



Report to: Development Services Committee

Meeting Date: December 12, 2022

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**SUBJECT:** RECOMMENDATION REPORT  
Thornheights Homes Inc., Application for Zoning By-law Amendment to permit five single detached dwellings at 16 Kirk Drive  
File No. PLAN 21 115669 (Ward 1)

**PREPARED BY:** Hailey Miller  
Planner II, West District, Ext. 2945

**REVIEWED BY:** Clement Messere, MCIP, RPP  
Development Manager, West District, Ext. 2191

Stephen Lue, MCIP, RPP  
Senior Development Manager, Ext. 2520

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**RECOMMENDATION:**

1. THAT the report dated December 12, 2022, titled, “RECOMMENDATION REPORT, Thornheights Homes Inc., Application for Zoning By-law Amendment to permit five single detached dwellings at 16 Kirk Drive, File No. PLAN 21 115669 (Ward 1)”, be received;
2. THAT the amendment to Zoning By-law 2150, as amended, be approved and the draft site-specific implementing Zoning By-law, attached as Appendix ‘A’, be finalized and enacted without further notice;
3. That Council assign servicing allocation for a maximum of five single detached dwellings;
4. That York Region be advised that servicing allocation for five single detached dwellings has been granted;
5. THAT in accordance with the provisions of subsection 45(1.4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Owner shall, through this resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the Zoning By-law attached as Appendix ‘A’ to this report, before the second anniversary of the day on which the By-law was approved by Council;
6. AND 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 (the “Application”) submitted by Thornheights Homes Inc. (the “Owner”) to facilitate the development of five single detached dwellings (the “Proposed Development”) on the subject lands.

### Process to Date

- Staff deemed the Application complete on May 4, 2021
- The Development Services Committee (the “DSC”) received the Preliminary Report on September 27, 2021
- The statutory Public Meeting was held on November 16, 2021

The 90-day period set out in the *Planning Act* before the Owner can appeal the Application to the Ontario Land Tribunal (the “OLT”) for a non-decision ended on August 2, 2021. Accordingly, the Owner is in a position to appeal the Application to the OLT.

### Next Steps

Should the DSC support the Application, the planning process would include the following next steps:

- The future submission of an application to remove the Holding Symbol that requires the Owner to enter into a Development Agreement with the City
- The future submission of an application for Exemption from Part Lot Control - The proposed lot fabric must conform to the implementing Zoning By-law (Appendix ‘A’)

### BACKGROUND:

#### Subject Lands and Area Context

The 0.15 ha (0.37 ac) lands, municipally known as 16 Kirk Drive, are located at the northwest corner of Kirk Drive and Thornheights Road with frontages on both Kirk Drive (54.6 m or 179 ft) and Thornheights Road (27.43 m or 90 ft) (the “Subject Lands”). The Subject Lands are currently developed with a single detached dwelling and is located approximately 95 m (312 ft) east of Yonge Street (see Figures 1 to 3).

### PROPOSAL:

The Owner proposes to amend Zoning By-law 2150, as amended, to permit five single detached dwellings with site-specific development standards. The proposed dwellings would front Kirk Drive with rear yards backing onto an existing single detached dwelling to the north, with the key statistics shown in Table 1 (the “Proposed Development”).

TABLE 1: Key Statistics – Proposed Development (see Figure 4)	
Number of Dwellings	5
Unit Widths	6.6 m to 8.3 m (21.65 ft to 27.23 ft)
Unit Gross Floor Area (GFA)	196 m <sup>2</sup> to 234 m <sup>2</sup> (2,110 ft <sup>2</sup> to 2,523 ft <sup>2</sup> ) per unit
Total GFA	1,168 m <sup>2</sup> (12,580 ft <sup>2</sup> )
Building Height	10 m (32.8 ft), measured to the deck line of the mansard roof
Parking Spaces	2 spaces per residential lot

### PLANNING POLICY AND REGULATORY CONTEXT:

The following describes how the Application meets the planning policy framework established by the Province, York Region, and the City under the *Planning Act*, R.S.O. 1990.

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***The Proposed Development is consistent with the policies of Provincial Policy Statement, 2020 (the “2020 PPS”) and the Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”)***

The 2020 PPS provides direction on matters of Provincial interest related to land use planning and development. These matters, in-part, include building strong healthy communities with an emphasis on efficient development and land use patterns, and wise use and management of resources. The Subject Lands are designated for development in the York Region and City Official Plans.

The Growth Plan provides, in-part, a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041, with building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth. The Subject Lands are located within the Growth Plan’s ‘Built-Up Area’ that specifies minimum intensification targets and the objective of achieving complete communities with a mix of land uses and housing options, expanding convenient access to a range of transportation options, and fostering a compact built form and an attractive and vibrant public realm.

***The Owner requested that Council grant exemption from subsection 45(1.4) of the Planning Act, which will permit applications for Minor Variances within two years of enactment of the draft Zoning By-law Amendment (Appendix ‘A’)***

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law comes into effect. It also permits Council to pass a resolution to allow an Applicant to apply for a Minor Variance(s) within two years of the passing of a By-law. The Owner requested that Council grant exemption from subsection 45(1.4) of the *Planning Act*, which is reflected in the recommendation of this report. Staff will have the opportunity to review the appropriateness of any requested Minor Variances should such applications be made in the future.

***The Proposed Development conforms to the York Region Official Plan (the “2022 ROP”)***

Map 1 of the 2022 ROP, as approved by the Minister of Municipal Affairs on November 4, 2022, designates the Subject Lands “Urban Area”, which permits a wide range of residential, commercial, industrial, and institutional uses.

***The Proposed Development conforms to the 2014 Markham Official Plan (“2014 Official Plan”)***

The 2014 Official plan designates the Subject Lands “Residential Low Rise”, which permits single detached, semi-detached, townhouses excluding back-to-back townhouses, small multiplex buildings containing three to six units, all with direct frontage onto a public street, with a maximum building height of three storeys.

***The draft Zoning By-law Amendment (Appendix ‘A’) zones the Subject Lands Residential Two (R2) with site-specific development standards and includes provisions for accessory dwelling units***

Zoning By-law 2150, as amended, zones the Subject Lands “Second Density Single Family Residential” (R2A), as shown on Figure 2. The Owner proposes to delete the Subject Lands from By-law 2150 and incorporate them into Zoning By-law 177-96, as amended, to zone the Subject Lands “Residential Two (R2).” Appendix ‘A’ includes permissions for one accessory dwelling unit with site-specific development standards including maximum garage widths of 4 m and a reduction in required parking spaces where an accessory dwelling unit is provided on site.

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***The Owner must enter into a Development Agreement with the City***

Staff recommend the inclusion of a Holding Symbol in the implementing Zoning By-law with its removal conditioned on the Owner entering into a Development Agreement with the City. The Development Agreement commits the Owner to construct civil engineering works, provide service connections and landscape details in accordance with City Standards and specifications, and ensure the payment of fees and levies, including cash-in-lieu of parkland and other development securities. The Development Agreement will also require the Owner to submit revised plans to satisfy minor outstanding Staff comments related to the relocation of an existing speed hump, landscape details, servicing configuration, and the proposed setback to the existing easement.

**DISCUSSION:**

The following section identifies how the matters raised through the review process, including those raised at the statutory Public Meeting, have been resolved or considered.

**Height, Density, and Massing**

In response to concerns raised by members of the public and the DSC, the Owner reduced the density of the Proposed Development from eight townhouse units to five single detached dwellings to reduce the built form massing and to be compatible and consistent with the adjacent single detached dwellings. The Owner also reduced the proposed building height from 11.5 m (37.7 ft) to 10 m (32.8 ft). Staff opine that the revised height and reduced unit count addresses the height, density, and massing concerns raised at the statutory Public Meeting.

**Compatibility with Surrounding Land Uses**

While the surrounding area predominantly consists of single detached dwellings, there are non-residential land uses located directly west of the Subject Lands (see Figure 3). The Proposed Development assists in providing a transition between the non-residential land uses located along Yonge Street and the existing single detached dwellings. Staff opine that the Proposed Development is compatible with the surrounding neighbourhood.

**Transportation Review**

Concerns were raised by members of the public that the Proposed Development would generate an increase in traffic along Kirk Drive. A Traffic Impact Assessment (“TIA”), prepared by Trans-Plan Transportation Inc., was submitted in support of the Application, which indicates that the traffic generated as part of the Proposed Development will have minimal impact on traffic volume. In addition, revised plans were submitted reducing the total number of units from eight townhouses to five single detached dwellings, thereby reducing the overall traffic impact.

**Municipal Servicing**

The Owner continues to work with the City’s Engineering and Waterworks Department to finalize the servicing configuration for the Subject Lands. Final approval of the servicing configuration will be part of the Development Agreement.

**Metrolinx**

The Yonge North Subway Extension is proposed to extend subway service north from Finch Station to Vaughan, Markham, and Richmond Hill. Metrolinx has reviewed the Application and indicated “no objection” to the Application.

**CONCLUSION:**

Based on the discussion above, Staff are generally satisfied with the Proposed Development. The proposed single detached dwellings are compatible and complimentary within the surrounding area context. Staff, therefore, recommend that the Applications be approved subject to the Zoning By-law amendment attached as Appendix 'A'.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Application is being evaluated in the context of the City's strategic priorities, including Growth Management and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The Application has been circulated to various City departments and external agencies and are currently under review.

**RECOMMENDED BY:**

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Darryl Lyons, M.C.I.P., R.P.P.  
Acting Director, Planning and Urban Design

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

**ATTACHMENTS:**

Figure 1 – Location Map  
Figure 2 – Area Context and Zoning  
Figure 3 – Aerial Photo (2020)  
Figure 4 – Conceptual Site Plan  
Figure 5 – Rendering East to West  
Figure 6 – Rendering West to East  
Appendix 'A' – Draft Zoning By-law Amendment

**OWNER:**

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**APPLICANT/AGENT:**

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