

Committee of the Whole (2) Report

DATE: Tuesday, February 8, 2022

WARD: 2

TITLE: TORONTO DISTRICT CHRISTIAN HIGH SCHOOL
ZONING BY-LAW AMENDMENT FILE Z.21.007
325 WOODBRIDGE AVENUE
VICINITY OF KIPLING AVENUE AND WOODBRIDGE AVENUE

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to amend the Council approved recommendations for Zoning By-law Amendment File Z.21.007 (Toronto District Christian High School) Item 8, Report No. 39, September 14, 2021 to allow the Owner to apply for a Minor Variance Application(s) for the Subject Lands shown on Attachment 1 before the second anniversary of the day in which the implementing zoning by-law came into effect.

Report Highlights

- Council enacted By-law 123-2021 on September 27, 2021 to permit a retail use with a gross floor area of 330m² within the former fire hall building as an accessory use to the existing Toronto District Christian High School, high school campus
- The Development Planning Department supports the inclusion of an additional recommendation to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which the implementing zoning by-law came into effect by Council (September 27, 2021), for Zoning By-law Amendment File Z.21.007 on the Subject Lands
- The Owner is seeking relief from Zoning By-law 001-2021 for the use and for an increase in gross floor area through the Committee of Adjustment

Recommendations

1. THAT the Council approved Recommendations contained in Item 8, Report No. 39 (Toronto District Christian High School), dated September 14, 2021, be amended to include the following recommendation:

“THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.”

2. THAT the Owner's request to change the zone on the Subject Lands under Zoning By-law 001-2021 from “U Utility Zone” to “Exception I1-1087”, to bring the Subject Lands under one common zone under the “Exception I1-1087” to By-law 001-2021 be addressed through a future technical amendment to By-law 001-2021.

Background

The subject lands ('Subject Lands') are municipally addressed as 325 Woodbridge Avenue, and are located on the south side of Woodbridge Avenue, west of Kipling Avenue, as shown on Attachment 1.

Previous Reports/Authority

[Item 8, Report No. 39, Committee of the Whole Council Extract September 14, 2021](#)

[Enacted Zoning By-law 123-2021.](#)

Analysis and Options

The Planning Act permits Vaughan council to pass a resolution to permit the Owner to apply for a Minor Variance Applications(s) within two years of a zoning by-law coming into full force and effect

Section 45(1.3) of the *Planning Act* restricts the submission of a Minor Variance Application(s) to the Committee of Adjustment within two years of the day in which a zoning by-law was amended. Section 45(1.4) of the *Planning Act* permits a Council to pass a resolution to allow an Owner to apply for a Minor Variance Application within two years of the passing of a zoning by-law. Zoning By-law 123-2021 was adopted by Vaughan Council on September 27, 2021 and therefore, two years have not passed since the enactment of the by-law.

The Owner is requesting to submit a Minor Variance Application(s) to the approved Zoning By-law

The Subject Lands are zoned “M3 Transportation Industrial Zone” by By-law 1-88, and subject to Zoning By-law 123-2021 to permit an accessory retail store having a maximum gross floor area (‘GFA’) of 330 m² as an accessory use to the experiential learning centre. The experiential learning centre operates as part of the existing private high school located west of the Subject Lands (Toronto District Christian High School – ‘TDCHS’) that is zoned “M3 Transportation Industrial Zone”, as shown on Attachment 1. Zoning By-law 123-2021 was enacted on September 27, 2021, but was not consolidated into Zoning By-law 001-2021, as adopted by Council on October 20, 2021. Therefore, Zoning By-law 001-2021 does not reflect the Council approved exception to permit a retail use within the “M3 Transportation Industrial Zone” on the Subject Lands, as identified in Zoning By-law 123-2021.

The Comprehensive Zoning By-law 001-2021 does not permit a retail or school use on the Subject Lands, and zone the Subject Lands “U Utility Zone”. Zoning By-law 001-2021 does not include a reference to the previous zone exception to permit a retail or school use.

The Owner, on January 10, 2022, submitted a request to apply for a Minor Variance Application(s) to amend both Zoning By-law 1-88 (the in-effect Zoning By-law) and Zoning By-law 001-2021 (the new Comprehensive Zoning By-law) to seek approval from the Committee of Adjustment for relief for the following:

1. To permit an accessory/ancillary retail store having a maximum GFA of 550 m² as an accessory use to the experiential learning centre operating as part of the existing private high school, and in accordance with the provisions of By-law 1-88 and Council approved Zoning By-law 123-2021, for the Subject Lands shown on Attachment 2. This increased GFA for the retail store from 330 m² to 550 m² represents an increase in retail GFA from 3 % to 6% for the entire TDCHS Campus, and continues to be accessory to the main school use.
2. Change the zone on the Subject Lands under Zoning By-law 001-2021 from “U Utility Zone” to “Exception I1-1087”, to bring the Subject Lands under one common zone under the “Exception I1-1087” to By-law 001-2021, with the previously approved school and retail uses for the fire hall building and to increase the amount of retail GFA within the fire hall building from 330 m² to 550 m².

The Owner has indicated these variances are required to address zoning deficiencies under both Zoning By-laws as identified through the building permit review for occupancy of the retail space. The building permit was submitted following the adoption of By-law 001-2021 and does not comply to the zone provisions of By-law 001-2021. The zone mapping in Schedule A of By-law 001-2021 identifies the site within a “U Utility Zone” category and does not recognize the site-specific zone exception to Zoning By-law 1-88 enacted through By-law 123-2021 on September 27, 2021 to permit the accessory retail use on the Subject Lands.

Should Council approve the recommendation, the Minor Variance Application(s) will be submitted by the Owner, and reviewed and circulated to internal staff to determine if the variances meet the four tests identified in Section 45(1) of the *Planning Act*. The Owner would also be able to apply if necessary, for future zoning relief for the Subject Lands in the event other minor zoning matters arise within the prescribed two-year period in which the zoning by-law was amended.

The Development Planning Department can support the request to allow the Owner to submit a Committee of Adjustment application(s) on the basis the Minor Variance Applications are intended to implement the proposed use of the existing building as intended through Council’s approval of the original Zoning By-law Amendment Application Z.21.007 and implemented through the enactment of Zoning By-law 123-2021 approved by Council on September 27, 2021. The increase in GFA is a technical matter related to the building code calculations for retail space and does not increase the size of the existing building to accommodate the retail use. The retail use within the fire hall building will expand to 550 m², which represents 6% of the GFA for the entire TDCHS campus.

Item 8, Report No. 39, of the Committee of the Whole Report from September 14, 2021 supported the original Zoning Amendment Application Z.21.007 to permit the retail use and the implementing zoning by-law was enacted by Council under Zoning By-law 1-88. The increase in GFA continues to represent a GFA which is ancillary and accessory to the private school use. The increase in GFA continues to conform to Vaughan Official Plan 2010 for the Subject Lands.

It is not appropriate to address the Owner’s request to change the zone on the Subject Lands under Zoning By-law 001-2021 from “U Utility Zone” to “Exception I1-1087”, to bring the Subject Lands under one common zone under the “Exception I1-1087” to By-law 001-2021 through a Minor Variance Application. The City will review and address this request through a future technical amendment to By-law 001-2021 to apply the

correct zoning category to the Subject Lands.

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

There are no requirements from the York Region Community Planning Department regarding this request.

Conclusion

The Development Planning Department supports the request from the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which the Implementing Zoning By-law 123-2021 came into effect for the proposed amendments to By-law 1-88 for the increase in GFA. Should Council approve the recommendation, the Owner would be permitted to proceed with a Minor Variance Application(s) to the Committee of Adjustment to permit variances for the accessory retail use on the Subject Lands shown on Attachment 2. The Minor Variance Applications will be reviewed on their own merits ensuring that the requested variances meet the four tests of Section 45(1) of the *Planning Act*.

Development Planning Staff also support the Owner's request to amend By-law 001-2021 to include the Subject Lands with "Exception I1-1087" subject to the previously approved site-specific school and retail use provisions and the increase in retail GFA to 550 m² however, this request should be considered by Council. The City will address the second part of the Owner's request to bring the Subject Lands under one common zone under Exception I1-1087 through a future technical amendment to By-law 001-2021.

For more information, please contact: Laura Janotta, Planner, at ext. 8634.

Attachments

1. Context and Location Map
2. Existing Site Plan

Prepared by

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Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

A handwritten signature in cursive script, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by

A handwritten signature in cursive script, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager