



## Report Committee of Adjustment

**Filing Date:** March 22, 2024

**Hearing Date:** April 23, 2024

**File:** A-2024-0095

**Owner/  
Applicant:** PAB 410-7 Limited Partnership, c/o Kipling Relaty  
Blackthorn Development Corporation c/o Maurizio Rogato

**Address:** 150 West Drive Unit 106

**Ward:** 3

**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0095 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the applicant apply for a change of use permit prior to occupancy of the space;
  3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

#### Existing Zoning:

The property is zoned 'Commercial Three – Special Section 411 (C3-411)', according to By-law 270-2004, as amended.

#### Requested Variance:

The applicant is requesting the following variance:

1. To permit a place of commercial recreation (indoor playground), whereas the by-law does not permit the use.

### **Current Situation:**

### 1. Maintains the General Intent and Purpose of the Official Plan

The variance is requested to permit a place of commercial recreation (indoor playground), whereas the by-law does not permit the use. The subject property is designated as 'Central Area' in the Official Plan and 'Central Area Mixed Use – Commercial' in the Queen Street Corridor Secondary Plan (Area 36). Additionally, the property is located within a Primary Major Transit Station Area.

The 'Central Area' designation serves as the major location for free-standing or mixed-use development including: (i) A full range of office, retail and service activities; (iii) Entertainment and cultural uses such as movie theatres, museums; (iv) art galleries, live theatre and tourism, yet recognizing commercial trends for such uses in other parts of the City.

The Secondary Plan policies for the 'Commercial – Central Area Mixed Use' are intended to accommodate mixed-use developments incorporating any combination of commercial, retail, office, residential, hotel, open space, recreational, institutional, a full range of entertainment and cultural uses including, but not limited to, movie theatres, art galleries, live theatre and museums which are managed as a unit. The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

### 2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Commercial Three – Special Section 411 (C3-411)', according to By-law 270-2004, as amended. The applicant is proposing a commercial recreation (indoor playground), which will include indoor seating, play area with rides and play equipment, storage and individual rooms.

The Commercial Three – Special Section 411 (C3-411) zone permits a range of commercial uses such as a retail establishment having no outside storage; a community club; a recreation and health centre; and more. In this instance, the special section does not permit a place of commercial recreation, however the commercial recreation use is similar in character to the permitted uses on the property. The commercial recreation use is not expected to negatively affect the operation of the other businesses on the property or create any adverse impacts for adjacent properties. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

The requested variance is intended to permit a indoor playground to operate from unit 106 whereas the by-law does not permit the proposed use. Permitting a commercial recreational within the commercial building will not alter the character of the area or adversely impact the other tenants located within the building. The surrounding neighborhood context consists of apartment buildings to the north and east, Highway 410 is located west of the property, and industrial areas are located to the south. Given the nature of the property and surrounding site context, the proposed use is not anticipated to generate negative impacts to the surrounding area and is appropriate for the site. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land

4. Minor in Nature

The request to allow a place of commercial recreation as a permitted use will not adversely impact the subject property. The proposed use is consistent with the general intent and purpose of the Official Plan, Secondary Plan, and Zoning By-law. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Assistant Development Planner