



File: A184/21

Applicant: Limestone Gallery Investments Inc.

Address: 3255 Rutherford Rd Bldg D, Concord

Agent: Lisa La Civita -Armland Group

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
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: None.

Background History: None.

Staff Report Prepared By: Lenore Providence  
Hearing Date: Thursday, September 30, 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: 19

A184/21

Ward: 4

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

**Date & Time of Live Stream Hearing:** Thursday , September 30, 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:** Limestone Gallery Investments Inc.

**Agent:** Lisa La Civita, Armland Group

**Property:** 3255 Rutherford Rd Bldg D, Concord

**Zoning:** The subject lands are zoned C1, Restricted Commercial Zone, and subject to the provisions of Exception 9(1030) under By-law 1-88 as amended.

**OP Designation:** "High-Rise Mixed-Use" by Vaughan Official Plan 2010 ('VOP 2010'), Volume 2, Section 11.7 – Vaughan Mills Centre Secondary

**Related Files:** Site Plan Application DA.21.013

**Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed commercial building (eating establishment with drive thru and outdoor patio) and to facilitate related Site Plan Application DA.21.013.

The proposed commercial building is shown as 'Building D' on the sketch submitted with the application.

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 of 643 parking spaces are required (Section 3.8 a).	1. To permit a minimum of 598 parking spaces.
2. An outdoor patio shall be accessed from the interior of the eating establishment (Section 5.1.6 h)).	2. To permit an Outdoor Patio without access from the interior of the eating establishment.

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
B038/17	Limestone Gallery Investments Inc. requests consent to a lease in excess of 21 years in favour of 2058880 Ontario Limited for Building C (as shown on site plan provided with application), and contain a Boston Pizza eating establishment.	APPROVED
B010/12	The purpose of this application is to request the consent of the Committee of	APPROVED

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
	Adjustment to grant a LEASE in excess of twenty-one years (TO Canada Trust Bank with drive-thru), for commercial purposes and retain the lands commercial purposes. The lands subject to the lease have an existing commercial building. (TO Canada Trust Bank with drive-thru). There exist twelve commercial buildings on the site that are not part of the lease.	
<b>A087/05</b>	The applicant is requesting variances to permit the construction of a commercial plaza, consisting of 12 buildings, as follows: <b>Proposal:</b> 1. Parking provided at 6.0 spaces <b>100m<sup>2</sup></b> <b>C.F.A.(Commercial Floor Area)</b> 2. No loading space required for buildings A, C, D, F	<b>APPROVED</b>

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 September 15, 2021

Applicant confirmed posting of signage on September 10, 2021

Property Information	
Existing Structures	Year Constructed
Buildings	2005

Applicant has advised that they cannot comply with By-law for the following reason(s): A reduced number of parking spaces is required as the site is an existing plaza with existing parking spaces which was already deficient. The new eating establishment with drive-through further reduces the number of provided spaces. The proposed reduction represents a 7% deficiency with the new eating establishment.

The interior layout of the eating establishment does not allow for access to the patio from the interior. The patio is located adjacent to the main entrance with access from the outside.

**Adjournment Request: N/A**

#### Building Standards (Zoning Review):

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 10m<sup>2</sup>.

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

The Landscape strip variance is not required, as it will still be in effect from the previous approved minor variance file A087/05.

#### Building Inspections (Septic):

No comments or concerns

#### Development Planning:

Vaughan Official Plan 2010 ('VOP 2010'): "High-Rise Mixed-Use", by Volume 2: 11.7 Vaughan Mills Centre Secondary Plan ('VMCSP')

Comments: The Owner submitted Site Development Application File DA.21.013 to facilitate the development of a one-storey, 491 m<sup>2</sup> eating establishment with an outdoor patio and accessory double stack drive-through lanes. File DA.21.013 was considered by the Committee of the Whole meeting on September 14, 2021 and is expected to receive formal Council approval at the September 27, 2021 Council meeting. The deficiency

regarding the drive-through width originally identified during the review of File DA.21.013 has been addressed and no longer requires a variance. Development Planning staff has no objection to the proposed variances, as they have been reviewed by the Development Planning Department as part of the Site Development review process and can therefore be supported. The Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application, subject to the conditions of approval. Conditions of

Approval: If the Committee finds merit in the application, the following condition of approval is recommended:

1. That Site Development Application File DA.21.013 be approved to the satisfaction of the Development Planning Department

**Development Engineering:**

The Development Engineering (DE) Department does not object to variance application A184/21.

**Transportation Comments:**

Given the proposed parking reduction is less than 10% from by-law requirement, Transportation Engineering has no further comments.

**Parks Development - Forestry:**

Forestry is currently working with development planning for this location. No comments at this time

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

No comments received to date

**Development Finance:**

1. 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.
2. 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.
3. 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
4. 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**

Agents 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)**

Consent Application B038/17

Consent Application B010/21

Minor Variance Application A087/05

**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 Planning Roberto Simbana  905-832-8585 x 8810 <a href="mailto:roberto.simbana@vaughan.ca">roberto.simbana@vaughan.ca</a>	That Site Development Application File DA.21.013 be approved to the satisfaction of the Development Planning 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](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.

