



BOARD OF VARIANCE/PARKING VARIANCE BOARD – SUMMARY MINUTES

DATE: Tuesday, September 24th, 2024

TIME: 1:15 PM

PLACE: Townhall, Main Floor, City Hall

PRESENT: Gilbert Tan – Board Chair

Peter Gee

Elizabeth MacKenzie

Namtez Sohal

ABSENT: Leah Karlberg

SECRETARY: Louis Ng

Assistant

SECRETARY: Carmen Lau

ALSO PRESENT: Joe Bosnjak, Manager (Director of Planning’s Representative)

Tony Chen, Manager (Director of Planning’s Representative)

Marie Linehan, Development Planner

3581 East 45th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(b) - Appeal of Regulation (Multiplex Design)
Legal Description:	Lot 13, Block 12, District Lot 49 Group 1 NWD and Plan 5624
Lot Size:	Lot Area = 6,428.89 sq. feet (60.92 feet x 105.53 feet)
Zone:	R1-1
Related By-Law Clause:	Section 3.1.2.4 (Minimum Site Depth – Multiplex proposal)

Appeal Description:

Requesting a zoning relaxation of the Minimum Site Depth regulations of the R1-1 District Schedule and a request to permit the construction of a new Multiplex Design Dwelling at this site with a lot area of 6,428.89 sq. feet site. Note: The Board of Variance is ONLY considering a zoning relaxation for Section 3.1.2.4 (Minimum Site Depth provisions). The entire development proposal must be in compliance with all other zoning provisions of the R1-1 District Schedule.

Discussion:

Jatinder Rosha 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

Ms. Linehan's initial comments were that this is an appeal for a multiplex. The Director of Planning does not have the authority to relax the depth, and will defer to the Board for their decision.

The Board Chair stated that the Board's site office received (0) letters in Support and (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:

Ms. Linehan’s final comments were that they’re not opposed to the appeal, but the Director of Planning does not have the authority to relax the appeal.

The appellant’s final comments were that the appellant have children that are doctors, and there is a need for doctors in Vancouver. The depth will not affect the integrity of the system.

This appeal was heard by the Board of Variance on September 24th, 2024 and was ALLOWED, thereby granting a zoning relaxation of the Minimum Site Depth regulations of the R1-1 District Schedule and APPROVED the construction of a new Multiplex Design Dwelling at this site with a lot area of 6,428.89 sq. feet site, and subject to the following condition:

(1) 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 majority of the Board voted 4-0 in support of the appeal and found a site hardship, and thereby granting a zoning relaxation for Section 3.1.2.4. The Board also noted that the Owners are required to comply with ALL other regulations of the R1-1 District Schedule.

-The Board’s site office received no responses to this development proposal.

2138 Kingsway– Board Minutes and Decision

Appeal Section:	573(1)(a) Appeal of Decision (Cannabis Store Relocation)
Legal Description:	Lot 1, District Lot 393 NWD and Plan VAS 1239
Lot Size:	Irregular site
Zone:	C-2
Related By-Law Clause:	Cannabis Land-use provisions

Appeal Description:

Appealing the decision of the Director of Planning who refused Development Application No. DP-2024-00551 and a request to permit interior alterations and change of use from Retail, (Car Rental Agency) to a Cannabis Retail Store (and relocating from 2140 Kingsway).

Development Application No. DP-2024-00551 was REFUSED for the following reasons:

-the proposed development does not comply with the regulations of the Zoning and Development By-law that affect the site.

Board of Variance History (Original Cannabis Store at 2140 Kingsway from 2021):

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.

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.

Discussion:

Michelle Corrigall and 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.

The appellant's initial comments were that they have to move from their unit to the next door unit, which is within the same complex.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following is an appeal to refused Development Permit DP-2024-00551 which is to provide interior alterations and change of use from Retail (Car Rental Agency) to a Cannabis Retail Store. This is a relocation from 2140 Kingsway (Adjacent Unit to East).

General Note:

2140 Kingsway (DP-2020-00927) is issued to the current applicant;

This application is a relocation from 2140 Kingsway to 2138 Kingsway;

Both 2140 and 2138 are on the same Lot (site) so no changes to failed buffering's (300m);

If this appeal is to be approved then 2140 Kingsway (DP-2020-00927) is to be cancelled and condition of approval;

One buffering failure of another Cannabis store approximately 90.5 m away, since the original application is on the same site the buffering failure has not changed from the time they were at the Board of Variance for DP-2020-00927.

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

The Board Chair stated that the Board's site office received (0) letters in Support and (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.

Brian Gray (2076 Kingsway) is not in support of the appeal.

