

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, June 20th, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Peter Gee

Namtez Sohal

Alexander Ray

ABSENT: Rakshin Kandola

ABSTAINED: Alexander Ray (Mr. Ray declared a ‘conflict of interest’ for the site address at 845 West 20th Avenue, as he lives half-block away from this site)

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager

Sonia Erichsen, Manager

Joe Bosnjak, Supervisor

2278 West 15th Avenue (Duplex site) – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Prior to conditions)
Legal Description:	Lot A, Block 463, District Lot 526 and Plan BCP 28984
Lot Size:	Lot Area = 6,247.50 sq. feet
Zone:	RT-7
Related By-Law Clause:	Accessory Building Area (Section 3.1.1.1), Floor Space Ratio (Section 4.7) and Site Coverage (Section 4.8)

Appeal Description:

Appealing to the Board of Variance to delete Conditions 1.1, 1.2 and 1.3 as outlined in the prior-to approval letter issued under Development Application No. DP-2022-00337 and a request to permit and to validate the existing garage WWOP (work without permits additions) for both sides of garage to enclose surface parking stalls. East side with a lateral rolling vehicle gate complete with man-door, and canopy covering stall.

Condition 1.1 - states that prior to the issuance of the development permit the applicant must be in compliance with Section 2.2.6.(c) - Accessory buildings floor area and Section 3.1.1.1. - Density and Floor Area of the RT-7 District Schedule (Note to Applicant: Area under the awning canopies is included in both Accessory Building and overall floor area calculations. The proposal is over the maximum permitted floor area by approximately 553 sq.ft. Compliance can be achieved by removing the canopies above surface parking stalls).

Condition 1.2 - states that prior to the issuance of the development permit the applicant must be in compliance with Section 3.1.2.5 – Maximum site coverage for all buildings of the RT-7 District Schedule (Note to Applicant: The proposal is over the maximum site coverage by approximately 256 sq.ft.).

Condition 1.3 - states that prior to the issuance of the development permit the applicant must be in compliance with Section 10.10 - Fences of the Zoning and development by-law (Note to Applicant: The fence/wall on the East side of the garage is over the max. allowable height of 1.9m (6 ft.) for fences located on a site boundary as per 10.10.3.).

Technical Information:

Permitted Site Coverage:	0.45 (2,811 sq. ft.)
Existing:	0.40 (2,513 sq. ft.)
Proposed:	0.49 (3,067 sq. ft.) [As per DP-2022-00337.]

Permitted FSR (RT-7): 0.60 (3,749 sq. ft.)
Existing: 0.60 (3,748 sq. ft.)
Proposed: 0.69 (4,302 sq. ft.) [As per DP-2022-00337.]

Discussion:

Domenic Colabraro, Tony Colabraro, Jim McCardle, and Emilia Colabraro 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 unable to drive their vehicle into their garage and get out of the vehicle. There was a neighbor that made a complaint due to them building an awning to park their vehicle underneath.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the Director of Planning had approved this in a prior condition. The floor area is over due to the canopy being built. The Director of Planning is asking the Board to uphold their decision.

The Board Chair stated that the Board's site office received thirty (30) 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. Bosnjak's final comments were that the Director of Planning cannot support the appeal due to the overage in floor space.

The appellant had no final comments.

This appeal was heard by the Board of Variance on June 20th, 2023 and was ALLOWED, thereby DELETING Conditions 1.1 (only) as outlined in the prior-to approval letter issued under Development Application No. DP-2022-00337 and approved to permit and to validate the existing garage WWOP (work without permits additions) for adding an aluminum cover over the surface parking stall (adjacent to the garage), and subject to the following conditions:

(1) that the approval (Aluminum cover over the surface parking area) is only for the half-duplex owned by Domenic Colabraro & Emilia Colabraro in accordance with the Board's decision on June 20th, 2023;

(2) that the Board of Variance granted an allowance of 228 sq. feet as presented by the appellants - Aluminum cover over the surface parking area – and adjacent to the garage owned by Domenic Colabraro & Emilia Colabraro (2278 West 15th Avenue); 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 Board found site hardship to allow this appeal (older home with non-conforming by-laws)

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

-No Opposition from the neighbourhood (from the Board's neighbourhood notices)

-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.

