

Memorandum to the City of Markham Committee of Adjustment

May 2, 2018

File: A/38/18
Address: 45 Douglas Haig Drive, Markham
Applicant: Gurpreet Dhunna
Agent: Reza Sekhavati
Hearing Date: Wednesday May 09, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 90-81, as amended:

- a) **Section 6.1.2(b):**
a minimum side yard setback (south) of 1.22 m for the two storey portion of the building; whereas the By-law requires 1.8 m;
- b) **Section 6.1.2(b):**
a minimum side yard setback (north) of 0.61 m for the one-storey portion and 1.22 m for the two storey portion of the building; whereas the By-law requires 1.2 m for the one-storey portion and 1.8 m for the two-storey portion;
- c) **Section 6.1.2(a):**
a minimum lot frontage of 9.3 m; whereas the By-law requires a minimum lot frontage of 12 m;
- d) **Section 6.1.2(a):**
a minimum lot area of 317.76 sq. m, whereas the By-law requires a minimum lot area of 371.5 sq. m;

as they relate to a proposed residential dwelling.

BACKGROUND

The subject property, which is located on the west side of Douglas Haig Drive, north of Steele's Avenue and east of McCowan Road, is currently vacant and located within an established residential neighbourhood comprised of two-storey semi-detached and single detached houses. The applicant is proposing to construct a 228.6 m² (2,460.73 ft²) two-storey detached dwelling.

Official Plan and Zoning

2014 Official Plan (as partially approved on November 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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 90-81

The subject property is zoned RSD4 or Fourth Density Semi-Detached Residential under By-law 90-81, as amended, which permits one single detached dwelling. The proposed development does not comply with the by-law with respect to side yard setback, lot frontage and lot area.

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

According to the information provided by the applicant, the reason for not complying with Zoning is because the "2nd floor will be too small for a decent design".

Zoning Preliminary Review Undertaken (Incomplete)

The applicant has submitted an incomplete Zoning Preliminary Review (ZPR). As a result, variances required for the proposed development have not been confirmed. It is still 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 Side Yard Setback

The applicant is requesting a minimum side yard setback of 4 ft (1.22 m) for the two-storey portion (south) of the dwelling, whereas the by-law requires a minimum side yard setback of 5.9 ft (1.8 m) for the two-storey portion of the dwelling. The requested variance only applies to the second storey and there are no concerns with the request.

The applicant is also applying for a minimum side yard setback (north) of 0.61 m (2 ft) for the one-storey portion and 1.22 m (4 ft) for the two storey portion of the building, whereas the By-law requires 1.2 m (3.9 ft) for the one-storey portion and 1.8 m (5.9 ft) for the two-storey portion. Engineering staff have reviewed the application and have concerns with the variance to reduce the side yard by half with respect to the impacts of a reduced side yard area on effective drainage along the north side of the property. Notwithstanding that the proposed reduced side yard is generally consistent with side yard setback patterns on the street the potential impacts on overland flow should be considered.

Reduction in Minimum Lot Frontage and Lot Area

The applicant is requesting a variance to permit a minimum lot frontage of 9.3m (30.5 ft), whereas the by-law requires a minimum lot frontage of 12 m (39 ft). The applicant is also requesting a variance to permit a minimum lot area of 3,420.3 ft² (317.76 m²), whereas the by-law requires a minimum lot area of 3,998.8 ft² (371.5 m²). The requested variances are entirely attributable to the change of dwelling type on the property from a semi-detached dwelling to a proposed single detached two-storey dwelling. The original dwelling, which was a semi-detached dwelling joined to the neighbouring dwelling below grade, was destroyed a few years ago by fire. It is now being rebuilt as a single detached dwelling and therefore the lot frontage and area requirements vary

slightly from the requirements for semi-detached lot types. Staff have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 2 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 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 request meets the four tests of the Planning Act and have no objection subject to conditions, including the requirement for storm drainage to be appropriately designed. Staff recommend that the Committee consider public input in reaching a decision. However, Staff also note that the approval of this minor variance will render the neighbouring property (43 Douglas Haig Dr) non-conforming to Zoning By-law 90-81, resulting in any future construction requiring a minor variance.

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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District
File Path: Amanda\File\ 18 228301 \Documents\District Team Comments Memo

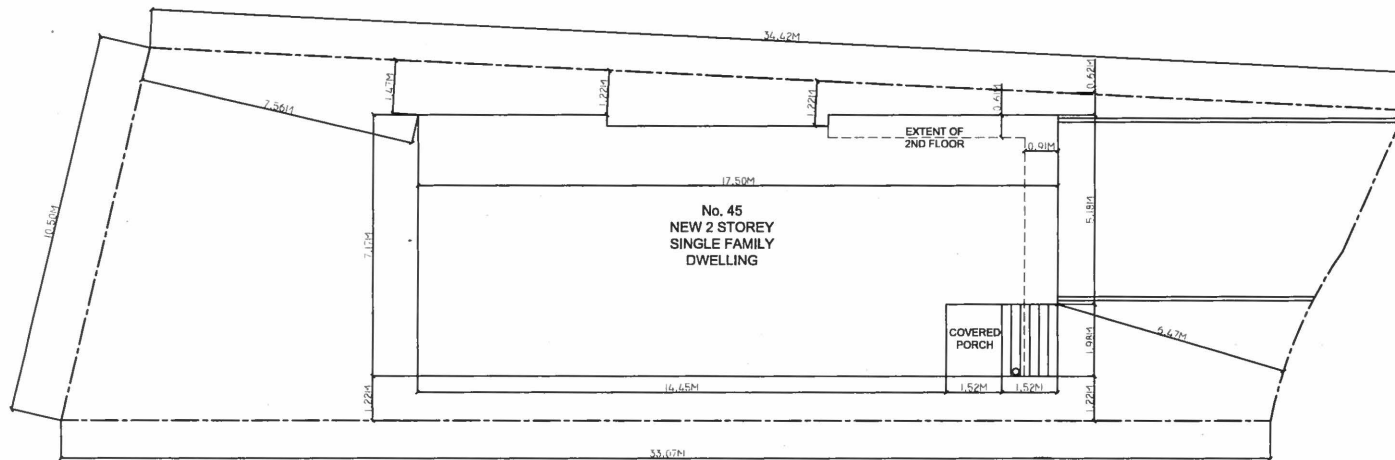
APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/38/18

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 A' to this Staff Report and dated February 25th 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. That the owner implement and maintain all of the works required in accordance with the conditions of this variance
4. That the applicant submit a drainage design from a professional engineer demonstrating how the impacts on drainage will be resolved due to reduction of the side yard setbacks, to the satisfaction of the Director of Engineering or designate.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects



DOUGLAS HAIG DRIVE



ZONING DATA (RSD4 RESIDENTIAL)	PROPOSED M ²
LOT AREA	317.76
LOT COVERAGE (BUILDING +FRONT PORCH & GARAGE)	121.66 (38.29%)
GARAGE AREA	30.55
FIRST FLOOR AREA	110.21
2ND FLOOR AREA	113.90
GFA TOTAL	254.66

SETBACK	PROPOSED
FRONT	21'-2.75" / 6.47 M
SIDE (EAST)	4'-0" / 1.22 M
SIDE (WEST)	4'-0" / 1.22 M
REAR	24'-9.75" / 7.56 M
BUILDING HEIGHT	32'-0" / 9.98 M

