

**BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES**

DATE: Tuesday, July 19th, 2022 (Appeals adjourned from June 2022)

TIME: 1:15 PM

PLACE: City Townhall, Main Floor, City Hall

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PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Matthew Naylor

Namtez Sohal

ABSENT: Simona Tudor

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Sonia Erichsen, Manager

Joe Bosnjak, Supervisor

## **944 Semlin Drive – Board Minutes and Decision**

Appeal Section:	573(1)(a) & 573(1)(b) - Appeal of Regulation & Decision
Legal Description:	Lot C, Block 19, District Lot 264A and Plan 3370
Lot Size:	Lot Area = 2,653.50 sq. feet
Zone:	RT-5
Related By-Law Clause:	Sections 4.6 (Rear Yard), 4.7 (FSR), 4.8 (Site Coverage) And Section 4.16 (Building Depth).

### Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2020-00181 and a request to permit exterior and interior alterations to add a new cover over the existing rear deck and to remove the existing washroom from the second floor of this existing one family dwelling with secondary suite on this inside without lane site.

Development Application No. DP-2020-00181 was refused for the following reasons:

- Non-compliance – Section 4.6 (Rear yard) of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site;
- Non-compliance – Section 4.7 (Floor Space of 75%) of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Maximum allowed:	1,990 sq. feet
Existing:	2,011 sq. feet
Proposed:	2,536 sq. feet

- Non-compliance – Section 4.8 (Site Coverage) of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Maximum allowed:	45.00% (1,194 sq. feet)
Existing:	39.60% (1,051 sq. feet)
Proposed:	49.25% (1,307 sq. feet)

– Non-compliance – Section 4.16 (Building Depth) of the RT-5 District Schedule and the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Discussion:

Dawn Mannu 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 overturning the Director Of Planning's decision to provide alteration to a one family dwelling in the RT5 zone as they do not have authority to grant any relaxation in floor area. The Director Of Planning does acknowledge that this is a smaller than standard lot. There had been some deck alteration done a long time ago. This is a character home, which can be afforded certain relaxations, but floor area isn't one of them. The Director of Planning is unable to consider this appeal, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received thirty eight (38) 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:

Mr. Chen's final comments were that the Director Of Planning was unable to support the application due to it's limited capacity in authority. The Director of Planning will defer to the Board for their decision.

The appellant's final comments were that the alley in the back of the house has a garden on both sides. It is inaccessible for a car so she doesn't consider it to be an alley.

This appeal was heard by the Board of Variance on July 19th, 2022 and was ALLOWED, and thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00181 and APPROVED exterior and interior alterations to add a new cover over the existing rear deck at this existing one-family dwelling with a secondary suite on this inside without lane 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.

NOTE: The Board of Variance also confirmed at the meeting that they were supportive of the Owners keeping the exiting washroom on the upper floor – NEW Plans will be required showing the retention of the upper floor washroom, and the new plans must be stamped by the Board of Variance.

Board's summary and decision based on the following:

-There was a site hardship as this lot is less than a standard lot (Lot Area at 2,653.50 sq. feet) and this smaller lot does not have a rear lane (this site has a dedicated rear lane to the City).

-The Board also received 38-Support letters from the surrounding neighbourhood and all accepted the proposed development.

-The Owners confirmed that they will continue working with the City and obtain all the required City's Development – Building permits to the satisfaction of the Director of Planning.

## **3418 Ontario Street – Board Minutes and Decision**

Appeal Section:	573(1)(b) - Appeal of Regulation - Rear Decks
Legal Description:	Lot 12, Block 1, District Lot 628 NW and Plan VAP 689
Lot Size:	Lot Area = 4,938.10 sq. feet (49.48 ft. x 99.80 ft.)
Zone:	RS-7
Related By-Law Clause:	Section 4.16 (Building Depth)

### Appeal Description:

Requesting a relaxation of the Building Depth regulations of the RS-7 District Schedule and a request to permit exterior and interior alterations to add new open decks on the main floor at the rear of this two-family dwelling site.

### Discussion:

Bryn Davidson, 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're seeking additional building depth, the massing will not change. The site hardship is that it is a short lot, and the adjacent property have a very deep building depth. They are asking to go a few feet beyond for a useable deck.

### The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for a relaxation. The appellant is seeking relaxation of the building depth. The Director of Planning is not ready to accept the relaxation, and note that there is a 10 foot lane widening in the future. The Director of Planning is not in support of the appeal, and 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 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 Director of Planning is unable to support the extra relaxation for the deck.

The appellant's final comments were that they're trying to not go over what their neighbours have. They're not changing the permeability. They hope that the appeal will be granted.

This appeal was heard by the Board of Variance on July 19th, 2022 and was ALLOWED, and thereby granting a relaxation of the Building Depth regulations of the RS-7 District Schedule and APPROVED exterior and interior alterations to add new open decks on the main floor at the rear of this two-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 Board found a site hardship and this lot is less than a standard lot (Lot Depth is 99.80 feet), and not a typical standard lot at 122 feet in lot depth.

-The Board accepted this development proposal (Passive House design – with a net zero design).

-The Board also did NOT receive any concerns (no comments) from the surrounding neighbourhood.

-The Owners confirmed that they will continue working with the City and obtain all the required City's Development – Building permits to the satisfaction of the Director of Planning.

## **493 Davie Street – Board Minutes and Decision**

Appeal Section:	573(1)(a) - Appeal of Decision (New Cannabis Store)
Legal Description:	Lot 196, District Lot 541 and Plan LMS 2174
Lot Size:	Irregular site
Zone:	DD (Downtown District)
Related By-Law Clause:	Section 11.6

### Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00140 and a request to permit interior alterations and to change the use of approximately 647 sq. ft. from a Barber Shop to a Cannabis Store, in this existing mixed-use building on this site.

Development Application No. DP-2022-00140 was refused for the following reasons:

- The proposed development does not satisfactorily comply with the policies or guidelines that affect this site.
- Objections have been received from neighbouring property owners.

### Discussion:

Nirun Sivananthan and Nicolas Dell 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 are looking to provide services that is compliant with the law.

### The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is an appeal to refuse a permit due to distancing from school. They are within 300 meters from 2 community centers, and 1 private academy. They are also within 300

meters from 3 cannabis stores that are operational. 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 no (0) letter in Support and eight (8) 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 in the area attended the meeting) is not in support of the appeal

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Final Comments:

Mr. Bosnjak's final comments were that the application was refused due to the distance from the community centers and other cannabis stores. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that they're looking to upgrade the area by providing services to the neighbourhood.

**This appeal was heard by the Board of Variance on July 19th, 2022 and was DISALLOWED.**

Board's summary and decision based on the following:

-The Board voted 2-2 and did not have a majority to support this appeal, and therefore the appeal was disallowed without a majority.

-The Board accepted the City's presentation with distances to nearby schools, community centers and also to other approved Cannabis Stores – at less than 300m to this site:

- (1). 153m to the Gathering Community Center
- (2). 240m to the Roundhouse Community Center
- (3). 260m to Clear Academy School (Private School)
- (4). 123m to another (approved) Cannabis Store – Dutch Love Cannabis Store
- (5). 191m to another (approved) Cannabis Store – Yaletown Cannabis Store
- (6). 239m to another (approved) Cannabis Store – Choom Cannabis Store