

Memorandum to the City of Markham Committee of Adjustment

April 9th, 2019

File: A/134/18
Address: 127 Sherwood Forest Dr, Markham
Applicant: Shuang Liu
Agent: Dan Zhou
Hearing Date: Wednesday April 24, 2019

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended, to permit:

- a) **Section 11.2(c)(i):** an unenclosed/uncovered porch and steps to encroach a maximum of 5.76 feet into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches into any required yard; as it relates to an addition of a deck to an existing two storey dwelling.

The Committee of Adjustment deferred the application on October 24th, 2018, due to concerns with the existing hedge and height of the proposed porch. In response to the Committee of Adjustment's comments, the applicant submitted revised drawings on April 4th, 2019 (Appendix 'B1'). The applicant previously requested relief for an unenclosed/uncovered porch and steps to encroach a maximum of 102.96 inches (8.58 ft) into the required front yard setback. The applicant is now requesting relief for an unenclosed/uncovered porch and steps to encroach a maximum of 69.12 inches (5.76 ft) into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches (1.5 ft) into any required yard.

While the unenclosed/uncovered porch step encroachment variance has decreased and, the applicant has revised their proposal by re-orienting the stairs, reducing the height, and increasing their setback to the exterior side yard, the overall deck size has increased. The original unenclosed/uncovered porch and steps projected 8.65 ft into the required front yard and provided a setback of approximately 21.59 ft from the front lot line. The revised unenclosed/uncovered porch projects 12.5 ft into the required front yard and provides a setback of approximately 17.74 ft from the front property line. The revisions will result in a development that will not be in keeping with the front yard setbacks provided on the street where the minimum required front yard setback is 25 ft.

Staff recognize that the property has a unique configuration, as it is oriented towards Bud Lane but Sherwood Forest Drive is considered the front yard under the zoning By-law. Notwithstanding the efforts made by the applicant and the unique configuration of the existing dwelling, the proposal presents an increased unenclosed/uncovered porch size that reduces the setback on Sherwood Forest Drive, which is smaller than neighbouring properties. This will affect the established front yard setback pattern on the street and overall character of the street. Staff are of the opinion that the requested variance is not appropriate nor desirable development.

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

According to the information provided by the applicant, *"The dwelling is a corner lot and the house is facing Bud Lane. The front yard by definition has been used as the back yard since it has the most privacy. Please see Google images attached. Also the proposed deck is next to kitchen/dining room area. It will allow us to better enjoy the outdoors"*.

Zoning Preliminary Review (ZPR) not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 10th, 2019. 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

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request does not meet the four tests of the Planning Act and that the application be denied. Staff recommend that the Committee consider public input in reaching a decision.

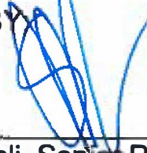
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



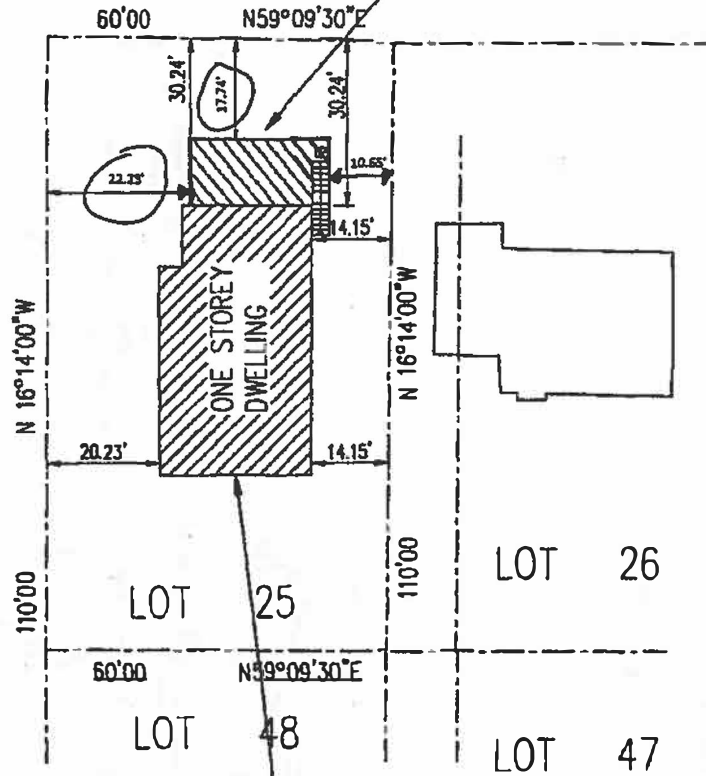
Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 18 248361 \Documents\District Team Comments Memo

