



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Wednesday, August 09th, 2023

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Rakshin Kandola

Peter Gee

ABSENT: Alexander Ray

Namtez Sohal

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: None – Written comments provided by Joe Bosnjak (Director of Planning’s Rep.)

On August 09th, 2023 - The following sites were updated with new board decisions (as requested by the City – in order to obtain new City permits, a requirement).

- 1120 Hamilton Street ('name-change' updated as required by the Licensing department)
- 8602 Granville Street ('name-change' updated as required by the Licensing department)
- 2076 Kingsway (expiry date extension approved as required by the Licensing department)
- 565 Dunsmuir Street (expiry date extension approved as required by the Licensing department)

1120 Hamilton Street – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis 'Name-Change')
Legal Description:	Lot 26, Block 76, District Lot 541 and VAP 3469
Lot Size:	Irregular Lot Area
Zone:	HA-3
Related By-Law Clause:	Section 11.6

Appeal Description:

Requesting a Cannabis store 'name-change' (new operator) and the Cannabis land-use was previously approved by the Board of Variance on September 13th, 2022.

Board of Variance History:

This appeal was heard 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.

Original Cannabis Land-use approval (from 2020):

This appeal was heard by the Board of Variance on October 20th, 2020 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00316 and approved interior alterations and change the use from a Barbershop to a new Retail Cannabis Store, 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: October 20th, 2021;
- (3) the Board may grant an extension on/or before the expiry date: October 20th, 2021;
- (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:

Adam DiCasmirro 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 (written) comments were that the following appeal is in regards to DP-2020-00316 – BOV Appeal Z35700 heard by the Board of Variance on October 20, 2020 and is requesting a name change for condition 1 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 had no final comments.

This name-change and an extension request was reviewed by the Board of Variance on August 09th, 2023 and was ALLOWED, thereby granting a Cannabis store 'name-change' (with a new operator - approved) (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 Gurbinder Karbar and doing business as (DBA): “Dutch Love Cannabis”.
- (2) the Board granted a limited-time approval 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.

8602 Granville Street – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis 'Name-Change')

Legal Description: Lot C, Block 13, District Lot 318 and Plan 19391

Lot Size: Irregular Lot Area

Zone: C-2

Related By-Law Clause: Section 11.6

Appeal Description:

Requesting a Cannabis store 'name-change' (new operator) and the Cannabis land-use was previously approved by the Board of Variance on April 20th, 2021.

Board of Variance History:

This appeal was heard by the Board of Variance on April 20th , 2021 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00655 and APPROVED interior alterations and a change of use of approximately 2,361 sq. ft. from Retail to a new Cannabis Retail Store in this existing commercial building on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of “Lightbox Enterprises Ltd.” and shall be operated by Chad Cole, Jeff Donnelly and Reid Ogdon and doing business as (DBA): “DUTCH LOVE”.
- (2) that the Cannabis operators of ‘Dutch Love’ will have two (2) Development Permits co-exist at 8425 Granville Street and 8602 Granville Street but at no time will the businesses operate concurrently. NOTE: More specifically, that the Cannabis Store at 8425 Granville Street operations MUST BE CLOSED and the DP cancelled prior to the occupation/operation of 8602 Granville Street. This is only intended to provide a seamless transition, for the interim period both DP’s need to be active. ** Updated imposed condition on April 20th, 2021
- (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.

Original Cannabis Land-use approval (from 2020):

This appeal was heard by the Board of Variance on December 15th, 2020 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00655 and APPROVED interior alterations and a change of use of approximately 2,361 sq. ft. from Retail to a new Cannabis Retail Store in this existing commercial building on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of “Lightbox Enterprises Ltd.” and shall be operated by Chad Cole, Jeff Donnelly and Reid Ogdon and doing business as (DBA): “DUTCH LOVE”.
- (2) that the Appellants must close and cancel the Development Permit for the appellants’ other site located at: 8431 Granville Street (once Development Application DP-2020-00655 is issued and approved by the Director of Planning – at 8602 Granville Street). This is a requirement (Cancellation of DP-permit at 8431 Granville Street) in accordance with the Board’s decision on December 15th, 2020 with the Appellants in an agreement at the Appeal Hearing.
- (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.

Discussion:

Adam DiCasmirro 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 (written) comments were that the following appeal is in regards to DP-2020-00655 – BOV Appeal Z35738 heard by the Board of Variance on April 20, 2021 and is requesting a name change for condition 1 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 had no final comments.

This name-change and an extension request was reviewed by the Board of Variance on August 09th, 2023 and was ALLOWED, thereby granting a Cannabis store 'name-change' (with a new operator - approved) (Related to Development Application No. DP-2020-00655) and subject to the following conditions:

- (1) the approval is for the exclusive use of “Nova Cannabis Stores Limited Partnership” and shall be operated by Marcie Kiziak (CEO) and Cameron Sebastian (VP) and doing business as (DBA): “Value Buds”.
- (2) the Board granted a limited-time approval and expires on: August 09th, 2024;
- (3) the Board may grant an extension on/or before the expiry date: August 09th, 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.

2076 Kingsway – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Renewal)
Legal Description:	Lot 7, Block 3, District Lot 393 and VAP 2707
Lot Size:	Irregular Lot Area
Zone:	C-2
Related By-Law Clause:	Section 11.6

Appeal Description:

Requesting permission to retain the Cannabis land-use at this site for a further period of time, and the Cannabis land-use was previously approved (extension granted) by the Board of Variance on March 08th, 2022 (last BOV decision).

