

# Memorandum to the City of Markham Committee of Adjustment

December 07, 2023

**Files:** A/200/23, A/201/23, A/202/23  
**Address:** 253 Helen Avenue, 255 Helen Avenue, 257 Helen Avenue  
**Owner:** Glenn Baron  
**Agent:** David Johnston Architect Ltd. (David Johnston)  
**Hearing Date:** Wednesday, December 13, 2023

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

The Applicant is requesting relief from the following requirements of the “Residential Two, Exception 418 (R2\*418) Zone” in By-law 177-96, as amended, as it relates to three proposed detached dwellings. The variances requested are to permit the following:

## **A/200/23 253 Helen Avenue**

- a) **By-law 177-96, Section 5, Table B2 (Part 1 of 3) C:**  
a maximum garage width of 6.1 metres, whereas the By-law permits a maximum garage width of 3.5 metres for lots with a lot frontage of less than 11.6 metres.

## **A/201/23 255 Helen Avenue**

- b) **By-law 177-96, Section 5, Table B2 (Part 1 of 3) C:**  
a maximum garage width of 6.1 metres, whereas the By-law permits a maximum garage width of 3.5 metres for lots with a lot frontage of less than 11.6 metres.

## **A/202/23 257 Helen Avenue**

- c) **By-law 177-96, Section 5, Table B2 (Part 1 of 3) C:**  
a maximum garage width of 6.1 metres, whereas the By-law permits a maximum garage width of 3.5 metres for lots with a lot frontage of less than 11.6 metres.

## **Background**

### **Property Description**

253 Helen Avenue, 255 Helen Avenue and 257 Helen Avenue are three vacant properties (the “Subject Lands”) located on the south side of Helen Avenue, generally located east of Kennedy and north of Highway 407, as shown in Figure 1a, 1b and 1c. The Subject Lands are located within an established residential neighbourhood that is primarily comprised of a mix of one and two-storey single detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

## **Proposal**

The Applicant is requesting relief from the Zoning By-law to permit a maximum garage width of 6.1 metres to permit larger width garages on the Subject Lands.

## **Official Plan and Zoning**

### **Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)**

The Official Plan designates the Subject Lands “Residential Low Rise”, which permits low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. Regard shall also be had for the retention and enhancement of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### **Zoning By-Law 177-96, as amended**

The Subject Lands are zoned “Residential Two, Exception 418 (R2\*418)” in Zoning By-Law 177-96, as amended, which permits single detached dwellings. Table B2 (Part 1 of 3) C, restricts the maximum garage width on a lot with frontage less than 11.6 metres to 3.5 metres.

### **Zoning Preliminary Review (ZPR) - Not Undertaken**

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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:

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

### **Increase in Maximum Garage Width**

As noted previously, the Subject Lands are zoned R2\*418 in Zoning By-Law 177-96, as amended, which restricts the maximum garage width on a lot with frontage less than 11.6 metres to 3.5 metres. The Applicant is requesting an increase in the maximum garage width, from 3.5 metres to a maximum garage width of 6.1 metres.

Each of the three properties have a lot frontage of approximately 10.34 metres. Staff note that there are similarly sized lots located in proximity to the Subject Lands, which have zoning that permits a maximum garage width of 6.1 metres on lots with a lot frontage of 10 metres or greater.

Staff are of the opinion that the proposed increase in the maximum garage width will not significantly add to the scale or massing of the future proposed dwellings and is generally consistent with the By-law. Staff are of the opinion that the requested variance will not compromise the existing character of the community.

### **Public Input Summary**

No written submissions were received as of December 7, 2023. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

### **Conclusion**

Planning Staff have reviewed the three applications 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 variances requested for 253 Helen Avenue, 255 Helen Avenue and 257 Helen Avenue 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.

