

3045 East 18th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description: Lot 4, Block 341, District Lot 526 and Plan VAP1058.
Lot Size: Lot Area = 3,143.51 sq. feet
Zone: RS-1
Related By-Law Clause: Sections 4.6 (Rear Yard), 4.7 (FSR), 4.8 (Site Imperm.) and 4.16 (Building Depth).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00652 and a request to permit exterior alterations by adding a new cover over a portion of the sundeck at this existing two-storey, one-family dwelling site.

Development Application No. DP-2022-00652 was refused for the following reasons:

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

-The Director of Planning is not prepared to permit an increase in the above grade floor area as the proposed development does not satisfactorily comply with the criteria for relaxation, as set out in the RS-1 District Schedule.

Technical Information:

Permitted FSR: (0.60) 2,029 sq. ft.
Existing non-conforming: (0.70) 2,198 sq. ft.
Proposed: (0.72) 2,261 sq. ft. [As per DP-2022-00652.]

232 sq. ft. or 11 % over maximum permitted
63 sq. ft. or 3 % over existing

Required Rear Yard: 32.54 Feet
Existing: 20.99 Feet
Proposed: 12.74 Feet [As per DP-2022-00652.]

Permitted Building Depth: 33.24 Feet
Existing: 55.00 Feet
Proposed: 63.00 Feet [As per DP-2022-00652.]

Permitted Site Impermeability: 0.60 (2,029 sq. ft.)
Proposed: 0.70 (2,192 sq. ft.) [As per DP-2022-00652.]

163 sq. ft. or 8 % over maximum permitted

Discussion:

Iwan Kuntoro 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 they have a Vancouver Special home, which they purchased in 2009. The stairs were dangerous, so they didn't allow their children in the back. They have no plans to enclose or cover the stairs. They have 3 support letters from their neighbours, and would like to retain the balcony as is.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of decision for interior and exterior alteration. This was brought to the attention of the Director of Planning due to a complaint. There is no site specific hardship, the Director of Planning cannot support the appeal.

The Board Chair stated that the Board's site office received seven (7) 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:

Ms. Erichsen's final comments were that since there is no site specific hardship, the Director of Planning cannot support the appeal.

The appellant's final comments were that if the Board doesn't approve their appeal, they will reduce the area by getting rid of the front deck, and bring it to the rear. However, that will destroy the structure of the Vancouver Special.

This appeal was heard by the Board of Variance on January 17th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00652 and APPROVED exterior alterations and to retain (keep) the open, uncovered sundeck at the rear of this existing one family dwelling with secondary suite building at this 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.

Board's summary and decision based on the following:

- The City's Rep. spoke and was opposed to the granting of this appeal, and the rear open sundeck was over the maximum permitted FSR (Floor Area) by approx. 63 sq. feet.
- The Board's site office received a total of seven (7) Support Letters and no opposition to this appeal. The Board received no complaints.
- Owners stated at the appeal hearing that they have no future plans to cover and/or enclose the open sundeck at anytime in the future.
- The Board voted in support (2-1 votes in support) and approved the rear open sundeck addition as submitted and presented on January 17th, 2023.

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

August 16, 2022

RE 3045 E 18TH AVENUE, Vancouver, BC V5M 2R4
Development Application Number DP-2022-00652

Please be advised that the Director of Planning has Refused DP-2022-00652 on August 16, 2022, 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;
- **Refusal 2** – Above Grade Floor Area; the Director of Planning is not prepared to permit an increase in the above grade floor area as the proposed development does not satisfactorily comply with the criteria for relaxation, as set out in the RS-1 District Schedule;

