



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, August 13th, 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: Sonia Erichsen, Manager (Director of Planning's Representative)

Joe Bosnjak, Manager (Director of Planning's Representative)

7474 Culloden Street (Related to: 7392 Culloden St.) – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (New Church)
Legal Description: Block 23, District Lot 200 NWD Parcel A and Plan LMP40330
Lot Size: Lot Area = 41,185 sq. feet
Zone: R1-1
Related By-Law Clause: Section 3.2.1 (Density and Floor Area)

Appeal Description:

As outlined in condition 1.2 and condition 2.1 issued under the Director of Planning’s approval letter and requesting a relaxation of Section 3.2.1 (Density and Floor Area) – to permit the construction of a new two-storey Church, over one-level of underground parking and providing a total of 122 parking spaces having vehicular access from the lane. Note: Related to an approved Development Permit DP-2024-00007.

Condition 1.2: Prior to the issuance of Development Permit No. DP-2024-00007 and the applicant must submit new drawings and shall be in compliance with Section 3.2.1 Density and Floor Area of the R1-1 District Schedule. Note to Applicant: Area of basement and double height areas are counted towards floor area. Floor Space ratio overlays and data summary tables to reflect the full area proposed. Refer to Development Review Branch condition 2.1.

Condition 2.1: The applicant ‘can and does’ obtain the approval of the Board of Variance for Floor Space Ratio beyond 0.60. Note to Applicant: Refer to Development Review Branch condition 1.2. Since the parkade and areas where the ceiling height exceeds 3.7 m has been included into floor area, FSR is now at approximately 1.74. (71,553.5 sq. ft.).

Technical Information:

Permitted FSR (R1-1): 0.60 (24,711 sq. ft.)
Proposed: 1.74 (71,554 sq. ft.) [As per DP-2024-00007.]
46,843 sq. ft. or 190 % over maximum permitted

Note to Board Members: The Director of Planning is in ‘support’ of the appeal.

Discussion:

Bryce Rositch 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 this zone is a single family zone, which is a hardship for a church. It is challenging in terms of height and community as there had been a lot of support by the neighbours.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to a two storey church with one level of underground parking. The Director of Planning had approved this with a prior to, but does not have the authority to relax the FSR, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received a petition with two hundred and thirty (230) signatures of 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 supports this appeal, and will defer to the Board for their decision.

The appellant had no final comments.

This appeal was heard by the Board of Variance on August 13th, 2024 and was ALLOWED, thereby granting relaxations of Section 3.2.1 (Density and Floor Area) of the R1-1 District Schedule – and APPROVED the construction of a new two-storey Church, over one-level of underground parking and providing a total of 122 parking spaces having vehicular access from the lane (Related to an approved Development Permit DP-2024-00007), 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 in support of the appeal (Issued under DP-2024-00007).
- The Board of Variance did find a site hardship and voted 5-0 in support of the appeal – Site Hardship including the double-counted high ceiling areas within the church, and the underground parking area all counted as additional FSR (-over the maximum permitted 60% FSR allowance) – and all the parking stalls are required for this new church development.
- No opposition from the neighbourhood and two (2) petitions with over 235+ support signatures.450 East Broadway

450 East Broadway – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (Outdoor Seating Area)
Legal Description: Lot A, Block 124, District Lot 264A and Plan EPP 10153
Lot Size: Irregular site
Zone: C-2C
Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00668 and a request to permit the use of approximately 380 square feet for outdoor seating to be used in conjunction with this existing Health Care Office tenant at this existing mixed-use Building on this site.

Development Application No. DP-2023-00668 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.
- The proposed development does not satisfactorily comply with the policies or guidelines that affect this site.

Discussion:

Kevin Mowbray, Evelyn Lo, and Alexis Swanson 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 had no initial comments.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to the use of a patio. The Director of Planning refused this due to regulation. The proposal does not meet the regulation or the policies and guidelines. Since this is a medical office, 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 two (2) 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, policies and guidelines. A fence is suggested to see if it'll resolve the issue. They'll defer to the Board for their decisions.

The appellant's final comments were that they're willing to put a fence up and see if it'll help.

This appeal was heard by the Board of Variance on August 13th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00668 and APPROVED approximately 380 square feet for outdoor area to be used in conjunction with this existing Health Care Office tenant at this existing mixed-use Building on this site, and subject to the following conditions:

(1). That the final design of the approved outdoor area shall include planting and landscaping to be used as an amenity area along with a gated fence/railing as presented to the Board of Variance on August 13th, 2024. NOTE: The Board approved a maximum fence/railing height of 42" (This is with the support of the Strata Council – See attached letter).

