



## **BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES**

DATE: Tuesday, August 12<sup>th</sup>, 2025

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

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PRESENT: Gilbert Tan – Board Chair

Leah Karlberg

Elizabeth MacKenzie

Peter Gee

ABSENT: Namtez Sohal

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Joe Bosnjak (Director of Planning's Representative)

On August 12<sup>th</sup>, 2025 - The Appellants for the following sites appealed the City's decision (Director of Planning's written decision) **issued by the City's Development Services:**

**2205 Lillooet Street – Board's summary minutes and decision**

**Appeal Section:** 573(1)(a) - Appeal of Decision - DP Refusal

**Legal Description:** Lot 32, Block 10, Section 37, District Lot THSL NWD Part N ½, and Plan VAP1314

**Lot Size:** Lot Area = 4,026 sq. feet (33.0 feet x 120 feet)

**Zone:** R1-1

**Related By-Law Clause:** Sections 3.2.1 (Density & Floor Area) and 3.2.2.6 (Rear Yard)

**Appeal Description:**

Appealing the decision of the Director of Planning who refused Development Application No. DP-2025-00069 and a request to permit a change of use at this existing one-family dwelling site to a one-family dwelling site with a new secondary suite and also to validate conversion of the existing garage area into living area (new habitable area) with a new addition on the second floor at this site.

**Development Application No. DP-2025-00069 was REFUSED for the following reasons:**

- the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

-Exceeds maximum permitted floor area

-Does not meet minimum required rear yard

**Technical Information:**

*Permitted FSR (R1-1): 0.60 (2,416 sq. ft.)*

*Existing non-conforming: 0.70 (2,818 sq. ft.)*

*Proposed 0.79 (3,174 sq. ft.) [ From: DP-2025-000691.]*

*758 sq. ft. or 31 % over maximum permitted*

*356 sq. ft. or 13 % over existing.*

*Required Rear Yard:* 35.10 Feet  
*Existing non-conforming:* 29.91 Feet  
*Proposed:* 29.91 Feet [ From: DP-2025-000691.]

**Discussion:**

Thi Thuy Lieu Hoang and Jade Tran 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 purchased the home in July of 2020. Their intention was to have the whole family live in the home, but with the new City bylaw, they're not in compliance.

**The Director of Planning's Representative**

Mr. Bosnjak's initial comments were that this is to convert a garage and a sundeck. The sundeck and illegal suites was brought in by way of complaint in 2020. The garage had been converted into a living space and the sundeck had been fully enclosed. The Director of Planning is not in support of the appeal, and asks the Board to uphold the decision.

The Board Chair stated that the Board's site office received seven (7) 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. Bosnjak's final comments were that the Director of Planning is unable to support the conversion of the garage into a living space as well as the sundeck being enclosed.

The appellant's final comments were that they're looking to keep the conversion of the living space but they're willing to take out the enclosed sundeck.

**This appeal was heard by the Board of Variance on August 12th, 2025 and was ALLOWED IN PART**

thereby overturning the Director of Planning's decision who refused Development Application No. DP-2025-00069 and ONLY approved the lower floor additions with a change of use at this existing one-family dwelling site to a one-family dwelling site with a new secondary suite and also to validate conversion of the existing garage area into new living area (new habitable area), and subject to the following conditions:

- (1) that the Board of Variance ONLY approved the 'lower-floor additions' (Secondary suite and the conversion of the carport-garage area into new living area. And the 'upper floor additions' (enclosure of the sundeck) MUST BE REMOVED; 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 3-1 in support of the Owners keeping the 'lower floor additions' built without City permits by the previous owners. The Board did find a site hardship and approved the lower floor additions to meet the 0.70 FSR (The 0.70 FSR was existing non-conforming floor area at the time when the house was built in 1977).

-In the final comments, the Owner's design consultant at the appeal hearing stated that they would like to retain / keep the lower floor additions, and willing to remove the upper floor addition (the enclosure of the sundeck). The majority of the board members (with 3-1 votes) accepted this proposal to 'remove the upper floor sundeck enclosure – as a compromise to retain the lower floor additions.

-The Board's site office also received seven (7) letters in support of the appeal, and no (0) opposition letters from the neighbourhood.

## **2294 West 10<sup>th</sup> Avenue – Board’s summary minutes and decision**

**Appeal Section:** 573(1)(a) Appeal of Decision - BOV Renewal Appeal

**Legal Description:** Lot 2, Block 363, District Lot 526 and Plan LMP24360.

**Lot Size:** Irregular site

**Zone:** CD-1 site

**Related By-Law Clause:**

### **Appeal Description:**

Requesting permission to retain the playground area as an accessory-use to the existing school (Fraser Academy) for a further period of time at this existing site.

