

**File:** A055/21

**Applicant:** Pine Valley Kleinburg Homes Ltd.

**Address:** 6061, 6079 Rutherford Rd &  
134, 140 Simmons Street, Vaughan

**Agent:** Glen Schnarr & Associates 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 <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection		
Development Planning		
Development Engineering	<input checked="" type="checkbox"/>	<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		
TRCA	<input checked="" type="checkbox"/>	Condition Cleared
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala  
Hearing Date: Thursday, April 29, 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:25

A055/21

Ward: 2

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

**Date & Time of Live Stream Hearing:** Thursday, April 29, 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](http://Vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[cofa@vaughan.ca](mailto:cofa@vaughan.ca)

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

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

**Applicant:** Pine Valley Kleinburg Homes Ltd.

**Agent:** Glen Schnarr & Associates Inc.

**Property:** 6061, 6079 Rutherford Rd & 134, 140 Simmons Street, Woodbridge

**Zoning:** The subject lands are zoned RT1 (H), Residential Townhouse Zone with a holding provision and subject to the provisions of Exception 9(1474) under By-law 1-88 as amended.

**OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "Natural Areas"

**Related Files:** OPA 38 (By-law No. 042-2019), DA.18.070

**Purpose:** Relief from By-law 1-88, as amended is being requested to facilitate a 111 townhouse development as submitted and reviewed through Site Plan Application (DA.18.070)

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

By-law Requirement	Proposal
1. A minimum lot area of 145 m2 is required per lot. [Exception 9(1474)]	1. To permit a minimum lot area of 144 m2 for Block 4, Lot 18, Block 6, Lot 28, Block 7, Lot 32, Block 9, Lot 42, Block 10, Lot 45 and Block 15, Lot 74. [Exception 9(1474)]
2. A minimum lot area of 150 m2 is required per lot. [Exception 9(1474)]	2. To permit a minimum lot area of 144 m2 for Block 4, Lots 19, 20 and 21, Block 5, Lots 24 and 25, Block 7 Lots 33 and 34. [Exception 9(1474)]
3. A maximum building height of 11 metres is permitted. [Schedule A3]	3. To permit a maximum building height of 11.9 metres for Lots 107, 108, 109, 110 and 111 on Block 22.
4. A minimum exterior side yard setback of 4.5 metres is required. [Schedule A3]	4. To permit a minimum exterior side yard setback of 3.2 metres to a dwelling Block 6, Lots 27 and Block 16, Lot 77.
5. A minimum front yard setback of 4.5 metres is required. [Schedule A3]	5. To permit a minimum rear yard setback of 6.8 metres to a dwelling for Block 2, Lots 7, 8, 9 and 10.
6. A minimum rear yard setback of 7.5 metres is required [Schedule A3]	6. To permit a minimum front yard setback of 4.0 metres to a dwelling for Blocks 1 and 2.
7. A minimum interior side yard setback of 3.5 metres is required to a non-residential use. [Schedule A3]	7. To permit a minimum interior side yard setback of 1.25 metres to a non-residential use for Block 10, Lot 44. (tot-lot).

By-law Requirement	Proposal
8. A maximum interior garage width of 3.048 metres for lots with lot frontages less than 11 metres is permitted. [Schedule A3, General Notes]	8. To permit a maximum interior garage width of 3.85 metres for lots with lot frontages less than 11 metres for Block 1, Lots 1, 2, 3, 4, 5, and 6, Block 2, Lots 7, 8, 9 and 10, Block 4, Lots 19 and 20, Block 9, Lots 41 and 42, Block 11, Lots 49, 50, 51 52, 53 and 54, Block 12, Los 57and 58, Block 14, Lots 67 and 68, Block 15, Lots 73 and 74, Block 16, Lots 79 and 80, Block 17, Lots 85 and 86, Block 18, Lots 90, 91, 92, 93 and 94, Block 22, Lots 108 and 109.
9. Minimum interior garage dimensions of 5.5 metres width x 6.0 metres length are required for lots with lot frontages greater than 12 metres. [Schedule A3, General Notes]	9. To permit minimum interior garage dimensions of 3.04 metres width x 6.02 metres length for lots with lot frontages greater than 12 metres for Block 9, Lot 43, Block 13, Lot 64.
10. A porch, unenclosed (covered or uncovered) shall have at least (2) two sides open. [Section 2.0, Definitions]	10. To permit an unenclosed porch (covered or uncovered) to have (1) one side open.
11. An unenclosed porch (covered or uncovered), is permitted to encroach into the minimum required front yard and exterior yard to a maximum of 2.5 metres, and eaves, gutters and steps may encroach an additional 0.5 metres [Subsection 4.22.2].	11. To permit an unenclosed porch (covered or uncovered), to encroach into the minimum required front yard, exterior side yard and rear yard nto a maximum of 2.5 metres, and eaves, gutters and steps may encroach an additional 0.5 metres.

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

For information on the previous approvals listed above please visit [www.vaughan.ca](http://www.vaughan.ca). To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

**Adjournment History:** N/A

**Staff & Agency Comments**

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

**Committee of Adjustment:**

Public notice was mailed on April 14, 2021

Applicant confirmed posting of signage on April 15, 2021

Property Information	
Existing Structures	Year Constructed
Lands	Purchased December 13, 2019

Applicant has advised that they cannot comply with By-law for the following reason(s): Refer to application cover letter prepared by Glenn Schnarr & Associates Inc.

**Adjournment Request:** N/A

**Building Standards (Zoning Review):**

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

Building permits have not been issued for development on the subject lands. The Ontario Building Code requires a building permit for structures that exceed 10m2.

The subject lands are currently being reviewed under Development Application 18.070.

The Applicant has confirmed that no risers will encroach into the minimum required interior garage width for all lots.

The Applicant has confirmed that a maximum of one step/two risers will encroach into the minimum required interior garage length at the rear portion of the garage abutting the dwelling unit for all lots.

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

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

**Building Inspections (Septic):**

No comments received to date.

**Development Planning:**

Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "Natural Areas"

Application under review

**Development Engineering:**

The Development Engineering (DE) Department does not object to variance application A055/21 subject to the following condition(s):

The Owner/applicant shall obtain approval for the related Site Development Application (DA.18.070) from the Development Engineering (DE) Department.

**Parks Development - Forestry:**

Tree Protection Agreement is in place (issued April 22, 2020) for DA.18.070. Forestry has provided comments under DA.18.070.

**Parks Development - Parks:**

No comments or concerns

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

No comments received to date.

**Financial Planning and Development Finance:**

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

**Fire Department:**

No comments received to date.

**Schedule A – Plans & Sketches****Schedule B – Public Correspondence**

A055/21 – Applicant Correspondence (Application cover letter)

**Schedule C - Agency Comments**

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

TRCA – comments with conditions (condition cleared)

**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 **adjourn** this application the following condition(s) is required: N/A

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering Farzana Khan  905-832-8585 x 3608 <a href="mailto:Farzana.Khan@Vaughan.ca">Farzana.Khan@Vaughan.ca</a>	The Owner/applicant shall obtain approval for the related Site Development Application (DA.18.070) from the Development Engineering (DE) Department.
3	Development Planning Michael Torres  905-832-8585 x 8933 <a href="mailto:Michael.Torres@vaughan.ca">Michael.Torres@vaughan.ca</a>	Application under review

**Conditions**

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

**Please Note:**

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

**Notice to the Applicant – Development Charges**

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City’s Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City’s Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

## Notice to Public

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

**PUBLIC CONSULTATION DURING OFFICE CLOSURE:** Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[cofa@vaughan.ca](mailto:cofa@vaughan.ca)

