



**COMMITTEE OF ADJUSTMENT  
REPORT SUMMARY  
MINOR VARIANCE APPLICATION  
FILE NUMBER A250/21**

<b>AGENDA ITEM NUMBER: 15</b>	<b>CITY WARD #: 5</b>
<b>APPLICANT:</b>	Agau Developments Ltd
<b>AGENT:</b>	SmartCentres REIT
<b>PROPERTY:</b>	31 Disera Drive, Bldg C, Thornhill
<b>ZONING DESIGNATION:</b>	See below
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ("VOP 2010"): "Mid-Rise Mixed-Use"
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the City's Zoning By-law is being requested to permit a technical school to be located on the ground floor in Unit C1.

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING  
DEPARTMENTS & AGENCIES:**

\*Please see **Schedule B** of this report for a copy of Development Planning and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

<b>DEPARTMENTS</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
Committee of Adjustment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Standards (Zoning Review)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Inspection (Septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Development Planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application under review.
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Real Estate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Fire Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
<b>AGENCIES</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments, no concerns.
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments, no concerns.
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### PUBLIC & APPLICANT CORRESPONDENCE

\*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is **noon on the last business day prior to the scheduled hearing date.**

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) 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.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant / Authorized Agent	Smart Centres	3200 Highway 7	10/11/2021	Cover/Summary Letter

### PREVIOUS COA DECISIONS ON THE SUBJECT LAND

\*Please see **Schedule D** for a copy of the Decisions listed below

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A007/20	02/27/2020	Approved by COA

### ADJOURNMENT HISTORY

\* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None



**COMMITTEE OF ADJUSTMENT REPORT  
MINOR VARIANCE APPLICATION  
A250/21**

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<b>PROPERTY:</b>	31 Disera Drive, Bldg C, Thornhill
<b>ZONING DESIGNATION:</b>	See below
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use"
<b>RELATED DEVELOPMENT APPLICATIONS:</b> <small>*May include related applications for minor variance, consent, site plan, zoning amendments etc.</small>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the City's Zoning By-law is being requested to permit a technical school to be located on the ground floor in Unit C1.

The following variances have been requested from the City's Zoning By-law:

**The subject lands are zoned MMU – Mid-Rise Mixed-Use Zone and subject to the provisions of Exception 14.869 under Zoning By-law 01-2021.**

#	Zoning By-law 01-2021	Variance requested
	The proposal is in compliance with By-law 01-2021.	None

**The subject lands are zoned CMU1 – Mixed Use 1 – Town Centre and subject to the provisions of Exception 9(1225) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested
1	In a CMU1 Zone, a Technical School is not a permitted use on the ground floor. (Section 5.12, x))	To permit a Technical School on the ground floor in Unit C1.

**HEARING INFORMATION**

<b>DATE &amp; TIME OF HEARING:</b>	Thursday, January 20, 2022 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.	
<b>PUBLIC PARTICIPATION</b>	
You can watch a live stream of the hearing at <a href="http://Vaughan.ca/LiveCouncil">Vaughan.ca/LiveCouncil</a>	
If you wish to speak to the Committee of Adjustment on an application please complete and submit a <a href="#">Public Deputation Form</a> to <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a> by <b>noon</b> on the last business day prior to the hearing.	
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 must be submitted by <b>noon</b> on the last business day <b>prior</b> to the day of the scheduled hearing. Written submissions can be emailed to <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a>	
<a href="#">For more information, please visit the City of Vaughan website.</a>	

**INTRODUCTION**

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.
Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider the following:
That the general intent and purpose of the by-law will be maintained.

### INTRODUCTION

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.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

### COMMITTEE OF ADJUSTMENT COMMENTS

<b>Date Public Notice Mailed:</b>	January 6, 2022	
<b>Date Applicant Confirmed Posting of Sign:</b>	December 3, 2021	
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>	Technical School are not permitted within the CMU1 zone at ground level.  Application is technical in nature, to permit both uses in ground level units as they are permitted in non-ground floor units.  Technical School to locate in Unit C1	
<b>Adjournment Requests (from staff):</b> <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None	
<b>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</b>	No	
<p><small>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</small></p> <p><small>*A revised submission may be required to address staff / agency comments received as part of the application review process.</small></p> <p><small>*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.</small></p>		
<p><b>Adjournment Fees:</b>                  In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.</p> <p>An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff <b>after</b> the issuance of public notice.</p>		
<b>Committee of Adjustment Comments:</b>	N/A	
<b>Committee of Adjustment Recommended Conditions of Approval:</b>	N/A	

### BUILDING STANDARDS (ZONING) COMMENTS

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).

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three (3) metres above finished grade.

An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

<b>Building Standards Recommended Conditions of Approval:</b>	None
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### DEVELOPMENT PLANNING COMMENTS

\*\*See Schedule C for Development Planning Comments.

<b>Development Planning Recommended Conditions of Approval:</b>	None
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### DEVELOPMENT ENGINEERING COMMENTS

The Development Engineering (DE) Department does not object to variance application A250/21.

**Development Engineering Recommended Conditions of Approval:**

None

### PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry has no comments at this time.

**PFH Recommended Conditions of Approval:**

None

### DEVELOPMENT FINANCE COMMENTS

No comment no concerns

**Development Finance Recommended Conditions of Approval:**

None

### BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comments received to date.

**BCLPS Recommended Conditions of Approval:**

None

### BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date.

**Building Inspection Recommended Conditions of Approval:**

None

### FIRE DEPARTMENT COMMENTS

No comments received to date.

**Fire Department Recommended Conditions of Approval:**

None

### SCHEDULES TO STAFF REPORT

*\*See Schedule for list of correspondence*

<b>Schedule A</b>	Drawings & Plans Submitted with the Application
<b>Schedule B</b>	Development Planning & Agency Comments
<b>Schedule C</b> (if required)	Correspondence (Received from Public & Applicant)
<b>Schedule D</b> (if required)	Previous COA Decisions on the Subject Land

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

### IMPORTANT INFORMATION – PLEASE READ

**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 (**see condition chart above for contact**). 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.

## IMPORTANT INFORMATION – PLEASE READ

**APPROVALS:** Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.

**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.

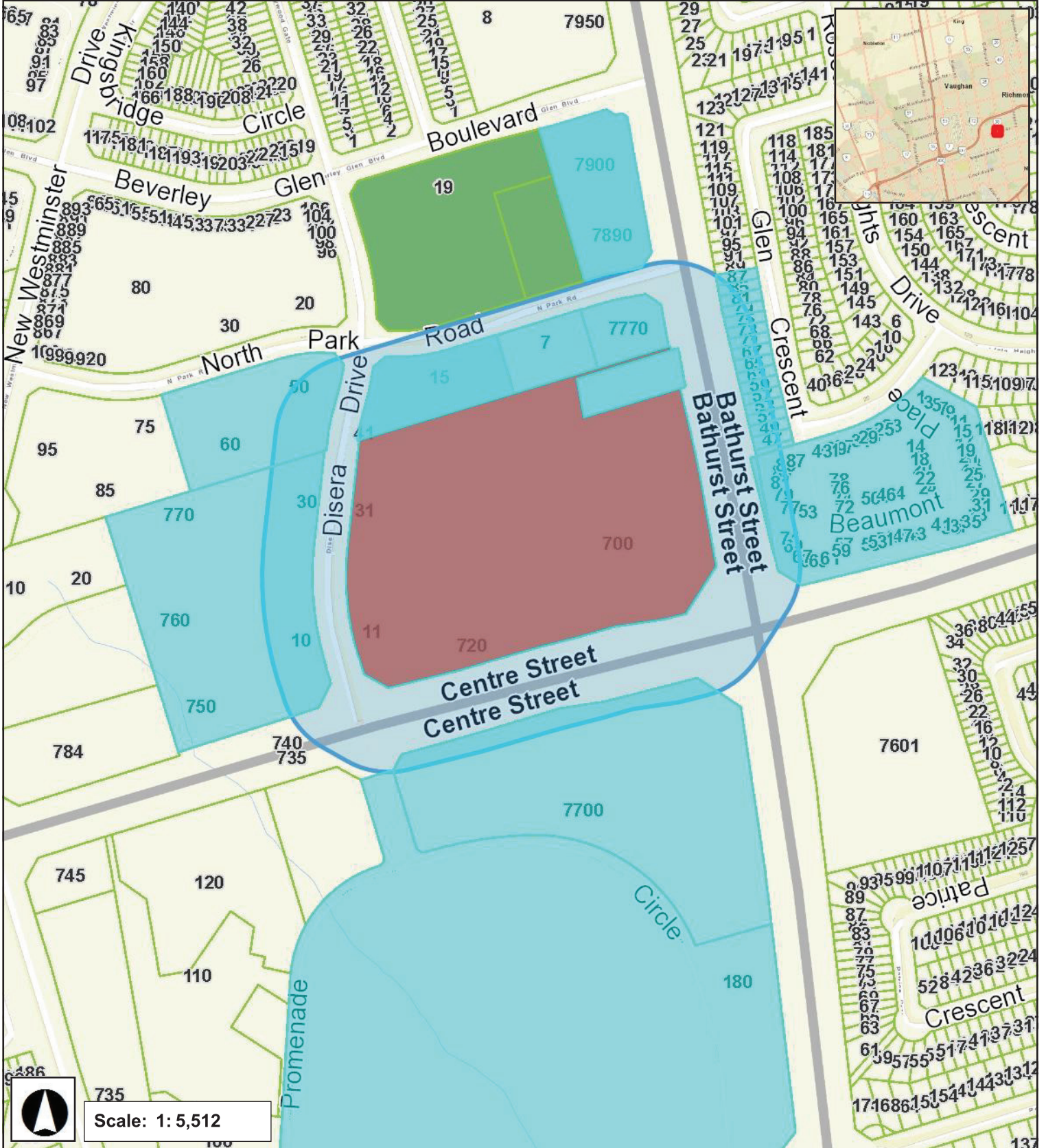
**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