SHERWOOD FOREST DRIVE

PROPOSED NEW DECK
ON GROUND FLOOR

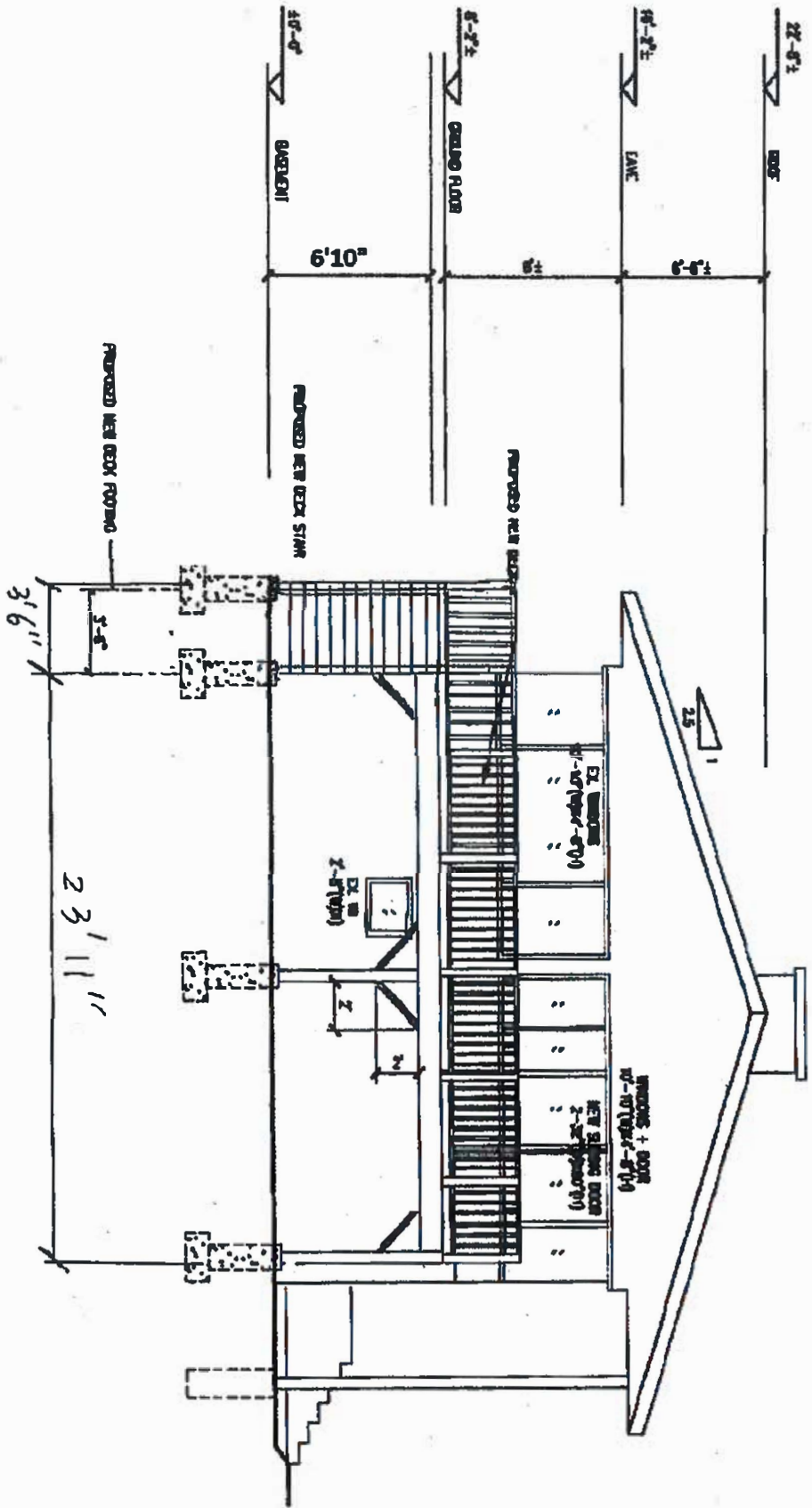
BUD LANE



PROPOSED INTERIOR RENOVATION
FOR THE BUILDING

SITE PLAN





PROPOSED NORTH ELEVATION

Leung, Justin

From: Malik, Aqsa
Sent: Monday, October 22, 2018 9:29 AM
To: Leung, Justin
Subject: RE: 127 Sherwood Forest Dr

Hi Justin,

The original report is still applicable - there were no revisions from the applicant – and it should be good to go.

Best,
Aqsa

Aqsa Malik , MScPI, Hons.B.Sc
Planner I | Zoning & Special Projects | City of Markham
Anthony Roman Centre | 101 Town Centre Boulevard, Markham, ON, L3R 9W3
T: 905.475.4858 ext. 2944 | www.markham.ca

From: Leung, Justin
Sent: Friday, October 19, 2018 9:19 AM
To: Malik, Aqsa <AMalik@markham.ca>
Subject: 127 Sherwood Forest Dr

Hi Aqsa, you may recall this property's MV application had been deferred as the public notice hadn't gone out. I know you had previously prepared a staff report for this one. Did you want to include email addendum or slightly revise this report before I get it out to public? Thanks.

Justin Leung, MES(PI) ACST(A) MCIP RPP
Secretary-Treasurer, Committee of Adjustment
Development Services Commission
City of Markham

101 Town Centre Boulevard
Markham, Ontario L3R 9W3
Phone: 905-477-7000 ext. 2051
Fax: 905-479-7768
Jleung@markham.ca



Memorandum to the City of Markham Committee of Adjustment
October 1, 2018

File: A/134/18
Address: 127 Sherwood Forest Dr, Markham
Applicant: Shuang Liu
Agent: Dan Zhou
Hearing Date: Wednesday October 10, 2018

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended, to permit:

- a) **Section 11.2(c)(i):** an unenclosed/uncovered porch and steps to encroach a maximum of 8.58 feet into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches into any required yard; as it relates to an addition of a deck to an existing two storey dwelling.

The applicant is requesting relief for an unenclosed/uncovered porch and steps to encroach a maximum of 102.96 inches (8.58 ft.) into the required front yard setback, whereas the By-law permits a maximum encroachment of 18 inches (1.5 ft.) into any required yard. This represents a difference of approximately 84.96 inches (7.08 ft.). The property is a corner lot with one property abutting the east side and Bud lane abutting the west side. The proposed porch and steps project from the first floor of the raised bungalow towards Sherwood Forest Drive, the defined front yard. Staff recognize that the property has a unique configuration, it is oriented towards Bud lane but Sherwood Forest Drive is considered the front yard under the Zoning By-law.

There is an existing hedgerow that provides some screening from the street and the neighbouring property. If the hedgerow was to be removed, the deck would be highly visible from the street as it would be projecting into the front yard along Sherwood Forest Drive, there would also be a loss of screening for the abutting neighbour to the east. Staff asked the applicant to consider adding a platform and lowering the proposed porch to reduce the visibility of the proposed deck from the street and the abutting neighbour to the east. The applicant chose to proceed without making any changes. The proposed porch comes off the ground floor of a raised bungalow and provides some screening from the neighbouring property and streets via the existing hedgerow. Given this, Staff are of the opinion that the variance request is appropriate for the unique lot.

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

According to the information provided by the applicant, *"The dwelling is a corner lot and the house is facing Bud Lane. The front yard by definition has been used as the back yard since it has the most privacy. Please see Google images attached. Also the proposed deck is next to kitchen/dining room area. It will allow us to better enjoy the outdoors"*.

Zoning Preliminary Review (ZPR) not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 1, 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

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act. Staff recommend 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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District
File Path: Amanda\Fiel 18 248361 Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/134/18

1. That the porch remain unenclosed and uncovered;
2. The variances apply only to the proposed development as long as it remains;
3. The owner must provide replacement screening if the existing hedgerow is removed, satisfactory to the Director of Planning and Urban Design or their designate;
4. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated September 13, 2018, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:

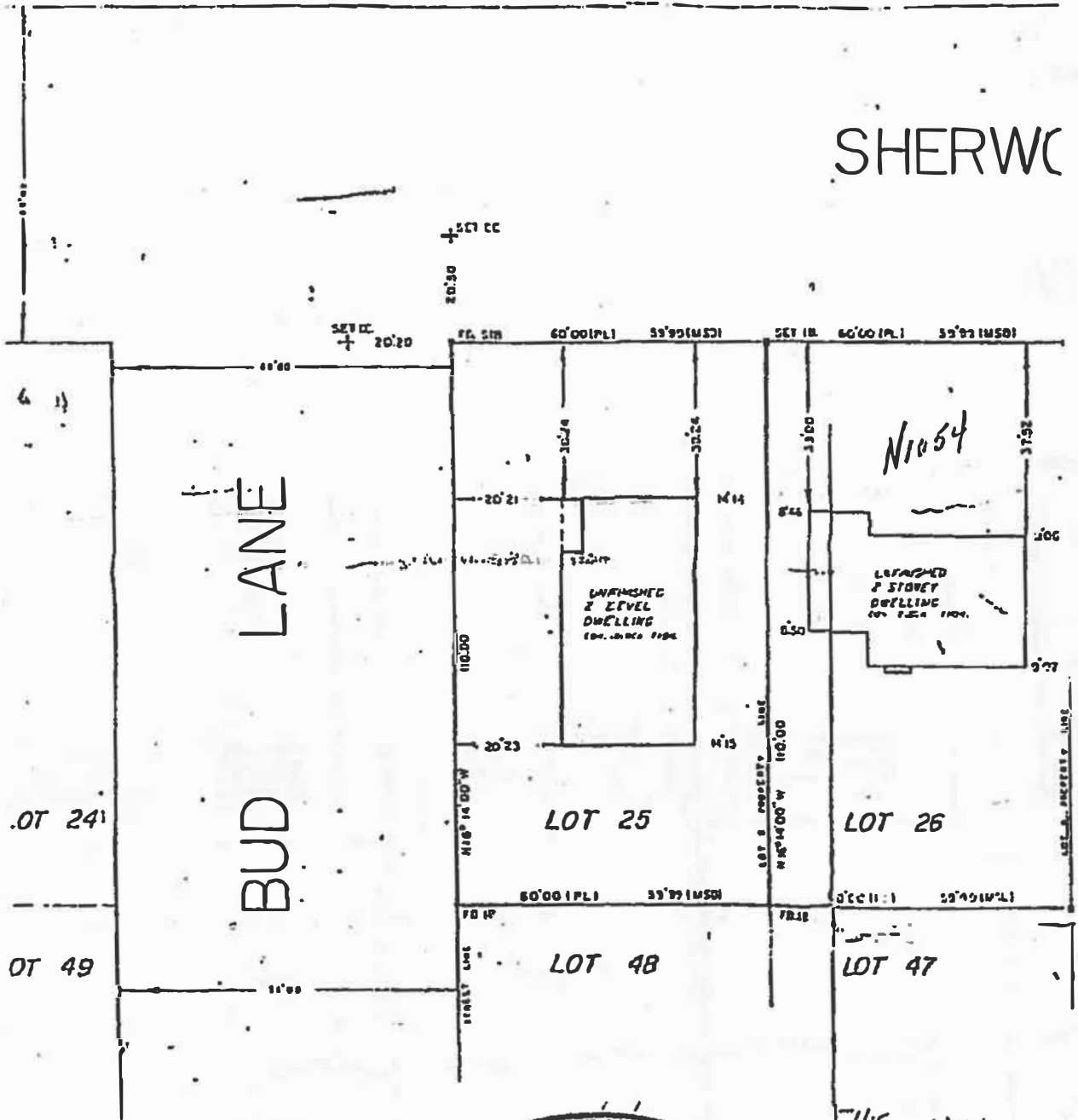


Aqsa Malik, Planner, Zoning and Special Projects

APPENDIX B

PLAN OF SURVEY SHOWING LOCATION
 LOTS 25 TO 33 (INC
 TOWNSHIP OF MARKHAM ... COUNTY OF

SHERWOOD



CITY OF MARKHAM
