

Memorandum to the City of Markham Committee of Adjustment

September 11, 2023

File: A/126/23
Address: 29 Briarcrest Drive, Markham
Applicant: Frank Bandiera Architect Inc. (Frank Bandiera)
Owner: Cen Wei Hao
Hearing Date: Wednesday, September 13, 2023

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

The applicant is requesting relief from the following requirements of By-law 177-96, R2*150, as amended, as it relates to a single family detached dwelling to permit:

a) By Law 177-96, Table B2 (P):

A minimum front yard setback of 1.6 metres to the enclosed porch, whereas a minimum front yard of 3 metres is required; and,

b) By-law 28-97, Section 6.1.1 b):

One parking space of 2.75 metres x 5.8 metres provided on the driveway whereas 2 parking spaces required for a semi-detached dwelling;

BACKGROUND

Property Description

This application was deferred at the August 30, 2023 Committee of Adjustment Hearing, to provide Staff an opportunity to review and address concerns regarding the reduction of parking space size.

The 223.39 m² (2404.55 ft²) subject property is located on the east side of Briarcrest Drive, north of Bur Oak Avenue and west of McCowan Road. The subject property is located within an established residential neighbourhood comprised of a mix of two-storey townhouse, detached and semi-detached dwellings. Mature vegetation exists across the property.

There is an existing semi-detached dwelling with attached garage on the subject property, which according to assessment records was constructed in 2003.

Proposal

The applicant is proposing to rebuild the existing stairs leading to the main floor of the dwelling in the attached garage and install a stair guide located within the garage.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “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 to ensure infill development respects and reflects the existing

pattern and character of the surrounding neighborhoods. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law 177-96

The subject property is zoned R2 under By-law 177-96, as amended, which permits residential low rise.

Parking Standards By-law 28-97

The proposed works results in a reduced parking size within the private garage, which does not comply with the standard of the Parking By-law 28-97. Further details of the parking requirement are provided in the comment section below.

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 the rebuilding the existing stairs in the attached garage and the installation of a stair glide.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 6 2023 to confirm the variances 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.

Parking Variance

Parking Standards By-law 28-97 requires two parking spaces be provided for the principal dwelling unit, the existing single-car garage and driveway currently provide a total 2 parking spaces. The site currently provides a total of 2 parking spaces. The proposed works result in deficiency of 1 parking space.

The proposed works will result in the existing parking space within the garage to not comply with the minimum size requirements under the Zoning By-law. Staff note that there is no feasible way to provide an additional parking space on the property without significant changes to the dwelling unit. Transportation Engineering staff are of the opinion that the variance is minor and is unlikely to result in any significant impact on the parking supply of the property.

Staff have no objections to the approval of the proposed parking reduction. Staff note that the applicant has demonstrated that their vehicle still fits within the garage despite the undersized parking space. It is also noted that the no overnight parking is permitted on this street, and violators would be ticketed nightly.

Reduced Front Yard Variance

The applicant is requesting relief to permit a minimum front yard setback of 1.6 m (5.25 ft.), whereas a minimum front yard of 3 m (9.84 ft.) is required. This represents a reduction

of approximately 1.4 m (4.59 ft.). The variance is entirely attributable to the front covered porch. The main front wall of the building provides a front yard setback of 3.2 m (10.47 ft.) and is generally consistent with the established front yard setback pattern of other dwellings on the street. Staff note that enclosed porches are a common feature on Briarcrest drive and are of the opinion that the requested variance is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of **September 8, 2023**. 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 refer to Appendix “A” for conditions to be attached to any approval of this application.

APPENDICES

- Appendix “A” – A/126//23 Conditions of Approval
- Appendix “B” – Aerial Photo
- Appendix “C” – Plans

PREPARED BY:



Aaron Chau, Planner 1, Planning and Urban Design

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

File Path: Amanda\File\ 23 129662 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/126/23

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 batch stamped plans attached as Appendix B 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.

CONDITIONS PREPARED BY:



Aaron Chau, Planner 1, East District



Legend

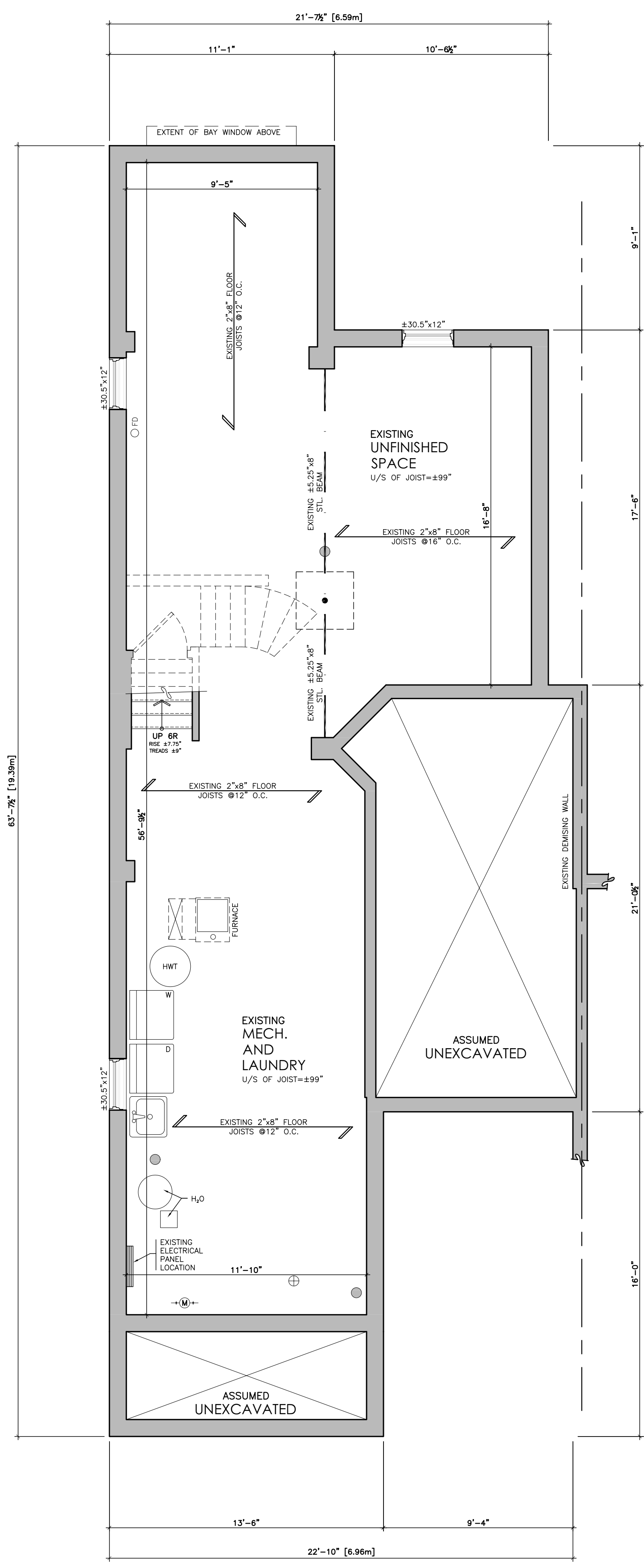
- Subject Lands - 29 Briarcrest Drive

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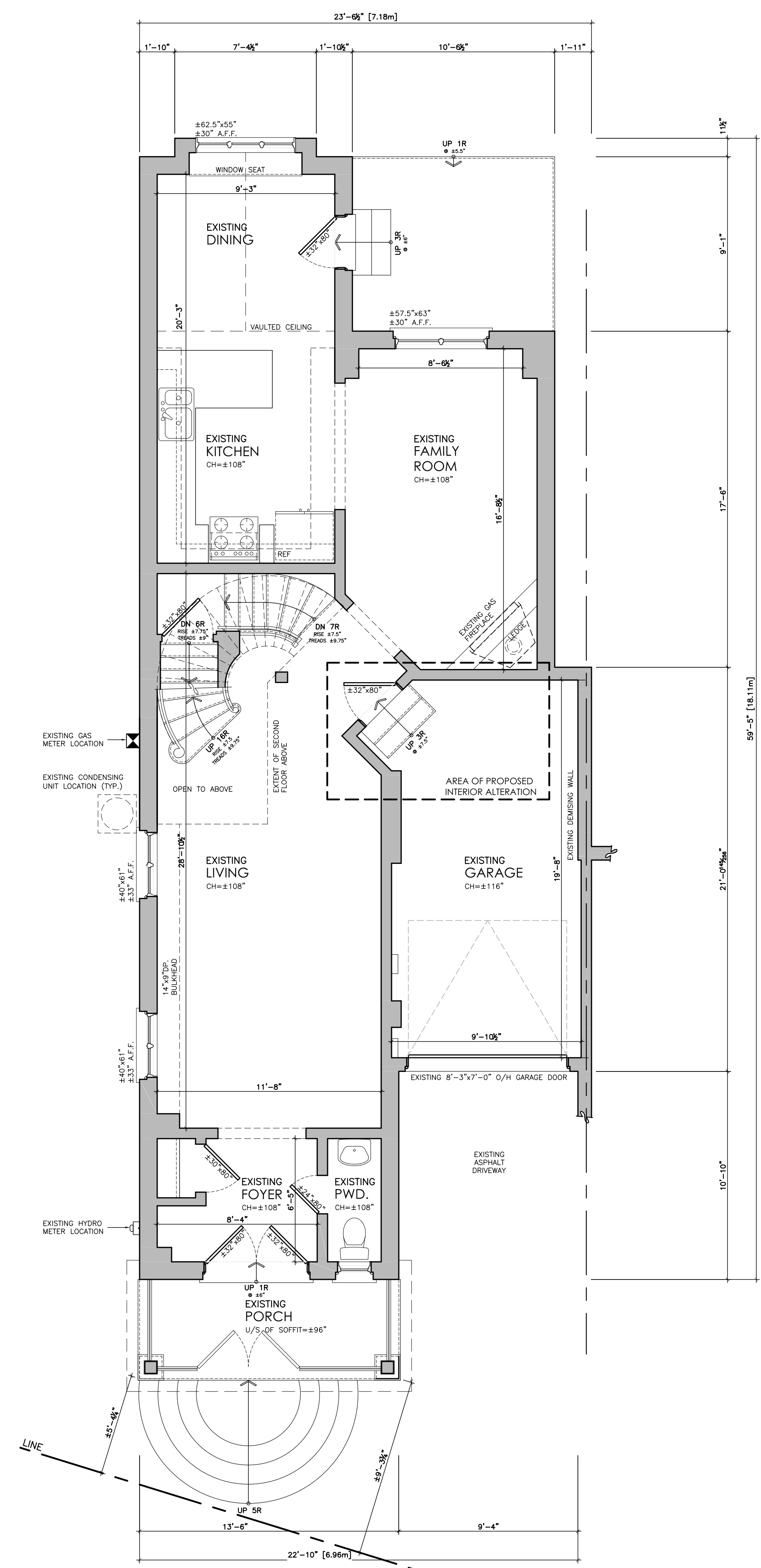


Notes

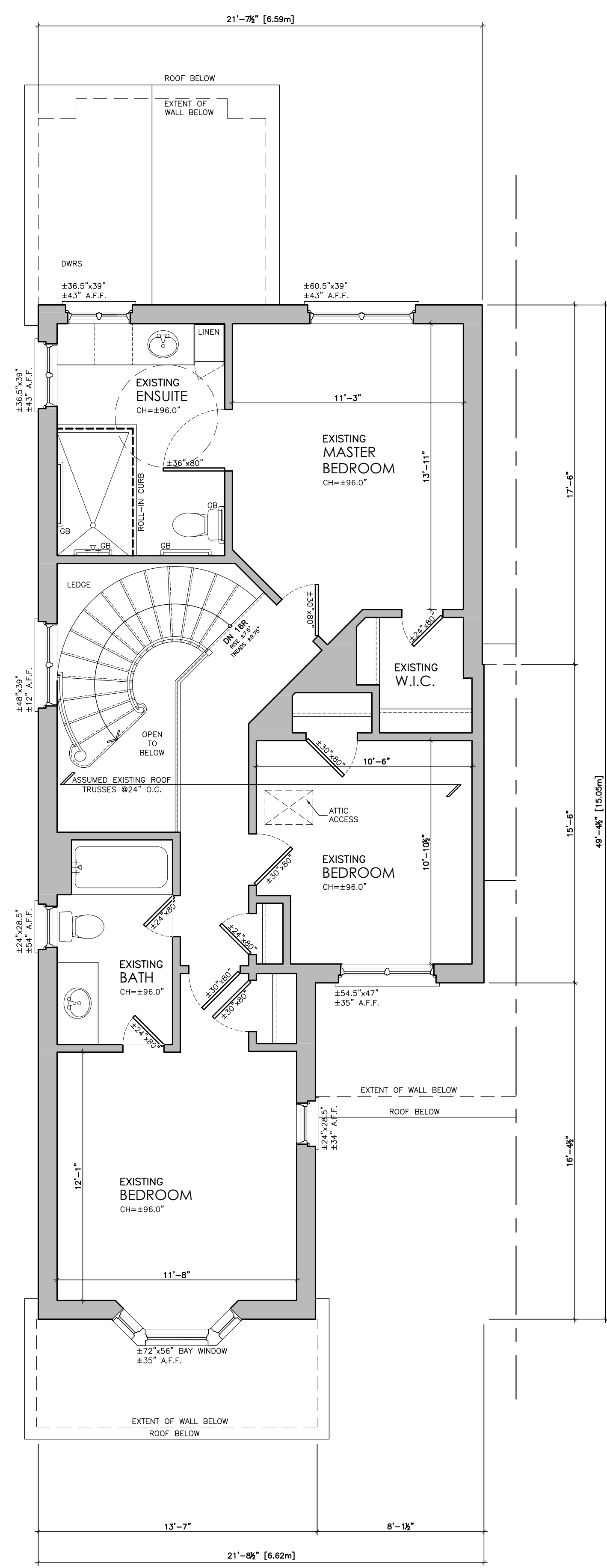
57.3 0 28.65 57.3 Meters



1 EXISTING BASEMENT PLAN
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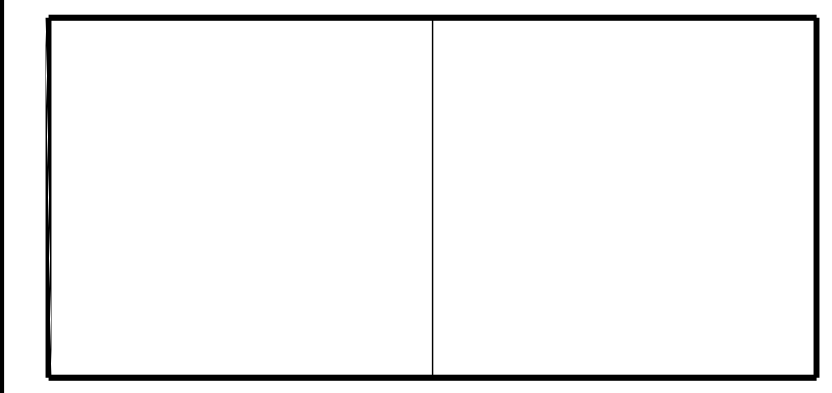


2 EXISTING FIRST FLOOR PLAN
 A2 1/4" = 1'-0"



3 EXISTING SECOND FLOOR PLAN
 A2 1/4" = 1'-0"

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 This drawing shall not be used for construction purposes unless countersigned by:
 Frank G. Bandiera, Architect



No.	Date:	Issued:	By:
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1.	DEC.20.2019	ISSUED AS-BUILT DRAWINGS	FGB

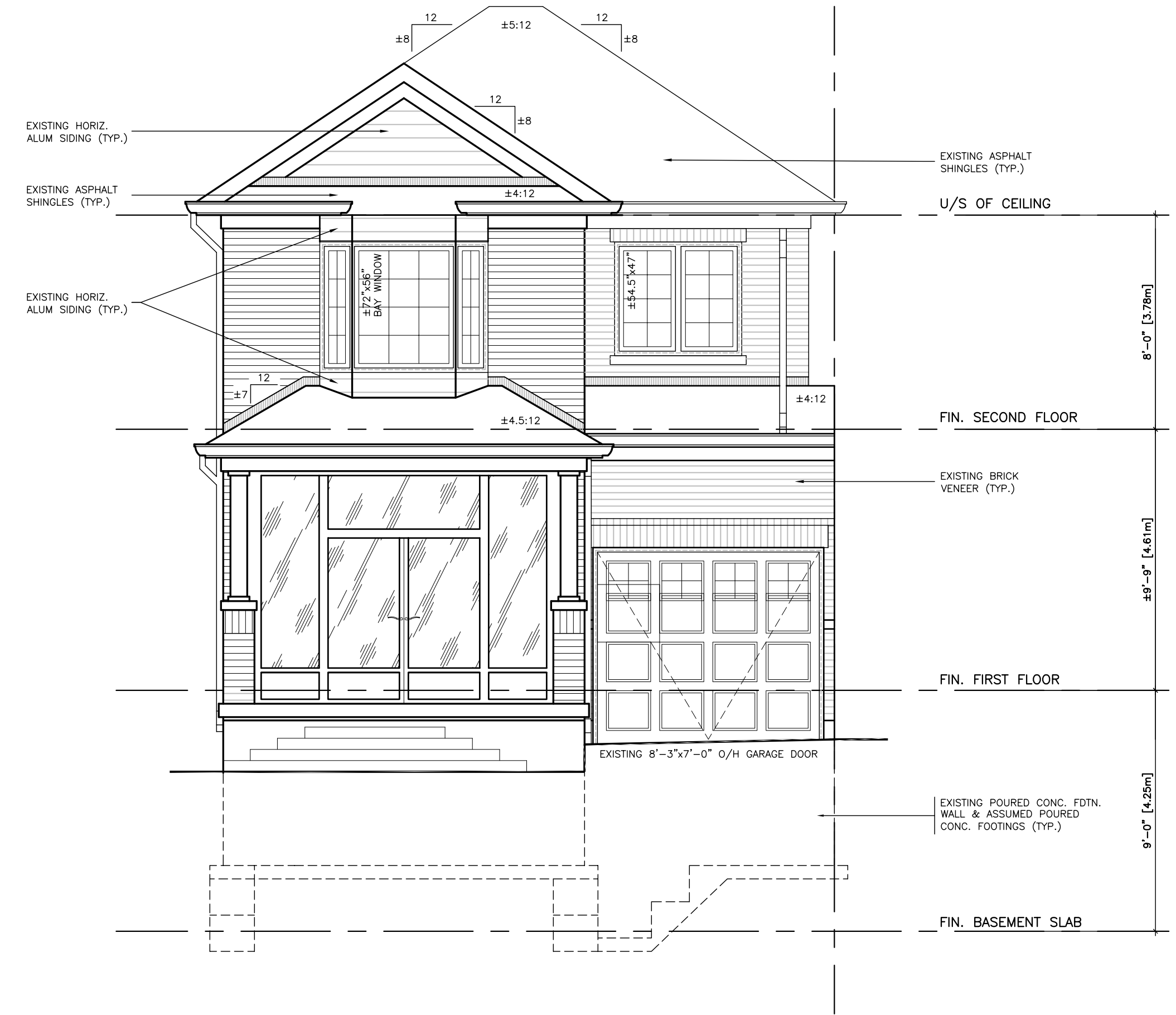
FRANK BANDIERA ARCHITECT INC
 416.242.5051
 fgb@bandiera.ca
 www.bandiera.ca
 2007 Lawrence Ave W, Suite 8
 Toronto, Ontario, M9N 3V1

CEN RESIDENCE
 29 Briarcrest Drive
 Markham, ON

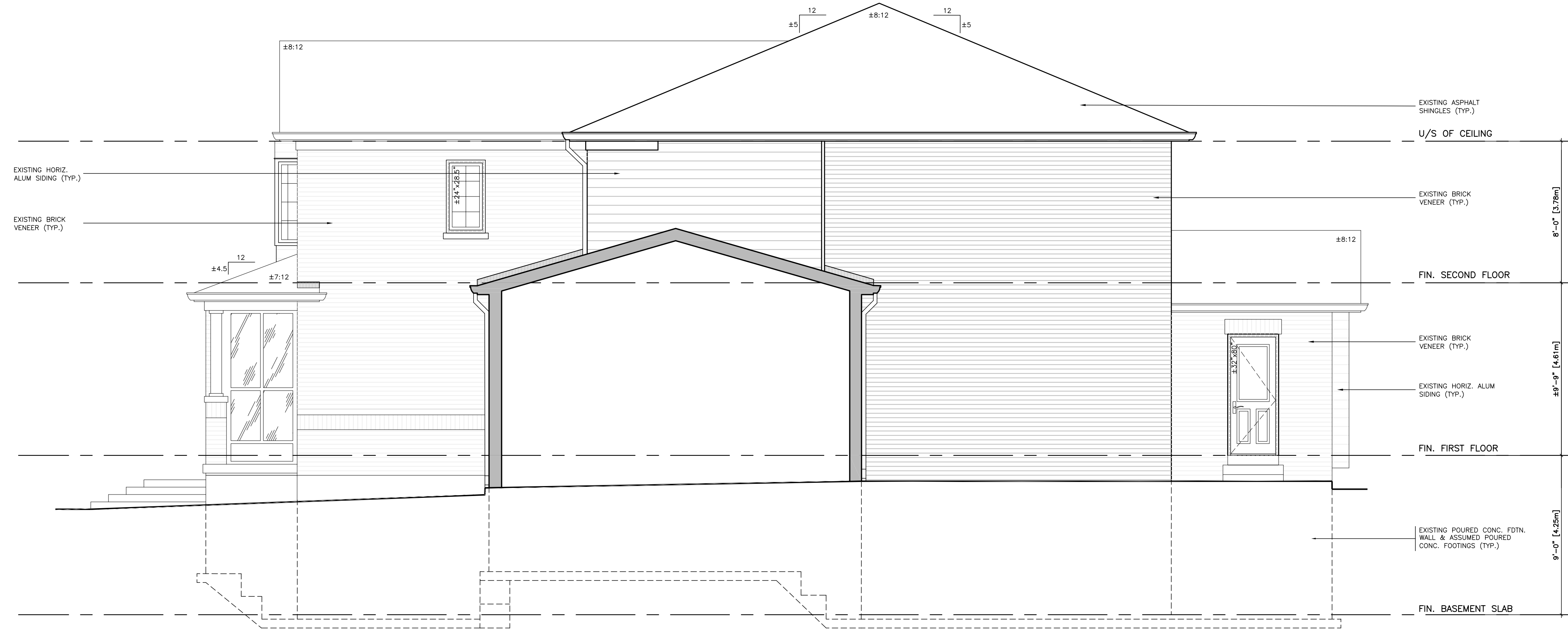
EXISTING FLOOR PLANS

Date:	Scale:	Drawn By:	Checked By:
DEC. 2019	AS NOTED	VDI	FGB

Project Number: 1933
 Drawing Number: A2

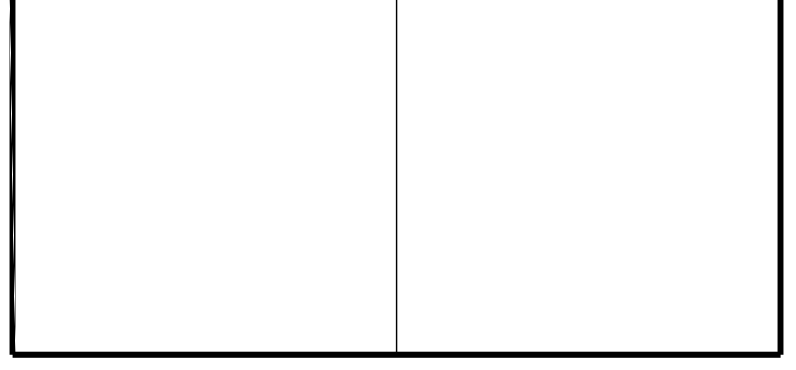


1
A3 EXISTING FRONT (WEST) ELEVATION
 1/4" = 1'-0"



2
A3 EXISTING RIGHT (SOUTH) ELEVATION
 1/4" = 1'-0"

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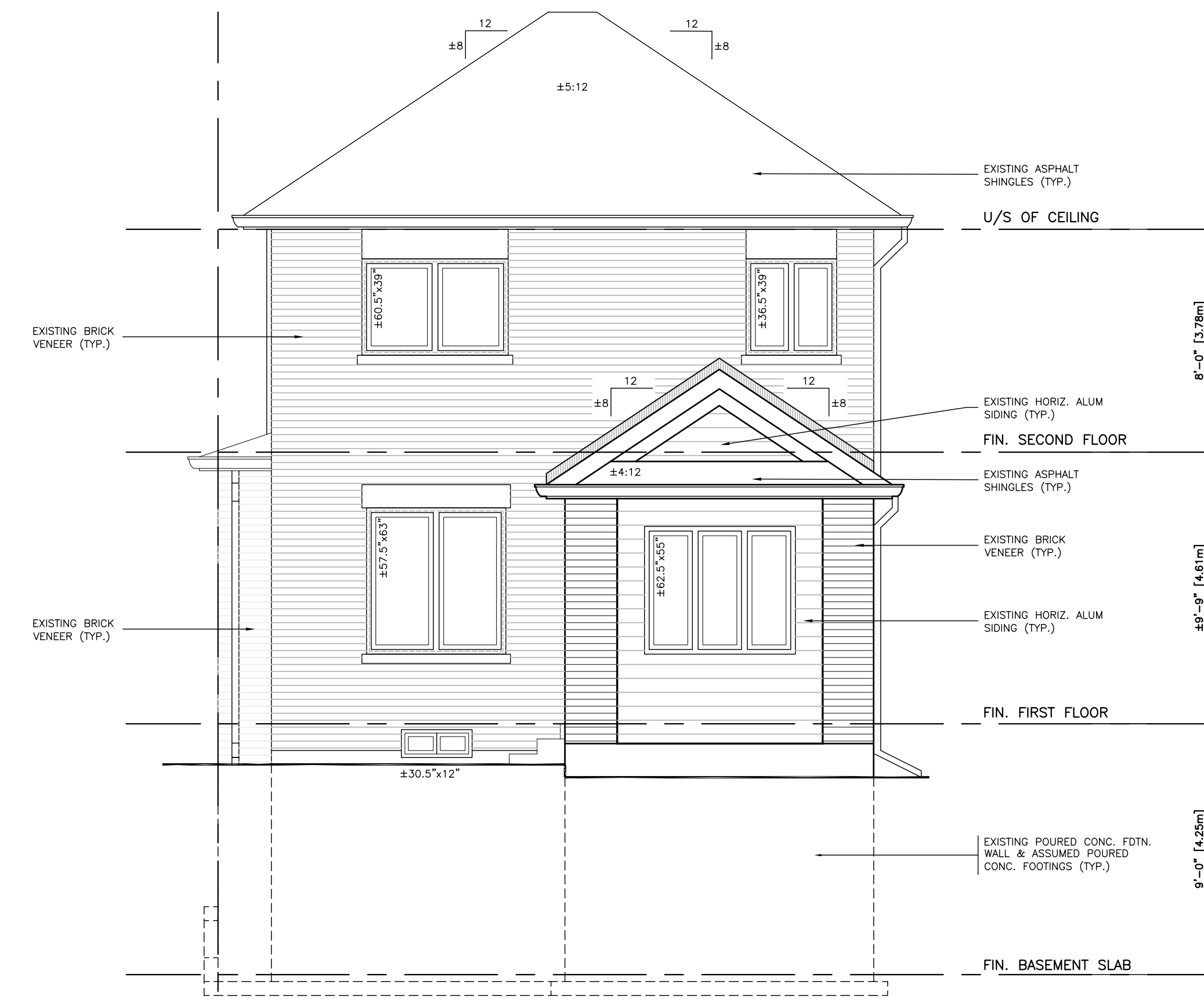
CEN RESIDENCE
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 Markham, ON

EXISTING ELEVATIONS

Date:	Scale:	Drawn By:	Checked By:
DEC. 2019	AS NOTED	VDI	FGB



Project Number:	Drawing Number:
1933	A3



1
A4
EXISTING REAR (EAST) ELEVATION
 $\frac{1}{4}'' = 1'-0''$



2
A4
EXISTING LEFT (NORTH) ELEVATION
 $\frac{1}{4}'' = 1'-0''$

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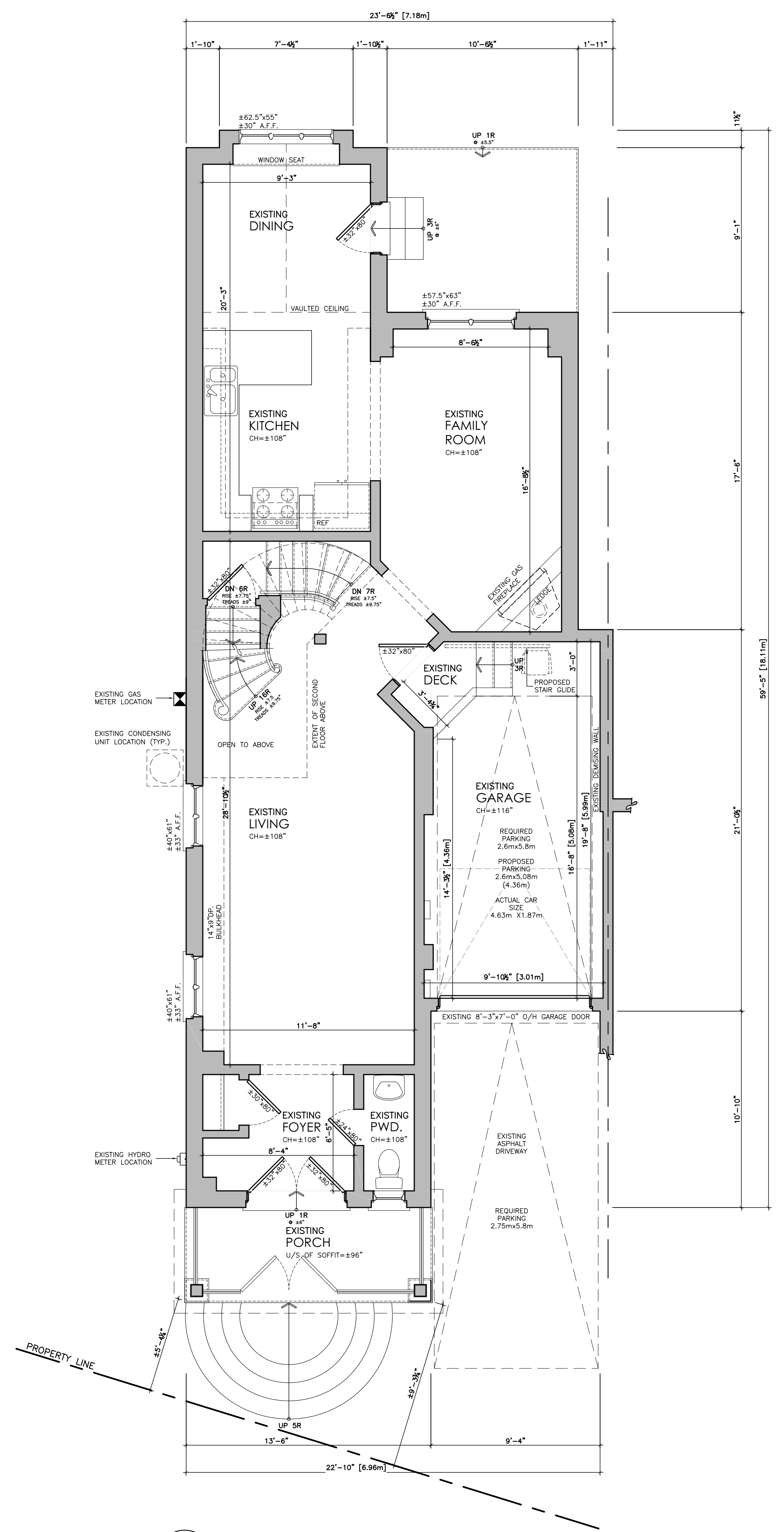
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EXISTING ELEVATIONS

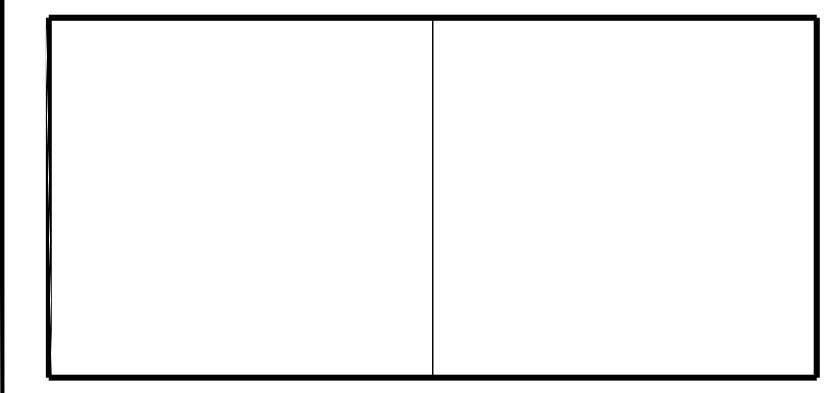
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Project Number: 1933
 Drawing Number: A4



1
A5 PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"

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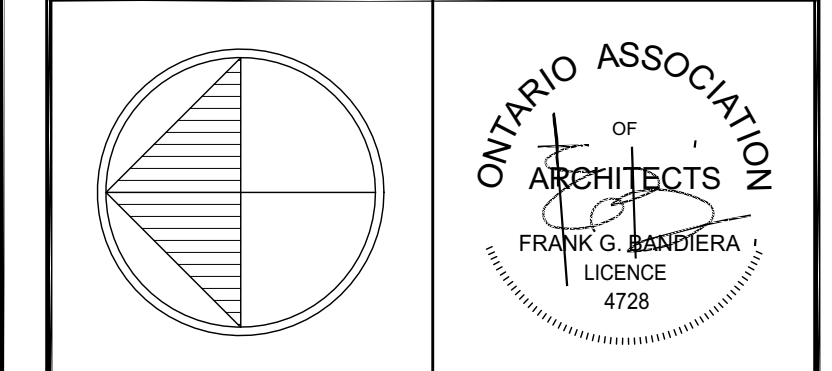
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PROPOSED FLOOR PLAN

Date:	Scale:	Drawn By:	Checked By:
DEC. 2019	AS NOTED	VDI	FGB



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1933	A5

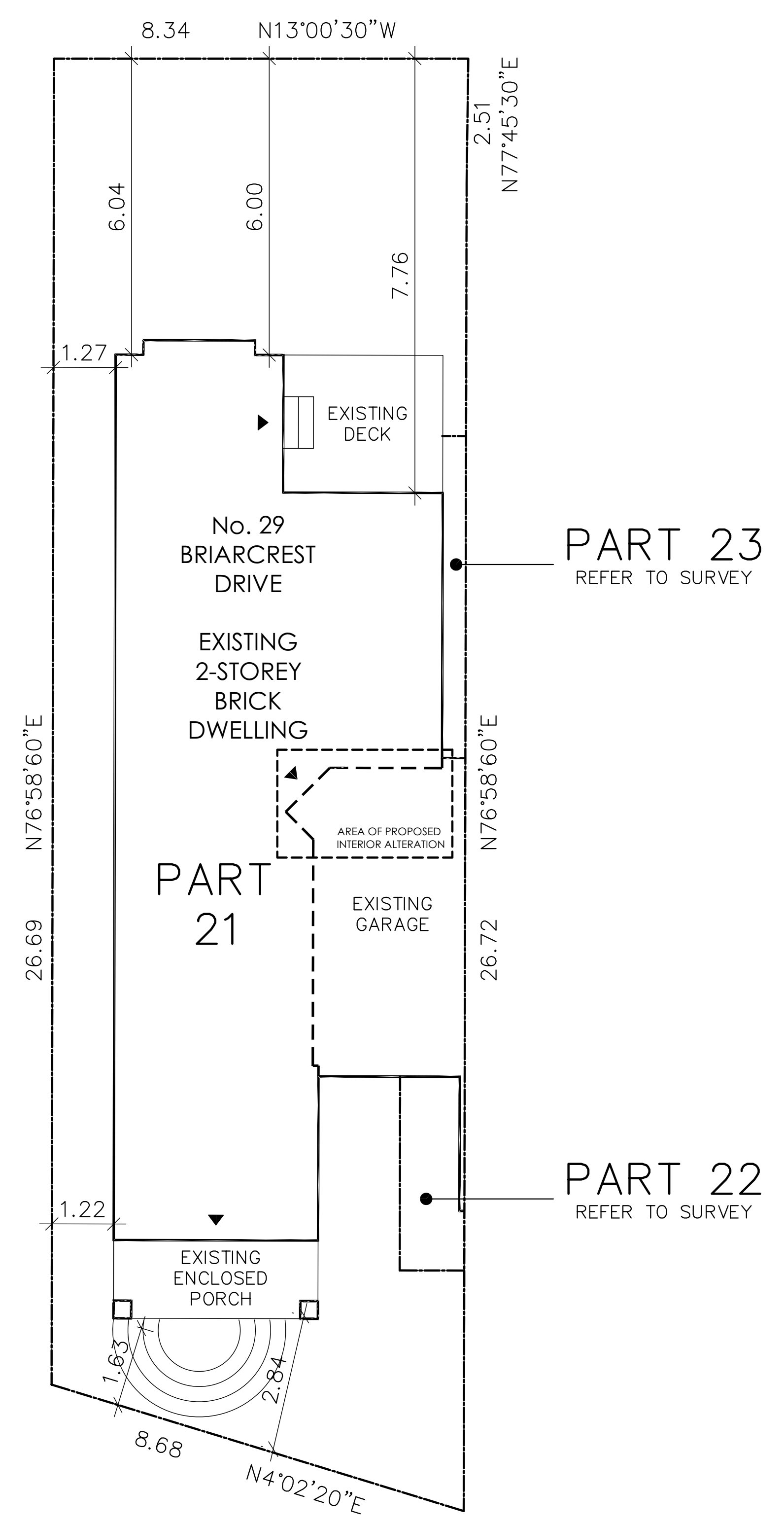
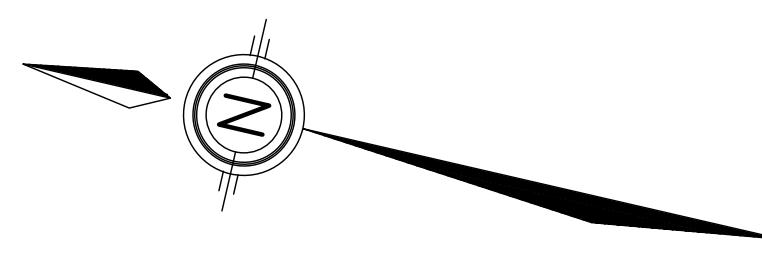
OBC DATA MATRIX

Firm Name: FRANK BANDIERA ARCHITECT INC.
 2007 Lawrence Ave. W., Suite 8
 Toronto, ON M9N 3V1
 T: 416-242-5051

Name of Project: CEN RESIDENCE
 Location: 29 Briarcrest Drive
 Markham, ON

Item: Ontario's Building Code Data Matrix - Part 11 - Renovation of Existing Building O.B.C. Reference

11.1 Existing Building Classification:	Describe Existing Use: _____	11.2.1.
	Construction Index: _____	T 11.2.1.1A
	Hazard Index: _____	T 11.2.1.1B to N
	<input checked="" type="checkbox"/> Not Applicable (no change of major occupancy)	
11.2 Alterations to Existing Building is:	Basic Renovations <input checked="" type="checkbox"/>	11.3.3.1.
	Extensive Renovations <input type="checkbox"/>	11.3.3.2.
11.3 Reduction in Performance Level:		11.4.2.
	Structural: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11.4.2.1.
	By Increase in Occupant Load: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11.4.2.2.
	By Change of Major Occupancy: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11.4.2.3.
	Plumbing: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11.4.2.4.
	Sewage-System: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11.4.2.5.
11.4 Compensating Construction:		11.4.3.
	Structural: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Explain)	11.4.3.2.
	Increase in Occupant Load: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Explain)	11.4.3.3.
	Change of Major Occupancy: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Explain)	11.4.3.4.
	Plumbing: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Explain)	11.4.3.5.
	Sewage-System: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Explain)	11.4.3.6.
11.5 Compliance Alternatives Proposed:	<input checked="" type="checkbox"/> No	11.5.1.
	<input type="checkbox"/> Yes (give number(s)) _____	



