

File: A023/20

Applicant: Miele Limited

Address: 161 Four Valley Dr Concord

Agent: Weston Consulting Group Inc.

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, June 11, 2020



**Minor Variance
Application**

Agenda Item: 14

A023/20

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, June 11, 2020 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.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please see Important Information on next page for instructions or contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8585. Ext. 8332.

Written comments and public deputation requests must be received by noon on the last business day before the meeting.

- Applicant:** Miele Limited
- Agent:** Weston Consulting Group Inc.
- Property:** **161 Four Valley Dr Concord**
- Zoning:** The subject lands are zoned EM1 and subject to the provisions of Exception 9(1057) under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Prestige Employment"
- Related Files:** None
- Purpose:** Relief from the by-law is being requested to permit a proposed ancillary retail use within the existing two-storey office building.

The existing two-storey office building currently contains a product showroom and gallery that provides customers with a visual product line catalogue. The proposed ancillary retail use will accommodate a proposed a retail store of appliances and accessories.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
Accessory retail sales to an Office Building are not permitted.	To permit accessory retail sales to an Office Building.

Background (previous applications approved by the Committee on the subject land): N/A

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on May 27, 2020

Applicant confirmed posting of signage on May 28, 2020

Property Information	
Existing Structures	Year Constructed
Building	2005

Applicant has advised that they cannot comply with By-law for the following reason(s): The proposed use is permitted under zoning by-law 1-88 as accessory retail sales use; however, an office building is not considered a employment use under the zoning by-law.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2.

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Prestige Employment"

The Owner is requesting permission to continue to operate accessory retail sales in the existing Office Building. The 2-storey Office Building was approved by Vaughan Council on March 7, 2005 through Site Development File DA.04.070. The Owner has operated a showroom (retail use) which occupied a portion of the main floor for the purposes of displaying their appliance line. The sales being generated by the consumers browsing the showroom are on a pre-ordered basis only and is shipped directly to the consumers location (home or business) with no appliance merchandise being warehoused on-site. Presently, the Owner intends to maintain these same business practices for their appliance merchandise, while implementing a cash-and-carry component for ancillary retail goods (e.g., coffee beans, pods). The total gross floor area ('GFA') of the building is 3306 m², with 83% (2744 m² GFA) being used for the office portion and 17% (562 m² GFA) devoted to retail uses.

VOP 2010 permit ancillary retail uses in the "Prestige Employment" designation for properties within a 200 m distance from an intersection (collector or arterial road). Although, the subject lands slightly exceeds this distance, Development Planning staff are of the opinion that retail uses are permitted and that this policy applies more to traditional retail stores which generate a lot more traffic and may disrupt surrounding employment uses (e.g. warehouse, distribution, processing, etc.) within an established built-up employment area. In this specific instance, the Owner proposes no changes to their core business model, as it remains appointment based where consumers can continue to pre-order appliances displayed in the showroom/catalogue. The only difference now is the same consumers being serviced have the option to purchase ancillary retail items.

The Development Planning Department recognizes that although the Miele Building is only 2-storeys in height, Zoning By-law 1-88 permits retail uses on the ground floor of a 3-storey Office Building as-of-right, which in principle function the exact same way and therefore meets the general intent and purpose. To ensure this rationale continues to apply and the retail uses remain ancillary to an existing Office Building, the Development Planning Department recommends the maximum gross floor area of the retail space be limited to a maximum of 17%.

The Development Planning Department has reviewed the application and is of the opinion that it 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.

The Development Planning Department recommends approval of the application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A023/20.

Parks, Forestry and Horticulture Operations:

Forestry has no comments at this time.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

FYI (1) fire hydrant private or public (2) fire route was not shown on drawing (3) what is the width of the road (4) provision for firefighting shall comply with OBC 3.2.5.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Application Cover Letter

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers 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.

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.

Please Note:

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

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. 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.

Notice to the Applicant – 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 to Public

PUBLIC CONSULTATION DURING OFFICE CLOSURE: 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 shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting at vaughan.ca/LiveCouncil. To make an electronic deputation, residents must contact the Committee of Adjustment no later than **noon** on the last business prior to the day of the scheduled hearing (see above for contact details).

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information 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.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) 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.

For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

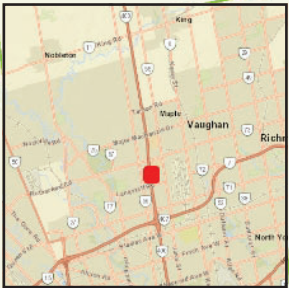
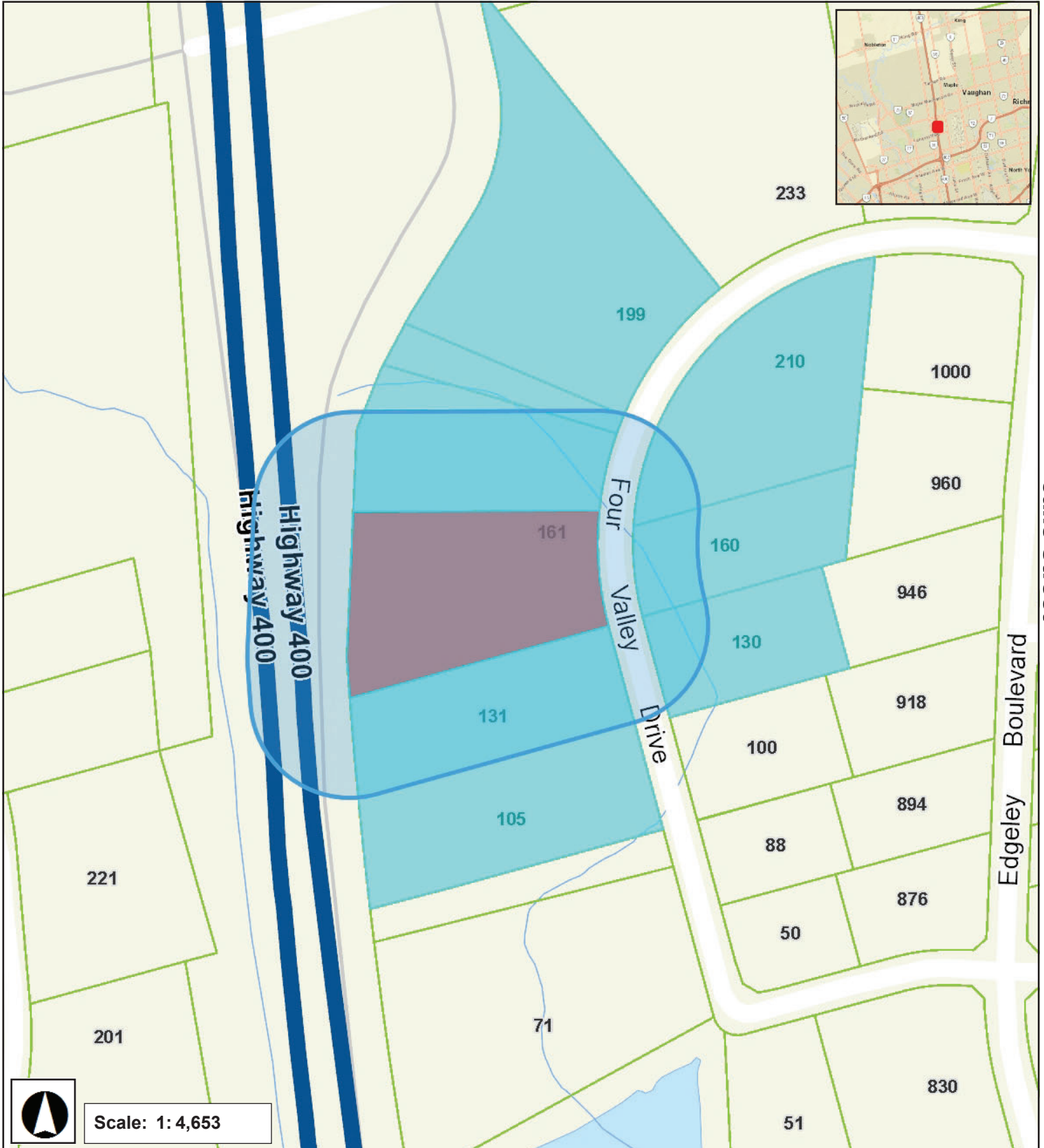
**Location Map
Sketches**



LOCATION MAP - A023/20

161 FOUR VALLEY DRIVE, CONCORD

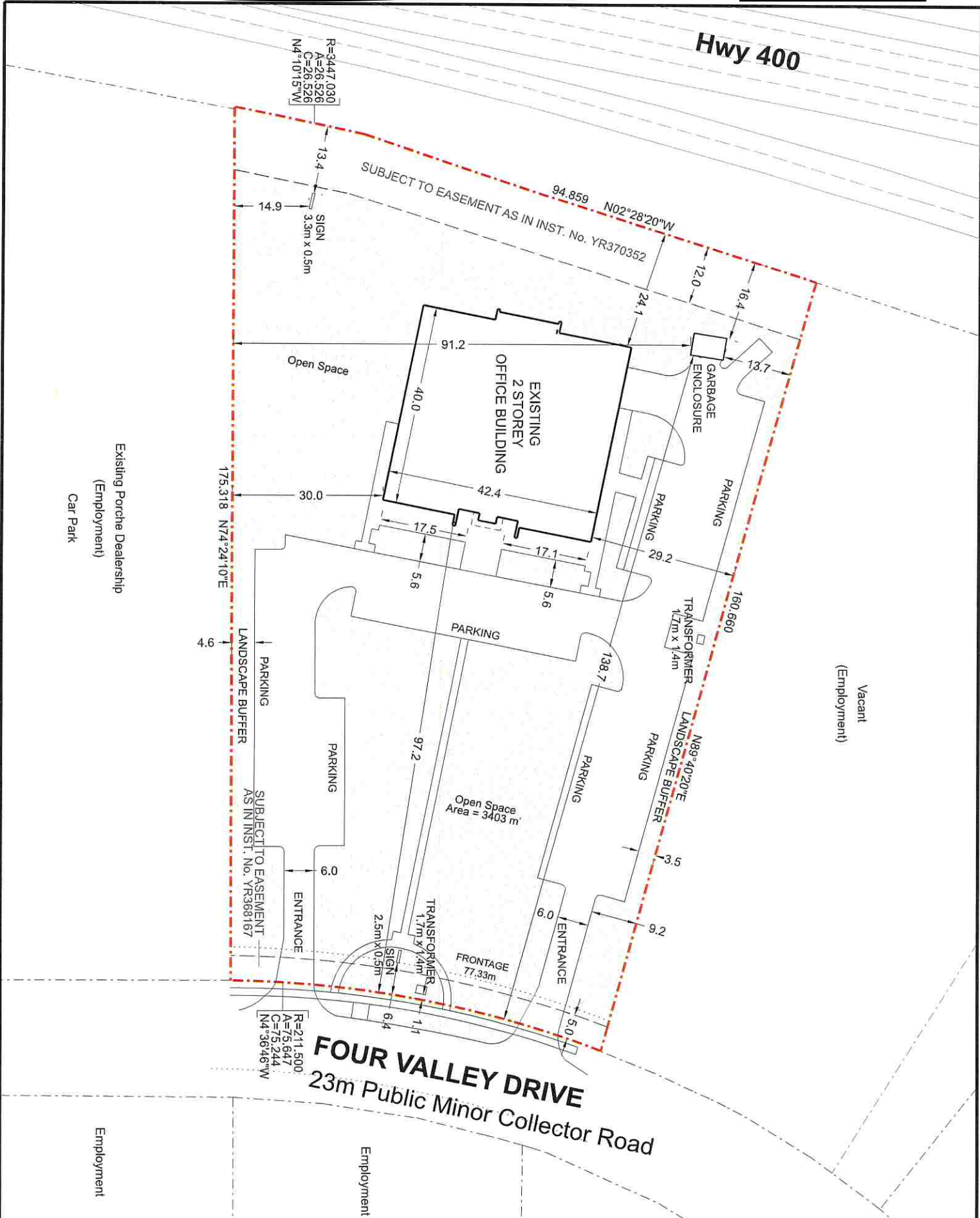
Rutherford Road



Scale: 1:4,653

Langstaff Road

March 10, 2020 12:29 PM



FOUR VALLEY DRIVE
23m Public Minor Collector Road

MINOR VARIANCE SKETCH
161 FOUR VALLEY DRIVE
PART OF LOTS 92 AND 93
REGISTERED PLAN 3541
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK



Lot Coverage:
Building Area: 1,737,102 m²
Coverage: 10.73%
Driveway Widths: 6.0 m
Parking Spaces: 143
Frontage: 77,332 mu
Height: 9.25 m



WESTON CONSULTING
planning + urban design
1600, 3233 Steeles Avenue East, Suite 101
Markham, Ontario L3R 9V7
Tel: 905.477.9300
Fax: 905.477.9301
www.westonconsulting.com

DATE	DESCRIPTION
15 FEB 2020	Submitted
15 NOV 2019	Final Design

Project Number: 161
Drawing Number: 501
Revision: 1:159
Scale: 1:159
City of Vaughan
9477 Finch Avenue East, Suite 101, Markham, ON L3R 9V7
C.O.C. 9477 Finch Avenue East, Suite 101, Markham, ON L3R 9V7



MINOR VARIANCE SKETCH
 161 FOUR VALLEY DRIVE
 PART OF LOTS 92 AND 93
 REGISTERED PLAN 3541
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK



- LEGEND**
- Subject Lands
 - Variance



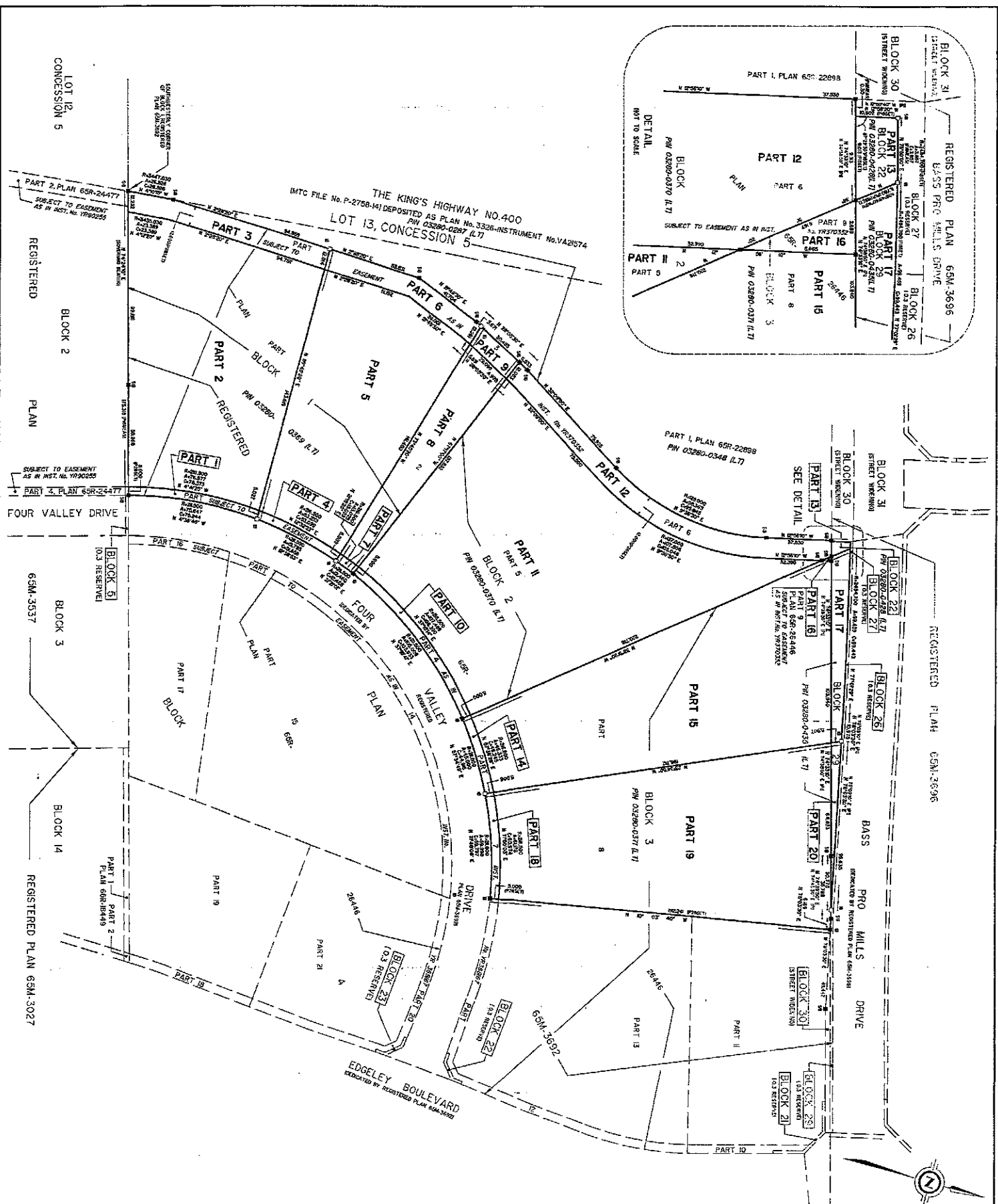
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 planning + urban design
 100 Wellington Street West
 Suite 200
 Toronto, Ontario M5X 1C4
 Tel: 416-593-9100
 Fax: 416-593-9101
 www.westonconsulting.com

DRAWN / REVIEWED

DATE	BY	REVIEWED BY
13/10/2019	PH/10/19	

File Number: 1471
 Drawn By: PH
 Scale: 1:1
 Date: 13/10/2019
 Client: 161 Four Valley Drive, Vaughan, Ont. L4G 1S1

Sheet 2



I REQUIRE THE PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 65R-21810

RECEIVED AND DEPOSITED

DATE: FEB. 14, 2001.

PROF. J. D. BARNES

REGISTERED SURVEYOR FOR THE LAND TITLES DIVISION OF YORK REGION (NO. 65)

PART	AREA OF EACH REGISTERED PLAN	PART OF PLAN	MEASUREMENT
1	ALL OF 1	38.4	38.4
2	ALL OF 2	38.4	38.4
3	ALL OF 3	38.4	38.4
4	ALL OF 4	38.4	38.4
5	ALL OF 5	38.4	38.4
6	ALL OF 6	38.4	38.4
7	ALL OF 7	38.4	38.4
8	ALL OF 8	38.4	38.4
9	ALL OF 9	38.4	38.4
10	ALL OF 10	38.4	38.4
11	ALL OF 11	38.4	38.4
12	ALL OF 12	38.4	38.4
13	ALL OF 13	38.4	38.4
14	ALL OF 14	38.4	38.4
15	ALL OF 15	38.4	38.4
16	ALL OF 16	38.4	38.4
17	ALL OF 17	38.4	38.4
18	ALL OF 18	38.4	38.4
19	ALL OF 19	38.4	38.4
20	ALL OF 20	38.4	38.4
21	ALL OF 21	38.4	38.4
22	ALL OF 22	38.4	38.4
23	ALL OF 23	38.4	38.4
24	ALL OF 24	38.4	38.4
25	ALL OF 25	38.4	38.4
26	ALL OF 26	38.4	38.4
27	ALL OF 27	38.4	38.4
28	ALL OF 28	38.4	38.4
29	ALL OF 29	38.4	38.4
30	ALL OF 30	38.4	38.4

NOTES: PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 AND PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 ARE SUBJECT TO EASEMENT AS IN INSTRUMENT NO. 65R-21810.

PLAN OF SURVEY OF BLOCKS 1 AND 2, AND PART OF BLOCK 3 REGISTERED PLAN 65M-3692, AND BLOCKS 22 AND 29 REGISTERED PLAN 65M-3696 CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK

SCALE 1:1000

J. D. BARNES LIMITED

METRIC SURVEYING SYSTEM IN ACCORDANCE WITH THE METRIC ACT AND THE METRIC REGULATIONS

NOTES:

1. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.

2. THE SURVEY WAS CONDUCTED ON FEBRUARY 14, 2001.

3. THE SURVEY WAS CONDUCTED BY J. D. BARNES LIMITED.

4. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE CITY OF VAUGHAN.

5. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE REGIONAL MUNICIPALITY OF YORK.

6. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE LAND TITLES DIVISION OF YORK REGION.

7. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE LAND TITLES DIVISION OF YORK REGION.

8. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE LAND TITLES DIVISION OF YORK REGION.

9. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE LAND TITLES DIVISION OF YORK REGION.

10. THE SURVEY WAS CONDUCTED AT THE REQUEST OF THE LAND TITLES DIVISION OF YORK REGION.

SURVEYOR'S CERTIFICATE

I, J. D. BARNES, being a Registered Surveyor for the Land Titles Division of York Region, do hereby certify that the above is a true and correct copy of the original plan as deposited with me, and that the same is a true and correct copy of the original plan as deposited with me.

DATE: FEBRUARY 14, 2001.

J. D. BARNES

REGISTERED SURVEYOR FOR THE LAND TITLES DIVISION OF YORK REGION (NO. 65)

J. D. BARNES SURVEYING

REGISTERED SURVEYOR FOR THE LAND TITLES DIVISION OF YORK REGION (NO. 65)

1111 SHEPPARD AVENUE EAST, SUITE 101, SCARBOROUGH, ONTARIO M1S 1T5

PHONE: (416) 291-1111

FAX: (416) 291-1112

EMAIL: JDB@JDBSURVEYING.COM

WEBSITE: WWW.JDBSURVEYING.COM


























Bass Pro Mills Dr


Hwy 400


Four Valley Dr


Edgeley Blvd


-  Natural Areas
-  Parks
-  Private Open Spaces
-  Agricultural
-  Rural
-  Low-Rise Residential
-  Low-Rise Mixed-Use
-  Mid-Rise Residential
-  Mid-Rise Mixed-Use
-  High-Rise Residential
-  High-Rise Mixed-Use
-  Community Commercial Mixed-Use
-  Employment Commercial Mixed-Use
-  General Employment
-  Prestige Employment
-  Major Institutional
-  New Community Areas
-  Theme Park and Entertainment
-  Parkway Belt West Lands
-  Infrastructure and Utilities
-  Lands Subject to Secondary Plans (see Schedule 149)


-  Roads
-  Railway
-  Greenbelt Plan Area & Oak Ridges Moraine Conservation Plan Area
-  Oak Ridges Moraine Natural Core
-  Oak Ridges Moraine Natural Linkage
-  Oak Ridges Moraine Countryside

 Hamlet

 See Minister's Decision on ORMCP Designation

 Municipal Boundary

 Subject Lands



Refer to Schedules 148-149 for Lands Subject to Area and Site Specific policies in Volume 2

Miele

Ground Floor



Miele Limited - 2020

Front Entrance View



Towards Left Wing



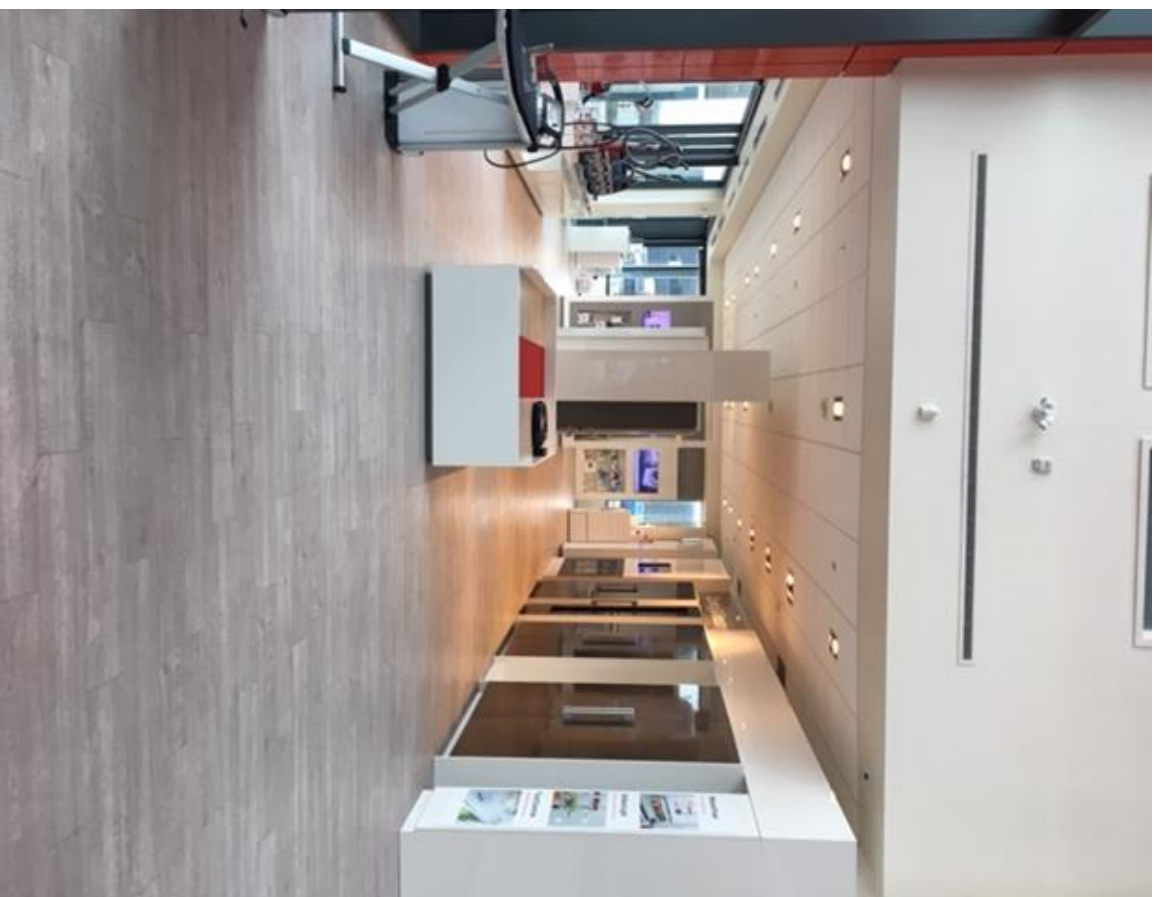
Reception Area



Towards Right Wing

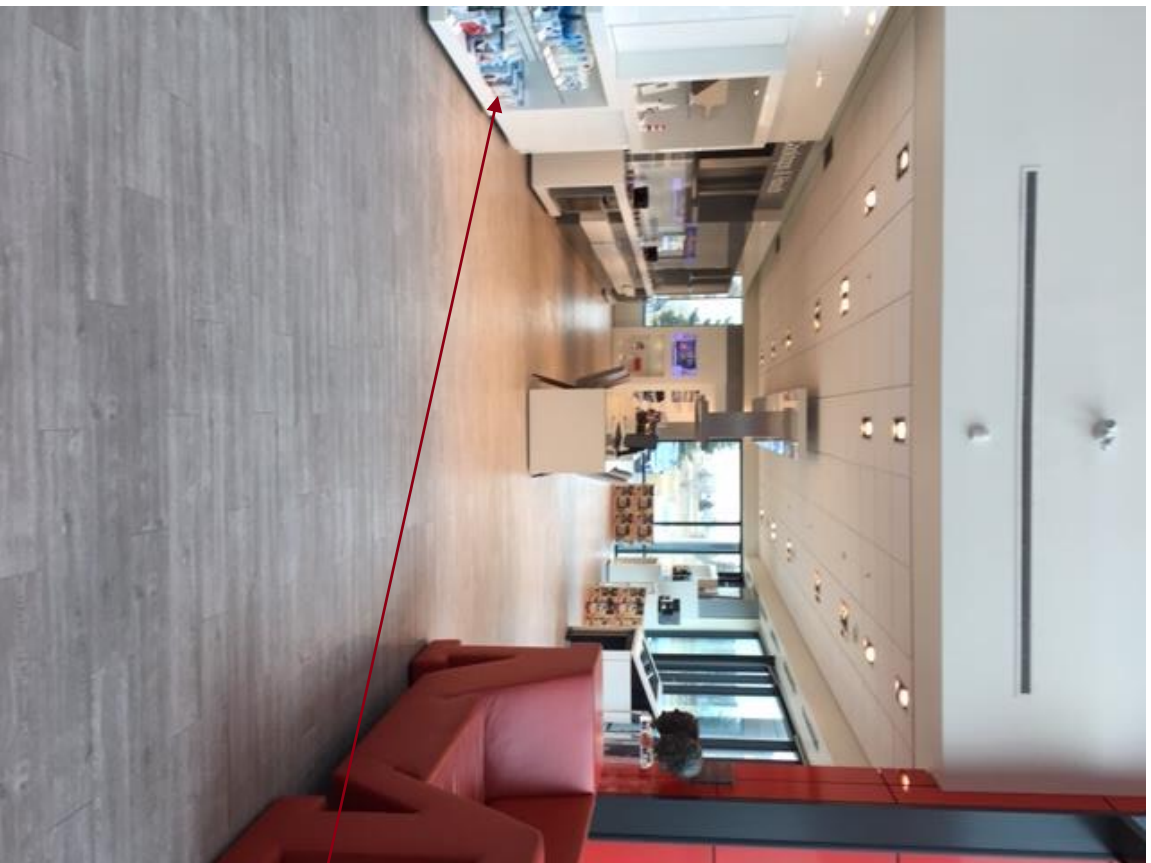


Left Wing



Showroom area for vacuum, laundry, and refrigeration

Right Wing



Showroom area cooktops and hood fans

Consumables displayed

Further Showroom

Showroom for other appliances: built in ovens, ranges and full kitchens.

Area for quoting



Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

Application Cover Letter

A023/20



**WESTON
CONSULTING**

planning + urban design

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

February 21, 2020
File 9471

Attn: Christine Vigneault, Secretary-Treasurer – Committee of Adjustment

**RE: Application for Minor Variance
161 Four Valley Drive
City of Vaughan**

Weston Consulting is the planning consultant for Miele Limited, the registered owner of 161 Four Valley Drive, in the City of Vaughan (herein referred to as the “subject lands”). We have prepared this Application for a Minor Variance, and provide this planning rationale and enclosed materials, in support of an application to seek relief from Zoning By-law 1-88 and the City of Vaughan Official Plan.

The purpose of this Application for a Minor Variance is to seek permission for an ancillary retail use in a two-story Office Building that is located more than 200 metres from the intersection of two arterial streets. We formally request that the planning rationale contained in this letter be considered in determining staff’s recommendation for the proposed exception to the Zoning By-law on the subject lands.

Description of Subject Lands and Area Context

The following provides a description of the subject lands and the area context proximate to the lands. The Minor Variance/Site Plan Sketch (Sheets 1 and 2) submitted with this application reference the subject lands and the surrounding area context.

The subject lands are located in central Vaughan, within the central Vaughan employment area, south of the Vaughan Mills shopping mall. The lands have primary frontage on Four Valley Drive and a secondary frontage on the east side of Highway 400 (rear portion and west side of the lands). They are rectangular in shape and are bound by similar industrial parcels to the north, south and east.

The subject lands have an approximate lot area of 16,228.0 m², and are currently occupied by a two-storey office building with two vehicular entrances onto Four Valley Drive. Surface parking is found at the front of the building and at the side yards. The subject building has a floor plate Gross Floor Area of 1,652 m², and a total Gross Floor Area of 3,306 m².

The subject lands currently house the head offices for Miele Limited, a premium domestic appliance manufacturer, which operates their administrative and showroom facility at this location.

Four Valley Drive is a semi-circular minor collector road, which services the immediate industrial enclave, and connects to Edgeley Boulevard, a north-south major collector road that serves the surrounding commercial, industrial, institutional and infrastructure (Highway 400) uses. The subject lands benefit from its frontage onto Highway 400, proximity to major institutional and tourist uses, and agglomeration of similar commercial, industrial and office land uses and built-form typologies.

The subject lands are legally described as:

PT BLK 1 PL 65M3692, PTS 1, 2 & 3, 65R26810; VAUGHAN. S/T EASE OVER PT 1, 65R26810 IN FAVOUR OF HYDRO VAUGHAN DISTRIBUTION INC., AS IN YR368167. S/T EASE OVER PT 3, 65R26810 IN FAVOUR OF CITY OF VAUGHAN, AS IN YR370352. S/T RT UNTIL LATER OF 10 YRS FROM 2004/02/23 OR UNTIL 65M3692 HAS BEEN ASSUMED BY CITY OF VAUGHAN, AS IN YR431847

Two easements are in place for the subject lands. A hydro easement, in favour of Hydro Vaughan Distribution Inc., over Part 1 of 65R26810 (front of subject lands, abutting Four Valley Drive), and a permanent storm sewer easement in favour of the City of Vaughan, over Part 3 of 65R26810 (rear of subject lands abutting Highway 400 northbound off-ramp). The easement in favour of the City of Vaughan is permanent, until the City of Vaughan acquires the land from the landowner. Plan 65R26810 is included in the submission materials. Both easements are located on the west side of the property and are not material to the proposed variance.

Description of Proposal

The proposal is to permit the establishment of a retail use that is ancillary to the existing office use within the existing two-storey Office building. The retail use intends to support the two-storey office employment use. The facility located at 161 Four Valley Drive, does not store consumer product stock on-site; however, it does contain a showroom and gallery that present a visual catalogue of their product line. The landowner wishes to operate a retail store where purchases of appliances and accessories can take place. Purchases are made by appointment only, and only ancillary items will be taken away by customers.

Background

Weston Consulting has had several discussions and email exchanges with City Planning staff regarding the correct approach to satisfy the landowner's requirements. After further discussions with City Building staff, City Planning staff, in an email dated September 27, 2019, confirmed that the correct approach would be to submit a minor variance application seeking relief to *"permit an ancillary retail use to a two-storey Office Building that is located more than 200 metres from the intersection of two arterial or collector streets"*.

There have not been any previous Minor Variance applications for the desired ancillary retail use. Previous approvals were sought for the development and construction of the existing two-storey Office Building, and are unrelated to this request.

Description of Proposed Use and Variances

The owners of the subject lands are proposing the implementation of a *retail use* that is both *accessory* and *ancillary* to the existing office employment building, located within the *Prestige Employment* designation of the Vaughan Official Plan. The proposed *retail use* will be established on the ground floor of the existing two-storey building, and is proposed to comprise 17 percent (562.4 m²) of the existing building's total *Gross Floor Area (GFA)*.

The following variances are required to permit the proposed use within the ground floor of the existing office building:

1. *To permit an ancillary use in a two-storey Office employment building more than 200 metres from the intersection of two arterial or collector streets; whereas, the use is proposed more than 200 metres from the intersection of two arterial or collector streets; and,*
2. *To permit a retail sales use accessory to a non-industrial employment use; whereas section 6.1.3 of the Zoning By-law only permits retail uses accessory to industrial employment uses.*

Planning Analysis and Justification

Section 45 (1) of the *Planning Act* provides municipal-appointed Committee of Adjustment members authorization to approve minor variances to any land, building or structure affected by any by-law passed under Section 34 or 38 of the *Act*. An applicant before the Committee of Adjustment is required to provide that the following conditions are met under Section 45(1) of the *Act*:

- *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.*

The following provides an assessment of how the proposed *retail use* has regard to the prescribed criteria for minor variances as outlined by the *Planning Act*.

Maintains the General Intent and Purpose of the Official Plan

The subject lands are designated *General Employment* and *Prestige Employment* in the City of Vaughan Official Plan (VOP 2010). The existing office use is a permitted use within these land use designations. Ancillary retail uses are permitted within the *Prestige Employment* land use designation provided they are within 200m of intersection of two collector or arterial roads.

The proposed ancillary retail use meets the intent of the Official Plan as the proposed use supports the existing office use without any negative impacts on the surrounding employment area. The

proposed ancillary retail use is wholly contained within the existing building and is directly associated with the office use. Traffic to the site is minimized as the primary sales function will be handled through appointments.

Thus, the proposed ancillary retail land use meets the intent of the City Official Plan (VOP 2010).

Maintains the general intent and purpose of Zoning By-law 1-88

The Vaughan Zoning By-law 1-88 zones the subject lands *EM1 – Prestige Employment*. The *Prestige Employment Area* zone permits a number of employment-related uses including *Employment Use, Office Building*, and other land uses (Section 6.2). *Accessory retail sales* use is permitted in the EM1 zone when accessory to an *Employment Use*. An *Office Building*, however, is not considered an *Employment Use* within the City's Zoning By-law.

The proposed variances are contextually appropriate and compatible with the existing employment lands and employment area. The proposed use does not exceed the maximum permitted floor area per 6.1.3 of the Zoning By-law. The *accessory retail sales* use is proposed to occupy 17% of the total building and will encompass a total of 562.4 m² GFA on the first floor of the two-storey office building. The floor area of the proposed retail use does not exceed the maximum gross floor area.

The proposed retail use will be internal to the existing office building and its operations, which will not compromise the intended function of the employment lands and the adjacent properties and businesses within the employment area. Finally, the traffic impact will be minimized as the primary sales function will be undertaken on an appointment basis.

Thus, the proposed variances are consistent with the City of Vaughan Zoning By-law 1-88 and maintain the intent of the Zoning by-law.

Desirable and Appropriate:

A desirable and appropriate variance to the Zoning By-law can be addressed by assessing the compatibility of the use with in the context of the surrounding area and on the subject lands.

The proposed use is consistent with the function and intensity of uses permitted in the VOP 2010 and Zoning By-law 1-88. The proposed ancillary retail land use is in keeping with the character and mix of employment uses in the immediate area and the classification of the subject lands along Highway 400 in the *Prestige Employment Areas* designation. The proposal represents a reasonable and compatible use for the subject lands and provides the opportunity to augment the profile of services provided on the surrounding employment lands.

The ancillary retail use is a low intensity land use that will not generate increased traffic volumes and will not detract from the main employment operation of the subject lands and the employment area. The proposed use on the subject lands will be accessory to the main employment uses. The main employment uses on the subject lands are Miele's headquarters and showroom. The proposed retail use will be accessory to Miele's office and showroom uses.

Thus, the proposed variances are desirable and will support the existing Office Building land use and the surrounding Employment area.

Minor in Nature:

The proposed ancillary retail land use does not present any adverse impacts on the surrounding area, on the function of the existing employment uses, and on the function of the existing employment use on the subject lands. The proposed use and requested variances will not materially alter the character of the area and business operations within the *Prestige Employment Areas* designation. The surrounding community is generally comprised of a mix of employment uses, including retail uses in single- and multi-tenanted buildings.

Thus, the proposed variances are minor in nature as the proposed ancillary land use will have little impact on the existing employment uses and this supports the Office Building use.

Conclusion

Having regard to S.45 (1) of the *Planning Act*, it is in my professional planning opinion that the requested variances are representative of good planning principles, both individually and collectively, based on the following considerations:

- *The proposed variances maintain the general intent and purpose of the Official Plan;*
- *The proposed variances maintain the general intent and purpose of the Zoning By-law;*
- *The proposed use is desirable for the use of the land, building and area; and,*
- *The propose variances are minor in nature.*

In addition, the it is my professional planning opinion that the requested variances conform with Section 3 (5) of the *Planning Act*.

Submission Materials

In support of the Minor Variance Application, please find enclosed:

1. (2) copies of the completed Minor Variance Application form with original signatures;
2. (1) copy of Plan 65R-26810;
3. (1) copy of the Minor Variance/Site Plan Sketch prepared by Weston Consulting, dated November 15, 2019;
4. (1) copy of Vaughan Official Plan Overlay, prepared by Weston Consulting;
5. (1) cheque in the amount of \$3,460.00 for the applicable Minor Variance application fee; and,
6. (1) USB containing a complete electronic copy of the submission materials.

We request that the enclosed materials be received and circulated for review and comment, so that the application can proceed to the earliest available Committee of Adjustment meeting. Should

you have any question or require additional copies of these materials, please contact the undersigned at extension 224 or Mathew Halo at extension 282.

Yours truly,
Weston Consulting

A handwritten signature in black ink, appearing to read 'K. Franklin', written in a cursive style.

Kurt Franklin, BMath, MAES, MCIP RPP
Vice President

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



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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
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A023/20 - REQUEST FOR COMMENTS

From: Hui, Michelle <Michelle.Hui@york.ca>

Sent: March-04-20 9:20 AM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; adrinana.macpherson@vaughan.ca;
Lenore.providence@vaughan.ca

Subject: [External] RE: A023/20 - REQUEST FOR COMMENTS

Good morning Pravina,

The Regional Municipality of York has completed its review of the above Minor Variance and has no comments.

Michelle Hui | Planning Assistant

Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O: 1-877-464-9675 ext. 74886 | michelle.hui@york.ca | www.york.ca

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