

<b>ITEM #: 6.6</b>	<b>COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A179/22 4433, 4455 and 4477 Major Mackenzie Drive</b>
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**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.*

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

PUBLIC & APPLICANT CORRESPONDENCE				
<i>*Please see <b>Schedule C</b> of this report for a copy of the public &amp; applicant correspondence listed below.</i>				
The deadline to submit public comments is <b>noon on the last business day prior to the scheduled hearing date.</b>				
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
Applicant	Humphries Planning			Application Cover Letter

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
<i>*Please see <b>Schedule D</b> for a copy of the Decisions listed below</i>		
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  
A179/22  
4433, 4455 and 4477 Major Mackenzie Drive**

**FILE MANAGER:** Adriana Bozzo, Administrative Coordinator - Committee of Adjustment

<b>ITEM NUMBER: 6.6</b>	<b>CITY WARD #: 3</b>
<b>APPLICANT:</b>	Valley Major Developments
<b>AGENT:</b>	Marcus Martins
<b>PROPERTY:</b>	4433, 4455 and 4477 Major Mackenzie Drive, Vaughan
<b>ZONING DESIGNATION:</b>	See Below
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	DA.15.078 and Z.06.005
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit proposed Air Conditioning (A/C) Units for Blocks 1 - 7 (as shown on the plans submitted with the application) and to facilitate related development applications DA.15.078 and Z.06.005.

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

**The subject lands are zoned RT (EN) – Townhouse Residential Zone (Established Neighbourhood) and EP - Environmental Protection Zone (Established Neighbourhood) subject to the provisions of Exception 14.1113 under Zoning By-law 001-2021, as amended.**

#	Zoning By-law 01-2021	Variance requested
1	Notwithstanding the yard requirements of this By-law: Ground mounted Central Air Conditioner Units and Heat Pump Units shall be permitted to encroach into the required interior side yard a maximum of 1.0 metre. Ground mounted Central Air Conditioner Units and Heat Pump Units shall be permitted to encroach a maximum of 1.5 metres into the required rear yard and exterior side yard. Ground mounted Central Air Conditioner Units and Heat Pump are not permitted to encroach into the required front yard. Table 4-1	For the portion of the lands shown as "AREA A", on Schedule E-1627A: To permit the ground mounted Central Air Conditioner Units and/or Heat Pump Units to encroach a maximum of 1.0 metre into the required front yard.

**The subject lands are zoned RT1 – Residential Townhouse Zone and OS1 - Open Space Conservation Zone subject to the provisions of Exception 9(1496) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested
2	Notwithstanding the yard requirements of this By-law, external ground-mounted Central Air Conditioner Units shall be permitted in any required interior side yard or rear yard of residential lots: i) Central Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres. ii) Central Air Conditioner and/or Heat Pump Units are permitted to encroach a maximum of 1.5 metres into the required rear yard, and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads. Ground mounted Central Air Conditioner Units and Heat Pump are not permitted to encroach into the required front yard.	For the portion of the lands shown as "AREA A", on Schedule E-1627A: To permit external ground mounted Central Air Conditioner Units and/or Heat Pump Units to encroach a maximum of 1.0 metre into the required front yard.

Zoning By-law 1-88	Variance requested
[3.14 h)]	

**HEARING INFORMATION**

**DATE OF MEETING:** Thursday, October 27, 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.

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		
Date Public Notice Mailed:	October 13, 2022	
Date Applicant Confirmed Posting of Sign:	October 11, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	Proposed A/C units do not comply with the minimum front yard setback and are not permitted to encroach into required front yard by Section 3.14 h) of the City’s Zoning By-Law.	
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	
<p>*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.</p> <p>*A revised submission may be required to address staff / agency comments received as part of the application review process.</p> <p>*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.</p>		
<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.		
Committee of Adjustment Comments:	None	
Committee of Adjustment Recommended Conditions of Approval:	None	



BUILDING STANDARDS (ZONING) COMMENTS	
**See Schedule B for Building Standards (Zoning) Comments	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS	
**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	That all comments on Site Development Application DA.17.084 be addressed to the satisfaction of the Development Planning Department.

