

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

August 3, 2021

**File:** A/110/21  
**Address:** Block 156, Plan 65M-4693 (York Downs East Phase 1)  
**Applicant:** Gatzios Planning + Development Consultants Inc.  
(Peter Maleganovski)  
**Hearing Date:** August 11, 2021

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

The applicant is requesting relief from the following requirements of the Residential Four (R4\*622) Zone in By-law 177-96, as amended:

**a) Table B5 (Part 2 of 2), By-law 177-96:**

to permit townhouse dwellings to be accessed by a Private Street and reviewed in accordance with the provisions for townhouse dwellings accessed by a Lane; whereas townhouse dwellings are only permitted if accessed by a Lane;

**b) Table B5 (L) (Part 2 of 2), By-law 177-96:**

to permit a minimum rear yard setback of 6.0 m for townhouse dwellings, whereas the By-law requires a minimum rear yard setback of 14.8 m; and,

**c) Table B6 Section E, By-law 177-96:**

to permit a minimum rear yard setback of 13.0 m, whereas the By-law requires a minimum rear yard setback of 20.0 m;

as it relates to a proposed townhouse development.

## **BACKGROUND**

### **Property Description**

The 1.98 ha. (4.89 ac.) subject property is located on the east side of Yorkton Boulevard, north of 16<sup>th</sup> Avenue and west of Kennedy Road. The subject property is currently vacant.

Surrounding uses include:

- To the north is a proposed residential subdivision.
- To the east of the subject property is an existing church and cemetery (St. Phillip's on the Hill Anglican Church and Cemetery).
- To the south of the subject property is an existing residential townhouse development (Yorkton Phase II).
- To the west of the subject property is a proposed Park Block and Woodlot/Wetland Block.

### **Proposal**

The proposed variances will facilitate the development of 98 townhouse units. 70 of the units are back-to-back townhouses and the remaining 28 are lane based townhouse units. All units are accessed via a private street. (See Appendix B – Site Plan).

### **Other Applications**

- Official Plan Amendment (OP 16 179225) - Approved

- Zoning By-law Amendment (ZA 16 179225) - Approved
- Draft Plan of Subdivision (SU 16 179225) - Approved
- Site Plan Control (SPC 20 117410) – Currently under review; however Site Plan Endorsement can be issued once Zoning comments are addressed.

### **Official Plan and Zoning**

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

The subject property is designated “Residential – Mid Rise”, which provides for townhouses including back-to-back, small multiplex buildings, stacked townhouses, and apartment buildings. Section 8.2.4.5 of the 2014 Official Plan outlines development criteria for the ‘Residential – Mid Rise’ designation with respect to height, setbacks, and density. The intention of this designation is to support existing or planned transit services by providing opportunities for intensification. These areas will contain a mix of unit types and will generally be aligned along public streets with consistent setbacks and designed to ensure appropriate transitions in height to adjacent low-rise areas.

### Zoning By-Law 177-96

The subject property is zoned R4\*622 under By-law 177-96, as amended, which permits townhouses including back-to-back townhouses. The subject proposal does not comply with the By-law with respect to the zoning standards.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the applicant has received comments from the building department through their Site Plan Control application to confirm the variances required for the proposed development.

### **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.

The subject property forms a part of the larger subdivision known as York Downs East. Staff have worked with the landowner since 2016 to review and process various development approvals including an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.

In 2020 the Owner submitted a site plan control application on the subject property to facilitate the proposal. Staff have reached a point in the review process where site plan endorsement may be issued provided zoning’s comments are resolved. This minor variance application seeks to resolve the zoning comments.

Staff note the Official Plan and Zoning By-law Amendment designations permit lane based townhouse dwellings and back-to back townhouse dwellings. Through the review of the associated site plan control application staff have closely examined the configuration of the block including the siting of the proposed units, interface with the adjacent existing and

planned uses and various other technical elements (i.e. fire access, pedestrian and vehicular circulation, elevations, etc.).

Given the uses are contemplated as part of the larger planning approvals granted beginning in 2016 and the proposal has undergone a fulsome review through the site plan approval process, staff have no concerns with the variances requested.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 5, 2021. 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 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 variances requested meet 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.

PREPARED BY:

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Daniel Brutto, Senior Planner, North District

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Stephen Kitagawa".

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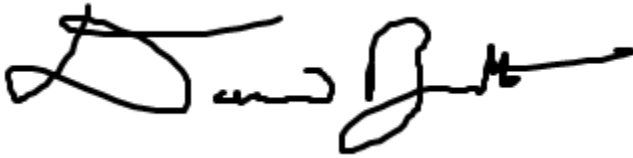
Stephen Kitagawa, Acting Development Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/110/21**

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) 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:

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Daniel Brutto, Senior Planner, North District