

<b>ITEM #: 6.8</b>	<b>COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A209/22 1176 Rutherford Rd, Vaughan</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	Recommend Approval w/Conditions
Ministry of Transportation (MTO) <i>*Schedule B</i>	X			No Comments Recieved to Date
Region of York <i>*Schedule B</i>	X			No Comments Recieved to Date
Alectra <i>*Schedule B</i>	X	X		General Comments
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	Daniel Rende, Bousfields	N/A	11/08/2022	Justification 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

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see <b>Schedule D</b> for a copy of the Decisions listed below		
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  
A209/22  
1176 Rutherford Rd, Vaughan**

**FILE MANAGER:** Lenore Providence, Administrative Coordinator - Committee of Adjustment

<b>ITEM NUMBER: 6.8</b>	<b>CITY WARD #: 4</b>
<b>APPLICANT:</b>	Norstar Building Corporation
<b>AGENT:</b>	Bousfields Inc.
<b>PROPERTY:</b>	1176 Rutherford Rd Vaughan ON L6A 1S2
<b>ZONING DESIGNATION:</b>	See Below
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	City of Vaughan Official Plan 2010 ('VOP 2010'): "Oak Ridges Moraine Settlement Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and "High-Rise Mixed-Use" by 11.2 Carrville Centre Secondary Plan - Land Use
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	DA.15.022
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit the proposed development of a new 24-storey residential building with two blocks of back-to-back townhouse units and four blocks of stacked townhouse units oriented along a 6.0-metre-wide private driveway.  This project is related to Site Development Approval DA.15.022.

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

**The subject lands are zoned FD, Future Development Zone, and subject to the provisions of Exception 14.1104, and EP-ORM, Environmental Protection Zone, and subject to Oak Ridges Moraine suffix zone under Zoning By-law 001-2021.**

#	Zoning By-law 001-2021	Variance requested
1	An Apartment Dwelling and a Multiple-Unit Townhouse Dwelling are not permitted on the subject lands. [Table 13-2]	To permit an Apartment Dwelling and a Multiple-Unit Townhouse Dwelling.
2	The minimum lot area for lands shown as "RM2" on Figure E-1616 shall be 78.9 m <sup>2</sup> (per dwelling unit). [14.1104.2,11]	To permit a minimum lot area of 53.8 m <sup>2</sup> per dwelling unit for lands shown as "RM2" on Figure E-1616.
3	The minimum lot area shall be 53.21 m <sup>2</sup> for lands shown as "RA3(H)" on Figure E-1616 (per dwelling unit). [14.1104.2.5]	To permit a minimum lot area of 7.6 m <sup>2</sup> per dwelling unit for lands shown as "RA3" on Figure E-1616.
4	The minimum width of a landscape strip abutting Rutherford Road shall be 3.0 m for lands shown as "RA3(H)" on Figure E-1616. [14.1104.2.1]	To permit a minimum landscape strip width of 2.8 m abutting Rutherford Road for lands shown as "RA3(H)" on Figure E-1616.
5	A minimum landscaped strip of 3 metres in width abutting a street line is required. [Table 7-8]	To permit a minimum landscape strip width of 1.1 m abutting a street line (Dufferin Street and Rutherford Road) within the RM2 zone.
6	The minimum setbacks for an apartment dwelling for lands shown as "RA3(H)" on Figure E-1616 shall be as follows: Front Yard: 3.0 m (Rutherford Road) [14.1104, 2.7a]	To permit a minimum front yard setback of 2.8 m for an apartment dwelling for lands shown as RA3(H)" on Figure E-1616 (abutting Rutherford Road).
7	A minimum front yard setback of 4.1 metres is required for an apartment dwelling. [14.1104.2.7b]	To permit a minimum front yard setback of 3.9 m to an exterior stairway for an apartment dwelling for lands shown as "RA3(H)" on Figure E-1616.

#	Zoning By-law 001-2021	Variance requested
8	A minimum front yard setback of 3.0 metres is required for Block 6. [14.1104.2.13a]	To permit a minimum front yard setback of 2.6 m for Block 6 on lands shown as 'RM2' on Figure E-1616.
9	A minimum interior side yard setback of 4.5 m is required for Blocks 3 and 4. [Table 7-8]	To permit a minimum interior side yard setback of 1.8 m for Blocks 3 and 4 in the RM2 zone.
10	A minimum setback of 3.0 metres is required to covered porches and exterior stairways for all blocks in the RM2 zone. [14.1104.2.13b]	To permit a minimum setback of 1.1 m to covered porches and exterior stairways for all blocks in the RM2 zone.
11	A minimum of 1 Type D (4 m in width by 13 metres in length with a vertical clearance of 6.1 metres) and 1 Type C (3.5 m in width by 6 metres in length with a vertical clearance of 3 metres) loading spaces are required for buildings with 400 or greater dwelling units. [6.11.2, Table 6-16, 6.11.4.1, Table 6-17]	To permit loading spaces measuring a minimum of 3 metres in width by 11 metres in length with a vertical clearance of 7.5 metres.
12	An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation shall not be located in a minimum required front yard or exterior side yard. [5.15.2.3a]	To permit an accessory building or structure that is incidental to a below-grade parking structure (air ventilation abutting Dufferin Street) to be located in a minimum required front yard or exterior side yard.
13	An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation shall have a minimum setback of 3.0 m from any lot line. [5.15.2.3b]	To permit an accessory building or structure that is incidental to a below-grade parking structure (air ventilation) to have a minimum setback of 0.1 m from the exterior and rear lot lines.
14	Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space. [4.3.2.4]	To permit a minimum amenity area of 45% to be provided as a common space in the RA3 zone.
15	Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space. [4.3.2.4]	To permit a minimum amenity area of 59% to be provided as a common space in the RM2 zone.

**The subject lands are zoned RA3 (H), Apartment Residential Zone, RM2 (H), Multiple Residential Zone, subject to a Holding Symbol (H), and OS5, Open Space Environmental Protection Zone, and subject to the provisions of Exception 9(1485) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested
16	The minimum lot area requirement is 78.9 m2 per dwelling unit in the RM2 zone. [(1485, ei)]	To permit a minimum lot area of 53.8 m2 per dwelling unit in the RM2 zone.
17	The minimum lot area requirement is 53.21 m2 per dwelling unit in the RA3 zone. (1485, fi)]	To permit a minimum lot area of 7.6 m2 per dwelling unit in the RA3 zone.
18	A minimum front yard setback of 3 m (abutting Rutherford Road) is required. [(1485, fiii)]	To permit a minimum front yard setback of 2.8 m in the RA3 zone (abutting Rutherford Road).
19	A minimum front yard setback of 3.0 metres is required for Block 6. [9(1485 C. eiii)]	To permit a minimum front yard setback of 2.6 metres in the RM2 zone for Block 6.
20	A minimum front yard setback of 4.1 m is required to an exterior stairway (RA3 zone). [(1485, fiii)]	To permit a minimum front yard setback of 3.9 m to an exterior stairway (RA3 zone).
21	A minimum setback of 4.5 m is required to the OS5 zone boundary line. [Schedule A]	To permit a minimum rear yard setback of 1.8 m for Blocks 2 and 3 to the OS5 zone boundary line.
22	A minimum interior side yard setback of 1.2 m is required from the OS5 zone boundary line for balconies (Blocks 3 and 4). [3.14 c]	To permit a minimum interior side yard setback of 0.8 m from the OS5 zone boundary line to balconies (Blocks 3 and 4).
23	A minimum setback of 3 m is required to covered porches and exterior stairways for all townhouse blocks on E-1616. [9(1485, C. eiii)]	To permit a minimum setback of 1.1 m to covered porches and exterior stairways for all townhouse blocks on E-1616.
24	A strip of land not less than 3 m in width shall be provided along a lot line abutting Dufferin Street, Rutherford Road and the Sight Triangle and shall be used for no other purpose than landscaping (RA3 lands). [9(1485, C, bi)]	To permit a strip of land 2.8 m in width to be provided along a lot line abutting Rutherford Road within the RA3 zone.
25	A strip of land not less than six (6) metres in width shall be provided along a lot line which abuts a street line and shall be used for no other purpose than landscaping. This shall not prevent the	To permit a strip of land 1.1 m in width to be provided along a lot line abutting a street line (Dufferin Street and Rutherford Road) within the RM2 zone.



Zoning By-law 1-88	Variance requested
provision of access driveways across the said strip. [3.13]	

HEARING INFORMATION
<p><b>DATE OF MEETING:</b> Thursday, November 17, 2022</p> <p><b>TIME:</b> 6:00 p.m.</p> <p><b>MEETING LOCATION:</b> Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan</p> <p><b>LIVE STREAM LINK:</b> <a href="https://vaughan.ca/LiveCouncil">Vaughan.ca/LiveCouncil</a></p>
<p><b>PUBLIC PARTICIPATION</b></p> <p>If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the <a href="#">Request to Speak Form</a> and submit to <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a></p> <p>If you would like to submit written comments, please quote file number above and submit by mail or email to:</p> <p><b>Email:</b> <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a></p> <p><b>Mail:</b> City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1</p>
<p><b>THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS <u>NOON</u> ON THE LAST BUSINESS DAY BEFORE THE MEETING.</b></p>

INTRODUCTION
<p>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.</p> <p>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:</p> <p>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.</p> <p>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.</p>

COMMITTEE OF ADJUSTMENT COMMENTS		
<b>Date Public Notice Mailed:</b>	November 3, 2022	
<b>Date Applicant Confirmed Posting of Sign:</b>	November 3, 2022	
<b>Applicant Justification for Variances:</b> *As provided by Applicant in Application Form	Complying with Bylaw 1-88 would require revisions to the existing proposal, currently under review as file DA.15.022, which was approved by Council in October 2019, together with rezoning application Z.15.023. The current proposal does not comply with 1-88 and site-specific By-law 144-2019 and it would not be desirable to revise the proposal simply to comply with the zoning. Complying with By-law 1-2021 is not possible because this City-wide Zoning By-law was approved after the development and site-specific by-law 144-2019 was approved. As site-specific Exception (9)1485 (the product of By-law 144-2019) was created to amend By-law 1-88, additional variances are required to By-law 1-2021 to address standards not considered in the site-specific exception.	
<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	

COMMITTEE OF ADJUSTMENT COMMENTS	
<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>	None
<b>Committee of Adjustment Recommended Conditions of Approval:</b>	None

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

DEVELOPMENT PLANNING COMMENTS	
<b>**See Schedule B for Development Planning Comments.</b>	
<b>Development Planning Recommended Conditions of Approval:</b>	That all comments on Site Development Application DA.15.022 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>	
This Minor Variance Application is related to DA.15.022, that was approved in October of 2019 by Council.  The Development Engineering Department does not object to the Minor Variance application A209/22.	
<b>Development Engineering Recommended Conditions of Approval:</b>	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Vaughan forestry is currently working with development planning for this construction project. Forestry has no comments relating to the minor variance at this time.	
<b>PFH Recommended Conditions of Approval:</b>	None

