

	COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A039/22
---	--

AGENDA ITEM NUMBER: 16	CITY WARD #: 4
APPLICANT:	Nine-Ten West Limited
AGENT:	Eric Del Favero
PROPERTY:	1050 Rutherford Rd Bldg B Vaughan
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Mixed-Use"
RELATED DEVELOPMENT APPLICATIONS: <small>*May include related applications for minor variance, consent, site plan, zoning amendments etc.</small>	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit medical clinic uses within the complex.

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

*Please see **Schedule B** of this report for a copy of Development Planning 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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Standards (Zoning Review)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Inspection (Septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Comments Recieved to Date
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Real Estate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Ministry of Transportation (MTO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

PUBLIC & APPLICANT CORRESPONDENCE				
*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.				
The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.				
Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City’s Website.				
All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A029/15	01/29/2015	Approved by COA

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
A039/22

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

AGENDA ITEM NUMBER: 16	CITY WARD #: 4
APPLICANT:	Nine-Ten West Limited
AGENT:	Eric Del Favero
PROPERTY:	1050 Rutherford Rd Bldg B Vaughan
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Mixed-Use"
RELATED DEVELOPMENT APPLICATIONS: <small>*May include related applications for minor variance, consent, site plan, zoning amendments etc.</small>	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit medical clinic uses within the complex.

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

The subject lands are zoned NC Neighbourhood Commercial, and subject to the provisions of Exception 14.861 under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
1	The use of a “Clinic is not a permitted use. Table 9.2.1	To permit the use of a “Clinic”.

The subject lands are zoned C4 Neighbourhood Commercial and subject to the provisions of Exception 9(1217) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
2	The proposal is in compliance with By-law 1-88 a.a.	None

HEARING INFORMATION

DATE & TIME OF HEARING: Thursday , April 14, 2022 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC PARTICIPATION

You can watch a live stream of the hearing at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

If you wish to speak to the Committee of Adjustment on an application please complete and submit a [Request to Speak Form](#) to cofa@vaughan.ca by noon on the last business day prior to the hearing.

Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application must be submitted by noon on the last business day prior to the day of the scheduled hearing. Written submissions can be emailed to cofa@vaughan.ca

[For more information, please visit the City of Vaughan website.](#)

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application may consider the following:

INTRODUCTION	
<p>That the general intent and purpose of the by-law will be maintained.</p> <p>That the general intent and purpose of the official plan will be maintained.</p> <p>That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.</p> <p>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	
Date Public Notice Mailed:	March 29, 2022
Date Applicant Confirmed Posting of Sign:	March 29, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	Existing and future clinics do not comply under new Zoning By-law 01-2021
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: *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
Adjournment Fees: 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 after the issuance of public notice.	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING) COMMENTS	
<p>Stop work orders and orders to comply: There are no outstanding Orders on file</p> <p>Building Permit(s) Issued: A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2</p> <p>The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.</p> <p>The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).</p>	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS	
**See Schedule C for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT ENGINEERING COMMENTS	
The Development Engineering (DE) Department does not object to variance application A039/22.	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry: Forestry has no comments at this time	
PFH Recommended Conditions of Approval:	Forestry: None

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

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

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

FIRE DEPARTMENT COMMENTS	
No comment no concerns	
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	Development Planning & 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: None

IMPORTANT INFORMATION – PLEASE READ
CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.
APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.
An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.
A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.
Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.
Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.
DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

IMPORTANT INFORMATION – PLEASE READ

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee’s decision you will **not** receive notice.

