



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, March 12th, 2024

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Namtez Sohal

Rakshin Kandola

Peter Gee

Alexander Ray

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager (Director of Planning’s Representative)

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

Joe Bosnjak, Supervisor (Director of Planning’s Representative)

2883 Point Grey Road – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Building Line)
Legal Description:	Lot 4, Block 24, District Lot 192, Group 1NWD, and Plan EPP 52823.
Lot Size:	Irregular site
Zone:	RT-2
Related By-Law Clause:	Section 14.3 (Development beyond the 'Building Line')

Appeal Description:

Requesting a relaxation of the Zoning & Development By-law for development beyond the 'Building Line' on the north side of the site at 2883 Point Grey Road.

Proposed development beyond the 'Building Line': New landscaping with grade-changes, two (2) new patio areas, a new wooden pathway/walkway with concrete/stone steps and permeable areas (with sand and gravel) at this existing two-family dwelling site. Note: Related to an approved Development Permit (DB-2023-00793).

Discussion:

Otto Schaffner, Pip Willis, Chris Hatty, and Karin Hers-Schaffner 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 mindful of the environment and believes this will be beneficial.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for building beyond the building line on the North side of the property. The Director of Planning does not have authority to approve anything beyond the building line. This was brought to the attention by way of complaint. The Director of Planning will defer to the Board for their decision.

The Board Chair stated that the Board's site office received four (4) 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 development permit application was submitted last year, it's been completed and the Director of Planning is satisfied.

The appellant had no final comments.

This appeal was heard by the Board of Variance on March 12th, 2024 and was ALLOWED, thereby granting a relaxation of the Zoning & Development By-law for development beyond the 'Building Line' on the north side of the site at 2883 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:

-the Director of Planning's Rep. (Tony Chen attended and spoke to the appeal) – and stated that the City is unable to relax and/or approve the proposed development beyond the 'building line' at this site. Therefore, the Board of Variance must consider this zoning relaxation.

-the majority of the board members (5-0) voted in support of the development proposal – after reviewing the appeal submission including photos and the current site plan and accepted the submission as presented at the appeal hearing on March 12th, 2024.

-the board's site office received support letters signed by owners from 2871 Point Grey Road, 2891 & 2893 Point Grey Road, and 2897 Point Grey Road and with 'no opposition' from the neighbourhood.

-Owner's agent 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.

3007 Crown Street – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Crawlspace conversion)
Legal Description:	Lot A of Lot 2, Block 166, District Lot 540 and Plan 4498
Lot Size:	Lot Area = 3,712.60 sq. feet
Zone:	R1-1
Related By-Law Clause:	Section 3.1.1 (Density and FSR / Floor Area)

Appeal Description:

Requesting a relaxation of the Floor Space Ratio (FSR) regulations of the R1-1 District Schedule and a request to convert the crawlspace area into new habitable living space within the basement of this existing one-family dwelling site. Note: Existing floor area was approved to the maximum allowable 0.60 (FSR) at 2,227 sq. feet (Related to DB426919, and the permit was issued in November 2007).

Technical Information:

Permitted FSR (R1-1):	0.60 (2,228 sq. ft.)
Existing (DB426919):	0.60 (2,227 sq. ft.)
Proposed:	0.74 (2,747 sq. ft.) [Planning staff's review (POSSE).]

519 sq. ft. or 23 % over maximum permitted (Outright)

520 sq. ft. or 23 % over existing

Discussion:

Brock Gill and Kerry Williams 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 letters of support from their neighbours. This was built in 2009. It showed the basement existed before 2014.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is an appeal of regulation. The permit was issued in November 2007, before any basement was built. Regardless of all the changes, there is a limit of floor area,

and they're currently maxed out. There is no visible impact to the bulk and massing. The Director of Planning does not have authority to relax the floor area, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received two (2) 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 had no final comments.

This appeal was heard by the Board of Variance on March 12th, 2024 and was ALLOWED, thereby granting a relaxation of the Floor Space Ratio (FSR) regulations of the R1-1 District Schedule and APPROVED the conversion of the crawlspace area into new habitable living space within the basement of this existing one-family dwelling site, 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 of Variance did find a site hardship with the changing of the RS-1 to the R1-1 by-law (in 2023) with the overall floor area now allowing a maximum allowance to 0.60 (60%) FSR – and previously the City permitted a maximum allowance to 0.75 (75%) FSR. Therefore, the Board of Variance accepted this development proposal with a proposed FSR to 0.74 (74%) FSR. As well, the conversion of the crawlspace area was built by the previous Owners and this current purchased the proposed with all the work completed. The intended use in the additional area in the basement will be for family-use only – and not a proposed Secondary suite at this site.

