

	<b>COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A001/22</b>
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<b>AGENDA ITEM NUMBER: 09</b>	<b>CITY WARD #: 2</b>
<b>APPLICANT:</b>	National Capital Financial Inc.
<b>AGENT:</b>	Arlene Beaumont - W.E. Oughtred & Associates Inc.
<b>PROPERTY:</b>	7938 Kipling Avenue, Woodbridge
<b>ZONING DESIGNATION:</b>	See below.
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use", subject to Volume 2, Section 11.5 – Kipling Avenue Corridor Secondary Plan
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	None.
<b>PURPOSE OF APPLICATION:</b>	Relief is being requested to permit site-specific commercial and residential uses and reduced driveway performance standards within the GMU Zone. The relief sought seeks to permit the uses and standards found under Exception 9(1054), to By-law 1-88, within By-law 001-2021.

**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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Standards (Zoning Review)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Inspection (Septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments no concerns
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
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 Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

PUBLIC & APPLICANT CORRESPONDENCE				
*Please see <b>Schedule C</b> of this report for a copy of the public & applicant correspondence listed below.				
The deadline to submit public comments is <b>noon on the last business day prior to the scheduled hearing date.</b>				
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 / Authorized Agent	Arlene Beaumont,		12/07/2021	Justification Letter

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see <b>Schedule D</b> 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  
A001/22

AGENDA ITEM NUMBER: 09	CITY WARD #: 2
APPLICANT:	National Capital Financial Inc.
AGENT:	Arlene Beaumont - W.E. Oughtred & Associates Inc.
PROPERTY:	7938 Kipling Avenue, Woodbridge
ZONING DESIGNATION:	The subject lands are zoned C3 9(1054) and subject to the provisions of Exception under By-law 1-88 as amended
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use", subject to Volume 2, Section 11.5 – Kipling Avenue Corridor Secondary Plan
RELATED DEVELOPMENT APPLICATIONS:	DA.19.063, ZBA-122-2020
PURPOSE OF APPLICATION:	Relief is being requested to permit site-specific commercial and residential uses and reduced driveway performance standards within the GMU Zone. The relief sought seeks to permit the uses and standards found under Exception 9(1054), to By-law 1-88, within By-law 001-2021.

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

The subject lands are zoned **GMU - General Mixed-Use Zone** and subject to the provisions of **Exception 14.722**.

#	Zoning By-law 01-2021	Variance requested
1	A Financial Institution; Clinic; Office; Personal Service; Pharmacy; Video Store is not a permitted use on the ground floor. (Exception 14.722.1)	To permit a Financial Institution; Clinic; Office; Personal Service; Pharmacy; Video Store on the ground floor.
2	A Dwelling Unit is not a permitted use on the second floor. (Exception 14.722.2)	To permit a Dwelling Unit on the second floor.
3	The minimum width of all driveways shall be 4.81 metres. (Exception 14.722.2 3)	To permit a minimum width of all driveways of 4.1 metres.

The subject lands are zoned **C3 - Local Commercial Zone** and subject to the provisions of **Exception 9(1054)** under **Zoning By-law 1-88**, as amended.

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

HEARING INFORMATION

DATE & TIME OF HEARING: March 3, 2022 at 6:00 p.m.

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

PUBLIC PARTICIPATION

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

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

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

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

INTRODUCTION	
<p>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.</p> <p>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:</p> <p>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.</p> <p>Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.</p>	

COMMITTEE OF ADJUSTMENT COMMENTS		
<b>Date Public Notice Mailed:</b>		February 16, 2022
<b>Date Applicant Confirmed Posting of Sign:</b>		February 15, 2022
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>		In 2020, a site specific Zoning By-law Amendment was enacted (By-law122-2020) which included all provisions noted above. This site specific zoning should have been carried over into the new Comprehensive Zoning By-law 01-2021. However, due to an error, the previous Zoning was NOT brought into the new By-law.
<b>Adjournment Requests (from staff):</b> <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>		None
<b>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</b>  <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.</small>  <small>*A revised submission may be required to address staff / agency comments received as part of the application review process.</small>  <small>*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
<b>Adjournment Fees:</b> 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 <b>after</b> the issuance of public notice.		
<b>Committee of Adjustment Comments:</b>		None
<b>Committee of Adjustment Recommended Conditions of Approval:</b>		None

BUILDING STANDARDS (ZONING) COMMENTS	
<p>Stop work orders and orders to comply: There are no outstanding Orders on file</p> <p>Building Permit(s) Issued: Building Permit No. 21-103546 for Multi-Use (Comm. Speculative) - Interior Unit Alteration, Issue Date: (Not Yet Issued)</p> <p>The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.</p> <p>The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority.</p> <p>The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.</p> <p>Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.</p>	



BUILDING STANDARDS (ZONING) COMMENTS	
<p>Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.</p> <p>An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.</p>	
<b>Building Standards Recommended Conditions of Approval:</b>	None

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

DEVELOPMENT ENGINEERING COMMENTS	
The Development Engineering (DE) Department does not object to variance application A001/22.	
<b>Development Engineering Recommended Conditions of Approval:</b>	None

