

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, August 09th, 2022

TIME: 1:15 PM

PLACE: City Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Matthew Naylor

Namtez Sohal

ABSENT: Rakshin Kandola

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Sonia Erichsen, Manager

Joe Bosnjak, Supervisor

482 East 17th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(b) - Appeal of Regulation (Covered Sundeck)
Legal Description: Lot 1, Block 75, District Lot 301 and BCP2951
Lot Size: Lot Area = 4,030 sq. feet
Zone: RS-1
Related By-Law Clause: Sections 4.6 (Rear Yard), 4.7 (FSR) and 4.16 (Building Depth).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00637 and a request to permit exterior alterations and to construct a 15.13 feet by 6.25 feet rear deck on the second floor including new exterior stairs and a deck cover (and approximately 7.17 feet by 15.75 feet in size over the proposed rear deck) at this existing one-family dwelling site.

Technical Information:

Permitted FSR: 0.60 (2,418 sq. ft.)
Existing: 0.55 (2,206 sq. ft.)
Proposed: 0.57 (2,308 sq. ft.) [As per DP-2022-00637.]

110 sq. ft. or 5 % less than maximum permitted

102 sq. ft. or 5 % over existing

Permitted above-grade FSR: 2,206 sq. ft.

Existing non-conforming: 2,206 sq. ft.

Proposed: 2,308 sq. ft. [As per DP-2022-00637.]

102 sq. ft. or 5 % over maximum permitted

102 sq. ft. or 5 % over existing

Required Rear Yard: 54.95 Feet
Existing: 55.10 Feet
Proposed: 51.90 Feet [As per DP-2022-00637.]

Discussion:

Rachel Desrosiers 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 had no initial comments.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal for exterior alteration by constructing a rear deck. This was brought in by way of complaint where an inspection was done, and found a canopy was added. The floor area is also above grade. 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 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 had no final comments.

The appellant's final comments were that the extra area is important to her family due to Covid. They work from home and it gives them some extra space to work.

This appeal was heard by the Board of Variance on August 09th, 2022 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00637 and APPROVED exterior alterations and to construct a 15.13 feet by 6.25 feet rear deck on the second floor including new exterior stairs and a deck cover (and approximately 7.17 feet by 15.75 feet in size over the proposed rear deck) at this existing one-family dwelling 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 Board found site hardship with adjacent neighbours having similar and/or more building depth (Board accepted the proposal as presented).

-The Board supported this family with a larger deck and cover, and to allow them to keep and retain the rear addition (current owners purchased the house with these WWOP-additions).

-No opposition from the neighbourhood, with two (2) support letters from neighbours.

-The Owner confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits to the satisfaction of the Director of Planning.

2157 West 57th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(b) - Appeal of Regulation - Laneway House
Legal Description: Lot N, Block 2, District Lot 36 and Plan 21936
Lot Size: Lot Area = 12,001.69 sq. feet
Zone: RS-1
Related By-Law Clause: Section 11.17.3 (Laneway House provisions)

Appeal Description:

Requesting a relaxation of Section 11.17.3 (Laneway House provisions) of the Zoning and Development By-law and a request to permit the construction of a new Laneway House at this corner site without a rear lane. Access to this proposed Laneway House will be from Beechwood Street (and there is an existing curb-cut from Beechwood Street).

Discussion:

Allan Diamond, Kathryn Gardiner, and Scott Elliott 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 is no laneway since this is a corner house. There is no issue with parking as there are multiple parking spaces from within.

The Director of Planning's Representative

Mr. Chen's initial comments were that this appeal is for a new laneway house to be built on a corner site that doesn't have a lane. The existing house is to be retained. The Director of Planning cannot permit laneway houses on sites without a lane. The Director of Planning cannot support the appeal due to the lot not having a lane.

The Board Chair stated that the Board's site office received no (0) letter 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.

(Adjacent Neighbour attended the meeting) is not in support of the appeal.

Final Comments:

Mr. Chen's final comments were that the Director of Planning is unable to support this appeal as it is beyond the jurisdiction of what they can approve.

The appellant's final comments were that they're looking to build a 740 square feet laneway house in a 11,000 square feet lot. The laneway house is designed to keep the privacy with the neighbours around.

This appeal was heard by the Board of Variance on August 09th, 2022 and was ALLOWED, thereby granting a zoning Requesting a relaxation of Section 11.17.3 (Laneway House provisions) of the Zoning and Development By-law and APPROVED the construction of a new Laneway House at this corner site without a rear lane. Access to this proposed Laneway House will be from Beechwood Street (and there is an existing curb-cut from Beechwood Street), 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 Board allowed the appeal with 3-0 votes in support of a zoning variance to allow the construction of a new 'single-storey' Laneway House with vehicular access from Beechwood Street (Corner lot with no lane at this existing site).

-The Board received an opposition letter from the Owners of 7285 Beechwood Street – and the Board also heard the owner's concerns 'at the appeal hearing' on August 09th, 2022

-The Board accepted the proposed Laneway House design and shall be limited to a "single-storey design" with the height presented on August 09th, 2022 (see attached drawings). This design was accepted with the least impact (noise and privacy) to the adjacent Neighbour located at 7285 Beechwood Street.

-The Board accepted the Laneway House design and proposed at 792 sq. feet (see attached drawings) – the City confirmed that this site can accommodate a maximum size of 900 sq. feet.

-The Owners are required to work with the City – and obtain all the City permits to the satisfaction of the Director of Planning.