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,

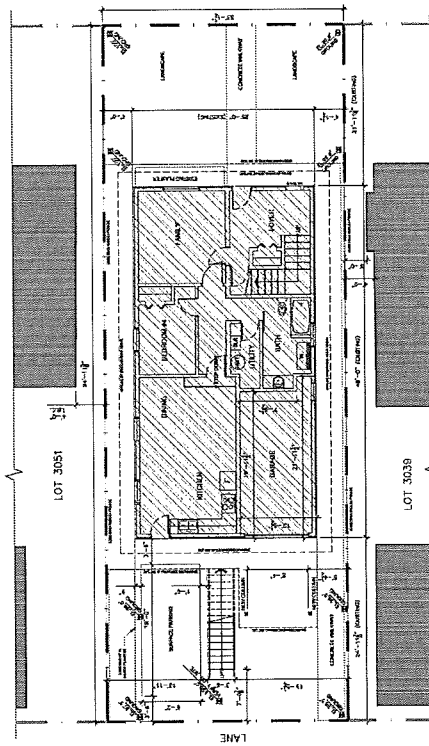


Mary Tuiza
Mary.Tuiza@vancouver.ca
(604) 873-7772

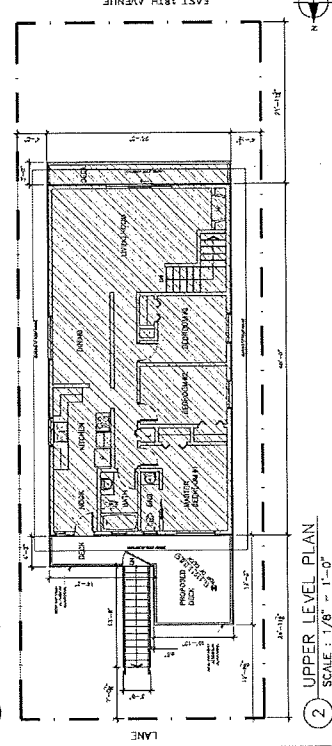


STAIR REPLACEMENT AND DECK ADDITION

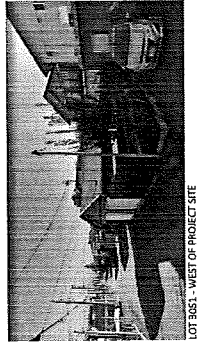
VANCOUVER, B.C.
 Civic Address : 3045 EAST 18TH Avenue, Vancouver BC - V5M 2R4
 PID No : 006822118
 Legal Description : LOT 25 BLOCK K PLAN VAP11660 DISTRICT LOT 10151 NEW WESTMINSTER



1 GROUND LEVEL / SITE PLAN
 SCALE : 1/8" = 1'-0"



2 UPPER LEVEL PLAN
 SCALE : 1/8" = 1'-0"



LOT 3039 - WEST OF PROJECT SITE



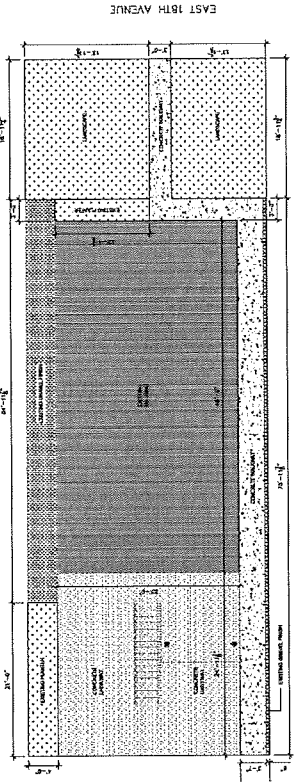
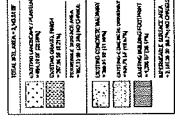
LOT 3039 - EAST OF PROJECT SITE

ZONING BY-LAW ANALYSIS SUMMARY:

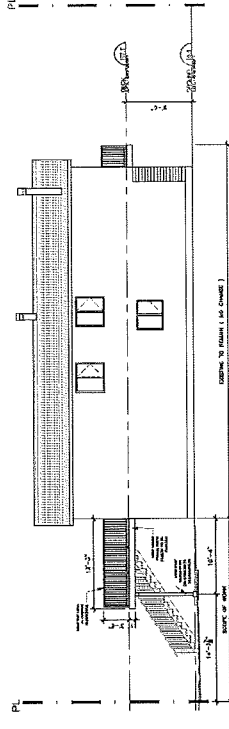
Item	Current Zoning	Proposed Zoning	Notes
Use	Residential Single-Family (RS-1)	Residential Single-Family (RS-1)	Use is permitted in both zones.
Height	11.0m (36.1 ft)	11.0m (36.1 ft)	Height is within the permitted range.
Area	1,200 sqm (13,000 sq ft)	1,200 sqm (13,000 sq ft)	Area is within the permitted range.
Setback	3.0m (9.8 ft)	3.0m (9.8 ft)	Setback is within the permitted range.
Other	None	None	No other restrictions apply.

AREA AND FSR CALCULATION:

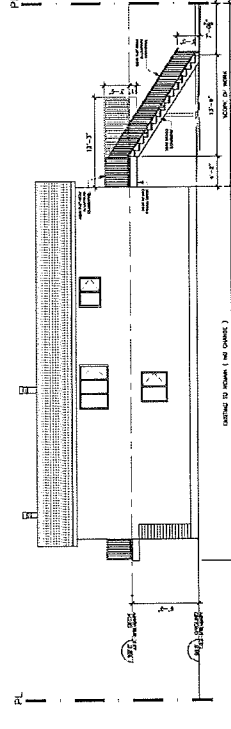
Category	Area (sqm)	Area (sqft)	FSR
Lot Area	1,200	13,000	1.00
Impervious Surface	1,200	13,000	1.00
Permeable Surface	0	0	0.00
Total	1,200	13,000	1.00



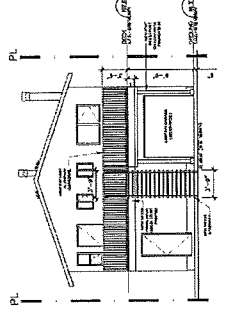
3 IMPERMEABLE SURFACE PLAN (EXISTING - NO CHANGE)
 SCALE : 1/8" = 1'-0"



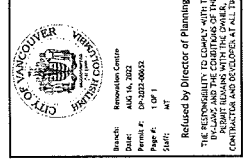
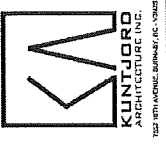
4 WEST ELEVATION
 SCALE : 1/8" = 1'-0"



5 EAST ELEVATION
 SCALE : 1/8" = 1'-0"



6 NORTH ELEVATION
 SCALE : 1/8" = 1'-0"



Reduced by Director of Planning
 The responsibility to comply with the
 Building Code Act and the Building
 Contractor and Regulator Act falls to the
 contractor.

Project No: KA-2203
 Date: July 9, 2022

Project Name: REAR DECK ADDITION

Project Address: 3045 EAST 18TH AVENUE, VANCOUVER, BC V5M 2R4

NO.	DESCRIPTION	DATE
1	REVISION	2022-08-18

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PROJECT DATA AND
 STATISTIC, FLOOR
 PLANS & ELEVATIONS

AS NOTED
 JULY 9, 2022

PROJECT NO: KA-2203

PROJECT NAME: REAR DECK ADDITION

PROJECT ADDRESS: 3045 EAST 18TH AVENUE, VANCOUVER, BC V5M 2R4

PROJECT CONTACT: KUNTJORO ARCHITECTURE INC.

PROJECT PHONE: (604) 271-1111

PROJECT FAX: (604) 271-1112

PROJECT EMAIL: info@kuntjoro.com

PROJECT WEBSITE: www.kuntjoro.com

PROJECT SOCIAL MEDIA: @kuntjoro

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PROJECT ADDRESS: 3045 EAST



KUNTJORO
ARCHITECTURE INC.

August 28, 2022

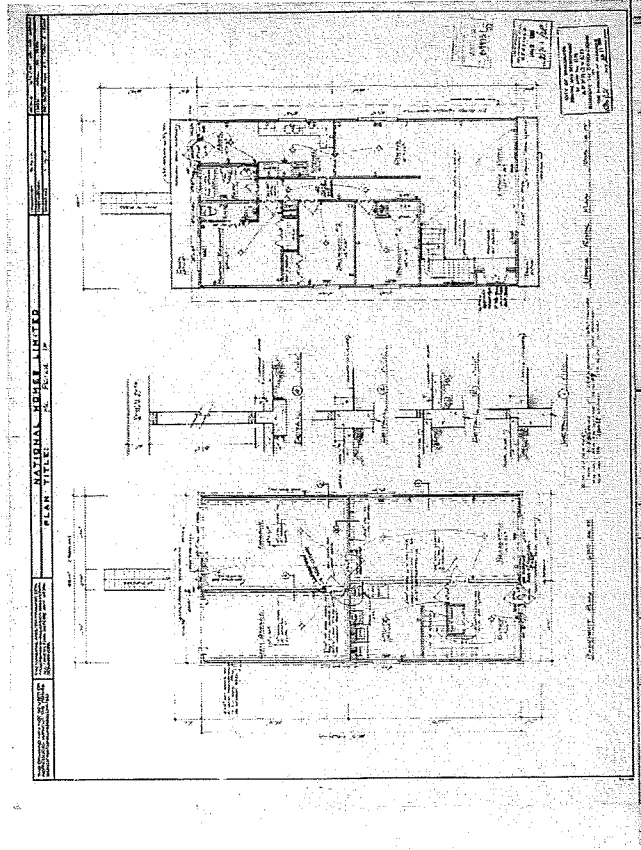
Project No. DP-2022-00652

Relaxation Rationale

1.0. Project Description

1.1. Background

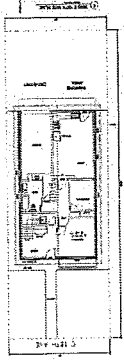
This application is in support of an appeal to the rejection of Development Permit Application for a property located in [REDACTED] currently zoned RS-1. The site is a flat rectangular shape parcel. It is located between East 18th Avenue to the south, residential lane to the north, and single family residential lot to the west and east. The site currently accommodates the existing single family that was built around 1980. The adjacent property, which comprises the rest of the block as well as the block across the street to the south and north, houses 1 to 3-storey single-family homes. The site area is 3,143.51 SF (94'-11.578" in depth and 33'-1.1/4" in width). The existing home is a 2-storey wood frame construction with attached garage and an open garage at the back.



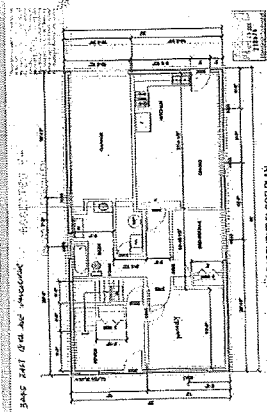
Stair Replacement and Deck Addition – 3045 East 18th Avenue Development Permit Application – Board of Variance

In 2008, the previous owner renovated the house to add a legal suite at the ground level, converted the garage into part of the suite, while the main home is on the 2nd level. The open carport was converted into a garage.

DS COPY
DB 121650
2020 E 18th Av
3045



3. HOUSE WITH MOBILE ELEVATION.



3. BASEMENT FLOOR PLAN

In the 2021, the condition of the open rear deck and stair have become unsafe as rear deck guard panel and some parts of the stair support become rotted, not stable and in need of replacement, so the owner hired a contractor to proceed with the repair. At the same time they extended the rear deck area for the purpose to create a safe outdoor play area for their children, without realizing that the addition to the deck would result in non-compliance with the current Zoning By-law. Unfortunately, they also did not apply for a building permit at that time and stop work order was issued when discovered by the City of Vancouver (case reference# 101015364031).

At the time of the stop order issuance, the construction of the rear deck including the guardrail is completed, however, the stair to the deck remain unbuilt, resulting in the secondary exiting from the upper level of the house become unavailable in the event of fire to this date.

The owner submitted the development permit and requesting relaxation to increase the limit on the exclusion of the balconies and deck (per Zoning By-law 4.7.3) from 8% to 11.1% to avoid the inclusion of deck area that would result in the non-compliance to maximum FSR, building depth, and required rear yard, which was unfortunately rejected by the planning department.



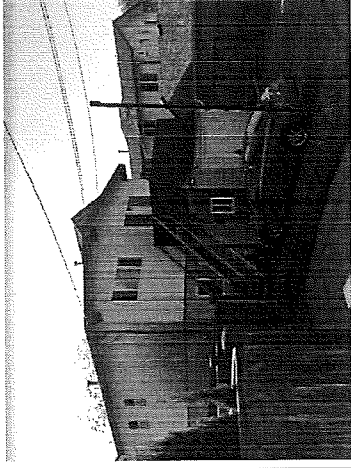
3.0. Relaxation Rationale

The owner wholeheartedly regretted the decision to extend the deck without permit and due-diligent to check with the applicable By-Law, however they would like to appeal the City's director of planning decision on the requested relaxation for the following rationale:

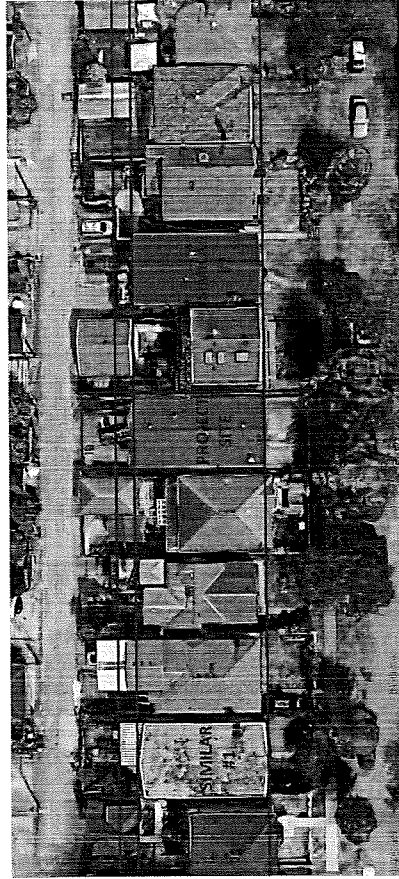
- With the remaining stair yet to be built, the owner has exceeded their allocated renovation budget and further alteration to already built deck will result in financial hardship for the family, especially in the current difficult economic situation. The stair construction needs to be the priority as it is their only secondary exit from the property in the event of fire.
- As the depth of the lot is shorter than the standard Vancouver sized lots (94' vs. 122'), there is not much rear outdoor living space available for the family to enjoy. The previous narrow rear deck at depth of 4'-2" was not adequate for a comfortable outdoor living space. With the deck addition, the owner have a little bit more of space for their children to play safely while supervised from close distance from / within their living space, something that they will lose if the board of variance do not support this appeal.
- The rear of the house serves as a driveway to two cars (east side for the owner's tenant and the west side for the owner use). As there is a lack of storage space in the home, the garage is being used for storage of the family's belongings.
- Portable storage shed will not be possible since the east side of the backyard is a parking space for the suite renter, while the west side is the driveway / access to the garage. Their own car have to be park in front of the garage door which already taking away the backyard area from the family's outdoor living space.
- The adjacent owners / neighbours on both sides of the property (who would be most directly affected by this development) have been consulted regarding this addition and they have no objection to this appeal as there is no negative impact in privacy/overlook, view, nor loss in property value. See photos of view from adjacent neighbour's rear yard. Letter of petition from both property owners and other neighbours in support of this appeal are attached for the board of variance's consideration.
- There are a couple of homes with similar statistic within the same block (highlighted below) with the same lot size and very similar rear deck setback, if not less.

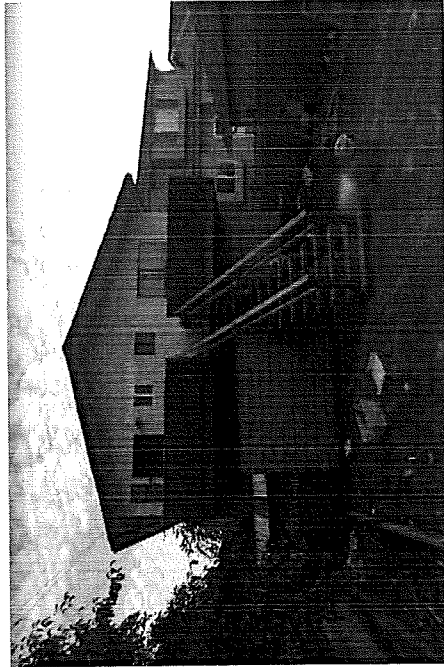


Similar #1

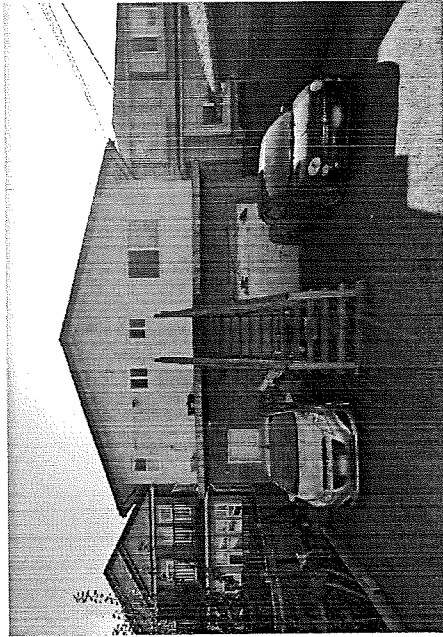


Similar #2

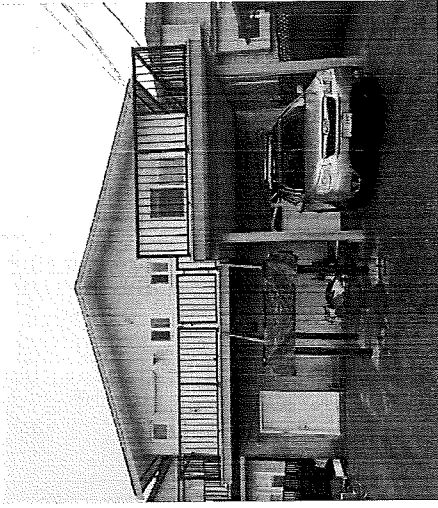




View of the rear side of the original house prior to renovation in 2008



View of the rear side of the house in 2021 when the rotted guard panel was removed



View of the finished rear deck, currently without the stair



Current view of the finished rear deck from above where their children can play more safely within close distance of their living space

