

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, December 06th, 2022

TIME: 1:15 PM

PLACE: City Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Matthew Naylor

Rakshin Kandola

ABSENT: Namtez Sohal

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager

Mandy So, Assistant Director

7668 Main Street – Board Minutes and Decision

Appeal Section: 573(1)(b) - Appeal of Regulation - Minimum Site Area
Legal Description: Lot 43, Block 1, District Lot 326A, and Plan 4141
Lot Size: Lot Area – 3,024 sq. feet
Zone: RT-2
Related By-Law Clause: Minimum Site Area

Appeal Description:

Requesting a relaxation of the Minimum Site Area regulation of the RT-2 District Schedule and a request to construct a Duplex (Two-Family Dwelling) at this site.

Required Minimum Lot Area is 4,790 sq. feet – to construct a Duplex (445 Sq. M).

Existing / Proposed Lot Area is 3,024 sq. feet.

Discussion:

Amardeep Dhillon 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

Mr. Chen's initial comments were that this is an appeal for an allowance of a duplex in a RT2 zone. This lot is smaller in width and depth for a duplex in a RT2 zone. The Director of Planning does not object to this appeal.

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. Chen had no final comments.

The appellant's final comments were that they would appreciate the Board granting the approval.

This appeal was heard by the Board of Variance on December 06th, 2022 and was ALLOWED, thereby granting relaxation of the Minimum Site Area regulation of the RT-2 District Schedule and APPROVED the construction of a new Duplex (Two-Family Dwelling) at this 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 Director of Planning spoke in support of the appeal and noting that the new Duplex development will be in compliance with the livability requirements of the RT-2 District Schedule and further noting that other nearby Duplex developments have been approved on similar narrow lots.

-The Board voted 3-0 in support of this appeal. The Board Members supported the appellants' proposed Duplex design on this narrow lot (with a lot area at 3,024 sq. feet).

-The Board's site office received no opposition letters and/or any concerns from the neighbourhood.

3608 Knight Street – Amendment request (Extension to obtain City permits)

Appeal Section:	573(1)(a) Appeal of Decision - BOV Renewal
Legal Description:	Lot 100, North Part of District Lot 747, and Plan 2145
Lot Size:	Irregular lot area
Zone:	RM-1N
Related By-Law Clause:	BOV Extension required

Appeal Description:

Requesting an extension to retain the use at this site for an “Eight (8) Bed Group Residency” to be exclusively operated by “Giving Back Society” for a further period of time (Related to DP-2018-01039).

Board of Variance History:

On September 22nd, 2020 this appeal was ALLOWED by the Board of Variance, thereby granting permission to retain the use at this site for an “Eight (8) Bed Group Residency” to be exclusively operated by “Giving Back Society” for a further period of time (Related to DP-2018-01039), and subject to the following conditions:

- (1) that the approval is for the exclusive use of the Giving Back Support Recovery Society (operated by Ray Wainman);
- (2) that the Board of Variance’s approval expires on September 22nd, 2021;
- (3) that the Board may grant an extension to the time limit on or before September 22nd, 2021;
- (4) that a Good Neighbour Agreement Plan and an Operations Plan must be submitted to the Director of Planning and made part of the Development Permit. Note: Ray Wainman must meet with the adjacent neighbours once a month and also provide the neighbours with the direct contact telephone number(s) so that a good line of communication is available anytime if any concerns arise.
- (5) that a maximum of EIGHT (8) beds have been approved at this site for this Group Residency;
- (6) that a maximum number of smokers shall be limited to four (4) people at any one-time;

(7) that a new smoking area (as required by the Board of Variance) must be located in the North side-yard area behind the fence (facing East 20th Avenue) and must be between the garage and the main entrance;

(8) that a new solid fence must be erected and/or installed along the South property line to 6.0 feet (and the fence height must in compliance with the City's Fence By-law regulations); and

(9) 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:

Steve Bleeker, and other operators 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. Chen's initial comments were that this is for an extension of approval from the Board of Variance to retain a group residence. They are seeking a 5 to 10 year extension. The Director of Planning is not opposed to this appeal. However, the building permit had expired, and Planning is still reviewing the file.

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.

There were no comments.

Final Comments:

Mr. Chen's final comments were that this proposal has taken quite some time. The Director of Planning would like to see this concluded as soon as possible so the appellants can continue with their operations.

The appellant's final comments were that they're looking to be a solution to help the public, as well as having a good relationship with their neighbours.

This appeal was heard by the Board of Variance on December 06th, 2022 and was ALLOWED, thereby granting an extension and permission to retain the use at this site for an "Eight (8) Bed Group Residency" to be exclusively operated by "Giving Back Society" for a further period of time (Related to DP-2018-01039), and subject to the following conditions:

- (1) that the approval is for the exclusive use of the Giving Back Support Recovery Society (operated by Ray Wainman);
- (2) that the Board of Variance's approval expires on December 06th, 2025;
- (3) that the Board may grant an extension to the time limit on or before on December 06th, 2025;
- (4) that a Good Neighbour Agreement Plan and an Operations Plan must be submitted to the Director of Planning and made part of the Development Permit. Note: Ray Wainman must meet with the adjacent neighbours once a month and also provide the neighbours with the direct contact telephone number(s) so that a good line of communication is available anytime if any concerns arise.
- (5) that a maximum of EIGHT (8) beds have been approved at this site for this Group Residency;
- (6) that a maximum number of smokers shall be limited to four (4) people at any one-time;
- (7) that a new smoking area (as required by the Board of Variance) must be located in the North side-yard area behind the fence (facing East 20th Avenue) and must be between the garage and the main entrance;
- (8) that a new solid fence must be erected and/or installed along the South property line to 6.0 feet (and the fence height must in compliance with the City's Fence By-law regulations); and
- (9) 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.

