

File: A141/21

Applicant: Pine Valley Kleinburg Homes Ltd.

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

Agent: Glen Schnarr & Associates Inc.
(Mark Condello)

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		
Development Planning	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<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		
CP Rail	<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: A055/21 (see next page for details)

Staff Report Prepared By: Pravina Attwala
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: 14

A141/21

Ward: 2

Staff Report Prepared By: Pravina Attwala, 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

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: Pine Valley Kleinburg Homes Ltd.

Agent: Glen Schnarr & Associates

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

Zoning: The subject lands are zoned RT1, Residential 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: DA.18.070

Purpose: Relief from By-law 1-88, as amended, is being requested to permit reduced lot area on Block 10 (Lot 45) and Block 6 (Lot 29) to facilitate Site Plan Application D.18.070 which is seeking approval for the construction of 111 condominium townhouses over 22 development blocks.

**The proposed blocks have not yet been created through the related Plan of Subdivision process.

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 Exception 9(1474).	1. To permit a minimum lot area of 139 m2 for Block 10, Lot 45.
2. A minimum lot area of 162 m2 is required per Schedule A3.	2. To permit a minimum lot area of 140 m2 for Block 6, Lot 29.

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A055/21	Facilitate a 111 townhouse development as submitted and reviewed through Site Plan Application (DA.18.070)	Approved April 29, 2021

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 July 7, 2021

Applicant confirmed posting of signage on July 6, 2021

Property Information	
Existing Structures	Year Constructed
Land	December 13, 2019

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

Adjournment Request: None

Building Standards (Zoning Review):

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

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

The subject lands are currently under review of Development Application No. 18.070.

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 response

Development Planning:

Official Plan: City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", subject to Site Specific Policy 13.45.

The Owner is requesting permission to construct 111 townhouse units accessed by common element private roads on the subject lands, proposed through the April 20, 2021 Council approved Site Development File DA.18.070, with the above noted variances.

On April 29, 2021, the Committee of Adjustment approved Minor Variance Application A055/21 for 11 variances associated with the development. Additional variances have been identified for two lots within the development that are deficient in minimum lot area. The configuration and built form of the townhouse development has not changed from the approved Site Development File DA.18.070 and previous Minor Variance Application A055/21. Both the subject lots are consistent in size and configuration of other lots that constitute the development.

Accordingly, 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.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A141/21 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:

Public and private trees being addressed through Site Plan Application and Draft Plan of Subdivision (DA.18.070 and 19T-17V011)

Forestry has commented on the above-mentioned applications relating to the TPA.

By-Law and Compliance, Licensing and Permit Services:

No comment no concerns

Development Finance:

No comment no concerns

Fire Department:

No comments received to date

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Public Correspondence (Application Cover Letter)

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
 CP Rail – No concerns or objections York Region - No concerns

Schedule D - Previous Approvals (Notice of Decision)

Minor Variance A055/21

Staff Recommendations:

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

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

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

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

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The Owner/applicant shall obtain approval for the related Site Development Application (DA.18.070) from the Development Engineering (DE) Department.

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://www.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 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

T 905 832 8585 Extension 8002
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.

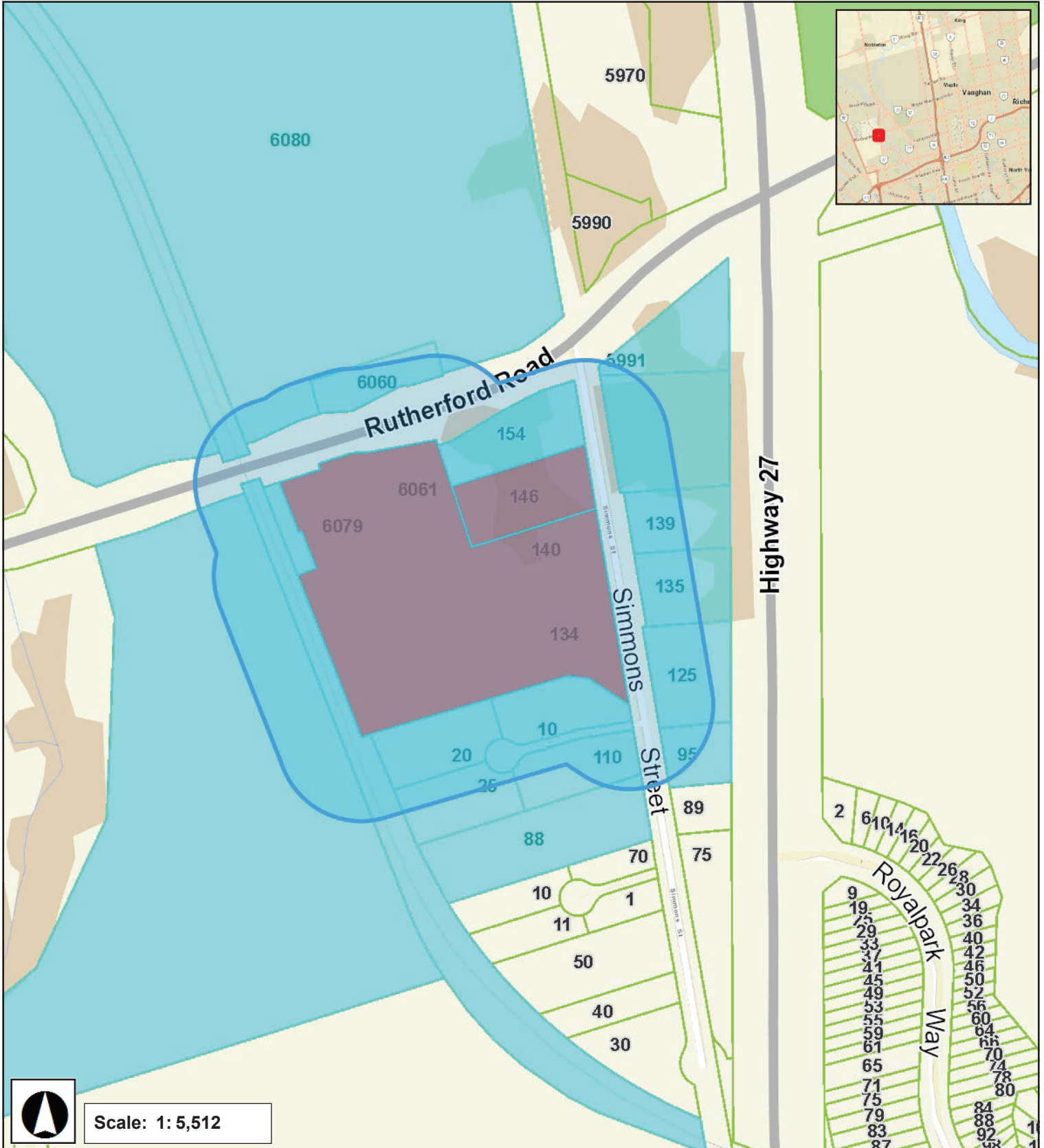
Location Map

Plans & Sketches

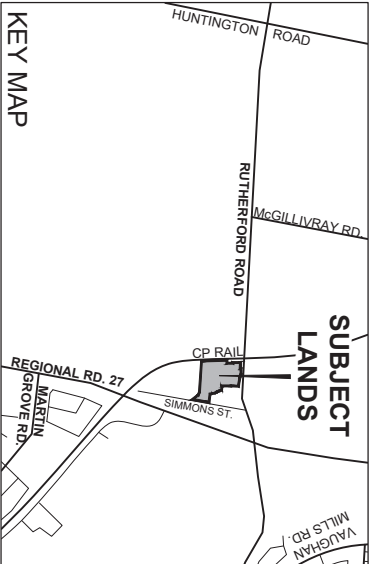
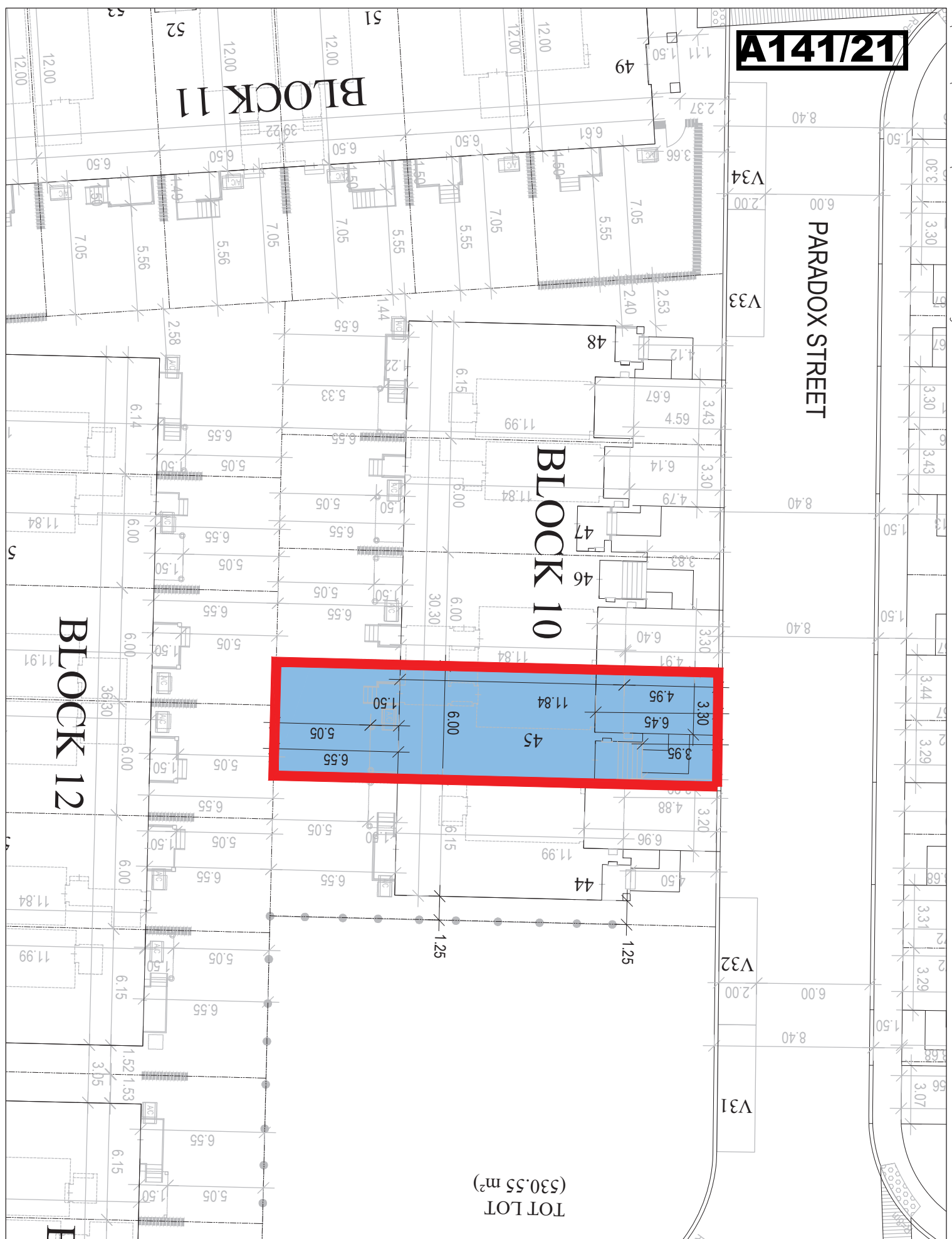


