

Memorandum to the City of Markham Committee of Adjustment

July 12, 2022

File: A/115/22
Address: 3319 Elgin Mills Road East – Markham, ON
Applicant: Mattamy Homes (Mehr Hazari)
Hearing Date: July 20, 2022

The following comments are provided on behalf of the North Markham District team. The applicant is requesting relief from the following “Residential Two – Special Exception *667 (R2-S*667) Zone” requirements under By-law 177-96, as amended, as it relates to the development of Block 131 which consists of 26 townhouse dwelling units. The variance requested is to permit:

a) Parking By-law 28-97, Section 3.0:

0.15 visitor parking spaces per unit accessed by a private street, whereas the By-law requires 0.25 visitor parking spaces per unit accessed by a private street.

NOTE: This application is related to and submitted alongside a Site Plan Control Application (SPC 20 135108), in which both files are being reviewed concurrently.

Notwithstanding that the application has been circulated under the municipal address of 3319 Elgin Mills Road East, the subject lands are currently unaddressed, and are referenced as Block 131 on PLAN 65M-4708 (Appendix “C”).

PROPERTY DESCRIPTION

The 0.47 Ha (1.16 Ac) subject lands are located at the southwest corner of Elgin Mills Road East and Beaverbrae Drive. Known as Block 131, the subject lands are currently vacant, yet are planned to accommodate 26 lane-based townhouse dwellings. All 26 dwelling units will have vehicular access via a private condominium lane, and nine of these units will have direct pedestrian access via Thomas Frisby Jr. Crescent.

PROPOSAL

The applicant proposes a reduction in the required visitor parking spaces from seven to four. The applicant therefore, requests a reduction of 0.10 parking spaces per unit accessed by a private street.

OFFICIAL PLAN AND ZONING

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

The subject lands are located within the City of Markham’s “Future Urban Area”, and is designated “Future Neighbourhood Area” under the Official Plan. The intent of the Plan is that these new development areas will be pedestrian, cycling and transit-friendly, and allow for the development of complete communities. More specific land use designations for the “Future Neighbourhood Area” north of Major Mackenzie Drive have been determined through a Secondary Plan process.

In November 2018, an Official Plan Amendment (OPA No. 24) was approved for the site and encompassing Berczy Glen Secondary Plan area bounded by Elgin Mills Road East to the north, Warden Avenue to the east, Major Mackenzie Drive East to the south, and a Hydro Corridor to the west. The Berczy Glen Secondary Plan specifically designates the subject lands “Residential Low Rise”, which provides for a variety of housing forms including townhouse dwellings.

Zoning By-Law 177-96, as amended

The subject lands are zoned “Residential Two – Special Exception *667 (R2-S*667) Zone” under By-law 177-96, as amended by By-law 2021-6, which permits townhouse dwellings.

Parking Standards By-law 28-97 (the “Parking By-law”)

The subject lands are also subject to the Parking By-law. The proposed development does not comply with the minimum number of visitor parking spaces required under the Parking By-law.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The applicant has confirmed that a ZPR has not been conducted. However, the applicant has received comments from the zoning department through their Site Plan Application to confirm the variances required for the proposed development. The applicant has confirmed that changes to the plan have been made since receiving zoning comments.

Staff advise that it is the owner’s responsibility to ensure that the application has accurately identified all of 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 at the Building Permit stage, further variance application(s) may be required to address any non-compliances.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

Reduction in Visitor Parking Spaces

The applicant is requesting to permit 0.15 visitor parking spaces per unit accessed by a private street, whereas the By-law requires 0.25 visitor parking spaces per unit accessed by a private street. Block 131 is planned to accommodate 26 townhouse dwelling units, and the applicant’s request equates to permit four visitor parking spaces, whereas a total of seven visitor parking spaces is required. Respectively, this is a reduction of 0.10 visitor parking spaces per unit, or three visitor parking spaces.

The applicant has stated that the subdivision was originally Draft Plan Approved with freehold townhouses accessed by a public lane. However, due to servicing restrictions along Elgin Mills Road East, the public lane was revised to a private lane in order to service the proposed units. The Parking By-law does not require visitor parking spaces for

townhouses accessed by a public lane; however, a parking rate of 0.25 visitor parking spaces per unit is required for townhouse units accessed by a private lane.

