

Attachment 5

Analysis of Proposed Variances

ATTACHMENT 5: ANALYSIS OF PROPOSED VARIANCES

The following questions are used to evaluate requests for variances, as per the City's Policy Approach to Considering Requests for Variances.

1. What is the intent of the bylaw that the applicant is seeking to have varied?
2. Is there a community benefit to the granting of the variances beyond that received by the owners?
3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.
4. If the answer to Question 2 is "No" but the answer to Question 3 is "Yes", can it still be demonstrated that the proposal meets the intent of the bylaw?
5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?
6. Are the proposed variances relatively minor?

Eleven variances have been requested as part of this application. For convenience, the table below summarizes the evaluation of each of the proposed variances against the questions noted above. For more information, refer to the full analyses in the following pages.

Variance	Question 1	Question 2	Question 3	Question 4	Question 5	Question 6
No. 1 Rear Yard Setback	Common intents of setbacks include creating open space, providing access around buildings, and managing the privacy and shadow impact of buildings.	Yes. It would enable the adaptive use of a formally protected heritage building.	No	n/a	Two tools could grant this variance: a Development Variance Permit (granted by Council) or a variance granted by the Board of Variance.	Yes. The effect of the variance on adjacent sites would be considered minor.
No. 2 Side Yard (West)	See No. 1	See No. 1	No	n/a	See No. 1	No. The design does not provide enough room to accommodate the proposed external stairs and ramps, which require an encroachment agreement on City property to be built.
No. 3 Side Yard (East)	See No. 1	See No. 1	No	n/a	See No. 1	See No. 1
No. 4 Site Coverage	Site coverage regulations work with setback and density regulations to limit building massing and ensure there is open space on site.	See No. 1	No	n/a	See No. 1	See No. 2
No. 5 Side yard projection for stairs above grade	Balance creating flexible regulations for the design of the building and to accommodate projections (like porches and stairs) with ensuring the function of setbacks are maintained. (See No. 1 for intent of siting regulations).	No	No	n/a	See No. 1	See No. 1
No. 6 Rear yard balcony projection	See above.	No	No	n/a	See No. 1	See No. 1
No. 7 Parking structure setback above grade	Provide adequate space next to parking structures for landscaping and screening.	See No. 1	No	n/a	See No. 1	See No. 2
No. 8 Proportion of	Provide some flexibility when designing parking areas, while	No.	Yes. The previously approved parking structure has limited ability to meet the	Yes. The compact spaces provide flexibility to meet the design	Yes. The Board of Variance cannot approve	See No. 1

compact parking spaces	ensuring the majority of spaces can fit a wider range of vehicles.		design requirements. The parking layout has been revised to include more compact spaces, but to meet more of the design requirements	requirements, while the parking area can still accommodate larger vehicles. Also, the second compact space is not required to meet the minimum requirements for parking.	parking variances.	
No. 9 Parking access from lane	Parking accessed directly off the lane meets minimum drive aisle requirements.	No	No	n/a	See No. 8	See No. 1.
No. 10 Accessible parking	Create equitable environments and reduce barriers that may prevent people with mobility impairments from accessing a building.	No	Yes. The building, as permitted, cannot accommodate the minimum overhead clearance required for an accessible parking space. The steep slope would also make it hard for people to move from the parking area to the building entrances.	Somewhat. Rather than accommodating a space that is not accessible in function, it would rely on an existing solution.	See No. 8	See No. 1
No. 11 Loading	Buildings to accommodate their loading needs on-site.	No	Yes. The building cannot accommodate the minimum overhead clearance required for a loading space. The steep slope would also make it hard for people to move items from the parking area to the building entrances.	No	See No. 8	See No. 1

Variance 1: Rear Yard

The requested variance is to reduce the minimum required rear yard from 7.62 metres (25 feet) to 4.57 metres (15 feet). This would be a reduction of 3.05 metres (10 feet) or 40%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of building setbacks range, depending on the setback and site. Common intents of setbacks include creating open space, providing access around buildings, and managing the privacy and shadow impact of buildings.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

Granting this variance would create a minor community benefit by enabling the adaptive use of a heritage building, as a Heritage Designation bylaw protects 220 Carnarvon Street.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Two tools could be used to grant this variance. The first is a Development Variance Permit, granted by Council. The second is a variance granted by the Board of Variance, which requires the applicant to demonstrate hardship. Given that there are some variances that cannot be approved by Board of Variance, it is more appropriate to have all variances included as part of a Development Variance Permit for consideration by Council.

