

ITEM #: 6.21	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A159/22 350 Hunter's Valley Rd Vaughan
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COA REPORT SUMMARY

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES:**

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

PUBLIC & APPLICANT CORRESPONDENCE				
<i>*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.</i>				
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 Representation	Weston Consulting	201 Millway Avenue, Ste 19	05/10/2022	Justification 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
None		

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
None	



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A159/22
350 Hunter's Valley Rd Vaughan ON**

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

ITEM NUMBER: 6.21	CITY WARD #: 1
APPLICANT:	Highway 50 Nominee Inc.
AGENT:	Weston Consulting
PROPERTY:	350 Hunter's Valley Rd Vaughan
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "General Employment"
RELATED DEVELOPMENT APPLICATIONS:	DA.21.028
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit loading and unloading between a building and a Highway (Highway 50) to facilitate the construction of a proposed warehouse and Site Development Application DA.21.028.

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

The subject lands are zoned EM1, C7, EM2, EM2(H) and subject to the provisions of Exception 9(1375) under Zoning By-law 1-88, as amended.

Zoning By-law 1-88		Variance requested
1	Where a lot is a through lot, loading and unloading shall take place anywhere on the lot except between a building and a Highway or arterial road. [Section 3.9, By-law 1-88a.a.]	To permit loading and unloading between a building and a Highway (Highway 50).

HEARING INFORMATION

DATE OF MEETING: Thursday, July 7, 2022

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan

LIVE STREAM LINK: [Vaughan.ca/LiveCouncil](https://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

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

THE DEADLINE TO REGISTER TO SPEAK 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.

INTRODUCTION	
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:	June 21, 2022	
Date Applicant Confirmed Posting of Sign:	June 15, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	We will comply with the City's Zoning By-Law upon full build out of the property which is being developed in phases.	
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None	
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:	No	
*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.		
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

DEVELOPMENT PLANNING COMMENTS	
**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	That all comments on Site Development Application DA.21.028 be addressed to the satisfaction of the Development Planning Department.

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
The Development Engineering (DE) Department does not object to variance application A159/22 subject to the following condition(s):	
Development Engineering Recommended Conditions of Approval:	The Owner/applicant shall obtain approval for the related Site Development Application (DA.21.028) from the Development Engineering (DE) Department.

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

DEVELOPMENT FINANCE COMMENTS	
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 Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comments no concerns	
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	
Owner shall agree to provide the following for the purpose of fire safety and firefighting operations during construction. 1. Water supply for firefighting, including hydrants, municipal or private shall be identified in the plans and code requirements to be installed and operational prior to construction of building. 2. Hydrants shall be unobstructed and ready for use at all times. 3. Assess roadways shall be maintained and suitable for large heavy vehicles. 4. Temporary Municipal address to be posted and visible for responding emergency vehicles satisfactory to the City	
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 joshua.cipolletta@vaughan.ca	That all comments on Site Development Application DA.21.028 be addressed to the satisfaction of the Development Planning Department.
2	Development Engineering farzana.khan@vaughan.ca	The Owner/applicant shall obtain approval for the related Site Development Application (DA.21.028) from the Development Engineering (DE) Department.

IMPORTANT INFORMATION – PLEASE READ
<p>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.</p>
<p>APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>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.</p> <p>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.</p> <p>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</p> <p>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.</p>
<p>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.</p>