DEVELOPMENT FINANCE COMMENTS	
That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.  That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.  That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment.  That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.  Demolition development charge credit will expire on April 30, 2024.  Demolition development charge credits valid for a period of 48 months from date of demolition permit issuance. After 48 months, full development charges apply as per by-laws.	
<b>Development Finance Recommended Conditions of Approval:</b>	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:

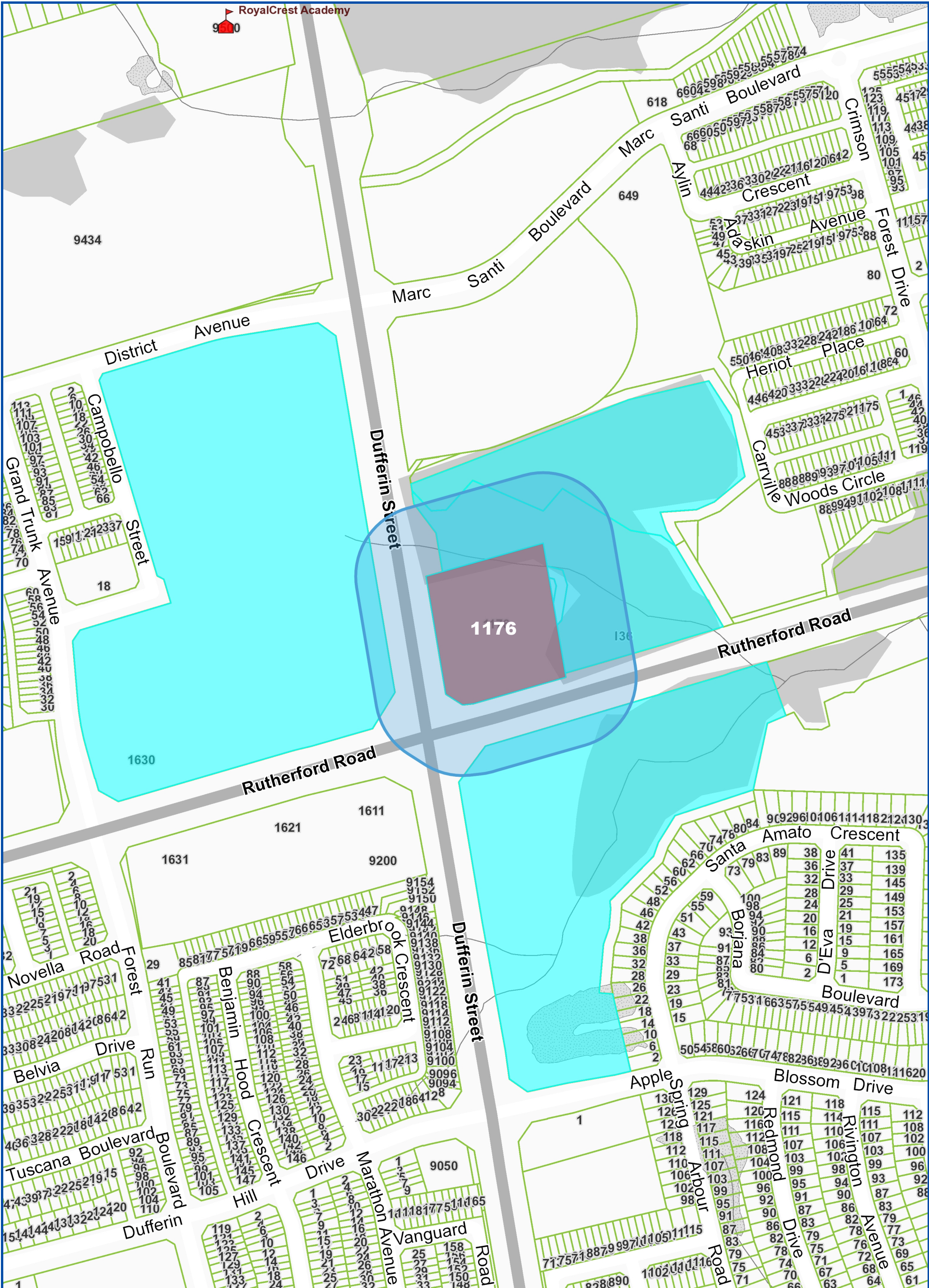
SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Planning <a href="mailto:roberto.simbana@vaughan.ca">roberto.simbana@vaughan.ca</a>	That all comments on Site Development Application DA.15.022 be addressed to the satisfaction of the Development Planning Department
2	TRCA <a href="mailto:Kristen.Regier@trca.ca">Kristen.Regier@trca.ca</a>	That the applicant provides the required fee amount of \$1,155.00 payable to the Toronto and Region Conservation Authority.

IMPORTANT INFORMATION – PLEASE READ
<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.
<b>APPROVALS:</b> 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.

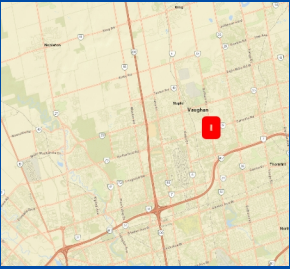
IMPORTANT INFORMATION – PLEASE READ	
<p><b>DEVELOPMENT CHARGES:</b> That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect 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**





Map Information:



Title:

# NOTIFICATION MAP - A209/22

## 1176 Rutherford Road, Maple

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:4,514

0 0.07 km



Created By:

Infrastructure Delivery  
Department  
August 16, 2022 5:09 PM

Projection:  
NAD 83  
UTM Zone  
17N





SCHEDULE B: STAFF & AGENCY COMMENTS				
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X	X	Recommend Approval w/Conditions
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X			No Comments Recieved to Date
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				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X	X	Recommend Approval/with conditions
Building Standards (Zoning)	X	X		General Comments



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

**From:** Nancy Tuckett, Director of Development Planning

**Date:** November 08, 2022

**Name of Owner:** Norstar Building Group

**Location:** 1176 Rutherford Road, Part of Lot 16, Concession 2

**File No.(s):** A209/22

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**Proposed Variance(s) (By-law 01-2021):**

- 1) To permit an Apartment Dwelling and a Multiple-Unit Townhouse Dwelling.
- 2) To permit a minimum lot area of 53.8 m<sup>2</sup> per dwelling unit for lands shown as "RM2" on Figure E-1616.
- 3) To permit a minimum lot area of 7.6 m<sup>2</sup> per dwelling unit for lands shown as "RA3" on Figure E-1616.
- 4) To permit a minimum landscape strip width of 2.8 m abutting Rutherford Road for lands shown as "RA3(H)" on Figure E-1616.
- 5) To permit a minimum landscape strip width of 1.1 m abutting a street line (Dufferin Street and Rutherford Road) within the RM2 zone.
- 6) To permit a minimum front yard setback of 2.8 m for an apartment dwelling for lands shown as RA3(H)" on Figure E-1616 (abutting Rutherford Road).
- 7) To permit a minimum front yard setback of 3.9 m to an exterior stairway for an apartment dwelling for lands shown as "RA3(H)" on Figure E-1616.
- 8) To permit a minimum front yard setback of 2.6 m for Block 6 on lands shown as "RM2" on Figure E-1616.
- 9) To permit a minimum interior side yard setback of 1.8 m for Blocks 3 and 4 in the RM2 zone.
- 10) To permit a minimum setback of 1.1 m to covered porches and exterior stairways for all blocks in the RM2 zone.
- 11) To permit loading spaces measuring a minimum of 3 m in width by 11 m in length with a vertical clearance of 7.5 m.
- 12) To permit an accessory building or structure that is incidental to a below-grade parking structure (air ventilation abutting Dufferin Street) to be located in a minimum required front yard or exterior side yard.
- 13) To permit an accessory building or structure that is incidental to a below-grade parking structure (air ventilation) to have a minimum setback of 0.1 m from the exterior and rear lot lines.
- 14) To permit a minimum amenity area of 45% to be provided as a common space in the RA3 zone.
- 15) To permit a minimum amenity area of 59% to be provided as a common space in the RM2 zone.

**By-Law Requirement(s) (By-law 01-2021):**

- 1) An Apartment Dwelling and a Multiple-Unit Townhouse Dwelling are not permitted on the subject lands. [Table 13-2]
- 2) The minimum lot area for lands shown as "RM2" on Figure E-1616 shall be 78.9 m<sup>2</sup> (per dwelling unit). [14.1104.2.11]
- 3) The minimum lot area shall be 53.21 m<sup>2</sup> for lands shown as "RA3(H)" on Figure E-1616 (per dwelling unit). [14.1104.2.5]
- 4) The minimum width of a landscape strip abutting Rutherford Road shall be 3.0 m for lands shown as "RA3(H)" on Figure E-1616. [14.1104.2.1]
- 5) A minimum landscaped strip of 3 m in width abutting a street line is required. [Table 7-8]
- 6) The minimum setbacks for an apartment dwelling for lands shown as "RA3(H)" on Figure E-1616 shall be as follows: Front Yard: 3.0 m (Rutherford Road) [14.1104.2.7a]
- 7) A minimum front yard setback of 4.1 m is required for an apartment dwelling. [14.1104.2.7b]
- 8) A minimum front yard setback of 3.0 m is required for Block 6. [14.1104.2.13a]
- 9) A minimum interior side yard setback of 4.5 m is required for Blocks 3 and 4. [Table 7-8]
- 10) A minimum setback of 3.0 m is required to covered porches and exterior stairways for all blocks in the RM2 zone. [14.1104.2.13b]

- 11) A minimum of 1 Type D (4 m in width by 13 m in length with a vertical clearance of 6.1 m) and 1 Type C (3.5 m in width by 6 m in length with a vertical clearance of 3 m) loading spaces are required for buildings with 400 or greater dwelling units. [6.11.2, Table 6-16, 6.11.4.1, Table 6-17]
- 12) An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation shall not be located in a minimum required front yard or exterior side yard. [5.15.2.3a]
- 13) An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation shall have a minimum setback of 3.0 m from any lot line. [5.15.2.3b]
- 14) Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space. [4.3.2.4]
- 15) Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space. [4.3.2.4]

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

- 16) To permit a minimum lot area of 53.8 m<sup>2</sup> per dwelling unit in the RM2 zone.
- 17) To permit a minimum lot area of 7.6 m<sup>2</sup> per dwelling unit in the RA3 zone.
- 18) To permit a minimum front yard setback of 2.8 m in the RA3 zone (abutting Rutherford Road).
- 19) To permit a minimum front yard setback of 2.6 m in the RM2 zone for Block 6.
- 20) To permit a minimum front yard setback of 3.9 m to an exterior stairway (RA3 zone).
- 21) To permit a minimum rear yard setback of 1.8 m for Blocks 2 and 3 to the OS5 zone boundary line.
- 22) To permit a minimum interior side yard setback of 0.8 m from the OS5 zone boundary line to balconies (Blocks 3 and 4)
- 23) To permit a minimum setback of 1.1 m to covered porches and exterior stairways for all townhouse blocks on E-1616.
- 24) To permit a strip of land 2.8 m in width to be provided along a lot line abutting Rutherford Road within the RA3 zone.
- 25) To permit a strip of land 1.1 m in width to be provided along a lot line abutting a street line (Dufferin Street and Rutherford Road) within the RM2 zone.

