

Section 5

By-law Relaxations and Powers of Discretion

[Note: The content in the right margin is for information purposes only and does not form part of this By-law.]

| Section | | | |
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| 5.1 | Relaxation of By-law Provisions | | |
| | <p>5.1.1 Except as otherwise specified in this By-law, in any case where enforcement of this By-law would result in unnecessary hardship, the Director of Planning or the Development Permit Board, in the exercise of their jurisdiction, may relax the provisions of this By-law to the extent necessary to relieve such hardship. In granting any such relaxation, the Development Permit Board or the Director of Planning, as the case may be, shall consider whether the relaxation would result in any adverse effects on adjacent properties and shall have regard to the intent of this By-law, the regulations and policies of any Official Development Plan, and such other applicable policies and guidelines adopted by Council.</p> | Formerly 3.2.4 | |
| | <p>5.1.2 Except as otherwise specified in this By-law, the Director of Planning or the Development Permit Board, in the exercise of their jurisdiction, may relax the provisions of this By-law where Council determines that the proposed development would make a contribution to conserving a building or site designated by Council as protected heritage property or a building or site on the Heritage Register. Any development permit issued shall specify the heritage aspects of the building or site that merit the relaxation authorized by this section. Before granting any relaxation, the Director of Planning or the Development Permit Board shall:</p> <p>(a) consider any advice from the Vancouver Heritage Commission or any other body established by Council for</p> <p style="text-align: right;"><i>[continued on the next page...]</i></p> | Formerly 3.2.5 | |

this purpose defining the aspects of the building or site that give it heritage value and advising on the proposed conservation work;

- (b) notify such adjacent property owners and tenants as deemed necessary, consider the responses received, and if there is significant objection, refer the matter to Council for advice; and
- (c) consider the provisions of this By-law and all applicable policies and guidelines adopted by Council.

5.1.3 Except as otherwise specified in this By-law, the Director of Planning or the Development Permit Board, in the exercise of their jurisdiction, may relax the provisions of this By-law where the proposed development makes provision for low cost housing for persons receiving assistance, if the Director of Planning or the Development Permit Board first considers:

Formerly 3.2.10

- (a) all applicable Council policies and guidelines;
- (b) the impact on the liveability of neighbouring residents; and
- (c) the proposed development is not in the RS-1, RS-1A, RS-1B, RS-2, RS-3 and RS-3A, RS-5, RS-6, RS-7, RT-1, RT-4, RT-7, RT-9, RT-10 or RT-11 zoning district or in any other zoning district that permits one-family dwellings and does not permit multiple dwellings.

For the purposes of this section, low cost housing for persons receiving assistance means social housing, except that 70% of the dwelling units must be occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and must be rented at rates no higher than the shelter component of Income Assistance, and the remainder of the dwelling units must be occupied by households with incomes below housing income limits, as set out in the current 'Housing Income Limits' table published by the British Columbia Housing Management Commission, or equivalent publication.

5.1.4 The authority of the Director of Planning or the Development Permit Board to relax any provision of this By-law pursuant to this section 5.1 includes the authority to impose conditions, including but not limited to time limitations.

Formerly 3.2.11

5.2

Powers of Discretion Related to Zoning Matters

- 5.2.1 The Director of Planning may vary the provisions of this By law relating to any of the following:
- (a) alterations or additions to an existing building which lacks minimum yards required by the appropriate district schedule, except that any variation in this case shall be with respect to yard requirements only, and provided that the Director of Planning first considers the impact on neighbouring properties;
 - (b) erection of more than one principal building on one site or structural alterations or additions to two or more principal buildings existing on the same site and located in a C, M, I or CD District;
 - (c) erection of more than one principal building on one site or structural alterations or additions to two or more principal buildings existing on the same site where such principal buildings consist of multiple dwellings located within any R district, subject to the arrangement of such principal buildings being satisfactory to the Director of Planning;
 - (d) retention of more than one principal building on one site where an application for a development permit has been made but the permit cannot be issued because of a requirement to consolidate or subdivide the site;
 - (e) placement of one or more portable classrooms on an elementary or secondary school site, where the existing or proposed development exceeds permitted floor space ratio or site coverage, or lacks minimum yards or setbacks, as specified in the district schedule or section 11;
 - (f) erection of a new elementary or secondary school building, or alterations or additions to an existing elementary or secondary school building, where the existing or proposed development exceeds permitted floor space ratio or site coverage, or lacks minimum yards or setbacks, as specified in the district schedule or section 11;
 - (g) Low Operational Cost Housing containing 6 or more dwelling units, except that permitted floor area or density of units may not be increased or varied above the maximum permitted within the district schedule under this By-law, and may be granted by the Director of

Formerly 3.2.1 (a)

Formerly 3.2.1 (b)

Formerly 3.2.1 (c)

Formerly 3.2.1 (d)

Formerly 3.2.1 (e)

Formerly 3.2.1 (f)

Formerly 3.2.1 (h)

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Planning after consideration of all Council adopted policies and guidelines. This subsection (g) does not apply to Comprehensive Development zones, and shall not apply to applications made after December 31, 2025;

(h) required setbacks to off-street parking areas where, in the opinion of the Director of Planning, the landscaping provided or to be provided is adequate to warrant such reduction, except that in a C-1 or R District, no reduction shall be granted which has the effect of reducing the front yard to less than the required depth of an adjoining front yard; and Formerly 3.2.2 (a)

(i) the maximum projection of balconies into required yards, horizontal daylight control angles and limitations on building length. Formerly 3.2.2 (b)

5.2.2 Despite anything to the contrary in this By-law, if Formerly 3.2.1 (g)

(a) the construction or alteration of, or addition to, a building is to include enhanced accessibility to and from the dwelling by way of ramps, lifts, or other like means, for persons who find conventional access impossible or difficult because they have a loss or reduction of functional ability or activity; and

(b) the Director of Planning first considers all applicable guidelines and policies adopted by Council,

the Director of Planning may vary the requirements in the appropriate district schedule regarding yards, setbacks, site coverage, impermeability, building depth, and side door entrance to the extent necessary to allow such enhanced accessibility.

5.2.3 The Director of Planning may vary the provisions of this By-law regulating the siting of a building, provided that: Formerly 3.2.8

(a) the proposed siting of a building will accommodate the retention of an existing tree which, in the opinion of the Director of Planning, warrants retention; and

(b) the resulting siting of a building will not, in the opinion of the Director of Planning, result in unduly adverse effects on adjacent properties.

5.2.4 The Director of Planning, on the advice of the Chief Building Official, may vary any necessary provisions in an RS district schedule in order to permit additional above grade floor area if soil or hydrological conditions on a site are not suitable to below grade construction, provided that: Formerly 3.2.11

[continued on the next page...]

- (a) the soil or hydrological conditions are documented to the satisfaction of the Director of Planning; and
- (b) the area of all floors at or above finished grade does not exceed a floor space ratio of 0.6.

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| <p>5.2.5 If an owner applies to replicate a Multiple Conversion Dwelling or Infill use damaged by fire to the extent of 60% or more of its value above its foundations, and the Director of Planning has previously given a bonus, relaxation or variation under the RT-3, RT-4, RT-4A, RT-4N and RT-4AN, RT-5 and RT-5N, RT-6, RT-7, RT-8, RT-9, RT-10 and RT-10N, RT-11 and RT-11N, RM-1 and RM-1N, RM-7, RM-7N and RM-7AN, RM-8, RM-8A, RM-8N and RM-8AN, RM-9, RM9A, RM-9N, RM-9AN and RM-9BN, RM-10 and RM-10N, RM-11 and RM-11N, or RM-12N District Schedules in respect of such use, and the proposed replication is in accordance with the most recently issued development or building permits for that use, the Director of Planning must vary the provisions of the applicable districts schedules to the extent necessary to permit the replication.</p> | <p>Formerly 3.2.7</p> |
| <p>5.2.6 The Director of Planning must vary the provisions in regards to minimum site width in the RS-1, RS-5, and RS-6 district schedules to permit the construction of a one-family dwelling on an existing lot which is on record in the Land Title Office as of June 24, 2014 if the use was previously approved under issued development or building permits.</p> | <p>Formerly 3.2.9</p> |
| <p>5.2.7 The Director of Planning is authorized to determine whether or not a building is a character house and, in making that determination, may consider the age and architectural form and style of the building, in accordance with all applicable Council policies and guidelines.</p> | <p>Formerly 3.2.6</p> |
| <p>5.2.8 The Director of Planning, before exercising its powers of discretion pursuant to this section 5.2, shall be satisfied that any property owner likely to be adversely affected is notified. Such notification shall be in the form appropriate to the circumstances.</p> | <p>Formerly 3.2.3</p> |