#### **Memorandum to the City of Markham Committee of Adjustment** March 08, 2021

File:	A/103/20
Address:	Donald Cousens Pky, Markham
Applicant:	Humbold Valley Greensborough Holdings Limited
Agent:	KLM Planning Partners Inc.
Hearing Date:	Wednesday April 7, 2021

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following Residential Two Exception \*630 (R2\*630) zone requirements of By-law 177-96, as amended, to permit the following as they relate to 147 townhouse units which are part of a common element condominium development (also being reviewed concurrently under Site Plan Application File (SC 10 132123):

- a) a minimum townhouse dwelling width of 5.8 m, whereas the By-law requires a minimum width of 5.9 m (Amending By-law 2019-109, Section 7.630.2 d); and
- b) a maximum height of 13 m, whereas the By-law permits a maximum height of 12 m (Amending By-law 2019-109, Section 7.630.2 e).

## BACKGROUND

## **Property Description**

The subject lands front onto the east side of Donald Cousens Parkway (DCP), is located south of Major Mackenzie Drive, west of Ninth Line and, north of Castlemore Avenue. The site has an area of approximately 3.1 hectares (7.7 acres) (Figure 1). There is no significant vegetation on the subject property, which is currently vacant.

Surrounding land uses include:

- A stormwater management pond, the Little Rouge Creek, Ninth Line and the Rouge National Urban Park are located to the east of the subject land.
- The Cornerstone Community Church and a proposed mid-rise building (6 storeys) are located to the south.
- Low-density residential development consisting of single-detached dwellings exist across DCP, to the west.
- A future public park, Little Rouge Creek valleylands and woodlands, and residential development comprised of semi-detached and townhouse dwellings up to three (3) storeys in height are located to the north-west.

## Proposal

The applicant is proposing to construct a common element condominium townhouse development comprised of 121 back-to-back townhouses and 26 townhouses with rear yards. This development is being reviewed concurrently under City Site Plan application file SC 10 132123. The proposed development will also include a private central common amenity area for the residents adjacent to the future public park to the north. There will be rooftop terraces on each of the back-to-back townhouses. Optional floor plans will also be offered to include a bedroom, bathroom and kitchenette on the main floor, which will appeal to a more diverse range of age groups including seniors as well as offer opportunities for independent living and rental which are City objectives.

## Official Plan and Zoning

The subject land is designated "Residential Mid Rise" and "Greenway" in the City's 2014 Official Plan (as partially approved on November 24<sup>th</sup>, 2017 and further updated on April 9<sup>th</sup>, 2018) (the "City's 2014 Official Plan"). The "Residential Mid Rise" designation allows townhouses, including back-back townhouses, and contemplates a building height ranges between three (3) and eight (8) storeys with a maximum Floor Space Index (FSI) of 2.0. The proposed development conforms to the Official Plan.

The subject land is zoned "Residential Two Exception \* 630 (R2\*630)" and "Open Space One (OS1)" in Zoning By-law 177-96, as amended. The applicable zoning was approved as a site-specific amendment in 2019 to permit this development and implement its proposed built form. The latest zoning review of the concurrent site plan review however, has identified non-conformities with respect to some of the townhouse unit widths and building heights. Consequently, the applicant has submitted a variance application to address these non-conformities.

### 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.

#### Site Plan Endorsement

The above noted Site Plan application (SC 10 132123), was endorsed in principle and delegated final approval to Staff by the Development Services Committee on October 15, 2019. The applications to amend the Official Plan, Zoning By-law, and Draft Plan of Subdivision for the proposed development were approved by Council on October 29<sup>th</sup>, 2019. The revised Site Plan application that contemplates the proposed minor variances is currently under review and will receive site plan endorsement should the Committee of Adjustment approve the proposed minor variances.

#### Reduction in Unit Width

The proposed reduction in the unit width applies to no more than 26 townhouses out of the total 147 townhouses proposed. The proposed reduction in the unit width is minimal and will still provide sufficient unit/lot widths to achieve the internal streetscape and tree planting envisioned for this particular development. Staff are of the opinion that approval of the requested variance will not negatively impact the building elevations and visual appeal which have been reviewed and accepted by City staff.

#### Increase in Height

The proposed increase in height of one (1) metre (3.28 feet) will not have any adverse impacts on surrounding existing and, proposed development to the south, west and northwest. The maximum three (3) storey homes conform to the Official Plan and maintains the intent of the Zoning By-law. Staff are of the opinion that the proposed height increase is appropriate for the proposed development.

Staff are in support of the proposed development, which has been reviewed extensively through multiple development applications including the current site plan application. Staff therefore, recommend approval of the proposed variances.

#### PUBLIC INPUT SUMMARY

No written submissions were received as of March 25<sup>th</sup>, 2021. 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 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

Stacia Muradali, Development Manager, East District

**REVIEWED BY:** 

Con

Stephen Corr, Senior Planner, East District

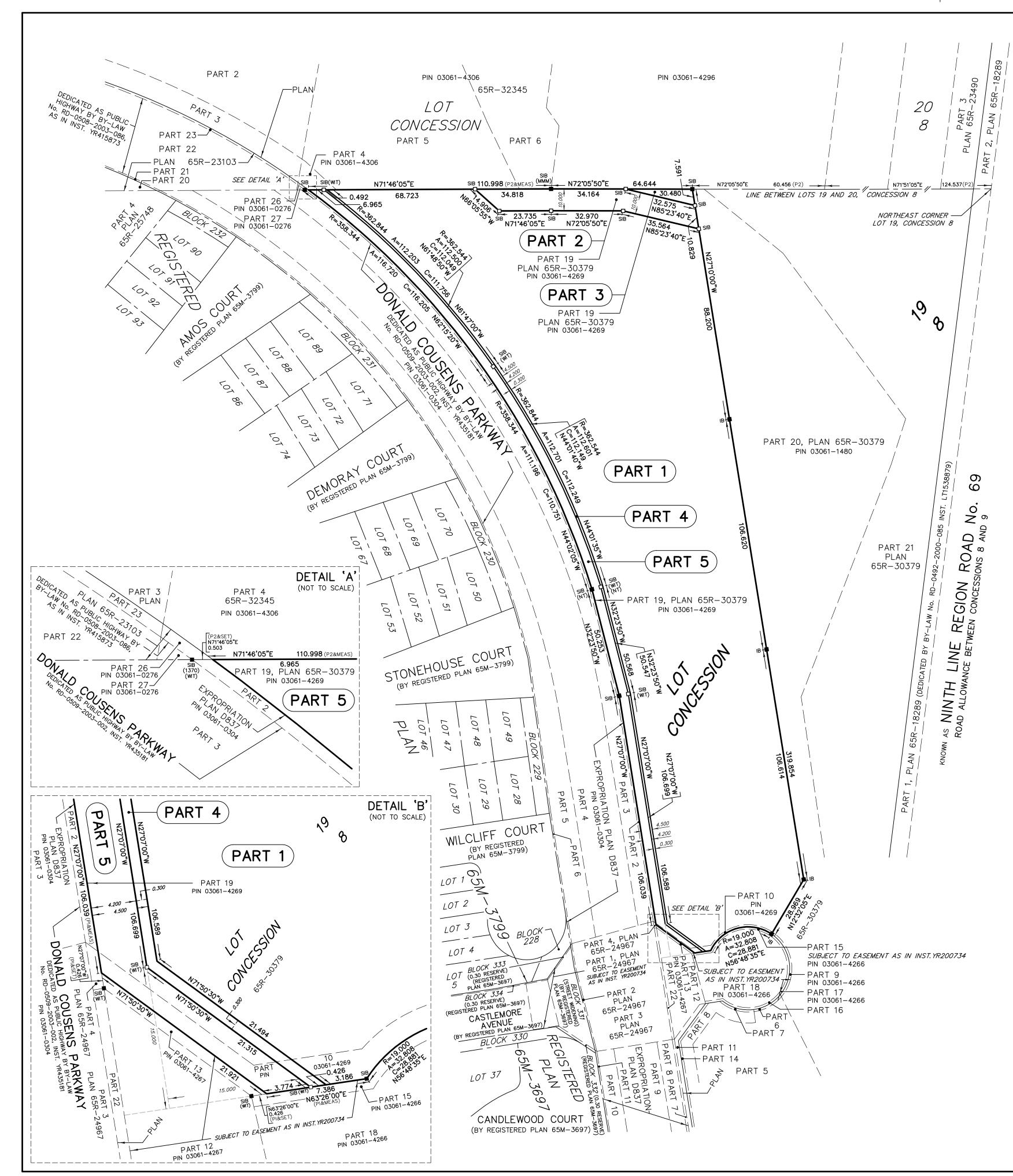
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## APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/103/20

1. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as 'Appendix B' to this Staff Report, 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:

Stacia Muradali, Development Manager, East District



			Ap	opendix B
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	ire this plan to the Land Titles		PLAN Date: 04/	AND DEPOSITED
DateOCTOBER 20, 2010			Date	
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PLAN OF SURVEY OF PART OF LOT 9 CONCESSION 8 (GEOGRAPHIC TOWNSHIP OF MARKHAM) TOWN OF MARKHAM

THE REGIONAL MUNICIPALITY OF YORK

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HOLDING JONES VANDERVEEN INC. ONTARIO LAND SURVEYORS

# METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

# NOTES

BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM THE MINISTRY OF TRANSPORTATION OF ONTARIO HORIZONTAL CONTROL STATIONS No. 092901621 AND No. 092901624 AND ARE REFERRED TO THE 3' MTM GRID PROJECTION, CENTRAL MERIDIAN 79'30'W LONGITUDE, ZONE 10, NAD 83 (ORIGINAL). No. 092901621 E. 324850.063, N. 4861703.483 No. 092901624 E. 325315.809, N. 4861856.686

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P1	DENOTES	PLAN 65R-30379
P2	DENOTES	PLAN 65R-32345
ALL BARS FO	OUND ARE MARKED	(HJV) UNLESS OTHERWISE NOTED.

# SURVEYOR'S CERTIFICATE

- I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- 2. THE SURVEY WAS COMPLETED ON

OCTOBER 20, 2010 DATE

R. W. R. JONES ONTARIO LAND SURVEYOR

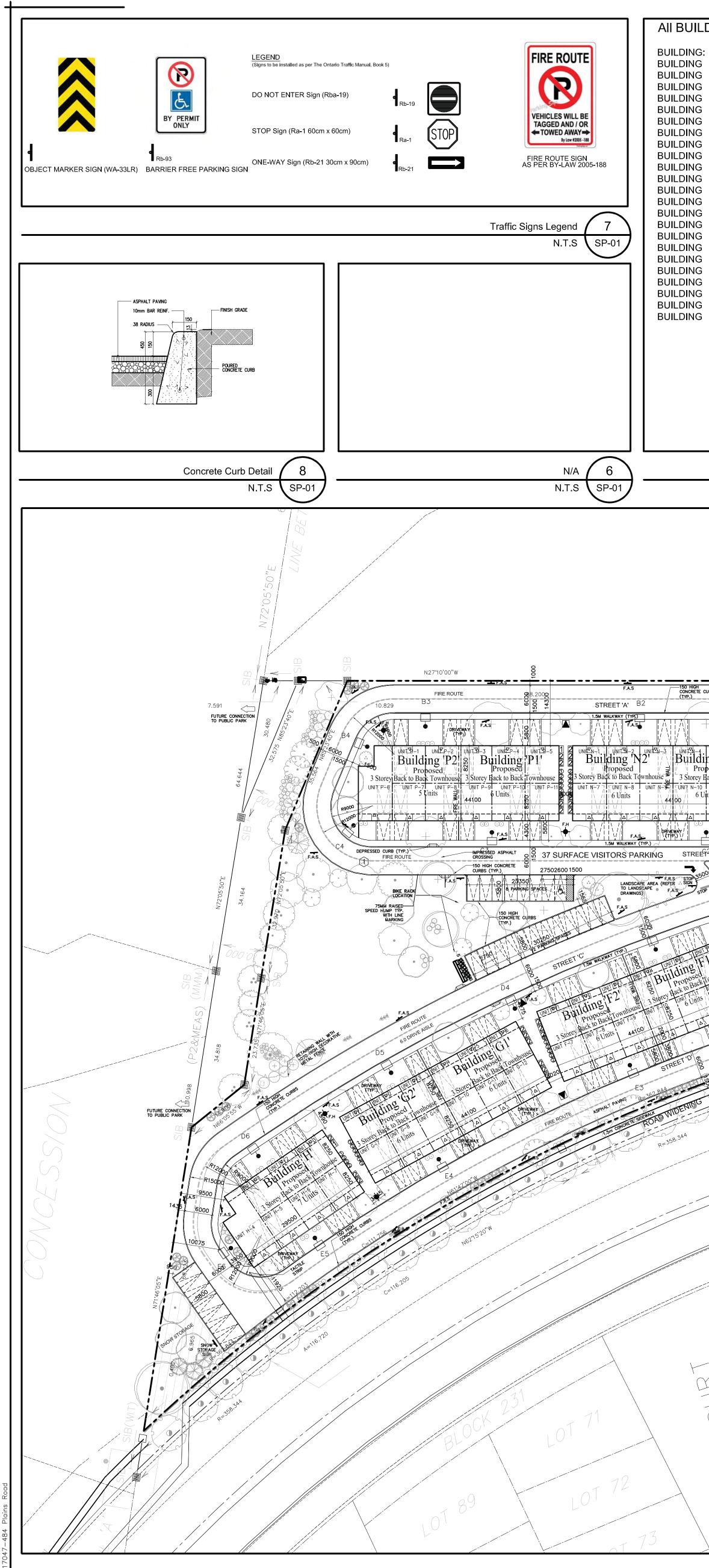


HOLDING JONES VANDERVEEN INC. ONTARIO LAND SURVEYORS 1700 LANGSTAFF ROAD, SUITE 1002

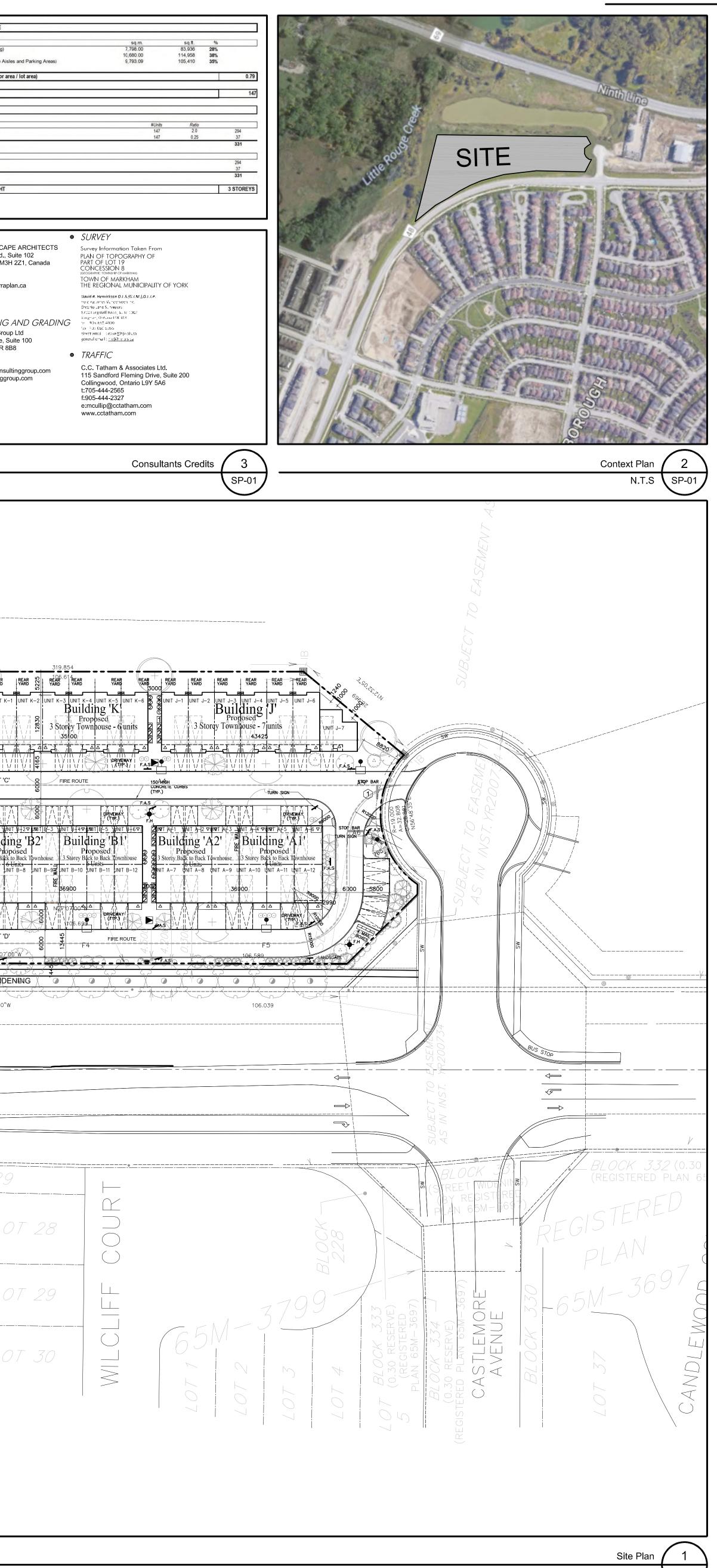
VAUGHAN, ON L4K 3S3 PHONE: 905-660-4000, 416-445-3800 EMAIL: hjv@hjv-ols.ca

SCALE: 1:1000 DRAWN BY: J.Y. CHKD. BY: X JOB NO: 00-1210-REF31

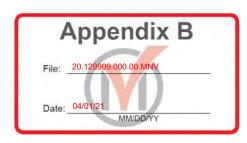


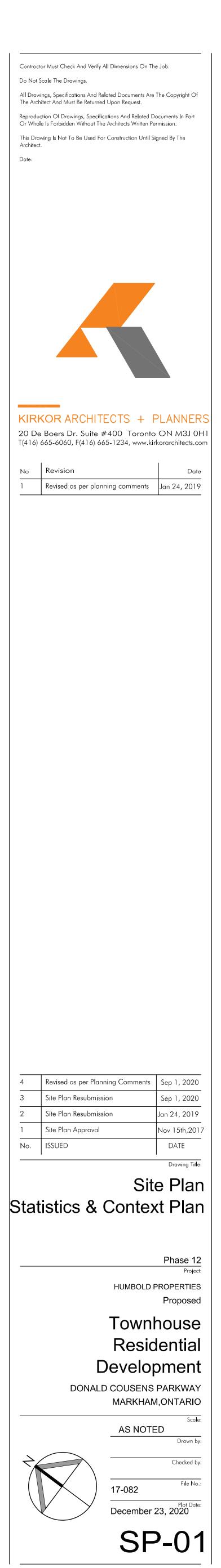


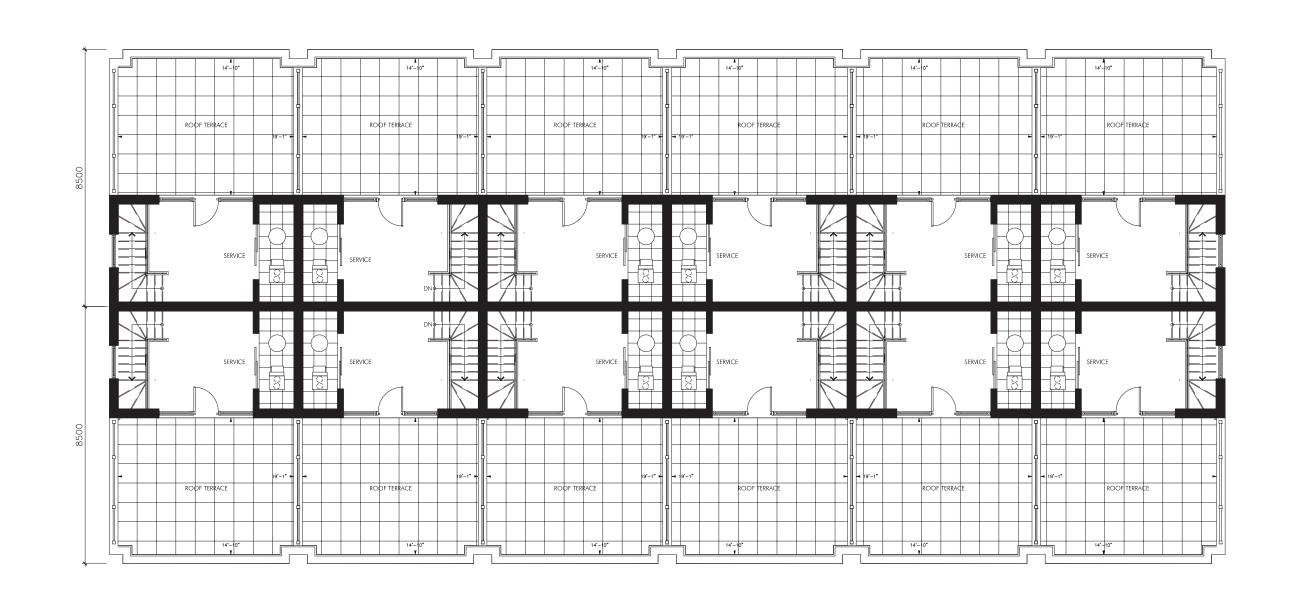
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G B1 G B2	757.00M2 757.00M2	3 STORIES 3 STORIES	2.1 RESIDENTIAL GFA PROPOSED (as per Markha Building A1 & A2 Back to Back Townhouse	am By-Law Definition)	Total m <sup>2</sup> ft <sup>2</sup>	4.0 F.S.I (Gross floor area / 5.0 UNIT COUNT
G C1	757.00M2 757.00M2 757.00M2	3 STORIES 3 STORIES	Total GFA Building B1 & B2 Back to Back Townhouse	12 units	1,514.00 16.297 Total	6.0 PARKING
G D	1261.00M2	3 STORIES	Total GFA Building C Back to Back Townhouse	No. of Blocks	m² ft² 1,514.00 16.297 Total	6.1 Parking Required Residents Visitor
G E1 G E2	884.00M2 884.00M2	3 STORIES 3 STORIES	Total GFA	No. of Blocks	m² ft² 1,514.00 16.297 Total	Total Required 6.2 Parking Provided
G F1 G F2	884.00M2 884.00M2	3 STORIES 3 STORIES	Building D Back to Back Townhouse Total GFA	No. of Blocks	m² ft² 1,261.00 13,573	Residents Visitor Total Provided
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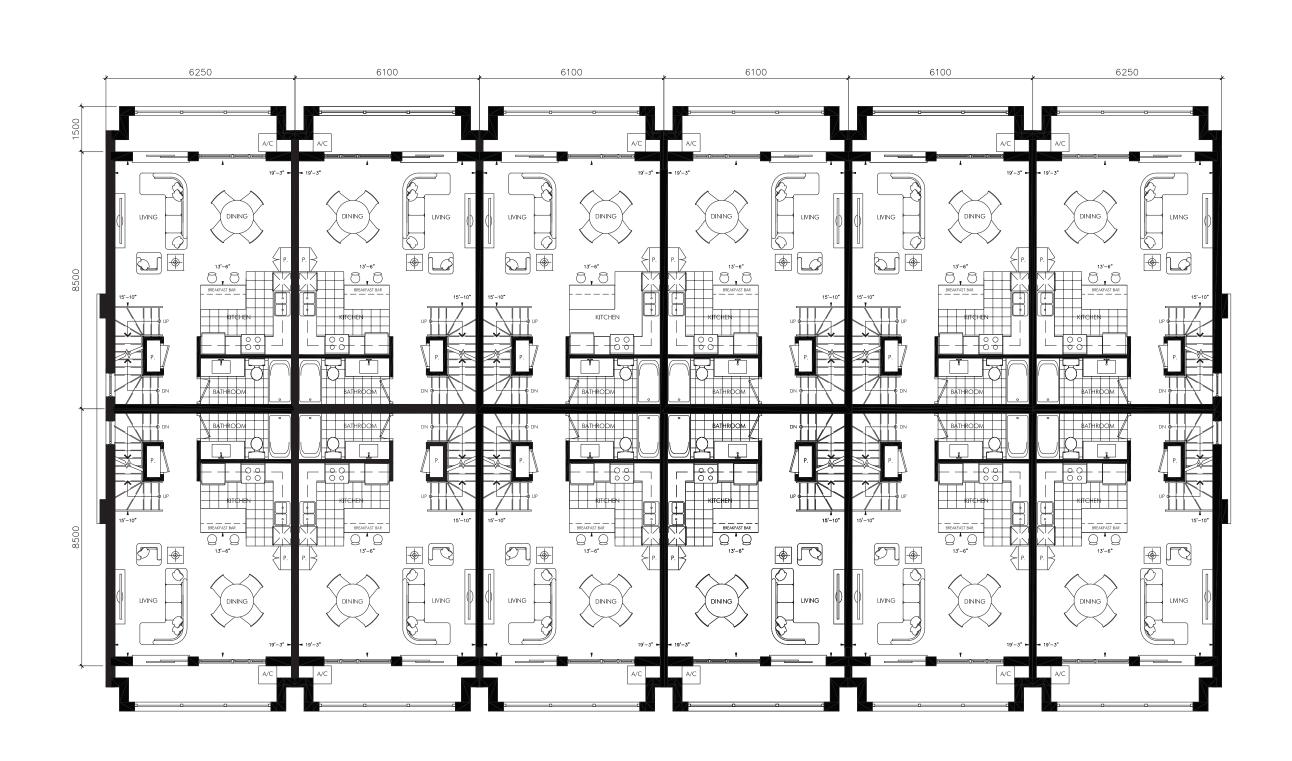


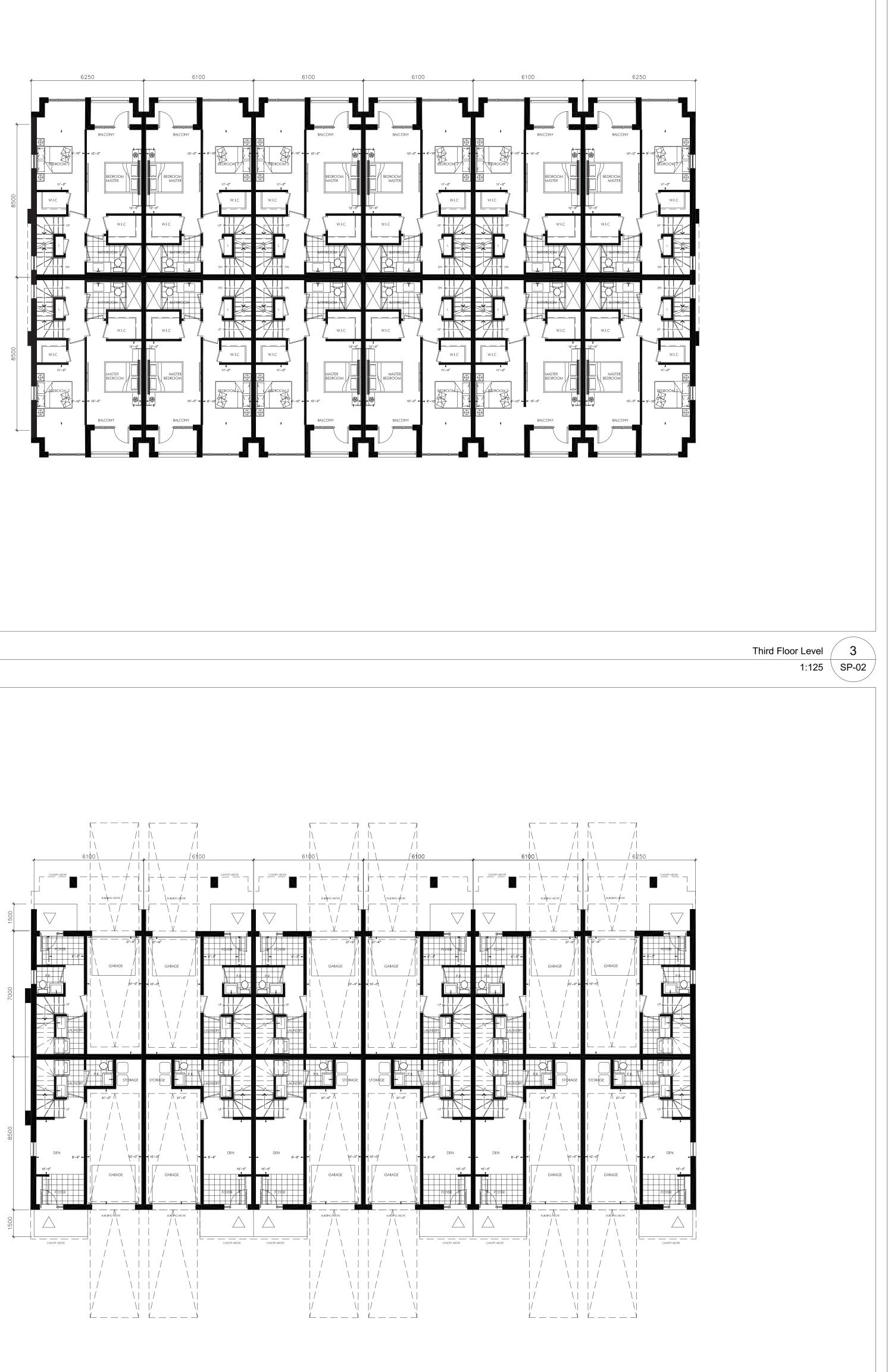
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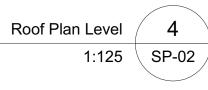






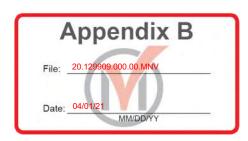




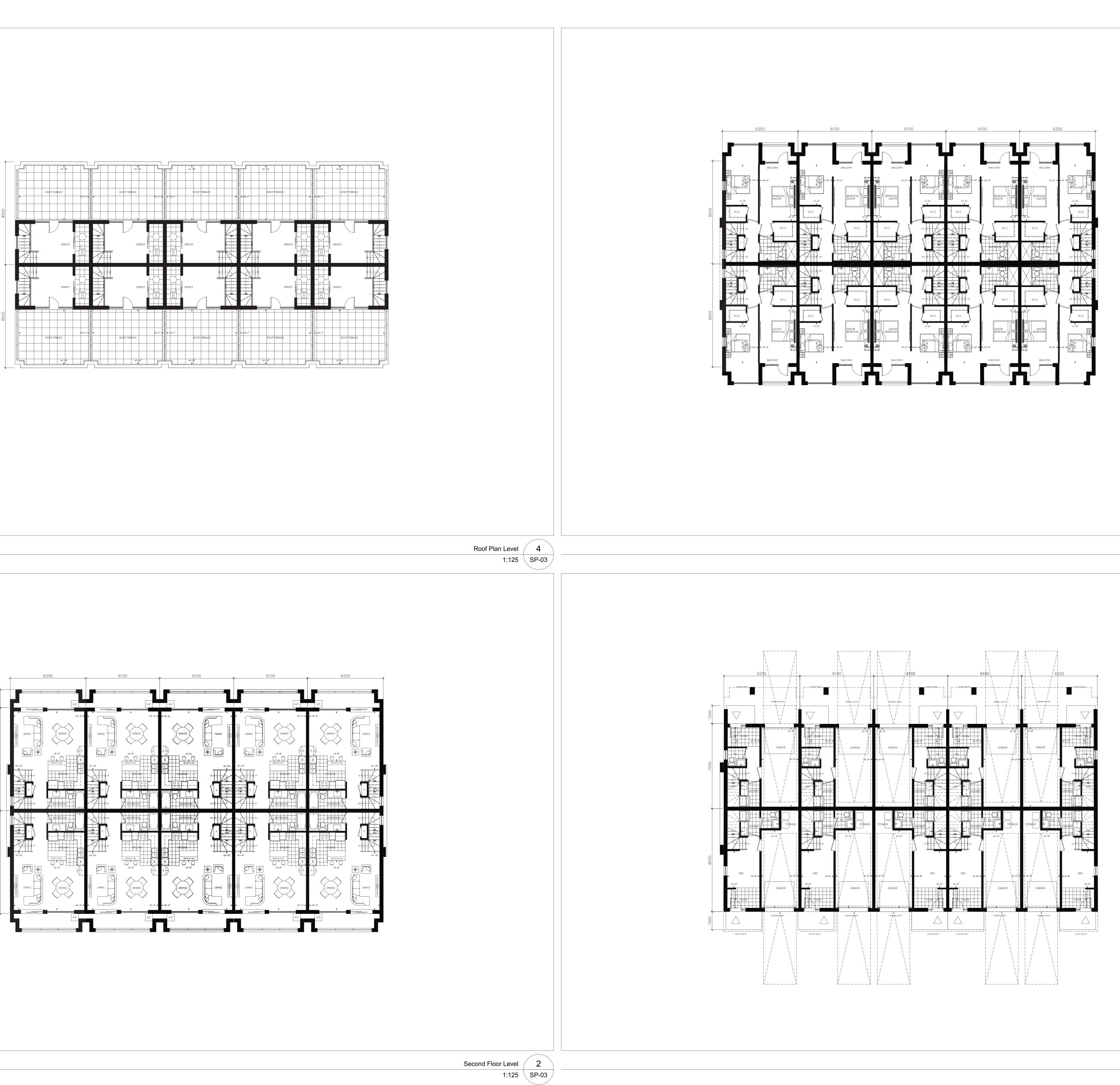


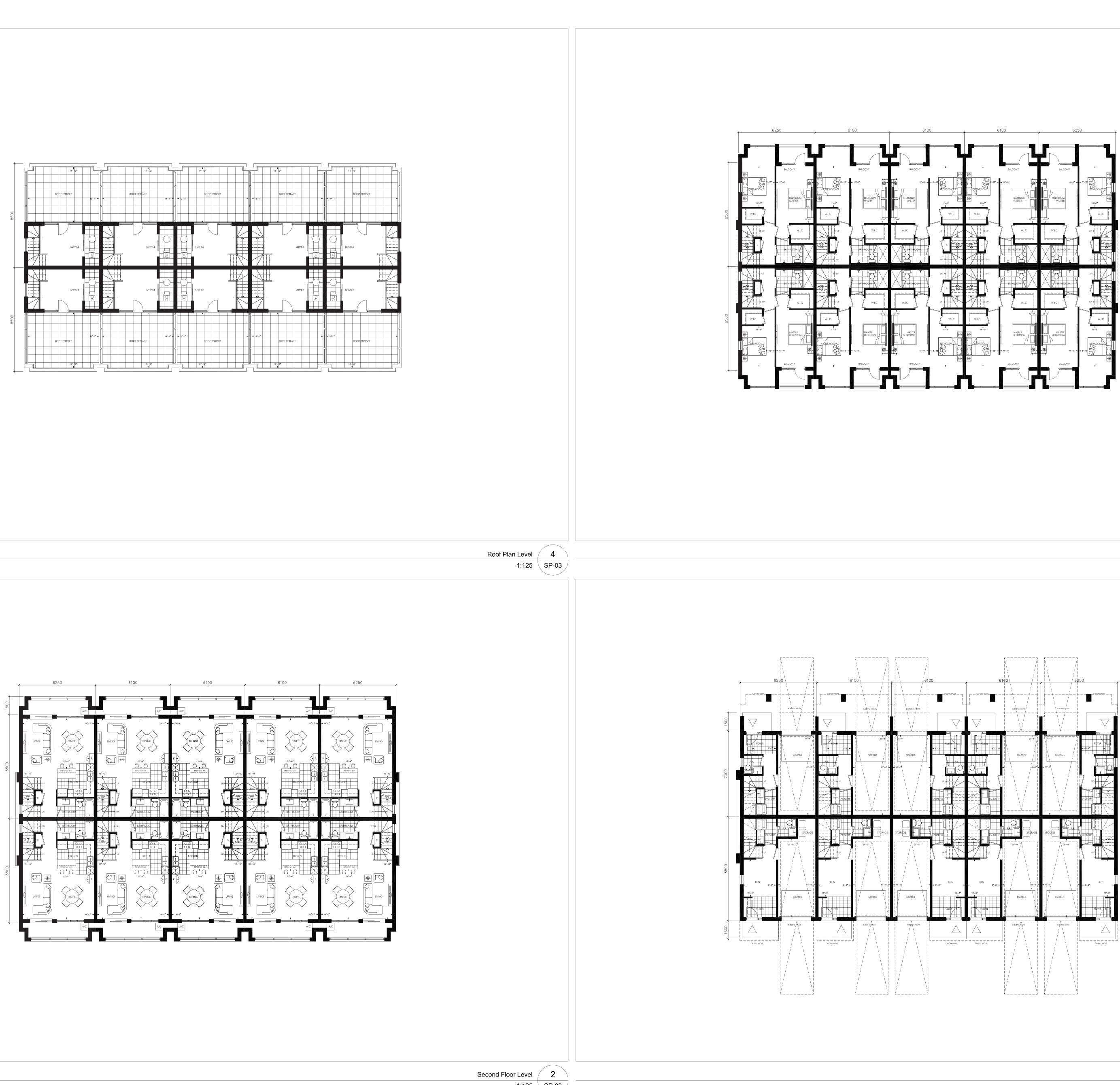
Second Floor Level 2 1:125 SP-02

Ground Floor Level 1:125 \ SP-02



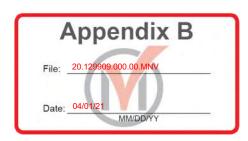
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Do Not Scale The Drawings. All Drawings, Specifications And Rela	ated Documents Are The Copyright Of
The Architect And Must Be Returned	
Or Whole Is Forbidden Without The This Drawing Is Not To Be Used For	Architects Written Permission.
Architect.	
<b>KIRKOR</b> ARCHITE	ECTS + PLANNERS
	400 Toronto ON M3J 0H1 5-1234, www.kirkorarchitects.com
No         Revision           1         Revised as per plann	ing comments Jan 24, 2019
4 Revised as per Plann	ing Comments Sep 1, 2020
3 Site Plan Resubmissio 2 Site Plan Resubmissio	
1   Site Plan Approval	Nov 15th,2017
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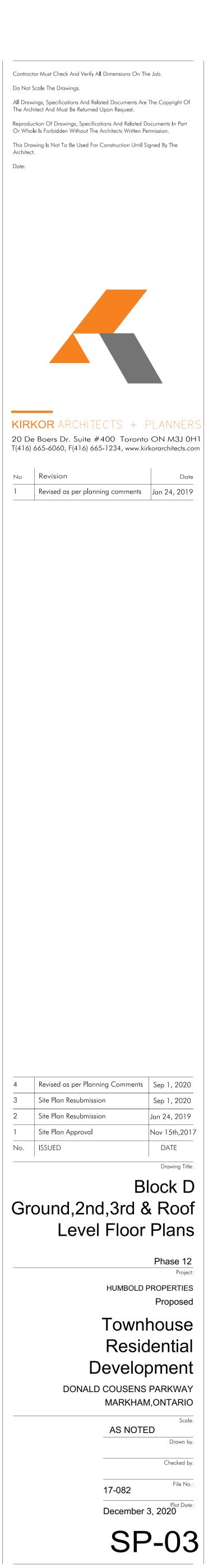


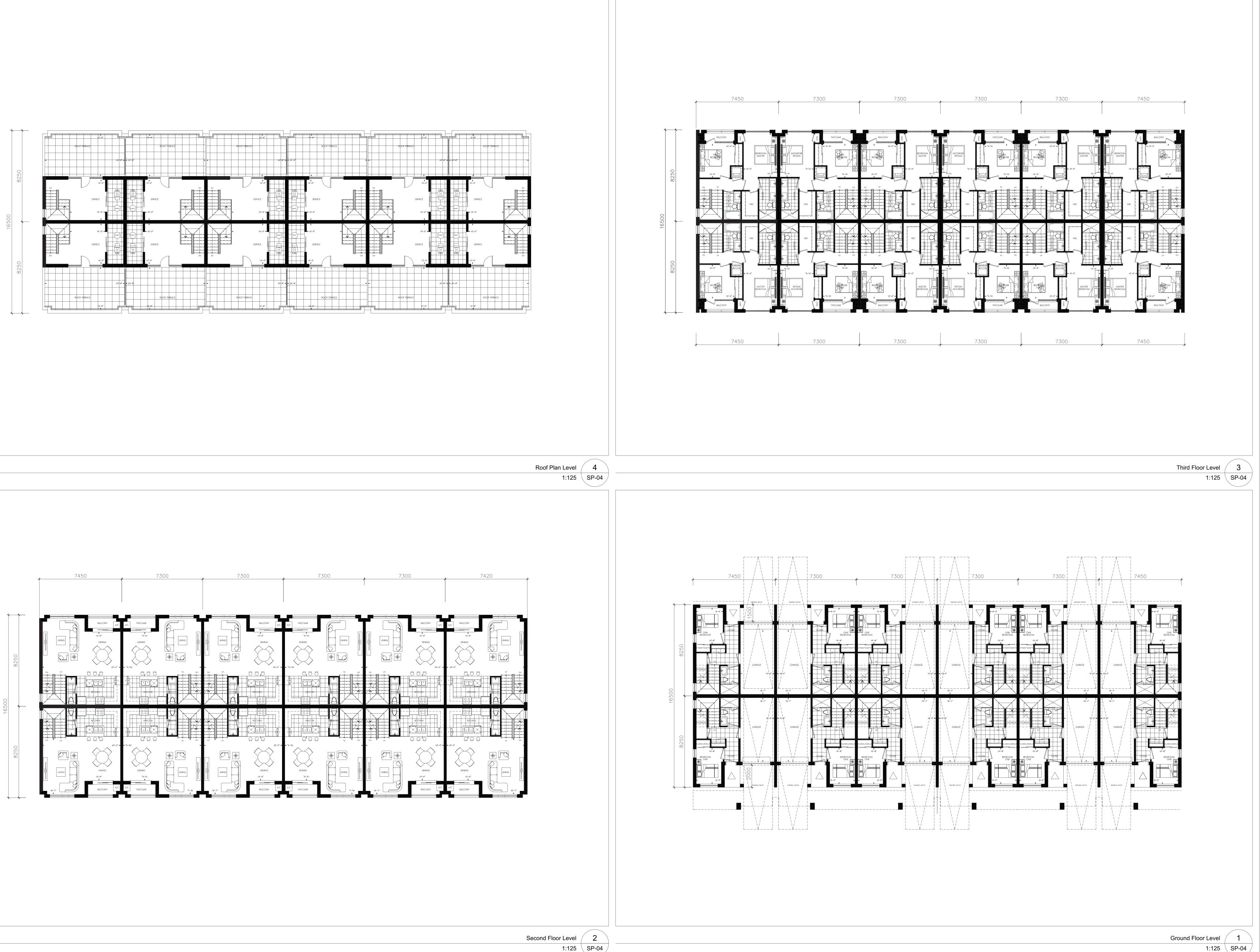


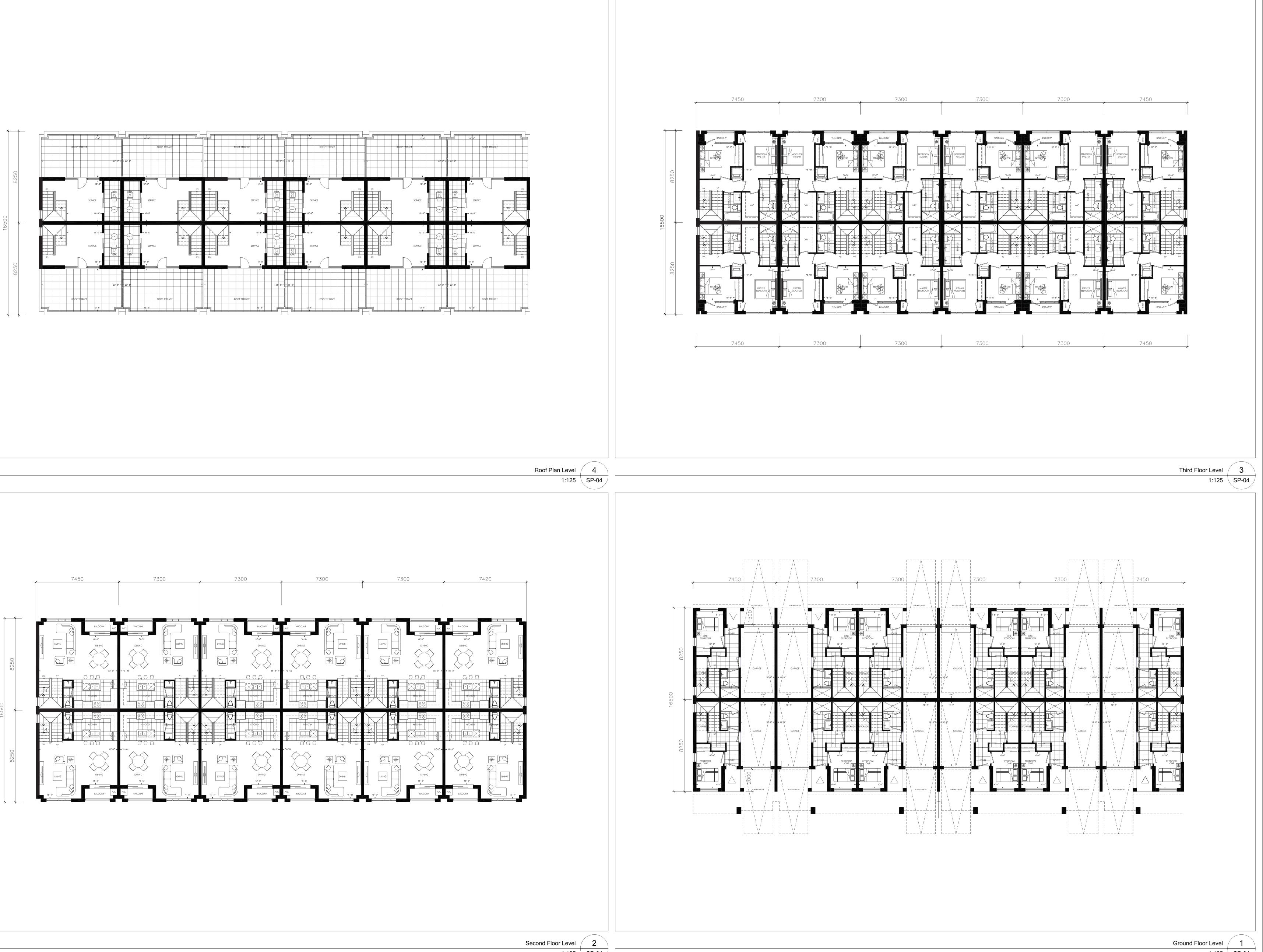
Third Floor Level 6 1:125 SP-03

Ground Floor Level 1:125 SP-03

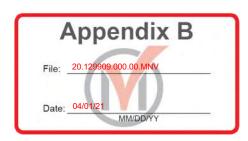




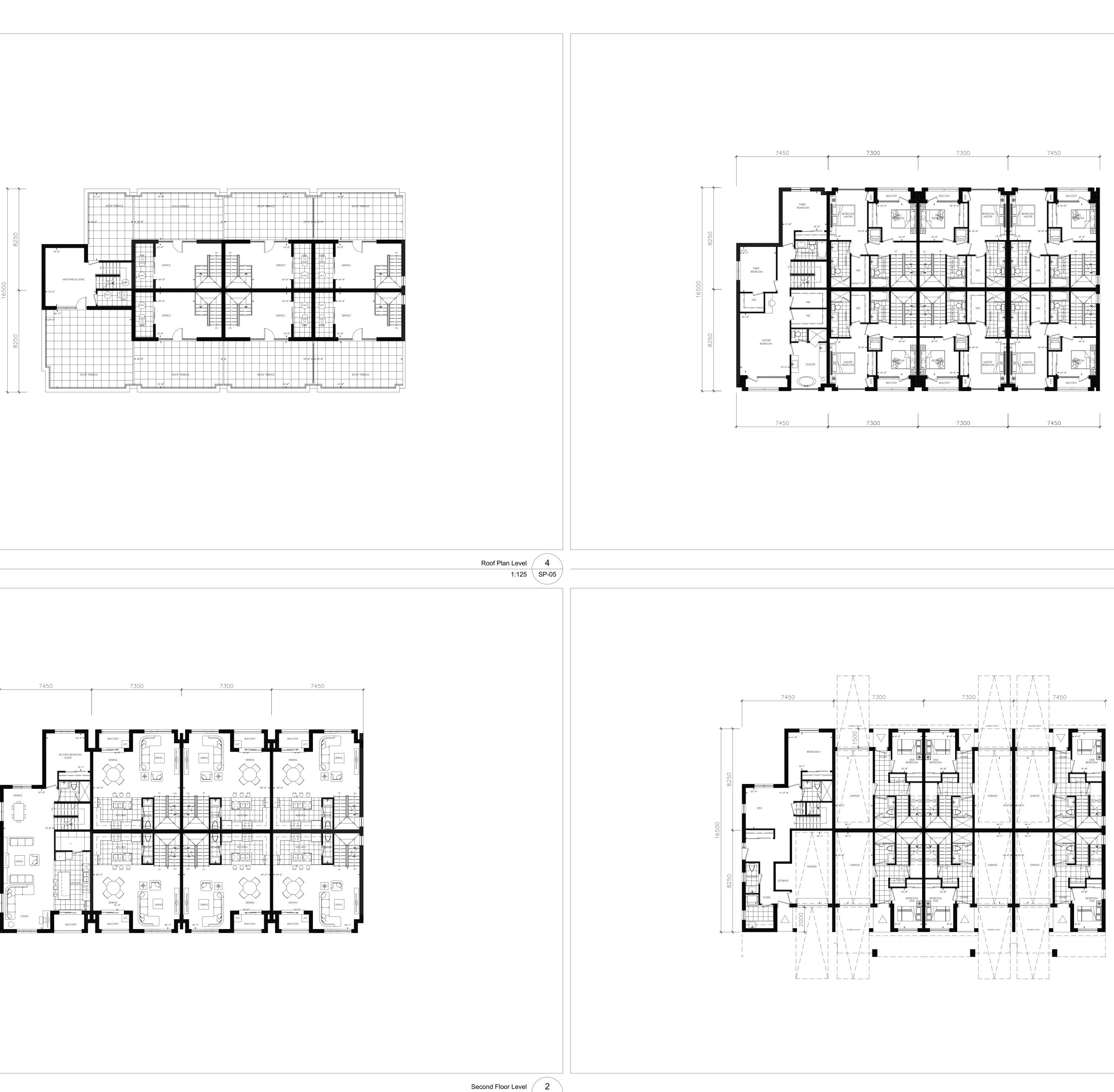


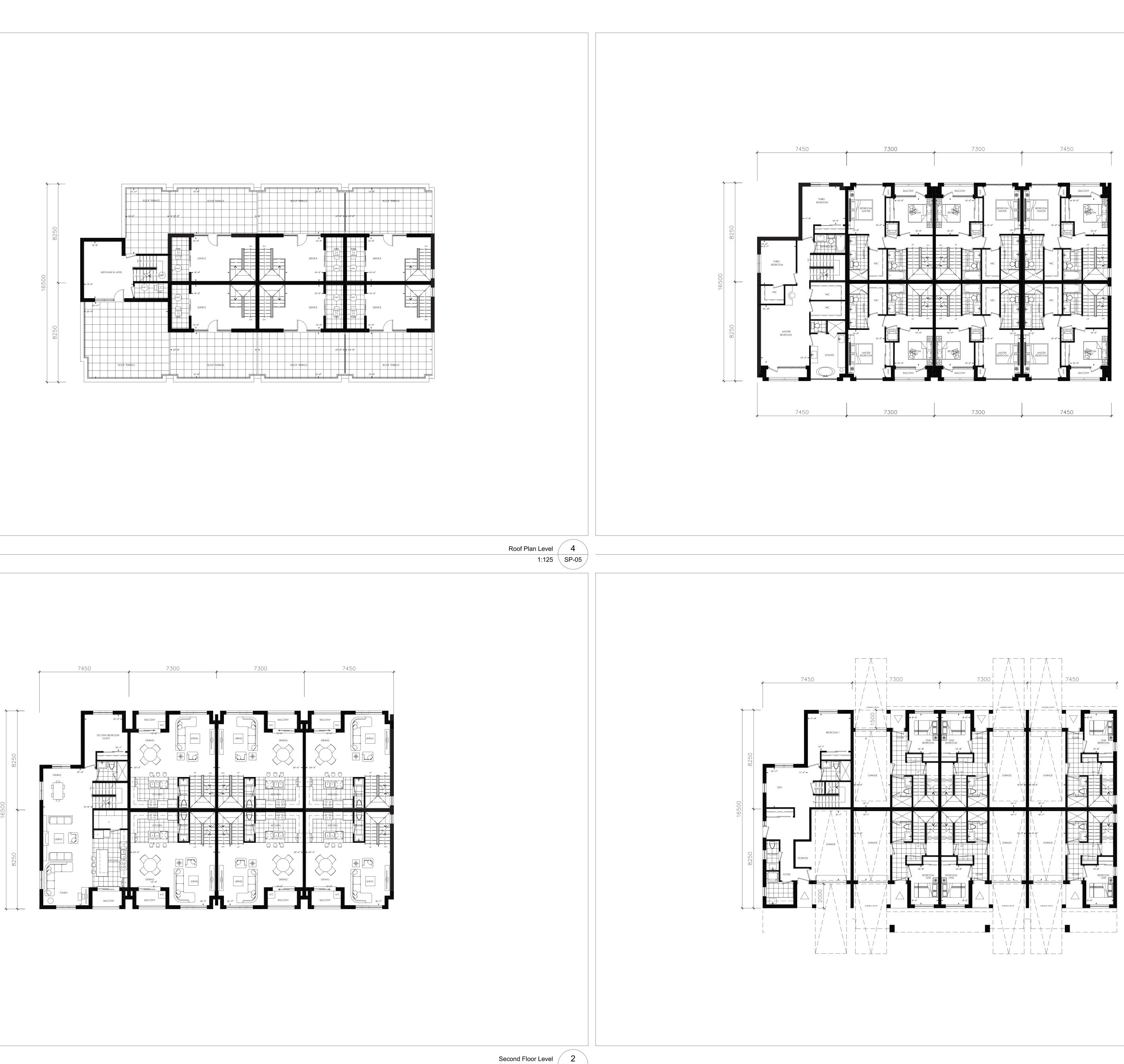


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Contractor Must Check And Verify All Dimensions On The Job. Do Not Scale The Drawings.	
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KIRKOR ARCHITECTS + PLANNERS	
20 De Boers Dr. Suite #400 Toronto ON M3J 0H1 T(416) 665-6060, F(416) 665-1234, www.kirkorarchitects.com	
No Revision Date	
1Revised as per planning commentsJan 24, 2019	
4 Revised as per Planning Comments Sep 1, 2020	
3 Site Plan Resubmission Sep 1, 2020	
2 Site Plan Resubmission Jan 24, 2019	
1         Site Plan Approval         Nov 15th,2017           No.         ISSUED         DATE	
Drawing Title:	
Block E, F, G	
Ground,2nd,3rd & Roof	
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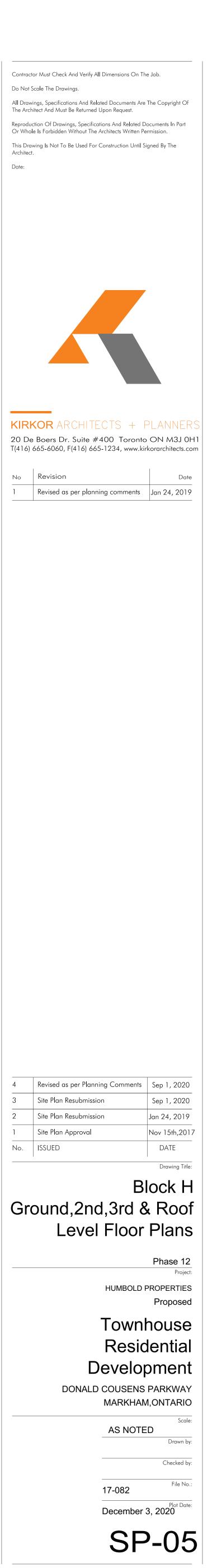
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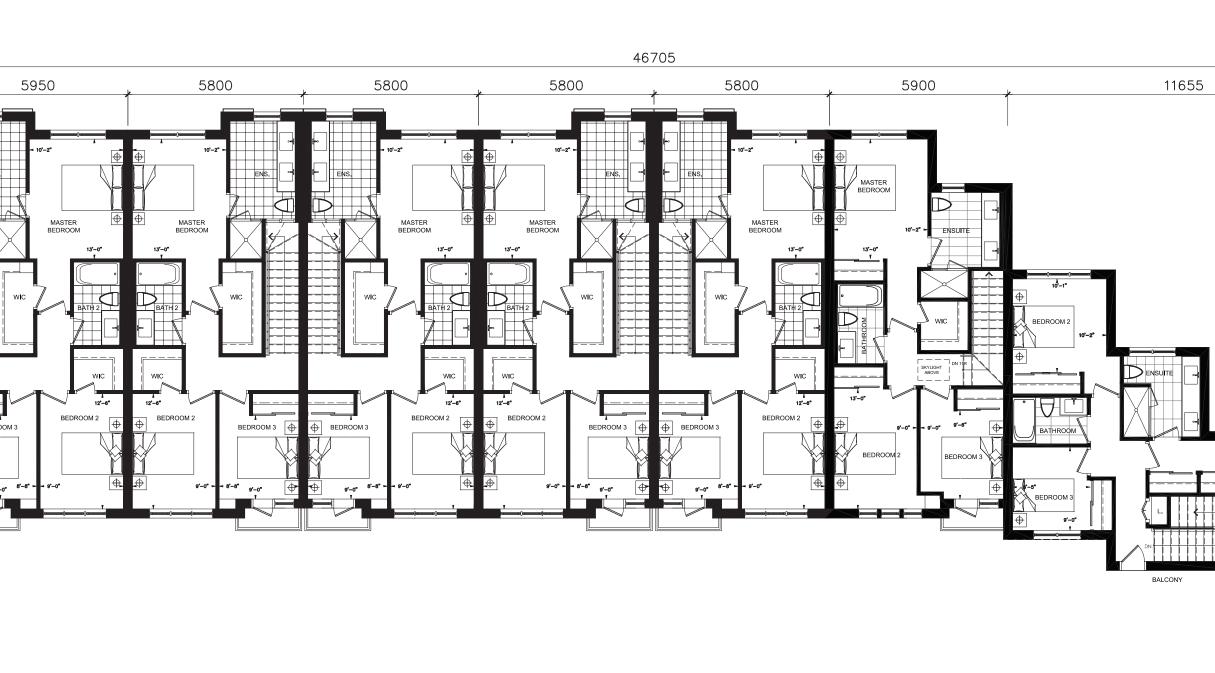
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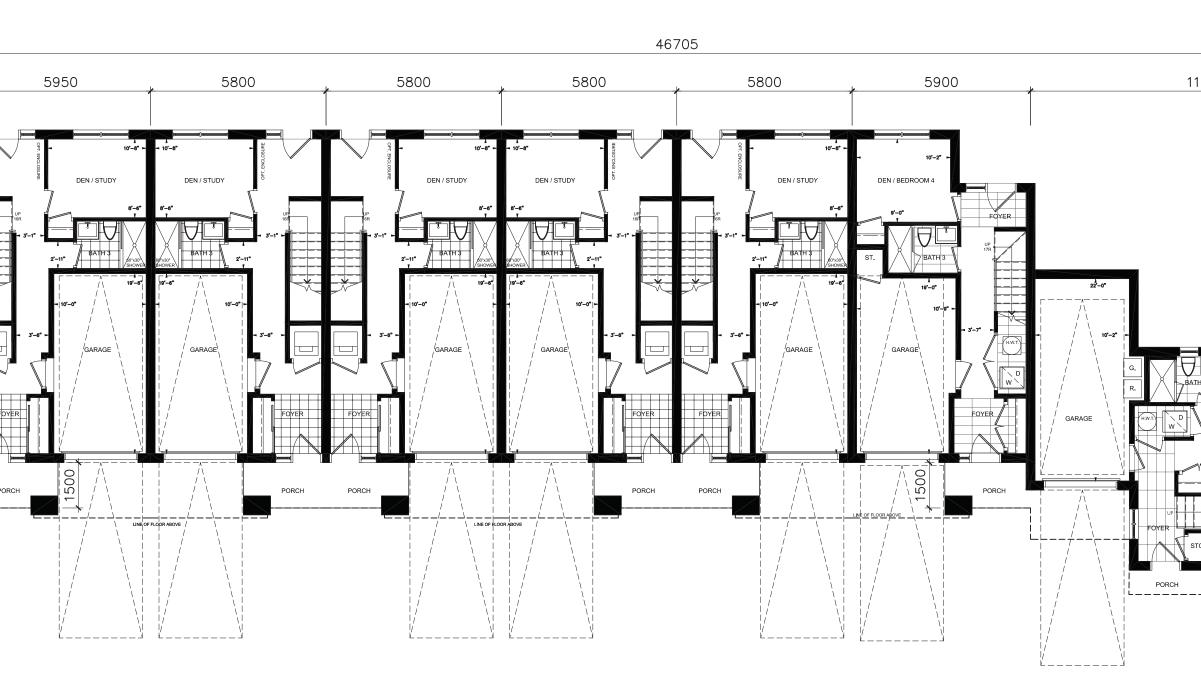




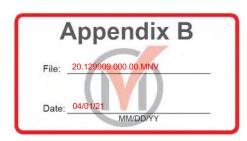
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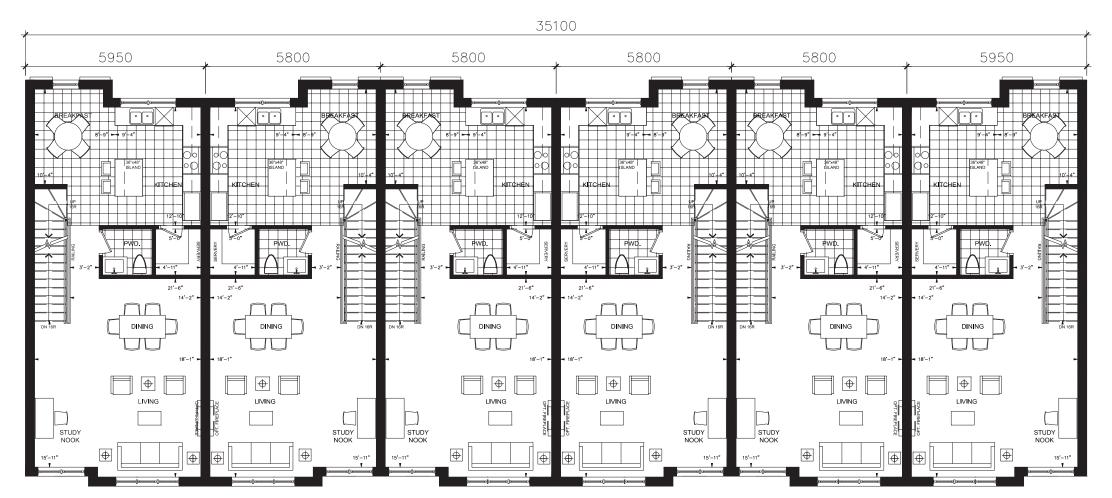


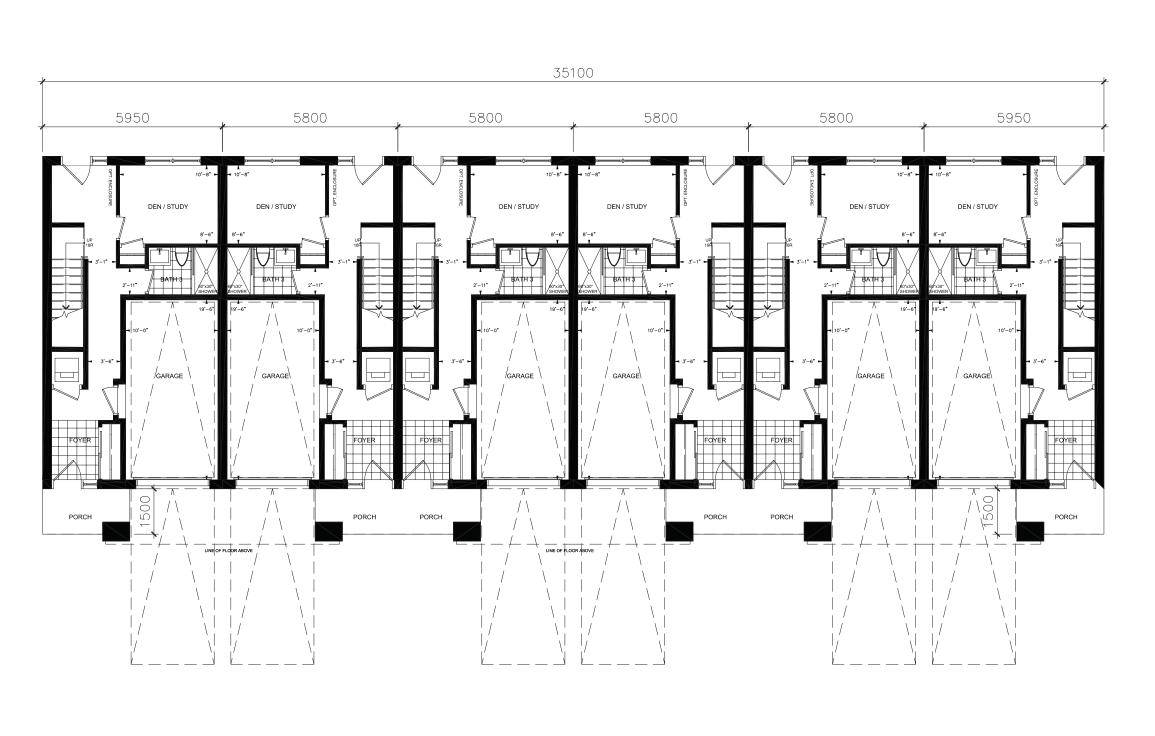
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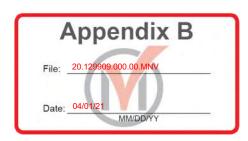
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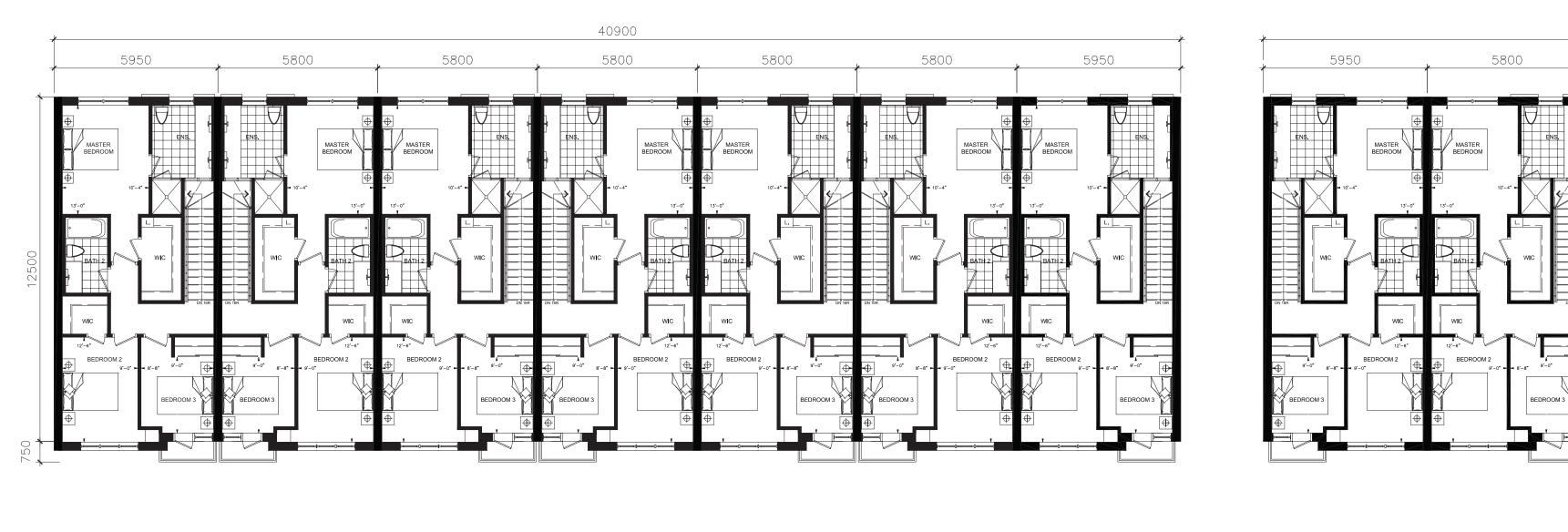