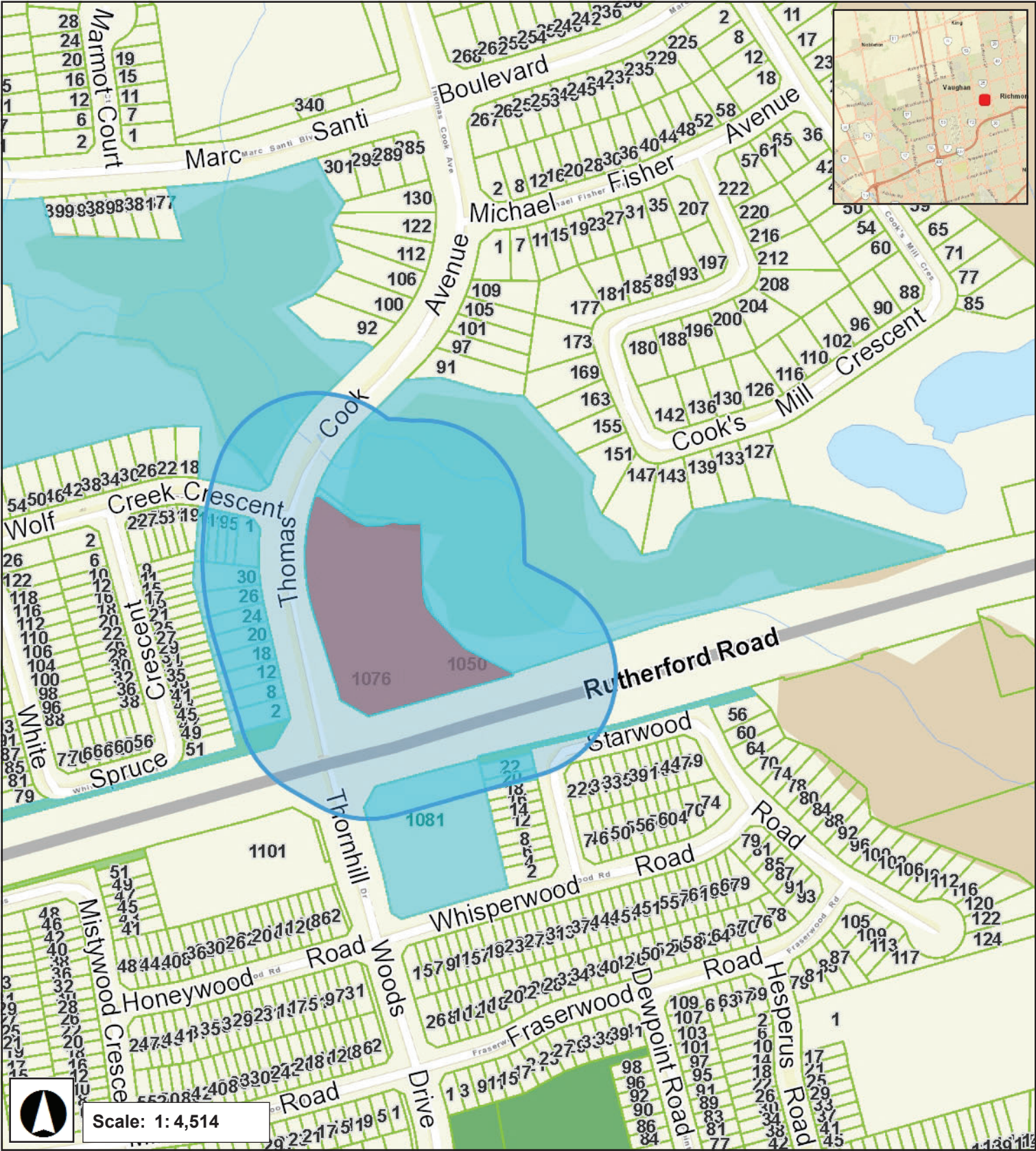
SCHEDULE A: DRAWINGS & PLANS



LOCATION MAP - A039/22

1050 RUTHERFORD ROAD, VAUGHAN

Major Mackenzie Drive

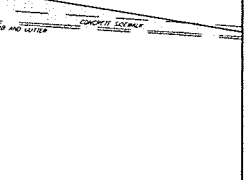
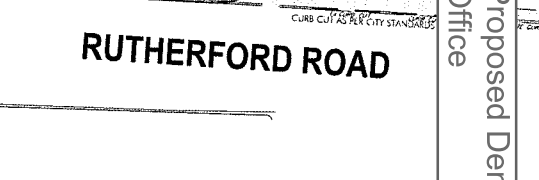
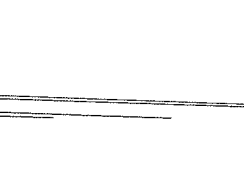
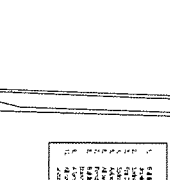
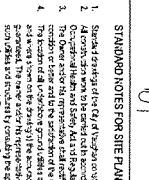
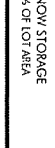
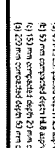
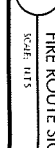


