



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, May 21st, 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

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)

2815 Point Grey Road – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Building Line)
Legal Description:	Lot B, Block 24, District Lot 192 and Plan 10976
Lot Size:	Irregular site (Lot Area = 32,580 sq. feet)
Zone:	RT-2
Related By-Law Clause:	Building Line (Development beyond the building line)

Appeal Description:

Requesting a relaxation of the Zoning & Development By-law and permission to add new development on the North portion of this existing site at 2815 Point Grey Road. Scope of work includes – a swimming pool, a hot tub, new landscaping and new stepped terraces and new patio areas as shown on the architectural plans as submitted.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

Discussion:

Russell Hollingsworth, Paul Sangha, Scott Christie, Bruce Clark, and Jacqui Cohen 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 this project had been in the works for some time as they renovated it four years ago. They're trying to rebuild the house with the existing footprint. They're looking to add green space in the plan.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal of the building line on the foreshore of English Bay. The Director of Planning does not have authority to consider anything beyond the building line, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received ten (10) 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.

Final Comments:

Mr. Chen's final comments were that this is a development beyond the building line, which the Director of Planning does not have the authority to relax.

The appellants had no final comments.

This appeal was heard by the Board of Variance on May 21st, 2024 and was ALLOWED, thereby granting a relaxation of the Zoning & Development By-law and permission to add new development on the North portion of this existing site at 2815 Point Grey Road. Scope of work includes – a new swimming pool, a new plunge pool, new landscaping and new stepped terraces and new patio areas as shown on the architectural plans as submitted, 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 accepted the Owner's development proposal and voted 4-0 in support of the new proposed changes on the North-end of the property and granted a zoning relaxation for development beyond the building line. New development includes: a new swimming pool (infinity pool) ranging from 2.0 feet to 4.0 feet (max. 4.0 feet depth pool), new plunge pool with new stepped terrace and patio areas.

-The Director of Planning was unable to relax the development beyond the building line, but was in support of the proposed design with minimal impact to the adjacent neighbours and further stated that the City supports the proposed foreshore preservation.

-No opposition from the neighbourhood with ten (10) Letters of Support from the adjacent property owners.

Unit #3306 – 688 Abbott Street – Board Minutes and Decision

Appeal Section:	573(1)(b) Appeal of Regulation – Additional Floor Area
Legal Description:	Strata Lot 457, District Lot False Creek and Plan BCS 2313
Lot Size:	Irregular site
Zone:	CD-1 Site (#265, from 2009)
Related By-Law Clause:	Section 7 (Floor Area and Density)

Appeal Description:

Requesting a relaxation of the Floor Area and Density regulations of the CD-1 site (#265, from 2009) and a request to convert approx. 66.0 sq. feet of the existing approved solarium into new habitable floor area within this Unit #3306 at 688 Abbott Street.

Note: The proposal has been reviewed only for the By-law sections noted above. A technical check has not been done for any other aspect.

Discussion:

Kate Wong and Shawn Weber 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 since they both work from home, they're looking for a place with more floor area and more space for themselves.

The Director of Planning's Representative

Mr. Chen's initial comments were that there is an appeal of floor area in the CD1 zone, which cannot be heard by the Director of Planning or Board of Variance. They recommend this appeal be struck from the appeal, or adjourned. This is a text amendment through Council.

The Board Chair stated that the Board's site office received eighteen (18) 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.

Final Comments:

Mr. Chen's final comments were that a text amendment is the protocol, as well as a development application.

The appellant's final comments were that they're looking to have family move over from overseas, and would like the support of the Board to grant the appeal.

This appeal was heard by the Board of Variance on May 21st, 2024 and was DISALLOWED.

Requesting a relaxation of the Floor Area and Density regulations of the CD-1 site (#265, from 2009) and a request to convert approx. 66.0 sq. feet of the existing approved solarium into new habitable floor area within this Unit #3306 at 688 Abbott Street.

Board's summary and decision based on the following:

-The Director of Planning's representative (Mr. Tony Chen) requested the board to 'strike the appeal' from the record since this is a CD-1 site and a CD-1 Text Amendment was recommended to the appellants. The City's Director of Planning Rep. further stated that the solarium area was excluded from the overall density (approved) calculations by City Council, and the removal of a glass entry doorway is not what the City approved back in 2009. The City's rep. asked the board not to accept this appeal and uphold the original approved design.

-The majority of the Board members did NOT accept the Owners' development proposal and voted 2-2 (and without a majority of votes), this appeal was denied (and 'disallowed'). The majority of the board members did not find a site hardship to warrant a zoning relaxation and therefore disallowed the appeal.

OPTIONS for the Owners:

-The owners can seek a CD-1 Text Amendment as suggested by the City on May 21st, 2024.

-The owners can install the glass-entry door back to match the original City's approval from 2009 – and work with the City to meet this requirement.

2043 Collingwood – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (DP-Refusal)
Legal Description:	Lot B, Block 28, District Lot 540 and Plan VAP 4301
Lot Size:	Lot Area = 3,594 sq. feet.
Zone:	RT-7
Related By-Law Clause:	Sections S.4.8.1 (Site Coverage), S.4.16.1 (Building Depth), S.4.18.1 (Number of Dwelling Units), and Parking By-law No. 6059.

Appeal Description

Appealing the decision of the Director of Planning who refused Development Application No. DP-2019-00521 and a request to alter and convert this existing three-unit building to a multiple conversion dwelling containing five (5) dwelling units with an attached garage, and providing two (2) parking spaces having vehicular access from the lane.

Development Application No. DP-2019-00521 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 comply with the intent statement set out in the District Schedule of the Zoning and Development Bylaw.
- The proposed development does not satisfactorily comply with the policies or guidelines that affect this site.
- The proposed design with regard to this conditional approval use is unsatisfactory at this location.
- Objections Received; objections have been received from neighbouring property owners.
- The proposed use is unsatisfactory at this location.
- The proposed development does not satisfactorily comply with the criteria for relaxation as set out in the District Schedule.
- There are insufficient peculiarities of site or development to warrant the relaxation of the off-street parking facilities.
- Any further applications made to the City must be prepared in a clear and concise manner, explicitly showing the proposed development with all the necessary and relevant information.

Technical Information:

Permitted Site Coverage: 1,617 Sq. feet

Proposed: 1,860 Sq. feet [As per DP-2019-00521.]

Permitted Building Depth: 31.48 Feet

Proposed: 66.65 Feet [As per DP-2019-00521.]

Maximum permitted Dwelling Units: 3.0 Units

Existing: 3.0 Units

Proposed: 5.0 Units [As per DP-2019-00521.]

Discussion:

John Ho and Engram Zhuang 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 would like to keep the existing 5 dwelling units with a attached garage, with 2 parking spaces.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to converting 5 dwelling units. This was work without permit. The Director of Planning refused this due to regulation, policies, objections received, parking, and unsatisfactory drawings. There are also concerns of safety for the building. The Director of Planning is not in support of this appeal.

The Board Chair stated that the Board's site office received (0) 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.

Final Comments:

Mr. Bosnjak's final comments were that this was based on a 2019 bylaw. This was a work without permit, there are safety concerns within the building, and the Director of Planning is asking the Board to uphold their decisions.

The appellant's final comments were that he is looking to help the homeless people by providing more units to the public.

This appeal was heard by the Board of Variance on May 21st, 2024 and was DISALLOWED.

Appealing the decision of the Director of Planning who refused Development Application No. DP-2019-00521 and a request to alter and convert this existing three-unit building to a multiple conversion dwelling containing five (5) dwelling units with an attached garage, and providing two (2) parking spaces having vehicular access from the lane.

Board's summary and decision based on the following:

-The Board members did NOT accept the Owners' development proposal and voted 4-0 in opposition to the appeal). The majority of the board members did not find a site hardship to warrant a zoning relaxation and therefore disallowed the appeal.

62 West 11th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (DP-Refusal)
Legal Description:	Lot H, Block 37, District Lot 302 NWD and Plan VAP 22598
Lot Size:	Lot Area = 6,147.90 sq. feet.
Zone:	RT-6
Related By-Law Clause:	Section 4.7 (FSR, Floor Area)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00248 and a request to permit interior alterations to include excavation of existing crawl-spaces to be full height with interior accessed residential storage. Three (3) crawlspaces in existing MCD and One (1) crawl space in existing 1FD Infill for an approximate additional of 1330.61 sqft of floor space in total for the site.

Scope of work includes - Converting the existing crawl space into walk-in storage for 62,64,66 & 68 West 11th Scope will involve removal of current cement layers and excavation of space to create new walk-in storage spaces.

Development Application No. DP-2022-00248 was REFUSED for the following reason:

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

Non compliance with floor area and floor space ratio as per section 4.7 of the RT-6 District Schedule; (Note: As per DE20997 Development Permit to construct 3 Unit MCD and Single Family Infill Dwelling issued 1990.02.06, the site is at max 0.75 FSR (4,613 sq. feet).

Proposal would push project over max allowable FSR for the site by approximately 1,330.01 sq. feet).

Discussion:

George Petrellis, Peter Yee, and Konstantin Nikolaou 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 convert a crawlspace into a into residential storage.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is in regards to provide excavation of a existing crawlspace to be full height with interior residential storage. The Director of Planning refused this due to regulations, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received (0) 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.

Final Comments:

Mr. Bosnjak's final comments were that the Director of Planning refused this due to regulations.

The appellant's final comments were that they're trying to accommodate how people are living today.

This appeal was heard by the Board of Variance on May 21st, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00248 and APPROVED interior alterations to include excavation of existing crawl-spaces to be full height with interior accessed residential storage. Three (3) crawlspaces in existing MCD and One (1) crawl space in existing 1FD Infill for an approximate additional of 1,330.61 sq. ft of floor space at this site, and subject to the following conditions:

- (1) that the approved new storage rooms shall ONLY be used for storage use – and cannot be used as living space (or habitable area) at any time in the future in accordance with the board's decision on May 21st, 2024; and
- (2) 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 was unable to relax and/or support the excess floor area with the proposed conversion of crawlspace area into new storage areas. The proposed 1,330 sq. feet exceeds the maximum allowance of 0.75 FSR.

-The Board accepted the Owner's development proposal and voted 3-0 in support of the new proposal of allowing storage areas (from the conversion of the crawlspace areas) at these units. The board further noted that the approved storage areas can ONLY be used as storage and cannot be used as living space at any time in the future. The board also noted no opposition from the neighbourhood.

4212 Windsor Street – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Crawlspace conversion)
Legal Description:	Lot 2, Block 28, District Lot 391 & 392 and Plan VAP 2344
Lot Size:	Lot Area = 3,481.50 sq. feet
Zone:	R1-1
Related By-Law Clause:	Sections S.2.2.1 (FSR, Floor Area).

Appeal Description:

Requesting a relaxation of the Floor Space Ratio regulations of the R1-1 District Schedule and a request to permit interior alterations and to convert the existing crawlspace area into new habitable area (new living space) at this existing one-family dwelling site (Related to Development Application No. DB-2024-00224).

The proposed floor area (FSR) exceeds the maximum permitted:

- Permitted FSR: (0.60) 2,090 sq. ft.
- Existing FSR: (0.60) 2,069 sq. ft.
- Proposed new FSR: (0.73) 2,532 sq. ft.

Note: The proposed floor area is approx. 442 sq. feet over the maximum FSR allowance.

Discussion:

Sarah Mulhall, Michelle O'Connor, and Tim O'Connor 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 regulation. The appellants are looking to convert a crawlspace into a livable space. The Director of Planning is unable to relax floor area, 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 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.

Final Comments:

Ms. Erichsen had no final comments.

The appellant had no final comments.

This appeal was heard by the Board of Variance on May 21st, 2024 and was ALLOWED, thereby granting a relaxation of the Floor Space Ratio regulations of the R1-1 District Schedule and APPROVED interior alterations and to convert the existing crawlspace area into new habitable area (new living space) at this existing one-family dwelling site (Related to Development Application No. DB-2024-00224), 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 was unable to relax and/or support the excess floor with the conversion of the crawlspace area into new living space. The proposed development exceeds the maximum allowance at 0.73 FSR (approx. 442 sq. feet over the maximum allowance for this site).

-The Board accepted the Owner's development proposal and voted 4-0 in support of the new proposed development at this site.

-The board's site office also received no opposition and four (4) Support letters from the neighbourhood.

371 Columbia Street (Related to: 369 Columbia) – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Store Expansion)
Legal Description:	Lot 18, Block 8, District Lot 196 and Plan VAP 184
Lot Size:	Irregular site
Zone:	DEOD
Related By-Law Clause:	Cannabis Land-use by-law

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00066 and a request to permit a change of use by expanding an existing Cannabis retail store (369 Columbia) into the adjacent vacant (retail) space (371 Columbia) in this existing mixed use building on this site. Proposed operating hours are from 9am to 11pm, 7 days a week.

