



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, September 23rd, 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: Joe Bosnjak (Director of Planning's Representative)
Tony Chen (Director of Planning's Representative)
Payam Fouladianpour (Director of Planning's Representative)

On September 23rd, 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:**

860 Burrard Street – Board's summary minutes and decision

Appeal Description:

Requesting a land-use zoning relaxation to permit a covered permanent outdoor patio seating area (the proposed pergola is approximately 512 square feet in size) to be used in conjunction with the existing Restaurant - Class 1 for the exclusive use of Italian Kitchen in this existing mixed-use building on this site.

Note: The proposed pergola was built over five (5) years ago to provide additional outdoor seating area.

Related to Development Application No. DP-2023-00297 (Refusal):

-Non-compliance with the Official Development Plan and the proposed development does not comply with the Official Development Plan that affects this site.

-Objections Received; objections have been received from neighbouring property owners.

The City's decision (refusal) is based on the following:

(1). Non-compliance with the Downtown Official Development Plan (DODP); and

- Non-compliance with Section 3.1(H) – Density of the DODP, due to a 512 sq.ft. increase in floor area contributing to a total coverage of 8,896 sq.ft. or 0.16 FSR above the 6.00 permitted.

(2). Hours of operation until 12am is not supported by neighbouring property owners.

Discussion:

Emad Yacoub, Jack Lamont, and James Banks 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 have no intention in changing the operating hours. They're only looking for the decision on the pergola, as it was built during the covid times. There was significant investment into building it and they would like to keep it. They use the patio and pergola regularly and is well loved by the public. They have a pest control company that cleans the restaurant weekly. They work in tandem with the landlord as well as their neighbours. They're looking for a 2 year extension to obtain whatever permits necessary.

The Director of Planning's Representative

Mr. Fouladianpour's initial comments were that they received the appeal as a work without permit. This is a mixed used building for commercial and residential. They received 18 objections from neighbours through a site sign.

The Board Chair stated that the Board's site office received (0) letters in Support and nineteen (19) 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.

John Sanderson (3498 Beach Drive Victoria BC) is NOT in support of the appeal

Jane Talbot (CEO/Rep for Downtown VAN) is in support of the appeal

Suhai Marino (Glowbal Restaurant Group) is in support of the appeal

Barbara Lemajic (Manager of Glowbal Restaurant Group) is in support of the appeal

Final Comments:

Mr. Fouladianpour had no final comments.

The appellant's final comments were that the pergola is a beautiful built and they would like to maintain it.

This appeal was heard by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby granting a land-use zoning relaxation and approved a permanent outdoor covered patio seating area (and the approved 'pergola structure' is approximately 512 square feet in size) to be used in conjunction with the existing Restaurant - Class 1 for the exclusive use of Italian Kitchen in this existing mixed-use building site, and subject to the following conditions:

(1) That the approved pergola (outdoor patio area, 512 sq. feet) is for the exclusive use of the 'Italian Kitchen' Restaurant (Glowbal Restaurant Group) and must be CLOSED by 11:00 PM (daily) with no patrons / customers within this outdoor patio area after 11:00 PM in accordance with the board's decision on September 23rd, 2025;

(2). That a 'Restaurant Management Plan' must be submitted and shall be included with the issuance of the Development Permit to address the Neighbourhood's main concerns: (i). Outdoor Patio must be closed by 11:00 PM (ii). Pest Control Plan – with a proposal to mitigate this concern (iii). Pedestrian walkways & Public access walkways to the buildings' entry points at 850 & 860 Burrard Street shall have clear access. The Italian Kitchen's Management Team shall be mindful of the 71+ owners/residents at 850 Burrard Street and the main walkway area shall remain accessible at all times.

(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.

Board's summary and decision based on the following:

-The majority of the Board members voted 4-1 in support of the appeal and found a site hardship to warrant a zoning relaxation – and to allow Italian Kitchen's pergola structure to remain permanently. The City confirmed that this outdoor patio dining area is permitted/allowed with outdoor tables & seating with umbrellas, and that the pergola was built without City permits during the Covid-Pandemic and this unauthorized structure is considered floor area under the definition of the zoning by-law.

