

Memorandum to the City of Markham Committee of Adjustment

January 12th, 2018

File: A/159/17
Address: 20 Hammok Crescent, Thornhill
Applicant: Kamali & Pershang Kamali
Agent: Hamid Kashani Architects (Hamid Kashani)
Hearing Date: Wednesday January 24, 2018

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of By-law 1767, SR3, as amended, to permit:

a) Section 12(iv)(a):

a minimum front yard setback of 33'-2", whereas the by-law requires the front yard of any dwelling being erected between two existing buildings shall comply with the corresponding yards of the two existing buildings 34 feet;

b) Section 15(i)(e):

a minimum rear yard setback of 35'-6", whereas the By-law permits a minimum rear yard setback of 40 feet;

as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 1,476.12 m² (15,888.8 ft²) subject property is irregular in shape and is located on the west side Hammok Crescent, north of Steeles Avenue East and east of Bayview Avenue. The surrounding area is comprised of large detached dwellings on large lots that range in the age from the 1960s to several instances of newer residential infill developments. The property contains a 369 m² (3,971.9 ft²) two-storey detached dwelling. There is an existing swimming pool in the rear yard. Mature vegetation exists on the property including one 145 DBH (cm) tree in the rear yard which is proposed to be retained.

Previous Minor Variance Approval

The Committee of Adjustment previously granted the following two minor variances to the subject property as they relate to a proposed garage and rear addition:

CA/64/03 (Feb 11, 1964)

- to permit a minimum rear yard setback of 27 ft; whereas the by-law requires a minimum rear yard setback of 40 ft, as it relates to a proposed garage.

A/125/85 (Oct 16, 1985)

- to permit a minimum rear yard setback of 32 ft; whereas the by-law requires a minimum rear yard setback of 40 ft, as it relates to a rear addition.

Proposal

The applicant is now proposing to demolish the existing home and construct a two-storey detached dwelling with a gross floor area of approximately 567.2 m² (6105.3 ft²). The existing pool in the rear yard will remain on the property.

Official Plan and Zoning

Official Plan 2014 (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17)

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 variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. 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. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law

The subject property is zoned SR3 – Third Density Special Residential under By-law 1767, as amended, which permits single detached dwellings. The proposed development does not comply with the by-law requirement with respect to front and rear yard setback.

Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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 net floor area ratio, building height and building depth. The proposal complies with all provisions of the Infill Zoning By-law.

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

According to the information provided in the application, "the front yard setback variance only relates to the exterior wall of the cold cellar in the basement and the rear yard setback variance is required in order to comply with the side yard setback requirement."

Zoning Preliminary Review Undertaken

A Zoning Preliminary Review (ZPR) has been undertaken to confirm that the accuracy of the minor variances being requested 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;
- d) The general intent and purpose of the Official Plan must be maintained.

Reduction in Front Yard Setback

The applicant is requesting to relief to permit a minimum front yard setback of 33.16 ft (10.1 m), whereas the By-law requires a minimum front yard setback of 34 ft (10.36 m). This represents a reduction of 0.84 ft (0.25 m) or approximately 2.4 percent.

The variance relates to the cold cellar in the basement. The building at grade meets the front yard setback requirement and is in line with the front main walls of the other existing homes on Hammok Crescent. Staff have no concern with the variance request.

Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 35.5 ft (10.82 m), whereas the By-law requires a minimum rear yard setback of 40 ft (12.19 m). This represents a reduction of 4.5 ft (1.37 m) or approximately 11.25 percent.

The proposed dwelling will provide a greater rear yard setback than the existing home on site and will be approximately 73.88 ft (22.52 m) away from the home to the north. Notwithstanding the proposed setback reduction, there will be approximately 597.47 m² (6,431.1 ft²) of outdoor amenity space at the rear of the property. Given the size of the property and the relationship with the adjoining homes, staff do not anticipate the variance will result in any adverse impact on surrounding properties.

PUBLIC INPUT SUMMARY

As of January 12th, 2018, two written submissions were received in support of the application. 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 requests meet the four tests of the Planning Act and have no objection.

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.

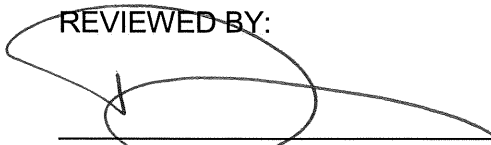
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/159/17

