#### Memorandum to the City of Markham Committee of Adjustment January 22, 2020

Files:	A/31/19 and A/001/20
Address:	38 and 40 Lindcrest Manor – Markham, ON
Applicant:	Lindvest Properties Limited
Agent:	N/A
Hearing Date:	Wednesday February 5, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the Residential Two Exception 241 (R2\*241) zone requirements of By-law 177-96, as amended, as it relates to two proposed semi-detached units to permit:

#### A/31/19 – 38 Lindcrest Manor (Interior Side)

#### a) Section 5.1, Table B2(a):

A minimum lot frontage of 14.2 m (46.59 ft), whereas the By-law requires a minimum lot frontage of 14.4 m (47.24 ft) for two semi-detached dwellings on a corner lot;

#### b) Section 5.1, Table B2(a):

A minimum lot frontage of 6.35 m (20.83 ft), whereas the By-law requires a minimum lot frontage of 6.6 m (21.65 ft); and

#### A/001/20 – 40 Lindcrest Manor (Corner Side)

#### a) Section 5.1, Table B2(a):

A minimum lot frontage of 14.2 m (46.59 ft), whereas the By-law requires a minimum lot frontage of 14.4 m (47.24 ft) for two semi-detached dwellings on a corner lot;

#### b) Section 6.17(i):

To permit a minimum exterior side yard of 1.99 m (6.53 ft) for a parking pad, whereas the By-law requires a minimum exterior side yard of 2.4 m (7.87 ft).

### BACKGROUND

#### Property Description

The 429.85 m<sup>2</sup> (4,626.87 ft<sup>2</sup>) subject property is a corner block located on the south and west sides of Lindcrest Manor, north of Kenilworth Gate, east of 9<sup>th</sup> Line, and south of Highway 7 East in the Cornell community. The subject lands are vacant and are proposed to be developed with two semi-detached dwelling units, as shown on the site plan attached as Appendix "A". Existing trees are located on the municipal boulevard along the north side of the subject property.

The surrounding area comprises of a mix of two storey lane based single detached and semi-detached dwellings to the east, south and west. A condominium development containing multiple 4-storey stacked townhouse buildings is located to the north, across Lindcrest Manor.

#### Proposal

The Applicant is proposing to develop the subject block with two semi-detached dwelling units. The subject property is comprised of one block on a Registered Plan of Subdivision, having the legal description as Block 2, Plan 65M-4458. It is intended that this block will

be the subject of a future part lot control by-law exemption application to further subdivide it into two so that each of the units can be conveyed to home purchasers.

The By-law requires a minimum lot frontage requirement of 14.4 m (47.24 ft) for two semidetached dwellings on a corner lot. It also has a minimum lot frontage requirement of 7.8 m (25.59 ft) for a corner semi-detached unit, and 6.6 m (21.65 ft) for an interior semidetached unit. The existing block has a total frontage of 14.2 m (46.59 ft). The Applicant is requesting a variance for both 38 and 40 Lindcrest Manor to permit this existing lot frontage. Upon division of the block through a future part lot control by-law exemption, the interior unit (38 Lindcrest Manor) will have a frontage of 6.35 m (20.83 ft), and the Applicant has submitted a variance to permit this reduced frontage. Additionally, a parking pad for the corner unit (40 Lindcrest Manor) is proposed to have a flankage yard of 1.99 m (6.53 ft), whereas a minimum of 2.4 m (7.87 ft) is required, and a variance is requested to permit this as well.

#### **Official Plan and Zoning**

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

The subject property is designated "Residential Low Rise," which provides for low rise housing forms including semi-detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements of adjacent properties and properties along the same street.

#### Zoning By-Law 177-96

The subject property is zoned Residential Two Exception 241 (R2\*241), under By-law 177-96, as amended, which permits various forms of low rise housing, including semi-detached dwellings. As noted in the proposal section, the Applicant is requesting variances for the existing block as it is deficient in the minimum lot frontage requirements of the By-law. Additionally, the flankage yard setback adjacent to the proposed parking pad on the corner lot (40 Lindcrest Manor) will not comply with the By-law requirement upon division of the block through a future part lot control by-law exemption.

#### Applicant's Stated Reasons for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is because, *"The Block is within a registered M-Plan, and its width is fixed by the abutting municipal road".* 

#### Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a ZPR on November 8, 2020 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Staff have reviewed the variance applications and are of the opinion that the proposed development is appropriate for the site, meets the intent of the zoning by-law and official plan and have no concerns with its approval.

#### PUBLIC INPUT SUMMARY

No written submissions were received as of January 22, 2020. 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 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.

#### APPENDICES

Appendix "A" – Plans Appendix "B" – Conditions

PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects

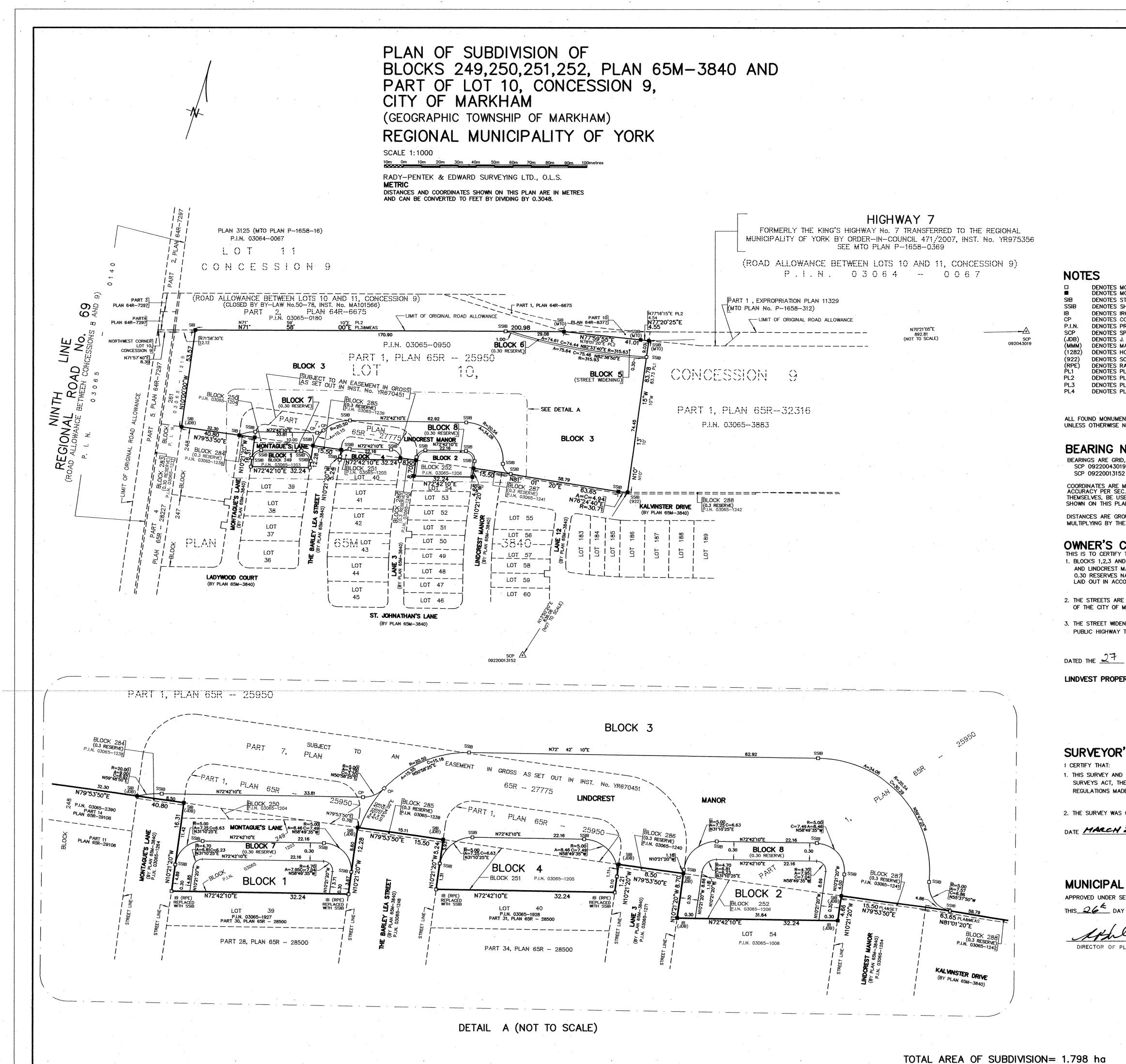
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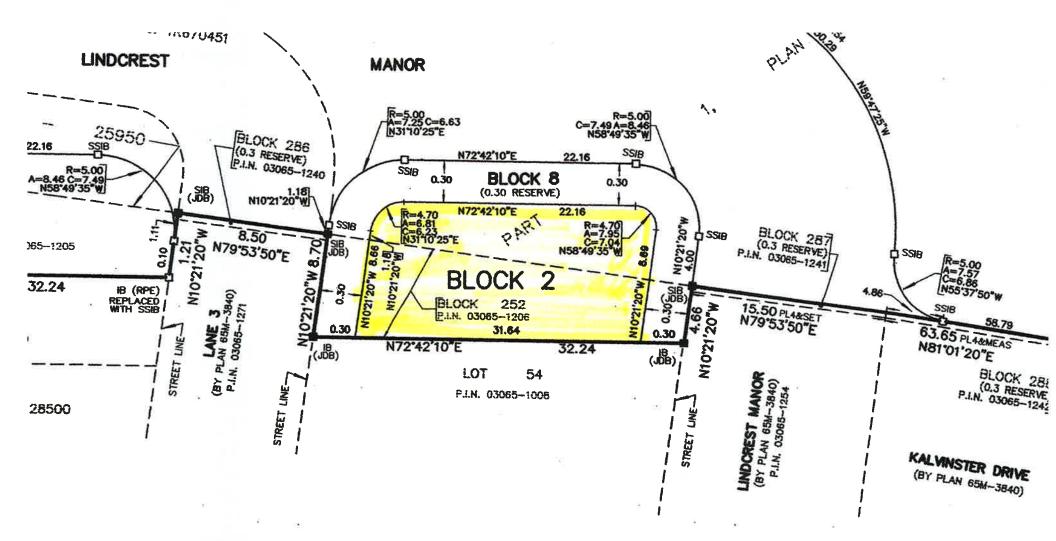
Stephen Corr, Senior Planner, East District

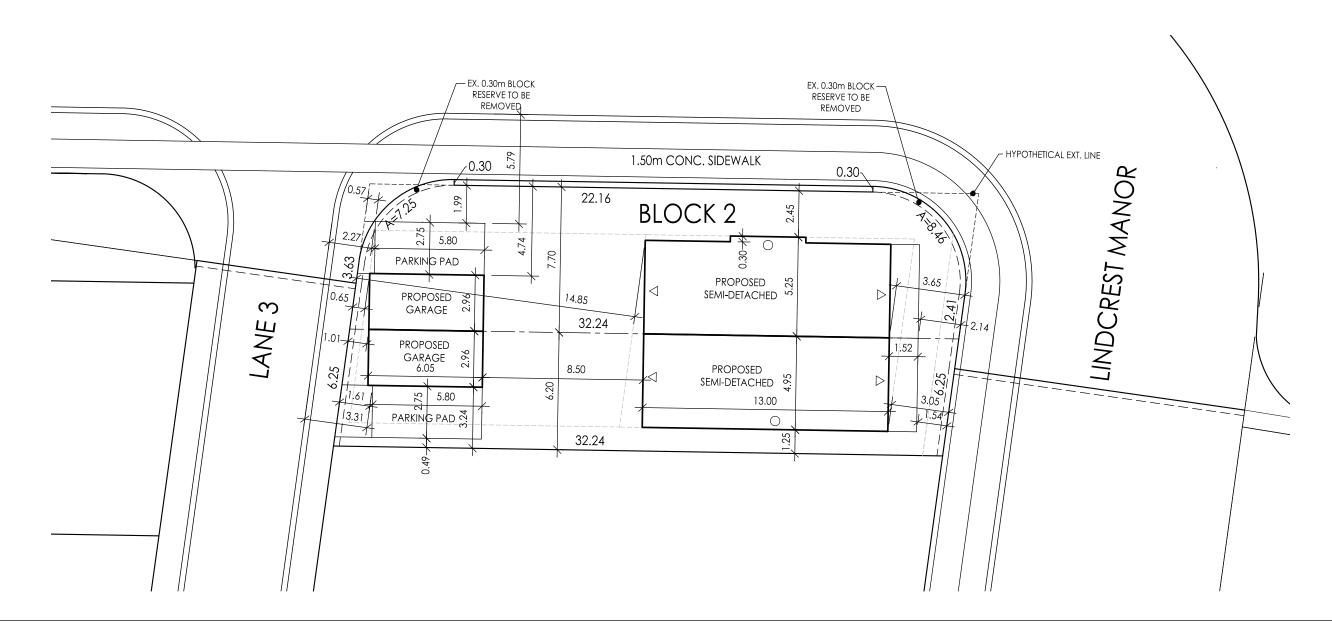
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APPENDIX "A" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILES A/31/19 & A/001/20



