



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, July 16th, 2024

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Peter Gee

Alexander Ray

Namtez Sohal

ABSENT: Rakshin Kandola

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau (Absent)

ALSO PRESENT: Sonia Erichsen, Manager (Director of Planning’s Representative)

1948 Sasamat Place – Board Minutes and Decision

Appeal Section:	573(1)(a) Appeal of Decision – DP Refusal
Legal Description:	Lots 4 of 4, Block 138, District Lot 540 and Plan 6258
Lot Size:	Irregular site (Lot Area = 7,674 sq. feet)
Zone:	R1-1
Related By-Law Clause:	Sections 3.2.2.6 (Minimum Rear Yard Depth) and 3.2.2.9 (Building Depth requirements)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00774 and a request to permit interior and exterior alterations with improvements to this existing two-storey plus basement, single-family dwelling located on an inside with a lane site (Note: An existing 10.0 ft. wide lane and does not seem to be accessible by vehicle).

Scope of work includes: Lifting the house by approx. 1'-3" and to lower the basement slab to achieve an approx. 10.0 ft. ceiling height, adding an addition to the Northeast portion of existing house, adding new windows, with a roof-finishing material change from existing cedar shingles to metal roofing, and alterations to the existing deck with the installation of a new hot tub.

Development Application No. DP-2023-00774 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 proposed scope of work does not conform to R1-1 District Schedule (Sections 3.2.2.6 and 3.2.2.9).

Technical Information:

Required Rear Yard:	39.61 Feet
Existing non-conforming:	16.66 Feet
Proposed:	14.50 Feet [As per DP-2023-00774.]

Permitted Building Depth: 30.81 Feet
Existing non-conforming: 44.00 Feet
Proposed: 39.50 Feet [As per DP-2023-00774.]

Discussion:

Alex Glegg (Architect) and David Humphrey (Owner) 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. Erichsen's initial comments were that this is an appeal of decision and was refused based on rear yard reducing to 14.50 feet (from 16.66 feet – existing non-conforming) and a proposed building depth to 39.50 feet (a reduction from 44.00 feet, but still over the maximum allowance at 30.81 feet for this site). The Director of Planning is unable to relax the rear yard and building depth and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received four (4) letters in support with one (1) letter in opposition from 4439 West 4th Avenue, and with one (1) letter of concern regarding the overall height from 1990 Sasamat Place.

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.

In response to a question from the Board Chair, and Ms. Erichsen confirmed that the overall height will be in compliance with the overall height provisions. The maximum permitted height for this site is at 9.50m or at 31.17 feet, and the proposed height is at 30.94 feet – and therefore, under the maximum height restrictions.

Final Comments:

Ms. Erichsen had no final comments.

The appellant's final comments were that they will be in compliance with the overall permitted height and the final development will meet all other zoning regulations.

This appeal was heard by the Board of Variance on July 16th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00774 and APPROVED interior and exterior alterations with improvements to this existing two-storey plus basement, single-family dwelling located on an inside with a lane site (Note: An existing 10.0 ft. wide lane and does not seem to be accessible by vehicle) and all the scope of work listed and 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:

-The majority of the Board voted 4-0 in support of the appeal and found a site hardship including the age of the house (built in 1941) and the non-conforming setbacks are not in compliance with the current (new) R1-1 By-law regulations.

- The Architect/Designer confirmed that the proposed overall height (at 30.94 feet) will be under the maximum height allowance of 31.17 feet (Maximum height permitted at 9.5m / 31.17 feet).

-The Board received four (4) letters in support with One (1) letter of concern regarding height from 1990 Sasamat Place and one (1) opposition letter from 4439 West 4th Avenue.

1378 East King Edward Street – Board Minutes and Decision

Appeal Section: 573(1)(a) Appeal of Decision – DP Refusal
Legal Description: Lot 27, Block 29, District Lot 391 and 392, and Plan 1561
Lot Size: Lot Area = 4,554 sq. feet
Zone: RT-10N
Related By-Law Clause: Section 4.7 (FSR)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2019-00417 and a request to permit interior and exterior alterations to this existing one-family dwelling.

Scope of work includes: Adding a parking pad to the front yard, interior layout changes to the main floor, increasing the carport area from 12 feet x by 20 feet to 19.83 feet by 20 feet and adding a storage area (165 sq. feet, new floor area), extending the deck with a new covered deck over the carport to 19.83 feet by 20 feet (new floor area) - and increasing the new deck on second floor to full length of building.

Development Application No. DP-2019-00417 was refused for the following reason:

-Non-compliance to Section 4.7 (Floor Space) of the RT-10N District Schedule, and the proposed development does not comply with the regulations of the Zoning and Development Bylaw that affect the site.

Technical Information:

Permitted FSR (RT-10N): 0.60 (2,732 sq. ft.)
Existing: 0.54 (2,448 sq. ft.)
Proposed: 0.65 (2,985 sq. ft.) [As per DP-2019-00417.]
253 sq. ft. or 9 % over maximum permitted
537 sq. ft. or 22 % over existing

Discussion:

Edward Palad (Designer) and Stavros Tsiodras (Owner) 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. Erichsen's initial comments were that this is an appeal of decision and was refused for the overall FSR to 0.65 (65%). The work without permit additions includes the extension of the existing sundeck plus the cover over the sundeck, and also a storage area within the attached carport area at this site. The Director of Planning does not have the authority to relax floor area, and also not in support of the appeal. They will defer to the Board for their decision.

The Board Chair stated that the Board's site office received seven (7) 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.

In response to a question from the Board Chair, and Ms. Erichsen confirmed that both the storage area within the carport area and the attached carport area - has been counted in the overall FSR to 0.65 (65%) and the overall FSR overage exceeds the maximum permitted 60% by approx. 253 sq. feet.

Final Comments:

Ms. Erichsen had no final comments.

The appellants had no final comments.

This appeal was heard by the Board of Variance on July 16th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2019-00417 and APPROVED interior and exterior alterations to this existing one-family dwelling and all the scope of work listed and 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:

- The majority of the Board voted 4-0 in support of the appeal and found a site hardship including the non-conforming setbacks that is not in compliance with the RT-10N By-law regulations.
- The Architect/Designer confirmed that the overall FSR (floor area) is at 0.65 / 65% and approx. 253 sq. feet over the maximum allowance.
- The Board received seven (7) letters in support with no opposition to this appeal.

On July 16th, 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:**

16 East 63rd Avenue - This appeal was heard by the Board of Variance on July 16th, 2024 and was ALLOWED, thereby granting a zoning relaxation of the floor area (density) regulations of the R1-1 District Schedule and APPROVED exterior alterations to this existing one-family dwelling site with a new covered sundeck at the rear of the main floor at this site, and all the scope of work listed and 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. Note: The board's approval is ONLY exclusive to the current owners.

On July 16th, 2024 - The following sites were reviewed by the Board of Variance **for Cannabis License renewals and extensions required for the following sites:**

5707 Main Street (189 Ontario Place) – Cannabis License renewal / extension required.

This appeal was heard by the Board of Variance on July 16th, 2024 and was ALLOWED, thereby granting an extension and approved the Cannabis land-use at this site (at 5707 Main Street) for a further period of time (Related to Development Application No. DP-2021-00008), and subject to the following conditions:

- (1). that the approval is for the exclusive use of “Pineapple Exchange Cannabis II Corp.” and shall be operated by Erica Priatel and Rola Priatel and doing business as (DBA): "Main & 41 St. Cannabis”;
- (2). that the Board granted a limited-time approval and expires on October 25th, 2027 and the Board may grant an extension to the time limit on or before October 25th, 2027;
- (3). that the approved hours of operation shall be from 10:00 AM to 11:00 PM (Seven Days a week) in accordance with the Board’s new decision on July 16th, 2024; 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.

8602 Granville Street – Cannabis License renewal / extension required.

This appeal was heard by the Board of Variance on July 16th, 2024 and was ALLOWED, thereby granting an extension and approved the Cannabis land-use at this site (at 8602 Granville Street) for a further period of time (Related to Development Application No. DP-2020-00655) and subject to the following conditions:

- (1) the approval is for the exclusive use of “Nova Cannabis Stores Limited Partnership” and shall be operated by Marcie Kiziak (CEO) and Cameron Sebastian (VP) and doing business as (DBA): “Value Buds”.
- (2) the Board granted a limited-time approval and expires on: August 09th, 2027;
- (3) the Board may grant an extension on/or before the expiry date: August 09th, 2027;
- (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.

On Jul 16th, 2024 - The following sites were **NOT** reviewed by the Board of Variance and were adjourned.

- 4458 James Street

- 138 West 12th Avenue

- 7190 Oak Street