

MEMORANDUM

DATE: February 5, 2018
TO: Chairman and Members, Committee of Adjustment
FILE: A/165/16
ADDRESS: 2 Wildrose Crescent, Thornhill
HEARING DATE: February 7, 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, as amended:

a) **Infill By-law 100-90, Section 1.2(v):**

To permit a maximum garage width of 9.7 metres, whereas the By-law permits a maximum attached garage width of 7.7 m for any lot having a frontage of less than 18.3 metres (60 feet); as it relates to a garage addition to the existing dwelling.

Further to our previous comments (see Attachment 1) on the application dated November 15, 2016, Planning staff provide the following new comments on the revised proposal:

This application was deferred from the November 23, 2016 Committee of Adjustment Hearing to provide the applicant an opportunity to address Planning Staff's concerns that the original proposed garage addition was not in character with other homes in the neighbourhood. The Committee deferred the application sine die.

The applicant has revised the proposal to reduce the requested maximum garage width from 11.76 m (38.58 ft.) to 9.7 m (31.82 ft.). In addition, the previous variance request to permit a reduced minimum flankage side yard setback of 9.75 ft. (2.97 m) is no longer required.

Zoning Preliminary Review Undertaken

A Zoning Preliminary Review (ZPR) has been undertaken to confirm the accuracy of the minor variance being requested for the proposed development.

PUBLIC INPUT SUMMARY

As of February 5, 2019, one written letter in support of the application was submitted by the property owner located at 4 Wild Rose Crescent.

Conclusion

The Committee should satisfy themselves as to the appropriateness of the revised application to permit a maximum garage width of 9.7 m (31.82 ft.). Staff recommends 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.

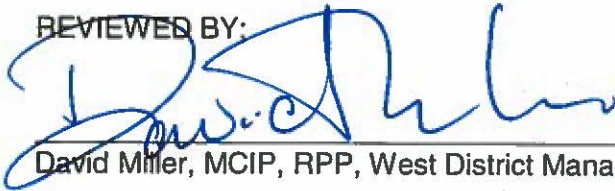
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Rick Cefaratti, MCIP, RPP, Planner II, West District

REVIEWED BY:



David Miller, MCIP, RPP, West District Manager

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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/165/16

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 revised plan(s) attached as 'Appendix A' to this Staff Report 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.

PREPARED BY:



Rick Cefaratti, MCIP, RPP, Planner II, West District

Memorandum to the City of Markham Committee of Adjustment

November 15, 2016

File: A/165/16
Address: 2 Wildrose Crescent, Thornhill
Applicant: Eddie Leung
Hearing Date: Wednesday November 23, 2016

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

The applicant is requesting relief from the following requirements of By-law 1767 as amended:

a) **Section 4:**

To permit a minimum flankage yard setback of 9.75 ft. (2.97 m); whereas the By-law requires a minimum flankage setback of 12.00 ft. (3.65 m) or ½ the height of the building, whichever is greater; and,

b) **Infill By-law 100-90, Section 1.2 (iv):**

To permit a maximum garage width of 11.76 m (38.58 ft.) whereas the by-law permits a maximum garage width of 7.7 m; as it relates to a garage addition to the existing dwelling.

BACKGROUND

Property Description

The subject property is a corner lot located on the north side of Wildrose Crescent at its intersection with Laureleaf Road in Thornhill. A two storey storey dwelling, constructed in 1967 currently exists on the property. The existing dwelling contains an attached garage. The immediate neighbourhood is comprised of large lots that contain mature vegetation, and contain two storey dwellings constructed between the 1960s and 1980s.

Proposal

The applicant is proposing to construct a one storey 66.17 m² (712.3 ft²) garage addition to the existing dwelling within the flankage side yard (see Attachment 1).

Official Plan and Zoning

Markham Official Plan 2014 (partially approved on October 30, 2015 and May 26, 2016)

The subject properties are designated 'Residential Low Rise' under the Markham Official Plan 2014. The land use policies of the Markham Official Plan 2014 require that infill development respects and reflects the existing pattern and character of adjacent development.

Zoning

The property is zoned Single Detached Residential (SR3) by By-law 1767, as amended. The SR3 Zone provisions under By-law 1767 permit a single detached dwelling.

