

# Memorandum to the City of Markham Committee of Adjustment

April 03, 2018

**File:** A/25/18  
**Address:** 6 Sir Brandiles Place, Markham  
**Applicant:** Deanna Anderson  
**Agent:** Qiang Zheng  
**Hearing Date:** June 13, 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:

**a) Table 11.1:**

a minimum front yard setback of 15.6 feet, whereas the By-law requires a minimum front yard setback of 25 feet; as it relates to a proposed front addition to a residential dwelling.

## **Property Description**

The 656.92 m<sup>2</sup> (7,071 ft<sup>2</sup>) subject property is located on the south side of Sir Brandiles Place, north of Church Street and west of 9<sup>th</sup> Line. The surrounding area consists of a mix of one and two-storey detached dwellings originally developed in the 1970s. There is an existing 176.3 m<sup>2</sup> (1,897.67 ft<sup>2</sup>) two-storey detached dwelling on the property constructed circa 1972. The property currently provides three enclosed parking spaces, one in the attached single-car garage and two in a double-car detached garage in the rear yard.

## **Proposal**

The applicant is proposing to construct a 24.42 m<sup>2</sup> (262.85 ft<sup>2</sup>) ground floor addition and 14.65 m<sup>2</sup> (157.69 ft<sup>2</sup>) second floor addition to the existing dwelling on the property. The proposed addition would result in a total gross floor area of 215.38 m<sup>2</sup> (2,318.33 ft<sup>2</sup>). The existing attached garage will be converted to living space. The detached garage in the rear yard will remain on the property. No trees are proposed to be removed.

## **Official Plan and Zoning**

2014 Official Plan (as partially approved on Nov 24/17 and further updated on April 9/18)  
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 R4-Single Detached dwelling under By-law 1229, as amended, which permits single detached dwellings. The proposed addition does not comply with the by-law with respect to front yard setback.

### Residential Infill Zoning By-law

The subject property is also subject to the Residential Infill Zoning By-law 99-90. 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 building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. No relief is being requested from the Infill Zoning By-law.

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

According to the information provided on the application form, *"the proposed addition would still be 30 feet away from the curb."*

### **Zoning Preliminary Review Not Undertaken**

A Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

### **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 Front Yard Setback

The first submission of the application received on March 2<sup>nd</sup>, 2018 requested a front yard setback of 10.63 ft (3.24 m) (See Appendix C). Staff were concerned that the variance would result in a significant deviation from the established setback pattern. Urban Design staff were also concerned about the removal of one of the mature trees in the front yard. In response, the applicant reduced the size of the addition and increased the front yard setback to the currently proposed 15.6 ft (4.74 m). Further, the applicant confirms that all trees on the property are now proposed to be retained. Staff acknowledge that efforts have been made to reduce the impact on adjoining homes and the character of the neighbourhood. The retention of the mature trees in the front yard also assists to soften the visual appearance of the addition from the street. Staff are of the opinion that the Committee should satisfy themselves as to whether the variance meets the four tests of the Planning Act.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 11<sup>th</sup>, 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 are of the opinion that the Committee should satisfy themselves as to the appropriateness of the floor area ratio variance and whether they meet the four tests of the Planning Act. Staff recommend that the Committee considers 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.

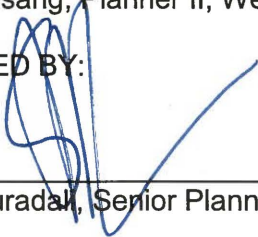
PREPARED BY:



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Carlson Tsang, Planner II, West District

REVIEWED BY:



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Stacia Muradal, Senior Planner, East District

File Path: Amanda\File\ 18 110899 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/25/18**

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" received on May 22, 2018 to this Staff Report, to the satisfaction of the Director of Planning and Urban Design or designate;
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 of, 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 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.
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;

