



**File:** A087/20

**Applicant:** Heatherwood Properties Inc.

**Address:** #4 - 1101 Rutherford Road, Thornhill

**Agent:** Joanna Fast - Evans Planning

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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)	<input checked="" type="checkbox"/>	
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	<input checked="" type="checkbox"/>	
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: None

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Background History: A107/05 and A037/08 (see next page for details)

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Staff Report Prepared By: Lenore Providence  
Hearing Date: Thursday, November 12, 2020



**Minor Variance Application**

Agenda Item: 03

**A087/20**

Ward: 4

**Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer**

**Date & Time of Live Stream Hearing:** Thursday, November 12, 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](http://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](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto:cofa@vaughan.ca) or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

- Applicant:** Heatherwood Properties Inc.
- Agent:** Joanna Fast - Evans Planning
- Property:** 1101 Rutherford Rd, Bldg A, Thornhill
- Zoning:** The subject lands are zoned C3, Local Commercial and subject to the provisions of Exception 9(1063) under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
- Related Files:** None
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit a proposed eating establishment (take-out restaurant) within Unit 4.

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

By-law Requirement	Proposal
The by-law requires that the gross floor area of all Eating Establishment uses shall not collectively exceed a maximum of 20% of the total gross floor area of lot. [9(1063) gi]	The gross floor area of all Eating Establishment uses will account for 26.4% of the total gross floor area of lot.

**Background (previous applications approved by the Committee on the subject land):**

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A107/05	To permit the construction of two proposed one-storey buildings: <ol style="list-style-type: none"> <li>1. To permit a minimum front yard setback of 6.0 metres (along Thornhill Woods Drive) for Building</li> <li>2. To permit a minimum interior side yard setback of 7.18 metres for Building "A".</li> <li>3. To permit a minimum exterior side yard setback of 2.76 metres for Building "B".</li> <li>4. To permit a minimum setback of 3.07 metres from a sight triangle for Building "B".</li> <li>5. To permit a minimum setback of 7.18 metres from an "R" zone for Buildnig "A".</li> <li>6. To permit a minimum landscape strip of 2.76 metres at Building "B".</li> <li>7. To permit a minimum of 78 parking spaces for Buildings A and B.</li> </ol>	Approved – April 28/05

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
	8. To permit a maximum canopy overhang of 1.2 metres for Buildings A and B.	
A037/08	To permit the use of Club or Health Centre (Karate School within Units 10 & 11) in a C3, Local Commercial zone.	Approved – Feb. 14/08

For information on the previous approvals listed above please visit [www.vaughan.ca](http://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 October 28, 2020

Applicant confirmed posting of signage on October 24, 2020

Property Information	
Existing Structures	Year Constructed
Building	2007

Applicant has advised that they cannot comply with By-law for the following reason(s): The subject property is zoned C-3 under By-law 1-88, and subject to Exception 1063. Provision gi) of Exception 1063 requires that eating establishment uses shall not collectively exceed a maximum of 20% of the total gross floor area of the development. The existing commercial plaza currently contains two existing eating establishments that occupy approximately 18.9% of the total gross floor area of the site. The owner has interest from a new tenant to add one additional eating establishment, which will result in 26.4% of the total gross floor area to be occupied for this use. A minor variance is required to permit the increase in eating establishment gross floor area to 26.4%.

**Adjournment Request:** None

#### Building Standards (Zoning Review):

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

#### Building Permit(s) Issued:

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m<sup>2</sup>.

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

Please note that only reference drawings were submitted to support this application. The statistics for the variance proposed were based on the information provided on the Minor Variance Application form and the submitted Parking Justification Study.

Please note that an Outdoor Patio use is subject to the provisions of subsection 5.1.6. Among other requirements, these provisions include a requirements that an outdoor patio shall not be developed except in accordance with an approved site plan.

#### Building Inspections (Septic):

No comments or concerns

#### Development Planning:

City of Vaughan Official Plan ('VOP 2010'): "Low-Rise Mixed-Use" with a height of 4 -storeys and a Floor Space Index ('FSI') of 1.5 times the area of the lot

The Owner is requesting permission to increase the maximum gross floor area of all Eating Establishment uses with the above noted variances to accommodate a take-out pizza delivery establishment in Unit 9.

In support of this application, the Development Planning Department requested that the Owner provide a parking study as the Committee of Adjustment previously supported a reduction from 97 to 78 parking spaces (Minor Variance File A107/05). A Parking Justification Study prepared by NexTrans Consultants Engineering dated October 19, 2020, was submitted to analyze the present parking demands on-site and determine whether an increase of 6.4% is feasible. The Transportation Division of the Development Engineering Department has reviewed and approved the parking study concluding that the existing 78 parking spaces

adequately meet the parking demands of the proposed take-out eating establishment (Unit 9), existing eating establishments and other uses within the 2 stand-alone commercial buildings.

The Development Planning Department is of the opinion that the proposal is minor in nature as the take-out eating establishment will have no dining area, will not cause an adverse impact to parking, 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.

