

Memorandum to the City of Markham Committee of Adjustment

August 30, 2022

File: A/154/22
Address: 6350 Steeles Avenue East, Markham
Applicant: Forest Bay Homes (Clay Leibel)
Agent: Forest Bay Homes (Clay Leibel)
Hearing Date: Wednesday September 7, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the “RMD2 Second Density – Medium Density Residential” under By-law 90-81, as amended by By-law 2015-6, to permit:

a) Amending By-law 2015-6, Section 7.64.1 g:

a minimum setback of 1.50 metres to an open Space zone, whereas the By-law requires a minimum setback of 7.0 metres to an open space zone, as it relates to two proposed townhouse units.

BACKGROUND

Property Description

The 1.58 ha (3.90 ac) subject site, legally known as Block 150, 65M-4619, is located on the west side of Kirkham Drive, east of Markham Road and north of Steeles Avenue East (see Appendix C). The subject site is located within a residential subdivision approved by the Ontario Municipal Board (now known as Ontario Land Tribunal) in 2016. Surrounding uses include a stormwater management pond to the south, single and semi-detached dwellings to the north and east, and the Morningside Tributary to the west. Further east of the subject site is the Remington Parkview Golf Course and the C.N. Railway line.

Proposal

There is a concurrent site plan application (File #: SPC 18 158813) for the development of 59 common element townhouses on the subject site. The applicant is requesting a variance to reduce the required setback from the west abutting open space zone for Unit # 14 in Block 2 and Unit # 24 in Block 5 (see Appendix B).

Official Plan and Zoning

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

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings, semi-detached dwellings and townhouses.

Zoning By-Law 90-81

The subject property is zoned ‘Second Density-Medium Density Residential (RMD2)’ under By-law 90-81, as amended by By-law 2015-6, which permits the proposed townhouse development. Unit # 14 in Block 2 and Unit # 24 in Block 5 do not comply with the requirement in Amending By-law 2015 with respect to minimum setback to the west abutting Open Space Zone.

Zoning Preliminary Review (ZPR) Not Undertaken

A Zoning Preliminary Review (ZPR) has not been conducted. However the applicant has received comments from the building department through the site plan 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:

- 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 Setback to an Open Space Zone

The applicant is requesting a variance to permit a minimum setback of 1.5 m (4.92 ft) to an open space zone, whereas the by-law requires a minimum setback of 7.0 m (23.96 ft) to an open space zone. This represents a reduction of 5.5 m (18 ft).

The Morningside Tributary is adequately protected by a 10 m (32.8 ft) buffer zone along the west side of the subject property as shown in the approved Subdivision Plan (see Appendix C). Natural Heritage staff have no concern with the requested variance subject to additional planting along the west lot line of Unit # 14 and Unit # 24 to mitigate the impact on the environmental buffer lands. The details of the additional planting will be finalized as part of the site plan process.

Toronto and Region Conservation Authority has no objection to the approval of the application provided the applicant remits the outstanding planning review fee and obtains a TRCA permit pursuant to Ontario Regulation 166/06.

Planning staff are of the opinion that the requested variance will not result in any demonstrable adverse impact on the adjacent natural heritage features and therefore support the approval of the application.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 30, 2022. 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. 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:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 22 254768 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/154/22

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 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 applicant remits the outstanding planning review fee to TRCA and obtains a TRCA permit pursuant to Ontario Regulation 166/06, to the satisfaction of TRCA

PREPARED BY:



Carlson Tsang, Senior Planner, East District

THE PLANNING PARTNERSHIP LTD.
 Design Control Review

1. Review of Plans of The Planning Partnership Ltd. shall be in accordance with the Planning Partnership Ltd. Design Control Guidelines. This stamp is ONLY valid if the Design Control Review is completed and carries no other professional obligation.

Reviewed By: _____
 Date: _____
 Reviewed For: _____
 Final Review
 Preliminary Review

#	DESCRIPTION	DATE	BY	FOR
1	ISSUED FOR PERMITS	2022.08.15	AC	AC
2	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
3	ISSUED FOR PERMITS	2022.08.15	AA	AA
4	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
5	ISSUED FOR PERMITS	2022.08.15	AA	AA
6	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
7	ISSUED FOR PERMITS	2022.08.15	AA	AA
8	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
9	ISSUED FOR PERMITS	2022.08.15	AA	AA
10	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
11	ISSUED FOR PERMITS	2022.08.15	AA	AA
12	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
13	ISSUED FOR PERMITS	2022.08.15	AA	AA
14	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
15	ISSUED FOR PERMITS	2022.08.15	AA	AA
16	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
17	ISSUED FOR PERMITS	2022.08.15	AA	AA
18	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
19	ISSUED FOR PERMITS	2022.08.15	AA	AA
20	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
21	ISSUED FOR PERMITS	2022.08.15	AA	AA
22	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
23	ISSUED FOR PERMITS	2022.08.15	AA	AA
24	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
25	ISSUED FOR PERMITS	2022.08.15	AA	AA
26	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
27	ISSUED FOR PERMITS	2022.08.15	AA	AA
28	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA
29	ISSUED FOR PERMITS	2022.08.15	AA	AA
30	ISSUED FOR PERMITS COMMENTS	2022.08.15	AA	AA

Forest Boy Homes Ltd.

