, 2019

To District of North Vancouver,

We are the owner/residents of [REDACTED] North Vancouver. We are responding to Development Variance Permit 29.19 letter dated September 25th, 2019. We would have been glad to speak at the hearing but we are unfortunately unable to attend. As such please accept our letter as our submissions/opinion on the matter.

We live [REDACTED] from the property. We have no objection to the variance requested. The variance does not impact our view or our property in any adverse way.

Observing other properties adjacent to 3225 we fail to understand how this variance impacts any of them as well. We find the renovations made the property are in keeping with the vintage of the property and are tastefully done.

We sincerely hope you grant the variance as we know the hardship this has caused to our great neighbors and hope they can put this in the past.

Please note we also had an opportunity to review the submission made by 3225 and we believe the properties owners intentions were clear that they planned to place a deck on the parking structure roof. If not they would not have installed doors from the house, nor the temporary railing. We feel they likely should have been informed by the inspector that this was not suitable or allowable at the time when he or she performed their inspections. Rather they were allowed to spend a significant amount of time and money to construct the deck and then be told to remove it.

Best Regards,

[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: [Daniel Broderick](#)
Cc: [REDACTED]
Subject: Vahedi residence
Date: October 01, 2019 9:26:40 AM

Dear Mr. Broderick,

It has come to our attention that there is a dispute related to the Vahedi Mahon Rd residence concerning the 1.66ft variance of a guard rail.

As long time residence at [REDACTED] in the district of North Vancouver we are surprised and frustrated by this. We have repeated approached the DNV regarding a very similar but worse issue of encroachment where [REDACTED] to the [REDACTED] ([REDACTED] [REDACTED] is in trespass over [REDACTED] onto our property with a rotting and dangerous structure that is both a hazard and an eye sore with rodent infestation.

The DNV has repeated refused to assist us in remedying this encroachment that presents a hazard to my family and detracts from my property's value, stating the encroachment is a civil matter that must be managed between property owners.

Why is it that the DNV is acting now in the Vahedi matter when the encroachment is clearly minor and the structure sound and well kept?

I will gladly support the Vahedi variance as a reasonable and minor allowance to the building bylaws.




Perhaps the DNV could make an effort to focus on major vs minor building Variances that actually have an impact on the wellbeing of residents.

Thank you

[REDACTED]
[REDACTED]

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AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input checked="" type="checkbox"/> Agenda Addendum	Date: <u>OCT 7, 2019</u>

 Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver

REPORT TO COUNCIL

October 3, 2019
File: 09.3900.01

AUTHOR: Brett Dwyer, Assistant General Manager Regulatory Review and Compliance

SUBJECT: Maximum Permitted House Size for RS1 zone and Withholding Motion

RECOMMENDATION:

It is recommended that:

1. Council direct staff to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 zone of 5,813 square feet.
2. Staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

REASON FOR REPORT:

Staff are seeking Council's direction to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 zone of 5,813 square feet.

SUMMARY:

The RS1 zone is the only single family residential zone in the District that does not currently have a maximum house size specified in the Zoning Bylaw. Council has expressed concern regarding house sizes and has expressed support in establishing a maximum house size in the RS1 zone.

Staff are seeking a resolution to move forward with the preparation of a zoning bylaw amendment to establish a maximum house size in the RS1 zone, together with a corresponding withholding motion.

If Council supports the preparation of a zoning bylaw amendment, staff will forward any complete building permit applications which may be contrary to the zoning bylaw amendment received after October 14, 2019 to Council to consider whether to withhold the application, in accordance with the *Local Government Act*.

BACKGROUND:

The District's Zoning Bylaw contains varied regulations establishing how zoned property can be developed. With regard to single-family residentially zoned land, the Zoning Bylaw contains 5 different general residential zones (RS1 to RS5) and 14 unique neighbourhood zones. Each of the zones contain regulations relating to matters such as setbacks, building heights, building coverage, building depth, floor space ratio and accessory buildings.

While there is some variation based on the specific zone and lot size thresholds, generally the permitted house size is established via a calculation of the lot area multiplied by 0.35 plus 350 square feet up to a maximum specified for the zone.

i.e. Maximum permitted floorspace = (lot area x 0.35) + 350sqft.

All single family residential zones also contain an absolute maximum principal building (house) size except for the RS1 zone. Below is the Maximum Principal Building Size regulation from the District's Zoning Bylaw for the RS2 to RS5 zones.

Maximum Principal Building Size	
a) RS2	540m ² (5,813 sq.ft.)
b) RS3	405m ² (4,359 sq.ft.)
c) RS4	280m ² (3,013 sq.ft.)
d) RS5	190m ² (2,045 sq.ft.)

Table 502.2
(Bylaws 7152 & 7618)

Each of the 14 varied neighbourhood zones also have a maximum principal building size ranging from 3000 square feet in the Single-Family Residential Norgate (RSN) zone to 5,940 square feet for the Residential Single-Family Queensdale (RSQ) Zone.

As mentioned, the RS1 zone is the only single family residential zone that does not currently have a maximum principal building (house) size. Staff are seeking a resolution to move forward with the preparation of a zoning bylaw amendment to establish a maximum house size of 5,813 square feet in the RS1 zone, which is equal to the maximum single family house size contained in the RS2 zone.

Withholding Process:

If Council passes a resolution directing staff to prepare a bylaw, Section 463 of the *Local Government Act* allows Council to direct that a building permit application that may be in

conflict with the bylaw under preparation be withheld if that application was submitted more than 7 calendar days from the date of the resolution to prepare the bylaw. The Act provides for an initial withholding period of 30 days, which Council may extend by a further 60 days.

If a bylaw is not adopted within the 60 day period, the owners of the land may be entitled to compensation for damages as a result of the withholding of a building permit.

Options:

The following options are available for Council's consideration:

Option A (staff recommendation):

1. That Council direct staff to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 zone of 5,813 square feet.
2. Staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.


Option B:

1. That Council specify a different maximum house size for the RS1 zone than Option A and direct staff to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 accordingly.
2. Staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

Option C:

3. That Council receive this report as information and take no further action at this time.

Respectfully submitted,



Brett Dwyer
Assistant General Manager Regulatory Review and Compliance

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks & Environment _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> Recreation Com. _____
<input type="checkbox"/> Economic Development _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Human resources _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____