



File: A043/19

Applicant: Hemco Developments Ltd.

Address: 2535 Major Mackenzie Drive, Unit #1,
Maple

Agent: Rose Caparotta

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks Department	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A



Minor Variance
Application

Agenda Item: 20

A043/19

Ward: 1

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date of Hearing:	Thursday, May 16, 2019
Applicant:	Hemco Developments Ltd.
Agent:	Rose Caparotta
Property:	2535 Major Mackenzie Drive, Unit 1, Maple
Zoning:	The subject lands are zoned C4 and subject to the provisions of Exception 9(399) under By-law 1-88 as amended.
OP Designation:	VOP 2010: "Low-Rise Mixed-Use" with a maximum permitted height of 4-stories and maximum floor space index (FSI) of 1.5 time the area of the lot, and located within a "Primary Intensification Corridor".
Related Files:	None.
Purpose:	Relief from the By-law is being requested to permit a Health Centre (fitness classes) in the cellar/basement of Unit #1.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A Health Centre (Fitness Classes) are not permitted within a cellar located on the subject lands.	1. To permit the use of a Health Centre (Fitness Classes) in the Cellar.

Background (previous applications approved by the Committee on the subject land): N/A

Adjournment History: N/A

Staff & Agency Comments

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Committee of Adjustment:
Public notice was mailed on May 1, 2019

Applicant confirmed posting of signage on April 24, 2019

Property Information	
Existing Structures	Year Constructed
Building	1975

Applicant has advised that they cannot comply with By-law for the following reason(s): This area is needed to facilitate member fitness needs by providing fitness classes instead of using as a storage area.

Adjournment Request: N/A

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: N/A

Building Permit No. 05-001255 for Professional Services Unit - Interior Unit Alteration, Issue Date: (Not Yet Issued)
Building Permit No. 09-006493 for Professional Services Unit - Interior Unit Alteration, Issue Date: Dec 10, 2009
Building Permit No. 13-001032 for Retail Store Unit - Interior Unit Alteration, Issue Date: Apr 16, 2014
Building Permit No. 13-001032 for Retail Store Unit - Interior Unit Alteration, Issue Date: Dec 13, 2013
Building Permit No. 13-001032 for Retail Store Unit - Interior Unit Alteration, Issue Date: Sep 03, 2013
Building Permit No. 13-001032 for Retail Store Unit - Interior Unit Alteration, Issue Date: Oct 03, 2013

Building Permit No. 09-006493 for Professional Services Unit - Interior Unit Alteration, Issue Date: (Not Yet Issued)

Building Permit No. 13-001032 for Retail Store Unit - Interior Unit Alteration, Issue Date: May 27, 2013

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Building Inspections (Septic):

No comments or concerns

Development Planning:

VOP 2010: "Low-Rise Mixed-Use" with a maximum permitted height of 4-stories and maximum floor space index (FSI) of 1.5 time the area of the lot and located within a "Primary Intensification Corridor".

The Development Planning Department has reviewed the proposal 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.

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

Development Engineering:

The Development Engineering does not object to minor variance application A043/19 for 2535 Major Mackenzie Drive.

Parks Development:

No comments or concerns

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comments or concerns

Fire Department:

No comments or concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None.

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

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: N/A

Please Note:

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

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. 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.

Notice to the Applicant – 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.

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 to Public

WRITTEN SUBMISSIONS: 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. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information 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.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) 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.

For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

Schedule A: Plans & Sketches

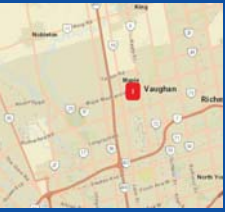
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches



KEELE STREET

Map Information:



Title:

LOCATION MAP - A043/19

2535 MAJOR MACKENZIE DRIVE WEST, UNIT #1, 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
March 29, 2019 5:15 PM

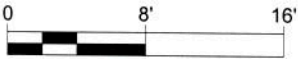
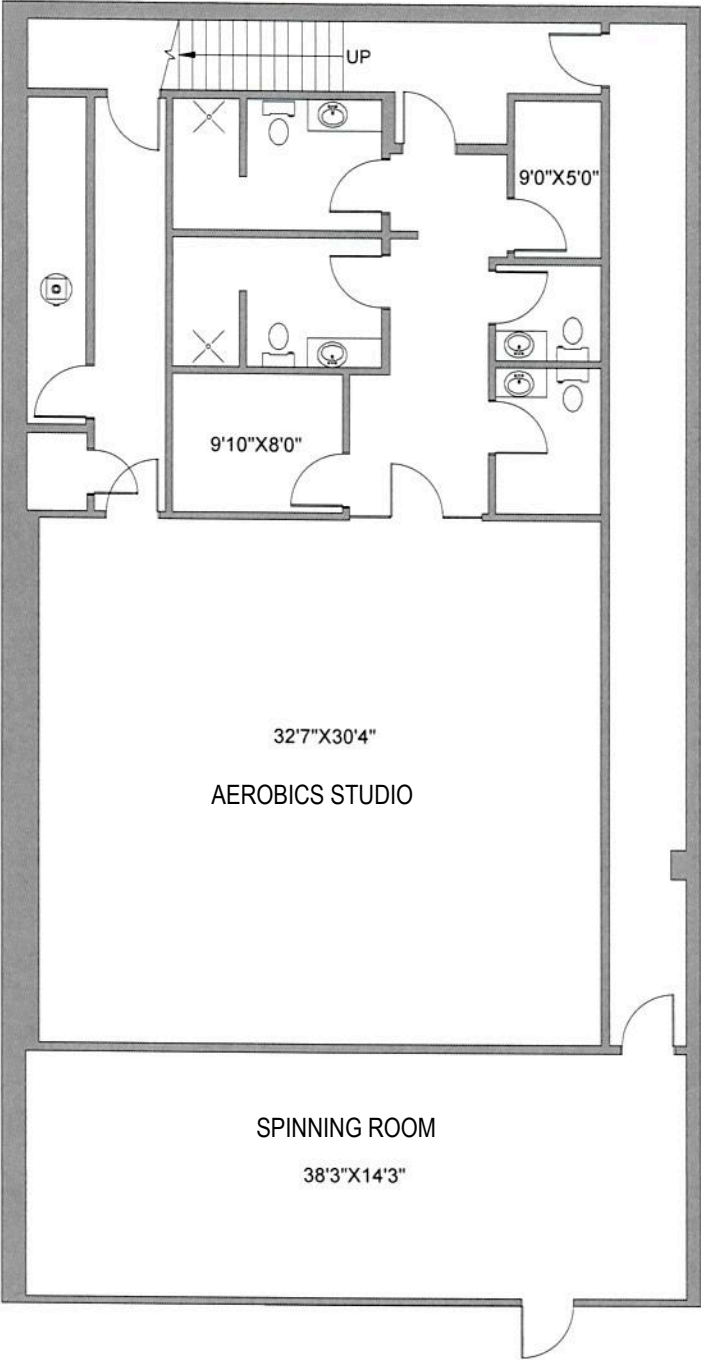
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NAD 83
UTM Zone
17N



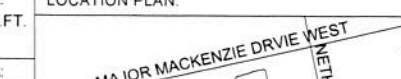


ADDRESS: 2535 Major Mackenzie Drive West Vaughan, ON		EXTERIOR GROSS AREA: 44,253 SQ. FT.		DRAWING DATE: May 23, 2014		DATE MEASURED: May 15, 2014	
DRAWING TITLE: Main Floor Plan		GROSS LEASABLE AREA: 43,873 SQ. FT.		SCALE: 1" = 50'			
PREPARED FOR: EmTwo Property Management		MEZZANINE: 895 SQ. FT. (INCLUDED IN GLA)		DRAWN BY: SP CHKD BY: IF			
MEASURED ACCORDING TO: ANSI/BOMA Z65.5 - 2010		PREPARED BY: PLANIT MEASURING® 1-800-933-5136 info@planitmeasuring.com					

ANSI A - 8.5 X 11

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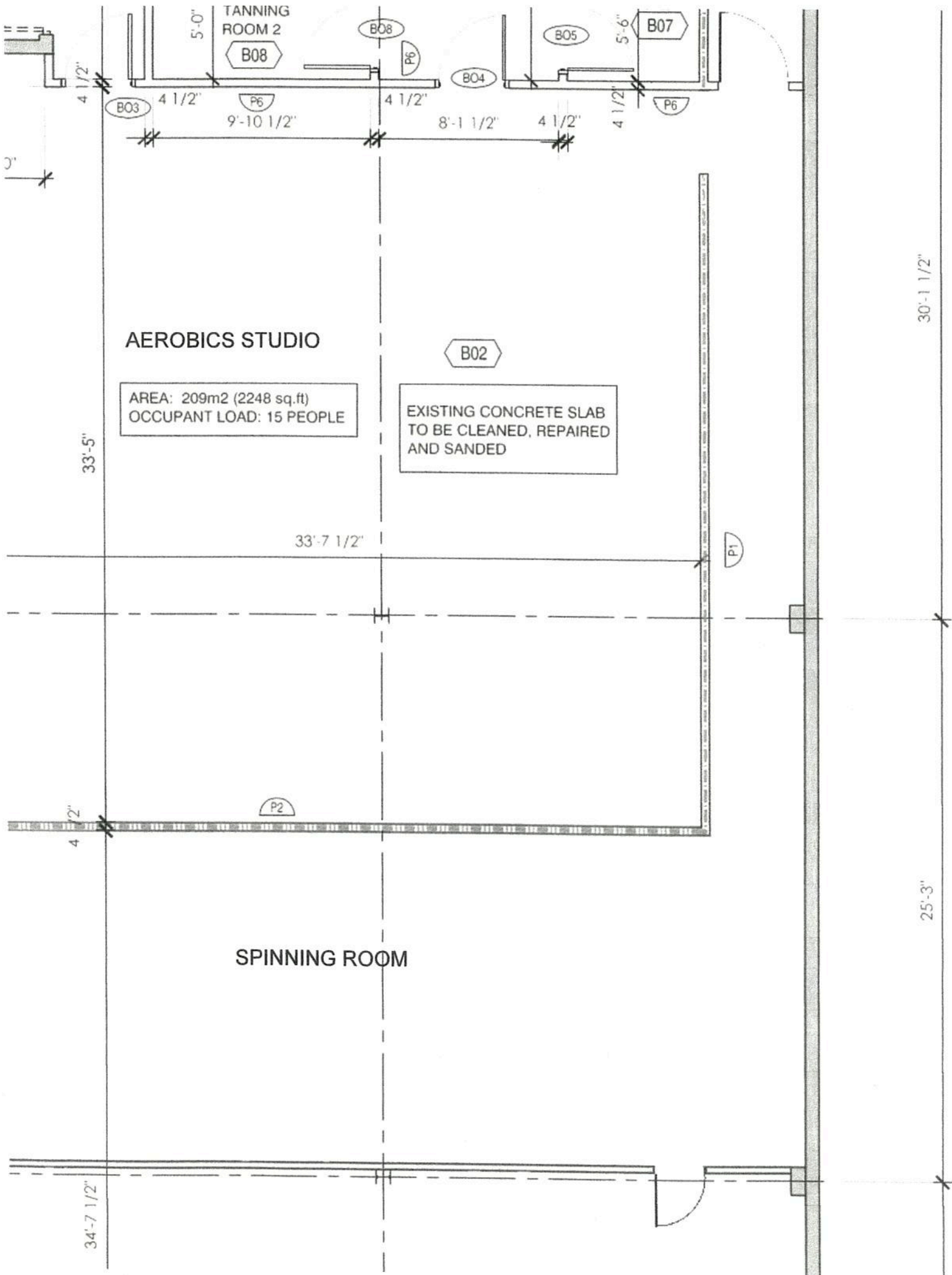


PLEASE REFER MAIN FLOOR UNIT 1 FOR A COMPLETE UNIT

ADDRESS: 2535 Major Mackenzie Drive West Vaughan, ON		EXTERIOR GROSS AREA: 2,954 SQ. FT.		DRAWING DATE: May 23, 2014		DATE MEASURED: May 15, 2014	
DRAWING TITLE: Unit 1 Basement Floor Plan		GROSS LEASABLE AREA: 2,954 SQ. FT.		SCALE: 3/32" = 1'-0"			
PREPARED FOR: EmTwo Property Management		MEZZANINE: N/A (INCLUDED IN GLA)		DRAWN BY: CHKD BY: SP IF			
 MEASURED ACCORDING TO: ANSI/BOMA Z65.5 - 2010				PREPARED BY: PLANIT MEASURING® 1-800-933-5136 info@planitmeasuring.com			

ANSI A - 8.5 X 11

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Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



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
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Providence, Lenore

Subject: FW: A043-19 - REQUEST FOR COMMENTS (Vaughan - Committee of Adjustment)

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

Sent: April-30-19 12:54 PM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Subject: RE: A043-19 - REQUEST FOR COMMENTS (Vaughan - Committee of Adjustment)

Good afternoon Lenore,

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

Regards,
Gabrielle

*Gabrielle Hurst, B.A.A. MCIP.RPP. C.Tech
Associate Planner |Community Planning and Development Services | Planning and
Economic Development Branch | Corporate Services*

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | Our Values: Integrity, Commitment, Accountability,
Respect, Excellence