

Memorandum to the City of Markham Committee of Adjustment

July 2, 2019

File: A/57/19
Address: 3693 Elgin Mills Road East, Markham
Applicant: Evan MacDonald and Cathy Lee MacDonald
Agent: Joseph N. Campitelli Architect Inc. (Joseph Campitelli)
Hearing Date: Wednesday July 10, 2019

The following comments are provided on behalf of the North Team. The applicant is requesting relief from the following requirements of By-law 304-87, RR2, as amended:

a) Section 7.5 (b)(ii) Rear Yard Setback:

a minimum rear yard setback of 5.8 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres; as it relates to a proposed detached garage.

BACKGROUND

Property Description

The 7,964 m² (85,727 ft²) subject property is located on the south side of Elgin Mills Road East, west of Warden Avenue. The property is located within an area currently comprised of rural residential and agriculture properties. There are two existing detached dwellings on the property (municipally known as 3693 and 3695 Elgin Mills Road East), as well as a barn, shed and storage structure. Mature vegetation exists across the property.

The subject property is listed on the Markham Register of Property of Cultural Heritage Value or Interest. The primary heritage feature on the property is the Toll House.

Proposal

The applicant is proposing to demolish the existing 75.45 m² (812 ft²) storage structure and construct a 117 m² (1,259 ft²) three (3) car garage in its place. A minor variance application has been submitted to request relief from the minimum rear yard setback requirements of By-law 304-87, RR2, as amended.

Official Plan and Zoning

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

The 2014 Official Plan designates the subject property 'Future Urban Area' and more specifically 'Future Neighbourhood Area'. As detailed in Section 8.12 of the Official Plan, more specific land use designations for the 'Future Neighbourhood Area' lands will be determined through a non-statutory master planning exercise, followed by more detailed secondary plans.

Berczy Glen Secondary Plan

The subject property is located within the Berczy Glen Secondary Plan Area, which is located within the concession block bounded by Major Mackenzie Drive East, Warden Avenue, Elgin Mills Road East, and Woodbine Avenue. The Berczy Glen Secondary Plan, adopted by Markham Council on November 27, 2018, and approved by York Region Council on June 27, 2019, designates the subject property 'Residential Mid Rise I'.

Zoning By-Law 304-87, as amended

The subject property is zoned 'Rural Residential 2 (RR2)' under By-law 304-87, as amended, which permits a single detached dwelling, home occupation, and private home day care.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is that the "new garage is built in place of the existing storage/garage structure with bigger footprint, as the existing structure is not enough to meet new parking requirements".

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a ZPR on May 10, 2019, to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act* states that the following 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
- d) the general intent and purpose of the Official Plan must be maintained.

Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 5.8 m (19 ft), whereas the By-law requires a minimum rear yard setback of 7.5 m (24.6 ft). This is to facilitate the construction of a three (3) car garage. The variance represents a reduction of approximately 1.7 m (5.6 ft). Staff do not anticipate any adverse impacts as a result of the requested variance.

Heritage Comments

Heritage Staff have no objection to the proposed new garage or the requested variance. The application will be heard at Heritage Markham on July 10, 2019. As outlined in Appendix "A", the Secretary-Treasurer shall receive written confirmation from Heritage Markham that the requested variance is supported.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 2, 2019. 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:



Amanda Crompton, Planner II, North District

REVIEWED BY:



Stephen Lue, Development Manager, North District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/57/19

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 plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on June 12, 2019, 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 the Secretary-Treasurer receive written confirmation from Heritage Markham that the requested variance is supported;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including 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.

CONDITIONS PREPARED BY:



Amanda Crompton, Planner II, North District

SURVEYOR'S REAL PROPERTY REPORT

PART 1

PLAN OF

CONCESSION 4

CITY OF MARKHAM

SCALE 1 : 300

2014

R. G. MCKIBBIN LIMITED

THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED: MAY 23, 2014.

NOTES

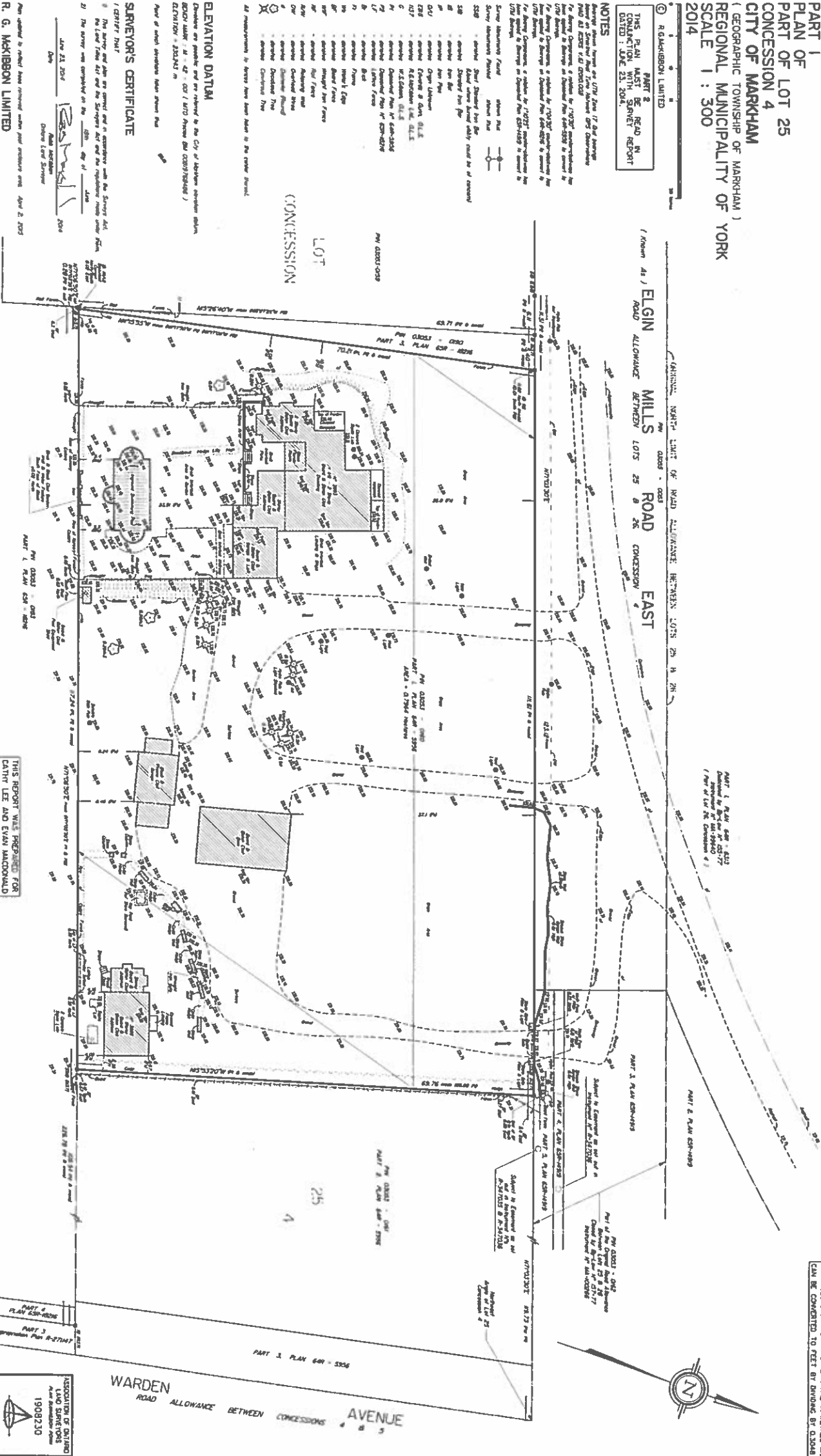
- 1. Survey shown herein on UTM Zone 17 Q UTM Average Spheroid at Station Point 700 Station 075 Coordinates.
- 2. All distances are in meters and rounded to the nearest millimeter.
- 3. The survey was conducted by 19237 and 19238 in accordance with the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Regulations, R.R.O. 1997, Chapter 600.
- 4. The survey was conducted on 19237 and 19238 in accordance with the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Regulations, R.R.O. 1997, Chapter 600.
- 5. The survey was conducted on 19237 and 19238 in accordance with the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Regulations, R.R.O. 1997, Chapter 600.
- 6. The survey was conducted on 19237 and 19238 in accordance with the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Regulations, R.R.O. 1997, Chapter 600.
- 7. The survey was conducted on 19237 and 19238 in accordance with the Survey Act, R.S.O. 1990, Chapter S.5, and the Survey Regulations, R.R.O. 1997, Chapter 600.
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CONCESSION

LOT

ELGIN MILLS ROAD

ALLOWANCE BETWEEN LOTS 25 & 26 CONCESSION EAST



ELEVATION DATUM
 Elevations are provided and are referred to the City of Markham elevation datum.
 ELEVATION: 4. 47' CD / 470' Above Sea Level (2007/2008) /
 DATUM: 2007/2008

SURVEYOR'S CERTIFICATE
 I, **CHRISTINE PAUL**
 Surveyor, do hereby certify that the above is a true and correct copy of the original plan as filed in my office on the 23rd day of May, 2014.
 My office is located at 1000 Sheppard Avenue East, Suite 100, Markham, Ontario L3R 9V2.
 My registration number is 19237 and 19238.
 My commission expires on the 31st day of May, 2015.
 My office is located at 1000 Sheppard Avenue East, Suite 100, Markham, Ontario L3R 9V2.
 My registration number is 19237 and 19238.
 My commission expires on the 31st day of May, 2015.

R. G. MCKIBBIN LIMITED
 ONTARIO LAND SURVEYORS
 115 BALDWIN DRIVE, UNIT 10
 MARKHAM, ONTARIO L3R 9V2
 TEL: (905) 947-3400
 FAX: (905) 947-3401
 EMAIL: rgm@rkmkibbin.com

THIS REPORT WAS PREPARED FOR
CATHY LEE AND EVAN MACDONALD
AND THE UNDERSIGNED ACCEPTS
NO RESPONSIBILITY FOR USE BY
OTHER PARTIES.

ASSOCIATION OF ONTARIO
LAND SURVEYORS
 1908230
 THE PLAN IS NOT VALID UNLESS IT IS REGISTERED BY THE SURVEYOR GENERAL ON THE SYSTEM PLAN NUMBER 2007/2008
 PLAN NO. 13-14-03

CONCESSION NOTE 1
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048