Fair Tree
 Mapleham

BLOCK-2
 ELEVATIONS

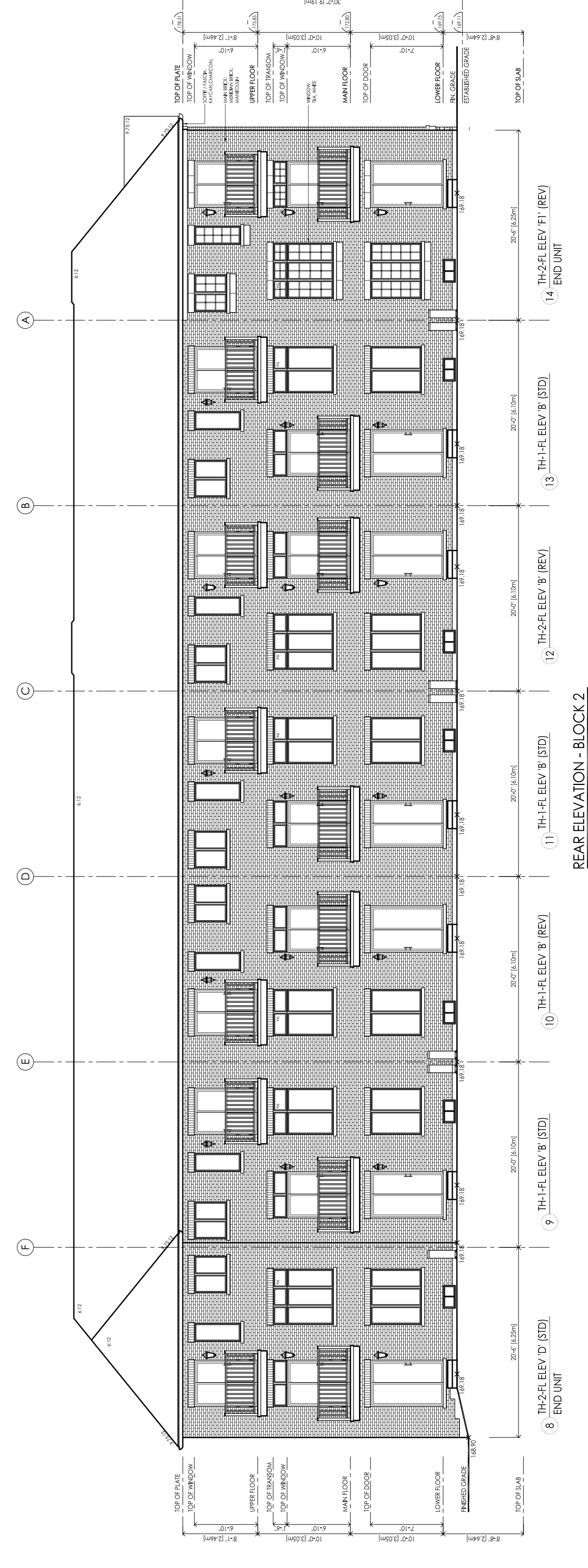
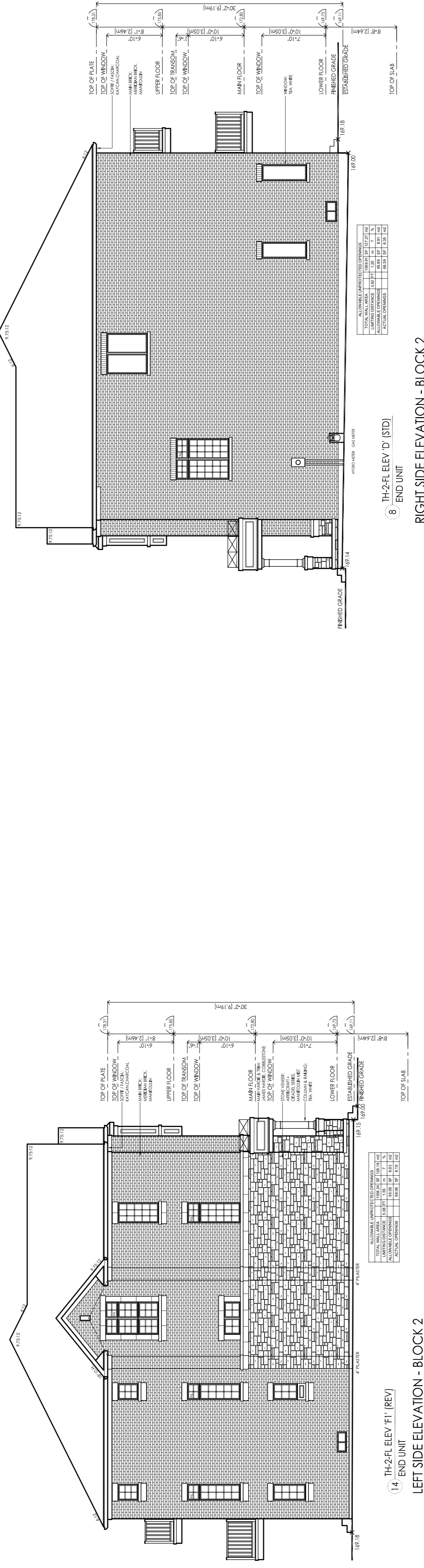
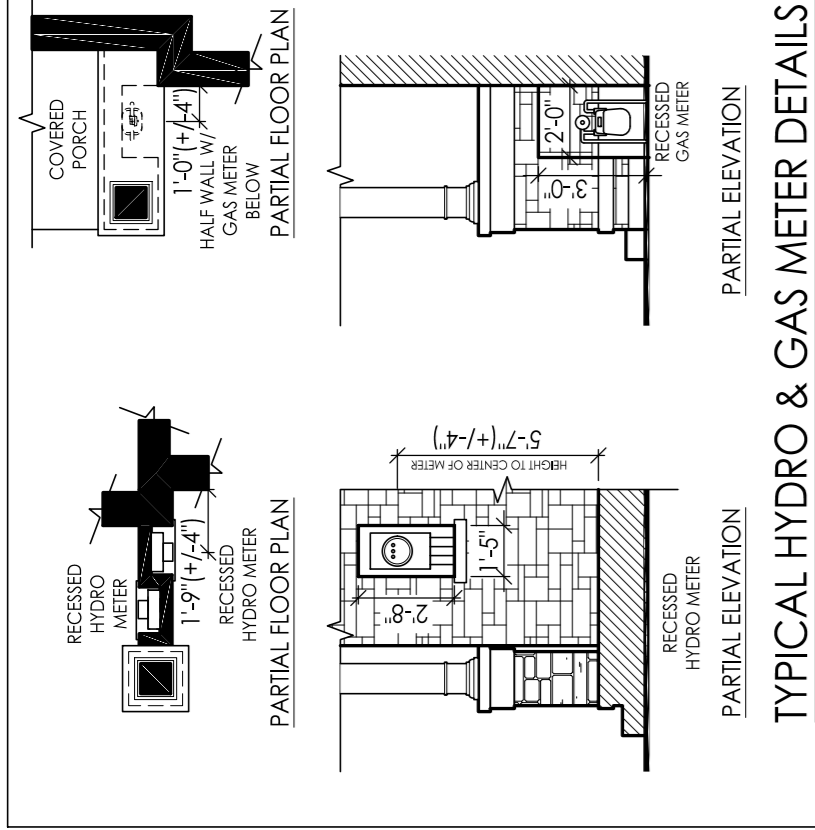
PROJECT #