GENERAL NOTES

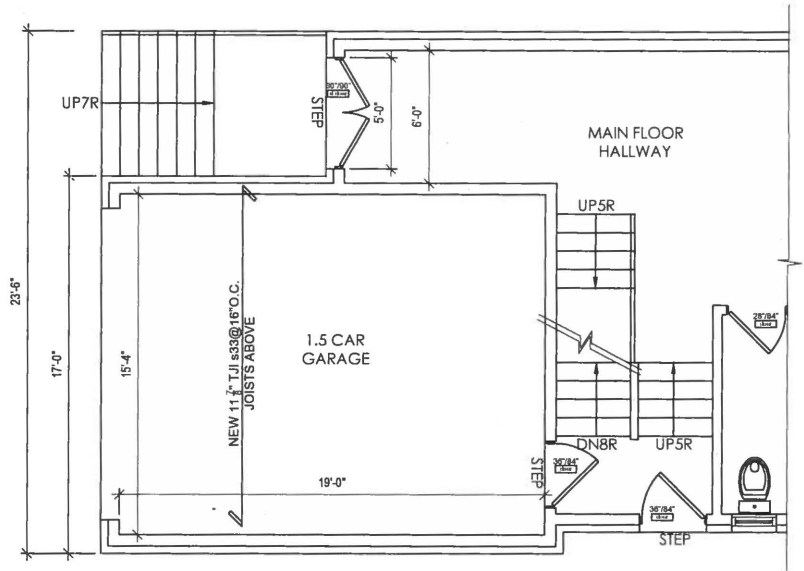
- 1- ALL DIMENSIONS ARE IN MILLIMETER
- 2- CONFIRM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE INCLUDING ALL STANDARDS REFERENCED THEREIN AND ANY APPLICABLE ACTS OF HAVING JURISDICTION. (THE LATEST VERSION OF STANDARDS AND CODES SHALL APPLY.)
- 3- THE CONTRACTOR SHOULD VISIT THE SITE AND BECOME FAMILIARIZED WITH ALL CHARACTERISTICS AFFECTING NEW AND EXISTING CONSTRUCTION. CONTRACTOR SHALL CHECK ALL DIMENSION ON WORKING DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK. ANY