(2). That the approval is for a limited-time of two (2) years with further extensions allowed – and the applicants can request an extension from the Board of Variance on/or before August 13th, 2026 (Note: This BOV Panel will review this case in two-years for future extensions); &

(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 Board of Variance did find a site hardship and approved the outdoor area and voted 5-0 in support of the appeal – and overturned the Director of Planning’s decision (under DP-2023-00668). The approval is for two-years with future extensions on/before August 13th, 2026.

-No opposition from the neighbourhood and two (2) support letters – from the local BIA and from the Strata Council at 450 East Broadway.

1849 Creelman Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Garage Rooftop-Use)
Legal Description:	Lot 17, Block 167, District Lot 526 and Plan 2301
Lot Size:	Lot Area = 3,963.30 sq. feet.
Zone:	RT-9
Related By-Law Clause:	Sections 2.2.7.(a)(i) and 2.2.7.(e)(i) - Accessory Building Height

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00153 and a request to permit exterior alterations to add planters to the existing detached two-car garage at the rear of this existing one-family dwelling on this inside with lane site.

Development Application No. DP-2024-00153 was REFUSED for the following reasons:

-Non-Compliance – Accessory Building 2.2.7.(a)(i)

- Height

-Non-compliance – Regulation 2.2.7.(e)(i)

- A site more than 30.5m in depth, roof decks and decks are not located on an accessory building.

Technical Information:

Permitted Accessory Building Height:	10.17 Feet
Existing (Non-conforming):	11.03 Feet
Proposed:	13.53 Feet [As per DP-2024-00153.]

Discussion:

Nick Baker 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 the City's support in their appeal. There are 8 neighbours in support of the planters.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of exterior alterations with putting planters in a two car garage. This was brought in by way of complaint. The Director of Planning is not in support of the appeal.

The Board Chair stated that the Board's site office received eight (8) letters in Support and one (1) 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.

Brian Hiebert spoke at the meeting and was in support of the appeal.

Leo Perry spoke at the meeting and was in support of the appeal.

Final Comments:

Ms. Erichsen's final comments were that should the Board approve this, guardrails will be considered additional height. The Director of Planning is not in support of the appeal.

The appellant's final comments were that they're not asking for anything that isn't already there. The planters will be maintained.

This appeal was heard by the Board of Variance on August 13th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00153 and APPROVED exterior alterations to add planters to the existing detached two-car garage at the rear of this existing one-family dwelling on this inside with lane site, and subject to the following conditions:

- (1). That the approved exterior alterations to the rooftop over the existing two-car garage can NEVER be used and/or converted into a sundeck at anytime in the future – and the approved area can only be used for adding planters and landscaping (Only watering the planters and landscaping is permitted when accessing the space).
- (2). That NO direct access and/or any stair access permitted to this approved space – and the area cannot be used as living space / habitable area at anytime in the future and this includes NO outdoor patio furniture/chairs can be added to this space (only planters & landscaping permitted) in accordance with the board's decision on August 13th, 2024; 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.

Board's summary and decision based on the following:

-The Board of Variance did find a site hardship and approved the outdoor rooftop garden area located over the two-car garage and majority of the board members voted 3-2 in support of the appeal – and overturned the Director of Planning's decision (under DP-2024-00153

-The board received eight (8) support letters and one (1) opposition letter regarding this appeal.

On August 13th, 2024 - The following site was reviewed by the Board of Variance for other zoning related items and **Development Permits are required for the following site:**

3163 Waverley Avenue - This appeal was heard by the Board of Variance on August 13th, 2024 and was ALLOWED, thereby granting exterior alterations by removing an existing landing at rear (on the main floor), and to permission to retain an approx. 300.00 sq. ft. sundeck with an aluminum cover at the rear of this existing one-family dwelling 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.

On August 13th, 2024 - The following site were reviewed by the Board of Variance **for Cannabis License renewals and extensions required for the following site:**

3695 West 4th Avenue – Cannabis License renewal / extension required.

This appeal was heard by the Board of Variance on August 13th, 2024 and was ALLOWED, thereby granting an extension granted for the Cannabis Land-use and approved for a further period of time (Related to Development Application No. DP-2021-00184), subject to the following conditions:

(1). that the approval is for the exclusive use of “Springs Retail Holdings Ltd.” and shall be operated by Ken Brookes and Laura Rowse and doing business as (DBA): " Cheeky’s Cannabis Merchants”;

(2). that the Board granted a limited-time approval and expires on October 25th, 2027 and the Board may grant an extension to the time limit on or before October 25th, 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 August 13th, 2024 - The following sites were **NOT** reviewed by the Board of Variance and were adjourned.

- 7729 Sparbrooks Crescent

- 2278 East 50th Avenue