Residential Infill Zoning By-law

The subject property is also subject to Residential Infill Zoning By-law 101-90. The intent of this by-law amendment is to ensure that residential redevelopment reflects the established and stable character of the neighbourhood. In order to maintain the character of the existing neighbourhood, the infill by-law specifies zoning standards for building depth, garage projection, garage width, floor area ratio, height, front yard setback, and number of storeys.

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.

Reduced Flankage Yard Setback Variance

The applicant is requesting to permit a minimum flankage yard setback of 9.75 ft. (2.97 m); whereas a minimum flankage setback of 12.00 ft. (3.65 m) or ½ the height of the dwelling, whichever is greater, is required. The Building Department has confirmed that the 12.0 ft. (3.65 m) measurement is greater than ½ the height of the dwelling. The intent of the minimum flankage yard setback requirement in the zoning by-law is to minimize the visual impact of buildings and structures on the streetscape. This is equivalent to an 18 percent reduction to the flankage side yard setback, and will result in the side wall of the proposed garage projecting approximately 4.5 m (15.0 ft.) in front of the existing dwellings to the east.

Increased Garage Width Variance

The applicant is requesting to permit a maximum garage width of 11.76 m (38.58 ft.), whereas a maximum of 7.70 metres (25.26 ft.) is permitted on lots having a frontage less than 18.30 m (60.0 ft.). The proposed garage addition represents a 52 percent increase to the maximum permitted garage width and will result in a building form that is not compatible with neighbouring properties.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 15, 2016.

CONCLUSION

It is the opinion of the Planning staff that requested variances to permit a reduced flankage side yard setback of 9.75 ft. (2.97 m) and an increased garage width 11.76 m (38.58 ft.) do not meet the 4 tests of the Planning Act. The variances requested will allow for a building that will be out of character with other homes in the neighbourhood and which does not meet the general intent of the zoning by-law, and therefore, cannot be supported.

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 4 tests of the Planning Act required for the granting of minor variances.

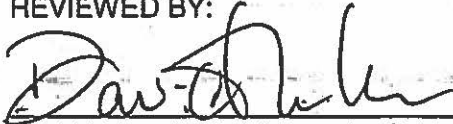
Staff recommends that the Committee deny the requested variances, or alternatively, that the application be deferred sine die to provide the applicant an opportunity to reduce the extent of the variances.

PREPARED BY:



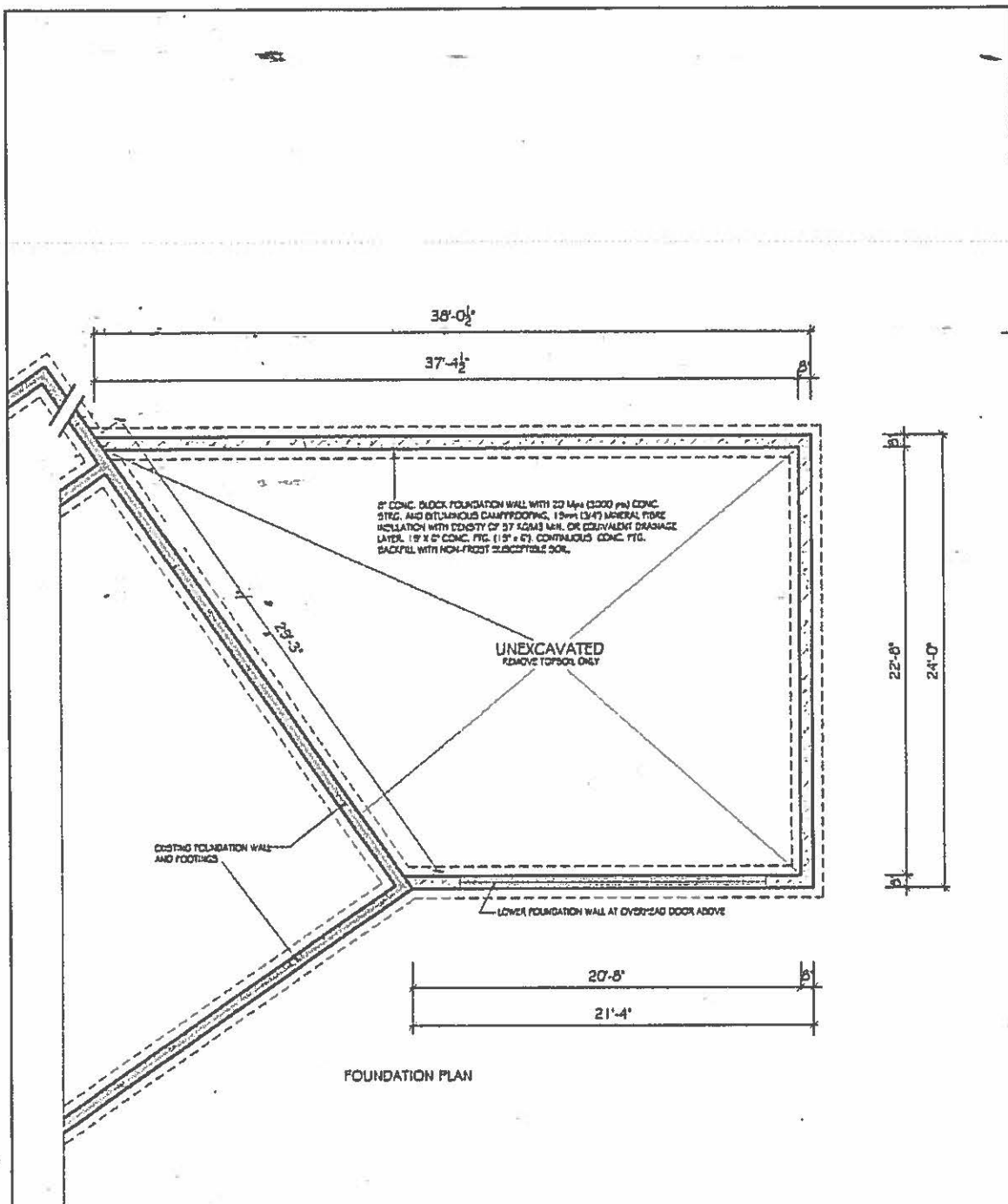
Rick Cefaratti, MCIP, RPP, Planner II, West District

REVIEWED BY:



David Miller, MCIP, RPP, Manager, West District

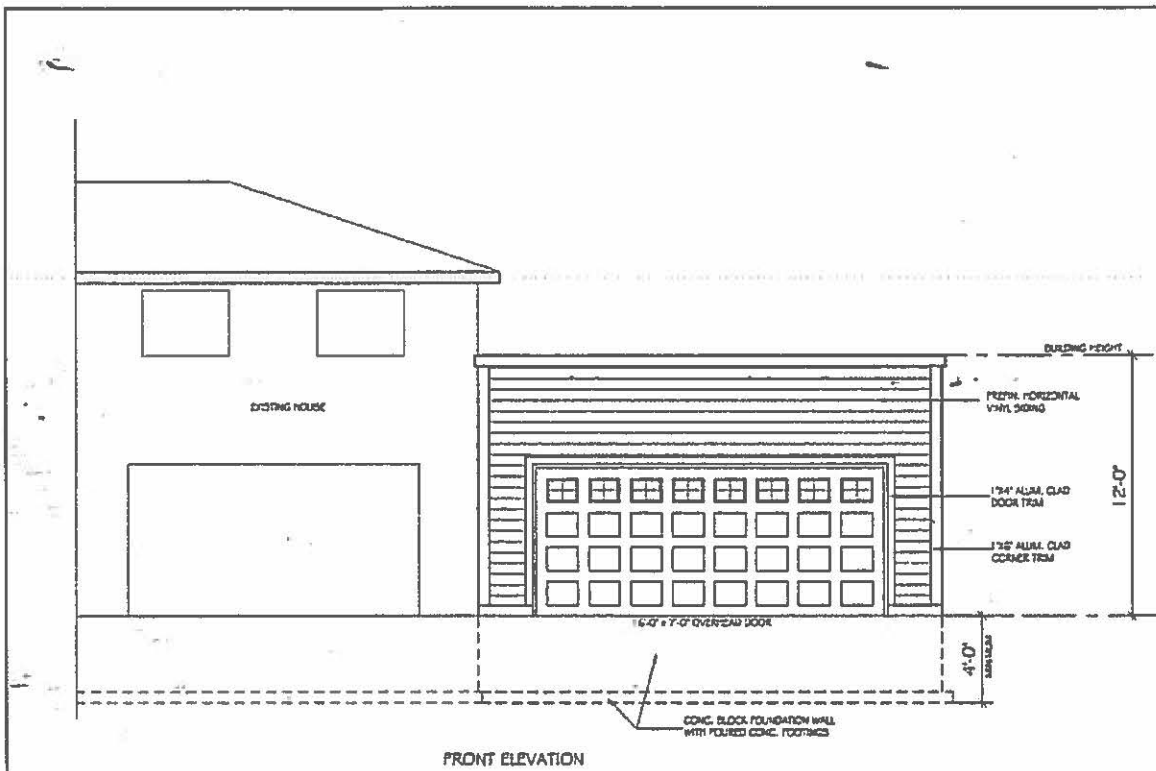
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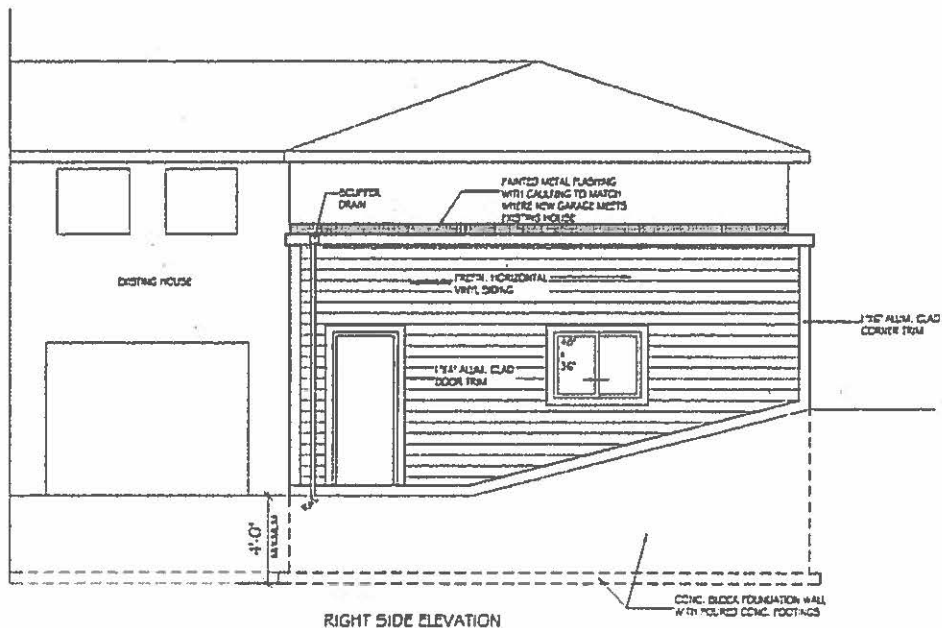
FOUNDATION PLAN

No	DESCRIPTION	DATE	BY
6	REVISED FOR PERMIT	SEPT 7/16	BAB
5	REVISED FOR PERMIT	SEPT 5/16	BAB
4	REVISED FOR PERMIT	JUNE 7/15	BAB
3	REVISED FOR PERMIT	APR 22/14	BAB
2	REVISED FOR PERMIT	APR 22/14	BAB
1	REVISED FOR PERMIT	APR 22/14	BAB

PROPOSED GARAGE 2 WILDROSE CRES. MARKHAM, ON	<small>This certificate is not valid unless accompanied by the drawings and specifications and approved by the Ontario Building Code.</small> QUALIFICATION REQUIREMENTS FOR REGISTERED PROFESSIONAL ENGINEERS Registered under the Engineering Act, R.S.O. 1990, c. 122, s. 122.1 Ontario Building Code (O.B.C.) of the 1997 Ontario Building Code Original Auto Stamp: Ed. Brooks BCIN 226313 <small>Registered under the Engineering Act, R.S.O. 1990, c. 122, s. 122.1 Ontario Building Code (O.B.C.) of the 1997 Ontario Building Code</small> TOP FLOOR DESIGN BCIN 633286	top floor design 75 PARKVIEW CRES. BOWMANVILLE, ON LIC 418 PHONE: 905-623-0670	SHEET FOUNDATION PLAN PROJECT Number b14-12
		Scale 3/16" = 1'-0"	Drawn by BAB
Date SEPT 2016	Checked by BAB		

