

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning Department
Date: February 22, 2023
Name of Owner: Rutherford Land Development Corporation
Location: 2901 Rutherford Road
File No.(s): A318/22

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

Not Applicable

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

Not Applicable

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

1. To permit a maximum gross floor area of 452.4m² for non-residential uses located on the second level.
2. To permit a minimum setback from the streetline to the first two-storeys of any building above finished grade of 2.9 m.
3. To permit a minimum front yard of 1.8 m above the first two-storeys.
4. To permit a minimum westerly exterior side yard of 1.4 m and a minimum easterly exterior side yard of 1.7 m.
5. To permit a minimum of 907 parking spaces on site.
6. To permit a strip of land not less than 0.0 m in width be provided along a lot line which abuts a street line.
7. To permit a driveway and parking garage entrance width of 6.0 m.

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

1. Non-residential uses shall have a maximum gross floor area of 1,800m² restricted to the ground floor. [Exc. 9(1488)]
2. A minimum setback from the streetline to the first two-storeys of any building above finished grade shall be 3.0 m. [Exc. 9(1488)]
3. A minimum front yard of 7.5 m is required above the first two-storeys. [Schedule A]
4. A minimum exterior side yard of 7.5 m is required above the first two-storeys. [Schedule A]
5. A minimum of 965 parking spaces are required. [Exc. 9(1488)]
6. A strip of land not less than 1.5 m in width shall be provided along a lot line which abuts a street line. [Exc. 9(1488)]
7. A maximum driveway width of 7.5 m is permitted. [S.3.8 g)]

Official Plan:

Vaughan Official Plan 2010 ('VOP 2010'): "High-Rise Mixed-Use" by Volume 2, Section 11.7 Vaughan Mills Centre Secondary Plan and is further identified as a "Primary Centre" by Schedule 1 – Urban Structure.

Comments:

Rutherford Land Development Corporation, (the 'Owner') is requesting the above-noted reliefs to facilitate the development ('the Proposal') of three high-rise mixed-use buildings, two (2) of which are 26-storeys in height and one that is 30-storeys in height, for a total of 831 residential dwelling units with a Floor Space Index (FSI) of 10.4 times the area of the lot. On December 18, 2018, the Local Planning Appeal Tribunal ('LPAT') (formerly the OMB, now the OLT), approved in principle the site-specific amendments to the Official Plan Amendment and Zoning By-law Amendment. Correspondingly, on November 29, 2022, Council approved Draft Plan of Subdivision 19T-18V001 and Site Development Application DA.19.010, subject to conditions, including the requirement the Owner obtain variances to the approved Zoning By-law Amendment to address design changes that occurred since the OLT decision. This minor variance application is to recognize deficiencies identified by zoning staff which were reviewed and supported by City staff through the review of Site Development Application DA.19.010.

Variances 1, 2 and 6 remain unchanged from what was supported by Development Planning and approved by Council at its November 29, 2022, meeting. The non-residential space proposed on the second level is for an indoor community space accessed from the first floor. The modifications to the zoning by-law are needed to facilitate a proposal that: (1) fits within the property boundaries while delivering a high-quality design, and (2) provides adequate setbacks to the built form to ensure the development is desirable and appropriate for the use of the lands. With respect to Variances 3 and 4, Development Planning and Urban Design staff have no concerns as minor setback improvements are proposed for all storeys above the second storey for the front yard and westerly exterior side yard. The minimum front yard setback is proposed to increase from 1.5 m to 1.8 m, and the westerly exterior side yard setback to increase from 1.31 m to 1.4 m. The reduction in the easterly exterior side yard setback (from 1.89 m to 1.7 m) is minimal and is not anticipated to be perceptible from the public right-of-way.

For Variance 5, the Owner has submitted a Memorandum, prepared by Poulos Chung, dated October 13, 2022, which analyzes the viability of the 907 parking spaces. The Transportation Division of the Development Engineering Department has reviewed the study is generally satisfied with a reduction of one parking space. The remaining Variance pertaining to the reduction in maximum driveway and parking entrance width will not impact the viability and functionality of its intended use.

The Development Planning Department has reviewed the application and is of the opinion that it is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Condition of Approval:

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

None

Comments Prepared by:

Roberto Simbana, Planner I
David Harding, Senior Planner