### **Board of Variance History:**

***This appeal was heard by the Board of Variance on October 23rd, 2018 and was ALLOWED, thereby granting permission to retain the playground area (approved by the Board of Variance on November 30th, 2016) as an accessory-use to the existing school, (Fraser Academy) at this existing site for a further period of seven (7) years (or until on July 2025), subject to the following conditions:***

- (1) that the approval is for the exclusive use of Fraser Academy (located at 2294 West 10th Avenue);*
- (2) that a Good Neighbourhood – Operations and Traffic Management Plan is a requirement as part of the Board’s approval. \*Note: This Good Neighbourhood – Operations and Traffic Management Plan must include the hours of outdoor activity times, and time and location of pickup and drop off points (students) at this site, and the contact name(s) from Fraser Academy’s representative to be provided to any neighbours with concerns in the surrounding neighbourhood;*
- (3) that the approval is for seven (7) years and expiring on July 31st, 2025 and the Board may grant an extension to the time limit on or before July 31st, 2025; 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.*

**This appeal was heard by the Board of Variance on November 30th, 2016 and was ALLOWED,** thereby overturning the decision of the Director of Planning who refused Development Application No. DE420262 and a request to change the use of the existing parking area, to a playground for the use of the existing school, (Fraser Academy) at this existing site, subject to the following conditions:

- (1) that the approval is for the exclusive use of Fraser Academy (located at 2294 West 10th Avenue);
- (2) that a Good Neighbourhood – Operations and Traffic Management Plan is a requirement as part of the Board's approval and must be submitted and made part of the Development Permit No. DE420262 within three (3) months from November 30th, 2016.

*The Good Neighbourhood – Operations and Traffic Management Plan must include input from the surrounding the neighbours (and in particular to address the concerns provided by neighbours who attended the Board of Variance meeting of November 30th, 2016).*

*\*Note: This Good Neighbourhood – Operations and Traffic Management Plan must include the hours of outdoor activity times, and time and location of pickup and drop off points (students) at this site, and the contact name(s) from Fraser Academy's representative to be provided to any neighbours with concerns in the surrounding neighbourhood;*

- (3) that the approval is for an initial period of two-years and expiring on November 30th, 2018 and the Board may grant an extension to the time limit on or before November 30th, 2018; 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.

### **Discussion:**

**Neil Johnston and Mia Villareal 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 the Fraser Academy has been helping kids with dyslexia since 1992. They're looking for an extension to the permit.

### **The Director of Planning's Representative**

Mr. Bosnjak's initial comments were that the following appeal is in regards to DP-2018-01042 – BOV Appeal Z35372 heard by the Board of Variance on October 23, 2018 and is requesting an extension to condition 3 of the BOV decision. There are no recent complaints on file for this use at this address. The Director of Planning defers to the Board for their decision.

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. Bosnjak had no final comments.

The appellant had no final comments.

**This appeal was heard by the Board of Variance on August 12th, 2025 and was ALLOWED**, thereby granting permission to retain the playground area as an accessory-use to the existing school (Fraser Academy) for ‘the life of the building’ at this existing site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Fraser Academy (located at 2294 West 10th Avenue);
- (2) that the board’s August 12th, 2025 (decision) approval is for ‘the life of the building’ at 2294 West 10th Avenue.

Note: The City of Vancouver is the current Landlord – and the Landlord agreed to extend the term of the Lease by five (5) years, from July 17, 2025 until July 16, 2030 (the “Termination Date”), and thereafter, subject to certain conditions, grant a minimum 60-year Ground Lease with two (2) conditional options to renew for twenty (20) and nineteen (19) years respectively (the “Ground Lease”) to the Tenant for the Premises (See attached letters).

- (3) 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.
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On August 12<sup>th</sup>, 2025 - The following sites were reviewed by the Board of Variance and **renewals and extensions were granted as required by Development Services.**

**126 West Hastings Street**

**This appeal was heard by the Board of Variance on August 12th, 2025 and was ALLOWED,** thereby granting permission to retain the Cannabis Store (Cannabis land-use renewal) on the ground floor of the existing mixed-use building site for a further period of FIVE (5) years (related to Development Application No. DP-2024-00292), and subject to the following conditions:

- (1) that the approval is for the exclusive use of Rafael Trujillo Villarreal operating the business as ‘NAHUAL CANNABIS LTD.’ – and doing business as (DBA) “NAHUAL CANNABIS”;
- (2) that the approval is for FIVE (5) years and expiring on October 22nd, 2030;
- (3) that the Board may grant an extension to the time-limit on or before October 22nd, 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..

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On August 12<sup>th</sup>, 2025 - The following site(s) were **NOT** reviewed and/or heard by the Board of Variance:

**1725 SW Marine Drive** – The City’s Director of Planning requested an adjournment to October / November 2025.

**8571 Wiltshire Street** – The City’s Director of Planning requested an adjournment to October / November 2025.

**1289 Nicola Street** – The City’s Director of Planning requested an adjournment to December 2025.