17020

SCALE

1/8" = 1'-0"

PROOF



EXTERIOR FINISHES

LOCATION	FINISH
WALLS	Brick
FLOORS	Concrete
ROOFS	Asphalt/Flt
CEILING	Plaster
TRIM	Paint

MANUFACTURERS

ITEM	MANUFACTURER
Windows	UPP
Doors	UPP
Roofing	UPP
Plumbing	UPP
Electrical	UPP
Paint	UPP

NOTES:
 1. All dimensions are in millimeters unless otherwise specified.
 2. All elevations are to the centerline of the window or door unless otherwise specified.
 3. All window and door openings are to be finished in accordance with the manufacturer's instructions.
 4. All window and door openings are to be finished in accordance with the manufacturer's instructions.
 5. All window and door openings are to be finished in accordance with the manufacturer's instructions.

1. PERMITS: All drawings shall be submitted to the appropriate authority for review and approval. The applicant is responsible for obtaining all necessary permits.
2. MATERIALS: All materials shall be of a quality and quantity as specified in the drawings. The applicant is responsible for obtaining all necessary material approvals.
3. CONSTRUCTION: All construction shall be in accordance with the drawings and applicable building codes. The applicant is responsible for obtaining all necessary construction approvals.
4. FINISHES: All finishes shall be in accordance with the drawings and applicable building codes. The applicant is responsible for obtaining all necessary finish approvals.
5. UTILITIES: All utility lines shall be located and marked prior to construction. The applicant is responsible for obtaining all necessary utility approvals.

#	DESCRIPTION	DATE	BY	NO.
1	REVISION FOR SUBMITTAL	2024.05.22	RND	1.0
2	REVISION FOR SUBMITTAL	2024.05.22	RND	1.0
3	REVISION FOR SUBMITTAL	2024.05.22	RND	1.0
4	REVISION FOR SPA	2024.05.22	RND	1.0
5	REVISION FOR SPA	2024.05.22	RND	1.0
6	REVISION FOR SPA	2024.05.22	RND	1.0
7	REVISION FOR SPA	2024.05.22	RND	1.0
8	REVISION FOR SPA	2024.05.22	RND	1.0
9	REVISION FOR SPA	2024.05.22	RND	1.0
10	REVISION FOR SPA	2024.05.22	RND	1.0

Collexico Holdings Inc.

Fair Tree (Block 150)
 Mainroom

BLOCK-5
 ELEVATIONS

PROJECT #

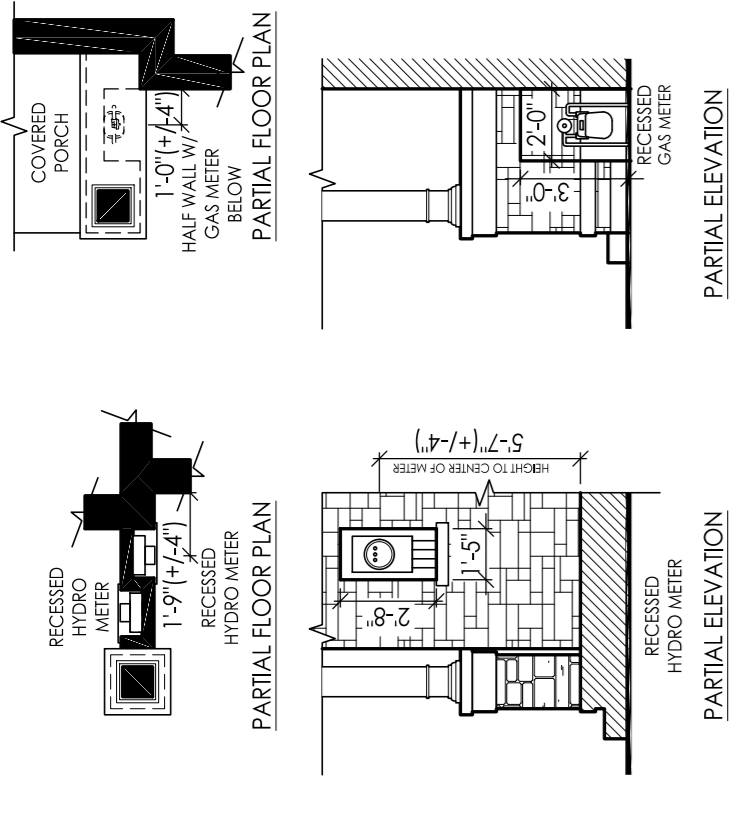
21004

SCALE

1/8" = 1'-0"

