
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal Decision: 609 East Broadway Cannabis Store Re-location - APPROVED

Appeal Section: 573(1)(a) - Appeal of Decision (**New Cannabis Store**)
Legal Description: Lot E, Block 119, District Lot 264A and Plan VAP 20488
Lot Size: Irregular site
Zone: C-2C
Related By-Law Clause: Cannabis By-law

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2023-00761 and a request to permit interior alterations and a change of use from a Small-Scale Pharmacy to a new Cannabis Retail Store at this site.

Note: The Appellants are asking to the board to consider a re-location of an existing approved Cannabis Store (Provincial and City approved cannabis store) at 719 East Broadway **to this new location at 609 East Broadway.**

Name of Appellant(s): **John Olan and Robert Howes**
Pineapple Exchange Cannabis Corp.
DBA: Generation Cannabis

This appeal was heard by the Board of Variance on **March 12th, 2024** and was **ALLOWED**, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2023-00761 and **APPROVED interior alterations and a change of use from a Small-Scale Pharmacy to a new Cannabis Retail Store** at this site, 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 Appellants MUST close the Cannabis Site Store at 719 East Broadway – and CANCEL the related Development Permit (DP-2020-00854) related to 719 East Broadway;**
- (3) that the Board granted a limited-time approval of one (1) year and **expires on March 12th, 2025** and the Board may grant an extension to the time limit on or before March 12th, 2025; 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.

Board's summary and decision based on the following:

-the Board of Variance did find a hardship and allowed the Cannabis operators from 719 East Broadway to re-locate to the new location at 609 East Broadway and overturned the City's refusal under DP-2023-00761. The board considered the appellant's hardship with their approved Cannabis Store at 719 East Broadway permanently 'closed due to a fire on March 2023'. The Appellants did obtain the Provincial approval and obtained the City's Cannabis License to operate at 719 East Broadway.

-the majority of the board members (5-0) voted in support of the re-location from 719 East Broadway to 609 East Broadway (Exclusive use only to 'Generation Cannabis' – and with a 'limited time approval of one-year', noting that they are required to obtain the Provincial approval and the City's Cannabis License as part of the approval on March 12th, 2024. The Appellants stated that they do have a 'tentative approval' from the Province prior to the Appeal Hearing.

-the board also received over 240+ support letters with four (4) opposition letters from the neighbourhood. The local BIA also supported the re-location to 609 East Broadway.



Secretary to the Board of Variance