

**Memorandum to the City of Markham Committee of Adjustment**  
September 05, 2018

**File:** A/120/18  
**Address:** 86 Emmeloord Cres Markham  
**Applicant:** Bing Xu Chen  
**Agent:** Impressions Group (Newry Shao)  
**Hearing Date:** Wednesday September 12, 2018

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following requirements of By-law 11-72: R4, as amended, to permit:

- a) Schedule B: a minimum side yard setback of 4 ft 11.5 in (east and west), whereas the By-law requires a minimum side yard setback of 6 ft for two storey portions of the dwelling;
- b) Schedule B: a maximum building height of 27 ft 8 in, whereas the By-law permits a maximum building height of 25 ft;

as they relate to a proposed residential dwelling.

## **BACKGROUND**

### **Property Description**

The 626.97 m<sup>2</sup> (6,748.65 ft<sup>2</sup>) subject property is located on the east side of Village Parkway, north of Highway 7 East, and west of Sciberras Road. The property is located within the neighbourhood known as Varley Village, which is an established neighbourhood characterized by two-storey single detached dwellings. Recently, the neighbourhood has seen a gradual transition towards the redevelopment of existing homes into larger two-storey homes. The subject property is bounded by single detached residential dwellings to the north, east, and west, and Ferrah Park across the street to the south. The property contains a 195.75 m<sup>2</sup> (2,107 ft<sup>2</sup>) detached dwelling with an attached double-car garage. Mature vegetation is a predominant characteristic of the property and of the neighbourhood.

### **Proposal**

The applicant is proposing to demolish the existing home and construct a two-storey detached dwelling with a gross floor area of approximately 400.2 m<sup>2</sup> (4,307 ft<sup>2</sup>). The proposal includes an attached double car garage and driveway.

The initial proposal included removing one (1) tree as a result of the proposed driveway configuration. The applicant, however, has since worked with Staff to reverse the plans attached as Appendix "B", in an effort to maintain the driveway in its existing location and preserve the tree located in the front yard. As a result, updated drawings will be provided and presented by the applicant at the time of the hearing.

## **Official Plan and Zoning**

Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 09/18)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

### Zoning By-law 11-72

The subject property is zoned 'R4 – Fourth Density Single Family Residential', under By-law 11-72, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law with respect to height and side yard setbacks.

### Varley Village Area

The subject property is located within an area of the City that is currently experiencing a transition towards the redevelopment of existing dwellings into larger dwellings. In response to concerns with this trend, a number of residents requested that the City of Markham consider an infill housing by-law for the Varley Village neighbourhood. The Unionville Sub-Committee, a Committee of Council, undertook a review of this issue with community consultation, and ultimately recommended that no action be taken on an infill by-law at this time. This position was endorsed by the Development Services Committee on June 19, 2012. As such, the existing by-law standards continue to apply.

Notwithstanding that an infill by-law was not adopted, the Committee should be aware of Council's and the community's concerns with regard to variances and maintaining the current standards of the zoning by-law. Consequently, the Committee should consider public input before making a decision.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant on the application form, the reason for not complying with the zoning by-law is as follows: "To build a home comparable to other homes in the area".

### **Zoning Preliminary Report Undertaken**

The applicant has completed a Zoning Preliminary Review 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.

### Reduced side yard setbacks

The applicant is requesting a minimum side yard setback of 4 feet, 11.5 inches (1.51 metres) for the east and west side yards, whereas the by-law requires a minimum side yard setback of 6 feet (1.83 metres). This represents an approximate decrease of 1 foot, 0.6 inches (0.32 metres), or a 17.49% reduction from the by-law.

The two proposed chimney breasts protrude this distance further by 11.9 inches (0.30 metres) on each side, however this distance is not added to the requested relief in side yard setbacks as amending by-law 233-77 allows chimney breasts to project eighteen (18) inches into any required yard.

