



Report to: Development Services Committee

Meeting Date: September 29, 2020

SUBJECT:	RECOMMENDATION REPORT Evans Planning Inc. Proposed Zoning By-l
PREPARED BY:	Aqsa Malik, Planner I, East District Ext. 2230
REVIEWED BY:	Stacia Muradali , R.P.P., Acting Manager, East District, ext. 2008

RECOMMENDATION:

1. That the report dated September 29, 2020 titled “RECOMMENDATION REPORT Evans Planning Inc. Proposed Zoning By-law Amendment application for two semi-detached lots and one residual lot at 12 and 16 Deer Park Lane (north of Deer Park Lane, west of Elizabeth Street). Ward 4”, be received;
2. That the record of the Public Meeting held on November 19, 2019 regarding the Zoning By-Law Amendment application submitted by Gil & Marina Scholyar c/o Evans Planning be received;
3. That the Zoning By-law Amendment application submitted by Gil & Marina Scholyar c/o Evans Planning to amend By-law 1229, as amended, be approved, and that the Zoning By-law Amendment attached as Appendix ‘A’ be finalized and enacted without further notice;
4. That Council assign servicing allocation for up to 5 residential units for the proposed development; and
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval of the Zoning By-law Amendment application submitted by Evans Planning Inc. to permit two semi-detached lots (four dwellings) fronting Deer Park Lane and one single detached dwelling fronting Elizabeth Street at 12 and 16 Deer Park Lane.

Application Next Steps

- Enactment of the Zoning By-law Amendment by Council; and
- Severance application to create the proposed lots.

BACKGROUND:

The 0.17 ha (0.43 ac) subject lands, municipally known as 12 and 16 Deer Park Lane are located at the northwest corner of Deer Park Lane and Elizabeth Street, adjacent to (but outside of) the Heritage District (Figure 1). The subject lands each contain an existing one-storey detached dwelling. The balance of the subject lands (12 Deer Park Lane) includes a wooden shed. The area

is characterized by a diverse lot fabric and built form, including Deer Park Lane, which is a relatively short street that terminates in a dead end.

Deer Park Lane has experienced redevelopment in the form of detached and two-storey semi-detached dwellings (Figure 2 & Figure 3). The north side of Deer Park Lane (extending between Main Street Markham and ending at Elizabeth Street) consists of two single detached dwellings and a semi-detached dwelling which were approved for rezoning in 2004 (ZA 04 010190). On the south side of this portion of Deer Park Lane land uses consist of a used car dealership and four semi-detached dwellings. The semi-detached dwellings were a part of a zoning by-law amendment application approved in 2007 (ZA 07 110580). Land uses East of Elizabeth Street on Deer Park Lane consist of semi-detached dwellings.

Surrounding land uses are predominantly residential, comprised of detached residential dwellings (north), townhouse and semi-detached residential dwellings (south and east) and a mix of retail/service commercial and single detached residential dwellings (west) (Figure 3). Uses on Elizabeth Street (north of Deer Park Lane) consists of detached dwellings (west side) and a mix of single and semi-detached dwellings (east side). Uses on Wales Avenue, which is immediately south of Deer Park Lane, consists of a mix of single detached dwellings, semi-detached dwellings and townhouse blocks.

PROPOSAL:

The applicant proposes to amend Zoning By-law 1229, as amended to permit four semi-detached dwellings and one single-detached dwelling on the subject lands with site-specific development standards. The amendments include reductions in the minimum lot area and minimum lot frontage and increases to the maximum building depth and maximum building height as shown in detail in Appendix B.

The semi-detached dwellings will be developed with gross floor areas ranging from 257 m² (2,766.32 ft²) to 306.4 m² (3,298.06 ft²) and heights (mid-point) ranging from 8.65 m (28.38 ft) to 8.76 m (28.74 ft) (Figure 5). The dwelling units will be three storeys with the master bedroom in a third storey loft, and will have one parking space on the driveway and one in the garage. The detached dwelling will have a gross floor area of 270.06 m² (2,907 ft²), lot coverage of 27%, a frontage of 13.5 m (44.29 ft) and rear yard setback of 18.43 m (60.47 ft). The proposed detached dwelling will have a two-car garage and will accommodate two parking spaces on the driveway. The proposal contemplates the removal of existing mature trees on the property and will require compensation, which, will be reviewed through the consent application.