The applicant further shows that a number of onstreet parking opportunities would exist on both sides of Thomas Frisby Jr. Crescent; however, staff note that the City's typical practice is to restrict parking on one side of a local road. In addition, staff also advise that overnight parking is not permitted on residential streets in Markham, unless a permit or exemption is obtained through the City's [Overnight Street Parking Request](#).

Although Thomas Frisby Jr. Crescent is not located within this future condominium development, it immediately abutting the site to the south which would allow for temporary onstreet parking opportunities for residents and visitors of the surrounding area, including users of the subject lands. Given the subject lands proximity to temporary onstreet parking opportunities along Thomas Frisby Jr. Crescent, staff are of the opinion that the parking reduction can be partially mitigated, and do not anticipate significant impacts.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 12, 2022. Additional information may be received after the writing of this 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*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input, and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

Appendix "C" – PLAN 65M-4708, November 2, 2021

PREPARED BY:



Aleks Todorovski, MCIP, RPP
Planner, Zoning and Special Projects

REVIEWED BY:



Rick Cefaratti, MCIP, RPP
Senior Planner II

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/115/22

1. That the variance applies only to the proposed development for as long as it remains.
2. That the variances applies only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', is written over a horizontal line.

Aleks Todorovski, MCIP, RPP
Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/115/22

4 ARCHITECTS INC.

TEMPORARY OFFICE ADDRESS:
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Toronto, Ont. M2P 2B5

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The contractor / builder must verify all dimensions on the job and report any discrepancy to the designer before proceeding with the work.

Drawings are NOT to be scaled
All drawings and specifications
are instruments of service and
the copyright property of the
designer and must be returned
upon request.

Q4 Architects Inc. retains the copyright in all drawings, plans, sketches, and all digital information. They may not be copied or used for any other projects or purposes or distributed without the written consent of Q4 Architects Inc.

BLOCK 1301-1305
GROSS BUILDING AREA: 920.72 m²
LANDSCAPE AREA: 273.27 m² (38%)
LOT AREA: 737.50 m²
FLOOR SPACE INDEX: 1.25

BLOCK 1311-1314
GROSS BUILDING AREA: 733.59 m2
LANDSCAPE AREA: 263.47 m2 (40%)
LOT AREA: 660.79 m2
FLOOR SPACE INDEX: 1.11

BLOCK 1321-1326
GROSS BUILDING AREA: 1133.50 m2
LANDSCAPE AREA: 151.93 m2 (21%)
LOT AREA: 734.26 m2
FLOOR SPACE INDEX: 1.54

BLOCK 1331-1336
GROSS BUILDING AREA: 1116.04 m2
LANDSCAPE AREA: 127.93 m2 (19%)
LOT AREA: 710.63 m2
FLOOR SPACE INDEX: 1.57

BLOCK 1341-1345
GROSS BUILDING AREA: 1099.50 m2
LANDSCAPE AREA: 330.65 m2 (34%)
LOT AREA: 960.39 m2
FLOOR SPACE INDEX: 1.14

5	ISSUED FOR VARIANCE APPLICATION	JUN. 17/22	SW
4	RE-ISSUED FOR 2ND SPA APPLICATION	MAY 04/22	SW
3	ISSUED FOR REVIEW W/ REV. BLOCK SITINGS	FEB. 23/22	SW
2	ISSUED FOR TSAP	JUL. 2/21	SG
1	ISSUED TO CLIENT	JUN. 25/21	SG