**SCHEDULE A: DRAWINGS & PLANS**



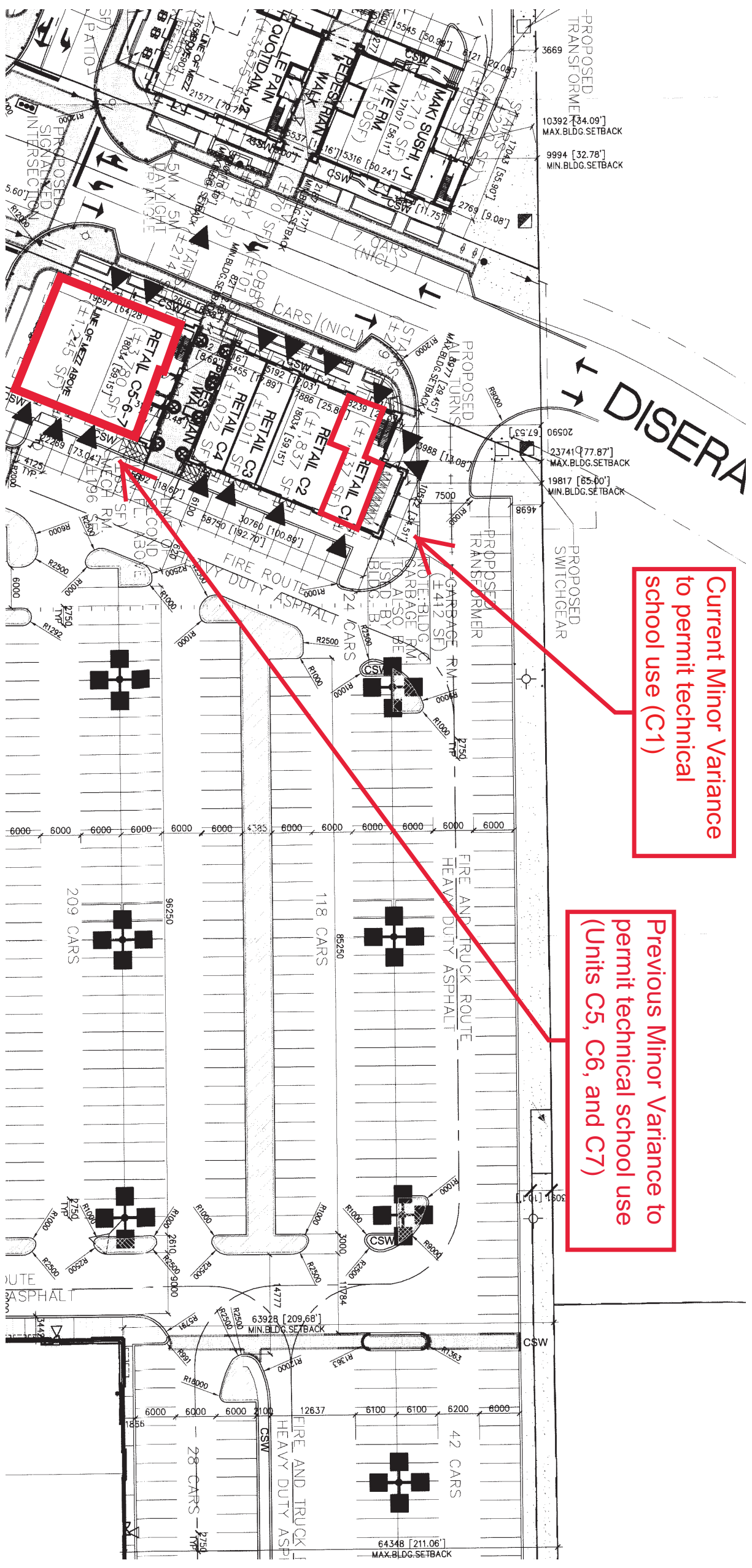
# A250/21 - Notification Map

31 Disera Drive, Bldg C, Thornhill









Current Minor Variance to permit technical school use (C1)

Previous Minor Variance to permit technical school use (Units C5, C6, and C7)

