

MEMORANDUM

DATE: August 15, 2019
TO: Chairman and Members, Committee of Adjustment
FILE: B/11/19, A/72/19 & A/73/19
ADDRESS: 11 Gleason Avenue, Markham
HEARING DATE: Wednesday August 28, 2019

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

B/11/19

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 31.39 m (102.99 ft) and approximate lot area of 980.96 sq. m (7,329.79 sq.ft) (Part 2); and
- b) retain a parcel of land with approximate lot frontage of 25.72 m (84.38 ft) and approximate lot area of 664.29 sq. m (7,150.36 sq.ft) (Part 1).

The purpose of this application is to create a new residential lot. This application is related to Minor Variance applications A/72/19 and A/73/19.

A/72/19 (Part 1 - Retained)

The applicant is requesting relief from the following Residential One (R1) zone requirements in By-law 1229, as amended, as they relate to a proposed addition to the existing dwelling on the 'retained' lot.

- a) **Deck By-law 142-95, Section 2.2 (b)(i):**
a maximum deck projection of 3.07 m (10.07 ft), whereas the By-law permits a deck in excess of one metre in height to have a maximum projection of 3.0 metres from the point on the dwelling closest to the rear lot line;
- b) **Section 11.1:**
a minimum rear yard setback of 6.96 m (22.83 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft); and
- c) **Infill By-law 99-90, Section 1.2 (vi):**
a floor area ratio of 47.73 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

A/73/19 (Part 2 – Conveyed)

The applicant is requesting relief from the following Residential One (R1) zone requirements in By-law 1229, as amended, as they relate to a proposed two storey dwelling on the 'severed/conveyed' lot.

- a) **Section 11.1:**
a minimum front yard setback of 1.22 m (4 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);
- b) **Section 11.1:**
a minimum rear yard setback of 5.30 m (17.38 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft);
- c) **Section 11.1:**
a minimum side yard setback of 0.91 m (2.98 ft), whereas the By-law requires a minimum side yard setback of 1.22 m (4 ft) for the one storey portions of a building;

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d) Infill By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 55.42 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;

e) Infill By-law 99-90, Section 1.2 (iv):

a maximum garage to project 5.18 m (16.99 ft) beyond the point of the main building closest to the front lot line, whereas the By-law permits a maximum projection of 2.1 m (6.89 ft); and

f) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 17.53 m (57.51 ft), whereas the By-law permits a maximum of 16.8 m (55.12 ft);

g) Section 1.2 (i):

a maximum building height of 10.5 m (34.45 ft), whereas the By-law permits a maximum of 9.8 m (32.15 ft);

BACKGROUND

Property Description

The 1,345.60 m² (0.4 ac) subject property is located on the south side of Gleason Avenue which is south of 16th Avenue and east of Main Street Markham North. There is an existing one-storey detached 136.75 m² (1,472 ft²) dwelling on the subject property, which according to assessment records was constructed in 1970. Mature vegetation exists along the perimeter of the east side and south rear lot lines, and there is a notable change in grade across the property which slopes downwards from west to east.

The property is located in a residential neighbourhood characterized by a mix of one and two-storey single-detached dwellings. Residential properties on the north side of Gleason Avenue are within the Markham Village Heritage Conservation District. The Stouffville GO rail corridor abuts the subject property to the east. Further east is a naturalized valley corridor which contains a watercourse. It should also be noted that the Gleason Avenue right of way in front of the subject property also terminates as a dead end at the Stouffville GO rail corridor. This section of road is only partially paved to a point just east of the existing dwelling on the subject lands. The portion of the right of way towards the rail corridor drops in grade and is sodded. If the severance were to be approved, improvements to the right of way will likely be required to provide appropriate access to the proposed residential lot.

Proposal

The applicant proposes to sever the existing residential lot into two (2) parcels. The retained lot (Part 1) will have a lot area of 664.30 m² (7,150.70 ft²) and a lot frontage of 25.72 m (84.38 ft). The conveyed lot (Part 2) will have a lot area of 681.30m² (7,333.69 ft²) and a lot frontage of 31.42 m (103.08 ft). The lot areas and frontages for both the retained (Part 1) and conveyed (Part 2) lots comply with the minimum zoning by-law requirement of 613.2m² (6,600ft²) for lot area and 18.3m (60ft) for lot frontage.

