

Memorandum to the City of Markham Committee of Adjustment
March 3, 2023

File: A/250/22
Address: 17 Anna Russell Way, Markham
Applicant: Minto Communities Inc. (Anderson Marques)
Agent: Minto Communities Inc. (Anderson Marques)
Hearing Date: Wednesday, March 8, 2023

The following comments are provided on behalf of the Central Team.

The Applicant is requesting relief from the “Residential Three *594 (Hold) [R3*594(H)]” zone requirements of By-law 177-96, as amended, as it relates to Blocks 4-7 (38 residential units) of back-to-back townhouse units within a proposed 119-unit townhouse development. The variance requested is to permit:

a) Section 7.594.2 (i):

a maximum building height of 12.5 metres and 4 storeys for multiple dwellings (back-to-back townhouse units), whereas the by-law permits a maximum height of the lesser of 12 metres or 3 storeys.

This application is related to a Site Plan Control Application (File: SPC 22 116603), which is currently under review.

BACKGROUND

Property Description and Background

The 2.84 ha (7.02 ac) subject lands are located west of Eureka Street, generally north of Highway 7 (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are surrounded by established residential neighbourhoods to the east, north and west. Mid rise residential buildings (Union Villa Long Term Care facility, Wyndham Gardens seniors apartment building and York Region’s affordable rental apartment and senior-friendly community centre, which is currently under construction) are located to the south of the Subject Lands.

Proposal and Background Information

Applications for site specific Zoning By-law Amendment (File: ZA 17 178335) and Draft Plan of Subdivision (File: SU 17 178335) have previously been approved on the Subject Lands, which permit the proposed townhouse development and public park.

A Site Plan Control Application (File: SPC 22 116603), is currently under review for the proposed development consisting of 119 residential units (81 traditional

townhouses and 38 back-to-back townhouse units) and public park (the “Proposed Development”).

The four blocks (Blocks 4-7) located in the centre of the Subject Lands (identified in pink on the site plan attached in Appendix “B”), which consist of multiple dwellings (the “back-to-back townhouse units”) are the subject of this Minor Variance Application.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Subject Lands are designated “Residential Mid Rise”, which are areas characterized primarily by mid-rise residential buildings that provide for a diversity of housing mix and building types and are intended to provide opportunities for modest levels of intensification, adjacent to established ‘Residential’ areas. This designation permits a wide range of uses including townhouses (including back-to-back townhouses), small multiplex buildings, stacked townhouses and apartment buildings. Section 8.2.4.4 permits a minimum building height of 3 storeys and a maximum building height of 6 storeys in this designation. Planning Staff have had regard for the requirements of the Official Plan in the preparation of the comments below.

Zoning By-Law

The Subject Lands are zoned “Residential Three *594 (Hold) [R3*594(H)]” and “Open Space One (OS1)” under By-law 177-96, as amended. The R3*594(H) zone permits townhouse dwellings, multiple dwellings (including back-to-back townhouses), home occupation and home child care, and has a maximum building height of the lesser of 3 storeys or 12 metres. The OS1 zone permits the proposed public park. The proposed back-to-back townhouses do not comply with the by-law requirements with respect to the maximum building height.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the Applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Building Height

The Applicant requests relief to permit a maximum building height of 12.5 metres and 4 storeys for the back-to-back townhouse units, whereas the by-law permits a maximum height of the lesser of 12 metres or 3 storeys. This represents an increase of 0.5 metres (1.6 feet) in building height.

The four proposed blocks of back-to-back townhouse units are located in the centre of the Subject Lands and are not located adjacent to the existing low rise residential neighbourhood (refer to Appendix "B").

The back-to-back townhouse units include a private rooftop terrace, which offers homeowners private outdoor amenity space. The rooftop terraces are accessed from an enclosed staircase from the third floor, and are technically considered an additional fourth storey under the Zoning By-law. As previously noted, the "Residential Mid Rise" designation permits a minimum building height of 3 storeys and a maximum building height of 6 storeys.

Staff note that building height is measured based on established grade. The Applicant is proposing to amend the by-law to permit the 0.5 metres (1.6 feet) increase in building height (a maximum building height of 12.5 m) to account for the various grading changes throughout the site.

Staff are of the opinion that the proposed variance for maximum building height / number of storeys to facilitate access to the rooftop terrace is minor and meets the general intent of the Official Plan and that the purpose of the Zoning By-law is maintained. Staff have no objections to the approval of the requested variance.

PUBLIC INPUT SUMMARY

As of March 3, 2022, the City received one (1) letter of objection for the submission that is the subject of this minor variance report. The letter of opposition expressed concern over the proposed variance for additional height.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the *Planning Act* and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the Applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

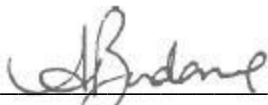
Please refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District

REVIEWED BY:



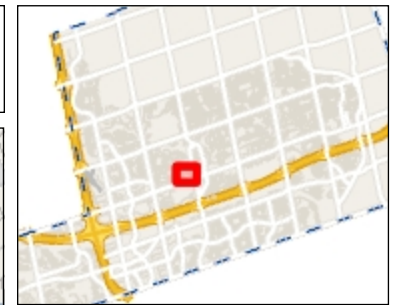
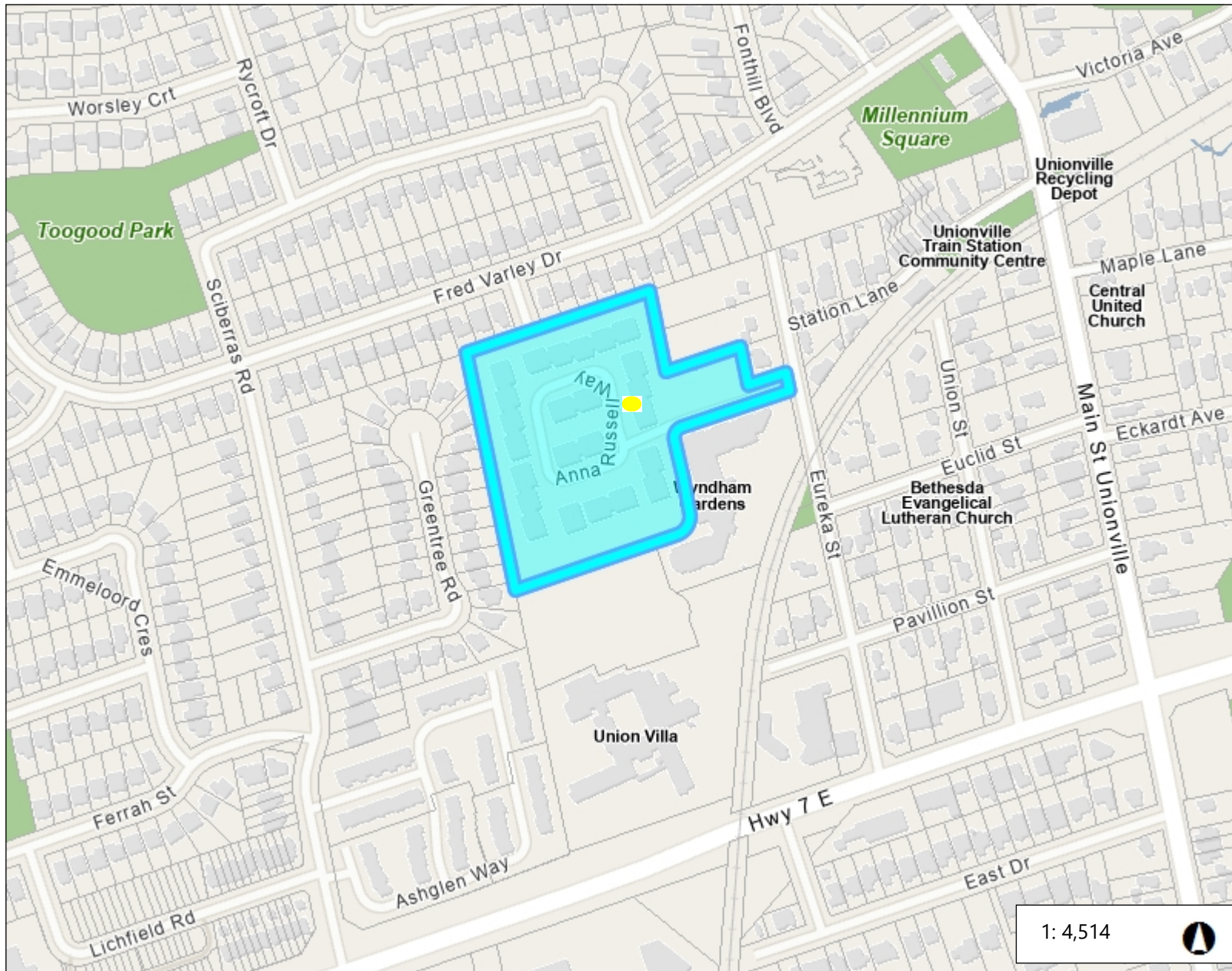
Sabrina Bordone, MCIP RPP, Development Manager, Central District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – Conditions of Approval