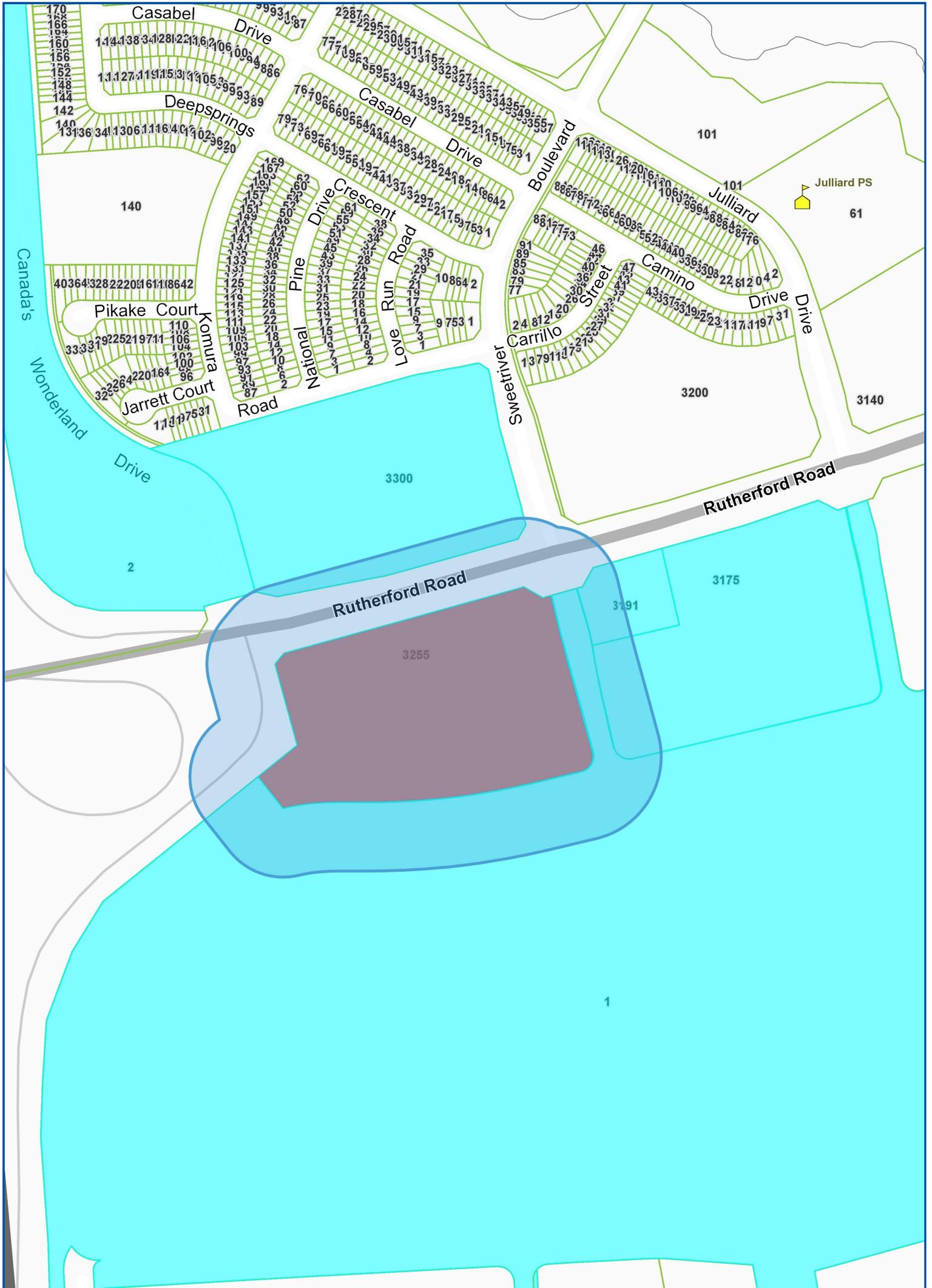
**For further information please contact the City of Vaughan, Committee of Adjustment**

T 905 832 8585 Extension 8394  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

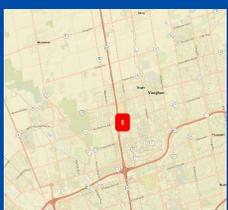
## **Schedule A: Plans & Sketches**

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**



**Map Information:**



**Title:** 3255 RUTHERFORD ROAD, BLDG "D",  
CONCORD

NOTIFICATION MAP - A184/21

**Disclaimer:**

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



**Scale:** 1:4,634

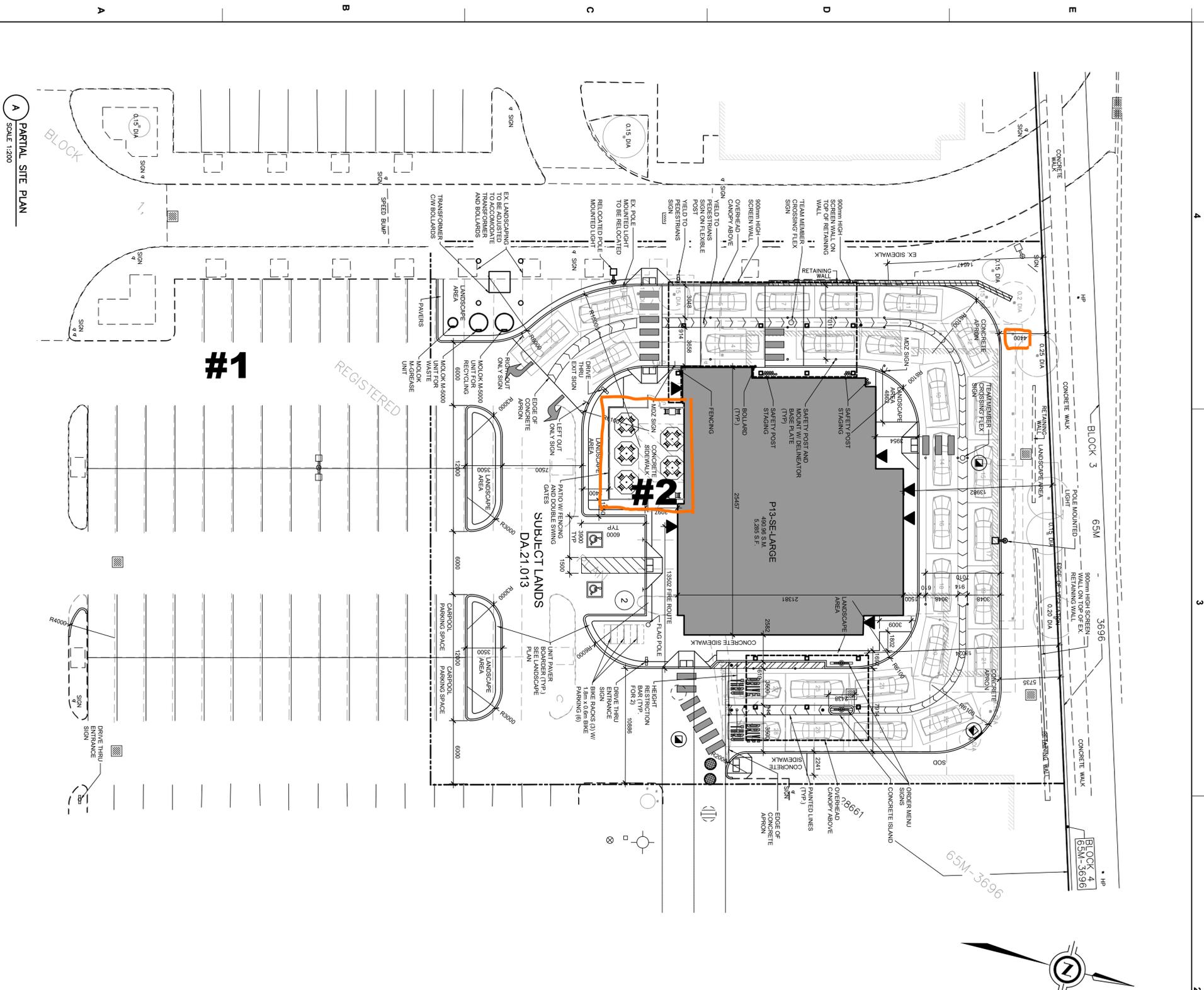
0 0.07 km



**Created By:**

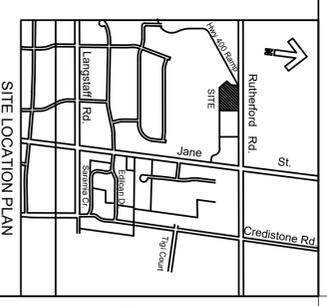
Infrastructure Delivery  
Department  
August 30, 2021 4:10 PM

**Projection:**  
NAD 83  
UTM Zone  
17N



**#1 To permit a minimum of 598 parking spaces.**

**#2 To permit an Outdoor Patio without access from the interior of the eating establishment.**



- GENERAL NOTES:**
1. ALL ELEVATIONS ARE IN METRES, UNLESS NOTED OTHERWISE.
  2. ALL DIMENSIONS ARE IN MILLIMETRES, UNLESS NOTED OTHERWISE.
  3. ALL DIMENSIONS MUST BE REFERRED TO THE CAPTION TO CORRELATION. ANY DIMENSIONS MUST BE BROUGHT TO THE ATTENTION OF CHICK-FIL-A REPRESENTATIVE.
  4. EVERYTHING TO BE CONSIDERED NEW UNLESS NOTED OTHERWISE.
  5. DRAWING PRODUCED USING CAD FILE XXXXXXXXXXXXXXXXXXXXXXXX.
  6. LEGAL DESCRIPTION: TBD.