POOR

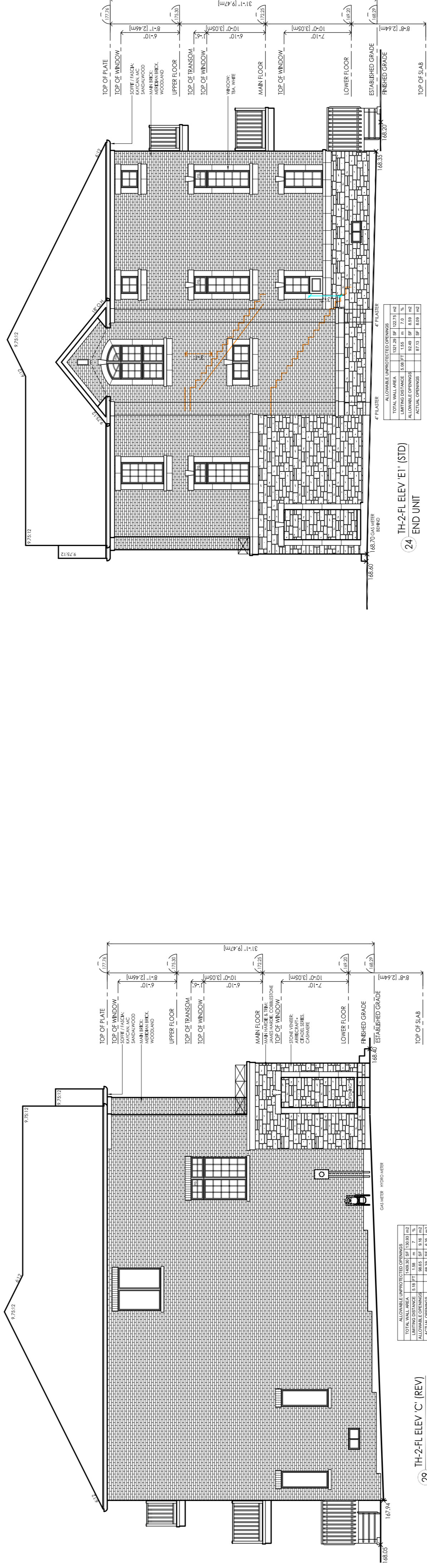
COFA A4



TYPICAL HYDRO & GAS METER DETAILS



FRONT ELEVATION - BLOCK 5



LEFT SIDE ELEVATION - BLOCK 5

RIGHT SIDE ELEVATION - BLOCK 5



REAR ELEVATION - BLOCK 5

ITEM	DESCRIPTION	MANUFACTURER	COLOR	REMARKS
1	BRICKWORK	BRICKWORK	REAR BRICK	REAR BRICKWORK
2	BRICKWORK	BRICKWORK	FRONT BRICK	FRONT BRICKWORK
3	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
4	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
5	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
6	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
7	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
8	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
9	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
10	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
11	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
12	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
13	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
14	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
15	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
16	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
17	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
18	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
19	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
20	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
21	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
22	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
23	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
24	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
25	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
26	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
27	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
28	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
29	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
30	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
31	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
32	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
33	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
34	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
35	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
36	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
37	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
38	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
39	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
40	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
41	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
42	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
43	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
44	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
45	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
46	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
47	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
48	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
49	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
50	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK

ITEM	DESCRIPTION	MANUFACTURER	COLOR	REMARKS
1	BRICKWORK	BRICKWORK	REAR BRICK	REAR BRICKWORK
2	BRICKWORK	BRICKWORK	FRONT BRICK	FRONT BRICKWORK
3	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
4	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
5	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
6	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
7	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
8	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
9	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
10	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
11	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
12	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
13	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
14	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
15	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
16	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
17	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
18	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
19	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
20	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
21	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
22	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
23	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
24	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
25	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
26	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
27	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
28	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
29	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
30	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
31	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
32	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
33	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
34	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
35	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
36	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
37	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
38	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
39	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
40	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
41	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
42	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
43	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
44	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
45	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
46	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
47	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
48	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
49	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK
50	BRICKWORK	BRICKWORK	BRICKWORK	BRICKWORK

MANUFACTURER'S INSTALLATION INSTRUCTIONS
 1. Read and understand all instructions carefully before starting work.
 2. Follow all safety precautions and warnings.
 3. Use proper tools and techniques for installation.
 4. Ensure all surfaces are clean, dry, and free of debris.
 5. Verify dimensions and layout before beginning work.
 6. Seal all joints and gaps properly to prevent water infiltration.
 7. Allow adequate curing time for all materials.
 8. Dispose of waste materials responsibly.
 9. Contact manufacturer for technical support if needed.
 10. Retain all instructions for future reference.

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF YORK REGION No. 65 AT 15:13 O'CLOCK ON THE 14th DAY OF August, 2018 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER NO. 02937-0624 AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. 42823134

A. D'ANGELO Representative For Land Registrar

THIS PLAN COMPRISES ALL OF PIN 02937-0624, SUBJECT TO EASEMENT OVER PART 1, PLAN 65M-35556 AS IN INST. NO. YR285449 (AFFECTS THE WHOLE PLAN).

PLAN OF SUBDIVISION OF PART OF LOTS 1, 2 AND 3 CONCESSION 8 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK (GEOGRAPHIC TOWNSHIP OF MARKHAM, COUNTY OF YORK) SCALE 1:1000

SCHAEFFER DZALDOV BENNETT LTD.