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#### NOTES:

1.MIN. FRONTAGE NOT BEING MET FOR R2 ZONE, REQUIRE A COMBINED 14.4m FOR TWO SEMI-DETACHED DWELLINGS LOCATED ON A CORNER LOT (6.6m INT & 7.8m COR).

2. ZONE SETBACKS FOR EXCEPTIONS (R2\*241) & (R2\*235\*241) TO BE CONFIRMED (SUBMITTED REQUEST TO CITY OF MARKHAM).

3. MIN. 2 SPACES REQUIRED PER SEMI-DETACHED DWELLING. MIN. SIZE 2.75 x 5.8 (2.6m x 5.8m IN ENCLOSED OR UNDERGROUND GARAGE)

### R2 ZONE PROVISIONS SETBACKS (SEMI DETACHED DWELLINGS)

MIN. FRONT YARD =3.0m MIN. EXT. SIDE YARD = 2.4m MIN. INT. SIDE YARD = 1.2m/0.0m MIN. REAR YARD = 14.8m

### GENERAL PROVISIONS FOR DETACHED PRIVATE GARAGE

MIN. REAR YARD = 0.60m MIN. INT. SIDE YARD = 1.20m (0.50m IF NO DOOR/WINDOWS FACE LOT LINE) MIN. SETBACK FROM MAIN BUILDING ON LOT = 6.0m MAX HEIGHT = 4.5m (FRONTAGE LESS THAN 9.75m) MAX COVERAGE = 18% (FRONTAGE LESS THAN 9.75m)

