

**BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES**

DATE: Tuesday, April 11th, 2023 (Adjourned appeals heard on April 25<sup>th</sup>, 2023)

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

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PRESENT: Gilbert Tan – Board Chair

Namtez Sohal

Rakshin Kandola

ABSENT: Alexander Ray

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager

Sonia Erichsen, Manager

Joe Bosnjak, Supervisor

## **1916 William Street – Board Minutes and Decision**

Appeal Section: 573(1)(a) Appeal of Decision – DP Refusal

Legal Description: Lot 6 of Blocks A & B of Block 136, District Lot 264A and Plan 1912.

Lot Size: Lot Area = 540 sq. feet (TINY LOT: 9-Feet by 60-Feet)

Zone: RT-5

Related By-Law Clause: Sections 1.2 & 3.2.2.1 (Min. Site Area), Section 3.2.1 (Density and Floor Area) and Sections 3.2.2.4 to 3.2.2.7 (Building Form and Placement, RT-5 District Schedule).

### Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00674 and a request to construct a three (3) storey plus cellar single-detached house on a 9-Feet by 60-Feet lot site.

Development Application No DP-2022-00674 was refused for the following reasons:

- The proposed development does not comply with section 1.2 and 3.2.2.1 – Minimum Site Area of the RT-5 District Schedule of the Zoning and Development By-law that affect this site.
- The proposed development does not comply with section 3.2.1 – Density and Floor Area of the RT-5 District Schedule of the Zoning and Development By-law that affect this site.
- The proposed development does not comply with section 3.2.2.4 to 3.2.2.7 – Building Form and Placement of the RT-5 District Schedule of the Zoning and Development By-law that affect this site.

### Discussion:

Bryn Davidson was 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 a long history of doing small projects, such as small offices, small laneway homes, and they're hopeful they can create a tiny home. The neighbouring building is also under a development permit.

## The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal to refuse the construction of a 3 storey building in a very small site. The site is very, very tiny. Dating back to 2018, the lot had been on the market, and there were many inquiries to the City in regards to what they can do with the site, and there is not a lot of options. After the property was purchased, the shed was built, and it was built without a permit. The site does not allow proper living space. There is no parking that can be provided, and the Director of Planning strongly oppose this appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and four (4) 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:

Ms. Erichsen's final comments were that this site is well beyond what is considered minimum for the area, and given that the proposed development has a negative impact to the neighbourhood, the Director of Planning strongly opposes this appeal.

The appellant's final comments were that they can provide a parking curb, their front yard is reduced to line up with neighbouring houses. The house is comfortable and not considered a bad living space.

This appeal was heard by the Board of Variance on April 11th, 2023 and was ALLOWED in PART, thereby the Board of Variance ONLY granting a relaxation of the 'Minimum Site Area' regulation to allow development at this site (at 1916 William Street), and subject to the following conditions:

- (1) that the final design and form of development must be in compliance with ALL other Zoning regulations and shall be to the satisfaction of the Director of Planning.
- (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 Director of Planning's Rep. (Sonia Erichsen) attended and spoke to this appeal.

## Board's summary and decision based on the following:

-The Board found site hardship to allow this appeal (to allow "development" on this small lot)

-Appellants are required to meet the City's design approval and to the satisfaction of the Director of Planning

-The Board also received Opposition letters from the neighbourhood (from the Board's neighbourhood notices), therefore the Board allowed this appeal in part (to allow development at this site but did NOT allow its current form of development – as presented).

-The Owners confirmed that they will continue working with the City and obtain all the required City's Development – Building permits to the satisfaction of the Director of Planning.

## **3295 Renfrew Street – Board Minutes and Decision**

Appeal Section: 573(1)(a) Appeal of Decision – DP Refusal

Legal Description: Lot 14, Block N, District Lot THSL and Plan VAP 11660

Lot Size: Lot Area = 5,246 sq. feet

Zone: RS-1

Related By-Law Clause: 4.7 (FSR)

### Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00564 and requesting exterior and interior alterations to extend the building at the rear by constructing an attached garage (31' by 11') with sundeck above at this existing one family dwelling with secondary suite building on this site.

Development Application No. DP-2022-00564 was refused for the following reasons:

- The proposed development does not comply with the following regulations of the Zoning and Development By-law that affect the site.
- The Director of Planning is not prepared to permit an increase in the above grade floor area as the proposed development does not satisfactorily comply with the criteria for relaxation, as set out in the RS-1 District Schedule.

