

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 19th Avenue, west of Kennedy Road and east of Warden Avenue in the Community of Almira. 4310 19th 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 19th 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 19th 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 19th 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 19th Avenue and add it to 4294 19th 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 19th Avenue and the residential portion of 4310 19th 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 19th Avenue and add it to 4294 19th 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:

Marty Rokos, Senior Planner, Planning and Urban Design Department

REVIEWED BY:

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 19th 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:

Marty Rokos, Senior Planner, Planning and Urban Design Department

GENERAL NOTES

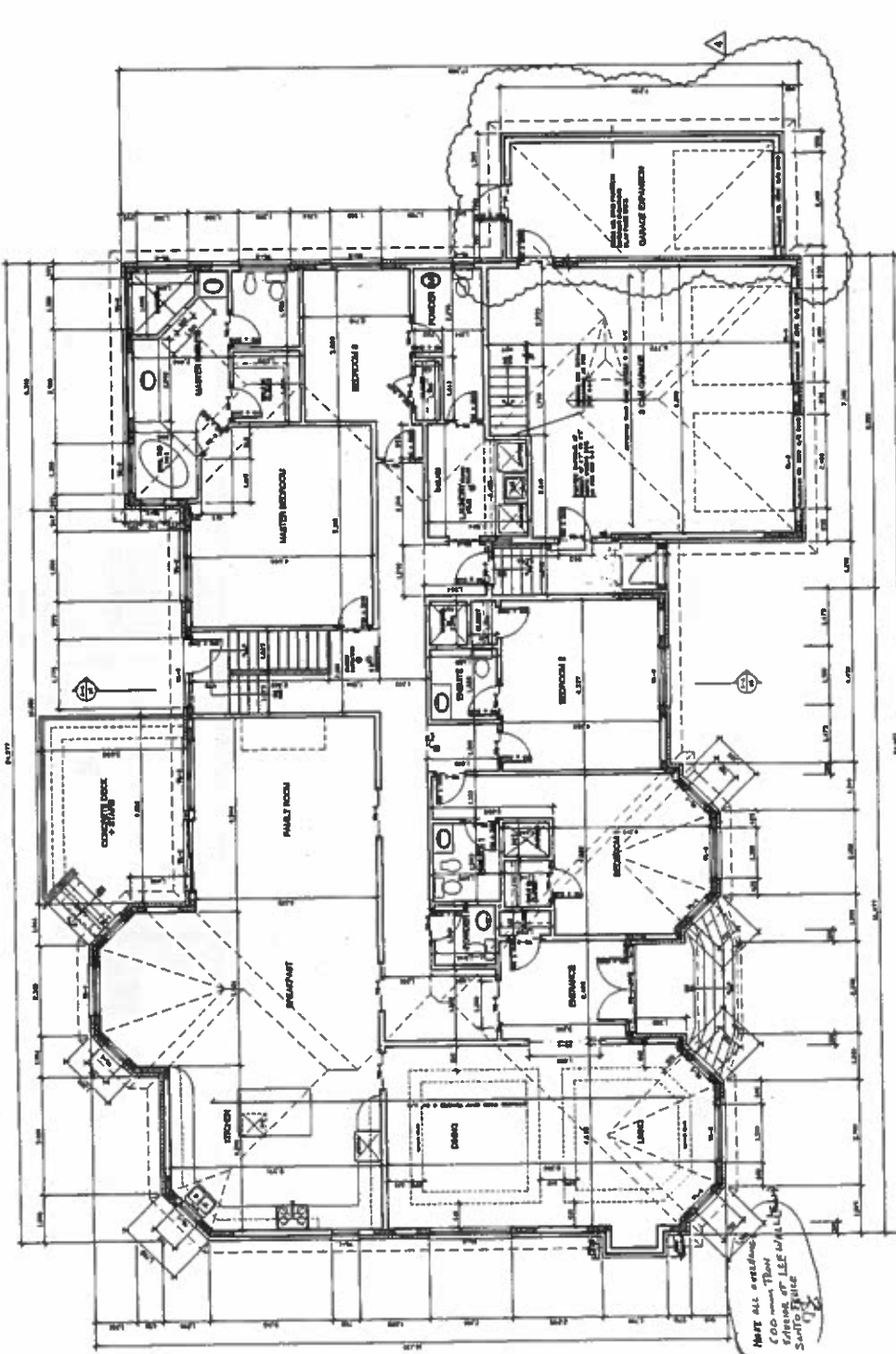
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
3. ALL FLOORS ARE 4" THICK CONCRETE ON 8" GRAVEL FILL.
4. ALL ROOFS ARE 6" THICK CONCRETE ON 8" GRAVEL FILL.
5. ALL EXTERIOR WALLS ARE 12" THICK CONCRETE ON 8" GRAVEL FILL.
6. ALL EXTERIOR DOORS ARE 36" WIDE BY 80" HIGH.
7. ALL INTERIOR DOORS ARE 30" WIDE BY 80" HIGH.
8. ALL WINDOWS ARE 36" WIDE BY 80" HIGH.
9. ALL STAIRS ARE 36" WIDE BY 80" HIGH.
10. ALL ELEVATIONS ARE TO FACE UNLESS NOTED OTHERWISE.