OFFICIAL PLAN AND ZONING

Official Plan

The subject lands are designated 'Residential Low Rise' in the City of Markham Official Plan 2014 (partially approved on November 24, 2017 and further updated on April 9, 2018) (the "City's 2014 Official Plan") which provides for low rise housing forms, including detached dwellings and semi-detached dwellings. Development within this designation shall respect and reflect the existing pattern and character of adjacent development. The proposed zoning by-law amendment conforms to the City's 2014 Official Plan and the Infill Development criteria and this is demonstrated in more detail later in this report.

Zoning

The subject lands are zoned “One-Family Detached Dwellings (R1)” in By-law 1229, as amended, which permits detached dwellings. Dwellings within the R1 zone are subject to Residential In-fill By-law 99-90, which provides additional development standards related to maximum building height, building depth, net floor area ratio and garage projection as mechanisms to help control the size of new development in established neighbourhoods. A zoning by-law amendment is required to rezone a portion of the lands from “One-Family Detached Dwellings (R1)” to “One-Family Semi-detached dwellings (R2)” to allow for the semi-detached dwellings and to implement site-specific developments standards for the proposed semi-detached and single-detached dwellings. The single detached dwelling will remain zoned “One-Family Detached Dwellings (R1)” however site-specific development standards including minimum lot area and lot frontage and maximum building depth and height will be implemented.

PUBLIC CONSULTATION AND HERITAGE MARKHAM COMMENTS:**Community Information and Statutory Public Meeting**

A Community Information Meeting, arranged through the local Ward Councillor’s office, was held on October 1, 2019 at the Markham Village Community Centre. The statutory Public Meeting was held on November 19, 2019. Approximately five residents from the neighbourhood attended the Community Information Meeting. Comments made by residents at both meetings are summarized below. The Options/Discussion subsection of this report addresses how these comments have been addressed or considered.

Community Information and Statutory Public Meeting Comments

- Concerns with the massing and compatibility of the proposed detached dwelling fronting Elizabeth Street;
- Concerns with the grade of the proposed development and impacts to sanitary and other services;
- Traffic flow related concerns including signaling the Elizabeth Street/Deer Park Lane intersection and the availability of on-street parking
- Concerns with pedestrian safety and sidewalks on Deer Park Lane; and
- Tree preservation and loss of green space.

Comments and concerns expressed at the Statutory Public Meeting have been addressed in the following way. While there were concerns about traffic and general safety related to sidewalks and on-street parking, these concerns have been reviewed by the City’s Transportation staff and they have no concerns with the proposal. Regarding the Elizabeth Street/Deer Park Lane intersection and concerns with safety, Operations staff will explore painting stop bars along the existing stop signs. Concerns were expressed respecting the massing of the proposed single detached dwelling, and as a result the applicant lowered the proposed building height from 10.49 m (34.42 ft) to 10.2 m (33.46 ft) and reduced the proposed net floor area ratio and setbacks so that they now comply with the By-law. The Engineering Department has not identified any concerns with respect to servicing of the proposed development.

OPTIONS/DISCUSSION:

Resubmissions following Public Consultation**Proposed detached dwelling**

The proposed reduction in lot frontage of 13.5 m (44.3 ft) is compatible with the diverse range of lot frontages on the street, which range between 12.8 m (42 ft) and 19 m (64 ft) and therefore will not impact the streetscape (Figure 2). The proposed lot area of 600 m² (6,458.35 ft²) is a minor reduction and also generally compatible with the lot areas on the street. In the opinion of staff the requested reductions will not adversely impact the lot fabric of the street.

The proposed increase in building depth to 17.9 m (58.73 ft) is to accommodate a proposed porch at the front. The main building has a building depth of 16.29 m (53.44 ft) and complies with the existing zoning by-law which allows a maximum building depth of 16.8 m (55.12 ft) (Figure 4). The proposed porch, which extends the building depth beyond the permitted 16.8 m (55.12 ft), will not impact the neighbouring properties and will add a desirable architectural and functional detail which enhances the streetscape. The requested building depth and height is unlikely to result in a negative impact on the existing homes along Elizabeth Street, is similar to what has been previously approved, and currently exists on Deer Park Lane.