Issued / Revision Chart

**SPRINGWATER
BERCZY GLEN
PHASE 1**

Markham, Ontario

Mattamy Homes

Project No. 19015

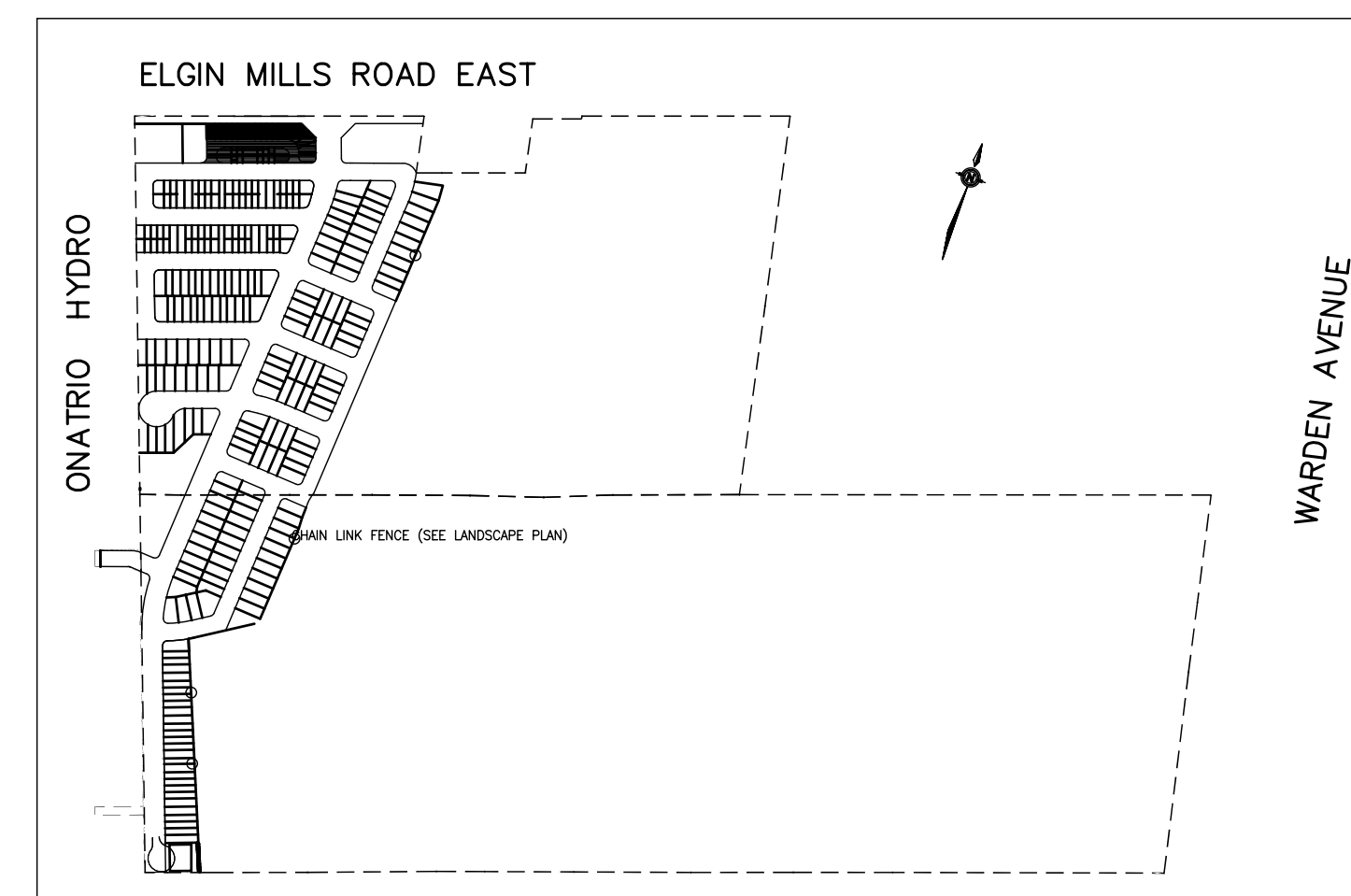
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Drawn By BY

