

Memorandum to the City of Markham Committee of Adjustment

January 12, 2021

File: A/125/20
Address: 11175 Kennedy Rd – Markham, ON
Applicant: Buddha Meditation Center
Agent: N/A
Hearing Date: January 20, 2020

The following comments are provided on behalf of the West Team. The property is split zoned “Agricultural One (A1) Zone” and “Rural Residential One (RR1) Zone”. The applicant is requesting relief from the following requirement under By-law 304-87, as amended, to permit:

a) By-law 304-87, Section 5.5:

an accessory structure to be located a minimum distance of 33.0 m (108.27 ft) from the centre line of Kennedy Road, whereas the By-law permits no part of any building or structure to be within 40.0 m (131.23 ft) from the centre line of any arterial road.

BACKGROUND

Property Description

The 0.82 Ha (2.03 Ac) subject property is located on the east side of Kennedy Road, north of Elgin Mills Road, and south of 19th Avenue. The subject property is developed with one and two-storey buildings for a place of worship use, and accessory uses to the principal use. There is an existing structure located within the front yard area, and parking located in the rear of the subject property which is accessed by a driveway from Kennedy Road as shown in the Site Plan (Appendix “B”). Mature vegetation exists throughout the property.

The subject property is located within the City’s Countryside Area, and abuts vacant land to the north, and agricultural land to the east. Permitted, and existing land uses along Kennedy Road between 19th Avenue and Elgin Mills Road East include, and are not limited to:

- low density (rural) residential;
- open space;
- places of worship north of the property along the west side of Kennedy Road; and
- cemeteries north and south of the property, along the east and west sides of Kennedy Road (see Appendices “D” and “E”).

Proposal

There is an existing monument located in the front yard of the property. The applicant is proposing to construct an unenclosed accessory structure which would cover the monument (“the proposed development”). The accessory structure has an area of approximately 63.30 m² (681.36 ft²).

Official Plan and Zoning

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

The subject property is designated “Countryside”, which is generally intended to support farming activities, and protect agricultural, agriculture-related, and compatible non-agriculture related uses. The subject property is also within Site Specific Policy Area 9.8, subject to Policy 9.8.3.j. which permits a place of worship use with a maximum gross floor area of 860.0 m² (9,256.96 ft²).

The City of Markham’s Official Plan identifies Kennedy Road as a Region of York Arterial Road which has a planned right of way width of up to 36.0 m (118.11 ft), as identified in Map 12 of the Regional Municipality of York’s Official Plan 2019 Office Consolidation.

Zoning By-Law 304-87, as amended by By-law 2014-42

The subject property is split zoned “Agricultural One (A1) Zone” and “Rural Residential One (RR1) Zone” under By-law 304-87, as amended, which permits one single detached dwelling and uses accessory to the primary residential use. Amending By-law 2014-42 permits a place of worship, and accessory uses related to a place of worship, subject to special site provisions that limit size.

The proposed development does not comply with the By-law with respect to the minimum setback requirement from the centre line of Kennedy Road to an accessory building or structure.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a ZPR has not been conducted. However the applicant has received comments from the building department through their permit process to confirm the variance required for the proposed development.

COMMENTS

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

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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;
- d) The general intent and purpose of the Official Plan must be maintained.

Reduction in Minimum Setback to Centre Line of Kennedy Road

The applicant is requesting an accessory structure to be located a minimum distance of 33.0 m (108.27 ft) from the centre line of Kennedy Road to the front of the proposed development, whereas the By-law requires a minimum setback of 40.0 m (131.23 ft) from the centre line of Kennedy Road to any part of a building or structure. This is a reduction of approximately 7.0 m (22.97 ft).

The intent of the provision is to provide for adequate space for any future right-of-way widening’s. Kennedy Road is a Regional arterial road that is owned and operated by the Regional Municipality of York. Map 12 – Street Network in York Region’s Official Plan 2010 indicates a planned street width of up to 36.0 m (118.11 ft). The Regional Municipality of York provides no comments in relation to the proposed development (Appendix “C”). Staff’s primary concern is related to any future need to expand the existing Kennedy Road

right-of-way. With consideration to the received comments, staff are satisfied that the approval of this variance would not adversely inhibit any future Kennedy Road right-of-way widening's, and do not object to the variance.

Tree Protection

Urban Forestry staff recommend the installation of tree protection barriers for any trees located within the access and construction zone. Staff recommend that a condition to protect these trees as provided in Appendix "A" be adopted by the Committee in the event of approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 12, 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 do not object to the requested variance.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances. Staff recommend that the Committee consider public input in reaching a decision.

Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – Regional Municipality of York Comments

