

Memorandum to the City of Markham Committee of Adjustment

May 11, 2018

File: A/47/18
Address: 3 Sunflower Crt Thornhill
Applicant: 2574023 Ontario Inc. (Amir Meysam Nahvi)
Agent: Avesta Design Group Inc. (Mohammad Ashouri)
Hearing Date: Wednesday May 30, 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(i):**
a maximum building height of 11.52 metres; whereas, the By-law permits a maximum building height of 9.8 metres;
 - b) **Section 14(i)(e):**
a minimum rear yard setback of 37'-7"; whereas, the By-law requires a minimum rear yard setback of 50';
 - c) **Section 9(i):**
a maximum unenclosed/unexcavated roofed porch encroachment of 62"; whereas, the By-law permit a maximum encroachment of 18" into the required front yard;
- as they relate to a proposed residential dwelling.

BACKGROUND

Property Description

The 1740.76 m² (18737.38 ft²) subject property is located on Sunflower Court, a cul-de-sac north of Steeles Avenue and east of Bayview Avenue. The property is located within an established residential neighbourhood comprised primarily of two-storey detached dwellings. There is an existing two-storey detached 313.08 m² (3370 ft²) dwelling on the property, which according to assessment records was constructed in 1963. Mature vegetation exists across the front and rear of the property and is a predominant characteristic of the neighbourhood.

Proposal

The applicant is proposing to demolish the existing home and construct a 364.95 m² (3928 ft²) two-storey detached dwelling (See Appendix B). The proposed dwelling contains a three car garage and a rear yard deck. A number of trees in the front yard will be removed as a result of the development including one within the municipal boulevard. Several rear yard trees will be retained.

Official Plan & 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. 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 1767

The subject property is zoned SR2 'Single Detached Residential' under By-law 1767 as amended, which permits single detached dwellings. The proposal does not comply with the By-law with respect to the porch encroachment and rear yard setback.

Residential Infill Zoning By-Law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. 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. The proposed development does not comply with the infill By-law requirements with respect to building height and building depth.

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

According to the information provided by the Applicant the stated reason for not complying is: *"considering site specific conditions and the fact that the difference between the center line of the street to the building edge is 1.60m and what this property preserves in this neighbourhood and the area of the property, height, encroachments of porch and rear setback are not fully complying"*.

Zoning Preliminary Review Undertaken

The applicant submitted revised drawings on May 11, 2018 and has not requested an update to the Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development. Consequently, 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.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 11.52 m (37.79 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 1.72 m (5.64 ft), or 14.9%.

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be

noted that the proposed grade of the front of the house is approximately 1.6 m (5.24 ft) above the crown of road.

The requested variance does not apply to approximately 9.4 m (30.83 ft) wide garage portion of the front façade. It is the opinion of staff that the vertical massing of the proposed dwelling is in keeping with recent development trend in the community and is generally consistent with other new infill residential developments in the area.

Reduction in Rear Yard Setback

The applicant is requesting relief to permit a minimum rear yard setback of 37.58 ft (11.45 m), whereas the By-law requires a minimum rear yard setback of 50 ft (15.24 m). This represents a reduction of approximately 12.42 ft (3.78 m), or 25%.

The requested variance only applies to the middle portion of the proposed development which is approximately 20.14 m (66.08 ft) of the rear façade width. The proposed setback to the west portion of the dwelling (behind the garage) is 46.83 ft (14.27 m) whereas 50 ft (15.24 m) is required. This represents a decrease of approximately 3.17 ft (0.97 m), or 6.34%. The proposed setback to the east portion of the dwelling is 42.42 ft (12.93 m) whereas 50 ft (15.24 m) is required. This represents a decrease of approximately 7.58 ft (2.31 m), or 15.16%.

The variance will not result in a significant reduction in the rear yard amenity space. Further, existing vegetation across the rear of the property will provide screening between properties. Given the configuration of the proposed development, and the spacing between properties, Staff are of the opinion that the requested rear yard setback will not generate adverse impacts.

Increase in Maximum Roofed Porch Encroachment

The applicant is requesting a maximum unenclosed roofed porch encroachment of 62" (1.57 m) into the front yard, whereas the By-law permits a maximum encroachment of 18" (0.45 m). The unenclosed roofed porch only occupies approximately 14.41 ft (4.39 m) of the front façade width. Staff are of the opinion that the variance request is appropriate for the lot.

The Engineering Department has noted that the maximum permitted curb cut and driveway width, within the municipal boulevard is 7 m (23 ft).

PUBLIC INPUT SUMMARY

No written submissions were received as of May 11, 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.

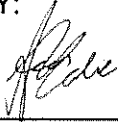
CONCLUSION

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. 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.

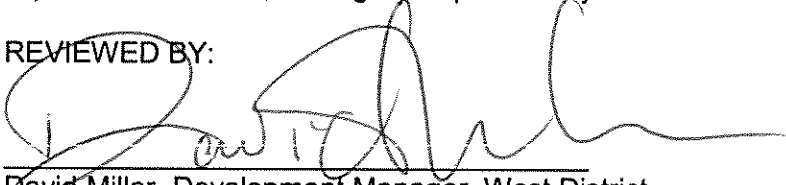
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

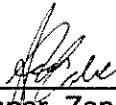
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APPENDIX "A"

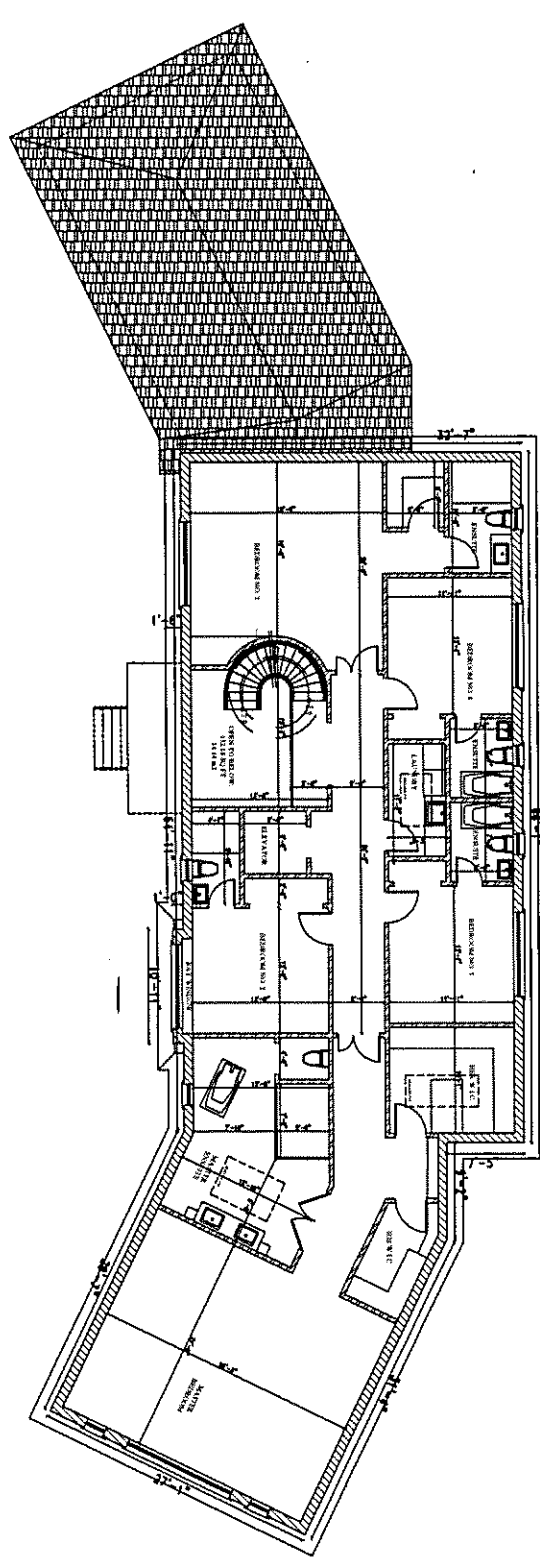
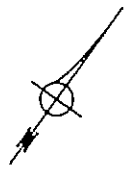
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/47/18

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' to this Staff Report and dated *May 11, 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, 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;
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;

CONDITIONS PREPARED BY:

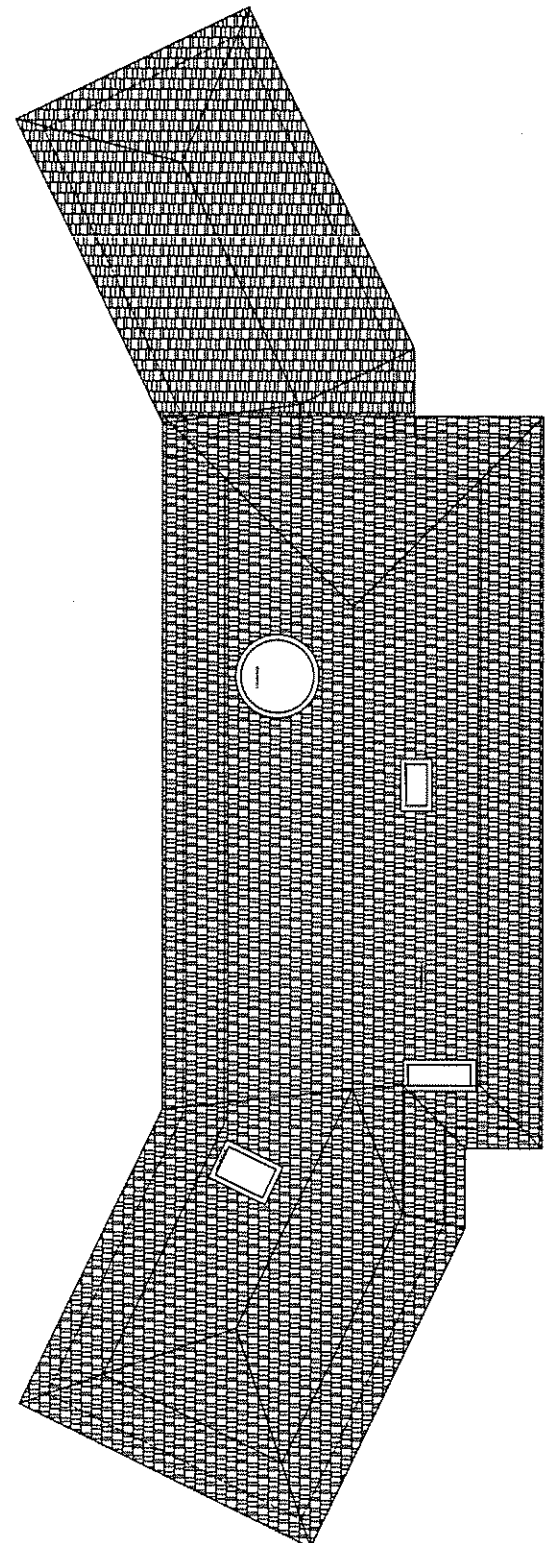
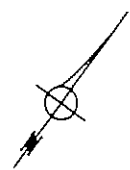


Aqsa Malik, Planner, Zoning and Special Projects



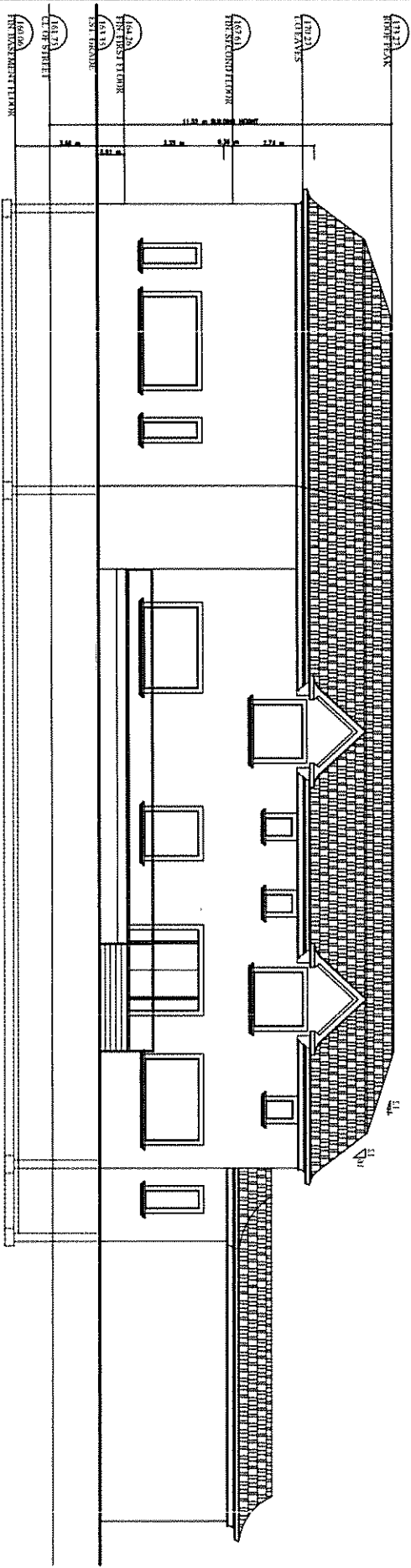
1 SECOND FLOOR PLAN
AR-02 SCALE : 3/8" = 12"

<p>AVESTA DESIGN GROUP INC.</p> <p>8411 HWY. 404 1100 LAKESHORE DR. RICHMOND HILL, ON L4B 1M4 CANADA</p>		<p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. DIMENSIONS SHOWN ON THIS DRAWING SHALL PREVAIL OVER DIMENSIONS SHOWN ON ANY OTHER DOCUMENTS.</p> <p>DO NOT SCALE DRAWINGS.</p> <p>ALL DIMENSIONS AND SPECIFICATIONS AS SHOWN ON THIS DRAWING SHALL BE USED FOR THE CONSTRUCTION OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.</p>		<p>DRAWINGS ISSUED</p> <table border="1"> <tr> <th>DATE</th> <th>ISSUED FOR</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>		DATE	ISSUED FOR							<p>PROJECT SITE</p> <p>3 SUNFLOWER CT.</p>		<p>DATE</p> <p>JANUARY 19th, 2018</p>	
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<p>PROPOSED FLOOR PLAN</p>		<p>DESIGNED BY: []</p> <p>CHECKED BY: []</p> <p>DATE: []</p>		<p>SCALE: 3/8" = 1'-0"</p>		<p>AR-02</p>											



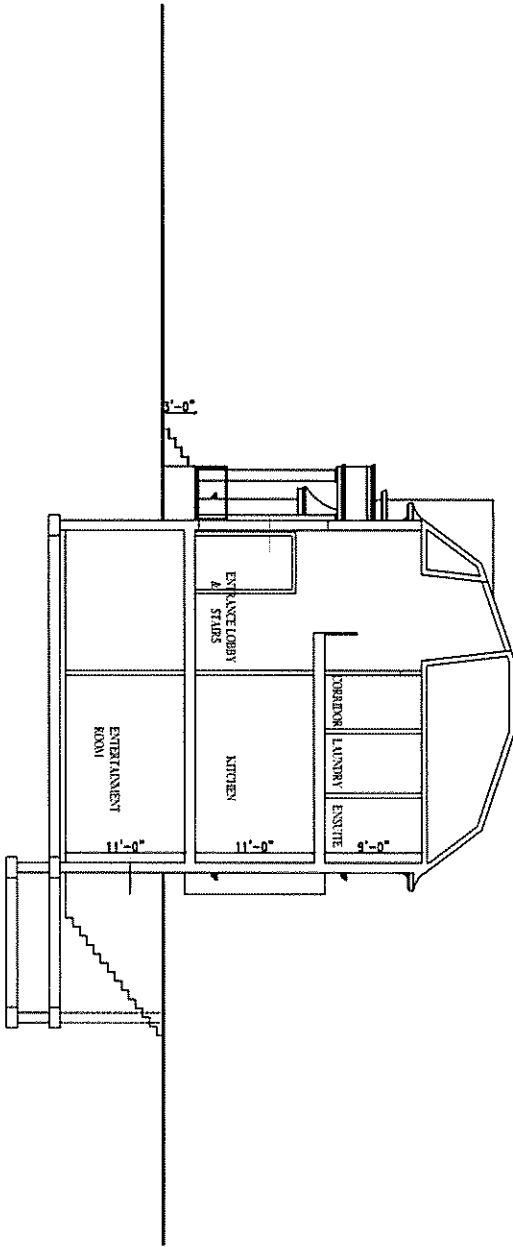
1 ROOF PLAN
 AR-04 SCALE : $\frac{3}{8}" = 12'$

<p>AVESTA DESIGN GROUP INC.</p> <p>4475 SHEPPARD AVENUE EAST, SUITE 100 SCARBOROUGH, ONTARIO M1S 1T7 CANADA</p>		<p>WE CONSTRUCTIVE SHALL OBTAIN AND VERIFY ALL THE NECESSARY PERMITS AND APPROVALS FOR THE WORK AND SHALL BE RESPONSIBLE FOR THE OBTAINING THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE WORK AND SHALL BE RESPONSIBLE FOR THE OBTAINING THE SAME.</p>		<p>DATE JANUARY 19TH, 2018</p> <p>SCALE $\frac{3}{8}" = 1'-0"$</p> <p>DRAWING NO. AR-04</p>	
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1 EAST ELEVATION
AR-06 SCALE : 1/8" = 1'-0"

<p>.....\User\Work\AR-06.dwg</p> <p>AVESTA DESIGN GROUP INC.</p> <p>(416) 705-8169 9 TOLLARD CRT. RICHMOND HILL, ON L4C 3K4 CANADA</p>		<p>THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH WORK. DO NOT SCALE DRAWINGS.</p> <p>ALL DIMENSIONS AND SPECIFICATIONS AS SHOWN ON THIS DRAWING SHALL BE CONSIDERED AS PART OF THE CONTRACT. ANY CHANGES MUST BE WRITTEN AUTHORIZATION FROM THE DESIGNER.</p>		<p>DRAWINGS ISSUED</p> <table border="1"> <tr> <th>DATE</th> <th>ISSUED FOR</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>		DATE	ISSUED FOR							<p>PROJECT SIZE 3 SUNFLOWER CT.</p> <p>DRAWING TITLE PROPOSED EAST ELEVATION</p> <table border="1"> <tr> <td>DRAWN BY</td> <td>DESIGNED BY</td> <td>CHECKED BY</td> <td>APPROVED BY</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>		DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY					<p>PAGE JANUARY 19th, 2018</p> <p>SCALE 1/8" = 1'-0"</p> <p>DRAWING NO. AR-06</p>	
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1 CROSS SECTION
AR-09
SCALE : $\frac{3}{8}'' = 1'-0''$

AVESTA DESIGN GROUP INC.
4417 HWY 404
SUITE 100
RICHMOND HILL, ON
L4C 9A4, CANADA

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION. DISCREPANCIES SHOULD BE REPORTED TO THE ARCHITECT IMMEDIATELY. ALL DRAWINGS AND SPECIFICATIONS AS SHOWN SHALL BE USED UNLESS OTHERWISE NOTED IN WRITTEN AUTHORIZATION FROM THE ARCHITECT.

DRAWINGS ISSUED

DATE	ISSUED FOR

PROJECT TITLE
3 SUNFLOWER CT.
PROPOSED CROSS SECTION

DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY

DATE
JANUARY 19th, 2018
SCALE
 $\frac{3}{8}'' = 1'-0''$
DRAWING NO.
AR-09

