

Memorandum to the City of Markham Committee of Adjustment

March 14, 2018

File: B/20/17 and A/14/18
Address: South Park Road, south of Highway 7, Thornhill
Applicant: Times Group
Agent: Malone Given Parsons Ltd. (Lincoln Lo)
Hearing Date: Wednesday March 14, 2018

Further to the Memorandum dated March 8, 2018, the following additional comments are provided on behalf of the West District Team:

The applicant is seeking provisional consent (B/20/17) to:

- a) sever and convey a parcel of land with an approximate area of 0.9 ha and lot frontage of 170 m (Parts 1 and 9, Plan 65R- 37288);
- b) sever and convey a parcel of land with an approximate area of 0.4 ha and lot frontage of 60 m (Parts 2, 8 and 10, Plan 65R- 37288);
- c) retain a parcel of land with an approximate area of 3.5 ha and lot frontage of 230 m (Parts 3, 4, 5, 6 and 7).
- d) to establish various easements for the purposes of pedestrian and vehicular access, ingress and egress, municipal and utility services.

The applicant is also seeking the following (A/14/18) variances:

a) 6.2.2 (a):

the floor of any porch that is located between a main wall of a building and a streetline to extend 1.2 m towards the streetline from the main wall that abuts the porch, whereas the by-law requires the extension to be at least 1.5 m;


b) Table B8:

a minimum lot area of 0.4 ha for a Business Park (BP) Zone, whereas the By-law requires a minimum lot area of 0.8 ha. (Parts 2, 8 and 10)

COMMENTS

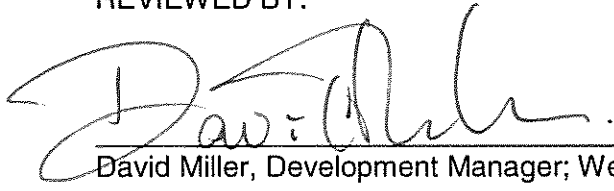
The applicant has submitted the attached plans in support of their application for a variance to the minimum depth of a porch from 1.5m to 1.2m. The plans show some typical front porch configurations that demonstrate that the reduced porch can accommodate planters and chairs. While the reduced porch is not ideal, the plans submitted by the applicant alleviates staff's concern that the area of the porch would not be useable.

PREPARED BY:

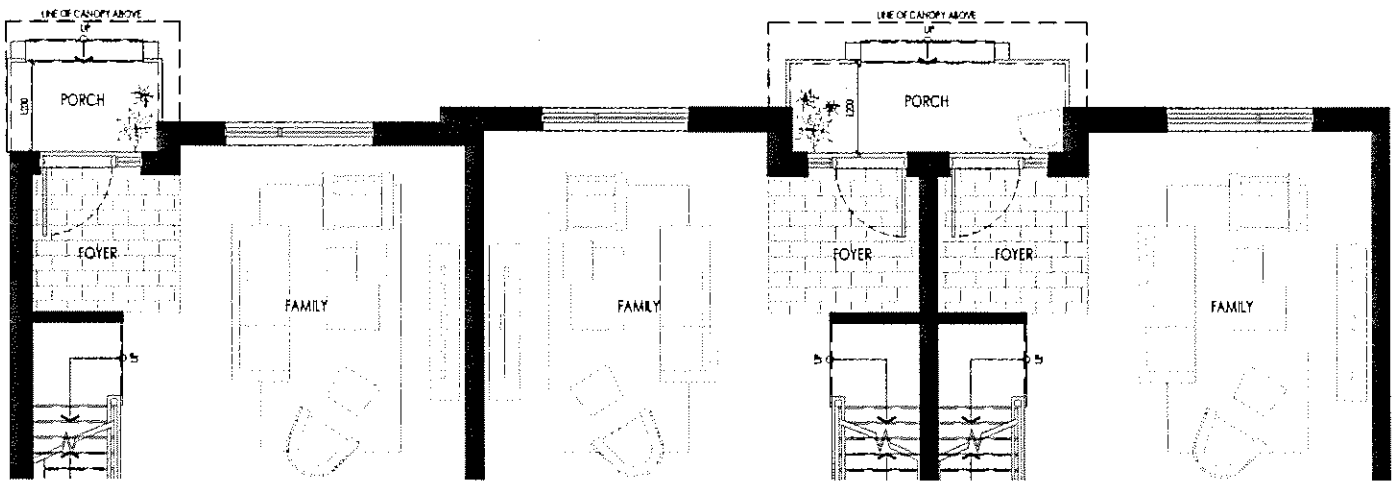


Gary Sellars, Senior Planner, West District

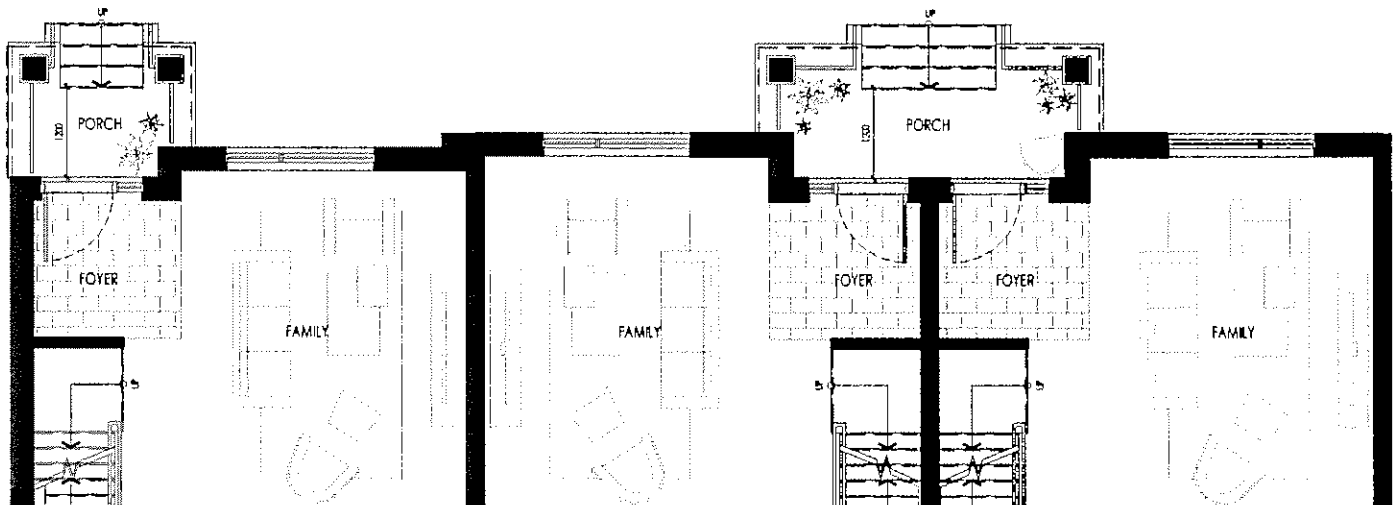
REVIEWED BY:



David Miller, Development Manager, West District



1200mm DEEP PORCH (WITHOUT COLUMNS)



1200mm DEEP PORCH (WITH COLUMNS)

GALLERIA LANDS DEVELOPMENT
JANUARY 25, 2018
SCALE: 1:75

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- a) sever and convey a parcel of land with an approximate area of 0.9 ha and lot frontage of 170 m (Parts 1 and 9, Plan 65R- 37288);
- b) sever and convey a parcel of land with an approximate area of 0.4 ha and lot frontage of 60 m (Parts 2, 8 and 10, Plan 65R- 37288);
- c) retain a parcel of land with an approximate area of 3.5 ha and lot frontage of 230 m (Parts 3, 4, 5, 6 and 7).
- d) to establish various easements for the purposes of pedestrian and vehicular access, ingress and egress, municipal and utility services.

The applicant is also seeking the following (A/14/18) variances:

- a) **6.2.2 (a):**
the floor of any porch that is located between a main wall of a building and a streetline to extend 1.2 m towards the streetline from the main wall that abuts the porch, whereas the by-law requires the extension to be at least 1.5 m;
- b) **Table B8:**
a minimum lot area of 0.4 ha for a Business Park (BP) Zone, whereas the By-law requires a minimum lot area of 0.8 ha. (Parts 2, 8 and 10)

BACKGROUND

Property Description

The subject lands comprise Block 45, Plan 65M-3226 located south of Highway 7, between South Park Road and Saddlecreek Drive in the Leitchcroft community. These lands, in combination with the lands west of South Park Road (Block 46, Plan 65M-3226), are the remaining undeveloped lands in Leitchcroft.

The applicant has recently received Official Plan and Zoning By-law amendment approvals from Council to permit 134 condominium townhouses on Parts 3, 4 and 5, Plan 65R – 37288; Part 3 being a private condominium road. Parts 6 and 7 are a public park and a public road, respectively that are to be conveyed to the City prior to condominium registration. A site plan agreement is currently being finalized for execution by the applicant for this development. All conditions related to the conveyance of the public park and public road will be included in the site plan agreement.

The applicant has also recently received Official Plan and Zoning By-law amendment approvals, and site plan endorsement in principle from Council for two condominium apartment buildings on Parts 1 and 9. These buildings will have heights of 37 and 34 storeys connected by a two storey podium, with a total of 769 apartment units. Execution of a site plan agreement for this development will also be required. Vehicular access to the proposed buildings will be from the private condominium road noted above (Part 3).

The applicant's concept plan for the southwest corner of Highway 7 and Saddlecreek Drive (Parts 2, 8 and 10) includes a three storey office building with ground level retail. This building will be subject to further development approvals from the City.

Proposal

The applicant is proposing to sever Block 45, Plan 65M-3226 as shown on Plan 65R-37288 (Figure 1). The applicant is also seeking consent to establish the following easements:

- Part 3 – Service and Access easements in favour of Parts 1 and 2, and the City of Markham
- Parts 8, 9 and 10 – Service easements in favor of the City of Markham

The applicant is also seeking the following associated variance (A/14/18):

- a minimum lot area of 0.4 for a Business Park (BP) zone as it applies to Parts 2, 8 and 10, Plan 65R-37288

The purpose of the proposed severances, minimum lot area variance and easements is to facilitate the development of the subject lands as noted above and to simplify the construction financing process for the applicant's lender.

The applicant is also seeking the following variance with respect to individual townhouse units within the proposed development on Parts 4 and 5 (A/14/18):

- the floor of any porch that is located between a main wall of a building and a streetline to extend 1.2 m towards the streetline from the main wall that abuts the porch, whereas the by-law requires the extension to be at least 1.5 m;

Zoning Preliminary Review Not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted for the consent to sever applications and the associated variance for a minimum lot area reduction application. Consequently, it is the applicant's responsibility to ensure that the applications have accurately identified all of the variances to the Zoning By-law required for the proposed development. If the variances in the applications contain errors, or if the need for additional variances is identified during the building permit review process, further variance applications may be required to address outstanding matters and there will be a delay in application processing.

The need for the variance application for the proposed reduction to the minimum porch depth has been identified through the site plan approval review process.

COMMENTS

2014 Official Plan Designations:

Parts 1 and 9 – Residential – High Rise

Parts 3 to 7 – Residential – Low Rise

Parts 2, 8 and 10 – Business Park Office Priority Employment

Zoning: Parent By-law – 177-96, as amended

Parts 1 and 9 — Business Park (BP [H]), rezoning to permit high density residential has been approved, adoption pending

Parts 3 to 7 – Residential Two (R2 - LA) and Open Space

Parts 2, 8 and 10 – Business Park (BP [H])

Comment/Discussion:

As the purpose of the proposed severances, minimum lot area variance and easements is to facilitate the development of the subject lands as noted above, staff have no objection to their approval by Committee.

Staff have concerns with respect to the variance being sought for the reduction of the minimum depth of porches from 1.5m to 1.2m in terms of the home owner's ability to utilize the porch for seating and socializing (eyes on the streets and park). The applicant is of the opinion that the proposed depth provides sufficient space for planters, ornamental décor and a small seating area.

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.

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.

PUBLIC INPUT SUMMARY

No written submissions have been received as of March 8, 2018.

CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act. Planning staff recommend approval of the requested severances, easements and lot area variance.

Staff are of the opinion that the Committee should satisfy themselves whether the variance relating to minimum depth of porches meets the four test of the Planning Act.

Please see Appendix "A" for conditions to be attached to any approval of the applications.

PREPARED BY:



Gary Sellars, Senior Planner, West District

REVIEWED BY:



David Miller, Development Manager, West District

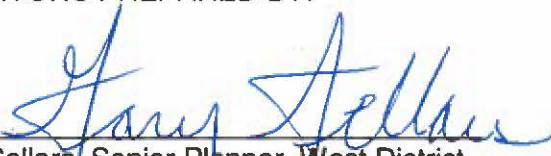
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/20/17 and A/14/18

1. The variances apply only to the proposed development as long as it remains;
2. 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.
3. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under File B/20/17, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
4. 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.
5. That the applicant 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, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
6. That the service and access easements on Blocks 3, 8, 9 and 10 be established to the satisfaction of the Director of Engineering.
7. That the applicant confirm that there are no existing easements registered on title to the subject lands in favour of the City that will be impacted by the proposed severances, to the satisfaction of the Director of Engineering.
8. The configuration of Parts 6 (public park) and 7 (public road) shall be to the satisfaction of the Commissioner of Development Services.
9. Payment of the required Conveyance Fee for the creation of the blocks per City of Markham Fee By-law 211-83, amended.
10. 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.

