
BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal No. Z35783 - 2140 Kingsway (Cannabis Renewal Appeal)

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis Renewal Appeal)
Legal Description: Lot 1, District Lot 393 and Plan VAS1239
Lot Size: Irregular Lot.
Zone: C-2
Related By-Law Clause: Section 11.6 (formerly 11.28)

Appeal Description:

Related to Development Application No. DP-2020-00927 and a request to permit an extension to retain the approved Cannabis Retail Store for a further period of time. Previously approved by the Board of Variance on May 04th, 2021 (see decision below).

Board of Variance History:

*This appeal was heard by the Board of Variance on May 04th, 2021 and was **ALLOWED**, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00927 and approved interior alterations and to change the use of approximately 1,236 sq. ft. of General Office use to a new Cannabis Retail Store in this existing mixed-use building on this site, and subject to the following conditions:*

- (1) the approval is for the exclusive use of "Grand Forks Cannabis Ltd." and shall be operated by Charles Varabioff and doing business as (DBA): "Kingsway Cannabis".*
- (2) the Board granted a limited-time approval for one (1) year and expires on: May 04th, 2022;*
- (3) the Board may grant an extension on/or before the expiry date: May 04th, 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.*

Name of Appellant(s): Charles Varabioff
Grand Forks Cannabis Ltd.
4229 Burke Street
Burnaby, B.C. V5H 1E5

This appeal was heard by the Board of Variance on **January 25th, 2022** and was **ALLOWED, thereby granting an extension to retain the approved Cannabis Retail Store for a further period of time** and subject to the following conditions:

- (1) the approval is for the exclusive use of "Grand Forks Cannabis Ltd." and shall be operated by Charles Varabioff and doing business as (DBA): "Kingsway Cannabis".**
- (2) the Board granted a limited-time approval for one (1) year and expires on: May 04th, 2023;**
- (3) the Board may grant an extension on/or before the expiry date: May 04th, 2023;**
- (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 City confirmed that there are no complaints on record. The Board supported the appeal for only one year from the previous Board decision – and the operator must obtain the Provincial approval and all City permits prior to operating at this location. **Board may grant an extension on/before May 04th, 2023.**

Signed: _____

Secretary to the Board of Variance

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Board of Variance History:

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- (1) the approval is for the exclusive use of "Grand Forks Cannabis Ltd." and shall be operated by Charles Varabioff and doing business as (DBA): "Kingsway Cannabis".*
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- (3) the Board may grant an extension on/or before the expiry date: May 04th, 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. Charles Varabioff and Mr. Ian Dawkins 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.

Mr. Dawkins' initial comments were that they have been provincially licensed since 2019 and had been successfully operating with no complaints. The two Cannabis retail that is within 300 meters remains dormant. There had been no neighbourhood complaints. They're looking for a 3-8 year renewal at the Board's discretion.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that there are no recent complaints on file for this use at this address, and the Director of Planning will defer to the Board for their decision.

The Board Chair stated that the Board's site office received no (0) letter 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.

██████████ spoke for her Cannabis store that is one block away, and looking to be in operation soon.

SPEAKER'S
NAME
REDACTED

Final Comments:

Mr. Bosnjak had no final comments.

Mr. Dawkins' final comments were that they have been operating successfully since 2019, and would like to continue serving the community.

This appeal was heard by the Board of Variance on January 25th, 2022 and was ALLOWED, thereby granting an extension to retain the approved Cannabis Retail Store for a further period of time and subject to the following conditions:

- (1) the approval is for the exclusive use of "Grand Forks Cannabis Ltd." and shall be operated by Charles Varabioff and doing business as (DBA): "Kingsway Cannabis".
- (2) the Board granted a limited-time approval for one (1) year and expires on: May 04th, 2023;
- (3) the Board may grant an extension on/or before the expiry date: May 04th, 2023;
- (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 City confirmed that there are no complaints on record. The Board supported the appeal for only one year from the previous Board decision – and the operator must obtain the Provincial approval and all City permits prior to operating at this location. Board may grant an extension on/before May 04th, 2023.

NOTE: AUDIO recording of this appeal is available upon request and please contact the Secretary to the Board of Variance at (604) 873-7723

#7 - BOV Appeal : 2140 Kingsway

Thank you Mr. Chair;

The following appeal is in regards to DP-2020-00927 and is requesting an extension to condition 2 of the BOV appeal Z35783.

There are no recent complaints on file for this use at this address.

The Director of Planning defers to the Board for their decision.

