

**ITEM 6.16:**

**COMMITTEE OF ADJUSTMENT REPORT  
MINOR VARIANCE APPLICATION  
A202/22  
4500 HWY 7 VAUGHAN**

**COA REPORT SUMMARY**

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

\*Please see **Schedule B** of this report for a copy of Staff 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.*

<b>DEPARTMENTS</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X		Application Under Review
Development Engineering	X	X		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
By-law & Compliance, Licensing & Permits	X	X		No Comments or Concerns
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X	X		No Comments or Concerns
<b>AGENCIES</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B	X			No Comments Recieved to Date
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

**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.

<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received (mm/dd/yyyy)</b>	<b>Summary</b>
Applicant Representation	MHBC	204 – 442 Brant Street	05/16/2022	Justification Letter

**PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

\*Please see **Schedule D** for a copy of the Decisions listed below

<b>File Number</b>	<b>Date of Decision</b> MM/DD/YYYY	<b>Decision Outcome</b>
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  
A202/22  
4500 Hwy 7 Vaughan**

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

<b>ITEM NUMBER: 6.16</b>	<b>CITY WARD #: 2</b>
<b>APPLICANT:</b>	Pine Seven Office Park Inc.
<b>AGENT:</b>	MHBC Planning Ltd.
<b>PROPERTY:</b>	4500 Hwy 7, Vaughan
<b>ZONING DESIGNATION:</b>	See below.
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use"
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit a Day Care Centre within Building C (as shown on the plan provided).

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

**The subject lands are zoned GMU – General Mixed-Use Zone and subject to the provisions of Exception 14.310 under Zoning By-law 001-2021, as amended.**

#	Zoning By-law 01-2021	Variance requested
1	A Day Care Centre is not a permitted use. [14.310.1]	To permit a part of Building C as shown on Figure E-578 to be used as a Day Care Centre.

**The subject lands are zoned C1– Restricted Commercial Zone and subject to the provisions of Exception 9(523) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested
2	A Day Care Centre for adults is not a permitted use. [9(523) ai]	To permit a part of Building C as shown on Schedule "E-578" to be used to provide for the temporary supervision or care of adults for a portion of a day not exceeding 24 hours.

**HEARING INFORMATION**

**DATE OF MEETING:** Thursday, August 18, 2022  
**TIME:** 6:00 p.m.  
**MEETING LOCATION:** Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan  
**LIVE STREAM LINK:** [Vaughan.ca/LiveCouncil](http://Vaughan.ca/LiveCouncil)

**PUBLIC PARTICIPATION**

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to [cofa@vaughan.ca](mailto:cofa@vaughan.ca)  
 If you would like to submit written comments, please quote file number above and submit by mail or email to:  
**Email:** [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

**Mail:** City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

**THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.**

**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.

## INTRODUCTION

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.

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

<b>Date Public Notice Mailed:</b>	August 3, 2022
<b>Date Applicant Confirmed Posting of Sign:</b>	August 2, 2022
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>	<p>The Subject Site provide provides a day program where various medical and home health care services, which include various activities and exercises to help assist with cognitive function in seniors, adults with special needs, and those recovering from workplace and motor vehicle injuries. Following an anonymous complaint that the Subject Site was a day care use, City of Vaughan’s By-law enforcement visited the site and flagged the existing use as not being recognized in the existing permissions of Zoning By-law 1-88. By-law enforcement informed our client that the Subject Site was required to come into conformance with Zoning By-law 1-88. Through discussions with planning and zoning staff, it was determined that an application for minor variance under 45(2)(b) would be the best course of action as similar, more intensive uses are permitted on the Subject Lands, but this specific use is not defined in By-law 1-88. The Subject Site is currently zoned as ‘Restricted Commercial (C1)’ under By-law 1-88 with Exception 523 in D-Schedule. Exception 523 restricts the permitted uses to as follows: • Business or Professional Office and Financial Institution, provided such uses are conducted wholly within an enclosed building and provided further that no manufacturing or processing is carried on; Exception 523 also permits the following uses in the ground floors of Buildings “A”, “B”, “C” and “D”, and in the basement of Building “A” only: • A Personal Service Shop; • Private School; • Retail Store (limited to a Health Food Store, Postal Outlet, Copy Center, Optical Outlet and Art Gallery); • Photography Studio; • Coffee Shop/Café; and • Pharmacy and Laboratory. While we note that the definition for Business and Professional Offices includes offices for medical professionals, which are on staff, City staff have taken the interpretation that the existing operation is more akin to a Seniors Day Care, which is not identified in By-law 1-88, but is identified in By-law 001-2021 through the provided definition. Under Zoning By-law 001-2021, the Subject Site is zoned ‘General Mixed Use, exception 310 (GMU-310)’. Exception 310 restricts the permitted uses on the Subject Site to the following: • Financial Institution and Office, provided such uses are conducted wholly within an enclosed building and provided further that no manufacturing or processing is carried on; Exception 310 also permits the following uses in the ground floors of Buildings “A”, “B”, “C” and “D”, and in the basement of Building “A” only: • Hospital; • Personal service; • Pharmacy; • Restaurant; • Retail (limited to a health food store, postal outlet, copy center, optical outlet, and art gallery); and, • School. The GMU zone generally permits a Day Care Centre if it was legally existing at the time of the passing of the by-law. The definition of a ‘Day Care Centre’ in By-law 001-2021 is as follows: “A Day Care Centre means a building or part of a</p>



