

## **BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES**

DATE: Tuesday, November 15<sup>th</sup>, 2022

TIME: 1:15 PM

PLACE: City Townhall, Main Floor, City Hall

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PRESENT: Gilbert Tan – Board Chair

Namtez Sohal

Rakshin Kandola

ABSENT: Matthew Naylor

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Sonia Erichsen, Manager

Tony Chen, Manager

Joe Bosnjak, Supervisor

## **3508 West 18<sup>th</sup> Avenue – Board Minutes and Decision**

Appeal Section:	573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description:	East 16.5 Ft of Lot 10, of Lot 3, Block 28, District Lot 139 and Plan 4488
Lot Size:	Lot Area = 2,013.99 sq. feet.
Zone:	RS-5
Related By-Law Clause:	Sections 4.8.1 (Site Coverage) and 4.8.5 (Impermeable Coverage)

### Appeal Description:

Appealing the decision of the Director of Planning who refused Minor Amendment to Development Application No. DP-2022-00698 and a request to permit interior and exterior alterations to this existing one-family dwelling. Scope of work includes: adding a garage in the rear of the site.

Development Application No. DP-2022-00698 was refused for the following reasons:

-Non-compliance with Section 4.8.1 (Site Coverage) of the RS-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Site Coverage:	40% (805 sq. feet)
Existing:	40% (798 sq. feet)
Proposed:	44% (893 sq. feet)

-Non-compliance with Section 4.8.5 (Impermeable Coverage) of the RS-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Site Impermeable Area:	60% (1,208 sq. feet)
Existing:	65% (1,309 sq. feet)
Proposed:	69% (1,409 sq. feet)

Discussion:

Ada Sakowics and Jim Bussey 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 requesting one parking spot on site, covered and closed. The bylaw prohibits them from building a garage.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is a refusal to construct a garage in the rear building of the site. The site is 16.5 feet wide, which is small. The addition of the garage will put the site coverage and impermeability over. The Director of Planning is unable to support this appeal, they look to the Board to uphold their decision.

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:

Ms. Erichsen had no final comments.

The appellant had no final comments.

This appeal was heard by the Board of Variance on November 15th, 2022 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Minor Amendment to Development Application No. DP-2022-00698 and the Board APPROVED interior and exterior alterations to this existing one-family dwelling (all the scope of work 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:

-Site Hardship included the age of the existing home (built in the mid-1980s) and the site's existing site width (16.50 feet – Lot Width) and with a Lot Area at 2,014 sq. feet).

-Site Impermeability regulation was adopted in May 2000, and this home was built in 1980s.

-No opposition from the neighbourhood with four (4) letters of Support from the neighbours.

-Owner's agent confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits to the satisfaction of the Director of Planning.

## **3085 Point Grey Road – Board Minutes and Decision**

Appeal Section:	573(1)(b) - Appeal of Regulation (Building Line Appeal)
Legal Description:	Lot A, Block 24, District Lot 1921 and BCP2951
Lot Size:	Irregular Lot Area
Zone:	RS-2
Related By-Law Clause:	Section 14.3 (Development beyond the Building Line)

### Appeal Description:

Requesting a zoning relaxation (Section 14.3) of the Zoning & Development By-law and a request to develop beyond the Building Line (adding a new swimming pool – 16 feet x 72 feet) and located on the North portion of the existing RS-2 District Zone lot - development beyond the building line.

### Discussion:

Sara Rahman, Russell Hollingsworth, and Chip Wilson 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 for a relaxation of the zoning bylaw. They're looking to build a in ground pool. The hardship is that they're restricted to build in that area. This is to be a therapeutic pool for Mr. Wilson.

### The Director of Planning's Representative

Mr. Chen's initial comments were that this is for the development beyond the establishment. The Director of Planning doesn't normally support this type of appeal, especially in the Point Grey Road area, they're also not able to relax anything beyond the building line. The Director of Planning sympathizes with the medical hardship the appellant is facing, but it is not something they can consider, as they can only consider site specific hardships. They are unable to support the appeal, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received one (1) letter 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 the Director of Planning is unable to consider this appeal as they have no authority to permit past the building line.

The appellant's final comments were that almost every new house built on Point Grey Road has a pool.

This appeal was heard by the Board of Variance on November 15th, 2022 and was ALLOWED, thereby 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.

Board's summary and decision based on the following:

-The Board accepted the Owner's personal hardship (medical condition) and voted 3-0 in support of an in-ground swimming pool (with 4.0 feet in depth) located the North-end of the property and granted a zoning relaxation for development beyond the building line.

-No opposition from the neighbourhood with one (1) Letter of Support from the adjacent neighbour at 3044 Point Grey Road.

-Owner's agent confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits to the satisfaction of the Director of Planning.

## **865 – 869 East Pender Street (Relaxation Required by the Director of Planning)**

Appeal Section: 573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision

Legal Description: Lot 27, Block 66, District Lot 18 and Plan 196 Lot

Size: Lot Area = 3,051.72 sq. feet.

Zone: RT-3

Related By-Law Clause: Minimum Site Area

### Appeal Description:

As required by the Director of Planning – DP-2022-00291 and a request to retain this existing one-family character dwelling (Building 1) and, to develop an infill one-family dwelling (Building 2) at the rear of the site, and providing two (2) parking spaces with vehicular access from the existing rear lane. NOTE: No alteration to existing house (principal building).