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

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

**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 8002  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

Schedule A: Plans & Sketches

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

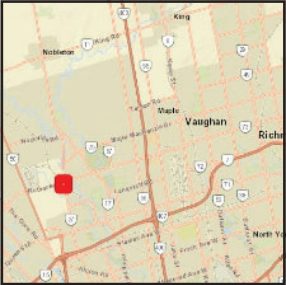
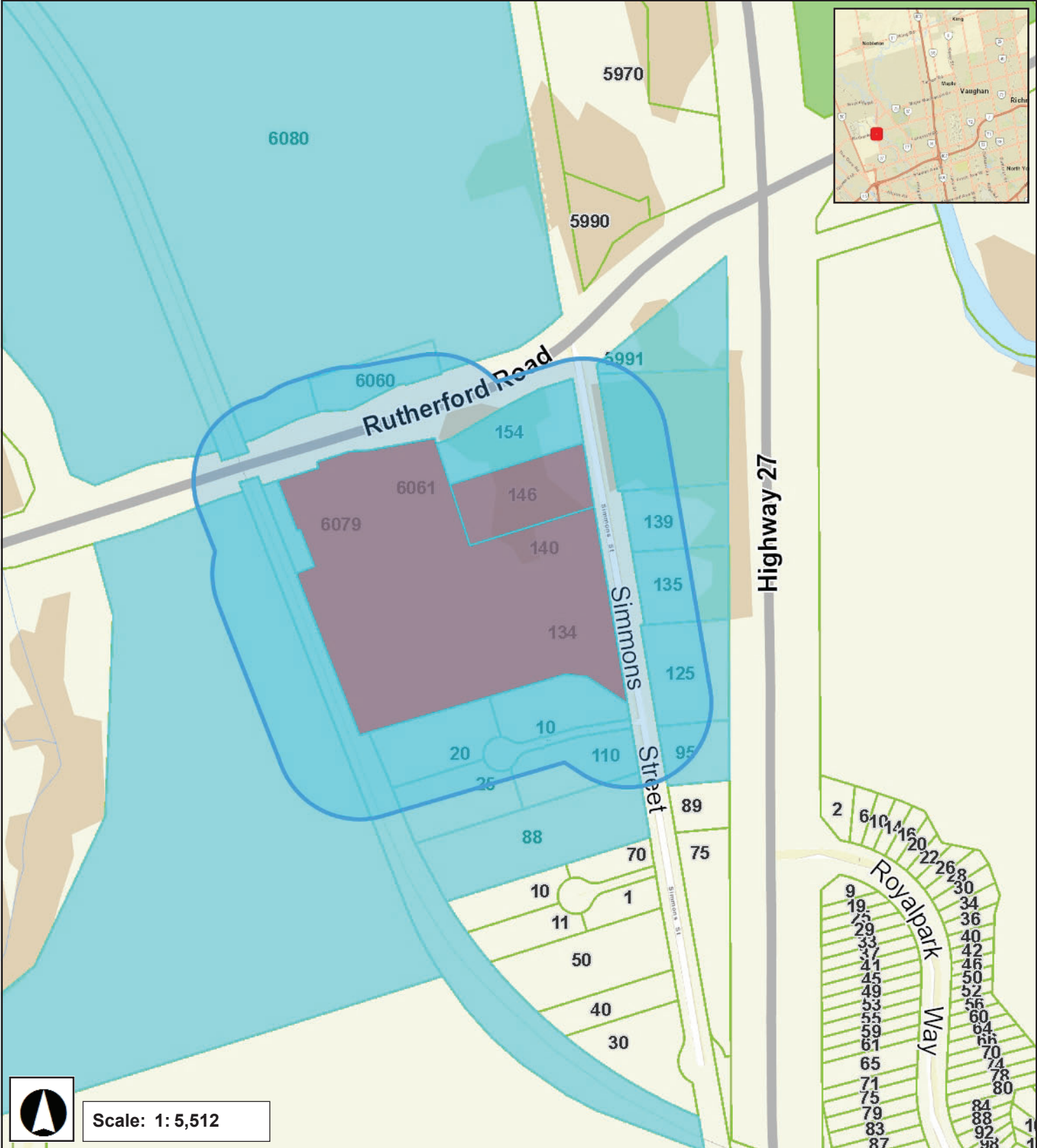
Location Map  
Plans & Sketches





# LOCATION MAP - A055/21

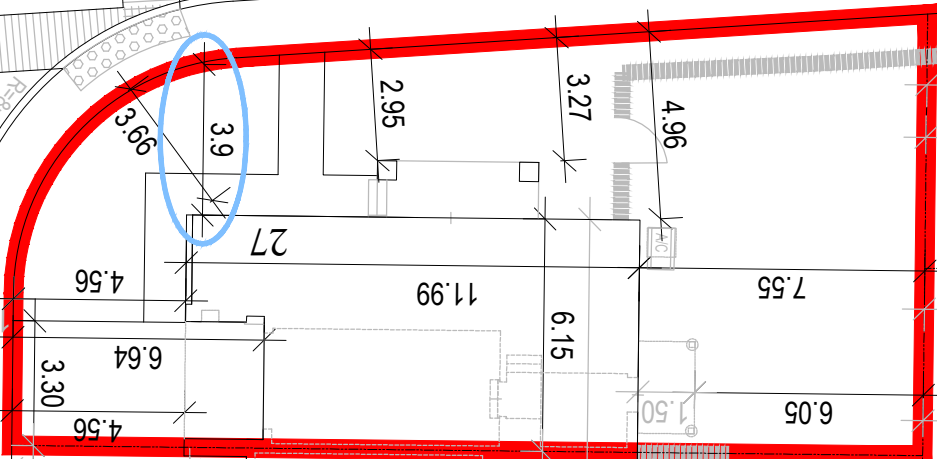
6061, 6079 RUTHERFORD ROAD & 134, 140 SIMMONS STREET





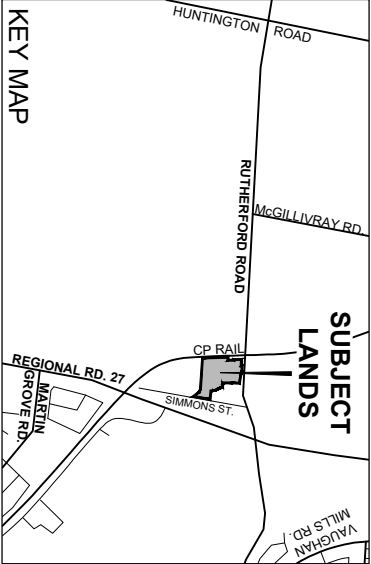
A055/21

INVERARY CRESCENT



BLOCK 6

PARADOX STREET



KEY MAP

COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE SKETCH NO. 1  
PINE VALLEY KLEINBURG HOMES LTD.  
6061 & 6067 RUTHERFORD ROAD,  
134 & 140 SIMMONS STREET

PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

LEGEND

 SUBJECT LANDS - 3.44ha (8.50ac)

REQUIRED VARIANCE:

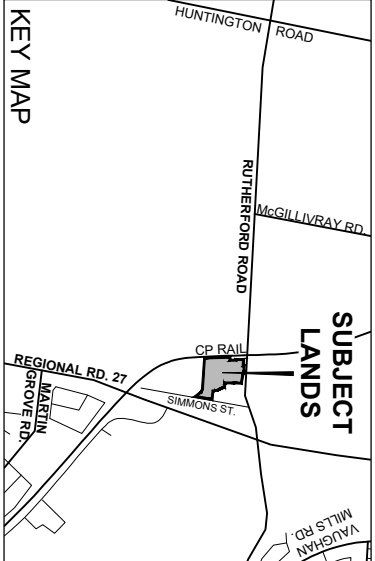
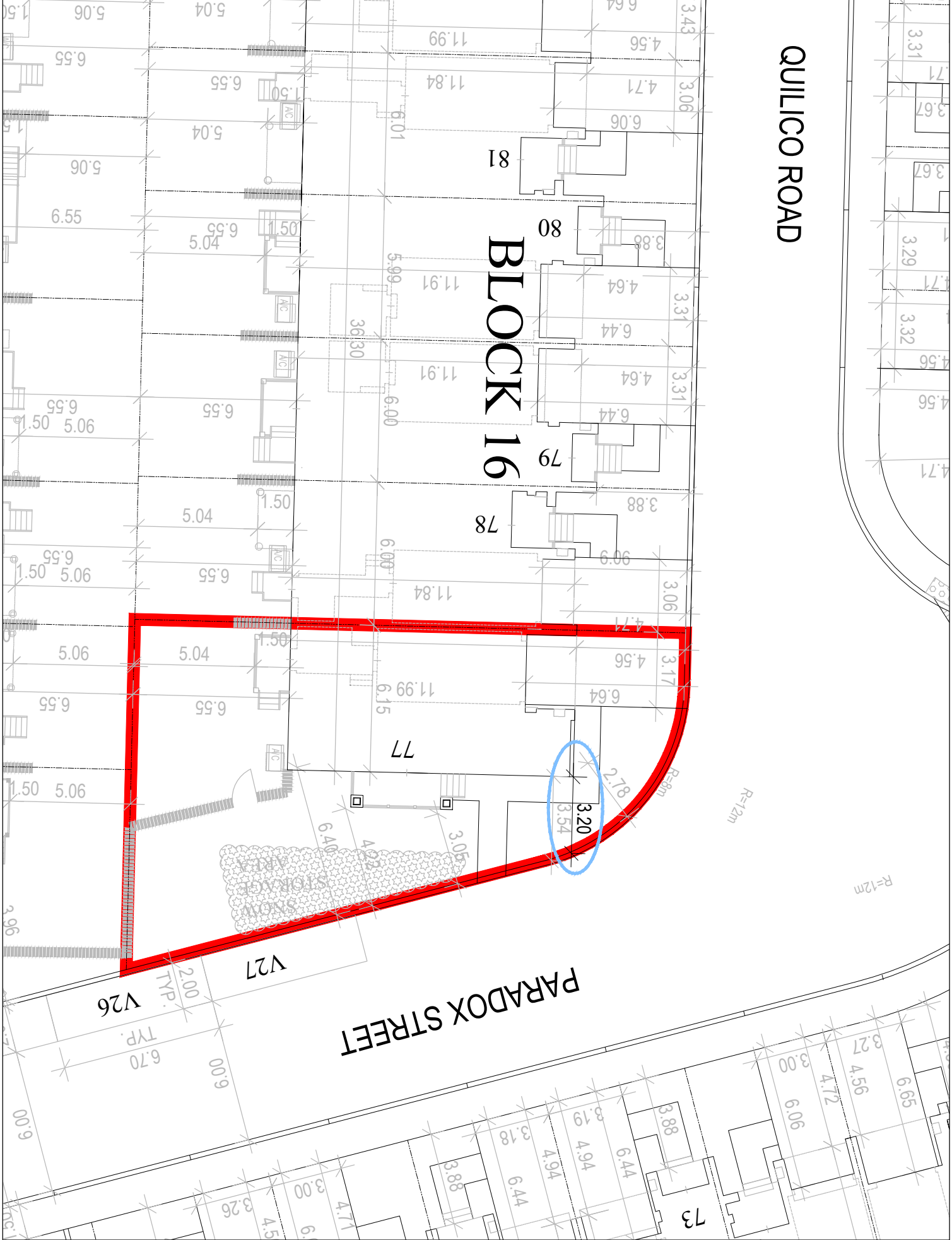
TO PERMIT AN EXTERIOR SIDE YARD OF 3.2 METRES;  
WHEREAS THE BY-LAW REQUIRES A MINIMUM  
EXTERIOR SIDE YARD OF 4.5 METRES;



