

Memorandum to the City of Markham Committee of Adjustment

January 22, 2018

File: A/168/17
Address: 7 Towne Court, Markham
Applicant: Fanny and Isaac Chan
Agent: N/A
Hearing Date: Wednesday January 24, 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, as amended, to permit:

a) Schedule B

A maximum building height of 26'-5", whereas the by-law permits a maximum building height of 25'-0";

b) Schedule B

A maximum lot coverage of 35.27 percent, whereas the by-law permits a maximum lot coverage of 33.33 percent; and,

c) Section 3.7

The basement walkout stairs to encroach 9'-1" into the rear yard, whereas the by-law permits uncovered platforms (including stairs) to encroach no more than 5'-0" into a front or rear yard.

PROPOSAL

The applicant has applied for three (3) variances to facilitate the construction of a new two-storey single detached dwelling with a gross floor area of 5,374 ft² (499.26 m²) which features an integrated double-car garage (the "proposed dwelling") (see Appendix A – Supporting Plans).

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

According to the information provided by the applicant, their reason for not complying with the by-law is "due to existing lot conditions."

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm that the accuracy of the minor variances being requested for the proposed development

BACKGROUND

Property Description

7 Towne Court (the "subject property") is located west of Main Street Unionville, north of Highway 7 East, within the neighbourhood known as Varley Village. The 9,996 ft² (928.65 m²) "pie" shaped subject property features a frontage of approximately 60 ft (18.28 m) and a average depth of approximately 131 ft (40.03 m) (see Appendix B – Aerial Photo).

The subject property contains a two-storey single detached dwelling with an integrated double-car garage constructed circa 1971. Mature vegetation is located in the rear yard.

Varley Village is characterized by mature vegetation with a mix of one to two-storey single detached dwellings on lots which range in area and shape. The subject property is surrounded by two-storey single detached dwellings and partially backs onto Crosby Park.

Official Plan and Zoning

2014 Official Plan, as partially approved on Oct 30, 2015, May 26, 2016, Mar 10, 2017 and Apr 21, 2017 (2014 Official Plan)

The subject property is designated "Residential Low Rise" in the 2014 Official Plan. The "Residential Low Rise" designation provides for single detached dwellings and was brought into force through the Board Order issued on May 26, 2016. The 2014 Official Plan contains infill development criteria, with the intent being that infill development respects and reflects the existing pattern and character of adjacent development and minimizes vegetation loss.

Zoning By-law 11-72

The subject property is zoned Fourth Density Single Family Residential (R4) under By-law 11-72, as amended, which permits one single detached dwelling subject to certain development standards.

Varley Village Infill Area

The subject property is within an area of the City where there is a trend to build larger houses. In response to concerns with this trend, a number of residents asked that 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 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.

Public Input Summary

No written submissions have been received as of January 22, 2018. It is noted that additional comments may be received after the writing of the report, and the Secretary-Treasurer will provide comment on this at the meeting.

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.

Increased lot coverage and building height variances

From a siting perspective, the proposed dwelling maintains all the minimum setbacks and in most instances, setbacks in excess of the minimum requirement are provided. Based on this design characteristic and given the lot orientation and configuration, variances to permit an increased building height and lot coverage are not anticipated to adversely impact the neighbouring properties or the streetscape. Staff note these variances are consistent with variances granted throughout the Varley Village community.

Increased basement walkout stairs encroachment variance

The proposed basement walkout is located below grade in the portion of the rear yard which backs onto Crosby Park. The walkout maintains sizeable setbacks to the rear lot line (4.86 m) and neighbouring property to the north (5.76 m). There remains ample amenity space in the rear yard and buffering from neighbouring dwellings. For these reasons, staff do not anticipate any adverse impacts.

Efforts made to preserve the existing mature silver maple tree

Staff met with the applicant regarding the existing mature silver maple tree located on the neighbouring property to the north (see Appendix C – Tree Assessment and Preservation Plan – Tree #3). The applicant has agreed to preserve the tree to the extent possible by providing an area of special protection (see Appendix C – Tree Assessment and Preservation Plan). Conditions 3 and 4 are recommended to address the foregoing issue.

CONCLUSION

The applicant has applied for minor variances to facilitate the development of a new two-storey single detached dwelling.

Staff have reviewed this application with respect to Section 45 (1) of the Planning Act, R.S.O. 1990, c P.13, as amended and subject to the attached conditions, have no objections to the variances requested. Staff recommends 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.

