

Memorandum to the City of Markham Committee of Adjustment

February 05, 2018

File: A/173/17
Address: Lord Melborne St. Markham
Applicant: Gagnon Walker Domes Ltd. (Andrew Walker)
Agent: (none)
Hearing Date: Wednesday February 07, 2018

The applicant is requesting relief from the following requirements of Zoning By-law 177-96, as amended by By-law 2017-79: a minimum front yard setback of 2 metres, whereas the By-law requires a minimum front yard setback of 3 metres; as it relates to a proposed townhouse dwelling (Unit #104, Block 17) within Draft Approved Plan of Subdivision 19TM-15003.

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

BACKGROUND

Property Description

The subject lands are located north of Elgin Mills Road, west of Woodbine Avenue within Draft Approved Plan of Subdivision 19TM-15003.

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

Proposal

The applicant is seeking approval for a variance from the minimum front yard setback provisions of By-law 177-96, as amended from the required minimum of 3 metres to 2 metres, as it relates to the proposed setback of a townhouse dwelling (Unit #104, Block 17) on a corner lot within Draft Approved Plan of Subdivision 19TM-15003. The reduced setback is required due to the configuration of the abutting road right of ways (see Appendix "B").

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.

PUBLIC INPUT SUMMARY

No written submissions were received as of *February 6, 2018*.

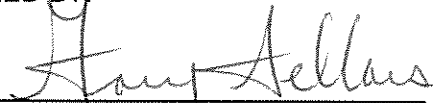
CONCLUSION

It is the opinion of the West District Team that the requested variance is minor and have no objection to its approval.

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.

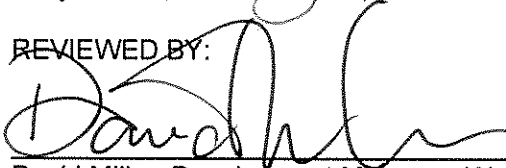
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Gary Sellars, Senior Planner, West District

REVIEWED BY:



David Miller, Development Manager, West District

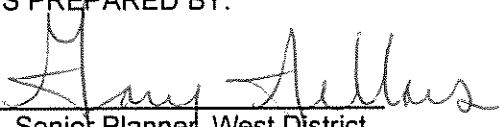
APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/173/17

PLN01 - The variance apply only to the proposed development as long as it remains;

PLN02 -That the variance apply only to the subject development, in substantial conformity with the plan attached as 'Appendix B' to this Staff Report and dated Oct. 18, 2017.

CONDITIONS PREPARED BY:



Gary Sellars, Senior Planner, West District

