

Memorandum to the City of Markham Committee of Adjustment

June 13th, 2019

File: A/51/19 & A/52/19
Address: 8 & 6 Sam Priestley Avenue, Markham
Applicant: Madison Homes Cornell Limited
Agent: Cornell Rouge Development Corp.
Hearing Date: Wednesday June 26, 2019

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

The applicant is requesting relief from the following requirement of By-law 177-96, as amended, as it relates to two proposed detached dwellings at 6 and 8 Same Priestley Avenue, to permit:

a) Section 7.190.2 (a)(i):

a minimum front yard setback of 2.80 m (9.19 ft), whereas the By-law requires a minimum front yard setback of 3.0 m (9.84 ft).

BACKGROUND

Property Description

The subject properties are located on the north side of Sam Priestley Avenue, south of 16th Avenue, west of Donald Cousens Parkway. The property is located within a residential neighbourhood comprised of a mix of two-storey semi-detached and detached dwellings.

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.

Zoning By-Law 177-96

The subject property is zoned Residential Two (R2*190*192*514) under By-law 177-96, as amended, which permits a single detached dwelling. Exception *190 provides area specific zone standards which includes permission of accessory dwellings located above a private garage in either the main building or an accessory building on the same lot (i.e. above an attached or detached garage). The proposal does not comply with the by-law with respect to the minimum front yard setback set out in exception *190.

Exception *192 provides specific development standards for corner lots and semi-detached dwellings with attached private garages. Exception *514 provides zone standards for minimum rear yard and maximum driveway. Exception *192 and *514 are not applicable in the context of assessing the variance application

Reduction in Front and Rear Yard Setback

The applicant is requesting a minimum front yard setback of 2.80 m (9.19 ft) for two properties at 6 and 8 Sam Priestly Avenue, whereas the By-law requires a minimum front yard setback of 3.0 m (9.84 ft). This is a reduction of 0.2 m (0.66 ft). Staff are of the opinion that the requested variance is minor in nature, meets the purpose and intent of the Zoning By-Law and Official Plan, and is appropriate for the subject properties.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, "due to pie shape of lot".

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 13th, 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 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:



Stephen Corr, Senior Planner, East District
File Path: Amanda\File\ 19 122183 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/52/19

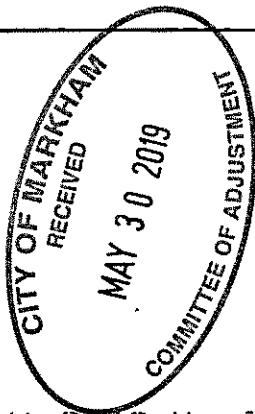
1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on *May 30th, 2019*, and that the 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;

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

PLAN OF SUBDIVISION OF
**PART OF LOTS 14 AND 15
 CONCESSION 9**
 (GEOGRAPHIC TOWNSHIP OF MARKHAM, COUNTY OF YORK)
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 1000



PLAN 65M-4544

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF YORK REGION No. 65 AT 14:38 O'CLOCK ON THE 15TH DAY OF FEBRUARY 2016 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER No. 70013-0583

AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. 4R2626153

"C.R. BULMER"
 Representative For Land Registrar

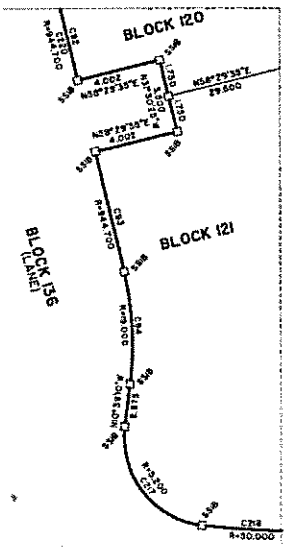
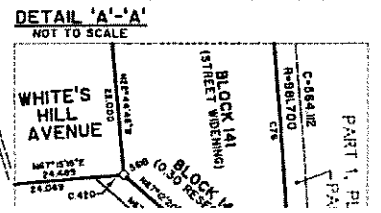
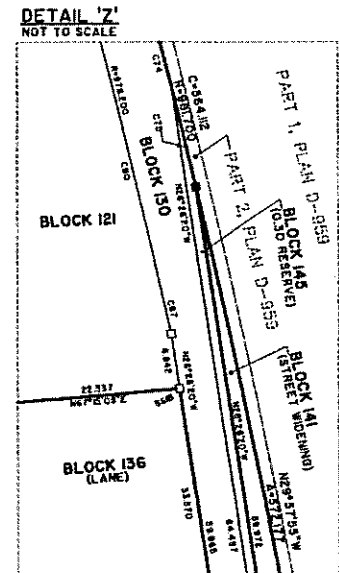
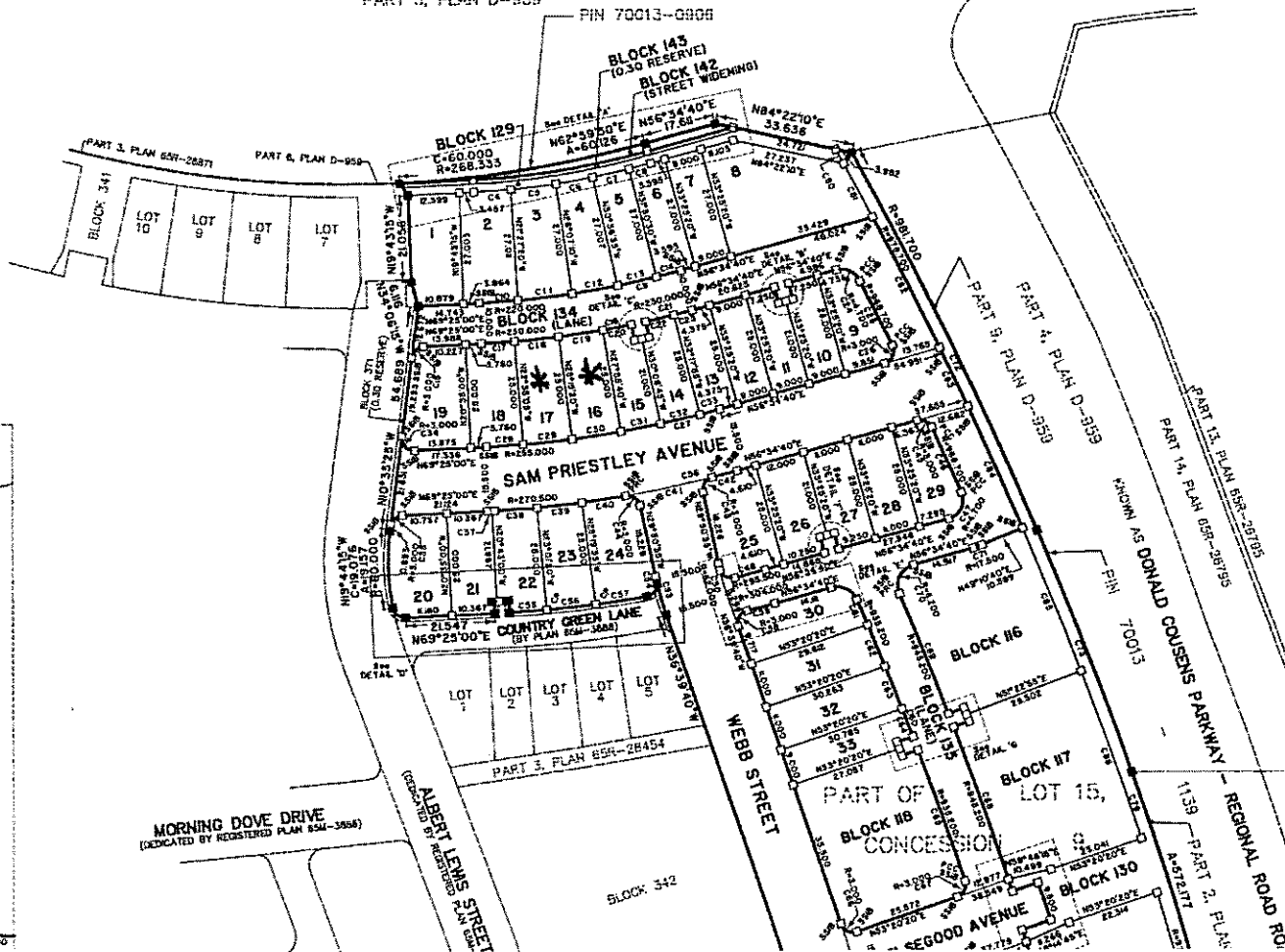
THIS PLAN COMPRISES ALL OF PIN 70013-0583.

APPENDIX B

KNOWN AS 16th AVENUE -- REGIONAL ROAD No. 73
 ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 15 AND 16, CONCESSION 9
 PIN 03064-0031

PART OF LOT 15, CONCESSION 9
 PART 5, PLAN D-959

BLOCK	AREA (m ²)
B6	1254.9
B7	1413.7
B8	1200.3
B9	1097.7
B10	1008.4
B11	949.3
B12	962.5
B13	862.2
B14	135.3
B15	980.3
B16	1631.6
B17	1007.6
B18	968.6
B19	296.8
B20	1628.9
B21	830.2

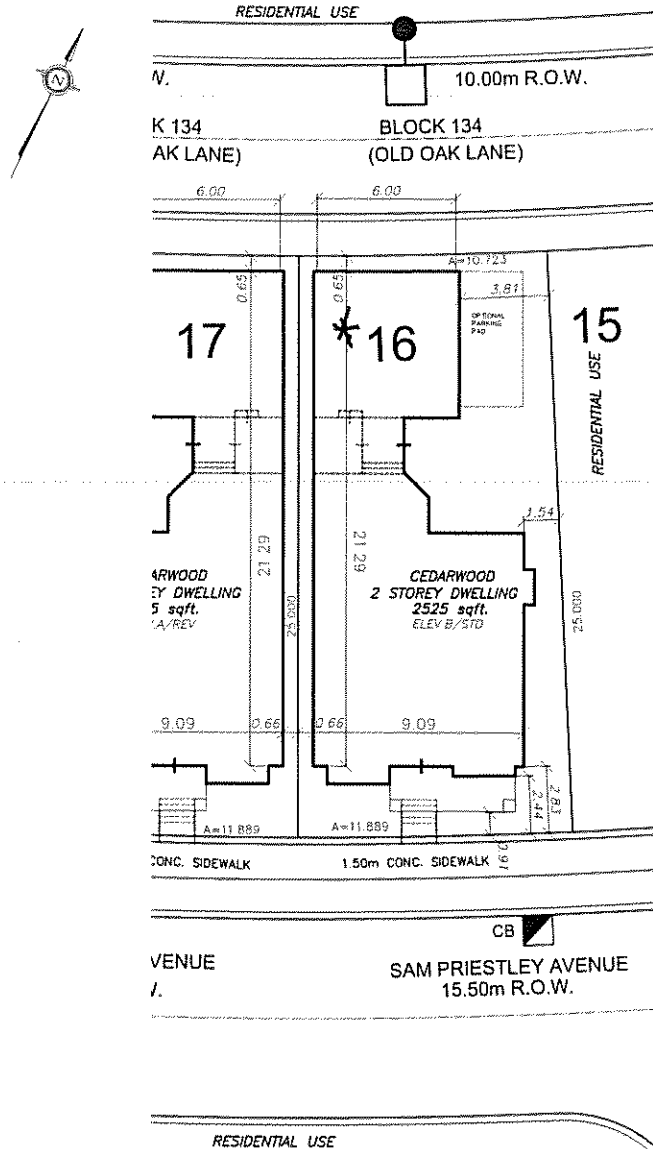


GENERAL NOTES

- Builder and Surveyor to confirm **2.74** difference between FFL and USF before proceeding with excavation. Report discrepancies to the Architect.
- Surveyor is to comply with current subdivision zoning regarding setbacks in laying out the work. Any discrepancies are to be reported to the Architect and the builder immediately.
- The builder shall comply with all current standards for Local Municipal Subdivision Lot Drainage and Grading as they relate to max & min. slopes for yards, swales & drives and clearances to street furniture and services for driveways.
- The builder shall check and verify all given grade elevations and drainage prior to commencement of construction. Builder shall verify location of existing and proposed utilities prior to commencement of construction.
- Footings to bear on natural undisturbed soil and be a min. of 1.22m below finished grade. Underside of footings shown are taken from architectural plans and may not represent actual footing level.
- All dimensions and grade elevations are shown in metres.
- Unless otherwise indicated, finished floor level is 0.40m above Specified House Grade at entry points to house and provision of 2 risers at entries must be made to gain entry into house. Maintain top of foundation wall min. 0.15m above finished grade.
- Unprotected openings (windows, doors) must be min 1.2m from lot lines. Builder to verify location of all windows relative to lot line to maintain min. setback for unprotected openings.
- These General Notes apply to all drawings for Siting & Grading including siting on individual sheets.
- All front and rear yards shall be graded at a 2% - 5% grade within 6.0m of the dwelling unit.
- Base curb elevation to be checked vs garage slab elevation to ensure adequate driveway grade before constructing garage.
- Downspouts to discharge onto ground via splash pad.
- For details of the laneway & privacy fence refer to the landscape drawings.

LEGEND

- 286.0 PROPOSED GRADES
 ● LOT CORNER
 X 286.0 PROPOSED GRADE
 DIRECTION OF FLOW
- FFL FINISHED FLOOR LEVEL
 FGF FINISHED GROUND FLOOR
 FLH FINISHED LANDING HEIGHT
 TFW TOP OF FOUNDATION WALL
 FFER/F FINISHED FLOOR ENTRY REAR/FRONT
 USFR/F UNDERSIDE OF FOOTINGS REAR/FRONT
 FBS FINISHED BASEMENT SLAB
 AMENITY SPACE
 STREET LIGHT
 LANEWAY STREET LIGHT
 HYDRANT
 TRANSFORMER
 VALVE CHAMBER
 WATER SERVICE
 STORM & SANITARY CONNECTION
 CABLE TV PEDESTAL
 BELL PEDESTAL
 CATCH BASIN
 EXTERIOR DOOR LOCATION
 SWALE DIRECTION
 W.O.D WALK OUT DECK
 W.O.B WALK OUT BASEMENT
 R REVERSE PLAN
 ○ DOWNSPOUT
 ⊕ ENGINEERED FILL
 ⊙ STREET SIGN
 ⊕ HYDRO TAIL



DATE	REF	DESCRIPTION
05.14.19	FP	ISSUE FOR COMMITTEE OF ADJUSTMENT APPLIC.

DO NOT SCALE DRAWING



MADISON HOMES
 CORNELL ROUGE PHASE 7
 HOUSE SITING & GRADING
 LOT 16

Date	Checked By
05.14.19	
Job Number	Drawn By
17-1327	FP
Scale	
	1:250
Cad Dwg	Sheet Number
LOT 16	

NOTES

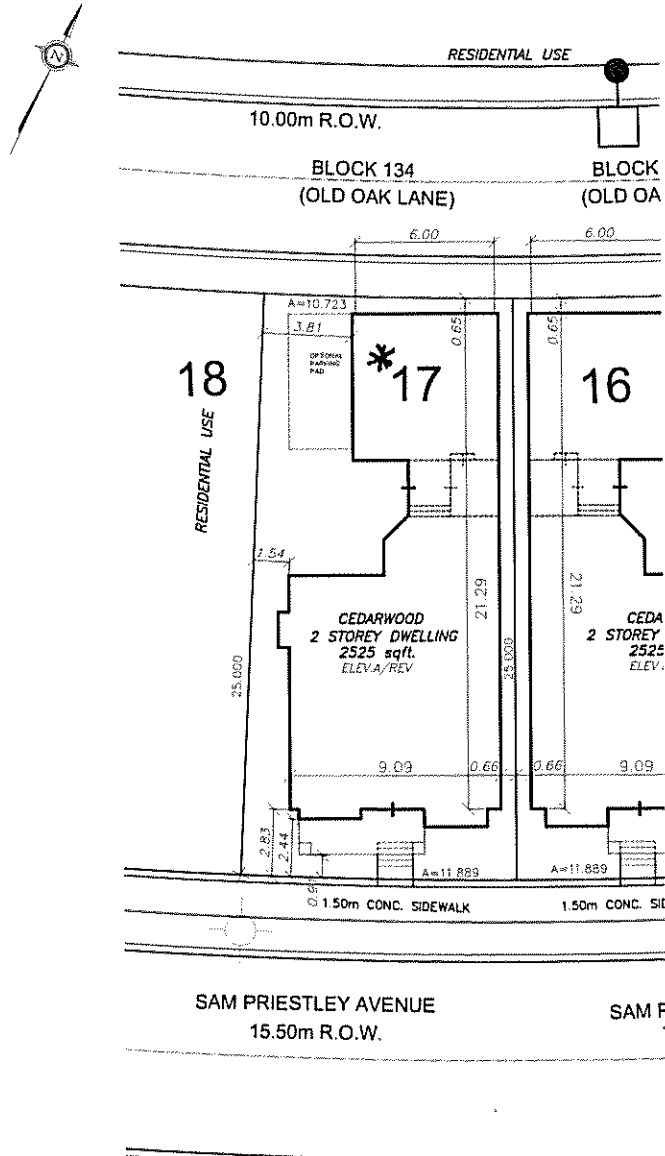
- Engineered brass drawings to be submitted to the architect for re-orientation of structure.
- The architect has not been retained to carry out general review of the work and assumes no responsibility for the failure of the contractor or sub-contractor to carry out the work in accordance with the documents.
- Single pages of the contract documents are not to be read independently of all pages of the contract documents.
- The contractor shall verify all dimensions on the contract documents. Any discrepancies are to be reported to the architect prior to the commencement of the work. Under no circumstances shall the contractor or sub-contractors proceed in uncertainty.
- Digital & Hard Copies are issued to the client on the understanding that no changes are to be made to the contract documents without written consent of the architect.
- FPD Architect Inc. retains the copyright in all drawings, plans, sketches, and all digital information. They may not be used for any other projects or purposes without the written consent of FPD Architect Inc. Failure to do so will result in legal action.
- DO NOT SCALE DRAWING

GENERAL NOTES

- * 1. Builder and Surveyor to confirm **2.74** difference between FFL and USF before proceeding with excavation. Report discrepancies to the Architect.
- 2. Surveyor is to comply with current subdivision zoning regarding setbacks in laying out the work. Any discrepancies are to be reported to the Architect and the builder immediately.
- 3. The builder shall comply with all current standards for Local Municipal Subdivision Lot Drainage and Grading as they relate to max. & min. slopes for yards, swales & drives and clearances to street furniture and services for driveways.
- 4. The builder shall check and verify all given grade elevations and drainage prior to commencement of construction. Builder shall verify location of existing and proposed utilities prior to commencement of construction.
- 5. Footings to bear on natural undisturbed soil and be a min. of 122mm below finished grade. Underside of footings shown are taken from architectural plans and may not represent actual footing level.
- 6. All dimensions and grade elevations are shown in metres.
- 7. Unless otherwise indicated, finished floor level is 0.40m above Specified House Grade at entry points to house and provision of 2 risers at entries must be made to gain entry into house. Maintain top of foundation wall min. 0.15m above finished grade.
- 8. Unprotected openings (windows, doors) must be min 12m from lot lines. Builder to verify location of all windows relative to lot line to maintain min. setback for unprotected openings.
- 9. These General Notes apply to all drawings for Siting & Grading including siting on individual sheets.
- 10. All front and rear yards shall be graded at a 2% - 5% grade within 6.0m of the dwelling unit.
- 11. Base curb elevation to be checked vs garage slab elevation to ensure adequate driveway grade before constructing garage.
- 12. Downspouts to discharge onto ground via splash pad.
- 13. For details of the laneway & privacy fence refer to the landscape drawings.

LEGEND

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- ⊙ WATER SERVICE
- ▽ STORM & SANITARY CONNECTION
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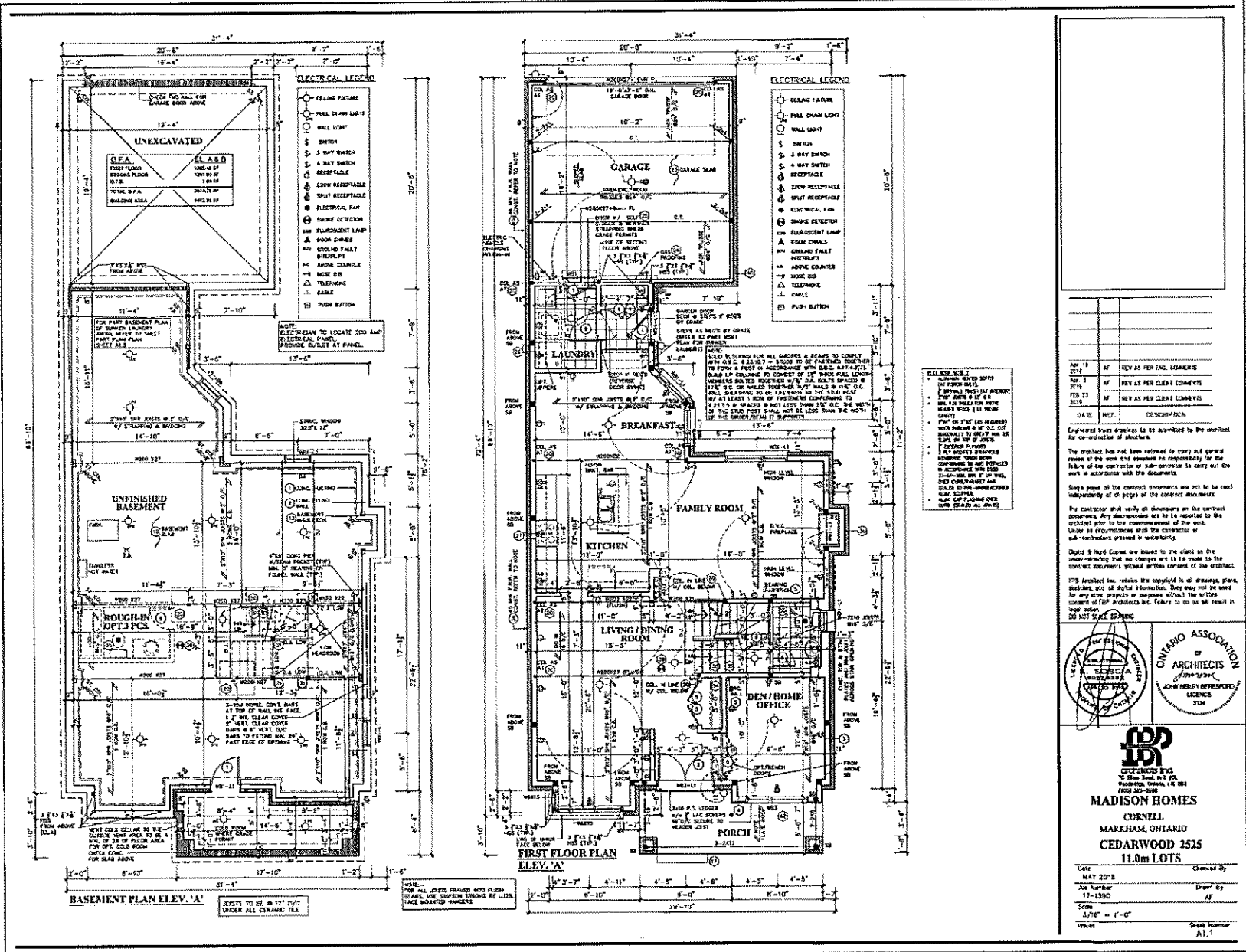
MADISON HOMES
CORNELL ROUGE PHASE 7
HOUSE SITING & GRADING
LOT 17

Date	Checked By
05.14.19	
Job Number	Drawn By
17-1327	FP
Scale	
	1:250
Cad Dwg	Sheet Number
LOT 17	

NOTES

- Engineered base drawings to be submitted to the architect for co-ordination of structure.
 - The architect has not been retained to carry out general review of the work and assumes no responsibility for the failure of the contractor or sub-contractor to carry out the work in accordance with the documents.
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RESIDENTIAL USE



ONARIO ASSOCIATION OF ARCHITECTS

MADISON HOMES CORNELL

MARKHAM, ONTARIO

CEDARWOOD 2525

11.0m LOTS

Date: MAY 20 1980
 Drawn By: JH
 Scale: 1/8" = 1'-0"
 Sheet Number: A1.1