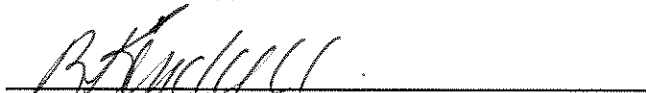
Should the Committee see merit in approving the application, staff recommends the conditions attached in Appendix D.

PREPARED BY:



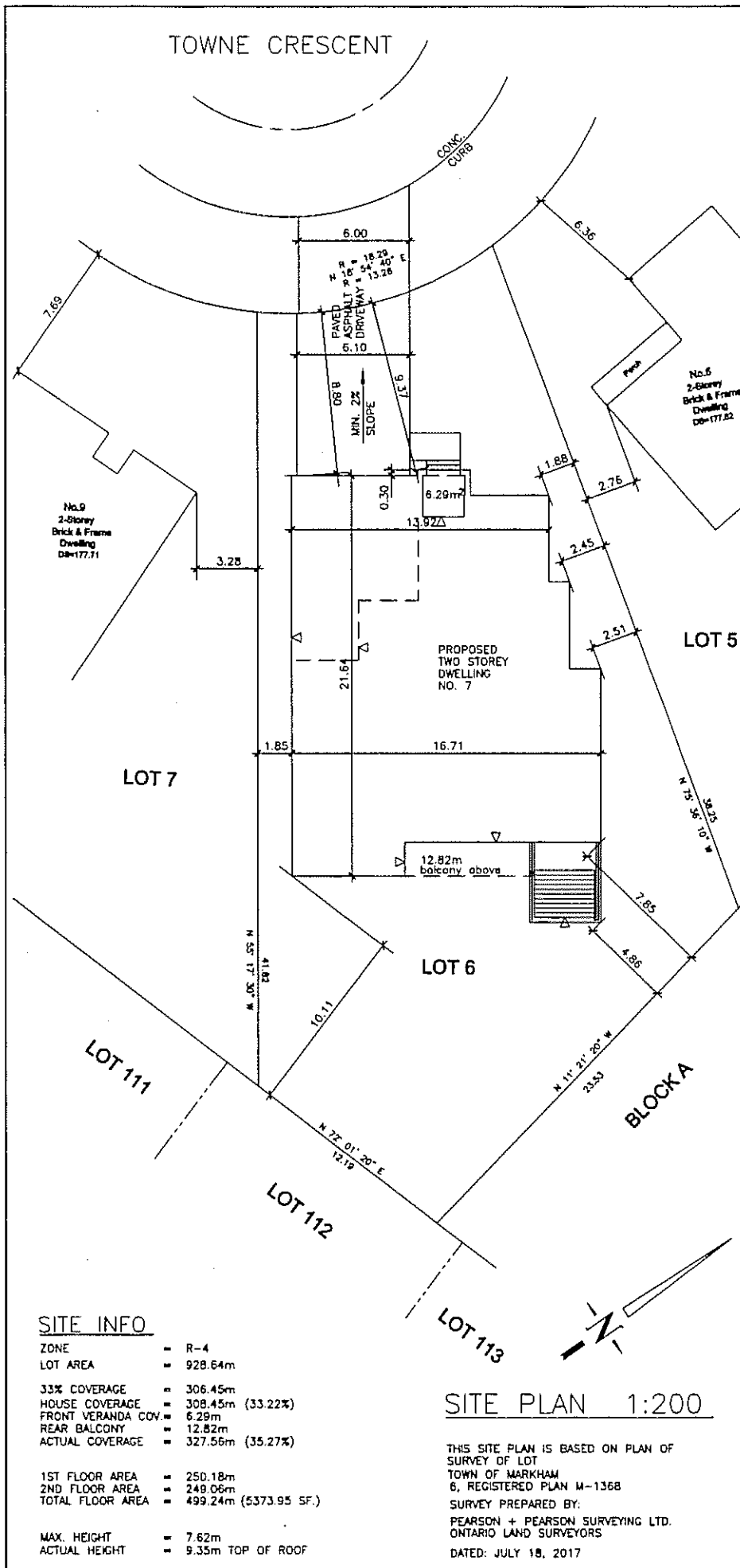
Daniel Brutto, Planner, Central District

REVIEWED BY:



Richard Kendall, Manager of Development, Central District

- Appendix A – Supporting Plans
- Appendix B – Aerial Photo
- Appendix C – Tree Assessment and Preservation Plan
- Appendix D - Conditions of Approval



NO.	REVISIONS	DATE
-	APPENDIX	
	A	

THE UNDERSIGNED HAS REVIEWED & TAKEN RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

QUALIFICATION INFORMATION
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 12.4.3(5) OF DIV. C OF THE BUILDING CODE

M. PERGER	25117
NAME	SIGNATURE BCIN#
MP DESIGN & ASSOCIATES	31263
COMPANY	BCIN#

PRIOR TO PERMIT APPLICATION OWNER/APPLICANT SHOULD HAVE PPR (PRELIMINARY PROJECT REVIEW) AND BE RESPONSIBLE FOR SAME.

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS ON THE SITE, REPORTING ANY DISCREPANCY TO THE DESIGNER BEFORE PROCEEDING WITH THE WORK.

ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE USED OR REPRODUCED WITHOUT HIS WRITTEN PERMISSION.

ONLY FINAL APPROVED DRAWINGS ARE TO BE USED FOR CONSTRUCTION.
 DO NOT SCALE DRAWINGS.

MP DESIGN & ASSOCIATES

44 GOODMARK PL. UNIT #1 TEL (416) 675-2997
 TORONTO, ONT. M9W 6N8 FAX (416) 675-4574

PROJECT

PROPOSED
 TWO STOREY DWELLING

FOR: GOLDEN SKY CANADA LTD.
 AT: 7 TOWNE CRESCENT
 TOWN OF MARKHAM

DRAWING	
SITE PLAN	
DRAWN MDP	DATE SEPT. 2017
CHECKED _____	SCALE 1:200
PROJECT NO 17-148	DRAWING NO SP-1

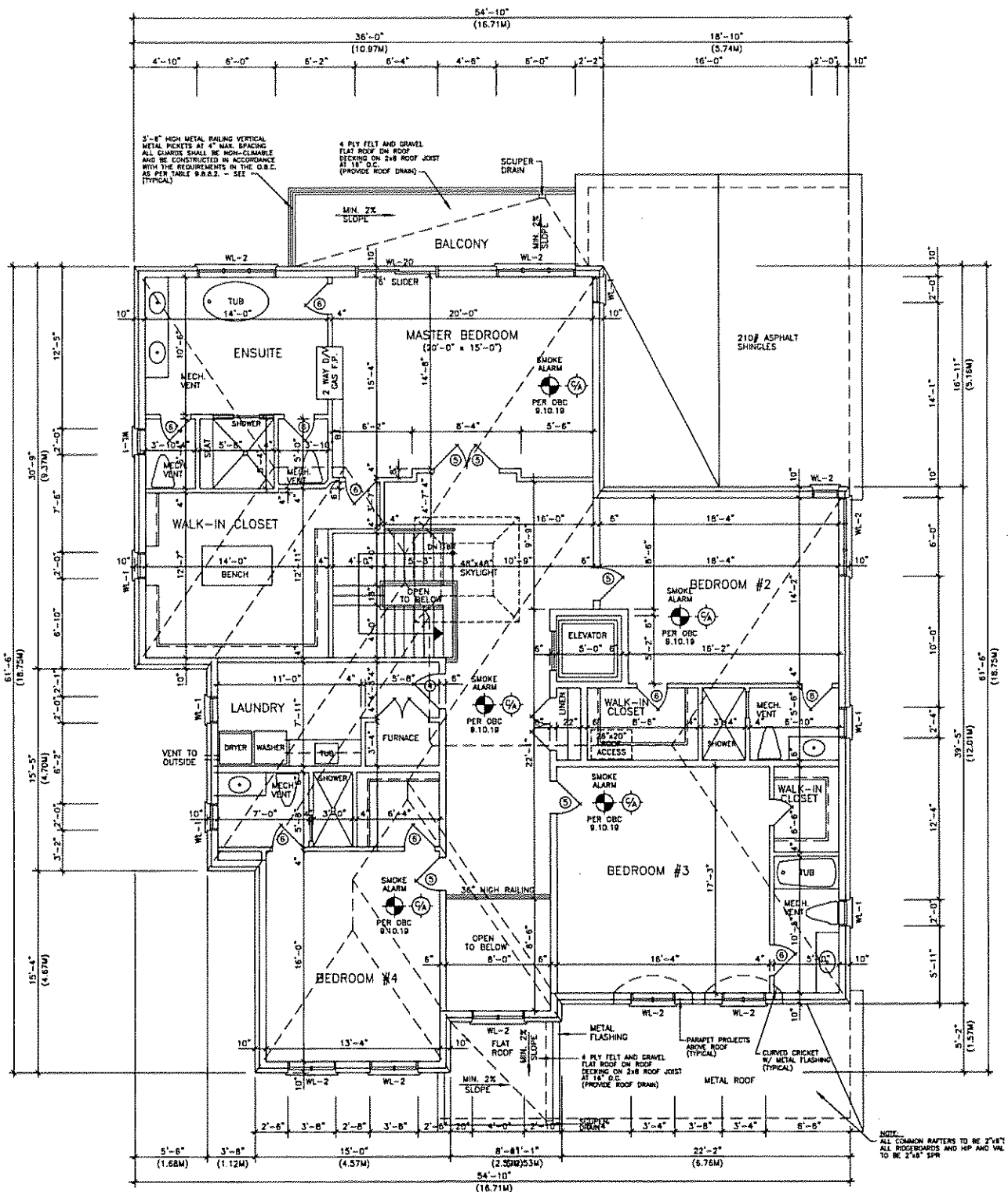
SITE INFO

ZONE	=	R-4
LOT AREA	=	928.64m
33% COVERAGE	=	306.45m
HOUSE COVERAGE	=	308.45m (33.22%)
FRONT VERANDA COV.	=	6.29m
REAR BALCONY	=	12.82m
ACTUAL COVERAGE	=	327.56m (35.27%)
1ST FLOOR AREA	=	250.18m
2ND FLOOR AREA	=	248.06m
TOTAL FLOOR AREA	=	499.24m (5373.95 SF.)
MAX. HEIGHT	=	7.62m
ACTUAL HEIGHT	=	9.35m TOP OF ROOF

