COUNCIL REPORT

Date: November 6, 2015
From: James Allan, Community Planner
Subject: Proposed New House with Variances to the Zoning Bylaw at 3603 Marine Drive (Development Variance Permit No. 15-019)
File: 1010-20-15-019

RECOMMENDATION

Proposed Development Variance Permit No. 15-019 regarding 3603 Marine Drive, to allow for a proposed new house with garage, as described in the report dated November 6, 2015 be considered at the December 14, 2015 Council meeting; and that the Municipal Clerk give notice of consideration of the proposed development variance permit.

1.0 Purpose

The purpose of this report is to provide information to Council regarding a proposed new house and garage at 3603 Marine Drive, with variances to the Zoning Bylaw, and to request scheduling of the application's consideration.

2.0 Legislation/Bylaw/Policy

Policy BF-B1 in the Official Community Plan aims to “Preserve and enhance neighbourhood character and the character of supporting streetscapes”.

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

3.0 Background

3.1 Previous Decisions

None.

3.2 History

The original house on the property was constructed prior to 1943 and the carport and garage were constructed in the 1990's.

In 2013, the original lot (created in 1924) was enlarged after the owner bought additional land from BC Rail.
4.0 Analysis

4.1 Discussion

The subject lot (see Appendix A) is 724.7m² (7801 sq. ft.)¹ in area and is zoned RS4. It fronts Marine Drive to the south and Sunset Lane to the north. The property contains an existing two level house with detached garage and carport on Sunset Lane. The lane provides the only vehicle access to the subject lot due to the steep slopes on the site.

At some point in the past, the lot was excavated to create a platform for the existing house and surrounding gardens. As a result, the current house sits down in a “hollow”, between the two neighbouring houses, approximately 6 metres down from the elevation of Sunset Lane. In addition, when the required setbacks from property lines are taken into account, the permitted building envelope is restricted to approximately 10 metres deep.

Proposal

The owners are proposing:

a) a new 253m² (2729 sq ft) two-storey house with basement and garage accessing off Sunset Lane comprising:
   i. a second storey with the two car garage, a bedroom, office and entry foyer providing access down to the main floor;
   ii. outdoor patio and pool/pool deck at the main floor level;
   iii. A partial basement and covered area are located under the main floor accessing a patio and lawn area.

b) two visitor parking spaces provided off Sunset Lane; and

c) retaining walls located within the front yard to allow for the outdoor patio and pool at the main floor level.

Due to the steep topography and restricted building envelope, the proposal requires a number of variances as follows:

<table>
<thead>
<tr>
<th></th>
<th>Bylaw</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>9.1m</td>
<td>1.2m to cantilevered deck</td>
<td>7.9m to cantilevered deck</td>
</tr>
<tr>
<td>Rear Yard (measured to centre of lane)</td>
<td>9.1m</td>
<td>4.5m to garage</td>
<td>4.6m to garage</td>
</tr>
</tbody>
</table>

¹ The minimum required lot size in the RS4 zone is 836m² (approximately 9000 sq ft)
<table>
<thead>
<tr>
<th></th>
<th>Bylaw</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
<td>7.62m</td>
<td>10.67m</td>
<td>3.05m</td>
</tr>
<tr>
<td>Highest Building Face Envelope</td>
<td>6.7m</td>
<td>12.0m</td>
<td>5.3m</td>
</tr>
<tr>
<td>Maximum Height of Retaining Wall within 2.4m of front property line.</td>
<td>1.2m</td>
<td>2.4m</td>
<td>1.2m</td>
</tr>
<tr>
<td>Maximum Retaining Wall Height</td>
<td>2.4m</td>
<td>4.4m (to east property line)</td>
<td>2m</td>
</tr>
<tr>
<td>Retaining Wall Grade Line (Front Property Line)</td>
<td>1.2m up from ground and inwards over site at 37 7/8 degrees</td>
<td>Exceeds grade line by up to 2.1m</td>
<td>2.1m</td>
</tr>
<tr>
<td>Retaining Wall Grade Line (Side Property Line)</td>
<td>1.2m up from ground and inwards over site at 45 degrees</td>
<td>Exceeds grade line by up to 3.15m</td>
<td>3.15m</td>
</tr>
<tr>
<td>Maximum Accessory Structure Height</td>
<td>3.7m</td>
<td>6.2m (cantilevered pool deck)</td>
<td>2.5m</td>
</tr>
<tr>
<td>Maximum Roof Eave Overhang</td>
<td>0.6m</td>
<td>1.2m (garage and covered entry)</td>
<td>0.6m</td>
</tr>
</tbody>
</table>

