AGENDA
PUBLIC HEARING

Monday, October 18, 2010
6:30 p.m.
Council Chamber, Municipal Hall
355 West Queens Road,
North Vancouver, BC

Council Members:
Mayor Richard Walton
Councillor Roger Bassam
Councillor Robin Hicks
Councillor Mike Little
Councillor Doug MacKay-Dunn
Councillor Lisa Muri
Councillor Alan Nixon

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NOTICE OF PUBLIC HEARING

A Public Hearing is scheduled for **6:30 P.M., MONDAY, OCTOBER 18, 2010** in the Council Chamber of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C., to provide an opportunity for Council to hear from those who believe they may be affected by the Bylaw amendments, as outlined below.

**1621 KILMER ROAD - AMENDMENT TO LYNN VALLEY COMMUNITY PLAN AND ZONING BYLAW (SUBDIVISION REGULATIONS)**

**BYLAW 7862**

The District Official Community Plan, Amending Bylaw 74

**BYLAW 7863**

Rezoning Bylaw 1262

Applicant: Ms. Amanda Brown & Mr. David Pearce

Subject Lands: 1621 Kilmer Road, legally described as Lot C Block 5 District Lot 2088 Plan 4289, and shown on map below:

![Map of Kilmer Road area](image)

Proposed Amendments: The proposed subdivision requires an amendment to the Lynn Valley Community Plan and the Zoning Bylaw in order to establish special lot size regulations for the property.

Purpose: The proposal involves the subdivision of the property at 1621 Kilmer Road into two lots, each approximately 10 m (33 feet) in width. If created, the new lots will be generally compatible with the character of the area and the existing mix of lot sizes.
This Public Hearing is held under the provisions of the *Local Government Act*. All persons who believe they may be affected by the above proposal will be afforded an opportunity to be heard in person and/or by written submission. Written submissions will be accepted up to the conclusion of the Public Hearing to be held on Monday, October 18, 2010.

Copies of the bylaws, resolution, supporting staff report and other relevant background material are available for review in the District of North Vancouver Clerk’s Office or Development Planning Department at the Municipal Hall from October 4, 2010 to October 18, 2010. The Municipal Hall is located at 355 West Queens Road and is open Monday through Friday, except statutory holidays, between 8:00 a.m. and 4:30 p.m. If you would like to review the report online, go to [www.dnv.org/public_hearing](http://www.dnv.org/public_hearing). Please direct inquiries to Mr. Michael Hartford of the Development Planning Department at 604-990-2316.

Mr. James Gordon
Manager of Administrative Services
File:08.3060.20/047.10
PUBLIC HEARING

6:30 p.m.
Monday, October 18, 2010
Council Chamber, Municipal Hall,
355 West Queens Road, North Vancouver

AGENDA

1621 KILMER ROAD - AMENDMENT TO LYNN VALLEY COMMUNITY PLAN AND ZONING BYLAW (SUBDIVISION REGULATIONS)

Purpose of bylaw:

The proposal involves the subdivision of the property at 1621 Kilmer Road into two lots, each approximately 10 m (33 feet) in width. If created, the new lots will be generally compatible with the character of the area and the existing mix of lot sizes.

1. OPENING BY THE MAYOR
2. INTRODUCTION OF BYLAW BY CLERK
3. PRESENTATION BY STAFF
4. PRESENTATION BY APPLICANT
5. REPRESENTATIONS FROM THE PUBLIC
6. QUESTIONS FROM COUNCIL
7. COUNCIL RESOLUTION
8. CLOSING
The District of North Vancouver
REPORT TO COUNCIL

September 22, 2010
File: 3060.20/47.10

AUTHOR: Michael Hartford, Community Planner

SUBJECT: 1621 KILMER ROAD – Two Lot Subdivision
BYLAWS 7862 (OCP Amendment) and 7863 (Zoning Amendment)

RECOMMENDATION:

It is recommended that:

1. Bylaws 7862 and 7863 to amend the Lynn Valley Community Plan and amend the District Zoning Bylaw to enable a two lot subdivision, be given First Reading;
2. Bylaws 7862 and 7863 be referred to a Public Hearing;
3. Pursuant to Sections 879 and 881 of the Local Government Act, additional consultation is not required beyond that already undertaken with respect to Bylaw 7862; and
4. Pursuant to Section 882(3)(a) of the Local Government Act, Council has considered Bylaw 7862 in conjunction with its Financial Plan and applicable Waste Management Plan.

REASON FOR REPORT:

The proposed subdivision requires an amendment to the Lynn Valley Community Plan and the Zoning Bylaw in order to establish special lot size regulations for the property.