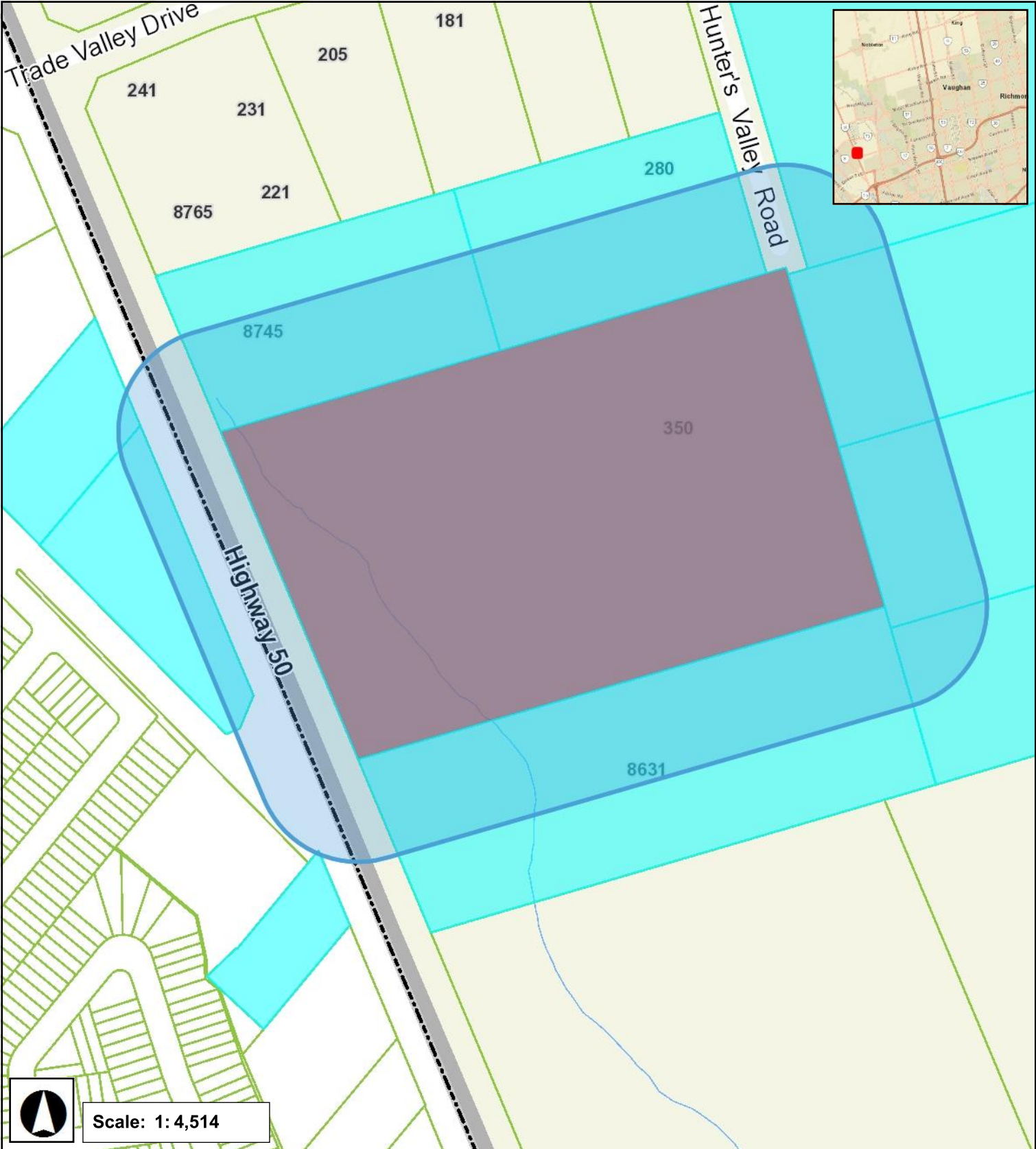
SCHEDULE A: DRAWINGS & PLANS



LOCATION MAP - A159/22

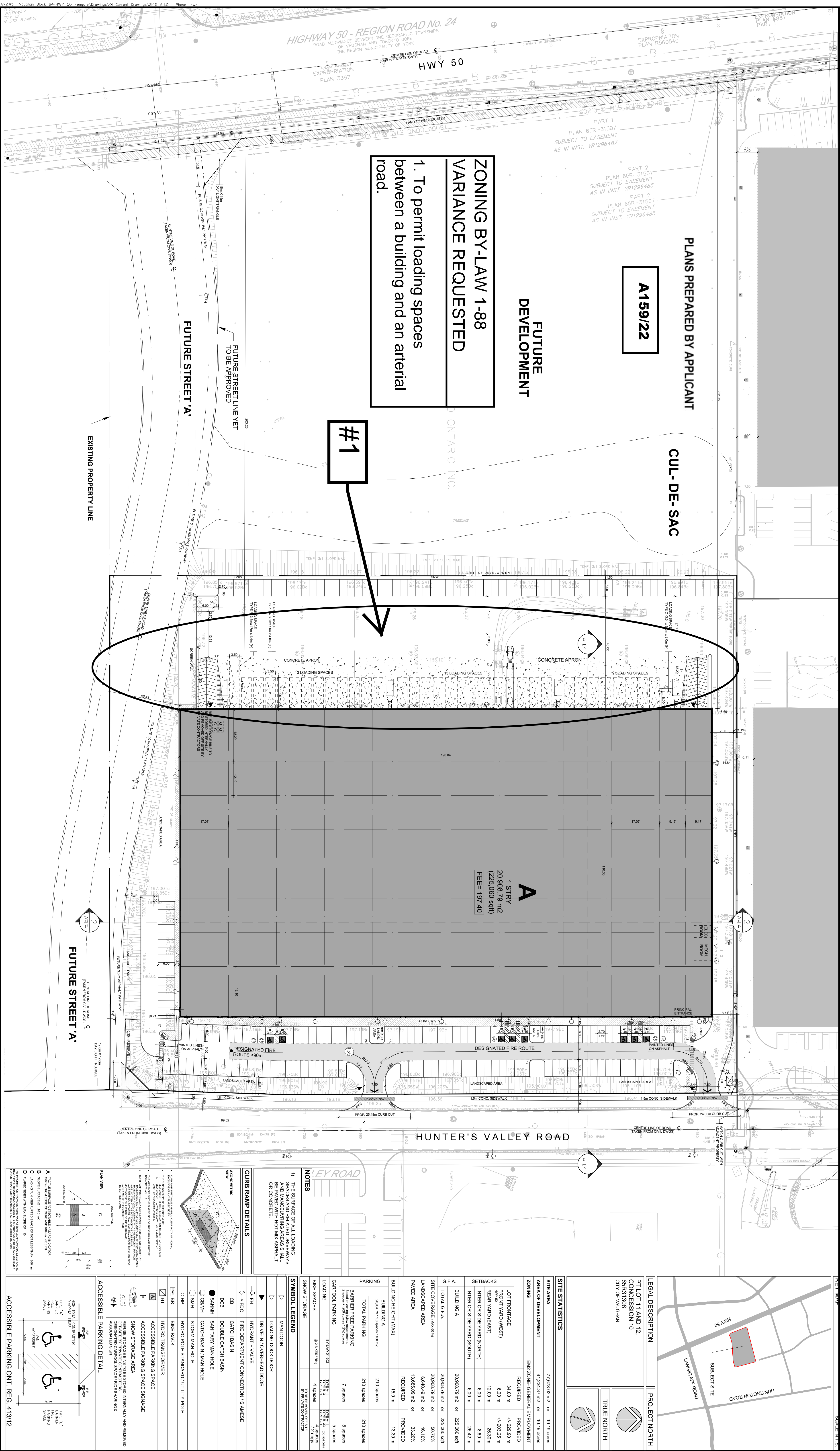
350 HUNTER'S VALLEY ROAD, VAUGHAN

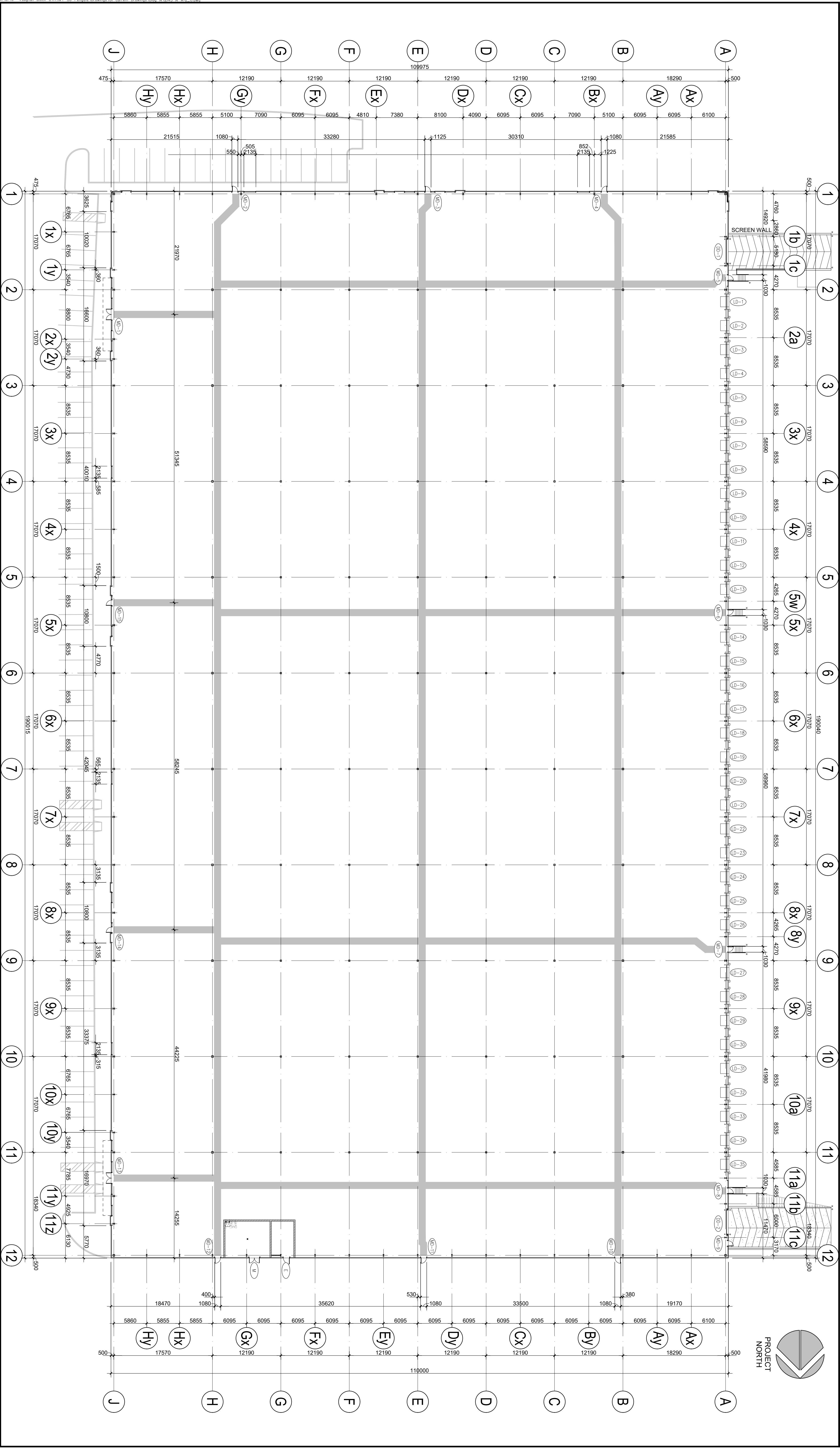
RUTHERFORD ROAD



LANGSTAFF ROAD

SITE PLAN PHASE 1			
DA 21.028			
DATE:	DRAWN BY:	CHECKED:	SCALE:
DEC. 2020	HP		1:600
PROJECT No.		DRAWING No.	
P-19160		A-1.0	





No.	ISSUED	DATE
1	ISSUED FOR SPA	MAY 25, 2021
2	RE-ISSUED FOR SPA	SEPT. 25, 2021
3	ISSUED FOR STEEL AND PRECAST TENDER	DEC. 05, 2021
4	RE-ISSUED FOR SPA	DEC. 21, 2021
5	ISSUED FOR PERMIT	FEB. 16, 2022

6	RE-ISSUED FOR SPA	MAR. 2, 2022
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No.	REVISION	DATE
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No.	REVISION	DATE
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BALDASSARRA Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
T: 905.660.0722 | www.baldassarra.ca
OWNERS INFORMATION