SPRINKLERED/STANDPIPED: NO  
 OBC CLASSIFICATION: 3.3.3.28



**Chick-fil-A**  
 5200 Rutherford Road  
 Atlanta, Georgia 30349-2998

**exp.**  
 EXP Services Inc.  
 1-7-1-905-793-8800 | 1-1-905-793-0641  
 15405 Bank Boulevard  
 Mississauga, ON L4T 1V1  
 Canada  
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**CHICK-FIL-A VAUGHAN**  
 Vaughan Mills Circle  
 3255 Rutherford Road  
 Vaughan, ON  
 (City File DA.21.013 )

**FSR#30020**

**REVISION SCHEDULE**

NO.	DATE	DESCRIPTION
H	JUL 29/21	FOR INFORMATION

**CONSULTANT PROJECT #** 605848-H0  
**PROJECT STATUS** PRELIMINARY  
**DATE** NOVEMBER 2020  
**DRAWN BY** J.B./J.C.

Issued for SPA

**SHEET NUMBER**  
**A100**



## **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.

**Agents cover letter**



**A184/21**

August 12, 2021

City of Vaughan  
Clerk's Department  
Committee of Adjustment  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

To Whom It May Concern:

**RE: NEW MINOR VARIANCE APPLICATION  
LIMESTONE GALLERY INVESTMENTS INC.  
3255 RUTHERFORD ROAD, BUILDING 'D' – NEW RESTAURANT WITH DRIVE-THRU**

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Limestone Gallery Investments Inc. ("Limestone") is the Owner of 3255 Rutherford Road, and is submitting this minor variance application to permit the construction of a new Restaurant with a Drive-thru in the location of Building 'D' (the former Montana's restaurant), as such the number of buildings on the property remains unchanged.

The minor variances being requested include the following:

- 1) A reduction in the number of required parking spaces;
- 2) A reduced landscape buffer to recognize the existing condition; and
- 3) A patio which does not have direct access from the interior of the restaurant.

### **Planning Act – Four Tests**

#### **Variance #1: A Reduction in the number of required parking spaces**

The proposed reduction in parking recognizes a previous variance that was approved as part of the original development of the plaza (A087/05); however, the new restaurant with drive-thru further reduces the number of spaces provided and as such requires a new variance to recognize this deficiency.

By-law 1-88, Exception 9(1030), section 2.C aiii) requires a *minimum of 6 spaces per 100 sq.m. of Gross Floor Area ("GFA") excluding outdoor patios associated with an eating establishment* to be provided. Therefore, the plaza will require a total of 643 spaces, whereas the construction of the new restaurant with drive-thru in the location of Building 'D' will result in a total of 598 spaces provided for the shopping centre, a 7% deficiency.

The parking for the existing shopping centre was approved through A087/05 to accommodate 6 spaces per 100 sq.m. of Commercial Floor Area (excluding outdoors patios associated with an eating establishment per the site-specific by-law) which removed the mechanical, electrical, and garbage rooms from the parking calculation. The requested variance proposes the same parking calculation, recognizing that no new spaces can be added to the existing plaza.

It should also be noted that there are 17 spaces located within the MTO's 14 m setback along the HWY 400 ramp at the west end of the property. These spaces have been excluded from the 598 being provided as they are required to be surplus parking spaces. Therefore, the site will ultimately provide 615 spaces in total.

This variance meets the four tests for a minor variance under Section 45 of the Planning Act as it:

- Is necessary for the appropriate development of the lands recognizing that there are existing conditions which cannot be changed to accommodate the required number of parking spaces
- Is desirable for the proposed development as it encourages the use of alternate modes of transportation
- Maintains the general intent and purpose of the Official Plan and Zoning By-law
- Has no adverse effect on adjacent owners

**Variance #2: A patio which does not have direct access from the interior of the restaurant**

By-law 1-88 Section 5.1.6.h) requires that *a patio has a door into the eating establishment*; however, given the restaurant's internal layout no access from the interior of the restaurant to the patio is possible.

The new restaurant with drive-thru proposes an outdoor patio to be used by its patrons. The patio has been located against the building's south façade with the patio entrance located next to/facing the main entrance doors to the restaurant.

This variance meets the four tests for a minor variance under Section 45 of the Planning Act as it:

- Is necessary for the appropriate development of the lands in order to accommodate an outdoor patio to be enjoyed by patrons
- Is desirable for the proposed development as it provides an outdoor eating area for patrons
- Maintains the general intent and purpose of the Official Plan and Zoning By-law
- Has no adverse effect on adjacent owners

**Variance #3: A reduced landscape buffer to recognize the existing condition**

A reduction in the landscape strip width is being requested to recognize an existing condition that was previously approved through A087/05 and that will remain through the redevelopment of Building 'D'.

By-law 1-88, Exception 9(1030) Section cii) requires *a strip of land not less than 6.0 m in width that is used for no other purpose than landscaping adjacent to Rutherford Rd.*, whereas 4.4 m is being requested, as it currently exists and will be maintained.

This variance meets the four tests for a minor variance under Section 45 of the Planning Act as it:

- Is necessary for the appropriate development of the lands recognizing the existing condition that will be maintained
- Is desirable for the proposed development as it maintains the existing landscaped area with the opportunity to enhance the landscaping through the development process
- Maintains the general intent and purpose of the Official Plan and Zoning By-law
- Has no adverse effect on adjacent owners

**Conclusions**

The proposed variances are all minor in nature and will enable the efficient development of the new restaurant with drive-thru in the location of Building 'D' at 3255 Rutherford Rd. The variances meet the four tests of the Planning Act and are desirable for the future use of the lands.

