

# **Memorandum to the City of Markham Committee of Adjustment**

November 15, 2019

**Files:** A/102/19 and B/17/19  
**Address:** 4310 19th Avenue, Markham  
**Applicant:** Paul Filice  
**Agent:** Paul Filice  
**Hearing Date:** Wednesday November 27, 2019

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

## Application A/102/19

The applicant is requesting relief from the following requirements of By-law 304-87, RR4 as amended:

a) Section 7.5 a) iii): To permit a minimum lot area of 0.35 hectares, whereas the By-law requires a minimum of 4.0 hectares; as it relates to a proposed land severance (B/17/19).

## Application B/17/19

The applicant is requesting provisional consent to:

1. Sever and convey a parcel of land with an approximate lot area of 4.38 ha (Part 1); and
2. Retain a parcel of land with approximate land frontage of 36.9 m and approximate lot area of 0.35 ha (Part 3).

## **BACKGROUND**

### **Property Description**

The subject lands are located on the north side of 19<sup>th</sup> Avenue, west of Kennedy Road and east of Warden Avenue in the Community of Almira. 4310 19<sup>th</sup> Avenue has an area of approximately 4.73 ha (11.69 acres) and a frontage of approximately 36.9 m (121.1 ft) while 4294 19<sup>th</sup> Avenue has an area of approximately 0.35 ha (0.86 acres) and a frontage of approximately 45.7 m (150 ft) (see Figure 1). Each property has a single detached one storey dwelling. Both properties are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings on large lots along 19<sup>th</sup> Avenue. Several heritage buildings to the west of the subject lands form the core of the Community of Almira and include residential and commercial uses.

The proposed severed lands are to the rear (north) of both 4210 and 4294 19<sup>th</sup> Avenue and generally consist of fields actively being used for agricultural purposes. Two small barns are located on the proposed severed lands. Mature vegetation exists around both dwellings and along the perimeter of the fields. The retained parcel will have an

### **Proposal**

The applicant is proposing to sever an approximate 4.38 ha (10.82 acre) parcel of land at the rear of 4310 19<sup>th</sup> Avenue and add it to 4294 19<sup>th</sup> Avenue. The total area of the new lot would be approximately 4.73 ha (11.69 acres) and the proposed retained lot would be approximately 0.35 ha (0.86 acres). The existing frontage of approximately 36.9 m (121.1 ft) would be maintained. No new lots would be created.

## **Official Plan and Zoning**

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

4294 19<sup>th</sup> Avenue and the residential portion of 4310 19<sup>th</sup> Avenue are designated 'Hamlets', which provides for low density residential uses including single detached dwellings. The 'Hamlets' designation is intended to recognize historic settlements and contain policies to protect and maintain their historic and rural residential character. Consents that would form an extension to a 'Hamlets' boundary are prohibited.

The lands north of the residential dwellings are designated 'Countryside', which provides for a range of rural, agricultural, and agriculture related uses including one dwelling unit and a secondary suite. The 'Countryside' designation is intended to protect lands for agricultural uses and support farming activities. A minor boundary adjustment in a 'Countryside' designation can be supported provided that no separate lot is created.

### Zoning By-law 304-87, as amended

The subject lands are zoned 'Rural Residential Four RR4' Zone in By-law 304-87. The RR4 Zone permits a single detached dwelling, home occupation, private home day care, and agricultural uses.

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on September 26, 2019 to confirm the variances required for the proposed development. The ZPR included a request for the applicant to confirm the setbacks for the existing barns, stating that the minimum interior side yard setback is 6 m (20 ft). Compliance with the zoning provisions will need to be shown by the applicant.

### **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.

### Reduction in Minimum Lot Area

The applicant is proposing to reduce the minimum lot size from 4.0 ha (9.9 acres) to 0.35 ha (0.86 acres) to allow the creation of the retained parcel. The intent of the minimum lot size is to ensure that new lots are large enough to be used for agricultural purposes and to prevent further creation of rural residential lots.

The proposed consent is a lot line adjustment and would not result in the creation of any new lots. The agricultural portion of the property would not be affected by the proposed consent application and would continue its current use. The retained lands contain an existing dwelling. It is the opinion of Planning Staff that the proposed minor variance would maintain the general intent and purpose of the RR4 Zone.

**Consent**

In considering applications for consent, regard shall be had for Section 51(24) of the Planning Act. In addition, Section 10.3.2.4 of the City of Markham Official Plan contains policies regarding consent applications. The proposed application to sever an approximate 4.38 ha (10.82 acre) parcel from 4310 19<sup>th</sup> Avenue and add it to 4294 19<sup>th</sup> Avenue would not form an extension of a 'Hamlets' boundary and no new lots would be created. It would not be premature and would not impact any matters of Provincial interest. The existing relationship between the Community of Almira and the surrounding agricultural lands would be maintained and the proposed severed lands would continue to be used for agricultural purposes.

**EXTERNAL AGENCIES**

Bell and York Region have no comments or concerns. No other external agencies have submitted comments as of November 15, 2019.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of November 15, 2019. 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 minor variance 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.

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51(24) of the Planning Act and have no objections to approval of the application.

Please see Appendix "B" for conditions to be attached to any approval of this application.

PREPARED BY:

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Marty Rokos, Senior Planner, Planning and Urban Design Department

REVIEWED BY:

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David Miller, Development Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/102/19**

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

**CONDITIONS PREPARED BY:**

Marty Rokos, Senior Planner, Planning and Urban Design Department



## **APPENDIX "B"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/17/19**

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
3. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
4. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under File B/17/19, title to Part 1 on the Draft Reference Plan submitted with File B/17/19 will merge with title to the lands to the west, municipally known as 4294 19<sup>th</sup> Avenue, and legally described as Part of Lot 31 Concession 5, all to the satisfaction of the Director of Planning and Urban Design or designate.
5. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
6. Approval of Minor Variance file number A/102/19.
7. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

### **CONDITIONS PREPARED BY:**

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Marty Rokos, Senior Planner, Planning and Urban Design Department

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.  
3. ALL FLOORS ARE 4" THICK CONCRETE UNLESS OTHERWISE NOTED.  
4. ALL ROOFS ARE 6" THICK CONCRETE UNLESS OTHERWISE NOTED.  
5. ALL CEILING ARE 8" THICK CONCRETE UNLESS OTHERWISE NOTED.  
6. ALL STAIRS ARE 10" THICK CONCRETE UNLESS OTHERWISE NOTED.  
7. ALL DOORS ARE 2" THICK UNLESS OTHERWISE NOTED.  
8. ALL WINDOWS ARE 2" THICK UNLESS OTHERWISE NOTED.  
9. ALL PARTITIONS ARE 1/2" THICK UNLESS OTHERWISE NOTED.  
10. ALL BASES ARE 1" THICK UNLESS OTHERWISE NOTED.