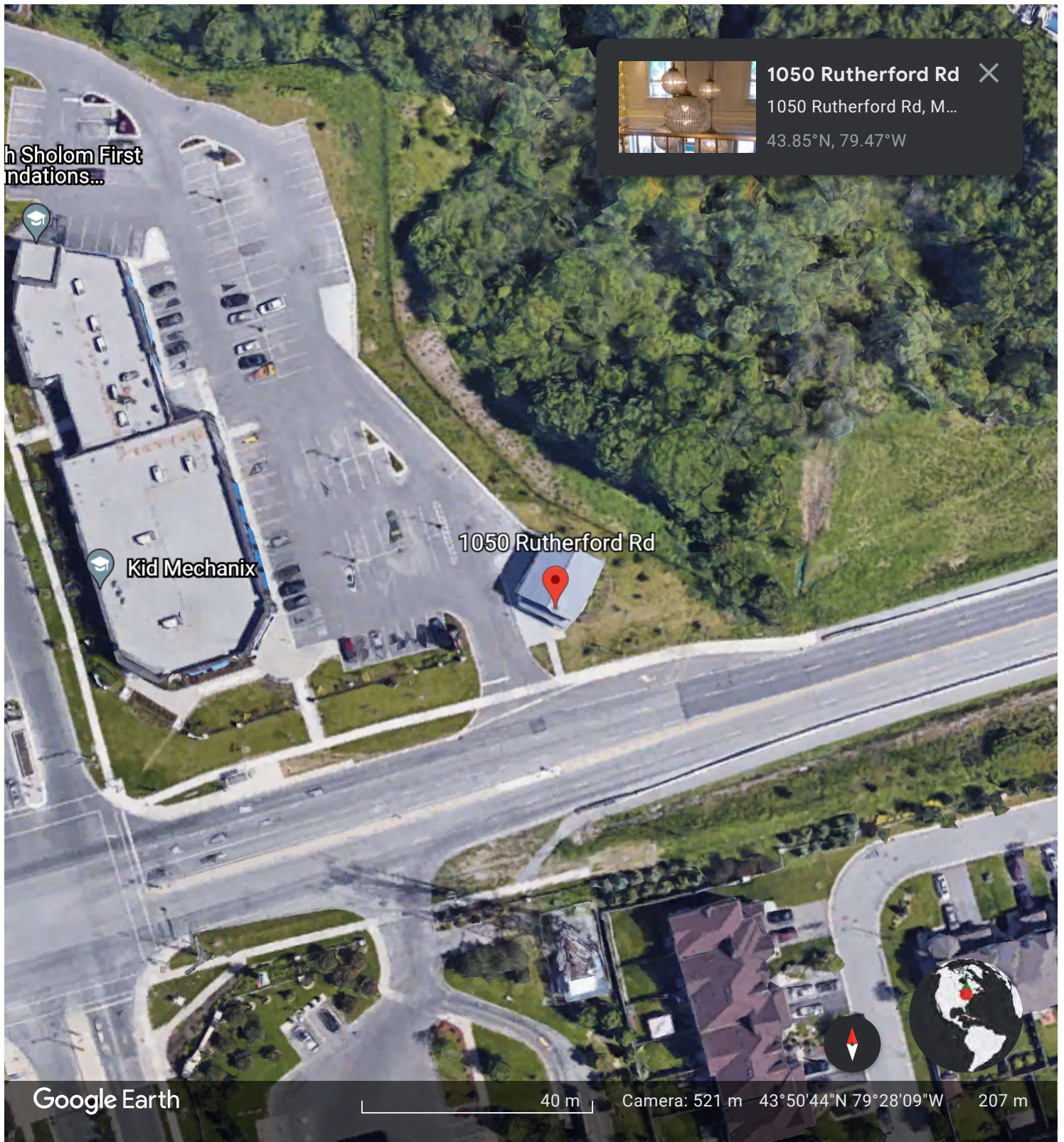
By RECEIVED at 4:28 pm, Feb 23, 2022

PERMIT THE USE OF A CLINIC



THOMAS COOK AVENUE





SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Ministry of Transportation (MTO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: April 14, 2021

Name of Owner: Nine-Ten West Limited

Location: 1050 Rutherford Road

File No.(s): A039/22

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

1. To permit a clinic use on the Subject Lands.

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

1. A clinic is not permitted. (Table 9.2.1)

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

None

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

The proposal complies with the By-law.

Official Plan:

Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Mixed-Use"

Comments:

The Owner is requesting permission to operate a clinic within a stand-alone building with the above noted variance.

The Development Planning Department recognizes the Subject Lands are permitted to operate clinics, defined as Business and Professional Offices (incl. health regulated professional) through the still in-effect Zoning By-law 1-88. The Subject Lands front onto a major arterial road and are within a 'Primary Intensification Corridor', where the focus is to encourage and support a range of retail uses with the intent of servicing the residents of the surrounding communities. It should be noted the Cultural Heritage Division of the Development Planning Department would like to be notified if there are any proposed changes to the exterior of this building.

