



File: A129/20

Applicant: Longyard Properties

Address: 10090 Bathurst Street, Vaughan

Agent: KLM Planning Partners 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		
Cultural Heritage (Urban Design)		
Development Engineering		
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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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

Background History: None



Minor Variance
Application

Agenda Item: 11

A129/20

Ward: 4

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, December 3, 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 contact the Committee of Adjustment at 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: Longyard Properties

Agent: KLM Planning Partners Inc.

Property: 10090 Bathurst Street, Vaughan

Zoning: The subject lands are zoned A, Agricultural, under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Mixed-Use"

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to facilitate the relocation of two (2) heritage structures from the adjacent plan of subdivision (19T- 03V13) to the subject land. The designated historical structures are known as the Munshaw House (principal dwelling) and the Bassingthwaite House (accessory dwelling).

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

By-law Requirement	Proposal
1. A minimum lot area of 10 ha is required.	1. To permit a minimum lot area of 0.4 ha.
2. A minimum front yard setback of 15 metres is required to the dwelling.	2. To permit a minimum front yard setback of 2.5 metres to the dwelling (Munshaw building).
3. A minimum rear yard setback of 15 metres is required to the accessory building.	3. To permit a minimum rear yard setback of 9.0 metres to the accessory building (Bassingthwaite building).
4. A minimum front yard setback of 15 metres is required to the covered porch of the accessory building.	4. To permit a minimum front yard setback of 12.0 metres to the covered porch of the accessory building (Bassingthwaite building).
5. A maximum floor area of 67m2 is permitted for the accessory building.	5. To permit a floor area of 155m2 for the accessory building.
6. A minimum landscape strip of 6.0 metres is required abutting a street.	6. To permit a minimum landscape strip of 2.5 metres abutting a street.
7. A maximum building height of 4.5 metres is permitted for an accessory building to the highest point of the roof.	7. To permit a maximum building height of 7.5 metres for the accessory building (Bassingthwaite building).
8. A maximum building height of 3.0 metres is permitted for an accessory building to the nearest part of the roof.	8. To permit a maximum building height of 5.5 metres to the nearest part of the roof for the accessory building (Bassingthwaite building).

Background (previous applications approved by the Committee on the subject land): None

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: None

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 November 18, 2020

Applicant confirmed posting of signage on November 18, 2020

Property Information	
Existing Structures	Year Constructed
Dwellings	Unknown

Applicant has advised that they cannot comply with By-law for the following reason(s): The subject lands are a remnant parcel from an adjacent plan of subdivision which remained zoned Agricultural. As such, the lot itself does not comply with the Agricultural Zone requirements and the two heritage resources proposed to be relocated onto the site will not be able to meet the requirements of this zone. The Agricultural Zone requirements were not intended for properties of this size.

The lot is also irregularly shaped and narrow, which requires reduced front and rear yard setbacks to accommodate and preserve both dwellings while providing adequate access and separation between them.

Building Standards (Zoning Review):

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

Building Permit No. 20-107878 for Single Detached Dwelling - (Not Yet Issued)

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority). Approval from this agency is required.

An air conditioning unit shall be setback a minimum of 0.6 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard.

Building Inspections (Septic):

No comments or concerns

Development Planning:

Application under review.

Cultural Heritage (Urban Design):

No Response

Development Engineering:

Application under review.

Parks, Forestry and Horticulture Operations:

No comments, no concerns.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comments, no concerns.

Fire Department:

No comments, no concerns.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
Application Justification Letter

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
TRCA – comments with conditions

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, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Planning Roberto Simbana 905-832-8585 x 8810 roberto.simbana@vaughan.ca	Application under review.
2	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.khan@vaughan.ca	Application under review.
3	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority 2. That the applicant successfully obtains a permit pursuant to Ontario Regulation 166/06 from the Toronto and Region Conservation Authority to authorize the placement of the Bassingwaithe building and any associated site alteration.

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

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](https://www.v 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](https://www.v 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.

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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
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

Schedule A: Plans & Sketches

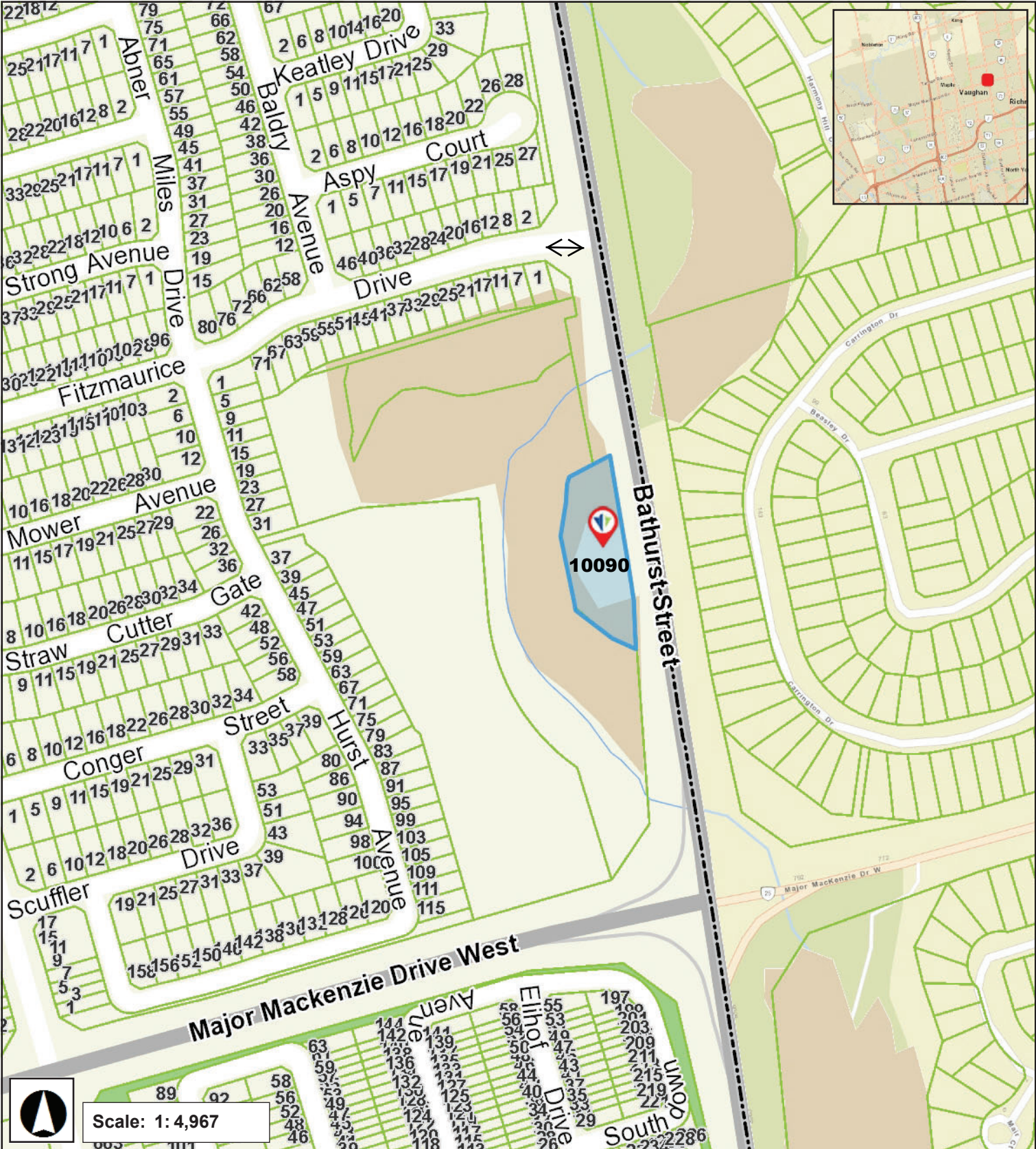
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches



A129/20 - Location Map

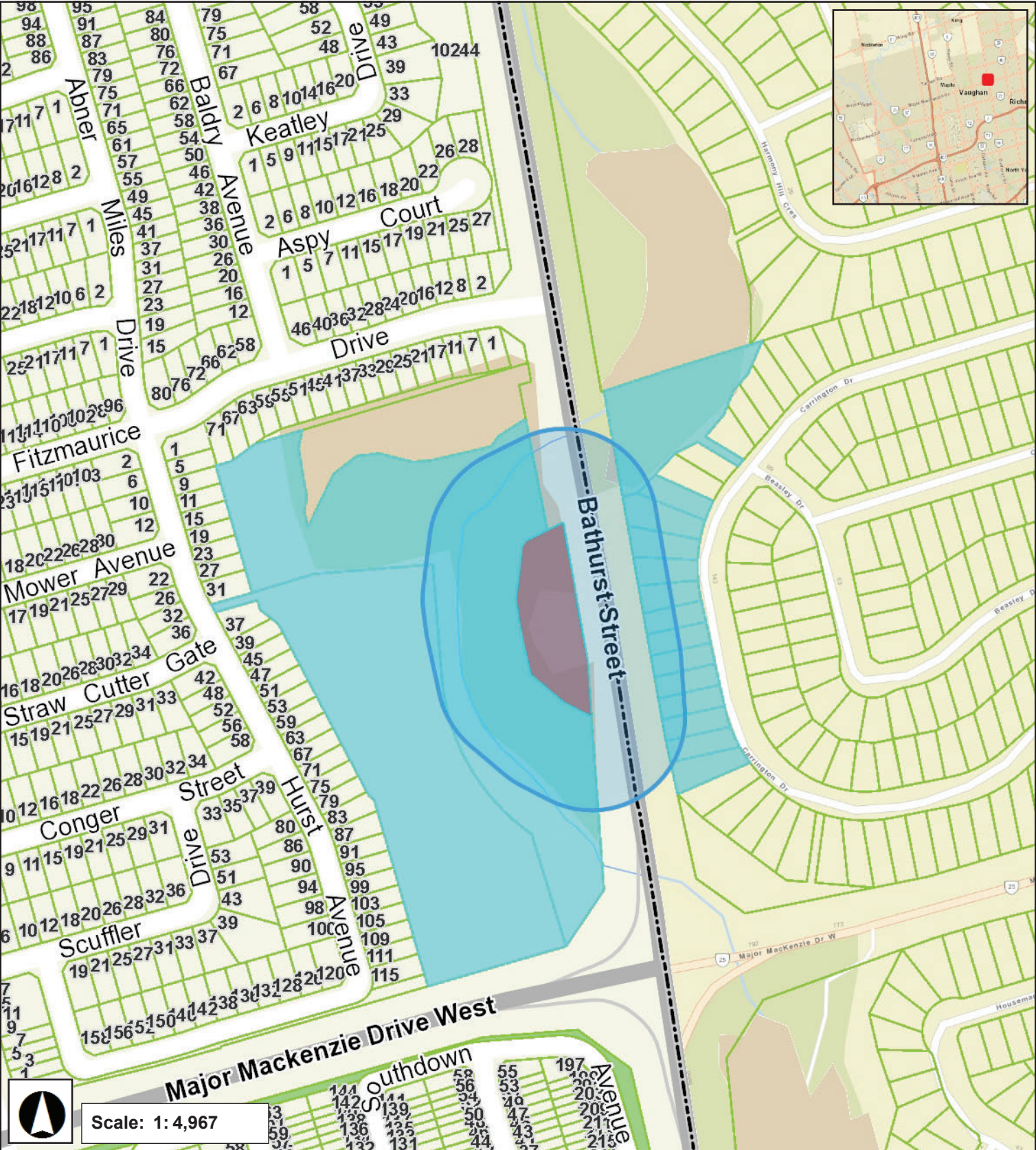
10090 Bathurst Street, Vaughan





A129/20 - Notification Map

10090 Bathurst Street, Vaughan



BASSINGTHWAITE:

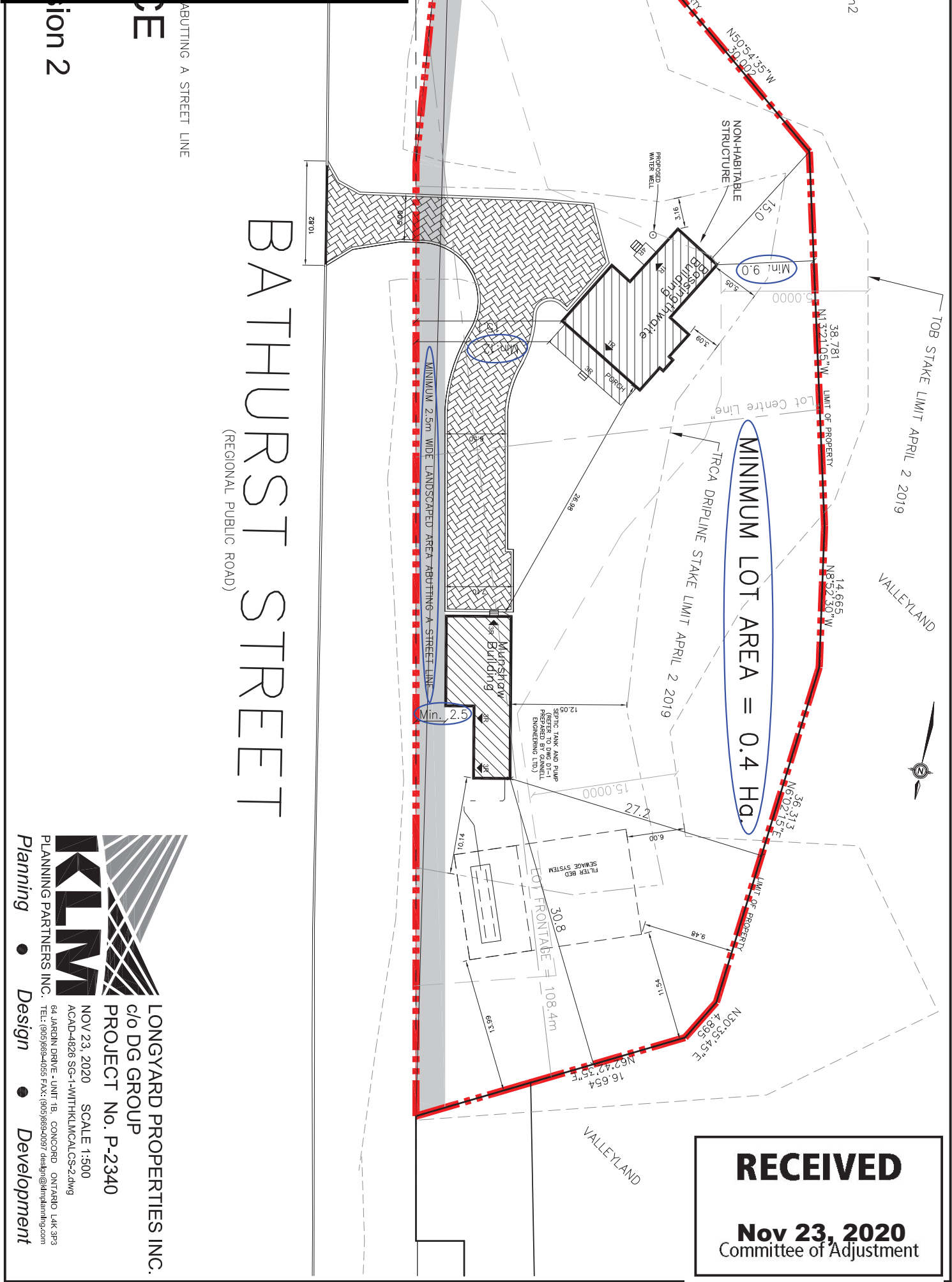
BUILDING FOOTPRINT AREA = 124.24m²
PORCH/STEPS FOOTPRINT AREA = 25.22m²
DECK/STEPS FOOTPRINT AREA = 3.58m²

TOTAL AREA = 153.04m²
MAX. = 155m²

MUNSHAW:

BUILDING FOOTPRINT AREA = 90.68m²
STEPS FOOTPRINT AREA = 0.54m²
TOTAL AREA = 91.22m²

- Proposal:**
1. To permit a minimum lot area of 0.4 ha.
 2. To permit a minimum front yard setback of 2.5 metres to the dwelling (Munshaw building).
 3. To permit a minimum rear yard setback of 9.0 metres to the accessory building (Bassingthwaite building).
 4. To permit a minimum front yard setback of 12.0 metres to the covered porch of the accessory building (Bassingthwaite building).
 5. To permit a floor area of 155m² for the accessory building.
 6. To permit a minimum landscape strip of 2.5 metres abutting a street.
 7. To permit a maximum building height of 7.5 metres for the accessory building (Bassingthwaite building).
 8. To permit a maximum building height of 5.5 metres to the nearest part of the roof for the accessory building (Bassingthwaite building).



RECEIVED

Nov 23, 2020
Committee of Adjustment

BATHURST STREET
(REGIONAL PUBLIC ROAD)

ABUTTING A STREET LINE

ion 2

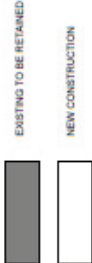
KLM
LONGYARD PROPERTIES INC.
c/o DG GROUP
PROJECT No. P-2340
NOV 23, 2020 SCALE 1:500
ACAD-4826 SG-1-WITHKLMALCS-2.dwg
64 JARDIN DRIVE - UNIT 18, CONCORD, ONTARIO L4K 3P3
TEL: (905)668-1055 FAX: (905)668-0097 design@lmplanning.com

Planning • Design • Development

This drawing is the property of E.R.A. Architects Inc. and shall not be used or reproduced in any form without the written consent of E.R.A. Architects Inc. The contractor shall verify all dimensions and levels on site prior to construction. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

NO.	DATE	REVISION / ISSUANCE
1	2014-08-21	CONSERVATION PLAN - DRAFT
2	2014-08-11	CONSERVATION PLAN
3	2020-11-18	REVISION - BUILDING HEIGHT ADDED

LEGEND



Project

BASSINGTHWAITE HOUSE CP

Address 10244 BATHURST ST., VAUGHAN, ON

For 10244 BATHURST ST., VAUGHAN, ON

Project No. 13-106

Scale 1/8" = 1'-0"

Drawn by E.J.

Reviewed by J.Q.

Drawing Title

WEST & EAST ELEVATION -
PROPOSED

HA305

CONSERVATION NOTES

ADD: BALANCE - IMPROVE EXISTING ELEVATION

C-001: DISCONNECT ALL SERVICES PRIOR TO RELOCATION.

C-002: RETAIN ORIGINAL 1.5-STOREY BASSINGTHWAITE HOUSE FOUNDATION AND RELOCATE TO NEW LOCATION-HOLDING MATERIALS.

C-003: DISCONNECT EXISTING 1.5-STOREY BASSINGTHWAITE HOUSE 2-STOREY AND 1-STOREY ADDITIONS.

C-004: BALANCE STONE FROM EXISTING 1-STOREY BASSINGTHWAITE STRUCTURE AND DEMOLISH EXISTING BUILDING.

C-005: STABILIZE EXISTING FRAMING OF BASSINGTHWAITE STRUCTURE RELOCATION.

C-006: PROTECT ALL EXISTING WINDOWS AND DOORS. ENSURE THEY ARE NOT DAMAGED DURING RELOCATION.

C-007: RETAIN EXISTING BRICK CHIMNEYS DURING RELOCATION.

C-008: REGRADE SITE TO ALLOW FOR FUTURE MOVING STRUCTURES TO BE RELOCATED UPON EXISTING FLOOR JOISTS.

C-009: BALANCE BRICKS FROM ORIGINAL 1.5-STOREY BASSINGTHWAITE HOUSE AND RELOCATE TO NEW LOCATION-HOLDING MATERIALS.

C-010: DEMOLISH EXISTING PORCHES.

C-011: DEMOLISH AND RE-ERECT EXISTING BASEMENT.

C-012: DEMOLISH NEW SITE SHEDS IS COMPLETE BEFORE THE HOUSE IS RELOCATED.

C-013: DEMOLISH AND RE-ERECT EXISTING BASEMENT.

C-014: DEMOLISH AND RE-ERECT EXISTING BASEMENT.

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CONSERVATION REPAIR LEGEND

BRICKWORK

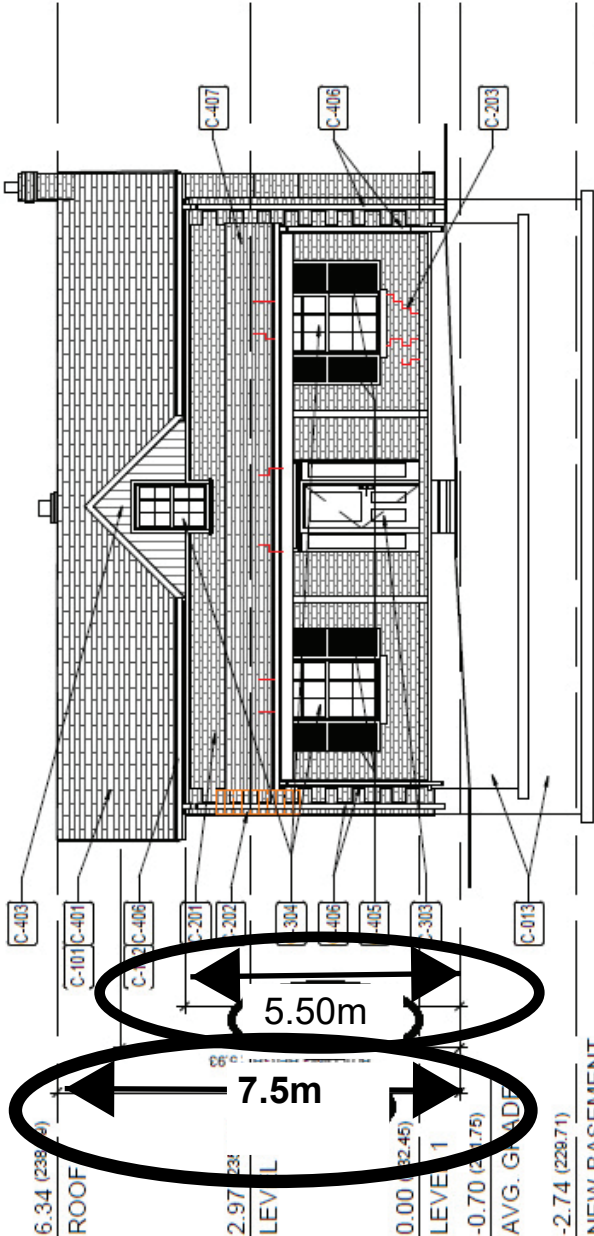
NEW BRICKWORK TO MATCH EXISTING

REPAIR BRICKWORK

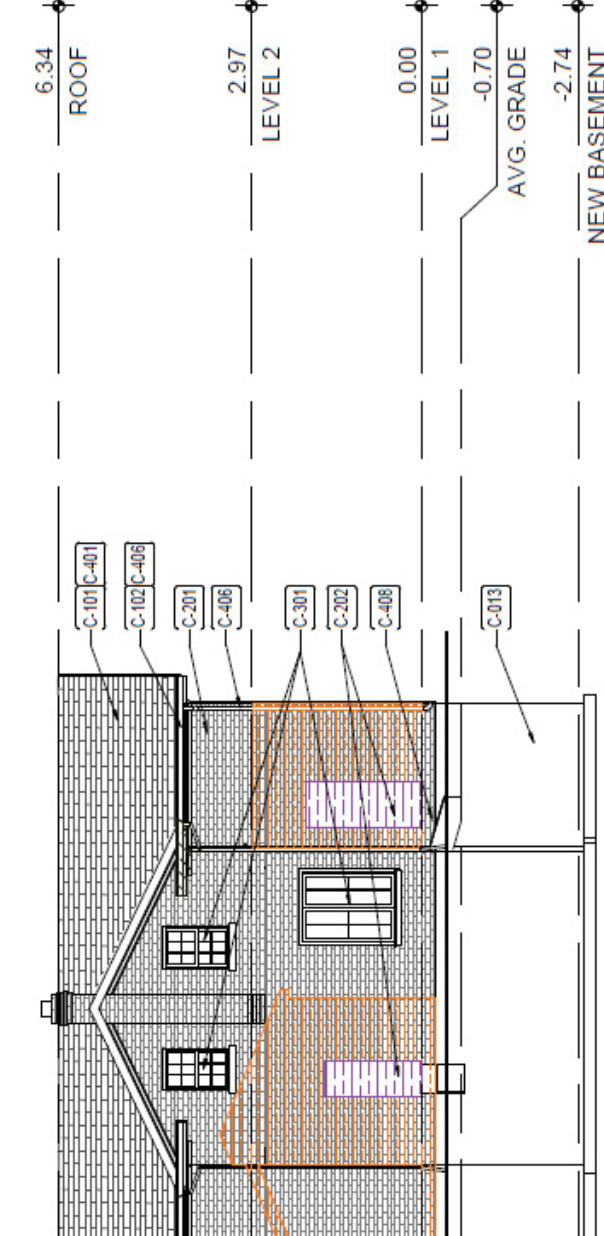
REPAIR CRACK IN BRICKWORK

WOOD

REPAIR EXTERIOR WOOD



2
HA305



1
HA305

This drawing is the property of E.R.A. Architects Inc. and may not be used or reproduced without expressed approval. Refer to Engineering drawings before proceeding with any work. The Contractor shall be responsible for all work and report any discrepancies to E.R.A. before beginning work. Do not scale from the drawings. Use figured dimensions only. The Contractor is responsible for any changes made to the drawings without E.R.A.'s approval.

NO.	DATE	REVISION / ISSUANCE
1	2019-08-21	CONSERVATION PLAN - DRAFT
2	2019-09-11	CONSERVATION PLAN

NOT FOR CONSTRUCTION

LEGEND

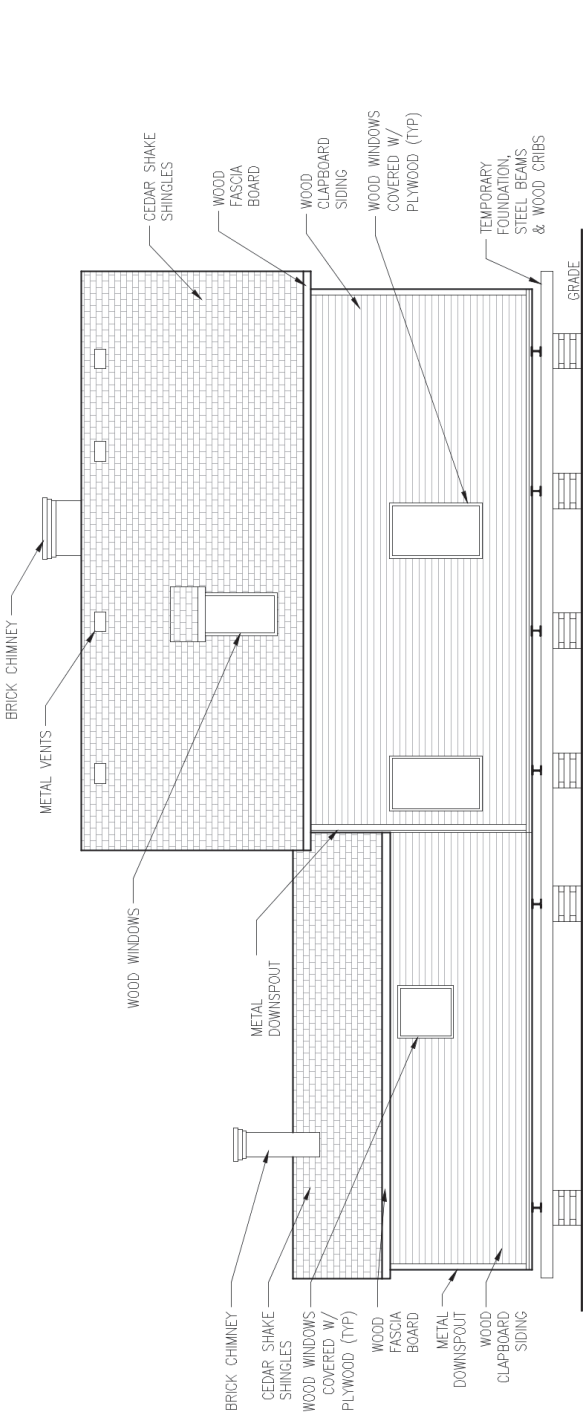
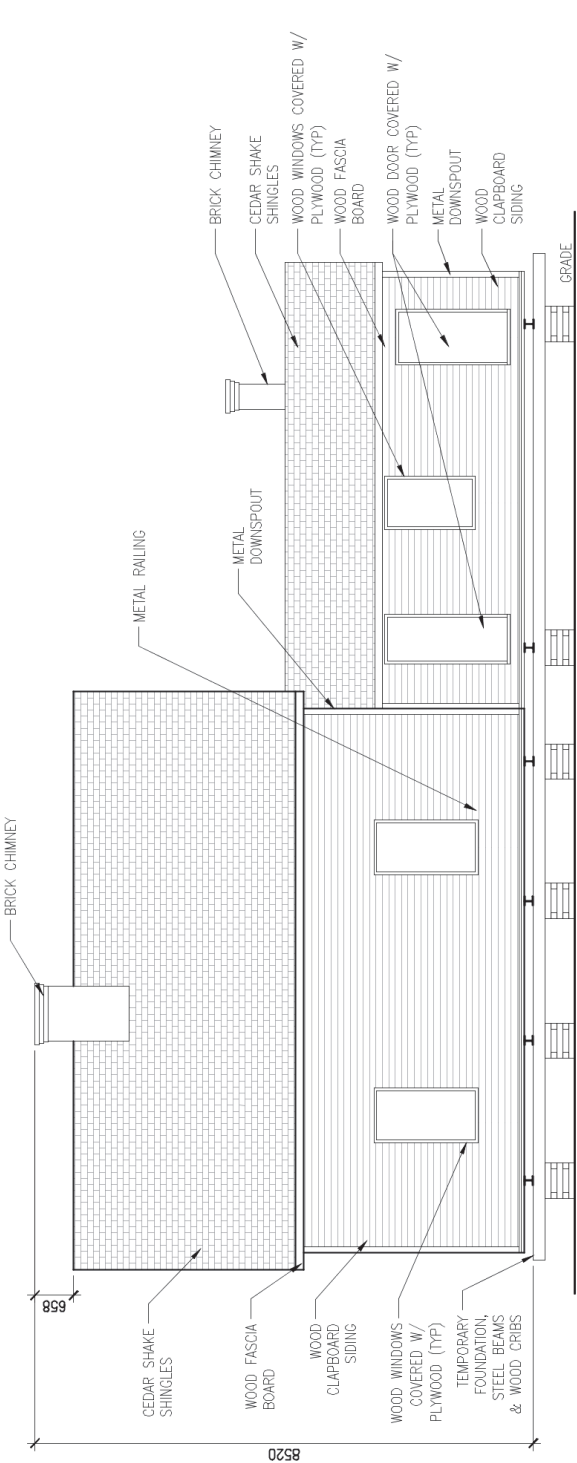
E R A
info@eraarch.ca | www.eraarch.ca
T 416.963.4407 | F 416.963.6761
625 Church Street, Suite 600
Toronto, ON, Canada, M5T 2G1
E.R.A. Architects Inc.