Appendix "D" – Aerial Photograph: Kennedy Road

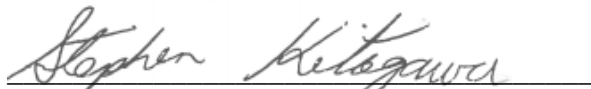
Appendix "E" – Zoning Map: Kennedy Road

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/125/20

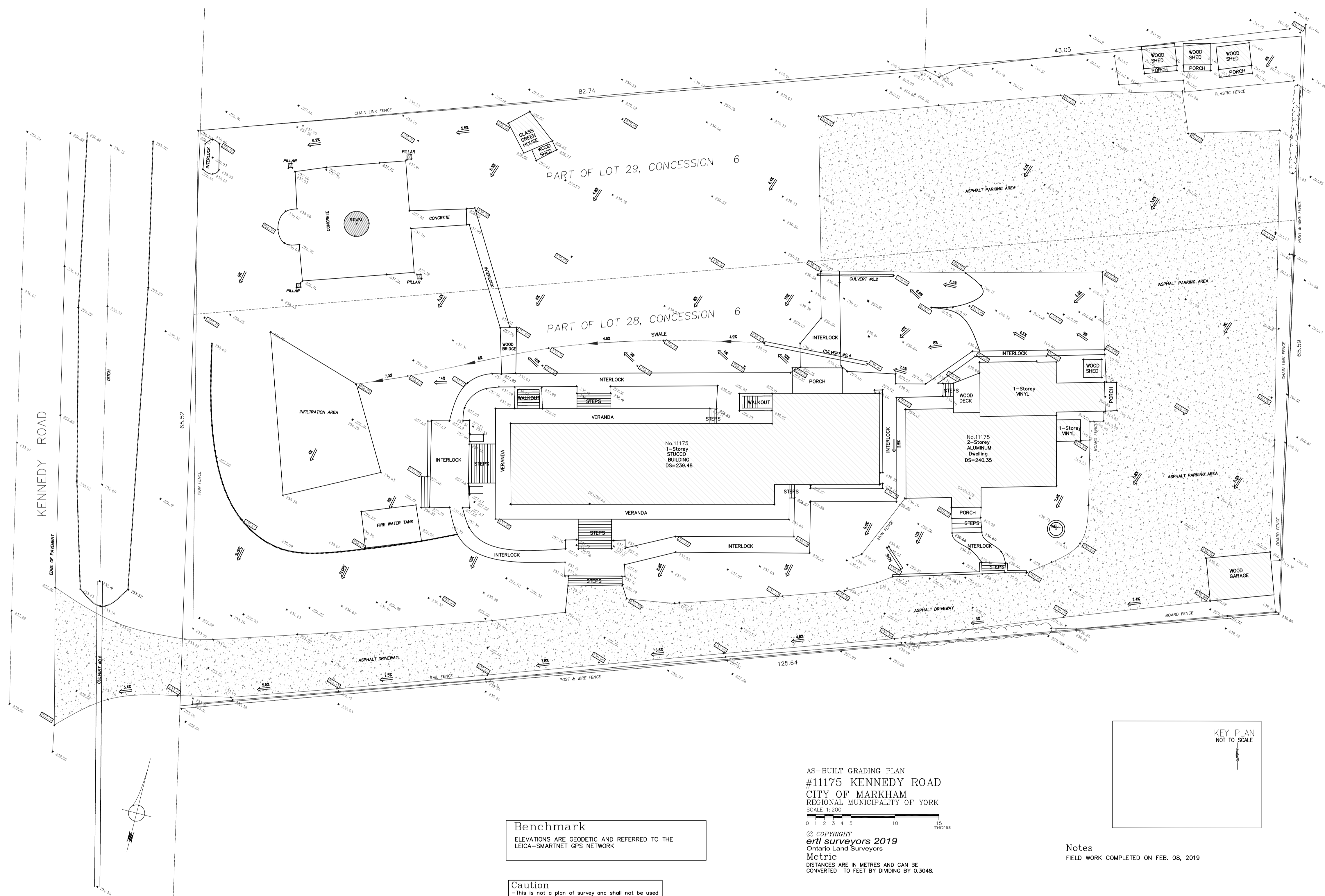
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That prior to the commencement of construction or demolition, tree protection be erected and maintained around trees within 6.0 m (19.69 ft) of the access and construction zone on site, and including any street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/125/20



Benchmark
 ELEVATIONS ARE GEODETIC AND REFERRED TO THE
 LEICA-SMARTNET GPS NETWORK

Caution
 -This is not a plan of survey and shall not be used
 except for the purpose indicated in title block.

AS-BUILT GRADING PLAN
 #11175 KENNEDY ROAD
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1:200
 0 1 2 3 4 5 10 15 metres
 © COPYRIGHT
 ertl surveys 2019
 Ontario Land Surveyors
 Metric
 DISTANCES ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING BY 0.3048.

KEY PLAN
 NOT TO SCALE

Notes
 FIELD WORK COMPLETED ON FEB. 08, 2019

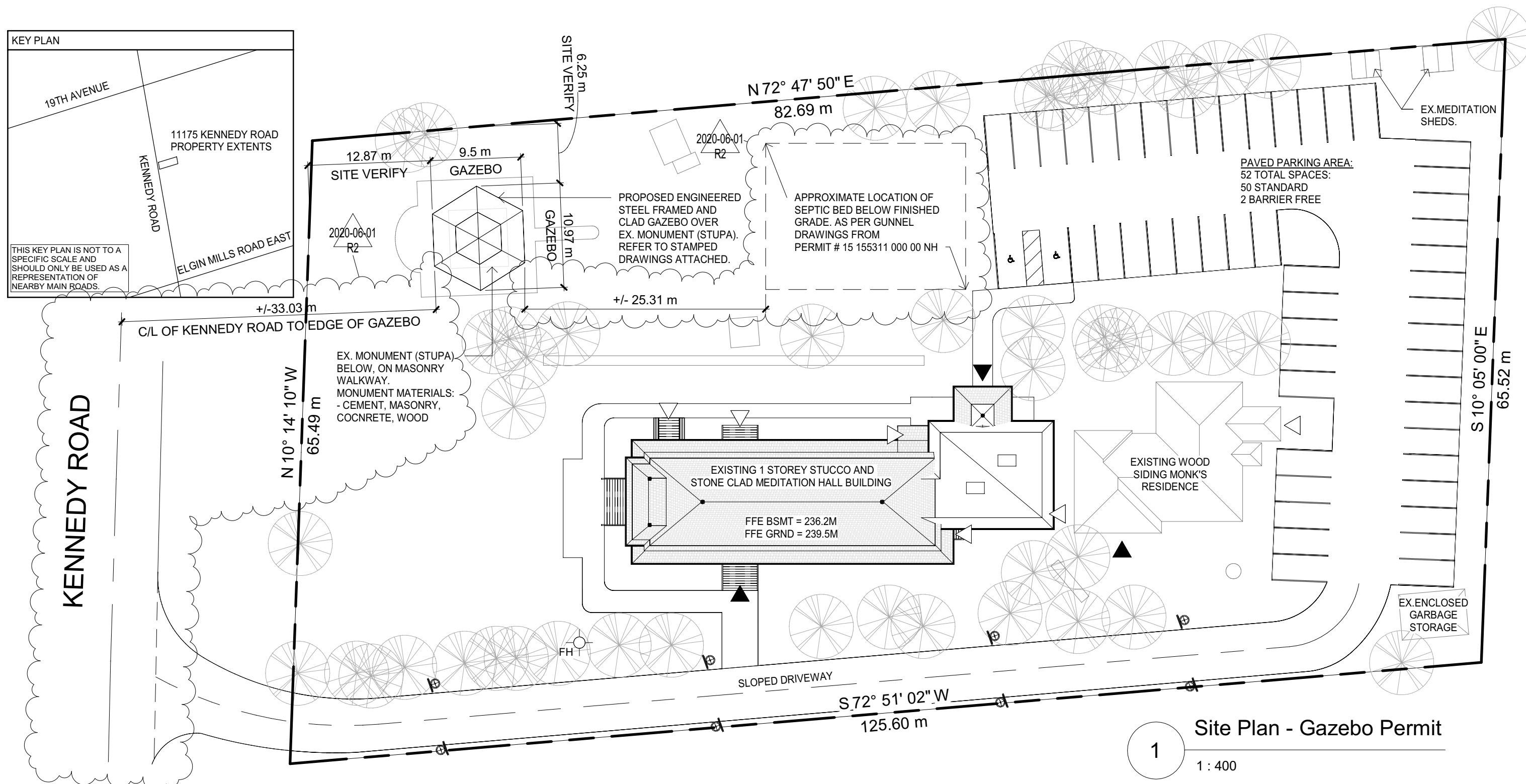
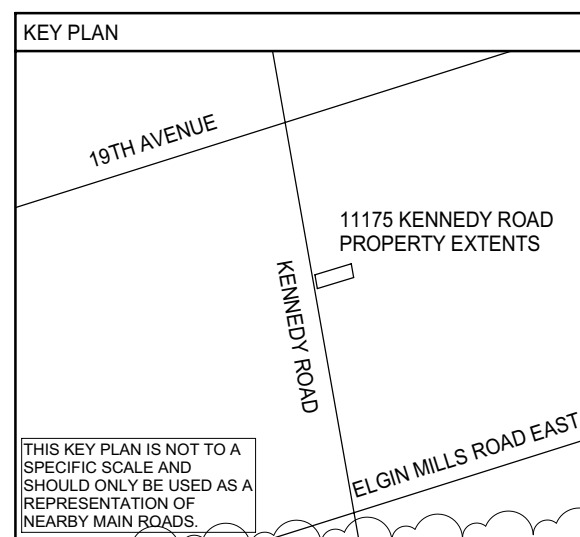
Legend
 xxx.xx DENOTES AS-BUILT ELEVATION
 [xxx.xx] DENOTES GRADIENT CALCULATION ELEVATION
 DS DENOTES DOOR SILL ELEVATION

Appendix B

File: 20.133425.000.00.MNV

Date: 01/13/21

MM/DD/YY



1 Site Plan - Gazebo Permit

1 : 400

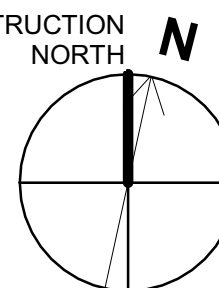
GENERAL NOTES:

1. THE ATTACHED SITE PLAN IS TO BE USED FOR PERMIT REVIEW ONLY, AND NOT FOR CONSTRUCTION.
2. ALL DIMENSIONS PROVIDED ARE TO BE SITE VERIFIED, REFER TO SURVEY WHERE APPLICABLE.
3. GAZEBO TO BE MOUNTED UPON CONCRETE FOUNDATIONS, MINIMUM 610mm DIA. AT A MINIMUM DEPTH OF 1220mm BELOW FINISHED GRADE AS PER ATTACHED ENGINEERED DRAWINGS.

FH FIRE HYDRANT LOCATION
A FIRE ROUTE SIGN LOCATION

▲ MAIN BUILDING ACCESS ENTRANCE/EXIT
△ SECONDARY BUILDING ENTRANCE/EXIT

4. KENNEDY ROAD INFORMATION UTILIZED FROM ERTL SURVEYORS 2019, DATED 25 FEB 2019, FOR 11175 KENNEDY ROAD.



MEDITATION HALL - GAZEBO PERMIT

MAHAMEVNAWA MONASTERY TORONTO
11175 KENNEDY ROAD
MARKHAM, ONTARIO L6C 1P2

CS&P Architects Inc.
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2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

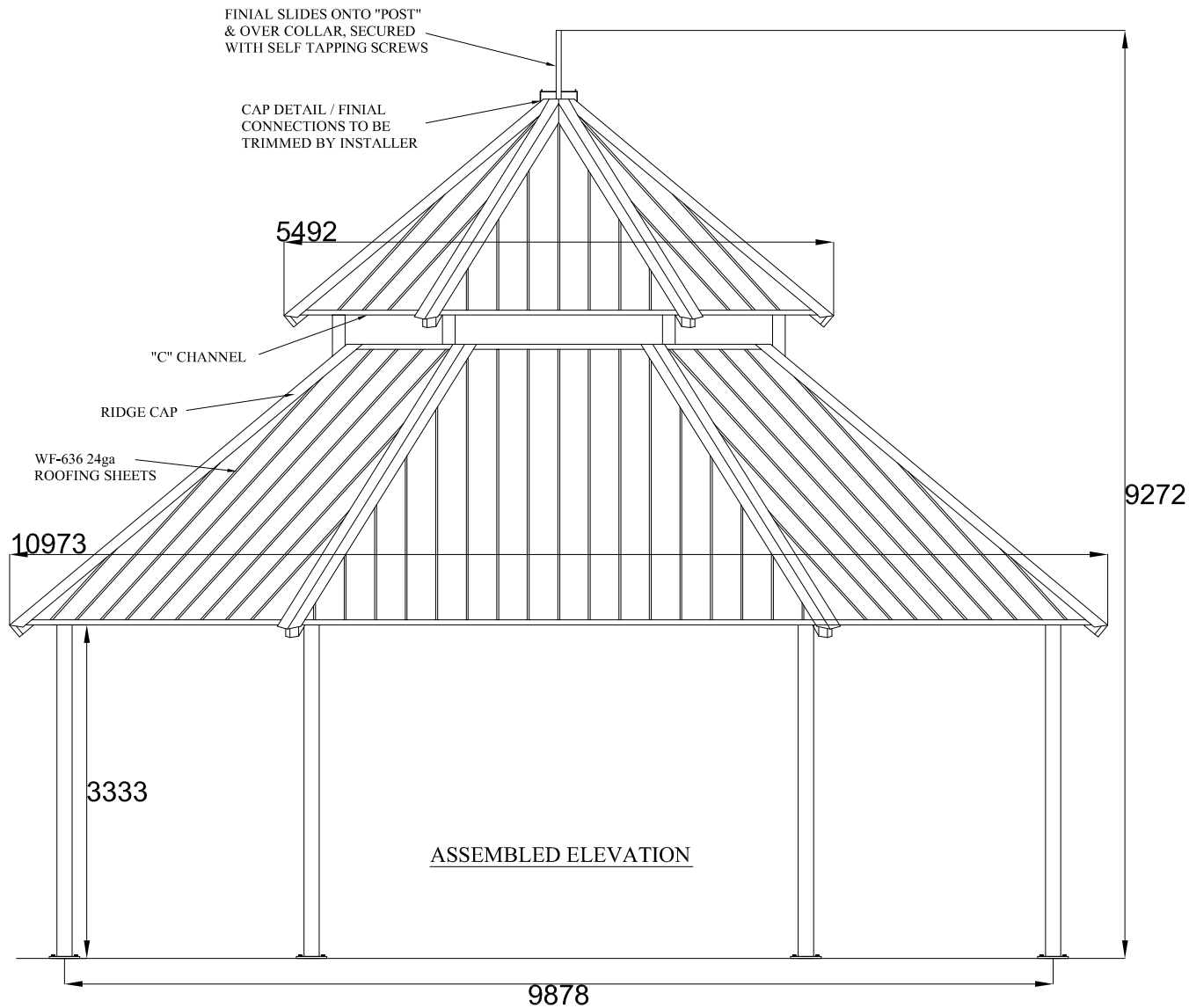
CS&P Architects

SITE PLAN

Scale: As indicated
Date: 04/07/20
Project No. 16017.02

Drawn By: AA
Revision No. R2
Drawing No. A-1.0

2020-06-01 10:07:07 AM



Appendix B

File: 20.133425.000.00.MNV

Date: 01/13/21
MM/DD/YY



BCB FILE #: 8429



ROOFING NOTES:

- FASTEN ROOFING (WF-636 24ga) TO FRAME USING #12 x 1 1/4" 5pt "DRILLERS" BETWEEN EVERY OTHER "RIDGE" ON METAL ROOFING (EQUALS 12" o/c)
- FASTEN ROOFING TRIMS (RIDGE CAPS & "C" CHANNEL) TO ROOFING USING #14 3pt "STITCH" SCREWS @ EVERY OTHER ROOFING "RIDGE" OR MORE AS NEEDED TO SUIT