CHANGES/ALTERATIONS OR REVISIONS MUST BE REPORTED TO ENGINEER BEFORE PROCEEDING WITH WORK.
- 4- ALL WORKS IS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS-O. REG. 231/91 LOADING
- 5- THE DESIGN LOADS FOR THE BUILDING AND ITS COMPONENTS IS DETERMINED IN ACCORDANCE WITH THE 2012 OBC DIV B PART 4 AND 2010 NBC.
- 6- NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BY ENGINEER.

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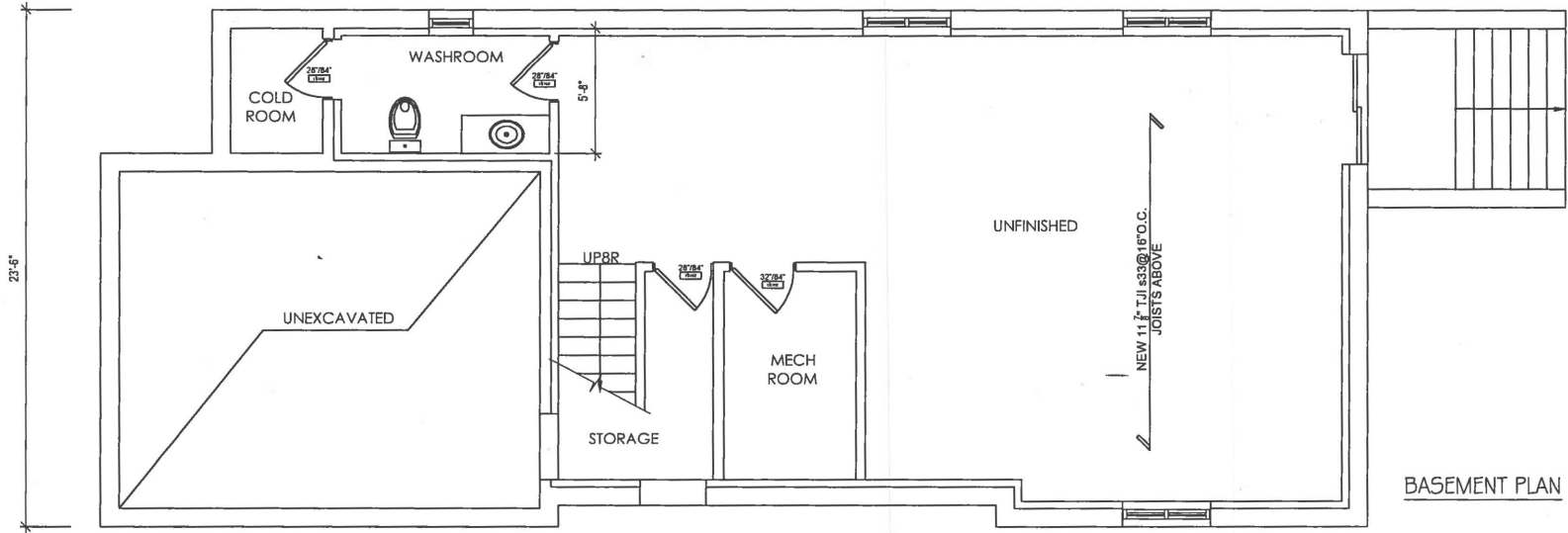
RECON CONSULTING

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EMAIL: STJ@RECONCONSULTING.COM
WEB: RECONCONSULTING.COM

Designed By:	R.S
Project:	NEW 2 STOREY SINGLE FAMILY RESIDENTIAL
Location:	45 DOUGLAS HAIG DRIVE, MARKHAM, ON
Drawing:	SITE PLAN
Date:	25 FEB 2018
Scale:	3/16" = 1'
Drawing No.:	Page: A01



GARAGE PLAN



BASEMENT PLAN

GENERAL NOTES

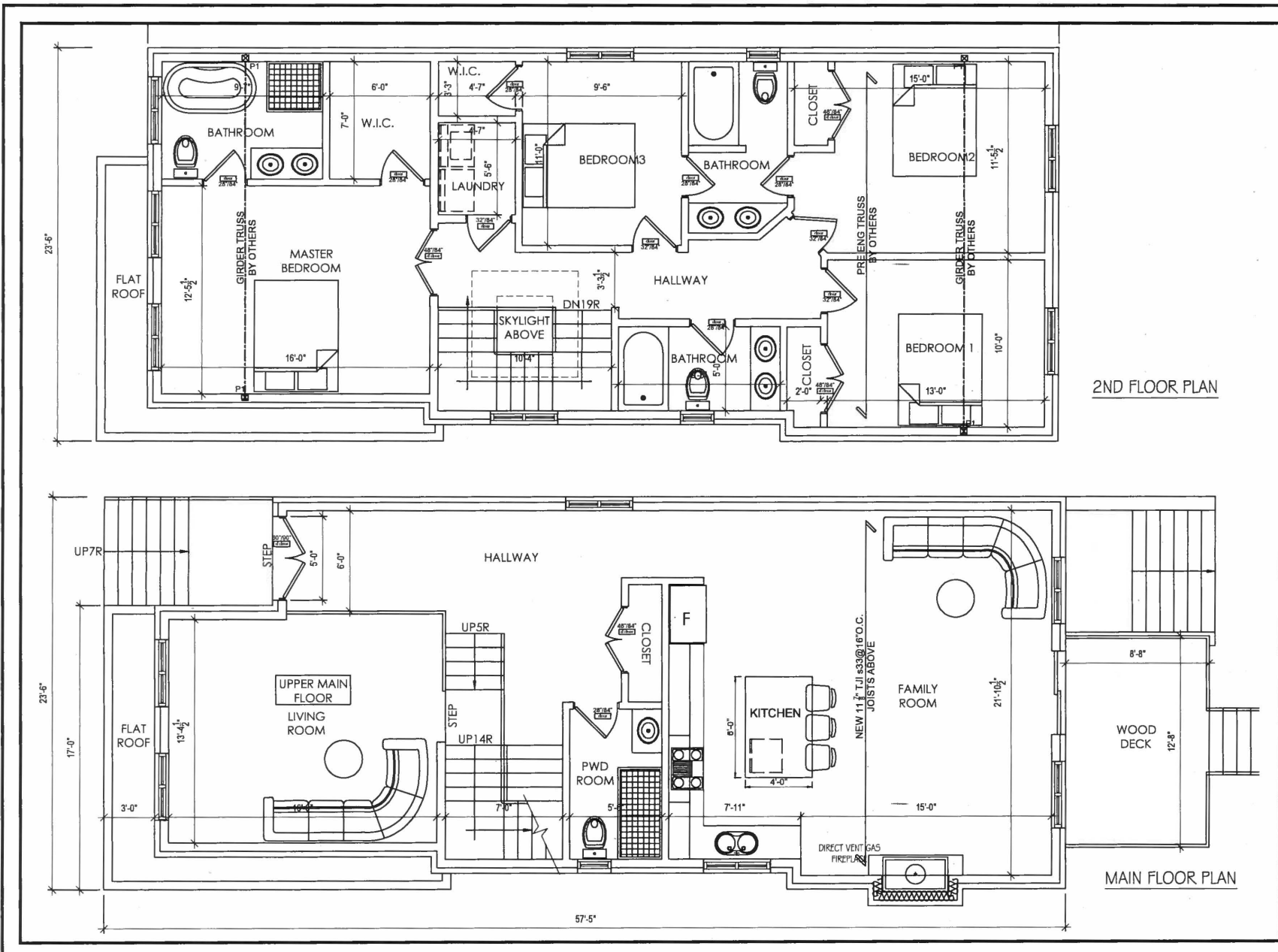
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Designed By:	RS
Project:	NEW 2 STOREY SINGLE FAMILY RESIDENTIAL
Location:	45 DOUGLAS HAIG DRIVE, MARKHAM, ON
Drawing:	BASEMENT & GARAGE PLAN
Date:	25 FEB 2018
Scale:	3/16" = 1'
Drawing No.:	Page: A02