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9. ALL STAIRS ARE 36" WIDE BY 80" HIGH.
10. ALL ELEVATIONS ARE TO FACE UNLESS NOTED OTHERWISE.

NO.	DESCRIPTION	DATE
1	REVISION	10/1/77
2	REVISION	10/1/77
3	REVISION	10/1/77
4	REVISION	10/1/77
5	REVISION	10/1/77
6	REVISION	10/1/77
7	REVISION	10/1/77
8	REVISION	10/1/77
9	REVISION	10/1/77
10	REVISION	10/1/77

MR. S. FLICE
ARCHITECT
1000 17th Street
San Francisco, CA 94103

GROUND FLOOR PLAN	
NO.	DESCRIPTION
1	REVISION
2	REVISION
3	REVISION
4	REVISION
5	REVISION
6	REVISION
7	REVISION
8	REVISION
9	REVISION
10	REVISION



GROUND FLOOR PLAN
SCALE 1/8\"/>

NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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9. ALL STAIRS ARE 36" WIDE BY 80" HIGH.
10. ALL ELEVATIONS ARE TO FACE UNLESS NOTED OTHERWISE.

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.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

5. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL WASTE MATERIALS PROPERLY.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/10/2024
2	ISSUED FOR PERMIT	10/10/2024
3	ISSUED FOR PERMIT	10/10/2024
4	ISSUED FOR PERMIT	10/10/2024
5	ISSUED FOR PERMIT	10/10/2024
6	ISSUED FOR PERMIT	10/10/2024
7	ISSUED FOR PERMIT	10/10/2024
8	ISSUED FOR PERMIT	10/10/2024
9	ISSUED FOR PERMIT	10/10/2024
10	ISSUED FOR PERMIT	10/10/2024

