
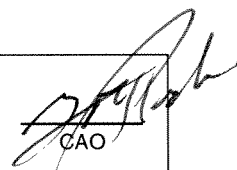


COUNCIL AGENDA/INFORMATION

Closed Date: \_\_\_\_\_ Item # \_\_\_\_\_  
 Reg. Council Date: Feb 8, 2010 Item # 14  
 Supplemental Date: \_\_\_\_\_ Item # \_\_\_\_\_

 Director	 CAO
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14

DISTRICT OF WEST VANCOUVER

750 – 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Attachments for item 14  
provided under separate cover

Date: January 27, 2010 File: 1010-20-09-048  
From: James Allan, Community Planner  
Subject: Development Variance Permit Application No. 09-048 (4367 Erwin Drive)

**RECOMMENDED THAT:**

1. The Municipal Clerk give notice that Development Variance Permit No. 09-048 (4367 Erwin Drive), to allow an enlarged replacement garage to be constructed, will be considered on Monday, March 1<sup>st</sup>, 2010.

**Purpose**

The purpose of this report is to provide information to Council on Development Variance Permit No. 09-048 (4367 Erwin Drive) which would allow an enlarged replacement garage to be constructed within the required Front and Side Yards. The proposed Development Variance Permit will be considered by Council on Monday, March 1<sup>st</sup>, 2010.

**1.0 Background**

1.1 Bylaw

The Zoning Bylaw establishes rules regarding the form and location of development on individual lots, including building siting.

**2.0 Analysis**

2.1 Description of Site

The subject site is a waterfront lot, zoned RS4 and is 6920 sq. ft. in size. It has an existing two storey house with a basement, and a single car garage in the front yard. A large, old-growth Fir, estimated to be between 100-200 or more years old is located on the property approximately 30 ft back from the front property line.

2.2 Background

The existing two storey house and garage were built prior to 1949<sup>1</sup>. The property owner has applied for a building permit for an extensive renovation to the existing dwelling and to replace the existing garage. The existing house is located with non-complying side yards, combined side yard and waterfront yard. On January 20<sup>th</sup>,

<sup>1</sup> first record on District files

2010, the Board of Variance approved the following variances to allow the existing house to be renovated in its current location:

Bylaw Provision	Existing	Proposed
Minimum Side Yard	4.2 ft (0.8 ft variance)	4.2 ft (0.8 ft variance)
Combined Side Yard	8.45 ft (6.55 ft variance)	8.45 ft (6.55 ft variance)
Waterfront Yard	25.7 ft (4.3 ft variance)	25.7 ft (4.3 ft variance)

At the same time, the owners also requested variances to allow a new two car garage to be constructed in approximately the same location as the existing garage, but were unsuccessful in obtaining Board of Variance approval. The variances were requested in order to retain a large Fir tree with a diameter of more than 5 ft (1.5m).

In order to retain the Fir and build a two car garage to replace the existing one car garage, the following variances are required:

	Bylaw	Proposed	Variance
Front Yard	30 ft	2.25 ft	27.75 ft
Minimum Side Yard	5 ft	2.49 ft	2.51 ft

### 2.3 Implications

The neighbourhood surrounding the subject property is characterized by a number of large, mature trees, some located within the boulevard and some on private property. The Fir located on the subject property stands out in the neighbourhood as the dominant tree.

The majority of other properties along Erwin Drive comply with the front yard requirements of the Zoning Bylaw with the exception of the property to the immediate east at 4369 Erwin Drive. This property has a garage constructed in 1965 with a 2.33 ft Front Yard and a 2.5 ft Side Yard.

Whilst the proposed new garage is to be larger than the existing garage, its shorter length moves the building further away from the Fir as shown in the following table:

	Dimensions	Front Yard	Side Yard (east)	Distance from Fir
Existing Garage	16.5 ft wide 26.8 ft long	1.0 ft	1.6 ft	4.7 ft
Proposed Garage	23.0 ft wide 21.5 ft long	2.25 ft	2.49 ft	6.8 ft

In order to ensure minimal disturbance to the root system of the Fir, the owner has retained the services of a tree specialist (Arborist). The Arborist has concluded that

the tree has been protected from the start of the construction process and is in good health. To build the new garage and preserve the tree, the Arborist recommends:

- An improved tree preservation fence around the tree during the construction process;
- Additional organic mulch within the tree protection area;
- A certified arborist be present onsite during any excavations near the tree;
- The area around the roots be mulched and aerated after construction has finished;
- To reduce root damage, the portion of the new garage beyond the existing foundation slab be supported by pillars and a suspended concrete slab rather than a foundation wall.

While a complying location for the garage does exist on the property located adjacent to the north side of the existing house, an 80 ft driveway with a manoeuvring area to allow vehicles to exit the property in a forward direction would be necessary. The manoeuvring area would have to be excavated and paved, encroaching further onto the Fir tree's root system. Also, the existing driveway which is located over the Fir's root system would continue to be used rather than be removed, as is the case under the current proposal.

Staff consider the applicants proposal superior to a complying garage and support the application as:

- It retains an important, old-growth native Fir tree;
- It contributes to the neighbourhood character with the retention of a dominant tree;
- The existing driveway is to be removed and replaced with a pedestrian path with the remaining area landscaped. This stops vehicles travelling over the root system of the Fir tree.
- The distance from the edge of the roadway to the garage will be approximately 25 ft. This provides the garage with a good setback from the street, minimizing its impact on the streetscape and it also allows a vehicle to stop in front of the garage without impeding traffic on Erwin Drive.

#### 2.4 Conclusion

Subject to additional comments or concerns being raised on the project at the public meeting, staff recommends approval of Development Variance Permit 09-048.

#### 2.5 Consultation

In line with the Development Procedures Bylaw, notification of the application is to be mailed to all owners/occupiers of property within 50 metres of the subject site.

### 3.0 Options

3.1 At the time of consideration of this report, Council may:

- (a) set the date for consideration of this application (recommended); or
- (b) set the date for consideration of this application and request that additional information (to be specified) be provided and available to assist in consideration of the application; or
- (c) defer further consideration pending receipt of additional information; or
- (d) reject the application.

3.2 When the application is considered by Council, Council may:

- (a) approve issuance of the attached Development Variance Permit No. 09-048; or
- (b) approve issuance of a modified Development Variance Permit No. 09-048; or
- (c) request more information; or
- (d) reject the application.

Author:

  
\_\_\_\_\_

Concurrence:

  
\_\_\_\_\_  
Manager, Community Planning

Appendices:

A: Context Plan

B: Proposed Development Variance Permit, including plans and Arborist Report





## District of West Vancouver

*Proposed*

### Development Variance Permit No. 09-048

Registered Owner: Charlene Dalton

This Development Variance Permit applies to:

Civic Address: 4367 Erwin Drive

Legal Description: PID 011-246-651  
Lot 2 Block 7 District Lot 582 Plan 5058  
(the "Lands")

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This Development Variance Permit No. 09-048 is issued to the Registered Owner to vary and supplement the District's Zoning Bylaw No. 2200, 1968 in order to allow construction of a new garage, as follows and on the conditions set out below:

1. Zoning Bylaw No. 2200, 1968 is varied in:
  - (a) Section 32-406 (Front Yard) to allow a minimum Front Yard of 2.25 ft.
  - (b) Section 32-408.2 (Side Yard) to allow a minimum Side Yard of 2.49 ft.
2. The Lands shall be developed in accordance with the drawings and plans prepared by Paul Butler Designs date stamped January 28, 2010 and attached as Schedule "A".
3. Prior to, and throughout construction, the Registered Owner shall:
  - (a) install and carry out all tree protection measures including foundation design for the garage, as recommended in the Arborist report prepared by Burley Boys, date stamped January 28, 2010 and attached as Schedule "B", to the satisfaction of the Environmental Protection Officer; and
  - (b) maintain tree protection measures during construction and only remove them with the prior written consent of the Environmental Protection Officer.
4. This Development Variance Permit lapses if construction of the building has not commenced, under an issued Building Permit, within 24 months of the date this permit is issued.

In the event the Registered Owner is delayed or interrupted or prevented from commencing the construction of the work specified herein by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the Registered Owner, the time for the commencement of the work shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial circumstances of the Registered Owner shall not be viewed as a cause beyond the control of the Registered Owner.

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THE COUNCIL OF THE DISTRICT OF WEST VANCOUVER APPROVED THIS PERMIT BY RESOLUTION PASSED ON .

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE ACKNOWLEDGED AND AGREED TO. IT IS UNDERSTOOD THAT OTHER PERMITS / APPROVALS MAY BE REQUIRED INCLUDING PERMITS / APPROVALS FOR BUILDING CONSTRUCTION, SOIL AND ROCK REMOVAL OR DEPOSIT, BOULEVARD WORKS, AND SUBDIVISION.

\_\_\_\_\_  
Owner: Signature

\_\_\_\_\_  
Owner: Print Name above

\_\_\_\_\_  
Date

**FOR THE PURPOSES OF SECTION 4, THIS PERMIT IS ISSUED ON .**

Schedules:

A – Building Plans prepared by Paul Butler Designs and date stamped January 28, 2010

B – Arborist Report prepared by Burley Boys Enterprises Ltd and date stamped January 28, 2010

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