

Memorandum to the City of Markham Committee of Adjustment
March 6, 2018

Files: B/30/17, A/182/17 and A/20/18
Address: Cachet Woods Court, Markham
Agent: Howland Green Homes Ltd. (Dave de Sylva)
Owner: Ideal Asset Holdco Inc.
Hearing Date: Wednesday March 14, 2018

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

B/30/17

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate area of 7,637.5 m² and lot frontage of 53.2 m (Part 1);
- b) retain a parcel of land with an approximate area of 7,944.6 m² and lot frontage of 49.05 m (Part 2).

This application is related to Minor Variance applications A/182/17 and A/20/18.

A/182/17 (Part 1, Severed Parcel)

The applicant is requesting relief from the requirements of By-law 165-80, as amended, to permit:

- a) **Amending By-law 48-93, Section 1.1:**
a minimum lot frontage of 53.2 metres, whereas the By-law requires a minimum lot frontage of 60 metres;
- b) **Amending By-law 48-93, Section 1.1:**
a minimum lot area of 0.76 hectares, whereas the By-law requires a minimum lot area of 1 hectare;
- c) **Amending By-law 12-81, Section (a):**
a maximum Floor Area Ratio of 83 percent, whereas the By-law permits a maximum Floor Area Ratio of 70 percent;
- d) **Amending By-law 70-82; Section 4.5.1(a)(ii):**
no (0) loading spaces per building; whereas, the By-law requires a minimum of 2 loading spaces per building;
- e) **Section 4.7.1(b):**
a minimum 3.0 metres landscape strip adjoining Cachet Woods Court; whereas, the By-law requires a minimum landscape strip adjoining Cachet Wood Court of 6.0 metres;
- f) **Section 4.5.1 (a):**
overhead vehicular doors located in a yard or wall which adjoins or faces a street; whereas, the by-law requires that no loading space or platform or overhead vehicular door be located in any yard or wall of any building which adjoins or faces a street;
- g) **Section 5.2 (d) (ii):**
a side yard of 6.0 metres, whereas the By-law requires a minimum side yard setback of 6.38 metres;

The requested variances relate to a proposed commercial business office on the proposed severed parcel (Part 1).

A/20/18 (Part 2, Retained Parcel)

The applicant is requesting relief from the requirements of By-law 165-80, as amended, to permit:

- a) **Amending By-law 48-93, Section 1.1:**
a minimum lot frontage of 49 metres, whereas the By-law requires a minimum lot frontage of 60 metres;
- b) **Amending By-law 48-93, Section 1.1:**
a minimum lot area of 0.79 hectares, whereas the By-law requires a minimum lot area of 1 hectare;

BACKGROUND

Property Description

The 1.558 ha (3.849 ac) undeveloped property is located on the west side of Cachet Woods Court, north of 16th Avenue. The subject lands are adjacent to vacant and undeveloped industrial parcels of land to the north, south and east across Cachet Woods Court. The vegetation on the property primarily consists of non-native species trees. The west side of the property abuts Highway 404 (see Figure 1 – Location Map).

The subject property is identified as part of Block 2 on Plan of Subdivision 65M-4414, and consist of the retained portion of a previous consent application under file B/32/16 (Certificate issued June 22, 2017). The property is undeveloped. (see Figure 2 – Air Photo).

Applications B/30/17 and A/182/17 deferred to March 14, 2018

Applications B/30/17 and A/182/17 were deferred from the February 21, 2018 Committee of Adjustment Hearing to the March 14, 2018 Committee of Adjustment Hearing to provide the owner an opportunity to submit a second minor variance application to address the zoning deficiencies in lot frontage and lot area for the proposed retained parcel (Part 2).

Proposal

The applicant is requesting provisional consent to sever the subject property into two separate lots (Figure 3 – Draft Reference Plan). Howland Green Homes Ltd. intends to purchase the severed parcel (Part 1) and is proposing to construct a three (3) storey 6,284 m² (67,643 ft²) office building (Figure 4 – Conceptual Site Plan). The required application for Site Plan approval for this proposed office building has not yet been submitted to the City. Staff have not received any development applications for the retained parcel.

Applicant's Stated Reason(s) for Not complying with Zoning

The applicant did not provide a specific reason.

Official Plan and Zoning

2014 Official Plan

The subject property is designated "Business Park Employment" under the 2014 Official Plan (partially approved on October 30, 2015 and May 26, 2016, April 21, 2017 and

November 24, 2017). Uses provided for within this designation include manufacturing, processing, warehousing, and office uses.

Zoning By-law

The subject property is zoned "M.C. 70% - SELECT INDUSTRIAL AND LIMITED COMMERCIAL" under By-law 165-80, as amended by By-law 48-93. Permitted uses under this zone category include warehousing of goods and materials, assembly, manufacturing, repair and servicing, banks, financial institutions as well as professional and business offices.

The proposed severed and retained lots do not meet the minimum lot frontage and lot area requirements of the Zoning By-law.

COMMENTS:

Planning Comments

B/30/17

The purpose of the severance application is to facilitate the development of a 3 storey office building on the proposed severed parcel (Part 1). The proposed size and shape of the severed and retained parcels will be compatible with adjacent lots on Cachet Woods Court where lot frontages and areas vary.

Minor Variance Applications A/182/17 and A/20/18

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.

A/182/17

Reduced Lot Frontage and Lot Area Variances

The owner is requesting a minimum lot frontage of 53.2 metres and a minimum lot area of 0.76 hectares whereas the By-law requires a minimum lot frontage of 60 metres and a minimum lot area of 1 hectare. Staff do not anticipate any adverse impacts as a result of the proposed reduced lot frontage and lot area.

Increased Floor Area Ratio Variance

The owner is requesting a maximum Floor Area Ratio of 83 percent, whereas the By-law permits a maximum of 70 percent is permitted. Staff have no objections to the requested variance. The details of the proposed increased floor area ratio will be addressed during staff's review of the required site plan application.

Loading Space Reduction Variance

The owner is proposing to construct the office building without the 2 required loading spaces. Based on the information provided by the applicant, any material delivery to the business offices will be through the basement area via the 2 proposed elevators instead of an outdoor loading space. Staff have no objections in principal to the requested

variance. However, the details of the proposed reduction in loading spaces will be addressed during staff's review of the required site plan application.

Overhead Door Location Variance

The owner is proposing to locate the overhead vehicular doors in a yard which adjoins or faces a street; whereas, the by-law requires that no loading space or platform or overhead vehicular door be located in any yard or wall of any building which adjoins or faces a street. Staff are somewhat concerned with this requested variance. Should the Committee of Adjustment decide to approve this variance, Staff expects that at the time of the site plan application, the proponent will demonstrate that any visual impacts, associated with locating overhead vehicular doors facing Cachet Woods Court, will be appropriately mitigated.

Reduced Side Yard Setback Variance

The owner is requesting a reduced north side yard setback of 6.0 metres, whereas the By-law requires a minimum north side yard setback of 6.38 metres. Staff does not anticipate any adverse impacts, as a result of the proposed reduced north side yard setback.

A/20/18

Reduced Lot Frontage and Lot Area Variance

The owner is requesting a minimum lot frontage of 49 metres and a minimum lot area of 0.79 hectares whereas the By-law requires a minimum lot frontage of 60 metres and a minimum lot area of 1 hectare. Staff do not anticipate any adverse impacts as a result of the proposed reduced lot frontage and lot area for the retained parcel.

Development Engineering Staff Comments

B/30/17

Engineering staff requires the owner to submit certification from their solicitor indicating if there are any easements or restrictive covenants affecting the subject land.

The owner will also be required to submit drawings, from the Owner's Engineering Consultant that identify all existing (water, sanitary and storm) services, if any, for the property and confirm if the existing service lateral pipes will be reused or abandoned. All abandoned service lateral pipes must be removed or capped to the satisfaction of the Director of Engineering or designate.

Urban Design Staff Comments

B/30/17

The owner will be required to submit an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 1 on the Draft Reference Plan to determine the required amount of cash-in-lieu of parkland dedication in accordance with By-law 195-90, as amended.

A/182/17 and A/20/18

The owner will be required to submit a Tree Assessment Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, and that any Servicing Plan required as a condition of approval reflects the Tree Assessment Plan.

Tree replacement fees to be paid to the City may also be required in accordance with the Tree Assessment Plan.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 6th, 2018. It is noted that additional information may be received after the writing of this report and the Secretary-Treasurer will provide information on this at the meeting.

ZONING PRELIMINARY REVIEW

A zoning review was completed within the context of the conceptual site plan, which resulted in the applicant being advised of the variances applied for. It is important to note that the proponent has applied for a number of variances associated with a building they are proposing, without the benefit of a formal site plan application. Additional zoning by-law deficiencies may be identified at the time of the site plan application, which may necessitate another Committee of Adjustment application.

CONCLUSION

B/30/17

Staff has had regard for the criteria in Section 51 (24) of the Planning Act for reviewing severance applications and do not have any concerns. Staff recommends that the Committee considers public input in reaching a decision.

A/182/17 and A/20/18

Planning staff have reviewed this 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 proposed variances satisfy the four tests of the Planning and therefore recommend the applications be approved. 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 applications B/30/17, A/182/17 and A/20/18.

PREPARED BY:



Rick Cefaratti, MCIP, RPP, Planner II, West District

REVIEWED BY:



David Miller, MCIP, RPP, Development Manager, West District

File Path: Amanda\File\17 181005\Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/30/17

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances and easement applied for under Files B/30/17, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. 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;
4. 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;
5. Payment of the required Conveyance Fee for the creation of industrial lots per City of Markham Fee By-law 211-83, as amended;
6. The Owner submits a certification letter from their solicitor indicating if there are any easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
7. The Owner shall provide the City with a letter from the Developers Group Trustee, to the satisfaction of the City Solicitor, confirming that the Owner has entered into a Developer's Group Agreement and has met all of the obligations set out by this agreement.
8. The applicant submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm if these existing service lateral pipes will be reused or abandoned. All abandoned service lateral pipes must be removed or capped to the satisfaction of the Director of Engineering or designate;

APPENDIX "A" continued

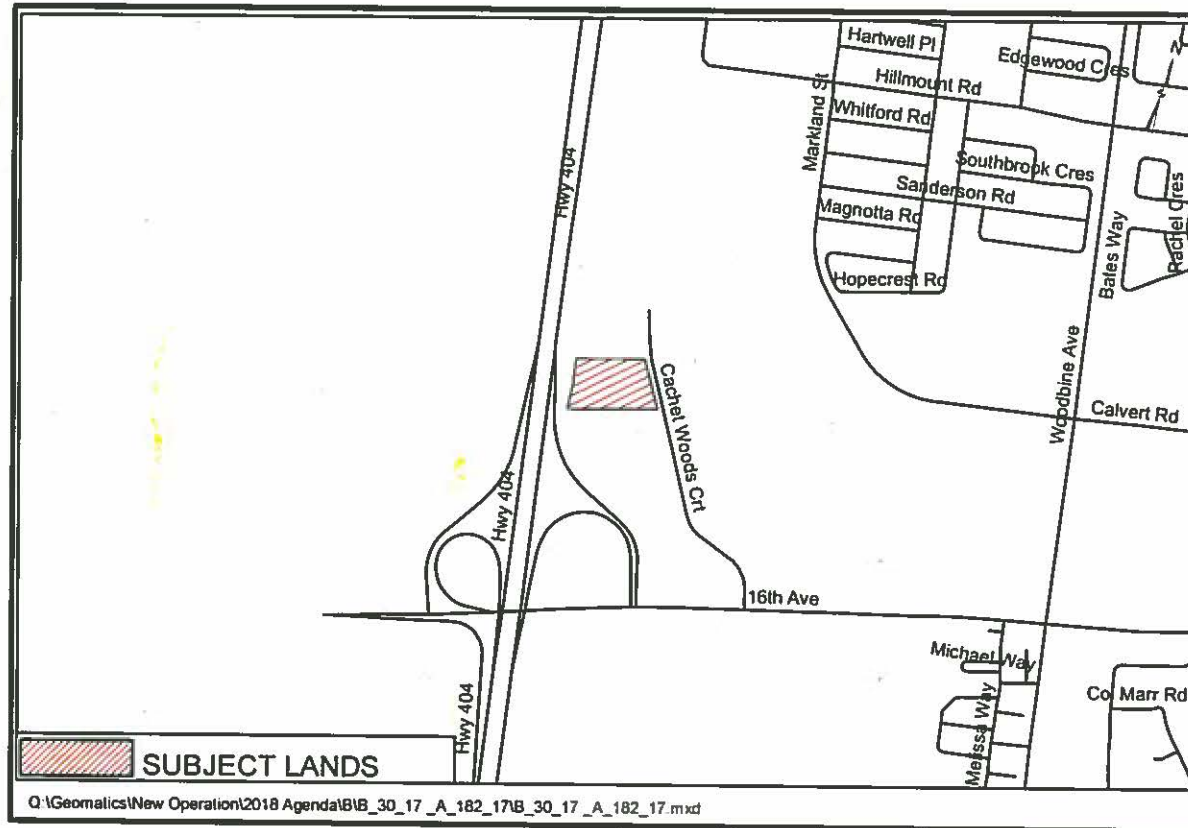
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILES A/182/17 and A/20/18