**Front Yard to Marine Drive**

The proposed house is located 9.1 metres from the front property line. The patio around pool at the main floor level transitions into a cantilevered deck that is located 1.2 metres from the front property line.

The owner has proposed a number of retaining walls within the front yard of the property to provide for the pool and patio area. The owner has consulted with neighbours and considered the possible visual impact that these walls may create. As a result, in order to minimize the appearance of these walls the owner is proposing to:

a) construct the lower retaining walls with a Deltalok plantable green retaining system (see the example in Appendix B) rather than with concrete; and
b) provide adequate space between the retaining walls to allow for landscaping to be installed.

Figure 1 below shows the proposed house, outdoor patio and deck and retaining walls.

![Figure 1](image)

In addition, the boulevard is approximately 6 metres wide and the lot is elevated approximately 5 metres higher than Marine Drive creating a visual buffer between vehicles on Marine Drive and the proposed walls and pool deck.

The proposed development variance permit requires a landscaping plan for these walls and the adjacent boulevard in Marine Drive be approved by the District and installed.

*Rear Yard to Sunset Lane*

A portion of the two-car garage and covered entry is located within the rear yard to Sunset Lane, 1.4 metres from the rear property line. Due to the very steep elevation drop from the lane down into the property, and the restricted depth of the lot, there is no potential to move the garage back into a complying location on the lot without creating large retaining walls or structures and additional variances for driveway access.

The proposed house and landscape plans addresses the lane by reducing hardscape in the rear yard and providing an interesting and varied house design.Landscaping and pavers interspersed with grass combined with an interesting building design and quality building materials and no fence contribute positively to Sunset Lane (see Figure 2 on the next page).
Figure 2

*Building Height and Highest Building Face*

The steepness of the lot and the fact that the lot is located down in a "hollow" results in variances being requested to the maximum permitted building height and highest building face. The concave nature of the lot is at least partially a result of previous excavation to create the building platform for the current house and surrounding garden.

The owner is proposing to lift the house up to reflect the natural grade of the property (prior to previous site excavation), minimizing rock blasting and also to allow for vehicle and pedestrian access from Sunset Lane. Properties on Creery Avenue located on the other side of Sunset Lane and railway line are much higher in elevation and will not be impacted by the increased house height. In addition, the proposed house presents mostly a single storey appearance to Sunset Lane.

When designing the proposed house, the owner and architect considered the adjacent houses and the proposed height and massing reflects this (see Figure 3 below).
Summary

The architect and owner have considered the context of the property and its presence to Sunset Lane, the front yard to Marine Drive and the neighbouring properties. The proposal is considered to enhance the neighbourhood character and have minimal visual impact.

4.2 Sustainability

The proposal includes a minimum Energuide Rating of 80 for the proposed new house and installation of electrical conduit for electric vehicle charging and roof mounted solar.

4.3 Public Engagement and Outreach

Consistent with the Development Procedures Bylaw, notification of consideration of the application will be mailed to all owners/occupiers of property within 50 metres of the subject site.

4.4 Other Communication, Consultation, and Research

The owner has consulted with neighbours and has submitted the written letters of support from the adjacent property owners and the owners of 3608 Creery Avenue who are immediately behind and above the subject property.

5.0 Options

5.1 Recommended Option

The staff recommendation is to schedule the application for consideration and provide public notice for input to Council prior to consideration of the proposal.