845 West 20th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description:	Lot 23, Block 557, District Lot 472 and Plan 1588
Lot Size:	Lot Area = 4,026 sq. feet
Zone:	RS-5
Related By-Law Clause:	Parking By-law (on-site parking)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00084 and a request to permit a change of use of approximately 1,862 sq. ft. of Single Detached House with Secondary Suite to Child Day Care Facility at this site.

Development Application No. DP-2023-00084 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.
- Objections have been received from neighbouring property owners.

Discussion:

Roshaen Birak and Lisa McCormick 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 feel that they meet the required guideline. There are ample parking on the streets, and they have also asked the City of Vancouver for a loading zone in front of their home. They're directly across a park. They were never notified by bylaws or neighbours about parking concerns, or they would have actioned it immediately. They try to cater to local residents, and most of them either walk or bike or take public transit to drop off or pickup their children.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this appeal is for a change of use from a 8 childcare facility to a 16 childcare facility. This is a conditional use in a RS5 district schedule. It does not meet the parking requirement, as it requires two parking space for drop offs an two for teachers. The Director of Planning cannot support the appeal due to the oppositions received.

The Board Chair stated that the Board's site office received no (0) letter in Support and nineteen (19) 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) is not in support of the appeal

(Family member of a child attends this day-care) is in support of the appeal

(Neighbour in the area) is not in support of the appeal

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Final Comments:

Mr. Bosnjak's final comments were that the RS5 is intended to retain the character of the home. There are concerns with parking from neighbours as well as complaints. The Director of Planning is not in support of the appeal.

The appellant's final comments were that they understand that parking is a headache for everyone. They have changed their contracts where if any parents are being a nuisance to neighbours, they will be asked to leave the childcare center. Their teachers also use public transit.

This appeal was heard by the Board of Variance on June 20th, 2023 and was DISALLOWED.

Note: Mr. Alex Ray (Board Member) abstained and Mr. Ray did not vote on this appeal.

Board's summary and decision based on the following:

The Board of Variance considered an appeal filed by the home owners with a residential daycare at 845 West 20th Avenue. The appellants were aggrieved by the City's Director of Planning decision to deny a development proposal - a request to convert the entire residential home from the currently approved 8-children residential daycare home with a secondary suite into a new 16-children daycare home (8-children on each floor, in a two-storey home with "no residents on-site" in the new proposal).

The Board of Variance members' final decision upheld the City's decision based on the following main reasons:

(1). The development proposal does not meet the intent of the residential (RS-5) zoning by-law. With the new development proposal, there will no longer be any residents living at this proposed residential 16-children daycare home, and the entire home will be converted into a two-storey, daycare facility and this is not in keeping with the intent of the RS-5 District Schedule in this neighbourhood.

(2). Secondly, and the proposed development having a 16-children daycare land-use development will not meet the on-site parking requirements. The appellants are providing one (1) parking space, and the minimum requirement is two (2) on-site parking spaces. The City supported having two (2) staff parking "off-site" (relaxation granted by the City), with a total of four (4) parking stalls required for this new development proposal.

(3). The Board also received written concerns (and also the Neighbourhood attended and spoke in opposition to the appeal). One main concern was regarding traffic congestion and concerns about managing the "drop-off and pick-up times" and how this will impact the residents along the lane (rear of the site), and along West 20th Avenue (front of the house).

(4). Neighbourhood's other inputs - including noise concerns and traffic concerns were submitted to the City's Director of Planning and to the Board of Variance prior to the appeal hearing. And the written comments were disclosed to all parties involved (including the appellants who appealed to the Board of Variance).

At the end of the appeal hearing, and after hearing all the presentations (- from the Appellants, including comments from the Neighbourhood and also from the Director of Planning's Representatives), the Board of Variance did not find a site hardship to overrule or overturn the City's decision.