PROJECT INFORMATION

PROJECT NO. 2024-1010

PROJECT NAME MR. S. FLICE

PROJECT ADDRESS 12345 MAIN ST, SUITE 100, DALLAS, TX 75201

PROJECT CONTACT 123-456-7890

PROJECT DATE 10/10/2024

PROJECT STATUS ISSUED FOR PERMIT

ELEVATIONS

FRONT ELEVATION A5

BACK ELEVATION A5

SIDE ELEVATION A5

SECTION ELEVATION A5

DETAIL ELEVATION A5

FINISH ELEVATION A5

PAINT ELEVATION A5

LANDSCAPE ELEVATION A5

INTERIOR ELEVATION A5

EXTERIOR ELEVATION A5

ROOF ELEVATION A5

FOUNDATION ELEVATION A5

BASEMENT ELEVATION A5

ATTIC ELEVATION A5

MECHANICAL ELEVATION A5

ELECTRICAL ELEVATION A5

PLUMBING ELEVATION A5

HEATING ELEVATION A5

Cooling ELEVATION A5

Lighting ELEVATION A5

Acoustics ELEVATION A5

Vibration ELEVATION A5

Smoke ELEVATION A5

Fire ELEVATION A5

Security ELEVATION A5

Accessibility ELEVATION A5

Energy ELEVATION A5

Water ELEVATION A5

Air ELEVATION A5

Soil ELEVATION A5

Geology ELEVATION A5

Seismic ELEVATION A5

Wind ELEVATION A5

Snow ELEVATION A5

Rain ELEVATION A5

Ice ELEVATION A5

Light ELEVATION A5

Sound ELEVATION A5

Temperature ELEVATION A5

Humidity ELEVATION A5

Pressure ELEVATION A5

Force ELEVATION A5

Moment ELEVATION A5

Energy ELEVATION A5

Power ELEVATION A5

Work ELEVATION A5

Heat ELEVATION A5

Cooling ELEVATION A5

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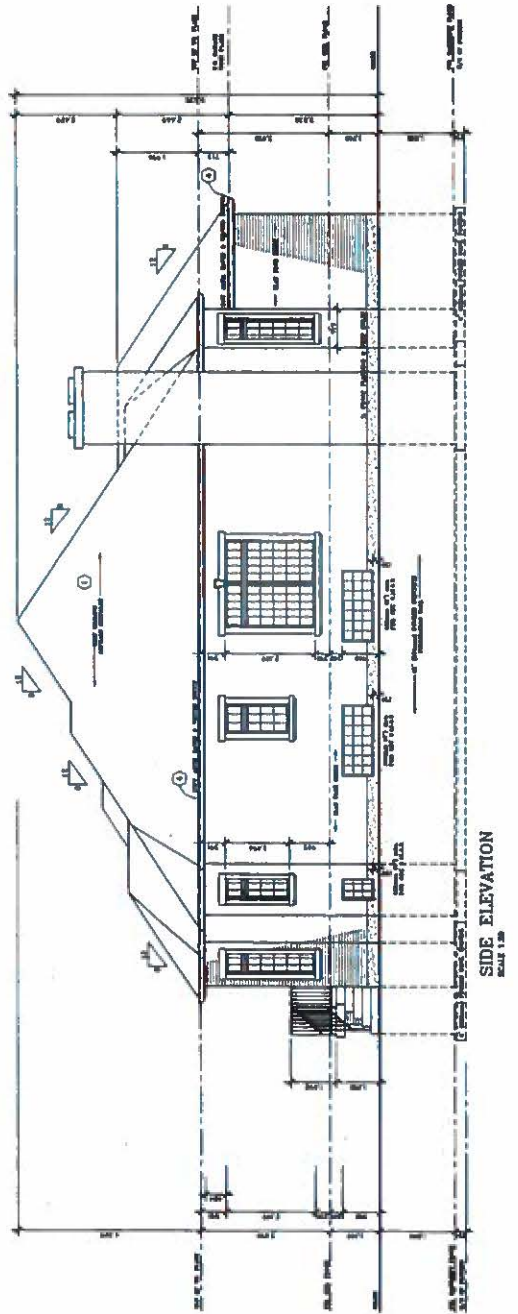
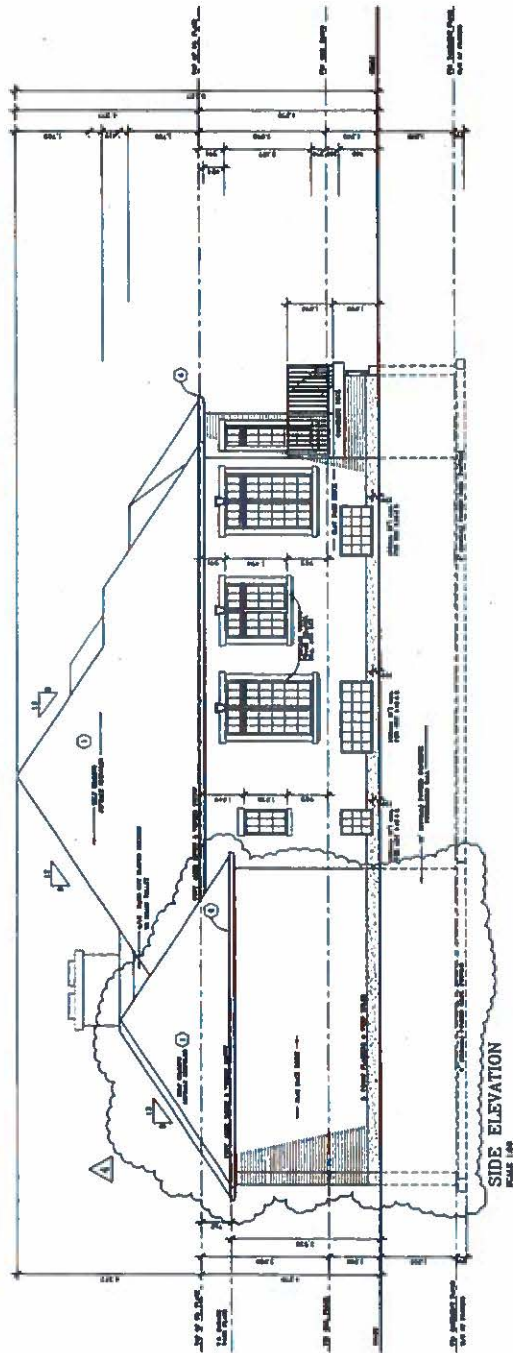
Moment ELEVATION A5