**Cultural Heritage (Urban Design):**

No comments or concerns

**Development Engineering:**

The Transportation Engineering Department within Development Engineering Department has reviewed the updated parking justification study submitted by Nextrans Consulting Engineering's, dated October 19, 2020 and Transportation does not have any comments and can support the conclusion of the revised study that the parking demand for the proposed development can be supported by the existing 78 spaces.

Base on Transportation Engineering Department's comments, Development Engineering Department does not have any objections to the minor variance application A087/20.

**Parks, Forestry and Horticulture Operations:**

No comments or concerns

**By-Law and Compliance, Licensing and Permit Services:**

No Response.

**Financial Planning and Development Finance:**

No comments or concerns

**Fire Department:**

No comments or concerns

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**

Planning Justification Report

**Schedule C - Agency Comments**

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

**Schedule D - Previous Approvals (Notice of Decision)**

Minor Variance Application A107/05

Minor Variance Application A037/08

**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.

**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.

**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.

**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**

**PLEASE NOTE:** As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

**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](mailto:cofa@vaughan.ca)

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](http://Vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit [www.vaughan.ca](http://www.vaughan.ca)

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.

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.

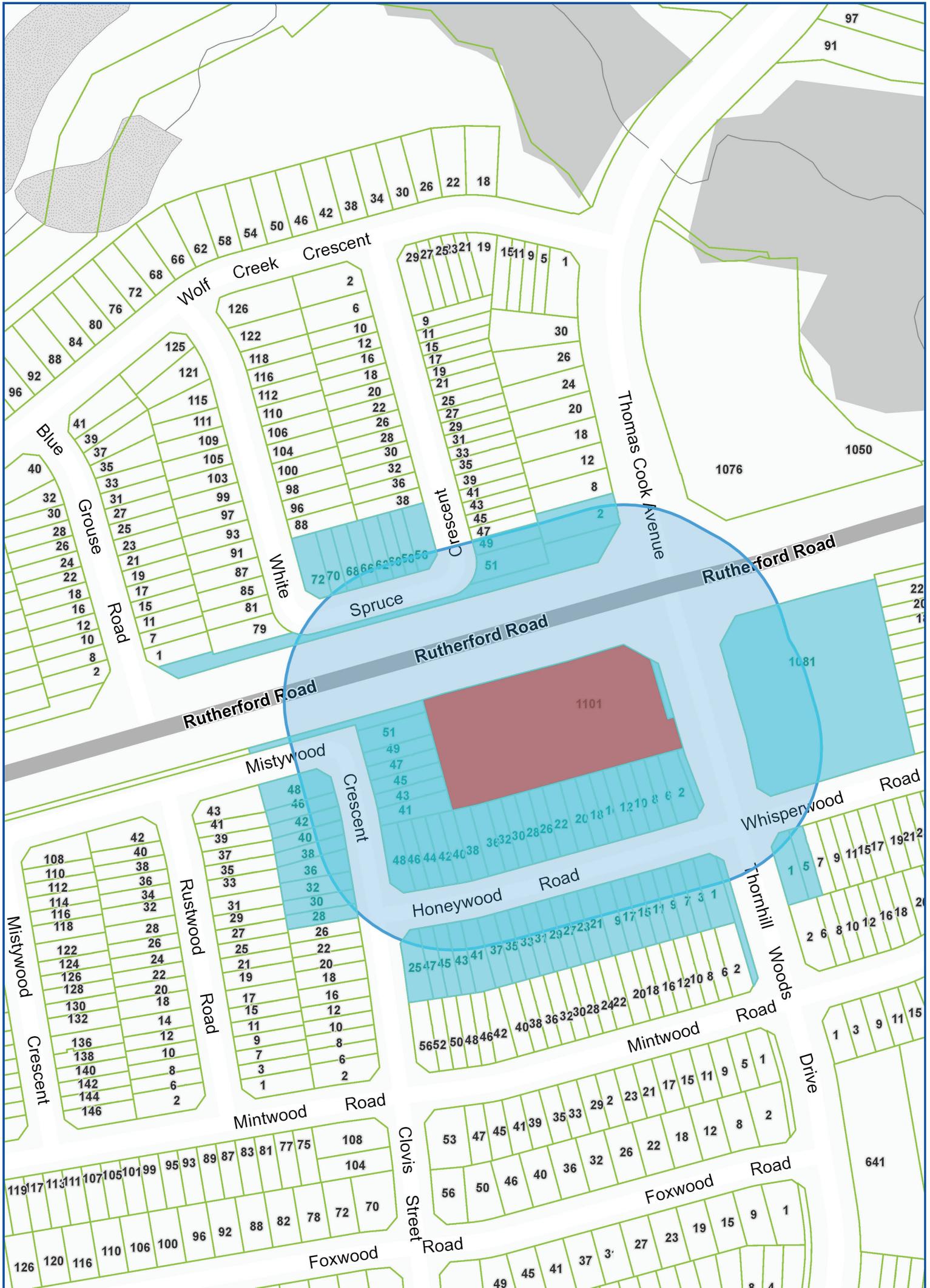
**For further information please contact the City of Vaughan, Committee of Adjustment**

