# **Memorandum to the City of Markham Committee of Adjustment** June 16, 2022

File: A/042/22

Address: 5072 14th Avenue, Markham

Applicant: Hartford Homes Inc.
Agent: Weston Consulting

Hearing Date: Wednesday June 22, 2022

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

The applicant is requesting relief from the following requirements of the "Ninth Density Single Detached Residential (R9) Zone" under By-law 90-81, as amended, to permit:

# a) Section 4.7.2:

a setback of 25.5 metres from the centreline of 14th Avenue to the front porch of the building on Lot 5, whereas the By-law requires a setback of 30 metres;

## b) Section 4.7.2:

a setback of 25.5 metres from the centreline of 14th Avenue to the front porch of the building on Lot 6, whereas the By-law requires a setback of 30 metres;

# c) <u>Section 4.7.2:</u>

a setback of 25.5 metres from the centreline of 14th Avenue to the front porch of the building on Lot 7 whereas the By-law requires a setback of 30 metres;

#### d) Section 4.7.2:

a setback of 26.0 metres from the centreline of 14th Avenue to the front porch of the building on Lot 8, whereas the By-law requires a setback of 30 metres;

as it relates to the construction of four new detached dwellings on a draft approved plan of subdivision.

#### **BACKGROUND**

## **Property Description**

The 4,550 m² (48,975.8 ft²) subject property is located on the north side of 14<sup>th</sup> Avenue, west of Dunnet Street, and south of Ramsgate Court. The subject property is located generally west of McCowan Road and north of 14<sup>th</sup> Avenue (see Appendix "A" – Aerial Photo). The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

The property is currently vacant with a construction trailer located on site. Mature vegetation exists across the property.

#### History

In 2016, site-specific Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision (OP/ZA/SU 14 104926) applications were approved by Council for

the subject property. The approval was to facilitate the development of eight detached dwellings on the subject property, with four dwellings fronting onto Ramsgate Court, and four dwellings fronting onto 14<sup>th</sup> Avenue (see Appendix "B" – Draft Plan of Subdivision). The Plan of Subdivision was registered on June 9, 2022.

#### **Proposal**

The Applicant is proposing to construct eight new two-storey detached dwellings, with four of the proposed dwellings fronting onto 14<sup>th</sup> Avenue (see Appendix "C" – Site Plans) which are the subject of this Minor Variance application.

#### Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the subject property "Residential Low Rise", which provides for low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the "Residential – Low Rise" designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for the retention of existing trees and vegetation.

# Zoning By-Law 90-81 and Amending By-law 2016-75

The subject property is zoned "Ninth Density Single Detached Residential (R9)" under By-law 90-81, as amended, which permits single detached dwellings. The proposed development does not comply with the requirements of the By-law with respect to the centreline setback from 14<sup>th</sup> Avenue.

Staff note that site-specific Amending By-law 2016-75 was enacted in 2016 to permit the subject development and establishes site-specific standards related to height, garage widths, covered porch and stairs encroachments, and driveway provisions. The proposed development complies with the Amending By-law.

#### Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. However, the applicant has received comments from the building department through their permit process 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.

#### Reduced Centreline Setback from an Arterial Road

The Applicant is requesting relief to permit a minimum centreline setback from 14<sup>th</sup> Avenue of 25.5 m (83.66 ft) for lots 5, 6, and 7, and a setback of 26 m (85.30 ft) for lot 8, whereas the By-law requires a minimum centreline setback of 30 m (98.42 ft).

14<sup>th</sup> Avenue is a regional arterial road that is owned and operated by York Region. Staff note that as part of the Plan of Subdivision, York Region has acquired a portion of the subject property to accommodate for the future road widening of 14<sup>th</sup> Avenue. York Region had only required that the portion of the subject lands within 18.0 metres from the centreline setback from 14<sup>th</sup> Avenue be conveyed to the Region.

York Region has also reviewed the subject Minor Variance application and has confirmed that they have no comments or concerns on the variance application. Given the comments received, Staff have no objections to the requested variance.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 16, 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* 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 "D" for conditions to be attached to any approval of this application.

PREPARED BY:

Melissa Leung, Planner II, Central District

**REVIEWED BY:** 

Dimitri Pagratis, Senior Planner, Central District

File Path: Amanda\File\ 22 113760 \Documents\District Team Comments Memo

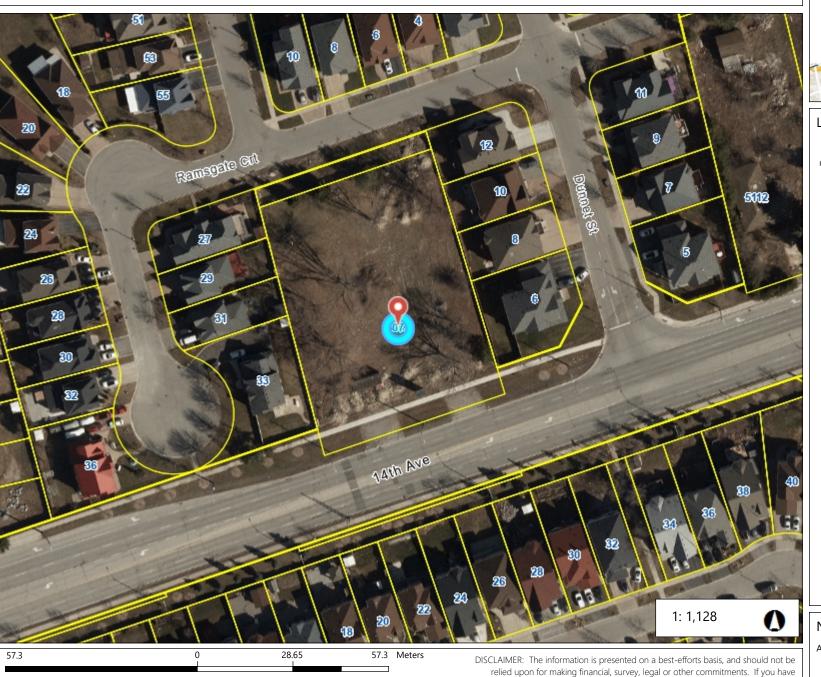
# **APPENDICES**

Appendix "A" – Aerial Photo
Appendix "B" – Draft Plan of Subdivision
Appendix "C" – Site Plans
Appendix "D" – Conditions



NAD\_1983\_UTM\_Zone\_17N © City of Markham

# Appendix "A" - Aerial Photo of 5072 14th Avenue





## Legend

Parcel

Park Facility

Parks

Under Development

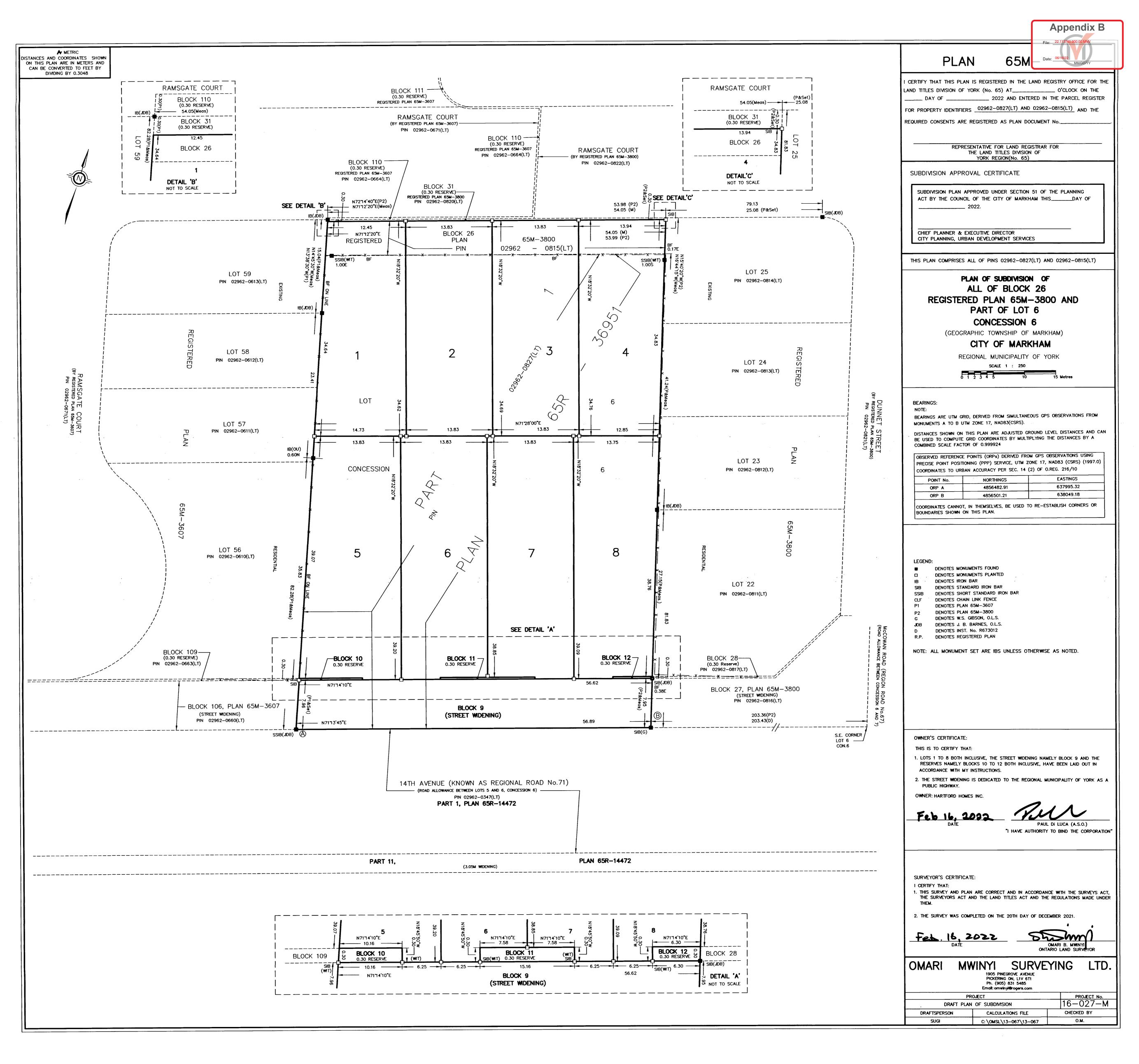
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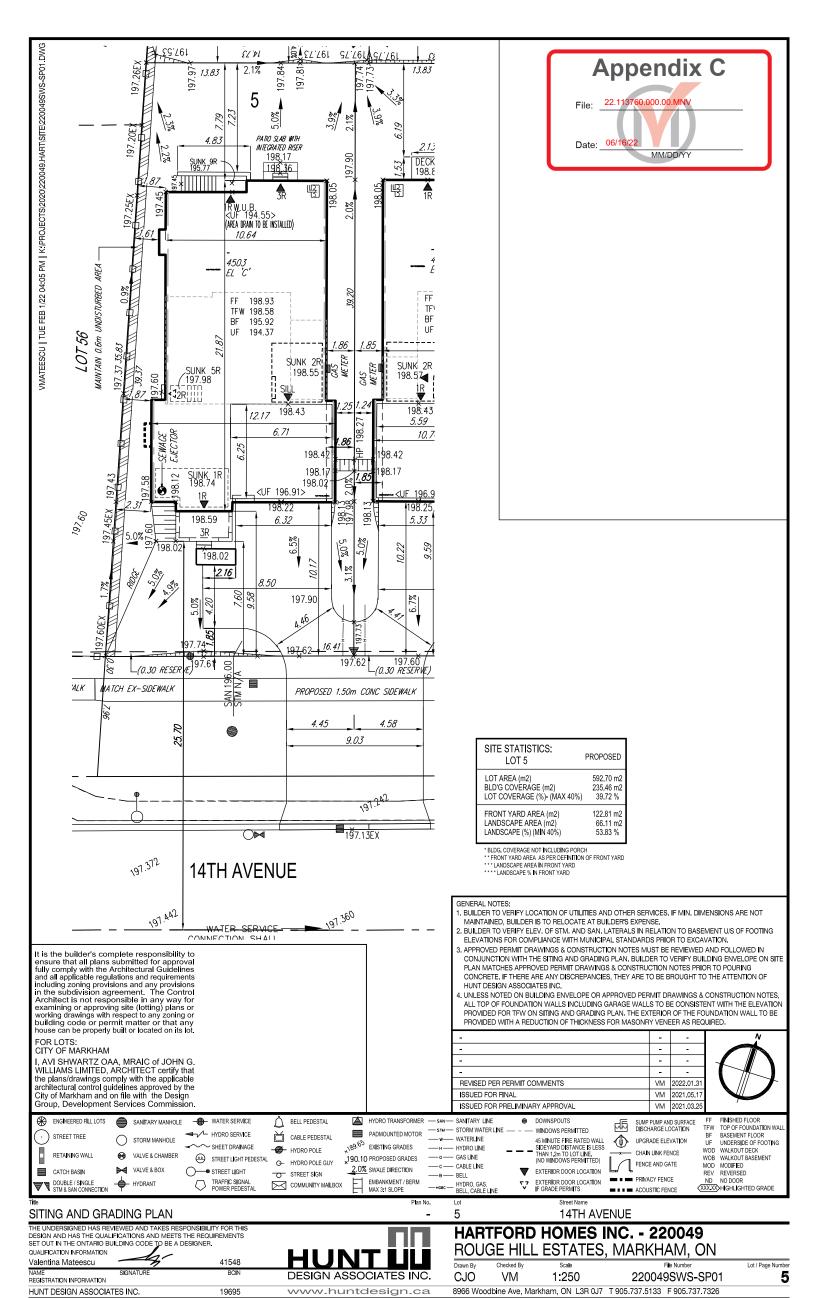
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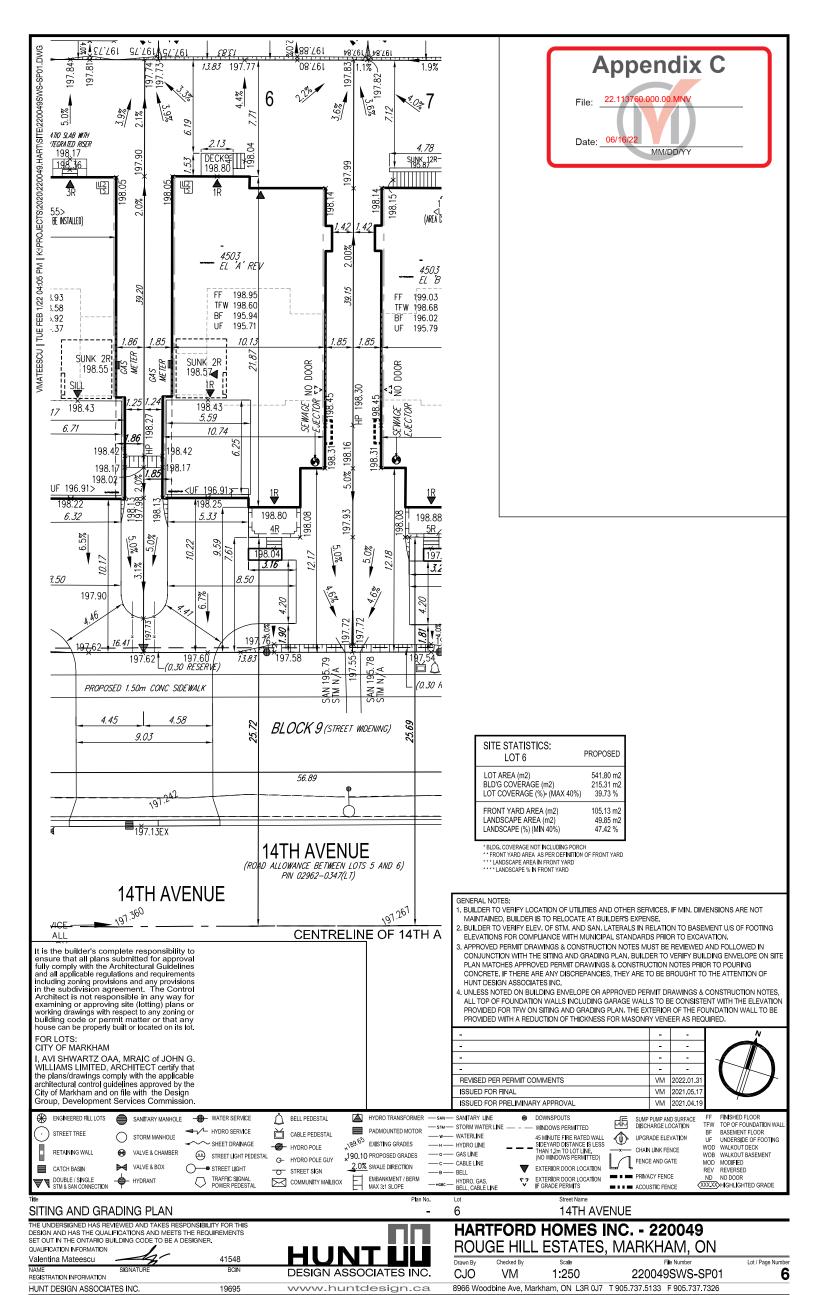
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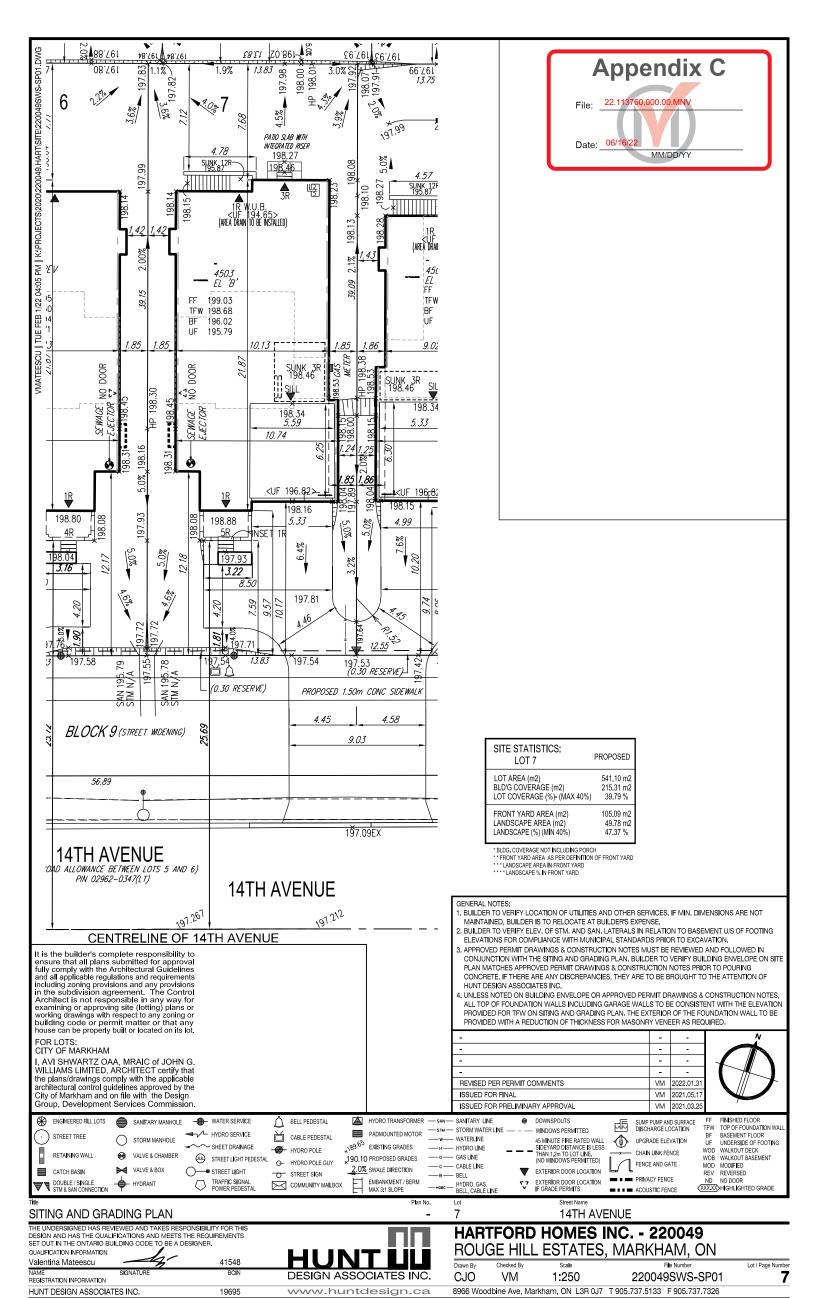
questions or comments regarding the data displayed on this map, please email

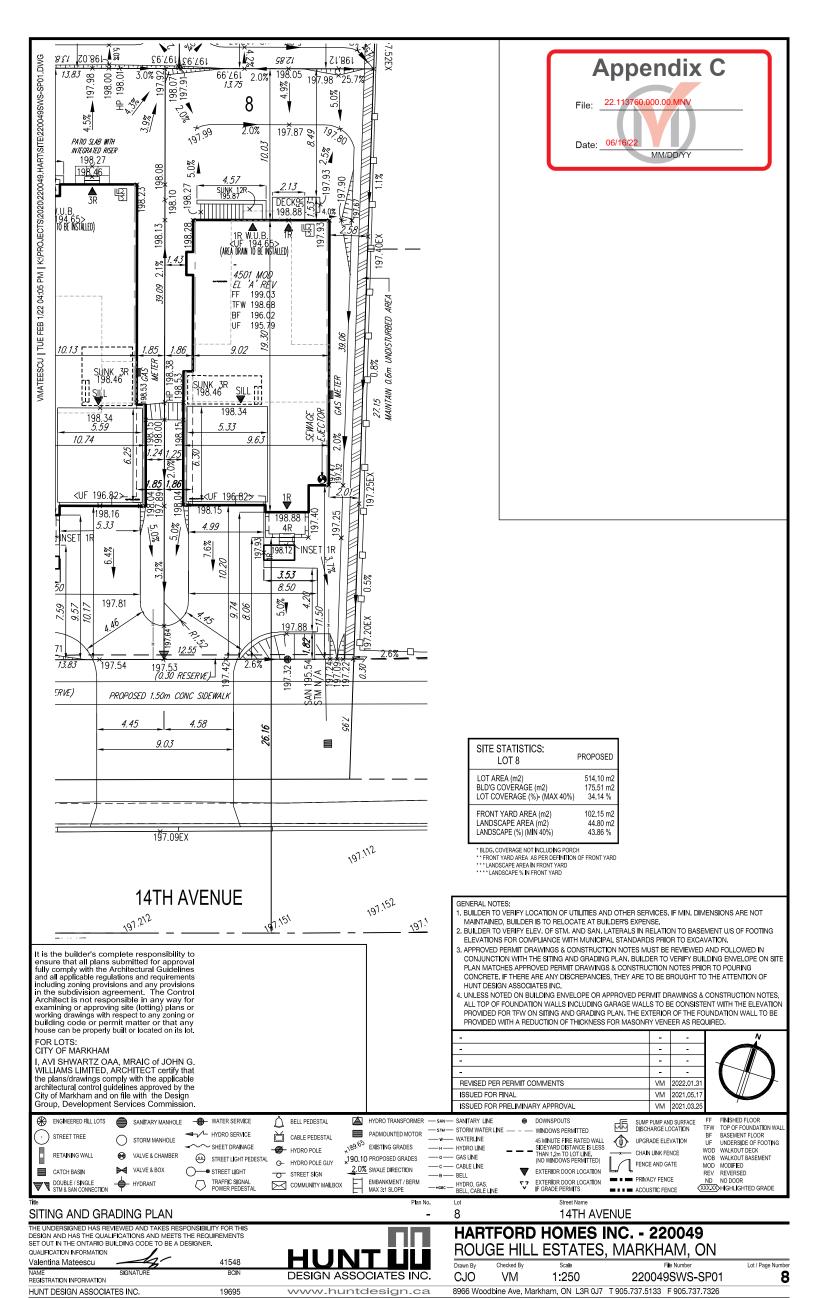
cgis@markham.ca and you will be directed to the appropriate department.

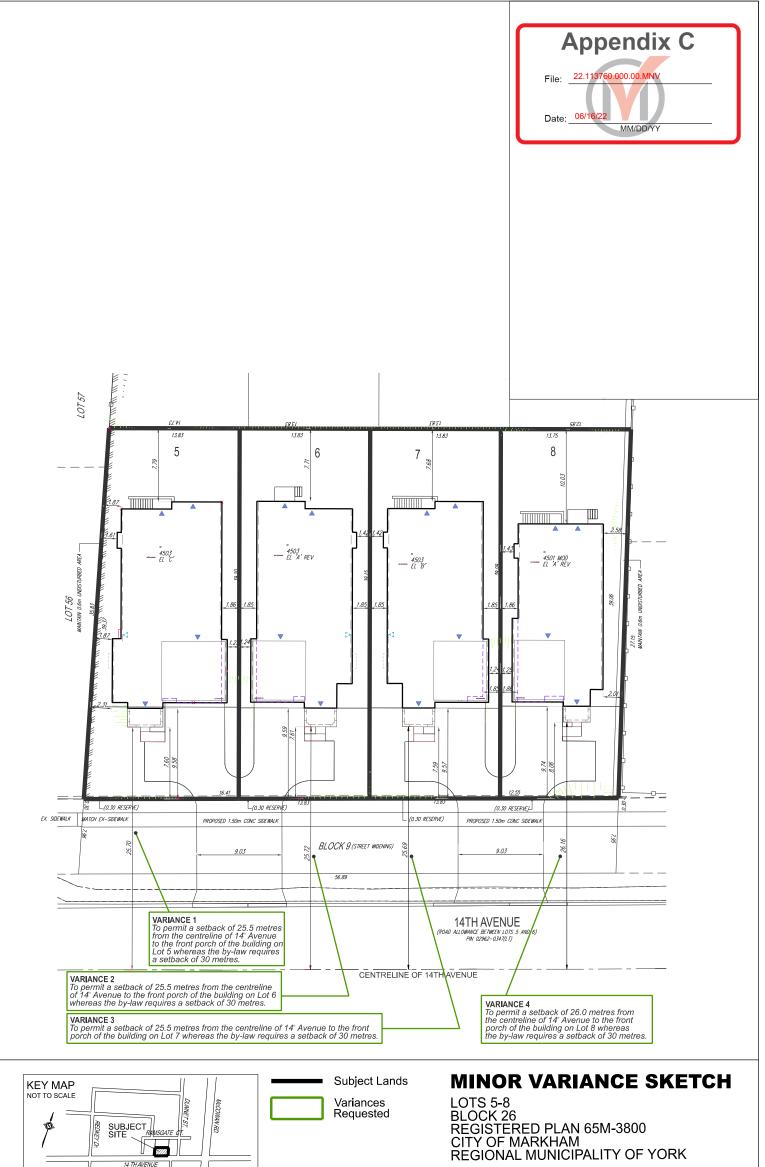


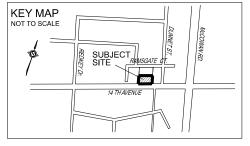












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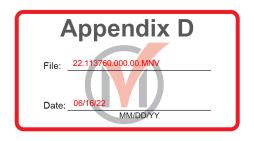
SCALE BAR

SCALE: SEE SCALE BAR DATE DRAWN: APRIL 22, 2022 Weston File No. 10429





Vaughan office 201 Millway Ave, Suite 19 Vaughan, Ontarlo L4K 5K8 T. 905,738,8080 F. 905,738,9937 Toronto office 268 Berkeley Road Toronto, Ontarlo M5A 2X5 T. 416,640,9917 F. 905,738,9937



# APPENDIX "D" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/042/22

1. The variances apply only to the proposed development as long as it remains.

CONDITIONS PREPARED BY:

Melissa Leung, Planner II, Central District