BRIARCREST DRIVE

1 PROPOSED SITE PLAN
 A1 1:75

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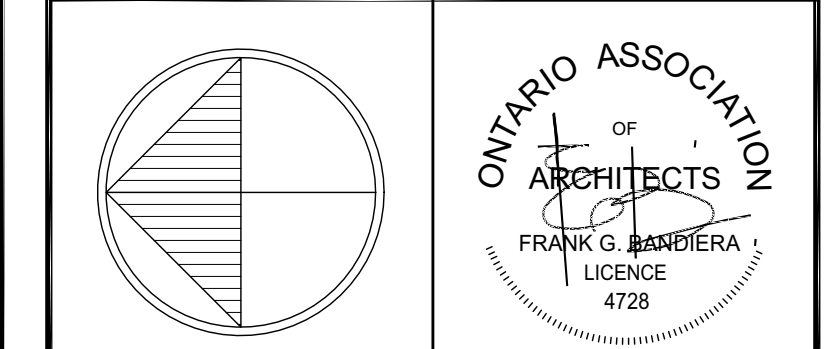
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PROPOSED SITE PLAN

Date:	Scale:	Drawn By:	Checked By:
DEC. 2019	AS NOTED	VDI	FGB



Project Number: 1933
 Drawing Number: A1

SCHEDULE			
PART	ALL OF BLOCK	REGISTERED PLAN	ALL OF PIN
1 TO 31	II	65M-3632	03059-4884 (LT)

I REQUIRE THIS PLAN TO BE REGISTERED PLAN 65R-26389
 DEPOSITED UNDER THE LAND TITLES ACT.
 DATE Sept 26 2003
 MICHAEL GORMAN
 ONTARIO LAND SURVEYOR
 Date: 09/11/23
 File: 23.129662.000.00.MNV
 REG. PLAN REG. STAR FOR THE TOWN OF MARKHAM
 (No. 65)

Appendix C

PLAN OF SURVEY OF
BLOCK 11
 REGISTERED PLAN 65M-3632
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

SCALE 1:250

 J. D. BARNES LIMITED

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

NOTES
 BEARINGS HEREON ARE GRID BEARINGS AND ARE REFERRED TO THE CENTRAL MERIDIAN 79°30' WEST LONGITUDE ZONE 10 OF THE ONTARIO COORDINATE SYSTEM AND ARE DERIVED FROM THE WEST LIST OF HILLWOOD STREET HAVING A BEARING OF N 06°59'20" E, IN ACCORDANCE WITH REGISTERED PLAN 65M-3632


- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- PBS DENOTES REGISTERED PLAN 65M-3632 AND SET
- PBM DENOTES REGISTERED PLAN 65M-3632 AND MEASURED
- JOB DENOTES J.D. BARNES LIMITED, O.L.S.
- P DENOTES CONCRETE PORCH
- HL DENOTES FIRST FLOOR WITH DELTA'S WALL
- DC DENOTES DWELLING UNDER CONSTRUCTION
- F DENOTES EXTERIOR FACE OF CONCRETE WALL

ALL FOUND SURVEY MONUMENTS WERE SET BY J.D. BARNES LIMITED, O.L.S., UNLESS NOTED OTHERWISE
 ALL PLANTED SURVEY MONUMENTS ARE IRON BARS, UNLESS NOTED OTHERWISE
 ALL BUILDING TIES ARE TAKEN TO CONCRETE FOUNDATION