T 905 832 8585 Extension 8394  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

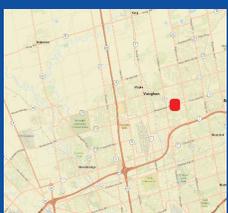
## **Schedule A: Plans & Sketches**

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**  
**Plans & Sketches**



**Map Information:**



**Title:**

**1101 RUTHERFORD ROAD, THORNHILL**

**LOCATION MAP - A087/20**

**Disclaimer:**

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



**Scale:** 1:2,280

0 0.04 km



**Created By:**

Infrastructure Delivery  
Department  
September 24, 2020 8:45 PM

**Projection:**  
NAD 83  
UTM Zone  
17N



## **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.

### **Planning Justification Report**



**A087/20**

Urban Planners • Project Managers

August 27, 2020

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

Attn: Ms. Christine Vigneault, Manager Development Services & Secretary Treasurer Committee of Adjustment

Dear Ms. Vigneault,

RE: Application for Minor Variance  
Heatherwood Properties Inc.  
1101 Rutherford Road  
City of Vaughan

Evans Planning Inc. acts on behalf of Heatherwood Properties Inc., the owner of a property located at 1101 Rutherford Road in the City of Vaughan (the Subject Property). We herewith submit for the Committee of Adjustment's consideration, the enclosed application for Minor Variance.

The Subject Property is zoned Local Commercial (C3) Zone under By-law 1-88, and is subject to Exception 1063. Provision gi) of Exception 1063 requires that eating establishment uses shall not collectively exceed a maximum of 20% of the total gross floor area of the development. The existing commercial plaza currently contains two existing eating establishments that occupy 18.9% of the total gross floor area of the site.

Heatherwood Properties Inc. has interest from a potential tenant to lease Unit 4 within the plaza to be used as a take-out restaurant. This will result in 26.4% of the cumulative gross floor area of the site being devoted to eating establishment use. As such, a Minor Variance is necessary to permit the increase in eating establishment gross floor area to 26.4%, exceeding the Vaughan Zoning By-law requirement by 6.4%.

A Parking Justification Study has been prepared by NexTrans Consulting Engineers to support the additional eating establishment within the commercial plaza. The report contains a detailed description of the existing tenants within the plaza, a summary of the parking standards for the site and a parking utilization analysis. The report concludes that 6.4% of additional eating establishment uses will have no critical effect on the development.

To assist the Committee and Staff in the review of this application we provide the following materials:

8481 Keele Street, Unit 12, Vaughan, Ontario L4K 1Z7  
Tel: (905) 669-6992 • Fax: (905) 669-8992  
[www.evansplanning.ca](http://www.evansplanning.ca)



- 
- A completed application for Minor Variance;
  - A Site Plan for the plaza;
  - A Parking Justification Study;
  - A cheque in the amount of \$3,460.00 as payment of the application fee.

Should you require any additional information to aid in your review of this application, please contact the undersigned at your earliest convenience.

Yours truly,

A handwritten signature in blue ink that reads 'Joanna Fast'. The signature is written in a cursive, flowing style.

Joanna Fast  
RPP, MCIP

cc. Heatherwood Properties Inc.

## **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**

**MTO – Located outside of MTO permit control area**



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

Mr. Tony D'Onofrio  
Supervisor, Subdivisions (Alectra East)  
**Phone:** 1-877-963-6900 ext. 24419

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

**Providence, Lenore**

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**Subject:** FW: A087-20 - REQUEST FOR COMMENTS - 1101 Rutherford Road, Unit 4, Thornhill, (full circulation)

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

**Sent:** September-29-20 3:47 PM

**To:** Providence, Lenore <Lenore.Providence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

**Subject:** [External] RE: A087-20 - REQUEST FOR COMMENTS - 1101 Rutherford Road, Unit 4, Thornhill, (full circulation)

Good afternoon Lenore,

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

Regards,

*Gabrielle*

**Gabrielle Hurst MCIP RPP** | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | [Gabrielle.hurst@york.ca](mailto:Gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

## Providence, Lenore

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**Subject:** FW: A087-20 - REQUEST FOR COMMENTS - 1101 Rutherford Road, Unit 4, Thornhill, (full circulation)

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**From:** Hajjar, Alexander (MTO) <Alexander.Hajjar@ontario.ca>

**Sent:** September-25-20 10:07 AM

**To:** Providence, Lenore <Lenore.Providence@vaughan.ca>

**Cc:** Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Committee of Adjustment <CofA@vaughan.ca>

**Subject:** [External] RE: A087-20 - REQUEST FOR COMMENTS - 1101 Rutherford Road, Unit 4, Thornhill, (full circulation)

Good Morning Lenore,

MTO has reviewed the subject land(s) located at 1101 Rutherford Rd. in the City of Vaughan. The subject lands are outside the MTO permit control area and therefore do not require a permit from this office.

Best Regards,

**Alexander Hajjar**

*Transportation Technician*

*Highway Corridor Management Section*

*Ministry of Transportation, MTO*

*416.235.4504*

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**From:** Della Mora, Dan (MTO) <[Dan.DellaMora@ontario.ca](mailto:Dan.DellaMora@ontario.ca)>

**Sent:** September 25, 2020 9:02 AM

**To:** Hajjar, Alexander (MTO) <[Alexander.Hajjar@ontario.ca](mailto:Alexander.Hajjar@ontario.ca)>

**Cc:** Scholz, Kevin (MTO) <[Kevin.Scholz@ontario.ca](mailto:Kevin.Scholz@ontario.ca)>

**Subject:** FW: A087-20 - REQUEST FOR COMMENTS - 1101 Rutherford Road, Unit 4, Thornhill, (full circulation)

**Dan Della Mora**

Senior Project Manager

[Dan.DellaMora@ontario.ca](mailto:Dan.DellaMora@ontario.ca)

## **Schedule D: Previous Approvals (Notice of Decision)**

**Minor Variance Application A107/05**

**Minor Variance Application A037/08**

# NOTICE OF DECISION

**FILE NO: A107/05**

IN THE MATTER OF Subsection 45 of the Planning Act.

IN THE MATTER OF an application by **HEATHERWOOD PROPERTIES INC.**, with respect to Part of Lot 15, Concession 2. (Block 91, Registered Plan 65M-3686. Municipally located at the southwest corner of Rutherford Road and Thornhill Woods Drive, Thornhill).

The subject lands are zoned C3 Local Commercial Zone under By-Law 1-88 as amended and further subject to Exception 9(1063).

The applicant is requesting variances to permit the **construction of two proposed one-storey buildings**, notwithstanding, the proposed changes to the existing By-Law & current By-Law requirements are as follows:

Proposal:	By-Law Requirements:
1) To permit a minimum front yard setback of 6.0 metres (along Thornhill Woods Drive) for Building "B".	1) A minimum front yard setback of 11.0 metres is required for Building "B".
2) To permit a minimum interior side yard setback of 7.18 metres for Building "A".	2) A minimum interior side yard setback of 9.0 metres is required for Building "A".
3) To permit a minimum exterior side yard setback of 2.76 metres for Building "B".	3) A minimum exterior side yard setback of 11.0 metres is required for Building "B".
4) To permit a minimum setback of 3.07 metres from a sight triangle for Building "B".	4) A minimum setback of 11.0 metres is required from a sight triangle.
5) To permit a minimum setback of 7.18 metres from an "R" zone for Building "A".	5) A minimum setback of 9.0 metres is required from an "R" zone.
6) To permit a minimum landscape strip of 2.76 metres at Building "B".	6) A minimum landscape strip of 6.0 metres is required abutting a street line.
7) To permit a minimum of 78 parking spaces for Buildings A and B.	7) A minimum of 97 parking spaces are required for Buildings A and B.
8) To permit a maximum canopy overhang of 1.2 metres for Buildings A and B.	8) A maximum canopy overhang of 0.5 metres is permitted for Buildings A and B.

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.

AND THAT Application No. **A107/05, HEATHERWOOD PROPERTIES INC.**, be **APPROVED** in accordance with the sketch attached



16. **FILE NO: A107/05**  
**HEATHERWOOD PROPERTIES INC.**

LOCATION

Part of Lot 15, Concession 2. (Block 91, Registered Plan 65M-3686. Municipally located at the southwest corner of Rutherford Road and Thornhill Woods Drive, Thornhill).

PROPOSAL

The subject lands are zoned C3 Local Commercial Zone under By-Law 1-88 as amended and further subject to Exception 9(1063).

The applicant is requesting variances to permit the **construction of two proposed one-storey buildings**, notwithstanding, the proposed changes to the existing By-Law & current By-Law requirements are as follows:

<b>Proposal:</b>	<b>By-Law Requirements:</b>
1) To permit a minimum front yard setback of 6.0 metres (along Thornhill Woods Drive) for Building "B".	1) A minimum front yard setback of 11.0 metres is required for Building "B".
2) To permit a minimum interior side yard setback of 7.18 metres for Building "A".	2) A minimum interior side yard setback of 9.0 metres is required for Building "A".
3) To permit a minimum exterior side yard setback of 2.76 metres for Building "B".	3) A minimum exterior side yard setback of 11.0 metres is required for Building "B".
4) To permit a minimum setback of 3.07 metres from a sight triangle for Building "B".	4) A minimum setback of 11.0 metres is required from a sight triangle.
5) To permit a minimum setback of 7.18 metres from an "R" zone for Building "A".	5) A minimum setback of 9.0 metres is required from an "R" zone.
6) To permit a minimum landscape strip of 2.76 metres at Building "B".	6) A minimum landscape strip of 6.0 metres is required abutting a street line.
7) To permit a minimum of 78 parking spaces for Buildings A and B.	7) A minimum of 97 parking spaces are required for Buildings A and B.
8) To permit a maximum canopy overhang of 1.2 metres for Buildings A and B.	8) A maximum canopy overhang of 0.5 metres is permitted for Buildings A and B.