When the application is considered by Council, subject to resident input received prior to and during the Council Meeting, staff recommend approval of the proposed development variance permit (attached as Appendix C).

5.2 Considered Options

Staff considered the following alternative options for the property:

   a) Develop the property in a conforming manner.

      Due to the restricted building envelope and steep terrain, it is exceedingly difficult to locate a house and garage on the lot in a manner that conforms to the zoning. It is also likely that siting a house in a conforming manner would result in rock blasting.

      In a situation with no variance, Council consideration would not be required and the District would have no control over landscaping, retaining wall and house materials or design. This option would likely not contribute positively to the neighbourhood and streetscape.
b) Lower the house down into the property.

In order to reduce the height of the proposed house and the retaining walls in the front yard, the house could be lowered. This option resulted in rock blasting (increased rock blasting volumes the further down the house is located), additional variances to allow a garage to be located over the second storey and a larger house (gross floor area due to increased exemption in the basement). As adjacent neighbours have provided written approval for the proposed house and site development, and the proposal does not impact properties below or above, this was not a preferred option.

6.0 Conclusion

Staff support the proposed new house and site development as:

a) The architect has proposed a house design with significant architectural merit and good use of materials;

b) Adjacent properties have been considered and the proposed house location and height reflects this sensitivity to the existing streetscape and existing adjacent house locations and massing;

c) Sunset Lane is the main public frontage for pedestrian and vehicle access and the proposed treatment of this frontage complements the lane; and

d) The treatment of the front yard adjacent to Marine Drive has been carefully considered and the use of green walls and landscaping will minimize the view of retaining walls and hard structure to Marine Drive.

Subject to written submissions to Council and Council consideration, staff recommend approval of the proposed development variance permit.

Author:  [original signed by J. Allan]
Concurrence: ________________________________

Appendices:
A – Context Plan
B – Example of Deltalok green retaining wall system
C - Proposed Development Variance Permit No. 15-019
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Example of DeltaLok green wall retaining system
District of West Vancouver

PROPOSED
Development Variance Permit No. 15-019

APPENDIX C

Current Owner: Wayne Nikitiuk

This Development Variance Permit applies to:

Civic Address: 3603 Marine Drive

Legal Description: PID: 005-412-056
Lot 19, Block 23, DL 558, Plan 5294
(the "Lands")

For the purposes of this Development Variance Permit, the Lands shall be developed in accordance with the drawings numbered 15-019 date stamped October 25, 2015, approved by Council, attached as Schedule "B", and specifically in compliance with the regulations and variances listed hereunder:

1. Zoning Bylaw No. 4662, 2010 is varied and supplemented for this development proposal in accordance with the following regulations:

   i) Section 120.22 (Retaining Walls) is varied as follows:

      a) Section 120.22 (2) (a) and (c) to allow retaining walls to exceed the grade line for the front property line by up to 2.1 metres and exceed the grade line for the side property line by 3.15 metres.

      b) Section 120.22 (4) to allow a retaining wall of up to 4.4 metres facing the east property line.

      c) Section 120.22 (6) to allow retaining walls of up to 2.4 metres within 2.4m of the front property line.

   ii) Section 130.01 (3) (b) (Accessory Structure Height) is varied to allow for the proposed cantilevered pool deck to be 6.2 metres in height.

   iii) Section 204.07 (Front Yard) is varied to allow for the proposed pool deck to be located 1.2 metres from the front property line.

   iv) Section 204.08 (Rear Yard) is varied to allow for the house to be located with a 4.5 metre rear yard.

   v) Section 204.10 (Building Height) is varied to allow the proposed house to be 10.67 metres in height.

   vi) Section 204.12 (Highest Building Face Envelope) is varied to allow the highest building face to be 12 metres in height.
vii) Section 120.27 (Yard Provisions and Exemptions) is varied to allow a 1.2 metre roof overhang for the garage and front entrance.

2. Prior to building permit issuance, a landscape plan for the front yard and adjacent boulevard shall be submitted to, and approved by the Manager of Development Planning ("Manager").

