

Memorandum to the City of Markham Committee of Adjustment

October 14, 2021

File: A/149/21
Address: 1-26, 29-38 York Downs Boulevard, 103 and 105 Prospector's Drive, Markham; and, Lots 211-222, 262-266, 309-315, 319-329, 408-414, Plan 19T-16M10
Applicant: Minto Communities Inc. (Anderson Marques)
Agent: (none)
Hearing Date: October 20, 2021

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

The applicant is requesting relief from the following requirements of the Residential Two – Special (R2S*620) Zone in By-law 177-96, as amended, to permit:

a) Section 7.620.1 b) ii), amending by-law 2020-66

a minimum rear yard of 0.6 metres for all storeys; whereas the by-law requires a minimum rear yard of 2.4 metres to all storeys above the first storey, as it relates to 80 proposed single detached lane accessed dwellings.

BACKGROUND

Property Description

The 80 single detached lots subject of this application form a part of Draft Approved Plan of Subdivision 19TM-16010 (known commonly as York Downs East) which is generally located west of Kennedy Road, north of 16th Avenue (See Appendix A: Location Map).

York Downs East is a large residential subdivision under development comprised of approximately 1,253 units spread out over approximately 75 hectares. Build out is being phased, with Phase 1 being registered in 2021 (See Appendix B: Draft Plan of Subdivision).

The 38 units that are addressed as part of this application belong to Phase 1 which has been registered; the remaining 42 units are located within future phases that have not been registered and therefore have not been addressed at this time.

Uses surrounding York Downs East include:

- To the north is the Angus Glen Village residential neighbourhood;
- To the east is Kennedy Road and the developing residential subdivision known as Yorkton; and,
- To the south and east is the Bruce Creek followed by the developing residential subdivision known as York Downs West.

Proposal

The proposed variance will facilitate the development of 80 lane based single detached dwellings (See Appendix C: Zoning By-law Schedule Composite Plan). The majority of the lots front Street A (known as York Downs Boulevard) with the exception of two lots located at the north east corner of the plan on Street B (known as Prospector's Drive), adjacent to the existing Angus Glen Village neighbourhood.

Generally, the main dwelling units are 3 storeys and the attached lane accessed garages are 2 storeys (See Appendices D and E: Typical Floor Plan and Elevation).

Other Applications

- Official Plan Amendment (OP 16 179225) - Approved
- Zoning By-law Amendment (ZA 16 179225) - Approved
- Draft Plan of Subdivision (SU 16 179225) - Approved

Official Plan and Zoning

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

The subject lots are designated “Residential – Low Rise”, which provides for “detached dwelling, semi detached dwelling, townhouse excluding back to back townhouse, small multiplex building containing 3 to 6 units, all with direct frontage on a public street...” Heights up to a maximum of 3 storeys are permitted and development criteria outlined under Section 8.2.3.6 must be adhered to.

Zoning By-Law 177-96

The subject lots are zoned Residential Two – Special* 609, 615 and 620 under By-law 177-96, as amended. Single detached dwellings are a permitted use and there are a number of special zone standards relating to setbacks, garages, parking pads, amenity space, etc. which apply.

Zoning Preliminary Review (ZPR) Not Undertaken

The Owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their building permit applications to confirm the variances 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.

The subject property forms a part of the larger subdivision known as York Downs East. Staff have worked with the landowner since 2016 to review and process various development approvals including an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.

In 2021 a technical by-law amendment was approved through the Local Planning and Appeal Tribunal to ensure the proposed built form was accurately reflected by the zoning by-law. It had been discovered after the development approvals were granted in 2019 that certain omissions were made with respect to the by-law which needed to be rectified.

As it relates to these particular single detached lots, through the technical amendment, zone standards were added which were only intended to apply towards townhouse development subject to exception 620. This oversight had the effect of prohibiting the

proposed development (with its attached 2 storey laneway garage) despite it being contemplated by the Community Design Plan during the initial Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision review process (See Appendix F: Approved Community Design Plan Excerpt).