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 A179/22.	
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 Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comments received to date.	
BCLPS Recommended Conditions of Approval:	None

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

FIRE DEPARTMENT COMMENTS	
No comments received to date.	
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	Staff & 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:

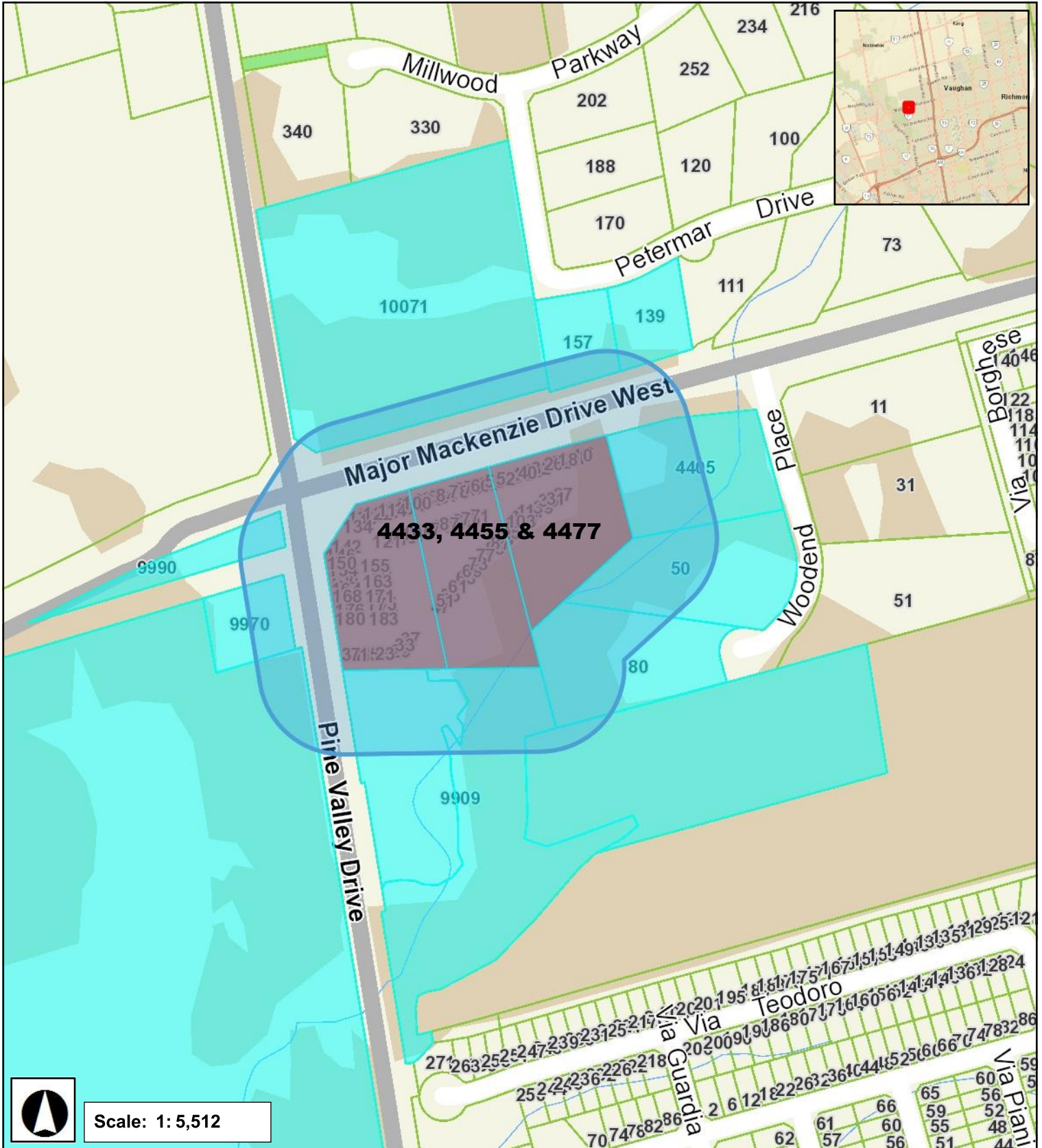
SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
1	Development Planning <a href="mailto:michelle.perrone@vaughan.ca">michelle.perrone@vaughan.ca</a>	That all comments on Site Development Application DA.17.084 be addressed to the satisfaction of the Development Planning Department.
2	TRCA <a href="mailto:hamedeh.razavi@trca.ca">hamedeh.razavi@trca.ca</a>	That the applicant provides the required fee amount of \$110.00 payable to the Toronto and Region Conservation Authority.

