

944 Semlin Drive - Board Minutes and Decision

Appeal Section: 573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description: Lot C, Block 19, District Lot 264A and Plan 3370
Lot Size: Lot Area = 2,653.50 sq. feet
Zone: RT-5
Related By-Law Clause: Sections 4.6 (Rear Yard), 4.7 (FSR), 4.8 (Site Coverage)
And Section 4.16 (Building Depth).

Adjournment history:

This appeal was delayed during the pandemic and the appeal was originally filed on May 25th, 2020 and the Board adjourned the appeal at the request of the appellants. Appellants asked for the appeal to be heard 'in-person', and appeal now scheduled for July 2022.

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2020-00181 and a request to permit exterior and interior alterations to add a new cover over the existing rear deck and to remove the existing washroom from the second floor of this existing one family dwelling with secondary suite on this inside without lane site.

Development Application No. DP-2020-00181 was refused for the following reasons:

– **Non-compliance – Section 4.6 (Rear yard)** of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site;

Minimum required:	26.89 feet
Existing:	32.02 feet
Proposed:	14.72 feet

– **Non-compliance – Section 4.7 (Floor Space of 75%)** of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Maximum allowed:	1,990 sq. feet
Existing:	2,011 sq. feet
Proposed:	2,536 sq. feet

– **Non-compliance – Section 4.8 (Site Coverage)** of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

<u>Maximum allowed:</u>	45.00% (1,194 sq. feet)
Existing:	39.60% (1,051 sq. feet)
Proposed:	49.25% (1,307 sq. feet)

– **Non-compliance – Section 4.16 (Building Depth)** of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

<u>Maximum allowed:</u>	30.45 feet
Existing :	45.04 feet
Proposed:	62.35 feet

Discussion:

Dawn Mannu 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.

The appellant had no initial comments.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for overturning the Director Of Planning's decision to provide alteration to a one family dwelling in the RT5 zone as they do not have authority to grant any relaxation in floor area. The Director Of Planning does acknowledge that this is a smaller than standard lot. There had been some deck alteration done a long time ago. This is a character home, which can be afforded certain relaxations, but floor area isn't one of them. The Director of Planning is unable to consider this appeal, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received thirty eight (38) 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.

There were no comments.

Final Comments:

Mr. Chen's final comments were that the Director Of Planning was unable to support the application due to it's limited capacity in authority. The Director of Planning will defer to the Board for their decision.

The appellant's final comments were that the alley in the back of the house has a garden on both sides. It is inaccessible for a car so she doesn't consider it to be an alley.

This appeal was heard by the Board of Variance on July 19th, 2022 and was ALLOWED, and thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00181 and APPROVED exterior and interior alterations to add a new cover over the existing rear deck at this existing one-family dwelling with a secondary suite on this inside without lane site, and subject to the following conditions:

(1) 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.

NOTE: The Board of Variance also confirmed at the meeting that they were supportive of the Owners keeping the exiting washroom on the upper floor – NEW Plans will be required showing the retention of the upper floor washroom, and the new plans must be stamped by the Board of Variance.

Board's summary and decision based on the following:

-There was a site hardship as this lot is less than a standard lot (Lot Area at 2,653.50 sq. feet) and this smaller lot does not have a rear lane (this site has a dedicated rear lane to the City).

-The Board also received 38-Support letters from the surrounding neighbourhood and all accepted the proposed development.

-The Owners confirmed that they will continue working with the City and obtain all the required City's Development – Building permits to the satisfaction of the Director of Planning.

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

Letter of Hardship

Dear Board of Variance,

We would like to put forward a development proposal for our home at [REDACTED] in Vancouver and identify the zoning variances that would be required to do so.

The first part of our proposal is to retain the existing space in our attic. This space would be used for storage (not living area) and the two-piece bathroom would be removed.

The area in the attic existed when we moved into our home in 1999. When our roof needed to be replaced in 2006, we had them install two skylights for natural light. The skylights made a vast improvement to the space and in 2009 we added four more. At this time, we were starting much needed renovations for the main floor of our house. We decided to extend the renovations to the attic space as well. This included adding new flooring, new treads for the stairs, and a toilet and sink. Although many improvements were made to both the main floor and the attic space to make it safe and improve the overall comfort and efficiency in our home, no dormers or additional space was added onto our home since it was built in 1912.

