

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, January 17th, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Namtez Sohal

Rakshin Kandola

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Sonia Erichsen, Manager

Joe Bosnjak, Supervisor

5560 Chester Street – Board of Minutes and Decision

Appeal Section: 573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision

Legal Description: Lot 25, Block K, District Lot THSL NWD, and Plan VAP 11660

Lot Size: Lot Area = 3,499.41 sq. feet. (34.82 ft. x 100.50 feet)

Zone: RS-1

Related By-Law Clause: Sections 4.6 (Rear Yard), 4.7(FSR), 4.8 (Site Imperm.) and 4.16 (Building Depth)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00257 and a request to permit exterior alterations by adding a new cover over a portion of the sundeck at this existing two-storey, one-family dwelling site.

Development Application No. DP-2022-00257 was refused for the following reason:

-The proposed development does not comply with the regulations of the of the Zoning and Development By-law that affect he site.

Technical Information:

Permitted FSR: (0.60) 2,100 sq. ft.

Existing non-conforming: (0.75) 2,617 sq. ft.

Proposed: (0.80) 2,796 sq. ft. [As per DP-2022-00257.]

696 sq. ft. or 33 % over maximum permitted

179 sq. ft. or 7 % over existing

Discussion: Morgan Brewster 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 no neighbours behind their property. They have support from all their neighbours for the deck.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of decision to refuse exterior alteration to increase the size of the deck. Both the neighbours on either side, through the BOV, received approval to modify their deck. The rear yard is not a concern, but the non-conforming side yard and floor area is over. Due to the overage, the Director of Planning is not in support of the appeal.

The Board Chair stated that the Board's site office received five (5) 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 had no final comments.

The appellant's final comments were that both his neighbours have covered areas, similar to what they're requesting.

This appeal was heard by the Board of Variance on January 17th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00257 and APPROVED the exterior alterations by adding a new cover over a portion of the sundeck at this existing two-storey, one-family dwelling 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 City's Rep. spoke and was not opposed to the zoning variances regarding the rear yard setback and building depth, and the City was unable to relax the FSR (Floor Area) overage by approx. 179 sq. feet.

-The Board received no complaints since the original approval by the Board of Variance

-The Board's site office received a total of five (5) Support Letters and no opposition to this appeal. The Board received no complaints.

-The Board voted in support (3-0 votes in support) and approved the rear sundeck addition with a cover, and the cover is approx. 179 sq. feet (and was built around 1974).

3045 East 18th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision

Legal Description: Lot 4, Block 341, District Lot 526 and Plan VAP1058.

Lot Size: Lot Area = 3,143.51 sq. feet

Zone: RS-1

Related By-Law Clause: Sections 4.6 (Rear Yard), 4.7 (FSR), 4.8 (Site Imperm.) and 4.16 (Building Depth).

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00652 and a request to permit exterior alterations by adding a new cover over a portion of the sundeck at this existing two-storey, one-family dwelling site.

Development Application No. DP-2022-00652 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 Director of Planning is not prepared to permit an increase in the above grade floor area as the proposed development does not satisfactorily comply with the criteria for relaxation, as set out in the RS-1 District Schedule.

Technical Information:

Permitted FSR: (0.60) 2,029 sq. ft.

Existing non-conforming: (0.70) 2,198 sq. ft.

Proposed: (0.72) 2,261 sq. ft. [As per DP-2022-00652.]

232 sq. ft. or 11 % over maximum permitted

63 sq. ft. or 3 % over existing

Required Rear Yard: 32.54 Feet
Existing: 20.99 Feet
Proposed: 12.74 Feet [As per DP-2022-00652.]

Permitted Building Depth: 33.24 Feet
Existing: 55.00 Feet
Proposed: 63.00 Feet [As per DP-2022-00652.]

Permitted Site Impermeability: 0.60 (2,029 sq. ft.)
Proposed: 0.70 (2,192 sq. ft.) [As per DP-2022-00652.]
163 sq. ft. or 8 % over maximum permitted

Discussion:

Chih Nguyen and the owners 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 have a Vancouver Special home, which they purchased in 2009. The stairs were dangerous, so they didn't allow their children in the back. They have no plans to enclose or cover the stairs. They have 3 support letters from their neighbours, and would like to retain the balcony as is.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of decision for interior and exterior alteration. This was brought to the attention of the Director of Planning due to a complaint. There is no site specific hardship, the Director of Planning cannot support the appeal.

The Board Chair stated that the Board's site office received seven (7) 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 since there is no site specific hardship, the Director of Planning cannot support the appeal.

The appellant's final comments were that if the Board doesn't approve their appeal, they will reduce the area by getting rid of the front deck, and bring it to the rear. However, that will destroy the structure of the Vancouver Special.

This appeal was heard by the Board of Variance on January 17th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00652 and APPROVED exterior alterations and to retain (keep) the open, uncovered sundeck at the rear of this existing one family dwelling with secondary suite building at this 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 City's Rep. spoke and was opposed to the granting of this appeal, and the rear open sundeck was over the maximum permitted FSR (Floor Area) by approx. 63 sq. feet.

