



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

DATE: Tuesday, December 05<sup>th</sup>, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

---

PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Peter Gee

Alexander Ray

Namtez Sohal

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Joe Bosnjak, Manager (Director of Planning’s Representative)

## **5428 College Street – Board Minutes and Decision**

Appeal Section:	573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description:	Lot A, Block 13, District Lot 50 NWD of Lot 2, and Plan VAP 3224
Lot Size:	Irregular site.
Zone:	R1-1
Related By-Law Clause:	Section 3.2.2.5.(c)- Building Form and Placement

### Appeal Description:

Requesting a side yard relaxation (Section 3.2.2.5 (c)- Building Form and Placement) and as outlined from the prior-to approval letter issued under Development Permit No. DP-2023-00468 with a request to permit interior and exterior alterations in the west side yard of this existing Buddhist temple on site.

Condition 1.2 - states that prior to the issuance of the development permit and the owners must be in compliance with Section 3.2.2.5.(c)- Building Form and Placement of the RS-1 District Schedule. Note to Applicant: Director of Planning does not have authority to offer further relaxation over the previously approved reduced west side yard by Board of Variance Appeal No. Z29198 (1997).

### Board of Variance History (From February 19th, 1997):

An appeal was heard by the Board of Variance on February 19th, 1997 and was ALLOWED, thereby granting a side yard relaxation (Issued under Development Permit No. DE401941).

### Discussion:

Steve Peng and Edward Cai 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 the existing staircase was awkward and they were trying to build a safer staircase.

### The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is to preform exterior alteration to the side yard of this temple. This appeal was before the Board 20 years ago, which the Board granted relaxation. The Director of Planning does not have the authority to grant relaxation, and 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's final comments were that the Director of Planning is unable to grant relaxation, 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 December 05th, 2023 and was ALLOWED, thereby granting a side yard relaxation (Section 3.2.2.5 (c)- Building Form and Placement) and DELETING condition 1.2 from the prior-to approval letter issued under Development Permit No. DP-2023-00468 with approved interior and exterior alterations in the west side yard of this existing Buddhist temple on 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 site hardship for this appeal was related to the 'irregular site (lot)' and more difficult to comply to the current by-law. The City's Director of Planning rep. stated that the City is unable to approve the relaxation and will be up to the board to approve this side yard variance.

-The Board (voted 5-0 in support of the appeal) and the board members approved a side yard (west side yard) relaxation to 2.20 feet to the property line – and accepted the new proposed retaining wall with landscaping and the new terrace platform as submitted and presented.

-The Board's site office received no opposition letters and no support letters from the neighbourhood – and this is from the Board's Neighbourhood postcard notification.

## **2738 East Hastings Street – Board Minutes and Decision**

Appeal Section:	573(1)(a) - Appeal of Decision (New Cannabis Store)
Legal Description:	Lot B, District Lot 36 of Lot 58, and Plan VAP 406
Lot Size:	Irregular site.
Zone:	C-2C1
Related By-Law Clause:	Section 11.6

### Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00529 and a request to permit interior alterations and to change the use of approximately 1068.0 sq.ft. of Health Care Office to a new Cannabis Retail use in this existing mixed-use building on this site.

### Development Application No. DP-2023-00529 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.
- Objections Received; objections have been received from neighbouring property owners.

**The Director of Planning requested the Board to 'Strike the appeal from the record'.** This Cannabis land-use development application at 2738 East Hastings Street is an identical Cannabis land-use proposal to another unit at 2724 East East Hastings Street (same site) that was refused by the City in June 2021 for being located within 300m from two (2) nearby schools, and one youth center. **The Board heard an appeal filed by the operators at 2724 East Hastings Street and was 'disallowed'. Therefore the City asked the board to strike the appeal from the record.**

**Moved by: Mrs. Kandola**

**Seconded by: Mr. Sohal**

This appeal was 'Struck from the record' - and the majority of the Board members voted NOT to hear this appeal as the board previously rendered a decision and 'disallowed' a Cannabis land-use development proposal at the same site (at 2724 East Hastings Street).

On December 05<sup>th</sup>, 2023 - The following board decisions were UPDATED with new board decisions (as requested by the City – in order to obtain new City permits, a requirement).

-1208 Davie Street (Cannabis land-use extension approved as required by the Licensing department)

-2140 Kingsway (Cannabis ‘Name-Change’ approved as required by the Licensing department)

On December 05<sup>th</sup>, 2023 - The following sites (appeals) were NOT heard and the Director of Planning requested adjournments (with formal written decisions pending).

-1538 (1540) West 2<sup>nd</sup> Avenue