1185 Mainland Street – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (New Cannabis Store)
Legal Description: Strata Lot 11, District Lot 541 and Strata Plan LMS2361.
Lot Size: Irregular site
Zone: C-3A
Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00274 and a request to permit interior alterations to change the use of approximately 1436 sq.ft. from Liquor Store (Wine Only) to a new Cannabis Retail Store at this existing mixed-use building on this site.

Note to Board Members: The Cannabis operator is requesting to “CLOSE” the existing store at 1078 Mainland Street as part of this submission– and related Appeal No. Z34744 – 1080 Mainland Street (1078 Mainland Street).

Development Application was refused for the following reason:

- the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Board’s decision at 1080 Mainland Street (1078 Mainland Street):

This amendment appeal request for the Cannabis Store Name change was reviewed by the Board of Variance on March 09th, 2021 and was APPROVED (“Name Change” approved), thereby the Cannabis Operator’s name change, and company name change including the DBA has been updated and this relates to Development Permit No. DE419528, and subject to the following conditions:

- (1) the approval is for the exclusive use of “1186783 BC Ltd.” and shall be operated by Seung Lee and doing business as (DBA): “Yaletown Cannabis Store”; 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.

Discussion:

Seung Lee 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 they have an existing Cannabis store close by, and there had been no complaints from neighbours or customers. This store will be further from the existing Cannabis stores so there will be no clusters.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is or a change of use from a liquor store to a Cannabis store. This was refused due to non compliance. They are within 300 meters from a Community Center, Elementary School, as well as other Cannabis Stores. They are moving away from a School, but closer to the Community Center. The Director of Planning does not see a site specific hardship, and asks the Board to uphold their decision.

The Board Chair stated that the Board's site office received one (1) letter in Support and twenty three (23) 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.

(Neighbour in the area) is not in support of the appeal

(Neighbour in the area) is not in support of the appeal

Final Comments:

Mr. Bosnjak's final comments were that this Cannabis store failed the buffering on Community Centers, Schools, and other Cannabis Stores. There were also objection letters received. The Director of Planning does not see a hardship, and cannot support the appeal.

The appellant's final comments were that they have demonstrated that they can manage a Cannabis store without issues or complaints.

This appeal was heard by the Board of Variance on August 09th, 2022 and was DISALLOWED.

Board's summary and decision based on the following:

-The Board voted 3-0 in opposition to the appeal, and therefore the appeal was disallowed.

-The Board did not find a site hardship to warrant the zoning relaxation.

-The Board's site office received 23-Opposition Letters and 1-Support Letter from the Board's neighbourhood postcard notification. The Appellants also submitted a petition of support with 36-signatures and 3-support letters prior to the meeting.

-The Board accepted the City's presentation with distances to nearby schools, community centers and also to other approved Cannabis Stores – at less than 300m to this site:

- (1). 105m to the Roundhouse Community Center
- (2). 207m to Clear Academy School (Private School)
- (3). 76m to another (approved) Cannabis Store – Dutch Love Cannabis Store
- (4). 123m to another (approved) Cannabis Store – Yaletown Cannabis Store
- (5). 296m to another (approved) Cannabis Store – Choom Cannabis Store

-The Director of Planning's decision (Development Application No. DP-2022-00274) was UPHELD on August 09th, 2022.

2549 Main Street (Amendment request – expiry date)

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis Renewal)
Legal Description: Lots A - C, Block 28, District Lot 302 and Plan VAP 1246
Lot Size: Irregular site
Zone: C-3A
Related By-Law Clause:

Appeal Description:

Requesting permission to retain approximately 1,277 square feet as a Cannabis Retail Store in this existing four-storey mixed-use building on this site for a further period of time – and the Cannabis land-use was approved on September 08th, 2020 with a limited-time approval.

Board of Variance History:

On September 08th, 2020 the Board of Variance allowed this appeal, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00031 and approved the change of use of approximately 1,277 square feet from a Retail Store to a new Cannabis Retail Store in this existing four-storey mixed-use building on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of “La Canapa Boutique Inc.” and shall be operated by Ian Fung and doing business as (DBA): “La Canapa Boutique Inc.”.
- (2) the Board granted a limited-time approval for two (2) year and expires on: September 08th, 2022;
- (3) the Board may grant an extension on/or before the expiry date: September 08th, 2022;
- (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.

Discussion:

Ian Dawkins 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 since the original appeal, there had been no complaints or concerns. They're asking for an indefinite extension of the appeal tied to Mr. Ian Fung's name.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is an appeal of an extension for an existing cannabis store. There are no complaints on file. The Director of Planning will defer 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 August 09th, 2022 and was ALLOWED, thereby granting permission to retain approximately 1,277 square feet as a Cannabis Retail Store in this existing four-storey mixed-use building on this site for a further period of time, and subject to the following conditions:

- (1) the approval is for the exclusive use of "La Canapa Boutique Inc." and shall be operated by Ian Fung and doing business as (DBA): "La Canapa Boutique Inc."
- (2) the Board granted a limited-time approval for three (3) years and expires on: September 08th, 2025;
- (3) the Board may grant an extension on/or before the expiry date: September 08th, 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 Board was in support of the extension (Board accepted Ian Fung's written submission).
- The Board received no concerns and/or opposition to this appeal.
- The Owners are required to work with the City – and obtain all the City permits to the satisfaction of the Director of Planning.

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

- 70 West 18th Avenue
- 3403 Carolina Street
- 162 East 43rd Avenue