 RECEIVED
 SEP 13 2018
 COMMITTEE OF ADJUSTMENT

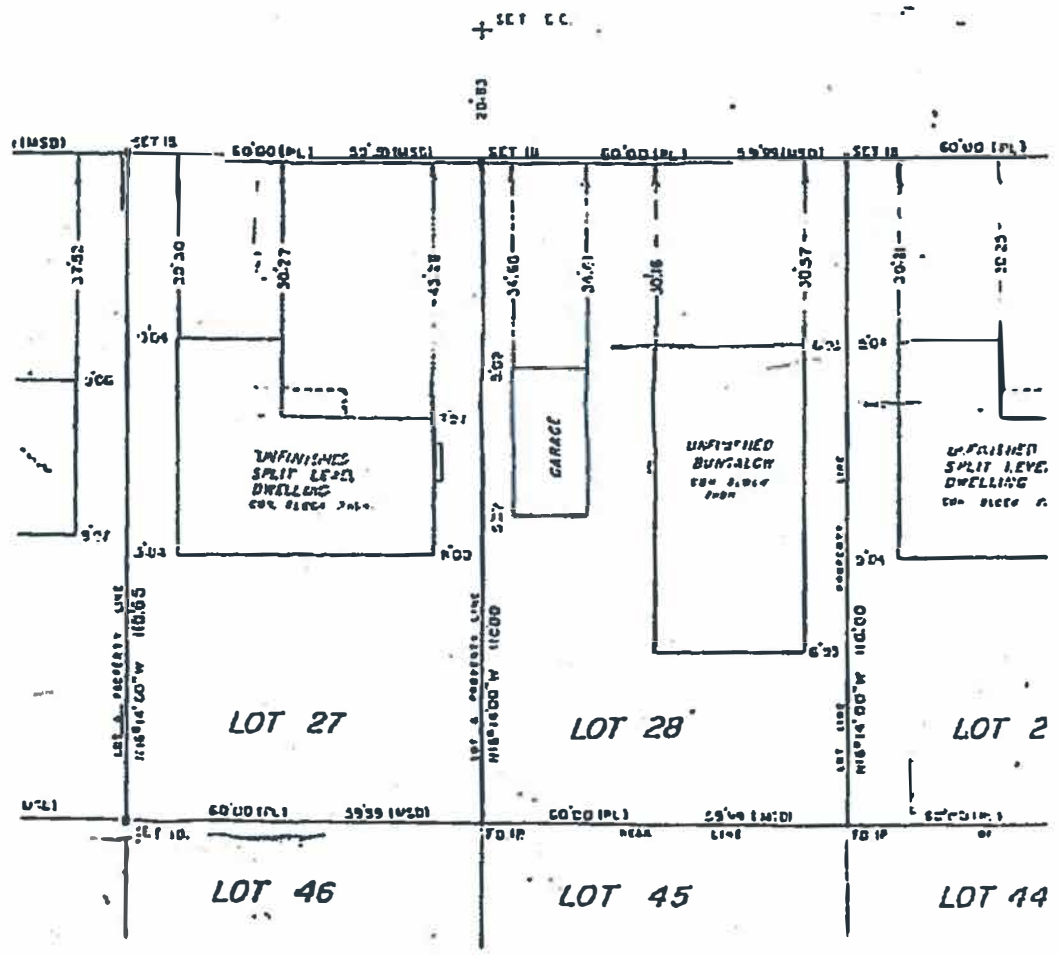
THIS WILL
 SHOW YOU LOT 26
 BY

LOCATION OF BUILDING ON
(INCL.) R.P. 5881

COUNTY OF YORK... BEING IN THE VILLAGE OF MARKHAM.