SCALE 1:200  
MARCH 5, 2021



Glen Schnarr & Associates Inc.



**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE SKETCH No. 1  
PINE VALLEY KLEINBURG HOMES LTD.  
6061 & 6067 RUTHERFORD ROAD,  
134 & 140 SIMMONS STREET**

PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

**LEGEND**

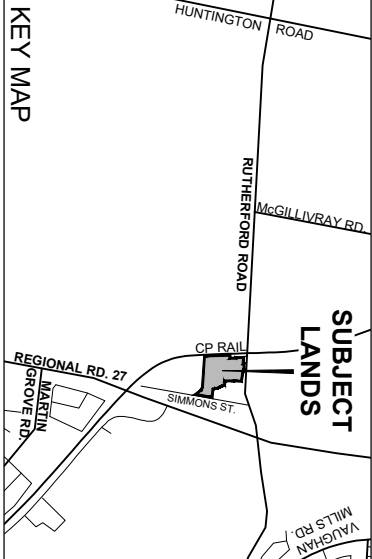
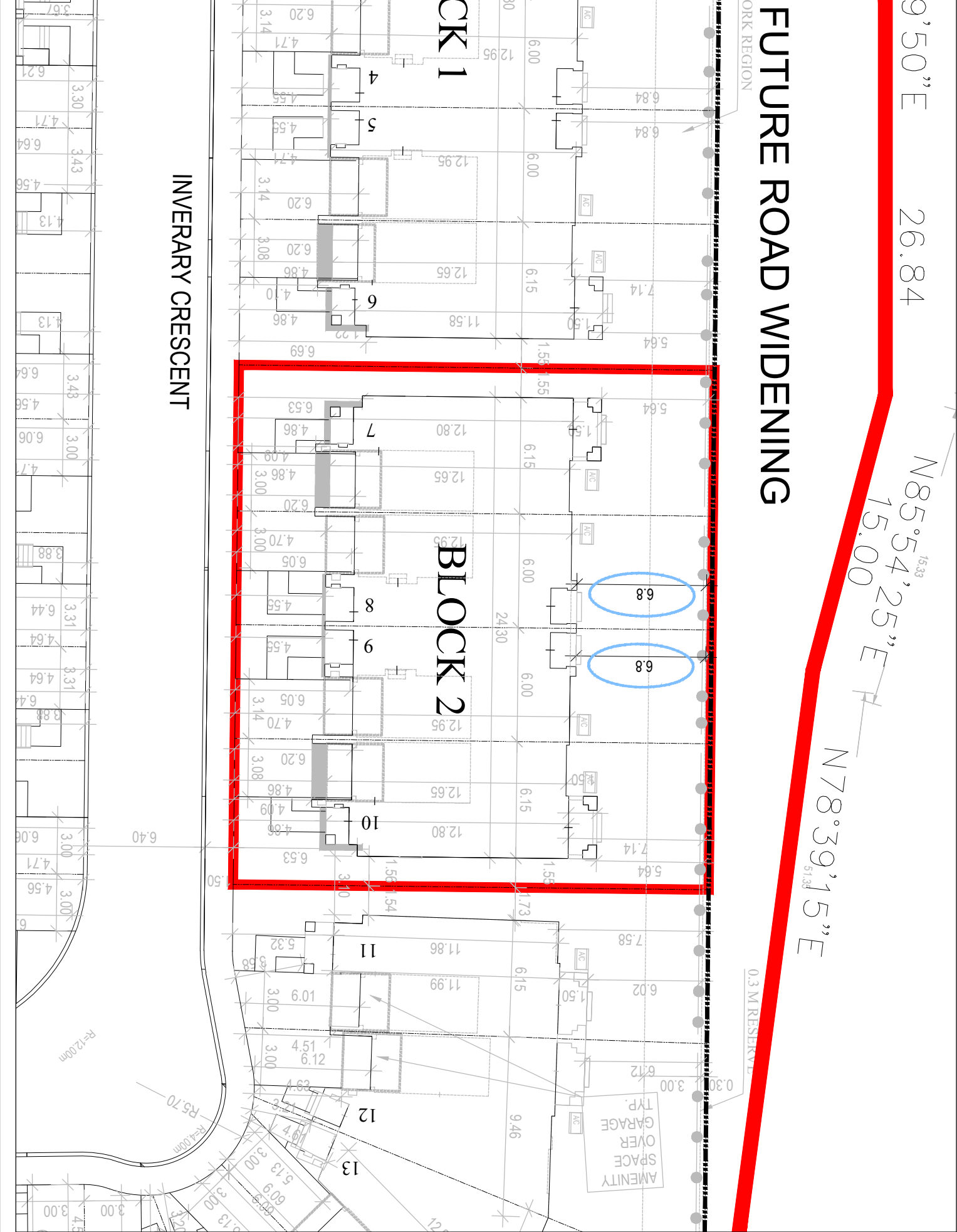
 SUBJECT LANDS - 3.44ha (8.50ac)

**REQUIRED VARIANCE:**

TO PERMIT AN EXTERIOR SIDE YARD OF 3.2 METRES;  
WHEREAS THE BY-LAW REQUIRES A MINIMUM  
EXTERIOR SIDE YARD OF 4.5 METRES;



SCALE 1:200  
MARCH 5, 2021



# FUTURE ROAD WIDENING

9'50"E 26.84

N85°54'25"E 15.33  
15.00  
N78°39'15"E 51.33

ORK REGION

0.3 M RESERVE

AMENITY  
SPACE  
OVER  
GARAGE  
TYP.