Although the variance applies to the entirety of the east and west facades of the proposed dwelling, Engineering and Urban Design Staff do not anticipate the proposed side yard setback reductions having adverse impacts on neighbouring properties in terms of grading or landscaping. Additionally, the applicants worked with Staff to preserve the existing hedgerows located along the east and west property boundaries to mitigate potential adverse effects of the reduced side yard setback requirement.

### Increase in building height

The applicant is requesting a maximum building height of 27 feet 8 inches (8.4 metres), whereas the bylaw permits 25 feet (7.62 metres). This represents an increase of approximately 2 feet 8 inches (0.8 metres), or 9.3% from the by-law.

The proposed dwelling will be slightly taller than other existing homes on the street that were originally constructed in the 1970s, although the height is generally consistent with other new infill residential developments in the area. A minor variance application for nearby 93 Emmeloord Crescent was approved for an increase in building height from 25 feet (7.62 metres) to 26.25 feet (8 metres) in 2017. Urban Design staff have reviewed the application and have no concern with the overall design of the building. Staff are of the opinion that the proposed increase in building height is consistent with the evolving character of the neighbourhood and have no objection to the requested height variance.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 05, 2018. 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**

It is the opinion of Planning Staff that the variances satisfy the four tests of the Planning Act and have no objection to their approval. It is recommended 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.

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

PREPARED BY:

  
\_\_\_\_\_  
Luis Juarez, Planner, Central District

REVIEWED BY:

  
\_\_\_\_\_  
Richard Kendall, Development Manager, Central District

File Path: Amanda\File\ 18 243093 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/120/18**

1. Submission of revised plans consistent with the minor variances approved by the Committee of Adjustment, to the satisfaction of the Director of Planning and Urban Design or designate;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) that are to be revised, submitted, and approved by the Director of Planning and Urban Design or designate;
3. That prior to the commencement of construction or demolition, tree protection be erected around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Director of Planning and Urban Design or their designate;
4. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate.

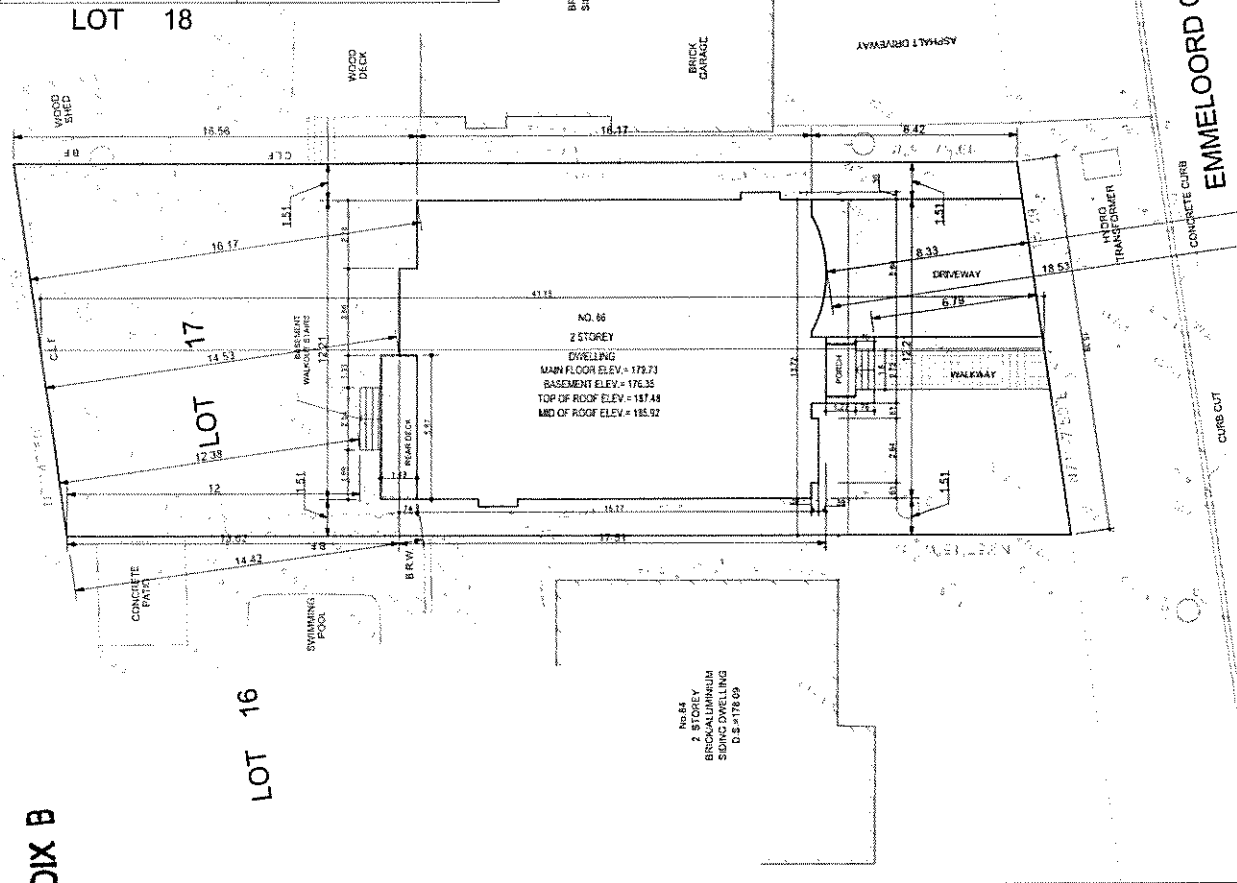
CONDITIONS PREPARED BY:



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Luis Juarez, Planner, Central District

SITE STATISTICS:		BY LAW 15-72
ZONING		R4
BUILDING STRUCTURE		DETACHED
GROSS FLOOR AREA		4307 SF (200.7 SM)
GROUND FLOOR AREA		2214 SF (104.8 SM)
SECOND FLOOR AREA		2092 SF (196.4 SM)
CLEAR INTERIOR GARAGE AREA		318 SF (29.3 SM)
LOT FRONTAGE (81MPS)		50'-4 1/4" (15.33M)
LOT AREA (4449M <sup>2</sup> )		6748 SF (324.71 SM)
MAX. PERMITTED COVERAGE		33.33% = 2248.1 SF (208.8 SM)
COVERAGE		19.9% = 1210.3 SF (112.4 SM)
OVERSILL HEIGHT		27'-4 1/4" (8.34M)
BUILDING HEIGHT (AVG. GRADE TO HIGHEST FINISHED FIRST FLOOR HEIGHT)		29'-11 1/2" (9.02M) OR 3' MAX. PERMITTED
BUILDING SET BACK FROM A FRONT LINE		27'-4 1/4" (8.34M) (2'-0" MIN. PERMITTED)
BUILDING SET BACK FROM A SIDE LOT		4'-7 1/2" (1.43M) (4'-0" MIN. PERMITTED)
BUILDING SET BACK FROM A REAR SIDE		47'-0" (14.32M) (25'-0" MIN. PERMITTED)



- LEGEND**
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
  - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
  - N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
  - B.F. DENOTES BOARD FENCE
  - C.L.F. DENOTES CHAIN LINK FENCE
  - S.R.W. DENOTES STONE RETAINING WALL
  - B.R.W. DENOTES BRICK RETAINING WALL
  - U.P. DENOTES UTILITY POLE
  - W.V. DENOTES WATER VALVE
  - M.H. DENOTES MAN HOLE
  - C.B. DENOTES CATCH BASIN
  - (Tree symbols) DENOTES CONIFEROUS TREE
  - (Tree symbols) DENOTES DECIDUOUS TREE