Project	GEORGE MUNSHAW HOUSE CP		
Address	980 MAJOR MACKENZIE DR., VAUGHAN, ON		
For	DG GROUP		
Project no.	13-108		
Scale at 11x17	1 : 100		
Drawn by	JQ		
Reviewed by	JQ		
Drawing title			

EXISTING SOUTH AND NORTH ELEVATIONS

Sheet no.

HA006



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 Justification Letter

**A129/20**

64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

P-2340

November 17, 2020

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

Attention: Christine Vigneault, Secretary-Treasurer, Committee of Adjustment

**Re: Application for Minor Variance
10090 Bathurst Street
Part of Lot 21, Concession 2, City of Vaughan
Longyard Properties Inc. c/o DG Group**

Dear Ms. Vigneault,

KLM Planning Partners Inc. is the land use planner on behalf of Longyard Properties Inc. c/o DG Group ("the owner") with respect to the above noted lands in the City of Vaughan ("the subject lands"). On behalf of our client, we are pleased to submit the enclosed application for Minor Variance.

The subject lands are generally located in the northwest quadrant of the intersection of Bathurst Street and Major Mackenzie Drive West. The lands have an area of 0.4582 ha (1.1 ac) and are municipally known as 10090 Bathurst Street. The subject lands are irregularly shaped and are surrounded by a woodlot within the City's Natural Heritage System to the north, west and south. An existing low-rise residential subdivision consisting of single-detached dwellings exists immediately to the east, rear-lotted against Bathurst Street.

The owner of the subject lands developed the adjacent plan of subdivision to the north and west, and the subject lands are a remnant parcel created by the development of these adjacent lands. As a part of the approval of the adjacent plan of subdivision, it was agreed that two cultural heritage resources known as the Munshaw House and Bassingthwaite House were to be moved from their original locations in order to be preserved in a new location. The owner now plans to relocate these designated and listed historical buildings to the subject lands where they will be placed on permanent foundations and restored. This proposal was supported by Heritage Vaughan and City Council on November 19, 2019. A Heritage

Easement Agreement has already been executed for the designated Munshaw House (June 2020), and the Agreement for the listed Bassingthwaite House is currently being executed.

At this time, these dwellings will not be used; the minor variance is required to permit them to be moved legally, as the lot itself and the proposed siting of these dwellings do not conform to the requirements of the City of Vaughan Zoning By-law 1-88. For the purpose of this minor variance to relocate these structures, the Munshaw House is considered a principal dwelling and the Bassingthwaite House is considered an accessory dwelling. The Bassingthwaite House will not have services installed at this time and will therefore not be fit for occupancy, thereby ensuring that there is only one dwelling on the lot. The ultimate uses proposed for the buildings will be confirmed through future applications for Zoning By-law Amendment and Site Plan Application. As such, five (5) variances are being sought to permit:

1. *A minimum lot area of 0.4 hectares, whereas By-law 1-88 requires a minimum lot area of 10 hectares (Schedule 'A');*
2. *A minimum front yard setback of 2.5 metres to the dwelling (Munshaw House), whereas By-law 1-88 requires a minimum front yard setback of 15 metres (Schedule 'A');*
3. *A minimum front yard setback of 12 metres to the accessory building (Bassingthwaite Building), whereas By-law 1-88 requires a minimum front yard setback of 15 metres (Schedule 'A');*
4. *A minimum rear yard setback of 9 metres to the accessory building, whereas By-law 1-88 requires a minimum rear yard setback of 15 metres (Schedule 'A');*
5. *A maximum floor area of 155m² for an accessory building whereas By-law 1-88 requires a maximum floor area of 67m² for the accessory building (Section 4.1.1a);*
6. *A maximum height of 7.5 metres to the highest part of the roof of the accessory building, whereas By-law 1-88 requires a maximum height of 4.5 metres (Section 4.1.1b);*
7. *A maximum height of 5.5 metres to the nearest part of the roof of the accessory building, whereas By-law 1-88 requires a maximum height of 3 metres (Section 4.1.1b);*
8. *A minimum landscape strip of 2.5 metres along a lot line which abuts a street line, whereas By-law 1-88 requires a minimum landscape strip of 6 metres along a lot line which abuts a street line (Section 3.13);*

This letter is intended to provide background and the planning justification as to how the proposed variances satisfy the requirements of the *Planning Act*.

FOUR TESTS OF A MINOR VARIANCE

In consideration of an application for Minor Variance, Section 45(1) of the *Planning Act* R.S.O. 1990, C.P. 13 provides four (4) tests that must be satisfied. Our opinion as to how the proposed variance meets the criteria of these tests is outlined below:

1) THAT THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN ARE MAINTAINED

The City of Vaughan Official Plan (2010) (referred to as “VOP”) identifies the subject lands as being within a Site-Specific Policy Area for the “North West Corner of Bathurst Street and Major Mackenzie Drive (Section 13.26, Volume 2). This policy states that:

The following policies shall apply to the lands identified on Map 13.26.A:

a. The application 19T- 03V13 draft plan approved prior to the approval of this plan, any revisions to the draft plan and all subsequent planning applications including applications for zoning by-law amendment, minor variance, consent and site plan approval to implement the draft plan of subdivision, are deemed to conform to this Plan provided they comply with the policies of OPA 600, applicable and in force prior to the approval of this Plan. In the event that draft plan approval 19T-03V13 is substantially revised to the effect that such revisions in their totality constitute a new application, the City Official Plan policies in effect at the date of application shall apply. In addition to the parks identified on Schedule 13, Blocks 779 and Block 781 within 19T-03V13 shall be eligible for parkland dedication credits through the development process.

The application for minor variance intends to implement the above-mentioned draft plan of subdivision by providing a location for the relocation and ultimate preservation of two cultural heritage resources. The subject lands are located within the defined area on Map 13.26.A.

The subject lands are designated Low Density Residential on Schedule C – ‘Carville Urban Village 2’ to OPA 600, and are surrounded to the north, west and south by a Valley Lands designation. The Low Density Residential designation permits detached and semi-detached dwellings, schools, parks and open space, small scale community uses, small scale places of worship, institutional uses, private home daycare, other accessory uses, and local convenience commercial centres.

Section 5.9.1.2 states that:

The precise limits of the Valley Land designation and Stream Corridor overlay on Schedules B, C and D will be established to the satisfaction of the City and TRCA through the Block planning process based upon the following:

i) Valley Corridor

If the valley slope is stable, generally 10 metres inland from the top of valley bank. If the valley slope is not stable generally 10 metres inland from the predicted long term stable slope projected from the existing stable/stabilized base of the slope, or from the predicted location of the base of slope shifted as a result of stream erosion over a 100 year period. The extent and treatment of the land beyond the stable slope shall be determined, based on technical studies, to ensure the long term maintenance of the valley functions.

and,

- iv) *The Valley Lands and Stream Corridors will be legally defined at the zoning and/or subdivision stage.*

However, buildings and structures which are not used for flood control are not permitted on lands designated as Valley Lands, which generally includes a 10 metre buffer to the valley top of bank (TOB) (5.9.1.3). Notwithstanding this, Section 5.9.1.4 states that “any lands designated Valley Lands and Stream Corridor overlay on Schedules B, C and D which are determined not be part of the valley and stream corridors based on the application of policies in paragraphs 5.9.1, 1 and 5.9.1, 2 inclusive of the Plan, may be developed in accordance with the adjacent urban land use designation without amendment to this Plan.

The subject lands are also designated within a Woodland Area on Schedule H – ‘Terrestrial Resources’. Section 5.11.1.4(vii) states that:

On lands adjacent to a Woodlot, the need for buffers as a tool for resource protection shall be assessed. The extent of the buffer shall be confirmed to the satisfaction of the City through site-specific investigations during the work leading to the Block Plan and discussions with appropriate agencies. Buffer areas may be either publicly or privately held.

The proposed concept plan situates buildings within the 10m TOB and dripline buffers. Dillon Consulting prepared an Environmental Impact Study (October 2019) which analyzes the TOB and dripline buffer reductions to accommodate the proposed development. It finds that “the positions of these buildings within the 10 m buffer is not anticipated to impact the woodland feature, as vegetation clearings within the vacant lot will be limited to the existing ground cover (Goldenrod and other forb species), as well as the removal of two individual Sugar Maples. In addition, the existing driveway for the former residential dwelling in the vacant lot is located within the recommended 10 m buffer and has been in this location for many years since its construction. Since the use of this driveway will stay the same for the proposed development, impacts to the Significant Woodland are not anticipated.” The TRCA and City are satisfied with the EIS and the buffers being implemented, and have issued the necessary permits and prepared the required Heritage Easement Agreements to facilitate the relocation of the dwellings.

Finally, Section 4.2.6 of OPA 600 contains policies on Cultural Heritage Conservation. Section 4.2.6.1 states that “Buildings identified on the inventory that are the subject of a development application or an application to alter or demolish a structure, may be referred to Heritage Vaughan.”. The owner has already presented the proposal to Heritage Vaughan and had the proposal endorsed by City of Vaughan’s Council on November 19, 2019.

Based on the foregoing, it is our opinion the general intent and purpose of the City of Vaughan Official Plan is maintained.

2) THAT THE GENERAL INTENT AND PURPOSE OF THE THE ZONING BY-LAW ARE MAINTAINED

The subject lands are subject to Zoning By-law 1-88, as amended. The subject lands were not re-zoned with the adjacent plan of subdivision, and as such they remain zoned Agricultural. Given the irregular shape and size of the property and the environmental constraints, the Agricultural Zone standards are not all met. Section 3.11(b) of the Zoning By-law recognizes that some lots are inadvertently undersized due to land conveyances. It stipulates that for undersized lots zoned Agricultural which were created by a land conveyance to a public authority with the powers of expropriation, the lot's minimum yard and coverage requirements must revert to the Rural Residential (RR) Zone. On this basis, the maximum lot coverage requirement is increased from 5% in the Agricultural Zone to 10% in the RR Zone, thereby not requiring a variance for the lot coverage which slightly exceeds 5% of the lot at approximately 5.4%. Furthermore, the Bassingthwaite building which is deemed to be an accessory building is subject to the accessory building requirements under Section 4.0 of By-law 1-88.

The proposed variance to permit a reduction in lot area will legalize the existing undersized lot. Furthermore, the reductions in front and rear yard setbacks will accommodate both of these buildings with adequate separation to accommodate a range of future uses in each of them. These setbacks take advantage of clearings on the property and work with the natural heritage on-site. Further, the Bassingthwaite building, being an accessory building, is required to be set further west on the property which makes the Munshaw dwelling more prominent as the main dwelling on the site. The reduced front yard setback and landscape strip along Bathurst Street will allow the heritage dwelling (Munshaw House) to address the street and maintain visibility from the street, while maintaining an adequate setback to natural features. Given the size of the subject lands and scale of this proposal in comparison to typical properties in the Agricultural Zone, which are generally intended for large properties suitable for agricultural operations, the reduced lot area, setbacks and landscape strip meet the intent of the zoning By-law. The variances respecting the height and floor area of the Bassingthwaite building will allow the building to maintain its historical built form, and allows for a future Zoning By-law Amendment to introduce new uses requiring more floor area than a typical accessory building.

Based on the foregoing, it is our opinion the proposed minor variance meets the general intent and purpose of the zoning by-law and will appropriately regulate the lands.

3) THAT THE PROPOSAL IS MINOR IN NATURE

The proposed minor variance will facilitate the relocation and ultimate preservation of two cultural heritage resources. The reductions in zone standards, as discussed above, achieve the intent of the Official Plan and Zoning By-law, and will not have a negative impact on the Natural Heritage System, the public realm, or adjacent properties. Furthermore, the request for minor variance will permit a necessary interim step to the ultimate preservation of two heritage resources to take place. The ultimate uses on the site will be facilitated through a future Zoning By-law Amendment and Site Plan Application, through which the City will ensure that future uses will not impact the Natural Heritage System, will provide a high level of urban design and landscaping, will compensate for any required tree removal and can be adequately accommodated on the subject lands.

Accordingly, it is our opinion that the proposed variances are considered to be minor in nature.

4) THAT THE PROPOSAL REPRESENTS APPROPRIATE DEVELOPMENT FOR THE SUBJECT LANDS

The proposed minor variances for the subject lands are required predominantly due to the undersized lot and its irregular shape. The proposed locations for the dwelling and accessory building considers the natural features on the site while creating a functional space to be programmed in the future. Furthermore, the City and TRCA are satisfied with the proposed buffers to natural features and will continue to be involved in future development and permit applications to program the uses in these structures. The goal of heritage preservation will be achieved by bringing the lot and proposed siting of the two dwellings into conformity with the Zoning By-law.

Finally, residents have placed complaints with the City of Vaughan requesting that the dwellings be moved from their original locations within the residential subdivision to a new location, as they were informed was the intention when they purchased their homes. One particular complaint from the property owner abutting the Bassingthwaite House notes that they are unable to build a privacy fence along the shared lot line due to the future construction that needs to take place on the abutting lot. Residents have also voiced concerns about aesthetics, structural stability and suitability for the subdivision, as the building cannot be restored until it is in its final location and the dwellings have not been integrated into the new community since the intention has always been to have them relocated. Given their existing context, it is appropriate to facilitate the relocation of these dwellings to their ultimate location.

For these reasons it is our opinion that the proposed minor variance is desirable and appropriate for the proposed development on the subject lands, and will not impact the surrounding community.

CONCLUSION

Based on our review of the applicable policy framework we have concluded that the proposed variances to permit a decreased minimum lot area, front and rear yard setbacks, landscape strip, accessory building floor area and height, are appropriate for the lands zoned Agricultural by the City of Vaughan Zoning By-law (1-88). For these reasons we are of the opinion that the proposed minor variances meet the four tests of a minor variance, as per Section 45(1) of the *Planning Act* R.S.O. 1990, C.P. 13 and therefore can be recommended for approval by the Committee of Adjustment.

In support of the application for minor variance, the following materials are enclosed:

1. Minor Variance Sketch prepared by KLM Planning Partners Inc., dated November 13, 2020;
2. Scoped Environmental Impact Study (including Tree Inventory) prepared by Dillon Consulting, dated October 2019;
3. Elevation plans prepared by ERA Architects, dated September 2019;

We trust the foregoing and enclosed is in order, however, should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

KLM PLANNING PARTNERS INC.

A handwritten signature in blue ink, appearing to read 'CHalis', is positioned above the printed name.

Christine Halis, MCIP, RPP
Senior Planner

cc: DG Group

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
- TRCA – comments with conditions

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

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

Email: tony.donofrio@alectrautilities.com

MacPherson, Adriana

Subject: FW: A129/20 - Request for Comment

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

Sent: November-23-20 3:53 PM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Cc: Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: [External] RE: A129/20 - Request for Comment

Good afternoon Adriana,

The Regional Municipality of York has reviewed 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 | www.york.ca

MacPherson, Adriana

Subject: FW: A129/20 - Request for Comment

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

Sent: November-17-20 5:01 PM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

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

Subject: [External] RE: A129/20 - Request for Comment

Good Afternoon Adriana,

MTO has reviewed the subject land(s) located at 10090 Bathurst St. 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

437.833.9453

November 24, 2020

CFN 62574.33

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

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

Dear Christine:

**Re: Minor Variance Application A129/20 – Revised Comments
Part Lot 21, Concession 2
10090 Bathurst Street
City of Vaughan, Region of York
Longyard Properties Inc. (Agent: KLM Planning Partners Inc)**

Further to our previous letter dated November 23, 2020, this letter acknowledges receipt of revised materials associated with the above noted application. A revised site plan sketch was provided to TRCA by the proponent on November 23, 2020. TRCA staff has reviewed the material and offers the following comments for the consideration of the Committee of Adjustment.

Application-Specific Comments

As noted in our previous letter, staff have no objection to the location of the heritage buildings or the proposed variances. TRCA staff's concern was with the proposed uses of the buildings. Specifically, there was a discrepancy between the noted uses of the buildings in the application form and the site plan sketch. The application form noted one single family dwelling and one accessory structure, while the site plan identified both buildings as dwellings. Based on a review of the updated minor variance sketch that was provided to TRCA on November 23, 2020, TRCA staff's concerns regarding the proposed use of the Basingthwaite building have been addressed, as it is now identified as a "non-habitable structure". As such, TRCA staff have no objection to the approval of Minor Variance Application A129/20.

Based on the submitted material, it appears that a portion the of the Basingwaithe building is within TRCA's Regulated Area (i.e., 15 metres for the physical top of bank of the valley). the Basingwaithe building was not authorized as a part the previous permit issued by TRCA (TRCA Permit No. C-200531). As such, a new permit or permit revision will be required for the placement of the Basingwaithe building at its current location.

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 \$580.00 (Variance-Residential-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 above, TRCA staff have **no objection** to the approval of Minor Variance Application subject to the following condition:

1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority
2. That the applicant successfully obtains a permit pursuant to Ontario Regulation 166/06 from the Toronto and Region Conservation Authority to authorize the placement of the Bassingwaithe building and any associated site alteration.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I,
Development Planning and Permits

HR/jb

C: Roberto Simbana < Roberto.Simbana@vaughan.ca >