



**TO:** Mayor and Members of Council

**FROM:** Biju Karumanchery, Acting Commissioner of Development Services

**PREPARED BY:** Marty Rokos, Senior Planner

**DATE:** July 14, 2021

**RE:** Nest (VS) GP Inc.  
**Applications for Zoning By-law Amendment and Draft Plan of Subdivision to permit 12 townhouses at 10165 Victoria Square Blvd (Ward 2)**  
**File Nos. ZA 19 179145, SU 19 179147**

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**RECOMMENDATION:**

1. That the memorandum titled “Applications for Zoning By-law Amendment and Draft Plan of Subdivision to permit 12 townhouses at 10165 Victoria Square Blvd (Ward 2)” be received;
2. That the draft Zoning By-law attached as Appendix ‘A’ to this memorandum be approved and enacted without further notice;
3. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and
4. That Staff be authorized to do all things necessary to give effect to the resolution.

**PURPOSE:**

This memo provides background information on technical corrections to By-law 2021-26, which was enacted by Council on March 31, 2021.

**BACKGROUND:**

The subject lands are located on the east side of Victoria Square Boulevard, north of Major Mackenzie Drive and east of Highway 404 (see Figure 1).

**Process to Date:**

On March 4, 2019, the owner submitted a complete application for a draft plan of subdivision and zoning by-law amendment to facilitate the development of 12 townhouse units (see Figure 2). A site plan application was also submitted. The implementing zoning by-law was enacted as By-law 2021-26 on March 31, 2021.

**Next Steps:**

- Following site plan endorsement, the owner will enter into a site plan agreement with the City and site plan approval will follow.
- Applications for common element condominium and part lot control will need to be submitted in the future.

**DISCUSSION:****Performance standards need to be corrected**

The zoning by-law was initially drafted following the second application submission. In that submission, the rear yard of the northernmost townhouse unit was 0.89 m. Following that submission, the owner incorporated updated flood mapping from the Toronto and Region Conservation Authority (TRCA) into their conceptual site plan. This increased the rear yards of the northernmost unit to 3.65 m. The updated setback was incorporated into the zoning by-law. The minimum visitor parking requirement was also removed from the by-law because the number of visitor parking spaces was in conformity with the Parking By-law and a site specific standard was not necessary. However, the by-law that was enacted was the previous version of the by-law based on the older concept plan and did not include the updated rear yard setback and included the unnecessary visitor parking requirement.

In addition to the above, the rear yard setback requirement in the existing by-law refers to the two most northerly and southerly dwelling units. This should be corrected from “dwelling units” to “townhouse dwelling units”. This ensures that the minimum rear yard setback applies to the correct rear yards in the event that an accessory dwelling unit is constructed.

An amending by-law is attached as Appendix “A” updating By-law 2021-26 to what was intended to be brought to Council for enactment. Legal staff have reviewed the proposed corrections and are satisfied that the updated by-law is technical in nature. Since it is a technical amendment, a public meeting is not required. However, a Notice of Passing will be sent out as with all zoning by-law amendments.

**CONCLUSION:**

The by-law proposed to be enacted corrects the errors in By-law 2021-26 and is recommended to be enacted by Council.

**ATTACHMENTS:**

Figure 1 – Location Map

Figure 2 – Proposed Site Plan

**APPENDICES:**

Appendix “A” – Draft Zoning By-law Amendment