Board of Variance History:

This appeal was heard by the Board of Variance on March 08th, 2022 and was ALLOWED with conditions, thereby approving a 'Cannabis company name-change' at this approved Cannabis Retail Store, including granting an extension for a further period of one (1) year from July 27th, 2022 to July 27th, 2023 - in order for the appellants to obtain all the required City permits, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Bonnie Johnstone and Brian Gray operating the business as 'Kootenay Cannabis Ltd.' – and doing business as (DBA) “Kootenay Cannabis”;
- (2) that the approval is for one-year (from July 27th, 2022) and expiring on July 27th, 2023;
- (3) that the Board may grant an extension to the time-limit on or before July 27th, 2023;
- (4) that the Appellant agreed to “close the Cannabis Store located at 4510 Victoria Drive” in accordance with the Board’s original decision on June 16th, 2020; and
- (5) 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.

Original Cannabis Land-use approval (from 2020):

This appeal was heard by the Board of Variance on June 16th, 2020 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2019-00585 and approved interior alterations and to change the use of approximately 564 square feet on the main floor - from a retail limited food to a new Retail Cannabis Store, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Bonnie Johnstone operating the business as Karuna Store Ltd. – and doing business as (DBA) Zen Den Boutique;
- (2) that the approval is for two-year and expiring on June 16th, 2022;
- (3) that the Board may grant an extension to the time-limit on or before June 16th, 2022;
- (4) that the Appellant agreed to “close the Cannabis Store located at 4510 Victoria Drive” in accordance with the Board’s decision on June 16th, 2020; and
- (5) 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:

Brian Gray and Bonnie Johnstone 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 4 year renewal. Their lease is active until 2028, and the landlord is in support of the appeal. They also have a provincial license and have long term plans for the location.

The Director of Planning’s Representative

Mr. Bosnjak’s (written) comments were that the following appeal is in regards to DP-2019-00585 and is requesting an extension to condition 2 of the BOV appeal Z35636. 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 one hundred and five (105) 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:

Mr. Bosnjak had no final comments.

The appellant's final comments were that they would appreciate a 4 year extension.

This extension request was reviewed by the Board of Variance on August 09th, 2023 and was ALLOWED, thereby granting permission to retain the Cannabis land-use at this site for a further period of time, and subject to the following conditions:

- (1) that the approval is for the exclusive use of Bonnie Johnstone and Brian Gray operating the business as 'Kootenay Cannabis Ltd.' – and doing business as (DBA) "Kootenay Cannabis";
- (2) that the approval has a limited-time approval and expiring on April 30th, 2027;
- (3) that the Board may grant an extension to the time-limit on or before April 30th, 2027;
- (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.

565 Dunsmuir Street – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Renewal)
Legal Description:	Lot G of Lot 1, Block 22, District Lot 200 Group 1 NWD, and Plan 11699
Lot Size:	Irregular Lot Area
Zone:	C-1
Related By-Law Clause:	Section 11.6

Appeal Description:

Requesting permission to retain the Cannabis land-use at this site for a further period of time, and the Cannabis land-use was previously approved (extension granted) by the Board of Variance on September 13th, 2022 (last BOV decision).

Board of Variance History:

This appeal was heard by the Board of Variance on September 13th, 2022 and ALLOWED the Cannabis company name-change to “Coastal Green”, and relating to Development Application No. DP-2019-00947 and approved the extension of the new Retail Cannabis Store at this existing Heritage "C" building for a further period of time and an extension approved for two (2) years to 2024, and subject to the following conditions:

- (1) the approval is for the exclusive use of “1372443 B.C. Ltd.” and shall be operated by Kimberly Wall and Jason Yick and doing business as (DBA): “Coastal Green”.
- (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; 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.

Original Cannabis Land-use approval (from 2020):

This appeal was heard by the Board of Variance on September 22nd, 2020 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2019-00947 and approved interior alterations and to change the use of approximately 1019.0 square feet from Retail (Limited Food Service) to a new Retail Cannabis Store at this existing Heritage "C" building on this site., and subject to the following conditions:

- (1) the approval is for the exclusive use of "CHOOM BC Retail Holdings" and shall be operated by Erik Collings and Corey Gillon and doing business as (DBA): "Choom Cannabis Co.". (Note: the lease agreement with the Landlord is: Choom BC Retail Holdings DBA Choom).
- (2) the Board granted a limited-time approval for two (2) years and expires on: September 22nd, 2022;
- (3) the Board may grant an extension on/or before the expiry date: September 22nd, 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:

Jason Yick 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's initial comments were that they have a few locations within the lower mainland. They are looking for a 4 year extension to match their term of lease.

The Director of Planning's Representative

Mr. Bosnjak's (written) comments were that the following appeal is in regards to DP-2019-00947 and is requesting an extension to condition 2 of the BOV appeal Z35976. 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 had no final comments.

This extension request was reviewed by the Board of Variance on August 09th, 2023 and was ALLOWED and thereby granting permission to retain the ‘Cannabis land-use’ at this site for a further period of time, and subject to the following conditions:

- (1) the approval is for the exclusive use of “1372443 B.C. Ltd.” and shall be operated by Kimberly Wall and Jason Yick and doing business as (DBA): “Coastal Green”.
- (2) the Board granted a limited-time approval for four (4) years and expires on: October 01st, 2027;
- (3) the Board may grant an extension on/or before the expiry date: October 01st, 2027; 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.