LOCATION MAP - A141/21

6061, 6079 RUTHERFORD ROAD & 134, 140 SIMMONS STREET



12/14/21



**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH
PINE VALLEY KLEINBURG HOMES LTD.
6061 & 6067 RUTHERFORD ROAD,
134 & 140 SIMMONS STREET**

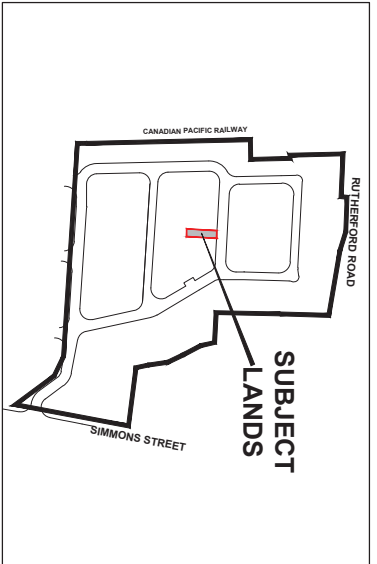
PART OF EAST HALF OF LOT 15,
CONCESSION 9,
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

LEGEND

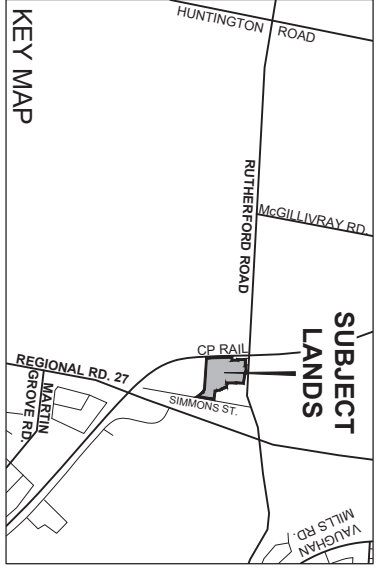
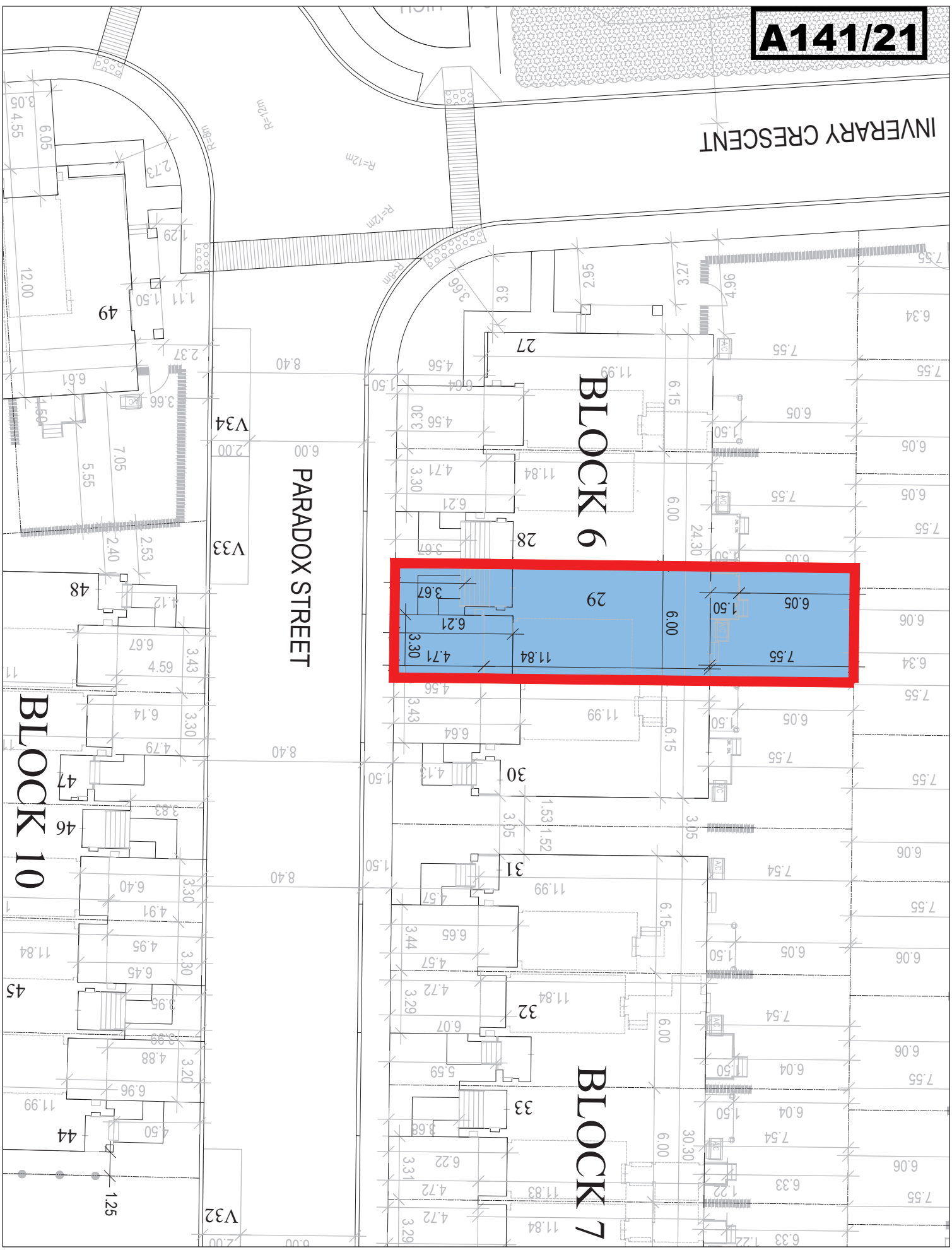
 **SUBJECT LANDS
(BLOCK 10, LOT 45)**

REQUIRED VARIANCE:

**TO PERMIT A LOT AREA OF 139 SQUARE METRES;
WHEREAS THE BY-LAW REQUIRES 145 METRES;**



A141/21



KEY MAP

**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH
PINE VALLEY KLEINBURG HOMES LTD.
6061 & 6067 RUTHERFORD ROAD,
134 & 140 SIMMONS STREET**

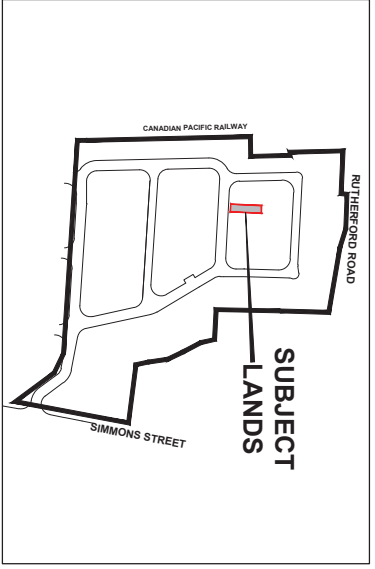
PART OF EAST HALF OF LOT 15,
CONCESSION 9,
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

LEGEND

 SUBJECT LANDS (BLOCK 6, LOT 29)

REQUIRED VARIANCE:

TO PERMIT A LOT AREA OF 140 SQUARE METRES;
WHEREAS THE BY-LAW REQUIRES 162 METRES;



SCALE 1:250
JUNE 21, 2021



GSAI

Glen Schnarr & Associates Inc.

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.

A141/21 – Public Correspondence (Application Cover Letter)



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

PARTNERS:
GLEN SCHNARR, MCIP, RPP
GLEN BROLL, MCIP, RPP
COLIN CHUNG, MCIP, RPP
JIM LEVAC, MCIP, RPP

June 22, 2021

GSAI File No. 959-003

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

A141/21

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 and A055/21

Glen Schnarr & Associates Inc. 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. At this time, there is active Site Plan Application (D.18.070) seeking approval for the construction of 111 condominium townhouses over 22 development blocks. The Site Plan Application was adopted by City Council on April 20, 2021 and the applicant is working with City staff to execute both a Draft Plan of Subdivision and Site Plan Agreement to facilitate the development.

A previous Minor Variance Application (A055/21) was submitted and approved by the Committee of Adjustment on April 29, 2021, that provided relief for a total of 11 variances, which included lot area, maximum building heights, side yard and rear yard setbacks, interior garage dimension and additional encroachments for a porch. As part of the final Site Plan review, the City's Building Department in its memorandum dated June 15, 2021, identified a lot area zoning deficiency for **Block 10, Lot 45** and **Block 6, Lot 29**. As such, the enclosed Minor Variance Application is being submitted to seek relief from the zoning deficiencies identified in City staff.

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



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.

The concurrent Site Plan Application (DA.18.070) was adopted by Council on April 20, 2021 and the applicant is working with City staff to execute both a Draft Plan of Subdivision and Site Plan Agreement to facilitate the development.

Proposed Variances

In order to permit the proposed development, the following variance is requested:

1. *To permit a minimum lot area of 139 square metres for Block 10, Lot 45; whereas 145 square metres is required [Exception 9(1474)].*
2. *To permit a minimum lot area of 140 square metres for Block 6, Lot 29; whereas 162 square metres is required [Table A3].*

The variances for Block 10 (Lot 45) and Block 6 (Lot 29), as shown on DA.18.070, satisfy the four tests of a Minor Variance as set out in Section 45 (1) of the *Planning Act*, being that:

1. ***The variance meets the 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. ***The variance meets the intent and purpose of the Zoning By-law.***

The requested variances seek relief from the minimum lot area requirements for Block 6, Lot 29 and Block 10, Lot 45. This deficiency is technical in nature as the size and siting of the proposed townhouses as proposed through the site-specific rezoning process have generally not changed through the Site Plan process. As part of the rezoning process, City staff saw it fit to apply zoning regulations on a per block basis creating prescriptive zoning



provisions to ensure the built form, lot configuration and density, as reviewed is maintained. As part of the detail design and review of the Site Plan application and due to the prescriptive nature of the site-specific zoning by-law, it has resulted in a number of zoning deficiencies. However, the general intent of the Zoning By-law has been maintained.

3. & 4. The proposed development is desirable for the appropriate development of the lands; and Minor in Nature


The requested variances are required to facilitate the development of the 111 townhouses as submitted and reviewed 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 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.

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

- Minor Variance Application Form;
- Minor Variance Sketch prepared by Glen Schnarr & Associates Inc. dated June 21, 2021; and,
- Minor Variance Application Fee (\$3060.00).

We trust this is sufficient for staff's review and respectfully request this application be scheduled for the July 22, 2021. Please contact the undersigned at 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, MCIP, RPP
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

CP Rail – No concerns or objections

York Region - No Concerns



Discover the possibilities

COMMENTS:

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

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

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

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

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

References:

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

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

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

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

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Pravina Attwala

Subject: FW: A141/21; 6061, 6079 Rutherford Rd & 134, 40 Simons St
Attachments: Vaughan - Zoning.pdf

From: CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>
Sent: July-12-21 1:30 PM
To: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A141/21; 6061, 6079 Rutherford Rd & 134, 40 Simons St

Good Afternoon,

RE: A141/21; 6061, 6079 Rutherford Rd & 134, 40 Simons St, within 500m CP Rail line

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

<http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



CP Proximity Ontario
CP_Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

Pravina Attwala

Subject: FW: A141/21 - Response

-----Original Message-----

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

Sent: July-14-21 2:04 PM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

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

Subject: [External] RE: A141/21 - Response

Good afternoon Pravina,

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 A055/21

NOTICE OF DECISION
Minor Variance Application A055/21
 Section 45 of the Planning Act, R.S.O., 1990, c.P.13

Date of Hearing: Thursday, April 29, 2021
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 front yard setback of 4.0 metres to a dwelling for Blocks 1 and 2.
6. A minimum rear yard setback of 7.5 metres is required [Schedule A3]	6. To permit a minimum rear yard setback of 6.8 metres to a dwelling for Block 2, Lots 7, 8, 9 and 10.
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).
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	9. To permit minimum interior garage dimensions of 3.04 metres width x 6.02

By-law Requirement	Proposal
for lots with lot frontages greater than 12 metres. [Schedule A3, General Notes]	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 into a maximum of 2.5 metres, and eaves, gutters and steps may encroach an additional 0.5 metres.

Sketch: A sketch illustrating the request has been attached to the decision.

Having regard to the requirements of Section 45 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, including the written and oral submissions related to the application, it is the decision of the Committee:

THAT Application No. A055/21 on behalf of Pine Valley Kleinburg Homes Ltd. be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The Owner/applicant shall obtain approval for the related Site Development Application (DA.18.070) from the Development Engineering (DE) Department.

For the following reasons:

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

Please Note:

It is the responsibility of the owner/applicant and/or authorized agent to address any condition(s) of approval noted in this decision to the satisfaction of the commenting department or agency. Once conditions have been satisfied, the Secretary Treasurer will be in a position to issue a clearance letter which is required prior to the issuance of a Building Permit.

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.

Written & oral submissions considered in the making of this decision were received from the following:


Public Written Submissions * Public Correspondence received and considered by the Committee in making this decision	Public Oral Submissions *Please refer to the approved Minutes of the Thursday , April 29, 2021 meeting for submission details.
None	None

Late Written Public Submissions: N/A

Public written submissions on an Application shall only be received by the Secretary Treasurer until **noon** on the last business day prior to the day of the scheduled Meeting.

MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

<i>Hao Zheng</i>	<i>Assunta Perrella</i>	<i>Robert Buckler</i>
H. Zheng Member	A. Perrella Chair	R. Buckler Member
<i>Steve Kerwin</i>		<i>Adolfo Antinucci</i>
S. Kerwin Vice Chair		A. Antinucci Member

DATE OF HEARING:	April 29, 2021
DATE OF NOTICE:	May 7, 2021
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	May 19, 2021 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan’s Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.  <hr/> Christine Vigneault, AMP, ACST Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

*Electronic signatures have been used to process this decision as approved by the Committee of Adjustment at the May 28, 2020 hearing.

Appealing to The Local Planning Appeal Tribunal
 The *Planning Act*, R.S.O. 1990, as amended, Section 45

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal (A1 Appeal Form) setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal under the *Local Planning Appeal Tribunal Act*.

A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time. Please mail or courier appeals and prescribed fees to:

Office of the City Clerk - Committee of Adjustment
 2141 Major Mackenzie Drive
 Vaughan Ontario, L6A 1T1

If you have questions regarding the appeal process, please email cofa@vaughan.ca

Appeal Fees & Forms

Local Planning Appeal Tribunal: The LPAT appeal fee is \$400 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The LPAT Appeal Fee must be paid by certified cheque or money order payable to the “Minister of Finance”. Appeal forms (A1 Appeal Form – Minor Variance) can be obtained at www.eto.gov.on.ca or by contacting our office at 905-832-8585 Ext. 8332 or cofa@vaughan.ca

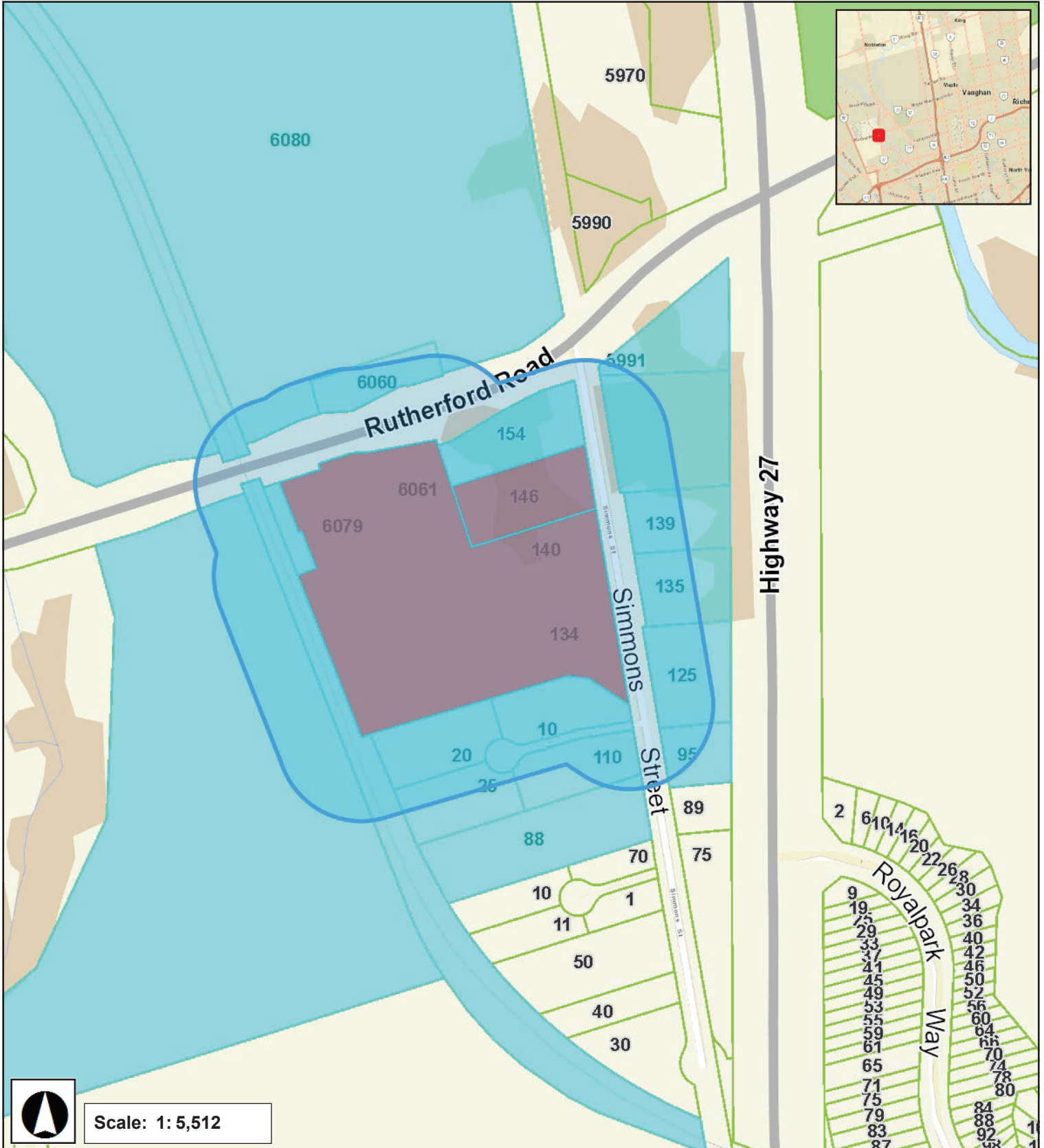
City of Vaughan LPAT Processing Fee: \$866.00 per application


*Please note that all fees are subject to change.



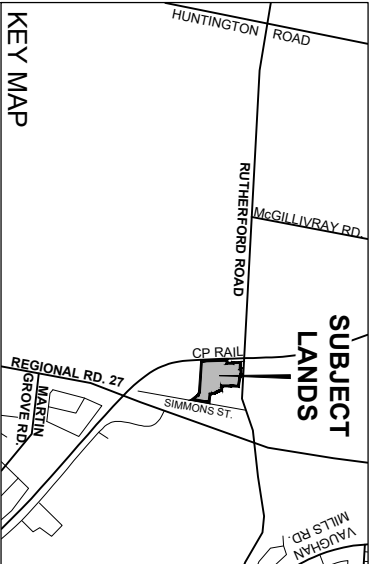
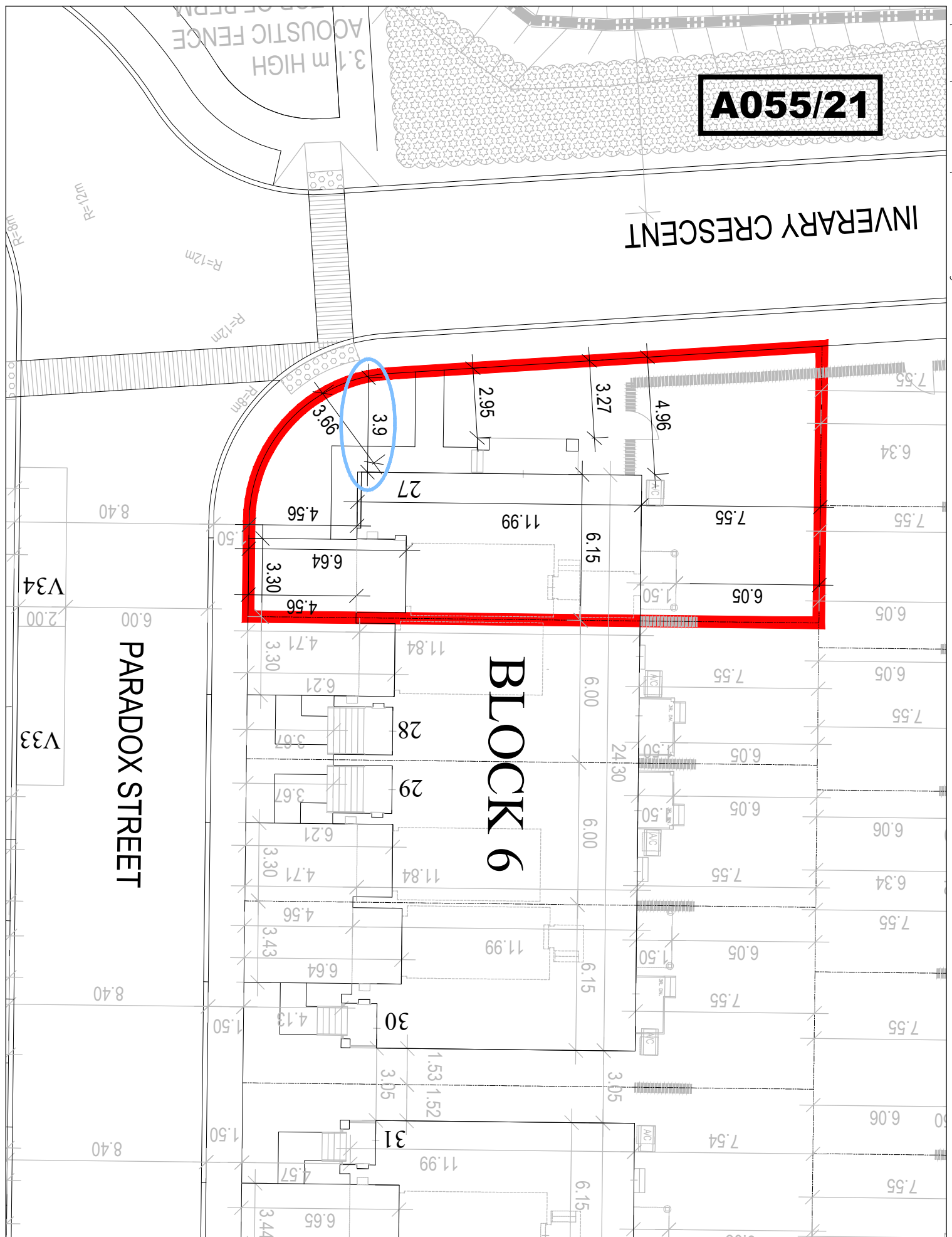
LOCATION MAP - A055/21

6061, 6079 RUTHERFORD ROAD & 134, 140 SIMMONS STREET



 Scale: 1:5,512

A055/21



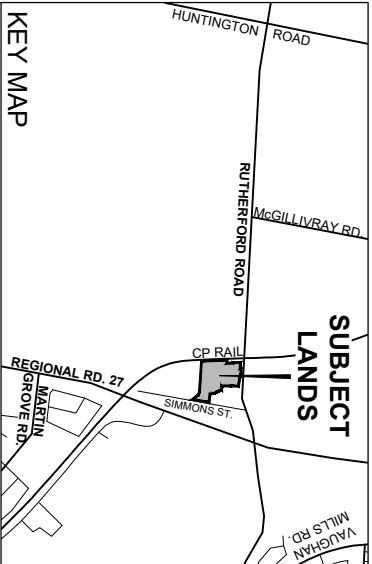
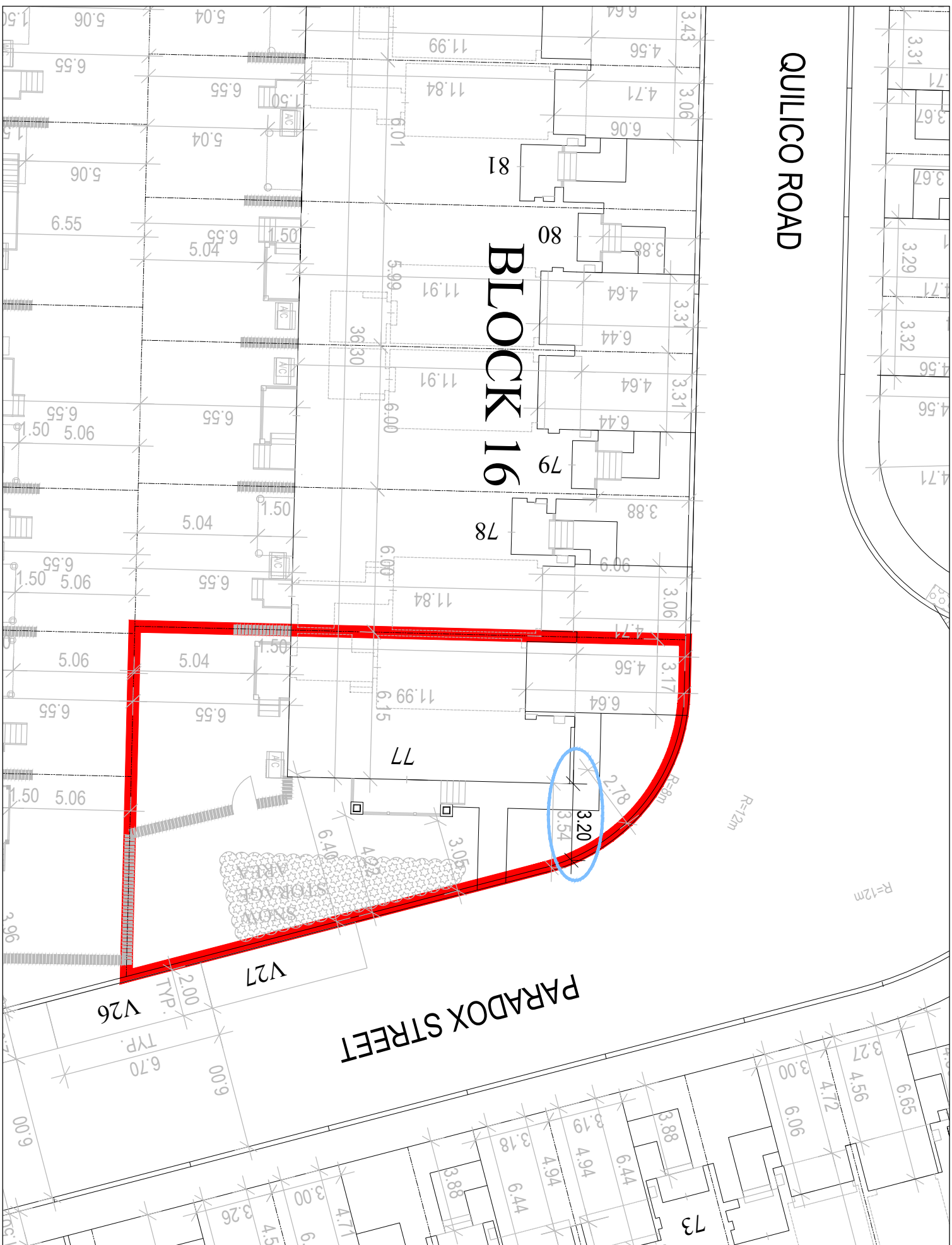
**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH No. 1
PINE VALLEY KLEINBURG HOMES LTD.
6061 & 6067 RUTHERFORD ROAD,
134 & 140 SIMMONS STREET**

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:

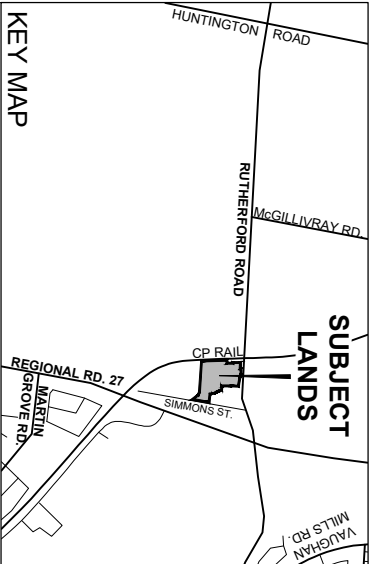
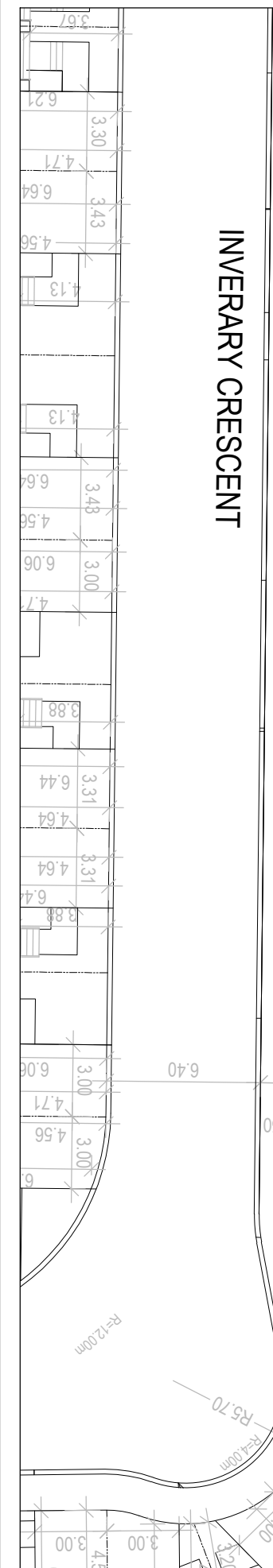
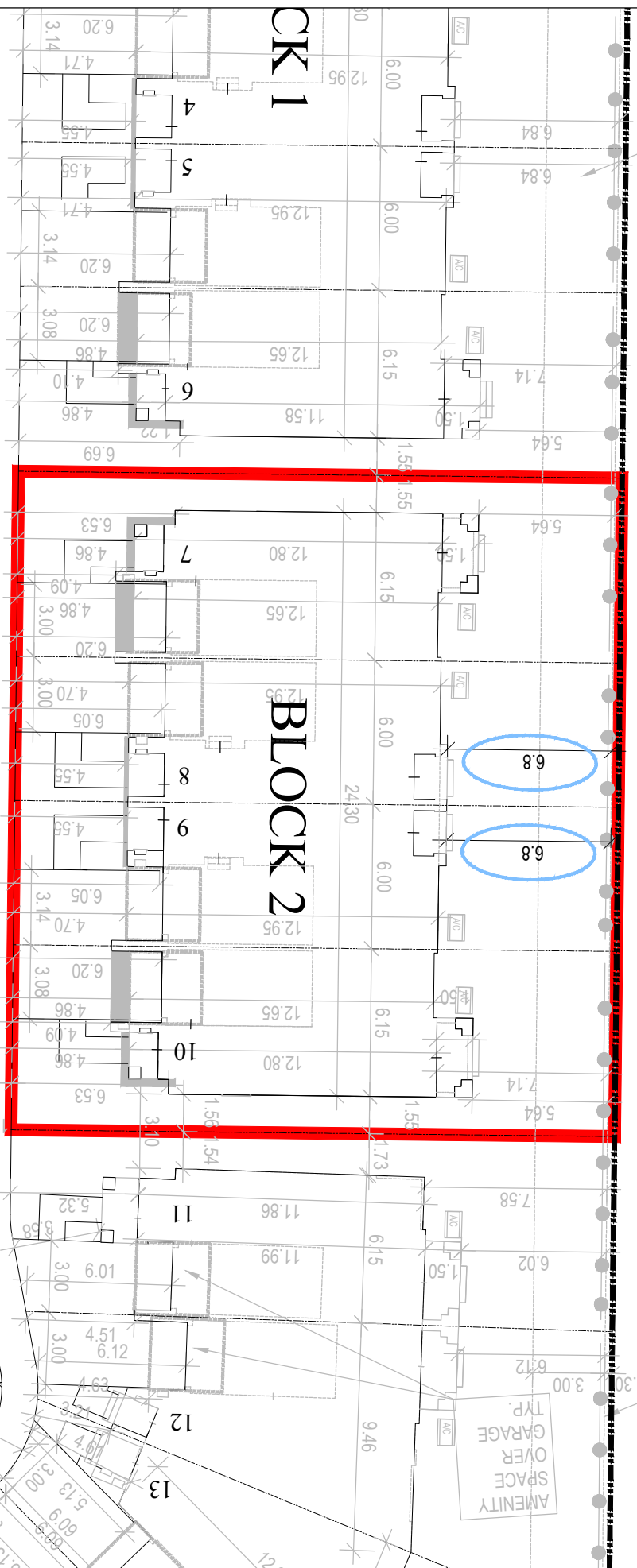
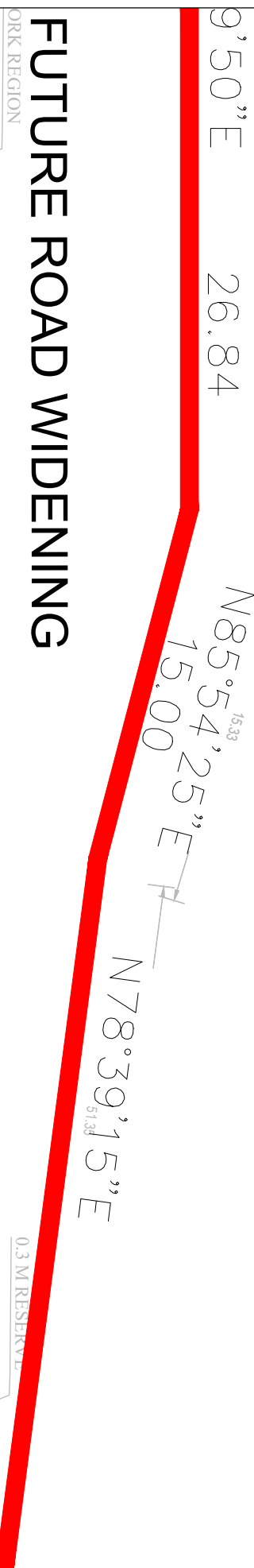


**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH No. 1
PINE VALLEY KLEINBURG HOMES LTD.
6061 & 6067 RUTHERFORD ROAD,
134 & 140 SIMMONS STREET**

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;

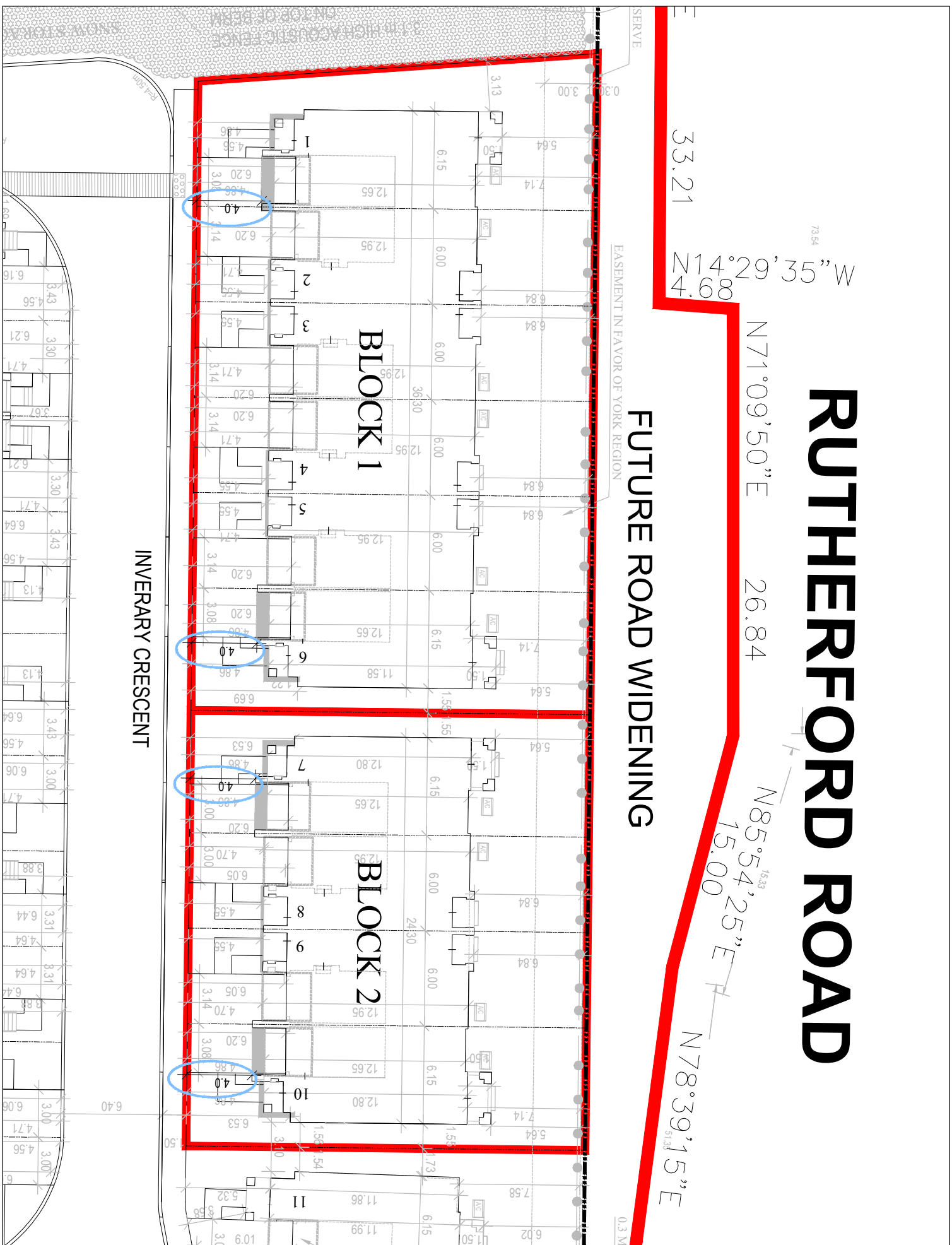


**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH NO. 2
PINE VALLEY KLEINBURG HOMES LTD.
6061 & 6067 RUTHERFORD ROAD,
134 & 140 SIMMONS STREET**

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

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.

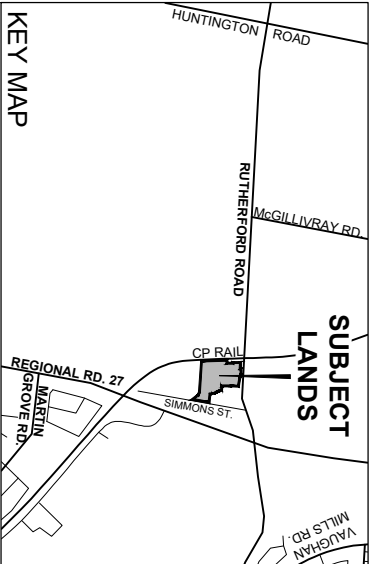


RUTHERFORD ROAD

FUTURE ROAD WIDENING

EASEMENT IN FAVOR OF YORK REGION

INVERARY CRESCENT



**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

LEGEND

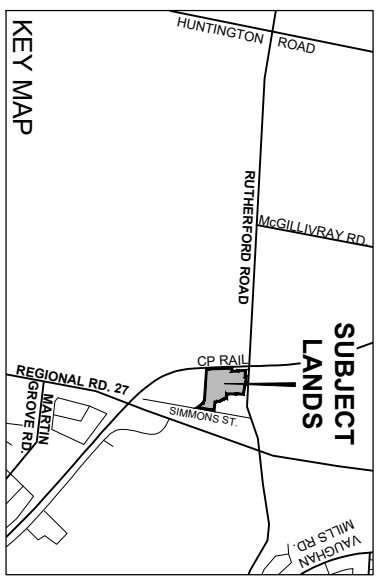
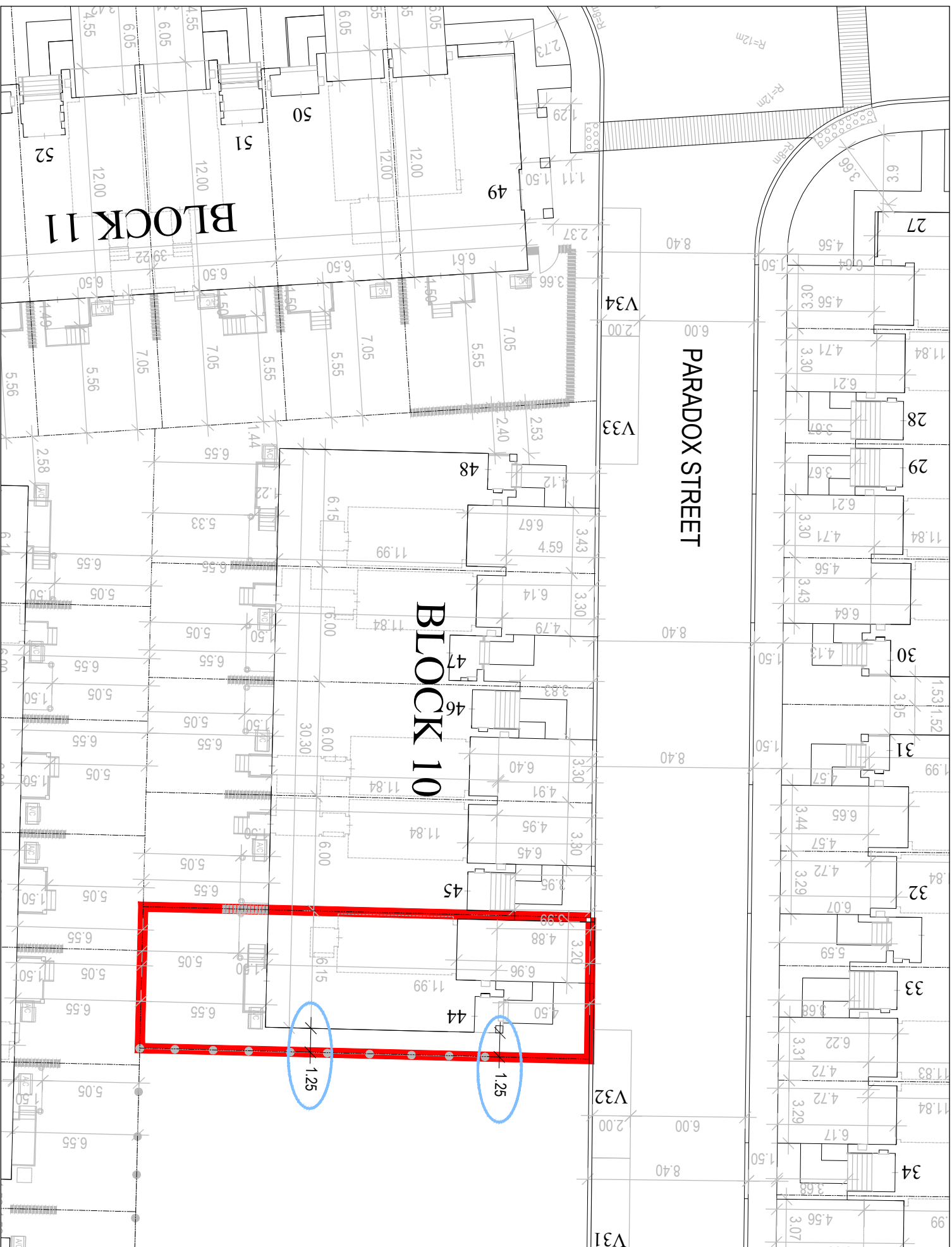
 SUBJECT LANDS - 3.44ha (8.50ac)

REQUIRED VARIANCE:
TO PERMIT A FRONT YARD OF 4.0 METRES, WHEREAS
THE BY-LAW REQUIRES A FRONT YARD OF 4.5
METRES:



SCALE 1:300
MARCH 8, 2021





**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:

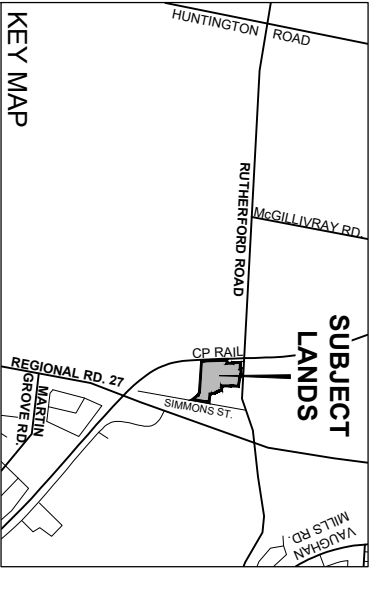
TO PERMIT AN INTERIOR SIDE YARD SETBACK OF 1.2 METRES TO A NON-RESIDENTIAL USE (TOT-LOT); WHEREAS THE BY-LAW REQUIRES 3.5 METRES.



