

ITEM: 6.8	REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A136/24
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Report Date: September 27, 2024

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES (SEE SCHEDULE B):**

Additional comments from departments and agencies received after the publication of the report will be made available on the City's [website](#).

Internal Departments <small>*Comments Received</small>	Conditions Required		Nature of Comments
Committee of Adjustment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Application Under Review
Development Engineering	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions
Development Finance	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Forestry	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

External Agencies <small>*Comments Received</small>	Conditions Required		Nature of Comments <small>*See Schedule B for full comments</small>
TRCA	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

PUBLIC & APPLICANT CORRESPONDENCE (SEE SCHEDULE C)

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 <small>(mm/dd/yyyy)</small>	Summary
Applicant			08/02/2024	Planning Justification Report

BACKGROUND (SCHEDULE D, IF REQUIRED)

* Background Information contains historical development approvals considered to be related to this file.
This information should not be considered comprehensive.

Application No. (City File)	Application Description <small>(i.e. Minor Variance Application; Approved by COA / OLT)</small>
N/A	N/A

ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

Hearing Date	Reason for Adjournment <small>(to be obtained from NOD_ADJ)</small>
N/A	N/A

SCHEDULES

Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Comments from Agencies, Building Standards & Development Planning
Schedule C (if required)	Public & Applicant Correspondence
Schedule D (if required)	Background



MINOR VARIANCE APPLICATION FILE NUMBER A136/24

CITY WARD #:	4
APPLICANT:	Mazahair Dhirani (Islamic Shia Ithna-Asheri Jamaat of Toronto)
AGENT:	Martin Quarcoopome (Weston Consulting)
PROPERTY:	9000 Bathurst Street, Vaughan
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	"Greenbelt Plan Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and "Low-Rise Residential" and "Natural Areas" by Schedule 13 – Land Use
RELATED DEVELOPMENT APPLICATIONS:	DA.22.037
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is requested to facilitate the development of a 6-storey senior's building and an 8-storey mixed-use apartment building as well as related Site Plan Application DA.22.037.

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

The subject lands are zoned RA3 (H) Apartment Residential Zone with a Hold Provision, and OS1, Open Space Conservation Zone subject to the provisions of Exception 9(1550) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
1	For buildings in excess of 11 metres in height, the interior side yard requirement shall be a minimum of 7.5 m or half the building height, whichever is greater. (Condo Building Height 25.8 m x ½ = 12.9 m interior side yard required)	To permit a minimum interior side yard of 1.0 m abutting an OS1 Zone.
2	For buildings in excess of 11 metres in height, the interior side yard requirement shall be a minimum of 7.5 m or half the building height, whichever is greater. (Seniors Building Height 19.75 m x ½ = 9.8 m interior side yard required.	To permit a minimum interior side yard of 6.4 m.
3	No building or structure other than for conservation or flood control project is permitted within the OS1 Open Space Conservation Zone.	To permit a maximum encroachment of 0.2 m for underground shoring.

HEARING INFORMATION

DATE OF MEETING: Thursday, October 3, 2024
TIME: 6:00 p.m.
MEETING LOCATION: Vaughan City Hall, Woodbridge Room (2nd Floor), 2141 Major Mackenzie Drive
LIVE STREAM LINK: 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

HEARING INFORMATION

To speak electronically, pre-registration is required by completing the [Request to Speak Form](#) on-line and submitting it to cofa@vaughan.ca no later than NOON on the last business day before the meeting.

THE DEADLINE TO REGISTER TO SPEAK ELECTRONICALLY 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.
- 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

Date Public Notice Mailed:	September 20, 2024
Date Applicant Confirmed Posting of Sign:	September 11, 2024
Applicant Justification for Variances: <small>*As provided in Application Form</small>	The variance regarding the exterior side yard setback is a technical variance since it was not addressed in the approved By-law from the Tribunal. The second variance pertains to a minor encroachment into the OS zone, involving a walkway and shoring structure necessary for the site's functionality.
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <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>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
COMMENTS:	
None	
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING)

**See Schedule B for Building Standards (Zoning) Comments	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING

**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	TBD

DEVELOPMENT ENGINEERING

Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
Development Engineering does not object to Minor Variance A136/24, subject to the attached condition.	
Development Engineering Recommended Conditions of Approval:	The Owner/Applicant shall satisfy the Development Engineering Department requirements for the related Site Plan Development Application (DA.22.037) and Subdivision Development Application (19T-22V004).

PARKS, FORESTRY & HORTICULTURE (PFH)

No comments received to date.

PFH Recommended Conditions of Approval:	None
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DEVELOPMENT FINANCE

No comment no concerns

Development Finance Recommended Conditions of Approval:	None
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BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES

No comments received to date.

BCLPS Recommended Conditions of Approval:	None
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BUILDING INSPECTION (SEPTIC)

No comments received to date.

Building Inspection Recommended Conditions of Approval:	None
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FIRE DEPARTMENT

No comments received to date.

Fire Department Recommended Conditions of Approval:	None
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RECOMMENDED CONDITIONS OF APPROVAL SUMMARY

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

#	DEPARTMENT / AGENCY	CONDITION
1	Development Planning Alyssa.Panqilinan@vaughan.ca	TBD
2	Development Engineering jonal.hall@vaughan.ca	The Owner/Applicant shall satisfy the Development Engineering Department requirements for the related Site Plan Development Application (DA.22.037) and Subdivision Development Application (19T-22V004).
3	TRCA yorkplan@trca.ca	That the applicant provides the required fee amount of \$1,250 payable to the Toronto and Region Conservation Authority.

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.

IMPORTANT INFORMATION

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.

IMPORTANT INFORMATION

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.

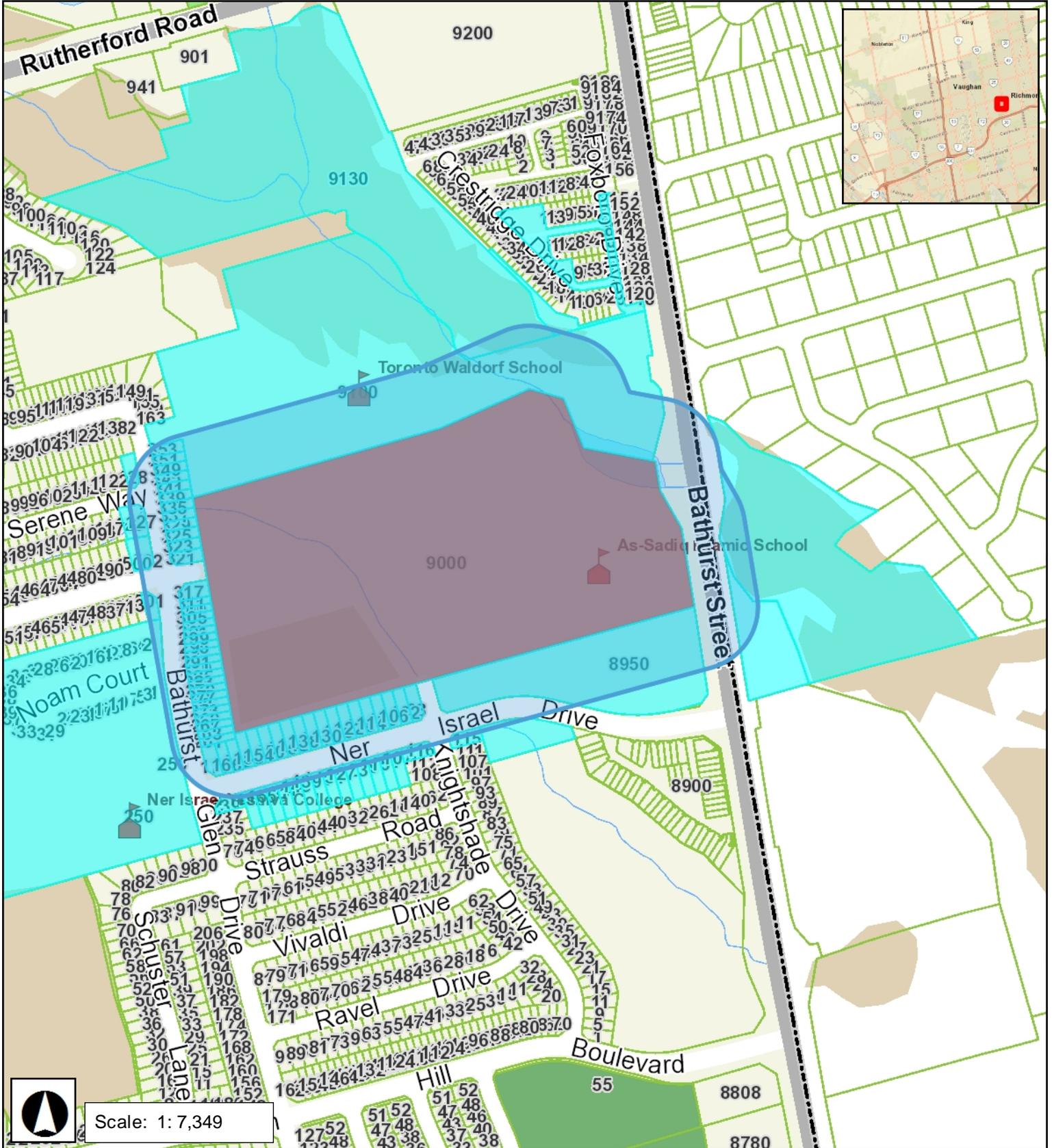
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

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:
COMMENTS FROM AGENCIES, BUILDING STANDARDS &
DEVELOPMENT PLANNING**

Department / Agency <small>*Comments Received</small>	Conditions Required		Nature of Comments
Building Standards (Zoning) *See Schedule B	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Application Under Review
TRCA	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

To: Committee of Adjustment
From: Gregory Seganfredo, Building Standards Department
Date: August 26, 2024
Applicant: Weston Consulting
Location: 9000 Bathurst Street
 CONC 2 Part of Lot 14
File No.(s): A136/24

Zoning Classification:

The subject lands are zoned RA3 (H) Apartment Residential Zone with a Hold Provision, and OS1, Open Space Conservation Zone subject to the provisions of Exception 9(1550) under Zoning By-law 1-88, as amended.

Zoning By-law 1-88		Variance requested
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2	For buildings in excess of 11 metres in height, the interior side yard requirement shall be a minimum of 7.5 m or half the building height, whichever is greater. (Seniors Building Height 19.75 m x ½ = 9.8 m interior side yard required.	To permit a minimum interior side yard of 6.4 m.
3	No building or structure other than for conservation or flood control project is permitted within the OS1 Open Space Conservation Zone.	To permit a maximum encroachment of 0.2 m for underground shoring.

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. 12-004351 for Recreation Facility (Commercial) - Interior Unit Alteration, Issue Date: Oct 19, 2012

Other Comments:

Zoning By-law 1-88	
1	None.

General Comments	
2	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
3	The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).
4	The subject lands may be subject to the Greenbelt Act 2005.

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.



2141 Major Mackenzie Drive
Vaughan, Ontario
Canada L6A 1T1
(905) 832-2281

From: [Development Services](#)
To: [Gianluca Russo](#)
Cc: [Committee of Adjustment Mailbox](#)
Subject: [External] RE: A136/24 (9000 BATHURST STREET_ - REQUEST FOR COMMENTS, CITY OF VAUGHAN
Date: Thursday, September 12, 2024 2:29:18 PM
Attachments: [image001.png](#)
[image003.png](#)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Hi Christine,

The Regional Municipality of York has completed its review of the minor variance application – A136/24 (9000 BATHURST STREET) and has no comment.

Please note Regional comments will continue to be provided through the related subdivision (19T-22V004) and Site Plan Files (DA.22.037 and DA.22.069).

Please provide us with a digital copy of the notice of decision for our records.

Many thanks,

Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours. Let's work together to help foster healthy work-life boundaries.

Niranjan Rajevan, M.Pl. | Associate Planner, Development Planning | Economic and Development Services Branch | Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | niranjan.rajevan@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Our Mission: **Working together to serve our thriving communities – today and tomorrow**

September 10, 2024

PAR-DPP-2024-00240
Ex Ref. CFN 67527, CFN 48661.06

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Christine Vigneault
Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Christine:

Re: Minor Variance Application A136/24
9000 Bathurst Street
Part of Lot 14; Concession 2
City of Vaughan, Regional Municipality of York
Owner: Islamic Shai Ithna-Asheri Jamaat (ISIJ)
Agent: Weston Consulting

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by Toronto and Region Conservation Authority (TRCA) on August 30, 2024. TRCA staff have reviewed the application and offer the following comments for the consideration of the Committee of Adjustment.

Purpose of the Application

It is our understanding that the purpose of the above noted application is to request the following variances:

By-Law 001-2021:

1. To permit a minimum interior side yard of 1.0 metres abutting an OS1 zone;
2. To permit a minimum side yard of 6.4 metres; and,
3. To permit a minimum encroachment of 0.2 metres for underground shoring.

It is the understanding of TRCA staff that the noted variances are required to facilitate the development of a 6-storey seniors' building and 8-storey mixed-use building.

Conservation Authorities Act

A portion of the subject property (9000 Bathurst Street) is within TRCA's Regulated Area due to a Valley Corridor and Regional Storm flood plain hazard associated with a tributary of the Don River Watershed. As such, a permit from TRCA pursuant to Conservation Authorities Act

– Section 28 would be required for any development or site alteration within TRCA's Regulated Area.

Application-Specific Comments

TRCA staff were involved in the review of Official Plan Amendment OP.13.013, Zoning By-law Amendment Z.13.036, Draft Plan of Subdivision 19T-22V004, and Site Development Application DA.22.037. OP.13.013 and Zoning By-law Amendment Z.13.036 were appealed to the Ontario Land Tribunal (OLT) by the applicant based upon the failure of the municipality to render a decision on the applications within the prescribed timeline. TRCA formally withdrew party status from the hearing on May 17, 2019, based upon previously identified issues including but not limited to the delineation of development limits, stormwater management design, and appropriate mitigation measures being addressed. The OLT confirmed approval of the amendments through an order dated June 24, 2022. Furthermore, TRCA provided a no objection correspondence to the approval of the Draft Plan of Subdivision and Site Development Application on August 20, 2024, subject to conditions outlined in the letter including permitting requirements.

The materials submitted as part of this application are consistent with the materials submitted as part of the Draft Plan of Subdivision and Site Development Application. The development limits provide for an appropriate setback to the regulated natural hazards and features as confirmed by TRCA's letter regarding 19T-22V004 and DA.22.037 on August 20, 2024.

Given the above, TRCA staff have no objection to the requested variances.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,250 (Minor Variance – Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Application A136/24 subject to the following conditions:

1. That the applicant provides the required fee amount of \$1,250 payable to the Toronto and Region Conservation Authority.

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. We trust these comments are of assistance.

Should you have any questions, please contact Cameron McDonald, Planner I at 437-880-1925 or at cameron.mcdonald@trca.ca.

Sincerely,

Cameron McDonald

Cameron McDonald
Planner I
Development Planning and Permits | Development and Engineering Services

Date: September 3rd 2024

Attention: Christine Vigneault

RE:

File No.: A136-24

Related Files:

Applicant Weston Consulting

Location 9000 Bathurst Street



Discover the possibilities

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:

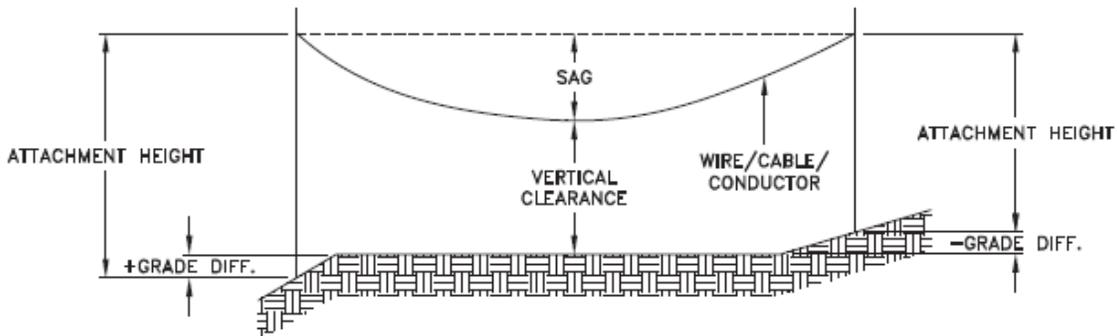
Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

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

Email: Mitchell.Penner@alectrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)				
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS AND BICYCLES ONLY</u>	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

CONVERSION TABLE

METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

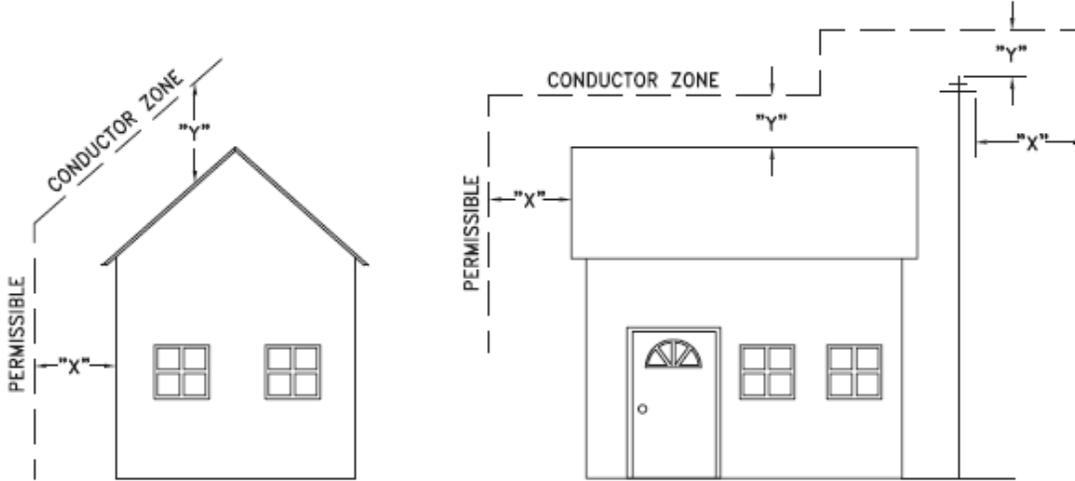
REFERENCES

SAGS AND TENSIONS | SECTION 02

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARANCE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Debbie Dadwani, P.Eng. 2010-MAY-05
Name Date
P. Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
PS:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working files\Section 3,3-4\DWG 03-4 R0 May 5, 2010.dwg, 5/5/2010 10:22:02 AM, Adobe PDF

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant			08/02/2024	Planning Justification Report

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

April 18, 2024
File 4750

Attn: Christine Vigneault, Manager, Development Services & Secretary-Treasurer

**RE: Minor Variance Application
9000 Bathurst Street
City of Vaughan
Related City File: Site Plan DA.22.037, DA.22.069, and Draft Plan of Subdivision 19T-22V004**

Weston Consulting has been retained by the Islamic Shia Ithna-Asheri Jamaat (ISIJ) to provide planning assistance as it relates to the property municipally known as 9000 Bathurst Street (herein referred to as “the Subject Lands”) in the City of Vaughan. This letter has been drafted to support a Minor Variance Application seeking relief from certain provisions of the City of Vaughan Zoning By-law 1-88, as amended by By-law 209-2022. This request is in response to comments raised by the Planning and Zoning departments during the processing of the active Site Plan Application (City File DA.22.037). It is our opinion that the proposed variances meet the four tests set out under Section 45(1) of the Planning Act. The rationale contained herein seeks to support this recommendation and our planning opinion.

Description of the Subject Lands

The Subject Lands are located on the west side of Bathurst Street, south of Rutherford Road and north of Ner Israel Drive, with an approximate area of 11.42 hectares (28.21 acres) and a frontage of 65.2 metres along Bathurst Street. The Subject Lands are currently occupied by the Jaffari Community Centre/Place of Worship, a private elementary school, a two-storey c1800 heritage house, a one-storey house (both vacant), and a storage building. The land adjacent to the Subject Lands to the north is occupied by Toronto Waldorf School, with residential, commercial and open space uses located further north. The lands located directly east of Bathurst and west of the Subject Lands are primarily occupied by residential subdivisions with areas of open space. To the south of the Subject Lands, there is an ongoing Official Plan and Zoning By-law Amendment Applications for the development of 10- and 12-storey buildings, consisting of 674 residential units. Further northeast of the Subject Lands, the East Don River, and its buffer are situated within the TRCA regulated area.



Figure 1 - Aerial of Subject Lands

Background

The Owner submitted Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) Applications to the City of Vaughan on October 15, 2013, and received approval from the Local Planning Appeal Tribunal (now 'Ontario Land Tribunal') in July 2019. These amendments sought to permit street townhouses on the west side of the property, a mid-rise block along Bathurst St. and delineate the open space valley lands to the east. Official Plan and Zoning By-law Amendments are now in full force and effect.

Concurrent Site Plan Application and Draft Plan of Subdivision

Weston Consulting has been assisting the owner in the process of Site Plan Approval (Town File DA.22.037) to facilitate the development of a 6-storey seniors' building and an 8-storey mixed-use building within the eastern portion of the Subject Lands. This Application is intended to implement the zoning that permits these uses and built form. Additionally, a Draft Plan of Subdivision application (Town File 19T-22V004) is linked to this Site Plan Application to subdivide the Subject Lands into parcels. Block 2 of the Draft Plan of the Subdivision will be created through this application to accommodate the proposed development (Figure 2). Block 2 is partially within the Toronto Region Conservation Authority (TRCA) regulated area. The latest Site Plan resubmission was circulated in October 2023 to external commenting agencies and City departments. Through this review process, comments regarding zoning compliance were raised by the Planning staff and it has been confirmed that variances are required as detailed further in this letter. It is important to note that the Site Plan application is in the final stages of the approval process and no changes to the proposed building footprints are expected. It is our understanding that the Staff is supportive of the submission of a Minor Variance application at this time in the planning process.

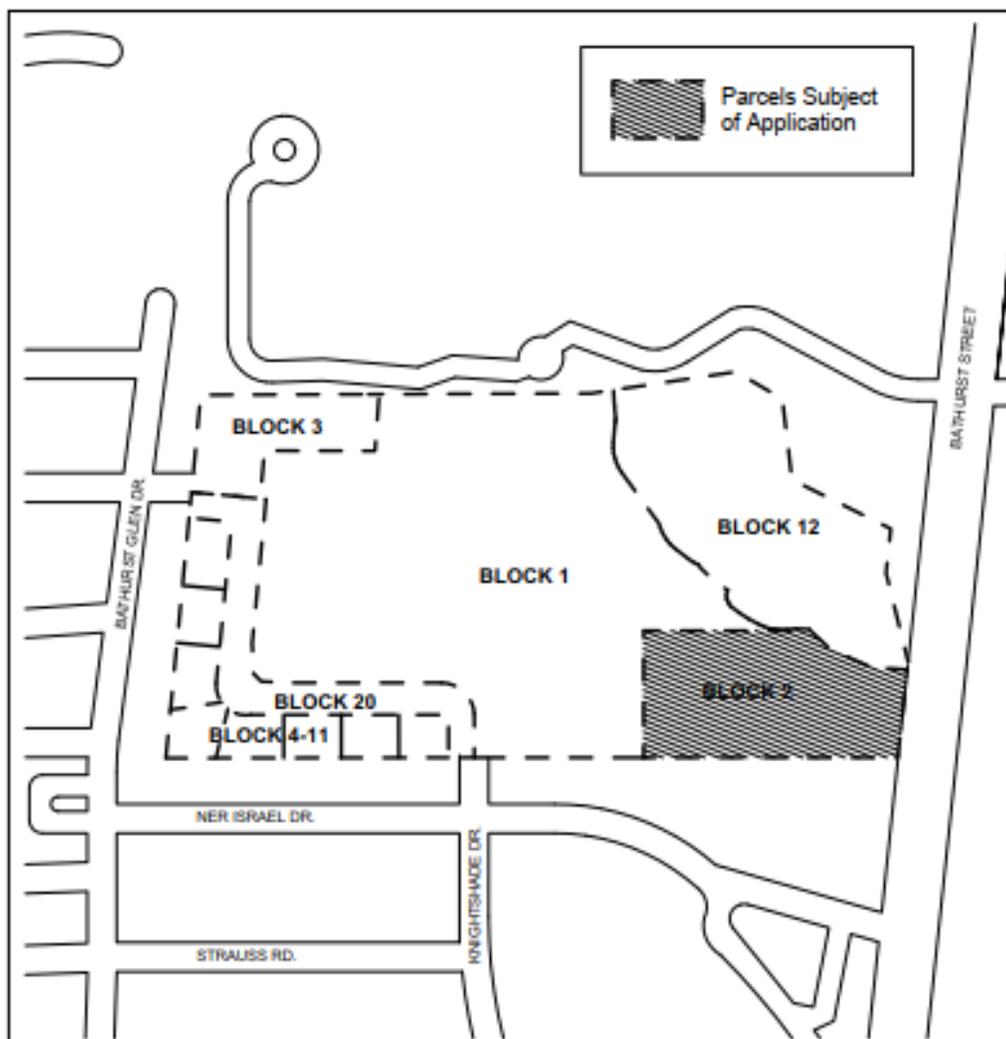


Figure 2- Extent of Block Plan

Description of the Proposed Development

The proposed development contemplates a 6-storey senior's building and an 8-storey mixed-use apartment building with a total of 283 residential units, and 400 total parking spaces both below grade and at grade. The residential apartment building comprises a total GFA of 12,710 square meters including 12,450 square metres of residential area and 260 square metres of commercial and 134 residential units with a suite mix ranging from 1-bedroom to 3-bedroom + den. The seniors building comprises a total GFA of 13,550.4 square meters with 149 residential units with a suite mix ranging from 1-bedroom to 2-bedroom + den units. It is important to note that the density, permitted commercial space and proposed number of units was established within the approved Official Plan and By-law Amendments. The requested variance does not seek to alter what was previously approved by the Tribunal.

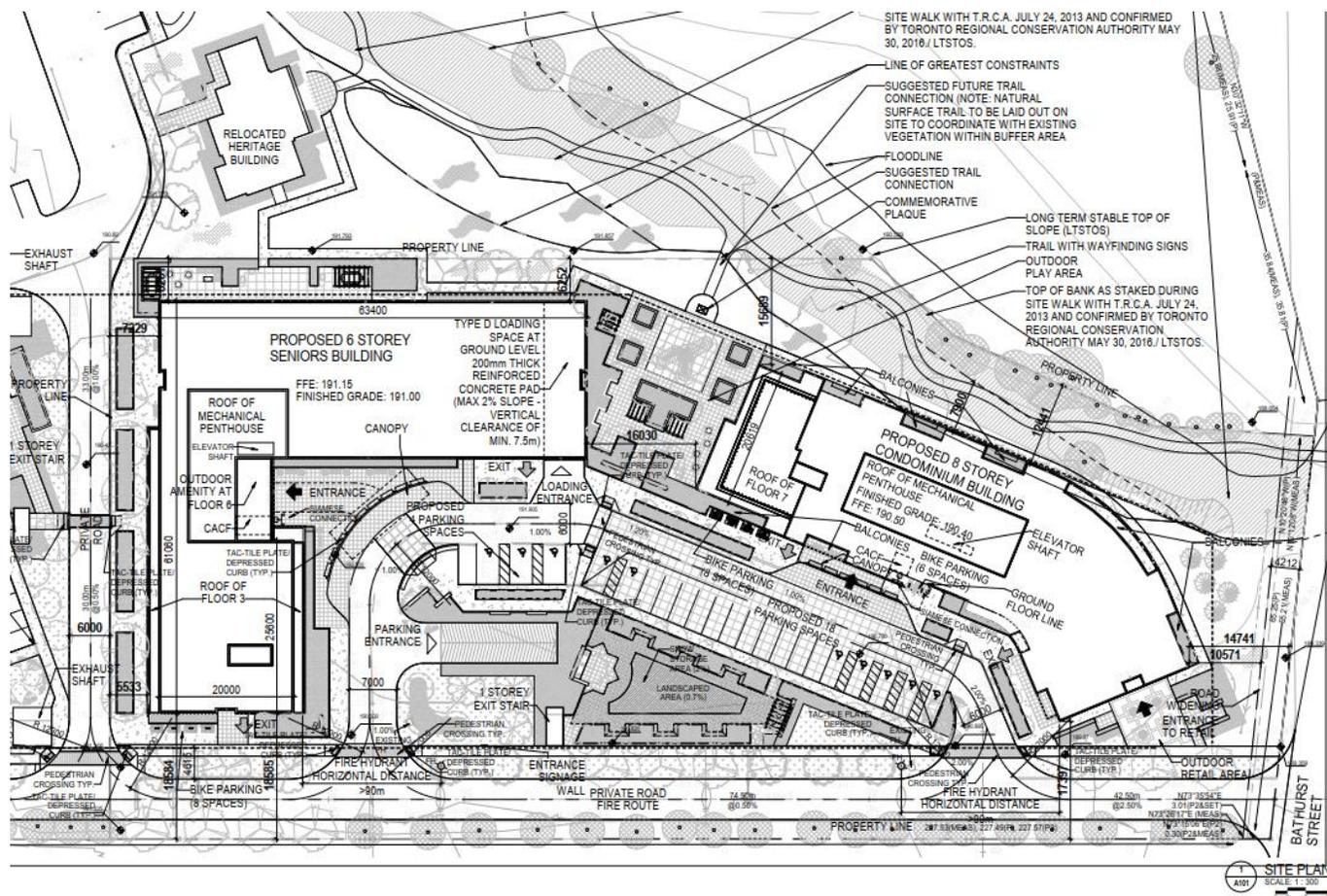


Figure 3 - Mid-Rise Block Site Plan

Purpose of the Application – Requested Variances

The purpose of the application is for the proposed mid-rise building to seek relief from the following provisions of the City of Vaughan Zoning By-law:

(Variance 1) *Schedule 'A' to By-law 1-88 – RA3 Exterior Side Yard*

The minimum required exterior side yard is 7.5 metres, whereas the exterior side yard is proposed at 1.0 metre.

(Variance 2) *Section 7.2.1 – Structures Within the OS1 Zone*

No building or structure other than for conservation or flood control projects is permitted within the OS1 Open Space Conservation Zone; whereas the proposed underground shoring structure is intended to encroach into the OS1 Zone by 0.2m. Additionally, landscaping features, including a walkway, encroach into the OS1 Zone by 4mm at the surface level.

It is important to note Variance 1 should be seen as a technical variance as it should have been captured in the approved By-law from the Tribunal. The locations of the proposed buildings have not changed since the Tribunal hearing in 2019 and remain in the location supported by Staff and City Council. It was originally expected that the valley buffer would be retained by the Applicant allowing for a 12.4m setback, however, through discussions with City Staff, it was confirmed that the buffer would be dedicated for public ownership.

Regarding Variance 2, through the detailed design as part of the Site Plan application, a minor encroachment of the underground shoring is expected within the OS1 lands.

Planning Justification and Analysis

Section 45(1) of the Planning Act directs that a minor variance may be granted if, in the opinion of the Committee of Adjustment, the following tests are met:

- The variance requested maintains the general intent and purpose of the Official Plan;
- The variance requested maintains the general intent and purpose of the Zoning By-law;
- The variance is desirable for the appropriate use of the land; and,
- The variance is minor in nature.

In addition, Section 45 (1.0.1) states that a minor variance must conform to any prescribed criteria and/ or criteria established by the local municipality by by-law, if any. At this time there are no additional criteria. The following is a summary of how the proposed application meets the four tests under the Planning Act.

Maintains the General Intent and Purpose of the Official Plan

The City of Vaughan Official Plan 2010 (OP), as amended by the Official Plan Amendment 66 approved on October 17, 2019 (OPA 66) designates Block 2 as “*Mid-Rise Residential*”. The OP sets out objectives for properties located within the *Mid-Rise Residential* designation. The mixed-use building and seniors building are permitted uses in accordance with OPA 66. The main objective of these areas is to help the City achieve its population and intensification targets by ensuring it is designed with a high-standards architecture and public realm, and well-integrated with adjacent uses. In line with this directive, the proposed mid-rise buildings aim to serve the future residents of the City of Vaughan by offering 283 new residential units. These units are designed to meet the diverse needs of individuals and families of all ages, providing a variety of housing options. Situated on underutilized land, the development prioritizes high-quality design to create an appealing living environment.

As noted above, OPA 66 establishes development standards for Block 2, including building heights, the maximum number of units within each building, maximum commercial floor space, and overall site density. The requested variances will not impact these requirements.

The lands adjacent to the Subject Lands are designated as *Natural Areas* within the OP. While the proposed mixed-use building is seeking a reduction in setback, it is important to note that an Environmental Impact Assessment (EIS) report prepared by GEI Consulting, dated September 2023, indicates that no adverse impact on the form and function of the Don River Valley is anticipated from the proposed development. Furthermore, a new trail system is proposed within a segment of the vegetated buffer areas of the Don River Valley within the Subject Lands on the north side of Block 2. This trail system is designed to enhance the functionality of *Natural Areas* and align with the Vaughan Official Plan’s intent for these areas to uphold ecosystem functions, as highlighted in Section 2.2.2 *Natural Areas* and Countryside. It is also important to note that the buildings, in their current proposed locations, were also assessed from an environmental impact perspective, as part of the Tribunal. No concerns were raised by the City or the TRCA. Similarly, there have been no concerns raised as part of the active site plan application.

The requested variances do not preclude the City’s OS1 Zone and instead will complement it and allow for the City’s goal of intensification in a well-suited location adjacent to public open space. In our opinion, the proposed variance maintains the general intent and purpose of the City’s Official Plan.

Maintains the General Intent and Purpose of the Zoning By-law

The site-specific By-law 209-2022 zones the Block 2 as “*RA3(H) – Apartment Residential Zone*”. The holding symbol will ensure that sufficient servicing has been allocated to this development and that the Draft Plan of Subdivision has received approval for this site. The proposed development maintains the intent of the Zoning By-law from a land use perspective as it allows the site to be developed with a use permitted in the *RA3* zone. By-law 209-2022 was carefully crafted in consultation with City Staff and the TRCA to ensure all objectives of site design and environmental protection were met. Below is a summary of the requested variances with an explanation as to how they maintain the general intent and purpose of the Zoning By-law:

Exterior Side Yard

The requested variance seeks a reduction to the minimum exterior side yard setback by 6.5 meters. The current distance between the proposed 8-storey building face and the expected property line is 12.4 meters as shown in Figure 2 above, which is nearly double the setback required by Zoning By-law 1-88. However, given that the lands zoned as OS1 are intended for public ownership, the requested reduction is necessary to comply with the required exterior side yard setback.

Zoning By-law 1-88, Section 3.11, Part b, outlines specific provisions for reductions of requirements, stating that if the decrease in the minimum required distance, as mandated by the By-law, stems from land acquisition by an authoritative body, a building can still be constructed on the subject lot, provided it adheres to all other By-law criteria. While this provision on the By-law is intended to accommodate after-the-fact dedications, it underscores the intent to allow for unanticipated zoning changes when lands are dedicated to the City.

Considering the intended use of the OS1 zone as a park and open space area, the traditional concerns associated with exterior side yards, such as privacy are not applicable. The proposed trail is, at minimum, approximately 6.0m away from the proposed building.

Shoring and Walkway Encroachment

Regarding the encroachment of the below-grade shoring into the OS1 zone, the shoring design will be finalized through a detailed design stage; however, it is expected that the shoring structure will encroach beyond the building by 1.2 m to ensure the stability of the soil at the foundation level. This means that this structure might encroach 0.2m into the OS1 Zone. The shoring structure is necessary to stabilize the soil and minimize ground movement. By stabilizing the soil and mitigating ground movement during excavation activities, the shoring structure serves as a protective barrier, minimizing the risk of damage to surrounding structures and infrastructure. Given the location of the shoring structure, this encroachment poses minimal disruption to the natural features within the OS1 Zone. It should also be noted that the TRCA was consulted to determine if there was concern with the proposed encroachment; they have confirmed no issues from their perspective.

At a surface level, minor landscaping features, including the walkway, encroach into the OS1 zone by a maximum of 4mm. This encroachment occurs within less than 5 m along the exterior lot line of the mixed-use building. Given the minor scale of this encroachment and its purpose for facilitating efficient pedestrian circulation on the site, it remains consistent with the intent of the *RA3* Zone.

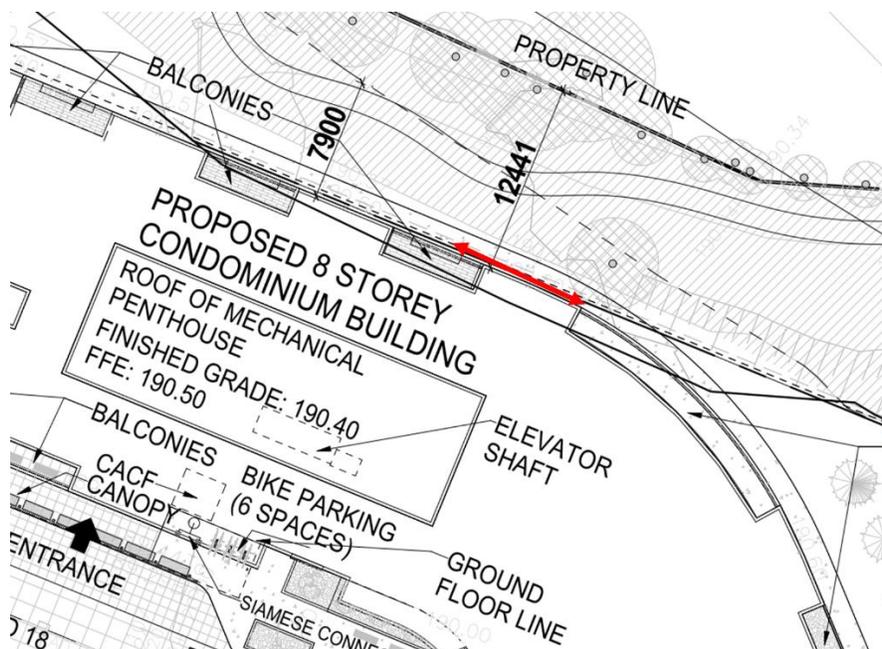


Figure 4- The extent of Walkway encroachment into the OS1 zone (red line)

The proposed development complies with other RA3 Zone regulations as established by By-law 1-88 as amended. In our opinion, the requested variances uphold the general intent of the Zoning By-law.

Desirable and Appropriate

The proposed variances allow for an appropriate use of Block 2 land which is supported by Vaughan’s OP and Zoning By-law. The proposed variances aim to optimize the residential uses within the City of Vaughan’s Residential land, where higher density and intensification are encouraged by in-place policies. The proposed variances will enable the development of mixed-use and seniors buildings, providing opportunities for residents of various ages. This approach not only fosters inclusivity but also supports the concept of 'aging in place,' allowing residents to remain within the community as their needs change.

The test of desirable and appropriate was assessed through the Tribunal hearing in 2024 which confirmed that the building location posed no impacts to the adjacent environment system. As it relates to the underground encroachment, the shoring will encroach 20 cm, in the buffer which is planned for recreational uses with no impacts to the natural heritage system. Further, consultation with the TRCA has confirmed no concerns with the proposed variances.

As such, it is our opinion that the proposed variances are both desirable and appropriate.

Minor in Nature

The Environmental Impact Study findings conclude that the effects of minor encroachments of the building into TRCA land are deemed negligible, largely due to the provision of the recreation trail. Consequently, the impacts of 0.2m of shoring into the OS1 zone underground do not compromise the functionality of the natural area.

Further, the reduced exterior side yard resulting from land dedication does not impede the use of the adjacent land as they have always been planned as designed on the 2019 Tribunal approval and reflected on the site plan. This

reduction in setback will allow for the implementation of a development that directly aligns with the visions and policies established for the Subject Lands while allowing for the necessary land provision for Open Space.

As the requested variances seek to provide for a development that meets the general intent and purpose of the Official Plan and Zoning By-law and does not result in any adverse external impacts to the surrounding area, it is our opinion that the requested variances are minor in nature.

Submission Materials

In accordance with the City of Vaughan Minor Variance submission requirements, the following materials have been submitted along with this application:

- Minor Variance Application Form completed through City of Vaughan Portal;
- Covering Letter including Planning Rationale;
- Sworn Declaration Form and Authorization Form;
- Structure Size and Setback Charts;
- Tree Declaration Form;
- Legal Survey; and
- Detailed Site Plan and Underground Parking Plan.

The required application fee will be paid separately, following the submission of this application.

Conclusion

In our opinion, the proposed variances should be approved by the Committee of Adjustment as they satisfy all four tests prescribed by the *Planning Act* and represent good planning. We trust that the enclosed materials are sufficient for staff to facilitate the review of this application.

If you have any questions or require further information, please contact the undersigned at extension 266 or Hanieh Alyassin at extension 337.

Yours truly,

Weston Consulting

Per:



Martin Quarcoopome, BES, MCIP, RPP
Vice President

SCHEDULE D: BACKGROUND

Application No. (City File)	Application Description (i.e. Minor Variance Application; Approved by COA / OLT)
N/A	N/A