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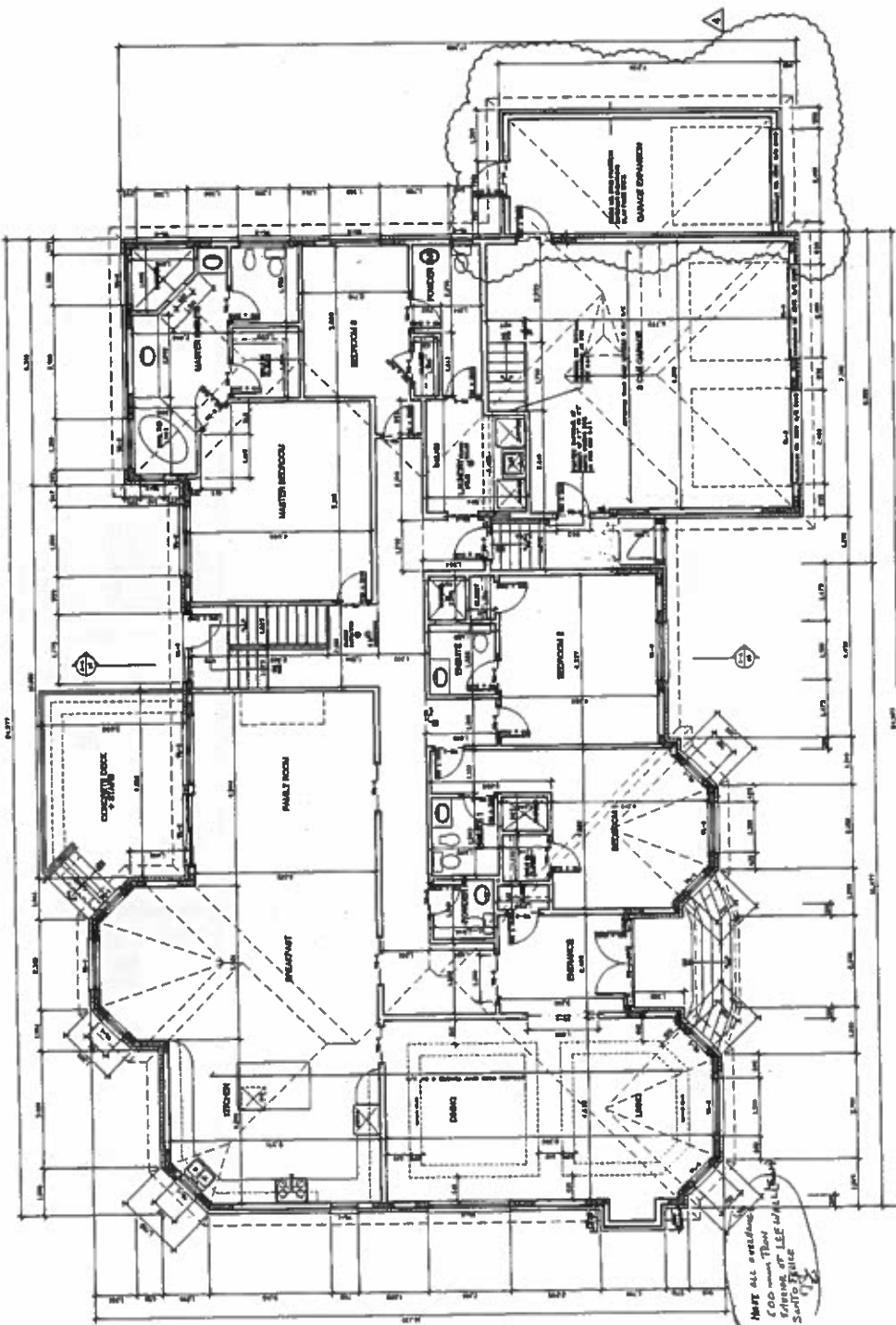
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MR. S. FLICE  
ARCHITECT  
1000 17th Avenue  
Denver, Colorado 80202

GRD. FLOOR PLAN

PROJECT NO.	10000-10
DATE	10/1/77
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BY	MR. S. FLICE
CHECKED BY	MR. S. FLICE

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GROUND FLOOR PLAN  
SCALE 1/4" = 1'-0"

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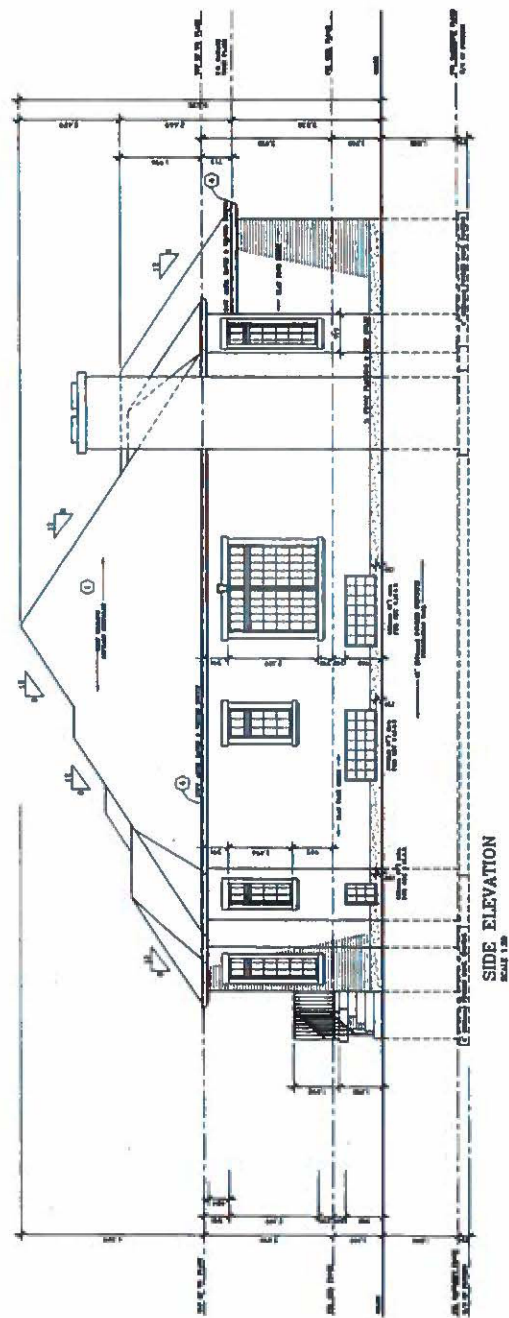
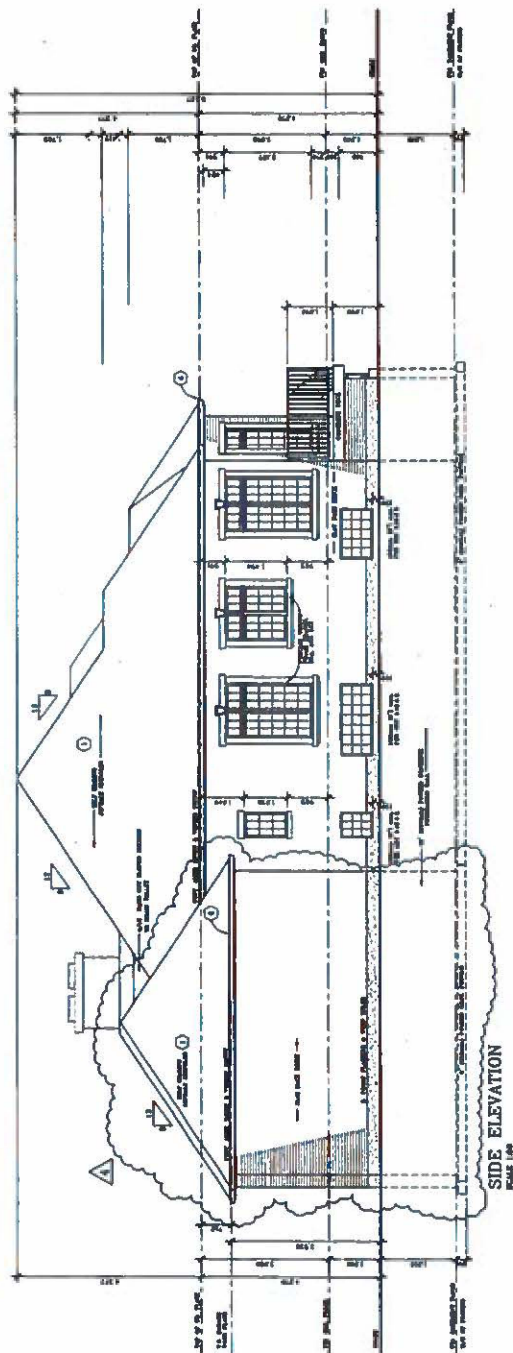
NOTE ALL DIMENSIONS  
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ALL MATRONS ARE THE PROPERTY OF THE COMPANY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE. ALL MATRONS ARE TO BE USED FOR THE PURPOSE OF THE COMPANY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.

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**GENERAL NOTES:**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
8. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL WASTE AND DEBRIS PROPERLY.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES IN PLACE AT ALL TIMES.

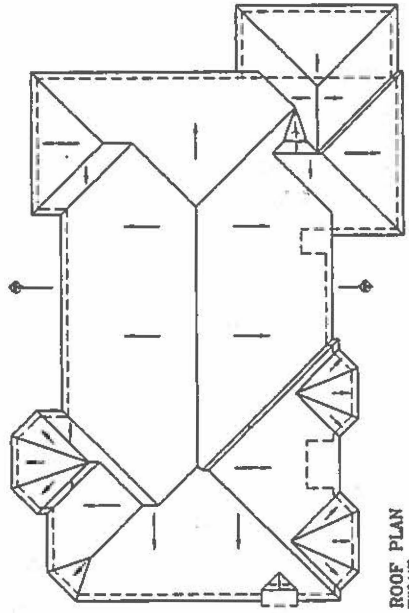
**PLAN NOTES:**

1. ALL DIMENSIONS ARE GIVEN IN FEET AND INCHES.
2. THE CONTRACTOR SHALL MAINTAIN THE EXISTING GRADE WHERE SHOWN.
3. ALL FOUNDATIONS SHALL BE CONCRETE ON COMPACTED FILL.
4. ALL WALLS SHALL BE 8" THICK CONCRETE BLOCK.
5. ALL ROOFS SHALL BE 12" PITCH UNLESS OTHERWISE NOTED.
6. ALL FLOORS SHALL BE 4" THICK CONCRETE ON 2" REINFORCED GYPSUM BOARD.
7. ALL CEILING SHALL BE 5" THICK GYPSUM BOARD.
8. ALL DOORS SHALL BE 1 1/2" THICK SOLID CORE.
9. ALL WINDOWS SHALL BE 2" THICK GLASS IN 4" FRAME.
10. ALL STAIRS SHALL BE 36" WIDE WITH 4" TREADS AND 6" RISERS.

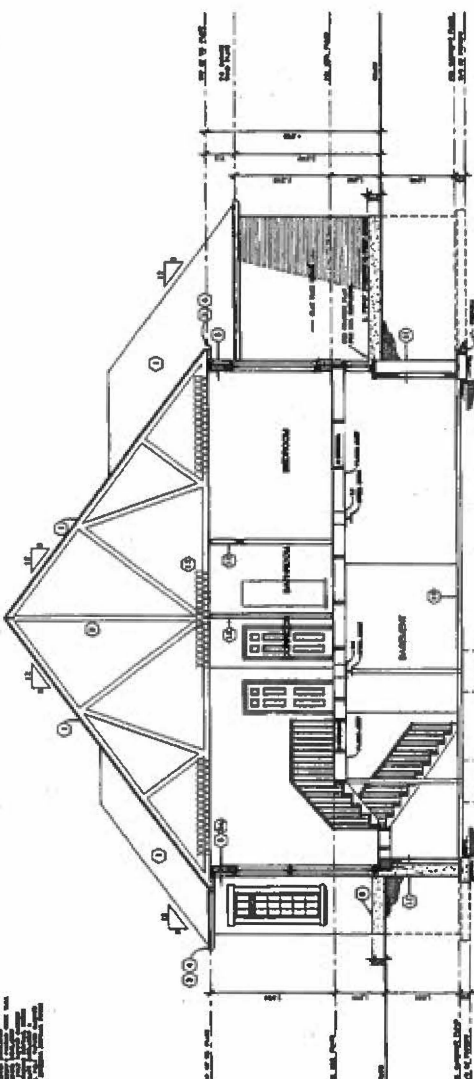
**CONSTRUCTION NOTES:**

1. ALL ROOFING SHALL BE 1/2" THICK ASPHALT/FLUTE SHINGLES.
2. ALL ROOF FLASHING SHALL BE 30" GALVALUME.
3. ALL ROOF DRAINAGE SHALL BE TO THE STREET OR SEWER.
4. ALL ROOF VENTS SHALL BE 18" DIA. WITH 1" FLAP.
5. ALL ROOF TRUSSES SHALL BE 2x10 SPACED @ 24" O.C.
6. ALL ROOF RAFTERS SHALL BE 2x12 SPACED @ 24" O.C.
7. ALL ROOF BRACES SHALL BE 2x6 SPACED @ 24" O.C.
8. ALL ROOF SHEATHING SHALL BE 1/2" THICK OSB.
9. ALL ROOF INSULATION SHALL BE 6" THICK FIBERGLASS BATT.
10. ALL ROOF VENTS SHALL BE 18" DIA. WITH 1" FLAP.