Proposed semi-detached dwellings

The rezoning of the subject lands from “One-Family Detached Dwellings (R1)” to “One-Family Semi-detached dwellings (R2)” is appropriate. The semi-detached dwellings are provided for under the “Residential Low Rise” designation in the 2014 Official Plan and, the proposed built form allowed by the new zoning standards is similar to the existing pattern of development.

The applicant has requested a reduction in minimum lot area to 550 m² (5,920.15 ft²) and a reduction in minimum lot frontage to 20.0 m (65.62 ft). This is twice as large of a lot frontage and lot area as the development immediately south of the subject lands (13-19 Deer Park Lane) and is in line with the property to its west (6 and 8 Deer Park Lane). The proposed lot coverage of 45% is also generally in line with developments approved for lot coverages of 44% (13-19 Deer Park Lane) and 40% (6 and 8 Deer Park Lane). Staff are of the opinion that these proposed development standards are appropriate.

The proposed semi-detached dwellings will provide front yard setbacks between 5.41 m (17.75 ft) – 6.87 m (22.54 ft), more than the requested front yard setback of 5.0 m (16.40 ft). The variation in the front yard setbacks is due to the semi-detached dwellings being sited along Deer Park Lane at an angle and not parallel to the street (Figure 4). The reduction in the front yard setback will allow the established building line to the west of the subject lands to continue along the proposed lots, which is appropriate. The proposed rear yard setback of 6.0 m (19.7 ft) will provide sufficient amenity space for the future residents. It is the opinion of staff that the requested rear yard setback will not negatively impact the area as there is no consistent rear yard setback pattern along this portion of Deer Park Lane.

The requested reduction in side yard setback from 1.8 m (6 ft) to 1.2 m (4 ft) is comparable to recent redevelopments on this portion of Deer Park Lane which, range between 1.2 m (4 ft) and 1.5 m (5 ft). Two of the requested provisions apply mainly to lot four: a side yard abutting a street to be 3.0 m (9.8 ft) and an increase of an unenclosed porch encroachment into any required yard to be 1.3 m (4.27 ft) into the minimum required front yard or side yard abutting a street. The

requested side yard provision is to ensure an adequately sized side yard for the corner lot and the encroachment provision is to allow the porch where it is currently shown on the plans. Staff have no concerns with the proposed encroachment or setbacks as the requested setbacks provide adequate spacing between the proposed dwellings, do not negatively impact the streetscape and are compatible with what already exists on the street

Illegal Removal of Trees

Staff note that a by-law order was issued on July 3, 2018 for the illegal removal of trees on the subject lands. On March 4, 2019 the applicant agreed to sign an undertaking which requires the replanting of thirty-seven (37) new trees. The applicant agreed that the cash-in-lieu value of thirty-seven (37) new trees would be kept as a letter of credit by the City and only released if the conditions of the by-law order were met. Staff will work with the applicant and require additional tree planting and landscaping on site as conditions of the future consent application, as conditions cannot be applied to zoning. The applicant will be required to apply for a tree permit prior to the removal of any trees on site. No other issues have been raised to date.

CONCLUSION:

Based on the discussion above, Planning staff recommend approval of the Zoning By-law amendment attached as Appendix 'A' to permit two semi-detached lots (four semi-detached dwellings) and one single detached dwelling on the subject lands as it represents good planning and is compatible with the surrounding area

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposal has been reviewed in the context of the City's strategic priorities of Growth Management and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

This application was circulated to various departments within the City and applicable agencies and their comments have been taken into consideration in this report.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P
Commissioner of Development Plann

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Aerial Photo

Figure 4 – Proposed Conceptual Site Plan

Figure 5 – Conceptual Elevations

Schedule “A” To By-Law 1229

Appendix A –Zoning By-law Amendment

Appendix B – Requested Zoning Provisions

AGENT CONTACT INFORMATION:

Murray Evans

Evans Planning Inc.

8481 Keele Street, Unit 12

Vaughan, Ontario L4K 1Z7

Tel: (905) 558-6992 ext. 106

Email: evansplanning@sympatico.ca