PREPARED BY:



---

Deanna Schlosser, RPP MCIP, Senior Planner, Central District

REVIEWED BY:



---

Melissa Leung, RPP MCIP, Senior Planner, Central District

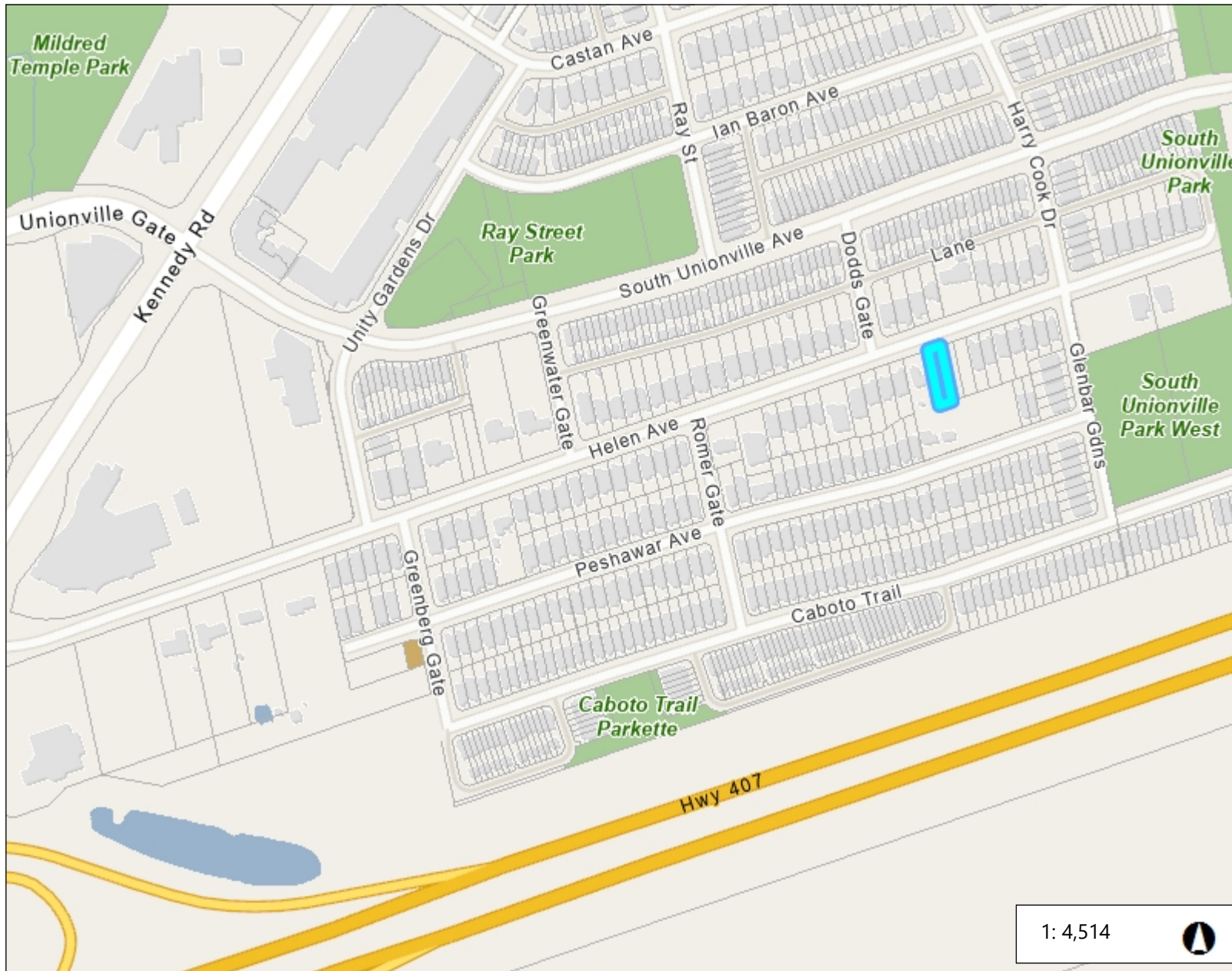
Attachment

Figure 1a: Location Map, 253 Helen Avenue

Figure 1b: Location Map, 255 Helen Avenue

Figure 1c: Location Map, 257 Helen Avenue

Figure 1a: Location Map, 253 Helen Avenue



Legend

-  253 Helen Avenue

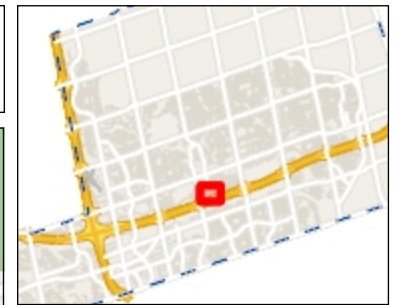
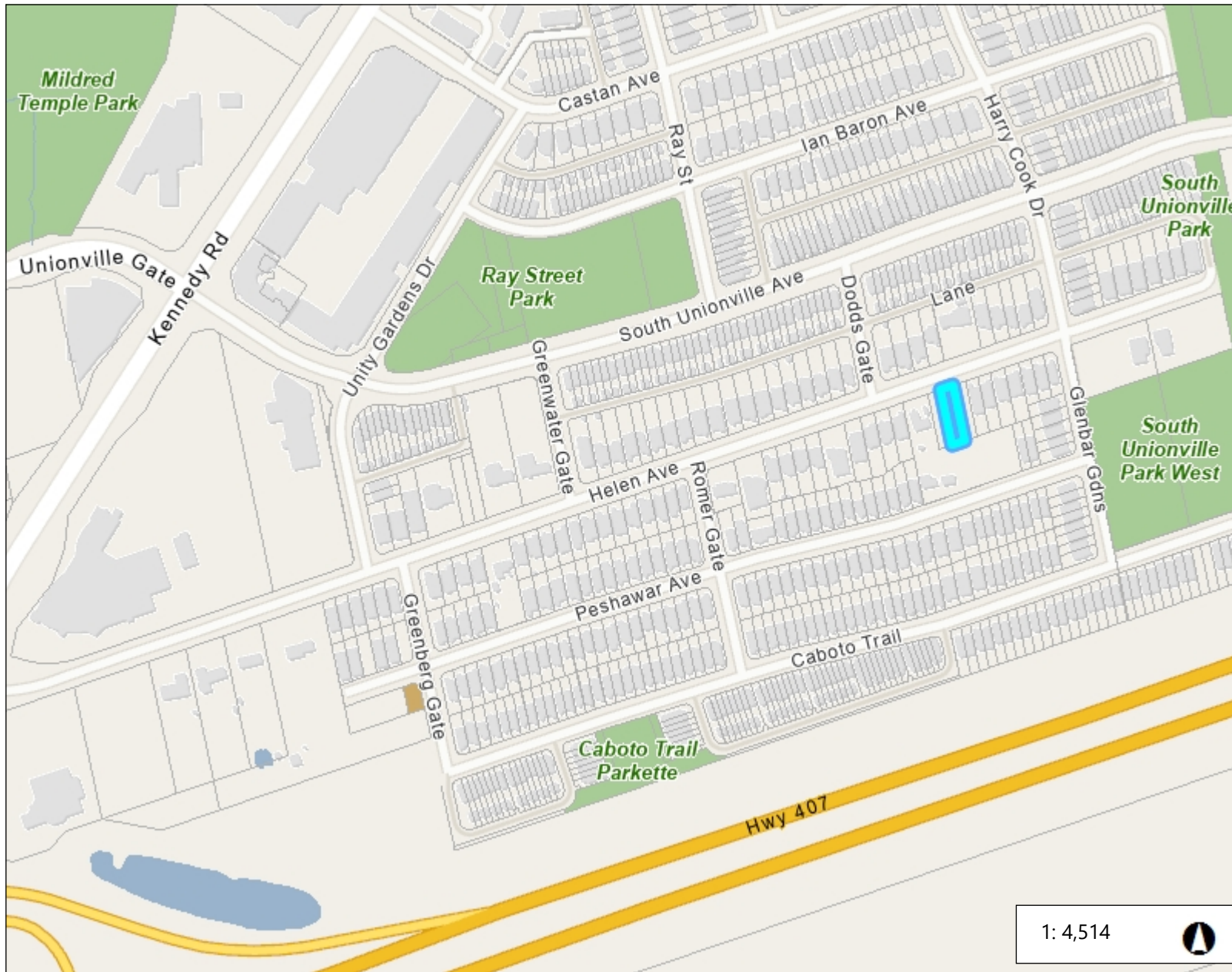
1: 4,514



