

File: A005/21

Applicant: Lorwood Holdings Inc.

Address: #22 - 3120 Rutherford Road, Maple

Agent: Grant Uyeyama, KLM Planning Partners Inc.
Alireza Khosrowshahi, Melrose Investments 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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	
Ministry of Transportation		
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: A117/11, A209/09 (see next page for details)

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, February 25, 2021

***Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).**



Minor Variance
Application

Agenda Item: 15

A005/21

Ward: 1

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, February 25, 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](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: Lorwood Holdings Inc.

Agent: Grant Uyeyama - KLM Planning Partners Inc.
Alireza Khosrowshahi – Melrose Investments Inc.

Property: #22 - 3120 Rutherford Road, Maple

Zoning: The subject lands are zoned C8, Office Commercial Zone, and subject to the provisions of Exception 9(1243) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use" with a Maximum Height of 8-storeys and Density of 2.5 times the area of the lot (FSI).

Related Files: None.

Purpose: Relief from By-law 1-88, as amended, is being requested to allow a Temporary Sales Office to be located greater than 100 m from the lands subject to the development.

The Temporary Sales Office will be located in Unit #22 (3120 Rutherford Road and the lands subject to the development are located at 2851 Highway 7.

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

By-law Requirement	Proposal
Temporary offices for the sale of residential units may be permitted in all zones but only on the lands subject to the development or in the immediate vicinity provided it shall not be located further away from the lands to be developed than 100 metre. [3.25]	To permit a temporary sales office for the sale of residential units greater than 100 metres from the lands to be developed. <i>**The proposed temporary sales office is approximately 5000 metres away from the lands to be developed.</i>

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A117/11	To permit the construction of a proposed outdoor patio to Building "E". Minimum landscape strip 4.9m.	Approved – April 28/11
A209/09	The applicant is requesting a variance to permit additional eating establishment uses, to one and three storey existing and proposed buildings, as follows: Maximum G.F.A. devoted to eating establishments 25%	Approved – Sept 17/09

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: 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 February 10, 2021

Applicant confirmed posting of signage on February 4, 2021

Property Information	
Existing Structures	Year Constructed
Buildings	2005-2006

Applicant has advised that they cannot comply with By-law for the following reason(s): As per Zoning By-law 1-88 Section 3.25, "Temporary offices for the sale of residential units may be permitted in all zones but only on the lands subject to the development or in the immediate vicinity provided it shall not be located further away from the lands to be developed than 100 metres"

The Zoning By-law cannot be complied with as the subject property for the proposed Temporary Sales Office is approximately 4,400 m from the subject lands of the Development Site at 2851 Highway 7, requiring a minor variance. There is insufficient space on the Development Site for a Temporary Sales Office to locate, and there is no appropriate site to locate within 100 m of the Development Site.

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.

Section 3.25 requires that the use of a Temporary Sales Office is subject to an agreement with the City as to its location, servicing and duration, This agreement has not been provided as part of the documentation supporting this application, and relief has not been requested from this requirement. Please note that this agreement is required prior to issuance of a building permit for the use.

Section 3.25 requires that the Zoning for the development within which the units to be sold are located be in full force and effect. By-law amendment 180-2020 enacted by Council December 15, 2020; signed certified copy confirming that it is in full force and effect not yet available at the time of review.

Please note that the zoning to permit the development must be in full force and effect prior to issuance of a building permit for the use.

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use" with a Maximum Height of 8-storeys and Density of 2.5 times the area of the lot (FSI).

The Owner is requesting permission to locate a temporary sales office further than 100 m from the lands to be developed, being 2851 Highway 7 within the Vaughan Metropolitan Centre ('VMC'), approximately 5000 m away from the subject lands.

Section 3.25 of Zoning By-law 1-88, states that a temporary sales office is permitted in a freestanding or multi-unit building or structure if the implementing Official Plan and Zoning for the development is in full force and effect. Related Official Plan and Zoning By-law Amendment, Draft Plan of Subdivision and Site Development Files OP.19.009, Z.19.024, 19T-19V004 and DA.19.075 for the lands to be developed were approved by Council on December 15, 2020, with the implementing Official Plan and Zoning By-law Amendments enacted at the same Council meeting as By-laws 180-2020 and 181-2020.

The Development Planning Department has no objection to the proposed variance, given the subject lands permit a wide range of commercial uses which remain compatible with the existing commercial plaza. The variance being sought is appropriate and minor as it will be limited to a four (4) year period for the purposes of promoting the sale of residential units for the development site within the VMC. A condition to this effect is included in the Recommendation of this report.

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.

1. That Minor Variance Application A005/21 to permit a temporary sales office at 3120 Rutherford Road, Unit 22, be restricted to a temporary approval of **4 years** from the date of the decision.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A005/21.

Parks Development - Forestry:

No comment no concerns.

By-Law and Compliance, Licensing and Permit Services:

No comment no concerns.

Financial Planning and Development Finance:

No comment no concerns.

Fire Department:

No comments received to date.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Application Cover Letter.

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)

Minor Variance Application A117/11
Minor Variance Application A209/09

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 and subject to the following conditions:

	Department/Agency	Condition
1	Development Planning Roberto Simbana 905-832-8585 x 8810 roberto.simbana@vaughan.ca	That Minor Variance Application A005/21 to permit a temporary sales office at 3120 Rutherford Road, Unit 22, be restricted to a temporary approval of 4 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](https://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.