CLIENT:
Buddha Meditation Center
11175 Kennedy Rd
Markham, ON

TITLE

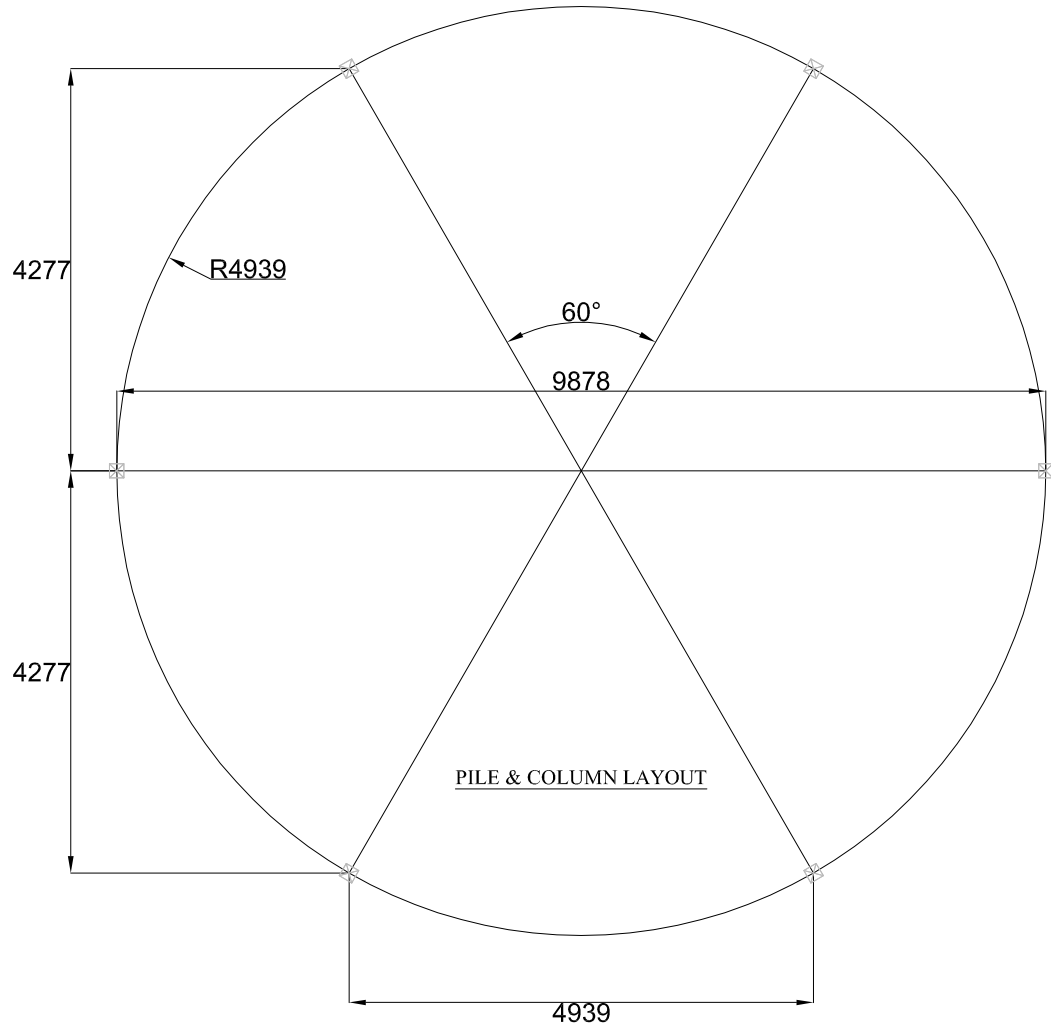
BOSMAN HOME FRONT
CUSTOM RIV-36 GAZEBO

DRWN BY: PM

REV 7

FEB 11, 2020

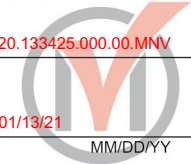
SCALE: NTS



Appendix B

File: 20.133425.000.00.MNV

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NOTES:

- ALL WELDS 6mm FILLET OR GROOVE AS APPLICABLE
- FABRICATION & WELDING AS PER W59 & W47.1
- STEEL PLATE & ROLLED SECTIONS TO CONFORM TO CAN/CSA-G40.21-13 "STRUCTURAL QUALITY STEEL" GRADE 300W EXCEPT HSS TO BE GRADE 350W CLASS C.
- ALL STRUCTURAL FASTENERS TO BE GRADE A325
- ALL ANCHORS TO BE GRADE B7, & HOT DIPPED GALVANIZED FINISH
- ALL STRUCTURAL MATERIALS TO BE SAND BLASTED AND POWDER COATED, COLOUR = BRIGHT WHITE
- ROOFING TO BE WF-636-R 24ga, COLOUR = DARK RED

-LOADS: WIND: $q(\frac{1}{50})=0.44$ kPa
 SNOW: $S_s=1.3$ kPa
 $S_r=0.4$ kPa

SEISMIC: $R_d=1.0$ $R_o=1.0$
 $S_a(0.2)=0.182$ $S_a(0.5)=0.103$
 $S_a(1.0)=0.056$ $S_a(2.0)=0.028$
 $PGA=0.092$

-DESIGN IS TO ONTARIO BUILDING CODE (2012)

- ALL BOLTS TO BE INSTALLED TO SNUG TIGHT CONDITION. ALL CONNECTIONS CONSIDERED TO BE BEARING TYPE UNLESS NOTED OTHERWISE. IT IS THE RESPONSIBILITY OF THE INSTALLER TO ENSURE THAT ALL BOLTS ARE PROPERLY TIGHTENED

- THIS HAS BEEN ENGINEERED AS AN OPEN STRUCTURE AS DEPICTED. CONTACT CUSTOM PARK & LEISURE IF STRUCTURE IS TO BE ENCLOSED

- THESE DRAWINGS DEPICT THE COMPLETED STRUCTURE. INSTALLER IS RESPONSIBLE FOR THE DESIGN OF ALL TEMPORARY SUPPORTS WHICH MAY BE REQUIRED DURING CONSTRUCTION. AT ALL TIMES ALL RELEVANT HEALTH AND SAFETY REGULATIONS MUST BE FOLLOWED

- FIELD REVIEW (AS REQUIRED) TO SATISFY BUILDING CODE REQUIREMENTS IS TO BE COMPLETED BY A QUALIFIED LOCAL ENGINEER RETAINED BY INSTALLER



BCB FILE #: 8429

BCB
Engineering



TITLE

BOSMAN HOME FRONT
CUSTOM RIV-36 GAZEBO

DRWN BY: PM

REV 7

FEB 11, 2020

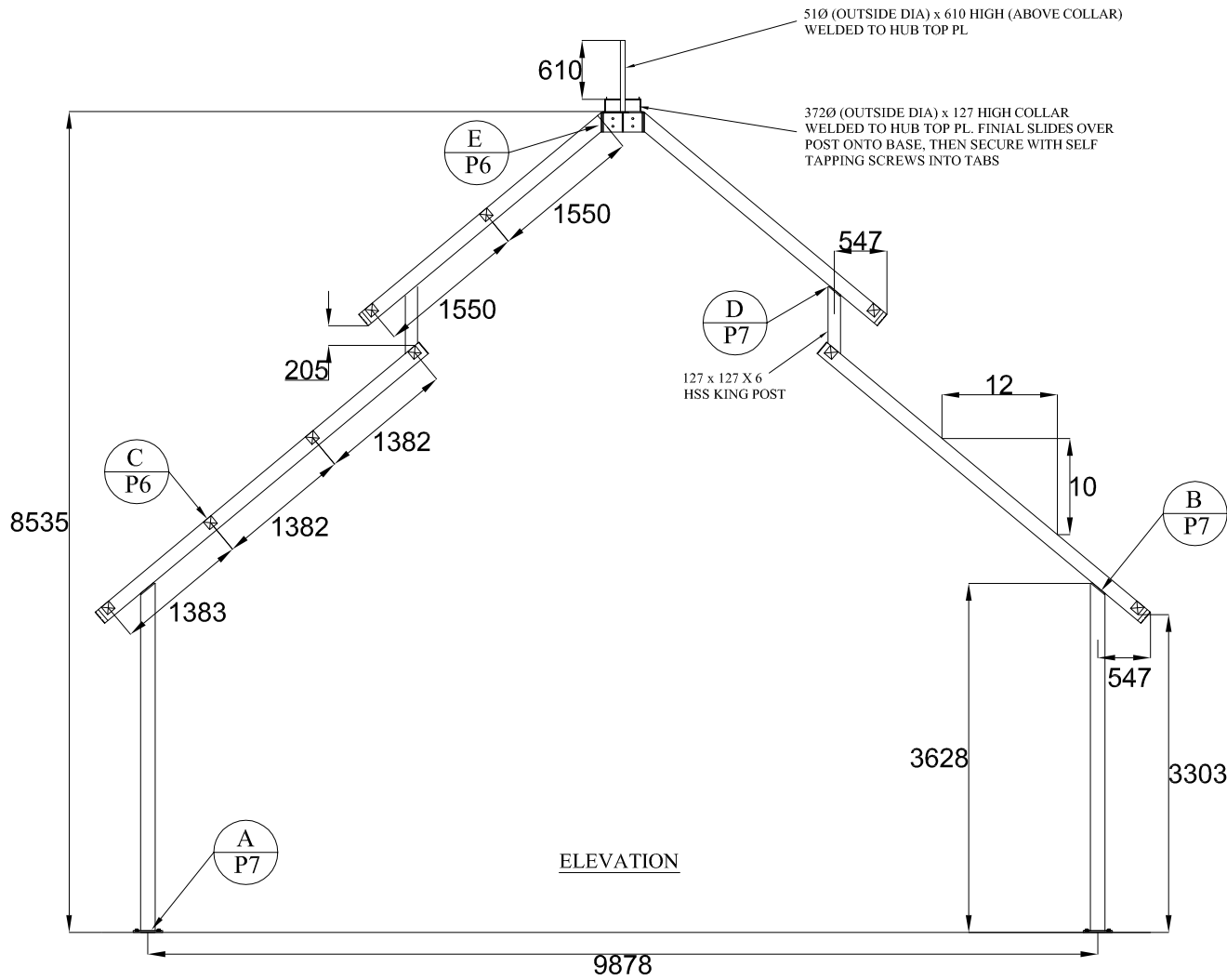
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Appendix B

File: 20.133425.000.00.MNV

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BCB FILE #: 8429



BCB
Engineering



TITLE

BOSMAN HOME FRONT
CUSTOM RIV-36 GAZEBO

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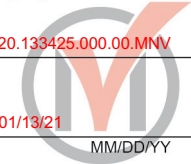
FEB 11, 2020

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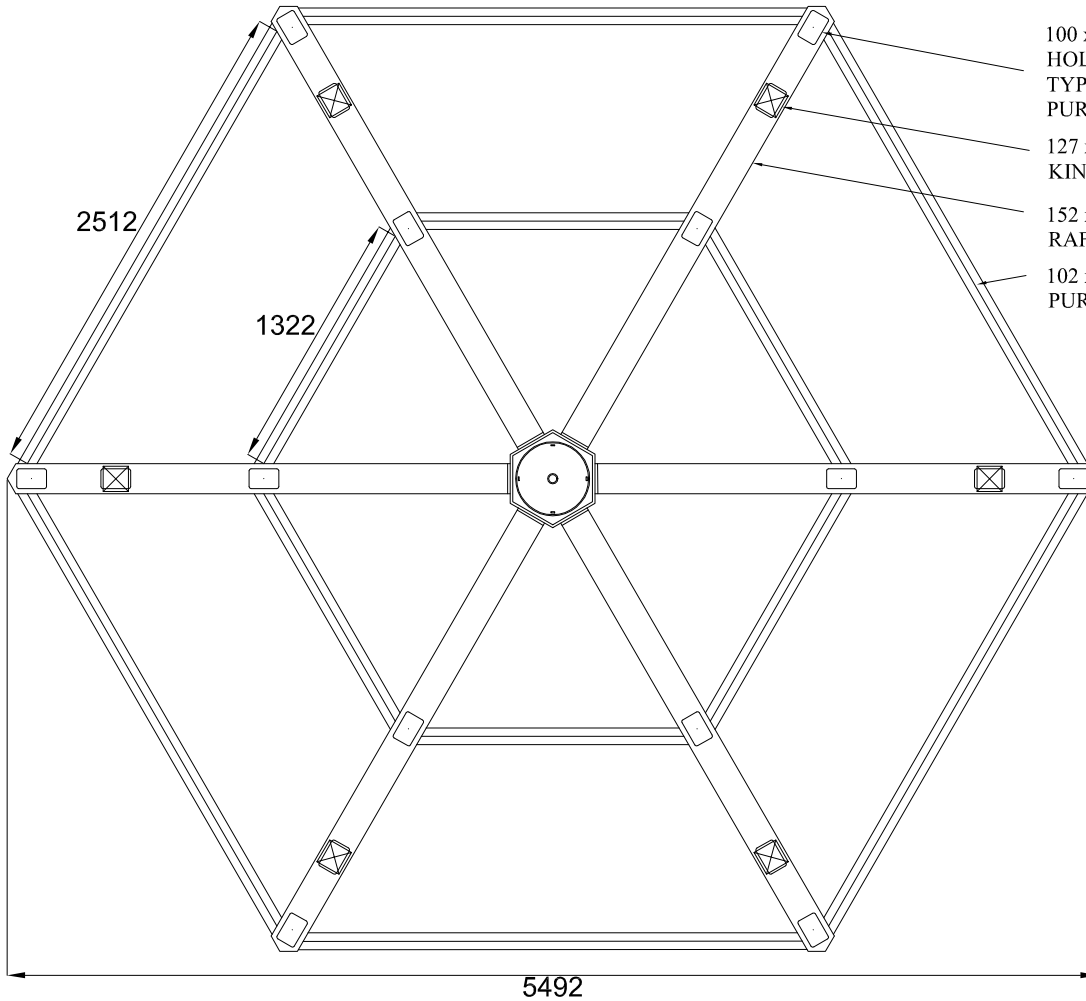
Appendix B

File: 20.133425.000.00.MNV

Date: 01/13/21
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- 100 x 150 ACCESS HOLE ON RAFTER TOP, TYP @ EACH COLUMN & PURLIN
- 127 x 127 X 6 HSS KING POST (BELOW)
- 152 x 152 x 6 HSS RAFTER
- 102 x 102 x 6 HSS PURLIN



UPPER ROOF - PLAN VIEW

BCB FILE #: 8429



BCB
Engineering



TITLE

BOSMAN HOME FRONT
CUSTOM RIV-36 GAZEBO

DRWN BY: PM

REV 7

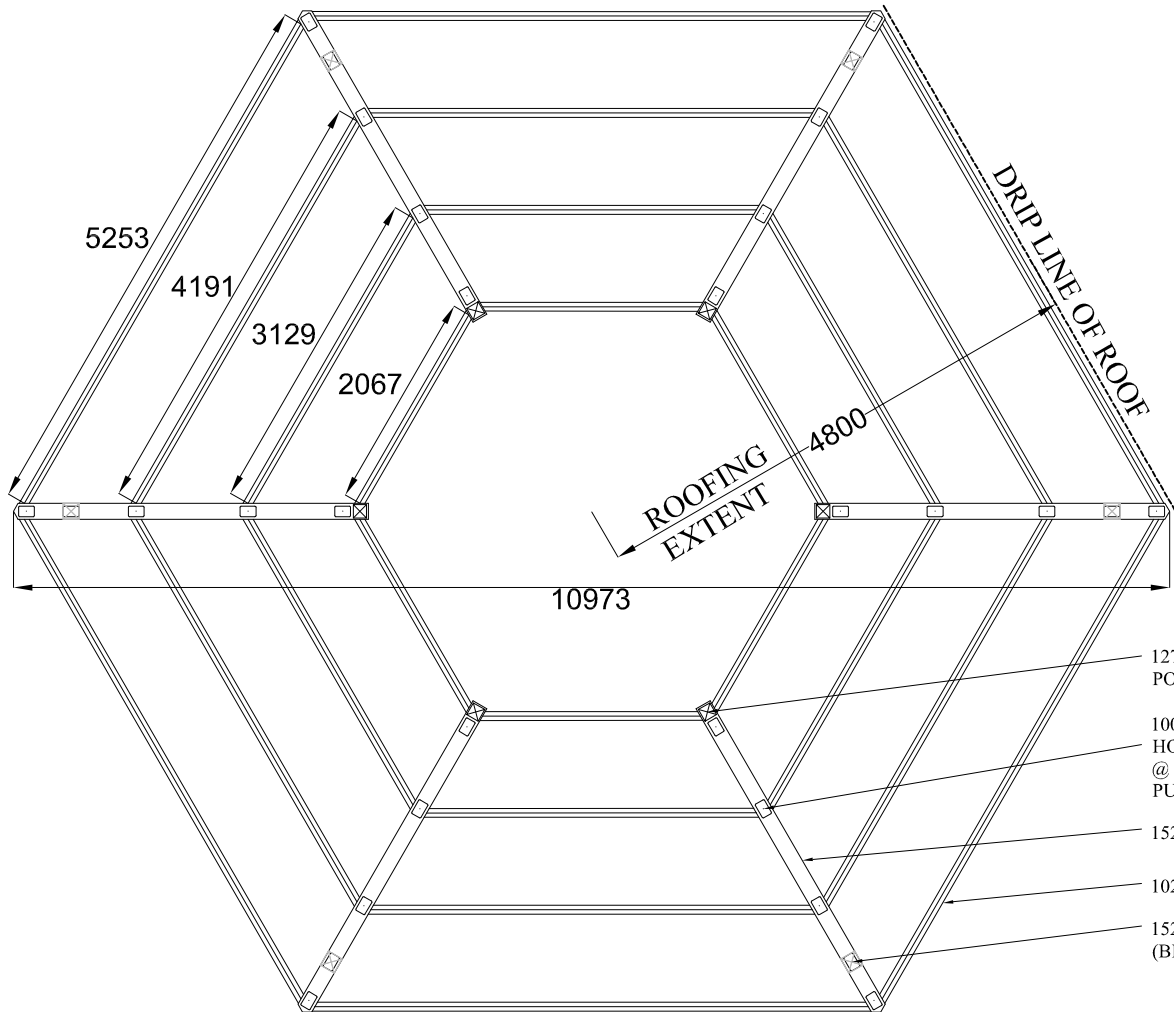
FEB 11, 2020

SCALE: NTS

Appendix B

File: 20.133425.000.00.MNV

Date: 01/13/21
MM/DD/YY



- 127 x 127 X 6 HSS KING POST (ABOVE)
- 100 x 150 ACCESS HOLE ON RAFTER TOP, TYP @ EACH COLUMN & PURLIN
- 152 x 152 x 6 HSS RAFTER
- 102 x 102 x 6 HSS PURLIN
- 152 x 152 x 6 HSS POST (BELOW)

