

Memorandum to the City of Markham Committee of Adjustment

November 12, 2020

File: A/102/20
Address: 6350 Steeles Ave E Markham
Applicant: Forest Bay Homes Ltd.
Agent: Southoak Estates Inc.
Hearing Date: Wednesday November 18, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following Second Density – Medium Density Residential (RMD2) zone requirements of By-Law 90-81, as amended, to permit:

a) Amending By-law 2015-6 Section 2.3 (7.64.1 g):

a minimum setback to an Open Space Zone of 6.0 m (19.68 ft.), whereas the By-law requires a minimum setback to an Open Space Zone of 7.0 m (23.96 ft.).

The variance requested relates to 34 lots in an approved subdivision.

BACKGROUND

Property Description

The 2.72 ha (6.72 ac) subject property is located on the west side of Kirkham Drive, south of Denison street. The site is currently vacant and there is a concurrent site plan application for the development of 92 common element condominium semi-detached dwellings on the subject site (File SC 19 117372). The subject site is located within a low-rise residential subdivision, which is being constructed in phases. A storm water pond abuts westerly portion of the site and a woodlot that is owned by the City, abuts the southerly portion of the site. Vacant lands are located to the north (across Denison Street) and an existing low-rise subdivision is located to the east (across Kirkham Drive). This site was subject to a rezoning and draft plan of subdivision that have both been approved.

Proposal

The applicant is requesting a variance to permit a reduced setback to an open space zone for 34 lots on the subject property as shown in Appendix A. The subject dwellings back onto an Open Space Zone, which includes a storm water management pond along the west side and, an existing woodlot across the southern portion. The subject dwellings are within a proposed common element condominium development containing 92 semi-detached dwellings.

Official Plan and Zoning

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

The subject property is designated “Residential – Low Rise”, which provides for low-rise housing forms including semi-detached dwellings. The proposed development conforms to the 2014 Official Plan.

Zoning By-Law 90-81

The subject property is zoned Second Density-Medium Density Residential (RMD2) under By-law 90-81, as amended, which permits the proposed common element condominium development. The proposal does not comply with the zoning by-law with respect to the setback to the Open Space Zone requirement of 7.0 m (23.96 ft.) for the 34 lots.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Reduction in Setback to an Open Space Zone

Zoning approval for the proposed 92 common element condominium semi-detached development on the subject property was granted by the Ontario Municipal Board in 2016 (PL131179). The applicable zoning, as amended, includes provisions for a rear yard setback and a setback to the Open Space Zone. Under amending By-law 2015-6, the required rear yard setback for the subject lots is 6.0 m (19.68 ft.) and the setback to the Open Space Zone is 7.0 m (23.96 ft.). The applicant is proposing a minimum setback of 6.0 m (19.68 ft.) to an Open Space Zone, which represents a reduction of 1.0 m (3.28 ft) for the 34 lots.

The requested variance for a reduced setback to an Open Space Zone will apply to the westerly and southerly portion of the site. It is the opinion of Staff that as the westerly portion of the site abuts a storm water management pond, a 10 m buffer is already being proposed from the natural heritage feature. Therefore, a larger buffer is not required. The southerly portion of the site includes a natural woodlot feature. The proximity of the woodlot narrows across the extent of the lots. Natural Heritage and Urban Design Staff have reviewed the proposed reduction and have concerns with the encroachment on this portion of the site (to the woodlot). To protect the woodlot and prevent unwanted encroachment into the woodlot, as a condition to the approval of this variance, the applicant will be required to install a 6.0 m (19.68 ft.) tall wood fence, subject to the review and approval of Urban Design. Staff are of the opinion that as the grade of the woodlot is higher than that of the lots subject to this application, the roots of the trees will not likely be impacted. Staff are of the opinion that the requested variance satisfies the criteria established by Section 45(1) of the Planning Act.

Staff request that approval of this variance be conditional that the variance only applies to the 34 semi-detached dwellings as shown on Appendix A.

Staff note that the onus is on the applicant to confirm through a zoning preliminary review that the requested variances are accurate. If additional non-conformities with the zoning by-law are identified through the building permit review, the applicant will be required to revise their proposal to comply with the by-law or submit future variance applications for consideration.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 12, 2020. 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 “B” for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Acting Development Manager, East District
File Path: Amanda\File\ 20-129898 \Documents\District Team Comments Memo

APPENDIX “B”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/102/20

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the 34 lots, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received by the City of Markham, 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; and
3. That the applicant provide details of the screening fence subject to the satisfaction of the Director of Planning and Urban Design or, their designate.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, East District

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 11 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. 42323124

"A. D'ANGELO"
Representative For Land Registrar

THIS PLAN COMPRISES ALL OF Pn 02937-0624, SUBJECT TO EASEMENT OVER PART 1, PLAN 65R-35956 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.

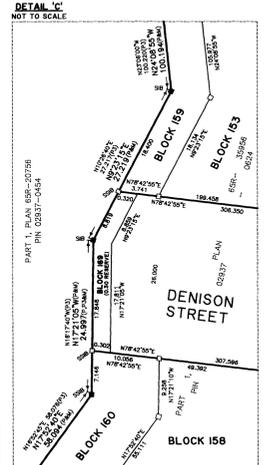
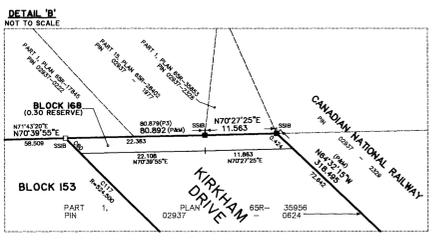
METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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

NUM	ARC	BEARING	DISTANCE
C1	137.555	N48.000°E	137.555
C2	160.326	N73.500°E	160.326
C3	50.289	N87.250°E	50.289
C4	8.315	N83.500°E	8.315
C5	30.025	N88.125°E	30.025
C6	0.320	N89.500°E	0.320
C7	30.209	N73.500°E	30.209
C8	30.848	N87.500°E	30.848
C9	26.800	N87.500°E	26.800
C10	2.001	N79.000°E	2.001
C11	167.856	N87.750°E	167.856
C12	68.259	N87.750°E	68.259
C13	98.587	N87.750°E	98.587
C14	172.488	N87.250°E	172.488
C15	8.970	N110.000°E	8.989
C16	15.002	N110.000°E	15.001
C17	15.007	N87.250°E	15.007
C18	15.017	N87.250°E	15.016
C19	15.030	N72.250°E	15.030
C20	15.048	N87.250°E	15.048
C21	15.070	N87.250°E	15.070
C22	15.086	N87.250°E	15.086
C23	15.126	N87.250°E	15.126
C24	15.181	N87.250°E	15.181
C25	18.275	N87.250°E	18.275
C26	11.747	N87.250°E	11.747
C27	7.854	N87.250°E	7.854
C28	21.224	N84.750°E	21.183
C29	12.372	N87.250°E	12.368
C30	8.912	N112.250°E	8.910
C31	7.832	N87.250°E	7.832
C32	3.872	N100.000°E	3.871
C33	2.302	N100.000°E	2.297
C34	1.270	N100.000°E	1.269
C35	46.018	N135.000°E	46.018
C36	10.209	N87.250°E	10.209
C37	9.481	N87.250°E	9.382
C38	11.713	N87.250°E	11.713
C39	13.123	N87.250°E	12.889
C40	1.483	N87.250°E	1.482
C41	3.872	N100.000°E	3.871
C42	24.439	N87.250°E	24.402
C43	2.048	N87.250°E	2.048
C44	14.338	N87.250°E	14.330
C45	8.062	N87.250°E	8.062
C46	7.854	N87.250°E	7.854
C47	20.841	N87.250°E	20.841
C48	7.045	N87.250°E	7.044
C49	13.885	N87.250°E	13.885
C50	4.885	N87.250°E	4.885
C51	44.448	N87.250°E	44.448
C52	8.647	N87.250°E	8.647
C53	11.219	N87.250°E	11.072
C54	11.713	N87.250°E	11.713
C55	12.889	N87.250°E	12.687
C56	4.805	N87.250°E	4.805
C57	0.480	N87.250°E	0.480
C58	3.087	N87.250°E	3.086
C59	3.480	N87.250°E	3.480
C60	0.408	N87.250°E	0.408
C61	2.699	N87.250°E	2.699
C62	45.375	N87.250°E	45.375
C63	1.324	N87.250°E	1.324
C64	12.787	N87.250°E	12.787
C65	13.322	N87.250°E	13.322
C66	12.722	N87.250°E	12.722
C67	3.840	N87.250°E	3.840
C68	3.500	N87.250°E	3.500
C69	7.901	N87.250°E	7.104
C70	7.807	N87.250°E	7.808
C71	7.854	N87.250°E	7.854
C72	7.854	N87.250°E	7.854
C73	12.957	N87.250°E	12.952
C74	11.305	N87.250°E	11.305
C75	1.803	N87.250°E	1.803
C76	8.024	N87.250°E	7.191
C77	7.986	N87.250°E	7.986
C78	11.253	N87.250°E	11.248
C79	1.354	N87.250°E	1.354
C80	9.888	N87.250°E	9.888
C81	7.854	N87.250°E	7.854
C82	7.854	N87.250°E	7.854
C83	24.135	N87.250°E	24.119
C84	14.224	N87.250°E	14.212
C85	9.831	N87.250°E	9.828
C86	7.854	N87.250°E	7.854
C87	86.899	N87.250°E	86.756
C88	28.483	N87.250°E	28.488
C89	27.317	N87.250°E	27.312
C90	30.748	N87.250°E	30.742
C91	3.341	N87.250°E	3.341
C92	91.783	N87.250°E	91.612
C93	146.488	N87.250°E	146.488
C94	3.630	N87.250°E	3.630
C95	11.777	N87.250°E	11.775
C96	11.777	N87.250°E	11.775
C97	11.777	N87.250°E	11.775
C98	11.777	N87.250°E	11.775
C99	11.777	N87.250°E	11.775
C100	12.281	N87.250°E	12.278
C101	12.281	N87.250°E	12.278
C102	12.281	N87.250°E	12.278
C103	47.034	N87.250°E	46.870
C104	101.051	N87.250°E	100.381
C105	10.623	N87.250°E	9.757
C106	31.105	N87.250°E	31.105
C107	58.056	N87.250°E	57.744
C108	11.186	N87.250°E	10.178
C109	128.056	N87.250°E	128.818
C110	12.030	N87.250°E	12.027
C111	36.420	N87.250°E	36.346
C112	77.801	N87.250°E	78.866
C113	126.353	N87.250°E	125.171
C114	7.854	N87.250°E	8.870
C115	7.854	N87.250°E	6.340
C116	7.854	N87.250°E	7.071
C117	24.067	N87.250°E	24.064
C118	24.068	N87.250°E	24.057
C119	28.929	N87.250°E	28.907
C120	28.924	N87.250°E	28.915



NOTES
■ DENOTES FOUND MONUMENT
□ DENOTES SHORT STANDARD IRON BAR PLANTED
○ DENOTES IRON BAR PLANTED
● DENOTES SHORT STANDARD IRON BAR
○ DENOTES STANDARD IRON BAR
○ DENOTES IRON BAR
P1 DENOTES PLAN 65R-35956
P2 DENOTES PLAN 65R-10496
P3 DENOTES PLAN 65R-10496
P4 DENOTES PLAN 65R-23577
P5 DENOTES REGISTERED PLAN 65M-3530
M DENOTES MEASURED
C DENOTES CONCRETE PIN
MTR DENOTES METRO TRANSPORTATION EQUIPMENT
922 DENOTES SCHAEFFER DZALDOV BENNETT LTD.
M DENOTES I.C. McBRIDEN, O.L.S.
OU DENOTES ORIGIN UNKNOWN
CN DENOTES CANADIAN NATIONAL RAILWAY
SET 588 IN SITE OF 588(C), FOUND SEPTEMBER 10, 2005
SET 588 IN SITE OF 588(S), FOUND SEPTEMBER 10, 2005
ALL FOUND MONUMENTS ARE NUMBERED 922 UNLESS NOTED OTHERWISE.
0.30 RESERVES HAVE BEEN EXAGGERATED FOR CLARITY.
TOTAL AREA OF SUBDIVISION = 32.0073 ha.

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 092901620 AND 092053032, UTM ZONE 17, NAD83 (ORIGINAL).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999821

POINT ID	NORTHING	EASTING
SCP 092901620	485592.86	642594.725
SCP 092053032	485593.564	64059.736

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

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 158 AND 0.30 RESERVES, NAMELY BLOCKS 156 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.
DATED THE 21st DAY OF JULY 2018.
FOREST BAY HOMES LTD.

Corey Lebel, A.O.
I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY 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.
Ontario Land Surveyor

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



FRONT ELEVATION 'A'



FRONT ELEVATION 'A' (REV)

FRONT ELEVATION 'B1'

FRONT ELEVATION 'B2' (REV)