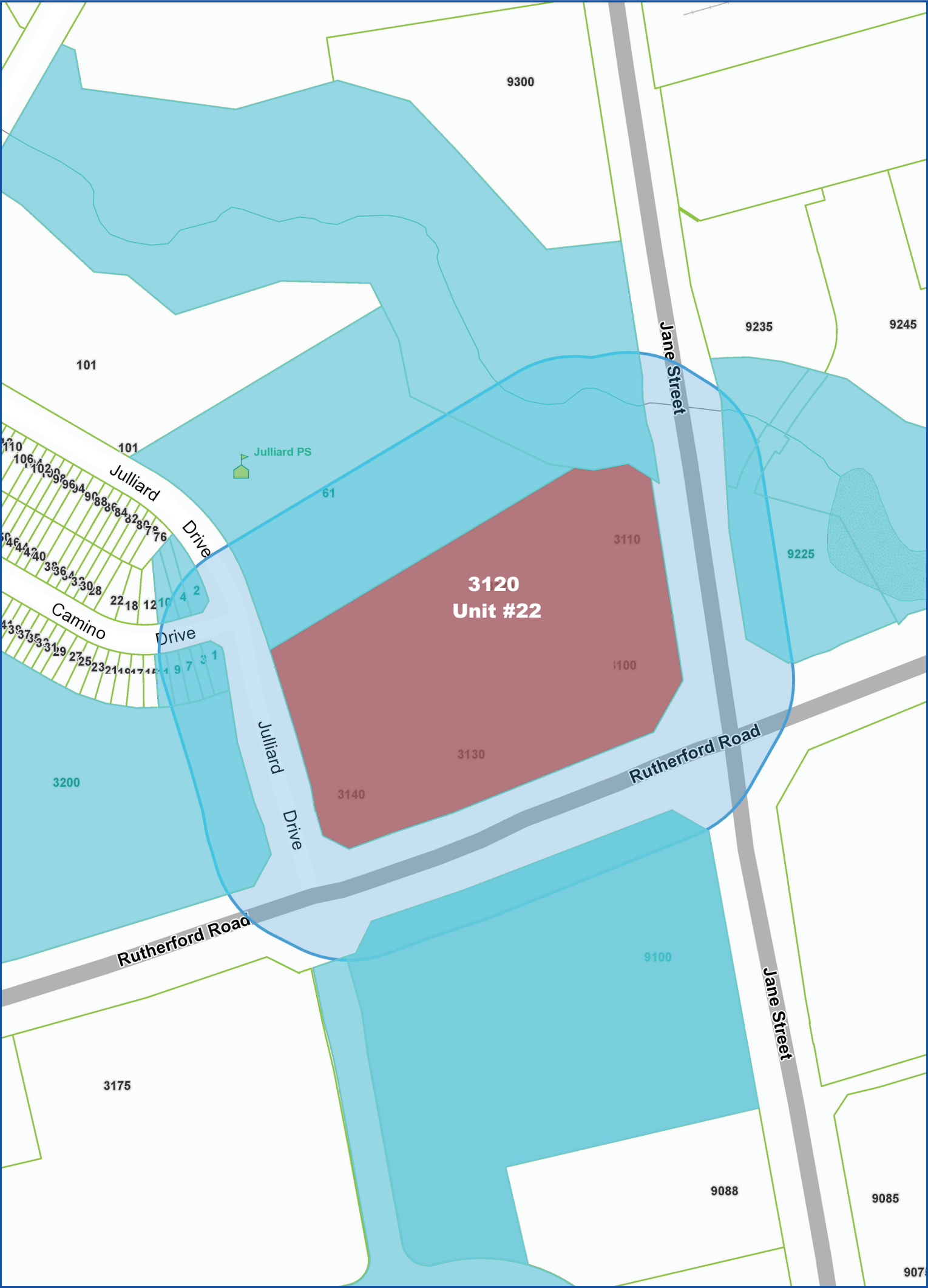
For further information please contact the City of Vaughan, Committee of Adjustment

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

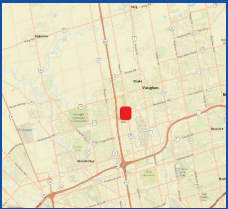
Schedule A: Plans & Sketches

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:

NOTIFICATION MAP - A005/21

#22-3120 RUTHERFORD ROAD, MAPLE

Disclaimer:

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



Scale: 1:2,866

0 0.05 km



Created By:

Infrastructure Delivery
Department
February 9, 2021 12:11 PM

Projection:
NAD 83
UTM Zone
17N

To permit a temporary sales office for the sale of residential units greater than 100 metres from the lands to be developed.

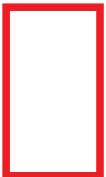
***The proposed temporary sales office is approximately 5000 metres away from the lands to be developed.*