Louie Greembaum, the applicant, appeared on his own behalf and gave a brief submission regarding the request.

There was no one in attendance either in support of or in opposition to the request.

There were no objections from any Departments or Agencies.

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.

MOVED by M. S. Panicali  
 Seconded by L. Fluxgold

THAT Application No. **A107/05, HEATHERWOOD PROPERTIES INC.**, be **APPROVED** in accordance with the sketch attached .

CARRIED.

# NOTICE OF DECISION

**FILE NO: A037/08**

IN THE MATTER OF Subsection 45 of the Planning Act.

IN THE MATTER OF an application by **HEATHERWOOD PROPERTIES INC.**, owner of Part of Lot 15, Concession 2, (Block 91, Registered Plan 65M-3686, municipally known as 1101 Rutherford Road, Woodbridge).

The subject lands are zoned C3 Local Commercial and subject to the provisions of Exception Number 9(1063) under By-Law 1-88 as amended.

The applicant is requesting a variance **to the use of Units 10 and 11 (Karate School) within an existing one-storey commercial plaza**, notwithstanding, the proposed changes to the existing By-Law & current By-Law requirements are as follows:

**Proposal:**

- 1) To permit the use of Club or Health Centre in a C3, Local Commercial zone.

**By-Law Requirements:**

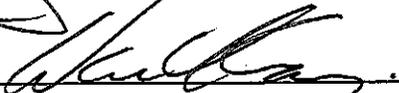
- 1) Club or Heath Centre is not a permitted use within a C3, Local Commercial zone.

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.

THAT Application No **A037/08, HEATHERWOOD PROPERTIES INC.**, be **APPROVED**, in accordance with the sketch attached

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.

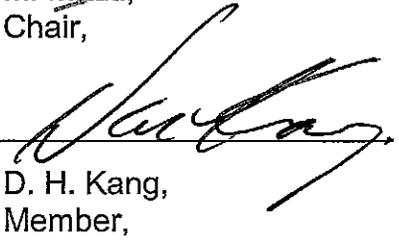
CARRIED.

CHAIR: 

Signed by all members present who concur in this decision:

~~ABSENT~~

M. Mauti,  
Chair,

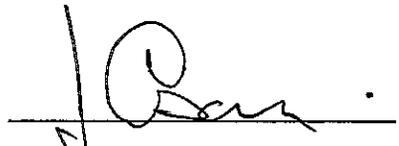


L. Fluxgold,  
Vice Chair,

~~ABSENT~~

M. S. Panicali,  
Member,

Joe Cesario  
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, BES, MCIP, RPP  
Manager of Development Services and  
Secretary-Treasurer to Committee of Adjustment  
City of Vaughan

DATE OF HEARING:

**FEBRUARY 14, 2008**

LAST DATE OF APPEAL:

**MARCH 5, 2008**

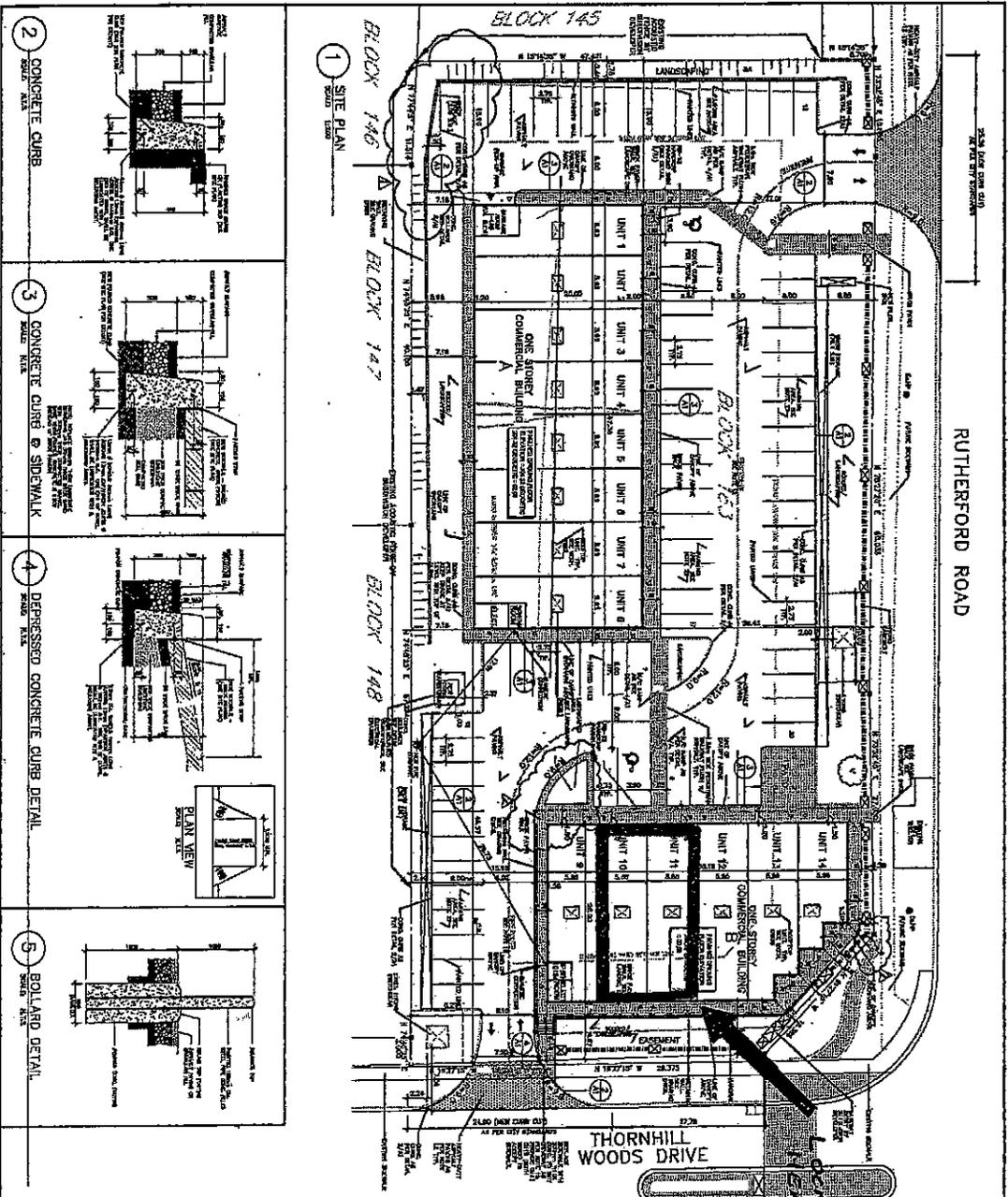
**APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30P.M . ON MARCH 5, 2008.**  
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*Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the \$150.00 processing fee, paid by certified cheque or money order, to the TREASURER CITY OF VAUGHAN and the appeal fee of \$125.00 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.

**NOTE: IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:  
\* \* \* MARCH 5, 2009 \* \* \***

A037/08



**LEGAL DESCRIPTION**

... (Detailed legal description text) ...

