



**COMMITTEE OF ADJUSTMENT
REPORT SUMMARY
MINOR VARIANCE APPLICATION
A257/21**

AGENDA ITEM NUMBER:17	CITY WARD 4
APPLICANT:	The Regional Municipality of York
AGENT:	EllisDon Corp.
PROPERTY:	1930 Rutherford Rd Vaughan
ZONING DESIGNATION:	The subject lands are zoned and subject to the provisions of Exception under By-law 1-88 as amended
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Infrastructure and Utilities"
RELATED DEVELOPMENT APPLICATIONS:	DA.21.024
PURPOSE OF APPLICATION:	To permit relief from the City's Zoning By-law to permit the construction of a proposed storm water pump station and to facilitate related Site Plan Application DA.21.024

**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.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Real Estate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval w/Conditions
Ministry of Transportation (MTO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved 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"/>	
MetroInx	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved 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
None				

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
None		

ADJOURNMENT HISTORY

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

None	
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**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A257/21**

AGENDA ITEM NUMBER:17	CITY WARD 4
APPLICANT:	The Regional Municipality of York
AGENT:	EllisDon Corp.
PROPERTY:	1930 Rutherford Rd Vaughan
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Infrastructure and Utilities"
RELATED DEVELOPMENT APPLICATIONS: <small>*May include related applications for minor variance, consent, site plan, zoning amendments etc.</small>	DA.21.024
PURPOSE OF APPLICATION:	To permit relief from the City's Zoning By-law to permit the construction of a proposed storm water pump station and to facilitate related Site Plan Application DA.21.024

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

The subject lands are zoned EP, Environmental Protection Zone under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
1	A minimum interior side yard setback of 15.0 metres is permitted (Section 12.2.2., By-law 01-2021).	To permit a minimum interior side yard setback of 13.7 metres.
2	A minimum rear yard setback of 15.0 metres is permitted (Section 12.2.2., By-law 01-2021).	To permit a minimum rear yard setback of 13.9 metres.

The subject lands are zoned OS1, Open Space Conservation Zone and subject to the provisions of Exception 9(1226) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
3	A minimum interior side yard setback of 15.0 metres is permitted (Schedule A., By-law 1-88a.a.).	To permit a minimum interior side yard setback of 13.7 metres.
4	A minimum rear yard setback of 15.0 metres is permitted (Schedule A, Bylaw 1-88a.a.).	To permit a minimum rear yard setback of 13.9 metres.

HEARING INFORMATION

DATE & TIME OF HEARING: 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.

PUBLIC PARTICIPATION

You can watch a live stream of the hearing at Vaughan.ca/LiveCouncil

If you wish to speak to the Committee of Adjustment on an application please complete and submit a [Public Deputation Form](#) to cofa@vaughan.ca **by noon** 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 **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be emailed to cofa@vaughan.ca

[For more information, please visit the City of Vaughan website.](#)

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.

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

Date Public Notice Mailed:	January 5, 2022
Date Applicant Confirmed Posting of Sign:	December 15, 2021
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	The pump station footprint cannot be condensed any further due to requirements to function during a region storm event. The area expropriated for the project, in combination with the requirements for the Rutherford Road widening do not provide sufficient space to meet the minimum setback requirements from the property lines. The setback of the Pump Station as designed for is approximately 13 meters. This portion of land will be used for pump station access for maintenance purposes and to accommodate buried utilities for the pump station.
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <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. *A revised submission may be required to address staff / agency comments received as part of the application review process. *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>	No
Adjournment Fees: 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. An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

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.

BUILDING STANDARDS (ZONING) COMMENTS

Building Standards Recommended Conditions of Approval:	None
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DEVELOPMENT PLANNING COMMENTS

**See Schedule C for Development Planning Comments.

Development Planning Recommended Conditions of Approval:	None
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DEVELOPMENT ENGINEERING COMMENTS

As there is a Development Application (DA.21.024) for the subject address, Development Engineering provided a condition with the COA approval. After receiving the approval for DA.21.024, the applicant should notify the COA Development Engineering reviewer to clear the condition.

The Development Engineering (DE) Department does not object to variance application A257/21 subject to the following condition(s):

Development Engineering Recommended Conditions of Approval:	The Owner/applicant shall obtain approval for the related Site Development Application (DA.21.024) from the Development Engineering (DE) Department.
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PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry is currently working with the development planning for this project

PFH Recommended Conditions of Approval:	None
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DEVELOPMENT FINANCE COMMENTS

No comment no concerns

Development Finance Recommended Conditions of Approval:	None
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BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment no concerns

BCLPS Recommended Conditions of Approval:	None
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BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date

Building Inspection Recommended Conditions of Approval:	
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FIRE DEPARTMENT COMMENTS

No comment no concerns

Fire Department Recommended Conditions of Approval:	None
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SCHEDULES TO STAFF REPORT

*See Schedule for list of correspondence

Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Development Planning & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (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:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval "if required". If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Engineering farzana.khan@vaughan.ca	The Owner/applicant shall obtain approval for the related Site Development Application

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “**if required**”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

		(DA.21.024) from the Development Engineering (DE) Department.
2	TRCA hamedeh.razavi@trca.ca	That the applicant provides the required fee amount of \$1,155.00 payable to the Toronto and Region Conservation Authority

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.

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.

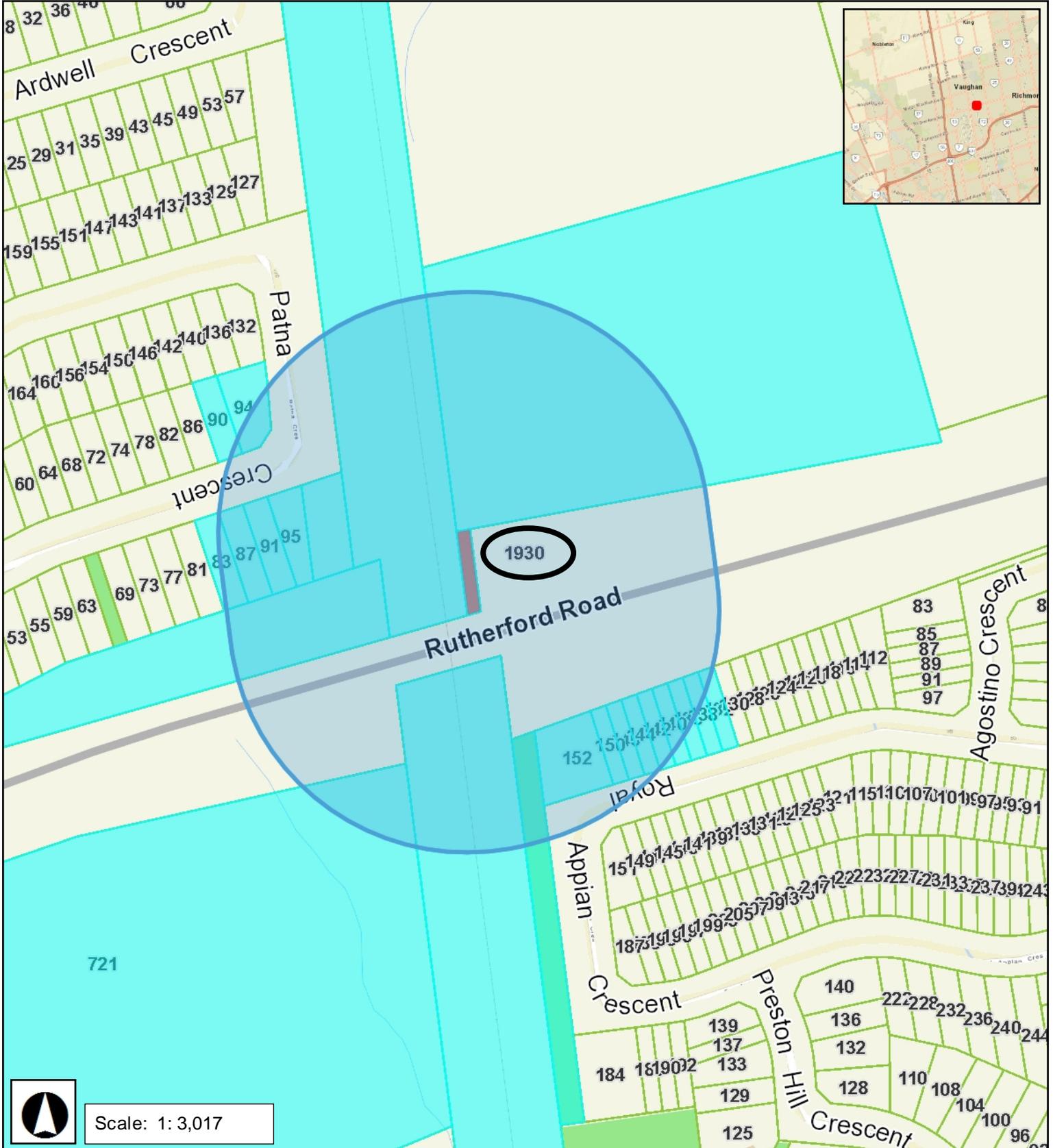
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City’s Development Charges By-law in effect at the time of payment.

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

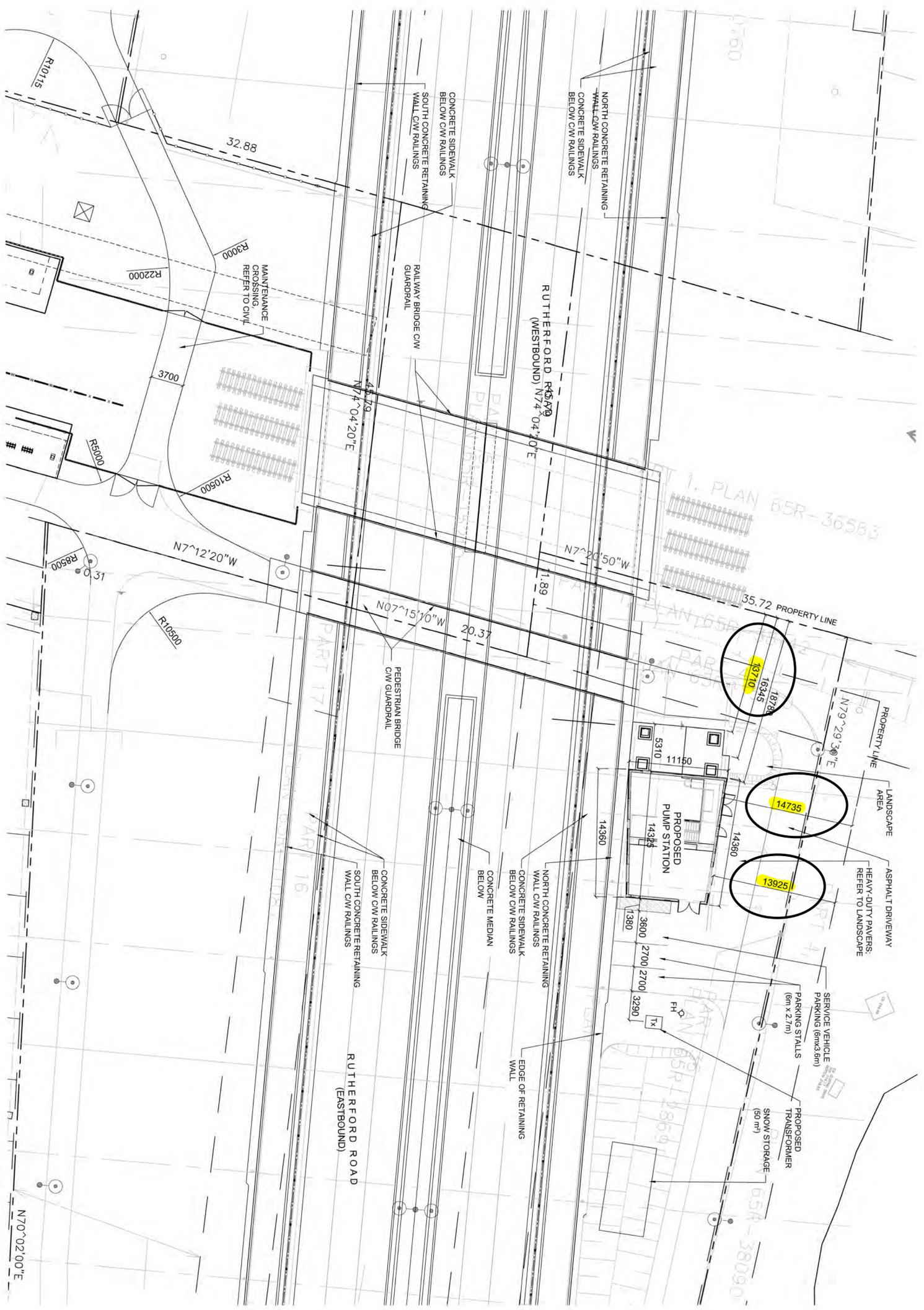
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City’s Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the 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



METRIC
ALL DIMENSIONS SHOWN ARE IN METRES AND/OR MILLIMETRES UNLESS OTHERWISE NOTED.



PARTIAL SITE PLAN
1 : 250
SS-A-1109

NOTE: ALL EXISTING CONDITIONS MUST BE VERIFIED ON SITE

REFERENCE DRAWINGS

ISSUE

REVISIONS

DWG. NO.	NO.	DATE	TITLE	REV.	DATE	ISSUED FOR
A	21/04/30	S-110 IFC SUBMISSION				
<p>SCALE: 1:250 </p>						
DRAWN BY: BP		DESIGNED BY: SS				
CHECKED BY: BM		APPROVED BY: SS				
<p>Elisdon INFRASTRUCTURE Transit 1000 Midland Ave. Suite 1000 Mississauga, Ontario L4V 1M4 T: 905 890 8500 F: 905 898 8011 elisdon.com</p> <p>Sai Stram Architects Inc. Toronto, ON M4L 2Z2 416 588 1800 stramarchi.com</p>						
<p>Ontario Infrastructure Ontario</p>				<p>METROLINX</p>		
<p>REGIONAL EXPRESS RAIL RUTHERFORD PROJECT PUMP STATION ENLARGED SITE - PARTIAL PLAN</p>				<p>CONTRACT NO. 166316</p>		<p>DWG. NO. SS-A-1109</p>
<p>DRAFT - FOR REVIEW AND CONSULTANT COORDINATION</p>				<p>REV.</p>		

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 w/Conditions
Ministry of Transportation (MTO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved 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 Recieved to Date
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Recommend Approval/No Conditions

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Senior Manager of Development Planning
Date: December 8, 2021
Name of Owner: The Regional Municipality of York
Location: 1930 Rutherford Road
File No.(s): A257/21

Proposed Variance(s) (By-law 01-2021):

- 1) To permit a minimum interior side yard setback of 13.7 m.
- 2) To permit a minimum rear yard of 13.9 m.

By-Law Requirement(s) (By-law 01-2021):

- 1) A minimum interior side yard setback of 15 m is permitted. [Section 12.2.2]
- 2) A minimum rear yard setback of 15 m is permitted. [Section 12.2.2]

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

- 3) To permit a minimum interior side yard setback of 13.7 m.
- 4) To permit a minimum rear yard setback of 13.9 m.

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

- 3) A minimum interior side yard setback of 15 m is permitted. [Schedule A]
- 4) A minimum rear yard setback if 15 m is permitted. [Schedule A]

Official Plan:

Vaughan Official Plan 2010 ('VOP 2010'): "Infrastructure and Utilities"

Comments:

The Owner (Regional Municipality of York) is requesting permission to facilitate a single storey pump station building (the 'Development') on the portion of the subject lands zoned "OS1 – Open Space Conservation Zone" and have a total gross floor area (GFA) of 163 m², with a total of 3 parking spaces for service vehicles. The Development is currently being reviewed through Minor Site Development File DA.21.024 (delegated process) and requires the above noted variances.

The Development Planning Department has no objection to the variances, as they maintain appropriate setbacks for the Development from surrounding uses and recognize minor deficiencies identified through further review of DA.21.024.

The Development Planning Department is of the opinion that the requested Variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are 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 condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I
Chris Cosentino, Senior Planner

Date: November 29th , 2021

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A257-21**

Related Files:

Applicant The Regional Municipality of York

Location 1930 Rutherford road



Discover the possibilities

COMMENTS:

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

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

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

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

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

References:

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

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

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

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

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Pravina Attwala

Subject: FW: A257/21 (1930 RUTHERFORD ROAD) - REQUEST FOR COMMENTS

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

Sent: November-29-21 10:12 AM

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

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

Subject: [External] RE: A257/21 (1930 RUTHERFORD ROAD) - REQUEST FOR COMMENTS

Good morning Pravina,

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 | www.york.ca

January 5, 2022

CFN 64195.38
X-Ref CFN 64180.09

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Christine Vigneault
Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Christine:

**Re: Minor Variance Application A257.21
Part of Lot 16, Concession 3
Part 36 & 37, PLAN 65R-28691; Part 1, Plan 65R-11087
1930 Rutherford Drive
City of Vaughan, Region of York
Owner: The Regional Municipality of York
Agent: EllisDon Corp.**

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by Toronto and Region Conservation Authority (TRCA) on November 26, 2021. TRCA staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*; the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Application

It is our understanding that the purpose of the above noted application is to request the following variances under both Zoning By-Law 01-2021 and By-Law 1-88:

By-Law 01-2021

1. To permit a minimum interior side yard setback of 13.7 metres., whereas a minimum interior side yard setback of 15.0 metres is permitted.
2. To permit a minimum rear yard setback of 13.9 metres, whereas a minimum rear yard setback of 15.0 metres is permitted.

By-Law 1-88

1. To permit a minimum interior side yard setback of 13.7 metres, whereas a minimum interior side yard setback of 15.0 metres is permitted.
2. To permit a minimum rear yard setback of 13.9 metres., whereas a minimum rear yard setback of 15.0 metres is permitted.

The noted variances are being requested to permit the construction of a stormwater pump station to accommodate the Rutherford Road Grade Separation between Peter Rupert Avenue and Westburne Drive.

Ontario Regulation 166/06:

The subject lands are entirely located within TRCA's Regulated Area due to the presence of a Regional Storm flood plain associated with the Don River. In accordance with Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

Application-Specific Comments

TRCA's Infrastructure Planning and Permits (IPP) department are currently involved in the review of Site Development Application DA.21.024 which is associated with the project. A formal comment letter was provided to the City by TRCA on November 17, 2021.

Although TRCA has no objection to the requested variances, IPP staff are currently working with the City and the applicant and their consultants to review technical aspects related to the applicable Site Plan Application.

Fees

By copy of this letter, the applicant is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,155.00 (*Minor Variance-Industrial/ Commercial/Subdivision/ Institutional -Minor*) review fee. The applicant is responsible for the fee payment and should forward the application review fee to this office as soon as possible.

Recommendations

Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Application A257.21 subject to the following conditions:

1. That the applicant provides the required fee amount of \$1,155.00 payable to the Toronto and Region Conservation Authority.

TRCA's conditional approval does not include any clearance and/or approvals for the technical issues related to the noted application Site Development.

Please note, development activities within regulated areas on lands owned by, and/or conducted by, a provincial or federal agency, are exempt from the regulatory approval process under Section 28 of the Conservation Authorities Act and under Ontario Regulation 166/06 – Toronto and Region Conservation Authority (TRCA) Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses.

Recognizing this exemption and in the absence of the formal permitting process the proponent may voluntarily request TRCA to review and comment on detailed design activities associated with project construction, maintenance or emergency activities. TRCA will complete a comprehensive review and provide an opinion as to whether the policies and objectives of TRCA's permit requirements under Ontario Regulation 166/06 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses will be satisfied. This includes confirmation that there will be no impacts to flooding, erosion, pollution, conservation of land or dynamic beaches.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits

HR/mh

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				