

Memorandum to the City of Markham Committee of Adjustment

March 16, 2022

File: A/197/21
Address: 4077 and 4101 Highway 7 East
Agent: Macaulay Shiomi Howson (Nick Pileggi)
Hearing Date: Wednesday March 23, 2022

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

The Applicant is requesting relief from the following requirements of By-law 2004-196, as amended, to permit:

- a) **By-law 2004-196, Section Schedule J3 (By-law 2014-9):** a minimum building height of 7.5 metres, whereas the By-law requires a minimum height of 12.0 metres;
- b) **By-law 2004-196, Section Schedule J3 (By-law 2014-9):** a maximum building height of 28.5 metres only, whereas the By-law permits a maximum building height of the lesser of 6 storeys or 20.0 metres;
- c) **By-law 2004-196, Section Schedule J4 (By-law 2014-9):** a minimum building setback of 1.8 metres, whereas the By-law requires a minimum building setback of 2.0 metres, or 3.0 metres, where any part of any dwelling unit is within the first storey of a building located within 10 metres of the streetline or a lot line;
- d) **By-law 2004-196, Section Schedule J4 (By-law 2014-9):** a minimum setback of 0.3 metres for the underground parking garage from the streetline, whereas a minimum of 1 metre from the streetline is required; and
- e) **By-law 2004-196, Section 3.0:** mechanical features or portions of the building containing mechanical equipment to project a maximum of 5.40 metres above the highest point of the roof surface, whereas the By-law permits a maximum of 5.0 metres;

as it relates to a mid-rise mixed-use residential building at 4077 and 4101 Highway 7, as detailed on the site plan, elevations, and building sections drawings attached as Appendix "B".

BACKGROUND

Property Description and Area Context

The subject lands are located on the south side of Highway 7, east of Birchmount Road and are municipally known as 4077 and 4101 Highway 7. The subject lands total approximately 2.41 ha (5.96 ac) and consist of a three-phased, mixed-use development proposal (the "Overall Subject Lands", file no. PLAN 20 140215). The area subject to this Minor Variance application is for the Phase 1 development, representing approximately 0.97 ha (2.40 ac) of the Overall Subject Lands (the "Phase 1 Lands"), as shown on Appendix "B". The Phase 1 Lands are located along the south side of Highway 7, east of

Birchmount Road. Sheridan Nurseries Garden Centre currently operates on the Overall Subject Lands.

To the north are commercial and residential uses, which front on Highway 7. To the east are single family dwellings, a woodland area, and the Rough River valleylands. To the south are woodlands and a stormwater management pond. To the west is a shared private road access to Sheridan Nurseries and a retail commercial plaza.

Proposal

The proposed development on the Phase 1 Lands is subject to a Site Plan Control application that was endorsed by Development Services Committee (“DSC”) on March 30, 2021 and is currently under review by City staff (file no. SPC 20 112580). The Applicant proposes to demolish the existing Sheridan Nurseries facilities on the Overall Subject Lands and develop the Phase 1 Lands with a mid-rise mixed-use residential building consisting of the following (the “Proposed Development”), as detailed on the site plan, elevations, and building section drawings attached as Appendix “B”:

Table 1: Proposed Development on the Phase 1 Lands	
Gross floor area (“GFA”)	26,394.71 m ² (284,111 ft ²)
Residential GFA	23,107.39 m ² (248,726 ft ²)
Retail GFA	552.54 m ² (5,947 ft ²)
Indoor amenity space	667.95 m ² (7,190 ft ²)
Outdoor amenity space	1,254 m ² (13,498 ft ²)
Total residential units	332
Maximum density	2.71 FSI (342 units per hectare)
Maximum building height	8 storeys, excluding mechanical penthouse
Total parking spaces (within two levels of underground parking)	396
Bicycle parking spaces	128

Official Plan

2014 Markham Official Plan (the “2014 OP”)

The 2014 OP designates the Phase 1 Lands “Mixed-Use Mid Rise”, which supports residential intensification along with a mix of commercial and other uses as specified within the Official Plan. Unless specified in a secondary plan or site-specific policy, the “Mixed-Use Mid Rise” designation permits a maximum building height of eight-storeys and maximum density of 2.0 FSI.

The policies of the Official Plan indicate that until an updated secondary plan is approved for the Regional Centre-Markham Center lands, the provisions of the 1987 Town of Markham Official Plan (the “1987 OP”), as amended, and the 1997 Markham Centre Secondary Plan (“OPA 21”), as amended, shall apply to the Subject Lands.

The 1987 OP

The 1987 OP designates the Subject Lands “Commercial - Community Amenity Area”, which permits a diverse range of residential, retail, services, community, institutional and recreational uses. Provisions related to this designation are further detailed and refined in the Secondary Plan (OPA 21), including the establishment of additional development requirements and restrictions on land use.

OPA 21

OPA 21 designates the Subject Lands “Community Amenity Area - General”, which permits medium and high-density residential uses with a general maximum building height of six-storeys and a maximum permitted density of 148 units per hectare (“UPH”).

Zoning By-law 122-72 and Zoning By-Law 134-79, as amended

By-law 2004-196, as amended by site-specific By-law 2014-9 (the “By-law”), zones the Subject Lands “Markham Centre Downtown Two *22(Hold) - MC-D2*22(H)”, the intent of which is generally consistent with the Proposed Development. The By-law permits a maximum height of “the lesser of 6 storeys or 20 m” along the Highway 7 frontage of the Phase 1 Lands. A “maximum height of 30 m” is permitted at the south half of the Phase 1 Lands.

Zoning Preliminary Review (ZPR)

A Zoning Preliminary Review (ZPR) has not been conducted. The Applicant has received comments from the City’s Building Department through their Site Plan Approval circulation process and met with City Staff to confirm the variances required to facilitate the Proposed Development.

COMMENTS

Requested Variances

The proposed variances request relief from the Parent Zoning By-law (2004-196) and site-specific Zoning By-law Amendment (2014-9), as it relates to maximum and minimum building height requirements, as well as minimum building and underground parking garage setbacks.

a) Maximum and minimum building height requirements

Variance ‘b’ requests a maximum building height of 28.5 metres only, whereas the By-law permits a maximum building height of the lesser of 6 storeys or 20.0 metres along the Highway 7 frontage of the Phase 1 Lands. Though OPA 21 permits a six-storey building on the Phase 1 Lands, Section 3.8 also permits specific building heights deemed appropriate by Council without an Official Plan Amendment if the Proposed Development meets the purpose and intent of the policies, being a mid-rise mixed use built form.

Furthermore, Section 24(4) of the *Planning Act* states that if a by-law is passed under Section 34 by Council, the by-law shall be “conclusively deemed to be in conformity with the official plan.” In 2014, Markham Council approved the By-law, which established the density for the Overall Subject Lands (1,225 units) and included the mid-rise built form on the Phase 1 Lands, which is a maximum height the lesser of six storeys or 20 m (north half of the Phase 1 Lands along Highway 7) and maximum height of 30 m (south half of the Phase 1 Lands).

The Proposed Development consists of 332 units, which is well within the density requirements established in the By-law. Furthermore, the development of the Phase 1 Lands would see a normalized mid-rise building height distribution consistent with the surrounding and existing developments along Highway 7. The increased building height to 28.5 metres (eight storeys) would focus at the “wings” as height would step

down to two-storeys towards the mid-point of the Proposed Development, which pertains to Variance 'a'. Variance 'a' seeks a minimum building height of 7.5 metres, whereas the By-law requires a minimum height of 12.0 metres. This variance would accommodate the proposed design of the development related to the step down to two-storeys towards the centre of the building at the foyer area. Staff can support variance 'b' to increase the maximum building height, along with variance 'a' to decrease the minimum building height for the Proposed Development on the Phase 1 Lands.