**Supporting Materials**

In support of this Minor Variance, enclosed are the following materials:

- 1) Minor Variance Application Form;
- 2) Overall Existing Site Plan (A101), dated August 9, 2021;
- 3) New Building 'D' Site Plan (A100), dated July 29, 2021, prepared by exp;

- 4) Landscape Plan (LL-100), dated August 9, 2021, prepared by Studio tla;
- 5) Planting Plan (LP-100), dated August 9, 2021, prepared by Studio tla;
- 6) Arborist Report and Tree Inventory and Preservation Plan (TIPP Figure 1), dated August 9, 2021, prepared by Kuntz Forestry;
- 7) Email from Zachary Guizzetti (City's Arborist) confirming that the Tree Removals Permit can be applied for at the time of the demolition and building permit applications.

Should anything further be required, please do not hesitate to contact the undersigned.

Sincerely,  
**LIMESTONE GALLERY INVESTMENTS INC.**



c/o Lisa La Civita, MCIP, RPP  
Development Manager, Armland Group

cc: Austin Whitley, Chick-fil-A, Inc.  
Bruno Baldassarra, History Hill Group

## **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)

## Lenore Providence

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**Subject:** FW: A184/21 - REQUEST FOR COMMENTS - 3255 Rutherford Road, Bldg D, Concord (Full Circulation)

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

**Sent:** September-02-21 2:12 PM

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

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

**Subject:** [External] RE: A184/21 - REQUEST FOR COMMENTS - 3255 Rutherford Road, Bldg D, Concord (Full Circulation)

Good afternoon Lenore,

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)

## **Schedule D: Previous Approvals (Notice of Decision)**

**Consent Application B038/17**

**Consent Application B010/21**

**Minor Variance Application A087/05**

**NOTICE OF DECISION**  
**Consent Application B038/17**  
 Section 53 of the Planning Act, R.S.O, 1990, c.P.13

- Date of Hearing:** Thursday, January 25, 2018
- Applicant:** Limestone Gallery Investments Inc.
- Agent:** Anna Rita Barbosa
- Property:** **3255 Rutherford Rd Bldg C Vaughan ON**
- Zoning:** The subject lands are zoned C1, Restricted Commercial Zone and subject to the provisions of Exception No. 9(1030) under By-law 1-88 as amended.  
  
OPA #600 (in effect): "General Commercial"
- OP Designation:** VOP 2010: "Community Commercial Mixed-Use" with a maximum Height and Density of 6 stories and 1.5 FSI respectively, Vaughan Mills Centre Secondary Plan (Section 11.17, Volume 2), pending approval from the Ontario Municipal Board (OMB).
- Related Files:** Concurrent applications before the Committee (OPA, ZBL and MV to be included ONLY if related to current request)
- Purpose:** Limestone Gallery Investments Inc. requests consent to a lease in excess of 21 years in favour of 2058880 Ontario Limited for Building C (as shown on site plan provided with application). The lands subject to the lease are approximately 587.75 square metres (6,326.69 square feet) and contain a Boston Pizza eating establishment.
- Sketch:** A sketch illustrating the request has been attached to the decision.

**Having regard to the written and oral submissions related to this application as required by Section 53(18), the requirements of Section 51(24) as required by Section 53(12) and matters of Provincial interest (Provincial Policy Statement) as required by Section 3(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, it is the decision of the Committee that provisional consent of the application:**

THAT Application No. B038/17 on behalf of Limestone Gallery Investments Inc. be **APPROVED**, in accordance with the sketches attached and subject to the following conditions:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault  905-832-8585 x 8332 <a href="mailto:christine.vigneault@vaughan.ca">christine.vigneault@vaughan.ca</a>	1. That the applicant's solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description and PIN of the subject lands. Subject land applies <b>only</b> to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment.  2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted.  3. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

2	Development Finance Nelson Pereira  905-832-8585 x 8393 <a href="mailto:nelson.pereira@vaughan.ca">nelson.pereira@vaughan.ca</a>	The owner shall pay all property taxes as levied, if required. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).
---	--	---

**WARNING:**

**Conditions must be fulfilled within one year from the date of the giving of the Notice of Decision, failing which this application shall be deemed to be refused. Section 53(41), The Planning Act R.S.O., 1990**

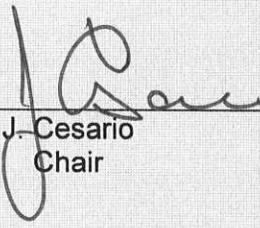
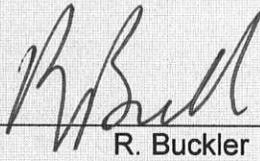
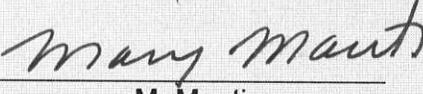
**For the following reasons:**

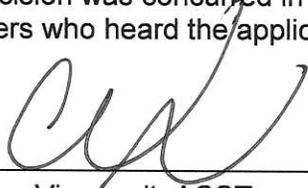
1. The proposal conforms to Section 51(24) as required by Section 53(12) of the Planning Act.
2. The proposal conforms to the City of Vaughan Official Plan.
3. The proposal conforms to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

**Written & oral submissions were received from the following:**

<b>Public Written Submissions</b>	<b>Public Oral Submissions</b>
* Public Correspondence received and considered by the Committee in making this decision	*Please refer to the approved Minutes of Thursday , January 25, 2018 meeting for submission details.
Name: N/A Address: Nature of Correspondence:	Name: Address:

**SIGNED BY ALL MEMBERS PRESENT WHO CONCUR IN THIS DECISION:**

		
H. Zheng Member	J. Cesario Chair	R. Buckler Vice Chair
		
M. Mauti Member		A. Perrella Member

<b>DATE OF HEARING:</b>	<b>Thursday, January 25, 2018</b>
<b>DATE OF NOTICE:</b>	<b>February 2, 2018</b>
<b>LAST DAY FOR *APPEAL:</b> *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	<b>February 22, 2018</b> 4:30 p.m.
<b>LAST DAY FOR FULFILLING CONDITIONS:</b>	<b>February 2, 2019</b> 4:30 p.m.
<b>CERTIFICATION:</b> I hereby certify that this is a true copy of the decision of the City of Vaughan Hill Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.	
 <hr/> Christine Vigneault, ACST Manager Development Services & Secretary-Treasurer Committee of Adjustment	

**Appealing to The Ontario Municipal Board**

The *Planning Act*, R.S.O. 1990, as amended, Section 45(12)

The applicant, the Minister or any other person or public body who has an interest in the matter may within **20 days after** the giving of notice appeal to the Municipal Board against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal 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 Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a Committee of Adjustment to the Board.

Note: 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.

**Appeal Fees & Forms**

**Ontario Municipal Board:** The OMB appeal fee is \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The OMB Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". Notice of appeal forms (Appellant Form A1 – Minor Variance) can be obtained at [www.omb.gov.on.ca](http://www.omb.gov.on.ca) or by visiting our office.

**City of Vaughan OMB Processing Fee:** \$793.00 per application

\*Please note that all fees are subject to change.