A005/21

NEW

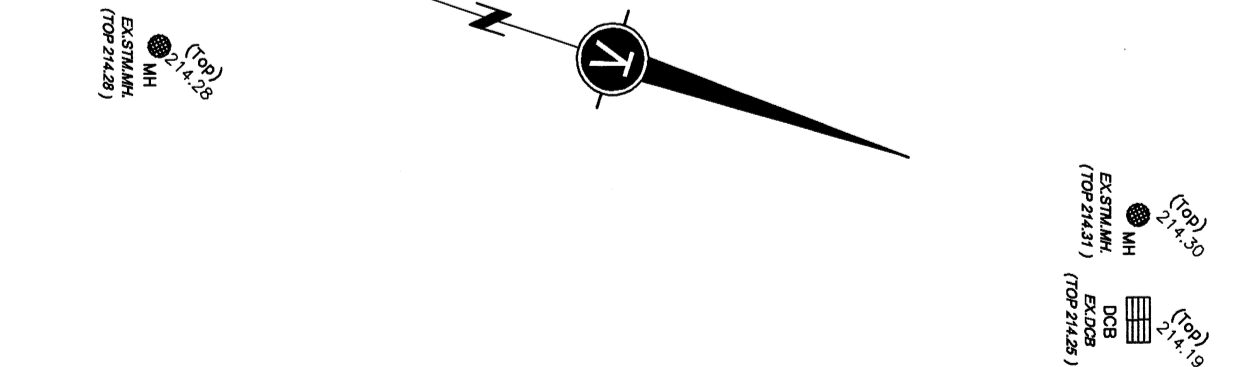
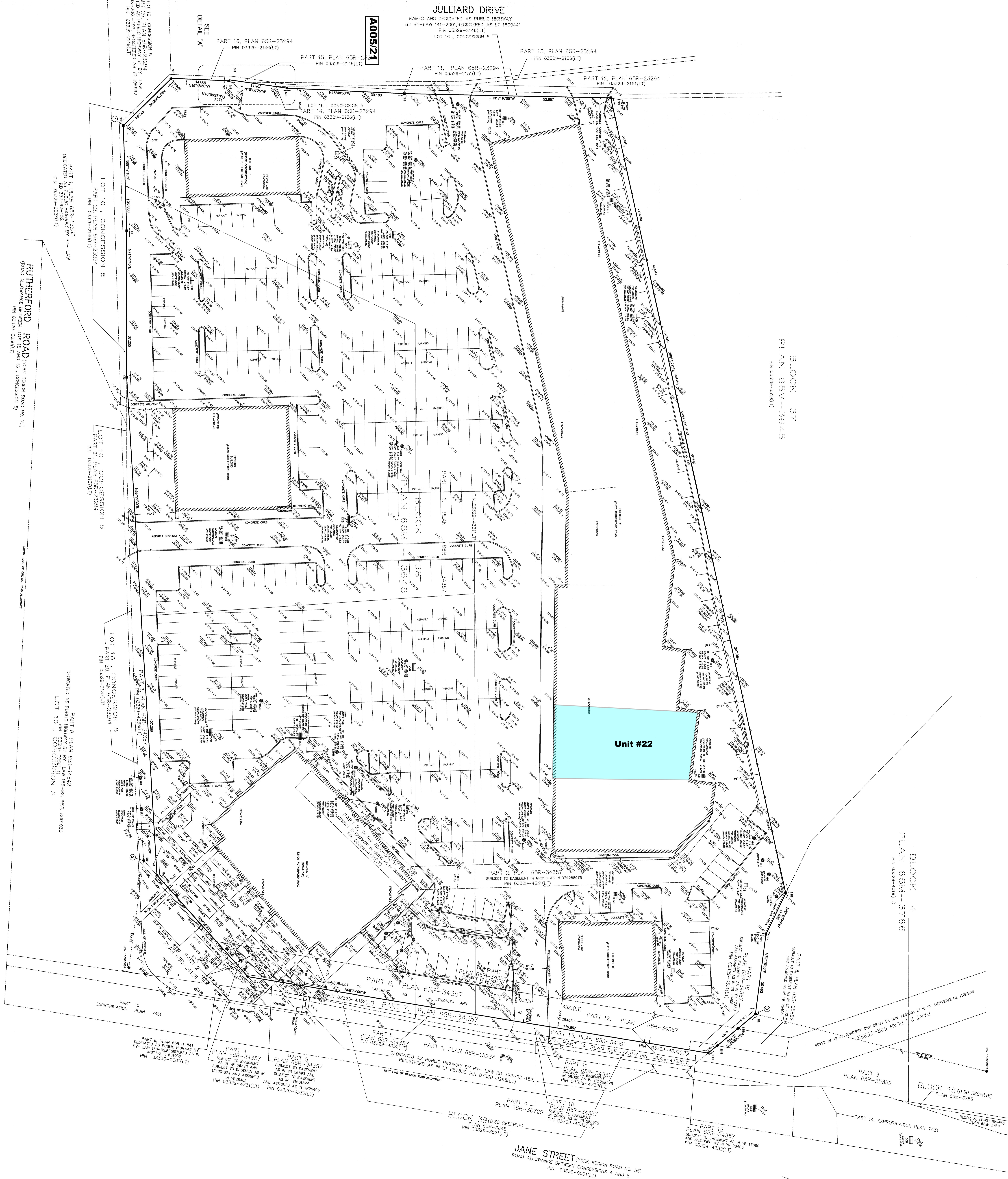
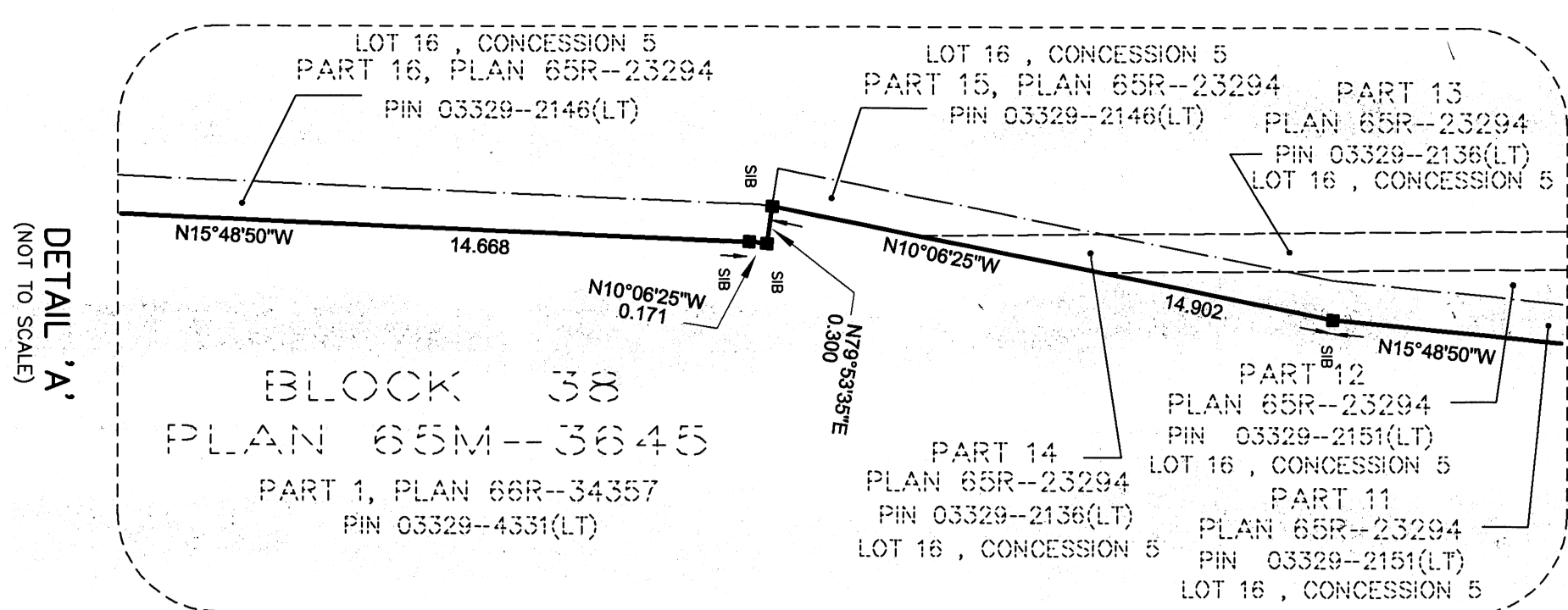
January 25, 2021

LOCATION MAP



Subject Property
3120 Rutherford Road, Unit 22



[illegible]

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM THE 1960-19690084, 1960-19690084, 1960-19690084, 1960-19690084, 1960-19690084, 1960-19690084, AND ARE REFERRED TO THE 3" M.N. COORDINATE SYSTEM, ZONE 10, CENTRAL MERIDIAN 79°30' WEST LONGITUDE.