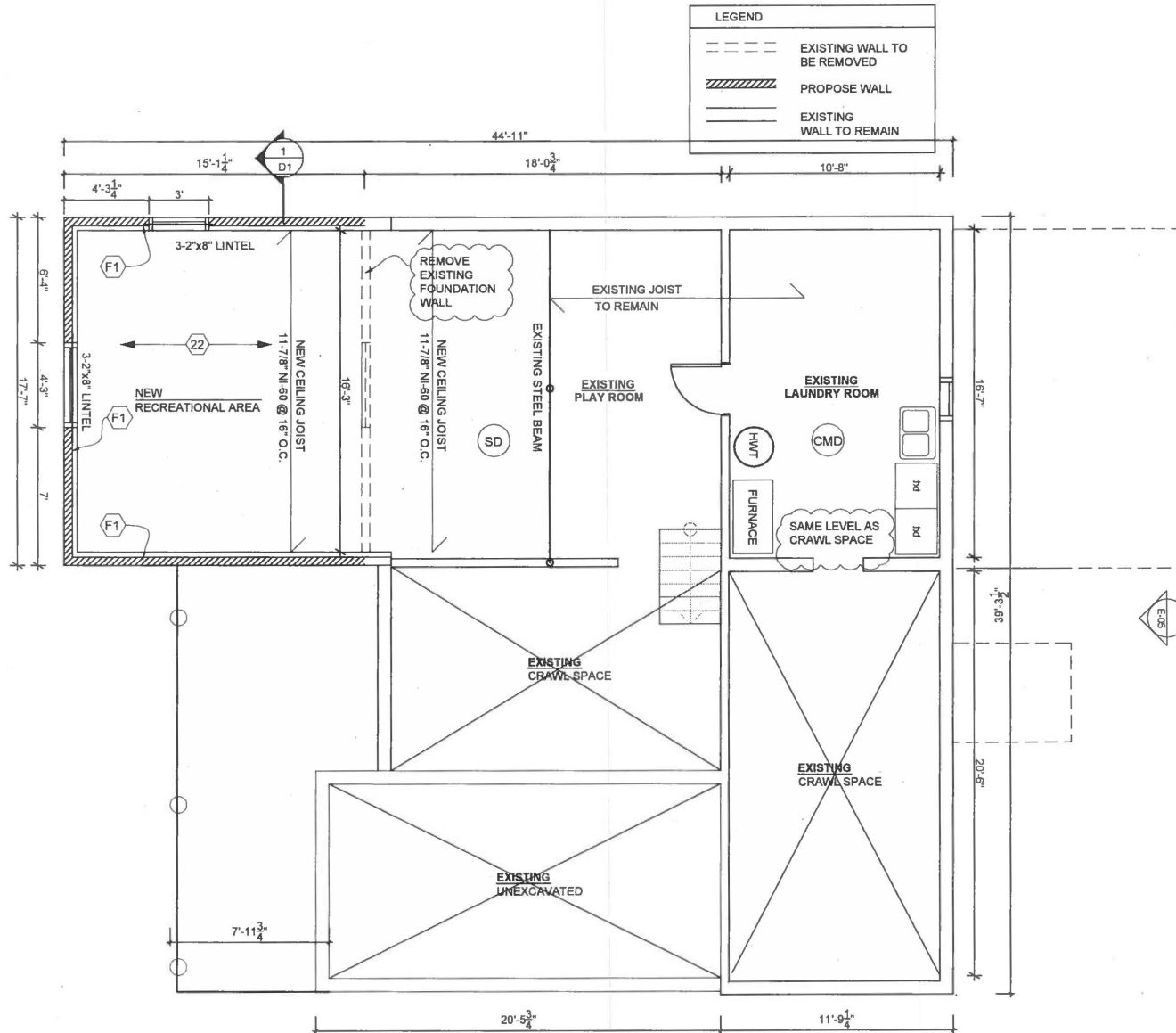
PREPARED BY:



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Carlson Tsang, Planner II, West District





**DRAWING NOTES**

**DO NOT SCALE DRAWINGS**

EACH CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE DRAWING, INVESTIGATE, VERIFY THE CONDITIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER OF RECORD BEFORE PROCEEDING WITH THE WORK.

THIS DRAWING MUST NOT BE USED FOR FABRICATION OR CONSTRUCTION UNTIL IT HAS BEEN SEALED AND SIGNED BY THE DESIGNER OF RECORD.

ALL DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND THE PROPERTY OF THE DESIGNER. THEY MUST NOT BE COPIED, REPRODUCED, OR ALTERED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.