Variance 'e' pertains to a requested variance to Parent By-law 2004-196, as amended, to allow for a mechanical penthouse at a maximum of 5.40 metres above the highest point of the roof surface, whereas a maximum of 5.0 metres is permitted. The Applicant indicates that the mechanical penthouse has a parapet wall designed to be part of the architectural features of the building, which slightly exceeds the maximum height allowed for a mechanical penthouse. As per By-law 2004-196, a mechanical penthouse is not included in the calculation of building height. As this height increase is the result of a design feature related to the mechanical penthouse (with the 0.4 metre variance), staff have no issue with the minor increase.

b) Minimum building and underground parking garage setbacks

Variance 'c' requests a minimum building setback of 1.8 metres, whereas the By-law requires a minimum building setback of 2.0 metres, or 3.0 metres, where any part of any dwelling unit is within the first storey of a building located within 10 metres of the streetline or a lot line. This variance applies to the west portion of the building where there are proposed retail uses and is intended to bring the Proposed Development closer to the street. Variance 'd' requests a minimum setback of 0.3 metres for the underground parking garage from the streetline; whereas a minimum of 1 metre from the streetline is required. This variance will provide relief on portions of the underground parking garage where a 1 metre minimum setback cannot be accommodated, such as at the future shared underground wall for the Phase 2 proposal, as well as the daylight triangle on the east side of the Proposed Development fronting Highway 7. There are no concerns regarding the requested building or underground parking garage setback variances from York Region, Transportation Planning, and Development Engineering staff.

The Four Tests

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

- 1) the variance must be minor in nature
- 2) the variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure
- 3) the general intent and purpose of the Zoning By-law must be maintained
- 4) the general intent and purpose of the Official Plan must be maintained

The proposed variances are minor in nature and represent minimal deviations from Parent By-law 2004-196, as amended, and site specific By-law 2014-9. Staff opines that the variances are desirable and facilitate a development that respect its surrounding context by providing a similar built form and massing to those existing on adjacent lands. Staff further opines that the proposed variances meet the intent of both the Zoning By-

law and the Official Plan, as the uses are permitted and the objective of providing for a mid-rise mixed-use residential building is maintained.

Toronto and Region Conservation Authority (TRCA)

TRCA indicates that the subject property is located partially within TRCA's Regulated Area under Ontario Regulation 166/06, as amended, as per their letter attached as Appendix "C", dated March 11, 2022. TRCA has no objection to the Minor Variance application, provided the Owner remits the required review fee and obtains a permit from TRCA for the proposed Phase 1 development.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Dimitri Pagratis, Senior Planner, Central District

REVIEWED BY:



Sabrina Bordone, Acting Development Manager, Central District

File Path: Amanda\File\ 20 136436 \Documents\District Team Comments Memo

Appendices:

Appendix "A": Conditions of Approval

Appendix "B": Site Plan, Elevations, and Building Sections Drawings


Appendix "C": TRCA comment letter, dated March 11, 2022

APPENDIX "A"

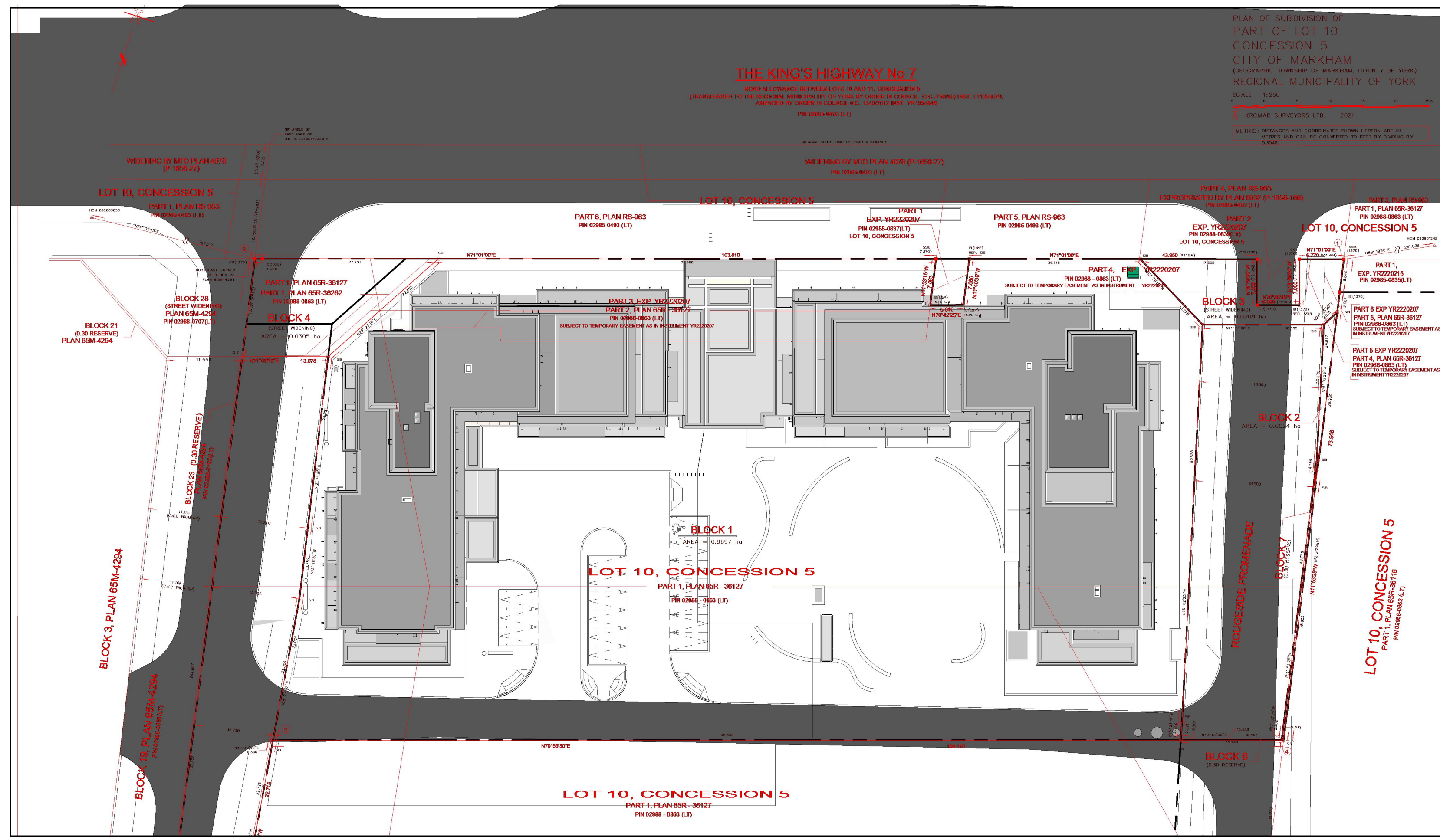
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/197/21

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 December 15, 2021, and that the Secretary Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled.
3. That the Applicant satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer dated March 11, 2022 and attached as Appendix "C" to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of TRCA.

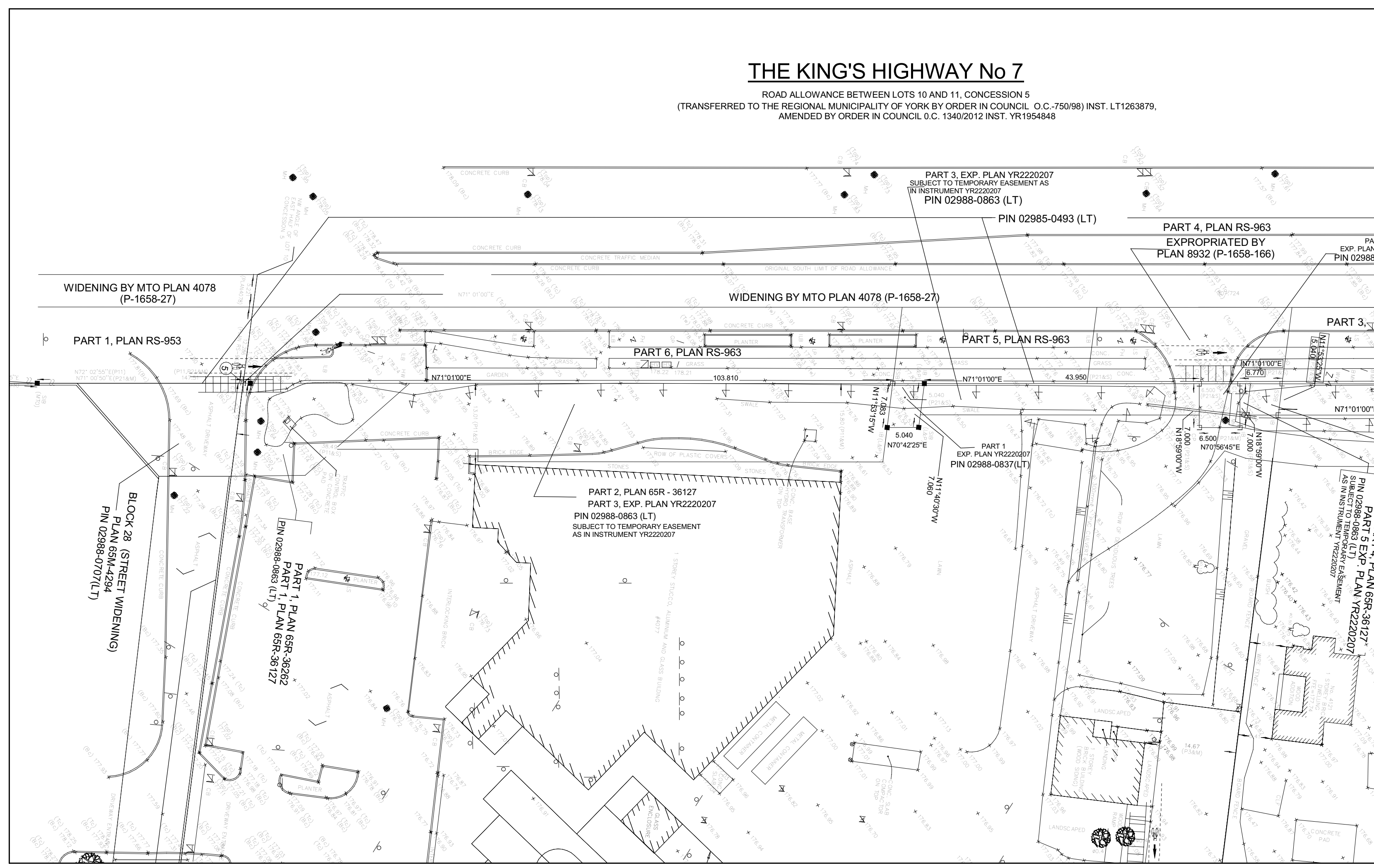
CONDITIONS PREPARED BY:



Dimitri Pagratis, Senior Planner, Central District



Site Plan overlay with Draft Plan **3**
Scale: 1 : 500 dA1.1



Existing Survey **2**
Scale: 1 : 500 dA1.1

Sheridan Nursery, Markham ON
Residential Development
July 16, 2021 Project No. 18-164

1.0	SITE AREA	hectare	acres	sq.m	sq.ft.
1.1	Phase 1 Net Site Area	0.97	2.40	9,729.18	104,724

2.0 Proposed GFA
As per Markham Zoning By-law 177-96, means the aggregate of the areas of each floor of a building or structure above or below established grade, measured between the exterior faces of the exterior walls of the building or structure, or where there are common walls between uses or buildings or structures, measured to the centre-line of a common wall excluding the sum of the areas of each floor used, or designed or intended for the parking of motor vehicles, unless the parking of motor vehicles is the principle use of the building or structure.

2.1	Proposed GFA	sq.m	sq.ft.
	Level P2	984.88	10,501
	Level P1	1,241.48	13,363
	Level 1 Residential	2,975.74	32,031
	Level 1 Retail	552.54	5,947
	Level 2	3,345.60	36,012
	Level 3	3,131.01	33,702
	Level 4	3,131.01	33,702
	Level 5	3,131.01	33,702
	Level 6	3,003.25	32,327
	Level 7	2,453.66	26,411
	Level 8	1,536.11	16,540
	MPH	508.42	5,473
	Total Proposed GFA	26,394.71	284,111

3.0	Proposed Density / FSI	
3.1	Total Proposed GFA / Gross Site Area (Item 2.1 / Item 1.1)	2.71

4.0	Unit Count				
4.1	Building A	1B+D(1Bath)	1B+D(2Bath)	2B(2Bath)	Sub-Total
	Level 2	1	18	5	24
	Level 3	2	15	6	23
	Level 4	2	15	6	23
	Level 5	2	15	6	23
	Level 6	5	12	5	22
	Level 7	9	5	5	19
	Level 8	6	5	5	15
	Total Units	27	84	38	149
		18.1%	56.4%	25.5%	100%

4.2	Building B	1B+D(1Bath)	1B+D(2Bath)	2B(2Bath)	Sub-Total
	Level 1	14	10	2	26
	Level 2	7	16	4	27
	Level 3	6	13	6	25
	Level 4	6	13	6	25
	Level 5	6	13	6	25
	Level 6	12	8	5	25
	Level 7	3	14	14	17
	Level 8	3	10	13	13
	Total Units	51	79	53	183
		27.9%	43.2%	29.0%	

4.3	Total	1B+D(1Bath)	1B+D(2Bath)	2B(2Bath)	Sub-Total
	Building A	27	84	38	149
	Building B	51	79	53	183
	Total	78	163	91	332
		23.5%	49.1%	27.4%	

5.0	Amenity		
5.1	Amenity Area Provided	sq.m	sq.ft.
	Indoor Amenity - Level 1	667.56	7,190
	Outdoor Amenity - Level 1	1,254.00	13,498
	Total Amenity Area Provided	1,921.56	20,688

6.0	Parking					
6.1	Parking Required	Min.	Max.	Min.	Max.	
	Residential	0.8	1 per Residential Unit	266	332	
	Visitors	0.15	0.15 per Residential Unit	50	50	
	Retail	1	1 per 30m ² Net Retail	14	14	
	50%			8	8	
	Total Parking Required			324	390	
	*50% of Retail Spaces to be co-mingled with Visitors spaces					

6.2	Parking Provided	Residential		Visitor/Retail	
	P2	201	61	0	262
	P1	131	61	49	241
	Surface Parking	0	0	15	15
	Total Phase 1	332	122	64	396
	Phase 2				122

6.3 Accessible Parking Required
As per Markham Centre By-law 2004-196, Section 4.14.10
Total 10

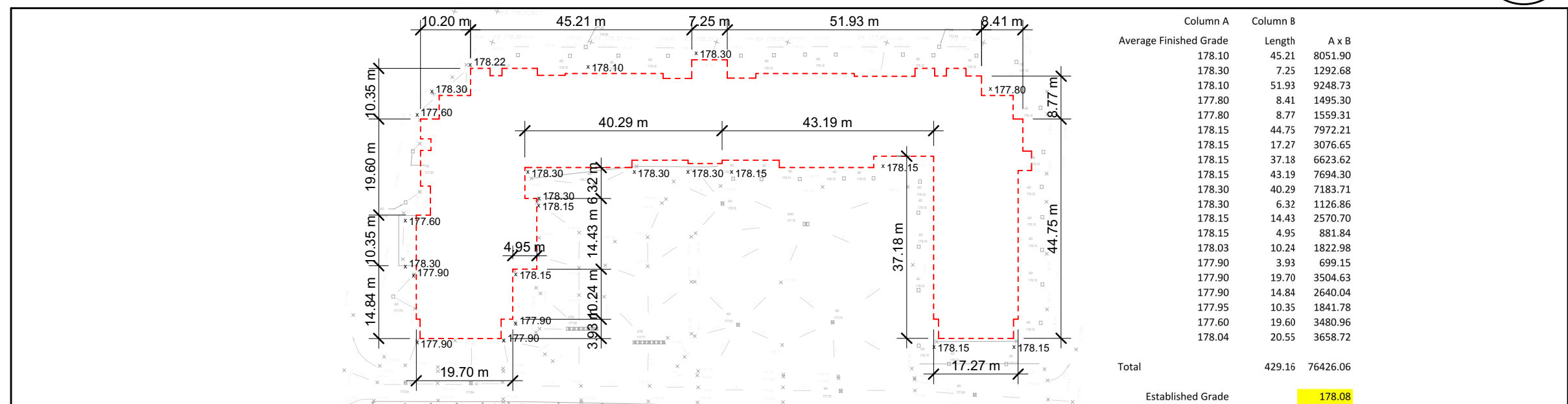
6.4	Accessible Parking Provided	
	P2	4
	P1	4
	Surface	1
	Total	9

7.0 Bicycle Parking

7.1	Bicycle Parking Based as per LEED Silver	Long Term	Short Term	
	Residential	116	4	120
	Retail	4	4	8
	Total Bicycle Parking Proposed	120	8	128

7.2	Bicycle Parking Provided	
	Level P1 Indoor (Long Term)	166
	Level 1 Outdoor (Short Term)	34
	Total Bicycle Parking Provided	200

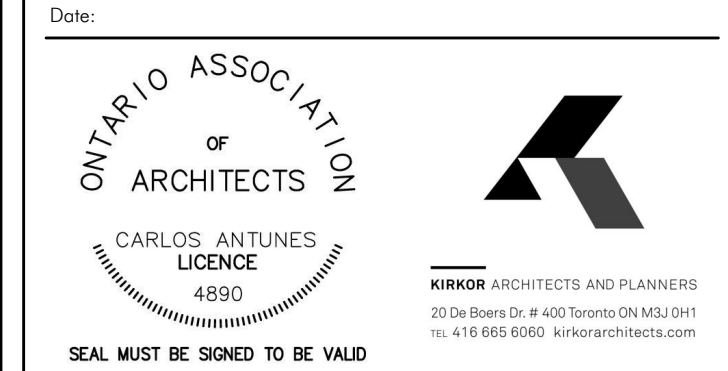
Project Statistics **1**
NTS dA1.1



Established Grade Calculation Chart **4**
NTS dA1.1

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No.: Revision: Date:

No.:	Issued For:	Date:
4	Reissued For SPA	July 16, 2021
3	Reissued For SPA	March 3, 2021
2	Reissued For SPA	October 15, 2020
1	Issued For SPA	April 24, 2020

Project Statistics and Existing Survey

Client: Kingdom Development Inc.
4077 and 4101 Highway 7, Markham

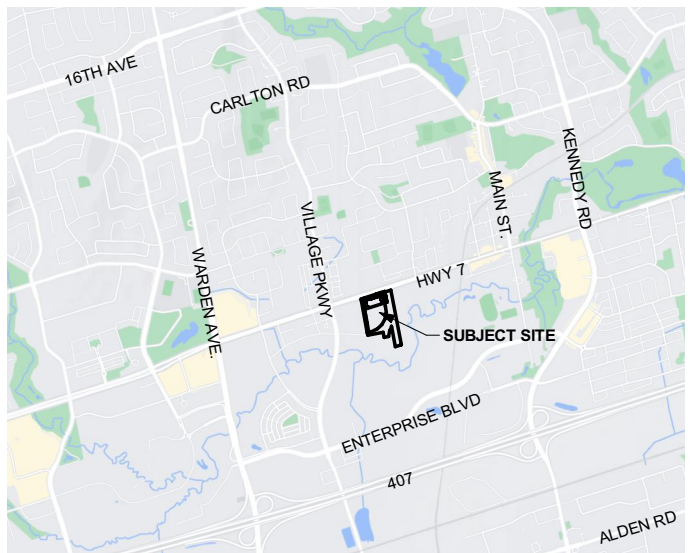
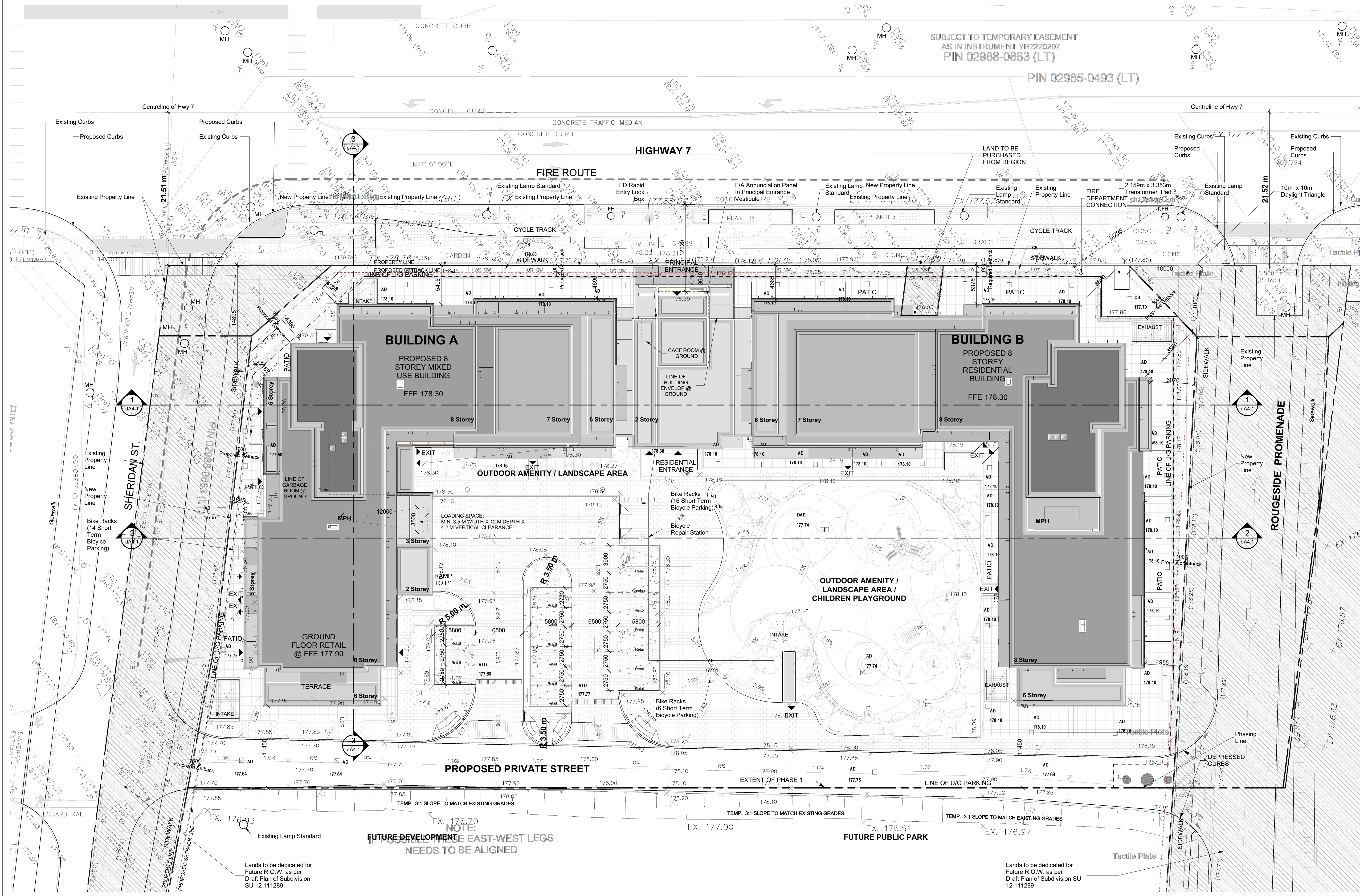
Application File No: SPC 20 112580

Scale: As indicated
Drawn by: B.S., A.I.
Checked by: D.S.
Project No.: 18-164
Date: July 16, 2021

Drawing No.: dA1.1

- Notes:
1. Refer to dA2.1 and dA2.2 for locations of bicycle parking and repair stations respectively.
 2. Refer to dA2.2 for proposed chute system & waste storage room size.
 3. Refer to dA2.2 for designated waste collection point & typical cross section of chute room.
 4. Refer to traffic report for waste collection vehicle travel path.
 5. Refer to traffic report for fire access route signage.
 6. Refer to dA1.2 & dA2.2 for F.D. rapid entry lock box and F/A annunciator panel locations.

LEED Certification Target: Silver



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ONTARIO ASSOCIATION OF ARCHITECTS
 CARLOS ANTUNES LICENCE 4890
 SEAL MUST BE SIGNED TO BE VALID

KIRKOR ARCHITECTS AND PLANNERS
 20 De Beers Dr # 400 Toronto ON M5J 0S1
 Tel: 416 666 8060 kirkorarchitects.com

No.:	Revision:	Date:
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2	Reissued For SPA	October 15, 2020
1	Issued For SPA	April 24, 2020
No.:	Issued For:	Date:

Drawing Title:
Site Plan

Client:
Kingdom Development Inc.

Project:
4077 and 4101 Highway 7, Markham

Application File No:
SPC 20 112580

Scale:
As indicated

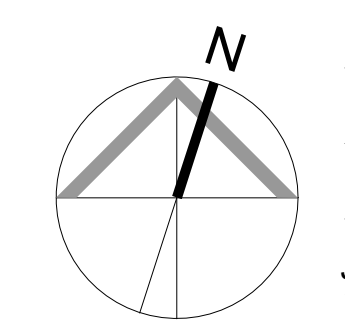
Drawn by:
B.S., A.I.

Checked by:
D.S.

Project No.:

Date:
18-164

July 16, 2021



Site Plan 1
 Scale: 1 : 250
 dA1.2

Drawn by:
dA1.2

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MARKHAM BIRD FRIENDLY BUILDING CHECKLIST

Applicant to include checklist on Elevation Drawing(s) at first site plan submission. Drawing(s) to be stamped and signed by an OAA member.

MANDATORY PRIMARY TREATMENTS FOR ALL DEVELOPMENTS

At Grade Condition (check to confirm the below is applied)

Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from finished grade.

Development contains no glass greater than 2m² within 16m from finished grade.

Roof Landscape Condition (check to confirm one of the below is applied)

Bird friendly treatment is applied on minimum 85% of contiguous glass panel area, if each panel area is greater than 2m² and within 16m from roof level finished grade.

Development contains no glass panel within 16m from roof level finished grade.

Treatment (check to confirm one of the below is applied)

* Refer to Guidelines for requirements

- Stripes
- Dots
- Netting
- Frit and Etched Patterns

Specifications (check to confirm one of the below is applied)

- Pattern is applied as fritting or etching of glass; and pattern colour are high contrast in relation to the background.
- Pattern is applied as film on exterior surface of glass; and pattern colour are high contrast in relation to the background.

Markham Bird Friendly Checklist

NTS dA3.1

EXTERIOR FINISH LEGEND

18-164 - KINGDOM MARKHAM

1A ARCHITECTURAL PRE-CAST CONCRETE
 COLOR : WHITE TO LIGHT BEIGE
 FINISH :

2A MASONRY - DARK GREY
 SYSTEM :
 FINISH :

2B MASONRY - LIGHT GREY
 SYSTEM :
 FINISH :

3A1 PRE-FINISHED WINDOW WALL - VISION PANEL - 1
 GLASS COLOUR : CLEAR
 FRAME TYPE : ALUMINUM
 FRAME COLOUR :

3B1 PRE-FINISHED WINDOW WALL SYSTEM METAL PANEL
 FRAME TYPE : ALUMINUM
 FRAME COLOUR : MEDIUM GREY

3B2 PRE-FINISHED WINDOW WALL SYSTEM RAISED METAL PANEL
 FRAME TYPE : ALUMINUM
 FRAME COLOUR : WHITE

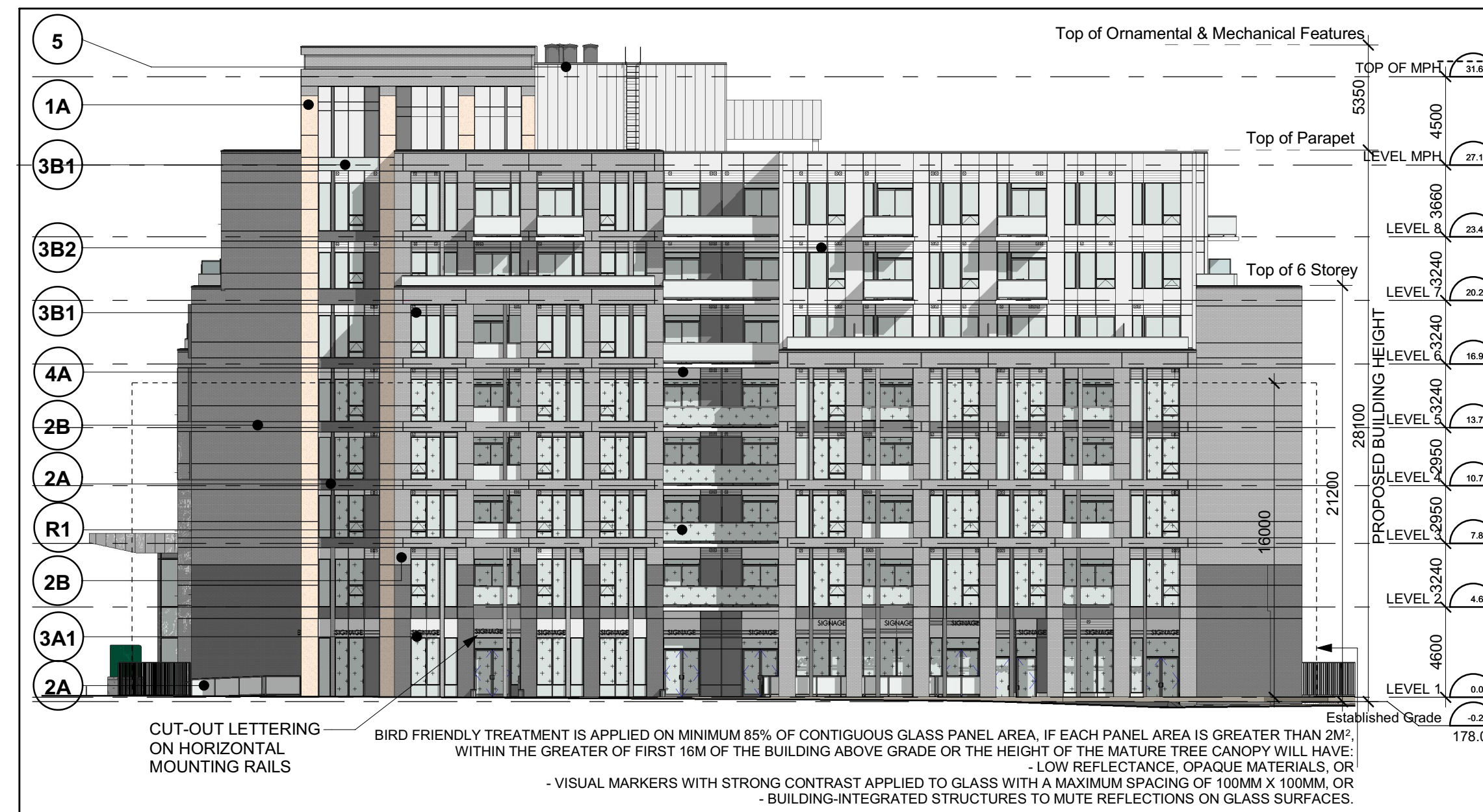
4A PRE-FINISHED METAL SLAB EDGE COVER
 TYPE : ALUMINUM
 COLOUR : LIGHT GREY

5 METAL SIDING
 TYPE :
 COLOUR :

R1 BALCONY RAILING
 TYPE :
 COLOUR :

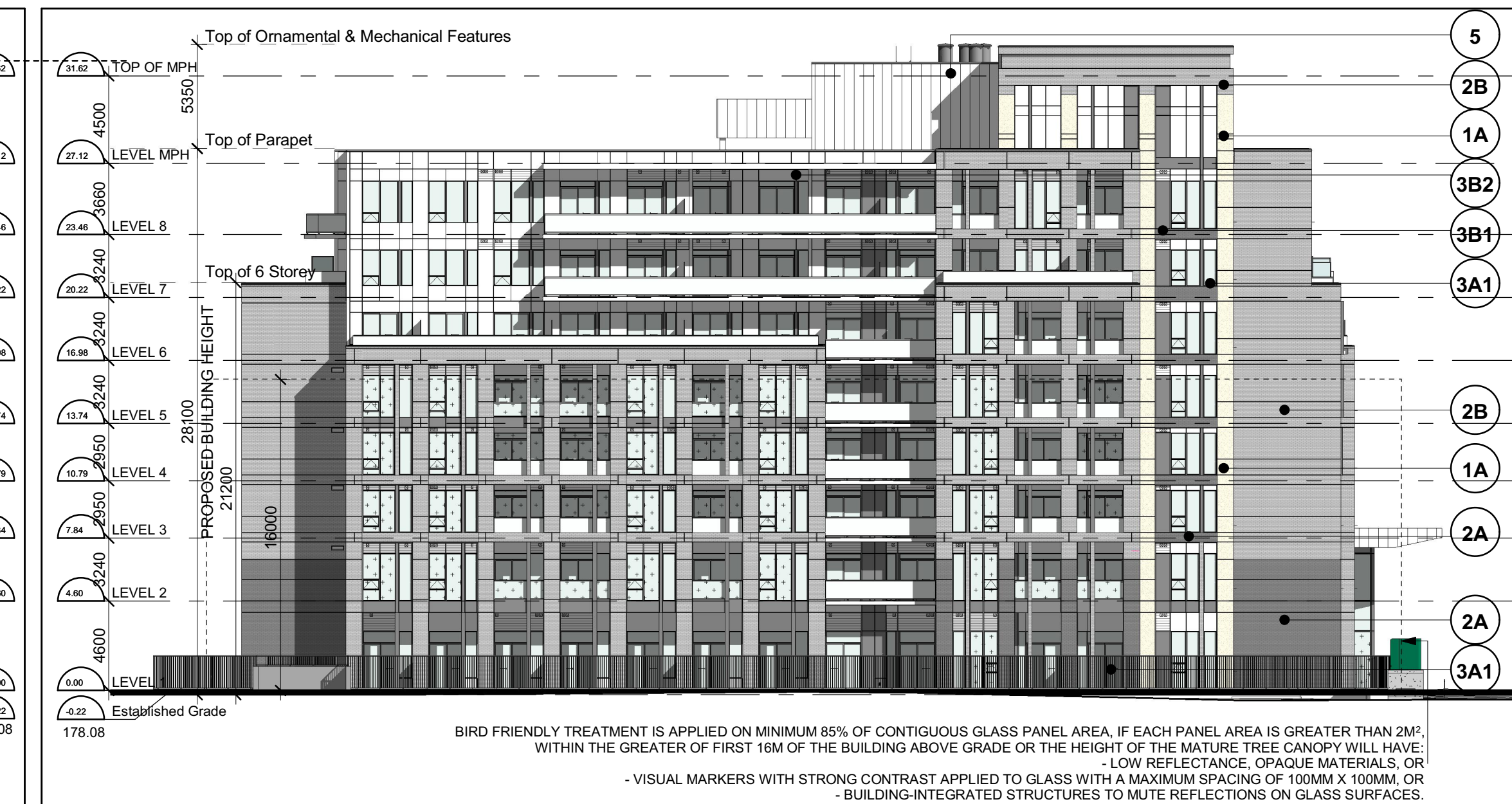
Exterior Finish Legend

NTS dA3.1



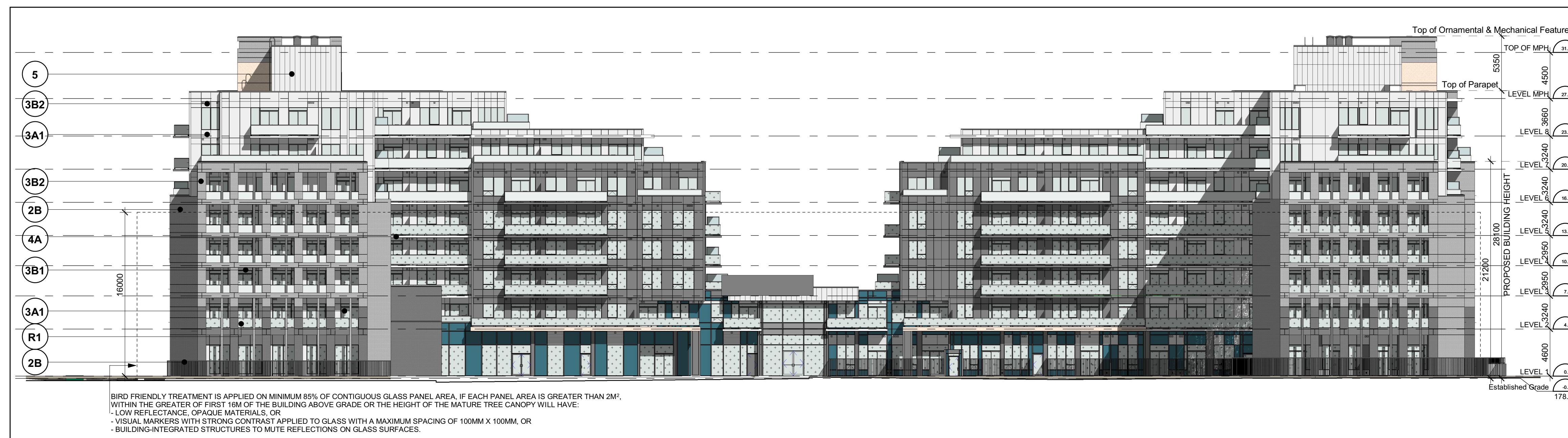
West Elevation

Scale: 1 : 250



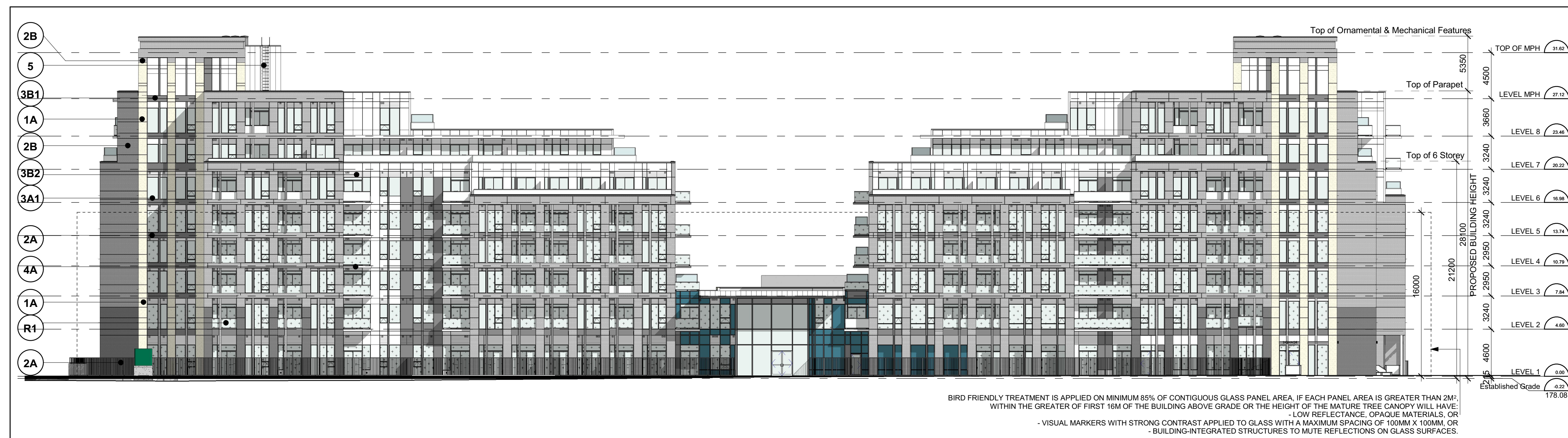
East Elevation

Scale: 1 : 250



South Elevation

Scale: 1 : 250



North Elevation

Scale: 1 : 250

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Drawing Title:

Building Elevations

Client:
Kingdom Development Inc.

Project:
 4077 and 4101 Highway 7, Markham

Application File No:
 SPC 20 112580

Scale:
 1 : 250

Drawn by:
 B.S., A.I.

Checked by:
 D.S.

Project No.:

18-164

Date:
 July 16, 2021

Drawing No.:

dA3.1

Plot Date: 2021-07-16 4:50:17 PM File Path: C:\Revit\2021\18164\201 -Sheridan Nursery-Phase 1\RV2021_Land\MarkhamArchitects.com.rvt

EXTERIOR FINISH LEGEND

18-164 - KINGDOM MARKHAM

1A ARCHITECTURAL PRE-CAST CONCRETE

COLOR : WHITE TO LIGHT BEIGE
FINISH :

2A MASONRY - DARK GREY

SYSTEM :
FINISH :

2B MASONRY - LIGHT GREY

SYSTEM :
FINISH :

3A1 PRE-FINISHED WINDOW WALL - VISION PANEL - 1

GLASS :
GLASS COLOUR : CLEAR
FRAME TYPE : ALUMINUM
FRAME COLOUR :

3B1 PRE-FINISHED WINDOW WALL SYSTEM METAL PANEL

FRAME TYPE : ALUMINUM
FRAME COLOUR : MEDIUM GREY

3B2 PRE-FINISHED WINDOW WALL SYSTEM RAISED METAL PANEL

FRAME TYPE : ALUMINUM
FRAME COLOUR : WHITE

4A PRE-FINISHED METAL SLAB EDGE COVER

TYPE : ALUMINUM
COLOUR : LIGHT GREY

5 METAL SIDING

TYPE :
COLOUR :

R1 BALCONY RAILING

TYPE :
COLOUR :



Exterior Finish Legend 2
NTS dA3.2

Enlarged Elevation 1
Scale: 1 : 60 dA3.2

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Date:

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No.:	Revision:	Date:
4	Reissued For SPA	July 16, 2021
3	Reissued For SPA	March 3, 2021
2	Reissued For SPA	October 15, 2020
1	Issued For SPA	April 24, 2020
No.:	Issued For:	Date:

Drawing Title:

Enlarged Elevation

Client:
Kingdom Development Inc.

Project:
4077 and 4101 Highway 7, Markham

Application File No:
SPC 20 112580

Scale:
1 : 60

Drawn by:
B.S., A.I.

Checked by:
D.S.

