



## Report Committee of Adjustment

**Filing Date:** April 18, 2024  
**Hearing Date:** September 17, 2024

**File:** A-2024-0120

**Owner/  
Applicant:** TRI-CAV Investments Ltd.  
Patrick Cheeseman

**Address:** 170 Bovaird Drive, Unit 8

**Ward:** 2

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

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### Recommendations:

That the application be deferred to no later than the last hearing of November 2024.

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### Background:

This application was initially presented to Committee at the Hearing occurring on May 21, 2024. This application is requesting two variances requesting to permit a day nursery use whereas the zoning by-law does not permit the use; and a reduction in the number of parking spaces. Through City Staff review of the proposed variances, staff have determined that additional information is required prior to staff providing a recommendation regarding the application.

### Existing Zoning:

The property is zoned 'Service Commercial – Special Section 289 (SC-289) and Industrial One A – Special Section 161 (M1A – 161)', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a day nursery use whereas the by law does not permit a day nursery use; and
2. To provide 164 parking spaces, whereas the by-law requires 181 parking spaces.

### Current Situation:

The applicant is requesting permit a day nursery use whereas the by law does not permit a day nursery use; and To provide 164 parking spaces, whereas the by-law requires 181 parking spaces.

On August 29, 2024, the applicant provided a revised sketch for staff's review. In regards to the variance relating to the day nursery use, the applicant is proposing an outdoor play area adjacent to existing loading spaces for other industrial/commercial units. Staff have concerns regarding the proximity of the proposed outdoor play area in relation to the loading spaces and the drive aisle, furthermore the sketch provided does not accurately include the extent of the proposed outdoor play area. As such, Traffic Staff have advised a Truck Swept Plan will be required. Through a review of the surrounding land use context, the day nursery is considered a sensitive use. Staff have advised the applicant that a Record of Site Condition (RSC) under the Environmental Protection Act, considering the last/present use of the unit being commercial/retail, and it will be a change of property use to a more sensitive use.

Staff are recommending a deferral of the application to a date no later than the last hearing of November 2024 to allow sufficient time for the applicant to provide a revised sketch and for staff to review and provide additional feedback as necessary. Staff have discussed the matter with the applicant and will be working closely with them to resolve any concerns prior to presenting a recommendation to the Committee of Adjustment.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Assistant Development Planner