



File: A130/20

Applicant: 2538389 Ontario Inc.

Address: 1435 Centre Street, Thornhill ON

Agent: Andy Margaritis-Davies Howe LLP

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"/> | <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 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Ministry of Transportation | | |
| Region of York | <input checked="" type="checkbox"/> | |
| Alectra (Formerly PowerStream) | <input checked="" type="checkbox"/> | |
| Correspondence (see Schedule B) | <input checked="" type="checkbox"/> | |

Adjournment History: None.

Background History: None.

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, February 4, 2021



Minor Variance Application

Agenda Item: 08

A130/20

Ward: 5

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, February 4, 2021 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

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:** 2538389 Ontario Inc.
- Agent:** Andy Margaritis - Davies Howe LLP
- Property:** 1435 Centre Street, Thornhill ON
- Zoning:** The subject lands are zoned C1, Restricted Commercial Zone under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"
- Related Files:** None.
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the temporary use of an animal shelter (rescue facility) for a period of three (3) years.

 The proposed use will be defined to, amongst other things, specifically permit the overnight boarding and re-homing and adoption of rescued cats.

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

| By-law Requirement | Proposal |
|--|--|
| 1. The proposed use is not permitted within a C1 - Restricted Commercial Zone. [5.1.4, 5.2] | 1. Proposed use as described in the application: Animal Shelter - Means a building or part of a building used as a temporary home for the care and adoption of lost, abandoned or surrendered domesticated animals. Revised notice sent to address update to Animal Shelter definition. |
| 2. Where a Commercial Zone abuts the boundary of lands zoned Open Space or Residential, a strip of land not less than 2.4 metres in width and inside the Commercial Zone and abutting its boundary shall be used for no purpose other than landscaping. [5.1.1 a)] | 2. No landscaping strip (0.0 metres wide) is proposed abutting the lands zoned Residential. |

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

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 January 20, 2021

Applicant confirmed posting of signage on January 12, 2021

| Property Information | |
|----------------------|------------------|
| Existing Structures | Year Constructed |
| Dwelling | 1954 |
| Garage | 1954 |

Applicant has advised that they cannot comply with By-law for the following reason(s): See Justification letter (Schedule B)

Adjournment Request: None.

Building Standards (Zoning Review):

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

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

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

Site Plan approval may be required for the proposal.

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

Please note that a Building Permit may be required for a change of use or any proposed construction.

Building Inspections (Septic):

No comments or concerns

Development Planning:

The subject lands are designated “Low Density Residential” by Official Plan Amendment 210 (‘OPA 210’) and “Special Policy Area” by the in-effect Official Plan Amendment 672 (‘OPA 672’) and “Low-Rise Residential” by Vaughan Official Plan 2010 (‘VOP 2010’), Volume 2 Area Specific Policy, 12.9 Centre Street Corridor (currently under appeal).

The Owner is requesting permission to operate a temporary animal shelter within a wholly enclosed building with the above noted variances. Since a ‘Rescue Facility’ is not defined under Zoning By-law 1-88, Development Planning and Building Standard, Zoning staff worked with the Agent to develop a definition (Animal Shelter) capturing the day-to-day operations that currently take place on-site. For the purposes of this report a ‘Rescue Facility’ and ‘Animal Shelter’ are one in the same.

The Owner has operated a non-profit ‘Rescue Facility’ from the subject lands for the last 2 and half years with the purpose of rescuing lost, abandoned and surrendered cats. In order for the non-profit organization to continue to provide these services, the Owner is seeking a temporary (3 years) relief from the By-law, thereby, providing them the necessary time to secure a permanent location. A condition to this effect is included in the recommendation of this report.

The subject lands are zoned “C1 Restricted Commercial Zone” by Zoning By-law 1-88 which permits a wide range of commercial (i.e., office, retail, service), institutional, and recreational uses. Specifically, a comparable use such as a ‘veterinary clinic’ is permitted within the as of right, C1 Zone provided all boarding of animals are within a wholly enclosed building. Development Planning staff is of the opinion that a temporary allowance of an ‘Animal Shelter’ which consists of overnight boarding and adoption of animals who are medically treated within the confines of an enclosed building to maintain the general intent and purpose of the By-law.