### COMMITTEE OF ADJUSTMENT COMMENTS

	building used to provide for the temporary supervision or care of children or adults for a portion of a day not exceeding 24 hours” As noted above, after further discussions with City staff and a review by the Development Planning Department, it was determined that the variance can be submitted under Section 45(2)(b) of the Planning Act as the current use of the site can be generally defined and conforms with the uses permitted in the by-law. While the current use is not recognized, we note that a hospital is a permitted use on the Subject Site, as per Exception 310, which is a far more intensive medical use that would likely offer some form of similar services. By permitting the use as an Adult Day Care Centre, the variance maintains the general intent and purpose of the Zoning By-law by providing for a permitted use that will offer treatment and care for various local residents by trained health care professionals that are on staff.	
<b>Adjournment Requests (from staff):</b> *Adjournment requests provided to applicant <b>prior</b> to issuance of public notice	None	
<b>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</b>  *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.	No	
<b>Adjournment Fees:</b> 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 <b>after</b> the issuance of public notice.		
<b>Committee of Adjustment Comments:</b>	General Comments	
<b>Committee of Adjustment Recommended Conditions of Approval:</b>	None	

### BUILDING STANDARDS (ZONING) COMMENTS

**See Schedule B for Building Standards (Zoning) Comments		
<b>Building Standards Recommended Conditions of Approval:</b>	None	

### DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.		
<b>Development Planning Recommended Conditions of Approval:</b>	None	

### DEVELOPMENT ENGINEERING COMMENTS

<a href="#">Link to Grading Permit</a> <a href="#">Link to Pool Permit</a> <a href="#">Link to Curb Curt Permit</a> <a href="#">Link Culvert Installation</a>		
The Development Engineering (DE) Department does not object to variance application A202/22.		
<b>Development Engineering Recommended Conditions of Approval:</b>	None	

### PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry: Forestry has no comment.		
<b>PFH Recommended Conditions of Approval:</b>	None	

### DEVELOPMENT FINANCE COMMENTS

No comment no concerns

<b>Development Finance Recommended Conditions of Approval:</b>	None
--	------

### BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment no concerns

<b>BCLPS Recommended Conditions of Approval:</b>	None
--	------

### BUILDING INSPECTION (SEPTIC) COMMENTS

No comments

<b>Building Inspection Recommended Conditions of Approval:</b>	None
--	------

### FIRE DEPARTMENT COMMENTS

No comment no concerns

<b>Fire Department Recommended Conditions of Approval:</b>	None
--	------

### SCHEDULES TO STAFF REPORT

\*See Schedule for list of correspondence

<b>Schedule A</b>	Drawings & Plans Submitted with the Application
<b>Schedule B</b>	Staff & Agency Comments
<b>Schedule C</b> (if required)	Correspondence (Received from Public & Applicant)
<b>Schedule D</b> (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:

### SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “**if required**”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
	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.

**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.

## IMPORTANT INFORMATION – PLEASE READ

**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.

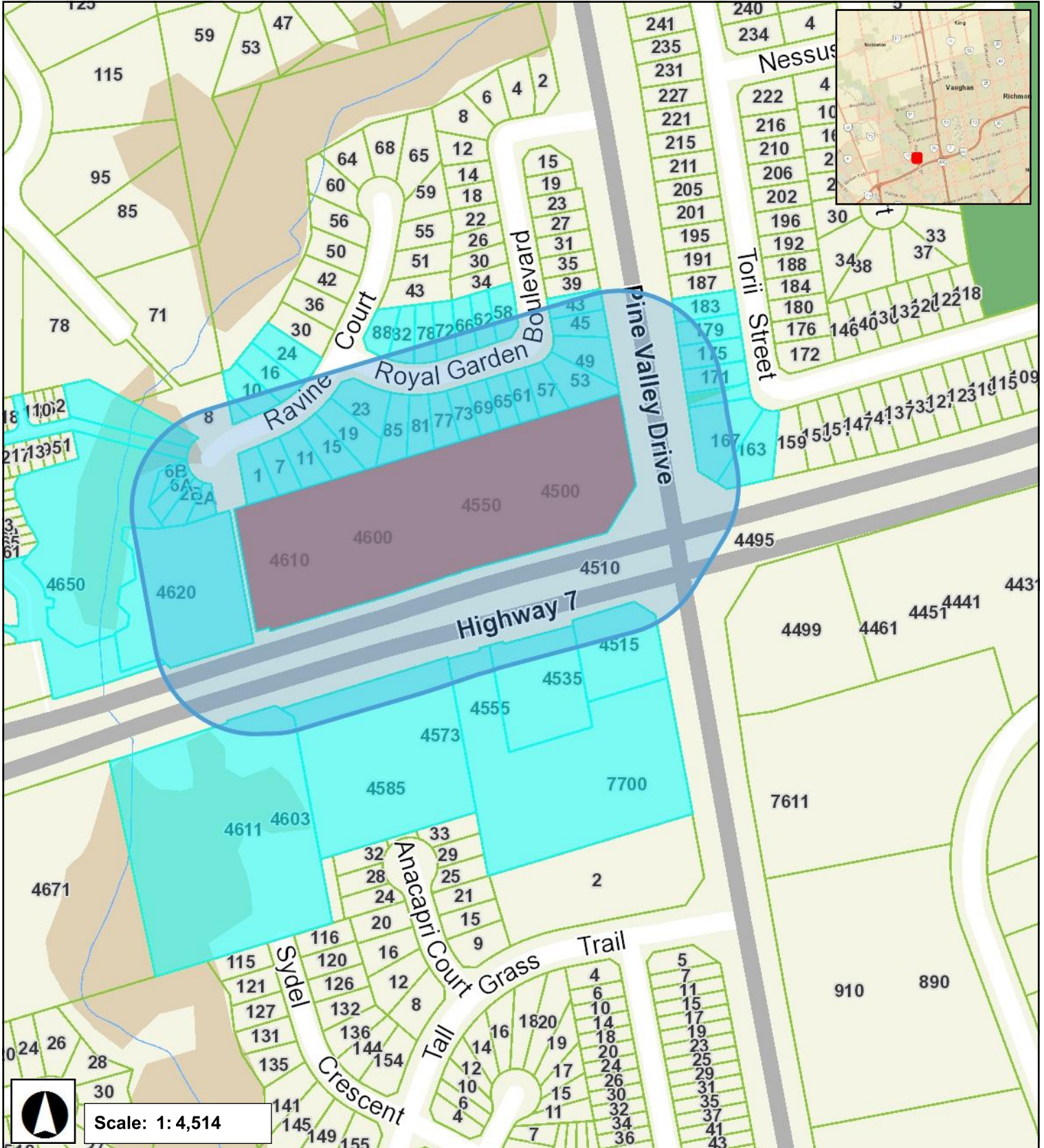
**SCHEDULE A: DRAWINGS & PLANS**





# LOCATION MAP - A202/22

4500 HIGHWAY 7, VAUGHAN









**SCHEDULE B: STAFF & AGENCY COMMENTS**

<b>DEPT/AGENCY</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B	X			No Comments Recieved to Date
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval/no conditions
Building Standards (Zoning)	X	X		General Comments



**Date:** July 21<sup>st</sup> , 2022

**Attention:** **Christine Vigneault**

**RE:** Request for Comments

**File No.:** **A202-22**

**Related Files:**

**Applicant** Pine Seven Office Park Inc.

**Location** 4500 HIGHWAY 7



Discover the possibilities

### COMMENTS:

- We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- 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](mailto:stephen.cranley@alectrautilities.com)

Mitchell Penner  
Supervisor, Distribution Design-Subdivisions  
**Phone:** 416-302-6215

**Email:** [Mitchell.Penner@alectrautilities.com](mailto:Mitchell.Penner@alectrautilities.com)

**Pravina Attwala**

---

**Subject:** FW: [External] FW: A202/22 (4500 HIGHWAY 7) - REQUEST FOR COMMENTS  
**Attachments:** CIRC\_A202\_22.pdf; APPCOVLETTER\_A202\_22.pdf; APPPLANS\_A202\_22.pdf

---

**From:** Development Services <developmentsservices@york.ca>  
**Sent:** August-03-22 12:23 PM  
**To:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** [External] FW: A202/22 (4500 HIGHWAY 7) - REQUEST FOR COMMENTS

Hello,

The Regional Municipality of York has completed its review of the minor variance application – A202/22 and has no comment.

Thank you,

**Maryam Ahmed, B.U.R.PL.** | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

---

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 x74528 | [maryam.ahmed@york.ca](mailto:maryam.ahmed@york.ca) | [www.york.ca](http://www.york.ca)

*Our Values: Integrity, Commitment, Accountability, Respect, Excellence*



Our Mission: **Working together to serve our thriving communities – today and tomorrow**

Please consider the environment before printing this email.

**To:** Committee of Adjustment  
**From:** Garrett Dvernichuk, Building Standards Department  
**Date:** July 18, 2022  
**Applicant:** Pine Seven Office Park Inc.  
**Location:** CONC 7 Part of Lot 6 municipally known as 4500 Hwy 7  
**File No.(s):** A202/22

**Zoning Classification:**

The subject lands are zoned GMU – General Mixed-Use Zone and subject to the provisions of Exception 14.310 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A Day Care Centre is not a permitted use. [14.310.1]	To permit a part of Building C as shown on Figure E-578 to be used as a Day Care Centre.

The subject lands are zoned C1– Restricted Commercial Zone and subject to the provisions of Exception 9(523) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
2	A Day Care Centre for adults is not a permitted use. [9(523 ai)]	To permit a part of Building C as shown on Schedule “E-578” to be used to provide for the temporary supervision or care of adults for a portion of a day not exceeding 24 hours.

**Staff Comments:**

**Stop Work Order(s) and Order(s) to Comply:**

There are no outstanding Orders on file

**Building Permit(s) Issued:**

Building Permit No. 93-001113 for Professional Services Unit - ALTERATION (Wang), Issue Date: Oct 13, 1993

**Other Comments:**

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

**Conditions of Approval:**

If the committee finds merit in the application, the following conditions of approval are recommended.

\* Comments are based on the review of documentation supplied with this application.

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** August 9, 2022  
**Name of Owner:** Pine Seven Office Park Inc.  
**Location:** 4500 Highway 7  
**File No.(s):** A202/22

---

**Proposed Variance(s) (By-law 001-2021):**

1. To permit a part of Building C as shown on Figure E-578 to be used as a Day Care Centre.

**By-Law Requirement(s) (By-law 001-2021):**

1. A Day Care Centre is not a permitted use.

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

2. To permit a part of Building C as shown on Schedule "E-578" to be used to provide for the temporary supervision or care of adults for a portion of a day not exceeding 24 hours.

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

2. A Day Care Centre for adults is not a permitted use.

**Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use"

**Comments:**

The Owner is requesting relief to permit the existing use of an adult day care with the above noted variances.

The Development Planning Department has no objection to the proposed variances for the adult day care use. The site provides a day program with various medical and home health care services to help assist with cognitive function in seniors, adults with special needs, and those recovering from workplace and motor vehicle injuries. The use is located within a multi-unit commercial plaza and is compatible and appropriate for the subject lands and within the context of the surrounding land uses. An adult day care in this location would also be beneficial to its clients due to its close proximity to other permitted uses its clients may need.

Under Zoning By-law 1-88, a "Day Care Centre" is not permitted within site-specific exception 9(523) or the underlying "C1- Restricted Commercial Zone". The use is permitted within other commercial zones categorized by Zoning By-law 1-88. Under Zoning By-law 001-2021, a "Day Care Centre" is not permitted within site-specific exception 14.310. The use is permitted in the underlying "GMU – General Mixed-Use Zone" if the use was legally existing and used on the lot on the effective date of By-law 001-2021. However, a "Hospital" is a permitted use under Zoning By-law 001-2021 which is a similar, and more intensive use than the proposed adult daycare. A "School" is also a permitted use under both Zoning By-laws, which is a like use that similarly serves residents in a daily non-overnight capacity.

Accordingly, the Development Planning Department can support the requested variances 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-laws, 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  
David Harding, Senior Planner

**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**

<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received (mm/dd/yyyy)</b>	<b>Summary</b>
Applicant Representation	MHBC	204 – 442 Brant Street	05/16/2022	Justification Letter



May 16, 2022

Committee of Adjustment, City of Vaughan  
Vaughan City Hall, Level 100  
2141 Major Mackenzie Drive  
Vaughan, ON  
L6A 1T1

**RE: MINOR VARIANCE APPLICATION PURSUANT TO S.45(2)(b) OF THE *PLANNING ACT*  
4500 HIGHWAY 7  
OUR FILE: 2138J**

---

On behalf of our client, Pine Seven Office Park Inc., we are pleased to submit this Application pursuant to s.45(2)(b) of the *Planning Act*, to permit a legal non-conforming use (an Adult Day Care Centre) under By-law 1-88 and recognize the use using the Day Care Centre definition provided under Zoning By-law 001-2021 for the existing Building C located at 4500 Highway 7 (the "Subject Site"). In support of this application, please find enclosed the following:

- A completed Application Form, submitted through the online portal;
- A cheque in the amount of \$3,671.00, representing the Application Fee;
- One (1) copy of the Site Plan;
- One (1) copy of the Site Survey; and
- One (1) copy of the Floor Plan.

## BACKGROUND

The Subject Site is located at the northwest corner of Highway 7 and Pine Valley Drive in Vaughan, Ontario.

The site area of the Subject Site is approximately 19,633.6 square metres (4.85 acres), with approximately 223 metres of frontage on Highway 7 and 60 metres of frontage on Pine Valley Drive. The Subject Site is currently developed, consisting of four buildings that provide a variety of medical service uses, including rehabilitation centres, pharmacies, laboratories, dental offices, and physiotherapy. There is no proposed change to the existing site or buildings in this minor variance application. The east-most building on the Subject Site (shown as Building C on the accompanying Site Plan) includes an adult day program for the elderly on the ground floor.

The purpose of this application, pursuant to section 45(2)(b) of the *Planning Act*, is to permit the adult day care use on the Subject Site as a Day Care Centre using the definition provided in By-law 001-2021, which includes the supervision of children and adults. The Subject Site provide provides a day program where various medical and home health care services, which include various activities and exercises to help assist with cognitive function in seniors, adults with special needs, and those recovering from workplace and motor vehicle injuries. Following an anonymous complaint that the Subject Site was a day care use, City

of Vaughan's By-law enforcement visited the site and flagged the existing use as not being recognized in the existing permissions of Zoning By-law 1-88. By-law enforcement informed our client that the Subject Site was required to come into conformance with Zoning By-law 1-88. Through discussions with planning and zoning staff, it was determined that an application for minor variance under 45(2)(b) would be the best course of action as similar, more intensive uses are permitted on the Subject Lands, but this specific use is not defined in By-law 1-88.

The Subject Site is currently zoned as 'Restricted Commercial (C1)' under By-law 1-88 with Exception 523 in D-Schedule. Exception 523 restricts the permitted uses to as follows:

- Business or Professional Office and Financial Institution, provided such uses are conducted wholly within an enclosed building and provided further that no manufacturing or processing is carried on;

Exception 523 also permits the following uses in the ground floors of Buildings "A", "B", "C" and "D", and in the basement of Building "A" only:

- A Personal Service Shop;
- Private School;
- Retail Store (limited to a Health Food Store, Postal Outlet, Copy Center, Optical Outlet and Art Gallery);
- Photography Studio;
- Coffee Shop/Café; and
- Pharmacy and Laboratory.

While we note that the definition for Business and Professional Offices includes offices for medical professionals, which are on staff, City staff have taken the interpretation that the existing operation is more akin to a Seniors Day Care, which is not identified in By-law 1-88, but is identified in By-law 001-2021 through the provided definition. Under Zoning By-law 001-2021, the Subject Site is zoned 'General Mixed Use, exception 310 (GMU-310)'.

Exception 310 restricts the permitted uses on the Subject Site to the following:

- Financial Institution and Office, provided such uses are conducted wholly within an enclosed building and provided further that no manufacturing or processing is carried on:

Exception 310 also permits the following uses in the ground floors of Buildings "A", "B", "C" and "D", and in the basement of Building "A" only:

- Hospital;
- Personal service;
- Pharmacy;
- Restaurant;
- Retail (limited to a health food store, postal outlet, copy center, optical outlet, and art gallery); and,
- School.