(3) MODIFIED TRANSVERSE MERCATOR PROJECTION, M 27, 1974 (ADJUSTMENT).

DISTANCES SHOWN HEREON ARE GRID DISTANCES WHICH CAN BE CONVERTED TO TRUE DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99987818.

BEARINGS AND DISTANCES ARE IN ACCORDANCE WITH PLAN 658-34357.

PLAN OF SURVEY
SHOWING TOPOGRAPHICAL INFORMATION OF
PART OF BLOCK 38
PLAN 65M-3645
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300

1 5 10 15 20 25

1. KROHAR SURVEYORS LTD. 2017

METRIC DISTANCES AND COORDINATES SHOWN HEREIN ARE IN METERS
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE

ALL FOUND MONUMENTS ARE BY KIRKMAN SURVEYORS LTD., O.L.S. (1370) UNLESS OTHERWISE NOTED.

THE LOTS COMPRISE ALL OF PLOTS 1, 2, 4, 6, 9, 12 AND 16 ON PLAN 658-34537 BEING ALL OF PIN 03329-4331(17).

BUILDING TIES TAKEN TO CONCRETE FOUNDATION WALLS UNLESS OTHERWISE NOTED

[illegible]

TOTAL SITE ARE = 3.3836 ha

SURVEYOR'S CERTIFICATE

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.


2. THE SURVEY WAS COMPLETED ON THE 18th DAY OF APRIL, 2017

DATE APRIL 19, 2017

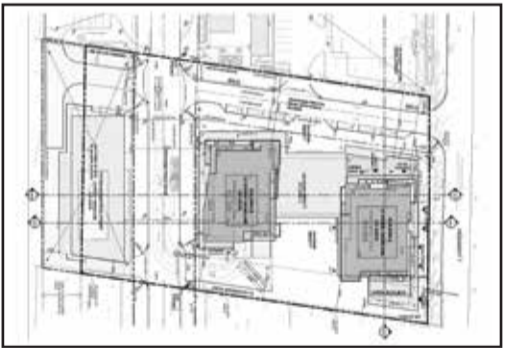
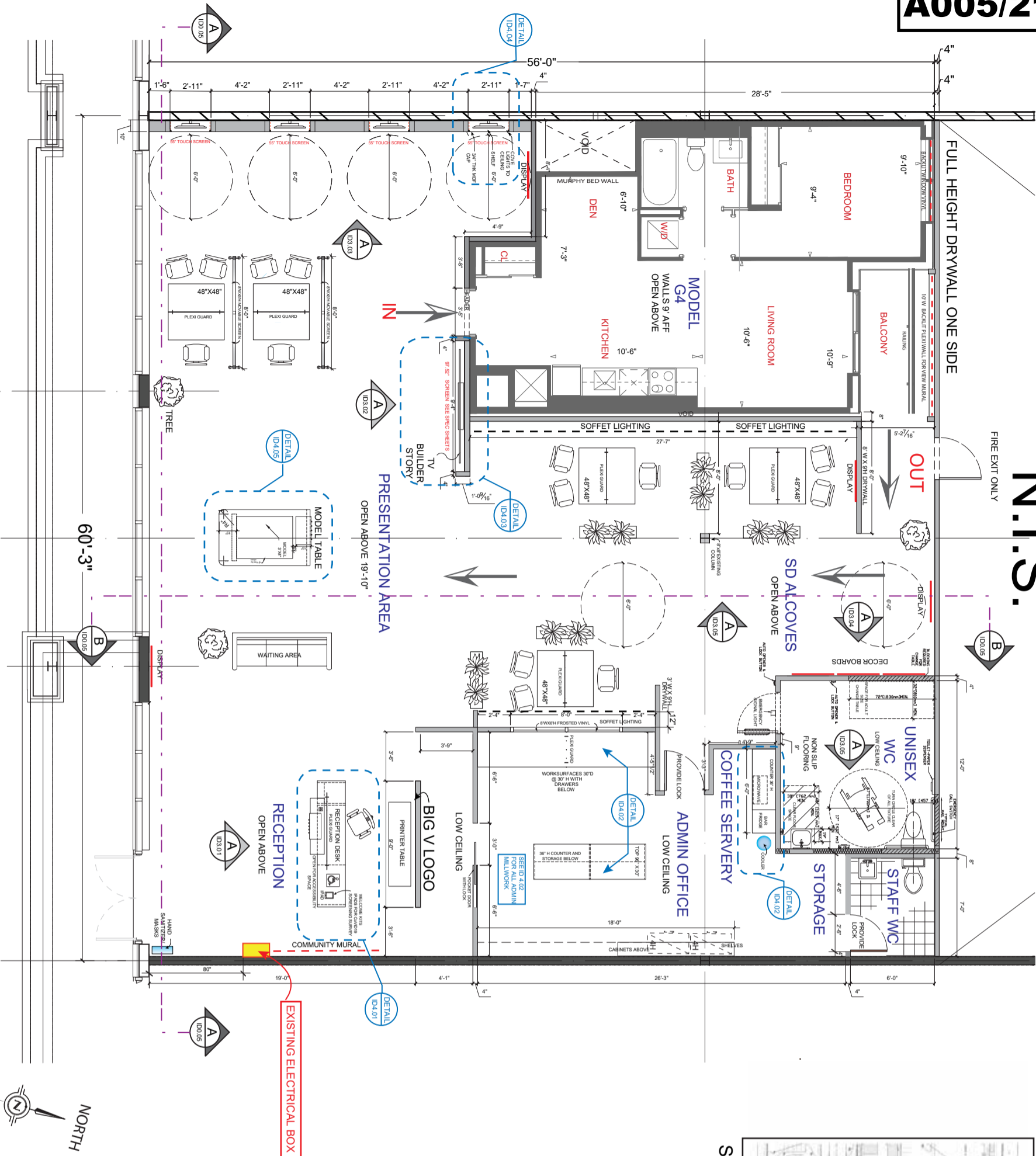
© COPYRIGHT 2017 KRCMAR SURVEYORS LTD.
This document has been issued in confidence.
Unauthorized reproduction, distribution, alteration
or use, in whole or in part, is strictly prohibited.

