

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, July 18th, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Namtez Sohal

Alexander Ray

ABSENT: Peter Gee

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager

Joe Bosnjak, Supervisor

1775 Trimble Street – Board Minutes and Decision

Appeal Section:	573(1)(b) Appeal Regulation
Legal Description:	Lot 36, Block 133, District Lot 540 and Plan VAP 16330
Lot Size:	Lot Area = 6,710 sq. feet
Zone:	RS-1
Related By-Law Clause:	Section 3.2.1 – Density and Floor Area and Section 3.2.2.6 – Rear Yard Depth

Appeal Description:

Requesting a relaxation of Section 3.2.1 – Density and Floor Area and r Section 3.2.2.6 – Rear Yard Depth regulations of the RS-1 District Schedule to permit the construction of a two-storey with a basement one-family dwelling at this site (Related to Development – Building Application No. DB-2023-00433).

Technical Information:

Permitted FSR: 0.70 (4,697 sq. ft.)

Proposed: 0.69 (4,650 sq. ft.)

And...

Above-Grade Permitted FSR: 2,741 sq. ft. (Lot Area x 0.20 = 1,399 sq. ft.)

Proposed: 2,975 sq. ft.

Discussion:

Alex Henry, and the owners 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're looking for more square footage for a main floor bedroom and bathroom.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for above grade floor area and rear yard requirements. The Director of Planning is not in support of the appeal as the appellant was adamant about keeping their proposal.

The Board Chair stated that the Board's site office received four (4) 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:

Mr. Chen's final comments were that this is considered a new development, and the Director of Planning is not prepared to support the relaxations of regulations for new development, especially for a larger lot.

The appellant's final comments were that their parents are aging and they would like them to age in place comfortably. Their neighbours are very supportive of this appeal.

This appeal was heard by the Board of Variance on July 18th, 2023 and was ALLOWED, thereby granting relaxations of Section 3.2.1 – Density and Floor Area and Section 3.2.2.6 – Rear Yard Depth regulations of the RS-1 District Schedule APPROVED the construction of a two-storey with a basement one-family dwelling at this site (Related to Development – Building Application No. DB-2023-00433), and subject to the following conditions:

- (1) that the Board approved and accepted the Architectural drawings as shown and presented to the Board of Variance at the appeal hearing on July 18th, 2023; and
- (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 Board found site hardship to allow this appeal (to allow a FSR variance of 235 sq. feet)
- The Board also received four (4) Support Letters and NO Opposition letters from the neighbourhood (from the Board's neighbourhood notices)
- The Owners confirmed that they will continue working with the City and obtain all the required City's Development – Building permits to the satisfaction of the Director of Planning.

2508 West 8th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(a) Appeal of Decision (DP Refusal)

Legal Description: Lot 2, District Lot 526 NWD Group 1, and Plan BCS 2292

Lot Size: Lot Area = 5,744.90 sq. feet
(*2005: 6,244.50 sq. feet – before the lane dedication).

Zone: RT-8

Related By-Law Clause: Section 3.1.1 – Density and Floor Area.

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00237 and a request permit interior alterations to the existing Multiple Conversion Dwelling and adding an interior staircase connecting the "common room" at the lower level to main level of dwelling unit A at this site.

Development Application No. DP-2023-00237 was refused for the following reason:

-The proposed development does not comply with section 3.1.1 – Density and Floor Area of the RT-8 District Schedule regulations of the Zoning and Development By-law that affect the site.

Technical Information:

Permitted FSR (RT-8, Conditional): 0.75 (4,309 sq. ft.) *Site Area after lane dedication

Existing non-conforming: 0.81 (4,658 sq. ft.)

Proposed: 0.89 (5,128 sq. ft.) [As per DP-2019-00383.]

819 sq. ft. or 19 % over maximum permitted (Conditional)

470 sq. ft. or 10 % over existing

Discussion:

John Henshaw and Vincent Hachfe 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 their family grew in 2020 as they had twins that year, so they needed more space than planned. There was a common room downstairs that was unused, and they asked strata if they could purchase it, which they were able to. They decide to look into a staircase to connect their unit to the common room. They have support from their strata as well as their surrounding neighbours.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this appeal is to build a staircase to attach the unit to the common room. This building was built in 2007 to the max. With this unit taking over the common area, they are now over the FSR. The Director of Planning defers to the Board for their decision.

