



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

DATE: Tuesday, December 03<sup>rd</sup>, 2024  
TIME: 1:15 PM  
PLACE: Townhall, Main Floor, City Hall

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PRESENT: Gilbert Tan – Board Chair  
Peter Gee  
Leah Karlberg  
Elizabeth MacKenzie  
Namtez Sohal

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

**ALSO PRESENT:** Joe Bosnjak, Manager (Director of Planning’s Representative)  
Tony Chen, Manager (Director of Planning’s Representative)  
Mandy So, Manager (Director of Planning’s Representative)

## **1125 West 12<sup>th</sup> Avenue – Board Minutes and Decision**

Appeal Section: 573(1)(a) Appeal of Decision - Prior to Conditions

Legal Description: Lots 12, 13, 14, 15, & 16, Block 394, District Lot 526 and Plan NWD 1276.

Lot Size: Irregular site

Zone: RM-3

Related By-Law Clause:

### **Appeal Description:**

**Appealing to DELETE conditions 1.1 and 2.1** - as outlined in the prior-to approval letter issued under Development Permit No. DP-2023-00670 and a request to permit interior alterations to change the number of units in this existing residential building.

**Condition 1.1 - states that prior to the issuance of the development permit the owners must be in compliance with Section 11** – Use-Specific Regulations of the Zoning and Development By-law.

Note to Applicant: Per Development Permit DE 203121 issued August 16, 1985, and subsequent minor amendments, this existing Rooming House was approved as 169 Sleeping Units and 23 Dwelling Units (Total = 192 Units). The converted units must be returned to the approved. Refer to Section 11.3. and 11.13.3 of Use-Specific Regulations of the Zoning and Development By-law. Currently a total of 216 Units at this site.

**Condition 2.1 - states that prior to the issuance of the development permit, the owners must satisfy the following conditions [(1), (2), (3) and (4)]** - in the event that one or more eligible tenants are required to relocate, enter into a Section 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:

(1). Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design and Sustainability as per the Broadway Plan and the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.

(2). Provide a notarized declaration prior to issuance of the Development Permit that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each eligible tenant summarizing the Tenant Relocation Plan offer and signed as received by each eligible tenant.

(3). Provide an Interim Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Demolition Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building; each tenant's choice of either the financial compensation or temporary rent topup option; the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant), and their temporary rent top up amount for the first year of tenancy in the alternative unit (if applicable) and total compensation amount(s); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan. A copy of the Temporary Rent Top-Up Calculation Form for each tenant that chooses the Temporary Rent Top up option must also be provided with the Interim Tenant Relocation Report. Note to Applicant: If a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.

(4). Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Occupancy Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building, or another building (if applicable) and their starting rent, and for those not returning to the new building, the outcome of their search for alternate accommodations and the total monetary value given to each tenant (moving costs, financial compensation, total rent-top up amount, any other compensation).

### **Discussion:**

Holiday Powell and Steven Yan 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 retain 216 units. The building was constructed in 1971. There was a permit in 1985 for some alterations at that time. The strata plan was never revised, so there had always been 216 units. The building currently have full occupancy. Approximately 50 families will have to be relocated if the appeal is denied. They have submitted 26 letters of support. They're only asking for the status quo.

### **The Director of Planning's Representative**

Ms. So's initial comments were that this is a challenging application as this is non compliant. This application came as way of enforcement, where the rooms were divided to have more units, with kitchens added to it, which is considered a house keeping unit. Although the Director of Planning is empathetic to this situation, they are unable to approve house keeping units, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received eight (8) 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.

Jeff Bryant attended the meeting and spoke in support of the appeal.

Peter Heron attended the meeting and spoke in support of the appeal.

Cherise Mitchell attended the meeting and spoke in support of the appeal.

JJ Walters attended the meeting and spoke in support of the appeal.

Laura Schmoeller attended the meeting and spoke in support of the appeal.

Leonardo Coelho attended the meeting and spoke in support of the appeal.

Helen Alexander attended the meeting and spoke in support of the appeal.

Jodie Bartman attended the meeting and spoke in support of the appeal.

**Final Comments:**

Ms. So's final comments were that the Director of Planning found this appeal challenging. Their hands are a bit tied as they are unable to grant house keeping units.

The appellant's final comments were that they appeal to the Board to state the hardship it causes if tenants have to be evicted. They're asking the appeal be approved without conditions to retrofit the units.

**This appeal was heard by the Board of Variance on December 03rd, 2024 and was ALLOWED, thereby DELETING CONDITIONS 1.1 and 2.1** - as outlined in the prior-to approval letter issued under Development Permit No. DP-2023-00670 and the Board of Variance approving a 'total of 216 dwelling units' at 1125 West 12th Avenue with interior alterations permitted as required for life and safety requirements (and no exterior façade alterations or changes) at this existing residential building site, and subject to the following conditions:

(1) that the Board of Variance 'quashed conditions 1.1 and 2.1' (as noted on page of this Board of Variance decision) and the Owners of 1125 West 12th Avenue must complete any 'life and safety upgrades/improvements' to this site as required by City of Vancouver – and shall be to the satisfaction of the Director of Planning. Note: The Owners are required to obtain all the required City permits within one-year from this board decision rendered on December 03rd, 2024; 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.

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

-The majority of the Board voted 5-0 in support of the appeal, and the board members found a site hardship including the age of the building (built in early 1970s). The Board of Variance accepted a City of Vancouver's past record from August 16th, 1985 and this official Development Permit was issued under DP203121 - and the City of Vancouver approving 'interior alterations for a rooming house having a total of 216 Sleeping Units' at this site (1125 West 12th Avenue).

The Board of Variance also accepted the change of use from the previously approved 'Sleeping Units' (issued under DP203121, from 1985) and allowed the new 'House Keeping Units'. The Board of Variance also approved these micro-units (And variance granted for these micro-units ranging from approx. 150 to 170+ sq. feet with stovetop-burners cooking areas approved).

-The Board of Variance also confirmed with the City and that there are no exterior façade alterations / changes; and only interior alterations required. As well, the City also confirmed that no further parking spaces are required at this site.

-The Board's final decision (approval) includes the submission of the BC Assessment (confirming the 216 strata lots on title at 1125 West 12th Avenue) and also the "Visual Building Condition Assessment for Strata Plan VAS 1849 – 'APT Living' at 1125 West 12th Avenue" – and this report completed by Spratt Emanuel Engineering Ltd. will be included in the board's decision and a copy will be submitted to the City of Vancouver as part of the board's approval.

-The Board's site office received over 30 letters in support and no (0) opposition letters and/or concerns regarding this appeal. And the Appeal Hearing: Over 20+ residents from 1125 West 12th Avenue attended 'in support' of the appeal (from the audience), and eight (8) residents registered in advance to speak in support of the appeal, and no opposition at the meeting.

## **332 West 8<sup>th</sup> Avenue – Board Minutes and Decision**

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

Legal Description: Lot 27, District Lot 302, Group 1, NWL and Plan LMS 3451

Lot Size: Irregular site

Zone: I-1

Related By-Law Clause:

### **Appeal Description:**

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00827 and a request to permit interior alterations and a change of use of approximately 1,449.8 sq. feet from a Wholesale - Class B to a Health Care Office use, in this existing mixed-use building on this site. Note: Including the letter of operation received on Sept. 16, 2024 by Dr. Anamaria Richardson, Inc.

### **Development Application No. DP-2024-00827 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.

NOTE: The existing building is already considered non-conforming to the current by-law, and the change of use request to Health Care Office would increase the non-conforming FSR (and a zoning relaxation of approx. 1,366 sq. feet is required).

### **Discussion:**

Dr. Anamaria Richardson and Young Lee 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 for a change of use from a wholesale building to a healthcare office use. It is very difficult to find a space for the practice.

### **The Director of Planning's Representative**

Ms. So's initial comments were that the proposal is to provide interior alterations from wholesale use to healthcare use. There has been numerous zoning changes throughout the years. The Director of Planning does not have the authority to relax the FSR, and cannot support the appeal.

The Board Chair stated that the Board's site office received (0) 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:**

Ms. So's final comments were that the Director of Planning cannot support the appeal due to the extra floor area requested.

The appellant's final comments were that they would like the City to support small businesses.

**This appeal was heard by the Board of Variance on December 03rd, 2024 and was ALLOWED,** thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00827 and APPROVED interior alterations and a change of use of approximately 1,449.8 sq. feet from a Wholesale - Class B to a Health Care Office use, in this existing mixed-use building on this site, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Anamaria Richardson and operating as "Dr. Anamaria Richardson Inc."; 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.

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

-The majority of the Board voted 5-0 in support of the appeal and found a site hardship including the age of the building (built in 1998) and the non-conforming use at this site – and the Board noting that the 'medical-use' is permitted but counted as new floor area, and no changes to the exterior (building) and only the interior (use) space will be altered for this development and a FSR relaxation required.

-The Board's site office received no (0) responses from the neighbourhood regarding this appeal.

## **821 Keefer Street – Board Minutes and Decision**

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

Legal Description: Lot 36, Block 77, District Lot 181 and Plan 196

Lot Size: Lot Area = 3,052 sq. feet.

Zone: RT-3

Related By-Law Clause: Section 3.1.1.1.(a) – Density and Floor Area,  
Section 3.1.2.6.(a) – Minimum Side Yard,  
Section 3.1.2.4 – Minimum Front Yard,  
Section 3.1.2.7 – Minimum Rear Yard, and  
Section 3.1.2.8 – Maximum Site Coverage of all buildings.

### **Appeal Description:**

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00517 and a request to permit exterior and interiors alterations throughout this existing ‘Heritage-B’ Single Detached House with Secondary Suite on this inside with lane site.

Scope of work includes raising the house to provide a full height basement, new roof at the rear, new exterior cladding, new rear deck and a new detached garage.

### **Development Application No. DP-2024-00517 was refused for the following reasons:**

Non-compliance – 3.1.1.1.(a) The maximum floor area for single detached house with secondary suite.