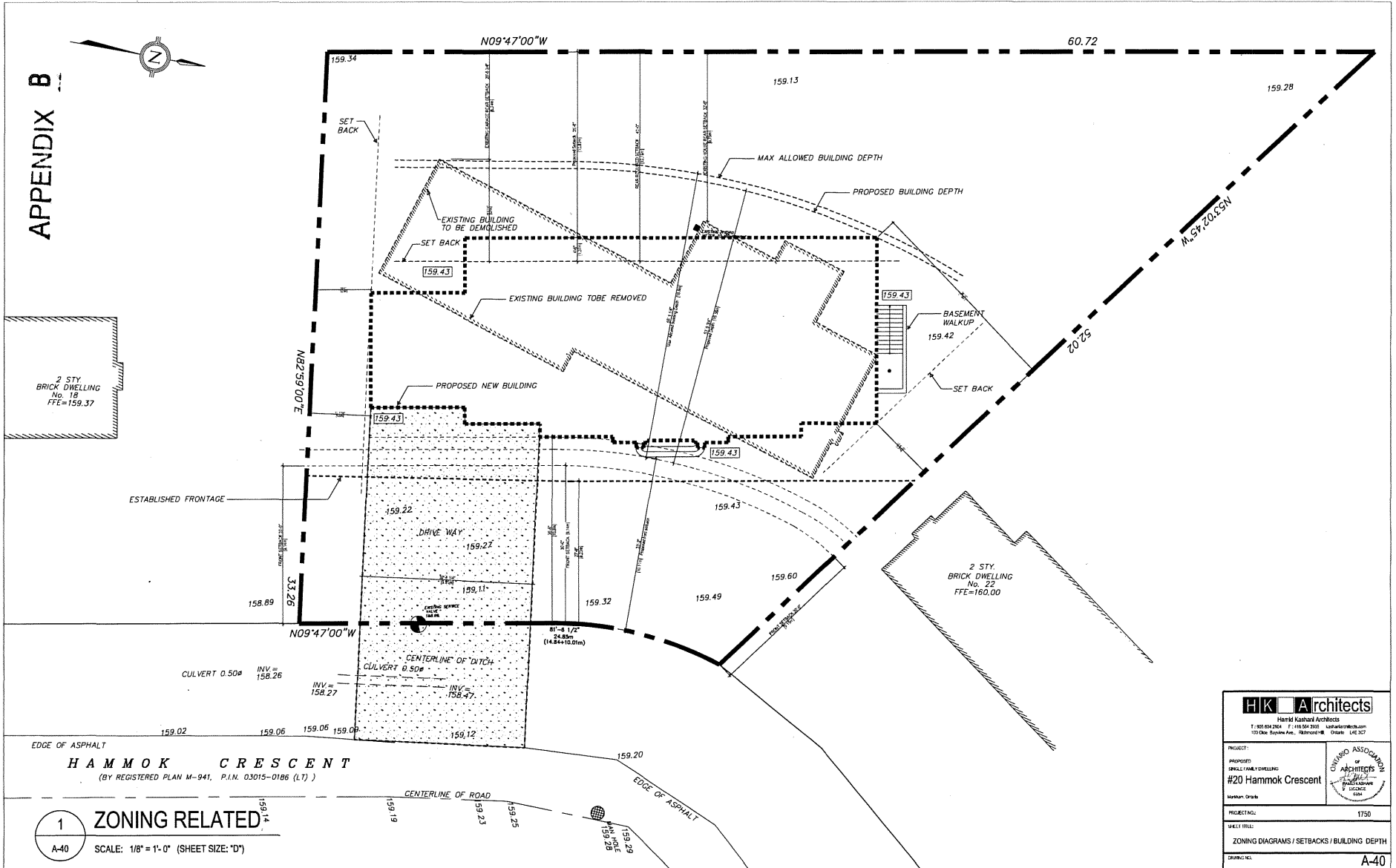
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received on November 8, 2017 and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, 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/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, 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.
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
6. 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:



Carlson Tsang, Planner, Zoning and Special Projects

APPENDIX B



2 STY
BRICK DWELLING
No. 18
FFE=159.37

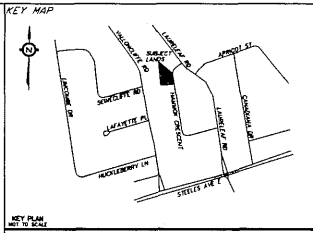
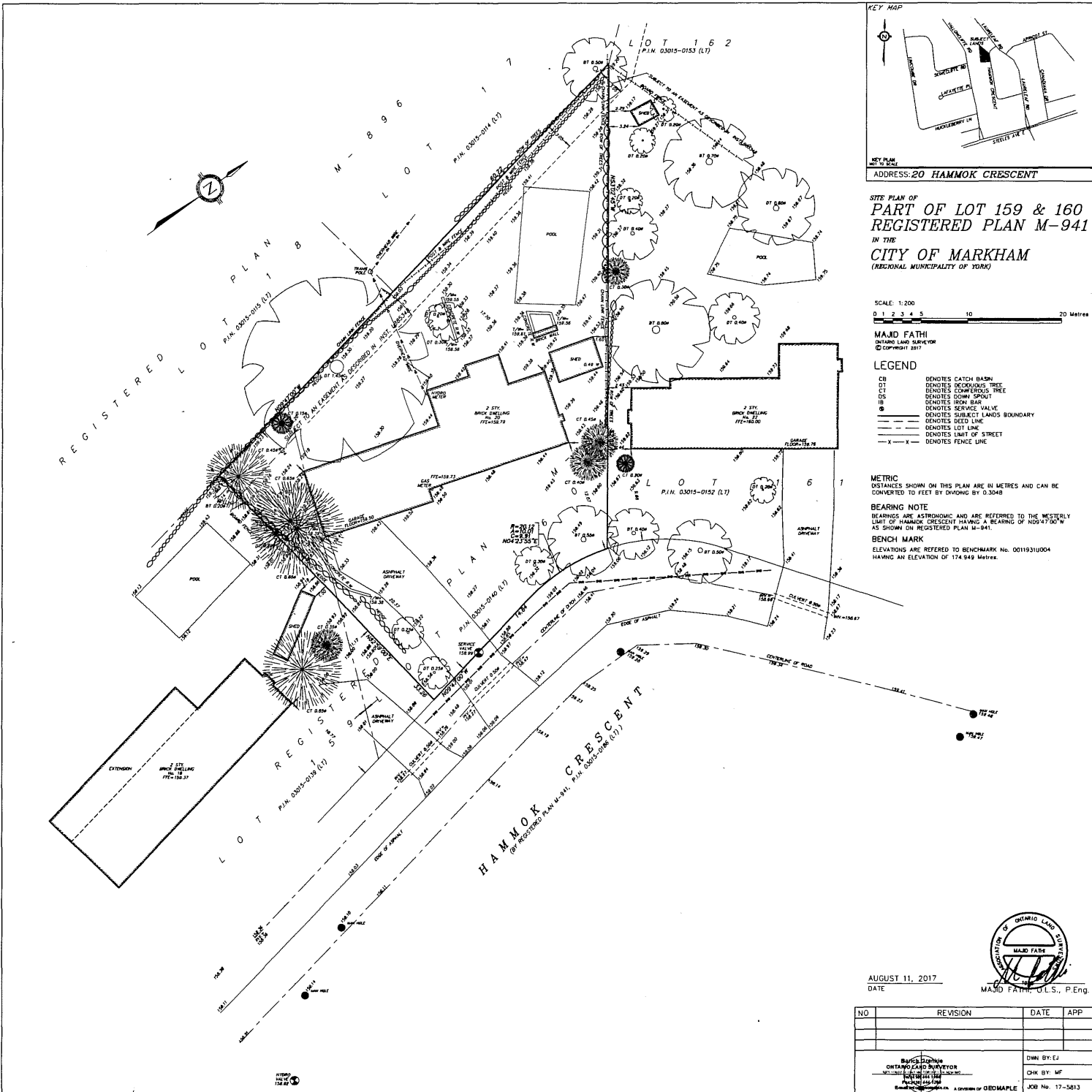
2 STY
BRICK DWELLING
No. 22
FFE=160.00

ESTABLISHED FRONTAGE

EDGE OF ASPHALT
HAMMOK CRESCENT
(BY REGISTERED PLAN M-941, P.I.N. 03015-0186 (L1))

1 **ZONING RELATED**
A-40 SCALE: 1/8" = 1'-0" (SHEET SIZE: "D")

HK Architects	
Hamid Khashari Architects T: 904.664.2904 F: 904.664.2903 www.hkarchitects.com 135.0000 Sycamore Ave., Tallahassee, FL 32304	
PROJECT: PROPOSED: #20 Hammok Crescent	CONVINO ASSOCIATION OF ARCHITECTS PRACTICE & LICENSE STATE
MEMBER ORGAN: PROJECT NO.:	1750
SHEET TITLE: ZONING DIAGRAMS / SETBACKS / BUILDING DEPTH	
DRAWING NO.:	A-40



KEY PLAN
 ADDRESS: 20 HAMMOK CRESCENT

SITE PLAN OF
PART OF LOT 159 & 160
REGISTERED PLAN M-941
 IN THE
CITY OF MARKHAM
 (REGIONAL MUNICIPALITY OF YORK)

SCALE: 1:200
 0 1 2 3 4 5 10 20 Metres

MAJD FATH
 ONTARIO LAND SURVEYOR
 © COPYRIGHT 2017

- LEGEND**
- CB DENOTES CATCH BASIN
 - DT DENOTES DECIDUOUS TREE
 - CT DENOTES CONIFEROUS TREE
 - DS DENOTES DOWN SPROUT
 - IS DENOTES IRON SIGN
 - SV DENOTES SERVICE VALVE
 - DENOTES SUBJECT LANDS BOUNDARY
 - DENOTES DEED LINE
 - - - DENOTES LOT LINE
 - x - x - DENOTES LIMIT OF STREET
 - x - x - DENOTES FENCE LINE

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF HAMMOK CRESCENT HAVING A BEARING OF N55°47'00" W AS SHOWN ON REGISTERED PLAN M-941.

BENCH MARK
 ELEVATIONS ARE REFERRED TO BENCHMARK No. 0011931004 HAVING AN ELEVATION OF 174.949 Metres.



AUGUST 11, 2017
 DATE

NO	REVISION	DATE	APP
REGISTERED ONTARIO LAND SURVEYOR MAJD FATH 1200 SHEPPARD AVENUE EAST SUITE 1000 MARKHAM, ONTARIO L3R 9V7 A DIVISION OF OEDMAPLE		DWN BY: EJ CHK BY: MF JOB No. 17-3613	