SCALE 1:250
MARCH 8, 2021



Glen Schnarr & Associates Inc.



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

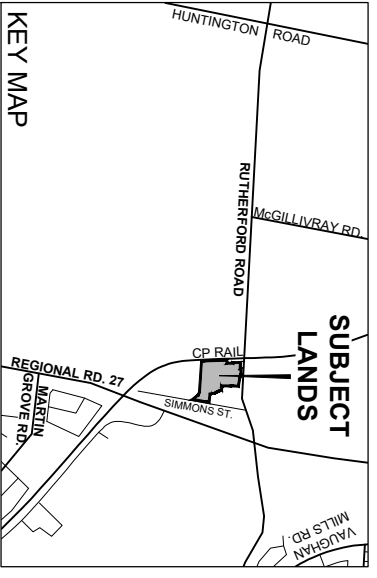
PART OF EAST HALF OF LOT 15,
CONCESSION 9,
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

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;

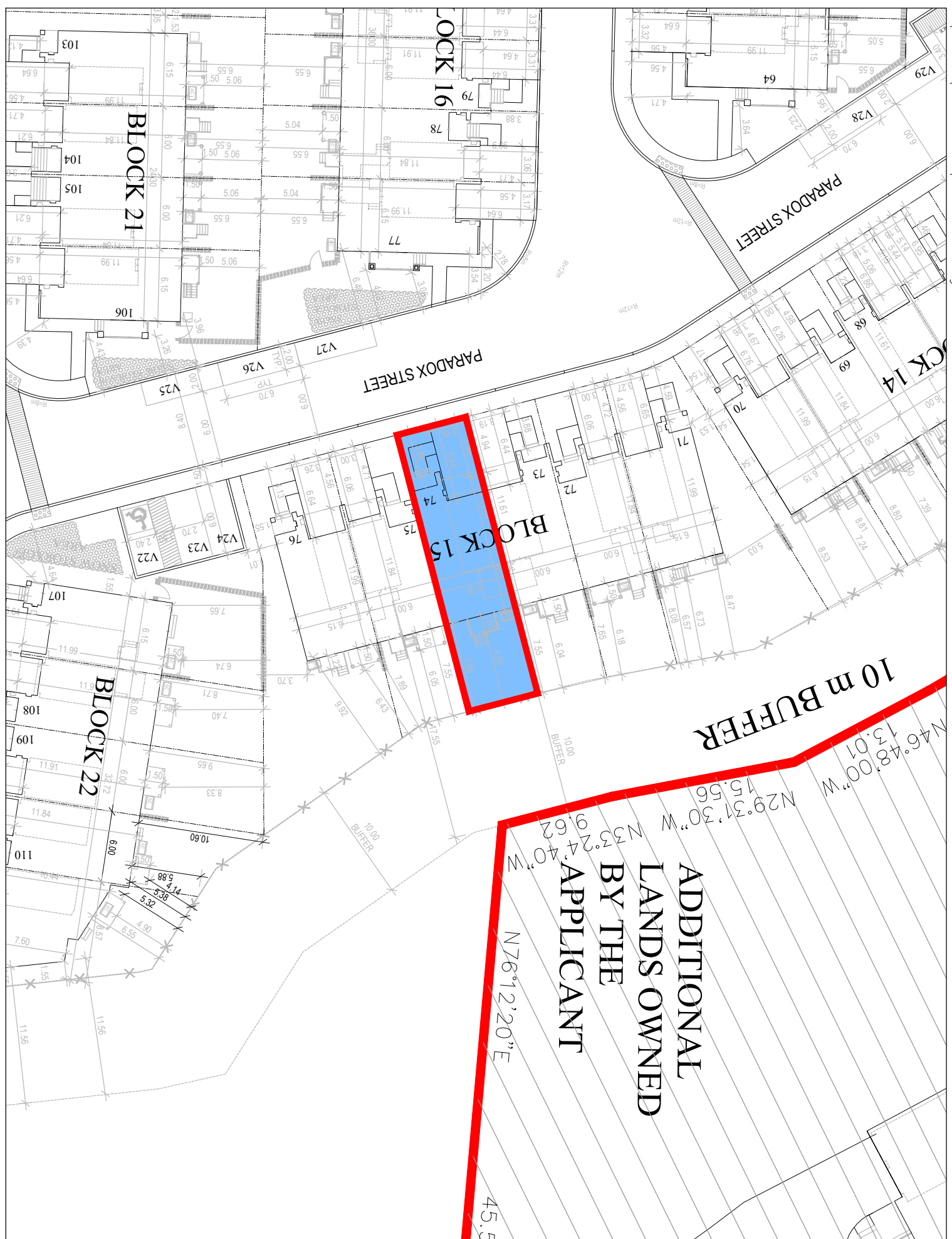


**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH NO. 6
PINE VALLEY KLEINBURG HOMES LTD.
6061 & 6067 RUTHERFORD ROAD,
134 & 140 SIMMONS STREET**

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

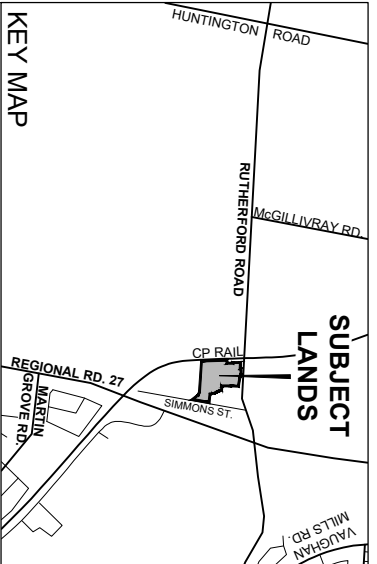
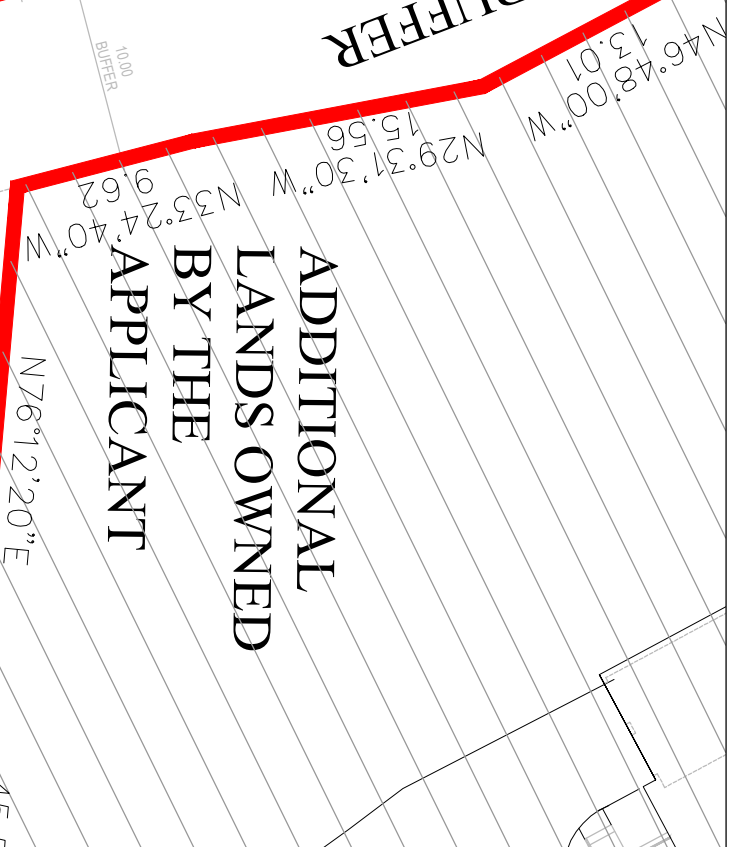
LEGEND
 SUBJECT LANDS - 3.44ha (8.50ac)

