
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal Decision: 539 East 7th Avenue

Appeal Section: 573(1)(a) - Appeal of Decision (Prior-to Condition)
Legal Description: Lot 18, Block 101, District Lot 264A and Plan 404 and 1771
Lot Size: Lot Area = 4,026 sq. feet
Zone: RM-4
Related By-Law Clause: Section 3.2.1 (Density and Floor Area, FSR) and Section 3.2.2.7.

Appeal Description:

Appealing to delete Conditions 1.2 from the prior-to approval letter issued by the Director of Planning who approved Development Application No. DP-2025-00276 and requesting a relaxation of Section 3.2.1 (Density and Floor Area) of the RM-4 District Schedule and a request to construct a three-storey duplex with a detached accessory building at the rear and providing two (2) parking spaces with vehicular access from the lane. **Note: The appellants are requesting the Board of Variance to delete condition 1.2 and allowing the proposed development to permit a 1.0 FSR** (and the City permits a maximum Density and Floor Area to 0.60 FSR).

Condition 1.2: *States that prior to the issuance of the Development Application No. DP-2025-00276, the applicant must revise the design to be in compliance with Section 3.2.1 (Density and Floor Area, FSR) of the RM-4 District Schedule and to provide a Floor Space Ratio (FSR) of a maximum of 0.60. Note to Applicant: The Director of Planning in not prepared to support an increase in floor area in accordance with Section 3.2.2.7 of the RM-4 District Schedule. The proposal of a new duplex does not meet the criteria of retention of existing buildings, or for the intent to accomplish certain social and community goals.*

Name of Appellant(s): Kevin Rai
Mirani Homes Inc.

This appeal was heard by the Board of Variance on **September 23rd, 2025 and was ALLOWED**, thereby **Condition 1.2 has been DELETED** from the prior-to approval letter issued by the Director of Planning who approved Development Application No. DP-2025-00276 and APPROVED a relaxation of Section 3.2.1 (Density and Floor Area) of the RM-4 District Schedule **to construct a three-storey duplex** with a detached accessory building at the rear and providing two (2) parking spaces with vehicular access from the lane, and subject to the following conditions:

- (1) that the final design and its form of development shall be in compliance with ALL other zoning regulations and to the satisfaction of the Director of Planning (including the overall height, building depth and all setbacks - and ONLY the density / FSR was granted with a zoning variance to 1.0 FSR); and
- (2) that ALL City permits (both development and building code related permits) must be obtained and


Board’s summary and decision based on the following:

-The majority of the Board members voted 4-1 in support of the appeal and found a site hardship to warrant the zoning relaxation, and noting that the zoning in the area allows higher density. Site Hardship with changes to the zoning by-law and future updates to the site will match the R1-1 zoning with 1.0 FSR allowance for multiplex developments and City Council is expected to update the by-law in the near future. The appellants’ submission included two nearby sites on East 7th Avenue with developments approved to 1.0 FSR. The City’s representative (Mr. Tony Chen, Manager) confirmed that City staff initially supported a 1.0 FSR density and further noted that this zone will be updated in the future to allow 1.0 FSR for multiplex developments.

-The Board’s site office notified over 40+ property owners adjacent/near 539 East 7th Avenue - and received three (3) opposition letters regarding this appeal. The Architect submitted a 'Shadow Study' and noting that height and building depth will be in compliance with the zoning by-law and the new form of development has minimal impact to the immediate neighbours.

***** 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 September 23rd, 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