Legend

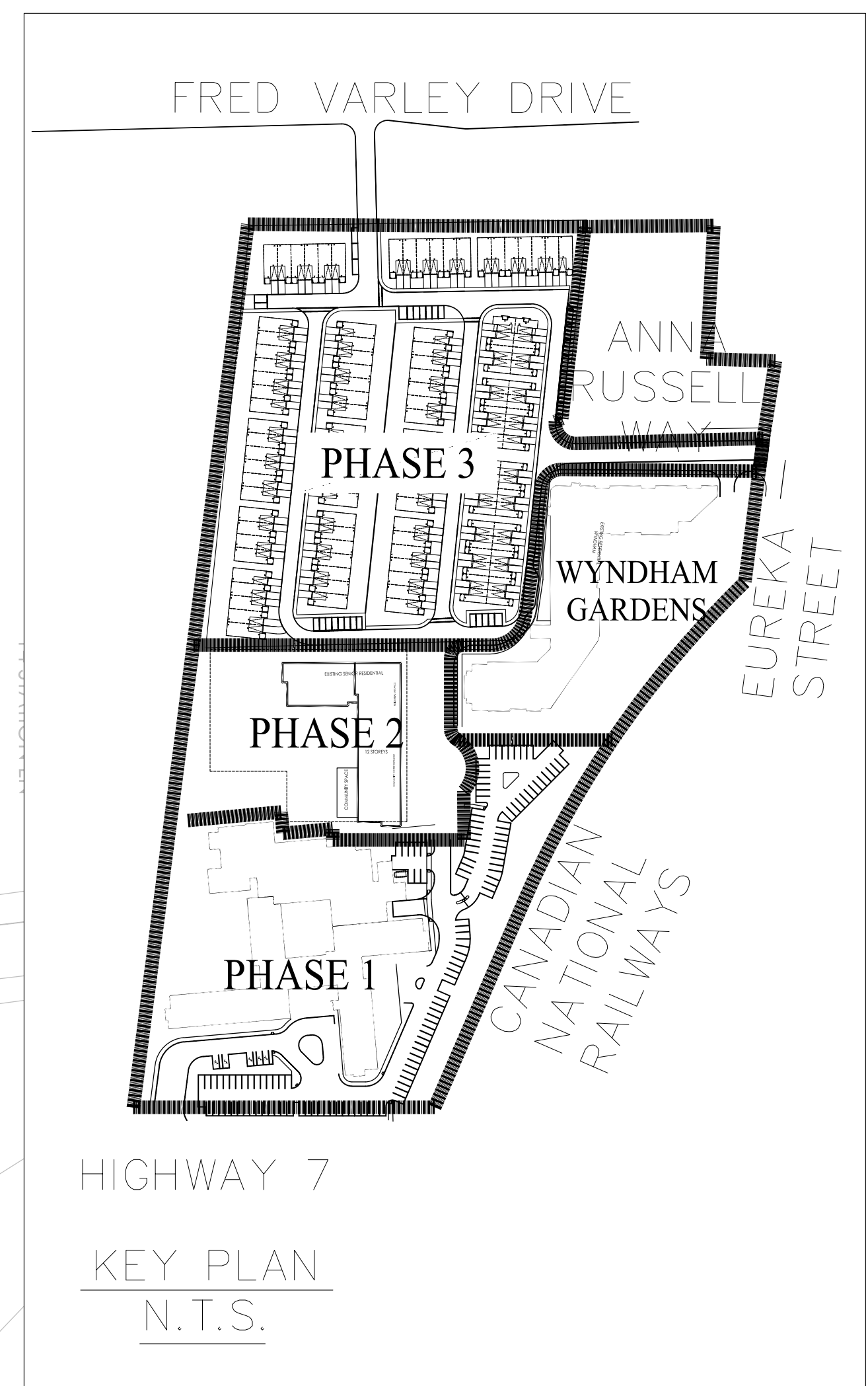
Subject Land

1: 4,514



229.3 0 114.66 229.3 Meters

Notes



LEGEND

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| TFW | TOP OF FOUNDATION WALL | + | CHANGING PIT |
| TS | TOP OF EXISTING TIE | + | EXISTING TIE (TO BE RETAINED) |
| USP | UNDER BASE FOOTING | + | EXISTING TIE (TO BE REMOVED) |
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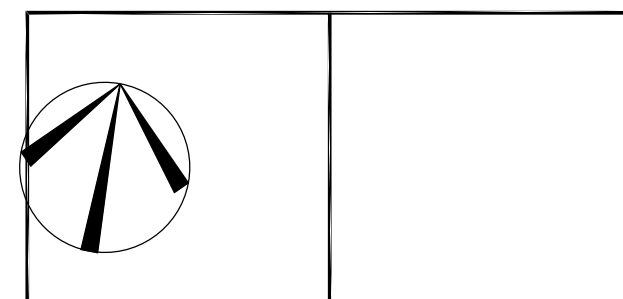
Back to back towns: ██████████

| SITE STATISTICS | | |
|--------------------|-------------------------|---------|
| ZONE: R3*594 | | |
| SITE AREA | 28447.55 m ² | 2.84 Ha |
| TOWNS | 81 | |
| BACK TO BACK TOWNS | 38 | |
