

BOARD OF VARIANCE

Friday, July 27, 2018 at 2:30 p.m.
Council Chamber

NOTES

PRESENT:

Mr. Michel Roy	- Chair, Community Member
Ms. Courtney Daws	- Community Member
Mr. Ross Hood	- Community Member
Mr. Sonny Johal	- Community Member
Mr. Baj Puri	- Community Member

STAFF:

Mr. Hardev Gill	- Planning Technician
Ms. Heather Corbett	- Board of Variance Secretary

The Hearing was called to order at 2:30 pm

1.0 APPOINTMENT OF 2018 CHAIR/ACTING CHAIR

MOVED and SECONDED

THAT Michel Roy be appointed as the Board of Variance Chair for 2018.

CARRIED.

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

MOVED and SECONDED

THAT Ross Hood be appointed as the Acting Board of Variance Chair for 2018.

CARRIED.

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

2.0 ADDITIONS TO AGENDA

MOVED and SECONDED

THAT the agenda be adopted with the following addition:

4.3 Board of Variance Meeting Times

CARRIED.

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

3.0 ADOPTION OF MINUTES

3.1 Receipt of August 25, 2017 Notes

MOVED and SECONDED

THAT the August 25, 2017 Board of Variance Notes be received.

CARRIED.

All members of the Board present voted in favour

4.0 APPLICATIONS

Procedural Note – Baj Puri recused himself due to a conflict of interest and left the meeting.

4.1 Application No. BV000344 – 728 Nineteenth Street

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

Heather Corbett, Board of Variance Secretary, reported that on July 13, 2018, 26 notices were mailed to owners and occupants located within the 50 meter notification area of 728 Nineteenth Street.

Ms. Corbett reported that, to date, no notices have been returned, no written submissions have been received, and no issues were found with the Title search.

- b) Submission by Development Services

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

- The variance request is for a relaxation of the maximum permitted height for a single detached dwelling with a flat roof in the West End neighbourhood;
- The applicants are planning to install solar panels, which is why the flat roof is preferred; and,
- The proposal is consistent with Council's policy on considering variances, established in 2008, and Development Services staff have no concerns in regards to this application and section 542 of the Local Government Act.

c) Submission by Applicant/Agent

Jennifer Handcock, Architect, provided a summary of the application, noting the following:

- The proposed house would be sited in a similar location on the lot as the existing house, in a position that is respectful of the neighbours;
- The owners are invested in the community and wish to build a house that is conducive to longevity;
- The height variance request is as a result of the slope of the property and the location of the datum point;
- The owners have looked at alternatives to requesting the height variance, such as sinking the house down and lowering the main floor, however this would not have provided the desired accessibility for the residents;
- The flat roof has been considered over a sloped roof because there would be a significant advantage in terms of energy production when using solar panels on a flat roof; and,
- The streetscape would not be affected by the proposed situation and height of the house, and the proposal would improve views for the neighbours.

In response to questions from the Board, Ms. Handcock provided the following information:

- The neighbours have been supportive of the proposal;
- The neighbours who have asked for the shrub to be reduced are not immediate neighbours of the property;
- It has not yet been determined which trees on the south side of the lot would need to be retained;
- The flat roof design is as a result of the high datum point, and not solely to accommodate the solar panels;
- It would not be possible to site the house towards the back of the lot because the datum point is so high;
- If the lot was more level, the owners would likely still request a variance because of the need for a flat roof structure.

In response to questions from the Board, Mr. Gill provided the following information:

- The Floor Space Ratio (FSR) of the proposed house would be 0.29 including the garage;

- The height datum due to the lot's topography is driving the hardship in this case;
- This proposal has been the first variance request for a house with a flat roof since the height Bylaw was amended; and,
- The option to apply for a Development Variance Permit rather than to apply to the Board of Variance was offered to the applicants.

d) Submissions by interested parties

Chair Michel Roy called three times for speakers and none came forward.

e) Discussion/Decision

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

- This case may highlight some concerns about the amended Bylaw concerning height restrictions for flat roofs;
- Due to the topography of the site, the proposed house would appear very high in the context of the neighbourhood if it included a sloped roof, and it may be difficult to build a functional house that would be in compliance with the height restrictions;
- As proposed, and in context of the site, the house would be unobtrusive to the streetscape and the shadow drawings help to show the minimal impact on neighbours;
- In terms of FSR, the proposed house is smaller than permitted and is in compliance with the setback restrictions; and,
- The need for a flat roof for the proposed solar panels could be overcome.