- GENERAL NOTES**
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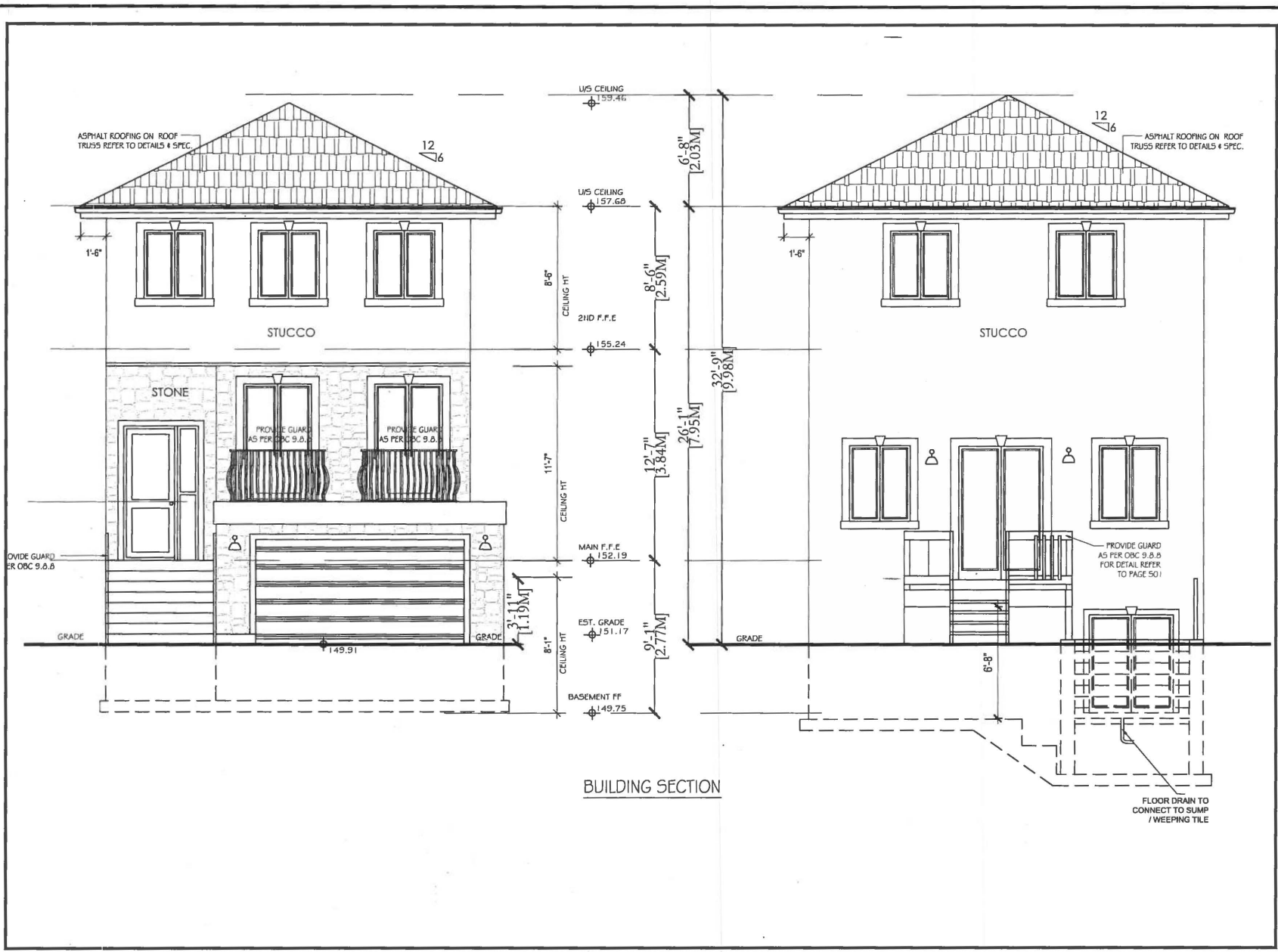
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Designed By:	RS
Project:	NEW 2 STOREY SINGLE FAMILY RESIDENTIAL
Location:	45 DOUGLAS HAIG DRIVE, MARKHAM, ON
Drawing:	MAIN & 2ND FLOOR PLAN
Date:	25 FEB 2018
Scale:	3/16" = 1'
Drawing No.:	Page: A03



BUILDING SECTION

GENERAL NOTES

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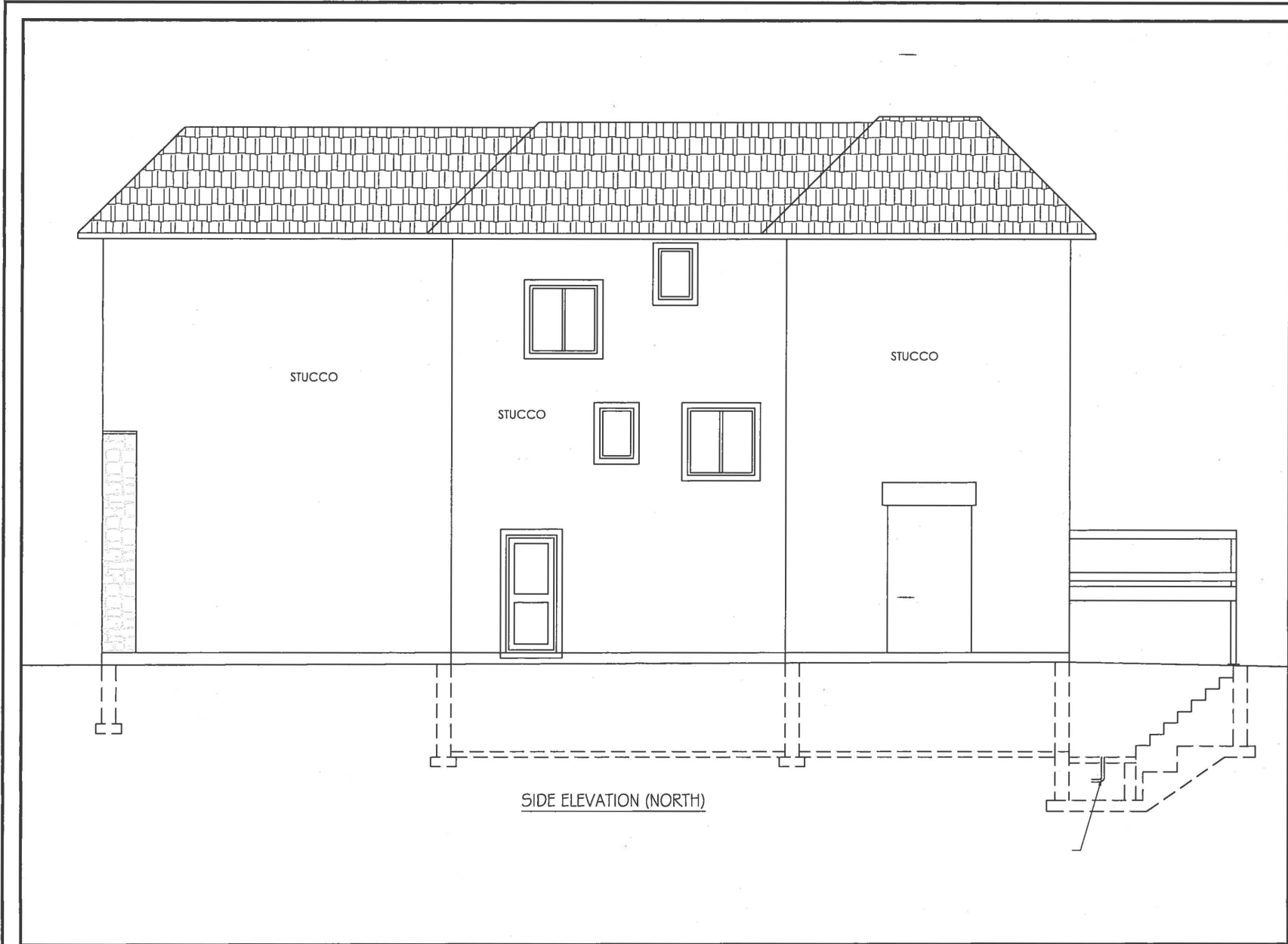
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Designed By:	RLS
Project:	NEW 2 STOREY SINGLE FAMILY RESIDENTIAL
Location:	45 DOUGLAS HAIG DRIVE, MARKHAM, ON
Drawing:	FRONT & REAR ELEVATION
Date:	25 FEB 2018
Scale:	3/16" = 1'
Drawing No.:	Page: A05