Final Comments:

Mr. Bosnjak had no final comments.

The appellant’s final comments were that this is an appeal everyone will benefit from.

This appeal was heard by the Board of Variance on September 24th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2024-00551 and APPROVED interior alterations and a change of use from Retail, (Car Rental Agency) to a new Cannabis Retail Store (this approval is strictly for relocating the existing approved Cannabis store from 2140 Kingsway to 2138 Kingsway), and subject to the following conditions listed below:

- (1). the approval is for the exclusive use of “1379665 BC Ltd.” and shall be operated by Charles Varabioff and doing business as (DBA): “Kingsway Cannabis”.
- (2). that the Cannabis Store at 2140 Kingsway MUST be closed – and all the related City permits (relating to Development Permits No. DP-2020-00927 and DP-2021-00482 at 2140 Kingsway) must be CANCELLED and shall be to the satisfaction of the Director of Planning. NOTE: ALL the required City permits and the COV’s Cannabis License (including Provincial’s approval) are required for 2138 Kingsway;
- (3). the Board granted a limited-time approval and expires on: September 24th, 2027;
- (4). the Board may grant an extension on/or before the expiry date: September 24th, 2027;
- (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.

3158 East 54th Avenue – Board Minutes and Decision

Appeal Section:	573(1)(a) - Appeal of Decision (Cannabis Name-Change)
Legal Description:	Lot 1, Block 334 NWD Group 1, and Plan LMP 57817
Lot Size:	Irregular Lot Area.
Zone:	CD-1 (68)
Related By-Law Clause:	Section 11.6

Appeal Description:

Requesting a Cannabis Store ‘Name-Change’ (Cannabis operators change at this site) and previously approved by the Board of Variance on May 17th, 2022.

Board of Variance History (Original BOV decision – from May 17th, 2022):

This appeal was heard by the Board of Variance on May 17th, 2022 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2022-00020, and approved interior alterations, consolidate units 3158 (752 sq.ft.) and 3168 (216 sq.ft.) and to change the use of approx. 968 sq.ft. from a School of Arts and Self Improvement (Music School + Tutoring) into a new Cannabis Retail Store in this existing mixed-use building (Champlain Mall) on this site, and subject to the following conditions:

- (1) the approval is for the exclusive use of “Burb Cannabis Corporation” and shall be operated by Steve Dowsley and Clayton Chessa and doing business as (DBA): “Burb”.*
- (2) the Board granted a limited-time approval for one (1) year and expires on: May 17th, 2023;*
- (3) the Board may grant an extension on/or before the expiry date: May 17th, 2023;*
- (4) the Board approved limited-store hours from 10:00 AM to 8:00 PM (Seven days a week) (The Cannabis Operators must comply with the Board’s imposed store operation hours); 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.*

Board’s summary and decision based on the following:

-The Board Members voted (3-1) in support of the appeal – and this BOV Panel supported this new Cannabis Retail Store to serve citizens living in that area, and to have access to cannabis.

-The Board’s site office notified over 375+ property owners in the surrounding area and the Board received 36-letters in opposition and 8-Letters in support of the appeal. The Appellants (cannabis operators) also submitted support letters from meeting with the neighbourhood.

-The Board Members were in support of the development proposal to proceed and imposed a limited-time approval of one-year, and the Cannabis operators must obtain Provincial approval and obtain all the City’s required permits and licenses before they can operate / open for business.

Discussion:

John Olan, Robert Howes, and John Roberts 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 had no initial comments.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following appeal in front of you is to extend the previous approved Development Permit. DP-2022-00020 was Issued by the Director of Planning with Board of Variance approval but has expired as the applicant did not apply for a Building Permit to validate the development permit (DP). This DP was for the entire unit that included both 3158/3168 E 54th Ave. The applicant is seeking an extension of this Development Permit. The Director of Planning defers to the Board of Variance for their decision. If granted, the applicant will be in touch with our extension coordinator on extension of current expired development permit application.

The Board Chair stated that the Board's site office received (0) letter in Support and thirty four (34) letters in opposition, along with a petition with sixty seven (67) signatures 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 straight forward decision for the Board.

This appeal was heard by the Board of Variance on September 24th, 2024 and was ALLOWED, thereby granting permission and APPROVED the Cannabis Store 'Name-Change' (Cannabis operators name-change) and this includes the consolidation of units at 3158 and 3168 East 54th Avenue and combining the two (2) units into one-single cannabis store, and subject to the following conditions:

- (1) the approval is for the exclusive use of "Kiwi Exchange Cannabis Corp." and operated by Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes and doing business as (DBA): "Generation Cannabis" (the store front name);
- (2) the Board granted a limited-time approval for two (2) years and expires on: September 24th, 2026.
- (3) the Board may grant an extension on/or before the expiry date: September 24th, 2026;

(4) the Board approved limited-store hours from 10:00 AM to 8:00 PM (Seven days a week) (The Cannabis Operators MUST comply with the Board's imposed store operational hours) in accordance with the Board's original decision from May 17th, 2022 – due to all the concerns from the surrounding neighbourhood (on file); 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.

Board's summary and decision based on the following:

-The Board of Variance members voted (4-0) and with a majority in support of the cannabis operators' name-change and an extension of the previously approved 'Cannabis land-use' at this site for a further period of two (2) years. Note: This new approval is for the Cannabis operators-company 'name-change' from Burb Cannabis to Generations Cannabis with additional imposed conditions.

-The Board of Variance's site office notified over 200+ property owners, and received 34-emails/letters in opposition and along with a 'hand-delivered' petition documenting 63-signatures in opposition to this Cannabis operators-company 'name-change' appeal. The board members considered all the written comments and concerns from the Neighbourhood and the board's final decision included keeping the original imposed condition with the permitted operational 'business hours from 10:00 AM to 8:00 PM' and this Cannabis store must be closed by 8:00 PM with no exceptions, and this imposed condition (restriction) applies seven days a week.

-The Board of Variance granted a limited-time approval for the 'Cannabis land-use' for up to two (2) years and expires on September 24th, 2026. Note: Renewals and any future extensions can be requested by 'Generation Cannabis' (Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes) on / before September 24th, 2026 (and must be requested in writing and officially filing a new appeal prior to the expiry date).

-Requirement: The new Cannabis operators ('Generations Cannabis' - Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes) are required to obtain all the City's Development and Building permits to complete the transfer of the cannabis land-use (company name-change) prior to obtaining the Provincial Cannabis permit and the City of Vancouver's Cannabis business license to operate.

-Requirement: The City of Vancouver will monitor the site's operation after all the permits are issued by the Province and by the City of Vancouver and allowing 'Generation Cannabis' to operate (- by Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes). The City of Vancouver must retain all the records of any future complaints and/or concerns from the residents in the neighbourhood including all the nearby property owners in the immediate vicinity of this approved Cannabis Store at 3158 & 3168 East 54th Avenue. Note: All documented records (from all "311 calls to the City" and including all mail / emails...) shall be kept on file and must be provided to the Board of

Variance department on any future considerations of the cannabis land-use renewals and/or any extension requests from 'Generations Cannabis' (- Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes) operating the cannabis stores 3158 & 3168 East 54th Avenue.

3168 East 54th Avenue (Related to 3158 East 54th Avenue) – Board Minutes and Decision

Appeal Section: 573(1)(a) - Appeal of Decision (Cannabis Name-Change)
Legal Description: Lot 1, Block 334 NWD Group 1, and Plan LMP 57817
Lot Size: Irregular Lot Area.
Zone: CD-1 (68)
Related By-Law Clause: Section 11.6

Appeal Description:

Requesting a Cannabis Store 'Name-Change' (Cannabis operators change at this site) and previously approved by the Board of Variance on June 20th, 2023.

Board of Variance History (Original BOV decision – from June 2023):

This appeal was heard by the Board of Variance on June 20th, 2023 and was ALLOWED, thereby granting permission to retain the approved Cannabis Land-use at 3168 East 54th Avenue ONLY and for a further period of time, and subject to the following conditions:

(1) the approval is ONLY for the unit at 3168 East 54th Avenue – and for the exclusive use of “Burb Cannabis Corp.” and operated by Stephen Dowsley and doing business as (DBA): “Burb”.

(2) the Board granted a limited-time approval for two (2) years and expires on: June 20th, 2025;

(3) the Board may grant an extension on/or before the expiry date: June 20th, 2025;

(4) that the approved closing time must be 8:00 PM (Seven Days a week) in accordance with the Board’s original decision from May 17th, 2022 – due to complaints from the neighbourhood (on file); 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. (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:

John Olan, Robert Howes, and John Roberts 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 had no initial comments.

The Director of Planning's Representative

Mr. Bosnjak's initial comments were that the following appeal in front of you is to extend the previous approved Development Permit. DP-2022-00020 was Issued by the Director of Planning with Board of Variance approval but has expired as the applicant did not apply for a Building Permit to validate the development permit (DP). This DP was for the entire unit that included both 3158/3168 E 54th Ave. The applicant is seeking an extension of this Development Permit. The Director of Planning defers to the Board of Variance for their decision. If granted, the applicant will be in touch with our extension coordinator on extension of current expired development permit application.

The Board Chair stated that the Board's site office received (0) letter in Support and thirty four (34) letters in opposition, along with a petition with sixty seven (67) signatures 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 straight forward decision for the Board.

This appeal was heard by the Board of Variance on September 24th, 2024 and was ALLOWED, thereby granting permission and APPROVED the Cannabis Store 'Name-Change' (Cannabis operators name-change) and this includes the consolidation of units at 3158 and 3168 East 54th Avenue and combining the two (2) units into one-single cannabis store, and subject to the following conditions:

- (1) the approval is for the exclusive use of "Kiwi Exchange Cannabis Corp." and operated by Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes and doing business as (DBA): "Generation Cannabis" (the store front name);
- (2) the Board granted a limited-time approval for two (2) years and expires on: September 24th, 2026.
- (3) the Board may grant an extension on/or before the expiry date: September 24th, 2026;
- (4) the Board approved limited-store hours from 10:00 AM to 8:00 PM (Seven days a week) (The Cannabis Operators MUST comply with the Board's imposed store operational hours) in accordance with the Board's original decision from May 17th, 2022 – due to all the concerns from the surrounding neighbourhood (on file); 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.

Board's summary and decision based on the following:

-The Board of Variance members voted (4-0) and with a majority in support of the cannabis operators' name-change and an extension of the previously approved 'Cannabis land-use' at this site for a further period of two (2) years. Note: This new approval is for the Cannabis operators-company 'name-change' from Burb Cannabis to Generations Cannabis with additional imposed conditions.

-The Board of Variance's site office notified over 200+ property owners, and received 34-emails/letters in opposition and along with a 'hand-delivered' petition documenting 63-signatures in opposition to this Cannabis operators-company 'name-change' appeal. The board members considered all the written comments and concerns from the Neighbourhood and the board's final decision included keeping the original imposed condition with the permitted operational 'business hours from 10:00 AM to 8:00 PM' and this Cannabis store must be closed by 8:00 PM with no exceptions, and this imposed condition (restriction) applies seven days a week.

-The Board of Variance granted a limited-time approval for the 'Cannabis land-use' for up to two (2) years and expires on September 24th, 2026. Note: Renewals and any future extensions can be requested by 'Generation Cannabis' (Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes) on / before September 24th, 2026 (and must be requested in writing and officially filing a new appeal prior to the expiry date).

-Requirement: The new Cannabis operators ('Generations Cannabis' - Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes) are required to obtain all the City's Development and Building permits to complete the transfer of the cannabis land-use (company name-change) prior to obtaining the Provincial Cannabis permit and the City of Vancouver's Cannabis business license to operate.

-Requirement: The City of Vancouver will monitor the site's operation after all the permits are issued by the Province and by the City of Vancouver and allowing 'Generation Cannabis' to operate (- by Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes). The City of Vancouver must retain all the records of any future complaints and/or concerns from the residents in the neighbourhood including all the nearby property owners in the immediate vicinity of this approved Cannabis Store at 3158 & 3168 East 54th Avenue. Note: All documented records (from all "311 calls to the City" and including all mail / emails...) shall be kept on file and must be provided to the Board of Variance department on any future considerations of the cannabis land-use renewals and/or any extension requests from 'Generations Cannabis' (- Kiwi Exchange Cannabis Corp. c/o Mr. John Olan, Mr. Robert Howes and Mr. Spencer Howes) operating the cannabis stores 3158 & 3168 East 54th Avenue.

On September 24th 2024 - The following sites were reviewed by the Board of Variance for other zoning related items and **Development Permits are required for the following sites:**

1875 Maple Street

This appeal was heard by the Board of Variance on September 24th, 2024 and was ALLOWED, thereby DELETING Condition 1.1 as outlined in the prior-to approval letter issued by the Director of Planning who approved Development Application No. DP-2024-00083 and APPROVING a request to permit interior and exterior alterations to an existing multiple dwelling building and to propose an addition on the third (3rd) floor with an addition of approximately 440 sq. ft at this existing site, and subject to the following condition:

(1) 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.

4112 Heather Street

This appeal was heard by the Board of Variance on September 24th, 2024 and was ALLOWED, thereby overturning the decision of the Director of Planning who refused Development Application No. DP-2020-00731 and requesting to permit interior alterations to this existing two-storey plus basement with a secondary suite site. Scope of work including: Crawlspace conversion into new living space in basement, and also interior alterations to the basement floor, and subject to the following condition:

(1) 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.

On September 24th, 2024 - The following sites were **NOT** reviewed by the Board of Variance and were adjourned.

- 472 East 57th Avenue

- 3726 West 36th Avenue