

## Committee of the Whole (2) Report

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**DATE:** Tuesday, February 9, 2021

**WARD:** 4

**TITLE:** DUFFERIN VISTAS LTD.

**ZONING BY-LAW AMENDMENT FILE Z.16.016**

**DRAFT PLAN OF SUBDIVISION FILE 19T-16V001**

**230 GRAND TRUCK AVENUE**

**VICINITY OF DUFFERIN STREET AND RUTHERFORD ROAD**

**FROM:**

Jim Harnum, City Manager

**ACTION:** DECISION

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### **Purpose**

To seek approval from the Committee of the Whole to amend the Council approved recommendations and Local Planning Appeal Tribunal's approval for Zoning By-law Amendment File Z.16.016 (Dufferin Vistas Ltd., Item 5, Report No. 6, February 21, 2017) to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which the implementing zoning by-law came into effect for the Subject Lands shown on Attachment 1.

### **Report Highlights**

- The Development Planning Department supports the inclusion of an additional recommendation to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which the implementing zoning by-law came into effect by the Local Planning Appeal Tribunal (September 25, 2019), for Zoning By-law Amendment File Z.16.016, on the Subject Lands.
- The Owner is seeking relief from Zoning By-law 1-88 for the approved Phase 1 development on the Subject Lands to reduce the rear yard setback, increase the building height and increase the maximum garage width through the Committee of Adjustment.

## **Recommendation**

1. THAT the Council approved Recommendations contained in Item 5, Report No. 6 (Dufferin Vistas Ltd.) dated February 21, 2017, be amended to include the following recommendation:

“THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.”

## **Background**

The subject lands (‘Subject Lands’) are municipally known as 230 Grand Trunk Avenue and are located west of Dufferin Street and north of Rutherford Road as shown on Attachment 1.

### ***Development applications for the Subject Lands were approved by the Local Planning Appeal Tribunal***

Dufferin Vistas Ltd. (the ‘Owner’) appealed the applications to the Local Planning Appeal Tribunal (‘LPAT’), citing Vaughan Council’s refusal or neglect to make a decision on Zoning By-law Amendment File Z.16.016 and Draft Plan of Subdivision File 19T-16V001 (the ‘Applications’) within the allotted *Planning Act* timeframes. Vaughan Council, on February 21, 2017, endorsed the Applications for approval.

The LPAT, through their Order dated September 25, 2019 (File No. PL160978) allowed the appeal with respect to the Applications to permit 32 detached dwellings, as shown on Attachment 2. The LPAT also authorized the Office of the City Clerk to assign a number to the implementing zoning by-law. Vaughan Council on October 23, 2019, assigned the implementing zoning by-law as By-law 137-2019.

## **Previous Reports/Authority**

[Item 5, Report No. 6 Committee of the Whole Council Extract February 21, 2017 Enacted Zoning By-law 137-2019](#)

## **Analysis and Options**

***The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance Application(s) within two years of a zoning by-law coming into full force and effect***

Section 45(1.3) of the *Planning Act* restricts the submission of a Minor Variance Application(s) to the Committee of Adjustment within two years of the day in which a

zoning by-law was amended. Section 45(1.4) of the *Planning Act* permits a Council to pass a resolution to allow an Owner to apply for a Minor Variance Application within two years of the passing of a zoning by-law. Zoning By-law 137-2019 was approved at LPAT on September 25, 2019 and therefore, two years have not passed since the enactment of the by-law.

***The Owner has submitted a Minor Variance Application to the approved Zoning By-law***

The Subject Lands are zoned “RD4(H) Detached Residential Zone Four” with the Holding Symbol “(H)” by Zoning By-law 1-88, and subject to site-specific exception 9(1483), which permits detached residential dwellings.

The Owner submitted a Minor Variance Application (File A009/21) to the Committee of Adjustment for relief from Zoning By-law 137-2019 . The following variances to the draft approved subdivision shown on Attachment 2, are being requested by the Owner:

1. Reduce the required rear yard setback from 7.5 m to 6 m (excluding Lots 15-19)
2. Increase the maximum building height from 11 m to 13 m for all lots
3. Permit a maximum interior garage width of 6.1 m on a lot with a minimum lot frontage of 11 m, whereas 4.5 m is required
4. Permit a maximum interior garage width of 6.1 m on a lot with a minimum lot frontage of 14 m that abuts a greenway or buffer, whereas 4.5 m is required.

The Owner has indicated the variances identified above are required in order to increase the gross floor area and ceiling heights of the proposed dwellings. Should Council approve the recommendation, the minor variance application will be reviewed and circulated to internal staff and the Toronto and Region Conservation Authority (‘TRCA’) to determine if the variances meet the four tests identified in Section 45(1) of the *Planning Act*.

Should Council approve the recommendation in this report, the Owner would also be able to apply if necessary, for future zoning relief for the Subject Lands in the event other minor zoning matters arise within the prescribed two-year period in which the zoning by-law was amended. The Development Planning Department can support the request to allow the Owner to submit a Committee of Adjustment application on the basis the Minor Variance Application will be reviewed on its own merits thereby ensuring that the requested variances meet the four tests identified in Section 45(1) of the *Planning Act*.

**Financial Impact**

There are no requirements for new funding associated with this report.

## **Broader Regional Impacts/Considerations**

There are no requirements from the York Region Community Planning Department regarding this request.

## **Conclusion**

The Development Planning Department supports the request from the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which implementing Zoning By-law 137-2019 came into effect. Should Council approve the recommendation, the Owner would be permitted to proceed with their Minor Variance Application (File A009/21) to the Committee of Adjustment to permit variances to the development on the Subject Lands shown on Attachment 2. The Minor Variance application will be reviewed on its own merits ensuring that the requested variances meet the four tests of Section 45(1) of the *Planning Act*.

**For more information**, please contact: Margaret Holyday, Senior Planner, at ext. 8216.

## **Attachments**

1. Location Map
2. Zoning By-law Schedule

## **Prepared by**

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## **Approved by**



Mauro Peverini, Acting Chief Planning Official

## **Reviewed by**



Jim Harnum, City Manager