SUMMARY:

The proposal involves the subdivision of the property at 1621 Kilmer Road into two lots. The location is shown on the accompanying key location plan.
If subdivided, the two 10 m (33 foot) wide lots will be compatible with the existing single-family character of the area and the existing mix of lot sizes in the area, with generally larger lots to the east and similar-sized lots to the west, north, and south.

The Lynn Valley Community Association has not expressed concern regarding the proposed subdivision.

BACKGROUND:

The property was the subject of a preliminary application for subdivision undertaken in late 2009 and early 2010. The conclusion of this process was confirmation that amendments would be required to the Lynn Valley Community Plan and to the Zoning Bylaw to accommodate the subdivision.

EXISTING POLICY:

The District's Official Community Plan designates the site as "Residential Land Use". The Lynn Valley Community Plan designates the site as "Long-Term Single Family". The proposal is not in conflict with either of the existing community plan designations.

Policy 5.1.1 of the Lynn Valley Community Plan states:

"Except under conditions specified in this Plan, no changes in uses, densities or zoning in Long Term Single Family areas will be permitted."

The conditions under which changes in densities and zoning may be permitted are found in Lynn Valley Community Plan Policy 5.2.1. The criteria under which subdivision or changes in zoning may be permitted include for those lots currently in small lot infill areas and those lots where a well-established pattern of small lot development exists on a block face.

The subject property does not fall into either of these categories.

The property is zoned Single Family Residential Zone RS-3. The minimum lot width for subdivision under the RS-3 zoning provisions is 18 m (59 feet) for each lot, with a minimum lot area of 660 m² (7,104 square feet). Despite the minimum lot size under the RS-3 Zone, Section 312 of the Zoning Bylaw provides for Small Lot Infill Areas (SLIA's), where lots may be subdivided to create 10 m (33 foot) wide lots. The lot at 1621 Kilmer is not within a SLIA, but is adjacent to SLIA 18a and SLIA 19b.

Allowing the property to subdivide requires an amendment to the Zoning Bylaw's Section 310 to include special minimum lot sizes for this property. In order to amend the Zoning Bylaw text, the rezoning must be in conformity with the Lynn Valley Community Plan. Because the property is in neither a Small Lot Infill Area nor part of a block face that includes a predominant pattern of small lot development, the Plan would need to be amended. This amendment would exempt the property from the restrictions in Policy 5.1.1 of the Lynn Valley Community Plan regarding changes in zoning.
ANALYSIS:

1. Site and Surrounding Area:

The subject property is 814m² (8,778 square feet) in area, with a lot width of 20.1 m (68 feet). The lot is located on the south of Kilmer Road with unopened lane allowances located to the west and south.

The lot is currently occupied by an existing house built in 1953. The lot is generally flat, but slopes gently to the south. There is a large cedar tree at the rear of the property (proposed to be retained).

The surrounding lot pattern (shown in the adjacent map) includes a mix of lot sizes.

Lots to the east on the north and south sides of Kilmer Road range from 6.75 m (55.0 feet) in width to 18.59 m (61.0 feet). Lots directly to the north are each 10.06 m (33 feet) in width, while lots to the west, fronting Hoskins Road, range in size from 10.97 m (36 feet) to 17.4 m (57.1 feet). The property to the west (south-east corner of Kilmer and Hoskins) is within SLIA 18a and is currently under application for subdivision into two lots, each 10.8 m (35.4 feet) in width. Lots to the south, on the north side of Langworthy Street, range from two lots of 10.06 m (33.0 feet) directly south, to a mix of lots from 10.97 m (39 feet) to 18.3 m (60 feet) in width further to the east.

2. Subdivision Proposal:

The property is proposed to be subdivided into two lots, each 10.05 m (33.98 feet) in width and 40.5 m (132.9 feet) in depth. Two new houses are proposed to be built, with driveway access to both lots from Kilmer Road. No improvements are proposed to either of the unopened lane allowances adjacent to the property. The subdivision proposal is shown in the sketch below.
PROPOSED SUBDIVISION LAYOUT
The following table compares the minimum subdivision requirements under the RS3 Zone with the proposed lot sizes.

<table>
<thead>
<tr>
<th></th>
<th>WIDTH</th>
<th>DEPTH</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS3 REGULATIONS</td>
<td>18 m</td>
<td>34 m</td>
<td>660 m² (7104 sq ft)</td>
</tr>
<tr>
<td>Lot 1</td>
<td>10.05 m</td>
<td>40.5 m</td>
<td>407 m² (4384 sq ft)</td>
</tr>
<tr>
<td>Lot 2</td>
<td>10.05 m</td>
<td>40.5 m</td>
<td>407 m² (4384 sq ft)</td>
</tr>
</tbody>
</table>

As the proposed lots are not in compliance with the minimum lot size requirements under the RS-3 zoning for the property, it is necessary to amend Section 310 of the Zoning Bylaw to establish specific minimum lot size regulations.