IMPORTANT INFORMATION – PLEASE READ		
<p><b>CONDITIONS:</b> 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 (<b>see condition chart above for contact</b>). 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.</p>		
<p><b>APPROVALS:</b> Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>		
<p><b>DEVELOPMENT CHARGES:</b> 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.</p> <p>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.</p> <p>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</p> <p>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.</p>		
<p><b>NOTICE OF DECISION:</b> 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 <b>not</b> receive notice.</p>		

**SCHEDULE A: DRAWINGS & PLANS**

4433, 4455 and 4477 Major Mackenzie Drive, Vaughan





Variance #1 - AC  
Encroachment (By-  
law 001-2021)

Variance #1 - AC  
Encroachment (By-  
law 1-88)

THESE DRAWINGS ARE NOT TO BE SCALED:  
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO  
COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES MUST BE  
REPORTED DIRECTLY TO SRN ARCHITECTS INC.

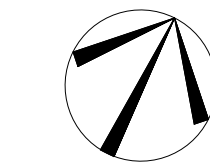
## STATISTICS

Total Unit Count: 91  
Rear Loaded Towns: 41 Units  
Front Loaded towns: 50 Units  
Total Visitor Parking: 23 Spaces  
@ 0.25 Space /Unit  
Barrier Free Parking: 2 Spaces

<span style="color: red;">■</span>	Proposed Encroachment to Wetland and Drip-line Buffer (288.0 sq.m.)
<span style="color: blue;">■</span>	Proposed Additional Wetland/Dripline Buffer (305.0 sq.m.)
<span style="color: cyan;">■</span>	Drainage Conveyance Area (418.0 sq.m.)
<span style="color: green;">■</span>	Landscape Amenity Area (946.0 sq.m.)
<span style="color: yellow;">■</span>	Wetland Compensation (653.0 sq.m.)

ISSUED OR REVISION COMMENTS			
NO.	DESCRIPTION	DATE	DWN/CHK
1	Issued for OP/Zoning Application	Mar 22 2017	MA MA
2	Issued for coordination	Sept 26 2017	MA MA
3	Issued for SPA	Oct 04 2017	MA MA
4	Revised Site Plan for Coordination	Dec 02 2017	MA MA
5	Revised Site Plan for Coordination	May 02 2018	NM NM
6	Issued for SPA - 2	Aug 01 2018	RP MA
7	Updated Site Plan	Apr 04 2019	RP MA
8	Updated Site Plan	Apr 15 2019	RP MA
9	Issued for Zoning	SEP 05 2019	RP MA

