

ITEM: 6.14	COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A149/23 9929 KEELE STREET, VAUGHAN
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**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 Received 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 type="checkbox"/>	<input type="checkbox"/>	Application Under Review
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Real Estate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Ministry of Transportation (MTO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
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
Applicant				Application Cover Letter

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
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PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

None		
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ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None	
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**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A149/23
9929 KEELE STREET, VAUGHAN**

ITEM NUMBER: 6.14	CITY WARD #: 1
APPLICANT:	Sharewell Investments Inc.
AGENT:	Trinity Point Developments
PROPERTY:	9929 Keele Street, Vaughan
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Mixed-Use"
RELATED DEVELOPMENT APPLICATIONS:	DA.23.001
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit a mixed-use development consisting of a 4-storey building with a total of 110 apartment units and a ground floor commercial area. Relief is also required to facilitate related Site Plan Application DA.23.001.

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

The subject lands are zoned MMS – Main Street Mixed-Use Maple Zone, and subject to the provisions of Exception 14.72 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	This application has been deemed to be under section 1.6 of bylaw 001-2021.	

The subject lands are zoned RA2(H) – Apartment Residential Zone, and subject to the provisions of Exception 9(157) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
2	STOREY - Means the portion of a building other than the cellar, basement or unfinished attic, which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 metres [Section 2.0, definition of Storey].	To permit an intermediate floor level within six (6) of the ground floor units not to exceed 86% of the gross floor area of the ground floor of each unit.
3	An Apartment Dwelling not exceeding 10,899 m ² of total gross floor area [Exception 9(157) hi)].	To permit an Apartment Dwelling not exceeding 11,185 m ² of total gross floor area
4	1 visitor parking space shall be located in the at grade parking area [Exception 9(157) bi)].	To permit 0 visitor parking spaces in the at grade parking area.
5	A maximum building height of 4-storeys plus a mechanical room, with a maximum building height of 15.5 m measured to the surface of the roof exclusive of the mechanical room [Exception 9(157) hii)].	To permit a maximum building height of 16.9 m measured to the surface of the roof exclusive of the mechanical room.

HEARING INFORMATION

DATE OF MEETING: Thursday, October 19, 2023
TIME: 6:00 p.m.
MEETING LOCATION: Vaughan City Hall, Woodbridge Room (2nd Floor), 2141 Major Mackenzie Drive
LIVE STREAM LINK: Vaughan.ca/LiveCouncil

PUBLIC PARTICIPATION

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to cofa@vaughan.ca

HEARING INFORMATION

If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: cofa@vaughan.ca

Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

To speak electronically, pre-registration is required by completing the [Request to Speak Form](#) on-line and submitting it to cofa@vaughan.ca no later than NOON on the last business day before the meeting.

THE DEADLINE TO REGISTER TO SPEAK ELECTRONICALLY OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.

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:

- 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.

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.

COMMITTEE OF ADJUSTMENT COMMENTS

Date Public Notice Mailed:	October 5, 2023	
Date Applicant Confirmed Posting of Sign:	October 2, 2023	
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	Due to architectural refinements to the project, minor changes are needed to support the developments livability, and functionality which requires slight changes to the City's ZBL	
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: <small>*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.</small>	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

****See Schedule B for Building Standards (Zoning) Comments**

Building Standards Recommended Conditions of Approval:	None
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DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.

Development Planning Recommended Conditions of Approval:	That all comments on Site Development Application DA.22.001 be addressed to the satisfaction of the Development Planning Department.
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DEVELOPMENT ENGINEERING COMMENTS

[Link to Grading Permit](#) [Link to Pool Permit](#) [Link to Curb Curt Permit](#) [Link Culvert Installation](#)

Application Under Review	
Development Engineering Recommended Conditions of Approval:	TBD

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry has no comment	
PFH Recommended Conditions of Approval:	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 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 Michelle.perrone@vaughan.ca	That all comments on Site Development Application DA.22.001 be addressed to the satisfaction of the Development Planning Department.
2	Development Engineering	TBD

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.

Jonal.hall@vaughan.ca

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.

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.

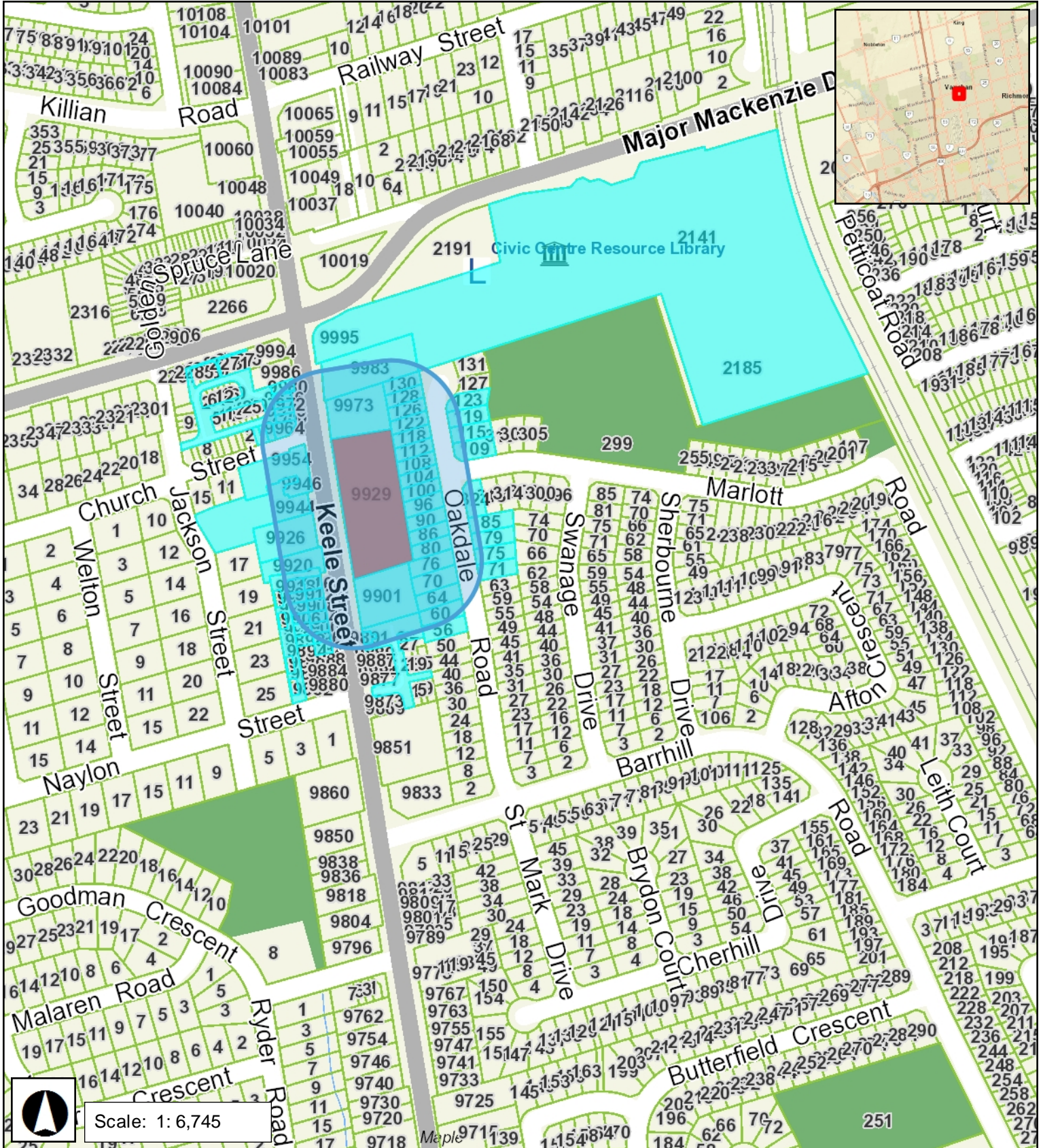
That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

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

9929 Keele Street, Vaughan



Zoning By-law 1-88		Variance requested
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RECEIVED
By Prabhdeep Kaur at 12:23 pm, Oct 11, 2023

PLANS PREPARED AND VARIANCES IDENTIFIED BY APPLICANT

Requested Variance- 3 & 5 Reference: Drawing A101 pg 1

Floor	GFA (m ²)	Final Comprehensive Zoning
2 nd Floor	2,981 m ² (32,085 ft ²)	Residential
3 rd Floor	2,931 m ² (31,548 ft ²)	Residential
4 th Floor	2,421 m ² (26,058 ft ²)	Residential
Mech Ph.	166 m ² (1,788 ft ²)	Residential
Subtotal:	11,611 m ² (124,985 ft ²)	
Total:	16,908 m ² (181,098 ft ²)	
GFA (m²/ft²)		
Residential		
Ground	1,386 m ² (14,916 ft ²)	
Mezzanine	571 m ² (6,143 ft ²)	
2 nd Floor	2,981 m ² (32,085 ft ²)	
3 rd Floor	2,907 m ² (31,294 ft ²)	
4 th Floor	2,397 m ² (25,804 ft ²)	
Subtotal	10,242 m ² (110,242 ft ²)	
Retail	943 m ² (10,151 ft ²)	
Subtotal	943 m ² (10,151 ft ²)	
Total:	11,185 m ² (120,393 ft ²)	

Room	Count	%
1 Bedroom + Den	33	
2 Bedroom	39	54%
2 Bedroom + Den	20	
3 Bedroom + Den	6	5%
Total:	110	100%

Surface	%	m ²
Building Area	33%	2,459 m ²
Paved Area	38%	2,839 m ²
Landscaped Area (Snow Storage)*	29% (2%)*	2,194 m ² (159 m ²)*

*Snow Storage is included as part of Landscaped Area

	Required	Proposed
FSI	By-law 164-2022 OPA #82	GFA/Site Area
Max FSI	1.4	1.48
Lot Coverage		4,598 m ² (49,497 ft ²) 60.81%
Landscaped Area	Zoning By-law 1-88 RA2(H) 9(157)	
Minimum Landscaped Open Space	10%	2,194 m ² (23,617 ft ²) 29.01%
Building Height (m)	Zoning By-law 163-2022 RA2(H) 9(157)	
Max Height	4-Storey 16.4m Height	4 storey 16.9m (measured from ground floor to top of roof) + 4.5m (mechanical penthouse)
Frontage	Zoning By-law 1-88 RA2(H) 9(157)	
Minimum Frontage	30 m	132.91 m

VARIANCE #5

Plan View



VARIANCE #3

VARIANCE #5

<p>NOTES</p> <ol style="list-style-type: none"> For landscaping, refer to landscape drawings. For proposed parking, refer to landscape drawings. All parking spaces shall be paved with concrete. All work to be done in consultation with the City of Kelowna. The building to be built in consultation with all other drawings including the landscape and approved changes to this development. All roads have been designed to meet the Canadian Highway Design Code. All CSA 889 standards will be followed as well as the applicable codes of other standards. Refer to the drainage and pavement marking plan drawings for the layout and marking for the proposed and existing parking spaces. 	<p>SURVEY INFORMATION</p> <p>DATE OF SURVEY: [Date] PROJECT: [Project Name] CLIENT: [Client Name] SURVEYOR: [Surveyor Name] REG. NO.: [Reg. No.]</p>	<p>LIST OF DRAWINGS</p> <table border="1"> <tr><td>DATE</td><td>DESCRIPTION</td><td>NO.</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>1</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>2</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>3</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>4</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>5</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>6</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>7</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>8</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>9</td></tr> <tr><td>1/1/2023</td><td>CONCEPT PLAN & SITE PLAN</td><td>10</td></tr> </table>	DATE	DESCRIPTION	NO.	1/1/2023	CONCEPT PLAN & SITE PLAN	1	1/1/2023	CONCEPT PLAN & SITE PLAN	2	1/1/2023	CONCEPT PLAN & SITE PLAN	3	1/1/2023	CONCEPT PLAN & SITE PLAN	4	1/1/2023	CONCEPT PLAN & SITE PLAN	5	1/1/2023	CONCEPT PLAN & SITE PLAN	6	1/1/2023	CONCEPT PLAN & SITE PLAN	7	1/1/2023	CONCEPT PLAN & SITE PLAN	8	1/1/2023	CONCEPT PLAN & SITE PLAN	9	1/1/2023	CONCEPT PLAN & SITE PLAN	10	<p>KEY PLAN</p>
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REVISIONS

NO.	DATE	DESCRIPTION	BY
01	2023-10-11	ISSUED FOR REVIEWING SUBMISSION	E.C.
02	2023-10-11	ISSUED FOR REVIEWING SUBMISSION	E.C.
03	2023-10-11	ISSUED FOR REVIEWING SUBMISSION	E.C.
04	2023-10-11	ISSUED FOR SPA SUBMISSION	E.C.
05	2023-10-11	ISSUED FOR SUBMISSION TO AUSTRIA	E.C.

PROJECT INFORMATION

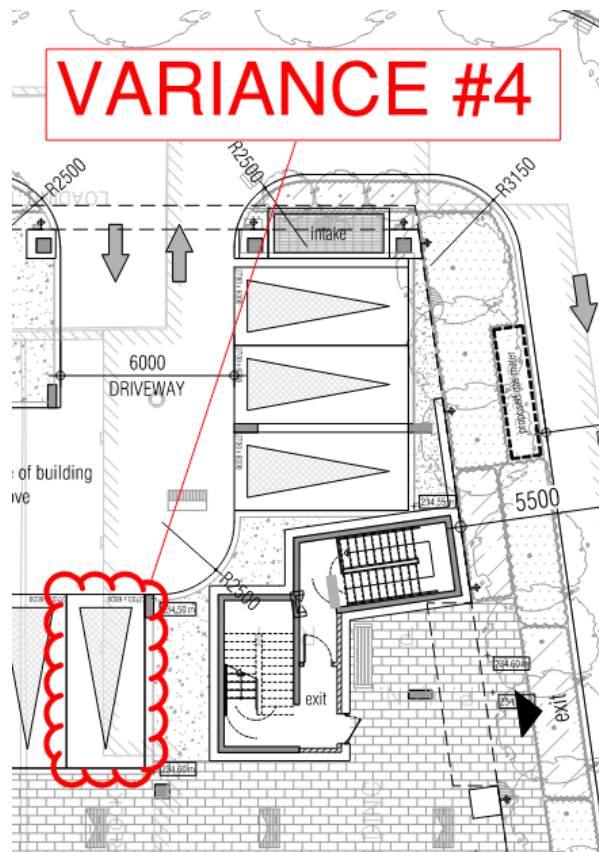
Project Name	[Project Name]
Client	[Client Name]
Site Address	[Site Address]
City	[City Name]
Province	[Province Name]
Country	[Country Name]

CONTACT INFORMATION

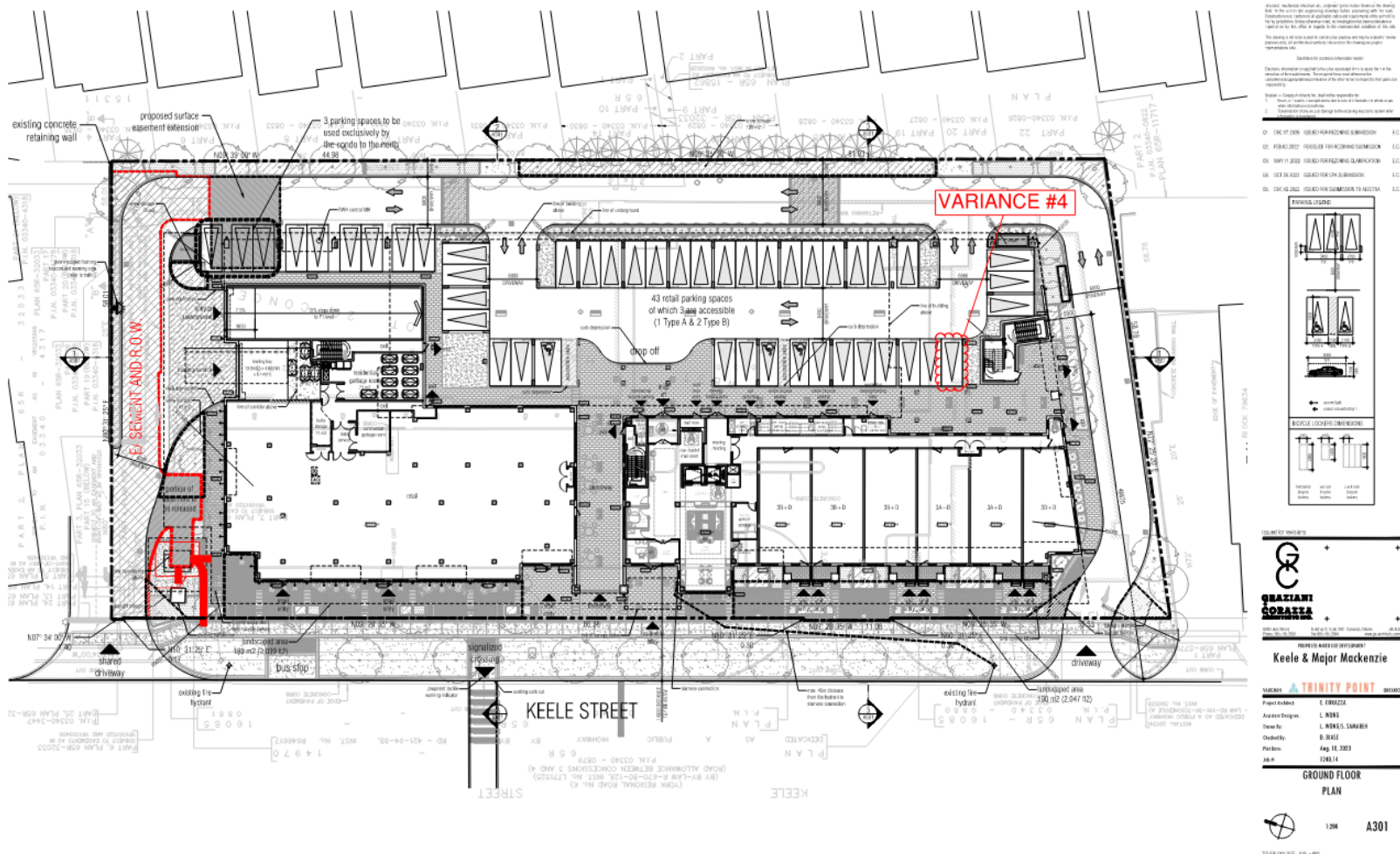
Keelo & Major Mackenzie
 1234 Main Street, Kelowna, BC V1Y 1B1
 Phone: (250) 868-1234
 Email: info@keelomackenzie.com

	Zoning By-law 1-88	Variance requested
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Requested Variance- 4 Reference: Drawing A301 pg 4

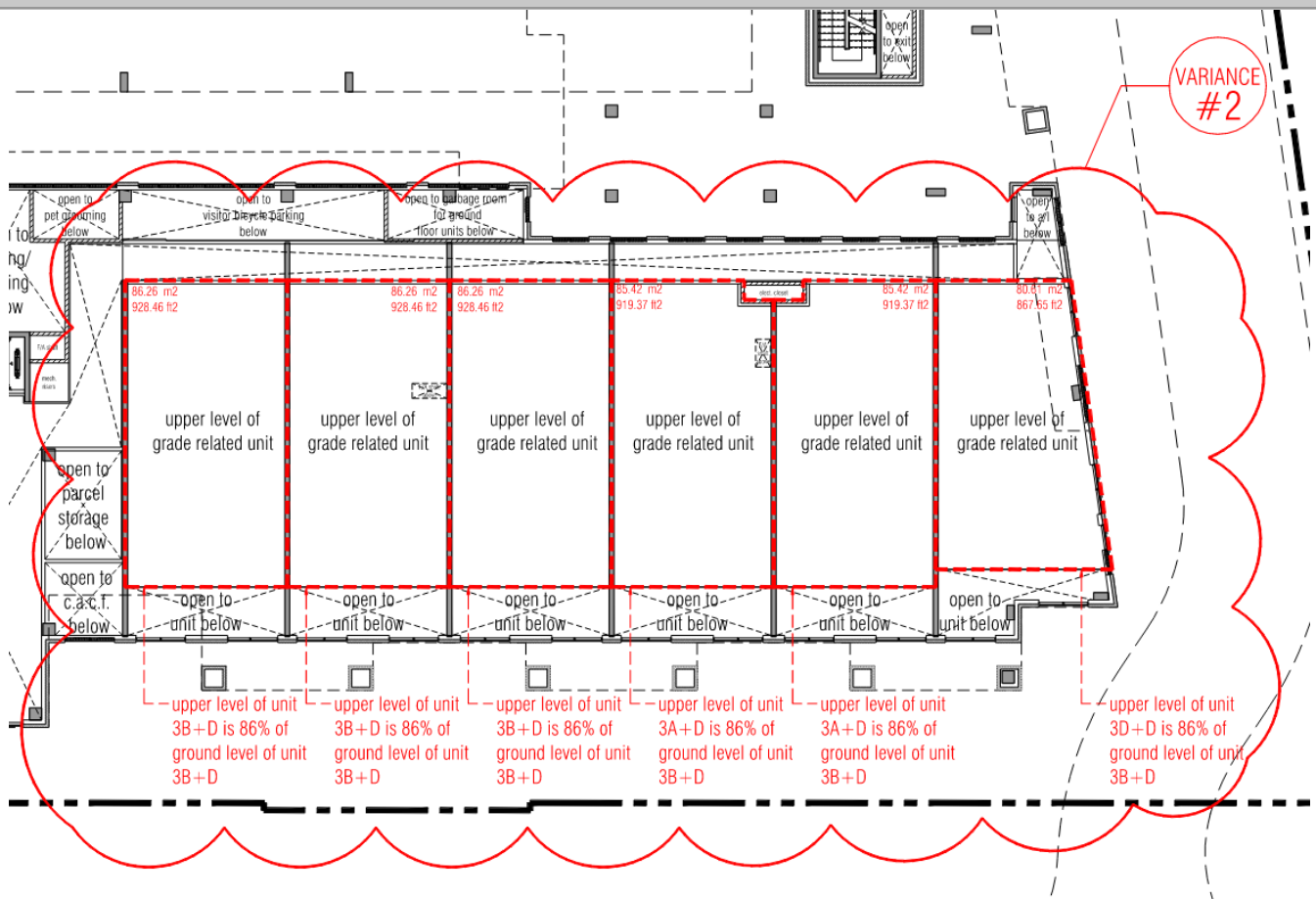


Plan View

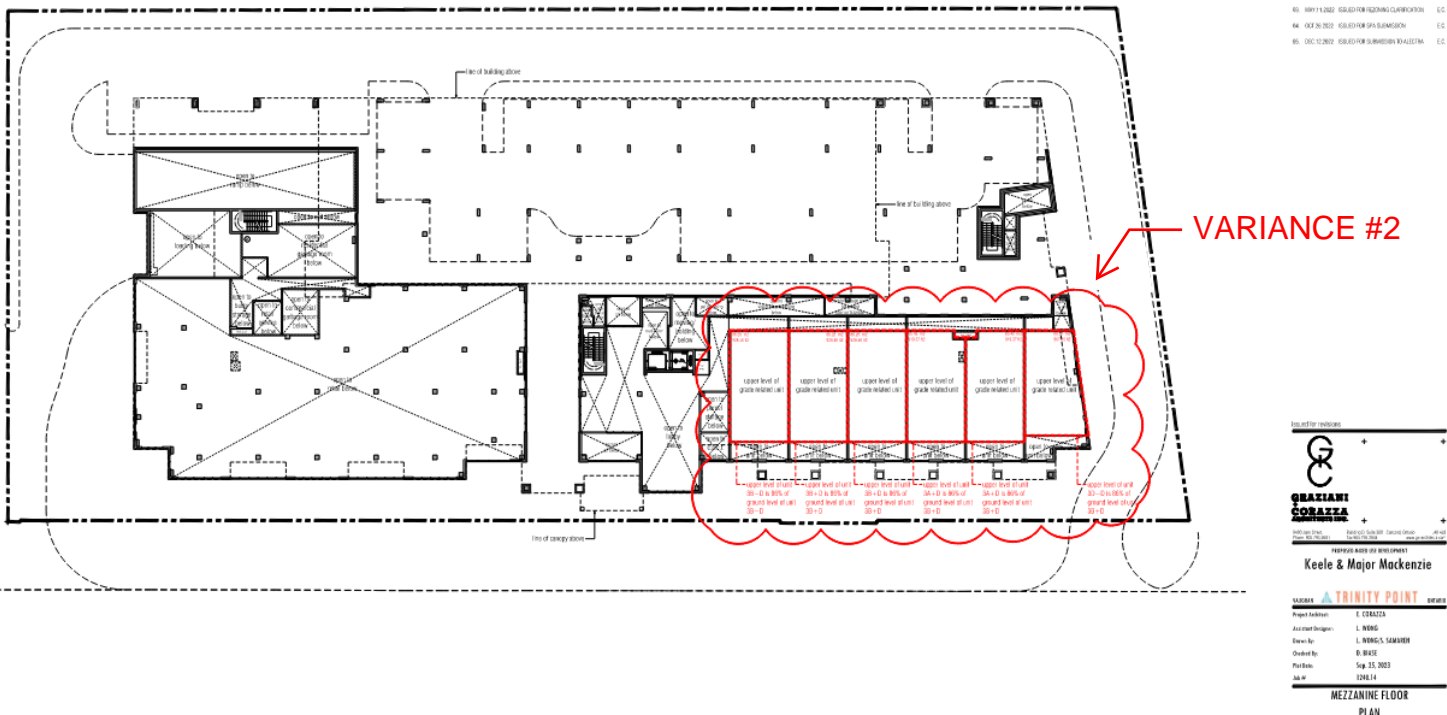


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Requested Variance- 2 Reference: Drawing A302 pg 5

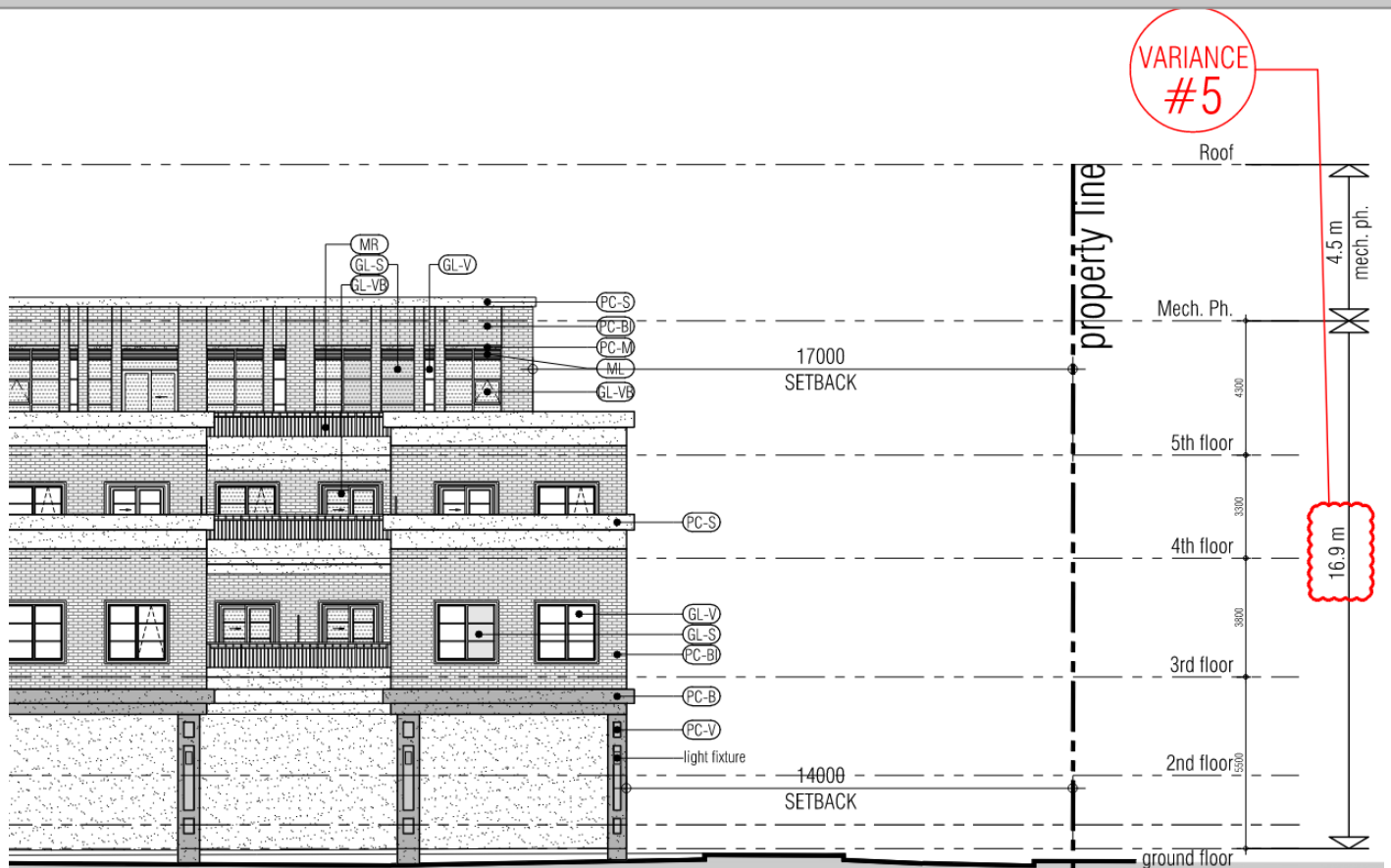


Plan View

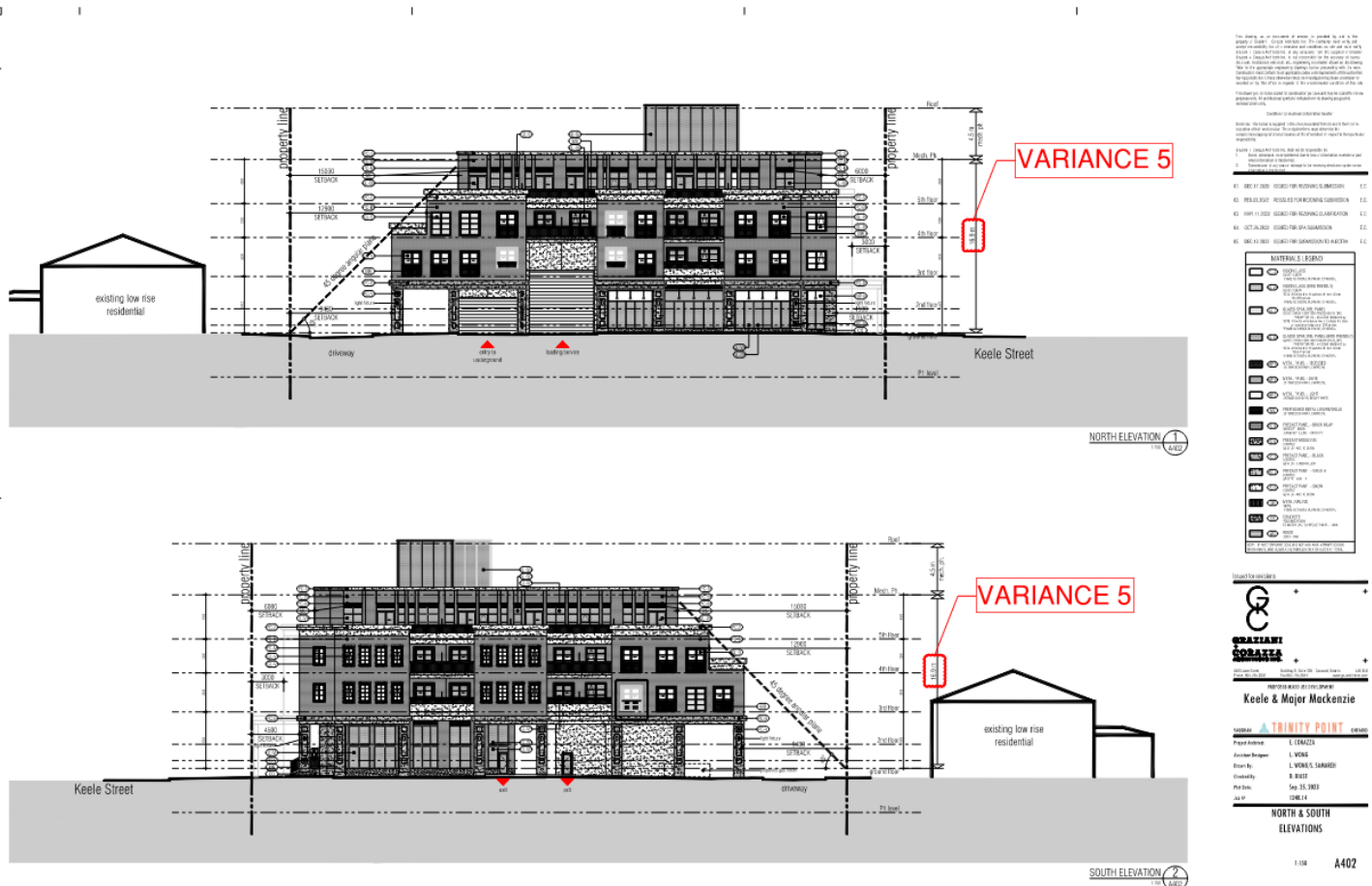


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3 An Apartment Dwelling not exceeding 10,899 m ² of total gross floor area [Exception 9(157) hi)].	To permit an Apartment Dwelling not exceeding 11,185 m ² of total gross floor area
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5 A maximum building height of 4-storeys plus a mechanical room, with a maximum building height of 15.5 m measured to the surface of the roof exclusive of the mechanical room [Exception 9(157) hii)].	To permit a maximum building height of 16.9 m measured to the surface of the roof exclusive of the mechanical room.

Requested Variance- 5 Reference: Drawing A401 pg 1 (Elevations Drawings)



Plan View



MATERIALS & FINISHES

- CONCRETE
- BRICK
- GLASS
- WOOD
- ROOFING
- MECHANICAL
- ELECTRICAL
- PLUMBING
- PAINT
- LANDSCAPE
- EXTERIOR LIGHTING
- INTERIOR FINISHES
- MECHANICAL EQUIPMENT
- ELECTRICAL EQUIPMENT
- PLUMBING EQUIPMENT
- PAINT
- LANDSCAPE
- EXTERIOR LIGHTING
- INTERIOR FINISHES
- MECHANICAL EQUIPMENT
- ELECTRICAL EQUIPMENT
- PLUMBING EQUIPMENT

PROJECT INFORMATION

Keele & Major Mackenzie

TRINITY POINT

Project Address: E. BRADY
 Client: L. WONG
 Designer: L. WONG & S. SHARPE
 Date: OCT 2023
 Scale: 1:200
 Drawing No: 108E14

NORTH & SOUTH ELEVATIONS

1/18 A402

SCHEDULE B: STAFF & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X		General Comments
Ministry of Transportation (MTO) *Schedule B				No Comments Received to Date
Region of York *Schedule B	X			No Comments Received to Date
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Received to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Received to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval/no conditions
Building Standards (Zoning)	X	X		General Comments

Date: September 21st 2023

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A149-23**

Related Files:

Applicant Architects Hariri Pontarini

Location 9929 Keele Street



Discover the possibilities

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:

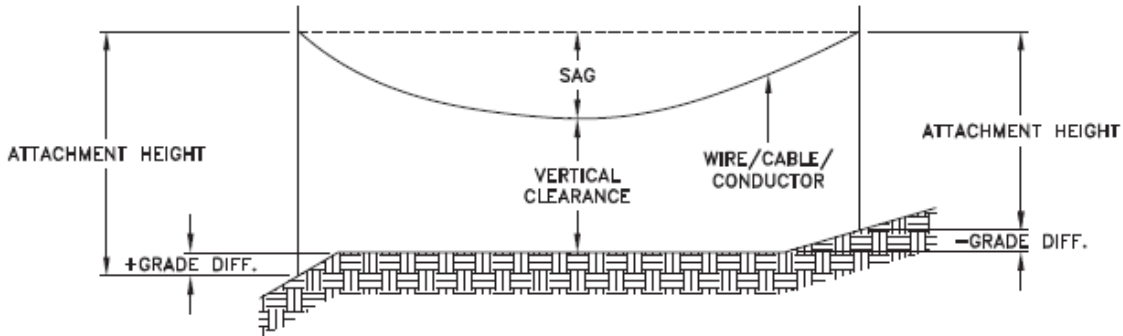
Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

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

Email: Mitchell.Penner@alectrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)				
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS AND BICYCLES ONLY</u>	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

CONVERSION TABLE

METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

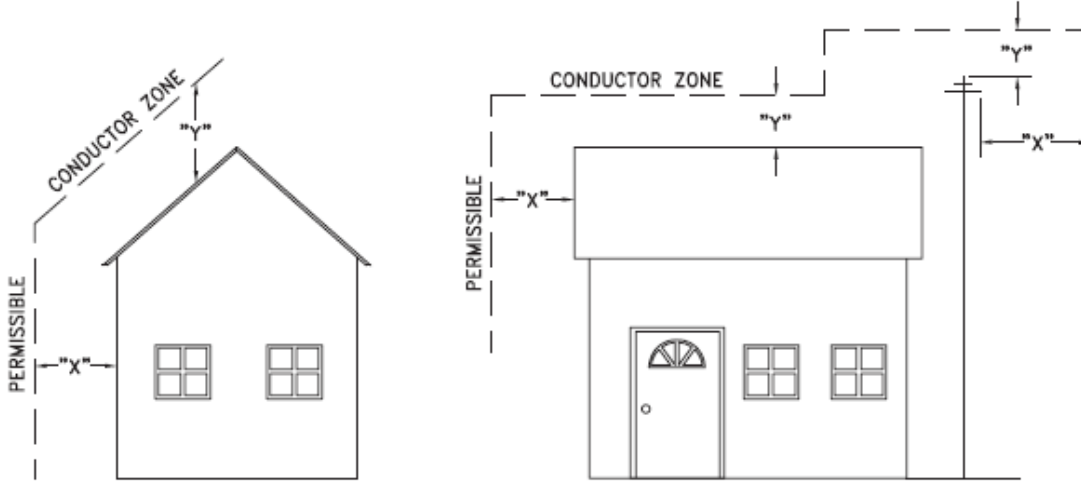
REFERENCES

SAGS AND TENSIONS | SECTION 02

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARANCE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Debbie Dadwani, P.Eng. 2010-MAY-05
Name Date
P. Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
PS:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working files\Section 3-1-02\WG 03-4 R0 May 5, 2010.dwg, 5/5/2010 10:22:02 AM, Adobe PDF

To: Committee of Adjustment
From: Lindsay Haviland, Building Standards Department
Date: September 21, 2023
Applicant: Trinity Point Developments
Location: 9929 Keele Street
 CONC 3 Part of Lot 20
File No.(s): A149/23

Zoning Classification:

The subject lands are zoned MMS – Main Street Mixed-Use Maple Zone, and subject to the provisions of Exception 14.72 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	This application has been deemed to be transitioned under section 1.6 of bylaw 001-2021.	

The subject lands are zoned RA2(H) – Apartment Residential Zone, and subject to the provisions of Exception 9(157) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
2	STOREY - Means the portion of a building other than the cellar, basement or unfinished attic, which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 metres [Section 2.0, definition of Storey].	To permit an intermediate floor level within six (6) of the ground floor units not to exceed 86% of the gross floor area of the ground floor of each unit.
3	An Apartment Dwelling not exceeding 10,899 m ² of total gross floor area [Exception 9(157) hi)].	To permit an Apartment Dwelling not exceeding 11,185 m ² of total gross floor area
4	1 visitor parking space shall be located in the at grade parking area [Exception 9(157) bi)].	To permit 0 visitor parking spaces in the at grade parking area.
5	A maximum building height of 4-storeys plus a mechanical room, with a maximum building height of 15.5 m measured to the surface of the roof exclusive of the mechanical room [Exception 9(157) hii)].	To permit a maximum building height of 16.9 m measured to the surface of the roof exclusive of the mechanical room.

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 issued. The Ontario Building Code requires a building permit for structures that exceed 10m²

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 located in the Maple Heritage Conservation Area.

Conditions of Approval:

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

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

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: October 4, 2023
Name of Owner: Trinity Point Developments
Location: 9929 Keele Street
File No.(s): A149/23

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

1. This application has been deemed to be transitioned under section 1.6 of bylaw 001-2021.

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

2. To permit an intermediate floor level within six (6) of the ground floor units not to exceed 86% of the gross floor area of the ground floor of each unit.
3. To permit an Apartment Dwelling not exceeding 11,185 m² of total gross floor area.
4. To permit 0 visitor parking spaces in the at grade parking area.
5. To permit a maximum building height of 16.9 m measured to the surface of the roof exclusive of the mechanical room.

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

2. STOREY - Means the portion of a building other than the cellar, basement or unfinished attic, which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 metres.
3. An Apartment Dwelling not exceeding 10,899 m² of total gross floor area.
4. 1 visitor parking space shall be located in the at grade parking area.
5. A maximum building height of 4-storeys plus a mechanical room, with a maximum building height of 15.5 m measured to the surface of the roof exclusive of the mechanical room.

Official Plan:

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

Comments:

The Owner is requesting the above noted variances to facilitate the development of a 4-storey, mixed-use condominium development. The applicant has submitted a concurrent Site Development Application, File DA.23.001.

Official Plan Amendment Application OP.20.016 (By-law 164-2022) and Zoning By-law Amendment Application Z.20.043 (By-law 163-2022) were approved by the Committee of the Whole on June 21, 2022, and the decision was ratified by Council on June 28, 2022. The approvals permit a 4-storey mixed-use condominium building with 95 residential units (the 'Development'). Site Development Application DA.23.001 was submitted in January 2023. The subject Minor Variance application seeks relief to facilitate updates to the Development, including: relocating the single at-grade visitor parking space to the underground parking garage, increasing the residential gross floor area ('GFA') on site, and increasing the overall building height.

The Development Planning Department has no objection to Variances 2 and 3 as the increased height does not add an additional level to the building. The ground floor has an exceptionally high ceiling to provide for the commercial uses at the north end of that storey and to hide the necessary mechanical systems that would otherwise drop down from the floors above within visual bulkheads. In light of the generous ground floor ceiling height, the Owner proposes to add second floors to the residential units on the ground floor to make better use of the space and provide them with more floor area. This will result in larger units and accommodate larger households. Adding a second level to the ground floor units causes the level to be classified as a storey.

The second level of each ground floor unit does not match the floor area of the first level; it is limited to 86% of the ground floor's gross floor area. Each unit's second level can only be accessed from the first floor of each respective unit. No common corridor or elevator stop is proposed to provide direct access from the building's common areas to the second level of the ground floor units. The exterior appearance of the building will not change with the introduction of a second floor to the ground floor units as no balconies are proposed that would identify a second floor and the window design (tall glass panels) will not change. As such, there is no revision to the built form from that which was approved by Council.

The Development Planning Department has no objection to Variance 4 for the reduction in visitor parking spaces in the at grade parking area as it is not being removed, but relocated within the underground parking level. The single at-grade residential visitor parking space is proposed to be consolidated with all the residential visitor parking spaces in the underground parking garage in order to maximize the at-grade commercial and retail parking. This results in a total of 137 parking spaces below grade, 114 of which are residential spaces, and 23 of which are residential visitor spaces. Enhanced visitor parking functionality is anticipated as a result of this modification.

The Development Planning Department has no objection to Variance 5 for the increase in building height to the surface of the roof exclusive of the mechanical room. Due to artesian groundwater pressure under the site, thicker floor slabs are required to increase the building's weight in order to counterbalance the upward pressure of the artesian condition, resulting in unit ceiling heights that would otherwise be reduced without relief from the height requirement. The requested additional height would be distributed equally (0.3 m/floor) for floors 2, 3 and 4, resulting in the provision of more comfortable unit ceiling heights. In addition, the increased floor height permits the accommodation of the mechanical system and noise attenuation measures, while still maintaining appropriate ceiling heights.

Accordingly, the Development Planning Department can support the requested variances and 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:

1. That all comments on Site Development Application DA.22.001 be addressed to the satisfaction of the Development Planning Department.

Comments Prepared by:

Michelle Perrone, Planner 1
David Harding, Senior Planner

Prabhdeep Kaur

From: Kristen Regier <Kristen.Regier@trca.ca>
Sent: Thursday, September 21, 2023 1:09 PM
To: Committee of Adjustment
Cc: Pravina Attwala; Christine Vigneault
Subject: [External] RE: A149/23 (9929 KEELE STREET) - REQUEST FOR COMMENTS

Hello,

The subject property at 9929 Keele Street, Vaughan is not located within TRCA's Regulated Area. TRCA's Planning and Regulatory policy interests are not impacted.

As such, TRCA has no comments on the application.

Best,

Kristen Regier, MA (she / her)

Planner I

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [437-880-2129](tel:437-880-2129)

E: kristen.regier@trca.ca

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



SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant				Application Cover Letter



09-05-2023

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

Attention: Christine Vigneault
Manager of Development Services and
Secretary-Treasurer to the Committee of Adjustment

Dear Ms. Vigneault,

RE: **Minor Variance Application**
Sharewell Investments Inc.
9929 Keele St.
City of Vaughan

Trinity Point Developments is the applicant for Sharewell Investments Inc. regarding the enclosed Minor Variance Application for the lands at 9929 Keele Street (herein referred to as the 'Subject Property'). The enclosed materials and justification have been prepared in support of the captioned application. A Site Plan application for the subject property was submitted to the City on January 12, 2023. The City has received a Site Plan Application submitted on the subject property for a mixed-use development consisting of a 4-storey building with a total of 110 apartment units and a ground floor commercial area, comprising a total Gross Floor Area of 10,978 m² (118,166.2 ft.²). The application was deemed to be complete by the City on February 28, 2023 and the application was circulated with the first submission comments received from the city.

1.0 Summary of Proposed Variances

The following is a summary of the proposed variances applied for:

1. To permit a maximum building height of 16.9m (55.44 ft.), whereas the maximum height permitted is 15.5 m (50.9 ft);

2. To permit zero (0) residential visitor parking spaces at grade, whereas a minimum of one (1) residential visitor parking space is required at grade;
3. To permit an intermediate floor level within the six (6) ground floor units, not to exceed 86% of the gross floor area of the ground floor of each unit;
4. To permit a maximum Gross Floor Area of 11,185 m² (120,394 ft.²), whereas the maximum Gross Floor Area permitted is 10,978 m² (118,166 ft.²).