WOOD LATH SCHEDULE	STEEL LATH SCHEDULE
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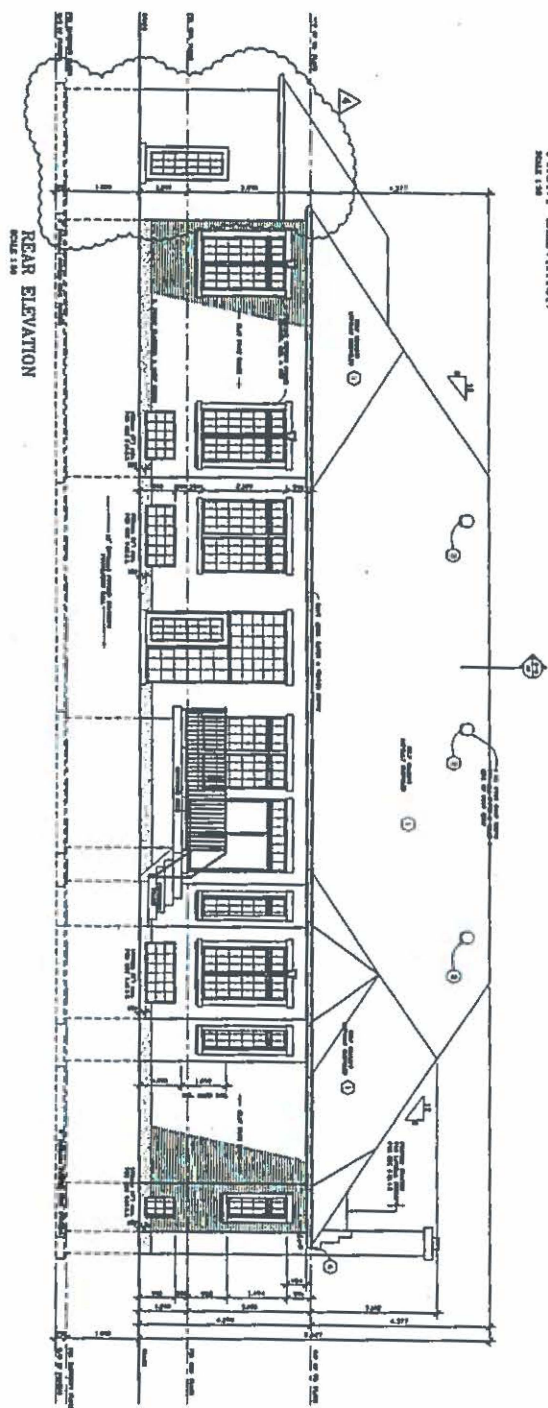
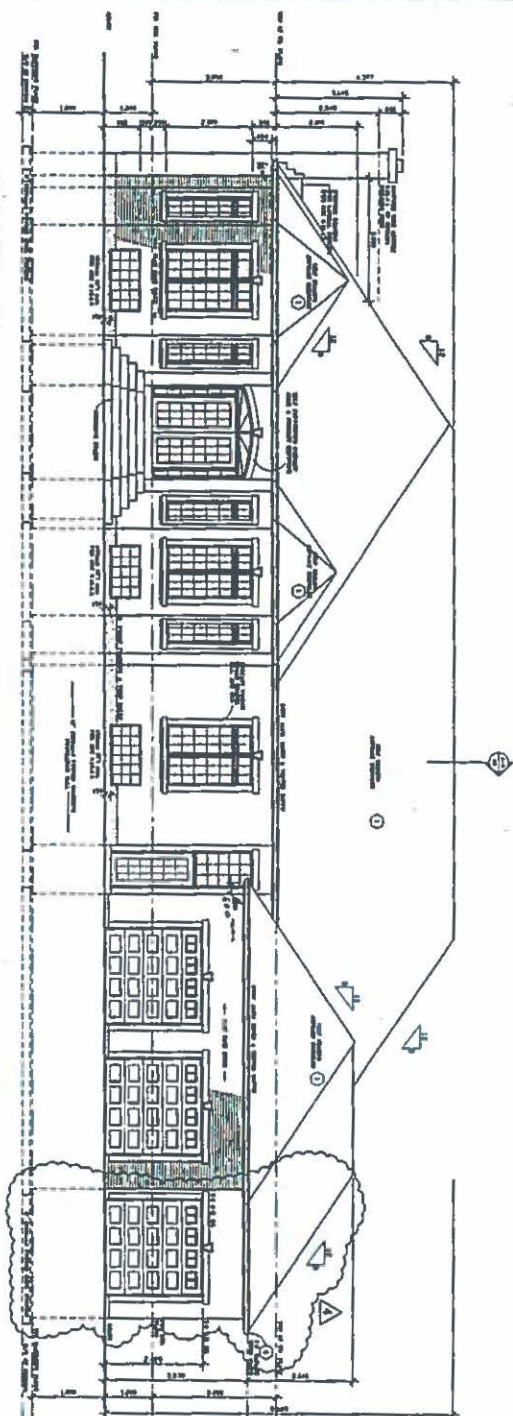
**ROOF PLAN**  
SCALE 1/8" = 1'-0"



**CROSS SECTION A-A**  
SCALE 1/8" = 1'-0"

<b>GENERAL NOTES:</b> 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS. 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT. 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. 6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. 7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES. 8. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS. 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL WASTE AND DEBRIS PROPERLY. 10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES IN PLACE AT ALL TIMES.		<table border="1"> <tr> <td>NO.</td> <td>REVISION/DATE</td> </tr> <tr> <td>1</td> <td>10/1/18</td> </tr> <tr> <td>2</td> <td>10/1/18</td> </tr> <tr> <td>3</td> <td>10/1/18</td> </tr> <tr> <td>4</td> <td>10/1/18</td> </tr> <tr> <td>5</td> <td>10/1/18</td> </tr> <tr> <td>6</td> <td>10/1/18</td> </tr> <tr> <td>7</td> <td>10/1/18</td> </tr> <tr> <td>8</td> <td>10/1/18</td> </tr> <tr> <td>9</td> <td>10/1/18</td> </tr> <tr> <td>10</td> <td>10/1/18</td> </tr> </table>	NO.	REVISION/DATE	1	10/1/18	2	10/1/18	3	10/1/18	4	10/1/18	5	10/1/18	6	10/1/18	7	10/1/18	8	10/1/18	9	10/1/18	10	10/1/18	<table border="1"> <tr> <td>PROJECT</td> <td>MR. S. FILICE</td> </tr> <tr> <td>DATE</td> <td>10/1/18</td> </tr> <tr> <td>BY</td> <td>10/1/18</td> </tr> <tr> <td>CHECKED</td> <td>10/1/18</td> </tr> <tr> <td>APPROVED</td> <td>10/1/18</td> </tr> </table>	PROJECT	MR. S. FILICE	DATE	10/1/18	BY	10/1/18	CHECKED	10/1/18	APPROVED	10/1/18	<table border="1"> <tr> <td>NO.</td> <td>REVISION/DATE</td> </tr> <tr> <td>1</td> <td>10/1/18</td> </tr> <tr> <td>2</td> <td>10/1/18</td> </tr> <tr> <td>3</td> <td>10/1/18</td> </tr> <tr> <td>4</td> <td>10/1/18</td> </tr> <tr> <td>5</td> <td>10/1/18</td> </tr> <tr> <td>6</td> <td>10/1/18</td> </tr> <tr> <td>7</td> <td>10/1/18</td> </tr> <tr> <td>8</td> <td>10/1/18</td> </tr> <tr> <td>9</td> <td>10/1/18</td> </tr> <tr> <td>10</td> <td>10/1/18</td> </tr> </table>	NO.	REVISION/DATE	1	10/1/18	2	10/1/18	3	10/1/18	4	10/1/18	5	10/1/18	6	10/1/18	7	10/1/18	8	10/1/18	9	10/1/18	10	10/1/18
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GENERAL NOTES

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PRODUCT  
FARMERS  
and STREET VENDORS  
Use

MR. S. PILLEE

4294 15th STREET  
MILWAUKEE, WISCONSIN

ELEVATIONS	
DATE	PROJECT NO.
BY	DATE
REVISION	BY
AS ORDERED	DATE
BY	DATE

A4



**NOTES**

1. please read previous issues and there are useful  
information and simple things to do  
to make it more useful to you  
to make it more useful to you  
to make it more useful to you

<b>GENERAL NOTES</b>  1. THIS DRAWING IS THE PROPERTY OF THE U.S. ARMY CORP. OF ENGINEERS. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR IN ANY MANNER USED FOR OTHER PROJECTS WITHOUT THE WRITTEN PERMISSION OF THE U.S. ARMY CORP. OF ENGINEERS.		<b>PROJECT:</b> 100-100-1000 MR. S. POLICE 100-100-1000 100-100-1000		<b>GRID FLOOR PLAN</b> 100-100-1000 100-100-1000 100-100-1000	
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## GROUND FLOOR PLAN

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