

- 1238 Burrard Street – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (DP-Refusal)
Legal Description: Lot D, Block 100, District Lot 541 and Plan VAP3145.
Lot Size: Irregular Lot
Zone: DD
Related By-Law Clause: Density (Floor Area, Downtown District)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2021-00863 and a request to permit interior alterations to remove an enclosed balcony (removing a set of balcony sliding-doors), resulting in a floor area increase of approx. 73 sq. feet.

Development Application No. DP-2021-00863 was refused for the following reason:

-The proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

<u>Permitted Density is 5.0 (FSR):</u>	74,950 sq. feet
Existing:	74,950 sq. feet
Proposed:	75,023 sq. feet

Discussion:

Mr. Scott Forbes was 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.

Mr. Forbes' initial comments were that in May of 2017 they moved into the condo unit, and they asked Strata if they could remove the enclosed balcony, which was approved by strata at the time. This is a 14 storey concrete construction. They installed engineered hardwood to replace the enclosed balcony.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this application was refused due to its regulation. Permits were originally issued back in 2001. During review, the owner had removed an aluminum wall in the kitchen, and the floor area is over by 73 square feet. The Director of Planning does not see a hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received sixteen (16) letters in Support and no (0) letter 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.

_____) is in support of the appeal.

Final Comments:

Mr. Bosnajak's final comments were that the application in regards to regulations. It is 73 square feet over. The Director of Planning does not see a hardship, and cannot support the appeal.

Mr. Forbes' final comments were that it is difficult to put the enclosed balcony in. They would not have done it had there been any objections.
This appeal was heard by the Board of Variance on February 08th, 2022 and was DISALLOWED.

Board's summary and decision based on the following:

- Building's floor area was at the maximum allowance (City's calculation - 74,950 sq. feet).
- Building's exclusion of balcony area was at the maximum allowance, at 2,800 sq. feet.
- The Board was in agreement with the City's Director of Planning, and appeal was denied.
- The Board's decision was 2-2 (not a majority vote, and appeal was disallowed).

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723.

Board of Variance members,

[REDACTED] and we would like to request your approval to move 73 sq ft of "enclosed balcony" square footage and define it as "residential" sq ft. for our strata unit.

Our development permit application has been refused based on this square footage allocation.

I would like to give you a brief history of this application process.

In May of 2017 we decided to renovate and move into our strata condo unit. We wanted to replace the flooring with engineered hardwood and remove the balcony door that separated our 5ft wide kitchen and a 73sq ft "enclosed balcony". We had seen other units with these patio doors removed and thought it would be a great enhancement to the workability of the space.

We contacted our strata manager and requested approval to do the flooring and remove the door. The strata council approved our plan. We then contacted a contractor, and he assessed the plan and advised us the door was not load bearing and said we would not need a city permit to remove a door. Ours is a concrete construction building, so this advice seemed correct and we thought that making sure we asked the strata council and property manager meant all our bases were covered for doing the right thing.

We clearly received bad advice regarding this door and would not have spent the \$2,000 to remove it had we known the actual process to get approval. We removed the door in July of 2017 and installed the engineered hardwood.

In December of 2020 we received notice from the City that a complaint had been filed regarding this door removal. From a FOI request we received a copy of the complaint. The complainant stated we had removed a wall and suggested we had possibly structurally damaged the building as a result. That completely false accusation certainly created a lot of sleepless nights for us. The complaint resulted in 3 City Inspectors in our home in February of 2021 to confirm that we had not removed any walls, only the door that strata had approved. We also have confirmation from a structural engineer who made a site visit that the patio door we removed was not load bearing.

Honestly, the door removal has been an absolute savior for us during the last few years and especially during this Covid period of time. We utilize the space as an open kitchen and dining area without the obstruction of a door jam trip hazard or a glass obstruction that turns the space into a narrow galley kitchen area. The two of us are able to be in this space at the same

time, and during isolation and lockdown that is priceless. We are both now retired and utilize this open space for not just our cooking and baking projects, but for the art courses we are now taking. The loss of this open area by having to reinstall a balcony door would be personally heartbreaking.

We would not have removed the door if we had been advised of the arduous and costly process to get approval. Re-installing the door feels like a step back in our enjoyment of our home. Now that it is the only way we know our home we absolutely feel the best decision for us is to request the Board of Variance support our application.