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

- 16) The minimum lot area requirement is 78.9 m<sup>2</sup> per dwelling unit in the RM2 zone. [(1485, ei)]
- 17) The minimum lot area requirement is 53.21 m<sup>2</sup> per dwelling unit in the RA3 zone. (1485, fi)]
- 18) A minimum front yard setback of 3 m (abutting Rutherford Road) is required. [(1485, fiii)]
- 19) A minimum front yard setback of 3.0 m is required for Block 6. [9(1485 C. eiii)]
- 20) A minimum front yard setback of 4.1 m is required to an exterior stairway (RA3 zone). [(1485, fiii)]
- 21) A minimum setback of 4.5 m is required to the OS5 zone boundary line. [Schedule A]
- 22) A minimum interior side yard setback of 1.2 m is required from the OS5 zone boundary line for balconies (Blocks 3 and 4). [3.14 c]
- 23) A minimum setback of 3 m is required to covered porches and exterior stairways for all townhouse blocks on E-1616. [9(1485, C. eiii)]
- 24) A strip of land not less than 3 m in width shall be provided along a lot line abutting Dufferin Street, Rutherford Road and the Sight Triangle and shall be used for no other purpose than landscaping (RA3 lands). [9(1485, C, bi)]
- 25) A strip of land not less than six (6) m in width shall be provided along a lot line which abuts a street line and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip. [3.13]

**Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): "Oak Ridges Moraine Settlement Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and "High-Rise Mixed-Use" by 11.2A Carrville Centre Secondary Plan - Land Use

**Comments:**

The Owner is requesting relief to facilitate the construction of a 24-storey, and six (6) blocks of three-storey stacked and back-to-back townhouse dwellings for a total of 427 units (the 'Development') with the above noted variances. Files Z.15.023 and DA.15.022

were approved, subject to conditions, by Council on October 2, 2019, to permit the Development. The subject lands are identified in the Vaughan Official Plan 2010 ('VOP 2010') as a "Local Centre" and abut a "Major Arterial (Regional) Road" on Schedules 1 and 9 respectively. The subject lands are designated "Oak Ridges Moraine Settlement Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and "High-Rise Mixed-Use" by 11.2 A Carrville Centre Secondary Plan - Land Use, which permits residential uses in various building types (i.e., Stacked Townhouses, Townhouses, Low-Rise, Mid-Rise, and High-Rise). The proposal conforms to VOP 2010.

Since Council's approval in 2019, a further road widening on Rutherford Road has impacted the Owner's ability to comply with certain setback criteria previously established. Additionally, it has come to the attention of City staff there have been some minor discrepancies and calculation errors that were previously not captured through the implementation of By-law 144-2019. Development Planning is in support of such changes given the residential unit count has been reduced to 407 and the general design of the site remains unchanged and in line to what Council approved in 2019. In accordance with the provisions of Z.15.023 to contribute towards the removal of the Hold Symbol, and conditions of DA.15.022, the Owner is required to obtain approval of a Minor Variance application from the Committee of Adjustment for the variances noted above. It should be noted that Development Planning is putting a much greater emphasis on the variances triggered under By-law 1-88, as the Development was approved prior to the passing of Comprehensive Zoning By-law 001-2021 and remains consistent with what Council approved in 2019.

Many of the requested variances reflect what may be considered administrative updates. Specifically, Variances 10 and 23 pertaining to porch and exterior stairway setbacks were inadvertently omitted in site-specific By-law 144-2019 although previous draft versions of said By-law (noted in the RM2 Exception Table) identified the need for said variances. Although the proposed building envelopes remain unchanged, the reduction in landscape strip width (Variance 25) was also not included in site-specific By-law 144-2019 in error.

Additionally, Variances 4, 6, 7, 8, 18, 19, 20 and 24 were the result of an updated survey confirming the precise locations of road widenings along Dufferin Street and Rutherford Road. This in turn confirmed the future post-dedication property boundaries, resulting in reduced setbacks and reduced landscape buffers.

Further, Variances 2, 3, 16 and 17, which pertain to maximum density, are required to rectify the minimum lot areas in the RA3 and RM2 zones, which were drafted and calculated incorrectly in By-law 144-2019. The variances clarify the required areas are on a per unit basis. The areas are also adjusted to reflect the true gross site area. The original area calculations double counted the site and included the road widenings.

Variances 21 and 22 deal with setbacks to the "OS5 – Open Space Environmental Protection Zone" along the north and east boundaries of the subject lands. The boundary between the OS5 and RM2(H) lands is not just a zone boundary, but a property boundary. Staff acknowledge the OS5 lands will eventually be conveyed into public ownership. The locations of the townhouse blocks considered and approved in files Z.15.023 and DA.15.022 has not changed. By-law 144-2019 inadvertently omitted this setback requirement.

Variance 1 is required to permit the development under a new zoning by-law. Under By-law 001-2021 the lands are zoned "FD - Future Development Zone" and "EP-ORM – Environmental Protection Zone", which restricts the use of the lands to existing uses and buildings. The FD and EP-ORM Zones are the successor categories to the "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" categories under By-law 1-88 that used to apply to the lands before the implementation of By-law 144-2019 via application Z.15.023. Under Z.15.023 and DA.15.022, rigorous review exercises were undertaken to determine the Development is appropriate and desirable for the land.

The remaining variances (5, 9, 11, 12, 13, 14 and 15) only pertain to By-law 001-2021, which recognizes specific terminology, loading requirements, infrastructure features (i.e., below-grade parking ventilation structure/building) and amenity space requirements implemented through By-law 144-2019.

To ensure this minor variance application holds true to the proposal reviewed and approved by Council, Development/Transportation Engineering, Urban Design, and Environmental Planning have reviewed the material submitted and are satisfied. Development Planning has reviewed the detailed Planning Justification Brief, prepared by Bousfields Inc., dated October 24, 2022, and concur with its findings.

Based on the above, the Development Planning Department has no objection to the variances as they are consistent with Council's approval of files Z.15.023 and DA.15.022 and facilitate the Development.

The Development Planning Department is of the opinion that the requested variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-laws, and are 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 condition of approval is recommended:

1. That all comments on Site Development Application DA.15.022 be addressed to the satisfaction of the Development Planning Department.

**Comments Prepared by:**

Roberto Simbana, Planner I  
David Harding, Senior Planner

**To:** Committee of Adjustment

**From:** Catherine Saluri, Building Standards Department

**Date:** October 25, 2022 - Revised

**Applicant:** Norstar Building Group

**Location:** 1176 Rutherford Rd  
Part of Lot 16, Concession 2

**File No.(s):** A209/22

**Zoning Classification:**

The subject lands are zoned FD, Future Development Zone, and subject to the provisions of Exception 14.1104, and EP-ORM, Environmental Protection Zone, and subject to Oak Ridges Moraine suffix zone under Zoning By-law 001-2021.

#	Zoning By-law 001-2021	Variance requested
1	An Apartment Dwelling and a Multiple-Unit Townhouse Dwelling are not permitted on the subject lands. [Table 13-2]	To permit an Apartment Dwelling and a Multiple-Unit Townhouse Dwelling.
2	The minimum lot area for lands shown as "RM2" on Figure E-1616 shall be 78.9 m2 (per dwelling unit). [14.1104.2,11]	To permit a minimum lot area of 53.8 m2 per dwelling unit for lands shown as "RM2" on Figure E-1616.
3	The minimum lot area shall be 53.21 m2 for lands shown as "RA3(H)" on Figure E-1616 (per dwelling unit). [14.1104.2.5]	To permit a minimum lot area of 7.6 m2 per dwelling unit for lands shown as "RA3" on Figure E-1616.
4	The minimum width of a landscape strip abutting Rutherford Road shall be 3.0 m for lands shown as "RA3(H)" on Figure E-1616. [14.1104.2.1]	To permit a minimum landscape strip width of 2.8 m abutting Rutherford Road for lands shown as "RA3(H)" on Figure E-1616.
5	A minimum landscaped strip of 3 metres in width abutting a street line is required. [Table 7-8]	To permit a minimum landscape strip width of 1.1 m abutting a street line (Dufferin Street and Rutherford Road) within the RM2 zone.
6	The minimum setbacks for an apartment dwelling for lands shown as "RA3(H)" on Figure E-1616 shall be as follows: Front Yard: 3.0 m (Rutherford Road) [14.1104, 2.7a]	To permit a minimum front yard setback of 2.8 m for an apartment dwelling for lands shown as RA3(H)" on Figure E-1616 (abutting Rutherford Road).
7	A minimum front yard setback of 4.1 metres is required for an apartment dwelling. [14.1104.2.7b]	To permit a minimum front yard setback of 3.9 m to an exterior stairway for an apartment dwelling for lands shown as "RA3(H)" on Figure E-1616.
8	A minimum front yard setback of 3.0 metres is required for Block 6. [14.1104.2.13a]	To permit a minimum front yard setback of 2.6 m for Block 6 on lands shown as 'RM2" on Figure E-1616.

9	A minimum interior side yard setback of 4.5 m is required for Blocks 3 and 4. [Table 7-8]	To permit a minimum interior side yard setback of 1.8 m for Blocks 3 and 4 in the RM2 zone.
10	A minimum setback of 3.0 metres is required to covered porches and exterior stairways for all blocks in the RM2 zone. [14.1104.2.13b]	To permit a minimum setback of 1.1 m to covered porches and exterior stairways for all blocks in the RM2 zone.
11	A minimum of 1 Type D (4 m in width by 13 metres in length with a vertical clearance of 6.1 metres) and 1 Type C (3.5 m in width by 6 metres in length with a vertical clearance of 3 metres) loading spaces are required for buildings with 400 or greater dwelling units. [6.11.2, Table 6-16, 6.11.4.1, Table 6-17]	To permit loading spaces measuring a minimum of 3 metres in width by 11 metres in length with a vertical clearance of 7.5 metres.
12	An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation shall not be located in a minimum required front yard or exterior side yard. [5.15.2.3a]	To permit an accessory building or structure that is incidental to a below-grade parking structure (air ventilation abutting Dufferin Street) to be located in a minimum required front yard or exterior side yard.
13	An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation shall have a minimum setback of 3.0 m from any lot line. [5.15.2.3b]	To permit an accessory building or structure that is incidental to a below-grade parking structure (air ventilation) to have a minimum setback of 0.1 m from the exterior and rear lot lines.
14	Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space. [4.3.2.4]	To permit a minimum amenity area of 45% to be provided as a common space in the RA3 zone.
15	Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space. [4.3.2.4]	To permit a minimum amenity area of 59% to be provided as a common space in the RM2 zone.

