

BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, September 13th, 2022

TIME: 1:15 PM

PLACE: City Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Matthew Naylor

Namtez Sohal

Rakshin Kandola

ABSENT: Rakshin Kandola (after 2 PM)

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Joe Bosnjak, Supervisor

2438 East Hastings Street – Board Minutes and Decision

Appeal Section: 573(1)(a) Appeal of Decision – DP Refusal
Legal Description: Lot 6 of Lot 55, Town of Hastings Suburban Lands, and Plan 2684
Lot Size: Irregular site
Zone: C-2C
Related By-Law Clause:

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2021-00811 and a request to permit interior and exterior alterations and adding approximately 486 sq. ft. to the rear of the existing retail (grocery) store, and eliminating the existing three (3) parking spaces and one (1) loading space at this site.

Development Application was refused for the following reason:

- the proposed development does not comply with the regulations of the Vancouver Parking Bylaw 6059 (Parking and Loading) that affect the site.

Technical Information:

Required parking spaces: 3 spaces
Proposed 0 spaces [As per DP-2021-00811.]

Required loading spaces: 1 space
Proposed 0 spaces [As per DP-2021-00811.]

Discussion:

Mr. Mario Di Tosto and Mr. Mark Sponner 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 taken care of locating parking on site as there is community lot, and they can use a specific area in the lot for their parking. With the loading issue, there is a commercial loading zone in the back that they can use.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is a refusal to provide interior and exterior alteration to add approximately 486 square feet to the rear of the existing grocery store. This was a work without permit, and the work had already been completed. This store requires 3 parking spaces, 1 class B loading space, and 1 class A bicycle space, which this applicant is not meeting. 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 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's final comments were that the Director of Planning refused this due to parking, loading space, and bicycle parking. They ask the Board to uphold their decision.

The appellant's final comments were that this is a small store, since they only require 3 parking stalls, there are plenty of parking around the area, so it's not a problem.

This appeal was heard by the Board of Variance on September 13th, 2022 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2021-00811 and approved interior and exterior alterations and adding approximately 486 sq. ft. to the rear of the existing retail (grocery) store, and allowing the removal / reduction of the existing three (3) parking spaces on-site, and subject to the following conditions:

(1) that the Owner(s) must provide one (1) on-site loading space (Class-B) and one (1) bicycle parking space (Class-A) and shall be to the satisfaction of the Director of Planning; 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 confirmed with the Appellants and that off-site parking spaces are provided and assigned at another location (at a nearby Public parking lot).

-No opposition from the neighbourhood, and the Appellant submitted a Support Letter from the 'Hastings North Business Improvement Association'.

-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.

1408 East 57th Avenue – Amendment request (expansion)

Appeal Section:	573(1)(a) Appeal of Decision – Liquor Store Expansion
Legal Description:	Lot G of Lot 1, Block 22, District Lot 200, Group 1 NWD, and Plan 11699
Lot Size:	Lot Area = 4,030 sq. feet
Zone:	RS-1
Related By-Law Clause:	Sections 4.6 (Rear Yard), 4.7 (FSR) and 4.16 (Building Depth).

Appeal Description:

Amendment request – and requesting interior alterations and change the use of approximately 860 sq. ft. from a Service Use (print shop) by expanding the existing Retail use - Liquor Store (Type 2) in the existing mixed-use building.

Development Application was refused for the following reason:

- the proposed development does not satisfactorily comply with the policies or guidelines that affect this site.
- objections have been received from neighbouring property owners; and
- the proposed use is unsatisfactory at this location

Board of Variance History:

On November 20th, 2018 the Board of Variance ALLOWED an appeal and overturned the decision of the Director of Planning (overturned DP-2018-00392 – related to the adjacent unit at 1404 East 57th Avenue) and approved interior alterations and to change the use of approximately 1656.0 square feet from Retail, (Limited Food), to a Retail Type-2 Liquor Store in this mixed-use building on this site (Approved in 2018).

Discussion:

Mr. Joe Van Vliet, Mr. Arun Jagga, and Mr. Bharat Pahuja 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 expand an existing liquor store. The place next to the liquor store is currently vacant, it was a print shop previously. The objections they received were very low, and they have a lot of support for the expansion. There had not been any complaints from within the building. They're looking to provide a wider variety of liquor for their customers.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that this is a refusal to provide interior and exterior alterations and change of use from a print shop to a liquor store. This is an expansion of the store; the appellants were here in 2018 for a Variance, in which the Board granted their appeal. They're within 150 meters from a church, which is not allowed. They also refused this due to objections received. The Director of Planning asks the Board to uphold their decision.

The Board Chair stated that the Board's site office received one (1) letter in Support and one (1) 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 is a C1 zone, the Director of Planning refused this due to not being in a shopping area, being within 150 meters from a church, and objections received. The Director of Planning does not see a site specific hardship, and cannot support the appeal.

The appellant's final comments were that there was no opposition from the church, and there is also no bylaw to say how it should be measured.

The amendment request (store expansion) and was reviewed by the Board of Variance on September 13th, 2022 and was **ALLOWED**, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2021-00939 and approved interior alterations and change the use of approximately 860 sq. ft. from a Service Use (print shop) by expanding the existing Retail use - Liquor Store (Type 2) in the existing mixed-use building, and subject to the following conditions:

(1) that the approval is for the exclusive use to the main operators "Arun Jagga and Bharat Pahuja", and operating under the company name '1282665 B.C. LTD' and doing business as (DBA) 'Knight Street Liquor Store'; 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 approved the expansion of the existing Liquor Store (and previously approved by the Board of Variance on November 2018). And the Board Members did accept this site as a small local shopping area (situated at a C-1 site).

-The Board's site office only received three (3) letters in opposition from the City's postcard notification prior to the meeting. The Appellants obtained 203 Letters of Support from the Neighbourhood and included support letters and support signatures (petition) in the submission.

-The Owners are required to work with the City – and obtain all the City permits to the satisfaction of the Director of Planning.

1120 Hamilton Street (Amendment request – expiry date)

Appeal Section: 573(1)(a) Appeal of Decision – Cannabis Store RENEWAL
Legal Description: Lot 7 & 8, Block 69, District Lot 301 and Plan 3334
Lot Size: Irregular Lot Area.
Zone: HA-3
Related By-Law Clause: Section 11.28

Appeal Description:

An amendment request and permission to retain the approved Cannabis Retail Store for a further period of time

(Related to Development Application No. DP-2020-00316).

Board of Variance History:

On September 21st, 2021 and the Board of Variance ALLOWED an appeal, thereby granting an extension to retain the approved Cannabis Retail Store for a further period of time (Related to Development Application No. DP-2020-00316) and subject to the following conditions:

- (1) the approval is for the exclusive use of “Lightbox Enterprises Ltd.” and shall be operated by Reid Ogdon and Chad Cole and doing business as (DBA): “Dutch Love Cannabis”.
- (2) the Board granted a limited-time approval for one (1) year and expires on: September 21st, 2022;
- (3) the Board may grant an extension on/or before the expiry date: September 21st, 2022;
- (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:

Mr. Reid Ogdon 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

Mr. Bosnjak's initial comments were that this was heard by the Board of Variance on September 22, 2020 and is requesting an extension to condition 2 of the Board Of Variance decision. There are no recent complaints on file for this use at this address, and 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 one (1) 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 this is a simple renewal, they're happy with this store. They're looking for a 2 year renewal.

The amendment request appeal was reviewed by the Board of Variance on September 13th, 2022 and was ALLOWED, thereby granting an extension to retain the approved Cannabis Retail Store for a further period of time (Related to Development Application No. DP-2020-00316) and subject to the following conditions:

(1) the approval is for the exclusive use of "Lightbox Enterprises Ltd." and shall be operated by Reid Ogdon and Chad Cole and doing business as (DBA): "Dutch Love Cannabis".

(2) the Board granted a limited-time approval for two (2) years and expires on: September 13th, 2024;

- (3) the Board may grant an extension on/or before the expiry date: September 13th, 2024;
- (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 approved the extension for a period of two (2) years to September 13th, 2024.
- The City's Director of Planning Rep. stated that there were 'no complaints' on file since the opening of the store at this location.
- The Board's site office received one (1) letter in opposition to this extension appeal, and the City notified 219 property owners prior to the meeting.
- The Owners are required to work with the City – and obtain all the City permits to the satisfaction of the Director of Planning.