



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, October 24th, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Peter Gee

Alexander Ray

Namtez Sohal

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

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

Joe Bosnjak, Manager (Director of Planning's Representative)

1148 West 7th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (DP Refusal)
Legal Description:	Lot D, Block 314, District Lot 526 and Plan VAP 3786
Lot Size:	Lot Area = 3,299 sq. feet
Zone:	FM-1
Related By-Law Clause:	Section 4.4 (Zoning & Development By-law)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2022-00861 and a request to permit the installation of a new “plug and play” hot tub on roof deck, adding new guard railing around the roof-deck, and alterations with changes to roof level planting at this existing site.

Development Application No. DP-2022-00861 was refused for the following reasons:

- The proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site.
- Objections have been received from neighbouring property owners.

Discussion:

Elizabeth Mackenzie, Jason Skladan, Julie Trant, and Lance Howitt 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 lived in the property since 1973. The hot tub is for therapeutic use. The process took 5 years to complete. It was a shock when the City refused the proposal after the hot tub was completed. They received a lot of support from their neighbours.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is a refusal to install a hot tub in the top deck, as well as guard rails. They were refused due to policies to guidelines, as well as objections received. The guard rails are impacting the height. They also received objections from neighbours, mainly due to height. 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 twenty eight (28) letters 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.

Nearby resident / owner (1100 West 7th Avenue) is not in support of the appeal.

Final Comments:

Mr. Bosnjak's final comments were that the Director of Planning refused this based on policies and guidelines, and defers to the Board for their decision.

The appellant's final comments were that there was never a step where they had to apply for a hot tub and was rejected.

This appeal was heard by the Board of Variance on October 24th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00861 and approved the installation of a new "plug and play" hot tub on roof deck, adding new guard railing around the roof-deck, and alterations with changes to roof level planting at this existing 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 (voted 4-1 in support of the appeal) and found site specific hardships to warrant a height relaxation for the metal railings to remain as built - and for mobility and safety reasons to allow access to the proposed hot-tub on the upper roof deck (approved for medical reasons).

(Note: Site hardship including the site's sloping-grade, a narrow site and the roof-deck location. The character of this house and the front façade / front streetscape were retained along West 7th Avenue during the development permit stage). The proposed metal hand-rails and glass guard-rails were acceptable by the

board to remain as built on the roof-deck for mobility access and safety reasons. The City's representative also confirmed at the meeting that the 'glass guard railing and hand-rails' are both required under the Building By-law.

-The City also confirmed that hot-tubs are permitted on roof decks, and the main reason for the refusal is the overage in height (only the metal railings were found to be over-height).

-The Board's site office received four (4) opposition letters from the neighbourhood – and this is from the Board's Neighbourhood postcard notification.

-The Board Chair also confirmed with the Owner at 1100 West 7th Avenue that large group activities and/or large gatherings on the upper roof deck do NOT usually take place (and NOT a common / a typical weekend occurrence) at this site, and

-The Appellants' written submission also included twenty-eight (28) support letters as part of the appeal submission.

-The Board Chair also noting for the record at the meeting that the board's decision does not set any precedent, and each board decision based on its own merits (a case-by-case board decision).

-Owners' agents 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.

1144 Burrard Street – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Prior-to approval letter)
Legal Description:	Lots 9-11, Block 90, District Lot 541 and Plan 210
Lot Size:	Lot Area = 9,000 sq. feet
Zone:	DD zone
Related By-Law Clause:	Floor Space Ratio (FSR, under Condition 2.1 issued under Development Application No. DP-2023-00301)

Appeal Description:

Requesting a Floor Space Ratio (FSR) relaxation - as required under Condition 2.1 of the approved Development Application No. DP-2023-00301 and a request to permit interior and exterior alterations and a change of use from a six story medical office building to hotel use with restaurant located on the main floor and providing 13 parking spaces having vehicular access from the lane on this existing site.

Condition 2.1 The applicant can and does obtain the approval of the Board of Variance for Floor Space Ratio beyond 3.0. Note to Applicant: As the original approval was over the current maximum FSR and the upper level (on grade) parking, now being converted to floor area, FSR is now at 3.67 (33,058.2 square feet).

Discussion:

Richard Russell, and Sandro Mancini-Ciccozzi 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 there was a minor adjustment to the FSR.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is to preform interior and exterior alteration from a change of use from a medical office to a hotel with restaurants on the main floor. The appellant must obtain FSR from the Board. The Director of Planning is in support of the appeal, but does not have the authority to approve the FSR.

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 had no final comments.

This appeal was heard by the Board of Variance on October 24th, 2023 and was ALLOWED, thereby granting a Floor Space Ratio (FSR) relaxation - as required under Condition 2.1 of the approved Development Application No. DP-2023-00301 and approved interior and exterior alterations and a change of use from a six story medical office building to hotel use with restaurant located on the main floor and providing 13 parking spaces having vehicular access from the lane on this existing site.

Condition 2.1 has been FULFILLED and the Board approved and granted the FSR to 3.72 (33,500 feet).
*Note: See the confirmation email from City staff on October 25th, 2023 – and confirming the proposed FSR to 3.72 (at 33,500 sq. feet) – including the canopy FSR.

Board's summary and decision based on the following:

-The City's Director of Planning is in support of the additional FSR beyond 3.0 FSR.

-The Board's site office received no opposition letters and no support letters from the neighbourhood – and this is from the Board's Neighbourhood postcard notification.