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

DEVELOPMENT FINANCE COMMENTS	
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<b>Development Finance Recommended Conditions of Approval:</b>	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comments received to date.	
<b>BCLPS Recommended Conditions of Approval:</b>	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
No comments received to date.	
<b>Building Inspection Recommended Conditions of Approval:</b>	None

FIRE DEPARTMENT COMMENTS	
No comments received to date.	
<b>Fire Department Recommended Conditions of Approval:</b>	None

SCHEDULES TO STAFF REPORT	
*See Schedule for list of correspondence	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Development Planning & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

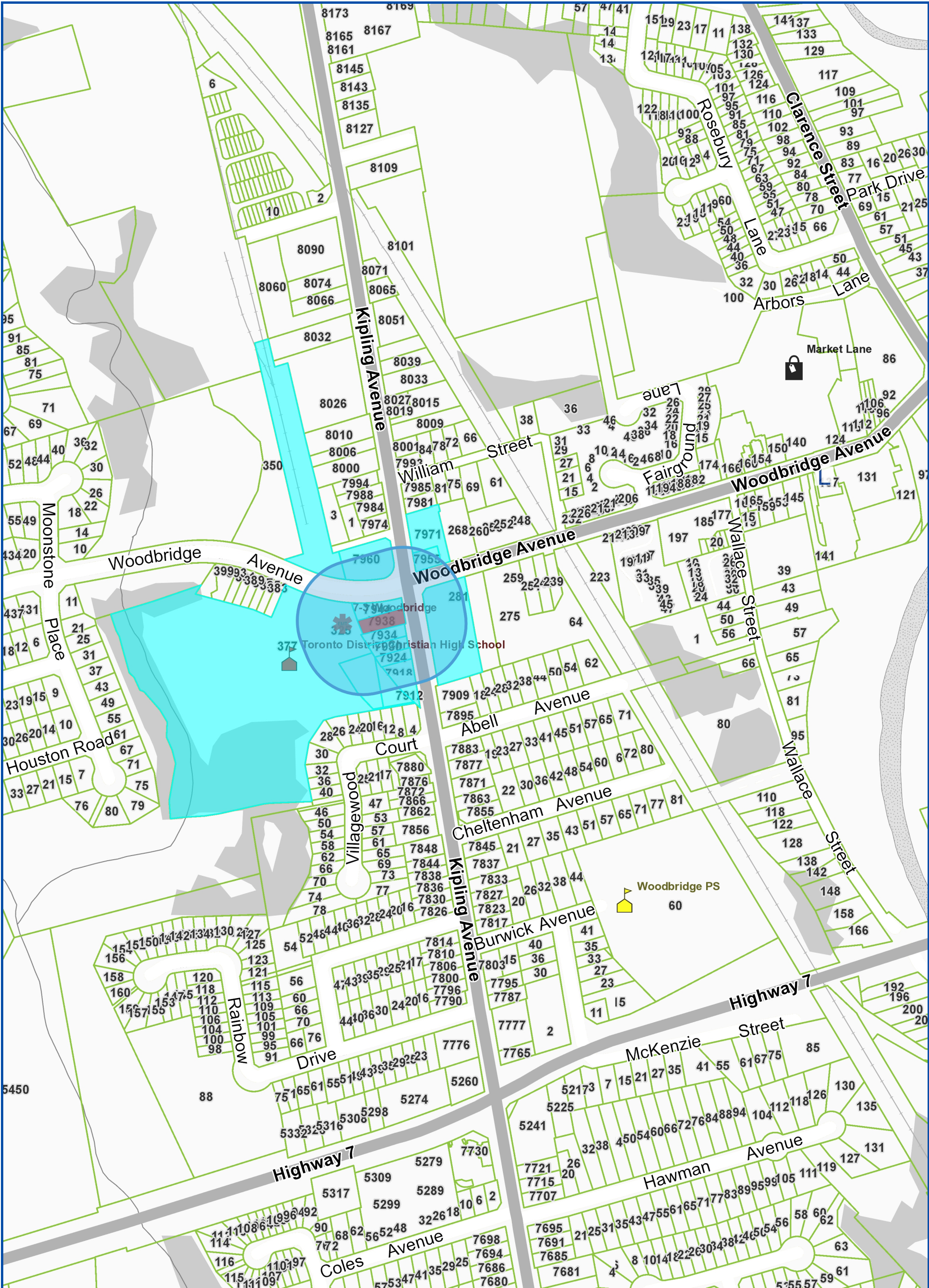
Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

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 <a href="mailto:michael.torres@vaughan.ca">michael.torres@vaughan.ca</a>	TBD

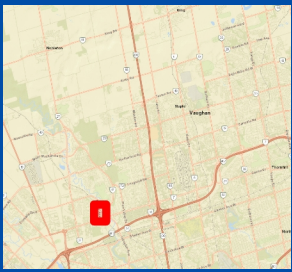
IMPORTANT INFORMATION – PLEASE READ
<p><b>CONDITIONS:</b> It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (<b>see condition chart above for contact</b>). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.</p>
<p><b>APPROVALS:</b> 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><b>DEVELOPMENT CHARGES:</b> 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><b>NOTICE OF DECISION:</b> 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 <b>not</b> receive notice.</p>