The subject lands are zoned RA3 (H), Apartment Residential Zone, RM2 (H), Multiple Residential Zone, subject to a Holding Symbol (H), and OS5, Open Space Environmental Protection Zone, and subject to the provisions of Exception 9(1485) under Zoning By-law 1-88, as amended.

<b>Zoning By-law 1-88</b>		<b>Variance requested</b>
16	The minimum lot area requirement is 78.9 m2 per dwelling unit in the RM2 zone. [(1485, ei)]	To permit a minimum lot area of 53.8 m2 per dwelling unit in the RM2 zone.
17	The minimum lot area requirement is 53.21 m2 per dwelling unit in the RA3 zone. (1485, fi)]	To permit a minimum lot area of 7.6 m2 per dwelling unit in the RA3 zone.
18	A minimum front yard setback of 3 m (abutting Rutherford Road) is required. [(1485, fiii)]	To permit a minimum front yard setback of 2.8 m in the RA3 zone (abutting Rutherford Road).
19	A minimum front yard setback of 3.0 metres is required for Block 6. [9(1485 C. eiii)]	To permit a minimum front yard setback of 2.6 metres in the RM2 zone for Block 6.

20	A minimum front yard setback of 4.1 m is required to an exterior stairway (RA3 zone). [(1485, fiii)]	To permit a minimum front yard setback of 3.9 m to an exterior stairway (RA3 zone).
21	A minimum setback of 4.5 m is required to the OS5 zone boundary line. [Schedule A]	To permit a minimum rear yard setback of 1.8 m for Blocks 2 and 3 to the OS5 zone boundary line.
22	A minimum interior side yard setback of 1.2 m is required from the OS5 zone boundary line for balconies (Blocks 3 and 4). [3.14 c]	To permit a minimum interior side yard setback of 0.8 m from the OS5 zone boundary line to balconies (Blocks 3 and 4).
23	A minimum setback of 3 m is required to covered porches and exterior stairways for all townhouse blocks on E-1616. [9(1485, C. eiii)]	To permit a minimum setback of 1.1 m to covered porches and exterior stairways for all townhouse blocks on E-1616.
24	A strip of land not less than 3 m in width shall be provided along a lot line abutting Dufferin Street, Rutherford Road and the Sight Triangle and shall be used for no other purpose than landscaping (RA3 lands). [9(1485, C, bi)]	To permit a strip of land 2.8 m in width to be provided along a lot line abutting Rutherford Road within the RA3 zone.
25	A strip of land not less than six (6) metres in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip. [3.13]	To permit a strip of land 1.1 m in width to be provided along a lot line abutting a street line (Dufferin Street and Rutherford Road) within the RM2 zone.

**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 submitted for the development of the subject lands. Please consult with the Building Standards Department at (905) 832 – 8510 for assistance.

**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.
2	The subject lands are currently being reviewed for development under Development application No. DA.15.022.
3	The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).
4	The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.
5	Lands may be subject to section 3.24c) of By-law 1-88 Aquifer Vulnerability Restricted Uses.
6	This application is deemed to be transitioned in accordance with Subsection 1.6.2.6 of Zoning Bylaw 001-2021, however, the Applicant wishes to proceed with variances with regards to Bylaw 001-2021.

**Conditions of Approval:**

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

None

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

**Date:** November 1<sup>st</sup> , 2022

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

**RE:** Request for Comments

**File No.:** **A209-22**

**Related Files:**

**Applicant** Norstar Building Corporation c/o Aaron Brown

**Location** 1176 Rutherford Road



**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)

**From:** [Development Services](#)  
**To:** [Lenore Providence](#); [Committee of Adjustment](#)  
**Subject:** [External] RE: A209/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN  
**Date:** Monday, November 7, 2022 5:52:54 PM  
**Attachments:** [image002.png](#)  
[image004.png](#)

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Hi Lenore,

The Regional Municipality of York has completed its review of the above minor variance (A209/22) and has no comment.

Many thanks,  
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)

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**From:** Lenore Providence <Lenore.Providence@vaughan.ca>  
**Sent:** Monday, October 31, 2022 12:14 PM  
**To:** rowcentre@bell.ca; carrie.gordon@bell.ca; Development Services <developmentservices@york.ca>; yorkplan@trca.ca; Kristen Regier <Kristen.Regier@trca.ca>; engineeringadmin@powerstream.ca; TCEnergy@mhbcpplan.com  
**Cc:** Christine Vigneault <Christine.Vigneault@vaughan.ca>  
**Subject:** A209/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to [isitsafe@york.ca](mailto:isitsafe@york.ca) then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

**MEETING DATE: NOVEMBER 17, 2022**  
**ADDRESS: 1176 Rutherford Road, Maple**

Hello,

Please email comments and recommendations on the above noted application to [cofa@vaughan.ca](mailto:cofa@vaughan.ca). If you wish to be notified of the decision, please confirm in writing.

The deadline to submit comments on this application is **November 7, 2022**.

Should you have any questions or require additional information please contact the undersigned.

Regards

**Lenore Providence**

**Administrative Coordinator - Committee of Adjustment**

905-832-8585, ext. 8394 [Lenore.providence@vaughan.ca](mailto:Lenore.providence@vaughan.ca)

**City of Vaughan | Office of the City Clerk**

2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1

[vaughan.ca](http://vaughan.ca)

-



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November 7, 2022

CFN 66448.30

**SENT BY E-MAIL: Christine.Vigneault@vaughan.ca**

Christine Vigneault  
Secretary Treasurer  
Committee of Adjustment  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

Dear Christine:

**Re: Minor Variance Application A209.22  
Part of Lot 16, Concession 2  
1176 Rutherford Road  
City of Vaughan, Region of York  
Owner: Norstar Building Corporation c/o Aaron Brown  
Agent: Bousfields Inc. c/o Daniel Rende**

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by Toronto and Region Conservation Authority (TRCA) on December 2, 2021. TRCA staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*; the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice related to provincial plans.

### **Purpose of the Application**

It is our understanding that the purpose of the above noted application is to request a combined 25 variances under both Zoning By-Law 01-2021 and By-Law 1-88 related to permitted uses, minimum lot areas, minimum landscape strip width, yard setbacks, setbacks from Open Space zone, loading space dimensions, common space in amenity areas and sight triangles.

The variances are being requested to permit the construction of a 24 storey residential building and 6 blocks of townhouse units.

### **Ontario Regulation 166/06**

A portion of the subject lands are located within TRCA's Regulated Area due to a valley corridor associated with a tributary of the Don River. In accordance with Ontario Regulation 166/06 (Regulation

of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

### Application-Specific Comments

TRCA staff have been involved in the review of *Planning Act* applications for the subject development including Zoning By-law Amendment Z.15.023 and Site Development Application DA.15.022.

Through the review of the Zoning By-law Amendment Z.15.023, TRCA's key focus was ensuring the accurate delineation of the natural heritage features and natural hazards in order to confirm the development limits on the site. TRCA staff provided comments to the City of Vaughan on March 6, 2019, confirming staff had no objection to the approval of the Zoning By-law Amendment application.

Based on a review of the materials circulated with the current application, TRCA is satisfied that the proposed variances do not impact the limits of the natural heritage features and natural hazards or the established buffers. As such, TRCA staff has no concern with the proposed variances.

Although TRCA staff has no objection to the requested variances, TRCA staff is currently working with the City and the proponent and their consultants to review technical aspects related to Site Development Application DA.15.022.

### Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,155.00 (Industrial/Commercial/Subdivision/Institutional – Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

### Recommendation

Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Application A209/22 subject to the following condition:

1. That the applicant provides the required fee amount of \$1,155.00 payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at 437-880-2129 or at [Kristen.Regier@trca.ca](mailto:Kristen.Regier@trca.ca)

Sincerely,

*Kristen Regier*

Kristen Regier  
Planner I  
Development Planning and Permits

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant	Daniel Rende, Bousfields	N/A	11/08/2022	Justification Letter



**BOUSFIELDS INC.**

**Revised**

November 8, 2022

Project No. 13100

October 25, 2022

Christine Vigneault, AMP, ACST  
Manager, Development Services & Secretary Treasurer  
Committee of Adjustment  
Office of the City Clerk  
2141 Major Mackenzie Drive, Vaughan ON L6A 1T1

Dear Ms. Vigneault,

**Re: *Planning Justification Brief (Revised)*  
*1176 Rutherford Road, Vaughan***

---

On behalf of our client, Norstar Group of Companies, the registered owner (the “owner”) of the property, we are pleased to provide you with the following planning justification brief in support of a minor variance application with respect to the property municipally known as 1176 Rutherford Road in the City of Vaughan (the “subject site”). The purpose of this minor variance application is to rectify minor errors or overlooked items that were included in By-law 144-2019 (see **Attachment 1**), which was approved by Council in October 2019, to facilitate the construction of a residential development.

Ten (10) of the variances are being requested with respect to By-law 1-88, however, due to the passing the new Comprehensive Zoning By-law 1-2021 (passed after our rezoning approval by Council), we have been asked to include an additional fifteen (15) variances to vary from the new Comprehensive Zoning By-law 1-2021, currently under appeal.

Accordingly, this minor variance application is intended to continue to facilitate the proposal that was approved by Council, save for some minor changes following the Council approval, and can be seen as a “housekeeping” minor variance application.

### **1.0 SUBJECT SITE**

The subject site is located at the northeast corner of Dufferin Street and Rutherford Road and is municipally known as 1176 Rutherford Road in the City of Vaughan. It has an area of approximately 1.38 hectares and is generally square, with frontages of approximately 110 metres along Dufferin Street and 112 metres along Rutherford Road. The subject site is currently vacant.

The subject site generally slopes downward from north to south and from west to east, with a grade differential of approximately 3.0 to 4.0 metres. The subject site is



accessed via two driveways, one of which is located on the Rutherford Road frontage with the additional access located along Dufferin Street near the northern property limit.



**Figure 1 – Location Map**

## **2.0 PROPOSED DEVELOPMENT**

The proposed development is the construction of a new 24-storey residential building at the southwest corner of the subject site focused toward the Dufferin Street and Rutherford Road intersection, with two blocks of back-to-back townhouse units fronting onto the adjacent public streets and four blocks of stacked townhouse units internal the site and oriented along a 6.0-metre-wide private driveway.