- The City's representative (Mr. Payam Fouladianpour, Manager) further confirmed that the outdoor seating area existed over five (5) years ago and used in conjunction with the restaurant, however a pergola was built without City permits. And the City also noted that they placed a site signage regarding the pergola and the City received 18-letters in opposition with main concerns regarding noise and the hours of operation of the outdoor patio to midnight (12 AM), and the walkway area not accessible to the residents living at 850 Burrard Street.

-The Board's site office notified over 200 property owners prior to the appeal hearing, and the board received 19-opposition letters from the neighbourhood and one (1) registered speaker (John Sanderson) attended and spoke in opposition to the appeal, and three (3) registered speakers attended and spoke in support of the appeal including Jane Talbot (CEO – Downtown Van, BIA). As well, over 15+ supporters stood up from the audience showing support at the meeting but did not register to speak on September 23rd, 2025.

539 East 7th Avenue – Board’s summary minutes and decision

Appeal Description:

Appealing to delete Conditions 1.2 from the prior-to approval letter issued by the Director of Planning who approved Development Application No. DP-2025-00276 and requesting a relaxation of Section 3.2.1 (Density and Floor Area) of the RM-4 District Schedule and a request to construct a three-storey duplex with a detached accessory building at the rear and providing two (2) parking spaces with vehicular access from the lane.

Note: The appellants are requesting the Board of Variance to delete condition 1.2 and allowing the proposed development to permit a 1.0 FSR (and the City permits a maximum Density and Floor Area to 0.60 FSR).

Condition 1.2: States that prior to the issuance of the Development Application No. DP-2025-00276, the applicant must revise the design to be in compliance with Section 3.2.1 (Density and Floor Area, FSR) of the RM-4 District Schedule and to provide a Floor Space Ratio (FSR) of a maximum of 0.60.

Note to Applicant: The Director of Planning in not prepared to support an increase in floor area in accordance with Section 3.2.2.7 of the RM-4 District Schedule. The proposal of a new duplex does not meet the criteria of retention of existing buildings, or for the intent to accomplish certain social and community goals.

Discussion:

Kevin Rai, Shaun Rai, and Eric Lee 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 had no initial comments.

The Director of Planning’s Representative

Mr. Chen’s initial comments were that this proposal is for a duplex development. The Director of Planning does not support the increase of density and floor area, and opposes this appeal.

The Board Chair stated that the Board's site office received (0) 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.

There were no comments.

Final Comments:

Mr. Chen's final comments were that the Director of Planning does not disagree with the poor communication between the appellant and the City.

The appellant's final comments were that their proposed roof is only a foot higher, and still under the allowable building height.

This appeal was heard by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby Condition 1.2 has been DELETED from the prior-to approval letter issued by the Director of Planning who approved Development Application No. DP-2025-00276 and APPROVED a relaxation of Section 3.2.1 (Density and Floor Area) of the RM-4 District Schedule to construct a three-storey duplex with a detached accessory building at the rear and providing two (2) parking spaces with vehicular access from the lane, and subject to the following conditions:

(1) that the final design and its form of development shall be in compliance with ALL other zoning regulations and to the satisfaction of the Director of Planning (including the overall height, building depth and all setbacks - and ONLY the density / FSR was granted with a zoning variance to 1.0 FSR); and

(2) that ALL City permits (both development and building code related permits) must be obtained and also shall be to the satisfaction of the Director of Planning.

Board's summary and decision based on the following:

-The majority of the Board members voted 4-1 in support of the appeal and found a site hardship to warrant the zoning relaxation, and noting that the zoning in the area allows higher density. Site Hardship with changes to the zoning by-law and future updates to the site will match the R1-1 zoning with 1.0 FSR allowance for multiplex developments and City Council is expected to update the by-law in the near future. The appellants' submission included two nearby sites on East 7th Avenue with developments approved to 1.0 FSR.

- The City's representative (Mr. Tony Chen, Manager) confirmed that City staff initially supported a 1.0 FSR density and further noted that this zone will be updated in the future to allow 1.0 FSR for multiplex developments.

-The Board's site office notified over 40+ property owners adjacent/near 539 East 7th Avenue - and received three (3) opposition letters regarding this appeal. The Architect submitted a 'Shadow Study' and noting that height and building depth will be in compliance with the zoning by-law and the new form of development has minimal impact to the immediate neighbours.