Checked By BY

SITING & GRADING PLAN

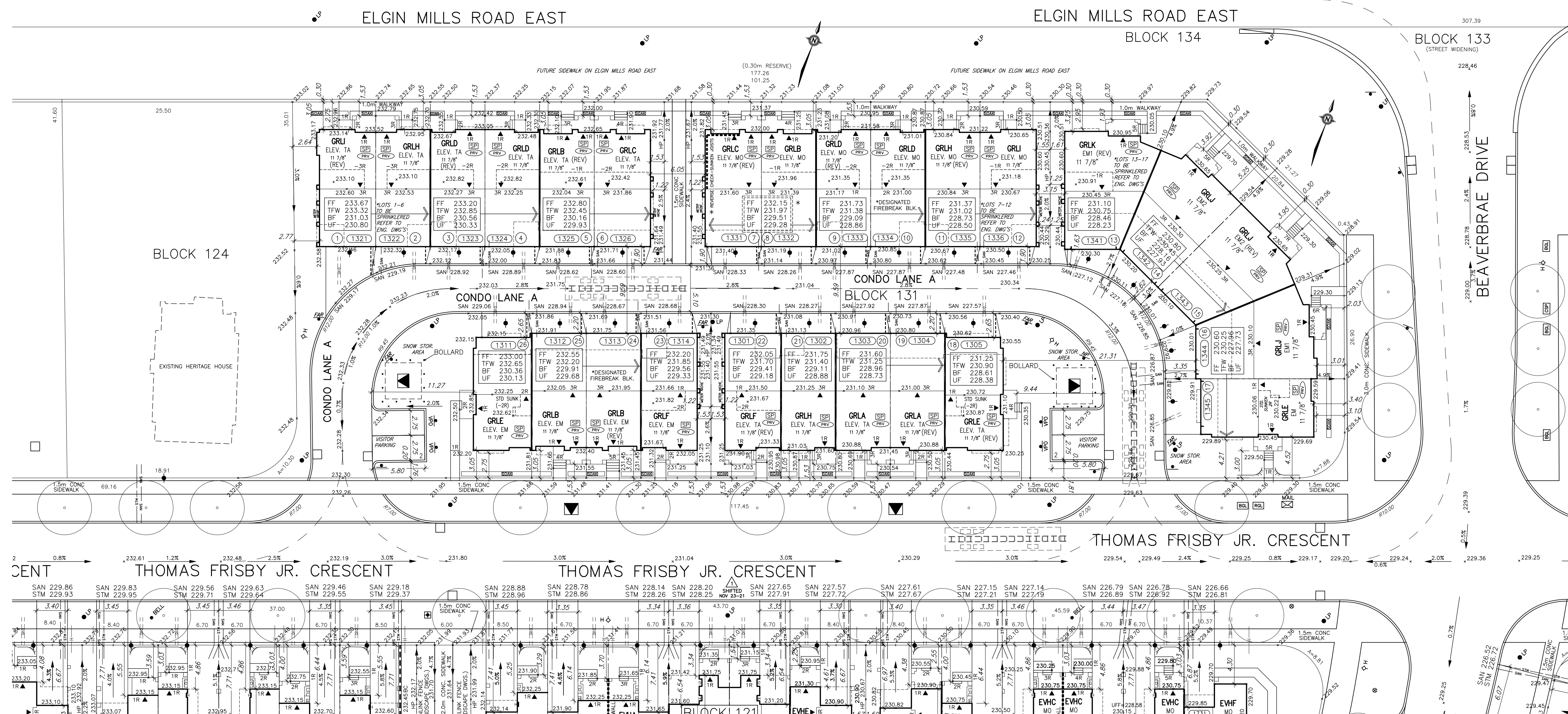
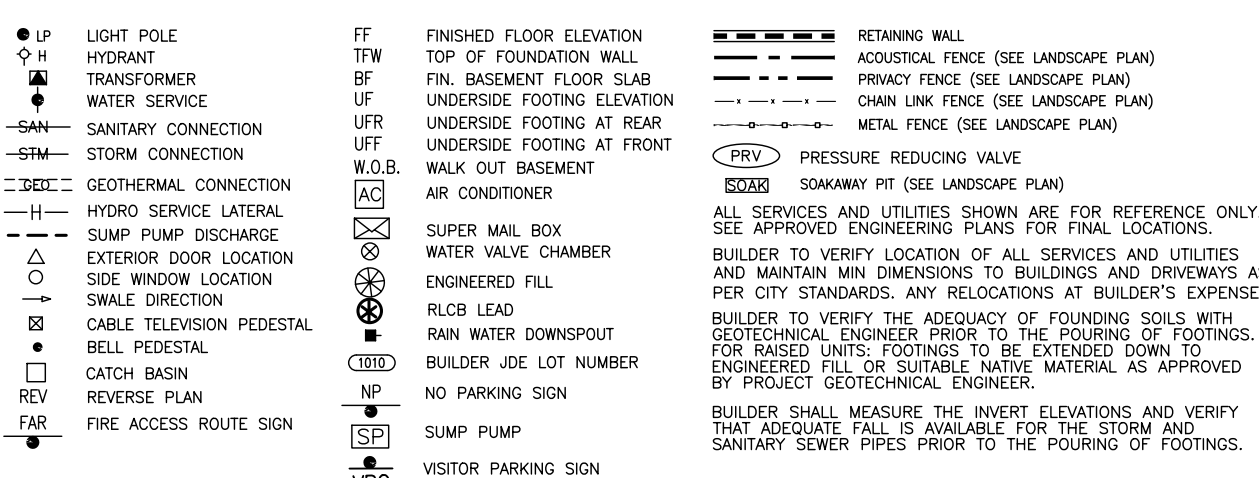
SP1.1



KEY MAP
N.T.S.

