
BOARD OF VARIANCE / PARKING VARIANCE BOARD

APPEAL DECISION

Appeal Decision: 860 Burrard Street (Main address 800 Burrard Street)

Appeal Section: 573(1)(b) - Appeal of Regulation (Outdoor Patio, Pergola)
Legal Description: Lot B, Block 60, District Lot 541 and Plan 20233
Lot Size: Lot Area = 57,000 sq. feet
Zone: DD
Related By-Law Clause:

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.

Name of Appellant(s): **Jack Lamont and Emad Yacoub**
Glowbal Restaurant Group

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.

***** IMPORTANT NOTE to the Appellants:**

The Board's decision is valid for one-year and the Owner(s) are required to obtain the City's Development-Building Permit **by September 23rd, 2026**. Once the Board's decision expires, then the Owners are required to appeal (again) to request an extension.

Signed:



Secretary to the Board of Variance