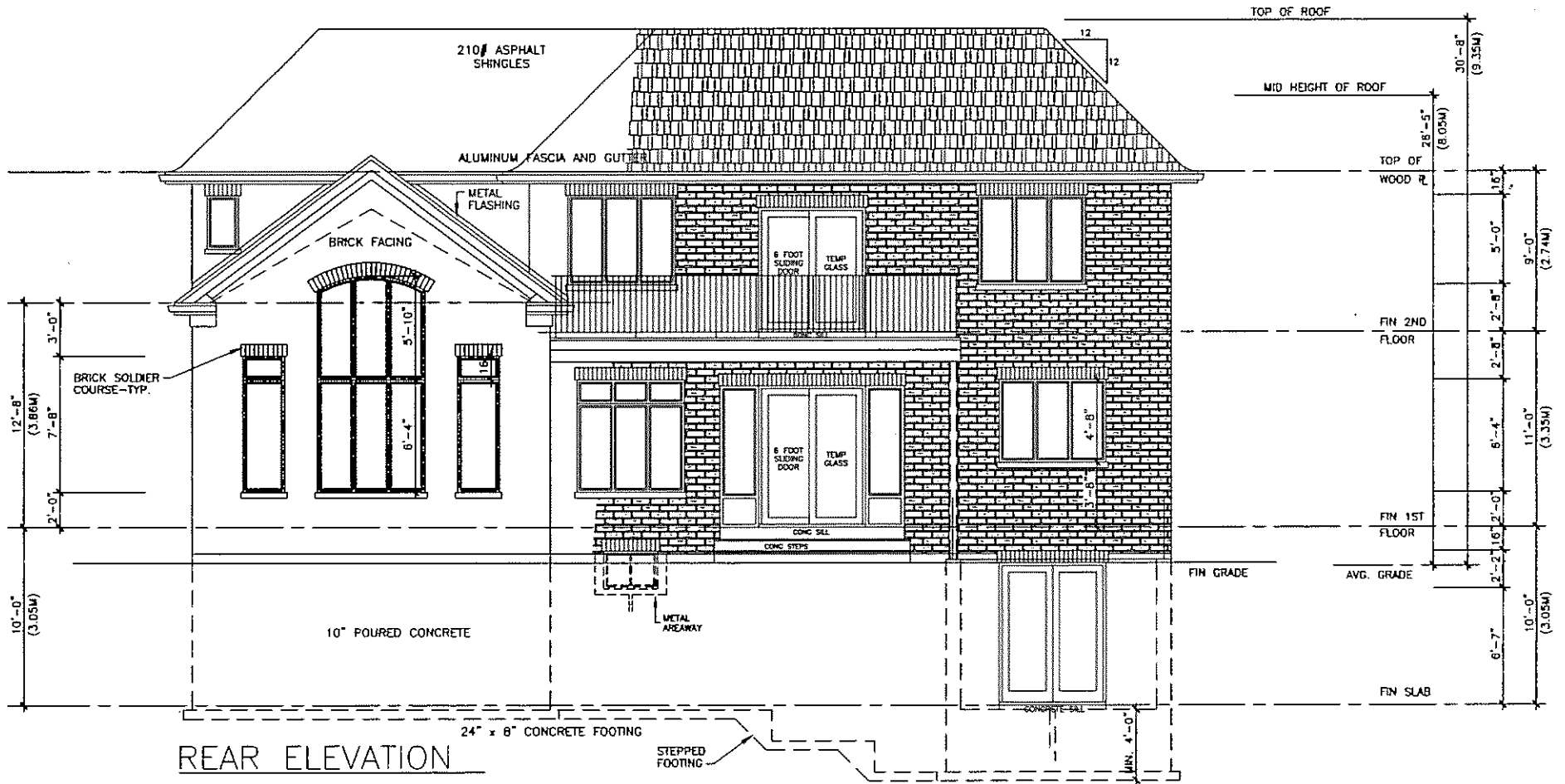
SITE PLAN 1:200

THIS SITE PLAN IS BASED ON PLAN OF SURVEY OF LOT TOWN OF MARKHAM 6, REGISTERED PLAN M-1368

SURVEY PREPARED BY:
 PEARSON + PEARSON SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 DATED: JULY 18, 2017



SECOND FLOOR PLAN



REAR ELEVATION

24" x 8" CONCRETE FOOTING

STEPPED FOOTING

12'-8"
(3.86M)
7'-8"
2'-0"
10'-0"
(3.05M)

BRICK SOLDIER COURSE-TYP.

10" POURED CONCRETE

210 ASPHALT SHINGLES

ALUMINUM FASCIA AND GUTTER

METAL FLASHING

BRICK FACING

6 FOOT SLIDING DOOR
TEMP GLASS

6 FOOT SLIDING DOOR
TEMP GLASS

CONC SILL
CONC STEPS

METAL AREAWAY

TOP OF ROOF

MID HEIGHT OF ROOF

TOP OF WOOD R.

FIN 2ND FLOOR

FIN 1ST FLOOR

FIN GRADE

AVG. GRADE

FIN SLAB

30'-8"
(9.35M)

28'-5"
(8.65M)

1'-6"

5'-0"
(2.74M)