INVERARY CRESCENT

CK 1

BLOCK 2

## LEGEND

 SUBJECT LANDS - 3.44ha (8.50ac)

**REQUIRED VARIANCE:**  
TO PERMIT A REAR YARD SETBACK OF 6.8 METRES TO THE DWELLING WALL FOR BLOCK 2; WHEREAS THE BY-LAW REQUIRES A REAR YARD SETBACK OF 7.5 METRES.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE SKETCH NO. 2  
PINE VALLEY KLEINBURG HOMES LTD.  
6061 & 6067 RUTHERFORD ROAD,  
134 & 140 SIMMONS STREET**  
  
PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK



SCALE 1:250  
MARCH 8, 2021

**GSAI**  
Glen Schnarr & Associates Inc.

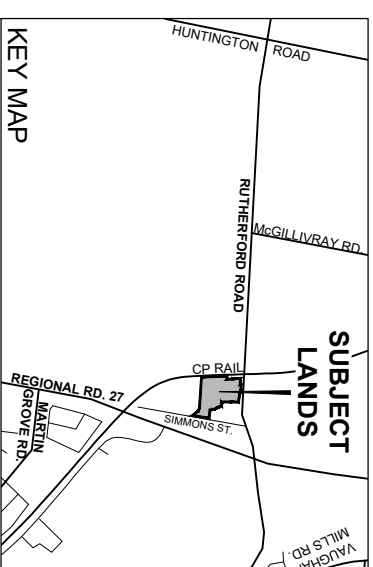
N14°29'35"W  
4.68

26.84

N 85°54'<sup>15.33</sup> 25"E H

11/8.39, 15" E

## FUTURE ROAD WIDENING



COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE SKETCH NO. 3  
PINE VALLEY KLEINBURG HOMES LTD.  
6061 & 6067 RUTHERFORD ROAD,  
134 & 140 SIMMONS STREET

PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

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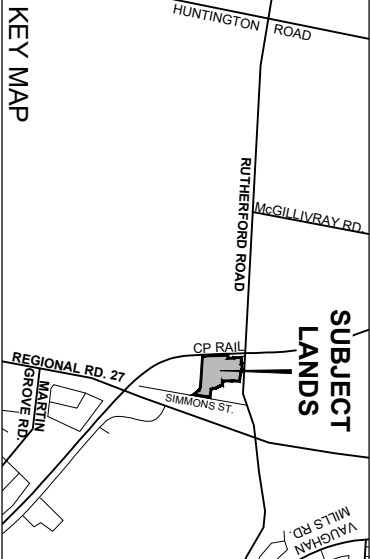
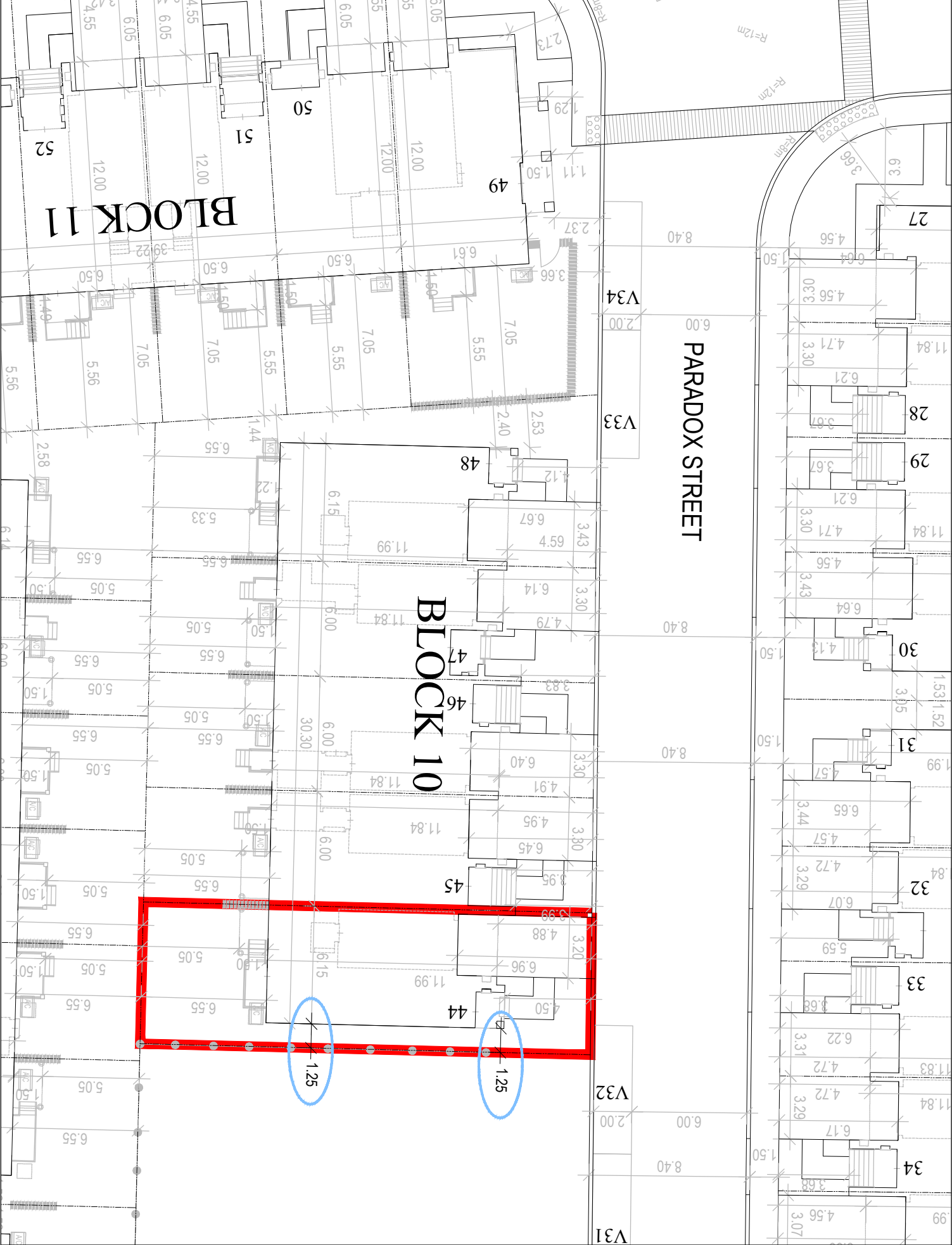
SUBJECT LANDS - 3.44ha (8.50ac)

TO PERMIT A FRONT YARD OF 4.0 METRES; WHEREAS THE BY-LAW REQUIRES A FRONT YARD OF 4.5 METRES;



**GSAI**  
Glen Schnarr & Associates Inc.





**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE SKETCH NO. 4  
PINE VALLEY KLEINBURG HOMES LTD.  
6061 & 6067 RUTHERFORD ROAD,  
134 & 140 SIMMONS STREET**

PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

**LEGEND**

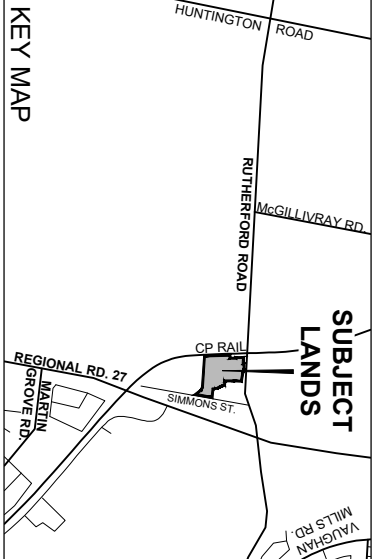
 SUBJECT LANDS - 3.44ha (8.50ac)

**REQUIRED VARIANCE:**

TO PERMIT AN INTERIOR SIDE YARD SETBACK OF 1.2 METRES TO A NON-RESIDENTIAL USE (TOT-LOT);  
WHEREAS THE BY-LAW REQUIRES 3.5 METRES;



SCALE 1:250  
MARCH 8, 2021



**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE SKETCH NO. 5  
PINE VALLEY KLEINBURG HOMES LTD.  
6061 & 6067 RUTHERFORD ROAD,  
134 & 140 SIMMONS STREET**

PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

**LEGEND**

 SUBJECT LANDS - 3.44ha (8.50ac)

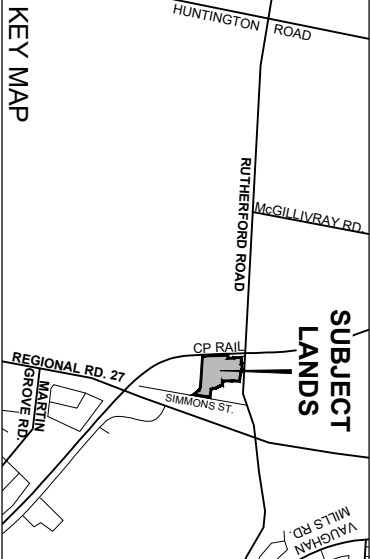
**REQUIRED VARIANCE:**

TO PERMIT A LOT AREA OF 144 SQUARE METRES;  
WHEREAS THE BY-LAW REQUIRES 145 METRES;



SCALE 1:500  
MARCH 8, 2021





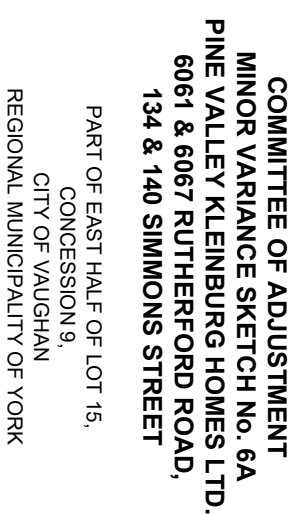
**COMMITTEE OF ADJUSTMENT**  
**MINOR VARIANCE SKETCH NO. 6**  
**PINE VALLEY KLEINBURG HOMES LTD.**  
**6061 & 6067 RUTHERFORD ROAD,**  
**134 & 140 SIMMONS STREET**

PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

**LEGEND**

 SUBJECT LANDS - 3.44ha (8.50ac)

**REQUIRED VARIANCE:**  
TO PERMIT A LOT AREA OF 144 SQUARE METRES;  
WHEREAS THE BY-LAW REQUIRES 150 SQUARE  
METRES;

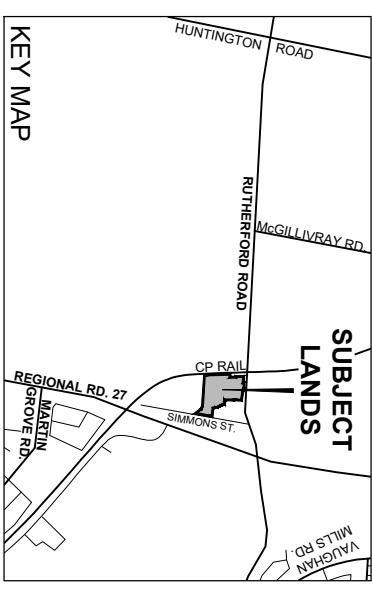
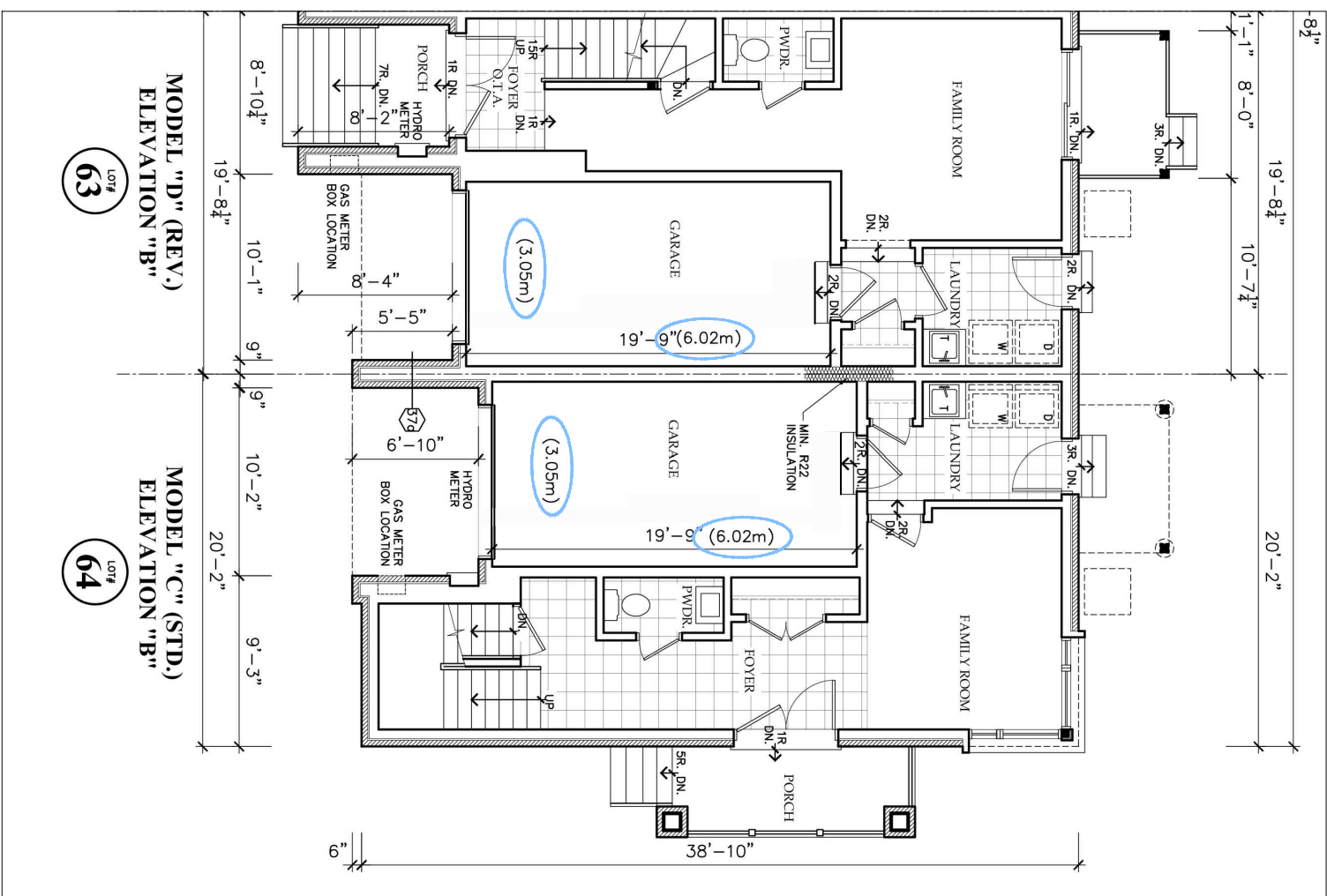


**SUBJECT LANDS - 3.44ha (8.50ac)**

TO PERMIT A LOT AREA OF 144 SQUARE METRES;  
WHEREAS THE BY-LAW REQUIRES 150 SQUARE  
METRES;



**Glen Schnarr & Associates Inc.**



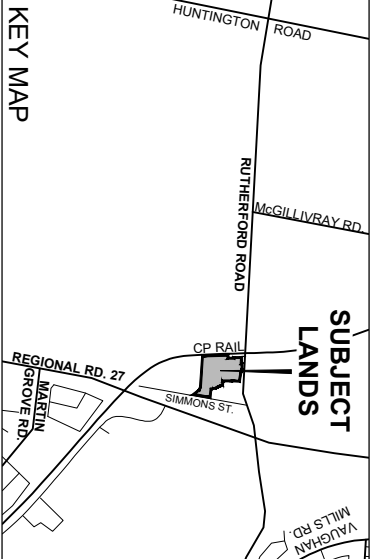
PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

**SUBJECT LANDS - 3.44ha (8.50ac)**

TO PERMIT A MINIMUM GARAGE DIMENSION OF 3.04 METRES X 6.02 METRES (A SINGLE CAR GARAGE) FOR A LOT THAT EXCEEDS 12 METRES LOT FRONTAGE; WHEREAS THE BY-LAW REQUIRES A MINIMUM GARAGE DIMENSION OF 5.5 METRES X 6.0 METRES;

**GSAI**  
Glen Schnarr & Associates Inc.





KEY MAP

COMMITTEE OF ADJUSTMENT MINOR  
VARIANCE SKETCH No. 9  
PINE VALLEY KLEINBURG HOMES LTD.  
6061 & 6067 RUTHERFORD ROAD, 134 &  
140 SIMMONS STREET

PART OF EAST HALF OF LOT 15,  
CONCESSION 9,  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

LEGEND

 SUBJECT LANDS - 3.44ha (8.50ac)

REQUIRED VARIANCE:

TO PERMIT A MAXIMUM BUILDING HEIGHT OF 11.9 METRES FOR BLOCK 22. WHEREAS THE BY-LAW/REQUIRES A MAXIMUM BUILDING HEIGHT OF 11.5 METRES.



**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.

**A055/21 – Applicant Correspondence (Application cover letter)**



March 9, 2021

GSAI File No. 959-003

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

**Attention:** Ms. Christine Vigneault  
Secretary Treasurer of the Committee of Adjustment

**RE: Minor Variance Application  
6061 & 6079 Rutherford Road and 134 & 140 Simmons Street  
City of Vaughan  
Related City File Nos. DA.18.070**

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Glen Schnarr & Associates Inc. (GSAI) are the planning consultants and authorized agents for Pine Valley Kleinburg Homes Ltd., the registered owner of the above noted lands (herein referred to as the 'subject lands'). The subject lands are located on the south side of Rutherford Road, west of Regional Road 27, and are municipally known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street (refer to Attachment No. 1). At this time, there is an active Site Plan Application (D.18.070) on the subject lands, seeking approval for the construction of 111 condominium townhouses over 22 development blocks. In order to obtain formal Site Plan Approval, a number of zoning deficiencies will need to be addressed. As such, we are pleased to submit the enclosed Minor Variance application.