LOWER ROOF - PLAN VIEW



BCB FILE #: 8429



TITLE

BOSMAN HOME FRONT
CUSTOM RIV-36 GAZEBO

DRWN BY: PM

REV 7

FEB 11, 2020

SCALE: NTS

APPENDIX "C"
REGIONAL MUNICIPALITY OF YORK COMMENTS

Department	Reviewer	Email	Status	Reviewer Comments
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	York Region Reviewer	[REDACTED]	Accepted	The Regional Municipality of York has completed its review of Minor Variance application MVAR.20.M.0434 (20.133425.000.00.MNV) and has no comments.

APPENDIX "D"
AERIAL PHOTOGRAPH: KENNEDY ROAD



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Parks
 - <all other values>
 - Under Development

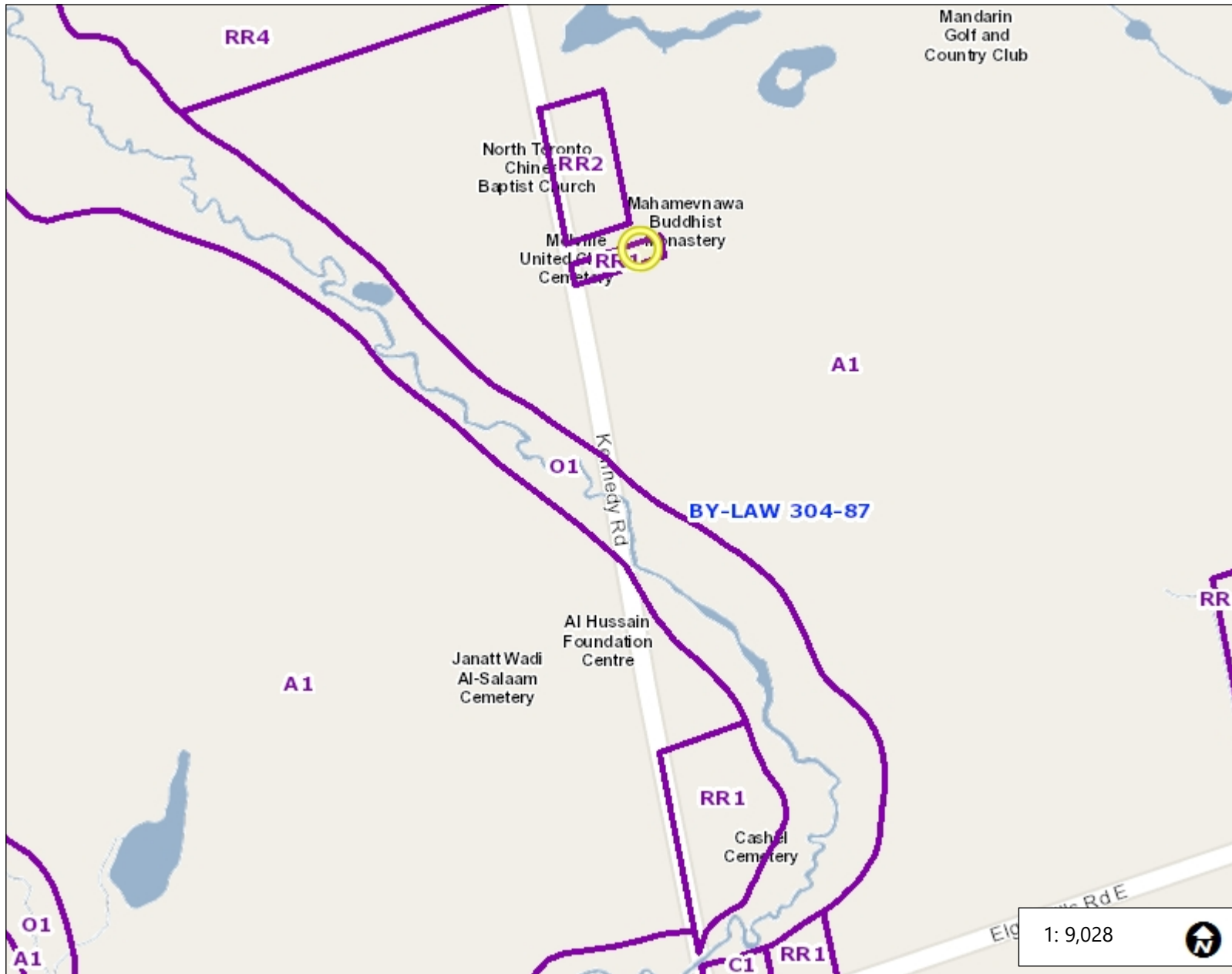
1: 9,028



458.6 0 229.31 458.6 Meters

Notes

APPENDIX "E"
ZONING MAP: KENNEDY ROAD



Legend

- Parent By-laws
- Zoning Designations
- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Parks
 - <all other values>
 - Under Development

Notes

