
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal Decision: #110 – 1055 West Hastings Street

Appeal Section: 573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description: Lot 1, Block 1, District Lot 185 and Plan EPP 17924.
Lot Size: Irregular site
Zone: DD
Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00665 and a request to permit exterior alterations and to add approximately 1,451.0 square feet for an enclosed/covered outdoor seating area, to be used in conjunction with the existing Restaurant Class-1 use, in this Vancouver Heritage Register 'B' commercial building site.

Development Application No. DP-2023-00665 was REFUSED for the following reason:

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

Name of Appellant(s): PJ Mallen
Mallen Gowing Borzins Architecture
#300 – 7 East 6th Avenue
Vancouver, B.C.
V5T 1J3

This appeal was heard by the Board of Variance on April 23rd, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00665 and a request to permit exterior alterations and to add approximately 1,451.0 square feet for an enclosed/covered outdoor seating area, to be used in conjunction with the existing Restaurant Class-1 use, in this Vancouver Heritage Register 'B' commercial building on the 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 City's Director of Planning was unable to support the additional floor area from the proposed covered patio area. The City acknowledged at the appeal hearing that there was an existing 'open' outdoor patio area (compliant space) but further noted that once there is a cover than it becomes counted as floor area (more density added to the site).

-No opposition from the neighbourhood, and Janet Talbot from the Downtown Business Improved Association ('Downtown BIA') attended and spoke in support of the appeal. The Board's site office also received three (3) letters in support, and with NO opposition to this appeal.

-The Board did find a site hardship – and that the outdoor patio exists currently, and the proposed enclosure is non-permanent and will be used seasonally and the side walls are made of 'clear fabric material' and non-structural. Majority of the board members were in support of this appeal.



Secretary to the Board of Variance

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