1733 Commercial Drive (1735 Commercial Drive) – Amendment Request (Store Expansion request)

Appeal Section: 573(1)(a) - Appeal of Decision – Cannabis Store ‘Expansion’
Legal Description: Lot A, Block 64, District Lot 264A, and Plan EPP 41530
Lot Size: Irregular Lot Area
Zone: C-2C
Related By-Law Clause: Section 11.6

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00088 and a request to change the Use from Office to Retail - into a new Cannabis Store and to interior alterations to include expansion of approximately 1,330 square feet of floor area to the existing Office (Travel Centre) (combining 1735 and 1733) in this existing mixed-use building on this site.

Development Application No. DP-2022-00088 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.

-Objections have been received from neighbouring property owners.

Board of Variance History:

On August 28th, 2018 this appeal was ALLOWED by the Board of Variance, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2017-01068 and granting relaxations of Sections 11.28.2(a) and 11.28.2(b) of the

Zoning and Development By-law (under Section 11, Additional Regulations) and approved the change the use of approximately 1,291.0 square feet from a Beauty and Wellness Centre to a Retail Medical Marijuana-Related Use within this existing mixed-used building on this site, 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.

Discussion:

Feven Berhane 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. So's initial comments were that the request is to expand the existing Cannabis store. The store is still within 300 meters from another Cannabis store. 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 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.

There were no comments.

Final Comments:

Ms. So's final comments were that they have not received any concerns from the public. The Director of Planning will defer to the Board for their decision.

The appellant's final comments were that she is looking to grow and help the community.

This appeal was heard by the Board of Variance on December 06th, 2022 and was ALLOWED, thereby overturning decision of the Director of Planning who refused Development Application No. DP-2022-00088 and APPROVED the change of Use from Office to Retail - into a new Cannabis Store and to interior alterations to include expansion of approximately 1,330 square feet of floor area to the existing Office (Travel Centre) (combining 1735 and 1733 was approved by the Board of Variance) in this existing mixed-use building on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of “KushKlub Cannabis Canada” and shall be operated by Feven Berhane and doing business as (DBA): “KushKlub Cannabis Canada”.
- (2) the Board granted a limited-time approval for three (3) years and expires on: December 06th, 2025;
- (3) the Board may grant an extension on/or before the expiry date: December 06th, 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.

3596 Kingsway (Amendment request – expiry date updated)

Appeal Section:	573(1)(a) - Appeal of Decision – Cannabis Renewal
Legal Description:	Lot 2 of A, District Lot 49, and Plan VAP 11999
Lot Size:	Irregular Lot Area
Zone:	C-2C
Related By-Law Clause:	Section 11.6

Appeal Description:

Requesting an extension to retain the Cannabis land-use with approximately 1,085.0 square feet as a Cannabis Retail Store in this existing mixed-use building for a further period of time (Related to Development Application No. DP-2021-00784).

Board of Variance History:

On February 22nd, 2022 this appeal was ALLOWED by the Board of Variance, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2021-00784 and a request to permit interior alterations and to change the use of approximately 1,085.0 square feet from Commercial Retail to a new Cannabis Retail Store 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 the three (3) operators Mark Ochieng Okoth, Dennis Young-Joon Park, and Terry Craig and operating under “Craft Greenery Cannabis, and 1248627 BC LTD.”, and doing-business-as (DBA): “Craft Greenery Cannabis ”
- (2) that the Board granted a limited-time approval of one (1) year and expires on February 22nd, 2023 and the Board may grant an extension to the time limit on or before February 22nd, 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.

NOTE: The Board accepted the operators' hours of operation from 10:00 am to 9:00 pm (Seven Days a week) at 3596 Kingsway.

Discussion:

Mark Okoth and Dennis Park 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

Ms. So's initial comments were that the following appeal is in regards to DP-2021-00784 – BOV Appeal Z35918 heard by the Board of Variance on February 22, 2022 and is requesting an extension to condition 2 of the BOV decision. 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:

Ms. So had no final comments.

The appellant had no final comments.

This appeal was heard by the Board of Variance on December 06th, 2022 and was ALLOWED with conditions, thereby granting an extension to retain the Cannabis land-use with approximately 1,085.0 square feet as a Cannabis Retail Store in this existing mixed-use building for a further period of time (Related to Development Application No. DP-2021-00784), and subject to the following conditions:

(1) that the approval is for the exclusive use of the three (3) operators Mark Ochieng Okoth, Dennis Young-Joon Park, and Terry Craig and operating under “Craft Greenery Cannabis, and 1248627 BC LTD.”, and doing-business-as (DBA): “Craft Greenery Cannabis ”.

(2) that the Board granted a limited-time approval of three (3) years from February 22nd, 2023 and expires on February 22nd, 2026 and the Board may grant an extension to the time limit on or before February 22nd, 2026; 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.

NOTE: The Board accepted the operators' hours of operation from 10:00 am to 9:00 pm (Seven Days a week) at 3596 Kingsway.

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

-1162 Rose Street

-4521 Langara Avenue

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

2137 – 2139 East Hastings Street (Operator name was updated for the Licensing department)

