

#### COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A099/22

AGENDA ITEM NUMBER: 6.16	Thursday, May 26, 2022
APPLICANT:	1131931 Ontario Limited
AGENT:	Brutto Planning Consultant Ltd
PROPERTY:	7765 Kipling Ave Woodbridge
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN	Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use," Volume
(2010) DESIGNATION:	2, Section 12.15 Northeast Quadrant of Kipling Avenue and Highway 7
RELATED DEVELOPMENT	None
APPLICATIONS:	
*May include related applications for minor variance, consent, site plan, zoning	
amendments etc.	
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit office uses
	within the existing commercial building.

# THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

\*Please see **Schedule B** of this report for a copy of Development Planning and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	$\boxtimes$	$\boxtimes$		General Comments
Building Standards (Zoning Review)	$\boxtimes$	$\boxtimes$		General Comments
Building Inspection (Septic)	$\boxtimes$			No Comments Recieved to Date
Development Planning	$\boxtimes$			Recommend Approval/No Conditions
Development Engineering		$\boxtimes$		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations		$\boxtimes$		No Comments or Concerns
By-law & Compliance, Licensing & Permits		$\boxtimes$		No Comments or Concerns
Development Finance	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Real Estate				
Fire Department	$\boxtimes$	$\boxtimes$		No Comments or Concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
AGENCIES TRCA	Circulated	Comments Received	Conditions	Nature of Comments No Comments or Concerns
			Conditions	
TRCA		$\boxtimes$	Conditions	
TRCA Ministry of Transportation (MTO)			Conditions	No Comments or Concerns
TRCA Ministry of Transportation (MTO) Region of York			Conditions	No Comments or Concerns  No Comments or Concerns
TRCA Ministry of Transportation (MTO) Region of York Alectra			Conditions	No Comments or Concerns  No Comments or Concerns  No Comments or Concerns
TRCA Ministry of Transportation (MTO) Region of York Alectra Bell Canada			Conditions	No Comments or Concerns  No Comments or Concerns  No Comments or Concerns
TRCA Ministry of Transportation (MTO) Region of York Alectra Bell Canada YRDSB			Conditions	No Comments or Concerns  No Comments or Concerns  No Comments or Concerns
TRCA Ministry of Transportation (MTO) Region of York Alectra Bell Canada YRDSB YCDSB			Conditions	No Comments or Concerns  No Comments or Concerns  No Comments or Concerns
TRCA Ministry of Transportation (MTO) Region of York Alectra Bell Canada YRDSB YCDSB CN Rail			Conditions	No Comments or Concerns  No Comments or Concerns  No Comments or Concerns
TRCA Ministry of Transportation (MTO) Region of York Alectra Bell Canada YRDSB YCDSB CN Rail CP Rail			Conditions	No Comments or Concerns  No Comments or Concerns  No Comments or Concerns

#### **PUBLIC & APPLICANT CORRESPONDENCE**

\*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

PREVIOUS COA DECISIONS ON THE SUBJECT LAND  *Please see Schedule D for a copy of the Decisions listed below		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None		

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
None	



#### COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A099/22

FILE MANAGER: Pravina Attwala, Administrative Coordinator - Committee of Adjustment

<b>AGENDA ITEM NUMBER: 6.16</b>	CITY WARD #: 2
APPLICANT:	1131931 Ontario Limited
AGENT:	Brutto Planning Consultant Ltd
PROPERTY.	7705 Kindings Ave. Weedlerides
PROPERTY:	7765 Kipling Ave Woodbridge
ZONING DESIGNATION:	See below.
(2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use," Volume 2, Section 12.15 Northeast Quadrant of Kipling Avenue and Highway 7
RELATED DEVELOPMENT APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning amendments etc.	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit office uses within the existing commercial building.

The following variances have been requested from the City's Zoning By-law:

The subject lands are zoned GMU – General Mixed Use Zone Neighbourhood) and subject to the provisions of Exception 14.195 under Zoning By-law 001-2021, as amended.

The subject lands are zoned C1 – Restricted Commercial Zone, and subject to the provisions of Exception 9(355) under Zoning By-law 1-88, as amended.