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) dated November 16, 2017 attached as 'Figure 4' 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;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, 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/her satisfaction, and that any detailed Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Director of Planning and Urban Design or their designate;
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, 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 designate; and,

CONDITIONS PREPARED BY:



Rick Cefaratti, MCIP, RPP, Planner II, West District





AIR PHOTO

APPLICANT: HOWLAND GREEN HOMES LTD.
200 CACHET WOODS COURT

FILE No. B/30/17 & A/182/17 & A/20/18 (RC)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

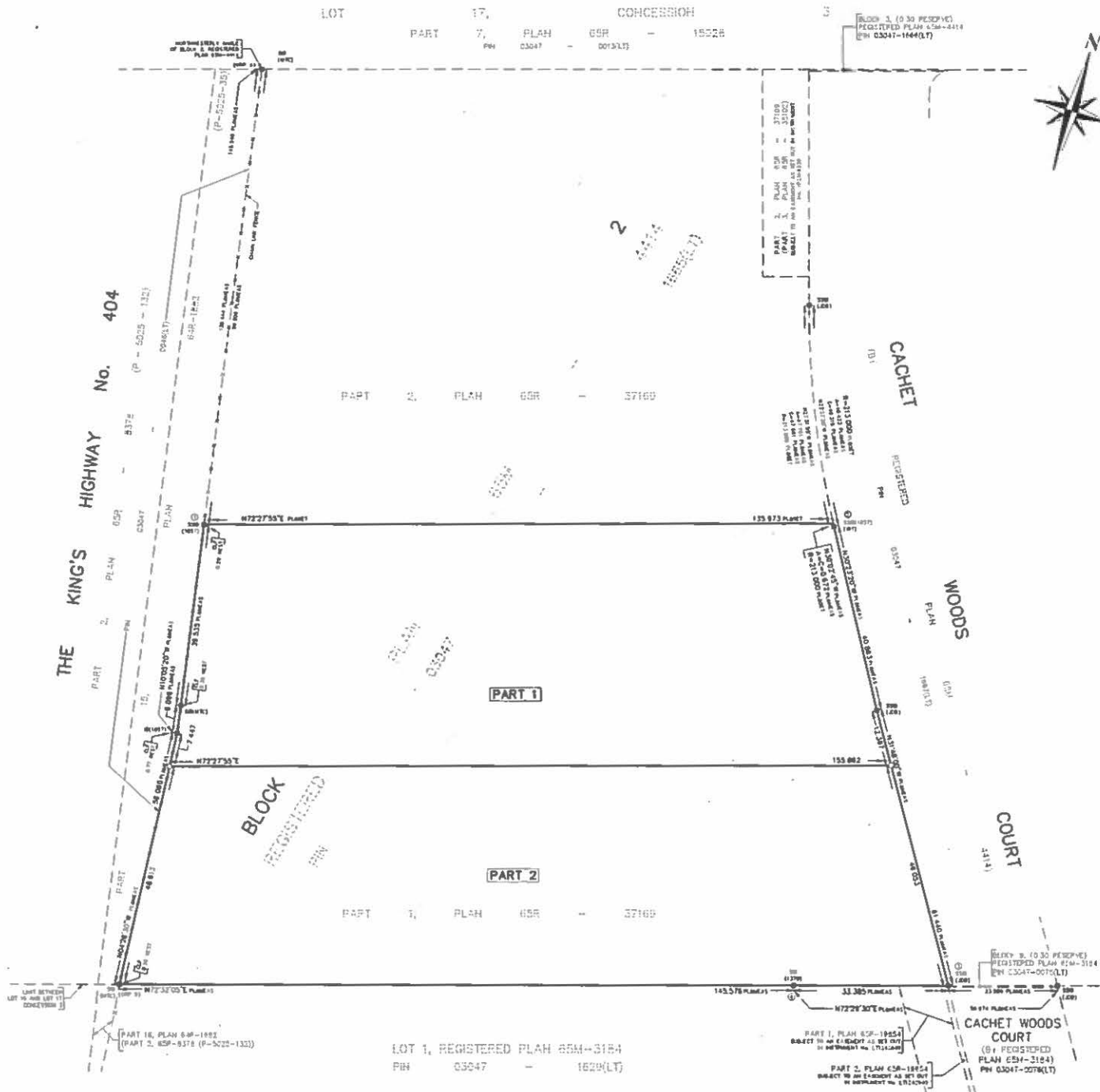
Drawn By: LW

Checked By: SC

Date: 06/03/2018

FIGURE No. 2

 SUBJECT LANDS



1. I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT.

DATE _____, 2017

MICHAEL A. CRIVITS
ONTARIO LAND SURVEYOR

PLAN 65R-

RECEIVED AND DEPOSITED

DATE _____, 2017

REPRESENTATIVE FOR
LAND REGISTRATION FOR THE
LAND TILES DIVISION OF
YORK REGION (No. 63)

SCHEDULE				
PART	BLOCK	REGISTERED PLAN	PN	AREA
1	PART OF BLOCK 2	65M-4414	PART OF PN 03047-1646(LT)	7837.5 m ²
2				7944.5 m ²

**PLAN OF SURVEY OF
BLOCK 2
REGISTERED PLAN 65M-4414
CITY OF MARKHAM
REGIONAL MUNICIPALITY OF YORK**

SCALE 1:500

10m 5 0 10 20 30 40 50 METRES

THAM SURVEYING LIMITED., 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

LEGEND

- DENOTES MONUMENT SET
- ⊕ DENOTES MONUMENT FOUND
- ⊗ DENOTES IRON BAR
- ⊙ DENOTES STANDARD IRON BAR
- ⊞ DENOTES SHORT STANDARD IRON BAR
- ⊠ DENOTES OBSERVED REFERENCE POINT
- PN DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 65R-37169
- (UTC) DENOTES UNIVERSITY OF TRANSPORTATION AND COMMUNICATIONS
- (208) DENOTES A. D. BARNES LIMITED, O.L.S.
- (1370) DENOTES VADANAR FROMAR LIMITED, O.L.S.
- (1857) DENOTES THAM SURVEYING LIMITED, O.L.S.
- (W7) DENOTES WITNESS
- CL DENOTES CHAIN LINK FENCE

NOTES

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCE BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999983.

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS, NAD 83, ZONE 18, CENTRAL MERIDIAN 79° 30' WEST LONGITUDE, NAD 83 (CSRS).

OBSERVED REFERENCE POINTS (ORP'S), NAD 83, ZONE 18, NAD83 (CSRS) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF REG. 218/10		
POINT ID	NORTHING	EASTING
ORP A	4858963.085	314787.610
ORP B	4858783.909	314797.445

PLAN COORDINATES, NAD 83 (CSRS)		
1	4858884.707	314783.113
2	4858925.085	314815.104
3	4858837.637	314868.127
4	4858827.594	314838.293

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

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 TILES ACT AND THE REGULATIONS MADE UNDER THEM
- THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2017

DATE _____, 2017

DRAFT

MICHAEL A. CRIVITS
ONTARIO LAND SURVEYOR

THAM SURVEYING LIMITED

ONTARIO LAND SURVEYORS

8888 KEELE STREET, UNIT 7 PHONE: 905-761-6521 FAX: 905-761-6523
VAUGHAN, ONTARIO, L4K 2V2 WWW.THAMSURVEYING.CO

DRAWN BY: J.A. CHECKED BY: J.A.C. CAD NUMBER: 18-075-PLAN-2-CR040D 18-095

DRAFT DATE OCTOBER 18 2017 AGLS STOPER INC.



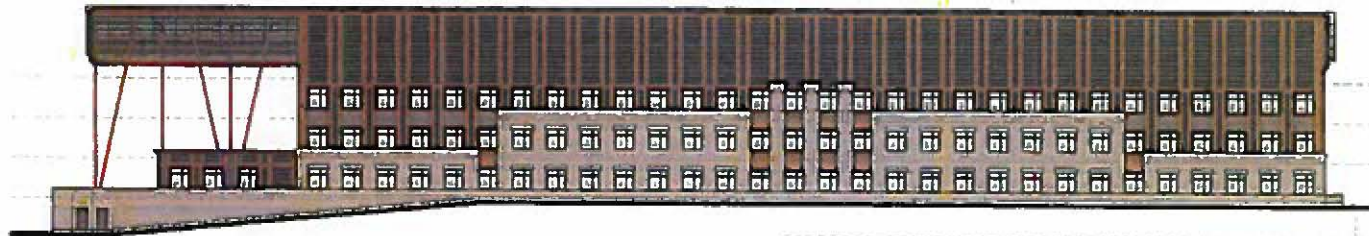
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



CONCEPTUAL BUILDING ELEVATIONS

APPLICANT: HOWLAND GREEN HOMES LTD.
200 CACHET WOODS COURT

FILE No. B/30/17 & A/182/17 & A/20/18 (RC)

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