**DRAWING REVISIONS**

DESCRIPTION FOR REVISION	NO.	BY	DATE

REVISED FRONT ADDITION	1	QZ	APR 29 2018
ISSUED FOR REVIEW			
ISSUED FOR PERMIT			
ISSUED FOR CONSTRUCTION			

THE UNDERSIGNED HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.

KELVIN HUI  
 NAME SIGNATURE 3847 BCN  
 DRAWN: QZ CHECKED: KH

OWNER:  
 CLIENT:  
 KENT ANDERSON

SCALE: 3/16" = 1'-0"

PROJECT TITLE:  
 PROPOSE ADDITION

ADDRESS:  
 6 SIR BRANDILES  
 MARKHAM, ONTARIO

DRAWING TITLE:  
 BASEMENT PLAN

PRODUCED ON:  
 2018-03-29

**A.01**









**DRAWING NOTES**

**DO NOT SCALE DRAWINGS**

EACH CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE DRAWING, INVESTIGATE PROJECT SITE CONDITIONS, AND REPORT ANY DISCREPANCIES TO THE DESIGNER OF RECORD BEFORE PROCEEDING WITH THE WORK.

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**DRAWING REVISIONS**

DESCRIPTION FOR REVISION	NO.	BY	DATE

ISSUED FOR REVIEW  
 ISSUED FOR PERMIT  
 ISSUED FOR CONSTRUCTION

DRAWN: QZ    CHECKED: KH

OWNER:

CLIENT: KENT ANDERSON

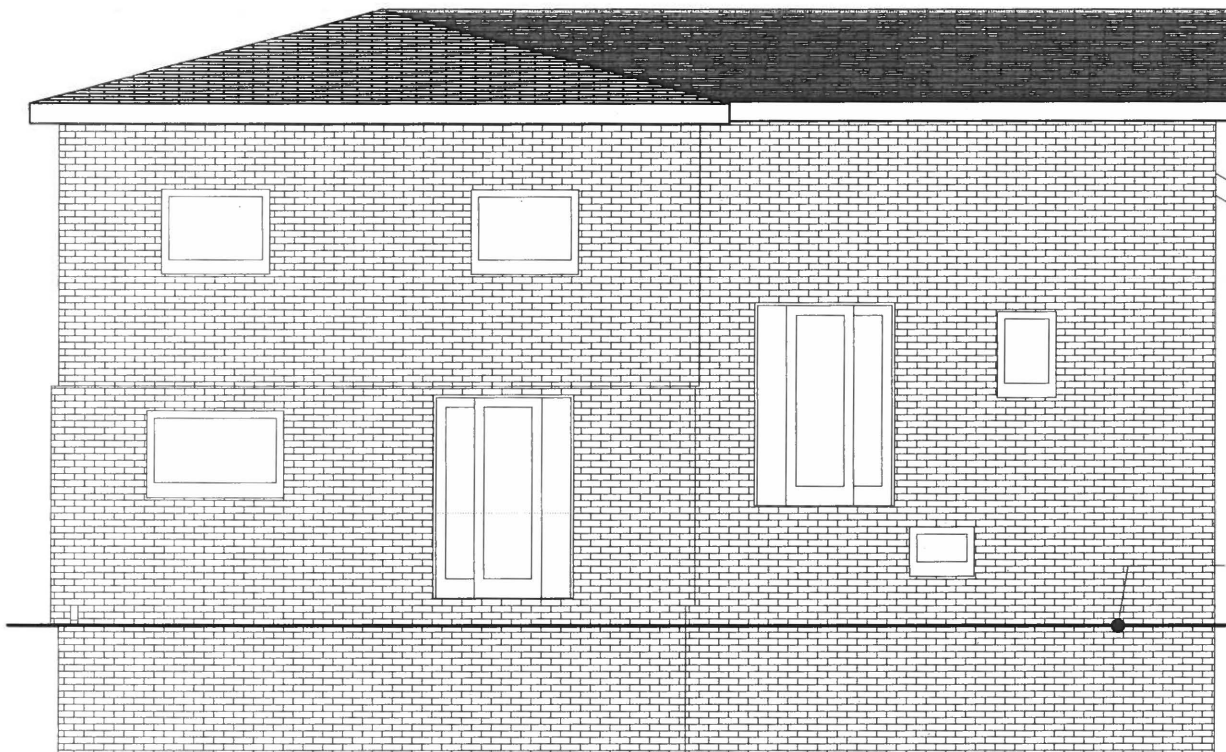
SCALE: 1/4" = 1'-0"

