

Memorandum to the City of Markham Committee of Adjustment

November 25, 2020

File: A/089/20
Address: 2968 Elgin Mills Rd East, Markham
Applicant: Ebrahim Javady Torabi,
Agent: Jim Kotsopoulos, JKO Planning Services Inc.
Hearing Date: December 2, 2020

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended:

- a) Table B2 (F) - Minimum Rear Yard Required on Lot Accessed By Lane (Special Provision 5): to permit a private garage to be within or attached to the main building, whereas the By-law requires the private garage to be detached from the main building, if the lot is accessed by a lane;

The requested variance relates to the proposed construction of 6 semi-detached units with rear lane access on the subject lands.

BACKGROUND

The subject property has an area of 0.2 hectares (0.5 acres) and a frontage of approximately 46 metres (150 feet) on Elgin Mills Road East. It is located on the north side of Elgin Mills Road East, between Duke of York Street and Victoria Square Boulevard. The property contains an existing single detached dwelling that will need to be demolished for development to proceed.

Three single detached dwellings, built in 2010, are located on the abutting lands to the north of the subject property. Victoria Square Park and Community Center are located to the south, across Elgin Mills Road East. Single detached dwellings are located to the east of the property. Lane based townhouses are located on the adjoining lands to the west of the property in the Cathedral community.

Proposal

Staff is currently reviewing an application for Site Plan approval (SC 14 109571) to facilitate the development of six (6) semi-detached dwellings on the subject property which has reached a satisfactory stage for the purposes of the requested variance. The variance to permit private attached garages was confirmed through the associated Site Plan application review process. Staff further note that the current site layout was reviewed through a site-specific Official Plan and Zoning By-law amendment application process (OP/ZA 14 109571).

Official Plan and Zoning

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

The subject property is designated "Residential – Low Rise", which provides for low-rise housing forms. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential – Low-Rise' designation with respect to height, massing and setbacks.

This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street.

The lands are also subject to the Area and Site Specific Policies for the Cathedral District under Section 9.5 of the Official Plan. These policies are intended to protect and preserve the integrity of the historic hamlet of Victoria Square to ensure all new development is planned is compatible with uses, building forms and scale, appropriate to the historic features and residential character of the former hamlet. A site specific policy (9.5.9.5) provides for semi-detached dwellings on the subject lands.

Zoning By-Law 177-96

The subject property is zoned Residential Two R2*554 under By-law 177-96, as amended, which permits semi-detached dwellings. However, the By-law does not permit a private garage to be attached to a dwelling.

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.

Attached Garage Variance

The applicant is requesting relief from the provisions of the Zoning By-law to permit a private garage to be within or attached to the main building whereas, the By-law requires the private garage to be detached from the main building if the lot is accessed by a lane. Staff are of the opinion that that the variance request is minor in nature does not anticipate any adverse impacts. Staff further note that the current site layout for the six (6) semi-detached dwellings with attached garages was reviewed and contemplated through a site-specific Zoning By-law amendment application process. However, a site-specific provision to allow for attached garages was not included at the time the site-specific Zoning By-law amendment was enacted.

PUBLIC INPUT SUMMARY

As of November 25, 2020, the City received one letter in support of the requested variance. 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

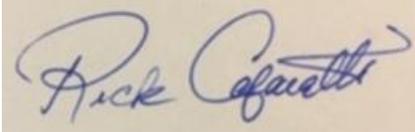
Planning staff have reviewed the application with respect to Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the requested variance to permit a private garage to be within or attached to the main building meets the four tests of the Planning Act and have 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 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. 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.

PREPARED BY:

A handwritten signature in blue ink on a light brown background. The signature reads "Rick Cefaratti" in a cursive script.

Rick Cefaratti, MCIP, RPP, Senior Planner, West District

REVIEWED BY:

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Stephen Kitagawa, Acting-Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/089/20

1. The variance applies only to the proposed development as long as it remains;
2. That the variance applies 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 September 22, 2020, 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;

PREPARED BY:

A handwritten signature in blue ink on a light-colored background. The signature is written in a cursive style and reads "Rick Cefaratti".

Rick Cefaratti, MCIP, RPP, Senior Planner, West District

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