| TOTAL NO. OF UNITS | 119 | |
| DENSITY | 42 UPH | |

| PARKING STATS | |
|---------------|------------------------|
| PROVIDED | |
| RESIDENTIAL | 238 (2 SPACE / UNIT) |
| VISITOR | 30 (0.25 SPACE / UNIT) |
| BARRIER FREE | 2 |

| ISSUED OR REVISION COMMENTS | | | |
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| NO. | DESCRIPTION | DATE | OWN/CHK |
| 1 | CONCEPT 1 - ISSUED FOR CLIENT REVIEW | 12-JAN-2022 | RP |
| 2 | ISSUED FOR PRE-CON | 08-APR-2022 | RP |
| 3 | ISSUED FOR 1ST SUBMISSION | 27-APR-2022 | RP |
| 4 | ISSUED FOR REVERANCE APPLICATION | 02-JUN-22 | DA RP |

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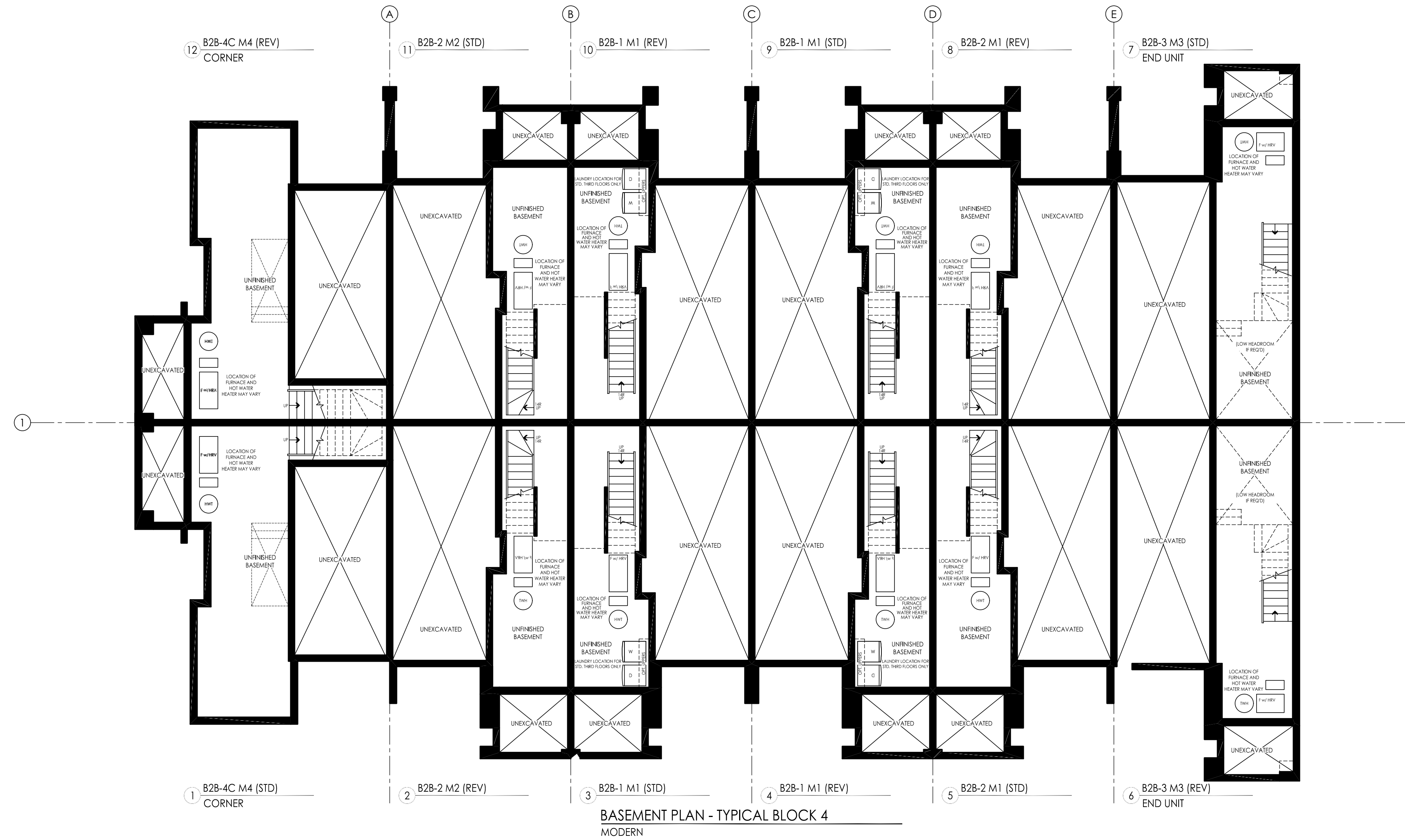


CLIENT
MINTO COMMUNITIES

PROJECT/LOCATION
 CITY APPLICATION NO: 22.116603.000.00.SPC
CITY OF MARKHAM
 "DEVELOPMENT SERVICES"

DRAWING
SITE PLAN

| | |
|-------------------------|-------------------------|
| DATE 29-NOV-2022 | SCALE 1:500 |
| DRAWN BY RP | CHECKED BY RP |
| PROJECT NUMBER 22001 | DRAWING NUMBER SP100 |



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 Tel: 905-738-3177
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DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT AS A MEMBER OF RN DESIGN LTD UNDER THE PROFESSIONAL ENGINEERING ACT, R.S.O. 1990, CHAPTER 122, SECTION 127.1(1).
PRELIMINARY-NOT FOR CONSTRUCTION
 DATE/TIME: _____
 SIGNATURE: _____

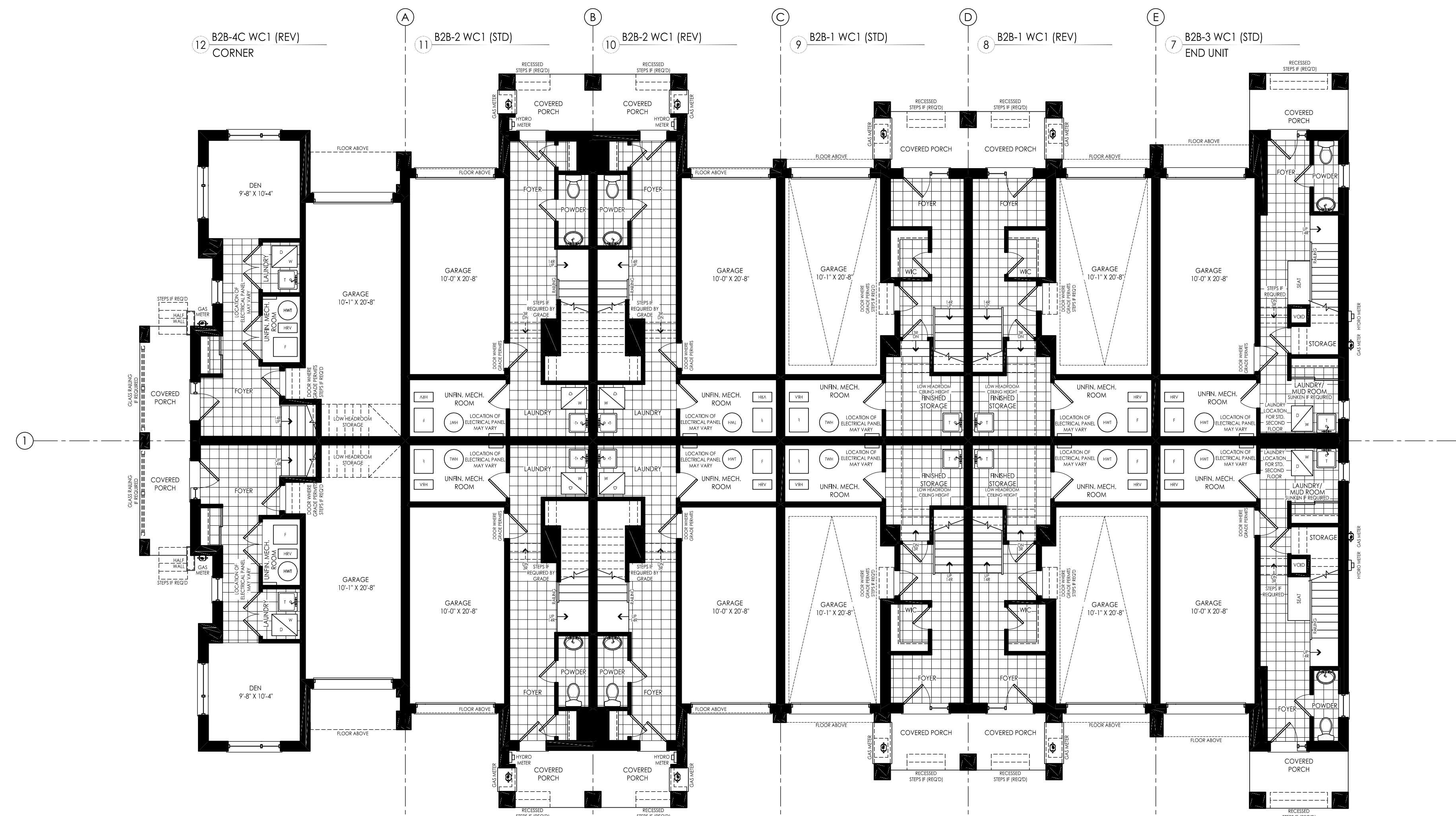
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client: Minto Communities - Canada
 project: UHS Markham
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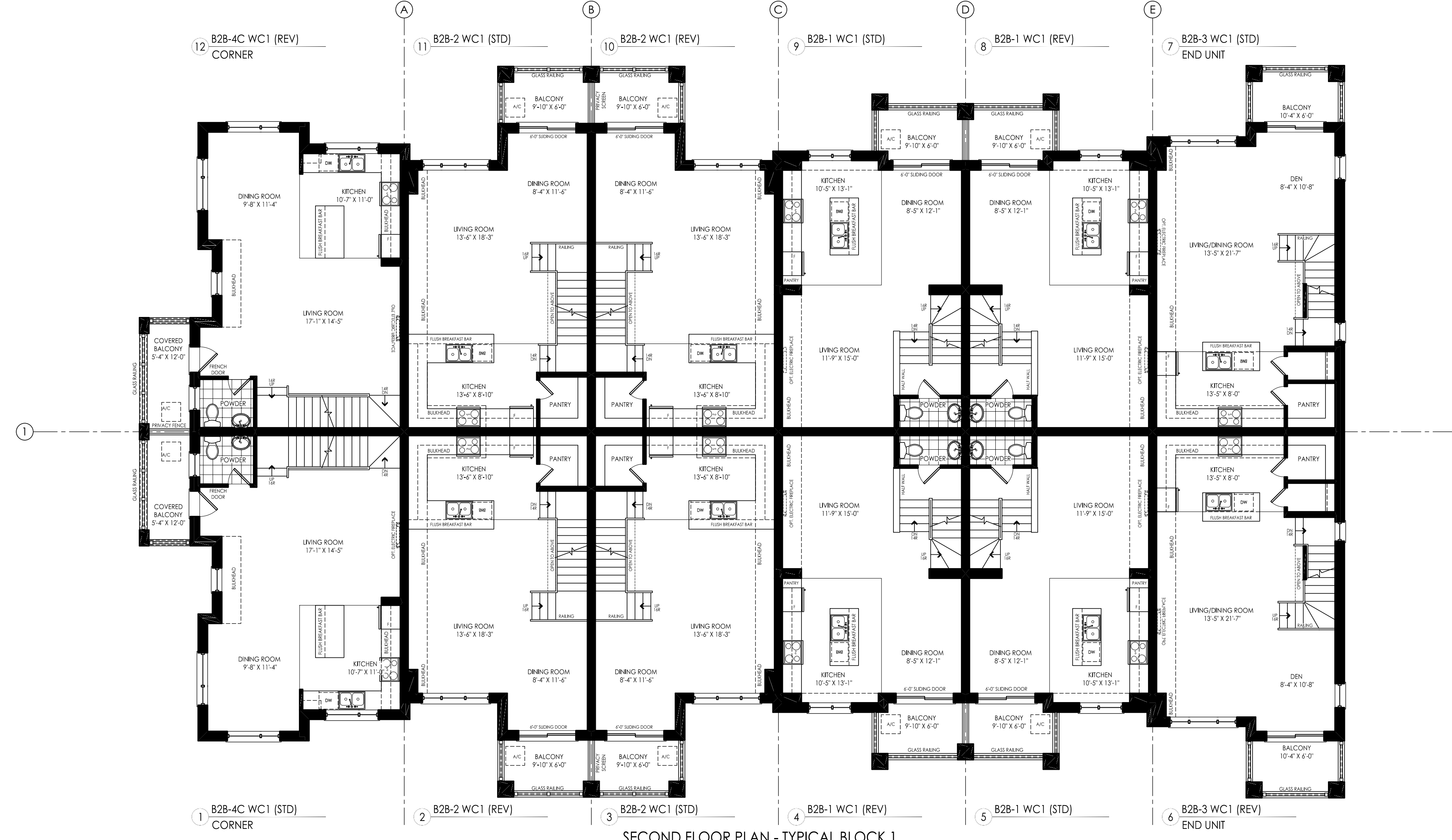


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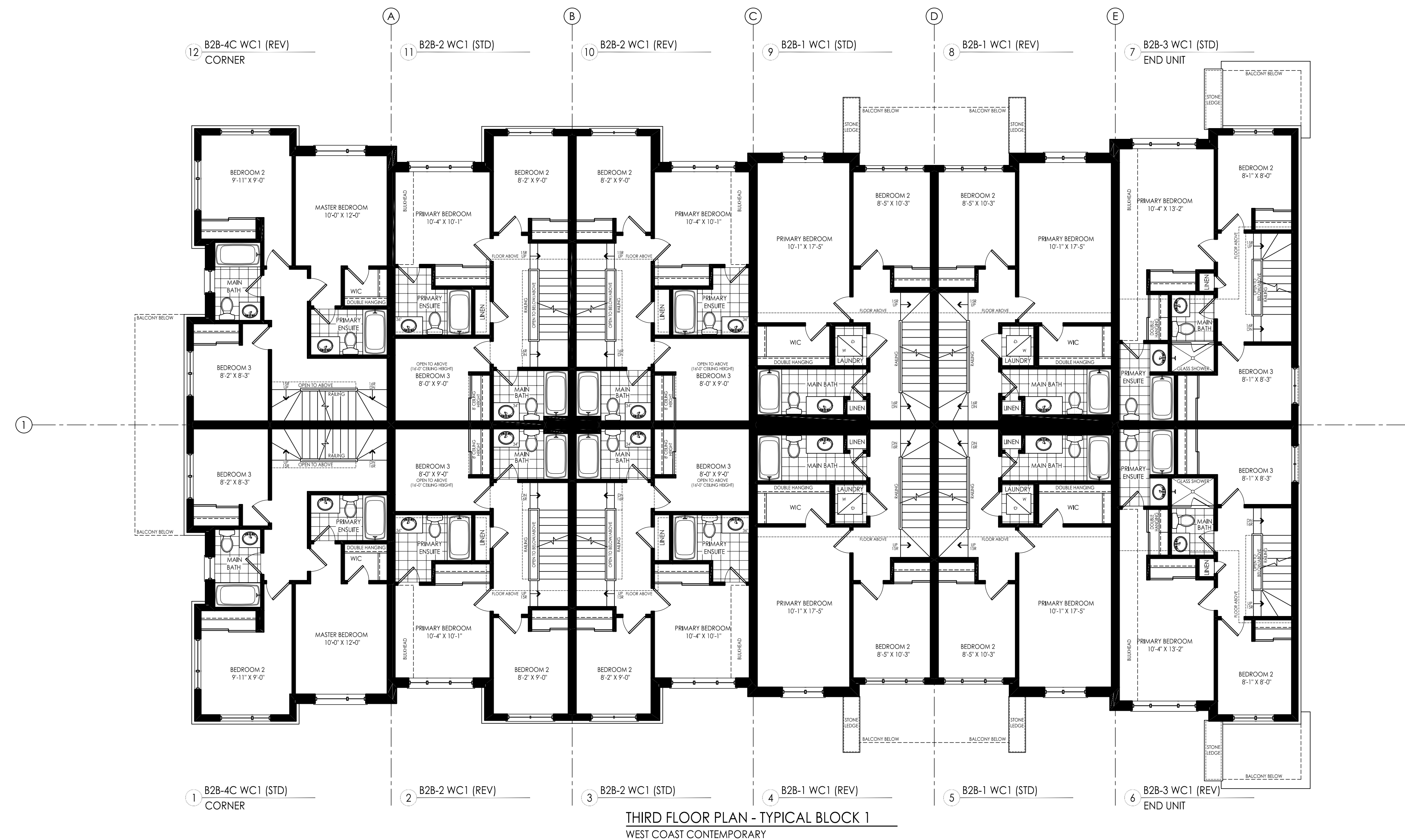
GROUND FLOOR PLAN - TYPICAL BLOCK 1



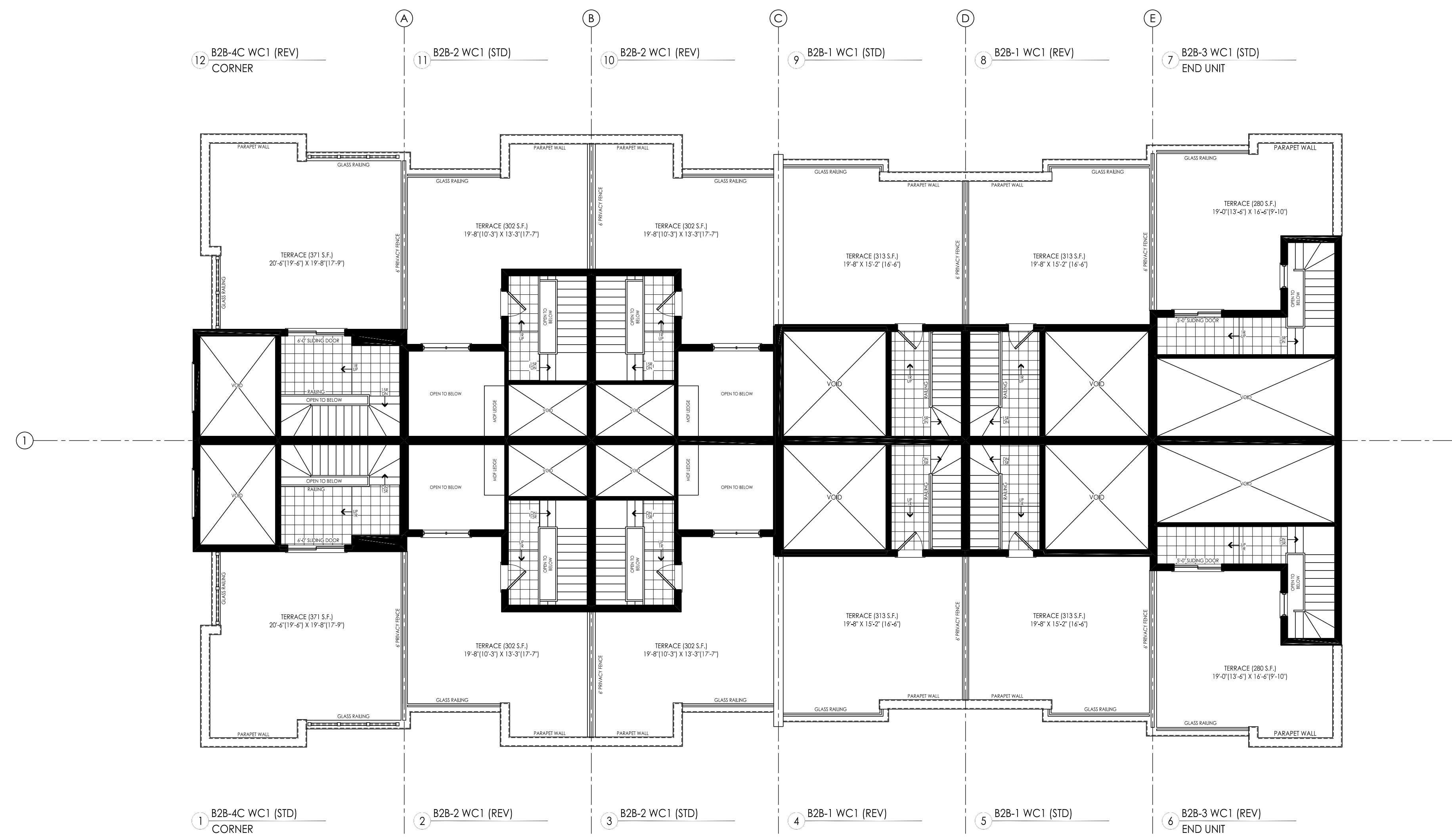
SECOND FLOOR PLAN - TYPICAL BLOCK 1
 WEST COAST CONTEMPORARY

| # | revisions | date | chm | chk |
|---|-----------------------------|----------|-----|------|
| 1 | ISSUED FOR CLIENT REVIEW | 18/04/22 | NMM | SHAF |
| 2 | REVISED PER CLIENT COMMENTS | 30/04/22 | NMM | SHAF |
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client: Minto Communities - Canada
 project: UHS Markham
 model: B2B-TYPICAL BLOCK
 project #: 22001
 scale:
 page:



THIRD FLOOR PLAN - TYPICAL BLOCK 1
 WEST COAST CONTEMPORARY



THIRD FLOOR PLAN - TYPICAL BLOCK 1
 WEST COAST CONTEMPORARY



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I DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DRAWING. BY SIGNING OF THIS DRAWING I UNDERSTAND THAT I AM RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
PRELIMINARY - NOT FOR CONSTRUCTION
 DATE/TIME: _____
 SIGNATURE: _____

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| 1 | ISSUED FOR CLIENT REVIEW | 18 Jun 22 | NMM | SHW |
| 2 | REVISED PER CLIENT COMMENTS | 30 Jun 23 | NMM | SHW |
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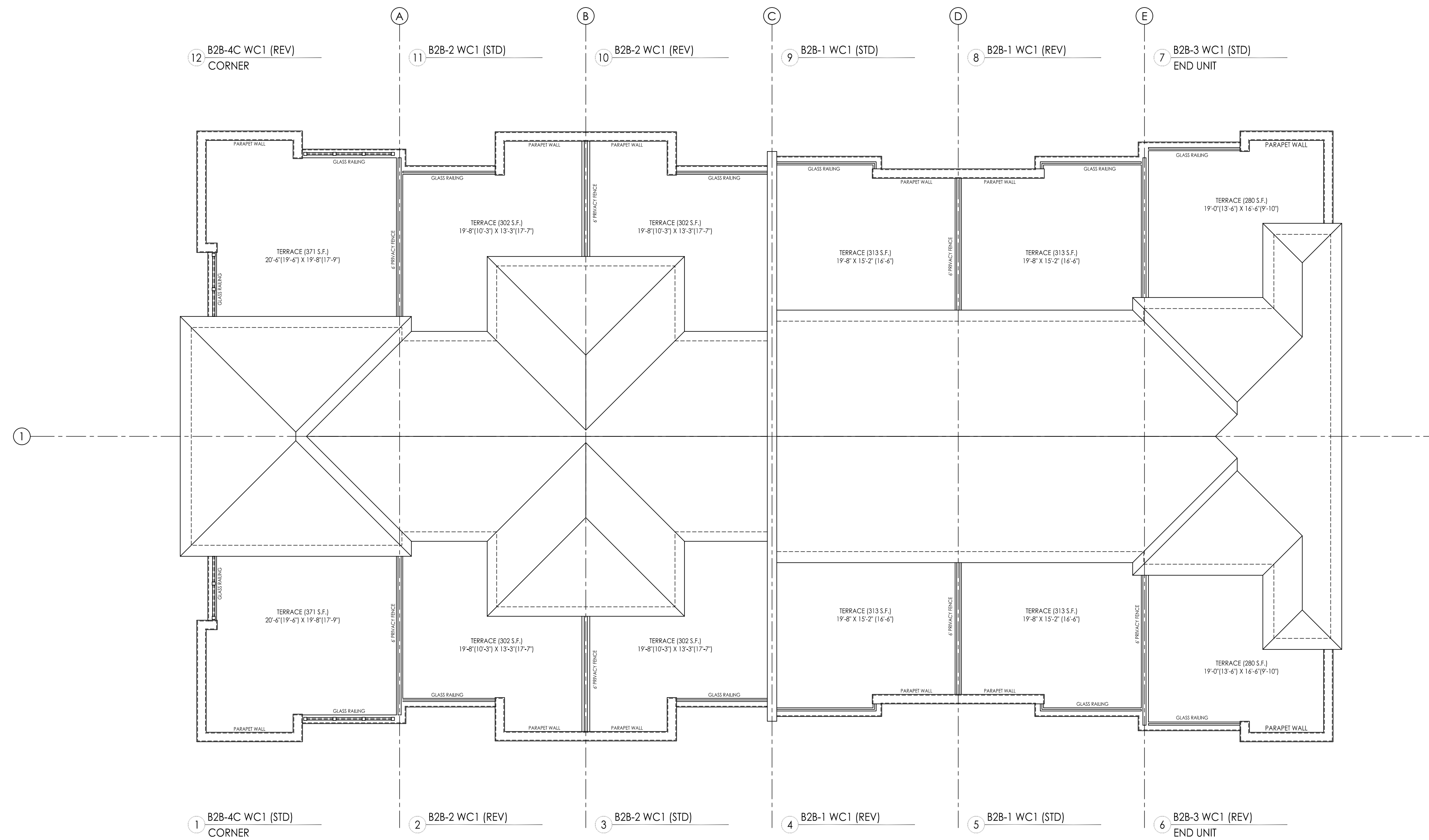
client: Minto Communities - Canada
 project: UHS Markham
 model: B2B-TYPICAL BLOCK
 project #: 22001
 scale: _____
 page: _____



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Tel: 905-738-3177
WWW.THEPLUSGROUP.CA

I DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT AND I AM A MEMBER OF THE REGISTERED PROFESSIONAL ENGINEERS OF ONTARIO. I AM NOT PROVIDING ENGINEERING SERVICES TO ANY OTHER PROJECTS AT THE SAME TIME.
DATE/TIME: _____
SIGNATURE: _____

PRELIMINARY-NOT FOR CONSTRUCTION



ROOF PLAN - TYPICAL BLOCK 1
WEST COAST CONTEMPORARY

| # | revisions | date | drawn | chk |
|---|-----------------------------|-------------|-------|-----|
| 1 | ISSUED FOR CLIENT REVIEW | 18 Jun 22 | NMM | SHR |
| 2 | REVISED PER CLIENT COMMENTS | 30 Jun 2022 | NMM | SHR |
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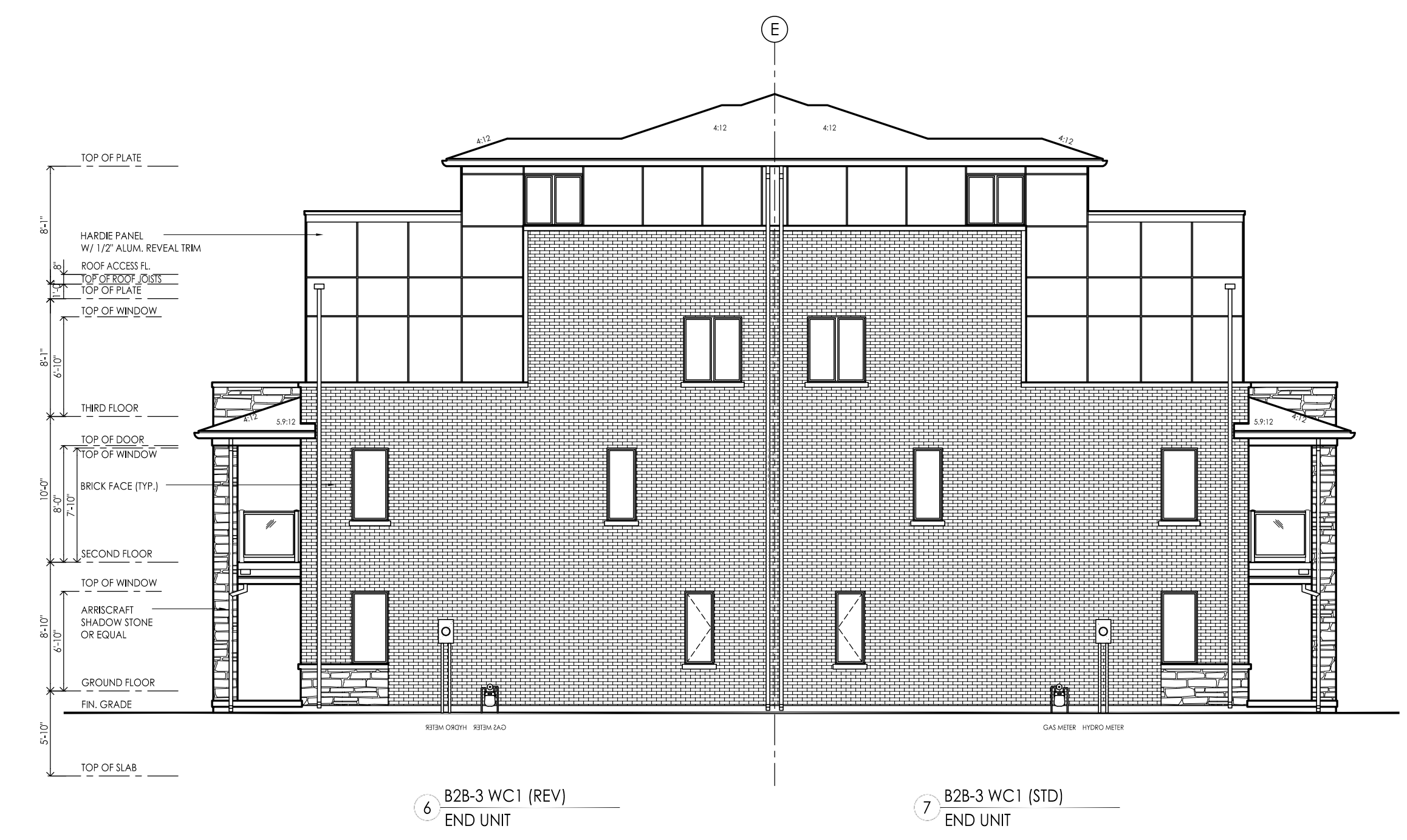
client: Minto Communities - Canada
project: UHS Markham
model: B2B-TYPICAL BLOCK
project #: 22001
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FRONT ELEVATION - TYPICAL BLOCK 1
 WEST COAST CONTEMPORARY



LEFT SIDE ELEVATION - TYPICAL BLOCK 1
 WEST COAST CONTEMPORARY



RIGHT SIDE ELEVATION - TYPICAL BLOCK 1



REAR ELEVATION - TYPICAL BLOCK 1
 WEST COAST CONTEMPORARY

DECLARE THAT I HAVE REVIEWED AND TAKEN DESIGN RESPONSIBILITY FOR THE DESIGN OF THIS PROJECT.
 I AM A REGISTERED ARCHITECT UNDER THE ARCHITECTS ACT, 1991 (R.S.O. 1990, c. 12) AND I AM A MEMBER OF THE ARCHITECTS ASSOCIATION OF ONTARIO (AAO) AND THE ARCHITECTS ASSOCIATION OF CANADA (AAC).

PRELIMINARY - NOT FOR CONSTRUCTION

DATE: _____
 SIGNATURE: _____

| # | REVISIONS | DATE | CHK | CHK |
|---|-----------------------------|-------------|-----|------|
| 1 | ISSUED FOR CLIENT REVIEW | 24 Feb 2023 | NMM | SHAF |
| 2 | REVISED PER CLIENT COMMENTS | 4 Apr 2023 | NMM | SHAF |
| 3 | REVISED PER CLIENT COMMENTS | 30 Jun 2023 | NMM | SHAF |
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client: Minto Communities - Canada
 project: UHS Markham
 model: B2B-TYPICAL BLOCK
 project #: 22001
 scale:
 page:

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/250/22

1. The variance applies only to the proposed development as long as it remains; and,
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” to this Staff Report, or further revised by any site plan ‘endorsed’ or ‘approved’ drawings, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



Deanna Schlosser, MCIP RPP, Senior Planner, Central District