PROJECT TITLE: ONE STOREY ADDITION

ADDRESS: 6 SIR BRANDILES PLACE  
TORONTO, ONTARIO

DRAWING TITLE: NORTH ELEVATION

PRODUCED ON: 2017-08-28    **A.06**



- +20'-1-3/4"  
T/O ROOF
- +16'-4"  
T/O PLATE
- +11'-1"  
SECOND FLR
- +3'-1"  
GROUND FLOOR
- 5'  
BASEMENT SLAB

ESTABLISH GRADE

**DRAWING NOTES**

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**DRAWING REVISIONS**

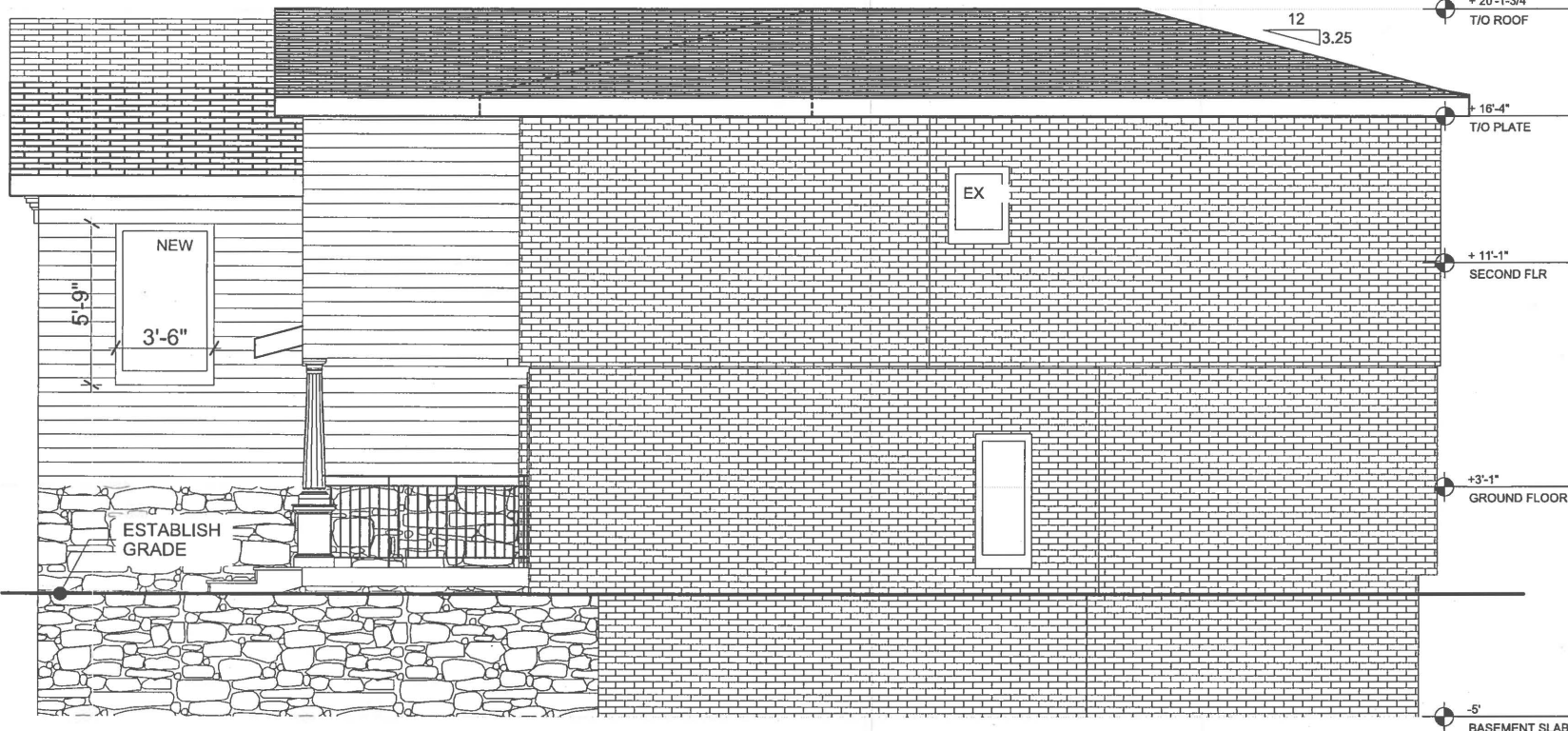
DESCRIPTION FOR REVISION	NO.	BY	DATE

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DESCRIPTION FOR REVISION	NO.	BY	DATE
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<input type="checkbox"/> ISSUED FOR CONSTRUCTION			

