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**BOARD OF VARIANCE / PARKING VARIANCE BOARD**  
**APPEAL DECISION**

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**Appeal No. Z35773 - 322 East 43<sup>rd</sup> Avenue**

**Appeal Section:** 573(1)(a) - Appeal of Decision  
**Legal Description:** Lot 3, Block 2, District Lot 644 and Plan VAP2583  
**Lot Size:** Irregular Lot.  
**Zone:** RS-1  
**Related By-Law Clause:** Basement suite conversion to a "child daycare facility".

**Appeal Description:**

Appealing the decision of the Director of Planning who refused Development Application No. DP-2020-00529 and a request to change the use of this existing Secondary suite (in the basement) into a "child daycare facility" at this site.

**Development Application No. DP-2020-00529 was refused for the following reasons:**

- *Lack of space (Note to Applicant: The submitted space drawings suggest a notable space deficiency with regard to indoor area, the nap room, the outdoor play area, and the storage. In all four cases, the current space seems to be about half as big as required by our Childcare Design Guidelines.)*
- *Inappropriate Use at this location (Note to Applicant: This change of use creates a childcare facility of 16 spaces in the guise of two family daycares, and as such, Group Daycare license allows employment of staff, and have a higher portion of very young children.)*
- *Lack of available parking (Note to Applicant: This change of use requires 6 spaces, with 2 spaces being provided on site.)*
- *Lack of neighbourhood support.*

**Name of Appellant(s):** Premadasa Edirisinghe and Manel Swarnalatha Edirisinghe  
Bright Owllet Childcare Learning Centre  
320 East 43<sup>rd</sup> Avenue  
Vancouver, B.C.  
V5W 1T3

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This appeal was heard by the Board of Variance on **January 26<sup>th</sup>, 2021** and was **ALLOWED**, thereby **overturning** the decision of the Director of Planning who refused Development Application No. DP-2020-00529 and approved the change the use of this existing Secondary suite (in the basement) **into a "child daycare facility" at this site**, and subject to the following conditions:

- (1) the approval is for the exclusive use of **"Bright Owllet Childcare Learning Centre"** and shall be operated by **Premadasa Edirisinghe and Manel Swarnalatha Edirisinghe**; and
- (2) 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.

**\*\*\* IMPORTANT NOTE to the Appellants:**

**The Board's decision is valid for one-year** and the Owner(s) are required to obtain the City's Development-Building Permit **by January 26<sup>th</sup>, 2022**. Once the Board's decision expires, then the Owners are required to appeal (again) to request an extension.

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**Note:** Unless otherwise ordered by the Chief Building Official in writing, the owner(s) **must obtain a Development Permit within one-year from the hearing date** (on successful appeals / allowed appeals).

Signed: \_\_\_\_\_

Secretary to the Board of Variance

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