



**File:** A103/21

**Applicant:** Grand and Toy Limited

**Address:** 200 Aviva Park Drive, Woodbridge

**Agent:** SGL Planning & Design Inc.

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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"/>	
Development Engineering		
Parks, Forestry and Horticulture Operations		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
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

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Background History: None

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Staff Report Prepared By: Adriana MacPherson  
Hearing Date: Thursday, July 22, 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: 7

**A103/21**

Ward: 3

**Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer**

**Date & Time of Live Stream Hearing:** Thursday, July 22, 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:** Grand and Toy Limited
- Agent:** SGL PLANNING & DESIGN INC.
- Property:** **200 Aviva Park Dr Woodbridge**
- Zoning:** The subject lands are zoned EM1 and subject to the provisions of Exception 9(653) under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Prestige Employment"
- Related Files:** None
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the storage of vehicles onsite.

Note: An offsite car dealership located to the north of Highway 407 requires additional parking for vehicle storage and seeks to use a portion of the parking lot on the subject site for the purpose of parking vehicles.

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

By-law Requirement	Proposal
1. The outside storage of vehicles is not permitted (Section 6.2.1, By-law 1-88a.a.).	1. To permit the outside storage of vehicles.
2. A minimum of 409 parking spaces are required (Section 3.8, By-law 1-88a.a.).	2. To permit a minimum of 298 parking spaces for the existing employment use (17,930 sq.m warehouse, 3,995 sq.m office).

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

For information on the previous approvals listed above please visit [www.vaughan.ca](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: None**

**Staff & Agency Comments**

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

**Committee of Adjustment:**

Public notice was mailed on July 7, 2021

Applicant confirmed posting of signage on July 8, 2021

Property Information	
Existing Structures	Year Constructed
Building	1997

Applicant has advised that they cannot comply with By-law for the following reason(s): While the unused parking lot currently exists on the subject site, the zoning by-law does not contemplate vehicle parking unrelated to the use on the lot. As the off-site business (car dealership) requires off-site parking to store vehicles, the variance presents an opportunity to make use of underutilized

**Adjournment Request:** The applicant was provided an opportunity to adjourn the application prior to the issuance of public notice to permit time to address the following planning comments:

The Development Planning Department has reviewed your Minor Variance Application A103.21 at 200 Aviva Park Drive. Please see the following comments below:

Development Planning is not in position to support Variance 1 to permit the outside storage of vehicles on the subject lands as the requested variance does not meet the general intent and purpose of the Official Plan. As per Section 9.2.2.11 of Vaughan Official Plan (VOP) 2010:

9.2.2.11: In areas designated on Schedule 13 as Prestige Employment, the following policies shall apply:

c. The following uses are permitted in areas designated as Prestige Employment, in addition to those uses permitted through policy 9.2.1.9:

i. Industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, and distribution uses located within wholly enclosed buildings and which do not require outside storage. Outside storage is not permitted.

The "Prestige Employment" designation does not permit the use of outside storage. An Official Plan Amendment is required to facilitate the proposal.

**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.

Parking Calculations:

employment use - requires 1.5 spaces per 100 sq.m  $17,930/100 \times 1.5 = 269$

accessory office use - requires 3.5 spaces per 100 sq.m  $3,995/100 \times 3.5 = 140$

Total= 409 require parking spaces

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'): "Prestige Employment"

The Development Planning Department has reviewed your Minor Variance Application A103.21 at 200 Aviva Park Drive.

Development Planning is not in position to support Variance 1 to permit the outside storage of vehicles on the subject lands as the requested variance does not meet the general intent and purpose of the Official Plan. As per Section 9.2.2.11 of Vaughan Official Plan (VOP) 2010:

- 9.2.2.11: In areas designated on Schedule 13 as Prestige Employment, the following policies shall apply:

- c. The following uses are permitted in areas designated as Prestige Employment, in addition to those uses permitted through policy 9.2.1.9:
  - i. Industrial uses including manufacturing, warehousing (but not a retail warehouse), processing, and distribution uses located within wholly enclosed buildings and which do not require outside storage. Outside storage is not permitted.

The “Prestige Employment” designation does not permit the use of outside storage. An Official Plan Amendment is required to facilitate the proposal.

**Development Engineering:**

Application under review with Transportation Division.

**Parks Development - Forestry:**

No comments received to date.

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

No comments received to date

**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

**Schedule D - Previous Approvals (Notice of Decision)**

None

**Staff Recommendations:**

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended: None

**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](http://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 Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

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

**Adriana MacPherson**

T 905 832 8585 Extension 8360

E [CofA@vaughan.ca](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.

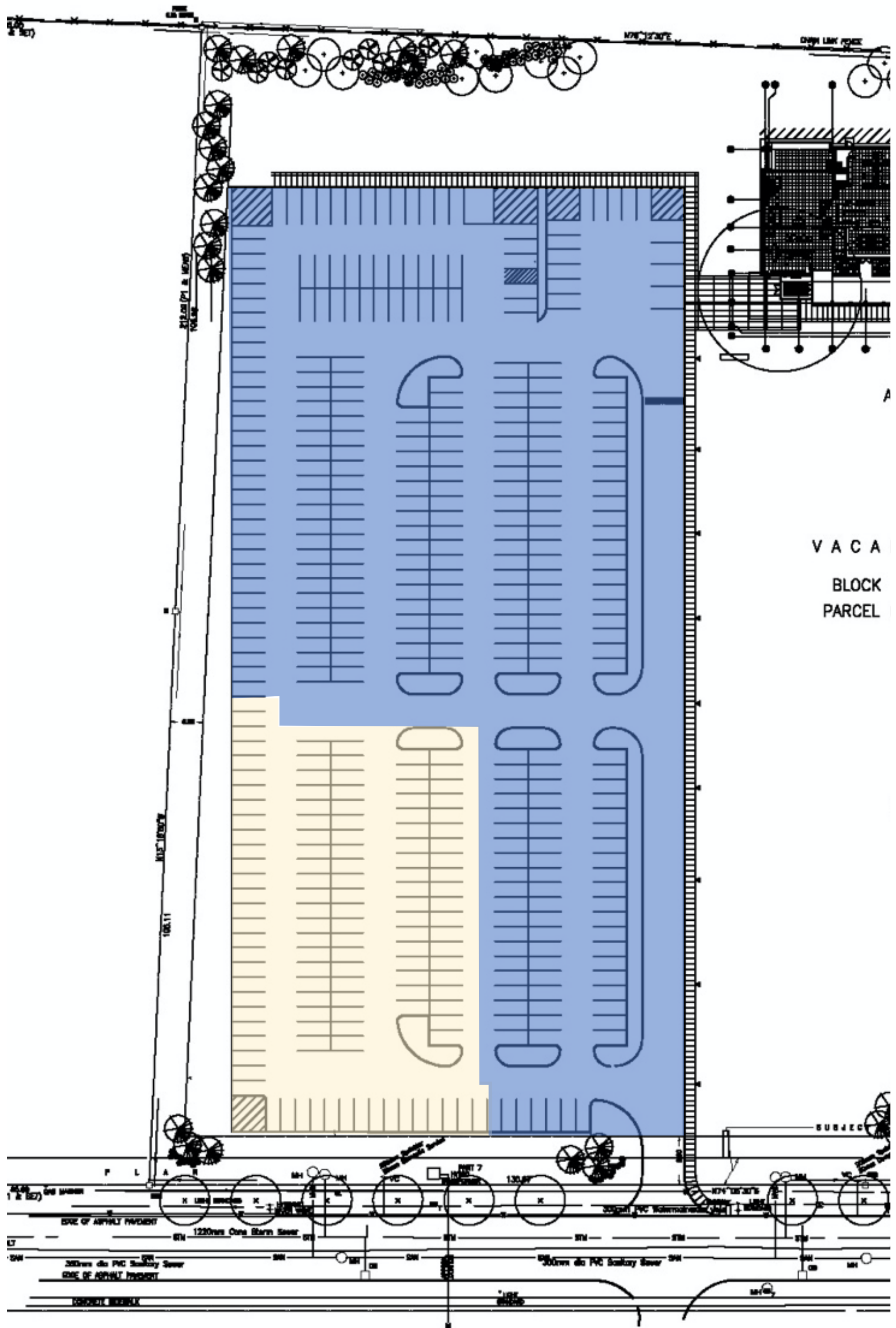
**Location Map**

**Plans & Sketches**

200 Aviva Park Drive, Vaughan



200 Aviva Park Drive – Parking Space Count



- Parking for Existing Industrial Use (Grand & Toy): 298 parking spaces
  
- Parking for Off-site Car Dealership (Coventry): 122 parking spaces



## **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**

Date: March 25, 2021

Our file: AP.VA

Vaughan City Hall,  
2141 Major Mackenzie Dr.  
Vaughan, ON  
L6A 1T1

Dear Sir or Madam:

**Re: Minor Variance Application – 200 Aviva Park Drive**

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We are pleased to submit this Minor Variance Application for 200 Aviva Park Drive. The subject lands are located on the north side of Aviva Park Drive, in the area generally southwest of the crossing of Weston Road over Highway 407.