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Sh-3	3" x 12" S4S	Sh-3	3" x 12" S4S
Sh-4	4" x 12" S4S	Sh-4	4" x 12" S4S
Sh-5	5" x 12" S4S	Sh-5	5" x 12" S4S
Sh-6	6" x 12" S4S	Sh-6	6" x 12" S4S
Sh-7	7" x 12" S4S	Sh-7	7" x 12" S4S
Sh-8	8" x 12" S4S	Sh-8	8" x 12" S4S
Sh-9	9" x 12" S4S	Sh-9	9" x 12" S4S
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Sh-27	27" x 12" S4S	Sh-27	27" x 12" S4S
Sh-28	28" x 12" S4S	Sh-28	28" x 12" S4S
Sh-29	29" x 12" S4S	Sh-29	29" x 12" S4S
Sh-30	30" x 12" S4S	Sh-30	30" x 12" S4S
Sh-31	31" x 12" S4S	Sh-31	31" x 12" S4S
Sh-32	32" x 12" S4S	Sh-32	32" x 12" S4S
Sh-33	33" x 12" S4S	Sh-33	33" x 12" S4S
Sh-34	34" x 12" S4S	Sh-34	34" x 12" S4S
Sh-35	35" x 12" S4S	Sh-35	35" x 12" S4S
Sh-36	36" x 12" S4S	Sh-36	36" x 12" S4S
Sh-37	37" x 12" S4S	Sh-37	37" x 12" S4S
Sh-38	38" x 12" S4S	Sh-38	38" x 12" S4S
Sh-39	39" x 12" S4S	Sh-39	39" x 12" S4S
Sh-40	40" x 12" S4S	Sh-40	40" x 12" S4S
Sh-41	41" x 12" S4S	Sh-41	41" x 12" S4S
Sh-42	42" x 12" S4S	Sh-42	42" x 12" S4S
Sh-43	43" x 12" S4S	Sh-43	43" x 12" S4S
Sh-44	44" x 12" S4S	Sh-44	44" x 12" S4S
Sh-45	45" x 12" S4S	Sh-45	45" x 12" S4S
Sh-46	46" x 12" S4S	Sh-46	46" x 12" S4S
Sh-47	47" x 12" S4S	Sh-47	47" x 12" S4S
Sh-48	48" x 12" S4S	Sh-48	48" x 12" S4S
Sh-49	49" x 12" S4S	Sh-49	49" x 12" S4S
Sh-50	50" x 12" S4S	Sh-50	50" x 12" S4S
Sh-51	51" x 12" S4S	Sh-51	51" x 12" S4S
Sh-52	52" x 12" S4S	Sh-52	52" x 12" S4S
Sh-53	53" x 12" S4S	Sh-53	53" x 12" S4S
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Sh-57	57" x 12" S4S	Sh-57	57" x 12" S4S
Sh-58	58" x 12" S4S	Sh-58	58" x 12" S4S
Sh-59	59" x 12" S4S	Sh-59	59" x 12" S4S
Sh-60	60" x 12" S4S	Sh-60	60" x 12" S4S
Sh-61	61" x 12" S4S	Sh-61	61" x 12" S4S
Sh-62	62" x 12" S4S	Sh-62	62" x 12" S4S
Sh-63	63" x 12" S4S	Sh-63	63" x 12" S4S
Sh-64	64" x 12" S4S	Sh-64	64" x 12" S4S
Sh-65	65" x 12" S4S	Sh-65	65" x 12" S4S
Sh-66	66" x 12" S4S	Sh-66	66" x 12" S4S
Sh-67	67" x 12" S4S	Sh-67	67" x 12" S4