The Development Planning Department has no objection to the variance, as the proposed clinic does not cause a deficiency in parking and remains compatible with existing uses on-site. In this instance, it is appropriate to allow a clinic to reside within the stand-alone building since it will not inhibit the functionality (i.e., access and servicing) of the site nor impact the existing streetscape.

The Development Planning Department is of the opinion that the proposal 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.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I

Chris Cosentino, Senior Planner

Date: March 1st , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A039-22**

Related Files:

Applicant Nine-Ten West Limited

Location 1050 Rutherford Road

COMMENTS:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | We have reviewed the proposed Variance Application and have no comments or objections to its approval. |
| <input checked="" type="checkbox"/> | We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below). |
| <input type="checkbox"/> | 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

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

Email: Mitchell.Penner@alectrautilities.com

Pravina Attwala

Subject: FW: [External] RE: A039/22 (1050 RUTHERFORD ROAD) - REQUEST FOR COMMENTS

From: York Plan <yorkplan@trca.ca>

Sent: March-01-22 9:17 AM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>

Subject: [External] RE: A039/22 (1050 RUTHERFORD ROAD) - REQUEST FOR COMMENTS

TRCA has no concerns recognizing that the application is for the recognition of an existing use and does not require alteration within TRCA's Regulated area.

Mark Howard, BES, MLA, MCIP, RPP

Senior Planner – Vaughan Review Area

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:(416)661-6600) ext 5269

E: mark.howard@trca.ca

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



Pravina Attwala

Subject: FW: [External] RE: A039/22 (1050 RUTHERFORD ROAD) - REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: March-10-22 10:15 AM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A039/22 (1050 RUTHERFORD ROAD) - REQUEST FOR COMMENTS

Good morning Pravina,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Gabrielle

Gabrielle Hurst mcip rpp | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A029/15	01/29/2015	Approved by COA

NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A029/15

APPLICANT: NINE-TEN WEST LIMITED

PROPERTY: Part of Lot 16, Concession 2, (Block 209, Registered Plan No. 65M-4004, Block 112, Registered Plan No. 65M-3917 and Reference Plans 65R-31629, Parts 1-3 and Reference Plan 29049, Parts 7-9), municipally known as 1050 & 1076 Rutherford Road, Thornhill.

ZONING: The subject lands are zoned C4, Neighbourhood Commercial Zone under By-law 1-88 as amended.

PURPOSE: To permit the maintenance of an existing two-storey commercial plaza.

PROPOSAL: To permit a minimum of 117 parking spaces.

BY-LAW REQUIREMENT: A minimum of 170 parking spaces are required.

BACKGROUND INFORMATION: Other Planning Act Applications
The land which is the subject in this application was also the subject of another application under the Planning Act:
Minor Variance Applications:
A171/11 – Approved, Jul 21/11 – (Ext. side yard 6m (to day care); 0m landscape strip abutting Thomas Cook Drive- at outdoor play area & 6m permit an outdoor play area within the required 6.0 m landscape strip abutting Thomas Cook Drive)
A085/11 - Approved, as amended May 12/11 (various variances)
Site Plan Application: DA. 10.108 Status not provided
Zoning Amendment Application: Z.09.016 Council Approved

A sketch is attached illustrating the request.

MOVED BY:



SECONDED BY:



THAT the Committee is of the opinion that the variance sought, can be considered minor and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

THAT Application No. **A029/15, NINE-TEN WEST LIMITED**, be **APPROVED**, in accordance with the sketches attached and subject to the following conditions:

1. That the related Site Development File DA.14.082, be approved by Vaughan Council, if required, to the satisfaction of the Development Planning Department;
2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)

VERY IMPORTANT: IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT AND/OR AGENT TO OBTAIN AND PROVIDE A CLEARANCE LETTER FROM EACH AGENCY AND/OR DEPARTMENT LISTED IN THE CONDITIONS WHETHER "IF REQUIRED" APPEARS IN THE CONDITION OR NOT, AND FORWARD THIS CLEARANCE LETTER TO THE SECRETARY-TREASURER AS SOON AS THE CONDITIONS ARE FULFILLED.