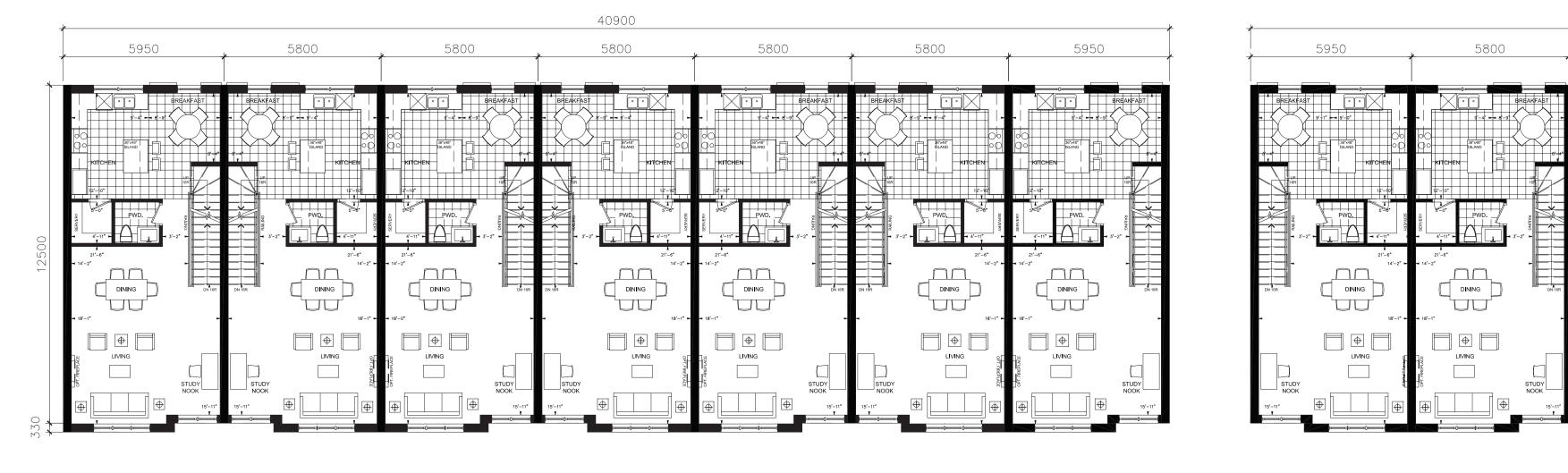


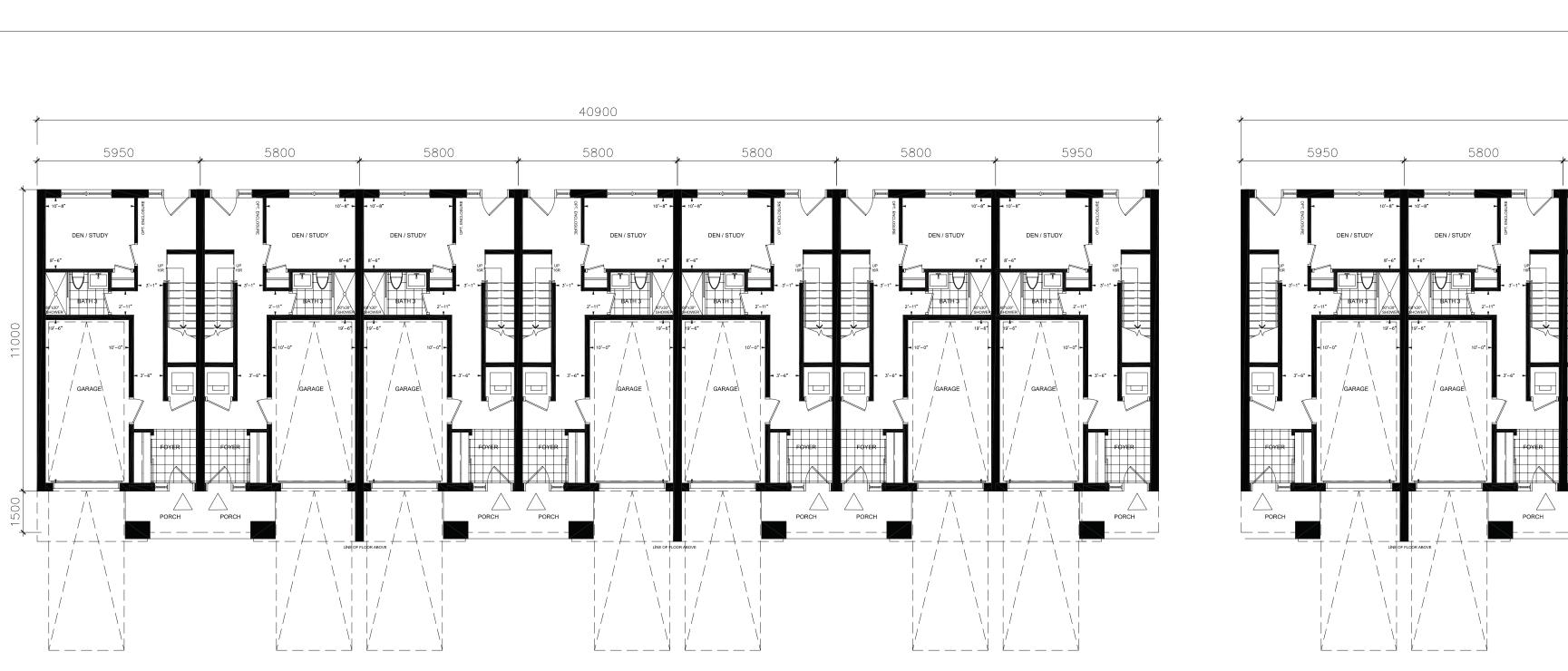
Third Floor Level	3
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Ground Floor Level	
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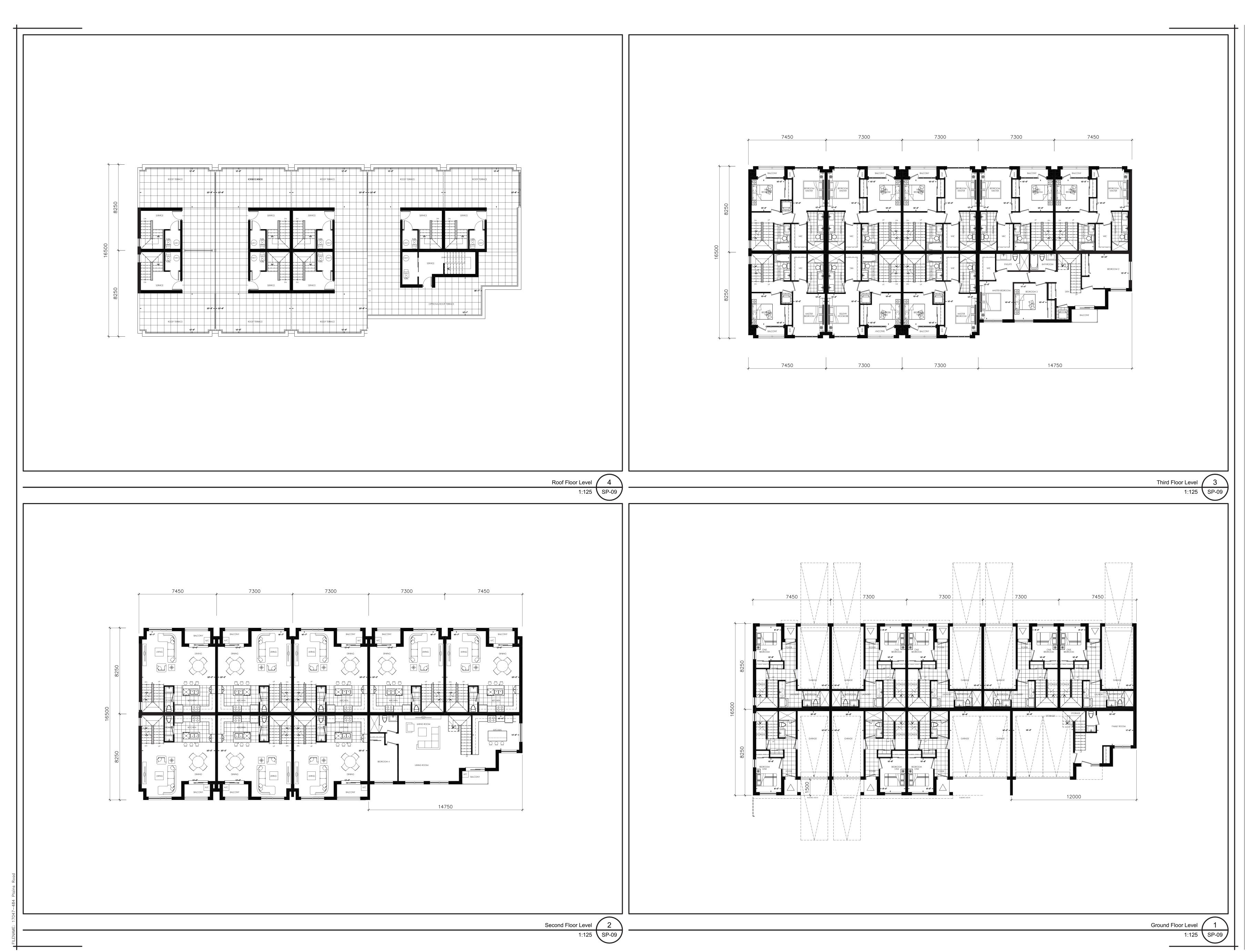


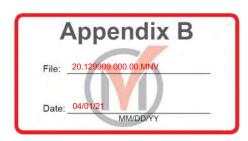


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	Second Floor Level 2 1:125 SP-08
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	Ground Floor Level 1 1:125 SP-08

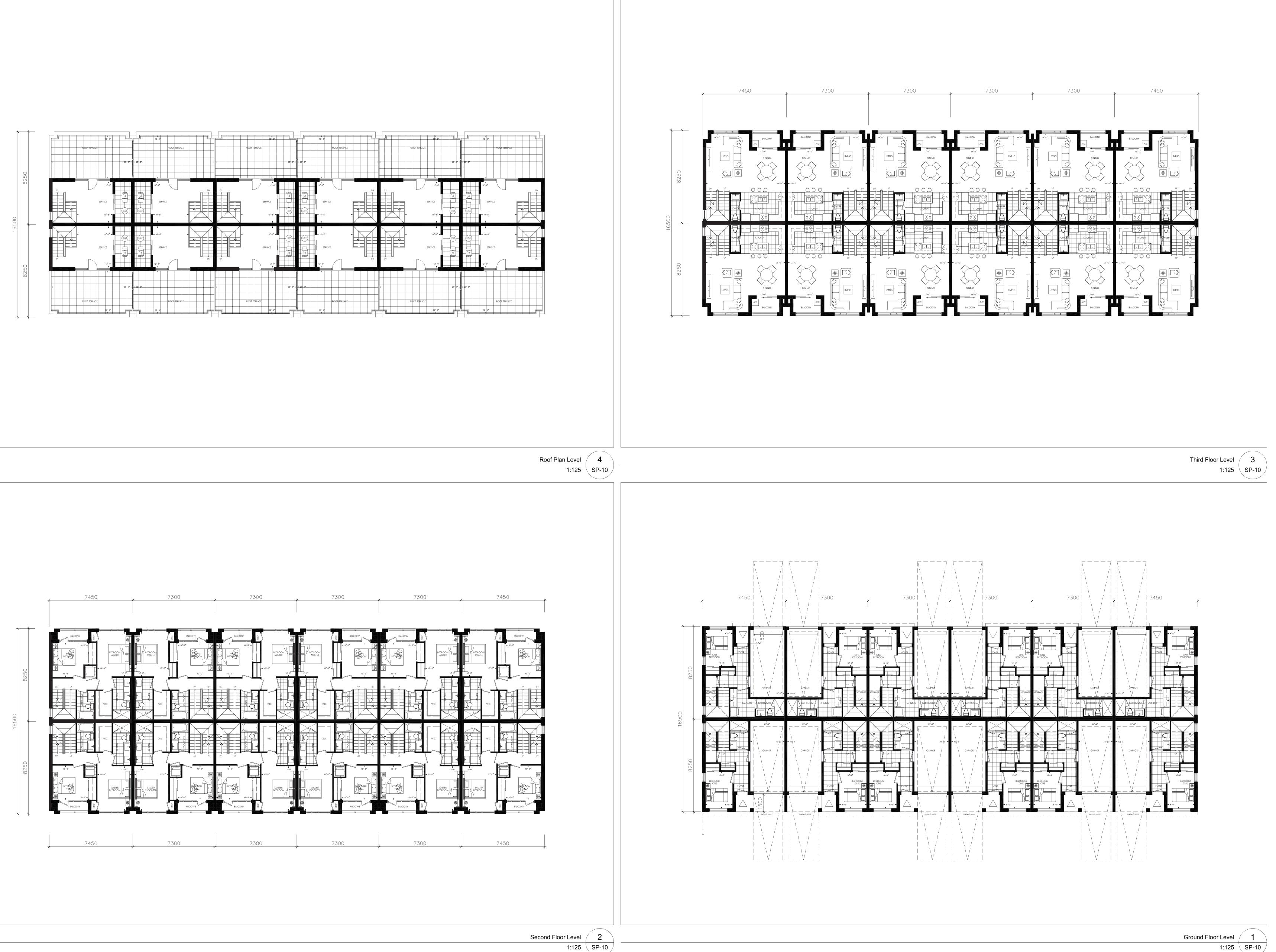


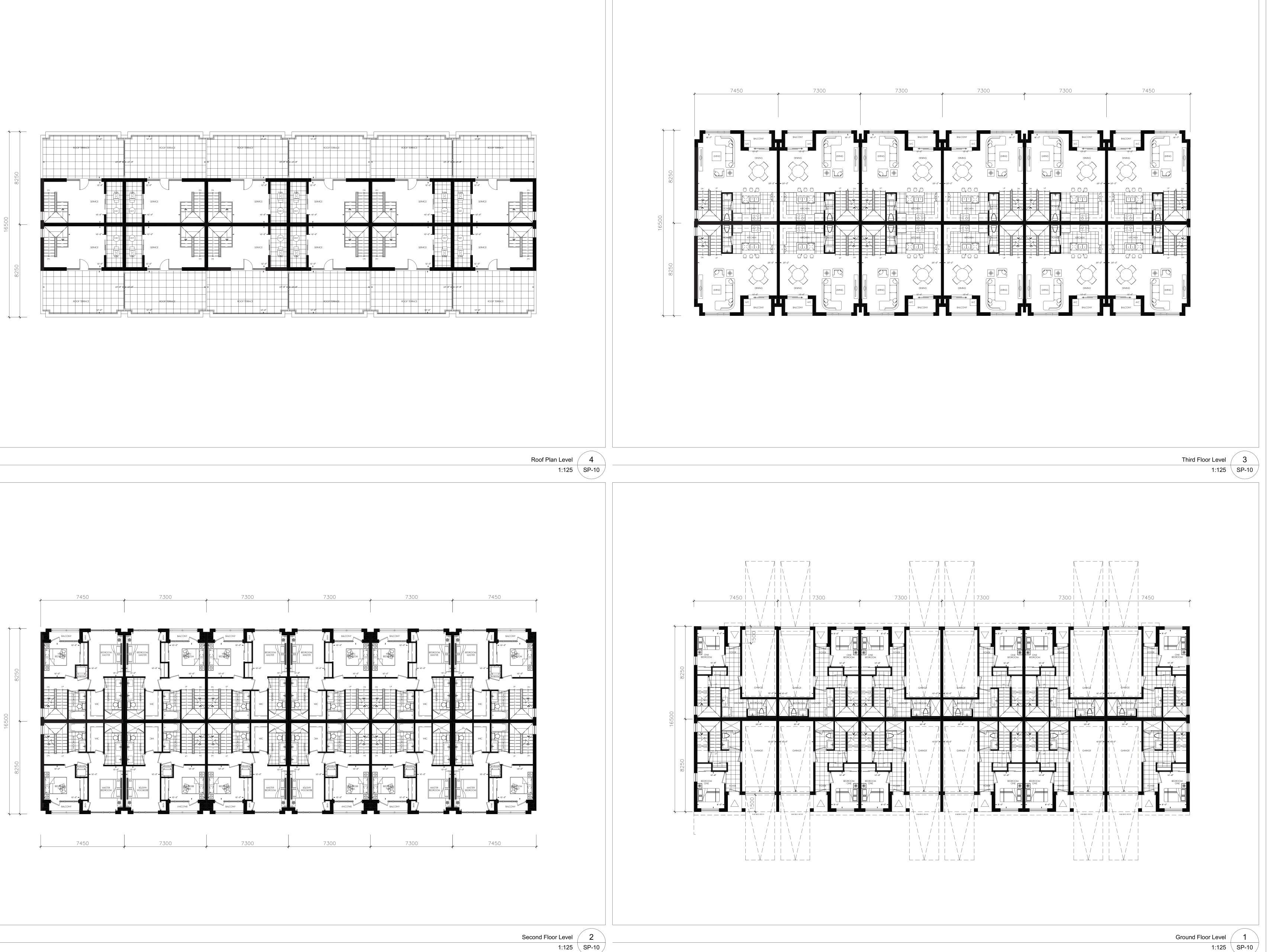
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4	Revised as per Planr	ning Comments	Sep 1, 2020
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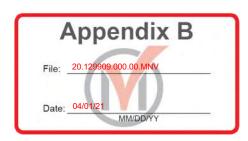