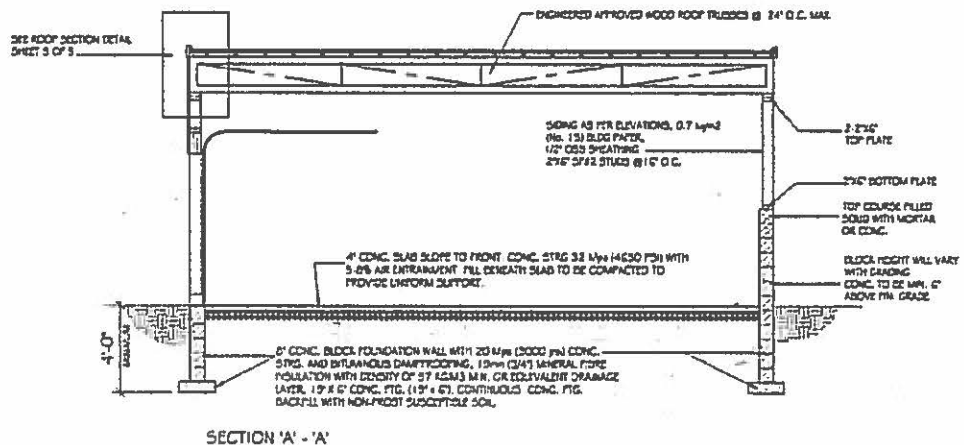
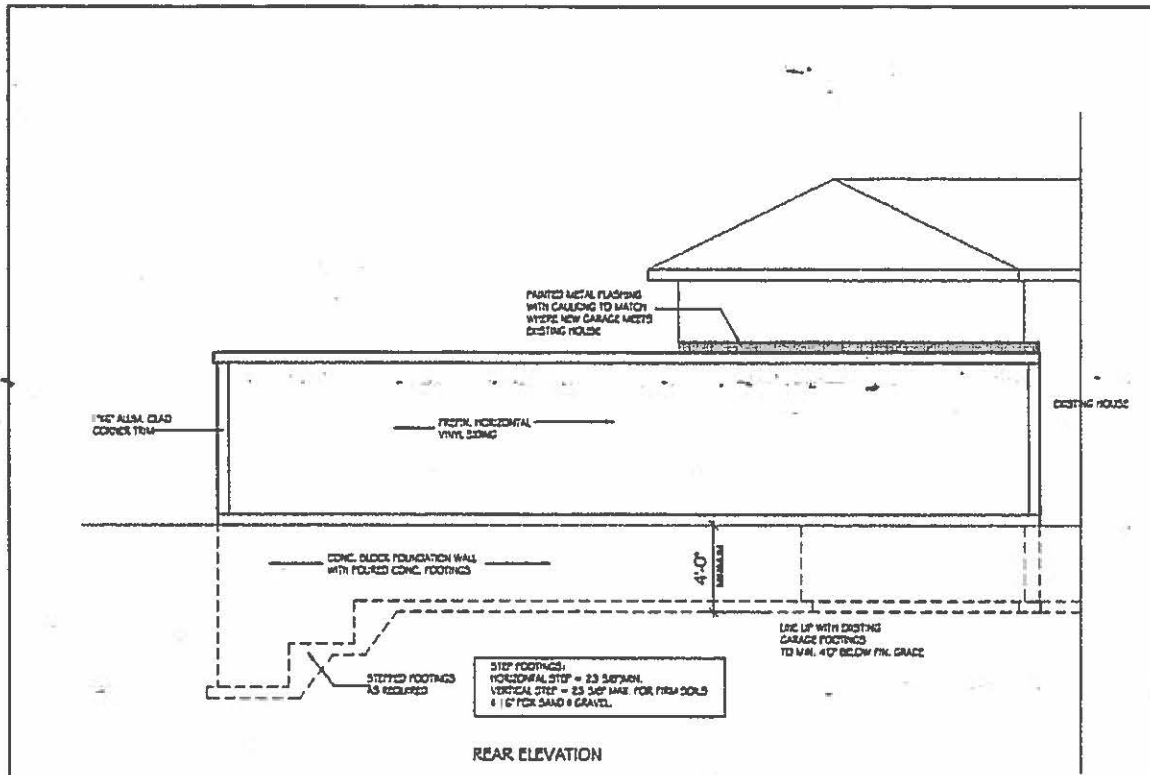