The statistics below reflects the most up-to-date proposal based on revisions made to address comments received from City and Regional staff and other agencies and reflects slight changes from the proposal approved by Council in October 2019. The statistics below generally reflect the May 2021 Site Plan Approval resubmission, with minor changes due to an updated survey. The May 2021 resubmission included reductions in gross floor area (GFA), dwelling units, density, vehicular and bicycle parking and an increase in amenity space. The table below includes additional minor refinements to the site area.



**Table 1: Development Statistics**

<b>Statistic</b>	
Site Area	
<i>Gross Site Area</i>	13,880.1 m2
<i>Road Widening Area</i>	579.4 m2
<i>OS5 Zone</i>	2,598.1 m2
<i>Net Site Area</i>	10,702.6 m2
Gross Floor Area	
<i>Tower GFA</i>	21,135 m2
<i>Townhouse GFA</i>	14,348 m2
<b><i>Total Project GFA</i></b>	<b>35,483 m2</b>
Floor Space Index (Total GFA / Gross Site Area minus Road Widening Area)	2.67
Dwelling Units	
<i>Tower Units</i>	243 units
<i>Townhouse Units</i>	164 units
<b><i>Total Dwelling Units</i></b>	<b>407 units</b>
Amenity Space	
<i>Indoor Amenity (Tower Only)</i>	582 m2
<i>Outdoor Amenity</i>	4,587 m2
<b><i>Total Amenity</i></b>	<b>5,170 m2</b>
Vehicular Parking	
<i>Resident Spaces</i>	440
<i>Visitor Spaces</i>	90
<b><i>Total Parking Spaces</i></b>	<b>530</b>
Bicycle Parking	
<i>Long-term</i>	211
<i>Short-term</i>	43
<b><i>Total Bicycle Spaces</i></b>	<b>254</b>

## 2.0 APPLICATION HISTORY

Applications for a Zoning By-law Amendment (File No. Z.15.023) and Site Development Approval (File No. DA.15.022) for the subject site were submitted in April 2015. Both these development applications were approved by Council on October 2, 2019, subject to several conditions and included the adoption of site-specific By-law Number 144-2019. A subsequent Site Development Approval resubmission of revised materials was completed most recently in May 2021.

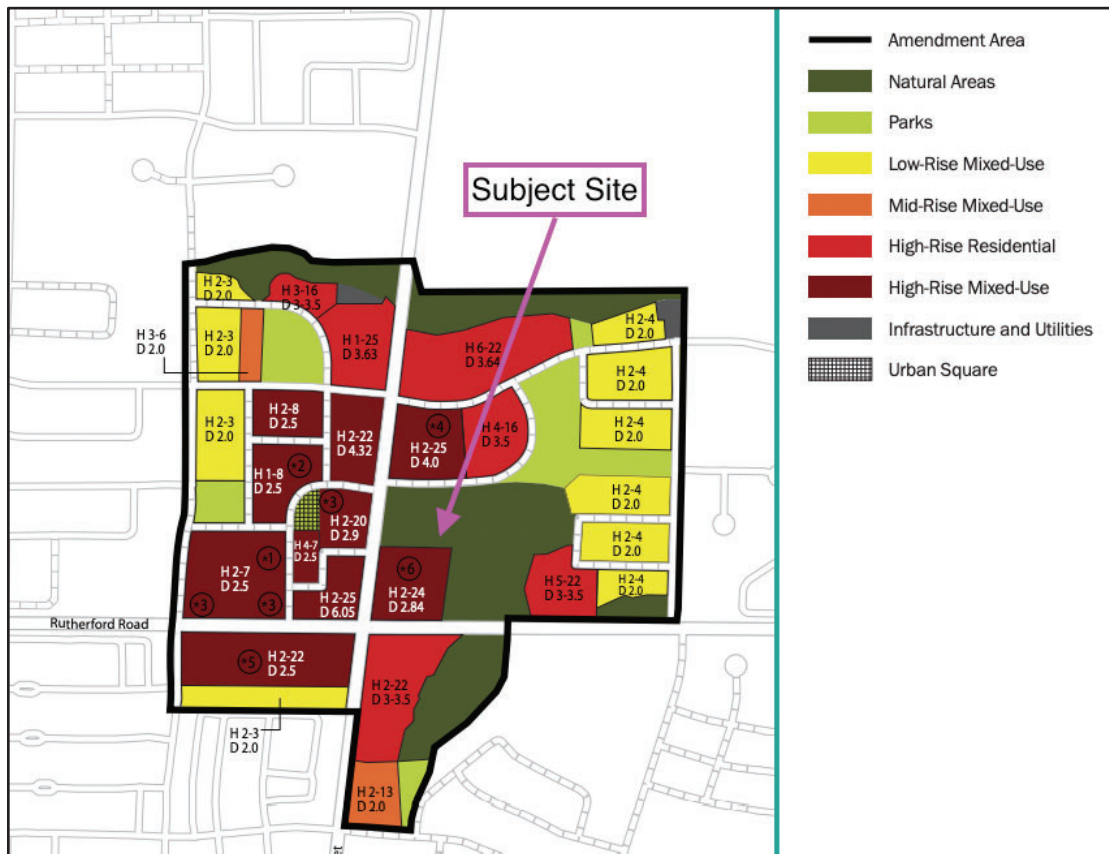
### **3.0 OFFICIAL PLAN AND ZONING**

#### Vaughan Official Plan (VOP2010)

The subject site is designated *High-Rise Mixed-Use* by VOP2010, Volume 2, Section 11.2 the Carrville Centre Secondary Plan. The Secondary Plan seeks to permit a range of building types and uses in a compact urban form focused on the intersection of Dufferin Street and Rutherford Road.

The Carrville Centre Secondary Plan permits a minimum height of 2 storeys and a maximum height of 24 storeys with a maximum floor space index of 2.84 times the area of the lot. Policy 11.2.5.4 of the Secondary Plan clarifies that buffer areas associated with valley and stream corridors and conveyed to the TRCA, may also be included for the purposes of calculating FSI on adjacent lots.

The *High-Rise Mixed-Use* designation permits a range of commercial, office and residential uses in various building types, including, but not limited to, townhouses, stacked townhouses, low-rise buildings, mid-rise buildings, high-rise buildings and public and private institutional buildings. Policy 11.2.6.8.g. permits standalone low-rise buildings on the subject site, however, this was not included as part of the rezoning and site development approval applications that were approved by Council as discussed above.



**Figure 2 – Map 11.2.A of Carrville Secondary Plan – Land Use**

#### By-law 1-88

The subject site is zoned Residential Apartment Zone RA3(H) and Multiple Residential Zone RM2(H) and Open Space Environmental Protection Zone OS5. The portion of the subject site zoned RA3(H) and RM2(H) is subject to Exception 9(1485) and to a Holding Symbol (H). The current zoning is the result of the rezoning application noted above (Z.15.023) and implemented through site-specific By-law 144-2019.

By-law 144-2019 and Exception 9(1485) permit the redevelopment of the subject site with an apartment building up to a maximum height of 85 metres, townhouse blocks up to a maximum height of 14.5 metres and additional development standards to facilitate the development as well as the requirements to remove the Holding Symbol.

#### By-law 1-2021

The Comprehensive Zoning By-law (1-2021) was approved by Council on October 20, 2021 and appealed to the Ontario Land Tribunal.

The subject site is zoned Future Development Zone FD subject to Exception 1104, Future Development Zone FD and EP-ORM Environmental Protection zone. Lands

zoned Future Development Zone are effectively “un-zoned” and only permit existing uses and buildings with the intention that these lands permit future development through rezoning and other appropriate development applications.

By-law 1-2021 attempted to eliminate, shorten and consolidate as many exceptions as possible from By-law 1-88 and in some cases imported the exception into By-law 1-2021. In this respect, Exception 1104 is almost identical to Exception 9(1485) of By-law 1-88 and permits an apartment building up to a maximum height of 85 metres, townhouse blocks up to a maximum height of 14.5 metres and additional development standards and requirements for removing the Holding Symbol.

#### **4.0 REQUESTED VARIANCES**

##### By-law 1-2021 Variances

1. Table 13-2 for FD Zone: Permitted Uses in Institutional Other Zones.

Variance: permitted uses on the subject site include Apartment Dwellings and Multiple-Unit Townhouse Dwellings (known as a Multiple Family Dwelling or Block Townhouse Dwelling in By-law 1-88) as described in Exception 1104 and shown on Figure E-1616.

2. 14.1104.2.11 the minimum lot area shall be 78.9 m<sup>2</sup> for lands shown as “RM2(H)” on Figure E-1616.

Variance: the minimum lot area for lands within the RM2(H) zone of Schedule E-1616, shall be provided at a rate of 53.8 square metres per unit which equals a total minimum lot area of 8,823.2m<sup>2</sup>.

3. 14.1104.2.5 the minimum lot area shall be 53.21 m<sup>2</sup> for lands shown as “RA3(H)” on Figure E-1616.

Variance: the minimum lot area for lands within the RA3(H) zone of Schedule E-1616, is provided at a rate of 7.6 square metres per unit which equals a total minimum lot area of 1,846.8m<sup>2</sup>

4. 14.1104.2.1 The minimum width of a landscape strip abutting Rutherford Road shall be 3.0 m for lands shown as “RA3(H)” on Figure E-1616.

Variance: A landscape strip with a minimum width of 2.8 metres is provided along Rutherford Road within the RA3(H) zone.

5. Table 7-8: A minimum landscape strip abutting a street line of 3 metres in width is required.

Variance: A strip of land 1.1 metre in width is provided abutting a street line (Dufferin Street and Rutherford Road) within the RM2(H) Zone.

6. 14.1104.2.7.a. The minimum front yard setback for an apartment building for lands shown as “RA3(H)” on Figure E-1616 shall be 3.0 metres (Rutherford Road).

Variance: A minimum setback of 2.8 metres is provided.

7. 14.1104.2.7.b. The minimum front yard setback to an exterior stairway for an apartment building for lands shown as “RA3(H)” on Figure E-1616 shall be 4.1 metres (Rutherford Road).

Variance: A minimum setback of 3.9 metres is provided.

8. 14.1104.2.13.a. The minimum front yard setback for a multiple family dwelling and block townhouse dwelling for lands shown as “RM2(H)” on Figure E-1616 shall be 3.0 metres (Block 6)

Variance: A minimum setback of 2.6 metres is provided for Block 6 on lands shown as RM2(H) on Figure E-1616.

9. Table 7-8: A minimum interior side yard of 4.5 metres is required for Blocks 3 and 4.

Variance: A minimum interior side yard setback of 1.8 metres is provided (RM2(H)).

10. 14.1104.2.13.b. The minimum setback to covered porches and stairways for a multiple family dwelling and block townhouse dwelling on lands shown as “RM2(H)” on Figure E-1616 shall be 3.0 metres (all townhouse blocks).

Variance: A minimum setback of 1.1 metres is provided.

