



Report Committee of Adjustment

Filing Date: September 11, 2023
Hearing Date: January 23, 2024

File: A-2023-0282

**Owner/
Applicant:** **TEN LIGHTBEAM PROPERTY INC**
JND Design Studio (Chetan Dalal)

Address: **16-10 Lightbeam Terrace**

Ward: 6

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0282 be deferred to no later than the last hearing of March 2024.

Background:

Existing Zoning:

The property is zoned 'Industrial M4 – Special Section 2349 (M4-2349)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a retail area of 30.11% of the total gross floor areas of the associated use, whereas the by-law permits a maximum retail area of 15% of the total gross floor area of the associated use.

Current Situation:

The minor variance application is submitted to permit a retail area of 30.11% of the total gross floor areas of the associated use, whereas the by-law permits a maximum retail area of 15% of the total gross floor area of the associated use.

Staff reviewed the application when first submitted for the October 3rd Committee of Adjustment Hearing. The applicant requested a variance to permit a retail area of 37.88% of the total gross floor areas of the associated use, whereas the by-law permits a maximum retail area of 15% of the total gross floor area of the associated use.

Based on the information received at the time, staff recommended a refusal of the application as the requested increase did not meet the four tests required for a minor variance application. Furthermore, insufficient information was provided to staff to justify the proposed increase. As part of the revised variance, the applicant has provided a cover letter outlining the justification for the increased retail area.

On Tuesday, January 16, 2024 Planning Staff were notified by the Committee of Adjustment Secretary Treasurer that the Minor Variance signs were not picked up by the owner. In accordance with the Planning Act, notice must be provided at least 10 days before the day of the hearing on an application for a minor variance or permission under subsection 45 (5) of the Act. As the signs were not picked up or displayed within the required legislative timelines, this application is unable to be heard at the scheduled meeting occurring on January 23, 2024.

City staff have communicated the above noted matters with the applicant which will need to be addressed through an amended proposal, satisfactory justification and updated concept plan. Therefore, staff are recommending a deferral of the application to no later than the last hearing of March 2024 to allow sufficient time for the applicant to provide this additional information and for staff to review and provide a recommendation.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner