



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, January 14th, 2025
TIME: 1:15 PM
PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair
Peter Gee
Leah Karlberg
Elizabeth MacKenzie
Namtez Sohal

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Sonia Erichsen, Manager (Director of Planning's Representative)
Tony Chen, Manager (Director of Planning's Representative)

1248 East 22nd Avenue – Board Minutes and Decision

Appeal Section: 573(1)(b) Appeal of Regulation – Min. Site Area & Frontage

Legal Description: Lot C, Block W, District Lot 526 and Plan VAP 2104

Lot Size: Lot Area = 6,037 Sq. Ft. (49.50 feet x 122 feet)

Zone: RM-1

Related By-Law Clause: Section 3.1.2.1 (Minimum Site Area) and
Section 3.1.2.1 (Minimum Site Frontage / Site Width)

Appeal Description:

Requesting zoning relaxations of Sections 3.1.2.1 (Minimum Site Area) and 3.1.2.1 (Minimum Site Frontage / Site Width) of the RM-1 District Schedule and a request to construct a new multiplex design development (proposing four dwelling units) with available parking spaces on-site and with vehicular access from the rear lane.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

Technical Information:

Required Minimum Site Area:	6,501 sq. ft. (604 sq.m.)
Existing & Proposed:	6,037 sq. ft. (561 sq.m.)
Required Minimum Site Frontage:	60.00 Feet (18.30 m)
Existing & Proposed:	49.50 Feet (15.09 m)

Discussion:

Babak Choubi was present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

The appellant had no initial comments.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for a multi dwelling in the RM1 zone. The Director of Planning will not be in support of the appeal, as it doesn't meet site regulation.

The Board Chair stated that the Board's site office received (0) letters in Support and (0) letter in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

There were no comments.

Final Comments:

Mr. Chen's final comments were that the Director of Planning sympathizes with the applicant, however with current regulations, they're unable to support the appeal.

The appellant's final comments were that three years is a very long time to wait. They're looking for a size variance of the lot.

This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED, thereby granting zoning relaxations of Sections 3.1.2.1 (Minimum Site Area) and 3.1.2.1 (Minimum Site Frontage / Site Width) of the RM-1 District Schedule and APPROVED the construction of a new 'Multiple-Dwelling' design development containing four dwelling units (with a maximum permitted proposed density & floor area to 0.90 FSR) with parking spaces on-site and with vehicular access from the rear lane, and subject to the following conditions:

- (1) that the final design and its form of development shall be to the satisfaction of the Director of Planning (with a maximum permitted density & floor area to 0.90 FSR – as submitted by the Appellants/Owners), and in accordance with the board's decision on January 14th, 2025; 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.

Board's summary and decision based on the following:

- The majority of the Board members voted 5-0 in support of the appeal and found a site hardship to warrant a zoning relaxation – as the existing site area / lot area is approx. 500 sq. feet less than the minimum requirement (existing lot area is at 6,000 sq. feet) to build multiple dwelling units at this RM-1 zone site. The City's representative confirmed that in the near future, City Council will be updating this district zone to allow the Director of Planning to grant zoning relaxations for lot sizes less than 6,500 sq. feet.
- The City's representative also confirmed that the proposed density & floor is less than the maximum conditional approval by the Director of Planning with an outright density & FSR from 0.40 FSR to 1.20 FSR (maximum permitted FSR allowed, RM-1 zone site). Th Board granted a maximum approval to 0.90 FSR as submitted and presented prior to the January 14th, 2025 meeting. The Board accepted the proposal as submitted and imposed a maximum density & floor area to 0.90 FSR.
- The Board's site office received no (0) opposition letters from the neighbourhood.

3726 West 36th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(b) - Appeal of Regulation (Site Impermeability Area)

Legal Description: Lot 32, Block 35, District Lot 2027 and Plan 3263

Lot Size: Lot Area = 6,512.50 sq. feet.

Zone: R1-1

Related By-Law Clause: Section 3.2.2.8 (Site Impermeability Area)

Appeal Description:

Requesting a zoning relaxation of Section 3.2.2.8 (Site Impermeability Area regulations) of the R1-1 District Schedule and a request to permit additional impermeable materials at this site to 0.76 (or at 76.30%).

Work includes:

-Artificial grass installed at the rear of the site (approx. 800 sq. feet)

-Concrete parking pad extension (approx. 140 sq. feet); and

-Shed addition (approx. 120 sq. feet).

Total 1,060 sq. feet (Total Site Impermeable Area at 76.30%)

Technical Information:

Permitted Site Impermeability (R1-1): 0.75 (4,885 sq. ft.)

Existing: 0.60 (3,910 sq. ft.) [As per DP-2016-00482.]

Proposed: 0.76 (4,970 sq. ft.)

Discussion:

Darren Hawrish and Suzana Hawrish were present to speak in support of the appeal.

At the request of the Chair, the appellant agreed to dispense with the reading of the submission, which had been in the Members' possession prior to the meeting.

The appellant's initial comments were that they received a letter from the City where their artificial turf replaced their lawn. Their son is allergic to grass, and their family is very active, and would like an area where their son can play.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of site coverage. This was brought in as routine inspection, and the inspector saw artificial turf in lieu of grass. Due to the new regulation where site impermeability is 75%, they're only over by 86 square feet. The Director of Planning will defer to the Board for their decision.