Given the use and built form was contemplated as part of the larger planning approvals granted in 2019 and the proposed built form is consistent with other built form proposed throughout York Downs East, staff are of the opinion that the general intent and purpose of the Official Plan and Zoning By-law is maintained, the variance request is considered minor and is considered desirable for the development of the land.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 14, 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 requested 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 variance.

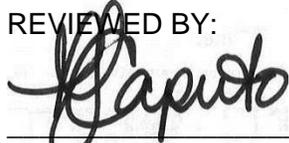
Please see Appendix "G" for conditions to be attached to any approval of this application.

PREPARED BY:



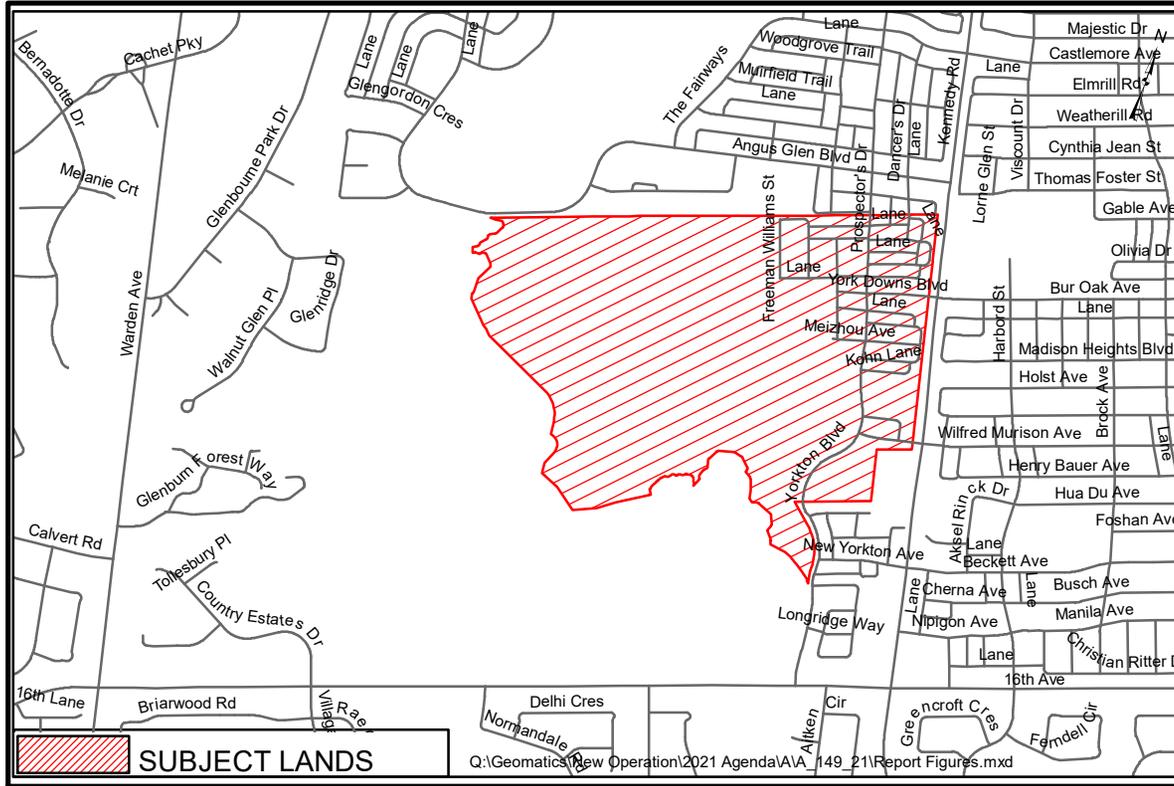
Daniel Brutto, Senior Planner, West District