BOARD OF VARIANCE / PARKING VARIANCE BOARD
APPEAL DECISION

Appeal No. Z35783 - 2140 Kingsway (Cannabis Retail Store)

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis Retail Store)
Legal Description: Lot 1, District Lot 393 and Plan VAS1239
Lot Size: Irregular Lot.
Zone: C-2
Related By-Law Clause: Section 11.6 (formerly 11.28)

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2020-00927 and a request to permit interior alterations and to change the use of approximately 1,236 sq. ft. of General Office use to a new Cannabis Retail Store in this existing mixed-use building on this site.

Name of Appellant(s): Charles Varabioff
Grand Forks Cannabis Ltd.
7439 3rd SL - Box 1195
Grand Forks, B.C.
VOH 1H0

This appeal was heard by the Board of Variance on May 04th, 2021 and was **ALLOWED**, thereby **overturning** the decision of the Director of Planning who refused Development Application No. DP-2020-00927 and approved interior alterations and to change the use of approximately 1,236 sq. ft. of General Office use **to a new Cannabis Retail Store** in this existing mixed-use building on this site, and subject to the following conditions:

- (1) the approval is for **the exclusive use of "Grand Forks Cannabis Ltd." and shall be operated by Charles Varabioff and doing business as (DBA): "Kingsway Cannabis"**. ✓
- (2) the Board granted a limited-time approval for one (1) year and expires on: **May 04th, 2022;**
- (3) the Board may grant an extension on/or before the expiry date: **May 04th, 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.

***** IMPORTANT NOTE to the Appellants:**

The Board's decision is valid for one-year and the Owner(s) are required to obtain the City's Development-Building Permit **by May 04th, 2022.** Once the Board's decision expires, then the Owners are required to appeal (again) to request an extension.

Note: Unless otherwise ordered by the Chief Building Official in writing, the owner(s) **must obtain a Development Permit within one-year from the hearing date** (on successful appeals / allowed appeals).

Signed: _____

Secretary to the Board of Variance

Appeal No. Z35783 - 2140 Kingsway (Cannabis Retail Store)



Vancouver Board of Variance Submission
2140 Kingsway

December 2021

Introduction to the Appellant

Charles Varabioff (The Appellant) is a provincially licensed individual for cannabis retail operations. He owns and operates Grand Forks Cannabis in Grand Forks, British Columbia. Grand Forks Cannabis was the first licensed cannabis retailer in that town. The Appellant was licensed in 2019 and has been successfully operating for two years. Grand Forks Cannabis are a much-loved fixture in the business community.

Kingsway Cannabis is proving a success as well. It is becoming a destination in the Kingsway area. The location was successfully renovated and licensed (See Appendix 1 for current license)

Updated location context:

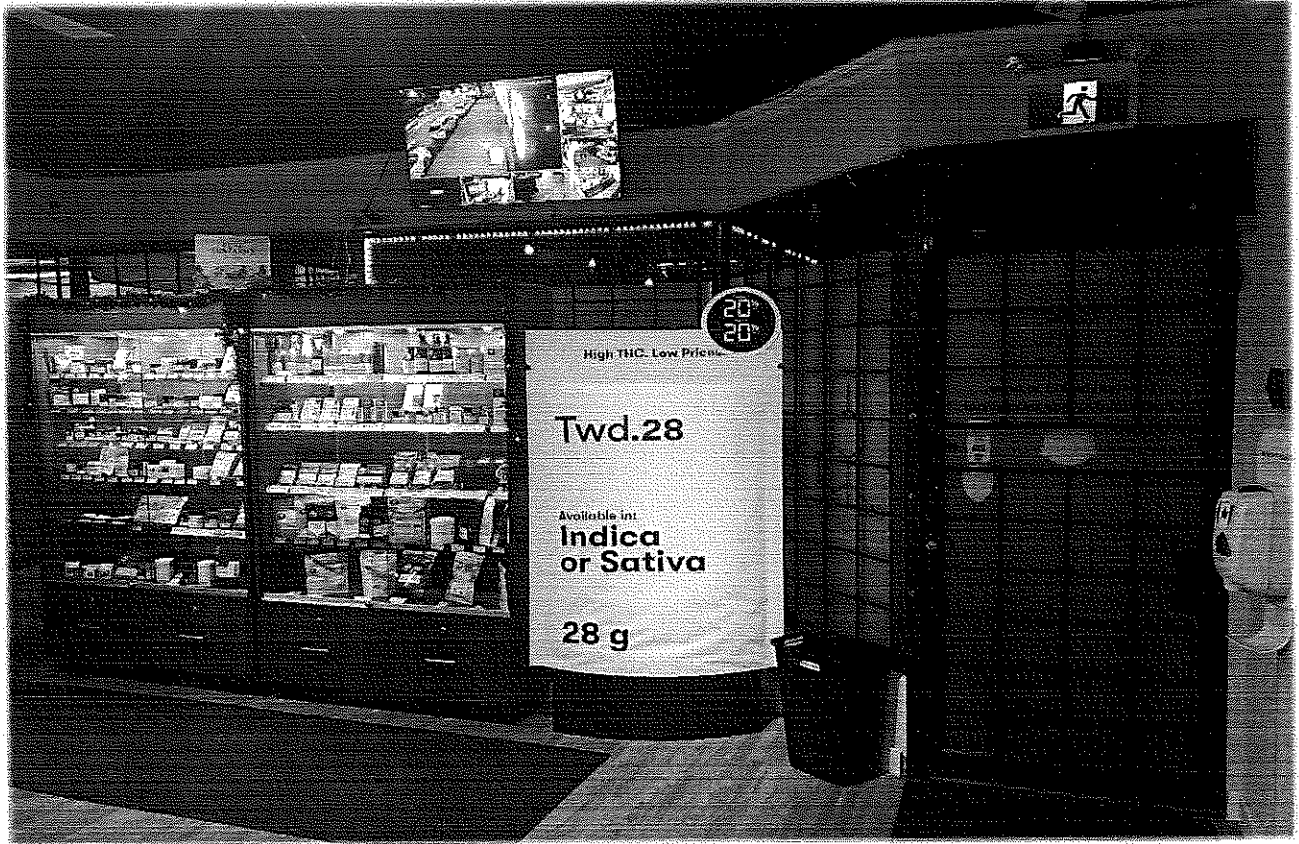
- Charles and his partner are homeowners in the area. They have owned a commercial unit one block east at 2036 Kingsway where they have operated a travel agency for over 25 years.
- They have secured an 18-year lease.
- They are deeply invested in this neighborhood and want to bring a vibrant retail shop to the area that will service the significant development happening in the adjacent Norquay Village area of Kingsway.
- The renovation of the shop has resulted in a bright open space welcoming the community.
- The Appellant has opened their doors as of August 2021 and has been operating without incident for the last 3 months.



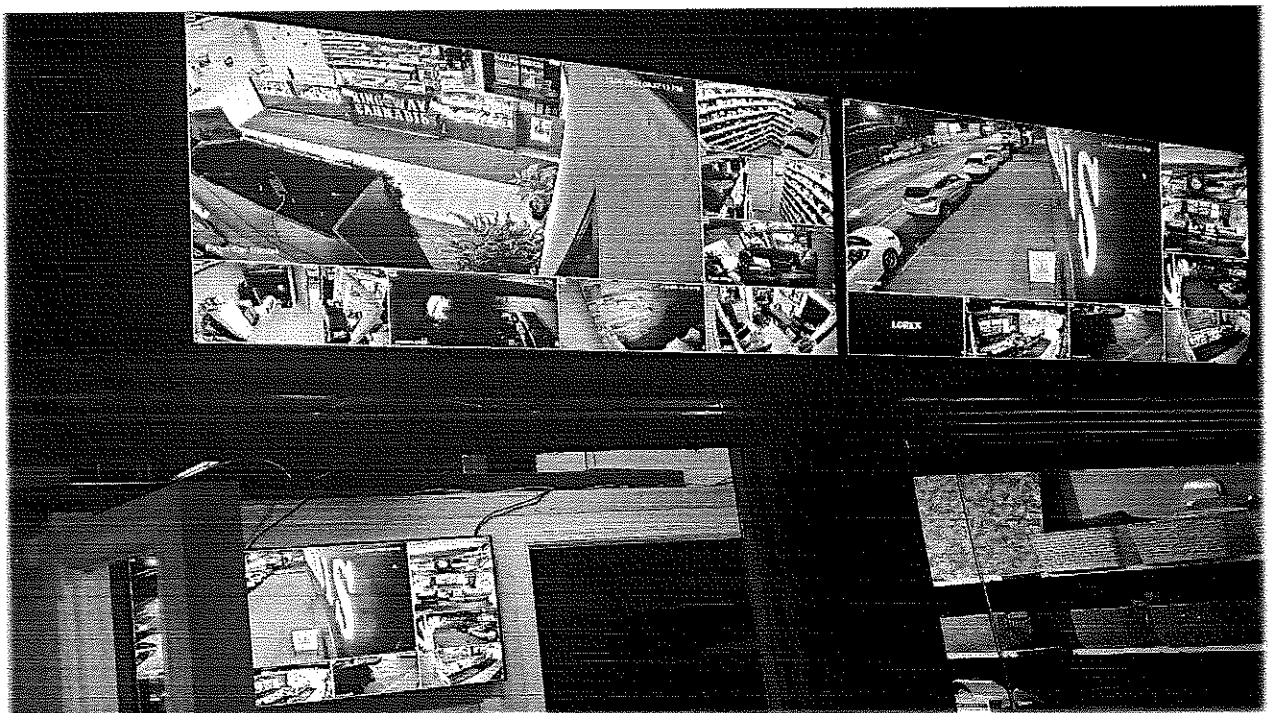
Current Kingsway Cannabis Sign and Exterior