PROPOSED TRANSFORMER  
10392 [34.09'] MAX. BLDG. SETBACK  
9994 [32.78'] MIN. BLDG. SETBACK

20590 [67.53']  
23741 [77.87'] MAX. BLDG. SETBACK  
19817 [65.60'] MIN. BLDG. SETBACK

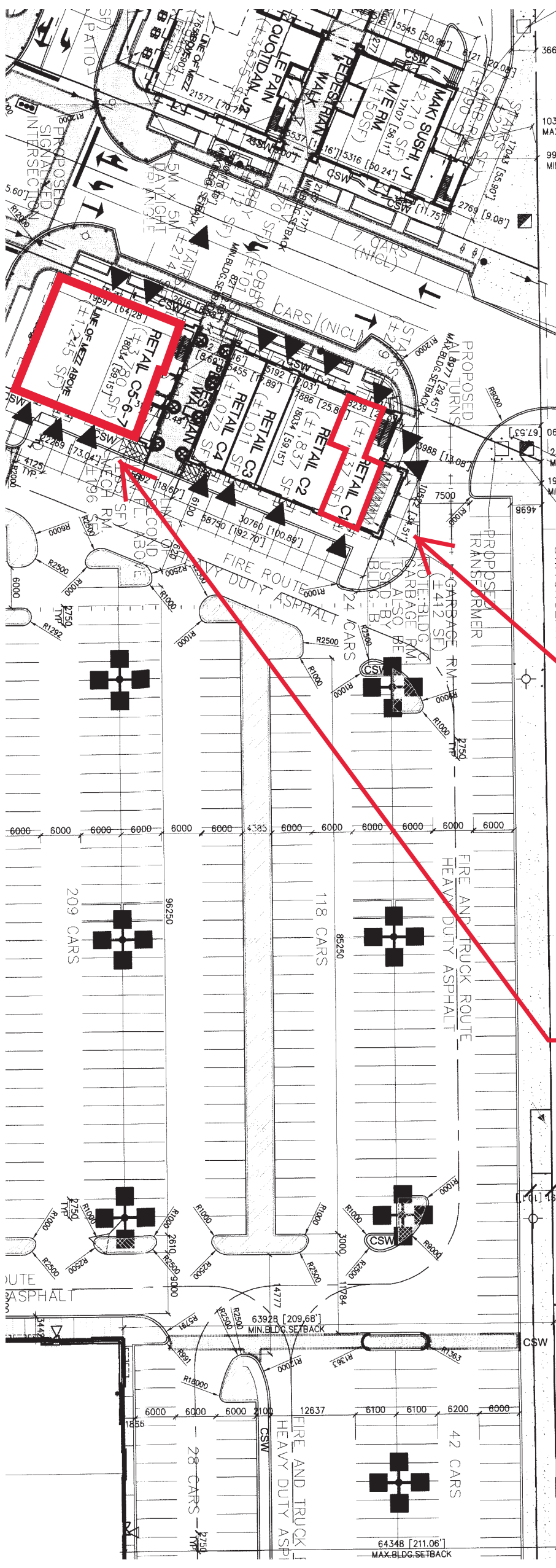
PROPOSED SWITCHGEAR

PROPOSED TRANSFORMER

CSW

64548 [211.06'] MAX. BLDG. SETBACK

DISERA





## SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments, no concerns.
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments, no concerns.
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Discover the possibilities

### COMMENTS:

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

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

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

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

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

### References:

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

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

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

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

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

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

## Adriana MacPherson

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**Subject:** FW: [External] RE: A250/21 - Request for Comments (31 Diesera Drive, Unit C1)

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

**Sent:** December-02-21 9:34 AM

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

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

**Subject:** [External] RE: A250/21 - Request for Comments (31 Diesera Drive, Unit C1)

Good morning Adriana,

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

*Gabrielle*

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

## Adriana MacPherson

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**Subject:** FW: [External] RE: A250/21 - Request for Comments (31 Diesera Drive, Unit C1)

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**From:** York Plan <yorkplan@trca.ca>

**Sent:** November-24-21 8:46 AM

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

**Subject:** [External] RE: A250/21 - Request for Comments (31 Diesera Drive, Unit C1)

Good morning, Adriana.

TRCA wishes to confirm that it has no interests in, nor concerns with, the above noted application.

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property. Furthermore, the site is not within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, so no water balance would be required.

Should further clarification be required, please contact me at your convenience.

Have a great day,  
Mark