The Development Planning Department considers the proposed ‘Animal Shelter’ to be appropriate given its location, abutting other commercial uses, and for a temporary basis within the existing building of 3 years. Variance 2 is needed to address an existing condition on-site posing no negative impact onto the adjacent property as there is an existing vegetative (i.e., trees and shrubs) buffer area which adequately screens an activity coming from the Owner’s parking lot.

The Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application subject to the following condition of approval:

That Minor Variance Application A130/20 to permit the operation of an ‘Animal Shelter’ as defined and within a wholly enclosed building as shown on the attached site plan, be restricted to a temporary approval of 3 years from the date of the decision.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A130/20.

Parks Development - Forestry:

No comments or concerns

By-Law and Compliance, Licensing and Permit Services:

No comment.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comments or concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

- Application Justification Letter
- Letter of Support - Lucia Dell’Agnese (NTRC, Volunteer and Donor)
- Letter of Support – Resident (Darryl)
- Letter of Support – Linda Kaplan
- Letter of Support - Elana Hirson

Schedule C - Agency Comments

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- 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 | TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca | 1. That the proponent provides a confirmation to the satisfaction of the Toronto and Region Conservation Authority indicating no person will stay within the building overnight; 2. The applicant provides the required fee amount of \$1,100.00 payable to the Toronto and Region Conservation Authority. |

| | Department/Agency | Condition |
|---|--|---|
| 2 | Development Planning Roberto Simbana Roberto.simbana@vaughan.ca 905-832-8585 x 8810 | That Minor Variance Application A130/20 to permit the operation of an 'Animal Shelter' as defined and within a wholly enclosed building as shown on the attached site plan, be restricted to a temporary approval of 3 years from the date of the decision. |

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

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. 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

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.

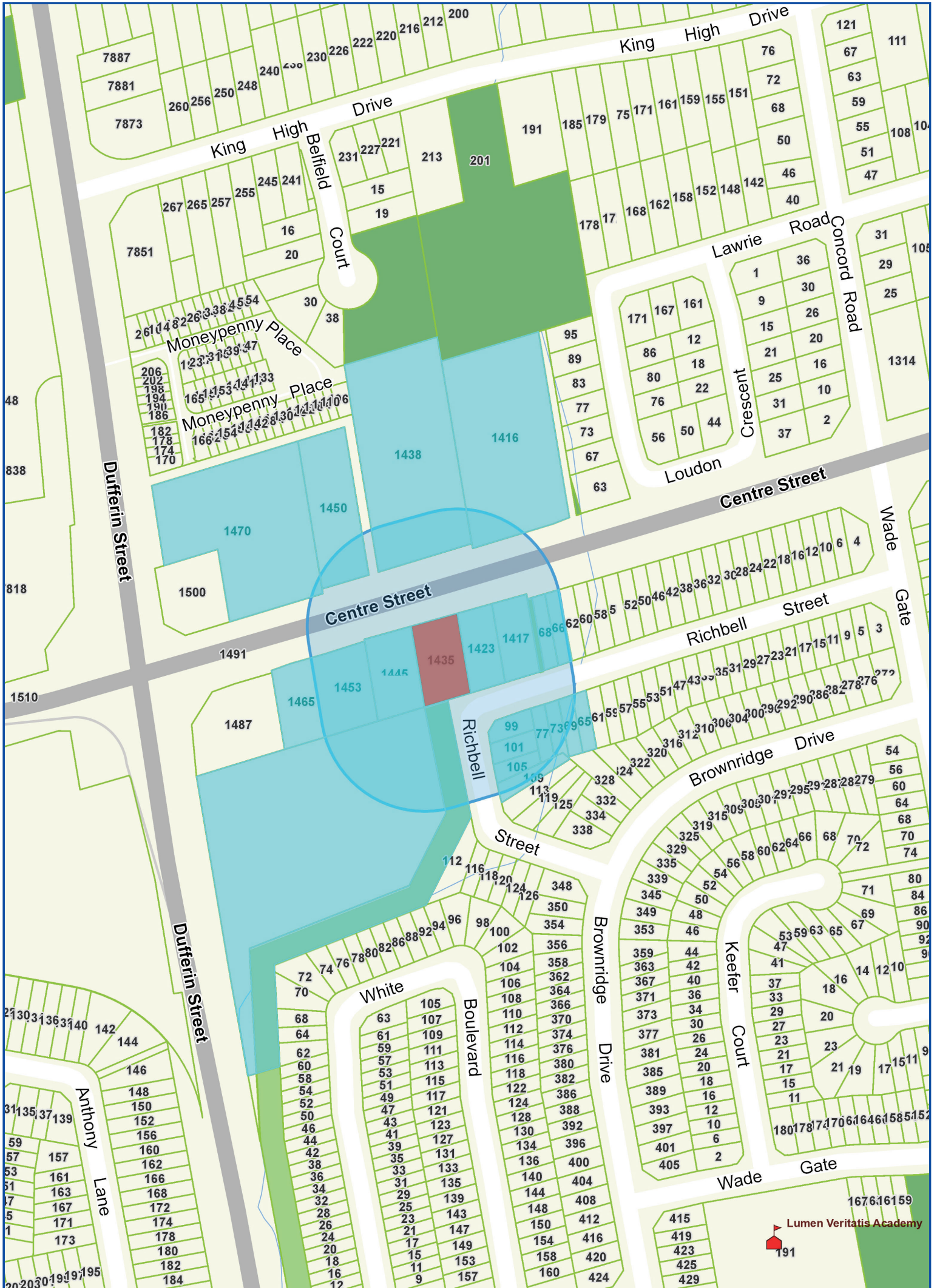
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

