



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, November 21st, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Peter Gee

Alexander Ray

Namtez Sohal

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

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

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

Hamed Ghasemi, Planner (Director of Planning’s Representative)

644 Woodland Drive – Board Minutes and Decision

Appeal Section:	573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description:	Lot 18, Block 12, District Lot 183 NWD of Block C, and Plan VAP 631
Lot Size:	Lot Area = 4,026 sq. feet.
Zone:	RM-4
Related By-Law Clause:	Density (Floor Space Ratio)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00198 and requesting to add one unit to previously approved project for a total of four (4) dwelling units at this site, and requesting to increase the Floor Space Ratio (FSR) from 1.0 to 1.33.

Development Application No. DP-2023-00198 was REFUSED for the following reasons:

- Information not received; the request information required to process the application has not been submitted within the time limit prescribed.
- The proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site.
- Objections Received; objections have been received from neighbouring property owners.
- The proposed development does not satisfactorily comply with the criteria for relaxation as set out in the District Schedule.

Technical Information:

Permitted FSR (RM-4):	1.00 (4,026 sq. ft.)
Proposed:	1.33 (5,355 sq. ft.) [As per DP-2023-00198.].

Discussion:

Michael Lemon and Kate Lemon 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 have lived in this property for 12 years. They're looking to redevelop the site for their growing family. They're looking to add a fourth unit.

The Director of Planning's Representative

Mr. Ghasemi's initial comments were that this is a RM4 zone. The Board has to consider whether the application is consistent with the RM district schedule and applicable guidelines in accordance with the relevant rules, including the Vancouver Charter. The Director of Planning neither support nor oppose to the appeal of the refused proposal.

The Board Chair stated that the Board's site office received eight (8) letters in Support and two (2) letters 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. Ghasemi had no final comments.

The appellant's final comments were that they were given a refusal letter which seemed different from Mr. Ghasemi's presentation. They were only aware of 4 refusal points.

This appeal was heard by the Board of Variance on November 21st, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00198 and approved this development project with a total four (4) dwelling units permitted at this site, and requesting to increase the Floor Space Ratio (FSR) from 1.0 to 1.22 (as presented to the Board of Variance on November 21st, 2023), 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 did find site hardship to support this corner lot proposal seeking four (4) units at this site – and due to the City's updated Zoning By-law allowing multiplex units in the new R1-1 By-law. This zone allows up to 1.45 FSR with the Director of Planning's approval, and this development proposal is seeking a density to 1.22 FSR (with areas exempt and thereby, the Board approving and accepted a reduced FSR calculations from 1.33 FSR to 1.22 FSR at this site).

-The Board's site office received ten letters in total. With eight (8) support letters from the neighbourhood in support of the four (4) units, and with two (2) opposition letters and only in support of three (3) units at this site.

-The Board (voted 3-2 in support of the appeal) and the majority of the board members approved this development proposal with four (4) units at this site.

-Owners confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits including meeting the requirements of the Vancouver Building By-law & Building Codes to the satisfaction of the Director of Planning.

2204 East 38th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description:	Lot 1, Block 10, District Lot 394 and Plan 1694
Lot Size:	Lot Area = 6,211 sq. feet).
Zone:	R1-1
Related By-Law Clause:	Density (FSR, Section 3.2.1.1), and all other by-laws may be in compliance to the new R1-1 By-law.

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00934 and requesting to permit interior and exterior alterations to this existing single detached house with secondary suite building on this site.

Note: Scope of work includes paved additions in the side yard and rear yard, extending the rear deck and installation of covers over the rear decks on the main and upper floor, to construct a carport addition to the east side of the laneway house.

Development Application No. DP-2022-00934 was REFUSED for the following reasons:

- The proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.
- Site coverage – 3.2.2.7
- Impermeability – 3.2.2.8
- Building depth – 3.2.2.9
- Overall floor area – 3.2.1.1.(c)
- Rear Yard – 3.2.2.6

- there are insufficient peculiarities of the site or development to permit accessory building, which is not in compliance with the provisions of the Outright Approval Uses Section of the District Schedule.
- Total floor area for laneway house – 11.3.8.20(b)
- Side yard setback for laneway house – 11.3.8.18(d)

Technical Information:

Permitted FSR (R1-1): 0.70 (4,348 sq. ft.)
Existing: 0.67 (4,179 sq. ft.)
Proposed: 0.72 (4,465 sq. ft.) [As per DP-2022-00934.]
117 sq. ft. or 3 % over maximum permitted
286 sq. ft. or 7 % over existing

Discussion:

Shanjit Pahal 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 they received support letters from their neighbours. Their grandmother suffers from arthritis and the awning provides her a place to sit.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that at the time of application, the Director of Planning refused this due to a number of reasons. However, they're only looking at the floor overage since everything complies now. The Director of Planning cannot relax floor overage, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received six (6) 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's final comments were that the existing house is existing non conforming.

The appellant's final comments were that the neighbouring properties all have sunrooms. They're not asking for something different from what their neighbour has.

This appeal was heard by the Board of Variance on November 21st, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00934 and approved interior and exterior alterations to this existing single detached house with secondary suite building on this site (work approved noted above), and subject to the following conditions:

(1) that the Board approved the covered sundeck and the Owners MUST REMOVE the side curtains (curtain cover) from the sundeck area – and with the sundeck remaining open on all three (3) sides to in accordance with the Board’s approval on November 21st, 2023;

(2) that the development shall be in compliance with the ‘Site Impermeable Area’ allowance up to 0.75 (75%) in accordance with the new R1-1 Zoning and Development By-law to the satisfaction of the Director of Planning; and

(3) 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 did find site hardship to support the appeal – and the development proposal now complies to new R1-1 By-law – with the exception for the proposed density overage from the covered sundeck area (the proposed floor area to 0.72 / 72%).

-The Board’s site office received sixe (6) support letters and with no opposition letters from the neighbourhood.

-The Board (voted 4-0 in support of the appeal with the Board Chair in support in part – and no cover over the sunken patio) and the majority of the board members approved the covered sundeck with conditions – and also allowing a maximum site impermeable area up to 0.75 (75%) to be in compliance with the new R1-1 By-law.

3208 East 51st Avenue – Board Minutes and Decision

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

Legal Description: Lot 9, Part of The East ½ of Southwest ¼, District Lot 338 and Plan 8479

Lot Size: Lot Area = 5,045 sq. feet).

Zone: R1-1

Related By-Law Clause: Density (FSR, Section 3.2.1.1), and all other by-laws
may be in compliance to the new R1-1 By-law.

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00725 and requesting to permit interior and exterior alterations and to retain the deck and cover at the rear of this existing single detached house with a secondary suite, including a request to retain the impermeable areas on this site.

Development Application No. DP-2023-00725 was REFUSED for the following reason:

- The proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site. The proposed scope of work does not conform to R1-1 District Schedule, FSR [3.2.1.1].

Technical Information:

Permitted FSR (R1-1): 0.70 (3,532 sq. ft.)

Existing: 0.70 (3,539 sq. ft.)

Proposed: 0.77 (3,877 sq. ft.) [As per DP-2023-00725.]

345 sq. ft. or 10 % over maximum permitted

338 sq. ft. or 10 % over existing.

Discussion:

Raymon Lei and Anna Liu 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 had no initial comments.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal that was adjourned due to inaccurate drawings previously. The drawings seem to look the same, the entire backyard is paved, whereas on the drawings, there seems to be a lawn. The Director of Planning is unable to support the appeal.

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 Board will have to consider what is on the drawing submitted and what is on site currently.

The appellant's final comments were that his mother has medical issues that requires her to exercise in the yard, hence why they built the awning as well as paving the yard.

This appeal was heard by the Board of Variance on November 21st, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00725 and approved interior and exterior alterations and to retain the deck and cover at the rear of this existing single detached house with a secondary suite, including a request to retain the impermeable areas on this site, and subject to the following conditions:

(1) that the development shall be in compliance with the 'Site Impermeable Area' allowance up to 0.75 (75%) in accordance with the new R1-1 Zoning and Development By-law 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 did find site hardship to support the appeal – and the development proposal now complies to new R1-1 By-law – with the exception for the proposed density overage from the covered sundeck area (the proposed floor area to 0.77 / 77%).

-The Board's site office received one (1) support letters and with no opposition letters from the neighbourhood.

-The Board (voted 5-0 in support of the appeal) and the majority of the board members approved the covered sundeck with conditions – and also allowing a maximum site impermeable area up to 0.75 (75%) to be in compliance with the new R1-1 By-law.

6033 Fremlin Street – Board Minutes and Decision

Appeal Section:	573(1)(b) Appeal of Regulation - Secondary Suite (Cellar)
Legal Description:	Lot 24, Block 1 of Block 1008, District Lot 526 and Plan 10897
Lot Size:	Irregular site
Zone:	R1-1
Related By-Law Clause:	Section 10.20.4 (Living Accommodation Below-Grade regulations)

Appeal Description:

Requesting a relaxation of Section 10.20.4 (Living Accommodation Below-Grade regulations) of the Zoning & Development By-law and a request to permit interior alterations to the cellar-floor with a proposed new Secondary suite at this existing one-family dwelling site.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

Discussion:

Michael Lu 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 had no initial comments.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is for a new secondary suite in a 2004 home. Back in 2004, the depths have changed a couple of times. This house did not come with a basement suite, and homeowners are now thinking of putting in a basement suite, which will have to comply to the current bylaw. There are sufficient windows and lighting, but the Director of Planning can only permit a 4 foot suite.

The Board Chair stated that the Board's site office received two (2) 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 had no final comments.

The appellant's final comments were that he's looking for the Board to grant the appeal.

This appeal was heard by the Board of Variance on November 21st, 2023 and was ALLOWED, thereby granting a relaxation of Section 10.20.4 (Living Accommodation Below-Grade regulations) of the Zoning & Development By-law and approved interior alterations to the cellar-floor with a proposed new Secondary suite at this existing one-family dwelling site, and subject to the following conditions:

(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 did find site hardship to support the appeal – and accepted the development proposal with a proposed Secondary suite addition that meets the requirements for accommodation below-grade (with adequate natural light and ventilation with enough windows in the proposed bedrooms, and accepting the 9-foot ceiling height being proposed for the new secondary suite).

-The Board's site office received two (2) support letters and with no opposition letters from the neighbourhood.

-The Board (voted 5-0 in support of the appeal) and the majority of the board members approved and relaxed the living accommodation below-grade regulation.

On November 21st, 2023 - The following board decisions were UPDATED with new board decisions (as requested by the City – in order to obtain new City permits, a requirement).

-514 West 61st Avenue (BOV extension granted for another one-year period)

-2150 East Pender Street (BOV extension granted for a further two-year period)

-1120 Davie Street (Cannabis land-use extension approved as required by the Licensing department)

On November 21st, 2023 - The following sites (appeals) were NOT heard and the Director of Planning requested adjournments (with formal written decisions pending).

-5937 Holland Street

-1231 Salsbury Drive

-3208 East 51st Avenue