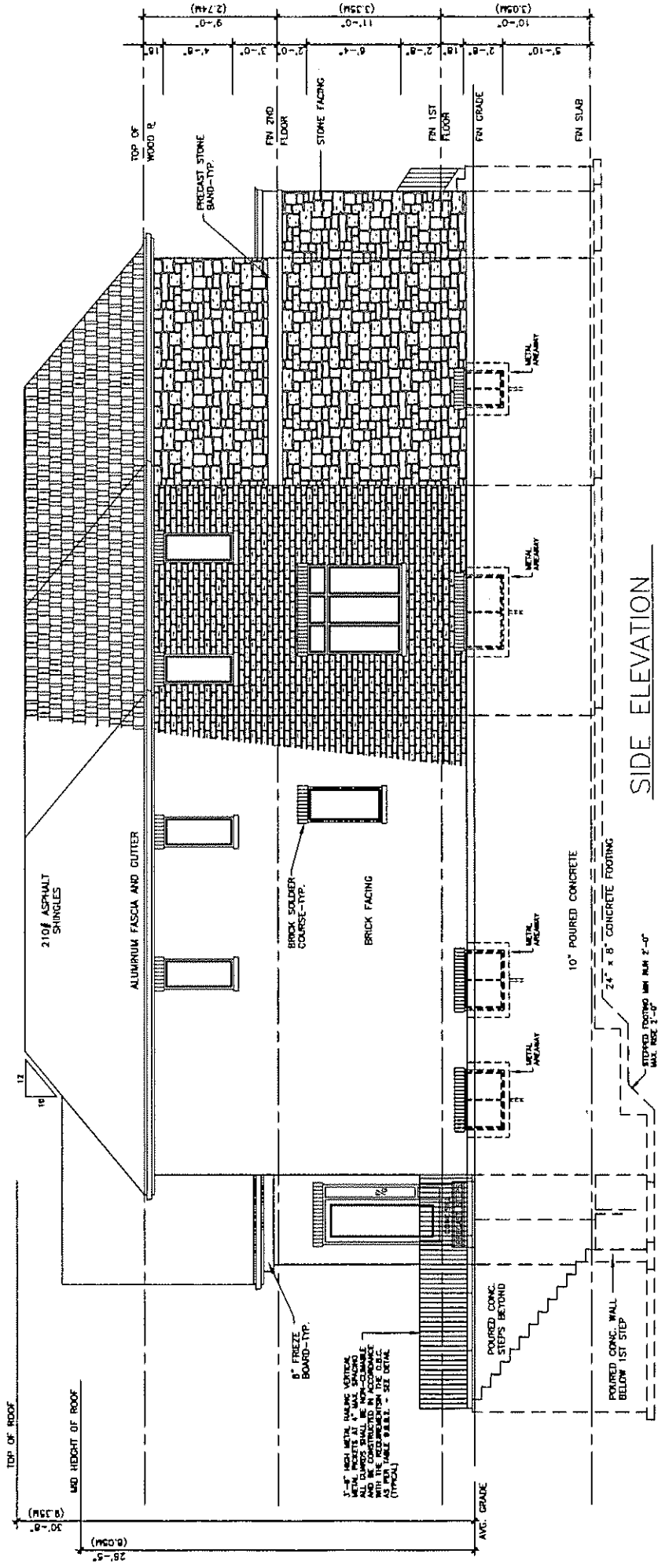
2'-8"
2'-8"

6'-4"
11'-0"
(3.35M)

2'-2 1/2"
2'-0"

6'-7"
10'-0"
(3.05M)

MIN. 4'-0"



SIDE ELEVATION
(NORTH FACING)

TOP OF ROOF
10'-0"
(3.05M)

MID HEIGHT OF ROOF
28'-5"
(8.65M)

AVG. GRADE

11'-0"
(3.35M)
9'-0"
(2.74M)
10'-0"
(3.05M)
9'-10"
(3.00M)
2'-8"
(0.81M)
2'-8"
(0.81M)
18"
(4.57M)
2'-8"
(0.81M)
2'-0"
(0.61M)
3'-0"
(0.91M)
4'-0"
(1.22M)
4'-0"
(1.22M)
18"
(4.57M)

TOP OF WOOD R.
FIN. 2ND FLOOR
STONE FACING
FIN. 1ST FLOOR
FIN. GRADE
FIN. SLAB

2104 ASPHALT SHINGLES

ALUMINUM FASCIA AND GUTTER

BRICK SOLDIER COURSE-TYP.

BRICK FACING

8" FREEZE BOARD-TYP.

1" HIGH METAL LUGS WITH VERTICAL METAL INSERTS AT 16" MAX SPACING AND BE CONTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE D.E.C. (TYPICAL) - SEE DETAIL.

POURED CONC. STEPS BEHIND

POURED CONC. WALL BELOW 1ST STEP

10" POURED CONCRETE

24" x 8" CONCRETE FOOTING

STOPPED FOOTING AND MIN. 2'-0" MAX. RES. 2'-0" TYPICAL

METAL FLASHING

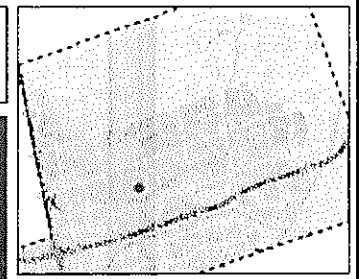
METAL FLASHING

METAL FLASHING

METAL FLASHING

METAL FLASHING

METAL FLASHING



Legend

- Road Attributes
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities

Notes

25.4 0 12.70 25.4 Meters


NAD_1983_UTM_Zone_17N
© City of Markham

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/168/17

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 dated January 22, 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;
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, and in substantial conformity with the TAPP dated January 16, 2018 received by the Committee of Adjustment via email on January 17, 2018, 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; and,
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.

CONDITIONS PREPARED BY:



Daniel Brutto, Planner, Central District