



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, September 26th, 2023
TIME: 1:15 PM
PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair
Rakshin Kandola
Peter Gee
Alexander Ray
Namtez Sohal

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

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

3019 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 192 and Plan VAP 9538
Lot Size:	Irregular site
Zone:	RS-2
Related By-Law Clause:	Development beyond the Building Line.

Appeal Description:

Requesting zoning relaxations for new development beyond the Building Line (New proposal includes: new swimming pool & hot tub, stepped terraces and stairs, & new landscaping) on the North portion of 3019 Point Grey Road.

Board of Variance History:

This appeal was heard by the Board of Variance on February 14th, 2023 and was ALLOWED in PART, thereby ONLY approving the removal and the replacement of trees as presented at the appeal hearing, 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.

NOTE: The Owners must comply with the Tree-By-law and shall remove and replace the existing trees on-site at a 1 to 1 ratio, and shall be to the satisfaction of the Director of Planning.

This appeal was NOT heard by the Board of Variance on May 23rd, 2023 and was struck from the record.

The Board Members were in agreement with the Director of Planning – and that this second appeal was similar to the appeal already heard on February 14th, 2023.

Discussion:

Rick Michaels, Kalli Niedoba, and David Battersby 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 believe the pool is a good asset as it minimize the overlook. They received 12 letters of support from their neighbours.

The Director of Planning's Representative

Mr. Chen's initial comments were that the Director of Planning have no significant issues with this appeal, but cannot provide support beyond the building line.

The Board Chair stated that the Board's site office received thirteen (13) letters in Support one (1) letter of suggestion, 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 they thank the Board for listening to the appeal.

This appeal was heard by the Board of Variance on September 26th, 2023 and was ALLOWED, thereby granting further zoning relaxations for new development beyond the Building Line (New proposal approved by the Board of Variance to permit: a new swimming pool & hot tub, stepped terraces and stairs, & new landscaping) on the North portion of 3019 Point Grey Road, and subject to the following condition (including the board's conditions imposed on February 14th, 2023 – related to Appeal No. Z35936):

(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.

NOTE and related to Appeal No. Z35936 (Feb. 14th, 2023): The Owners must comply with the Tree-By-law and shall remove and replace the existing trees on-site at a 1 to 1 ratio, and shall be to the satisfaction of the Director of Planning.

Board's summary and decision based on the following:

-The Board supported the revised development proposal with the protection of the foreshore (North side of the property), and also supported the re-design of the beach access with improvements for the Public's access to the beach front.

-The City's Director of Planning Rep. confirmed changes with improvements to the latest design and was not opposed to the revised (latest) development.

-The Board also received thirteen (13) Support Letters and NO Opposition letters from the neighbourhood with only one (1) letter with suggestions (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.

241 Renfrew Street – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description:	Lot 15, District Lot THSL NWD Of Lot 41 and Plan VAP 1169
Lot Size:	Lot Area = 3,973.67 sq. feet
Zone:	RS-1
Related By-Law Clause:	Density and Floor Area including Sections 3.2.2.3, 3.2.2.5(a), 3.2.2.6, 3.2.1.1, 3.2.2.9(a), 4.6.4, and Zoning & Development By-law (10.8.2).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00025 and a request to permit interior and exterior alterations to this existing non-conforming two and a half-storey single detached house on this inside with lane site.

Work includes authorizing unauthorized secondary suite, additions, new foundation walls, and addition of another storey.

Development Application No. DP-2023-00025 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. The proposed scope of work does not conform to RS-1 District Schedule (3.2.2.3, 3.2.2.5(a), 3.2.2.6, 3.2.1.1, 3.2.2.9(a), 4.6.4) and Zoning & Development Bylaw (10.8.2).
- any further applications made to the City must be prepared in a clear and concise manner, explicitly showing the proposed development with all the necessary and relevant information.

Technical Information:

Permitted FSR:	0.60 (2,376 sq. ft.)
Existing:	0.58 (2,316 sq. ft.)
Proposed:	0.70 (2,765 sq. ft.) [As per DP-2023-00025.]
389 sq. ft. or 16 %	over maximum permitted
449 sq. ft. or 19 %	over existing

Permitted above-grade FSR: 2,191 sq. ft.
Existing non-conforming: 2,316 sq. ft.
Proposed: 2,765 sq. ft. [As per DP-2023-00025.]
574 sq. ft. or 26 % over maximum permitted
449 sq. ft. or 19 % over existing

Discussion:

Alex Goldkind, Derek Creighton, and Jim Lehto 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 renovation of an existing building. There are currently 3 storeys, whereas there was only 2.5 previously.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of refusal for interior and exterior alteration. This is a standard site, and has been under enforcement for many years. The Director of Planning is not in support of the appeal.