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON JULY 16, 2003

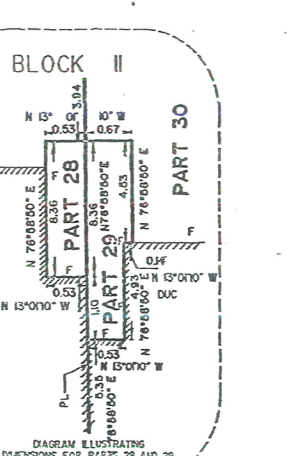
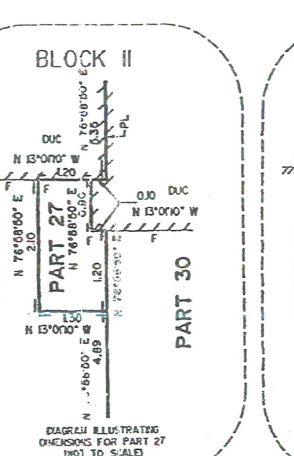
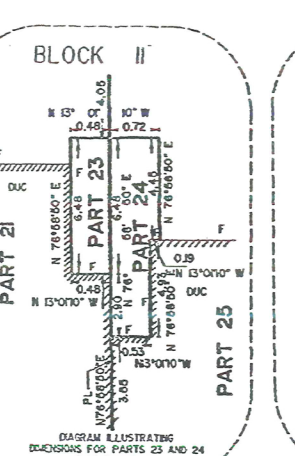
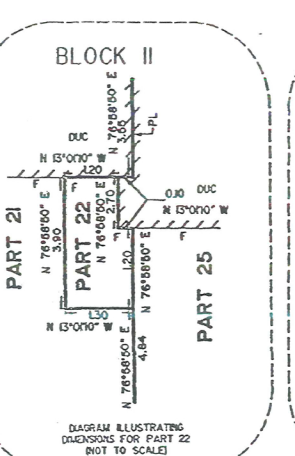
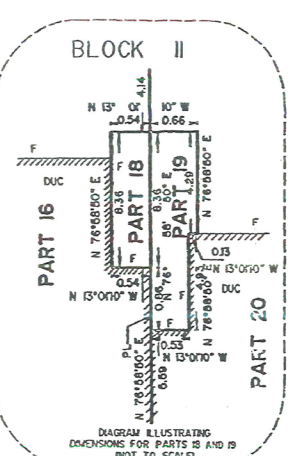
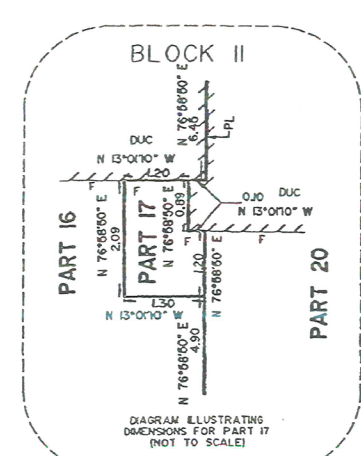
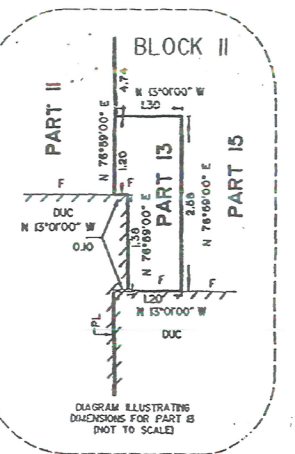
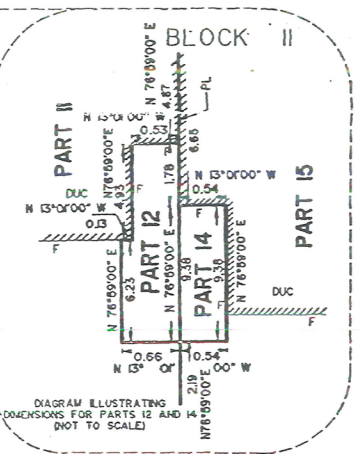
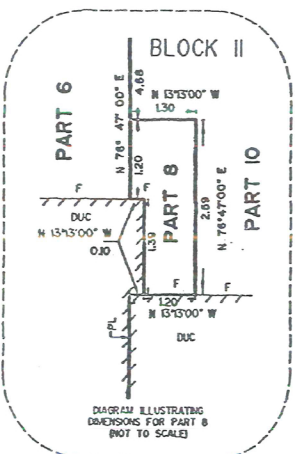
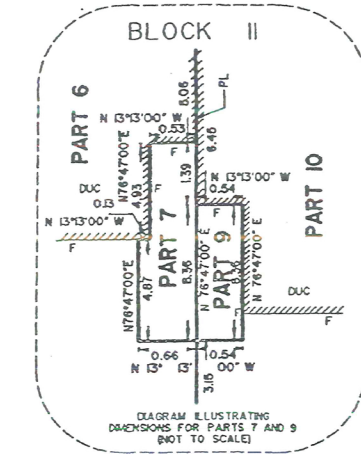
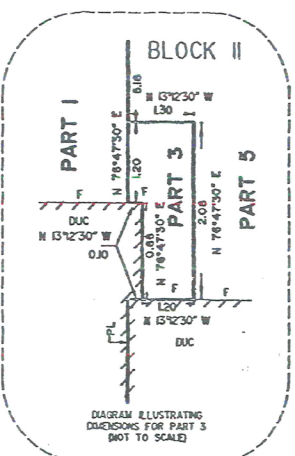
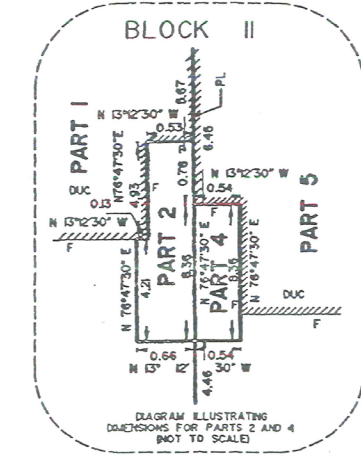
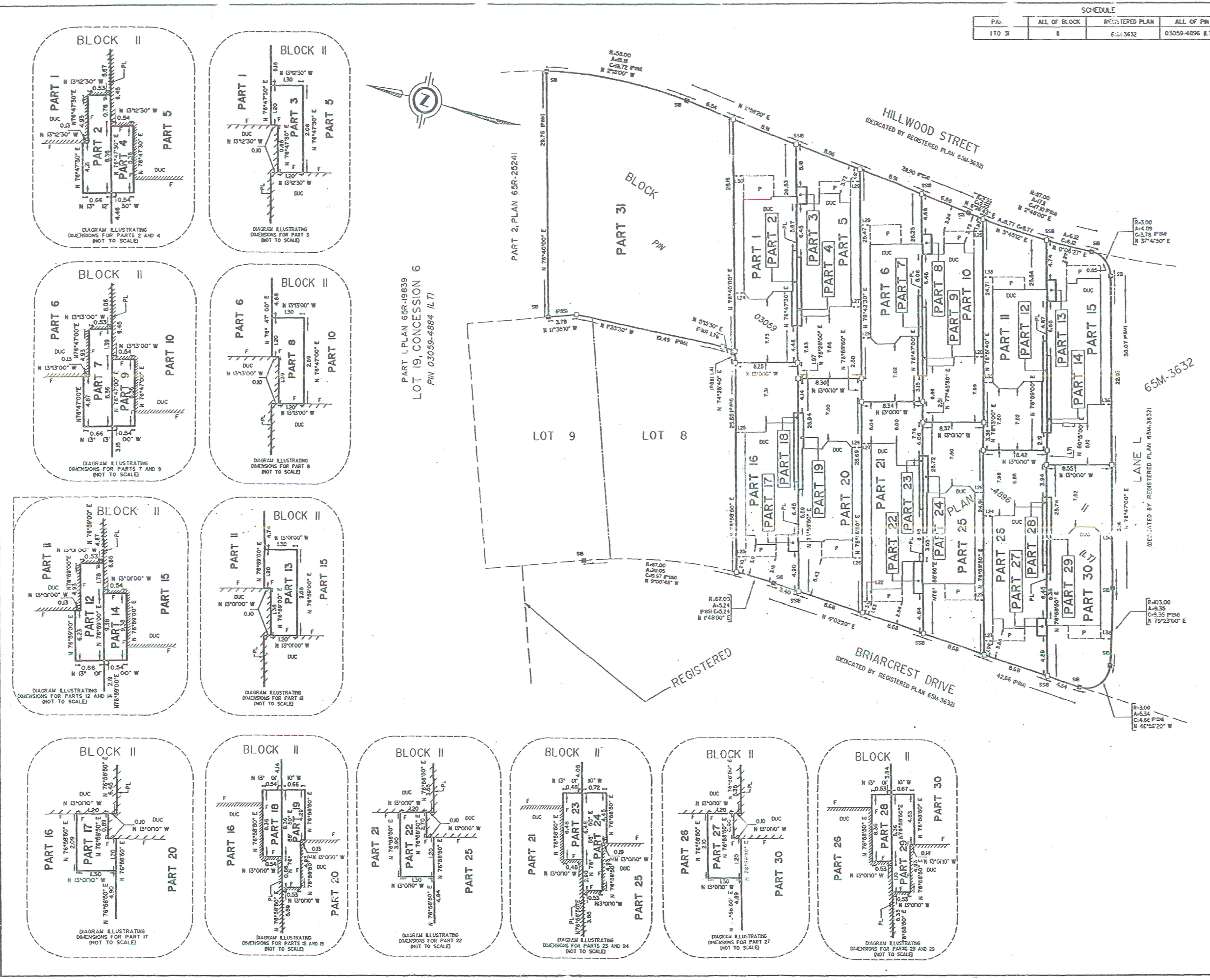
DATE Sept 26 2003

 MICHAEL GORMAN
 ONTARIO LAND SURVEYOR



J.D. BARNES SURVEYING LIMITED
 MAPPING
MADE BY INNOVATION - MEASURED BY REPUTATION - GIS
 145 RENFREW DRIVE, SUITE 100, MARKHAM, ON L3R 9Y6
 T: (905) 477-5600 F: (905) 477-3322 www.jdbarnes.com

DRAWN BY: ZS	CHECKED BY: LG	REFERENCE NO.: 02-21-999-00-D
FILE: g:\22799930\22799930.dgn	DATED: AUG/28/03	PLOTTED: 26 SEP 2003



PART I, PLAN 65R-19839
 LOT 19, CONCESSION 6
 PIN 03059-4884 (LT)

PART 2, PLAN 65R-25241

65M-3632

LANE L
DEDICATED BY REGISTERED PLAN 65M-3632

REGISTERED
 BRIARCREST DRIVE
 DEDICATED BY REGISTERED PLAN 65M-3632