-the majority of the board members (5-0) voted in support of the development proposal – after reviewing the appeal submission and accepted the submission as presented at the appeal hearing on March 12th, 2024.

-the board received two (2) support letters with no opposition from the neighbourhood.

-Owner's agent 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.

609 East Broadway (601 East Broadway)– Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (<u>New Cannabis Store</u>)
Legal Description:	Lot E, Block 119, District Lot 264A and Plan VAP 20488
Lot Size:	Irregular site
Zone:	C-2C
Related By-Law Clause:	Cannabis By-law

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00761 and a request to permit interior alterations and a change of use from a Small-Scale Pharmacy to a new Cannabis Retail Store at this site. Note: The Appellants are asking to the board to consider a re-location of an existing approved Cannabis Store (Provincial and City approved cannabis store) at 719 East Broadway to this location at 609 East Broadway. Development Application No. DP-2023-00761 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 development does not satisfactorily comply with the policies or guidelines that affect this site.
- Objections have been received from neighbouring property owners.

Board of Variance History:

A previous appeal was filed by another appellant (Ms. Joyti Gandham) and the appeal was DISALLOWED by the Board of Variance on May 07th, 2019. Related to 603 (609) East Broadway (Cannabis Retail Store).

Appealing the decision of the Director of Planning who refused Development Application No. DP-2018-00972 and requesting to change the use of approximately 1,093.0 square feet from an existing Retail Store to a new Retail Cannabis Store.

Development Application No. DP-2018-00972 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 design with regard to this conditional approval use is unsatisfactory at this location.
- Objections have been received from neighbouring property owners.

Discussion:

John Olan, Robert Howes, Spencer Howes, and Rebecca Hardin 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 their original store was burnt down, and was a fully permitted cannabis store. They're looking to relocate 120 meters from the original store.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this application was refused due to being within 300 meters from multiple Elementary Schools, as well as the Neighbourhood House. 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 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's final comments were that the Director of Planning would like the Board to uphold their decision.

The appellant's final comments were that they have full support from the BIA, and are just looking to relocate from a store that was burnt down.

This appeal was heard by the Board of Variance on March 12th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00761 and APPROVED interior alterations and a change of use from a Small-Scale Pharmacy to a new Cannabis Retail Store at this site, and subject to the following conditions:

(1) that the approval is for the exclusive use of operators 'Robert Howes, Spencer Howes & John Olan' and operating under "Pineapple Exchange Cannabis Corporation", and doing-business-as (DBA): "Generation Cannabis"; and

(2) that the Appellants MUST close the Cannabis Site Store at 719 East Broadway – and CANCEL the related Development Permit (DP-2020-00854) related to 719 East Broadway;

(3) that the Board granted a limited-time approval of one (1) year and expires on March 12th, 2025 and the Board may grant an extension to the time limit on or before March 12th, 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 Board of Variance did find a hardship and allowed the Cannabis operators from 719 East Broadway to re-locate to the new location at 609 East Broadway and overturned the City's refusal under DP-2023-00761. The board considered the appellant's hardship with their approved Cannabis Store at 719 East Broadway permanently 'closed due to a fire on March 2023'. The Appellants did obtain the Provincial approval and obtained the City's Cannabis License to operate at 719 East Broadway.

-the majority of the board members (5-0) voted in support of the re-location from 719 East Broadway to 609 East Broadway (Exclusive use only to 'Generation Cannabis' – and with a 'limited time approval of one-year', noting that they are required to obtain the Provincial approval and the City's Cannabis License as part of the approval on March 12th, 2024. The Appellants stated that they do have a 'tentative approval' from the Province prior to the Appeal Hearing.

-the board also received over 240+ support letters with four (4) opposition letters from the neighbourhood. The local BIA also supported the re-location to 609 East Broadway.

On March 12th, 2024 - The following site (appeal) was NOT heard by the Board of Variance

- Unit 514 – 555 Abbott Street. The appeal was 'Struck from the record' on March 12th, 2024 by the board on March 12th, 2024.