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**BOARD OF VARIANCE / PARKING VARIANCE BOARD**  
**APPEAL DECISION**

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**Appeal Decision: 1248 East 22<sup>nd</sup> Avenue**

**Appeal Section:** 573(1)(b) Appeal of Regulation – Min. Site Area & Frontage  
**Legal Description:** Lot C, Block W, District Lot 526 and Plan VAP 2104  
**Lot Size:** Lot Area = 6,037 Sq. Ft. (49.50 feet x 122 feet)  
**Zone:** RM-1  
**Related By-Law Clause:** Section 3.1.2.1 (Minimum Site Area) and  
Section 3.1.2.1 (Minimum Site Frontage / Site Width)

**Appeal Description:**

Requesting zoning relaxations of Sections 3.1.2.1 (Minimum Site Area) and 3.1.2.1 (Minimum Site Frontage / Site Width) of the RM-1 District Schedule and a request to construct a new multiplex design development (proposing four dwelling units) with available parking spaces on-site and with vehicular access from the rear lane.

**Name of Appellant(s):** **Babak Choubi (Owner)**

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**This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED,** thereby granting zoning relaxations of Sections 3.1.2.1 (Minimum Site Area) and 3.1.2.1 (Minimum Site Frontage / Site Width) of the RM-1 District Schedule and APPROVED the construction of a new ‘Multiple-Dwelling’ design development containing four dwelling units (with a maximum permitted proposed density & floor area to 0.90 FSR) with parking spaces on-site and with vehicular access from the rear lane, and subject to the following conditions:

- (1) that the final design and its form of development shall be to the satisfaction of the Director of Planning (with a maximum permitted density & floor area to 0.90 FSR – as submitted by the Appellants/Owners), and in accordance with the board’s decision on January 14th, 2025; and
- (2) 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 majority of the Board members voted 5-0 in support of the appeal and found a site hardship to warrant a zoning relaxation – as the existing site area / lot area is approx. 500 sq. feet less than the minimum requirement (existing lot area is at 6,000 sq. feet) to build multiple dwelling units at this RM-1 zone site. The City’s representative confirmed that in the near future, City Council will be updating this district zone to allow the Director of Planning to grant zoning relaxations for lot sizes less than 6,500 sq. feet.*

*- The City’s representative also confirmed that the proposed density & floor is less than the maximum conditional approval by the Director of Planning with an outright density & FSR from 0.40 FSR to 1.20 FSR (maximum permitted FSR allowed, RM-1 zone site). Th Board granted a maximum approval to 0.90 FSR as submitted and presented prior to the January 14th, 2025 meeting. The Board accepted the proposal as submitted and imposed a maximum density & floor area to 0.90 FSR.*

*-The Board’s site office received no (0) opposition letters from the neighbourhood.*

**\*\*\* IMPORTANT NOTE to the Appellants:**

**The Board’s decision is valid for one-year** and the Owner(s) are required to obtain the City’s Development-Building Permit **by January 14<sup>th</sup>, 2026.** Once the Board’s decision expires, then the Owners are required to appeal (again) to request an extension.

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**Signed:**



**Secretary to the Board of Variance**  
Site Address: 1248 East 22nd Avenue