



Board of Variance

2:30pm – August 25, 2017
Council Chamber

NOTES

PRESENT:

Mr. Philip Walkinshaw, Chair
Mr. Ross Hood
Mr. Michel Roy

REGRETS:

Mr. Baj Puri
Ms. Maryam Salmani

STAFF:

Mr. Mike Watson, Acting Planner
Mr. Hardev Gill, Planning Technician
Mr. Philip Lo, Board of Variance Secretary

The Hearing was called to order at 2:32 pm

1.0 ADDITIONS TO AGENDA

MOVED and SECONDED

THAT the following item be added to the Agenda:

4.1 Board of Variance Hearings Scheduling

CARRIED.

All members of the Board present voted in favour of the motion.

2.0 ADOPTION OF MINUTES

2.1 Receipt of February 3, 2017 Notes

MOVED and SECONDED

THAT the February 3, 2017 Board of Variance Notes be received.

CARRIED.

All members of the Board present voted in favour of the motion.

3.0 APPLICATIONS

3.1 Application No. BV000341 – 109 St. Patrick Street

a) Secretary's Report regarding Public Notice and Title Search

Philip Lo, Board of Variance Secretary, reported that on August 11, 2017, 24 notices were mailed to owners and occupants located within the 50 meter notification area of 109 St. Patrick Street. To date, no notices have been returned. In addition, Mr. Lo reported that eight On Table submissions have been received with respect to the application, and that a Title Search was conducted and no issues were found.

MOVED and SECONDED

THAT the On Table correspondence be received.

CARRIED.

All members of the Board present voted in favour of the motion.

b) Submission by Development Services

Hardev Gill, Planning Technician, provided a summary of the variance application, noting the following:

- Owners requested relaxation of regulation concerning side setback permitted for single-detached dwelling;
- The house in Queen's Park was built in 1911, and is legally non-conforming with a side setback of 1.31 meters from the east property line;
- The proposal calls for a two-level addition, which includes a living area, basement, and covered sun deck on the main floor;
- The house listed on the City's Heritage Inventory and is protected by the Heritage Conservation Area;
- Staff encouraged the Applicants to retain the large feature window on the house as well as retain the original form and style, as the house has high heritage value.
- The proposal is consistent with Council's policy on considering variances, established in 2008.

c) Submission by Applicant/Agent

Jennifer Davy, Applicant, provided a summary of the application, noting the following:

- Interior finishing of the home remains largely untouched, including the small kitchen space, which requires modernizing;
- The preferred design aligns with existing house on the east side, and brings house to modern standard with least disruption to existing interior and exterior space;
- Compliance with the Zoning Bylaw would create hardship by forcing the proposed addition to decrease in width or compromise the window view, and disrupt the integrity and proper flow of the floorplan;
- The dining room with its large matching window feature, would be most negatively affected by changes in design to comply with the required setback; and
- Compliance would also prevent the Applicants from full enjoyment of the rear yard.

Rob Johnson, Project Architect, noted the following comments:

- The requested 4.5 feet set back from the property line would enable the wall to be flush;
- The proposed addition is designed to make sense visually; shifting the addition as designed with impact the design of the roof overhangs and obstruct existing views; and
- The preference is to preserve the current symmetry of the existing kitchen.

In response to questions from the Board, Mr. Watson, Acting Planner, advised that the site coverage including the proposed extension would not exceed the maximum permissible FST of 0.5, at 4,100 sq. ft.

d) Submissions by interested parties

Chair Philip Walkinshaw requested three times for speakers. No one came forward.

e) Discussion/Decision

The Board noted the following in discussion with regards to this application:

- The Board is sympathetic to the merit of the applicant's proposed design;
- It may not necessarily be undue hardship to have make an aesthetically unpleasing choices;
- It may cause hardship to reject renovations which aim to retain the original construction of a legally non-conforming heritage home;

- It may also cause hardship in terms of livability, as features such as the existing view and roofline would be negatively impacted if the variance is not approved.

WHEREAS, the Board of Variance has listened to all parties expressing an interest in the proposed variance and considered the information presented,

WHEREAS, the Board is of the opinion that the variance does not:

- i) Result in inappropriate development of the site,*
- ii) Adversely affect the natural environment,*
- iii) Substantially affect the use and enjoyment of adjacent land,*
- iv) Vary permitted uses and densities, or*
- v) Defeat the intent of the bylaw, and*

WHEREAS, the Board finds that undue hardship would be caused to the applicant by requiring compliance with Sections 310.16 of the Zoning Bylaw, in view of the desirability of preserving the heritage value of the home by retaining its heritage features, including the preservation of the original dining room windows.

WHEREAS, the Board considers the requested variance to be minor:

The Board of Variance hereby varies Section 310.16 of the New Westminster Zoning Bylaw to allow the construction of the proposed rear addition, as designed, to the existing principal single-detached dwelling at 109 St. Patrick Street.

CARRIED.

All members of the Board present voted in favour of the motion.

4.1 Board of Variance Hearings Scheduling

Members of the Board discussed the current start time of Board of Variance hearings, noting the following:

- More members of the community may be willing to apply to serve on the Board, if the hearings do not conflict with regular working hours; this would also be consistent with the City's goal to increase public engagement;
- Concerns were expressed that neighbours impacted by applications may not be able to attend the hearings to address concerns;
- Noted that the City of Burnaby has changed their Board of Variance hearing hours to the evening; and

- It was noted that evening hearing hours may also take away from personal time.

Mike Watson, Acting Planner, suggested that non-standard working hours may incur additional cost to the City, and may require higher-level permission.

MOVED and SECONDED

THAT a committee consisting of two Board of Variance members work with staff to investigate other potential Board of Variance hearing times, including non-regular working hours, and that the committee report back to the Board with recommendations at a future hearing.

CARRIED.

Board Chair Philip Walkinshaw voted in opposition.

4.0 NEXT HEARING

2:30pm, Friday, September 29, 2017, Council Chamber

5.0 ADJOURNMENT

ON MOTION, the meeting was adjourned at 3:08 pm.

ORIGINAL SIGNED

Philip Walkinshaw
Chair

ORIGINAL SIGNED

Philip Lo
Board of Variance Secretary