229.3 0 114.66 229.3 Meters

Notes

Figure 1b: Location Map, 255 Helen Avenue



Legend

-  255 Helen Avenue

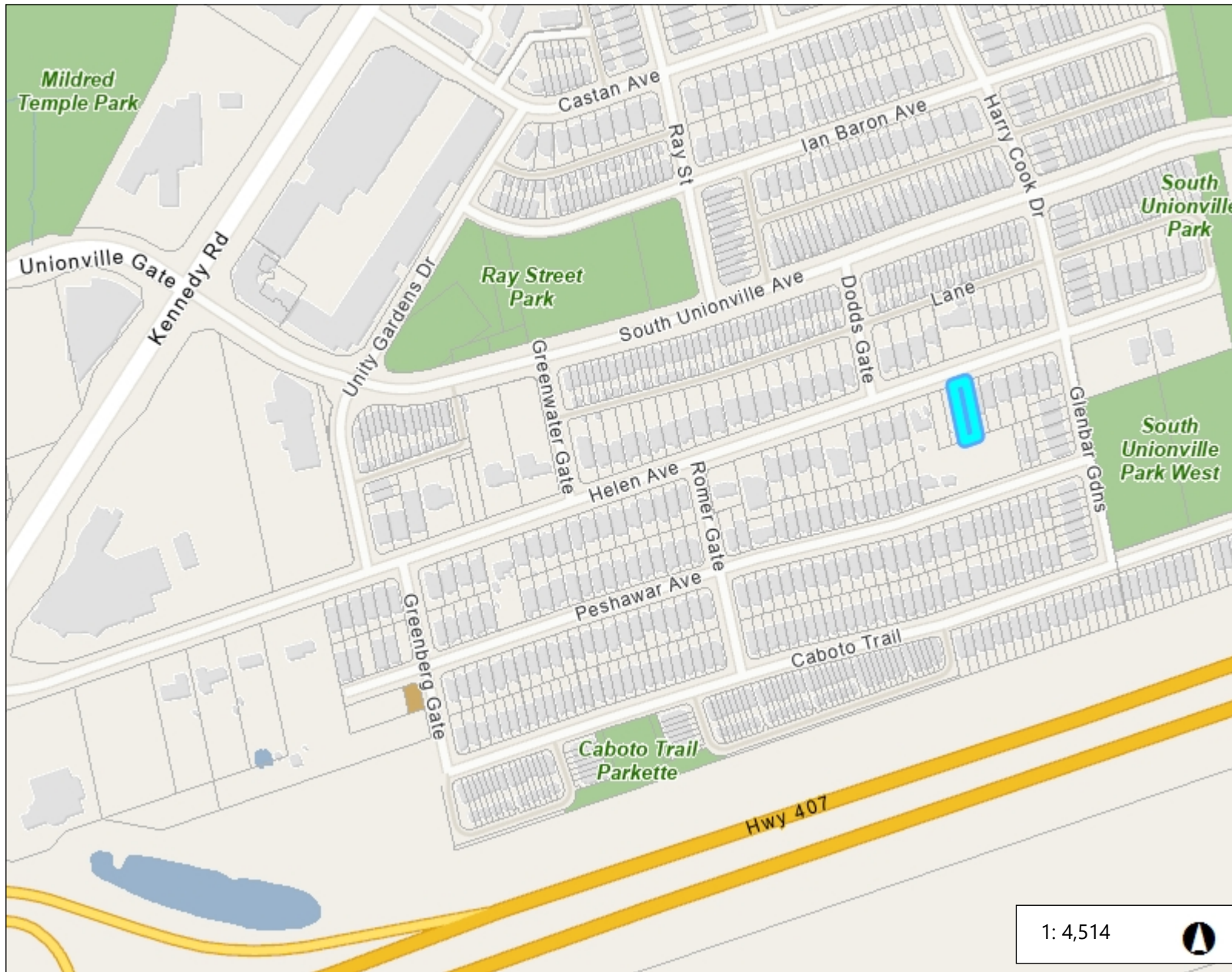
1: 4,514



229.3 0 114.66 229.3 Meters

Notes

Figure 1c: Location Map, 257 Helen Avenue



Legend

-  257 Helen Avenue

1: 4,514



229.3 0 114.66 229.3 Meters

Notes