**Mark Howard, BES, MLA, MCIP, RPP**

Senior Planner – Vaughan Review Area

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:4166616600) ext 5269

E: [mark.howard@trca.ca](mailto:mark.howard@trca.ca)

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** January 20, 2022  
**Name of Owner:** Agau Developments Ltd.  
**Location:** 31 Disera Drive, Bldg C  
**File No.(s):** A250/21

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**Proposed Variance(s) (By-law 1-88):**

1. To permit a Technical School on the ground floor in Unit C1.

**By-law Requirement(s) (By-law 1-88):**

1. In a CMU1 Zone, a Technical School is not a permitted use on the ground floor. (Section 5.12, x))

**Official Plan:**

Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Mixed-Use"

**Comments:**

The Owner is requesting permission to permit a Technical School in a CMU1 Zone on the ground floor as noted in the above variance.

By-law 1-88 only permits a Technical School as-of-right on floors above grade on the Subject Lands, where other commercial uses such as restaurants and retail stores are permitted on the ground floor. A 'Technical School' is classified as a service commercial retail use through section 9.2.2.4 of VOP 2010 and is permitted by the "Mid-Rise Mixed-Use" designation, as such the proposal conforms to VOP 2010. Additionally, the newly enacted By-law 01-2021 permits the use of a Technical School on any floor, and as such no variance is required to By-law 1-21. In addition, Minor Variance Application A007/20 was approved on the Subject Lands for a Technical School to be permitted on the ground floor of Units C5-C7 of Building C.

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.

**Recommendation:**

The Development Planning Department recommends approval of the application.

**Conditions of Approval:**

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

**Comments Prepared by:**

Roberto Simbana, Planner I  
Chris Cosentino, Senior Planner

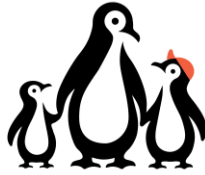


**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**

<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received (mm/dd/yyyy)</b>	<b>Summary</b>
Applicant / Authorized Agent	Smart Centres	3200 Highway 7	10/11/2021	Cover / Summary Letter

**RECEIVED**

**10/22/2021**



**SMARTCENTRES™**  
REAL ESTATE INVESTMENT TRUST

3200 HIGHWAY 7 • VAUGHAN, ON • L4K 5Z5  
T 905 326 6400 • F 905 326 0783

October 11, 2021

City of Vaughan Committee of Adjustment  
Office of the City Clerk  
Vaughan City Hall, Level 100  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Dear City of Vaughan Committee of Adjustment,