Bylaw 7863 proposes to add these minimum lot size regulations to Section 310 of the Zoning Bylaw.

As noted in the review of relevant policy, consideration of special lot size provisions requires an amendment to the Lynn Valley Community Plan as the plan restricts changes in zoning in areas designated "Long Term Single Family."

3. Relationship to Existing Small Lot Infill Areas:

The property at 1621 Kilmer Road is not within a SLIA (Small Lot Infill Area) however, it is adjacent to two existing SLIA's to the west and south. SLIA 18b is located to the west and SLIA 19a is located to the south. SLIA 16a is located one half block to the north.

The proposed bylaw amendments would not designate the subject property as an extension of either of the adjacent SLIA's.
CONCURRENCE:

Staff from Engineering Design, Transportation, Fire, and the Environment Services departments have reviewed the subdivision proposal. Although some amendments to the site servicing and tree protection plans are required prior to subdivision approval, no concerns have been expressed regarding the proposed development.

PUBLIC INPUT:

A public notification letter was sent to neighbours in the immediate vicinity. One written response was received – this response indicated an objection to the proposed subdivision on the basis that sufficient small lot subdivision opportunities already exist in Lynn Valley, and that increased density brings with it increases in congestion, noise, and demand on services.

One telephone inquiry was received with general questions regarding parking on Kilmer Road, but this caller indicated they have no objection to the proposed subdivision.

The Lynn Valley Community Association was also notified and an email was received indicating no objection to the proposal, provided that neighbours in the area are not opposed to the subdivision.

CONCLUSION:

The proposed subdivision is compatible with the character of the single-family neighbourhood as a transition between smaller and larger single-family lots and is adjacent to two existing Small Lot Infill Areas. Lots to the north, south, and west of the subject site are existing or proposed lots of similar size to those proposed.

Given the mixed pattern of lots in this neighbourhood, there is merit in considering an amendment to the community plan and Zoning Bylaw to allow for specific subdivision regulations for this property.

As few concerns have been expressed by the neighbourhood or by the local community association, staff recommend forwarding the proposal to Public Hearing for additional community input and further consideration by Council.
OPTIONS:

The following options are available for Council's consideration:

1. Introduce Bylaw 7862 and Bylaw 7863 and refer the proposal to a Public Hearing (staff recommendation); or

2. Defeat Bylaw 7862 and Bylaw 7863 at First Reading and thereby reject the subdivision.

Michael Hartford
Community Planner

Attachments:

a. Bylaw 7862 – Community Plan Amendment (Lynn Valley Community Plan)
b. Bylaw 7863 – Zoning Bylaw Amendment
The Corporation of the District of North Vancouver

Bylaw 7862

A bylaw to amend The District Official Community Plan (Bylaw 6300)
(Lynn Valley Community Plan - 1621 Kilmer Road)

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as “The District Official Community Plan, Amending Bylaw 74 (Bylaw 7862)”.

2. Amendments

The District Official Community Plan Bylaw is amended as follows:

The District Official Community Plan Schedule C.4., Section “Implementation 5.2.1” is amended by adding the following numbered point and associated table:

10. In the case of properties listed in the table below amend the Zoning Bylaw to accommodate development as stipulated:

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>Location</th>
<th>Purpose of Zoning Bylaw Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT C BLOCK 5 DISTRICT</td>
<td>1621 Kilmer Road</td>
<td>To accommodate subdivision into two lots fronting, and accessed by vehicles from, Kilmer Road</td>
</tr>
<tr>
<td>LOT 2088 PLAN 4289</td>
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Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk
The Corporation of the District of North Vancouver

Bylaw 7863

A bylaw to amend the District of North Vancouver Zoning Bylaw 1965 (Bylaw 3210)

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as “Rezoning Bylaw 1262”.

2. Amendments

The District of North Vancouver Zoning Bylaw is amended as follows:

Part 3A “Subdivision Regulations” is amended by adding to Section 310 “Special Minimum Lot Sizes” a new row to the special minimum lot sizes table, as follows:

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>Location</th>
<th>Area (square metres)</th>
<th>Width (metres)</th>
<th>Depth (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT C BLOCK 5</td>
<td>1621 Kilmer Road</td>
<td>405 m²</td>
<td>10 m</td>
<td>40 m</td>
</tr>
<tr>
<td>DISTRICT LOT 2088</td>
<td>PLAN 4289</td>
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</tr>
</tbody>
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