ASSOCIATION OF ONTARIO
LAND SURVIVORS
PLAN SUBMISSION FORM
2013425

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSSED
ORIGINAL COPY
ISSUED BY THE SURVIVOR
In accordance with
Regulation 1006, Section 24(1).



К Р Г М А Е



LEGEND

- 1. CONTRACTOR AND ALL TRADES SHALL VERIFY ALL SITE DIMENSIONS. DRAWINGS AND DETAILS AND REPORT ANY DISCREPANCIES TO THE LEAD INTERIOR DESIGNER IN WRITING FOR APPROVAL BEFORE PROCEEDING WITH WORK.
- 2. CONTRACTOR MUST SUBMIT ALL NECESSARY SAMPLES FOR APPROVAL OF QUALITY AND FINISH, TO THE INTERIOR DESIGNER.
- 3. CONTRACTOR MUST COMPLY WITH CONTRACT DOCUMENTS, PERFORMANCE REQUIREMENTS, APPLICABLE CODES AND REGULATIONS.
- 4. ALL DIMENSIONS ARE FOR QUOTE PURPOSES ONLY. NOT FOR CONSTRUCTION UNTIL VERIFIED BY CONTRACTOR.
- 5. ALL DRAWINGS AND SPECS ARE INSTRUMENTS OF SERVICE REMAINING THE PROPERTY OF THE DESIGNER AND THE DESIGNER RETAINS COPYRIGHT IN THESE DRAWINGS AND IN ALL CONTRACT DOCUMENTS.
- 6. DRAWINGS NOT TO BE SCALED.

14.	ISSUED FOR TENDER	
13.		
12.	ADD A MODEL	NOV 17 20
11.	ISSUED FOR COORDINATION	NOV 9 20
10.	ISSUED FOR COORDINATION	NOV 5 20
9.	ISSUED FOR COORDINATION	OCT 28 20
8.	ISSUED FOR CLIENT REVIEW	OCT 27 20
7.	ISSUED FOR CLIENT REVIEW	OCT 23 20
6.	ISSUED FOR CLIENT REVIEW	OCT 16 20
5.	ISSUED FOR CLIENT REVIEW	OCT 7 20
4.	ISSUED FOR CLIENT REVIEW	SEPT 29 20
3.	ISSUED FOR CLIENT REVIEW	JULY 9 20
2.	ISSUED FOR CLIENT REVIEW	JUNE 24 20
1.	ISSUED FOR CLIENT REVIEW	JUNE 15 20

Date of Issue



Vincent
CONDOMINIUMS

306 Towne Centre, Suite 100
Markham, ON L3R 0V6
905-472-2000
heather@partnership.ca

DESIGNER:
HMacGREGOR IDC/ARIDO
Sr. Interior Designer
416-803-4600

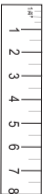
START DATE: 20/04/2020
OUR PROJECT:

Drawn By: SR
SCALE AS NOTED
1/8"

DRAWING NO: SPACE PLANNING
ID 1.01

FILE NAME: ROSEHAVEN THE VINCENT

1/8" Scale



A SALES CENTER FLOOR PLAN

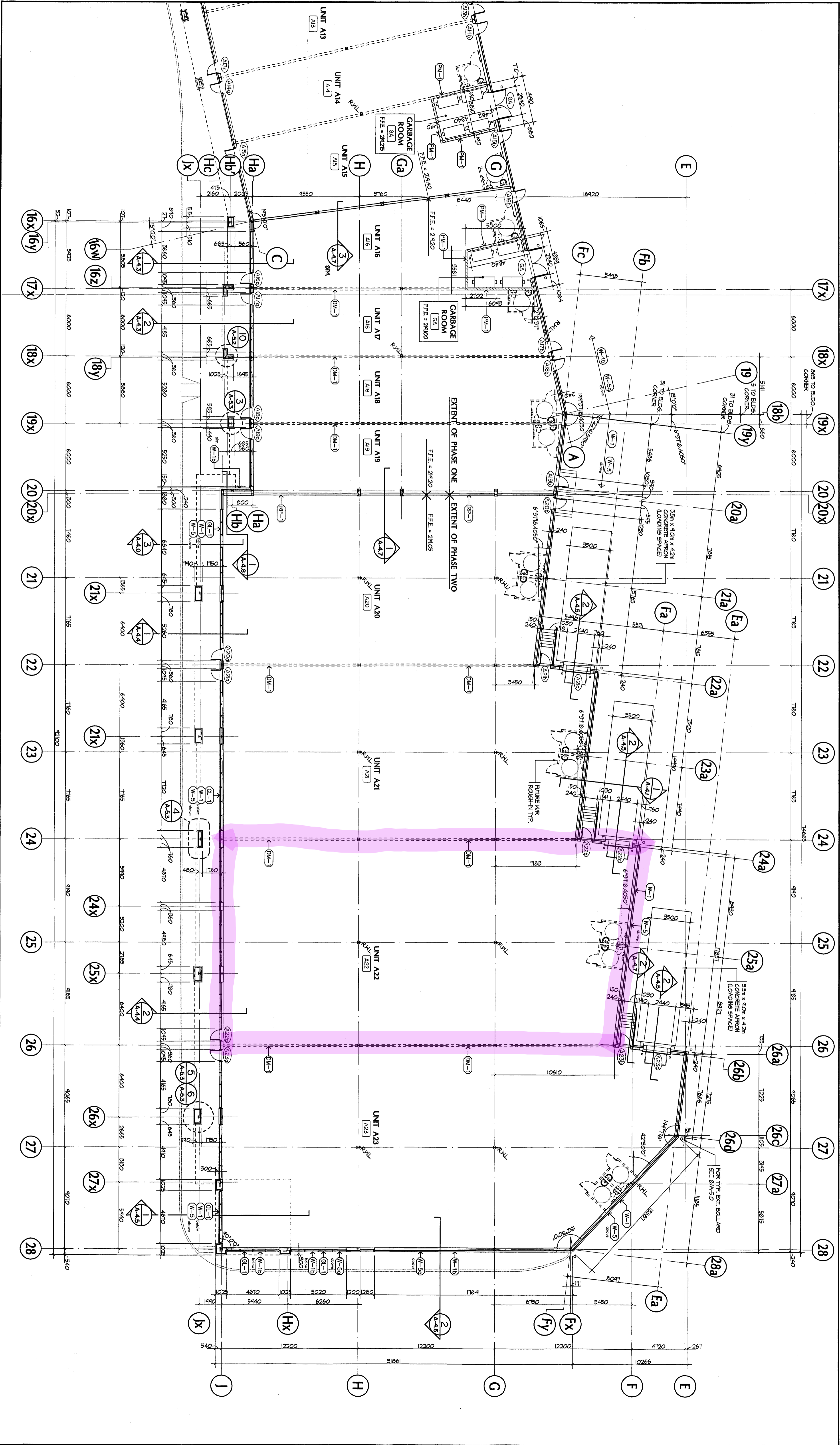
ID1.01 1/8" = 1'-0"

