



Report Committee of Adjustment

Filing Date: July 23, 2021
Hearing Date: August 24, 2021

File: A-2021-0164

**Owner/
Applicant:** Cristall Group Investments Inc.

Address: 158 Kennedy Road South, Units 12 & 13

Ward: WARD 3

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0164 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 place of commercial recreation (billiard hall) be limited to a maximum gross floor area of 464.52 square metres (5,000 square feet);
 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:

At the August 23rd, 2016 Committee of Adjustment hearing, the Committee granted approval of Minor Variance application A16-145 to permit a Billiard Hall for a temporary period of three (3) years. The permission has since expired and the applicant is now requesting to permit the Billiard Hall permanently.

Existing Zoning:

The property is zoned 'Industrial One (M1-3445)', 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 (billiard hall) to operate from Units 12 and 13, whereas the by-law does not permit a place of commercial recreation.

Current Situation:

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

The property is designated 'Business Corridor' in the Official Plan and 'Mixed Industrial/Commercial' in the Kennedy Road Revitalization Secondary Plan (Area 54). The Official Plan policies for the Business Corridor designation are intended to accommodate a broad range of business, service, and institutional uses to serve the general public and adjacent employment areas. The Mixed Industrial / Commercial designation under the Secondary Plan allows a range of service commercial and light industrial uses, including service and office uses, accessory retail and restaurants. The designation prohibits the outside storage of goods or materials; warehouse distribution centres; and the establishment of new motor vehicle repair, service, body shop or sales establishments. The request to allow a billiard hall use on this multi-tenanted property is in keeping with the intent of the Mixed Industrial / Commercial designation of the Secondary Plan and the Business Corridor policies of the Official Plan. The proposed variance 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 'Industrial One - Section 3445 (M1-3445)', according to By-law 270-2004, as amended. The zone allows a broad range of light industrial and non-industrial uses, including manufacturing, packaging, and processing; a printing establishment; a radio or television broadcasting and transmission establishment; a furniture and appliance store; a recreational facility or structure; a community club and an animal hospital. The applicable special section of the zoning by-law specifically excludes warehousing; parking lots as a principal use; and motor vehicle related uses, including sales, service and repair, and body work. The special section also specifically allows all of the permitted uses of the 'Service Commercial' zone within 50 metres of the front lot line along Kennedy Road. The permitted uses of the 'Service Commercial' zone include a service shop; a personal service shop; a bank, trust or finance company; dry-cleaning and laundry establishment; dining room, convenience, and take-out restaurants; a health and fitness centre; and a tavern.

The applicant requests approval to operate a place of commercial recreation (billiard hall). This proposed use is compatible with and similar to some of the other permitted uses of the zone, such as the recreational facility, the restaurant, and the tavern. It is not anticipated that the proposed use will have any adverse impact on the other businesses located on the site. Subject to the recommended conditions of approval, the requested variance conforms to the general intent and purpose of the zoning by-law.

3. Desirable for the Appropriate Development of the Land

The proposal to locate a place of commercial recreation (billiard hall) is in keeping with the other uses on the site. Subject to the recommended conditions, the requested variance will not create any adverse impacts or alter the character of the area. The variance is desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended conditions of approval, the requested variance to allow the applicant to operate a place of commercial recreation (billiard hall), within this commercial plaza will not create any adverse impacts. The variance is minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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