



## Report Committee of Adjustment

**Filing Date:** September 11, 2023

**Hearing Date:** November 14, 2023

**File:** A-2023-0282

**Owner/  
Applicant:** TEN LIGHTBEAM PROPERTY INC. C/O RAJKUMAR GANDHI  
JND Design Studio (Chetan Dalal)

**Address:** 16-10 Lightbeam Terrace

**Ward:** 6

**Contact:** Megan Fernandes, Planning Technician

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### Recommendations:

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

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### 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 37.88 % of the total gross floor area of the associated use, whereas the bylaw 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 37.88 % of the total gross floor area of the associated use, whereas the bylaw 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 3<sup>rd</sup> Committee of Adjustment Hearing. 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. During the Committee of Adjustment hearing, the applicant requested and received approval from the Committee to present the application at the next available hearing. Staff have received correspondence from the applicant that the owner is considering a reduction in the previously requested retail area.

On Monday, October 16, 2023 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 October 24.

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 January 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, Planning Technician