A = 3300 sq ft

THE CUSTOMER JOURNEY

UNIT A22 - 3120 RUTHERFORD ROAD,

VAUGHAN ON. L6A 3W7



NR	ISSUED	DATE
1	ISSUED FOR BUILDING PERMIT	SEPT. 26, 2005
2	ISSUED FOR TENDER	FEB. 15, 2006
3	ISSUED FOR CONSTRUCTION	MAY 03, 2006

NR	REVISION	DATE
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**Jane Rutherford
Centre**

**A. BALDASSARRA
Architect Inc.**

7800 Jane Street, Suite 200
Concord, Ontario L4K 4R6
Tel: (905) 660-0722
Fax: (905) 660-7019

**FLOOR PLAN - PART TWO
BUILDING 'A'**

DRAWN BY: jdh
DATE: JULY / 2005
SCALE: 1:150
PROJECT NR: 05-30
DRAWING NR: A-2.1

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 Cover Letter



A005/21

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

KLM File: P-3051

January 12, 2020

Lenore Providence
Committee of Adjustment Deputy Treasurer
City of Vaughan
2141 Major Mackenzie Drive, 1st Floor
Vaughan, ON
L6A 1T1

RE: Minor Variance Application Submission
Applicant: GB (Vaughan Seven) Limited Partnership
Registered Owner of Property: Lorwood Holdings Incorporated
Municipal Address: 3120 Rutherford Road, Unit 22, Vaughan, ON L4K 0B1
Related Applications: OP.19.009, Z.19.024, 19T-19V004, DA.19.075

KLM Planning Partners Inc is pleased to submit a Minor Variance Application Submission on behalf of our client, GB (Vaughan Seven) Limited Partnership (Occupant for Unit 22 of Northerly Multi-Unit Building 'A'). The Registered Owner of the subject lands (commercial plaza) is Lorwood Holdings Incorporated.

The subject land requiring the Minor Variance is municipally known as 3120 Rutherford Road, Unit 22, within a multi-unit commercial building located at the northwest corner of Jane Street and Rutherford Road. Section 3.25 of Zoning By-law 1-88 states that *"temporary offices for the sale of residential units may be permitted in all zones but only on the lands subject to the development or in the immediate vicinity provided it shall not be located further away from the lands to be developed than 100 metres..."*. Our client is seeking a Minor Variance to amend Section 3.25 of the Vaughan Comprehensive Zoning By-law 1-88 to allow a Temporary Sales Office greater than 100 m from the lands subject to the development.

The existing City of Vaughan Planning files that relate to this Minor Variance request are OP.19.009, Z.19.024, 19T-19V004, and DA.19.075, located on lands municipally known as 2851 Highway 7 in the Vaughan Metropolitan Centre (south side of Highway 7 between Maplecrete Road and Creditstone Road). The Applications are comprised of 27 and 37 storey residential towers with ground floor commercial and a future block for mid-rise residential. The Vaughan Development Planning Department's planning report in support of the Official Plan Amendment, Zoning By-law Amendment, Subdivision and Site Plan Applications was approved by Vaughan Council at its meeting on December 15, 2020, and the implementing Official Plan and Zoning By-law Amendment documents were also passed at the same meeting and subject to a 20-day appeal period. The distance of the Proposed Temporary Sales Office at 3120 Rutherford Road is approximately 4,400 m from the above-noted Development Site.

A variance is requested to enable a Temporary Sales Office at 3120 Rutherford Road, Unit 22, in order to generate public interest and play an integral role in the promotion and sale of residential units for the Development Site in the Vaughan Metropolitan Centre.

According to Section 3.25 of Zoning By-law 1-88, *“Temporary Sales Offices shall not be permitted in any freestanding or multi-unit building or structure, which is intended for the purpose of selling or the taking of reservations for the purchase of residential units in a residential apartment condominium building, unless the Zoning for the development, within which the units to be sold are located, is in full force and effect.”* As identified earlier, Vaughan Council adopted and enacted the implementing Official Plan and Zoning By-law Amendment documents for the Development Site on December 15, 2020, which is now subject to the statutory appeal period under the Planning Act, and is to come into effect on January 11, 2021. We expect the approval of the Minor Variance Application to be roughly three (3) months from the submission date of the application to the City, which should be at the end of February or early March 2021, thereby complying with Section 3.25 of the Zoning By-law.

In regard to Section 45(1) of the Planning Act, the variance meets all four tests of a Minor Variance. The Temporary Sales Office supports the general intent and purpose for the Zoning By-law and Official Plan through permissions for a permitted commercial use on the subject land in an existing commercial plaza. The Application does not require any modification to the existing structure or any other zoning variances, and is therefore considered to be minor in nature, and represents good planning.

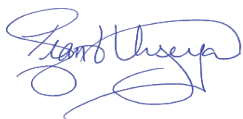
In support of this Minor Variance Application, please find enclosed:

- One copy of the:
 1. Minor Variance Application Form (as revised on Page 8 as requested);
 2. Location Map;
 3. Legal Survey of Property;
 4. Unit 22 Base Floorplan;
 5. Detailed Unit 22 Floor Plan;
 6. Front Elevation of Unit 22;
 7. One cheque in the amount of \$3,460.00 made payable to the City of Vaughan;
 8. A second cheque in the amount of \$100.00 made payable to the City of Vaughan, totaling \$3,560.00 to cover the applicable 2021 Application fee – cheques will be provided under separate cover by Melrose Investments Inc.

Please do not hesitate to contact us should you require any clarification or further information regarding this Minor Variance Application. We look forward to working with the City of Vaughan and all other applicable Agencies with regard to this Application.

Yours truly,

KLM Planning Partners Inc.



Grant Uyeyama, BAA, MCIP, RPP
Principal Planner

Copy to: Alireza Khosrowshahi, Client, Melrose Investments Inc.
Billy Tung, Partner, KLM Planning Partners Inc.
Lauren Dynes, Junior Planner, KLM Planning Partners Inc.
Jessica Kwan, Senior Planner, VMC Program Department

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 no conditions

February 16, 2021

CFN 64195.02

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 Ms. Vigneault:

Re: Minor Variance Application A005-21
3120 Rutherford Road, PLAN 65M3645 Block 38
City of Vaughan, Region of York
Owner: Lorwood Holdings Incorporated
Agent: Grant Uyeyama c/o KLM Planning Partners Inc. or Alireza Khosrowshahi c/o
Melrose Investments Inc.

This letter acknowledges receipt of the above-noted application, received by Toronto and Region Conservation Authority (TRCA) on January 23, 2021. 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 the noted variances is to permit a temporary sales office to be located further than 100 metres from the lands to be developed. Specifically,

1. The proposed temporary sales office for the sale of residential units is 4,400 metres away from the lands to be developed.

Applicable TRCA Policies and Regulations

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 partially located within the TRCA's Regulated Area of the Don River Watershed due to the presence of a valley corridor and Regional Storm flood plain associated with a tributary of Don River to the northeast of the subject property. 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.

Application-Specific Comments

As noted above, a portion of the subject property is located within TRCA's Regulated Area. Based on a review of the submitted materials, the proposed works associated with the subject unit is not located within TRCA's Regulated Area. As such, it is the opinion of TRCA staff that the current proposal will not impact any natural features or associated hazards and TRCA's policy interests are not affected. Based on the above, TRCA staff have **no objection** with the proposed variance.

TRCA trusts these comments are of assistance. Should you have any questions, please contact the undersigned at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits

HR/mh

Cc: Simbana, Roberto <Roberto.Simbana@vaughan.ca>
Holyday, Margaret <Margaret.Holyday@vaughan.ca>
Grant Uyeyama <guyeyama@klmplanning.com>
Alireza Khosrowshahi <akhosrowshahi@melroseinvestments.com>

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

Providence, Lenore

Subject: FW: A005-21 - REQUEST FOR COMMENTS - #22-3120 Rutherford Rd, Maple (Full Circulation)

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

Sent: January-29-21 3:42 PM

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

Subject: [External] RE: A005-21 - REQUEST FOR COMMENTS - #22-3120 Rutherford Rd, Maple (Full Circulation)

Good afternoon Lenore,

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

Regards,

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Application A117/11
Minor Variance Application A209/09

NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A117/11

APPLICANT: LORWOOD HOLDINGS INC.

PROPERTY: Part of Lot 17, Concession 5, (Lot 38, Registered Plan No. 65M-3645, Municipally known as 3100-3140 Rutherford Road, Maple).

ZONING: The subject lands are zoned C8, Office Commercial under By-Law 1-88 as amended and further subject to Exception 9(1243).

PURPOSE: To permit the **construction of a proposed outdoor patio to Building "E"**.

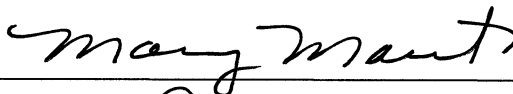
PROPOSAL: 1. Minimum landscape strip 4.9m.

BY-LAW REQUIREMENT: 1. Minimum landscape strip 6.0m.

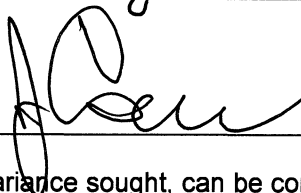
BACKGROUND INFORMATION: Other Planning Act Applications
The land which is the subject in this application was also the subject of another application under the Planning Act:
Minor Variance Application
A209/09 APPROVED Sept 17/09 Max. GFA 25%
Site Development Application
DA.05.015 ADOPTED by Council June 27, 2005.
DA.07.087 ADOPTED by Council February 11, 2008.
Zoning Amendment Application
Z.04.037 ADOPTED by Council June 27, 2005.

A sketch is attached illustrating the request.

MOVED BY:



SECONDED BY:



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

THAT Application No. **A117/11, LORWOOD HOLDINGS INC.**, be **APPROVED**, in accordance with the attached sketch and subject to the following conditions:

1. That the applicant submit the variance application fee of **\$360** payable to the Toronto & Region Conservation Authority, if required, to the satisfaction of the Toronto & Region Conservation Authority;
2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

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


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


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

CARRIED.

