

**WESTON  
CONSULTING**

planning + urban design

**COMMUNICATION – C55**

**ITEM 1**

**Committee of the Whole (Public Meeting)**

**October 29, 2020**

Development Planning Department  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

October 28, 2020

File 7584

**Attn: City Clerk**

Dear Sir,

**RE: Part of Lot 3, Concession 3 (Parts 6&7 of R-Plan 65R-33852), Concord  
Draft Zoning By-law  
City of Vaughan**

Weston Consulting are the Planners for Keele-407 Development Corp., the owners of the property located at north-east corner of Keele St and Great Gulf Drive in the City of Vaughan. We have reviewed the Phase 3 Draft Zoning By-law material and note that the Site Specific exception 1010 does not include the Committee of Adjustment approvals that were obtained in 2017. These approved variances to the Zoning By-law are as follows:

- **2017 – Application A168-17**
  1. A minimum of 376 parking spaces;
  2. A minimum of zero loading spaces for Building A;
  3. A minimum of zero loading spaces for Building B;
  4. A minimum unit size within a multi-unit building of 176.54 m<sup>2</sup>;
  5. A minimum rear yard setback of 8.0 metres; and
  6. A minimum landscape strip width of 8 metres.

The Committee decision is attached for your reference.

We have reviewed Section 1.6 of the Phase 3 Draft Zoning By-law text and are concerned that the minor variances achieved in 2017 will no longer be in effect on the passing of the new Zoning By-law. Section 1.6.2.1 contains three tests to recognize existing Planning Act approvals. We note that the minor variance approval was authorized by the Committee of Adjustment on or after January 1, 2015 and on or before the effective date of this by-law since it is not in effect as of yet. This satisfies the first two tests.

Our concern is that the approved variance does not meet the third test as a building permit has already been issued. Thus, based on our interpretation, the existing building would become a non-conforming land use as per Section 1.9.

It would be greatly appreciated if you could confirm that the minor variances obtained in the application noted above will remain in full force and effect when the new Zoning by-law comes into effect.

Thank you in advance for your assistance.

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

cc. Mr. Sandy Minuk, Keele-407 Development Corp.  
Mr. Brandon Correia, Manager – Special Projects, City of Vaughan

# **NOTICE OF DECISION**

## **MINOR VARIANCES**

**FILE NUMBER:** A168/17

**APPLICANT:** KEELE - 407 DEVELOPMENT CORP.

**PROPERTY:** Part of Lot 3, Concession 3 (Parts 6&7 of Registered Plan 65R33852), Concord.

**ZONING:** The subject lands are zoned EM1 and subject to the provisions of Exception 9(1360) under By-law 1-88, as amended

***PRIOR to the hearing the applicant amended the Sketch as follows:***

***By amending variance #1 A minimum of 376 parking spaces  
NOT A minimum of 377 parking spaces***

**PURPOSE:** To permit the construction of 5 industrial buildings.

**PROPOSAL:** 1) A minimum of ~~377~~ <sup>376</sup> parking spaces,  
2) A minimum of zero loading spaces for building A,  
3) A minimum of zero loading spaces for building B,  
4) A minimum unit size within a multi-unit building of 176.54 square metres,  
5) A minimum rear yard setback of 8.0 metres, and,  
6) A minimum landscape strip width of 8 metres

**BY-LAW REQUIREMENT:** 1) A minimum of 401 parking spaces,  
2) A minimum of 1 loading spaces for building A,  
3) A minimum of 2 loading spaces for building B,  
4) A minimum unit size within a multi-unit building of 274 square metres,  
5) A minimum rear yard setback of 14.0 metres, and,  
6) A minimum landscape strip width of 9 metres

A sketch is attached illustrating the request.

**MOVED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

THAT the Committee is of the opinion that the variances sought, can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.



The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

THAT Application No.A168/17, **KEELE - 407 DEVELOPMENT CORP.**, be **APPROVED**, in accordance with the sketches and conditions attached:

1. The Owner shall successfully obtain site plan approval for Site Development File DA.16.088, if required and to the satisfaction of the Development Planning Department.
2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

**COMMITTEE OF ADJUSTMENT VARIANCE**

A168/17

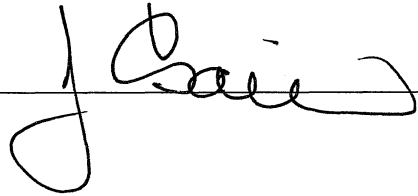
**VERY IMPORTANT: IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT AND/OR AGENT TO OBTAIN AND PROVIDE A CLEARANCE LETTER FROM EACH AGENCY AND/OR DEPARTMENT LISTED IN THE CONDITIONS WHETHER "IF REQUIRED" APPEARS IN THE CONDITION OR NOT, AND FORWARD THIS CLEARANCE LETTER TO THE SECRETARY-TREASURER AS SOON AS THE CONDITIONS ARE FULFILLED.**

**FAILURE TO COMPLY WITH THIS PROCEDURE WILL RESULT IN A LETTER BEING FORWARDED BY THE SECRETARY-TREASURER INDICATING THIS FILE HAS LAPSED AND, THEREFORE, WILL NECESSITATE THAT A NEW APPLICATION BE SUBMITTED TO LEGALIZE THIS PROPERTY.**

**THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.**

**CARRIED.**

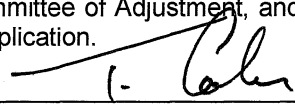
CHAIR: \_\_\_\_\_



Signed by all members present who concur in this decision:

**ABSENT**\_\_\_\_\_  
M. Mauti,  
Chair\_\_\_\_\_  
J. Cesario,  
Vice Chair\_\_\_\_\_  
R. Buckler,  
Member\_\_\_\_\_  
H. Zheng,  
Member\_\_\_\_\_  
A. Perrella,  
Member**CERTIFICATION**

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.

  
\_\_\_\_\_  
Todd Coles, ACST(A), MCIP, RPP  
Manager of Development Services  
and Secretary-Treasurer to  
Committee of Adjustment**Date of Hearing: June 08, 2017****Last Date of Appeal: June 28, 2017****APPEALS**

**APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.**

Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca). If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the \$708.00 processing fee, paid by certified cheque or money order, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of \$300.00 for each application appealed, paid by certified cheque or money order, made payable to the "ONTARIO MINISTER OF FINANCE".




**NOTE:** The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

**CONDITIONS**

**IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:  
June 28, 2018**

**A168/17**

- | ISSUED           | DATE                |
|------------------|---------------------|
| DR REVIEW<br>APR | APR 27,<br>1916     |
| D FOR INTERVAL   | SEP 27, 07,<br>1916 |
| DR 3PA           | SEP 22,<br>1916     |
| DR COORDINATION  | FEB. 22,<br>1917    |
| DR 3PA<br>150M   | FEB. 27,<br>1917    |

NO	REVISION	DATE
1	COORDINATED WITH A. LAYDS	SEPT 31 2016
2	REVISED TO ADD LAMINATE COMMENTS	FEB. 10, 2017
	ANALYZED BUILDING CLASSIFICATION	APRIL 24 2017
	REMOVED AS NOTED	APRIL 27 2017
	REMOVED AS NOTED	JULY 02, 2017

**407-KEELE**  
**CENTRE**

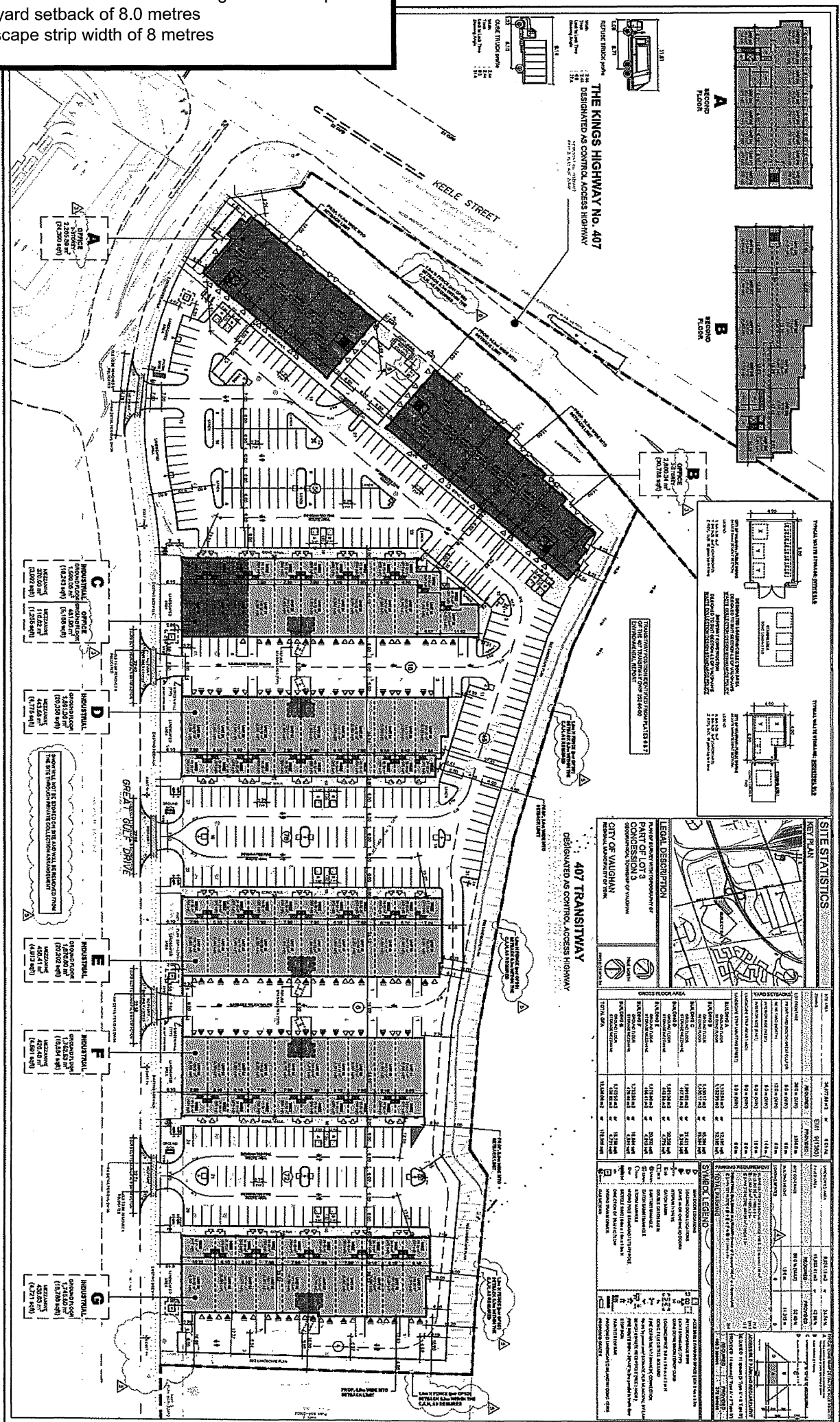


**A. BALDASSARRA**  
Architect Inc.



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Fax: (905) 660-7019

DRAWING TITLE  
 SITE PLAN  
 DA.16.088  
 DRAWN BY  
 DW  
 SCALE  
 1:500  
 DATE  
 MARCH 2016  
 CHECKED BY  
 PROJECT NO.  
 DRAWING NO.



**Keele Street**



City of Vaughan



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