Sincerely,

[Signature]



November 24, 2021

RE 1228 BURRARD STREET, Vancouver, BC V6Z 1Z1
Development Application Number DP-2021-00863

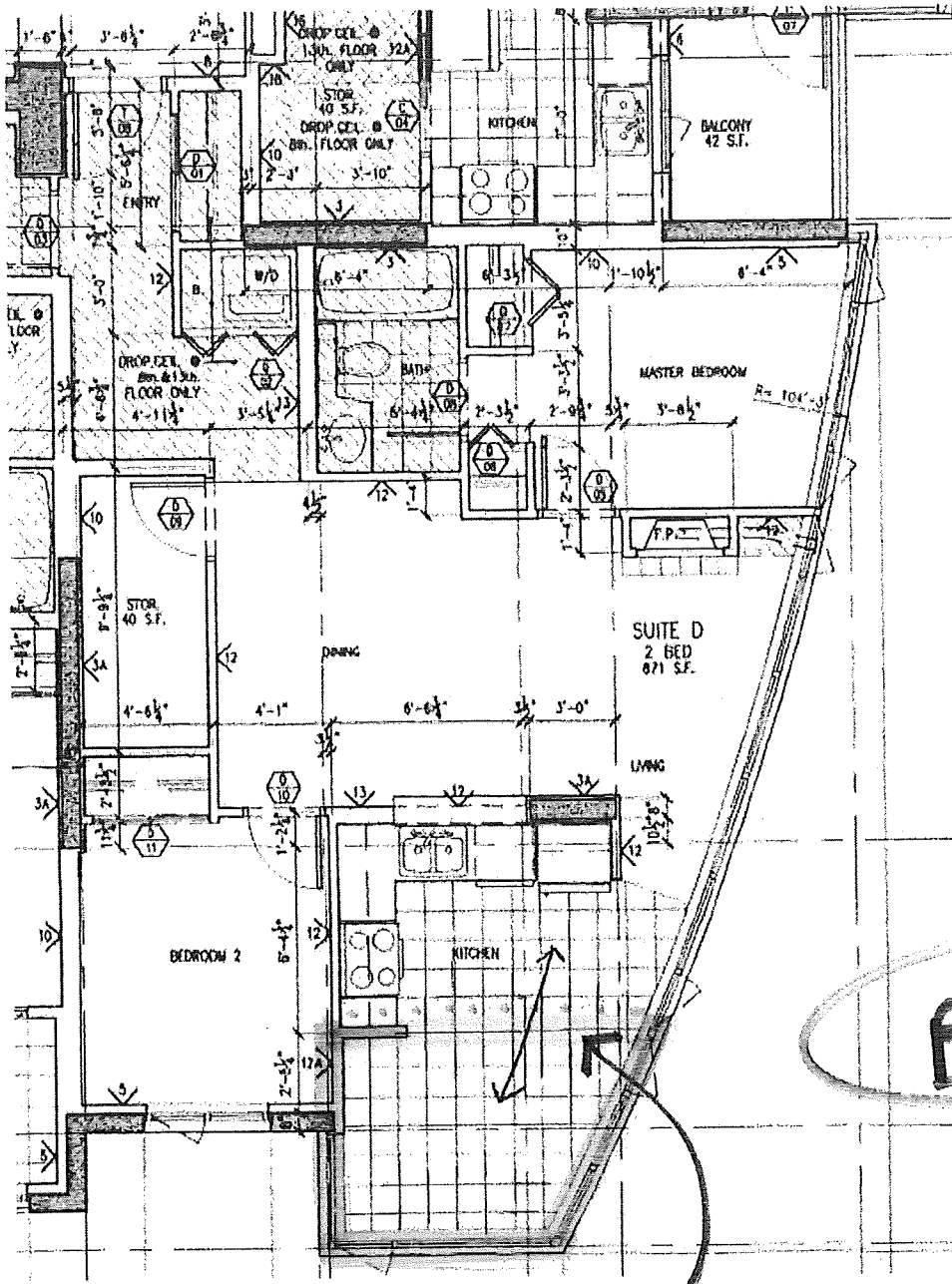
Please be advised that the Director of Planning has Refused DP-2021-00863 on November 24th 2021, for the following reason(s):

- Refusal 1 – Non-compliance – Regulations; the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site

You may be eligible to appeal this decision to the Board of Variance within 30 days of the date of this letter. For more information please contact the writer.