The applicant is applying for minor variances for both the retained (Part 1) and conveyed (Part 2) lots. To facilitate a two-storey addition to an existing one-storey detached dwelling on the retained lot (Part 1) the applicant has applied for variance for maximum floor area ratio, minimum rear yard setback and maximum deck projection. To facilitate the construction of a new two-storey detached dwelling on the conveyed lot (Part 2) the applicant has applied for variances for minimum front yard setback, minimum rear yard setback, minimum side yard setback, maximum floor area ratio, maximum garage projection, maximum building height, and maximum building depth.

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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 Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan. Specifically the section requires that:

- Proposed new lot(s) have lot area(s) and lot frontage(s) consistent with the size of existing lots on both sides of the street;
- That proposed new building(s) have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street; and
- Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned Residential (R1) under By-law 1229, as amended, which permits a single detached dwelling. The proposed development on the retained lot (Part 1) does not comply with the By-law requirements with respect to minimum rear yard setback and maximum deck projection. The proposed development on the conveyed lot (Part 2) does not comply with the By-law requirements with respect to minimum front yard setback, minimum rear yard setback, minimum side yard setback, and maximum building height.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development on the retained lot (Part 1) does not comply with the infill By-law requirements with respect to maximum floor area ratio. The proposed development on the conveyed lot (Part 2) does not comply with the infill By-law requirements with respect to maximum floor area ratio, maximum garage projection and, maximum building depth.

Comments

The applicant is proposing to sever the existing 1,345.2 m² (0.4 ac) subject property to create a new residential development lot. The applicant is also proposing variances for an addition to the existing dwelling on the 'retained' lot and for a proposed two-storey detached dwelling on the 'severed' lot. To facilitate the proposal, the applicant has submitted a consent and related variance applications requesting relief from the zoning by-law 1229, as amended, as described above.

Staff have received comments from external agencies and internal departments and there a number of matters to be addressed before staff are in a position to complete the review of the application and provide comments to the Committee of Adjustment, including preparation of appropriate conditions should the applications be approved. Matters to be addressed include:

Variances associated with the proposed dwelling should be reduced

Staff have concerns with the requested variances for the proposed two-storey detached dwelling on the 'severed' lot relating to its scale and massing and have requested the applicant to consider reducing the size of the proposed dwelling. This request is in consideration of the existing

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neighbourhood context along this section of Gleason Avenue which is characterized by modestly sized one and two-storey detached dwellings.

Toronto Region Conservation Authority (TRCA) Requests Deferral

The Toronto Region Conservation Authority (TRCA) has identified that the existing valley corridor to west of the subject lands contains a watercourse that has the potential to impact the stability of the valley corridors slope. Based on TRCAs available mapping, it appears the erosion hazard associated with the valley corridor appears to extend through the adjacent rail corridor to the west of the site, and onto the west portion of the subject lands where the new lot is proposed. The creation of a new lot within hazardous lands is contrary to the Provincial Policy Statement (2014) and the TRCAs policies, and the Conservation Authority does not support the application as currently submitted. The TRCA has however acknowledged that this assessment is based on the mapping and data currently available, and has suggested the applicant provide a geotechnical study to demonstrate that the proposed lot is located outside of the erosion hazard of the valley corridor and required buffers. Accordingly the TRCA has recommended the applications be deferred until these matters are addressed.

Metrolinx Comments

The subject property abuts the Stouffville GO line and Metrolinx has indicated they do not support and object to the proposed severance and the variances proposed for the 'severed' lot. Notwithstanding, Metrolinx has indicated that they will withdraw their objection providing an in-fill development agreement is registered on title that stipulates Metrolinx shall not be responsible for any complaints or claims arising from our facilities and operations. The applicant is currently working with Metrolinx on addressing these comments and City staff are considering the impact of these comments in assessing the proposed applications.

Staff Recommend Deferral

Based on the outstanding matters, as summarized above, staff recommend the applications be deferred *sine die*. This will allow the applicant to work with the TRCA and Metrolinx to address their comments, which currently do not support approval of the applications to create a new residential development lot. Once these matters have been addressed to the satisfaction of both agencies, staff will be in a position to provide thorough comments to the Committee of Adjustment on the appropriateness of the applications.