The Zoning and Development By-law variance required for this is section 4.7, (Floor Space Ratio of 75%).

Our home would be allowed a maximum FSR of 1990.1 sf. The main floor is 1004.3sf, basement is 1052.3sf and the attic is 355.2sf. Total square footage of the home is 2411.8sf or 90.89% FSR. The Floor Space Ratio in our home has not changed as the attic space has always existed. This space does not impact our neighbours and has not increased the footprint or height of our home. The use of this space for storage also allows us the room to provide a rental suite in our home.

The second part of our proposal is to retain our deck and cover. There would be a reduction of both the north and south sides of the deck to comply with the required 10% setback. In doing so, the stairs and landing would then be moved to the rear of the deck (east side).

When we moved into our home in 1999, there was a deck off the rear of the house accessed through sliding doors in the family room. The deck was very old, and the decking had rotted through in the past and had another layer applied on top. This layer also began to rot through and we patched it but around 2008 or 2009 we removed the deck as we felt it was no longer safe. A couple years later we had the deck rebuilt. We spoke to our immediate neighbours regarding our deck design and came up with something that would provide privacy between us. This was somewhat challenging as the lot sizes are small on our block and the houses close together.

The Zoning and Development By-law variance needed for the deck is section 4.6, Rear Yard (minimum requirement of 26.89 feet*).

According to 4.6.2, sites having an average depth of less than 36.5 m may have the required rear yard decreased in accordance to section 10.29 ** of the By-law. Furthermore, section 4.6.3 states, "Where the rear of the site abuts a lane, the depth of the required rear yard may be decreased by the width of

* not sure how this was calculated ** not sure what section 10.29 states

that portion of the lane lying between the rear of the site and the ultimate centre line of the lane" (Lane is 12 feet wide).

It appears that the non-compliance for the Rear Yard considers the existing deck. The lot's depth is 87 feet only and the existing house is 45 feet. With a relatively small lot and a large house, it is almost impossible to have any deck that complies with section 4.6. If you look around our neighbourhood, you will find many similar lot sizes and some even smaller. Almost all these homes have a deck, and even without, they would not comply to section 4.6.

In May of 2020, our Development application DP-2020-00181 was refused for non-compliance to sections 4.6 and 4.7 (as mentioned above). It was also considered non-compliant to sections 4.8 and 4.16. With the updates to the Zoning and Development By-laws in March of 2022, I am not certain if these are still relevant to our development application.

Regarding section 4.8 (Site Coverage), the maximum allowable is 45%. The letter states that existing is 39.6% (building) and allowed is 49.25% (building and deck). Section 4.8.2 reads "For the purpose of this section, site coverage for buildings shall be based on the projected area of the outside of the outermost walls of all buildings and includes carports, but excludes steps, eaves, balconies, and decks". Even if the deck is considered in the site coverage, the difference between the allowable 45% and 49.25% is 112.75sf only. As the deck consists of wood slats for the surface, is open underneath, and has a 9-foot-high glass cover, much of the area is still permeable to rain. The deck and cover were built so that we could enjoy spending time outdoors in all types of weather. In Vancouver, that usually means rain. This space is not living space (and could not be converted to living space) especially since the roof is glass and the surface is open slats.

Section 4.16 (Building Depth) allows a maximum of 30.45 feet. This is calculated as 35% of the site depth which is 87 feet. The existing building depth is 45.04 feet, and this is the original house. The letter from the Director of Planning has stated that our proposed Building Depth is 62.35 feet. The length of the deck has been added on to the Building Depth. Even without the deck being taken into consideration, the original depth of our home is non-compliant. Our house was built in 1912 by the same architect and builder as the houses on either side of us. The three homes were constructed six months apart and have the same building depth. The lot sizes are identical, and all have decks.

