



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, November 19th, 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)
Sonia Erichsen, Manager (Director of Planning’s Representative)
Payam Fouladianpour, Manager (Director of Planning’s Representative)

724 East 11th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(b) - Appeal of Regulation (Density and Floor Area)

Legal Description: Lot 4, Block 157, District Lot 264A and Plan 348 & 1771

Lot Size: Lot Area = 4,028 sq. feet.

Zone: RT-5

Related By-Law Clause: Section 4.1.1.(a) (Density and Floor Area) and
Section 10.33.1 (Building Depth)

Appeal Description:

Requesting a zoning relaxation of Section 4.1.1a (FSR and Density) and 10.33.1 (Building Depth) regulations of the RT-5 District Schedule and a request to permit interior and exterior alterations by extending the rear wall on the upper floor and also seeking an approval to retain an open to below area (upper floor opening over the main floor). Note: Related to DB-2024-02289.

Technical Information:

Permitted FSR (RT-5): 2,876 sq. ft. *Net-Zero – Permitted FSR allowance.

Proposed: 2,931 sq. ft. (Includes the ‘open-to-below area)

55 sq. ft. or 2 % over maximum permitted

Discussion:

Tesh Anand, Par Anand, and Satendra Man 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 started the design in 2022, where they want to support the City’s net zero home. They’re looking to house their parents. The house is currently a rental.

The Director of Planning’s Representative

Mr. Chen’s initial comments were that this is an appeal of floor area and building depth of a new built. The Director of Planning is not able to allow the extra floor area, and cannot support the appeal.

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 had no final comment.

The appellant's final comments were that they're not asking for bonus FSR. They find it hard to get accurate information from the City.

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED, thereby granting a zoning relaxation of Section 10.33.1 (Building Depth) regulations of the RT-5 District Schedule and APPROVED interior and exterior alterations by extending the rear wall on the upper floor (Arch. Drawings accepted as submitted and presented to the board on November 19th, 2024) and this development proposal is related to DB-2024-02289, 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.

NOTE: The Director of Planning's Representative (Mr. Tony Chen) spoke at the meeting and confirmed that the excess floor area overage calculations from the 'open-to-below' opening on the upper floor is acceptable by the Director of Planning and that no zoning variance is required. ONLY the building depth relaxation is required from the Board of Variance.

Board's summary and decision based on the following:

-The majority of the Board voted 3-1 in support of the appeal and found a site hardship including the change in the by-law regulations. The development proposal is a 'Net Zero' construction with an accepted proposal from the City of Vancouver. The Owners are seeking minor a design change proposal with a building depth relaxation request on the upper floor, and was approved by the board on November 19th, 2024.

-The Director of Planning's representative also confirmed for the board that the 'open-to-below area' on the upper floor was acceptable and that a zoning relaxation for the additional FSR (floor area) was not required.

-The Board received no concerns from the neighbourhood regarding this appeal.

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 November 19th, 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:**

1150 West 13th Avenue

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00195 and APPROVED interior and exterior alterations to the penthouse (unit #401) at this existing four (4) storey multiple-dwelling building site, (and all the scope of work listed and noted-above), 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.

2668 West 6th Avenue

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00012 and APPROVED the conversion of the attached garage (approx. 200sf) into new living space on the first floor at this existing duplex 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.

4010 Prince Albert Street

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00669 and APPROVED exterior and interior alterations and to add a new third floor with a covered porch area facing East 24th Avenue, and requesting to validate the rear deck at this existing two-storey, two (2) unit Multiple Conversion Dwelling with one-unit being a secondary suite on this corner flanking with lane site, and subject to the following conditions:

(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.

4785 West 6th Avenue

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED IN PART, thereby overturning the decision of the Director of Planning who refused Tree Application No. TP-2024-00685 and only APPROVED the removal of T1: Douglas Fir Tree (and the owners must retain / keep T2: Grand Fir Tree at this site) as shown on the site plan and as noted in the arborist report, and subject to the following conditions:

- (1). That the Owners can ONLY remove 'T1: Douglas Fir Tree' from this site, and the Owners MUST plant new trees (New replacement trees) to the satisfaction of the Director of Planning; 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.

Note: The board noted that the Owners shall continue with 'reduction pruning' and 'tree-limbs trimming' of T2: Grand Fir Tree at this site.

2398 West 19th Avenue

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED IN PART, thereby granting a relaxation of Section 3.2.1.1 (Density and Floor Area) regulations of the R1-1 District Schedule and APPROVED interior and exterior alterations to this existing one-family dwelling site (with a new sunroom addition and a new sundeck at this site), and subject to the following conditions:

- (1). that the exterior windows (on all three-sides) of the approved sunroom addition must be built with 'seasonal screen glazing-windows' that are non-permanent and must be removable in accordance with the board's decision on November 19th, 2024; 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 November 19th, 2024 - The following sites were reviewed by the Board of Variance for an extension (renewal) request and **as required the City's Development Services:**

4317 – 4319 Fraser Street

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED, thereby granting a renewal and approved a Cannabis land-use extension at this site for a further period of time (Related to Development Application No. DP-2019-00575), and subject to the following conditions:

- (1) the approval is for the exclusive use of “Kansas Enterprises Franchises Ltd.” and shall be operated by Suthakaran Nadarajah and doing business as (DBA): “The Local Leaf Cannabis”;
- (2) the Board granted a limited-time approval and expires on: July 01st, 2028;
- (3) the Board may grant an extension on/or before the expiry date: July 01st, 2028;
- (4) the Board approved the hours of operations from 10:00 AM - 10:00 PM (Seven days a week); and
- (5) 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.

2223 Commercial Drive

This appeal was heard by the Board of Variance on November 19th, 2024 and was ALLOWED, thereby granting a renewal and approved a Cannabis land-use extension at this site for a further period of time (Related to Development Application No. DP-2017-00111), and subject to the following conditions:

- (1) the approval is for the exclusive use of “1206542 BC Ltd.” and “City Cannabis Co.” and shall be operated by Krystian Wetulani (CEO) and doing business as (DBA): “Vancity Weed”; and
- (2) that the Board granted a limited-time approval of three (3) years and expires on November 19th, 2027 and the Board may grant an extension to the time limit on or before November 19th, 2027; and
- (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.

On November 19th, 2024 - The following sites were **NOT** reviewed by the Board of Variance and **these appeals were adjourned:**

-4257 Knight Street

-257 East 60th Avenue