-The Board's site office received a total of seven (7) Support Letters and no opposition to this appeal. The Board received no complaints.

- Owners stated at the appeal hearing that they have no future plans to cover and/or enclose the open sundeck at anytime in the future.

-The Board voted in support (2-1 votes in support) and approved the rear open sundeck addition as submitted and presented on January 17th, 2023.

1232 Burrard Street – Board Minutes and Decision (Extension Request ONLY)

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

Legal Description: Strata Lot 2, District Lot #541 and Strata Plan BCS478.

Lot Size: Irregular site

Zone: C-1

Related By-Law Clause:

Appeal Description:

This is an extension request, and NOT a new appeal decision. Requesting permission to retain the approved Cannabis Land-use for a further period of time and previously approved by the Board of Variance on February 08th, 2022.

Board of Variance History:

This appeal was heard by the Board of Variance on February 08th, 2022 and was 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 “OM Cannabis Boutique” and shall be operated by Jettana Darcus and doing business as (DBA): “OM Cannabis Boutique”.
- (2) the Board granted a limited-time approval for one (1) year and expires on: March 09th, 2023;
- (3) the Board may grant an extension on/or before the expiry date: March 09th, 2023; 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:

Jack Lloyd 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 anticipated the license within the one year term, but covid delayed the process. Due to a death of one of the owners, the permit had been delayed. This unit had been emptied for quite some time.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following appeal is in regards to DP-2021-00001 and is requesting an extension to condition 2 of the BOV appeal Z35682. There are no recent complaints on file for this use at this address. Please note as of today DP-2021-00001 has been issued and expires on April 19, 2023 (Director of Planning). A Building Permit has not been applied for as of today and will be required to be applied for before expiry of the Director of Planning decision (Issuance). The Director of Planning defers to the Board for their decision.

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

There were no comments.

Final Comments:

Mr. Bosnjak had no final comments.

The appellant's final comments were that they reached out to a significant amount of neighbours, and only a few opposed this appeal. When they are open and operate, it'll be cleaned up.

This appeal was reviewed by the Board of Variance on January 17th, 2022 and an extension was 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 "OM Cannabis Boutique" and shall be operated by Jettana Darcus and doing business as (DBA): "OM Cannabis Boutique".
- (2) the Board granted a limited-time approval for two (2) years and expires on: March 09th, 2025;
- (3) the Board may grant an extension on/or before the expiry date: March 09th, 2025; 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 reported no complaints on file since the original approval by the Board of Variance
- The Board's site office received four-letters in Opposition and one-letter of Support, including a Petition in Opposition with 57-Signatures opposing the extension request. The Appellants also submitted a Petition of Support with 518-signatures from the Neighbourhood in support of the extension request.
- Limited-time approval to continue and an extension may be granted on/before April 2025.
- The Board agreed with an extension and the operators must obtain the Provincial approval and all City's required permits (including the City's Business License to operate).
- Owners confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits to the satisfaction of the Director of Planning.

6945 Victoria Drive – Amendment request (Updating the expiry date)

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

Legal Description: Lot A, Block 5, District Lot 735, and Plan VAP 4049

Lot Size: Irregular site

Zone: C-2

Related By-Law Clause:

Appeal Description:

Amendment request (expiry date) and requesting permission to retain the approved Cannabis Land-use for a further period of time and previously approved by the Board of Variance on January 25th, 2022.

Board of Variance History:

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 for a further period of time.

(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.

Discussion:

Gary Hehar and Ricky Chhibber 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 an extension to their appeal. They currently have 3 cannabis stores, and is looking for a 4 year extension. They're looking to operate until 11pm, as the extension of hours will support hiring more staff.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following appeal is in regards to DP-2020-00909 and is requesting an extension to condition 2 of the BOV appeal Z35794 & Z35852. 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 a petition of one hundred and fifteen (115) signatures in Support and three (3) 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.

The appellant had no final comments.

The amendment request (expiry date) was reviewed by the Board of Variance on January 17th, 2023 and was ALLOWED, thereby granting an extension to retain the approved Cannabis Retail 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.”
- (2) that the Board granted a limited-time approval of two (2) years and expires on April 20th, 2025 and the Board may grant an extension to the time limit on or before April 20th, 2025;
- (3) that the approved cannabis Store must be closed at 11:00 PM (Seven Days a week) at this site in accordance with the Board’s decision on January 17th, 2023; 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 reported no complaints on file since the original approval by the Board of Variance
- The Board’s site office received three (3) Letters in Opposition and nineteen (19) Letters of Support, including a Petition of Support with 115-signatures from the Neighbourhood.
- Limited-time approval to continue and an extension may be granted on/before April 2025 with an approval to open the Cannabis Store up to 11:00 PM (this is permitted under the Provincial Guidelines – for Cannabis store hours to operate until 11 PM in Vancouver).
- The Board agreed with an extension and the operators must obtain the Provincial approval and all City’s required permits (including the City’s Business License to operate).
- Owners confirmed at the appeal hearing that they will continue to work with the City – and to obtain all the City permits to the satisfaction of the Director of Planning.

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

-7314 Prince Edward Street

-2274 York Avenue