CONDITONS PREPARED BY:


Gary Sellars, Senior Planner, West District

August 30th, 2017

Figure 1 – Block 45 R-Plan (65R-37288)

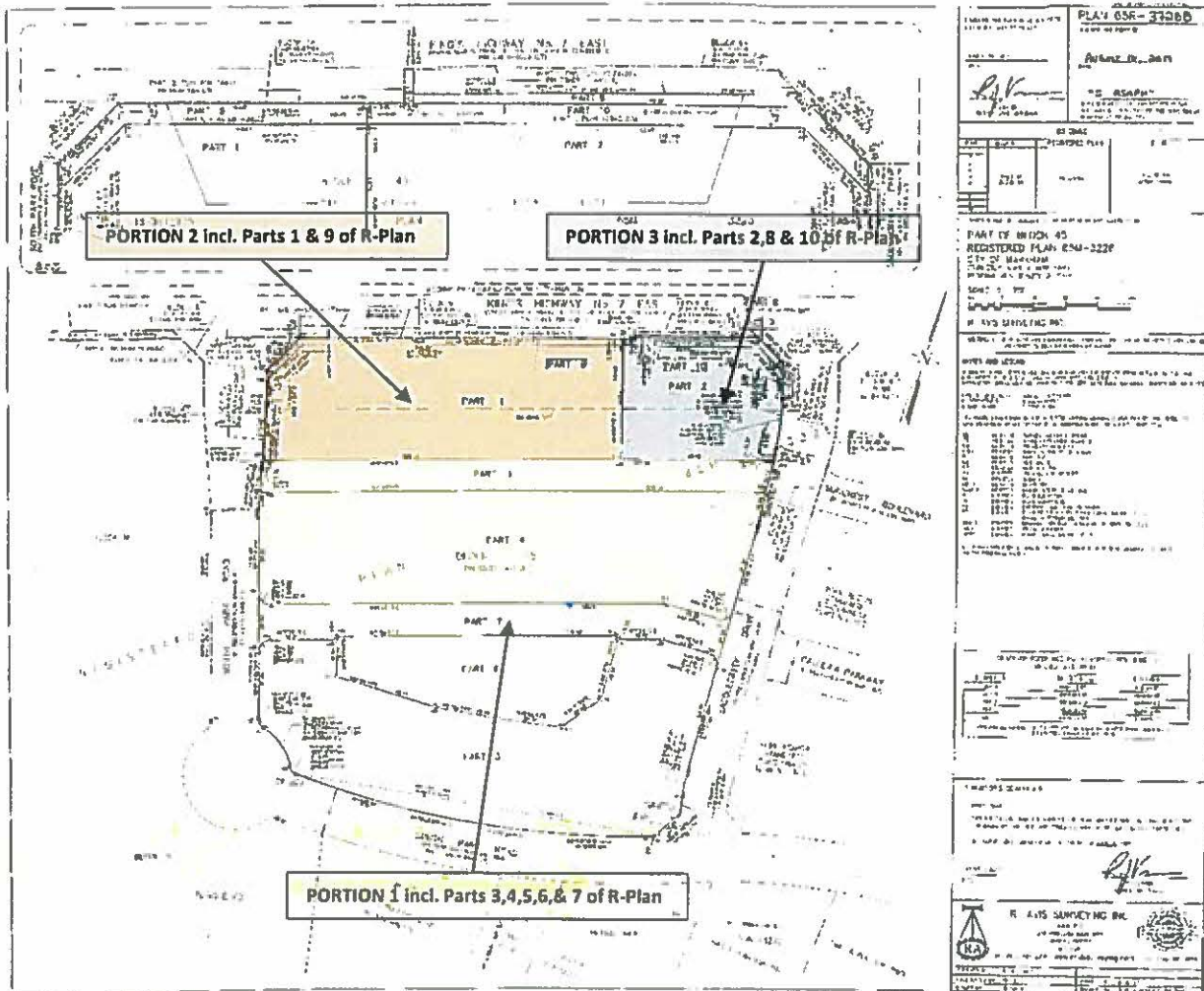


Table 1 – Requested Severances and Easements

Portion	Parts on R-Plan	Future Owner	Easement in Favour	Notes	Size (sq.m)
1	3,4,5,6 and 7 (retained parcel)	Times 4503 Inc.	Part 3: Service and Access in favour of Parts 1 & 2	Part 3: Proposed Private Laneway	35,199.3 (3.52 ha.)
2	1 and 9	Times 4502 Inc.	Part 9: Easement in favour of City of Markham	Part 9: Inst. LT1272429	9,064.9 (0.91 ha.)
3	2,8 and 10	Times 4501 Inc.	Part 10: Easement in favour of City of Markham	Part 10: Inst. LT1272429	4,081.5 (0.41 ha.)

As detailed above, Parts 9 and 10 are already subject to an easement in favour of the City through instrument no. LT1272429. The portions of the plan proposed for the public road and park (Parts 6 and 7 respectively) will be dedicated to the City in the future when construction is substantially complete.