2.0 Locational Context

The subject property site is at the municipal address 9929 Keele Street, Vaughan (Maple), Ontario., just south of Major Mackenzie Drive West. The site is on the east side of Keele Street, South of Major Mackenzie Drive West. The subject property has a site area of 0.737 (hectares (~1.82 acres) and is currently occupied by a commercial plaza containing two, one-storey commercial buildings.

Surrounding Land uses consist of the following:

- North: 4-storey residential building
- South: 3-storey mixed use building in an area designated as Low-Rise Mixed Use
- East: 2-storey single-detached dwellings in an area designated and Zoned as Low-Rise Residential
- West: A place of worship, along with a Canada post office, and a 3-storey residential apartment building

3.0 Background

The Official Plan Amendment and Zoning By-law Amendment applications (Z.20.043 and OP.20.016) were submitted to the City of Vaughan on December 21, 2020, by Trinity Point Developments, and a Notice of Complete Application was issued by the City and provided on February 8, 2021. City staff provided several comments, which were addressed and resubmitted on February 28, 2022. The Official Plan and Zoning By-law Amendments were approved by the Committee of the Whole on June 21, 2022, and ratified by City Council on June 28, 2022. Zoning By-law Amendment Nos. 163-2022 and 164-2022 (OPA No.82) are currently in full force and effect.

4.0 Site Plan Application

The submitted Site Plan application is in respect of a 4-storey mixed-use building with a total of 110 apartment units totaling 10,242 m² (110,242 ft.²) Gross Floor Area, and 943m² (10,151 ft.²) of ground floor commercial Gross Floor Area, for a total project Gross Floor area of 11,185 m² (120,393 ft.²). The mixed-use development contains 114 residential parking spaces, 23 residential visitor parking spaces, 33 spaces reserved for potential restaurant use, and 10 spaces for the remainder of the commercial space, for a total of 180 spaces. Commercial parking is provided at-grade, with all residential and residential visitor parking located within the one-level underground parking garage.

Vehicular ingress/egress to the development is provided by two entrances off of Keele Street, one of which is the existing northerly entrance which is shared with the adjacent residential condominium development to the north via reciprocal easements. The drive aisle will direct vehicles to the rear(east) side of the building, where covered at-grade parking for commercial uses is located. Access to the residential and visitor underground parking is located off of the northerly drive aisle as well. The proposed development also puts a major focus on a total indoor and outdoor amenity area (3,239 m²), which is comprised of outdoor at-grade landscaped space (380 m²), an outdoor second level floor contiguous area (1102 m²), private balcony areas (1474 m²), and two indoor amenity areas that can be found on the second floor (284 m²), adjacent to the outdoor amenity space.

A Minor Variance Application is required to support the overall architectural refinements and minor adjustments incorporated into the project design to improve the functionality and environmental sustainability, while also providing additional design flexibility to the proposed mixed-use development. As a result of architectural refinements to provide structural design flexibility and to accommodate a non-carbon based HVAC mechanical system, a height increase of 0.9m (2.95 ft.) is required. A variance is also required to affect the relocation of the one (1) residential visitor parking space from at grade to the underground parking garage, such that all residential visitor parking spots are located underground. Finally, variances are required to permit the inclusion of an intermediate floor level within the six (6) ground floor units, together with the resultant marginal increase in the Gross Floor Area for the intermediate floor areas, to optimize the extended ground floor height by providing larger, more functional units.

5.0 Proposed Variances

The proposed variances to Zoning By-law No. 001-2021, as amended by By-law No. 163-2022, are further described as follows:

1. To permit a maximum building height of 16.9 m (55.44 ft.), whereas the maximum height permitted is 15.5 m (50.9 ft);

The intent of this minor architectural refinement of a 0.9 m (2.95 ft.) increase in height is to provide for additional design flexibility for the project as it advances through the Site Plan approval and Building Permit drawings and permitting stage.

Due to artesian groundwater pressure under the site, thicker floor slabs are required to increase the buildings weight in order to counterbalance the upward pressure of the artesian condition, resulting in unit ceiling heights being reduced. The requested additional height would be distributed equally (0.3 m/floor) for floors 2, 3 and 4, resulting in the provision of more comfortable units with higher ceiling heights.

In addition, the proposed development will be using a VRF (Variant Refrangent Flow) HVAC system. The VRF system, which is powered by electricity and is therefore non-carbon based, is being implemented to assist the development in achieving the required Silver Sustainability Metrics Performance threshold, which is required for sites located along Intensification Corridors, and which can be found in the 2023 Sustainability Metrics Program Guidebook. The imposition of the silver threshold recently came into force, after the approval of the Official Plan and Zoning By-law amendment applications by Council, which amongst other performance standards, prescribed a maximum height.

The VRF units are installed in the condominium units horizontally within the ceiling, rather than vertically like a standard HVAC system (Heat Pump or Fan Coil). Thereby resulting in additional floor heights being required in order to accommodate the VRF system, while maintaining a comfortable and functional ceiling height within the units. Noise attenuation is another major reason for the requested additional floor height. In order to accommodate the proper noise attenuation measures within each ceiling, together with the appropriate clearances required for the installation of the VRF system, the increased floor height is necessary.

Also, in order for our development to have an appropriate angular plane, terraces had to be stepped, which caused multiple offsets in mechanical piping. The increased floor height permits the accommodation of the mechanical system and noise attenuation measures, while still maintaining appropriate ceiling heights reflective of market demand and ensuring the efficient functionality and livability of the units.

The Table below illustrates the difference in heights as proposed in this Minor Variance application, compared to those indicated on the original Site Plan Application submissions:

Table 1:

Level	SPA Submission 1	Minor Variance	Difference
1 st Floor	5.5m	5.5m	0
2 nd Floor	3.0m	3.3m	0.3 m
3 rd Floor	3.3m	3.6m	0.3 m

4 th Floor	3.7	4.0m	0.3 m
-----------------------	-----	------	-------

2. To permit zero (0) residential visitor parking spaces at grade, whereas a minimum of one (1) residential visitor parking space is required at grade.

The requested relief would facilitate the consolidation of the single residential visitor parking space at grade to within the residential visitor parking area in the underground parking garage.

As a result of the architectural refinements to the project to accommodate the mechanical/electrical services rooms within the underground parking level, efficiencies were achieved such that the single at grade residential visitor parking space can be consolidated with all the residential visitor parking spaces below grade. This refinement results in the provisions of 137 parking spaces below grade, 114 of which are residential spaces, and 23 of which are residential visitor spaces. Relocating the one space will maximize the at-grade commercial and retail parking, while consolidating all of the required residential visitor parking spaces within the underground parking garage. Locating all residential visitor parking below grade is also preferred for security reasons, as it requires visitors to be vetted by the concierge before entering the underground parking garage.

3. To permit an intermediate floor level within six (6) of the ground floor units, not to exceed 86% of the gross floor area of the ground floor of each unit; and
4. To permit a maximum Gross Floor Area of 11,185 m² (120,394 ft.²), whereas the maximum Gross Floor Area permitted is 10,978 m² (118,166 ft.²).

The requested relief in variance Nos. 3 and 4 would facilitate the provision of an intermediate floor level within the six (6) ground floor units. Given the extended height of the entire ground floor of 5.5 m (18 ft.) to accommodate for the commercial at the north end of the ground floor, together with providing headroom for the mechanical systems that drop down from the floors above. This extended height affords the opportunity to improve the layout and functionality of the six (6) ground floor units which enjoy the same height, as well as optimizing the available living space by incorporating an intermediate floor level within the units, with such floor level containing bedroom, bathroom and den spaces. This results in the provision of larger grade-related units ranging in size from 1941 ft² to 2113 ft², thereby providing the availability of unit sizes that cater to families, larger households and move down purchasers who still prefer larger units.

The intermediate floor levels do not occupy the entire upper area of the ground floor units and are limited to 86% of the gross floor area of the ground floor area of each unit.

They are self-contained within each ground floor unit, and do not have access to a common corridor or result in the addition of an elevator stop, and are therefore fully accommodated and contained within the ground floor area of the proposed mixed-use building. As such, there is no revision to the built form from that which was approved by Council.