**RE: MINOR VARIANCE APPLICATION – TECHNICAL SCHOOL  
31 DISERA DRIVE BUILDING C-130 UNIT C1**

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Agau Developments Ltd. is the owner of the subject site located at 31 Disera Drive (the subject site). The site currently functions as a retail shopping centre, consisting of six buildings, with Disera Drive, a municipal right-of-way, running through the middle of the site from north to south. The four buildings that front onto Disera Drive are two storeys tall, and the other two buildings are one storey tall. The subject proposal involves Unit C1 of building C, which is the northeastern-most building fronting on Disera Drive.

We have a tenant interested in occupying Unit C1 in the ground level of Building C. The tenant intends to operate a service to teach math skills to students. This use is considered a “Technical School” as defined by Zoning By-law 1-88, and is permitted on the subject site on any floor other than the first level. This proposal is also technical in nature, as it seeks to permit a Technical School on the ground floor of the building in Units C1, whereas Technical Schools are permitted on any level except the ground floor.

We are therefore requesting minor variances from the Committee of Adjustment to permit the the Technical School in Unit C1 of Building C.

In support of the application please find enclosed:

- A completed application form;
- A site plan of the entire retail centre, as given site plan approval by the City of Vaughan;
- An excerpt of the above site plan, showing the location of the subject units; and
- An application fee cheque of \$3,560.00

I trust the foregoing and attached plans provide you with enough information for your review, but please do not hesitate to contact me if you have any questions.

Best regards,

**Matthew Kruger**  
Development Manager  
AGAU Developments Limited

CC: Paula Bustard - SmartCentres

**SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND****PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

\*Please see **Schedule D** for a copy of the Decisions listed below

<b>File Number</b>	<b>Date of Decision MM/DD/YYYY</b>	<b>Decision Outcome</b>
A007/20	02/27/2020	Approved by COA

**NOTICE OF DECISION**  
**Minor Variance Application A007/20**  
 Section 45 of the Planning Act, R.S.O, 1990, c.P.13

**Date of Hearing:** Thursday, February 27, 2020

**Applicant:** Agau Developments Limited

**Agent:** Smart Centres REIT

**Property:** 31 Disera Dr Bldg C, Units C2 & C5-C7, Thornhill

**Zoning:** The subject lands are zoned CMU1 9(1225) and subject to the provisions of Exception under By-law 1-88 as amended.

**OP Designation:** Vaughan Official Plan 2010: Mid-Rise Mixed-Use

**Related Files:** None

**Purpose:** Relief from the by-law is being requested to permit a proposed health centre (fitness studio) in Unit C2 and a proposed technical school in Units C5 - C7 to be located on the ground floor of the existing building.

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

By-law Requirement	Proposal
1. In a CMU1 Zone, a Health Centre is not a permitted use on the ground floor.	1. To permit a Health Centre on the ground floor of Unit C2.
2. In a CMU1 Zone, a Technical School is not a permitted use on the ground floor.	2. To permit a Technical School on the ground floor in Units C5-C7.

**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. A007/20 on behalf of Agau Developments Limited 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 Finance Nelson Pereira  905-832-8585 x 8393 <a href="mailto:nelson.pereira@vaughan.ca">nelson.pereira@vaughan.ca</a>	The owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board at the issuance of a building permit.

**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:**

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.

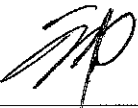
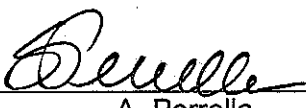



**Written & oral submissions considered in the making of this decision were received from the following:**

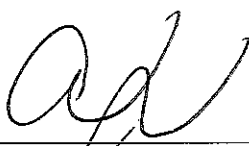
<b>Public Written Submissions</b> * Public Correspondence received and considered by the Committee in making this decision	<b>Public Oral Submissions</b> *Please refer to the approved Minutes of the Thursday , February 27, 2020 meeting for submission details.
None	Name: Address:

**Late Written Public Submissions:**

In accordance with the Committee of Adjustment Procedural By-law (069-2019) public written submissions on an Application shall only be received by the Secretary Treasurer until 4:00 p.m. on the last business day prior to the day of the scheduled Meeting.

