



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, April 23rd, 2024

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Namtez Sohal

Rakshin Kandola

Peter Gee

ABSENT: Alexander Ray

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager (Director of Planning’s Representative)

Joe Bosnjak, Supervisor (Director of Planning’s Representative)

#110 – 1055 West Hastings Street– Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description: Lot 1, Block 1, District Lot 185 and Plan EPP 17924.
Lot Size: Irregular site
Zone: DD
Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00665 and a request to permit exterior alterations and to add approximately 1,451.0 square feet for an enclosed/covered outdoor seating area, to be used in conjunction with the existing Restaurant Class-1 use, in this Vancouver Heritage Register 'B' commercial building on the site.

Development Application No. DP-2023-00665 was REFUSED for the following reason:

Non-compliance – Official Development Plan; the proposed development does not comply with the Official Development Plan that affects this site.

Discussion:

PJ Mallen and Jane Talbot 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 this is in regards to FSR for a partially covered patio in a heritage building.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is a refusal for a enclosed covered seating area in a mixed used building. The Director of Planning does not have the authority to relax the floor area, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received three (3) letters in Support and (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:

Mr. Bosnjak's final comments were that this site is exceeding the FSR as they're looking to enclose the patio.

The appellant's final comments were that they're looking for a modest amount of building area.

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-2023-00665 and a request to permit exterior alterations and to add approximately 1,451.0 square feet for an enclosed/covered outdoor seating area, to be used in conjunction with the existing Restaurant Class-1 use, in this Vancouver Heritage Register 'B' commercial building on the site, 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 City's Director of Planning was unable to support the additional floor area from the proposed covered patio area. The City acknowledged at the appeal hearing that there was an existing 'open' outdoor patio area (compliant space) but further noted that once there is a cover than it becomes counted as floor area (more density added to the site).

-No opposition from the neighbourhood, and Janet Talbot from the Downtown Business Improved Association ('Downtown BIA') attended and spoke in support of the appeal. The Board's site office also received three (3) letters in support, and with NO opposition to this appeal.

-The Board did find a site hardship – and that the outdoor patio exists currently, and the proposed enclosure is non-permanent and will be used seasonally and the side walls are made of 'clear fabric material' and non-structural. Majority of the board members were in support of this appeal.

3085 Point Grey Road – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Building Line)
Legal Description:	Lot A, Block 24, District Lot 1921 and Plan BCP 295
Lot Size:	Irregular site
Zone:	RS-2
Related By-Law Clause:	Building Line (Development beyond the building line)

NOTE: This is an amendment request – with new proposed plans (updated plans)

Appeal Description: Requesting design changes on the North portion of this existing RS-2 District zone lot (See the previous board's decision from November 15th, 2022).

Board of Variance History:

On November 15th, 2022 the Board of Variance ALLOWED an appeal and granting a zoning relaxation (Section 14.3) of the Zoning & Development By-law and APPROVED development beyond the Building Line (granting an new 'in-ground swimming pool' – approx. 16 feet x 72 feet, with a maximum depth of approx. 4.0 feet deep) and will be located on the North portion of the existing RS-2 District zone lot 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.

Discussion:

Russell Hollingsworth, Sara Rahman, Paul Sangha, Mohit Srivastava, and Bruce Clark 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 the client's needs have changed as his medical condition is progressing. They're looking to add a hot tub for a hot and cold therapy.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for exceeding the building line. The Director of Planning has no authority to relax beyond the building line, but has no objections to this appeal.

The Board Chair stated that the Board's site office received six (6) letters in Support and (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:

Mr. Chen had no final comments.

The appellant had no final comments.

This appeal was heard by the Board of Variance on April 23rd, 2024 and was ALLOWED, thereby granting a zoning relaxation (Section 14.3) of the Zoning & Development By-law and APPROVED development beyond the Building Line and accepted new design changes – with a proposed new hot tub with additional mobility-access entry points around the approved swimming pool and the hot tub. No changes to the previously approved swimming pool size at 16 feet (in width) x 72 feet (in overall length), with a maximum depth of approx. 4.0 feet deep (approved on November 15th, 2022), 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 Owner's personal hardship (medical condition) and voted 4-0 in support of the new proposed changes to include a new hot tub and additional mobility-access entry areas into the pool and to the approved hot tub. The Board confirmed with the Architects at the meeting on April 23rd, 2024 and that there will be 'no changes' to the previously approved in-ground swimming pool (on November 15th, 2022), located the North-end of the property and granted a zoning relaxation for development beyond the building line.

-No opposition from the neighbourhood with Letters of Support from the adjacent property owners.

-The City's representative was not opposed to the new changes and confirmed no impact to the neighbours.

2028 Garden Drive – Board Minutes and Decision

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.

Note: The proposed floor area is approx. 794 sq. feet over the maximum FSR allowance.

Discussion:

Kathryn Crema and Grant Murray 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 purchased the house in 2006, which was built in 1989. They're looking to put a secondary suite in the basement by digging out the crawlspace.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is a proposal for a basement digout in a RT5 zone. It was built to the maximum FSR. The Director of Planning does not support any basement digout, nor do they have the authority to relax FSR.

The Board Chair stated that the Board's site office received fifteen (15) letters in Support and (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:

Mr. Chen's final comments were that the Director of Planning have no authority to relax FSR, and will defer to the Board for their decision.

The appellant had no final comments.

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.

On April 23rd, 2024 - The following site was reviewed by the Board of Variance for an extension request.

- 1226 East 59th Avenue. This extension request appeal was ALLOWED, thereby granting permission – for the Owners to retain the rear sundeck enclosure at this existing one-family dwelling site for the 'Life of the Building' at this site on a permanent basis.