### **Proposal**

The application seeks a minor variance to permit the parking of cars on the subject site for an off-site use.

The subject site currently contains an industrial/employment building and parking lot. Grand & Toy is the owner of the site and is the owner/occupant of the existing building on the site. A large portion of the parking lot on this property is currently empty and free of vehicles, as the existing operations do not require the entire parking lot. An offsite car dealership located to the north of Highway 407 requires additional parking for vehicle storage and seeks to use a portion of the parking lot on the subject site for the purpose of parking vehicles.

Planning staff have indicated that parking for an offsite use is not permitted as-of-right in the EM1 Zone. While the use of the existing parking lot for vehicles in relation to the primary use of the building on the lot would be permitted, the use of the site for the explicit purpose of parking vehicles is not permitted. Thus, a variance is being sought through this application to add “parking” as a permitted use on the subject site.

For context, the subject site location and the car dealership seeking to use the site for parking are shown in **Figure 1**.



Figure 1: Location of subject site and car dealership seeking to use a portion of the existing parking lot.

### Planning Opinion

It is appropriate to permit off-site parking on the subject site. Owing to the unique nature of a car dealership use, vehicle storage is a logistical component of the business. The business requires additional space to park vehicles, and as such, requires vehicles to be parked at an off-site parking lot. In our opinion, an underutilized parking lot serving an existing industrial use is an appropriate location for that use.

The City of Vaughan Official Plan is clear in outlining goals and objectives to protect the environment and to encourage and promote the economic vitality of the City and businesses within it. The proposed development will make use of an underutilized space in close proximity to the existing business requiring the use of the parking lot. This aligns with the City's Official Plan policies to lower impacts on the natural environment and to support improved air quality by reducing the distance required for cars to travel to the off-site parking lot. Further, the close proximity of the parking lot on the subject site supports the continued function of the car dealership use as a successful business within the area.

In terms of the function of the employment lands, there is no impact associated with this proposal. A parking lot is an existing and normal component of an employment area. The EM1 zone does not explicitly permit "parking" as a permitted use, as this type of use is typically associated with an on-site business and likely was not contemplated. However, since the subject site was designed to accommodate parking, utilization of this parking lot maintains the intent of the zoning by-law, particularly since the parking lot was constructed to accommodate vehicles, and a portion of that parking lot is not required by the use which it currently serves.

In our opinion, the requested variance to facilitate the proposed use of the subject site is considered minor in nature. The use and function of a parking lot remains the same, whether it is being used for an onsite use within the building on the subject site, or an offsite use. Further, since the vehicles proposed to be parked in the parking lot are associated with a car dealership, the traffic generated from the movement of vehicles in and out of the parking lot will be limited compared to the traffic that would be created from vehicles entering and existing the parking lot to serve a use within the existing building on the subject site on a daily basis.

To summarize, we request approval of a minor variance to permit "parking" as a primary use on the subject site, for the purposes outlined in this letter. On this basis, it is our opinion that the variance is:

- Minor in nature;
- Desirable for the appropriate development of the subject lands;
- Maintains the intent and purpose of the Official Plan; and
- Maintains the intent and purpose of the Zoning By-law.

Yours very truly,  
SGL PLANNING & DESIGN INC.



David Riley, MCIP, RPP  
Principal

cc. Paul Rycroft

## **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**



Discover the possibilities

### COMMENTS:

- We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

### References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T  
Supervisor, Distribution Design, ICI & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

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

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

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

## Adriana MacPherson

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**Subject:** FW: A103/21 - Request for Comments (200 Aviva Park Drive, Vaughan)

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

**Sent:** June-29-21 8:48 AM

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

**Cc:** Committee of Adjustment <CofA@vaughan.ca>

**Subject:** [External] RE: A103/21 - Request for Comments (200 Aviva Park Drive, Vaughan)

Good morning Adriana,

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)