RWOOD FOREST

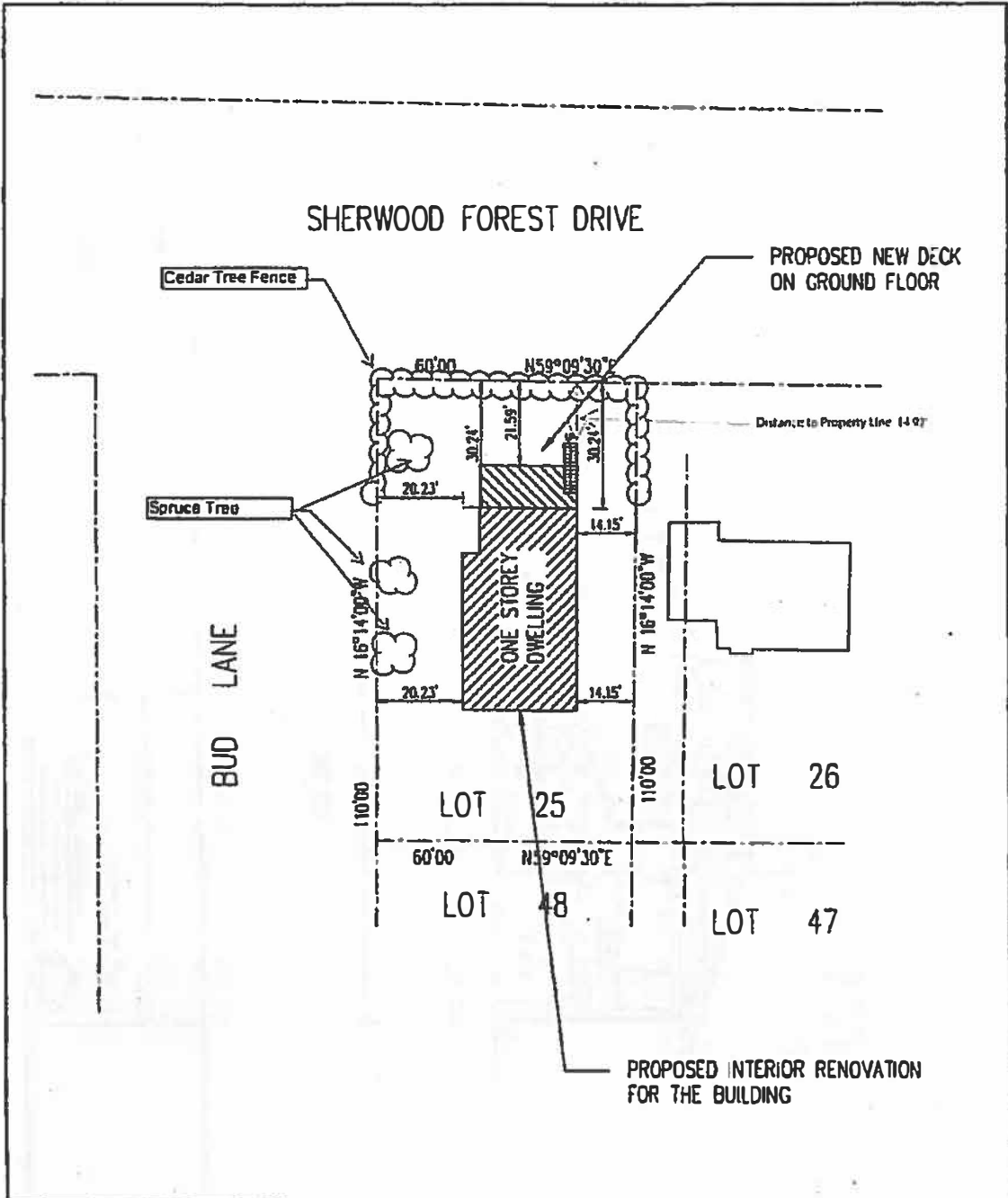
N73°46'00"E .COVERING BEARING PER RP 5881



2 of 4

with match

LOT 26



SITE PLAN

GENERAL CONDITIONS:

1. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

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6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

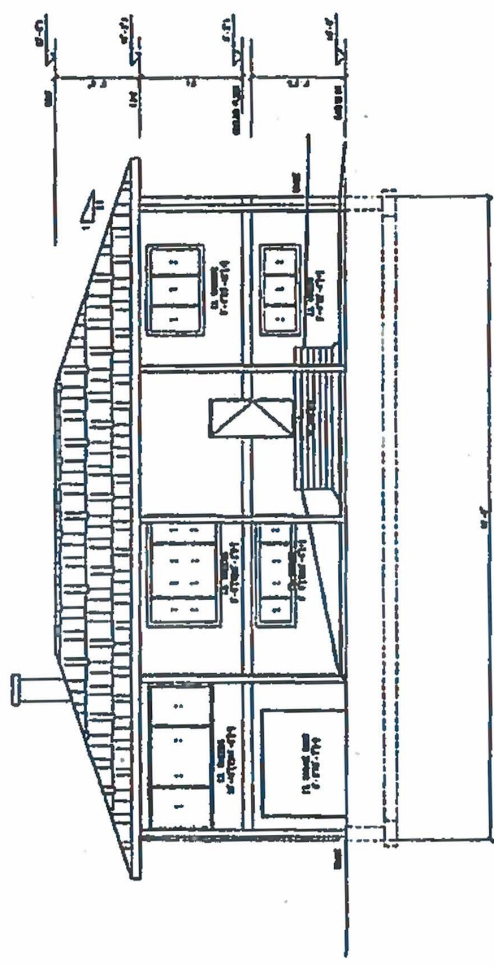
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

STATUS:				PROJECT:	
FOR PERMIT APPLICATION				RESIDENTIAL HOUSE ALTERATION 117 SHERWOOD FOREST DRIVE, MARIETTA, GA	
 BIG BUILDING DESIGN INC <small>One South Sherman Street, Marietta, GA 30067 Tel: (770) 426-0000 Email: info@bigbuildingdesign.com</small>				DRAWN BY: H.J. CHECKED BY: J.L. SCALE: 1/8" = 1'-0" DATE: PROJECT: TITLE: A1	



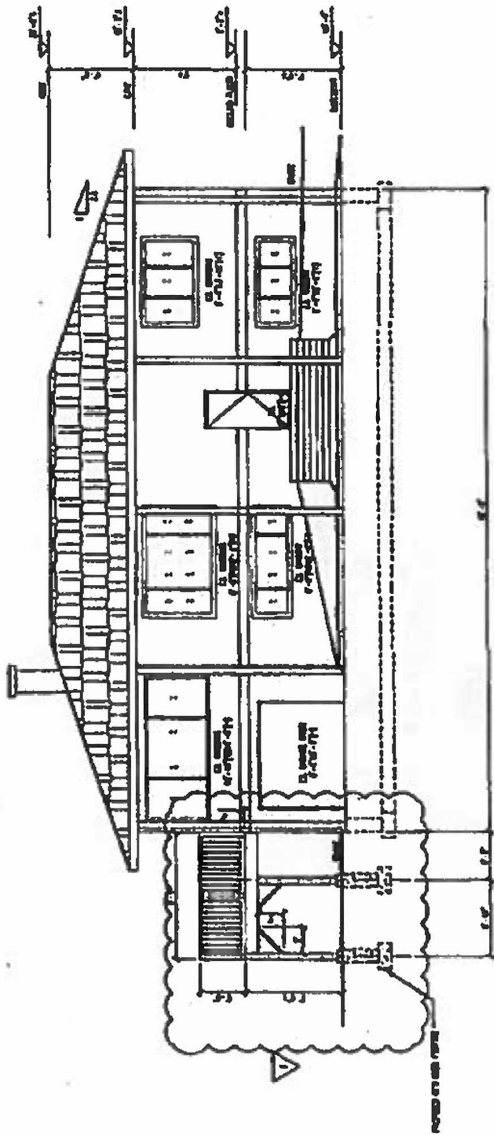
EXISTING FRONT ELEVATION

GENERAL CONDITIONS:
 1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE AGENCIES.
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE AGENCIES.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE AGENCIES.
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 9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE AGENCIES.
 10. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE AGENCIES.

STATUS: FOR PERMIT APPLICATION ISSUED

HQ BUILDING DESIGN INC
 110 South Clinton Street, Suite 100, St. Louis, MO 63102
 Tel: (314) 531-1000 Fax: (314) 531-1001
www.hqbuildingdesign.com


PROJECT: RESIDENTIAL HOUSE RENOVATION
 117 S. GARDNER STREET ST. LOUIS, MISSOURI, MO
 DESIGN BY: H.Q.
 CHECKED BY: H.Q.
 SCALE: 1/8" = 1'-0"
 DATE: 11/13/13
 TITLE: A2



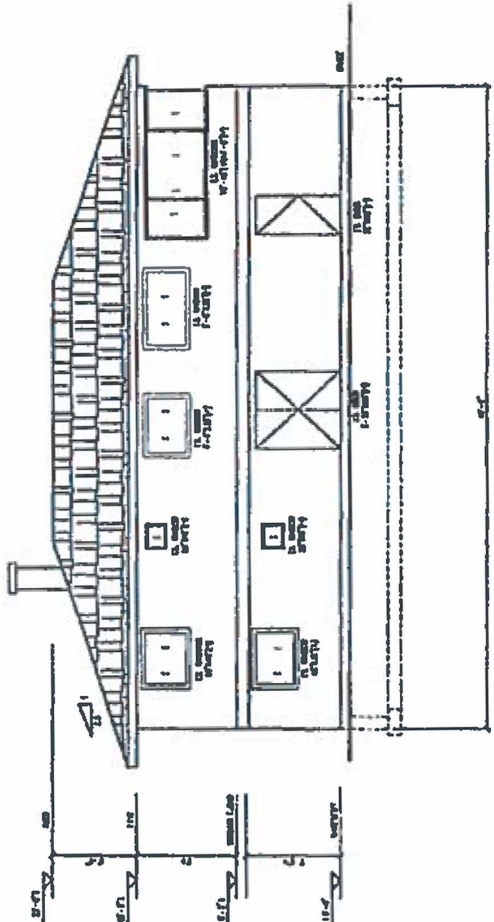
PROPOSED FRONT ELEVATION



GENERAL CONDITIONS:
 ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS OF THE CITY OF CHICAGO, ILLINOIS, AND THE NATIONAL BUILDING CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF CHICAGO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDS. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CITY OF CHICAGO SPECIFICATIONS AND STANDARDS.


	STATUS FOR PERMIT APPLICATION	OWNER [Blank]
	HQ BUILDING DESIGN INC. 1111 N. LAUREL STREET, CHICAGO, IL 60610 TEL: (773) 327-1111	

PROJECT:	
RESIDENTIAL HOUSE RENOVATION	
117 S. CHICAGO STREET, CHICAGO, IL	
OWNER: [Blank]	
DESIGNER: [Blank]	
DATE: [Blank]	
PROJECT: [Blank]	TITLE: A3

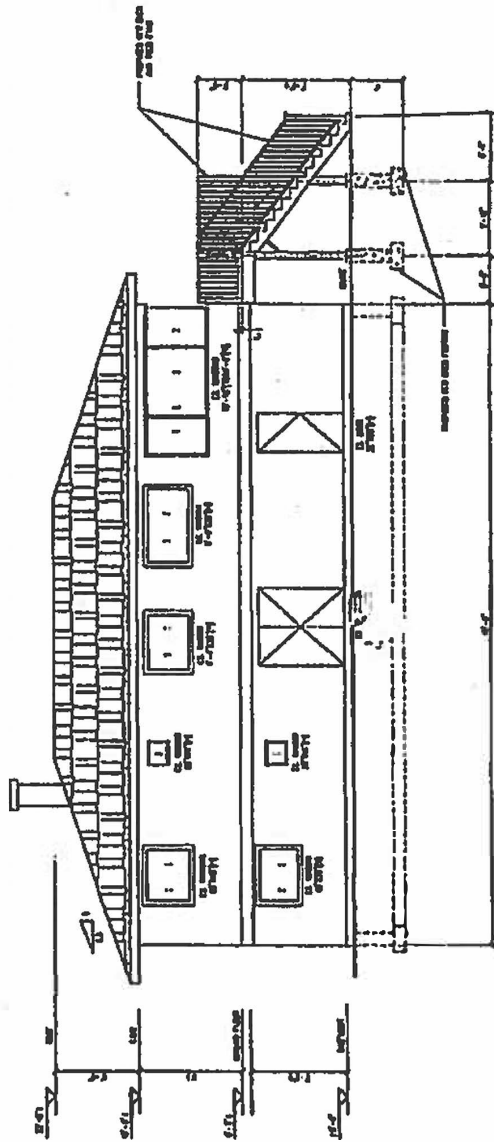


EXISTING REAR ELEVATION
(NO CHANGE)

GENERAL CONDITIONS:
 1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE AND MATERIALS PRIOR TO COMMENCEMENT OF WORK.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES NOT TO BE REMOVED.
 5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING LANDSCAPE AND PLANTING.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING UTILITIES AND STRUCTURES NOT TO BE REMOVED.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING LANDSCAPE AND PLANTING.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING UTILITIES AND STRUCTURES NOT TO BE REMOVED.


IBI BUILDING DESIGN INC.
 1000 BROADWAY, SUITE 1000
 NEW YORK, NY 10018
 TEL: (212) 512-1000
 FAX: (212) 512-1001
 WWW.IBIBUILDINGDESIGN.COM

PROJECT: RESIDENTIAL HOUSE RENOVATION
 117 9 STREET CORST CORP, MANHATTAN, NY
DESIGNER: IBI
DATE: 11/11/11
SCALE: 1/8" = 1'-0"
TITLE: A4



PROPOSED REAR ELEVATION

GENERAL CONDITIONS:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
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 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.

STATUS: FOR PERMIT APPLICATION
ISSUED:
HQ BUILDING DESIGN INC.
 100 MAIN STREET, SUITE 1000, NEWTON, MA 02459
 TEL: 617.552.1234 FAX: 617.552.1235
 WWW.HQBUILDINGDESIGN.COM

PROJECT: RESIDENTIAL HOUSE RENOVATION
 1234 MAIN STREET, NEWTON, MA 02459
DATE: 12/15/2023
TITLE: AS

DESIGNED BY: R.J.
CHECKED BY: M.J.
DATE: 12/15/2023
TITLE: AS