11. 6.11.2, Table 6-16, 6.11.4.1 and Table 6-17: Minimum Loading Space Dimensions and Residential Use Loading Space Requirements: 1 Type D, plus 1 Type C loading spaces are required for buildings with 400 or greater dwelling units.

Variance: Two loading spaces measuring a minimum of 3 metres in width by 11 metres in length with a vertical clearance of 7.5 metres are provided for all lands as shown on Figure E-1616 and subject to Exception 1104.

12. 5.15.2.3a. An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation, shall not be located in a minimum required front yard or exterior side yard.

Variance: An accessory building or structure that is incidental to a below grade parking structure (air ventilation abutting Dufferin Street) is located in a minimum required front yard or exterior side yard.

13. 5.15.2.3b. An accessory building or structure that is incidental to a below-grade parking structure, such as air ventilation or an access staircase, shall have a minimum setback of 3.0 metres from any lot line.

Variance: An accessory building or structure that is incidental to a below grade parking structure (air ventilation) will have a minimum setback of 0.1 metres from the exterior and rear lot lines.

14. 4.3.2.4: Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space.

Variance: 45% of the amenity area in the RA3(H) zone is provided as common space.

15. 4.3.2.4 Where an amenity area is required in accordance with this section, a minimum of 90% shall be provided as a common space.

Variance: 59% of the amenity area in the RM2(H) zone is provided as common space.

#### By-law 1-88

16. Exception 1485. C. ei) the minimum lot area is 78.9 m<sup>2</sup>.

Variance: the minimum lot area for lands within the RM2(H) zone of Schedule E-1616, is provided at a rate of 53.8 square metres per unit which equals a total minimum lot area of 8,823.2m<sup>2</sup>.

17. Exception 1485. C. fi) the minimum lot area is 53.21 m<sup>2</sup>.

Variance: the minimum lot area for lands within the RA3(H) zone of Schedule E-1616, is provided at a rate of 7.6 square metres per unit which equals a total minimum lot area of 1,846.8m<sup>2</sup>.

18. Exception 1485 C. fiii) Minimum Front Yard Setback for an Apartment Dwelling: 3.0 metres (Rutherford Road).

Variance: A minimum setback of 2.8 metres is provided (RA3(H) zone).

19. Exception 1485 C. eiii) Minimum Front Yard Setback: 3.0 metres for a multiple family dwelling and block townhouse dwelling (Block 6 on E-1616).

Variance: A minimum setback of 2.6 metres is provided (RM2(H) zone).

20. Exception 1485 C. fiii) Minimum Front Yard Setback to an Exterior Stairway for an Apartment Dwelling: 4.1m (Rutherford Road).

Variance: A minimum setback of 3.9 metres is provided (RA3(H) zone).

21. Schedule A: A minimum rear yard setback of 4.5 metres is required to the OS5 zone boundary line.

Variance: A minimum rear yard setback of 1.8 metres is provided from Block 2 and Block 3 to the OS5 zone boundary line.

22. Section 3.14 c): A minimum interior side yard setback of 1.2 metres is required from the OS5 zone boundary line for balconies (Block 3 and 4).

Variance: A minimum interior yard setback of 0.8 metres is provided from the balconies of Block 3 and Block 4 to the OS5 zone boundary line.

23. Exception 1485. C. eiii) Minimum Setback to Covered Porches and Exterior Stairways for a multiple family dwelling and block townhouse dwelling: 3.0 metres (all townhouse blocks on E-1616).

Variance: A minimum setback of 1.1 metres is provided (RM2(H) zone).

24. Exception 1485 C. bi) A strip of land not less than 3 m in width shall be provided along a lot line abutting Dufferin Street, Rutherford Road and the Sight-Triangle and shall be used for no other purpose than landscaping.

Variance: A landscape with a minimum width of 2.8 metres is provided along Dufferin Street, Rutherford Road, and the Sight Triangle within the RA3(H) zone.

25. Section 3.13 In addition, a strip of land not less than 6.0 metres in width shall be provided along a lot line which abuts a street line and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip.



Variance: A strip of land not less than 1.1 metres in width is provided along Rutherford Road and Dufferin Street within the RM2 zone to be used for no other purpose other than landscape but shall not prevent driveway access.

## **5.0 ANALYSIS – THE FOUR TESTS**

It is our opinion that the requested variances individually and cumulatively satisfy the four tests set out in Section 45(1) of the *Planning Act*, namely: (1) they maintain the general intent and purpose of the Official Plan; (2) they maintain the general intent and purpose of the Zoning By-law; (3) they are minor in nature; and (4) they are desirable for the appropriate development and use of lands.

Our analysis with respect to each of the four tests is set out in summary form below.

### *(1) Maintains the intent and purpose of the Official Plan:*

In our opinion, the requested variances maintain the general intent and purpose of the Official Plan and, specifically, the Carrville Centre Secondary Plan.

The *High-Rise Mixed-Use* designation permits a range of commercial and residential uses in a variety of building types up to a maximum height of 24 storeys and a maximum density of 2.84 FSI.

In this respect, the proposal features dwelling units in a high-rise apartment building and in back-to-back stacked townhouse blocks and stacked townhouse blocks providing housing in a compact building form.

This Committee of Adjustment application can be considered a “housekeeping” application to correct minor items as the proposal largely reflects the rezoning and Site Development Approval applications that were approved by Council in October 2019 which were deemed to conform with the Official Plan.

### *(2) Maintains the intent and purpose of the Zoning By-law:*

In our opinion, the requested variances maintain the general intent and purpose of By-law 1-88, as amended by site-specific By-law 144-2019. It is also our opinion that the requested variances maintain the general intent and purpose of By-law 1-2021 as it essentially “imports” the site-specific by-law and the 1-88 exception into By-law 1-2021.

## **Variances 10 and 23 – Setbacks to Porches and Exterior Stairways**

These variances will permit reduced setbacks to covered porches and exterior stairways in both By-law 1-88 and By-law 1-2021. The proposed buildings and exterior



stairways have not changed locations, however, site-specific By-law 144-2019 incorrectly provided the same setback requirement for both the dwellings and the exterior stairways and covered porches, whereas reduced setbacks should have been provided for the exterior stairways given they project outward from the building and are closer to the property lines. We note that the RM2 Exception Table provided in the September 17, 2019 staff report included a separate minimum setback to covered porches and exterior stairways, however, this exception was inadvertently not included in the final site-specific by-law approved by Council (By-law 144-2019). The proposed variances still provide generous setbacks to exterior stairs and porches which are consistent with site-specific By-law 144-2019.

#### **Variances 4, 6, 7, 8, 18, 19, 20 and 24 – Survey Update**

These variances are the result of an updated survey which confirmed the precise locations of the road widenings along Dufferin Street and Rutherford Road and in turn confirmed the future post-dedication property boundaries.

Variances 4, 6, 7, 8, 18, 19, 20 and 24 are to permit reduced setbacks and reduced landscape buffers as a result of the updated property boundaries.

#### **Variance 25 – Landscape Strip**

The reduction of a landscape strip in the RM2 zone is consistent with the requested reduced setbacks to covered porches and exterior stairs (Variances 10 and 23). This requested relief should have been included in site-specific by-law 144-2019 but was inadvertently not included. The proposed building envelopes have not changed and are consistent with site-specific By-law 144-2019.

#### **Variance 2, 3, 16 and 17 – Maximum Density (Lot Area per Unit)**

These variances provide for maximum permitted density standards calculated at a rate of lot area per dwelling unit.

By-law 144-2019 provided minimum lot areas for the RA3 and RM2 zones, but was drafted incorrectly. Firstly, the minimum lot area for each zone “double counted” the gross site area of the entire subject site inclusive of the RA3 and RM2 zones and road widenings. Secondly, site-specific By-law 144-2019 is worded in such a way that it requires a minimum total lot area of 53.21 square metres and 78.9 square metres for the RA3 Zone and RM2 zone, respectively, and fails to note that this standard provides for a minimum lot area per dwelling unit proposed. Accordingly, the proposed variances clarify that the minimum lot area is per unit which is consistent with the wording of parent by-law 1-88 and was the intention of site-specific by-law 144-2019.

**Variances 21 and 22 – Setbacks to OS5 Open Space Environmental Protection Zone**

These proposed variances deal with interior yard and rear yard setbacks to the OS5 zone along the northern and eastern boundaries of the subject site. These lands will ultimately be conveyed into public ownership. The OS5 lands cannot be used for required yard setbacks and therefore yard setbacks must be measured to the OS5 zone boundaries. The proposal, specifically Blocks 2, 3, and 4, has not revised the location of these blocks, however, the required setbacks to the OS5 zone were not included in the site-specific zoning by-law (By-law 144-2019) and relief is required to recognize the required setbacks.

**Variance 1, 5, 9, 11, 12, 13, 14 and 15 – Variances to By-law 01-2021 Only**

These variances all apply to Comprehensive Zoning By-law 1-2021 only which was adopted by Council (currently under appeal) after site-specific By-law 144-2019 came into full force and effect. By-law 1-2021 zoned the subject lands FD Future Development Zone and imported site-specific Exception 9(1485) from By-law 1-88 into By-law 1-2021 as Exception 1104. As site-specific Exception (9)1485 was created to amend By-law 1-88, additional variances are required to By-law 1-2021 to address standards not considered in the site-specific exception.

Variance 1 is to recognize the specific terminology of the building types in By-law 1-2021 as the FD zone does not permit residential building types and Exception 1104 uses the terminology of By-law 1-88.

Variance 11 is to recognize the loading proposed, which is in compliance with By-law 1-88 and therefore was not included in site-specific By-law 144-2019.

Variances 5 and 9 both deal with the RM2 zone in 01-2021, which in our opinion should not apply. The subject site is zoned RA3(H), RM2(H), and OS5, exception 9(1485) under By-law 1-88 and zoned FD, exception 14.1104 and EP-ORM under By-law 01-2021.

The RA3 and OS5 zones do not exist and By-law 01-2021 and the RM2 zone provides significantly different standards than the RM2 zone in By-law 1-88. For example, the RM2 zone provides a maximum building height of 11 metres (roughly 3 storeys) in By-law 1-88 compared with a maximum building height of 44 metres (roughly 14 storeys) in By-law 01-2021. Regarding a minimum interior yard setback, By-law 1-88 required 1.5 metres while By-law 01-2021 requires 4.5 metres.

Accordingly, while we are of the opinion these variances should not apply, we are including them in an abundance of caution and recognizing they are the result of a

site-specific exception established under one City-wide by-law and imported into a new City-wide by-law.

Variances 12 and 13 deal with the locations and setbacks to air ventilation shafts. One shaft is within the rear yard of the property while the one along Dufferin Street is located in both the rear yard and exterior yard. Both ventilation shafts are flush with the ground and will not create any negative impacts. The variances meet the intent and purpose of the zoning by-law.

