
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal Decision: 3726 West 36th Avenue

Appeal Section: 573(1)(b) - Appeal of Regulation (Site Impermeability Area)
Legal Description: Lot 32, Block 35, District Lot 2027 and Plan 3263
Lot Size: Lot Area = 6,512.50 sq. feet.
Zone: R1-1 (formerly RS-5 site)
Related By-Law Clause: Section 3.2.2.8 (Site Impermeability Area).

Appeal Description:

Requesting a zoning relaxation of Section 3.2.2.8 (Site Impermeability Area regulations) of the R1-1 District Schedule and a request to permit additional impermeable materials at this site.

Work includes: Artificial grass installed at the rear of the site, the storage shed addition along the side yard and the rear driveway concrete pad extension.

Name of Appellant(s): Suzana Hawrish & Darren Hawrish (Owners)

This appeal was heard by the Board of Variance on **January 14th, 2025 and was ALLOWED, thereby granting a zoning relaxation of Section 3.2.2.8 (Site Impermeability Area regulations)** of the R1-1 District Schedule and **APPROVED** additional impermeable materials to a maximum allowance of 0.75 (75%) at this site (the board's approval includes: the artificial grass in the rear yard, the side yard storage shed addition and the rear driveway's concrete pad extension to the side yard), and subject to the following conditions:

(1) that the Owners must be in compliance with the maximum permitted Site Impermeable Area of 0.75 (or 75% maximum allowance permitted at this R1-1 site).

NOTE: The Board of Variance approved the artificial grass in the rear yard, the side yard storage shed addition along the side yard, and the rear driveway concrete pad extension to the side yard fence. The final site impermeable area calculations to 0.75 (75%) must be to the satisfaction of the Director of Planning and a development permit must be obtained by the Owners within 'one-year' in accordance with the board's decision on January 14th, 2025.

(2) 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 majority of the Board members voted 5-0 in support of the appeal and allowed the proposed development at this site to a maximum permitted Site Impermeable Area to 0.75 (75%).

- The City's representative stated that this site was formerly RS-5 and the new R1-1 district zone (adopted in Oct. 2023) now allows the site impermeability area to reach 0.75 (75%), and previously was permitted to a maximum to 0.60 (60%). Therefore the City is unable to approve beyond 0.75 (75%), and the Board of Variance approved the maximum permitted allowance to 0.75 (75%).

-The Board's site office received three (3) support letters and six (6) opposition letters from the neighbourhood prior to the meeting. The Owners from 3708 West 36th Avenue (Gary MacIsaac and Irene Wingate from next door at 3708 West 36th Avenue) attended the appeal hearing, and Mr. Gary Macisacc spoke with concerns and opposed the appeal).

***** IMPORTANT NOTE to the Appellants:**

The Board's decision is valid for one-year and the Owner(s) are required to obtain the City's Development-Building Permit **by January 14th, 2026.** Once the Board's decision expires, then the Owners are required to appeal (again) to request an extension.

Signed:



Secretary to the Board of Variance

Site Address: 3726 West 36th Avenue