On September 23rd, 2025 - The following sites were reviewed by the Board of Variance and **Zoning variances were reviewed as required by Development Services.**

1515 Discovery Street

This appeal was heard by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby Condition 1.1 has been approved and fulfilled as required in the City's approval letter with conditions and issued under Development Application No. DP-2025-00009. The Board of Variance approved approximately 2,417.0 sq. ft. of outdoor seating area (patio) and planters to be used in conjunction with the existing non-conforming Hotel (Hostel) with ancillary Restaurant Class-1 use on this site, and subject to the following conditions:

- (1) that the approval of the outdoor patio seating area is for the exclusive use of the 'SALT WAVE BISTRO' (and operated by HI JERICH0); 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.

7129 Dumfries Street

This appeal was heard by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby granting a zoning relaxation of the Density & FSR (floor area) to permit exterior and interior alterations and to convert the existing crawlspace area into new living space, and a change of use from a one-family dwelling home into a one-family dwelling home with a proposed Secondary Suite, and subject to the following conditions:

- (1) that the 'Window sizes' must be in compliance with the Secondary Suite's livability regulations below-grade and shall be to the satisfaction of the Director of Planning; and
 - (2) that the Cover over the rear sundeck shall be REMOVED, and the sundeck extension reduced as proposed under Development Application No. DP-2025-00398; and
 - (3) that ALL City permits (both development and building code related permits) must be obtained and shall be to the satisfaction of the Director of Planning.
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832 Keefer Street

This appeal was heard by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby granting a zoning relaxation of Section 3.1.2.1(d) (Minimum Site Area) and the Density (FSR) regulations of the RT-3 District Schedule and to permit the construction of a new two-storey Infill Building at this existing site, and subject to the following conditions:

- (1) that the final design and its form of development shall be in compliance with ALL other zoning regulations and to the satisfaction of the Director of Planning (including the overall height, building depth and all setbacks - and ONLY the density / FSR was granted with a zoning variance to 1.16 FSR); and
- (2) that the Board of Variance approved the proposed development as presented & submitted on September 23rd, 2025 – and with a proposed density including the new Infill Building and floor area accepted at 1.16 FSR (Existing non-conforming FSR is at 0.97 FSR – and the lot area is at 3,050 sq. feet); and
- (3) that ALL City permits (both development and building code related permits) must be obtained and shall be to the satisfaction of the Director of Planning.

On September 23rd, 2025 - The following sites were reviewed by the Board of Variance and **renewals and extensions were granted as required by Development Services.**

460 Granville Street

An amendment request was reviewed by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby granting amendment to the name of the operator at this Retail Cannabis Store for a further period of time, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Robert Herrington operating the business as MUSE CANNABIS STORES LTD. (DBA: MUSE CANNABIS STORE).
 - (2) the Board granted a limited-time approval and expires on: September 30th, 2029;
 - (3) the Board may grant an extension on/or before the expiry date: September 30th, 2029;
 - (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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999 Denman Street

An amendment request was reviewed by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby granting amendment to the name of the operator and an extension for the cannabis land-use was approved at this Retail Cannabis Store for a further period of time, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Robert Herrington operating the business as MUSE CANNABIS STORES LTD. (DBA: MUSE CANNABIS STORE).
- (2) the Board granted a limited-time approval and expires on: September 30th, 2029;
- (3) the Board may grant an extension on/or before the expiry date: September 30th, 2029;
- (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.

1735 Commercial Drive

This appeal was heard by the Board of Variance on September 23rd, 2025 and was ALLOWED, thereby granting permission to retain the Cannabis Store (Cannabis land-use renewal) at this existing site for a further period of time (related to Development Application No. DP-2017-01068), and subject to the following conditions:

- (1) the approval is for the exclusive use of “KushKlub Cannabis Canada” and shall be operated by Feven Berhane and doing business as (DBA): “KushKlub Cannabis Canada”.
- (2) the Board granted a limited-time approval and expires on: August 30th, 2029;
- (3) the Board may grant an extension on/or before the expiry date: August 30th, 2029;
- (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 September 23rd, 2025 - The following site(s) were **NOT** reviewed and/or heard by the Board of Variance:

5305 Windsor Street – The City’s Director of Planning requested an adjournment to November 2025.