



# WESTON CONSULTING

planning + urban design

**Communication : C 41  
Committee of the Whole (2)  
June 8, 2021  
Item # 8**

City of Vaughan  
Planning and Growth Management  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

June 7<sup>th</sup>, 2021  
File 5264-1

**Attn: Chair and Members of the Committee of the Whole**

**RE: City-Wide Comprehensive Zoning By-law, The Corporation of the City of Vaughan  
Committee of the Whole of the City of Vaughan, June 8<sup>th</sup> 2021  
5859 Rutherford Road, City of Vaughan  
Tien De Religion Canada**

Weston Consulting is the planning consultant for Tien De Religion, the owner of the property municipally known as 5859 Rutherford Road, (herein called the “subject property”) in the City of Vaughan. The subject property is located on the south side of Rutherford Road, east of Highway 27 and is an irregular shape. The subject property also maintains direct access and frontage on Rutherford Road and currently contains residential uses consisting of a one-storey building with a two-storey addition, several wooden decks, a swimming pool, retaining wall and accessory structures. These uses have been continuous. Through discussions with the property owner, it is our understanding that uses relating to agricultural operations, including a storage barn, have also continuously existed on the site for many years.

The property is subject to an appeal of the City of Vaughan Official Plan to the Ontario Municipal Board file PL111184. The appeal is with regard to the Vaughan Official Plan 2010 which has policies that prohibit most forms of land use development at the subject site. As such, an appeal was filed in December of 2012 and is still outstanding and pending resolution, with a hearing scheduled for fall 2021.

## **City of Vaughan Comprehensive Zoning By-law Review**

Within the proposed final draft mapping of the City of Vaughan comprehensive review, the subject property is proposed to be zoned *Environmental Protection Zone (EP)*. It remains our opinion that that the proposed zoning category should be revised to reflect the existing uses on the property, which are residential and agricultural in nature. It is our opinion that the subject property should be zoned *First Density Residential Zone Exception “X” (R1X)* or a similar residential exception zone that recognizes both the existing residential and agricultural uses on the property. A Draft Zone Exception as been provided as Attachment 1 to this letter.

Further, the current By-law allows for an existing Legal Non-Conforming building to be *“Enlarged or extended provided the building or structure is used for the purpose permitted by this By-law in*

*the zone in which it is located and further provided that such extension or enlargement complies with all such zone requirements".* It is our opinion that the proposed exception zone should contain a clause regarding Legal Non-Conforming uses that recognizes the wording of Zoning By-law 1-88, which our client supports.

In conclusion, we wish to make this submission on behalf of the owners as it relates to the subject property and the proposed regulatory and schedule changes proposed through the third draft of the City-wide comprehensive review of its Zoning By-law being considered. It is our opinion that that the proposed zoning category is not consistent with the existing uses and we request the proposed zone be modified. We reserve the right to provide further comments in relation to the by-law, prior to passing by Council. Please provide written notice of any Zoning By-law passed pursuant to this process to the undersigned.

If you have any questions or require further information in the meantime, please contact the undersigned below or Liam O'Toole at ext. 316.

Yours truly,

**Weston Consulting**

**Per:**



Ryan Guetter, BES, MCIP, RPP  
Executive Vice President

c: Tien De Religion  
Alan Heisey, Papazian, Heisey, Myers  
Peter Chee

## Attachment 1 – Draft Zoning By-law Exception

### 14.X

<b>Exception Number: X</b>	<b>Legal Description: 5859 Rutherford Road</b>
<b>Applicable Parent Zone: EP</b>	
<b>Schedule A Reference: 120</b>	<b>Figure X Link (if applicable)</b>
<b>By-law – Tribunal Decision Reference</b>	
14.X.1 Permitted Uses	
<ol style="list-style-type: none"> <li>1. Detached Residential Dwelling</li> <li>2. Agricultural Uses</li> </ol>	
14.X.2 Other Provisions	
<ol style="list-style-type: none"> <li>1. Notwithstanding the policies of Section 1.9 “Legal Non-Conformity”, an existing building or structure which has been lawfully erected but which does not conform to the zoning standards set out in Schedule "A" may be enlarged or extended provided the building or structure is used for the purpose permitted by this By-law in the zone in which it is located and further provided that such extension or enlargement complies with all such zone requirements.</li> </ol>	