**RN** DESIGN  
WWW.RNDESIGN.COM  
T:905-738-3177  
WWW.THEPLUSGROUP.CA

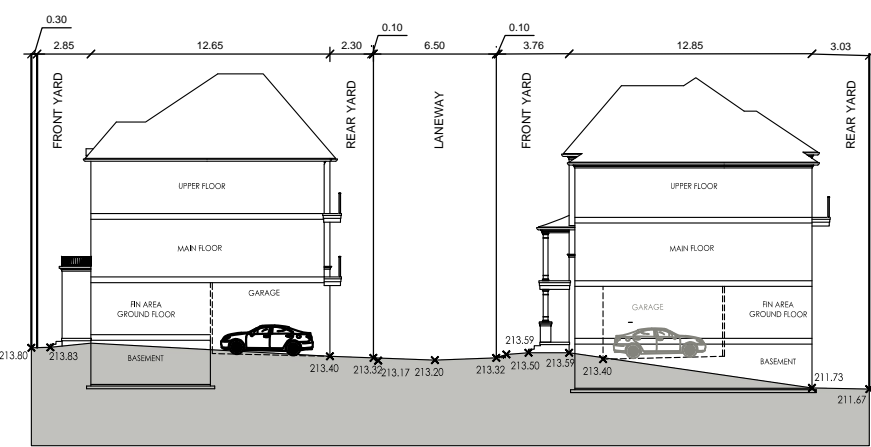
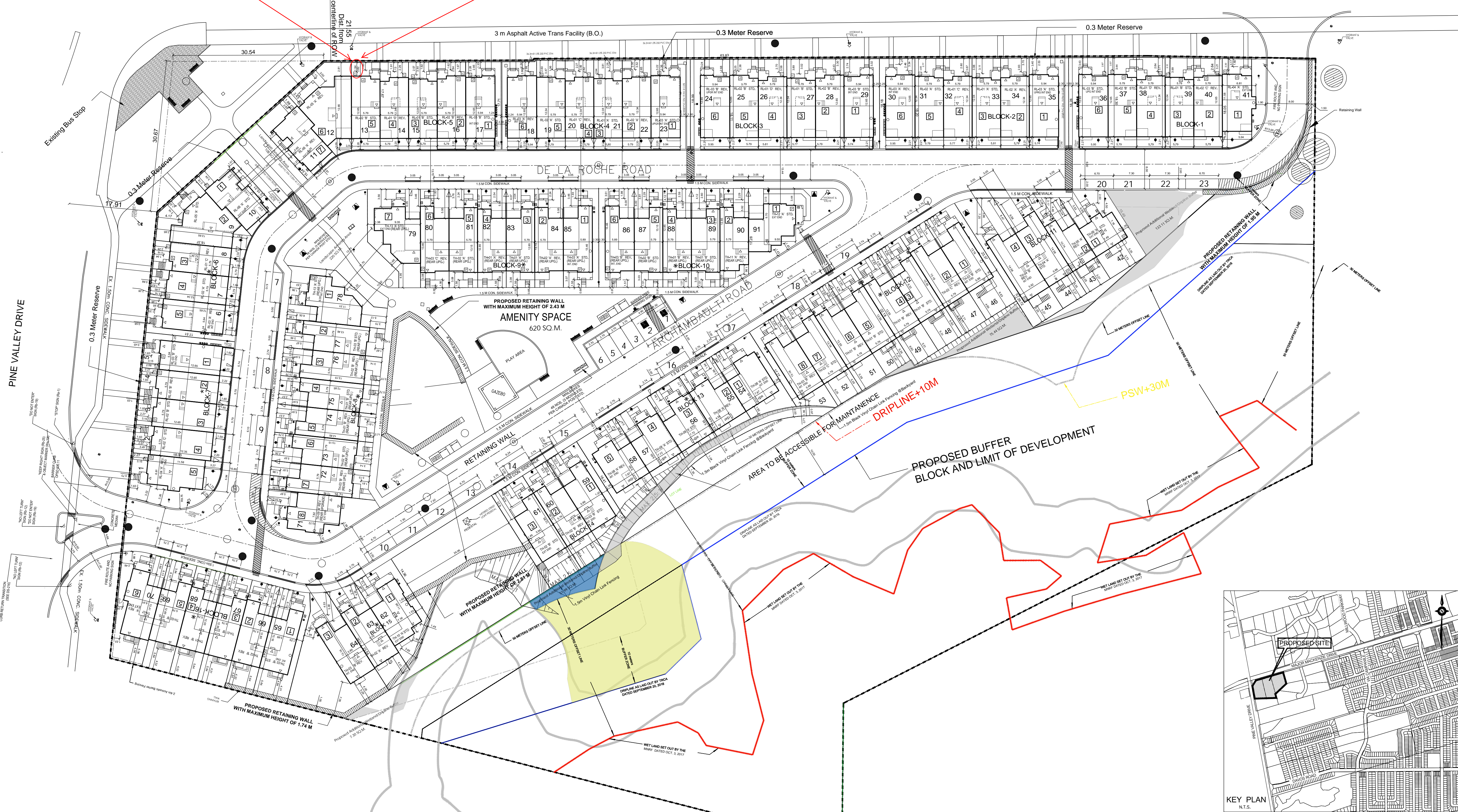