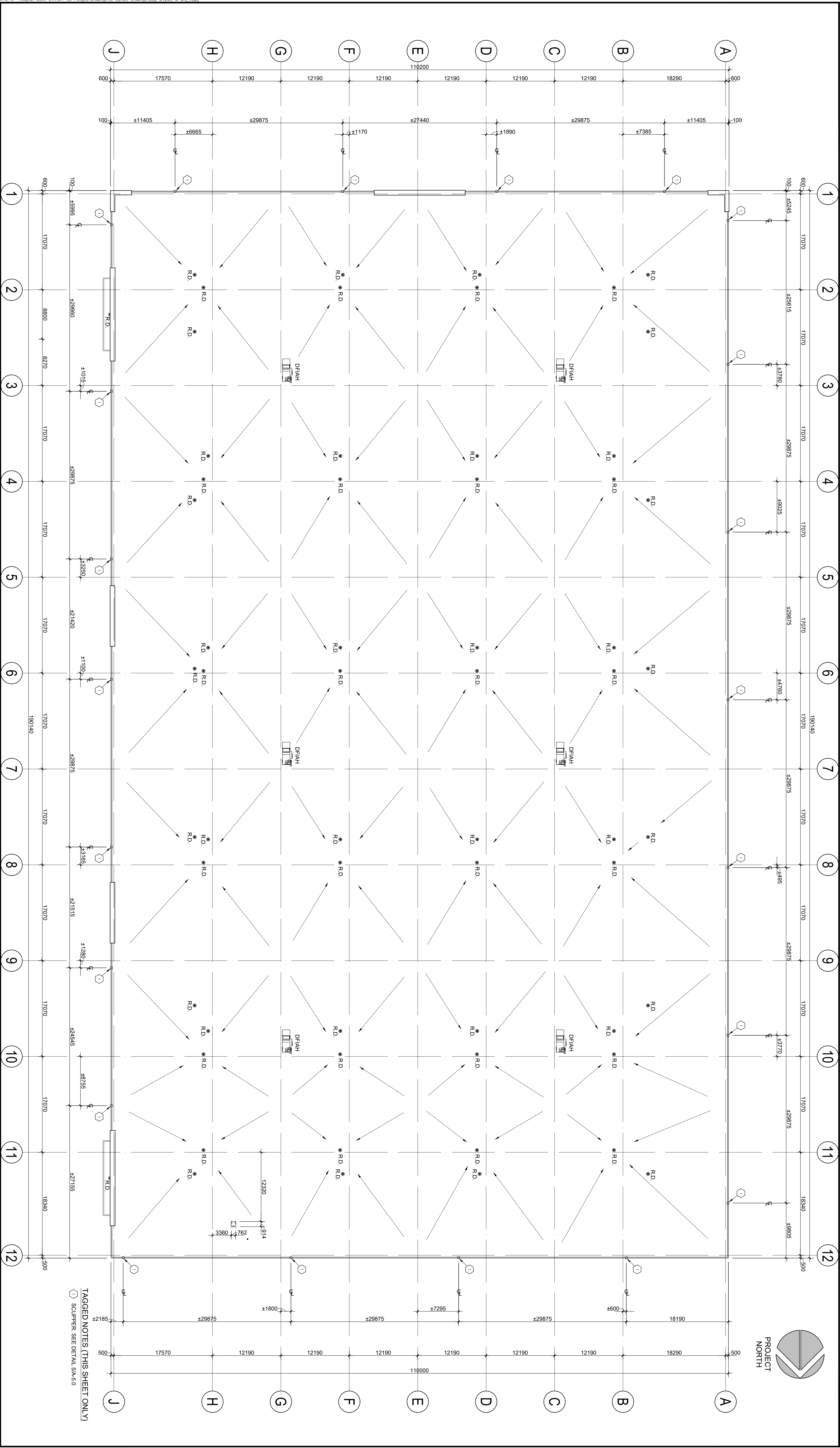


Vaughan Block 64
Highway 50 Investment LP
Vaughan, ON

FLOOR PLAN
BUILDING A

DATE: MAY 2021
DRAWN BY: J.d.h.
PROJECT No. P-19160

CHECKED: SCALE: 1:300
DRAWING No. A-2.0 A



No.	ISSUED	DATE
1	ISSUED FOR SPA	MAY 25, 2021
2	RE-ISSUED FOR SPA	SEPT. 23, 2021
3	ISSUED FOR STEEL AND PRECAST TENDER	DEC. 03, 2021
4	RE-ISSUED FOR SPA	DEC. 21, 2021
5	ISSUED FOR PERMIT	FEB. 16, 2022

No.	6	RE-ISSUED FOR SPA	MAR. 2, 2022
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No.	REVISION	DATE
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BALDASSARRA
Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
T: 905.660.0722 | www.baldassarra.ca
OWNERS INFORMATION

Vaughan Block 64
Highway 50 Investment LP

Vaughan, ON

ROOF PLAN
BUILDING A

DATE: MAY 2021
DRAWN BY: J.d.h.
PROJECT No.: P-19160

CHECKED: SCALE: 1:300
DRAWING No.: A-2.1 A



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

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: June 29, 2022

Name of Owner: Highway 50 Nominee Inc.