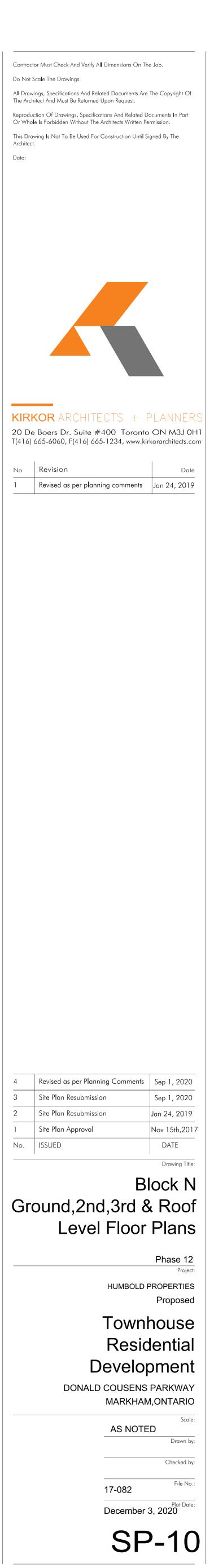


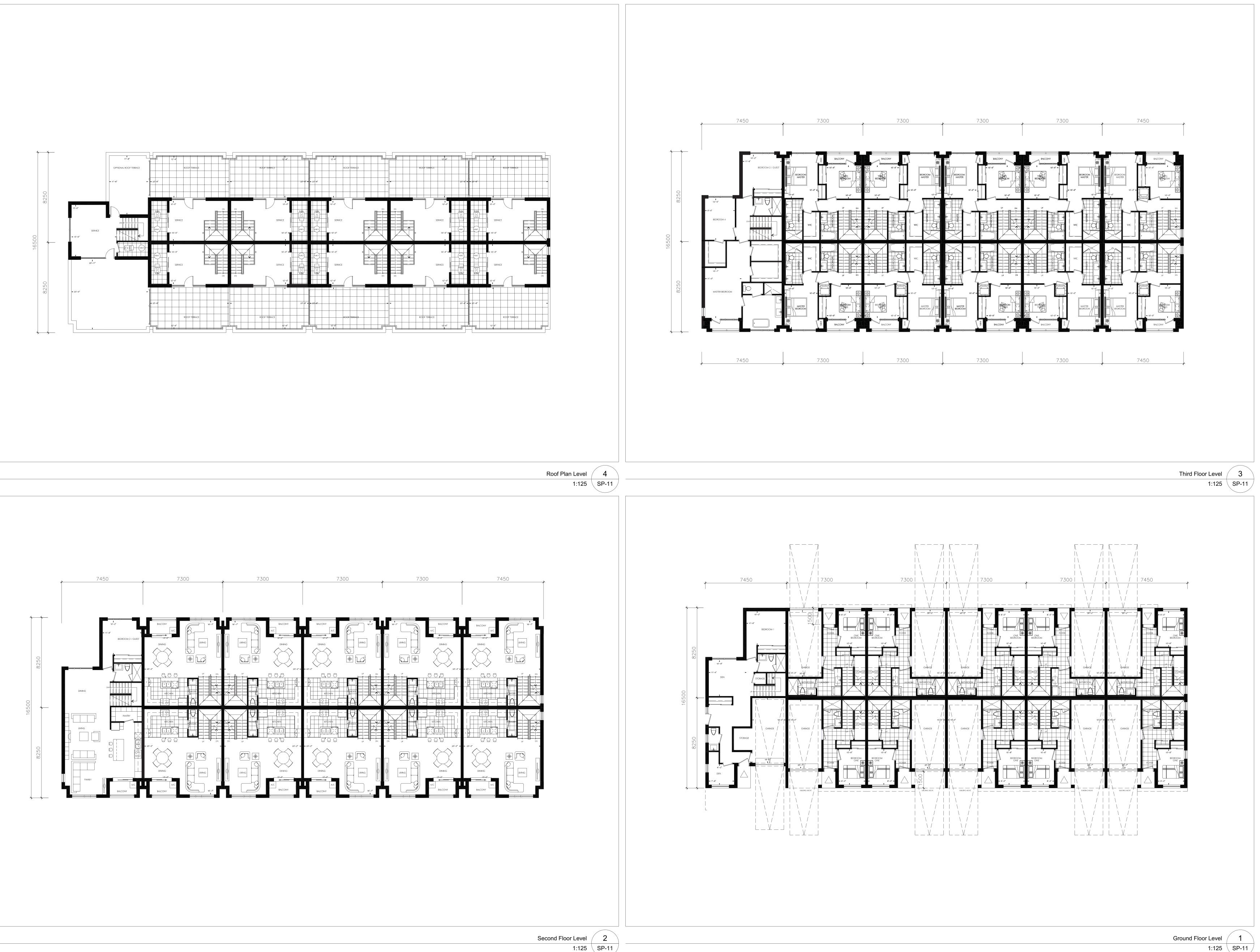
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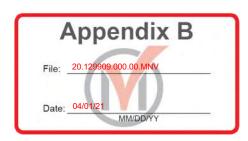






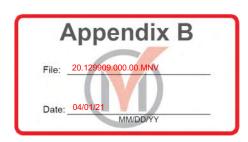




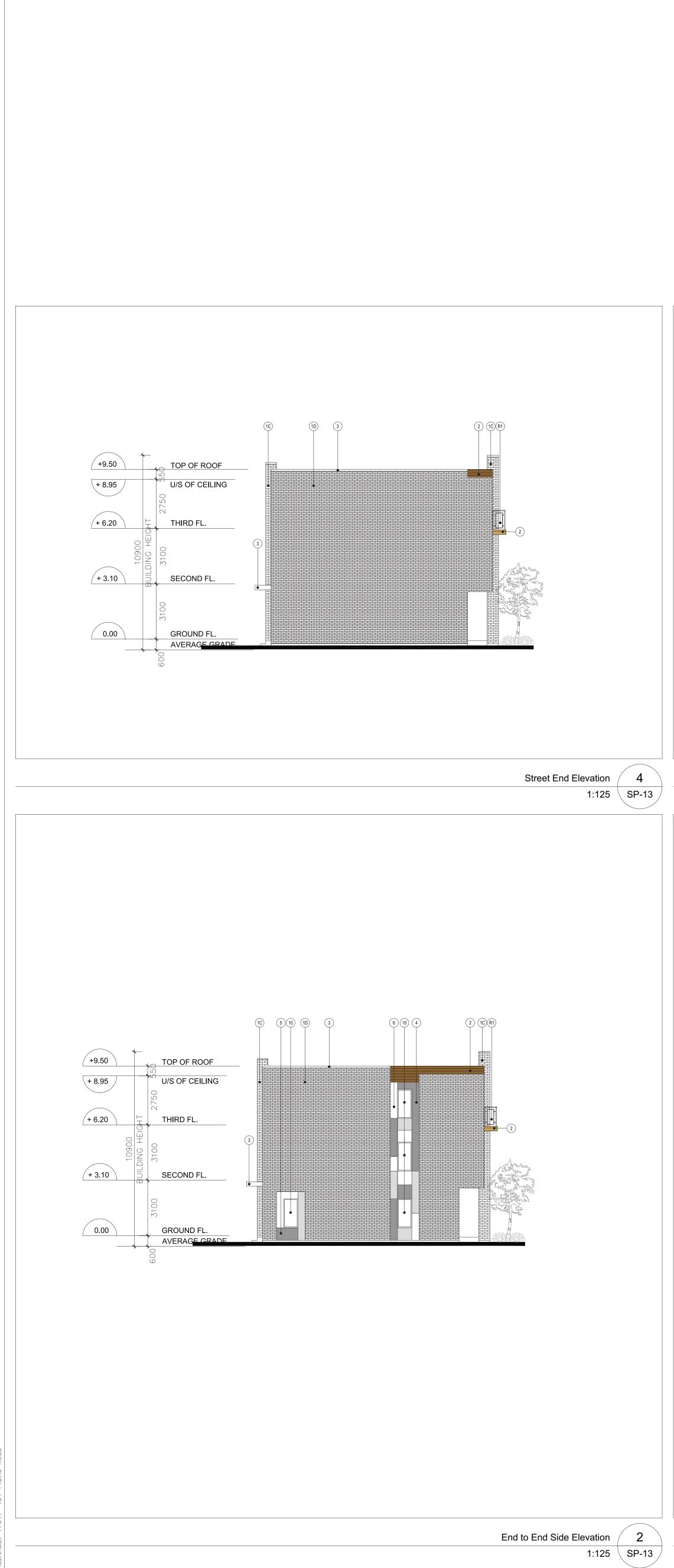


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	-		Drawn by: Checked by:
	-	17-082	File No.:
	-	December	Plot Date: <b>3, 2020</b>
		SF	<b>·</b> -12



BRICK VENEER WOOD FINISH SIDING GRAY FIN	IOR - GF
1A     COLOUR     :MINERAL GRAY     2     SYSTEM     :T.B.D.       TYPE     :T.B.D.     COLOUR     :T.B.D.     SYSTEM     :T.B.D.       BRICK VENEER	<u>NIS</u> :
Image: TB TYPECOLOUR :POLAR WHITE :T.B.D.3ALUMINUM FLASHING SYSTEM COLOUR COLOUR 	NIS :
10       COLOUR       :MINERAL GRAY TYPE       :T.B.D.         10       BRICK VENEER COLOUR       :POLAR WHITE TYPE       1         10       BRICK VENEER COLOUR       (1)         10       BRICK VENEER COLOUR       (1)         10       BRICK VENEER COLOUR       (1)         10       TYPE       (1)         11       TYPE       (1)         12       TYPE       (1)         13       (1)       (1)	000 : :







Contracte	or Must Check And Verify A <b>ll</b>	Dimensions On Th	e Job.
A <b>ll</b> Drawi	cale The Drawings. ngs, Specifications And Rela itect And Must Be Returned L		The Copyright Of
Or Who	tion Of Drawings, Specificat e Is Forbidden Without The A	Architects Written Pe	ermission.
This Dray Architect Date:	ving Is Not To Be Used For (	Construction Until S	igned By The
Daro.			
20 De	<b>COR</b> ARCHITE Boers Dr. Suite #4 665-6060, F(416) 665	400 Toronto	ON M3J 0H1
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No  ]	Revision Revised as per planni	ng comments	Date Jan 24, 2019
4	Revised as per Planni Site Plan Resubmissio		Sep 1, 2020
2	Site Plan Resubmissio		Sep 1, 2020 Jan 24, 2019
1 	Site Plan Approval		Nov 15th,2017 DATE
			Drawing Title:
	Туріса	al Elev	ations
			Phase 12
			Project:
			Proposed
			house
			lential
			D <b>ment</b>
			I,ONTARIO
		AS NOTE	
			Drawn by: Checked by:
		17_000	File No.:
		17-082 December	Plot Date: <b>3, 2020</b>
		51	- I J

Interior Street Elevation 1

1:125 SP-13