

## **5560 Chester Street – Board Minutes and Decision**

**Appeal Section:** 573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision  
**Legal Description:** Lot 25, Block K, District Lot THSL NWD, and Plan VAP 11660  
**Lot Size:** Lot Area = 3,499.41 sq. feet. (34.82 ft. x 100.50 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-2022-00257 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-2022-00257 was refused for the following reason:**

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

### **Technical Information:**

Permitted FSR: (0.60) 2,100 sq. ft.  
Existing non-conforming: (0.75) 2,617 sq. ft.  
Proposed: (0.80) 2,796 sq. ft. [ As per DP-2022-00257.]

696 sq. ft. or 33 % over maximum permitted  
179 sq. ft. or 7 % over existing

### **Discussion:**

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's initial comments were that** they have no neighbours behind their property. They have support from all their neighbours for the deck.

### **The Director of Planning's Representative**

**Ms. Erichsen's initial comments were that** this is an appeal of decision to refuse exterior alteration to increase the size of the deck. Both the neighbours on either side, through the BOV, received approval to modify their deck. The rear yard is not a concern, but the nonconforming side yard and floor area is over. Due to the overage, the Director of Planning is not in support of the appeal.

**The Board Chair stated** that the Board's site office received five (5) 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 had no final comments.**

**The appellant's final comments were that** both his neighbours have covered areas, similar to what they're requesting.

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-2022-00257 and APPROVED the exterior alterations by adding a new cover over a portion of the sundeck at this existing two-storey, one-family dwelling 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 not opposed to the zoning variances regarding the rear yard setback and building depth, and the City was unable to relax the FSR (Floor Area) overage by approx. 179 sq. feet.

-The Board received no complaints since the original approval by the Board of Variance -The Board's site office received a total of five (5) Support Letters and no opposition to this appeal. The Board received no complaints.

-The Board voted in support (3-0 votes in support) and approved the rear sundeck addition with a cover, and the cover is approx. 179 sq. feet (and was built around 1974).

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



September 28, 2022

**RE 5560 CHESTER STREET, Vancouver, BC V5W 3B2**  
**Development Application Number DP-2022-00257**

Please be advised that the Director of Planning has Refused DP-2022-00257 on September 26, 2022, for the following reason(s):

- Refusal No. 1 - Non-compliance - Regulations - the proposed development does not comply with the regulations of the of the Zoning and Development By-law that affect the site;

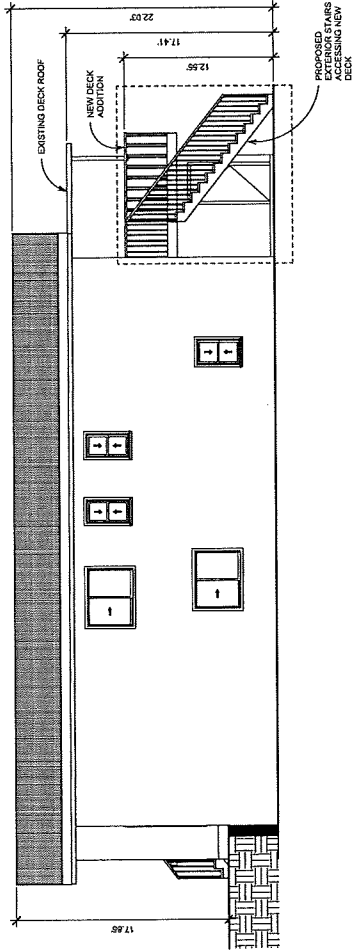
You may be eligible to appeal this decision to the Board of Variance within 30 days of the date of this letter. For more information please contact Louis Ng, Secretary to the Board of Variance at [louis.ng@vancouver.ca](mailto:louis.ng@vancouver.ca) or 604.873.7723.

Yours truly,

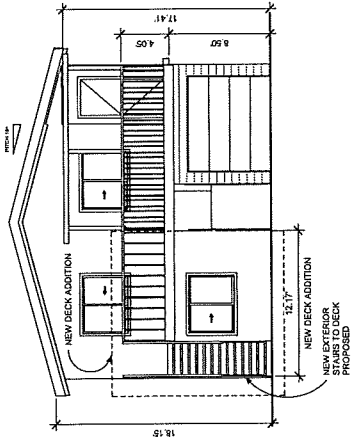
Leanne Mueske  
[leanne.mueske@vancouver.ca](mailto:leanne.mueske@vancouver.ca)  
604.829.9331

PROPOSED DRAWINGS

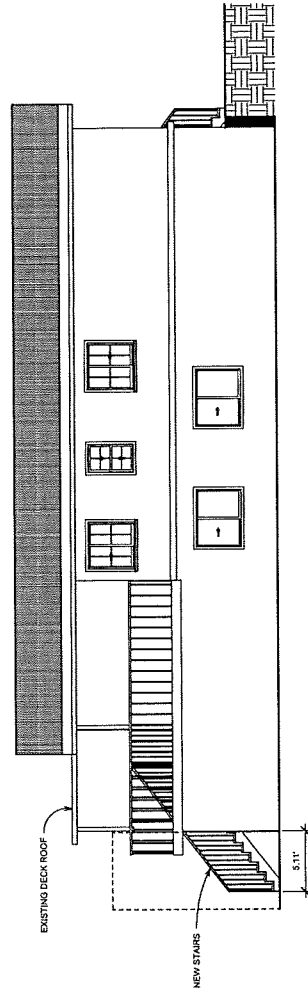
**SCOPE OF WORK**  
 Remove existing exterior stairs and  
 guardrail at rear (North) deck  
 Existing rear (North) deck area extended by  
 12.42ft x 10.31ft  
 New exterior stairs to new rear (North) deck  
 area proposed



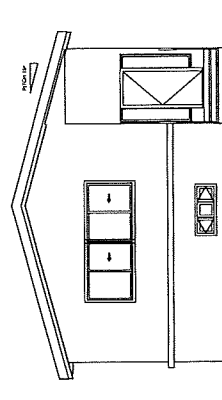
1 EAST ELEVATION PROPOSED  
 3/16" = 1'-0"



2 NORTH ELEVATION PROPOSED  
 3/16" = 1'-0"



3 WEST ELEVATION PROPOSED  
 3/16" = 1'-0"



4 SOUTH ELEVATION PROPOSED  
 3/16" = 1'-0"



Enright Design  
 #417-350, Eslet, 2nd Avenue, Vancouver, British  
 Columbia, Canada V5T 4R8  
 Phone: 1-238-996-3418

No.	Description	Date

Alexa & Morgan  
 Brewster

5560 Chester St.  
 Vancouver, BC  
 Deck Addition

PROPOSED  
 ELEVATIONS

Project Number	0021
Date	July 15, 2021
Drawn By	Author
Checked By	Checker

A104

Scale

3/16" = 1'-0"

### **Reasons for Requested Modifications**

One of the reasons we have applied to modify our deck is it needs repairs and resurfacing. The stairs are the original stairs that were installed in 1974 – and need repair / replacing. We have been holding off on the repair in anticipation of receiving a building permit.

We are a family of five, and we have lived here for seven years. Our plan is to live here for many years to come – this is our family home. Our eldest is in Grade 9 at John Oliver Secondary (a block away at 41<sup>st</sup> & Fraser), and our two younger children are in Grade 2 and Grade 4 at Sir Alexander Mackenzie Elementary, the school which is directly behind us, and across the lane. My wife Alexa is heavily involved with the Parent Advisory Council there (she has been Treasurer for several years), and I have been a baseball coach for South Vancouver Little League for the last 7 years. This year, I am taking on the additional responsibilities as Safety Officer. Neighbourhood children understand they can always find a grown up, band aid, glass of water, or washroom at our house when they are playing in the field after school and on weekends. As such, our back stairs leading up to the deck are used daily – and used heavily. The surface mounted aluminium railing, original from 1974, requires replacing as the anchors have become loose, and the wooden stairs and stringers have rotten after 48 years of continued exposure to the elements.

Coupled with this, and amplified during COVID, was that the depth of our deck is not very useable as an outdoor space, and if we were able to add two feet of depth, we could accommodate a small table and chair or two in the back. We often use the back deck to supervise the children when they are playing in the school field. By changing the orientation of the stairs, so that the stairs run from the back of the house east towards the lot line instead of along the house, also frees up usable room in the backyard, and allows for a more efficient layout for our modest backyard. None of our neighbours oppose this, and in fact, all have voiced support. Given the large repair required to the stairs, we felt this would be an ideal time to apply for a permit and reconfigure the stairs & back deck. This process started in the summer of 2021.

### **Appeal**

We are trying to do the right thing by applying for a permit to make these modifications. We have proposed a modest modification to our back deck and orientation of our stairs, in line with what each of our neighbours have done, and one that will be much more aesthetically pleasing from viewers in the heavily used school field. When the City advised that the existing asphalt (installed in 1974) would need to be removed in line with permeability guidelines, we did so, and have replaced it with permeable pavers (except for a concrete driveway & hot tub pad). We have attached the email communications with the City of Vancouver, which shows we have been patient and considerate in all dealings with them. We have enclosed letters of support from five of our neighbours, all of whom share the lane with us. We are not aware of anyone in opposition to our application.

We respectfully request that our application to extend the depth of our deck by two feet and change the orientation of the stairs from South to East be approved by the Board of Variance. We thank you in advance for your time and consideration.

Respectfully Submitted,

*(Enclosures: Appendix A: Letters of Support; Appendix B: Email Chain with City of Vancouver)*

December 23, 2022

Board of Variance  
City of Vancouver

**RE: 5560 Chester Street, Vancouver – Deck Modification**

We are writing to appeal a decision by the City of Vancouver to decline our request to modify the back deck of our house at 5560 Chester Street. Our request is to extend the dept of our rear deck by two feet, and have it run across the entire length of the back of our house – consistent with our each of our neighbors. Please find our proposed plans enclosed.

We applied for a Building Permit in July 2021. The City asked our consultant for some more information in October, and we reapplied in February 2022.

We were notified on September 27, 2022 (7 months later) that our application was refused. We are not clear on the reason for the refusal:

*“Hello Morgan. I am sorry that it has taken this long however a full review cannot be completed until we have all the required information show on the plans submitted. I have completed my review. Unfortunately, we will be refusing the application. You will be receiving a letter over the next few days on next steps to make application to the Board of Variance.”*

On September 28, 2022, we received the refusal letter from the City, that stated:

*“Please be advised that the Director of Planning has Refused DP-2022-00257 on September 26, 2022 for the following reasons:*

*Refusal No. 1 – Non-compliance- Regulations – the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.”*

We respectfully request a variance to the regulations of the Zoning and Development Bylaw that affects our site and our application for the deck modification.



Figure 1 - Rear of 5560 Chester Street. Red Enclosure was removed in 2021.

**Context**

Our lot is a 35' x 100' lot on the east side of Chester Street. The rear of our lot is adjacent to a City lane, which in turn is adjacent to the large sports field for Sir Alexander Mackenzie Elementary School. As such, we do not have neighbors behind us. The school building is more than 490 feet east of our lot line, separated by chain link fence and grass. As such, staff and students, and other users of the school field (dog walkers, soccer players, family picnics, etc.) have a direct line of site of our back deck. (Figure 2)



Figure 2 - School Field as viewed from back deck

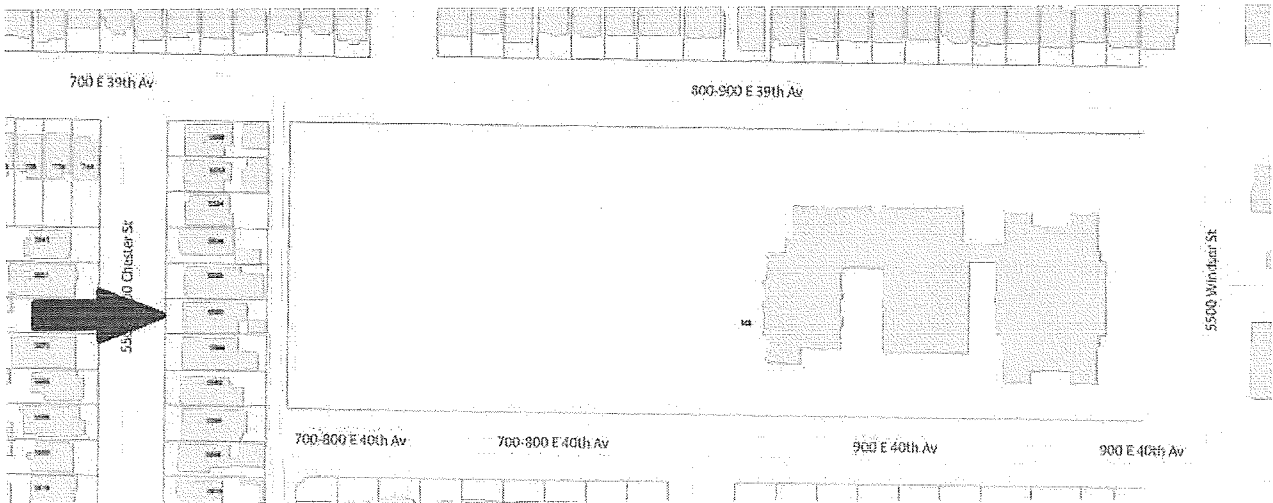


Figure 3 - Context of Property in Relation to School Field



To the South (*Figure 4 and 5*) and North (*Figure 6*) are our neighbors, each of whom are amongst the several neighbors that have written a letter of support that are included with our appeal.



*Figure 4 – Neighbour to the South. Taken from our deck.*



*Figure 5- Neighbour to the South. Taken from backyard.*



*Figure 6 - Neighbour to the North. Taken from our deck.*

We believe that the rear property line set back may have been one of the issues that caused the City to refuse our application. As you can see from these photos, adding two feet of depth to our deck would bring it in line with the North neighbour's deck, and would not be as deep as the South neighbour's deck. For context, several properties in our lane have structures and/or decks built right up to the lane (*Figure 7*).



*Figure 7 - Looking South in Lane*