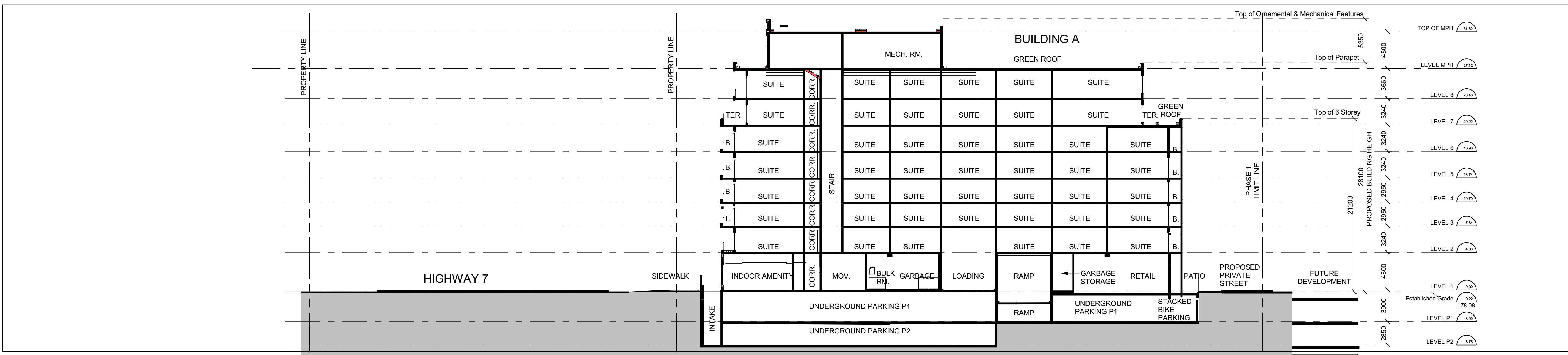
Project No.:18-164

Date:
July 16, 2021

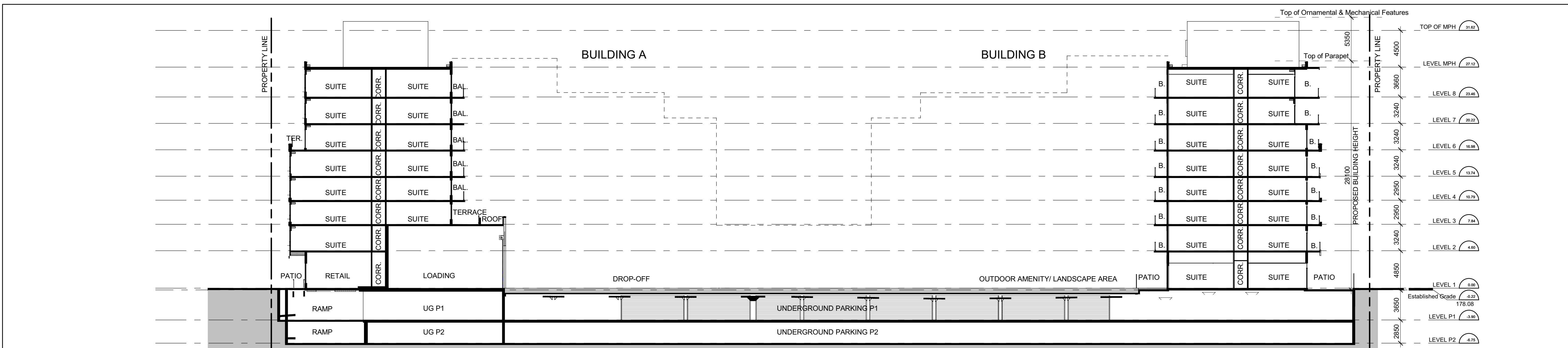
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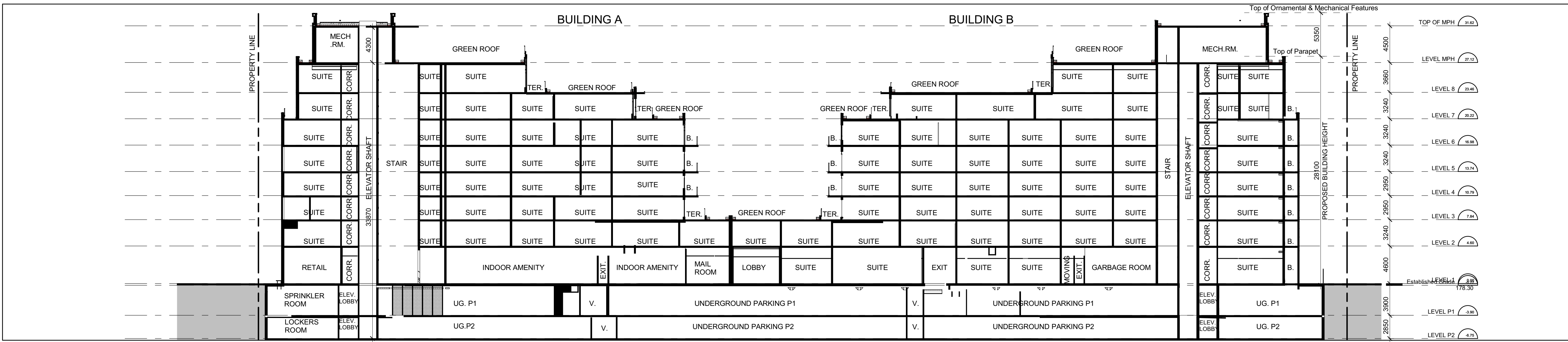
July 16, 2021



Building Section 3 3
 Scale: 1 : 250 dA4.1



Building Section 2 2
 Scale: 1 : 250 dA4.1



Building Section 1 1
 Scale: 1 : 250 dA4.1

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1	Issued For SPA	April 24, 2020
No.:	Issued For:	Date:

Drawing Title:
Building Sections

Client:
Kingdom Development Inc.

Project:
4077 and 4101 Highway 7, Markham

Application File No:
SPC 20 112580

Scale:
1 : 250

Drawn by:
B.S. A.I.

Checked by:
D.S.

Project No.:

Date:
July 16, 2021

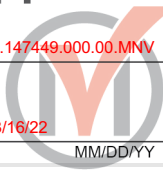
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From: [Michelle Bates](#)
To: [Pagratis, Dimitri](#)
Subject: A/197/21 - 4077 Highway 7 E - Minor Variance Application - Eplan file # MN
Date: Friday, March 11, 2022 12:09:57 PM
Attachments: [image001.png](#)

Appendix C



File: 21.147449.000.00.MNV
21.147449

Date: 03/16/22
MM/DD/YY

Hi Dimitri,

TRCA is in receipt of the above noted Minor Variance Application. Please accept this email as our formal comments. I will upload this to E-Plan as well.

The applicant has requested the following variances as it relates to proposed mid-rise residential building (Phase 1 development).

- a) **By-law 2004-196, Section Schedule J3 (By-law 2014-9):** a minimum building height of 7.5 metres, whereas the By-law requires a minimum height of 12.0 metres;
- b) **By-law 2004-196, Section Schedule J3 (By-law 2014-9):** a maximum building height of 28.5 metres only, whereas the By-law permits a maximum building height of the lesser of 6 storeys or 20.0 metres;
- c) **By-law 2004-196, Section Schedule J4 (By-law 2014-9):** a minimum building setback of 1.8 metres, whereas the By-law requires a minimum building setback of 2.0 metres, or 3.0 metres, where any part of any dwelling unit is within the first storey of a building located within 10 metres of the streetline or a lot line;
- d) **By-law 2004-196, Section Schedule J4 (By-law 2014-9):** a minimum setback of 0.3 metres for the underground parking garage from the streetline; whereas, a minimum of 1 metre from the streetline is required;
- e) **By-law 2004-196, Section 3.0:** mechanical features or portions of the building containing mechanical equipment to project a maximum of 5.40 metres above the highest point of the roof surface, whereas the By-law permits a maximum of 5.0 metres;

The subject property is located partially within TRCA's Regulated Area under Ontario Regulation 166/06, as amended. The southern portion of the property is within a flood plain, and adjacent to a valley and wetland feature. The east side of this property is adjacent to a wetland and a flood plain that appears to spill towards front of 4121 Highway 7. A permit from TRCA will be required for the proposed Phase 1 development as it is partially within our Regulated Area. TRCA has provided comments on the associated Site Plan Application (SPC 20 112580) and it is our understanding that the applicant is currently working to address them. It is our expectation that all outstanding issues will be resolved prior to the issuance of Site Plan Approval and any permits from TRCA.

Overall, I have no objection to this Minor Variance Application subject to the following conditions:

1. That the owner remit TRCA's Minor Variance review fee of \$1,155.
2. That the owner obtain a permit from TRCA for the proposed development as it is partially within TRCA's Regulated Area under Ontario Regulation 166/06.

Please notify TRCA of any decisions or appeals made in respect to this application.

If there are any questions, please let me know.

Regards,

Michelle Bates

Planner

Development Planning and Permits | Development Planning and Engineering Services

T: [\(416\) 661-6600](tel:(416)661-6600) ext. 5618

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Please note:

- TRCA's Offices are presently closed to visitors. The plan input and review function continues during the Coronavirus pandemic. In order to reduce the potential of transmission, TRCA requests that development planning and permit applications and materials be submitted digitally in PDF format. Paper submissions are discouraged and may result in extended timeframes for review. All digital submissions and documents (including enquiries / applications) related to properties in York Region municipalities can be submitted to the following e-mail address: yorkplan@trca.ca We thank you for your cooperation as we respond to the current situation.



Toronto and Region
Conservation
Authority