FIN GRADE

Appendix A

File: 20.129898.000.00.MNV

Date: 11/13/20

MM/DD/YY

no.	description	date	by
16.			
15.			
14.			
13.			
12.	ADD 3RD BATH TO SEC. FL	FEB 24-20 RC	
11.	UPDATED AS PER WORKING DRAWINGS	APR 17/19 PB	
10.	REV. ELEV. PORCH POST TO 16"x16"	FEB. 01/19 DB	
9.	REDUCED DEPTH OF PORCH BY 6"	FEB. 01/19 DB	
8.	REISSUED FOR ARCH CONTROL REVIEW	NOV 15/18 KL	
7.	REISSUED FOR CLIENT REVIEW	NOV 09/18 KL	
6.	SHORTED PORCH TO MEET 0.45m ENCROACHMENT	NOV 07/18 KL	
5.	DIFFERENT GARAGE DR & GRILL PATTERN FOR ELEV	OCT 29/18 KL	
4.	ISSUED FOR ARCH CONTROL REVIEW	SEPT 07/18 KL	
3.	ISSUED ELEV. FOR CLIENT REVIEW	JUL 26/18 KL	
2.	REV. AS PER CLIENT'S COMMENTS	JUN 26/18 KL	
1.	ISSUED FOR CLIENT REVIEW	MAY 09/18 KL	

B152
UNPAIRED @ GARAGE

CALEXICO HOLDINGS INC.

FAIRTREE (B151 & 152)
MARKHAM, ON.

project no. 11012
area summary (sq ft) 1900 C2
1891 A,B1,B2,C1

date APRIL 2018

from by KL

file name 11012_SD-3

unit name

SD-3M

255 Consumers Rd Suite 120
Toronto ON M2J 3K4
f 416.630.4782
v3design.com



FRONT ELEVATION 'C1'

FRONT ELEVATION 'C2' (REV)

FIN GRADE

B152
UNPAIRED @ GARAGE

no.	description	date	by	revision
16.				
15.				
14.				
13.				
12.	ADD 3RD BATH TO SEC. FL	FEB 24-20	RC	
11.	UPDATED AS PER WORKING DRAWINGS	APR 17/19	PB	
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4.	ISSUED FOR ARCH CONTROL REVIEW	SEPT 07/18	KL	
3.	ISSUED ELEV. FOR CLIENT REVIEW	JUL 26/18	KL	
2.	REV. AS PER CLIENT'S COMMENTS	JUN 26/18	KL	
1.	ISSUED FOR CLIENT REVIEW	MAY 09/18	KL	

CALEXICO HOLDINGS INC.

**FAIRTREE (B151 & 152)
MARKHAM, ON.**

project no.
11012

area summary (sq ft)
1900 C2

1891 A,B1,B2,C1

date
APRIL 2018

11012_SD-3

SD-3M

File: 20.129898.000.00.MNV

Date: 11/13/20

Appendix A



DESIGN
255 Consumers Rd Suite 120
Toronto ON M2J 3K4
t 416.630.4782
vasdesign.com



UPGRADED REAR ELEVATION
'A' (REV)

UPGRADED REAR ELEVATION
'A'

UPGRADED REAR ELEVATION
'B2' (REV)

UPGRADED REAR ELEVATION
'B1'

FIN GRADE

B152
UNPAIRED @ GARAGE

no.	description	date	by	revision
16.				
15.				
14.				
13.				
12.	ADD 3RD BATH TO SEC. FL	FEB 24-20 RC		
11.	UPDATED AS PER WORKING DRAWINGS	APR 17/19/PB		
10.	REV. ELEV. PORCH POST TO 16"x16"	FEB. 01/19/DB		
9.	REDUCED DEPTH OF PORCH BY 6"	FEB. 01/19/DB		
8.	REISSUED FOR ARCH CONTROL REVIEW	NOV 15/18 KL		
7.	REISSUED FOR CLIENT REVIEW	NOV 09/18 KL		
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2.	REV. AS PER CLIENT'S COMMENTS	JUN 26/18 KL		
1.	ISSUED FOR CLIENT REVIEW	MAY 09/18 KL		

Appendix A

File: 20.129898.000.00.MNV

Date: 11/13/20

project no.	11012	date	APRIL 2018
area summary (sq ft)	1891 A,B1,B2,C1	file name	11012_SD-3
	1900 C2	unit name	

CALEXICO HOLDINGS INC.

FAIRTREE (B151 & 152)
MARKHAM, ON.

SD-3M



UPGRADED REAR ELEVATION
'C2' (REV)

UPGRADED REAR ELEVATION
'C1'

UNPAIRED @ GARAGE B152

no.	description	date	by	revision
16.				
15.				
14.				
13.				
12	ADD 3RD BATH TO SEC. FL	FEB 24-20	RC	
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1	ISSUED FOR CLIENT REVIEW	MAY 09/18	KL	

CALEXICO HOLDINGS INC.

FAIRTREE (B151 & 152)
MARKHAM, ON.

project no.
11012
area summary (sq ft)
1891 A,B1,B2,C1
1900 C2

date
APRIL 2018

drawn by
KL
file name
11012_SD-3
unit name

SD-3M

Appendix A

File: 20.129898.000.00.MNV

Date: 11/13/20