3319 Point Grey Road – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Building Line)
Legal Description:	Lot 9, Block 4, District Lot 540 and Plan 229
Lot Size:	Irregular site
Zone:	RS-2
Related By-Law Clause:	Zoning By-law (Development beyond the Building Line)

Appeal Description:

Requesting relaxations of the Zoning By-law and permission to provide new development beyond the Building Line (proposed development beyond the building line: a new hot-tub, new patio area, new terraces with new landscaping and new retaining walls) at this existing site.

Discussion:

Clinton Cuddington, 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 looking to rebuild the house similar to what was originally there, and to make it better than what it was.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal of development beyond the building line on the North side of the property. The Director of Planning does not have authority to approve beyond the building line, and will defer to the Board for their decision. However, it is noted that this is a favorable appeal.

The Board Chair stated that the Board's site office received seven (7) letters in Support and one (1) 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 likes these improvements and what they're doing with cliff stabilization. They are not concerned with this appeal.

The appellant's final comments were that they're committed to improving the shore.

This appeal was heard by the Board of Variance on June 20th, 2023 and was ALLOWED, thereby granting a relaxation of the Zoning By-law and granting permission to provide new development beyond the Building Line (proposed development beyond the building line: a new hot-tub, new patio area, new terraces with new landscaping and new retaining walls), 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 Board found site hardship to allow this appeal (to allow "development" beyond the building line)
- Appellants are required to meet the City's design approval and to the satisfaction of the Director of Planning
- The Board received no Opposition letters from the neighbourhood (from the Board's neighbourhood notices).
- 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.

4317 - 4319 Fraser Street – Board Minutes (Amendment request for a ‘Name-change’)

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis 'Name-Change')

Legal Description: Lot 6, Block 391, District Lot 391 & 392 and Plan VAS 2378

Lot Size: Irregular Lot.

Zone: C-2

Related By-Law Clause: Section 11.28

Appeal Description:

Amendment request for adding and updating a name on the previously approved cannabis store. Previous board decision (below) and requesting an amendment to condition 1.0 and a ‘name-change’ to the previously approved Cannabis Land-use approval on November 16th, 2021.

Board of Variance History:

On November 16th, 2021 the Board of Variance ALLOWED this appeal, and thereby granting an extension and approved the cannabis use for a further of time (limited-time extension approved), and subject to the following conditions:

- (1) the approval is for the exclusive use of “4317 Fraser Street Operations Ltd.” and shall be operated by Brayden Taekema and doing business as (DBA): “EDEN”. (Note: the lease agreement with the Landlord is: 4317 Fraser Street Operations Ltd. (DBA: EDEN).
- (2) the Board granted a limited-time approval and expires on: April 30th, 2025;
- (3) the Board may grant an extension on/or before the expiry date: April 30th, 2025;
- (4) the Board approved the hours of operations from 10:00 AM - 10:00 PM (Seven days a week); and
- (5) 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:

Suthakaran Nadarajah and Muhammad Shaukad 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 appeal is in regards to DP-2019-00575 – BOV Appeal Z35565 heard by the Board of Variance on January 14, 2020 and DP-2020-00254 – BOV Appeal Z35702 heard by the Board of Variance on November 17, 2020 and is requesting a name change for condition 1 of both BOV decisions. 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 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 they're looking an extension of 10 years, as they are interested in purchasing the building.

This amendment request for adding a new name to the previously approved appeal was reviewed by the Board of Variance on June 20th, 2023 and was accepted and ALLOWED, thereby granting an amendment to condition 1.0 and approved the 'name-change' and subject to the following conditions:

- (1) the approval is for the exclusive use of "Kansas Enterprises Franchises Ltd." and shall be operated by Suthakaran Nadarajah and doing business as (DBA): "The Local Leaf Cannabis";
- (2) the Board granted a limited-time approval and expires on: April 30th, 2025;
- (3) the Board may grant an extension on/or before the expiry date: April 30th, 2025;
- (4) the Board approved the hours of operations from 10:00 AM - 10:00 PM (Seven days a week); and
- (5) 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.

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

-241 Renfrew Street

-2264 Ferndale Street

-2509 West 33rd Avenue

The following sites were updated (as requested by City departments).

-1676 East 10th Avenue (Store name updated as required by the Licensing department)

-3158 – 3168 East 54th Avenue (Store name updated as required by the Licensing department)