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

		
H. Zheng Vice Chair	A. Perrella Chair	R. Buckler Member
		
S. Kerwin Member		A. Antinucci Member

<b>DATE OF HEARING:</b>	<b>Thursday, February 27, 2020</b>
<b>DATE OF NOTICE:</b>	<b>March 6, 2020</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>March 18, 2020 4:30 p.m.</b>
<b>CERTIFICATION:</b> 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.	
	
Christine Vigneault, ACST Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

**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*.

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**

**Local Planning Appeal Tribunal:** The LPAT appeal fee is \$300 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". Notice of appeal forms (A1 Appeal Form – Minor Variance) can be obtained at [www.elto.gov.on.ca](http://www.elto.gov.on.ca) or by visiting our office.

**City of Vaughan LPAT Processing Fee:** \$841.00 per application

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

**Conditions**

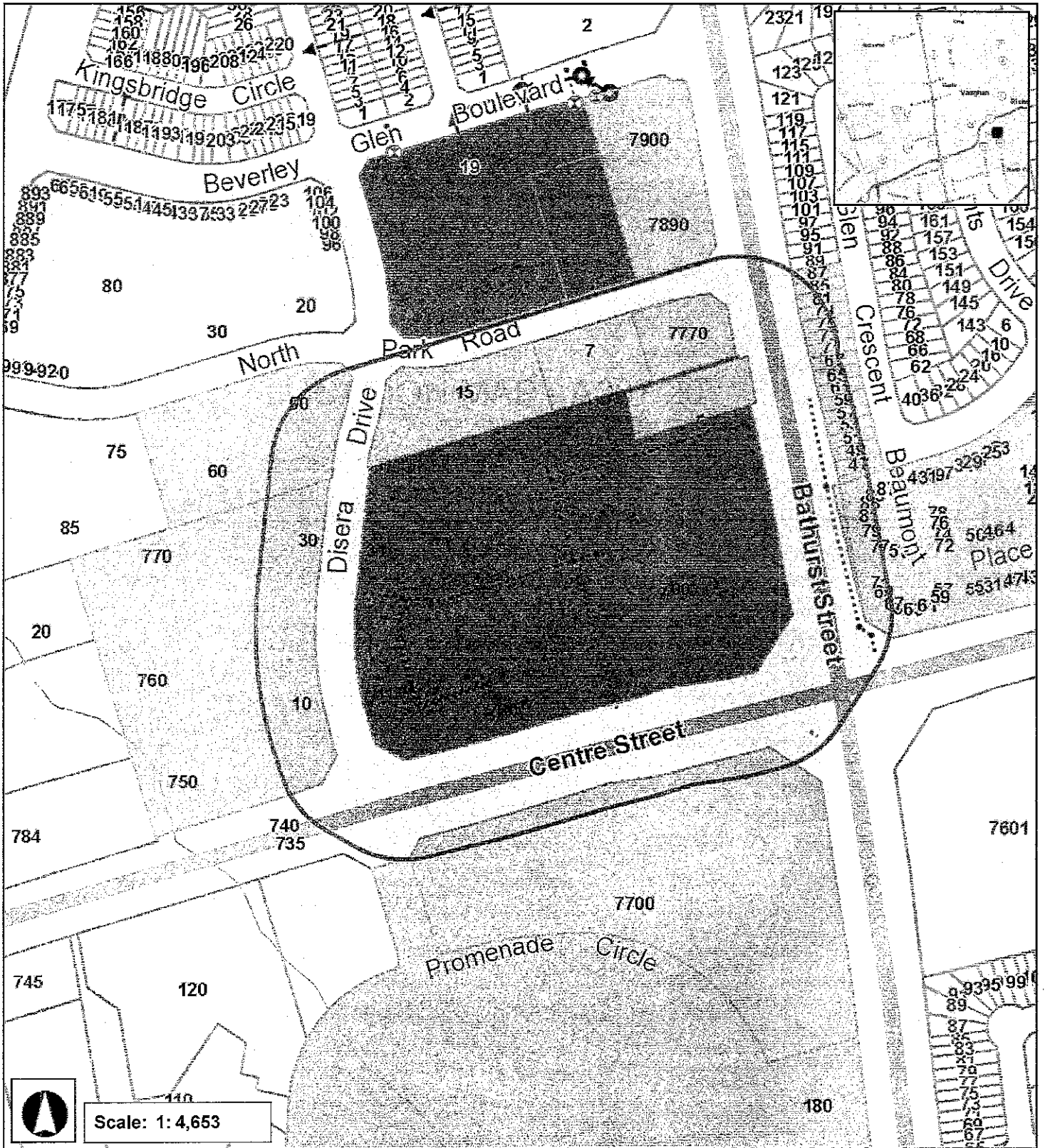
It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from each respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All applicable conditions must be cleared prior to the issuance of a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