Yours truly,

Justin Neal
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(604) 829-9626

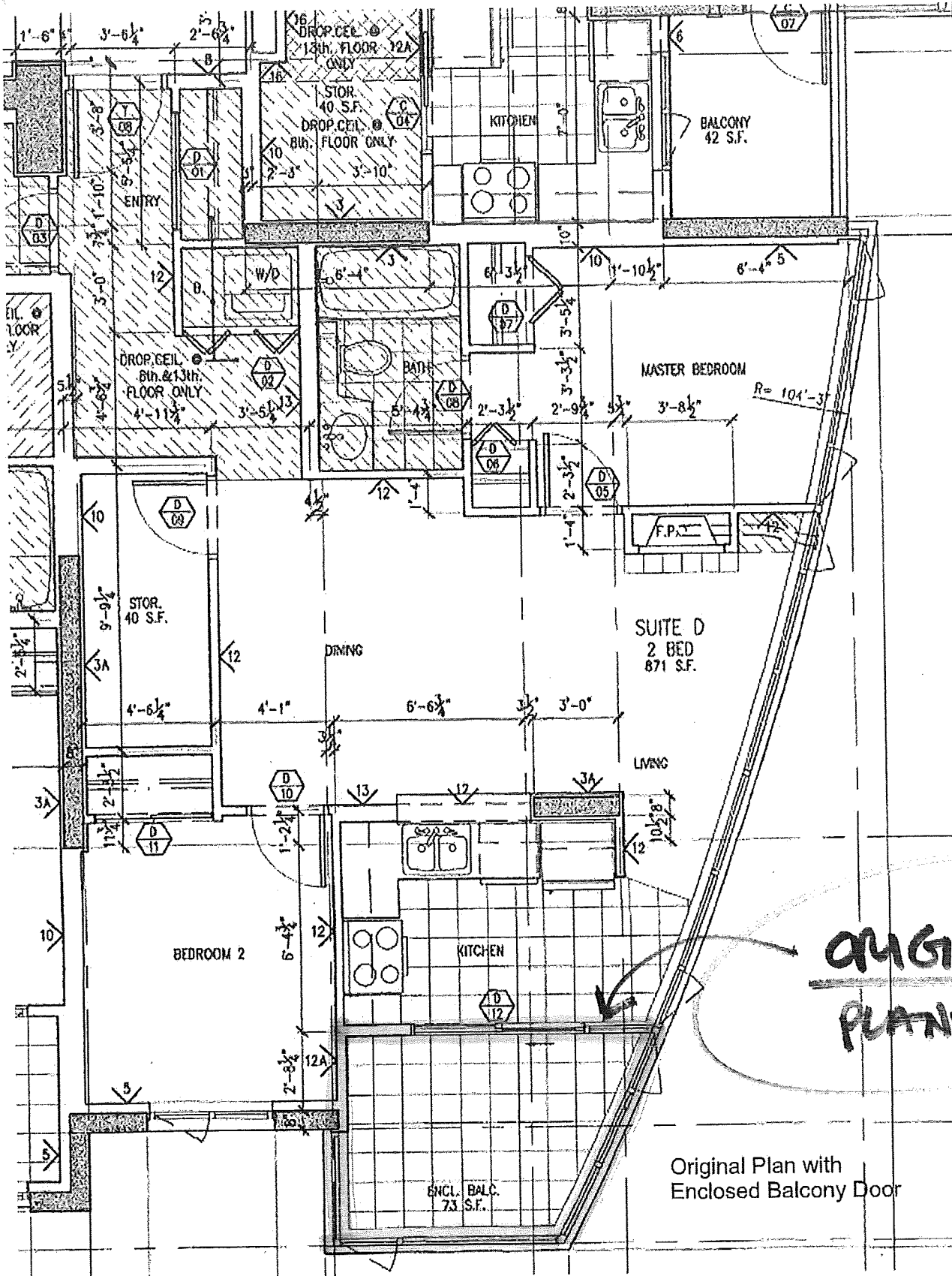


PROPOSED

(NEW)

After removal of enclosed balcony door.

RECEIVED DEC 13 2021



RECEIVED DEC 13 2021