

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: September 11, 2024
Name of Owners: First Vaughan Investments & SmartVMC West Inc.
Location: 775 Applewood Crescent
File No.(s): A104/24

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

1. To permit a minimum interior side yard of 0.0 m to the accessory building (change rooms and accessory office).

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

1. A minimum interior side yard of 1.0 m is required.

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

2. To permit an All-Season Sports Facility in an OS2 Zone.
3. To permit a minimum interior side yard setback of 0.0 m to the All-Season Sports Facility.
4. To permit a minimum exterior side yard setback of 4.0 m to the All-Seasons Sports Facility.
5. To permit a minimum rear yard setback of 13.0 m to the All-Season Sports Facility.
6. To permit a maximum building height of 13.0 m for the All-Season Sports Facility.

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

2. An All-Season Sports Facility is not a permitted use in an OS2 Zone.
3. A minimum 15.0 m interior side yard is required to the All-Season Sports Facility.
4. A minimum 15.0 m exterior side yard is required to the All-Season Sports Facility.
5. A minimum 15.0 m rear yard setback is required to the All-Season Sports Facility.
6. A maximum building height of 11.0 m is permitted for and OS2 zone.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Neighbourhood Precinct" by Volume 2, Section 11.12 Vaughan Metropolitan Centre Secondary Plan ('VMCPSP')

Comments:

The Owners are seeking relief to permit the use and construction of an All-Season Sports Facility (the 'Facility'), with the above noted variances. The Facility proposes tennis courts, and pickleball courts within 2 seasonal sports domes. In the fair weather, the domes will be removed, but a chain link fence encircling the Facility area will remain.

The Development Planning Department has no objection to Variance 2. The Facility is permitted within the "V3 – Vaughan Metropolitan Centre Neighbourhood Zone" under By-law 001-2021 as the use meets the definition of an "Urban Square" and "Privately Owned Public Space", both of which are listed as permitted uses. However, under Zoning By-law 1-88, the Subject Lands are zoned "OS2 – Open Space Park Zone". An All-Season Sports Facility is not a permitted use within the OS2 Zone. Development Planning Department Staff have no objection to the proposed variance to permit the Facility as it may be considered a like-use to "Recreational Use" which is a permitted use in OS2 Zone. Under Zoning By-law 1-88, the Recreational Use definition includes the use of land for parks, playgrounds, and racquet courts together with necessary and accessory buildings and structures. The Facility proposes a total of eight (8) tennis courts, and eight (8) pickleball courts within 2 seasonal sports domes (4 of each per dome). Although structures are not permitted in Open Space Zones, under By-law 1-88 the proposed uses within the Facility are permitted. The proposed use would provide recreational amenity space for visitors and residents in the VMC and would overall be desirable development of the Subject Lands.

The Development Planning Department has no objections to Variances 1 and 3 for the reduced easterly interior side yard setback. A building consisting of two connected trailers is proposed in the southeast portion of the Subject Lands. The building, containing the office and change room area, will serve as the main entryway for patrons to access the Facility. The perimeter of the Facility will be enclosed via a chain link fence. The 0.0 m side yard for the building is measured from the roof overhangs above the two entry doorways. The overhangs provide sheltered access. The building's walls are approximately 2 m from the east side lot line. The building directly abuts a vacant hardware store to the east (#100 Edgeley Boulevard), which are also currently held under the same ownership. While the proposed use does not have a parking requirement, a total of 12 parking spaces from the parking lot on the abutting lands to the east, 100 Edgeley Boulevard, are proposed for Facility use. There are currently no active Development Applications to redevelop 100 Edgeley Boulevard. The VMC's Development Engineering Division has reviewed the proposal and has no concerns regarding the proposed parking arrangement.

The Development Planning Department has no objections to Variances 4 and 5 for the reduced exterior (west lot line) and rear yard (south lot line) setbacks. Due to lot configuration (curvature of the westerly lot line), the 4 m exterior side yard setback is being measured from a pinch-point in the northwest corner of the Facility containing a tennis court. The other courts, and thus the walls of the Facility's dome structure, comply with all setback requirements. The 13 m rear yard setback is to accommodate the two southerly entrances (emergency exits) to the proposed southerly sports dome. The 2 m reduction to the required minimum rear yard setback is minimal in nature and is not anticipated to be perceptible from Apple Mill Road. There is sufficient separation between the reduced exterior and side yard setbacks to facilitate maintenance access, if required.

The Development Planning Department has no objection to Variance 6 for the proposed height of the seasonal air supported structures. While the courts are intended to be a permanent use, the air supported structures will be seasonally installed to permit year-round use of the Facility. The two proposed structures will have a dome shape, with the highest point measuring 11.6 m in height. Due to the dome shape, the walls of the structure curve away from the perimeter to meet in the centre of the dome. Therefore, the height of each dome structure gradually decreases towards its perimeter and the curvature of the dome helps reduce the overall massing of the structures.

Cultural Heritage Staff have noted that the Subject Lands may have some archaeological potential. As such, they have issued the following advisory comments in case of accidental discovery of deeply buried archaeological sites:

- i. Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Heritage, Tourism, Sport and Culture Industries and the City of Vaughan's Planning Department shall be notified immediately.
- ii. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services

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

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

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

None.

Comments Prepared by:

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