The Board Chair stated that the Board's site office received thirteen (13) 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:

Mr. Bosnjak's final comments were that the Director of Planning refused this due to regulations, as well as FSR overage. The Director of Planning defers to the Board for their decision.

The appellant had no final comments.

This appeal was heard by the Board of Variance on July 18th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00237 and APPROVED interior alterations to the existing Multiple Conversion Dwelling and adding an interior staircase connecting the "common room" at the lower level to main level of dwelling unit A at this 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 Board found site hardship to allow this appeal (the age of the property and the lane dedication)
- The Board also received thirteen (13 Support Letters and NO Opposition letters from the neighbourhood (from the Board's neighbourhood notices)
- The Owners confirmed that they will continue working with the City and obtain all the required City's Development – Building permits to the satisfaction of the Director of Planning.

4898 Joyce Street – Board Minutes (Updated Architectural drawings accepted by the Board)

Appeal Section: 573(1)(a) Appeal of Decision (DP Refusal)
Legal Description: Lot 1, Block 67, District Lot 36 and Plan VAP 1977
Lot Size: Lot Area = 4,877.50 sq. feet.
Zone: RS-1
Related By-Law Clause: Section 3.2.1.1 (Density and Floor Area)

Appeal Description:

Appellants required the Board to approve the reviewed ‘new’ Architectural drawings previous approved.

Board’s last decision: approved and overturned the decision of the Director of Planning who refused Development Application No. DP-2023-00139 and a request permit interior and exterior alterations to provide improvements and to change the use from a single-detached house to a single-detached house with new secondary suite building on this site.

Discussion:

Edward Palad, and the owners 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 DP-Application is under review but the City required new drawings and plans were updated, and therefore requesting the Board to accept and approve the latest drawings on file – as required by the City.

The new revised Architectural drawings were presented to the Board of Variance on July 18th, 2023 and were accepted ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00139 and APPROVED interior and exterior alterations to provide improvements and to change the use from a single-detached house to a single-detached house with new secondary suite building on this site.

1148 West 7th Avenue – Board ADJOURNED this appeal to October 2023

Appeal Section: 573(1)(a) Appeal of Decision (DP Refusal)
Legal Description: Lot D, Block 314, District Lot 526 and Plan VAP 3786
Lot Size: Lot Area = 3,299 sq. feet
Zone: FM-1
Related By-Law Clause: Section 3.1.2.13 (Height)

Adjournment request:

The appellants are requesting an adjournment to October 23rd, 2023. The appellants submitted a Freedom of Information request and additional time is required.

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00861 (Minor Amendment to Development Permit Number DP-2017-01095) and a request to retain the following (already built additions):

- Installation of a “plug and play” hot tub on roof deck
- Guard railing around
- Changes to roof level planting

Development Application No. DP-2022-00861 was refused for the following reasons:

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

-Objections have been received from neighbouring property owners.

Technical Information:

Permitted Height: 35.10 feet
Existing non-conforming: 36.53 feet
Proposed: 40.73 feet [As per DP-2022-00861.]

The Appellants requested an adjournment to October 24th, 2023. The key speaker (Architect: Elizabeth MacKenzie) is unable to attend on July 18th, 2023 and also the Owners have requested a Freedom of Information request and therefore, additional time is required.

Motion to adjourn the appeal

Moved by Mr. Ray

Second by Mrs. Kandola

Appeal was adjourned to October 24th, 2023.

The following sites were adjourned as requested by the Director of Planning - written decisions pending.

-3208 East 51st Avenue

The following sites were updated (as requested by City departments).

-3121 West Broadway (Store expiry date extension approved as required by the Licensing department)

-4914 Victoria Drive (Store expiry date extension approved as required by the Licensing department)

-829 Davie Street (Store expiry date extension approved as required by the Licensing department)