## Important Information

**Conditions of Approval:** It is the applicant's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision and the last day for fulfilling conditions (by 4:30 p.m.). Contact information has been provided for each respective department and agency to assist you with completing these conditions. Please note that some conditions may require two to three months to process.

**No extension to the last day for fulfilling conditions is permissible and no further notice will be provided regarding the lapsing of your consent application.**

**Notice of Changes to the Provisional Consent:** The Committee of Adjustment may change the conditions of a provisional consent at any time before the consent is given. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

**Lapsing of the Consent:** If the conditions of approval are not satisfied within the prescribed time period (as provided in Section 53(41) of the Planning Act), the consent is deemed refused for failure to fulfill the conditions and has lapsed.

**Final Approval:** Final approval of the application will be issued in the form of a Certificate (pursuant to Section 53(42) of the Planning Act) once all conditions of the provisional consent have been satisfied.

## 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;

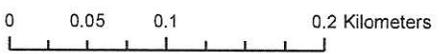
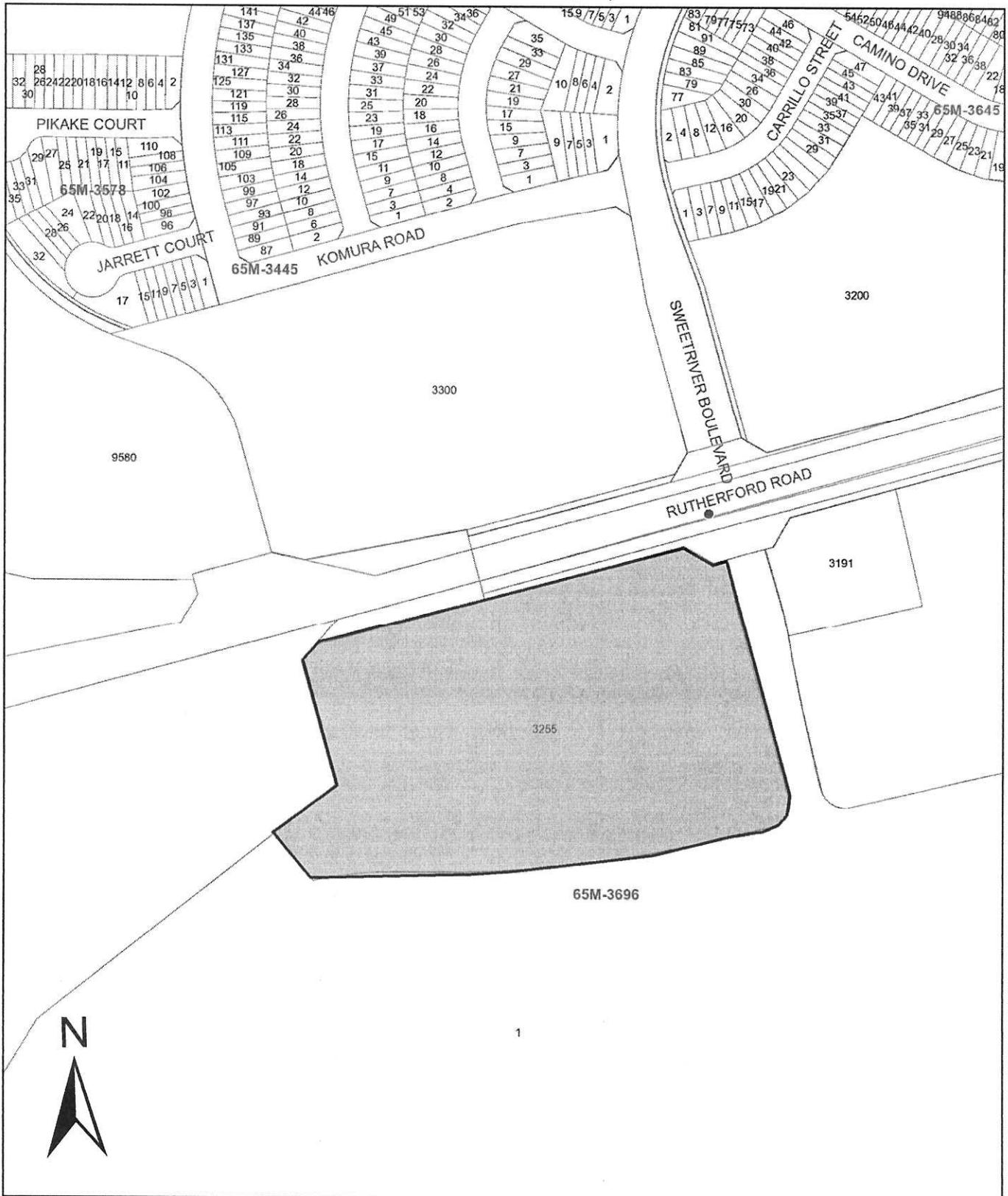
**For further information please contact the City of Vaughan, Committee of Adjustment**

T 905 832 8585 x 8360  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)



# Location Map - B038/17

3255 Rutherford Road, Maple



City of Vaughan

The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, tabularly, or temporally accurate or fit for a particular use. This map is provided by the City of Vaughan without warranties of any kind, either expressed or implied.



**NOTICE OF DECISION**  
**CONSENTS**

**FILE NUMBER:** B010/12

**APPLICANT:** Limestone Gallery Investments

**PROPERTY:** Part of Lot 15, Concession 5, (Part Of Block 1, Registered Plan 65M-3696, Municipally know as 3255 Rutherford Road, Building "B", Maple).

**ZONING:** The subject lands are zoned C1, Restricted Commercial zone under By-Law 1-88 as amended and further subject to exception 9(1030).

**PURPOSE:** The purpose of this application is to request the consent of the Committee of Adjustment to grant a **LEASE** in excess of twenty-one years (TD Canada Trust Bank with drive-thru), for the parcel of land marked "A" on the attached sketch for commercial purposes and retain the lands marked "B" on the attached sketch for commercial purposes.

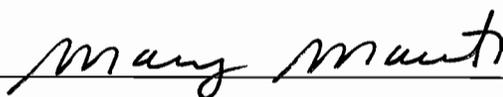
The lands subject to the lease have an existing commercial building. (TD Canada Trust Bank with drive-thru). There exist twelve commercial buildings on the site that are not part of the lease.

**BACKGROUND INFORMATION:** Other Planning Act Applications  
The land which is the subject in this application was also the subject of another application under the Planning Act:  
Minor Variance Application  
**A113/09 – APPROVED – May 14, 2009** (Unit #14, Bldg "H")The outdoor patio use shall not exceed 79% of the gross floor area devoted to patron use.  
**A428/06 – APPROVED – Oct. 26/06** To permit a retail store greater than 1343.69m<sup>2</sup> for the sole use of Food/Groceries  
**A087/05– APPROVED – Mar 31/05** (Parking provided at 6.0 spaces 100m<sup>2</sup> C.F.A.(Commercial Floor Area), No loading space required for buildings A, C, D, F, & H, & Minimum landscape strip abutting a street 4.4m.

A sketch is attached illustrating the request.

The above noted application was heard by the Committee of Adjustment on: **MARCH 1, 2012.**

**MOVED BY:**



**SECONDED BY:**



THAT Application No. **B010/12, Limestone Gallery Investments**, be **APPROVED**, in accordance with the sketch attached and subject to the following conditions:

**NOTE: All conditions below must be fulfilled and clearance letters must be received by the Secretary-Treasurer before any cheques can be accepted and Certificate of Official can be issued.**

1. That the owner shall pay all taxes as levied, if required, to the satisfaction of the Reserves & Investments Department. Payment shall be made **by certified cheque**; (contact Terry Liuni in the Reserves & Investments Department to have this condition cleared).
2. This consent is given on the express understanding that Subsection 3 or Subsection 5 of Section 50 of the Planning Act shall apply to any subsequent conveyance in respect to the subject lands;
3. Upon fulfilling and complying with all of the above-noted conditions, the Secretary-Treasurer of the Committee of Adjustment must be provided with a letter **and three (3) copies of a legal size (8.5" by 14") "Schedule Page", in a format satisfactory to the Secretary-Treasurer**, from the Applicant's solicitor confirming the legal description of the subject lands, sufficient for registration purposes **the "Schedule Page" will be an attachment to the Certificate**. Upon being satisfied with said legal description and upon all other conditions for the consent having been satisfied, the Secretary-Treasurer shall provide a Certificate of Official to the applicant in accordance with Section 53(42) of the Planning Act, R.S.O. 1990, as amended;

- 4. A fee of **\$190.00** made payable to the Treasurer City of Vaughan shall, be submitted to the Secretary Treasurer for the issuance of the Certificate/stamping of the deeds. It will be necessary to allow up to **three (3) working days** after all conditions have been fulfilled and documentation filed. Same day service is also available for an additional cost of **\$145.00, provided all conditions of approval have been fulfilled and all required documents are submitted by 11:30 am that day;**
- 5. Prior to the issuance of a building permit, if required, the applicant shall fulfil and comply with all of the above noted consent conditions;

**IMPORTANT:**

Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfill and comply with all of the (above-noted) conditions of Consent. Failing to comply with this requirement will result in the application to be deemed to be refused.

**ALL CONDITIONS MUST BE FULFILLED.**

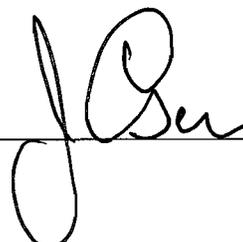
Please contact each Agency and/or Department listed above whether "if required" appears in the condition or not.

PLEASE NOTE:

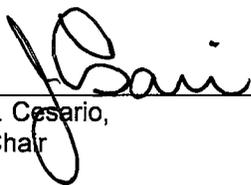
- 1. That the payment of the Regional Development Charge is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.
- 2. That the payment of the City Development Charge 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.
- 3. That the payment of the Education Development Charge 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
- 4. That the payment of Special Area Development charge 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, if required, to the satisfaction of the Reserves/Capital Department;

**CARRIED.**

CHAIR: \_\_\_\_\_



Signed by all members present who concur in this decision:

  
\_\_\_\_\_  
J. Cesario,  
Chair

  
\_\_\_\_\_  
A. Perrella,  
Vice Chair

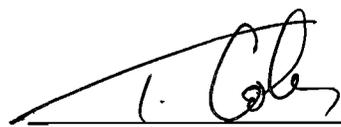
  
\_\_\_\_\_  
**ABSENT**  
L. Fluxgold,  
Member

  
\_\_\_\_\_  
M. Mauti,  
Member

  
\_\_\_\_\_  
H. Zheng,  
Member

**CERTIFICATION**

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

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

<b>Date of Hearing:</b>	<b>MARCH 1, 2012</b>
<b>Date of Notice:</b>	<b>MARCH 9, 2012</b>
<b>Last Date of Appeal:</b>	<b>MARCH 29, 2012</b>

**APPEALS**

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

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

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

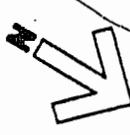
**NOTE:** The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name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

**NOTES**

1. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.
2. A Certificate pursuant to Subsection 53(21) of The Planning Act cannot be given until all conditions of consent have been fulfilled.

BO10/12

HWY 400 OFF-RAMP

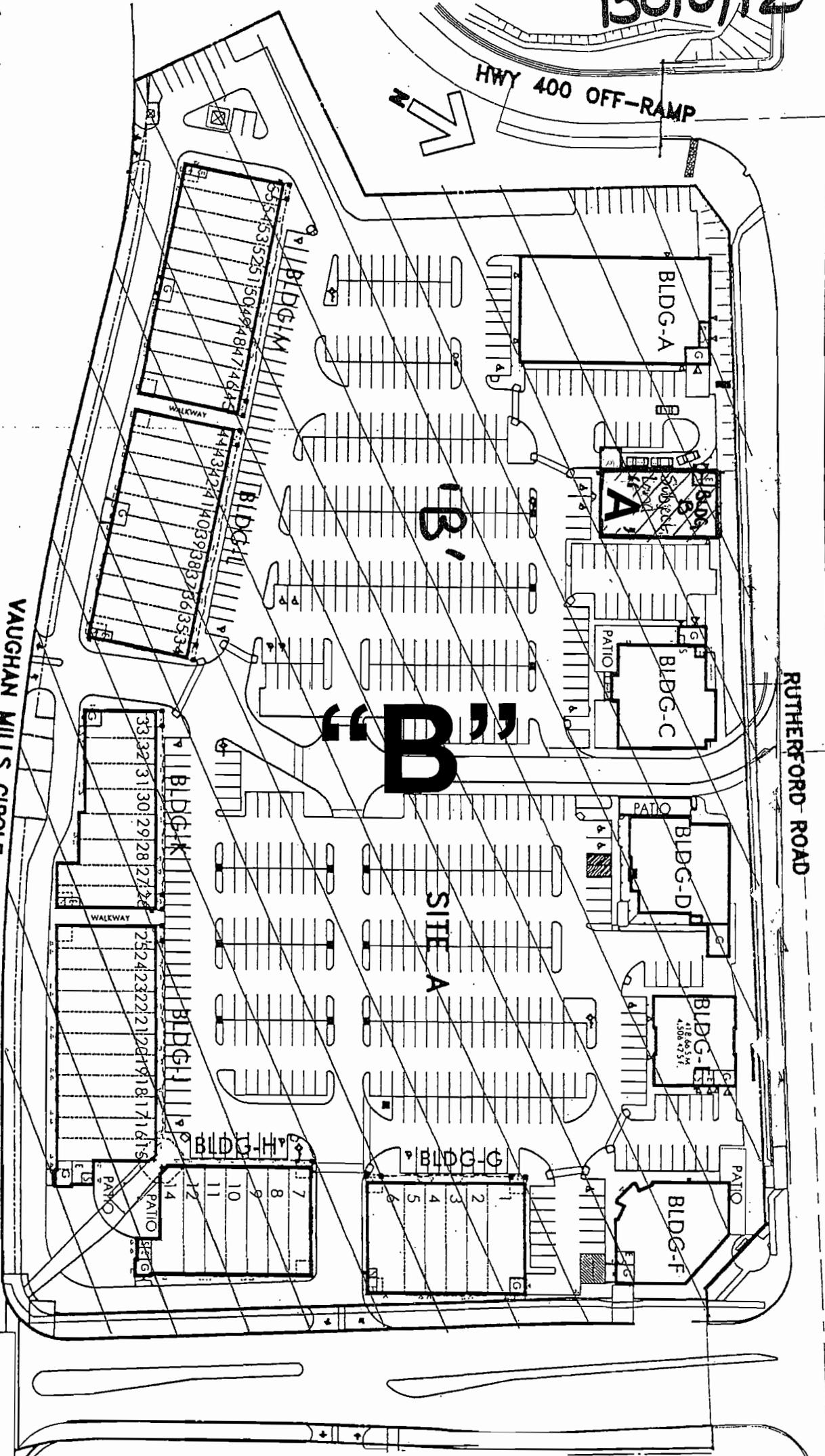


RUTHERFORD ROAD

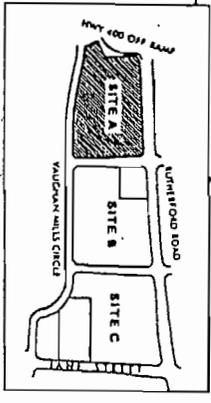
VAUGHAN MILLS CIRCLE

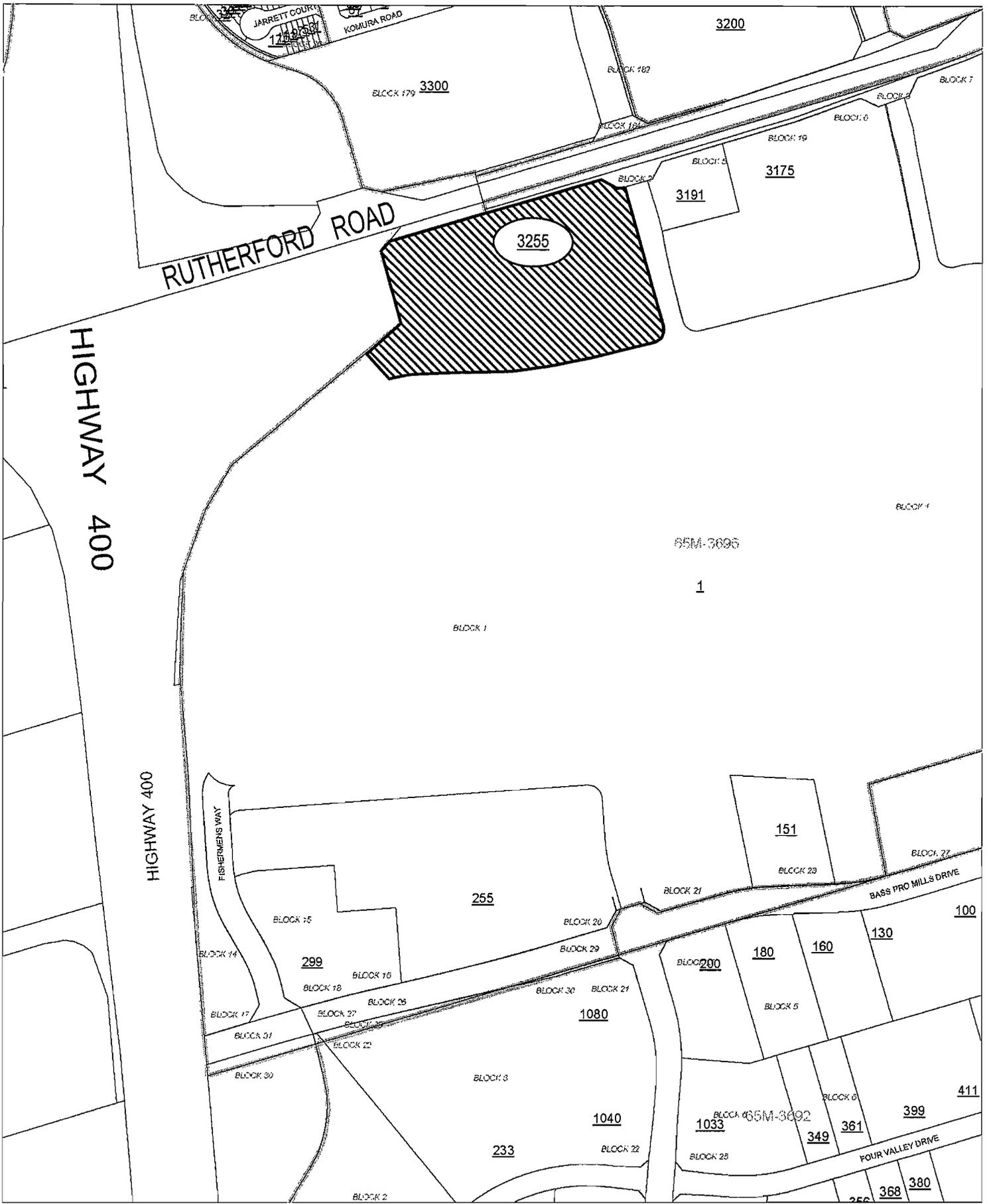
SITE PLAN

ALL AREAS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE RELATIVE TO FINAL CONSTRUCTION DRAWINGS.



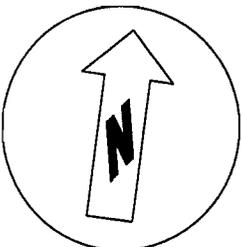
- Lands subject to consent
- Lands to be retained





# COMMITTEE OF ADJUSTMENT

<b>File No.:</b>	B010/12
<b>Applicants:</b>	LIMESTONE GALLERY INVESTMENTS INC..
	<b>SUBJECT LANDS:</b> 3255 RUTHERFORD ROAD, MAPLE



**CONSENTS**Please refer to the file number: **B010/12**

Address all correspondence to the Secretary-Treasurer

**NOTICE TO THE OWNER**

The Committee of Adjustment has approved your application for consent, subject to certain conditions.

A copy of the "Notice of Decision" is attached, together with relevant information concerning appeal procedures for the decision.

If the decision is not appealed, you will receive a notice that it is "Final and Binding", when the appeal period has expired. When the application is Final and Binding it will be appropriate for you to fulfil the conditions of approval.

**All** conditions must be fulfilled before a Certificate of Official can be issued by the Secretary-Treasurer certifying that consent has been given. These conditions must be fulfilled not later than the date set out in the decision.

**The period for fulfilling conditions cannot be extended.**

Although you may have appointed an agent to act on your behalf in the application, it is your responsibility, as the owner, to ensure that all conditions are fulfilled in time. Failure to do so will result in the decision being deemed to have been refused, pursuant to subsection 53(41) of The Planning Act, and your application file will be closed.

**NO FURTHER NOTICE OF THE LAST DAY FOR FULFILLING CONDITIONS WILL BE GIVEN.**

Respectfully,



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

**CONSENTS**Please refer to the file number: **B010/12**

Address all correspondence to the Secretary-Treasurer

**TO: OWNER/AGENT/SOLICITOR****SUBJECT: FULFILMENT OF CONDITIONS OF APPROVAL****Please note carefully the following:**

1. All conditions of approval must be fulfilled before a Certificate of Official pursuant to subsection 42 of Section 53 of The Planning Act can be issued. Unnecessary delay in the issue of the Certificate can be avoided by observing the following procedures:

(a) **CONDITIONS CONCERNING THE MUNICIPALITY IN WHICH THE SUBJECT LAND IS LOCATED:**

Payment of lot levy, fees, deed for road widening requests for written advice, agreements, etc., must be forwarded directly to the Municipality, together with a request that a certificate that such conditions have been fulfilled, be forwarded to the Secretary-Treasurer (standard certificate forms have been provided to the Municipality for the purpose).

(b) **CONDITIONS CONCERNING THE REGIONAL MUNICIPALITY OF YORK:**

- (i) Deed for road widening - must be forwarded directly to the Regional Solicitors,

17250 Yonge Street  
P. O. Box 147  
Newmarket, Ontario  
L3Y 6Z1

together with necessary certification that the land described in the deed is free of all encumbrances. The deed must be accompanied by a white print of the deposited Reference Plan referred to in the deed.

- (ii) Payment of a Regional Development Charge is payable to the City of Vaughan and is to be deposited with the City Treasurer in accordance with the Development Charges Act and Regional By-law DC1-91-136.

(c) **CONDITIONS CONCERNING OTHER AGENCIES:**

(i.e. Conservation Authorities, Ministry of Transportation, railways, etc.)

Requests for written advice, permits, etc., must be forwarded directly to the Agency concerned, together with a request that the information required by the Committee be forwarded to the Secretary-Treasurer.

**PLEASE INCLUDE OWNER'S NAME AND APPLICATION NUMBER WITH ANY MATERIAL FORWARDED TO THE ABOVE MUNICIPALITIES AND AGENCIES.**

2. It is the owner's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision not later than the date set out in the decision. Failure to do so will result in a lapse of the consent and the file will be closed. Time limits set out in the decision **CANNOT** be extended. **NO FURTHER NOTICE WITH REGARD TO THE LAST DAY FOR FULFILLING CONDITIONS OF APPROVAL WILL BE GIVEN.**

**CONSENTS****Committee of Adjustment Requirements  
Electronic Registration  
Planning Act  
Consents - Section 53(42)**

Prior to electronic registration, a consent under Section 53(42) of the Planning Act could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). Our usual practice was to stamp the consent on the document. Since the document itself had insufficient space to place the stamp, our practice was to stamp the consent on an attached schedule containing the legal description of the property to be severed.

Under electronic registration, since there is no opportunity to place a stamp on a paper document, our practice has been amended to issue the consent in certificate form.

In order to ensure that the legal description in the certificate matches that in the Notice of Decision, **we require a letter and a "Schedule Page" from the Applicant's Solicitor confirming the legal description of the subject lands, sufficient for registration purposes (the "Schedule Page" will be an attachment to the Certificate)**, and four copies of the deposited Reference Plan.

Once we have satisfied ourselves that the legal description provided by the Applicant's Solicitor is correct, and that all other conditions for the consent have been met, we will issue the certificate, and the solicitor may complete the registration of the Transfer or Charge.

To complete our file, we require that the applicant's solicitor provide us with registration particulars after registration has been completed.

**For information purposes only:**

*On a Transfer or Transfer of Easement, one of the following statements on the electronic Transfer must be selected and completed:*

*Statement 100: a consent from the NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE'*

*Statement 101: The NAME has consented to this severance herein: IMPORT CONSENT (i.e. scan the consent and attach it or type the consent verbatim).*

*As neither Statement 100 nor 101 appears in a Charge document, the consent must be typed verbatim or scanned and attached to the document in the Schedules section.*

For information on electronic registration, please contact Teranet at 416-360-1190.



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

COMMITTEE OF ADJUSTMENT  
**(VARIANCES)**

# NOTICE OF DECISION

**FILE NO: A087/05**

IN THE MATTER OF Subsection 45 of the Planning Act.

IN THE MATTER OF an application by **LIMESTONE GALLERY INVESTMENTS INC.**, with respect Part of Lot 15, Concession 5, (Part of block 1, Registered Plan No. 65M-3696, municipally known as 3255 Rutherford Road, Maple.)

The subject lands are zoned C1 Restricted Commercial, under By-Law 1-88 as amended and further subject to Exception 9(1030).

The applicant is requesting variances to permit the construction of a commercial plaza, consisting of 12 buildings, as follows:

**Proposal:**

1. Parking provided at 6.0 spaces **100m<sup>2</sup> C.F.A.(Commercial Floor Area)**
2. No loading space required for buildings A, C, D, F, & H
3. Minimum landscape strip abutting a street 4.4m

**By-Law Requirements:**

1. Parking provided at 6.0 spaces 100m<sup>2</sup> G.F.A. (Maximum 20% G.F.A. devoted to eating establishments)
2. 1 loading space required per building
3. Minimum landscape strip required abutting a street 6.0m

Sketches are attached illustrating the requests.

**Other Planning act Applications**

The land which is the subject in this application is also the subject of an application under the Planning act for:

Site Plan File DA.04.034      Scheduled for the April 4, 2005 Committee of the Whole - as per the applicant.

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

AND THAT Application No. **A087/05 – LIMESTONE GALLERY INVESTMENTS INC.**, be **APPROVED**, in accordance with the sketch attached.

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

CARRIED.

CHAIR: \_\_\_\_\_

Signed by all members present who concur in this decision:

\_\_\_\_\_  
M. Mauti,  
Chair,

\_\_\_\_\_  
T. DeCicco  
Vice Chair,

\_\_\_\_\_  
L. Fluxgold,  
Member,

\_\_\_\_\_  
D. H. Kang,  
Member,

\_\_\_\_\_  
M. S. Panicali,  
Member,

**CERTIFICATION**

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

\_\_\_\_\_  
Dianne E. L. Grout, A.M.C.T.,  
Manager of Development Services and  
Secretary-Treasurer to Committee of  
Adjustment  
City of Vaughan

DATE OF HEARING:

**MARCH 31, 2005**

LAST DATE OF APPEAL:

**APRIL 20, 2005**

**APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M . ON APRIL 20, 2005.**

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

**NOTE: IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:**

**\* \* \* APRIL 20, 2006 \* \* \***