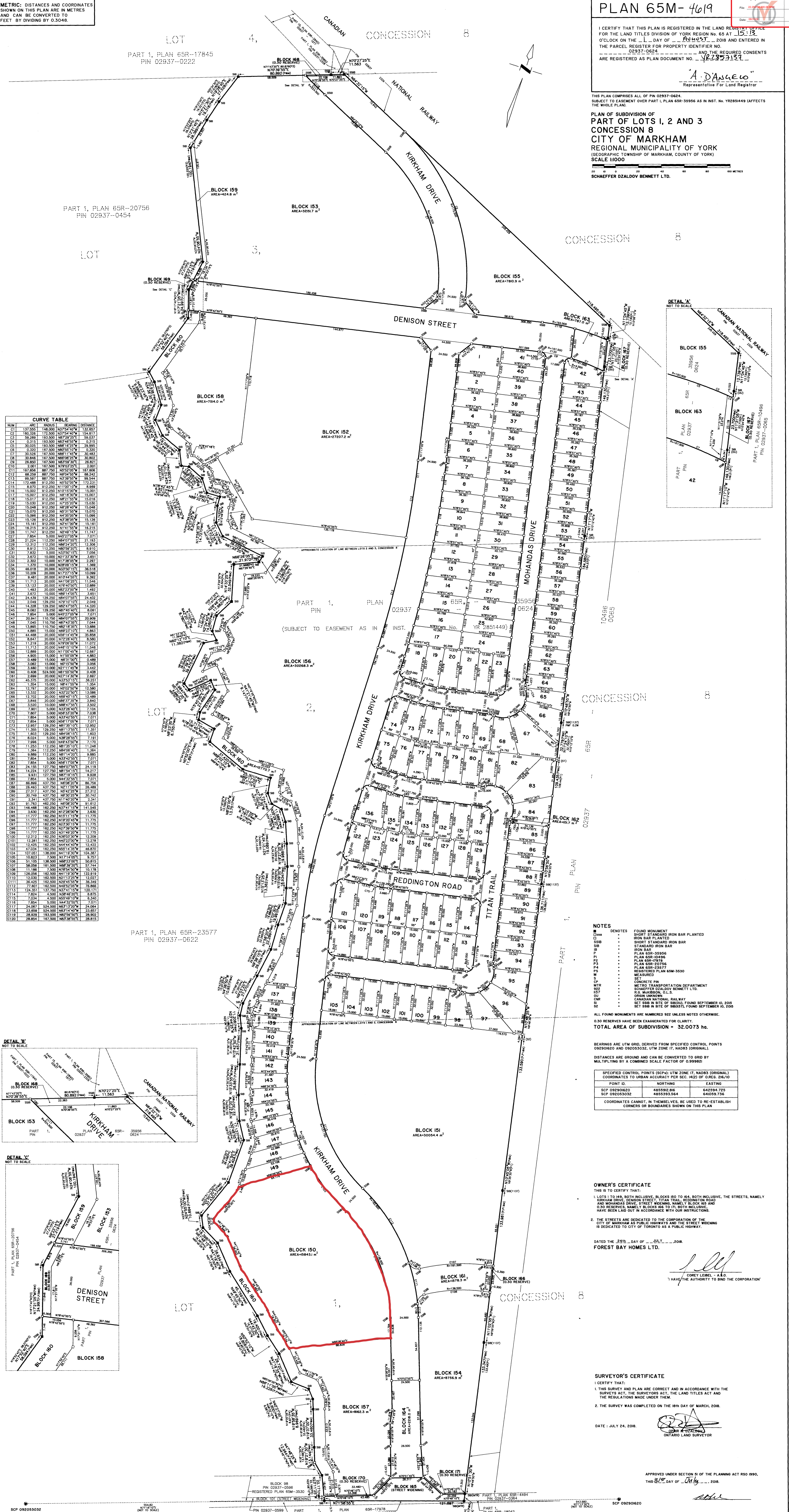
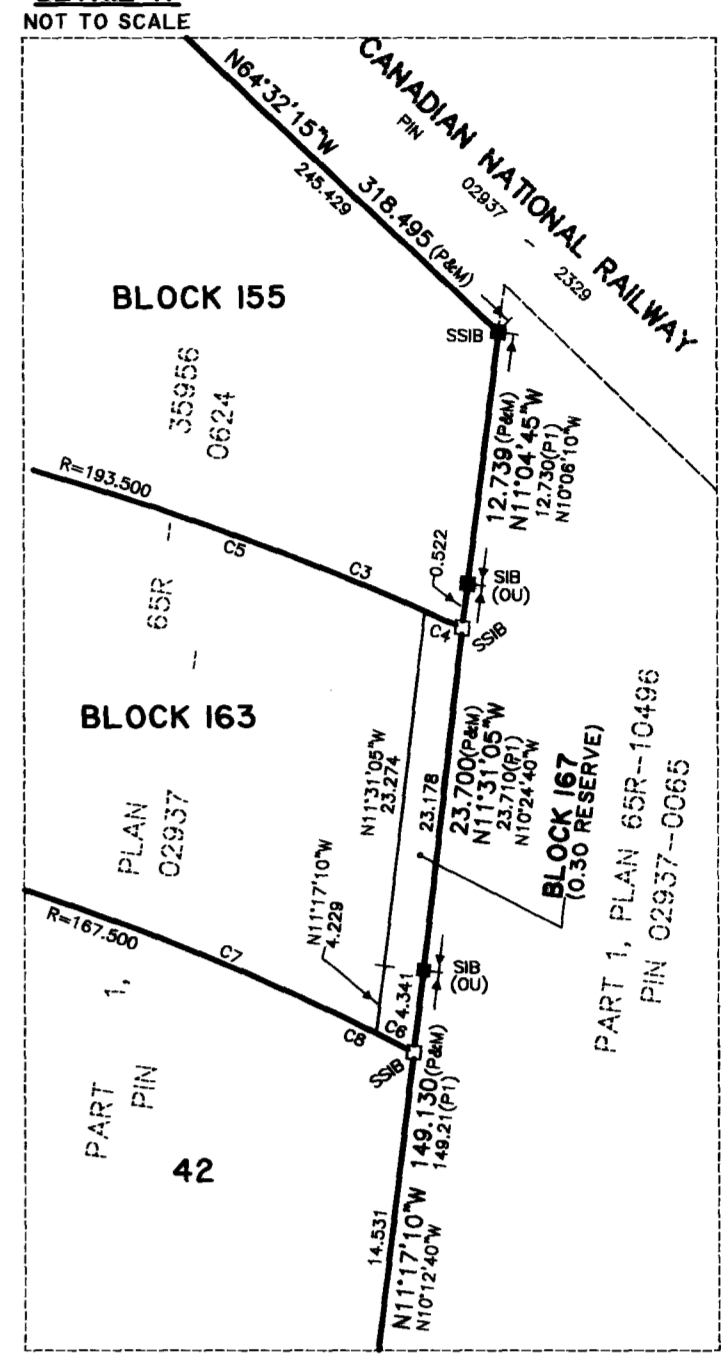
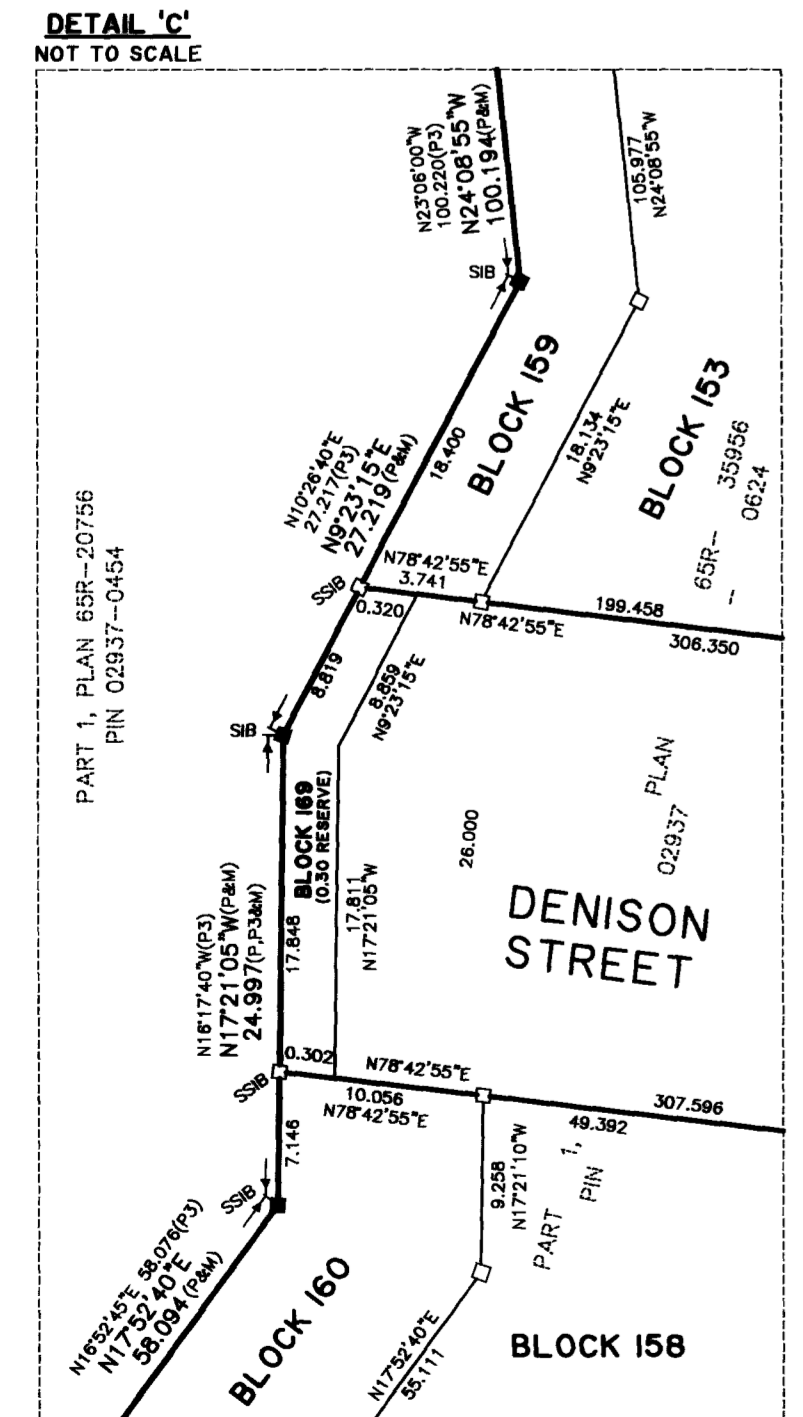
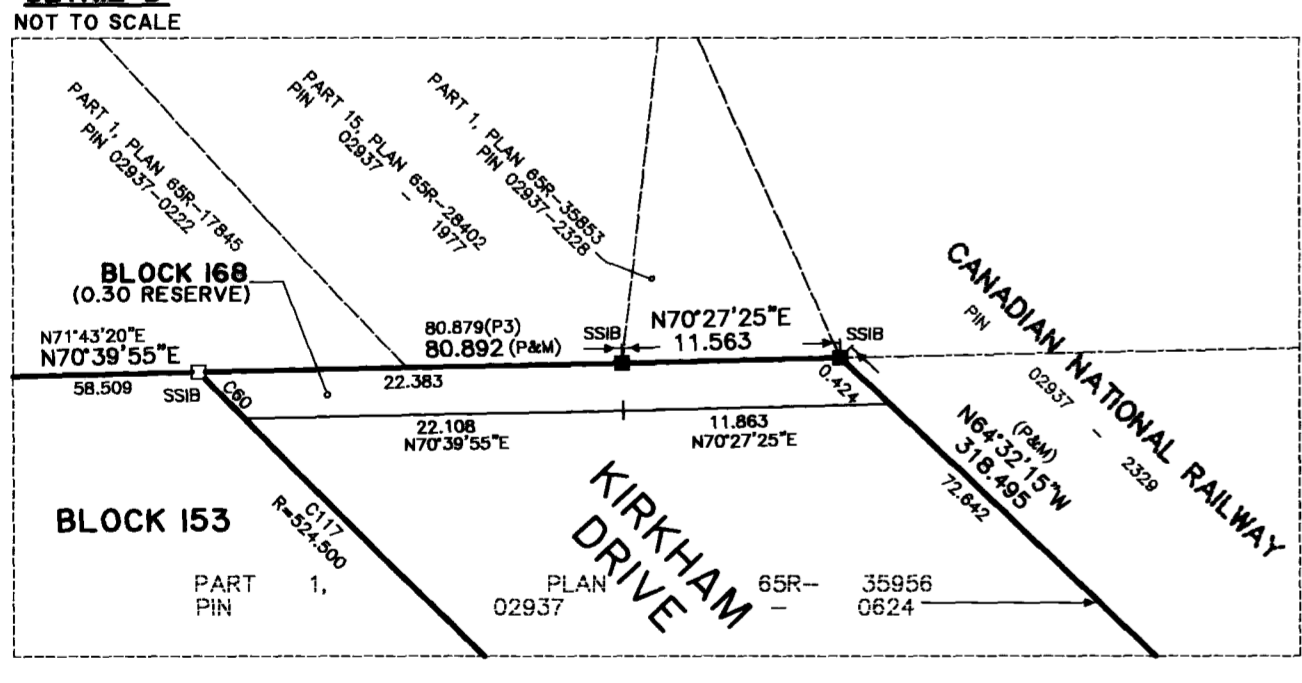
METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LOT 4, PART 1, PLAN 65R-17845 PIN 02937-0222