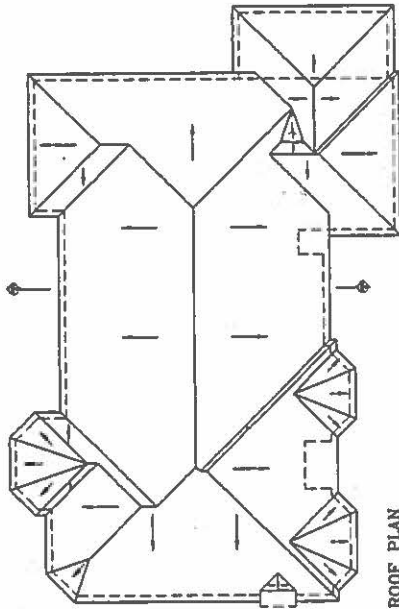
"The fact that the
 company is not
 a public company
 is not a problem
 for us," says
 the company's
 president. "We
 are not a public
 company, and we
 are not a public
 company."

Sl. No.	STRESS/WORKING CONDITION
1	Stress due to heavy work
2	Stress due to lack of interest in work
3	Stress due to lack of motivation
4	Stress due to lack of communication
5	Stress due to lack of resources
6	Stress due to lack of time
7	Stress due to lack of information
8	Stress due to lack of support
9	Stress due to lack of feedback
10	Stress due to lack of recognition
11	Stress due to lack of growth
12	Stress due to lack of challenge
13	Stress due to lack of variety
14	Stress due to lack of autonomy
15	Stress due to lack of responsibility
16	Stress due to lack of control
17	Stress due to lack of power
18	Stress due to lack of influence
19	Stress due to lack of status
20	Stress due to lack of prestige
21	Stress due to lack of respect
22	Stress due to lack of honor
23	Stress due to lack of glory
24	Stress due to lack of fame
25	Stress due to lack of wealth
26	Stress due to lack of power
27	Stress due to lack of influence
28	Stress due to lack of status
29	Stress due to lack of prestige
30	Stress due to lack of respect
31	Stress due to lack of honor
32	Stress due to lack of glory
33	Stress due to lack of fame
34	Stress due to lack of wealth
35	Stress due to lack of power
36	Stress due to lack of influence
37	Stress due to lack of status
38	Stress due to lack of prestige
39	Stress due to lack of respect
40	Stress due to lack of honor
41	Stress due to lack of glory
42	Stress due to lack of fame
43	Stress due to lack of wealth
44	Stress due to lack of power
45	Stress due to lack of influence
46	Stress due to lack of status
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51	Stress due to lack of fame
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53	Stress due to lack of power
54	Stress due to lack of influence
55	Stress due to lack of status
56	Stress due to lack of prestige
57	Stress due to lack of respect
58	Stress due to lack of honor
59	Stress due to lack of glory
60	Stress due to lack of fame
61	Stress due to lack of wealth
62	Stress due to lack of power
63	Stress due to lack of influence
64	Stress due to lack of status
65	Stress due to lack of prestige
66	Stress due to lack of respect
67	Stress due to lack of honor
68	Stress due to lack of glory
69	Stress due to lack of fame
70	Stress due to lack of wealth
71	Stress due to lack of power
72	Stress due to lack of influence
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78	Stress due to lack of fame
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95	Stress due to lack of glory
96	Stress due to lack of fame
97	Stress due to lack of wealth
98	Stress due to lack of power
99	Stress due to lack of influence
100	Stress due to lack of status

