

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, October 25th, 2022

TIME: 1:15 PM

PLACE: City Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Matthew Naylor

Namtez Sohal

Rakshin Kandola

ABSENT:

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: John Greer, Director

Sonia Erichsen, Manager

Joe Bosnjak, Supervisor

851 East 13th Avenue – Board Minutes and Decision

Appeal Section: 573(1)(b) - Appeal of Regulation (Crawlspace Conversion)
Legal Description: Lot 17, Block 174, District Lot 264A and Plan 442 & 177
Lot Size: Lot Area = 4,025.51 sq. feet
Zone: RT-5
Related By-Law Clause: Section 4.7 (Floor Space Ratio)

Appeal Description:

Requesting a relaxation of Section 4.7 (Floor Space Ratio) of the RT-5 District Schedule and a request to permit interior alterations and to convert the existing crawlspace area (approx. 245 sq. feet) into new habitable area (new living space) within the basement of this existing two-family dwelling site.

Related to Development – Building issued permits: DP-2017-00493 / BP-2018-04033.

Technical Information:

Conditional FSR: 0.75 (3,200 sq. ft.)
Existing: 0.75 (3,014 sq. ft.) [As per DP-2017-00493.]
Proposed: 0.81 (3,259 sq. ft.)

59 sq. ft. or 2 % over maximum permitted

245 sq. ft. or 8 % over existing

Discussion:

Naqaash Pirani 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 had no initial comments.

The Director of Planning's Representative

Ms. Erichsen's initial comments were that this is for an increase in floor area. The application was brought in by way of complaint. The site was granted a development permit for a construction of a two family dwelling home. 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 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's final comments were that since this is a new built, they should be able to fix the crawlspace. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that the builder did offer to restore the crawlspace in its original form. The existing crawlspace is dusty and requires a ladder to climb into, they would like to make it more accessible.

This appeal was heard by the Board of Variance on October 25th, 2022 and was DISALLOWED.

Board's summary and decision based on the following:

-The Board Members voted 3-1 in opposition to this appeal. The BOV Panel members considered comments from the City's Director of Planning Rep. (Mrs. E. Erichsen) and that this is a newer home (built two plus years old) and that the floor area (FSR) for this property reached the maximum FSR allowance.

-Owner confirmed at the appeal hearing that the collapsed crawlspace area can be repaired/fixed by their contractor. As well, the owners explained that the other half-Duplex's crawlspace area also collapsed recently.

-No opposition from the neighbourhood, but this board did not find a site specific hardship to warrant the FSR relaxation.

70 West 18th Avenue – Board Minutes and Decision

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

Legal Description: Lot 5, Block 544, District Lot 526 and Plan 2354

Lot Size: Lot Area = 4,028 sq. feet

Zone: RS-7

Related By-Law Clause: Sections 4.1.1 (b) – Min. Site Area, 4.7.2 (FSR) and 4.5.1 (Side Yard).

Appeal Description:

Requesting relaxations of Sections 4.1.1 (b) – Min. Site Area, 4.7.2 (FSR) and 4.5.1 (Side Yard) and a request to permit the construction of an in-fill building at the rear of this site.

Note: Related to Development Applications DP-2020-00871 and DP-2019-00657.

Discussion:

Nathalie Baker (lawyer) and the owner 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 for a number of relaxations for this property. Since the house was demolished, it can no longer be a multiple conversion. The appellant was told they can only build a laneway house. Since there is no retention, the appellant can no longer complete the project. They're looking for a relaxation of minimum site area, floor space ratio, side yard, and a request to permit the construction of an in-fill building at the rear of the site.

The Director of Planning's Representative

Mr. Greer's initial comments were that this was deemed a character house. There was never a demo permit or a replication permit granted. The laneway house will require FSR variance.

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. Greer had no final comments.

The appellant's final comments were that this process went on for an entire year, they received multiple permits and a lot of miscommunication.

This appeal was heard by the Board of Variance on October 25th, 2022 and was ALLOWED in PART with conditions, thereby granting relaxations for only Sections 4.7.2 (FSR) and 4.5.1 (Side Yard) and approved a single-family dwelling (1-FD) with a secondary suite including an approved Laneway House at this site, and subject to the following conditions:

- (1). that the Board of Variance approved a one-family dwelling with a secondary suite at this site (and modified the approved use by the Director of Planning – permits relating to Development Applications DP-2020-00871 and DP-2019-006570);
- (2). that the Board approved a Laneway House (did not approve an in-fill building) and can be built with a maximum size matching the proposed in-fill building (drawings as submitted and presented to the Board on October 25th, 2022) and with the final design, location & siting and the final form of development to the satisfaction of John Greer (Assistant Director, Permitting Services);
- (3). that the Owners shall make a reasonable effort to retain and restore the original house (as discussed at the Appeal Hearing on October 25th, 2022 – Audio available upon request) and shall be to the satisfaction of John Greer (Assistant Director, Permitting Services); 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.

5707 Main Street (189 Ontario Street) - Amendment Request (Name-Change)

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis Name Change)
Legal Description: Lot 4, District Lot 64 and Plan BCS354
Lot Size: Irregular site
Zone: C-2
Related By-Law Clause: Section 11.6

Appeal Description:

Requesting a company name-change and an amendment request to Condition #01 and also requesting an extension of the Cannabis Land-use for a further period of time (Related to Development Application No. DP-2021-00008).

Board of Variance History:

On July 13th, 2021 the Board of Variance ALLOWED this appeal with conditions, thereby OVERTURNING the decision of the Director of Planning who refused Development Application No. DP-2021-00008 and APPROVED interior alterations and to change the use of approximately 623 sq. ft. Retail to a new Cannabis Retail Store use, in this existing mixed-use building on this site, and subject to the following conditions:

- (1). that the approval is for the exclusive use of “Pineapple Exchange Cannabis II Corp.” and shall be operated by Carson Phillips and doing business as (DBA): “Pineapple Exchange”;
- (2). that the Board granted a limited-time approval for two (2) years and expires on: July 13th, 2023; and
- (3). that the approved hours of operation shall be from 10:00 AM to 9:00 PM (Seven Days a week) in accordance with the Board’s decision on July 13th, 2021; 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.

Discussion:

Carson Phillips, and new 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're in the process of selling this location. They're looking to have the owner's name changed, as well as the name of the company. The new owners have experiences with Cannabis and liquor stores. They're involved with their communities that are in need.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that The following appeal is in regards to DP-2021-00008 – BOV Appeal Z35808 heard by the Board of Variance on July 13, 2021 and is requesting a name change for condition 1 and an extension to condition 2 of the BOV decision. 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 to have an appealing and attractive store.

This appeal was heard by the Board of Variance on October 25th, 2022 and was ALLOWED, thereby approving a company name-change and approved an amendment request to Conditions #01 & #02, with an extension granted for the Cannabis Land-use for a further period of time (Related to Development Application No. DP-2021-00008), subject to the following conditions:

- (1). that the approval is for the exclusive use of "Pineapple Exchange Cannabis II Corp." and shall be operated by Erica Priatel and Rola Priatel and doing business as (DBA): "Main & 41 St. Cannabis";

- (2). that the Board granted a limited-time approval and expires on October 25th, 2024 and the Board may grant an extension to the time limit on or before October 25th, 2024;
- (3). that the approved hours of operation shall be from 10:00 AM to 9:00 PM (Seven Days a week) in accordance with the Board's original decision on July 13th, 2021; 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.

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

-2024 East 2nd Avenue

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

3695 West 4th Avenue (Operator name was updated for the Licensing department)

191 West 2nd Avenue (Operator name was updated for the Licensing department)