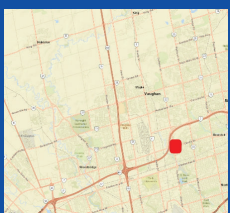
Schedule A: Plans & Sketches

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:

1435 CENTRE STREET, THORNHILL

LOCATION MAP - A130/20

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: 1:3,051

0 0.05 km



Created By:

Infrastructure Delivery
Department
December 1, 2020 5:57 PM

Projection:
NAD 83
UTM Zone
17N

SURVEYOR'S REAL PROPERTY REPORT
 PART 1:
 PLAN OF LOTS 6, 7 & 8
 REGISTERED PLAN 3668
 CITY OF VAUGHAN
 FORMERLY MUNICIPALITY OF YORK

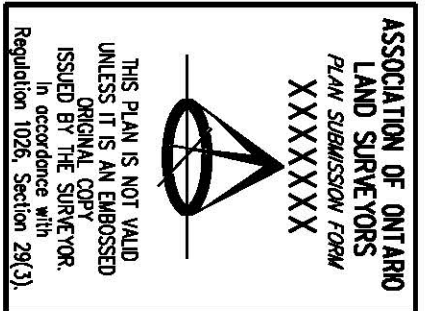
SCALE 1 : 200

AKSAN PILLER CORPORATION LTD.

PART 2:
 PREPARED FOR: 2538389 ONTARIO INC.
 LOCATION OF THE BUILDING: WHOLLY ON THE PROPERTY,
 UTILITY BUILDINGS: AS SHOWN ON PART 1,
 DECKS: AS SHOWN ON PART 1,
 SWIMMING POOLS: NONE, EXCEPT ALONG THE PROPERTY
 EXISTING FENCES: AS SHOWN IN THE LAST
 REGISTERED INSTRUMENT
 ON PART 1,
 ASSESSMENTS: AS SHOWN IN THE LAST
 REGISTERED INSTRUMENT
 DRIVEWAYS: AS SHOWN ON PART 1.

LEGEND:
 ■ DENOTES SURVEY MONUMENT FOUND
 □ DENOTES IRON NAIL
 ○ DENOTES IRON BAR
 ○ DENOTES STANDARD IRON BAR
 ○ DENOTES SHORT STANDARD IRON BAR
 ○ DENOTES CONCRETE PIN
 ○ DENOTES WITNESS MONUMENT
 ○ DENOTES NORTH
 ○ DENOTES SOUTH
 ○ DENOTES EAST
 ○ DENOTES WEST
 ○ DENOTES CHAIN LINK FENCE
 ○ DENOTES FENCE
 ○ DENOTES REGISTERED PLAN 3668
 ○ DENOTES PLAN GSR 3497
 ○ DENOTES RONALD E. ROBERTS, O.L.S.
 ○ DENOTES SCHAEFFER AND DZALDOV, O.L.S.
 ○ DENOTES

○ DENOTES TREE TRUNK DIAMETER



METRIC:
 DISTANCES SHOWN ON THIS PLAN
 ARE IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048.

CAUTION:
 THESE CALCULATIONS ARE NOT TO ARBORIST STANDARDS
 AND ARE DEFINED AT 1.4m ABOVE GRADE AT TREE
 FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT:
 1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES
 ACT AND THE REGULATIONS MADE UNDER THEM;
 2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF OCTOBER, 2017.

NOVEMBER, 2017
 DATE
 HELMUT PILLER
 ONTARIO LAND SURVEYOR

AKSAN PILLER CORPORATION LTD.
 ONTARIO LAND SURVEYORS
 114-108-1172 (416-867-3913) | info@aksanpiller.com
 CALC. BY: DRAMN, LF
 CHECKED: HP
 Reference number: 17-24-1282-00



REGISTERED LOT 5
 REGISTERED LOT 6
 REGISTERED LOT 7
 REGISTERED LOT 8
 REGISTERED LOT 33
 REGISTERED LOT 34
 REGISTERED LOT 3668

REGISTERED PLAN 65M-2218
 REGISTERED PLAN 65M-3023

CENTRE STREET (REGIONAL ROAD 71)
 RICHBELL STREET

NO. 1435
 NO. 1423
 NO. 1417

MEASUREMENTS ARE APPROXIMATE

LEGEND:
 ■ DENOTES SURVEY MONUMENT FOUND
 □ DENOTES IRON NAIL
 ○ DENOTES IRON BAR
 ○ DENOTES STANDARD IRON BAR
 ○ DENOTES SHORT STANDARD IRON BAR
 ○ DENOTES CONCRETE PIN
 ○ DENOTES WITNESS MONUMENT
 ○ DENOTES NORTH
 ○ DENOTES SOUTH
 ○ DENOTES EAST
 ○ DENOTES WEST
 ○ DENOTES CHAIN LINK FENCE
 ○ DENOTES FENCE
 ○ DENOTES REGISTERED PLAN 3668
 ○ DENOTES PLAN GSR 3497
 ○ DENOTES RONALD E. ROBERTS, O.L.S.
 ○ DENOTES SCHAEFFER AND DZALDOV, O.L.S.
 ○ DENOTES

MEASUREMENTS ARE APPROXIMATE

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 ACT AND THE REGULATIONS MADE UNDER THEM;
 2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF OCTOBER, 2017.

NOVEMBER, 2017
 DATE
 HELMUT PILLER
 ONTARIO LAND SURVEYOR

AKSAN PILLER CORPORATION LTD.
 ONTARIO LAND SURVEYORS
 114-108-1172 (416-867-3913) | info@aksanpiller.com
 CALC. BY: DRAMN, LF
 CHECKED: HP
 Reference number: 17-24-1282-00

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

Letter of Support - Lucia Dell'Agnese (NCR, Volunteer and Donor)

Letter of Support – Resident (Darryl)

Letter of Support – Linda Kaplan Letter of

Support - Elana Hirson

A130/20



Andy Margaritis
andym@davieshowe.com
Direct: 416.263.4520
Main: 416.977.7088
Fax: 416.977.8931
File No. 703886