6. Are the proposed variances relatively minor?

The proposed variance is a 40% reduction to the minimum required setback. However, the impact of the variance, regarding open space, shadowing, privacy, and view obstruction, is relatively minor. (See questions 7 to 9).

7. Does the reduced rear yard setback still leave adequate usable open space for the site?

The reduced rear setback leaves little usable open space for the site. However, most of the activities for the church are indoors, so having less open space is considered acceptable.

8. Does the reduced rear yard setback create any shadowing, privacy or view obstruction concerns for the neighbouring properties?

To the west of the building is Merivale Street, to the south of the building is Clarkston Street and the SkyTrain guideway, and to the east of the building is a low-rise apartment building at 218 Carnarvon Street. The apartment building has a smaller rear yard (3.86 metres or 12.67 feet) and 1.83 metre (6 foot) balconies. The proposed balcony at 220 Carnarvon Street would be set further back from and at a lower elevation than the neighbouring balconies. Any shadowing, privacy, or view obstruction concerns would be minimal.

9. Does the decreased setback create privacy issues for the adjacent properties in terms of windows, decks or balconies?

No. (See question 8.)

Conclusion: The variance would help facilitate a minor community benefit and would be relatively minor. Staff recommends supporting the variance.

Variance 2: Side Yard (West)

The requested variance is to reduce the side yard (west) from 7.62 metres (25 feet) to 0.71 metres (2.33 feet). This would be a reduction of 6.91 metres (22.67 feet) or 91%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of building setbacks range, depending on the setback and site. Common intents of setbacks include creating open space, providing access around buildings, and managing the privacy and shadow impact of buildings.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

Granting this variance would create a minor community benefit by enabling the adaptive use of a heritage building, as a Heritage Designation bylaw protects 220 Carnarvon Street.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Two tools could grant this variance. The first is a Development Variance Permit, granted by Council. The second is a variance granted by the Board of Variance, which requires the applicant to demonstrate hardship. Given that there are some variances that cannot be approved by Board of Variance, it is more appropriate to have all variances included as part of a Development Variance Permit for consideration by Council.

6. Are the proposed variances relatively minor?

The combined required side setbacks are 42' and the site width is 53'. Adhering to the setbacks would limit an addition to 11' in width, which is about a fifth of the lot depth. Given the narrow width of the lot in comparison with the setbacks, some reduction in setback would be considered supportable. However, the proposed variance is a 91% reduction, which is very significant. The impact of the reduced variance is it does not leave enough room for stairs and ramps connecting the building exit on the addition to

grade and an encroachment agreement is required in order to provide suitable egress from the building. The proposed variance is not considered relatively minor.

7. Does the decreased setback still provide adequate space between the building and the adjacent building (or a building that could be built under the existing zoning) in terms of livability and open space proportionate to the size of the building?

n/a – This side yard is adjacent to a street.

8. Does the decreased setback still provide for appropriate massing along the street?

The existing church has two setbacks on the west side. A portion of the church is setback 2'4" and the main portion is setback further. The addition is consistent with the narrower setback. As this is the only building on this section of the block, the addition creates a consistent street wall. The reduced setback is partially balanced by the height of the addition, which is lower than the existing building. However, the proposed design does not provide enough room to accommodate external stairs and ramps. The proposed stair and ramp require an encroachment agreement on City property in order to be built.

9. Does the decreased setback create privacy issues for the adjacent property in terms of windows, decks or balconies?

n/a – The side yard is adjacent to a street.

10. Does the decreased setback create view obstruction issues?

The decreased setback is consistent with parts of the existing building and is not expected to further impede views from other buildings. Today, a 3 x 3 metre (9.84 x 9.84 foot) corner truncation would typically be taken at the corner of the street and the lane. A wall projects less than 0.30 metres into the area that would typically be included in a view corner truncation.

Conclusion: The variance would not be likely to create view obstruction or privacy issues. The variance is not considered relatively minor and cannot accommodate egress cannot accommodate egress from the building without encroachment onto City property. For this reason, staff would typically not support the variance. However, as this is an existing condition, staff recommends supporting the variance.

Variance 3: Side Yard (East)

The requested variance is to reduce the minimum side yard from 5.24 metres (17.2 feet) to 3.15 metres (10.33 feet). This would be a reduction of 2.09 metres (6.89 feet) or 40%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of building setbacks range, depending on the setback and site. Common intents of setbacks include creating open space, providing access around buildings, and managing the privacy and shadow impact of buildings.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

Granting this variance would create a minor community benefit by enabling the adaptive use of a heritage building, as a Heritage Designation bylaw protects 220 Carnarvon Street.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Two tools could grant this variance. The first is a Development Variance Permit, granted by Council. The second is a variance granted by the Board of Variance, which requires the applicant to demonstrate hardship. Given that there are some variances that cannot be approved by Board of Variance, it is more appropriate to have all variances included as part of a Development Variance Permit for consideration by Council.