ELGIN MILLS ROAD EAST

LEGEND



APPENDIX “C”

PLAN 65M-4708, NOVEMBER 2, 2021

PLAN 65M-4708

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF YORK (No.65) AT 12:30 O'CLOCK ON THE 2nd DAY OF Nov., 2021 AND ENTERED IN PARCEL REGISTER(S) FOR PROPERTY IDENTIFIER(S) 03053-1510

AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. 423335931

"L. Bavaro"

REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES PART OF P.I.N. 03053-1510

PLAN OF SUBDIVISION OF PART OF LOT 25, CONCESSION 4 (GEOGRAPHIC TOWNSHIP OF MARKHAM) CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

SCALE 1:1000

R-PE SURVEYING LTD., O.L.S.

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

NOTES

- DENOTES MONUMENT FOUND
- SSB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL1 DENOTES PLAN 65R-29419
- PL2 DENOTES PLAN 65R-29419
- (817) DENOTES D.S. MINTOSH, O.L.S.
- (1215) DENOTES OTTO ERTL, O.L.S.
- (1808) DENOTES J.H. GELBLOOM SURVEYING LIMITED, O.L.S.
- (JDB) DENOTES J.D. BARNES LTD., O.L.S.
- (OH) DENOTES ONTARIO HYDRO
- (NI) DENOTES NOT IDENTIFIED
- SCP DENOTES SPECIFIED CONTROL POINT
- WIT DENOTES WITNESS

DUE TO CONSTRUCTION ACTIVITIES, ALL SET MONUMENTS ARE PLASTIC BARS UNLESS OTHERWISE NOTED

BEARING NOTE

BEARINGS ARE GRID, UTM ZONE 17, NAD83 (ORIGINAL), DERIVED FROM:
SCP 09220053045 NORTH 4861357.639 EAST 631089.119
SCP 09219901157 NORTH 4863197.397 EAST 630606.599

COORDINATES ARE UTM ZONE 17, NAD83 (ORIGINAL), TO URBAN ACCURACY PER SEC. 14 (2) OF O.R.E.G. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997829.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 1st DAY OF JULY 2021.

DATE JULY 5 2021

C.P. EDWARD
C. P. EDWARD
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE

- THIS IS TO CERTIFY THAT:
- LOTS 1 TO 106, BOTH INCLUSIVE, BLOCKS 107 TO 132, BOTH INCLUSIVE, 136, 137, 138 AND 139, STREET WIDENING, NAMELY, BLOCK 133, 0.30 RESERVES NAMELY BLOCKS 134 AND 135, STREETS, NAMELY BEAVERBRAE DRIVE, ERIN RIDGE COURT, NAVITAS CRESCENT, MARY ROMAN AVENUE, FREDERICK ROMAN AVENUE, CECIL SINCLAIR DRIVE, THOMAS FRISBY JR. CRESCENT, THERMA CRESCENT HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
 - THE STREETS AND THE STREET WIDENING, NAMELY BLOCK 133 ARE DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE CITY OF MARKHAM.

MATTAMY (BERCZY GLEN) LIMITED

DATED THE 5th DAY OF August 2021.

ANDREW SJOGREN
AUTHORIZED SIGNING OFFICER
I HAVE THE AUTHORITY TO BIND THE CORPORATION

MUNICIPAL APPROVAL

2A/SU 18 181743-002
APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990
THIS 12th DAY OF November 2021

RONALD BLAKE
SENIOR DEVELOPMENT MANAGER
PLANNING AND URBAN DESIGN DEPARTMENT AND DEVELOPMENT SERVICES
THE CORPORATION OF THE CITY OF MARKHAM

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Website: www.r-pe.ca
DRAWN: D.F./C.D.S. CHECKED: C.P.E.
JOB No. 18-295
CAD FILE No. 18295s1f-North5

July 12, 2021 - 08:03:20 Phase 1 North ROMAN

