

Filing Date: January 11, 2021
Hearing Date: February 16, 2021

File: A-2021-0002

**Owner/
Applicant:** **MONTEREY PARK INC.**

Address: **15 FISHERMAN DRIVE**

Ward: 2

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0002 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Public Notice;
 2. That the owner finalize site plan approval under City File SPA-2019-0069, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That the applicant obtain a change of use permit within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 4. 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 "Industrial Two – Special Section 1508 (M2-1508)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a place of worship having an area of 438.44 square metres (Units 12

and 13) whereas the by-law limits the total gross floor area of an individual place of worship to 350 square metres;

2. To permit a total cumulative gross floor area devoted to all places of worship of 1061.54 square metres whereas the by-law limits the total combined gross floor area for all places of worship to 700 square metres.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated "Industrial" in the Official Plan and "General Employment 1" in the Snelgrove Heartlake Secondary Plan (Area 1). The subject property has been identified as one of the industrial properties within the City where place of worship uses are permitted in the industrial designation. The proposed increase in floor area for Place of Worship is not anticipated to preclude the development of other permitted industrial uses on the site. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

2. Conforms to the Intent of the Zoning By-law

The property is zoned "Industrial Two – Special Section 1508 (M2-1508)" according to By-law 270-2004, as amended.

The intent of the by-law in limiting the permitted floor area for a particular use within an individual unit and limiting the total permitted floor area for a particular use is to ensure that an equal opportunity is provided to other users within a development to establish that use or other permitted uses.

In the case of the subject property, it is identified as one of the industrial properties within the City where place of worship uses are permitted in the industrial designation. The intent of the requested variances is to expand the existing place of worship within Unit 13 into Unit 12 which contains a food preparation area. This expansion will allow a food preparation space to be added to the existing place of worship and does not propose any increase to worship area within the existing place of worship. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the public notice to ensure that if there should be any further expansion to any place of worship within the development, an additional variance would be required. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are intended to facilitate a food preparation area being added to the existing place of worship. The increase in floor area for the individual place of worship use does not propose to actually expand the worship area but rather to include

a food preparation area for members of the congregation and worship leaders. It is not anticipated that this expansion in permitted floor area for an individual place of worship use, or for the sum of place of worship uses on the property will negatively impact the overall function of the property or preclude the development of the lands with other permitted uses. The property is currently undergoing a Site Plan Application with regard to property improvements surrounding the existing building. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2019-0069, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services to ensure that the on site improvements are completed.

Subject to the recommended conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances propose to add a food preparation area to an existing place of worship. The variances do not proposed to expand the physical worship area or capacity of the place of worship but rather serve an additional function for the existing place of worship. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I