



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, October 22nd, 2024

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, Manager (Director of Planning’s Representative)

Tony Chen, Manager (Director of Planning’s Representative)

823 Jackson Avenue– Board Minutes and Decision

Appeal Section:	573(1)(a) Appeal of Decision (DP Refusal)
Legal Description:	Lot F, Block 103, District Lot 196 and Plan VAP 16840.
Lot Size:	Irregular site
Zone:	R1-1
Related By-Law Clause:	Section 10.28.1(d)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00058 and a request to permit a Motor Vehicle (bus) to be parked in the front yard of the existing Church building with an ancillary dwelling unit (a Caretaker Unit) at this Heritage 'C' building site.

Development Application No. DP-2024-00058 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.
- Objections have been received from neighbouring property owners.

Discussion:

Mia Bertanjoli, Stephen Melvin, and Torrie Groening 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 this is a passion project where the bus is hidden from the public behind a bush. They believe the decision was unfair, and the vehicle is not disturbing the peace.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is an appeal to park a motor vehicle at the church. This is a church with an auxiliary care taker. The property inspector has been visiting this property, where containers were present. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received five (5) 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 refused this due to regulations and oppositions received. They do not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that they have support from neighbours.

This appeal was heard by the Board of Variance on October 22nd, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00058 and approved a Motor Vehicle (bus) to be parked in the front yard of the existing Church building with an ancillary dwelling unit (a Caretaker Unit) at this Heritage 'C' building site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of the Stephen Melvin and Torrie Groening (Owners of 823 Jackson Avenue); 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 voted 5-0 in support of the appeal and the board members found a site hardship to warrant the zoning and parking relaxation. The Director of Planning's representative advised the board that the City notified 112 property owners with three (3) letters in support and two (2) letters in opposition to the appeal..

-The Board's site office received five (5) letters in support with no opposition and/or any concerns from the surrounding neighbourhood.

10 East 26th Avenue– Board Minutes and Decision

Appeal Section:	573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description:	Lot 1, Block 1, District Lot 631 and Plan VAP 1483
Lot Size:	Lot Area = 3,270.00 sq. feet
Zone:	R1-1
Related By-Law Clause:	Sections 3.2.1 (Density and Floor Area) and Section 3.2.2.6 (Rear Yard Depth)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00771 and a request to permit interior and exterior alterations to this existing one-family dwelling. Work includes: An addition at rear of main storey and second storey with a covered deck (porch) and a rear addition shed at this existing site.

Technical Information:

Permitted FSR:	0.60 (2,097 sq. ft.)
Existing non-conforming:	0.59 (1,947 sq. ft.)
Proposed:	0.78 (2,541 sq. ft.) [As per DP-2023-00771.]

444 sq. ft. or 21 % over maximum permitted

594 sq. ft. or 31 % over existing

Discussion:

Michael Toljanich, Teresa Toljanich, Anthony Toljanich, David Toljanich and Edward Palad 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're looking to maintain what they have. They have had no complaints from neighbours and the alterations had been done 32 years ago.

The Director of Planning's Representative

Mr. Chen's initial comments were that this proposal is for a covered deck with habitable space and attached garage to a 1975 Vancouver Special. The Director of Planning received a complaint for a work without permit a few years ago. They had to refuse this application this year due to floor area, and is not in support of the appeal.

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. Chen had no final comments.

The appellant's final comments were that they think the complaint was from a person suspecting someone was living in a covered storage area.

This appeal was heard by the Board of Variance on October 22nd, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00771 and approved interior and exterior alterations to this existing one-family dwelling. Approved work includes: An addition at rear of main storey and second storey with a covered deck (porch) and a rear addition shed at this existing 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.

Board's summary and decision based on the following:

-The majority of the Board voted 5-0 in support of the appeal and the board members found a site hardship to warrant the zoning relaxation.

-The Board's site office received seven (7) letters in support with no opposition and/or any concerns from the surrounding neighbourhood.

2741 East Hastings Street (Unit #140) – Board Minutes and Decision

Appeal Section:	573(1)(a) Appeal of Decision (New Cannabis Store)
Legal Description:	Strata Plan BCS 160, District Lot TH SL New Westminster
Lot Size:	Irregular site
Zone:	C-2C1
Related By-Law Clause:	Cannabis By-law provisions

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00201 and a request to permit interior alterations and change of use from a Social Services Centre, (Community Association) into a new Cannabis Retail Store in the existing mixed-use building on the site.

Development Application No. DP-2024-00201 was REFUSED for the following reasons:

- The proposed development does not satisfactorily comply with the policies or guidelines that affect this site.
- The proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.
- Objections have been received from neighbouring property owners.

Discussion:

Dr. Kathryn Leah and Ian Dawkins 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 there are other cannabis stores within 300 meters that are currently operating and doing well. They have been operating with high ethics, and took all concerns seriously.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is an appeal from a change of use from a social service center to a cannabis store. They're within 300 meters from two elementary schools. They also refused this due to objections received. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received ten (10) letters in Support and nine (9) 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.

Audience: Jill Weiss is in support of the appeal.

Final Comments:

Mr. Bosnjak's final comments were that the Director of Planning refused this due to regulations, policies and guidelines, and objections received. They see no site specific hardship, and cannot support the appeal.

The appellant's final comments were that they're committed to operating in a safe manner.

This appeal was heard by the Board of Variance on October 22nd, 2024 and was DISALLOWED.

Board's summary and decision based on the following:

-The majority of the Board voted 4-1 in opposition to this appeal and were in agreement with the Director of Planning's comments – and the proposed new cannabis store location is too close to two (2) elementary schools (within 94m and within 148m), and one youth center located across the street.

-The Board's site office received twelve (12) letters in support of the appeal and including support from the local BIA, with a petition of support with 90-support signatures and nine (9) letters in opposition and/or any concerns from the surrounding neighbourhood.

126 West Hastings Street – Board Minutes and Decision

Appeal Section:	573(1)(a) Appeal of Decision (New Cannabis Store)
Legal Description:	Lot 12, Block 20, District Lot 541 and Plan VAP 210
Lot Size:	Irregular site.
Zone:	DD
Related By-Law Clause:	Cannabis By-law provisions

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00292 and a request to permit interior alterations and to change of use of approximately 2,742 sq. ft. from Retail into new Cannabis Store on the ground floor of the existing mixed-use building on this site.

Development Application No. DP-2024-00292 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.
- Objections have been received from neighbouring property owners.

Discussion:

Rafael Reujillo Villarreal and Landon Hoyt 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're looking to provide safe products to the public. They also speak Spanish, which is convenient for Spanish speakers.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is an appeal to change the use from a retail store to a cannabis store. The Director of Planning refused this due to regulations and objections received. They're within 300 meters from a independent school, and two cannabis stores that are currently operating. They see no site specific hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received eleven (11) letters in Support, and a petition with eleven (11) signatures 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 refused this due to regulations and objections received. They do not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that this retail space had been vacant for a while. This store will benefit foot traffic and help with empty store fronts.

This appeal was heard by the Board of Variance on October 22nd, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00292 and a request to permit interior alterations and to change of use of approximately 2,742 sq. ft. from Retail into new Cannabis Store on the ground floor of the existing mixed-use building on this site, 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 one (1) year and expiring on October 22nd, 2025;
- (3) that the Board may grant an extension to the time-limit on or before October 22nd, 2025;
- (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.

Board's summary and decision based on the following:

-The City's Director of Planning representative explained to the board that this proposed cannabis store is approx. 237m from an international school, and 156m to Marisgold cannabis store and 267m to Water Street Cannabis.

-The Director of Planning's representative further stated that the City notified 995 property owners and only twelve (12) responses received.

-The board's site office received eleven (11) letters in support and a petition with 11-signatures in support of the appeal (Included in the appellants' appeal submission package and as presented to the board). As well, and the board received support from the local BIA - Hastings Crossing.

-The Board voted 3-2 in support of the appeal – with a limited time approval of one-year with conditions. The Cannabis operators MUST obtain the Provincial approval and all City's required permits (including the City's Cannabis License to operate).

On October 22nd, 2024 - The following sites were reviewed by the Board of Variance for other zoning related items and **Development Permits are required for the following sites:**

237 East 24th Avenue

This appeal was heard by the Board of Variance on October 22nd, 2024 and was ALLOWED, thereby granting a relaxation of Section 3.2.1 (Density and Floor Area) to 0.86 (86%, FSR) and permission to permit interior alterations and a conversion of the existing garage area (use) into new habitable area / living space with a proposed swim/spa, sauna & storage with a shower and a sink within the existing garage – accessory building at the rear of this existing one-family dwelling site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of the Richard Klasa and Carol Yaple (Owners of 237 East 24th Avenue); 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.

On October 22nd, 2024 - The following site was reviewed by the Board of Variance for an amendment request and **as required the City's Development Services:**

307 West Hastings Street

This appeal was heard by the Board of Variance on October 22nd, 2024 and was ALLOWED, thereby granting an amendment and modified condition #1 (– as previously approved by the Board of Variance on January 16th, 2024), and permitting a new Cannabis Store at this existing mixed-used building site subject to the following conditions:

- (1) that the approval is for the exclusive use of the provincial cannabis retail license operator 'Trinity Tree Cannabis Inc.' and operating the business as "Cannabis Culture Headquarters" via trademark license and sublease with Jodie Giesz-Ramsay's company 1168699 BC Ltd., and doing business as (DBA) "Cannabis Culture".
- (2) that the limited-time approval expires on January 16th, 2026;
- (3) that the Board may grant an extension to the time-limit on or before January 16th, 2026;
- (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.