Development Application No. DP-2022-00291 was refused for the following reason:

The proposed development does not comply with the with section 4.1 – Site Area of the RT-3 regulations of the Zoning and Development By-law that affect the site.

### Discussion:

Caren Ng, Simon Yoo, Harry Leung, and Justin Ng 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 appealing based on Planning's refusal, which was unreasonable development of the property. They've had this property for over 50 years. They're looking to obtain all necessary permits if they're granted the appeal.

### The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal to refuse the infill in the RT3 zone property. They're seeking the Board to uphold the decision as there are numerous issues with this lot. The reason for refusal is due to the size of the lot. They're also not meeting the Strathcona guidelines.

The Board Chair stated that the Board's site office received no (0) letter 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. Dufix's final comments were that a single lot does not justify an infill. It is also not a suitable lot for infill.

Mr. Chen's final comments were that the refusal was only for the site area. Infills will not be supported in small lots, and the Director of Planning will continue to discourage infills in small lots.

The appellant's final comments were that they're hoping with all the examples they provided, the Board will grant the variance, because it's the site that was refused.

This appeal was heard by the Board of Variance on November 15th, 2022 and was ALLOWED, and thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00291 and APPROVED the owners to retain this existing one-family character dwelling (Building 1) and approved an infill one-family dwelling (Building 2) at the rear of the site, and providing two (2) parking spaces with vehicular access from the existing rear lane., subject to the following conditions:

(1) that the owners must continue to work with the City's Development Planner (Mr. Ben Dufix) and the final form of design & development (Overall Height, Number of Storeys and its massing and FSR comply with the RT-3 Design Guidelines) shall be to the satisfaction of the Director of Planning; 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 approved the proposed In-Fill Building and granting a zoning relaxation of the minimum site area, but the Owners must meet the RT-3 Design Guidelines.

-The Architect/Designer confirmed at the Appeal Hearing that they will be able to meet the RT-3 Design Guidelines.

-Owner confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits to the satisfaction of the Director of Planning.

## **1860 Robson Street (Relaxation Required by the Director of Planning)**

Appeal Section:	573(1)(a) - Appeal of Decision (Prior-to conditions)
Legal Description:	Lot 32 Plan VAS1746 District Lot 185 New Westminster UNDIV 146/6227
Lot Size:	Lot Area = 25,938.52 sq. feet
Zone:	RM-5B
Related By-Law Clause:	Section 4.7 (FSR)

### Appeal Description:

Requesting the Board's approval as required under Condition 2.1 and also appealing to delete Condition 3.1 as outlined in the Director of Planning's prior-to approval letter issued under Development Permit No. DP-2022-00199 and a request to permit interior and exterior alterations by enclosing balconies from levels 2 to 52 (This appeal is ONLY for SIX units at: Unit 303, Unit 403, Unit 503, Unit 801, Unit 903 and Unit 1203) at this existing multiple-dwelling building.

Condition 2.1 – states that prior to the issuance of the development permit, the applicant must obtain the approval from the Board of Variance as a can and does condition for a relaxation of the Floor Area and Density – Section 4.7 of the RM-5B District Schedule of the Zoning and Development By-law.

Condition 3.1 - states that prior to the issuance of the development permit, the applicant must be in compliance and that All remaining balconies shall remain open for the life of the building.

### Discussion:

Sharif Senbel (Architect) was 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 was built in 1860, a 50 story building. In 1989, they obtained a permit to enclose all 27 balconies on the South side. Within that year, only 3 balconies were enclosed, but 4 were built without permits. Enclosing balconies will be over the FSR, and will have to be appealed, which only 6 opted to appeal; the 4 that were built without permits, and 2 that are open.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to enclose all balconies from floor 2 to 52. The Director of Planning cannot allow the extra FSR, but is in support of the FSR. They're only in support of the balconies facing the South side.

The Board Chair stated that the Board's site office received no (0) letter 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 they did a review for the South elevation, and the Director of Planning provides their support to enclose these balconies.

The appellant had no final comments.

This appeal was heard by the Board of Variance on November 15th, 2022 and was ALLOWED, and thereby granting a FSR (Floor Area) zoning relaxation as required under Condition 2.1 and also deleting Condition 3.1 as outlined in the Director of Planning's prior-to approval letter issued under Development Permit No. DP-2022-00199 and APPROVED interior and exterior alterations by enclosing balconies from levels 2 to 15 (This appeal is ONLY for SIX units at: Unit 303, Unit 403, Unit 503, Unit 801, Unit 903 and Unit 1203) at this existing multiple-dwelling building, and subject to the following conditions:

(1) that the Board of Variance approved the proposed development and accepted the proposed FSR (Floor Area) to 2.85 FSR on November 15th, 2022.

NOTE: The Board Chair advised the Architect at the meeting that other Strata Owners can request additional FSR in the future - and they can file future appeals (with a maximum allowance up to 3.1 FSR).

(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:

- Site Hardship included the age of the existing building (built in the late-1980s - 1989)
- The Director of Planning's Rep. (Mr. Joe Bosnjak) spoke in support of the FSR relaxation.
- The Board accepted the FSR (floor area) overage and approved the FSR to 2.85 FSR as submitted and presented on November 15th, 2022.
- No opposition from the neighbourhood.

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

- 2462 East 40th Avenue
- 1263 West 8th Avenue

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

- 999 Denman Street (Operator name was updated for the Licensing department)
- 1032 Robson Street (Operator name was updated for the Licensing department)