### Board of Variance History:

This appeal was heard by the Board of Variance on May 07th, 2019 and was ALLOWED, thereby granting a relaxation of the Floor Space Ratio (FSR) regulations of the RS-1 District Schedule and approved interior and exterior alterations to the existing front porch (a request to retain the additional floor area, already built) and also a request to retain an enclosed second floor roof-deck at this existing one-family dwelling site, and subject to the following conditions:

- (1) that the Owners were in an agreement to REMOVE the rear unauthorized addition built without permits (adjacent to the carport) in accordance with the Board's decision on May 07th, 2019;
  - (2) that the Owners were in an agreement to INSTALL / ADD new guardrails to the rear open sundeck and shall be in compliance with the Building Code, in accordance with the Board's decision on May 07th, 2019;
- 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.

Technical Information from the 2019 Appeal:

Permitted FSR: 0.60 (3,148 sq. ft.)

Existing: 0.47 (2,466 sq. ft.) [Includes the attached Carport FSR.]

Proposed: 0.52 (2,756 sq. ft.)

392 sq. ft. or 12 % less than maximum permitted

290 sq. ft. or 12 % over existing

Permitted above-grade FSR: 2,448 sq. ft.

Existing: 2,466 sq. ft. [Includes the attached Carport FSR.]

Proposed: 2,756 sq. ft.

308 sq. ft. or 12 % over maximum permitted

290 sq. ft. or 12 % over existing

Discussion:

Thanh Tam Hoang was 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 he does not have a garage at home, and his car had been broken into a couple of times. He would like the Board to grant his appeal.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this appeal was previously heard in May of 2019 to allow a porch to convert into a carport. Converting a carport to garage is not a big deal, but the appellant would like it larger, which increase the floor area. The Director of Planning is unable to support floor area, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received two (2) letters in Support and no (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:

Ms. Erichsen's final comments were that this was a work without permit, they are able to put a garage that meets the criteria. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The appellant had no final comments.

This appeal was heard by the Board of Variance on April 25th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00564 and approved exterior and interior alterations to extend the building at the rear by constructing an attached garage (31' by 11') with sundeck above at this existing one family dwelling with secondary suite building on this site., and subject to the following conditions:

(1) that Board granted and approved a maximum density allowance up to 2,856 sq. feet (Above-Grade FSR) on April 25th, 2023, and with the final design – and the form of development to the satisfaction of the Director of Planning.

NOTE: The Board Chair explained to the owner that “ALL” City permits (including the Building permit) must be obtained in a timely manner – and the Board’s decision is only valid for one-year.

(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 Board found site hardship to allow this appeal (to retain the existing non-conforming addition already built at this site)

-The Board also received Two (2) Support Letters and NO Opposition letters from the neighbourhood (from the Board's neighbourhood notices)

-The Owners confirmed that they will continue working with the City and obtain all the required City’s Development – Building permits to the satisfaction of the Director of Planning.

## **726 Kingsway – Board Minutes (Amendment request to update the expiry date)**

Appeal Section:	573(1)(a) Appeal of Decision – Cannabis Store Renewal
Legal Description:	Lot A, Block 91, District Lot 301 and Plan VAP187.
Lot Size:	Irregular site.
Zone:	C-2
Related By-Law Clause:	Section 11.6

### Appeal Description:

Amendment request and to update the board's expiry date. Previous board decision was related to Development Application No. DP-2021-00233 and a request to permit an extension to retain the approved Cannabis Retail Store for a further period of time. Previously approved by the Board of Variance on June 15th 2021 (See decision below).

### Boar of Variance History:

This appeal was heard by the Board of Variance on June 15th, 2021 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2021-00233 and the Board approved interior alterations and to change the use of approximately 3120 sq. ft. Retail Store to a new Cannabis Retail Store, in this existing mixed-use building on this site. Note: Proposal includes "No translucent or opaque film, artwork, posters, shelving, display cases or similar elements are to be installed on or directly outside or inside of the approved glazing frontages", and subject to the following conditions:

- (1) that the approval is for the exclusive use of operator Ricky Chhibber and operating under "Local Kingsway Holdings Ltd.", and doing-business-as (DBA): "Local Cannabis Co."; and
- (2) that the Board granted a limited-time approval of two (2) years and expires on June 15th, 2023 and the Board may grant an extension to the time limit on or before June 15th, 2023; 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.