#### client

#### LINDVEST PROPERTIES

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LINDVEST CORNELL PHASE 4A

title

BLOCK 2

project #

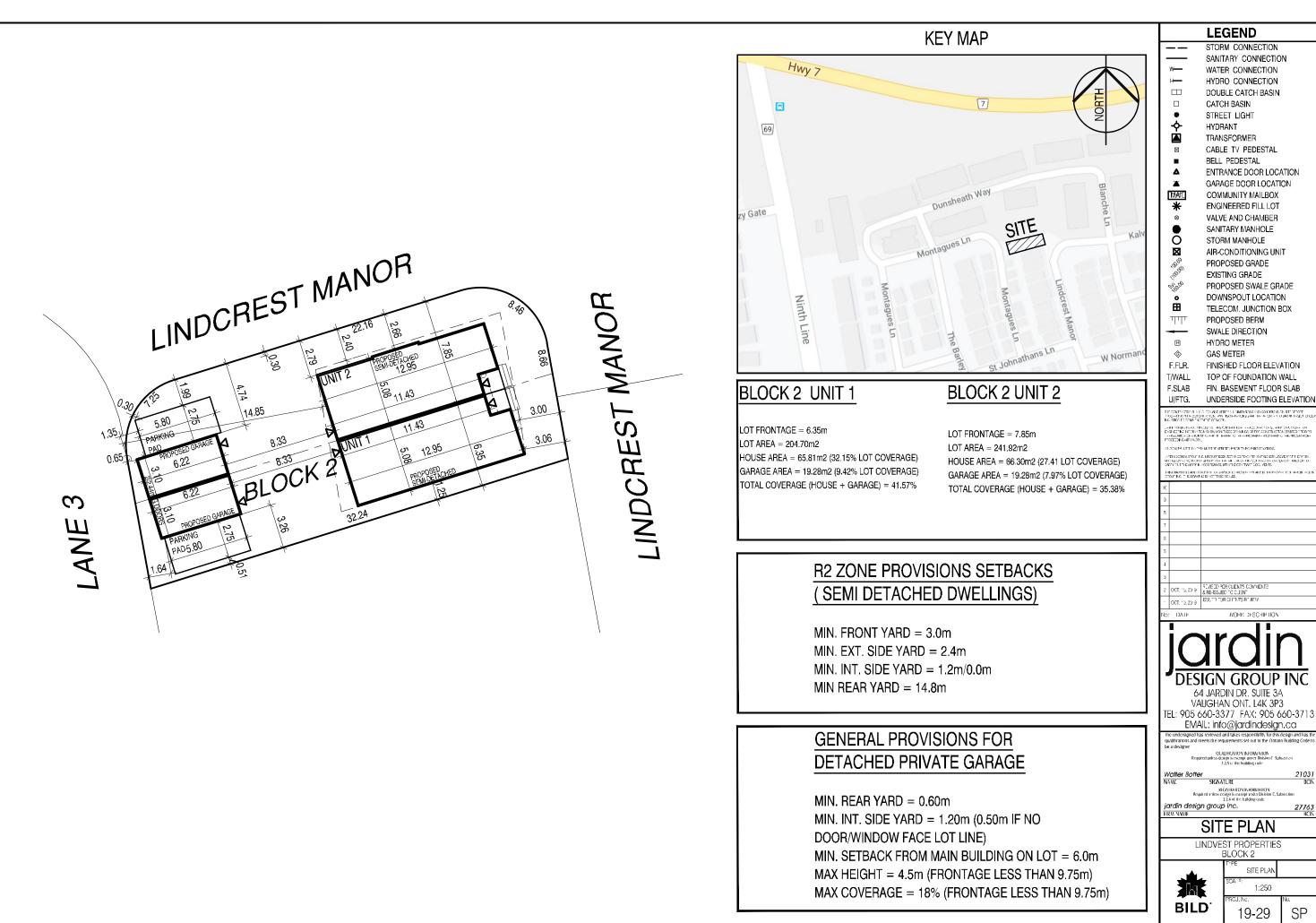
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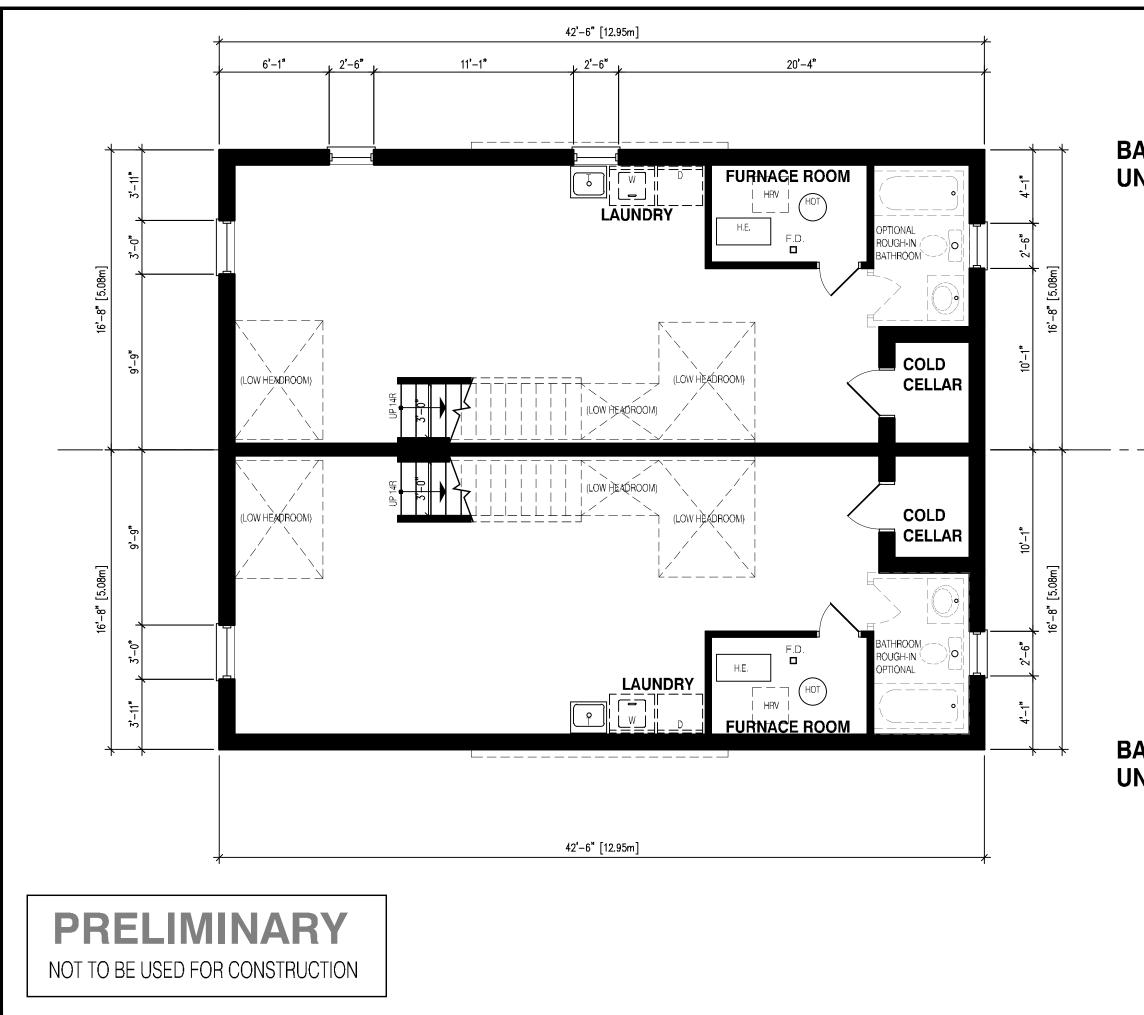
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# **BLOCK 2**

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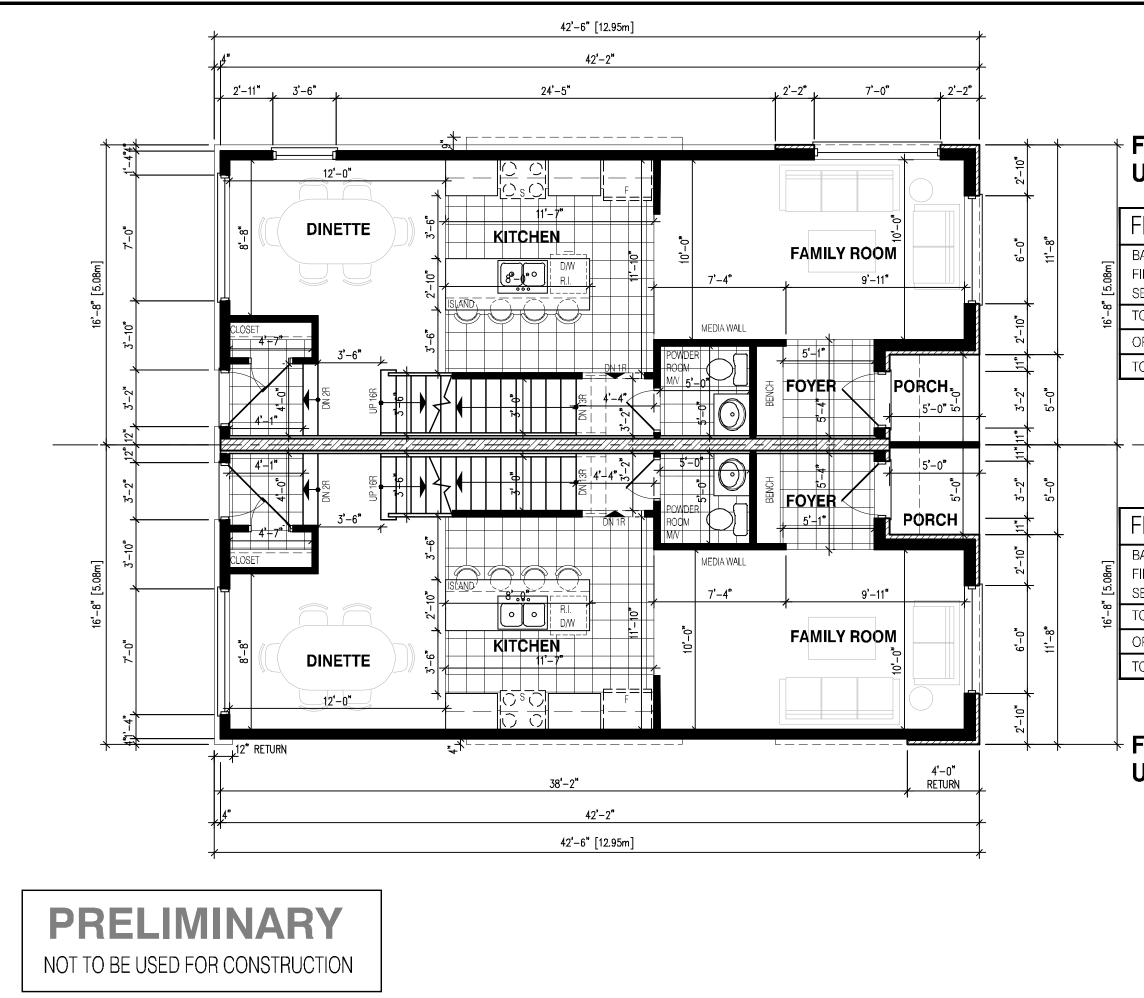