6. Are the proposed variances relatively minor?

The combined required side setbacks are 42' and the site width is 53'. Adhering to the setbacks would limit an addition to 11' in width, which is about a fifth of the lot depth. Given the narrow width of the lot in comparison with the setbacks, some reduction in setback would be considered supportable. The proposed reduction is 40%. The impact of the variance is considered relatively minor. (See questions 7-9, below.)

7. Does the decreased setback still provide adequate space between the building and the adjacent building (or a building that could be built under the existing zoning) in terms of livability and open space proportionate to the size of the building?

The neighbouring property, 218 Carnarvon Street, is four storeys tall at the rear of the site and has a west side yard of 3.96 metres (13 feet). The rear addition at 220 Carnarvon Street is three storeys tall (with a rooftop balcony) and has a proposed east side yard of 3.15 metres (10.33 feet). The decreased setback would provide adequate space, in proportion to the building size.

8. Does the decreased setback still provide for appropriate massing along the street?

Yes. The addition would not be visible from the front of the building because it is lower in height than the existing building and is consistent with the existing minimum setback of the building.

9. Does the decreased setback create privacy issues for the adjacent property in terms of windows, decks or balconies?

The building addition at 220 Carnarvon Street would have two windows and one door on the east side. There would be no decks or balconies. The elevation of the windows at 220 Carnarvon Street would be below the elevation of most of the windows at the neighbouring property, 218 Carnarvon Street, minimizing any privacy impacts.

10. Does the decreased setback create view obstruction issues?

The setback is not in an area where a corner truncation would be required. There are windows on the west side of the adjacent building at 218 Carnarvon Street. They directly face the building at 220 Carnarvon Street and have oblique views north and south. The decreased setback may have a minor impact on these oblique views, but would not create obstruction.

Conclusion: The variance would facilitate a minor community benefit and the variance is considered relatively minor. Staff recommends supporting the variance.

Variance 4: Site Coverage

The requested variance is to increase maximum site coverage from 40% to 58%. This would be an absolute increase of 18% or a proportional increase of 45%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

Site coverage regulations work with setback and density regulations to limit building massing and ensure there is open space on site.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

Granting this variance would create a minor community benefit by enabling the adaptive use of a heritage building, as a Heritage Designation bylaw protects 220 Carnarvon Street.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Two tools could grant this variance. The first is a Development Variance Permit, granted by Council. The second is a variance granted by the Board of Variance, which requires the applicant to demonstrate hardship. Given that there are some variances that cannot be approved by Board of Variance, it is more appropriate to have all variances included as part of a Development Variance Permit for consideration by Council.

6. Are the proposed variances relatively minor?

The proposed variance is a 40% increase from the space. Low-rise buildings on the adjacent blocks have site coverages ranging from 30 percent to 73 percent, with an average of approximately 46%. A site coverage of 58% would not be the highest of nearby buildings, but is near the upper limit. Given the relative site coverages, percent increase, and encroachment issues created by the size and siting of the addition (see Variance 2), the variance is not considered minor.

Conclusion: The variance would facilitate a minor community benefit and the variance is not considered minor. While staff would support a variance to site coverage to enable a building addition, a smaller variance that is more consistent with the neighbourhood and does not create encroachment issues would be supported. However, as this is an existing condition, staff recommends supporting the variance.

Variance 5: Projection into Side Yard for Stairs above Grade

The requested variance is to increase the projection of stairs above grade into the side yard from 1.22 metres (4 feet) to 1.45 metres (4.75 feet). This would be an increase of 0.23 metres (0.75 feet) or 19%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of the bylaw is to balance creating flexible regulations for the design of the building and to accommodate projections (e.g., porches and stairs) with ensuring the function of setbacks are maintained. (See Variances 1-3 regarding siting regulations).

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

No.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No. The building, as currently approved, complies with the bylaw.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Two tools could grant this variance. The first is a Development Variance Permit, granted by Council. The second is a variance granted by the Board of Variance, which requires the applicant to demonstrate hardship. Given that there are some variances that cannot be approved by Board of Variance, it is more appropriate to have all variances included as part of a Development Variance Permit for consideration by Council.