With the addition of the intermediate floor level, which is considered as Gross Floor Area, there is a slight increase of 286 m² (3,078 ft.²) to the maximum Gross Floor Area to accommodate the cumulative area of the intermediate floor levels in all six (6) ground floor units.

6.0 Planning Analysis and Justification of Proposed Minor Variances

The Planning Act, R.S.O c. P.13 (Planning Act) sets out the legal framework that governs the consideration of minor variance applications by the Committee of Adjustment. Section 45 of the Planning Act states that the Committee of Adjustment can make decisions regarding minor variance applications. Pursuant to Section 45(1) of the Planning Act, a minor variance must satisfy the four tests described in the section below.

1. The Proposed Variances maintain the general intent and purpose of the Official Plan

The City of Vaughan Official Plan (VOP 2010) designates the subject property “Low-Rise Mixed Use” within the Maple Heritage Conservation district.

Variance No.1 seeks a minor increase in height of an additional 0.9m (2.95 ft.) to facilitate architectural refinements required to accommodate for thicker STRUCTURAL floor slabs to increase the building weight to counteract the upward pressure from the artesian groundwater condition, noise attenuation measures and appropriate clearances required for the VRF HVAC system for the development, in which VRF units are placed into the units ceiling areas horizontally, while maintaining appropriate ceiling heights to maintain the functionality and livability of the units. Given that the subject property is located within an Intensification Area and the Maple Heritage Conservation District, the project must achieve the silver threshold under the recently approved Sustainability Metrics Program, which came into effect in January 2023, after Council approval of the Official Plan and Zoning By-law Amendment applications in 2022. As per section IB-11 of the Sustainability Metrics Guidebook, utilizing efficient, non-carbon-based HVAC systems like the VRF system can earn up to 9 additional points. Utilizing a more energy efficient, non-carbon-based system is consistent with Section 1.5 of the Official Plan, which states that one of the main goals of the Official Plan is to create a green and sustainable City through minimizing energy use, and sustainable land-use planning.

Variance No.2 would facilitate the consolidation of the single at grade residential visitor parking space to within the residential visitor parking area in the underground parking garage. The requested variance would allow for increased safety and security for both for the residents and visitors, while permitting all the at-grade parking to be dedicated to commercial users. As noted, in Section 4.2.2.6 of the Official Plan, it is a goal of the City of Vaughan to encourage parking lots and structures to be developed as high-quality examples of good urban design with an emphasis placed on permeability and safety. The requested variance is consistent with the Official Plan as it would facilitate secure residential visitor parking in the underground parking garage. Furthermore, relocating the one residential visitor parking space from the at grade level will allow for more efficient design and operations that better supports both the commercial retail space users along with the residents and their visitors.

Variance No. 3 and 4 would facilitate the provision of an intermediate floor level within the six (6) ground floor units within the proposed mixed-use development, together with a slight increase of 286 m² (3,078 ft.²) to the maximum Gross Floor Area to accommodate the cumulative area of the intermediate floor levels in all six (6) ground floor units. Given the extended height of the ground floor area, this affords the opportunity to improve the layout and functionality of the six (6) ground floor units, as well as optimizing the available living space by incorporating an intermediate floor level within the units, with such floor level containing bedroom, bathroom and den spaces. The proposed variances maintain the general intent of the Official Plan (VOP 2010) in that it adds larger, grade related units to the developments unit mix consistent with Section 7.5.2 of the Official Plan (VOP 2010) , which outlines the importance of offering a mix of housing options in future residential developments, while maintaining the built form of the proposed development as approved by Council through the adoption and approval of OPA No.82.

2. The Proposed Variances maintain the general intent and purpose of the Zoning By-Law

The City of Vaughan's New Comprehensive Zoning Law No. 01-2021 was enacted on October 21, 2021 and approved by the Ontario Land Tribunal (OLT) on January 18, 2023 and subsequent amendments thereto on April 23, 2023. The Comprehensive Zoning by-law regulates the use of lands within the City of Vaughan, and maintains the character of the City through a variety of requirements. Site Specific Zoning By-Law No. 163-2022, enacted on June 28th, 2022, reinforces the parent by-law through the provisions relating to built form which ultimately work to ensure that the proposed mixed-use development on the subject property will integrate seamlessly with adjacent built form and the public realm. The proposed variances will maintain the subject property's planned function and built form as approved by Council, and will not have any adverse impacts on surrounding lands and structures, and as such remains consistent with the general intent and purpose of the Zoning By-law as it complies with all other related performance standards, such as

storeys, setbacks, and parking requirements as set out in By-law No. 01-2021, as amended.

3. The proposed variances will permit a mixed-use development that is desirable for the subject lands.

Through the processing and approval of the Official Plan and Zoning By-law Amendment applications, together with the submission of the Site Plan application, the appropriateness of the mixed-use development on the subject lands has been established. The proposed variances refine the design of the project that was previously approved by Council, and are desirable in that they improve the efficiency and functionality as well as the environmental sustainability of the mixed-use development. The minor increase in Gross Floor Area is a result of the introduction of the intermediate floor level within the six (6) ground floor units, resulting in the provision of increased livable area and a greater variety of unit sizes available to the market. Similarly, the additional height requested provides additional design flexibility for floor slab thicknesses which increase the buildings weight, required to counterbalance the upward pressure from the artesian groundwater condition, while also accommodating required noise attenuation measures and the horizontally placed and more environmentally sustainable VRF HVAC system. Moreover, consolidating all residential visitor parking underground allows for better functionality, and safety for residents and residential visitors, while permitting at-grade parking to be best utilized by customers patronizing commercial portion of the mixed-use development.

4. The proposed Variances are Minor in Nature

In light of key considerations such as potential impacts-built form, urban design, public realm, infrastructure and transportation impacts on surrounding uses, it is our opinion that the proposed variances are minor in nature.

As demonstrated in Table 1, the additional height will be spread out equally over each of floors 2, 3 and 4, with each floor increasing by 0.3 m (0.98 ft.) This revision is minor and will accommodate for thicker structural floor slabs, the VRF HVAC system, and required noise attenuation measures, while maintaining appropriate ceiling heights and the functionality and livability of the units. The request to consolidate all residential visitor parking within the underground parking garage is minor as it only entails the relocation of the single residential visitor parking space at grade, which is preferred for operation security reasons. Finally, the provision of an intermediate floor level with the six (6) ground floor units and the resultant minor increase in Gross Floor Area increase attributed to this intermediate floor level, results in the optimization of the available living space within the ground floor units resulting in larger, more functional units made available to the market, consistent with the City of Vaughan Official Plan (VOP 2010).

5.0 Conclusion

Based on the preceding analysis, it is our opinion that the proposed variances satisfy the four tests identified in Section 45 (1) of the Planning Act, R.S.O 1990 c. P.13 and represents good planning. The variances will maintain the subject property's overall planned function and built form, as approved by Council, and will not negatively impact the surrounding lands and structures. The requested minor variances maintain the general intent and purpose of both the Official Plan (VOP 2010) and Zoning By-law No. 01-2021, as amended by By-law No. 163-2022, and are considered to be appropriate for the development of the subject property and are minor in nature. Therefore, we respectfully request that the variances be approved.

In support of the Minor Variance Application, please find enclosed the following:

1. Architectural Plans
2. Variance Chart
3. Setback Chart
4. Size Chart
5. Authorization Form
6. Authorization Statements
7. Sworn Declaration Form
8. Tree Declaration Form

We trust that the information included with this application is complete and sufficient to allow for its circulation, review and scheduling to an upcoming Committee of Adjustment meeting.

Should you have any questions or require any additional information, please contact the undersigned at 905.660.0141, ext. 536/gdimartino@trinitypoint.com, or Josh Chiapetta at ext. 538/joshc@trinitypoint.com.

Yours truly,
Trinity Point Developments
Per:



Gabriel DiMartino, MCIP, RPP
Senior Vice President, Development

c.Sharewell Investments Inc.

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

None