The purpose of the Minor Variance application is to seek relief from zoning deficiencies identified by City staff through the formal review of the active Site Plan Application (DA.18.070). Additionally, through staff's formal review of the latest iteration of the drawings submitted in support of the Site Plan application, the proponent, GSAI and City staff have had a number of subsequent discussions and meetings on further revisions to the proposed development in response to staff's comments. We do not anticipate any further material revisions to the Site Plan design which may impact zoning, and as such, are confident that the variances required for site plan approval of the associated file (D.18.070) are limited to those described, herein.

10 KINGSBRIDGE GARDEN CIRCLE  
SUITE 700  
MISSISSAUGA, ONTARIO  
L5R 3K6  
TEL (905) 568-8888  
FAX (905) 568-8894  
www.gsai.ca





## **Background on Active Application(s) and Future Proceedings**

We note for the Committee that the corresponding Recommendation Report for both the Site Plan Application (D.18.070) and Lifting of the Holding Symbol will be heard at the April 7, 2021 Committee of the Whole meeting. As such, **we respectfully request this application for Minor Variance be scheduled for the April 8<sup>th</sup>, 2021 Committee of Adjustment Hearing barring agenda availability.** If deemed appropriate, the applicant is agreeable to a condition of approval requiring that the approval of the Minor Variances are conditional on obtaining formal Site Plan approval.

## **Project History, Context and Proposed Development**

On March 19, 2019, City Council approved an Official Plan and Zoning By-law Amendment, By-law No. 042-2019 and 041-2019, respectively, and a Draft Plan of Subdivision to facilitate the redevelopment of the subject lands for 111 condominium townhouses. The By-laws were subsequently appealed to the Local Planning Appeal Tribunal (LPAT) by a neighbouring landowner. In its Order, dated June 16, 2020, the LPAT provided written notice that the appeals have been withdrawn, effectively bringing Council's approvals into force and effect. The withdrawn appeal was a result of ongoing discussions between the applicant and the neighbouring landowner.

For context, the Official Plan Amendment, amended Sections 9.1.2.2, 9.1.2.3 and 9.2.3.2 of the Official Plan, allowing development within an established "Community Area" and permits the development of 111 townhouse units. The Zoning By-law Amendment rezoned the subject lands from "Rural Residential" (RR) to "Rural Residential" (R), "Residential Townhouse" (RT) with a Holding Symbol (H) and "Open Space Conservation" (OS1). The Holding Symbol required the landowner to file a Record of Site Condition, confirm and secure a sanitary outlet to Royalpark Way and to receive approval of a Site Plan Development Application and required allocation of servicing capacity. All the conditions of the Holding Symbol have been satisfied or will be satisfied following Council's approval of the Site Plan application.

The proposed development is to facilitate 111 condominium townhouses, over 22 development blocks. The proposal has been reviewed by Region, City and Toronto and Region Conservation Authority Staff through the Site Plan Application (DA.18.070).

## **Proposed Variances**

Since the approval of the site-specific Official Plan and Zoning By-law Amendment, the proposed development has evolved as a result of ongoing discussions with City staff regarding the detailed design through the Site Plan application process.

In order to permit for the proposed development, the following table (Table 1- Required Variances) outlines the requested variances. In order to assist staff in their review of the application, the



variances as identified in Table 1 – Required Variances should be reviewed in conjunction with the Key Map and subsequent Minor Variance sketches prepared by Glen Schnarr & Associates Inc, dated March 8, 2021. All variances are in reference to the townhouse Blocks of the proposed development (DA.18.070).

Table 1 – Required Variances

No.	Requested Variances	Blocks/Units
1	To permit a minimum exterior side yard of 3.2 metres; whereas the by-law requires an exterior side yard of 4.5 metres.	Block 6, Unit 27 Block 16, Unit 77
2.	To permit a rear yard of 6.84 metres; whereas 7.5 metres is required for Block 2.	Block 2 (Units 7, 8, 9, 10)
3.	To permit a front yard of 4.09 metres; whereas 4.5 metres is required for Blocks 1 and 2.	Block 1 Block 2
4.	To permit an interior side yard setback of 1.25 metres to a non-residential use (tot-lot); whereas the by-law requires 3.5 metres.	Block 10, Unit 44
5.	To permit a minimum lot area of 144 m <sup>2</sup> ; whereas 145 m <sup>2</sup> is required.	Block 4, Unit 18 Block 6, Unit 28 Block 7, Unit 32 Block 9, Unit 42 Block 10, Unit 45
6.	To permit a minimum lot area of 144 m <sup>2</sup> ; whereas 150 m <sup>2</sup> is required.	Block 4, Unit 19 Block 4, Unit 20 Block 4, Unit 21 Block 5, Unit 24 Block 5, Unit 25 Block 7, Unit 33 Block 7, Unit 34 Block 15, Unit 74
7.	To permit a <b><u>maximum</u></b> garage width of 3.85 metres for lots with less than 11 metres lot frontage; whereas the by-law requires a <b><u>maximum</u></b> width of 3.048 metres.	Block 1 (Units 1, 2, 3, 4, 5, 6) Block 2 (Units 7, 8, 9, 10) Block 4 (Units 19, 20) Block 9 (Units 41, 42) Block 11 (Units 49, 50, 51, 52, 53, 54) Block 12 (Units 57, 58)



		Block 14 (Units 67, 68) Block 15 (Units 73, 74) Block 16 (Units 79, 80) Block 17 (Units 85, 86) Block 18 (Units 90, 91, 92, 93, 94) Block 22 (Units 108, 109)
8.	To permit a minimum garage dimension of 3.05 metres x 6.02 metres (single car garage) for a lot that exceeds 12 metres lot frontage; whereas the by-law requires a minimum garage dimension of 5.5 metres x 6.0 metres.	Block 9, Unit 43 Block 13, Unit 64
9.	To permit a garage dimension of 2.6 metres x 5.8 metres; whereas the by-law requires for lots with a lot frontage less than 12.0 metres, the minimum interior garage dimension of 3.0 metres x 6.0 metres is required.	Block 22, Unit 111
10.	To permit a maximum of two steps (3 risers) to encroach into the maximum interior garage length of 6 metres in the rear portion of the garage abutting the dwelling unit; whereas a maximum of one step (2 risers) is permitted.	Block 6 (Unit 28, 29) Block 13 (Unit 63, 64)
11.	To permit a maximum building height of 11.96 metres for Block 22; whereas the by-law requires a maximum building height of 11.5 metres.	Block 22 (Units 107, 108, 109, 110, 111)
12.	To permit an unenclosed (covered or uncovered) porch to have one (1) side open; whereas two (2) sides are to be open.	All Blocks
13.	To permit an unenclosed (cover or uncovered) porch to encroach into the required front, exterior, interior and rear yards to a maximum of 2.5 metres and have steps encroach an additional 0.5 metres.	All Blocks

## Analysis

The following section provides an analysis demonstrating how the variances satisfy the four tests of a minor variance as set out in Section 45 (1) of the *Planning Act*:

*1. Meets the general intent and purpose of the Official Plan*



The requested variances meet the intent and purpose of the Official Plan, as amended through the site-specific Official Plan Amendment, and as submitted through DA.18.070. The proposed variances do not affect permitted unit types, densities or other key policies applicable to the subject lands' Medium Density Residential designation. These variances are technical in nature, required in order to implement the proposed development that was reviewed during the approval of the corresponding Official Plan Amendment.

2. *Meets the general intent and purpose of the Zoning By-law*

The subject lands are zoned Residential Townhouse (RT1), as amended through By-law 041-2019, which permits 111 townhouse dwelling units. The requested variances implement the proposed development which meets the general intent of the City's RT1 zoning, as approved by Council. As part of the site-specific Zoning By-law process, City staff saw fit to apply zoning regulations on a per block basis. Prescriptive zoning provisions were prescribed to ensure the built form, lot configuration and density, as submitted through the Official Plan and Zoning By-law Zoning By-law Amendment process is maintained. Through detailed design, some modifications to the Site Plan are required and due to prescriptive nature of the site-specific by-law, it has resulted in a number of zoning deficiencies. However, the general intent of the Zoning By-law has been maintained.

- **Variance No. 1** (refer to Minor Variance Sketch 1) are specific to Block 6 (Unit 27) and Block 16 (Unit 77) and requests relief from the minimum exterior side yard of 4.5 metres to permit a minimum exterior side yard setback of 3.2 metres. This deficiency is technical in nature as the siting for Block 6 and Block 16 as proposed through the site-specific rezoning process have generally not changed through the Site Plan process.
- **Variance No. 2** (refer to Minor Variance Sketch 2) is specific to Block 2 request relief from the minimum rear yard setback of 7.5 metres to permit a rear yard of 6.84 metres to the townhouse dwelling wall. Through the Site Plan approval process, the Region of York had identified the need for land conveyances and easements along the Rutherford Road frontage. Additional, through the Site Plan process, the building elevations evolved with architectural articulation and projections along the Rutherford Road frontage to enhance the streetscape. These two components have resulted in a minor rear yard setback deficiency.
- **Variance No. 3** (refer to Minor Variance Sketch 3) is specific to Block 1 and 2 and request relief from the minimum front yard setback of 4. Metres to permit a minimum front yard setback of 4.09 metres. Through the Site Plan process, the building elevations along the condominium road have evolved with architectural articulation and projections to enhance the streetscape. This deficiency is technical in nature as the siting for Block 1 and 2 as proposed through the site-specific rezoning process have generally not changed through the Site Plan process.
- **Variance No. 4** (refer to Minor Variance Sketch 4) is specific to Block 10 (Unit 44) and



request relief from the interior side yard setback to a non-residential use (tot-lot); whereas the by-law requires 3.5 metres and 1.25 metres is proposed. This deficiency is technical in nature as the siting and setback for Block 10 as proposed through the site-specific rezoning process has not changed through the Site Plan process. A 1.25 metre setback was previously proposed and shown on the concept plan that informed the site-specific rezoning stage and this setback has been consistent through the Site Plan review process.

- **Variance No. 5** (refer to Minor Variance Sketch 5) is specific to Block 4 (Unit 18), Block 6 (Unit 28), Block 7 (Unit 32), Block 9 (Unit 42) and Block 10 (Unit 45) and seeks relief from the minimum lot area requirement of 145 square metres to permit a lot area of 144 square metres. This deficiency is a result of a rounding error; whereas the actual lot area calculations for the above noted units are provided in the table below.

Unit	Lot Area (m <sup>2</sup> )
18	144.55
28	144.55
32	144.55
42	144.6
45	140.28

With regards to Block 10 (Unit 45), this deficiency is not out of character with the balance of the Block. Units 46 and 47, also interior units are identified in the site-specific zoning to have a minimum lot area of 135 m<sup>2</sup>.

- **Variance No. 6** (refer to Minor Variance Sketch 6) is specific to Block 4 (Unit 19, Block 4 (Unit 20), Block 4 (Unit 21), Block 5 (Unit 24), Block 5 (Unit 25), Block 7 (Unit 33), Block 7 (Unit 34) and Block 15 (Unit 74) and seeks relief from the minimum lot area requirement of 150 square metres to permit a lot area of 144 square metres. This deficiency is technical in nature as the size and siting of the proposed townhouse as proposed through the site-specific rezoning process have generally not changed through the Site Plan process.

Unit	Lot Area (m <sup>2</sup> )
Unit 19	144.59
Unit 20	144.59
Unit 21	144.59
Unit 24	144.59
Unit 25	144.59
Unit 33	144.59
Unit 34	144.59
Unit 74	144.59

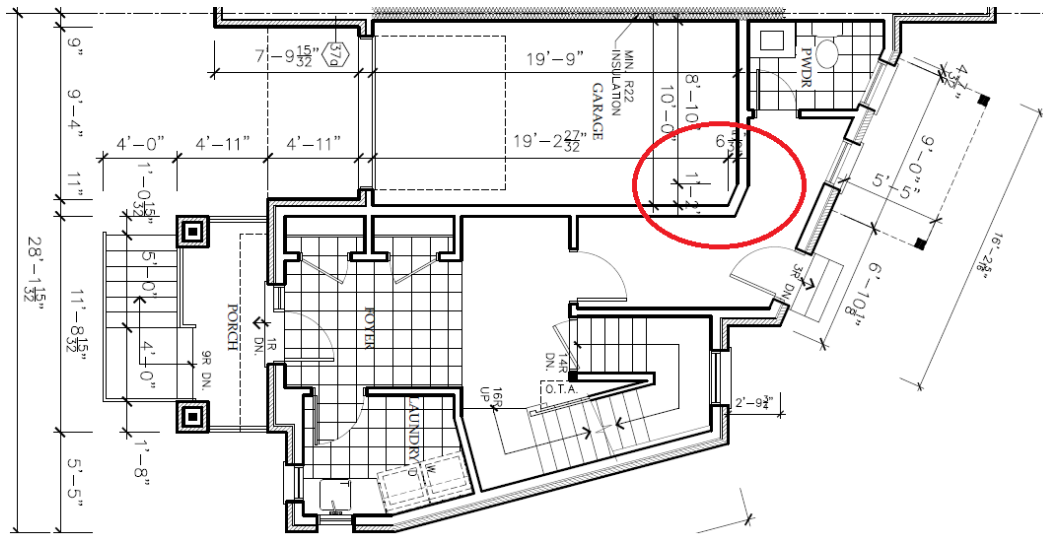
- **Variance No. 7** (not shown on a Minor Variance Sketch) applies to units within Blocks 1, 2, 4, 9, 11, 12, 14, 15, 16, 17, 18 and 22, and request relief from the by-laws **maximum**



garage width requirement of 3.048 metres to permit a maximum garage width requirement of 3.85 metres. Schedule A3 of Zoning By-law 1-88 limits the maximum interior garage width to 3.048 metres for lots with less than 11 metres of frontage. It is our understanding this regulation is set out to accomplish two factors; 1) ensure that for smaller lots, the garage is proportional to the front elevation; and 2) lots with less than 11 metres of frontage are limited to a single car garage. With regards to the proposed development, the units within the identified Blocks exceed the City's maximum requirement, however, maintain a single car garage in each insistence. The proposed interior garage widths range from 3.07 metres to 3.81 metres. Through the Site Plan review process, Planning and Urban Design staff have reviewed the proposed elevations, where no concerns have been identified with the elevations and the minor adjustments to the garage width.

- **Variances No. 8** (not shown Minor Variance Sketch 8) applies to Block 9 (Unit 43) and Block 13 (Unit 64), and request relief from the by-laws minimum garage dimension of 5.5 metres (width) x 6.0 metres (length) for lots that exceed a lot frontages of 12 metres; whereas a garage dimension of 3.0 metre x 6.0 metres is proposed. This regulation ensures the garage is proportional to the front elevation. Through the Site Plan review process, Planning and Urban Design staff have reviewed the proposed elevations and no concerns have been identified. The variances facilitates a single car garage which is in keeping the balance of the development. Additionally, the proposed width maintains the City's zoning requirements for a single car garage.
- **Variance No. 9** (refer to Minor Variance Sketch 9) applies to Block 22 (Unit 111); this unit has a unique configuration and as a result a portion of the garage is angled to accommodate an interior hallway, this is illustrated in the image below. Through discussions with the project architect, in order to meet the Ontario Building Code for the interior hallway, the angle within the garage cannot be adjusted to meet the City's by-law requirements for a garage dimension. The balance of the garage meets the City's zoning requirements for a single car garage.





- **Variance No. 10** (refer to Minor Variance Sketch 10) applies to Block 6 (Units 28 and 29) and Block 13 (Units 63 and 64), and request relief from the by-law to permit the encroachment of two steps (3 risers) into the required garage length; whereas the by-law does not permit steps to encroach into the garage length, with the exception of one step (two risers). Through the Site Plan review process, the proposals grading was revised as result of the removal of depressed curbs along the condominium road as well as grading and servicing matters as commented by Development Engineering staff. It is our understanding, as a result of these revisions, it necessitates the need for an additional riser in the garage.
- **Variance No. 11** (refer to Minor Variance Sketch 11) applies to Block 22, and request relief from the maximum building height of 11.5 metres; whereas 11.96 metres is proposed. Building height, as defined in the City's Zoning By-law, is measured from the average elevation of the finished grade at the front of the building. Due to the subject lands topography and detailed design of the building elevations and grading plans, the average elevation has been determined, resulting in a deficiency in the overall building height for Block 22. The overall massing and distribution of the Block is consistent with the balance of the proposed development.
- **Variance No. 12 and 13** applies to all Blocks (Blocks 1 – 22) and seeks to amend the definition of a **porch, unenclosed (cover or uncovered)**. The Zoning By-law defines **porch, unenclosed (cover or uncovered)**, "as a platform with or without a foundation and with at least two sides open which is uncovered or covered by either a roof, balcony or enclosed space or room, with or without a foundation". The variance would adjust the definition to read as follows:

*"a PORCH, UNENCLOSED (COVER OR UNCOVERED) with or without a foundation with one side open which is uncovered or covered by either a roof,*



*balcony or enclosed space or room, with or without a foundation”.*

Furthermore, Variance No. 13 seeks relief from the permitted yards a porch is allowed to encroach in. Section 4.22 of the Zoning By-law limits encroachments to front yard, exterior yard and interior side yards; however, the frontages along Rutherford Road are defined as a rear yard. In keeping with good urban design principles and articulating the front elevation of the proposed townhouses, some of the porches have been recessed into the building envelope. Planning and Urban Design staff have reviewed the proposed elevations, where no concerns have been identified with the elevations.

3. & 4. *Desirable for the appropriate development of the land and Minor in Nature*

Collectively, the proposed variances are required to facilitate the development of 111 condominium townhouses as submitted through DA.18.070. It is our opinion that the proposed variances are desirable for the appropriate development of the land and are minor in nature, as the general intent and configuration of the proposed development is maintained. The variances are technical in nature and, in our opinion, are required in order to provide a desired built form as approved by Council.

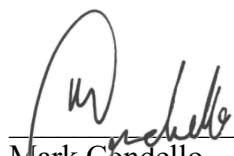
**Application Materials**

In support of the application, please find enclosed the following materials:

- Minor Variance Application Form;
- Summary of Site Statistics (per townhouse block);
- Minor Variance Sketch prepared by Glen Schnarr & Associates Inc., dated March 8, 2021 (includes Key Map and Sketches from 1 – 11);
- Arborist Report prepared by Strybos Barron King Ltd. (prepared for DA.18.070, dated May 22, 2020; and,
- Minor Variance Application Fee (\$3,060.00).

We trust this is sufficient for staff’s review and respectfully request this application be scheduled for the April 8, 2021. Please contact the undersigned at [markc@gsai.ca](mailto:markc@gsai.ca) or 905-568-8888 if you require additional information or wish to clarify any thing contained in this application.

Respectfully submitted,  
**GLEN SCHNARR & ASSOCIATES INC.**

  
\_\_\_\_\_  
Mark Condello  
Planner

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.-

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- MTO – Located outside of MTO permit control area
- TRCA – comments with conditions (Condition Cleared)

**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](mailto:stephen.cranley@alectrautilities.com)

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

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

**From:** [Hurst, Gabrielle](#)  
**To:** [Vigneault, Christine](#)  
**Subject:** [External] RE: A055/21 - REQUEST FOR COMMENTS (6071 & 6079 and 134 & 140 Simmonds Street)  
**Date:** Friday, April 9, 2021 3:34:20 PM  
**Attachments:** [image003.emz](#)  
[image004.png](#)

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

*Gabrielle*

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

April 14, 2021

CFN 64195.11  
Ex Ref CFN 60440, 60805.19, 63975

**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

**Re: Minor Variance Application A055/21  
Part Lot 15, Concession 9  
6061, 6079 Rutherford Rd & 134, 140 Simmons Street  
City of Vaughan, Region of York  
Pine Valley Kleinburg Homes Ltd.  
(Agent: Glen Schenarr & Associates Inc. c/o Mark Condello)**

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This letter acknowledges receipt of the above noted application, received by the Toronto and Region Conservation Authority (TRCA) on March 10, 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 variance is to facilitate a 111-townhouse development. More specifically,

1. To permit a minimum lot area of 144 m<sup>2</sup> for Block 4, Lot 18, Block 6, Lot 28, Block 7, Lot 32, Block 9, Lot 42, Block 10, Lot 45 and Block 15, Lot 74. [Exception 9(1474)]
2. To permit a minimum lot area of 144 m<sup>2</sup> for Block 4, Lots 19, 20 and 21, Block 5, Lots 24 and 25, Block 7 Lots 33 and 34. [Exception 9(1474)]
3. To permit a maximum building height of 11.9 metres for Lots 107, 108, 109, 110 and 111 on Block 22.
4. To permit a minimum exterior side yard setback of 3.2 metres to a dwelling Block 6, Lots 27 and Block 16, Lot 77.
5. To permit a minimum rear yard setback of 6.8 metres to a dwelling for Block 2, Lots 7, 8, 9 and 10.
6. To permit a minimum front yard setback of 4.0 metres to a dwelling for Blocks 1 and 2.
7. To permit a minimum interior side yard setback of 1.25 metres to a non-residential use for Block 10, Lot 44. (tot-lot).
8. To permit a maximum interior garage width of 3.85 metres for lots with lot frontages less than 11 metres for Block 1, Lots 1, 2, 3, 4, 5, and 6, Block 2, Lots 7, 8, 9 and 10, Block 4, Lots 19 and 20, Block 9, Lots 41 and 42, Block 11, Lots 49, 50, 51 52, 53 and 54, Block 12, Los 57and 58, Block 14, Lots 67 and 68, Block 15, Lots 73 and 74, Block 16, Lots 79 and 80, Block 17, Lots 85 and 86, Block 18, Lots 90, 91, 92, 93 and 94, Block 22, Lots 108 and 109.
9. To permit minimum interior garage dimensions of 3.04 metres width x 6.02 metres length for lots with lot frontages greater than 12 metres for Block 9, Lot 43, Block 13, Lot 64.
10. To permit an unenclosed porch (covered or uncovered) to have (1) one side open.



11. To permit an unenclosed porch (covered or uncovered), to encroach into the minimum required front yard, exterior side yard and rear yard to a maximum of 2.5 metres, and eaves, gutters and steps may encroach an additional 0.5 metres.

### **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**

A portion of the subject property is regulated by TRCA due to a disturbed/urbanized valley corridor that traverses the eastern portion of the site. 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, the eastern portion of the site is located within TRCA's Regulated Area due to the presence of a valley corridor. TRCA staff have been involved in reviewing the proposed development through a draft plan of subdivision (municipal file no. 19T-17V011) and site development application (municipal file no. DA.19.076). As part of the draft plan of the subdivision review process, the limits of the valley corridor (i.e., physical top of bank and long term stable top of bank) were delineated and agreed to by TRCA staff. Subsequently, TRCA issued a permit (Permit No. C-201058) to facilitate final servicing and grading works associated with an approved plan of subdivision on November 22, 2020. The proposed works shown on the submitted variance application reflect the works shown on the plans that TRCA staff recommended approval for as part of the above-noted applications.

#### **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-Industrial/Commercial/Subdivision/Institutional - 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 A055.21, subject to the following conditions:

1. 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](mailto:Hamedeh.Razavi@trca.ca).

Sincerely,



Hamedeh Razavi  
Planner I, Development Planning and Permits

HR/mh

C: Glen Schenarr & Associates Inc. (markc@gsai.ca)

## Attwala, Pravina

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**Subject:** FW: TRCA Conditions Clearance - A055/21

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**From:** Hamedeh Razavi <Hamedeh.Razavi@trca.ca>  
**Sent:** April-16-21 10:43 AM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Cc:** 'markc@gsai.ca' <markc@gsai.ca>; Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** [External] TRCA Conditions Clearance - A055/21

Hi Pravina,

The applicant has submitted TRCA's review fee of \$1,100.00 for the above noted application. As such, TRCA's condition has been cleared.

Should you have any questions, please do not hesitate to contact me.

Regards,

**Hamedeh Razavi MURP**  
Planner I  
Development Planning and Permits | Development and Engineering Services

T: [\(416\) 661-6600](tel:4166616600) ext. 5256  
E: [Hamedeh.Razavi@trca.ca](mailto:Hamedeh.Razavi@trca.ca)  
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca/101-Exchange-Avenue-Vaughan-ON-L4K-5R6) | [trca.ca](https://www.trca.ca)



**TRCA's Offices are closed to visitors.** The plan input and review function continues during the Coronavirus pandemic. In order to reduce the potential of transmission, TRCA requests that all development planning and permit applications and materials be submitted digitally in PDF format only. Paper submissions are discouraged and may result in extended timeframes for review. All documents should be submitted via an on-line file sharing service (e.g. OneDrive, Dropbox or corporate file sharing services) or via email in PDF format. Documents can be submitted directly to me at [Hamedeh.Razavi@trca.ca](mailto:Hamedeh.Razavi@trca.ca) We thank you for your cooperation as we respond to the current situation.

**Attwala, Pravina**

---

**Subject:** FW: A055/21 - REQUEST FOR COMMENTS

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**From:** Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>  
**Sent:** April-14-21 3:46 PM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Cc:** Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>  
**Subject:** [External] RE: A055/21 - REQUEST FOR COMMENTS

Good afternoon,

As the properties at 6061, 6079 Rutherford Rd & 134, 140 Simmons Street are outside the MTO permit control area, MTO has no comments.

**Colin Mulrenin (he/him) | Corridor Management Officer | York**  
Highway Corridor Management Section – Central Operations  
159 Sir William Hearst Avenue | Ministry of Transportation  
7<sup>th</sup> Floor, Building D | Downsview, Ontario | M3M 0B7  
[Colin.Mulrenin@ontario.ca](mailto:Colin.Mulrenin@ontario.ca)