November 10, 2020

By Courier and E-Mail Only to cofa@vaughan.ca

Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, 1st Floor
Vaughan, ON
L6A 1T1

Dear Office of the City Clerk:

**Re: 1435 Centre Street, Thornhill (the “Property”)
North Toronto Cat Rescue (the “Rescue Facility”)
Application for a Minor Variance to add Cat Rescue/Shelter Use to the
Permitted Uses for the Property
Request for Waiver of Committee of Application Fees**

We write on behalf of our client, Ms. Donna Cox, who operates the Rescue Facility in rented premises within the Property. The owners of the Property have authorized undersigned to act as Agent for the below noted request.

The Variance Request

Our client has recently been advised that the Rescue Facility is not a permitted use under the City of Vaughan (the “**City**”) C1 “Restricted Commercial Zone” the Property currently enjoys pursuant to City Zoning By-law 1-88 (the “**By-law**”). In order for Ms. Cox to continue to operate the Rescue Facility at its current location, a minor variance is required to add an Animal Shelter use to the list of permitted uses to the zoning of the Property (the “**Variance**”). The proposed use will be defined to, amongst other things, specifically permit the overnight boarding and re-homing and adoption of rescued cats, which is an essential component of the services offered at the Rescue Facility. Accordingly, we are filing this application (the “**Application**”) to respectfully request that the Committee of Adjustment (the “**Committee**”) grant a variance to add an “Animal Shelter”, as defined below, to the list of permitted uses for the Property.

Taking guidance from the By-law's definitions section and direct communications with staff in the City's Building Standards Department, we propose that an Animal Shelter be defined for the purpose of the Application as:

Animal Shelter – means a building or part of building used for the care or adoption of lost, abandoned or neglected domesticated animals and may include an outdoor run or exercise areas as an accessory use.

Background

The Rescue Facility is a registered non-profit and is a 100% volunteer run organization. The Rescue Facility serves the community by rescuing vulnerable cats and bringing them into a secure environment until they can be permanently re-homed. A defining feature of the Rescue Facility is that it does not practice euthanasia.

Our client has been operating the Rescue Facility for more than 30 years and has been located at the Property for the last 2.5 years. Over the last three decades our client has dedicated her life to saving the lives of more than 3,000 cats – a truly altruistic endeavour. The Rescue Facility also spays, neuters and vaccinates rescued felines.

Vaughan Animal Services has referred countless citizens to the Rescue Facility for as long as our client has been in operation in the City and continues to do so even today.

The Application

In order for the Committee to grant the Variance, it must be satisfied that the four tests pursuant to s.45 of the *Planning Act* have been met.

The Four Tests

Desirable for the Appropriate Use of the Land/Building/Structure

The Property, together with the two properties immediately to its east, are owned by corporate entities under the same control (collectively, the "Lands"). The Lands are an obvious candidate for redevelopment. They are now either vacant or under utilized and are located near a prominent intersection in the City in an area in which significant government funds are being expended to construct a Regional rapid transit line. Permitting the Rescue Facility to operate on the Property until such time as the Lands are redeveloped would be both desirable and appropriate as it would prevent the under utilization of the Property, or the further underutilization of the Lands.

Our client recognizes that as a result of the likely development of the Lands the Rescue Facility will not be able to stay in its current location indefinitely, and as a result, is agreeable to the imposition by the Committee of a condition to any approval of the Application that limits the amount of time the Variance is permitted. While our client would

prefer the Variance be permitted until such time as the development aspirations for the Lands are realized, our client understands that it is not possible, at this time, to specify the time at which the Lands will be redeveloped and that a temporal condition requires a definitive termination date. Accordingly, our client would be agreeable to the imposition of a condition limiting the duration of the Variance to a three-year period. Should the Lands not be in the process of redeveloping by the expiry of the Variance, our client, should they wish to remain at this location, would be required to submit a further application to the Committee for a Variance to permit the use for an extended period of time, which of course would again be subject to satisfying the four tests.