The Grandview Woodland area, where we live, is unique with its many irregular size lots and variation of charming character homes. It is also unique in that it feels more like a small village than part of a large city. My neighbours come from all 'walks of life' but at times we seem more like an extended family. I would never consider doing anything to my home or property that would negatively affect my neighbours and the community around me.

and pets and so many wonderful memories have happened there. With these trying times during this pandemic, we have been fortunate to have enough protected space outside to safely socialize with family and friends.

As an avid gardener, having a sitting area on the deck allows me to be able to devote more area in the yard for many beautiful plants. I am also prone to seasonal depression, therefore having more light and the ability to be outside despite the weather, has been very important for my mental health. I find myself being able to enjoy this space all year round.

Due to the smaller size of our lot (2654 sq ft), it does not conform to the regulations governing RT-5 zoning in our area. A regular size lot is permitted to make additions to the original home and add an infill home if possible. We see this happening throughout our neighbourhood as well the construction of duplexes where single family homes once stood. These new developments are much higher and denser and seem to overshadow the original homes in the area. Our home is the same size since it was built in 1912. There have never been any additions except for the deck that was built in the rear of the house.



We would like to retain the original space in the attic and remove the powder room. This space is very important for storage as we have a smaller lot without the capacity for a garage. This additional storage would also allow us to retain our one bedroom suite and provide much needed housing.



Another area we would like to retain is the rear deck and cover. We propose reducing the size of the deck on both the north and south sides so that it aligns with the required setbacks. We would also propose moving the stairs and landing from the north side of the deck to the rear east side.

We are not developers trying to make a profit. We love our home, neighbours and community. We have created a house with two separate homes (both with outdoor spaces) without overpowering our neighbours' properties. We have been able to accomplish this even as our neighbourhood has seen an influx of huge duplexes built that dwarf the older character homes. I believe that we have done what the RT 5 zoning was created to do by retaining our original home while bringing back its character. We have not demolished a house nor added to the landfill unnecessarily but instead have created two comfortable homes at a time when more housing is needed.

We are proud that our home has become one of the lovely character homes that still grace the Grandview Woodland neighbourhood.

Photos for [REDACTED]

Photos	Description
	Front of house in 1999
	Front of house now

Photos	Description
	<p>Streetscape:</p> <p>Four houses on east side of 900 block Semlin Drive</p> <p>2018</p>
	<p>Front and side view of house</p> <p>2018</p>

Photos

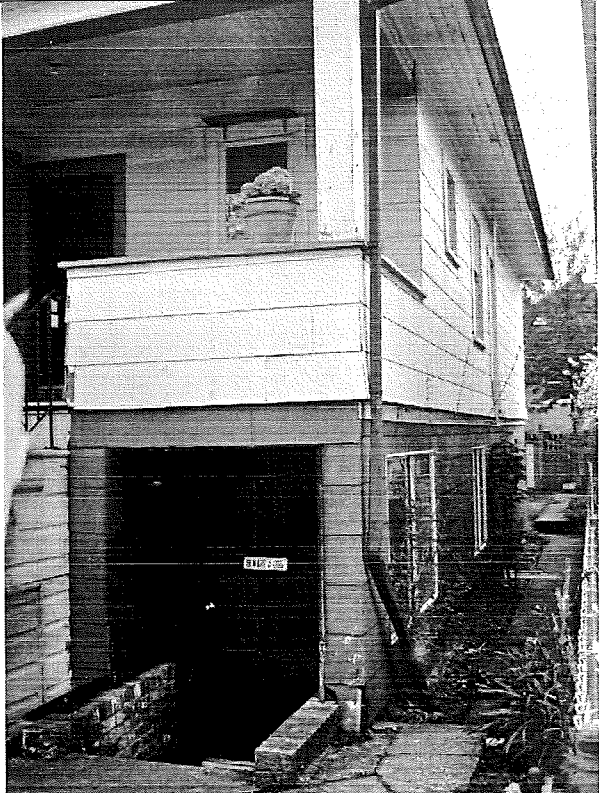
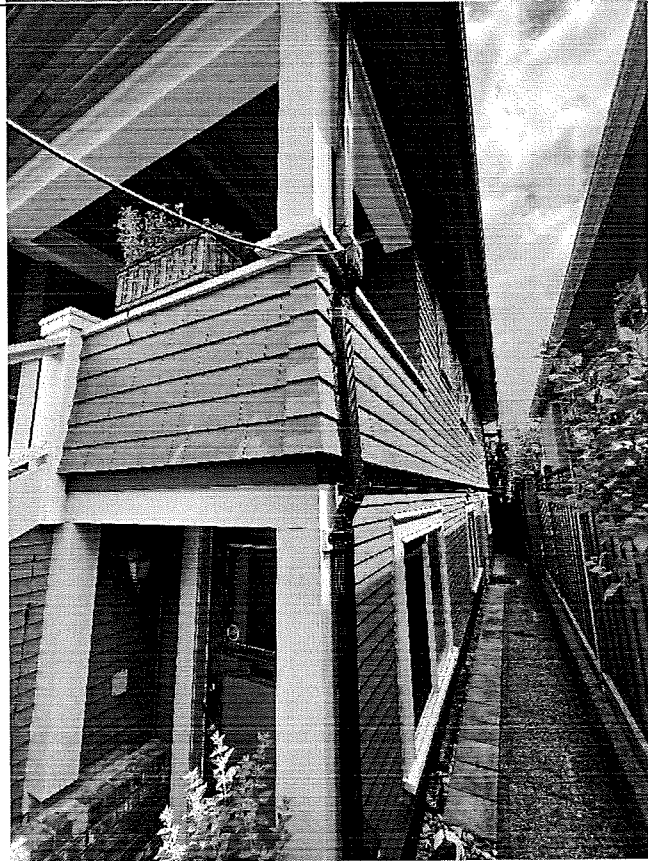
Description