**SCHEDULE A: DRAWINGS & PLANS**





Map Information:



7938 KIPLING AVENUE, WOODBRIDGE


NOTIFICATION MAP - A001/22

Disclaimer:

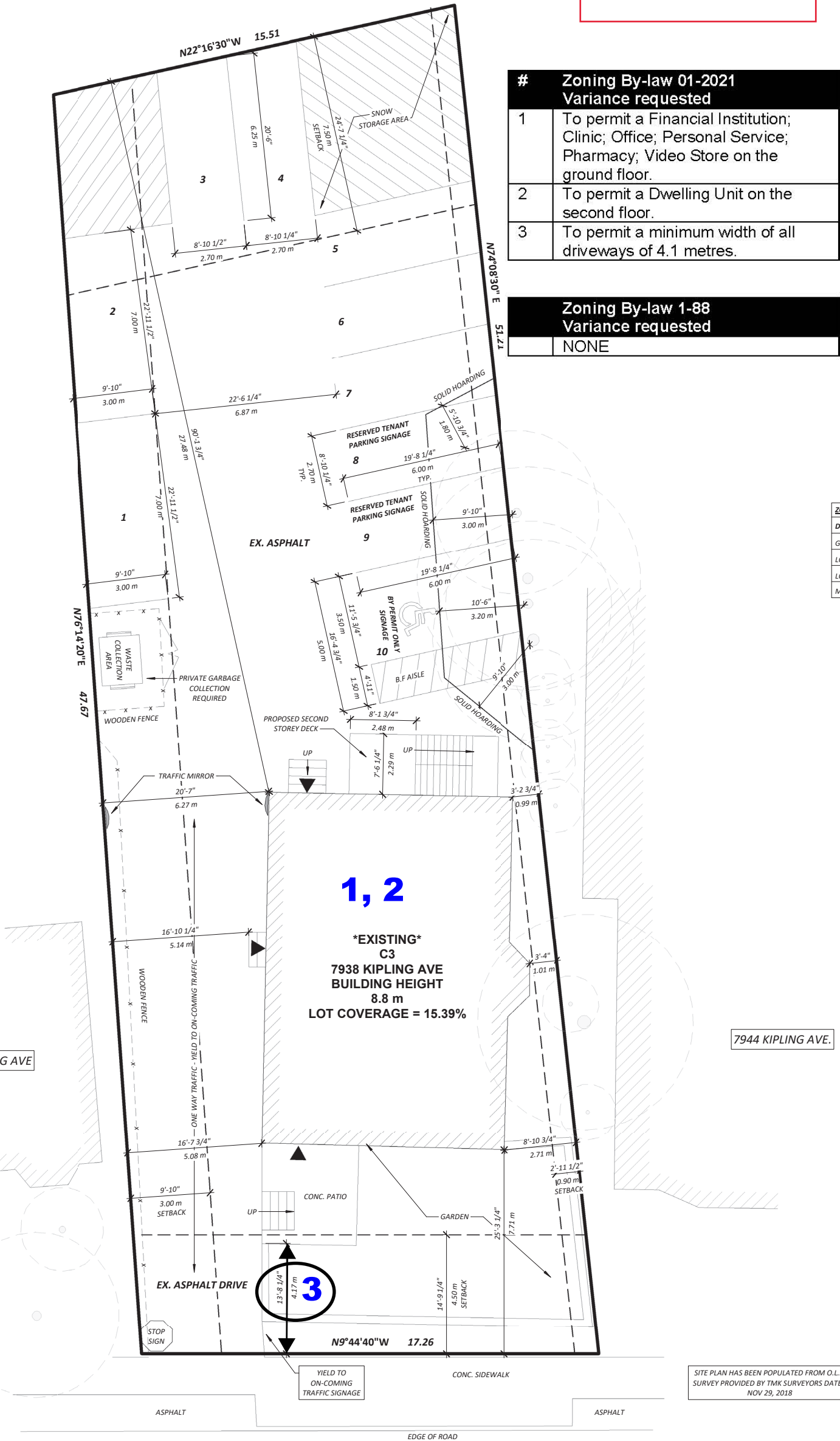


VAUGHAN

0.08 1:



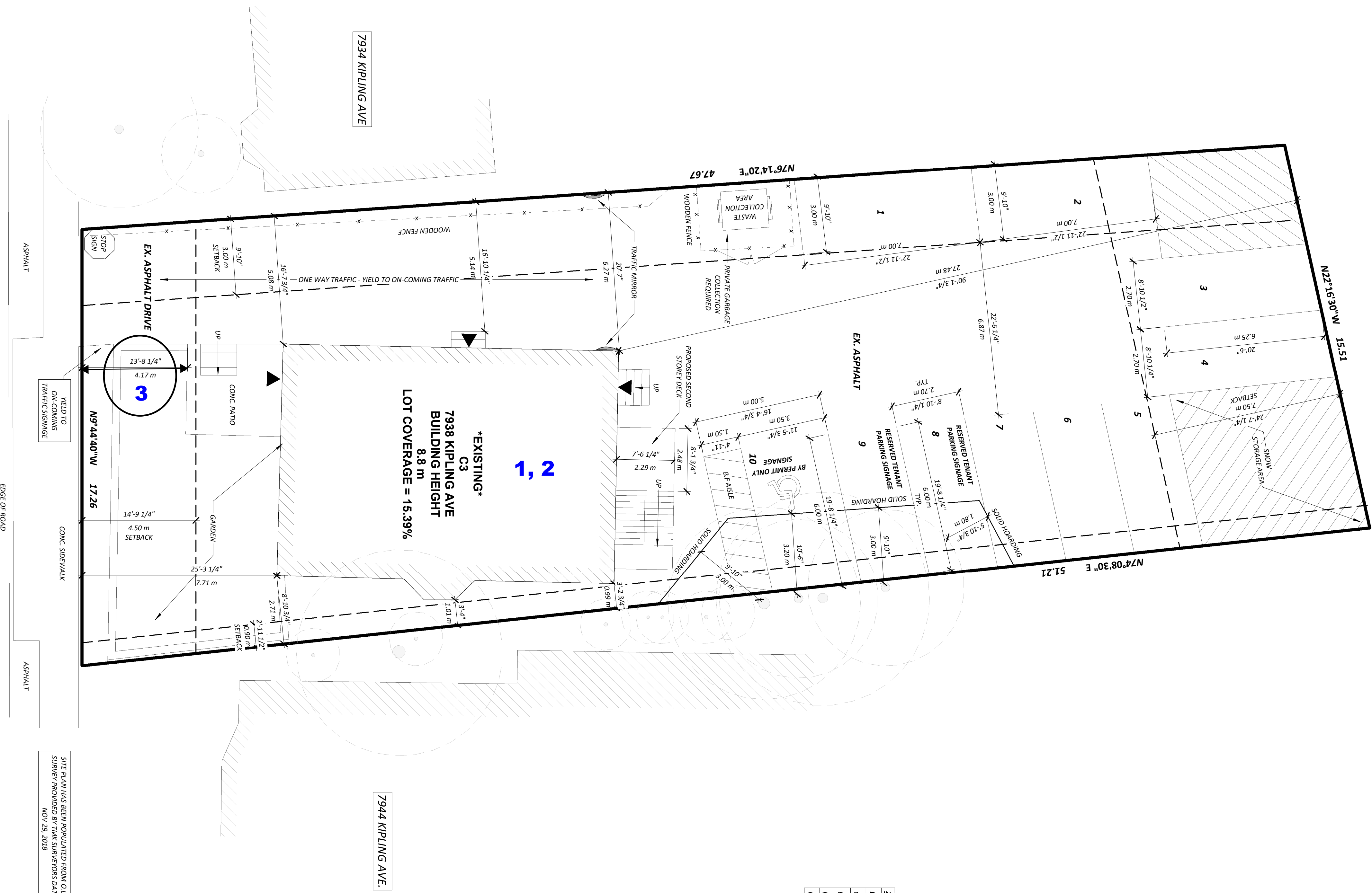




**A001/22**

#	Zoning By-law 01-2021 Variance requested
1	To permit a Financial Institution; Clinic; Office; Personal Service; Pharmacy; Video Store on the ground floor.
2	To permit a Dwelling Unit on the second floor.
3	To permit a minimum width of all driveways of 4.1 metres.

Zoning By-law 1-88	
Variance requested	
	NONE



PROJECT STATISTICS			
ADDRESS:	7938 Riving Ave, Vaughan, ON		
ZONING:	C3		
LOT AREA:			805m <sup>2</sup>
LOT FRONTAGE:			17.26m
GROSS FLOOR AREA			
GROUND FLOOR:	EXISTING	PROPOSED	TOTAL
SECOND FLOOR:	76m <sup>2</sup>	N/A	76m <sup>2</sup>
TOTAL GFA:	195m <sup>2</sup>	N/A	195m <sup>2</sup>
LOT COVERAGE			
BUILDING FOOTPRINT:	EXISTING	PROPOSED	TOTAL
FRONT PORCH:	7.66m <sup>2</sup>	0m <sup>2</sup>	7.66m <sup>2</sup>
SECOND FLOOR DECK:	0m <sup>2</sup>	6.54m <sup>2</sup>	6.54m <sup>2</sup>
TOTAL LOT COVERAGE:	133m <sup>2</sup> (16%)	6.54m <sup>2</sup> (0.8%)	139.20 m <sup>2</sup> (17%)
LANDSCAPED SOFT AREA			
LANDSCAPED AREA:			106m <sup>2</sup> (13%)
HARD SURFACED AREA:			562m <sup>2</sup> (69%)

ZONING SCHEDULE:		DESCRIPTION		ALLOWABLE		PROPOSED	
GRA	N/m <sup>2</sup>	139.52	MIN. FRONT YARD	4.5 m	EXISTING m		
LOT AREA	MIN. 6500.2	8055.02	MIN. REAR YARD	7.5 m	EXISTING m		
LOT FRONTAGE	MIN. 15.5 m	17.26 m	MIN. SIDE YARD	3 m	EXISTING m		
MAX. HEIGHT	9.5 m	8.0 m	MIN. SIDE YARD	0.9 m	EXISTING m		

Revision Schedule		
No.	Description	Date
1	Issued for Permit	02/10/2021

Revision Schedule		
No.	Description	Date
1	Issued for Permit	02/10/2021

1. THESE DRAWINGS MUST BE CHECKED BY THE CUSTOMER OR CONTRACTOR, ANY ERRORS OR OMISSIONS MUST BE RECORDED IN WRITING TO AVOID A DESIGN & PROTECT DOCUMENTATION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. OWNER OR CONTRACTOR MUST CHECK AND VERIFY ALL SITE CONDITIONS BEFORE PROCEEDING WITH THE WORK.
3. ALL DIMENSIONS SHOWN ON THESE DRAWINGS MUST BE CHECKED AGAINST ALL DIMENSIONS OF THE EXISTING STRUCTURES MUST BE RECORDED TO BE CONSISTENT BEFORE PROCEEDING WITH THE WORK.
4. FOR CONSTRUCTION PURPOSES, USE ONLY THE LATEST APPROVED DRAWINGS LABELLED "ISSUED FOR CONSTRUCTION".
5. DO NOT SCALE THE DRAWINGS.



**Nutima**  
DESIGN & PROJECT MANAGEMENT

Project Status:  
**ISSUED FOR  
PERMIT**

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

WEEKLY REPORT	359/25
NAME	SIGNATURE
	BCW
REGISTRATION INFORMATION	
Required unless design is exempt under 2.2.4 of Division C of the Building Code.	
Nuerna Design & Project Management Inc. 115984	
FIRM NAME	BCW

**NUTIMA DESIGN & PROJECT  
MANAGEMENT INC.**  
ADMIN@NUTIMA.CA  
289-327-1311

Address:  
Kipling Ave.  
Interior A/t.

2021 - 04	
Drawn By: A.K	Date: FEB 2021

No.: **A100**



SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

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

**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](mailto:stephen.cranley@alectrautilities.com)

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

**Email:** [Mitchell.Penner@alectrautilities.com](mailto:Mitchell.Penner@alectrautilities.com)

## Lenore Providence

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**Subject:** FW: [External] RE: Request for Comments: A001/22 (7938 Kipling Avenue, Woodbridge)

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

**Sent:** February-08-22 8:47 AM

**To:** Lenore Providence <Lenore.Providence@vaughan.ca>

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

**Subject:** [External] RE: Request for Comments: A001/22 (7938 Kipling Avenue, Woodbridge)

Good morning Lenore,

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

*Gabrielle*

**Gabrielle Hurst mcip rpp** | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer

**From:** Nancy Tuckett, Director of Development Planning

**Date:** March 03, 2022

**Name of Owner:** National Capital Financial Inc.

**Location:** 7938 Kipling Avenue

**File No.(s):** A001/22

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**Proposed Variance(s) (By-law 001-2021):**

1. To permit a Financial Institution; Clinic; Office; Personal Service; Pharmacy; Video Store on the ground floor.
2. To permit a Dwelling Unit on the second floor.
3. To permit a minimum width of all driveways of 4.1 m.

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

1. A Financial Institution; Clinic; Office; Personal Service; Pharmacy; Video Store is not a permitted use on the ground floor. (Exception 14.722.1)
2. A Dwelling Unit is not a permitted use on the second floor. (Exception 14.722.2)
3. The minimum width of all driveways shall be 4.81 m. (Exception 14.722.2 3)

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

None.

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

The proposal is in compliance with By-law 1-88.

**Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use", subject to Volume 2, Section 11.5 – Kipling Avenue Corridor Secondary Plan.

**Comments:**

The Owner is requesting permission to permit a previously approved range of commercial and office uses on the ground floor and a dwelling unit on the second floor of an existing two-storey building, and a reduced driveway width, subject to the above-noted variances.

Vaughan Council, on December 17, 2019, approved Zoning By-law Amendment File Z.19.005, and subsequently adopted By-law 122-2020 on September 29, 2020, to permit a full range of "C3 Local Commercial Zone" uses on the ground floor and one residential unit on the second floor of the existing building on the subject lands. On October 20, 2021, Vaughan Council enacted Zoning By-law 001-2021 Citywide, to replace the existing Zoning By-law 1-88; however, the zoning permissions established under Zoning By-law 122-2020 were not carried over to Zoning By-law 001-2021.

The Development Planning Department has no objections with the requested variances as they conform to VOP 2010 and implement Zoning By-law 122-2020. The zoning permissions established under Zoning By-law 122-2020 are anticipated to be formally carried over to Zoning By-law 001-2021 in Spring of 2022 through a City-initiated housekeeping amendment.

Accordingly, the Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

**Recommendation:**

The Development Planning Department recommends approval of the application.

**Conditions of Approval:**

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

None

**Comments Prepared by:**

Michael Torres, Planner I

Chris Cosentino, Senior Planner

<b>SCHEDULE C: PUBLIC &amp; APPLICANT CORRESPONDENCE</b>
--

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant / Authorized Agent	Arlene Beaumont,		12/07/2021	Justification Letter





**W. E. OUGHTRED and Associates Inc.**

Real Estate Analysts / Development Consultants

December 7, 2021

City of Vaughan  
Committee of Adjustment  
2141 Major Mackenzie Drive  
Vaughan, ON  
L6A 1T9

Attention: Ms. Christine Vigneault, Secretary Treasurer

Dear Ms. Vigneault:

**Re: Application for Minor Variance  
7938 Kipling Avenue**

---

We are hereby submitting the above-noted minor variance application for consideration by the Committee of Adjustment. The following is some background information that will help to explain the reason that the variances are required.

National Capital Financial Inc. purchased the property at 7938 Kipling Avenue in September 2015. At the time of the purchase, the property was zoned C3-Exception 1054, Schedule E-1153 under By-law 1-88. The purchaser was not aware that Exception 1054 limited the permitted use of the building to a bridal store on the ground floor with associated work space on the second floor. In 2019, the property owner retained our firm to pursue a rezoning application to permit additional C3 uses. Follow a pre-application meeting with City staff on February 1, 2019 and we submitted the application in April 2019 (File Z.19.005).

After submission of the application, planning staff advised that due to fact that the property was designated Mixed Use, Mid- Rise in the Kipling Avenue Corridor Secondary Plan, the proposal would have to include a residential component otherwise an Official Plan Amendment would be required. The property owner agreed to construct a one bedroom apartment on the second floor of the building. An application for Development Approval was submitted in September, 2019 (File DA.19.0065). City Council approved the rezoning application on September 29, 2020 and following the appeal period, By-law 122-2020 came into full force and effect. Development Approval was granted in December 2020. The property owner submitted an application for a Building Permit to construct the second storey apartment in February 2021. The building permit has not yet been finalized.

National Capital Financial Inc. has recently listed the property for sale. In November, a potential purchaser requested a Letter of Use from the City for a proposed dental office. The letter indicated that a dental office was permitted under By-law 1-88 but not under the new Comprehensive Zoning By-law 001-2021. Upon further investigation, we found that the site is zoned GMU-722 under By-law 001-2021 (General Mixed Use, Exception 722) and that the site specific zoning that was approved in 2020 was not carried over into By-law 001-2021. Exception 722 is attached.

We have had several emails with Chris Cosentino, the City Planner who assisted with the rezoning application. Mr. Cosentino advised that City staff would have to carry out an administrative exercise to correct the zoning for this property under By-law 001-2021. In the

2140 Winston Park Drive, Suite 28, Oakville, Ontario L6H 5V5  
Tel.: 905-822-5644 Fax: 905-822-9349 email: [williamoughtred@on.aibn.com](mailto:williamoughtred@on.aibn.com)

meantime, we have been advised to apply for a minor variance to permit all the uses that were included in By-law 122-2020 as well as the site specific provisions for parking, driveway width, and front yard landscape area and to permit the driveways, parking spaces and maneuvering areas to consist of compact ground. I am attaching a copy of By-law 122-2020 for your reference.

We would like to request that the application fees for the minor variance application be waived, given that the need for the variance is related to an error on the part of City staff. Section 69 (2) of the Planning Act provides for a Committee of Adjustment to reduce or waive a fee in respect of an application where the Committee is satisfied that it would be unreasonable to require payment in accordance with the tariff. It is our opinion that it is unreasonable to require payment of the application fee, in this instance.

We trust that this letter has provided sufficient background information for the Committee. Please do not hesitate to contact me should you require any additional information.

Yours truly,

A handwritten signature in blue ink, appearing to read "Arlene Beaumont".

Arlene Beaumont, M.P.I.  
W.E. Oughtred and Associates Inc.

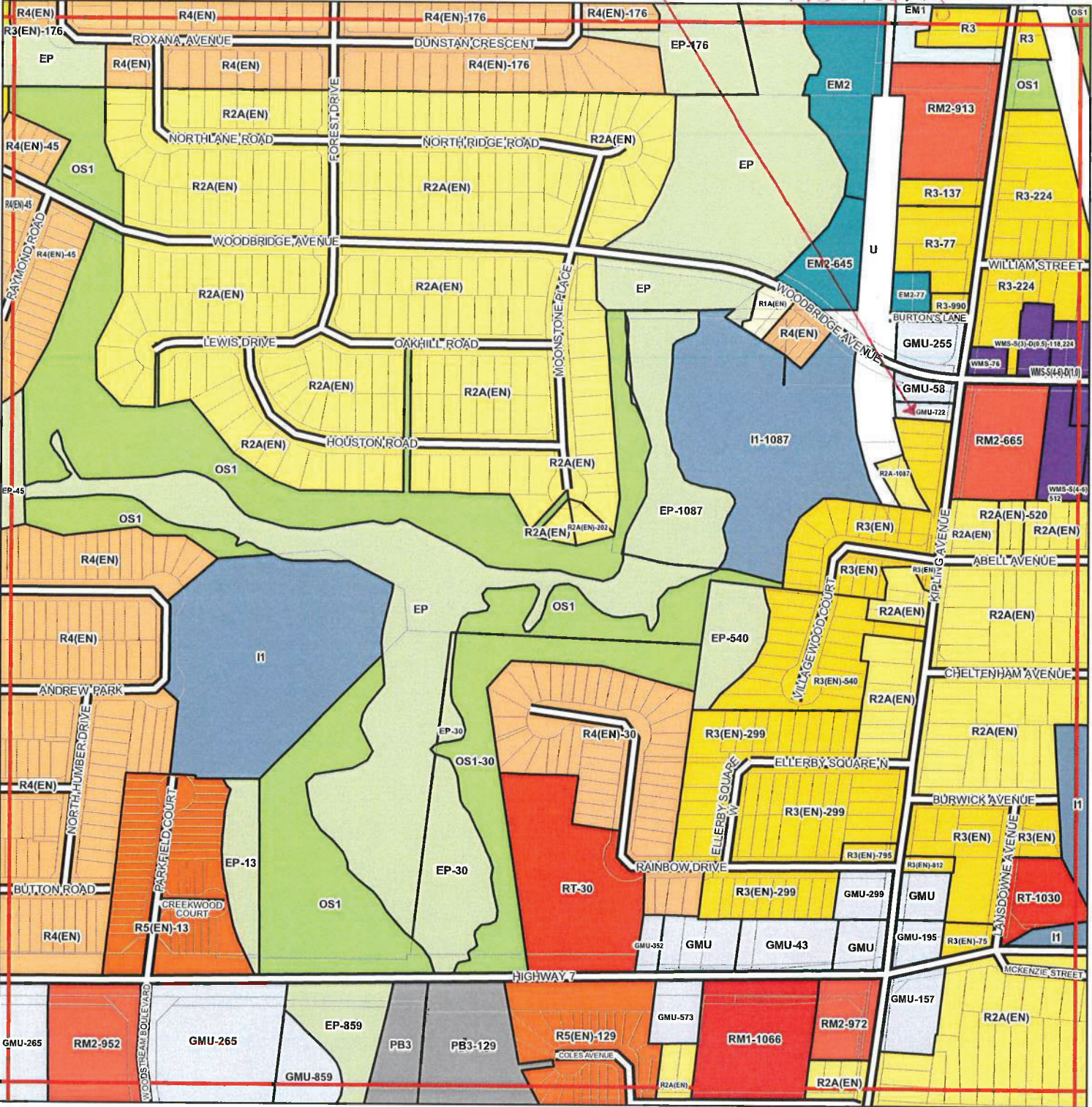
Attachments:

1. Minor Variance Application
2. By-law 122-2020
3. Exception 722 to By-law 001-2021



Zoning By-law 001- 2021  
Schedule A | Map 45

Subject Property  
7938 Kipling Ave



**Conservation, Open Space and Agricultural Zones**

- A (Agriculture Zone)
- OS1 (Public Open Space Zone)
- OS2 (Private Open Space Zone)
- EP (Environmental Protection Zone)

**Vaughan Metropolitan Centre Zones**

- V1 (Station Precinct Zone)
- V2 (South Precinct Zone)
- V3 (Neighbourhood Precinct Zone)
- V4 (Employment Precinct Zone)

**Residential Zones**

- R1 (First Residential Zone)
- R2 (Second Residential Zone)
- R3 (Third Residential Zone)
- R4 (Fourth Residential Zone)
- R5 (Fifth Residential Zone)
- RT (Townhouse Zone)
- RM1 (Multiple Residential Zone 1)
- RM2 (Multiple Residential Zone 2)
- RE (Estate Residential Zone)

**Commercial Zones**

- GC (General Commercial Zone)
- NC (Neighbourhood Commercial Zone)
- CC (Convenience Commercial Zone)
- SC (Service Commercial Zone)

**Mixed-Use Zones**

- LMU (Low-Rise Mixed-Use Zone)
- MMU (Mid-Rise Mixed-Use Zone)
- HMU (High-Rise Mixed-Use Zone)
- GMU (General Mixed-Use Zone)
- CMU (Community Commercial Mixed-Use Zone)

**Employment Zones**

- EM1 (Prestige Employment Zone)
- EM2 (General Employment Zone)
- EM3 (Mineral Aggregate Operation Zone)

**Other Zones**

- I1 (General Institutional Zone)
- I2 (Major Institutional Zone)
- U (Utility Zone)
- FD (Future Development Zone)
- PB1 (Parkway Belt Public Use Zone)
- PB2 (Parkway Belt Complementary Use Zone)
- PB3 (Parkway Belt West Recreational Zone)

These lands shall not be subject to Zoning By-law 2021-01

**VAUGHAN WSP**

83	84	85	86	87
63	64	65	66	67
43	44	45	46	47
23	24	25	26	27
3	4	5	6	7

Final: May, 2021

1:5,000



Exception 722 from By-law 001-2021

14.722

Exception Number 722	Legal Description: 7938 Kipling Avenue
Applicable Parent Zone: GMU	
Schedule A Reference: 45	Figure E Link (if applicable)
By-law / Tribunal Decision Reference	Figure T Link (if applicable)
14.722.1 Permitted Uses	
<div>1. The only permitted use on the ground floor shall be a retail use.</div> <div>2. The second storey and basement shall be used for storage purposes accessory to the main use.</div> <div>3. An office use accessory to the main use shall be permitted on the second floor.</div>	
14.722.2 154.1.2 Lot and Building Requirements	
<div>1. The existing landscaped open space on the subject lands shall be the minimum landscaping required.</div> <div>2. The two existing accessory buildings located in the rear yard as shown on Figure E-1153 shall have a minimum interior side yard of 0.59 m.</div> <div>3. The minimum width of all driveways shall be 4.81 m.</div>	
14.722.3 Parking	
<div>1. The minimum parking space requirement shall be 5 parking spaces.</div>	
14.722.4 Other Provisions	
<div>1. All driveways, parking spaces, and maneuvering areas shall consist of compacted ground.</div>	

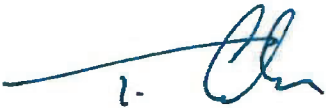
THE CORPORATION OF THE CITY OF VAUGHAN


IN THE MATTER OF Section 34,  
Subsections (18) and (19) of  
the Planning Act, R.S.O. 1990, c.P.13

I, TODD COLES, of the Township of King City, make oath and say:

- 1. THAT I am the City Clerk of the Corporation of the City of Vaughan and as such, have knowledge of the matters hereinafter deposed to.
- 2. THAT By-law Number 122-2020 was passed by the Council of the Corporation of the City of Vaughan on the 29th day of September, 2020, and written notice was given on the 13th of October, 2020 in the manner and form and to the persons prescribed in Regulation 199/96.
- 3. THAT no notice of appeal setting out an objection to By-law 122-2020 was filed with me within twenty (20) days from the date of written notice of the passing of the by-law.
- 4. THAT By-law Number 122-2020 is deemed to have come into effect on the 29th of September, 2020.

SWORN BEFORE ME in the City  
of Vaughan, in the Regional  
Municipality of York, this 10<sup>th</sup>  
day of November, 2020

  
TODD COLES

  
A Commissioner, etc.

Isabel Leung  
Deputy City Clerk, City of Vaughan  
A Commissioner, etc.

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 122-2020**

**A By-law to amend City of Vaughan By-law 1-88 as amended by By-law 237-99.**

**WHEREAS** the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

**AND WHEREAS** there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:

a) Deleting Exception Paragraph 9(1054) in its entirety and substituting therefor with the following:

“(1054) Notwithstanding the provisions of:

- a) Section 3.8 and Subsection 3.8(g) and (k) respecting parking requirements;
- b) Sections 3.13 and 5.1.1 respecting landscaping requirements for a Commercial Zone;
- c) Sections 3.14, 5.1.5 and Schedule “A” respecting yard requirements; and
- d) Section 5.4 respecting uses permitted in the C3 Local Convenience Commercial Zone.

The following provisions shall apply to the lands shown as Subject Lands on Schedule “E-1153”:

- ai) A minimum of 10 parking spaces shall be provided;
- aii) The minimum width of all egress and ingress driveways shall be 4.10 m and all driveways, parking spaces and



maneuvering areas shall consist of compacted ground.”;

bi) A minimum landscaped area of 105 m<sup>2</sup> in the front yard shall be provided;

ci) All buildings and structures shall be located within the area described as “Building Envelope” on Schedule “E-1153”; and

di) The following uses shall be permitted:

i. On the ground floor only:

- Bank or Financial Institution;
- Business or Professional Office;
- Personal Service Shop;
- Pharmacy;
- Photography Studio;
- Retail Store; and
- Video Store.

ii. A residential unit on the second floor only.

b) Deleting Schedule “E-1153” and substituting therefor the Schedule “E-1153” attached hereto as Schedule “1”.

2. Schedule “1” shall be and hereby form part of this By-law.

Enacted by City of Vaughan Council this 29<sup>th</sup> day of September, 2020.

  
Hon. Maurizio Bevilacqua, Mayor

  
Todd Coles, City Clerk



**SUMMARY TO BY-LAW 122-2020**

The lands subject to this by-law are located on the west side of Kipling Avenue, south of Woodbridge Avenue, being Part of Lot 7, Concession 8, municipally know as 7938 Kipling Avenue, City of Vaughan.

The purpose of this by-law is to permit the full range of C3 Local Commercial Zone uses on the ground floor and one residential unit on the second floor of the existing building on the subject lands.



LOCATION MAP  
TO BY-LAW 122-2020

FILE: Z.19.005  
RELATED FILE: DA.19.065  
LOCATION: Part of Lot 7, Concession 8  
APPLICANT: National Capital Financial Inc.  
CITY OF VAUGHAN