Maintains the Intent of the Official Plan

The proposed Variance maintains the intent of the Official Plan as it does not undermine any of the Official Plan's policies related to commercial and/or economic vitality. The proposed Variance will support City OP policies related to the provision of human and social services that improve the quality of life of the City's citizens by taking in abandoned, injured and discarded cats and nursing them back to health. By doing so, it prevents additional breeding, suffering and potential complaints that these cats are pests.

The Rescue Facility also provides a service to the community by assisting students to reach their community services hours by volunteering at this location.

Maintains the Intent of the Zoning By-law

The existing C1 zoning for the Property permits a wide array of commercial uses included, but not limited to, hotels, places of entertainment, motor vehicle sales establishments and service or repair shops. The By-law, however, does not permit the overnight boarding and re-homing of cats. Thus, the addition of the Animal Shelter use on a temporary basis is necessary to allow the Rescue Facility to continue to operate until the Property/Lands redevelop. The permitted uses can all be described as service commercial uses. The proposed Animal Shelter also provides a service to the community which in no way detracts from or interferes with any existing permitted use on or near the Property.

The proposed Variance seeks to add this single additional use, on a temporary basis, to the Property which will permit the overnight boarding and re-homing of rescued cats. In our view, the Variance maintains and is not in conflict with the intent of the City By-law.

Minor

The Application does not propose any modifications to the existing structures on the Property. The Property is quite large in relation to the modest structures that sit upon it and there are generous setbacks from all side yards.

Purposefully, the Rescue Facility does not contain any signage that would indicate that a no kill cat rescue facility operates within it. This is because our client does not want to

attract attention to the Rescue Facility and does not want citizens to drop off unwanted or abandoned animals. The Rescue Facility operates on an appointment only basis.

To our knowledge there have been no complaints made regarding the Rescue Facility by any member(s) of the public during the time in which it has been in operation on the Property. This is likely due to the quiet and cleanly nature of the Rescue Facility's operation.

We respectfully submit that the legalization of this use, on a temporary basis, will cause no adverse impact on any adjacent or nearby property. Given that the Application does not propose any modifications to the existing structures, that the existing structures are well set back from all side and rear yards, that the proposed Rescue Facility's operation is inconspicuous in nature, and that the requested variance is temporary in nature, it is our opinion that the proposed Variance is minor.

Summary

We humbly submit that the Application meets the four tests under s. 45 of the *Planning Act*, and that the Variance, if approved, will not result in any undue adverse impact on neighbouring properties, represents good planning and is in the public interest. As a result of the foregoing we respectfully request that the Committee allow the Variance.

Request for Waiver of Fees

The Rescue Facility is a registered non-profit and is a 100% volunteer run organization. Given these circumstances, the Application fee is particularly burdensome to and creates a financial hardship on the Rescue Facility. This hardship is exacerbated by the temporary nature of any approved Variance and the possibility that future Applications may be necessary should the Lands not redevelop and the Rescue Facility seeks to remain in operation at this location. Accordingly, we respectfully ask that the Committee exercise its discretion to waive the Application fee pursuant to section 69(2) of the *Planning Act*.

Additionally, and as noted, Vaughan Animal Services routinely refers the City's citizens to the Rescue Facility. We believe this to be indicative of the excellent operating nature and reputation of the Rescue Facility and no doubt enhances the provision of human and social services which improves the quality of life for all. A fee waiver would also represent a good will gesture to our client who has devoted her life to a truly altruistic endeavour and who has very limited resources to continue the proper operation of the Rescue Facility.

In the event the Committee is not prepared or able to waive the Application fee in its entirety, then in the alternative, we respectfully request that the Application fee be reduced to the greatest extent possible.

We thank the Committee, its Manager and planning staff for the time taken to seriously consider this fee waiver request.

Conclusion

For the reasons set out above, we hereby request that the Committee grant the requested Variance. In support of the Application, we enclose the following:

1. A cheque, in the amount of \$3,460.00, made payable to The City of Vaughan, in payment of the Application fee;
2. A complete and executed Application; and,
3. A survey of the Property.