3. The landscape plan required under 2 above, must,
   a) Screen the retaining walls constructed within the front yard of the Lands;
   b) Include the boulevard between the subject Lands and the travelled road surface;
   c) Not include any invasive species as contained within the Districts Invasive Plant Strategy.

4. Landscaping contained in the landscape plan approved by the Manager of Development Planning under 2 above, must be installed to the satisfaction of the Manager. The Manager may rely on the written confirmation from a landscape architect certified by the British Columbia Society of Landscape Architecture that the landscaping has been installed per the approved plan.

5. Prior to the issuance of this Development Variance Permit and as security for the due and proper completion of Tree Replacement in Sections 4 and 5 of this Development Variance Permit, the Owner shall:
   (a) provide security in the amount of $10,000 to the District in the form of cash or an unconditional, irrevocable auto-renewing letter of credit issued by a Canadian chartered bank or credit union; and
   (b) maintain the security for a minimum of one year after completion of the landscape installation, and not prior to the date on which the Manager authorizes in writing the release of the security.

6. This Development Variance Permit lapses if construction of the additions and renovations has not commenced, under an issued Building Permit, within 24 months of the date this permit is issued.

In the event the 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 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 Owner shall not be viewed as a cause beyond the control of the Owner.
THE COUNCIL 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 6, THIS PERMIT IS ISSUED ON

Schedules:
A – Sustainability Statement
B – Site Development Plans prepared by Openspace Architecture dated November 6, 2015
GREENING YOUR HOME & PROPERTY: CHECKLIST

Please attach any additional comments and/or documentation if pertinent.

What is your target ENERGUIDE rating? **80+**

Have you scheduled your ENERGY AUDIT? **Yes**, Indicate Date Here:

<table>
<thead>
<tr>
<th>PLEASE CHECK YES OR NO:</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUILDING ENVELOPE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSULATION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 x 6 wall construction and high-density batt insulation to achieve in-wall-cavity insulation value of RSI 3.85 (R22)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WINDOW PERFORMANCE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum thermal conductance ([U value]) of 2.00 W/K•m² (Energy Star labelled)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td><strong>ENERGY EFFICIENCY</strong></td>
<td></td>
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<tr>
<td>LIGHT FIXTURES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Install fixtures that do not accept incandescent or halogen bulbs in all non-living spaces (e.g. hallways, storage areas, patios, etc.)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>ENERGY CONSUMPTION DISPLAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy usage display meter capable of calculating &amp; displaying electrical consumption on at least a monthly basis.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>FIREPLACES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[No wood burning fireplaces.] Gas-fuelled fireplaces have electronic ignitions: are direct vented.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>HOT WATER</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electronically powered hot water tanks are insulated to provide min RSI 1.76 OR on-demand hot water heater is installed.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>BUILDING ORIENTATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building is oriented for solar design and/or supports passive solar heating. See Ideas Sheet for details.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td><strong>WATER CONSERVATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIXTURES &amp; TOILETS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low flow water fixtures, including dual flush design toilets, with max single flush consumption of 6 Litres.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td><strong>INDOOR ENVIRONMENTAL QUALITY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HEAT RECOVERY VENTILATOR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation of a heat recovery ventilator. (Certified by a HRAI or HVC certified installer to meet CSA standards.)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td><strong>CONSTRUCTION WASTE MANAGEMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WASTE MANAGEMENT PLAN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction waste mgmt plan prepared and submitted. Target min 50% waste reduction; diversion rate to be documented, with disposal receipts.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**FUTURE PROOFING** YOUR HOME

<table>
<thead>
<tr>
<th><strong>PRE-PIPE FOR ROOF MOUNTED SOLAR</strong></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vertical service shaft extends from water heater room to attic space (min 2 50mm pvc pipes, capped at both ends, &gt;220° angle.)</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>PRE-WIRE FOR ELECTRIC VEHICLE(S)</strong></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cable raceway leading from electricity circuit panel to enclosed outlet box in garage or carport.</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