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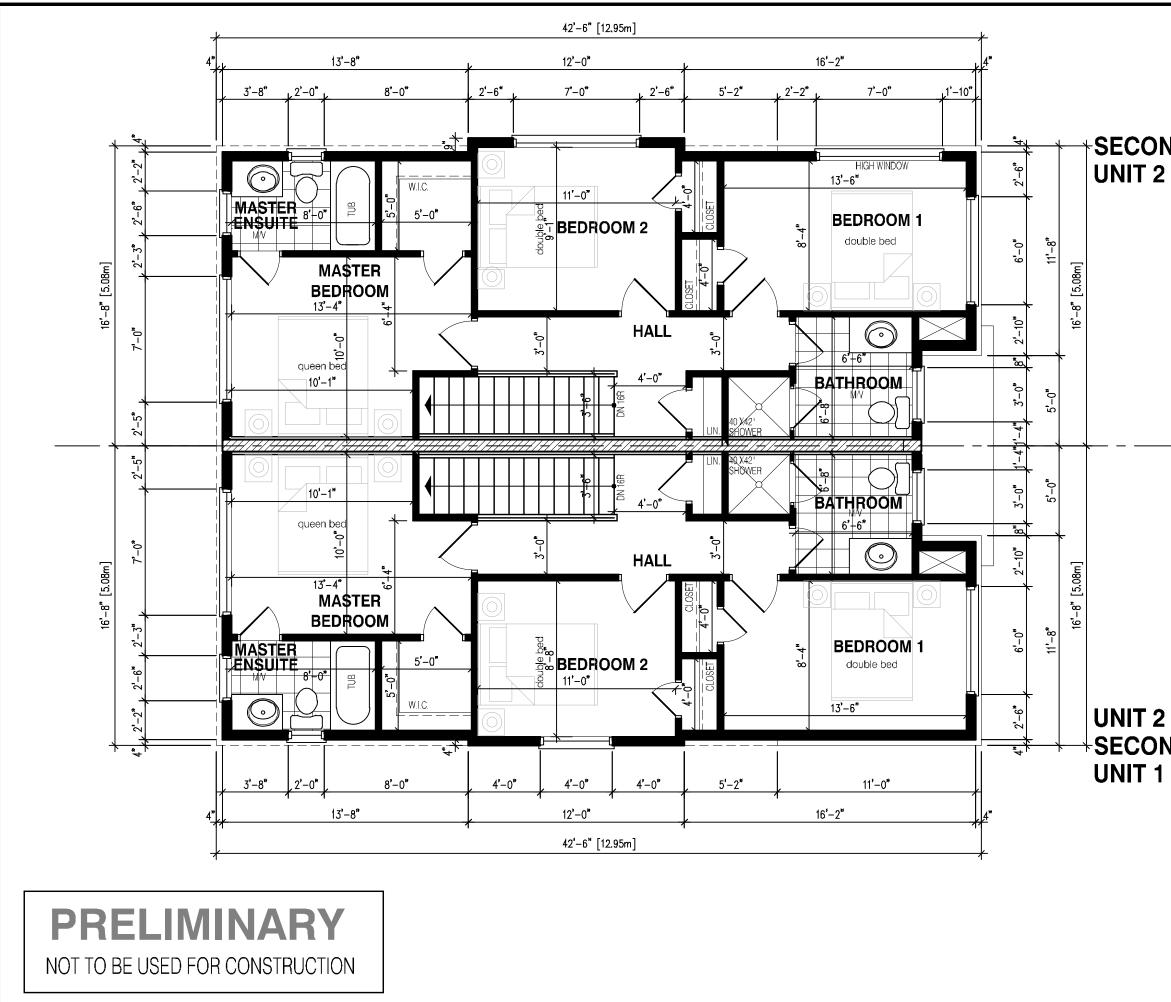
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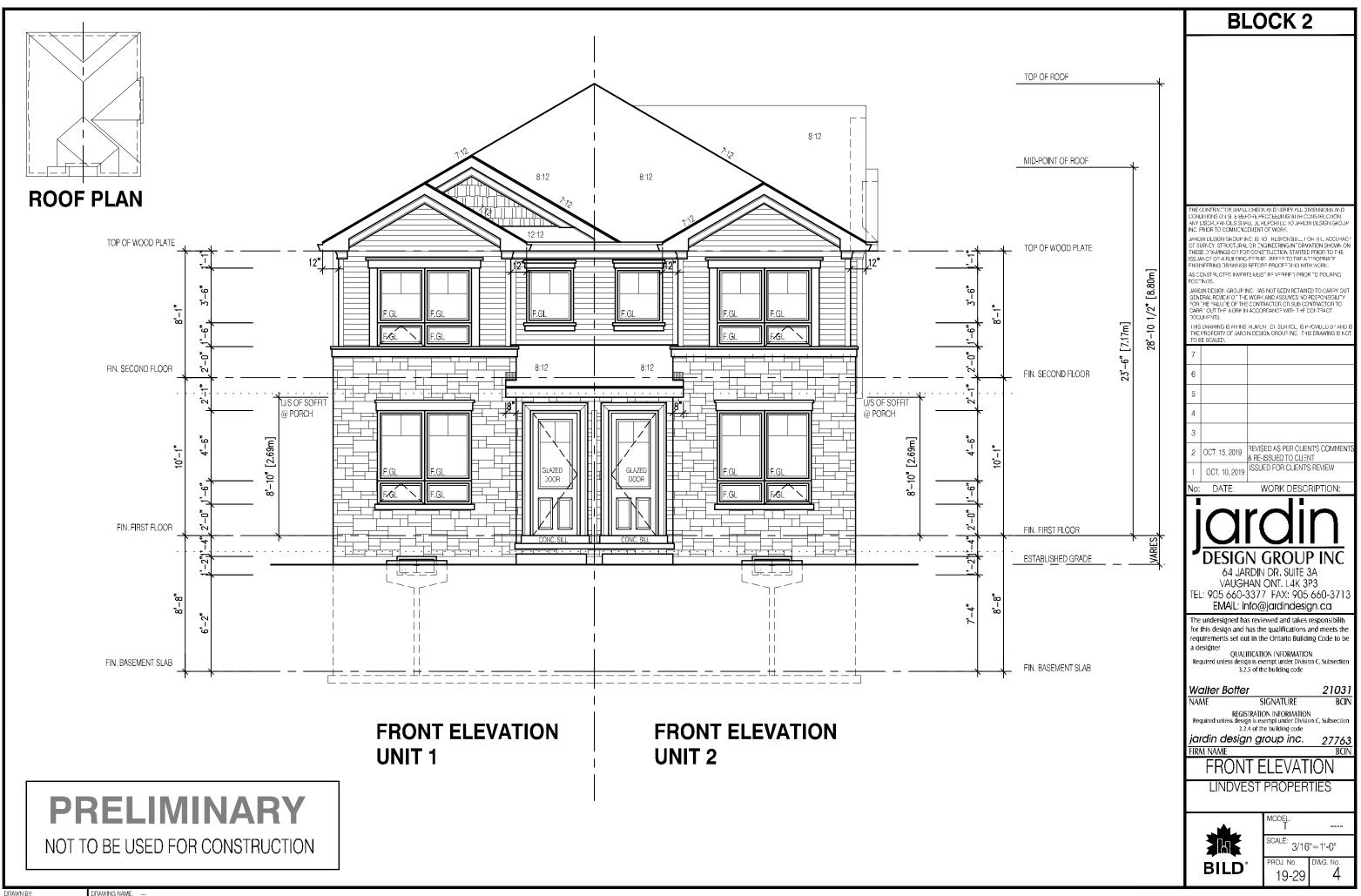
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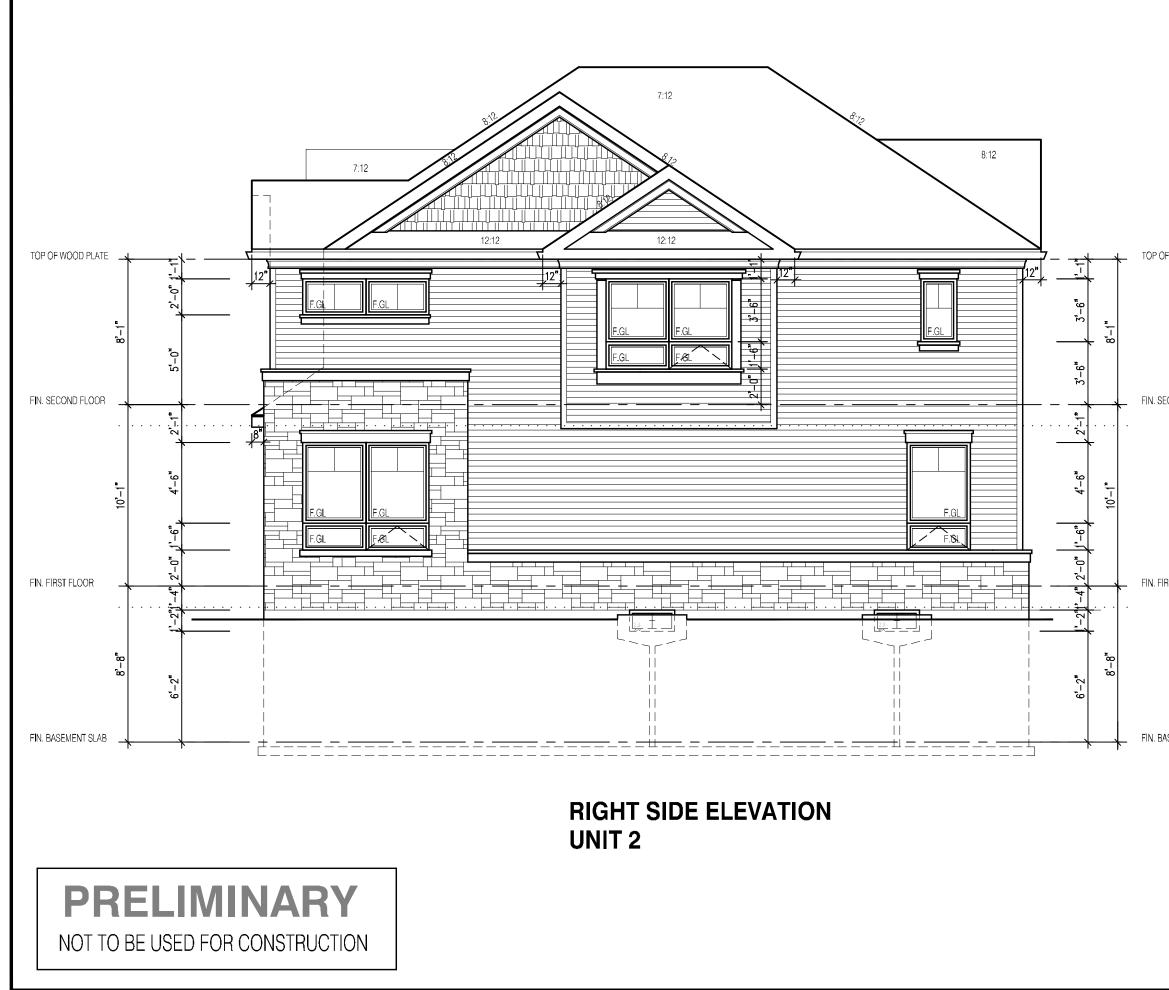