FRONT ELEVATION

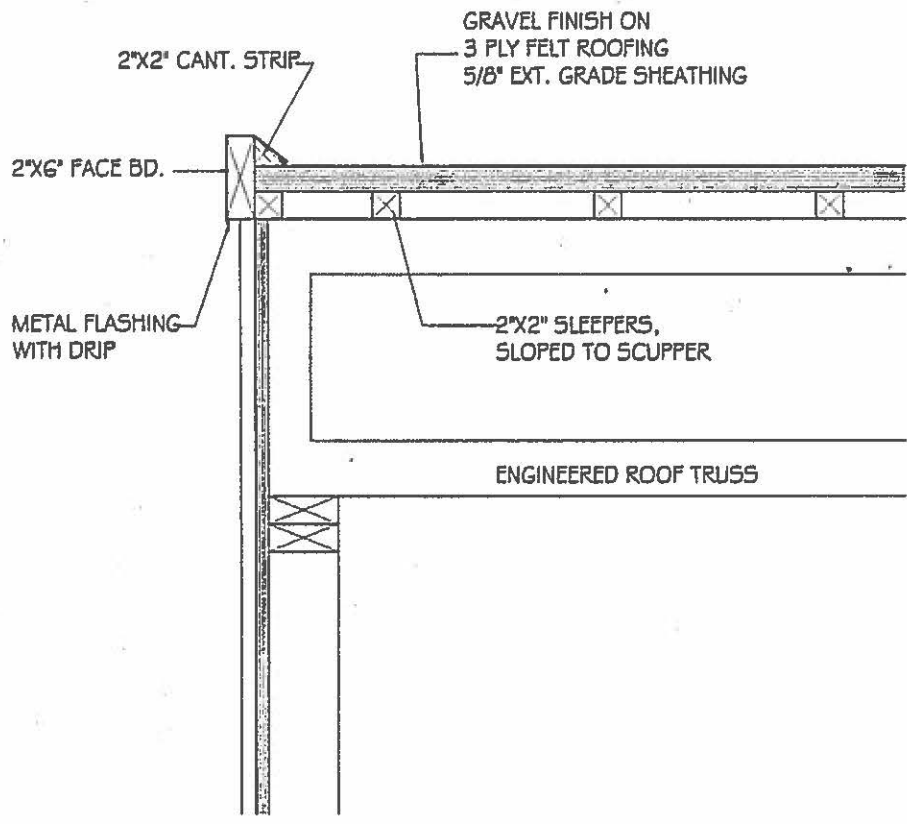


RIGHT SIDE ELEVATION

PROPOSED GARAGE 2 WILDROSE CRES. MARKHAM, ON	<small>The undersigned has assumed and shall remain responsible for the design and has the qualifications and assets to fabricate and install the proposed building code-compliant structure.</small> QUALIFICATION INFORMATION <small>Approved under Chapter 6 of the Ontario Building Code (O.B.C.) of the 2009 Ontario Building Code (O.B.C.) or the 1997 Ontario Building Code.</small> Bobbi Ann Bratton <i>Bob Bratton</i> BCIN #282313 REGISTRATION INFORMATION <small>Requires every design to comply under Section 8, 3.4.1 of the 2009 Ontario Building Code (O.B.C.) or the 1997 Ontario Building Code.</small> TOP FLOOR DESIGN BCIN 033366	top floor design 78 FARNBORO CRES. BOWMANVILLE, ON L1C 4L5 PHONE: 905-623-0670	Sheet Title FRONT ELEVATION RIGHT SIDE ELEVATION	Project Number 514-12	
			Scale 3/16" = 1'-0"	Drawn by BAB	Drawing No. 3 OF 5
			Date SEPT. 2016	Checked by BAB	

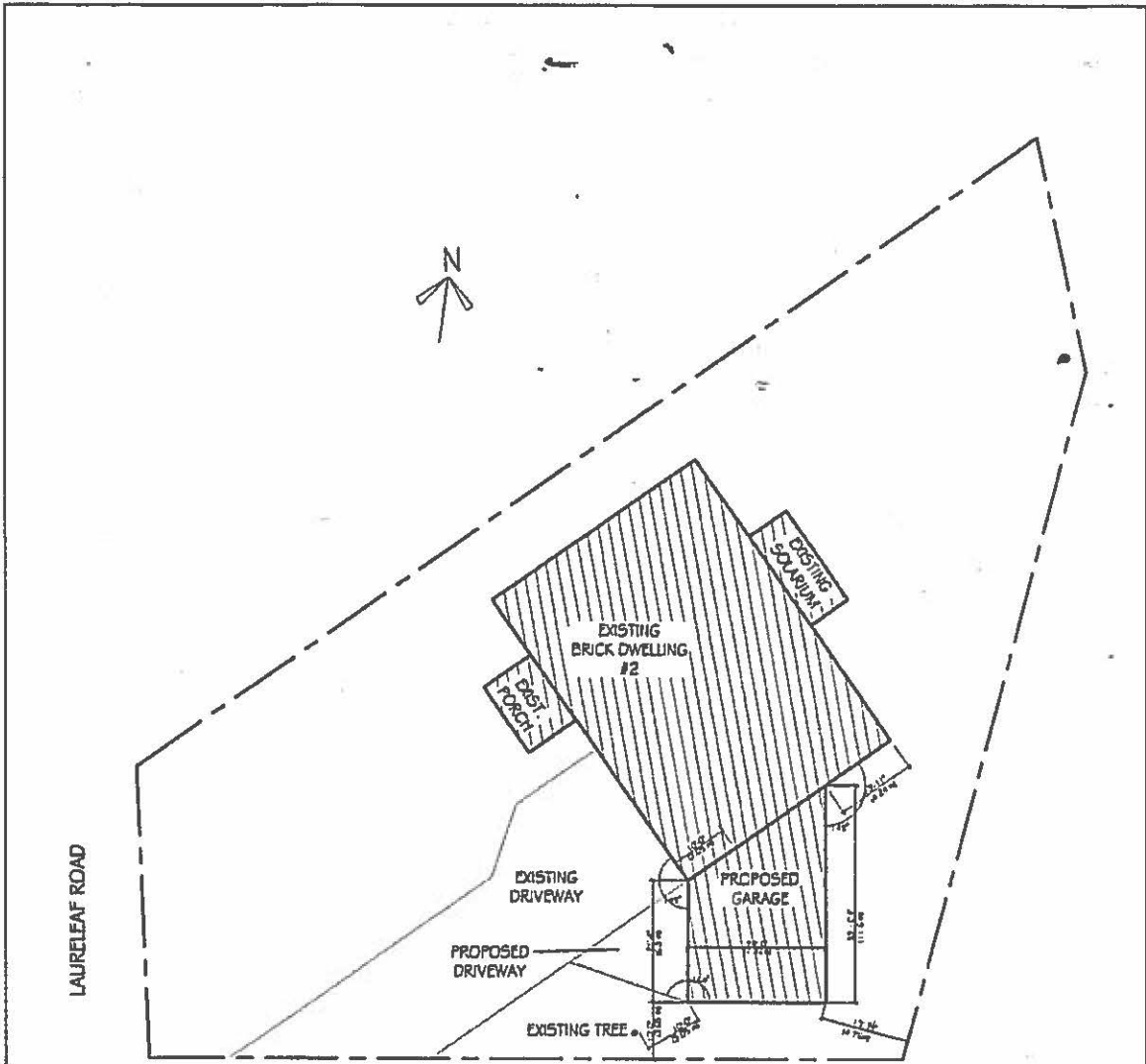


<p>Project</p> <p>PROPOSED GARAGE @ WILDROSE CRES. MARKHAM, ON</p>	<p>The undersigned has reviewed and hereby certifies that the design and the construction are in accordance with the requirements set out in the Ontario Building Code to the best of my knowledge.</p> <p>QUALIFICATION INFORMATION Registered Architect or Architectural Engineer (R.A.A.E.) or the 2009 Ontario Building Code (O.B.C.) or the 1997 Ontario Building Code</p> <p>Serial And Branch: Red Brooks BCIN #25313</p> <p>PROFESSIONAL INFORMATION Registered Architect or Architectural Engineer (R.A.A.E.) or the 2009 Ontario Building Code (O.B.C.) or the 1997 Ontario Building Code</p> <p>TOP FLOOR DESIGN BCIN 832386</p>	<p>top floor design</p> <p>78 PARKCROSS CRES. BOWMANVILLE, ON L1C 4L8</p> <p>PHONE: 905-623-0670</p>	<p>Sheet No: FRONT ELEVATION RIGHT SIDE ELEVATION</p> <p>Scale: 3/16" = 1'-0"</p> <p>Date: SEPT. 2016</p>	<p>Project Number: 214-12</p> <p>Drawing No: 4 OF 5</p> <p>Drawn by: BAB</p> <p>Checked by: BAB</p>
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ROOF SECTION DETAIL
not to scale

Project PROPOSED GARAGE 2 WILDROSE CRES. MARKHAM, ON	<small>"I" seal/brand has been used and some responsibility for this detail, did not the manufacturer and owner the responsibility for the correct building code or to a program.</small> QUALIFICATION INFORMATION <small>Registered Architect (Ontario) License No. 12211 of the OAC Ontario Building Code (OBC) 1997 & 2006 Exhibit A and B (Schedule)</small> REGISTRATION INFORMATION <small>Registered Architect (Ontario) License No. 12211 of the OAC Ontario Building Code (OBC) 1997 & 2006</small> TOP FLOOR DESIGN GCH 633399	top floor design 78 FARMWOOD CRES. DOWNSVILLE, ON LIC 416 PHONE: 905-623-0670		Detail ROOF SECTION DETAIL	Project Number 14-12
		Scale not to scale	Drawn By BAB	Drawing No. 5 OF 5	
		Date SEPT. 2016	Checked By BAB		



-TREE IS 10'+ AWAY FROM PROPOSED GARAGE
 -NEED TO DIG UP TO 6' FROM TREE FOR GARAGE CONSTRUCTION

WILDROSE CRES.

SITE STATISTICS

LOT AREA = 15963 s.f. (1482.96 m²)
 EXISTING HOUSE COVERAGE = 2131 s.f. (197.97 m²) = 13.35 %
 (INCLUDES PORCH AND SOLARIUM)
 PROPOSED GARAGE COVERAGE = 712.3 s.f. (66.17 m²) = 4.5 %
 NEW TOTAL COVERAGE = 2843.3 s.f. (264.14 m²) = 17.85 %

10/20/16 PROPOSED GARAGE 2 WILDROSE CRES. MARKHAM, ON	<small>The information was prepared and drawn in accordance with the requirements for this design, and has been checked and approved for compliance with the Ontario Building Code and all applicable laws and regulations.</small> QUALIFIER OPERATOR <small>Requires a valid license as a qualified person under Division C, 13-1 of the Ontario Building Code, or 13-1.1 of the 2012 Ontario Building Code.</small> Robert Amy, Drawing <i>Ed. Brooks</i> BCN 272013 REGISTRATION INFORMATION <small>Requires a valid license as a qualified person under Division C, 13-1 of the Ontario Building Code, or 13-1.1 of the 2012 Ontario Building Code.</small> TOP FLOOR DESIGN DCN 403298	top floor design 78 FARNCOMB CRES. SCOMMANVILLE, ON L1C 4L8 PHONE: 905-623-0670	Sheet SITE PLAN	Project Number b14-12
			Date 1"=20'	Order by BAB
			Date SEPT. 2016	Checked By BAB