Location Profile

The Appellant has completed a full renovation of the location including new flooring and a back-office complex. The location was designed to ensure the safety of staff and patrons.



Current Kingsway Cannabis Interior Entrance and Display



Interior Security Surveillance System

Transit Access Summary

The proposed site is a 3-minute walk from the Victoria Dr and Kingsway transit exchange and the area is serviced by the 19, 20, 26 and R4 bus lines making the location a convenient option for commuters from the surrounding residential area. The location has ample curbside parking and is a 3-minute walk from an underground pay parking lot.

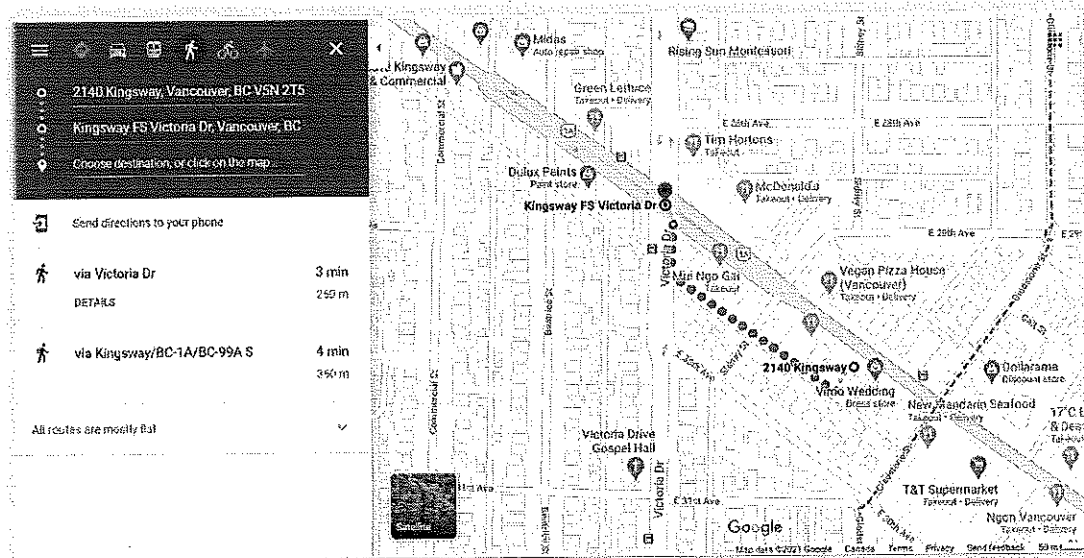
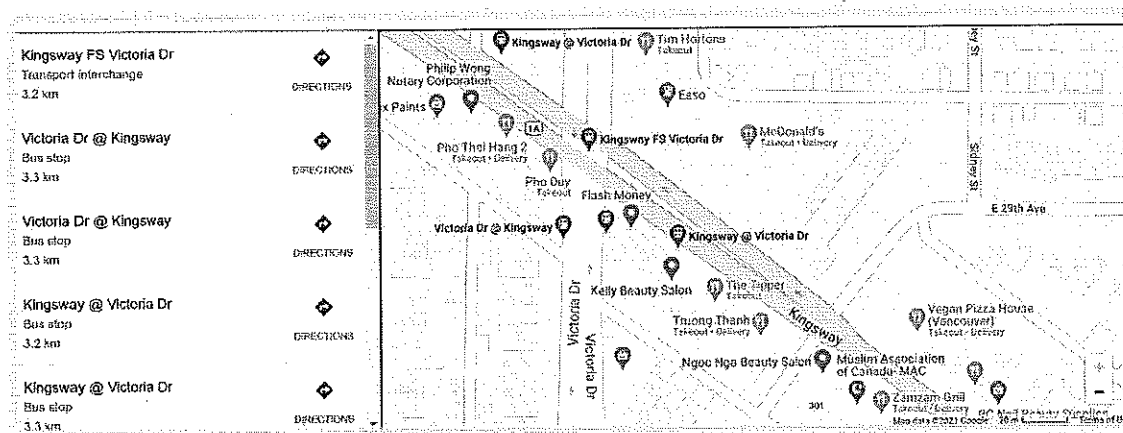