MOVED and SECONDED

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 Section 320.22 of the Zoning Bylaw in view of the topography of the site;

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

*The Board of Variance hereby **varies** Section 320.22 of the New Westminster Zoning Bylaw to allow the construction of the proposed two-storey dwelling, as presented to the Board, at 728 Nineteenth Street.*

CARRIED.

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

4.2 Application No. BV000345 – 1101 Ewen Avenue

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

Heather Corbett, Board of Variance Secretary, reported that on July 13, 2018, 92 notices were mailed to owners and occupants located within the 50 meter notification area of 1101 Ewen Avenue.

Ms. Corbett reported that, to date, no notices have been returned, no written submissions have been received, and no issues were found with the Title search on the property.

b) Submission by Development Services

Hardev Gill, Planning Technician, provided a summary of the variance application, the history of the property, and the neighbourhood context, noting the following:

- The variance request is to replace the existing canopy of a lawfully non-confirming fuel service station, and to increase the canopy's site coverage from 23% to 29%;
- The only other method available to the applicant would be for Council to re-zone the site; and,
- Staff has reviewed the proposal and has no concerns in regards to Section 542 of the Local Government Act, and does not anticipate shadowing or view obstruction.

In response to questions from the Board, Mr. Gill noted the following:

- The proposal meets the setback and height requirements, and has been reviewed and supported by the Engineering Services Department;

- Currently, the gas station is lawfully non-conforming and can operate on the property, however it is not known whether a gas station would be approved in the same site if it was re-zoned;
- The proposed addition to the commercial building is far enough from the rear property line, and does not pose concern to the rear neighbours; and,
- The hardship in this case is due to the fact that the building is lawfully non-conforming, and therefore must be presided over by the Board of Variance.

c) Submission by Applicant/Agent

Ms. Mee Lee, the applicant, presented the proposed plans for the new canopy and noted the following in regards to the application:

- The current canopy does not fully cover both sides of two of the fuel pumps, and therefore, in rainy weather, the pumps break frequently and there is a reduction of service for customers;
- The fuel station is the only one in Queensborough and given recent street improvements on Ewen Avenue and the community's rising population, demand is rising for better gas service levels; and,
- Once the variance is approved, the gas station would be re-branded.

In response to questions from the Board, Ms. Lee provided the following information:

- The future changes to the exterior of the building would include colour, lighting, and branding;
- The canopy lighting would be dimmed during non-business hours; and,
- No changes would occur to the fuel station in terms of the number of pumps or tanks.

In response to questions from the Board, Mr. Gill provided the following information:

- The signage on the canopy, including dimensions and corporate branding, would be regulated through the City's Sign Bylaw;
- At this stage, the Board only needs to review the canopy variance; however, the project would be open to public consultation and return to the Board if the business plans to add a new structure in future; and,
- The business is required to adhere to Bylaws pertaining to businesses; however, there is no current Bylaw that regulates lumens or lights.

- d) Submissions by interested parties

Chair Michel Roy called three times for speakers and none came forward.

- e) Discussion/Decision

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

- A refusal of the variance would cause hardship to the business' operations;
- The change in canopy size is minor and would make the business more convenient for customers;
- Concern was expressed about the lights in the proposed canopy, and their effect on the neighbourhood; and,
- The Board recommended consultation with the local Residents' Association.

MOVED and SECONDED

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 if structural alteration to a lawful non-conforming fuel station is not permitted due to section 5.31(1) of the Local Government Act.

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

The Board of Variance allows construction of proposed canopy, as presented to the Board, at 1101 Ewen Avenue.

CARRIED.

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

4.3 Board of Variance Meeting Times

Michel Roy, Chair, discussed a potential change in meeting time – from the afternoon to the evening – as Board of Variance members would not have to take time off work, and it may be more convenient for potential applicants to attend.

Board members noted that this change may be dependant upon staff time and availability of space at City Hall, and would require further discussion.

MOVED and SECONDED

THAT the Board of Variance strike a subcommittee to investigate the matter of meeting times and report back at a subsequent meeting.

CARRIED.

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

5.0 NEXT HEARING

Friday, August 31, 2018, 2:30pm, Council Chamber

6.0 ADJOURNMENT

ON MOTION, the meeting was adjourned at 4:13 pm.

Original Signed

Michel Roy
Chair

Original Signed

Nicole Ludwig
Board of Variance Secretary