	Zoning	By-law 1-88	Variance requested
1	uses pe	standing the provisions of Subsection 5.2, regarding rmitted in the C1 Restricted Commercial Zone, only wing uses are permitted on "Lot 12, Registered Plan Lot 6 Concession 7", shown on Schedule E-368:  Beauty Salon  Antique furniture store provided such use is conducted wholly within an enclosed building and no outside storage or display shall be allowed Real estate office	To permit an Office use on the subject lands.
	maintair	d that not more than two (2) of such uses shall be ned on the said Lot 12 at any one time. on 9(355)]	

HEARING INFORMATION	
DATE & TIME OF HEARING:	Thursday , May 26, 2022 at 6:00 p.m.

#### **PUBLIC PARTICIPATION**

You can watch a live stream of the hearing at Vaughan.ca/LiveCouncil

If you wish to speak to the Committee of Adjustment on an application please complete and submit a Request to Speak Form to cofa@vaughan.ca by noon on the last business day prior to the hearing.

Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application must be submitted by **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be emailed to <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a>

For more information, please visit the City of Vaughan website.

#### INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider the following:

That the general intent and purpose of the by-law will be maintained.

That the general intent and purpose of the official plan will be maintained.

That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.

That the requested variance(s) is/are minor in nature.

There are no outstanding Orders on file

a building permit for structures that exceed 10m2

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF ADJUSTMENT COMMENTS		
Date Public Notice Mailed:	May 11, 2022	
Date Applicant Confirmed Posting of Sign:	May 10, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	The site-specific zoning exception 9(3 "real estate office".	355) only permits a
Adjournment Requests (from staff):  *Adjournment requests provided to applicant prior to issuance of public notice	None	
Was a Zoning Review Waiver (ZRW) Form	submitted by Applicant:	No
*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.  *A revised submission may be required to address staff / agency comments received as part of the application review process.  *Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.		
Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.  An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.		
Committee of Adjustment Comments:	None	
Committee of Adjustment Becommended	None	
Committee of Adjustment Recommended Conditions of Approval:	None	

# The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval. Building Standards Recommended Conditions of Approval: None DEVELOPMENT PLANNING COMMENTS

**BUILDING STANDARDS (ZONING) COMMENTS** 

Building Permit(s) Issued: A Building Permit has not been issued. The Ontario Building Code requires

DEVELOPMENT PLANNING COMMENTS	
**See Schedule C for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

# Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation The Development Engineering (DE) Department does not object to the variance application A099/22. Development Engineering Recommended Conditions of Approval: None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry: Forestry has no comment.	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended None Conditions of Approval:	

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS		
No comment no concerns		
BCLPS Recommended Conditions of Approval:	None	

BUILDING INSPECTION (SEPTIC) COMMENTS		
No comment received to date		
Building Inspection Recommended Conditions of Approval:	None	

FIRE DEPARTMENT COMMENTS		
No comment no concerns		
Fire Department Recommended Conditions of Approval:	None	

SCHEDULES TO STAFF REPORT			
*See Schedule for list of correspondence			
Schedule A	Drawings & Plans Submitted with the Application		
Schedule B	Development Planning & Agency Comments		
Schedule C (if required)	Correspondence (Received from Public & Applicant)		
Schedule D (if required)	Previous COA Decisions on the Subject Land		

