



File: A047/19

Applicant: Silvio Di Giammarino

Address: 51 Jevlan Drive, Unit 6, Woodbridge

Agent: Humphries Planning Group Inc

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		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None

Background History: None



Minor Variance
Application

A047/19

Agenda Item: 8

Ward: 3

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing: Thursday, May 30, 2019

Applicant: Silvio Di Giammarino

Agent: Humphries Planning Group Inc

Property: 51 Jevlan Drive, Unit 6, Woodbridge

Zoning: The subject lands are zoned EM3 under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010: "General Employment"

Related Files: None

Purpose: Relief from the By-Law is being requested to permit a banquet hall in Unit #6 which is located on the ground floor of the existing commercial building onsite.

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

By-law Requirement	Proposal
1. A Banquet Hall is permitted in a Single Unit Building.	1. To permit a Banquet Hall in a multi-unit building.
2. An Eating Establishment is permitted with a maximum GFA of 185sq.m.	2. To permit an Eating Establishment with a GFA of 305.0 sq.m
3. A minimum of 252 parking spaces are required.	3. To permit a minimum of 202 parking spaces.

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

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will 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.

Committee of Adjustment:
Public notice was mailed on May 15, 2019

Applicant confirmed posting of signage on May 3, 2019

Property Information	
Existing Structures	Year Constructed
Building	2003/2004

Applicant has advised that they cannot comply with By-law for the following reason(s): Banquet hall permitted as a single use building, whereas being proposed as a unit within a multi-unit building. The site provides for 202 parking spaces. With the higher parking ratios are applied to the proposed Banquet Hall use and accessory Eating establishment use, the total parking required is 244 parking spaces. As such, the parking currently provided on site is deficient by 42 spaces.

Adjournment Request: Prior to the issuance of public notice Planning staff advised that additional time may be required to review application.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: None

Building Permit No. 03-003699 for Multi-Use (Ind. Speculative) - New, Issue Date: May 07, 2004
Building Permit No. 05-000329 for Retail Store Unit - Interior Unit Alteration, Issue Date: Mar 04, 2005
Building Permit No. 04-001591 for Manufacturing Use Unit - Alteration, Issue Date: Sep 07, 2004
Building Permit No. 03-003699 for Multi-Use(Ind. Speculative) - Alteration, Issue Date: Mar 04, 2005
Building Permit No. 04-003075 for Warehouse Use Unit - Alteration, Issue Date: Oct 22, 2004
Building Permit No. 08-005160 for Warehouse Use Unit - Interior Unit Alteration, Issue Date: Oct 20, 2009
Building Permit No. 08-005160 for Warehouse Use Unit - Interior Unit Alteration, Issue Date: Oct 15, 2008

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:

The Owner is requesting permission to operate a Banquet Hall with an Accessory Eating Establishment on the ground floor of a multi-unit building (Unit #6), with the above-noted variances.

The City of Vaughan Zoning By-law 1-88 permits both a Banquet Hall within a stand-alone building and one eating establishment with a maximum gross floor area of 185m² on the subject lands as-of-right in EM1 zones.

Development Planning Staff are of the opinion that Variance #1 is technical in nature as the use is permitted by Zoning By-law 1-88 in an alternative building type (stand-alone building). The variance pertains to the building form, and not the use of the building. Development Planning Department has no objection to the proposed building form. Variance #2 is considered minor and technical in nature as an Eating Establishment is permitted in Zoning By-law 1-88 and is accessory to the Banquet Hall.

A revised parking study prepared by Cole Engineering Group, dated April 16, 2019, was submitted to the Transportation Division of the Development Engineering (DE) Department to justify the proposed parking supply. The parking study concludes that the parking supply of 202 spaces would sufficiently accommodate the overall anticipated parking demand for the site. DE Department has reviewed the parking study and has no objection to the proposed 202 parking spaces on site. As such, Development Planning Staff consider Variance #3 to be minor in nature.

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.

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 Department has reviewed and does not object to minor variance application A047/19 for 51 Jevlan.

Parks Development:

No Response.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment.

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

Recommended condition of approval:

The owner shall pay the applicable development charges in accordance with the Development Charges Act and City of Vaughan, Region of York, York Region District and York Catholic District School Board Development Charges By-laws in effect as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

Fire Department:
No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
Condominium Corporation Letter & Cover Letter

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

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:

	Department/Agency	Condition
1	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay the applicable development charges in accordance with the Development Charges Act and City of Vaughan, Region of York, York Region District and York Catholic District School Board Development Charges By-laws in effect as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

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

Adriana MacPherson

T 905 832 8585 Extension 8360

E CofA@vaughan.ca

Schedule A: Plans & Sketches

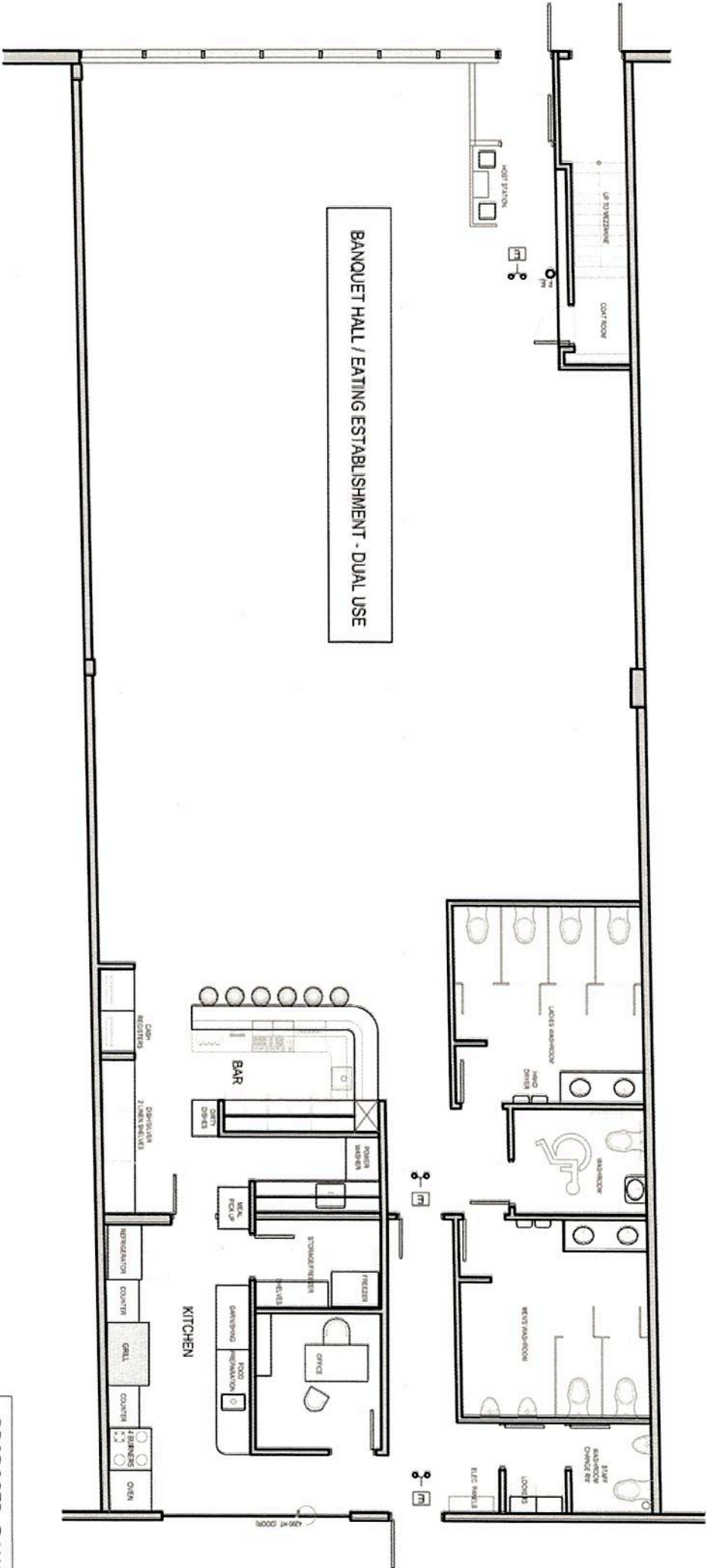
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches

[illegible]

A047/19

Revised Apr 16/19



PROPOSED BANQUET HALL
51 JEWLAND DRIVE - UNIT 6
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

HAWTHORNE PLANNING GROUP INC. 2100 UNIVERSITY AVENUE, SUITE 200, WILSON, ONTARIO L0R 9G0 TEL: (905) 872-2222 FAX: (905) 872-2223 WWW.HAWTHORNEPLANNING.COM	
FEI Number: Date Project: 20 FEB 2013 Drawn By: BT Checked By: RL Date Rechecked: CAD File No.:	Drawing Number: <div style="font-size: 48pt; text-align: center;">A1</div>

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.

Condominium Corporation Letter & Cover Letter

YORK REGION STANDARD CONDOMINIUM CORPORATION NO. 1089

May 16, 2019

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


Attention: Ms. Adriana MacPherson

RE: A047/19 51 Jevlan Drive

Dear Ms. MacPherson:

We, York Region Standard Condominium Corporation No. 1089, (YRSC NO. 1089), are aware of the minor variance application file no. A047/19.

Regards,


Silvio DiGiammarino,
President
York Region Standard Condominium
Corporation No. 1089

3883 Hwy 7, Ste. 228
Woodbridge, Ontario
L4L 6C1

PHONE (905) 265-1535
FAX (905) 265-1502
E-MAIL marino3883@marinogroup.ca

★ REVISED April 16/19★

HUMPHRIES PLANNING GROUP INC.