Variances 14 and 15 deal with the amenity area requirements of By-law 01-2021. Site-specific By-law 144-2019 and Exception 1104 refer to amenity requirements in relation to By-law 1-88. By-law 01-2021 has different standards for amenity space with respect to definition, rates and allocation. While the proposal complies with the majority of the amenity requirements of By-law 01-2021, including the total amenity area required, two variances are required to reduce the amount of amenity area that is considered “common space”, which is not defined in By-law 01-2021.

In summary, the proposed variances are consistent with the proposed development approved by Council in October 2019 and site-specific By-law 144-2019 and are for the purpose of recognizing recently-adopted City Wide Comprehensive Zoning By-law 1-2021 and correcting items in site-specific By-law 144-2019.

(3) *Minor in Nature*

The test of “minor” is not intended as a numerical assessment, but rather an assessment of impact. In our opinion, the impacts associated with the requested variances are by nature minor. As the proposal reflects the proposal approved by Council in October 2019 and is generally required for technical corrections, the requested variances will not result in unacceptable impacts and are considered minor in nature.

(4) *Desirable for the Appropriate Development and Use of the Land*

In our opinion, the variances are appropriate and desirable, as they facilitate the construction of a 24-storey residential apartment building and six blocks of back-to-back and stacked townhouse units, for a total of 407 dwelling units, in the built-up area of Vaughan with existing infrastructure and access to amenities and transit. The proposal will continue to assist in the establishment of the intersection of Dufferin Street and Rutherford Road as the main node in the Carrville Centre Secondary Plan area.

## **6.0 CONCLUSION**

As demonstrated in this planning justification brief, we are of the opinion that the proposed variances continue to facilitate the development of the proposal approved by Council in October 2019 (and implemented through site-specific By-law 144-2019) and is generally for the purpose of correcting items and recognizing recently-adopted By-law 1-2021.

The proposed minor variance application will facilitate intensification in the built-up area in Vaughan at a prominent corner of the intersection of Dufferin Street and Rutherford Road in the Carrville Centre Secondary Plan area.

Based on the foregoing analysis, it is our conclusion, from a land use planning perspective, that the proposed variances individually and cumulatively meet the four tests set out in Section 45(1) of the *Planning Act* and should be approved on this basis.

Should you have any questions or wish to discuss any of these matters in greater detail, please do not hesitate to contact the undersigned.

Yours truly,

**Bousfields Inc.**



Daniel Rende, MCIP, RPP

*cc. Mr. Aaron Brown, Norstar Group of Companies*  
*Mr. James H. Okawa, Norstar Group of Companies*

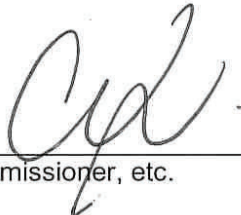
THE CORPORATION OF THE CITY OF VAUGHAN

IN THE MATTER OF Section 34,  
Subsections (18) and (19) of  
the Planning Act, R.S.O. 1990, c.P.13

I, TODD COLES, of the Township of King City, make oath and say:

- 1. **THAT** I am the City Clerk of the Corporation of the City of Vaughan and as such, have knowledge of the matters hereinafter deposed to.
- 2. **THAT** By-law Number 144-2019 was passed by the Council of the Corporation of the City of Vaughan on the 23rd day of October, 2019, and written notice was given on the 6th of November, 2019 in the manner and form and to the persons prescribed in Regulation 199/96.
- 3. **THAT** no notice of appeal setting out an objection to By-law 144-2019 was filed with me within twenty (20) days from the date of written notice of the passing of the by-law.
- 4. **THAT** By-law Number 144-2019 is deemed to have come into effect on the 23rd of October, 2019.

SWORN BEFORE ME in the City  
of Vaughan, in the Regional  
Municipality of York, this  
26<sup>th</sup> day of November, 2019



\_\_\_\_\_  
A Commissioner, etc.

Christine Marie Monique Vigneault,  
a Commissioner, etc.,  
Province of Ontario, for  
The Corporation of the City of Vaughan.  
Expires July 5, 2020.

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TODD COLES

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 144-2019**

**A By-law to amend City of Vaughan By-law 1-88.**

**WHEREAS** the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

**AND WHEREAS** there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity;

**NOW THEREFORE** the Council of the Corporation of the City of Vaughan **ENACTS**  
**AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be and is hereby further amended by:
  - a) Rezoning the lands shown as "Subject Lands" on Schedule "1" attached hereto from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to "RA3(H) Apartment Residential Zone", "RM2 Multiple Residential Zone" both with the Holding Symbol "(H)" and the "OS5 Open Space Environmental Protection Zone" in the manner shown on Schedule "1".
  - b) Adding the following Paragraph to Section 9.0 "EXCEPTIONS":

"(1485) A. The following provisions shall apply to all lands zoned with the Holding Symbol "(H)" as shown on Schedule "E-1616", until the Holding Symbol "(H)" is removed pursuant to Section 36(3) or (4) of the *Planning Act*:

    - i) Lands zoned with the Holding Symbol "(H)" shall be used only for the production of field crops or a use legally existing as of the date of the enactment of this By-law.



B. Removal of the Holding Symbol "(H)" from the Subject Lands shall be contingent on the following:

a) The Owner shall enter into a Development Agreement to satisfy all conditions, financial or otherwise, of the City with regard to such matters the City may consider necessary including payment of the development levies, the provision of roads and municipal services, including construction of a sanitary sewer on Crimson Forest drive and Rutherford Road, installation of new services, landscaping and fencing, all to the satisfaction of the City. The said agreement shall be registered against the Subject Lands to the satisfaction of the City. The Owner must also resolve the following matters:

i) The Owner shall undertake further assessment of the City's existing downstream sanitary sewer system based on actual measured sewage flow data to verify the findings of the theoretical analysis to the satisfaction of the City. In the event the findings of this supplementary analysis identify the need to undertake improvements to the existing downstream sanitary sewer system in order to accommodate the additional sewage flows from the development of the subject lands, the Owner shall design and construct these system improvements.

b) The Owner shall enter into a Block 11 Developer's Group Agreement with the other participating landowners within Block 11 to the satisfaction of the City. The Agreement shall be regarding but not limited



to: all cost sharing of the provision of parks, cash-in-lieu of parkland, roads and municipal services; and

- c) The Owner shall submit a letter from the Block 11 Developer's Group (Block 11 Properties Inc. - Trustee) indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 11 Developer's Group Cost Sharing Agreement, to the satisfaction of the Development Engineering Department.

C. Notwithstanding the provisions of:

- a) Subsection 3.8 respecting Parking Requirements respecting Apartment Dwelling, Multiple Family Dwelling, Block Townhouse Dwelling and Visitor Parking;
- b) Subsection 3.13 respecting Minimum Landscaped Area;
- c) Subsection 3.14 a) respecting Permitted Yard Encroachments and Restrictions;
- d) Subsection 3.17 respecting Portions of Buildings Below Grade;
- e) Subsection 4.1.6 a) respecting Minimum Amenity Area;
- f) Schedule "A" respecting the zone standards in the RA3 Apartment Residential Zone;

The following provisions shall apply to the lands zoned "RA3(H) Apartment Residential Zone" as shown on Schedule "E-1616":

- ai) The following minimum parking requirements shall apply:
- Residential Parking (Apartment, Multiple Family, Block Townhouse Dwelling): 1.037 parking spaces per dwelling unit;
  - Visitor Parking (Apartment, Multiple Family

Dwelling, Block Townhouse Dwelling): 0.21

parking spaces per dwelling unit.

- bi) A strip of land not less than 3 m in width shall be provided along a lot line abutting Dufferin Street, Rutherford Road and the Sight-Triangle and shall be used for no other purpose than landscaping;
- ci) A minimum 0 m setback is permitted for canopies on the 2<sup>nd</sup> Floor of the Apartment building;
- di) The minimum setback from the front lot line and the exterior lot line to the nearest part of the building below finished grade shall be the following:
  - 0.6 m from Rutherford Road
  - 0.6 m from Dufferin Street
  - 0.6 m from a sight-triangle (Rutherford and Dufferin Street).
- ei) The minimum amenity area for each dwelling unit shall be 8.7 m<sup>2</sup>;
- fi) The minimum lot area is 53.21 m<sup>2</sup>;
- fii) The maximum building height for an Apartment Dwelling is 85 m;
- fiii) The following minimum setbacks are permitted for an Apartment Dwelling:
  - Front Yard Setback: 3 m (Rutherford Road)
  - Front Yard Setback to an Exterior Stairway: 4.1 m (Rutherford Road)
  - Exterior Side Yard Setback: 3 m (Dufferin Street)
  - Minimum Setback to a Sight-Triangle: 3 m.

Notwithstanding the provisions of:

- a) Subsection 3.8, and (g) respecting Parking Requirements respecting Apartment Dwelling, Multiple Family Dwelling, Block Townhouse Dwelling and Visitor

Parking and Driveway Dimensions;

- b) Subsection 4.1.3 respecting Rooms Below Grade;
- c) Subsection 4.1.4(b) and (f) respecting Parking Areas for Multiple Family Dwellings and Access Requirements;
- d) Subsection 4.1.6 respecting Minimum Amenity Area;
- e) Schedule “A” respecting the zone standards in the RM2 Multiple Residential Zone;

The following provisions shall apply to the lands zoned “RM2 Multiple Residential Zone” as shown on Schedule “E-1616”:

- ai) The following minimum parking requirements shall apply:
  - Residential Parking (Apartment, Multiple Family, Block Townhouse Dwelling): 1.037 parking spaces per dwelling unit;
  - Visitor Parking (Apartment, Multiple Family Dwelling, Block Townhouse Dwelling): 0.21 parking spaces per dwelling unit;
- aii) The minimum width of a joint ingress and egress driveway of 6.25 m (Rutherford Road) is required;
- bi) The basement (first floor) level of townhouse units within Blocks 1 to 6 on E-1616 can be located partially below grade;
- ci) There is no minimum landscape strip width required around the periphery of an outdoor parking area or requirement for any screening along an outdoor parking area facing a street;
- di) The minimum amenity area shall be 15.2 m<sup>2</sup> per dwelling unit;
- ei) The minimum lot area is 78.9 m<sup>2</sup>;
- eii) The maximum building height is 14.5 m (All Townhouse Blocks);

eiii) The following minimum setbacks are permitted for a Multiple Family Dwelling and Block Townhouse Dwelling:

- Front Yard: 3 m (Block 6 on E-1616)
- Minimum Setback to Covered Porches and Exterior Stairways: 3 m (All Townhouse Blocks on E-1616)
- Exterior Side Yard Setback: 3 m (Block 1 on E-1616)
- Rear Yard: 2. m (Block 2 on E-1616)

eiv) A 0 m setback to the interior side lot line is permitted for an exterior stairway and elevator shaft located between Blocks 3 and 4 on E-1616.

c) Adding Schedule "E-1616" attached hereto as Schedule "1";

d) Deleting Key Map 2D and substituting therefor the Key Map 2D attached hereto as Schedule "2".

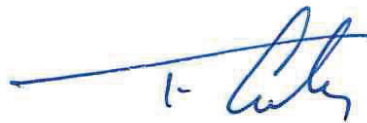
2. Schedules "1" and "2" shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this 23<sup>rd</sup> day of October, 2019.



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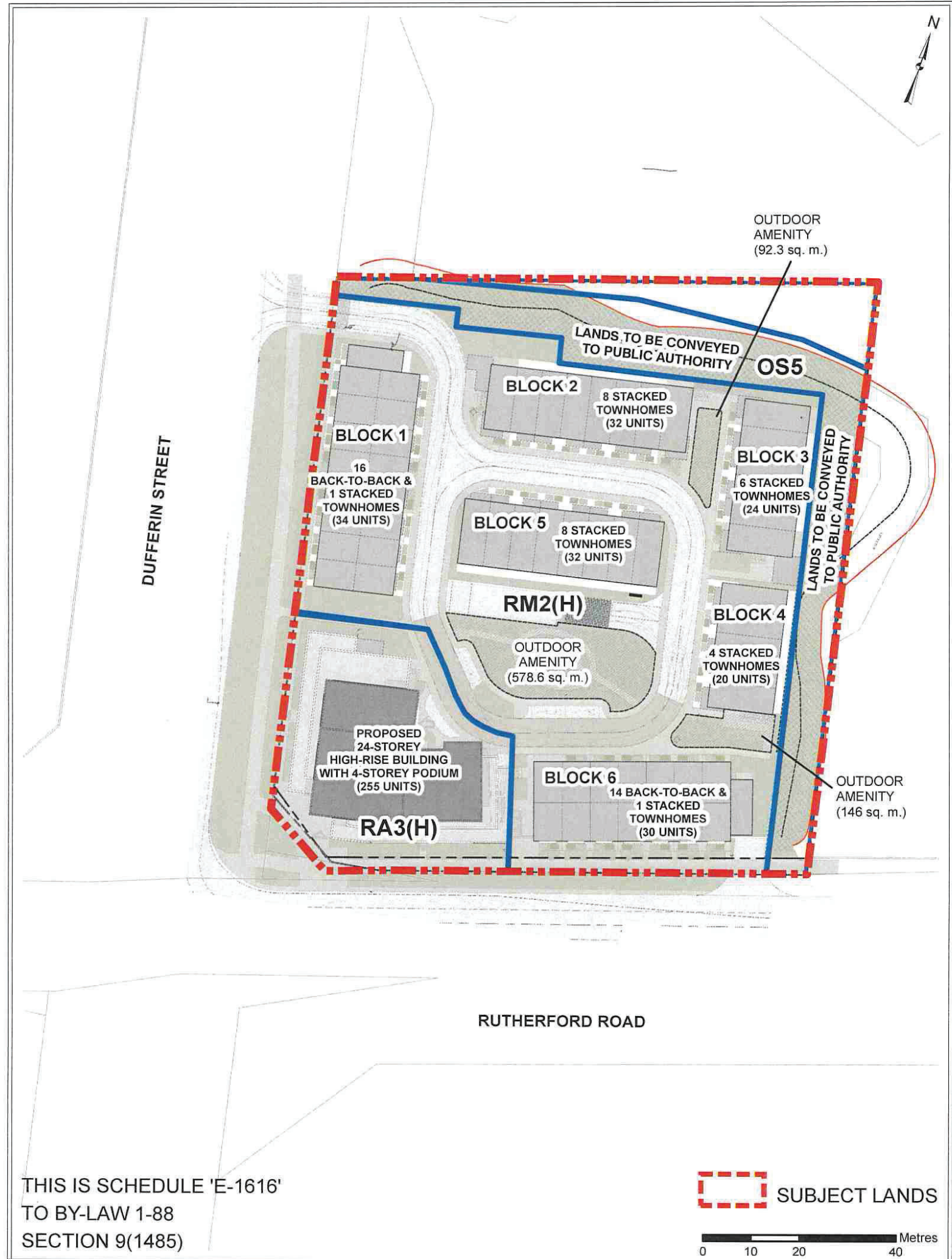
Hon. Maurizio Bevilacqua, Mayor



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Todd Coles, City Clerk





**THIS IS SCHEDULE '1'**  
**TO BY-LAW 144-2019**  
**PASSED THE 23RD DAY OF OCTOBER, 2019**

**FILE:** Z.15.023  
**RELATED FILE:** DA.15.022  
**LOCATION:** Part of Lot 16, Concession 2  
**APPLICANT:** Norstar Group of Companies  
**CITY OF VAUGHAN**

**SIGNING OFFICERS**  
  
**MAYOR**  
  
**CLERK**





MAJOR MACKENZIE DRIVE



RUTHERFORD ROAD

KEY MAP 2D  
BY-LAW NO. 1-88



THIS IS SCHEDULE '2'  
TO BY-LAW 144-2019  
PASSED THE 23RD DAY OF OCTOBER, 2019

FILE: Z.15.023  
RELATED FILE: DA.15.022  
LOCATION: Part of Lot 16, Concession 2  
APPLICANT: Norstar Group of Companies  
CITY OF VAUGHAN

SIGNING OFFICERS  
  
MAYOR  
  
CLERK

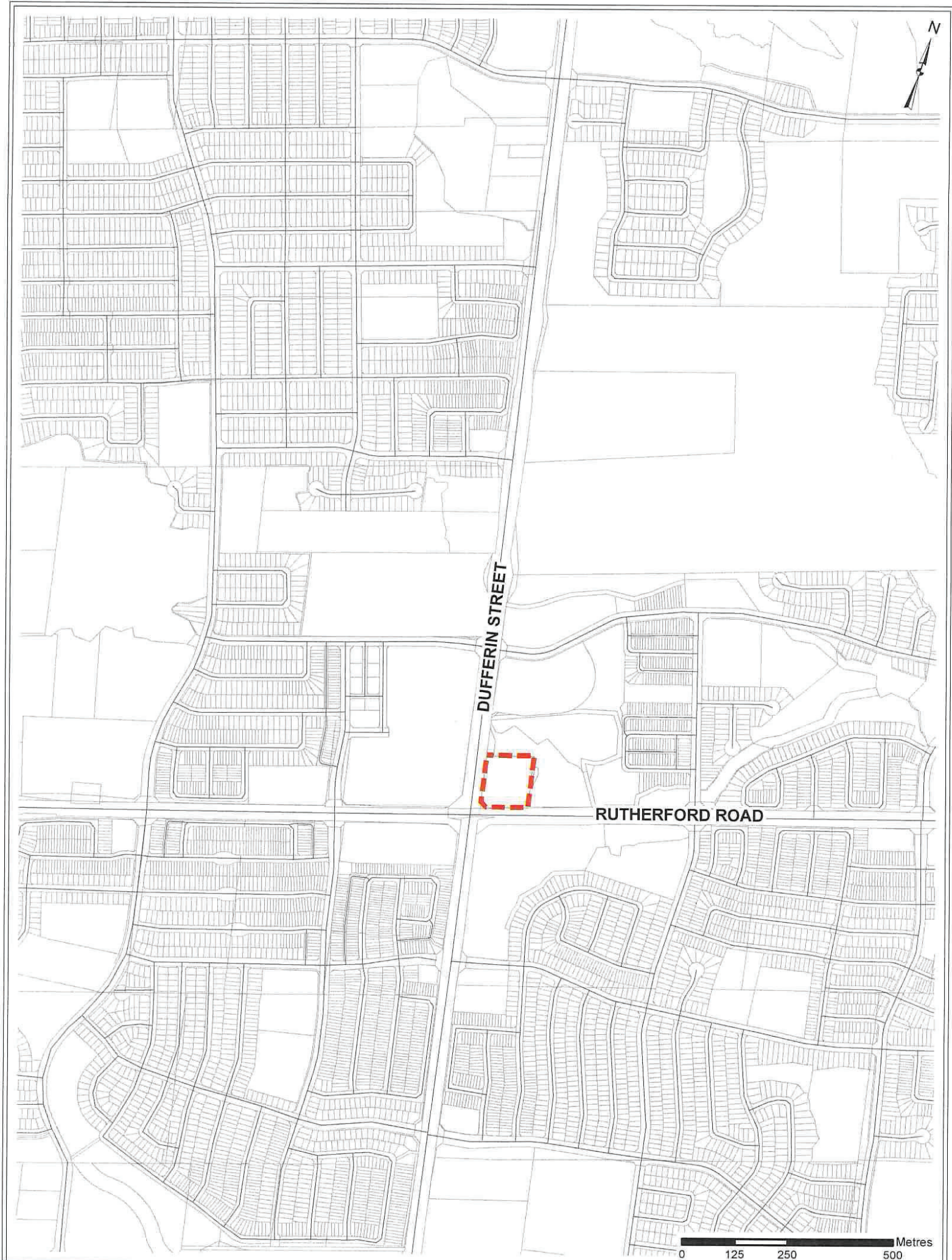
## **SUMMARY TO BY-LAW 144-2019**

The lands subject to this By-law are located on the northeast corner of Dufferin Street and Rutherford Road, being municipally known as 1176 Rutherford Road, City of Vaughan.

The purpose of this by-law is to rezone the Subject Lands from "A Agricultural Zone" and "OS5 Open Space Environmental Protection Zone" to "RA3(H) Apartment Residential Zone", "RM2(H) Multiple Residential Zone" with the Holding Symbol "(H)" and "OS5 Open Space Environmental Protection Zone". The By-law also includes the following site-specific exceptions to facilitate the development of a 24-storey residential apartment building, six blocks of back-to-back and stacked townhouse dwellings, which are served by a private condominium common element road with 444 parking spaces for residents and 90 parking spaces for visitors. The following site-specific exceptions are identified:

- a) Reduced minimum parking requirements for the apartment building and townhouse dwelling units (back-to-back and stacked);
- b) Reduced minimum requirements for landscape strip widths abutting front and exterior lot lines;
- c) Reduced setback requirements for portions of buildings below grade;
- d) Reduced landscape area and screening requirements for outdoor parking areas;
- e) Reduced minimum driveway width;
- f) Reduced canopy projections for the apartment building;
- g) To permit rooms below grade within the cellar portion of a dwelling;
- h) Reduced minimum lot area standards;
- i) Reduced minimum yard setback requirements;
- j) Reduced minimum amenity area standards;
- k) Increased maximum building heights;





## LOCATION MAP TO BY-LAW 144-2019

**FILE:** Z.15.023

**RELATED FILE:** DA.15.022

**LOCATION:** Part of Lot 16, Concession 2

**APPLICANT:** Norstar Group of Companies

**CITY OF VAUGHAN**



**SUBJECT LANDS**