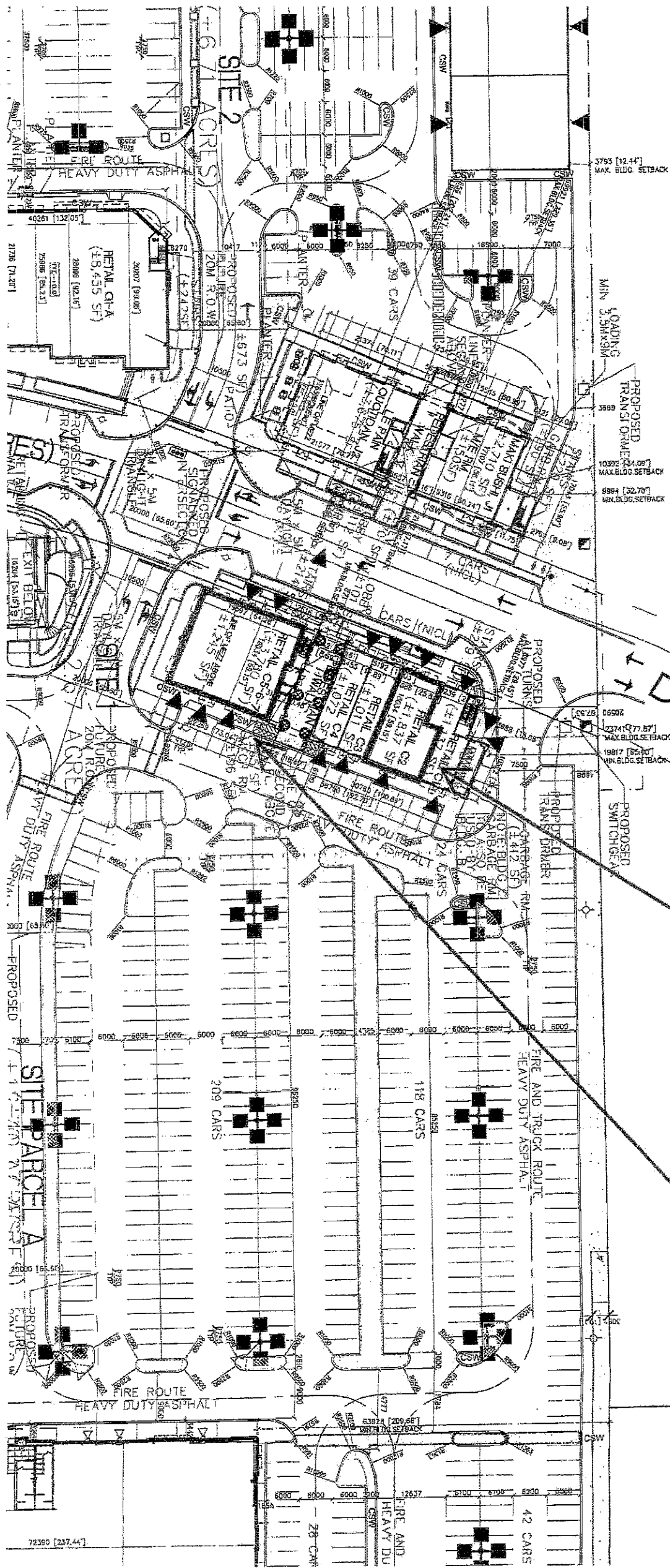
VAUGHAN

# LOCATION MAP - A007/20

31 DISERA DRIVE, UNITS C2 & C5-C7, THORNHILL







Ground unit for health  
centre use

Ground unit for  
technical school use