**CONCRETE CURB**

**CONCRETE CURB & SIDEWALK**

**DEPRESSED CONCRETE CURB DETAIL**

**BOLLARD DETAIL**

**SECTION OF PROPOSED SECTION OF KARATE SCHOOL.**

**LEGEND**

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**KEY PLAN**

**PROPOSED DEVELOPMENT**

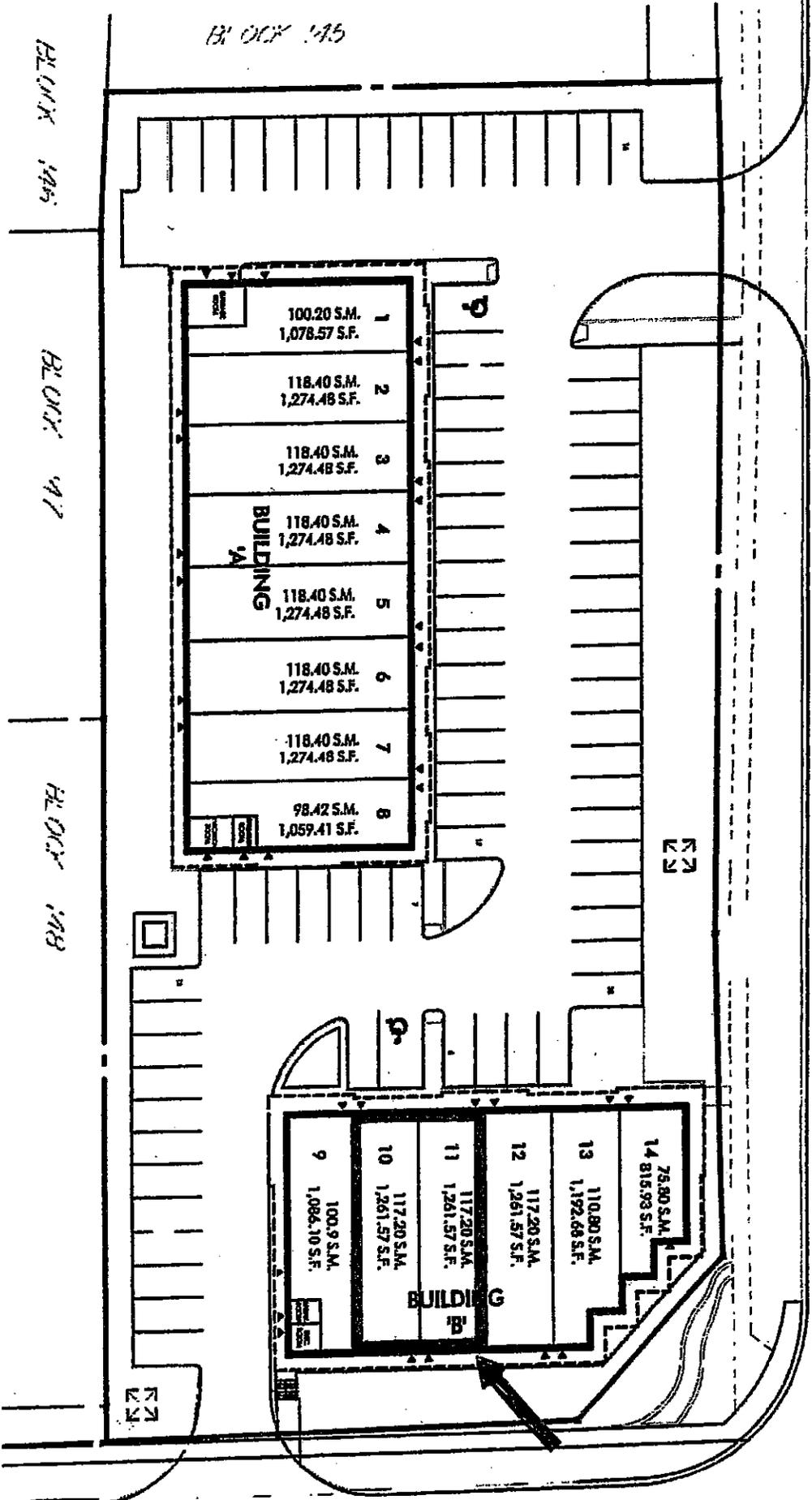
**HEAVENWOOD PROPERTIES INC.**

**2492**

**AM**



RUTHERFORD ROAD



LOCATION OF  
PROPOSED  
HEALTH CENTRE/  
KARATE SCHOOL

THORNHILL WOODS DRIVE

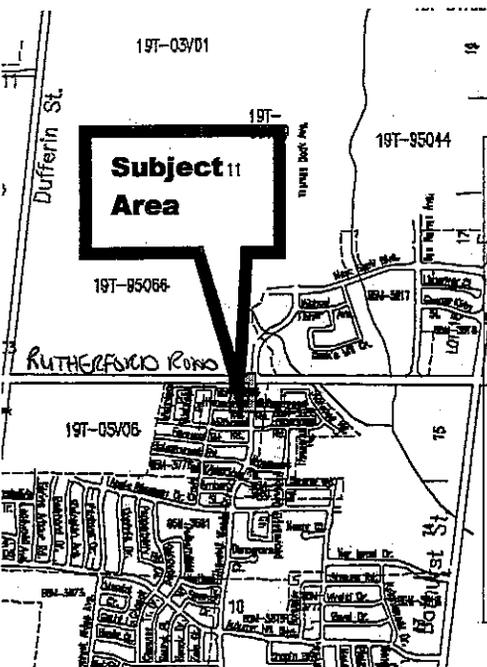
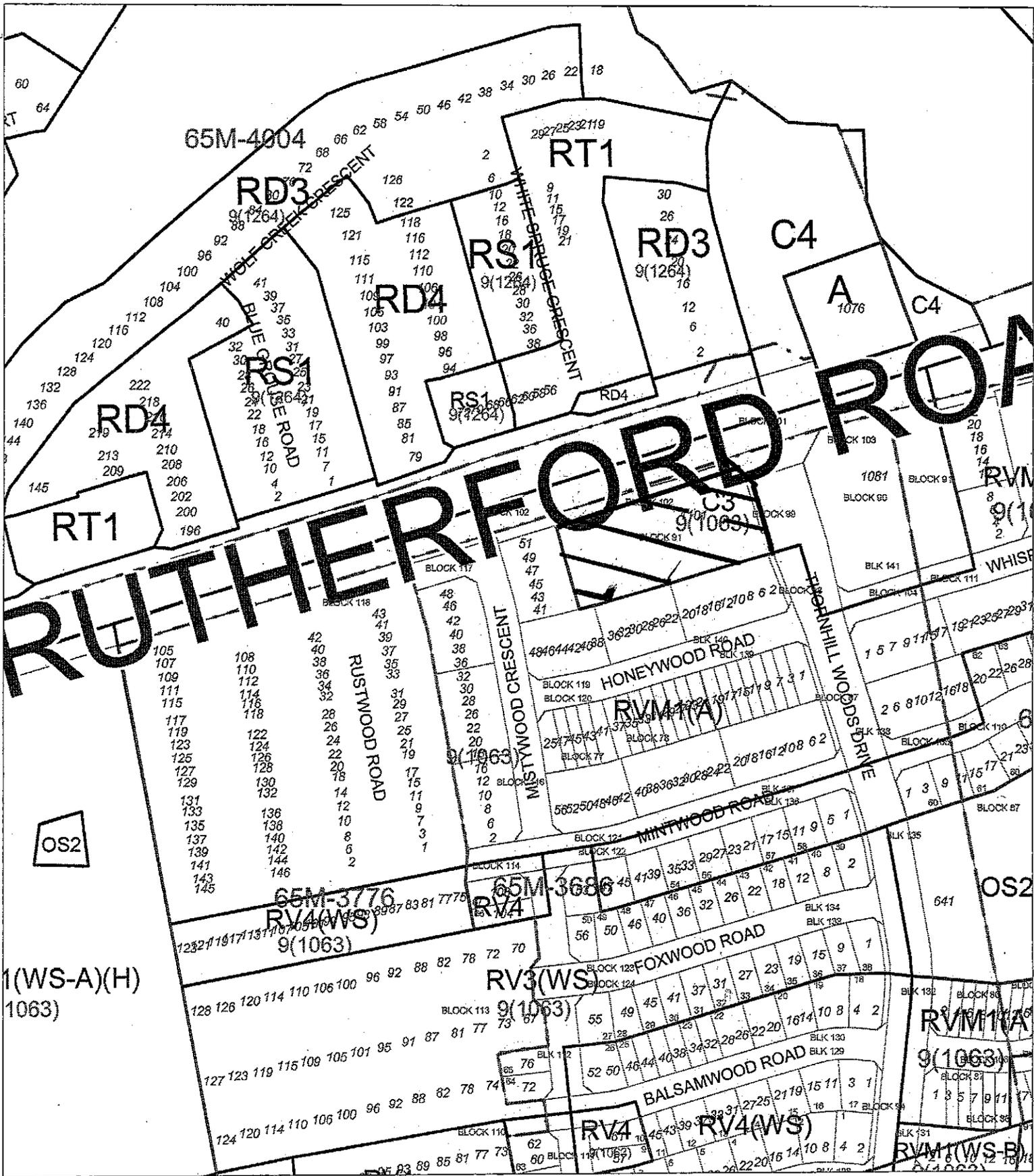


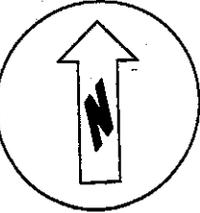
ALL AREAS ARE APPROXIMATE AND SUBJECT TO CHANGE BASED ON FINAL CONSTRUCTION AND ARCHITECT CERTIFICATION

# HEATHERWOOD SQUARE

1101 RUTHERFORD ROAD - CITY OF VAUGHAN

## SITE PLAN



 <b>COMMITTEE OF ADJUSTMENT</b> <i>The City Above Toronto</i>	
	<b>File No &amp; Applicant</b> <b>A037/08</b> <b>HEATHERWOOD PROPERTIES INC.</b>
	<b>Subject Area</b> Municipally known as 1101 Rutherford Road, Woodbridge

**MINOR VARIANCE PUBLIC HEARING:**

Cont'd...

9. **FILE NO.: A037/08**  
**HEATHERWOOD PROPERTIES INC.**

Cont'd...

**LOCATION**

Part of Lot 15, Concession 2, (Block 91, Registered Plan 65M-3686, municipally known as 1101 Rutherford Road, Woodbridge).

**PROPOSAL**

The subject lands are zoned C3 Local Commercial and subject to the provisions of Exception Number 9(1063) under By-Law 1-88 as amended.

The applicant is requesting a variance **to the use of Units 10 and 11 (Karate School) within an existing one-storey commercial plaza**, notwithstanding, the proposed changes to the existing By-Law & current By-Law requirements are as follows:

**Proposal:**

- 1) To permit the use of Club or Health Centre in a C3, Local Commercial zone.

**By-Law Requirements:**

- 1) Club or Heath Centre is not a permitted use within a C3,Local Commercial zone.

Murray Evans, the agent, appeared on behalf of the applicant.

There was no one in attendance either in support of or in opposition to the request.

The Building Standards Department made the following written comments:  
A building permit has not been issued for the use.

There were no comments/objections from any Departments or Agencies.

The Committee is of the opinion that the variance sought can be considered minor and is 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.

MOVED by J. Cesario  
Seconded by D. H. Kang

THAT Application No A037/08, HEATHERWOOD PROPERTIES INC., be **APPROVED**, in accordance with the sketch attached

CARRIED.

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

Signed by all members present who concur in this decision:

\_\_\_\_\_  
M. Mauti,  
Chair,

\_\_\_\_\_  
L. Fluxgold,  
Vice Chair,

\_\_\_\_\_  
Joe Cesario  
Member,

\_\_\_\_\_  
D. H. Kang,  
Member,

\_\_\_\_\_  
M. S. Panicali,  
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, BES, MCIP, RPP  
Manager of Development Services and  
Secretary-Treasurer to Committee of Adjustment  
City of Vaughan

**DATE OF HEARING: FEBRUARY 14, 2008**  
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