6. Are the proposed variances relatively minor?

The proposed variance is considered relatively minor. First, it is a small absolute and proportional increase. Second, it does not impact how this area of the side yard is used.

Conclusion: The proposed variance would be relatively minor. Staff recommends supporting the variance.

Variance 6: Projections into Rear Yard for Balcony

The requested variance is to increase the projection of the balcony into the rear yard from 1.22 metres (4 feet) to 1.83 metres (6 feet). This would be an increase of 0.61 metres (2 feet), or 50%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of the bylaw is to balance creating flexible regulations for the design of the building and to accommodate projections (e.g., porches and stairs) with ensuring the function of setbacks are maintained. (See Variances 1-3 regarding siting regulations).

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

No.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Two tools could grant this variance. The first is a Development Variance Permit, granted by Council. The second is a variance granted by the Board of Variance, which requires the applicant to demonstrate hardship. Given that there are some variances that cannot be approved by Board of Variance, it is more appropriate to have all variances included as part of a DVP for consideration by Council.

6. Are the proposed variances relatively minor?

The variance would be an increase of 0.61 metres (2 feet), or 50% of the maximum allowed projection. However, the increased projection would be unlikely create any shadowing, privacy, or view obstruction concerns for the neighbouring properties, so the impact the variance would be relatively minor.

Conclusion: The variance would be relatively minor. Staff recommends supporting the variance.

Variance 7: Setback for Parking Structures extending above Finished Grade

When a parking structure is located below the average grade of a site (calculated by averaging the grade measured at each corner), but above the finished grade, a 1.5 metre (4.92 foot) setback is required. The requested variance is to reduce the setback to 0.71 metres (2.33 feet), which is the same as the side yard setback of the building. This would be a reduction of 0.79 metres (2.59 feet) or 53%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of the bylaw is to provide adequate space next to parking structures for landscaping and screening.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

Granting this variance would create a minor community benefit by enabling the adaptive use of a heritage building, as a Heritage Designation bylaw protects 220 Carnarvon Street.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Two tools could grant this variance. The first is a Development Variance Permit, granted by Council. The second is a variance granted by the Board of Variance, which requires the applicant to demonstrate hardship. Given that there are some variances that cannot be approved by Board of Variance, it is more appropriate to have all variances included as part of a Development Variance Permit for consideration by Council.

6. Are the proposed variances relatively minor?

The proposed setback for the parking structure, which is at the base of the addition, is consistent with the building setback. With respect to setbacks, this variance is not considered minor (see Variance 2 for details). However, the applicants propose decorative cladding for the base of the building, where the parking structure is. The applicants also intent to extend stairs along the façade of the building and parking

structure, which adds an element of visual interest and meets some of the intent of providing space for screening.

Conclusion: The variance would facilitate a minor community benefit and would not be considered minor. However, as this is an existing condition, staff recommends this variance.

Variance 8: Proportion of Compact Parking Spaces

The applicants propose to increase the proportion of compact parking spaces from one car (30% or less) to two cars (50%). This would be an increase of one car, an absolute increase of 20%, and a relative increase of 66%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of the bylaw is to provide some flexibility when designing parking areas, while ensuring the majority of spaces can fit a wider range of vehicles.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

No.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

Yes. The size of the site and the design of the previously approved parking structure limit the ability to accommodate all required parking spaces and design requirements. For example, the bylaw requires 0.3 metres (1 foot) of additional space when a parking space is adjacent to a wall or structure. To increase compliance with the Zoning Bylaw, the applicants have revised the layout of the parking to accommodate this requirement, which results in a higher portion of compact parking spaces, but spaces that meet functional design requirements.

4. If the answer to Question 2 is "No" but the answer to Question 3 is "Yes", can it still be demonstrated that the proposal meets the intent of the bylaw?

Yes. The number of compact parking spaces provides more flexibility to meet the required number of spaces and design requirements, while still providing spaces that can accommodate larger vehicles. Additionally, the bylaw requires three spaces and the applicant is providing four, with the additional compact space being provided above the minimum requirements.

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Yes. The Board of Variance does not have the authority to issue variances regarding parking and access requirements.

6. Are the proposed variances relatively minor?

Yes, an increase of compact cars by one car is relatively minor, especially given that fourth space is in addition to the number of bylaw-required spaces.

Conclusion: The variance would have some hardship and be relatively minor. Staff recommends supporting the variance.

Variance 9: Access from Lane

On sites occupied by commercial uses and industrial uses, parking is permitted directly off a lane and the lane may be considered as all or part of the required maneuvering aisle for the parking spaces, provided that no part of the lane shall be used as part of any parking space. The requested variance would allow access off a lane for an institutional use.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of the bylaw is to ensure that parking accessed directly off the lane meets minimum drive aisle requirements. In the future, an amendment to the Zoning Bylaw will be proposed to allow lane access for all land uses.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

No.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

No. However, given the small site size and number of required parking spaces, allowing access directly off the lane enables a simpler, and likely more space efficient, parking layout.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

n/a

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Yes. The Board of Variance does not have the authority to issue variances regarding parking and access requirements.

6. Are the proposed variances relatively minor?

The site previously had informal parking accessed off the lane. As the variance would maintain the status quo, its effect would be relatively minor.

Conclusion: The variance would be relatively minor. Staff recommends supporting this variance.

Variance 10: Accessible Parking

The requested variance is to reduce the accessible parking requirements from one to zero, which would be a reduction of 100%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of this bylaw is to create equitable environments and reduce barriers that may prevent people with mobility impairments from accessing a building.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

No.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

Yes. The building, as permitted, cannot accommodate the minimum overhead clearance required for an accessible parking space. The required clearance is 2.3 metres and 2.00 metres is provided. The site grade would also create difficulties for people to move up the slope from the parking area to the building entrances.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

The proposal somewhat meets the intent of the bylaw because rather than accommodating a space which is not accessible in function, it is relying on an existing solution which enables people with mobility impairments to access the church.

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Yes. The Board of Variance does not have the authority to issue variances regarding parking and access requirements.

6. Are the proposed variances relatively minor?

The applicants are proposing to accommodate no accessible space on site. Access for people with mobility impairments is currently accommodated informally from on-street parking along Carnarvon Street. A bus stop was installed in front of the site in December 2020, to accommodate re-routing of a bus route for the Agnes Street Greenway project. To address the concerns of the applicants regarding conflicts between the bus stop and accessible access for the church, staff are actively working with the CMBC to evaluate alternative designs and locations for the bus stop. Temporary closures of the bus

stop are also available by request to CMBC for specific events. Once the bus stop location is resolved, staff anticipate that unreserved restricted parking will be returned to the street in front of the property. Reservation of the on-street space may be made for specific events through application for a Street Occupancy Permit. As the variance would maintain the status quo, its effect would be relatively minor.

7. As the variance would maintain the status quo, its effect would be relatively minor.

Conclusion: The variance would have some hardship and be relatively minor. Staff recommends supporting the variance.

Variance 11: Loading

The requested variance is to reduce the number required of loading spaces from one to zero, which would be a reduction of 100%.

1. What is the intent of the bylaw that the applicant is seeking to have varied?

The intent of the bylaw is for buildings to accommodate their loading needs on-site.

2. Is there a community benefit to the granting of the variances beyond that received by the owners?

No.

3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, trees) of the site and not the personal or business circumstances of the applicant.

Yes. The building, as permitted, cannot accommodate the minimum overhead clearance required for a loading space. The required clearance is 4.0 metres and 2.00 metres is provided. Even if the overhead clearance requirements could be met, providing a loading space would likely impact the ability to provide the required number of parking spaces on site. The site grade would also create difficulties for people to move items up the slope from the parking area to the building entrances.

4. If the answer to Question 2 is “No” but the answer to Question 3 is “Yes”, can it still be demonstrated that the proposal meets the intent of the bylaw?

No. The proposal does not meet the intent of the bylaw because it is not providing on-site loading spaces.

5. Is this the most appropriate mechanism for achieving the end result of the proposed variances?

Yes. The Board of Variance does not have the authority to issue variances regarding parking and access requirements.

6. Are the proposed variances relatively minor?

The applicants are proposing to accommodate no loading space on site. The loading is currently accommodated informally from on-street parking along Carnarvon Street. A bus stop was installed in front of the site in December 2020, to accommodate re-routing of a bus route for the Agnes Street Greenway project. To address the concerns of the applicants regarding conflicts between the bus stop and loading functions for the church, staff are actively working with the CMBC to evaluate alternative designs and locations for the bus stop. Temporary closures of the bus stop are also available by request to CMBC

for specific events. Once the bus stop location is resolved, staff anticipate that unreserved restricted parking will be returned to the street in front of the property. Reservation of the on-street space may be made for specific events through application for a Street Occupancy Permit. As the variance would maintain the status quo, its effect would be relatively minor.

Conclusion: The variance would have some hardship and be relatively minor. Staff recommends supporting the variance.