Celebrating **15** years

April 16, 2019

HPGI File # 19593

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Attn: Christine Vigneault, Secretary Treasurer, Committee of Adjustment

**Re: Minor Variance Application
Silvio DiGiammarino
51 Jevlan Drive, City of Vaughan**

On behalf of Silvio DiGiammarino, Humphries Planning Group Inc. (HPGI) is submitting a Minor Variance application to support a proposed Banquet Hall with Accessory Eating Establishment Use on the ground floor of Unit 6 at 51 Jevlan Drive, City of Vaughan.

To this end, please find enclosed the following:

- 2 copies of the Cover letter, describing the purpose of the Minor Variance, prepared by Humphries Planning Group Inc. and dated February 25, 2019;
- 1 cheque (#047) in the amount of \$3,359.00 to cover the Minor Variance Application Fee;
- 1 copy of the completed and commissioned Minor Variance Application Forms, prepared by HPGI and signed by the owner;
- 1 copy of the marked-up Site Plan denoting the variances;
- 1 copy of the proposed floor plan for Unit 6; a
- 1 copy of the Parking Justification Letter, prepared by Cole Engineering; and,
- 1 CD.

Background

The existing multi-unit building at 51 Jevlan Drive, City of Vaughan contains 10 units, and the ground floor of Unit 6 that is currently vacant. Note that Units 1, 3 and 6 all have mezzanine levels. The previous tenant of the ground floor of Unit 6 was U-Go Sporty, which is a retail use that sold women's clothing. The current tenants of 51 Jevlan Drive include:

- Unit 1 - Persian Rugs (Retail Warehouse Use)
- Unit 1A - Upper level, offices (Professional Office Use)
- Unit 2 - Yoga Light Studio (Health Centre Use)
- Unit 3 - Brand Society, Office (Professional Office)
- Unit 4 - Integrity Fitness (Health Centre Use)
- Unit 5 - Toronto Cabinetry in Vaughan, Kitchen remodeler (Retail Warehouse Use)
- Unit 6A - Mezzanine, Highgate Property Investments Inc., Office (Professional Office Use)
- Unit 6, ground level - Vacant
- Unit 7, 8, 9 & 10 - Designer Furniture Collections, sells furniture (Retail Warehouse Use)

Description of Use and Purpose of Minor Variances

There is a prospective tenant that wants to operate a Banquet Hall/Eating Establishment Use within Unit 6 on the ground floor. The Building Department considers it a dual use because there is no internal wall separating the Banquet Hall from the Eating Establishment and both uses would function within the entire unit area. The use would only operate/open after 5pm on weekdays and weekends and would be open to individuals who would like to dance or order food or drinks from a limited menu. The Banquet Hall use and Eating Establishment Use are the defined term/uses in ZBL 1-88 that best fits this proposed dual use. The mezzanine level of unit 6 will remain a Professional Office use. The zone category for the site, EM3 Zone, allows for a Banquet Hall use, however unlike other zone categories the permission for the use is specific for a standalone building per Provision 6.2.1 a) of Zoning By-law 1-88. As such, a variance is required to permit the Banquet Hall use within a multi-unit building. The EM3 Zone also permits an Eating Establishment Use, however per Provisions 6.1.7 and 6.2.1 b) iii) the max floor area for Eating Establishment is 185m², and as such a variance is required, as the ground floor of Unit 6, which proposes the dual use is 302.08m²

The site provides for 202 parking spaces. With the higher parking ratios are applied to the proposed Banquet Hall /Eating Establishment use, the total parking required is 252 parking spaces. As such, the parking currently provided on site is deficient by 50 spaces and as such a variance is required. It should be noted that the proposed Banquet Hall use will be utilizing the parking spaces in the evening, whereas the majority of the existing uses will be utilizing the parking spaces during the day. A parking Study has been completed by Cole Engineering which concludes that the parking supply of 202 spaces would sufficiently accommodate the overall anticipated parking demand for the site. As such, the additional parking demand, as a result of the Banquet Hall/Eating Establishment dual use in Unit 6, can be accommodated on the Subject Site when operating at full occupancy and therefore, does not require the provision of additional parking spaces.

We trust this is the information you require. Should you have any questions, please contact the undersigned at extension 246.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



Mark McConville, MCIP, RPP, M.Sc.Pl.
Senior Planner

cc Silvio DiGiammaino

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

MacPherson, Adriana

Subject: FW: A047/19 - Request for Comments
Attachments: A047-19 - Circ.pdf

From: Wong, Tiffany <Tiffany.Wong@york.ca>
Sent: May-08-19 4:20 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Subject: FW: A047/19 - Request for Comments

Hello Adriana,
The Regional Municipality of York has completed its review of the above Minor Variance Application-A047/19 (51 Jevlan Drive) and has no comments. Please feel free to e-mail me in regards to any questions or concerns.

Thank you,
Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence



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