LOT 3, PART 1, PLAN 65R-20756 PIN 02937-0454

LOT 2, PART 1, PLAN 65R-23577 PIN 02937-0622

CURVE TABLE with columns: CURVE NO., RADIUS, CHORD BEARING, CHORD DISTANCE, ARC BEARING, ARC DISTANCE. Lists 100 curves for the subdivision.



NOTES: FOUND MONUMENT, SHORT STANDARD IRON BAR PLANTED, IRON BAR PLANTED, SHORT STANDARD IRON BAR, STANDARD IRON BAR, IRON BAR, PLAN 65R-35556, PLAN 65R-20756, PLAN 65R-17845, PLAN 65R-23577, REGISTERED PLAN 65M-35556, MEASURED, CONCRETE PIN, METRO TRANSPORTATION DEPARTMENT, SCHAEFFER DZALDOV BENNETT LTD., S.C. MARKHAM, I.L., ORIGIN UNKNOWN, CANADIAN NATIONAL RAILWAY, SET 588 IN SITE OF (SIBO); FOUND SEPTEMBER 10, 2005, SET 588 IN SITE OF (SIBO); FOUND SEPTEMBER 10, 2005.

Table with columns: POINT ID, NORTHING, EASTING. Lists control points SCP 09200620, SCP 09200621, SCP 09200622.

OWNER'S CERTIFICATE: THIS IS TO CERTIFY THAT: 1. LOTS 1 TO 149, BOTH INCLUSIVE, BLOCKS 150 TO 164, BOTH INCLUSIVE, THE STREETS, NAMELY KIRKHAM DRIVE, DENISON STREET, TITAN TRAIL, REDDINGTON ROAD AND MOHANDAS DRIVE, STREET WIDENING, NAMELY BLOCK 165 AND 0.30 RESERVE, NAMELY BLOCKS 166 TO 171, BOTH INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS. 2. THE STREETS ARE DEDICATED TO THE CORPORATION OF THE CITY OF MARKHAM AS PUBLIC HIGHWAYS AND THE STREET WIDENING IS DEDICATED TO CITY OF TORONTO AS A PUBLIC HIGHWAY.

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 THE 18th DAY OF MARCH, 2018. DATE: JULY 24, 2018.

APPROVED UNDER SECTION 51 OF THE PLANNING ACT R50 1990, THIS 21st DAY OF July, 2018.

SCHAEFFER DZALDOV BENNETT LTD. ONTARIO LAND SURVEYORS. 64 JARDIN DRIVE, CONCORD, ONTARIO L4K 3P3. TEL: (416) 987-0101. SCALE 1:1000. JOB NO. 10-950-000. JULY 24, 2018.