

Memorandum to the City of Markham Committee of Adjustment

May 03, 2019

File: A/37/19
Address: 15 Bewell Dr. Markham
Applicant: Li Xu Wen & Liang Aishan
Agent: KBK Studios Inc. (Kyle Khadra)
Hearing Date: Wednesday May 29, 2019

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

The applicant is requesting relief from the following requirements of By-law 177-96, R2*224*324 as amended:

a) Amending By-law 2006-220, Section 7.324(a): a minimum rear yard setback of 1.04 m, whereas the by-law requires a minimum rear yard setback of 5.0 m; as it relates to a proposed addition to a residential dwelling.

BACKGROUND

Property Description

The subject property is located near the intersection of Bewell Drive and Sanders Drive in a residential neighbourhood of single detached dwellings south of the historic community of Box Grove. The property is surrounded by Napier Simpson Park except to the north where there is a neighbouring single detached dwelling (See Figure 1- Location Map). The property is occupied by a two storey stone heritage dwelling constructed in the 1850's and a detached accessory building/garage constructed in 2013.

Proposal

The applicant is proposing to demolish the existing accessory building/garage and construct a two storey 132.7m² (1,427.9 ft²) addition to the existing heritage dwelling with a one storey 48m² (516.7 ft²) attached garage.

Official Plan and Zoning

Official Plan 2014 (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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criteria is established 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. 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 these development criteria. 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.

Zoning By-Law 177-96

The subject property is zoned R2*224*324 under By-law 177-96, as amended, which permits a single detached dwelling and an accessory building.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, "*Existing rear yard setback within required rear yard setback*".

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 28, 2019 to confirm the variance required 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 Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 1.05 m (3.4 ft.) whereas the By-law requires a minimum rear yard setback of 5.0 m (16.4 ft²). This represents a reduction of 3.95 m (13 ft.) The variance is attributable to the fact that the rear yard from a zoning perspective actually functions as the property's side yard, as the historic architectural front of the building faces south. Given the unique siting of the historic house and dimensions of the lot, the requested rear yard setback really represents a side yard setback from a physical and architectural standpoint. Considering that the typical side yard setback for a two storey, single detached dwelling in the City of Markham is 1.8 m (6 ft.) the requested variance represents a reduction in setback of only 0.75m (2.5 ft.).

The rear yard of 15 Bewell Drive also borders a large public park and greenspace and the requested variance therefore has no impact on neighbouring property owners.

Furthermore, it is also noted that the existing rear yard setback of the heritage dwelling is only 2.63m (8.6 ft.) and already does not comply with minimum required rear yard setback of the By-law.

Engineering and Urban Design

The City's Urban Design Section and Engineering Department have not provided any comments on the application.

Heritage Markham

The accompanying site plan application for the proposed addition was reviewed by Heritage Markham on June 13, 2018 and the Committee had no objection to its architectural design and delegated final review of the site plan application and any development application necessary to its approval to Heritage Section staff. Therefore, the requested variance does not require any further review by Heritage Markham (See Appendix 'B' – Heritage Markham Extract of June 13, 2018)

PUBLIC INPUT SUMMARY

No written submissions were received as of May 9th 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 requested variance to permit a minimum rear yard setback of 1.04 m (3.4 ft.) meets all four tests of the Planning Act and have no objection to its approval. 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:



Peter Wokral, Senior Heritage Planner

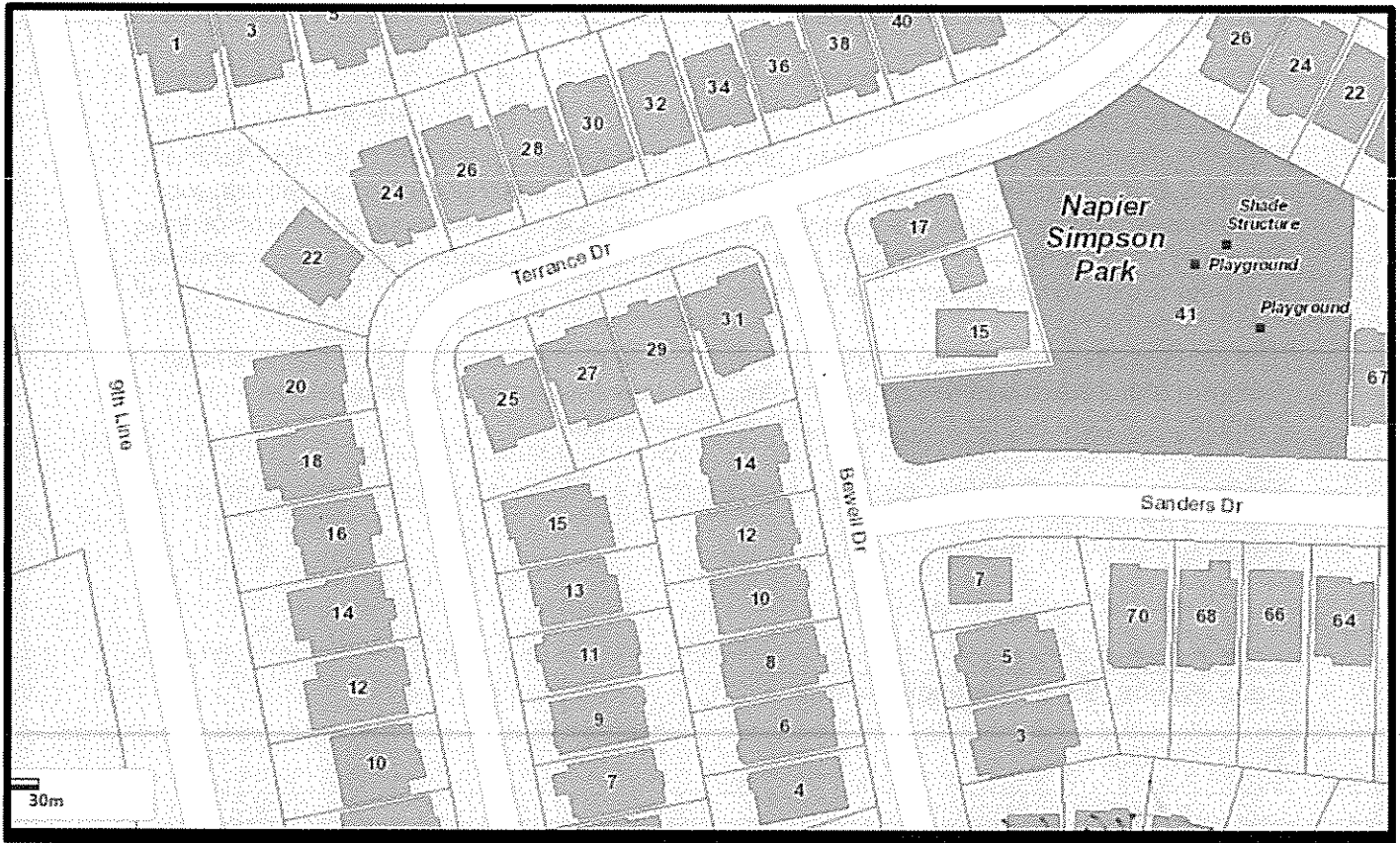
REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

File Path: Amanda\File\ 19 117869 \Documents\District Team Comments Memo

FIGURE 1- LOCATION MAP

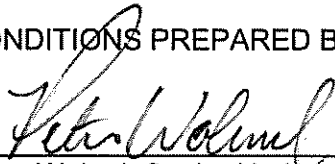


APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/37/19

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 plans attached as 'Appendix C' 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. That the owner submit to the Secretary-Treasurer a copy of the Site Plan Endorsement memo for the proposed development;

CONDITIONS PREPARED BY:



Peter Wokral, Senior Heritage Planner

APPENDIX 'B'- HERITAGE MARKHAM EXTRACT OF JUNE 13, 2018

HERITAGE MARKHAM
EXTRACT

DATE: June 21, 2018

TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner

EXTRACT CONTAINING ITEM #13 OF THE SIXTH HERITAGE MARKHAM
COMMITTEE MEETING HELD ON JUNE 13, 2018.

13. **Site Plan Control Application,**
15 Bewell Drive,
Proposed 2 Storey Addition to an Existing Heritage Dwelling (16.11)
File Number: SC 18 181794
Extracts: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Heritage Planner
-

Memo

Peter Wokral, Heritage Planner addressed the Committee and summarized the details outlined in the meeting notes of the Architectural Review Subcommittee held on May 30, 2018

The Committee spoke in support of the recommendations from the Architectural Review Subcommittee.

Recommendation:

That Heritage Markham has no objection from a heritage perspective to the proposed two storey addition to the existing heritage dwelling at 15 Bewell Drive, subject to the exterior east facing wall being set back at least 6" from the plane of the one storey wall of the heritage portion of the house in order to create a shadow line to better differentiate the new construction from the original house; and,

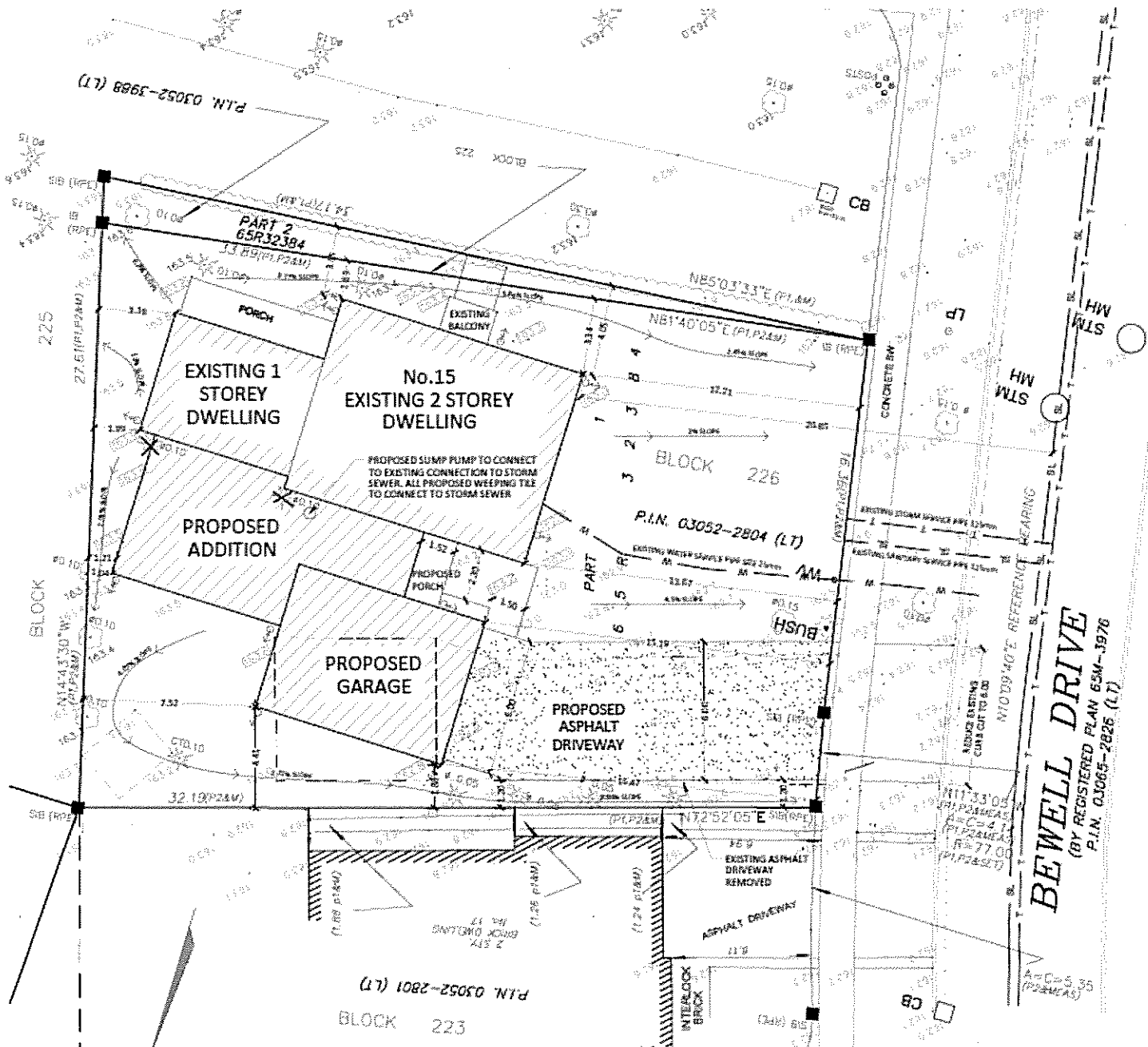
That final review of any development application required to approve the revised plans for the proposed two storey addition to 15 Bewell Drive be delegated to Heritage Section Staff; and further,

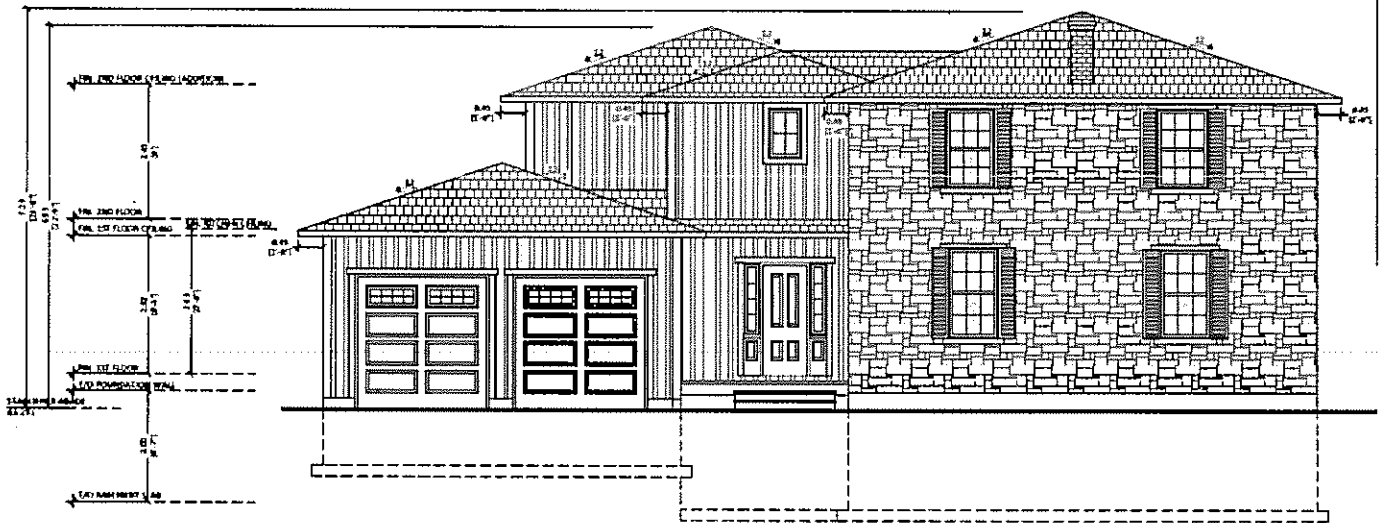
That the applicant enter in to a Site Plan Agreement with the City containing the standard conditions regarding materials, colours and windows etc.

Carried

APPENDIX 'C'

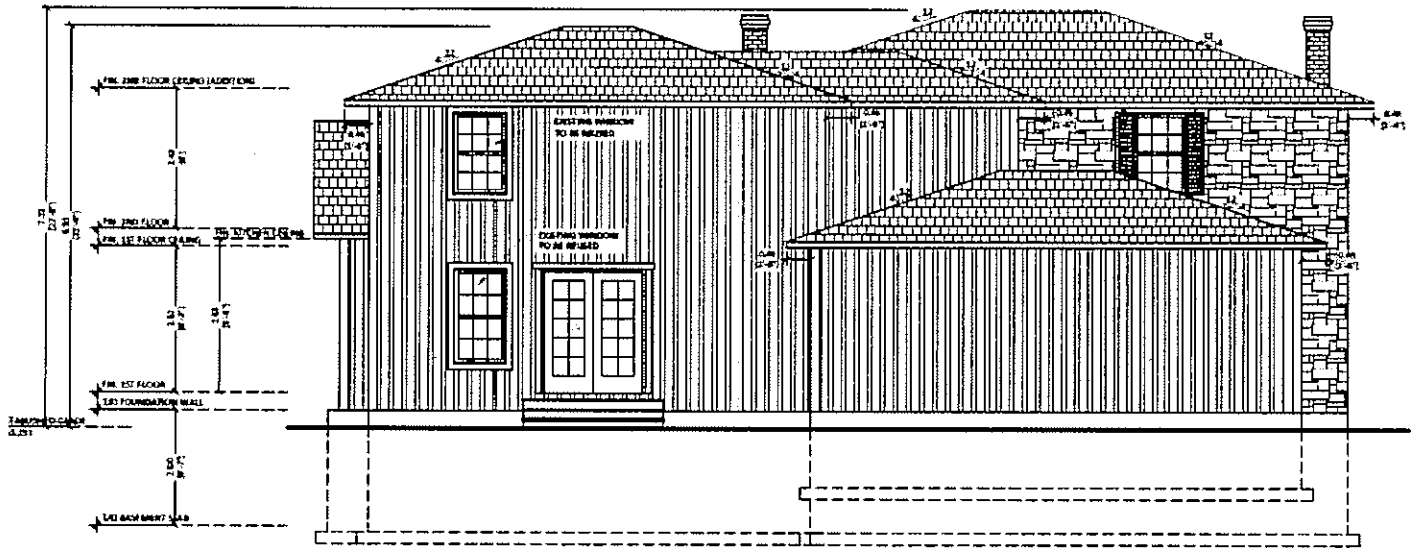
PROPOSED TWO STOREY ADDITION TO THE EXISTING HERITAGE DWELLING



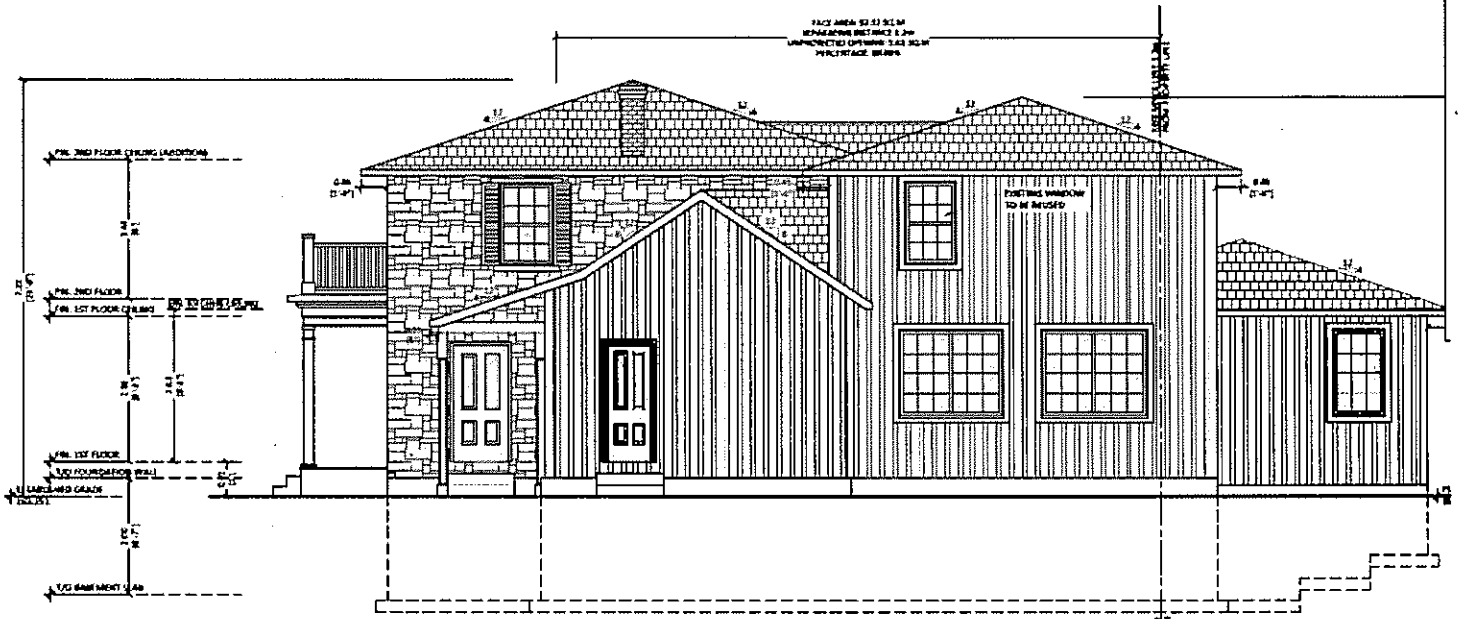


PROPOSED WEST ELEVATION
(FRONT)

FACE AREA: 44.34 SQ. M.
SURFACING SURFACES: 7.96m.
UNPROTECTED OPENING: 2.00 BLM.
PERCENTAGE: 4.4%



PROPOSED NORTH ELEVATION
(SIDE)



PROPOSED EAST ELEVATION
(REAR)



PROPOSED SOUTH ELEVATION
(SIDE)