Non-compliance – 3.1.2.6.(a) Minimum side yard width where the site width does not exceed 15.0m.

Non-compliance – 3.1.2.4 Minimum front yard depth.

Non-compliance – 3.1.2.7 Minimum rear yard depth.

Non-compliance – 3.1.2.8 Maximum site coverage of all buildings.



### **Discussion:**

Heather Clark 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 is an existing non conforming. There are lots of character homes around the area. They require a new foundation as the current one is failing. They're looking to add a two bedroom unit.

### **The Director of Planning's Representative**

Mr. Chen's initial comments were that this is an appeal for a renovation and additions to a 1905 heritage dwelling. The Director of Planning does not have the authority to relax the extra floor area, and cannot support the appeal.

The Board Chair stated that the Board's site office received one (1) letter 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. Chen had no final comments.

The appellant had no final comments.

**This appeal was heard by the Board of Variance on December 03rd, 2024 and was ALLOWED**, and overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00517 and APPROVED exterior and interiors alterations throughout this existing Heritage B Single Detached House with Secondary Suite on this inside with lane 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.

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

-The majority of the Board voted 5-0 in support of the appeal and found a site hardship including the age of the building (built in 1905) and the City noting this existing non-conforming house with Heritage 'B' status and does have character merits to warrant the zoning relaxations.

-The Board's site office received a letter with ten (10) names (unsigned / no signatures) and noting full-support for the appeal and no (0) opposition regarding this appeal.

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On December 03<sup>rd</sup>, 2024 - The following sites were reviewed by the Board of Variance for other zoning related items and **Development Permits are required for the following sites:**

**7755 Jasper Crescent**

This appeal was heard by the Board of Variance on December 03<sup>rd</sup>, 2024 and was ALLOWED, thereby granting a zoning relaxation of the Density and Floor Space Ratio regulations of the R1-1 District Schedule and APPROVED interior and exterior alterations and allowing permission to retain a sunroom addition, and the WWOP covered sundecks (main floor and the upper floor) at this existing one-family dwelling site (Related to issued Building Permit No. BP-2022-02664), and subject to the following conditions:

- (1) that the board approved the sunroom addition and the covered sundecks (main and upper floor) and shall be to the satisfaction of the Director of Planning; 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.

NOTE: The Owners confirmed that the 'Cover over the sunken patio' has been removed.

**918 East 49<sup>th</sup> Avenue**

This appeal was heard by the Board of Variance on December 03<sup>rd</sup>, 2024 and was ALLOWED, thereby granting a zoning relaxation of the Density and Floor Space Ratio regulations of the R1-1 District Schedule and APPROVED interior and exterior alterations and adding a new rear sunroom addition at this existing one-family dwelling site (Related Development Application No. DP-2022-00071), and subject to the following conditions:

- (1) that the Owner must reduce the overall Site Impermeable area at this site to 0.75 (75%) and shall be to the satisfaction of the Director of Planning; 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.

### **472 East 57<sup>th</sup> Avenue**

This appeal was heard by the Board of Variance on December 03rd, 2024 and was ALLOWED IN PART, thereby granting a zoning relaxation of the Density and Floor Space Ratio regulations of the R1-1 District Schedule and APPROVED exterior alterations and allowing two (2) covers over the entry areas on the lower floor at this site (Related to Development Application No. DP-2022-00170), and subject to the following conditions:

- (1) that the Owner must reduce the overall Site Impermeable area at this site to 0.75 (75%) and shall be to the satisfaction of the Director of Planning; 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.

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On December 03<sup>rd</sup>, 2024 - The following sites were reviewed by the Board of Variance for an extension (renewal) request and **as required the City's Development Services:**

### **5708 Knight Street**

This appeal was heard by the Board of Variance on December 03rd, 2024 and was ALLOWED, thereby granting an extension and permission to retain the previously approved Cannabis store at this site (and originally approved on December 14th, 2021) for a further period of time (Related to Development Application No. DP-2021-00705), and subject to the following conditions:

- (1) the approval is for the exclusive use of "Affinity Cannabis Store Inc." and shall be operated by Jag Sandher and doing business as (DBA): "Affinity Cannabis".
- (2) the Board granted a limited-time approval and expires on: December 31st, 2027;
- (3) the Board may grant an extension on/or before the expiry date: December 31st, 2027; and
- (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.

### **348 Water Street**

This appeal was heard by the Board of Variance on December 03rd, 2024 and was ALLOWED, thereby granting an extension and permission to retain the previously approved Cannabis store at this site for a further period of time (Related to Development Applications No. DP-2020-00777 and DP-2021-00989), and subject to the following conditions:

- (1) the approval is for the exclusive use of “Company 1268495 B.C. Ltd.” and shall be operated by Raymond Staniscia and doing business as (DBA): “Water Street Cannabis”.
- (2) the Board granted a limited-time approval and expires on: January 31st, 2028;
- (3) the Board may grant an extension on/or before the expiry date: January 31st, 2028; and
- (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.

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On December 03<sup>rd</sup>, 2024 - The following sites were **NOT** reviewed by the Board of Variance and **these appeals were adjourned:**

None.