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DRAWN: QZ	CHECKED: KH
OWNER:	
CLIENT: KENT ANDERSON	
SCALE: 1/4" = 1'-0"	
PROJECT TITLE: ONE STOREY ADDITION	
ADDRESS: 6 SIR BRANDILES PLACE TORONTO, ONTARIO	
DRAWING TITLE: SOUTH ELEVATION	
PRODUCED ON: 2017-06-28	<b>A.07</b>



**DRAWING NOTES**

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**DRAWING REVISIONS**

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DESCRIPTION FOR REVISION	NO.	BY	DATE
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<input type="checkbox"/> ISSUED FOR PERMIT			
<input type="checkbox"/> ISSUED FOR CONSTRUCTION			

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OWNER:

CLIENT: KENT ANDERSON

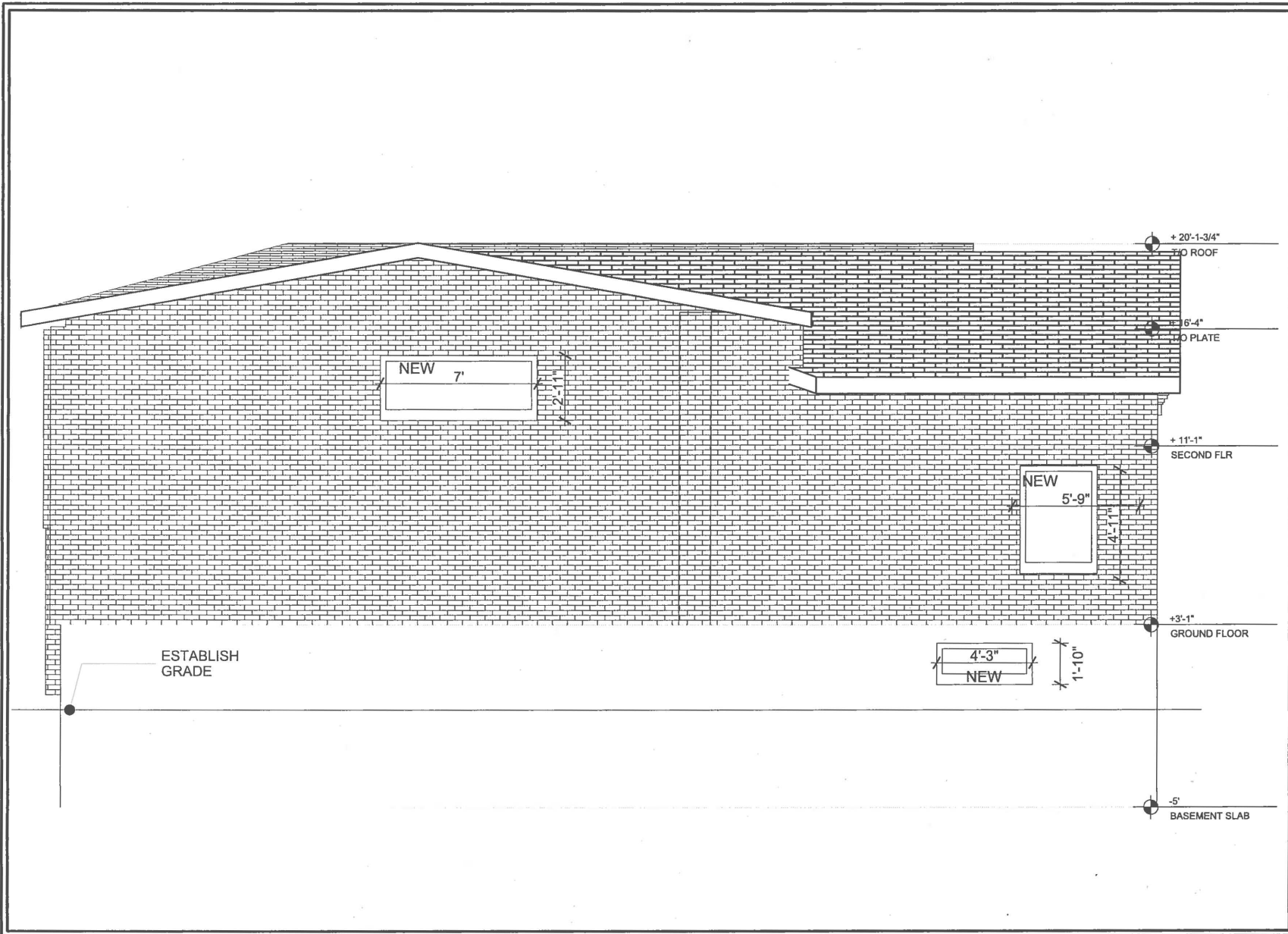
SCALE: 1/4" = 1'-0"

PROJECT TITLE:  
ONE STOREY ADDITION

ADDRESS:  
6 SIR BRANDILES PLACE  
TORONTO, ONTARIO

DRAWING TITLE:  
WEST ELEVATION

PRODUCED ON:  
2017-08-28      **A.08**



**DRAWING NOTES**

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**DRAWING REVISIONS**

DESCRIPTION FOR REVISION	NO.	BY	DATE

DESCRIPTION FOR REVISION	NO.	BY	DATE
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<input type="checkbox"/> ISSUED FOR PERMIT			
<input type="checkbox"/> ISSUED FOR CONSTRUCTION			

DRAWN: QZ      CHECKED: KH

OWNER:

CLIENT: KENT ANDERSON

SCALE: 1/4" = 1'-0"

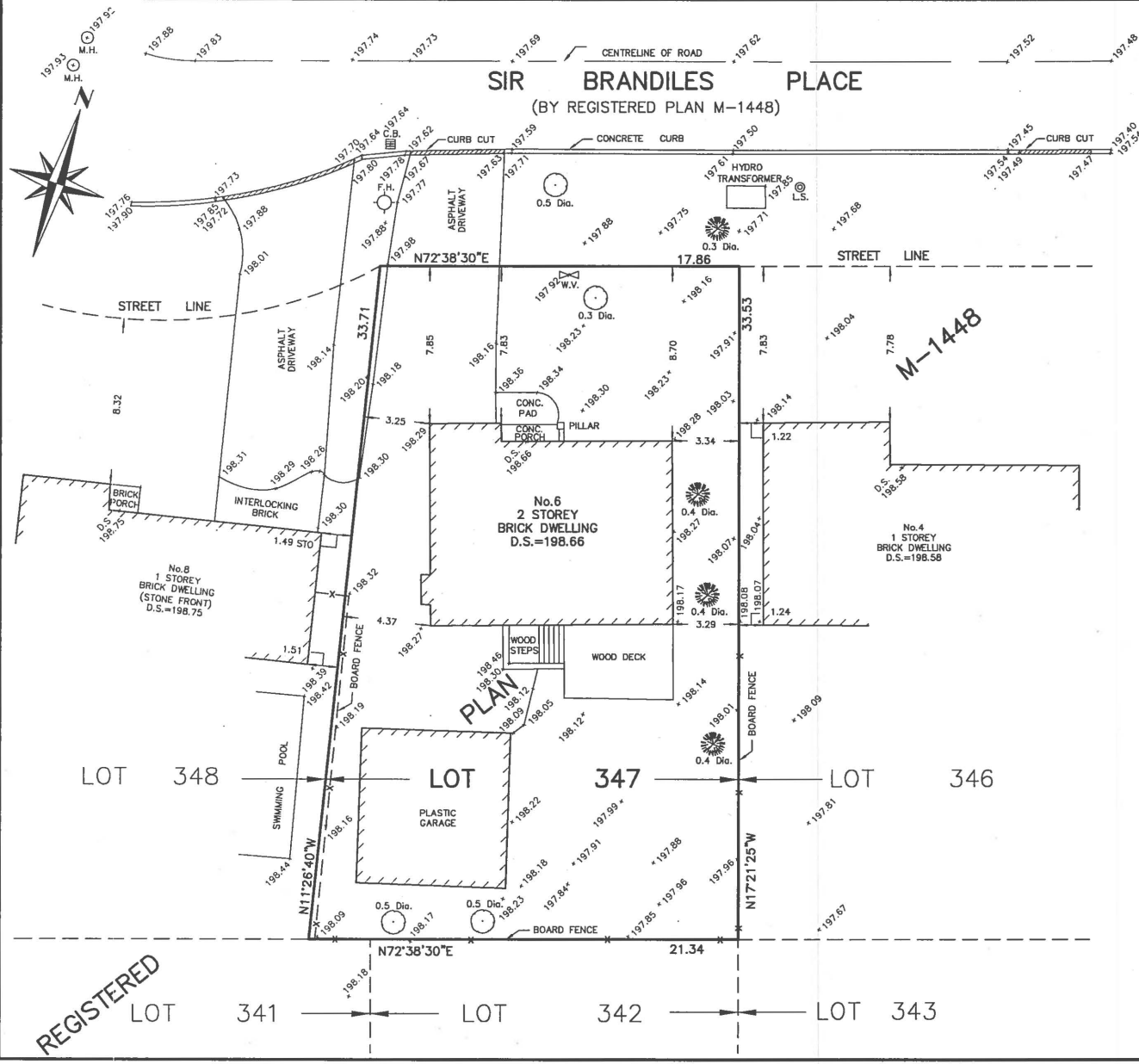
PROJECT TITLE:  
ONE STOREY ADDITION

ADDRESS:  
6 SIR BRANDILES PLACE  
TORONTO, ONTARIO

DRAWING TITLE:  
EAST ELEVATION

PRODUCED ON:  
2017-08-28

**A.09**



**TOPOGRAPHIC SURVEY OF  
LOT 347  
REGISTERED PLAN M-1448  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK**

SCALE 1:200  
10m 5 0 10 METRES

MANDARIN SURVEYORS LIMITED, O.L.S. ©

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

- 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
  - CONC. DENOTES CONCRETE
  - STO DENOTES TIE TO STONE
  - ⊙ L.S. DENOTES LIGHT STANDARD
  - ⊙ W.V. DENOTES WATER VALVE
  - ⊙ F.H. DENOTES FIRE HYDRANT
  - ⊙ M.H. DENOTES MAN HOLE
  - ⊙ C.B. DENOTES CATCH BASIN
  - ⊙ DENOTES CONIFEROUS TREE
  - ⊙ DENOTES DECIDUOUS TREE

**BENCHMARK NOTE**  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY  
OF MARKHAM BENCHMARK No.092903133, HAVING AN ELEVATION OF 206.55  
METRES. BRASS CAP IN C.S.W. 7.0m EAST OF CENTRELINE OF SIR LANCELOT  
DRIVE AND OPPOSITE DWELLING #113.