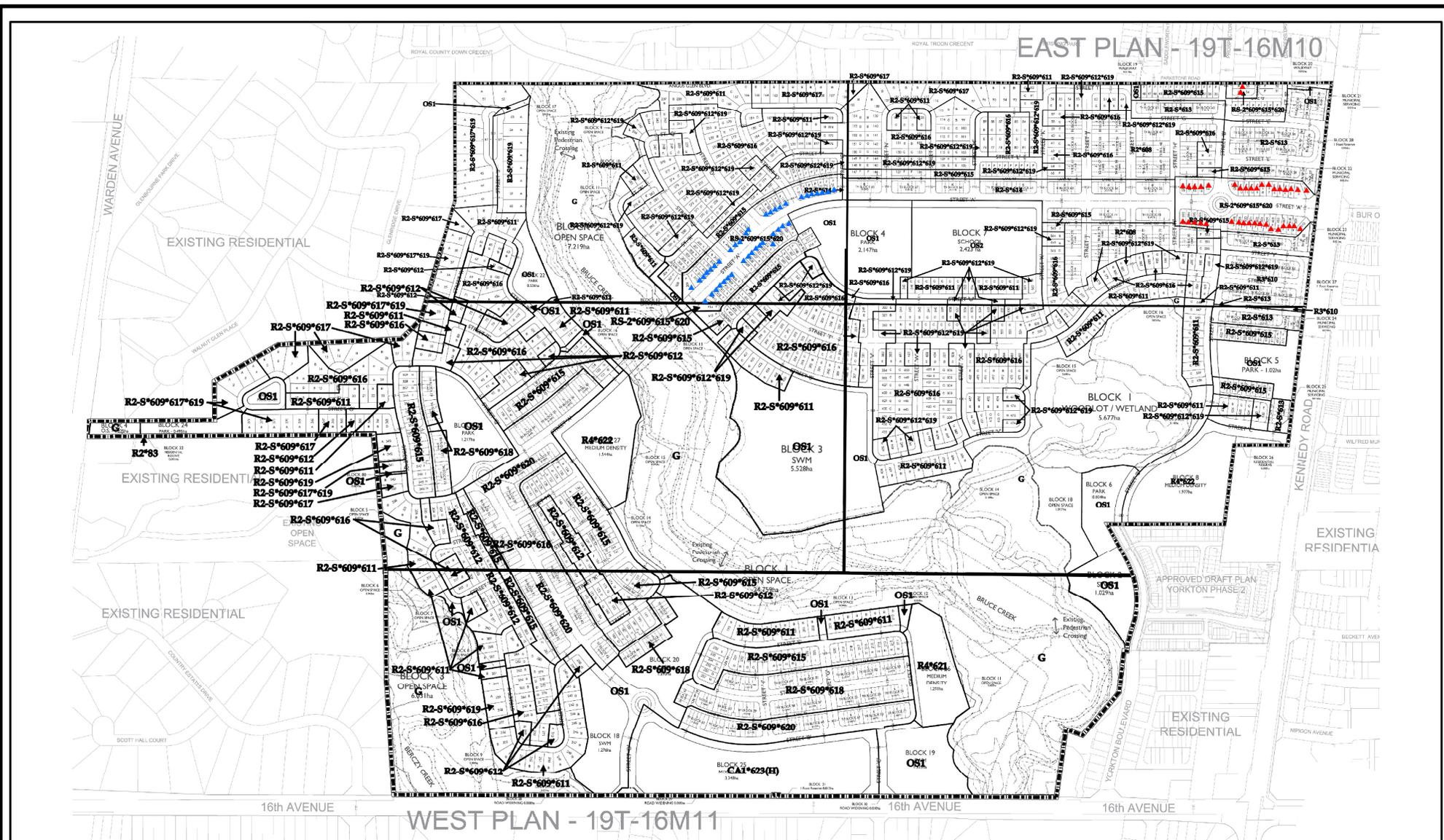
REVIEWED BY:



Mary Caputo, Development Manager, West District

Appendix A: Location Map
Appendix B: York Downs East Draft Plan of Subdivision
Appendix C: Zoning By-law Schedule Composite Plan
Appendix D: Typical Floor Plan
Appendix E: Typical Elevation Plan
Appendix F: Approved Community Design Plan Excerpt
Appendix G: Conditions of Approval





Zoning By-law Schedule Composite Plan

APPLICANT: Union Village
9492 Kennedy Road

FILE No. A/149/21

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MARKHAM DEVELOPMENT SERVICES COMMISSION

▲ Units subject to Exception 620 within Phase 1 (Plan 65M4693)

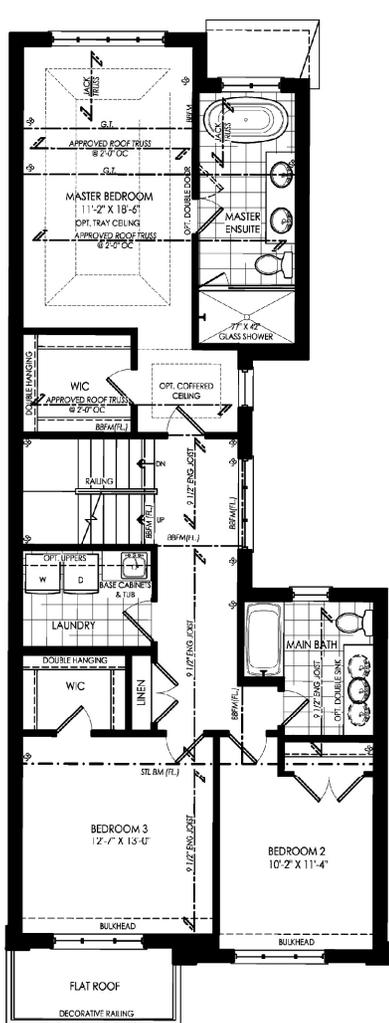
▲ Units subject to Exception 620 within future phases (unregistered)

Drawn By: RT

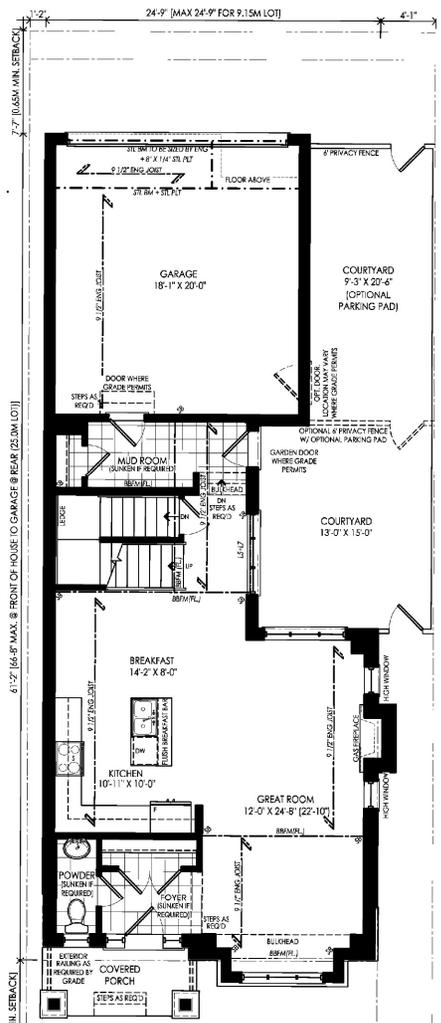
Checked By: DB

DATE: 12/10/2021

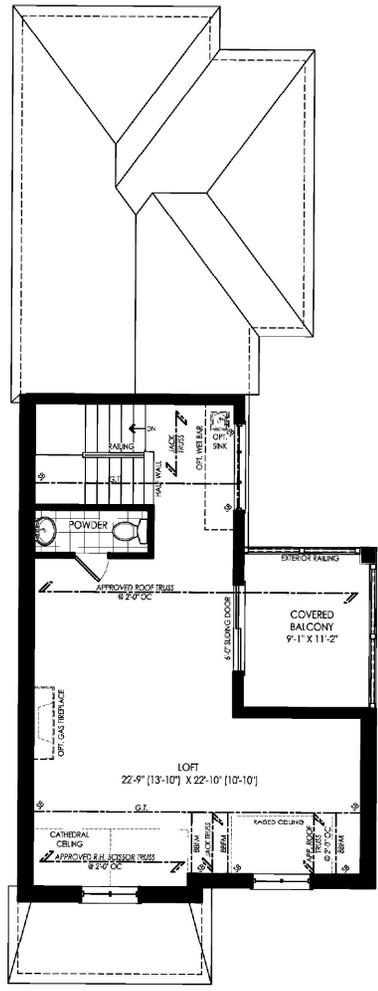
APPENDIX 'C'



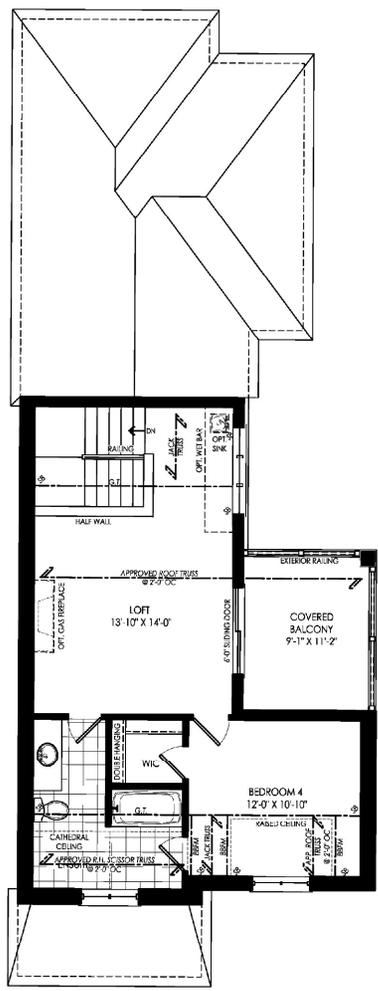
SECOND FLOOR ELEV. 'D'
 Floor Area: 1230.5
 Open To Below: 0.0
 Total Area (not incl oth): 1230.5



GROUND FLOOR ELEV. 'D'
 Floor Area: 873.5
 Open To Below: 0.0
 Total Area (not incl oth): 873.5
 Coverage (with porch): 1339.1
 Coverage (without porch): 1282.7



LOFT PLAN ELEV. 'B'
 Floor Area: 658.0
 Open To Below: 0.0
 Total Area (not incl oth): 658.0



FLEX LOFT PLAN W/ GUEST SUITE ELEV. 'B'
 Floor Area: 658.0
 Open To Below: 0.0
 Total Area (not incl oth): 658.0

Typical Floor Plan

APPLICANT: Union Village
 9492 Kennedy Road

FILE No. A/149/21

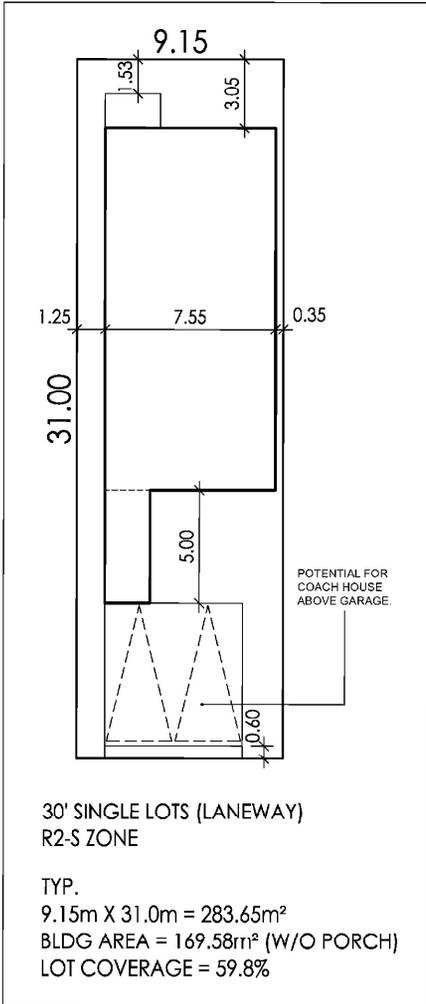
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1. ZONING

ZONE: R2-S - 30FT SINGLES

2. UNIT DESIGN CRITERIA



MINIMUM YARDS

FRONT (HOUSE): 3.0m
 REAR (GARAGE): 0.6m
 REAR SETBACK: 7.0m
 SIDE (INTERIOR): 0.3m AND 1.2m
 SIDE (EXTERIOR): 3.0m
 SITE TRIANGLE: UNKNOWN
 BUILDING HEIGHT: (MEAN or PEAK) 13m
 COVERAGE: N/A
 PORCH INCLUDED: Y or (N)
 MIN. FRONTAGE: 8.0m
 MIN. LOT AREA: N/A

ENCROACHMENTS

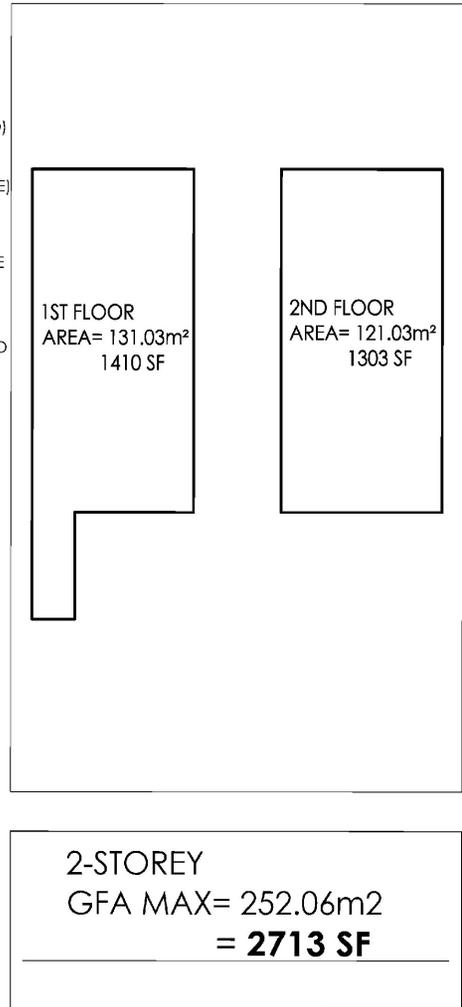
PORCH:
 FRONT/ EXT.: MIN. 1.0m FROM LOT LINES
 REAR: 3.0m
 INT. SIDE: 0.3/0.6m (HALF SIDE YARD)
 STEPS: (TO ACCESS A PORCH) MIN. 0.6m FROM LOT LINE
 BAY WINDOWS (CANTILEVERED) 1.0m (REAR AND EXT SIDE) MAX 3.0m WIDE
 ARCH FEATURES: 3.5m INTO FRONT MIN. 1.0m FROM LOT LINE
 INCLUDING: EAVES, CHIMNEY BREASTS, PILASTERS, ROOF OVERHANGS, AND BALCONIES.
 2.0m INTO REAR
 0.6m INTO INT.
 1.2m INTO EXT. SIDE YARD

PARKING REQUIREMENTS

PARKING SPACES: 2
 MIN. PARKING SPACE SIZE (GARAGE SIZE): 2.75m X 5.8m (1 SPACE)

NOTES:

0.3m SIDE YARD CANNOT HAVE DOORS OR WINDOWS DUE TO BLDG CODE. (MIN. 1.2m)



JOB No. 16044
 DWN BY: BWS
 SCALE: N.T.S.
 DATE ISSUED: SEP. 23/16
 PROJECT: 4134 16TH AVENUE MARKHAM, ON.
 CLIENT: KYLEMORE
 S.F. 2713 SF
 UNIT 30 FT SINGLES
 PAGE NO. 2

Community Design Plan Excerpt

APPLICANT: Union Village
 9492 Kennedy Road

FILE No. A/149/21

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APPENDIX "G"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/149/21

1. The variance 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 'Appendices D and E" 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:

A handwritten signature in black ink, appearing to read 'Daniel Brutto', with a long horizontal stroke extending to the right.

Daniel Brutto, Senior Planner, West District