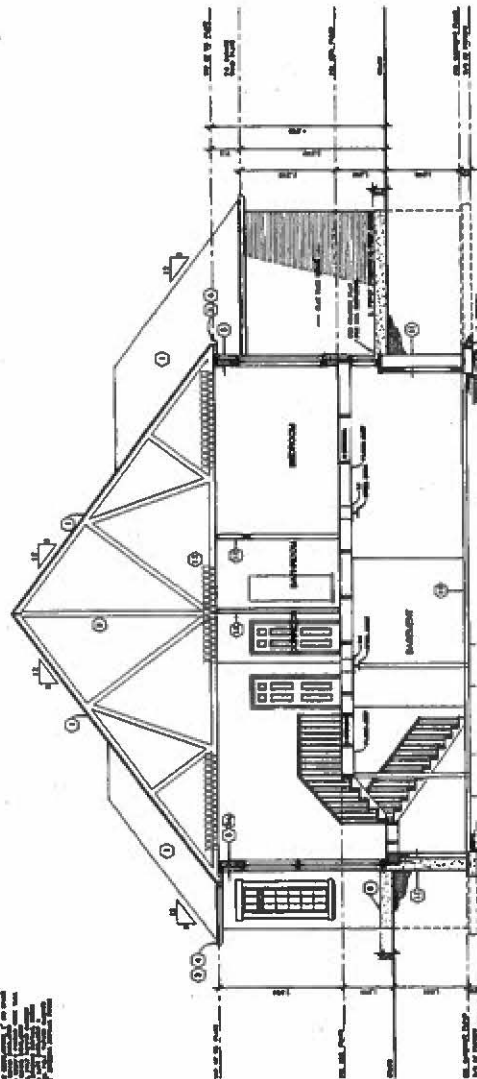
AL7
FORWARDED
AND STAFF RECORDS
FILE
MR. S. POLICE
CLERK 1014 JEFFERSON
HARRISON, MISSOURI

NOTES
ROOF PLAN &
CROSS SECTION

A6

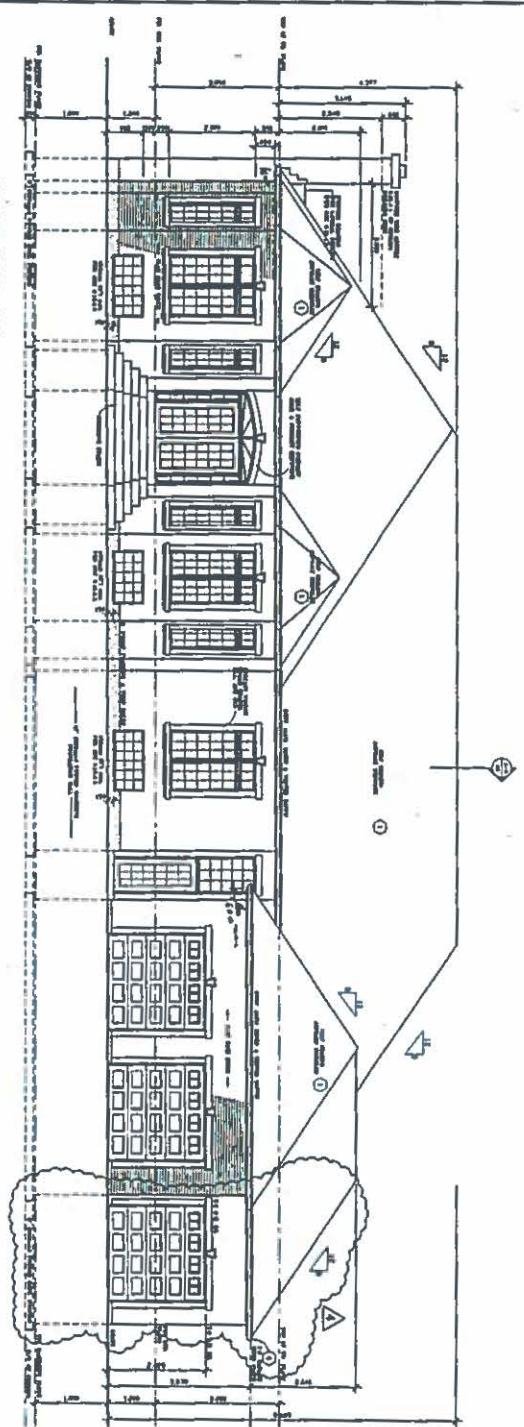


ROOF PLAN

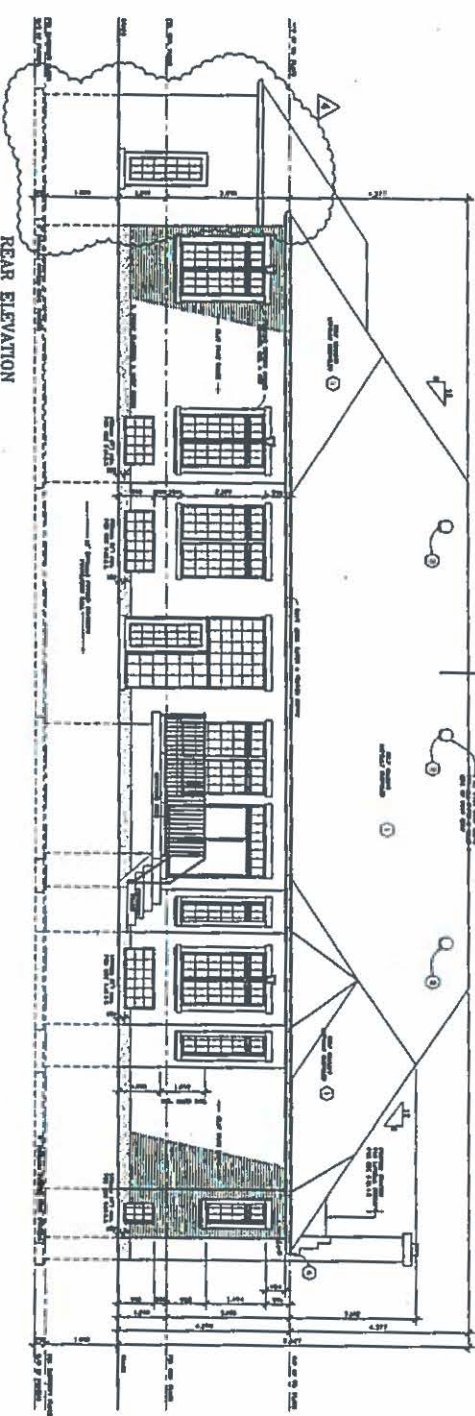


CROSS SECTION A-A
SCALE 1/4"

FRONT ELEVATION
SCALE 1/8"



REAR ELEVATION
SCALE 1/8"



GENERAL NOTES
1. MATERIALS AND METHODS OF CONSTRUCTION TO BE DETERMINED BY THE ARCHITECT.
2. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE BUILDING DURING CONSTRUCTION.
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE BUILDING DURING CONSTRUCTION.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE BUILDING DURING CONSTRUCTION.

1	CONCRETE	FOOTING
2	CONCRETE	FLOOR
3	CONCRETE	CEILING
4	CONCRETE	WALL
5	CONCRETE	ROOF
6	CONCRETE	CHIMNEY
7	CONCRETE	STAIR
8	CONCRETE	BATH
9	CONCRETE	KITCHEN
10	CONCRETE	LIVING
11	CONCRETE	DINING
12	CONCRETE	SLEEPING
13	CONCRETE	BEDROOM
14	CONCRETE	BEDROOM
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98	CONCRETE	BEDROOM
99	CONCRETE	BEDROOM
100	CONCRETE	BEDROOM