**SENSITIVE SITE DEVELOPMENT**

<table>
<thead>
<tr>
<th><strong>STORMWATER MANAGEMENT</strong></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent, low-impact development (LID) measures installed to manage stormwater run-off at pre-development rates.</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>MINIMIZE SITE DISTURBANCE</strong></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>No invasive plant species are introduced to the landscape</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Established plant materials to have low water requirements</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Storage tank or rain barrels for retaining rainwater for irrigation</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Tree Preservation Plan prepared and submitted</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>1 tree; four 5 gal (or equiv) shrubs; or 4.6m groundcover per 46m of unreserved lot area.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Drought tolerant turf and/or landscaping species</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Mulch or soil amendments added as appropriate</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Topsoil maintained or enhanced to a minimum depth of 12 inches</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>REDUCE LOCAL HEAT ISLAND EFFECTS</strong></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>One or both of the following:</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Trees or other plantings provide shade to ≥50% of hard surfaces within 15m of home.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Light coloured materials for ≥50% of hard surfaces (e.g., white/grey concrete; open pavers; vegetated roof to cover garage and/or accessory buildings.)</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

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*No invasive plant species vary by region. Consult the Canadian Botanical Conservation Network for invasive plants in your area. [http://www.cbnrc.org/our-work/invasive-plants/]
* Water conservation and landscaping tips: [https://www.watermartin.com/water-conserving-landscape-tips]
* Tree Preservation Plan for trees: [https://www.treepreservation.com]
* Mulch or soil amendments to reduce erosion and water loss: [http://www.redgum.com.au_AMENAGEMENTS]
Additional Notes

1. A steel framed wall system will be used with minimum RSI 3.85 (R22).

2. The construction waste of this project will be inherently minimal because of the proposed building system. The house is intended to be built using the BONE Structure prefabricated system. BONE uses galvanized steel components that are measured and cut off-site then assembled on-site with no nails, cutting, welding or waste. In addition, the project will be targeting minimal construction waste on all other aspects but will not specifically document this.

3. Due to the size and topography we will not be specifically targeting maintaining storm water runoff at pre-development rates. However, we will be installing a large water storage tank to hold rainwater run-off from the roofs and plaza to be used later used for irrigation.

4. In addition to no new invasive species, this project will be removing a number of large laurel trees which are identified as an invasive species that needs to be controlled.

5. A tree preservation plan will be prepared before any site works.
Schedule B

Attachments for item 123 provided under separate cover

Nikitiuk Residence
3603 Marine Drive

Development Variance Permit - November 6 2015
Site Coverage
House & Eaves > 4'0" - 2407.2 sf
Deck Canteliver - 342.0 sf
Total - 2749.2 sf
Allowed Coverage - 2863.2 sf

Floor Areas
Upper Floor - 872.3 sf
Main Floor - 1483.5 sf
Lower Roof - 541.6 sf x 0.68 = 368.3 sf
Total - 2724.1 sf
Allowed Area - 2729.6 sf
Garage - 418.3 sf

Proposed - Site Plan
Development Variance Permit
3603 Marine Drive
14-0-
Proposed Climbing Plants

Akebia Quinata (Chocolate Vine or Five leaf Akebia)

Celastrus Orsiculatus (Oriental Bittersweet)

Clematis Armandii (Armand Clematis or Evergreen Clematis)

Lonicera japonica 'Halliana' (Japanese Honeysuckle)

Green Wall Retaining System

The majority of the green walls facing Marine Drive will be built using the Flex MSE Vegetated Wall System. The system is used to build naturally resilient Geomodular retaining structures without the need for concrete, rebar, wire mesh or other formwork. It is one of the easiest systems to install, vegetate and maintain.

The Flex MSE Bags are:
- Filled with sand and soil
- An ideal planter block for many types of vegetation
- Water and root permeable
- Flexible enough to create almost any shape.

The small portion of concrete retaining wall facing Maine Drive will be fitted with horizontal steal wires to allow purchase for climbing plants.
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