Subject: [Fwd: Re: Notification Process for Development Variance Permits]
Date: Thu, 21 Jul 2005 11:08:28 -0700
From: Brian Platts <bplatts@shaw.ca>
To: Corrie Kost <kost@triumf.ca>

-------- Original Message --------
Subject: Re: Notification Process for Development Variance Permits
Date: Thu, 21 Jul 2005 17:54:49 +0100 (BST)
From: Elizabeth James <cagebc@yahoo.com>
To: Brian Platts <bplatts@shaw.ca>, Ernie Crist <ernie_crist@dnv.org>, Maureen Bragg <m.bragg@shaw.ca>
CC: Alan Nixon <Alan_Nixon@dnv.org>, Mayor Harris <Janice_Harris@dnv.org>, Jim Cuthbert <Jim_Cuthbert@dnv.org>, Lisa Muri <lisa_muri@dnv.org>, Maureen McKeon Holmes <Maureen_McKeonHolmes@dnv.org>, Richard Walton <richard_walton@dnv.org>, DNVCouncil <DNVCOUNCIL@dnv.org>, James Ridge <James_Ridge@dnv.org>, Irwin Torry <Irwin_Torry@dnv.org>, Paula Huber <Paula_Huber@dnv.org>, FONVCA <fonvca@fonvca.org>, Senior Management Committee <managecomm@dnv.org>

Dear Brian:

Above and apart from anything else, I can only say that you have my utmost respect for your patience and forbearance..

Although I cannot cite chapter and verse, what I do know is that you, Corrie and many others have, over and over again, addressed the matter of specific DVP applications, as well as the DVP process in general. In fact, Corrie did so as recently as during discussion as to whether the District could/should sell land to an adjacent property owner. Seymour individuals and groups addressed it loud and clear when Maplewood was removed from their OCP discussions.

I really don't know what more dedication anyone has a right to expect in any community, than that displayed by thoughtful, conscientious and courteous residents such as yourself, Corrie, Mrs. Bragg, Allan Orr, Erik Andersen, John Hunter, Dan Ellis and all those other unpaid DNV and FONVCA volunteers who, inadvertently, I have omitted from that list.

Kind regards,
Liz James

Maureen Bragg ***<m.bragg@shaw.ca>*** wrote:

> I have been in Council Chambers and heard you and Dr Cost speak many times on this issue. I have also sat at meetings of FONVCA where this subject has also been discussed many times. I have also commented on this very subject many times before Council, with regard to the numerous DVP applications on the Waterfront. To be accused of not doing or saying anything about this very flawed process is frustrating.
>
> Sincerely Maureen Bragg
>
> > ----- Original Message -----
> > **From:** Brian Platts
> > **To:** Ernie Crist
> > **Cc:** Alan Nixon ; Mayor Harris ; Jim Cuthbert ; Lisa Muri ; Maureen McKeon Holmes ; Richard Walton ; DNVCouncil ; James Ridge ; Irwin Torry ; Paula Huber ; FONVCA ; Senior Management Committee ; cagebc@yahoo.com
> > **Sent:** Tuesday, July 19, 2005 8:18 PM
> > **Subject:** Re: Notification Process for Development Variance Permits
> >
> > Dear Ernie,

Thank you for your e-mail in response to FONVCA's suggested amendment to the notification process for development variance permits. We appreciate your comments. After all, FONVCA and its individual member associations often submit recommendations to Council, so in turn, constructive criticism directed at us is equally welcome because it gives us an opportunity to reconsider issues or clarify any misunderstandings.

In response to your main point, you will receive little argument from FONVCA that the Board of Variance should be the forum for consideration of minor variance applications for the renovation or redevelopment of single family homes. It is important to note, however, that for the purpose of our recommendation it matters not whether it is Council or the Board that is considering variance applications. Either way, our recommended change in process for soliciting input on variance applications remains equally relevant. If a variance goes to the Board, then we still want all the relevant information available to the adjacent neighbours and the local community association before they are officially polled for comment on the application.

With respect to your expressed disappointment with FONVCA allegedly having never voiced an opinion on the handling of DVPs by Council, I can tell you that this is simply not true. Attached to this e-mail are two official letters from FONVCA to Council on the issue of DVPs. No doubt you recall reading our strongly stated concerns in the 2002 letter that: *"the viability of both District-wide and individual neighbourhood zones, together with local area plans, are under threat. We believe the number and scope of the DVPs granted can only result in encouraging the public to pursue development beyond the provisions of relevant zoning bylaws, in effect circumventing the democratic process through which they had been enacted."* In addition to the two attached letters on DVPs, there are other FONVCA letters to Council in which the issue
of variance applications was at least partially addressed.

On a personal note, the District's handing of Development Variance Permits has long been a particular concern for me. I have studied the various single family zoning bylaws, co-chaired the Edgemont Neighbourhood Zoning Committee in '99/00, written countless e-mails and have spoken to Council on DVPs during the Public Input Period more times than on any other subject over a decade. This is no boast, but I think I can say with confidence that I am more knowledgeable on this subject than most current or past members of Council.

The issue that I have argued for years isn't that all variance applications are bad. Indeed there are many very legitimate and reasonable situations that result in homeowners applying for a variance to the Zoning Bylaw. The problem that I have consistently focused on over the years, and backed by FONVCA, is the District's practice of issuing huge variances beyond the maximum allowable floor space ratio (FSR) and/or the maximum allowable building size. It should be well-known to all members of Council that you can only legally alter "use" or "density" by rezoning. I have often stated, as has Corrie Kost, that altering the building density can only be legally approved through a rezoning process. Of course when challenged about the legality of issuing variances to floor area, the District went to its own solicitor to obtain an opinion that the practice was legal.

In a report to Council last month, however, we finally discovered that NVD is in fact at variance with other municipalities when issuing DVPs to single-family homes (please refer to my June 26/05 e-mail to Council). Other municipalities like NV City require a rezoning process in order to increase FSR beyond the maximum allowed. In West Vancouver, altering the permitted floor area with a DVP process is quite unusual and is only pursued for very minor cases. Burnaby, Richmond, and even Surrey require a rezoning to alter FSR beyond the maximum allowed under the Zoning Bylaw.

I closing, I hope the above helps to reinforce FONVCA's long-standing position on Development Variance Permits. Rest assured, the credibility of FONVCA remains intact: there is no silence on this issue or acceptance of the status quo.

Sincerely,
Brian Platts

Federation of NV Community Associations
3187 Beverley Crescent
North Vancouver, B.C.
V7R 2W4
Ph. 604-985-5104
Fax. 604-988-5594

Ernie Crist wrote:

> Dear Mr. Platts
>
> I appreciate FONVCA's concerns regarding the Notification Process for Development Variance Permits. I believe, however, that your are aware of my personal position in this matter which is that the whole Development Variance Process is itself at variance with the Community Planning concept a concept, which FONVCA ,as I understand it subscribes to.
>
> While I have and continue at times to vote in favour of Development Variance applications, my position remains essentially the same. I am opposed to the present variance process. As I have indicated on numerous occasions, the DVP process, in my opinion, is essentially unfair, it undermines the credibility of neighbourhood and community planning, it leads to speculation and, in some cases, to a deliberate neglect of homes. Furthermore it is highly subjective and creates a considerable municipal expense despite the fees charged by the municipality. The cost of manpower is far in excess of the expenses.
>
> In my opinion, the way to deal with such matters is through the Board of Variance which has been specifically created to address such issues in a fair and equitable manner without involving the municipality directly.
>
> I am both surprised and disappointed that FONVCA which claims to be a champion of neighbourhood and community planning has, to the best of my knowledge, never at any time voiced an official opinion in this matter not to speak of official opposition. Neither am I aware that any of the individual community Associations, including Seymour and other Community Associations have ever taken an official position in opposing this process for the reasons mentioned.
>
> This, Mr. Platts, is my position and I would appreciate if you could convey this to all members of FONVCA notwithstanding that FONVCA is non political and/or non partisan. Notwithstanding that FONVCA is non partisan I would urge FONVCA to review it's stance since it is in direct conflict with the aims of the existing neighbourhood organizations as I understand it. To put it succinctly, I do not believe that FONVCA can maintain its credibility, not to mention enhancing its influence unless it takes a stand on this fundamental issue.
>
> Yours truly,
>
> Ernie Crist

: Brian Platts [mailto:bplatts@shaw.ca]
Sent: Sunday, July 17, 2005 9:15 PM
To: Alan Nixon; Ernie Crist; Mayor Harris; Jim Cuthbert; Lisa Muri; Maureen McKeon Holmes; Richard Walton; DNVCouncil
Cc: James Ridge; Irwin Torry; Paula Huber; FONVCA
Subject: Notification Process for Development Variance Permits

Federation of North Vancouver Community Associations

Mayor & Council:

At the June 16th meeting of the *Federation of NV Community Associations*, a discussion took place over the process for soliciting feedback on Development Variance Permits.

Community associations and no doubt adjacent neighbours appreciate being notified of individual DVPs at the earliest stage of the development process. The only problem with this process is that all the information necessary to determine if an application amounts to any concern is not revealed until after the final report to council has been prepared. The result is that the report to council usually indicates no response to the application.

A recent DVP that came to Council is a good example. The initial letter from staff that went out to the adjacent neighbours and the local community association stated that a variance was in process, but the letter could not indicate any specifics because the plan checkers had yet to review the application in detail. There was no indication that the variance in question would amount to anything significant and therefore no feedback was received. The final staff report to Council, however, made it abundantly

clear that if the DVP was approved against staff's advice, it would then be used as a precedent for other applications in the neighbourhood.

As a result of the above, **FONVCA respectfully requests that the notification process for Development Variance Permits be amended so that adjacent neighbours and the relevant community association are not officially polled for comment until all the relevant information with respect to the actual size of each variance is made available.**

Sincerely,
Brian Platts

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