

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, May 23rd, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Namtez Sohal

Rakshin Kandola

Alexander Ray

Peter Gee

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Tony Chen, Manager

Joe Bosnjak, Supervisor

2715 Point Grey Road – Board Minutes and Decision

Appeal Section: 573(1)(b) - Appeal of Regulation (Building Line)

Legal Description: Lot 5, Block 1, District Lot 192 and Plan VAP 774

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 spa-tub, new patios, new stepped terraces and stairs with new landscaping), and this existing site.

Discussion:

Jason Tait, Vikas Tanwar, and Paul Sangha 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 made an error with the address for the letters of support. The current bank is undercut, and they're getting slabs off the bank. They would like to stabilize it and improve the condition. The intention of the wall height is for flood construction.

The Director of Planning's Representative

Mr. Chen's initial comments were that this is an appeal for a proposal beyond the building line. There are a lot of preservation of the rocks, which is always a positive thing. The Director of Planning does not have the authority to relax beyond the building line, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received one (1) 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 looks favorably when there are improvements to the foreshore. However, there is nothing they will object to, and will defer to the Board for their decision. The appellant's final comments were that they're trying to not encroach the green space, where the hot tub is being proposed.

This appeal was heard by the Board of Variance on May 23rd, 2023 and was ALLOWED, thereby granting relaxations of the Zoning By-law and approved new development beyond the Building Line (the proposed development beyond the building line includes: a new spa-tub, new patios, new stepped terraces and stairs with new landscaping), at this existing 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 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.

1410 East 49th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (New Cannabis Store)

Legal Description: Lot A, Block 9, District Lot 738 and Plan BCP 40920

Lot Size: Irregular site

Zone: C-1

Related By-Law Clause: Section 11.6 (Cannabis Guidelines)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00911 and a request to permit interior alterations and change of use of approximately 605.0 square feet on the ground floor from Retail Store to a new Cannabis Retail Store in this existing 3-storey plus basement mixed-use building on the site.

Development Application No. DP-2022-00911 was refused for the following reasons:

- Objections have been received from neighbouring property owners.
- 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.

Discussion:

Jack Lloyd and the cannabis operators 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 currently have a store in Castlegar, BC, so they're familiar with how operation works. The lot had been vacant for over a year, and it's prone to break ins due to it being vacant. This is zoned as a commercial space, with ballistic glass built in. The landlord is in support of this appeal.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is to refuse permit for a change of use from a retail use to a cannabis use. There are two buffering failures, they're within 24 meters from Sir Stanford Elementary School, and there is a Youth Center that is across the street, where they treat patients with addictions. They received multiple opposition letters from neighbours. The Director of Planning is not in support of the appeal.

The Board Chair stated that the Board's site office received no (0) letter in Support and fifteen (15) 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 refused this due to distancing to an Elementary School, as well as a Youth Center. They do not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that they canvassed the neighbourhood, and they have received support from the surrounding area.

This appeal was heard by the Board of Variance on May 23rd, 2023 and was DISALLOWED.

Board's summary and decision based on the following:

-The Board did NOT find a site hardship to allow this appeal as the proposed cannabis store is too close to schools and a youth center.

-The Board also received zero (0) Support Letters and fifteen (15) Opposition letters from the neighbourhood (from the Board's neighbourhood notices)

-The Board upheld the City's decision and opposed the appeal.

719 East Broadway – Board Minutes (Amendment request – expiry date extended)

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Renewal)
Legal Description:	Lot 22, Block 118, District Lot 264A and Plan VAP 338
Lot Size:	Irregular site
Zone:	C-2C
Related By-Law Clause:	Section 11.6 (Cannabis Guidelines)

Appeal Description:

Requesting permission to retain the approved Cannabis Land-use for a further period of time and previously approved by the Board of Variance on June 15th, 2021 with a company name-change approved on November 02nd, 2021.

Board of Variance History:

This ‘Cannabis Name-Change’ amendment appeal was ALLOWED by the Board of Variance on November 02nd, 2021.

Relating to: Development Application No. DP-2020-00854 and a request to permit interior alterations and a change of use from Retail to a new Cannabis Retail Store (approximately 546 sq. ft.) in this existing commercial building, 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 Board granted a limited-time approval of two (2) years and expires on June 15th, 2023 and the Board may grant an extension to the time limit on or before June 15th, 2023; 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.

Discussion:

Robert Howes, Spencer Howes, and John Olan 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-2020-00854 and is requesting an extension to condition 2 of the BOV appeal Z35745. 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 eleven (11) 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 had no final comments.

The appellant's final comments were that they have been operating since December, have good reviews, and there had been no complaints or issues.

This amendment request was reviewed by the Board of Variance on May 23rd, 2023 and was accepted and ALLOWED, thereby granting permission to retain the approved Cannabis Land-use for a further period of time – conditions listed below.

Relating to: Development Application No. DP-2020-00854 and a request to permit interior alterations and a change of use from Retail to a new Cannabis Retail Store (approximately 546 sq. ft.) in this existing commercial building, 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 Board granted a limited-time approval of four (4) years and expires on May 23rd, 2027 and the Board may grant an extension to the time limit on or before May 23rd, 2027; 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.

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

-162 East 43rd Avenue

-3118 Windsor Street

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

-348 Water Street (Operator name was updated for the Licensing department)