FAILURE TO COMPLY WITH THIS PROCEDURE WILL RESULT IN A LETTER BEING FORWARDED BY THE SECRETARY-TREASURER INDICATING THIS FILE HAS LAPSED AND, THEREFORE, WILL NECESSITATE THAT A NEW APPLICATION BE SUBMITTED TO LEGALIZE THIS PROPERTY.

THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

CARRIED.

CHAIR: 

Signed by all members present who concur in this decision:



A. Perrella,
Chair

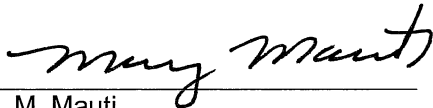


H. Zheng,
Vice Chair



R. Buckler,
Member

ABSENT
J. Cesario,
Member


M. Mauti,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing: JANUARY 29, 2015
Last Date of Appeal: FEBRUARY 18, 2015

APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

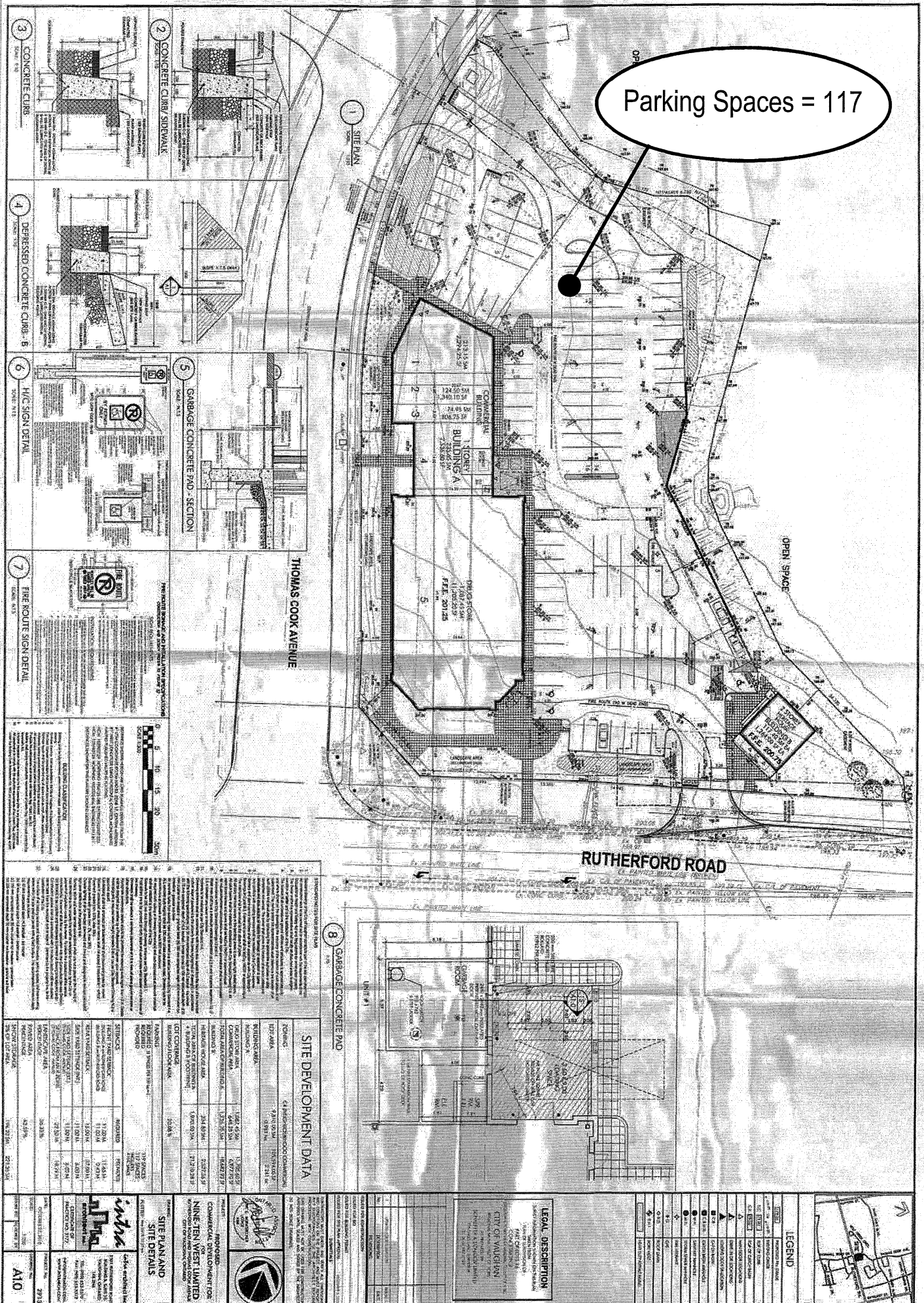
Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