Should you wish to discuss this matter further we would be happy to convene a call, at your convenience, to discuss.

Yours truly,
DAVIES HOWE LLP



Andy Margaritis

copy: Client

From: [REDACTED]
To: [Committee of Adjustment](#)
Subject: [External] Minor Variance application # A130/20
Date: Wednesday, January 27, 2021 1:38:46 PM

To Vaughan of City,

Subject: Minor Variance application # A130/20

Property address: 1435 Centre Street, Thornhill. Ontario

Following up on the Public Notice for the above named property.

This house is a rental, which is far from other buildings, and does not disturb or disrupt anyone, or cause any problems with the traffic flow.

This is the only no kill cat shelter servicing the community in our area. I have adopted a cat from this shelter.

All cats are spade and given all the inoculation required before adopted out preventing more breeding of unwanted cats in our area.

I have personally visited this cat shelter many times and it is always clean and the cats have good food and clean water at all times.

This is a necessity for the community to have a place in the area to bring in injured and abandoned cats.

I have seen volunteers cleaning and looking after cats. All cats are well cared for in this loving and caring shelter.

I hope this shelter will continue to do the good work they are doing, saving unwanted, abused and injured cats.

Thank you for your understanding in this issue.

Darryl

Providence, Lenore

Subject: FW: [External] Minor Variance File A130/20

From: Elana Hirson [REDACTED]

Sent: January-27-21 5:54 PM

To: Committee of Adjustment <CofA@vaughan.ca>; premier@ontario.ca; AndyM@davieshowe.com

Subject: [External] Minor Variance File A130/20

It is with great regret that an email of this type needs to be addressed to those concerned. As a Canadian citizen, law abiding and a taxpayer I am at loss to understand why during such turbulent times our animal control department feels it's resources are best served by trying to close the doors on one of the few "no kill" cat rescue homes.

I have on many occasions been to the shelter and it's cleanliness, care for the helpless cats and provision of food and company is noteworthy.

It is a destination for abandoned cats and cats whose owners through no fault of their own- many of whom are now Covid positive or have passed.

Perhaps my taxpayer dollars would be better spent seeking out those who abuse their animals, move home leaving them to die from starvation and cold or leaving them in cardboard boxes on highways.

If the department has so much wasted time and resources to hand- how about you be the one to tell a palliative patient not to worry- their lifelong companion will be removed and killed in 48 hours!!!

If this email expresses one tenth of the anger and disgust I feel it has served its purpose. I have copied Doug Ford on this email and intend sharing it with the press.

Ilana Hirson
[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

Providence, Lenore

Subject: FW: [External] Cat shelter at 1435 centre Street. Thornhill. # A130/20

From: linda kaplan [REDACTED]

Sent: January-27-21 5:15 PM

To: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] Cat shelter at 1435 centre Street. Thornhill. # A130/20

My daughter adopted a cat from this shelter 2 years ago and I accompanied her there on a few occasions because the lady who owns this shelter requires many interviews.

I was so impressed on how well the animals are treated and how clean and well run this place is. The shelter is a no kill shelter and all cats are neutered and spayed and all get veterinary services.

There are not enough cat shelters run privately and therefore so many strays and also "dumped" cats and just left behind when owners move.

I am now a regular donator to this wonderful shelter and am very saddened by the thought that such beautiful cats may be destroyed.

Yours truly

Linda Kaplan

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

TRCA – comments with conditions

January 19, 2021

CFN 62574.35

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

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

Dear Ms. Vigneault:

**Re: Minor Variance Application A130/20
Lot 6, Plan RP 3668
1435 Centre Street
City of Vaughan, Region of York
Owner: 2538389 Ontario Inc. (Agent: Davies Howe LLP c/o Andy Margaritis)**

This letter acknowledges receipt of the above noted application, received by the Toronto and Region Conservation Authority (TRCA) on December 1, 2020. TRCA staff has reviewed the application and offers the following comments for the consideration of the Committee of Adjustment.

Background

It is our understanding that the purpose of application A130/20 is to request the following:

1. To add an "Animal Shelter" use to the list of permitted uses for the subject property. Animal Shelter – means a building or part of building used for the care or adoption of lost, abandoned or neglected domesticated animals and may include an outdoor run or exercise areas as an accessory use.
2. No landscaping strip (0.0 metres wide) is proposed abutting the lands zoned Residential.

The purpose of the noted variances is to allow for the continued use of a Rescue Facility that has been operating on the site for the last two and half years.

Applicable TRCA Policies and Regulations **Provincial Policy Statement (2020)**

The *Planning Act* dictates that agencies involved in planning, including the TRCA, "shall be consistent with" the PPS when reviewing development applications. In accordance with Section 3.1 of the PPS, development and site alteration are to be directed away from areas of natural hazards unless the effects and risk to public safety are minor, could be mitigated in according to provincial standards and where the four (4) test of Section 3.1.7 could be met.

Living City Policies (LCP)

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a 'Natural System' made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long-term protection and enhancement. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while meeting natural hazard management

requirements, and maintaining and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject application, along with those found in other Provincial and municipal plans, documents and guidelines.

Ontario Regulation 166/06

The subject property is entirely within TRCA's Regulated Area due to a Regional Storm flood plain associated with a tributary of the Don River that covers the majority of the lot. In accordance with *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses)*, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected. In this regard, TRCA must be contacted prior to any works taking place in the Regulated Area.

Application-Specific Comments

As noted above, a significant portion of the subject property is located within a Regional Storm flood plain associated with a tributary of the Don River. Based on TRCA's current mapping and modeling, the Regional Storm flood plain reaches an elevation of 194.42 metres above sea level (masl) at the front (northern end) of the property and an elevation of 193.99 masl at the front of the building.

As outlined in Section 3.1.2 (c) of the PPS, development, including a change of land use, shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flood hazards, erosion hazards and or/dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazards. Furthermore, Section 3.1.5 of the PPS states that development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use including hospitals, long term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

It is the understanding of TRCA staff that the property is currently zoned "C1 – Restricted Commercial Zone" per Zoning By-Law 1-88, which allows for a mix of service commercial uses. It is the position of TRCA staff that the proposed use does not fall within the list of vulnerable uses noted in Section 3.1.5 of the PPS and the addition of the Animal Shelter use to the list of uses already permitted under the "C-1 – Restricted Commercial Zone" would not represent an increase in the risk to people and/or property. That being said, TRCA staff do have a concern with the proposed overnight component associated with the use as the property would not have safe access during a Regional Storm event. As such, TRCA staff request that confirmation be provided by the proponent confirming that no person(s) shall stay overnight in the building.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,100.00 (Variance-Commercial-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 A130/20 subject to the following conditions:

1. That the proponent provides a confirmation to the satisfaction of the Toronto and Region Conservation Authority indicating no person will stay within the building overnight; and
2. The applicant provides the required fee amount of \$1,100.00 payable to the Toronto and Region Conservation Authority.

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/mh

Cc: Holyday, Margaret <Margaret.Holyday@vaughan.ca>
Simbana, Roberto <Roberto.Simbana@vaughan.ca>



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

Email: tony.donofrio@alectrautilities.com

Providence, Lenore

Subject: FW: A130-20 - REQUEST FOR COMMENTS - 1435 Centre Street, Thornhill - (Full Circulation)

From: Wong, Anson <Anson.Wong@york.ca>

Sent: December-02-20 3:42 PM

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

Subject: [External] RE: A130-20 - REQUEST FOR COMMENTS - 1435 Centre Street, Thornhill - (Full Circulation)

Hi Lenore,

The Regional Municipality of York has completed its review of Minor Variance Application A130/20 (MVAR.20.V.0451) and has **no comments**.

Thanks,

Anson Wong | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71516 | anson.wong@york.ca | www.york.ca

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