-Owners' agents 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.

1285 Hornby Street – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (DP Refusal)

Legal Description: Lot G, Block 100, District Lot 541, Group 1 NWD, and Plan EPP 44019 and Plans 830 and 1771.

Lot Size: Irregular site

Zone: CD-1 (#588)

Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00329 and a request to permit interior alterations and a change of use from Retail to a Small-Scale Pharmacy in this existing mixed-use building site.

Development Application No. DP-2023-00329 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.
- The proposed use is unsatisfactory at this location.

Discussion:

Michael Lee and Bob Mehr 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 combine holistic medicine with pharmaceutical medicine in their business. They have 21 locations, 8 of which are in Vancouver.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is for a change of use from a retail store to a pharmacy in a mixed use building. They are within 400 meters from 9 other pharmacies. There are also concerns received by neighbours. The Director of Planning is unable to support the appeal.

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.

Resident and owner attended and spoke in support of the appeal.

Final Comments:

Mr. Bosnjak's final comments were that they refused this due to policies and guidelines. The Director of Planning refused this due to too many pharmacies around the area.

The appellant's final comments were that their pharmacy is 3500 square feet. They don't believe their offering is anywhere close to other pharmacies.

This appeal was heard by the Board of Variance on October 24th, 2023 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00329 and approved interior alterations and a change of use from Retail to a Small-Scale Pharmacy in this existing mixed-use building site, and subject to the following conditions:

(1) that the approval is for the exclusive use of Bob Mehr, CEO (main operator) and operating the business as 'Pure Pharmacies General Partnership' – and doing business as (DBA)/Storefront business name "Pure Integrative Pharmacy"; 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 Board (voted 3-2 in support of the appeal) and the majority of the board members approved and allowed this small-scale pharmacy to open at this location within other approved pharmacy stores within the 400m buffer zone. The board also supported this pharmacy to serve a larger population in the downtown core.

-The Board's site office received no opposition letters and eleven (11) support letters from the neighbourhood – and this is from the Board's Neighbourhood postcard notification.

-Mr. George Federoff (attended on behalf of the Strata Council at this site) spoke in support of the appeal.

-Owners' agents 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.

1366 / 1374 / 1388 Cartier Place – Board Minutes and Decision

(Three sites noted above will be heard concurrently)

Appeal Section: 573(1)(b) - Appeal of Regulation (Minimum Site Area)

Legal Description: Group1, NWD and Plan BCP 45931

Lot Size (1366 Cartier): Lot Area = 3,860.10 sq. feet.

Lot Size (1374 Cartier): Lot Area = 3,914.80 sq. feet.

Lot Size (1388 Cartier): Lot Area = 3,864.70 sq. feet.

Zone: RT-2

Related By-Law Clause: Minimum Site Area

Appeal Description:

Requesting a relaxation of the Minimum Site Area regulations of the RT-2 District Schedule and requesting permission to permit the construction of a new two-family dwelling (Duplex) at 1366 Cartier Place, at 1374 Cartier Place and at 1388 Cartier Place.

Technical Information

Required Minimum Site Area: 4,790 sq. ft. (445 sq.m.)

Proposed (1366 Cartier Place): 3,860.10 sq. ft.

Proposed (1374 Cartier Place): 3,914.80 sq. ft.

Proposed (1388 Cartier Place): 3,864.70 sq. ft.

Discussion:

Michael Geller 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's initial comments were that this is an unusual situation where the lots are too small and needs to seek a relaxation from the Board. The owners had been charged the empty homes tax since they weren't allow to build on the lot.

The Director of Planning's Representative

Mr. Chen's initial comments were that this appeal was sought in 2011 and was denied by the Board at the time. The Director of Planning does not object to this appeal.

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 should the Board decide to consider this appeal, the final design should still be within the requirements of the Director of Planning.

The appellant's final comments were that the world has changed since 1965. They would like the Board to grant the appeal.

This appeal was heard by the Board of Variance on October 24th, 2023 and was ALLOWED, thereby granting a relaxation of the Minimum Site Area regulations of the RT-2 District Schedule and approved the construction of three (3) new two-family dwellings (new Duplex sites) at 1366, 1374 and 1388 Cartier Place, and subject to the following conditions:

- (1) that the final form of development (final design) shall be to the satisfaction of the Director of Planning at all three (3) sites - at 1366, 1374 and 1388 Cartier Place; 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 Board (voted 4-0 in support of the appeal) and found site specific hardship to warrant a relaxation of the minimum site area – so that new Duplex developments can be constructed on these 'vacant sites' at 1366, 1374 and 1388 Cartier Place.

-The City's representative also confirmed at the meeting that these three (3) sub-divided lots were approved by the City's Subdivision Officer back in 2011 - and a zoning relaxation is required for the 'minimum site area' regulation in order to permit Duplex developments at these sites.

-The Board's site office received no (0) opposition/support letters from the neighbourhood – and this is from the Board's Neighbourhood postcard notification.

On October 24th, 2023 - The following board decisions were UPDATED with new board decisions (as requested by the City – in order to obtain new City permits, a requirement).

-191 West 2nd Avenue (Cannabis land-use extension approved as required by the Licensing department)

-6945 Victoria Drive ('DBA name-change' updated as required by the Licensing department)

On October 24th, 2023 - The following sites (appeals) were NOT heard and the Director of Planning requested adjournments (with formal written decisions pending).

-3293 West 13th Avenue

-1025 Cypress Street