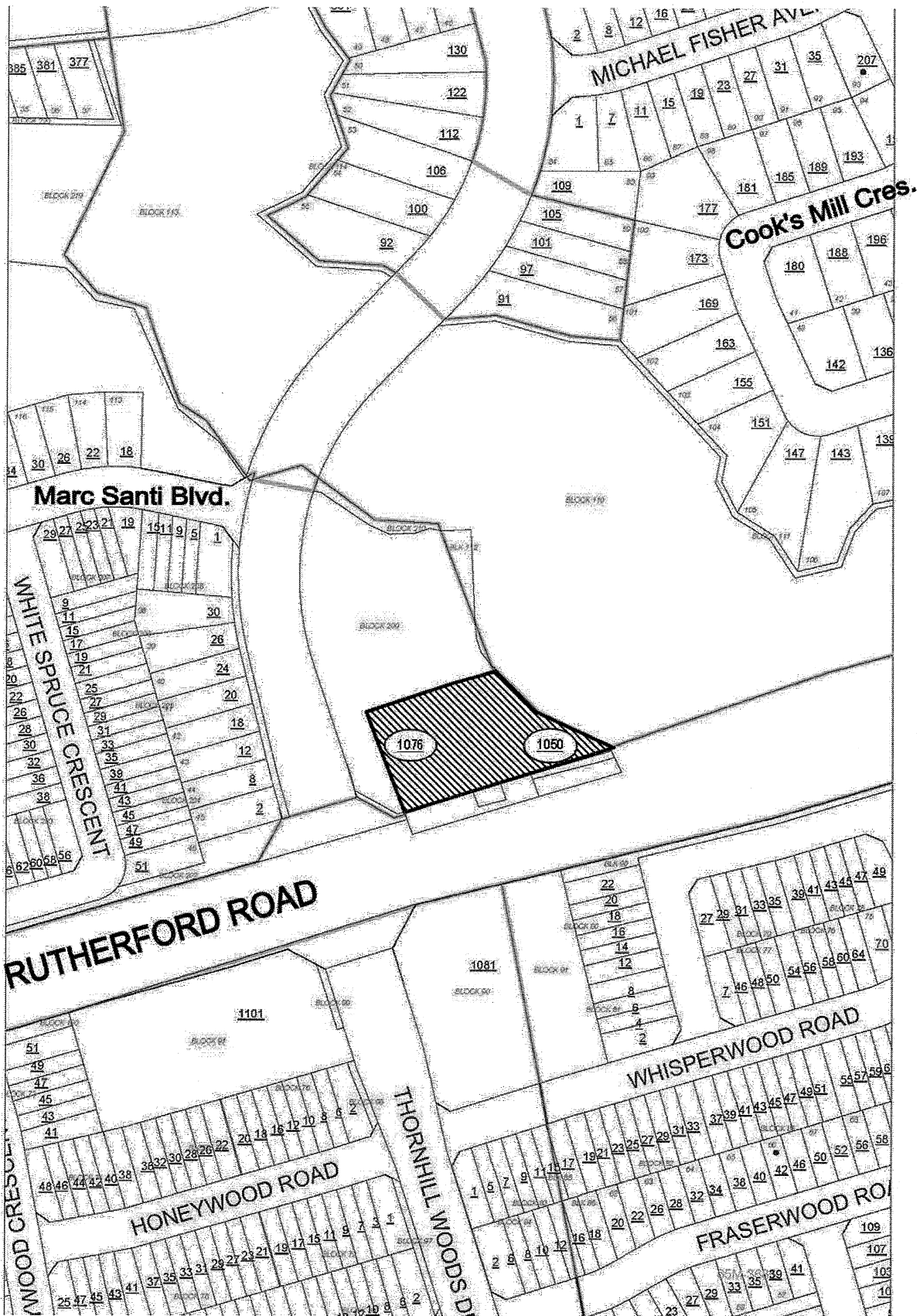
Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the \$650.00 processing fee, paid by **certified cheque** or **money order**, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of \$125.00 for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE".

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

CONDITIONS

IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:
DECEMBER 31, 2015





COMMITTEE OF ADJUSTMENT

2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

	FILE NUMBER:	A029/15
	APPLICANT:	NINE-TEN WEST LIMITED
		Subject Area Municipally known as 1050 & 1076 Rutherford Road, Thornhill