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



**ADDITIONAL
LANDS OWNED
BY THE
APPLICANT**

10 m BUFFER

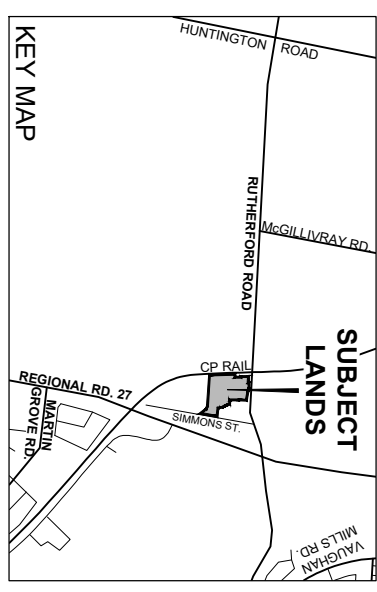
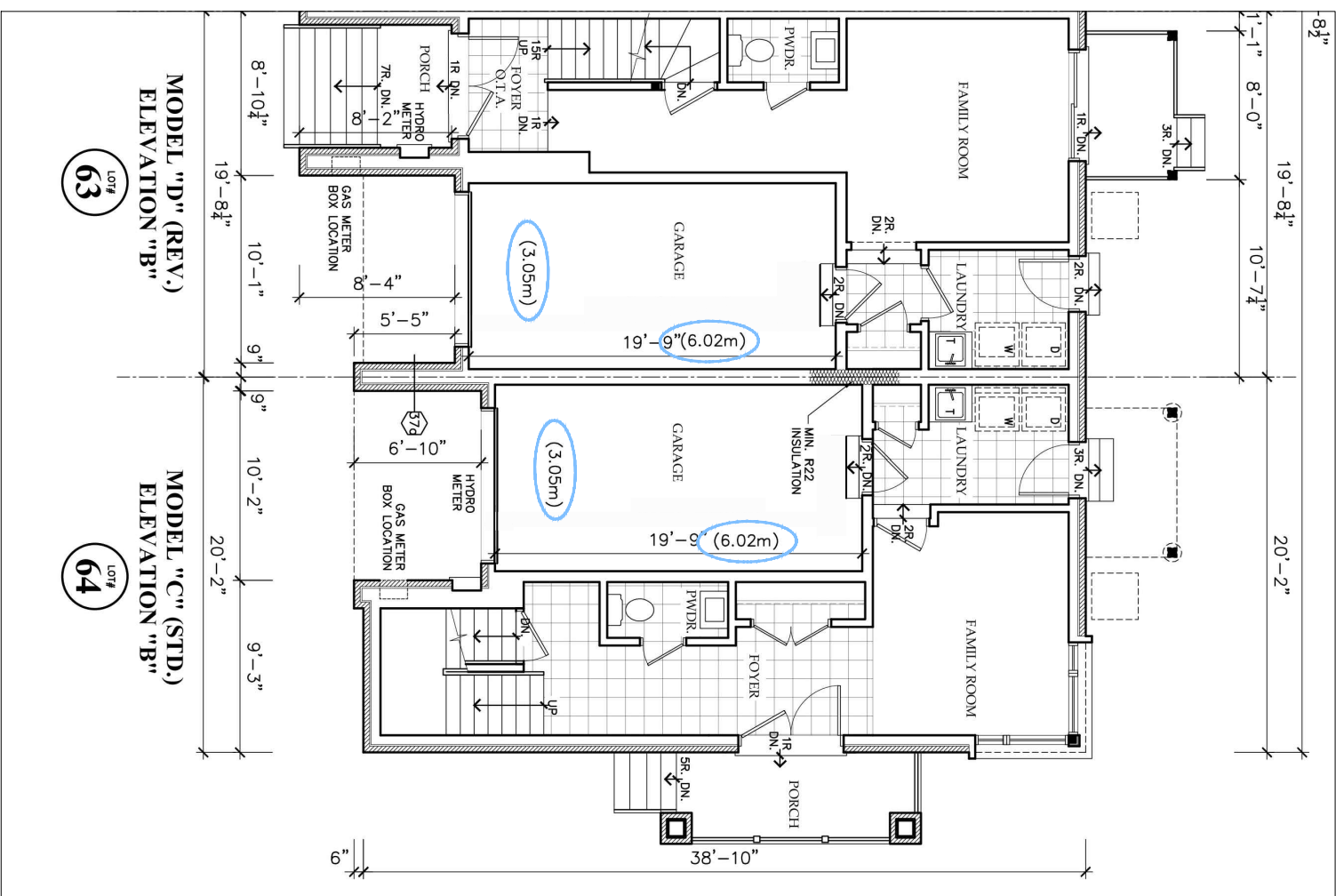
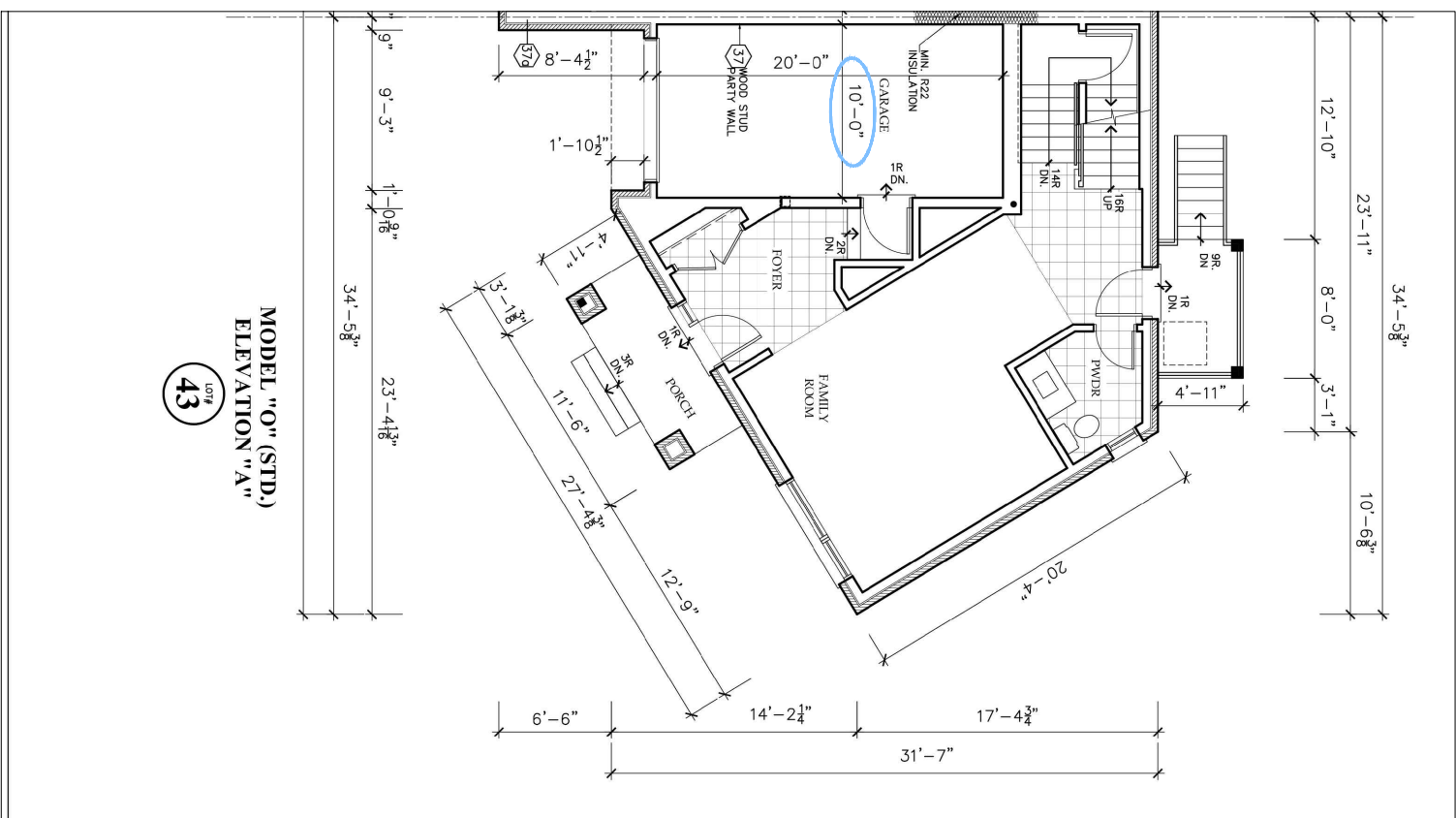


**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH No. 6A
PINE VALLEY KLEINBURG HOMES LTD.
6061 & 6067 RUTHERFORD ROAD,
134 & 140 SIMMONS STREET**

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;



**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE SKETCH NO. 8
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

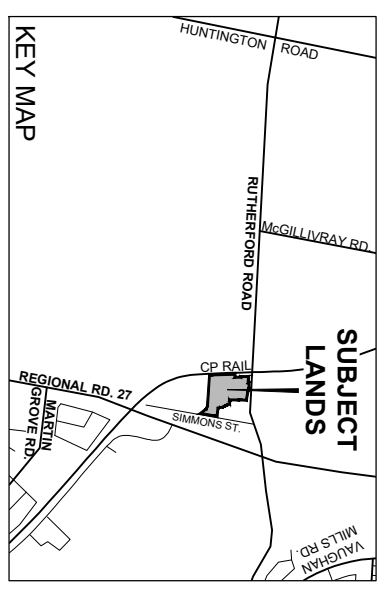
 SUBJECT LANDS - 3.44ha (8.50ac)

REQUIRED VARIANCE:

TO PERMIT A 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;



1 FRONT ELEVATION
BLOCK 22



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.



SCALE: N.T.S.
 MARCH 8, 2021