PROJECT INFORMATION
ONE EIGHT EIGHT EIGHT
MR. S. TILLOT
404 120 AVENUE
NORTON, MASSACHUSETTS

ELEVATIONS
A4

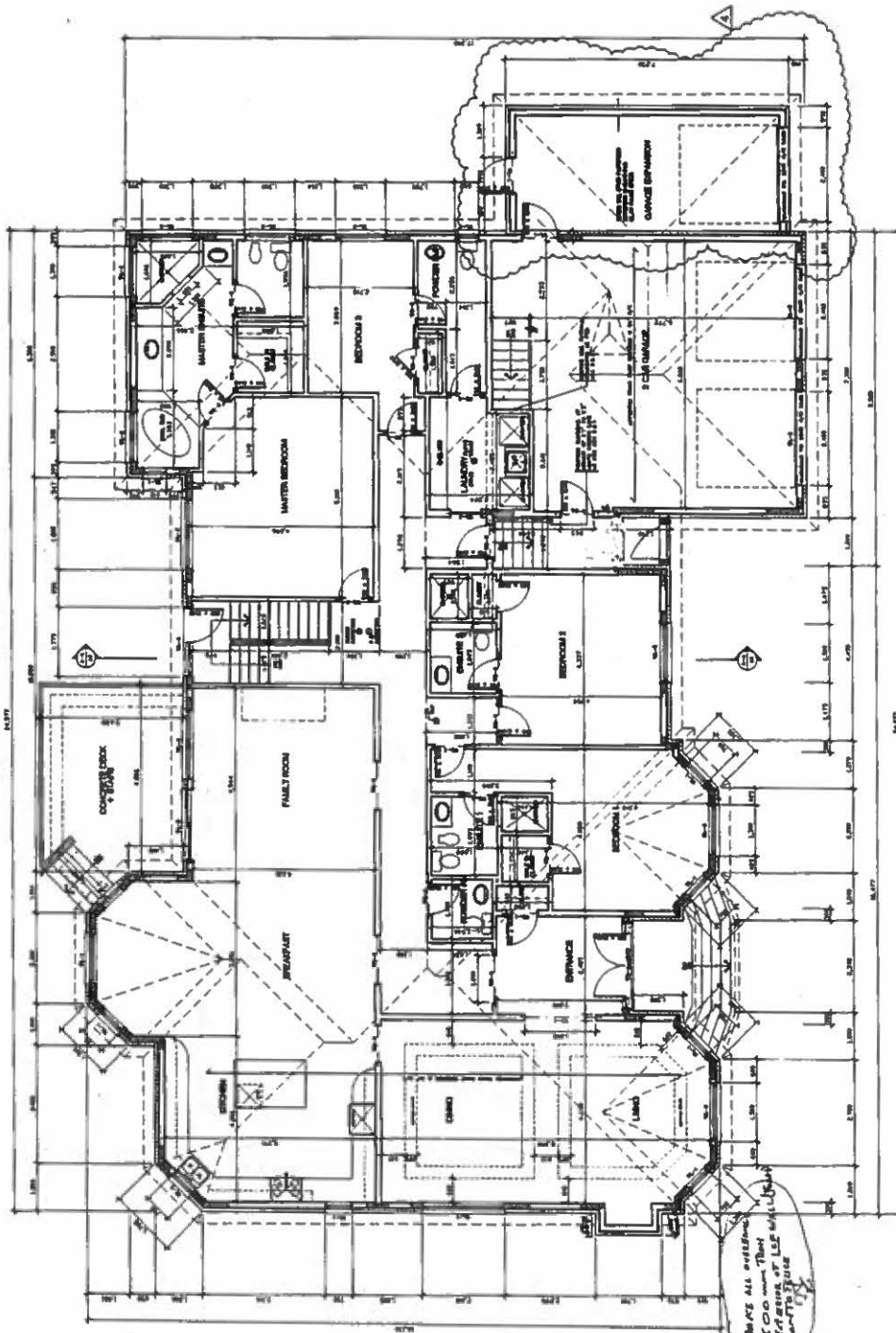
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MR. S. POLICE

430-9 (REV. 4-7-2003)
EASTMAN, 00733000

GRD. FLOOR PLAN

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MAKE ALL OVERS
CO. and then
extension of LE with
SANTA FE

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GROUND FLOOR PLAN
SCALE 1/50