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended: None

#### **IMPORTANT INFORMATION - PLEASE READ**

**CONDITIONS:** It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

#### **IMPORTANT INFORMATION - PLEASE READ**

**APPROVALS:** Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.

**DEVELOPMENT CHARGES:** That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

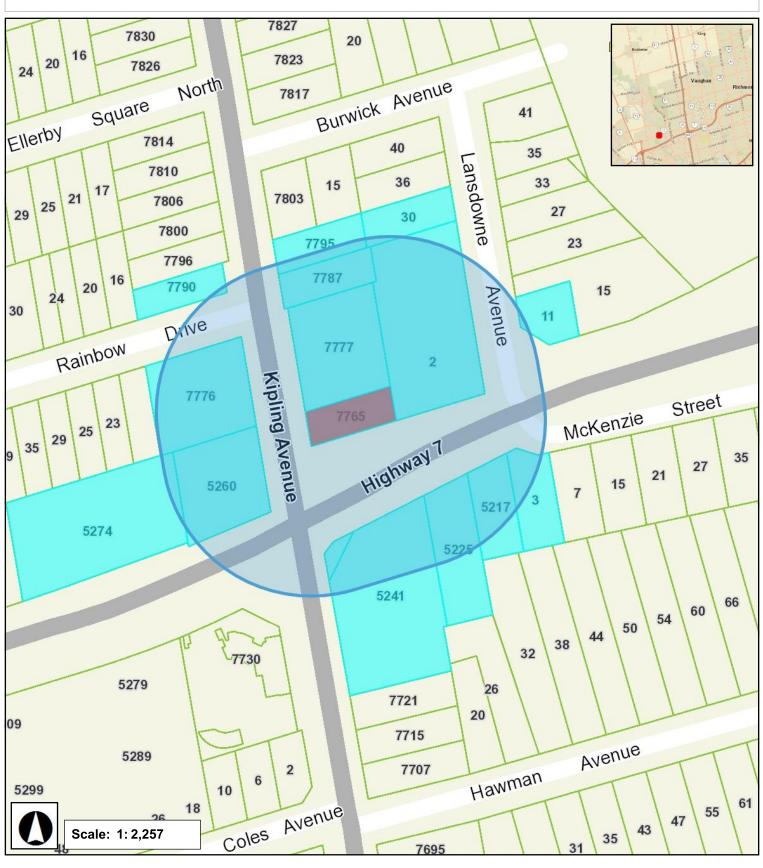
**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

## **SCHEDULE A: DRAWINGS & PLANS**

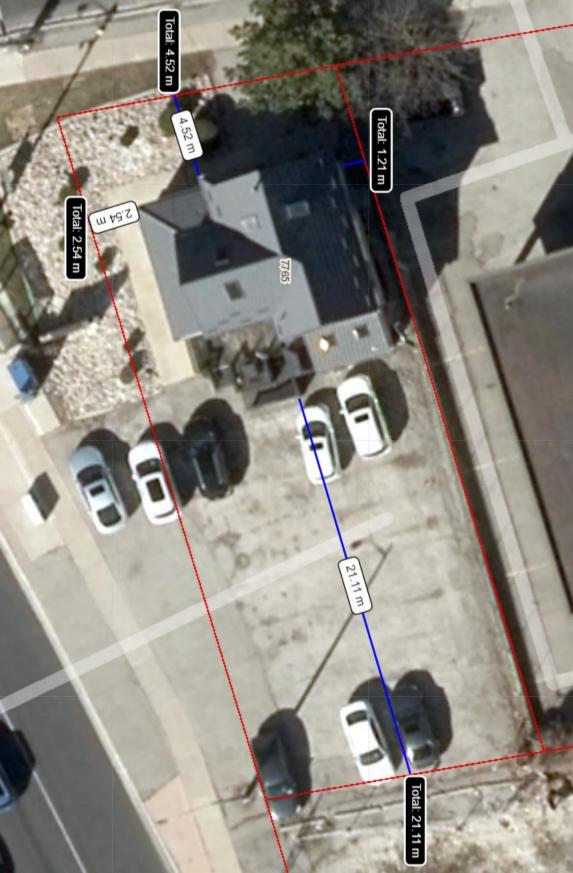


# VAUGHAN LOCATION MAP - A099/22

#### 7765 KIPLING AVENUE, WOODBRIDGE









### SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
Development Planning	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
TRCA	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Ministry of Transportation (MTO)				
Region of York	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Alectra	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Bell Canada	$\boxtimes$	$\boxtimes$		No Comments or Concerns
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				





**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

**Date:** May 26, 2022

Name of Owner: 1131931 Ontario Limited (Vincenzo and Domenico Pasqualino)

**Location:** 7765 Kipling Avenue

File No.(s): A099/22

#### Proposed Variance(s) (By-law 1-88):

1. To permit an Office use on the subject lands.

#### By-Law Requirement(s) (By-law 1-88):

- 1. Notwithstanding the provisions of Subsection 5.2, regarding uses permitted in the C1 Restricted Commercial Zone, only the following uses are permitted on "Lot
  - 12, Registered Plan 554, in Lot 6 Concession 7", shown on Schedule E-368:
    - i. Beauty Salon
    - ii. Antique furniture store provided such use is conducted wholly within an enclosed building and no outside storage or display shall be allowed
    - iii. Real estate office

Provided that not more than two (2) of such uses shall be maintained on the said Lot 12 at any one time.

#### Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use," Volume 2, Section 12.15 Northeast Quadrant of Kipling Avenue and Highway 7

#### **Comments:**

The Owner is requesting to permit an Office use within the existing building with the above noted variance.

The subject lands are designated "Mid-Rise Mixed-Use" by the Northeast Quadrant of Kipling Avenue and Highway 7 Area Specific Plan of VOP 2010, which permits Office uses. The proposed Office use also complies with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

Given that the proposed Office use does not cause a deficiency in parking and remains compatible with the existing uses in the neighbourhood, the Development Planning Department has no objection to the variance.

Accordingly, the Development Planning Department can support the required variance and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

#### **Recommendation:**

The Development Planning Department recommends approval of the application.

#### **Conditions of Approval:**

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

#### **Comments Prepared by:**

Joshua Cipolletta, Planner I Chris Cosentino, Senior Planner



**Date:** April 26<sup>th</sup>, 2022

Attention: Christine Vigneault

**RE:** Request for Comments

File No.: A099-22

**Related Files:** 

Applicant 1131931 Ontario Limited (Vincenzo and Domenico Pasquali)

**Location** 7765 Kipling Avenue



#### **COMMENTS:**

	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
X	We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
	We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

#### References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T

Supervisor, Distribution Design, ICI & Layouts (North)

**Phone**: 1-877-963-6900 ext. 31297

**E-mail**: stephen.cranley@alectrautilities.com

Mitchell Penner

Supervisor, Distribution Design-Subdivisions

**Phone**: 416-302-6215

Email: Mitchell.Penner@alectrautilities.com

#### **Pravina Attwala**

FW: [External] RE: A099/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN Subject:

From: Gordon, Carrie <carrie.gordon@bell.ca>

**Sent:** April-22-22 10:49 AM

To: Pravina Attwala < Pravina. Attwala@vaughan.ca>

Subject: [External] RE: A099/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Hello Pravina,

Bell Canada has no comments for this minor variance.

Kind regards,

Carrie Gordon

#### Carrie Gordon

Associate, External Liaison Right of Way Control Centre 140 Bayfield St, Fl 2 Barrie ON, L4M 3B1 T: 705-722-2244/844-857-7942

F:705-726-4600

#### **Pravina Attwala**

**Subject:** FW: [External] RE: A099/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

From: York Plan <yorkplan@trca.ca>

Sent: April-22-22 12:36 PM

**To:** Pravina Attwala <Pravina.Attwala@vaughan.ca> **Cc:** Hamedeh Razavi <Hamedeh.Razavi@trca.ca>

Subject: [External] RE: A099/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

TRCA wishes to confirm that it has no interests or concerns with the above noted application.

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property. Furthermore, the site is not within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, so no water balance would be required.

Should further clarification be required, please contact the undersigned at your convenience.

#### Mark Howard, BES, MLA, MCIP, RPP

Senior Manager – Toronto, Durham & York East Review Areas Development Planning and Permits | Development and Engineering Services Toronto and Region Conservation Authority (TRCA)

T: (416) 661-6600 ext 5269 E: mark.howard@trca.ca

A: 101 Exchange Avenue, Vaughan, ON, L4K 5R6 | trca.ca



#### **Pravina Attwala**

**Subject:** FW: [External] RE: A099/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: April-25-22 2:57 PM

**To:** Pravina Attwala <Pravina.Attwala@vaughan.ca> **Cc:** Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A099/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Good afternoon Pravina,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

#### Gabrielle

**Gabrielle Hurst mcip rpp** | Programs and Process Improvement| Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | <a href="mailto:gabrielle.hurst@york.ca">gabrielle.hurst@york.ca</a> | <a href="mailto:www.york.ca">www.york.ca</a>

### SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				