Figure 3 – Access to Kingsway & Victoria Transit Hub



PERMIT #DP-2017-00213 - 2267 Kingsway

This permit was issued in 2017. It remains undeveloped. This location was subject to police enforce in Fall 2021.



Figure 11 – Location of undeveloped site – DP-2017-00213

Distance to Site

This Development Permit is located at 2267 Kingsway. This is 279m east of 2140 Kingsway site property line to property line. The distance door to door is 350m. This distance would be in the spirit of the intent of the cannabis land use by-law if it were occupied by another cannabis store which it is currently not. It is occupied by a 5-year-old, undeveloped permit.

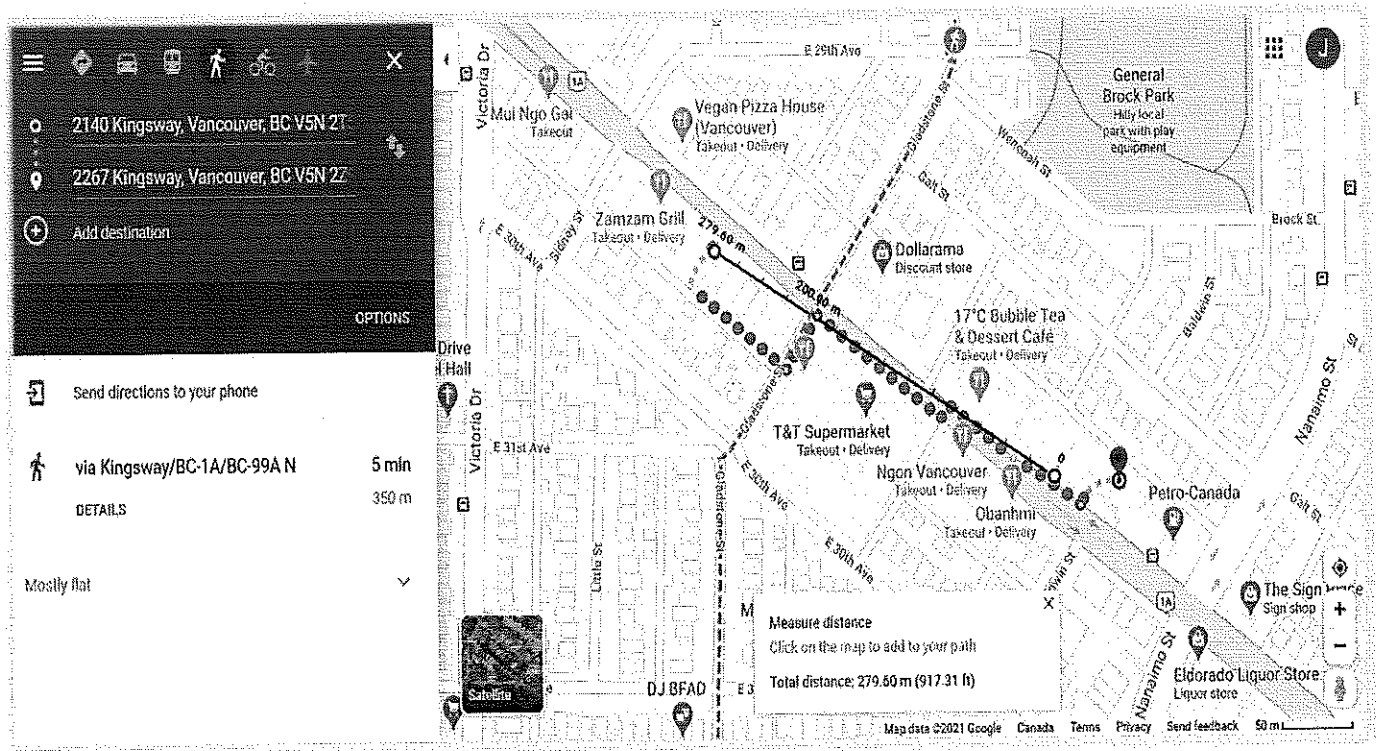


Figure 11 - Distance between the proposed location and DP-2017-00213

PERMIT# DP-2019-00585 – 2076 Kingsway

This permit was issued in 2019. It remains undeveloped.



Figure 12 – Location of undeveloped site - DP-2019-00585

Distance to Site

This Development Permit is located at 2076 Kingsway. This permit is under 100m west of the proposed site at 2140 Kingsway when measured property line to property line. The distance door to door by foot is 170m.

This distance would be in violation the requirements of the cannabis land use by-law if it were occupied by another cannabis store which it is currently not. It is occupied by a 3-year-old, undeveloped permit.

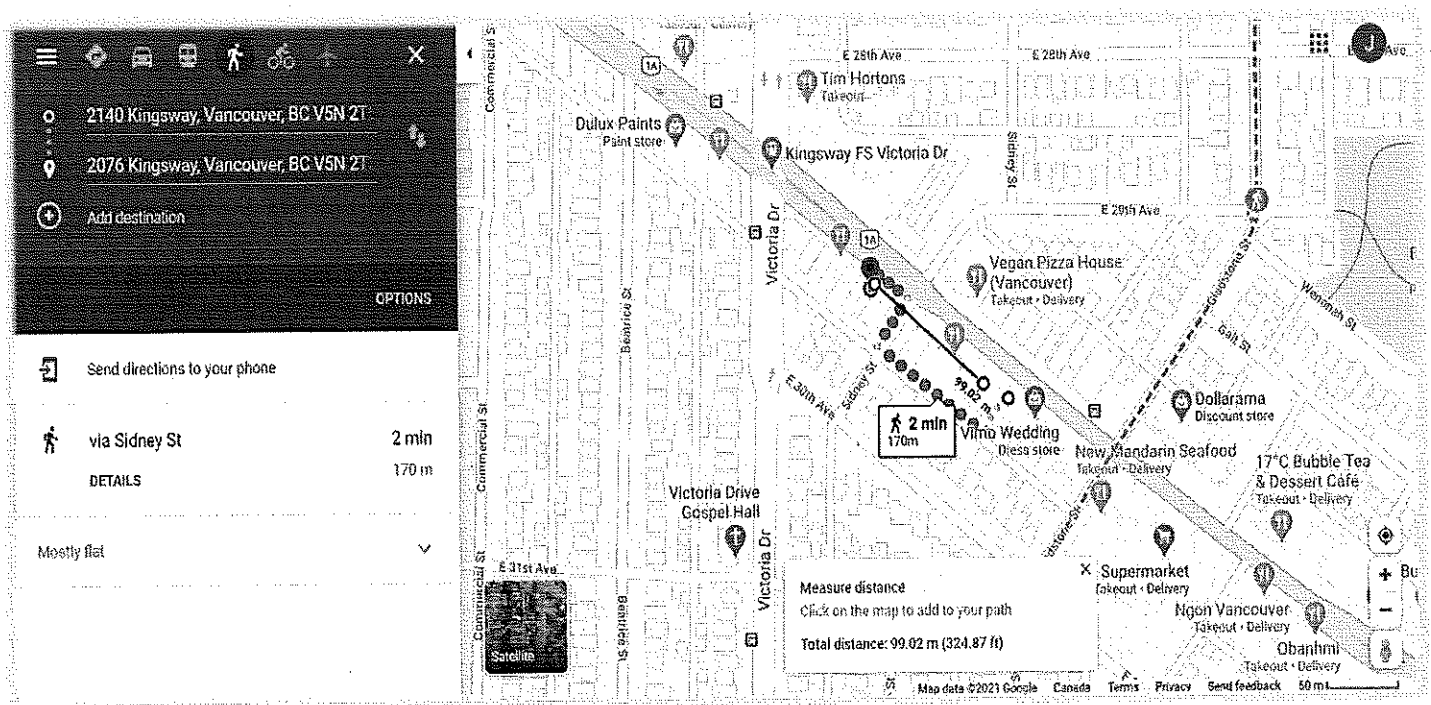


Figure 11 - Distance between the proposed location and DP-2019-0058

Distance to Currently Licensed Retail Cannabis Stores

There are currently two licensed and operating cannabis retail stores in the Kingsway corridor between 34 Ave and Clark St.



Weedz

Cannabis located at 2580 Kingsway

Provincial License Holder – Weedz Cannabis

Weedz Cannabis is located 900m east of the site at 2580 Kingsway when measured property line to property line. The distance door to door is the same.

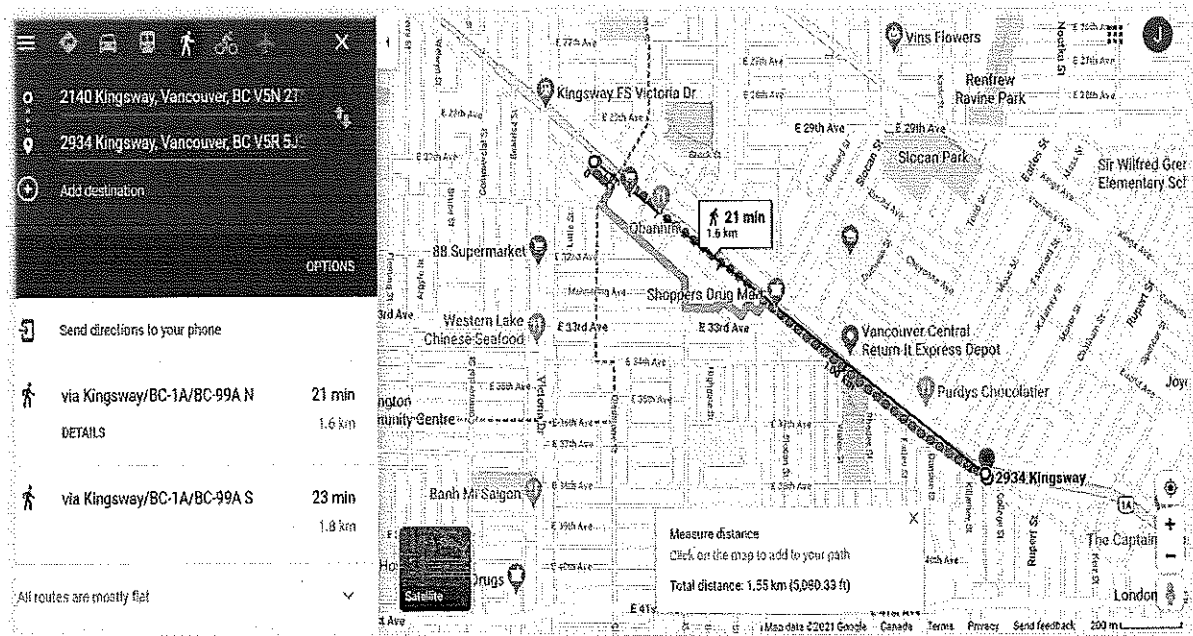


Figure 11 - Distance between the proposed location and provincially licensed Sunrise Canna

Kiario Cannabis located at 1316 Kingsway

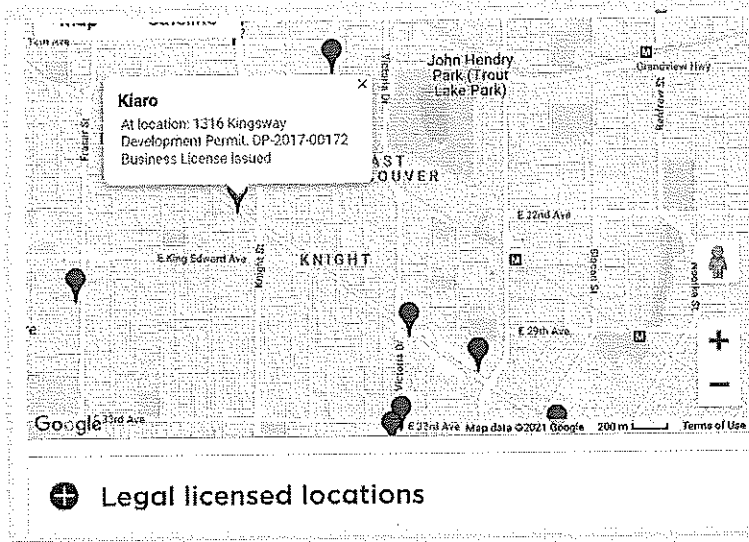


Figure 12 – Location of Provincial License Holder – Kiario Cannabis

Kiario Cannabis is located 1.4KM west of the proposed site at 2140 Kingsway when measured property line to property line. The distance door to door is the same.

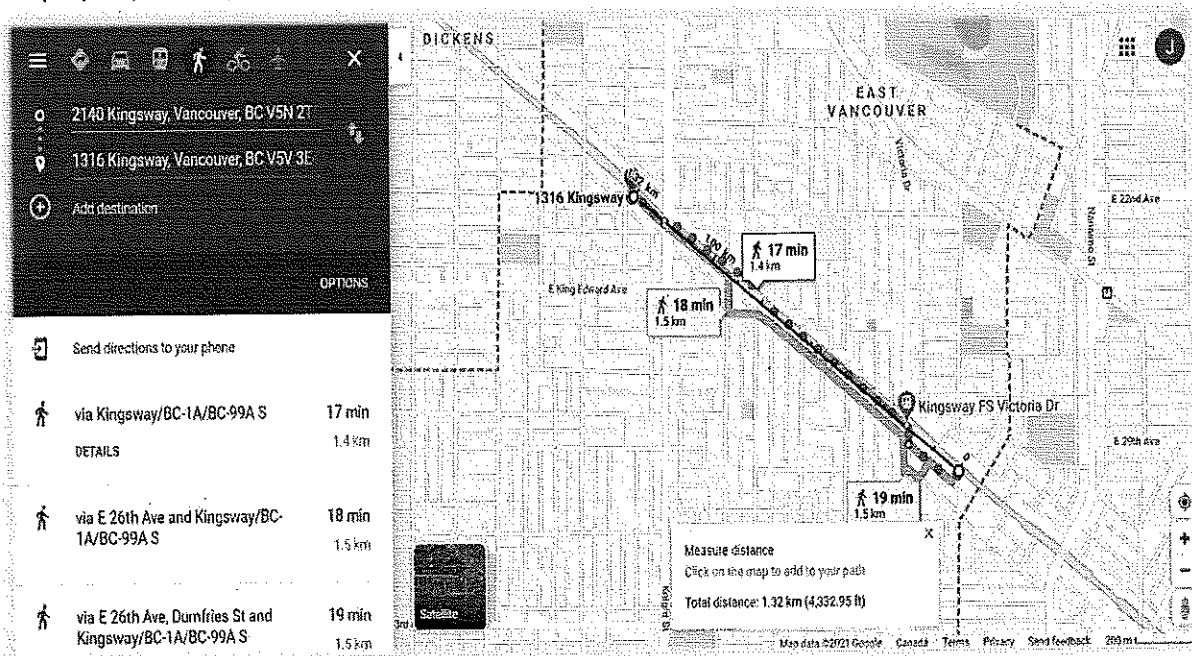


Figure 11 - Distance between the proposed location and provincially licensed Sunrise Cannabis

Kingsway Cannabis has filled the gap in access to legal cannabis which formerly existed between Sunrise Cannabis and Kiario Cannabis.

Business Community in Norquay Village/Kingsway

Kingsway Cannabis has integrated seamlessly into the business community. The Appellant has continued to work with his neighbors to combat graffiti in the area. The foot traffic to Kingsway Cannabis has been growing steadily since the doors opened and the restaurants in the area are benefiting.

Renewal of Variance

Appellant is currently a licensed cannabis retailer with two existing locations in BC.

The appellant's location has made over 5,000 transactions and has received zero complaints and has been in full compliance and good standing since opening. No visits from the Community Safety Unit and no issues with nuisance behavior from patrons.

Kingsway Cannabis is involved with the local community, employs 8 people from the surrounding area and is in good standing with the Liquor and Cannabis Regulation Branch

The appellant is seeking an 18-year conditional renewal / extension to continue operations at the existing location based on the length of lease and renewal option. (See Lease Appendix 2)

APPENDIX 1



**Liquor and Cannabis Regulation Branch
Cannabis Retail Store #450438**

Expires on June 30, 2022

Establishment Name:	Kingsway Cannabis
Licence Name:	Kingsway Cannabis
Location Address:	2140 Kingsway Vancouver, B.C., V5N2T5
Issued to:	GRAND FORKS CANNABIS LTD.

TERMS AND CONDITIONS

- This licence is subject to the terms and conditions specified in the restriction or approval letter(s) and those contained in the Cannabis Retail Store Handbook, which may be amended from time to time.
- Packaged cannabis may only be sold within the service area outlined in blue on the LCRB approved floor plan, unless otherwise endorsed or approved by the LCRB.
- The establishment may be open anytime between the hours of 9 a.m. and 11 p.m., subject to further restriction by the local government or Indigenous nation.

**YOUR CURRENT VALID LICENCE MUST BE
PROMINENTLY DISPLAYED AT ALL TIMES.
TAMPERING, ALTERING OR DEFACING THIS
LICENCE IN ANY MANNER MAY RESULT IN THE
LICENCE BEING CANCELLED.**

Licence issued by the General Manager under the
authority of the Control and Licensing Act.

Licence Printed: July 21, 2021

Kingsway Cannabis Current Valid Provincial License