ISSUED FOR ZONING REVIEW	
ISSUED FOR CLIENT REVIEW	
ISSUED FOR CLIENT REVIEW	
REV.	DATE

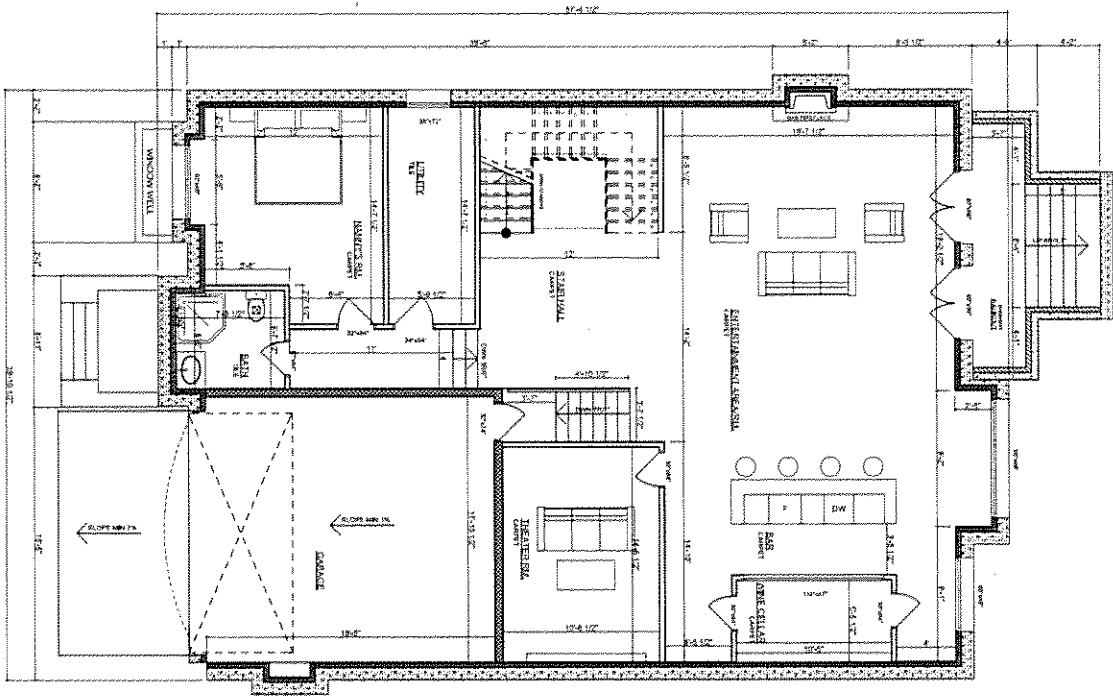
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PROJECT AND LOCATION:  
**NEW SINGLE FAMILY DWELLING**  
**86 EMMELOORD CRESCENT**  
**TORONTO, ON**

Date: 2018-05-08  
 DRAWN BY: ASH      CHECKED BY: EW  
 DESIGNED BY: ASH      SCALE: 1/4" = 1'-0"

SHEET TITLE:  
**SITE PLAN**

SHEET NUMBER:  
**A1**



REV	DESCRIPTION	DATE
1	ISSUED FOR TOWN-G REVIEW	2017-11-10
2	ISSUED FOR CLIENT REVIEW	2017-09-19
3	ISSUED FOR CLIENT REVIEW	2017-09-26

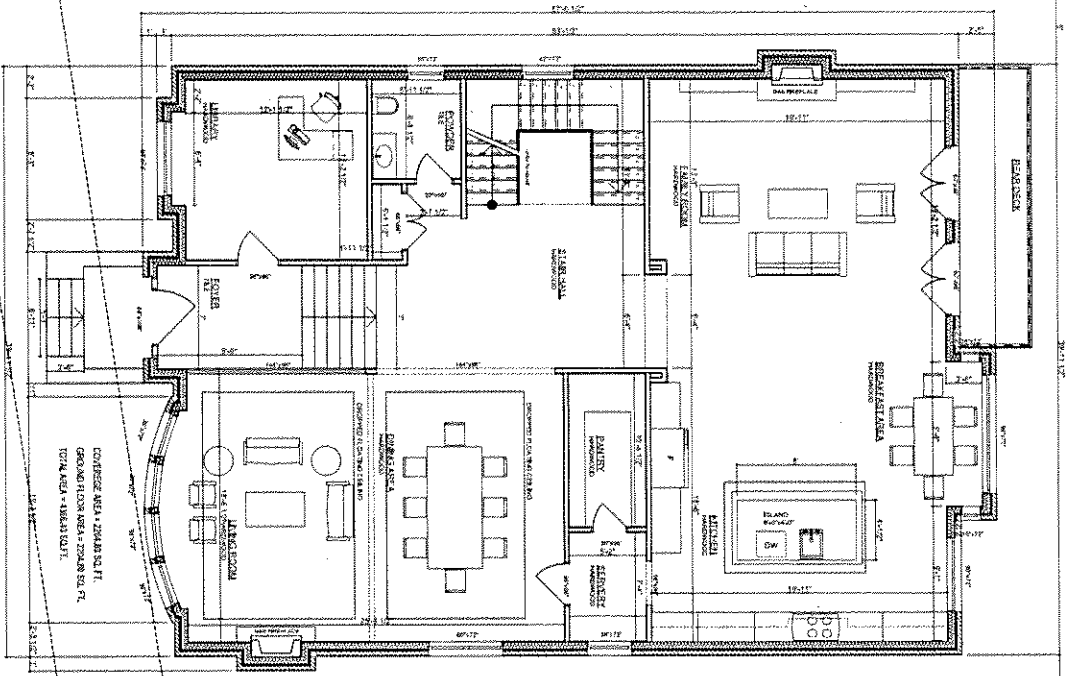
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PROJECT AND LOCATION:  
**NEW SINGLE FAMILY DWELLING**  
 86 EMMELCOORD CRESCENT  
 TORONTO, ON

DATE: 2018-05-13  
 DRAWN BY: ASH  
 CHECKED BY: EW  
 DESIGNED BY: ASH  
 SCALE: 1/4" = 1'-0"

SHEET TITLE  
**BASEMENT PLAN**

SHEET NUMBER  
**A2**



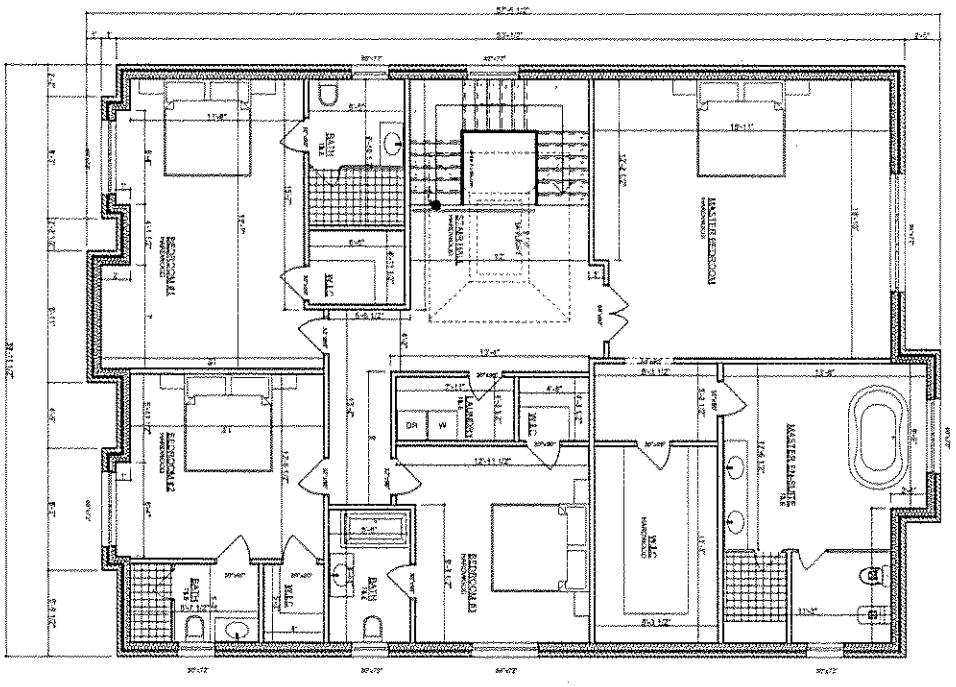
REV.	ISSUED FOR	DATE
	ISSUED FOR LONG-TERM REVIEW	
	ISSUED FOR CLIENT REVIEW	
	ISSUED FOR CLIENT REVIEW	
	ISSUED FOR	

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PROJECT AND LOCATION:  
**NEW SINGLE FAMILY DWELLING**  
**86 EMMELOORD CRESCENT**  
**TORONTO, ON**

Project No.:  
 Date: 2019-03-13  
 DRAWN BY: ASH  
 CHECKED BY: EW  
 DESIGNED BY: ASH  
 SCALE: 1/4" = 1'-0"  
 SHEET TITLE:

GROUND FLOOR PLAN  
 SHEET NUMBER:  
**A3**



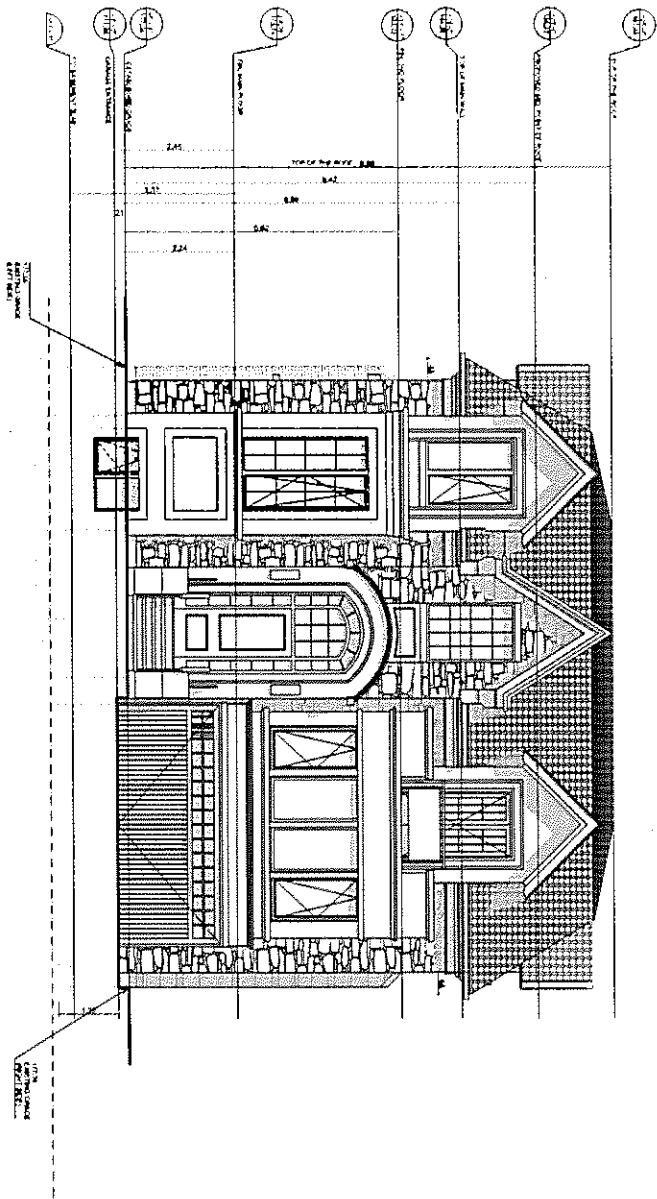
REV	REVISIONS	DATE

**FOR:**  
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**PROJECT AND LOCATION:**  
 NEW SINGLE FAMILY  
 DWELLING  
 86 EMMELOORD CRESCENT  
 TORONTO, ON

**Project No.:**  
 2018-03-13  
**Drawn by:** ASH  
**Checked by:** EW  
**Designed by:** ASH  
**Scale:** 1/4" = 1'-0"

**SHEET TITLE:**  
 SECOND FLOOR PLAN  
**SHEET NUMBER:**  
 A4



REV	ISSUED	DATE

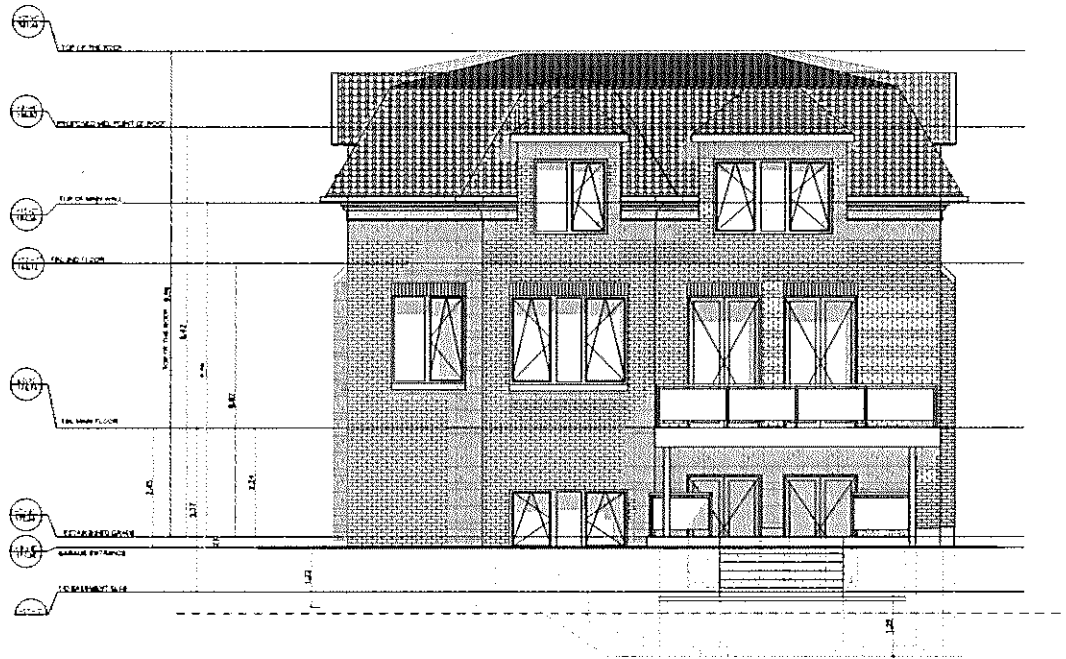
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PROJECT AND LOCATION:  
**NEW SINGLE FAMILY DWELLING**  
**86 EMMELOORD CRESCENT**  
**TORONTO, ON**


Project No.:  
 Date: 2015-03-13  
 DRAWN BY: ASH  
 CHECKED BY: DW  
 DESIGNED BY: ASH  
 SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FRONT ELEVATION**

SHEET NUMBER:  
**A5**



	ISSUED FOR LDRNG REVIEW	
	ISSUED FOR CLIENT REVIEW	
	ISSUED FOR CLIENT REVIEW	
REV.	ISSUED FOR:	DATE


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PROJECT AND LOCATION:  
**NEW SINGLE FAMILY DWELLING**  
**86 EMMELOORD CRESCENT**  
**TORONTO, ON**

Project No.:  
 Date: 2019-03-13

DRAWN BY: ASH	CHECKED BY: EW
DESIGNED BY: ASH	SCALE: 1/4" = 1'-0"

SHEET TITLE:  
**REAR ELEVATION**

SHEET NUMBER:  
**A6**