CLIENT  
Valley Major Developments Ltd.

PROJECT/LOCATION  
4433, 4455, 4477  
Major Mackenzie Dr. W,  
Vaughan, ON

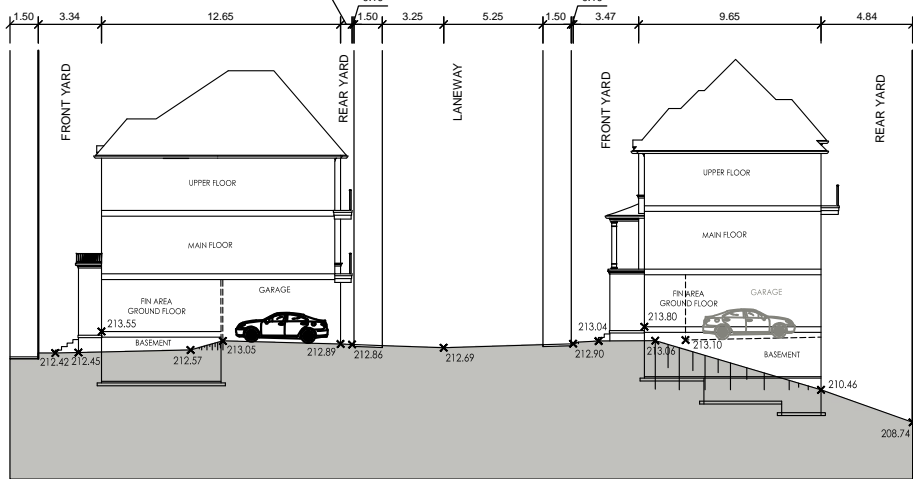
DRAWING  
SETTLEMENT PLAN

DATE JULY 15 2019	SCALE 1:400
DRAWN BY MA	CHECKED BY MA
PROJECT NUMBER 16100	DRAWING NUMBER SP-100



SECTION A-A

SCALE 1:250



SECTION B-B

Site Statistics			
ADDRESS: 4433, 4455, 4477, Major Mackenzie Dr W, Vaughan, Ontario			
DEVELOPABLES	1 Site Area	Area (Sq. m.)	Area (Hectare)
	Total Site Area	29819	2.98
	Compensated Area	467	0.05
	Open Space and Buffer Area	10805	1.08
	0.3 m Reserve	95.6	0.01
	Net Developable Area	18547	1.85
		Area (Sq. m.)	Percentage (%)
DENSITY	Paved Area	5375	28.98
	Landscape/Open Space	6172.3	33.28
	Lot Coverage (including, Porches, Decks, Balconies, Patios and other structures)	6999.7	37.74
	Total Site Area (developable)	18547	100%
HEIGHT	2 Number of Units	Total	
	Rear Loaded Towns	41	
	Front Loaded Towns	50	
	Grand Total	91	
PARKING	3 Units per Hectare (UPH)	49	
	5 Building Height (MAXIMUM)	Proposed	
	Rear Loaded Towns	13 m	
GARBAGE	Front Loaded Towns	13 m	
	6 Parking Space	Proposed	
	Number of Resident's Parking	2 parking/Unit	
GARBAGE	Number of Visitor's Parking	182	
	Barrier Free Parking	23	
	7 Garbage Collection System	Curbside municipal pick-up	
GARBAGE	8 snow storage	On -Site, Excess snow will be removed by private pick-up	



SCHEDULE B: STAFF & AGENCY COMMENTS				
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X	X	General Comments
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X			No Comments Recieved to Date
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X	X	Recommend Approval w/condition
Building Standards	X	X		General Comments

**From:** [Hamedeh Razavi](#)  
**To:** [Adriana Bozzo](#)  
**Cc:** [Committee of Adjustment](#)  
**Subject:** [External] TRCA Comment - A179/22 - 4433, 4455 and 4477 Major Mackenzie Drive - CFN 66448.19  
**Date:** Monday, September 12, 2022 12:35:34 PM  
**Attachments:** [image002.png](#)  
[CIRC\\_A179\\_22.pdf](#)

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Good morning,

Please note that TRCA staff have been involved with reviewing the proposed development since 2016 as part of the Concept Development Application (CFN 55089.10), Planning Act Applications (OP.17.005, Z.17.013, DA.17.084) and TRCA Permit Applications (C-210799 and C-210146). Based on a review of the submitted materials with this variance application, TRCA is satisfied that the noted works are consistent with the plans that were approved as a part of the previous applications. As such, TRCA has no concerns with the proposed variance.

**Fee** - By copy of this letter, the applicant is advised that this application is subject to a \$110 Screening letter review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

**Recommendations** - Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Application A179/22 subject to the following condition:

1. That the applicant provides the required fee amount of \$110.00 payable to the Toronto and Region Conservation Authority.

I trust these comments are of assistance. Please let me know if you have any questions.

Sincerely,

**Hamedeh Razavi** MURP  
Planner  
Development Planning and Permits | Development and Engineering Services

T: [437-880-1940](tel:437-880-1940)

E: [Hamedeh.Razavi@trca.ca](mailto:Hamedeh.Razavi@trca.ca)

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](#) | [trca.ca](http://trca.ca)





## Adriana Bozzo

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**Subject:** FW: [External] RE: A179/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (4477 Major Mackenzie Drive, Vaughan)

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**From:** Development Services <developmentservices@york.ca>

**Sent:** August-26-22 5:00 PM

**To:** Adriana Bozzo <Adriana.Bozzo@vaughan.ca>

**Subject:** [External] RE: A179/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (4477 Major Mackenzie Drive, Vaughan)

Hello Adriana,

The Regional Municipality of York has completed its review of the minor variance A179/22 (4477 Major Mackenzie Drive). TRCA will be providing technical comments on behalf of York Region.

Thank you,  
Niranjan

**Niranjan Rajevan, M.Pl.** | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 ext. 71521 | [niranjan.rajevan@york.ca](mailto:niranjan.rajevan@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:** Pia Basilone, Building Standards Department

**Date:** September 14, 2022

**Applicant:** Marcus Martins

**Location:** 4433, 4455 and 4477 Major Mackenzie Drive

**File No.(s):** A179/22

**Zoning Classification:**

The subject lands are zoned RT (EN) – Townhouse Residential Zone (Established Neighbourhood) and EP - Environmental Protection Zone (Established Neighbourhood) subject to the provisions of Exception 14.1113 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	Notwithstanding the yard requirements of this By-law: Ground mounted Central Air Conditioner Units and Heat Pump Units shall be permitted to encroach into the required interior side yard a maximum of 1.0 metre. Ground mounted Central Air Conditioner Units and Heat Pump Units shall be permitted to encroach a maximum of 1.5 metres into the required rear yard and exterior side yard. Ground mounted Central Air Conditioner Units and Heat Pump are not permitted to encroach into the required front yard. Table 4-1	For the portion of the lands shown as "AREA A", on Schedule E-1627A: To permit the ground mounted Central Air Conditioner Units and/or Heat Pump Units to encroach a maximum of 1.0 metre into the required front yard.

The subject lands are zoned RT1 – Residential Townhouse Zone and OS1 - Open Space Conservation Zone subject to the provisions of Exception 9(1496) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
2	Notwithstanding the yard requirements of this By-law, external ground-mounted Central Air Conditioner Units shall be permitted in any required interior side yard or rear yard of residential lots: i) Central Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres. ii) Central Air Conditioner and/or Heat Pump Units are permitted to encroach a maximum of 1.5 metres into the required rear yard, and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads. Ground mounted Central Air Conditioner Units and Heat Pump are not permitted to encroach into the required front yard. [3.14 h)]	For the portion of the lands shown as "AREA A", on Schedule E-1627A: To permit external ground mounted Central Air Conditioner Units and/or Heat Pump Units to encroach a maximum of 1.0 metre into the required front yard.

**Staff Comments:**

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

There are no outstanding Orders on file.

**Building Permit(s) Issued:**

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m<sup>2</sup>.

**Other Comments:**

	Zoning By-law 001-2021
1	Review of this application has determined that it is subject to the provisions of section 1.6, Transition. In accordance with these provisions, nothing in by-law 001-2021, as amended shall prevent the erection or use of a building or structure. The applicant has confirmed that they are not seeking variances to by-law 001-2021 in accordance with the transition provisions. Please note that the transition provisions of by-law 001-2021 expire in accordance with subsection 1.6.4, and this proposal may not comply with the zoning by-law at that time.

**General Comments**

2	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
3	The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

**Conditions of Approval:**

None

\* 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:** October 18, 2022

**Name of Owner:** Pedro Lopes

**Location:** 4433, 4455 and 4477 Major Mackenzie Drive

**File No.(s):** A179/22

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

1. For the portion of the lands shown as "AREA A", on Schedule E-1627A: To permit the ground mounted Central Air Conditioner Units and/or Heat Pump Units to encroach a maximum of 1.0 m into the required front yard.

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

1. Notwithstanding the yard requirements of this By-law: ground mounted Central Air Conditioner Units and Heat Pump Units shall be permitted to encroach into the required interior side yard a maximum of 1.0 m. Ground mounted Central Air Conditioner Units and Heat Pump Units shall be permitted to encroach a maximum of 1.5 m into the required rear yard and exterior side yard. Ground mounted Central Air Conditioner Units and Heat Pump are not permitted to encroach into the required front yard.

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

2. For the portion of the lands shown as "AREA A", on Schedule E-1627A: To permit external ground mounted Central Air Conditioner Units and/or Heat Pump Units to encroach a maximum of 1.0 m into the required front yard.

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

2. Notwithstanding the yard requirements of this By-law, external ground-mounted Central Air Conditioner Units shall be permitted in any required interior side yard or rear yard of residential lots:
  - i. Central Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 m.
  - ii. Central Air Conditioner and/or Heat Pump Units are permitted to encroach a maximum of 1.5 m into the required rear yard, and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads.

Ground mounted Central Air Conditioner Units and Heat Pump are not permitted to encroach into the required front yard.

**Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

**Comments:**

The Owner has submitted Site Development Application DA.17.084 to facilitate the development of 91 three-storey townhouse units, which is currently under review. Relief is being sought for Blocks 1-7, representing 41 townhouse units to face Pine Valley Road and/or Major Mackenzie Drive West.

The Development Planning Department has no objection to the proposed variances for the ground mounted Central Air Conditioner Units within Townhouse Blocks 1-7, as these townhouse units are rear lane townhouses with driveway access located in the rear yards. The rear lane townhouse design, which proposes a garage door that spans the width of the unit, leaves little to no opportunity to locate a ground mounted AC Unit within the rear yard and maintain garage access. The location of the AC Units has also been reviewed by the Urban Design Division of the Development Planning Department and are considered appropriate to facilitate the development.

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, subject to the following condition:

**Condition of Approval:**

If the Committee finds merit in the application, the following condition of approval is recommended:

1. That all comments on Site Development Application DA.17.084 be addressed to the satisfaction of the Development Planning Department.

**Comments Prepared by:**

Joshua Cipolletta, Planner I

David Harding, Senior Planner

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant	Humphries Planning			Application Cover Letter

June 1, 2022  
HPGI File: 16465

**Committee of Adjustment**  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

**Attn: Christine Vigneault**  
Secretary Treasurer to the Committee of Adjustment

**Re: Minor Variance Application**  
**Lot 2, 3 and 4 Registered Plan M - 1191**  
**4433, 4455 and 4477 Major Mackenzie Drive**  
**Related City File No.: DA.17.084**

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Humphries Planning Group Inc. ('HPGI') is the planning consultant for Valley Major Developments, the legal registered owner of the land described as Lot 2, 3 and 4 within Plan M-1191 and municipally known as 4433, 4455 and 4477 Major Mackenzie Drive, in the City of Vaughan (the "Subject Lands"). The Subject Lands has an approximate frontage of approximately 201 metres on Major Mackenzie Drive and 91 metres along Pine Valley Drive with a total area of 29,819 m<sup>2</sup>. The Subject Site is currently vacant with site works underway to facilitate the submitted Site Plan (DA.17.084). The owner is proposing to construct a townhouse development consisting of three-storey townhouse units with AC units in the front yard. Currently the proposed AC units for Blocks 1 -7 do not comply with the minimum front yard setback and are not permitted to encroach into required front yard by Section 3.14 h) of the City's Zoning By-Law 1-88.

### ***Current Zoning***

The Subject Lands are zoned *Residential Townhouse Zone RT1* and *Open Space Conservation Zone OS1*, per the City of Vaughan By-law 1-88. The Subject Lands are also subject to the provisions of Exception 9 (1496) under By-law 1-88, as amended.

### ***Proposed Air Conditioning Unit***

A Minor Variance application is being submitted to permit the proposed development as contemplated through Site Plan Application DA.17.084 with the provision of air condition units and/or heat pumps to encroach into the required front yard at a maximum of 2.45 metres for Blocks 1-7. A Zoning Review Notice was issued by the City of Vaughan Buildings



Standards Department on May 4, 2022 as part of the current Building Permit application. The notice listed zoning deficiencies for the proposed development.

***Required Minor Variance Relief***

In order to facilitate the development, relief from Zoning By-law 1-88 is required. The relief requested is from Section 3.14 h) of By-law 1-88. Section 3.14 h) of By-law 1-88 indicates that external ground-mounted central air conditioner and/or heat pump units are only permitted to encroach a maximum of 1.5 metres into the rear yard, and exterior side yard. Additionally, external wall-mounted central air conditioner units are only permitted to encroach a maximum of 1.5 metres into the rear yard, and exterior side yard. The development proposes to amend Section 3.14 h) to permit central air condition units and/or heat pumps to encroach into the front yard at a maximum of 2.45 metres.

In support of the Minor Variance application, Humphries Planning Group Inc. is submitting the following materials:

Deliverable	Consultant	Date
Cover Letter	HPGI	June 1, 2022
Signed and Commissioned Minor Variance Application Form	HPGI	May 30, 2022
Cheque, in the amount of <b>\$3,155.00</b> , representing the required application fee	--	--
Site Plan	RN Design	June 30, 2021
Digital Submission	--	--
Zoning Review Notice	City of Vaughan (Building Standards Department)	May 4, 2022

We trust that the above is in order and constitutes a complete application for Minor Variance. We request that notice of such be issued and that the enclosed materials be circulated for review and a meeting be scheduled with the Committee of Adjustment.

Yours truly,

**HUMPHRIES PLANNING GROUP INC**



Marcus Martins, B. URPL  
Senior Planner

cc. Scott Lafete