
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal Decision: 2028 Garden Drive

Appeal Section: 573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description: Lot 17, Block 149, District Lot 264A and Plans 1140 and 1771
Lot Size: Lot Area = 4,023.38 sq. feet
Zone: R1-1 (Former RS-1 By-law)
Related By-Law Clause: Floor Space Ratio [Section 3.2.1.1.3(b)]

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00023 and a request to permit exterior and interior alterations to convert the existing crawlspace area and a change of use to this existing Single Detached House to a Single Detached house with a proposed new Secondary suite on this corner with lane site. Note: Scope of work includes crawlspace conversion into a new Secondary suite in the basement, extending the sunken landing, kitchen/family room alteration on the main level, and removing the raised patio and replacing it with an open paved patio area, and removing existing fireplace and chimney, ensuite and laundry alteration on the second floor.

Development Application No. DP-2024-00023 was REFUSED for the following reasons:

Non-compliance – Regulations the proposed development does not comply with the regulations of RT-5 District Schedule. As per 3.2.1.1.3(b) the maximum permitted FSR for the site is 0.60 (60%). The proposed floor area (FSR) exceeds the maximum permitted:

- Permitted FSR: 2,411 sq. ft.
- Existing FSR: 2,524 sq. ft.
- Proposed new FSR: 3,205 sq. ft.

Name of Appellant(s): Kathryn Crema and Grant Murray

This appeal was heard by the Board of Variance on April 23rd, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00023 and APPROVED exterior and interior alterations to convert the existing crawlspace area and a change of use to this existing single-family house to a single family detached house with a proposed new Secondary suite on this corner with lane site (Scope of work approved - noted above), and subject to the following condition:

(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 Board accepted the Owners' new development proposal and voted 4-0 in support of the appeal. The board did find a site hardship including the age of the home (built in 1989), and with no exterior façade changes (see photos submitted). The Board further noted that the RT-5 zone is evolving and adding a new Secondary suite is a positive addition to the existing neighbourhood. The board also confirmed with the City - and the additional basement suite meets the living accommodation guidelines with lots of natural light and ventilation in the proposed Secondary suite.

-The Board's site received 'No opposition' from the neighbourhood and received 15-Letters of Support including support from the immediate (adjacent) property owners.

-The City's representative further confirmed no impact to the neighbours, and not opposed to the appeal.



Secretary to the Board of Variance

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