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 Director of Planning is not in support the appeal, and asks the Board to uphold their decision due to non compliance issues.

The appellant's final comments were that this is a special site, they have neighbours supporting the appeal.

This appeal was heard by the Board of Variance on September 26th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00025 and approved interior and exterior alterations to this existing non-conforming two and a half-storey single detached house on this inside with lane site (development 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 found site hardship to warrant the zoning relaxations (age of the house and previous board relaxations were granted, and validating existing zoning variances).

-The Board also received Six (6) 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.

2264 Ferndale Street – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description: Lot N, 66 FT of Lot 10, Block 51, District Lot 184 and Plan 178
Lot Size: Lot Area = 3,267 sq. feet
Zone: RT-5
Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00369 and a request to permit interior and exterior alterations and to validate additions to this existing single-detached house with a proposed secondary suite at this site.

Scope of work includes enclosing the rear sundeck, adding stairs to basement, removal and additions of walls and windows.

Development Application No. DP-2023-00369 was refused for the following reasons:

-Not in compliance with Section 3.2.1.3 (b) (Floor Space) of the RT-5 District Schedule as the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site:

Technical information:

Maximum allowed (60%): 1,960 square feet
Existing: 1,860 square feet
Proposed: 2,117 square feet

Note: proposal is approx.. 157 square feet over the maximum allowance.

-As a consequence of this application not meeting the standards set out in the Zoning and Development By-law regarding Floor Space the application cannot be referred to the Director of Planning for a decision.

Discussion:

Joe Scale and Emily Scale 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 currently have four children, and renovated without permit, but are looking for more space for their children.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal to refuse interior and exterior alteration to a single detached home. This was presented by way of inspection for work without permit. They are only looking at floor area today, as it is over the allowable. The Director of Planning is unable to support the appeal beyond the building line.

The Board Chair stated that the Board's site office received five (5) 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 September 26th, 2023 and was ALLOWED, thereby overturning the Director of Planning who refused Development Application No. DP-2023-00369 and approved interior and exterior alterations and to validate additions to this existing single-detached house with a proposed secondary suite at this site (development 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 found site hardship to warrant the zoning relaxations (age of the house and the lot size at 49.50 ft. x 66 feet).

-The Board also received Five (5) 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.

2991 East 5th Avenue – Board Minutes and Decision

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

Legal Description: Lot 23, Block 60, District Lot Section 31 THSL, and Plan 5090.

Lot Size: Lot Area = 4,092 sq. feet.

Zone: RS-1

Related By-Law Clause: Sections 3.2.2.6, 3.2.2.8, and 3.2.2.9.

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00055 and a request to permit exterior alterations to validate the rear deck (built without permits) at the rear of this existing single-detached house on this site.

Development Application No. DP-2023-00055 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. The proposed scope of work does not conform to RS-1 District Schedule, 3.2.2.6, 3.2.2.8, and 3.2.2.9.

Technical Information:

Required Rear Yard: 55.80 Feet

Existing: 57.32 Feet

Proposed: 45.29 Feet [As per DP-2023-00055.]

Permitted Building Depth: 43.40 Feet

Existing: 44.00 Feet

Proposed: 53.77 Feet [As per DP-2023-00055.]

Permitted Site Impermeability: 0.60 (2,455 sq. ft.)
Existing: 0.36 (1,496 sq. ft.)
Proposed: 0.66 (2,700 sq. ft.) [As per DP-2023-00055.]
245 sq. ft. or 10 % over maximum permitted
1,204 sq. ft. or 80 % over existing

Discussion:

John Defazio 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 built a deck without permit, which is intended for their elderly mother. They received a lot of support from neighbours.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is a refusal for alteration of a rear deck. Floor area is not an issue, but rather rear yard, building depth, and building impermeability. The Director of Planning is unable to support the appeal.

The Board Chair stated that the Board's site office received four (4) letters in Support, a petition with fourteen (14) signatures of support, and one (1) 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.

Immediate Neighbour (Owner from 2997 East 5th Avenue) is not in support of the appeal

Final Comments:

Ms. Erichsen had no final comments.

The appellant had no final comments.

This appeal was heard by the Board of Variance on September 26th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00055 and approved exterior alterations to validate the rear deck (built without permits) at the rear of this existing single-detached house on 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 warrant the zoning relaxations (the lower open sundeck extension has minimal impact to the neighbourhood).

-The Board also received Four (4) Support Letters and one (1) Petition with 16-Support Signatures and one (1) Opposition letter 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.

On September 26th, 2023 - The following sites (appeals) were NOT heard and the Director of Planning requested adjournments (with formal written decisions pending).

-2509 West 33rd Avenue

-1326 East 64th Avenue

-4569 Commercial Drive

-3206 Kitchener Street

-1825 Harrison Drive