PREPARED BY:

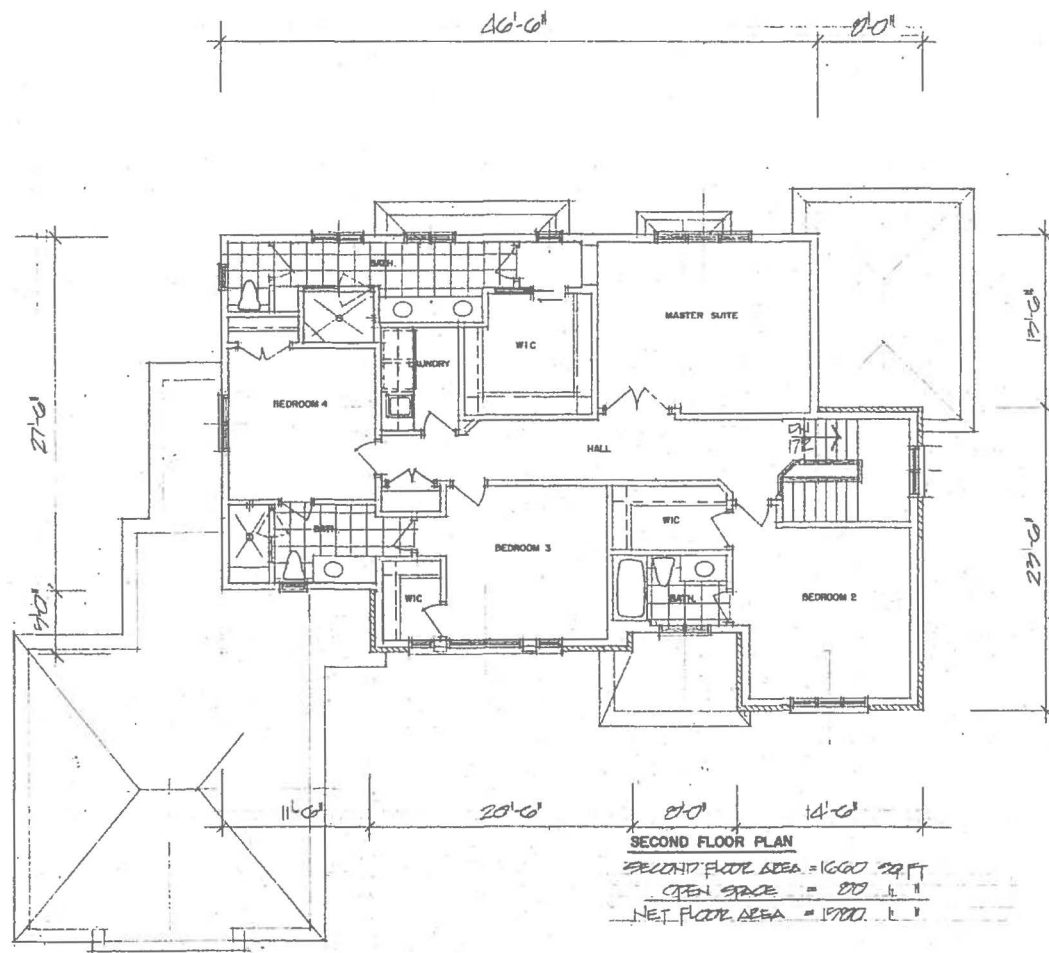


Aqsa Malik, Planner, Zoning and Special Projects

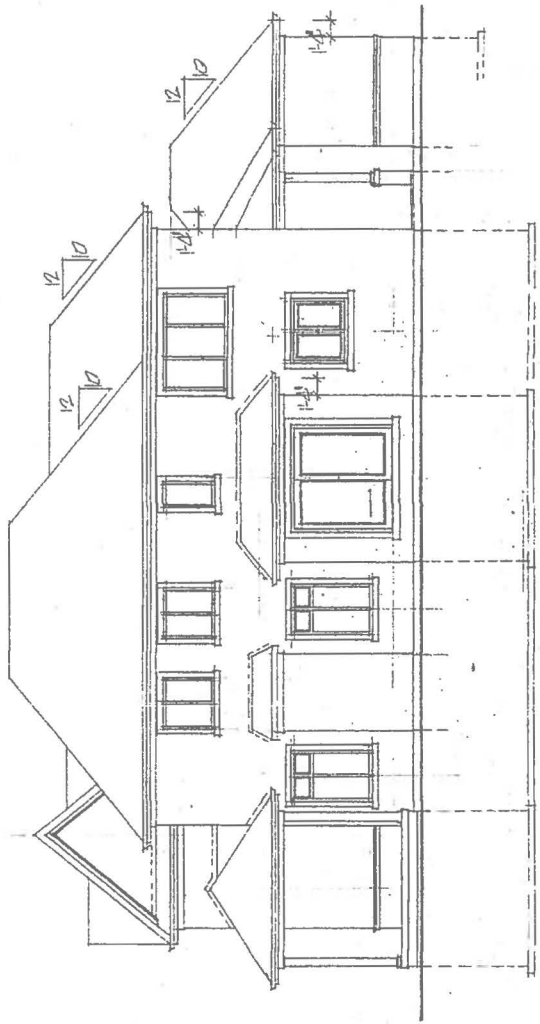
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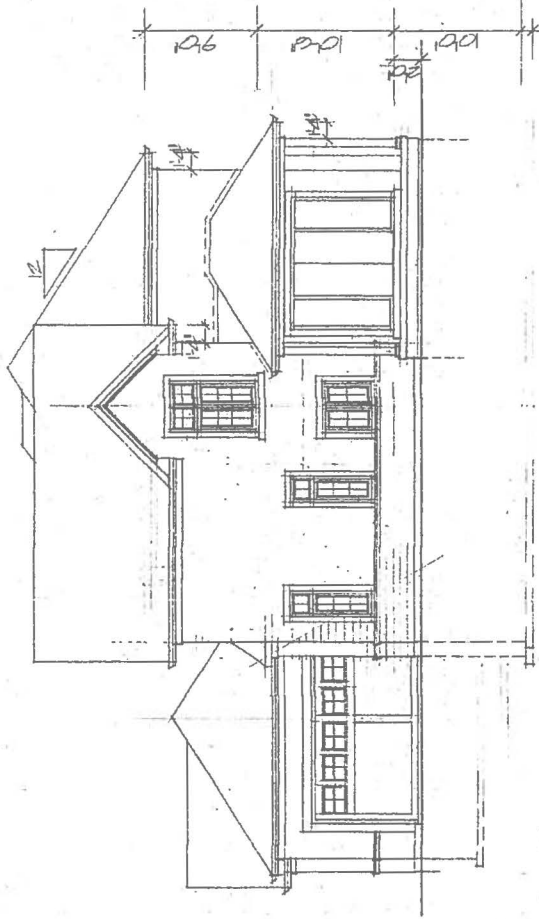
Stephen Corr, Senior Planner, East District



PROJECT: HOUSE 2097	<small>General and/or specific notes for this drawing shall be read in conjunction with the contract documents and specifications. It is the responsibility of the contractor to verify all dimensions and conditions before construction. The contractor shall be responsible for any errors or omissions in this drawing.</small>	DRAWING R. GREGORY
		DATE:
THE GREGORY DESIGN GROUP 50 McINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 9T3 OFFICE (905) 478-4787 FAX (905) 478-8498 russ@gregorydesigngroup.net	<small>GENERAL NOTES: 1. All dimensions are in feet and inches unless otherwise specified. 2. All work shall be in accordance with the contract documents and specifications. 3. The contractor shall be responsible for any errors or omissions in this drawing. 4. The contractor shall be responsible for any changes to this drawing. 5. The contractor shall be responsible for any delays to this project.</small>	SCALE: 1/4" = 1'-0"
		PROJECT NO: 3077-15
		DRAWING NO. A-3



REAR ELEVATION - SOUTH



WEST SIDE

PROJECT HOUSE 2097		OWNER THE GREGORY DESIGN GROUP	
DATE 2008		SCALE 1/4" = 1'-0"	
DRAWN BY M. B. B.		PROJECT NO. 2097-18	
CHECKED BY M. B. B.		DRAWING NO. A-6	
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