

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, January 11th, 2022 (and adjourned appeals heard on January 25th, 2022)

TIME: 1:15 PM

PLACE: Online Meeting (Web-Ex Platform)

PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Namtez Sohal

Matthew Naylor

ABSENT: Simona Tudor

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager

Joe Bosnjak, Supervisor

2871 Point Grey Road – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Over-height Fence)
Legal Description:	Lot B, Block 24, District Lot 192 and Plan EPP 52823
Lot Size:	Irregular Lot Area
Zone:	RS-1 / RT-2
Related By-Law Clause:	Fence height

Appeal Description:

Requesting a zoning relaxation of the fence height (to exceed the maximum height of 4.0 feet) at this proposed new development to construct a two-storey, one-family dwelling with an attached garage and providing three-parking spaces, with vehicular access from Point Grey Road, and includes a new pool and terrace at the rear of the home (Related to Development Building No. DB451540).

Technical Information:

Permitted Fence Height:	4.00 feet
Proposed new Fence Height:	6.41 feet.

Discussion:

Mr. Paul Sangha 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 they're requesting a two foot variance in the fence. There has been safety concerns since they moved in there two years ago. There had been dozens of loud parties, vandalism, theft, and potential drug use. They were told by the police to contact the rangers and document the issues.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of decision for an over height fence in the front and side of the yard. The fence is about 6'5". There is support for the 6 foot high fence that is adjacent to the park. However, it is not supported for the 6 foot fence in the front. This came to the Director Of Planning by way of complaint in regards to the over height fence. There seems to be an unwillingness to comply. The Director Of Planning does not see a hardship, and cannot support the appeal.

The Board Chair stated that the Board's site office received thirteen (13) 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 's final comments were that this was a complaint that was brought forward to the Director Of Planning and after consideration, they're in support of the 6 foot fence adjacent to the park, but not the front of the house.

The appellant's final comments were that they're not doing this aesthetic reason, this is to protect his family and he would appreciate the Board's support

This appeal was heard by the Board of Variance on January 11th, 2022 and was ALLOWED in part thereby permitting a maximum fence height of 4.0 feet in the front yard with landscaping (hedges) located behind the fence (and the hedging/landscaping permitted to grow and exceed beyond 4.0 feet behind the 4.0 feet high fence), and also permitting a maximum fence height up to 6.0 feet along the side yards at this approved two-storey, one-family dwelling with an attached garage and providing three-parking spaces, with vehicular access from Point Grey Road, and includes a new pool and terrace at the rear of the home (Related to Development Building No. DB451540), 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.

2137 - 2139 East Hastings Street – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Retail Store)
Legal Description:	Lot 10-15, Block 19, District Lot 526 and Plan EPP 7095
Lot Size:	Irregular Lot.
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-2021-00817 and a request to permit interior alterations and to change the use of approximately 501.88 sq.ft. of Beauty and Wellness Centre "Barber Shop" and approximately 501.87 sq.ft. of "similar to" Beauty and Wellness Centre "Spa" to a new Cannabis Retail Store use and approximately 1003.75 sq.ft., in this existing mixed-use building on this site.

Development Application No. DP-2021-00817 was refused for the following reasons:

- The proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site.
- Objections have been received from notification of neighbouring property owners.

Discussion:

Mr. Jeremy Jacob 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 they have been providing cannabis since 2015, and they have spent a lot of time in the role and working with the community. This site has a lot of foot traffic, with the location being on the smaller side. It is transit friendly, and they are not within 300 meters from other cannabis stores. Xpey Elementary School is 208 meters from property line to property line, but the school is not in operation at the moment. Templeton Secondary is 250 meters from property line to property line from the cannabis store.

The Director of Planning's Representative

Mr. Bosnjak' initial comments were that the application was refused due to the buffering of 300 meters to a Community Center, Elementary School, a Pre Kindergarten and Kindergarten as well as a High School. 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 one (1) letter in Support and seven (7) 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 – resident in the area) is in support of the appeal

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Final Comments:

Mr. Bosnjak' final comments were that the Director of Planning refused this is to being 300 meters from Schools and Community Centers. They also received objections from neighbours.

The appellant's final comments were that they have done all research to find a site that is the most applicable for a cannabis store. They are homeowners in this community and want to bring positivity to their neighbourhood.

This appeal was heard by the Board of Variance on January 11th, 2022 and was ALLOWED, thereby overturning decision of the Director of Planning who refused Development Application No. DP-2021-00817 and approved interior alterations and to change the use of approximately 501.88 sq.ft. of Beauty and Wellness Centre "Barber Shop" and approximately 501.87 sq.ft. of "similar to" Beauty and Wellness Centre "Spa" to a new Cannabis Retail Store use and approximately 1003.75 sq.ft., in this existing mixed-use building on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of "The Village Collaborative Inc." and shall be operated by Jeremy Jacob and Andrea Dobbs, and doing business as (DBA): "Village Bloomery".
- (2) the Board granted a limited-time approval for one (1) year and expires on: January 11th, 2023;
- (3) the Board may grant an extension on/or before the expiry date: January 11th, 2023;
- (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.

2037 Macdonald Street – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (Covered Deck/Porch)
Legal Description: Lot C, Block 30, District Lot 526 and Plan 8303
Lot Size: Lot Area = 3,054.12 sq. feet.
Zone: RT-7
Related By-Law Clause: Section 4.7 (FSR)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2019-01038 and a request to permit exterior alterations to this existing one-family dwelling.

Scope of work:

-add awning to front of building over the front entry way.

Technical Information:

Permitted FSR (RT-7): 0.60 (1,832 sq. ft.)
Existing non-conforming: 1.10 (3,365 sq. ft.)
Proposed: 1.16 (3,541 sq. ft.) [As per DP-2019-01038.]

Discussion:

Ms. Maria Lowe 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.

Ms. Lowe's initial comments were that she would like the Board members to approve the awning.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of decision. The refusal is for the addition of an awning in the front of the house. This property had been under enforcement for 5 years now. The awning was initially installed, then taken down, then put up again. This awning projects significantly in comparison to other properties around. This home was built in 1910, it seems to be a character home and the awning does not match the character heritage. The Director of Planning looks to have the Board uphold their decision.

The Board Chair stated that the Board's site office received a petition with six support (6) letters 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.

Ms. Lowe's final comments were that she would like the awning to make life easier for everyone.

This appeal was heard by the Board of Variance on January 11th, 2022 and was ALLOWED in PART, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2019-01038 and approved exterior alterations to this existing one-family dwelling, and subject to the following conditions:

- (1) that the Board of Variance approved a partial cover with a maximum projection to 6.0 feet and shall be to the satisfaction of the Director of Planning;
- (2) that the front porch was approved with a partial cover (reduced) up to 6.0 feet projection; 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:

-Existing house was built in 1910 with some character merits, and the Zoning By-law allows a projection of 1.8m/5.90 feet at this RT-7 site. The proposed new development (covered awning in the front yard) is not in compliance with the current (2022) Zoning By-law.

-Existing house is considered an existing non-conforming house and the existing floor area is already over the maximum allowance, with the awning cover will be an additional 176 sq. feet overage. Owner must meet the current Building Code to the satisfaction of the Director of Planning.

2140 Kingsway – Board Minutes (Amendment request – extension)

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Renewal Appeal)
Legal Description:	Lot 1, District Lot 393 and Plan VAS1239
Lot Size:	Irregular Lot.
Zone:	C-2
Related By-Law Clause:	Section 11.6 (formerly 11.28)

Appeal Description:

Appellants are requesting an amendment and an extension request. Previous Board decision rendered and related to Development Application No. DP-2020-00927 and a request to permit an extension to retain the approved Cannabis Retail Store for a further period of time. Previously approved by the Board of Variance on May 04th, 2011 (see decision below).

Board of Variance History:

This appeal was heard by the Board of Variance on May 04th, 2021 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00927 and approved interior alterations and to change the use of approximately 1,236 sq. ft. of General Office use to a new Cannabis Retail Store in this existing mixed-use building on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of “Grand Forks Cannabis Ltd.” and shall be operated by Charles Varabioff and doing business as (DBA): “Kingsway Cannabis”.
- (2) the Board granted a limited-time approval for one (1) year and expires on: May 04th, 2022;
- (3) the Board may grant an extension on/or before the expiry date: May 04th, 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:

Mr. Charles Varabioff and Mr. 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.

Mr. Dawkins' initial comments were that they have been provincially licensed since 2019 and had been successfully operating with no complaints. The two Cannabis retail that is within 300 meters remains dormant. There had been no neighbourhood complaints. They're looking for a 3-8 year renewal at the Board's discretion.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that there are no recent complaints on file for this use at this address, and 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 four (4) 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.

Bonnie Johnstone spoke for her Cannabis store that is one block away, and looking to be in operation soon.

Final Comments:

Mr. Bosnjak had no final comments.

Mr. Dawkins' final comments were that they have been operating successfully since 2019, and would like to continue serving the community.

This amendment appeal for an extension request was reviewed by the Board of Variance on January 11th, 2022 and was accepted ALLOWED, thereby granting an extension to retain the approved Cannabis Retail Store for a further period of time and subject to the following conditions:

- (1) the approval is for the exclusive use of "Grand Forks Cannabis Ltd." and shall be operated by Charles Varabioff and doing business as (DBA): "Kingsway Cannabis".
- (2) the Board granted a limited-time approval for one (1) year and expires on: May 04th, 2023;
- (3) the Board may grant an extension on/or before the expiry date: May 04th, 2023;
- (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 City confirmed that there are no complaints on record. The Board supported the appeal for only one year from the previous Board decision – and the operator must obtain the Provincial approval and all City permits prior to operating at this location. Board may grant an extension on/before May 04th, 2023.

2897 Point Grey Road – Board Minutes and Decision

Appeal Section:	573(1)(b) Appeal of Regulation – Building Line
Legal Description:	Lot 8, Block 24, District Lot 192 and Plan VAP851
Lot Size:	Irregular site
Zone:	RT-2
Related By-Law Clause:	Development beyond the Building Line (Section 14.3)

Appeal Description:

Requesting permission to develop beyond the building line at the north-end of this property at 2897 Point Grey Road. Board of Variance approval is required for this development proposal under Section 14.3 of the Zoning & Development By-law. Note: Related to an approved Development Permit (DB-2017-06205, from 2017).

New development (beyond the building line) includes the following:

- swimming pool, spa and mechanical room
- stepping stones, new terrace and concrete walls; and
- including new landscaping.

Discussion:

Mr. Paul Sangha 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.

Mr. Sangha's initial comments were that the proposal they're seeking is the backyard setback. This property was developed 15-25 years ago. They would like a swimming pool and a hot tub in the backyard. They're proposing to keep the existing hedges along the side property line. They have support from the neighbours to their east. Their neighbours in the west have all their proposals and information but have not responded.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for additional work beyond the building line. The Director Of Planning is concerned about the extent of the building beyond the building line. They're not concerned about the development of the swimming pool, but more of the use of privatization as it should be reserved for cliff erosion. The Director of Planning is hesitant to support this appeal and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received one (1) 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.

Mr. Sangha's final comments were that the swimming pool request are similar to other properties in the neighbourhood. In terms of what they're proposing, they're trying to be minimal.

This appeal was heard by the Board of Variance on January 25th, 2022 and was ALLOWED, thereby granting permission to develop beyond the building line at the north-end of this property at 2897 Point Grey Road (All the scope of work noted-above), 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:

-Geotechnical Report submitted by the Owners, and assuring the protection of the cliff-erosion

-No opposition from the neighbourhood

-Owner's agent confirmed at the appeal hearing that they will continue to work with the City -including the protection of the existing tree on-site, cliff-erosion protection shall be to the satisfaction of the Director of Planning.

6945 Victoria Drive (Amendment request – extension)

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis Renewal Appeal)

Legal Description: Lot A, Block 5, District Lot 735 and Plan VAP4049.

Lot Size: Irregular Lot

Zone: C-2

Related By-Law Clause: Section 11.6 (formerly Section 11.28).

Appeal Description:

Related to Development Application No. DP-2020-00909 and a request to permit an extension to retain the approved Cannabis Retail Store for a further period of time. Previously approved by the Board of Variance on April 20th, 2021 (see decision below).

Board of Variance History:

This appeal was heard by the Board of Variance on April 20th, 2021 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00909 and approved interior alterations and a change of use from Retail - Food Services to a new Cannabis Retail Store on the ground floor of this existing commercial building, and subject to the following conditions:

- (1) that the approval is for the exclusive use of operator Ricky Chhibber and operating under “Local Main Holdings Ltd.”, and doing-business-as (DBA): “Local Cannabis Co.”; and
- (2) that the Board granted a limited-time approval of one (1) year and expires on April 20th, 2022 and the Board may grant an extension to the time limit on or before April 20th, 2022; and;
- (3) that the approved cannabis Store must close by 9:00 PM (Seven Days a week) at this site in accordance with the Board’s decision on April 20th, 2021; and; 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.

Discussion:

Mr. Ricky Chhibber 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.

Mr. Chhibber's initial comments were that they have had this retail since February of 2020. There had been no incidents. They are asking for a two year extension that aligns with their lease. They're also looking to operate until 11pm like the other Cannabis store that is a few blocks away. They feel that the opposition letters came from the same people that opposed their appeal last time. They have received support from every business that is within their store vicinity.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that there are no recent complaints on file for this use at this address, and 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 twenty one (21) 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.

There were no comments.

Final Comments:

Mr. Bosnjak had no final comments.

Mr. Chhibber's final comments were that the hardship is that their original submission date was July 6th, by the time they receive their permit, it was September. They're looking to open in February and finally looking to get the store going.

This appeal was heard by the Board of Variance on January 25th, 2022 and was ALLOWED, thereby granting an extension to retain the approved Cannabis Retail

(1) that the approval is for the exclusive use of operator Ricky Chhibber and operating under “Local Main Holdings Ltd.”, and doing-business-as (DBA): “Local Cannabis Co.”

(2) that the Board granted a limited-time approval of one (1) year and expires on April 20th, 2023 and the Board may grant an extension to the time limit on or before April 20th, 2023;

(3) that the approved cannabis Store must close by 9:00 PM (Seven Days a week) at this site in accordance with the Board’s original decision on April 20th, 2021; 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.

Board’s summary and decision based on the following:

-The City confirmed that there are no complaints on record. The Board supported the appeal for only one year from the previous Board decision – and the operator must obtain the Provincial approval and all City permits prior to operating at this location. The Board confirmed that the closest (other) Cannabis Store is located beyond 300m, and also the walking distance from 6945 Victoria Drive to David Thompson Secondary School is located beyond 300m. As well, the Board denied a request to operate (open) the store until 11 pm, and the store must close at 9:00 pm (Seven Days a week). Board may review this appeal (again) and may grant an extension on/before April 20th, 2023.

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

-2125 York Avenue

-3505 Fleming Street

-1909 Charles Street (1240 Victoria Drive)