



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, February 13th, 2024
TIME: 1:15 PM
PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair
Rakshin Kandola
Namtez Sohal

ABSENT: Peter Gee
Alexander Ray

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager (Director of Planning's Representative)
And Shadi Sajjad, City's Development Planner

1145 Union Street – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Min. Site Width & Area)
Legal Description:	Lot 25, Block 21, District Lot 182 and Plan VAP 355
Lot Size:	Lot Area = 3,053 sq. feet
Zone:	RT-3
Related By-Law Clause:	Section 3.1.2.(d) – Min. Site Area to build an Infill Building

Appeal Description:

Requesting relaxations of the Minimum Site Area (to build an Infill Building) and the Floor Space Ratio (FSR to 0.95 FSR) regulations of the RT-3 District Schedule and a request to construct a new Infill Building at the rear of this existing two-family dwelling site.

NOTE: This a ‘direct appeal’ to the Board of Variance without a formal review by the Director of Planning, and the appellants are seeking zoning variances for the related by-laws noted-above.

Technical Information:

Minimum Site Area:	418 Sq.m or 4,499 sq. ft. [To construct an Infill Building.]
Existing:	284 Sq.m or 3,053 sq. ft.
Proposed:	284 Sq.m or 3,053 sq. ft. [As submitted and presented.]

Discussion:

Neil Robertson, Daniel Silver, and Jason Gartshore 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 renovate and built a small infill. There are several lots that have had infill within the zone.

The Director of Planning's Representative

Ms. Sajjad's initial comments were that current RT3 lot makes it difficult for infill. In order to provide fire access to infill, they require a pathway in the front, there is not enough space in the side yard for a door. The Director of Planning is unable to support the appeal.

The Board Chair stated that the Board's site office received seven (7) letters in Support a petition with five (5) signatures of 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's final comments were that the heritage alteration permit will not support this. Whatever the decision the Board makes, it will get held up with the heritage alteration department, as they will not support this appeal.

The appellant's final comments were that they're optimistic they can speak with the heritage department about the appeal. They're architects, and will think about fire access. They only want the Board to rule on the infill.

This appeal was heard by the Board of Variance on February 13th, 2024 and was ALLOWED in PART, thereby ONLY granting a relaxation for the Minimum Site Area (to build an Infill Building) at this RT-3 District zone site with an approval for the City's Director of Planning to consider the construction of a new Infill Building at this existing two-family dwelling site, and subject to the following conditions:

(1) that the Board of Variance did NOT grant any FSR (floor area) relaxation and ONLY granted a zoning relaxation for the 'Minimum Site Area' so that the City's Director of Planning can consider a proposed Infill Building at this site.

(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 Board did find a site hardship to grant a 'minimum site area relaxation' and to allow the City's Director of Planning to consider a proposed Infill Building at this site.

-the Board did NOT consider the FSR (floor area) proposal to 0.95 FSR and that the final design and form of development for the proposed Infill Building must be considered by the Director of Planning's group.

-the Board also understood that the Owners must apply for a 'Heritage Alteration Permit (HAP)' and further noted that the Board does NOT have any jurisdiction or any authority to consider and/or accept an appeal if the Owners are denied (refused) in obtaining a Heritage Alteration Permit.

-No opposition from the neighbourhood – this was from the board's neighbourhood notification mailout prior to the meeting.

1538 West 2nd Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (<u>Cannabis Store Re-Location</u>)
Legal Description:	Strata Plan LMS 4510, DL 526 NWDVAP 631
Lot Size:	Irregular site
Zone:	C-2B
Related By-Law Clause:	Section 11.6

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00814 and a request to change the use of approximately 748.0 sq. ft. from Retail Store to a new Cannabis Store (at 1538 West 2nd Avenue) at this existing commercial building.

This is a relocation from 1540 W 2nd Avenue (Related to DP-2017-00005).

Board of Variance History relating to '1540 West 2nd Avenue':

This appeal was heard by the Board of Variance on September 07th, 2016 and was ALLOWED, thereby granting a relaxation of Section 11.28.2(a) of the Zoning and Development By-law (under Section 11, Additional Regulations) and in relation to a request to change the use of the existing space to a Medical Marijuana Related-Use at this site (reviewed under Development Application No. DE419427), and subject to the following conditions:

(1) that NO sandwich board displays and/or any advertisement(s) including similar displays and/or advertisements shall be permitted in the complex area (at 1540 West 2nd Avenue), the adjacent perimeter areas and all the sidewalks in accordance with the Board's decision on September 07th, 2016; 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.

This appeal was heard by the Board of Variance on June 02nd, 2020 and was ALLOWED, thereby DELETING Condition 01 from the previous Board decision rendered on September 07th, 2016:

(1) that NO sandwich board displays and/or any advertisement(s) including similar displays and/or advertisements shall be permitted in the complex area (at 1540 West 2nd Avenue), the adjacent perimeter areas and all the sidewalks in accordance with the Board's decision on September 07th, 2016.

Discussion:

Jeremy Jacob and Andrea Dobbs 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 the following is an appeal to refuse Development Permit DP-2023-00814 which is to provide a change of use of approximately 748.0 sq. ft. from Retail Store to Cannabis Store in this existing building.

NOTE: Mr. Bosnjak was NOT in attendance to speak to the appeal – and Mr. Bosnjak's written comments (see below) were provided to the Board members prior to the meeting.

General Note – from Mr. Bosnjak's written comments:

- 1540 W 2nd Ave (DP-2017-00005) is issued to the current applicant.
- This application is a relocation from 1540 W 2nd Ave to 1538 W 2nd Ave;
- Both 1540 and 1538 are on the same Lot (site);
- If approved 1540 W 2nd Ave (DP-2017-00005) is to be cancelled;
- One buffering failure of another Cannabis store approximately 288m away.

The Director of Planning defers to the Board of Variance for their decision. Thank you.

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's final comments were that the new unit within the same building is further from the other cannabis store. That cannabis store is currently shut down.

This appeal was heard by the Board of Variance on February 13th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00814 and APPROVED the change of use of approximately 748.0 sq. ft. from Retail Store to a new Cannabis Store (at 1538 West 2nd Avenue) at this existing commercial building. This is a relocation from 1540 W 2nd Avenue (Related to DP-2017-00005), and subject to the following conditions:

- (1) that the approval is for the exclusive use of Andrea Dobbs and Jeremy Jacob and operating the business as 'The Village Collaborative Inc.' and doing business as (DBA) 'Village Bloomery';
- (2) that the current Cannabis Land-use at 1540 West 2nd Avenue (related permit issued under DP-2017-00005) MUST be "cancelled" as part of this decision on February 13th, 2024 – and as required by the Director of Planning (please speak to Mr. Joe Bosnjak, if there are questions related to this appeal decision); 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 City reported no complaints on file since the original approval by the Board of Variance
- The Board agreed with the City's written comments and that the current cannabis store at 1540 West 2nd Avenue MUST be closed and any related permits 'cancelled' with a new cannabis land-use approval at this new location at 1538 west 2nd Avenue.
- Owners confirmed at the appeal hearing that they will continue to work with the City – and also confirmed that they will 'cancel' the cannabis land-use permit at 1540 west 2nd Avenue for this re-location proposal to 1538 West 2nd Avenue.

On January 16th, 2024 - The following site (appeal) was NOT heard and the Appellants requested an adjournment to April 23rd, 2024.

-2736 West 42nd Avenue