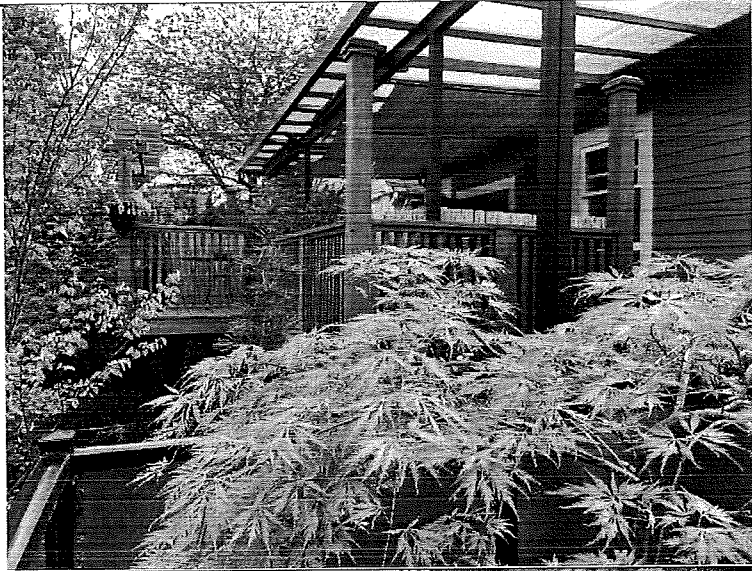


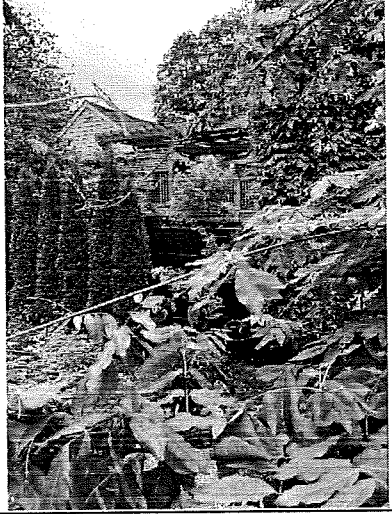
Back of house
in 1999



Back of house
now



Photos	Description
	Front and side of house 1999
	Front and side of house now

Photos		Description
		View of deck from neighbour to the north
		View of deck from neighbour to the south
		View of deck from neighbour to the east (front stairs and back)