Development Application No. DP-2024-00066 was REFUSED for the following reason:

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

Board of Variance History:

This Cannabis Store 'Name-change' (a new Cannabis operator) request was APPROVED on December 06th, 2022 - and related to Development Application No. DE419361. Previously approved by the Board of Variance on May 04th, 2016 (Original Cannabis Land-use approval), and subject to the following conditions:

- (1) that the approval is for the exclusive use of the main operator (name): Richard Yendell and operating under "1385725 BC LTD.", and doing-business-as (DBA): "Eastside Cannabis".*
- (2). that the new Cannabis operators shall continue to work with the neighbourhood and this includes having good communications with the Chinese Cultural Centre and the Vancouver Chinatown Business Improvement Association in accordance with the Board of Variance's original decision on May 04th, 2016; 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 of Variance history at 369 Columbia Street Site:

This appeal was heard by the Board of Variance on May 04th, 2016 and was ALLOWED, thereby granting a relaxation of Section 11.28.2(b) of the Zoning and Development By-law (under Section 11, Additional Regulations) and a request to change the use of the existing space to a Medical Marijuana Related-Use at this site (reviewed under preliminary Development Application No. DE419361), subject to the following conditions:

- (1) that operators of Farm Dispensary continue to work with the neighbourhood and this includes having good communications with the Chinese Cultural Centre and the Vancouver Chinatown Business Improvement Association in accordance with the Board of Variance's decision on May 04th, 2016; and*
- (2) 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:

Ian Dawkins and Aneal Galbaransingh 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 this was a paperwork issue. They purchased the store from a previous owner, where they didn't apply for a permit. They're looking to renew the variance so they can complete the procedure. This will not affect the frontage.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following is an appeal to refused Development Permit DP-2024-00066 which is to provide interior alterations and a change of use by expanding an existing Cannabis retail store (369 Columbia) into the adjacent vacant (retail) space (371 Columbia) in this existing mixed use building on this site. Please note there was a previously BOV approval on November 5, 2019. The development permit (DP-2019-00454) was never issued and BOV decision Z35554 expired. The applicant was required to reapply for a new development permit and new BOV appeal.

Following a detailed staff review the application was refused for the following reasons:

This location is within 300 m of Carnegie Community Centre (151.16 m) and Chinese Cultural Centre (96.29 m). The Director of Planning defers to the board for their decision.

The Board Chair stated that the Board's site office received (0) 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.

Final Comments:

Mr. Bosnjak had no final comments.

The appellant's final comments were that the community is in support of this application.

This appeal was heard by the Board of Variance on May 21st, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00066 and APPROVED a change of use by expanding an existing Cannabis retail store (369 Columbia) into the adjacent vacant (retail) space (371 Columbia) in this existing mixed use building on this site. Proposed operating hours are from 9am to 11pm, 7 days a week.), and subject to the following conditions:

- (1) that the approval is for the exclusive use of the main operator (name): Richard Yendell and operating under "1385725 BC LTD.", and doing-business-as (DBA): "Eastside Cannabis".
 - (2). that the new Cannabis operators shall continue to work with the neighbourhood and this includes having good communications with the Chinese Cultural Centre and the Vancouver Chinatown Business Improvement Association in accordance with the Board of Variance's original decision on May 04th, 2016; 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.
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On May 21st, 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:

- **2068 East 49th Avenue.** A relaxation of the Floor Space Ratio regulations of the R1-1 District Schedule and APPROVED interior and exterior alterations and to add a new sundeck enclosure to this existing one-family dwelling site (Related to Development Application No. DB-2022-02459).
- **825 East 37th Avenue.** A relaxation of the Side Yard regulations of the R1-1 District Schedule and APPROVED interior and exterior alterations to the Laneway House with a new carport at 2.0 feet from the property line (Related to Development Application No. DB451752).
- **5945 Victoria Drive.** A relaxation of the Minimum Site Area regulations of the RT-2 District Schedule and APPROVED the construction a new two-family dwelling (a new duplex) at this site.
- **6163 Prince Albert Street.** A relaxation of the Floor Space Ratio regulations of the R1-1 District Schedule and APPROVED interior and exterior alterations to add additional floor area to the second floor and extend the kitchen, and a new 3'4" by 25" deck and stairs at existing single detached house with secondary suite at this existing site.

On May 21st, 2024 - The following sites were NOT reviewed by the Board of Variance and adjourned.

- **833 East 50th Avenue**
- **1230 East 54th Avenue**