The GMU zone generally permits a Day Care Centre if it was legally existing at the time of the passing of the by-law. The definition of a 'Day Care Centre' in By-law 001-2021 is as follows:

*"A Day Care Centre means a building or part of a building used to provide for the temporary supervision or care of children or adults for a portion of a day not exceeding 24 hours"*

As noted above, after further discussions with City staff and a review by the Development Planning Department, it was determined that the variance can be submitted under Section 45(2)(b) of the *Planning Act* as the current use of the site can be generally defined and conforms with the uses permitted in the by-law.

#### REQUESTED VARIANCE:

Therefore, in recognition that the existing use of the Subject Site is not recognized under Zoning By-law 1-88, our client is requesting the following variance:

1. To permit a Day Care Centre for adults on the Subject Site using the Day Care Centre definition provided in Zoning By-law 001-2021 and for the variance to carry forward at the time that Zoning By-law 001-2021 is fully approved.

#### JUSTIFICATION

We believe that the request variance to permit the requested use is appropriate.

The Subject Site is designated 'Regional Intensification Corridor' on Schedule 1 – Urban Structure and 'Mid-Rise Mixed Use' on Schedule 13 – Land Use in the City of Vaughan Official Plan. Regional Intensification Corridors are identified as Intensification Areas in the City of Vaughan Official Plan. Intensification Areas are to provide for human and social services that meet local community and Region-wide needs.

Human and social services are a variety of private, government and non-governmental organizations that provide human and social services and facilities that improve the quality of life for Vaughan residents and employees. These services address the needs of the population in areas such as health care, food banks, services for people with special needs, parenting programs, services for youth and settlement support for new immigrants.

While these services can generally be located wherever retail or office uses are permitted, there is greater benefit to locating them where they can be easily accessed by their target clients, such as an Intensification Area.

Specifically, Policy 7.6.1.2 of the City of Vaughan Official Plan states the following:

*"That opportunities for the provision of human and social services be incorporated into the design and evaluation of **New Community Areas** and **Intensification Areas**."*

**Therefore, based on the policies provided for human and social services, the legal non-conforming use provides the services and facilities that improve the quality of life for Vaughan's residents, including seniors, adults with special needs, and those recovering from workplace and motor vehicle accidents. The proposed variance conforms to the City of Vaughan Official Plan.**

As for the City of Vaughan's current Zoning By-law 1-88 and proposed Zoning By-law 001-2021, we note that the current use while being recognized as an Adult Day Care, provides medical services for seniors, adults with special needs, or those recovering from Workplace and Motor Vehicle injuries. The purpose of the General Mixed-Use Zone under Zoning By-law 001-2021 is to permit a mix of commercial, office and institutional uses. While the current use is not recognized, we note that a Hospital is a permitted use on the Subject Site, as per Exception 310, which is a far more intensive medical use that would likely offer

some form of similar services. By permitting the use as an Adult Day Care Centre, the variance maintains the general intent and purpose of the Zoning By-law by providing for a permitted use that will offer treatment and care for various local residents by trained health care professionals that are on staff.

**Therefore, based on the general intent of the respective zoning under Zoning By-law 1-88 and Zoning By-law 001-2021, the proposed variance is in conformance with both respective zones. The proposed variance will allow for the continued operation of a business offering various support, including health-care services in a less intensive form than a Hospital, which is a permitted use.**

The proposed variance is also desirable and appropriate for the surrounding area. It allows for an appropriate use to continue operation that provides medical services along a Regional Intensification Corridor where there are members of the community that rely on these services. The proposed variance will have no material impact on the site (i.e. no changes to building footprint/height/setbacks/parking/access), nor is there is a requirement for outdoor space. In other words, the status quo of the built form will remain unchanged. There have been no complaints registered against the use related to parking. There is no outdoor amenity space required.

The Subject Site in total provides 331 parking spaces, where 317 are required, and there are approximately 91 parking spaces that directly abut Building C. Zoning By-law 001-2021 requires a minimum of 0.6 parking spaces per employee for a Day Care Centre in a GMU zone. The current day care use has a total of 60 employees, with 9 employees present on site in a given day. Therefore, the use only requires a maximum of 36 parking spaces to service all potential employees and just 5 parking spaces on any given day. Therefore, the proposed use greatly exceeds the minimum parking space requirement.

**Based on the above, it is our opinion that the requested variance is minor in nature and seeks to permit a use that generally conforms to the City of Vaughan's Official Plan and the general intent and purpose of Zoning By-law 1-88 and Zoning By-law 001-2021.**

If you require further information, please do not hesitate to contact us. We look forward to this matter being scheduled at your earliest convenience.

Yours Truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Oz Kemal', written in a cursive style.

Oz Kemal, BES, MCIP, RPP  
Partner