### Discussion:

Ricky Chhibber was 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 for an amendment request with an expiry date of 4 years, until 2027, as it lines up with their lease agreement.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following appeal is in regards to DP-2021-00233 and is requesting an extension to condition 2 of the BOV appeal Z35806. There are no recent complaints on file for this use at this address. The Director of Planning defers to the Board for their decision.

The Board Chair stated that the Board's site office received no (0) letter in Support and no (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 had no final comments

The appellant had no final comments.

This amendment request was reviewed by the Board of Variance on April 11th, 2023 and an updated expiry date was accepted and ALLOWED, thereby granting an EXTENSION to retain the approved Cannabis Retail Store for a further period of time, and subject to the following conditions:

- (1) that the approval is for the exclusive use of operator Ricky Chhibber and operating under "Local Kingsway Holdings Ltd.", and doing-business-as (DBA): "Local Cannabis Co."; and
- (2) that the Board granted a limited-time approval of four (4) years and expires on June 15th, 2027 and the Board may grant an extension to the time limit on or before June 15th, 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.

## **6528 Victoria Drive – Board Minutes (Amendment request – Hours of operation)**

Appeal Section: 573(1)(a) - Appeal of Decision (Amendment Request)  
Legal Description: Lot 3, Block 4, District Lot 724 and Plan VAP 1597  
Lot Size: Irregular Lot.  
Zone: C-2  
Related By-Law Clause: Section 11.6 (Formerly Section 11.28)

### Appeal Description:

Requesting an amendment to the previous Board's decision on December 01st, 2020 – and requesting to amend the 'Hours of Operation' as noted in Condition (4) and to close the Cannabis Store at 11:00 PM.

(4) the Board approved the hours of operations from 10:00 AM - 10:00 PM (Seven days a week)

### Board of Variance History:

This appeal was heard by the Board of Variance on December 01st, 2020 and was ALLOWED, thereby approved an extension and permit the retain of use - as a Cannabis Retail Store use for a further period of time at this existing site (Related to Development Permit No. DP-2019-00392), and subject to the following conditions, and subject to the following conditions:

- (1) the approval is for the exclusive use of "Arcannabis Enterprises (BC) Inc." and shall be operated by Joe Le and Aaron Sinnathamby and doing business as (DBA): "Arcannabis Store". (Note: the lease agreement with the Landlord is: Arcannabis Enterprises (BC) Inc. and DBA: Arcannabis Store).
- (2) the Board granted a limited-time approval and expires on: May15th, 2024;
- (3) the Board may grant an extension on/or before the expiry date: May15th, 2024;
- (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.

### Discussion:

Aaron Sinnathamby and Jack Lloyd 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 extend their hours from 9am to 11pm. There are other Cannabis retailers around the vicinity that operate until 11pm. They are next to a gas station and a liquor store, and another liquor store across the street. They don't believe it'll disturb the neighbours as most businesses around them operate until late.

#### The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following appeal is in regards to DP-2020-00932 and is requesting amend the "Hours of Operation" as noted in condition 4 of the BOV appeal Z35724. There are no recent complaints on file for this use at this address. The Director of Planning defers to the Board for their decision.

The Board Chair stated that the Board's site office received thirty five (35) letters in Support and no (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 had no final comments.

The appellant had no final comments.

This amendment request was reviewed by the Board of Variance on April 25th, 2023 and was accepted ALLOWED, thereby approved new 'Hours of Operation' as noted in Condition (4) from 9:00 AM to 11:00 PM (new closing hours – seven days week), and subject to the following conditions:

(1) the approval is for the exclusive use of "Arcannabis Enterprises (BC) Inc." and shall be operated by Joe Le and Aaron Sinnathamby and doing business as (DBA): "Arcannabis Store". (Note: the lease agreement with the Landlord is: Arcannabis Enterprises (BC) Inc. and DBA: Arcannabis Store).

(2) the Board granted a limited-time approval and expires on: May15th, 2024;

(3) the Board may grant an extension on/or before the expiry date: May15th, 2024;

(4) the Board approved the hours of operations from 9:00 AM - 11:00 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.

**The following sites were adjourned as requested by the Director of Planning - written decisions pending.**

-2040 Quebec Street

-3280 Adanac Street

**The following sites were updated (as requested by City departments).**

-1812 West 4th Avenue (Operator name was updated for the Licensing department)