The Board Chair stated that the Board's site office received three (3) letters in Support and three (3) letters in opposition to this appeal.

The Chair stated that if there were any interested parties in the audience who wished to speak to this appeal, they should raise their hand to be recognized and when recognized, state their full name and address and spell their surname for the record.

Gary MacIsaac attended and spoke in opposition to the appeal (not in support of the appeal).

Final Comments:

Ms. Erichsen had no final comments.

The appellant's final comments were that they put artificial turf in for their son who have allergies to grass.

This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED, thereby granting a zoning relaxation of Section 3.2.2.8 (Site Impermeability Area regulations) of the R1-1 District Schedule and APPROVED additional impermeable materials to a maximum allowance of 0.75 (75%) at this site (the board's approval includes: the artificial grass in the rear yard, the side yard storage shed addition and the rear driveway's concrete pad extension to the side yard), and subject to the following conditions:

(1) that the Owners must be in compliance with the maximum permitted Site Impermeable Area of 0.75 (or 75% maximum allowance permitted at this R1-1 site).

NOTE: The Board of Variance approved the artificial grass in the rear yard, the side yard storage shed addition along the side yard, and the rear driveway concrete pad extension to the side yard fence). The final site impermeable area calculations to 0.75 (75%) must be to the satisfaction of the Director of Planning and a development permit must be obtained by the Owners within 'one-year' in accordance with the board's decision on January 14th, 2025.

(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.

Board's summary and decision based on the following:

-The majority of the Board members voted 5-0 in support of the appeal and allowed the proposed development at this site to a maximum permitted Site Impermeable Area to 0.75 (75%).

- The City's representative stated that this site was formerly RS-5 and the new R1-1 district zone (adopted in Oct. 2023) now allows the site impermeability area to reach 0.75 (75%), and previously was permitted to a maximum to 0.60 (60%). Therefore the City is unable to approve beyond 0.75 (75%), and the Board of Variance approved the maximum permitted allowance to 0.75 (75%).

-The Board's site office received three (3) support letters and six (6) opposition letters from the neighbourhood prior to the meeting. The Owners from 3708 West 36th Avenue (Gary MacIsaac and Irene Wingate from next door at 3708 West 36th Avenue) attended the appeal hearing, and Mr. Gary Macisacc spoke with concerns and opposed the appeal).

On January 14th, 2025 - The following sites were reviewed by the Board of Variance for other zoning related items and **Development Permits are required for the following sites:**

4641 Sophia Street

This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED, thereby granting a zoning relaxation of Section 3.2.1.1 (Density and Floor Area) of the R1-1 District Schedule and APPROVED interior and exterior alterations to provide improvements to this existing single-family house on site (and work includes: converting the exiting two-car garage area into new living space / new habitable area permitted), adding a new parking pad in the front yard, with a new deck and stairs at rear, and replace existing windows and doors, kitchen and bathroom renovation at this existing site (Related to Development Application No. DP-2024-00536), and subject to the following condition:

(1) 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.

1001 Robson Street

This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED, thereby granting a zoning relaxation of Section 14.3 from the Zoning and Development by-law and APPROVED interior and exterior alterations to the store front at 1001 Robson Street (Allowing new development beyond the building line), and subject to the following condition:

(1) 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.

3250 East 49th Avenue

This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED, thereby granting a zoning relaxation of Section 3.2.1.1 (Density and Floor Area) of the R1-1 District Schedule and APPROVED exterior alterations to permit the addition of an aluminum cover over the rear sundeck at this existing one-family dwelling site, and subject to the following condition:

(1) 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.

On January 14th, 2025 - The following sites were reviewed by the Board of Variance for an extension (renewal) request and **as required the City's Development Services:**

438 Richards Street

This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED, thereby granting an extension to retain the approved Cannabis Retail Store for a further period of time and subject to the following conditions:

- (1) the approval is for the exclusive use of "ARCANNABIS ENTERPRISES (BC) INC." and shall be operated Joe Dul Le and Matthew Chernoff, and doing business as (DBA): "ARCANNABIS STORE".
- (2) the Board granted a limited-time approval for three (3) years and expires on: February 14th, 2028;
- (3) the Board may grant an extension on/or before the expiry date: February 14th, 2028; and
- (4) 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.

2431 West 41st Avenue

This appeal was heard by the Board of Variance on January 14th, 2025 and was ALLOWED, thereby granting an extension to retain this approved Cannabis Store at 2431 West 41st Avenue for a further period of time (relating to Development Application No. DP-2018-00753), and subject to the following conditions:

- (1) that the approval is for the exclusive use of Ilija Gajic operating the business as Atheneum Cannabis Corp. (DBA: Atheneum Cannabis).
- (2) the Board granted a limited-time approval and expires on: April 23rd, 2030;
- (3) the Board may grant an extension on/or before the expiry date: April 23rd, 2030;
- (4) 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.

On January 14th, 2025 - The following sites were **NOT** reviewed by the Board of Variance and **these appeals were adjourned:**

-138 West 12th Avenue (Adjourned to May 06th, 2025)

-676 West 50th Avenue (Adjourned to April 15th, 2025)

-6776 Killarney Street (Adjourned to April 15th, 2025)