Location: 350 Hunter's Valley Road

File No.(s): A159/22

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

1. To permit loading and unloading between a building and a Highway (Highway 50).

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

1. Where a lot is a through lot, loading and unloading shall take place anywhere on the lot except between a building and a Highway or arterial road.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "General Employment" and "Prestige Employment"

Comments:

The Owner is requesting relief to permit the construction of an industrial warehouse with the above noted variance. The Owner has submitted Site Development Application DA.21.028 to facilitate the development, which is currently under review.

The Development Planning Department has no objection to the proposed variance as the warehouse building along with its west-facing loading and unloading area will be located on the east half of the lot. Therefore, the loading and unloading use will be far removed from Highway 50. There is another Site Development Application (DA.21.063) currently under review to facilitate the development of the west half of the lot, which will assist in screening the loading and unloading once completed. The proposed loading requirements also comply with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in effect.

Accordingly, the Development Planning Department can support the requested variance 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.

Condition of Approval:

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

1. That all comments on Site Development Application DA.21.028 be addressed to the satisfaction of the Development Planning Department.

Comments Prepared by:

Joshua Cipolletta, Planner I
David Harding, Senior Planner

To: Committee of Adjustment

From: Sarah Scauzillo, Building Standards Department

Date: May 31, 2022

Applicant: Highway 50 Nominee Inc.

Location: CONC 10 Part of Lot 11-12
PLAN 65R-31308 PART 1 municipally known as
350 Hunter's Valley Road

File No.(s): A159/22

Zoning Classification:

The subject lands are zoned EM1, C7, EM2, EM2(H) and subject to the provisions of Exception 9(1375) under Zoning By-law 1-88, as amended.

Zoning By-law 1-88		Variance requested
1	Where a lot is a through lot, loading and unloading shall take place anywhere on the lot except between a building and a Highway or arterial road. [Section 3.9, By-law 1-88a.a.]	To permit loading and unloading between a building and a Highway (Highway 50).

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit No. 22-108966 for Warehouse Use Unit - New, Issue Date: (Not Yet Issued)

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.

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.

Date: June 29th , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A159-22**

Related Files:

Applicant Highway 50 Nominee Inc.

Location 350 Hunters Valley Road

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

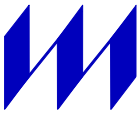
E-mail: stephen.cranley@alectrautilities.com

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

Email: Mitchell.Penner@alectrautilities.com

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant Representation	Weston Consulting	201 Millway Avenue, Ste 19	05/10/2022	Justification Letter



WESTON CONSULTING

planning + urban design

Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

May 10, 2022
File 10237

Attn: Secretary Treasurer – Committee of Adjustments

**RE: Minor Variance Application for DA.21.028
Part of Lot 11 and 12, Concession 10 (Highway 50)
Related Files (Z.21.054 and DA.21.063)**

Weston Consulting is the planning representative for Highway 50 Nominee Inc, the registered owner of the lands legally known as Part of Lot 11 and 12, Concession 10 in the City of Vaughan (herein referred to as the 'subject property'). We are pleased to submit the enclosed Minor Variance Application to support Site Plan Approval for a proposed industrial warehouse building – City File DA.21.028.

Background

In May 2021, a Site Development Application (DA.21.028) was submitted to permit the development of a 20,908.79 m² single-storey industrial warehouse building located on the eastern half of the subject property and referred to as Building "A". A Notice of Complete Application for Building A was received on August 10, 2021. Since then, multiple resubmissions have been made to resolve staff comments with sign-off received from nearly all departments. It should be noted that the subject property is part of a phased development, with phase 2 consisting of a second industrial warehouse building to be located on the western portion of the subject property. A Zoning By-law Amendment and Site Development Application has been submitted for the second phase, which is currently under review and identified as "Future Development" on the enclosed Site Plan.

