

Critics say big boats docked at Concord Pacific's proposed 22-berth marina on a floating dock at 1575 Homer Mews will block views.
Photo-Dan Toulgoet

Marina appeal on hold

By Naoibh O'Connor-Staff writer

An appeal of the new marina planned for the foot of George Wainborn Park is being delayed while the Board of Variance clarifies if it has jurisdiction to hear and decide the matter.

The appeal, scheduled for May 31, was adjourned until June 28.

Rider Cooley, who runs an email list called False Creek Alert, appealed to the Board of Variance on several points, including the location of parking and loading spaces, and indirectly on the number of spaces. A relaxation granted by the city's Development Permit Board allows offsite parking in the underground of a nearby building, not yet constructed.

Cooley also argues the city parking guidelines won't provide adequate space for users of the marina.

Concord Pacific plans to build the 22-berth marina, which includes a 75-square-metre marina building on a floating dock at 1575 Homer Mews. Critics insist it's too large and moored boats will block views. But the Development Permit Board approved Concord Pacific's application, with conditions, in late March, prompting the appeal. The Board of Variance is a five-member independent civic body that settles appeals dealing with zoning, development permits, signs and parking matters.

"We're looking at the specific jurisdiction of the board. We've asked for legal advice because it is a bit muddy," explained board chairman Terry Martin.

One interpretation is if there is a significant relaxation, the board may have jurisdiction over the entire permit. Another interpretation is the board would only have jurisdiction over the specific

relaxation.

"There is an argument being put forth by the appellant regarding the entire development," Martin said. "We want to know what our jurisdiction is because we don't want to overstep our authority and we want to be responsible to the appellant as well-to be able to hear everything about the situation that we can."

The board is also examining whether it has jurisdiction in situations where council approves something in principle and then puts it into the hands of the director of planning or the Development Permit Board.

"This permit was gone over by council but we didn't have the paperwork before the [appeal] meeting, so we're looking into how much of a decision council made because we do not have, and obviously shouldn't have, jurisdiction over council-they are our elected officials," Martin added.

The board will act on the advice of its lawyers, but if the decision is disputed by other lawyers it would have to be settled in court.

Once Concord's development application receives final approval, it could start construction even if there's an appeal pending, although it does so at its own risk.

A call to Bill Boons, co-manager of processing centre-development, was not returned by the Courier's deadline.

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