



S. Thompson Development Services Ltd.

January 17, 2022

Town of Vaughan
Committee of Adjustment
Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

Attention Secretary Treasurer

**RE: Minor Variance A270/21
Unit 1, 2050 Steeles Ave W, Vaughan
Planning Submission**

On behalf of my Client, Aviva Reimer of Liv Executive Fitness (Applicant), please accept the following submission regarding minor variance A270/21. This application requests a variance to permit a “personal service / health & fitness centre” within Unit 1 of the existing building at 2050 Steeles Ave W, Vaughan. Below I will provide additional details to the application and describe the process undertaken by my Client leading up to this application.

Lease / Proposed Use

As noted above, the proposed use will occupy Unit 1 at 2050 Steeles Ave W. Operating as “Liv Executive Fitness”, the proposed use will offer a unique combination of personal service and health & fitness where personal coaching is used to allow Clients to realize the full potential of their mind and body.

Zoning as Per By-Law 1-88

The subject lands are designated EM1 (Prestige Employment Area Zone) in the Zoning By-Law 1-88. Under section 6.2.1 of this designation, the uses of “health centre” and “personal service shop” are permitted.

Zoning as Per By-Law 1-2021

The subject lands are designated EMU (Employment Commercial Mixed-Use) in the new Zoning By-Law 1-2021. Although the proposed “personal service” and “health & fitness centre” uses are both listed as permitted under the EMU zone in table 8-2 of the Zoning By-Law, table note #2 states the following:

“This use shall only be permitted as part of a mixed-use development and the total amount of gross floor area of all uses subject to this provision shall be limited to a maximum of 30% of the gross floor area of all uses on the lot.”

When considering the application of this requirement, the following uses are identified as subject to note #2:

- *Business Service*
- *Clinic*
- *Financial Institution*
- ***Health & Fitness Centre***
- ***Personal Service***
- *Pet Care Establishment*
- *Pet Services Establishment*
- *Restaurant*
- *Restaurant, Take-out*
- *Retail*
- *Retail, Convenience*
- *Service or Repair Shop*
- *Supermarket*
- *Veterinary Clinic*

Based on the zoning details noted above, compliance for the existing and proposed uses can be calculated as follows:

Unit	GFA (ft ²)	Existing Uses	GFA (ft ²) Subject to Note #2	Proposed Uses	GFA (ft ²) Subject to Note #2
1	3,150	Vacant	~	Per Service / H&F	3,150
2	1,150	Vacant	~	Vacant	~
3	2,950	Retail	2,950	Retail	2,950
4	2,950	Clinic	2,950	Clinic	2,950
5	2,950	Vacant	~	Vacant	~
6	2,950	Retail	2,950	Retail	2,950
7	850	Retail	850	Retail	850
8	5,000	Vehicle Repair	~	Vehicle Repair	~
21,950		9,700		12,850	
		44%		59%	

As noted in the table above, the existing site does not comply with note #2 in Zoning By-Law 1-2021 and is therefore considered to be legally non-conforming (44% whereas the By-Law requires 30%). The proposed addition of a “personal service / health & fitness centre” will subsequently increase this non-conformance to approximately 59%.

Zoning Review / Application Timeline

As part of her site selection process, my Client contacted the Planning Department in the Summer of 2021 to review the designation of 2050 Steeles Ave W and confirm that her proposed use was in compliance with the current Zoning By-Law. At this time, Staff indicated verbally that the subject lands were zoned EM1 under By-Law 1-88 and that her proposed use would be permitted. With this mind, the lease for Unit 1 was executed on September 2, 2021 and detailed architectural design plans were requisitioned.

Although my Client was not aware at the time, the new Zoning By-Law 1-2021 was already in circulation and was subsequently adopted on October 20, 2021. As noted above, the impact of this change was the application of new GFA caps on the site that resulted in the existing development being considered legal non-conforming. Unfortunately, it appears that the Landlord was not actively monitoring this proposed change and certainly did not notify my Client of the impact on the signed lease and her proposed use.

After significant design development expenses, a building permit was submitted on November 2, 2021 in order to facilitate the extensive fit-out of Unit 1 in advance of a planned February 1, 2022 opening. As part of the review of this application, the Plans Examiner issued a letter on December 17, 2021 indicating that the lands were now subject to By-Law 1-2021 and consequently the proposed use was not permitted because "...The existing uses on the lot already exceed the maximum permitted 30% of the total GFA of the building...".

In response, the necessary minor variance was prepared and submitted on December 21, 2021.

Consideration of the Minor Variance – 4 Tests

Section 45 of the Planning Act requires that the Committee of Adjustment consider the "4 tests" when reviewing a minor variance for approval. Below I will provide my comments in this regard.

Test 1 – Does it Maintain the General Intent of Official Plan?

The subject lands are designed "Employment Commercial Mixed Use" which permits "retail uses" that by definition include "service commercial uses".

Test 2 – Does it Maintain the General Intent of Zoning By-Law?

The current EMU designation under By-Law 1-2021 broadly permits "personal service / health & fitness centre" uses. It is only the recently applied 30% GFA cap that is being varied in this circumstance.

Test 3 – Is it "Minor" in Nature?

The approval of the proposed variance would increase the GFA calculation by approximately 15% and would be the only "personal service / health & fitness centre" use on the subject lands.

Test 4 – Is it Appropriate for the Development of the Site?

The proposed “personal service / health & fitness centre” is an appropriate use for the existing 3,150ft² vacant unit within the existing structure at 2050 Steeles Ave W.

Conclusion

It is my submission that the proposed minor variance A270/21 clearly satisfies the “4 tests” of the Planning Act and should be approved without concern.

As noted throughout this submission, my Client exercised all reasonable efforts to ensure that her proposed development was in compliance with relevant Town of Vaughan policies. Unfortunately, because of the timing of the new By-Law and a lapse of communication, a minor variance is now required. As I am sure you can appreciate, the Applicant has made a significant investment into the project from a time and capital perspective and is anxious to finalize approvals so that she can establish her business of providing transformational services to her Clients.

I trust that the above information has been of assistance to explain the process that lead to the proposed variance and provide details necessary to ensure an efficient consideration before Committee. Should you have any questions, I will be available during the Committee hearing on January 20, 2022.

Regards



Steve Thompson
S Thompson Development Services

cc. Aviva Reimer (Liv Executive Fitness) – by email
Ward 4 Councillor Sandra Leung-Racco – by email