Purpose of Application

In a letter dated March 24, 2022, the Building Standards Department (Zoning) provided written comments on DA.21.028 (Site Development Application for Building A) as follows:

"The proposed location of the loading spaces do not meet the requirements of By-law 1- 88a.a. Where a lot is a through lot, loading and unloading shall take

place anywhere on the lot except between a building and an arterial road (Section 3.9, By-law 1-88a.a.). It is acknowledged that Building B, as proposed, will satisfy this requirement. Relief from the By-law requirement is required until Building B is built.”

This application for a Minor Variance is submitted to address the above comment and fulfill the requirement of obtaining relief from By-Law 1-88 to allow loading to be located between a building and an arterial road as a temporary condition, until such time as approvals for development for the western portion of the property are in place.

Tests for Minor Variance

The *Planning Act* sets out the regulatory framework that governs the consideration of Minor Variance applications. Section 45 of the *Act* authorizes the Committee of Adjustment to make decisions regarding Minor Variance applications. Pursuant to Section 45(1), a minor variance may be approved where, in the opinion of the Committee, it satisfies the following tests:

1. The variance requested maintains the general intent and purpose of the Official Plan;

Analysis: The City of Vaughan Official Plan designates the property as *Prestige Employment* and *General Employment*. Permitted uses within this designation includes a full range of industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, transportation, distribution etc. The development proposes a warehousing use which conforms to the use permissions contemplated by the Official Plan. The requested variance therefore maintains the general intent and purpose of the Official Plan.

2. The variance requested maintains the general intent and purpose of the Zoning By-Law;

Analysis: The City of Vaughan Zoning By-Law 1-88 which is currently in effect, designates the property as EM1 and EM2. These zone categories list *Employment Uses*, which by definition includes warehousing, as being permitted. The development conforms to the use permissions contemplated by the Zoning By-Law and therefore maintains the general intent and purpose of the Zoning By-Law.

It is noted that a Hold provision currently applies to portions of the lands on the east. A Zoning By-Law Amendment will be required to lift the Hold provision, which has been filed and is anticipated to be approved at the June Council meeting. The Hold provision is intended to secure for the construction of future Street A, which will run along the southern portion of the lands. The ownership has committed to providing financial securities to guarantee the construction of Street A through the Spine Services Amending Agreement for Block 64 South.

3. The variance requested is desirable for the appropriate use of the land;

Analysis: The variance requested is considered desirable and appropriate as it will facilitate the development of a currently underutilized parcel of land located in the Vaughan Enterprise Zone that

is ripe for employment uses. The development will allow for the build-out of Block 64 as a whole and put in place the necessary servicing and infrastructure improvements identified through the Block Plan and relates MESP for Block 64 which includes the provision of collector streets (Street A and extension of Hunters Valley Road). Overall, the development serves to meet the City and Provinces broader goals of preserving employment lands, promoting economic competitiveness and providing integral public infrastructure.

4. The variance requested is minor in nature.

Analysis: The variance requested is considered minor in nature as the condition of having loading between a building and an arterial road is temporary and will be resolved once the western portion of the site builds out. It should be noted that applications for the western portion have already been filed and are currently under review.

Conclusion

Based on our analysis, we are of the opinion that the proposed application for Minor Variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the development of the subject property, and is minor in nature. In our opinion, the criteria prescribed by Section 45(1) of the *Planning Act* are satisfied.

It is our opinion that the proposed application represents good planning and should be approved. We request that the enclosed application be considered and approved by the Committee of Adjustment.

We trust the above is in order and that you have all the materials required to complete your review of the submitted applications. Should you require additional information or have any questions please do not hesitate to contact the undersigned at extension 308 or Mina Rahimi at extension 339.

Yours truly,

Weston Consulting

Per:



Alfiya Kakal, HBA, M.PI, RPP
Senior Planner

c. Andrew Konev; Highway 50 Investments LP
Kevin Bechard; Senior Associate; Weston Consulting