**CERTIFICATE**  
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN WERE COMPLETED  
ON THE 15th DAY OF JUNE, 2017

JUNE 22, 2017  
DATE  
Z. ZENG  
ONTARIO LAND SURVEYOR

**CAUTION**  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR  
MORTGAGE OR TRANSACTION PURPOSES.

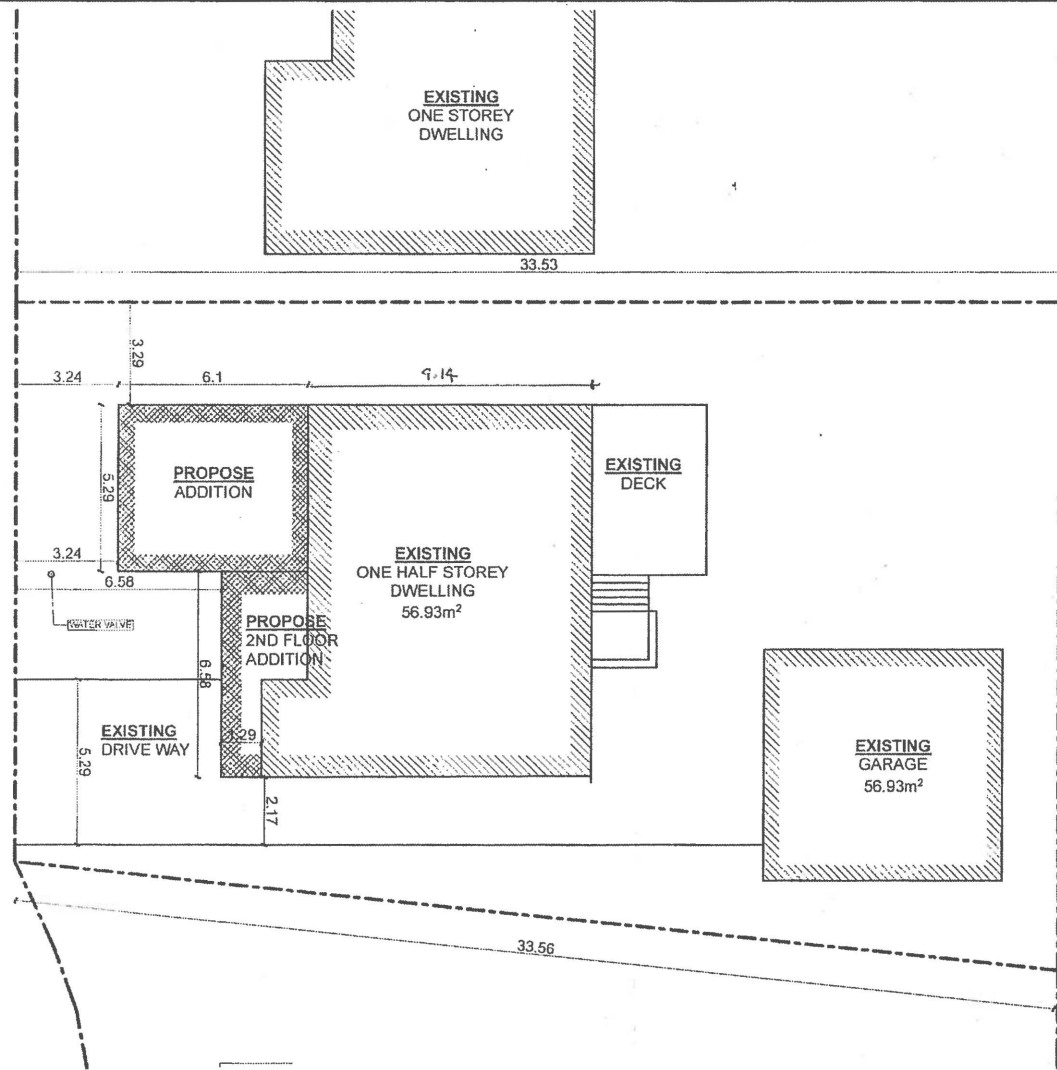
**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM  
42 RAVENCLIFF CRESCENT PHONE: (647)430-1366 FAX: (647)799-4068  
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 17-216TP JOB No: 2017-216



SIR BRANDILES PLACE

17.86



<b>ZONING - R4 P1</b>	
LOT SIZE	17.86 M X 33.53 M
LOT AREA	657.15 M <sup>2</sup>
ALLOWABLE COVERAGE	230M <sup>2</sup> (35%)
<b>EXISTING</b>	
GROUND FLOOR AREA	100.75 M <sup>2</sup>
SECOND FLOOR AREA	66.65 M <sup>2</sup>
NOT INCLUDING GARAGE	
COVERAGE	114.92 M <sup>2</sup>
GARAGE	56.93 M <sup>2</sup>
<b>PROPOSED</b>	
COVERAGE	32.26 M <sup>2</sup>
GROUND FLOOR AREA	35.35 m <sup>2</sup>
SECOND FLOOR AREA	14.65 M <sup>2</sup>
TOTAL GFA	226.32 M <sup>2</sup>

NOTES:

DATE:	ISSUED FOR:

DRAWING TITLE:		SITE PLAN
PROJECT:	ONE STOREY ADDITION	
CLIENT:	KENT ANDERSON	

PROJECT TITLE/ADDRESS:	6 SIR BRANDILES PLACE TORONTO, ON
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SCALE:	1:150
LAST MODIFIED:	2017-04-26

A.00

Appendix C