

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: December 06, 2022
Name of Owner: Mesivta Ohr Temimim Lubavitch
Location: 7555 Bathurst Street
File No.(s): A250/22

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

- 1) To permit an educational facility (private school) on the ground floor of the existing building and within an addition to the existing building.
- 2) To permit an addition to an existing building to be located outside of the area described as Building Envelope No. 1 as shown on Figure E-941.
- 3) To permit the proposed garbage enclosure to be located outside of the area described as Building Envelope No. 1 as shown on Figure E-941.
- 4) To permit a minimum of 14 on-site parking spaces.
- 5) To permit a minimum landscape width of 4.71 m along Bathurst Street.
- 6) To permit a minimum landscape width of 1.2 m along Arnold Avenue.

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

- 1) An educational facility (private school) and synagogue having a total maximum gross floor area of 395 m², is only permitted on the second floor of any building erected on the "Subject Lands" as shown on Figure E-941. [14.547]
- 2) All buildings or structures erected on the lands shown as Subject Lands on Schedule E-941 shall be located within the area described as Building Envelope No. 1. [14.547, 1a]
- 3) All buildings or structures erected on the lands shown as Subject Lands on Schedule E-941 shall be located within the area described as Building Envelope No. 1. [14.547, 1a]
- 4) A minimum of 19 on-site parking spaces shall be provided. [14.547.3.1]
- 5) A minimum landscape width of 5.0 m shall be provided along Bathurst Street to be used for no other purpose than landscaping. [14.547.2 1 dii]
- 6) The strip of land along Arnold Avenue shall be 1.8 m. [14.547.1 di]

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

- 7) To permit an educational facility (private school) on the ground floor of the existing building and within an addition to the existing building.
- 8) To permit an addition to an existing building to be located outside of the area described as Building Envelope No. 1 as shown on Figure E-941.
- 9) To permit the proposed garbage enclosure to be located outside of the area described as Building Envelope No. 1 as shown on Schedule E-941.
- 10) To permit a minimum of 14 on-site parking spaces.
- 11) To permit a minimum landscape width of 4.71 m along Bathurst Street.
- 12) To permit a minimum landscape width of 1.2 m along Arnold Avenue.

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

- 7) An educational facility (private school) and synagogue having a total maximum gross floor area of 395 m², is only permitted on the second floor of any building erected on the "Subject Lands" as shown on Schedule E-941. [9(858)]
- 8) All buildings or structures erected on the lands shown as Subject Lands on Schedule E-941 shall be located within the area described as Building Envelope No. 1. [9(858, bi)]
- 9) All buildings or structures erected on the lands shown as Subject Lands on Schedule E-941 shall be located within the area described as Building Envelope No. 1. [9(858, bi)]
- 10) A minimum of 19 on-site parking spaces shall be provided. [9(858, ei)]
- 11) A minimum landscape width of 5 m shall be provided along Bathurst Street to be used for no other purpose than landscaping. [9(858 di)]
- 12) A minimum landscape width of 1.8 m shall be provided along Arnold Avenue to be used for no other purpose than landscaping. [9(858 di)]

Official Plan:

The subject lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (‘VOP 2010’).

Comments:

The existing building on the Subject Lands, originally constructed as a single storey detached dwelling, was most recently used as a daycare, a permitted use, prior to the private school business acquiring to property approximately 3 years ago. With the above-noted variances, the Owner is requesting permission to utilize the main floor of the building as a private school and construct a ground floor addition on the north side in the form of a portable.

The application before Committee today represents the accumulation of several design considerations through the review of Site Development file DA.22.039. Initially, a smaller, detached portable for storage use was proposed to the east of the building. To address the concerns (i.e., maneuvering, access, vegetative buffering) raised by City staff, a revised submission was received on October 31, 2022, depicting a new garbage enclosure and the proposal of a larger, portable attached to the north side of the building. The primary purpose of the portable, now an addition, had also changed from storage to hosting school assemblies.

Staff have advised the applicant that since DA.22.039 remains active and a new resubmission is needed, changes to the proposal may still be required. An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown in the plans and drawings attached to its decision. Making any changes to the proposal/development after Committee’s decision may impact the validity of Committee’s decision. The Owner has elected to proceed in light of the risks.

Development Planning staff has no concerns with Variances 1 and 7. A private school use is permitted, but on the second floor of a building that was not constructed. Allowing the private school use to operate at ground level is not anticipated to have adverse impacts to the surrounding neighbourhood or function of the property.

Development Planning is generally satisfied with the proposed changes and does not object to Variances 2, 3, 8, and 9 pertaining to the portable addition and garbage enclosure being placed outside the established building envelope provided there are no operational or aesthetic concerns raised through the continued review of DA.22.039 that cannot be addressed through that process. A condition is recommended to this effect.

Lastly, Variances 4, 5, 6, 10, 11 and 12 have been reviewed by Transportation Engineering and Urban Design staff who have expressed no major concerns but will complete their detailed analysis through the Site Development Application review process. The appropriateness of permitting a parking space within the front yard (Variance 5) will be further assessed through the site plan review process. A resubmission of DA.22.039 is required to identify adequate vehicular maneuvering, the sufficiency and configuration of on-site parking, improve the features within the vegetative landscape strip(s), determine appropriate aesthetic/screening measures (e.g., fencing/no-fencing, vegetative buffering/landscaping, etc.), and determine whether the existing grade can support the placement of the portable and garbage closure. A condition is recommended to this effect.

Recommendation:

The Development Planning Department recommends approval of the application.

Condition of Approval:

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

1. That all comments on Site Development Application DA.22.039 be addressed to the satisfaction of the Development Planning Department.

Comments Prepared by:

Roberto Simbana, Planner I
David Harding, Senior Planner