CHAIR: 


Signed by all members present who concur in this decision:


L. Fluxgold,
Chair


J. Cesario,
Vice Chair



M. Mauti,
Member


A. Perrella,
Member


H. Zheng,
Member

CERTIFICATION

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


Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	APRIL 28, 2011
Last Date of Appeal:	MAY 18, 2011

APPEALS

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

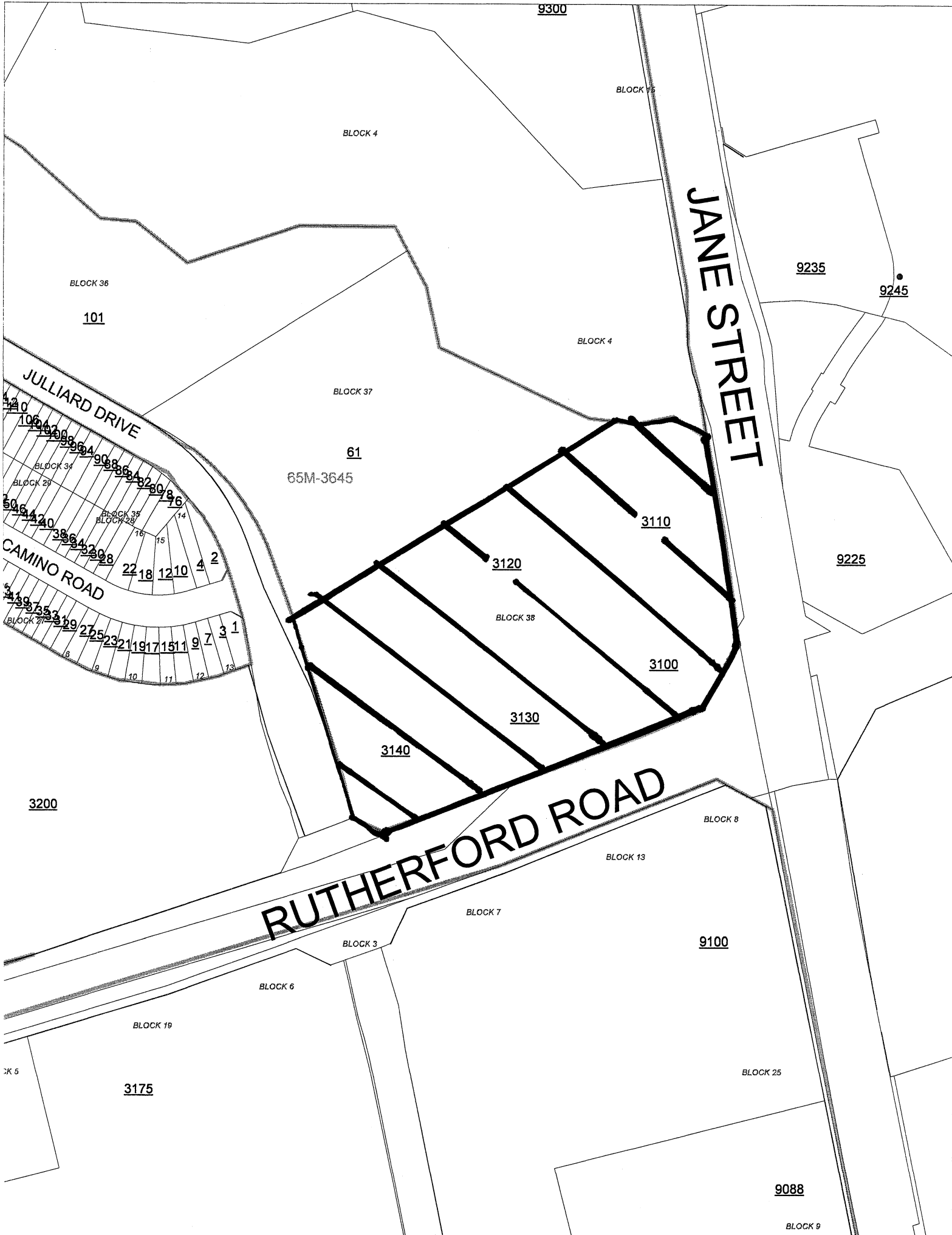
Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at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

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the \$650.00 processing fee, paid by **certified cheque** or **money order**, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of \$125.00 for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE".

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

CONDITIONS

IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:
MAY 18, 2012



COMMITTEE OF ADJUSTMENT
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

	FILE NUMBER:	A117/11
	APPLICANT:	LORWOOD HOLDINGS INC.
		Subject Area Municipally known as 3100-3140 RUTHERFORD ROAD, MAPLE.

MINOR VARIANCE PUBLIC HEARING:

Item # 21

FILE NUMBER: **A209/09**

APPLICANT: **LORWOOD HOLDINGS INC.**

PROPERTY: Part of Lot 17 Concession 5, (Block 38, Registered Plan 65M-3645, municipally known as 3100-3140 Rutherford Rd., Maple.)

ZONING: The subject lands are zoned C8, Office Commercial under By-Law 1-88 as amended and further subject to Exception 9(1127).

PURPOSE: The applicant is requesting a variance to permit additional eating establishment uses, to one and three storey existing and proposed buildings, as follows:

PROPOSAL: 1. Maximum G.F.A. devoted to eating establishments 25%

**BY-LAW
REQUIREMENTS:** 1. Maximum G.F.A. devoted to eating establishments 20%.

**BACKGROUND
INFORMATION:** The land which is subject to this application was also the subject of another application under the Planning Act:

Site Development File No.: **DA.05.015, Z.04.037 – ADOPTED** by Council June 27, 2008.
Site Development File No.: **DA.07.087 – ADOPTED** by Council February 11, 2008.

David Pellegrini appeared as the authorized agent and had nothing to add to the request.

No one appeared in support of or in opposition to the request.

There were no comments/objections from any Departments or Agencies, and any conditions are listed below.

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

MOVED by J. Cesario
Seconded by S. Krcmar

THAT Application Nos. **A209/09 – LORWOOD HOLDINGS INC.. be APPROVED,** in accordance with the sketches attached; subject to the following conditions;

1. That the applicant submit the variance application fee of \$345 made payable to the Toronto & Region Conservation Authority, prior to the issuance of a municipal building permit, if required, to the satisfaction of the Toronto & Region Conservation Authority;
2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

CARRIED.