GENERAL NOTES

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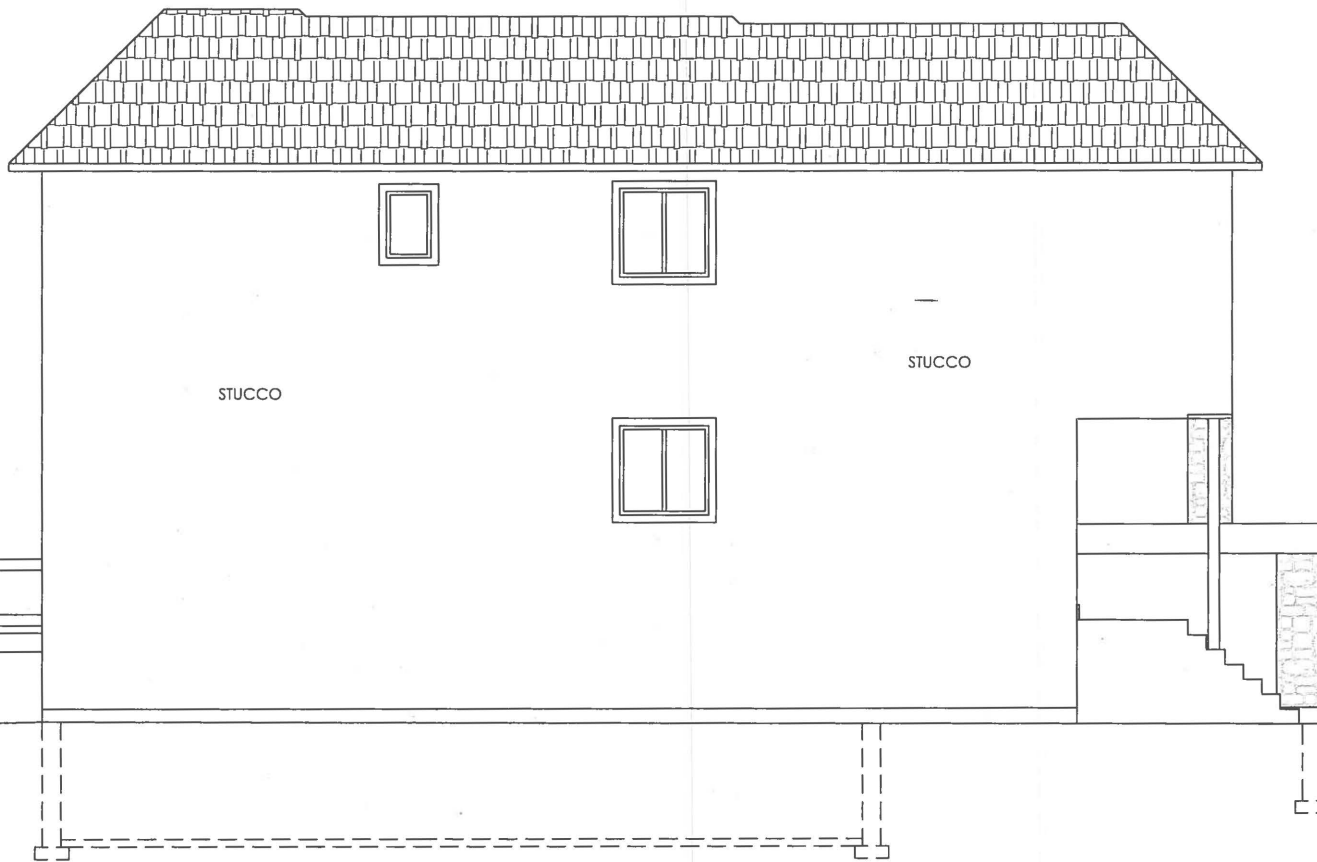
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Designed By:	R.S
Project:	NEW 2 STOREY SINGLE FAMILY RESIDENTIAL
Location:	45 DOUGLAS HAIG DRIVE, MARKHAM, ON
Drawing:	SIDE ELEVATION (NORTH)
Date:	25 FEB 2018
Scale:	3/16" = 1'
Drawing No.	Page: A06



SIDE ELEVATION (SOUTH)

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Designed By: R.S
 Project: NEW 2 STOREY SINGLE FAMILY RESIDENTIAL
 Location: 45 DOUGLAS HAIG DRIVE, MARKHAM, ON
 Drawing: SIDE ELEVATION (SOUTH)

Date: 25 FEB 2018 Scale: 3/16" = 1'
 Drawing No. Page: A07