



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, May 06th, 2025

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Peter Gee

Leah Karlberg

Elizabeth MacKenzie

Namtez Sohal

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Joe Bosnjak (Director of Planning's Representative)

Sonia Erichsen (Director of Planning's Representative)

On May 06th, 2025 - The Appellants for the following site appealed the City's decision (Director of Planning's written decision) **issued by the City's Development Services:**

138 West 12th Avenue – Board's summary minutes and decision

Appeal Section: 573(1)(a) Appeal of Decision – **DP Refusal**

Legal Description: Lot C, Block W, District Lot 526 and Plan VAP 2104.

Lot Size: Lot Area = 3,141 sq. feet

Zone: RT-6

Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00737 and a request to permit exterior alterations to this existing single detached house with bed & breakfast room accommodation and alter and convert the existing accessory building (detached garage) to a church use.

Development Application No. DP-2024-00737 was refused for the following reasons:

- the proposed development does not comply with Use Regulations of the RT-6 District Schedule of the Zoning and Development By-law that affect this site.
- the proposed development does not comply with regulations of the RT-6 District Schedule of the Zoning and Development By-law that affect this site.

Discussion:

Carman Kwan, Yosi Hayun, Victor Setton, Brian Libin, and Shimon Kahlon were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

The appellant's initial comments were that during covid, they didn't have a place to pray, so they created an area where they can pray for one hour, study, eat breakfast, and go home. They usually run from 7am-9am with about 12 people.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is to convert the existing accessory building to a church use. The accessory building has to reference the main building, in which case it is a one family dwelling with a bed and breakfast. The existing FSR is over the permitted. The complaints are for traffic as well as the a covered deck. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received five (5) letters in Support and five (5) letters in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

Barb Dunn (139 West 13th Avenue) is not in support of the appeal

Eugen Klein (Next door from 136 West 12th Avenue) is not in support of the appeal

Mark Jones (135 West 13th Avenue) is not in support of the appeal

Final Comments:

Mr. Bosnjak's final comments were that the City refused this due to regulations. This property is under investigation for multiple work without permit. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that how this came to be was due to covid. Most of them walk, or they park on the streets for 2 hours.

This appeal was heard by the Board of Variance on **May 06th, 2025 and was ALLOWED in PART with conditions**, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00737 and APPROVED exterior alterations to this existing single detached house with a bed & breakfast room accommodation and alter and convert the existing accessory building (detached garage) to a 'church use', and subject to the following conditions:

- (1). that the Board of Variance approved the 'church use' within the approved accessory building for a limited-time approval of 1-1/2 years and expires on: November 01st, 2027. The Board may grant an extension for the 'church use' on/before November 01st, 2027;
- (2). that the Board of Variance did NOT approve the 'covered patio area' adjacent/attached to the accessory building, and also the Owner(s) MUST REDUCE the overall size of the accessory building's footprint to be in compliance with the accessory building 'width' regulations to 80% maximum allowance as outlined in the RT-6 District Schedule; and
- (3). that the development shall otherwise comply with the requirements and regulations of the Zoning and Development By-law to the satisfaction of the Director of Planning.

Board's summary and decision based on the following:

-The City's representative (Mr. Bosnjak) stated that the Director of Planning is 'opposed' to the granting of this appeal, and noting the rear additions built without City permits (and non-compliance with the FSR/floor area and the building depth regulations, and the 'church use' is not permitted at this site). The Director of Planning further stated that the site already has an approved 'bed & breakfast' unit with a one-family dwelling unit and cannot allow a second (separate) ancillary use to the main principal building. The City notified 271 property owners surrounding the site – and seven (7) owners responded with five (5) letters in opposition, and two (2) letters in support of the proposed 'church use' within the accessory building.

-The Board members voted 5-0 (with a majority in support of the appeal) and overturned the City's decision with imposed conditions and approved a 'church use' (– and by the City's zoning definition and a 'Synagogue' is considered 'church use'). The majority of the board members did find a site hardship to allow a 'church use' within the proposed accessory building with a limited-time approval of 1-1/2 years (future extensions for this church use after the 1-1/2 years can be extended by the 'Board of Variance').

However, the board did NOT find a 'site hardship' to allow the unauthorized rear additions/development to remain at the site (mainly the work without permit 'covered patio area'), and the Owner(s) must remove the unauthorized rear covered patio area, and also the Owner(s) must reduce the overall-size of the current accessory building footprint with a maximum allowance of 80% width of the lot to meet the RT-6's District Schedule. The board further noted that the rear lane must not be blocked by parked vehicles during the 'church use' and that the board will review this case file again in 1-1/2 years time (from May 06th, 2025) and urged the Owner(s) of 138 West 12th Avenue to work with the immediate (adjacent) neighbours and definitely NOT block the lane. Three (3) neighbours attended the meeting and spoke in opposition to the appeal regarding the unauthorized church use and parking concerns along the lane.

-The Board's site office received five (5) support letters and five (5) opposition letters from the neighbourhood (prior to the appeal hearing on May 06th, 2025).

On May 06th, 2025 - The following sites were **NOT** reviewed by the Board of Variance and **the following appeals were adjourned and/or withdrawn prior to the meeting:**

-**4503 West 2nd Avenue** (Adjourned at the request of the City's Director of Planning)

-**2038 East 13th Avenue** (Adjourned at the request of the City's Director of Planning)

-**1516 East 15th Avenue** (Adjourned at the request of the Appellants)

-**446 West 13th Avenue** (Adjourned at the request of the Appellants)

-**456 West 13th Avenue** (Adjourned at the request of the Appellants)