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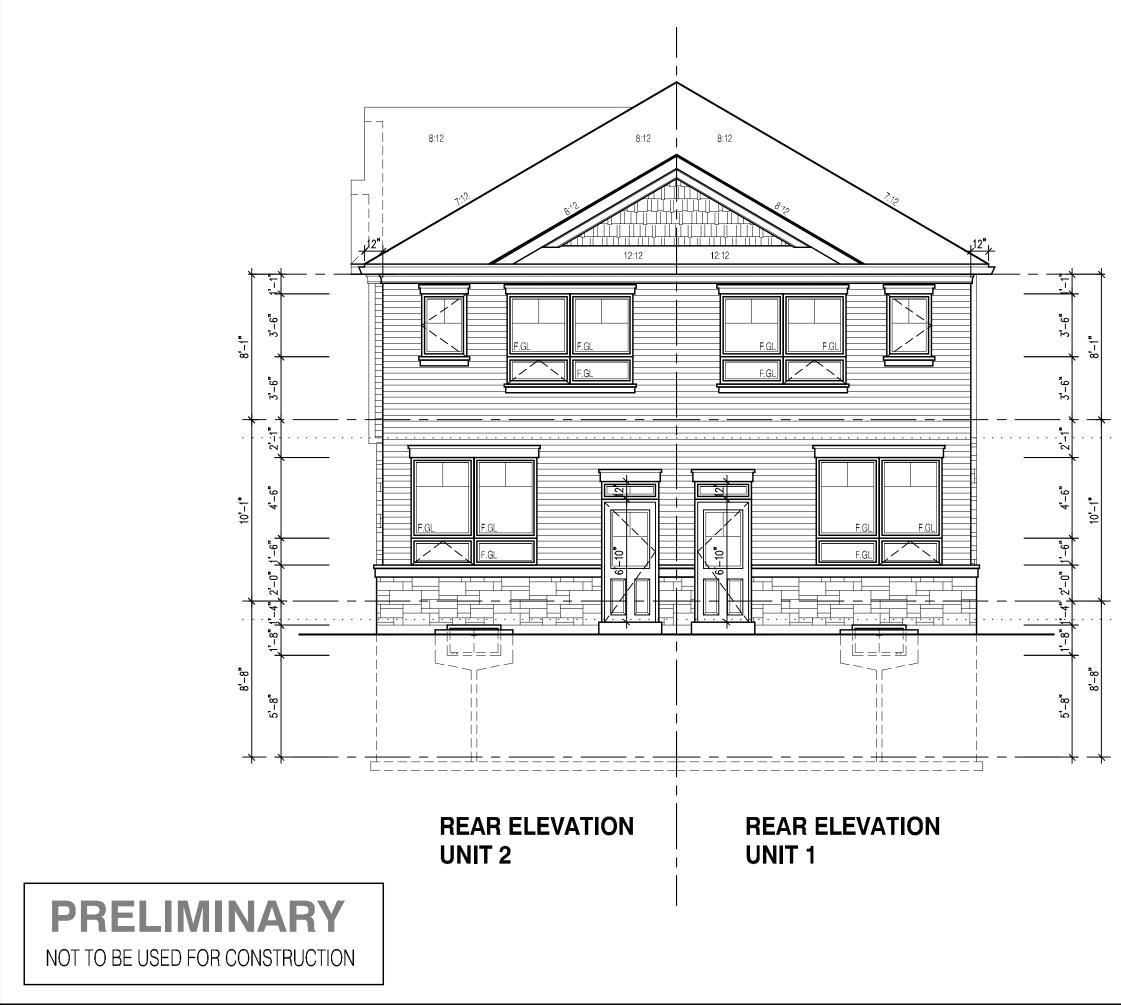
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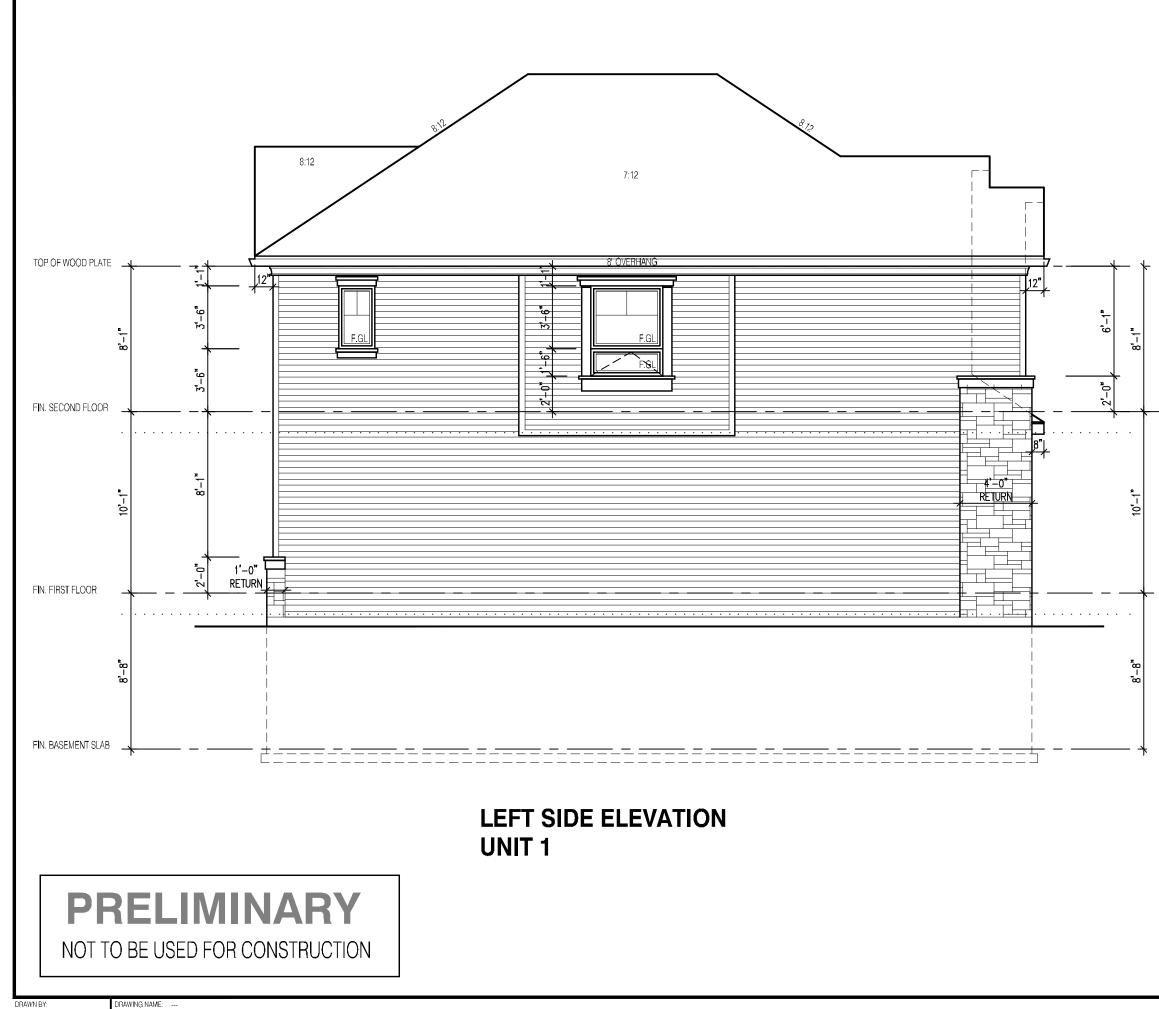
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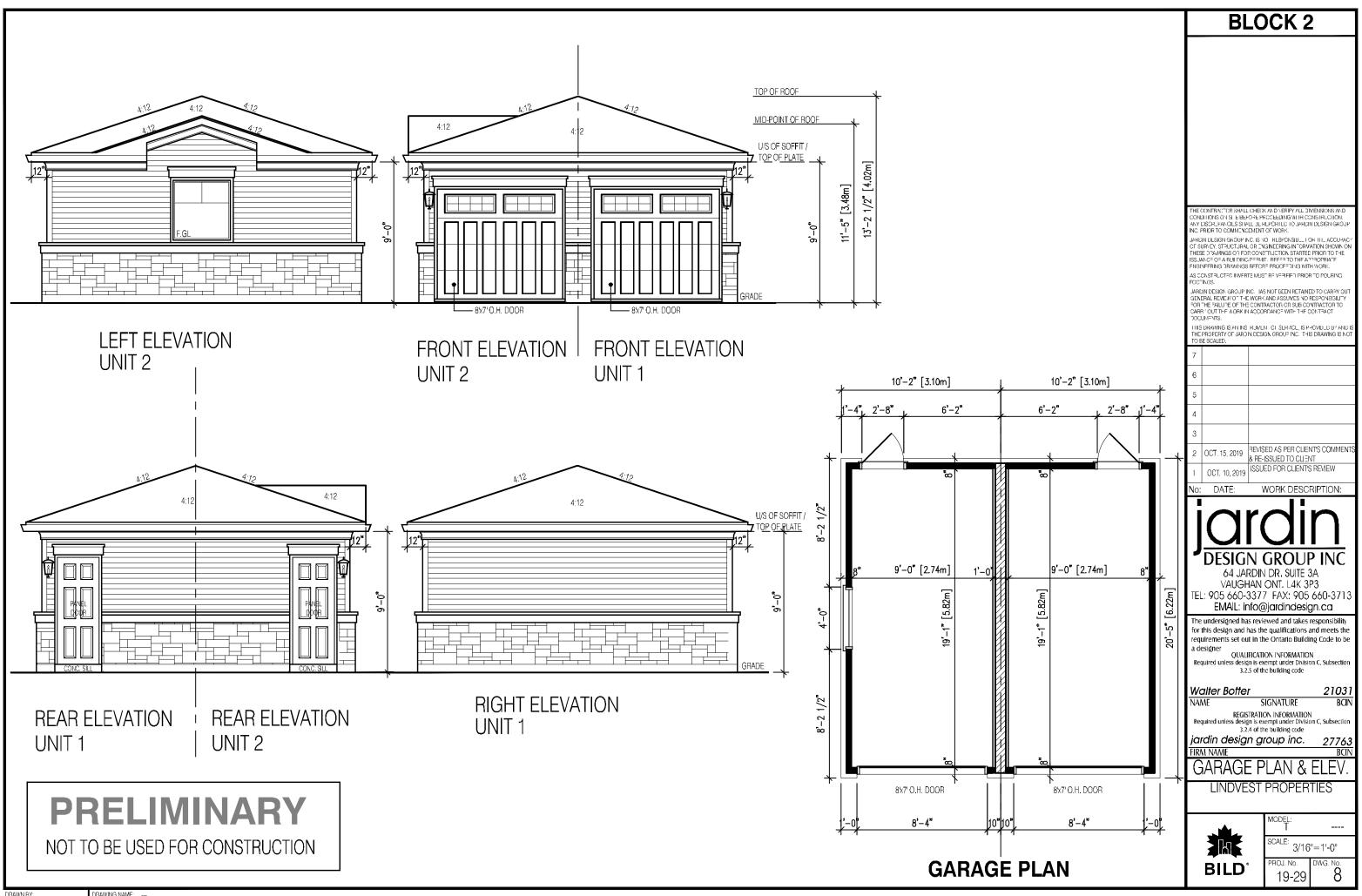
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#### APPENDIX "B" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILES A/31/19 & A/001/20

- 1. The variances apply only to the proposed development as long as it remains.
- 2. That prior to the commencement of construction, 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 Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects