

/Memorandum to the City of Markham Committee of Adjustment

June 21, 2018

File: A/61/18
Address: 3912 Highway 7 (north side, east of Verclaire Gate)
Applicant: 2310601 Ontario Inc.
Agent: Jim Baird, Baird Town Planning
Hearing Date: Wednesday June 27, 2018

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

Property and context

The subject lands of this variance are located on the north side of Highway 7, east of Warden Avenue. The lands are currently occupied by two vacant bungalows.

To the west is the St Justin Martyr Catholic Church. To the north is vacant land, also owned by the applicant, which is proposed to be conveyed to the City for the extension of Buchanan Drive. North of future Buchanan Drive are lands, also owned by the applicant, which will be conveyed to the City for parkland. To the east is a townhouse development, currently under construction. To the south across Highway 7 is an 8-storey condominium apartment building, a future public park and vacant land which is proposed to be developed with an 8-16 storey mixed-use development.

Official Plan

The subject lands of this variance are designated "Mixed Use Mid Rise" by the 2014 Official Plan (as partially approved on October 30, 2015, May 26, 2016, March 10, 2017, April 21, 2017 and November 24, 2017 and further updated on April 9, 2018). Site specific policy 9.19.9 f) permits the lands to be developed at a maximum height of 8-storeys and a maximum floor space index of 3.5, excluding the floor space for any townhouse units.

Status of development approvals

In 2016, the City approved a zoning by-law amendment and draft plan of subdivision to permit the property municipally known at the time as 3912 and 3928 Highway 7 as follows:

- The extension of Buchanan Drive across the subject property.
- A new local road adjoining the west boundary of the property between Highway 7 and Buchanan Drive. The intersection of this road and Highway 7 is designed to allow future signalization.
- The south portion – **THE SUBJECT LANDS OF THIS VARIANCE APPLICATION** - a 1.445 hectare (3.6 acre) accommodating a high density residential development.
- The middle portion - a 0.162 hectare (2.9 acre) block on the north side of Buchanan Drive to be conveyed to the City for parkland.
- The north portion – a 0.825 hectare (2.9 acre) block to be acquired by the York Region District School Board as a component of a future elementary school site.

The site-specific zoning by-law amendment approved in 2016 (By-law 2016-77, amending By-law 177-96) provides as follows for the lands subject of this variance:

- It zones the lands "Community Amenity Three."
- It permits a range of residential, commercial and institutional uses, including Retirement Homes.
- It incorporates site-specific built form regulations reflecting the plans submitted to the City in support of the draft plan and zoning applications.

The owner has not yet proceeded to finalize the subdivision approval.

Original application for minor variance

On May 12, 2018, the Owner applied for minor variance requesting the following:

- a. a maximum building height of 44.5 metres, whereas the By-law permits a maximum height of 30.0 metres.
- b. a maximum of 12 storeys, whereas the By-law permits a maximum of 8 storeys.
- c. a maximum Floor Space Index of 3.95, whereas the By-law permits a maximum Floor Space Index of 3.5.
- d. a minimum side yard for all storeys above fourth floor to be 7.0 metres, whereas the By-law requires a minimum side yard of 7.0 metres for all storeys above second floor.
- e. a minimum rear yard to have no maximum setback from the front property line for all storeys above the second storey, whereas the By-law requires a minimum rear yard of maximum 165 metres from the front property line for all storeys above the second storey.

The original application was scheduled to be heard by the Committee of Adjustment on June 13, 2018.

Revised application for minor variance

Planning staff expressed concern to the applicant and agent regarding the appropriateness of the requested 12-storey height. Staff also advised the applicant that the City's Official Plan permits a maximum height of 8 storeys at this location and that an increase to 12 storeys would more appropriately be the subject of applications to amend the City's Official Plan and zoning by-laws, supported by the appropriate submissions.

Following discussions with Planning staff and the receipt of a number of written objections from area residents focused on the proposed building height, the applicant requested *"a deferral of the application to the following meeting, June 27, 2018. The purpose of this request is to allow additional time for the applicant to address comments received to date, and to consider possible modification to the application."*

On June 18, 2018, the applicant amended the application to delete the requests for additional building height and number of storeys.

Comment

On Tuesday June 19, City Planning and Design staff met with the agent and project architect to discuss the project plans and the revised variance application.

Staff advised the applicant and agent as follows:

- Staff have no objection to the requested modest increase in the floor space index, subject to the introduction of additional building articulation and design elements as part of a future site plan application.
- The purpose of the site specific side and rear yard regulations in the by-law is to reduce the visual massing of the development when viewed from the adjoining streets and properties by stepping back the upper storeys of the building. The plans submitted in support of the original application showed the step back at the top of the fourth floor level. City Design staff recommended, and the applicant agreed, that the step back should occur at the top of the third floor level on the sides and rear of the building, and that the depth of the step back should be increased from 3 to 4.5 metres on the rear (north façade) of the building. The lowering of the step back to the top of the third floor level will better respond to the massing of the adjoining townhouse development to the east and church to the west. The increased depth of the step back on the rear of the building will help to ensure that the building massing along Buchanan Drive is more consistent with the three storey massing of the approved townhouse developments to the east and visually steps down to the two storey massing of the single detached dwellings to the west.
- Staff are generally satisfied with the overall built form, massing and relationship with the adjacent properties, subject to the adjustments to the building step backs

discussed above and further refinement through the review of a site plan application.

On Wednesday June 20, the applicant submitted revised project plans, attached as Appendix 'B', reflecting the discussions with staff.


CONCLUSION

It is the opinion of the Planning staff that the revised application is supportable subject to the refinement to building step back provisions discussed above. The recommended conditions of approval (Appendix 'A') include the appropriate wording to implement the agreed to building step backs.

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

- 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.

PREPARED BY:



Scott Heaslip, Senior Project Coordinator, Central District

REVIEWED BY:



Richard Kendall, Development Manager, Central District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/61/18

1. That the variance to Section 7.588.2 j) be worded as follows:

Notwithstanding the provisions of Section 7.588.2 j), the minimum *side yard* shall be as follows:

- a. First, second and third *storeys* above *established grade* – 4.0 metres
- b. All *storeys* above the third *storey* - 7.0 metres

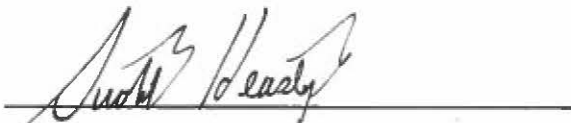
2. That the variance to Section 7.588.2 k) be worded as follows:

Notwithstanding the provisions of Section 7.588.2 k), the minimum *rear yard* shall be as follows:

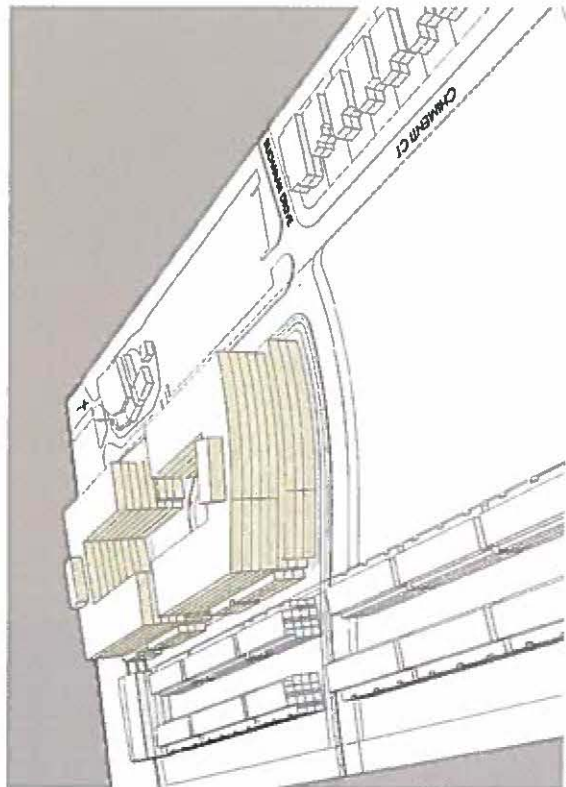
- a. First, second and third *storeys* above *established grade* – 4.0 metres
- b. All *storeys* above the third *storey* - 8.5 metres

3. That the variances apply only to the proposed development as long as it remains.
4. 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 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.

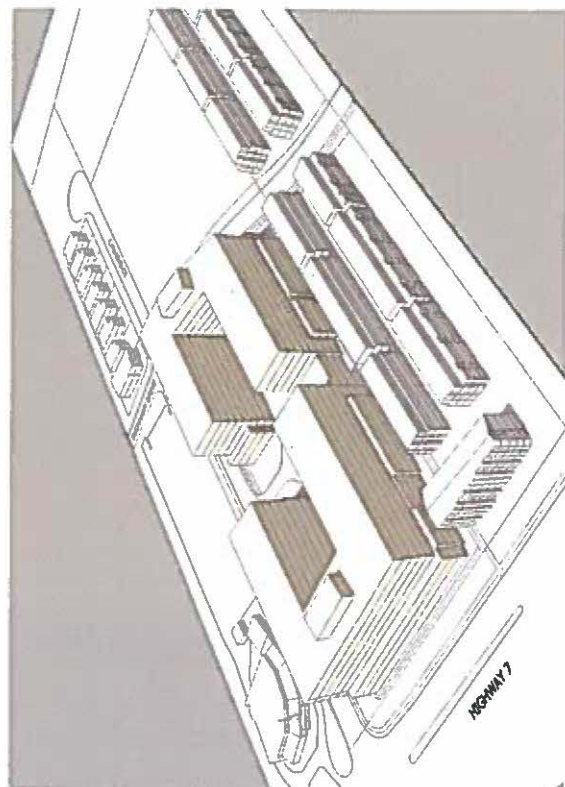
CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Scott Heaslip", is written over a horizontal line.

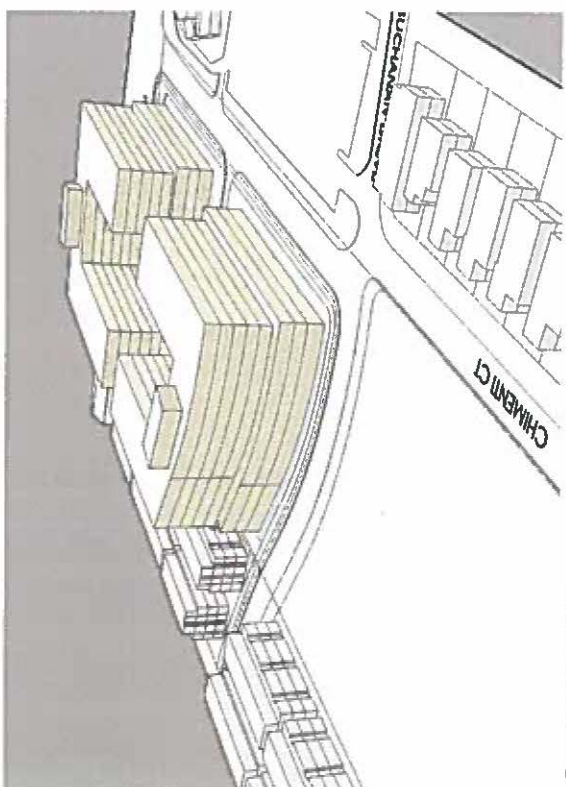
Scott Heaslip, Senior Project Coordinator, Central District



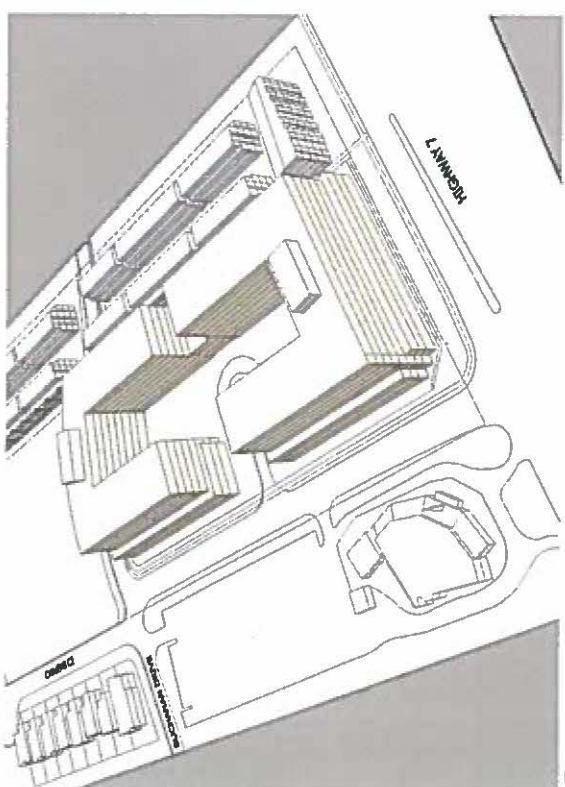
3 VIEW FROM NORTH EAST
A102 SCALE: 1/8" = 1'-0"
REVISED: 2018



1 VIEW FROM SOUTH EAST
A102 SCALE: 1/8" = 1'-0"
REVISED: 2018



4 VIEW FROM NORTH WEST
A102 SCALE: 1/8" = 1'-0"
REVISED: 2018



2 VIEW FROM SOUTH WEST
A102 SCALE: 1/8" = 1'-0"
REVISED: 2018

THE ARCHITECTS, IN CONNECTION WITH THE CLIENT, HAVE BEEN ADVISED BY THE CLIENT THAT THE CLIENT IS NOT PROVIDING A PROFESSIONAL ENGINEERING REVIEW OF THE DESIGN. THE ARCHITECTS, IN CONNECTION WITH THE CLIENT, HAVE BEEN ADVISED BY THE CLIENT THAT THE CLIENT IS NOT PROVIDING A PROFESSIONAL ENGINEERING REVIEW OF THE DESIGN. THE ARCHITECTS, IN CONNECTION WITH THE CLIENT, HAVE BEEN ADVISED BY THE CLIENT THAT THE CLIENT IS NOT PROVIDING A PROFESSIONAL ENGINEERING REVIEW OF THE DESIGN.

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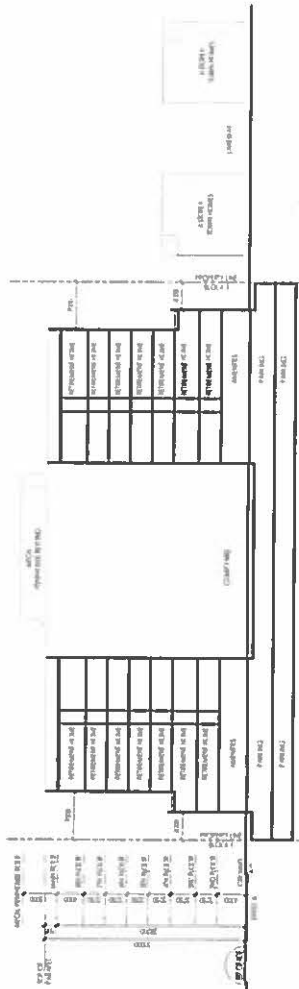
3D MODEL VIEWS

Client	APRIL 24, 2018	Project No.	15.22	Sheet No.	A102
Drawn By	APRIL 24, 2018	Reviewed By	15	Project No.	15.22
Scale	AS NOTED	Project No.	15.22	Sheet No.	A102
Project No.	15.22	Sheet No.	A102	Project No.	15.22

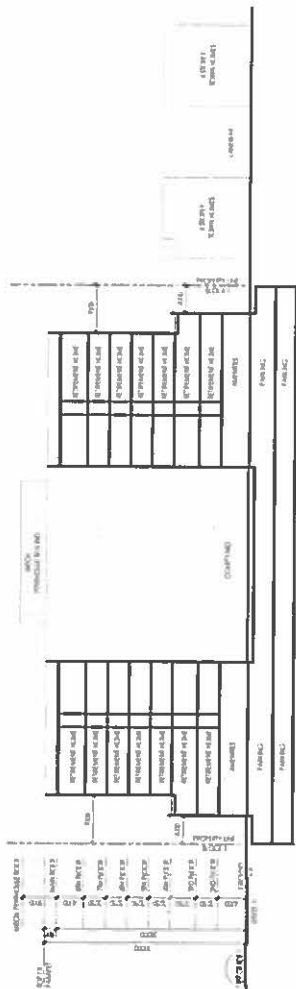
Building Sections

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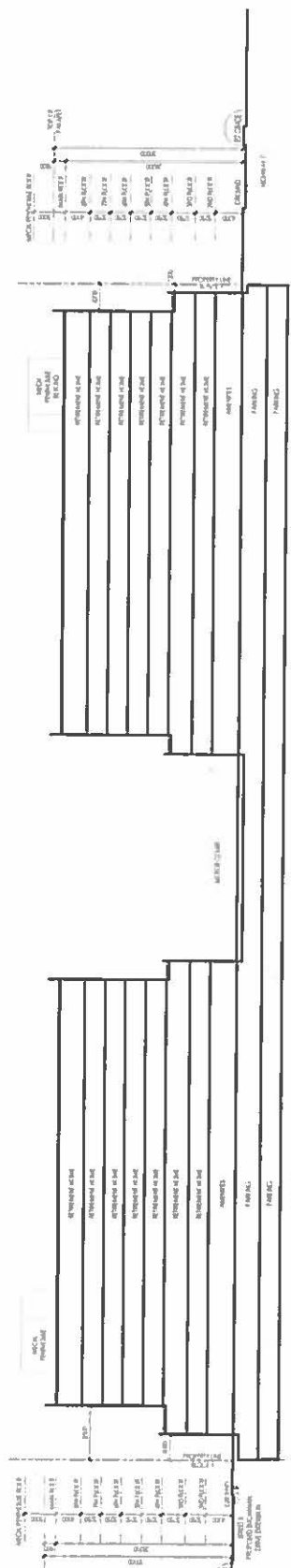
Date	APRIL 24 2018	Serial No.	1641
No.	1-400	Registered In	A3
Price / No.	1522	Drawing No.	A103
Ref Dates	JUNE 21, 2018		



3 BUILDING B - EAST-WEST SECTION



2 BUILDING A - EAST-WEST SECTION



1 NORTH-SOUTH SECTION
A103 SCALE 1 CM
DATE 12/10/78

BUILDING A

Abstract