

### COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A009/21

AGENDA ITEM NUMBER: 11	CITY WARD #: 4
APPLICANT:	Stonestar Corporation
AGENT:	Tina Arruda - Trinistar Corporation
PROPERTY:	8555 Jane Street, Bldg B, Unit 14
ZONING DESIGNATION:	The subject lands are zoned C7 9(1050) and subject to the provisions of Exception under By-law 1-88 as amended
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Prestige Employment"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Permission is being sought under Section 45 (2)(i) of the Planning Act, to permit the expansion of a legal non-conforming use to accommodate the relocation of an existing restaurant from Units 5 & 6 to Units 1 to 4 on site.

#### 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	X	$\boxtimes$		General Comments
Building Standards (Zoning Review)	$\boxtimes$	$\boxtimes$		General Comments
Building Inspection (Septic)	X			
Development Planning	$\boxtimes$	$\boxtimes$		Application Under Review
Development Engineering	$\boxtimes$	$\boxtimes$	$\boxtimes$	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	$\boxtimes$	$\boxtimes$		No Comments no concerns
By-law & Compliance, Licensing & Permits	$\boxtimes$			No Comments Recieved to Date
Development Finance	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Real Estate				
Fire Department	$\boxtimes$			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	$\boxtimes$			
Ministry of Transportation (MTO)	$\boxtimes$			
Region of York	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Alectra	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Bell Canada	X			
YRDSB				
YCDSB				
CN Rail				
CP Rail				

TransCanada Pipeline		
Metrolinx		
Propane Operator		

#### **PUBLIC & APPLICANT CORRESPONDENCE**

\*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant / Authorized Agent	Tina Arruda		01/03/2022	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	Decision Outcome	
	MM/DD/YYYY		
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 A009/22

FILE MANAGER: Lenore Providence, Administrative Coordinator - Committee of Adjustment

AGENDA ITEM NUMBER: 11	CITY WARD #: 4
APPLICANT:	Stonestar Corporation
AGENT:	Tina Arruda - Trinistar Corporation
PROPERTY:	8555 Jane Street, Bldg B, Unit 14
ZONING DESIGNATION:	The subject lands are zoned C7 9(1050) and subject to the provisions of Exception under By-law 1-88 as amended
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Prestige Employment"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Permission is being sought under Section 45 (2)(i) of the Planning Act, to permit the expansion of a legal non-conforming use to accommodate the relocation of an existing restaurant from Units 5 & 6 to Units 1 to 4 on site.

The following variances are being requested from the City's Zoning By-law to accommodate the above proposal:

The subject lands are zoned EM1, Prestige Employment Area and subject to the provisions of Exception 14.718 under Zoning By-law 01-2021.

Zoning By-law 01-2021	Variance requested
A Restaurant is not a permitted use on the	To permit the expansion of a legal non-conforming
subject lands. [11.2.1, Table 11-2]	use (existing Restaurant).

The subject lands are zoned C7 Service Commercial and subject to the provisions of Exception 9(1050) under Zoning By-law 1-88, as amended.

Zoning By-law 1-88	Variance requested
None Required	

#### **HEARING INFORMATION**

DATE & TIME OF HEARING:Thursday, 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 <u>Vaughan.ca/LiveCouncil</u>

If you wish to speak to the Committee of Adjustment on an application please complete and submit a <u>Public Deputation Form</u> to <u>cofa@vaughan.ca</u> 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 <u>cofa@vaughan.ca</u>

For more information, please visit the City of Vaughan website.

#### INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider the following:

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

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

COMMITTEE OF ADJUSTMENT COMMENTS			
Date Public Notice Mailed:	February 16, 2022		
Date Applicant Confirmed Posting of Sign:	February 7, 2022		
Applicant Justification for Variances: *As provided by Applicant in Application Form	As a result of By-law 1-2021, which changed the zoning designation of this property from Service Commercial (C7) to Prestige Employment Area (EM1), the existing eating establishment use currently occupying units 5-6, is not permitted to expand within units 1-4.		
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None		
<ul> <li>Was a Zoning Review Waiver (ZRW) Form</li> <li>*ZRW Form may be used by applicant in instance and zoning staff do not have an opportunity to revissuance of public notice.</li> <li>*A revised submission may be required to addres part of the application review process.</li> <li>*Where a zoning review has not been completed provided to the applicant to adjourn the proposal</li> </ul>	es where a revised submission is made, view and confirm variances prior to the as staff / agency comments received as on a revised submission, an opportunity is		
Adjournment Fees: In accordance with Procedural By-law 069-2019, after the issuance of public notice where a reques issuance of public notice.	an Adjournment Fee is applicable to reschedule an application st for adjournment has been provided to the applicant prior to the nces where adjournment of an application is requested by the		

Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

#### **BUILDING STANDARDS (ZONING) COMMENTS**

Stop work orders and orders to comply: There are no outstanding Orders on file

Building Permit(s) Issued: Building Permit No. 21-121360 for Multi-Use (Comm. Speculative) - Alteration, Issue Date: Sep 12, 2021

Building Permit No. 04-004009 for Business and Prof. Office Unit - Interior Unit Alteration, Issue Date: Dec 23, 2004

Building Permit No. 21-133471 for Eating Establishment - Interior Unit Alteration, Issue Date: (Not Yet Issued)

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

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority.

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

### **BUILDING STANDARDS (ZONING) COMMENTS**

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.

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.

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. Building Standards Recommended Conditions of Approval:

#### **DEVELOPMENT PLANNING COMMENTS**

Application under Review.

Development Planning Recommended	TBD
Conditions of Approval:	

Ι	DEVELOPMENT	ENGINEERING	COMMENTS

The Development Engineering (DE) Department does not object to variance application A009/22.

Development Engineering Recommended Conditions of Approval: None

#### PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry has no comments at this time

PFH Recommended Conditions of None Approval:

#### **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	None
Conditions of Approval:	

#### **BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS**

No comments received to date.

BCLPS Recommended Conditions of Approval:

None

#### **BUILDING INSPECTION (SEPTIC) COMMENTS**

No comments received to date.	
Building Inspection Recommended Conditions of Approval:	None

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

SCHEDULES TO STAFF REPORT			
*See Schedule for list of correspondence			
Schedule A Drawings & Plans Submitted with the Application			
Schedule B	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	TBD
	roberto.simbana@vaughan.ca	

#### **IMPORTANT INFORMATION – PLEASE READ**

**CONDITIONS:** It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

**APPROVALS:** Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.

**DEVELOPMENT CHARGES:** That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

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

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

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

# SCHEDULE A: DRAWINGS & PLANS





### SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	<b>Comments Received</b>	Conditions	Nature of Comments
TRCA	$\boxtimes$			
Ministry of Transportation (MTO)	$\boxtimes$			
Region of York	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Alectra	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Bell Canada	$\boxtimes$			
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				
Development Planning	$\boxtimes$			Application Under Review



#### COMMENTS:

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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*: <u>stephen.cranley@alectrautilities.com</u>

Mitchell Penner

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

Email: Mitchell.Penner@alectrautilities.com

#### **Lenore Providence**

Subject:

FW: [External] Minor Variance A009/22 - Regional Comments

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

# Sent: February-02-22 3:52 PM

To: Lenore Providence <Lenore.Providence@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] Minor Variance A009/22 - Regional Comments

Good afternoon Lenore,

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

#### Gabrielle

**Gabrielle Hurst mcip rpp** |Programs and Process Improvement |Planning and Economic Development Branch | Corporate Services Department | The Regional Municipality of York| 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca |www.york.ca

### SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant / Authorized Agent	Tina Arruda		01/03/2022	Justification Letter



January 3, 2022

City of Vau Office of the 2141 Major Vaughan, Or L6A 1T1	City Clerk Mackenzie Drive
Attention:	Christine Vigneault, AMP, ACST Manager, Development Services & Secretary Treasurer to the Committee of Adjustment
RE:	Minor Variance Application 8555 Jane Street, Bldg. B Trimani Ristorante

Trimani Ristorante is located at 8555 Jane Street, Building B, and currently occupies units 5-6. As one of the original businesses of this commercial development, Trimani has been in operation for the past 22 years.

Trimani have expressed an interest in expanding their floor area by relocating to units 1-4, as these units have recently become vacant. Increasing their floor area will allow them to offer a dedicated take-out counter with a separate entrance, a much larger cooler and freezer room, a private dining room for special occasions, and a larger bar area.

Your consideration for allowing this successful, long standing business to operate in a greater capacity is greatly appreciated.

Thank you.

Yours truly,

#### STONESTAR CORPORATION

Tina Arruda,

Project Planner

# SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None.		